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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATE—*Monday, February 27, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12:00:17 o'clock p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will recess under the order.

RECESS UNTIL 2:15 P.M. TUESDAY, FEBRUARY 28, 1989

Thereupon, at 12:00:17:6 o'clock p.m., the Senate recessed until Tuesday, February 28, 1989, at 2:15 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, February 27, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 1989.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on Monday, February 27, 1989.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

While we admit, O God, the complexities of life with the tension and testing of our values, our traditions, our faith, may we yet see in human history that illuminating thread of Your truth that points through the maze of life and highlights the continuity of Your love to us and to all people. May not the conflicts of values or traditions allow us to turn away from the beauty of Your direction, Your guidance, and Your peace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] will lead us in the Pledge of Allegiance.

Mr. FROST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 24, 1989.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 2:25 p.m. on Friday, February 24, 1989 the following message from the Secretary of the Senate: That the Senate will resume the consideration of the Articles of Impeachment against Judge Alcee L. Hastings on March 8, 1989; the Senate appointed Mr. DeConcini as a member of the National Advisory Commission on Law Enforcement; the Senate appointed Mr. Boschwitz and Mr. Coats as members of the National Advisory Commission on Law Enforcement; the Senate appointed Mr. DeConcini, Chairman; Mr. Lautenberg; Mr. Fowler; Mr. Wirth; and Mr. Reid as members of the Commission on Security and Cooperation in Europe; and the Senate appointed Mr. Biden as Chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred First Congress.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

APPOINTMENT AS MEMBERS OF COMMISSION ON U.S. HOUSE OF REPRESENTATIVES BICENTENARY

The SPEAKER pro tempore. On behalf of the Speaker, and without objection, pursuant to the provisions of section 3, House Resolution 83, 101st Congress, the Chair appoints as members of the Commission on the U.S. House of Representatives Bicentenary the following Members of the House:

Mrs. BOGGS of Louisiana, chairman;
Mr. SHARP of Indiana;
Mr. FOGLIETTA of Pennsylvania;
Mr. SHUSTER of Pennsylvania;
Mr. GINGRICH of Georgia; and
Mr. HENRY of Michigan.

And the following former Members of the House:

Mr. Vandergriff of Texas; and
Mr. Rhodes of Arizona.

There was no objection.

TRIBUTE TO COACH LANDRY

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, Saturday at Valley Ranch in the 24th District of Texas a momentous event occurred. The Dallas Cowboys were sold to a new owner and Tom Landry was relieved of his duties as head coach. This event should not be allowed to pass without comment.

No one can dispute a new owner's right to hire anyone he wants to coach his team. However, Tom Landry's tenure with the Cowboys deserves recognition.

Coach Landry spent 29 years as the Cowboy's head coach. He started with an expansion team and built it into a consistent winner, taking his team to the playoffs 18 years, going to the Super Bowl five times and winning the Super Bowl twice. All told, he won 270 games and was a major influence on professional football.

Coach Landry influenced a whole generation of NFL coaches and developed strategy that was followed by other teams for years. His former assistants who became head coaches took teams to the Super Bowl in Chicago, Denver, and New England.

Coach Landry was always dignified on and off the field. Few figures in professional sports have enjoyed more success or been more envied. We will not see another coach of his vision or influence for a long time. The Dallas Cowboys owe him a great debt of gratitude as do sports fans across the country.

It is right that we all pause a moment and say "Job well done, Tom."

POSTAL PATRON MAILING BY SENATORS

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, last week the Senate Rules and Administration Committee provided that Senators could use postal patron mailings for the first time, at least in the modern era. This means that for every postal patron mailing put out by the full Senate, the total cost to the taxpayers would be in excess of $25 million.

My rough calculation is that that is about what it would have cost the House and Senate for a pay raise which they said they were unwilling to do, but they are willing to put it into their postal allowance to increase their chances of being reelected.

I believe that the mailing costs of both the House and the Senate are excessive. I believe that the House and Senate must come to an agreement which reduces them.

An election year faces us now in fiscal year 1990 in which costs are going to escalate. The last election year we spent 50 percent more than we appropriated. I think the only way to do it is to negate the appropriation in the appropriation bill for franks until the House and Senate get together and establish some law and order.

SAVINGS AND LOANS SHOULD STICK TO HOME MORTGAGES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the plan to solve the savings and loan crisis put forth by President Bush has a number of outstanding points, but there are also some glaring weaknesses.

One of the big reasons why a number of savings and loans got into trouble is that instead of sticking to traditional home mortgage lending, these institutions branched out into many areas that posed risks, such as investing in windmill farms, racetracks, speculative lending purchases, and other high flying schemes.

Unfortunately, the Bush plan does not prevent savings and loans from continuing to make the same type of investments that got them into trouble. The Bush plan merely says that if the savings and loans raise more money in the form of private capital they can continue to make these risky investments.

I think that is the wrong approach. When the Subcommittee on Financial Institutions Supervision, Regulation and Insurance begins to mark up President Bush's plan, I will offer an amendment that will require all federally insured savings and loans to keep at least 80 percent of all of their loans in one to four single family home mortgages within a 50-mile area of any of their offices. Any other loans would have to be placed in a 20-percent basket, including any loans outside the 50-mile area.

Speculative type investments such as those announced in the Bush plan would be eliminated. I do not think President Bush intended to allow the problem of speculative investments to continue, but I was shocked when Secretary Nicholas Brady appeared before the House Banking Committee recently and said that the administration could not support my plan. He said that the administration wanted to allow the industry to continue on its deregulation path.

Mr. Speaker, it is time for Members of Congress and the American people to make their voices known. The Bush administration should be told that the American people do not want business as usual in the savings and loan industry, and that they want the industry to stick to home lending.

I urge all Members to ask their constituents what they want done with the industry, and I urge all Americans to let Congress and the administration know whether they support risky savings and loan investments or the Annunzio plan, which will return the industry to its traditional role of home lending.

□ 1210

THE SPREAD OF BALLISTIC MISSILES CONTINUES UNABATED

(Mr. BERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, I rise to deliver a warning about a dangerous and destabilizing threat existing not only in the Middle East and Europe, but in our own hemisphere.

Clear evidence exists that a number of countries already possessing chemical weapons—and some seeking nuclear capability—have recently acquired sophisticated ballistic missile equipment and technology.

In their quest for profits, the European companies providing this equipment and technology are courting catastrophe.

Scientists associated with West Germany's largest aerospace firm have played a key role in a joint Argentine, Egyptian, and Iraqi missile program. There are reports that an arm of the Italian company, Fiat, has also contributed vital components to this missile system.

To place missiles capable of delivering not only chemical, but nuclear payloads, in the hands of these countries is the height of irresponsibility.

The United States and its major allies agreed years ago to stop cold the spread of ballistic missiles, but it continues unabated. The enforcement provisions created by many countries are utterly ineffective. The administration must make it a top priority to negotiate a more coordinated and efficient deterrent.

PRESIDENT BUSH, VICE PRESIDENT QUAYLE, AND SECRETARY BAKER SHOULD DECIDE WHAT OUR POLICY IS IN CENTRAL AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, potentially in Central America it appears there are two big steps that might lead to peace. In essence, rebel leaders in El Salvador and in Nicaragua would lay down their arms in exchange for elections. But the Bush administration could help by getting their act together on what our policy is and getting their foreign policy team in place. At the same time that Secretary Baker says that he supports a negotiated settlement in Central America, Vice President QUAYLE denounces the accord by the Central American Presidents in Nicaragua.

Granted it has been tough negotiating with rebel Marxists in El Salvador and with the Sandinistas in Nicaragua. Negotiations with them in many cases have been fruitless. But what is the alternative? It is important that we have a set policy, a bipartisan policy, but it is also important that the administration speak with one voice.

That is not happening. While everybody wants to extend a honeymoon and a bipartisan arm to the Bush administration, it is important that we know who we are dealing with and what policy we are negotiating with.

It is important that their team be in place. It is not happening in this critical region of the world and it is important that Secretary Baker, Vice President QUAYLE, and the President of the United States decide what our policy is going to be and speak with one voice.

FARMERS AND THE ENVIRONMENT TO BENEFIT FROM DECISION ON MEETING AIR QUALITY STANDARDS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today to applaud a recent decision by the Atlantic Richfield Co. [ARCO] to begin blending ethanol in its gasoline in order to meet air quality standards in Arizona. ARCO should be commended for recognizing the tremendous environmental benefits derived from the use of ethanol and should serve as a model for other gasoline manufacturers to follow.

As you know, Mr. Speaker, oxygenated fuels such as ethanol represent the most cost effective and environmentally sound public policy option available for the more than 90 cities that have been determined to be in nonattainment of EPA air standards. Consider these facts:

EPA has determined that the use of ethanol blends will reduce motor vehicle emissions of carbon monoxide by approximately 25 to 30 percent.

Because of the reduction in carbon monoxide which is a precursor to ozone, ethanol-blended fuels should also result in reduced formation of urban ozone.

Ethanol can replace harmful aromatic hydrocarbon fuel additives such as benzene, toulene, and xylene which have serious health effects and are the

worst contributors to the ozone problem.

While the environment clearly will benefit from ARCO's decision to blend ethanol, ARCO will benefit as well by marketing a high performance, high octane motor fuel. In announcing its decision, the vice president of ARCO Products Co. said:

Blending ethanol with our gasoline will provide motorists with a fuel that produces no discernible difference in a car's driveability. Some motorists may even notice a slight improvement in car performance, since ethanol increases gasoline octane.

Farmers will also benefit from this decision. ARCO will market an estimated 5 million gallons of ethanol in Phoenix over the next year. That amount is about equal to the annual production of an ethanol plant in my State of North Dakota, that uses grain grown by local farmers. ARCO's decision will mean more demand for ethanol, and more demand for grain. That's good for farmers and good for the U.S. Government, because higher grain prices mean lower Government farm program costs.

Again, Mr. Speaker, ARCO should be commended for its decision to be part of the solution to our serious air pollution problems. And I would like to challenge other major oil companies to follow suit. The sooner all U.S. oil companies recognize that they have a responsibility to help in the fight against air pollution—the sooner we will breathe clean air.

THE FEDERAL DEFICIT: THINGS ARE NOT IMPROVING

The SPEAKER pro tempore (Mr. COELHO). Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, when Ronald Reagan left town he boarded a jet and headed off to California to retire. And one of the last things he told us as he left Washington, DC, was that the Federal budget deficit was getting much, much better—things were improving. Well, it is a message that is not dissimilar from the message that we heard from ex-President Reagan for the years that he served here in Washington, DC. In fact, things are not improving, they are getting worse.

I would like to talk to you about one of the reasons why that is the case. President Reagan said he is going to spend his remaining time now trying to convince the American people to amend the U.S. Constitution so that we prevent future budget deficits. In other words, a balanced budget amendment.

He says that without even a grin. I would expect somebody whose budgets recommended $1.2 trillion in deficits—as his budgets recommended—I would expect somenone who recommended that to at least grin a little when he says he wants the American Constitution to protect the American people from that kind of behavior in the future.

□ 1220

At any rate, he proposed major deficits all the way along when he was President, and as he left town he said, "Things are getting much better." They are not. Let me describe why.

In 1983, the Congress took a major step to put the Social Security system back on solid footing. Social Security financing was in desperate trouble. We in the Committee on Ways and Means initiated the action on the Social Security reform bill. It meant more money would come into the system. It meant that we trimmed a few of the benefits like the student benefit and others. It meant that we put things back on track. We also decided we had to save for a rainy day because when the biggest baby crop in the history of America, the baby boomers retire after the turn of the century, we will have maximum strain on that system. For that reason, we had to save in the Social Security system, and we are beginning to accumulate that kind of savings.

In this coming fiscal year, there will be $68 billion more coming into the Social Security system than is going out. That is a reserve that we specifically dedicated to be used after the turn of the century for the baby boomers who retire. Now what is happening to that reserve? Well, under Gramm-Rudman, a budget fraud in my judgment, but under Gramm-Rudman they take that reserve, the surplus in the Social Security system next year of $68 billion, and compare it to all of the other spending and reduce the stated deficit in the operating budget. This means that, although the deficit next year is going to be well over $160 billion, Ronald Reagan was able to stand up and say, "Here is my budget, my friends, and it has good news. The budget shows a deficit of only $92 billion." The reason the budget shows only a deficit of $92 billion is that he took the $68 billion in Social Security surplus which we raised for a very specific purpose—to be used out in the outyears when we will need it—he took it and reduced the budget deficit with the Social Security surplus. That allowed him to say things are getting much better, when in fact they are not, they are getting worse.

We need to do something about that. Congresswoman OAKAR and I have introduced legislation in the House of Representatives, H.R. 933, which many of my colleagues have cosponsored, and I hope many more will cosponsor, to take the Social Security system out of the Gramm-Rudman budget calculations. Social Security has nothing to do with and should have nothing to do with the deficit as reported in this fiscal system of ours.

The Social Security system is now running a very big surplus for a very special reason. We need that surplus in the outyears. We should not misuse that surplus as Gramm-Rudman does to try and show a depressed Federal budget deficit. Let us be honest about the operating budget. If it is out of balance, let us restrain spending and raise revenue to put it back in balance and put the fiscal policy back on track, but let us not take from the Social Security system, let us not take the money that we had the courage to raise in the 1980's from that system, because we are going to need that money after the turn of the century.

The current scheme allows the administration to say things are getting better when they are not. It injures the Social Security system. It misleads the American people on fiscal policy and is flat out dishonest budgeting in my judgment. I hope that this House will move expeditiously to get rid of this problem.

In 1983 I offered the amendment in the Committee on Ways and Means that said if we are going to raise this money that we need, let us take Social Security out of the unified budget. The Committee on Ways and Means passed that amendment, but before they passed it, a colleague of mine who was, at that time, chairman of the Committee on the Budget, amended my amendment and said that is a good idea but a good idea in 1993, not today. So my amendment is now the law but does not take effect until 1993, and Gramm-Rudman came along and fused the revenues of Social Security to the operating deficit, and as a result, is now allowing an administration to show a budget deficit figure that is completely out of touch with reality.

My feeling is the House should begin to take action. To do so would be fair to the senior citizens of this country who rely on and expect the Social Security system to be there when they retire. To do so would be important for fiscal policy as well, and I commend it to my colleagues and hope they would cosponsor House bill 933.

ATTEMPTED ASSASSINATION OF SPEAKER JIM WRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I take this opportunity and the use of special orders in order to address what I consider to be, and history inescapably will record as a rather shameful if not downright inexcusable period in the history of evolvement of the U.S.

House of Representatives. It has to do with what I will entitle my remarks today, as the attempted assassination of Speaker JIM WRIGHT.

In politics, at least in American politics, it has been my observation as a man who did not intend to be in politics until later, relatively speaking, and after the war, that the credibility, in other words, the integrity of an individual is paramount. We live in a day and time of imagemaking and propelling, and we have been for about 14 years or more, perhaps, really going back to the Presidential election of 1972, the awesome power and ability of those, who through either great resources or direct or indirect control of the means of disseminating what is called news or otherwise information to the American citizens, and knowing full well that in a democracy where we pride ourselves in the ability to govern ourselves, it is absolutely essential, critically essential, that the citizen be informed so he can in the light of his full knowledge as is obtainable, render his decision, which even though it may be reduced in the minds of some of my fellow Americans to a rather insignificant duty of voting, it should be realized that that is the most significant duty of free-born Americans in the discharge of this endeavor upon which our Nation is founded in the faith that we can govern ourselves.

Therefore, our institutions and the integrity of the institutional forces are equally vital as the integrity of each and every one of us as we go about discharging a public trust in a democracy. Holding public office is indeed holding public trust. Once credibility is gone, I feel it is just a matter of time in our system before that individual loses out, but we live in a day and time, as I say, of image making, of propelling images, particularly during our domestic political considerations.

□ 1230

So that so-called elections in the last couple of decades turned out to be contests between what in England, before 1832, were known as public office jobbers and what in the crumbling stages of the Roman Empire were known indeed as jobbers of public offices, where a public office had a price and the would-be aspirant, if he could outmatch his competitors in the amount of money he could obtain, was able to win the seat. This was true in England until the Reform Act of 1832.

Today, in America our modern-day job brokers are these tremendously high-priced so-called PR firms or opinion-molding agencies. And being that our society, not just in the United States but throughout the world, is living in a very different period of time than that in which our parents and grandparents lived, it becomes absolutely indispenable that we have freedom of access to objective and verifiable news reporting and, in the electoral processes, access to any American who under the Constitution qualifies for these offices.

In that case it means that any male or female of 25 years of age as a minimum in any given State who is a citizen of that State, the only specific qualifications being that he or she be a citizen of that State and be at least 25 years of age, may be able and should be able to seek election to the U.S. Congress, that is, to the House of Representatives. In the case of the U.S. Senate, the candidate should be at least 30 years of age and also a citizen of that State. There are no other qualifications. It does not say that you qualify if you own x amount of property or have x number of college degrees.

The reason for that is obvious. The reason is that the Founders of our Government, those who envisioned and wrote the Constitution, wanted to make sure that indeed and in fact the Preamble of the Constitution had meaning and significance. That is, it says, "We the people of the United States, in order to form a more perfect union." It did not say, "We the Congress," or "I, the President," or "We the judges of the courts." It says, "We the people," and this is the ultimate sovereign.

So when we go before our constituents today, what that means is that in the average contest for the U.S. Congress, for instance, in the State of Texas, one can lose with the expenditure of almost a quarter of a million dollars. To win, it takes far more, with few exceptions. I am talking about the median average. And this is even more startling when we look at the national average.

As to the ado about the organizations known as political action committees and who is behind them, I do not know how much difference it would make. I have had the great honor and opportunity of serving in a representative capacity from the lowest level of a legislative body to the State level and to the national level now for almost 28 years, and I have seen all the contortions entered into in trying to perfect a so-called ethics bill or a so-called piece of standards of conduct legislation. I remember that that was the big issue when I got elected to the State Senate of Texas, and I remember then the contortions and the maneuverings and the final product, which anybody could have said would be the result. If it takes a person 25 years of age to know the difference between right and wrong, I do not know that there is any law that any political or legislative body can pass to instruct him in those basic principles.

In the case which the newspapers now report will be soon ready for reporting by the so-called Ethics Committee, otherwise known as the Committee on Official Standards of Conduct, with respect to the allegations and the unbelievable political motivation behind those allegations, principally those insisted upon during a passionate period of the election campaign last year by our colleague from Georgia, and which, in addition, had the impulse of others, but principally and mostly because of the insistence of our colleague from Georgia, we have now had this great attempt to smear, to destroy forever the integrity, the character, and the reputation of a man who has proven his worth for more than 35 years in the Congress, and before that, serving on a local level as the mayor of his hometown and as a representative in the State Legislature of Texas. I will say this to my collegues—and I think they know it—if at any time a man or a woman, given this period of experience of going before an electorate time after time, standing review and reaching the preeminence of having been elected by his peers on the majority side unanimously as Speaker of the U.S. House of Representatives, the odds are that it would have to take an overwhelming weight of evidence, a preponderance of evidence, in order to smudge even a tiny bit the integrity and character of a great public servant and, if you please, a magnificent leader, one who assumed this post in a most difficult time of institutional erosion in the processes of the U.S. House of Representatives.

In my opinion—and I have said this since then—we have seen emanating since the efforts of the so-called Legislative Reform Act of 1974 and the creation of such things as our presession organizational caucuses and the like, perhaps with the best of intentions, something that was done and that was sold as something that would be fixed in concrete, that would last forever. But all we have to do is read the proceedings and the record of proceedings of the year 1947, in the postwar period, and the Legislative Reform Act of 1947 to see how cyclical this thing is.

But here the allegations were pressed, and astoundingly no particular rules of procedure were set forth, and it was bound to be as I pointed out when we had the discussion on the creation of this committee, on which I dissented for the same reasons I am now reaffirming in the light of experience, and dramatically illustrated by this attempted assassination, because in my book, in our American system, an elected public official may be assassinated by a bullet, but to me it is equally as serious and devastating and as deadly a blow as being shot to have one's character assassinated or at least to have even the attempt made. For

who can remove the cloud that has already enveloped since the committee saw fit under very questionably circumstances, in my opinion to undertake an investigation which will cost over a million and a quarter, close to another million dollars?

Here I am, a newly elected chairman of an historical and fundamental committee known as the Committee on Banking, Finance and Urban Affairs, ready to appear before the House Administration Committee tomorrow to seek justice for a budget that was decimated as of October 1. It was not until a week after I was elected chairman of this committee that I discovered that as of October 1 last year the committee had lost $300,000 of its budget, the reason for that being that my predecessor chairman had turned back that amount unused.

□ 1240

Why? I do not know. I was not privy to the reasons. Nor were any Members, as far as I know, other than perhaps some who may have been in privity with the then chairman. Certainly I was not.

I discovered further that the predecessor chairman had not bothered to fill six fundamental slots including the office of chief counsel for the committee at a time when this committee is on the cutting edge of the most serious and the most apprehensive of issues that we have not seen the like of in five decades, 50 years.

Now, I go to this committee to ask them to give me what? A budget that will amount to the same as the ethics committee will have spent fruitlessly, motivated on the basic charge that was politically and insidiously inspired. There cannot be any other reason or motive.

Why do I say that? For the simple reason that the charges upon which this committee has based its decision to look into this are unsupported by any sworn affidavits. This is the reason I argued against the creation of the committee at the time. This is a reason I argued against, after its creation, at the time of the so-called Tongsun Park, or whatever he was, scandals and, subsequent to that, the so-called Abscam scandals, the resolutions that were necessary for us to pass, they said, in order for the so-called ethics committee to look into that.

My question then, which was never answered and I repeat it today is: "Why do you need resolutions subsequent to this to go into each and every case when you had a rule setting up this committee that should have given you all the power?" What was the case before? Why is it that since 1789, on the occasion of the First Congress 200 years ago and since then, until 1974, no prior Congress had seen fit to get into that bramble patch? Could have been a good reason, I believe, but nobody bothered to ask because a Congress then, as now, was cowed by the chorus of press, radio, television denunciations making it look as if the wrongdoing of a few was the wrongdoing of many.

Now I do not blame the press, I do not blame the lobbyists, I do not blame anybody but ourselves. If we allow ourselves to be cowed and succumb to surrendering and abdicating higher constitutional trust that is placed by the supreme law of the land, the law of the land on our shoulders, once we accept to seek and to take these offices, and in every one of the allegations that this committee saw fit to honor and dignify, which I would not have even have put in the waste basket, there was not one allegation that was anything but a regurgitation of newspaper and magazine articles, some of which had been written 15 years ago, long before there was a gleam in the Speaker's eye of becoming Speaker. However now to sit here and say, "Well, maybe something ought to be done in the way of this, that and the other," I say it is time for us to regain our wits before it is too late.

I will say this to my colleague from Georgia: "You have set in motion a most destructive process. You have planted the seeds of the eventual destruction of this body and the system that it represents and symbolizes, representative government."

I might say to my colleagues that the record will show, because I have not spoken in retrospect, and all I am saying is what I have said on the record on the occasion of the so-called exclusion resolution of Adam Clayton Powell. There were a few of us that stood up and said, "We don't have that power. If you want to impeach this gentleman, do so, and then we will give you serious consideration." But those who wanted to kick out Mr. Powell, who had been duly elected; his election was not in question; he was overwhelmingly elected. It was his alleged and reported misdoings, so it is clear in both the precedents, as well as in the Constitution, as well as in those of the House that, when one speaks of excluding a Member who otherwise has been legally elected, one is tampering with the inherent well-being and purgeability of this institution, for in eras of passionate political feeling throughout the country a Member who happens to be unpopular because of his utterances, or his political identification, or maybe his religious creed, could easily be set upon and exluded even though his constituents elected him.

We said that on the record, but, oh, no, the then minority leader led the fight. He was able to get enough of the majority to go along because Adam Clayton Powell's name was in the press daily. Maybe he was guilty. But there were processes in our system set up for that in the Constitution, and that was impeachment.

However the trouble with that, and I told then the minority leader later, or Vice President, and later President, "The trouble is you gentlemen don't want to come with an impeachment resolution because you have to have a bill of particulars, as it is called in law, a bill of particulars which says that Mr. Adam Clayton Powell on such and such a day did sin and do wrong in this way and that."

"Oh, no. Let us exclude him."

So, the House voted. Mr. Speaker, I got on this floor and said, "The moment this gets to the court it will be determined that Mr. Adam Clayton Powell was wrongly excluded from membership in the House of Representatives." Indeed and in fact it was not too many months after that that the Supreme Court indeed so ruled and reaffirmed a long corpus of lawful precedents as well as affirmed congressional procedure and constitutional mandates.

However, the problem there was that, if that has been allowed to prevail, we would eventually have reached the point where we could have had the dissolution of this body such as has happened in other unhappy lands where the parliamentary system quite never has taken root.

Now we come to this, a sorry episode tragic in its dimensions, unfortunate in its ultimate consequences for the main and simple reason, that, if any can come and pillory any one of us and without unsupported evidence to show any wrongdoing, which the accuser himself said at the very beginning, "Oh, I doubt there's any actionable material here," then what does that revert to? It reverts to: How did the Congresses do it before?

Mr. Speaker, I will tell and I will repeat to my colleagues what I said then at the time the matter was being considered as to whether or not we should constuct such a thing as a Committee on Official Standards of Conduct. I pointed out that these matters had been under a subcommittee of investigation in Judiciary. Why Judiciary? Because by its very nature this procedure will become adversarial. My colleagues will have a charge, and my colleagues will have an answer. We have our tremendous tradition of Anglo-Saxon judicial precedents of freedom and equal justice before the courts.

□ 1250

Maybe we have lost some of it, but we still subscribe to it. We are still basically as free born Americans wedded to that fundamental principle. Why should we abandon it in the U.S. House of Representatives? Why

should any Member, much less the Speaker, be confronted with this painful, and I am sure to him many hours of pained hurt, as well as to those who love him, as well as to those who respect and follow him and respect him for good reason and who would be the first to denounce were he to have strayed from the fundamental paths of rectitude and probity.

So I do not care what the so-called Committee on Official Standards of Conduct, otherwise known as Ethics, comes up with. I deplore that it did not erect the prerequisites of time-honored requirements that a man is innocent until proven guilty.

For good reason that Subcommittee on Investigations had ignored and discarded hundreds, dozens of occasions in which similar attempts had been made—but why? Because if I had a complaint and I wanted to to to that Committee on Investigations to complain against wrongdoing on the part of a colleague, I would have to get a sworn affidavit with documentation supportiung it.

This is not done, my fellow Members of the U.S. House of Representatives.

It is easy, the Irish say, to sleep on another man's wounds.

Let me tell you, though, we have joined in holding that dagger of assassination, and let me tell you how. It is best exemplified by what one of the most incisive articles published in the United States, the Economist of London says under its general section of "American Survey." "So much for romance" is the title of the article. It is from the February 11 of this year issue. I am going to read the pertinent paragraphs so that they will be in the RECORD. I will not introduce the entire article, for I feel that most of it would the extraneous to the point I am trying to make to date:

Congressmen are funny people. They hitched their pay to that of the more popular civil servants (judges, scientists and the like), appointed a commission to recommend a rise for these worthies, worked out a strategy for avoiding a vote on the commission's recommendations, and then—scared by the rage of constituents stirred up by radio disc jockeys—demanded a chance to vote against the pay rise, hoping their demands would be ignored. But the Speaker of the House could not stand the heat and allowed a vote.

I pause at that point to interject this observation, which the reporter, obviously 6,000 miles away did not realize, and that is that the Speaker sent each and every one of us when the alarums became strident, and he asked us simply, "What is your desire? What do you want, fellows? I want to have an idea. I don't want to embarrass anybody. I have had groups and individuals come before me now in private.

"Now, what is it you want? You don't even have to sign your name to the interrogatory. Send it anonymously, if you wish, but I want to have an idea."

And what happened? He was denounced by some of us—not I, but some of my colleagues—and then finally he allowed the very vote that everyone was telling the people, "Oh, by golly, I wouldn't do any such thing without a vote."

And then what happened? Did the House vote on the issue of the pay raise? No; but reading the newspapers you would think we had. We voted on a motion to table the resolution that called for the pay raise. That means we did not even want to debate it, did not even want to offer amendments or changes or modifications.

"Oh, let's not talk about it. Hey, not me, but though, secretly, yes, I think I ought to vote for it."

So here is this mordant Brit telling us which way they see it.

The majority voted against a rise they secretly favoured. The judges, scientists and civil servants were thus done out of their rise, and the congressmen all blamed the Speaker for letting them take the vote they had demanded. Mr. Jim Wright's reputation, already under siege from an ethics committee investigating some of his deeds, sank even further.

I say that when we engage in a paltry politically motivated vendetta, and in my book, assassination attempt, we are in effect sticking the dagger in our own individual hearts. If this momentum continues, and let us say there is a reversal and then some of the majority decides they are going to take after some of the minority on such dubious premises as those that the gentleman from Georgia presented to the committee, can we not see no end? Can we not see that it is never too late to correct an error, that it is time that this House that thought it was washing its hands of this guilt, of protecting the guilty, and therefore would create this committee without any real charge, any real framework of reference, legal or otherwise?

I think it is time for us to recall that, disassemble this poorly constructed committee and revert to the system that worked and place it in the committee that should have it to begin with, which has the duty of the impeachment process and the like. That is where it ought to go. Then we can be at least assured that the Members because of their qualifications to belong to the Judiciary Committee will not be acting either out of ignorance or with a maximum of bias and malice, but that we will have time-honored principles which we hold for every single American citizen in proceedings in which we have an accuser and an accused, not shred from the Members of the U.S. House of Representatives the basic rights that we as free born Americans demand for ourselves who may not be members of this or any other publicly elective office.

I say one thing further, because this is another reason. I noticed last year when we began to have the so-called FSLIC or the savings and loan crisis that the gentleman from Georgia added that to one of his charges against Speaker WRIGHT.

□ 1300

I was amazed when so little was said by those who took part in the transactions at the time when the 1986 so-called FSLIC recapitalization bill was passed by this House.

Therefore, I feel it incumbent upon myself, charged with knowledge, to here and now place in the RECORD the role of the gentleman from Texas [Mr. WRIGHT]. Here is why: I do not know where the gentleman from Georgia [Mr. GINGRICH] was on the so-called FSLIC bailout then. I do not know that he took any part to denounce in prospectus that there would be great dilemmas facing us. Some of us did from the Committee on Banking, Finance and Urban Affairs. I was the only one who went to the Committee on Rules and argued against what turned out to be the Garn-St Germain bill; that was on October 1, 1982. I gave reasons. I also predicted.

The next day, because the House was in the mood, it wanted to quit before the election. It was an election year: 1982. On October 2, late-early evening, or late afternoon, the confernce report was brought up, later to be labeled as the Garn-St Germain bill, and the gentleman from Texas [Mr. WRIGHT] came to me, and he said, "HENRY, are you going to speak against this?" He said, "I have been having so many calls from the independent bankers who feel that this legislation that is being rushed is bad." I said, "Well, JIM, I did yesterday. I went before the Committee on Rules, and it was very, very tenuous for me, it was almost embarrassing, it was uncomfortable," because here I had my chairman of my committee going to the Committee on Rules, and then I, and only I, following him and contradicting what he was saying. I said, "So I feel that it would be fruitless for me to come on the House floor and repeat what I have already in vain thought was the only thing I could do effectively." I said, "In my opinion, Mr. Leader," and he was the majority leader then, "this thing," the way I put it, I said, "the skids are greased," and sure enough.

Mr. Speaker, I want the RECORD to show, and I hope all of the accusers who have tried to smear the Speaker on this issue would read the RECORD for October 2, 1982, and see the position of the gentleman from Texas [Mr. WRIGHT] on that and why he was taking it. He was not defending any S&L in Texas or anywhere else. He was on target. He was right. He should be shown that he was right, and that the RECORD reveals that he was right.

WRIGHT was right, and it is on the record.

It was not what he was saying in secret. But what happened? I did not see anybody on my left on the minority or in the majority for that matter get up and say, "We ought to have a vote on this. We ought to be recorded." It went through on a voice vote at about 10 p.m., and the only reason it got to 10 p.m. was because the then majority leader, the gentleman from Texas [Mr. WRIGHT], got up and took the floor and denounced that legislation, and others after that followed him, but not until he had spoken.

I think this is one clear example where enough is enough, and where I plead with my colleagues to stand on one and both sides; if because of partisan false solidarity my colleagues on the minority side do not have the courage to stand up to the false accusers and the politically malicious accusers, then it behooves us on the majority side, and I say let us call it for what it is. I say not attempt it, because once these things fly and they are printed all over, and by those who to begin with are professional Congress-haters anyway and others, every one of us for whatever reason has people who do not like us.

Mr. Speaker, I am sensitive to this, because I have survived. In fact, I am here today because I survived the first assault, a malicious attempt to frame me when I was on the city council, and being considered alone and helpless, in the words of the then city attorney, "We are going to scare that little Mexican off the city council to wish he had never heard of the city council," and then astoundingly through the collusion of one of the daily local papers, they had a banner headline on the day the man raised these false accusations. They thought, "That will scare him." After all, the council paid no money, $20 a week for 40 weeks. Of course, it was expected, but when I found myself involved in what we call politics, that is, seeking political elective office, one thing I made up my mind, that no matter how much it was reported that politicians were open season, I would never permit an untruthful assault on my integrity and my reputation and my word, for it has been unsullied. It was before, and it has been since.

I have actually also had more than just verbal assassination attempts. I have had actual physical attempts. I have had attempts reported by the FBI itself, and then the FBI clamming up and refusing to give me a report, their report being based on personalities that the captain of the homicide division of the San Antonio Police Department told me were capable, fully capable, of carrying out the hit or the contract, which is what the FBI reported to me, and then it took 3, 4, 5 years before I could get any kind of satisfaction from this great, august body known as the FBI. I know what it is.

Mr. Speaker, I want the Speaker to know, and I think I speak for every single member of the Texas delegation, Mr. Speaker, we continue, and will always have, utmost faith and respect for your character, you reputation, and your integrity, and I, for one, pledge myself to fight and resist any attempts of willful, malicious, and premeditated assaults on that character.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ROSE, for 60 minutes, on February 28.

Mr. GONZALEZ, for 60 minutes, on March 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROWLAND of Connecticut) and to include extraneous matter:)

Mr. GRADISON.

Mrs. ROUKEMA.

Mr. DONALD E. "BUZ" LUKENS.

Mr. SCHAEFER.

Mr. WELDON.

Mr. GOODLING.

Mr. HENRY.

Mr. CLINGER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FLORIO.

Mr. RICHARDSON in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. PEPPER.

Mr. MCMILLEN of Maryland.

Mr. KASTENMEIER.

Mr. FRANK.

Mr. FASCELL.

Mr. OBERSTAR.

Mr. HAWKINS.

Mr. LELAND.

Mr. DORGAN of North Dakota in two instances.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 28, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

656. A letter from the Deputy Secretary of Defense, transmitting the annual report from the Reserve Forces Policy Board for fiscal year 1988 on the progress made in improving the readiness of the National Guard and Reserve components, pursuant to 10 U.S.C. 113 (c), (e); to the Committee on Armed Services.

657. A letter from the Acting Secretary of Energy, transmitting the combined fourth quarter, 1988 quarterly report and 1988 annual report of activities undertaken with respect to the development of the strategic petroleum reserve, pursuant to 42 U.S.C. 6245 (b), (a); to the Committee on Energy and Commerce.

658. A letter from the Comptroller General, transmitting a list of all reports issued by the GAO during January 1989 (B-169687), pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

659. A letter from the Chairman, National Endowment for Democracy, transmitting a report of the agency's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

660. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of the Board's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

661. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting a report of the Board's compliance with the Government in the Sunshine Act for calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

662. A letter from the Postmaster General, transmitting a copy of the annual report of operations, fiscal year 1988, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

663. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the report on environmental reform of the multilateral development banks, requested in the conference report accompanying the 1989 foreign assistance bill (H.R. 4637); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

664. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990 and 1991 and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 1116. A bill to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on House Administration.

By Mr. LELAND (for himself, Mrs. JOHNSON of Connecticut, and Mr. WAXMAN):

H.R. 1117. A bill to amend the Public Health Service Act to provide for certain services to pregnant adolescents and adolescent parents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANNUNZIO:

H.R. 1118. A bill to provide for the striking of medals in commemoration of the centennial of the Chicago Symphony Orchestra; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWN of Colorado:

H.R. 1119. A bill to amend the Uniform Time Act of 1966 to permit Colorado to observe daylight savings time during additional periods in order to improve air quality in urban areas; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 1120. A bill to provide for a resumption of the gold standard; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1121. A bill to provide for the issuance of bonds payable in gold coin; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DELLUMS:

H.R. 1122. A bill to provide an affordable, secure and decent home suitable living environment for every American family, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota:

H.R. 1123. A bill to freeze all spending in the budget of the U.S. Government at fiscal year 1989 levels and to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude Social Security trust funds from the definition of deficit; to the Committee on Government Operations.

H.R. 1124. A bill to direct the Secretary of the Smithsonian Institution to transfer Indian skeleton remains to Indian tribes to provide for appropriate interment; to the Committee on House Administration.

By Mr. GRADISON:

H.R. 1125. A bill to authorize the musical organization known as the United States Air Force Singing Sergeants to participate in the production of a recording for commercial sale, and for other purposes; to the Committee on Armed Services.

H.R. 1126. A bill to suspend temporarily the duty on self-folding collapsible umbrellas; to the Committee on Ways and Means.

By Mr. GRADISON (for himself, Mr. ARMEY, Mr. BEILENSON, Mr. BUECHNER, Mr. GREEN, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, and Mr. REGULA):

H.R. 1127. A bill to ensure the proper budgetary treatment of credit transactions of Federal agencies and to improve management of Federal credit programs; jointly, to the Committees on Banking, Finance and Urban Affairs; Government Operations; Rules; and Ways and Means.

By Mr. HAWKINS (for himself and Mr. GOODLING):

H.R. 1128. A bill to amend the Carl D. Perkins Vocational Education Act of 1984 to authorize appropriations for fiscal year 1990 and succeeding fiscal years, and for other purposes; to the Committee on Education and Labor.

By Mr. HOCHBRUECKNER:

H.R. 1129. A bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs; to the Committee on Government Operations.

By Mr. OBERSTAR:

H.R. 1130. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to require increases in force within the Bureau of Apprenticeship and Training of the Department of Labor and to limit decreases in such force, and for other purposes; to the Committee on Education and Labor.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD) both by request):

H.R. 1131. A bill to amend section 501 and 910 of title 17, United States Code, to clarify that damages can be obtained against States and instrumentalities of States for infringement of copyright and exclusive rights in mask works; to the Committee on the Judiciary.

By Mrs. MORELLA:

H.R. 1132. A bill to provide for a 20-percent pay increase for offices and positions covered by section 225 of the Federal Salary Act of 1967 (other than Members of Congress), and to provide that a study be conducted to determine whether appropriate pay relationships exist between the Senior Executive Service and the three highest grades of the General Schedule; to the Committee on Post Office and Civil Service.

By Mr. PENNY (for himself, Mr. BATES, Mr. UDALL, and Mr. PEASE):

H.R. 1133. A bill to provide for public financing of general election campaigns for the House of Representatives, to limit total contributions to a general election candidate who agrees to accept amounts from the House of Representatives campaign trust fund, to provide a tax credit for contributions to candidates for the office of Representative, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

By Mr. SOLARZ:

H.R. 1134. A bill to amend title XIX of the Social Security Act to prohibit States, as a condition of Medicaid funding, from discriminating in its medical reciprocity standards (other than years of accredited graduate medical education) against foreign medical graduates; to the Committee on Energy and Commerce.

By Mr. THOMAS of California:

H.R. 1135. A bill to remove the restrictions on the export of Alaskan North Slope oil; jointly, to the Committees on Foreign affairs, Energy and Commerce, Interior and Insular Affairs, and Armed Services.

By Mr. ACKERMAN (for himself, Mr. LELAND, Mr. WOLPE, Mr. SOLOMON, Mr. DORGAN of North Dakota, Mr. GILMAN, Mr. BEREUTER, Mr. MRAZEK, Mr. WEISS, Mr. HALL of Ohio, and Mr. SMITH of New Jersey):

H. Con. Res. 58. Concurrent resolution concerning peace and famine relief in Sudan; to the Committee on Foreign Affairs.

By Mr. KOLBE (for himself, Mr. UDALL, Mr. PENNY, Mr. LOWERY of California, Mr. SCHULZE, and Mr. FAWELL):

H. Con. Res. 59. Concurrent resolution expressing the sense of the Congress that the President should commence negotiations with the Government of Mexico to conclude an agreement to establish free trade between the United States and Mexico; to the Committee on Ways and Means.

By Mr. SCHAEFER:

H. Con. Res. 60. Concurrent resolution expressing the sense of Congress that the proposed article of amendment to the Constitution which prevents any law varying the compensation of Senators and Representatives from taking effect until after an election of Representatives has intervened should be ratified by the States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. AKAKA, Ms. PELOSI, Mr. ATKINS, Mr. TRAXLER, Mr. MORRISON of Connecticut, Mr. OLIN, Mr. SMITH of Florida, and Mr. LIPINSKI.

H.R. 14: Mr. POSHARD, Mr. SPRATT and Mr. WISE.

H.R. 19: Mr. BOUCHER, Mr. CROCKETT, Mr. COELHO, Mr. FAUNTROY, Mr. GAYDOS, Mr. GRAY, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. THOMAS A. LUKEN, Mr. MATSUI, Mr. MRAZEK, Mr. RICHARDSON, Mr. WATKINS, and Mr. YATES.

H.R. 22: Mr. PALLONE, Mr. POSHARD, and Mr. NOWAK.

H.R. 39: Mr. MAVROULES, Mr. SIKORSKI, Mr. DEFAZIO, Mr. DELLUMS, Mr. OWENS of Utah, Ms. SLAUGHTER of New York, Mr. PALLONE, Mr. OLIN, and Mr. DIXON.

H.R. 81: Mr. FUSTER, Mr. BEVILL, Mr. ESPY, Mr. MARTINEZ, Mr. PENNY, Mr. FORD of Tennessee, Mr. SCHUETTE, Mr. HAYES of Illinois, Mr. DE LUGO, Mr. HALL of Ohio, Mr. SYNAR, Mr. SAVAGE, Mr. DANNEMEYER, Mr. BEREUTER, Mr. THOMAS A. LUKEN, Mr. CONTE, Mr. FOGLIETTA, Mr. DYMALLY, Mr. STOKES, Mrs. COLLINS, Mr. EMERSON, Mr. WILSON, Mr. CROCKETT, Mr. ACKERMAN, Mr. ATKINS, Mr. PEPPER, Mr. FAUNTROY, Mr. SLATTERY, Mr. RANGEL, Mr. BUSTAMANTE, Mr. KILDEE, Mr. HARRIS, Mr. GARCIA, Mr. COELHO, Mr. TOWNS, Mr. GRAY, Mr. SIKORSKI, Mr. VENTO, Mr. WOLPE, and Mrs. PATTERSON.

H.R. 82: Mr. DYMALLY, Mr. EMERSON, Mr. JONES of Georgia, Mrs. KENNELLY, Mr. AKAKA, and Mr. RHODES.

H.R. 91: Mr. THOMAS A. LUKEN, Mr. HUGHES, Mr. BEVILL, Mr. BUSTAMANTE, Mr. ENGEL, Mr. WOLPE, and Mr. ROE.

H.R. 110: Mr. DEFAZIO.

H.R. 112: Mr. HALL of Texas and Mr. MURPHY.

H.R. 263: Mrs. MARTIN of Illinois.

H.R. 271: Mr. GORDON.

H.R. 378: Mr. FIELDS, Mr. DE LUGO, Mr. SMITH of Mississippi, Mr. STEARNS, Mr. CHAPMAN, Mr. DELAY, and Mr. WILSON.

H.R. 393: Mr. DE LUGO and Mr. JOHNSON of South Dakota.

H.R. 500: Mr. TOWNS, Mr. MACHTLEY, Mr. ENGEL, Mr. CLINGER, Mr. AUCOIN, Mr. MOAKLEY, and Mr. EVANS.

H.R. 586: Mr. DYMALLY, Mr. SCHEUER, Mrs. UNSOELD, Mr. BENNETT, and Mr. TORRES.

H.R. 634: Mr. PENNY, Mr. GRANT, Mrs. BENTLEY, Mr. GILLMOR, Mr. SARPALIUS, Mr.

SCHAEFER, Mr. CLEMENT, Mr. MURPHY, Mr. SYNAR, Mr. TALLON, Mr. LIGHTFOOT, Mr. POSHARD, Mr. RICHARDSON, Mr. BEVILL, Mr. DELAY, Mr. SMITH of New Hampshire, Mr. BARTON of Texas, Mrs. PATTERSON, Mr. COX, Mr. MCEWEN, Mr. INHOFE, Mr. MARTIN of New York, Mr. RITTER, and Mr. KANJORSKI.

H.R. 669: Mr. DELLUMS, Mr. LIPINSKI, and Mr. ROE.

H.R. 670: Mr. DYMALLY, Mr. RANGEL, and Mr. LIPINSKI.

H.R. 691: Mr. KOLTER, Mr. ROE, Mr. SWIFT, and Mr. LAGOMARSINO.

H.R. 694: Mr. GORDON, Mr. PAYNE of Virginia, Mr. HUGHES, Mr. LIPINSKI, Mr. WEISS, Mr. VALENTINE, Mr. MCNULTY, Mr. PENNY, Mr. ROE, Mr. NEAL of North Carolina, Mrs. SAIKI, Mr. SOLOMON, Mr. CRAIG, Mr. BAKER, Mr. COX, and Mr. OBEY.

H.R. 703: Mr. BENNETT.

H.R. 744: Mr. VALENTINE, Mrs. SAIKI, Mr. WHITTAKER, Mr. GRANDY, Mr. WELDON, Mr. LIGHTFOOT, Mr. SENSENBRENNER, and Mr. COUGHLIN.

H.R. 762: Mr. ROBERT F. SMITH, Mr. MARTIN of New York, Mr. SMITH of Texas, Mr. BUSTAMANTE, Mr. DAVIS, Mr. GORDON, Mr. RICHARDSON, Mr. DEFAZIO, Mr. STAGGERS, Mr. GRANDY, Mr. SKELTON, Mr. VOLKMER, Mr. MCCURDY, Mr. WILSON, and Mr. OBERSTAR.

H.R. 855: Mr. CLAY, Mr. SHAYS, Mr. VISCLOSKY, Mr. SKELTON, Mr. KASTENMEIER, Mr. BEREUTER, Mr. NOWAK, Mr. ROE, Mr. BOEHLERT, and Mr. ATKINS.

H.R. 876: Mr. ACKERMAN, Mr. WAXMAN, Mr. GLICKMAN, Mr. TALLON, Mr. FRANK, Mr. SIKORSKI, Mr. WISE, Mr. JONES of North Carolina, Mr. STOKES, Mr. MURPHY, Mr. GIBBONS, Mrs. BYRON, Mr. DOUGLAS, Mr. SPENCE, Mr. PEASE, Ms. OAKAR, Mr. CLAY, Mr. HAMILTON, Mr. APPLEGATE, Mr. GRAY, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. JACOBS, Mr. CARPER, Mr. GARCIA, Mr. DELLUMS, Mr. LEVIN of Michigan, Mr. INHOFE, Mr. NELSON of Florida, Mr. NAGLE, Mr. COELHO, Mr. LEVINE of California, Mr. ANNUNZIO, Ms. KAPTUR, Mr. WHEAT, Mr. WEBER, and Mr. DIXON.

H.R. 894: Mr. PURSELL.

H.R. 930: Mr. SHAYS, Mr. WYDEN, Mr. RICHARDSON, Mr. BATES, Ms. SCHNEIDER, Mr. BERMAN, Mr. LEWIS of Georgia, and Mr. BRYANT.

H.R. 973: Mr. BUSTAMANTE, Mr. MFUME, and Mr. FLORIO.

H.R. 979: Mr. PALLONE and Mr. TORRICELLI.

H.R. 1048: Mrs. BOXER, Mr. WHEAT, Mr. WOLPE, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. WISE, Mr. EVANS, Mr. CROCKETT, Mr. STOKES, Mr. LEHMAN of Florida, Mr. SKAGGS, Mrs. BOGGS, and Ms. SCHNEIDER.

H.R. 1091: Mr. GALLO, Mrs. ROUKEMA, Mr. RINALDO, Mr. SAXTON, and Mr. ROWLAND of Connecticut.

H.R. 1096: Mr. RINALDO, Mr. SAXTON, Mr. GALLO, and Mr. ROE.

H.R. 1104: Mr. GINGRICH, Mr. GUNDERSON, Mr. PAXON, Mr. COBLE, and Mr. CLINGER.

H.J. Res. 28: Mr. DE LUGO and Mr. SMITH of Mississippi.

H.J. Res. 34: Mr. BROOMFIELD and Mr. ROHRABACHER.

H.J. Res. 131: Mr. WEISS, Mr. MOODY, Mr. HATCHER, Mr. LENT, Mrs. KENNELLY, Mr. HAYES of Louisiana, Mr. JONES of North Carolina, and Mrs. PATTERSON.

H.J. Res. 138: Mr. PALLONE and Mr. TORRICELLI.

H. Con. Res. 3: Mr. TAUKE, Mr. SCHUETTE, Mr. BEVILL, Mr. ANTHONY, Mr. POSHARD, Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. GINGRICH, Mr. SOLOMON, Mr. PETRI, Mr. MARLENEE, Mr. STAGGERS, Mr. LIGHTFOOT, Mr. MINETA, Mr. OLIN, Mr. COSTELLO, Mr. SMITH of Vermont, Mr. VANDER JAGT, Mr. FUSTER, Mr. ORTIZ, and Mr. PAYNE of Virginia.

H. Con. Res. 41: Mr. OBERSTAR, Mr. MRAZEK, Mr. PEASE, Mr. GOODLING, Mr. OWENS of Utah, Mr. DWYER of New Jersey, and Mr. LIPINSKI.

H. Res. 23: Mr. GEJDENSON.

EXTENSIONS OF REMARKS

REMARKS OF GOV. MARIO M. CUOMO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. RICHARDSON. Mr. Speaker, I want to call to the attention of my colleagues the speech given by New York Governor Mario Cuomo at the Democratic Issues Conference in White Sulphur Springs, WV, in February. While this was a partisan gathering, I believe Mr. Cuomo's remarks should be carefully studied by all lawmakers.

I have attached the speech and encourage you to read it. I am certain that you will agree that we are at a pivotal point in the history of our Nation. We must accept this challenge as we strive to make a difference for our constituents and the Nation.

REMARKS BY GOV. MARIO M. CUOMO AT HOUSE DEMOCRATIC CAUCUS RETREAT

I believe that the inauguration of President Bush has presented a new—perhaps even a surprising—opportunity for congressional Democrats, and for Democrats generally.

But I also think that to seize that opportunity we must first know who we are and what we stand for.

It seems to me that the single most significant challenge to Democrats in 1989 is to make our philosophy of Government clear, consistent and compelling, and to demonstrate our confidence that this philosophy can be translated into a better way . . . a better life for all Americans.

I reject the suggestion that because of our failure to win the Presidency again, we should abandon some of our principal convictions only to adopt a new philosophy that sounds more like the campaign language of those who defeated us. I think clearly Harry Truman was right: "When a Republican runs against a Republican, a Republican always wins."

I doubt, frankly, that this country would, for long, follow a philosophical wanderer, or a reed shaken by the wind. That's not what the country wants.

When our principles as Democrats become too vague to give direction, too uncertain to give confidence, then we will lose our form, we will lose our identity . . . and we will lose our effectiveness.

Besides sureness, the people must find in our philosophy, I think, two other qualities.

We must be progressive, in that we seek constantly to improve the quality of life by continually adapting to changing circumstances. And we must be pragmatic; what we propose must work, and it must make common sense to most people.

Your new approach to welfare last year is an excellent illustration of that kind of progressive pragmatism.

At our best as Democrats, we have been all of these things.

We have always begun with the same kind of strong belief in the intelligence of affirmative, positive government that Lincoln articulated with these words, they're familiar to you, I'm sure:

"The legitimate object of Government is to do for the people what needs to be done, but which they cannot, by individual effort, do at all, or do so well, for themselves. There are many such things . . .," Lincoln said.

As we have proven many times, we believe that government's first obligation is to defend us against attacks from without. So we will maintain whatever forces are needed, and we will do what we must to deter foreign enemies or to defeat those we cannot deter.

And we know that means we must pay for a strong, modern defense, but we also know that we should work toward international understandings which could reduce the cost of military preparedness to all sides. That seems fundamental to us.

We believe that we must defend ourselves at home as well. We do that by insisting on firm enforcement of the rule of law, which is the miracle that keeps this democracy together. That rule of law which protects us against both the criminals who would threaten our lives and property, and a government that would threaten our constitutional rights.

We believe one of the best things government can help produce is what many of our forbears came here for, certainly mine—a chance to earn their own bread, and maybe a little more, with dignity. We insist as Democrats that all who can work for their subsistence, should work.

We believe that a free enterprise economy is the best means of creating the opportunities and the wealth to meet our needs. But we've never pretended that government has no role in that economy. Government is vital to assure that our economy operates fairly and honestly. And government should help those with willingness and ability to go as far as they can.

We advocate the politics of inclusion, believing that those of us who have been blessed and have succeeded should be expected to contribute reasonably—through our Government—to those who have not been able to provide for themselves in the free market economy, because they're too young, or they're too old, or they're too frail—or simply because we have not yet made a place for them in that economy.

We recognize a particular role for government today in helping us restore our strength and agility in the intensified global competition. How? By dealing with ur deficit, by stabilizing our currency, by regularizing and making fairer our trade relations, by encouraging investment instead of consumption, by encouraging research and development, by making our education sounder, and tougher, and more relevant.

Cherishing our gift of freedom to think and believe as we choose, we have always fought unnecessary government intrusion into our private lives.

At the same time, we encourage government to promote aggressively the consensus values that mark us as civilized in a uniquely American way. Values like: Respect for the rights of others; an awarenes of the profound ways in which we are all equal; reverence for the individual rights that issue from that equality; the importance of hard work and individual initiative but the importance, too, of working for a greater good than our individual good—working for a common good.

We know that in a society as complex as ours, all of these things are interrelated and interconnected. Intelligence demands we recognize that:

Our peace and world peace are interconnected.

Our domestic economy and the new world economy.

Our personal prosperity and the common good.

Our freedom and our obligations.

Our values and our vulnerabilities.

As Democrats, we know that the pursuit of our principles requires us to bring together the different parts of the political spectrum, and when that power is divided, as it is now in Washington, we understand that it calls for responsible bipartisanship that understands the difference between compromise in method, and surrender of integrity.

And we know, too, that when the power is divided globally, when it's divided in the world, well then that calls for prudent but aggressive efforts at international cooperation.

These all seem like fundamental truths to us.

In this awfully complex society, we Democrats understand the political desire for clarity, especially in a world where 20-second sound bites are so significant.

But we understand something else. And that is the need for subtlety. So we reject slogans and simplistic labels.

We know you don't have to call yourself a conservative to be for a strong defense, to be against crime, or to be troubled by our national debt and deficit.

And you certainly don't have to call yourself a liberal to have a social conscience to be concerned about a contaminated environment, or to promote conciliation among nations.

We know the difference between ideas that sound good and ideas that are good and sound.

We certainly don't mind a little poetry in campaigns.

But we know that the campaign is over and that laws and budgets are written in prose.

And that prose will now have to describe some realities that were obscured by the earlier poetry.

Now let's consider just some of those realities.

It's true of course that we've achieved economic growth. Some of our people have done well, even very well. We're not involved directly in a war. And I think the arms treaty was a singularly hopeful achievement.

We are still the strongest, freest, greatest Nation on earth and Democrats have helped make us that.

But Democrats know as well, that in the midst of recovery, there's been a retreat—a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

retreat from the idea of government as a positive force, from the politics of inclusion, from the progressive pragmatism that worked so well for 50 years in this country. Ugly divisions—not seen for a long time—have reappeared among our people.

That retreat has left behind millions more poor; millions more homeless; millions of Americans with no health insurance; millions of Americans who can't read or write; displaced workers without adequate retraining; single parents who want to work but can't find child care; more and more of the middle class torn away from their chance at the American dream.

And all of that is true notwithstanding it wasn't heard as clearly perhaps as it should have been in the campaign.

It's true that for all our power and all of our might, for all of the cheery chauvinism and flagwaving, there is no hiding the fact that this great Nation has serious problems.

A substantial trade deficit; an unprecedented plague of drugs; a spreading lethal contagion called AIDS that has no antidote; a population growing older but not necessarily more secure; a generation of children more fragile and vulnerable than ever before in the history of this place or, for all I know, any industrialized society; an environment threatened by contamination and even gradual suffocation.

And we know that we have not begun to do enough to educate and train the workforce of the 21st century, which will be, in substantial measure—female, black, and Hispanic.

Now, we're not a nation in decline. But unless we make swifter progress than we're making now, much of the rest of the world will soon move past us.

And I think all of this is virtually unarguable.

As a result of all of this, America has rarely been more in need of democratic values and democratic leadership than it is today.

Democrats have always recognized moments like this one. They have always been at their very best in times of challenge.

Franklin Roosevelt lifted this Nation from its knees in 12 years of triumph over despair. Harry Truman brought us from the Second World War to the beginning of a new prosperity. John Kennedy defended our Nation in its perilous moment during the missiles-of-October crisis. Lyndon Johnson refocused the conscience of the Nation on civil rights and social justice. Jimmy Carter rescued us from the moral bankruptcy of Watergate, and advanced human rights abroad, leading to the emergence of democratic movements all around the world.

And so it seems to me from Albany, that what the Nation needs now is what we, as Democrats, have written into our platforms and sung as our party anthem for more than 50 years: an energetically positive government that marries common sense to compassion, and self-interest to our common interest.

A Government that is strong, that reflects the collective fairness, and wisdom and generosity of the people. Indeed, what we need now is a politics that in New York we call, "family." A politics that believes a kinder, gentler nation is the product of the government's efforts to help people share benefits and burdens.

Now that politics requires a lot more than handwringing or nice words written into platform statements.

It will require investment of a considerable amount of wealth.

And we must find that wealth while reducing the largest deficit and debt we have ever had—and without making our defenses vulnerable, and without mortgaging the future inordinately.

It would be simplistic to say it, but I'll say it anyway—it won't be easy. It will mean making hard choices, by limiting spending on some wants, and by providing revenues, somehow, to meet more adequately our needs.

But now here, to me, is the heart of the matter, politically and the surprise:

I think we begin with an advantage that most of us did not expect we would have in a Republican President.

In 1984, at the Democratic National Convention, I tried to say that while President Reagan believed we were all one Glittering, shining city on a hill, there was another city where people were struggling, where people were in pain and dejection.

I believe President Reagan truly never saw that city. And for 8 years he tried to convince America that the other city did not exist. And for 8 years, the voices of people crying for help from that city went largely unheard by those in the city on the hill.

But something has happened.

Perhaps the clouds have been lifted by "a new breeze." Perhaps the cries have grown too loud to be ignored.

Because President George Bush has admitted there is another city.

He has seen it.

He tells us that he has cried over the sight of the hungry children playing in the gutters, where the glitter doesn't show.

He says he has been shaken by the sight of the homeless, trembling in the winter cold.

He has heard the pleas of mothers for child care, and the chance to work.

He has anguished at the prospect of thousands of aids babies, born to die. From the moment of their birth, being able to expect nothing more than perhaps 6 years.

Our new President tells us that "legions of minorities" do not have access to the circle of opportunity, because their education is inadequate, because they have not the skills they need.

And more than that, and more than SDI, and more than the environment, he suggests that Government should help these people.

In fact, ladies, and gentlemen, it seems to me that President Bush has—with stunning swiftness—made a giant step forward toward the truth, and toward progress.

What we as democrats were not able to achieve in 8 years, Mr. Bush has done for us in the first month of his Presidency.

He has clearly said that the Democrats were right: That there was a second city; that it is still there and that it is a place of failed dreams, and disappointed hope and great pain.

I think there should be no concern on the part of Democrats that President Bush will coopt us.

He cannot coopt us; he can only confirm us, and to a great extent he already has.

He has dramatically advanced the cause of all Democrats and all progressives, by candidly rejecting his predecessor's narrow view of life in America.

And for that, we should be grateful. The country should be grateful.

But now comes the rest of the challenge.

Having seen and acknowledged the other city, President Bush can now do one of two things: He can remain—poised, halfway down the hill—content to express his sadness and to pray to the heavens—and do nothing more.

And if that is the President's choice, then we as Demcrats should still be grateful for his having acknowledged the rightness of our concern, but then he will be restored as an unconverted conservative Republican, who has simply earned himself some cheap grace, by reciting a little Democratic poetry.

Democrats know that prayer alone will not be the salvation here: It will take both prayer and good works to bring the cities together.

And we will call upon the President to remember that, I'm sure.

But what if he hears us? What if he does? What if he truly believes as we do? What if he comes down from the shining city and does join us in the mean streets, working with us, side-by-side, with our hands and our hearts, to build the houses, to build the schools, to create the jobs, to provide the care, to clean the environment? To embark in a meaningful way on what he has called his "presidential mission?"

What if he starts modestly by funding fully our McKinney Act for the Homeless? And the bold programs of your drug bill? And the welfare Reform Act that New York is so pleased by?

What if he then tries his flexible freeze for a year, because he feels he has that commitment to the American people—"no taxes." So he tries his flexible freeze for a year. But then finds it's not enough and then agrees, honestly, to raise the revenue we need?

What if—for just one example—he joins us in a real way, with resources, in declaring a National decade of the child—to help the children who brought him to tears?

And what if he makes it a real, targeted, specific commitment to begin a full 10 years of emphasis to fight a disgraceful infant mortality rate; to provide access to adequate Health Care for every child; to provide day care; Head Start for all of the children who need it, not just one out of five; National Liberty Scholarships, not New York Liberty Scholarships, National Liberty Scholarships like the ones we're so proud of, which guarantee that every child who qualifies for college—every child no matter how poor—will be afforded the means to achieve a degree from a good college.

What if President Bush—elected as a conservative Republican—abandons the drip, drip, drip of trickle-down, and the voodoo magic of supply side, and instead helps us find ways to share the benefits and burdens of this great Nation?

What if he admits, finally, that for all their brightness, the thousand points of light have never been enough—that all of the churches, and all of the synagogues, and all of the collection plates, and all of the charities and all of the benefactors, have never been enough—without government—to rebuild the other city?

And what if he then decides to use Government not just to build missiles, and cut capital gains taxes, but to provide the bricks, the stone, the mortar, the resources to build a roadway; a wide and sure and safe roadway—from the other city to the shining city on the hill.

What, then, do we say of President Bush?

One word for sure—"Welcome"!

Then we will say this: "Now he has justified us completely, now he has paid us the ultimate compliment. He has joined us."

We will not call him a Democrat, however, for fear that would embarrass him. And surely it would.

Instead, perhaps, we can call him—if not the great communicator—maybe the great cooperator; a gentle name for a kind, and gentle President.

And then, having been justified and confirmed by the President, we'll all be stronger than before as Democrats. The truth of our principles having been vindicated, our role as a party, it seems to me, will have been made more secure.

Will that be good for George Bush?

Well as a man, certainly: It can't hurt you to do the right thing.

Would it be good for him as a politician? These things I don't understand as well as you do, but I'm not so sure it would help him politically.

Because while we would call George Bush the great cooperator, I'm afraid his former friends in the Republican and conservative parties might call him the great collaborator, because they will know that when he became a de facto Democrat, he, and they, lost their ideological coherence—their ideological identity.

Frankly, maybe I have it wrong, but I don't think it's an easy position for the President.

If he joins us, he loses the identity that won him the presidency. If he refuses to, then by having admitted our description of the country's troubles, he has done an important part of our job, and he has strengthened us to go the rest of the way alone as Democrats.

And if necessary, you can go alone, the rest of the way.

And you would have to, for the good of all of us.

Because it would be a denial of all we believe, if being sure of the problems and the pain, we were to respond weakly or inadequately.

If the President will not, we Democrats must demonstrate the strength and confidence in ourselves, as a Nation—to provide the programs and the means and the revenues that will allow us to meet the demands of a whole new era of challenge and possibility.

And we can do it by using our power in both Houses, led by Jim Wright and George Mitchell, to produce the solid programs that we need and to make them realistic by funding them adequately.

And then we Democrats could present the President with the solutions to the problems that he has described so eloquently.

And when you present him with those solutions, would it not be difficult for the President to say "no"—because he would have to then say "no" to those children, and to those homeless, and to those parents, and to those seekers of opportunity—after having shed tears for them and offered prayers for them.

In the end, ladies and gentlemen, it seems to me from Albany that this is a moment of extraordinary opportunity for the Democrats, as long as we remember what we have been, at our best, what we are and what we must be.

We are off to a good start. What we believe as Democrats has been vindicated by the people who have given us control of both Houses of Congress.

And the man chosen to be our President—after having tried it another way for a long time—has begun talking like one of us. We should make the most of it, for the good of the whole country.

Knowing you, I'm sure we will.

Thank you very much for listening.

WARFARE, POLITICS, AND FAMINE IN THE SUDAN

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I join several colleagues from the House and from the other body in sponsoring a resolution that addresses the acute humanitarian crisis affecting the people of the Sudan. My colleagues and I are joined not by politics but by a common and a deepening concern for the plight of many thousands of Sudanese civilians who are suffering an unimaginable horror as a result of the political dissent and civil war which divides their country. Hundreds of thousands of Sudanese face an imminent peril of starvation—a fate which has already claimed the lives of great numbers of Sudanese people. I urge all Members of this body to sponsor the resolution and more importantly, I urge my colleagues to reflect on the nature and the extent of this tragedy which has no origin in drought or disaster but, instead, stems from political division.

Additional evidence surfaces almost daily documenting the harsh reality that the parties to the political and military conflict in the Sudan—the Government, the militias allied with the Government, the rebels of the SPLA [Sudanese People's Liberation Army] locked in a long-term struggle against the Government—are all only too willing to use food as a weapon in that conflict. Consequently, several million residents of the southern regions of the country have been displaced from their homes, their farms, their livelihoods.

As many as 1 million Sudanese have starved to death since the struggle began in 1983. The toll in 1988 alone exceeded a quarter of million people. This is a remarkable statistic: 250,000 or more noncombatants died last year in the southern regions of the Sudan from starvation or from the infectious diseases which preyed upon the malnourished victims of the warfare. A large percentage of those who died were children. In several displaced persons camps in the Sudan, there are no children under age 3 present—the infants and young children have all died from starvation or epidemic.

THE RESPONSIBILITY FOR FAMINE

There is no shortage of those who share the blame for this outrage. The rebel forces have blown up relief convoys and shot down planes sent by donor organizations and committed additional utterly indefensible acts which have effectively precluded relief agencies from reaching those in desperate need. The Government of the Sudan has erected barrier upon barrier to deny food and medical relief to those of questionable political affiliation. Relief agencies have been expelled by the Government, permission to launch relief operations denied, resources available for hungry civilians have been diverted to the military.

Indicative of this callous indifference to the plight of hungry southerners is the condition of the million plus displaced who have sought refuge in and around Khartoum, the capital city. In Khartoum, the Government cannot claim that the SPLA interferes with relief efforts or that the displaced are otherwise inaccessible. But in Khartoum the displaced live in the most wretched existence conceivable, many encamped on garbage dumps, most without adequate water, all without sufficient food, medicine, and shelter. The Government does little for these people and limits what the international community is allowed to do.

The independent militias of the Sudan, armed by the Government supposedly to fight the rebel forces, maraud the countryside, robbing, stealing, and burning villages. The militias capture children who are systematically sold into slavery. Based on tribal or religious affiliation, civilians, sometimes the entire population of villages, are summarily executed.

It is also important to note that the international community's stance in face of this expanding tragedy in the Sudan has been less than courageous at times. The Sudan traditionally has been the largest recipient of United States foreign assistance in sub-Saharan Africa but only recently, and only in the face of strong congressional and media criticism, has the State Department felt compelled to speak out against the Government's actions which preclude effective relief. Our European allies, all with considerable influence in the Sudan, have been similarly silent.

AN END TO SILENCE

But we can be silent no longer. It is imperative that there be no doubt concerning the policies of the United States Government in regards to the horrible famine stalking the Sudan. We cannot accept the use of food as a political weapon by any party. We cannot remain silent when innocent children are dying as a result of conflict not of their making or comprehension. We cannot accept the notion that some people are beyond reach or that the situation is too complicated. We must redouble efforts to honor longstanding American humanitarian traditions which require that no options are overlooked, no avenues left unexplored, as we strive to guarantee that no more of these children starve to death.

I urge my colleagues to cosponsor this resolution.

COSTLY S&L ACCOUNTING

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. GRADISON. Mr. Speaker, last Wednesday in this space I criticized the proposed financing scheme for the S&L bailout. I also inserted a timely article from yesterday's Wall Street Journal.

I take this opportunity to bring a second article on the topic to the attention of my colleagues. It is from Thursday's Washington Post and is by Kathleen Day. The message is much the same; if we hide the bailout by resorting to off-budget financing, we raise the cost of the bailout significantly, and I think unnecessarily.

And the taxpayer will pay this added cost because, under the administration's proposal, the Treasury pays the interest on the bonds

issued by a newly-created off-budget shell agency. We are already hearing rosy scenarios about the added interest costs, that is, the premium the marketplace will extract for our not financing this Government program through normal Treasury borrowing. I've been in the security business all my adult life, and I see no credible reason why this particular issue will not require a premium over the Treasury rate. As far as I'm concerned a premium of a single basis point is too much.

Finally, and precisely because of the added premium, off-budget financing also produces an unnecessary windfall to the purchasers of the bailout bonds.

The article follows:

WHITE HOUSE RAISES S&L BAILOUT ESTIMATE

(By Kathleen Day)

The government's estimate of the cost of bailing out the savings and loan industry over the next decade jumped again yesterday to $157 billion, 25 percent higher than the projection the White House issued just two weeks ago.

Treasury Secretary Nicholas Brady told the Senate Banking Committee that the government will have to spend $114 billion during the next 10 years to close or merge hundreds of ailing S&Ls and another $43 billion in interest payments on that debt.

The escalating numbers underscore the confusion that has surrounded the issue since Bush said two weeks ago that his plan would cost $90 billion and a few days later amended that to $126 billion over 10 years. Lawmakers say they are concerned that Treasury has used overly optimistic economic assumptions to make its estimate, a concern that has been heightened by the agency's piecemeal release of information showing how it performed the arithmetic.

Brady defended the Bush plan to Republican and Democratic critics who said it is inadequate to clean up the current mess and to have enough money left over to create a new fund to insure S&L deposits.

Officials from the Treasury and the Office of Management and Budget would not release a 30-year estimate of the cost of the bailout disagreeing over whether the government has prepared such a projection. But lawmakers released their own 30-year estimate, with Sen. John Heinz (R-Pa.) putting it at $200 billion and House Banking Committee Chairman Henry B. Gonzalez (D-Tex.) pegging it at $335 billion.

Brady repeated the administration's claim that taxpayers will pay no more than $40 billion of the $157 billion. But Heinz and Gonzalez estimated the taxpayer part of the bailout could triple or quadruple once interest payments over 30 years are counted.

"Clearly, the administration's plan is based on a number of assumptions that are, at best, rosy," Gonzalez said.

He said the Bush plan, which calls for borrowing at least $50 billion over 30 years, will cost the government $138 billion in interest payments that could be avoided if the bailout were funded directly through the Treasury within a few years. The Bush administration is trying to avoid direct funding, partly to force the industry to pay as much as possible of the bailout and partly to avoid a massive increase in the deficit.

Lawmakers also have criticized the Bush plan for failing to provide enough money for a new deposit insurance fund that the administration has suggested calling the Savings Association Insurance Fund, or SAIF. Treasury officials said their plan calls for SAIF to have $9 billion in funds by 1989. But the officials were unclear if the $157 billion included the SAIF funding.

Brady told the banking committee the administration wants to preserve an S&L industry that is separate and distinct from commerical banking as long as S&Ls are willing to strengthen their balance sheets.

Under the Bush plan, S&Ls would be regulated under less strict rules if they specialize in making home loans. The farther an S&L ventures from mortgage lending, the stricter the regulatory rules would become.

S&Ls also would have two years to boost their net worth to the level banks are required to maintain. Only half of the nation's 3,000 S&Ls meet that requirement, he said.

Many lawmakers and industry officials say the requirement is so steep that many S&Ls will not be able to meet it on time. One Treasury official who helped craft the Bush proposal said that in such cases the plan would give the institutions more time.

"No one wants to use the 'f' word," the official said, referring to the concept of forbearance, where regulators during the last six years have been permitted to give ailing S&Ls time to grow out of their problems.

Forbearance has been blamed by regulators, lawmakers and industry officials alike for allowing the S&L crisis to become, so costly.

Despite their criticism of the plan, lawmakers generally complimented Bush for having the courage to put a plan on the table.

S&L executives continued to lash out at the proposal, however, saying if implemented it would destroy the S&L industry by forcing it to pay too large a portion of the bailout cost.

TRIBUTE TO MARTIN HILLMAN AND BERTHA GILKEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. FLORIO. Mr. Speaker, I would like to direct your attention to two New Jersey residents, Martin Hillman and Bertha Gilkey, whose actions have been both commendable and inspiring.

For years, the Miller Homes housing project in Trenton was considered unsafe and beyond redemption. Drug dealers flocked the hallways, and periodic gunfire was commonplace.

Under the combined effort of Mr. Hillman and Ms. Gilkey, however, this desperate situation has been rectified. Martin Hillman, executive director of the Trenton Housing Authority, hired Bertha Gilkey to succeed where years of Federal, State and local rehabilitation programs had failed. Under the shared premise that success depends upon changing the attitudes of the people living in the project rather than upon the buildings themselves, Ms. Gilkey and Mr. Hillman have transformed the Miller Homes into a place of pride and self dignity, a place suitable for raising a family.

In addition to expressing the praise these two individuals deserve, I would like to submit, in its entirety, this article from the New York Times of Sunday, December 25, 1988.

PRIDE RETURNS TO A HOUSING PROJECT, AND SHE LEADS THE WAY

(By Olga Wickerhauser)

TRENTON.—To everyone familiar with it, the Miller Home housing project used to be considered beyond redemption. Drug dealers operated in the doorways and halls, selling to addicts who sometimes lined up 100 deep. Despite the shortage of public housing, Miller Homes always had vacancies. Only the desperate would agree to move in.

The situation got so bad about a year ago that Mayor Arthur Holland suggested tearing down Miller Homes as the only way to clean it up.

But today, the drug dealers are gone. Teen-agers shoot baskets on a court in front of the buildings. Neat bunches of chrysanthemums, in season, border the tiny patches of lawn, and grandparents take their grandchildren for walks without fear of being cut down by gunfire. And tenants of other public housing projects want to move into what are becoming known as "Miller Homes condos" or "Miller Homes estates."

A miracle has happened to Miller Homes, in the opinion of many people, and everyone who has watched it agrees that it is because of one woman, Bertha Gilkey.

A child of the St. Louis slums whose life was once no better than that of the Miller Homes residents, Ms. Gilkey has spent the last 20 years rehabilitating the worst public housing projects in the country. She has managed to do what Federal, state and local governments, with the help of hundreds of millions of dollars, have failed to do—make public housing projects safe, clean, decent places for people to live, state official agree.

NO OTHER PLACE TO GO

Last summer the Trenton Housing Authority hired Ms. Gilkey, 40 years old, to save Miller Homes. Martin Hillman, executive director of the authority, said he knew the city could not afford to tear down the project because there was no other place to house the 256 families who live there.

So with a $2 million Federal grant to improve the buildings, and an $80,000 gift from the state to pay for 24-hour police protection, Mr. Hillman began a program to rehabilitate Miller Homes. This time, though, the rehabilitation would take a different approach.

"We had tried numerous times before and spent hundreds of thousands of dollars to turn this place around, for nothing," Mr. Hillman said. "As soon as a door or window was replaced, it was smashed again."

Mr. Hillman and other housing officials had come to realize, he said, that "you can make all the structural changes you want, you can spend all the money you want, but until you have an attitudinal change in the tenants, you're not going to make it work."

PEOPLE FIRST, THEN BUILDINGS

Bertha Gilkey had been teaching that for years. It is the principle behind her success, she said.

"The Government always fails because it works on the buildings, not on the people," she said. "First, you have to give people back their pride, their dignity, make them feel good about themselves. Once you do that, the whole environment changes. Then it's easy to fix the buildings."

Ms. Gilkey has been working with Miller Homes since June. For three consecutive days each month, she meets personally with tenants. The visits, which often last until midnight, are a combination of religious revival, civics class and condominium associa-

tion meeting. Between reports of forthcoming holiday pageants and Boy Scout meetings, Ms. Gilkey squeezes in a lecture on illiteracy or how to run an effective corporation, occasionally stopping everything to ask everyone to stand, hold hands and sing.

At a meeting in November, about 50 tenants filled the dingy community room, sitting on metal folding chairs under stained and sagging ceiling tiles and broken lights. Except for an elderly man, the residents were all women and children.

When Ms. Gilkey arrived, she was immediately surrounded like a favorite relative at a family reunion. There were hugs and kisses, and people could hardly wait their turn to tell her about how well one of their children had done on a math test, or how another child loved to read.

After chatting one-on-one with the tenants, she asked them to form a circle and hold hands, and led them in a gospel song.

Ms. Gilkey, a passionate, inspiring speaker who can raise the emotions of her listeners to fever pitch, spoke that night about the dangers of illiteracy. "Don't let the school system make statistics out of our children," she said, urging residents to fight and keep "the scum," the drug pushers, the muggers, the rapists, from taking over the homes of the poor.

BILL IN CONGRESS EXPLAINED

In cooler language, she explained a bill pending before Congress that would affect the tenants' eligibility for benefits. Hardly anyone had heard of it. Ms. Gilkey told the tenants to come prepared the next night to write letters to their Representatives, urging them to oppose the bill.

Later Ms. Gilkey gave a mini-class on how boards and committees work and told the tenants she would test them the next night on what they learned. She was not kidding.

In earlier meetings, Ms. Gilkey explained how to read a lease by taking apart a document paragraph by paragraph. She also lectured on the history of public housing. Both times she gave a test the next day.

Throughout the meeting, each tenant who spoke, no matter how briefly or on how trivial a topic, got applause and praise from Ms. Gilkey. People who had come to the meeting weary and hopeless left beaming with pride.

Everyone—from the police to the tenants to city officials—agrees that Miller Homes is not the same place it was six months ago when Bertha Gilkey first arrived. After seeing what she has done in Miller Homes, officials of other cities, including Newark, have expressed interest in hiring her.

"My God, has it changed!" Alberta Williams, president of the tenants' association and a resident of Miller Homes for 10 years, said of the housing project. "Before, all the crack heads were out there. You couldn't come in here without the dealers stopping your car, hassling you. They came in here with their car radios blasting. The noise was so loud you couldn't sleep."

THOUSANDS OF COMPLAINTS

Sgt. Robert Orlowski of the Trenton Police Department said the police would get thousands of complaints a year about Miller Homes, but no more. "People would just come right off the street and go into the hallways and shoot up drugs or smoke crack," Sergeant Orlowski said. In one early morning raid, he said, police arrested 61 people who had waited in line in the hall to buy drugs.

Round-the-clock police protection has kept the drug dealers away. Ms. Gilkey's task is to teach the tenants how to make sure they do not come back after she and the police leave.

"You have two problems," Ms. Gilkey said. "You have got to deal with the bad ones already here, and stop more bad ones from moving in."

For the first problem, she has taught tenants to elect floor captains—one or two residents on each floor whose job it is to make sure that the walls are free of graffiti, that the garbage is taken out regularly, that children do not run around unattended in the halls late at night, that the elevators are not used as public toilets.

She is organizing programs to meet the needs of the tenants and to improve their lives. She has persuaded retired carpenters and masons to volunteer their time and teach valuable skills to young unemployed high school dropouts. Volunteer gardeners have shown tenants how to landscape the few patches of grass in the mostly concrete development.

Ms. Gilkey is also working to establish an on-site day care center that will be staffed by tenants so that mothers and grandmothers can get jobs.

She has organized a Cub Scout troop, an after-school tutoring program in reading and math, and a girls' drill team—the Miller Homes Rockers. Her goal, she said, is to keep youngsters on track by "involving them."

SCREENING COMMITTEE SET UP

For the second problem of keeping the "bad ones" from moving in Ms. Gilkey has organized a joint tenant-housing authority screening committee. "Most housing developments in this country are used as dumping grounds for the mentally ill, dope pushers, the have-nots and want-nots," Ms. Gilkey said. "Then you ask, Why is public housing so bad? It's because we have the worst people who are thrown in here among the good.

"So you have to screen," she said. "We're looking for people who are going to move into public housing and treat it like their home."

Prospective tenants will have to answer a detailed questionnaire. If they pass, they will undergo an orientation in a model apartment. They will be shown how to clean the windows and the shades, Ms. Gilkey said, what type of cleanser to use on the walls to protect the paint, how to wrap and dispose of trash, all basic skills that many public housing tenants have never learned.

Ms. Gilkey said her goal is to instill the poor with middle-class values and habits.

"The kind of standards of behavior that are tolerated among the poor would never be tolerated among the the middle class," she said. "You wouldn't have people smoking dope in the halls, urinating in the doorways, in a middle-class condo development. That is because the middle class is taught to have pride in their homes."

Ms. Gilkey teaches from personal experience, and tenants listen because they know she really does understand their lives. She insists on meeting with the tenants in the housing project, not in a neutral location. Wherever she goes in this country or abroad, she never stays in hotels. She stays with tenants, sleeping on a couch or on the floor, wherever they can accommodate her.

CITES HER OWN CHILDHOOD

Although she still cries when she talks about her loveless childhood, Ms. Gilkey keeps talking about it so that everyone will know how far she has come, against what odds, and that others can do it, too.

She was born in a St. Louis housing project, the third of 15 children of a mother who had her first child at the age of 11. As a young girl, she said, she was abused and beaten by a violent grandfather, raped by her mother's boyfriend and sent out to earn her own living when she was 14.

She has supported herself since then, while at the same time earning a college degree and raising two children who are both in college. The pride was apparent in her voice when she said: "I'm the first member of my family on my mother's and father's side to break the welfare shackles. I was supposed to end up pregnant, in jail, on welfare, another statistic. But I did something with my life."

For Miller Homes, the true test will come next summer, when Ms. Gilkey stops coming every month. Mr. Hillman says he is "conservatively optimistic."

"The ultimate goal is that after Bertha Gilkey leaves, the tenants can live as if Bertha Gilkey was still here," he said. "The ultimate goal is that the tenants will learn from her and pass it on to new incoming tenants, that mothers will pass it on to her children, and children will pass it on to their children's children."

ESTONIAN INDEPENDENCE DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise to show respect and honor for a nation that has never given up its struggle for freedom. We are commemorating the 71st Anniversary of Estonian Independence. This small but proud nation has experienced only 20 years of independence since the 13th century.

Estonia has had a long history of being conquered and ruled ruthlessly by either Russia or Germany. In 1918, while under German occupation, the people of Estonia declared independence. For the first time this proclamation of independence was recognized by France, Great Britain, and Italy. This recognition by other nations was limited but very significant for Estonia's international status. No other nation had ever before recognized her independence.

It took another year before Estonia would be able to live freely under her newly proclaimed independence. For the next 20 years Estonians prospered and lived as a free people. They achieved high standards in education and literature, agriculture, and industry produced at their highest levels and Estonian culture flourished. Estonians should be proud of the impressive accomplishments they achieved during their short-lived democracy.

The outbreak of World War II had devastating effects on this new independent nation. In 1940 the Soviet Union once again invaded Estonia and used brutal force to absorb Estonia into the Soviet Union. The reign of terror began again, stripping all Estonians of their freedom and national identity. Germany also invaded this strategically located country causing the Soviet Union to flee. However, the Nazi's ruled with complete injustice and forced all people to work for Hitler. The end of the

war in 1941 brought the Soviet Union back into Estonia and the people found themselves being ruled once against under the iron hand of the Russians.

Post-WWII conditions proved to be even worse than living conditions under previous Russian rule. Estonians were deported and forced to leave their homes and cities in order to bring in new citizens from the Soviet Union. All private institutions became nationalized and farms were collectivized. Censorship was imposed on the press and personal mail. Travel inside the country was made very difficult. Soviet citizens today still continue to hold all top business and political positions, reducing Estonians to a second class minority in their own country.

Oppressive conditions still exist to this very day. The strong independent spirit the Estonians have as a nation has caused them to suffer greater hardships under Soviet domination. Their unwillingness to be absorbed into the Soviet culture has created a massive campaign by the Soviet Union to russify all Estonians. Soviet russification is eroding the very culture and life the Estonians have as a distinct people.

Estonians have fought for centuries for their freedom and are still struggling for basic human rights in 1989. This continual violation of human rights in our present day is an atrocity. The United States has never reconigzed the forced incorporation of Estonia into the Soviet Union and I am here today to reaffirm that position. I salute all those Estonians who have died in their fight for freedom and for those who still fight for that most cherished human right.

NATIONAL APPRENTICESHIP IMPROVEMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. OBERSTAR. Mr. Speaker, since Medieval times, apprenticeships have been an invaluable means of teaching skills and trades. History abounds with tales of master craftsmen and tradesmen teaching their skills to eager learners. Christopher Columbus, Leonardo da Vinci, Galileo and even the fictional Ebeneezer Scrooge gained knowledge through apprenticeships.

In 1989, the need for quality training filled by apprenticeship programs remains very strong. Modern apprenticeship programs place qualified applicants in training programs for high demand occupations for the mutual benefit of employers and employees. Key challenges for the United States in the coming decade and into the 21st century will be to eliminate the twin weights of the Federal budget and trade deficits and to retain our status as a world leader in research and development and economic growth. We will not achieve those goals unless we place productive educational programs like apprenticeship training high on our list of priorities.

Recent studies indicate that the majority of jobs created in the 1980's have been low-paying, low-skilled positions. Some of these positions are probably necessary for the continued smooth conduct of commerce in the United States. However, we cannot sustain our economic position or build a kinder, gentler nation without encouraging growth of reasonable wage skilled jobs. The keys to rebuilding America's competitive edge and to ensuring a prosperous future for our Nation are strong, forward-looking skills education and development. No better skills training method can be found than that which employs the knowledge of the masters of the trade: apprenticeship.

The Bureau of Apprenticeship and Training [BAT], an agency of the Department of Labor, is charged with the regulation and development of apprenticeship programs. The BAT staff and other resources are simply inadequate to perform that mission. The Bureau has been decimated by budget cuts in recent years. Since 1981, BAT has suffered staff reductions of 43 percent. BAT offices in several major metropolitan areas have been closed and several important services have been discontinued. Simultaneously, the need for skilled workers and apprenticeship programs has grown to crisis proportions.

Today, it is more important than ever that Americans train for a competitive future. The bill I am introducing today will allow the BAT to improve its assistance to existing apprenticeship programs and, through outreach and information gathering, develop new apprenticeship training opportunities. The bill establishes the Bureau of Apprenticeship and Training as an independent agency of the Department of Labor, and increases the number of full-time BAT employees to 377, the minimum number necessary to perform the essential functions of the Bureau. In addition, my bill reestablishes a national information collection system to evaluate the success of existing apprenticeship programs and to encourage development of programs in fields with current or projected opportunities.

President Bush wants to be the education President. He has also said our national will is strong but our wallet is thin. To enable our Nation to continue to compete successfully in an increasingly competitive world economy, Congress and the administration must support a strengthened and improved education and training system. As a member of the House Budget Committee, I am painfully aware of our thin wallet and the budget constraints we face. The National Apprenticeship Improvement Act addresses our training needs without emptying our wallet. The low-cost initiative would assist our Nation's businesses and their workers in their critical efforts to maintain and improve the quality of America's work force.

Apprenticeship training is conducted by private organizations and businesses, with no financial incentive from the Federal Government. A small Federal investment in the administrative, assistance, research, and outreach services provided by the staff of the Bureau of Apprenticeship and Training is likely to yield great returns in the number and effectiveness of apprenticeship programs in our Nation. The bill I have introduced today proposes a low-cost, high-yield investment in the lifeblood of our economy—a well trained work force. I strongly encourage my colleagues to support this legislation.

CONTRIBUTIONS OF BLACKS IN NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. RICHARDSON. Mr. Speaker, I want to call to the attention of my colleagues the outstanding contributions of 12 black Americans to the State of New Mexico. These men and women were honored this month, Black History Month, by the Albuquerque chapter of the National Association for the Advancement of Colored People for their service to their State and community.

New Mexico is recognized primarily for the Hispanic and Indian culture that has become woven into the fabric of America. But despite representing only 2 percent of our population, blacks for decades have played a telling role in the progress of New Mexico and its key institutions.

Those honored here today overcame prejudice and discrimination to record many firsts for their race. Further, they served as role models for the black community. But more significantly they improved the quality of life for all races by their perseverance, hard work and commitment to excellence in their respective professions or areas of voluntarism.

Those commended for their courage and sacrifices are: Dr. Charles Becknell, Juba Clayton, Tommy Jewell Jr., Albert Johnson, James A. Lewis, Lenton Malry, Abraham Lincoln Mitchell, Charlesetta Morrisey, Katherine and Pete Powdrell, Willie Walker Williams and Mamie Watson.

Dr. Becknell in 1970 founded the Afro-American Studies Department at the University of New Mexico and the New Mexico Black Leadership Conference. He also served as the State secretary for criminal justice from 1977–80.

Ms. Clayton became the first black to produce, direct, and act in local plays through her theater company, "Newchild Productions." She also directs the Afro-American Student Services at UNM.

Mr. Jewell became the first black judge in New Mexico. In January, he was rated the best judge by the State bar association.

Mr. Johnson, who passed away in 1984, was the first black mayor of Las Cruces in 1968. He also was the State environmental quality coordinator for the White Sands Missile Range.

Mr. Lewis, who passed away in 1947, was the second black doctor in Albuquerque. In 1920, he opened the People's Sanitorium for tuberculosis victims. He was also instrumental in desegregating New Mexico schools.

Mr. Malry was the first black principal in the Albuquerque public school system, the first black State representative and the first black county commissioner. He was also the school system's first black equal opportunity specialist.

Mr. Mitchell, who died in 1973, was recognized for his work in civil rights, Discrimination prevented him from being allowed to teach at the public schools in Albuquerque. He was instrumental in setting up New Mexico's first

NAACP chapter in 1915. He was among the first black New Mexican recipients of the United Nations Award.

Ms. Morrisey is a volunteer member of many community-minded organizations in Albuquerque, including the National Council of Negro Women, Women in Community Service, Church Women United, and the NAACP.

Mr. and Mrs. Powdrell have served as role models for Albuquerque youths. Successful entrepreneurs for 20 years, they operate three restaurants and employ more than 100 people.

Mr. Williams was recognized for his work in uniting the black community in Albuquerque. For many years he was the pastor of a local church.

Ms. Watson was also honored for her community service activities. She is the supervisor of the Psychiatric Services Unity at the city-county jail. In that capacity, she has counseled women and minority prisoners.

It is with great pleasure that I recognize these individuals for their splendid efforts on behalf of their race and all New Mexicans.

NATIVE AMERICAN SKELETAL REMAINS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, the Smithsonian currently has the remains of almost 19,000 native Americans in its possession. Indian remains make up 42.5 percent of the Smithsonian's skeletal holdings; whites comprise 20 percent; Eskimos, Aleuts, and Koniags, 11.9 percent; blacks, 5.1 percent; and others, 20.6 percent.

Approximately 4,000 of the native American skeletal remains within the Smithsonian's possession were acquired from the Army Medical Museum. Of these, about 3,400 are prehistoric—before 1500 A.D.—and 600 are historic—after 1500 A.D. The 600 historic remains were assigned tribal identifications by the Army Medical Museum but the Smithsonian supports the documentation provided on only 270 of them.

While most of the prehistoric skeletons were obtained by archeological excavation of native American grave sites and burial grounds, many of the 600 historic remains were obtained from the Army which systematically collected Indian bodies prior to the turn of the century. In some cases remains were stolen from existing native American cemeteries chiefly by Army personnel, and later transferred to the Smithsonian from the Army Medical Museum.

The Smithsonian contends that these remains are of considerable scientific value. The fact remains that these native American skeletal remains are being denied proper burial. They've already had 100 years to study most of them. Enough is enough.

I am introducing legislation aimed at reinterring the historic skeletal remains of native Americans within the Smithsonian's possession. I propose that a 2-year period for identification of these remains be granted. After such time, these remains should be returned to those Indian tribes that request them.

While other legislation has been introduced to cover both prehistoric and historic remains, this legislation is specifically designed to address historic remains which are more readily identifiable than those that are prehistoric in nature.

This proposal represents a reasonable and workable solution to this matter. It is also a step toward assuring that native American remains are treated the same and accorded the same respect as those of other citizens. Finally, it protects the fundamental rights of tribal descendants to ensure proper burial of the remains of their dead ancestors.

CREDIT REFORM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. GRADISON. Mr. Speaker, over the past 10 years, considerable progress has been made in credit budgeting. Once virtually ignored in both the congressional and executive budget processes, Federal credit programs now receive significant and explicit consideration in the formulation of fiscal policy.

Today I am reintroducing the comprehensive credit reform legislation that I introduced near the close of the 100th Congress. This legislation would achieve the basic yet elusive goal of credit reform—to reflect the true costs of Federal credit programs in the budget.

This is easier said than done. In pursuing this goal, Congress, on a bipartisan basis, and both Republican and Democratic administrations, have recognized the importance of correcting the distortions of the budget accounting practices for credit programs. These practices overstate the costs of direct loans and understate the costs of loan guarantees. Credit programs also tend to escape the scrutiny commonly applied to noncredit programs. As a result, we not only have difficulty comparing credit to noncredit programs, but we also have distortions in resource allocation because our inappropriate accounting practices send false cost signals.

The underlying principle of credit reform is to create a level playing field, not only between credit programs—direct loans and loan guarantees—but also between credit and noncredit programs.

Over the years, the question of how to measure the costs, or subsidies, of credit programs has occupied considerable attention. So, too, has the question of how to incorporate theory into practice; that is, actually determining or estimating the subsidies of credit programs and recording them in the budget. While no complete consensus has emerged, a convergence of views has. This thinking was incorporated in earlier versions of the bill—H.R. 1745 and S. 745—that were introduced in the 100th Congress. The bill I am introducing today is identical, except for the year in the title, to H.R. 5568, which I introduced on October 21, 1988. This bill was a major initiative of the previous administration and was developed as a result of extensive cooperation and consultation between Hill and OMB professional staffs. President Bush has confirmed his support for credit reform—see, for example, page 20 of his budget document, "Building a Better America," February 9, 1989.

The principal change in this legislation compared to H.R. 1745 and S. 745 is the elimination of the requirement to sell loan assets in order to determine subsidies. Under the new proposal, these costs would be estimated.

Importantly, under credit reform Federal agencies would continue to administer credit programs. They would continue to originate direct loans and loan guarantees and to collect repayments, interest, and fees as they now do. Agency accounts would reflect the subsidy costs and these costs would be appropriated as are most noncredit spending programs. No congressional committee would be either advantaged or disadvantaged in terms of their budgetary resource allocations.

I am pleased that the following Members are joining me as original cosponsors: Representatives ARMEY, BEILENSON, BUECHNER, GREEN, HOUGHTON, NANCY JOHNSON, and REGULA.

FLORIO HONORS DR. HAROLD A. MILLER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I take this opportunity to bring to the attention of my colleagues an educator who, after 30 years of community service, retired as principal of the Cinnaminson Middle School on August 31, 1988. I am referring to my constituent, Dr. Harold A. Miller, of the First Congressional District in New Jersey.

Dr. Miller began his career in education in 1950 with the Camden Board of Education until joining the Cinnaminson school system in 1955. Proving himself as a motivated teacher and competent administrator, Dr. Miller became vice principal of junior-senior high school in 1964 and principal of the middle school in 1969. Throughout this time, he pursued his masters degree in education and administration and obtained a doctorate of eduation from Temple University in 1972. It is, therefore, evident that his commitment to the benefits of a full education were proven not only by his words, but by his deeds as well.

The attainment of the best education for the students was consistently an objective of Dr. Miller. Through his membership with the National, New Jersey, and Burlington County Education Associations, Dr. Miller constantly strived to discover the most improved curriculum and advanced educational techniques. It is by no accident that the superior education received by many of the students within the Cinnaminson District came about under the stewardship of Dr. Miller.

Mr. Speaker, on March 8, 1989, Dr. Miller will be honored by the community he served so well for his many years of dedication and service. Please join me in saluting Dr. Miller

and wishing him much success and happiness in the many years to come.

TRIBUTE TO REV. LEROY BOWMAN

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a very special member of my community and to express my appreciation for his work and commitment to the city of Annapolis. Rev. Leroy Bowman's endeavors include a range of community achievements from aiding in the desegregation of public housing to establishing day care centers in various communities for young mothers.

Following his retirement of 37 years as a civilian employee in the Office of the Treasury, Reverend Bowman was appointed as a commissioner for the Annapolis Housing Authority. Reverend Bowman's hard work and determination lead to his gradual advancement to acting director of the housing authority, where much of his efforts were focused on the needs of the elderly. Consequently, Reverend Bowman worked with the State Department on Aging to establish sheltered housing programs which prevented premature institutionalization of the elderly.

Reverend Bowman's efforts have also extended to the spiritual community. Despite his detailed involvement in the Housing Authority, Reverend Bowman has performed 46 years as pastor of the First Baptist Church in Annapolis, Maryland, where my friend has enhanced the lives of people of all ages: local youth; and midshipmen from the U.S. Naval Academy.

Reverend Bowman's time and effort have greatly contributed to the Annapolis community. It is with great admiration and pride that I thank Reverend Bowman after his recent retirement from the housing authority, for all his years of service to the Annapolis community.

THE CONGRESS BICENTENNIAL PROGRAM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. ANNUNZIO. Mr. Speaker, during this Bicentennial Year of the Congress, the Library of Congress has planned a series of events to celebrate this important occasion. My colleagues have already seen the banner hanging from the James Madison Memorial Library Building announcing Congress' Bicentennial.

As chairman of the Joint Committee on the Library, it is my pleasure to give you the calendar of events for the Library of Congress celebration.

I commend James H. Billington, the Librarian of Congress, and his staff for their vision in presenting such a program. I urge my colleagues to participate in these events whenever possible:

THE LIBRARY OF CONGRESS—CALENDAR OF EVENTS

THE CONGRESS BICENTENNIAL PROGRAM

February 8: The Tides of Party Politics: Two Centuries of Congressional Elections, 1789–1989. A cartographic exhibition of the one hundred congressional elections from 1789–1989.

February 9–10: Understanding Congress: A Bicentennial Research Conference. A seminar sponsored by the Library's Congressional Research Service, with the U.S. House and Senate Commissions on the Congressional Bicentennial.

March 8–9: Knowledge, Power and the Congress. A Library of Congress Council of Scholars symposium.

March 22: Sixth Annual Forum on Federal Information Policies. A conference sponsored by the Federal Library Information Center Committee.

Summer: Educator's Institute. A two-week institute for teachers and librarians offering the opportunity to study Congress.

September 28: "To Make All Laws": The Congress of the United States, 1789–1989. A major exhibition depicting how Congress has grown and developed over the past 200 years, and how its labors have shaped our history and our lives.

The exhibit will be accompanied by a companion volume, written by Dr. James H. Hutson, Chief of the Library's Manuscript Division.

October 1989–December 1990: "To Make All Laws": The Congress of the United States, 1789–1989. A national circulating exhibition which will tour to 30 libraries around the country.

November 6: Public Property: Images of American Government. A small exhibit focusing on government as conveyed in American prints, drawings, and architecture.

Fall: The Congress Portfolio. An educator's resource packet and display for schools and libraries.

Fall: A Salute to the Congress. The American Society of Composers, Authors & Publishers (ASCAP) joins the Library to host an evening of popular music.

Fall: Biotechnology and the Congress. A symposium jointly sponsored by the Library's Council of Scholars and the Library's Congressional Research Service.

Winter: My Dear Wife: Letters From Congressmen to Their Wives. An exhibition of letters from Congressmen to their wives.

January 1990: Senate Bicentennial Film Festival. A festival drawing on the Library's national collections of motion pictures and televised productions.

Year-long: Congress in the Year 2000. A special study and collection of commissioned papers, undertaken by the Library's Congressional Research Service.

TRIBUTE TO STATE SENATOR HENRY KIRKSEY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. ESPY. Mr. Speaker, today I would like to turn our attention to a man who dedicated his life to improving the quality of life for all Mississippians—State Senator Henry Kirksey.

He is known as a virtual icon, a tireless warrior of unsurpassed integrity, courage, dedication, and intellect. He is the architect of political progress and empowerment in Mississippi.

Without a doubt, Senator Kirksey is responsible for my election in 1986 as the first black Congressman from Mississippi since Reconstruction. He, along with other Mississippians, fought for years for the lawsuit which resulted in a black-majority district.

Through his years of public service, he has waged a lonely campaign to expose the corruption and mismanagement which have helped to keep Mississippi on the Nation's economic floor.

Recently, Mississippi Gov. Ray Mabus was successful in pushing a local referendum for the country unit system. But, before the unit system became popular, Senator Kirksey issued the call for county government reform. Before passage of the State's education reform act, Senator Kirksey was a champion of education, fighting for constitutional changes to create a lay board of education, compulsory school attendance, statewide kindergartens, and consolidation of the State's 154 school districts. Since the 1960's, he has been an advocate for increasing teacher's salaries.

Mississippi has made significant progress since the 1965 Voting Rights Act, but change did not always come willingly. Electoral schemes were devised to dilute the effectiveness of blacks' vote. But, Senator Kirksey figured out the schemes, exposed them one by one, then defeated them in Federal court.

As a result, the State now boasts more black elected officials than any other State. Once all-white State, county, and municipal governments, including the State's capitol, Jackson, now include blacks, as does the State legislature.

Almost 2 years since retiring from the State senate, the historic progress forged by Senator Kirksey will be evident again this April when Mississippians go to the polls to elect county, chancery, and circuit court judges. Because of his successful 1986 lawsuit, Kirksey versus Allain, which virtually no one thought he could win, blacks will have the chance to elect several black attorneys to judgeships, finally gaining a substantial voice in the legal process.

Now, for the first time, blacks in Mississippi will be able to interpret the law and make crucial decision about its application. Kirksey versus Allain has impacted across America, for it represented the first time the Voting Rights Act has been applied to judicial elections.

Senator Kirksey has never been one to worry about whether or not his positions were popular, not the consequences for himself. More than once he has run for offices when the prevailing wisdom was there was no way he could win: Governor in 1975, U.S. Senate in 1978, mayor of Jackson in 1985, Lieutenant Governor in 1987.

But, for Senator Kirksey winning constitutes far more than just getting the most votes. In a State where for too long blacks did not run for office, Senator Henry Kirksey blazed a trail for others to follow.

A man of incredible humility and modest means, for years Senator Kirksey has neglected his own personal needs for the needs of his community. He still spends countless hours in his office, analyzing economic, edu-

cational, and political data, devising strategies, not to make money, but to make Mississippi and America what it ought to be. His work is his reward, the progress toward equality, his fulfillment.

Take the courage of John Brown, the intellect of Frederick Douglas, the resourcefulness of Harriet Tubman, the uncompromising passion of Malcolm X, combine them with a perserverance and modesty all his own and add an ardent love for genuine democracy, and you begin to understand Henry Kirksey. He is truly a great Mississippian, an even greater American. He epitomizes the very best of our history.

NATIONAL GRADUATE AND PROFESSIONAL STUDENT AWARENESS WEEKEND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. FASCELL. Mr. Speaker, I rise today to recognize the valuable contributions, present and future, of today's graduate and professional students. Without a doubt, these are the future teachers and leaders of our great Nation. On March 2, 1989, the National Association of Graduate-Professional Students will hold its Third Annual National Conference at the University of Miami. To commemorate this meeting, I have introduced House Joint Resolution 77, declaring March 2 through March 5, "National Graduate and Professional Student Awareness Weekend."

As these hard working young men and women prepare for their annual conference, I think it is important to realize the value and impact of their training on the future of our Nation and our world. Many of our colleagues were once graduate or professional students while other former graduate and professional students are now the medical, legal, scientific and educational leaders in our Nation. Realizing their important role, the State of Florida has declared March 2 through March 5 as "Graduate Student Awareness Weekend." I am pleased that this fine group has been so duly recognized by my fellow Floridians, and I am happy to stand here today to honor them myself.

Many of these graduate and professional students barely make ends meet while they pursue their academic studies, and we need to recognize the sacrifices they are willing to make, for, if we cannot recognize their dedication and sacrifice today, we surely will not appreciate their accomplishments and achievements tomorrow. Mr. Speaker, as one who does appreciate these men and women, I wish to call our colleagues' attention the text of House Joint Resolution 77 as well as a list of our colleagues who have joined in sponsoring this resolution.

H.J. RES. 77

Whereas graduate and professional students serve vital roles in education;

Whereas graduate and professional students will be the researchers and educators of tomorrow;

Whereas graduate and professional students have organized themselves to present a unified voice as the National Association of Graduate-Professional Students; and

Whereas the National Association of Graduate-Professional Students represents graduate and professional students of all and diverse backgrounds from institutions throughout the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weekend of March 2 through March 5, 1989, coinciding with the National Association of Graduate-Professional Students Annual National Conference, is designated as "National Graduate and Professional Student Awareness Weekend", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weekend with appropriate ceremonies and activities.

LIST OF SPONSORS OF HOUSE JOINT RESOLUTION 77

Mr. Fascell, Mr. Lehman of Florida, Mr. Pepper, Mr. Smith of Florida, Mr. Dymally, Mr. Donald E. Lukens, Mr. Fauntroy, Mr. Levin of Michigan, Mr. Mavroules, Mr. Coleman of Missouri, Mr. Roe, Mr. Erdreich, Mr. Fuster.

Mr. Horton, Mr. Russo, Mr. Waxman, Mr. Owens of New York, Mr. Hughes, Mrs. Saiki, Mr. Evans, Mr. McDermott, Mr. de Lugo, Mr. Kolter, Mr. Fish, Mr. Bonior, Mr. Engel.

Mr. Fazio, Mr. Towns, Mr. Martinez, Mr. Lagomarsino, Mr. Lantos, Mr. Bruce, Mr. Gordon, Mr. Cooper, Mr. Bliley, Mr. Leach of Iowa, Mr. Flippo, Mr. Porter, Mr. Parker.

VOCATIONAL EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. HAWKINS. Mr. Speaker, today Congressman GOODLING and I are introducing legislation reflecting the recommendations of the American Vocational Association for revision to the Carl D. Perkins Vocation Education Act.

The Perkins Act expires during this Congress and the Committee on Education and Labor will begin hearings on March 7 in order to prepare for reauthorization of that act. Having the views of the AVA in legislative form will be very helpful to the committee as we prepare our own bill to extend the act. The American Vocational Association is the foremost organization representing vocational educators throughout the country. The Congress has therefore long paid special attention to the recommendations of the AVA in that area.

The committee will soon be writing its own legislation to revise the Perkins Act. We hope that this bill will help to modernize vocational education so that it can help the United States become much more competitive in a world economy.

We are including in this part of the RECORD a summary of the AVA recommendations:

SUMMARY OF VOCATIONAL EDUCATION BILL

AUTHORIZATION AND FUNDING

The AVA bill would increase all funding levels to account for inflation and provide an "open-ended" authorization period similar to that of the Job Training Partnership Act (JTPA). The bill would also remove a 2 percent set-aside of State basic grant funds for Title IV national programs and, instead, give each national program its own separate authorization.

FEDERAL GOVERNANCE/ADMINISTRATIVE CHANGES

The AVA bill would provide that the Office of Vocational and Adult Education (OVAE) be authorized in Title I of the Perkins Act. It would spell-out essential functions necessary to run the Office and transfer those functions from the Secretary to the Assistant Secretary. The bill would require the President to nominate an Assistant Secretary with a vocational education background and require key staff to be experienced.

SOLE STATE AGENCY AND STATE GOVERNANCE

AVA's bill would retain the sole State agency provisions of current law and make certain modifications to increase State planning flexibility. The bill would also require that State directors of vocational education be qualified by experience.

SPECIAL POPULATIONS AND PROGRAM IMPROVEMENT SET-ASIDES

AVA's bill would maintain the existing balance of Title II Basic State Grant funds at 57 percent for special populations (Part A) and 43 percent for program improvement (Part B). Existing set-aside for special populations within Part A would be maintained, but to promote State program consistency and allow for State-to-State variation, with the approval of the Assistant Secretary, States would be able to transfer up to 20 percent of any one special population category to another category.

SECONDARY AND POSTSECONDARY VOCATIONAL EDUCATION

The AVA bill would provide that, of each State's basic grant allotment under Title II, at least 25 percent be available for secondary vocational education and at least 25 percent for postsecondary vocational education, including education for adults in out-of-school settings.

VOCATIONAL STUDENT ORGANIZATIONS

AVA's bill would emphasize the importance of vocational student organizations (VSOs) by requiring that Federal and State staff have an understanding of VSOs and by giving members of student organizations visibility on State and Federal advisory bodies.

TITLE III—SPECIAL PROGRAMS

AVA's bill would maintain each of the existing special programs provided by Title III including: assistance for community-based organizations serving disadvantaged youth; consumer and homemaking education; adult training, retraining, and employment development; comprehensive career guidance and counseling; and industry-education partnership for training in high-technology occupations. In addition, AVA's bill would integrate the Tech-Prep Education Act (H.R. 22) into the Perkins Act as a new Part F under Title III—Special Programs.

ACCOUNTABILITY AND THE NATIONAL VOCATIONAL EDUCATION DATA SYSTEM

AVA's bill would re-establish the National Vocational Education Data System with new requirements to provide for national program accountability, assure broad representation in its design and guarantee the relevance of data to State and local needs. It would also create up to ten leadership research institutes to improve teacher train-

ing and prepare the field to respond to the needs of the labor market and special populations.

PROFESSIONAL DEVELOPMENT

AVA's bill would create a new personnel development program in Title IV to provide opportunities: (1) for experienced vocational educators to spend time in advanced studies; (2) for vocational teachers to upgrade their skills; (3) for certified teachers trained in other fields and for persons in business and industry to become vocational educators; and (4) for gifted and talented vocational education students to be recognized.

MINORITY INSTRUCTOR RECRUITMENT

AVA's bill would place new emphasis on recruiting instructors from minority groups, as well as educators with experience teaching persons with limited English proficiency. The bill would further provide a new cooperative demonstration program aimed at attracting minorities to preparation for leadership within the field of vocational education.

LIMITED ENGLISH PROFICIENCY VOCATIONAL TRAINING

AVA's bill would authorize a new program of targeted assistance for the limited English proficient. The program would provide: (1) vocational education, training and worksite programs which integrate English language instruction into the curriculum; (2) vocational skill training for finding and keeping a job, designed specifically for persons with limited English proficiency; and, (3) special services which address the barriers imposed by cultural and language differences.

THE DORGAN/OAKAR TASK FORCE RECOMMENDATIONS ON THE SOCIAL SECURITY RESERVE AND DEFICIT REDUCTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, following are the recommendations of the Task Force on the Social Security Reserve and Deficit Reduction:

THE DORGAN/OAKAR TASK FORCE RECOMMENDATIONS ON THE SOCIAL SECURITY RESERVE AND DEFICIT REDUCTION

CURRENT SCENARIO

Few things are more predictable than the retirement of the baby boom during the next century. In an effort to prepare to meet this challenge, the 1983 Amendments to the Social Security Act were designed to assure the long-term financial integrity of the Social Security system. Payroll taxes and benefit provisions were restructured to keep the system solvent as the baby boom reaches retirement age. The result of this was that large fund balances would be built up over the next four decades and then, thereafter, drawn down.

Although the 1983 Amendments took action to exclude the Social Security accounts from calculations of the federal budget, they are specifically included in measurements of the deficit until FY 1993 under the Gramm-Rudman-Hollings law. After that time the Social Security accounts will be excluded from calculations of the federal deficit.

The annual "surplus" or reserves in the Social Security trust funds will be considerable. (In this report, the term "surplus" will be used to connote the annual excess of income of the trust funds over their outgo, even though this is not a proper usage of this term in accounting and actuarial terminology.) The trust fund surplus will represent 0.9 percent of the nation's Gross National Product (GNP) in 1989 and will increase to 1.5 percent by 1993 to $139 billion. During this same period the deficit in the operating budget is projected to reach $236 billion or almost 4 percent of GNP in 1993 if no further actions are taken to reduce it, according to the Congressional Budget Office. Factoring in Social Security reserves as offsets cuts the deficit nearly in half. The Social Security trust funds thus become a major factor in efforts to achieve the Gramm-Rudman-Hollings deficit reduction targets. (All figures quoted here for the long-range situation are from the intermediate-cost estimates of the 1988 Trustees Report.)

The Social Security trust fund surplus is projected to be $56 billion in FY 1989 and will grow to $97 billion in FY 1993. As shown below, these resources have become a major element in deficit reduction strategies:

[Billions of dollars]

	1989	1993
Federal Deficit without Social Security Surplus	211	233
Social Security Surplus	56	103
Federal Deficit including Social Security Surplus	155	129

Source: Congressional Budget Office, current policy estimates (1/15/89).

By law, the Social Security Surplus is invested in securities guaranteed as to principal and interest by the federal government. These funds represent claims on future resources which under the present method of financing must be repaid to the Social Security System.

Concern had recently increased about the practice of including the Social Security trust funds in calculating the budget deficit because additions to these reserves ought not to be an excuse for large deficits in the rest of the budget. They should instead be used to increase the federal government's contribution to national savings, capital formation and future economic growth.

The reserves in the Social Security trust funds are intended to provide a cushion to fund future retirement needs of the baby boom generation. If the reserves are not saved, and the budget is not balanced without the trust-fund surplus, this nation won't really be accumulating additional resources to help meet future retirement claims.

TASK FORCE DEVELOPMENT

Under the direction of the Speaker of the House Jim Wright, Congressman Byron L. Dorgan and Congresswoman Mary Rose Oakar convened a panel of experts to look at the issues of the inclusion of the Social Security accounts in federal deficit calculations. Although the bipartisan group represented a wide variety of opinions and perspectives on deficit reduction as well as other economic issues, they agreed on the importance of assuring that the Social Security reserves are not misused and on the need to increased national savings, capital formation and future economic growth.

Following is a listing of the task force members:

Congressman Byron Dorgan and Congresswoman Mary Rose Oakar, Co-Chairpersons.

Henry J. Aaron, Brookings Institution.

Robert M. Ball, Independent Consultant.

Barry P. Bosworth, Brookings Institution.

Robert J. Myers, Independent Consultant.

John Palmer, The Urban Institute.

Charles L. Schultze, Brookings Institution.

Joanne R. Crosson, Douglas Norell, Andrew Kentz and Jeff Morelli (staff assistants).

TASK FORCE ISSUES

Although the group focused primarily on the issue of removing Social Security from the Gramm-Rudman-Hollings deficit calculations, a number of related questions and concerns were identified:

Will the presence of higher deficit targets propel Congress to quicker action on the deficit? Or, will large Social Security surpluses lull policy makers into doing less to balance the budget than they otherwise would?

It is the task force's belief that more realistic budgetary targets will elicit greater political effort and willingness on the part of the public to sacrifice more. Removal of the Social Security surpluses from deficit accounting will encourage lawmakers to act to reduce the deficit more quickly and encourage the government to save more.

Removal of the Social Security trust funds from calculations of the federal deficit may prompt a review of other trust funds as well. At issue is whether some of these trust funds should also be off-budget or whether it is more advantageous to have a more unified budget reflective of total government revenues and expenditures.

Strategies for removing the Social Security accounts from the Gramm-Rudman-Hollings deficit calculations should fit into a larger policy context that considers total investment, increased national savings, deficit reduction and capital investment.

TASK FORCE CONCLUSIONS

In light of the above considerations, the Dorgan/Oakar task force has concluded that the Social Security accounts should be removed from the federal deficit calculations. A summary of the reasons stated by the Task Force Members follows.

1. The current practice of using Social Security trust fund surpluses to offset current government expenses means that these surpluses are not adding to savings and investment that would reduce the burden to future workers of supporting the baby boomers during retirement. The trust funds should instead be used to increase national savings and enhance capital formation. The current generation should supply future generations with a larger capital stock, thereby reducing the burden of its own retirement benefits.

2. The future costs of providing for an aging population argue in favor of a greatly increased rate of national savings today. Instead, the current United States savings rate is barely one-third of its average from 1950 to 1980. Spending and savings patterns should be altered to generate surpluses at the federal level. Greater long-term growth will incease the ability of future generations to redeem the trust fund debt.

3. The practice of including Social Security receipts in order to reduce operating deficits amounts to using a system of regressive wage taxes to offset general fund outlays that were previously financed with more

progressive personal and corporate income taxes.

4. Although the Social Security accounts are projected to run surpluses until around 2030, after that time, under present law government bonds must be redeemed to provide pensions to beneficiaries. The redemption of these bonds and transfer of these funds to the public will be a drain on resources.

On the other hand, if national saving is enhanced and productively invested between now and 2030, capital formation, future incomes and consumption will all rise. Such increases will ease the burden to future taxpayers of supporting baby boom beneficiaries.

The Social Security trust funds represent an opportunity for current workers to save for their retirement. If the reserves in the Social Security trust funds are to be of any real benefit in easing the financial burden of the baby boomer's retirement, efforts must focus on enhancing economic growth in the interim, so that the total economic pie that is available to be divided up among the retired and working population is larger than it otherwise would have been. This will be the case only if the Social Security surpluses, which are a form of public savings, result in higher savings and investment than would otherwise occur. But, they cannot have this effect if they are used simply to offset current deficits in other federal accounts.

5. The Social Security trust fund surplus should no longer be used to mask the budget deficit. Instead, the goal should be to bring the budget into balance exclusive of the Social Security accounts. Since Social Security is funded through dedicated payroll taxes, neither should benefits be reduced to offset deficits elsewhere in the budget.

6. Efforts should be made to learn from other nations which have had actual surpluses in their Social Security systems (Japan, Canada and Sweden), what mix of real investments—corporate and government securities, housing, and education—best serves the public and good while preserving funds for future retirees and increasing the stock of future assets.

POLICY OPTIONS

A number of strategies have been proposed for removing operations of the Social Security trust funds from the federal deficit calculations. Following is an overview of these options:

a. Remove the operations of Social Security from the deficit calculations now.

b. Begin now to reduce the amount of Social Security reserves that may be counted towards deficit reduction. Completely phase out the use of the reserves in deficit calculations by 1993.

c. Another strategy centers on waiting to fully determine the impact on other social programs before action. This recommendation includes waiting for the expiration of the Gramm-Rudman-Hollings law in 1993 and, the, extending it but gradually removing the annual Social Security surpluses from consideration in increments of $30-$35 billion.

An evaluation of the impacts of removing the Social Security accounts from the Gramm-Rudman-Hollings deficit calculations hinges on assumptions regarding spending levels for defense and nondefense appropriations. Consideration of tax policies, spending habits and savings patterns is also important.

According to the Congressional Budget Office, "In the longer run, the choice of a fiscal target turns on questions of national savings and investment, both domestic and foreign." The Dorgan/Oakar task force recommends that Congress select an option that fits into a larger deficit reduction plan which increases the likelihood of creating a larger capital stock and increased national savings to provide us with the means of paying future baby boomer retirement claims.

A TRIBUTE TO CHIEF VICTOR W. MENTINK

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Chief Victor W. Mentink on the occasion of his retirement from the city of Davis, California Police Department. On March 18, a retirement dinner will be held in Davis to honor Chief Mentink; I hope my colleagues will join me in honoring him here today.

Chief Mentink has served his country, community, and profession in an exemplary fashion. He served in the United States Army in Korea from 1953 through 1955 as an infantry operations intelligence specialist. In 1957, while studying criminal justice at California State University, Sacramento, he began his career as a police officer for the city of Davis. This marked the start of a distinguished 32-year career in law enforcement. He has served as chief of the Davis Police Department for the last 9 years. The high degree of loyalty, dedication, and professionalism Chief Mentink has shown throughout his career will be missed by all who have had the opportunity to work with him.

As he begins this new chapter in his life, it is only appropriate that we remember his accomplishments. He was cofounder of the city of Davis arson and bomb investigators' team, which later became the Yolo County arson and bomb unit. He also founded and directed the Davis police reserve program. Chief Mentink serves as a member of the California Peace Officers Association, Davis City Employees Association, the California Police Chiefs Association, and the International Association of Police Chiefs. In addition to his outstanding service with the police department, he has also taught in the criminal justice department at California State University, Sacramento.

Chief Mentink has shown a deep commitment to the community of Davis. He belongs to the Rotary Club, the Lions Club, the Optimist Club, the Davis High School Boosters Club, and serves on the board of directors for the Davis Little League and Cub Scout Pack 472. After his retirement, Chief Mentink plans to stay active in the Davis community

I would like to take this opportunity to thank Chief Mentink for his many years of dedication to the Davis Police Department and the entire Davis community. I know my colleagues will join me in congratulating Chief Mentink on his retirement and in wishing him the best of luck in all his future endeavors.

VOCATIONAL EDUCATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. GOODLING. Mr. Speaker, Chairman AUGUSTUS F. HAWKINS and I are introducing a bill which reflects the changes sought by the American Vocational Association to the Carl D. Perkins Vocational Education Act. This program will expire on September 30 of this year.

We are pleased to introduce this bill on behalf of the AVA and hope it will enhance the discussions regarding the reauthorization of the act. The subcommittee will begin hearings in March to learn about the changes needed to the program. We hope to find ways to strengthen and coordinate the Federal effort. As the American Vocational Association has been the premier advocate of vocational education, we appreciate the advice given to Congress by the AVA. We introduce their bill to shed light on issues considered in the reauthorization.

Given the competition of our global economy, the changes in our technical industries, and the need for a literate, well educated workforce, we must find ways to strengthen our Federal effort in vocational education. I look forward to working with Chairman HAWKINS on the reauthorization of this important Federal program and am pleased to introduce the AVA bill with him.

SSI REFORM PACKAGE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. MATSUI. Mr. Speaker, on February 6, 1989, Congressman DOWNEY, Congressman MILLER, and Congressman ROYBAL joined with me to introduce three bills, which, taken together, would make the Supplemental Security Income [SSI] Program fairer and more responsive to the truly needy it is intended to serve. The following is a section-by-section summary of the provisions of the third bill in this SSI reform package, H.R. 868:

SUMMARY OF SSI DISABLED AND BLIND CHILDREN ACT OF 1989, H.R. 868

Section 1. Short title: "SSI Disabled and Blind Children Act of 1989."

Section 2. Definition of disabled children.

(a) Requirement for individualized assessments.

This provision assures that, in determining whether a child is eligible for SSI disabled or blind child's benefits, the Secretary will look at each child individually and consider all of the child's functional limitations.

(b) Presumptive disability for certain genetic or congenital impairments for children age 3 and younger.

In order to avoid the problems currently created when the Secretary denies benefits to a very young child with disabilities because the child can not be properly tested until he or she is older, the Secretary will be required to presume that a child who is born with genetic or congenital impairments

is disabled if it is probable that, when tests become more sophisticated, the tests would show that the child is disabled. This rule will apply to children age 3 and younger.

(c) Immediate publication of childhood mental impairment listings.

The Secretary will be required to publish a notice of proposed rulemaking [NPRM] on the "Revised Childhood Listings of Mental Impairments." The notice must be published within 30 days after enactment. The contents of the listings should be those submitted by the Mental Impairments Listing Workgroup to the Associate Commissioner for Disability on April 1, 1986. If the contents are different, the Secretary is required to explain in the NPRM what the differences are and why they exist.

(d) Review of all childhood listings

The Secretary will be required to solicit the advice of experts in childhood disability on changes which should be made to the children's "Listing of Impairments" so that they will take into account medical and functional rules which are appropriate to the age of the child. The Secretary is then required to publish the proposed revisions for comment within 18 months of enactment.

Section 3. Amendments related to resources

(a) Determination of family resources counted as available to a disabled or blind child

This provision changes the current rule for counting a family's resources so that it will more fairly take into account that other members of the disabled or blind child's family, particularly other children who are not disabled or blind, have needs which the family must also meet.

Under the new rule, the Secretary would apply the same resource exclusions which exist for individuals, with one exception. In calculating the amount of countable resources which will not be considered to be available to the disabled or blind child, the Secretary will not count an amount equal to the SSI individual's countable resource limit (this year, $2000) multiplied by the number of parents and siblings (other than the disabled or blind child) in the family.

(b) Treatment of income-producing property

In cases where a parent or spouse of a disabled or blind person has income-producing property, the Secretary will be required to exclude the value of the resource but to count the value of the income which is generated by the property.

The effect of this change will be to eliminate the Secretary's current rule, known as the "$6,000/6% rule." The person (or his child or spouse) is not eligible for SSI if the value of the property is more than $6,000 or it does not provide a return of at least 6% annually. This rule has been applied to the detriment of poor rural families to exclude their disabled children from the SSI program simply because the farm parent has more than $6,000 in equity in his farm equipment or has not been able to earn a 6% return on the property. Under the proposed language, the income generated by the property will simply be counted in deciding whether the child is eligible for SSI benefits.

Section 4. SSI disabled and blind children eligible for Medicaid in all states

Disabled and blind children whom the Secretary determines are eligible for SSI benefits will be eligible for Medicaid benefits in all states, including in "section 209(b)" Medicaid states.

Section 5. Effective date

Unless otherwise provided in the Act, the provisions of the Act will take effect on January 1, 1990.

IN MEMORY OF CHARLIE FEELEY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. FRANK. Mr. Speaker, on Monday, February 20, the residents of Newton, MA, suffered a very sad loss. With the death of Charlie Feeley, we lost someone who was, for a whole city, a good person, a good cop, and a good friend.

Charlie Feeley spent a long career on the Newton Police Department where he showed a degree of commitment to the welfare of other people that distinguishes police service at its best. While serving on the police force, Charlie Feeley became a certified safety officer back before most people had ever heard of this specialty, and he put his knowledge to excellent use by teaching thousands of Newton young people how to negotiate safely in urban traffic. He went on to found the Community Relations Program in the city, and before retiring as a lieutenant in 1984, after 42 years as a proud wearer of the city's police uniform, Charlie Feeley served the citizens of our city in a wide variety of ways.

Not surprisingly, for Charlie retirement was simply a chance to move full time into a kind of work he had done part of the time. He became very active on behalf of older people, serving as a radio talk show host on WNTN, and chairing the Newton Council on Aging. In all of these positions Charlie performed with a degree of dedication, expertise, and friendliness that always made him a pleasure to be around.

And it is that characteristic of friendliness that many of us will long think about when we think fondly of Charlie. He was above all a friend: To the children whom he taught about safety; to worried and frightened people who turned to the Newton Police Department for help or protection; to older people on whose behalf he was a vigorous and thoughtful champion; to myself and dozens of other elected officials who relied on him as a source of advice and counsel; and to, it seemed almost everybody in Newton who knew Charlie, loved him, and drew strength from his friendship.

Mr. Speaker, Charlie Feeley was an extraordinary human being and at least on this one occasion I know I speak for virtually everyone in my home city of Newton when I express our sadness at his death, and our gratitude that we had the chance to know and live with him for so long.

RESTORE UNFPA FUNDING

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. KOSTMAYER. Mr. Speaker, Congress will soon be debating the matter of U.S. Government support for the U.N. Population Fund, the largest multilateral organization providing family planning assistance for countries of the developing world.

Since 1986 the United States, for years the largest contributor to UNFPA, has contributed nothing at all to the Fund. But global population stabilization is a major issue in a world where 90 countries may double their current populations within only 30 years. And it is an issue that can be solved without an outrageous expenditure of money, but with common sense and coordination.

I am submitting for the RECORD an article from the Christian Science Monitor by Werner Fornos, president of the Population Institute, which provides background on this vital issue that enormously effects the world's environment, employment and food supply:

[From the Christian Science Monitor, Feb. 27, 1989]

STERILE POLICY

(By Werner Fornos)

The Chinese term *hau pengyu* means "old friend," but it goes well beyond a reference to acquaintanceship and connotes a special, lasting bond. It is brought to mind by President Bush's meeting in Beijing with the leadership of the People's Republic of China. The President renewed old friendships, but there is one issue that has strained the relationship lately.

During the last four years of the Reagan administration, the United States government has repeatedly accused the Chinese government of using coerced abortion and involuntary sterilizations in its national family planning program.

The charges led directly to the Reagan administration's declaring the United Nations Population Fund (UNFPA) ineligible for US funding because it contributes $10 million annually to China's $1 billion family planning program (which the administration somehow construed as sufficient evidence that the UN agency "participates in the management" of the Chinese program).

By using the charges against China to cut off funds to the largest and most effective multilateral organization providing family planning services to developing countries, the US government did a great disservice to countries whose demand for population assistance exceeds the aid currently available for this purpose.

President Bush can bring this fiasco, in which the US has turned its back on a UN agency it was instrumental in establishing, to an abrupt and overdue conclusion by accepting China's repeated assurances that it alone manages its programs.

Failure to address the problem now will, in all likelihood, ensure a diplomatic confrontation when the 48-nation UN Population Fund governing council meets in June. At that meeting a $57 million contraceptive technology assistance program for China will be proposed and debated.

The US is one of the 48 nations represented on the council, which is the proper forum

for criticizing a UN agency's actions and raising questions of human rights violations in programs the UN funds. Interestingly enough, the US delegate to the council voted for the family planning grant to China from which the US has withdrawn its assistance.

The Bush administration should resume contributions to UNFPA with the stipulation that American dollars won't be spent in any family planning program that includes coercion or other violations of human rights.

Furthermore, the President, who has the responsibility for making this determination, can declare that a 1 percent contribution to a program does not constitute participation in its management. Then the US will be able to resume its longstanding partnership with industrialized nations that are coming to grips with the challenge of rapid global population growth through international channels.

In that way, family planning demands from more than 120 developing countries can be more adequately met and the UNFPA, with US assistance, can intensify efforts to stabilize world population.

ADOLESCENT FAMILY LIFE PROGRAM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. LELAND. Mr. Speaker, today I introduce legislation to revise and extend title XX of the Public Health Service Act, the adolescent family life demonstration project. The time has long passed for us to expand the current demonstration project into a full service program to meet the pressing needs of children who bear children.

The United States is in desperate need of such a program. One in ten young women between the ages of 15 and 19 will become pregnant in 1989. Our Nation leads nearly all other developed nations in rates of teenage pregnancy and childbearing; almost twice the rate of Britain, the next highest country.

The numerous problems incurred through early childbearing have resulted in an appalling rate of infant mortality. Teen mothers are less likely to receive early prenatal care, all too often resulting in the death of their children. It is my hope that providing services to low-income teen mothers can assist in the halt of this national tragedy.

The adolescent family life demonstration projects were established nearly a decade ago. We have studied the benefits of different approaches to service delivery. We have learned much through this program, and we have used that information to develop a full service program that targets those individuals who most desperately need our assistance.

The new program would authorize the Secretary of Health and Human Services to make grants and enter into contracts with public and nonprofit private entities. These organizations would provide services to pregnant adolescents choosing to carry their pregnancies to term. Such services would include comprehensive prenatal and postpartum care, well-child care, family planning services and a variety of other counseling services.

The legislation I offer today was crafted in conjunction with a coalition of organizations experienced in providing services to pregnant adolescents. We have demonstrated a need for this program. Each year 178,000 teenage girls under the age of 18 give birth. Under the current demonstration projects, only 9,000 of them are served. The time has come for us to authorize a full service program in an effort to help as many of these teens as we possibly can.

SALUTE TO THE SOUTH CHRISTIAN SAILORS 1988 MICHIGAN CLASS B GIRLS BASKETBALL CHAMPIONS

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. HENRY. Mr. Speaker, history books trace the origin of the game of basketball to a gymnasium in Springfield, MA. A physical education instructor, by the name of Dr. James Naismith, was looking for a game that his students could play indoors in the cold winter months. He fastened two peach baskets to the gymnasium balcony and told his students to try throwing a soccer ball into the baskets.

A century later, Mr. Speaker, on Saturday, December 10, 1988, the South Christian High School girl's basketball team of Grand Rapids, MI, hit the court and made its own mark in the history books. The South Christian Sailors captured the Michigan class B crown on that date by polishing off Flint Beecher by a final score of 53 to 49, and at the same time, became the first school in the Grand Rapids area ever to win both the boys and girls basketball title in the same calendar year.

A champion, Mr. Speaker, is one who exhibits uncommon superiority. The South Christian Sailors were not only superior during their tournament play but throughout the entire season as well—finishing the year with a perfect 28–0 record. In fact, out of more than 700 girls basketball teams across the State of Michigan, the Sailors were the only team to remain undefeated in 1988.

Mr. Sid Smit, who led the Sailors, said that one of the key ingredients to the successful season was that this was a great defensive team. He said, "If you work at it, defense will never take a night off". Sid Smit is right, Mr. Speaker, the Sailors worked long and hard at their defensive effort and it never took a night off.

It gives me pleasure to honor each of the following players, fine coaching staff and team managers. The players: Diane VanderKam, Donna VanderKam, Carla Sterk, Diann Lindhout, Pam Fryling, Marcy Bouma, Shannon Harris, Heidi Schrotenboer, Barb Sysma, Kris Schrotenboer, Tami Oosterhouse, Sheri Corwin, Nikki Mannes, Tami Hollemans. The managers: Missy Grevenstuck, Colleen Seabert. The coaches: Sid Smit, head coach; Pat Burgess, assistant coach.

Each individual ballplayer was vital to the overall success of the Sailors. But basketball is the ultimate team game, Mr. Speaker. One of the greatest things about the game is that the team with the best players will not always win—but the players who mold their talents into the best team, as the Sailors did, will win.

Mr. Speaker, please join with me in expressing heartiest congratulations to Michigan's 1988 class B high school girl's basketball champions—the Sailors of South Christian High School.

PAY RAISE REFORM

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. SCHAEFER. Mr. Speaker, the questions surrounding how Members of Congress salaries are determined have plagued this House from its beginning. In 1789, there was great debate as to whether $6 per diem was too much to pay Members of Congress. In 1989 public outrage recently was focused on a proposal to provide Members a 51 percent salary increase.

While the recent vote which defeated the pay increase was a step in the right direction, it was only a single step down the long road of reform. Today, by using the ideas of one of our Founding Fathers we have the opportunity to move another step forward.

Nearly 200 years ago on September 25, 1789, Congress sent to the States for ratification a proposed constitutional amendment drafted by James Madison designed to limit the power of Congress to raise the salaries of its Members.

James Madison said of his amendment:

> There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming undecorum in such power.

Though spoken 200 years ago, the timeless truth of these words is evident. This amendment, which prevents congressional pay raises from taking effect until after an election of Representatives has intervened, has been ratified by 26 States. Only 12 more are needed in order for this amendment to become law.

That is why today I am introducing a concurrent resolution which urges those States which have not put this measure before their respective legislatures for ratification to do so.

Having been a long-time advocate for reforming the manner in which Members' raises are handled, I believe that ratification of this amendment is long overdue, and will go a long way toward correcting the current system that so often offends the American people.

I urge my colleagues to join me in supporting this measure which would show our support for reforming the pay raise process and eliminating much of the impropriety which exists in the current method of awarding Members salary increases.

ESTONIAN'S FIGHT FOR FREEDOM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. WELDON. Mr. Speaker, I rise today to recognize the struggle of a nation for freedom. Estonia, once a proud and sovereign nation, today finds itself as an occupied territory of the Soviet Union. The United States has never recognized Soviet sovereignty in this region. Just over 71 years ago, on February 24, 1918, the people of Estonia declared themselves to be a free people.

I am sad to report that the struggle for basic independence in Estonia has a long way to go before it reaches its goals. Although the Soviet Union signed the Treaty of Tartu in 1920, recognizing Estonian sovereignty in perpetuity, they have failed to live up to that agreement. Some estimates indicate that there are 150,000 Soviet troops in Estonia, trying to contain the spirit of 1 million residents.

Recent reforms in the Soviet Union have not quelled Estonia's desire for autonomy. Instead, the will for freedom has grown, as another generation of Estonians has gotten a small taste of nationalism. I encourage the President to continue the dialog with the Soviet Union started by President Reagan, and independence for the Baltic States must remain an item of the highest priority. Reforms in the name of freedom that do not bring about substantive and positive change in Estonia do not serve the interests of those who long for self-determination.

Mr. Speaker. I hope that all of my colleagues will take a moment to reflect on the importance of the Estonian's fight for freedom. Let us endeavor in our dealings with the Soviets to encourage changes that benefit all those who speak out for human rights.

TRIBUTE TO CHARLES DeLEO

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. GREEN. Mr. Speaker, I am privileged to honor Charles DeLeo on the occasion of the New York Blood Center's 25th anniversary.

Charles DeLeo may be one of the most dedicated blood donors of our time. He has donated 108 pints of blood, and has a standing appointment with the New York Blood Center to give "the gift of life" every 8 weeks. With only 4 percent of the Nation's population actually donating blood, Mr. DeLeo has greatly contributed to our city's safe blood supply.

The New York Blood Center, which celebrates its 25th anniversary on March 4, is grateful for such contributors as Charles DeLeo. It is Charles DeLeo, and other generous individuals, who help the blood center meet the blood transfusion needs of the 250 hospitals it serves in the metropolitan New York area.

Charles DeLeo works at the Statue of Liberty, where he is known as the "keeper of the flame." He is responsible for maintaining the light that is an international symbol of democracy and freedom. A decorated U.S. Marine of the Vietnam conflict, Mr. DeLeo draws his inspiration from Mother Theresa, and in fact the breadth of his unselfish nature is extensive. He has contributed up to 20 percent of his salary over the years to charitable causes, including the sponsorship of seven orphans and two widows in developing nations, and he has performed impromptu acts of kindness such as playing Santa Claus for children in need on Manhattan's Lower East Side.

Mr. Speaker, it seems that there are no bounds to the generosity of this individual. I am proud to honor Charles DeLeo for his capacity to give of himself, and, on the 25th anniversary of the New York Blood Center, for his lifesaving commitment to the donation of blood.

A TRIBUTE TO ALVIN L. GRAEBNER ON HIS 80TH BIRTHDAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. CLINGER. Mr. Speaker, Mr. Graebner was born on Summerson's Mountain, PA, on March 6, 1909. He was the youngest child of seven children. He lost his beloved mother, Mary, when he was 9 years old.

He helped his father, John, maintain the family farm. He married his lovely wife, June, in 1941. They have three daughters, eight grandchildren, and one great granddaughter.

Mr. Graebner's goal in life was to give his young family a better quality of life. The local PRR shops laid off their workers. Many of the people resorted to welfare or relief. Not Mr. Graebner, he went great distances in trying to find a good job. He was able to find employment with a railgrinding company by the name of Speno Railgrinding Co. Working for Speno was the break he was always looking for. The job enabled him to offer his family a comfortable standard of living. The job, however, was not without consequences. Mr. Graebner traveled with Speno taking him far north to Nova Scotia, to the far south to Florida, and the far west to California and Washington.

In order to give his family the part of the American dream, Mr. Graebner had to sacrifice the most important thing—he was not able to be with his family. The job made it necessary to be away from home for 8 to 10 weeks and home for about 2. He stayed with Speno for 12 years.

Finally, as the economy was improving Mr. Graebner was able to get a job with Penn DOT in Lock Haven, PA. After all the many years of being away, he was able to sleep and eat at his home and still earn a decent wage. Mr. Graebner retired in 1977 from Penn DOT.

Mr. Graebner's philosophy is you never give up. Life's obstacles make life more challenging and interesting. Anything worthwhile is worth a good fight.

Whatever perils he had to face, he faced them with a strong faith in God and his love and devotion to his family.

If the challenges are still there, Mr. Graebner possesses the same weapons: faith, love, and determination to win.

Mr. and Mrs. Graebner reside in Mill Hall, PA.

COPYRIGHT REMEDY CLARIFICATION ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1989

Mr. KASTENMEIER. Mr. Speaker, I am pleased to introduce today the Copyright Remedy Clarification Act at the request of the Copyright Office, and to be joined in this effort by my colleague, CARLOS MOORHEAD, the ranking member of the Subcommittee on Courts, Intellectual Property and the Administration of Justice, which I chair. This bill implements the recommendations of a study issued by the Register of Copyrights late last year.

BACKGROUND

The U.S. copyright law grants creators exclusive rights in their works. The law gives Federal courts exclusive jurisdiction to decide copyright cases. However, the 11th amendment to the Constitution generally prohibits Federal courts from hearing damage suits brought against a State by citizens of another State or country, and the Supreme Court has extended the principle of States' sovereign immunity to prohibit suits brought against a State by its own citizens.

In recent years a number of Federal courts have applied the Supreme Court's interpretation of the 11th amendment in copyright infringement suits brought against States, and have found that the States are immune from damage suits.[1] The legal issue presented in these cases was whether Congress, in enacting the Copyright Act of 1976 pursuant to its constitutional power to enact copyright legislation, subjected the States to copyright liability in Federal courts, notwithstanding the 11th amendment.

It is well established that Congress has the power to abrogate the States' 11th amendment immunity in statutes enacted pursuant to its plenary powers. However, in 1985 the Supreme Court announced a stringent test for determining whether Congress intended in a particular statute to create a cause of action against the States: "Congress may abrogate the State's constitutionally secured immunity from suit in Federal court only by making its intention unmistakably clear in the language of the statute." [2] Applying this test to the Copyright Act of 1976, five U.S. district courts and three U.S. circuit courts of appeals have held that the language of the Federal copyright statute is not sufficiently clear to demonstrate Congress' intent to abrogate States' 11th amendment immunity from suit in Federal courts in copyright infringement cases.[3]

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[1] *See, e.g.*, BV Engineering v. Univ. of Calif., — F. 2d — (9th Cir. 1988); Richard Anderson Photography v. Brown, — F. 2d — (4th Cir. 1988), cert. denied, — U.S. — (Feb. 21, 1989).

[2] *Atascadoro State Hospital* v. *Scanton*, 473 U.S. 234 (1985).

[3] Register of Copyrights, Copyright Liability of States and the Eleventh Amendment (1988).

When this clash between the Copyright Act and the 11th amendment first became apparent, the ranking minority member of the Subcommittee on Courts, Intellectual Property and the Administration of Justice, Mr. MOORHEAD, and I asked Ralph Oman, the Registrar of Copyrights, to study the practical problems concerning the enforcement of copyrights against State governments, and to prepare a report on the current state of law in the area. The Copyright Office received public comments to assist in writing the report. A few States submitted copies of briefs they had filed in defending copyright infringement actions, but no State official asserted that the States could not do State business without immunity from copyright violations. The Copyright Office report concluded that if States are not held responsible under the Federal copyright statute (as all other users of copyrighted works are) the potential exists for immediate harm to copyright proprietors and authors in the form of widespread copying, especially in the area of State educational publishing, resulting increased prices of the infringed works and diminished creativity on the part of authors.[4]

As chairman of the subcommittee and responsible for the copyright law revision effort which culminated in the present law, I cannot help but recall that enacting the 1976 Copyright Act, Congress specifically focused debate on the extent to which States and their agencies utilized copyrighted works and should be either liable for or exempt from infringement. The Copyright Act contains several exemptions from liability in the case of activities of a "governmental body," which Congress thought encompassed not only the Federal Government but also State and local government. Until the recent application of the Supreme Court's strict test of 11th amendment abrogation, it seemed clear that the language and history of the 1976 statute reflected Congress' intent to hold States responsible under the Federal copyright law.

This bill, which is being introduced at the request of the Register of Copyrights, would amend the Copyright Act in order to clarify Congress' intent that States be subject to damage suits in Federal court for their violations of the Copyright Act. Eleventh amendment jurisprudence dictates that in order to carry out the original intent of the Congress, we must now amend the Copyright Act to make unmistakably clear in the language of the copyright statute that the States are subject to copyright liability. This amendment does not in any way change the substantive rights of copyright owners.

H.R. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Remedy Clarification Act".

SEC. 2. LIABILITY OF STATES AND INSTRUMENTALITIES OF STATES FOR INFRINGEMENT OF COPYRIGHT AND EXCLUSIVE RIGHTS IN MASK WORKS.

(a) COPYRIGHT INFRINGEMENT.—Section 501(a) of title 17, United States Code, is amended by adding at the end the following: "As used in this subsection, the term 'anyone' includes any State and any instrumentality of a State, both of which shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.".

(b) INFRINGEMENT OF EXCLUSIVE RIGHTS IN MASK WORKS.—Section 910(a) of title 17, United States Code, is amended by adding at the end the following: "As used in this subsection, the term 'any person' includes any State and any instrumentality of a State, both of which shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act but shall not apply to any case filed before such date.

[4] *Id.*

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 28, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communications Commission price cap proceeding.
SR-253

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Tax Court, Federal Labor Relations Authority, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, and the Administrative Conference of the United States.
SD-116

Energy and Natural Resources
Business meeting, to consider the nomination of Admiral James D. Watkins, U.S. Navy, Retired, of California, to be Secretary of Energy, and other pending calendar business.
SD-366

Foreign Relations
To hold hearings to review the nature and extent of the threat of chemical and biological weapons proliferation.
SD-419

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on the President's savings and loan reform plan.
SD-608

Finance
To hold oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

Judiciary
To hold hearings on the nomination of William J. Bennett, of North Carolina, to be Director of National Drug Control Policy.
SD-106

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

1:30
Veterans' Affairs
To continue hearings on the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
SH-216

2:00 p.m.
Foreign Relations
To meet in closed session to receive a briefing on the nature and extent of the threat of chemical and biological weapons proliferation.
S-116, Capitol

4:00 p.m.
Select on Ethics
Closed business meeting, to consider pending committee business.
SH-220

MARCH 2

9:00 a.m.
Appropriations
Defense Subcommittee
Military Construction Subcommittee
To hold joint hearings on proposed U.S. military base closures and realignments.
SD-192

9:30 a.m.
Armed Services
To hold closed hearings to review nuclear materials requirements by the Nuclear Weapons Council.
SR-222

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Ju-

diciary, and the Federal Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on the President's savings and loan industry restructuring proposals.
SD-608

Judiciary
To continue hearings on the nomination of William J. Bennett, of North Carolina, to be Director of National Drug Control Policy.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

1:30 p.m.
Veterans' Affairs
Business meeting, to consider the nomination of Edward J. Derwinski, of Illinois, to be Secretary of Veterans' Affairs, and Administrator of Veterans' Affairs.
SR-418

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on Soviet strategic force developments.
S-407, Capitol

MARCH 3

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center.
SD-116

Environment and Public Works
To hold hearings on the proposed budget requests for fiscal year 1990 for the Environmental Protection Agency.
SD-406

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold oversight hearings on the implementation of immigration reform programs.
SD-226

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to review current status of the Medicare program
SD-215

1:00 p.m.
Labor and Human Resources
To hold hearings on the minimum wage increase.
SD-430

MARCH 6

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and application programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Army and Navy military construction programs.
SD-192

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to examine the use of toxic materials in the aerospace industry.
SD-406

12:30 p.m.
Veterans' Affairs
To hold hearings to review the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the American Battle Monuments Commission, Cemeterial Expenses (Army), and the Selective Service System.
SD-116

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Geological Survey.
S-128, Capitol

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Indian Affairs, Office of Construction Management, and the National Indian Gaming Commission.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the U.S. Trade Representative, and the International Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To hold hearings on the proposed budget request for fiscal year 1990 for the Office of the U.S. Trade Representative and the U.S. Customs Service, Department of the Treasury.
SD-215

1:00 p.m.
Appropriations
To hold hearings on the President's proposed budget for fiscal year 1990.
SD-192

MARCH 8

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of Public Debt, U.S. Mint, Office of the Inspector General, and the U.S. Savings Bond Division.
SD-116

Commerce, Science and Transportation
To hold hearings on the mission to planet Earth.
SR-253

Rules and Administration
To hold oversight hearings on the operations of the Office of the Senate Sergeant at Arms and the Office of the Architect of the Capitol, and to consider any pending calendar business.
SR-301

Veterans' Affairs
Business meeting, to consider the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-192

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To continue hearings on the proposed budget request for fiscal year 1990 for the Office of the U.S. Trade Representative and the U.S. Customs Service, Department of the Treasury.
SD-215

MARCH 9

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Labor.
SD-116

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
To resume hearings on exchange trading practices in the commodity futures markets.
SR-332

MARCH 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for ACTION, National Commission on Children, National Council on disability, Federal Mediation and Conciliation Services, National Mediation Board, Railroad Retirement Board, Commission on Railroad Retirement Reform, Federal Mine Safety and Health Review Commission, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Internal Revenue Service and the U.S. Postal Service.
SD-116

10:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agreements and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Energy Information Administration, Economic Regulatory Administration, Office of Hearings and Appeals, and Emergency Preparedness, all of the Department of Energy.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Air Force and Defense Agencies military construction programs.
SD-192

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the National Credit Union Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 341, to prohibit discrimination against blind individuals in air travel.
SR-253

Energy and Natural Resources
To hold hearings on energy efficiency and renewable energy technologies as they relate to S. 324, National Energy Policy Act of 1989.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Indian Health Service of the Department of Health and Human Services, and Indian education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on aviation security issues.
SD-192

MARCH 15

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
Room to be announced

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the Office of the Inspector General, General Services Administration.
SD-116

Governmental Affairs
To hold hearings on the proposed Federal Advisory Committee Act Amendments of 1989.
SD-342

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253

Veterans' Affairs
To hold oversight hearings on veterans' health care issues.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physician Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care, Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
S-126, Capitol

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-124
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 6

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-124
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.
SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.
SD-116
Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the U.S. and Canada.
SD-215

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.
S-128, Capitol

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency.
SD-138
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 11

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.
SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.
SD-116

APRIL 13

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.
SD-138

APRIL 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.
SD-116

APRIL 17

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans' Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse, and Mental Health Administration and the Health Resources and Services Administration.
SD-116

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Commodity Credit Corporation, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-192

APRIL 19

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.
S-128, Capitol

MAY 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 15

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

CANCELLATIONS

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.
SD-366

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear-reactor technologies.
SD-366

POSTPONEMENTS

MARCH 2

9:30 a.m.
Special on Aging
To hold joint hearings with the Select Committee on Aging's Subcommittee on Health and Long-Term Care and the Subcommittee on Housing and Consumer Interests on residential board and care facilities.
SD-628

HOUSE OF REPRESENTATIVES—*Tuesday, February 28, 1989*

The House met at 12 noon.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Teach us in all things, O God, to understand the meaning of praise and thanksgiving not only as something expressed in word and song, but also as an attitude of mind and spirit. Conscious of our dependence on You for our very lives and aware of Your redemptive gifts to us, may we learn to respond with words of prayer, praise, and thanksgiving to Your mighty deeds, and may we also see in our relationships the opportunities to express that same sense of joy and appreciation that comes when we truly acknowledge the rich blessing we have received. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York, Mr. PAXON, kindly lead our colleagues in the Pledge of Allegiance.

Mr. PAXON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

CHINA MUST CLEAN UP ITS HUMAN RIGHTS ACT

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, China is a great and powerful nation whose ancient culture and civilization are indeed impressive. American-Chinese relations are important—and hopefully will broaden and improve in the future—but not at the expense of sweeping under the rug Chinese human rights violations. The sooner Beijing understands that the commitment of the American people and the American Congress to human rights is nonnegotiable, the better it is for both of us.

The crude and uncivilized actions of over 100 Chinese policemen in physically preventing one of our President's invited guests from attending his farewell banquet is an outrage. The continued persecution of peaceful Tibetans for attempting to exercise their religious rights and to preserve their cultural identity is totally unacceptable.

Chinese authorities must understand that better relations with the United States lie ahead only if they clean up their human rights act.

IN SUPPORT OF HOUSE RESOLUTION 84, ESTABLISHING THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I rise today in support of House Resolution 84, which will establish the Select Committee on Children, Youth, and Families.

Since its inception in 1983, this select committee has worked diligently to assess the conditions in which American children and their families live. I commend the membership of the committee for their efforts to help us better understand the profound social, demographic, and economic changes that have transformed America's families.

Special difficulties are faced by our citizens of Hispanic origin. Hispanics are the youngest ethnic group. In 1985, 40 percent of all Hispanic children were living below the poverty line. We must not let these young people remain on the sidelines of life. We must ensure that they grow up healthy, well educated, and with the opportunity to participate fully in the economic and social life of our country.

I know that the well-being of our Nation's children and families is important to Members on both sides of the aisle.

I urge all of my colleagues to support this important legislation.

GEORGE BUSH IS ALL RIGHT

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, this fellow, George Bush, is all right. At first I wrote off a guy who heard little voices that no one else heard, who saw a thousand points of light, and who wanted people to read his lips. But I was wrong.

One by one he is going to reform America.

In an attempt to find out why my initial call was wrong, I went to the video tape, turned down the volume and I read his lips. He did not say "one thousand points of light," he said "one thousand appointments, all light."

Now it is beginning to make sense. George Bush took C. Boyden Grey, made him give up his conflicts of interest in exchange for a White House position as watchdog of our ethics.

He convinced William Bennett to give up a chemical dependency on nicotine by putting him in charge of everyone else on drugs.

And now because of George Bush's leadership, John Tower is willing to take the pledge and give up the demon rum in exchange for going into a 4-year program as Secretary of Defense.

What a guy.

Mr. Speaker, as I watch the thousand appointments all light, and the unfolding American reformation, I am sure of four things.

First, that if Willie Horton plays his cards right, he will be chairman of the Federal Parole Board.

Second, that if the Ayatollah becomes even more moderate, he will head up the Library of Congress.

Third, that if Jesse James were alive today, he would be selected as Director of the Mint.

Fourth, that the selection of DAN QUAYLE was no fluke.

ELIMINATING CONTINUING RESOLUTIONS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am today introducing a bill which will go a long way toward eliminating the fiscal fiasco that we engage in every year known as the continuing resolution. Everybody in the country knows that the Congress has failed year after year to meet its constitutional and own set statutory deadline of September 30 for enacting a budget, and then the Congress falls back into that devil of a continuing resolution which continues the process, allowing private bills, to be introduced, special interests and chaos to enter into our budget process.

This bill would create a situation whereby if by September 30 the Con-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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gress has failed under its own law to enact a budget that automatically at midnight of that day the previous year's budget would automatically be enacted, and thus we would have a budget in place. The Congress could still work its will as to any new budget it wanted to do without all of the game playing that is now part of the budget making process in the continuing resolution.

I invite the cosponsorship of Members.

BILL TO RESTORE TAX EXEMPTIONS FOR EMPLOYER-PROVIDED EDUCATION BENEFITS

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, today, I am introducing legislation to restore the tax exemptions for employer-provided education assistance that expired at the end of 1988.

Under this legislation, the first $5,250 in education benefits that an employee receives for undergraduate study would be exempt from Federal taxation. For graduate students, the exemption would be $1,500. These are identical to the exemptions in effect prior to 1989.

Mr. Speaker, we are all acutely aware of the enormous competitive challenges which this Nation faces from abroad. The trade deficit is a vivid reminder of how far we need to go. I believe that one clear way of meeting our competitive challenges is to give working Americans incentives to go back to school to sharpen their skills or to learn new ones. By taxing employer-provided education benefits, we are simply not providing those incentives now. My bill would.

I urge my colleagues to join in cosponsoring this important legislation.

MAKING THE SAVINGS AND LOAN INDUSTRY ACCOUNTABLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it looks like the American taxpayer will be saddled with the burden of the mismanaged savings and loan industry. Regardless of which bailout plan is used, it can plainly be seen that it will be the American public, the taxpayer, who will foot the bill.

I oppose this, and I say it is time for the savings and loan industry to pay its own way. The working people of this country are barely surviving on a minimum wage that has not been raised since 1981.

I think it is time we spend some of our time on those people, not these big wheeler-dealer bankers. Let us face it. If Joe Sixpack ripped off the American Government like these big bankers did, he would never see the light of day.

I say the place to start is once and for all let us start burning these bankers and take the heat off of the American taxpayer.

□ 1210

HONORING OUR COMMITMENT TO OUR NATION'S VETERANS

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, as a nation we have made a pact with our veterans that we would always provide medical care for disabilities they suffered in our service. We have built up the world's largest health care service to make good on that promise.

But as our World War II veterans reach retirement age, more and more veterans require services. Over the last 8 years, the number of hospitalized veterans has increased 10 percent and the numbers using outpatient care have risen 34 percent. But during this same time Veterans' Administration [VA] medical funding has barely kept up with inflation. Our response has been to turn away those veterans who can afford private care for nonservice related disabilities. Today, fewer than 5 percent of the VA's patients can be classified as "discretionary" cases.

This means further cuts put the VA's basic mission at risk. If budget cuts force additional staff layoffs, use of inadequate equipment, postponement of needed facility repairs, and a shortage of medical supplies, we will be endangering our ability to serve the core VA population: those men and women who risked their lives and suffered injury for our freedom.

The deficit crisis demands we make every effort to cut out the waste in our budget. But continual cuts eventually will erode the level and quality of the services provided. Our unique debt to our veterans mandates a special level of scrutiny to ensure that the VA medical budget has the resources to meet the needs of our disabled veterans. As Congress makes decisions on this year's budget, we must be certain that we continue to honor our commitments to the Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER of New York. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentlewoman's remarks today. We are having terrible problems in our VA hospital system, just as the gentlewoman has said. We are getting more patients, World War II veterans, Korean veterans and Vietnam veterans, research in AIDS, that they have to have more medical care.

We have had a straight line budget which has been recommended by the administrations over the years; no increase in funding; we have got to do something about it. The gentlewoman is right on target and I thank her for yielding.

Ms. SLAUGHTER of New York. I thank the chairman and I am sure under the chairman's leadership we will do something.

FEDERAL EXECUTIVE AND JUDICIAL PAY ADJUSTMENT ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the extended debate over pay raise for the Nation's top officials has clouded the pressing salary issue—the steady drain of the Federal scientific cadre. The failure of Government salaries, including those at the highly skilled upper levels in research and management, to keep pace with inflation has already begun to result in a Federal "brain drain."

Mr. Speaker, today I am introducing a bill which will give a pay raise for all who were included in the President's proposal, except for Members of Congress. My rationale is simple. A 51 percent pay raise at this time for Members at a time of fiscal restraint would have been excessive. Nevertheless, we must be able to recruit and retain the highest calibre of employees in the public sector and bring Federal pay scales in line with comparable private sector jobs.

My concern is for those in the Federal Government who are at the top of their professional level, yet are paid at the entry level of practicing lawyers, economists, doctors and scientists. Their expertise, management skills and authority far exceeds their peers in the private sector at that pay level, yet we have not seen fit to compensate them for their skills, performance, and duties. An elected official can only serve in the public sector. A scientists or judge can also serve in the private sector at a much more lucrative salary. Many of these dedicated people find it necessary to leave the public sector—even give up their retirement benefits—in order to earn enough for their growing families. One judge has said that he cannot afford to send his children to the same college where he received his education. Unfortunately, we are unable to recruit new talent with the same degree of expertise at the salary level which is offered in the Government.

The Nation loses when we lose our senior judges and scientists. The loss is not just the brain drain but also a loss

to the taxpayer in terms of dollars. Take for example, a scientist who leaves the National Institutes of Health to join a pharmaceutical company conducting AIDS or cancer research—the same type of work that he or she was doing at NIH. No one fills the position because the pay is minimal and the responsibilities are enormous. The Government activity in the field slows down or stops. The Government feels the need to continue the work and so advertises for a consultant. The same scientist can, and often has, negotiated or bid for the position at a much higher rate than he or she was receiving because, under the procurement agreement, the Government can negotiate at whatever the market will bear.

The long-term effect, barring some major adjustment in salaries, could be a needless use of consultants to handle work now done by Federal employees.

Mr. Speaker, the Federal Government is a nonprofit organization. Our research is done at cost and is available for the good of the Nation. In contrast, when the Government contracts with the private sector the payment to that organization includes a profit and, often payment to their stockholders.

Unless something is done now, it is likely that critical members on Government research teams to combat AIDS and cancer, or leading scientists in space research, or our post-doctoral fellows setting industrial standards at the National Institute of Standards and Technology, and a long litany of others in all departments, will leave in large numbers because they believe that nothing will be done to help them alleviate their salary hardship until the next "Quad Comm" recommendation, 4 years from now.

Dr. Marc Lippman, who did outstanding research in breast cancer at NIH, left to join Georgetown University. Forty-five members of his staff went with him, including senior researchers, and doubled their salaries. NIH has lost 28 percent of its senior staff to the private sector during the last decade, including a Deputy Director and five Institute Directors, because they were attracted by salaries that paid 50 to 300 percent more. The median average compensation for senior physicians at medical colleges is $178,800. The current, supplemented median compensation for NIH SES physicians is $90,492.

The bill which I am introducing today will provide for a 20-percent pay increase for offices and positions covered by section 225 of the Federal Salary Act of 1967, except for Members of Congress. It also provides that a study be conducted to determine whether appropriate pay relationships exist between the Senior Executive Service and the three highest grades of the General Schedule. There are Federal employees in the top GS grades who are deserving but, because of administrative decisions, have not been able to move into the SES cadre because of their quasi-judicial responsibilities.

The Senior Executive Service personnel will not receive the entire 20-percent pay raise. Because of the restrictions placed in Executive Order 12663 of January 6, 1989, the SES will receive a percentage of the 20-percent raise. This raise may not be enough incentive in the long range to retain and recruit some senior personnel. Rather, it is a temporary, but immediate, measure with the hope that those who are affected will consider this as good faith recognition of their endeavors.

JOINT MEETING OF CONGRESS TO COMMEMORATE THE CONGRESSIONAL BICENTENNIAL

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, I rise to remind the Members of this body that on Thursday, this Thursday, March 2, at 10 a.m. in the House of Representatives, we will be enjoying a joint meeting of the House and Senate to commemorate the 200th anniversary of the date that the first Federal Congress met in New York 200 years ago.

Mr. Speaker, on this occasion in addition to the Speaker and the leadership of the House and Senate, the President pro tem of the Senate, the majority and minority leaders of both bodies and the Chaplains of both bodies, we will have an address by David McCullough, the distinguished author and lecturer who all of my colleagues I am sure have enjoyed as a narrator on the PBS special, "The Smithsonian World," and who recently was the keynote speaker for our congressional series, the opening on the various symposia on the Federal Congress. In addition to that, Mr. Speaker, we will have Howard Nemerov who is the Poet Laureate of the United States. He is a consultant to the Library of Congress and professor at Washington University in St. Louis and he has composed a poem for the occasion entitled "to the Congress of the United States Entering Its Third Century."

This is the first time, Mr. Speaker, that the Poet Laureate of the United States has addressed the Congress.

There will be two other "firsts" as well. The first time stamp designs and the designs for coins will be unveiled here in the House Chamber. These stamps and these coins commemorating the bicentennial of the Congress, of course.

All throughout the program we will have appropriate music by the Army Band and I urge all of the Members to come and enjoy and participate in this historic occasion.

THE TRUE NATURE OF THE PRESIDENT'S PROPOSAL TO LOWER THE TAX RATE ON CAPITAL GAINS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, for the past few weeks, I have been trying to shed some light on the true nature of the President's proposal to lower the tax rate on capital gains. Despite claims that the move is intended to spur investment and enhance competitiveness, it is becoming increasingly clear that the proposal is a simple tax cut that will disproportionately benefit the highest-income taxpayers—nothing more and nothing less.

I would like to insert in the RECORD at this point a recent article by Newsweek economics columnist Robert J. Samuelson, who cuts through the President's rhetorical fog and exposes the proposal for its inequity and irresponsibility.

[From Newsweek, Mar. 6, 1989]

BRIBERY IS BAD POLICY

(By Robert J. Samuelson)

Every new administration has its own special economic enthusiasms. George Bush's is to cut the top tax on capital gains to 15 percent. He promises a glorious future of liberated entrepreneurs who will create new products and technologies. Employment and living standards would rise. American competitiveness would improve. It sounds great. Alas, this grand vision is so far removed from reality that it's almost fiction.

What Bush has proposed is the silliest sort of economic tinkering. If adopted, his plan would mostly provide a huge windfall to wealthy investors when they sell stock in existing corporations (as opposed to imaginative start-up companies). The effect on the nation's technological strength, competitiveness and total savings would be negligible—and might even be negative. Finally, the proposal would probably cost the Treasury billions of dollars annually in revenues precisely when the government needs every penny to cut its budget deficits.

Capital gains are the profits on the sales of stocks, bonds, other financial assets or property. The tax is now the same as on ordinary income—a top rate of 28 percent or, in some cases, 33 percent. In effect, Bush wants to bribe Americans into taking bigger risks. Give investors, managers and inventors a lower tax rate, the theory goes, and they'll put more of their money and time into the nifty start-up companies that will produce the next biotechnology breakthrough or computer chip. To favor productive investment, Bush's lower capital-gains rates would apply mostly to profits on stocks and would not cover gains from collectibles (art, antiques, coins) or real estate.

The trouble is that Bush's bribes probably won't attract much extra investment money into new high-tech companies, as economist James Poterba of the Massachusetts Institute of Technology notes. Much of the early

financing for these companies comes from venture-capital funds that now control about $34 billion. Individuals—who would be the only beneficiaries of the lower capital-gains rate—provide a tiny share of venture-capital money. Since 1980 it's average 16 percent. The rest comes from tax-exempt investment pools such as pension funds and university endowments, or from corporations and foreign investors. These investors wouldn't be affected by Bush's plan.

True, a lower capital-gains rate might help new start-up companies lure talented managers or scientists from larger corporations. "When they're trying to recruit senior managers, these small companies can't pay big salaries," says Jane Morris of Venture Economics, Inc. The magnet is stock options. Executives can buy at low prices. If the company succeeds, the stock's price multiplies. Managers can become millionaires. Obviously, the tax rate affects their potential profit and willingness to take the risk.

Everybody rightly admires the triumphs of start-up companies; Apple Computer or Federal Express. But there's a downside. The executives who leave bigger corporations—the IBM's, Hewlett-Packards or Johnson & Johnsons—to make their millions also do damage. They have managed research labs, new products or entire divisions. Their departures create gaps and may be demoralizing. Some industrial specialists now think that excessive loss of key managers hurts U.S. companies in global competition.

Is it better to promote more start-ups, or to strengthen major corporations? It's impossible to say. The tax system shouldn't try to arbitrate this competition. It should stay neutral. People should decide on the basis of business, not tax considerations. All start-ups don't work. Bribing top-notch managers or researchers to join a failure is wasteful.

Even if a lower capital-gains rate helped new high-tech companies, that wouldn't be its main effect. Economist Poterba estimates that the capital gains created by startup companies probably constitute less than 1 percent of all capital gains. Most profits are generated by selling stocks in well-established corporations. And so the other main argument for cutting the capital-gains tax is that it would improve the low U.S. savings rate. This, too, is unlikely.

The theory sounds logical. People would put more money into the stock market because they could keep more of the profits. But people might simply shift savings from other sources. Or the theory might not work at all. The lower tax rates of the 1981 and 1986 tax laws were supposed to raise savings for the same reason—people could keep more of their interest or dividend income. It didn't happen. From 1982 to 1988, personal savings have averaged 4.9 percent of disposable income. That's the lowest level since World War II. Maybe people saved less because a risking stock market made them feel richer. No one really knows.

LARGE LOSSES?

The lesson is that it isn't easy to manipulate the economy with the tax code. The danger is that the Bush plan do more harm than good. Economists disagree over whether it would reduce government revenues. The dispute revolves around whether the losses from lower rates would be offset by a greater volume of stock sales (and, therefore, of profits to be taxed). Even the administration forecasts a $200 million loss of revenues between now and 1999, with early gains offset by large losses later. After that, small increases are forecast. By contrast, the congressional Joint Committee on Taxation thinks losses will probably exceed $5 million annually.

Any cuts would mostly benefit the rich, who are the largest individual owners of stock. In 1985 taxpayers with more than $200,000 of income accounted for 46 percent of capital gains; taxpayers with less than $30,000 of income accounted for only 15 percent. Worse, the Bush proposal could subvert the 1986 tax reform. Its wise premise was that the tax law should be used sparingly to promote specific social or economic objectives. So tax rates were lowered, and some preferences—credits, deductions and the special capital-gains rate—were eliminated. Restoring the special capital-gains tax encourages the kind of unproductive tax maneuvering that the 1986 law sought to deter.

All that Bush has done is to redeem an ill-advised campaign pledge. By pushing it, the president risks portraying himself as a stooge for the rich. He's also angered key congressional Democrats who helped craft the 1986 tax law. And for what? The plan's virtues are hypothetical and distant, while its vices are real and close at hand.

LACK OF MANAGERIAL, FARM SYSTEM, MANY OTHER MINOR APPOINTMENTS IN PROFESSIONAL BASEBALL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, major league baseball's pathetic record in the hiring of minorities in front office, managerial and coaching positions may soon be a thing of the past.

Last week several members of the Black and Hispanic Caucuses led by Representative TOWNS and myself had a productive and encouraging meeting with incoming major league baseball Commissioner Bart Giamatti. The commissioner-elect, who begins service April 1st, assured us that as far as his social agenda is concerned—a top priority will be the hiring of more minorities. At this point there are no black or Hispanic general managers and only one black farm director. There are only two minority managers in the major leagues.

Specifically, Giamatti is considering setting up a program to train minority coaches. Owner's hiring practices will be closely scrutinized making sure a concerted effort is made to open up all positions to all applicants. In an effort to increase minority ownership, Giamatti wants to put together a list of potential minority buyers in each major league city. The new commissioner also agreed to increase the number of minority college students who do internships with major league baseball.

While Giamatti appears committed to expunge racism from major league baseball—it's the owners who do the hiring. This is why members of the Hispanic and Black Caucuses will continue to closely monitor baseball's owners and the new commissioner to make sure more minorities are hired in front office, managerial and coaching positions.

Commissioner-elect Giamatti has made a promising start and we salute him. We especially commend him for enlisting former Secretary of the Army Clifford Alexander and Janet Hill to pursue these goals. Hopefully Commissioner Giamatti will also enlist a Hispanic component for this team.

□ 1220

BAN ALCOHOL IN AUTOMOBILES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, every 23 minutes another person is killed on American roads by a drunk driver. Last year we made some progress in legislation I and others introduced, to try and provide incentives to the States to get drunk drivers off the road, and particularly to deal with the open container laws that need to be tightened all across this country.

It is interesting that 15 States in this country allow people to drink while they drive. Let me rephrase that. Fifteen States say it is all right for people to drink while they drive. Another 23 States allow people in the car to be drinking. It is interesting that a driver can go from the New Hampshire-Canadian border, down into Florida using a meandering route, and from Florida to the Western part of the United States, and either drink himself or have somebody in the car drinking all the way. This makes no sense at all.

I think we ought to enact legislation that requires the States to pass legislation at the State level banning open containers in automobiles. I have introduced such a bill (H.R. 1092) and urge my colleagues to cosponsor it. Alcohol in automobiles does not mix. Driving should not accompany drinking under any circumstances, and I hope this Congress, the 101st Congress, will take tougher action on driving and drinking to the benefit of all the American people.

TRAUMA CARE SYSTEMS PLANNING AND DEVELOPMENT ACT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I recently introduced legislation which passed the House in the 100th session of Congress, but time did not permit consideration by the Senate of this legisla-

tion. The Trauma Care Systems Planning and Development Act of 1989 will encourage States to develop regional trauma centers and enhance systems of emergency medical care. It will save 20,000 lives each year.

Trauma, the medical term for severe injury, kills 140,000 persons each year. Among Americans under the age of 44, trauma is the leading cause of death. The economic costs as well as the human costs to our Nation are enormous, yet trauma can be largely prevented. In 1985, a San Diego County study found that after the 1984 introduction of a regional trauma care system, the death rate from major trauma dropped 55 percent. Unfortunately, the life saving services of a regional trauma center are unavailable to over 80 percent of our constituents. I urge my colleagues to support H.R. 436.

THE SAVINGS AND LOAN ASSOCIATIONS' SWINDLE

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, now is the time for all good conservatives to come to the aid of the Nation. The introduction of socialism into the banking industry represents a grave threat to the economy of the country. This socialism in the banking industry is a very expensive governmental intervention in the form of the proposals that are being discussed presently to bail out savings and loan association crisis.

Some people call it a crisis. I call it a swindle. The latest estimate is that $150 billion will be needed, and we are still climbing. Already the Danny Wall gang has committed as much as $50 billion, $50 billion to bail out failing savings and loan associations. This gigantic savings and loan association swindle is a dragon that will eat all efforts to eliminate the deficit. This gigantic savings and loan association swindle is a dragon that will eat all initiatives, all new initiatives in any area, whether it is education, energy, cleanups or the repeal of the surtax in the catastrophic health care program.

Now is the time for all good conservatives to join with all good liberals to come to the aid of the taxpayers. The very last segment of a population that we need to subsidize are the bankers. Corrupt bankers or incompetent bankers are the least deserving of being subsidized and we should resolve not to allow $150 billion of the taxpayers' money to bail out this corrupt industry.

AUTHORIZING PRINTING OF THE COMMITTEE PRINT ENTITLED "REPORT OF THE TASK FORCE ON FOREIGN ASSISTANCE"

Mr. BATES. Mr. Speaker, I offer a resolution (H. Res. 92) authorizing the printing of the committee print entitled "Report of the Task Force on Foreign Assistance" as a House document and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That the committee print entitled "Report of the Task Force on Foreign Assistance," dated February 1989, shall be printed as a House document. In addition to the usual number, 3,000 copies of the document shall be printed for the use of the Committee on Foreign Affairs of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the distinguished gentleman from California [Mr. BATES] to tell us the purpose of his resolution. I yield to the gentleman from California [Mr. BATES] for that purpose.

Mr. BATES. Mr. Speaker, the resolution provides for the printing of 3,000 copies of a document entitled "Report of the Task Force on Foreign Assistance." The Committee on Foreign Affairs has exhausted its supply and has asked for 3,000 additional copies. The cost for the additional copies will be $1,122. The request comes from Chairman HAMILTON and is supported by the ranking minority member of the Task Force, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I rise in support of this resolution. Early last year, we were asked by the distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], to review the performance of U.S. foreign assistance programs and the report culminating our efforts was issued earlier this month. Its apparent popularity has resulted in the total depletion of our stock.

There continues to be significant demand for the report and I ask my colleagues to support our resolution providing for the printing of additional copies of this document.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 92, the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ESTABLISHING THE SELECT COMMITTEE ON HUNGER, THE SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES, AND THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 84 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 84

Resolved,

TITLE I—SELECT COMMITTEE ON HUNGER

ESTABLISHMENT

SEC. 101. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Hunger (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 102. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of hunger and malnutrition, including but not limited to, those issues addressed in the reports of the Presidential Commission on World Hunger and the Independent Commission on International Development Issues, which issues include—

(A) the United States development and economic assistance program and the executive branch structure responsible for administering the program;

(B) world food security;

(C) trade relations between the United States and less developed countries;

(D) food production and distribution;

(E) corporate agribusiness efforts to further international development;

(F) policies of multilateral development banks and international development institutions; and

(G) food assistance programs in the United States;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting hunger or malnutrition; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting hunger or malnutrition.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 103. (a) The select committee shall be composed of thirty Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 104. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee except the provisions of clause 2(m)(1)(B) of rule XI relating to subpoena power.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 106. (a) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE II—SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

ESTABLISHMENT

SEC. 201. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Children, Youth, and Families (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 202. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of children, youth, and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

(2) to study the use of all practical means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 203. (a) The select committee shall be composed of no more than thirty Members of the House, who shall be appointed by the Speaker, and one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 204. (a) For the purpose of carrying out its responsibilities under this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 206. (a) The select committee shall report to the House as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees having jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE III—SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ESTABLISHMENT

SEC. 301. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 302. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1986; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 303. (a) The select committee shall be composed of thirty Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 304. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 306. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. PEPPER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, there has been expressed by Members in the House a desire that we should have a little longer time for the consideration of this resolution relating to these 3 matters, and therefore, I ask unanimous consent that the time for the consideration of this resolution, instead of 1 hour, be extended to 1½ hours.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I have no objection to this, but I would ask the chairman of the Rules Committee if he intends to yield half of the additional time as well to the minority.

The SPEAKER. Without objection, the time will be an hour and a half, with 45 minutes to be used by the chairman of the committee and 45 minutes to be reserved for the minority.

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. PEPPER] is recognized for 1½ hours.

Mr. PEPPER. Mr. Speaker, in bringing this resolution before the House, it has been the intention of the Committee on Rules to ask for division of the question so that the House may vote separately on each of the three titles of the resolution. This resolution in the exercise of the original jurisdiction of the Committee on Rules, would lay before the House the proposal to extend three of the select committees of the House, one on children, one on hunger, and one on narcotics.

□ 1230

Therefore, Mr. Speaker, at this time I demand that the question on House Resolution 84 be divided so that there may be a separate vote on each of the three titles of the resolution. That will have the effect of giving the House the opportunity to vote on each of the three committees separately.

The SPEAKER. The question will be divided, and there will be three votes, one applicable to each of the committees concerned in the resolution.

The Chair recognizes the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, for the purpose of debate only, I yield the customary one-half of the time allotted, that is, 45 minutes to the distinguished gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. Of course, I yield for the purpose of debate only.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York, [Mr. SOLOMON] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 84 would establish three House select committees for the 101st Congress: The Select Committee on Hunger; the Select Committee on Children, Youth, and Families; and the Select Committee on Narcotics Abuse and Control.

None of the select committees would have legislative jurisdiction but each would be charged with the responsibility of studying problems in their respective subject areas and recommending practical solutions to the House. Each select committee will be composed of 30 members. The Speaker appoints members to the select committees and will designate one of those members from each select committee to serve as chairman.

The select committees would be authorized to sit and act and would be bound by the House rules which relate to standing committees. Each select committee could hire staff and incur expenses only upon the adoption by the House of a separate funding resolution reported from the Committee on House Administration.

Mr. Speaker, the report accompanying this resolution inadvertently states that the Select Committee on Children, Youth, and Families will not have subpoena power. The Rules Committee intends, as provided by the language contained in section 204 of House Resolution 84, that the Select Committee be authorized to issue subpoenas. I hope that this will clear up any confusion as to the select committee's authority.

The House has authorized the establishment of these select committees in past Congresses and the Rules Committee feels that their establishment once again is an important step which the House of the 101st Congress ought to take.

Mr. Speaker, as all of our colleagues are aware, there are many serious problems which face our country and the world. Of these problems, hunger

is the most acute, persistent, and difficult to solve. Since the end of World War II our Nation has endeavored to find ways to solve the problem of hunger and malnutrition. More than 40,000 people die each day of hunger or complications related to severe malnutrition. That amounts to a staggering 14.6 million people annually. In 1980 alone, the World Bank estimates that 730 million people were unable to obtain enough food to consistently maintain good health. By establishing the Select Committee on Hunger, the House will demonstrate its continuing commitment to seek out practical solutions that can make an impact on hunger and its consequences. In the past three Congresses, the Select Committee on Hunger and its task forces on international hunger have brought such proposals before the legislative committees of the House. Enactment of House Resolution 84 will allow the Select Committee to continue to provide this valuable service to the House.

Mr. Speaker, the Select Committee on Children, Youth, and Families which House Resolution 84 would establish is well-suited to deal with a number of other crises our Nation faces. The Select Committee investigations in the last Congress revealed that the proportion of children living in poverty continues to increase at an alarming rate. Lack of affordable child care is a major deterrent to mothers and particularly single mothers in their ability to work. Surprisingly, the fastest growing homeless group are families with children. The Education Department reported a couple of weeks ago that over 220,000 school-age children are homeless. Estimates made by the National Coalition for the Homeless place the total number of homeless children between 500,000 and 750,000. According to the Census Bureau the number of children who live in single-parent homes has increased by 2 million since 1986. Another issue which I have been especially concerned about is long-term care for children who are disabled or chronically ill. The Select Committee has played a major role in identifying these problems, helping Congress understand their cause, and providing leadership in the pursuit of adequate solutions which are both compassionate and cost-effective.

Reestablishment of the Select Committee on Children, Youth, and Families will allow the House to continue to benefit from the expertise which has been demonstrated by its members. Historically, our Nation has found its strength within the family. Therefore, it is our duty to continue to develop policies which address the causes of the problems which destroy the family.

Mr. Speaker, I wish to point out, by the way, that the gentleman from Texas [Mr. LELAND], as the previous chairman of the Select Committee on Hunger, has done a magnificent job in that critical area. The distinguished chairman of the Committee on Children, Youth, and Families, the gentleman from California [Mr. MILLER] has also done an extraordinarily good job in bringing to the attention of the Congress and the country the problems facing the children and families of our Nation.

Mr. Speaker, the work and accomplishments of the Select Committee on Narcotics Abuse and Control are well known. The select committee under the able leadership of its chairman, Mr. RANGEL, has led the way in the Congress' continued commitment to the war on drugs.

The pervasive and destructive nature of illegal drug abuse continues to tear at the fabric of our society. Illegal narcotics continue to cross our borders at record levels, while at the same time domestic production accelerates rapidly. Today, an estimated 6.5 million Americans abuse drugs. This abuse results in $100 billion in lost productivity annually and is the basic cause of the dramatic surge in the rate of violent crime.

The Select Committee on Narcotics Abuse and Control played a major role in the development of the Anti-Drug Abuse Act of 1986 and 1988 by advocating new initiatives in all facets of our Nation's response to this terrible phenomenon. The value of their oversight and advice to the House cannot be measured.

For example, one of the outstanding accomplishments of the efforts toward drug legislation in recent days is the establishment in the White House of a so-called drug czar, somebody who has central authority over their operation of the whole program.

Now, as the effects of recent legislation begin to take hold, it is imperative that we reconstitute the select committee in order that they may continue to advise the House on any modifications or additions in law which are needed to help end the crisis of drug abuse in our Nation.

Here again, Mr. Speaker, I wish to commend the distinguished chairman of that subcommittee, the gentleman from New York [Mr. RANGEL], for the magnificent leadership he has given to this critical committee.

So, Mr. Speaker, in closing, I would urge my colleagues to adopt this resolution and agree to the establishment of these select committees. It would be a critical first step in the development of solutions to the many problems which face our country today. I think these committees are deserving of the continued support of this House, and I urge my colleagues to approve this resolution today. Let us reconstitute these very distinguished select committees, supported as they have been by their very able leadership.

Madam Speaker, I reserve the balance of my time.

□ 1240

Mr. SOLOMON. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise in opposition to the resolution. I do so not necessarily because of the substance of what it contains, but rather as a protest against the process that brought it to the floor as a privileged resolution.

It was my hope, and indeed the hope of other members on the Rules Committee, that this resolution could have been brought to the floor under an open rule. An open rule could have provided for a minimum of 1 hour of debate on each of these three select committees, and it would have permitted amendments.

As it is, however, reporting House Resolution 84 as a privileged resolution has the effect of bringing it to the floor under a closed rule. I realize that a division of the question can be asked for, with a separate vote on each committee. But, even so, we would still be limited to a total of only one hour of debate to discuss the merits of all three select committees put together.

And so a vote for this resolution is, in my view, a vote for a closed rule. Therefore, I must oppose this resolution on those grounds.

Madam Speaker, I would now like to make a few brief observations about the importance of what we are considering here this afternoon. In my view, reconstituting the Select Committees on Hunger, Narcotics Abuse, and Families should not be simply just another routine matter.

As I noted a moment ago, an open rule would have permitted the House to discuss the merits of these three committees.

There are some Members, for example, who believe very strongly that the Select Committee on Narcotics Abuse and Control should be elevated to the status of a standing committee, with authority to report legislation. The fight against illegal drugs and the scourge of narcotics addiction is perhaps the one single issue which has gained the attention of every public official in America.

But this "business as usual" way of doing things around here precludes us from debating this issue today. Has the congressional response to the drug crisis in America been adequate? I believe we should debate that question.

There are other Members who believe that our entire committee system is long overdue for a thorough review. As every Member knows, the congressional budget process has become so time-consuming and complicated that the authorizing committees have found their authority and roles in the legislative process being steadily eroded.

Does the establishment of select committees serve to diminish even further the role of standing committees? This is another vital question that needs to be debated.

Yet another issue, Madam Speaker, that members are concerned about is the very nature of the select committees themselves. The guidelines for establishing such committees that were set forth by the Rules Committee in 1977 contain specific provisions about limited time periods for the existence of select committees and narrowly defined subject matter for their consideration.

We all know that the present committee system is fraught with duplication, overlap, and inefficiency. Have select committees become a part of the problem? Judging from the survey of activities that were filed with the Rules Committee, it would seem that these three select committees have agendas which are just as diffuse and as virtually unlimited as the standing committees.

In conclusion, Madam Speaker, I would just note that Members of the 101st Congress were sworn into office 8 weeks ago today. We haven't done much since then. There should have been adequate time to really figure out what it is that we should be doing around here. There is a tremendous need to make our entire committee system more rational. That is the real issue here today, and the reason why I am distressed about what is, in effect, a closed rule, with so little time to really debate these issues on the merits and no opportunity for amendments.

Mr. PEPPER. Madam Speaker, I yield 2 minutes to my distinguished colleague and friend, the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Madam Speaker, I rise in support of title I of House Resolution 84, which establishes in this Congress the Select Committee on Hunger. This title of the resolution incorporates House Resolution 20, of which I am pleased to be an original cosponsor.

I have been a longtime supporter of the Select Committee on Hunger, and I have enjoyed the privilege of chairing its international task force since the Select Committee's inception in 1984.

Before the creation of the Select Committee on Hunger, jurisdiction over hunger issues was divided among 8 of the 22 standing committees and numerous subcommittees. Creation of the Select Committee on Hunger has provided a single, unified forum for the consideration of the diverse issues related to hunger—both domestic and international.

There is no question that hunger continues to be a critical issue that merits the special focus of the U.S. Congress. Each day, 40,000 people die of hunger and complications related to severe malnutrition. An estimated 14.6 million people die from hunger and malnutrition each year. More than 20 million people here in the United States, including 4 million children, go hungry at some point during each month.

Since 1984, the Select Committee on Hunger has made important contributions to the work of the Congress on issues relating to both domestic and international hunger. The record demonstrates that the Select Committee's work has complemented that of the standing committees with jurisdiction over hunger. As the Select Committee's progress report on its activities in the 100th Congress indicates, it has succeeded in directing attention to issues that might not have received such congressional consideration without its work. There are many examples of this that I could cite, but I would like to take a moment to highlight just a few that were of special interest to me in the 100th Congress.

Domestically, the Select Committee made several contributions to provisions of the Emergency Hunger Prevention Act of 1988—Public Law 100-435. Hearings by the Select Committee on Hunger led to legislation which was incorporated into this law to encourage greater use of farmers markets to bring nutritious commodities to low-income women, infants, and children. The Hunger Committee also participated in the crafting of provisions of Public Law 100-435 designed to simplify application procedures for food stamps, Medicaid, and aid to families with dependent children [AFDC].

I was especially pleased that the Emergency Hunger Prevention Act included provisions based on my bill to establish a national gleaning clearinghouse within the Department of Agriculture. The Select Committee had been working with me since the 99th Congress on hearings and legislation to promote the gleaning of surplus farm crops for use in private emergency food distribution programs. As signed into law, the gleaning provisions authorize the Secretary of Agriculture to provide technical aid to State and local agencies for encouraging public and private nonprofit agency involvement in gleaning programs, and for collecting and sharing information relating to gleaning efforts.

As chairman of the International Task Force, I am especially pleased by the contributions made by the Select Committee to numerous international hunger issues. In the 100th Congress, I had introduced H.R. 1693, the Global Basic Education Enhancement Act. Funding provisions of the Foreign Aid Appropriations Act (P.L. 100-461) reflected the thrust of this bill and of other basic education activities of the Select Committee. For fiscal 1989, there is an earmark of $64.7 million for basic primary and secondary education spending by AID. This follows an earmark of $42 million in fiscal 1988. It is my hope that this type of funding commitment demonstrates a growing consensus about the vital role of basic education in efforts to sustain development in Third World nations.

Since fiscal 1985, the Select Committee has made prominent contributions to securing increased support for the Child Survival Fund. Last year, the Select Committee called attention to a disturbing trend in AID's support for child survival activities: a decline of 20 percent in funding for these activities, including a 30 percent decline in child survival spending for African children, from fiscal 1987 to fiscal 1988. The Select Committee worked with the Foreign Operations Subcommittee on language in the Foreign Aid Appropriations Act to encourage AID to increase funding for child survival activities—and especially those for African children—in fiscal 1989 to a level at least as high as that of fiscal 1987.

In the 100th Congress, the Select Committee on Hunger continued its strong support for programs to combat both blindness and malnutrition through the increased use of vitamin A. An earmark of $8 million for AID's Vitamin A Deficiency Program was included in the fiscal 1989 foreign aid appropriation.

The Select Committee also supported initiatives to achieve the worldwide eradication of Guinea worm disease and to increase the U.S. commitment to fight river blindness.

Further, the Select Committee advocated an earmark of $75 million for micro-enterprise credit in the fiscal 1989 foreign aid appropriations legislation—an amount which ultimately was approved.

I was pleased to work with Select Committee on Hunger Chairman MICKEY LELAND on legislative initiatives, such as H.R. 4049, to promote the role of women in development. I also worked with Chairman LELAND on measures to address food emergencies in Sudan, Ethiopia, Uganda, Somalia, Mozambique, Angola, and other African nations.

With respect to Ethiopia, I was grateful that 232 of my colleagues joined as cosponsors of House Concurrent Resolution 237, a resolution I introduced to encourage early action to prevent the loss of life in Ethiopia and other drought-stricken nations in sub-Saharan Africa. I also appreciated the opportunity to work with the gentlewoman from New Jersey (Mrs. ROUKEMA) on an initiative to urge the Soviet Union to use its influence with the Ethiopian Government to help secure the delivery of food relief to the needy in the embattled regions of Ethiopia.

In regard to other international emergencies, I was honored to have the opportunity to travel to Bangladesh at the request of the Select Committee and of the Speaker of the House of Representatives to assess the aftermath of the serious flooding in that country. I intend to continue to work with my colleagues on further initiatives, relating to Bangladesh.

These are just some of the efforts of the Select Committee of particular interest to me. I believe they have helped to save lives and to improve the health and nutrition of those in need throughout the world.

While the Select Committee on Hunger already has made significant contributions to hunger and health issues, both domestic and international, it is clear that there is much work ahead of us. The Select Committee has identified a number of issues and projects to be pursued in 101st Congress. I believe we continue to need the work of the Select Committee on Hunger to assist the Congress in responding to the many challenges that face our country and the rest of the world in matters relating to hunger, health, and poverty alleviation.

The solid record of the Select Committee demonstrates that it has an important role to play in this 101st Congress. I urge my colleagues to support the reauthorization of the Select Committee on Hunger, as provided in Title I of House Resolution 84.

Mr. SOLOMON. Madam Speaker, I yield 5 minutes to our distinguished Republican minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, a select committee is the House's way of adjusting to the crises of our times. Select committees, at their best, offer us a flexibility and a sense of focus that we may otherwise not find in our standing committees.

Having said that, let me address some problems I see in our efforts to fight drugs, the most notable example of which is the Select Committee on Narcotics.

The Select Committee on Narcotics serves a useful purpose of initially highlighting the issue of drugs and of providing information. But we are now at that juncture where the fight against drugs needs more than information. It needs coordination. It requires cooperation, and there has to be planning guidance and a sense of direction. All of these are currently lacking in the House.

We have 53 House committees and subcommittees with oversight responsibility for some aspect of the antidrug program.

This doesn't include appropriations, select, task force and other nonstanding committees.

None of these groups coordinate their objectives, policies, hearings, schedules, funding proposals or messages. They all shout "Listen to Me" but none stop to listen.

If the drug criminals ran their operations in such a messy fashion, they'd be out of business in a week. They are organized but we're not.

Drug policy in the House is a labyrinth inside a maze, inside a jungle.

Do we really expect to drop at the doorstep of our new drug czar, William Bennett, all this complexity and then say: from here on, you are on your own? He deserves something more—something better—than that. So does President Bush. And so do millions of Americans who want to see this drug fight in Congress get its act together.

We tell the public: "Look at the great drug bills we've passed." But what we don't tell the public is this:

The 1986 and 1988 drug bills are comprehensive bills that simply list the individual policies of all major committees. They are not coordinated policies.

They are simply the separate opinions of at least 11 different committees lumped together under one bill number.

Intercommittee disputes were resolved for purposes of this bill, but no permanent resolution mechanisms were put in place.

There is an old Gershwin brothers song whose lyrics say:

"You say to-May-toe and I say Tah-Mah-Toe—let's call the whole thing off."

Well, we are all saying and doing different things about drugs—but we can't call the whole thing off. There is too much at stake. We have to speak and act in a much more harmonious way.

We must recognize that the select committee is good at highlighting the need for coordination by the administration, but is impotent when it comes to eliminating the greatest barrier to coordination: Hill policy run amok.

The select committee cannot coordinate legislative committees because it lacks both legislative authority, and its membership is not designed to represent each of the relevant legislative committees and subcommittees.

That is why today I have sent a letter to President Bush and a copy to the Speaker urging the creation of an ad hoc committee on drug policy to serve as the focal point for antidrug legislation. This committee would be the vehicle to consider administration initiatives on antidrug legislation.

The ad hoc committee would serve several purposes. It would enable the administration to work more effectively with the Congress on drug policy. It would eliminate overlap and duplication in the House, and it would surely expedite consideration of any new legislation on drug abuse.

I would assume that the members of the committees with primary jurisdiction over drug policy would play a key role in the ad hoc committee, but I have no doubt that the vast majority of Republicans and Democrats with a keen interest in the drug problem will recognize the urgent need for coordination and consolidation.

The most effective step we can take in the battle against drug abuse is to legislate policies that will work on the streets, not on paper.

I am submitting my letter to the President for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I will meet later this week with Bill Bennett to discuss an effective means of implementing your anti-drug abuse strategy.

I have no doubt that among your initiatives in this area will be a call for expedited action from the Congress on a variety of drug-related issues not fully addressed by the bill we enacted in the 100th Congress. It is my hope that these initiatives will receive prompt action in the House; however, the potential for a continuation of the piecemeal and cumbersome approach the House has taken is significant. As I understand it, there are more than 53 committees and subcommittees in the House that lay claim to jurisdiction over some aspect of the drug problem. This unreasonably large number does not include appropriations subcommittees, select committees, or task forces.

Jurisdictional overlap of this magnitude has increasingly frustrated implementation of an effective anti-drug policy. Creation of the Office of National Drug Control Policy and your appointment of Bill Bennett was in response to a need for greater coordination at the Federal level.

Now Congress must impose a discipline upon itself. Secretary Bennett cannot coordinate the efforts of agencies and departments that are implementing inconsistent policies in response to one or more of the 53 subcommittees in the House.

Mr. President, I hope that you will consider asking the Speaker of the House to exercise his authority under the House Rules to create an Ad Hoc Committee on Drug Policy to serve as the focal point for anti-drug legislation.

The Ad Hoc Committee would serve several purposes: It would enable the Administration to work more effectively with the Congress on drug policy; it would eliminate overlap and duplication in the House, and it would surely expedite consideration of any new legislation on drug abuse.

I would assume that the Members of the committee with primary jurisdiction over drug policy would play a key role in the Ad Hoc Committee, but I have no doubt that the vast majority of Republicans and Democrats with a keen interest in the drug problem will recognize the urgent need for coordination and consolidation.

The most effective step we can take in the battle against drug abuse is to legislate policies that will work on the streets, not on paper.

I firmly believe that this type of congressional restructuring is essential to the success of the new Office of Drug Control Policy.

I fully intend to take this matter up with Bill Bennett this week, Mr. President, and I

hope that you will have a moment to consider this approach prior to our meeting.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

□ 1250

Mr. PEPPER. Madam Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Madam Speaker, I rise in strong support of the resolution; but before the minority leader leaves, I would like to tell him why I think that he is dead wrong.

First of all, we do not have legislative responsibility. We have not sought legislative responsibility. In all the years that we have had the select committee, we, like you, have hoped that there would be no need for a select committee.

We have had 25 hearings. We have written eight reports. We have gone around to the countries that are drug producers, and as the gentleman has pointed out, we have focused attention on this problem.

But I think the gentleman is wrong in asking the President to set up an ad hoc committee for these reasons: With all of the criticisms that we have had in this Congress legislating, and we might have even been more mean by saying on the eve of elections of 1986 and 1988, with the fact that everyone came together and put together the bills under the leadership of the minority leader and Speaker WRIGHT's leadership and before that majority leadership, the members of the Select Narcotics Committee because they are appointed because of their relative committee assignments did not bring anything special to the table because they were the select committee, but they brought it to the table because they were on the Judiciary Committee, they were on the Ways and Means Committee, the Education Committee, the Energy and Commerce Committee.

So it was really a congressional function that we serve that served well by filling in a gap.

Let me try to fill that gap in without being partisan. In all these 8 years where we did the best we could with a piece of legislation, we did not have the direction.

I say to the distinguished leader, I am hoping now that this Congress that was mandated to Bill Bennett, and we have reached out our hands as the President has reached out his hands to the Congress, to say, "Don't force the select committees and the standing committees to get together on this floor to attempt to respond to our foreign policy, to our law enforcement policy, to education and to rehabilitation."

Let the administration now come to us and tell us as a whole what legislation they need, what legislation they want.

Do we not know, I say to the leader, that it will be the standing committees that will now review what the administration is asking for and then perhaps if we find that we have developed a strategy, a policy, and the White House for the first time as the President addressed both the House and the Senate, is telling us what they want, it could very well be that we do not need an ad hoc group. All we need is an Executive with leadership and a House and a Senate that is willing to respond.

Madam Speaker, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, I thank the gentleman for yielding.

I certainly did not want in the course of my remarks to in any way disparage the good work that the gentleman and the members of that committee have done over a period of years. As a matter of fact, frankly, it is the only committee or entity in government itself that was highlighting the issue, as the gentleman was doing so well, and then we ultimately got to the point where we were attempting in our feeble nimble way to pull things together as best we could under the circumstances.

I guess what I am suggesting is that all serves a very useful role. Now maybe we ought to be giving consideration to what is the next step, what is the next mechanism by which we really do pull things together in a very well-coordinated way.

Admittedly, with a drug czar, he has a big job ahead of him.

Mr. RANGEL. Madam Speaker, I say to the distinguished leader, I think this. If we reconstitute the committee, let us not stop working together as we have in the past, Republicans and Democrats, to see if there is a better way to do it.

I am strongly suggesting that if indeed President Bush through the drug czar reevaluates the budget, the programs that are working, the programs that are not working, and comes to this Congress with specific directions and suggestions, it could very well be that a nonlegislative committee would have no function.

What we think we have tried to do is to guide the Congress in providing the legislative leadership so that the executive branch would at least have some program, even though I agree with the gentleman, no one could be particularly proud of the manner in which we have reached that.

I certainly hope that the Congress and this President can put our committee out of business.

Mr. SOLOMON. Madam Speaker, I yield 6 minutes to a distinguished member of the Rules Committee, the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Madam Speaker, I thank both gentlemen for their courtesy, the vice chairman of the subcommittee and also the chairman of the committee.

I think we are about to do something that certainly surprises me and may surprise some other people. I will do a brief introduction to this idea because I think you all have a right to know how it occurred.

Returning this morning flying in from my district, I was even more disturbed about the drug problem in this country and the need to combat it.

Yesterday I was at a large company that told me, for instance, that 30 percent of its potential new hires were testing positive for drugs. This is in the heart of America. This is not on the streets of Chicago, the barrios of Los Angeles. This is in what is supposed to be the heartland.

It is a scourge that affects every corner of this country, whether it is a big city or a small town. It has crept into our neighborhoods, our schools, and where we want people to work.

So what are we doing here today? We are asked to create a select committee to study the problem, but we all know we have gone beyond that.

We had a drug bill last year. It was patched together by umpteen committees, lots of task forces on both sides, and a good bill; but it took too long and it ended up really, if we are going to be objective, as a disjointed piece of legislation. We do not have a single committee to deal with this most important domestic problem facing the Nation.

So what I was going to do was something rather complicated. I was going to ask us to vote down the previous question. I know this is odd coming from a Republican. It was not going to be to get rid of select committees, as tempting on one count it would be for me. It was to form a single committee on drug abuse. The amendment would have added a new section to title III that would have directed the Rules Committee to report back as soon as possible its recommendation on changing the Select Committee on Narcotics Abuse and Control to a permanent committee, one with legislative jurisdiction. It would not affect the other select committees. They would all be established, but it would hold forth a real possibility that the Narcotics Committee would be given real teeth and real responsibilities in our war on drugs.

The amendment reads as follows:

AN AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS TO HOUSE RESOLUTION 84

In Title III, add the following new section:

"SEC. 307. The Committee on Rules shall report back to the House at the earliest practicable date its recommendations on reconstituting the Select Committee on Narcotics Abuse and Control as a permanent, standing committee of the House with legislative authority.".

It struck us on both sides of the aisle that there was some kind of irony that we gave the President the authority to create a single drug czar, but we did not give ourselves the same single focus, the same authority to oversee that czar and to move rapidly, if necessary, on any legislation.

□ 1300

Madam Speaker, make no mistake about it, it would have been an important vote, but it was not meant as some sneaky little vote and then we have a press release saying how wonderful I am and then have it go the way of all of those kinds of votes.

I have to go to the chairman of the committee and to the members on my side, and I would like to talk to the chairman right now and read the amendment that I wish that this House would have considered and to hear the chairman's reaction, "that the Committee on Rules shall report back to the House at the earliest practicable date its recommendation on reconstituting the Select Committee on Narcotics Abuse and Control as a permanent standing committee of the House with legislative authority."

Mr. PEPPER. Madam Speaker, will the gentlewoman yield?

Mrs. MARTIN. Madam Speaker, I am happy to yield to the distinguished chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Madam Speaker, the chairman of the Committee on Rules in the absence of the other members of the Committee on Rules would be reluctant to agree to any amendment here.

I would, therefore, ask the gentlewoman from Illinois, a distinguished member of the Committee on Rules, not to make a formal offer of an amendment, because as chairman of the Committee on Rules, here and now, I offer my firm assurance that the Committee on Rules will at an early date, with the cooperation of the gentlewoman from Illinois, have a hearing and make a decision on the matter that she proposes and report back to the House just as her proposed amendment would offer with respect to whether or not the Select Committee on Narcotics should be constituted as a standing legislative committee of the House.

Madam Speaker, I commend the gentlewoman for this proposal, because I am told that it has been said here on the floor that there are some 50 committees and subcommittees of the House that have jurisdiction in part over this matter of narcotics, and undoubtedly the proposal of the gentlewoman from Illinois which concentrates the authority in this select committee as a standing committee to deal properly with the subject.

I give the gentlewoman my assurance that the Committee on Rules will do what her amendment proposes.

Mrs. MARTIN of Illinois. Madam Speaker, there is no Member of this House who would not accept the word of the chairman of the Committee on Rules, although if you will forgive me for a moment, it is a little difficult for a Republican to figure out how to act when they have won, but I thank the chairman, and I look forward to working together, because it matters too much to all of us, and I am greateful to the chairman of the Committee on Rules. I accept his word as his bond.

Mr. PEPPER. Madam Speaker, for debate purposes only, I yield 5 minutes to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Madam Speaker, I am pleased to be here with my distinguished colleague, the gentleman from Missouri, Mr. EMERSON, the vice chairman of the Select Committee on Hunger. He has been a leader in directing the committee toward the bipartisan goal of alleviating domestic and international hunger.

I am proud to say that more than 230 Members of Congress and a broad-based coalition of nearly 300 religious, community, charitable, medical, farm, and labor organizations are supporting reauthorization of the committee in the 101st Congress.

This continuing and increasing support for the committee is testimony to its accomplishments in investigating hunger, expanding understanding of its complexities, and developing practical policy options to end these conditions. Citizens at the grassroots clearly endorse a congressional entity to search out the causes of hunger and malnutrition in our country and in the world and to find remedies to end them. Marianne Leach of CARE and Rod Leonard of Community Nutrition Institute have worked unstintingly to assure that these many voices were heard on Capitol Hill.

During the 100th Congress the committee's work was extensive. Thirty-two hearings, nine basic human needs seminars and numerous briefings were held; nine reports were published and monthly status reports on international and domestic hunger were issued and widely distributed. This activity builds a framework for comprehension of hunger, the ancient scourge of humankind, in this time of apparent plenty. It enables Congress and the public to explore and develop appropriate policies to eliminate hunger.

The committee has gone beyond fulfilling its mandate to "conduct a continuing comprehensive study of the problems of * * * hunger." Through its investigation, study, and advocacy, it has played a role in saving millions of lives.

The committee was instrumental in setting up the Child Survival Fund and has worked to strengthen and sustain its activities in the U.S. Foreign Assistance Program. A direct result can be seen in the most recent UNICEF report which states that the lives of 1.5 million children are being saved each year in the developing world.

Committee attention to scientific findings on the impact of vitamin A on child mortality resulted in greatly expanded research and operational programs.

From the Ethiopian famine in 1984 to the current tragic situations in the Sudan, the committee has monitored hunger in Africa, and elsewhere in the world and has been instrumental in assuring that humanitarian relief was provided. Whether caused by natural disasters such as drought, deliberate destabilization by outside governments, or civil strife, the existence of hunger has been substantiated by the committee so that aid could move as swiftly as possible to those in need. The committee has coordinated with private voluntary and multilateral organizations in these efforts.

In 1988 a Committee Working Group on Latin America was set up to study human needs in that troubled region. This effort is already contributing to the well-being of needy people and has the potential for improving the possibilities for peace in our hemisphere.

A belief that the great productivity of American farmers must be effectively used to eliminate hunger has been an operating principle of the committee. Members took the lead in expanding the kinds and quantities of commodities made available to less developed countries. The committee also supported legislation to monetize food aid. An encouraging example of the value of this approach is the extensive national AIDS Program in Uganda, funded by local currency obtained from food aid sales.

The committee has worked from the premise that hungry people want to change their situation and have the capacity to do so. Through reports, hearings, and seminars, the concept of credit for small entrepreneurs in the Third World has become a substantial initiative and its applications in the United States are being studied.

In the same way, the committee took the lead in efforts to expand the role of women in development. The result was new legislation, the first in 15 years, that acknowledges the role women must play in economic growth.

Hungry people in the United States have been a separate and particular concern of the committee—the children in poverty, the homeless, the disabled, the African American, Hispanic and native American minorities who are marginalized in our society. Hunger has been examined in the Mis-

sissippi Delta, Appalachian hollows, barren Indian reservations, urban welfare hotels, and even affluent suburbia.

The committee has looked at the problem of inadequate benefits, the barriers to participation and the lack of access to competitively priced food that threaten the food security of millions of Americans, even in a time of economic plenty. The committee has brought innovations, such as the Farmers' Market Program for low-income neighborhoods, from the State level to the attention of Congress.

As the State and local governments, churches, social agencies, and other private organizations have moved to relieve hunger at the grassroots, the committee has supported them at the Federal level. The Hunger Prevention Act of 1988 included a provision to aid in the expansion of gleaning; amendments to the Tax Code initiated by the committee last year will make it easier for food producers and dealers to make tax deductible contributions to food banks.

There are those who say giving money directly to hungry people is preferable to supporting a committee. Such an action would alleviate hunger briefly but truly effective antihunger efforts require thoughtful long-term strategies. Committee activities have generated resources for hungry and marginalized people far in excess of committee costs.

The issues associated with hunger fall under the jurisdiction of eight standing committees including Agriculture, Appropriations, Banking, Education and Labor, Foreign Affairs, Government Operations, Interior and Insular Affairs, and Ways and Means. Through coordinated efforts such as joint hearings and member and staff consultation, the committee has worked effectively with these committees. The result has been both attention and action in many diverse areas.

The reestablishment of the Select Committee on Hunger in no way alters the mandate of any standing committee, nor does it lessen the role played by these committees in meeting their obligation to combat hunger. Rather, the select committee supports these committees by specific research and by providing a single focus on the commitment of this Congress and this country to eliminate hunger.

The stature of the United States as a world leader is based to a great extent on our generous response to people in need. This bipartisan tradition began after World War I when Herbert Hoover brought relief to our former enemies in war-ravaged Europe. It continued with the Marshall plan. The select committee follows in that tradition although the focus has broadened somewhat from emergency relief programs. Now innovative proposals that provide the maximum leverage in the battle against hunger are searched and studied.

There have been improvements in access to food and health care during the past decade but the grim specter of hunger still lingers in the world. It is estimated that more than 500,000 persons died of starvation in the Sudan in 1988. Every year 15 million lives are lost to malnutrition related illness. In the United States inadequately nourished children miss school too often or cannot pay attention to their studies. They are not acquiring the skills our society urgently needs. The nutritional status of the homeless is deplorable.

Despite progress, one in five children in Latin America is malnourished, one in three in Africa and Asia; 27,000 children die every day because they lack adequate nutrition and health care.

The moral requirements of justice, the human desire for peace and our own self-interest oblige us to maintain the effort to assure a decent diet to every person on this planet.

Through the reauthorization of the Select Committee on Hunger this Congress will indicate to generous and concerned Americans and to the world community that our Nation is committed to wiping out hunger. It will send a message that the United States intends to maintain its leadership as a humanitarian nation. With these thoughts, I urge Members' favorable and continuing support for reauthorization.

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Select Committee on Narcotics Abuse and Control, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Madam Speaker, as ranking minority member designate of the Select Committee on Narcotics Abuse and Control, I rise in strong support of the reconstitution and strengthening of the select committee. I would like to commend our distinguished chairman from New York, Mr. RANGEL, and our colleague, Mr. GILMAN, for the past accomplishments of the select committee under their tireless leadership.

The importance of the Select Committee on Narcotics Abuse and Control is highlighted by the fact that our Nation's drug problem continues to be a crisis of major proportion that demands nothing less than our focused attention. We must continue and strengthen ongoing efforts to discourage the production of illicit drugs here and overseas; to interdict drugs destined for the United States; to intercept them at our borders; to apprehend, prosecute, and punish drug dealers, pushers, and users in the United States; to educate people about the dangers of drugs; and to provide treatment and rehabilitation for those affected by the scourge of drugs.

The select committee is particularly important because of its mandate to monitor this broad range of antidrug activities. Nearly every Federal agency plays a role in the war on drugs and it is the select committee's function to evaluate these efforts and to recommend improvements when necessary. It plays a vital oversight role in following-up on the implementation of the Omnibus Drug Acts of 1986 and 1988 to ensure that the intentions of Congress are carried out. In a very real sense, the select committee is the legislative branch counterpart to the drug czar created last year by Congress in the executive branch.

Our Nation has become increasingly aware of the seriousness of the drug problem as its insidious effects pervade every segment of our population. The problem is particularly acute in urban America where our children are literally dying in the streets because of drugs and drug-related violence. We need only look out the windows of our offices to see perhaps the most vivid—and the most shameful—example of the human toll the drug epidemic takes: Our Nation's capital has become America's murder capital. Why? Because of drugs and drug-related violence.

Madam Speaker, this is certainly not the time to falter in our war on drugs. I strongly urge my colleagues to support the reconstitution of the Select Committee on Narcotics Abuse and Control so that it can continue to dedicate itself, full time, to helping ensure that this Nation has a comprehensive, coordinated, adequately funded Antidrug Program.

□ 1310

Mr. PEPPER. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Madam Speaker, I rise today to urge each of my colleagues to support House Resolution 84 reauthorizing the House Select Committee on Hunger. Under the skilled leadership of Chairman LELAND, the select committee has dramatically focused the attention on a very real problem for many of our citizens—hunger.

During my first term in Congress, I have become well acquainted with the quality work that this select committee performs each day in the House of Representatives. Last year, I was fortunate enough to work alongside the select committee in a hearing conducted on a serious problem in Alabama—the nutrition of pregnant women and our shamefully high rate of infant mortality.

In my State, the rate of infant mortality has remained among the highest in the Nation for the past 5 years. This is not a fact to be proud of. However, finding answers for such a multi-

faceted problem as infant mortality is not easy. There is no doubt in my mind that developing better nutritional habits for both pregnant mothers and their infants will lower the risks associated with pregnancy. It seems to be common sense to me that we, in the Federal Government, should concentrate our Federal dollars on better nutritional planning for all members of our society, including mothers and children.

In the 100th Congress, this committee participated actively in the development of several important pieces of legislation. I am particularly proud of the work completed on the Women, Infants, and Children Program [WIC] in conjunction with the House Agriculture Committee. In a time of declining Federal dollars, the restructuring of WIC actually will spend our Federal dollars more wisely. I am confident that this expansion of WIC will provide needed assistance to many needy persons in Alabama. In addition, the select committee coordinated the effort to initiate the infant formula rebate program. This program reimburses mothers for money spent on specially formulated, nutritious milk products that are fed to young infants. A well-fed child is crucial in our battle against sudden sickness or even death that contributes to our Nation's infant mortality problem.

My colleagues, I would like to bring to your attention that I am not alone in my praise of the committee's work. Nearly 300 organizations including the U.S. Conference of Mayors, Children's Defense Fund, and the United Way of America have organized a coalition—the coalition for a select committee on hunger—to ask for your support.

I believe that the forthcoming work of the committee will continue to yield dramatic results for our Nation's hungry. After all, one needs only to walk two blocks from the Capitol, down Pennsylvania Avenue, to encounter persons asking for donations to feed themselves and their families. This is not a desirable condition for any person to be in. These persons are not asking for our pity. Instead they ask for our compassion and our dedication to finding a solution to a very difficult problem. In a nation of such incredible food production capabilities, we must strive to spread these resources more quickly and fairly among all of our citizens who experience hunger in this great Nation.

I hope each one of you will give serious consideration to supporting this reauthorization of the Select Committee on Hunger.

Mr. SOLOMON. Madam Speaker, I yield 5 minutes to the gentleman from New York, Mr. BEN GILMAN, the former ranking member of the Select Committee on Narcotics Abuse and Control.

Mr. GILMAN. Madam Speaker, I also rise in support of House Resolution 84, legislation to reauthorize the Select Committee on Hunger.

I am proud to say that at least 300 organizations have expressed support for reauthorization of the committee.

It would be encouraging if I could state that since the establishment of the committee in 1984, hunger had decreased in the world.

Half the people of the world still go to bed hungry every night and millions of children die each year because their malnourished little bodies cannot fight infection and disease.

The causes of hunger are complex. Through more than 30 hearings and many significant reports our Hunger Committee has shown that a cluster of complex and interrelated problems are keeping the poor nations of the world in debt, destitution, poverty, and hunger. The myriad causes of hunger include environmental damage because of erosion and poor farming practices, deforestation, population pressures, waterborne disease, lack of credit that could enable the poorest of the poor to generate income for themselves.

Through coordinated efforts with committees of jurisdiction the Select Committee on Hunger has been faithful to its mandate to both study and review the problems of hunger and to make significant recommendations to alleviate it.

Hunger eats away at the solidarity of the human family and tests the depth and sincerity of the moral commitment of every nation and individual. If we truly believe that all members of the human family have a right to life and the means of providing for that life, we must, as a nation, demonstrate that belief.

Accordingly, I urge my colleagues to support this bill.

Mr. PEPPER. Madam Speaker, I yield 2 minutes to my distinguished colleague and friend on the Rules Committee, the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Madam Speaker, I rise in support of House Resolution 84, the resolution providing for the reauthorization of the House Select Committees on Children, Youth, and Families, Hunger, and Narcotics Abuse and Control.

Madam Speaker, prior to coming to the House of Representatives, I served in the Missouri State Legislature. I began my service during a time of tremendous social change.

Developing legislation to adequately address problems arising from the various social changes was extremely difficult. One obstacle we in the State legislature frequently encountered was the absence of a central, official repository to provide us with up-to-date, accurate information on the status of matters relating to social problems like hunger, family changes, and illegal drug usage.

Today, due largely to the commitment and effort of individuals like Chairmen MILLER, RANGEL, and LELAND, the House of Representatives has three select committees which serve as this Nation's clearinghouse on these matters. Not only do the select committees serve as official repositories providing Members of this body and citizens of this Nation with conclusive information on matters relating to their respective jurisdictions, but the committees have also provided us with the foundation for critically needed legislation. For instance, the select committee on which I serve, Children, Youth, and Families, provided much of the information needed for legislation involving Medicaid expansion for pregnant women and infants, various child care proposals, and welfare reform.

Madam Speaker, the work of all three select committees being considered for reauthorization today should be applauded because much has been accomplished. However, a great deal of work still remains to be done.

Let us continue with the commendable progress made to date. We can do that by supporting this resolution reconstituting the Select Committees on Children, Youth, and Families, Hunger, and Narcotics Abuse and Control.

Mr. SOLOMON. Madam Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Speaker, I rise to express my enthusiastic support of House Resolution 84, which reauthorizes the Select Committee on Hunger. I had the pleasure of serving on this committee last term, and I know first hand the valuable contribution it has made to advocate and coordinate legislative efforts to end hunger and poverty in America and abroad.

The Select Committee on Hunger has been instrumental in raising America's level of consciousness about the desperate nature of hunger and homelessness. During the 100th Congress, it examined a wide array of subjects relating to the problem of hunger, including homelessness in America, simplification and coordination of welfare programs, dwindling commodities in the TEFAP Program, the plight of the Afghanistan refugees, and the importance of women in Third World development.

Acknowledging the committee's work, the Alan Shawn Feinstein World Hunger Award for public service was presented to the Hunger Committee last April. This was a tremendous honor for each committee member. This award signified our commitment to addressing the long-term persistence of hunger by enhancing

public awareness of issues affecting the less fortunate.

The Select Committee on Hunger is necessary because it is the only congressional forum which examines all hunger-related issues in a holistic manner. It is only too bad that on such an important issue committee and agency jurisdiction is splintered and authority over particular programs is jealously guarded. The hungry in America would be better served by fairer and more rational congressional committee and agency systems in which all hunger-related issues reside in one place. Until that occurs, the hungry in America and across the world need the Select Committee on Hunger.

I strongly support reauthorization of the Select Committee on Hunger and I urge my distinguished colleagues to do likewise.

□ 1320

Mr. PEPPER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. MILLER], the very eminent chairman of the Select Committee on Children, Youth, and Families.

Mr. MILLER of California. Madam Speaker, I rise in support of House Resolution 84 to reauthorize the Select Committee on Children, Youth, and Families. Congress exercised considerable foresight when it first created this committee.

Recognizing before many others that emerging social, demographic, and economic trends would affect the Nation's children and families in profound ways, Congress sought a mechanism to coordinate and review these changes, as well as recommend ways to improve public and private sector policies affecting this constituency.

At that time, Congress had little ability to step back from day-to-day legislative activities, to look across committee jurisdictions and across program lines and see the very real and deepening needs of a vulnerable but voiceless group: America's families and the children who live in them.

When the select committee began, there was little awareness in either the Congress or the public of the extent or nature of the issues affecting children, youth, and families. And few anticipated the far-reaching consequences of changes in public policy which have substantially deepened the vulnerability of millions of American families.

Now the need to address the Nation's investment in its current and future work force—the children and families of today and tomorrow—has reached the top of the public policy agenda. Given the heightened political attention which these issues are drawing on both sides of the aisle as well as in the administration, in Governors' offices and among corporate leaders, there can be little doubt that this select committee's role is now more timely and critical than ever.

To maintain our Nation's leadership and ability to compete in the international economic system and to ensure the survival of our democratic institutions requires a thriving, healthy, educated, and trained population ready and able to enter and remain in the labor market, to create and maintain families, and to participate in their communities.

Yet, without serious review and revision of current policies and practices in both the public and private sectors, America's children will not be prepared to shoulder the responsibilities of adulthood in the 21st century, nor participate in the technologically advanced labor force required for that new era.

The facts are alarming: Among today's youngest children, one in four is poor; more than one out of every five children lives in a single-parent family, and for black children, more than one out of two grows up in a single-parent family. Nearly 12 million children lack health insurance, even though many of their parents are in the work force. One in seven preschoolers is at risk of dropping out of school.

The test of whether a select committee should continue is whether the problems still exist that the select committee was designed to address, and whether the select committee in question has performed in a way which has aided Congress in its ability to respond to those problems. There is no question but that the Select Committee on Children, Youth, and Families meets these tests.

We have enjoyed an extremely productive and effective tenure.

In the course of conducting nearly 80 hearings and 20 site visits, and in drafting a score of major reports and studies, I believe we have responsibly carried out our mandate: We have vigorously attacked the most serious problems affecting America's families and America's children. In so doing we have helped pave the way to treating, and even more importantly, to preventing those problems before they become too serious.

In the last Congress alone we have taken on the problems of youth gangs, homeless families and children, the foster care crisis, family and child poverty, infants afflicted with AIDS, and the dual responsibilities of caring for children and the elderly, to name just the highlights.

Madam Speaker, the Select Committee on Children, Youth, and Families has taken on an institutional importance, both within and outside the Congress. We have become the repository for a broad and crosscutting segment of vital information with respect to America's families and children. We have become a clearinghouse for the media, for concerned parents, and for community organizations. These are roles we did not initially anticipate.

We have been called upon to help identify promising programs going on in local communities; where one can find a successful model in adoption or to prevent teen pregnancy. We have been asked to troubleshoot in a local community to identify the best infant mortality reduction strategy or the innovative family preservation effort which is keeping troubled families together.

Furthermore, as most Members of Congress have found out, we have become a clearinghouse for your staff.

We have achieved this by trying to anticipate where these issues are going 6 months from now, 1 year from now, 5 years from now.

We are proud that the select committee's early investigations and recommendations about the need for national child care policy have now found enormous public support, interest, and legislative leadership attention.

We are proud that calls for extending preventive care for young children are now being echoed by bipartisan choruses, from the Bush administration to the American agenda report by former Presidents Ford and Carter, and from distinguished corporate and university leaders such as the Council on Competitiveness and the Committee for Economic Development. For it was the Select Committee on Children, Youth, and Families that did the first work which identified and clearly documented that selected programs of prenatal care, immunization, basic nutrition, and preschool education saves lives and saves money. And we understood that all of this could be said, and had to be said, in one comprehensive statement.

We are proud that wide attention has focused on parental leave policies since our examination 3 and 4 years ago of the enormous stresses on American families, especially the families for whom balancing work and childrearing were creating emotional as well as economic strains.

In many communities, however, we now see problems that are far more complicated, deeply rooted, and destructive than they were just 6 years ago. Low-income families have become poorer; the dropout rate has not declined, children and families have become the fastest growing segment of the homeless population; and the crack cocaine crisis has fueled a frightening rise in urban youth violence. These are problems that will require comprehensive responses that are well coordinated with and attuned to the specific conditions of the neighborhoods and communities in which they have taken hold.

That is why today you will find us involved in communities and the people who live with them, so that there can be a thorough base of support. We are identifying ways so that a 5-year-old saying no to drugs will not be a lone voice, but that the 5-year-old will have a network of community support behind her/him. Today you will find us looking at the demographics of the year 2000—new immigrant populations and the widespread gap between rich and poor in this country. Today you will find us examining the violence which is tearing apart minority communities and strategies to stem that violence.

That is our charge.

We have also been called upon to bring people together when, for example, three communities are determining how to provide less costly and more humane services outside the hospital to babies abandoned by their families. We have been called upon to bring people together when health services and child care services and education and training services are all necessary for low-income families to avoid welfare dependency.

We have been able to mediate these situations both inside and outside of Congress. And, we have been able to do that because we have built a base in information and credibility.

And most recently we have been asked to collaborate with the Ways and Means Committee in their oversight of the foster care and child welfare systems. Last year alone, we held three joint hearings and anticipate further collaborative efforts this year.

So that while 4 to 6 years ago, I had a more limited view of the scope of this committee, our horizon has been considerably widened by the information pouring into us from our cities, our towns, our communities. We have not, as we have had before, the ability to ask questions and to delve into issues that standing committees cannot because they have legislation pending in their jurisdiction.

That we have been able to raise the visibility of many children and family issues to nationwide attention is a testament to the dedication of thousands of organizations representing parents, caregivers, teachers, and volunteers—and now corporate leaders and Governors—as much as to the hard work of the members of the committee. Again, I am gratified that 175 disparate groups, ranging from the PTA and the Association of Junior Leagues to the March of Dimes, from Gerber Products Co. to the National Child Abuse Coalition and the National Black Child Development Center, have come forward once again to endorse and support the reconstitution of the committee. I am attaching a complete list of those groups for today's RECORD.

We have shown we can make a timely, concrete and constructive contribution to improving public and private sector policies affecting America's children and families, and we ask your support for the opportunity to continue our efforts.

I urge your support for the reconstitution of the Select Committee on Children, Youth, and Families, and you vote for this resolution.

ORGANIZATIONS SUPPORTING THE RECONSTITUTION OF THE HOUSE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES FOR THE 101ST CONGRESS

Action for Child Protection.
Agenda for Children (Baton Rouge).
Alaska Children's Services.
Alaska Youth and Parent Foundation.
American Academy of Child and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association for Marriage and Family Therapy.
American Association of School Administrators.
American Baptist Churches.
American Bar Association.
American Camping Association (Martinsville, IN).
American Educational Research Association.
American Federal of State, County and Municipal Employees.
American Federation of Teachers.
American Home Economics Association.
American Orthopsychiatric Association.
American Psychiatric Association.
American Psychological Association.
American Public Welfare Association.
American School Food Service Association.
American Vocational Association.
American Youth Work Center.
Arizona Governor's Office for Children.
Arkansas Advocates for Children and Families.
Association for Childhood Education International.
Association for Children of New Jersey.
Association for Retarded Citizens.
Association of Child Advocates (Cleveland).
Association of Junior Leagues.
Association of Teachers of Maternal and Child Health (Boston).
Autism Society of America.
Berkshire Farm Center and Services for Youth (Canaan, NY).
Boys Clubs of America.
Boys Town.
Bread for the World.
Bureau of Social Services, Maine Dept. of Human Services.
California Association of Children's Hospitals.
California Children's Lobby.
Candlelighters Childhood Cancer Foundation (DC).
Cardinal Glennon Children's Hospital (St. Louis).
Catholic Charities USA.
CEDEN Family Resource Center.
Center for Population Options (DC).
Center for Public Advocacy Research.
Center for Youth Services (DC).
Center on Budget and Policy Priorities.
Child and Family Services (Knoxville).
Child Care Action Campaign (New York City).
ChildServ (Park Ridge, IL).
Child Welfare League of America.
Children's Budget Coalition (St. Louis).
Children's Defense Fund.
The Children's Foundation.
Children's Hospital and Health Center (San Diego, CA).
Children's Hospital National Medical Center, Division of Child Protection.
Children's Research and Education Institute, Inc.
Children's Service of Colorado, Inc.
Church of the Brethren, Washington, DC, Office.
Citizens and Agencies for Troubled Children (Stone Mountain, GA).
Citizen's for Missouri's Children
Coalition for Children (Albuquerque).
Coalition on Human Needs.
Coalition on Permanence for Children.
Collaboration for Connecticut's Children.
Colorado State University Cooperative Extension Service.
Community Child Protection Network of Chittenden County, Vermont.
Connecticut Association for Human Services.
The Connecticut General Assembly Commission on Children.
Consortium of Social Science Associations.
Contra Costa Child Care Council (CA).
Council for Children, Inc. of Atlanta.
Council for Children (North Carolina).
Council for Exceptional Children (Reston, VA).
Council of the Great City Schools.
County Supervisors Association of California.
District of Columbia Metropolitan Area Council on Family Relations.
Eastern Sociological Society.
Employment Support Center.
Epilepsy Foundation of America.
Family Service America.
Florence Crittenton Services of San Francisco.
Florida Governor's Constituency for Children.
Food Research and Action Center (DC).
Future Advancement of Camping (Hatteras, NC).
Georgia Alliance for Children, Inc.
Gerber Products Company.
Girls Club of America, Inc.
Groves Conference on Marriage and the Family.
Hawaii Governor's Office of Children and Youth.
Health Security Action Council/Committee for National Health Insurance.
High/Scope Educational Research Foundation.
Illinois Action for Children.
Info-Line of Los Angeles.
Institute for Child Advocacy.
Iowa Commission on Children, Youth, and Families.
Jewish Child Care Association of New York.
Kansas Action for Children.
Kansas Association of Domestic Violence Programs.
Kansas Child and Youth Advisory Committee.
Kansas Children's Service League.
Kentucky Institute for Children.
Kentucky State University Cooperative Extension Program, U.S. Dept. of Agriculture.
March of Dimes.
Marilyn Reed Lucia Child Care Study Center (UCSF).
Mendota Mental Health Institute.
Mexican American Women's National Association.
Michigan Network of Runaway and Youth Services.
Minnesota Association for the Education of Young Children.

Minnesota Council on Children, Youth, and Families.
Mississippi Governor's Office for Children and Youth.
Mississippi Human Services Coalition.
NAACP Legal Defense and Educational Fund, Inc.
National Association of Counties.
National Association of Elementary School Principals.
National Association of Secondary School Principals.
National Association of Social Workers.
National Association of Children's Hospitals and Related Institutions.
National Black Nurses' Association.
National Center for Clinical Infant Programs.
National Child Abuse Coalition.
National Child Welfare Leadership Center (UNC).
National Coalition Against Domestic Violence.
National Coalition of Advocates for Students.
National Coalition of Title I, Chapter I Parents.
National Committee for Adoption.
National Committee for Full Employment.
National Committee for Prevention of Child Abuse.
National Community Action Foundation.
National Council of Jewish Women Center for the Child.
National Council on Family Relations.
National Crime Prevention Council.
National Exchange Club Foundation for the Prevention of Child Abuse (Toledo).
National Head Start Association.
National Institute for Women of Color.
National Mental Health Association.
National Women's Law Center.
New York Citizen's Committee for Children.
New York State Citizens' Coalition for Children, Inc.
North American Council on Adoptable Children.
North Carolina Child Advocacy Institute.
Office for Church in Society (United Church of Christ).
Ohio Association of Child Caring Agencies, Inc.
Oklahoma Coalition for Children, Youth, and Families.
Oklahoma Institute for Child Advocacy.
Older Women's League.
Oregon Coalition Against Domestic and Sexual Violence.
Orphan Foundation of America.
Parents United, Inc. of Omaha Nebraska.
Parents United International.
Philadelphia Child Guidance Clinic.
Philadelphia Citizens for Children and Youth.
Religious Action Center of Reform Judaism.
San Antonio CARES.
Sasha Bruce Youth Work, Inc. (DC).
Save the Children Federation.
St. Mary's County, Md., Office of Community Services.
State of Nevada Youth Services Division.
State of New Jersey Governor's Committee on Children's Services Planning.
Suspected Child Abuse and Neglect Volunteer Service, Inc. (Little Rock, Arkansas).
Texas Youth Commission.
Travelers Aid International.
Tuskegee University cooperative Extension Program, U.S. Department of Agriculture.
United Church Board for Homeland Ministries, Family Life Office.
University of California, San Francisco.
University of California, San Francisco, Department of Family Health Care Nursing.
University of Maryland Department of Family and Community Development.
Utah Issues.
Vermont Children's Forum & Parent/Child Center Network.
Vermont Department of Education, Special and Compensatory Education Division.
Voices for Illinois Children.
WAif, Inc. (New York City).
West Virginia Commission on Children and Youth, W.V. Department of Human Services.
Western Association of Children's Hospitals.
Wings for Children (South Carolina).
Wisconsin Alliance for Children.
Wisconsin Council on Developmental Disabilities.
Wisconsin Maternal and Child Health Coalition.
Women's Legal Defense Fund.
YWCA of the National Capital area.
Youth Service America.

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of the resolution, although I fully understand the sentiments of those Members who are skeptical of the need for select committees.

I agree with those of you who say the House already has too many committees and subcommittees. I would join you in streamlining our proceedings if it were also done in the context of broader reforms of the House committee system.

The fact of the matter, however, is that the legislative authority for issues affecting hunger is divided among half a dozen standing committees. We all know that when everybody has authority, nobody has responsibility. It is the unique responsibility of the Select Committee on Hunger to focus comprehensive attention on hunger and related issues.

I am the ranking minority member of the Agriculture Subcommittee with jurisdiction over food stamps and public nutrition. Hunger, however, is an issue that is also affected by Ways and Means Committee work on tax codes for charitable contributions, and Education and Labor Committee initiatives on school lunches, and Interior Committee programs concerning Indian reservations. As vice chairman of the Select Committee on Hunger, I regard it as a very high priority to work closely with these other committees in coordinating the fight against hunger.

Madam Speaker, I join those who want to streamline the proceedings of the House and reform the rules of the House significantly, but I would urge them to consider the status of the select committees in the context of wider reforms in the committee structure of the House. We can and should do better, but let's look at the whole picture and not just a microscopic aspect of it.

□ 1330

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I yield to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a pleasure to speak in support of these select committees. Surely we know children, elderly, narcotics control, hunger, these are priorities for our Nation.

Let me say a word about the Select Committee on Children, Youth, and Families upon which I serve. I want to say to the chairman who is here in this room, he has done an outstanding job. As a matter of fact, the work of that committee has been heralded by private groups and public groups alike. The studies that committee has produced have been quoted by our President, who talks about a kinder and a gentler Nation. So there is no question that we cannot turn our backs on hunger. We cannot turn our backs on children. We cannot turn our backs on the elderly or the problems of narcotics control, and therefore I strongly support this Committee on Rules' motion and intend to support it with all my heart.

I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I rise to express my strong support of House Resolution 84, the resolution to reestablish the Select Committee on Hunger, the Select Committee on Narcotics Abuse and Control, and the Select Committee on Children, Youth, and Families. As a member who has been privileged to serve on the Select Committee on Children, Youth, and Families, I would like specifically to speak on behalf of its continuation.

One of the most important resources of this country is our children. Sadly, the needs of this vital constituency, from education to housing to basic health care, were grossly neglected by the Reagan administration. Today, the United States has a higher percentage of children in poverty than Canada and most Western countries. Widespread family violence, increases in juvenile violence and drug abuse are some of the most obvious signs that many of our youth are in crisis.

Over the past 6 years, the Select Committee on Children, Youth, and Families in a bipartisan manner and under the inspired and inspiring leadership of its distinguished chairman, GEORGE MILLER, has played a significant role in examining the host of serious problems our children face. Its

careful review of the status, needs and successes of the Nation's youth has served to increase accountability of and help shape intelligent policy for progams affecting children and their families. It is imperative that the Select Committee on Children, Youth, and Families be permitted to continue its important work.

Finally, I would like to include an article which appeared in today's Washington Post about a new report by the Center for National Policy, chaired by former Senator Edmund Muskie, called "Giving Children a Chance." This article summarizes some of the most severe problems facing children in America and makes policy recommendations to address them.

[From the Washington Post, Feb. 28, 1989]

FIGHTING POVERTY AT A YOUNG AGE

(By Spencer Rich)

A fifth of the nation's children—the 13 million who live in poverty—are getting a raw deal from America, according to a book just published by the Center for National Policy, the liberal-leaning Democratic think tank headed by former senator Edmund S. Muskie (D-Maine).

The book, "Giving Children a Chance," seems designed as a blue-print for the efforts of congressional Democrats to beef up social program funding. The book's statistical portrait shows that low-income children receive poor health care, little educational stimulus and little contact with the mainstream world where they can pursue jobs and broaden their vision of life.

It's not only a cruel situation, the new volume argues, it's also foolish and self-defeating, because society needs healthy, educated, effective workers to advance the productivity of the nation and its competitive position in the world.

What these children need is what all children need, says the book, which was edited by Rep. George Miller (D-Calif.), chairman of the House Select Committee on Children, Youth and Families.

Prenatal care for pregnant women, medical care and immunization for infants and special nutrition programs under the Women-Infant-Children (WIC) food program help avoid costly birth defects and infant diseases, says Miller.

Preschool education programs such as Head Start, he says, are crucial in providing the mental stimulation and early capacity to learn that enables children who don't get that stimulation at home to succeed in school later.

And many of these programs, he argues, are highly cost-effective.

"For every federal dollar invested in WIC, $3 is saved in avoided hospitalization costs. For every dollar invested in preschool education, $6 is saved in reduced crime, special education and welfare expenditures."

The biggest problem, according to the book, is that these programs are not adequately funded, even though they already cost billions: "Less than half the women eligible for WIC services receive them. Only 18 percent of the children eligible for Head Start are enrolled." And many families well below the poverty line are not eligible for Medicaid.

In the book, Sara Rosenbaum, of the Children's Defense Fund, writes, "Poor children are twice as likely as non-poor children to be born at low birthweight (less than 5.5 lbs.), a condition which increases by 20 times the likelihood of death during infancy.

"Low birthweight also increases the risk of lifelong disabilities such as cerebral palsy, retardation, blindness, or vision, learning and hearing impairments," say says. "Poor children are far more likely than nonpoor children to be limited in major life activities because of chronic illnesses and disabilities."

"Policymakers from both parties have become increasingly aware that if we are to forge a productive, economically secure future, we must invest now in developing the capacities of children who will run that future economy," the book argues.

The book, in effect, makes the classic Democratic argument for broad federal social program spending.

Many conservatives, without opposing health care and nutrition programs for children, believe that the captivity of low-income children in a growing underclass world will never be solved unless some fundamentals are addressed.

They cite, for example, the existence of a welfare system that has permitted women to receive assistance for years and have children without attempting to complete school, find a job, or become self-reliant.

Stuart Butler, director of domestic policy studies for the Heritage Foundation, said, "I am not as confident as Rep. Miller that we know what works. But we do know that the experience of the past 20 years in encouraging states, community organizations and families to seek the best way of dealing with problems—and getting welfare mothers into productive work that adds to the dignity of their lives and shows their children what is expected of them—are things we should not neglect."

Miller, who noted that Congress put a work component into the most recent welfare legislation, and his coauthors don't argue that the programs they espouse won't cost money. But they contend it's worth it—for a more harmonious society and fewer blighted lives.

Mr. GILMAN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I rise in support of the reauthorization of the three select committees being considered today. In particular, I want to take this opportunity to speak on behalf of the Select Committee on Hunger.

The issues relating to hunger in the United States and in the world are complex and numerous. Currently, at least eight standing House committees share jurisdiction over this issue. The Select Committee on Hunger has worked over the past 5 years to develop coordinated proposals to address world and domestic hunger, with an impressive list of accomplishments. The continued authorization of this selection committee is supported by a broad coalition of 300 organizations and groups, as well as 230 House cosponsors.

Some of the activities and proposals which the select committee has worked for, and developed to fight world hunger include: The Women in the Development Act, legislation to better integrate Third World women into development assistant programs; legislation to make U.S. AID funds available for loans to the very poorest of the world's poor; funding earmarked for aids education in the Third World; creation of the Child Survival Fund; the Vitamin A Deficiency Program; a focus on population programs, and the link between environmental decline and hunger in developing countries, and close monitoring of the African food emergencies.

In the area of domestic hunger, the select committee developed legislation to establish a 3-year, 10-State demonstration project to provide fresh fruits and vegetables to nutritionally at-risk women, infants and children. The committee worked to simplify food stamp and AFDC application procedures; it played an important role in obtaining changes in the Tax Code to increase the flow of donated food to food banks. The committee was responsible for increased funding for a 3-year extension of primary and mental health care services for the homeless which was included in the McKinney Act reauthorization.

These activities and proposals represent just a few of the efforts in which the select committee has played a key role during its existence. It is clear that the members and staff have been instrumental in developing a much more coordinated and effective congressional response to both domestic and world hunger problems. The chairman of the select committee, Mr. LELAND, and the ranking member, Mr. EMERSON, have provided exceptional leadership.

I urge my colleagues to join me in voting for the reauthorization of the Select Committee on Hunger. The magnitude of this continuing crisis demands a concerted congressional effort, and the select committee has clearly made significant contributions to our work over the last 5 years.

Mr. PEPPER. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Madam Speaker, I thank the distinguished gentleman for yielding time to me, and I would like to use the time available to promote the reauthorization of all three select committees and to use the time I have available to speak to and particularly address the reestablishment of the Select Committee on Hunger.

Madam Speaker, in 1987, 15 out of every 1,000 babies born in my district, the Second Congressional District of Mississippi, died at birth or before their first birthday. In Mississippi, two in five children are born into families living below the poverty level; one in two black children are born into poverty. AFDC and food stamp benefits for a single mother of three children in

Mississippi, which has the second lowest benefit in the Nation, amount to only 38 percent of the Federal poverty level.

These statistics alone demand that we reestablish the House Select Committee on Hunger which has investigated hunger and the problems resulting from poverty and neglect not only in Mississippi, not only throughout the United States, but indeed throughout the world since its inception during the 98th Congress.

The committee has supported and pushed important legislation aimed at helping families become healthy, self-supportive, and productive.

The committee has also conducted numerous field hearings and written insightful reports on problems, such as hunger and poverty in the Mississippi Delta and in Appalachia, the access and availability of credit to the poor in developing countries, and barriers to participation in Federal assistance programs, and examined the role of self-help programs in assisting poor people to improve their living standards and attain self-sufficiency. It has conducted hearings on the problems of delivering relief supplies in countries such as Ethiopia and Sudan. It has supported efforts to expand the number of Third World women reached by U.S. development programs and to establish a pilot program that would provide low-income mothers of infants and children with coupons to buy fresh produce at farmers' markets in this country.

This committee has pushed efforts to expand services to runaway and homeless youth, the most neglected and vulnerable groups in the growing homeless population.

As a member of the Select Committee on Hunger I would like to end, Madam Speaker, saying much has been accomplished. We have come a long way, but we have a long way to go. The members of this committee, who have traveled this country and the world, know this better than anyone. It is imperative that we reestablish this committee and continue our struggle to fight hunger, fight poverty, fight ignorance, and conquer them in our lifetime.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the ranking Republican on the Select Committee on Children, Youth, and Families, the gentleman from Virginia [Mr. BLILEY].

□ 1340

Mr. BLILEY. Madam Speaker, I rise in support of the reauthorization of the Select Committee on Children, Youth, and Families, on which I have served since its creation in 1983. Let me begin by commending our former colleague, Senator DAN COATS, for his leadership and outstanding efforts on behalf of families. He is a committed spokesman for the family and I know we all wish him well in continuing that role in the Senate.

This select committee was formed 6 years ago because of a concern by members, like myself, who believed that the needs of American families were not given sufficient consideration in policies and programs established by Congress. It is clear to me that many of the predicaments now faced by families, particularly the rise in the number of single-parent families and out-of-wedlock pregnancies, have been fostered, if not caused, by well-meaning, but failed, legislative efforts. These, in turn, can be seen as linked to such pervasive national ills as drug abuse, family violence, infant mortality, juvenile crime, illiteracy, et cetera.

So many aspects of family life are interrelated. Unfortunately, the crowded schedules of standing committees do not permit them to look with any depth into the condition of families, their problems or their strengths. Moreover, jurisdictional issues make it almost impossible to have an integrated approach to legislation affecting families. All too often measures are moved which address single facets, or symptoms, of broader problems. This has created, over the years, a patchwork of policies which leave many families out in the cold.

I believe one of the greatest contributions this committee can and has made is to highlight State and local initiatives, both public and private, which successfully provide assistance to families, clearly, the most effective are those which solicit the active participation of parents and children. Voluntarism is also a key. In my view, Congress should be the payer and participator of last resort.

In areas where there is a Federal role, or the Federal Government has an active interest, the select committee can contribute to the debate by examining the impact of legislation on families. I am hopeful that, in the next 2 years, we can look at several issues of interest and concern to Members of Congress and their constituents: Foster care and adoption, Medicaid and infant mortality, departmental obstacles to providing services to families, to name just a few.

Madam Speaker, I believe it is appropriate for Congress to have a body like the select committee undertaking a comprehensive investigation of family life in America. The problems need to be defined, the causes revealed, and solutions—both governmental and nongovernmental—developed. At all times, our goal must be to support families, not replace them.

Mr. PEPPER. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the distinguished gentleman from Hawaii [Mr. AKAKA.].

Mr. AKAKA. Madam Speaker, I rise in strong support of House Resolution 84. As a member of the Select Committee on Narcotics Abuse and Control, I lend my full support to the reestablishment of the Select Committee on Narcotics Abuse and Control. Although Congress has made some headway in addressing our Nation's drug problem, the select committee still has much work to be done.

Congress worked diligently in addressing our Nation's drug problem with the passage of the Anti-Drug Abuse Act of 1988 during the last days of the 100th Congress. After marathon negotiating sessions in conference, a compromise package was reported out with an authorization of $2.7 billion for fiscal year 1989. However, Congress still needs to appropriate an additional $1.786 billion for 1989 to fully fund the Anti-Drug Abuse Act of 1988.

The select committee must continue its oversight role in the implementation of Public Law 100-690, as well as to serve as a resource for the House leadership, the standing committees of the House, and individual Members. Federal policies and programs to curtail the illicit production, manufacture, and traffic of narcotic and psychotropic drugs and to support drug abuse education, prevention, and treatment initiatives must be continually monitored and reviewed.

Of particular concern to me is that the Native Hawaiian Health Care provisions included in the Anti-Drug Abuse Act is fully funded. The bill authorizes $19.5 million over a period of 3 years to establish a series of nine Native Hawaiian Health Promotion and Disease Prevention Centers to serve the unique health needs of Native Hawaiians. The antidrug bill further provides that for the next three fiscal years, 1989-91, of the funds appropriated to the State of Hawaii under the alcohol, drug abuse, and mental health block grant, a figure equal to the proportion of native Hawaiians in the State shall be available only for native Hawaiians.

Also, it is my intent to see that the committee continues to followup on its investigation of marijuana cultivation in Hawaii. The fall congressional schedule prevented the committee from holding its planned hearing in Hawaii, and I hope that we will be able to reschedule the hearing in the near future. The Hawaii marijuana cultivation will remain an issue of concern to the committee on the 101st Congress; and I am anxious to set the record straight.

Prevention and education offer the best hope for a long-term solution to drug abuse, but it will take years for these efforts to yield results. In the meantime, the Select Committee on Narcotics Abuse and Control must continue its unique role in addressing our Nation's drug problem. Until we can curb and eliminate drug abuse in our country, the function of the Select

Committee on Narcotics Abuse and Control remains critical.

Madam Speaker, I praise the outstanding leadership of the select committee chairman, Mr. RANGEL and the ranking member, Mr. GILMAN and look forward to serving with the chairman and our ranking member Mr. COUGHLIN in the Select Committee on Narcotics Abuse and Control.

I ask my colleagues to support the reconstitution of the Select Committee on Narcotics Abuse and Control.

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, I rise today in opposition to this resolution.

We are here at a time when we have an extremely high level of deficit spending. We all talk about the importance of bringing down that level of deficit spending. I made a personal commitment in my election to oppose anything that I felt was not absolutely necessary for the well-being of the United States and the security of the United States. I have to say to the Members, that after looking at this resolution and looking at what select committees do, I do not believe that these select committees are absolutely necessary to the well-being of the United States of America.

They have spent some money. They have over the last 5 years spent $9.3 million. They are going to cost us $2 million a year, and what do we have as an accomplishment of these committees?

From all the speeches we are hearing today, one would think that these select committees had solved the drug problem, one would think that these select committees had solved the problem of hunger, and one would think that gang violence was something of the past. The fact is that these select committees give Members of Congress the opportunity to talk a lot about problems, but they do not give Members of Congress the ability to act on any of these problems. The fact is that we do not need to give Members of Congress another platform to speak about problems. I think it is time for us to realize that although this resolution, as far as I can see, gives us a mandate to talk, it does not give us anything to do in terms of action, because these committees are meant, as has been told to us earlier, as a means of raising consciousness.

The best thing I have heard out of this debate today is a commitment to study the possibility of turning the Select Committee on Narcotics into a standing Committee on Narcotics. We need to talk more about what this Congress should do and not just about the problems of the United States.

Madam Speaker, the last point I would like to make is that a lot of times when Members are up here talking about the problems of the United States, whether we are talking about the problems of hunger or whether we are talking about the problems of narcotics, we give an impression to the people who are watching what is going on, on Capitol Hill through their televisions or wherever that we are doing something about it and not just spending time on a bunch of hot air. The fact of the matter is that the select committee system is designed to perpetuate hot air and not perpetuate action.

Madam Speaker, I believe these matters should be channeled into standing committees. I will oppose this resolution, especially on the Select Committees on Hunger and on Families, because I believe we should act on the problems of hunger and families, but I will support this resolution in terms of the Select Committee on Narcotics with the understanding that we are going to study the matter and move toward giving it full standing committee status.

Mr. PEPPER. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Madam Speaker, I thank the distinguished chairman for yielding time to me.

Madam Speaker, I stand in full support of House Resolution 23, reestablishing the Select Committees on Hunger, Children Youth, and Families, and Narcotics Abuse and Control.

As a Representative of the South Bronx of New York City, where drugs have had devastating effect, I would like to particularly voice my support for the Select Committee on Narcotics. Chaired by my good friend and colleague CHARLES RANGEL, the committee has been in the forefront of the ongoing battle by Congress to combat the drug epidemic in our Nation since its inception in 1976. The committee has continually served as a resource for standing committees and individual Members and their staffs through monthly newsletters, factsheets, and summaries in the development of anti-drug abuse policies and initiatives.

In addition to a source of information for so many here in the House of Representatives, the committee's contributions to anti-drug abuse legislation, particularly the Omnibus Drug Initiative Act of 1988. These contributions include the establishment of Intravenous Substance Abuse and AIDS Prevention Programs and the creation of a drug coordinator in the executive branch. The committee has also held numerous oversight and evaluation hearings that revealed shortcomings and inadequacies of programs established by the Anti-Drug Abuse Act of 1986, acts that were subsequently addressed in the 1988 measure.

Our work is not done. There are still 30 million occasional users of cocaine and marijuana and there is still a drug industry that costs our Nation over $100 billion in increased health care fees, lost productivity and related crime and violence. In his inaugural address, President Bush proclaimed his concern about the Nations drug problem. We in Congress join him in his intolerance. We also need the skilled leadership from all parts of government and from all sectors of our society, including the leadership of the chairman of the Select Committee on Narcotics Abuse and Control, CHARLES RANGEL. The work of the Select Committee on Narcotics Abuse and Control has been invaluable and the participation of the committee must continue. I stand in support of House Resolution 23.

□ 1350

Mr. PEPPER. Madam Speaker, for the purpose of debate only, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Madam Speaker, I join my colleagues in support of House Resolution 84 to reestablish the Select Committee on Narcotics Abuse and Control in the 101st Congress.

Let me first say that I wholeheartedly commend Chairman RANGEL who has been very diligent in his efforts to remove the terrible and continuing drug crisis facing our Nation. The chairman's leadership has proven instrumental in putting forth bipartisan recommendations for constructive legislative initiatives.

Madam Speaker, drug abuse and trafficking have reached an alarming level in the United States despite the efforts of our law enforcement agencies. It seems that the more we increase our interdiction level and "zero tolerance" proposals, the more drugs are reaching our children in their schools and our neighborhoods. This is no longer someone else's problem, it has become everyone's problem and it will take a concerted effort to halt the flow of drugs.

In the 100th Congress, the Select Committee on Narcotics was instrumental in providing assistance in constructing drug education programs targeted at youth groups; creating new programs of block grants to States for reducing the transmission of AIDS by intravenous drug abusers; and working to provide greater funding for enforcement agencies both State and Federal.

Since the 94th Congress, we have made a commitment to the American people to provide a comprehensive and coordinated approach to drug abuse and trafficking issues. Just last Congress we reaffirmed that commitment with the passage of the Omnibus Drug Initiative Act of 1988. While the select committee has made significant contributions over the last 13 years by providing support to standing committees,

it is clearly evident that we still have a great deal of work to do in keeping illicit drugs from crossing our borders.

Madam Speaker, the Select Committee on Narcotics Abuse and Control has been extremely important in providing a vehicle to taking an in-depth view of issues involving complex and broad ranged public policy concerns, including law enforcement, health, education, international relations and criminal justice. We must allow the committee to continue its work and provide this legislative body with the expertise to examine the problems of drug abuse and trafficking.

I urge my colleagues to support the resolution now before us to reauthorization of the Select Committee on Narcotics Abuse and Control.

Madam Speaker, I rise in support of House Resolution 84, which establishes the Select Committee on Hunger in the 101st Congress.

I would like to take a few minutes to commend my good friend and colleague Chairman LELAND for his outstanding work and dynamic leadership on the select committee. I am fortunate to have had the opportunity to serve with Chairman LELAND on the committee during the 100th Congress.

Madam Speaker, since its creation in 1984, the Select Committee on Hunger has played a prominent role in conducting comprehensive studies and reviews of the problems with domestic and international hunger and malnutrition. Over the past 5 years, the committee has done an excellent job of providing a keen, informative examination of hunger that exists in our world. During the last Congress, the committee conducted 32 hearings, 9 basic human needs seminars, briefings, and visited numerous sites in the United States and abroad where poverty and hunger related problems persist.

In particular, the committee was instrumental in getting legislation passed which would increase the number of women in programs conducted by the U.S. Agency for International Development; reducing malnutrition caused by lack of vitamin A by getting the $8 million earmarked for AID's Vitamin A Deficiency Programs; and effectively brought attention and relief efforts in famine and disaster stricken areas in the international community.

Here in the United States, the committee has worked to increase the flow of foods donated to emergency food banks; secured provisions in the McKinney Act to provide Federal food assistance for the homeless; and made recommendations to assist native Americans and farmers.

Madam Speaker, as evidenced, the Select Committee on Hunger has been very active and provided invaluable services by working with several standing committees including the Agriculture, Banking, Education and Labor, and Foreign Affairs. And now at a time when hunger, famine, and natural disasters seem to dominate the news, the Select Committee on Hunger has never been needed more desperately. We must allow the committee to continue working to provide this body with the expertise and a wealth of knowledge to effectively respond to critical hunger-related issues.

The committee's work will be crucial in the 101st Congress as we face even greater challenges in our efforts to eradicate poverty and other hunger-related afflictions over the next couple of years. I urge my colleagues to support the pending resolution to reauthorize the Select Committee on Hunger.

Mr. SOLOMON. Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mrs. BOXER). The gentleman from Florida [Mr. PEPPER] has 4 minutes remaining.

Mr. PEPPER. Madam Speaker, for the purpose of debate only, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Speaker, I am a member of the Select Committee on Children. It is my good fortune to serve not only on that committee, but also on the Committee on the Budget and the Committee on Appropriations. There is no question but that I have drawn some good cards in assignments.

However, Madam Speaker, I will have to say that one of the more interesting and challenging assignments which I have been given is the Select Committee on Children despite the fact that it does not have any legislative authority. What this committee has done for this Member of Congress from Illinois is to consistently open my eyes to the problems that children across America continue to face.

In this land of bounty and goodness there are still many of the smallest and most helpless Americans who are victimized each day, unfortunately many times by those who call themselves friends or parents and unfortunately still by those who would cloak themselves as government agents.

Madam Speaker, I am glad that this committee exists. I salute my chairman, the gentleman from California [Mr. MILLER] for his fine leadership. Our former minority spokesman, DAN COATS, is now a Member of the U.S. Senate, and his able successor, the gentleman from Virginia [Mr. BLILEY] will surely carry on in the great tradition of this committee.

But I would commend to my colleagues these select committees, and I am sure, when it comes to the Select Committee on Hunger and the Select Committee on Narcotics, the same can be said. They are a consistent source of solid information, they challenge Members of Congress to look in areas we might otherwise have ignored, and they place before the American people some of the most important subjects on our agenda for us to consider.

Madam Speaker, we in this Congress will again address children's issues. The Select Committee on Children will help us to understand the import of these issues and the means we should follow to find a solution. I hope that this rule passes and that we do authorize and fully appropriate the necessary funds to keep these important committees in business working for the American people.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, initially I had risen at the outset of this debate to oppose the resolution in its present form, which was a resolution which combined these three select committees, and one of my primary concerns, as I stated, was the fact that we wanted the opportunity to debate with amendment particularly the Narcotics and Abuse Subcommittee, or rather Select Committee, and the distinguished gentleman from Florida [Mr. PEPPER], the distinguished chairman of our Committee on Rules, has given his word that he will hold hearings, that he will look into this issue with our full committee, and certainly that is good enough for me.

Madam Speaker, there is no one more respected in this entire House, ever served in this House, than the gentleman from Florida [Mr. PEPPER], and we certainly take him at his word, and I, therefore, certainly will not ask for a recorded vote on this resolution. I thank the chairman for his understanding in this matter.

Mr. FAZIO. Madam Speaker, I strongly support House Resolution 84, a resolution to reestablish this body's select committees, including the Select Committee on Hunger. As a member of the Select Committee on Hunger since its inception 6 years ago, I enthusiastically look forward to continued work on the committee.

The Select Committee on Hunger has had a positive impact in identifying and addressing the problems of hunger and homelessness in the United States and throughout the world. Its numerous hearings, reports, and other efforts have played a key role in developing proposals to address these important issues.

Unfortunately, the need for this select committee is as great as ever. Although we have made substantial inroads in addressing the problems associated with hunger and malnutrition, the select committee's mission continues to grow. But with the establishment of the Select Committee on Hunger, as these problems grow, so do our efforts in meeting the challenges.

Finally, I look forward to again working with the select committee's tireless chairman, Representative MICKEY LELAND as well as the International Task Force Chair, Representative TONY HALL; and the new Domestic Task Force Chair, Representative MIKE ESPY.

Mr. CONTE. Madam Speaker, I rise in support of the resolution to reconstitute the Select Committee on Hunger. Since its establishment, the select committee has brought painful and often tragic issues into our national debate. In doing so, it has served the Nation and the world.

The select committee has accomplished much, both at home and abroad. Its work is compassionate and effective. But hunger in any form has few easy solutions, and will not be defeated without consistent effort. If we hope in the future to prevent disasters like the famines in Ethiopia, Mozambique, and the Sudan, and to end the malnutrition and scarcity that shame our own country, we must recognize that the select committee's job is not over.

The victims of hunger are not powerful. They depend on others to be their advocates and to help them escape their pain. The select committee has been their advocate and if it has not found the solution, it has begun the search. It gives a chance for life to millions of people around the world. It gives the dream of a better future to families throughout America. I hope every one of my colleagues will join me in voting to reconstitute the Select Committee on Hunger.

Mr. GILMAN. Madam Speaker, I rise in support of House Resolution 84, establishing the Select Committee on Hunger; the Select Committee on Children, Youth, and Families; and the Select Committee on Narcotics Abuse and Control.

With respect to the Narcotics Select Committee, it was created because the Congress thought it appropriate for there to be a single committee to address all aspects of the drug problem. Unlike the standing committees, which have fragmented, piecemeal jurisdiction over drug trafficking and drug abuse, the Narcotics Select Committee is the only committee in the Congress that is mandated to devote its entire efforts to monitoring and overseeing the complex issues pertaining to the illicit production, trafficking and consumption of drugs. The committee's resolution requires that certain standing committees be represented on the select committee. Thus our Narcotics Committee works closely with the standing committees regarding their legislative initiatives in this area.

As a senior member of the Narcotics Select Committee and of the Foreign Affairs Committee, I can assure my colleagues that there is perhaps even a greater need for a narcotics committee today than there was at its inception. This country is suffering from a drug epidemic. Our Nation is reeling under the impact of crack, a smokable, highly addictive form of cocaine, which has brought drug abuse and drug-related crime and violence to terrifying new levels. Our criminal justice system is overloaded by international drug criminals, and our drug treatment centers are swamped by more requests for help than they can possibly meet.

The Narcotics Committee played an important role in researching, developing, and enacting the Anti-Drug Abuse Acts of 1986 and 1988. The Narcotics Committee held extensive hearings on all aspects of the drug problem which were addressed by the omnibus drug laws, including provisions relating to drug abuse education, Federal assistance to State and local governments for narcotics law enforcement, interdiction, treatment and prevention programs, and on international narcotics control efforts.

In the last Congress we made some progress in addressing this problem. The 1988 Anti-Drug Abuse Act provides important new tools and new resources for the war against drugs. The Congress created the position of director of national drug control policy to formulate and implement a comprehensive, coordinated national drug strategy. The antidrug legislation included initiatives to combat money laundering, to end the use of American made chemicals in drug production, to escalate our efforts to eradicate and interdict drugs produced abroad, and to work harder at home in antidrug education and treatment and rehabilitation. But there is still much more to be done.

During the last Congress our select committee held 25 hearings, including oversight hearings to assess the implementation of programs established under the Anti-Drug Abuse Act of 1986. If we are reconstituted, the committee intends to hold a series of oversight hearings on the recently passed 1988 Drug Act, as well as on the Federal drug strategy to be promulgated by the "drug czar."

Madam Speaker, narcotics trafficking and drug abuse have reached epidemic proportions, both here in the United States and overseas. In our Nation alone illicit drug dealing represents an estimated $140 billion a year untaxed activity. Our cities, towns, and school districts are hemorrhaging under the onslaught of drugs. The executive branch's antidrug activities, with 17 Departments and Agencies involved, has resulted in a fragmented effort. That is why Congress created a drug czar—to coordinate the entire Federal Antidrug Program. To prevent the Congress from being itself fragmented in the antidrug effort, the select narcotics committee was created.

No single standing committee has the time, resources, or expertise to monitor all aspects of the drug problem, but by working together the standing committees and the Narcotics Select Committee can effectively prod the executive branch in implementing our antidrug legislation and in developing a comprehensive, coordinated drug strategy.

Madam Speaker, as we know, the illicit production, trafficking, and consumption of drugs are diverse problems that require comprehensive full time attention. Accordingly, in an effort to provide that full time oversight of the drug problem, I ask that my colleagues vote in favor of House Resolution 84.

Mr. BEREUTER. Madam Speaker, I urge my colleagues to support reauthorization of the Select Committee on Hunger for the next 2 years. There has never been more rapid technical progress against world hunger and nutritionally draining illnesses such as diarrhea than in the past 5 years since the Select Committee on Hunger was created. The rates of death and disabling illness due to hunger, malnutrition, and related causes like inadequate health knowledge, disease, and unsafe water supplies are falling at record speed in many parts of the world.

Yet UNICEF's recent report on the State of the World's Children reminds the world community, including those countries like the Soviet Union which have traditionally done almost nothing to support positive development in the Third World, that "some fourteen million children are still dying each year from common illnesses and undernutrition, most of which could be prevented by relatively simple, relatively low-cost methods." The next few years provide an historic opportunity to consolidate the gains of the last decade and spread them on a worldwide basis through the kind of practical leadership and good management that have always been the goal of U.S. programs in the areas of emergency relief and development assistance.

The work of the Select Committee on Hunger in recommending integrated and cost-effective solutions to international hunger problems has helped the American people become the opinion leaders of the world in the amazing progress against hunger and disease worldwide during the decade of the 1980s. The creation of AID's Child Survival Program and support for coordinated action in food aid and measures to improve the health, education, and productivity of the poorest people in the world are some of the initiatives the select committee has encouraged. UNICEF estimates programs put in place just since 1980 save the lives of an additional 2½ million children each year who would have died but for the programs like immunization, oral rehydration therapy, and growth monitoring that have been put in place through these initiatives.

This experience contributes to a growing consensus which is emerging among leaders of nations, private voluntary groups, and international organizations like UNICEF and the World Health Organization that there is a truly historic opportunity in the decade ahead to achieve a minimal level of nutrition and health for all the people in the world. The American people and the U.S. Congress have been the leaders in the fight against world hunger, and we should continue to lead. I urge my colleagues to support reauthorization of the Select Committee on Hunger so that the analysis and care required to promote the most cost-effective approaches to nutrition for all the world's people can continue be part of the work of this body.

Ms. PELOSI. Madam Speaker, I rise today in strong support of House Resolution 84, to reestablish the Select Committee on Narcotics Abuse and Control, the Select Committee on Hunger, and the Select Committee on Children, Youth, and Families.

It is essential for Congress to act on the problems these select committees focus on because it is unclear if the current administration will. These three select committees provide important information and resources to this body, and to this Nation. Problems like illegal narcotics traffic and abuse, hunger, and child welfare will not go away by themselves, Congress must continue its efforts to find effective solutions.

Representatives RANGEL, LELAND, and MILLER have provided outstanding leadership to their committees. The most difficult social problems confronting us today demand our

constant and focused attention. I believe that it is important for Congress to demonstrate its continued concern for these serious problems.

Passage of House Resolution 84 will confirm our commitment to finding effective solutions to these significant social problems. I urge my colleagues to join me in supporting House Resolution 84.

Mr. SCHAEFER. Madam Speaker, in 1984, in response to growing concern over hunger at home and abroad, the Select Committee on Hunger was established. It was charged with studying all hunger-related issues and recommending solutions.

Today, we are being asked to support House Resolution 84, which not only reauthorizes the Select Committee on Hunger but expands its membership from 25 to 30 members. As with many of my colleagues, I am greatly concerned with the hunger problem and believe that this committee should be reestablished.

As we have learned from the select committee's work, the hunger issue is complex and far-reaching. Often several House committees claim jurisdiction over complex issues. However, in some instances this can be counterproductive. In the case of hunger, where at least eight different standing committees have claimed partial jurisdiction, the issue becomes so fractured that little progress can be made toward developing solutions. I believe we need one committee whose sole job is to focus on the hunger problem.

An example of the good work the Select Committee on Hunger has done occurred last year when the committee played a key role in securing the adoption of a Senate amendment to the Technical Corrections Act. This amendment fought an IRS ruling which called for appraisers to conduct detailed appraisals of donated food. Had it been enacted, food banks could have lost up to 75 percent of their donations, severely depleting their food supply.

As in the past, the committee plans to address a number of issues during the 101st Congress. U.S. food assistance programs, corporate agribusiness, and U.S. trade relations with lesser-developed countries are just a few examples of the issues which are on the select committee's agenda this Congress.

In light of the serious nature of the hunger problem and the past success of the Select Committee on Hunger, I urge my colleagues to support House Resolution 84 with a yes vote.

Mrs. ROUKEMA. Madam Speaker, I rise in strong support of House Resolution 84, which would reauthorize the Select Committee on Hunger for the 101st Congress.

I want first to commend the Committee Chairman, Mr. LELAND, and the Vice Chairman, Mr. EMERSON for their fine and diligent work in making this committee a bipartisan forum for addressing the heart-wrenching problem of hunger.

Since the creation of this committee, I have had the priviledge of serving as the first vice chairman and now continuing as a Member of the panel. I have come to appreciate the important role the committee plays in bringing to public attention the plight of the hungry. Clearly, we, as the richest member of the community of nations, have a political and moral responsibility to help alleviate the scourge of hunger across this land and around the world.

In this period of budget deficits and spending reductions, some may still question the need for this committee. I understand this concern. One of my top legislative priorities has been, and continues to be, deficit reduction. However, since the committee was formed, the problems of hunger and starvation have emerged as a global problem. As we have seen, solutions to the hunger problem cannot be developed in a single session of Congress. But, the toll which hunger takes both at home and abroad demands that we in the Congress must focus some effort solely on this problem.

The existence of the select committee offers specific tangible evidence that the Congress is most concerned and sees a need to go beyond the traditional boundaries of individual committee jurisdiction to involve itself in a comprehensive study of this devastating problem. This committee has served as the best vehicle for such congressional focus.

The causes of hunger are multidimensional—with economic, political, social and cultural roots. The alleviation of hunger defies easy solution. Some progress has been made but today's reality in areas like Africa, particularly in Ethiopia and the Sudan, clearly demonstrate that the solutions are elusive and, in some cases, seem unattainable.

In Africa, where the lives of tens of millions of people not only in Ethiopia and the Sudan, but in Uganda, Somalia and Mozambique, are being scarred by the tragedy of drought and famine, we can see first hand the interrelationship of the environment, the lack of technical knowledge, the dearth of natural resources, and the scourage of malnutrition and disease. As a member of the committee, I had the unparalleled opportunity to visit Ethiopia and experience this tragedy first-hand. The feeling of helplessness was overwhelming.

Equally astounding and troublesome is that there is still hunger here in the United States despite the abundance of natural resources and the availability of food. In addressing this issue of domestic hunger, our committee has attempted to assist those people in the United States who do not have adequate diets and need help in order to obtain a decent meal. In addition, the committee has addressed issues such as supplemental food programs for women and children, procedures for streamlining the Food Stamp and AFDC Programs and private sector contributions to emergency food banks.

Addressing a central issue, which I have called the "paradox of hunger" has been a key part of the committee's deliberations. The necessary technologies for food production and distribution are available, but are obviously underutilized. Clearly, more needs to be done.

In conclusion, Madam Speaker, I believe the Select Committee on Hunger plays a vital role as Congress' link to the issue of domestic and international hunger. The reauthorization of the committee would again signal our committment to try and help find solutions to this tragic situation. I urge my colleagues to support the select committee and this resolution.

Mr. BUSTAMANTE. Madam Speaker, I rise in support of House Resolution 84 to establish the Select Committee on Hunger. During the 100th Congress, the committee performed a significant service to Congress. The committee's activities in the areas of domestic and international hunger and malnutrition have informed our actions to combat the national and international tragedy of hunger.

This past year, I had the opportunity to appear before the Hunger Committee during hearings on poverty and hunger in Hispanic America. The hearing highlighted the inadequacy of data for policy planning and investigated the merits of various options for improving the quality of national data on the health, nutrition, and income status of Hispanics. Without adequate data, both Congress and the executive branch, will be unable to effectively address the needs of the second largest and the fastest growing minority population in the United States.

In reviewing the four major health and nutrition data collection systems, the committee found that none currently provide for the sampling of a large enough Hispanic population to provide national data on this group. Insufficient funding for adequate sampling is also preventing the collection of significant health and nutrition data for Hispanics.

The committee identified the need for better collection of health data on Hispanic migrant farmworkers. Because of harsh working conditions and unstable living environments, this population group is more susceptible to illness. However, since migrants do not have permanent residences they are often overlooked when health data surveys are conducted.

The committee examination of data compiled on Hispanic participation in Federal food aid programs revealed that no mechanism exists for collecting and analyzing Hispanic participation in, or access to, various food and nutrition programs which have a significant impact on health status.

I look forward to the Hunger Committee's continuing efforts in this area and commend its chairman, my colleague from Texas, Mr. LELAND, for his leadership. I urge my colleagues to support the establishment of the Select Hunger Committee so that it can continue work that is essential for the country's welfare and for this Congress.

Mr. FAUNTROY. Madam Speaker, I rise in support of House Resolution 84, a bill to establish in the 101st Congress, three select committees—the Select Committee on Hunger; the Select Committee on Children, Youth, and Families; and the Select Committee on Narcotics Abuse and Control.

In an environment marred by the tragedy of increasing national and international hunger, caused by complex issues and coming from a growing diversity of private and public sources, the work of the Select Committee on Hunger becomes more and more critical to any hope of effective and lasting solutions. The work of this committee in the last Congress, alone, attests to its invaluable service to all the committees of the House that must deal with some aspect of the crisis. Looking at the immediate and long-term problems of world hunger, we must continue the essential work of this special committee during the 101st Congress.

With equal intensity and with equal urgency, the work of the Select Committee on Children, Youth, and Families, has demonstrated its effective response to the problems that face American families, American children in the 1980's and 1990's, and American youth, today. With difficult and multiple sources and causes, with solutions as complex and diverse as the problems, this committee is critical to our work in the Congress. Again, a partnership for solutions is possible by the committees of the House through the oversight information provided by this dedicated and productive select committee.

It is the Select Committee on Narcotics Abuse and Control and its distinguished work that I urge continued support for. I have been a member of this committee for over 9 years and it has served with great distinction during a period of growth and escalation of one of the most devastating national and international scourges since the annihilation of complete worlds by the black plague. We are faced by a narcotics use and abuse that threatens total health systems around the world, a narcotics crisis that is dismantling the political and democratic structures of nations, and a narcotics crisis that is disabling whole economies and monetary systems.

It is the seductive lure of pleasurable escapism that seems to have seized whole cultures and societies with no attempts from the citizens of those societies to understand what their self-destructive value system is doing to the larger community of mankind.

With the passage of two omnibus anti-drug bills, one in 1986 and one 1988, with much of the thorough and complex preparation for these important pieces of legislation sourced in the work of the Select Committee on Narcotics Abuse, we all agree that the work of this valuable team of members and staff must be continued in the 101st Congress.

Therefore, I urge my colleagues to vote for House Resolution 84—to vote for it—yes—but I also urge a vote in such overwhelming numbers to send a message to the Select Committees of their vital role in the task we face together in the 101st Congress on behalf of a suffering, endangered civilization of man.

Mr. SOLOMON. Madam Speaker, if there are no more speakers on this side of the aisle, I yield back the balance of our time.

Mr. PEPPER. Madam Speaker, I am pleased to reassert to our distinguished colleague on the Committee on Rules, the gentleman from New York [Mr. SOLOMON], the same commitment I made on that matter to the able gentlewoman from Illinois [Mrs. MARTIN].

Madam Speaker, I ask unanimous consent that, in section 102(a)(1), the word "address" be corrected to read "addressed".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Madam Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on title I, as modified, of the resolution.

Title I, as modified, of the resolution was agreed to.

The SPEAKER pro tempore. The question is on title II of the resolution.

Title II of the resolution was agreed to.

The SPEAKER pro tempore. The question is on title III of the resolution.

Title III of the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEPPER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1400

REMOVAL OF NAME OF MEMBER AS A SPONSOR OF H.R. 84, VEAL CALF PROTECTION ACT

Mr. BENNETT. Madam Speaker, I ask unanimous consent that the name of the gentleman from Rhode Island [Mr. MACHTLEY] be removed as a sponsor of H.R. 84, the Veal Calf Protection Act.

The SPEAKER pro tempore (Mrs. BOXER). Is there objection to the request of the gentleman from Florida?

There was no objection.

PENALTIES FOR BANKING FRAUD NEED TO BE RAISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, even though bank fraud has significantly contributed to the current savings and loan crisis, those that commit these crimes often get away with little or no prison sentences and hardly any financial losses.

In a recent report on the reasons for bank failures, the Office of the Comptroller General of the Currency states that "insider abuse and fraud were significant factors in the decline of more than one-third of the failed and problem banks that the OCC evaluated." And yet, people go unpunished.

Today, I am introducing a bill that would increase the maximum penalty for defrauding a financial institution from 5 years and $10,000 to 10 years and $1,000,000.

Under present laws, it is highly unlikely that if you mismanage a bank, you will go to jail or pay restitution. Stockholders pay for the directors' and officers' liability policies which in turn pay for the mismanagement liabilities. In 1987, there were 40 judgments in civil cases that returned $59 million to the FDIC. According to Mr. Irvine Sprague in an article in the American Banker, "the civil suits expose and disgrace those caught up in them, but often times they do not touch their [personal] pocketbooks."

One of the examples he cites involves the judgment against Seafirst's chairman and officers which exceeded $100 million—all of which was paid by the insurance carriers. The $88 million settlement against Continental Illinois' chairman and officers will also be paid solely by the insurance carriers.

Not only do people who defraud the banks not pay monetarily for their crimes, they also rarely go to jail. Often they stay out on appeal for years and then if they do end up in jail, they are released after serving only a fraction of their sentences. Jesse Barr, who was convicted of defrauding the Union Planters Bank of $17 million, was released after serving 11 months of his 5-year sentence only to commit fraud again a few years later.

Herman Beebe, Sr., built an empire worth about $150 million in the early 1980's. By 1986, his empire had collapsed; plus he had had a hand in ruining more than a dozen banks and savings and loans. In 1988, he pled guilty to two counts of fraud and is now washing laundry in a Texas Federal prison for a year and a day. Beebe had previously been convicted of defrauding the Small Business Administration for which he was sentenced to perform community service; some of his codefendants were acquitted. He was charged with fraud again in 1987, but that trial ended in a mistrial.

People who commit these white-collar crimes are rarely held accountable for their actions. Many do not learn that crime does not pay, but often they do learn just how profitable crime can be. Beebe's lawyer told Time magazine, "Herman felt he could make money, so he got in. He doesn't feel he did anything wrong."

The current penalties are too light. I hope by increasing the penalties and by having juries and judges use these penalties—we can get some of the buccaneers out of the business of white-collar bank robbery.

TRAGEDY IN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, today's Washington Post reported that Sudanese Prime Minister Sadiq Mahdi has threatened to resign unless the armed forces allowed him to form a new government to work for peace in Sudan. Mahdi told the Sudanese parliament: "The objective is peace, and peace will be easier to achieve if we rally around it at home."

This is the latest in a series of events in Sudan where last year some 500,000, and perhaps as many as 1 million people, the equivalent of the entire population of Pittsburgh plus 75,000 more, died during 1988. These innocent people died as a result of famine

fueled by civil war between the Moslem north and the mostly Christian or animist south.

In January, I traveled to northern and southern Sudan as well as Ethiopia in order to gain a full understanding of how famine conditions there were affecting that country. No Member of Congress had previously traveled to rebel-held territory in southern Sudan and I was the first Member of Congress to visit any part of Sudan in nearly 3 years.

In the camps I visited in northern and southern Sudan and on the Ethiopia-Sudan border, I found many of the same images that haunted millions of Americans during the Ethiopian famine in 1985.

The two differ, however. The tragedy in Sudan is caused by civil war and the opposing sides' use of food as a weapon. The Ethiopian famine was the result of natural phenomena.

Briefly, I would like to share with my colleagues some of what I witnessed during my trip.

SOUTHERN SUDAN

The situation in southern Sudan, an area held mostly by rebel troops of the Sudanese People's Liberation Army [SPLA], is potentially critical.

While it is clear there is a great need for food, medicine, and supplies in the south, few areas of this region have been accessed and detailed information about the extent of the need is not available.

Of the approximately 7,000,000 people who live in southern Sudan, an estimated 250,000 died in 1988. Many hundreds of thousands more were displaced.

I traveled with the Norwegian People's Aid [NPA] to Kapoeta in southern Sudan to observe relief operations there. There are an estimated 30,000 refugees in camps scattered around Kapoeta. These residents have come from miles around, many walking for weeks and even months to reach food and shelter. The NPA is providing food, medicine, and supplies.

Surprisingly, starvation and malnutrition were not widespread in the southern areas relief agencies have reached. I was told, however, that this was not an encouraging sign because it meant that most of the starving had either died or were attempting to reach feeding camps in the north or in western Ethiopia.

Most importantly, however, relief experts are concerned that 250,000 or more southerners—the entire population of Richmond, VA, plus many thousands more—could die in the next year if the rainy season arrives in April without adequate arrangements in place to provide food to the affected areas. Rain will make roads, already in poor condition, nearly impassable and will make dirt airstrips unusable. The weakened condition of those who survived the famine this year could exacerbate the tragedy next year.

ETHIOPIA

In Ethiopia I visited Fugnido camp, one of four refugee camps located near the Sudan border outside the town of Gambela. Hundreds of thousands of Sudanese have trekked from Sudan to these refugee camps in search of food and shelter and respite from the war. It is sadly ironic that the situation in Sudan is so desperate that people will flee to Ethiopia for relief.

The case of 9-year old Mayen-Mayen Diye was typical of those I encountered at Fugnido. Mayen and others in his village were attacked by a government armed militia in Aweil. His family had been killed. After the attack, he found himself with about 90 other young boys in the woods. Together with their cattle they walked for 5 months in search of food and shelter. Of the approximately 90 that began the journey, only about 25 survived it.

The trail that Mayen followed has become known as the trail of corpses because of the large number of Sudanese who died along that route seeking food and shelter. It is said that many refugees located the camps by following the trail of bones.

The camp I visited maintained a poorly equipped medical facility for the most seriously malnourished and operated a supplemental feeding program for those who were less seriously malnourished.

NORTHERN SUDAN

In northern Sudan, I viewed several camps in Kosti, a 4-hour drive from Khartoum, the capital of Sudan. In Kosti, there are an estimated 65,000 displaced persons, primarily women and children who have fled from the war areas of the south in search of food and shelter.

Combo camp, home to approximately 20,000 Sudanese, was typical of the camps I saw. On the day I visited, 32 new people had arrived from camps further south. One woman said she had walked for 5 days from a camp further south to reach Combo.

These camps, and others like them, have been established along the refugee route from the south to help take pressure off the already overcrowded camps in Khartoum. In all there are an estimated 228,500 displaced persons in northern regions outside Khartoum and this figure is expected to increase to 330,000 by 1990.

In and around Khartoum there are an estimated 1,000,000 displaced persons. This figure is expected to reach 1.25 million by 1990. As with the camps in Kosti, living conditions are very poor and disease is prevalent. One camp was actually built on top of a city dump. Water is in short supply and housing is cramped and in poor condition.

One AID official told me privately that while there is food reaching the camps, malnutrition levels may still be as high as 25 to 30 percent because of logistical difficulties in feeding 1 million people every day. This problem will only increase as the number of refugees increase. The results could be even more tragic, however, if food shortages develop.

I have brought several pictures along which I took during my trip. These pictures tell the story more clearly than can words.

Upon my return from Sudan, I briefed Secretary of State James Baker. Secretary Baker, who had just been sworn into office 2 days before I met with him, was well versed about the political and relief situation in Sudan.

The Bush administration and Secretary Baker have shown a deep sensitivity to the problems in Sudan.

After our meeting, Secretary Baker quickly dealt with the problem by issuing a strong statement calling on the government of Sudan and the Sudanese People's Liberation Army to ensure that food reaches people in all parts of Sudan. The statement also called for an early cease-fire to promote peace and allow relief to reach those in need.

Secretary Baker's statement is brief, and I want to share it with my colleagues:

STATEMENT OF JAMES A. BAKER III

The U.S. Government remains profoundly concerned about massive human suffering in Sudan. The cause is the civil war, now in its sixth year. Most of the war's victims are civilians who are displaced and impoverished or who starve to death for lack of delivery of available food. The death toll from starvation in 1988 alone is estimated to range in the hundreds of thousands.

Many Sudanese and expatriates are laboring tirelessly to ensure food deliveries, and the cooperation with these efforts by both the Sudanese Government and the Sudanese Peoples' Liberation Army [SPLA] has improved in recent months. But much more needs to be done. We call on authorities at all levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone. Failure to do so will mean that thousands more will die in the coming rainy season. The United States will do all it can to support this effort. We call on other donors also to undertake or expand relief efforts.

The sad reality, however, is that starvation will almost certainly not end until the fighting ends. As friends of Sudan we urge the Sudanese Government and the SPLA to put peace first and to agree to an early cease-fire which would promote that goal and allow relief to reach those in need.

In recent weeks the United States has also provided food and supplies for cross-border operations into southern Sudan. This is the first direct United States assistance for the people in southern Sudan and is an important

first step. United States AID officials are also working with other relief agencies for further operations into southern Sudan.

In response to the administration's actions the Sudanese Embassy announced recently that some 2,800 tons of relief material have been delivered to towns in southern Sudan since January and 61 barges loaded with relief supplies are enroute to Malakal, an area deeply affected by the famine.

Since the Bush administration has acted, the Sudanese Government has indicated a willingness to seek peace. Today's Washington Post story about Prime Minister Sadiq Mahdi's call for peace in Sudan is the latest response to the efforts of Secretary Baker and the Bush administration.

These are very positive steps which have undoubtedly helped to relieve the suffering of thousands of Sudanese and will undoubtedly save the lives of many thousand more in the coming year.

I believe the Bush administration has a unique opportunity to influence the peace process in Sudan. Peace is the one missing link that will eliminate the crisis in Sudan that threatens so many thousand people.

With all of the positive steps that have been taken thus far, a cease-fire agreement which opens the roads and allows the free passage of food in both northern and southern Sudan could be the step that ensures there is little or no famine in Sudan in 1989. Hundreds of thousands of lives could be saved.

I have recommended to the administration that the United States appoint an individual with a thorough understanding of Africa and its politics—a peace envoy of sorts—to negotiate between both sides of the Sudanese conflict in order to achieve a cease fire and open roads policy that will allow food, medicine, and supplies to reach all parts of Sudan.

Such an appointment will send a powerful message to the world and the people of Sudan that the United States is committed to preventing a humanitarian disaster of the type that occurred in Sudan last year. More importantly, it would provide the framework for the Government of Sudan and the Sudanese People's Liberation Army to begin to iron out their differences. This could only lead to improved conditions for all people in Sudan.

I sensed during my visit that the people of Sudan, from both the north and the south, are tired of the fighting. They are beginning to recognize that the war, which costs the Government of Sudan about $1 million a day, is the cause of many of that nation's problems.

I have also recommended that the U.S. Government ask the Soviet Union to urge the SPLA to reach a cease-fire agreement with the Government of Sudan. The Soviet Union has a close relationship with Ethiopia and Ethiopia serves as a base for SPLA activities. Soviet influence on the SPLA combined with constructive United States intervention in the form of a peace negotiator could have dramatic benefits in reaching a cease-fire accord in time to avoid the tragedy that will come with the rainy season in April.

In summary, I believe the Bush administration has responded quickly, forcefully, and effectively to the problems in Sudan. The administration's efforts so far have undoubtedly saved many lives. The key, however, to a long-term solution is peace.

Before I end Mr. Speaker, I would like to thank the State Department and United States AID personnel in Sudan, Ethiopia, and Kenya who helped to make my trip as useful and informative as it was.

In Sudan, Ambassador Norman Anderson and his wife were most hospitable. Embassy staff in Sudan, who work under very trying conditions, were especially helpful and informative. Paul Siekert, Pete Strong, Dane Smith, Peter Ford, John Koehring, and Joe Gregoire were among those who I had the opportunity to talk with during my stop in Sudan.

Chargé Robert Houdek in Ethiopia and his deputy Robert Frasure were extremely helpful to me in Ethiopia.

And in Kenya, Ambassador Elinor Constable and her deputy George Griffen, as well as Monica Sinding, Judy Johnson, and David Rhode all were very informative.

Often it is easy to forget the many dedicated Federal employees our Nation has representing the United States overseas. The mission that these employees perform is as important as any in the Federal Government and I salute their hard work, dedication, and commitment. Everyone I had the opportunity to talk with was a true professional and a credit to the United States.

□ 1420

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman in the well both for taking this special order today and also for the undertaking of his personal visit to the region of the Horn and specifically to the Sudan. I share entirely the analysis the gentleman has just offered.

This Thursday my Subcommittee on Africa, as the gentleman knows, will be holding a hearing on the subject of the Sudan. I look forward to receiving the testimony of the gentleman in the well at that time.

There are really two points that need to be stressed. One is the enormous magnitude of the tragedy that is unfolding and the lack of visibility. I do not think that there is any major tragedy of this dimension that has received so little visibility and about which the American and the international community are so unaware as the Sudan. There are literally millions of people at the risk of starvation if means cannot be found to both transport food into the impacted areas and also, as the gentleman said in his second point, secure a lasting peace. That is the second point, that our Government can and must do much more to help in facilitating a negotiated solution to the conflict within the Sudan.

I join in the gentleman's commendation of the Secretary of State, Mr. Baker, who made a very important statement. Really his first pronouncement on African policy was to put his personal imprint on sounding the note of urgency and concern that should have been sounded long ago by this Government of ours.

So I thank the gentleman and hope that Members will read closely the remarks he has offered today and that we will be able, working with the administration, to heighten our focus on the tragedy that is unfolding in the Sudan and find our way through to a constructive, humane solution.

Mr. WOLF. I want to thank the gentleman from Michigan for his comments and commend him also, as well as Senator SIMON. Senator SIMON and the gentleman have scheduled early hearings, which I think has been a very major step in helping people to kind of heighten their sensitivity with regard to this problem. I know the gentleman was planning on going to Sudan but for illness that he had, and I think the fact that he is holding the hearing on Thursday, and the fact that Senator SIMON did last week, has really helped move this process along. I would almost say that perhaps holding the hearings equals saving lives, because I think at the gentleman's hearings there will be greater attention.

I also want to commend the gentleman's staff, the staff of the Foreign Relations Committee, and also the staff of the Select Committee on Hunger. I had wanted to be over here doing the reauthorization of the Select Committee on Hunger, but we had a delegation meeting. I just would like to commend Jeff Clark and the others because they really made a difference, the gentleman's staff and the select committee staff which helped bring a sensitivity, and frankly they helped me in my efforts to sort of move along.

So the gentleman from Michigan should be commended, his staff should be commended, and also the Select Committee on Hunger and their staff.

I think holding the hearings really is going to make a big difference.

Mr. WOLPE. If the gentleman will yield one more moment, again I want to thank him for his very, very kind remarks. It is the kind of personal visitation that the gentleman in the well has undertaken that really yields enormous new insight, and I hope other Members might avail themselves of the possibility of visiting the region directly.

Mr. WOLF. I thank the gentleman, and I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MOST-FAVORED-NATION TREATMENT FOR THE SOVIET UNION

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, I want to express my appreciation to my colleagues, the gentleman from Ohio and the gentleman from North Carolina, for allowing me to proceed at this point.

Mr. Speaker, my hopes soared for a minute when we were in receipt of a message from the President, because I thought it might be the parts of the budget that have been missing from the President, and he was going to tell us what he really wanted to cut. But apparently I am not to be made happy today.

Mr. Speaker, what I want to discuss here is the question of a possible waiver of the Jackson-Vanik law dealing with whether or not the Soviet Union gets most-favored-nation treatment. As Members are aware, Mr. Speaker, in the 1970's Congress passed a law which said that the Soviet Union could not get such status dealing with the right to send trade here at low tariffs until and unless they removed their obstacles to emigration from the Soviet Union, particularly of the religious minorities who have been the subject of persecution and wanted to emigrate.

There has been improvement in the behavior of the Soviet Union, both with regard to internal practices and with regard to emigration, and some people have argued that the improvement has been such that we ought to run now a test by the waiver of the Jackson-Vanik law which is allowed under the law by the President.

I think the answer is that it is too early. I hope that 4, 5, 6 months from now I will have a different view.

People have argued there are improvements in the way the Soviet Union has dealt with this issue, and they are correct. People have also argued that it is important to show the Soviet Union some recognition by us of the improvement.

My answer to that is that we have already done so. In January, Ronald Reagan, former denouncer of the Evil Empire, decided that Moscow was an appropriate place to have a conference on human rights, and he agreed to have the human rights conference in Moscow in 1991. People will be of differing opinions as to whether or not that was the correct decision, but it was made. I hope we will carefully monitor the promises the Russians have made with regard to that, and that we will exercise our right to oppose holding that conference if the Soviets do not continue progress, because the fact is they are progressing, but they have a very long way to go. They are still not nearly where a civilized society that respects human rights ought to be.

It is important to both recognize that progress has been made, but not to overly romanticize the situation where they are, and not lose sight of the fact that by far the greatest amount of progress yet has to be made if they are fully to deserve a title of a country that respects human rights.

But at any rate, given that they have been granted the right to hold that Moscow conference, which was of great importance to them, the argument that some showing to encourage them was necessary has been met. And the question now is do they meet the terms of Jackson-Vanik, and the answer I think is clearly not yet.

There are several thousand long-term refuseniks of Jewish background who have been asking for the right to leave the Soviet Union and who have been denied, and who have lived lives of misery and degradation and deprivation because of that denial in many, many cases based on wholly spurious national security grounds that these people were exposed to secrets many, many years ago which are no longer of any relevance, if they ever were. There is still not enough of an outflow. Yes, there has been progress. No, the Soviet Union is not yet at the point that it ought to be in its own interest as well as the interests of its people.

I believe that it is in our interest to encourage the trends toward recognition of human rights that have emerged in the last years of Mr. Gorbachev's regime. But it serves no valid purpose overly to romanticize what has happened. The decision to give the Moscow conference, which Ronald Reagan made, is now a fact. It is important that we monitor that progress.

On the other hand, we should also make clear that having granted that, we want to see more progress before we take the next step.

Mr. Speaker, in this regard I think that the statements that have recently been issued by the National Conference on Soviet Jewry and the Union Council for Soviet Jews, the two major national organizations concerned with that, accurately express what American policy ought to be. I include those with my remarks today.

I hope that 6 months from now if the Soviet Union takes care of the long-term refuseniks and increases the numbers, if they continue to move in the direction they are moving in, we can come back here with a national consensus that a waiver of Jackson-Vanik will then be appropriate.

The statements referred to follow:

STATEMENT OF THE NATIONAL CONFERENCE ON SOVIET JEWRY

SOVIET JEWRY AND THE TRADE COMPONENT

History of the Jackson-Vanik amendment

Section 402 to the Trade Act of 1974, known as the Jackson-Vanik Amendment, was first proposed by Senator Henry M. Jackson in response to an exorbitant education tax established by the USSR to halt, primarily, the emigration of Jews from that country. It was later co-sponsored by Representative Charles Vanik. After passage by an overwhelming majority of both houses of the Congress, it was signed into law by President Gerald Ford January 3, 1975 as the Freedom of Emigration Amendment to the Trade Reform Act.

The law applies to all communist countries ("non-market" economies), and provides that MFN ("Most-Favored-Nation" tariff status), and US government credits and guarantees, will be withheld from any "non-market" country, until the President determines that the country nether denies its citizens the right or opportunity to emigrate, nor imposes an excessive exit tax to limit (or exploit) emigration. (In East Europe, Hungary, Poland, Romania and Yugoslavia have been granted MFN status, at various times.)

Following extensive negotiations, Secretary of State Henry Kissinger and Senator Jackson exchanged letters on October 18, 1974, outlining assurances on specific liberalized emigration practices, which Kissinger stated he had received from the Soviets. Partially due to these assurances, the amendment was altered to allow an eighteen-month waiver, renewable annually, provided that the President:

(a) certifies to Congress that granting the waiver will promote the objective of free emigration, and

(b) that he has received assurances from the country receiving the waiver that its emigration practices will be substantially liberalized.

A separate amendment to the Export-Import Bank bill introduced by Senator Adlai Stevenson III in December 1974, set a $300 million ceiling on US backed credits to the USSR, over a four-year period. While not part of the Jackson-Vanik Amendment, and not necessarily in accord with the sponsors' goals, it was interpreted by the Administration, and later by Soviet officials, as being tied together.

NCSJ position

The Jewish community view is that many aspects of a US-USSR relationship hold a

potential for Jewish emigration activists. Trade links between the two countries, among other bilateral ties, offer special hope to those struggling to be repatriated to Israel, and to rejoin their families. The prevalent view is that future efforts to enlarge trading activity between the US and the Soviet Union should reflect an understanding of the reciprocal obligations involved, including the protection of human rights.

The basic objective of the amendment, as a tangible legislative expression of support for human rights, still has widespread support as long as the USSR desires US credits to purchase American technology, or seeks to expand exports to this country.

According to the original sponsors, and their supporters, the Jackson-Vanik Amendment was not meant to block trade with any country, but to give it a "human dimension." Later, Senator Jackson was to explain that the amendment was "not locked in concrete," since it was designed to facilitate emigration.

The current view is that a sustained and significant increase in emigration, with the positive resolution of the cases of long-term refuseniks, would provide an opportunity for the President to make the required report on emigration to Congress, enabling him to waive the restrictions of the Jackson-Vanik Amendment for the initial eighteen-month period. At the end of that time there would be an assessment to determine continued compliance and eligibility for further annual extensions.

STATEMENT OF THE UNION OF COUNCILS FOR SOVIET JEWS

THE JACKSON-VANIK AND STEVENSON AMENDMENTS: MEASURED RESPONSES IN AN UNSTABLE ENVIRONMENT

1988 witnessed significant progress for Jews in the Soviet Union. And yet, though 19,393 Jews emigrated in 1988, permission to emigrate is still meted out arbitrarily by Soviet officials. Requirements which permit applicants' relatives to veto their application have not yet been removed. No published time limit for those said to have access to state secrets has been established. Invitations are commonly not delivered. The "first-degree" relative limitation remains codified and enforced against Soviet Jews who want to reunite with their families in the United States.

A foundering economy and the recent repression of Armenian activists reflect the instability and unpredictability of the current situation. Only by institutionalizing into law the emigration and human rights reform he has promised (and again postponed this week) can President Gorbachev begin to earn the credibility he seeks.

Soviet emigration performance must be monitored and verified to assure compliance with promises, and gradual achievements must be recognized by graduated concessions. The agreement to a Moscow Human Rights Conference was a first and substantial concession—a concession that was predicated, in part, on President Gorbachev's assurances at the United Nations to reform the emigration laws. Should the emigration trend continue to 30-35,000 in 1989, the evacuation of all outstanding Refusenik cases be completed, and the reforming legislation actually be enacted and implemented in accordance with the Helsinki Final Act and the Vienna Concluding Document, the Union of Councils for Soviet Jews would then support steps to repeal the Stevenson Amendment.

It is, however, morally and strategically imperative to withhold, at this time, any action concerning the most valuable concession, the Jackson-Vanik Amendment, until annual emigration reaches 50-60,000, the accepted benchmark since 1974. Jackson-Vanik is the statutory centerpiece of the emigration movement because it explicitly links Most Favored Nation status exclusively to a Soviet achievement of "high and sustained" emigration.

No single factor deserves full credit for high emigration figures. But the history of the emigration movement confirms that the Jackson-Vanik Amendment has been most effective in periods, such as the peak years for emigration in the late 1970's and the present one—when US-USSR relations are warmer, when the Soviet leadership seeks the benefits of either arms reductions, improved trade relations, or both, and when the United States makes it clear that it expects improvement.

This benchmark emigration level is far more than a "price" for an annual waiver of Jackson-Vanik: it is an instrument to measure and verify institutional reform in Soviet emigration policy. Once enacted, and if consistent with international guarantees, high levels will follow.

It must be recognized that because of dangers resulting from popular anti-Semitism which is tolerated by the authorities, and current practices which permit Jews to apply with minimal fears of reprisal, hundreds of thousands of Soviet Jews are seeking to leave today. If the Soviets do indeed open wider the doors for emigration, then the standard we advocate should present no economic barriers that would justify retreating from the Jackson-Vanik "Freedom of Emigration" law.

Only by monitoring and verifying compliance with international human rights agreements, and by responding with a measurable quid pro quo, will the Soviets continue to increase their levels of emigration to the requisite rate. Even a one-year waiver of the Jackson-Vanik Amendment cannot be granted until the Soviets reform their emigration policy, and a high and sustained level of emigration is sustained.

(The Union of Councils for Soviet Jews (UCSJ) is the largest independent grassroots human rights organization in the world dedicated exclusively to gaining freedom of emigration and cultural rights for Soviet Jews. Headquartered in Washington, D.C., the UCSJ has 50 local councils and 100,000 members throughout the United States, with international affiliates in Canada, France, the United Kingdom, and the Soviet Union.)

□ 1430

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker today's special order is in honor of a month when our Nation officially celebrates and recognizes the extraordinary contributions of black Americans to the rich heritage and development of this great Nation. As you know, throughout the month of February Americans have been honoring the achievements of black Americans.

This year's national theme for Black History Month is dedicated to the spirit of an institution that is the nucleus of the black American community. "The role of Afro-American churches in economic, political, and social development at home and abroad" is both a fitting and proper theme to commemorate the unique role that the black church plays in the black community. It is a forum for activism and empowerment of all fronts and a successful breeding ground for outstanding black leaders.

One interesting phenomena is how leadership of our people evolved. Today we are very fortunate to have leaders throughout every profession and facet of American life, but long before the evolution of leaders in all other areas of American life, it was the black minister who not only led his congregation but gave leadership in the entire community.

His leadership was crucial to the survival of our people as we fought to break down the barriers of race, hatred and prejudice, and bigotry which prevented our young black men and women from acquiring the education which would enable them to become leaders in all areas of American life. And so the black minister had a dual role in our community. He had to provide leadership until we could develop other leaders and he had to find the means to keep open the doors of the church so that an oppressed people had a place to come together, not only to worship and pray, but to plan and pray—to plot and pray. The church was a sanctuary where not only we came together to hear God's word, but we came together to hear how we were coming on freedom's trail.

Sidney Ahlstrom in the book entitled, "A Religious History of the American People," writes on the role of the black churches. In his book he says, "From the days of emancipation until the mid-20th century, the church was by far the most important black institution after the family." It is also Ahlstrom who writes that black churches also gave the first impetus to economic cooperation, published the most influential periodicals and aided education as actively as any other institution. And then he says, "Finally, the churches were a badly needed refuge in a hostile world."

This writer I want to quote more extensively because more than any author whose works I have read, he seems to have grasped the historical perspective which I want you to perceive. He goes on to say that:

There is more pathos than humor in the reply of a rural Alabama negro who was asked to identify the people in the adjoining community: "The nationalty in there is Methodist" The church was, in a sense, a surrogate for nationality, answering to diverse social needs and providing an arena

for the exercise of leadership. Far more than for whites, the black church served other than strictly religious needs.

The author then tells us that after 1877, as Jim Crow Laws, intimidation and political suppression steadily intensified, this function of the church increased in significance. More than ever it became a vital means of perserving a sense of racial solidarity. He tells us further that:

Virtually every major authority, whether black or white, seems to agree that despite poverty and poignant limitations, the local church was for good or ill, the primary element of the American negro's nineteenth century heritage.

It is in this context then that we look at the role of the black minister who provided the leadership in the development of that heritage. We must remember now that until World War I, nearly 90 percent of black people in America lived in the South and two-thirds of them were rural. So regardless of denomination, each of these little congregations were led by very modestly educated men. In most cases they had no more than elementary schooling. Yet as ministers, they were members of the only profession open to what were then called negroes. That is, they were in charge of black people's only free institution. In fact, today the black church remains the only institution in the black community totally owned by black people. Therein they were very important men.

James Weldon Johnson in his writings, in describing black ministers, calls them "the greatest single influence among the colored people of the United States." In the book entitled, "The Souls of Black Folk," written by our first Ph.D, W.E.B. DuBois, he stresses the importance of black ministers:

The preacher is the most unique personality developed by the negro on American soil. A leader, a politician, a 'boss,' an intriguer, an idealist—all of these he is * * *

And behind the pastor and behind the church has been a dedicated and committed people. Probably no people in the history of the world have been as oppressed, or enslaved, or so discriminated against. And yet, they have survived with an unfalterable faith in their God. And along with their faith in God, they have had faith that one day this Nation would rise up and live up to its creed—that all men are created equal. Throughout it all, we have never doubted that one day we shall overcome, and that this Nation will come to know the true meaning of its own pledge of allegiance of one nation, under God, indivisible, with liberty and justice for all.

As a people, we could not have survived without the black church. It has been more than a sanctuary—it has been the institution which carried us over. The institution which gave us the modern Moses, Dr. Martin Luther King, whose life was snuffed out by an assassin's bullet. The institution which through all of our struggles remains today the strongest foundation in our community. The black church then has been our crutch to survival.

The history of this Nation is the history of many diverse cultures with many different stories of origin and development in America. The unique history of black Americans began with the chains of involuntary servitude, an institution which created deep rifts in the moral fiber of our Nation. We are still struggling to heal these rifts and wounds.

One of the unique aspects of the black church is the involvement of the leadership of the church in the acquisition of black political power. In recognition of the need for black politicians to have a base from which to win elections in a majority society, black ministers have provided their churches as a forum. Moreover, black ministers have been activists in the political arena. The black minister has—when fitting and appropriate—also utilized his pulpit to speak to political issues and has provided that pulpit as a platform for both white and black politicians, who needed access to the churches' congregation.

Leading black progress in the political arena have been many of America's most distinguished black preachers. One of the Nation's most charismatic politicians was Adam Clayton Powell, pastor of Abyssinian Baptist Church in New York, who was the first black chairman of the House Education and Labor Committee. Under Powell's leadership, more social legislation was passed than under any other chairman in the history of the U.S. Congress. Under the astute leadership of Dr. Martin Luther King, Jr. a Baptist minister, the Afro-American church was instrumental in ending decades of the disenfranchisement of black Americans. Without the black church there could not have been a Dr. Martin Luther King, Jr.

The moral and political leadership offered by Dr. King and Powell is indicative of a role which often has been assumed by black ministers. Another distinguished black preacher, Rev. Jesse Jackson, former aide to Dr. King and president of Operation Push, made history during his first and second bids for the Democratic Party nomination for the Presidency; and Andrew Young, also a minister and former aide to Dr. King was elected to the Congress, and later became the U.S. Ambassador to the United Nations and currently serves as the mayor of Atlanta. And today, in the U.S. House of Representatives, we see a number of black political leaders who are ministers. WALTER FAUNTROY, FLOYD FLAKE, EDOLPHUS TOWNS, JOHN LEWIS, and BILL GRAY are all ordained ministers.

Religion and politics have long been fused in the Afro-American church. The major black American religious denominations represent a combined membership of approximately 10 million in about 50,000 predominately black churches. These congregations are a part of the 12 million who make up the black voting base in this country.

The power of these 12 million voters is evidenced in the steady increase of elected black officials. Currently, there are 6,829 black elected officials. There are 303 black mayors and 24 black Members of Congress. In 1967, my brother, Judge Carl B. Stokes became a pioneer when he was elected America's first black mayor of a major American city.

Black churches are formidable forces in the mayoral races in major American cities. Dr. King played a significant role in Carl's victory by personally conducting a voter registration drive in Cleveland. Political rallies for the late Harold Washington were commonly held in Chicago's black churches. Wilson Goode, mayor of Philadelphia and a baptist deacon, was successful in his first and second bid for mayor due to the enthusiasm of Philadelphia's black churches. Mayor Tom Bradley of Los Angeles was "discovered" by his pastor, who eventually bacame Bradley's campaign manager.

In the 1988 Presidential election, approximately 8.9 million or 43.6 percent of eligible black voters turned out on November 8. The joint center for political studies states that the black church had a great deal to do with the numbers in both the 1984 and the 1988 Presidential elections. Voter registration efforts by the Afro-American church intensified during the 1984 election primarily due to the campaign of Rev. Jesse Jackson. Over 30,000 black churches pledged to enlist 3 million new voters into the rank and file. Reverend Jackson won 21 percent of primary and caucus votes, 11 percent of the delegates in San Francisco and five States. In 1988, the enthusiasm of the black churches' response to Reverend Jackson's campaign again contributed to voter turnout. During his second bid for the Democratic nomination, Reverend Jackson won 7 primaries and 927 or 29.1 percent of the delegates to the convention in Atlanta, double the number he gained in his 1984 bid.

By now we as politicians arc aware of the resounding voice that the Afro-American church sounds in the black community and in America. This institution is the dominant symbol of the African presence in the United States. The Afro-American church has nurtured its black congregations and enriched the self-respect of black Amer-

ica. Out of the Afro-American church came the first glimmer of hope that tomorrow could be better than yesterday; and that tomorrow begins with solidarity today.

Mr. Speaker, at this time I yield to my distinguished colleague from California, the immediate past chairman of the Congressional Black Caucus, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman from Ohio.

Mr. Speaker, I thank my friend, Congressman STOKES, for bringing us here today to observe this very important occasion, African-American History Month.

Let me just say, Mr. Speaker, that as a classroom teacher in Los Angeles I had the privilege of teaching American history and what I observed was the absence of any inclusion of black Americans in history text books with the exception of two, Booker T. Washington and George Washington Carver.

As a young legislator, I had the privilege of introducing legislation that mandates the inclusion of the accomplishments of black Americans in the history books in California.

So it is very appropriate for the gentleman from Ohio [Mr. STOKES] to bring us together to make known to our friends and people across these United States that this is a very important month to observe the accomplishments of African-Americans in the United States.

Mr. Speaker, I want to thank our colleagues Congressman STOKES and Congressman DELLUMS for setting aside this time for us to reflect on the history of African-Americans in these United States. I think that built into the human spirit is the desire to believe that as time passes things get better. In our own lives we grow from being totally helpless and dependent on others for all our needs to being able to depend on ourselves and our own abilities. That is progress. The sweep of history is like that too. We think things are better now than they were a hundred years ago. So, we think naturally of history as the history of progress.

The history of African-Americans in the United States only partially fits that image of history. Sometimes we take a step backward. Among the treatments of African-American history being presented this month was a television segment shown in Washington two Sundays ago. An elderly man recounted the experiences of his great-grandfather who lived and died as a slave. This great-grandfather hungered for freedom. So much so that he tried on several occasions to escape. For his effort, his master shackled him with a 20-pound steel ball that he wore from a chain attached to his leg for the last 20 years of his life. It turns out that this old man was going to have freedom in some way, even if he couldn't enjoy it in his lifetime. He had an axe, and when he died, he instructed his wife to cut his leg off and remove the ball and chain. She did so, and gave his body a kind of symbolic freedom. But the family has kept the ball and chain as a reminder to this day.

None of us has been forced to wear a ball and chain, at least not a visible one. So, we could say that progress has been made. But I know too that there are parts of the Los Angeles County area where my district is located where young people are as confined as though they were wearing a ball and chain. There are high schoolers in my district who cannot read, cannot write, cannot add or subtract. And many somehow have lost their sense of value for life itself. The regularity of violent killings involving teenagers and young adults in some areas of Los Angeles County is depressing because it seems to be the outward sign of hopelessness.

It is painful to look at these young people and the extreme limitations they face in a world where literacy is no more than the minimum down payment on freedom. In the last century, most masters forbade their slaves to learn to read or write. It was thought that literacy would make slaves harder to handle. In the midst of that deliberate effort to withhold the tool of literacy from African-Americans, there was a young man whose mistress was impressed with his brightness, and she did the forbidden thing. She taught him the alphabet. When the master found out, he made the lessons stop, but it was too late. The tool was already in the young man's grasp and could not be taken away. His name was Frederick Bailey, and he lived in Baltimore until his wife, a free black, managed to get together enough money to help him escape. So that it would be harder for those who hunted down runaway slaves to find him, he changed his name to Frederick Douglass.

Frederick Douglass's rise to leadership in the effort to extend human and civil rights to African-Americans should be instructive for us today. His uniqueness was recognized even by his owners. He was an outstanding individual, and there was no adversity difficult enough to quench the fire of his intelligence or his vision. That is what outstanding people are like. They overcome all the obstacles that would defeat normal people. Most people are normal.

A few years ago, there was an administrative assistant here who worked for a moderate Republican. The AA had been the chairman of a university chemistry department before coming to the Hill. He found himself in a conversation one evening about the need for aid to educate the disadvantaged. He told those listening about one of his graduate students, an African-American, the first such graduate student his department ever had. He pointed out that this student was a superior student in every way. He was extremely well prepared for graduate study, and he sailed through his graduate studies. There was no perceptible discrimination against this excellent student. The point of this account was that this student was offered as proof that African-Americans can make it in the system as it exists. There is no particular need for aid. The student who applies himself can excel regardless of color.

This former chairman had encountered an exceptional individual, one of those people who makes it look easy to excel. But he was the only African-American graduate student that chemistry department ever had. For every superstar whose brilliance cuts through racism and disadvantage, there are thousands who could succeed were they given the chance.

Frederick Douglass knew that, and dedicated his life to seeing that others would not have to withstand the trials he had to withstand in order to succeed at their life's ambition. It should be a matter of great pride to us that throughout our history, many of our most outstanding individuals have had the kind of regard for their people that has driven them to spend much of their lives working to extend opportunity to those who need a helping hand to overcome disadvantage.

I am privileged to know many of those outstanding and dedicated people. They will be the historic root of the advances that will be made by our children and their children in the coming decades. And they have been the strong arms that have tried mightily to hold the door of educational opportunity open during a trying decade for African-Americans. We know that science and technology are going to be dominant forces in our lives and the lives of future generations. I want to mention a few of the people who are working to see that African-Americans will continue to make history in the sciences.

When the history of access to education is written, our own colleague, Congressman Augustus Hawkins, will be among the heroes. His hand has guided the major Federal education programs of our era to the lawbooks. There are others who may not be as often in the public eye, but whose work is not unnoticed by those who know what it has taken to keep hope alive. There is Dr. Jim Rosser, president of California State University at Los Angeles. Through this decade he has made his institution a place where people of all racial and ethnic backgrounds can receive a first quality education and not have to sacrifice their cultures or identities in the process. There is Bernard Charles of the Carnegie Corp. who has targeted major private funding toward minority education programs at a time in history when those funds have become less available from Federal sources. There is Dr. Shirley Malcom of the American Association for the Advancement of Science whose Linkages program is showing church pastors, girl scout leaders, the Urban League, and every other community based organization she can find how to give African-American children the educational boost they need. There is Dr. Howard Adams of the Graduate Degrees in Engineering for Minorities or GEM Program, whose efforts are responsible for a staggering percentage of all the graduate degrees in engineering that have gone to African-Americans in the past 10 years. And there is Dr. Shirley McBay of MIT, chairwoman of the National Science Board's Advisory Committee on Women, Minorities and the Handicapped in Science and Technology. The programs of the National Science Foundation aimed at minority access to science are the fruit of her committee's guidance. Dr. McBay is also director of the Quality Education for Minorities or QEM project which is in the process of identifying the most effective minority education programs in the country and deriving from those efforts a national plan for the successful education of minority students. Right here in

Washington, there is Mel Thompson, director of the Research Institute for Science, Space, and Technology at Howard who is striving to make businesses and universities working partners in the higher education of African-American students.

You see that our history even to the present moment is peopled with heroes, people of outstanding ability who have turned their talents to advancing not just African-Americans but all those who have suffered disadvantages because of prejudice, gender discrimination, or physical disability. My strongest hope as one elected to represent the people is that we have at last passed through the period of Federal indifference to the needs of the people. It is time for this Government to consider once again becoming our heroes' partners rather than their antagonists. In the past decade these leaders have had to put all their effort into seeing that this country did not march wholesale back into the 19th century. I hope that a year from now we can say of 1989 that it was the year our Government turned around and finally began to march with the people's leaders into the 21st century. May 1989 be a year of progress, not another year of retrenchment.

Mr. STOKES. I thank the gentleman for his contribution.

Mr. Speaker, I yield to my friend, the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend and thank the gentleman from Ohio for setting aside time today for this special order to celebrate Black History Month.

All across the United States in schools, museums, libraries, community organizations and churches, people are taking the time to recognize and honor the contributions of black Americans to the history of this Nation. Since the beginning of our Nation's history there have been countless individual black Americans who have made important contributions to this great Nation.

However, also important is the role that African-American churches have played in the history of our Nation. The church has always been more than just a place of worship. From its beginnings in the late 18th century the African-American church has been a very important institution.

At various times it has been a place where children have been educated, a place where political activity has started and a place where the righting of social wrongs was initiated.

One of the church's first leaders was Richard Allen. He was born a slave but was allowed to buy his own freedom. In 1786 he worked as a lay minister among black members of Philadelphia's St. George Methodist Episcopal Church. Because of his work, and the work of Absalom Jones, the black membership of the congregation grew 10 times larger. However church officials became worried and imposed strict rules to segregate black worshipers.

Ultimately, Allen and Jones were physically removed from the church while praying and black members left en masse. Thereafter, Allen and Jones organized the Free African Society. In 1791 it became the African Church, and in 1816 Allen founded the African Methodist Episcopal [AME] Church.

The AME Church is one of the largest and oldest African-American churches in existence. It has grown into an international denomination with a membership of more than 1 million. It operates 11 colleges and schools of religion and its business and social service entities include housing developments, homes and programs for senior citizens, a hospital and a camping facility. It is just one example of how the church has interwoven itself with the lives of its members and become an important part of our country's social fabric.

Moreover, one cannot talk about the role of the church and black Americans without recognizing the great achievements of Rev. Martin Luther King, Jr. He is remembered more as a leader of social change than a theologian. But let us not forget that as a church leader he became the leader of the civil rights movement.

He and his work are the best examples of why we should take the time to recognize and honor the contributions of black Americans to our Nation's history.

Mr. STOKES. I thank my distinguished colleague for his significant contribution to this special order.

□ 1440

Mr. Speaker, at this time I yield to the gentleman from Georgia who is also a black minister, my distinguished colleague [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Ohio for yielding me this time and thank him for calling this special order today.

Mr. Speaker, I rise today to talk about a man who I consider one of the founding fathers of the "New America." He was the leader of the second revolution in this Nation. He led a revolution of new ideas and new values in this Nation.

This year's theme for Black History Month is "The Role of Black Churches in Economic, Political and Social Development at Home and Abroad." The black church has always been the one place where black people could gather to discuss those issues and work to solve economic, political, and social problems in our community. Dr. Martin Luther King, Jr., used his ties with the black church to stir a movement. That movement uplifted this Nation from the pit of segregation and discrimination to the mountaintop of justice and brotherhood.

Dr. Martin Luther King, Jr., was a minister who was trying to make his religion relevant to the needs of the people. I admired that. In my mind, King was a Moses, using organized religion and the emotionalism within the black church as an instrument, a vehicle toward freedom and change.

Martin Luther King, Jr., more than any other American of the 20th century, had the power to bring more people together to do good—black and white, protestant, Catholics and Jews, young and old, rich and poor.

Martin Luther King, Jr.'s message was love. His weapon was truth. His method was creative nonviolence. His goal was the beloved community—a community of justice, peace, and love. He was a gentle man who used the teachings of Jesus and the tools of Gandhi. He was a radical Christian, far too advanced in his concepts of love and peace for the violent times in which he lived.

Martin Luther King, Jr., spoke to the hearts and conscience of all of us who believed that nonviolence and love offer a more excellent way. This good man, this God-fearing man, gave us hope in a time of hopelessness. This good man, this man of God, this son of the South, this son of America produced light in dark places. Martin Luther King, Jr., had the ability to bring the dirt and filth from under the American rug, out of the cracks and corners into the open light in order for us to deal with it.

Perhaps Martin Luther King, Jr.'s, greatest contribution was bringing the entire human community together in a caring and sharing beloved community, for it was Dr. King's greatest strength to inspire people to reach out and help others.

As we conclude this year's celebration of Black History Month, let us work to support courageous leaders, like Martin Luther King, Jr. Men and women who will work to redirect the priorities and the tremendous resources of this Nation, not to oppress, but to uplift; not to divide, but to bring together; and not to enslave, but to set free.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague from Georgia for his contribution.

At this time I yield as much time as he may consume to my other distinguished colleague from the State of Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank my distinguished colleague from Ohio for sharing this time.

Mr. Speaker, when I was a small boy growing up in my native Southland, there was a quiet, gentle force of freedom at work. An irresistible force of spirit that was to forever dislodge the immovable object of racial segregation and so-called white supremacy.

This force was natural born in the human heart. It was bred by loving families around the hearths of countless red clay cabins, but it was ultimately nourished to fruition by the church. The African-American church has been the deep well from which generations have drawn the pure taste of righteousness. The church was the educational, social, and political center of black community life—it was an oasis of liberty and a sanctuary of freedom. There, the voices of justice could speak more freely, there the burdens of oppression could be shared, thus lightening the load upon the soul.

By being a lighthouse of hope for African-Americans, by being a fountain of faith for a people who had suffered the greatest indignity of human existence, the black church's place in the history of man's struggle for personal and spiritual freedom is forever engraved in the solid granite of our Nation's foundation.

Indeed, it was there that the true promise of the American dream was kept alive for us all. Where the verities of justice, opportunity, and equality were developed from abstract rhetoric to daily reality, where the flame of liberty was kept burning to light the way for all Americans. We are a better nation for their enduring patience, perseverance, and courage. For this we the people owe a great debt of gratitude to our Nation's black churches.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague for his statement and his participation in this special order.

I am pleased to yield as much time as he may consume to my distinguished colleague from the State of Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, it is an honor to rise today to pay tribute to Black History Month. I want to thank my distinguished colleague, the Honorable LOUIS STOKES, for organizing this special order today so that we might all have the opportunity to reflect on the important contributions of black Americans to the life of this country.

I note that the theme for Black History Month this year is the role of the Afro-American church in economic, political, and social development at home and abroad. It is a topic near to my heart, for as the son of a Baptist minister and his wife, I saw at first hand, and often, the power of devotion and its ability to transform lives—not only the lives of individuals but the lives of entire communities.

The black church has shown that kind of transforming power to all Americans. In the earliest days of our society, many of our ancestors came to this continent to escape intolerable persecution for their religious beliefs. They came and established congregations and practiced their beliefs freely.

But later, when the ancestors of black Americans came, they came into a situation even more oppressive than that of religious persecution—they came into a world of bondage and servitude. Yet there was always the refuge of the church where they kept alive the hope for freedom and the dream of a world where all people were equal—for the eyes of God did not see the color of a man or woman's skin.

Through the long years of slavery and through the later years of persecution, the church and its dream of equality stayed alive in the hearts of the devout. That's why it was no surprise to me that many of those in the forefront of the civil rights movement were ministers in the black church. Dr. Martin Luther King, the man we so rightly honor for leading the fight for the right for black Americans to participate fully as citizens in their own country, was first a minister, the leader of Ebenezer Baptist Church in Atlanta, GA. But the dream that Dr. King so courageously spoke of was not a dream that was newly born with him. He was speaking a very American dream that was the dream of generations before him—the dream that people and a nation can be transformed and made better.

That is why it is altogether appropriate today that we pay tribute to the black church and recognize its importance not only to black Americans but to Americans of all colors. It is a model and an inspiration to us all. It is something that Americans can point to with pride and say:

Here is where a dream was kept alive. Here is where idealism and justice prevailed. Here is where a better America was born.

Mr. Speaker, it has given me great pleasure to participate in today's special orders and I again want to commend and thank my distinguished colleague from Ohio for organizing this event.

□ 1450

Mr. STOKES. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Kentucky [Mr. HUBBARD], for his excellent remarks on this occasion, and I appreciate his participation.

Mr. Speaker, I am pleased at this time to yield to another of my colleagues who is himself one of America's distinguished black ministers, the head of one of the most recognized black churches in America. It is indeed a pleasure at this time to yield to a distinguished pastor, the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] and I commend the gentleman who represents for us the historicity of a people personified in a very important contributing ministry and service here in the House. It is certainly with pleasure that I stand before the House today and address the Members and bring before the Members a concern as it relates to this African-American History Month celebration and how we as a people have been able to forge ahead in spite of difficulties and circumstances, and the role the church has played in that process and how the church continues to speak to the conditions and concerns and lift the hopes of people who find themselves in a state of despair.

Today, as I consider this address, one of the concerns that I would like to have the Members note is that 202 years ago in America, founded by an ex-slave, Richard Allen, was the African Methodist Episcopal Church and founded by persons who could not worship as they choose. In fact, George's Methodist Church in Philadelphia was having to worship in a balcony, and in going down to the lower floor to worship among the white members of that congregation, they were bodily removed from it and thrown out into the street. But that throwing out became an opportunity for the formulation of a church that has been able to survive now for some 202 years, with over 2,100,000 members, members who have grown because they have a determination and a desire to continue to see the light and the quality of life and conditions of a people continue to change. And in that 202-year history, Richard Allen, through his contribution, was able to make the introduction of the first weekly black newspaper in America, the AME Christian Reporter, the first monthly that was ever produced in black America, the AME Review, and out of that the community developed the first insurance company for blacks and for blacks the first opportunity to be involved in the process of elections and in politics.

The reality is that as we look back on the history of African-Americans in America, the church has played a major role. It has been at the forefront of whatever changes have taken place in the post-Civil War era, in the Reconstruction Era in America, and it was indeed the black church that produced the leadership that ultimately occupied the seats in the legislatures throughout the Nation and throughout the many States in which they assumed roles. It was those persons who ultimately were to make the description of what was to happen as it relates to the plight of black people.

So as we moved from that era through the various stages of life where these persons participated in American culture and in its many wars, in the many battles that took place to bring about democracy to other nations, many of those persons coming back from the battlefield were finding that there was hypocrisy in

their own Nation, with an inability to be able to get jobs that seemed to be rightfully theirs by virtue of the fact that they had gone forth to fight for the rights of their Nation, and yet coming home to suffer oppression and to suffer the brutality and abuse of a people who were locked on the outside.

Through the ages the black church has been able to speak to those conditions, to lift them, to give them a sense of hopefulness in the midst of what appeared to be a helpless situation, and in the 1960's, as we got caught in the dichotomy between the discussion of what constituted black power on the one side, the sociological definitions of black power which required or considered the taking-over of cities and the taking-over of governments, led by persons like Rod Karenga and Stokely Carmichael and H. Rap Brown, but on the other side the counterbalance to that dichotomy represented by persons like James Cone, professor at Union Theological Seminary, Gayraud Wilmore, C. Eric Lincoln, J. DeOtis Roberts, and others who put into some theological framework and understanding that the hope of a people relied on an ability to be able to continue a relationship with God, a God that Martin Luther King lifted to a point where people could feel a sense of dignity in moving in a nonviolent social protest manner through the churches and into the communities to make a difference for the world.

It is out of that historicity that evolves even to this day the hope for black America, an America where we have seen ravaged the communities where it appears that the riots of the 1960's will never be repaired, where it seems that the dream of ultimately making it to the promised land that was the promise for those who were on their way, on a journey or a pilgrimage from slavery to freedom, it seems to many that that reality will never take place. And yet as we examine the black church and we see that it is still strong, we see that it still makes an expression, we see that it still provides the necessary services to give people the possibility of ultimately making that journey complete and fulfilling the dream of persons like Martin Luther King, there is the reality that one day it will truly happen.

So as we celebrate this African-American History Month, it is the black church that calls upon all of America to recommit itself to a new vision, a vision of understanding, a vision of brotherhood, a vision of sharing, a vision of concern, so that in our educational community, through the leadership of the black church, we can assure that the dropout rate in America does not continue to be as it is for African-American youth, that the unemployment rate does not continue to be four times that for African-American youth versus that of young American white males, that in America, the Nation that is a democracy, the Nation where we take great pride in being able to join together in the recitation of the Pledge of Allegiance, but also believing deep down in our hearts that those last words of that pledge are taken to heart by all the citizens of this Nation, we are one Nation under God, indivisible, with liberty and justice for all.

The declaration of the church is that somehow we can live better, we can live without the homeless crisis being as severe as it is, and that we can live without AIDS continuing to be a problem that is not addressed by this society.

The black church will take a position. The black church will move forward. The black church attacks the problem of drugs and feels that it is time for the Nation to join in the battle so that it does not become and continue to be a one-sided war. The black church continues to speak to the needs of people. The African Methodist Episcopal Church, the AME Zion Church, the Church of God in Christ, the National Baptist Convention, and the Progressive Baptist Convention have all committed themselves to the proposition that just as the church was the bulwark that has brought African-Americans to this point in history, they will continue to do so by developing communities, by continuing to mobilize people, by continuing to improve the quality of life, and if all Americans can look beyond the color of skin and wake up to a new sense of common camaraderie, a new sense of sharing, and a new sense of involvement one with another, then I believe that this America can indeed be the land of the free and the home of the brave.

Our plea from the black church is that America practices what it preaches, and that in America, as we all march behind the same flag and make the same Pledge of Allegiance, we will indeed be a nation of one, one people under God and indivisible.

Mr. Speaker, I thank the gentleman from Ohio for giving me this opportunity to participate in his special order.

□ 1500

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. FLAKE] for his eloquence on this occasion and for the meaning he has given to this special order.

I am pleased now to yield to the gentleman from Maryland [Mr. MFUME], my distinguished colleague and friend.

Mr. MFUME. Mr. Speaker, let me just also commend the chairman, the gentleman from Ohio [Mr. STOKES] who, like many of my colleagues, has taken the time to convene here on this special day, this special month in this special Nation. And I am particularly happy to have followed in this special order, although it was not by design, the gentleman from New York [Mr. FLAKE] who preceded me. He is my friend and colleague, and he does not only represent this Congress well, but he represents eloquently and with great passion the cause of the black church here in this Nation.

It is a bit ironic, Mr. Speaker, that I would be asked to give remarks, as I have, on this subject of the black church and then to be faced with the fact of having to follow a minister. In fact there is probably nothing more devastating than having to follow a minister except to have to be buried by one, but the gentleman from New York [Mr. FLAKE] is my friend, and I certainly take time to join in these efforts and to bring some remarks on this, the last day of February, what was originally known by Carter G. Woodson as Negro History Week, which then became Negro History Month and, as we know it today, Black History Month.

So today does mark the final day in the month dedicated to celebrating the accomplishments and contributions of our Nation's African community. I would like to again personally thank all of our colleagues who have taken to the floor today, entered record statements and in one way or another participated in the events that have been held in their prospective districts to commemorate this month.

Six weeks ago I sat down to prepare remarks for a community organization in Baltimore on the importance of celebrating Black History Month, and, after reviewing the materials and the notes that I had compiled, it became convincingly clear that it was very hard to narrow my focus on any one specific aspect because the topic is so vast. In fact it is as vast as the many years and the individuals who comprise the history.

However one institution again must be recognized as having the most profound effect on the African-American community and on our Nation as a whole, and I speak again of the role of the black church. Traditionally the local congregation has been the center of hope for the black communities. Isolated politically and economically by what was historically mainstream America, African-ancestored Americans looked to the church for both spiritual guidance and motivation. After the fall of the antebellum South, or as John Hope Franklin once described slavery as that peculiar institution, and after the disappointments of Reconstruction, the church was able to assume an even greater role in our community once the controls established during the times of slavery were lessened. However, the stringent

restrictions of Jim Crow in Southern secular life contributed considerably to the separation of black people and white people in the religious institutions as we know them, and somehow out of sheer necessity black ministers were not confined to typical parameters of preaching and teaching. They went beyond that to lead and to give guidance.

Mr. Speaker, black ministers were rewarded as ecumenical and civic leaders because their position within an independent institution gave them the freedom and gave them the authority to speak out publicly and prophetically. They often spoke out about the condition of African-ancestored Americans in our South. Throughout much of the history of the African diaspora the church was something that we as descendents of Africa viewed as being exclusively ours. The church was the only option that permitted my forefathers to exercise their right to make autonomous decisions not permitted in other segments of our society.

So, Mr. Speaker, the grassroots organizing and community service that the church has provided over the past two centuries has been an indispensable asset in the development of black people. Black denominations dedicated their scarce resources quite simply to educating and training their people for trade, professional and ecumenical service. Many early predominately black schools throughout the South, in fact throughout other parts of our country, came into existence from the desire and the dedication that the church provided through formal Christian education to former slaves and free men.

The early church-related schools were chronically strapped for funds, but seldom are we able to find in history that that prevented the dedicated teachers they had from shunning their moral responsibilities and their professional responsibilities to eager pupils, and while many teachers in the church-related schools were educated in Northern liberal colleges and universities, their Christian upbringing and commitment encouraged them to return and to contribute their talents to their communities.

Perhaps, if any one statement could be used to summarize the importance of the black church, it would be that the church instilled a sense of pride, a sense of peoplehood, a sense of belonging, a sense of self-reliance. Throughout the turbulence of the civil rights era leaders used the church buildings to organize the rallies and used the church buildings and the pulpits to reassure freedom-loving members of their movement that their faith and that their forward-looking vision would build bridges to justice and break down the barriers of Jim Crow and segregation forever.

Looking back on my own life, I can honestly say that the songs that I sang and heard long ago in the church still motivate me and many others today to strive and to drive toward the goals that I have set for myself and we have set as a people that we continue to strive for as a nation. Today, with the plague of drugs and its concomitant violence, the church still has a vital role in helping to provide alternatives for our young people.

In closing, Mr. Speaker, our distinguished colleagues, the gentleman from Ohio [Mr. STOKES], the gentleman from California [Mr. DELLUMS], the Congressional Black Caucus Chairman, certainly ought to be commended for not letting this month come to an end without an appropriate floor tribute, and, while every month should be dedicated to learning more about various people and more about history, this month is of particular importance because America's future depends on our need to understand and our need to cooperate with one another.

Finally, it was the late Dr. Benjamin Mays who said to us that he who starts behind in life must either run faster or forward remain behind. Those who ran faster are using the church here and the church there to serve as a bridge over troubled waters and prove to us that Kravel was indeed right when he said that the maximum hope is always closest to the maximum danger, that Martin King was right when he said that for the true believer the darkness is light enough, for it must, said Mays, be borne in mind that the tragedy in life does not lie in not reaching your goal; the tragedy lies in having no goal to reach. It is not a calamity to die with dreams unfulfilled, but it is, he said, a calamity not to dream at all. It is not a disaster not to be able to capture your ideal. Yes, but it does become a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars for which to reach. Not failure, he said, but low aim is sin.

So, Mr. Speaker, we are indebted as a people, as a nation, as a world for the role of the church in the African-ancestored communities that taught us to aim high and taught us to move forward.

□ 1510

Mr. STOKES. Mr. Speaker, I thank my distinguished friend, the gentleman from Maryland, for his contribution to this special order.

Mr. Speaker, I am pleased at this time to yield to my distinguished friend, the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding to me.

My father has said of this Government that there are too many people making history who have never read history.

In this country, black history is a part of American history. The thing that makes it particularly significant is that it so long was an ignored part of American history. It is the part of wisdom for all Americans to play what might be called catch-up ball, to study up, find this lost element of American history, and we will understand all the better how much that element of American history inevitably enriches American history.

It is almost, in fact it is entirely unique, among the phases of history in our country that black people in America have made accomplishments beyond what might have been expected because of the oppression, then it must have had something to do with Shakespeare's statement:

> Sweet are the uses of adversity. It is like a toad, ugly and venomous, but there is yet within its head a jewel.

Your best friend, they say, is your worst enemy, because he keeps you fed, and the adversity of the black experience in the United States is not only a matter of shame for our Nation, which many Americans want to overcome, it is a strengthening process, an unfortunate but strengthening process.

It is absolutely the right thing to do to recognize this during this month. I express my admiration to my friend, the gentleman from Ohio [Mr. STOKES] and the others who have spoken here today.

In the late election the Pledge of Allegiance was celebrated, perhaps in a rather strange way, but if anybody cares to remember what it says, it does say "one Nation under God", and that, too, is a part of American history and a part which, it seems to me as we learn more about it, we should improve on.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend, the gentleman from Indiana, for his eloquence on this occasion.

Mr. Spearker, I am pleased to yield to my distinguished colleague, the gentleman from Kentucky [Mr. MAZZOLI].

□ 1520

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Ohio for yielding and for his correctness in having taken this special order out today to celebrate February, Black History Month.

Mr. Speaker, I would just tell the gentleman from Ohio, the dean of the delegation, there are three people I would briefly like to commemorate today, two of whom have passed to a greater reward, one of whom is still alive. The three are from my community, Louisville, Jefferson County, KY.

The gentlewoman who is still with us and has compiled a remarkable career during her public service is my

friend, State Senator Georgia Powers. Georgia and I were elected together in 1967 to the Kentucky State Senate, took office together in January 1968, and I observed Georgia up very close during those sessions that I served until I came here to Congress. She continued to serve for 21 years. She served as a leading person in that assembly.

Georgia was the first black person, as well as the first black woman, to be elected to the Kentucky State Senate. Georgia has, after that long and distinguished career, decided it was time for her to move to new fields. She will lecture and write and put together her thoughts on the sweep of history as she has seen it.

Mr. Speaker, I would like to certainly suggest that her name, and she, are richly entitled to be included in this pantheon of black American leaders.

Mr. Speaker, I would like to mention two who have gone away. One was Alderman Lois Morris. Her husband Ralph is a good friend of mine, as was Lois, of course. She served three terms on our board of aldermen; she was leader there in civil rights activities, rights for minorities.

The second person who served richly in Louisville and is now dead is Dr. Grace James, who was a practicing physician for over 30 years, set up clinics to serve the underprivileged, the minorities, took a very special interest in teenage pregnancies and the prevention thereof, provided health care services to people who had no other access to such services.

Mr. Speaker, for these three people, State Senator Georgia Powers and the two departed friends of mine, Alderman Lois Morris and Dr. Grace James, I would like to suggest to the gentleman from Ohio that they should be commemorated during this month during which we commemorate the black leaders.

Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as Black History Month.

The outstanding achievements which black Americans have made to our Nation over the 2 centuries of its existence make it fitting that we set aside this month to honor and remember some of these individuals.

In 1926, Dr. Carter G. Woodson, known as the Father of Black History, established Negro History Week—in 1976 it was extended to a month—because he recognized the need for all Americans to remember the history and culture of black Americans.

There are now and have been many black achievers in the United States. I am proud to say that many of these individuals who are worthy of such honor have lived in Louisville and Jefferson County, KY, the district I am honored to represent in Congress. Dr. Grace James and Alderman Lois Morris, who both recently passed away, and State Senator Georgia Powers are among black persons whose lifelong dedication and service have greatly enhanced our community.

Senator Powers, who recently retired from public office after 21 years of service, is a friend and former colleague in the Kentucky State Senate. Georgia and I were both elected to the Kentucky Senate in 1967. Georgia was not only the first black person to be elected to the Kentucky Senate, but also the first woman.

While in the Senate, she was a strong proponent of civil rights for the underprivileged and for minorities. She was a sponsor of the Kentucky equal rights amendment and worked to eliminate race identification from drivers' licenses. She also served as chairman of the Senate's Labor and Industry Committee and was considered by many observers to be the most prominent spokesperson in the general assembly for minorities and women.

I am proud to honor Senator Powers' many accomplishments as a public official, as a woman, and as a black citizen of our community.

Another great black American was Grace James, a physician. Dr. James served the city of Louisville and its black community for some 37 years before passing away. From providing health care to all in need to promoting civil rights, Dr. James was an inspiration to all around her.

Some of her more important contributions in the medical field were: Being the first black woman to serve on the faculty of the University of Louisville School of Medicine, and establishing the West End Medical Center, a health facility in the inner city area of Louisville where she attended to more than 100 patients weekly.

Not only was Dr. James concerned with health, but also with pressing issues such as teen-age pregnancy and education. She founded the teen awareness project to help prevent teen-age pregnancy. And, while serving as president of the Louisville chapter of the NAACP, she fought for better educational opportunities for blacks in the public school system.

Dr. James was a true asset to her people and community. Her tireless work for blacks and the disadvantaged serve as a model for others to follow.

Another black Louisvillian deserving recognition is Mrs. Lois Morris. Mrs. Morris, who recently passed away, was elected to Louisville's Board of Aldermen from its 12th ward in 1969, and served three consecutive terms. While in office, Lois was a champion for blacks, women, and the disadvantaged.

Before coming to office Alderman Morris was active in the field of education. Not only did she earn master's degrees in Political Science and International Law from Catholic University but she then went on to teach at high schools in Maryland, Mississippi, and Virginia.

Alderman Morris' achievements went beyond education and public office though. She founded and served as the president of the Louisville chapter of the National Council of Negro Women and was secretary of the Southern Black Caucus. Furthermore, she founded—and served as executive director of—National Black Women for Political Action and was a member of the Louisville Urban League and its women committee.

These three individuals—through their hard work, dedication, and tenacity—have been and are invaluable assets to our community and are worthy of special recognition this month. It gives me great pride to be able to honor State Senator Georgia Powers, Doctor Grace James, and Alderman Lois Morris for their outstanding achievements.

Mr. PAYNE of New Jersey. Mr. Speaker, it is a privilege to join with my colleagues here today to honor the contributions of black Americans throughout the course of history.

It is especially appropriate that the theme for National Black History Month this year is the role of Afro-American churches. Like threads of a fine, strong tapestry, the history of our churches is tightly interwoven with our cultural and political history.

Churches have had a profound influence on our lives, from the days of slavery throughout the arduous civil rights struggle, and continuing in the face of today's challenges. In our houses of worship, we have reaffirmed our faith in God, in the future, and in each other. We have mourned senseless losses, and we have rejoiced in hard-fought victories.

It is fitting that we should pay tribute to our religious leaders, who provided moral backbone in our fight for justice and equality. Throughout times of great upheaval, ministrers and church leaders imparted the spiritual strength, courage, and tenacity which brought about social change.

I am proud of the contributions made by churches and religious leaders in my State of New Jersey. Continuing in a long activist tradition, our churches are working to meet the needs of local communities in today's rapidly changing world.

Churches are making a tremendous difference in the everyday lives of so many of our citizens, young and old. In my district, churches offer day care for children and adults. To ease the plight of the homeless, they provide shelter and food for those in need. Affordable housing complexes have been developed by church groups. Food pantries have been organized for emergencies or to help families whose monthly resources run out. Through a church-sponsored program, nutritious fresh food is brought from rural farms and sold economically.

Our churches have been a strong, positive force throughout our history. Today, they remain in the forefront as we face new social and moral issues.

Mr. Speaker, I am proud of the progressive role of Afro-American churches, both in New Jersey and throughout our country. As we commemorate Black History Month, let me take this opportunity to commend our churches and religous leaders who continue their tireless work for a better future.

Mr. RANGEL. Mr. Speaker, every year, this time the American public is reminded of the struggle of black Americans in this great country of ours. It is Black History Month again.

It seems that all we can recall in the history of black Americans is the pain, the hardships, and the constant uphill battle for respect and acceptance in our own Nation. What is often overlooked is the fact that black Americans have made a solid contribution to the strength and vitality of America. It has not been all pain and suffering for us. Our many years of bondage and our clashes in the streets against

those who wanted to deny us full citizenship did not preclude us from laying our own bricks and mortar on the foundation built by this country's founders more than 200 years ago.

Black Americans, Mr. Speaker, have contributed in innumerable ways. Black Americans have made a noticeable and significant difference in American history.

Black Americans have served in this great body—the U.S. Congress. Black Americans have served as mayors and Federal Cabinet Secretaries in both Democratic and Republican administrations. Black Americans have traveled in outer space. Black Americans have served as generals in our Armed Forces. Black Americans have served as judges and Justices. Black Americans have initiated major medical and technological advances. Black Americans have been some of the most innovative and effective educators this country has ever known.

We have made sweet, sweet music; we have authored hard-hitting pieces of literature; we have accomplished some of the most amazing feats in sports history; we have been in the forefront of many, many social advances that this country has known. We need only look to the past to know what our future could hold as an ethnic group and as Americans.

The future for black America stands to be extremely, extremely bright. Not only does black America stand to gain from the enormous potential with our next generation, but America itself stands to gain from a black America poised to move forward into tomorrow.

Mr. Speaker, no ethnic group in this country has been able to make progress without first of all looking at the efforts of its forefathers, then pledging itself to the same high principles and standards adhered to by those ancestors. Furthermore, no ethnic group in America has been able to move even one step forward without agreeing to accept the challenge at hand.

The challenge for black Americans as we move on to the 1990's is to expand the circle of beneficiaries of the phenomenal growth and expansion that we as a people have experienced over the last 20-odd years. Black Americans have come a long way, but many of us remain residents of a deeply oppressed world clouded with despair, hopelessness, and helplessness, all in the shadow of the prosperity and advancement that the rest of us have experienced.

On this, the last day of the annual month-long Black History Month observance, I want to challenge black Americans to do as the ones we are paying homage to. Let's take up a greater share of the mantle. Let's assume a heavier load of the burden. Let's make a greater sacrifice of ourselves, and do more to get involved with bringing about the growth and prosperity of those left behind in our communities, and not just ourselves.

Let it be known, Mr. Speaker, that in 1989, we have realized many years of great progress. Yet our work remains cut out for us; and this way:

Because of the intravenous use of illicit drugs, minorities represent roughly 25 percent of the AIDS cases, and 35 percent of all black and Hispanic AIDS cases are attributed to IV drug use.

The number of blacks using cocaine doubled in a survey comparing pre-1982 to 1986. In a survey of drug-related deaths in 27 metropolitan areas, blacks were about 25 percent of the victims.

In New York City, 76 percent of the crack users are black. Most are between the ages of 18 and 25, a time in life when many people begin to make the stretch run to meaningful, productive lives.

The number of blacks below the Federal established poverty level remains three times that of white Americans. One of every three black families lives below the poverty line, compared to 1 of every 10 for white Americans.

Black males make up about 7 percent of the total U.S. population, but when you walk into the prisons and the jails across this land, 47 percent of the young men you see will be black. And most of them will be there because of involvement with illicit drugs.

In a recent study of urban teens and violence, the University of Maryland School of Medicine found that 1 in every 4 had witnessed a killing. And 6 of every 10 said they knew someone who was killed.

Black unemployment remains almost three times what it is for white Americans. And the economic gap between whites and blacks is further widening—not closing—according to the Center on Budget and Policy Priorities.

We have seen a growth in black business owership, but black businesses make up only 2 percent of all firms in the United States. And these firms get less than half a percent of the gross receipts of American businesses as a whole.

The strains of crime, drugs, and other problems are eroding the strong sense of community that carried us through so much over the years. A congressional task force on the future of African-Americans by the year 2000 tells us that the number of married couples black families has declined from about 75 percent in 1960 to about 50 percent as of 1980.

The children's defense fund tells us that 1 in 4 black children lives in poverty, 1 in 5 lives at risk of becoming a teenage parent, 1 in 6 has no health insurance, and 1 in 7 are at risk of dropping out of school. Furthermore, black children are twice as likely as white children to die in the first year of life, live in substandard housing, or end up in some sort of institution. And black children are three times more likely than white children to die from child abuse or be murdered between the tender ages of 5 and 9.

We are 11 to 12 percent of the population, but a paltry 2 percent of the engineers and scientists. We are about 10 percent of all college students, but earn less than 6 percent of college degrees in science and engineering.

We have a lot to be proud of. But there is still a task at hand for black America. We especially have to find a way to wean ourselves off of the illicit poisons that our Nation is allowing foreign outlaws to ship in without strong resistance. The pioneers that we honor this time of year expect nothing less from us than a full commitment to prosperity for all black Americans, not just for some of us.

Mr. TALLON. Mr. Speaker. I would like to express thanks to my colleagues, Mr. STOKES and Mr. DELLUMS, for reserving this special order to honor and recognize the accomplishments and contributions of black Americans. It is an honor and privilege for me to join you in today's special order.

Today marks the end of Black History Month. All across our Nation and abroad, there have been special programs, commemorations, and activities, highlighting past and present contributions of black Americans to our Nation. I am proud and grateful for the heroes and heroines who stood up courageously, often against insurmountable odds, to motivate and propel America toward justice and equality for all. I am equally appreciative of the little people who have with dignity and resolve, worked quietly in numerous communities across my district help us live up to this Nation's founding principles and ideals.

This year's National Black History Month Theme is "The Role of Afro-American Churches in Economic, Political, and Social Development at Home and Abroad." As I thought about the Sixth Congressional District, which I represent, and my own election to Congress, I could not help but reflect on the very important role of the black church.

I can tell you from personal experience that the black church and black ministers are a tremendous source of power and support. When I first decided to run for office, I honestly didn't know if people would listen to what I had to say or even give me an opportunity to speak. I found black ministers and the black church willing to at least listen—they provided me with some of my earliest political forums.

In his 1984 article in Ebony magazine, Thad Martin wrote:

> Born out of racism and beginning with the invisible slave church of the antebellum south and the founding of the first black congregations during the Revolutionary War period, the black church has traditionally been the political pillar of black American society. Through its portals have passed Dr. Martin Luther King, Jr., the Reverend Jesse Jackson and a throng of other notable black leaders. Beneath its vaulting roofs, the liberation movement of black America was born and nurtured. And at the crux of it all was a burning concern for the political well-being of black America.

The black church continues its tradition of concern activism. In addition to being politically active, the black church has a strong social and moral conscience, providing leadership in the war on drugs, teenage pregnancy, homelessness, and the antiapartheid movement. The black church has continued to provide leadership, as well as leaders. I am very proud to serve in this body with Rev. BILL GRAY and Rev. WALTER FAUNTROY who are dynamic preachers and political leaders.

Mr. Speaker, it is an honor for me to participate in today's special order celebrating Black History Month. I am grateful for the political and religious contributions of Afro-American churches and I am proud to pay tribute to them during this very special time of the year.

Ms. OAKAR. Mr. Speaker, I am proud to join my colleagues in commemorating the accomplishments of African-Americans. I would particularly like to pay tribute to contributions

which the African-American church has made to our country, from the fight to abolish slavery through the civil rights movement to the present day.

The African-American church has not only been the center of the black community but has been a source of political concern and activism as well. In 1787, African-American Methodists in Philadelphia were relegated to segregated sections of St. George's Church. Richard Allen attempted to fight this segregation by leading a group of black parishioners to worship in the main body of the congregation. While they were in the middle of prayer, they were harassed and eventually forced out by the trustees of the church. This was the first step in the founding of the African Methodist Episcopal Zion Church, which is the watershed of the African-American church.

The A.M.E. Zion Church made its commitment to freedom a central tenet by stating its opposition to slavery in the "Articles of Discipline," the church's constitution. By focusing on slavery in the articles, the A.M.E. Zion Church made its concern clear as an African-American church for African-Americans. Commitment to freedom, justice, and equality became a central force in the church.

Throughout much of African-American history, the church was the only institution that was independent and, therefore, capable of creating political leaders and creating protest organizations. As a strong organization, it played an essential role in asserting the rights of relatively powerless African-Americans.

For example, many members and leaders of the African-American church took on active roles in the abolition struggle. Congregations served as stations on the Underground Railway. Harriet Tubman and Sojourner Truth were members of the A.M.E. Zion Church, and Frederick Douglas was an A.M.E. Zion preacher.

The church served as the gathering place for the community and is a source of community leadership to this day. Many of our country's finest African-American leaders come from the church: Dr. Martin Luther King, Jr., Andrew Young, and Rev. Jesse Jackson, to name only a few.

We owe a great debt to these notable African-American leaders and many other unnamed leaders in the African-American church. They have been a tremendous force for freedom, justice, and equality and have made a great contribution to our country and to all of our lives.

Mr. VALENTINE. Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as Black History Month.

The unique contributions of black Americans are found in all segments of society, including public service, science, medicine, literature, human rights, sports, the arts, and education. Black History Month is a time to reflect on these exceptional contributions and achievements. At the same time, Black History Month offers an opportunity to think about the ideals of the American system of government, and particularly about the struggle of black Americans for equality and justice.

As we enter the 1990's, we can share the pride of black Americans in their accomplishments, but we also have cause for serious concern. The trends in such areas as high infant mortality rates, drug abuse and addiction, and black unemployment, particularly among young black citizens, are especially alarming. Moreover, the numbers of black students studying for professional careers are disturbing indicators of what the future could hold if no action is taken. It is essential that opportunities for black Americans, as for all citizens, be expanded if America is to fulfill its dreams and goals.

An important means of enhancing these opportunities is to increase the participation of black Americans in education. Black citizens have continued to make substantial progress in education in recent years. For example, during the 1970's, high school enrollments among blacks rose from about 1.8 million to 2.2 million students. During the same period, college enrollments among blacks increased from about 600,000 to more than 1 million. Historically black colleges and universities [HBCU's] have continually been at the forefront of the struggle for increased opportunities through higher education. However, in the 1980's, statistics indicate that these enrollment figures for both undergraduate and graduate programs are beginning to decline.

Historically black institutions have become a vital national resource and training ground for black American leaders. As we commemorate Black History Month, I commend the historically black colleges and universities of our Nation for their dedicated efforts and service to black Americans. According to the Department of Education, in 1985, the United States had 99 historically black colleges and universities, 43 public institutions, and 56 private institutions, that had an enrollment of 213,776 students.

The historically black colleges and universities around the country have produced almost 70 percent of all black college graduates in our Nation's history. More than 50 percent of the Nation's black business leaders and publicly elected officials are graduates of black institutions of higher learning, as are 75 percent of blacks with Ph.D. degrees, 80 percent of black Federal judges, and 85 percent of black physicians. These schools have also produced more black baccalureates in engineering, computer sciences, mathematics, and biological and physical sciences than all the other 673 institutions in the 19 Southern States in which HBCU's are located.

Most importantly, these institutions have given many young blacks the essential skills necessary to raise themselves from poverty into the mainstream of American life. HBCU's have made tremendous contributions to our Nation, championing the cause of equal opportunity, quality education, and assuming leadership in providing this opportunity to those who were denied it or could not afford it. As we look to the future, these institutions are expected to produce in excess of 300,000 college graduates each decade.

I am proud to say that 11 historically black colleges and universities reside in the State of North Carolina, a figure that ranks North Caroline as second only to Alabama in the Nation. These institutions include: Barber-Scotia College, Bennett College, Elizabeth City State University, Fayetteville State University, Johnson C. Smith University, Livingstone College, North Carolina A&T State University, North Carolina Central University, Saint Augustine's College, Shaw University, and Winston-Salem State University. The HBCU 's of North Carolina have and will continue to make significant contributions to the education of a large segment of the North Carolina population. In fact, the HBCU's in our State have awarded approximately 30 percent of all degrees conferred upon black North Carolinians in the areas of medicine, law, and other important fields.

In my own congressional district resides one of these distinguished institutions, North Caroline Central University, in Durham. NCCU was founded in 1910 by the late Dr. James E. Shepard, who served as its president until 1947. As the first State-supported liberal arts college for black people in the country, NCCU has made invaluable contributions to the advancement of North Carolina and the Nation, and continues to train leaders in the professions, education, the arts, and public life. To this day, the administration, faculty, alumni, and over 5,000 students of North Carolina Central University embody the principles of Dr. Shepard, which are appropriatedly expressed by the school's slogan, "Truth and Service".

In my view, greater educational opportunity is the key to a better life for all Americans. As we consider the plight of education for black Americans in the next few decades, we must remember that black achievement benefits not only blacks, but the Nation as a whole. As our country continues to experience economic growth, we must ensure that all our citizens are prepared and equipped to take on the new challenges that we will face. It is, therefore, in the interest of all Americans to support efforts to help young people of every race to develop their talents to the fullest.

Historically black colleges and universities are an integral part of this advancement. However, we must remember that much work needs to be done to assist these institutions in striving for this goal. Blacks are still underrepresented in many important fields, such as the sciences, engineering, medicine, law and public service. It is imperative that we find ways to increase black representation and participation in these fields and enhance the quality of programs in black institutions in order to prepare for the uncertainties that lie ahead. We must utilize the full potential of all of our natural resources. Historically black institutions are an important national asset that have and will continue to help us to fulfill this mission.

It is for this reason that, during Black History Month, I salute the exemplary and essential role that historically black colleges and universities have played in the struggle for better lives for black Americans, and in the end, for all Americans.

Mr. FLORIO. Mr. Speaker, I'd like to share a quote from Abraham Lincoln, Second Annual Message to Congress, December 1, 1862:

> Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. * * * In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve.

That highlights the importance of our history.

The month of February is Black History Month and it is fitting to remember a moment when Mr. Lincoln taught us that the United States cannot escape its history. Many great people, such as Martin Luther King, Barbara Jordan, and Frederick Douglass, have had great impact on the course of black history. There are many fine examples of the contributions of African Americans to the United States. This month is time to learn from history and learn from our successes, as well as from the mistakes.

Many strides have been made in the civil rights movement in recent years. Unfortunately, recent incidents of racial discrimination, marches by groups espousing hate, and the election of a Ku Klux Klan member to a State legislature remind us that the job of spreading tolerance and fighting for equality is not finished.

We must do more to erase the racism that still lives throughout our Nation. The legislative steps taken in the sixties were breakthroughs, but we must follow through on those actions and enforce the law. There would be no greater shame than to embark on this great crusade, only to fail when victory is within our grasp.

We must do more to expand employment and educational opportunities for young black people. An unemployment rate of nearly 40 percent among black youths is unacceptable, especially when the Nation as a whole is enjoying a period of growth.

We must do more to reduce infant mortality rates in the United States. The United States ranks 19th among industrialized nations in infant mortality. Many of these children who die or who are low-weight babies are born to women who live in poverty, many of whom are black. Access to maternal and infant care for all Americans must be a national priority.

In closing, I hope that if only one thing is learned by the American people during Black History Month it would be a quote by Martin Luther King, Jr., which I would like to share with you: "Life's most persistent and urgent question is, what are you doing for others?" Let us fulfill our vocations and put an end to racial and economic discrimination.

Mr. KILDEE. Mr. Speaker, I rise today in recognition of Black History Month. This month was designated as Black History Month by Congress to focus national attention on black Americans—their struggle against individual and institutionalized racism, their priceless contributions to this country, and their determined fight against the oppression of human dignity.

This special month highlights the pages of America's history that too often are ignored or denied, the pages containing the names of black men and women who gave their talents, their vision, and sometimes their lives for their country and their people. Black History Month is a time to celebrate the black heroes and heroines of yesterday, today, and tomorrow.

When colonialized America sought to break from Britain's tyrannical rule, black men filled the ranks of the Armed Forces to make that possible. Crispus Attucks, a black man, was the first person killed in the Revolutionary War, a war in which our goal was freedom. Ironically, the same black men who fought and died for the freedom of our country were later denied that same liberty by the Government that they helped create.

When our fledgling Republic was nearly severed irreparably by the Civil War, blacks joined the ranks of the Union to aid in putting down the rebellion of the South. These black regiments of the North fought in battlefields across the tattered country to maintain the Union and secure the blessings of liberty for blacks in the South. While they fought for freedom above ground, Harriet Tubman led hundreds of blacks down the tracks to freedom by way of the Underground Railroad. Harriet Tubman's deep and enduring commitment to human dignity and her willingness to risk her life in the cause of justice remains an inspiration today for all Americans.

In 1863, President Lincoln dealt a great blow to racial inequality with the announcement of the Emancipation Proclamation, declaring all men free. While this monumental step toward equality was great indeed, it was only what would be a first step in a long journey to freedom and equality.

Rev. Martin Luther King, Jr., who I had the great privilege of meeting, did much to speed that journey. Growing up in the South during the bleak era of segregation, Dr. King crystalized his views on racial equality while studying theology and later shared his beliefs from the pulpits of countless churches throughout the country. Dr. King believed that all people stood equally before their Maker, endowed with the same rights and dignity. This fact, he urged, must be recognized by our Government; it must be reflected in our education system; it must be reflected in our judicial system; it must be reflected in every aspect of our society. Anything less is an assault on human dignity and, in fact, erodes the foundations of a democratic society. As Dr. King so eloquently wrote from his cell in the Birmingham jail, "Injustice anywhere is a threat to justice everywhere."

Dr. King dreamed of an America where his children would receive the same education as his white neighbors, where his black brothers and sisters could sit down at a lunch counter with white men and women, and where people were not judged by the color of their skin, but rather by their skills, their talents, and their contributions to society.

Today, as we stand together in tribute to Dr. King and all the black heroes and heroines who have enriched our American story, we look forward to the leaders of tomorrow who will continue the struggle for racial equality that has not yet been won.

America's future is now ours to shape. We can take the opportunity now to build a future of opportunity and equality by investing in public education for those who cannot afford private schooling. We can build a better future by providing assistance to parents struggling to care for their children and forge a successful career. We can build a better future by providing decent and affordable housing for those who are in need. We can build a better future by providing basic health care to the millions of Americans who have none.

We must make a way for Americans of all colors, creeds, and backgrounds to live in decency and dignity. A place where rights are an integral part of the fabric of this Nation, respected and observed every day of the year.

Mr. WELDON. Mr. Speaker, I rise today to join my colleagues in celebrating Black History Month. We are all familiar with the contributions made by black men and women to the history of our country. Often overlooked, however, is the role played by certain institutions in the black community.

I doubt that any cultural fixture did more to promote civil rights than the churches. As a source of comfort, support, education, and strength, local Afro-American churches provided its members with a strong sense of community and dignity.

Before the Civil War, when the United States was still afflicted with the ill of slavery, small churches gave spiritual strength to those whose bodies were enchained. Often the only educated black men in the area, local preachers attempted to teach slaves to read and write. The inspirational sermons and hymns taught parishioners that slavery was not inevitable, and that the color of a man's skin did not and should not make his freedom any less valuable than that of a white man.

During the 1960's, Afro-American churches were the leading voice for a growing body of Americans who did not believe that society could continue to treat blacks as second class citizens. As organizers and educators, the church pushed this Nation forward toward equal rights for all.

The Afro-American church has seen the end of slavery and the expansion of civil rights and continues to struggle against racial prejudice and bigotry. That struggle, I am sad to say, is not over. As society struggles to provide equal rights for all citizens, I know that the Afro-American churches will remain on the front lines of that fight.

Mr. Speaker, as we prepare to enter the last decade of the 20th century, it gives me great pleasure to recognize an institution which has shaped this country for the last two centuries, and hopefully for many more to come.

Mr. LEVIN of Michigan. Mr. Speaker, it is particularly fitting that the institution of the black church in America is the focus of this year's celebration of Black History Month. I'm pleased to join my colleagues talking about this subject today for two reasons. First to celebrate the role that these organizations play in the life of African-Americans in the 17th District in Michigan and throughout the United States; but also because their activities and influence have extended throughout the length and breadth of American life.

It is striking how much of the commentary about the black church by the noted historian and social critic W.E.B. DuBois is still true today. Many of DuBois' insights into the role of the church in the black community in Philadelphia in 1899 would not sound amiss to contemporary residents of large metropolitan areas, such as my home in Detroit. "All movements for social betterment are apt to center in the churches," DuBois wrote.

The church acted as a social, political, and moral center of the black community. Moreover, individual congregations also served as incubators of such other community institutions as schools, newspapers, and benevolent societies. Today we would only add more examples, such as drug treatment programs,

child day care centers, shelters for the homeless, and community food assistance programs.

More recently, in the present generation, we are well aware of the role that black church leaders and their congregations have played in the ongoing struggle for equal rights and justice in America. Because it was the first institution that African-Americans themselves controlled, it is not surprising that the black church has served the larger community as a training ground for leadership in public affairs. Today the social and political activism of leaders like Dr. Martin Luther King, Jr., and others is being carried on in city halls around the country, as well as on the floor of the House in the person of several of my distinguished colleagues.

But it is not only the people in the pulpits that we should celebrate today, but those in the congregation too. It has been my privilege on many occasions to attend church services and witness the key role performed by the church in the spiritual life of black Americans. I have felt uplifted by the atmosphere of faith and hope which have survived and overcome all kinds of obstacles and challenges. Religion among black Americans speaks today with many different voices, but it continues to set high standards for the community at large. Our job in the Congress is to see that America lives up to those expectations.

Mrs. MARTIN of Illinois. Mr. Speaker, black churches have traditionally represented a powerful force for change and creativity. It is with this in mind that I reflect upon the myriad of contributions made by Afro-American churches in the United States in general, and in my home State of Illinois, in particular.

The black church in America, from the pre-Civil War days until the present, has performed numerous functions for its members, not limited to religious teachings. In Illinois, the black church has provided not only spiritual leadership, but also a center for cultural, social, and political activity. The monumental power of black churches is demonstrated by the fact that the church's influence spans in both scope and time. Clearly, the influence of black churches in this country has been all-encompassing.

A major contribution of the black church has been providing social functions for its members. From the early 20th century to the present, the church has striven to meet the needs of people. One aspect of this role is providing a gathering place where social activity can take place, a function important where segregation limited social opportunities.

Other forms of social functions have included providing for its members services which need to be met. As early as 1919, Dr. L.K. Williams of the Olivet Baptist Church in Chicago established an organization to deal with the ever-changing needs of the burgeoning black population. Other churches have also sought to provide services with complex problems in diverse areas such as labor relations, housing, child-care, and recreation. I am pleased to honor an institution which has sought to provide solutions and individual assistance for those facing burdensome tasks and seemingly insurmountable problems.

Besides contributing to the well-being of individuals and families through social programs, I also wish to recognize the black church for its contributions to American culture. Styles of music such as gospel and jazz, which have roots in black religion, possess a universal quality. This music is entertaining and uplifting to all Americans. In addition, it provides a source of creative inspiration to artists and musicians of every genre. Clearly, in this way too, the black church has been influential in shaping American life.

Black churches have also played a tremendous role in ridding our Nation of evil, during our most shameful era of black enslavement. During the time of slavery, religion gave the slaves the necessary resources for rebellion. Through their religion, slaves were inspired to strive for freedom and equality. It was through religion that black slaves learned the means of achieving these ends—protest and action. Often, black churches actively and deliberately worked to counter the wrongdoings of those in power. I am proud that in Illinois such actions were exhibited by the black churches which participated in the Underground Railroad during the Civil War days.

In the last three decades, the black church has continued its involvement in the struggle for freedom and equality for blacks. With the encouragement of the church and its leaders, blacks found the courage and desire to march for freedom on the streets of Selma, AL, to ride in the front of the bus in the deep South, and to protest the numerous other forms of discrimination which they were forced to endure only because of their skin color.

Since the early days of this Republic and the great State of Illinois, the black churches have been instrumental in moving the cause of freedom forward, enhancing American culture, and providing assistance to individuals in need. In the eloquent words of Sir Clair Drake and Horace R. Cayton, the church often provided a "core of meaningful activity, [and] a stable point of orientation, amid the complexities of the urban world." These churches and their leaders have been a great asset to this Nation, and will, no doubt, continue this legacy of fighting for liberty and enriching American society in the decades to come.

Mr. HALL of Ohio. Mr. Speaker, I rise to participate in this special order to mark February as Black History Month. During this month, the struggles, accomplishments, and contributions of black Americans are made known throughout the Nation. The history of black Americans must never be overlooked, for black Americans are an integral part of American history.

Black History Month is a time to make a concentrated effort to educate the Nation about the important contributions made by black Americans. The contributions of black Americans to American culture, past and present, can be noted in every field and endeavor. Well known are the accomplishments of George Washington Carver in agriculture; Martin Luther King, Jr., in civil rights; Dr. Charles Drew in medicine; and Ida B. Wells in journalism. Their achievements have added to the fabric that makes up America.

However, when we speak of the accomplishments of black Americans, we must also take a broader look at their history and culture. A central element is the black church—the institution through which integrity and strength have been instilled and nurtured in the hearts and minds of many outstanding Americans. It is for this reason that the theme of this year's Black History Month is the black church.

The role of the black church in the black community can never be overstated. From as far back to the days of slavery to the beginning of the civil rights movement, and to the present, the black church has been the pillar of the black community, providing moral strength and guidance, social bonds and civic awareness.

Providing moral strength and guidance is one of the principal roles of the black church. Guiding and soothing individuals in emotional distress, planting the seeds of self-awareness and knowledge in the minds of black youth, and aiding those who cannot aid themselves, has always been a foremost function of the black church.

The church offers an environment which is conducive to learning. Within its walls is a warmth where black Americans share ideas, speak of current issues and ultimately gain more insight and knowledge of themselves. Also, the church sponsors activities in the community which provide learning experiences for all those who wish to get involved.

The black church fosters within the community self-esteem, self-respect and self-awareness. Without these, the cause to elevate black American status would be lost.

During this Black History Month, let us once again be reminded that the church has been a beacon of hope, an elixir of truth, and a monumental power in the lives of black Americans. In the past as well as the present, the strength of black Americans has paralleled the strength of the black church. In the future, the black church will continue its special role bringing hope, strength, and leadership to black Americans.

Mrs. COLLINS. Mr. Speaker, I believe that it is quite befitting today that we in the Congress recognize the black church in America as the cornerstone of the black community. Sixty-five years ago W.E.B. Dubois, a noted black scholar and master of political thought, addressed the issue of the intrinsic relationship between blacks, particularly those in America—the church and religion. His intent was to dispel the notion that religion was acquired by black people, whose origin dates back to Africa, through missionaries.

Dr. Dubois stated:

> Religion in the United States was not simply brought to blacks by missionaries. To treat it that way is to miss the essence of the black action and reaction upon American religion. We must think of the black as transplanting to the United States a certain spiritual entity and an unbreakable set of old-world beliefs, manners, superstitions, and religious observances. * * * a philosophy of life.

For over 200 years the black church has been the primary identification for blacks both spiritually and politically. Dually, it is an important force in the survival and growth of black culture.

Mr. Speaker, this church that we speak of, in the historical context, has spawned some of the greatest leaders of the 20th century. And though this institution has been despised by

the foot soldiers of racism and even men of the cloth—tainted by critics as crude and naive—the black church has and will continue to survive.

Let it be known that the black church has played an integral role in the development and advancement of American society. Henry H. Mitchell, who is recognized for his writings on this institution enlightens us on the point that:

It is important to remember that there is a distinct black religious experience today because there was and is a distinct black experience in America—and because that experience was given religious interpretation by men, most of who were ignorant of the white tradition. Their interpretations were made on the basis of their African background and peculiar experience in America—as this experience could be articulated with their knowledge of the Bible. The theological world has therefore, a fresh datumn of experience far more free.

Mr. Speaker, as a member of the Congressional Black Caucus and of this distinguished body I am honored to observe February as Black History Month and to acknowledge the significance of the black church.

Mr. DYSON. Mr. Speaker, February is a month in which we celebrate President's birthdays and honor St. Valentine. But the month of February has taken on a special meaning for many in the Nation. In 1985, Congress passed a resolution declaring February as Black History Month. So along with honoring two Presidents who committed themselves to making our country great, we take the time to observe the vitally important contributions black Americans have made to this great Nation.

The spirit and determination of black Americans is evident throughout this Nation's history. During the civil rights movement in the 1960's, many emerged as heroes and heroines in the cause of freedom. But to understand the source of strength that gave spirit to this just cause, it is necessary to look to the institution which the black community in the Nation would turn to over and over again, the black church. Its structures were used for meetings, freedom schools, voter registration drives and community centers. Its members were often the foundation upon which local movement were built and sustained. The black church provided an anchor to black Americans during times of social and political strife.

In the wake of underclass family disintegration, the black church has made its facilities available to programs that respond to the needs of the community. The Lincoln Congregational Temple right here in the Nation's Capital for example, started an Adopt a Family Program. Under this program, troubled families can sign up to be matched with sponsors who provide support for a year. People from all walks of life have benefited from the program.

The Congress of National Black Churches, in targeting a problem that has penetrated all social strata, operates Project Spirit. Project Spirit is an afterschool program for children, many of whom don't have a parent waiting at home for them. The children are picked up at school and taken to the church. After a snack and a pause for prayer and songs, the children spend an hour on homework. Then activities begin which range from black history lessons to role-playing games to help them work out conflicts. These programs are operating successfully in Oakland, Atlanta, and Indianapolis. Three hundred more churches around the country are asking for help to implement Project Spirit.

But with all this help, all this determination and good will there is a force working against the best efforts of the church. It is an insidious, deadly force. It is made up of drug dealers and the drugs they push. There is a segment of society within the black population that has been most affected by the infiltration of drugs in our society. It is the segment of young men in the prime of life, who have become heavily involved in drug abuse, the sale and purchase of drugs as well as the terrible violence that comes with the business. I read in a Washington Post article that black men between the ages of 18 and 21 are being threatened with virtual extinction. Community leaders in black neighborhoods say that the biggest problem they face is finding a way to help yound black men from being drawn into lives of drug abuse and crime and finding a way to pull those who are involved, out. The statistics on black men's health risks, incarceration, homicide and drug abuse are shocking and reveal a tragic aspect of society. Our society, for the most part, has failed to adequately respond to this tragedy. But the black church is reaching out to these young men.

In New Orleans, 20 adolescent boys at the Greater Liberty Baptist Church joined the church brotherhood for a Black Manhood Training Program. This program offers discussions on spirituality, health, the importance of education and the special problems of black men. One exercise, for example, was to analyze the reasons behind a widely held perception that black men are not responsible fathers. Black churches are identifying the social problems which plague black communities. But many of these problems have now become cyclical. For many people there is no way out. There is no hope. But we cannot walk away from these problems. We all have to contribute to working out solutions.

I praise black churches for the role they have played in aiding, comforting, and educating their congregations. Black churches have been a place where the political and social needs of the community could find collective expression. I commend these institutions for their tireless work in teaching people that there is hope and that it is possible to beat even the most formidable odds.

I would also, at this time, like to praise someone very special who played an integral part years ago in leading black people down the road to freedom. In 1820, Harriet Tubman, who was born in my district in Maryland, was also born into slavery. She fought extreme adversity her entire life. But her triumphs would inspire those who knew her and those who would engage in civil rights battle years later. She was called the Moses of her people as she helped many of them flee from slavery after she herself escaped to freedom. She traveled back down into the South, risking her life time and again, so others would find their way to freedom.

I would like to take this moment to express my pride in having such a distinguished and heroic figure in history come from a little place called Bucktown on the Eastern Shore in Maryland. I proudly salute Harriet Tubman for her courage and wisdom and for the hope and inspiration she gave her people and this Nation.

Mr. COYNE. Mr. Speaker, it is a great honor for me to participate in the special order honoring Black History Month. My distinguished colleagues Representatives STOKES and DELLUMS indicate that the theme of Black History Month this year is the role of Afro-American churches. Because of all they have accomplished and all they have contributed, this is a very appropriate theme.

Today, churches are an enormously important institution in America's black community. They are a great source of spiritual, social, and moral sustenance for millions of African-Americans. It is no accident that some of the most respected and influential African-American leaders today and in the recent past—Benjamin Hooks, Bill Gray, Adam Clayton Powell, Jesse Jackson, Andrew Young, and above all Martin Luther King, Jr.—had their roots in the African-American church.

This is the occasion to recall that the special role of the African-American church is not new. Indeed, it has a long and rich history that should not be forgotten.

By the early 1800's, the institution of the black church was coming into its own, attending to the religious needs of slaves in the South and free blacks in the North. As one writer explained years afterward:

The church service was one of the few occasions when slaves were allowed to congregate, when they could feel a spiritual union with other Negroes, when they could feel that they were equal to the white man—in the eyes of God—and when they could see one of their own number, the preacher, rise above the dead level of slavehood.

It is little wonder that under the unspeakably horrible conditions of slavery, the church was a source of liberty and dignity. We know that there were black ministers who fought for freedom for their people against all odds. In the South, perhaps the greatest was Rev. Nat Turner, who led a rebellion of slaves in 1831. And in the North, numerous black churches showed great courage by serving as stations on the "Underground Railroad," which helped slaves escape to freedom.

After the Civil War, when African-Americans won a precarious freedom, the church continued for decades to stand as a spiritual and social refuge. An account from the early 1940's noted that black churches—

are of importance to the power relations within the Negro community and between Negroes and whites. They bring Negroes together for a common cause. They train them for concerted action. They provide an organized followership for Negro leaders . . . These institutions sometimes take action themselves in the power field, attempting to improve the Negro's lot of voicing the Negro protest. Even more, they provide the means by which Negro leaders and organizations, which are more directly concerned with power problems, can reach the Negro people.

That was written before the advent of the civil rights movement, one of the greatest and noblest chapters in our Nation's history, and it

helps explain the leading role of the African-American church in the movement. Indeed, when historians look back at it, when they sort out the strands of its fabric—A. Philip Randolph and his fellow union activists, Thurgood Marshall and his legal colleagues, Bayard Rustin and the other pioneers of nonviolent resistance, John Lewis and the idealistic students he led, Rosa Parks and all the other ordinary people who showed extraordinary courage—the historians will write that no strand was stronger, no strand was more reliable, no strand endured more external stress, no strand was more crucial to the survival and integrity of the fabric than the African-American church.

Because of all that the African-American church has accomplished and continues to accomplish, we celebrate and remember it today.

Mr. HATCHER. Mr. Speaker, I rise today, in honor of Black History Month to commemorate the life of an outstanding American, a native son of my congressional district, Henry Ossian Flipper.

Flipper bears the distinction of being the first black man to graduate from the U.S. Military Academy at West Point.

He was born a slave in 1856 in Thomasville, GA. He attended Atlanta University before he was nominated to the Academy by Georgia Congressman James C. Freeman.

While at the Academy, he was silenced by his classmates. In his autobiography "The Colored Cadet at West Point," Flipper stated that he endured harassment and ostracization on a daily basis. Despite such circumstances, he stood firm and resilient in the face of adversity and graduated in 1877, 50th in a class of 76.

After graduation he was commissioned as 2d lieutenant in the 10th Calvary. He led the unit in Texas and Oklahoma during the Indian War. Unfortunately, Flipper's military career was cut short due to accusations of embezzlement. Although he was acquitted of the embezzlement charges, he was dishonorably discharged from the Army in 1882.

Flipper did not let his discharge deter him from serving his country. His civilian career reads like an impressive resume of achievement and public service. He was an accomplished engineer, writer, surveyor, scholar, and translator. He worked as a consultant with the Justice Department and the Senate Foreign Relations Committee. He served as assistant to the Secretary of the Interior where he was responsible for the planning and construction of the Alaskan railroad system.

He served as chief engineer and legal consultant to several American mining and oil companies in Mexico, the Caribbean, and South America. Fluent in both French and Spanish, he translated land claims and technical texts on engineering and mining laws of the Southwest. Flipper was the first black man to be an editor of an all white newspaper, the Nogales Sunday Herald in Arizona. He also authored several books, historical articles, and he edited a set of books on the mining laws of Mexico. In the latter part of his life, Flipper taught physics at Morris Brown College in Atlanta, GA.

In 1976, the Army conducted a full review of Flipper's court-martial proceedings. He was posthumously granted an honorable discharge. In 1978 his remains were reinterred with full military honors at his birthplace.

Flipper died in 1940 in Atlanta at the age of 84.

Mr. BENNETT. Mr. Speaker, in observance of the commemoration of Black History Month, I would like to say that it is an honor to say now a few words about black history in my congressional district. My district is called by Floridians Florida's First Coast because it was in this area that Ponce de Leon discovered the mainland of what is now the United States. And the area was first in many other ways, some concerning the coming of black people to what is now the United States. For we are told that in 1564 when the French Huguenots settled in what is now Jacksonville, among them were a number of Africans who came in this beginning settlement of our country. So these were there in my district at the very beginning. They were not slaves.

Another historic event among black people was in the Battle of Alligator Bridge in 1778 when hundreds of black patriot soldiers came to fight the British in Florida. Their principal encounter was at Alligator Bridge in my congressional district. And an unnamed black soldier gave his life in that battle.

Great black people have lived in Jacksonville, including A. Philip Randolph, whose birthday is now being celebrated by the Postal Service by a postage stamp. Another great black person is Mary McLeod Bethune, for whom an exquisite park has been established in Washington, DC. Contemporary in time were the Johnson brothers, one who was James Weldon Johnson, the U.S. diplomatic official and literary genius who collaborated with his brother in the production of many musical productions in our national heritage.

More recently, in the last decade, the United States has honored the outstanding volunteers in America; and on two occasions those selected were black ladies in their ninth decade of life. Currently Mrs. Arnolta Williams, was the honoree this year, and about 10 years ago, the national honoree was my very dear friend, Dr. Eartha White, who passed away at the age of 98. She was especially honored at the White House by a Presidential reception. This is modern history; two wonderful black ladies, both from Jacksonville and both in their ninth decade, each chosen as the single most outstanding volunteer of the United States for their particular years of recognition. Certainly, Jacksonville is proud of these and other black people who have made our country a beautiful one. Their lives are a part of our heritage and for this I am truly grateful, as are all of my constituents.

Before I close, I would like to point out that Congressman GEORGE CROCKETT is a part of Jacksonville. He was born there and grew up there. Jacksonville is proud of that fact. We all acknowledge him, an important part of modern black history. I am grateful to him for his many kindnesses to me personally.

Mr. DELLUMS. Mr. Speaker, we join together today to celebrate the cultural, political, economic and social contributions of black Americans. Black History Month compels us to spend a moment in time to appreciate these significant and varied achievements that have helped make this Nation richer spiritually, intellectually, and artistically.

Black people have made a positive and dramatic impact upon all aspects of our society. Whether we consider the contributions of prerevolutionary merchants and traders, or the dynamism of the Alvin Ailey dance troupe; whether we consider the contributions of such eminent individuals as George Washington Carver or the grit and determination of the black GI; or whether we consider the gift of a literature given us by a Langston Hughes a Toni Morrison, a Gloria Naylor or the courageous political leadership of a Dr. Martin Luther King, Jr., we see all around us the living, breathing tapestry of black life in America and its tremendous contributions to the betterment of our Nation.

And yet, black people have had to offer their contributions against the backdrop of seemingly implacable and often de jure discrimination. Indeed, when the U.S. Constitution was finally ratified 200 years ago it stipulated that black Americans were to be considered only three-fifths the equal of whites, and then only for the purposes of taxation and representation. Two hundred years later, after a bloody civil war, the ratification of the 13th, 14th, and 15th amendments, and the passage of numerous civil rights laws, black Americans remain less than full and equal citizens in the land of their birth.

Economically, too often denied equal job opportunities in the labor force, their average annual income is only three-fifths that of white wage-earners, hauntingly similar to that earlier proclamation. Socially, they are still denied open and fair access to both ownership and rental housing in many sections of this country. Politically, black Americans remain underrepresented at all levels of Government. For all these reasons and more they are forced to live the daily agony of a dream too-long deferred.

No one person or group can rectify this history of injustice. Conversely, we cannot allow the past to paralyze us into apathy and despair, because too many people have struggled and died to make a better tomorrow for all black Americans—and for all America.

We owe much to those who came before us in this struggle. We owe them a legacy of our continued commitment to turn back injustice and oppression. Black History Month is a fitting time to remember, and to dedicate ourselves anew, through collective action and personal example, to this struggle in our homes, our churches, our classrooms, and our workplace.

We have many heroines and heroes to look to as role models in the struggle for true freedom and equality. Outstanding Americans, such as Harriet Tubman, Fannie Lou Hamer, and Marian Wright Edelman, as well as Crispus Attucks, Frederick Douglass, and Dr. Martin Luther King, Jr. have each called this Nation to higher ideals. It was Frederick Douglass who, in May 1863, called for complete assimilation of American blacks into the political mainstream, because this represented "the only solid and final solutions" to the question of full emancipation. Douglass went on to say: "Save the Negro and you save the

Nation, destroy the Negro and you destroy the Nation."

Dr. King especially called upon the U.S. Government to live up to the principles professed in the Declaration of Independence—that all are endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. Throughout his adult life, right to the very moment of his murder on April 4, 1968, Dr. King challenged the conscience of America by confronting church, school and State on the spiritual, intellectual and political immorality of racism, segregation and economic injustice in our society.

Sadly, the dreams and hopes of both Frederick Douglass and Dr. King have yet to be realized. Thus in 1989 both the Bush administration and the 101st Congress face formidable challenges in reassessing and redefining national priorities to resolve the social and economic disasters spawned by the previous administration and generations of neglect and hostility to the impoverished and the nonmajority in our society. Foremost among these disasters in an intensifying internal conflict on the bases of race and class, a conflict further intensified by the plague of drugs and the culture of violence that permeates so many sectors of our society. We in the Congress have a major, moral responsibility to redefine these national priorities, so that our black youth can have the hope of expanded opportunity, rather than the nihilistic despair of current realities, as their guiding star in the years ahead.

But, in looking to present and future challenges, let us neither neglect nor forget those valiant men and women in every walk of life—from slavery to freedom—those efforts have brought us this far. Let us cherish their memory. Let us learn from their mistakes as well as their accomplishments, so that we can hasten the day when all God's children will be free at least, free at least, to live in peace.

Mr. CLAY. Mr. Speaker, today, Black History Month draws to a close and I am happy to take this opportunity to applaud the continued emphasis and celebration of this very important tradition. I recall with great interest and satisfaction that Dr. Carter Godwin Woodson, universally regarded as the Father of Black History, started in 1926 what was then called Negro History Week.

This national observance was extended in 1976 to a 1-month-long-observance by the National Association for the Study of Afro-American Life and History [ASALH] which Dr. Woodson founded in Chicago, IL, in 1915.

It is highly fitting, given the fact that so many of our political and economic leaders and entertainers have had their genesis in the black church that the national theme this year is "The Role of Afro-American Churches in Economic, Political, and Social Development at Home and Abroad."

It is equally fitting that the theme celebrates and gives much needed and deserved attention to the one institution in our national life that black people have historically controlled and utilized as a power base and beacon for uplift, reconciliation, and spiritual enhancement.

I am personally pleased to give witness to the marvelous achievements unparalleled in human history, that over 40 million black Americans have soared to the heights. They have achieved, in the face of fearsome and formidable odds, an extraordinary record of accomplishments. These achievements must be celebrated and told over and over again extending far beyond a 1-month celebration.

The remarkable history of black Americans, in fact, is a history that must be told day by day and year by year in order to provide a comprehensive and factual understanding; particularly, after centuries of neglect.

I pause to salute our extraordinary black precursors, with keen satisfaction and personal pride, and for those of us in the present who must be the bearers of the torch and who must pass the record on to our treasured posterity.

In closing, I say in the spirit of an ancient and revered language in Swahili to my fellow black Americans over the length of this land you are watu wazuri—a beautiful people.

Mr. TANNER. Mr. Speaker, it is a privilege for me to take part in this special order called to commemorate Black History Month. It is appropriate that all of us take a few moments to observe this special commemorative period in which our Nation pauses to recognize the enormous contribution made by black Americans.

I feel especially privileged to represent the Eighth Congressional District of Tennessee. My district includes the hometowns of many contemporary black Americans who are widely known throughout this Nation for the achievements they have attained, ranging from literacy excellence to outstanding performances in sports and entertainment.

Alex Haley, the author of "Roots" grew up in Henning, TN in Lauderdale County. Ed Jones, the outstanding defensive player for the Dallas Cowboys was raised in Jackson, TN. From a humble beginning in the community of Nutbush in Haywood County came rock star Tina Turner. While I am deeply proud of the achievements of these celebrity constituents, I am certain that most congressional districts in this Nation can lay claim to similar constituents.

There can be no question about the example these particular Americans have been to young people in my district and throughout our country. However, in commemorating Black History Month in 1989, I feel it is equally important to recognize others who have struggled quietly, out of the focus of spotlights, to set an example for others by devoting their lives to providing a helping hand and an active voice to those in their communities who had no hope.

Foremost among the quiet heroes in black communities are the churches. Like most parts of the country there are several denominations of black churches in the Eighth District of Tennessee. Most prominent are Baptists and the Christian Methodist Episcopal Church. My district includes the mother church of the Christian Methodist Episcopal Church in Jackson, TN. Furthermore, Lane College, also located in Jackson, has been affiliated throughout its history with the C.M.E.

We can hold up the accomplishments of individual black Americans as examples for others to follow, but the significance of the church and her affiliated educational institutions cannot be overlooked. Together, with the deep commitment of their leaders, those institutions have, throughout their history, provided their congregations and their students with a practical vehicle that engendered hope when there was none and that offered opportunity to obtain skills when there was no other institution available for black Americans to get them.

Mr. Speaker, I could speak for many hours on specific individuals whose talents either supported those institutions or were energized by them. The late C.A. Rawls of Brownsville, TN, for example, was denied the right to vote until 1961, but did not let that hinder his effort to build successful businesses that he used to offer a helping hand to others less fortunate.

Emmett Ballard, a West Tennessee attorney, used his skill and standing in the legal profession to further the cause of civil rights.

That list can go on and on. The point is that these people played an important role in building their community—overcoming racial barriers, even when those barriers seemed impregnable, trying to offer a better life to others and setting an example that all Americans, regardless of race, could follow.

I appreciate my colleagues Congressmen LOUIS STOKES and RON DELLUMS reserving time for this body to pay special attention to Black History Month.

Mr. RAY. Mr. Speaker, the month of February is set aside as Black History Month. Back in 1926, Dr. Carter G. Woodson established a special period of time in February to recognize the heritage, achievements and contributions of black Americans. Dr. Woodson is recognized as the father of black history. Since that time, February has taken a new significance in the lives of many Americans of all races.

The National Black History Month theme for 1989 is "The Role of Afro-American Churches in Economic, Political, and Social Development at Home and Abroad." I think this focus on the church is a timely and wise choice. The black churches in the Third District of Georgia, which I have the honor of representing, have had a tremendous impact on the life and culture of many of my constituents. These churches have helped to affirmatively shape the history of the Third District and will help Georgia, and the rest of the Nation, to progress into the future.

Black churches have played a tremendous role in the development of America—particularly black America. Black churches and religious faith gave hope to blacks throughout our country's history. Religious faith gave hope to the blacks who were unfortunately captured or born into slavery. It gave those courageous people the faith that allowed them to realize that, while they were shackled in this world, they could be eternally free in God's world. This religious faith convinced those slaves who could not vote that all men were God's children and all men were equal. This faith showed those slaves, whose families were routinely separated and broken up, that all men were brothers and there is only one family of people on this Earth.

After the Civil War, the black churches helped take those recently freed Americans and shape them into participants in democracy. The churches helped register voters, helped freed people find paying jobs, helped

educate the uneducated, and helped bring hope and faith to the hopeless and faithless. The black churches were vital in helping these black Americans become a crucial link in our Nation's development and future.

Martin Luther King, Jr., in his extraordinary 1963 speech in Washington, focused on the faith that came from his dream of equality and justice. He said, "with this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day." The faith that has come, and will continue to come, from the black churches has carried and built on this dream.

Reverend King is just one example of a black leader that had his roots in the church. He, and others from the churches, became leaders in the difficult struggle for civil rights. They had been nurtured in these black churches and had a special sense of justice and a special relationship with the parishioners. This combination, combining a thrust for great social change with a fundamental anchor in religious morals, allowed leaders such as King to attract people of all races to the civil rights movement.

The black churches have continued to be a major force in the betterment of black Americans and the United States. They have played a large role in getting people registered and voting. The churches have convinced their members that changes are best sought through the political process. The churches have continued to educate the illiterate and counsel unwed mothers. The black churches have helped in the feeding and sheltering of our Nation's homeless. The black churches have also done a great deal in the war on drugs. They have sponsored "Say No To Drugs" campaigns and have told our young people of the horror of drugs and addiction. Additionally, the churches have fought crime in the streets and neighborhoods through organized neighborhood programs and watches.

One black church that has been such an innovator of humanitarian ideas is the Fourth Street Baptist Church in Columbus, GA, with its pastor, the Reverend Johnny H. Flakes, Jr. I have had the privilege of knowing the Fourth Street Baptist Church and Reverend Flakes for many years. Some of you may remember Reverend Flakes from when he gave the opening invocation to this body some time ago. The Fourth Street Baptist Church under Reverend Flakes has had a significant influence on the Third District of Georgia because of its hard work and dedication, exemplified by such efforts as organizing a food program called Loving Action which provides hundreds of meals to area residents each day.

Black churches, such as the Fourth Street Baptist Church, will continue to be a focal point of black development. The heroic deeds these churches have done in the past will no doubt be matched in the future. There is much to be done to keep America on track as the best nation ever envisioned by man. We must demand and expect equality, justice and freedom for all. Black churches can help us achieve this goal.

Mr. MURPHY. Mr. Speaker, the month of February has long been established as National Black History Month so that we may honor the many outstanding contributions to this country by its Afro-American citizens. This year we focus on the Afro-American Church and its important role in the black experience. In keeping with the theme I would like to pay tribute to a very special church in the 22d Congressional District of Pennsylvania. For the last 170 years the St. Paul African Methodist Episcopal Church of Washington, PA, has been a beacon for its devoted membership and the entire community.

The history of the African Methodist Church has its beginnings in the city of Philadelphia, PA, in the year 1816. The founder of this great connection was Richard Allen who for almost 30 years had sought to create a church which embodied the teachings and principles of the Methodist religion in which he had been schooled, but one which also recognized the strong and proud African heritage of the members.

In 1818, just 2 short years following the church's historical beginnings in the city of Philadelphia, a sister church was formed on the foundation that Richard Allen had laid. Across the State in the city of Washington, the St. Paul African Methodist Episcopal Church was born, which today makes it one of the oldest standing congregations west of the Allegheny Mountains.

Since its beginning, St. Paul A.M.E. Church has regularly been involved in the advancement of racial and cultural consciousness in the community. With some families claiming four and five generations of members in the church, they have been able to foster the traditions and history of its African-American heritage. Over the years the church has offered support to people of all races, and has been a force of positive movement and change in our area.

Today, 171 years after its inception, the church continues to be a leader in the community.

As we acknowledge the contributions of the church in the Afro-American experience, I know that my colleagues will join me in paying tribute to St. Paul African Methodist Episcopal Church of Washington, PA, in its small but nonetheless important role in American history.

Mr. WALSH. Mr. Speaker, I rise today to join my colleagues in commemoration of Black History Month. Specifically, the economic, political, and social role of the Afro-American Church in the lives of black Americans. Without the foresight and perseverance of Carter G. Woodson, we might not be standing here today commemorating the historical achievements of black Americans.

It is without question or debate that black Americans have played a tremendous role in the growth and development of our Nation, contributing in all aspects of our culture, from science to literature, from religion to politics.

The Afro-American Church has stood behind black America from the Civil War to the civil rights struggles of the 1950's and 1960's and even today—vigilant and steadfast.

So let the word go forth from the Chamber of this body, that in the spirit we commemorate Black History Month, we stand and seek to recognize the rights and accomplishments of all Americans.

Mr. STOKES. Mr. Speaker, as you know, during the entire month of February our Nation celebrates Black History Month. This occasion affords all Americans the opportunity to pay tribute to black Americans whose struggles, sacrifices and achievements have helped to build this great Nation. Earlier today in this Chamber, my colleagues delivered eloquent statements on the importance of Black History Month.

Historians and writers regard Black History Month as a time to examine not only the achievements of notable black Americans, but to measure the progress of our Nation in achieving its goal of equality for all Americans.

I am pleased to share with my colleagues four articles of particular interest. In the first article which appeared in the Cleveland Plain Dealer, the author, Brian E. Albrecht, examines the Underground Railroad and its place in American history. The second article from the Los Angeles Times explains the relationship of slave-era dwellings to the day-to-day lives of slaves. In the third article, "Negro League Stars Stand the Test of Time," the authors pay tribute to the outstanding contributions of black Americans to the sport of baseball. Finally, in an article from the Los Angeles Times, the author, Lee May, uses Black History Month as a time to explore the charges of racism affecting affluent blacks in today's society. I hope my colleagues will take the time to examine these articles. They provide interesting and enlightening reading.

Mr. Speaker, I am pleased to join my colleagues in celebrating Black History Month. It provides a unique opportunity for all Americans to reflect upon the struggle for freedom in our Nation; to appreciate the indomitability of the human spirit; and to renew our commitment to the goals of a fairer and more just society.

[From the Cleveland (OH) Plain Dealer, Feb. 19, 1989]

UNDERGROUND RAILROAD HISTORY WAS WHITE-WASHED—SLAVES ENGINEERED ROAD TO FREEDOM

(By Brian E. Albrecht)

Trapped at the river, they could hear the baying of bloodthirsty hounds; almost feel the cruel bite of the whip and cold steel weight of shackles once again.

Somewhere in Ohio on a cold snowy night, a family of runaway slaves huddles in the face of certain doom.

Suddenly through the gloom comes a light, a beacon of freedom, and just as the jaws of oppression are about to snap, the family is whisked aboard the Underground Railroad. During the next few days they will be shuttled through a tightly organized, highly secretive network of shelters hidden behind false walls in homes, barns and businesses of sympathetic whites.

Using vigilance, guile and daring, special "conductors" will punch the family's ticket to the Promised Land along invisible rails of good will.

According to some historians, it's a story that has been passed down since before the Civil War, a story embellished with drama and excitement with each retelling, a story popularized in textbooks and fiction.

But they also say parts of it are sheer myth.

Ohio plays a significant role in both the reality and the myths of the Underground Railroad.

Its geographical location as a "free" state (where slavery was prohibited) lying between slave states to the south and freedom to the north in Canada, plus a strong and often organized antislavery sentiment in the state, made Ohio a natural conduit for fugitive slaves.

Legend has it that the term "Underground Railroad" was coined by a slave owner pursuing a fugitive into Ohio. The owner lost his quarry in a chase across the Ohio River and supposedly remarked that the man "must have gone off on an underground road."

Many of the most colorful personalities and places of the antislavery movement had Ohio connections. Eliza Harris, the slave woman who crossed the Ohio River, jumping on drifting ice floes with her child in her arms, was immortalized in "Uncle Tom's Cabin" by Harriet Beecher Stowe. The author was born and raised in a house in Cincinnati that was used to shelter runaway slaves. John Brown—whose ill-fated 1838 raid on a federal arsenal to secure arms for an envisioned slave rebellion led to his hanging and martyrdom—was a longtime resident of Ohio with family ties to Hudson and Akron.

Ohio cities such as Cincinnati, Oberlin and Salem became nationally renowned for their support of fugitive slaves.

In Cincinnati, banker Levi Coffin and other antislavery sympathizers organized a system of assistance for runaway slaves, offering shelter, transportation, clothing and other necessities. Coffin's efforts earned him the title of president of the Underground Railroad (a title shared at various times by other antislavery leaders).

From its founding in 1833, Oberlin College openly accepted black students and the town became a popular destination for runaway slaves. The locale made national headlines in 1858 when slave hunters captured an escaped fugitive who had settled in Oberlin, and took him to Wellington for transport South. Several hundred abolitionists from Oberlin and Wellington stormed the hotel where the former slave was being kept, and carried him off to safety. Some of the rescuers were charged with violating the federal Fugitive Slave Act of 1850 (which prohibited interference with a slave owner's attempts to reclaim his "property"). All charges and sentences imposed against the rescuers were later dropped or reduced.

Similar rescue attempts were made in cities across Ohio, but weren't always as successful. In 1856, when a family of escaped slaves was tracked to Cincinnati, one woman went berserk during the ensuing arrest by federal authorities, vowing that she would slay her own children before they'd go back to slavery. She then seized a butcher knife and killed her 10-year-old daughter. The local citizenry was so incensed that it took an escort of 500 deputies to return the family to Kentucky.

Cleveland had the distinction of sending one of the last fugitive slaves back to the South before the Civil War when Sara Lucy Bagby was traced here by her former owner and arrested in 1861. Deputies were attacked by groups of black Clevelanders and forced to use clubs on the mob to get their prisoner to court. A second rescue attempt failed as she was being transported south by train.

Several communities in Southern Ohio, due to their proximity to the Ohio River, became particularly well-known for offering aid to runaway slaves. The house of famed abolitionist John Rankin, a Presbyterian minister who used signal lights to guide runaways, still stands near Ripley. Towns in the area bear such names as Getaway and Aid, reflecting their contribution to the antislavery cause.

But according to some historians, from this bedrock of fact was built a few of the myths associated with the Underground Railroad.

"Although the Underground Railroad was a reality, much of the material relating to it belongs in the realm of folklore rather than history."

Such was the challenge posed by Larry Gara in his 1961 book "The Liberty Line" in examining what he described as "one of America's best known but least examined legends."

The current chairman of the history department at Wilmington College in Ohio argued that much of what was known about the Underground Railroad was based on accounts by white abolitionists and railroad participants who greatly exaggerated and romanticized their efforts. (Ohio-related exploits and anecdotes figured prominently in these reminiscences, he added.)

"It would be a little bit like having a total picture of the civil rights movement written from the standpoint of whites who were in it," Gara commented during a recent interview.

In his book, Gara contrasted some of the most glaring myths and realities surrounding the story of the Underground Railroad:

"The abolitionists' accounts tended to neglect the role of the fugitive slaves themselves in the escape drama, give the impression that all successful escapees were passengers on the mysterious line, and implied that the 'railroad' was a nationwide abolitionist organization which operated in secret.

"In reality, it is probably that fugitive slaves succeeded, if at all, mostly by their own efforts. Such help as they received came sometimes from abolitionists, sometimes from other groups, and was often casual and temporary. In the period of the slavery controversy the Underground Railroad was more important as a propaganda device than as an aid to the fleeing slave. Far from being secret, it was copiously and persistently publicized and there is little valid evidence for the existence of a widespread underground conspiracy."

What the railroad was, according to Gara's recent definition, was "loosely, regionally organized effort to help slaves escape or help slaves who had escaped by giving them temporary shelter or providing them with ways of going to Canada. But it wasn't nationally organized."

Gara said that a factor compounding myths surrounding the railroad is the kind of local folklore and hearsay in which every barn that ever harbored a fugitive, or even might have harbored one, and every old structure with a tunnel, false wall or unexplained basement niche suddenly became an Underground Railroad depot. He wrote, "The further removed people are from the Civil War, the more willingly they seem to accept such tradition as fact."

He recently said the cost of such myth-making takes the greatest toll in recognition of both the free blacks in northern states who helped runaway slaves who largely through their own daring and initiative found their way to freedom.

These factors surfaced in his examination of fugitive slave narratives and originally provided Gara with the first inkling that something was amiss. "The more I thought about it, the more I realized that the one big misconception was that the blacks were not participants, that they were just sort of in the background there," he said.

This misconception has been common in the chronicles of American history, according to Gara: "Generally speaking, we tended in the past to make the black community sort of invisible. For years and years we thought of all cowboys as white . . . yet we know there were blacks. They were just made sort of invisible and I think the same thing is true in the history of this.

"Another thing is I don't think people back then even dreamed that these individuals had the ability to carry out such a daring and unusual thing as escaping from slavery. And it was amazing, really."

Since publication of Gara's book, a more realistic picture of the Underground Railroad has found acceptance among historians.

John Hope Franklin, professor of history (emeritus) at Duke University in North Carolina, said the new view is "not a drastic revision. It's more of a modification." Franklin said points raised by Gara "have come to be accepted more and more. This doesn't mean that people like Harriet Tubman (a former slave who returned South several times to aid other escapees) were not involved, but as far as a nationwide organized effort, that was not the case."

Allen Peskin, a professor of history at Cleveland State University, said Gara's points regarding black participation and lack of national organization are "pretty much accepted by professional historians. There are a lot of local amateur historians who like to point to local buildings supposedly used in the Underground Railroad. But most historians accept Gara's approach because it emphasizes more of the black community."

As for textbook revisions, Peskin said changes reflecting this new view are being made, but "slooooowly. It just takes a while. Textbooks usually are a generation behind."

And the public's perception of the Underground Railroad? "You'd be surprised how seldom that subject comes up in normal conversation," Peskin joked. "If asked they'd probably base their response on things half-remembered from school or from what they saw in some sort of docudrama travesty like "Roots."

Dr. Merton L. Dillon, professor of history at Ohio State University, believes Gara "went too far in some areas" in that "he debunked more than should have been debunked," but believes it was done to draw more attention to his argument. "Most revisionists tend to overstate their case."

He added, "There was an Underground Railroad, of course. And most of what we know about it comes from what the white participants told us about it. And yes, they tended to ignore or slight the participation by black people. So Gara has redressed the balance there."

Gara said that since publication of the book, "I'm a little more positive about the white abolitionists, because they did do a terrific job. But again, it's like the civil rights movement. Those whites (in the movement) did a terrific job, too, but if it hadn't been for the black movement it would've been quite different."

Gara is confident his criticism will stand the test of time. He isn't so sure, however, that the popular myth of the Underground Railroad will ever die. "People like legends.

In looking at things they like to keep it very simple, and that's one of the problems."

SLAVES' HOMES EXUDE THE TRUE STORY OF THEIR LIVES

BALTIMORE.—If there's one thing that George W. McDaniel wants people to understand about history, it's that it doesn't happen in books.

"History is not something that happened somewhere else to somebody else. It is happening to all of us. And it's a lively story. Too often, history teachers kill history by making it dull."

It is in this light that McDaniel, a historian specializing in the American South, sees the homes slaves lived in as telling a profound, vibrant story about the way they lived.

In the course of his research, he has studied scores of homes, and conducted just as many interviews with the tenant farmers, servants, descendants of slaves and other families who occupied them. While earning his Ph.D. in history from Duke University in the 1970s, he surveyed a number of slavery-era dwellings in Maryland, including Blair's Purchase, an 18th century site near Baltimore that is considered a rare surviving example of a log cabin slave home.

McDaniel is now director of education and public programs for the Atlanta Historical Society, and is also author of "Hearth and Home," a history of slave and tenant life and housing.

To some, the study of slave housing is a bitter reminder of a time better forgotten. But to scholars such as McDaniel, it is an opportunity to right the historical scales somewhat by providing a real-life look at the point of view of the slave.

"In the past, we have looked too much at the houses of the white leadership, and not at the houses of those who enabled the leaders to live the way they did," says McDaniel. "White or black. You don't see much (research) of the homes of slaves, or white tenant farmers, or yeomen or indentured servant.

"The Rev. (Dr.) Martin Luther King Jr. talked about a people's history giving them a sense of somebody-ness. If you obliterate that history, you do away with their identity."

Blair's Purchase is one of many sites documented by the Maryland Historical Trust's Inventory of Historic Properties. It is estimated to have been built in 1764.

The structure, built as a 1½-story, A-frame log cabin with a dirt floor and no windows has since been added to but still retains many of its original features, including its log frame, stone fireplace and stone-walled cellar. It was built for and occupied by house slaves, but bears more resemblance to descriptions of typical field slave quarters.

In general, says McDaniel, the things found in slave homes give a sense of how slaves carved out their cultural and economic niche in a hostile society—often in ways that drew upon African traditions that they brought across the Atlantic.

"They had their feet on the ground," says McDaniel. "There was a lot of violence, there was continual oppression, but slaves had strategies of making do, and looking out for themselves, that gave them a sense of dignity. And some of that comes out in their houses.

For example, dirt floors, far from being loose and unsanitary, were carefully crafted by slaves to be as smooth and hard as cement—using methods that have been traced to African traditions of mixing and baking clay.

The thatched roofs of many early slave dwellings, as well as the wattle-and-daub wall construction of weaving wicker through a network of wall posts and then plastering it with clay inside and out, are based on African traditions of building.

The existence of concealed cellars, such as those found in slave homes at Monticello, Thomas Jefferson's plantation, suggests their use for hiding things from the slave owner as well as to store medicinal or religious items or food.

Excavation can also tell a great deal about their day-to-day lives. For example, buried fragments of bullets tell us that slaves, either surreptitiously or openly, kept firearms for self-protection or hunting.

Coins provide evidence that slaves participated in the cash market, perhaps by selling fish, vegetables, quilts or other items that they created or obtained on their own.

Fragments of animal bones or shellfish give information about what slaves ate, and how much of their meat was obtained by hunting.

The very existence of slave homes, in fact, as well as the homes of planters and many other whites, is testimony to the expertise of black artisans, says McDaniel.

"Many plantation houses were built by the slaves—not only the labor, but the skilled work as well. The masons, the coopers, the carpenters, the wheelwrights. These were black artisans.

"When we go to Colonial Williamsburg now and see the blacksmiths, they're usually white. But, historically, they would have been black. It's been historically misrepresented."

[From the Plain Dealer, Feb. 6, 1989]

NEGRO LEAGUE STARS STAND THE TEST OF TIME—GREATS GET RECOGNITION AT LONG LAST

(By Alan Robinson)

PITTSBURGH.—Only the ball was white, the Grays were the dominant team and just about the only green the underpaid players saw was the spotty outfield grass.

But 40 years after the last Negro League World Series, time and fading memories haven't diminished black baseball's impact on America.

"Many people today, especially the young people, don't realize how bad the racism was," said Monte Irvin, one of the first blacks to cross baseball's color line in the late 1940s.

"I was all-state in four sports in New Jersey, but sometimes I couldn't get served at a restaurant two blocks from my high school. There were no job opportunities then. The only thing a black youth could aspire to be was a bellboy or a pullman or an elevator operator, or, maybe, a teacher. There was a time when all we had was black baseball."

Young fans who marvel at Ozzie Smith's wizardry at shortshop, Eric Davis' speed or Darryl Strawberry's power find it hard to believe that not long ago, blacks and dark-skinned Hispanics were relegated to their own leagues, their own hotels, their own sides of town, and, usually, their own fans and own ballfields.

It is inconceivable of Sandy Koufax making the Hall of Fame without facing Willie McCovey, of Johnny Bench never confronting Bob Gibson's fastball. But many of baseball's true legends—Babe Ruth, Cy Young, Honus Wagner, Ty Cobb, Christy Mathewson—played their entire major-league careers without opposing a black player.

"Many of the greatest black athletes of all time played baseball for no money and no recognition," said Irvin, now an assistant in the baseball commissioner's office. "I'm just sorry many major-league fans never got to see them play, because many of them were awesome."

Baseball is now confronting the error of its way and recognizing black ball and its legendary teams and players.

"We must never lose sight of our history, insofar as it is ugly, never to repeat it, and insofar as it is glorious, to cherish it," said National League president and commissioner-elect A. Bartlett Giamatti.

Eleven former Negro League stars and executives—Andrew (Rube) Foster, Oscar Charleston, John Henry (Pop) Lloyd, Josh Gibson, Leroy (Satchel) Paige, Martin Dihigo, William (Judy) Johnson, Walter (Buck) Leonard, James (Cool Papa) Bell, Ray (Hooks) Dandridge and Irvin—have been inducted into the Baseball Hall of Fame in Coopertown since 1971.

The Pittsburgh Pirates honored six living members of the last Negro League champions, the 1948 Homestead Grays, with a pregame ceremony Sept. 10 and by flying a Grays' pennant atop Three Rivers Stadium for a week.

The former Grays and other former Negro League stars attended a 40th anniversary dinner to swap memories and anecdotes of a forgettable time and unforgettable players.

"I'm glad they are finally getting recognized, because 20 years from now most of them will be gone," Irvin said. "Oh my, there were some players. . . . We had 12 teams, each team had 14 to 17 players and I'd say half of them could have made the majors. Fifty of them could have been Hall of Famers.

"It's too bad baseball couldn't have integrated 15 years sooner (than 1947), because the fans really would have seen the cream of the crop."

The impact of blacks on major league baseball was immediate and indisputable; nine of the 11 National League Most Valuable Players from 1949-59 were black.

Irvin was one of the lucky ones to break the color line after Jackie Robinson and play big-league ball while still young enough to star.

There were others—Roy Campanella, Ernie Banks, Don Newcombe, Larry Doby, Willie Mays (a 17-year-old on the '48 runnerup Birmingham Black Barons)—who peaked in the majors.

But there were dozens who didn't, players whose careers were over by the time visionary Brooklyn Dodgers General Manager Branch Rickey signed Robinson to this historic contract.

Major-league fans never saw Bell, perhaps the fastest player in history; Josh Gibson, a power-hitting catcher who hit the longest homers ever at Yankee Stadium and Forbes Field; Dihigo, so talented he won batting and home run titles and won 256 games as a pitcher; "Smokey" Joe Williams, a half-black, half-Indian power pitcher who was 22-7-1 against major-league teams and was the biggest drawing card of his time.

"If Gibson or Buck Leonard took a team to arbitration today, they'd have to give him part of the team," Irvin said.

Paige, perhaps the greatest pitcher of all time, signed with the Cleveland Indians at age 42, but his "beeball" fastball had been diminished by time and 2,000 starts.

"It's sad that many of these players knew they were good enough to play in the majors . . . that's the one remaining doubt for some of these guys," Irvin said. "Some, like me, were lucky enough to play in the majors before our careers ended. The others will always wonder how good they could have been."

"The only thing I ever wanted to do was hit in the major leagues," said Dandridge, who was inducted into the Hall of Fame in 1987. "I just wanted to put my left foot in there, to have been there for only one day, even if it was only for a cup of coffee."

There is no question the Negro National League, based in the East, and the Negro American League, in the Midwest, played quality baseball. John Holway, a black historian, counted 268 black victories in 400 exhibition games against major-league teams and Bell hit .395 in barnstorming tours against white teams.

In an era where a wall of prejudice barred blacks from all professional sports but boxing—Joe Louis was the most revered American of his time by blacks—Negro League teams provided self-respect and a source of identity to black communities.

The Grays, who were originally based in Homestead, a nearby steel town, and the Crawfords made Pittsburgh the center of black baseball. The '35 champion Crawfords' lineup included five Hall of Famers: Gibson, Charleston, Bell, Johnson and Paige. The Grays won nine consecutive Negro League titles from 1937-45 and a total of 10 from 1929-48; the 1931 Grays were 136-17, the 1926 Grays won 43 games in a row.

A black world series was played as early as 1903, but the first organized Negro National League wasn't formed until 1920. The Grays' dominance was challenged by the Pittsburgh Crawfords during the Depression and later by the Kansas City Monarchs.

The black leagues died out shortly after the majors integrated.

"We were supposed to play the Pirates in an exhibition (in 1948), but some of their players came to watch us against the New York Black Yankees," said second baseman Clarence Bruce.

"Buck Leonard hit a home run over the roof in right field, Luke Easter hit one off the facade in right and Bob Thurman hit one over the 447-foot mark. We heard after that the Pirates didn't want to play us."

Life in the black major leagues was never easy. Some teams had two home cities; for years, the Grays played half their games in Washington's Griffith Stadium and often outdrew the Senators. The pay was bad—most players averaged $150 a month, although a star like Gibson commanded $1,000—and the travel was brutal.

Teams played as many as three games a day and seven or eight in a weekend, sometimes in different cities. Their rickety buses were often overloaded and players sometimes stood while riding.

[From the Plain Dealer, Feb. 6, 1989]

NEGRO LEAGUE STARS STAND THE TEST OF TIME—COOL PAPA GIVES DEVIL HIS DUE

(By Bob Broeg)

When Willie (Devil) Wells died recently, Hall of Famer James (Cool Papa) Bell paid the former shortstop the highest compliment.

"I think so highly of Wells, by far the best shortstop I ever saw, they ought to take me out of the Hall of Fame and put him in," Bell said.

The endorsement for black-league standout Wells, 82, would mean posthumous selection if he scores high enough at the Hall of Fame's Veteran Committee meeting Feb. 28 in Tampa, Fla.

Bell, 84, a ballhawking, base-stealing, switch-hitting center fielder, gained Hall of Fame recognition shortly after the barrier was lifted on black-league players who had been barred from the majors.

The color line was erased in 1947, when Jackie Robinson joined the Brooklyn Dodgers. Hall of Fame recognition was established in 1971, originally for Satchel Paige, who played in the big leagues only after most black stars, including Bell, were too old. Paige helped the Cleveland Indians win the 1948 world championship as a 42-year-old "rookie."

Bell, lean and lanky, remembered his own Mutt-and-Jeff comparison with Wells, who was barely 17 when he joined the old St. Louis Stars in 1924. The shortstop was short, bandy-legged, long-armed with adhesive hands and incredible range, an early-day Ozzie Smith. He was a powerful pull hitter.

At a time when black players played an official season of 80 or so games, Wells had a record 27 home runs in 1929. A year later, he led in doubles (30) and hitting (.404).

Bulldog efforts by a black-league committee of white historians, headed by John B. Holway, a federal worker in Washington, cleared the way for better evaluation of black stars. Holway is the author of a definitive book, "Blackball Stars."

Holway's records show that Wells played professionally for 29 years, through 1953. He played on championship teams in St. Louis in 1928-30-31 before the Stars folded in the Depression. He played also with Detroit, Kansas City, Pittsburgh, Chicago and Newark in black leagues and winters in California, Cuba, Mexico and Puerto Rico.

To make a buck, we followed the sun, summer and winter," Bell said. "I didn't see Honus Wagner or the black league's pioneer best, John (Pop) Lloyd, but Willie was the best I saw. The 'Devil' or, as they called him in Mexico, 'El Diablo.' "

Wells replaced Rogers Hornsby as manager of the Vera Cruz Blues in 1947, the year The Rajah hit a game-winning home run for Jorge Pasquel, the man who raided the majors for talent. Wells was saluted for his ability to teach young players, including Monte Irvin, Ernie Banks, Don Newcombe and Larry Doby.

An injury limited Wells' throwing arm, but he overcame the handicap by not playing as deep. Bell says that Doby rated Wells ahead of Lou Boudreau, his championship manager with the Indians.

Bell's opinion is especially significant because Cool Papa is color blind. When Johnny Bench recently was named to the Hall of Fame, Bell observed, "All around, defensively and with that great power, Bench is the best catcher I ever saw—black or white."

As author Holway noted, Wells overcame early timidity by "inventing" the batting helmet. He knocked the gas jet off a coal miner's hardhat and used it at bat.

[From the Plain Dealer, Feb. 6, 1989]

THE TOP PLAYERS

Biographies of some of the Negro leagues top players, compiled from historical files and by Rob Ruck, a Pittsburgh-based black baseball historian.

James (Cool Papa) Bell (1903-): Bell who lives on Cool Papa Bell Street in St. Louis, may have been the fastest player of all time. A lifetime .343 hitter, he had a .395 average in barnstorming tours against major leaguers. The outfielder batted .437 in Mexico in 1940, leading the league in home runs and RBI. Inducted into the Baseball Hall of Fame in 1973.

Oscar Charleston (1896-1954): Inducted into the Baseball Hall of Fame in 1976, he was often called "the black Ty Cobb" and may have been the best black center fielder ever. He had a life time average of .351, including five .400-plus seasons, and had a .361 career average in the Cuban League. A left-handed power hitter, he played so shallow in center field that opponents accused him of being a fifth infielder.

Ray (Hooks) Dandrige (1913-): The Negro League's premier third baseman during a 16-year career, mostly with the Newark Eagles. A star in Mexico and Cuba, he played in the minor leagues in 1949 at age 36, passing himself off as a 29-year-old. He was a double-A rookie of the year that season and a most valuable player the next, but never played in the majors. Inducted into the Baseball Hall of Fame in 1987.

Martin Dihigo (1905-1971): The Negro League's answer to Babe Ruth was a pitcher-outfielder who could shut a team out one day, then beat them the next with a tape-measure home run. A lifetime .304 hitter, he had a 256-133 won-lost record and won batting, home run, victory, strikeout and earned run average honors in the Negro, Cuban and Mexican leagues. He led several leagues in both pitching and batting. He often played the year round and is the only player in the baseball hall of fames of Cuba, Mexico, Venezuela, and the United States. His bust at Latin American Stadium in Havana reads only: "The immortal." Inducted into the Baseball Hall of Fame in 1977.

Monte Irvin (1919-): He played Negro League ball for 10 years, then was signed by New York Giants in 1949 as a 30-year-old rookie. A winner of 16 varsity sports letters in high school, he was a two-time Negro League batting champion. He hit .329 with 21 homers and 72 RBI for the Giants in 1953.

Josh Gibson (1911-1947): A fine defensive catcher for the Pittsburgh Crawfords and Homestead Gray who was black baseball's most feared slugger. He hit an estimated 1,000 career home runs in the Negro leagues and the Caribbean and had a .379 career average. His home runs at Forbes Field in Pittsburgh and Yankee Stadium are believed to be the longest at each; one of his drives was estimated at 700 feet, 134 feet longer than Mickey Mantle's longest shot. Inducted into the Baseball Hall of Fame in 1972.

William (Judy) Johnson (1899-): A third baseman with a rifle throwing arm. Connie Mack once said of Johnson. "If he were white, he could write his own price." He was the player-manager of the 1930 Homestead Grays before moving across Pittsburgh to join the then-dominant Crawfords. He was considered one of the top black managers and later scouted for the Athletics, Braves and Phillies. Inducted into the Baseball Hall of Fame in 1975.

Walter (Buck) Leonard (1907-): He didn't play pro ball until he was 25, but played until he was 48. He and Gibson were the foundation of the Homestead Grays, who won nine consecutive Negro League titles from 1937-45, and were black baseball's most feared right-left combination. A 12-time all-star, he had a .336, career average and led the Negro Leagues in homers and

batting in 1939. Inducted into the Baseball Hall of Fame in 1972.

John Henry (Pop) Lloyd (1884-1965): Considered the top black shortstop of his era, he led the Negro League in batting, home runs and stolen bases in 1928—at age 44. He had a .342 career batting average that was overshadowed by his superb defensive play. He retired from the Negro League in 1932, at 48, only to play 10 more seasons of sandlot ball in Atlantic City. Inducted into the Baseball Hall of Fame in 1976.

Leroy (Satchel) Paige (1906-82): Perhaps the greatest pitcher of any era. He began his professional career in 1924 and ended it in 1967, playing before 10 million fans and winning an estimated 2,000 games in the Negro and Caribbean leagues, on barnstorming tours and exhibitions. He threw 55 no-hitters, sometimes after calling his outfielders off the field. The 6-3 right-hander's legendary "bee ball" fastball and hesitation pitches are part of baseball's lore. He didn't make it to the majors until 1948, when he was 42, but he pitched a shutout in his first start and his 6-1 record helped the Cleveland Indians to the World Series. His first six starts drew more than 200,000 fans. He pitched three shutout innings for the Kansas City Athletics in a 1965 start—at age 59. Inducted into the Baseball Hall of Fame in 1971.

(Smokey) Joe Williams (1886-1946): Considered the hardest throwing pitcher of his era, the 6-5 Williams—half-black and half-Indian—had amazing control. He didn't join the Homestead Grays until he was 39, but lost only five games in six seasons. He was 22-7-1 in 30 games against white all-star teams and was 8-2-1 against pitchers elected to the Hall of Fame. He was black baseball's top draw until the emergence of Paige.

RACISM SHORTCHANGES AFFLUENT BLACKS

(By Lee May)

WASHINGTON.—Once, the positions they hold and the success they enjoy were virtually impossible for black Americans to achieve. A wall of racism stood in the way.

But the civil rights movement of the 1960s helped clear the way. Then, their own ambition, skill and hard work did the rest.

Now—as politicians, educators, lawyers, doctors—they can enjoy the fruits of their achievement. And yet . . . .

Sometimes lingering manifestations of prejudice still get in the way.

Atlanta Mayor Andrew Young remembers coming out of the Waldorf-Astoria Hotel in New York when he was U.S. ambassador to the United Nations. "Just because I was black, some guy wanted me to park his car," he said. ". . . I took the keys, and said: "Welcome to the Waldorf. I turned, and the guys who park the cars were elderly white gentlemen in uniform."

Bev Smith, who is the host of a radio talk show in Washington, remembers when she moved into a condominium complex.

"I was cleaning up and unpacking boxes and this lady who had a very thick accent knocked on the door and said: "Dahling, is the lady home?" It stunned me."

Smith said that later, when her daughter came home from college on a visit and went to the pool, "the lady walked up, knocked on the door and said: 'Girlie—for some reason she never asked my name—'you know, we don't allow the help to swim.' I said, 'That's a marvelous rule. I live here; I'm the lady of the house.' She went all red.

"She said: 'You're the lady of the house? You didn't tell me that.' I said: 'You didn't ask. . . . You didn't even ask me my name."

For the most part, the racism that was once exemplified by segregated lunch counters, water fountains and schools has been trampled under by civil rights marches and eliminated by federal laws. But, in many ways, the struggle against more subtle racism is the toughest to win.

Some call it New Racism or Racism of the '80s. James Gibson, director of the Rockefeller Foundation's national programs on equal opportunity, says this kind of bias is "an incubator of prejudicial attitudes and stereotypes," which "maintains social and cultural isolation."

Such racism is particularly obvious to economically successful blacks who otherwise seem to have gained acceptance in society.

Says Dr. Lillian Beard, a Washington pediatrician: "As a physician, I find in serving on boards and committees with my white colleagues, the assumption is that my patient load must be the urban poor. They will look to me to say: 'Well, that must be a real problem in *your* patient population' . . . They're usually amazed, because among my patient families are people in the diplomatic corps, congressional people and a number of professional people."

Ronald Kirk, assistant city attorney in Dallas and that city's federal lobbyist, says he meets subtle racism when shopping:

"There are lots of upscale men's shops I just won't frequent. You see white guys walk in and somebody greets them at the door, asking: 'Would you like a beer? How about a Coca-Cola?' And I could walk in, and I would think: 'God, (what would I have to do) before somebody decided they were going to wait on me.'

"Within the last year I was thinking of trading my BMW, so I went to a BMW dealer. I felt like if I shot myself in the head these people would probably hand me a mop and ask me to clean it up before somebody would come out and presume that this black guy was interested in buying a BMW or Porsche."

Ronald Walters, political science professor at Howard University, acknowledges that black "antennae" are especially sensitive to slights that white people may not notice. But whites do not have to worry about being racially discriminated against, he says, adding that repeated incidents have given blacks "empirical confirmation that you ain't crazy."

Successful blacks often face a terrible conflict, says Charles King, who, as director of the Urban Crisis Center in Atlanta conducts seminars to help businesses, schools and government agencies deal with racial problems in their organizations.

On the one hand, he says, they "are looking for something negative to happen every day," but on the other, they "always have to pretend that things are OK. It's like being a chameleon. You have to change colors, adopt a culture."

Says Beard: "Regardless of how you're dressed or what your general appearance is or how you speak or what degrees or letters may be behind your name, when you walk through any door you will always be described as the black whatever it is."

Mr. WEISS. Mr. Speaker, it is with great pleasure that I join today in the commemoration of Black History Month. I would like to thank my colleague, Mr. STOKES, for once again organizing a special order, giving us the opportunity to come together and share with each other our thoughts and hopes during this very special celebration.

Sixty-two years ago, Dr. Carter Woodson, a renowned historian, realized that an enormously important part of American history—black American history—was being ignored, even undermined, by historians and the public at large. Whether by the distortion that comes from naivety, outright racism, or simply lack of information, our country's history books had not included the outstanding contributions that blacks have made in building our Nation. To address this problem, Dr. Woodson proposed that a week be set aside, from Lincoln's Birthday to Frederick Douglas' birthday in February, to call attention to the vital role that blacks have played in American history.

History is not simply what happened, but what is remembered. This is why it is so important for us to not only remember Christopher Columbus and his ships, the *Nina, Pinta,* and *Santa Maria,* but the fact that the captain of the *Nina* was a black man. It is important for us to recall not just Robert Peary, who set out to find the North Pole, but Matthew Henson, the black man who found it before him.

Just as we appreciate researchers like Jonas Salk, we must honor scientific pioneers like Daniel Hale Williams, the black doctor in Cook County Hospital who performed the first open-heart surgery in 1893, Charles Drew, the black man from Washington DC, whose research on plasma and blood transfusions has saved millions of lives, and Percy Lavon Julian, who was the first scientist to synthesize cortisone.

This month is also a time to reflect on the pivotal role that black Americans assumed in the struggle for freedom and democracy in this country—to recall that Crispus Attucks was the first patriot to die for freedom at the Boston Massacre, and that two blacks were with Washington when he crossed the Delaware. It is a time to reflect on the bravery of Sojourner Truth and Harriet Tubman, who risked their lives to transport slaves to the North where a black person could be free.

We should also remember the landmark deed of a black woman, Rosa Parks, who stood up to the withering heat of discrimination by refusing to give up her seat on a bus to another person simply because she was black and the other person was white. Her dignity, courage, and determination helped launch the civil rights movement that shook America in the 1950's and 1960's and that continues to serve this country in many ways.

As we look back on the accomplishments and contributions of black Americans, we must remain vigilantly aware of this Nation's horrible legacy of racial prejudice. This month's election of former Ku Klux Klan leader David Duke to the Louisiana State legislature is a clear reminder that racial discrimination has not yet been eradicated in this country, despite the claims of some that prejudice no longer exists.

History, once forgotten, tends to repeat itself. In my home city of New York alone, there have been over 350 incidents of racially motivated crimes committed against blacks in the past 2 years. Last March, for example, a black Coney Island supermarket clerk was beaten and stabbed by four white men while riding home on his bicycle. In June, a black

man walking alone on Staten Island was beaten with bats and sticks by six white men. It is tragic that more than 20 years after the assassination of Dr. Martin Luther King, hundreds of persons a year are assaulted, even killed, just because their skin is black.

Increased community attention, as well as newly instigated bias-response plans in States such as New York, which investigate and report on the impact of prejudice in a range of areas including education, criminal justice, legislation, and housing, are important steps in fighting racial discrimination. Yet we must press further. A shocking 70 percent of all bias-related crimes against blacks are committed by youths of 19 years or younger. If we are to put an end to racial bigotry, we must ensure that the younger generations are well versed in the horrible ramifications of discrimination, both past and present, and the stories of those who challenged and rose above this obstacle.

Once again, I would like to thank Representative STOKES for taking this time to commemorate Black History Month. By celebrating black history, our Nation is both acknowledging the omissions of the past, and enriching our national heritage with the brilliance, dignity, and unshakeable commitment to the freedom of black America.

Mr. POSHARD. Mr. Speaker, I want to thank the gentleman for this opportunity to recognize Black History Month. As a former history teacher I'm acutely aware of the numerous contributions made by black Americans throughout this Nation's history. I'm also aware of the need to make those contributions more well known and this is one way of doing that.

My district in the most southern part of Illinois experienced the struggle for civil rights like others did during the sixties and early seventies. That effort of course continues today. One the prominent organizations helping make changes take place is the National Association for the Advancement of Colored People, and I would like to thank the Carbondale Chapter, which serves my entire district, for its efforts.

Right alongside the more well known names in black history, Rosa Parks, Dr. Martin Luther King, Jr., Jackie Robinson, are hundreds of less well-known names, perhaps more quiet in their diligence, perhaps simply less recognized for their contributions, great and small. In my area we can boast of three men from one town, Centralia, who've made their mark for their contributions and accomplishments.

I'm speaking of Donald McHenry, U.N. Ambassador in the Carter administration, William Norwood, the first black pilot of United Airlines who graduated from SIU and now serves on its board of trustees, and Roland Burris, another Centralia native and SIU graduate who as comptroller for the State of Illinois was the first black elected to statewide office in Illinois.

These are just a few of the people from my district who've helped make a difference, and there are many more on the way. Not long ago the Carbondale NAACP announced its Image Awards, for contributions to the black community. Dr. Nathaniel Felder, the director of planning for computing at SIU, is also local president of the NAACP. Dr. Felder tells me the association found itself in the position of pointing out areas where lack of effort and inattention were obvious, almost at the cost of forgetting to recognize those in the community making positive contributions. Out of this recognition sprang the Image Awards. If I might, I woud like to make the record for some of those recognized.

The top Image Award went to Dr. John Guyon, president of Southern Illinois University-Carbondale. Dr. Guyon was honored for his courage and integrity, exemplified by his decision to place a number of black professionals in important positions on campus, including vice president for academic affairs, vice president for student affairs, budget director, and a special position of assistant to the president for affirmative action. These are high-profile and demanding jobs within the university, the NAACP thought that should not go unrecognized.

Numerous awards also went to southern Illinois community members who are following the examples of black leaders we're honoring now and who are setting examples for others to follow and learn about in the years to come.

The Public Service Award went to the No. 9 Community Development Corporation. No. 9 is an old mining camp which it would seem progress has left in its wake. The leaders in No. 9 are actively working to bring sewer and water lines to the community, fighting for primary services so many of us take for granted. Their example is local, yet still historic.

Mr. Gajeef McNeil was honored for his efforts in the area of social service. Mr. McNeil helped organize and direct a number of community programs for the people of Carbondale.

Dr. Seymour Bryson was the Image Award winner for education. Dr. Bryson is the first black dean at SIU, and in that capacity he's made it possible for large numbers of minority students to attend college by admitting them to his college and assisting with financial support.

He also helped sponsor the Chico Vaughn basketball camp, which I'll talk more about in a moment.

In the area of religion, Rev. Dan Cross was recognized for his efforts at bringing a church to the community of Colp. Reverend Cross teaches at the high school in Carbondale, coaches basketball, and still finds time to start a church in an area where hope is often a scarce resource.

The Image Award for art went to Ms. Shirlene Holmes, who developed poems, literature, and artistic works for young people in the black community.

For business, the Image Award was given to Ms. Jean Dorsett-Robinson, president of Quality of Life Services, for her work in the local business community providing health services for the homebound.

In medicine, the NAACP's Image Award recipient was Dr. Wrophas Meeks, the only black radiologist in the area, and an active supporter of numerous community projects, including being president of the High School Booster Club.

In athletics, Stephen Bardo was honored for his contributions on and off the basketball court. Stephen, one of the finest athletes ever from my area, is a starting guard on the University of Illinois Basketball Team, which has been rated in the Top 20 all year long. Stephen is a young man able to negotiate the rigors of basketball and academics at one of the Nation's most prestigious schools, and he always comes back home to spend time with impressionable youngsters who find a reliable role model in his life.

Honorable mention in this category went to Chico Vaughn. Mr. Vaughn, a recordsetting high school player and the all-time leading scorer at SIU, recently returned to the university to finish his degree in physical education. For that, the NAACP wanted to recognize him, for his determination to overcome some of the obstacles placed in his way and persevere is certainly something worth emulating.

I would hope as we remember the great and prominent names, Justice Thurgood Marshall, James Meredith, James Baldwin, and Shirley Chisolm, that we would also remember our local heroes and heroines, who are side by side with those more prominent names in shaping our Nation's direction.

Every Member has residents of his or her district who fit this example. I'm proud to say I have many. I hope our efforts help us develop hundreds and thousands more.

Mr. FASCELL. Mr. Speaker, I would like to join our colleagues in the celebration of Black History Month. Every February, America reflects upon the achievements of its black citizens and, each year, during this month we see how our Nation's character has become richer and better. When I entered the U.S. House of Representatives in 1955, few would have envisioned that a black man could run for President or serve on the Supreme Court. These are milestones which are a tribute to where we are in the journey to Dr. King's "promised land." However, we must remember how far we still must go.

America has made great strides toward racial equality during the 20th century, but we must continue to make them. Eighty years ago, a group of 60 black and white Americans founded the National Association for the Advancement of Colored People. In the years following the founding of the NAACP, America endured the Great Depression, saw its emergence as a world power, and witnessed the civil rights struggles of the 1950's and 1960's. From the southern fields to the northern factories, day in and day out, blacks gave their sweat, tears, and sometimes their lives to advance themselves and improve their lives. Yet, during this time, the richness of the flourishing black culture went largely unnoticed by a majority of Americans. In a sense, this is what Black History Month is about; we reflect upon the black community's contributions to our national history and heritage, and look ahead to the day when we reach the end of the long journey against racial injustice and intolerance.

As the NAACP and other organizations fought for equality, Americans' eyes were opened to the scourge of racism. The sacrifices made by millions of Americans, both black and white, to end segregation in the United States were unprecedented. While we do not know all of their names, we must never forget these brave men and women who fought for

what was right. America needs to remember this chapter of its history, both for the courage of those working for justice, and for the ugliness of those working against it.

Mr. Speaker, as we come to the end of another decade, and approach the last decade of this century, let us recommit ourselves to breaking the barriers to equality which still exist. While change can be slow, we must remember that the principle of our Nation—liberty, equality, and freedom—must be the vehicle that carries us to the "promised land." During the 28 days of February, let all Americans, in their own way, reflect upon what contributions they can make to shorten that journey.

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleague from Ohio, Mr. STOKES, for calling this special order on Black History Month. This year's theme, "the role of Afro-American churches in economic, political, and social development at home and abroad," is particularly relevant to my district because the church has been the leader in so many of San Francisco's community efforts. I am proud to take part in this special order, and I appreciate the opportunity to give public recognition to the significance and creativity of the Afro-American Church in our society.

Reverend Cecil Williams of Glide Memorial Church has made significant contributions in assisting the homeless, and in aiding San Francisco's war on drugs. Glide now feeds on the average of 2,000 to 3,000 people a day. The church offers 3 meals a day, 7 days a week to the city's homeless and impoverished.

Glide also offers weekly self help groups for crack users, which provide both professional and peer counseling. In fact, Reverend Williams is currently in the process of organizing a national conference on crack in the black family which will be held in San Francisco later this spring. I applaud Reverend Williams for his dedication to pursuing solutions to the problems that face our city and Nation.

St. Paul of the Shipwreck, in the Hunter's Point/Bayview section of San Francisco, is fortunate to have Father Jim Goode as its pastor. Last summer Father Goode organized a series of community forums to help find solutions to the problems that plague the Hunter's Point community. Among the most successful was the economic development forum which taught members of the community how to start and manage their own small businesses. Another conference was centered on the black child, and focused on black males and their children. Through these types of programs, which are designed to encourage and inspire, Father Goode strives to promote self-esteem among his congregation.

In 1852, the Third Baptist Church was founded in the city of San Francisco. Since that time the church has been active in two issues of importance to the city; refugee resettlement and supplemental and tutorial services for inner city youth. Reverend Amos Brown has coordinated a detailed and comprehensive program designed to equip new immigrants to San Francisco with the necessary skills to become productive and self-sufficient. His program includes temporary housing, job training, and job placement services. More than 300 refugees from all over the world received assistance through the reverend's program last year. I think it is important to note that Third Baptist is reaching out to many other ethnic minorities, thereby enriching the entire community.

Reverend Brown also runs an after school enrichment program not only to help the children of his congregation with their schoolwork, but also to give them the cultural opportunities that many of them lack. Through their involvement with the Charles Tindley Academy, many of the children of Third Baptist have achieved success in musical pursuits and have been exposed to a new world.

I am proud to represent an area where such creativity and innovation abound. I am convinced that with the help of many of these Afro-American churches, we will find solutions to the many problems that face us today. I look forward to continuing my work with the Congressional Black Caucus to ensure that issues like homelessness, education, and drugs are addressed with effective community based solutions.

I am encouraged by the activity of Afro-American churches in my district and throughout this country. I commend the creativitiy and achievement of Reverend Brown, Father Goode, and Reverend Williams and the other churches in San Francisco for the important services they are providing to our community.

Again, I thank the gentleman from Ohio, Mr. STOKES, for organizing this important special order. Thank you.

Mr. ERDREICH. Mr. Speaker, I would like to take a few moments to acknowledge and commend the many outstanding contributions of black Americans, both to the State of Alabama and the Nation, during this year's observance of Black History Month.

The celebration of the birthday of the Reverend Dr. Martin Luther King, Jr. just last month reminded us of his efforts to stir the conscience of our Nation. Our remembrance of his vision of a better future for all Americans brought back memories of our tumultuous past, progressive present, and promising future.

Of course, there are many others who deserve our acknowledgement and remembrance, who, in their own way, were just as assiduous in their efforts to assure that black Americans are afforded all the rights and privileges guaranteed all citizens of these United States in the Constitution. Their combined determination opened American society to all, providing the opportunity to excel in all professions and fields. Because of that, all of us in this Nation have benefited. It is those who paved the path, as well as those who walk it, whom we honor during this very special month.

Birmingham, AL, which I represent in the House, was a focal point of the civil rights struggle, and we in Birmingham are keenly aware of the importance of access to political and economic opportunity for all citizens. The people of Birmingham have made a concerted effort to overcome the images of the past, applying its lessons and messages to creatively serve present and future needs.

From our Nation's earliest history to today, there is no facet of our society that has not enjoyed the contributions of and leadership from black Americans. Their successes span across education, sports, science, industry, music, literature, and the arts. This includes people like Mary McLeod Bethune, noted educational leader who became the first black woman to receive a major appointment in the Federal Government; Jesse Owens, world-class athlete and U.S. Olympian; Shirley Chisholm, the first black woman elected to Congress; Dr. Charles Drew, who developed the first blood plasma bank; Dr. Daniel Hale Williams, who performed the first successful open heart surgery; and Percy Lavon Julian, who was the first scientist to synthesize cortisone.

They include Sidney Poitier, first black to win an Academy Award for best actor; Ralph Bunch, U.N. Ambassador and first black to win the Nobel Peace Prize; Gwendolyn Brooks, first black to win a Pulitzer; Edward W. Brooke, the only black U.S. Senator since Reconstruction; Jan Metzeliger, inventor of the first automated shoemaking machine; and Colin Powell, first black to head the National Security Council.

Many do not know that the term "the real McCoy" refers to the numerous creations of inventor Elijah McCoy, or that Garrett A. Morgan, who was black, invented the electric traffic signal and gas mask.

I find it most appropriate that the national Black History Month theme for 1989 is "The Role of Afro-American churches in Economic, Political, and Social Development at Home and abroad," for it is from this particular institution that the groundswell of support for broad and far reaching change in our Nation found its origin.

As we observe this year's Black History Month, let us commit ourselves to continuing to work for policies in this country that provide all citizens with the chance to share in the opportunity for economic prosperity our Nation offers, and give Dr. King's dream a continuing reality for tomorrow and all the tomorrows to come.

Mr. McMILLEN of Maryland. Mr. Speaker, it is my pleasure to acknowledge Black History Month and the many people who devoted their lives to make our country great. One such notable person that contributed greatly to our communities is the late Alfred Osborne.

Mr. Osborne was born in Charleston, SC on October 6, 1932 to the late Lucille Ross and Albert Osborne. He received his public education in Charleston and much later in life, returned to school In 1984, he received a degree in business management from Prince George's Community College.

Mr. Osborne joined the U.S. Air Force in May 1950. His honorable career included duty within the war zones of both the Korean and Vietnam conflicts, for which he was awarded several decorations. He accepted an early retirement from the Air Force in 1964, due to service-connected disabilities. Through his participation with several national military service organizations, such as the Disabled American Veterans [DAV], he was instrumental in serving his fellow veterans.

In addition, Mr. Obsorne was extremely active in civic and political affairs. One of his major accomplishments, of which he was most proud, was the developoment of "Say Nope to Dope," a community-based organization established in Prince George's County,

MD, to combat substance abuse. In addition he was elected to the Prince George's County Democratic Central Committee in 1986. He also served with distinction with the American Federation of Government Employees.

Through his hard work and devotion to young people, Mr. Osborne served his community well, As a member of Ebenezer African Methodist Episcopal Church in Fort Washington, Mr. Obsorne was an active member in the Community Involvement Ministries. Mr. Osborne departed this life on October 23, 1988. He will be missed, but his legacy will go on.

I am pleased to acknowledge the late Mr. Alfred Osborne for his outstanding contribution in honor of Black History Month.

Mr. FROST. Mr. Speaker, I welcome the opportunity to remark on Black History Month and on the progress of civil rights in our Nation. Victories have been won since the enactment of the 1964 Civil Rights Act. The most recent examples of progress made are the very credible campaign for the Democratic Presidential nomination that Jesse Jackson waged last year and the election of Ron Brown as chairman of the Democratic National Committee. Achievements within the political arena also include the victories won by individuals within both political parties, by my colleagues in Congress and by individuals in State legislatures across the country. Victories won inside the executive arena include the election of Bill White as National League president; he is the first black American to serve as president of a major professional sports league. Clearly, black Americans are attaining positions of leadership in areas that have traditionally been off limits to them.

Yet despite these accomplishments, ample evidence suggests that the struggle for equality and justice is far from over. Disturbingly, some evidence suggests that the struggle has only begun.

During the Reagan era, efforts were made to turn back the clock on many of the civil rights gains already won. The former President vetoed the reauthorization of two major civil rights bills intended to enhance and improve the freedoms of all Americans—the Voting Rights Act and the Civil Rights Restoration Act. In addition, the Reagan adminstration appointed fewer black and Hispanic judges in its 8 years then the previous administration did in 4. And, in an effort to win the White House, the Bush campaign created and relied on a racially charged issue—the Willie Horton issue—to attract voters.

But Mr. Speaker, perhaps most disturbing is the recent election of David Duke, a former Ku Klux Klan Grand Wizard, as Republican State representative of the 81st District in Louisiana. The fact that a man who has devoted his entire adult life to promoting the subordination of black Americans is a shocking reminder that the struggle to end racial discrimination continues.

Now more than ever, our Nation must remain committed to eliminating racial discrimination and to promoting equality and opportunity for all. While there is reason to look back with pride, we must also move forward with hope and courage.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to join my colleagues in reflecting on the role of the Afro-American church in our society. I thank Congressman STOKES and Congressman DELLUMS for organizing this special order in recognition of Black History Month.

One of this Nation's greatest leaders, Dr. Martin Luther King, Jr., was a Baptist minister. His leadership through the church is just one example of how the Afro-American church—as an institution and as a base for social change—has affected all of our lives. Today Dr. King is nationally recognized for his role in motivating and organizing thousands of Americans to fight for civil rights and an end to discrimination.

That fight, however, must continue. Discrimination and racism still persist in our Nation and require us to be ever vigilant. This is just one of the roles church leaders have taken. In Long Island, NY, there are over 50 Afro-American churches. For the record, I would like to submit the statements on their role in Long Island. The following statement is written by the Reverend Dr. Ralph Jefferson, minister of the Jefferson Temple, Church of God in Christ, located in Bellport, NY. The Reverend Jefferson has been involved in ministry for 25 years on Long Island.

JEFFERSON TEMPLE, CHURCH OF GOD IN CHRIST

"The Role of Afro-American Churches in Economic, Political, and Social Development at Home and Abroad."

From pre and post slavery, the Black church has always been pre-eminent, and probably always will be. For many Blacks the church is a meeting place; it's a place of unity and strength. In the church the feeling of ambiguity vanishes and he feels no longer inadequate; because in his or her church he feels wanted, useful and needed. Number one, he is a minority but in his church he is a majority.

The basic role of the Afro-American church in Economics. Most all Afro-American churches are out of the red. This is one of the few places that Afro-American pool their money. The parishioner in the black church loves his church. Many black churches own property, housing developments and business projects. Many of these monies are put in a black owned bank called the Carver Bank of New York. Some are put into the money market. From this the church pays the ministers, secretary and custodian. I would say that the average black church is well off in term of finance. The church is his panacea. He will give his last to let his fellow brother know that he has contributed to the offering to help the cash flow cause.

The political stand point of view. The political system runs our country; sometime dirty and sometime clean cut politics. Rev. Dr. Martin Luther King used the church to unite the black man. Every black pastor has the potential to become a great leader. What we as black clergy say to our congregation concering voting; our voice is generally the voice of their opinion. We have come to realize that we must be a solid block in voting because it's not only a given right and a privilege but also a must. If we want action in our communities, we must vote. The church is the best organizer. Dr. King led his last march in Memphis, Tennessee. The Rally took place at the Church of God in Christ at Mason Temple, world headquarters for all churches of God in Christ. Not only must we vote but we must try to vote every qualified black person in office to help represent our districts. I, Rev. Ralph Jefferson was the first black to run for public office in the village of Southampton, Long Island, NY before and after reconstruction. I lost by less than twelve votes. Being a clergyman, I was well recognized by both races.

The social development at home and abroad. In the black church the ties are very close; the proximity runs from heart to heart and breast to breast: because he feels that he is with his peers and bonded together by common ground. It's at church that he learns to sit together, sing together, pray together, work together, and socialize together for the same cause. From this we send black missionaries all over the world. This is done through the church. Religion shapes personality, molds conducts and motivates the human will.

Through the black church the stigma has been expurgated. In my conclusion, in every black community the church is basic. Without a black church in his community, he would be inadequate.

In addition, Mr. Speaker, I would like to submit the following statement by Suffolk County (New York) Executive Patrick G. Halpin on the role of Afro-American churches on Long Island:

STATEMENT OF SUFFOLK COUNTY EXECUTIVE PATRICK G. HALPIN, THE ROLE OF BLACK COMMUNITY CHURCHES

Suffolk County's extensive communal mosaic is highlighted by our local black community churches.

In Suffolk County, we are fortunate to have over 50 African-American churches, some of which have been in our community for over 200 years. Their local influence is extensive, as it is similar to the positive influence that all black community churches have had throughout America.

Indeed Suffolk's black community churches have made an indelible contribution to the quality of life for all.

As the primary educator on all issues of concern to the family and community, from the dangers of drug abuse, AIDS and teenage pregnancy to the promise of education, job training and voter participation, they are vital institutions in the African-American community. They serve as a beacon of righteousness, stability and hope to a community that too often is the first to feel our national problems and to experience them at a heightened level of despair.

In Suffolk County, as elsewhere, churches are on the frontline of our efforts to eliminate poverty and provide a safe and healthy environment for our children to grow up in. Black churches on Long Island can be found everyday providing meals and shelter to our indigent, child care and family counseling to our young families, security and vitality to our elderly and a strong sense of community to all of us.

Black community churches made an indelible imprint and significant contribution to the quality of life in Suffolk County. Because the black church has historically been a place owned by the African-American community, it has always been a sanctuary from discrimination; a place where everyone is equal. Thus, it is no surprise that the equality nurtured in the church has inspired action. And it is appropriate that it is within the black church that communities organize to fight for their civil rights and their community's empowerment.

Ultimately, because of its emphasis on equality, kindness and idealism, the black

community church provides sanctuary to us all.

Mr. MARTINEZ. Mr. Speaker, the history of blacks in the United States is a powerful history, and one which must never be forgotten. The celebration of Black History Month is a way of recognizing, and reminding the United States and the world of the achievements of African Americans, and their many triumphs throughout history.

At the height of the civil rights movement, black leaders such as Martin Luther King, Jr., Adam Clayton Powell, and Jesse Jackson, utilized their capacity as religious leaders to organize the political base necessary to question discriminatory policy. With this new, tightly organized political backbone, black leaders in the United States were able to accomplish more during the decade of upheaval that occurred during the 1960's than ever before, thrusting today's African-American agenda for equal rights into mainstream politics. The African-American church, which had always served as a community focal point for blacks, had taken on the function of political organizing. In conjunction with the role played by the African-American church in the political spectrum, a new wave of black political figures have now been able to emerge forcefully to embrace the opportunities acquired during the civil rights struggle.

One principle achievement that black religious organizers gained from this turbulent period was the creation of expanded possibilities for bringing all aspects of the lives of Afro-Americans; political, social, and economic, up to a commensurate level enjoyed by the majority of American society. These same leaders have allowed the black community to work within and through the political system for change. This does not necessarily make change easier, but certainly increases the occasion for change to occur. I strongly believe that we are at the doorstep of the greatest changes that are to come for improving overall racial status in U.S. society. Every advance made for blacks is progress for all groups; ethnic, racial, religious, or any other distinction. I ask my colleagues to participate in the fulfillment of this obligation to modern society in the 101st Congress and beyond.

Perhaps the most important end the black leaders of the civil rights movement attained was the ability for social organizations, black and white, to work together to achieve the goals which were both necessary and ultimately forthcoming. At the time of Martin Luther King's death on April 4, 1968, he was planning a mass march on Washington which was to include blacks, Hispanic Americans, American Indians, and poor whites. Prior to, and at the height of the civil rights movement, the only possible approach for empowering the underprivileged segments of U.S. society was through these grassroots efforts, since these groups were held back from utilizing the mainstream political system.

Today we have the opportunity to carry on the dream of absolute equality, both de jure and de facto, by politically mainstreaming every segment of America's melting pot. This entails such measures as increasing voter participation by all citizens, and encouraging more public participation at the grassroots level. By doing so, all subdivisions of our society will have the ability to be fairly represented in order to bring about social and economic parity. However, this is an elusive dream, with many potential pitfalls. Only through the cooperation of Government leadership, and the citizens we serve will we ever achieve these aims.

We honor today Americans who have advanced these goals for the society of the United States through their courage and ingenuity. Leaders in their callings throughout U.S. history such as George Washington Carver, Ralph Waldo Ellison, Jesse Owens, Ralph Bunche, "Bojangles" Robinson, Louis Armstrong, Dr. Daniel Hale Williams, Dr. Charles Drew, and Martin Luther King, Jr., cleared a path for today's leaders in their fields such as Jesse Jackson, William Clay, Thurgood Marshall, Shirley Chisholm, Ron Brown, Dr. Jane Wright, Doug Williams, Jackie Joyner Kersey, Gregory Hines, and a multitude of others who set the pace and direction not just for black society, but for all society. These are all people who have distinguished themselves not by their race or the color of their skin, but by their achievements. Their excellence in their pursuits must never be ignored nor forgotten, and will serve as a model to future generations of Americans and to the world.

Mr. HAYES of Illinois. Mr. Speaker, I rise today to join my colleagues in the Congressional Black Caucus and other members of this body in commemoration of Black History Month—a time to celebrate the African-American heritage and to commemorate the legacies of our ancestors.

While we have traditionally set aside 1 month for this observance, I strongly feel that we should recognize and remember African-American history every day and not just during the month of February. Just imagine within the last several months the great strides African-American's have made in the political field alone.

We've just completed a year where the Rev. Jesse Jackson again assembled a positive and inspiring second bid for the Presidency and Ron Brown was elected to head one of our major political parties. Additionally, we have seen wider representation of African-Americans in State and local government and right here in Congress with the addition of Donald Payne of New Jersey. Indeed, we have made great strides and will make even greater strides in the months and years to come.

In sports we have seen such talented African-Americans as Florence Griffith-Joyner, Debbie Thomas, Kareem Abdul-Jabbar, Mike Tyson, Michael Jordan, Zina Garrison, to name a few, excel in their respective fields. While in the entertaiment field stars such as Bill Cosby, James Earl Jones, Danny Glover, Eddie Murphy and Oprah Winfrey, have impressed many. In the field of literature we have seen Alice Walker, Toni Morrison, Nikki Giovanni, and Alex Haley, eloquently express the history and experience of African-Americans.

I believe that it is most important that we always remember that African-Americans have contributed to the betterment of our Nation and that their acts do not stand solely independent of the accomplishments and good works of our society and culture as a whole.

Commemorating Black History Month is of great significance and it is crucial that we remember the achievements of our ancestors, and those of our more contemporary counterparts, as part of our American heritage. By remembering our past and recognizing the need for our contributions to the future, we will then, to quote one of our Nation's influential leaders, "keep hope alive."

Mr. PEPPER. Mr. Speaker, in observance of Black History Month I would like to honor Mary McLeod Bethune—educator, civil rights reformer, government official and religious leader. One of the most influential women in the United States for more than three decades, Bethune was able to provide numerous social, educational and economic opportunities for blacks. Her efforts showed people of all colors the importance of realizing "the dreams and the hopes and the problems of my long-suffering people."

Born in 1875, Bethune was the first of 17 children. Her parents, former slaves freed during the Civil War, struggled as farmers in the post-Reconstruction era to raise funds for the education of their oldest child. Bethune's schooling began at a small black mission school near Mayesville, SC, where she quickly mastered its offerings. With the help of various scholarships she was able to attend college and missionary school. Bethune went on to teach for several years during her early adulthood.

Possibly Bethune's greatest achievement came in 1904 when she gathered $1.50 in capital and enrolled six students to start her own school in Daytona, FL. Bethune opened the Daytona Normal and Industrial School for Negro Girls with hopes of providing a curriculum that would promote the "development of the mind, hands and heart." Bethune was forced from the start to work overtime to secure funds and supplies for her school. She collected boxes for benches, charcoals for pencils, and mashed elderberries for ink.

When recalling her efforts to buy land for a new campus in 1907, she wrote:

I learned that one of my most important jobs was to be a good beggar. I rang doorbells and tackled cold prospects without a lead . . . If a prospect refused to make a contribution I would say "thank you for your time." No matter how deep my hurt, I always smiled. I refused to be discouraged, for neither God nor man could use a discouraged soul.

Bethune's relentless efforts were rewarded as enrollment grew to more than 250 students within 2 years. Within 20 years the institute had expanded to eight buildings and a farm. In 1923 the school became the Bethune-Cookman College and the college conferred degrees in teacher education upon its first 4-year graduates in 1943.

Bethune's influence went far beyond her school as she also championed the need for broader educational, social, and political opportunities for blacks. Despite threats from the terrorist Ku Klux Klan, she led a successful black voter registration drive in 1920 for recently enfranchised women. That same year she founded and became president of a regional association which developed into the Southeastern Federation of Colored Women. Four years later her work culminated in the

presidency of National Association of Colored Women, an office regarded by many as the highest office to which a black woman could aspire. Under her leadership, NACW raised funds and purchased a building in Washington, DC, to serve as a permanent national headquarters.

Bethune began a second career with the Federal Government under the Roosevelt administration as a special adviser on minority affairs. By 1939 she had become the director of the Division of Negro Affairs in the National Youth Administration. Bethune ensured blacks were allowed equal participation in NYA programs. While not all of Bethune's efforts to ensure equality were successful, she was able to make numerous breakthroughs toward integrating minorities into Federal programs.

While in Washington, Bethune served as leader of the Federal Council on Negro Affairs, an informal organization group of black Federal officials. Popularly known as the black cabinet, the group sought to secure increased benefits for blacks from the Federal Government. As one of the few blacks to have access to the White House, Bethune was able to educate Eleanor Roosevelt on the problems facing black Americans and discuss black needs with President Franklin Roosevelt.

Bethune championed her democratic values until she died in 1955 from a heart attack. Her presence can still be seen today in numerous ways. A bronze statue commemorating her leadership stands in Lincoln Park, Washington, DC. Unveiled in 1974, it was the first statue in honor of any woman, and of any black, in a public park in our Nation's Capital. More important are those who continue Bethune's legacy of assisting fellow minorities by aspiring to greater levels of public service. Athalie Range, former Miami city commissioner and prominent black activist, is one of the many who uphold Bethune's tradition of pursuing equal opportunities for blacks.

The last stains of racism will be erased if people of all colors follow the examples of Mary McLeod Bethune. Then Black History Month can serve not as a reminder of the inequality woven throughout black history, but as a time to celebrate the rich heritage of a vital part of our culture.

Mr. MORRISON of Connecticut. Mr. Speaker, I am honored to join with my colleagues in recognizing Black History Month and honoring African-Americans who have fought for freedom and equality. I thank my good friend and colleague, LOUIS STOKES, for reserving this special order to commemorate Black History Month.

In Connecticut, many African-Americans have fought for their dream of freedom. Prudence Crandall became one of America's first black schoolteachers. She emphasized the importance of literacy among all people. Levi Jackson graduated from Hillhouse High School and became Yale's first black football captain in 1949. Later he would become an executive with General Motors. Ms. Crandall and Mr. Jackson's drive and desire to succeed helped them to become two of America's finest examples of success.

I would like to share with my colleagues a particularly important piece of New Haven history. The *Amistad* affair, which occurred in New Haven 150 years ago, signifies the determination of a group of African born men and women. Led by a man named Cinque, the Africans fought doggedly for their freedom and for their return to Africa. The following statement appeared in a New Haven Register editorial earlier this year:

One hundred and fifty years ago this year, there began in New Haven a strange and heart-wrenching drama that eventually led to one of the most important civil rights decisions in the Nations history. That drama came to be known as the *Amistad* affair, and it was all about slavery and freedom and men and women of good will extending helping hands to their brothers and sisters.

Briefly stated, in the summer of 1839 a ship named the *Amistad*—a word that, ironically means friendship—brought a cargo of slaves from Africa to America. En route the slaves seized control of the ship and unsuccessfully attempted to sail back to Africa.

Spotted off the coast of Long Island by a U.S. revenue cutter, the *Amistad* was taken to New London where the Africans were arrested on the word of the *Amistad's* Spanish crewman who claimed the Africans were their property and should be returned to him along with the ship.

The slaves were interned in New Haven and their cause was taken up by a number of citizens and fought through the courts until finally, in March 1841, the U.S. Supreme Court upheld a lower court ruling that they were free men and women illegally detained and were, therefore, at liberty to return to their homes in Africa.

Throughout the long months of their captivity in an alien land, the *Amistad* captives conducted themselves with great dignity and with the same gritty determination to secure their freedom in the courts that they had shown in seizing the *Amistad* from the slave traders in the first place. Their leader, Cinque, speaking in halting English that he learned while in captivity, explained what the Africans wanted in the simple phrase: "Give us free."

Though separated in time by more than a century, Martin Luther King Jr. and the *Amistad* captives—and those New Haveners who rallied to their cause—shared an unquenchable thirst for liberty and an unwavering belief in the dignity of all men and women. And those themes remain as vital for our city and our nation and as difficult to obtain and sustain today as they were then.

The *Amistad* affair captures the spirit of many African-Americans today. Their perseverance, their dignity, and their determination is similar to that of the men and women of the *Amistad*. The African captives on the *Amistad* had as their objective to seize control of their destiny, which was the simple desire to steer their own destiny.

This year, New Haven is celebrating Black History Month with exhibits, movies, receptions, and numerous other events to commemorate Black History Month. The Yale University Art Gallery is presenting a film series entitled, "Black Music at the Movies." The films being shown include "The Wiz" and film footage of pioneers such as Chuck Berry and Do Diddley. The African-American Historical Society is presenting a lecture and recital concert. Jack Johnson, American's first black heavyweight champion will be honored at the Afro-American Cultural Center.

Mr. Speaker, we gather here to honor those African-Americans who have helped to create the America we live in today. People like Prudence Crandall, Levi Jackson, and Cinque, who reached their dream of freedom and contributed to the history of America.

Mr. TOWNS. Mr. Speaker, this year's theme for National Black History Month is "The Role of African-American Churches in the Economic, Political, and Social Development of African-Americans at Home and Abroad."

The African-American church has been significant in the lives of black Americans since our first steps on this continent 400 years ago. It is appropriate, therefore, to recognize the contributions of the African-American church and its leaders on this occasion.

When we address the economic, political, and social development of black people in America, we must speak about the work of the black church and its leaders. In many ways, the greatest strides of Black Americans have come in concert with those made by the church. For example, the inspirational words of Martin Luther King often emanated from the pulpit at Ebenezer Baptist Church. While the strength of our former colleague, Adam Clayton Powell, was rooted in the congregation at Abbyssisian.

The African-American church and political progress for black Americans continue to go hand in hand. Several Members of this representative's House including, BILL GRAY, WALTER FAUNTROY, JOHN LEWIS, FLOYD FLAKE, and myself, had our first calling in the Lord's house. Malcolm X, Jesse Jackson, C.T. Vivian, and Ralph Abernathy are others whose words have moved an entire race, if not the world.

The black church in America not only transmits religious values and engages in charitable projects, but it is the focal point of bootstrap economics and self-help. Black entrepreneurship, in many ways, was born out of a church-led process promoting aggressive self-determination. Black insurance companies, banks, newspapers, and a host of smaller businesses owe much of their survival to the economic muscle of the church.

Father Divine and Bishop C.W. "Daddy" Grace were ministers who combined religion and economics in an attempt to absorb the black poor into their flocks. Grace and Divine operated businesses and provided hundreds of jobs for the unemployed. Father Divine's parishoners even grew food at farm co-ops, providing free meals for those who entered his church.

The leaders guiding our brothers and sisters overseas in the fight against aparthied South Africa, are also men of the cloth. Nobel laureate Bishop Tutu and Rev. Alan Boesak evoke memories of Dr. King's peaceful struggle against hostile and violent surroundings.

Today, the African-American community continues to draw on the strength of the church. In all, there are 65,000 churches with a membership in excess of 20 million people. The size and influence of African-American churches makes it clear that church leaders should and must continue to lead America's black families to the promised land.

Black churches must serve as the means by which African-Americans find spiritual

strength and understanding in our quest for justice and freedom. And our leaders must interpret issues and news events in light of their impact on black people to ensure that they can, and do, fully participate in economic, political, and social developments at home and abroad.

For missions accomplished, and to be accomplished, we acknowledge the contributions of the African-American church and its leaders duiring this February in 1989, known to all as Black History Month.

Mr. ANDERSON. Mr. Speaker, it is a pleasure for me to participate in the congressional observance of Black History Month. It is of special interest for me that this year's theme for the congressional observance deals with the spiritual aspect of the lives of black Americans. I believe that a tremendous example of that spiritual power as it relates to the economic and social growth of black Americans lives and works within my congressional district, California's 32d District.

A seemingly short time ago I had the pleasure of welcoming to my Washington office the Reverend Carl Fisher of the St. Frances Xavier Parish in Baltimore. Father Fisher had been selected by Pope John Paul II to be an auxiliary bishop of the Archdiocese of Los Angeles. Bishop-designate Fisher was to serve in the Greater San Pedro area as the bishop of that large area. I very much wanted to welcome him to the area he would serve as much of the area lies within my congressional district.

What a splendid day it was when the new member of the American Catholic hierarchy came to visit. Erudite and outgoing, the new bishop delighted all who met him. It immediately became evident to me that a powerful spiritual force had come into my district and I knew the opportunity would be a successful and promising one for the people whom this dynamic man would serve.

As we celebrate the observance of Black History Month, it is a distinct honor for me to tell this body that all that one might have hoped for Bishop Fisher has come to reality. He is a powerful and positive force within the area for all of the inhabitants he helps. In a relatively short time the bishop has become firmly established and is noted everywhere for the power of his message and the graciousness of his efforts. I salute Bishop Carl Fisher, and on behalf of my wife Lee, myself, and all of the people of California's 32d Congressional District, I wish him, "ad multos annos!"

Mr. DIXON. Mr. Speaker, I rise today to join my colleagues in this special order commemorating "the role of Afro-American churches in economic, political, and social development at home and abroad." As we bring to a close this year's Black History Month, I would like to focus on the accomplishments and contributions of the black church.

The black church has had a unique influence on our culture from slavery to modern times. In the South, the church became the institution that gave blacks a ray of hope of one day being free, and a vision of what freedom would mean. In the North, the black church was founded by free blacks who were striving for a better life.

Throughout our history, the black minister belonged to a unique breed. It was he who gave the slave hope and inspiration. It was he who eased the hard journey with comforting sentiment. It was he who created the setting in which spirituals were born. The preacher was among the first blacks who learned to read and write. He was not just a spiritual leader, but a teacher. When the time came for courageous action in the South, he assisted in the Underground Railroad, while his counterparts in the North became active in the abolitionist movement. Ministers like Bishop Richard Allen, the founder of the African Methodist Episcopal Church, were aggressive and astute businessmen.

During slavery, blacks developed their own means of communication through spirituals which provided the means to not only express their deepest emotions, but secretly communicate with one another. The scholar Alain Locke eloquently summarized the historic significance of spirituals when he said:

They have outlived the particular generation and the peculiar conditions which produced them; they have survived in turn the contempt of the slave owners, the conventionalizations of formal religion, the repressions of Puritanism, the corruptions of sentimental balladry, and the neglect and disdain of second-generation respectability. They have escaped the lapsing conditions and the fragile vehicle of folk art, and come firmly into the context of formal music.

Some spirituals served as "freedom songs," leading slaves to freedom, such as "Steal away home to Jesus, I ain't got long to stay here." They were born out of religious exaltations, and were the most genuine expressions of Christian mood and feeling in the modicum of religious music. These spirituals told a haunting, sorrowful story of suffering, disappointment, and yet hope of a better tomorrow.

Spirituals are now a rich and cherished classic art form which has been passed on from one generation to the next. The songs sung by gospel singers such as Thomas A. Dorsey, Willie May Ford Smith, Sally Martin, the O'Neil Twins, Mahalia Jackson, the Clara Ward Singers, James Cleveland, and Shirley Ceasar have kept the rich spirituals alive. And, even more contemporary rhythm and blues singers like Aretha Franklin have been influenced by this folk art.

For blacks, the church has always been more than just a place to worship. It formed the foundation of black economic empowerment, germinated the seeds of political power, and provided a base of black social life.

Black economic empowerment began with education. In the 18th century, education had long been viewed as the most promising avenue to acceptance, and as a means of achieving equality. Mutual benefit societies sponsored schools for freed blacks beginning in 1796. With the establishment of black churches, schools and educational programs begin to flourish. It was not unusual to find a school in the basement of the church's main sanctuary. For example, Alabama State College was founded in the basement of Dexter Avenue Baptist Church in Montgomery. By the 1900's, the Baptists were supporting some 80 schools and 18 academies and colleges. The A.M.E. church raised thousands of dollars and supported 22 institutions, including a college.

Black religious leaders were the motivating force that gave blacks the incentive to start businesses to help compete economically. When banks refused to allow blacks through the doors, churches established their own credit unions. Economic development was a serious priority, and the church encouraged the building of financial alternatives.

The black church has spearheaded programs throughout the community as well as abroad. Through community outreach programs, the church works actively to foster a Christian environment of sharing and concern. Churches have always helped to feed and cloth the hungry, provide youth and marital counseling services, and foster community awareness of the perils of drug abuse. In an ongoing assault against high attrition rates in the school, tutoring programs have been established and voter education promoted.

Churches are creating jobs, motivated in part by the alarming increase in homelessness and unemployment in the black community. Scholarship programs continue to encourage our youth to pursue higher education. Credit unions, insurance programs, housing projects, and day care centers are programs churches have created to improve the worsening social problems in this country.

The black church is the most important arena of political life in our communities. Ministers such as Rev. Alfred Charles Livingston Arbouin (founder of Dexter Baptist Church in Montgomery, AL), Rev. Vernon Johns (of Dexter), Rev. Mordecai Johnson, Howard Thurman, Rev. Raymond Henderson, Rev. Archie Williams (founder of Trinity Baptist Church in Los Angeles) and Rev. Jonathan L. Caston (Trinity Baptist), Rev. Martin Luther King, Sr. (Ebenezer Church in Atlanta) and Rev. Martin Luther King, Jr. (Dexter Baptist Church), and contemporaries like Thomas Kilgore (Second Baptish Church in Los Angeles), Elliot Mason (Trinity), Cecil L. Murray (First A.M.E. in Los Angeles), Dumas Harshaw (Trinity), Bishop H.H. Brookins and Bishop John Walker of Washington, DC, Archbishop Marino of Atlanta, Rev. Cecil Williams (Glide Memorial of San Francisco) and Bishop Barbara Harris (Suffragan Bishop of the Diocese of Massachusetts) will always be remembered for their contributions to the black community.

Today, there are many black ministers who have become influential political leaders, such as the Rev. Jesse L. Jackson, Presidential candidate in 1984 and 1988 and the Honorable Andrew Young, mayor of Atlanta, GA, and former Member of the House of Representatives and U.S. Ambassador to the United Nations.

Out of the 24 members of the Congressional Black Caucus 5 of them are ministers—WILLIAM GRAY of Pennsylvania, FLOYD FLAKE and ED TOWNS of New York, JOHN LEWIS of Atlanta, and WALTER FAUNTROY of the District of Columbia.

The black church provides political leverage on the national political arena as well. Both President George Bush and Governor Michael Dukakis visited black churches during the 1988 Presidential campaign to pledge their support for low- and moderate-income housing, urban mass transit, improved health care for seniors and better education for our youth.

I cannot forget the contributions that black churches have made in Los Angeles as well,

such as the oldest one: First A.M.E., founded in 1872; Second Baptist Church which is over 103 years old; and Trinity Baptist Church which recently celebrated its 70th year anniversary. In fact, in 1944, Rev. Caston of Trinity led a successful fight to break the restricted residential covenant which barred blacks from owning property in the Arlington District or westside of Los Angeles—an area which is now part of my congressional district. In a successful fight, he laid the foundation for Trinity on Jefferson Boulevard and Cimarron Street.

The church has played a significant role internationally as well. Whether in the back to Africa movement, establishing a colony in Liberia or bringing the independence struggles in Ghana or Zimbabwe in the 1960's to our shores, the church opened its doors. The church is no stranger to the battle against apartheid in South Africa, the liberation struggle by SWAPO in Namibia or the drought in the Sudan and Ethiopia. Nobel Peace Prize Laureate Bishop Desmond Tutu, Rev. Allan Boesak, and Oliver Tambo of the African National Congress have brought the message of the suffering in South Africa to Los Angeles through the churches, and missionaries in this country have contributed to the building of churches overseas. Black churches have raised thousands of dollars to send to developing countries in Africa and the Caribbean.

Mr. Speaker, the black church will continue to be the center for improving the political, economical, and social status of blacks in this country, and our churches will continue to be an important lifeline for blacks throughout the world. I am proud to join my colleagues in recognizing this notable institution that has played such a significant role in the history of this Nation.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMEMORATION OF THE 30TH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 60 minutes.

Mr. ROSE. Mr. Speaker, in today's Washington Post there is a very excellent editorial about our President's recent visit to China and his invitation of a leading dissident in China, Mr. Fang Lizhi, to a going-away barbecue at the Great Wall Sheraton Hotel which the President had before he left China on Sunday.

The Chinese government prohibited Mr. Fang from accepting that invitation, and the Post has written a very eloquent, excellent editorial commenting on that event and the place that the President holds as a leader of the free world in standing up to civil rights and human rights violations in China. I would like to read from that editorial. I will briefly read from different parts of it. However, at this point in the RECORD I am inserting the entire editorial.

The editorial follows:

MR. FANG'S INVITATION

Diplomatic harmony and good feelings are all very well, but China's leaders drew the line at President Bush's invitation to the dissident Fang Lizhi. Their refusal to allow Mr. Fang to go to the Americans' party in Beijing was a striking rebuff to their visitor, Mr. Bush. It seemed to us that Mr. Bush was much too mild and complaisant in response to it. He should have registered much more strongly and quickly his own displeasure. He should have politely raised hell.

As the incident illustrates, the extraordinary reforms in the Chinese economy are not being balanced by anything similar in the country's political system. The leadership seems to regard one kind of progress as the enemy of the other. The Communist Party's general secretary, Zhao Ziyang, had earlier gone out of his way to deflect Mr. Bush from any mention of human rights by saying that the dissidents were a threat to progress in economic decontrol and decentralization. On that point too we think Mr. Bush should have countered strongly.

In the aftermath of the party that Mr. Fang didn't attend, the Chinese government complained that the embarrassment was entirely the fault of the United States for having invited him without first consulting them. But of course there was more to it than procedure. The party was delivering a double message: to the Chinese people to stay in line and to the Americans to mind their own business.

But the Americans regard human rights as their business and should. Does it sometimes get in the way of commerce and other kinds of international business? No doubt, but that's a price that most Americans have consistently been willing to pay. While China is a country of great importance to the United States, the American concern for human rights is increasingly going to be a factor as the dealings between them expand.

After the party, as he was leaving China, Mr. Bush expressed his regret over the treatment of Mr. Fang to the vice premier who was seeing him off. The president, a spokesman said, prefers to talk about human rights cases in a low key and privately. There's something to be said for that approach in certain (but not all) situations, but only as long as it is not so low-keyed and private that it becomes invisible and only if it does not convey the signal that this country really doesn't care what the offending government does to its own protesters.

In fact, Mr. Fang had a point when he chided the United States for what he called its double standard in dealing far more gently with these issues in China than in the Soviet Union. It is true that Chinese practice has improved immeasurably since the atrocities of the Cultural Revolution. Not a hand was laid on Mr. Fang on Sunday. He was not whisked off by the cops. He remained at liberty to tell the world what had happened. But the Cultural Revolution is not exactly a sterling standard against which to measure progress, and Mr. Fang is living under an authority that remains monolithic. As long as that continues to be true, it will set clear limits on the relations between Mr. Fang's country and Mr. Bush's. The Chinese government leaders need to understand that.

Mr. Speaker, the portion I wish to read is as follows:

Diplomatic harmony and good feelings are all very well, but China's leaders drew the line at President Bush's invitation to the dissident Fang Lizhi. Their refusal to allow Mr. Fang to go to the Americans' party in Beijing was a striking rebuff to their visitor, Mr. Bush. It seemed to us that Mr. Bush was much too mild and complacent in response to it. He should have registered much more strongly and quickly his own displeasure. He should have politely raised hell.

Mr. Speaker, I am here today to talk about the Tibetan situation and the way in which the people of China, the Chinese Communist government, continues to treat the people in the remote region of Tibet, and I have today introduced, with the gentleman from New York [Mr. GILMAN] and the gentleman from New Hampshire [Mr. DOUGLAS], a concurrent resolution commemorating March 10, 1989, as the 30th anniversary of the Tibetan national uprising and expressing the concern of the Congress for the ongoing human rights abuses in Tibet. I include a copy of that resolution at this point in the RECORD.

The concurrent resolution follows:

H. CON. RES. 63

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) On March 10, 1959, the Chinese People's Liberation Army violently suppressed a national uprising against the Chinese occupation of Tibet.

(2) The ensuing repressive actions by the Chinese resulted in the deaths of more than one million Tibetans, the systematic destruction of Tibet's unique and cultural heritage and the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland.

(3) In 1959, 1961 and 1965 the United Nations passed resolutions condemning the Chinese for the denial of fundamental human rights and freedom in Tibet, including the right to self-determination for the Tibetan people.

(4) In 1960 the International Commission of Jurists published findings that charged the People's Republic of China with genocide in Tibet.

(5) Over the past thirty years, Tibetans have suffered under oppressive rule by the Chinese government.

(6) Recent reports issued by credible human rights organizations, including Asia Watch and Amnesty International, and international press confirm mounting allegations of gross human rights violations in Tibet, including arbitrary arrest and detention, the use of excessive force on peaceful demonstrators, religious persecution and torture.

(7) Tibetans continue to peacefully demonstrate against the oppressive Chinese rule and in support of the Dalai Lama's Five

Point Peace Proposal announced to Members of the United States Congress on September 21, 1987.

(8) The Dalai Lama's proposal focussed on the need for earnest and substantive negotiations on the future status of Tibet between representatives of the Tibetan people and China's leadership.

(9) Congress unanimously passed, and President Reagan signed into law, legislation calling on "the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialogue on the future of Tibet."

SEC. 2. EXPRESSION OF CONGRESSIONAL CONCERN FOR HUMAN RIGHTS IN TIBET AND SUPPORT FOR THE DALAI LAMA'S EFFORTS TO PEACEFULLY RESOLVE THE ABUSES IN TIBET.

The Congress—

(1) condemns the ongoing human rights abuses committed by the Chinese government in Tibet;

(2) supports the Dalai Lama's efforts to peacefully resolve the tragic situation in Tibet; and

(3) once again, calls upon the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialogue on the future of Tibet.

Mr. Speaker, in this resolution we find that on March 10, 1959, the Chinese People's Army violently suppressed the national uprising against Chinese occupation of Tibet, and that the ensuing repressive actions by the Chinese resulted in the deaths of more than 1 million Tibetans, the systematic destruction of Tibet's unique cultural heritage, and the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland.

In 1959, 1961, and 1965, the United Nations passed resolutions condemning the Chinese for the denial of fundamental human rights and freedoms in Tibet, including the right of self-determination for the Tibetan people.

In 1960 the International Commission of Jurists published findings that charged the People's Republic of China with genocide in Tibet. Recent reports issued by credible human-rights organizations including Asia Watch, Amnesty International, and International Press confirmed mounting allegations of gross human-rights violations in Tibet, including arbitrary arrests and detention, the use of excessive force on peaceful demonstrators, religious persecution, and torture.

Mr. Speaker, on September 21, 1987, His Holiness, the Dalai Lama came to the United States and actually held a hearing sponsored by the Human Rights Caucus in the House of Representatives in which he made a five-point peace proposal. That five-point peace proposal was expanded in a speech which His Holiness delivered to the European Parliament in Strasbourg, France. I am including those remarks in that proposal at this point in the RECORD.

The remarks follow:

REMARKS OF DALAI LAMA

We are living today in a very interdependent world. One nation's problems can no longer be solved by itself. Without a sense of universal responsibility our very survival is in danger. I have, therefore, always believed in the need for better understanding, closer co-operation and greater respect among the various nations of the world. The European Parliament is an inspiring example. Out of the chaos of war, those who were once enemies have, in a single generation, learned to co-exist and to co-operate. I am, therefore, particularly pleased and honoured to address this gathering at the European Parliament.

As you know, my own country—Tibet—is undergoing a very difficult period. The Tibetans—particularly those who live under Chinese occupation—yearn for freedom and justice and a self-determined future, so that they are able to fully preserve their unique identity and live in peace with their neighbours.

For over a thousand years we Tibetans have adhered to spiritual and environmental values in order to maintain the delicate balance of life across the high plateau on which we live. Inspired by the Buddha's message of non-violence and compassion and protected by our mountains, we sought to respect every form of life and to abandon war as an instrument of national policy.

Our history, dating back more than two thousand years, has been one of independence. At no time, since the founding of our nation in 127 B.C., have we Tibetans conceded our sovereignty to a foreign power. As with all nations; Tibet experienced periods in which our neigbours—Mongol, Manchu, Chinese, British and the Gorkhas of Nepal—sought to establish influence over us. These eras have been brief and the Tibetan people have never accepted them as constituting a loss of our national sovereignty. In fact, there have been occasions when Tibetan rulers conquered vast areas of China and other neighbouring states. This, however, does not mean that we Tibetans can lay claim to these territories.

In 1949, the People's Republic of China forcibly invaded Tibet. Since that time, Tibet has endured the darkest period in its history. More than a million of our people have died as a result of the occupation. Thousands of monasteries were reduced to ruins. A generation has grown up deprived of education, economic opportunity and a sense of its own national character. Though the current Chinese leadership has implemented certain reforms, it is also promoting a massive population transfer onto the Tibetan plateau. This policy has already reduced the six million Tibetans to a minority. Speaking for all Tibetans, I must sadly inform you, our tragedy continues.

I have always urged my people not to resort to violence in their efforts to redress their suffering. Yet I believe all people have the moral right to peacefully protest injustice. Unfortunately, the demonstrations in Tibet have been violently suppressed by the Chinese police and military. I will continue to counsel for non-violence, but unless China forsakes the brutal methods it employs, Tibetans cannot be responsible for a further deterioration in the situation.

Every Tibetan hopes and prays for the full restoration of our nation's independence. Thousands of our people have sacrificed their lives and our whole nation has suffered in this struggle. Even in recent months, Tibetans have bravely sacrificed their lives to achieve this precious goal. On the other hand, the Chinese totally fail to recognize the Tibetan people's aspirations and continue to pursue a policy of brutal suppression.

I have thought for a long time on how to achieve a realistic solution to my nation's plight. My cabinet and I solicited the opinions of many friends and concerned persons. As a result, on September 21, 1987, at the Congressional Human Rights Caucus in Washington, D.C., I announced a Five Point Peace Plan for Tibet. In it I called for the conversion of Tibet into a zone of peace, a sanctuary in which humanity and nature can live together in harmony. I also called for respect for human rights and democratic ideals, environmental protection, and a halt to the Chinese population transfer into Tibet.

The fifth point of the Peace Plan called for earnest negotiations between the Tibetans and the Chinese. We have, therefore, taken the initiative to formulate some thoughts which, we hope, may serve as a basis for resolving the issue of Tibet. I would like to take this opportunity to inform the distinguished gathering here of the main points of our thinking.

The whole of Tibet known as Cholka-Sum (U-Tsang, Kham and Amdo) should become a self-governing democratic political entity founded on law by agreement of the people for the common good and the protection of themselves and their environment, in association with the People's Republic of China.

The Government of the People's Republic of China could remain responsible for Tibet's foreign policy. The Government of Tibet should, however, develop and maintain relations, through its own Foreign Affairs Bureau, in the fields of religion, commerce, education, culture, tourism, science, sports and other non-political activities. Tibet should join international organizations concerned with such activities.

The Government of Tibet should be founded on a constitution or basic law. The basic law should provide for a democratic system of government entrusted with the task of ensuring economic equality, social justice and protection of the environment. This means that the Government of Tibet will have the right to decide on all affairs relating to Tibet and the Tibetans.

As individual freedom is the real source and potential of any society's development, the Government of Tibet would seek to ensure this freedom by full adherence to the Universal Declaration of Human Rights, including the rights to speech, assembly, and religion. Because religion constitutes the source of Tibet's national identity, and spiritual values lie at the very heart of Tibet's rich culture, it would be the special duty of the Government of Tibet to safeguard and develop its practice.

The government should be comprised of a popularly elected Chief Executive, a bi-cameral legislative branch, and an independent judicial system. Its seat should be in Lhase.

The social and economic system of Tibet should be determined in accordance with the wishes of the Tibetan people, bearing in mind especially the need to raise the standard of living of the entire population.

The Government of Tibet would pass strict laws to protect wildlife and plantlife. The exploitation of natural resources would be carefully regulated. The manufacture, testing and stockpiling of nuclear weapons and other armaments must be prohibited, as well as the use of nuclear power and other technologies which produce hazardous waste. It would be the Government of

Tibet's goal to transform Tibet into our planet's largest natural preserve.

A regional peace conference should be called to ensure that Tibet becomes a genuine sanctuary of peace through demilitarization. Until such a peace conference can be convened and demilitarization and neutralization achieved, China could have the right to maintain a restricted number of military installations in Tibet. These must be solely for defence purposes.

In order to create an atmosphere of trust conducive to fruitful negotiations, the Chinese Government should cease its human rights violations in Tibet and abandon its policy of transferring Chinese to Tibet.

These are the thoughts we have in mind. I am aware that many Tibetan will be disappointed by the moderate stand they represent. Undoubtedly, there will be much discussion in the coming months within our own community, both in Tibet and in exile. This, however, is an essential and invaluable part of any process of change, I believe these thoughts represent the most realistic means by which to re-establish Tibet's separate identity and restore the fundamental rights of the Tibetan people while accommodating China's own interests. I would like to emphasize, however, that whatever the outcome of the negotiations with the Chinese may be, the Tibetan people themselves must be the ultimate deciding authority. Therefore, any proposal will contain a comprehensive procedural plan to ascertain the wishes of the Tibetan people in a nationwide referendum.

I would like to take this opportunity to state that I do not wish to take any active part in the Government of Tibet. Nevertheless, I will continue to work as much as I can for the well-being and happiness of the Tibetan people as long as it is necessary.

We are ready to present a proposal to the Government of the People's Republic of China based on the thoughts I have presented. A negotiating team representing the Tibetan Government has been selected. We are prepared to meet with the Chinese to discuss details of such a proposal aimed at achieving an equitable solution.

We are encouraged by the keen interest being shown in our situation by a growing number of governments and political leaders, including former President Jimmy Carter of the United States. We are also encouraged by the recent changes in China which have brought about a new group of leadership, more pragmatic and liberal.

We urge the Chinese Government and leadership to give serious and substantive consideration to the ideas I have described. Only dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead to a viable solution. We wish to conduct discussions with the Chinese Government bearing in mind the larger interests of humanity. Our proposal will therefore be made in a spirit of conciliation and we hope that the Chinese will respond accordingly.

My country's unique history and profound spiritual heritage render it ideally suited for fulfilling the role of a sanctuary of peace at the heart of Asia. Its historic status as a neutral buffer state, contributing to the stability of the entire continent, can be restored. Peace and security for Asia as well as for the world at large can be enhanced. In the future, Tibet need no longer be an occupied land, oppressed by force, unproductive and scarred by suffering, it can become a free haven where humanity and nature live in harmonious balance; a creative model for the resolution of tensions afflicting many areas throughout the world.

The Chinese leadership needs to realize that colonial rule over occupied territories is today anachronistic. A genuine union or association can only come about voluntarily, when there is satisfactory benefit to all the parties concerned. The European Community is a clear example of this. On the other hand, even one country or community can break into two or more entities when there is a lack of trust or benefit, and when force is used as the principal means of rule.

I would like to end by making a special appeal to the honourable members of the European Parliament and through them to their respective constituencies to extend their support to our efforts. A resolution of the Tibetan problem within the framework that we propose will not only be for the mutual benefit of the Tibetan and Chinese people but will also contribute to regional and global peace and stability. I thank you for providing me the opportunity to share my thoughts with you.

Mr. Speaker, the Dalia Lama is the spiritual and temporal leader of the Tibetan people and of Tibetan Buddhism. He lives in exile in Dharmsala, India, and in his speech in France, as had been given here in Washington, he proposed a very sensible arrangement for working out the differences between the Chinese and the people of Tibet.

These five points include a transformation of the whole of Tibet into a zone of peace, abandonment of China's population transfer policy, which threatens the very existence of the Tibetans as a people, respect of the Tibetan people's fundamental rights and democratic freedoms, restoration and protection of Tibet's natural environment, and the abandonment of China's use of Tibetan territory for the production of nuclear weapons and the dumping of nuclear waste, and the commencement of earnest and substantive negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

Mr. Speaker, the Dalai Lama is a great man of peace and he gave this very eloquent speech of his in France. I am very embarrassed to have learned that the President of the European Parliament, Lord Plum, later apologized to the Chinese for ever allowing the Dalai Lama to make these remarks in any way associated with the European Parliament.

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Lord Plum said that the European Parliament had angered the Chinese and that the Dalai Lama's remarks got in the way of the European Community's chief objective, which was the establishment of broad economic ties between the Government of China and the European Common Market countries.

The one thing that the Post editorial in today's paper points out very clearly is that economic development certainly is important to all developing countries and industrialized countries of the world.

But Mr. Speaker, human freedom and human dignity so far surpass economic developments in their overall importance to both the United States and to the people of the world that words cannot describe the difference.

I am proud to stand here before the House of Representatives today, in a room where two portraits hang, one of George Washington and the other of the Marquis de Lafayette, for whom my hometown is named, the man who helped us fight a revolution and who went back home to France after the revolution and said of America and our revolution that liberty has found a home, and that home is the United States of America.

The people, the leaders of China, need to know that it is in the tradition of the American Revolution and the tradition of the things that brought America to where it is today that we, the elected representatives of the people, have come here this afternoon and have before me today talked about the progress of blacks in America, a civil-rights struggle, a struggle for human rights that has borne fruit, and that has made great progress, and before them the gentleman from Virginia talking about the plight of refugees in the Sudan. This country and the people's representatives in this country feel very strongly about human rights and about the dignity of individuals wherever they live in this world.

I want to commend my colleague, the gentleman from New York [Mr. GILMAN], a member of the executive committee of the Human Rights Caucus, for the support that he has given to our efforts to bring the Chinese to a greater understanding of our concern for the human rights violations in Tibet.

I am most happy to yield to the gentleman from New York for any comments he might have.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I commend the gentleman from North Carolina for his leadership role in this issue. His persistance has been critical in bringing world attention to this issue.

On September 21, 1987, the Dalai Lama at the invitation of the U.S. Congress presented before the Congressional Human Rights Caucus, a five-point peace proposal as a basis for resolving the issue of Tibet. This proposal represents a most reasonable basis for negotiations between the Chinese and Tibetans. It was supported by the chairmen and ranking minority members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

The Dalai Lama called for friendship and cooperation with China despite the fact that the Tibetan culture

and Tibetan people have been the victims of Chinese domination and colonization. In formulating this five-point peace proposal, the Dalai Lama has approached the issue from the viewpoint of regional stability and international peace.

The Dalai Lama's peace plan contains five basic components: One, transformation of the whole of Tibet into a zone of peace; two, abandonment of China's population transfer policy which threatens the very existence of the Tibetans as a people; three, respect for the Tibetan people's fundamental human rights and democratic freedoms; four, restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste; and five, commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

In December 1987, President Reagan signed into law legislation that called attention to human rights violations in Tibet. This act of President Reagan and the initiative of the Congress were in keeping with the highest principles and strongest traditions of the United States to uphold the principles of freedom and justice. It was not directed against the People's Republic of China. Nevertheless the Beijing government rejected the five-point peace proposal of the Dalai Lama as "an attempt to split the motherland" and criticized the United States position as "interfering in China's internal affairs." This response foreclosed any hope of starting meaningful dialog.

On June 15, 1988, the Dalai Lama, in a statement made before members of the European Parliament in Strasbourg, offered that the People's Republic of China could be responsible for Tibet's foreign affairs and that in fact Tibet could be "a self-governing democratic entity" in association with the People's Republic of China. The Dalai Lama was criticized by large groups of the Tibetan people, for what was perceived as an overly conciliatory approach. Again, however, the PRC rejected the Strasbourg statement as a basis for negotiations.

Soon after the Dalai Lama made his statement in Strasbourg, the PRC Embassy in Bern issued a statement saying that the Dalai Lama still had not given up the idea of independence and that the PRC would not tolerate any attempts to "split the motherland". Similar statements were issued by PRC Embassies in Washington and New Delhi and by other high level officials. In the meantime, the Tibetans, still hopeful that the PRC would come to the table, announced the formulation of a negotiating team and indicated that they had worked out sincere details for future negotiations.

The formal PRC response to the Tibetans was issued through their Embassy in New Delhi on September 21, 1988, and its contents were released by the PRC to the press on September 23. The response stated that: One, the PRC does not recognize "Kashag Government"—that is, the Tibetan Government in exile; two, the Strasbourg statement cannot be a basis for negotiations; and three, they were, however, still willing to talk directly with the Dalai Lama.

The PRC's willingness to talk to the Dalai Lama is seen by certain quarters as a major concession. However, this is not so. The PRC has always proclaimed their willingness to talk to the Dalai Lama and "Dalai Lama" only. The reasons behind this is that it is a way of suggesting to the uninformed Western and world public that the whole issue of Tibet is nothing but a problem for an individual whose personal name is "Dalai Lama", not "the" Dalai Lama but "Dalai Lama". The constant use of such derogatory terms such as "Dalai," "Dalai clique," and "bandit Dalai" by the PRC further substantiates this position.

Nevertheless the Tibetan Government in exile still believed that once the process of negotiations began it would be able to make the PRC understand the feelings of the Tibetan people. Accordingly they proposed Geneva—Against recommendations made by congressional leaders who wanted Washington—as the venue for negotiations and the first round of talks to be held in January 1989. It appears that the PRC has now added a new obstacle by objecting to the composition of the negotiating team.

It is evident that the PRC is hoping to gain time so that, once the process of colonization through population transfer into Tibet is complete, any negotiations for the future status of Tibet will become meaningless. Unless there is wider international support for the Dalai Lama's five-point peace proposal the PRC will not come to the negotiating table and the situation in Tibet will continue to worsen. The resolutions in the European Parliament and the German Bundestag came as welcome support; however, there is now a need for concerted international campaign to: One, include Tibet in the United Nations' list of colonial countries so that it will receive the same treatment as all other colonial countries to be freed during the anti-colonial decade; two, gain observer status at the United Nations for the Tibetan Government-in-exile; and three, enable the media to maintain permanent representatives in Tibet.

Conclusion: Many Members of Congress view with grave concern the Dalai Lama's committing himself to the weak position outlined in Strasbourg in order to draw the PRC to the negotiating table. It has often been conveyed to us by sources close to the PRC that before they will agree to sit down with the Tibetans they want the Dalai Lama to publicly state that Tibet has always been an integral part of China. It is safe to assume, given the PRC's past conduct in regard to Tibet, that even this inconceivable position would still not bring them to bargain in good faith.

Accordingly, we wish to express our hope that the international community will join the Congress in its support for the Dalai Lama's five-point peace proposal and that the Dalai Lama make no further concessions, and that he stand firm in regard to the status of Tibet.

□ 1540

I thank the gentleman for yielding and I thank the gentleman for his leadership on this issue.

Mr. ROSE. I want to thank my colleague from New York, the respected senior member of the House Committee on Foreign Affairs for his comments and his participation in this special order. His support has been crucial to the success that we have achieved in the House of Representatives in bringing this matter to the attention of our colleagues.

I want to issue a call to all of my colleagues in the House and in the Senate to join us in taking a close look at China's treatment of Tibetans. If you think Hong Kong is going to go off without a hitch in 1997, I would suggest that you take another look at the region, another region that is under the rule of the Chinese, namely Tibet, and ask yourselves some hard and soul-searching questions.

I would hope that I am wrong in this next statement, but it worries me that the Chinese have not responded either to the subtle pressures from the Congress or to the subtle pressures from President George Bush.

George Bush was our Ambassador in China. He was treated shabbily in my opinion in his recent trip to Beijing, and he deserves an apology and an explanation from the Chinese Government as to why he was so treated.

Maybe the Chinese have figured out that dollars are more important than lies to the peoples of the so-called democratic societies of the world. Perhaps the Chinese believe that although we proclaim to be great democracies, we put the almighty dollar in front of our concern for the well-being of people. But I do not believe that; I do not believe that that is what Americans stand for. But maybe the Chinese think so.

I, for one, know that this country does not stand for that and I hope the Chinese do not think that economic progress between our two countries will take the place of their own soul-searching on the issue of human

rights and, in turn, that they make progress in increasing the rights of the citizens of that country.

In closing, today I want to put in the RECORD at this point an article from the Washington Post that is probably one of the most disturbing articles that I have ever read in all the years that I have been in the Congress.

The article is as follows:

WITNESS TO CHINA'S SHAME—HOW HUMAN RIGHTS AND FAMILIES SUFFER IN TIBET

(By Blake Kerr)

In choosing to invite prominent Chinese dissident Fang Lizhi to his Beijing banquet today; President Bush is drawing attention to Chinese human-rights violations. If Bush is serious, he should bear in mind the tragic situation in Tibet.

In 1959, China consolidated its military occupation of Tibet. For nearly three decades, that small Himalayan country virtually disappeared from western consciousness. Tibetans, however, continued to demonstrate against the colonization and forced assimilation of their ancient culture, in spite of China's often harsh and repressive response.

Tibetans finally gained the West's attention in 1987. On Sept. 27, Oct. 1 and Oct. 6 of that year, while I was in Tibet to help organize a U.S.-Tibetan medical expedition, I witnessed the demonstrations in Lhasa that made world headlines, confirmed the deaths of six Tibetans who died immediately from gunshot wounds and beatings and treated others in secret.

Since these outbreaks, China has restricted independent travel through Tibet by journalists and denied requests from congressional and international human-rights groups which have sought to investigate reported human-rights violations. China has steadfastly insisted that Tibetans are thriving, despite numerous reports to the contrary by Tibetan refugees, many of whom allege that terrible crimes continue to be committed against their people.

While in Tibet in 1987, for example, I met a woman who said that her baby had been killed by a lethal injection and that she herself had been sterlized against her will at Lhasa's People's Hospital. I was haunted by her story. Last fall, I visited Tibetan exile communities in India to interview recent refugees on this most controversial of allegations against the Chinese: that China's Tibetan birth control policy includes forced abortion, sterilization and even infanticide. All of the Tibetans I interviewed gave detailed accounts of such activity.

A Tibetan doctor named Pema, who worked in a Chinese hospital in Amdo, told me the following story: "There are two types of Chinese birth-control teams, one in the hospitals and another that goes from village to village. Both teams have a monetary incentive to do abortions and sterilizations on as many women as possible. The more names in Chinese doctors collect, the more money they get from their government, and from the women who are charged between 100 and 200 yuan (six months salary) per operation."

Forced abortion and sterilization of Tibetan women were common during the Cultural Revolution but were suspended in the last 1970's. While China denies the forced abortion and sterilization are part of its birth-control policy, a growing number of reports as well as congressional testimony indicate that there is a reason to suspect a resurgence in these practices.

After interviewing Tibetan nurses and doctors who had worked in Chinese and Tibetan hospitals, monks and lay Tibetans who had lived in the cities of Lhasa, Amdo and Kham, I was able to develop a sense of how the Chinese birth-control policy is being applied in Tibet.

According to the reports I collected, mobile teams implement birth-control policy for Tibetans living in small villages and nomad areas of Amdo and Kham. For those women who live near a Chinese hospital, birth control-units in Chinese (not Tibetan) hospitals implement birth-control policy.

At regular meetings, work-unit leaders tell Tibetan women that, while it is legal for Tibetans to have a second child, it is best for Tibetan women to have only one, like the Chinese. Those who agree to sterilization after the birth of their first child are praised. A monetary incentive of 100 yuan and a woolen blanket may also be given at the hospital. Both Chinese and Tibetan women must be married and be between the ages of 25 and 35 to have a child. A Tibetan women who desires a second child must wait for four years before becoming pregnant again. Women who violate these rules are forced to have an abortion, often accompanined by sterilization and economic sanctions.

Sanctions for having a third child are so severe that many Tibetan women choose to have their children at home. Poorer village Tibetans and nomads, who are often unable to pay even a small fine, have livestock or other material possessions confiscated. Couples where one or both parents work in a Chinese organization are fined the most.

Thubten Geshe, a Tibetan physician who practiced at Lhasa's hospital of Tibetan Medicine, gave me the following example: The second child of a friend of his died. When the parents asked for permission to have a third child, this was refused. The women became pregnant anyway and secretly delivered the baby at home during the summer of 1986. When the police discovered this, the parents were fined 3,000 yuan and demoted.

The fines imposed on third children are more severe than those imposed on the parents. Third children have no legal right to attend school, work, travel, own property or receive a ration card. There are thousands of such children in villages. Their economic and social exile is complete and is rapidly producing a generation of illegal children who must collect refuse or dung to earn a living.

Some of the most concerned allegations I learned from the refugees concerned infanticide, the killing of a newborn child. Three women whom I interviewed described how a relative or acquaintance of theirs had delivered a normal baby, only to have the nurse kill it with a lethal injection in the soft spot on the forehead.

A particularly appalling story I heard came from a pair of refugee Buddhist monks, Ngawang Smanla and Tsewang Thonden. "In the autumn of 1987," they told me, "a Chinese birth-control team set up their tent next to our monastery in Amdo. The villagers, were informed that all women had to report to the tent for abortions and sterilizations or there would be grave consequences. For the women who went peacefully to the tents and did not resist, medical care was given. The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had thir babies taken out."

During the two weeks the birth-control tent stood in the village, the monks claimed that all pregnant women had abortions followed by sterilization, and every woman of childbearing age was sterilized. "We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build outside the tent, which smelled horrible.

"The birth-control teams were initiated in 1982", the monks continued, "but since 1987 there has been a temendous increase in the number and frequency of the teams that move from town to town, and to nomad areas."

Also since 1987, police torture has become routine, according to the refugees. Five of the Tibetans I interviewed stated that specially-trained Chinese torture units brought draconian techniques to Lhasa's prisons in the wake of the demonstrations. One monk named Norbu told me that four of his brother monks had been tortured for demonstrating. "Each monk was stripped naked and beaten with clubs with nails driven through the ends, rifle butts, electric cattle prods and truncheons, until they passed out. Then they would be revived with cold water. Their testicles were crushed."

Tinley, a Tibetan policeman who had worked in Lhasa's predominantly Chinese police force, said that rebellious prisoners are tortured for up to six months, while recalcitrant ones are executed. "If a prisoner is adamant and says that Tibet is independent, then he will be stripped naked and beaten. The police are free to beat the prisoners to death." Tinley described his special methods for breaking joints, and how he beat prisoners using cattle prods, rifle butts and rocks, According to Tinley, "If a prisoner dies during the beatings . . . it is the prisoners' fault."

Are these reports trustworthy? Interviewing indigenous Tibetans would have been preferable to interviewing refugees. Refugee accounts could be fictitious, biased or represent aberrations in Chinese birth-control policy. However, these accounts are both widespread and consistent with accounts from other travelers.

There may be a double tragedy in Tibet's birth-control situation, because it may be misused by those interested only in opposing abortion. In 1985, allegations of coercive abortion and sterilization within China itself prompted the United States to eliminate its $46-million contribution to the United Nations Fund for Population Activities (UNFPA). UNFPA funding will soon come before Congress again and will doubtless be affected by allegations about Tibet. This would be an exploitation of the Tibetans, whose problems transcend any single issue, at the expense of population-control efforts elsewhere.

The U.S. Congress has condemned China for egregious human-rights violations against Tibetans, a sentiment which has since been expressed by the European Parliament as well. To China, this constitutes meddling in its "internal affairs," it has denied requests from Asis Watch and Amnesty International to investigate violations of Tibetans' human rights.

But to Tibetans, this is a matter of survival. The Reagan administration failed to address human-rights violations in Tibet. To have done so, the Chinese warned, would jeopardize increasing business and military interests. On his first trip to China as president of the United States, George Bush has

a remarkable opportunity to stand up for human rights in Tibet before it is too late.

This article, "Witness to China's Shame," is written by Dr. Blake Kerr, a physician who has traveled extensively in Tibet and who met with me this morning here in my office in Washington.

This article talks of human suffering and death in a way that I have only read about in accounts of Nazi Germany's extinction of millions of Jews.

I have never read anything quite like this account of sterlization and infanticide.

I will read a few verses at this point:

While in Tibet in 1987, for example, I met a woman who said that her baby had been killed by a lethal injection and that she herself had been sterilized against her will at Lhasa's People's Hospital. I was haunted by her story. Last fall, I visited Tibetan exile communities in India to interview recent refugees on this most controversial of allegations against the Chinese; that China's Tibetan birth control policy includes forced abortion, sterilization and even infanticide. All of the Tibetans I interviewed gave detailed accounts of such activity.

A Tibetan doctor named Pema, who worked in a Chinese hospital in Amdo, told me the following story: "There are two types of Chinese birth-control teams, one in the hospitals and another that goes from village to village. Both teams have a monetary incentive to do abortions and sterilizations on as many women as possible. They are paid accordingly.

The Tibetans are encouraged to have only one child although, as minorities, they are allowed to have two.

A particularly appalling story I heard came from a pair of refugee Buddhist monks, Ngawang Smanla and Tsewang Thonden. "In the autumn of 1987," they told me, "a Chinese birth-control team set up their tent next to our monastery in Amdo. The villagers were informed that all women had to report to the tent for abortions and sterilizations or there would be grave consequences. For the women who went peacefully to the tents and did not resist, medical care was given. The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out."

During the two weeks the birth-control tent stood in the village, the monks claimed that all pregnant women had abortions followed by sterilization, and every woman of childbearing age was sterilized. "We saw many girls crying, heard their screams as they waited for their turns to go into the tent, and saw the growing pile of fetuses build outside the tent, which smelled horrible.

The article goes on:

Some of the most shocking allegations I heard from the refugees concerned infanticide, the killing of a newborn child. Three women whom I interviewed described how a relative or acquaintance of theirs had delivered a normal baby, only to have the nurse kill it with a lethal injection in the soft spot on the forehead.

Now, how many of my colleagues have been to a hospital and have held a newborn baby, have brought a child home and known about the soft spot in the top of their forehead and how precious that life was and how delicate that child had to be treated; can you imagine a government policy that involved the injection of a lethal chemical into the head of a newborn child to perform some kind of birth control and population control in Tibet?

The Chinese Ambassaor to the United States told me at his residence in April or March of last year here in Washington that the economic progress of Tibet only began when China came into the Tibetan region. Tibetans are not allowed to participate in whatever so-called economic development takes place in Tibet.

Tibet is such a sparsely populated area that the Chinese must offer extra payments and other benefits to Chinese nationals to encourage them to live in Tibet.

□ 1550

Yet they practice this kind of inhuman, intolerable cruelty against Tibetan natives.

I do not believe the world will long stand still for a nation, even like China, to perform these kinds of inhuman acts of brutality on anybody, even those that it claims are part of its own country. The Chinese must learn that this is an issue that will not go away. We will not be silent in this country on the issue of Tibet. They can be rude to our President. They can threaten economic retaliation where they think they can, but Americans first and foremost believe in the dignity of the individual and in the rights of all human beings, and certainly we come to the aid of those that are being oppressed as Tibetans are.

Mr. Speaker, in Germany in the Bundestag in Bonn, on April 20 and 21 of this year there will be an International Conference of Tibet sponsored by members of the German Bundestag to bring a greater sense of awareness of the kind of intolerable acts that are taking place in Tibet. I urge my colleagues not only in this Congress but in parliaments around the world to take an active part in prodding the Chinese. The Chinese may not be capable with their kind of leadership, of understanding the size of this problem. It may take far greater wisdom than now recognized in Beijing to work the nation of China out of the predicament that they find themselves in, but my hat is off to the Washington Post for its continued reporting of these matters, and I urge our President, a former Ambassador, to somehow increase rather than decrease his efforts and let the Chinese know that in no uncertain terms we expect them to treat all their peoples with human rights and with dignity.

Mr. Speaker, I yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I am pleased to participate in this special order of Tibet. It is fitting that, as the President returns from meetings with Asian leaders, we reaffirm our commitment to Tibetan cultural independence and human rights. Unfortunately, President Bush chose not to highlight Tibetan human rights abuses in his discussions with Chinese Party Chairman Deng Xiaoping, so Congress must reassert itself on this issue.

We cannot allow human rights abuses to continue in silence, Mr. Speaker. The shooting of Tibetan demonstrators, such as happened on December 10, must not continue. We must not allow the looting of Tibetan monasteries and holy places. We must protect the rich cultural heritage of Tibet by speaking out against the Chinese Government's policy of massive resettlement. Already, Chinese colonists outnumber native Tibetans and the once peaceful Tibetan countryside is occupied by over 300,000 Chinese troops. And we must demand that the desecration of the Tibetan environment be stopped. The Tibetan economy cannot sustain continued clearcutting of forests and soil erosion.

We must make our commitment to Tibetan human and cultural rights absolutely clear to the Chinese Government. I urge my colleagues to support the Rose bill which will be introduced soon. It calls for a United Nations investigation of Tibetan human rights violations; the imposition of sanctions against the People's Republic of China if Tibetan human rights issues are not resolved; the disapproval of international loans and technical assistance to China; and a Presidential commission to investigate environmental conditions in Tibet.

This is a critical time for the Tibetan people. We must redouble our efforts to ensure that Tibetan culture is protected.

REPORT ON MOTOR VEHICLE SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, February 28, 1989.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATRON (at the request of Mr. FOLEY), through March 10, on account of illness, hip surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PAXON) to revise and

extend his remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

(The following Members (at the request of Mr. TANNER) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 60 minutes, on March 15.

(The following Member (at the request of Mr. ROSE) to revise and extend his remarks and include extraneous material:)

Mr. BEVILL, for 60 minutes, on March 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOODY, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,452.

(The following Members (at the request of Mr. PAXON) and to include extraneous matter:)

Ms. SCHNEIDER in two instances.

Mrs. ROUKEMA.

Mr. BROOMFIELD in three instances.

Mr. CRANE in four instances.

Mr. SHUMWAY.

Mr. CHANDLER.

Mr. RINALDO.

Mr. SOLOMON.

Mr. DEWINE.

Mr. HAMMERSCHMIDT.

Mr. MCDADE in two instances.

Mr. EMERSON in three instances.

Mr. BLILEY.

Mr. KOLBE.

Mr. MICHEL.

Mr. DORNAN of California.

(The following Members (at the request of Mr. TANNER) and to include extraneous matter:)

Mr. MCMILLEN of Maryland.

Mr. ASPIN.

Mr. HOCHBRUECKNER.

Mr. LELAND.

Mr. STOKES in two instances.

Mr. TALLON.

Mr. STARK in three instances.

Mr. KASTENMEIER in two instances.

Mr. HOYER.

Mr. ROE.

Mr. CARDIN.

Mr. MAVROULES.

Mr. CLAY.

Mr. DWYER of New Jersey.

Mr. DORGAN of North Dakota.

Mr. MARTINEZ.

Mr. DELLUMS.

Mr. SLATTERY.

Mr. ERDREICH.

Mr. NEAL of Massachusetts.

Mr. FAZIO.

Mr. RICHARDSON.

Mr. SMITH of Florida.

Mr. MARKEY.

Mr. PELOSI.

Mr. TRAFICANT.

Mr. FASCELL.

Mr. MURTHA.

Mr. RAY.

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday March 1, 1989, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1988 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles Wilson	9/2	9/6	England		988.00		2,463.00				3,451.00
	9/6	9/7	Ireland		184.00		184.63				368.63
Edwin F. Powers	8/19	8/21	France		498.00						498.00
	8/21	8/25	Kenya		500.00						500.00
	8/26	8/29	United Kingdom		741.00						741.00
Commercial transportation							5,459.00				5,459.00
Jimmy R. Fairchild	8/19	8/21	France		498.00						498.00
	8/21	8/25	Kenya		500.00						500.00
	8/26	8/29	United Kingdom		741.00						741.00
Commercial transportation							5,459.00				5,459.00
Committee total					4,650.00		13,565.63				18,215.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Jan. 31, 1989.

AMENDED REPORT OF EXPENSES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Panama, Nicaragua, Honduras, and El Salvador (Aug. 25 to Sept. 1, 1988):											
Delegation expenses	8/31	9/1	El Salvador						52.20		52.20
Committee total									52.20		52.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 30, 1989.

AMENDED REPORT OF EXPENSES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jamie M. Fish	12/2	12/11	England		2,358.00		[3] 474.55				[3] 2,832.55
Committee total					2,358.00		[3] 474.55				[3] 2,832.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Previously reported as $565 (transportation). Total previously reported as $2,924 (per diem and transportation).

GLENN M. ANDERSON, Chairman, Feb. 9, 1989.

AMENDED REPORT OF EXPENSES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dan Rostenkowski	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Sam Gibbons	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. J.J. Pickle	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Pete Stark	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military transportation							6,819.19				6,819.19
Hon. Richard Gephardt	11/10	11/17	Japan								
Military transportation							118.80				118.80
Hon. Don Pease	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Byron Dorgan	12/2	12/4	Canada	410.26	342.00		500.16				842.16
Hon. Mike Andrews	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Sander Levin	12/12	12/5	Canada	615.39	513.00						513.00
Military transportation							392.56				392.66
Hon. Jim Moody	12/12	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Jim Moody	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							4,509.64				4,509.64
Hon. Bill Archer	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Guy Vander Jagt, MC	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela								
Military transportation	12/14	12/20					1,094.65				1,094.65
Janice Mays	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela								
Military transportation	12/8	12/20					2,776.60				2,776.60
Hon. Guy Vender Jagt	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Bill Frenzel	12/2	12/4	Canada		410.26		342.00		178.71		520.71
Military transportation (to Montreal only)							158.83				158.83
Hon. Richard T. Schulze	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.00				18,962.00
Hon. E. Clay Shaw, Jr	11/12	11/14	Denmark		406.00		41.00		123.00		570.00
	11/14	11/20	U.S.S.R		1,000.00						1,000.00
Military transportation							7,237.00				7,237.00
Thelma Askey	12/2	12/5	Canada	615.39	513.00		392.66				905.66
Brian Biles	11/9	11/12	Canada		181.00		375.43				556.43
M. Kenneth Bowler	11/10	11/11	Canada		181.00		389.23				570.23
Meredith Broadbent	11/9	11/17	Switzerland	2,071.26	1,379.00		2,312.00				3,691.00
Virginia Fletcher	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Robert J. Leonard	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Charlie Mellody	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Phillip D. Moseley	11/10	11/13	Korea	423,860	609.00						609.00

AMENDED REPORT OF EXPENSES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Janet Nuzum	11/09	11/18	Switzerland	2,771.19	1,845.00		2,312.00				4,157.00
	12/02	12/09	Canada	1,435.92	1,197.00		191.00				1,388.00
Military transportation							158.83				158.83
Frank Phifer	12/02	12/05	Canada	615.39	513.00		392.66				905.66
Wendell Primus	11/10	11/11	Canada		181.00		389.23				570.23
George Weise	11/09	11/18	Switzerland	2,771.19	1,845.00		2,312.00				4,157.00
	12/02	12/08	Canada	1,230.79	1,026.00		126.00				1,152.00
Military transportation							158.83				158.83
Mary Jane Wignot	12/02	12/09	Canada	1,112.40	927.00		172.60				1,099.60
Military transportation							158.83				158.83
Rufus Yerxa	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00		316.65				864.65
	11/15	11/18	Hong Kong	5,133.10	657.00		222.13				879.13
Military transportation							18,962.85				18,962.85
Committee totals					39,708.00		225,472.16		7,203.19		272,383.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Feb. 1, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. E de la Garza	11/30	12/2	Mexico	918,972	402.00						402.00
Commercial transportation							263.00				263.00
Hon. Charles Rose	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Harold Volkmer	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Hon. E de la Garza	12/3	12/4	Canada		171.00						171.00
Military transportation							3,563.83				3,563.83
Hon. Charles Stenholm	12/4	12/5	Canada		342.00						342.00
Military transportation							392.66				392.66
Hon. Arlan Stangeland	12/4	12/5	Canada		342.00						342.00
Military transportation							392.66				392.66
Hon. Dan Glickman	12/4	12/5	Canada		342.00						342.00
Military transportation							392.66				392.66
Hon. Robert F. Smith	12/2	12/4	Canada		342.00						342.00
Military transportation							392.66				392.66
Hon. Jerry Huckaby	12/2	12/4	Canada		342.00						342.00
Military transportation							392.66				392.66
Laverne Hubert	12/2	12/8	Canada		1,026.00						1,026.00
Military transportation							158.83				158.83
Commercial transportation							96.02				96.02
Paulette Zakrzeski	12/2	12/8	Canada		1,026.00						1,026.00
Military transportation							158.83				158.83
Commercial transportation							96.02				96.02
Codel Hon. E de la Garza	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Hon. Edward R. Madigan	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Hon. Claude Harris	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Hon. Harold L. Volkmer	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Hon. Robert F. Smith	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Bert R. Pena	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Marshall Livingston	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military transportation							7,435.87				7,435.87
Charles Hilty	11/13	11/14	Austria		192.00						192.00
	11/14	11/17	Czechoslovakia		480.00						480.00
	11/17	11/20	Spain		672.00						672.00
	11/20	11/22	Ireland		416.00						416.00
Military transportation							7,435.87				7,435.87
Codel de la Garza other expenditures:											
Austria:											
Control Rooms									471.86		471.86
Local transportation							1,337.11				1,337.11
Czechoslovakia control rooms, local transportation, and other official expenses.									1,991.16		1,991.16
Spain:											
Foreign Service personnel									3,547.72		3,547.72
Control rooms									653.26		653.26
Local transportation							2,091.17				2,091.17
Committee total					22,109		93,451.92		7,202.78		122,763.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Bevill	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
Commercial transportation							5,277.90				5,277.90
Hon. Lindy Boggs	11/10	11/15	Japan		1,490.00						1,490.00
	11/15	11/23	New Zealand		524.00						524.00
Commercial transportation							4,118.00				4,118.00
Hon. Ronald Coleman	12/11	12/13	Korea		306.00						306.00
	12/13	12/15	Thailand		313.96						313.96
	12/15	12/18	Hong Kong		597.00						597.00
	12/18	12/20	Taiwan		498.00						498.00
Hon. Lawrence Coughlin	11/12	11/14	Philippines		268.00						268.00
	11/14	11/17	Thailand		471.00						471.00
	11/17	11/19	Singapore		288.00						288.00
	11/19	11/22	Indonesia		464.00						464.00
Military transportation							3,241.00				3,241.00
Hon. Bernard Dwyer	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Hon. Joseph Early	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Hon Mickey Edwards	11/13	11/14	Denmark		203.00				164.00		367.00
	11/14	11/20	U.S.S.R.		1,000.00						1,000.00
Military transportation							4,961.00				4,961.00
Hon. William Lehman	11/12	11/14	Philippines		268.00						268.00
	11/14	11/17	Thailand		471.00						471.00
	11/17	11/19	Singapore		288.00						288.00
	11/19	11/22	Indonesia		464.00						464.00
Military transportation							3,241.45				3,241.45
Hon. John Murtha	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Hon. John Myers	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Hon. John Myers	12/11	12/12	Italy		108.50						108.50
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,080.70				5,080.70
Hon. Ralph Regula	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Hon. Harold Rogers	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Hon. Martin O. Sabo	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/19	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Hon. Neal Smith	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Hon. Bob Traxler	11/10	11/18	Japan		2,423.00						2,423.00
Commercial transportation							2,494.00				2,494.00
Hon. Jamie L. Whitten	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Gerard J. Chouinard	11/10	11/14	Japan		1,192.00						1,192.00
	11/14	11/17	Singapore		432.00						432.00
	11/17	11/20	Indonesia		474.00						474.00
	11/20	11/22	United States		326.00						326.00
Commercial transportation							4,556.50				4,556.50
Jim Fairchild	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Robert B. Foster	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
Dennis Kedzior	10/24	11/01	Germany		1,602.00						1,602.00
	11/2	11/05	France		848.00						848.00
Commercial transportation							4,227.00				4,227.00
Edward E. Lombard	11/10	11/14	Japan		1,192.00						1,192.00
	11/14	11/17	Singapore		432.00						432.00
	11/17	11/10	Indonesia		474.00						474.00
	11/20	11/24	United States		371.50				86.83		458.33
Commercial transportation							4,707.42				4,707.42
Richard N. Malow	11/10	11/18	Japan		2,423.00						2,423.00
	11/18		United States		220.00						220.00
Commercial transportation							2,554.68				2,554.68
William A. Marinelli	10/13	10/19	Germany		1,106.00						1,106.00
	10/28	11/1	Italy		815.00						815.00
	11/2	11/6	Morocco		680.00						680.00
Commercial transportation							4,082.00				4,082.00
Frederick G. Mohrman	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				7,757.00
Henry E. Moore	11/28	11/29	England		394.00						394.00
	11/30	12/2	Germany		315.00						315.00
	12/2	12/9	Italy		731.00						731.00
Commercial transportation							1,242.00				1,242.00
Mark Murray	10/24	10/26	Honduras		294.00						294.00
	10/26	10/27	El Salvador		254.00						254.00
	10/27	10/29	Guatemala		149.00						149.00
Commercial transportation							1,222.00				1,222.00
Mark Murray	12/10	12/16	Pakistan		857.00						857.00
Commercial transportation							5,381.00				5,381.00
John G. Osthaus	12/8	12/12	Italy		434.00						434.00
	12/12	12/14	Bulgaria		326.00						326.00
	12/14	12/16	Germany		264.00						264.00
	12/16	12/18	Hungary		298.00						298.00
	12/18	12/21	Denmark		558.00						558.00
Military transportation							5,274.00				5,274.00
Terry R. Peel	10/25	10/26	Italy		185.00						185.00
	10/26	10/30	U.S.S.R.		724.00						724.00
	10/30	11/1	England		494.00				144.00		638.00
Commercial air							4,903.00				4,903.00
Terry R. Peel	11/30	12/1	France		261.00						261.00
	12/1	12/4	Botswana		275.00						275.00
	12/4	12/6	Swaziland		378.00						378.00
	12/7	12/9	England		468.00				265.58		733.58
Commercial transportation							5,735.00				5,735.00
Elizabeth Phillips	10/25	10/28	England		772.00						772.00
	10/28	10/30	France		1,102.00						1,102.00
Commercial transportation							4,810.00				4,810.00
Donald Richbourg	10/24	11/1	Germany		1,602.00						1,602.00
	11/2	11/5	France		848.00						848.00
Commercial transportation							4,277.00				4,277.00
Donald Richbourg	11/15	11/19	England		1,020.00						1,020.00
	11/19	11/25	Germany		1,191.00						1,191.00
	11/25	11/29	Italy		784.00						784.00
Military transportation							4,757.00				4,757.00
William Scherch	10/31	11/1	Greece		144.00						144.00
	11/1	11/3	Egypt		1,012.00						1,012.00
Commercial transportation							5,027.00				5,027.00
Committee total					71,737.96		150,788.65		660.41		223,187.02
Appropriations, surveys, and investigations staff:											
Donna L. Brown	10/15	10/28	Germany		1,533.00		2,432.00		60.33		4,025.33
	10/28	11/4	England		1,166.25						1,166.25
Sharon A. Cekala	10/29	11/2	Germany		462.50		2,341.00		94.57		2,898.07
	11/2	11/5	Netherlands		390.00						390.00
John P. Chase	10/15	10/26	Germany		1,351.75		4,079.00		141.70		5,572.45
	10/26	10/30	Netherlands		388.00						388.00
	10/30	10/31	England		246.25						246.25
	10/31	11/2	Norway		325.50						325.50
	11/2	11/4	Iceland		268.50						268.50
Daniel J. Doherty	10/2	10/8	Germany		594.00		2,231.00		17.90		2,842.90
William P. Haynes, Jr	10/15	10/26	Germany		1,409.50		4,079.00		107.39		5,595.89
	10/26	10/30	Netherlands		388.00						388.00
	10/30	10/31	England		246.25						246.25
	10/31	11/2	Norway		325.50						325.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/2	11/4	Iceland		268.50						268.50
Robert E. Jamison	10/2	10/8	Germany		594.00		2,231.00		40.00		2,865.00
Francis J. King	11/7	11/22	Germany		1,052.50		2,231.00		27.30		3,310.80
Robert W. Lautrup	10/22	10/28	England		1,096.75		2,633.00		59.36		3,789.11
Robert J. O'Brien	11/12	11/22	Germany		1,172.41		2,231.00		71.13		3,474.54
Clerio P. Pin	10/29	11/2	Germany		462.50		2,341.00		126.32		2,929.82
	11/2	11/5	Netherlands		390.00						390.00
Robert J. Reitwiesner	11/12	11/19	Germany		644.00		2,231.00		31.75		2,906.75
Robert F. Stockman	10/29	11/2	Germany		462.50		2,341.00		120.90		2,924.40
	11/2	11/5	Netherlands		390.00						390.00
Martha M. Valencia	10/15	10/28	Germany		1,471.00		2,432.00		152.49		4,055.49
	10/28	11/4	England		1,166.25						1,166.25
Graham W. Van Note	10/22	10/26	Germany		478.50		2,228.00		140.15		2,846.65
	10/26	10/30	Netherlands		400.50						400.50
R.W. Vandergrift, Jr	10/2	10/6	Germany		317.50		3,169.00		15.00		3,501.50
	10/23	10/31	England		1,564.25		4,485.00		512.09		6,561.34
R.W.Vandergrift, Jr	10/31	11/2	Norway		325.50						325.50
	11/2	11/4	Iceland		288.00						288.00
B. Alan Weaver	10/22	10/28	England		1,096.75		2,633.00		104.33		3,834.08
Committee total					22,736.41		46,348.00		1,822.71		70,907.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany and United Kingdom (Sept. 12–17, 1988):											
Mr. Thomas S. Hahn	9/12	9/14	Germany		295.00						295.00
	9/14	9/15	United Kingdom		247.00						247.00
	9/15	9/17	Germany		384.00						384.00
Commercial transportation							1,018.00				1,018.00
Visit to Germany and Hungary (Nov. 11–22, 1988):											
Mr. Peter C. Scrivner	11/11	11/18	Germany		1,407.00						1,407.00
	11/18	11/22	Hungary		664.00						664.00
Commercial transportation							650.00				650.00
Military transportation							635.85				635.85
Visit to Belgium, Germany, France, and United Kingdom (Nov. 11–22, 1988):											
Hon. Patricia Schroeder	11/11	11/13	Belgium		370.00						370.00
	11/13	11/16	Germany		629.00						629.00
	11/16	11/19	France		660.00						660.00
	11/19	11/22	United Kingdom		765.00						765.00
Military transportation							3,762.15				3,762.15
Hon. Ronald V. Dellums	11/11	11/13	Belgium		370.00						370.00
	11/13	11/16	Germany		629.00						629.00
	11/16	11/19	France		660.00						660.00
	11/19	11/22	United Kingdom		765.00						765.00
Military transportation							3,762.15				3,762.15
Hon. Norman Sisisky	11/11	11/13	Belgium		370.00						370.00
	11/13	11/16	Germany		629.00						629.00
	11/16	11/19	France		660.00						660.00
	11/19	11/22	United Kingdom		765.00						765.00
Military transportation							3,762.15				3,762.15
Hon. Andy Ireland	11/11	11/13	Belgium		370.00						370.00
	11/13	11/16	Germany		629.00						629.00
	11/16	11/19	France		660.00						660.00
	11/19	11/22	United Kingdom		765.00						765.00
Military transportation							3,762.15				3,762.15
Ms. Deborah R. Lee	11/11	11/13	Belgium		370.00						370.00
	11/13	11/16	Germany		629.00						629.00
	11/16	11/19	France		660.00						660.00
	11/19	11/22	United Kingdom		765.00						765.00
Military transportation							3,762.15				3,762.15
Visit to Republic of Korea and Japan (Nov. 13–22, 1988):											
Ms. Alma B. Moore	11/13	11/17	Korea		812.00						812.00
	11/17	11/22	Japan		1,435.00						1,435.00
Commercial transportation							3,163.79				3,163.79
Mr. Peter M. Steffes	11/13	11/17	Korea		812.00						812.00
	11/17	11/22	Japan		1,435.00						1,435.00
Commercial transportation							3,631.20				3,631.20
Ms. Marilyn A. Elrod	11/13	11/17	Korea		812.00						812.00
	11/17	11/22	Japan		1,435.00						1,435.00
Commercial transportation							3,163.79				3,163.79
Visit to France and Germany (Nov. 16–22, 1988):											
Hon. Frank McCloskey	11/16	11/17	France		220.00						220.00
	11/16	11/22	Germany		846.00						846.00
Commercial transportation							4,280.00				4,280.00
Military transportation							289.17				289.17
Mr. Douglas H. Necessary	11/16	11/17	France		220.00						220.00
	11/17	11/22	Germany		846.00						846.00
Commercial transportation							3,262.00				3,262.00
Military transportation							289.17				289.17
Visit to Bahamas (Nov. 18, 1988):											
Hon. Les Aspin	11/18	11/18	Bahamas				0.00		40.00		40.00
Commercial transportation							293.00				293.00
Military transportation							416.83				416.83

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mr. Jack G. Dranttel	11/18	11/18	Bahamas				0.00				
Military transportation							880.37				880.37
Visit to Federal Republic of Germany (Nov. 17–27, 1988):											
Hon. Marvin Leath	11/17	11/22	Germany		737.50						737.50
Military transportation							3,110.34				3,110.34
Hon. David O'B. Martin	11/17	11/22	Germany		863.50						863.50
Military transportation							3,035.76				3,035.76
Mr. Williston B. Cofer, Jr	11/17	11/22	Germany		1,486.50						1,486.50
Military transportation							1,310.48				1,310.48
Commercial transportation							2,217.81				2,217.81
Visit to Antigua and Puerto Rico (Nov. 29–Dec. 1, 1988):											
Hon. Ike Skelton	11/29	11/30	Antigua		294.42						294.42
	11/30	12/1	Puerto Rico		15.00						15.00
Military transportation							669.26				669.26
Hon. Owen B. Pickett	11/29	11/30	Antigua		184.22						184.22
	11/30	12/1	Puerto Rico		15.00						15.00
Military transportation							669.26				669.26
Visit to Spain, Italy, Greece, Turkey and Germany (Dec. 5–21, 1988):											
Mr. Henry J. Schweiter	12/5	12/7	Spain		366.00						366.00
	12/8	12/12	Italy		479.00						479.00
	12/12	12/14	Greece		188.00						188.00
	12/14	12/18	Turkey		273.00						273.00
	12/18	12/21	Germany		226.50						226.50
Commercial transportation							4,093.00				4,093.00
Visit to Spain, Italy and Federal Republic of Germany (Dec. 7–19, 1988):											
Hon. Beverly B. Byron	12/7	12/10	Spain		475.00						475.00
	12/10	12/12	Italy		400.00						400.00
	12/12	12/19	Germany		755.00						755.00
Military transportation							4,458.23				4,458.23
Hon. Owen B. Pickett	12/7	12/10	Spain		475.00						475.00
	12/10	12/12	Italy		400.00						400.00
	12/12	12/19	Germany		755.00						755.00
Military transportation							4,458.23				4,458.23
Hon. Arthur Ravenel, Jr	12/7	12/10	Spain		475.00						475.00
	12/10	12/12	Italy		400.00						400.00
	12/12	12/19	Germany		755.00						755.00
Military transportation							4,458.23				4,458.23
Ms. Karen S. Heath	12/7	12/10	Spain		475.00						475.00
	12/10	12/12	Italy		400.00						400.00
	12/12	12/19	Germany		755.00						755.00
Military transportation							4,458.23				4,458.23
Ms. Alma B. Moore	12/7	12/10	Spain		475.00						475.00
	12/10	12/12	Italy		400.00						400.00
	12/12	12/19	Germany		755.00						755.00
Military transportation							4,458.23				4,458.23
Visit to Belgium, Germany, and United Kingdom (Dec. 14–20, 1988):											
Hon. Les Aspin	12/14	12/16	Belgium		185.00						185.00
	12/16	12/17	Germany		93.00						93.00
	12/17	12/18	Belgium		160.00						160.00
	12/18	12/20	United Kingdom		524.00						524.00
Military transportation							425.66				425.66
Commercial transportation							4,903.00				4,903.00
Mr. Clark A. Murdock	12/14	12/16	Belgium		185.00						185.00
	12/16	12/17	Germany		186.00						186.00
	12/17	12/18	Belgium		160.00						160.00
	12/18	12/20	United Kingdom		524.00						524.00
Military transportation							425.66				425.66
Commercial transportation							4,903.00				4,903.00
Mr. Vernon A. Guidry	12/14	12/16	Belgium		185.00						185.00
	12/16	12/17	Germany		186.00						186.00
	12/17	12/18	Belgium		160.00						160.00
	12/18	12/20	United Kingdom		524.00						524.00
Military transportation							425.66				425.66
Commercial transportation							4,903.00				4,903.00
Mr. John C.F. Tillson	12/11	12/16	Belgium		740.00						740.00
	12/16	12/17	Germany		186.00						186.00
	12/17	12/18	Belgium		160.00						160.00
	12/18	12/20	United Kingdom		524.00						524.00
Military transportation							399.11				399.11
Commercial transportation							4,469.00				4,469.00
Committee total					41,950.64		99,035.07		40.00		141,025.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bruce Morrison	9/30	10/3	Santiago, Chile		556.00		6021.64				6577.64
William Danvers	11/12	11/18	Hamburg, Germany		1206.00		818.00				2024.00
Hon. Kweisi Mfume	12/8	12/11	Mexico City, Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize City, Belize				20.49				20.49

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/11	12/13	Kingston/Montego Bay, Jamaica	350.00							350.00
	12/13	12/14	Havana, Cuba		132.00				56.87		188.87
	12/14	12/17	Casa De Campo, Dominican Republic		590.00						590.00
							1671.95				1671.95
							235.00				235.00
Committee total					3236.00		8812.29		65.39		12113.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY B. GONZALEZ, Chairman, Jan. 27, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter Storm	11/1	11/2	Greece		144.00						144.00
	11/2	11/8	Egypt		1,015.00						1,015.00
	11/8	11/9	England		241.00						241.00
Commercial transportation							3,476.00				3,476.00
John Canatsey	11/17	11/22	Federal Republic of Germany		737.50						737.50
Military transportation							3,110.34				3,110.34
Patrick Bogenberger	12/11	12/14	Switzerland		630.00						630.00
	12/14	12/17	Austria		576.00						576.00
	12/17	12/18	England		255.00						255.00
Commercial transportation							2,941.00				2,941.00
Committee total					3,598.50		9,527.34				13,125.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEON E. PANETTA, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard Fiesta	11/10	11/13	France	8,991.47	1,483.00		2,468.64				3,951.64
	11/13	11/22	Germany		219.00		62.00				281.00
Carole Stringer	11/26	12/1	France	6,457	1,100.00		2,309.00				3,409.00
Eric Jensen	11/26	12/1	France	6,457	1,100.00		2,308.00				3,408.00
Beth Buehlmann	11/26	12/1	France	6,457	1,100.00		2,308.00				3,408.00
Committee total					5,002.00		9,455.64				14,457.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, Jan. 23, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Finnegan	10/24	10/27	Netherlands		501.00						501.00
	10/27	10/30	United Kingdom		741.00						741.00
	10/30	11/04	Bulgaria		950.00						950.00
	11/4	11/5	United Kingdom		126.00						126.00

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Commercial Air Fare							5,186.00				5,186.00
Teresa Gorman	10/24	10/27	Netherlands		501.00						501.00
	10/27	10/30	United Kingdom		741.00						741.00
	10/30	11/04	Bulgaria		950.00						950.00
	11/4	11/5	United Kingdom		126.00						126.00
Commercial Air Fare							4,903.00				4,903.00
Michael Barrett	10/14	10/19	Thailand		942.00						942.00
	10/21	10/22	Malaysia		302.00						302.00
Commercial Air Fare							4,951.00				4,951.00
Judith Greenwald	11/9	11/12	Switzerland		465.00						465.00
Commercial Air Fare							785.00				785.00
David Nelson	10/11	10/14	Hong Kong		657.00						657.00
	10/14	10/18	Thailand		785.00						785.00
	10/19	10/21	Malaysia		302.00						302.00
	10/21	10/22	Thailand		157.00						157.00
Commercial Air Fare							4,951.00				4,951.00
Stephen F. Sims	10/11	10/16	Hong Kong		1,095.00						1,095.00
	10/16	10/19	Thailand		471.00						471.00
	10/19	10/21	Malaysia		302.00						302.00
	10/21	10/22	Thailand		157.00						157.00
William M. Kitzmiller	10/2	11/9	Netherlands Antilles		918.00						918.00
Registration and conference fee									200.00		200.00
Commercial Air Fare							432.00				432.00
William Kenworthy	11/11	11/22	France		1,483.00						1,483.00
	11/16	11/19	West Germany		219.00						219.00
Rail fare (France)							62.00				62.00
Commercial Air Fare							2,468.64				2,468.64
Jessica Laverty	11/11	11/22	France		1,483.00						1,483.00
	11/16	11/19	West Germany		219.00						219.00
Rail fare (France)							62.00				62.00
Commercial Air Fare							2,468.64				2,468.64
David Schooler	11/11	11/22	France		1,483.00						1,483.00
	11/16	11/19	West Germany		219.00						219.00
Rail fare (France)							62.00				62.00
Commercial Air Fare							2,468.64				2,468.64
Henry Waxman	12/10	12/12	Spain		597.00						597.00
	12/12	12/12	Malta		.00						.00
	12/12	12/16	Turkey		615.00						615.00
	12/16	12/19	Kenya		459.00						459.00
	12/19	12/22	Senegal		618.00						618.00
Military transportation							6,819.19				6,819.19
Jerry Sikorski	12/10	12/12	Spain		597.00						597.00
	12/12	12/12	Malta		.00						.00
	12/12	12/16	Turkey		615.00						615.00
	12/16	12/19	Kenya		459.00						459.00
	12/19	12/22	Senegal		618.00						618.00
Military air transportation							6,819.19				6,819.19
Committee total					20,873.00		47,389.30		200.00		68,462.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
P. Abbruzzese	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
N.A. Agris	9/30	10/7	Chile		[3] 751.62						751.62
Military transportation (one way)							3,010.82				3,010.82
Commercial transportation (one way)							1,888.00				1,888.00
S. Andross	9/12	9/13	Belgium		181.00						181.00
	9/13	9/15	Germany		410.00						410.00
	9/15	9/17	Austria		383.00						383.00
	9/17	9/19	Switzerland		500.00						500.00
	9/19	9/22	England		741.00						741.00
Commercial transportation							4,924.00				4,924.00
Hon. D. Bereuter	11/12	11/18	Germany		804.00						804.00
Military transportation							1,059.87				1,059.87
Total					5,640.62		13,473.06				19,113.68
Hon. H. Berman	11/12	11/16	Germany		804.00						804.00
	11/16	11/12	Israel		1,232.00						1,232.00
Military transportation							1,059.87				1,059.87
S. Berry	11/30	12/4	Belgium		740.00						740.00
Commercial transportation							2,144.00				2,144.00
Hon. J. Bilbray	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
Robert Boyer	12/9	12/12	Canada		513.00						513.00
Commercial transportation							449.86				449.86
J.J. Brady	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
Total					7,029.00		8,834.47				15,863.47
T.W. Bruce	10/12	10/13	Belgium		181.00						181.00
	10/13	10/17	Germany		793.00						793.00
	10/17	10/19	Switzerland		410.00						410.00
	10/19	10/22	England		741.00						741.00
Commercial transportation							4,924.00				4,924.00
R. Bush	11/10	11/19	Mexico		[3] 1,096.01		172.41		35.00		1,303.42

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							968.60				968.60
N. Carman	11/29	12/1	England		510.00						510.00
	12/1	12/9	Ghana		876.00						876.00
	12/9	12/11	Ivory Coast		388.00						388.00
	12/11	12/17	Senegal		1,442.00						1,442.00
	12/17	12/19	France		450.00						450.00
Commercial transportation							5,274.79				5,274.79
Total					6,887.01		11,339.80		35.00		18,261.81
F.M. Chambers	11/19	11/25	Peru		938.00						938.00
	11/25	11/29	Bolivia		429.00						429.00
	11/9	12/4	Colombia		682.00						682.00
	12/11	12/18	Mexico		938.00						938.00
Commercial transportation							3,284.00				3,284.00
Hon. G.W. Crockett	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela								
Military transport							2,776.60				2,776.60
M. Donovan	10/3	10/7	Chile		695.00						695.00
Commercial transportation							3,853.00				3,853.00
Total					5,696.00		9,979.30		65.39		15,740.69
T.E. Dunman	10/3	10/7	Chile		695.00						695.00
Commercial transportation							3,853.00				3,853.00
A. Dunn-Mouton	11/29	12/1	England		510.00						510.00
	12/1	12/9	Ghana		876.00						876.00
	12/9	12/11	Ivory Coast		388.00						388.00
	12/11	12/17	Senegal		1,442.00						1,442.00
	12/17	12/19	France		225.00						225.00
Commercial transportation							5,274.79				5,274.79
S. Eckert	10/22	10/27	France		636.00						636.00
Total					4,772.00		9,127.79				13,899.79
Hon. D. Fascell	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
M. Finley	11/8	11/12	Switzerland		615.00						615.00
Commercial transportation							4,090.00				4,090.00
	10/30	11/4	Haiti		[3] 429.60						429.60
Commercial transportation							827.00				827.00
D.P. Finn	12/1	12/3	Fiji		269.00						269.00
	12/3	12/7	Vanuatu		728.00						728.00
	12/7	12/10	New Zealand		[3] 570.00						570.00
	12/10	12/13	Australia		563.00						563.00
Total					5,044.60		7,507.37				12,551.97
B.A. Ford	11/19	11/25	Peru		938.00						938.00
	11/25	11/29	Bolivia		429.00						429.00
	11/29	12/4	Colombia		682.00						682.00
	12/11	12/18	Mexico		938.00						938.00
Commercial transportation							3,284.00				3,284.00
M. Goodman	11/27	12/2	Italy		980.00						980.00
Commercial transportation							2,689.00				2,689.00
T. Hanson	11/10	11/11	Austria		192.00						192.00
	11/11	11/20	Soviet Union		1,850.00						1,850.00
Commercial transportation							4,779.00				4,779.00
R.M. Hathaway	11/12	11/17	Pakistan		1,085.00						1,085.00
Commercial transportation							4,808.00				4,808.00
	12/14	12/17	Bolivia		244.00						244.00
	12/17	12/20	Peru		[3] 354.00						354.00
Total					7,692.00		15,560.00				23,252.00
	12/20	12/22	Ecuador		281.00						281.00
	12/22	12/23	Costa Rica		[3] 96.00						96.00
Commercial transportation							2,645.00				2,645.00
R. Huber	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
W.B. Inglee	11/9	11/17	Germany		[3] 1,597.00		85.84				1,682.84
	11/18	11/21	Hungary		[3] 498.00						498.00
Commercial transportation							2,363.00				2,363.00
Military transportation (one leg)							212.40				212.40
G. Ingram	12/9	12/14	South Korea		812.00						812.00
	12/14	12/16	Thailand		314.00						314.00
	12/16	12/26	Indonesia		[3] 1,052.00						1,052.00
Commercial transportation							5,758.00				5,758.00
Total					13,654.61		6,520.00				20,174.61
R.M. Jenkins	11/10	11/13	Jordan		320.00				90.74		410.74
	11/14	11/17	Israel		700.00						700.00
	11/18	11/20	Cyprus		432.00				77.66		509.66
	11/21	11/22	England		510.00						510.00
Commercial transportation							4,813.00				4,813.00
V.C. Johnson	10/1	10/3	Chile		[3] 203.00						203.00
Military transportation							6,021.64				6,021.64
	10/30	11/4	Haiti		[3] 480.00						480.00
Commercial transportation							827.00				827.00
Hon. T. Lantos	11/13	11/16	Greece		432.00						432.00
	11/16	11/20	Cyprus		576.00				77.57		653.57

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/20	11/22	Israel		352.00						352.00
	11/22	11/26	Turkey		596.00				66.05		661.06
	11/28	12/4	Hungary		996.00						996.00
Commercial transportation							1,713.50				1,713.50
Total					5,597.00		13,375.14		312.02		19,284.16
Hon. M. Levine	11/20	11/23	Cuba		246.00						246.00
Commercial transportation							678.00				678.00
Charter flight							225.00				225.00
D. Lonie	10/15	10/19	Kenya		618.00						618.00
	10/21	10/23	Kenya								
	10/19	10/21	Uganda		400.00						400.00
	10/23	10/27	Ethiopia		[3] 620.00						620.00
	10/27	11/1	Sudan		440.00		[4] 3,039.04		11.24		3,490.28
	11/1	11/3	England		[3]230.00						230.00
Commercial transportation							3,856.00				3,856.00
Hon. D.E. Lukens	11/14	11/18	Germany		804.00						804.00
	11/18	11/21	Hungary		664.00						664.00
	11/22	11/25	Malta		498.00						498.00
	11/25	11/26	Greece		432.00						432.00
Total					4,952.00		7,798.04		11.24		12,761.28
	11/26	11/29	Cyprus		576.00						576.00
Commercial transportation							1,717.20				1,717.20
Military transportation							212.40				212.40
R. McBride	10/12	10/13	Belgium		181.00						181.00
	10/13	10/17	Germany		793.00						793.00
	10/17	10/19	Switzerland		410.00						410.00
	10/19	10/22	England		741.00						741.00
Commercial transportation							4,924.00				4,924.00
Hon. J. Meyers	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.27				2,590.37
N.S. Mims	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
Total					6,441.00		12,034.34				18,475.34
S. Morrison	10/15	10/19	Kenya		618.00						618.00
	10/21	10/23	Kenya								
	10/19	10/21	Uganda		400.00						400.00
	10/23	10/27	Ethiopia		820.00						820.00
	10/27	11/1	Sudan		440.00		3,039.04		1.24		3,490.28
	11/1	11/3	England		500.00						500.00
Commercial transportation							3,856.00				3,856.00
K. Nakamura	12/1	12/3	Fiji		[3] 275.10						275.10
	12/3	12/7	Vanuatu		[3] 714.17						714.17
	12/7	12/10	New Zealand		[3] 445.27						445.27
	12/10	12/13	Australia		633.00						633.00
Commercial transportation							6,128.90				6,128.90
Total					4,845.54		13,023.94		11.24		17,880.72
Hon. W. Owens	12/7	12/10	Egypt		444.00						444.00
	12/10	12/13	Saudi Arabia		567.00						567.00
	12/13	12/15	Iraq		406.00						406.00
	12/15	12/19	Jordan		482.00				193.00		675.00
	12/16	12/18	Syria		75.00						75.00
	12/19	12/22	Israel		528.00						528.00
Commercial transportation							5,485.00				5,485.00
G. Peckham	10/31	11/1	Ireland (Belfast)		[3] 185.00						185.00
	11/1	11/2	Republic of Ireland		[3] 234.00						234.00
	11/2	11/4	England		[3] 757.00						757.00
Commercial transportation							4,872.00				4,872.00
M. Poloyac	12/7	12/11	Korea		812.00						812.00
	12/11	12/15	Japan		1,232,00						1,232.00
Commercial transportation							4,434.08				4,434.08
Total					5,722.00		14,791.08		193.00		20,706.08
A.W. Roberts	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
	12/7	12/11	Korea		812.00						812.00
	12/11	12/17	Japan	1,540.00							1,540.00
Commercial transportation							4,434.08				4,434.08
D. Schlieker	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
S. Singer	11/30	12/1	England								
	12/1	12/9	Ghana		[3] 550.00						550.00
	12/9	12/11	Ivory Coast		388.00						388.00
Commercial transportation							3,094.00				3,094.00
Total					7,030.00		12,708.82				19,738.82
M. Sletzinger	9/25	10/1	Yugoslavia		1,134.00		45.00				1,179.00
Commercial transportation							1,268.35				1,268.35
	11/10	11/14	Austria		192.00						192.00
	11/11	11/14	Denmark		609.00		41.00		123.00		773.00
	11/14	11/19	Soviet Union		1,000.00						1,000.00
Commercial transportation							4,767.00				4,767.00
Hon. L. Smith	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		665.00						665.00
Commercial transportation							2,590.37				2,590.37
Hon. S.J. Solarz	11/10	11/21	Mexico		[3]1,113.51		172.41		35.00		1,320.92

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							1,122.40				1,122.40
Total					5,919.51		10,006.53		158.00		16,084.04
	12/14	12/17	Bolivia		244.00		44.99		150.00		438.99
	12/17	12/20	Peru		356.00						356.00
	12/20	12/22	Ecuador		141.00						141.00
	12/22	12/23	Costa Rica		138.00						138.00
Commercial transportation							2,645.00				2,645.00
Hon. G.T. Solomon	11/12	11/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							3,294.37				3,294.37
I.J. Spalatin	12/7	12/11	Korea		609.00						609.00
	12/11	12/15	Japan		1,232.00						1,232.00
Commercial transportation							4,434.08				4,434.00
M.J. Tavlarides	10/3	10/7	Chile		556.00						556.00
Commercial transportation							3,853.00				3,385.00
R.G. Torricelli	11/20	11/23	Cuba		246.00						246.00
Commercial transportation							945.00		[4] 250.00		1,195.00
Total					5,392.00		15,216.44		400.00		21,008.44
Hon R.G. Torricelli	12/14	12/17	Indonesia		454.00						454.00
	12/17	12/19	Thailand		314.00						314.00
	12/19	12/21	Pakistan		328.50						328.50
Commercial transportation							4,264.95				4,264.95
M.H. Van Dusen	10/31	11/1	Belfast, Ireland		185.00						185.00
	11/1	11/2	Dublin, Ireland		234.00						234.00
	11/2	11/4	England		757.00		142.00		22.07		921.07
Commercial transportation							4,872.00				4,872.00
	11/11	11/14	Jordan		320.00				90.74		410.74
	11/14	11/17	Israel		700.00						700.00
	11/17	11/20	Cyprus		432.00				77.66		509.66
	11/20	11/22	England		510.00						510.00
Commercial transportation							4,813.00				4,813.00
Total					4,234.50		14,091.95		190.47		18,516.92
T.G. Verstamdog	10/31	11/1	Belfast, Ireland		185.00						185.00
	11/1	11/2	Dublin, Ireland		234.00						234.00
	11/2	11/4	England		757.00		142.00		22.07		921.07
Commercial transportation							4,872.00				4,872.00
	12/11	12/13	Canada		342.00						342.00
Commercial transportation							500.38				500.38
J. Weber	11/12	1/18	Germany		1,206.00						1,206.00
	11/18	11/22	Hungary		664.00						664.00
Military transportation							2,590.37				2,590.37
Hon. T. Weiss	10/1	10/3	Chile		[3] 406.00						406.00
Military transportation							6,021.64				6,021.64
S. Weissman	11/29	12/1	England		510.00						510.00
	12/1	12/9	Ghana		876.00						876.00
	12/9	12/11	Ivory Coast		388.00						388.00
Total					5,568.00		14,126.39		22.07		19,716.46
	12/11	12/17	Senegal		1,442.00						1,442.00
	12/17	12/19	France		450.00						450.00
Commercial transportation							5,274.79				5,274.79
J.J. White	9/30	10/7	Chile		973.00						973.00
Military transportation (one-way)							3,010.82				3,010.82
Commercial transportation (one-way)							1,888.00				1,888.00
K. Wilkens	11/11	11/14	Jordan		320.00				90.74		410.74
	11/14	11/17	Israel		700.00						700.00
	11/17	11/20	Cyprus		432.00				77.66		509.66
	11/20	11/22	England		510.00						510.00
Commercial transportation							4,813.00				4,813.00
	10/31	11/1	Belfast, Ireland		185.00						185.00
	11/1	11/2	Dublin, Ireland		234.00						234.00
	11/2	11/4	England		757.00						757.00
Commercial transportation							4,872.00				4,872.00
Total					6,003.00		19,858.61		168.40		26,030.01
R.C. Harmon	11/29	12/1	England		510.00						510.00
	12/1	12/9	Ghana		876.00						876.00
	12/9	12/11	Ivory Coast		388.00						388.00
	12/11	12/17	Senegal		1,442.00						1,442.00
	12/17	12/19	France		450.00						450.00
Commercial transportation							5,274.79				5,274.79
Total					3,666.00		5,274.79				8,940.79
Grand total for 4th quarters											358,001.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.
[4] Charter.

DANTE B. FASCELL, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31.1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Leslie Megyeri	11/2	11/8	Korea	642,600	918.00						918.00
	11/9	11/10	Hong Kong	2,640.10	338.00		4,500.15				4,858.15
Hon. Jack Brooks	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00			26,246.50	3,361.04		3,958.04
	12/18	12/20	Taiwan	13,999	498.00		[3] 190,149.00		3,029.39		193,676.39
Hon. John Conyers, Jr	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Hon. Bob Wise	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Hon. Edolphus Towns	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Hon. Donald E. (Buz) Lukens	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Robert H. Brink	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Richard C. Barnes	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Chris P. Cooper	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Julian Epstein	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Donald Upson	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Ellen L. Jones	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Mary V. Heuer	12/11	12/13	Korea	209,610	306.00						306.00
	12/13	12/15	Thailand	7,846	313.96						313.96
	12/15	12/18	Hong Kong	4,661.40	597.00						597.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
William M. Jones	12/15	12/18	Hong Kong	4,661.40	597.00		2,269.00				2,866.00
	12/18	12/20	Taiwan	13,999	498.00						498.00
Hon. Glenn English	12/16	12/17	Colombia	30,980	94.00		29.85				123.85
	12/17	12/18	Dutch Antilles/Curacao		128.00						128.00
	12/18	12/20	Bahamas		150.00						150.00
Donald Goldberg	12/16	12/17	Colombia	30,980	94.00		29.85				123.85
	12/17	12/18	Dutch Antilles/Curacao		128.00						128.00
	12/18	12/20	Bahamas		150.00						150.00
Audrey Bashkin	12/16	12/17	Colombia	30,980	94.00		29.85				123.85
	12/17	12/18	Dutch Antilles/Curacao		128.00						128.00
	12/18	12/20	Bahamas		150.00						150.00
Hon. Alfred A. (Al) McCandless	12/16	12/18	Colombia	30,980	94.00		29.85				123.85
	12/17	12/18	Dutch Antilles/Curacao		128.00						128.00
	12/18	12/20	Bahamas		150.00						150.00
Brian Lockwood	12/16	12/18	Colombia	30,980	94.00		29.85				123.85
	12/17	12/18	Dutch Antilles/Curacao		128.00						128.00
	12/18	12/20	Bahamas		150.00						150.00
Committee total					24,790.52		197,067.40		6,918.40		228,248.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation for entire delegation.

JOHN CONYERS, JR., Chairman, Feb. 1, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George Miller	11/10	11/13	Korea		609.00						609.00
	11/13	11/15	Taiwan		548.00				316.65		864.65
	11/15	11/18	Hong Kong		657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
John Lewis	11/12	11/14	Denmark		406.00		[3] 2,276.00		164.00		2,846.00
	11/14	11/20	U.S.S.R.		1,000.00		[3] 4,961.00				5,961.00

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Ron de Lugo	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/16	Dominican Republic		590.00						590.00
Military transportation							1,671.95				1,671.95
Committee total				4,694.00		27,937.50		768.17			33,399.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.

MORRIS K. UDALL, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
David Beier	10/23	10/30	Switzerland		1,640.00						1,640.00
Commercial transportation							4,089.00				4,089.00
Hon. Hamilton Fish, Jr	11/16	11/19	Switzerland		615.00						615.00
	11/19	11/22	France		660.00						660.00
Commercial transportation							4,080.00				4,080.00
Michael Remington	11/16	11/19	Switzerland		615.00						615.00
	11/19	11/23	France		880.00						880.00
Commercial transportation							3,314.00				3,314.00
Margaret Webber	11/16	11/19	Switzerland		615.00						615.00
	11/19	11/23	France		880.00						880.00
Commercial transportation							4,195.00				4,195.00
David Beier	12/4	12/8	Canada		855.00						855.00
Commercial transportation							519.22				519.22
Hayden Gregory	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Hon. Hamilton Fish, Jr	12/13	12/18	Italy		1,005.00						1,005.00
Commercial transportation							4,732.00				4,732.00
Margaret Webber	12/13	12/18	Italy		1,005.00						1,005.00
Commercial transportation							4,732.00				4,732.00
Peter Regis	12/13	12/19	Italy		1,206.00						1,206.00
Commercial transportation							4,732.00				4,732.00
Hon. Romano L. Mazzoli	12/14	12/19	Italy		1,005.00						1,005.00
Commercial transportation							4,731.00				4,731.00
Eugene Pugliese	12/14	12/19	Italy		1,005.00						1,005.00
Commerical transportation							4,731.00				4,731.00
Committee total					14,000.00		42,712.34		65.39		56,777.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Feb. 6, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Jamie M. Fish	12/2	12/11	England		2,358.00		566.00				2,924.00
Committee total					2,358.00		566.00				2,924.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GLENN M. ANDERSON, Chairman, Jan. 31, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristi Walseth	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Shirley Kalich	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Rita Harris	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Thomas J. Spulak	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Hon. Martin Frost	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Hon. Tony Beilenson	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.19				6,819.19
Hon. Butler Derrick	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.00				6,819.00
Hon. Claude Pepper	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				556.89		1,171.89
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							6,819.00				6,819.00
Committee totals					18,312.00		54,553.32		11,247.12		84,112.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nelson L. Milder	11/9	11/10	France	3,720.99	1,167.00					3,720.99	1,167.00
	11/10	11/12	England		255.00						255.00
	11/13	11/14	Germany								
	11/15	11/17	Switzerland	920.95	615.00					920.95	615.00
	11/18	11/20	France								
Commercial air							1,440.40				1,440.40
William A. Oran	11/9	11/13	England	739.27	1,315.00					739.27	1,315.00
	11/13	11/14	Belgium								
	11/14	11/15	Germany								
	11/15	11/16	Switzerland	2,074.00	1,385.00					2,074	1,385.00
	11/17	11/25	France						425.00		425.00
Commercial air							1,059.00				1,059.00
Kitty H. Rising	11/9	11/12	England	512.61	917.00					512.61	917.00
	11/12	11/16	France	8,991.47	1,476.43					8,991.47	1,476.43
	11/16	11/19	Germany		219.00		62.00				281.00
	11/20	11/22	France								
	11/22	11/28	England								
Commercial air							2,172.28				2,172.28
Harland L. Watson	11/9	11/11	England	369.25	662.00					369.25	662.00
	11/11	11/16	France	8,991.47	1,476.43					8,991.47	1,476.43
	11/16	11/19	Germany		219.00		62.00				281.00
	11/19	11/22	France								
	11/22	11/28	England								
Commercial air							2,480.64				2,480.64
Hon. James H. Scheuer	11/9	11/18	Israel		900.00						900.00
Commercial air							4,804.00				4,804.00
Michael Rodemeyer	11/9	11/17	Israel		900.00						900.00
	11/17	11/19	France		440.00						440.00
Commercial air							3,464.00				3,464.00
Eileen Lee	11/9	11/17	Israel		900.00						900.00
	11/17	11/19	France		440.00						440.00
Commercial air							3,464.00				3,464.00
Hon. Jack Buechner	11/11	11/16	Japan	186,250	1,490.00			28,824	240.2	215,074	1,730.20

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/16	11/22	New Zealand	835.17	524.00					835.17	524.00
Commercial air							4,521.00				4,521.00
John D. Holmfeld	11/12	11/15	England	430.07	765.00				129.00	430.07	894.00
	11/16	11/20	Amsterdam	1,338.90	680.00					1,338.90	680.00
	11/20	11/23	Denmark	4,101.60	609.00					4,101.60	609.00
Commercial air							2,580.00				2,580.00
David Goldston	11/13	11/18	Germany		1,005.00						1,005.00
	11/18	11/22	Hungary	34,444.30	664.00					34,444.30	664.00
Military air							1,530.00				1,530.00
Hon. David E. Skaggs	11/19	11/22	England	417.63	765.00					417.63	765.00
Hon. F.J. Sensenbrenner	12/9	12/13	France	6,716.25	1,125.00					6,716.25	1,125.00
	12/13	12/14	Switzerland	307.90	210.00					307.90	210.00
	12/15	12/18	Egypt		444.00						444.00
Commercial air							4,301.00				4,301.00
Todd R. Schultz	12/9	12/13	France	6,716.25	1,125.00					6,716.25	1,125.00
	12/13	12/14	Switzerland	307.90	210.00					307.90	210.00
	12/15	12/18	Egypt		444.00						444.00
Commercial air							4,301.00				4,301.00
Committee total					23,346.86		36,241.32		794.20		60,382.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
There were no expenditures during the calendar quarter.											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G.V. MONTGOMERY, Chairman, Jan. 31, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dan Rostenkowski	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Sam Gibbons	12/2	12/5	Canada	615.38	513.00						513.00
Military transportation							392.66				392.66
Hon. J.J. Pickle	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Pete Stark	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				55.00		670.00
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military transportation							6,819.19				6,819.19
Hon. Richard Gephardt	11/10	11/17	Japan								
Military transportation							118.80				118.80
Hon. Don Pease	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Byron Dorgan	12/2	12/4	Canada	410.26	342.00		500.16				842.16
Hon. Mike Andrews	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Sander Levin	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Jim Moody	12/2	12/5	Canada	615.39	513.00						513.00
Military transportation							392.66				392.66
Hon. Jim Moody	12/10	12/12	Spain		597.00				646.00		1,243.00
	12/12	12/12	Malta								
	12/12	12/16	Turkey		615.00				55.00		670.00
	12/16	12/19	Kenya		459.00				146.00		605.00
	12/19	12/22	Senegal		618.00				57.00		675.00
Military air transportation							4,509.64				4,509.64
Hon. Bill Archer	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Guy Vander Jagt	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/17	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela								
Military transportation	12/14	12/20					1,094.65				1,094.65
Janice Mays	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela								
Military transportation	12/8	12/20					2,776.60				2,776.60
Hon. Guy Vander Jagt	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. Bill Frenzel	12/2	12/4	Canada	410.26	342.00		178.71				520.71
Military transportation (to Montreal only)							158.83				158.83
Hon. Richard T. Schultze	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Hon. E. Clay Shaw, Jr	11/12	11/14	Denmark		406.00		41.00		123.00		570.00
	11/14	11/20	U.S.S.R		1,000.00						1,000.00
Military transportation							7,237.00				7,237.00
Thelma Askey	12/2	12/5	Canada	615.39	513.00		392.66				905.66
Brian Biles	11/9	11/12	Canada		181.00		375.43				556.43
M. Kenneth Bowler	11/10	11/11	Canada		181.00		389.23				570.23
Meredith Broadbent	11/9	11/17	Switzerland	2,071.26	1,379.00		2,312.00				3,691.00
Virginia Fletcher	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Robert J. Leonard	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Charlie Mellody	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Phillip D. Moseley	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00				316.65		864.65
	11/15	11/18	Hong Kong	5,133.10	657.00				222.13		879.13
Military transportation							18,962.85				18,962.85
Janet Nuzum	11/09	11/18	Switzerland	2,771.19	1,845.00		2,312.00				4,157.00
	12/02	12/09	Canada	1,435.92	1,197.00		191.00				1,388.00
Military transportation							158.83				158.83
Frank Phifer	12/02	12/05	Canada	615.39	513.00		392.66				905.66
Wendell Primus	11/10	11/11	Canada		181.00		389.23				570.23
George Weise	11/09	11/18	Switzerland	2,771.19	1,845.00		2,312.00				4,157.00
	12/02	12/08	Canada	1,230.79	1,026.00		126.00				1,152.00
Military transportation							158.83				158.83
Mary Jane Wignot	12/02	12/09	Canada	1,112.40	927.00		172.60				1,099.60
Military transportation							158.83				158.83
Rufus Yerxa	11/10	11/13	Korea	423,860	609.00						609.00
	11/13	11/15	Taiwan	15,366	548.00		316.65				864.65
	11/15	11/18	Hong Kong	5,133.10	657.00		222.13				879.13
Military transportation							18,962.85				18,962.85
Committee total					40,305.00		225,472.16		6,845.41		272,622.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 31, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bernard Raimo, Jr., staff	10/9	10/13	Africa		391.99						391.99
	10/13	10/16	Europe		567.00						567.00
Commercial air							2,575.00				2,575.00
Bernard R. Toon II, staff	10/9	10/13	Africa		293.99						293.99
	10/13	10/19	Europe		189.00						189.00
Commercial air							3,119.51				3,119.51
Michael J. O'Neil, staff	11/9	11/23	Europe		2,810.00		39.75				2,849.75
Commercial air							2,633.00				2,633.00
Robert J. Fitch, staff	11/9	11/23	Europe		2,810.00		39.75				2,849.75
Commercial air							2,633.00				2,633.00
Hon. Bob McEwen	11/29	11/30	West Indies		184.22						184.22
Military/commercial air							1,020.93				1,020.93
Hon. Bud Shuster	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Hon. Dan Glickman	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Hon. Bob Livingston	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Hon. Bob McEwen	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Louis H. Dupart, staff	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Richard H. Giza, staff	12/12	12/16	Central America		636.50						636.50
Military air							6,546.60				6,546.60
Duane P. Andrews, staff	12/12	12/18	Asia		628.00						628.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial air							2,615.00				2,615.00
Virginia S. Callis	12/12	12/18	Asia		628.00						628.00
Commercial air							2,615.00				2,615.00
Committee total					12,321.20		56,570.54				68,891.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANTHONY C. BEILENSON, Chairman, Jan. 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles B. Rangel	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.20				2,776.60
Benjamin A. Gilman	12/13	12/17	Dominican Republic		656.15						656.13
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.81				14.82
Commercial air fare to Dominican Republic	12/13						320.00				320.00
Military Transportation	12/14	12/20					1,094.65				1,094.65
Subtotal					3,210.15		4,286.59				7,562.13
Frank Guarini	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Michael Oxley	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
Military transportation	12/8						501.72				501.72
Commercial transportation	12/11						288.43				288.43
Subtotal					2,416.00		3,692.48		73.91		6,182.39
Walter E. Fauntroy	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/16	Dominican Republic		368.00						368.00
Military transportation	12/8	12/16					1,671.95				1,671.95
Commercial air fare to Washington, DC		12/16					235.00				235.00
Subtotal					1,252.00		1,972.65		65.39		3,290.04
William J. Hughes	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.02
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Solomon Ortiz	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Edward H. Jurith	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Elliott A. Brown	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Rebecca L. Hedlund	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Barbara A. Stolz	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
James H. Alexander, Jr.	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Richard Baum	12/8	12/11	Mexico		402.00		45.21		8.52		455.73
	12/11	12/11	Belize				20.49				20.49
	12/11	12/13	Jamaica		350.00						350.00
	12/13	12/14	Cuba		132.00				56.87		188.87
	12/14	12/17	Dominican Republic		590.00						590.00
	12/17	12/17	Guyana								
	12/17	12/20	Trinidad and Tobago		540.00						540.00
	12/20	12/20	Venezuela				14.82				14.82
Military transportation							2,776.60				2,776.60
Subtotal					2,014.00		2,857.12		65.39		4,936.51
Committee total					22,990.15		32,808.68		727.81		56,526.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Jan. 31, 1989.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

665. A Communication from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-30); to the Committee on Appropriations and ordered to be printed.

666. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting a copy of the Department's fifteenth annual report on Standardization of Equipment Within Nato, Pursuant to 10 U.S.C. 2457(d)(1); to the Committee on Armed Services.

667. A communication from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 89th national convention, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 101-31) to the Committee on Armed Services and ordered to be printed.

668. A letter from the Secretary of Education, transmitting a copy of final regulations—Training Program for Special Programs Staff and Leadership Personnel, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

669. A letter from the Director, The Federal Domestic Volunteer Agency, transmitting a draft of proposed legislation to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act"), and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

670. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a proposed memorandum of understanding with the Government of the Federal Republic of Germany concerning a joint project for harmonization, development, production, and support of a maritime patrol aircraft, pursuant to 10 U.S.C. 4542(e) to the Committee on Foreign Affairs.

671. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the 14th annual report on activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

672. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's notice of a matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

673. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report on its compliance with the Government in the Sunshine Act during calendar year 1988, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

674. A letter from the Chairman, National Endowment for the Humanities, transmitting a report of activities under the Freedom of Information Act for 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

675. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the Marshal's annual report of the Supreme Court regarding administrative cost of carrying out duties under 40 U.S.C. 13n(c); to the Committee on the Judiciary.

676. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled, "Financial Institutions Reform, Recovery and Enforcement Act of 1989"; jointly, to the Committees on Banking, Finance and Urban Affairs, Ways and Means, the Judiciary, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 678. A bill to make a correction in the Education and Training for a Competitive America Act of 1988 (Report No. 101-2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RINALDO (for himself, Mr. TAUKE, Mr. TAUZIN, and Mr. BOUCHER):

H.R. 1136. A bill to amend the Communications Act of 1934 to reform the radio broadcast license renewal process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KASTENMEIER (for himself and Mr. OBEY):

H.R. 1137. A bill to amend the Agricultural Act of 1949 to provide for the modification of the milk price support system contingent on the results of a producer referendum; to the Committee on Agriculture.

By Mr. OBEY (for himself and Mr. KASTENMEIER):

H.R. 1138. A bill to amend the Agricultural Act of 1949 to remove the authority to reduce the level of price support for milk for calendar year 1990; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself and Mr. OBEY):

H.R. 1139. A bill to authorize the Secretary of Agriculture to issue a nationwide marketing order applicable to milk and milk products, and for other purposes; to the Committee on Agriculture.

By Mr. ROYBAL (for himself, Mr. WILSON, Mr. TRAFICANT, Mr. NELSON of Florida, Mr. JONES of North Carolina, Mr. BATES, Mr. FAUNTROY, Mr. GARCIA, Mr. FOGLIETTA, Mrs. BENTLEY, Mr. HATCHER, Mr. ATKINS, Mr. DYMALLY, Mr. MRAZEK, and Mr. FUSTER):

H.R. 1140. A bill to amend titles XVIII and XIX of the Social Security Act with respect to coverage of, and reimbursement for, nursing services under the Medicare and Medicaid Programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BLILEY (for himself and Mr. CRAIG):

H.R. 1141. A bill to amend the Internal Revenue Code of 1986 to allow an additional 50-percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself and Mr. MONTGOMERY):

H.R. 1142. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain deductions allowed to members of reserve units of the Armed Forces or the National Guard; to the Committee on Ways and Means.

By Mr. COMBEST (for himself and Mr. SARPALIUS):

H.R. 1143. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COURTER:

H.R. 1144 A bill to amend the McCarran-Ferguson Act to limit the exemption with respect to the business of personal motor vehicle insurance, and for other purposes; to the Committee on the Judiciary.

By Mr. COYNE:

H.R. 1145. A bill to amend the Federal Water Pollution Control Act to permit the Administrator of the Environmental Protection Agency to change a State's priority list of wastewater construction projects if the Administrator determines that Federal funds for such projects have not been equitably distributed within such State; to the Committee on Public Works and Transportation.

H.R. 1146. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the city of Pittsburgh, PA, to pay the costs of constructing the uncompleted portion of the Saw Mill relief sewer; to the Committee on Public Works and Transportation.

By Mr. CRANE:

H.R. 1147. A bill to provide for the privatization of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. CRANE (for himself, Mr. STUMP, Mr. BURTON of Indiana, Mr. ROBINSON, Mr. LEWIS of Florida, Mr. FIELDS, Mr. HASTERT, Mr. BLILEY, Mr. CRAIG, Mr. SLAUGHTER of Virginia, Mr. DANNEMEYER, and Mr. PARRIS):

H.R. 1148. A bill to limit United States contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. CRANE (for himself, Mrs. BOGGS, and Mr. FORD of Michigan):

H.R. 1149. A bill to allow Members of Congress to use the franking privilege to disseminate copies of the Constitution of the United States; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota:

H.R. 1150. A bill to repeal the provision of the Tax Reform Act of 1986 which limits the benefits to consumers from the effect of the corporate rate reduction on deferred tax reserves of public utilities; to the Committee on Ways and Means.

By Mr. DYSON:

H.R. 1151. A bill to require that $25 million of the amount appropriated for fiscal year 1990 for the Department of Defense for operation and maintenance be spent only for environmental cleanup and restoration of the former Naval Training Center, Bainbridge; to the Committee on Armed Services.

By Mr. ERDREICH:

H.R. 1152. A bill to provide for a study by the Secretary of Health and Human Services to develop recommendations for correcting the disparities in the computation of social security benefits—commonly referred to as the "notch problem"—which were caused by the enactment—in 1977—of the present formula for computing primary insurance amounts under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. GEKAS (for himself, Mr. DORNAN of California, Mr. PENNY, Mrs. BENTLEY, Mr. PORTER, Mr. BILBRAY, Mr. MACHTLEY, Mrs. MEYERS of Kansas, Mr. WELDON, Mr. HANSEN, Mr. NIELSON of Utah and Mr. ARMEY):

H.R. 1153. A bill to amend chapter 13 of title 31, United States Code, to provide for an automatic continuing resolution for the U.S. Government; jointly, to the Committees on Appropriations and Rules.

By Mr. GIBBONS:

H.R. 1154. A bill to prohibit the importation of assault weapons and certain accessories; to the Committee on Ways and Means.

By Mr. HOPKINS (for himself, Mr. ROE, Mr. WHITTAKER, Mr. ROGERS, Mr. HUBBARD, Mr. BUNNING, Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mr. PALLONE, Mr. FUSTER, and Mr. RANGEL):

H.R. 1155. A bill to amend the Water Resources Development Act of 1986 to provide Federal cost sharing for water supply projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 1156. A bill to suspend temporarily the duty on a certain chemical intermediate; to the Committee on Ways and Means.

By Mr. LELAND (for himself, Mr. HUNTER, and Mr. MCNULTY):

H.R. 1157. A bill for the relief of Henry Johnson; to the Committee on Armed Services.

H.R. 1158. A bill for the relief of Dorris Miller; to the Committee on Armed Services.

By Mr. MILLER of California (for himself, Mr. MINETA, Mr. KOLBE, Mr. WAXMAN, Mr. RICHARDSON, Mr. ROE, Mr. DEFAZIO, Mr. MARTINEZ, Mr. STUMP, Mr. FOGLIETTA, Mr. TORRES, Mr. RHODES, Ms. PELOSI, Mrs. BOXER, Mr. MRAZEK, Mr. EDWARDS of California, Mr. DE LUGO, Mr. KYL, Mr. SIKORSKI, Mr. LEHMAN of California,

Mr. HUNTER, Mr. ROYBAL, Mr. LAGOMARSINO, Mr. BERMAN, Mr. TOWNS, Mr. BEILENSON, Mr. BOSCO, Mr. UDALL, Mr. COELHO, and Mr. DIXON):

H.R. 1159. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 1160. A bill to suspend temporarily the duty on octadecyl isocyanate; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1161. A bill to amend title 39, United States Code, to provide that any person who receives an unsolicited sexually oriented advertisement through the mails may require the sender to disclose the source from which the recipient's name or address was obtained; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.R. 1162. A bill to amend the Internal Revenue Code of 1986 to provide that the extension of time for payment of the estate tax on property valued under section 2032A of such Code shall not be terminated by reason of a disposition of the property to a member of the qualified heir's family; to the Committee on Ways and Means.

H.R. 1163. A bill to amend title XVIII of the Social Security Act to include additional types of services as home health services under the medicare program, to amend the Domestic Volunteer Service Act of 1973 to clarify the purposes, goals, and administration of the senior companion program, and to amend the Internal Revenue Code of 1986 to establish an income tax credit for maintaining a household for dependents who are 65 years of age or older; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. PEPPER:

H.R. 1164. A bill requiring port-of-entry interviews of certain aliens apprehended in territorial waters of the United States; jointly, to the Committees on the Judiciary and Merchant Marine and Fisheries.

By Mr. PICKETT:

H.R. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the provision terminating the exclusion for benefits under educational assistance programs and to repeal the provision limiting such exclusion to benefits for undergraduate education; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, Mr. STAGGERS, and Mr. WISE):

H.R. 1166. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs; to the Committee on Public Works and Transportation.

H.R. 1167. A bill to provide additional funding for the Appalachian development highway system; to the Committee on Public Works and Transportation.

By Mr. ROBERTS:

H.R. 1168. A bill to amend title XVIII of the Social Security Act to ensure that Medicare-dependent, small, rural hospitals receive at least their reasonable costs for inpatient hospital services furnished under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1169. A bill to amend the Higher Education Act of 1965 to improve needs analysis in the student aid programs under that act; to the Committee on Education and Labor.

By Ms. SCHNEIDER:

H.R. 1170. A bill to authorize the Secretary of Housing and Urban Development to establish a demonstration program to insure mortgages with no down payment for moderate-income first-time homebuying families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SLATTERY (for himself, Mr. WAXMAN, Mr. THOMAS A. LUKEN, Mr. FOGLIETTA, Mr. PARKER, Mr. KENNEDY, Mr. BATES, Mr. GOODLING, Mr. DONALD E. LUKENS, Mr. LEVIN of Michigan, Mr. GARCIA, Mr. MCCURDY, Mr. DORNAN of California, Mr. PEPPER, Mr. HUCKABY, Mr. VENTO, Mr. WYDEN, Mr. HANSEN, Mr. FRANK, Mr. MARKEY, Mr. LEHMAN of Florida, Mr. ANDREWS, Mr. FASCELL, Mr. WALGREN, Mr. HOYER, Mr. PEASE, Mr. DEFAZIO, Mr. DWYER of New Jersey, Mrs. BOXER, Mr. TAUKE, Mr. SYNAR, Mr. WHEAT, Mr. BEREUTER, Mr. STUDDS, Mr. SIKORSKI, Mr. BRYANT, Mrs. COLLINS, Mr. COOPER, Mr. JACOBS, Mr. EVANS, Mr. ATKINS, Mr. MRAZEK, Mr. FISH, Mr. WEISS, Mr. SOLARZ, Mr. CONYERS, Mr. SHAYS, and Mr. TORRICELLI):

H.R. 1171: A bill to amend the Federal Cigarette Labeling and Advertising Act to require that cigarettes and cigarette advertising bear a label stating the addictive quality of nicotine; to the Committee on Energy and Commerce.

By Mr. SMITH of Florida:

H.R. 1172. A bill to amend the Trademark Act of 1946 to prohibit the registration of any trademark comprised of the name of a municipality or other political subdivision of any State of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Florida (for himself, Mr. FASCELL, Mr. JOHNSTON of Florida, Mr. LEHMAN of Florida, Mr. PEPPER, Mr. BENNETT, Mr. GIBBONS, Mr. MCCOLLUM, and Mr. SHAW):

H.R. 1173. A bill to amend the Immigration and Nationality Act to make available funds to reimburse localities which are impacted by substantial increases in aliens applying for political asylum; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself, Mr. DWYER of New Jersey, Mr. ATKINS, Mr. MRAZEK, Mr. DE LUGO, Mr. TOWNS, Mr. BROWN of California, Mr. PETRI, Mr. EVANS, and Mr. ENGEL):

H.R. 1174. A bill to establish a National Mars Commission, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. WYDEN:

H.R. 1175. A bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants in all settings; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WYDEN (for himself, Mr. LEVIN of Michigan, Mr. TAUKE, and Mr. SYNAR):

H.R. 1176. A bill to amend title XVIII of the Social Security Act to provide for coverage of social worker services in rural health clinics under the Medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CRANE (for himself, Mr. BURTON of Indiana, Mr. HUNTER, Mr. ROHRABACHER, Mr. ROE, Mr. LIPINSKI, Mr. INHOFE, Mr. KASICH, Mr. KLECZKA, Mr. MONTGOMERY, Mr. WOLF, Mrs. BENTLEY, Mr. KOLBE, Mr. HYDE, Mr. DORNAN of California, Mr. UDALL, Mr. GUNDERSON, Mr. GILMAN, Mr. DANNEMEYER, Mr. MARTINEZ, and Mr. HORTON):

H.J. Res. 156. Joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to General Draza Mihailovich in Washington, District of Columbia, or its environs, in recognition of the role he played in saving the lives of more than five hundred United States airmen in Yugoslavia during World War II; to the Committee on House Administration.

By Mr. DEFAZIO (for himself, Mr. AUCOIN, Mr. WYDEN, Mr. WEISS, Mr. WAXMAN, Mr. BATES, Mr. FAUNTROY, Mr. ATKINS, Ms. PELOSI, Mr. OWENS of Utah, Mr. DE LUGO, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. TOWNS, and Mrs. COLLINS):

H.J. Res. 157. Joint resolution to amend the War Powers Resolution; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. DERRICK:

H.J. Res. 158. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH:

H.J. Res. 159. Joint resolution proposing an amendment to the Constitution of the United States relating to equal access by voluntary student religious groups and moments of silence which may be used for voluntary silent prayer or reflection in public schools; to the Committee on the Judiciary.

By Mr. HOCHBRUECKNER (for himself, Mr. MARTINEZ, Mr. FASCELL, Ms. KAPTUR, Mr. ROE, Mr. COSTELLO, Mr. BROWN of California, Mrs. COLLINS, Mrs. BENTLEY, Mr. MINETA, Mr. WOLPE, Mr. HUGHES, Mr. STOKES, Mr. BATES, Mr. DYMALLY, Mr. WEISS, Mr. MRAZEK, Mr. EVANS, Mr. BENNETT, Mr. FAUNTROY, Mr. FUSTER, Mr. FOGLIETTA, and Mr. RANGEL):

H.J. Res. 160. Joint resolution concerning the issuance of a "Peace" stamp by the United States and the Soviet Union and the issuance of a United States postage stamp in recognition of the desire of the people of the United States and the Soviet Union for peaceful relations between the two countries; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. MRAZEK:

H.J. Res. 161. Joint resolution designating 1989 as the "Centennial Year of the Webb Institute of Naval Architecture"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 162. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. UDALL:

H.J. Res. 163. Joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. GEJDENSON, Mr. VALENTINE, Mr. WAXMAN, Mr. MARKEY, Mr. MATSUI, Mr. WALGREN, Mr. STARK, Mr. MOODY, Mr. CARR, Mr. BERMAN, Mr. HORTON, Mr. ACKERMAN, Mrs. ROUKEMA, Mr. LEVIN of Michigan, Mr. ROWLAND of Georgia, Mr. WOLPE, Mr. SIKORSKI, Mrs. MORELLA, Mr.

MADIGAN, Mr. MCDERMOTT, Mrs. LOWEY of New York, and Mr. LANTOS):

H.J. Res. 164. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. AUCOIN (for himself, Mr. DEFAZIO, Mr. HAYES of Illinois, Mr. DELLUMS, Mrs. BOXER, Ms. PELOSI, and Mr. WYDEN):

H. Con. Res. 61. Concurrent resolution to express the sense of the Congress that spending priorities in the budget of the U.S. Government should be changed to reflect the principles upon which the United States was founded; to the Committee on Government Operations.

By Mr. MANTON (for himself, Mr. FISH, Mr. SCHEUER, Mr. DOWNEY, Mr. RANGEL, Mr. ANNUNZIO, Mr. WELDON, Mr. BUSTAMANTE, Mr. BORSKI, Mr. ACKERMAN, Mr. FAUNTROY, Mr. OWENS of New York, Mr. LENT, Mr. RICHARDSON, Mr. ENGEL, Mrs. BENTLEY, Mr. PEPPER, Mr. THOMAS A. LUKEN, and Mrs. COLLINS):

H. Con. Res. 62. Concurrent resolution commending the recent decision of the Board of Immigration Appeal to allow Joseph Patrick Doherty to apply for political asylum in the United States and asking the Attorney General to approve Joseph Patrick Doherty's asylum request and release him on bond pending review of this application; to the Committee on the Judiciary.

By Mr. ROSE (for himself, Mr. GILMAN, and Mr. DOUGLAS):

H. Con. Res. 63. Concurrent resolution commending March 10, 1989, as the 30th anniversary of the Tibetan national uprising and expressing the concern of the Congress for the ongoing human rights abuses in Tibet; to the Committee on Foreign Affairs.

By Mr. BATES:

H. Res. 92. Resolution authorizing the printing of the committee print entitled "Report of the Task Force on Foreign Assistance" as a House document; considered and agreed to.

By Mr. LELAND:

H. Res. 93. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Hunger in the first session of the 101st Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself, Mr. COUGHLIN, and Mr. GILMAN):

H. Res. 94. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the first session of the 101st Congress; to the Committee on House Administration.

By Ms. SCHNEIDER:

H. Res. 95. Resolution expressing the sense of the House of Representatives that individual school districts should make youth service programs available to young individuals by incorporating the service programs as course electives in secondary school curricula; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MARTIN of New York:

H.R. 1177. A bill for the relief of Cathy-Anne Hughes; to the Committee on the Judiciary.

By Mr. PICKETT:

H.R. 1178. A bill for the relief of Earl B. Chappell, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. SMITH of Texas, Mr. ERDREICH, Mr. SENSENBRENNER, Mr. ARMEY, Mr. WALSH, Mr. DWYER of New Jersey, Mr. UPTON, Mr. FOGLIETTA, Mr. FLORIO, Mr. BARNARD, Mr. FUSTER, Mr. BOUCHER, Mr. HATCHER, Mr. SCHEUER, Mr. RICHARDSON, Mr. THOMAS of Georgia, Mr. SHAYS, Mr. ACKERMAN, Mr. REGULA, Mr. CROCKETT, Mr. WYLIE, Mr. NELSON of Florida, and Mr. DOUGLAS.

H.R. 21: Mr. BUSTAMANTE, Mr. DE LUGO, Mr. DURBIN, Mr. FAZIO, Mr. GILMAN, Mr. GONZALEZ, Mr. KILDEE, Mr. JONTZ, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. THOMAS A. LUKEN, Mr. MCDERMOTT, Mr. PICKETT, Mr. RICHARDSON, Mr. ROBINSON, Ms. SCHNEIDER, Mr. SCHEUER, and Mr. SOLARZ.

H.R. 22: Mr. DIXON, Mr. GILMAN, Mr. MCCLOSKEY, Mr. HENRY, Mr. HUTTO, and Mr. HAMMERSCHMIDT.

H.R. 42: Mr. HUGHES.

H.R. 75: Mr. BRYANT.

H.R. 76: Mr. FASCELL, Mr. GIBBONS, Mr. IRELAND, Mr. LEHMAN of Florida, and Mr. NELSON of Florida.

H.R. 82: Mr. PAXON, Mr. HEFNER, Mr. RIDGE, Mr. TORRES, Mr. GUARINI, and Mr. CRANE.

H.R. 84: Mr. BROOMFIELD, Mr. DELLUMS, Mr. FEIGHAN, Mr. HOCHBRUECKNER, Mrs. LOWEY of New York, Mr. PALLONE, Mr. TORRICELLI, and Mr. CONYERS.

H.R. 85: Mr. HUGHES.

H.R. 86: Mr. LAGOMARSINO, Mr. MCGRATH, Mr. SHAW, Mr. TOWNS, and Mr. MANTON.

H.R. 87: Mr. EVANS and Mr. TOWNS.

H.R. 88: Mr. BUSTAMANTE, Ms. KAPTUR, Mr. LANTOS, Mr. NEAL of North Carolina, Mr. SHAW, Mr. TOWNS, Mr. UPTON, Mr. BATES, Mr. HUNTER, Mr. FAUNTROY, and Mr. OWENS of Utah.

H.R. 89: Mr. BUECHNER and Mr. FISH.

H.R. 90: Mr. SMITH of Florida and Mr. MANTON.

H.R. 91: Mr. SKEEN, Mr. LEWIS of Georgia, Mr. EVANS, Mr. JOHNSTON of Florida, Mr. CHAPMAN, Mr. TORRES, Mr. LIPINSKI, and Mr. LANCASTER.

H.R. 112: Mr. BUSTAMANTE, Mr. WATKINS, and Mr. ORTIZ.

H.R. 148: Mr. MARTIN of New York, Mr. POSHARD, and Mr. ESPY.

H.R. 150: Mr. RIDGE, Mr. MINETA, and Mr. DANNEMEYER.

H.R. 152: Mr. PENNY.

H.R. 156: Mr. WOLPE, Mr. FRANK, Mr. ATKINS, Mr. KENNEDY, Mr. HERTEL, Mr. BONIOR, Mr. MFUME, Mr. STUDDS, and Ms. KAPTUR.

H.R. 159: Mr. MOORHEAD.

H.R. 171: Mr. LEACH of Iowa, Mr. PETRI, Mr. HEFLEY, Mr. PORTER, Mr. GALLEGLY, Mr. BENNETT, Mr. WALKER, Mr. KOLBE, Mr. SHAW, Mr. DENNY SMITH, Mr. SKEEN, Mr. HOLLOWAY, and Mr. OWENS of New York.

H.R. 181: Mr. TAUKE, Mr. STANGELAND, Mr. JONES of North Carolina, Mr. INHOFE, Mr. NELSON of Florida, Mr. KOLTER, Mr. HERGER, Mr. HENRY, Mr. YOUNG of Alaska, Mrs. VUCANOVICH, Mr. LAGOMARSINO, Mr. BENNETT, Mrs. ROUKEMA, Mrs. SAIKI, Mr. MCGRATH, Mr. JOHNSON of South Dakota, Mr. PARRIS, Mr. SHUSTER, Mr. BAKER, Mr. MOORHEAD, Mr. DONALD E. LUKENS, and Mr. GEKAS.

H.R. 198: Mr. HOLLOWAY.

H.R. 271: Mr. COBLE.

H.R. 283: Mr. SMITH of Mississippi, Mr. WOLF, Mr. TRAFICANT, Mr. THOMAS A. LUKEN, Mr. REGULA, Mr. GORDON, and Mr. RAVENEL.

H.R. 286: Mr. HANCOCK.

H.R. 293: Mr. EVANS, Mr. PEPPER, Mr. TORRICELLI, Mr. DE LUGO, Mr. MRAZEK, Mr. JACOBS, and Ms. SCHNEIDER.

H.R. 303: Mr. KOSTMAYER, Mr. SCHIFF, Mr. POSHARD, Mr. FISH, Mr. AKAKA, Mrs. KENNELLY, Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. STEARNS, Mr. WHEAT, Mr. ESPY, and Mr. HAYES of Illinois.

H.R. 310: Mr. PICKETT, Mr. BLILEY, Mr. SLAUGHTER of Virginia, and Mr. PARRIS.

H.R. 413: Mr. DEFAZIO.

H.R. 418: Mr. BATES, Mr. MARTINEZ, Mr. EVANS, and Mr. MOODY.

H.R. 419: Mr. ACKERMAN, Mr. BEILENSON, Mr. BEVILL, Mrs. BOXER, Mrs. COLLINS, Mr. DARDEN, Mr. DE LUGO, Mr. ENGLISH, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. HARRIS, Mr. HORTON, Mr. KOLTER, Mr. LANCASTER, Mr. THOMAS A. LUKEN, Mr. MACHTLEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. OWENS of New York, Mr. RANGEL, Mr. ROE, Mr. SABO, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SOLOMON, Mr. TOWNS, Mr. WILSON, Mr. WOLPE, and Mr. VISCLOSKY.

H.R. 436: Mr. MARKEY.

H.R. 446: Mr. WYDEN.

H.R. 537: Mr. HERTEL, Mrs. KENNELLY, Mr. SKEEN, Mr. RIDGE, Mr. PARRIS, Mr. PALLONE, and Mr. LIPINSKI.

H.R. 540: Mr. ATKINS, Mr. BATES, Mr. FOGLIETTA, Mr. HAYES of Illinois, and Mr. MAVROULES.

H.R. 560: Mrs. BENTLEY, Mr. REGULA, Mr. TOWNS, and Mr. BURTON of Indiana.

H.R. 561: Mr. DE LUGO and Mr. NIELSON of Utah.

H.R. 567: Mr. EVANS, Mr. TORRICELLI, Mr. GAYDOS, Mr. CARPER, Mr. GUARINI, Mr. OBERSTAR, Mr. HEFNER, and Mr. CLARKE.

H.R. 578: Mr. FISH, Mr. BARTLETT, Mr. STARK, Mr. FEIGHAN, Mr. SMITH of New Hampshire, Mr. TORRICELLI, Mrs. BENTLEY, and Mr. DELLUMS.

H.R. 579: Mr. EMERSON, Mr. BARTLETT, Mr. BLILEY, and Mr. DAVIS.

H.R. 595: Mr. TAUZIN, Mr. WELDON, Mr. WHITTAKER, Mr. CROCKETT, Mr. NEAL of North Carolina, and Mr. COX.

H.R. 615: Mrs. BENTLEY, Mr. DWYER of New Jersey, Mr. HARRIS, Mr. JOHNSON of South Dakota, Mr. LEWIS of Georgia, Mr. TOWNS, and Mr. TRAFICANT.

H.R. 622: Mr. DANNEMEYER.

H.R. 623: Mr. DANNEMEYER, Mr. BARTLETT, Mr. EMERSON, and Mr. BURTON of Indiana.

H.R. 624: Mr. DANNEMEYER, Mr. LIGHTFOOT, Mr. BURTON of Indiana, Mr. BLILEY, and Mr. EMERSON.

H.R. 625: Mr. DANNEMEYER, Mr. BLILEY, and Mr. BURTON of Indiana.

H.R. 626: Mr. WEBER, Mr. DANNEMEYER, Mr. LIGHTFOOT, Mr. BURTON of Indiana, Mr. BLILEY, and Mr. BARTLETT.

H.R. 633: Mr. BATES, Mrs. BENTLEY, Mr. BUSTAMANTE, Mr. BROWN of California, Mr. DORNAN of California, Mr. FUSTER, Ms. KAPTUR, Mr. OWENS of New York, Mr. PARRIS, Mr. PICKETT, Mr. LAGOMARSINO, Mr. ROE, Mrs. SAIKI, Mr. WATKINS, Mr. WOLF, and Mr. EMERSON.

H.R. 646: Mr. SCHUETTE and Mr. SHAW.

H.R. 670: Mr. TRAFICANT, Mr. PARRIS, Mr. CHAPMAN, and Mr. FUSTER.

H.R. 680: Mr. ROSE, Mr. HOLLOWAY, Mr. STALLINGS, Mr. LANCASTER, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. SYNAR, Mrs. BENTLEY, Mr. CLINGER, Mr. EMERSON, Mr. JONTZ, Mr. PERKINS, Mr. ECKART, and Mr. POSHARD.

H.R. 696: Mrs. SAIKI, Mr. FOGLIETTA, Mr. JONTZ, Mr. BATES, Mr. LEHMAN of California, Mr. GUNDERSON, Mr. DWYER of New Jersey, Mr. FROST, Mrs. MORELLA, Mr. FAWELL, Mr. KILDEE, Mr. CAMPBELL of Colorado, Mr. MAVROULES, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. BRYANT, and Mr. POSHARD.

H.R. 705: Mr. GARCIA, Mr. DOWNEY, Mr. FEIGHAN, Mr. HAWKINS, Mr. WILSON, Mr. NOWAK, Mr. ACKERMAN, Mr. ORTIZ, Mr. BENNETT, Mr. BILBRAY, Mr. DYMALLY, Mr. IRELAND, Mrs. COLLINS, Mr. MAZZOLI, Mr. FLORIO, and Mr. TORRES.

H.R. 706: Mr. KILDEE, Mr. KENNEDY, and Mr. MCCLOSKEY.

H.R. 722: Mr. SAXTON and Mr. TORRICELLI.

H.R. 746: Mr. HANCOCK, Mr. DURBIN, and Mr. DENNY SMITH.

H.R. 748: Mr. VALENTINE.

H.R. 777: Mr. SCHEUER, Mr. BARNARD, Mrs. BOXER, Mr. LEVIN of Michigan, and Mr. LEVINE of California.

H.R. 790: Mr. MOODY, Mrs. JOHNSON of Connecticut, and Mr. FRENZEL.

H.R. 791: Mrs. JOHNSON of Connecticut, Mr. PASHAYAN, Mr. SMITH of New Jersey, and Ms. SNOWE.

H.R. 812: Mr. DWYER of New Jersey, Mr. BAKER, Mr. MRAZEK, Mrs. MORELLA, and Mr. ESPY.

H.R. 819: Mr. DE LUGO, Mrs. MEYERS of Kansas, Mr. HUGHES, Mrs. BOXER, Mrs. KENNELLY, Mr. MARTINEZ, Mr. LANCASTER, Mr. CLINGER, Mr. LOWERY of California, Mrs. PATTERSON, and Mr. FRANK.

H.R. 851: Mr. ECKART.

H.R. 873: Mr. TOWNS and Mr. FOGLIETTA.

H.R. 874: Mr. DE LUGO, Mr. FRANK, Mr. HERTEL, Mr. LANCASTER, Mr. PARRIS, Mr. CHAPMAN, Mr. HAYES of Louisiana, and Mr. TORRES.

H.R. 895: Mr. HAMMERSCHMIDT, Mr. PENNY, Mr. FAWELL, Mr. OBERSTAR, Mr. SKAGGS, Mr. DURBIN, Mr. JONTZ, Mr. DICKS, and Mr. EMERSON.

H.R. 930: Mr. KASTENMEIER and Mr. LEACH of Iowa.

H.R. 985: Mr. DELLUMS, Mr. LAGOMARSINO, Mr. ENGEL, and Mr. MOODY.

H.R. 993: Mr. ENGEL, Mr. MILLER of Washington, and Mr. MINETA.

H.R. 1096: Mr. SHAYS, Mr. SMITH of New Jersey, and Mr. PALLONE.

H.J. Res. 49: Mr. HOLLOWAY.

H.J. Res. 78: Mr. HORTON, Mr. MCEWEN, Mr. OWENS of New York, Mr. FAZIO, Mr. MARTINEZ, Mr. SLATTERY, Mr. MARLENEE, Mr. WHITTAKER, Mr. PARKER, Mr. EMERSON, Mrs. BENTLEY, and Mr. COELHO.

H.J. Res. 84: Mr. DORNAN of California, Mr. MCGRATH, Mr. SABO, Mrs. VUCANOVICH, Mr. FAWELL, Mr. HYDE, Mr. OXLEY, Mrs. SAIKI, Mr. PORTER, Mr. STUMP, and Mr. ARMEY.

H.J. Res. 91: Mr. DANNEMEYER, Mr. BURTON of Indiana, and Mr. WEBER.

H.J. Res. 98: Mr. ROE, Mr. HANCOCK, Mr. DYMALLY, Mr. KOLTER, Mr. MARTINEZ, Mr. LAGOMARSINO, Mrs. BENTLEY, Mrs. MEYERS of Kansas, and Mr. EVANS.

H.J. Res. 134: Mr. KASTENMEIER, Mr. MARTINEZ, Mr. PICKETT, Mr. WOLF, Mr. FORD of Tennessee, Mr. DWYER of New Jersey, Mr. GALLO, Mr. COSTELLO, Mr. HOCHBRUECKNER, Mr. OWENS of New York, Mr. LAGOMARSINO, Mr. PALLONE, Mr. DYMALLY, Mr. SAVAGE, Mr. CLEMENT, Mr. JONES of North Carolina, Mr. FOGLIETTA, Mr. BLILEY, Mr. WILSON, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. HAYES of Illinois, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. SHAW, Mr. FROST, Ms. PELOSI, Mr. LEHMAN of Florida, Mr. MURTHA, Mr. HARRIS, Mr. HOPKINS, Mr. TOWNS, Mr. KASICH, Mr. BEVILL, Mr. THOMAS A. LUKEN, Ms. SLAUGHTER of New York, Mr. HUGHES, Mr. HORTON, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. DEFAZIO, Mr. EVANS, and Mr. MANTON.

H.J. Res. 136: Mr. ACKERMAN, Mr. ANDREWS, Mr. ASPIN, Mr. BERMAN, Mr. BILBRAY, Mr. BOSCO, Mr. BROWN of California, Mr. CARR, Mr. CLEMENT, Mr. COELHO, Mr. CONTE, Mr. COOPER, Mr. COUGHLIN, Mr. COYNE, Mr. DEFAZIO, Mr. DE LUGO, Mr. DOUGLAS, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. FASCELL, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRENZEL, Mr. GORDON, Mr. GREEN, Mr. HAYES of Illinois, Mr. HUGHES, Ms. KAPTUR, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. THOMAS A. LUKEN, Mr. MCGRATH, Mr. MACHTLEY, Mr. MANTON, Mr. MFUME, Mr. MINETA, Mr. MOLINARI, Mr. MRAZEK, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. PAXON, Ms. PELOSI, Mr. PEPPER, Mr. QUILLEN, Mr. SAXTON, Mr. SOLARZ, Mr. STOKES, Mr. TORRICELLI, Mr. WELDON, Mr. WOLF, and Mr. YATES.

H.J. Res. 140: Mr. ROGERS, Mr. HAYES of Louisiana, Mr. MCCRERY, Mr. SAVAGE, Mr. ENGEL, Mr. TOWNS, Mr. FROST, Mr. SAWYER, Mr. KENNEDY, Mr. BILBRAY, Mr. CLINGER, Mr. RAHALL, Mr. BATES, Mr. MCMILLEN of Maryland, Mr. FLORIO, Mr. KOSTMAYER, Mr. SARPALIUS, and Mrs. MARTIN of Illinois.

H.J. Res. 148: Mr. SCHUETTE, Mr. ENGEL, Ms. SLAUGHTER of New York, Mr. MARTINEZ, Mr. STARK, Mr. COELHO, Mr. CLINGER, Mr. LANCASTER, Mr. MORRISON of Connecticut, Mr. TOWNS, Mr. DELLUMS, Mr. MCCLOSKEY, Mr. DIXON, Mr. MRAZEK, Mr. MAZZOLI, Mr. HATCHER, Mr. CROCKETT, Mr. NAGLE, Mr. HOYER, Mr. MFUME, Mr. PALLONE, Mr. SCHUMER, Mr. ROYBAL, Mr. PAYNE of New Jersey, Mr. SAVAGE, Mr. EVANS, Mr. ESPY, Mr. FRENZEL, Mr. GINGRICH, Mr. MACHTLEY, Mr. MARTIN of New York, Mr. RAVENEL, Mr. SWIFT, Mr. SMITH of New Hampshire, Mr. BOSCO, Mr. BOUCHER, Mr. MCHUGH, Mr. BILBRAY, Mr. BATES, Mr. KLECZKA, Mr. FLORIO, Mr. MURTHA, Mr. LAUGHLIN, and Mr. PARKER.

H. Con. Res. 1: Mr. SWIFT.

H. Con. Res. 14: Mr. BROWN of California, Mr. LIPINSKI, Mr. GILLMOR, and Mr. DEWINE.

H. Con. Res. 21: Mr. RANGEL.

H. Con. Res. 23: Mr. BEREUTER, Mr. BEVILL, Mr. BLILEY, Mr. BONIOR, Mrs. BOXER, Mr. BROWN of California, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. DYMALLY, Mr. EVANS, Mr. FOGLIETTA, Mr. FROST, Mr. FUSTER, Mr. GALLO, Mr. GARCIA, Mr. HATCHER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. THOMAS A. LUKEN, Mr. MANTON, Mr. MARTIN of New York, Mr. MINETA, Mr. MRAZEK, Mr. OWENS of New York, Ms. PELOSI, Mr. PICKETT, Mr. QUILLEN, Mr. RICHARDSON, Mr. SAVAGE, Mr. SPRATT, Mr. TOWNS, Mr. WILSON, and Mr. WOLF.

H. Con. Res. 26: Mr. LEWIS of Florida, Mr. BOEHLERT, Mr. SHAW, Mr. CRAIG, Mr. DONALD E. LUKENS, and Mrs. BENTLEY.

H. Con. Res. 35: Mr. FLIPPO, Mr. CLINGER, Mr. WHITTAKER, Mr. HANCOCK, Mr. KOLBE, Mr. BLILEY, Mrs. BENTLEY, Mr. DONALD E. LUKENS, and Mr. HUGHES.

H. Con. Res. 37: Mr. LELAND, Mr. STALLINGS, Mr. ROTH, Mr. SMITH of Texas, Mr. BILBRAY, Mr. LAUGHLIN, Mr. CAMPBELL of California, Mr. PETRI, Mr. HALL of Ohio, Mr. SMITH of Vermont, Mr. THOMAS of Georgia, Mr. LEATH of Texas, Mr. ROBERT F. SMITH, Mr. MACHTLEY, Mr. SMITH of New Jersey, Mr. HAYES of Louisiana, Mr. VANDER JAGT, Mr. WILSON, Mr. UPTON, Mr. OBERSTAR, Mr. RAVENEL, Mr. TOWNS, Mr. HEFLEY, Mr. DERRICK, Mr. ORTIZ, Mr. THOMAS A. LUKEN, Ms. OAKAR, Mr. FEIGHAN, Mr. DREIER of California, Mr. TORRICELLI, Mr. WYDEN, Mr. RITTER, Mr. CHAPMAN, Mr. MCDADE, Mr. DYMALLY, and Mr. BROOMFIELD.

H. Con. Res. 45: Mr. BATES, Mr. HOUGHTON, Mr. LIGHTFOOT, Mrs. MEYERS of Kansas, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. BUECHNER, and Mr. PETRI.

H. Con. Res. 48: Mr. TORRES, Mr. DYMALLY, Mr. FAZIO, Mr. WOLPE, Mr. SANGMEISTER, Mr. SAVAGE, Mr. ROSTENKOWSKI, Mr. FLORIO, Mr. COSTELLO, Mrs. KENNELLY, Mr. CARDIN, Mr. CARR, Mr. WHEAT, Mr. MORRISON of Connecticut, Mr. STARK, Mr. LEWIS of Georgia, Mrs. UNSOELD, Mr. UDALL, Mr. BRUCE, Ms. KAPTUR, Mrs. SCHROEDER, Mr. HALL of Ohio, Mr. HAWKINS, and Mr. RICHARDSON.

H. Res. 23: Mr. SMITH of Mississippi and Mr. CLARKE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 84: Mr. MACHTLEY.

SENATE—*Tuesday, February 28, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2:15 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by the guest chaplain, the Reverend F. Robert Davidson, of St. Christopher's Episcopal Church, Burton, MI. The Reverend Mr. Davidson is also the National Chaplain of the American Legion.

PRAYER

The Reverend F. Robert Davidson offered the following prayer:

Let us pray:

Almighty God our Heavenly Father, whose great Commandment is that we shall love our neighbors as ourselves, and who has taught us that we should do to others as we would have them do to us, we ask Your blessing upon the Members of the U.S. Senate. Hold before them a vision of Your will for the United States of America which will enlighten the goals they set and the actions they undertake in Your name for us all. Grant them a vision of this Nation fair as it might be in the fulfillment of Your purposes; a nation of justice, where none shall prey upon others; a nation of economic plenty, where poverty and greed shall both be done away; a nation of generosity, where the needs of the less fortunate are met with caring concern; a nation of brotherhood, where success is founded upon service, and where honor is accorded to nobleness alone; a nation of peace, both within and without our borders, where order shall rest not on force but on the love and respect of all for each, and each for everyone; a nation that is both physically and morally strong to meet the challenges we shall face in the days to come.

We ask also, O Lord, that You will grant to these, our Senators, wisdom to perceive Your will for them and the United States of America, courage to lead these people in the direction You would have us to go, and strength to succeed over the many challenges they shall encounter; as You have promised always to be with Your people when they turn to You, our God and Father. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield 2 minutes of my leader time to the Senator from Michigan [Mr. RIEGLE].

THE REVEREND F. ROBERT DAVIDSON

Mr. RIEGLE. Mr. President, I thank the majority leader for yielding for the purpose of my acknowledging the very powerful and inspiring prayer that we have heard today in opening the session by the Reverend Frederick Davidson, who is the pastor of St. Christopher's Episcopal Church in Burton, MI. He has held that post since 1950. That is a 39-year record of extraordinary service in that capacity as the person in charge of that important church in my home State.

Moreover, he has been the chaplain of the Grand Blanc American Legion Post No. 13 for the past 38 years. He served eight times as the Michigan American Legion Chaplain and currently serves as National Chaplain of the American Legion. That is the first time we have been so honored in Michigan, to have one of our number recognized in that way.

We have each day here, as we open our session, a prayer given either by our own Chaplain or by a visiting chaplain. But today, I think is a very special day in having someone who has such a long and distinguished career and who serves so importantly in a variety of capacities within the American Legion, locally and nationally.

I feel a great honor that my good friend, who is really a neighbor from very near Flint, MI, an adjoining community, is here today to open this session of the Senate. I must say that we are very flattered in Michigan that he was chosen for this honor, and we are very pleased that that is the case.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

THE NOMINATION OF DR. LOUIS SULLIVAN TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. MITCHELL. Mr. President, as I announced last week in response to several requests by the President to move as expeditiously as possible to consider his Cabinet nominees, it was my intention to take up today the nomination of Dr. Louis Sullivan to be Secretary of Health and Human Services.

I was initially advised that a delay of 1 day was requested by a Member of the minority and I was and am prepared to accede to that.

I am now advised that further delay may be requested, and I merely wish to inquire of the distinguished Republican leader with whom I have conversed briefly in private on this whether it will be possible to get an agreement to take up the President's nomination of Dr. Sullivan to be Secretary of Health and Human Services today or tomorrow.

Mr. DOLE. I first want to thank the distinguished majority leader for trying to expedite the process and I thank him for that. I know the President does.

It would be my hope, too, that the 1-day delay might be adequate. If we cannot get an agreement, I would hope that we could move to the nomination.

I am not taking issue with anyone on this side. But the President has indicated to me personally the need to move these nominations along, and I am hopeful that we can be of assistance.

We have had cooperation from the majority leader and I am sure he expects the same cooperation from the minority leader.

So I am hopeful we can get an agreement.

COMMITTEE FUNDING

Mr. MITCHELL. Mr. President, for the benefit of all Senators I will state that later this afternoon we will take up Senate Resolution 66 dealing with committee funding.

It is expected that there will be votes during the late afternoon, and Senators should be prepared for that discussion and votes on that.

THE NOMINATION OF DR. LOUIS SULLIVAN TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. MITCHELL. In addition, in view of the distinguished Republican leader's statements, I will at an appropriate time move to go to the nomination of Dr. Sullivan following consultation with the distinguished Republican leader on the best time and circumstance to proceed to that.

I will simply say that we intend to move forward with Dr. Sullivan's nomination.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

If there is a desire to obtain a reasonable delay, and we can then get a time agreement to take it up tomorrow, I am perfectly prepared to accede to that, but I cannot agree to any suggestion that would indefinitely delay it.

The President has asked my cooperation in that regard, and I pledged to give it to him, and I feel committed to act in accordance with that pledge.

JOINT MEETING OF CONGRESS TO COMMEMORATE THE BICENTENNIAL

Mr. MITCHELL. Mr. President, for the information of Senators, I wish to call to their attention the joint meeting of Congress which will occur at 10 a.m. on Thursday, March 2, in the Hall of the House of Representatives. The Senate will convene at 9:15 a.m. and proceed to the House Chamber as a body at 9:45 a.m. This meeting is a major event in the continuing series of programs to celebrate Congress' 200th anniversary.

The featured speaker at the joint meeting will be the distinguished Author David McCullough. Mr. McCullough's book on the creation of the Panama Canal was extensively quoted by both sides during the 1978 Senate debate over the Panama Canal treaties. Mr. McCullough has served as narrator of the Public Broadcasting Service television series "Smithsonian World," and narrated the forthcoming film, "The Congress," in honor of the congressional bicentennial. He was also the keynote speaker at a recent symposium sponsored by the Senate and House Bicentennial Commissions. He is currently writing a biography of Harry S. Truman.

Poet Laureate of the United States Howard Nemerov will read a poem prepared for the occasion. Mr. Nemerov, Consultant in Poetry at the Library of Congress, will be the first American Poet Laureate to speak before Congress. In 1978 he received the National Book Award and the Pulitzer Prize in poetry for his "Collected Poems."

The joint meeting will also feature addresses by congressional leaders. Senator ROBERT BYRD, chairman of the Senate Bicentennial Commission, and Representative LINDY BOGGS, chairwoman of the House Commission on the Bicentenary, will unveil designs for special congressional postage stamps to be issued in honor of the congressional bicentennial.

The U.S. Army Band will perform during the joint meeting.

I urge Senators and their families to attend this significant ceremonial occasion.

UNANIMOUS-CONSENT REQUEST —SENATE RESOLUTION 66

Mr. MITCHELL. Mr. President, I now intend to propound a unanimous-consent agreement with respect to the committee funding resolution.

I ask unanimous consent that at 4 p.m. today, the Senate proceed to the consideration of Senate Resolution 66, an original resolution providing funding for Senate committees, and that there be 30 minutes of debate on the resolution to be divided equally between the Senator from Kentucky, Mr. FORD, and the Senator from Alaska, Mr. STEVENS, or their designees, and that there be 1 hour equally divided on an amendment to limit the increase in committee funding to 5 percent to be offered by the Senator from North Carolina, Mr. HELMS, and 1 hour equally divided on an amendment to strike section 24 relating to postal patron mail to be offered by the Senator from California, Mr. WILSON; provided further that no further amendments be in order and no motions to recommit be in order and that the agreement be in the usual form.

The PRESIDENT pro tempore. Is there objection?

Mr. CHAFEE. Mr. President, I might have an amendment to that—I am not sure at this time—on which I would be prepared to take the usual time agreement provided for the other amendments.

Mr. MITCHELL. Would the Senator care to identify the subject matter of his amendment?

Mr. CHAFEE. I have not determined I am going to do this, but my thought was to attempt to reduce some of the major amounts for some of the committees. It seems to me it is unfair that some of the committees have such a disproportionate amount of funding compared to the others. I am not sure I can do this, but I would not want to be estopped from doing so. I am not trying to hold up the business here.

Mr. MITCHELL. We will just add to the agreement to make allowance for a possible amendment by the Senator from Rhode Island, if he would like that. And what time would he prefer?

Mr. CHAFEE. The majority leader is saying what—an hour equally divided?

Mr. MITCHELL. For the amendments.

Mr. CHAFEE. That would certainly be more than fair.

Mr. MITCHELL. Mr. President, I believe it would be appropriate if we consulted with the chairman and ranking member of the committee to determine that they will not object to the time agreement proposed by the Senator.

I have no objection. I do not believe the distinguished Republican leader has an objection. But they do not know of the nature of the amendment. If the Senator from Rhode Island would withhold, I will withdraw the proposed agreement and we will then attempt to make certain that there is no objection by the chairman and ranking member of the committee to a time agreement on the amendment as contemplated by the Senator from Rhode Island.

Mr. CHAFEE. That is certainly fair. If I am not here and if they consent obviously that is fine with me. Again if I am not here, I will inform the majority leader what parameters might be agreeable. In other words, if they should want more time, obviously that is acceptable; if they want less time, it could be less time as far as I am concerned.

Mr. MITCHELL. I thank the Senator from Rhode Island.

We will then undertake to have the chairman and ranking member contacted following which after consultation with the Republican leader I will propound an agreement altered to incorporate the Senator's possible amendment.

The PRESIDENT pro tempore. The request of the majority leader is withdrawn.

Mr. MITCHELL. Mr. President, I yield to the Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the standing order.

Mr. DOLE. Mr. President, I thank the majority leader and I thank the Presiding Officer.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. DOLE. I would assume that sometime maybe later today or tomorrow, we would try to reach some agreement on when we are going to take up the Tower nomination. As I understand, the report has not been filed. This is a 48-hour period which can be waived under certain conditions. So I would be hopeful we will discuss that with the distinguished majority leader sometime either today or tomorrow morning.

I would only say in reference to that nomination, as I said at the policy luncheon at noon, sometimes we get so wrapped up in headlines and rumors and innuendos and all these things we forget about there is a personal side to everything we do also.

I received a telegram this morning. I do not want to run around reading telegrams to my colleagues, but I thought this one was worth reading.

It says:

DEAR SENATOR DOLE: We've always admired your forthrightness but never more than now in your defense of our father,

John Tower. Thank you for your unwavering support.

Our warmest regards,

JEANNE TOWER COX.
PENNY TOWER COOK.
MARIAN TOWER.

I recite that to indicate that this is a personal, very personal thing with Senator Tower's family.

We can stand out here and criticize and criticize each other and attack John Tower and attack him as a man and attack his integrity, and spread all kinds of rumors and leak stuff to the Washington Post or some other paper. There was a good leak in there this morning right out of the FBI report. But we ought to stop and think from time to time what we are doing to that person's family when we do that.

And I would guess, unless we can find some way to resolve the dilemma that we find ourselves in, there is going to be a very intense debate on this nomination. I am still, as I have indicated to the majority leader, hopeful that something can be done to satisfy the concerns that some have expressed, the real concerns that some have expressed; not every rumor, not every false rumor, not every accusation that somebody dreams up around here, but the real concerns that some people have.

The President now is back in the country. The President is meeting with Senators in an effort to do what he can to preserve his power as the nominating authority. I hope that we can work out some bipartisan solution. If we cannot, then we are going to have a very, very sharp debate; some of it may be in closed session, some of it may be in open session. Maybe the chairman of the Armed Services Committee is right, maybe we ought to reopen the hearings and bring in the witnesses right out in public view and maybe we will cross-examine those witnesses and find out what the truth is. Because many are determined not to let this nomination go down the drain because of innuendo, and rumor, and falsehoods.

We would expect more if we were the nominee. We would deserve better than that, and so does John Tower and so does anyone else. And so there are some concerns being expressed.

I would just say, as I understand it, S-407 is not being occupied by another group. I hope we can ask them to go elsewhere so that our colleagues can go up into S-407 and take a look at the various documents there. I must say yesterday, all day long, there was a document up in S-407 with no marking on it. It looked like an official committee report, official committee report of all the committee members, which was very anti-Tower. It turned out later it was a majority report put together by the majority. I think it did not really reflect the truth. It was not a summary of the FBI report.

So an agreement was reached last night and today, if that is the case, then they could have another report up on the other side. So today there is the FBI report, there is a statement of facts up there, and there is the so-called Nunn report, which was the one I referred to that was there all day yesterday—and many Senators read that and did not read anything else—and today there is sort of the Warner-Dole report which we believe properly reflects the summary of the FBI report. It is an advocacy document. It would be assumed to be pro-Tower. But it is factual.

And so I would urge my colleagues who only read the one report yesterday to go back and, in fairness to Senator Tower, read the other document, or better yet, read the entire FBI report which, as many know, is 300-some pages long.

But I do understand that we will be on this nomination, depending on the 48-hour provision, sometime this week.

I would say again to my colleagues on both sides of the aisle, if there is anything the President can do to allay the concerns that some people have expressed, he is willing to sit down with anyone in this Chamber, John Tower is willing to sit down with anyone in this Chamber, any one of us, ask him any question you wish, and I believe the President and his nominee are prepared to allay the real concerns that some people have.

If you do not like John Tower, we cannot do much about that. If you are already locked in concrete, we cannot do much about that. But we can expect people to look at the facts.

And there have been all kinds of facts published. I have to mention just a couple. The one about the ballerina got a lot of press, on the nightly news; people loved it. Dancing on top of a piano with a ballerina. The trouble is, they never found any ballerina. And the trouble is, the information came from somebody who used four aliases and we are supposed to believe that—and some people do believe that—about John Tower. And his daughters read that story for days and it is not fair to them. It is not fair to him.

And then there is another story about certain allegations about drinking that appeared in the paper, big headlines, somebody saw him at three places. It turned out he was not even in town.

Now, how many Senators believe that? I do not know. But again his daughters got to read it, his family got to read it, his friends got to read it, the American people got to read it. And then they are asked: "Are you for this man?" "Why, certainly not."

So I think we are going to have the facts. It is difficult to get the facts when they are all upstairs in S-407 in the FBI report. Somehow we are going to have to make certain, if we cannot get our colleagues to go up and read both sides, to somehow get the facts out in the open.

But I will say again, as I said to the majority leader, as I said to the chief of staff of the White House last evening, that we have had problems before in the United States. We have come to loggerheads, we have come almost to the breaking point in this Chamber when someone on one side or the other said, "Hold it. Wait a minute. What are we doing to the institution, to the nominee, to the President?"

I am still hopeful that we will work out something that we can go ahead with this nomination and hopefully report it favorably and notify the President that his nominee for Secretary of Defense has been confirmed.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m. today. Senators will be permitted to speak therein for not to exceed 5 minutes each.

CLEAN AIR ACT SCHEDULE

Mr. BAUCUS. Mr. President, there has been a lot of optimistic talk recently about strong environmental protection. President Bush and EPA Administrator Reilly have promised a more active environmental policy. Members of Congress have expressed hope for renewed bipartisan cooperation.

I believe, therefore, now it is time to roll up our sleeves and get to work. With that in mind, I am today announcing the schedule I plan to follow for consideration of Clean Air Act amendments this year.

As the new chairman of the Subcommittee on Environmental Protection, clean air legislation is my highest priority.

DECLINING AIR QUALITY

It is also a high priority for the American people.

EPA announced earlier this month that an additional 28 areas do not meet the Federal air quality standards for ozone, or smog. Fifteen million people live in these areas. We now have 150 million people living in areas where it is unhealthy just to breathe the air. That is a majority of Americans.

The EPA report also noted that in most of the East the ozone problem was substantially worse in 1988 than 1987. This is not progress.

The adverse effects of ozone exposure are known and they are serious. Even at the current Federal air quality limits for ozone, healthy exercising

adults suffer adverse effects from exposure.

Children, who breathe more quickly than adults and have smaller air pathways, are also affected. In fact, last summer many urban areas exceeded the occupational standard for air quality. Our children were playing in air so dirty that it would be illegal for an adult to work while breathing it. This is not progress.

But we can have cleaner air. Most areas can have clean air just by using currently available control measures. But those control measures will not be used unless Congress directs their use. We must pass a law to clean up the air. Only enactment of strong, solid legislation can produce significant improvement in air quality.

SCHEDULE

In order to accomplish this, I am notifying my colleagues today of my plans. Earlier today, I and other members of the Environment and Public Works Committee, so formally notified EPA Administrator William Reilly by letter.

Last year the committee reported a compendium of bills that had been separately introduced. These bills addressed toxic air pollutants, ozone and carbon monoxide nonattainment, and acid rain. I expect to follow a similar procedure this year.

I have scheduled 2 days of hearings in April on health and environmental effects of air pollution.

We will introduce legislation on toxic air pollutants on April 3. While I and Senator BURDICK will be involved in all aspects of the legislation, I have asked Senators LAUTENBERG, DURENBERGER, and BREAUX to focus on this issue.

We will introduce comprehensive nonattainment legislation by May 1, including controls on autos. Senator CHAFEE and I will lead discussions on this issue.

We will introduce acid rain legislation on June 1. Clearly, development of any acid rain bill must rely on the experience and knowledge of our esteemed majority leader, Senator MITCHELL. He and I will work together with other Members to develop an acceptable package.

After all three issues have been addressed, we will hold hearings on the legislation and proceed to markup. I hope to finish markup before the July 4 recess.

S. 1894: LAST YEAR'S BILL

I considered reintroducing last year's legislation. After conferring with my colleagues, I have decided not to reintroduce the bill.

S. 1894, reported by a vote of 14 to 2 by the Environment and Public Works Committee, is a good piece of legislation. But it has come under attack for not being feasible. But I ask: Are the current air pollution levels feasible?

We must enact strong legislation to protect that majority of Americans who are breathing dirty air. My commitment to this goal is as strong as it has always been.

As good as S. 1894 is, this is a new Congress and we have more information about the nature of the air quality problem.

We also have a President who now publicly supports clean air legislation, including acid rain controls. There are changes in the composition of membership of the Environment Committee.

Almost 2 years have passed since much of the original legislation encompassed in S. 1894 was first introduced. Millions more Americans now live in dirty air areas. We found out that "running losses" from motor vehicles can contribute 32 percent more emissions to an area's air quality problem than we previously believed.

These factors must be taken into account. I plan to do so in pressing for significant reductions in emissions of pollutants. A weak bill would at best slow the decline in our air quality; a strong bill, and only a strong bill, improves air quality.

At the same time, we must have a tough bill that is enacted into law. The methods of the past 8 years have not worked. We need a new approach.

I am not interested in broad political statements that do not have the support of a majority of Senators. I will press for a tough bill and ask Members to make tough choices, but I expect to work with my colleagues to address legitimate concerns.

This places a responsibility on other Members to come forward and alert me and other members of the Environment Committee of your concerns. We are prepared to discuss provisions and different approaches, keeping in mind our mandate to protect the public health and the environment.

ACID RAIN

A critical area of negotiation will clearly be acid rain. Senator MITCHELL made a valiant effort last year to reach agreement on this issue. I am hopeful that with his efforts again this year we will finally resolve this longstanding issue.

One of the concerns frequently expressed is the adverse economic consequences of acid rain controls on the Midwest. I am sensitive to these concerns and assure my midwestern colleagues that I have no desire to enact legislation that threatens jobs.

But not only the Midwest would stand to suffer under an Acid Rain Control Program. In Montana, we mine some of the lowest sulfur coal in the country. We are staggering under the weight of a depressed economy and unemployment above the national average.

In the last 5 years, 25,000 people moved out of Montana because there are no jobs available. Our agriculture, mining, oil, and timber industries are all depressed. We should not be penalized by an acid rain approach that sacrifices potential jobs for our miners.

We have installed four scrubbers in Montana to control sulfur dioxide emissions from some of the lowest sulfur coal in the country. We take our mining and our environment seriously.

Low-sulfur coal is an appropriate and inexpensive part of the solution to the acid rain problem and I expect that any compromise will retain an active role for this clean coal.

ACKNOWLEDGMENT OF MEMBERS

As new subcommittee chairman I am aware that we are continuing, not beginning, the clean air process. I would like to take this moment to thank those who have been in the forefront of the effort to address this issue.

The majority leader, the former subcommittee chairman, will be a tough act to follow. Fortunately for us all he promises to remain active despite his many other pressing duties. I personally look forward to working closely with him. He has set high standards for consideration of both the process and substance of this issue. I hope to uphold those standards.

Our chairman, Senator BURDICK, has been extremely helpful in making reauthorization of the Clean Air Act the Environment Committee's No. 1 priority. Senator BURDICK does not often announce his good deeds, but I would like to publicly acknowledge his help in this instance. Without his commitment our task would be even more difficult.

The senior Senator from New York, Senator MOYNIHAN, was in fact the first to introduce acid rain legislation. His pioneering efforts led to the first integrated research program on acid rain. I know that he will continue to lend his wise counsel on this issue as he has in the past and I look forward to it. His appreciation of the science involved will be a valuable contribution to our efforts.

Our new ranking member, Senator CHAFEE, has years of experience in crafting contentious environmental legislation. His landmark work on the Clean Water Act and the Resource Conservation and Recovery Act will serve him well as we turn to air pollution.

Our former leader, the President pro tempore, the present Presiding Officer, Senator BYRD, will again play a pivotal role in our acid rain discussions. He has been a strong advocate for his constituents. I look forward to discussing this issue with him and working together to form an acceptable proposal.

And last, but certainly not least, I want to extend an open hand to the assistant Republican leader, Senator

SIMPSON. We share many of the same Western concerns and, I hope, a joint interest in enacting sound clean air legislation. He has spent many hours on this issue and I look forward to working with him again this Congress.

CONCLUSION

Mr. President, I am optimistic that the 101st Congress will finally break the clean air deadlock. For too long the public has suffered. The task is not an easy one. It will take long hours of work and study. It will take patience and perseverance. It will take a commitment by all Members to resolve this critical public health issue.

I accept the challenge and pledge to take the time and devote the energy to enacting a tough, practical clean air bill this Congress.

I thank the Chair.

CLEAN AIR ACT AMENDMENTS

Mr. BURDICK. Mr. President, I rise to join my colleagues on the Environment and Public Works Committee to stress the need for immediate action on comprehensive amendments to the Clean Air Act.

In past sessions, our committee made several attempts to make needed changes in the act. Our efforts were greeted with outright opposition from the Reagan administration.

Those years of denial and procrastination have made this task much more difficult. The quality of the Nation's air has deteriorated.

The costs associated with improving our air quality have increased greatly as a result of our inaction during the 1980's. Today, we begin the process of enacting a comprehensive package of Clean Air Act amendments.

Clean Air Act amendments are the No. 1 priority of the committee during the 101st Congress. These amendments will constitute the major environmental vote of this session.

There has been a great deal of discussion concerning global warming in recent months. We can do more to directly address this problem, in the near term, by enacting clean air legislation in this Congress.

As the saying goes, "it takes two to tango." For the first time in nearly a decade, we have an administration which is publicly committed to supporting enactment of a clean air bill.

We have a new Administrator of the Environmental Protection Agency who has pledged to work with the Congress in fashioning Clean Air Act amendments. This is a positive starting place.

But there is a long road ahead of us. If we are to enact a comprehensive clean air bill, every region of the country must be part of our deliberations.

Some of the issues concerning acid rain are the most divisive of the clean air debate. I am confident that a solution, which takes into account the circumstances of each region of the country, can be reached.

Any compromise concerning acid rain must be neutral with regard to existing and future coal markets. If we abandon the polluter pays principle to assist the cleanup in the Midwest powerplants, then full credit must be given to those areas which have expended millions of dollars during the past decade for air pollution controls.

The committee is open to suggestions from all Members of the Senate. We intended to complete action on the Clean Air Act amendments during this Congress. I urge other Members to make their views known.

We intend to enact a strong bill which addresses this Nation's serious air pollution problems. We intend to enact a bill which will give the Environmental Protection Agency, and State and local governments a framework to effectively and aggressively deal with this major threat to the Nation's public health. It is time for action. Let us get on with the task.

I urge my colleagues to join with us in this vital effort.

I thank the Chair.

CLEAN AIR AGENDA

Mr. MITCHELL. Mr. President, the quality of life and the quality of our environment are inseparable. We have made good progress on the quality of the environment in many areas.

But our progress is being overtaken by events. In 1970, when the first comprehensive Clean Air Act was signed into law, Americans registered 108 million cars and drove 900 billion miles. In 1987, we registered 177 million cars and drove more than 1.7 trillion miles, with no decline in sight.

The U.S. consumes more energy per gross national product than any other developed nation. This means we produce large quantities of sulfur dioxide and oxides of nitrogen, even if consumption were unchanged. Experts now predict that without further mandated reductions, there will be a about a 2-million-ton increase in sulfur dioxide emissions by 2000.

Americans felt the consequences of more cars and inefficient uses of energy last summer.

Health alerts then told residents of urban areas not to exercise, warned older people and those with asthmatic or pulmonary conditions to stay indoors and suggested that small children not play outside.

In the Washington, DC, metropolitan area last summer, 34 days exceeded the occupational standard for air quality. That means it would have been illegal to expose a factory worker to the air Washington residents breathed, and children played in, for over a month last summer.

Recently released EPA data indicates that 15 million more people are exposed to unhealthy levels of ozone than they were before last summer. This means that 150 million Americans are living in areas where it is often unhealthy just to breathe.

The increasing ozone levels affect all areas, including so-called clean areas. At Mount Desert Island on the coast of Maine, where nearly 5 million people come to escape the summer heat of the cities, monitoring stations reported several violations of the Federal air quality standards.

Dr. Morton Lippman, professor of environmental medicine at the New York University Medical Center, warned in July:

> Until recently we had the impression things were improving, but what we see this summer shows us that we are back where we started from.

Dr. Lippman is right and the EPA data confirms this. Despite considerable progress in controlling some forms of air pollution, we must do more.

Paradoxically, there is reason for hope. For we have found that just as neglect of pollution controls means dirtier air, emphasis on those controls can mean cleaner air.

Americans are suffering from a man-made phenomenon that can be controlled by man. We have developed the technologies of control.

We have the resources to apply those technologies. Until now, what we have lacked is the political will to do so. We must now develop that will.

We cannot, with one piece of legislation, reach all the factors that contribute to dirty air. Nor can we expect any remedy to be cost free. We must keep these fundamental facts in mind as we consider legislation.

Air pollution is not just a regional problem, not just an industry problem, not just something that affects people in the Los Angeles basin or the Northeast alone. Air pollution is a national problem. It affects all of America, and all Americans.

Experts from every branch of medical science have told us that breathing dirty air is simply not a matter of discomfort. It impairs the ability of lungs and blood to carry oxygen. It may permanently damage the lungs.

No one has control over the air he or she breathes. No one can control the direction in which pollutants move in the atmosphere. No one can isolate himself from the quality of the air. It is not a matter of choice, or a conscious assumption of risk.

It is an involuntarily imposed health threat, affecting everyone. The universality of the threat dictates that solutions must be broadly based.

A solution that penalized one part of the country, or one segment of industry, would be unfair and unrealistic.

We have an integrated national economy. None of our regions can

thrive in isolation, or in opposition to others.

A policy that imposes huge job losses in West Virginia or Ohio or Kentucky or Illinois is no more acceptable than a policy that imposes heavy pollution damage on Maine or Vermont or North Carolina.

We confront this problem together. We must work together to solve it.

I am encouraged that so many of my colleagues acknowledge this fact. And we must acknowledge it as fact: A solution will impose costs on all of us, just as a failure to act imposes damage on all of us.

The issue is no longer how each of us can best avoid our share of these costs. The issue is how to fairly apportion those costs and reduce that damage to the health of Americans and to the American environment.

The American Lung Association estimates that air pollution costs $40 billion each year in medical costs and decreased worker productivity. Agricultural losses are estimated to be between $2 and $5 billion every year. As last summer's air quality data demonstrates, these costs will only increase if we do nothing.

The American Forestry Association recognized this risk when it stated:

* * * the American Forestry Association believes that the risks and costs associated with further delaying additional pollution controls now seem to outweigh the risks and cost associated with action * * * the control program should target the nation as a whole, as the terrestrial and aquatic forest resource impacts from air pollution constitute a national threat.

Of course, it is easier to quantify the cost of equipment than it is to put a price on impaired lung function. This is the crux of the political problem. The cost of prevention and the value of cleaning up pollution are often difficult to determine with precision.

These arguments will be heard again this year, but the urgency of the problem I sincerely believe will override unfounded claims of overwhelming costs.

President Bush has repeatedly stated his personal commitment to cleaner air. He has promised to send us his ideas on legislation. I look forward to reviewing his proposals.

The subcommittee chairman, Senator BAUCUS, has just presented a reasonable schedule for consideration of clean air legislation. I agree with this schedule and will work with Senator BAUCUS and other members of the committee to assure that we meet it. I urge the administration to submit its proposal in a timeframe consistent with this schedule. To this end, we have today sent President Bush a letter informing him of our schedule so that he may be personally aware of it.

The announcement of the clean air schedule today also enables other Senators to have notice that they must make clear their concerns.

We will have a vote on Clean Air Act legislation this Congress.

Each of us has to take the time to work on the issue and to participate in developing this important legislation. There is time for such participation under the schedule laid out by Senator BAUCUS.

The time to act is now, and I hope the Senate will do so.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Rhode Island, Mr. CHAFEE, is recognized for not to exceed 5 minutes.

Mr. CHAFEE. I thank the Chair.

Mr. President, first I would like to pay tribute to the prior speakers—our distinguished majority leader, who has long worked on clean air matters, the distinguished senior Senator from Montana, Senator BAUCUS, who has been active in clean air legislation, and of course the chairman of our full committee, who has given us such excellent leadership, Senator BURDICK, from North Dakota.

Mr. President, I believe the schedule for reauthorization of the Clean Air Act as set out by Senator BAUCUS is a good one. Approving the renewal of this important law by dividing the legislation into separate bills and then going to a marking up on them will enable the committee to proceed in a deliberate and an orderly fashion. The clean air legislation is extremely complicated and we must assure that our work is both thorough and well thought out. To achieve this objective, as has been pointed out, we will hold a series of hearings once the legislation has been introduced. It is imperative, I believe, that we accomplish our work within the timeframe that has been suggested. For those who have not been counting, it has been 11½ years since clean air amendments were enacted into law. That is the last time we passed any clean air legislation—11½ years ago. We are now 7 years late in renewing authorization for air pollution programs, and we are over a year behind the deadline which was established in law for all areas in the country to achieve healthy levels. Over a year ago all of the Nation was meant to be in compliance with these healthy air standards.

This might not be so troubling if existing programs were improving air quality but this plain just is not happening now.

In 1981, the National Committee On Air Quality, the NCAQ, estimated that only 32 counties out of the 3,000-plus in our Nation would fail to meet the ozone health standards by 1987. As they looked ahead to the future, they said that of the 3,000 counties in the United States, only 32 would not meet these standards by 1987. In fact, by 1988, the data shows that not 32 counties but 426 counties are part of nonattainment areas, and over 100 million people live in those counties. There may be only 426 counties that are not in compliance out of the 3,000, but in those 426 counties live nearly half the population of the United States of America.

Similarly, it was projected that all 262 metropolitan areas, with the possible exception of Los Angeles and Denver, would attain the carbon monoxide standards by 1987. In fact, the data shows that two complied. It shows that 50 instead of 2 areas were in noncompliance—not 2 areas but 50 metropolitan areas, which is about one-quarter of all the metropolitan areas. Previously I was talking about ozone standards. That is different from carbon monoxide standards.

These are dry statistics, but we have to remember that the ozone and the carbon monoxide standards were established to protect people's health. That is why we passed them. We had testimony in 1987 before our committee and scientific publications since then have supported the need to bring the pollution levels down to the standards. The pollution levels that were established were not ridiculous ones. They were the correct ones. At pollution levels above the standards a variety of people can be affected. Who are we talking about? We are talking about children. We are talking about adults who do any form of exercise. We are talking about asthmatics. When we are dealing with carbon monoxide, it is especially dangerous for those with health problems.

I ask that I might have such time as I may need to finish.

The PRESIDING OFFICER (Mr. KERREY). Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, will the Senator simply indicate how much time he will take? That way I will know whether I should return to the office.

Mr. CHAFEE. How about 10 minutes? Is that all right?

Mr. BYRD. I have no objection.

Mr. LAUTENBERG. Will the Senator yield for a further question?

Mr. CHAFEE. Sure.

Mr. LAUTENBERG. I wonder if I could address it to the Chair. We do not have at this point a formal list of speakers. It was just as recognition obtained. But is it not correct that the time for morning business is over at 4 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. The original unanimous consent order called for what period of time?

The PRESIDING OFFICER. The order we are operating under now grants each speaker 5 minutes.

Mr. LAUTENBERG. Five minutes. I just want to register my concern that there are so many who want to be heard that if we run substantially beyond that, many of us will not have a chance to talk at all. I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LAUTENBERG. No, there is no objection.

Mr. CHAFEE. Mr. President, I do not want to keep anybody else. Is there something sacred about 4 o'clock? I see the majority leader is on the floor.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, areas that do not retain these health standards are called nonattainment areas. To bring ozone pollution in these areas down to healthy levels, we have to deal with the emissions of hydrocarbons and in some cases the oxides of nitrogen, so-called NO_x. Of course, in carbon monoxide nonattainment areas, most of that concentration of carbon monoxide comes from automobile emissions. That must be reduced. Adverse health effects are also associated with sulfur dioxide-related pollutants.

In 1987, 2 years ago, the Environment and Public Works Committee reported out strong clean air legislation. That bill, S. 1894, was the result of 11 days of hearings, 3 days of markup in the subcommittee, and 7 days of markup in the full committee. Many said the bill was too stringent. Yet in a 1988 report, the Office of Technology Assessment projected that a majority of areas with unhealthy ozone levels would still experience unhealthy air even after we met those measures that were provided for in our legislation. In other words, they were saying the bill did not go far enough.

As I say, there are lots of objections to S. 1894. I believe the distinguished majority leader has touched on this.

So what we are attempting to do this afternoon, and as we proceed along, will be to attempt to increase understanding of the complex issues that this legislation deals with. I believe we have serious air pollution problems in this country, and we have to take strong action. The bill we brought out last year was a good response but not a perfect one. I think there are some key components that we want in the new clean air legislation. First, it must contain improved new controls for motor vehicles to offset the projected growth in emissions from the increase in automobile miles traveled. The majority leader gave us those statistics in his statement.

Among the needed improvements are technologies such as better canisters to control gasoline vapors that contribute to the ozone formation. We have to have tighter requirements to bring down tailpipe emissions such as NO_x that I mentioned before, carbon monoxide and hydrocarbons.

Second, in order to get a handle on ozone nonattainment, stationary sources of hydrocarbons must be more tightly controlled. What are we talking about? We are talking about reductions in hydrocarbon emissions from wood furniture coating operations, from auto body refinishers, from sewage treatment plants, from RCRA-type treatment storage and disposal facilities, and plastic parts coating operations.

The difficult problem facing us is that we have done the easy work and the improvements from now on are going to be more difficult and more costly than they have been in the past.

Third, the legislation must require EPA to take the lead in setting minimum standards for a number of sources of pollution. We believe that minimum Federal standards will assure that the States will not be tempted to compete with each other at the expense of the environment, and the public health.

Fourth, State and local officials must continue to bear the frontline responsibility for air quality.

Fifth, any Clean Air Act revisions must contain provisions to address the serious problem associated with acid rain and its precursor pollutants, sulfur dioxide and oxides of nitrogen.

In the bill last year we called for a reduction of 12 million tons of sulfur dioxide by the year 2000. I think that is the right combination. Maybe that is not what we will accept this year. I do not know.

Finally, emissions of toxic air pollutants continue to be a vexing problem. That is a matter that Senator DURENBERGER will be handling, and I presume will be speaking on today.

Mr. President, I am optimistic that an environmentally strong clean air bill will be passed by the Senate this year. I am particularly encouraged by the commitment of the President in proposing clean air legislation and by the pledge of the EPA Administrator, Mr. William Reilly, to work with Congress to obtain a law.

The need for legislation is clear. The commitment of the leadership in the Senate to enact a bill is strong, and the schedule set out by the Environment and Public Works Committee is designed to bring a good bill before the Senate by year's end.

I want to thank the Chair. I yield back the remainder of my time.

Mr. WARNER. Mr. President, I rise to join my colleagues from the Environment Committee to discuss the committee's consideration of legislation reauthorizing the Federal Clean Air Act.

As I understand the committee's schedule, legislation dealing with air toxics will be introduced on April 1, 1989, followed by the introduction of separate legislation dealing with nonattainment issues, and finally, acid rain control issues, on May 1 and June 1, respectively.

I further understand that hearings on these bills will not begin until after June 1, 1989, after all three bills have been introduced.

Mr. President, this appears to me to be an ambitious approach to these major issues, but I have great hope that the committee can move legislation according to this schedule, while providing ample opportunity for legitimate concerns and views to be presented, and accommodated.

Last summer we saw an unacceptable rise in unhealthy conditions around the country as a result of air pollution. We need to be able to report a bill from the committee that the entire Senate can support, that the Congress can pass and that the President can sign into law.

The American people are demanding that effective and fair Clean Air Act legislation be passed, and that is a realistic and feasible demand.

Last year it was my unfortunate duty to have been one of two members of the Environment Committee to have voted against S. 1894. I did so because I did not feel that that legislation had been given appropriate consideration by the committee.

First of all, it is my recollection that, while the committee had many hearings on the matters contained in S. 1894, there were never hearings on the legislation itself, once drafted.

It is my opinion that the committee would benefit from hearing the views of interested, expert parties on the actual provisions which staff have drafted into legislation.

I do not say this only because I was not happy with the shape of S. 1894, but because I believe direct testimony on actual legislative provisions would have been more helpful to me personally, as I assume they also would have been to other members who were not able to attend every meeting of the committee.

The schedule outlined by my colleagues here this afternoon seems to afford that opportunity.

Second, Mr. President, it is my opinion that the committee-reported legislation did not reflect a position which the Senate as a whole could embrace. The progress that S. 1894 made—or did not make—after being reported from committee is testimony to that fact.

Further, the final form of S. 1894—or of Clean Air Act legislation last year—was negotiated by a handful of Senators. Other Senators were left watching and wondering what the shape of such legislation might be, and wondering whether they would

have the opportunity to have their concerns and the concerns of the States they represent addressed.

That feeling is not an easy feeling to have, especially when it comes right at the end of a Congress, when legislation often passes quickly.

Mr. President, my colleagues have outlined an ambitious schedule here, but it is one that can be built upon.

The major concern that I have at this point is where exactly this schedule leaves President Bush's Clean Air Act proposal.

As my colleagues know, President Bush has promised to submit and press for enactment of a major Clean Air Act reauthorization. I would hope that my colleagues would be mindful that we have a great opportunity to work in concert with the administration to strengthen America's clean air laws. I think we ought not squander that opportunity.

Mr. President, in conclusion let me say that I want to to vote for a clean air bill this year. But I want that bill to reflect a realistic, reasonable approach to our air problems. I also want to make sure that that approach does not unfairly penalize one region of the country over another, or, give an undue market advantage to one type of coal over another, or one technique for achieving reductions in pollutants over another.

We are on a good path here, and I commend my colleagues for moving toward action on clean air. I hope to be able to cast an "aye" vote in support of an effective and fair Clean Air Act reauthorization bill.

Mr. MOYNIHAN. Mr. President, I would like to commend Senator BAUCUS, Senator MITCHELL, and the other members of our committee for the dedication they have shown to this issue, because dedication is what has been needed. Clean air is a subject that has required real staying power.

The year 1977 was my first year in the Senate and as a member of the newly titled Committee on Environment and Public Works. This was the year when we last amended the Clean Air Act, and it seems we have been trying to repeat that feat ever since. The 101st Congress will mark the successful culmination of this decade long effort.

I would take just a few moments to set out some of my priorities with regard to the clean air bill our committee will be considering in the coming months. First and foremost for me, as well as for the State of New York, is the matter of acid rain. I have been involved with this issue since entering the Senate and hope to see it through.

The only Federal acid rain legislation ever enacted is the Acid Precipitation Act of 1980, which I first introduced on September 14, 1979. This bill, which passed in 1980 as part of the Energy Security Act, created the National Acid Precipitation Assessment Program, commonly known as NAPAP. NAPAP's 10-year research and assessment program will spend nearly $400 million over its 10-year life. It is now nearing its end, and the monitoring and research it has supported have been vital to our understanding of the acid deposition phenomenon.

We now have a very respectable data base. Our strong suspicions of the late 1970's, that lakes, streams and forests were being damaged by acid rain, are now well recognized facts. We know what areas are being damaged, and we know where the insult originates. The only question that remains open is what to do about it.

I can guarantee that the bill reported by our committee will contain strong acid rain provisions.

The other area of major concern for me is urban air pollution—smog. The EPA's latest data rank New York as having the fourth highest levels of urban ozone in the Nation. Inhalation of ozone has been shown to cause reduced lung function in the short term, and microscopic lesions on the surface of the lung over longer periods.

A large part of any program to reduce levels of ozone and carbon monoxide in urban areas must be tighter controls on automobile emissions. The automobile manufacturers have made impressive progress in reducing car emissions, although this progress has always been at the mandate of Congress. It appears to be time once more to ask them for another effort.

Despite the advances that have been made, the explosive growth in the number of cars on the road is threatening to offset much of what has been accomplished. Presently applicable auto emission standards have succeeded in eliminating 95 percent of hydrocarbons and carbon monoxide from auto exhaust, but this will not be enough. At present, 50 percent of urban ozone and 90 percent of carbon monoxide results from pollution emitted by cars and trucks. Any solution to the problems of urban air pollution cannot exclude this very large part of the problem.

Mr. President, I look forward to a productive effort by our committee this year, and recommend that all Senators begin to prepare themselves to consider this issue.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I want to thank the distinguished Republican leader and the distinguished Senator from North Carolina who have agreed to consent to a unanimous-consent request which I am about to propound regarding the nomination of Dr. Sullivan. And I will now propound that request.

Mr. President, as if in executive session, I ask unanimous consent that on Wednesday, March 1, at 12 noon, the Senate go into executive session to consider the nomination of Louis W. Sullivan, to be Secretary of Health and Human Services, under a time agreement of 1 hour equally divided between the Senator from Texas [Mr. BENTSEN] and the Senator from Oregon [Mr. PACKWOOD], or their designees; provided that no motions be in order and, that at 1 p.m., the Senate proceed without any intervening business to a 15-minute vote on the nomination.

Provided further, that upon the disposition of the nomination the motion to reconsider be laid upon the table, and that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that it be in order to request the yeas and nays on the Sullivan nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the Sullivan nomination.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BREAUX addressed the Chair.

Mr. MITCHELL. Mr. President, may I yield to the Senator from Louisiana with the request that momentarily we may have another unanimous-consent request if we could interrupt?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to consideration of Senate Resolution 66, an original resolution providing funding for Senate committees; and that there be 30 minutes of debate on the resolution to be equally divided between the Senator from Kentucky [Mr. FORD] and the Senator from Alaska [Mr. STEVENS] or their designees; and that there be 1 hour equally divided on an amendment to limit the increase in committee funding to 5 percent to be

offered by the Senator from North Carolina [Mr. HELMS]; and that there be an additional 15 minutes on that amendment to be used by Senator CHAFEE or his designee; and that there be 1 hour equally divided on an amendment to strike section 24 relating to postal patron mail to be offered by the Senator from California [Mr. WILSON]; provided that no further amendments be in order; that no motions to recommit be in order; and, that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank the Senator from Louisiana.

CLEAN AIR ACT AMENDMENTS

Mr. BREAUX. Mr. President, I first want to commend all the member of the Environment and Public Works Committee, including our distinguished chairman of the full committee, the Senator from North Dakota [Mr. BURDICK], and both subcommittee chairman who are here on the floor this afternoon—Senator LAUTENBERG, who has been very active in this area, as well as Senator BAUCUS, the new chairman of the Environmental Protection Subcommittee. I commend them for their contribution to the discussion we have had on clean air.

There is no question that there is a crying need for Congress to respond to what is indeed a national concern and a national crisis with regard to the quality of the air we breathe.

There is a joke that says some people in America do not trust the air they breathe unless they can see it. That is a sad commentary on the air quality conditions of many parts of the United States. We have cities where our citizens cannot see above a certain level because of a cloud of noxious substances that layer the areas in which we live.

At the same time, despite the tremendous concern that Americans are expressing about the quality of the air that we breathe and the need for us to do something about it, the fact simply remains that we have not been able to do so.

It is appropriate, but a little unusual, I guess, that we stand on the Senate floor and discuss this issue among ourselves. We need to broaden that dialog. We need to talk with those who have opposed efforts to come up with a clean air bill, to try to bring them in, try to bring in the various constituent groups out there in America that have different opinions on the subject, in order that we may negotiate a bill that would be reasonable. I will predict, as I did last year, that until we bring in under the umbrella of discussion all the various points of view, we are not going to be successful in adopting any major amendments to the Clean Air Act.

We have been unable, despite the seriousness of this issue that cries for action, to amend the existing clean air law with a set of amendments that are rational, reasonable, balanced in their approach, in order to get something over to the President for him to sign. It is critical that we do that this year. It is critical that at least we do it in this Congress.

I am delighted that our new President, a person for whom I have a great deal of admiration in many, many areas, has agreed to be forthright and forthcoming in recommending amendments to the Clean Air Act. His new Administrator for the Environmental Protection Agency, Mr. Bill Reilly, has told me that he plans to support legislation to amend the Clean Air Act.

That is a far different situation from the one we had last year, in which the administration basically sat on its hands and refused to participate in the process. I have said time and again that a clean air bill will not be successful if it is written totally by industry representatives, nor will it be successful in becoming law if it is written totally by environmental concerns, without interaction and without discussion and without compromise among the various groups.

We can say anything we want on the Senate floor, but until we have legislation which brings together these conflicting interests, we are not going to be successful in getting a clean air bill adopted by the Senate and the other body and one that will be signed by the President.

There will be numerous areas in which we are going to have to compromise; otherwise, we will fail once again. We can no longer afford to fail in trying to find the solutions for such serious problems. So I welcome this discussion. We need to broaden it, and we need to have more people involved in seeking answers to these very serious problems.

We in the Congress have a very difficult job in coming up with specific standards. I do not know whether a standard should be 0.009 or perhaps 0.008 when we talk about standards for emissions of a particular compound. Congress should not make those judgments. I would like to have legislation that directs the Environmental Protection Agency to follow through in establishing what those specific standards should be. The legislation should set out goals for what we hope to accomplish, a timetable, and see to it that we ensure that EPA comes through and does what they in fact are supposed to do to achieve those goals.

I doubt that our committee is equipped or knowledgeable enough to come out with the specific numbers that are needed and appropriate to clean up America's air. So we will have to set out a general set of principles and assure the American public that the EPA will in fact follow through aggressively with what they are to do.

I certainly hope that is what is going to happen this year. I am certainly committed to contributing to that process this year. I urge all Senators to join us in that effort.

Mr. LIEBERMAN. Mr. President, to live is to breathe, an instinctual act which we perform unconsciously except for those times when the necessity of this act is brought dramatically to our attention. On a cool February day in Washington, DC we are slow to remember the dreadful summer of 1988 when the people of this city were brought to a painful awareness of the relationship between life, health, and the air we breathe. During July and August of that year, if Washington, DC had been a factory it would have been shut down and the workers sent home because the air pollution exceeded occupational health standards for 34 days. Similarly, residents of my home State of Connecticut face unacceptable levels of acid rain and ozone pollution, not of their making. In the summer of 1987 EPA data indicated that Connecticut had a dozen days of ozone pollution emergency conditions. When compiled, the data for the summer of 1988 are expected to be much worse.

Acid rain is a problem which not only affects trees and lakes but threatens human health as well. According to testimony summarized in the Environment and Public Works Committee 1987 Report on the Clean Air Standards Attainment Act, acid rain is responsible for 50-70,000 premature deaths each year. We spend an estimated $40 billion each year in additional health care costs because of air pollution. Canadian studies, conducted over the last 14 years, have shown that hospital admissions for respiratory problem go up with increases in sulphate and ozone levels. It is particularly infuriating that a large portion of this burden falls on those who are least able to protect themselves—our newborn, young children, and the elderly.

We must have strong clean air legislation and, we must have it soon.

The President has said that he will send us a clean air bill. That itself is a milestone because, after 8 years of inaction we have an administration which recognizes that we are facing a real threat from our air. The test however, will be whether the administration bill is a strong one, that will move us forward along the difficult and complicated path before us. If it is, then we can cooperate on the critical task of cleaning our air so that we, and our families can live healthier and longer lives.

Mr. WIRTH. Mr. President, I join with my colleagues in thanking the distinguished majority leader, the chairman of the Environment Committee, Mr. BURDICK, and the chairman of the Environmental Protection Subcommittee, Mr. BAUCUS for their comments today on the vital importance of advancing clean air legislation this year.

Although we fell disappointingly short of an agreement on a clean air agreement last year, Senator MITCHELL and other Senators put forth a tremendous effort to forge a compromise in an enormously difficult situation. I am greatly encouraged that the leadership will be making achievement of clean air legislation a major priority for 1989.

As the majority leader and several of my colleagues have pointed out ahead of me today, we have very significant problems with ozone depletion and carbon monoxide pollution in cities all across the United States, from the famous smog of Los Angeles to the brown cloud of Denver.

There are three principal air pollution problems in Colorado and across the Nation:

The first is carbon monoxide pollution, which is a serious problem in high-altitude cities across the West.

The second is ozone pollution. Ozone, which is formed by the interaction of nitrogen oxides and hydrocarbons in the atmosphere, is a problem that affects many of the Nation's major urban areas. What is of even greater concern is that the EPA already has determined that the current ozone standard provides little, if any, margin of safety.

And third, dozens of cities and towns across the country are trying to find ways to reduce particulate pollution, which can cause very serious health risks.

The Environmental Protection Agency reported earlier this month that the Nation suffered the worst pollution of the decade last summer. About two-thirds of the more than 300 monitoring stations posted higher levels of ozone pollution in 1988 than in any other summer this decade, according to the EPA's preliminary findings.

Another EPA study recently found that 15 million more people were subjected to unhealthy air in 1988 than in 1987, bringing the total to 150 million Americans who live in areas with higher levels of ozone or carbon monoxide pollution than what is considered safe.

Air pollution can also have disastrous effects on agriculture. A third EPA study suggests that high ozone levels can reduce grain crop yields by as much as 30 percent. The cost to farmers is estimated at between $2.5 billion and $3 billion a year. High ozone concentrations are common in rural areas downwind from large polluted cities.

These problems are first and foremost caused by the automobile and the pollutants emitted by automobile engines: carbon monoxide and nitrogen oxide. We know that the technology is available and affordable to control emissions from mobile sources. We know how to lower the nitrogen oxide standard and the carbon monoxide standard. We know how to test these automobiles so they are able to meet tough standards for the life of the automobile or 100,000 miles.

The question is: When will we find the political will to assure that automobiles, light trucks and diesels meet the standards necessary to protect the health of the American public?

If we look at the longer term problem of global warming, the urgency for action becomes even more acute. Today around the globe, there are 300 million automobiles. Shortly into the 21st century, there will be 1 billion automobiles. Those automobiles are adding significantly day in and day out to the pollution of the air, and to the phenomena of global warming.

As a nation, we cannot afford to delay action on these air pollution problems one day longer. Carbon monoxide, ozone, and particulates all pose very serious risks to the health of literally millions of people. The time for action has come. I believe that there are several specific actions we must take to clean up air pollution in the West's high-altitude towns and cities, as well as in the Nation's major urban areas.

First, to reduce both carbon monoxide and ozone pollution, we should require that auto manufacturers stand behind the pollution-control equipment they install on cars and light trucks. We should insist that vehicles meet current emission standards for the life of that vehicle—for 10 years or 100,000 miles. The Colorado Department of Health has told me that this one measure would do more to clean the air in the Denver metro area than any other single piece of legislation.

Beyond that, we should reduce the amount of pollution spewed from the tailpipes of new cars and trucks. For example, many cars emit far more carbon monoxide when the engines are cold than when the engines and pollution control equipment have warmed up. This one loophole in existing law is causing air pollution problems in cities as diverse as Anchorage and Denver, and we should close that loophole.

Another loophole we should close is the one that permits light trucks sold at high altitude cities to meet a much weaker carbon monoxide emission standard than other light duty trucks. The engines in these trucks are identical to engines in many small cars—and all of them could meet the same standard with only a small modification in the onboard computers. We should make sure that loophole gets closed so that the people of Denver can breathe easier.

In addition, EPA several years ago stopped doing in-use testing for cars and trucks that are used at high altitudes. That means we just don't know whether cars are even meeting the existing standards. We should make sure that EPA restarts its high-altitude testing program so that we can make sure that cars meet the air pollution standards while the cars are on the road, not just while the cars are in the lab.

Mr. President, these are the most important steps we must take to reduce carbon monoxide pollution. In the areas of ozone pollution, it is important that we strengthen emission standards for nitrogen oxides. The same is true of particulate emissions—since buses and trucks are major sources of small particulate pollution, it is very important that we clean up these sources and search for alternative fuels for these vehicles.

Mr. President, reauthorizing and strengthening the Clean Air Act must be one of our top priorities this year, and I am delighted the majority leader and Environment Committee leadership have underscored today their commitment to advancing this vital legislation.

Mr. HUMPHREY. Mr. President, once again, members of the Environment and Public Works Committee are on the floor talking about clean air legislation. It is a disturbingly familiar refrain of dirty air, sick children, sterile lakes, and dead trees. I am disappointed and embarrassed that Congress has been unable, or unwilling, to enact legislation to reduce pollutants which damage our environment and threaten our health.

Four years ago, New Hampshire enacted a law requiring a reduction in emissions of acid rain precursors in an attempt to slow the degradation which is poisoning the lakes and contributing to the decline of the red spruce and other trees in the White Mountains. My constituents join a chorus of citizens throughout the country who beseech their Congressmen to enact strong air pollution controls.

Congress must take action against acid rain and other air pollutants. Given President Bush's support and the majority leader's commitment to effecting acid rain controls, I believe we can navigate the sea of factionalism and special interests which has impeded enactment of legislation to reduce acid rain. We must work together to create legislation which can withstand political and regional pressures.

Mr. President, first and foremost, legislation must require a significant

reduction in the emission and transport of sulfur dioxide and oxides of nitrogen which create the acid deposition damaging the environment and increasing public health risks. We have the ability to reduce emissions now. I will continue to support legislation which results in achievement of immediate emission reductions while allowing a longer timeframe for achieving larger reductions upwards of 10 million tons of SO_2 per year.

I believe that free choice of reduction strategy and use of conservation are essential elements of acid rain legislation. In requiring that they achieve stringent aggregate levels of emissions reduction, we should allow States flexibility to create a least-cost control strategy which fits their particular needs. For, in order to overcome the disparate regional interests and enact strong legislation which adequately reduces harmful pollutants, we must seek to minimize costs.

Incentives should be provided for use of conservation to achieve emission reduction goals. Use of conservation simultaneously decreases emissions, costs, and dependence on imported sources of energy. Conservation measures are superior to other control strategies in that they reduce emissions of other pollutants such as carbon dioxide which contribute to the greenhouse effect.

Mr. President, as a member of the Environment and Public Works Committee, I will be working hard to sort out the complexities and enact comprehensive legislation to improve and refine the outdated Clean Air Act. I look forward to working with the other members of the committee and urge my colleagues to join our efforts to reduce the harmful effects of acid rain and other air pollutants.

Mr. JEFFORDS. Mr. President, I appreciate this opportunity to join the committee leaders in announcing this timetable for bringing Clean Air Act amendments to the floor of the Senate for consideration.

Like others who have spoken here before me, I look forward to a fair and timely resolution of the many issues that have stalled passage of a bill to renew the now-expired Clean Air Act. The people in my home State of Vermont have a hard time understanding our difficulties in enacting a bill to strip the air and clouds of the sulfur and nitrogen oxide that continue to cause visible damage to our lakes and forests. Today we state that we will address this concern.

Clearly acid rain is Vermont's biggest concern, but this committee bill will go much further than that. It shouldn't take another summer like last year's to convince Members that changes in the current law are warranted.

While we can appreciate the progress accomplished by the 1972 bill and the 1977 amendments, we must realize that increases in fuel consumption, power generation, and industrial activity have offset a substantial portion of the gains realized by mandated standards and design improvements.

The goal of this committee is to put in place the necessary legislation to guarantee healthy air for all of America, and to do so in the most cost effective manner possible. Recognizing past gains, we must finish the job of cleaning the air for future generations.

No one who is witnessing these announcements by the committee leaders should think that today marks a beginning. If anything, today's announcements signal the bell lap for clean air legislation. A large community, including legislators, researchers, and environmental and industry leaders, has labored long and hard to bring us to this point today. This Senate Environment Committee, including past and present members, has logged countless hours seeking to describe the right mix of remedies for the pending malady. Even as the process continues daily, today we set a goal for completion.

I think it is important to realize that not only will the health of air in the United States be improved by passage of an effective clean air amendments bill, but other nations facing similar, or even much worse, problems will benefit by our action. New legislation will spur new techniques and technologies that can be shared with the rest of the world.

The environment can no longer be viewed in local or national terms. We face problems that recognize no political boundaries; problems whose solutions require international cooperation.

By proving to the rest of the world that we can fix our toughest national problems, we will gain a measure of respect that will prove invaluable in addressing difficult global problems. It is arrogant for this country to assume that any other nation will attend to our suggestions for its policies if we are unable to amend our own.

Passage of a Clean Air Act amendments bill is crucial for us, as legislators, to guarantee clean air for our citizens. It is a vital first step that we, as Americans, must take to be credible participants in discussions to solve global dilemmas that loom even larger.

Thank you, Mr. President.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR LEGISLATION

Mr. DURENBERGER. Mr. President, I want to begin by saying how much I appreciate the schedule which the Senator from Montana [Mr. BAUCUS] has outlined. It clearly demonstrates that Clean Air legislation will be a high priority in this Congress. It gives us the opportunity to craft good legislation after wide consultation with affected interests and elected officials from all regions of the country. Starting with a commitment to listen to the broadest expression of concern on these very complex questions is in my view the wisest course.

Acid rain has been of major concern to my constituents in Minnesota for most of this decade. The northeastern portion of our State which contains some of the most beautiful wilderness resources in the Nation is an area extremely sensitive to acid deposition. So Minnesota, acting on its own, has already established an aggressive program to reduce the pollutants which can cause damage to our lakes and forests.

Sulfur dioxide and nitrogen oxides, the two pollutants which cause the acid rain problem, are propelled into the atmosphere by smokestacks and tailpipes all across America. The yearly loading for each of these pollutants is approximately 20 million tons. The sulfur dioxide comes principally from electric powerplants burning coal. The nitrogen dioxides are about half from industry and half from our cars and trucks.

These pollutants can travel hundreds of miles from their point of release to the place where they affect the environment. Tall smokestacks designed to protect public health in areas close to powerplants have made these pollutants a major issue on a continental scale. It is the issue that divides us most frequently from our best friend in the community of nations. The sensitive resources of our Canadian friends to the north are being ravaged by pollutants produced in our industrial heartland.

As we all know, acid rain is an issue which excites sharp regional passions. The Northeast is the area of the country which suffers most of the damage. The industrial Midwest mines and burns the high sulfur coal which is causing most of the damage. And the West has abundant supplies of low sulfur coal which it would very much like to sell as part of the solution. That mix of interests has meant deadlock here in the Congress for almost a decade.

As I have said, Minnesota has had an aggressive acid rain control program in place for a number of years. Our consumers have spent hundreds of millions of dollars to purchase scrubbers for our powerplants and low sulfur coal as a fuel. But we are also willing to make some further contribution to solving this national problem, if we can. I believe that Minnesotans would support a subsidy for the very high cost of cleaning up powerplants

in the Midwest. The people of my State would be willing to pay a fee that was reasonable and gave them some credit for their past efforts, if that fee could break the acid rain deadlock here in the Congress.

In the past I have sponsored acid rain bills which included a tax on sulfur dioxide and nitrogen oxide emissions. The revenues from these fees were to be placed in a national trust fund to be used to offset a substantial portion of the capital cost for reducing acid rain. My Minnesota colleague, Congressman GERRY SIKORSKI, has been the primary author of bills in the House which would impose a fee on electricity use to provide revenue for an acid rain control subsidy. I continue to believe that some form of subsidy will be a necessary part of any strong acid rain bill.

Clean air legislation must also address the difficult problem of nonattainment. Under the Clean Air Act, EPA has set standards to protect the public health from a handful of pollutants which cause a widespread threat. These are pollutants like sulfur dioxide and nitrogen oxides. Standards have also been set for ozone—which to most people is smog—and carbon monoxide—a pollutant which comes principally from the tailpipe of cars. These are city problems, generally. More than 100 million Americans live in cities which do not meet the Federal health standards for smog and carbon monoxide.

Back in 1970 when the Clean Air Act was passed, two strategies were developed for smog and carbon monoxide. Since much of the problem is attributable to cars and trucks, EPA was to set air pollution standards for vehicles. And the second part of strategy relied on the States to develop plans for controlling emissions from industrial sources in areas where the standards were being exceeded.

The Federal Motor Vehicle Control Program—as the strategy for cars and trucks is called—has been a great success. Carbon monoxide emissions from the tailpipes of new cars are about 90 percent lower than emissions from cars that were manufactured in 1970. Hydrocarbon emissions—that is generally gasoline vapors—which are the primary element in smog formation have also been reduced by about 90 percent. Another pollutant contributing to smog—the nitrogen oxides—have also been reduced by about 75 percent. As we prepare to review the Clean Air Act, I think we must keep in mind how much progress has actually been made in controlling emissions from the automobile.

There is more that can be done, of course. One of the difficult remaining problems on carbon monoxide is high emissions during the cold weather months. Minneapolis and St. Paul, as one might expect, have a cold weather carbon monoxide problem and are in nonattainment for this pollutant. Engines and pollution control systems just don't function as effectively when the car is started on a cold winter morning. There is no reason to believe that modifications in auto pollution control can be made which will contribute to a further substantial reduction in the carbon monoxide nonattainment problem.

On the ozone side, the biggest difference we can make in the motor vehicle contribution to the air pollution problem is a matter of the fuel rather than the car itself. Gasoline is not a simple compound. It is made up of many different chemical elements. And the mix has changed over the years. As oil markets changed some chemicals available in abundant amounts have become much cheaper than others. For instance, butane is much cheaper than gasoline and can be added to gasoline in large quantities without greatly reducing the performance of the fuel. But butane—as everyone who has flicked a Bic lighter knows—produces much more vapor than gasoline. As oil refiners have added butane to motor fuels, more hydrocarbon vapors have been released to the atmosphere to cause smog and other pollution problems. Controlling the quality of the fuel—a quality called vapor pressure—must be an essential element of our ozone program.

So, we have made great strides on the mobile source side of the nonattainment question, but more can be done. The same cannot be said for the other half of this process, the State planning effort. The original 1970 statute gave the States 3 years to write and implement plans that would assure attainment of the public health standards. When large numbers of areas still had not attained healthy air by 1977, the Congress enacted sweeping amendments to the law that gave States up to 10 more years, to December 1987. That deadline has now passed and the failure to meet standards is still a critical problem in dozens of cities. We have made some progress. The number of days when the air is unhealthy have been fewer in this decade. For many of the cities with the worst population problem, the highest levels of pollution have been brought down dramatically. And a substantial number of cities have actually attained the ozone and carbon monoxide standards.

But these modest successes are not the major theme in this story. Anyone making an objective report on the State planning process of the Clean Air Act must say that the efforts have largely failed to produce results. Many of the control strategies promised in State implementation plans have never been implemented or were implemented in only a half-hearted way. After dozens of cities missed a 1982 deadline, EPA attempted to impose sanctions and was forced to back down by the Congress. All of these cities were required to submit new SIP's, but EPA has never reviewed them. Ironically, the only cities which are now being sanctioned are those who refused to cheat in the planning process at an earlier stage. And now that the final deadline has passed, it is pretty clear that EPA has no legal authority to proceed in any reasonable way to make further progress on the ozone and carbon monoxide nonattainment problem. This is a program that is broke.

And simply repeating the same old cycle one more time—even if we all promise to be serious this time—is not going to solve the problem. To some extent the planning process invites failure. A State implementation plan is a promise to achieve a healthy air quality at some distant date 5 or 10 years in the future. To support the promise the plan must make all sorts of assumptions. Emissions of air pollutants must be projected years into the future. Planners tend to underestimate growth so that emissions will be lower. If emissions are too high to project attainment, control strategies must be proposed. Planners tend to greatly overestimate the efficacy of these control strategies. And the promised strategies must be implemented. Politicians find ways to delay and deflect these control strategies when the time for implementation arrives.

I suppose that with enough resources for oversight, we could make this process honest. We could force this process to produce SIP's that were realistic. But those resources aren't in sight. I believe that fundamental reforms in the process might be more promising. One of the avenues which deserves serious exploration is the proposal made by EPA in its post-1987 nonattainment strategy. Rather than require a demonstration of attainment at some distant point, EPA's strategy relied primarily on an annual percentage reduction in the emissions of pollutants which are causing nonattainment. A percentage reduction requirement ties the whole process to an emissions inventory which is more tangible than the models of future air quality which have been at the heart of the planning process in the past.

The third major issue in this legislation is toxic air pollutants. Most of the air toxics discussion focuses on cancer. EPA estimates that something like 2,500 cancers are caused each year in the United States as the result of toxic air emissions.

Well, you might say that is a relatively small problem compared to other environmental risks or health problems which result from careless

lifestyles; 2,500 cancers in a population of 250 million is a 1-in-100,000 risk which to some is an acceptable price to pay for an industrial society. And if the risks were spread evenly among the whole of the population with each of us bearing an equally small portion, perhaps air toxics wouldn't be on the congressional agenda.

But risks are not spread evenly. Those living near point sources of industrial emissions may face very high cancer risks. The 1 in 1,000 or even 1 in 100 are typical risks for those persons who experience maximum exposure to various categories of industrial emissions. For one pollutant, butadiene, the risks at some sites are by EPA's projections 3 in 10; that is there will be 3 excess cancers for every 10 people maximally exposed at these sites. That's simply not an acceptable price whatever the benefits of this particular chemical.

Risks can also be elevated as the result of the urban soup of pollutants that some Americans are forced to breathe. A recent report by a California air pollution control agency indicates that the excess cancer risk from benzene pollution in Los Angeles County—this is just one pollutant, benzene—is 1 in 1,000. In the whole basin air toxics are projected to cause 222 additional cancer cases per year. So it's not just the national cancer incidence that is of concern. It is also the high risks faced by those individuals who experience extraordinary exposures in some communities.

And, of course, it is not only cancer. Many of the air toxics, especially the metals, can lead to other adverse health effects. And in recent months we have become aware of the environmental effects of these pollutants. The most dramatic evidence of damage is coming out of my region of the country, the Great Lakes. It is estimated that 80 percent of the toxics loading to Lake Superior is air deposition and that even for Lake Michigan—whose problems we normally associate with industrial discharges to rivers and tributaries—50 percent of the toxics are from air deposition. There is an isolated lake called Siskiwit on an island in Lake Superior that shows significant contamination from PCB's and toxaphene which could only have come as the result of air pollutant.

That's the continuous and routine emission side of the air toxics problem. These emissions occur every day—day after day. But we have also been awakened to the problem of sudden, catastrophic releases as the result of the tragedy in Bhopal and a series of chemical accidents here in the United States.

Again, I'll start with some EPA statistics. The agency keeps something called the acute hazards events data base which recorded 6,928 chemical accidents between 1980 and 1985. These accidents killed 138, injured another 4,717 and forced the evacuation of 217,000. EPA thinks the data captures about half the problem. These accidents resulted in the release of 420 million pounds of air toxics.

So here's a summary of the problem. A background cancer risk of 1 in 100,000 from the few dozen air toxics EPA has studied, dramatically higher risks for some portion of the population, noncancer effects, growing evidence of environmental damage, and an increasing number of catastrophic events which cause immediate death and injury and release large quantities of toxic pollutants.

Now the second part of the picture. What's EPA been doing about all of this? I want to say upfront that EPA is poorly equipped to address the problem of hazardous air pollutants. The law they have to work with, principally section 112 of the Clean Air Act, is not adequate to do the job. In a very few words it creates a fundamental dilemma which all of our very best thinkers, including Robert Bork on two different occasions, have been unable to successfully resolve. Section 112 requires EPA to protect public health from air toxics with an ample margin of safety. However, air toxics are mostly carcinogens and for carcinogens there is no safe level of exposure. It is generally impossible to completely prevent emissions and thus, to the extent we wish to continue enjoying the benefits of many chemicals, the mandate of section 112 cannot be fulfilled.

Whoever is to blame, there can be no doubt that the record is dismal. In 18 years, EPA has listed 8 pollutants. During that same period of time, the handful of States which have air toxics programs have been able to write standards of one type or another for 700 and 8 different pollutants. They are not all rigorous standards but it suggests the size of the chasm which yawns between the problem and the solution here at the Federal level.

On the question of routine and continuous emissions of air toxics, some of us have proposed legislation which would shift the focus from the health-based standard of the current section 112 to a technology-based standard as is used in other parts of the Clean Air Act and in the Clean Water Act. Major sources—that is big chemical plants, oil refineries and similar sources—of toxic air pollutants would have to install the best available control technology to prevent pollution.

To deal with the problem of accidental releases, we are proposing to borrow an institution which has worked well in the transportation field, that is the National Transportation Safety Board which investigates each airline or public transportation accident which results in a death. Legislation which we considered last year included a chemical safety board which would investigate chemical accidents and make recommendations to EPA on steps which could be taken to reduce the risk of catastrophic accidents.

KITTY GAMBLE

Mr. DURENBERGER. Mr. President, today is an important day in the life of my organization and the people of Minnesota. It marks the end of a distinguished career of one of the Senate's most devoted workers, Mrs. Kitty Gamble, my Minnesota chief of staff.

It was 30 years ago this month that my association with Kitty began. Her father, Fallon Kelly, was asked by President Eisenhower to be the U.S. attorney for Minnesota.

That left an empty chair in the South St. Paul law firm of LeVander, Gillen, and Miller. As a new graduate of law school, I filled that seat.

When Harold LeVander was elected Governor of Minnesota 7 years later he brought me along as executive director, and I received my exposure to public service from the inside.

Kitty's father gave me my "break," and she helped me make the most of it. In my first two campaigns for the Senate in 1978 and 1982, Kitty Gamble was a key player in the operation.

They say that an army marches on its stomach. Well my experience tells me that a campaign moves on the backs of its volunteers. That was Kitty's job, building a work force of people who wanted to make a difference by getting involved in political campaigns.

She did an outstanding job, and consequently I am here to tell about it. In 1983, Kitty became my Minnesota staff director after the sudden death of George Theiss. She has served with incredible energy, constancy and skill every single day since that time.

Kitty came to my office from a career in public health nursing. She has had almost a second career in volunteer work and has made an outstanding contribution to the United Way of Minnesota.

She and her husband, Bill Gamble, have also raised an outstanding family of four children, Kathy, Molly, Jimmy, and Scott.

Mr. President, as Senators, we have the opportunity to work with a lot of people, at various levels. They ease our burdens, advance our agendas and provide help to people where we can't. It is a unique person about whom you can say "They always give their best."

Mr. President, Kitty Gamble always gave me, the Senate, and the people of Minnesota her very best. It has been an honor to be associated with her and an inspiration to work alongside a

person who holds the banner of personal and public service so high.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

THE CLEAN AIR ACT

Mr. LAUTENBERG. Mr. President, I welcome the opportunity to join my colleagues in urging that the Senate act on the Clean Air Act.

I also commend my colleagues on the Environment Committee, including the Senator from Minnesota, Mr. DURENBERGER, with whom I have worked very closely on a section called air toxics.

I also want to compliment the chairman of the subcommittee, the Senator from Montana, Mr. BAUCUS, for moving on this very important legislation.

President Bush has said that there is a new breeze blowing in the country. Mr. President, the American people want to know that this breeze contains air which is safe to breathe, which does not harm trees, lakes and coastal waters and which doesn't pose a threat of a Bhopal type accident in the United States.

The Clean Air Act authorization expired in 1981 and the Congress has not reauthorized, and more importantly strengthened the act. This is primarily the fault of the Reagan administration which first tried to weaken the act and when that failed, opposed every effort to strengthen the act.

To his credit, President Bush has promised to present the Congress with clear air legislation. This is a major advance over the Reagan administration position, and one that makes me optimistic that we will be able to enact clean air legislation. If the President delivers a reasonable bill, he will find a Congress willing to work closely with him.

Mr. President, the time to pass a strong clean air bill is long overdue. Over 100 million people live in areas that exceed the existing ozone standard and almost 30 million live in areas that fail to meet the carbon monoxide standard. This, even though the standards were supposed to be achieved by 1977. Violations of the ozone health standard can result in lung function impairment and adverse effects on crops, forests, and materials. Carbon monoxide violations can result in reduced work capacity and fetal effects.

In 1988 in New Jersey, the ozone standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard. And this despite having some of the toughest air pollution controls in the Nation. We need to enact legislation with tougher requirements and which require pollution control in States contributing to standard violations in other States like New Jersey.

We also need to reduce emissions of pollutants which cause acid deposition. Acid rain has adverse effects on visibility, materials, pollution of lakes and streams and coastal areas, trees and crops.

Rain in New Jersey has been measured at levels at least 70 to 80 times more acidic than natural rain. New Jersey streams and lakes are vulnerable to continued acid deposition.

In addition, acid rain has been linked to elevated levels of nitrogen in coastal waters resulting in a loss of oxygen in the water and long-term decline of marine life. EPA is doing little to address this problem. I added language to the fiscal year 1989 HUD independent agency appropriation report requiring EPA to develop a plan by June 1, 1989, to research and monitor the role of atmospheric deposition in coastal waters.

Finally, we need to address toxic air pollutants. Toxic air pollutants presents one of the most serious threats to human health. An EPA study of just 20 toxic air pollutants concluded that these pollutants resulted in 1,700 to 2,000 cancer cases a year. EPA's own 1987 comparative analysis of risks concluded that toxic air pollutants posed a high risk of cancer and noncancer health risks when compared to other sources of pollution. Air toxics also are increasingly believed to be a cause of environmental contamination including coastal pollution.

Yet, since the Clean Air Act was first enacted in 1970, EPA has regulated just seven pollutants. It is clear that the existing regulatory system is inadequate. And as air toxics emissions data becomes available under the right-to-know legislation, the public is going to demand action to reduce this pollution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given such time to complete this statement and another one that follows, not to exceed 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, did the Senator mean 7 additional minutes?

Mr. LAUTENBERG. Seven additional minutes.

In response to the Senator from New Mexico, I did ask the majority leader if he was compelled to cut off at 4 o'clock. He assured me that any statements that must be made, we will have the time to do so, and that 4 o'clock, as I understood him—the Senator would have to get that from him directly—is flexible.

Mr. DOMENICI. I am not worried about 4 o'clock. I want to know more or less when I might be doing mine.

I have no objection.

The PRESIDING OFFICER. The Senator may continue.

Mr. LAUTENBERG. Mr. President, we need to be concerned about catastrophic accidents involving toxic pollutants, not just routine emissions. EPA says that there have been over 11,000 accidents in the 1980's resulting in roughly 11,000 injuries and 309 deaths.

The right-to-know legislation, which I authored, partially addresses this problem by requiring industry to make information available to communities which can then plan for emergencies. But the record of accidents in the United States makes it clear that more needs to be done to protect the public from accidents like which occured in Bhopal.

Mr. President, we need to act now. I plan to do my share to see that clean air legislation is passed expeditiously.

THE NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. LAUTENBERG. Mr. President, I would like to take the remainder of my time to address another subject, one which we heard about substantially from the Republican leader when he admonished us not to look at the files available in S. 407 from the FBI and remind us that the majority report that we saw up there alongside the FBI report was in fact only a majority report and did not reflect the views of the minority nor was it a complete committee report.

The staff up there was very explicit. They said this is a report from the majority membership on the Armed Services Committee and in no way suggested or intimated that it might reflect the opinions of all. So we were appropriately cautioned as we looked at those documents.

Mr. President, I plan to vote against the nomination of John Tower to be Secretary of Defense. The FBI report, which I read yesterday, confirmed my initial misgivings about his nomination. After reviewing the body of evidence, including the hearings of the Senate Armed Services Committee, I cannot vote to confirm.

In my mind, there is no doubt that Senator Tower has the knowledge of defense and the intellectual capacity to fill this post. Those qualifications are not at issue here. However, the concerns about Tower's past behavior—from a serious drinking problem to conflict of interest stemming from his past relationships with defense contractors, have raised sufficient doubts in my mind about Senator

Tower's fitness to serve that I cannot vote for his nomination.

Some may argue that any doubts about Tower's nomination must be resolved in favor of confirming the President's choice. I disagree. Any doubts must be resolved in favor of our national security. They must be resolved in favor of the best interests of the American people and of our Nation. Under article II of the Constitution, the Senate has a responsibility independent of the President's to judge the fitness of Cabinet nominees. Because of that responsibility, the Senate is held in some measure responsible for the performance of a nominee to whom they have given consent. We cannot be a rubberstamp for the President's choice.

In matters of national security, the Senate's responsibility to scrutinize the President's choice is especially heavy. The Secretary of Defense holds the fate of our fighting men and women, our Nation, and possibly the globe in his or her hands. He is directly under the President in the chain of command. He will be called upon to advise the President in times of national crisis—when our men have been attacked, our planes shot down, when American hostages are taken. He must make decisions at all times of the day or night, often with little time and even less information.

The Secretary must have a clear head to carry out these responsibilities. He holds the security of our Nation in his hands. Those hands must be steady at the helm. I do not believe that John Tower meets those standards. The issue of his past alcohol use weighs more heavily on my mind than his future promises of sobriety, as sincere as they may be. We cannot afford to base our Nation's security on the hope that someone with a history of problems with alcohol will be able to resist that temptation in the future.

Further, the next Secretary of Defense faces the daunting task of cleaning up our defense procurement system and restoring the faith of the American people in our Defense Department. He must make tough decisions about how to do more for our national defense while spending less. Those decisions may at times run counter to the best interests of some defense contractors, who depend on a particular weapon system for the bulk of their business.

The Secretary of Defense must be able to exercise sound judgment on these issues and resist pressures based on past loyalties or future opportunities. John Tower's extensive past associations with defense contractors raise the question of whether he possesses the objectivity to carry out these tasks. In addition, his acceptance of lucrative consulting work from defense contractors immediately after resigning from the U.S. arms control delegations in Geneva also raises concerns about his judgment and his sensitivity to the appearance of impropriety.

In view of the high standard to which we must hold the Secretary of Defense, and my continued misgivings about Senator Tower's ability to meet that standard, I will vote no on his nomination.

PROGRESS ON S. 335, MEDICARE CATASTROPHIC COVERAGE REVISION ACT OF 1989

Mr. McCAIN. Mr. President, on February 2, I introduced legislation—S. 335—to delay implementation of some of the provisions in the Medicare Catastrophic Coverage Act in order to permit Congress ample time to revisit the act to determine what, if any, changes ought to be made to the act.

I have come to the floor this afternoon to briefly discuss my rationale for offering S. 335, and to discuss the recent backing of this legislation by the "Coalition for Affordable Health Care."

As I stated when I introduced S. 335, the adoption of the Medicare Catastrophic Coverage Act of 1988 has raised a firestorm among our Nation's senior citizens.

ACT DOES NOT PROTECT FROM GREATEST NEED

That act began as a proposal to provide Medicare beneficiaries with coverage of long-term hospitalizations. It was greatly expanded to include coverage of everything from mammography screening to out-patient prescription drug coverage. With this expansion of benefits, came a dramatic increase in the cost of the package for our Nation's seniors.

While the original package only required a nominal increase in the monthly Medicare part B premium, and was optional, the final package included a flat increase in the monthly Medicare part B premium in addition to a requirement that all seniors—with over $150 in Federal tax liability—pay a surtax, regardless of whether they need or want the coverage.

Yet, Mr. President, after all was said and done, the act failed to provide protection from the greatest catastrophic health concern of our Nation's seniors—the financial ravages of an illness requiring long-term care.

As I have spoken with seniors about the act, and read the letters they are sending me—still numbering several hundred per week, I have found many seniors to be shocked or angered at discovering that the act does not even begin to address long-term care.

WHAT CONTRIBUTED TO FIRESTORM AMONG SENIORS

In my opinion, several things have contributed to the firestorm that has erupted among our Nation's seniors.

First, given the great need for protection from the financial ravages of long-term care services, the title of the act—the Medicare Catastrophic Coverage Act of 1989—is somewhat misleading. For many seniors, the title evoked certain images in seniors' minds about what would be covered. Seniors thought of health services needed for such illnesses, or maladies, as Alzheimer's disease, a stroke, or the breaking of a hip. Yet, Mr. President, all of these require long-term care services in one form or another. And, seniors found that, for the most part, they will not receive such coverage through this act.

It is with good reason that the greatest fear of older Americans in the health care area is the expense of long-term care services.

By the time you hit 65, you stand a 50 percent chance of entering a nursing home during the remaining period of your life. And, with the cost of a year's stay in a nursing home ranging from $22,000–$35,000, all but the most affluent elderly can be bankrupted. It is alarming that close to 90 percent of single older Americans become impoverished within a year after they enter a nursing home, as a result of the financial burden of the cost of care.

While many of the benefits in the Medicare Catastrophic Coverage Act are available—in one form or another—in the private sector, at a fairly reasonable cost, the same is not true for long-term care. There are a number of policies available in the private market that cover nursing home services, but the price of real protection is very high. According to a May 1988 Consumer Reports analysis, the cost to a 65-year-old for an average plan offering real protection is $1,200 a year and up, and $3,500 and up if purchased at age 35. A study by the Brookings Institution, last year, echoed these findings.

While I may differ with Congressman CLAUDE PEPPER as to what form public sector coverage of long-term care services should take, he was right when he said—"protection from long-term care costs is the most important catastrophic illness protection need in the eyes of our Nation's seniors."

The second thing that has contributed to the firestorm is that the act mandates that all seniors—with tax liability in excess of $150—contribute to financing the benefit, regardless of whether they need or want the coverage.

And, third, the expense of the act for our Nation's seniors is going to make it exceedingly difficult for Congress to provide any meaningful public sector coverage of long-term care services, without putting the bulk of the cost on the shoulders of the nonelderly. Seniors realize this, and it concerns them greatly.

29-059 O-90-5 (Pt. 3)

POSITION ON FINANCING

At this point, I would like to take a moment to explain my position regarding the financing of catastrophic illness protection benefits for the elderly.

In my opinion, the cost of any new catastrophic illness benefits ought to be borne by the senior population. The Federal budget deficit situation, and the relative wealth of the senior population—as compared with other age-groups—dictates that this be the case. That was the premise of the act we passed last year, and it is a sound premise.

I think not only do the majority of my colleagues agree with this position, but the senior population do as well. It appears, however, that two things must be true in order for a package to receive the support of seniors.

First, the benefits offered must address their true catastrophic needs.

And, second, the financing must be equitable, and must have some provision for those who are least well off financially.

To varying degrees, I think seniors view the act as having failed in both regards.

LETTERS FROM SENIORS

I would like to read from a couple of the 50 or so letters I received one day last week—letters which are representative of the mail I have been receiving to date regarding the act.

A gentleman from Sun City wrote me:

Senior Citizens' Catastrophic Health Protection—a catastrophe in itself.

First, this "solution" doesn't touch the big bugaboo that concerns our aging senior citizens—custodial care for those who just cannot handle the problems of living alone and have no one to turn to for such care without going in to personal bankruptcy.

Lastly, we are advised in the income tax seminars that this premium, assessed as a "surtax" on the income tax, will not be deductible from tax, will not be deductible from tax returns as an insurance premium.

A woman from Cottonwood, AZ, wrote me:

It looks to me that what passed as "catastrophic coverage" has become a catastrophe for the elderly. What we really need is coverage for long term nursing home care. What we got was a prescription drug program that over 80 percent of us cannot qualify for, and a catastrophic cap that 93 percent of us will not qualify for either.

Now we have to pay a surtax of 15 percent that goes up to 25 percent in 1990.

We urge you and your colleagues to take another look at the surtax method of financing as well as at the entire program which does not meet our real needs of long-term care.

A man from Mesa, AZ wrote:

I do volunteer work 4 days a week for the AARP doing tax counseling for the elderly and low-income people. I have yet to find any seniors in favor of the Catastrophic Coverage Act. I live in an adult trailer park of all retired seniors on Social Security. At a recent park meeting, not one person said they were in favor of the Act. The same is true with all others we have talked to, including people we prepare income taxes for.

Although most of us answered "yes" on questionaires about the bill, they did not expect to get this. It does not even cover custodial or intermediate care.

A woman from Tucson, AZ wrote me:

The new catastrophic health care program is a disaster. Instead of easing the health care burden on the elderly, it increases their burden.

For example, the Medicare gap insurance premiums have been increased; whereas, the elderly were told that since Medicare coverage has been increased the gap insurance premiums would be lowered. What has happened? Most of us still need gap coverage, and we got increases in both Medicare premiums and gap insurance premiums.

A man from Florence, AZ, wrote me:

I am not opposed to Medicare benefits simply because they cost me money. For example, although I would not need to participate, I would be willing to see my Medicare dollars go toward long-term custodial or nursing home care (which, of course, is not covered under the "Catastrophic Coverage Act").

Of the 9,000 or so letters I have received since the enactment of the law, less than 10 have been in favor of the act.

A recent meeting of a local chapter of the AARP in my home State of Arizona provides another vivid example of how seniors feel about the act. Following the showing of a film that's been produced to defend the "Catastrophic Coverage Act," the president of the chapter called on its 200 or so members present to raise their hands if they supported the act. Only two hands were raised.

PETER IS WILLING TO PAY FOR PETER'S BENEFITS

With regard to the concern that seniors are expressing about the act—particularly, the financing—I have heard some of my colleagues say:

What we have is a bunch of wealthy seniors who are upset because we are finally making Peter pay for Peter's benefits, and they don't like it.

Well, from what I have been hearing from seniors, Peter is willing to pay for Peter's benefits. That is, provided that they are the benefits Peter feels he really needs.

It is in an effort to permit us the time to remedy this situation, and to determine whether indeed some changes ought to be made to the act, that I offered S. 335, the "Medicare Catastrophic Coverage Revision Act of 1989."

MY HISTORY WITH ISSUE

I do not come to this issue as one who is opposed to providing seniors with some protection from the financial ravages of a catastrophic illness through the public sector.

In fact, in February 1987 I joined Senator DOLE and others in introducing the original catastrophic illness protection legislation. This legislation would have added—for a nominal additional flat premium for Medicare beneficiaries—a long-term hospitalization benefit to the pool of benefits available through the Medicare Program. While some argued this legislation was not comprehensive enough, I felt it was a good start at addressing the catastrophic health care protection needs of our Nation's seniors.

In October 1987, I voted in favor of a more comprehensive piece of legislation aimed at providing seniors with protection from the financial ravages of a catastrophic illness. While it added a drug benefit, and several other benefits, like the original legislation, it did not provide protection from that which seniors feel is their greatest health care protection need—protection from the financial ravages of long-term care. However, because this legislation did not require beneficiaries to pay for the coverage if they chose not to participate in the program, and because of my perception that the proposal enjoyed the support of the vast majority of out Nation's seniors, I voted for it.

But, as this issue was further addressed in the House, I began to sense some growing concern among seniors over the direction that Congress seemed to be moving in this area.

INPUT FROM ARIZONA SENIORS

I decided the only way to get a good handle on what was going on with respect to the views of seniors, was to take this issue directly to the seniors. So, I sent the majority of seniors in Arizona a comprehensive mailing outlining the major provisions of the Senate bill, including the bill's costs. Mr. President, I heard back from over 30,000 senior Arizonans in response to the mailing.

The response was very telling.

Less than 1 out of every 3 of the respondents supported the legislation.

It was the input from seniors in my State who were telling me on a margin of 4-to-1 that the Senate version was not the answer, and major changes in the legislation—such as participation in the financing of the program becoming mandatory, regardless of whether the individual wanted to participate in the program, and that the premiums were not going to be deductible on Federal tax returns as health care costs—that led me to ultimately decide to vote against the final version of the bill. A vote that was very difficult to cast.

PROVISIONS OF S. 335

Mr. President, the legislation I offered on February 2, S. 335, will allow the long-term hospitalization, which has already been implemented to stay on-line.

Second, it will permit the spousal impoverishment protection to come on-line—as currently scheduled—beginning in July 1989. Senator MIKULSKI really deserves the credit for this

provision being included in the act, as she has been tirelessly promoting the need to provide seniors with spousal impoverishment protection. In my opinion, the spousal impoverishment protection is likely the most important provision in the act in terms of addressing a true catastrophic illness protection need.

Third, it will delay implementation of the other benefits in the act for a year.

Fourth, it will delay implementation of the supplemental premiums for a year. This would afford Congress the opportunity to review, through public hearings, whether we indeed have taken the wrong road.

According to the Congressional Budget Office, the flat increase in the Medicare premiums attributable to the act—which was levied on the seniors earlier this year—is sufficient to pay for the benefits that have already been put into place plus the spousal impoverishment benefit. If, as a result of the hearings, it was determined that we should drop the benefits for which implementation had been delayed and do something in the area of long-term care, the flat premium—which is slated to increase to $7.18 by 1993—would not only support the cost of these benefits, it would result in a surplus of $1.16 billion over the next 5 years.

I believe the senior population of this country is willing to pay for a benefit package that provides them with protection from the financial ravages of a catastrophic illness. And, given the high deficits, I believe the only way we can provide additional benefits in this area is if the elderly population at large supports the bulk of the cost. I recognize the concern over the surtax concept. Perhaps, in revisiting the act, we might be able to find a way to achieve the goal of spreading the burden generously across the senior population, without having them actually paying on their tax forms—especially when it is nondeductible. The nondeductibility issue perhaps ought to be looked at as well.

COALITION FOR AFFORDABLE HEALTH CARE BACKS S. 335

It is the contention that the act does not provide seniors with protection from their greatest catastrophic illness fears, and that Congress ought to revisit the act, that led the Coalition for Affordable Health Care, on February 22, to back S. 335.

The coalition is composed of some 31 organizations—some are national groups—such as the National Association of Retired Federal Employees and the Retired Officers Association—and some are State-based seniors groups. They have come together over the common view they share that the "Medicare Catastrophic Coverage Act" does not represent the greatest catastrophic illness protection needs of the Nation's seniors, and that Congress ought to delay implementation of the benefits not already on-line to give Congress the opportunity to revisit that act through public hearings. What struck me most about the coalition is that it represents all ends of the political spectrum.

Here we have a perfect example of strange bedfellows joining together over a common concern. It is not often that you see such a wide diversity of groups working arm-in-arm on an issue. That they would do this ought to be an indication of the widespread level of concern regarding the act.

Mr. President, I would like to have printed for the RECORD a list of the groups in the Coalition for Affordable Health Care.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. I would like to take a moment to read from the statement that the coalition drafted at the time that they backed S. 335.

The "Coalition for Affordable Health Care" evolved in response to concern voiced by senior citizens that the Medicare Catastrophic law imposes a mandatory surtax while failing to provide coverage for the real health catastrophe they fear—long-term illnesses.

The Coalition believes that the law's spousal impoverishment provision is praiseworthy and the extended hospital coverage valuable. However, we urge Congress to delay implementation of the controversial surtax and further benefits until Congress can reassess the new law.

At its meeting on February 22, the CAHC agreed to focus immediate attention on building bipartisan support for S. 335, legislation introduced by Senator JOHN MCCAIN. The McCain approach does not seek to dismantle the new law, but rather to step back and evaluate whether or not the law truly meets the needs of our nation's seniors. The legislation will afford Congress the opportunity to reevaluate—through public hearings—whether or not Congress missed the mark in designing the present package.

WE MUST REVISIT THE ACT

Mr. President, I strongly believe we have a responsibility to provide the seniors with a package that meets their true needs, particularly since they are paying the bill. And, given that we appear to have not done so, we must revisit the act.

In doing so, it is important that we put implementation of some of the benefits on hold to permit us the opportunity to make any needed changes that may become apparent as a result of the hearings.

I urge my colleagues to look at what their constituents are saying to them about the Catastrophic Illness Coverage Act. I know many of them, as have I, have been hearing from a great many seniors regarding their discontent with where we went with the catastrophic illness legislation. In addition, I would encourage them to look at what the Coalition for Affordable Health Care is saying, and to determine whether the approach this legislation takes would meet the concerns of their State's senior population. Senators WILSON, COCHRAN, GORTON, BOREN and HEFLIN have all done so, and joined on as cosponsors. It is not insignificant that Senators WILSON, COCHRAN, BOREN, and HEFLIN all voted for the bill.

DIFFERENCE BETWEEN S. 335 AND OTHER BILLS

Before closing, I would just like to briefly address the difference between S. 335 and a couple of different approaches that are also out there.

First, a number of proposals would repeal the entire act. I do not believe, as do some, that we should pull down the whole act—as there are certainly some provisions which are truly catastrophic-related. What is more, we may indeed find that—by and large—the seniors of this country would prefer to have all of the provisions in the act rather than see us do something in the way of long-term care.

Second, a couple of proposals that would delay what has not already been implemented and establish a Commission to study whether we should change those portions of the act not already implemented. While I do think we should delay these provisions, in my opinion the spousal impoverishment benefit ranks high on the list of catastrophic illness-related benefits that the seniors want—much to Senator MIKULSKI's credit. In addition, Congress should be in charge of reviewing the act and not duck behind a Commission. I think we owe it to the seniors of this country to take responsibility for what we have done. I do not believe that seniors will hold it against us if we correct our course—given that we were embarking in uncharted waters.

CONCLUSION

I welcome the participation of the "Coalition for Affordable Health Care" in this effort to correct the course, and provide this Nation's seniors with true protection from the financial ravages of those catastrophic illness-related services that are of the greatest concern. And, I would welcome any more of my colleagues that would like to join myself, and Senators WILSON, COCHRAN, GORTON, BOREN, and HEFLIN, in this effort.

EXHIBIT 1

ORGANIZATIONS THAT HAVE BACKED S. 335 (AS OF FEBRUARY 27, 1989)

National Association of Retired Federal Employees.
The Retired Officers Association.
American Foreign Service Association.
Mail Handlers.
National Association of Postal Supervisors.
National Association of Government Employees.
National Association of Letter Carriers.
National Association of Postmasters.

National Association of Postal Supervisors.
International Federation of Professional and Technical Engineers.
American Foundation for the Blind.
Florida Seniors for Medicare Equity.
Marine Corps Reserve Officers Association.
EXPOSE.
Rural Letter Carriers Association.
U.S. Army Warrant Officers Association.
National Association for Uniformed Services.
Air Force Association.
Non-Commissioned Officers Association.
National League of Postmasters.
National Treasury Employees Association.
Marine Corps League.
Naval Reserve Association.
Council of Sacramento Senior Organizations.
Association of Military Surgeons of the U.S.
International Association of Fire Fighters.
California State Employees Association.
The National Association for Public Health Policy.
United Seniors of America.
Catholic Golden Age.
Fleet Reserve Association.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator HOWELL HEFLIN be added as a cosponsor of S. 335, the Medicare Catastrophic Coverage Revision Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the floor.

JAPANESE ASSISTANCE TO THE GOVERNMENT OF BURMA

Mr. MOYNIHAN. Mr. President, I rise to express my gravest concern about the decision of the Government of Japan on February 16 to extend formal recognition to the military government of Burma, as well as my hope that Japan will not abandon its commitment to human rights in that country. I trust that Japan will not follow its offer of recognition with an offer of financial assistance, nor of increased economic ties. Japan, and, indeed, the other nations of Asia and of the world should continue to withhold assistance from Burma until the Rangoon regime demonstrates a commitment to free elections and national reconciliation. The announcement of elections in May 1990 is an encouraging move, but much clearer commitments are necessary—a cease-fire in the civil war so that all Burmese may participate, freedom for political organization by opposition parties, a precise election timetable, and a mechanism for international observation. A premature offer of aid by Japan will serve as a reward to the Burmese military for failing to live up to its commitments, and for brutally suppressing prodemocratic dissent.

Burma has been in turmoil for nearly a year. A democratic uprising drove out one government in the spring, and then another. When the military took formal control of the government in September, Japan earned the world's admiration for withholding assistance from the new government and demanding democracy. Burma had clearly become ungovernable. A civil war has left much of its outlying provinces in the hands of ethnic groups fighting for federalism and democracy, and thousands of civilians, many of them university students, have fled to border camps. As many as 3,000 of their compatriots never made it, for they were shot by the military.

I am certain the Japanese Government will recognize that there can be no profit in investing in Burma. Most of its unexploited natural resources—gems, teak, oil, and minerals—lie in parts of the country where civil war makes development impossible. Burma's universities are closed and their students are dying of malaria in border camps, rather than training to become engineers, doctors, and technicians. Burmese currency is worthless, and has been partially supplanted by jade, precious stones, and opium in black market border trading.

I understand that some elements of the Japanese Government continue to resist moves to strengthen ties with the Burmese military. Their position is commendable and I expect their voices will be heard. No aid should be provided, nor should Burma's debt be renegotiated or interest payments suspended or forgiven, until democracy is restored. Similarly, the Mitsubishi group should not continue with the construction of the airport in Rangoon.

Japan's policy was until days ago a guiding example of the proper approach to the Burmese crisis. Despite this regrettable move, I hope that Japan's expectations of the Burmese military regime will be more clearly defined.

This is a most crucial moment in the crisis, and a most inopportune moment for a country as important as Japan to make such an overture, for at this very moment the United Nations Human Rights Commission is considering the human rights violations of the Burmese regime. The American delegation will make every effort to highlight the Burmese tragedy. I trust the Japanese delegation will join us, for silence on the part of an Asian democracy would be interpreted as tacit approval of the Burmese regime.

Let us, Japan and the United States, and all other democratic nations, withhold assistance until firm and verifiable steps are taken to end the killings in Burma, to restore democracy and to hold free and fair elections. The valiant protesters of Burma are looking toward us. We must not and cannot let them down.

Mr. President, I ask unanimous consent that a copy of a letter several of my colleagues and I sent to the State Department regarding human rights in Burma, and a copy of the State Department's response, be printed in the RECORD at this time. I also ask unanimous consent that two recent articles about human rights in Burma from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 26, 1989.

Hon. ARMANDO VALLADERES,
Chairman, United States Delegation to the United Nations Human Rights Commission, Department of State, Washington, DC.

DEAR AMBASSADOR VALLADERES: We trust that you will find occasion to bring up the repression of human rights in Burma when the U.N. Human Rights Commission convenes in Geneva on January 30th. Specifically, we urge that you make every effort to ensure that a resolution concerning Burma be considered by the Commission at this year's meeting. As you know, on August 11 of last year the Senate unanimously passed a resolution (S. Res. 464) that condemned the military government of Burma and that called upon the Secretary of State and the Permanent Representative to the United Nations to encourage the restoration of democracy in Burma and to condemn the killings and mass arrests committed there.

Last summer, after 26 years of authoritarian rule and economic stagnation, the people of Burma took to the streets in protest. Their demands were elemental and just. They sought free elections. Free speech. An accounting of the victims of police violence. For a brief moment it seemed they would carry the day. But then the army cracked down. The military took formal control of the state apparatus on September 18, and made clear it would never share power, nor permit opposition. Soldiers fired into crowds with machine guns, mortars, and recoiless rifles. Thousands of unarmed demonstrators were killed. Over 6,000 civilians, fearing for their lives, have fled to the Burmese-Thai border.

What is more, the extraordinary display of brutality in Rangoon and in other cities last summer has for many years been a commonplace feature of the Burmese army's treatment of ethnic minority peoples living within Burma's borders. In an August, 1988 report, Amnesty International found evidence of "a consistent pattern of unlawful killing and ill-treatment of members of Burma's ethnic minorities by security forces." Countless villagers belonging to the Shan, Kachin, Karen, Palaung, Wa and the many other minority groups of Burma have been beaten, tortured, or killed for their suspected allegiance to government opponents. The army has forcibly conscripted many of them to carry heavy loads down jungle trails, and to sweep minefields. Young Burmans in Rangoon are now being similarly conscripted, destined to die anonymously in the mud of a rain forest.

All this has happened to a people that have demonstrated a remarkable faith in America and in our capacity for moral behavior. After the passage of S. Res. 464, our embassy in Rangoon became the focal point of pro-democracy demonstrations, such that

our ambassador, Burton Levin, termed it the "Hyde Park of Rangoon" in a talk at the Asia Society in New York on November 29.

In his talk, Ambassador Levin concluded that by promoting human rights in Burma "we have in a sense the luxury of living up to our principles." We agree. Bringing up the case of Burma at the Human Rights Commission would ensure that the Burmese military cannot continue to behave as it has without feeling the world's condemnation. So massive a violation of the human rights of a people who have such faith in American democracy should not be forgotten.

In addition, we ask that you encourage the member nations of the Association of South East Asian Nations and other appropriate nations in the region, such as India, South Korea, and Japan, to maintain support for democratic liberalization and human rights in Burma. Thailand, especially, as Burma's most involved neighbor, has a critical role to play in the effort of the Burmese people to win the same freedoms that the Thai people already enjoy.

Thank you for your prompt attention to this matter.

Sincerely,

Claiborne Pell, Alan Cranston, Carl Levin, Daniel Patrick Moynihan, Paul Simon, Richard G. Lugar, Rudy Boschwitz, Edward M. Kennedy.

DEPARTMENT OF STATE,
Washington, DC.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: Thank you for your letter of January 25, 1989, concerning the violations of human rights in Burma.

We fully agree with your assessment of the human rights situation in Burma. As you have noted, our Embassy has taken the lead in protesting the serious human rights violations which have occurred there in recent months.

Please be assured that we are working to bring the issues of Burma before the United Nations Human Rights Commission currently meeting in Geneva. We have also communicated with other UNHCR member states on this subject. These efforts are on-going and will continue.

Thank you for communicating with us on this important subject.

Sincerely,

BETSY R. WARREN,
Acting Assistant Secretary,
Legislative Affairs.

[From the New York Times, Jan. 15, 1989]

BURMA BECOMES A TEST CASE IN HUMAN-RIGHTS POLITICS

(By Steven Erlanger)

RANGOON, BURMA.—Burma's new military leaders paid dearly for their brutal crackdown on pro-democracy demonstrations in September. Not only were they shunned diplomatically, but nearly all the country's foreign aid—including $300 million from the Japanese, $100 million from the West Germans and $12 million from the United States—was suspended. The effect was to cut off 90 percent of Burma's foreign exchange.

In one sense, Burma's ostracism was a clear victory for the cause of human rights, but it was only a temporary one. The dictates of self-interest for several Asian countries have clouded the issue, lending Burma's rulers comfort and tending to delay, some diplomats say, the setting of a date for multi-party elections.

The Burmese experience has been instructive. It shows a growing willingness by Japan to take the lead in foreign policy in Southeast Asia, as the United States keeps urging it to do. The Japanese were quick to suspend aid, though they now find themselves under increasing pressure from businessmen to resume it.

But the response of several other Asian countries, notably Thailand and South Korea, has disappointed some Western diplomats. In the case of South Korea, they find it regrettable that a country that has itself recently cast off an autocratic regime has been quick to cozy up to a particularly nasty version in Rangoon.

The Thais, seeking trade, have organized the repatriation of Burmese student protesters. The South Koreans have made commercial deals that offer Burma some needed foreign exchange. And other Southeast Asian countries, including the Philippines, increasingly behave as if the September events never occurred.

The effect of any diplomatic action on a country that has been as poor, isolated and strategically unimportant as Burma has for the last 26 years is debatable in any case. And no aid suspension is likely to be airtight for long. Still, the eagerness of neighboring nations to make their peace with the Burmese has unquestionably softened the impact of the Japanese and Western initiative.

As far as the United States is concerned, a senior Western diplomat said, "Burma is a place where, with so few interests, Americans have the luxury of living up to their principles." No geopolitical struggle is under way for Burma, he noted. There are no American military bases or oil companies; there is no autocratic but ancient American ally like the late Shah of Iran or Ferdinand E. Marcos, to spin down the memory hole with pained expressions of regret.

The United States, said American officials here and in Bangkok, has three basic interests here: limiting narcotics production, developing trade and investment, and promoting adherence to human rights. And it hasn't made much progress.

In the early 1980's, the Americans gave economic assistance, fellowships and scholarships. "We fawned and supplicated, but to what end?" an American official said. "We got nothing, just bureaucracy and negativism." To attack narcotics, a diplomat said, the Americans had provided about $5 million a year, a little intelligence and some helicopters and transport planes. At best the effort only reduced the rate of increase of raw opium production.

KEEPING UP PRESSURE

The human-rights issue is self-evident, say these officials, who try to monitor, as best they can, continuing abuses like the arrest and disappearance of student demonstrators. This is no time, the officials say, to try accommodation again and reduce what limited pressure can be applied.

Asian interests, on the other hand, are more direct, because Burma represents a major potential market. The Thais share a long border with Burma, profit from a huge black-market trade and respect the tough Burmese military. They have snuggled up closest to General Saw Maung, the new Burmese leader.

The Thai Army Commander in Chief, Gen. Chavalit Yongchaiyudh, has arranged the repatriation of Burmese students—nearly 300 so far—who had fled to join ethnic insurgencies. The repatriations are said to be voluntary, but Amnesty International says some students were forced to return and face arrest.

South Korea has also tried to fill the gap left by Japan and the West. Burma has been selling off fishing rights, and the South Koreans have been eager to buy, and to discuss new investments, diplomats say.

And while Western ambassadors made a point of being out of Burma so they could decline invitations to Independence Day celebrations Jan. 4, all the representatives of the Association of Southeast Asian Nations were in attendance—including the Ambassador of the Philippines, whose President, Corazon C. Aquino, is the prime beneficiary of the sort of "people power" so ruthlessly crushed in Rangoon.

[From the New York Times, Jan. 17, 1989]

SOME BURMESE STUDENT PROTESTERS DISAPPEAR WHILE IN ARMY CUSTODY

(By Steven Erlanger)

RANGOON, BURMA.—Some student demonstrators have disappeared or died in custody since the Burmese Army suppressed demonstrations for democracy on Sept. 18, while the army has forced thousands of people to serve as porters and "human minesweepers" in battles against ethnic insurgents, diplomats and Burmese say.

Western and Asian diplomats caution that the number of demonstrators and students arrested and tortured or killed in custody since Sept. 18 is impossible to determine, despite a recent United States State Department statement saying the number of "credible reports" may be as high as 50.

A spokesman for the Burmese military Government said, "Rumors about arrests and deaths of students in Government custody are absolutely unfounded and malicious." But many Burmese believe them, and diplomats say they have confirmed at least four cases in and around Rangoon, with the likelihood of more in Mandalay and the countryside.

In one case, diplomats say, a woman said her neighbor's son returned to Rangoon in October from an insurgent camp near the Thai border. The mother urged him to register with the authorities so they would know he was back. He was reluctant, arguing that perhaps they did not know he had gone, but he finally did as his mother suggested.

Two days later he was arrested. Five days after that, his mother received a letter saying he had died in jail of malaria.

In two cases known to him, a diplomat said, the army came to Rangoon houses and arrested students who had returned from the Thai border. The parents have not heard from their two sons again, and the military says it has no knowledge or record of them.

In another, an arrested student was brought home by the army paralyzed from the waist down, and his parents say he is unable or unwilling to talk.

In mid-December, a professional called in for questioning in Rangoon was kept in prison overnight. He said that he was treated reasonably well, but that he was kept awake at night by screams.

The Burmese Army has traditionally run the countryside, especially in border areas where insurgencies are common, and impressment of young men for porterage is not unknown. But in October and November, a series of army sweeps in and around Rangoon picked up several thousand workers and students, diplomats and Burmese professionals say.

IMPRESSMENT FOR 500

In mid-October in North Okkalapa, a working-class suburb of Rangoon, the army told ward leaders that it wanted volunteers to rebuild the North Okkalapa Plastics Factory, looted during the summer protests. Nearly 500 workers showed up, and they were surrounded by soldiers and informed that they would be porters. A few protesters were beaten with rifle butts. The rest were told that those who tried to escape would be shot.

The men's hands were tied behind their backs and they were taken in trucks to a jail, where they spent the night, before going on to Karen state and the battle for a border outpost, Mae Tha Waw, that Karen guerrillas had recaptured Oct. 12.

The men walked for seven days with their loads of ammunition, weapons and mines, with little to eat and no way to carry food. They soaked their clothes in rivers and sucked them for liquid.

At the battle zone, they were put in front of troops and suffered a Karen ambush. Some discarded their loads, fled and were shot. The wounded were left untended.

During three days at the front with no food, the porters had to dig graves and walk through suspected minefields. Some lost limbs. Then a few escaped and made their way to a Karen village and then on to Rangoon, passing corpses or the wounded, many of them gangrenous and delerious, on the trail. The Burmese Army finally retook Mae Tha Waw on Dec. 21.

QUOTAS FOR PORTERS

In mid-November, again in North Okkalapa, the army announced a special show at a movie theater closed since August. After the show, diplomats said, soldiers surrounded the moviegoers and took them off to be porters. Some ward councils were given quotas for porters in November, Burmese say, believed to total about 3,000 for Rangoon and its suburbs.

In a similar case in November, another diplomat said, a young man was seized from a Rangoon street as a vagrant because he had no identification with him. Along with about 2,000 others, he was taken to Karen state to work as a porter. Conditions were poor, with little food, and some porters jumped into ravines to their deaths. He saw two men lose legs from mines. They were left by the side of the trail.

During the battle, porters were sent ahead of troops to gather water while the army covered them. He was required to make three roundtrips of three days' walk to carry wounded soldiers back to a village and more ammunition to the front.

Finally he, too, escaped. Suffering from malaria and dysentery, and made his way to Pegu, 50 miles north of Rangoon, where his family retrieved him.

"This story is typical of several," a diplomat said, "typical, at least, of those who survived."

POLITICAL ACTIVITY CURBED

In addition, open political discourse has been sharply curtailed, political party organizers have been arrested, criticism of the military and its leaders has been criminalized, gatherings of five or more people are banned and all newspapers except an official journal have been closed.

In the four known cases of those who have suffered in custody, diplomats stress that the students had fled Rangoon and then returned voluntarily, before a much-publicized Thai-Burmese effort beginning in late December to repatriate students on official flights. Though questioned, these students, who so far number 260, have been allowed to return home and have not been arrested, Burmese journalists and some Western diplomats believe.

[Amnesty International, in a report issued in Bangkok, said at lest one student flown back on Dec. 26, Thant Zin, had been arrested in his hometown of Mergui and has been held incommunicado since, his whereabouts unknown.]

Diplomats and Burmese say that with publicity and growing confidence on the part of the military, abuses of human rights are becoming slightly less common. They say the curtailment of civil and political rights depends on the commander in charge of any given military region, with Gen. Myint Aung, head of the Irrawaddy district east of Rangoon, considered especially harsh.

When Burmese have complained to him that some actions countervail the policies of the military leader, Gen. Saw Maung, Gen. Myint Aung has said, "Saw Maung rules in Rangoon, and I rule in Bassein."

One senior diplomat stressed the absolute and arbitrary nature of the army's power here, and said it was foolish to expect much delicacy about human rights from a military whose hold on power and privilege had come to seem so tenuous in September.

"One hundred years ago they were burying young boys in the corners of palaces for good luck," he said. "What they've done is terrible and we should say so, but the amount of leverage anyone has on them is pretty small."

SENATOR KASTEN'S LEADERSHIP ON CAPITAL GAINS

Mr. COCHRAN. Mr. President, our distinguished colleague from Wisconsin, Senator BOB KASTEN, has been a forceful advocate for reform of capital gains tax laws. I have cosponsored Senator KASTEN's bill, S. 171, to cut the capital gains tax rate because I share his view that this will mean more jobs, more small business formation, more economic growth, and a rising tide of prosperity and opportunity for all.

I invite the attention of the Senate to four articles by Senator KASTEN that recently appeared in the Washington Post, the Chicago Tribune, the Milwaukee Sentinel, and the Washington Times, together with an article by economics columnist Warren Brookes which highlights the Senator's leadership on the capital gains tax issue. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Washington Post, Feb. 7, 1989]

CAPITAL GAINS: THE RIGHT CUTS

(By Robert W. Kasten, Jr.)

In 1987, certain that I had discovered a sure-fire way to spark a new job-creation boom, I introduced a bill to cut the tax rate on capital gains from 28 to 15 percent. This proposal was adopted by then-vice president George Bush as a key economic element of his presidential campaign.

But the measure stalled on Capitol Hill. Some of my Democratic Senate colleagues, notably Dale Bumpers of Arkansas, and even a number of my Repubican friends raised what I thought were serious objections to my plan.

Sen. Bumpers, along with other leading Senate Democrats, supported reforming the capital gains tax to help spur productivity growth. But there were parts of the 15 percent bill that they thought were not the very best we could do to achieve that goal. And on some points at least, they were right. An across-the-board cut in the capital gains rate would, in fact, boost productivity growth and job creation. But it would also promote investment in real estate and collectibles, and encourage the kind of unproductive tax-sheltering activity that atrophied the economy back in the 1970s.

Boosting investment in coins, vintage cars and untenanted office buildings won't spark the kind of technological advances, industrial innovation and small-business formation we need to create 21st-century jobs for our workers.

I learned from last year's legislative debate on capital gains that the idea of lowering the capital gains rate is a sound one, but that it is essential to limit the new capital gains differential to job-creating, wealth-creating investment.

Because they recognize the immense economic value of a low capital gains rate, some of America's chief economic rivals (Germany, South Korea and many other countries) don't tax capital gains at all—and this has substantially increased their competitiveness.

We also have a serious capital shortage in this country. Since Black Monday, risky start-up ventures have found it difficult to sell initial public stock offerings. In a survey of start-up businesses by the national accounting firm Grant Thornton, 50 percent of the respondents said the crash forced them to abandon expansion plans—and only 10 percent eventually found venture-capital financing for their projects.

It would be tragic if we were to allow our disagreement on the specifics of capital gains legislation to sidetrack the competitive boost our workers and businesses need—the boost that Democrats and Republicans alike agree a cut in the capital gains tax rate would provide.

With this in mind, I have worked out a new capital gains proposal that takes into account the most serious objections to the Bush-Kasten proposal of 1987.

My bill contains three major new elements. First, it would reduce the capital gains tax by allowing taxpayers to exclude from their taxable income 50 percent of the capital gain on assets they have held for longer than one year.

But (the second element) it would limit this tax benefit entirely to corporate stocks, which make up only about 35 percent of the capital gains tax base. In this way, we would be able to liberate the capital of which so many small start-up businesses have been deprived. We would stem the leveraged buyout craze by reducing the cost of long-term equity capital and thus making debt financing less attractive. And we would revitalize our corporations by encouraging them to retain their earnings and reinvest them in increased productivity.

Third, the bill would index capital gains for any year in which inflation rises above 4 percent. While the 50 percent exclusion would lower the tax burden on holders of stock, this indexing provision would ease the burden on holders of non-equity assets,

whose capital gains are mostly due to inflation.

It is inherently unfair to tax investors on a purely inflationary gain. Holders of assets such as homes, family farms and land are particularly vulnerable to this tax. Allowing 4 percent inflation to trigger indexing would help persuade investors to save and invest in capital assets instead of letting long-term inflation worries scare them into channeling their income into consumption.

One of the chief objections to last year's proposed capital gains cut was that it would lose revenues for the federal government. That wasn't true then, and it's not true now. More risk capital means more GNP growth, and that means more tax revenues. One Harvard economist estimates that a 15 percent flat rate would raise over $30 billion for the Treasury in three years. And the 4 percent indexing trigger would (according to the Congressional Budget Office's inflation projections) result in zero revenue loss, even using a static revenue model.

It is essential that we come up with a bipartisan, pro-growth capital gains reform bill. My bill is an olive branch to all sides of this debate—and a call to unity on the goals of American jobs, competitiveness and productivity.

[From the Chicago Tribune, February 22, 1989]

THE KINDEST CUT OF ALL—REDUCING CAPITAL GAINS TAX

(By Robert W. Kasten, Jr.)

America is locked in the most serious competitive struggle of its 200-year existence. The arena is the world economy. And this is a fight we can't win with one hand tied behind our back—the kind of handicap a high capital gains tax imposes.

When investment in American productivity is reduced, all Americans get hurt—investors, businessmen and workers. The ones who suffer most of all are the neediest Americans—those whose very lifeline depends on the social safety net only a strong economy can provide.

One of the major reasons American competitiveness is in danger is the immense advantage given to foreign businesses by their own tax codes. This is especially true with capital gains taxes.

Capital gains are the return on investment, the benefit investors reap when they make the economy more efficient and productive. Countries like West Germany, South Korea, Taiwan and others have learned that encouraging investment is the key to creating national wealth. These countries impose no tax at all on long-term capital gains.

President Bush and I have proposed cutting our own capital gains tax to reduce America's competitive disadvantage. Opponents of this measure have hidden behind the demagogic and inaccurate charge that a capital gains cut is a "giveaway to the rich."

This is an age-old debating tactic: When the facts aren't on your side, try to foster envy, resentment and other base emotions. The problem is, America simply cannot afford the luxury of class divisions on this issue; the foreign challenge is too serious. If cutting the capital gains tax will help us compete, and help us create more and better jobs in America, then we must do it.

Is a capital gains cut a giveaway to the rich? Let's drop the rhetoric for a while and look at the facts.

First, we know that cutting the capital gains tax would increase the total amount of taxes paid by the wealthy. From 1978 to 1985, the top capital gains tax rate was reduced from just under 50 percent to 20 percent. According to the Treasury Department, gains realized by the top 1 percent of taxpayers increased from $31 billion in 1979 to $92 billion in 1985—and as a result, capital gains taxes paid by the wealthy more than doubled from $8.7 billion in 1979 to $18.4 billion in 1985.

A lower capital gains rate would help nonwealthy Americans in numerous ways. It would give them a greater incentive to save for their children's education, and for their retirement. At least 47 million Americans hold securities, either directly or through mutual funds subject to capital gains taxation. These investors have a median household income of $36,800, and own an average of $6,200 worth of stock.

The current high capital gains tax threatens to lower the living standard of 50 million Americans who have invested in businesses indirectly through private pension and retirement funds, as well as the 13 million elderly Americans who spend on income from pensions.

Although pension funds are not subject to the capital gains tax, the value of stocks in these funds is reduced by that tax. When we reduce the tax bite on the potential return from investment in stocks (i.e., the capital gain), the market price of the stock will go up. Example: After the 1978 and 1981 capital gains tax cuts, pension fund money flowed into growth stocks—and the value of the pension funds soared from about $400 billion in 1980 to $900 billion in 1986.

The 1986 capital gains tax hike increased the tax burden on middle-income families. The long-term capital gains rate rose 65 percent (from 20 to 33 percent) for upper-income taxpayers—and by considerably more for those in lower tax brackets. For example, in 1986 a family with a taxable income of only $30,000 faced an effective capital gains rate of 10 percent. Today, that rate is 28 percent—or 180 percent higher than in 1986.

Both my own capital gains proposal in the Senate and the President's plan are designed to reduce the tax burden on low- and middle-income taxpayers. My bill would apply a 50 percent exclusion for capital gains on certain assets from ordinary income tax rates. For taxpayers in the 15 percent income tax bracket ($0 to $29,750 taxable income for joint returns) the capital gains rate would drop to 7.5 percent. The President would allow a 45 percent capital gains exclusion—and exempt those with income under $20,000 from capital gains tax.

Alan Cranston of California, one of the most respected of Senate liberals, has pointed out that "[capital gains] is not a rich versus poor issue." He's right. The economic future of all Americans—from investors to the poorest of the poor—depends on bringing that rate down.

It's a tough world. Let's put the inflammatory and inaccurate "giveaway to the rich" rhetoric aside and give America a chance to compete in the world economy.

[From the Milwaukee Sentinel, Feb. 7, 1989]

CUTTING CAPITAL GAINS TAX WOULD CREATE JOBS

(By Robert W. Kasten, Jr.)

I just introduced a bill in Congress that would create thousands of new jobs for Wisconsin—and already opponents are lining up to call it a massive giveaway to the rich.

It's yet another instance of politicians and political commentators letting their idology blind them to the truth—and I'd like to clear the air and let the facts tell the story.

My bill, the Entrepreneurship and Productivity Growth Act of 1989, would cut the tax rate on capital gains by 50%. Capital gains are the income investors get from investing in growing businesses. These gains are the reason people invest.

If you reduce the federal tax bite on these gains, investors will invest more of their money in businesses. This investment goes directly into new plants and equipment, and creates economic growth. That means jobs and rising incomes for working families.

We all hear the commentators on television and in the newspapers complaining about how Americans are losing jobs to foreign countries. Have you ever wondered why a job created in South Korea or West Germany couldn't have been created just as easily here in Wisconsin, for a Wisconsin worker?

The answer is simple. Countries such as South Korea, Belgium, West Germany, Italy, Netherlands, Hong Kong and Malaysia don't tax long-term capital gains at all. If you invest in businesses in those countries you get to keep the whole profit you make.

This also is one reason why many foreign products are of such high quality. We need to promote the investment in new technology that will raise the quality of American products.

West Germany investors invest in a German company and keep their profit. American investors invest in an American company and lose 28% of their profit to the federal government.

Many people who would invest in the American companies are convinced not to by the fact that our capital gains tax is too high (practically the highest in the whole world).

The result is that new companies in America—the small businesses that create the most new jobs—don't have enough investors willing to invest in them.

Who gets hit the hardest when this happens? Workers who can't find jobs—jobs that would have existed if only companies had been able to keep themselves afloat and on the road to growth.

When investors are discouraged from investing, they don't usually pull their money out of large, well-established companies such as IBM and General Motors. They tend to keep away from small, risky companies with a lot of growth potential.

Economist David Birch of the Massachusetts Institute of Technology recently concluded a study that shows that these high-growth companies—which make up only 7% of all companies—create a whopping 67% of all the new jobs in America.

Clearly, if making sure all Americans have a good job is important to us, we have to encourage investment in this kind of company just like the other growing industrial countries do. And that means cutting the tax rate on capital gains.

That's what my bill would do—and it would target the incentive not to investment in tax shelters such as paintings, vintage cars and collectibles, but to the kind of investment that will create the jobs of the future.

Look what happened the last couple of times we cut the capital gains tax. By cutting the tax in 1978 and 1981, we boosted investment in new high-growth companies from just $600 million in 1977 to $4.5 billion (that's right, billion) in 1983. This incredible explosion of investment helped spark the

growth that created 19 million new jobs in this decade.

Look at all the Wisconsin success stories that were made possible by venture capital investment—innovative and job-creating companies such as Cray Research in Chippewa Falls and Supercomputing Systems Inc. in Eau Claire.

Wisconsin has one of the nation's brightest labor forces and a can-do work ethic. Combine that with a cut in the capital gains tax and Wisconsin can be America's next Silicon Valley.

The debate on the capital gains tax will boil down very rapidly to one question: Do we care about Wisconsin's future labor force? If we do, we'll cut the tax—and watch the prosperity of the average Wisconsin family grow steadily into the next century.

If we don't, we'll continue to let the high tax stifle investment—and blight the dreams of our children for a more prosperous future.

I'll be on the side of growth—and on the side of Wisconsin workers.

[From the Washington Times, Feb. 15, 1989]

CURBING LBO'S THE EASY WAY

(By Robert Kasten)

President Bush has proposed the only surefire solution to the leveraged buyout craze—cutting the capital gains tax. Unlike other trumpeted LBO cures, this measure would curb some of Wall Street's excesses without threatening to throw the market as a whole into a tailspin.

Many in Congress are justly concerned about the surge in leveraged buyouts—corporate mergers financed by massive new debt. From a total of $11 billion in the years 1978-83, LBOs have risen to a total of $160 billion for the years 1983-88. The highly publicized $25 billion LBO of RJR-Nabisco has prompted an unprecedented congressional clamor to "do something"—anything—about LBOs.

Congress' uncertainty on how—or whether—to respond to the LBO craze was summed up by Ways and Means Chairman Dan Rostenkowski: "There's an appetite here on the Hill to do something about it [but] we shouldn't have a meat-ax approach. There are some good things that come out of buyouts."

He's right. The empirical studies of LBOs that I have seen indicate that they increase our competitiveness by making business more efficient.

But I still welcome the congressional debate on LBOs—because it has created an opportunity to rethink the current tax code, which has created an excessive bias against savings and investment and thus encouraged the shift toward debt financing.

Our tax code also imposes a "double tax" on income that is saved and invested. An individual's return from investment is taxed once at the corporate level—and then once again at the individual level when the investor receives dividends. Moreover, interest on debt is deductible for businesses, while dividends paid out to stockholders are not deductible.

This double tax on savings and investment has tilted our financial markets away from long-term rewards, and toward short-term gains.

Most of the LBO solutions being widely considered simply wouldn't work. Cutting back corporate interest deductions would raise the cost of capital for U.S. firms, and encourage takeover bids by foreigners—who will still be allowed to deduct interest costs. Many analysts blame the 1987 Black Monday stock market crash on congressional efforts to limit the corporate interest deduction.

Allowing a dividend tax deduction—even in return for partial elimination of interest deductions—wouldn't work. It would not lower the overall cost of capital for U.S. firms vis-a-vis their foreign competitors. And while permitting deductibility of dividends would reduce the cost of capital, many remain concerned about the potential static revenue loss for the Treasury.

I believe the most effective way to solve the double-taxation problem, reduce the cost of capital, and help encourage equity financing is to reduce the unnecessarily high tax rate on capital gains. It's yet another double tax on investment—taxing both the future income stream and the capitalization of that stream.

A lower capital gains tax rate would turn the markets toward long-term equity investing, and away from interest income (like that from junk bonds) or short-term gains (like those from commodity options). Many prominent leaders in business and government agree with this approach. Federal Reserve Chairman Alan Greenspan said recently that lowering the tax rate on capital gains would encourage equity financing.

To maximize the impact of a capital gains cut, it's important to limit the tax incentive to long-term, growth-oriented investment in corporate stock. An across-the-board cut in the capital gains rate would, in fact, encourage long-term investment. But it would also promote investment in real estate and collectibles trading, and encourage the kind of tax-sheltering activity that atrophied the economy back in the 1970s.

My new capital gains bill (S. 171, the Entrepreneurship and Productivity Growth Act of 1989) and President Bush's proposal would limit the capital gains differential to certain capital assets. While the president's proposal would apply the tax break to the sale of bonds, land and other non-depreciable real property, our goals are the same: encourage long-term equity financing and reduce the overall cost of U.S. capital.

Unlike a dividends-received deduction, a capital-gains tax cut would result in an *immediate* revenue gain as stockholders realize their capital gains. In 1978, we cut the tax rate from 50 to 28 percent—and tax revenues rose $2.6 billion in 1979 and $3.4 billion in 1980. And revenues would continue to grow in the future as stock values rise and the economy expands.

While LBOs may not be the economic Freddy Krueger that critics like to portray in speeches and opeds, they nonetheless point to a disturbing tendency in today's market. It's the apparent tilt toward the immediate gratification of paper profits as opposed to long-term commitments to restoring America's competitive edge.

We need to put the long term back on business' agenda. And restoring the capital gains differential is a good start.

[From the Washington Times, Feb. 9, 1989]

THE COMING BUDGET DEBATE—KEEPING THE CAPITAL GAINS PLEDGE

Today, President George Bush makes good on the campaign promise for which he took the most heat from candidate Michael Dukakis: to propose lowering the tax rate on capital gains to 15 percent.

Massachusetts Gov. Dukakis charged this would be "a $40 billion tax break for the rich." Mr. Bush's budget reportedly argues that lowering the rate will actually generate from $2 billion to $3 billion in higher tax revenues the first year, and as much as $6 billion to $8 billion more over four years.

Recent history clearly supports those estimates. What's significant is that not only were they developed by the carefully nonpolitical staff of the Office of Tax Analysis, but for the first time the OTA supports the research of Harvard supply-side economist Lawrence Lindsey; who has just joined the White House staff and who has long argued that lower rates would raise income.

This means that the tax sensitivity analyses developed in May 1988 by Assistant Treasury Secretary Michael Darby along with Treasury economists Robert Gillingham and John Greenlees have finally prevailed over the old static analyses of the OTA, which just last year said gains rate cuts were losers.

This is good news because, according to Mr. Bush's point man on Capitol Hill on this issue, Republican Sen. Robert Kasten of Wisconsin, "The ingredients are here for developing a bipartisan consensus we lacked a year ago to do something about regaining lost ground on capital gains. The mood is now in favor of fixing the mistake."

The 1986 Tax Reform Act raised the top effective tax on gains from 20 percent to 33 percent, a 65 percent increase, by taking away the entire capital gains exemption. As a result, even though we cut the marginal rates dramatically; we raised the already high U.S. tax cost of capital by about 10 percent.

In 1985, a study done under the direction of Paul Craig Roberts of the Center for Strategic and International Studies showed the U.S. tax cost of capital was already about 55 percent higher than that of Japan, which doesn't even tax capital gains.

The 1986 act not only worsened that competitive position, but it quickly proved the basic supply-side thesis that changing tax rates affects economic behavior. (See table.)

As soon as investors knew that the capital gains tax rate was going to rise by 40 percent to 65 percent in 1987, there was a rush to take and declare gains in 1986. Total revenues from this tax soared nearly 90 percent and $22 billion in 1986, and may have fallen back by as much as 60 percent in 1987.

There is nothing new in this effect. Between 1968 and 1976, legislation authored by Democratic Sen. Edward M. Kennedy of Massachusetts pushed the capital gains top rate up from 25 percent to 49 percent. The idea was to increase the tax take from the wealthy, but revenues actually fell in constant dollars by 33 percent, and most of this decline was in taxes paid by the top 1 percent of taxpayers.

This evidence was so clear that when Mr. Kasten's late compatriot, Republican Rep. William Steiger of Wisconsin, proposed to cut the rate back to 28 percent, he got bipartisan support to enact it in 1978 over the protest of President Carter, who said it would cost $2 billion a year.

Instead, by 1979 revenues were 42 percent higher than they had been at the 49 percent rate in 1976. But that experience was modest compared to what happened after the 1981 Reagan tax-cut law took effect. From 1982 to 1985, capital gains revenues at the new lower 20 percent top rate almost doubled in constant dollars, before Tax Reform nearly doubled them again in advance of the higher rate in 1987.

This was the main reason the share of income taxes paid by the top 1 percent jumped from 18.1 percent in 1981 to 26.1

percent in 1986, a very "progressive" trend that, ironically, was reversed by killing the exemption, not to mention its other bad side effects.

For example, financial experts have also observed that killing the six-month holding period tax incentive increased stock market volatility as speculation began to replace investment decisions.

CAPITAL GAINS TAX RATES AND THE RICH

[Gains and revenues in billions]

	Top 1 percent			All payers	
	Top marginal rate (percent)	Gains declared	Taxes paid	Total capital gains tax	1982 dollars
1968	26.9	$7.9	$4.4	$5.9	$15.6
1970	32.2	9.2	2.5	3.2	7.6
1973	45.5	14.4	4.0	5.4	10.9
1976	49.1	12.7	5.1	6.6	10.5
1979	28.0	31.1	8.7	11.7	14.9
1982	20.0	48.1	9.6	12.9	12.9
1983	20.0	62.1	12.4	18.5	17.8
1984	20.0	73.9	14.8	21.5	20.0
1985	20.0	92.0	18.4	24.5	22.0
1986	20.0	176.3	35.2	46.4	40.7
1987	28.0	?	?	?	?
Percent Change					
1968–76	83	(29)	16	12	(33)
1976–79	(43)	145	71	77	42
1979–86	(29)	467	305	297	173

Source: U.S. Treasury Department.

In turn, this tended to favor quick gains from takeovers and mergers, while punishing real growth and dynamic enterprise, where the rewards take longer to arrive. Richard Kopcke, economist for the Federal Reserve Bank of Boston, says the 1986 tax law "should increase the equity values for all mature corporations," but "the higher tax rate on capital gains will tend to depress the equity values of the 'growth stocks' that do not promise their shareholders dividends until many years have elapsed."

Mr. Kasten believes that if Mr. Bush makes jobs and competitiveness the issues, it will be hard for Congress to resist. But some think the fight might be much easier to win if the goal were merely indexing all capital gains for inflation, leaving the rate alone.

The irony is that that approach, though perceptually "fair" and less of a "tax break," might actually be a major revenue loser, since most capital gains are the result of inflation, while a rate cut would definitely result in higher tax revenues.

JAMES R. CROWLEY WINS OUTSTANDING TEACHER OF THE YEAR

Mr. KENNEDY. Mr. President, we all know that our schools will never be any better than the men and women who teach in them. Recently, a teacher in my State received a prestigious award and I would like to use this opportunity to congratulate him.

James R. Crowley, chairman of the electronics department at Blue Hills Regional Technical High School in Canton, MA, has been voted "Outstanding Teacher of the Year" by the American Vocational Association Trade and Industry Division.

Mr. Crowley has received numerous awards for teaching. Last year he was nominated for a Christa McAuliffe fellowship. He was also nominated to be the Massachusetts Teacher of the Year.

Mr. Crowley is a graduate of Northeastern University and also has a master's degree in electrical engineering from Fitchburg State College. He has taught at Blue Hills High School for 23 years.

In the words of the director of Blue Hills High School, "Jim Crowley is a credit to his profession and a credit to Blue Hills. He has shown by example the many ways an individual can contribute to the development of tomorrow's leaders."

I am grateful to Mr. Crowley and other teachers like him who have make a lifelong commitment to excellence in education. I hope that the other Members in the Senate and the citizens of Massachusetts will join me in extending congratulations and best wishes to Mr. Crowley.

JOHN LENTINE TO COMPETE IN INTERNATIONAL SKILLS OLYMPICS

Mr. KENNEDY. Mr. President, a recent high school graduate in Massachusetts who attended the Blue Hills Regional Technical School will represent the United States in an important international competition.

John Lentine, a 1988 electrical trades graduate will represent the United States in the International Youth Skills Olympics in Birmingham, England, in August 1989. He was selected after a 3-day competition in November 1987, sponsored by the Vocational Industrial Clubs of America.

Clearly, Mr. Lentine has exceptional abilities. I know that Mr. Lentine is continuing to work on his skills in preparation for this summer's competition.

I want to send Mr. Lentine my heartiest congratulations. In an era where talk about the shortcomings of American schools and students are commonplace, it is especially important that we recognize these special students and schools who continue to strive for excellence.

I hope that the other Members of the Senate and the citizens of Massachusetts will join me in congratulating Mr. Lentine and in wishing him the best of luck.

JOHN W. CAMERON WINS NEH TEACHING AWARD

Mr. KENNEDY. Mr. President, we all know that our schools will never be any better than the men and women who teach in them. Recently, a teacher in my school received a prestigious award and I would like to take this opportunity to congratulate him.

John W. Cameron, a high school English teacher at Dana Hall School in Wellesley, has been selected "Massachusetts' NEH/Reader's Digest Teacher-Scholar for 1989" by the National Endowment for the Humanities.

The award provides Mr. Cameron with an opportunity to undertake an intensive research project entitled "Reclaiming our Humanity Through Twentieth Century Literature, Music, and Art." During his sabbatical he plans to study authors that show "renewed faith in the human spirit' in their works.

Mr. Cameron holds a master's degree in English from Wesleyan University. He has taught at Dana Hall School for 13 years and currently serves as the president of the New England Association of Teachers of English.

I am grateful to Mr. Cameron and other teachers like him who have made a lifelong commitment to excellence in education. I hope that the other Members in the Senate and the citizens of Massachusetts will join me in extending congratulations and best wishes to Mr. Cameron.

VOLUNTARY NATIONAL SERVICE

Mr. MITCHELL. Mr. President, Representative JOE BRENNAN of Maine recently wrote a column for the Portland Press Herald discussing national service that lays out very well the rationale that is the basis of the national service proposal introduced by Senator SAM NUNN and Representative DAVE MCCURDY.

I believe Congressman BRENNAN's column makes a strong case that voluntary national service is a good way to channel the idealism of America's citizens, primarily the young, while providing a broader opportunity for upward mobility to more of our citizens.

And while doing so, Congressman BRENNAN points out that national service also offers the means to provide the essential human services needed to meet the unmet needs of millions of Americans. And it creates the potential for every young American, through his or her own effort, a chance to improve their stake in life.

Mr. President, I have said a number of times that I believe enactment of national service legislation that meets the needs of this country, offers Americans a worthwhile and challenging opportunity to serve and passes the test of fiscal responsibility will be one of the priorities of the Senate over the next 2 years.

I commend Congressman BRENNAN's column to my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW START: REVIVE SPIRIT OF PUBLIC SERVICE

(By Joseph E. Brennan)

Over a quarter of a century ago, President John F. Kennedy delivered his famous inaugural address in which he challenged Americans to "ask not what your country can do for you; ask what you can do for your country."

President Bush's inaugural address reiterated this message when he said, "We are not the sum of our possessions. They are not the measure of our lives. In our hearts we know what matters. We cannot hope only to leave our children a bigger car, a bigger bank account. We must hope to give them a sense of what it means to be a loyal friend, a loving parent, a citizen who leaves his home, his neighborhood and town better than he found it."

It's good to see that the new president is moving away from the messages and questions of the past few years, which tended to promote selfishness and mean-spiritedness: "Are you better off now than you were four years ago? How's your bank account?" It's refreshing to see Bush challenge Americans to think beyond their pocketbooks.

Peculiar role models and events have occurred in the past eight years. There has been a marked shift from public spiritedness to an unabashed pursuit of self-interest. Corporate raiders, insider traders, Wedtech, the Pentagon scandal and "kiss and tell" books by high-ranking public figures come to mind. Success, to many, has come to be equated with material gain.

The pursuit of self-interest is reflected in the attitudes of many students. College freshmen in recent years have rated "being materially well off" as being more important than "developing a meaningful philosophy of life."

Why are young people so concerned with accumulating wealth? Probably in part because two of the most important investments for one's future—a college or other post-secondary education and a home—are becoming prohibitively expensive for many average Americans. Since 1980, the costs for public and private colleges have risen 70 percent and 90 percent respectively, while family income has risen only 33 percent.

The end result is that students and their parents are not able to meet the total cost of their education; therefore, those who choose to pursue a degree potentially face staggering debts. With annual expenses of up to $20,000, that debt could run to $60,000 or more for an undergraduate degree alone.

Instead of starting with a clean slate, these students look forward to years of debt repayment.

Many residents of Maine are no strangers to rapidly increasing housing costs. The Maine State Housing Authority lists the median selling prices of homes at $115,900 in York County, $123,134 in Cumberland County and $90,138 in Kennebec County. In 1970, about 80 percent of Maine households could afford a median-priced home. Now only 35 percent can afford such a home. The home ownership rate nationally for people ages 25 to 34 has dropped by almost 20 percent during the 1980s.

With these expenses to look forward to, it's no surprise that our young people might appear to be so concerned with money. Have they been given a choice?

In addition to these difficulties, another disturbing development has emerged. The defense of our nation has become the disproportionate responsibility of minorities and sons and daughters of low-income families.

Although comprising only 14 percent of the U.S. population, minorities fill 38 percent of today's Army ranks. This is not right. Defense of the nation should be the responsibility of all Americans. It should not fall so disproportionately on minorities and low-income families.

How can these inequities and financial challenges for our young people be overcome? The situation is far from hopeless. A number of proposals have emerged that offer possible solutions. A voluntary Citizens Corps, which was proposed by a group of American political leaders is particularly intriguing. It would create a voluntary national service.

Basically, the proposal is for a new GI Bill. People between the ages of 18 and 26 could choose to serve in either the military or civilian corps. In addition to subsistence wages, a participant would be credited with either a $20,000 voucher for civilian service or a $24,000 voucher for military duty after two years of service. Upon completion of service, this voucher could be used for college, job training or as a down payment on a home.

It has been estimated that 85 percent of those who join the program would join the civilian service and the remaining 15 percent would enter one of the armed services.

Proponents hope the popularity of the program among young people would attract those with less financial incentive to join. Historically, the attraction to civic duty has brought many young people from a variety of financial backgrounds to serve their country in VISTA and the Peace Corps, despite the negligible wages.

In addition to meeting the country's military defense needs, other battles could be fought in peacetime America: battles against illiteracy, homelessness and drug and alcohol abuse.

Citizens Corps volunteers could address some of the unmet needs of our society: individual attention to children in overcrowded or understaffed schools and child care centers, to the sick in hospitals, to the elderly in nursing homes, to the mentally retarded and to the homeless. Volunteers could see firsthand the needs of their neighbors, develop a sense of civic duty and compassion and build a foundation for their own futures.

Instead of creating a new bureaucracy, this proposal would expand existing voluntary programs for which state and local governments would be predominantly responsible. And it would replace most existing federal student financial aid programs—now costing $8 billion—at an additional annual cost of $5 billion.

The concept of national service is not new. Most democracies, with the prominent exceptions of the United States, Great Britain, and Canada, require or encourage some type of service as a condition of citizenship.

Undoubtedly, the proposed Citizens Corps plan is ambitious. Questions and potential problems still need to be worked out, but the goal of maintaining a sense of public spiritedness is a noble one and crucial to maintaining the integrity and greatness of our nation.

Historian Edward Gibbon observed that when "the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be free."

Voluntary national service would once again give young Americans the opportunity and encouragement to serve their country. Instead of being automatically entitled to education, job training, or home-ownership benefits, the young people of America could experience a sense of the responsibilities as well as the entitlements of citizenship.

IF FLORENCE NIGHTINGALE COULD SEE THEM NOW

Mr. INOUYE. Mr. President, in late December 1987, in response to reports of widespread difficulties involved in the recruiting and retaining of registered nurses, the Secretary's Commission on Nursing was established. The Commission concluded that the shortage of registered nurses is real, widespread, and of significant magnitude, and recommended sustained attention to promote positive and accurate images of the profession and the work of nurses.

The media has often depicted nurses in a negative light and has given an inaccurate picture of the work that they do. The general public for the most part remains unaware of the various roles that highly specialized nurses perform and their contributions to today's health care.

Mr. President, I ask unanimous consent that the following article from the Washington Post, written by Abigail Trafford, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF FLORENCE NIGHTINGALE COULD SEE THEM NOW

(By Abigail Trafford)

TV IMAGE OF NURSES HITS NEW LOW, AND REAL NURSES ARE UP IN ARMS

They squeal a lot, these cute little hormonettes with long flowing shampoo-ad hair, their bouncing bosoms harnessed in push-me-up bras, every muscle aerobically sculpted from tip to toe. The simplicity of it: hair, tits and legs. They've even brought back the old Brigitte Bardot baby doll sex pout—and these girls pout a lot. For them, it's creative thinking because when they speak, their brain wave patterns scarcely register. Mostly what these creatures do for an hour is sigh, sob, giggle and bounce.

Meet the "Nightingales," the stars of the new NBC series on prime-time television about a group of nursing students.

It's not just that Florence Nightingale, that very Victorian founder of modern nursing, would be appalled; she'd probably start her reform movement all over again. This program is a good illustration of why nursing schools are having trouble attracting able applicants and the country is facing an acute nursing shortage.

Who, after seeing this farce, would want to be a nurse?

There are lots of good reasons for going into nursing, of course, but as the recent government Commission on Nursing found, the American nurse has a terrible image problem. In a television age where life often follows art, the commission concluded that unless the image of nursing is changed in the media, the real problems that undermine the profession—low wages, high-stress working conditions, lack of power and au-

tonomy within the health-care community—will be a lot harder to solve.

Not that you see much of the real world of nursing in the "Nightingales" television soap. The script, which ranges from nubile frolic to psycho violence, involves a handful of bedside bimbos who live in a Victorian Gothic sorority house near the hospital where they are training to be nurses.

There's a lot of dialogue about sex and men and references to "Dr. Buns"; scenes of wet hair, bare legs and wrap-around towels; the usual mix of kooks and cokeheads. In fact, the professional aspects of nursing and medicine play a very minor role in this program. It might as well be called "The Aerobics Sisters," since the Nightingales themselves seem to spend more time in a gym than in the hospital.

The star of "Nightingales" is Head Nurse Suzanne Pleshette. With her liquid grave voice and her aura of elegance, she is a relief from the hormonettes. But not much. The script is terminal, and not even an actress of her talent and stature can resuscitate it. She's supposed to present a good image of nursing—the professional, career-minded nurse who runs a department in a big hospital. But she, too falls into the bad old sterotype of the sensuous, scheming playmate in search of Dr. Right. Without any apparent power in the hospital, she uses guile and sex appeal to manipulate the system, which means getting a doctor to do her a favor. Not to put too fine a point on the inanity of it all, but in what is cast as a masterful power play, she withholds the doughnuts from the doctors' lounge until she gets a reserved parking space.

Most of her bosom-heaving and poignant pauses between cliches have to do, not with nursing skills in the ICU, but with—you guessed it—Dr. Right, an attractive widower whose wife was her best friend. He's an old male chauvinist, but a good man is hard to find and he's catching on about sensitivity. He admits he's just a jerk, adding that he's so glad she points it out because that's just what his wife used to do. Chances are, if the show lasts a few more weeks, they'll fall into each other's arms.

In keeping with the negative stereotype, even the chief of nursing in "Nightingales" seems destined to fulfill the image of nursing as a get-a-man job rather than a professional career.

One 60-minute episode ends with a ceremony where the nursing students get their little caps to show that they're really going to be 20th-century Nightingales. All dressed in long black gowns, the hormonettes gather around Pleshette, who pays homage to Founder Flo for bringing nursing out of the Dark Ages. Then she lights a candle that lights the candles of the little Nightingales. But instead of looking like noble guardians of a proud tradition, they seem more like members of a Twilight Zone witches' cult.

MEDIA CRUSADE

After an hour of "Nightingales" (10 p.m. on Wednesdays), it's an understatement to say that nursing has an image problem. Not surprisingly, nurses across the country are up in arms over the program. After the pilot movie was aired last year, the American Nurses Association received hundreds of complaints about the show. As ANA president Lucille A. Joel wrote to Brandon Tartikoff, president of NBC Entertainment: "When a program such as 'The Nightingales' movie present lax educational standards, questionable motivations to become a nurse, substance abuse and promiscuous behavior as images to portray nurses and nursing education, you can expect that nurses, people who devote their lives to caring for people will be upset."

The series is a toned-down version of the movie, and there are awkward attempts at dealing with the issues facing nursing today, but these are overwhelmed by the many scenes of hair and legs, bounce and pout.

Still, the series forces nurses to look at what's going on in their ranks, for "Nightingales" reflects some common public perceptions about nursing.

"The image problem is extremely serious," says Carolyne Davis, a registered nurse who was chairman of the national Commission on Nursing. "In media portrayals, the nurse is like a child, a harmless sex kitten."

One result of this poor image is that from 1983 to 1987 there were fewer graduates from nursing schools, as well as a decline in enrollments. In 1988, the number of students entering nursing school rose, according to a survey published in Nursingworld Journal, but many schools reduced grade requirements to attract more candidates.

In 1987, Health and Human Services Secretary Otis R. Bowen set up the commission to explore the reasons behind the shortage and recommend ways to boost the supply of nurses.

The 25-member advisory panel found that teachers and guidance counselors rarely recommend nursing as a career. "Students are talked out of it," explains Davis. "Teachers tell them, 'you're too bright to be a nurse.'"

"I wish I could line up every guidance counselor in the intensive care unit to see what nurses really do. Then I bet you'd want the best and brightest right here."

Image isn't the only problem. Relatively low wages, increased work loads, lack of decision-making authority and limited career advancement in the health care industry are also factors in turning people away from nursing. Unless all these issues are addressed, the nursing shortage will only get worse—and so will the quality of care in many facilities across the country.

"No one wants to go into a profession that is powerless," says Pamela Miraldo, a PhD nurse who is chief executive officer of the National League for Nursing. "Women don't do that anymore. If you empowered the nursing role, nurses could go a long way to address the serious problems that are eating away at the social fabric—drugs, AIDS, the homeless—and general aging of the population."

After a year of hearings across the country, the commission concluded that the shortage not only was widespread but likely to get worse. Hardest hit are large urban hospitals. For all community hospitals, vacancy rates have increased from an average of 4.3 percent in 1983 to 11.3 percent in December 1987, the latest figures available. Health officials estimate that 165,000 nurses are needed right now to fill current vacancies.

Of major concern is the fact that the qualifications of students who are interested in nursing have declined at a time when the role of nurses has become more complex and demanding. The Scholastic Aptitude Test (SAT) scores of nursing students are well below the national average for college-bound students. Moreover, the gap between SAT scores for nursing and non-nursing students seems to be widening. The national failure rate on the July 1988 nurse licensing exam reached a record of more rates above 20 percent.

The 16 specific recommendations in the commission's final report are aimed at upgrading the nurse's role, improving the quality of nursing candidates and increasing the supply. A key recommendation focuses on image. "The media has often portrayed nurses in a negative light and given an inaccurate picture of the work they do." concludes the commission. "An immediate and concentrated effort to correct this misperception is called for."

In short, the idea is to transform the perception of the American nurse from hotpants bubblehead to competent health care professional.

Armed with an $800,000 grant from the Pew Charitable Trusts, a Philadelphia foundation that supports health and social research, American nurses are about to begin their media blitz, from carefully crafted "infomercials" on the new and improved nurse to consciousness-raising scripts about today's high-tech/high-touch Florence Nightingales.

"It's a crusade," says Davis. "What we're saying to nurses is that we really value you."

DEEP THROAT AND HOT LIPS

How did this happen, you might ask. Here was Florence Nightingale—angel of mercy, courageous heroine, pure-minded reformer, a woman of class, independence and vision. Sure, she challenged the medical establishment just as nurses are doing today. But never was there a nurse so highly valued in her own time and by future generations.

What is interesting is that the sex object image is relatively recent. It started in the mid-1960s and flowered in the 1970s. By a quirk of history, just as the women's movement was opening previously closed doors, the nursing profession headed for decline. If women now could be doctors, bankers and lawyers, why would they choose to be nurses?

In a provocative study, "The Changing Image of the Nurse," Philip A. Kalisch and Beatrice J. Kalisch of the University of Michigan trace the public's perception of nurses since the 19th century.

As a predominantly female occupation, nursing closely reflects the status of women in society. The reality may be twisted in books and movies, but popular fiction reflects the major social currents that continually redefine the role of the sexes, the status of work and family, the dominant values and rules of a culture. As a result, Florence Nightingale has gone from Angel of Mercy through World War I to Fun-time Flapper Girl Friday in the Twenties, to Heroine under Stress during the Depression and World War II, to housewife and mother in the Baby Boom '50s and finally to sex object from the 1960s to the 1980s.

The past 30 years have been tumultuous decades for social change. In 1963, Betty Friedan's book "The Feminine Mystique" exploded the myth of bliss for suburban moms. In 1968, Kate Millet's "Sexual Politics" chronicled the sexism in every aspect of American life. Both became best-sellers.

The image of women generally began to change, especially the perception of working women. They went from a lower-class to an upper-class image. Rosie the Riveter of World War II was back in the public eye as a Supermom corporate lawyer flying to Zurich for business with her "reach out and touch her baby at home" telephone credit card.

Paradoxically, while women generally advanced in social status, nurses did not. In fact, they slipped further down the social ladder. Much damage was done to their

image when one of the most popular porn movies ever made introduced the world to Nurse Lovelace in "Deep Throat" in 1972. Forget about mopping the brow or taking a patient's pulse, or even giving up her job to be the little Mrs. to Dr. Right, the way June Allyson did in the 1953 movie "Battle Circus." Nurse Lovelace had one career goal and it wasn't CPR or marriage. "Linda Lovelace was declared a nurse simply on the basis of her abilities to perform fellatio, and she went right to work in the clinic to relieve others of their sexual problems," write the Kalisches in their study.

The image triangle of sex, humor and nurses became entrenched. Between 1966 to 1984, nurses were featured in the titles of X- and R-rated sexploitation films ahead of wives, hookers, cheerleaders and stewardesses. Consider the forgettable lines in "Night Call Nurses," released in 1972: "Why kid around? Touch therapy doesn't go far enough?" and "Who says all men are created equal?"

For general audiences, television brought Americans Margaret (Hot Lips) Houlihan, the nurse in "M*A*S*H," the TV series about a field hospital in the Korean War that ran from 1972 to 1983. Although Hot Lips evolved from an obnoxious, busty, stuck-up, sex-driven head nurse into a good-guy professional member of the medical team, who can forget the scene in the shower or the time she's all wired up in bed with the commander?

Meanwhile, the kinky factor got more perverse and ominous in the media image of nurses in the mid-1970s. Another type of nurse emerged in the public psyche: the Nazi frigid Mommie Dearest S & M virgin vampire. It's Nurse Ratched in "One Flew Over the Cuckoo's Nest" (1975); it's Nurse Diesel in Mel Brooks' "High Anxiety" (1977); it's Nurse Jenny Fields in "The World According to Garp," the 1978 best-seller by John Irving.

As the old-money parents of Jennie say: she is "slumming her life away as a nurse."

FROM HAG TO HEROINE

In the 19th century, there were two opposing nurse images identified by Philip and Beatrice Kalisch. The first was Sairy Gamp, the alcoholic hag in Charles Dickens' "Martin Chuzzlewit." Untrained, uneducated, unclean and unreliable, Nurse Gamp is lower than a domestic servant. The other image is Florence Nightingale, whose role in the Crimean War was heralded in a series of newspaper articles. American poet Henry Wadsworth Longfellow paid tribute to her in his 1857 poem "Santa Filomena," calling her the "lady with a lamp," the "saint of the Crimea," "a noble type of good, Heroic womanhood."

It was Dickens' exposure of the Sairy Gamps of nursing that paved the way for Nightingale's reforms. Yet the dichotomy of saint vs. sinner, high-born vs. low-class, tender mercy vs. chilling abuse, has persisted in the public image of nurses.

The nurse as noble heroine lasted through World War I. Then in the 1920s, a time of economic boom and short skirts, the media image shifted to not-so-noble unprofessional helpmate. "Nurses were seen as subordinate to physicians and, more important, placed larger emphasis on love than on their work," the Kalisches point out. In short, nursing became a get-a-man career. While romance and marriage dominated the "The Trial." (She finds all accused men attractive and so makes love to them.)

Interestingly, in the 1930s, the hardest economic times of this century, the image of nursing improved significantly. According to "The Changing Image of the Nurse," the media portrayed nursing as a real profession that required education and skills; "Nurses were depicted as brave, rational, dedicated, decisive, humanistic and autonomous."

The heroic, patriotic image continued in wartime movies such as "To the Shores of Tripoli" (1942) and "So Proudly We Hail" (1943). In these movies, the nurses are professional, courageous, self-sacrificing and perfectly at ease at working alongside men. The film "Sister Kenny," starring Rosalind Russell as the nurse who revolutionized the rehabilitation of polio patients, enhanced the image of nursing even more. Here was a women who defied male doctors to bring better care to patients.

In the postwar baby boom era, nurses' image changed again with the times:

"I'll keep a nice house for you . . . I'll read all the clever magazines so I'll be able to say smart things to your friends . . . And when you're sick I'll nurse you . . . I'll pretend I'm a patient. Then in your private office we'll make love." So says military nurse June Allyson to Army surgeon Humphrey Bogart in the 1953 film "Battle Circus."

It's not exactly what Florence Nightingale would have said after returning from the Crimean War. Even Hot Lips Houlihan from "M*A*S*H" would have gagged on the lines.

But as the Kalisches' study makes clear, the media image of the nurse paralleled the dominant perception of women at the time as submissive helpmates, loyal and romantic, not too bright, but inspirational—a kind of moral prop for men. Since then, it's all been downhill to today's image of the nurse as dumber, kinkier and less trustworthy than her colleagues of past generations.

What the national Commission on Nursing is calling for is the return of Florence Nightingale as noble careerist who will help overhaul health care in this country to meet the changing needs of society.

Certainly the stage is set for a revitalized role for nursing. Given the high costs of care, the specialization of doctors and the chronic problems of most diseases, nurses see themselves in a ideal position to provide quality care to a wide range of people who aren't sick enough to see a doctor but are still sick enough to require medical attention.

"That's the message we want to get across," says the Nursing League's Miraldo. "There's a lot nurses can do—in collaboration with doctors, not in a subservient mode. Then we'd recruit talented men and women."

A good place for nurses to start on their media crusade might be with the scriptwriters for "Nightingales." Put Suzanne Pleshette on the hospital board—(it's easier to get a parking space that way), upgrade her education and sense of humor and give her a social life that includes more than playing moral prop to that horny, simpering widower doctor or den mother to those deranged hormonettes. Instead of all those shampoo scenes and heavy pouting, what about some real nursing action in the coronary care unit?

Think about it: the next time you're in the hospital and ring for the nurse, who would you like to get? A Bedside Bimbo? An Angel of Mercy? A Nazi Vampire? Sairy Gamp? Or Florence Nightingale?

SCOUTS OF AMERICA

Mr. BOND. Mr. President, I rise today to honor the Scouts of America and recognize a special group of Cub Scouts who are visiting us today. My wife and I have had the pleasure of serving as den parents for Cub Scout Den 4 of Pack 666 and we have gained a new appreciation of the value of scouting as well as a deep gratitude for all of the adults who work so tirelessly to help young people through scouting.

To celebrate President's Day last week, Den 4 Cub Scouts prepared essays on a number of our earlier Presidents and discussed them at the den meeting. Jamie Poist described the life and career of George Washington. Derek Wilcox wrote about Thomas Jefferson. Andrew Steele did his essay on James Monroe. Charles Darling discussed the work of Andrew Jackson. Carter Morris wrote about Abraham Lincoln. Sam Bond described the career of Ulysses S. Grant. And Cabel Hobbs wrote about Teddy Roosevelt. In the discussion period the Cub Scouts noted that it was significant that these outstanding Presidents had suffered major reverses in their lives yet they did not let the disappointments deter them from service to their country. It is important for all of us to realize that disappointments and temporary setbacks afflict even the most successful. The Cub Scouts have a better understanding that coming back from adversity is an important challenge for all of us.

Founded on February 8, 1910, here in the Nations Capital, the Boy Scouts of America is an organization dedicated to citizenship, character building and physical fitness. Chartered by Congress in 1915, its goals today remain the same as stated then:

To promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scout ways, and to teach them patriotism, courage, self reliance and kindered virtues using the methods which are now in common use by the Boy Scouts.

I am certain that there are many in this body that have lasting memories of Scout camping trips and the many adventures experienced.

President Bush has stressed the importance of volunteer service organizations to help promote a kinder and gentler nation. The Boy and Girl Scouts of America are such organizations that benefit all involved.

For the youth of America, the Scouts offer experiences which helps prepare them for the challenges of life. For the many adults that volunteer their time, the scouts allow them to interact with youths to impart their knowledge and experiences while promoting service to their community. The Scouts stand strong as a symbol

of service to others and dedication to the ideals have made America great.

In closing, I am proud to honor the Scouts of America and the positive role it plays for all involved.

AMERICAN HEART MONTH

Mr. STEVENS. Mr. President, by a joint resolution in 1963, Congress requested the President to issue annually a proclamation designating February as American Heart Month. At one of his first ceremonies as the 41st President of the United States, George Bush, a former American Heart Association [AHA] volunteer, signed the 25th anniversary proclamation. During American Heart Month, I encourage my colleagues to join me in saluting the American Heart Association's efforts to achieve its mission, the "reduction of premature death and disability from cardiovascular diseases and stroke," the leading cause of death in the United States.

In order to accomplish its mission, the American Heart Association, a nonprofit voluntary health organization funded by private contributions, its 56 affiliates, and approximately 2.4 million volunteers, has made disease prevention its top priority. Since 1949 the AHA has contributed more than $754 million in research, second only to the federally sponsored National Heart, Lung, and Blood Institute [NHLBI] in the amount devoted to cardiovascular research. In its 1988-89 fiscal year, AHA expects to spend more than $63 million to finance hopeful scientific studies. The AHA reports that in addition to its national research program, in 1988-89 its 56 affiliates are supporting 1,118 new research awards.

I am proud of the Alaska Affiliate's contribution to this effort. During this period, they are supporting a University of Alaska, Fairbanks' School of Fisheries & Ocean Science study of blood flow to the heart and its relationship to low oxygen levels in seals.

Together the respective research, prevention, and education programs of the AHA, the National Heart, Lung, and Blood Institute [NHLBI], and the National Institute of Neurological Diseases and Stroke [NINDS] have made great strides in the battle against cardiovascular diseases and stroke. AHA reports that from 1976 to 1986 the age-adjusted death rate from heart attack declined by 27.9 percent and that from stroke fell by 40.2 percent.

Unfortunately, the battle has not been won because these diseases are still the No. 1 killer in the United States, claiming nearly 1 million lives each year. According to the AHA, in 1989 heart attack will strike approximately 1.5 million Americans, killing over 500,000 and that stroke will affect around 500,000, killing about 150,000. In addition, more than one in four Americans suffer some form of cardiovascular disease. The AHA estimates that the cost associated with cardiovascular diseases in 1989 will be an estimated $88.2 billion in medical expenses and lost productivity.

Mr. President, this Nation has the potential to make continued progress in the fight against this No. 1 killer; however, additional advances are contingent on sufficient Federal funds. I urge my colleagues to reaffirm our commitment to reducing death and disability from cardiovascular diseases and stroke by devoting adequate Federal funds for biomedical research, prevention, and education.

I ask unanimous consent that this year's Presidential proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

[A Proclamation by the President of the United States of America]

AMERICAN HEART MONTH, 1989

Twenty-five years ago, the Government of the United States of America proclaimed its cooperative support of the fight against the Nation's leading killer—heart disease. This year, as in each year since, that support continues.

Diseases of the heart and blood vessels will claim the lives of nearly one million Americans this year. About one-half of all deaths each year are attributed to cardiovascular diseases—almost as many deaths as cancer, accidents, respiratory diseases, AIDS, and all other causes of death combined.

Nearly 66 million of our citizens, more than one-fourth of our population, suffer from some form of cardiovascular disease. High blood pressure alone threatens the lives of more than 60 million Americans age 6 and older. Heart disease strikes regardless of age, race, or sex. Its toll in human suffering is incalculable.

The American Heart Association, a not-for-profit volunteer health agency, estimates the economic cost of cardiovascular diseases in 1989 will be more than $88 billion in lost productivity and medical expenses. Each year, cardiovascular diseases account for more than 2 million years of potential life lost, based on a life span of 65 years.

But we are making progress. The American Heart Association and the Federal Government, through the National Heart, Lung and Blood Institute, have been working together since 1948 to find better ways to prevent cardiovascular diseases and stroke and inform the public and educate the medical community about the most effective techniques to treat these diseases. Most recently, the National Cholesterol Education Program was instituted to educate consumers about the dangers of high cholesterol levels. At the center of the National Cholesterol Education Program is its coordinating committee of over 20 member organizations representing major medical associations, voluntary health organizations, community programs, and Federal agencies involved in health and cholesterol education.

Medical advances such as new surgical techniques to repair heart defects, improved pharmacological therapies, emergency systems to prevent death, and knowledge to prevent heart disease from occurring have significantly reduced premature death and disability due to cardiovascular diseases and stroke. From 1976 to 1986, the age-adjusted death rate for cardiovascular diseases dropped 24 percent. But there is still more to be done. One American dies of some form of cardiovascular disease every 32 seconds.

Cardiologists and other health professionals are seeking to reduce the risk of heart disease, stroke, and atherosclerosis. By encouraging Americans of all ages to control high blood pressure, stop smoking, reduce their intake of cholesterol, saturated fats, and sodium in their diets, and exercise regularly, many deaths can be prevented.

The Federal Government supports a wide array of cardiovascular research projects and encourages all Americans to reduce the risks of heart disease by maintaining good health habits.

The American Heart Association and its more than 2.4 million volunteers have contributed to this effort through their support of research and the shared commitment to educate Americans about the need to adopt a sound regimen of proper diet and exercise.

Recognizing that Americans everywhere have a role to play in this continuing battle against a major killer, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested the President to issue annually a proclamation designating February as "American Heart Month."

Now, therefore, I, George Bush, President of the United States of America, do hereby proclaim the month of February 1989 as "American Heart Month." I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In witness whereof, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.

GEORGE BUSH.

UNITED NATIONS HUMAN RIGHTS REPORT ON CUBA

Mr. GRAHAM. Mr. President, I would like to introduce into the RECORD a statement Ambassador Armando Valladares, our representative to the U.N. Human Rights Commission, made last week in Geneva applauding the United Nations for its first-ever Cuban human rights report.

The report paints a graphic picture of the repression that has been visited upon the Cuban people by Fidel Castro, who after 30 years in power, is now the longest running dictator in Latin America.

What makes this report so valuable is its balanced and factual approach. According to Ambassador Valladares, the report "does not judge the facts but rather shows in an impartial manner what the Cuban Revolution has denied for 30 years: The fact that there are violations of human rights in all categories and dimensions, almost without exception."

U.N. officials received "137 complaints of torture, cruel, inhuman, or degrading treatment or punishment" during their 10-day stay in Cuba last September. Moreover, the U.N. accused the Cuban officials in their report of breaching their promise not to harass those who complained about human rights abuses before the Commission.

Mr. President, I believe Ambassador Valladares deserves our thanks and congratulations for a job well done. As a result of his leadership, we have reached the point where the United Nations has finally addressed widespread human rights violations in Cuba.

This is due in no small part to the unflagging efforts of Ambassador Valladares, who himself was a prisoner in Castro's jails for 22 years. His release in 1982 came about as a result of an international campaign of protest.

Because of his experience, Ambassador Valladares understands just how important a report like this can be in focusing attention on the repressiveness of the Castro regime.

I commend his statement to my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED STATES PLEASED WITH UNITED NATIONS REPORT ON CUBA; STATEMENT BY AMBASSADOR ARMANDO VALLADARES, U.S. REPRESENTATIVE TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION, FEB. 24, 1989, GENEVA, SWITZERLAND

Today is a great day for the United Nations. After reading the Report from the Cuba Work Group (CWG), I can tell you that, on balance, we are pleased. The report reflects and gathers the official version of the Cuban reality, but it also received the accusations, documents and testimonies of the people, the victims. We applauded the dedication of the CWG under Ambassador Alioune Sene's chairmanship, as well as the time and effort put into the physical production of the report by the Secretariat.

This report does not judge the facts but rather shows in an impartial manner what the Cuban Revolution has denied for 30 years: the fact that there are violations of human rights in all categories and dimensions, almost without exception. There are well-documented violations and even official admissions of these violations on the part of Cuban functionaries.

The report demonstrates that the constitutional and legal system is structured contrary to the letter and spirit of internationally accepted human rights standards.

I think you may not have had time to read it, but the essence of the report, the compendium of all the denunciations, can be found in the annexes.

There are cases of torture, missing people, religious persecution, violations of all the civil and political rights and violations of economic and social rights. For instance, the Working Group received denunciations of massive beatings. In Chapter III, paragraph 4, the Minister of the Interior admitted that in the past detained individuals and prisoners were beaten and that Cuban laws were draconian.

In the annexes—legally a part of the report itself—you will find a copy of the sentence of Ruben Hoyo Ruiz, convicted solely for the possession of one Bible and you will find the sentence of Arturo Garcia Rebollar, accused in a surrealistic trial for the possession of a translation of the prophecies of "Nostradamus." The National Union of Writers and Artists of Cuba (Union Nacional de Escritores y Artistas de Cuba—UNEAC) decreed that those predictions made 500 years ago were anti-Soviet.

On the other hand, the Cuban government lied to the Working Group; one of the times they told the Working Group that the Quivican Prison had been shut down. This is false. Comments in the Annex of the Report prove this. The Cuban authorities also transformed the punishment and torture cells in the Prison of Combinado del este to deceive the Commission. But photographs were taken of these transformations and they clearly document the deceptive measures. Finally, we have been able to discover that the Cuban Government lied to the Working Group citing false numbers on the statistics of public health in Cuba. Official United Nations statistics prove this. The same was done with numerical figures on education and housing.

The Cuban Government gave the Group and President Sene guarantees that there would be no reprisals taken against those who came to testify. This has not been the case; dozens of people have been arrested and beaten. These people burned their bridges when they openly testified to the Commission. The report speaks of reprisals, and these people must not be abandoned; the international community has a commitment with them. That is why I feel this process has just begun. You will see in the report that there are hundreds of questions which the Group directed to the Cuban Government for its comments, but they have not been answered. Thousands of cases of allegations of violations of Human Rights were sent to the Cuban Government on August 29, 1988; the Cuban Government has not even issued a return receipt. Subsequently, 1500 other cases which were sent have not received any reply either. The questions on the Constitution and the Penal Code have not been answered, either.

The final consideration, the most important one and one which deserves undivided attention, is a clear recommendation for the process to continue; in other words, the need not only to maintain, but also to reinforce the spirit of international collaboration on this case.

In conclusion, I want to repeat that today is a great day in the struggle for human dignity. The truth always comes to light. There is the report. You will see that in Cuba Human Rights are violated, there are cases of grave violations; for example, during its visit to Cuba the secretariat on behalf of the group received a total of 137 complaints of torture, cruel, inhuman or degrading treatment of punishment, missing people, murders, lack of freedom of religion, lack of freedom of expression or thought, lack of all fundamental liberties.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CONRAD). The time for morning business has now expired. Morning business is closed.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1989 AND 1990

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate shall proceed to the consideration of Senate Resolution 66, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) authorizing biennial expenditures by committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the Chair advise the Senator as to the time agreements as they relate to Senate Resolution 66.

The PRESIDING OFFICER. The chair is pleased to do that.

The agreement that has been entered into includes 30 minutes to be equally divided between the Senator from Kentucky and the Senator from Alaska. On the resolution there is 1 hour equally divided. On the amendment of the Senator from North Carolina, there is 1 hour equally divided. On the amendment of the Senator from California, there is 1 hour equally divided. There is an additional 15 minutes that has been allotted to the Senator from Rhode Island [Mr. CHAFEE], on the amendment of the Senator from North Carolina.

Mr. FORD. Now, let me repeat that to be sure this Senator understands it. On Senate Resolution 66, there will be 30 minutes equally divided between the Senator from Kentucky and the Senator from Alaska.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Second, there is an amendment by Senator HELMS of North Carolina on which there will be 1 hour and 15 minutes, 30 minutes equally divided, with an extra 15 minutes going to the distinguish Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. That is correct.

Mr. FORD. And then on the amendment of the Senator from California, there will be 1 hour equally divided.

The PRESIDING OFFICER. That, too, is correct.

Mr. FORD. I thank the chair very much. My distinguished friend from Alaska is here and we will proceed under the consent to the consideration of Senate Resolution 66.

Mr. President, today we are considering Senate Resolution 66, the Omnibus Committee Funding Resolution of 1989 and 1990, which authorizes expenditures for committees of the Senate. The accompanying report, 101-3, explains it in detail. The ranking member of the Committee on Rules and Administration, the senior

Senator from Alaska, and I have worked closely on this authorization.

On October 12, 1988, the Rules Committee sent to all Senate committees budget packages for 1989 and 1990. Our guidelines to committees at that time were that the total increase for committees must be consistent with the fiscal year 1989 legislative branch appropriations bill which mandated that any pay raises for fiscal year 1989 shall be absorbed within the levels appropriated in that act.

The Rules Committee then notified all committees on January 10, 1989, that for the 1989 funding period ending February 28, 1990, each committee's salary baseline may be increased by 10 percent over the 1988 salary baseline reported in Senate Report 100-287. Likewise, the 1990 salary baseline could only be increased by 2 percent, the amount requested by the President for the fiscal year 1990 January COLA. In addition, committees were instructed that they could budget the 1990 January COLA for 2 months at 2 percent and the 1991 January COLA for 2 months at 3 percent.

At that time, all committees were again put on notice that any increases in the salary baselines were dependent upon the availability of appropriations included in the legislative branch appropriations bill for fiscal year 1989. Committees were also informed that it was the Rules Committee's intention to fully comply with the mandate of absorbing salary increases within the levels appropriated. Most committees closely followed the Rules Committee's guidelines in requesting funds for the 2-year period.

In the past, Rules Committee authorizations have stressed frugality, with authorized adjustments made only for the yearly COLA. In 1989, a 4.1-percent COLA increase in salaries was authorized. That figure, subtracted from the 10-percent guideline, left only 5.9 percent for real growth over the 2-year period. On a yearly basis, that amounts to just 2.95 percent in real growth.

Mr. President, the Rules Committee guidelines for committee funding for 1989 and 1990 will retain an austerity policy, and will keep the total authorized amount for the biennial budget period within available appropriations.

I would like to state for the record that the Banking Committee has made a good, justified case for an increase beyond the 10-percent guideline to hire 16 additional staff. In order to address the special needs of the Banking Committee's increased workload, Senate Resolution 66 contains funds for nine staff positions on a nonrecurring basis for 2 years. One new staff position requested will be absorbed within the 10-percent guidelines recommended by the Rules Committee. Funding for six additional staff positions has been included on a recurring basis. I would like to point out, Mr. President, that the budget base for committee funding for the 102d Congress will be the recurring amounts only. In the future, special needs of committees will continue to be considered and funded only on a nonrecurring basis.

In summary, the recommended 1989 recurring funding is $51,986,059. The recurring funding authorization for 1988 was $47,002,568. In 1989 recurring funds recommended are 10.6 percent greater than the 1988 recurring budget authorization. The recommended 1990 recurring funding is $53,042,703 which is only 2 percent greater than the 1989 recommended recurring funds.

Mr. President, the committee budgets for 1989 and 1990 recommended by the Rules Committee are not lavish. In considering Senate Resolution 66 today, I recommend that we approve the budgets as requested.

One last point I would like to make for the record is in regard to section 24 of the resolution. This section revises Senate policy on mass mailing to make Senate policy consistent with the current policy of the other body.

Mr. President, there are several points I feel need to be emphasized. No. 1, funding authorized in this resolution falls within the existing available appropriated funds. No supplemental appropriations will be required. The resolution is a biennial authorization for the 101st Congress. A rather austere funding policy will continue for Senate committees. When COLA's are considered, these recommendations permit less than 3 percent real growth each year of the 101st Congress. No real growth was authorized in the last budgets, so we have been on a very tight budget for each of the last 2 years and this budget for the next 2 years is extremely tight also.

A new policy is initiated to fund special needs from nonrecurring funds rather than an incremental increase in the budget base that stays on and on, long after the exceptional workload of the committee subsides.

Let me explain that, Mr. President. In this particular budget cycle, the Committee on Banking, Housing, and Urban Affairs is faced with several major questions, one being the savings and loan issue in this Congress. The Rules Committee agreed that extra funding was needed for this committee to handle that tremendous workload. But rather than build these funds in the budget base, the Rules Committee recommends to the Senate that the amount authorized be nonrecurring. This means that these funds will not be a part of the budget base for the next funding period in the 102d Congress.

Next, Mr. President, the resolution also includes a provision on Senate official mail. The revision makes a Senate policy on official mail consistent with the policy of the other body. Last year, the other body spent over 95 percent of the dollars appropriated for franked mail for both bodies. Only $54 million was appropriated for 1989 with the expectation that in the Senate that $27 million would be carried forward from 1988, making $82 million available in 1989.

Since the House has spent $77 million, the $27 million carried forward that was on the books is not available; no money. Therefore, only $54 million is available in the current year. Under existing policy, the Senate would assume one-half of this amount as available for the Senate. This would mean a 40-percent reduction in franking privileges from last year for some Members if no changes were to be made. I see no fairer resolution, Mr. President, to this issue than consistency between the two bodies so long as there is a single appropriation fund.

Let us remember that each constituent has one Representative and two Senators, yet the other body outspends the Senate for franked mail by better than a 2-to-1 ratio. Will it cost more? That depends on the practice under the new policy. For Members who do not mail newsletters now and do not mail them under the new policy, the cost will be the same. If a Member increases his mailing, the cost will increase. But the Rules Committee, as it has in the past, will carefully monitor these costs.

Mr. President, in conclusion, let me repeat: Existing available appropriations are adequate to cover the funds authorized in Senate Resolution 66, and I urge its adoption. No supplemental appropriation will be necessary because of this authorization.

I yield to my good friend from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, Senate Resolution 66 is different than committee funding resolutions reported out of the Rules Committee in prior years. Last fall, on September 22, 1988, the Committee on Rules and Administration reported out favorably Senate Resolution 479, an original resolution to amend rule XXVI of the Standing Rules of the Senate. Senate Resolution 479 was agreed to by the Senate on September 30, 1988. The purpose of that resolution was to authorize the Rules Committee to report 2-year authorizing resolutions (biennial budgets) for committees of the Senate and to report one authorization resolution (omnibus resolution) for either a 1- or 2-year budget period.

Senate Resolution 66 should be adequate for the biennial period and not require a supplemental to the authori-

zations. In providing for the needs of the Senate committees during the next two committee funding periods, the amounts included for authorizations in the aggregate have stayed within the available appropriations funded in fiscal year 1989.

I stated at the opening of the committee budget hearings and want to reemphasize now, those of us on the Rules Committees do not expect to come back with a supplemental request. Committees are on notice that they should be very careful in managing their budgets. My desire is to see that the new committee biennial budget works.

This desire has led me to side with the chairman, and ranking member of each committee. We have sided with the committee chairman and ranking member of each committee when questions have arisen concerning funding of those individual committees.

On the other hand, I must state that I do not think that the Rules Committee has been generous with the committees. We have through these consultations brought in I believe a resolution with minimal funding to meet the needs as outlined by the various committees especially in view of the challenges that the individual committees face in the coming 2 years.

I concur with the remarks of my good friend from Kentucky and point out that the section 24 of this resolution dealing with changes in mailing allocations should bring about an equality with the House of Representatives on the use of mass mailings. It is long overdue. I support this resolution. I will have more to say about the mass mailings at a later time, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I wonder if I might ask a question. Whose time can I take it from?

Mr. FORD. Take it from mine.

Mr. CHAFEE. I have some time coming up on the question on the Helms resolution, but I would just as soon use the time now as these same questions pertain.

Mr. FORD. We only have 30 minutes on this. The Senator has an hour and 30 minutes on the Helms amendment. I would appreciate it under the time restrictions.

Mr. CHAFEE. If anybody else wants time now, I will hold up.

Mr. FORD. I do not think we have anybody who wants time. The time would be available when Senator Helms lays his amendment down.

Mr. STEVENS. We have reserved our time, Mr. President, so we might answer questions at a later time. We just have 30 minutes divided between the two of us on the resolution itself.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, is there any objection to my taking 10 of my minutes of the 15 minutes I had on the Helms amendment and using the time?

Mr. FORD. No objection.

Mr. STEVENS. No objection.

Mr. CHAFEE. Furthermore, if I do not use that 10 minutes now, I would like to yield that back to the balance that I have on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, if I might direct a question to the distinguished chairman of the Rules Committee, in looking over the budgets for the various committees, if I might first just briefly run down them—and I am running them down in the order of the amounts that they receive—there are 19 total committees that are receiving money. I will not go through them all. I will go through the top ones. Labor—under this amendment—has about $5 million and 124 employees; Governmental Affairs, again, close to $5 million and 120 employees; Judiciary, $4.7 million and 138 employees; and Appropriations, $4.7 million.

Then you get to a committee that is, I think, as busy as any committee in this Congress, the Finance Committee which is number seven.

It does not have $5 million; it has $2.7 million, less than $2 million, or nearly 50 percent less than the Labor, Governmental Affairs, and Judiciary Committees, and I recognize that I am rounding my figures a little bit here. That I do not understand.

In other words, my question to the distinguished chairman of the committee is: On what basis are these allocations made? Is it a historic basis that powerful chairmen once upon a time were in these major committees and built up substantial payrolls?

I do not think anybody on this floor would suggest that the Judiciary Committee has a heavier burden than the Finance Committee. I recognize that the Judiciary Committee has numerous judicial selections come before it, and they must investigate those, but, in all fairness, that is done by the FBI.

So I would just like some enlightenment to see on what basis this is done.

Mr. FORD. I say to the Senator that in some respects I agree with what he is saying and the questions he is asking, but we were reasonably meticulous with the chairmen and ranking members of each committee. They came before the Rules Committee and laid out their need for this money, based on the number of pieces of legislation that come through their committees, the number of hearings they hold, the number of consultants they need in various and sundry areas.

So we limit the growth and we have limited the growth to basically the COLA for the staff and a 3-percent growth. The larger the committee and the larger the funding, 3 percent seems like it is a larger amount. But I asked each one and instructed each chairman and ranking member that once this committee budget is in place, then we will have the committee look at zero budgeting.

We are going back to the basic need of the committee. We will start at zero and then have them come before the committee and tell us why they need to go forward.

The problem is, yes, these committees are larger. Take the Judiciary Committee: They have had hundreds and hundreds of judicial appointments. The Senator said the FBI does most of the work, but there is work by the committee. There are all kinds of Justice Department things that go to the Judiciary Committee. I am not here to defend any one committee over the other. The only thing I know is that the chairman and ranking member came before the committee. They made their case, and in the judgment of the Rules Committee, based on what they asked us for and the criteria we set, we approved the budget from which the Senator is reading.

Mr. STEVENS. Mr. President, will the Senator yield on our time?

The PRESIDING OFFICER. The Senator from Rhode Island controls the time at this point. So if anybody is seeking time, it would be off his time.

Mr. CHAFEE. My time is going to run out very quickly. Ten minutes goes fast. Could they possibly respond on their time? Would that be fair?

Mr. STEVENS. I am happy to respond using some of the balance of my time for just one comment, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I call the attention of the Senator from Rhode Island to the Joint Committee on Taxation. I defend the concept of joint committees because of the use of shared staff. They prepare the revenue estimates used by both the House Ways and Means and Senate Finance Committees; $4.422 million is spent in the Joint Committee on Taxation. We take that fact into consideration when we look at the level of funding for the Finance Committee in the Senate as compared to other committees. They do not have a joint committee on the judiciary, but the Finance Committee has a Joint Committee on Taxation.

As a matter of fact, there is another joint committee, a Joint Economic Committee, that also overlaps to a certain extent the functions of the Finance Committee and the Ways and Means Committee.

It would be hard to take a committee and say, "Look, we have a greater function than you, and you have more money than we have." Therefore you should be cut. We have had a balance, I think, in terms of these committees. We must look at factors such as the services of joint committees.

I agree with the statement of the Senator from Kentucky regarding the historic aspect of some of these committees. But there is an ongoing funding basis for committees now, and both the chairman and ranking member, and I might say, by inference, all other members of the committees, supported the request that came to us.

I might say that there ought to be members here from the individual committees defending their staff and budget levels, and not let the burden fall just on the Rules Committee, which has already held their request down.

Mr. CHAFEE. Well, I am not here to be a nitpicker or a complainer. I do not want to use the Finance Committee as an example. I am not the ranking member, and I am not the chairman. The distinguished Senator from Alaska is absolutely right, that there is a Joint Committee on Taxation, but I think it is also fair to point out that that committee deals with trade, Medicare, Medicaid, Social Security, catastrophic illness—all of those mammoth problems.

The thing that bothers me is that what happens is that by giving an across-the-board percentage increase of 10 percent, basically what you have done, and I know it shades a little bit, is to compound inequities.

In other words, if a committee is getting what you might say is too much, by giving it 10 percent, you are giving it 10 percent of $5 million, a lot more than 10 percent of $2.7 million. I am not saying the other committees are starved. I do not think there is a single committee here than cannot get along with the amount that the Rules Committee has given them. I am not here to plead for more. I am here to say that it just appears that we are being extravagant.

If indeed you are going to so-called zero budgeting, starting at the beginning and examining, now, why does the Labor Committee have to have 124 employees and more money—twice as much as the Agriculture Committee and the Banking Committee? If you are doing zero budgeting, when does it start? As I understand, that is a 2-year budget.

Mr. FORD. That is correct. They would start at the beginning, hopefully, of the 101st Congress, at the oversight hearing.

Mr. CHAFEE. The 102d.

Mr. FORD. The 102d; I am sorry. We will have oversight and begin to work methodically and have hearings periodically, and hopefully at the end of this Congress, we will be able to make a recommendation to all the committee chairmen that will be satisfactory. It will be irritating to most of the chairmen.

Mr. CHAFEE. No question.

Mr. FORD. I hope that the Senator respects my reluctance to get into it, but I intend to do that, and I suggested that to every chairman and ranking member that came before the Rules Committee. Yes, there is a historical base here, but it is also a base that we held down for the last 2 years at zero.

Now, this year we are giving a modest 3 percent. When one looks at the Finance Committee and at all the costs of the information that is needed for the committee, it has gone up more than 3 percent. They are absorbing a great deal of inflationary costs, and that will be a 4-year period, not just a 2-year period, because we zero based them for the last 2 budget years, and only a modest 3 percent increase average over the next 2 years. So when you take the COLA's that all of our employees are entitled to and you give that to the chairman and ranking member to pay both the majority and minority, then you find yourself in a little less than 3 percent average growth over the next biennium.

Mr. CHAFEE. Well, I do not want to beat this to death here, but the distinguished Senator from Kentucky mentions 3 percent several times. As I look at this, this was roughly 10 percent. Is the Senator saying because it is over 2 years?

Mr. FORD. No. There is a 4.1-percent COLA that is automatic. That is the pay increase that all Government employees received, or Senate employees received. Take that 4.1 from the 10, and it gives you 5.9, and 2 percent for the next year, and that is a little over 7. So it is roughly a little better than 3 percent or average 3 percent growth over each of the next years beyond their normal pay raise that the Senator's staff, the committee staffs, earn, and other employees are also entitled to it.

Mr. CHAFEE. The Senator means outside of pay, which is the COLA's?

Mr. FORD. That is correct.

Mr. CHAFEE. It is 2 percent or 3 percent, whatever it may be.

Mr. FORD. Roughly around 3 percent average over the next 2 years each year.

Mr. STEVENS. Mr. President, will you yield a second?

Mr. FORD. I yield.

Mr. STEVENS. That includes the increase of cost of training, travel, subscriptions, everything; at a time when the cost of living is 4 percent, we are requiring the committees to hold their office cost down on an annual basis. I am sure the Senator understands that.

We did limit the Committees in terms of their possible expansion.

Mr. FORD. I might say to the good Senator we have already started monitoring workload productivity and ranking for the Senate committees and we can tell the Senator almost to the committee how they rank in productivity, how they ranked in workload, and how they ranked in employees versus the number of hours spent. So we are beginning to get into it, and hopefully we are on the right track and one that the distinguished Senator from Rhode Island would agree with.

Mr. CHAFEE. I believe that probably uses my time anyway.

The PRESIDING OFFICER. The Senator has 36 seconds remaining.

Mr. CHAFEE. Mr. President, I commend the Senator for his efforts in this in trying to get some kind of a rational, if I might say, basis to establish on what basis the budgets are approved, that is, the workload. It has obviously got to be more than bills considered or bills. In another committee I am on, the Environment Committee, something like the clean air bill is one bill but it is a monstrous bill and to equate that——

Mr. FORD. You have to take those by sections. You have various sections on that bill and have to look at time spent on hearings and hours of staff input in order to come up with the workload to substantiate whatever budgets we look at as it relates to the zero budgeting procedure.

The PRESIDING OFFICER. Senator CHAFEE's time has expired.

Who yields time?

Mr. FORD. I will yield him my time.

Mr. CHAFEE. I guess we are all going to be here in the 102d Congress, so I look forward to seeing this zero-based budget come into effect because I think it is the right way to proceed.

I know the chairman has a very difficult job. No one comes to him and says, "Cut my budget," and indeed I did not. I appeared before him and, like a stalwart, I stood for my committee budget. Who does not? I guess it is the feeling everybody wants to be treated fairly. If something is to be had, they want it proportionately, obviously.

I commend the distinguished chairman and ranking member to look at this from a fresh look, even though it is 2 years away. I hope it is successful.

Mr. FORD. Let me just say to my good friend that we look forward to his input. We ask him to come before the committee and testify and to make a record as it relates to how his feeling is as to the appropriations or the ap-

propriations for the various and sundry budgets.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

AMENDMENT NO. 7

(Purpose: To strike the provision in the resolution that would abolish the present spending cap on use of the Frank by Senators)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] for himself and Mr. NICKLES, proposes an amendment numbered 7.

In the resolution, strike out section 24.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I have many times taken to the floor of the Senate to complain about our abusive use of our Constitution privilege of the frank—the right to send mail without concern for the cost.

Mr. President, I am concerned about the cost, for as the old saying goes, there is no free lunch; there is also no mailing privilege. It may be free to the Members of Congress. It is not free to the taxpayers.

Someone must pay for the millions of dollars in costs we run up each year sending out only slightly veiled campaign literature—so-called newsletters—and that someone who must pay is the American taxpayer.

It is bad enough that in an election year the Congress is spending more than $100 million of our constituents' tax dollars on our own mass mailings. And it is even worse that we are outspending our appropriations—we are overdrawing our mailing account each year—so that we must provide supplemental funds bills just to make up the difference.

The resolution now before us would authorize a magnificent leap in expenditures which we lavish upon ourselves—a leap so large that it would make Superman proud; a leap so large that it would make the 50-percent pay raise proposal appear almost modest.

Last year—an election year—the Senate spent approximately $35 million on mail costs. If the proposed section 24 of the resolution were in effect, the total limit on our spending—and I use the word "limit" with tongue planted firmly in check—the limit would have been over $180 million. That is an increase of more than 500 percent.

You might say, "No, this cannot be. No one would suggest such an outrageous increase." But it is true.

I mean, a 500-percent increase. And we complain to physicians about the spiraling cost of doctors' bills and what they ask in the way of Medicare reimbursement.

One thing is for certain, when it comes to parsimonious Federal budgeting, this will be viewed quite appropriately as a grab for self promotion, proving the old adage that charity begins at home.

First, I must give credit to Roll Call, a local newspaper, that covers the scene behind the scenes on Capital Hill.

Mr. President, this headline reads: "Senate Unleashes Frank Mail, Dramatic and Costly Increase Expected."

They have not overstated the case.

If it were not for this article in the current issue of Roll Call, I confess I would not have known about this attempt to increase this funding fivefold. Certainly I would not have learned of it merely from the face of the resolution nor from the Rules Committee report.

Some of the numbers that I have used come from Roll Call, but we have independently verified those.

Under present Senate rules, each Senator is limited to spending a certain amount on mail costs. This amount is determined by splitting the total congressional mail appropriation in half—half to the House, half to the Senate—and then allocating that total to each Senator on a per capita basis with a few adjustments for small States.

Section 24 of the committee funding resolution would abolish this limit that restrains spending. In its place, it would restrict one category of mail, that for postal patrons, that is to say those mailings of material that are simply delivered to every mailbox in a specified area—countywide to statewide—without a specific addressee. The limit would be 6 mailings per year under this postal patron limitation, which for my State would mean a so-called limit that would permit the mailing of approximately 65 million pieces of mail per year. That is just for me. If my colleague were to do it, it is $130 million.

This "limit" would not affect mailings of notices of town meetings, which last year, when there was a limit, cost more than $3 million.

This so-called limit would also not restrict mass mailings when the addressee is specified. So, this limit would actually not restrict mailings of newsletters, as long as any sent in excess of six postal patron mailings per year were individually addressed.

This proposal is not a limit; it is an invitation to excess.

Let me inform my colleagues as to how I arrived at a cost of $180 million.

Consider the following numbers: First, each piece of mail sent out in a presorted mass mailing costs approximately 13 cents; second, there are approximately 103 million mailing addresses nationwide. If you multiply the first number by the second, that is the 13 cents by 103 million mailing addresses and then multiply that number by two, since each State has two Senators, then mulitply that number by six, since six postal patron mailings are permitted under the so-called limit, you come out with an amount that is in excess of $160 million. When you subtract out existing costs for postal patrons—to avoid double counting—then add the approximate costs of sending town meeting notices and mail specifically addressed to an individual, the total conservatively estimated reaches $180 million. And even this huge number does not take into account a separate decision by the Rules Committee to abolish the paper allotment system, which was another limit on mail that has now been removed.

One point here is worth extra emphasis: The proposal in section 24 places no limit on newsletters that are individually addressed, so the $180 million figure may be much too conservative. It only limits the newsletters sent out as postal patron mailings.

In other words, after milking the Treasury for the cost of sending out six statewide postal patron newsletters, a Senator could conceivably send out an unlimited number of newsletters that are individually addressed. In the past, prior to the limits of Senate Resolution 458, this profligacy appeared to be possible. However, it was not possible due to the paper allotment system, a limitation in the amount of paper that each Senator could use have for the purpose of newsletters. Now that we no longer have a paper allotment system, unlimited mailings would be possible, with the public, as always, being stuck with the bill.

Many of us, certainly on this side of the aisle, and I think on the other, as well, complained last year about the cost of federally financed campaigns as proposed by the so-called campaign finance reform bill. We did not think the public should pay for our campaigns. We did not think that to be the most urgent call upon the Treasury at a time when we were looking for ways to cut the deficit by cutting spending for other services.

Well, as wrongheaded as we thought that proposal, it would have cost a modest amount when compared to the cost that section 24 of the committee funding resolution would impose to finance this vastly expanded mailing of congressional newsletters.

Mr. President, I continue to oppose taxpayer subsidies of campaigns and campaign materials, whether it be in the direct form of so-called public campaign financing, or in the indirect form of the abuse of the franking privilege. That is why I continue to

oppose the use of any taxpayers' money for congressional newsletters.

But I am compelled to be a realist. Unfortunately, each time that I have sought to abolish newsletters, I have lost, either on the floor of the Senate or in conference with the House. I would offer an amendment today to the resolution now before us to abolish funding for newsletters, to fund the franking privilege by which they are sent, if I thought that sentiment had gained any support in the Senate, if there had been any change of heart. Unfortunately, I do not have any evidence to suggest that sufficient change of heart.

Nevertheless, Mr. President, I cannot simply stand by idly when an attempt has been made to, as roll call has, I think, accurately stated it, unleash this system to allow a fivefold increase in the cost for our self-promotion.

We simply must not expand the present system one iota. Therefore, I have sent to the desk an amendment that would strike section 24 from the resolution by maintaining the status quo which, it seems to me, is quite expensive enough for the taxpayers.

It is my understanding that the Rules Committee, under existing law, could have made the changes contained in section 24 without the action of the full Senate. In light of the impact of the proposed change, I commend the committee for seeking direction from the full Senate rather than acting alone. This is a matter that deserves full Senate attention in the full light of day.

I also urge the committee, should my amendment pass, to reinstitute the paper allotment system and to bring to the Senate a resolution extending the spending cap contained in Senate Resolution 458 of the 100th Congress.

Mr. President, even if the House insists on continuing its profligate ways, we should not follow its example. It does nothing for us to conform our practices to that of the House of Representatives. It simply invites further excess on their part.

Mr. President, I oppose the proposed expansion of mass mailings. I, therefore, ask my colleagues to support this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Who yields time?

Mr. WILSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes remains to the Senator from California.

Mr. WILSON. Mr. President, I yield to the distinguished Senator from Oklahoma such time as he may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I ask my good friend and colleague, Senator WILSON, if he has included me as a cosponsor of his resolution.

Mr. WILSON. I did.

Mr. NICKLES. I thank the Senator.

I wish to compliment him for his amendment. I also was preparing an amendment to do the same thing because I think if we allow section 24 as presently in this resolution we would be committing a serious mistake, a mistake that would be very, very expensive, a mistake that would be probably one of the more expensive things that we have done in Congress in a long time.

Section 24, for my colleagues' information—and if they are not aware of it, they could look at it in the Senate Resolution 66 as reported out by the Rules Committee—section 24(a) reads:

S. Res. 458 agreed, to September 9, 1988, is hereby repealed.

What that repeals is the paper and the dollar limitations that apply to the Senate. I think it would be a serious mistake to repeal those limitations. If we repeal them, we are going to, quite frankly, be spending a lot more on mail. Right now, we already spend a lot of money on mail. As a matter of fact, we are spending more than what has been appropriated.

I am on the Appropriations Subcommittee for the Legislative Branch. I am aware of some of the difficulties coming about, but if we repeal this, we are going to be looking at significant cost increases for Senate mail.

If you look at the paragraph under section 24, it basically states that a Senator is entitled to franked mail but may not exceed an amount equal to 6 multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected. In other words, you could mail postal patron to every household six times on franked mail. That is enormously expensive.

I have heard people say, "Well, they do that in the House." They can mail six times into their district, and many do. That is enormously expensive as well. A wrong in the House should not be equalled in the U.S. Senate.

What we should do is bring the House to comparable limitations in paper and in total dollar costs to what we do in the Senate. Now we will work on that effort when we are working on the legislative appropriations bill. History has been that, well, the Senate would not tell the House what to do and the House would not tell the Senate what to do. But I think we are all responsible for taxpayers' dollars and we should not continue this practice of unlimited House mailings.

Mr. President, If we do not pass the Wilson amendment, we will have unlimited mailings for the U.S. Senate, total, complete, unlimited mailings.

We just, by one section, repeal the paper and dollar limitations and by the other paragraph, paragraph (b), we say we can mail six franked postal patron mailings to every household in the districts or in the State, and not included in that limit would be any mail which would be really just a notification that the Senator is in the State for a town meeting or some other notification type mail. So actually you could mail many times above six franked mailings to every household in the State. In many States, in South Dakota, for example, that may not be enormously expensive. If you do that in the State of California, it is quite expensive.

So again I compliment my friend and colleague from California for trying to restore some fiscal discipline. If we allow this resolution to pass as it is now crafted, we will not have any fiscal discipline.

What we will have is an unbelievable increase in the cost of Senate mail. As Senator WILSON said, I think it is $30 some million, at the present time, to as much as $180 million, just for the franked mail itself. That is not being responsible. It should not happen. I hope this the Wilson amendment will pass.

I reserve the remainder of my time.

Mr. WILSON. Mr. President, I thank my friend from Oklahoma. He has been a real leader in the effort to try to curb this abuse.

Mr. President, how much of our time remains?

The PRESIDING OFFICER. The Senator from California retains 12 minutes and 20 seconds.

Mr. WILSON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair.

It is interesting how pious we can become on certain cases and when the motive of those who have given diligent thought to trying to work out something is to make us equal.

My dad always told me that when somebody is for something, it costs very little; but when somebody is against something, it costs a whole lot.

So, that is what we find here. Six mailings. Where is the appropriated funds? It is only $50 million. We want half of it and we want to share the same as the House does. But we are talking about $160 million.

Look at the appropriated funds and see how much is there. We want half of it. We want to be on the same playing field as the other body.

Let me give you an example. This year they are outspending us 76 to 24 percent now. Do you know why? It is all coming out of one fund. You do not have any money to spend. Try to mail

one after today and see what happens to you. You cannot mail a newsletter after today. Your franking privileges are over.

Yet we say we are going to spend, and this unleashes all this stuff. Well, give us an opportunity to go to the well equal with the House and, if they want to, set up separate funds. When you set up separate funds, then the light will be on us and the light will be on them. That is the effect of this resolution. If the Senator does leave it in there and does not try to take it out, the Senator will find that we can make some progress.

But, no, we have to say it is going to cost $160 million.

Let me give one example. In 1987 the Senate's one-half of the appropriations for franking mail that year was $40.7 million. The Senate only spent $19 million, of what we assume was our half. Leaving almost $21.7 million savings.

The House spent $44 million. They took up all our savings. We are not saving anything. We are just curtailing the ability of our Senators to mail to their constituents.

The House mails six newsletters annually to their constituents in their districts and they do not hear from my colleague. They do not hear from my colleague but maybe one time. Maybe one time. We are entitled to two, or twice that amount, because we represent all of them.

So, when we began to look in the 1988 appropriations, it was $82 million, plus the $27 million carryover, for a total of $109 million.

The Senate's half of the 1988 appropriations would have been $41 million. The Senate spent $36 million, leaving a savings of $5 million.

The House spent $77 million, its half, the $27 million carryover, the Senate savings, plus $4 million. They spent it all. We save it, they spend it.

Let us make some changes. Let us get equality in the pot, equal in the appropriated line item, and then let us go from there with the light on both the House and the Senate.

The Senator is not saving anything. My colleague can stand up and say we have unleashed all these things. You have to come back for a supplemental. If you want more than the $50 million, you have to come back for a supplemental. Unless you vote for a supplemental, you do not spend any more money. And right now, given the $160 million I heard, and all the ripple effects there awhile ago, we need $110 million more. And there has to be a supplemental, because only the $50 million dollars are already appropriated.

Every constituent in our home States has one Representative and two Senators. The history of postal expenditures is opposite. They think they have got two Representatives and one Senator.

Mr. President, I hope that this amendment will be rejected and at the proper time, as soon as time is yielded back, if the Senator wants to yield his time back, at a given point I will move to table the amendment by the Senator from California and the Senator from Oklahoma. Then I will ask that that vote be set aside because there are several of our colleagues who are downtown. That would give them an opportunity to come back and we would have votes back to back, if that is acceptable to the other side.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I yield an additional 3 or 4 minutes to my friend from Oklahoma.

Mr. NICKLES. I thank the Senator from California.

I am going to ask the Senator from Kentucky a question before he runs off.

Mr. FORD. I am not going to run off.

Mr. NICKLES. Just for clarification. On section 24, when it says, "Senate Resolution 458, agreed to September 9, 1988, is hereby repealed," am I not correct that that resolution deals with the limitations on the total cost of mail which we have applied to the Senate and, if we repeal that, we will be taking off the cost limitations for Senate mail?

Mr. FORD. We only get one-half of the appropriated money. We assume that. So that there is no unleashing in any unlimited amount, Senator. We have $50 million that has been appropriated for this type of mailing. We feel that we are entitled to one-half of that and, under the circumstances, regardless of what you might read into it, that is all we are going to be able to have. Unless you get a supplemental, you cannot go beyond that.

What you are reading into this situation is that we are asking that the restrictions applied to the Senate are the same ones that are applied to the House; or left. So that puts us on an even playing field. Then we could go from there.

But unless you appropriate the funds, they are not going to be spent. Unless you and I vote for a supplemental, they are not going to be spent.

Mr. NICKLES. Mr. President, to make sure that my colleagues are perfectly clear on what this resolution does, Senate Resolution 458 is a resolution which was agreed to September 9, 1988. It deals with mass mailings. It deals with mail costs. And it deals with limitations on each Senate office.

We are repealing that, if we agree to this as submitted by the Rules Committee.

One other comment. This idea that we are limited by appropriations: that is not the case. It should be the case. I see the distinguished chairman of the Appropriations Committee is with us on the floor. We should not be able to spend any more than we appropriate for mail costs. But that is not the case.

Present law states—and I will tell my colleagues I am going to endeavor to change the present law—but the present law says that "payment made under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith."

In other words, if we only appropriate a given number of dollars but we mail much more than that, the Postal Service has to eat the difference.

Maybe we come up in a supplemental appropriation and pay for it. Maybe we do not. But if we do not, the law says the Postal Service has to take all the money that we have appropriated as payment in full.

That is not right. That is telling the Postal Service that they have to, basically, lose, or eat, anything that we underappropriate. That is not the way it should be.

I will work with the Senator——

Mr. FORD. Will the Senator yield?

Mr. NICKLES. I will work with the Senator, the chairman of the Rules Committee, to try to change that. But that is present law.

I stated on this floor in the past that we should change that. We should not be able to mail any more than what we appropriate funds for. If we agree to the resolution as now before us, we will be repealing Senate Resolution 458, which does place limitations on Senate mail.

Mr. FORD. Mr. President, will the Senator yield for just a moment?

Mr. NICKLES. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has only 12 seconds left.

Mr. NICKLES. I will give the Senator 12 seconds.

Mr. FORD. What you stated about the statute is correct. But the practices has been to enact supplemental appropriations.

I think it will be very little trouble to have that done since the practice has been the supplemental.

The PRESIDING OFFICER. Time yielded by the Senator from California has expired.

Mr. NICKLES. Will the Senator from Kentucky yield to me just a moment on his time?

Mr. FORD. Yes.

Mr. NICKLES. I happen to be on the Legislative Branch Appropriations Committee, and I will work with the Senator in the future. If we open this up for 6 frank postal patron mailings and an unlimited amount of response type mailings a supplemental request could be enormous. I would have some

responsibility bringing that to the floor. I do not want to do that. I do not want to see mail costs in the Senate grow from $30 to $80 or $100 million. I think this is what could happen, unless we change the resolution.

Mr. FORD. Since the Senator is on my time, let me just try to reason with him, if I can. Right now, in the first quarter, the House has spent almost $8 million, and we barely spent $2 million. It all comes out of the same appropriated figure. So we are very frugal; we do not spend it and they continue to spend it.

Under the present circumstances, we are hindering those who would like to mail newsletters. We are not giving them the opportunity to do it. We restrict them while the House continues to do that.

Why not give your colleagues a level playing field so that they may have the same opportunities? And then we can repeal whatever we want to do, make the changes. But the precedent has been supplemental.

You can have all kinds of charts and that sort of thing that you want out of here. I think I understand. We go by supplemental, not by the rules that you stated a while ago. However, that is proper. You read it properly, and I have no quarrel with that, but precedent is one thing around this body that we follow.

Mr. President, how much time is left by the Senator from California and the Senator from Kentucky?

The PRESIDING OFFICER (Mr. KOHL). The Senator from California has 7 minutes and 57 seconds remaining. The Senator from Kentucky has 22 minutes.

Mr. FORD. I am willing to yield back my time. You have had all but 7 minutes. I have maybe just used 6 minutes. If the Senator from California will think about yielding back the time, I will move to table, get the yeas and nays and set it aside until our colleagues are back from the White House. Would he agree to that?

Mr. WILSON. I will tell my friend from Kentucky I do not intend to use all of the time. I will use some of it.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I am not going to use all the time that remains. There is a fairly simple issue before us. The taxpayers are paying for congressional newsletters from which they receive precious little benefit. It is costing them money, money that could be spent for other far more meritorious purposes. We are elected to set and keep priorities. I submit that congressional newsletters are not an urgent public priority, not in a time when we are pressing for ways to reduce the deficit. In fact, not at any time, in my judgment.

But to give some idea of what it has cost the taxpayers, I ask my colleagues to look at this chart. It is a very simple chart. This bar graph here indicates the costs to the taxpayers in millions of dollars, what it has cost them to pay for the Senate franking privilege. In 1983, it cost them $32 million. In 1984, $44 million; in 1985, it cost them $40 million. In 1986, it cost them $36 million. In 1987, it cost them $19 million. In 1988, it cost them $36 million.

But if we agree to this resolution and do not defeat it, do not strike it by the amendment that I have offered with Senator NICKLES, it gives promise of costing the taxpayers $160 million—that is the red bar here—just for the postal patron mailings. And when you add what can be expected in the way of address mailings on top of it, and town notices, that figure can climb easily to $180 million—$180 million—not for an urgent public priority.

Let me just respond to a couple of points made by my friend from Kentucky. He is expressing great frustration that we will not save money by not spending it because our share will be spent by the House of Representatives. I will accord him this much: The House of Representatives' behavior in this regard has been disgraceful. What he is saying is because they have been guilty of this kind of profligate conduct, we should be getting our share. It is not like saying we ought to stop the process; we ought to be getting our share.

I suggest that what we ought to be doing is stopping the process, and he is quite correct, this will not stop the House, not immediately. But I think if they begin to hear from their constituents that they only are doing this profligate thing with the taxpayers' dollars that there will be the kind of unhappiness that we saw manifested on something of far mor modest cost in terms of a 50-percent congressional pay raise.

This is a 500-percent increase, and the fact of the matter is, yes, there is only $50 milllion appropriated. Every time we spend more, and my friend from Kentucky has said here today that we do keep overspending that amount, what do we do? We get a supplemental appropriation. Either that or the Post Office would have to eat it. Well, they do eat it for a few months until we get them that supplemental appropriation.

Let us not delude anyone. This is costing taxpayers money, and a lot of it, but from $36 to $180 million I think is an unsupportable leap. The adoption of this amendment will simply keep us at the status quo. It will not allow the 6 postal patron mailings.

Mr. President, the issue is a simple one. What is an urgent public priority for the reelection of Senators, including many who have opposed public financing of campaigns, is not an urgent public priority for the taxpayers. We should not be wasting their money in this unjustifiable way. I yield back the remainder of my time.

Mr. FORD. Mr. President, I ask unanimous consent that the vote on my motion to table the Wilson amendment occur immediately following the using or yielding back of the time on the Helms amendment and that the vote on or in relation to the Helms amendment occur immediately following the disposition of the Wilson amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, I am sorry, I did not hear the request.

Mr. FORD. I asked unanimous consent that the vote on my motion to table Senator WILSON's amendment, when the time is yielded back or all time used, occur immediately following the disposition of the Helms amendment. We want to stack the votes because we have some people downtown.

Mr. HELMS. I thank the Senator, Mr. President, and I have no objection.

Mr. NICKLES. Did we get the yeas and nays?

Mr. FORD. Not yet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, it is very difficult to make people understand that we are trying to cut back. Under the present circumstances, we continue to grow and grow and grow, and it is grossly unfair to the Senate under the circumstances. I know this is going to look good back in California in the governor's race. I have been governor and I understand it. We are saving money. We want to be frugal. I have gone through all of this.

But, Mr. President, fair is fair. I intend to see that my colleagues are represented fairly. I think it is fair that we play by the same rules as the House, that we put the spotlight on them, we divide it and ask them to go ahead and try to stay under as we have. We save it and they spend it; they spend more than that.

We will never reach the maximum because the distinguished Senator from California does not send out any newsletters. If he does not send out any newsletters, he does not spend any money. So if he does not spend any money, you will never reach the maximum. I do not send out newsletters. I have sent out one in the last 2 or 3 years. So it cannot ever reach the maximum because I am not sending them out. So we will never reach the maximum. We can restrain ourselves.

Mr. President, it is a matter of fairness. Once we have this in place, we are on a level playing field and then we can seek separate appropriations

for the House and Senate. Let the House do what they want. Let us limit ourselves. Let us do it to ourselves rather than to have to pay and pay and pay and not get any of the results.

Mr. President, I move to table the amendment of the Senator from California and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Under the previous unanimous-consent agreement, this will be set aside and we will now go to Senator HELMS, is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from North Carolina.

AMENDMENT NO. 8

(Purpose: To reduce funding increases for Senate committees)

Mr. HELMS. Mr. President, I thank the chair. I thank my good friend from Kentucky, Mr. FORD.

Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS for himself, Mr. NICKLES, and Mr. WILSON] proposes an amendment numbered 8.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 9, strike "$53,252,088" and insert "$50,780,499".

On page 2, line 2, strike "$53,430,099" and insert "$50,892,155".

On page 3, line 22, strike "$1,876,650" and insert "$1,798,118".

On page 4, line 6, strike "$1,914,132" and insert "$1,834,080".

On page 5, line 5, strike "$4,736,267" and insert "$4,428,061".

On page 5, line 15, strike "$4,828,540" and insert "$4,516,622".

On page 6, line 14, strike "$2,728,969" and insert "$2,609,890".

On page 6, line 24, strike "$2,785,811" and insert "$2,662,088".

On page 7, line 25, strike "$2,560,816" and insert "$2,315,308".

On page 8, line 9, strike "$2,614,125" and insert "$2,361,614".

On page 9, line 8, strike "$3,313,130" and insert "$3,167,988".

On page 9, line 18, strike "$3,382,402" and insert "$3,231,348".

On page 10, line 20, strike "$3,694,395" and insert "$3,536,885".

On page 11, line 5, strike "$3,769,571" and insert "$3,607,623".

On page 12, line 5, strike "$2,673,547" and insert "$2,559,807".

On page 12, line 15, strike "$2,727,832" and insert "$2,611,003".

On page 13, line 15, strike "$2,604,115" and insert "$2,492,564".

On page 13, line 25, strike "$2,657,355" and insert "$2,542,415".

On page 14, line 25, strike "$2,754,692" and insert "$2,629,342".

On page 15, line 9, strike "$2,814,065" and insert "$2,681,929". 0

On page 16, line 9, strike "$2,666,656" and insert "$2,552,785".

On page 16, line 16, strike "$2,721,004" and insert "$2,603,841".

On page 17, line 13, strike "$4,951,018" and insert "$4,740,368".

On page 17, line 23, strike "$5,051,556" and insert "$4,835,175".

On page 24, line 3, strike "$4,748,545" and insert "$4,542,702".

On page 24, line 13, strike "$4,846,789" and insert "$4,633,556".

On page 25, line 13, strike "$4,981,973" and insert "$4,765,560".

On page 25, line 20, strike "$5,085,260" and insert "$4,860,871".

On page 26, line 19, strike "$1,430,672" and insert "$1,367,357".

On page 27, line 5, strike "$1,459,163" and insert "$1,394,704".

On page 29, line 15, strike "$1,123,937" and insert "$1,062,745".

On page 29, line 18, strike "$1,148,131" and insert "$1,084,000".

On page 30, line 8, strike "$1,200,008" and insert "$1,147,299".

On page 30, line 18, strike "$1,213,792" and insert "$1,170,245".

On page 32, line 20, strike "$1,887,941" and insert "$1,845,335".

On page 33, line 1, strike "$1,021,116" and insert "$978,288".

On page 31, line 18, strike "$2,305,816" and insert "$2,205,444".

On page 31, line 25, strike "$2,353,721" and insert "$2,249,553".

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor, and the distinguished Senator from California, Mr. WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Now, then, Mr. President, the pending resolution (S. Res. 66) is the 2-year committee funding resolution, and it is structured so that each committee will on average receive an increase in recurring funds of approximately 10.7 percent in 1989 and an additional 2 percent in 1990.

The 10.7-increase assumes a 4.1-percent cost-of-living increase for 1989 and a 2-percent cost-of-living increase for 1990. Under the 2-year budget process, which is new, committees will be allowed to carry over into 1990 any unexpended funds remaining from this year.

Mr. President, I am offering the amendment to reduce the level of recurring funds provided in Senate Resolution 66 from an average of 10.7 percent and 2 percent to an average of 5.3 and 2 percent for committee years 1989 and 1990, respectively.

At this point I ask unanimous consent that a table comparing the proposed funding levels for each committee under Senate Resolution 66 and under my amendment be printed in the RECORD. at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Now, why am I doing this, Mr. President? I am doing it because somewhere, sometime there ought to be some signal from the Congress of the United States that we are willing to tighten our belts and not spend as much money as we might like to spend.

I know the argument will be made that we have already cut back, but if the Federal Government were a private business it would be under Chapter 11 right now. The difference between the Federal Government and private enterprise is that private enterprise cannot print money.

So I think we ought to send a signal to the American people. It is not going to hurt any committee to have this amendment added to Senate Resolution 66. Let me give you an example, Mr. President. The Agriculture Committee will have a balance of about $150,000 which is going to carry over from last year. That will be in addition to the 10.7 percent and 2 percent increases provided by the resolution. The Appropriations Committee will have $170,000 to carry over, Armed Services will have $175,000 to carry over, and so forth.

Mr. President, any committee chairman, ranking member or staff director who cannot save $150,000 in a committee or, in the case of the Intelligence Committee, $110,000, or in the case of the Finance Committee, $88,500, ought to take a lesson in how to economize a little bit. Because, Mr. President, when one subtracts the assumed 4.1-percent cost of living increase from the average 10.7-percent increase in recurring funds provided for this year, it becomes evident that we are providing our committees with real growth of more than 6 percent over the next 2 years.

But that estimate does not even take into account the unexpended balances from the 100th Congress that committees, as I said, will be allowed to carry over into this year under the resolution.

The total estimated unexpended balance that will be carried over from the 100th Congress to this Congress, which of course is the 101st Congress, is $2,145,210, that is 4.5 percent of the 1988 committee budget. When you add the total unspent balance to the increase provided in S. Res. 66, you come up with an increase of more than 15 percent.

I ask unanimous consent that a table setting forth the estimated unspent balances for each committee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Let me emphasize one thing, Mr. President. I appreciate the fine job that the distinguished chair-

man of the Rules Committee, Mr. FORD, and the distinguished ranking member, Mr. STEVENS, have done with what is probably one of the most unenviable jobs in the Senate. However, it apparently has been determined that our committee structure is too small and it must grow.

That impresses me as a significant policy decision, one that deserves some discussion and consideration by the Senate.

Under the pending amendment, the reduced increases would be allocated among committees in proportion to the levels now provided in Senate Resolution 66, with one exception. The leadership of the Committee on Small Business is to be commended for holding their requested increase to 4.15 percent for 1989. The Committee on Small Business was the only committee to request less than a 5-percent increase for this year. All other requests range from 9 percent to more than 51 percent. Consequently, under the amendment, no reduction will be made in the increase proposed for the Small Business Committee.

Let me point out, Mr. President, that the amendment would not affect the provision allowing committees to carry over unexpended funds. They can do that under the amendment, either from this session to the next, or from the 100th Congress. Allowing committees to carry forward unspent balances will serve to reward those committees who hold down or have held down their expenses in the prior funding period.

Also, lest there be some concern, my amendment would make no reduction in the nonrecurring funds provided by the resolution. For example, rather than providing the permanent 51-percent increase requested by the Banking Committee to help the committee address the difficult issues that will come up during the 101st Congress, the Rules Committee decided to give the Banking Committee a smaller permanent increase of 29 percent and provide the rest on a nonrecurring basis.

Under my amendment, the permanent increase for the Banking Committee would be reduced to 14.5 percent, but the nonrecurring funds would not be affected.

As I said at the outset, I believe Congress should at least send a signal, however small, to the American people that we are willing to tighten our belts. We should continue to hold the line on the size of the committees and the cost of operating the committees.

Back in the 1970's, I might point out, Mr. President, the size of congressional staffs grew significantly. From 1967 to 1977, the total number of legislative branch employees increased from 27,545 to 39,978. But I am delighted to note that during the 1980's, we've managed to restrain that growth, as we should have done. We should have done it earlier. But I was not here. Senator FORD was not here. And spending was not restrained. In fact, nowhere in the Federal Government was spending restrained. That is the cause of the budget problem in the country today.

I think it is unwise to reverse that trend of restraint that we exercised in the 1980's—especially when we are now trying to constrain the growth in all other aspects of the Federal Government.

The pending amendment would make only a modest reduction in dollars in the growth of our committees. Total savings over 2 years would be $5 million. Senators may say, "Well, that is not much." And, of course, it is not in terms of the total cost of operating the Congress of the United States, let alone the total operating cost of the Federal Government. It is $5 million. It sends a signal, however, that we want to do at least something, and this would be it. But the point is that even if my amendment is passed, we will be allowing the committees of the U.S. Senate some real growth over the next 2 years. While I do not think our committees need any real growth, I am convinced that the pending amendment offers a reasonable compromise to the levels proposed in Senate Resolution 66.

Mr. President, it is not my intent and not my wish to single out any particular committee with this amendment. All committee chairmen and ranking minority members, including myself, testified before the Rules Committee requesting on average a 10-percent increase for our respective committees for this year. I am sure that each chairman and each ranking member sincerely believes that his or her committee deserves an increase. Because the Foreign Relations Committee ranks at the top of the productivity rating, I agreed with Senator PELL, the chairman of the Foreign Relations Committee, that the committee is worthy of an increase if—and I underscore the word "if"—the overall levels are going to be increased. Maybe that was a copout. I did not intend it to be so. But I stressed to Senator PELL that I retained my option to try to reduce the overall increases for committees, including the Foreign Relations Committee.

I am offering the amendment in the hopes that all of our colleagues, whether or not they are committee chairmen or ranking members, will agree that we need to continue to hold the line on our budgets. I believe that every Senator should be concerned about the message, the signal, we will be sending to the American people if we increase our committee budgets by approximately 15 percent when we are asking the American people to tighten their belts and do without an increase.

EXHIBIT 1

UNEXPENDED BALANCES

S. Res. 66 allows Committee to establish a Special Reserve for the unexpended balances from the current Committee Year, which ends 28 Feb. 89. The Special Reserve may be used in the next Committee year. Committees are also allowed to carry over any unexpended funds into the 1990 Committee year. Committees estimated the following unexpended balances for the Committee year ending today:

Committee	*Balance*
Agriculture	$150,000
Appropriations	170,000
Armed Services	175,993
Banking	848
Budget	13,261
Commerce	220,444
Energy	185,405
Environment	175,000
Finance	88,523
Foreign Relations	153,000
Governmental Affairs	248,224
Judiciary	180,000
Labor	45,000
Rules	104,043
Small Business	68,000
Veterans' Affairs	1,000
Aging	20,000
Intelligence	110,000
Indian Affairs	36,469
Total	2,145,210

EXHIBIT 2

COMMITTEE FUNDING UNDER SENATE RESOLUTION 66 UNAMENDED/AMENDED

The Helms amendment makes modest reductions in the amount of increases provided to each Committee by S. Res. 66. The differences in authorized Committee funds under S. Res. 66 unamended and as modified by the Helms amendment are set forth below:

Committee	Year 1 (1989)		Year 2 (1990)	
	S. Res. 66	Helms amendment	S. Res. 66	Helms amendment
Agriculture	$1,876,650	$1,798,118	$1,914,132	$1,834,080
Appropriations	4,736,467	4,428,061	4,828,540	4,516,622
Armed Services	2,728,969	2,609,890	2,785,811	2,662,088
Banking	2,560,816	2,315,308	2,614,125	2,361,614
Budget	3,313,130	3,167,988	3,382,402	3,231,348
Commerce	3,694,395	3,536,885	3,769,571	3,607,623
Energy	2,673,547	2,559,807	2,727,832	2,611,003
Environment	2,604,115	2,492,564	2,657,355	2,542,415
Finance	2,754,692	2,629,342	2,814,065	2,681,929
Foreign Relations	2,666,656	2,552,785	2,721,004	2,603,841
Governmental Affairs	4,951,018	4,740,368	5,051,556	4,835,175
Judiciary	4,748,545	4,542,702	4,846,789	4,633,556
Labor	4,981,973	4,765,560	4,085,260	4,860,871
Rules	1,430,672	1,367,357	1,459,163	1,394,704
Small Business	1,012,941	[1]	1,035,734	[1]
Veterans' Affairs	1,123,937	1,062,745	1,148,131	1,084,000
Aging	1,200,008	1,147,299	1,213,792	1,170,245
Intelligence	2,305,816	2,205,444	2,353,721	2,249,553
Indian Affairs	1,887,941	1,845,335	1,021,116	978,288
Total	53,252,088	50,780,499	53,430,099	50,892,155

[1] No changes.

Mr. HELMS. Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I appreciate the kind words that the distinguished Senator from North Carolina made toward me and to my distinguished friend and ranking member, Senator STEVENS from Alaska, regarding our diligence.

Mr. President, we listened to every chairman. We listened to every ranking member. And I do not recall any member, chairman or ranking member, that objected to their budget for the next 2 years. Now we find men who were there before the Rules Committee seeking these funds, now coming and objecting to what we are doing. It is a little bit disheartening, and a little bit disconcerting having gone through many hours with various committees developing a budget authorization which we believe is justified. The guidelines were, with justification, 10 percent in 1989 and 2 percent in 1990 for staff salaries. With few exceptions these guidelines were followed and are reflected in Senate Resolution 66.

The amendment under consideration would reduce the increase in the first year from 10 to 5 except for the Small Business Committee. The amendment is simple but its consequences are rather substantial.

For the Senate to perform effectively, committees need highly qualified staffs. I do not think there is any question about that. But what we are looking at here is a reduction in our ability to pay staff. It is a reduction of our ability to perform the job that is required of us and to be able to have staffs that work hard, are smart, and are paid reasonably well.

For the Senate to perform effectively, it needs highly qualified staff members.

Let me say this, Mr. President. No real growth was authorized in the last two budgets, in 1987 and 1988; both of them were zero, real growth. The committee chairman and ranking member struggled for 2 years under those budgets.

Now, Mr. President, we are looking at a biennial budget, and we say to the chairman in the guidelines, 10 percent the first year, 2 percent the second year, and with the carryover of surplus funds.

Senate Resolution 66 authorizes real growth of less than 3 percent each year, and some of this increase will be required to cover inflationary increases in administrative costs. If you try to just keep the same material that is necessary, the cost has gone up. I do not believe you ought to take it out of the hide of the staff. I do not believe that we are asking to give the committees too much.

This body should recognize that committees, their chairmen, and their ranking members are frugal. Our experiernce has been, in the years and I have been on the Rules Committee, that if the funds are not needed, they are not spent.

One argument proposed is to use these surplus funds to make up for the 5-percent cut. In my opinion, two overriding reasons exist to oppose this argument: First, the amount of surplus varies by committees. Thus, committees would not be treated uniformly. There is nothing fair about that. Also, several committees, such as Aging, Veterans' Affairs, and Indian Affairs, historically have had little surplus. They budget pretty tightly. If you take 5 percent away from them, they are going to be in a world of hurt.

Second, committees would be given an incentive to spend all funds authorized so that there would not be any surplus. I can go down the list and state where most of the surplus is. It is turnover of staff, generally, at the highest level. When staff leaves, it takes a while to replace them, and while you are waiting to replace them or find adequate staff replacement, you are not spending that money, and it shows up at the end of the year as surplus.

It is not all spent. You do not use carry over for recurring costs. We now hold that surplus for 2 fiscal years, but it covers costs of prior funded years expenses incurred. It is unexpended bills that come through, not salaries. The reserve in this authorization provides a transition into the biennial budget and will not be repeated between Congresses. We found that very little of the surplus has been used in the past; and so, under the circumstances, all that money each year drops off and goes back to the Treasury fund.

The important fact is that this resolution is not an increase in legislative appropriations for the Senate. It is an authorization to spend existing, available, appropriated funds. We are not asking for a supplemental. We are just asking for the authorization, under this resolution, to spend the funds that have already been appropriated. I believe the various committees have given ample justification to support the funding level incorporated in Senate Resolution 66. I urge my colleagues to defeat this amendment.

I was pleased that the Senator from North Carolina thought we had finally arrived at a way to help committees that have exceptional workloads. We thought about having a pool of money set aside, so that when a committee like the Banking Committee has an unusual burden, they would be able to have the money to hire employees. They know now what they have. They know how many people they need, and we funded them on a nonrecurring basis. At the end of this 2-year cycle, that is the end of it. We did the Indian Affairs Committee, Subcommittee on Special Investigation, the same way. We sunsetted it 1 year out on a nonrecurring basis. We have tried and we will keep plodding. We will keep moving. We will keep trying.

I have never seen any way to satisfy everyone. I have never seen a way to operate this place like a business. It is not intended to be operated like a business. We can operate it with business-like practices, and that is what we have tried to do in this resolution that we brought to the Senate floor.

The Senator from North Carolina is on the Rules Committee. He knows we ask each committee chairman and ranking member to give us the information as it relates to legislation, workload, hours spent, hours for staff employees, so that we can begin to justify the amount of money that is requested. In the next 2 years we will begin zero budgeting. That means we are going to start from the beginning with every committee and have them substantiate their need. All I ask is a chance to try a biennial budget. We are giving an authorization for the next 2 years. We do not expect a supplemental, and I will not be for one in the next 2 years—in order to try to bring this into focus and begin to operate it in the best way possible.

It is the same with respect to the amendment of the Senator from California. We are on the right track, but if you would listen to the condemnation of the procedure we are trying to move, you would think we are trying to raid the Treasury. We are not. We do not intend to. We intend to straighten it out, but we have to have a chance to prove ourselves. If we do not have a chance to prove ourselves, we will never know, and you will never know if we are right or wrong.

I joined the junior chamber of commerce when I was a young lad and enjoyed it. They give you a job, and if you failed, you were not fired, because you were head of a committee trying to do something to improve your community. Here, if we do not do a good job, we can be fired by the people back home. So I am not ashamed of what I am trying to do here. In fact, I am right proud of the committee. I think we have worked hard, and we have come up with a good way to make it work.

So, Mr. President, at some point I will move to table the amendment of the Senator from North Carolina.

I understand that the distinguished Senator from Michigan [Mr. RIEGLE] would like some time.

Mr. RIEGLE. I would like 2 or 3 minutes, if the Senator will yield.

Mr. FORD. I yield 3 minutes of my time to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator. I rise in support of the chairman, and I also rise in opposition to the Helms amendment.

I am here as one committee chairman representing one of the entire list of the committees that would be covered by this amendment. A request was made by the Committee on Banking, Housing, and Urban Affairs, to try to meet some extraordinary needs we are facing with the savings and loan problem particularly, a very major

problem across the country, and a great concern in my State and all States, and certainly in the State of North Carolina. The ranking Republican member, Senator GARN, and I have asked for the staff resources that we think at a minimum we need to have to handle the work load that is before that committee. I mentioned the savings and loan crisis because that is such a clear and present overriding problem, where $100 billion has disappeared.

We need to reform the savings and loan system. We need to figure out a way to solve that problem and prevent it from happening again. But that is just one of many.

We are facing the financial services modernization issue. We are facing the issue of the Third World debt question. We are facing the issue of leveraged buyouts and tender offer regulation issues. We are still in the aftermath of the stock market crash. And the list goes on. That only just deals with the financial side of the committee.

Just one illustration: Every committee has its own story to tell, but I would just say to my colleagues and to the sponsor of the amendment if we do not have the people we need to do this job properly, big mistakes can happen. No matter how good the intentions are, and I would say that looking in the past, we have not in every case perhaps been as able to exercise our oversight responsibilities as we needed to be.

The savings and loan crisis I think is a classic illustration. One hundred billion dollars have disappeared. Now the American public is being asked to in effect restore the bulk of that money, and I must just say to you that just a day ago when we had one of the major ones before us, Alan Greenspan, who was in testifying in behalf of the savings and loan plan that the administration has brought forward which I have introduced by request along with Senator GARN, said to us in that session, "Look, this problem is so urgent and so large," paraphrasing, but the essence of his testimony was in part get this thing enacted right away; there will need almost certainly to be a midcourse correction somewhere down the line in a few months or a year or so, and we can make the midcourse correction at that time. That suggests that in that area alone our job is not just to try to sort through that issue now and come up with the best possible reform package and the best possible financing package and keep the cost to taxpayers as low as possible, when we finish with that we are not finished with the problem, we are going to have to monitor very carefully over the period of months to see if something that has been put together in a very hurried fashion is going to be really able to get the job done the way everyone hopes from the President on down. That involves the need on our part to really have some qualified and competent staff people at work to carry out that very specific oversight responsibility.

I only cite that example, but $100 billion even to the U.S. Senate is a lot of money. That is what disappeared out of the savings and loan system to the astonishment of many.

These are the reasons that I think having a limited number of qualified professional staff people is absolutely critical to us to be able to carry out our responsibility to craft this legislation properly and to see that it works the way it was intended.

I just make one other point about it. We have just gotten the President's package on the savings and loan legislation. It runs 333 pages. That is 333 pages where every line constitutes a change in the written law, every line on 333 pages. If a half sentence is wrong, it could end up causing the whole plan not to work properly.

So we have to go through that and as carefully as we can to try to make sure that there are not those kinds of inadvertent errors or advertent errors of judgment in this thing and try to make sure it is going to work right.

I want to say as one new chairman, and I am not different from any other chairman in this sense, new or old, I want to do a good job. I want to really bring something in here that I can present to the Senator from Alaska, the Senator from Kentucky, and the Senator from North Carolina that I am confident is as close as we can get to a good solid timely answer. That is why we need the help. There is no other reason.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. STEVENS. Mr. President, will the Senator yield me 3 minutes?

Mr. FORD. I yield 3 minutes to my friend from Alaska.

Mr. STEVENS. I do not think I will use that fully.

But working with the Senator from Kentucky on the Rules Committee is an enlightening and rewarding experience. We are pursuing ways to save the taxpayers money.

Let me take just for instance the postal patron mailing. That was a charge we made a number of years ago.

Mr. President, if you send out a postal patron mailing, you do not have to address it. You do not have to use zip codes. You just send to each zip code the number of pieces of mail there are patrons in that area. They do not have to have separate staff to sort them in the post offices by number or by zip code thus the cost of postage is less.

It is the most efficient way to handle mail, because you do not have to have a computer list, computers, all the handling. It costs less for the taxpayers, but it looks like we might spend more if everybody mailed everything they are entitled to mail. Allowing the use of postal patron mail helped us save money by providing a cheaper method of mailing that each Member may use.

We know from history everyone in the Senate does not mail everything they are entitled to mail. As a matter of fact, I think Senators are becoming more conservative in their approach to mailing. We all are, and we are trying to reduce the cost of the Senate.

Similarly in regard to the amendment of my good friend from North Carolina, this resolution is merely an authorization to committees to spend. We have an incentive not to spend because if they do not spend it they can carry it over for a later year when they might run into the kind of emergency that the Banking Committee has this year and we have to make a special allocation to him.

Through frugal application of the authorities under this resolution, we can run the Senate better for less money if the Senate will do it.

This is a very good approach to the management of the Senate. Nothing says you have to spend this money. Furthermore, it is a contingent upon us in the appropriations process to provide the money that is necessary because this is a 2-year resolution that is before us.

So, the Senate will have a chance to revisit this in terms of the appropriations for the next year. But right now, I think this is the best way to do business and to call on every Member of the Senate to think twice before they mail, to think twice before they decide to hire a new staff member on a committee, and the cost will come down because the flexibility for good management is in this resolution.

Thank you very much.

The PRESIDING OFFICER. Who yields time.

Mr. FORD. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, adoption of the amendment that has been offered by my good friend, Mr. HELMS, would reduce the Appropriations Committee's fiscal year 1989 funding to a level that is $32,189 below our current annualized spending rate.

Our expenses other than salaries were not increased for either fiscal year 1989 or 1990.

Adoption of the Helms amendment might well force the Committee on Appropriations to reduce staffing.

There may be some people who would say, "Well, that is fine, that is what we ought to do around here; we ought to reduce the staffing."

The Appropriations Committee staff levels have held steady for a good many years. Today we have 82 positions in the Senate Appropriations Committee. In fiscal year 1980 we had 84 positions in the Appropriations Committee. So that number has not fluctuated much over these intervening years. I think that is a good record.

In fiscal year 1980, the Appropriations Committee had 84 positions; fiscal year 1981, 79 positions; fiscal year 1982, 79 positions; fiscal year 1983, 82 positions; fiscal year 1984, 82 positions; fiscal year 1985, 82 positions; fiscal year 1986, 82 positions; fiscal year 1987, 81 positions; fiscal year 1988, 78 positions; and fiscal year 1989, 82 positions.

So, after 10 years the Appropriations Committee today has two positions less than it had 10 years ago. That is, I think a rather interesting comment on the Appropriations Committee.

Here we have a committee that passes on billions and billions of dollars. We have a budget this year of $1.3 trillion.

Now, while the Appropriations Committee of the Senate has held steadily to about the same number over these 10 years, look at the explosion in the executive departments. Each of the executive departments comes up here annually with requests; they want 50 new positions, they want 100 new positions, they want 500 new positions, they want 600 new positions. If they ask for 600 new positions we may give them 400. They will be back next year, and they may ask for 500 more or whatever, and we may give them 400 again.

And so there has been a virtual explosion of positions in the executive department. How are we able to contend with that kind of manpower in the executive branch, a virtual army when it comes to the executive department? They may not get every position they want but they are constantly getting an increased number of positions.

Just 50 years ago, Congress created the Executive Office of the President permitting FDR to hire a half-dozen special assistants, rather than rely exclusively on the various Cabinet Departments of the Government for that assistance. Now look at the size of the President's staff. They fill the entire Old Executive Office Building, which, in FDR's time, housed the Department of State, the Department of War, and the Department of the Navy. That is the way the executive departments are growing, hand over fist, and we continue to give them more and more and more positions, whether it is a Democratic administration or a Republican administration.

The same new demands on the Government, both nationally and internationally, that required an increase in executive staff, have required expansion of the legislative staff. We have four positions more than we had last year on appropriations, but we have two less than we had 10 years ago. And the Appropriations Committee is the salt mine of the Senate—the salt mine. So we need these positions, in the interest of the taxpayers, so that we might look at all the appropriations requests that come through that committee from the President and the Departments. We need experienced, capable, knowledgeable staff people on the Appropriations Committee to screen the Federal budget and to guide us as we make our judgments concerning the funding requests that come from the executive department.

The PRESIDING OFFICER (Mr. ROBB). The time yielded to the senior Senator from West Virginia has expired.

Mr. FORD. I yield 1 additional minute to the Senator from West Virginia.

Mr. BYRD. So I say to my colleagues, I hope that we will not support this penny-wise, pound-foolish effort. And I do not say this to cast any aspersions on the Senator from North Carolina. He is doing what he believes is right. I respect him for that.

But I call attention to what we are doing to the legislative branch if amendments like this are agreed to, while we continue to let the executive branch go whole hog, all out for positions and we approve many of them. We put the moneys in so they can snow us in the executive branch while we try with a small number to cope with the army of experts from the Agriculture Department, the State Department, the Defense Department and the other Departments.

I hope that my colleagues will give a resoundingly strong vote in tabling the amendment.

The PRESIDING OFFICER. The senior Senator from North Carolina.

Mr. HELMS. Mr. President, let me say to my good friend from West Virginia, the distinguished President pro tempore of the Senate, that I will stand arm and arm with him to cut down that phalanx of employees downtown. This amendment will give us a leg to stand on, to say, "We have cut ourselves, and let us cut you appropriately." And I stand with him, and I will help him any way I can.

There is nothing in this amendment, of course, as the distinguished Senator knows, that validates the horde of employees in the executive branch and in the Executive Office Building. He is right. That is the point I am making.

Now, as for the Appropriations Committee, I am not sure where the Senator got his figures, but if he is right, then the committee report is wrong and my figures are wrong. What my amendment proposes is a 7.48-percent increase for the Appropriations Committee, plus a carryover of $170,000 from last year.

Now, that is not cutting anybody. That is not limiting anybody.

As for the Banking Committee, let me tell my friend from West Virginia an amusing little thing. I had a call from a banker in North Carolina. He said, "I got a call from the Senate Banking Committee and they said that you are about to gut their whole process for the funds proposed for the Banking Committee." I said, "Well, not quite." And I pointed out to him, I said, "We recognize the need for adequate pay for staff." The amendment allows an overall 5-percent increase for all committees. That includes the 4.1-percent COLA. Now, that is what the staff member of the Banking Committee is worried about, his own little hip pocket. And, of course, we all are.

But the point is, Mr. President, that the Banking Committee still gets a total of a 37-percent increase under my amendment—37 percent. And this I related to the banker who had called me after he had received a call from a staff member in the Banking Committee. Let me emphasize that the amendment does not cut the nonrecurring funds for the Banking Committee, nor for any other committee, for that matter.

Now it is a simple matter of whether we are going to lay the predicate right there today to say to the administration: "You have got to cut out hiring everybody in sight."

I will tell you something else that bothers me, and I say this to my friend from West Virginia. How many times have I brought in staff members, trained them and worked with them and the first thing I know they come to me and say, "Senator, I have an offer downtown. They are going to pay me $32,000 a year more than you are paying me." And I say, "Well, fine. You have to make a decision about that."

So I agree with the Senator from West Virginia. I am so glad that he is going to be in charge of the Appropriations Committee. I do not say this disparagingly of anybody who has headed it in the past, because they have all been fine Senators and fine chairmen. But I believe that Senator ROBERT C. BYRD is going to get out a sharp pencil and he is going to look at all of these employees. He is going to look at the money that is being paid to them over and above what most Senators pay for the same type of personnel.

I think we ought to get started this afternoon by sending a message to the taxpayers of the United States of America that we are willing to cut, albeit very little, the increase in the proposed spending for our committees. That is all the amendment does. It is going to cut out half of the projected

increase under Senate Resolution 66. And I think that is a fair proposition if we really mean all of this breast-beating that we do when we go home—and every Senator does it—"I'm for a balanced budget and I am going to vote to limit Federal spending." Well, there are a lot of other things besides charity that begin at home. I think we ought to begin right here and send the right message to the American people, and then I will stand arm and arm with the distinguished chairman of the Senate Appropriations Committee.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 12 minutes and 3 seconds.

Mr. HELMS. I yield back my time.

Mr. FORD. Mr. President, I am ready to yield back the remainder of my time. If the Senator will allow me, then? I move to table the amendment by the distinguished Senator from North Carolina and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

Mr. FORD. Point of information, Mr. President?

The PRESIDING OFFICER. The Senator will state the point of information.

Mr. FORD. Would the Presiding Officer reiterate the unanimous-consent agreement we have as it relates to these two votes?

The PRESIDING OFFICER. Under the previous order, the motion to table the amendment by the Senator from California will be taken up first.

Mr. FORD. These are 15-minute votes?

The PRESIDING OFFICER. In accordance with the standing order.

Mr. FORD. Then, immediately following the tabling motion on the amendment by the Senator from California, the motion by the Senator from North Carolina will be voted on?

The PRESIDING OFFICER. That is correct.

VOTE ON AMENDMENT NO. 7

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment by the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—50

Adams	Fowler	Moynihan
Baucus	Gore	Murkowski
Biden	Gorton	Pell
Breaux	Harkin	Pressler
Bryan	Hatfield	Pryor
Burdick	Hollings	Reid
Byrd	Inouye	Riegle
Conrad	Johnston	Rockefeller
Cranston	Kerrey	Sanford
D'Amato	Kohl	Sarbanes
Daschle	Leahy	Sasser
DeConcini	Levin	Shelby
Dixon	Lieberman	Simon
Dodd	Matsunaga	Simpson
Durenberger	McClure	Stevens
Exon	McConnell	Wirth
Ford	Mitchell	

NAYS—47

Armstrong	Glenn	Mack
Bentsen	Graham	McCain
Bingaman	Gramm	Metzenbaum
Bond	Grassley	Nickles
Boren	Hatch	Nunn
Boschwitz	Heflin	Packwood
Bradley	Heinz	Robb
Bumpers	Helms	Roth
Burns	Humphrey	Rudman
Chafee	Kassebaum	Specter
Coats	Kasten	Symms
Cohen	Kennedy	Thurmond
Danforth	Kerry	Wallop
Dole	Lautenberg	Warner
Domenici	Lott	Wilson
Garn	Lugar	

NOT VOTING—3

Cochran	Jeffords	Mikulski

So the motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 8

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to table the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—62

Adams	Byrd	Ford
Baucus	Cochran	Fowler
Bentsen	Cranston	Garn
Biden	D'Amato	Glenn
Bingaman	Danforth	Gore
Boren	Daschle	Gorton
Bradley	DeConcini	Graham
Breaux	Dixon	Harkin
Bryan	Dodd	Hatch
Bumpers	Domenici	Hatfield
Burdick	Durenberger	Hollings
Inouye	McClure	Rockefeller
Johnston	Metzenbaum	Sanford
Kennedy	Mitchell	Sarbanes
Kerry	Moynihan	Sasser
Kohl	Nunn	Shelby
Lautenberg	Packwood	Simon
Leahy	Pell	Stevens
Levin	Pryor	Warner
Lieberman	Reid	Wirth
Matsunaga	Riegle	

NAYS—36

Armstrong	Heflin	Murkowski
Bond	Heinz	Nickles
Boschwitz	Helms	Pressler
Burns	Humphrey	Robb
Chafee	Kassebaum	Roth
Coats	Kasten	Rudman
Cohen	Kerrey	Simpson
Conrad	Lott	Specter
Dole	Lugar	Symms
Exon	Mack	Thurmond
Gramm	McCain	Wallop
Grassley	McConnell	Wilson

NOT VOTING—2

Jeffords	Mikulski

So the motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I rise today as the chairman of the Committee on the Budget in support of Senate Resolution 66, the committee funding resolution, one part of which is the funding authorization for the Committee on the Budget. I also want to voice my opposition to the Helms amendment that would effectively cut the increases in those committee budgets in half.

As for almost all of the committee funding requests, the Budget Committee's request calls for a 10-percent salary increase so that the committee may continue to recruit and retain top-notch, experienced staff for the difficult and challenging work that lies ahead of it in the budget process. This request is within the guidelines that the Rules Committee recommended.

It's worth noting that, after allowing for the 4.1-percent cost-of-living adjustment that went into effect January 1, 1989, the increase requested results in a true increase of only 5.9 percent.

It's also worth noting that this increase is for the first year of a 2-year budget. The second year has built into it only a 2-percent cost-of-living increase.

Government service is a privilege of which we are all proud. But especially in areas requiring technical expertise, it is difficult to compete with the much higher salaries in the private sector. After just a few years in Government service, many seasoned and experienced staff members go to work in the private sector in order to be able to pay their mortgages and send their children to college. Retaining experienced staff with proven expertise

in budget matters is key, and this request is necessary to get the flexibility to hire and hold the best possible people.

Our Budget Committee staff provides valuable technical assistance and advice not only to Budget Committee members, but to all of our Senate Members. We want to continue to provide and enhance that support service.

In closing, I want to commend the work of the Rules Committee, its chairman, Senator FORD, and its ranking member, Senator STEVENS. They have performed the difficult and often thankless task of keeping a lid on the budget. Believe me, as chairman of the Budget Committee, I know what sort of pressures they had to deal with. They deserve our support, as does the committee funding resolution that they have brought before us today.

The PRESIDING OFFICER. Do the floor managers desire to yield back their time on the resolution?

Mr. FORD. I yield back my time, Mr. President.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the resolution.

The resolution was agreed to:

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1989 and 1990".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1989, through February 28, 1990, in the aggregate of $53,252,088, and for the period March 1, 1990 through February 28, 1991, in the aggregate of $53,430,099 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms, United States Senate, Department of Telecommunications, or (3) for the payments to the Keeper of Stationery, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,876,650, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,914,132, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,736,267, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,828,540, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,728,969, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,785,811, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,560,816, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,614,125, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,313,130, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,694,395, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $11,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,673,547, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,604,115, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,657,355, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,754,692, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended),

and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,814,065, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,666,656, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,721,004, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,951,018, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,051,556, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditures of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the

sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure (4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 381 of the One Hundredth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Judiciary is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,748,545, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,846,789, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,981,973, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,085,260, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,430,672, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Small Business is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,012,941, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,035,734, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,123,937.

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,148,131.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,200,008, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended

for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,213,792, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,305,816, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,353,721, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,887,941, of which amount not to exceed $174,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,021,116, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(d)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1989, through February 28, 1990, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to State governments, Indian education, health, special services, and other Federal programs, and related matters.

(2) For the purpose of this section the special committee is authorized from March 1, 1989, through February 28, 1990, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis the services of personnel of any such department or agency.

(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(e) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1990.

SPECIAL RESERVE

SEC. 22. Of the funds authorized for any Senate committee by Senate Resolution 381, agreed to February 26, 1988, for the funding period ending on the last day of February 1989, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1989, and ending with the close of September 20, 1989, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1989, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1989.

SEC. 23. Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1990, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1990, and ending the with close of September 30, 1990, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1990, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1990.

LIMITS ON FRANKED MAIL MAILED WITH A SIMPLIFIED FORM OF ADDRESS

SEC. 24. (a) S. Res. 458, agreed to September 9, 1988, is hereby repealed.

(b) The total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Senator entitled to mail franked mail may not exceed an amount equal to six multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected. Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Senator or such Senator's personal staff representative in the State from which such Senator was elected shall not count against the limitation set forth in the preceding sentence.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION AUTHORIZING TESTIMONY OF EMPLOYEE OF THE SENATE.

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution, authorization for testimony by a present and a former employee of the Senate, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 71) to authorize a present and a former employee of the Senate to testify in the case of United States v. Ladd Anthony.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Department of Justice has requested that a present and a former employee of the Senate provide testimony in the case of United States versus Ladd Anthony, which is a criminal prosecution pending in the U.S. District Court for the Northern District of Ohio. The prosecution arises from a referral to the Department of Justice by Senator METZENBAUM's office. This resolution authorizes one present and one former employee on Senator METZENBAUM's staff to provide testimony relevant to the trial of these charges in response to the Department's request. No matters of legislative privilege are involved.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 71

Whereas, in the case of *United States v. Ladd Anthony,* Cr. No. 88-271, pending in the United States District Court for the Northern District of Ohio, the Department of Justice has requested the testimony of Candy Korn, a present member, and Peter Harris, a former member, of Senator Metzenbaum's staff;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Candy Korn and Peter Harris are authorized to testify in the case of *United States v. Ladd Anthony.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I inquire of the acting Republican leader whether calendar items numbered 5 through 20 have been cleared on his side of the aisle.

Mr. STEVENS. Yes, those items are cleared on this side of the aisle.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar items 5 through 20 en bloc; that, as necessary, they be read for the third time and passed or agreed to; that the preambles, where indicated, be agreed to; and that the motions to reconsider on all votes be tabled en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF ADDITIONAL COPIES OF A SENATE REPORT

The resolution (S. Res. 53) authorizing printing additional copies of Senate report titled "Developments in Aging: 1988," was considered, and agreed to.

The resolution is as follows:

S. RES. 53

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1988", which may be printed at a cost not to exceed $1,200.

JEWISH HERITAGE WEEK

The joint resolution (S.J. Res. 25) to designate the week of May 7, 1989, as "Jewish Heritage Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 25

Whereas May 10, 1989, marks the forty-first anniversary of the founding of the State of Israel;

Whereas the months of April, May, and June contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history and traditions of the Jewish community and the contributions of Jews to our country and society; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 7, 1989, through May 14, 1989, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, State and local government agencies, and interested organizations to observe the week with appropriate ceremonies, activities and programs.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

The joint resolution (S.J. Res. 32) to designate February 2, 1989, as "National Women and Girls in Sports Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 32

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas support and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of such female athletes as Jackie Joyner-Kersee, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the U.S. Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride to all of us;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 2, 1989, is hereby designated as "National Women and Girls in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL MINORITY CANCER AWARENESS WEEK

The joint resolution (S.J. Res. 34) designating the week of April 16, 1989 through April 22, 1989, as "National Minority Cancer Awareness Week" was considered, ordered to be en-

grossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 34

Whereas the month of April each year is designated as National Cancer Month for the purpose of promoting increased awareness of the causes, types, and treatments of cancer;

Whereas the National Cancer Institute has recognized that significant differences exist in the incidence of cancer and survival rates for cancer patients between minority and economically disadvanged communities in the United States and the population in general;

Whereas increased awareness of the causes of cancer and available treatments will help reduce cancer rates among minorities and the economically disadvantaged through preventive measures and will improve survival rates for cancer patients through early diagnosis;

Whereas a comprehensive national approach is needed to increase awareness about cancer among minorities and economically disadvantaged persons, and to encourage health care professionals, researchers, and policy makers to develop solutions to the cancer-related problems unique to these communities; and

Whereas focusing public attention on cancer in minority and economically disadvantaged communities during one week so designated will have a positive impact on preventive health care and treatment in these communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 16, 1989, through April 22, 1989, is designated as "National Minority Cancer Awareness Week", and the President is autorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe the week with appropriate programs and activities.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1989

The joint resolution (S.J. Res. 37) designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 37

Whereas osteoporosis, a degenerative bone condition, afflicts 25,000,000 people in the United States;

Whereas osteoporosis afflicts 90 percent of women over age 75;

Whereas 50 percent of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 percent of women and 17 percent of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 percent, with such fractures resulting in the death of over 50,000 older women and many older men each year;

Whereas 15 to 25 percent of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 percent of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was over $10,000,000,000 in 1988 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarett use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteporosis: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 14, 1989, is designated as "National Osteoporosis Prevention Week of 1989", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with approriate programs and activities.

NATIONAL STUDENT-ATHLETE DAY

The joint resolution (S.J. Res. 39) to designate April 6, 1989, as "National Student-Athlete Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 39

Whereas, the student-athlete represents a role model worthy of emulation by America's youth;

Whereas, the past athletic successes of many of America's business, governmental, and educational leaders dispell the myth that successful athletes are one-dimensional;

Whereas, such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas, participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of ethnic and racial groups different from one's own;

Whereas, in spite of all the positive aspects of sport, overemphasis on sport at the expense of education can cause serious harm to an athlete's future;

Whereas, the pursuit of victory in athletics among our nation's schools and colleges too often leads to exploitation and abuse of the student-athelete;

Whereas, less than one in one hundred high school athletes ever play Division I college athletics;

Whereas, while college athletes in general graduate at the same rate as other students, less than 30 per centum of scholarship athletes in revenue producing sports even graduate;

Whereas, only one in ten thousand high school athletes who dream of a career in professional sports ever realize that aspiration, while those who do can expect a professional sports career of less than four years;

Whereas, thousands of America's youth sacrifice academic achievement to the dream of professional athletics;

Whereas, the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas, coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas, there is a need in this Nation to reemphasize the "student" in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1989, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

NATIONAL ARBOR DAY

The joint resolution (S.J. Res. 40) to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day" was considered, ordered to be engrossed for a third reading, read third time, and passed.

The joint resolution is as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1989 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

CRIME VICTIMS WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 44) designating the week of April 9, 1989, as "Crime Victims Week."

Mr. THURMOND. Mr. President, I am pleased that we are today voting on Senate Joint Resolution 44, legislation which would designate the week of April 9-15, 1989, as "Crime Victims Week." Fifty-four Members of the Senate have joined me as cosponsors on this commemorative which focuses America's attention on the plight of the victims of crime.

It is a sad legacy that over the past few years, nearly 35 million Americans were victimized annually by criminal acts; 6 million individuals per year are raped, robbed, beaten, or murdered. The impact of crime is devastating to innocent victims and their families. In addition to the physical injuries and

the financial losses, the victim is further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings. It is disturbing that the likelihood of becoming a victim of violent crime is now greater than that of being injured in an automobile accident.

Further compounding the pain and anguish victims must endure has been an historical insensitivity to their plight. The criminal justice system has oftentimes ignored the rights of victims before making crucial decisions regarding their cases or failed to notify them that a defendant had been released on bail. While the system offered legal representation and other forms of aid to the accused, it offered minimal assistance to the victim in recovering from the tremendous burden resulting from victimization.

Six years ago, the President's Task Force on Victims of Crime presented an agenda to correct these injustices and restore balance to the criminal justice system. At the Department of Justice, an Office for Victims of Crime was established within the Office of Justice Programs for the purpose of helping States implement the task force's recommendations. The Federal Government began awarding fines collected from convicted Federal offenders to the States to aid victims of crime. In addition, the National Victims Resource Center within the Office for Victims of Crime was established to provide information on victim assistance programs and laws. Largely as a result of these efforts, community programs for victims have grown in number and now every State has a designated agency responsible for victim services.

Much progress is being made to help the victims adjust, but much more needs to be done. Through the continued efforts of State and local governments and private organizations and concerned citizens, the trauma suffered by the innocent victims of crime will be eased.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follow:

S.J. RES. 44

Whereas millions of Americans are victims of crime each year;

Whereas many of those crime victims are traumatized further by the physical, psychological, and financial burdens resulting from their victimizations;

Whereas the sensitivity of our Nation's criminal justice system must be improved when working with crime victims and their families.

Whereas much progress has been made to correct these injustices by implementing in the Federal, State, local, and private sectors the recommendations of the President's Task Forse on Victims of Crime; and

Whereas continuation of these efforts must be encouraged to ensure the restoration of balance to our Nation's criminal justice system and the fair and compassionate treatment of crime victims and their families; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 9, 1989, is designated as "Crime Victims Week", and the President is authorized and request to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

OLDER AMERICANS MONTH

The joint resolution (S.J. Res. 45) designating May 1989 as "Older Americans Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 45

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the traditional designation of the month of May as "Older Americans Month" and the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, the President is authorized and requested to issue a proclamation designating the month of May 1989 as "Older Americans Month" and calling on the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

NATIONAL CHILD CARE AWARENESS WEEK

The joint resolution (S.J. Res. 50) to designate the week beginning April 2, 1989, as "National Child Care Awareness Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 50

Whereas the status and composition of the family in the United States is constantly changing;

Whereas today 57 percent of all women with children younger than six years of age work outside the home;

Whereas by 1995, two-thirds of all preschool children and more than three-quarters of all school-age children will have mothers in the work force;

Whereas the increasing participation of women in the work force will continue to increase the demand for child care during the working hours;

Whereas adequate child care is an increasingly important element in enhancing the productivity of the work force and enabling parents to receive additional job training;

Whereas child care experts have long known that a child's first five years are the ideal base to support lifelong learning, and child care providers in both homes and child care centers can provide vital assistance to parents in these critical years;

Whereas the collaboration of public and private efforts is essential to developing accessible, high quality child care;

Whereas the National Association for the Education of Young Children is sponsoring a week of the young child, and it is appropriate for Congress to designate the same week as a period devoted to increasing public awareness of child care issues;

Whereas communities across the United States are planning special activities to honor child care providers to illustrate the importance of high quality child care during that week; and

Whereas all children deserve high quality child care, and all parents have a profound obligation to provide a safe wholesome environment for their children at all times: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 2, 1989, is designated as "National Child Care Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

NATIONAL CANCER AWARENESS MONTH

The joint resolution (S.J. Res. 51) to designate the month of April, 1989, as "National Cancer Awareness Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follow:

S.J. RES. 51

Whereas cancer is one of the most urgent medical challenges of our day;

Whereas an estimated 494,000 Americans died of cancer in 1988;

Whereas cancer is predicted to strike in three out of four American families during a lifetime;

Whereas 174,000 American lives can be saved this year through the early detection and treatment of cancer;

Whereas it is appropriate and cost-effective to focus the attention of the Nation on the importance of cancer research and preventative cancer examinations; and

Whereas there is good news concerning cancer with 3,000,000 Americans alive today who have been "cured" of cancer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1989, is designated as "National Cancer Awareness Month", and the Presi-

dent is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

EXPRESSING GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

The joint resolution (S.J. Res. 52) to express gratitude for law enforcement personnel was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follow:

S.J. RES. 52

Whereas the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

Whereas each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

Whereas law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

Whereas law enforcement personnel perform their duties without adequate recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day, U.S.A.", May 1, 1989, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquillity and guarantee the legal rights of all individuals of this Nation.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

The joint resolution (S.J. Res. 56), designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution is as follows:

S.J. RES. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 23 through April 29, 1989, and the last full week of April of each subsequent year are designated as "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation acknowledging such week.

HIGH SCHOOL RESERVE OFFICER TRAINING CORPS RECOGNITION DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 58) to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

Mr. DOMENICI. Mr. President, I urge the Senate to support Senate Joint Resolution 58, which declares May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

This joint resolution was reported by the Senate Judiciary Committee on February 23, and is the first such joint resolution to come before the Senate to honor the dedicated young men and women who are involved in the high school ROTC Program.

I am pleased that this resolution has attracted broad bipartisan support, as demonstrated by the large number of Democrats and Republicans among the 56 cosponsors. Their support has been for good reason!

Since their establishment in 1916, the Reserve Officer Training Corps high school divisions have helped prepare hundreds of thousands of young men and women to take on the responsibilities of citizenship, once their high school years are completed.

Today, approximately 250,000 young men and women participate in the High School ROTC Program, which has nearly 1,500 Army, Navy, Air Force, and Marine Corps units.

Not only has this program given young cadets the opportunity to participate in vocational or academic high school ROTC programs while earning credit for graduation, but it has also given them the chance to understand the honor of serving our great country.

Through the High School ROTC Program, cadets have been able to provide service to their school and to their community while learning the importance of citizenship, leadership, teamwork, academic excellence, physical fitness, and self-confidence.

These are characteristics that are demonstrated in all walks of life by the military personnel, business professionals, writers, painters, and persons of countless other occupations who have had the experience of the Reserve Officer Training Corps.

While my own State of New Mexico ranks 25th in the Nation, according to the number of high school ROTC units—Texas, Florida, and California hold the top three spots—I can honestly say that the dedication, determination, and diligence that I have seen in New Mexico's 18 active units places us at the very top of the list when it comes to pride!

Our New Mexico cadets, however, share that pride with the remaining 1,454 high school units that make up the ROTC high school divisions throughout the United States, plus the Department of Defense Dependent Schools in the Caribbean, the Pacific, Asia, and Europe.

Mr. President, support for this resolution indicates support for the hard work and achievements of America's young citizens, instructors, and past participants of the High School ROTC Program. Frankly, their dedication deserves nothing less than our full support and encouragement.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 58

Whereas in 1916 the Congress authorized the establishment of high school divisions of the Reserve Officer Training Corps;

Whereas hundreds of high schools across the United States, and United States operated high schools abroad, offer High School Reserve Officer Training Corps programs of the various military services;

Whereas High School Reserve Officer Training Corps programs have provided a valuable and unique learning opportunity for hundreds of thousands of high school students for almost four generations;

Whereas the programs of instruction for High School Reserve Officer Training Corps units concentrate on the development of desirable traits in its participants, such as good citizenship, leadership, teamwork, individual initiative, and pride and respect for the United States, its flag, laws, and Constitution;

Whereas the High School Reserve Officer Training Corps programs, being highly successful in developing desirable traits in its participants, have made a valuable contribution to the United States and to the education of the youth of our Nation;

Whereas it is appropriate to acknowledge and honor the contribution of the High School Reserve Officer Training Corps, and its cadets and instructors, both past and present; and

Whereas May 17, 1989, marks the seventy-third anniversity of the authorization of the High School Reserve Officer Training Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 17, 1989, is hereby designated as "High School Reserve Officer Training Corps Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activies.

NATIONAL DRINKING WATER WEEK

The joint resolution (S.J. Res. 60) to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 60

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality;

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future;

Whereas the public expects high quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1989, is designed as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health safety, and quality of the life we enjoy.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 63) designating June 14, 1989, as "Baltic Freedom Day," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 63

Whereas the people of the Republics of Lithuania, Latvia, and Estonia (hereinafter referred to as the "Baltic Republics") have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics existed as independent, sovereign nations and as fully recognized members of the League of Nations;

Whereas 1989 marks the 50th anniversary of the infamous Molotov-Ribbentrop Pact in which the Soviet Union colluded with Nazi Germany, thus allowing the Soviet Union in 1940 to illegally seize and occupy the Baltic Republics and to incorporate such republics by force into the Soviet Union against the national will and the desire for independence and freedom of the people of such republics;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, 20 percent of the total population of the Baltic Republics had been lost;

Whereas the people of the Baltic Republics have individual and separate cultures and national traditions and languages which are distinctively foreign to those of Russia;

Whereas since 1940, the Soviet Union has systematically implemented Baltic genocide by deporting native Baltic peoples from Baltic homelands to forced labor and concentration camps in Siberia and elsewhere;

Whereas by relocting masses of Russians to the Baltic Republics, the Soviet Union has threatened the Baltic cultures with extinction through russification;

Whereas through a program of russification, the Soviet Union has introduced ecologically unsound industries without proper safeguards into the Baltic Republics, and the presence of such industries has resulted in deleterious effects on the environment and well-being of the Baltic people;

Whereas the Soviet Union, despite recent pronouncements of openness and restructuring, has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberty, and religious freedom;

Whereas the people of the Baltic Republics are subjugated by the Soviet Union, are locked into a union such people deplore, are denied basic human rights, and are persecuted for daring to protest;

Whereas the Soviet Union refuses to abide by the Helsinki accords which the Soviet Union voluntarily signed;

Whereas the United States stands as a champion of liberty, is dedicated to the principles of national self-determination, human rights, and religious freedom, and is opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, had repeatedly voted with a majority of that international body to uphold the right of other countries of the world to self-determination and freedom from foreign domination;

Whereas the Soviet Union has steadfastly refused to return to the people of the Baltic Republics the right to exist as independent republics, separate and apart from the Soviet Union, or to permit a return of personal, political and religious freedoms; and

Whereas 1989 marks the 49th anniversary of the continued policy of the United States of not recognizing the illegal forcible occupation of the Baltic Republics by the Soviet Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of the Baltic Republics for freedom and independence from the domination of the Soviet Union;

(2) the Congress deplores the refusal of the Soviet Union to recognize the sovereignty of the Baltic Republics and to yield to the rightful demands for independence from foreign domination and oppression by the people of the Baltic Republics;

(3) June 14, 1989, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, is designated as "Baltic Freedom Day", as a symbol of the solidarity of the people of the United States with the aspirations of the enslaved Baltic people; and

(4) the President is authorized and requested—

(A) to issue a proclamation calling upon the people of the United States to observe Baltic Freedom Day with appropriate ceremonies and activities, and

(B) to call upon the Soviet Union, the Federal Republic of Germany, and the Democratic Republic of Germany to renounce the acquisition or absorption of the Baltic Republics by the Soviet Union as a result of the Molotov-Ribbentrop Pact.

SENATE RESOLUTION 68 INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate Resolution 68 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER AUTHORIZING FILING OF REPORTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee be permitted to file its report this evening on the nomination of John G. Tower, to be Secretary of Defense.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall not object, I assume that includes the filing of the minority report.

Mr. MITCHELL. Yes, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 72

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that when the Senate considers the resolution regarding the author Salman Rusdie to be offered by myself and others, it be considered under the following time limitation, which is to say 20 minutes on the resolution to be equally divided between myself and the Republican leader or his designee with no amendments or motions to be in order with respect to the resolution.

The PRESIDING OFFICER. Without objection, it is to ordered.

Mr. MOYNIHAN. I thank the Chair.

RESOLUTION CONDEMNING THE THREATS AGAINST THE AUTHOR AND PUBLISHERS OF THE "SATANIC VERSES"

Mr. MOYNIHAN. Mr. President, I send to the desk a resolution condemning the threats against the author and publishers of the "Satanic Verses." I do so for myself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SAN-

FORD, Mr. GORTON, Mr. GRAHAM, Mr. SIMON, and Mr. D'AMATO.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 72) condemning the threats against the author and publishers of "Satanic Verses."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, this matter was on the Senate floor last week, and only a long meeting of the Committee on Armed Services prevented our adopting it.

It states in the most emphatic terms that the United States absolutely rejects the intellectual terrorism practiced by the Ayatollah Khomeini. He has called for the assassination of a Moslem-born author residing in Britain. He has also called for attacks upon, vengeance upon, and violence to the publishers of "Satanic Verses," Viking Penguin in New York.

Let it be understood in the parts of the world from whence such threats emanate: We are not intimidated and the resources of civilization against its enemies are not exhausted.

It is important to note that this resolution is sponsored by the chairman and ranking member of the Committee on Foreign Relations and of course by our distinguished leaders, the majority leader and the Republican leader.

Mr. DOLE. Mr. President, I am pleased to join with the principal author, Senator MOYNIHAN, with the distinguished majority leader, Senator MITCHELL; with Senators PELL, HELMS, GORTON, D'AMATO and others—in cosponsoring this important resolution. I also want to note the contribution that Senator WALLOP has made to the crafting of this resolution, and to the effort to get Senate action on this important subject.

We are not here as book critics. I haven't read the book in question, and I do not intend to. And we are not here to pass judgment on anyone's religions views. That is not the job of the Senate.

But it is not only the job, but the responsibility, of the Senate to say, loud and clear: There is an internationally recognized standard of civilized behavior; and it never includes levying international "death warrants," without any due process or recognition of individual rights, on anyone—author, publisher, or anyone else.

And it is also our responsibility to reaffirm our four square, unequivocal opposition to terrorism in all its forms—whether it is the terrorism of an individual fanatic, like the Ayatollah Khomeini: of the terrorism of the state that he runs with an iron fist, and a heart of hate and intolerance; or the terrorism of a mob.

Terrorism is terrorism. It is abhorrent. It must be condemned. There is no justification for it, period.

That is the policy of this country, and of civilized countries everywhere. That is the essence of this resolution.

Let us underscore our continuing commitment to this policy, this strong and necessary policy, by passing this resolution. And let that act be encouragement to those who refuse to buckle under to the threats of terrorists, and a rebuke to the Khomeinis of the world, who care not a whit for anyone's rights or beliefs but their own.

Mr. MOYNIHAN. Mr. President, I have also to inform the Senate of something we had thought would not happen in our State of New York. Early this morning the office of the Riverdale Press, a highly respected weekly newspaper in New York City, was fire bombed and all but destroyed.

This was done in the aftermath of an editorial published by that newspaper; a thoughful, moderate, but firm editorial defending the right to publish, to distribute and to sell. The editorial comment was entitled "The Tyrant and His Chains," and begins, "How fragile civilization is; how easily, how merrily a book burns."

Mr. President, as a statement of solidarity with the publishers of the Riverdale Press, I ask unanimous consent that this editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TYRANT AND HIS CHAINS

How fragile civilization is; how easily, how merrily a book burns," wrote Salman Rushdie when a group of English Moslems publicly burned copies of his novel, "The Satanic Verses," in West Yorkshire last month.

The powers of reason and imagination are indeed the underpinnings of our civilization. To suppress a book or punish an idea is to express contempt for the people who read the book or consider the idea. In preferring the logic of the executioner to the logic of debate, the bookburners and the Ayatollah Khomeini display their distrust for the principle on which self-government rests, the wisdom and virtue of ordinary people.

Americans are fighting back in the most appropriate way possible, by reading and talking about Mr. Rushdie's book. But the cowardly connivance of the big book chains with the Ayatollah is placing obstacles in the way of this counter-attack.

Waldenbooks, the nation's largest chain, began the retreat last Thursday when it removed the book from the shelves of its 1,200 stores. B. Dalton and Barnes & Noble dropped the book the next day, adding another 1,250 stores that won't carry it.

In Riverdale, we're fortunate to have an independent book seller. Readers, not fearful executives, had stripped Paperbacks Plus of "The Satanic Verses" by this weekend. The store has reordered the book and will continue to sell it.

In much of the country however, the big chains are the only game in town. They account for an estimated 20 to 30 percent of all book sales, and their power can make or break a title. Will Viking continue to order reprintings of "The Satanic Verses", if so will many stores refuse to sell it? If not, the chains will have helped win a victory for terrorism.

The chain store executives excuse their surrender to the Ayatollah by expressing concern for the wellbeing of their employees, but by knuckling under they've put others at risk. If a threat can knock the books from the shelves of the Big Three, terrorists may reason, think what a bomb in an uncompliant bookstore could do.

Moreover, terrorism feeds on its successes. What will Waldenbooks do when a homegrown would-be tyrant demands the removal of a politically controversial book from its shelves? And how will it handle the next step, a demand that stores stock a particular book?

The bookstore chains have enormous power. Their decisions can determine what thoughts are disseminated in what form. With that power should go responsibility. Selling books is not the same as selling socks or sundries. Book stores sell ideas and visions; they feed the mind and spirit. They have an obligation to safeguard the freedom of expression.

Independent book stores can't match the buying power of the chains, and therefore can't match their discounted prices. Their proprietors like to say that what they offer to readers who pay full price for their books is service. To that, they can now add something more important: the small additional cost is the price of freedom.

Mr. MOYNIHAN. Mr. President, I do not wish to delay the Senate. This is a matter which has been thoroughly agreed to and I think that it would receive the unanimous support of the body.

I do not observe a representative of the Republican leader on the floor at this point. We have concluded our business for the day.

And knowing that, he is a cosponsor, a principal cosponsor, in the circumstances I would ask whether I might move to have both sides yield back their time under the rule.

The PRESIDING OFFICER. The Senator can certainly do that by consent.

Mr. MOYNIHAN. I do ask unanimous consent that both sides yield back their time under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. In that case, Mr. President, I move adoption of the sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 72) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 72

Whereas, on February 14, 1989, Ayatollah Ruhollah Khomeini of the Islamic Republic of Iran called for the assassination of Salman Rushdie, author of "Satanic Verses," and of the officers of Viking, the U.S. publisher of the book;

Whereas, Viking officers have received death threats since the publication of the book, and Viking offices have been evacuated several times following bomb threats;

Whereas on February 21, 1989, President George Bush condemned Iran's threat against Mr. Rushdie and his publisher as "deeply offensive to the norms of civilized behavior": Now, therefore, be it

Resolved by the Senate, That in recognition of threats of violence made against the above mentioned author and publisher, the Senate—

(1) declares its commitment to protect the right of any person to write, publish, sell, buy, and read books without fear of intimidation and violence;

(2) unequivocally condemns as state-sponsored terrorism, the threat of the government of Iran and Ayatollah Ruhollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) expresses its support for the publishers and booksellers who have courageously printed, distributed, sold, and displayed "Satanic Verses" despite the threats they have received;

(4) applauds President Bush for his strongly worded statement of outrage against the Iranian government's actions and calls upon the President to continue to condemn publicly any and all threat's made against the author and his publishers;

(5) commends the European Community member states for withdrawing their diplomatic corps from Iran in response to the Ayatollah's death sentences;

(6) recognizes the sensitivity of religious beliefs and practices, respects all religions and the commitment of the religious to their faith, and repudiates religious intolerance and bigotry, and

(7) calls upon the President of the United States to take swift and proportionate action in consultation, as appropriate, with other interested governments, in the event that violent acts should occur.

Mr. MOYNIHAN. Mr. President, I thank the Chair for its great courtesy. I hope that the Nation and the world will take note that the Senate has spoken.

I say once again that this would have occurred last week save for a certain inadvertence in a committee schedule.

Mr. President, I see no one else seeking the floor, and I accordingly suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. HUMPHREY. Mr. President, relative to the Tower nomination, I made an interesting calculation today, or I should say I asked my staff to do it. Here is what they found: Among the Members of this body who are now holding office, there is a corporate knowledge of John Tower totaling 651 years.

This Senator has known Senator Tower for 10 years. I served with him for 6 years on the Armed Services Committee for I suppose thousands of hours in public and observed Senator Tower for scores of hours in private during those 6 years. And never once did this Senator see John Tower compromised in any way. I never saw him drink excessively, can barely remember him ever taking a drink, never saw him drink excessively, never saw him in any way under the influence of alcohol, certainly never saw him inebriated in public or in private at any time; never saw him compromised in any way, in any respect; never saw him compromised, period, in those 10 years, 6 years at close range.

So my part of that 651 years, that 6½ centuries of corporate personal knowledge, which this body possesses of the nominee, my part is 10 years. But my observations, as I gather, are not the least bit unique. There is not another Senator whom I have asked who ever saw John Tower in any way compromised.

We know that the FBI solicited opinions and recollections from a number of Senators, I am not sure quite on what basis those Senators were chosen, but it was clear that the FBI was soliciting from this body opinions and none of those Senators who were interviewed could recollect Senator Tower ever being compromised in any way. And we know for a fact, that those Senators who have known John Tower and whose corporate knowledge is 651 years, none of them have ever come forward either to the FBI in private, even on the basis of anonymity which the FBI offers, to say that they thought John Tower was in any way ill-suited or unsuited to this position; 651 years of knowledge and apparently some Members are prepared to throw that out in favor of a few ratty, unsubstantiated allegations in this FBI report.

I think that indicates what is going on here. It is preposterous, it is disturbing, and it is beginning to form a pattern, it seems to this Senator. This is Bork all over. I am not going to get into the Bork nomination, but it is the same tactic—smear, innuendo, false charges, name calling.

In my view, the real basis of opposition to John Tower, for the most part, is that he is very bright, probably has a more extensive knowledge, a greater expertise in defense matters than any citizen of this country. There might be two or three who exceed—I doubt it, but it is possible—John Tower's expertise. He is smart, he is expert, he is tough. That is probably his problem—he is tough. He is a tough Texan, a scrappy little guy. If he were an eastern establishment effete type, he would probably have clear sailing. But he is tough and he was very tough as chairman of that committee and he stepped on a lot of toes and now that is coming back to haunt him, in my opinion.

How else can you explain it? Throwing away 651 years of firsthand, close-up observation, not occasional observation, daily, virtually daily, observation. Makes you wonder what is going on here. It is pretty disillusioning to this Senator.

The FBI has investigated this nominee more thoroughly—not that he deserved it, but because of the way the process has been strung out and the invitation has been hung out for any malcontent in America who was willing to come forward, even on the telephone, with an anonymous charge and allegation. In any event, there can be no doubt that this nominee has been more thoroughly investigated than any nominee for any office requiring Senate confirmation in the history of this country.

Until just this week, that FBI report was not available to the bulk of the Members of this body. It was available only to the Armed Services Committee members. But, inasmuch as the Armed Services Committee has now acted as of last week, the report is available this week to the rest of us.

Like so many others, I have been trying to find time to leaf through that tome. The summary, Mr. President, as the Chair well knows—I observed him in the secure room today reading it conscientiously—the summary is about this thick and it is not even double spaced. It is a massive undertaking to review it.

I have been giving special attention to the sections devoted to the allegations that Senator Tower has drinking problems. I am not going to say that I have completed that yet because I have not been able to find enough time because, as I have said, anyone can get himself or herself recorded in an FBI investigation of this kind even on an anonymous basis, and it all gets very thoroughly documented. I have not finished it yet, but I am about halfway through these allegations that relate to the drinking charge. So far, so far, it appears to me that the White House is correct in its characterization.

The White House is saying that there are no charges relative to drinking allegations, there are no charges by persons willing to have their names used; that is to say, if you throw out the anonymous allegations, if you focus only on the allegations of persons who are willing to have their names used on a confidential basis, privacy and confidentiality protected, a name shared only with 100 citizens in this country who happen to be Members of this body, if you take just those, according to my reading so far,

there is no one allegation that is corroborated by a second party. Many of those allegations are disputed by second parties.

Well, I wanted to share that with whoever might be listening. Six hundred and fifty-one years of direct, personal, intimate contact with this man John Tower and some are prepared to give that about as much weight I guess as a feather duster and to give immense weight to this other rubbish.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON ACTIVITIES UNDER THE HIGHWAY SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

The Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, both enacted in 1966, initiated a national effort to reduce traffic deaths and injuries and require annual reports on the administration of the Acts. This is the 21st year that these reports have been prepared.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards).

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety that are addressed in the volume on highway safety.

The national outrage against drunk drivers, combined with growing safety belt use and voluntary cooperation we have received from all sectors of American life, have brought about even more improvements in traffic safety.

In addition, despite large increases in the number of drivers and vehicles, the Federal standards and programs for motor vehicle and highway safety instituted since 1966 have contributed to a significant reduction in the fatality rate per 100 million miles of travel. The rate decreased from 5.5 in the mid-60's to the 1987 level of 2.4, the lowest in our history.

The important progress we have made is, of course, no consolation to the relatives and friends of those 46,386 people who, despite the safety advances and greater public awareness, lost their lives in 1987. But it is indicative of the positive trend established toward making our roads safer.

The loss of approximately 127 lives per day on our Nation's highways is still too high. Also, with the increasing motor vehicle travel, we are faced with the threat of an even higher number of traffic fatalities. Therefore, there is a continuing need for effective motor vehicle and highway safety programs.

We will continue to pursue highway and motor vehicle safety programs that are most effective in reducing deaths and injuries. We are convinced that significant progress in traffic safety can be achieved through the combined efforts of government, industry, and the public.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1989.*

NATIONAL TRADE POLICY AGENDA—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 1641 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1271), I hereby transmit the National Trade Policy Agenda for calendar year 1989; and an addendum to the Twenty-ninth Annual Report on the Trade Agreements Program, 1988, that was sent to the Congress on January 3, 1989. The addendum includes a statement on negotiations in the General Agreement on Tariffs and Trade (GATT) regarding an import fee for trade adjustment as required by Section 1428 of that Act.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1989.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 27, 1989, received a message from the House of Representatives announcing that pursuant to section 11 of Public Law 99-158, the Speaker appoints as members of the Biomedical Ethics Board the following Members on the part of the House: Mr. WAXMAN, Mr. THOMAS A. LUKEN, Mr. ROWLAND of Georgia, Mr. GRADISON, Mr. TAUKE, and Mr. BLILEY.

The message also announced that pursuant to the provisions of 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 101st Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. CRANE, and Mr. FRENZEL.

The message further announced that pursuant to the provisions of section 3, Public Law 93-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following Members on the part of the House: Mr. HOYER, cochairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. FEIGHAN, Mr. RITTER, Mr. PORTER, Mr. SMITH of New Jersey, and Mr. WOLF.

The message also announced that pursuant to the provisions of section 244(a)(1)(b) of Public Law 100-607, the Speaker appoints to the National Commission on Acquired Immune Deficiency Syndrome the following on the part of the House: Mr. ROWLAND of Georgia; and, from private life: Mr. Scott Allen, Dallas, TX; Mr. Norman E. Zinberg, Cambridge, MA; Mr. Donald S. Goldman, Livingston, NJ; and Mrs. Diane Ahrens, St. Paul, MN.

The message further announced that pursuant to the provisions of section 4(a), Public Law 92-484, the Speaker appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. UDALL, Mr. BROWN of California, Mr. DINGELL, Mr. MILLER of Ohio, Mr. SUNDQUIST, and Mr. HOUGHTON.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC—596. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on a violation of the Antideficiency Act involving overobligation of an approved appropriation; to the Committee on Appropriations.

EC—597. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the Department of Defense Manpower Requirements Report for fiscal year 1990; to the Committee on Armed Services.

EC—598. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Strategic Defense Initiative Organization intends to exercise a provision of law providing for the exclusion of examination of records by the Comptroller General; to the Committee on Armed Services.

EC—599. A communication from the Chairman of the Commission on Merchant Marine and Defense, transmitting, pursuant to law, the fourth and final report of the Commission entitled "A Plan for Action"; to the Committee on Armed Services.

EC—600. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Allies Assuming a Greater Share of the Common Defense Burden"; to the Committee on Armed Services.

EC—601. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention of the Department of the Navy to offer certain vessels for lease to the Government of Brazil; to the Committee on Armed Services.

EC—602. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priorities for Certain New Direct Grant Awards under the Office of Special Education; to the Committee on Labor and Human Resources.

EC—603. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC—604. A communication from the Administrator of General Services, transmitting, pursuant to law, the sixth report on Federal actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban affairs.

EC-605. A communication from the Acting Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1988 interim annual report on the Neighborhood Development Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-606. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the imposition of foreign policy export controls on certain chemicals and biological agents; to the Committee on Banking, Housing, and Urban Affairs.

EC-607. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on activities undertaken by the Department of Transportation to implement the Commercial Space Launch Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-608. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the annual report on each route operated by AMTRAK during fiscal year 1988, the 1989 Legislative Report, the fiscal year 1989 AMTRAK Compensation Report, and AMTRAK's 1988 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-609. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled the "Advanced Solid Motor Contingent Liability Act"; to the Committee on Commerce, Science, and Transportation.

EC-610. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project; to the Committee on Energy and Natural Resources.

EC-611. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the 1987 annual report of the Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC-612. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for the fourth quarter of 1988 and the annual report for 1988; to the Committee on Energy and Natural Resources.

EC-613. A communication from the Deputy Associate Director of Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-614. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of EPA's Financial Statements for Fiscal Year 1987"; to the Committee on Environment and Public Works.

EC-615. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the final report on the use of dry cask storage at nuclear reactor sites to meet the utility industry's spent nuclear fuel storage needs through the start of operation of a permanent geologic repository; to the Committee on Environment and Public Works.

EC-616. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the safety research program of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

EC-617. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the Department's plan to restructure the quality control systems of the Aid to Families With Dependent Children and Medicaid Programs; to the Committee on Finance.

EC-618. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of those Foreign Military Sales customers with approved cash flow financing in excess of $100 million as of October 1, 1988; to the Committee on Foreign Relations.

EC-619. A communication from the Chairman of the United States Advisory Commission on Public Diplomacy, transmitting, pursuant to law, the 1988 report of the Commission; to the Committee on Foreign Relations.

EC-620. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to February 16, 1989; to the Committee on Foreign Relations.

EC-621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-304 adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-622. A communication from the Acting Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-623. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-624. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the annual report on the Public Health Service Commissioned Corps Retirement Plan for the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-625. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report on the system of internal control and financial systems of the Commission for calendar year 1988; to the Committee on Governmental Affairs.

EC-626. A communication from the Director of the Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-627. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of People's Counsel Agency Fund"; to the Committee on Governmental Affairs.

EC-628. A communication from the Deputy Secretary of Agriculture, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-629. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report on actions taken by the Department to increase competition and reduce the number and dollar value of noncompetitive contracts; to the Committee on Governmental Affairs.

EC-630. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-631. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the fourteenth 90-day report on the investigation into the death of Enrique Camarena, the investigation into the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-632. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of report issued by the General Accounting Office in January 1989; to the Committee on Governmental Affairs.

EC-633. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations concerning the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC-634. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the amount deposited in the United States Trustee System Fund and a description of expenditures from that Fund for fiscal year 1988; to the Committee on the Judiciary.

EC-635. A communication from the Attorney General of the United States, transmitting, pursuant to law, the third annual report on the activities of the Department of Justice concerning enforcement of the Controlled Substance Registrant Protection Act; to the Committee on the Judiciary.

EC-636. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for Fiscal Year 1987 of the activities under the Administration on Developmental Disabilities, Office of Human Development Services, and the Alcohol, Drug Abuse and Mental Health Administration, Public Health Service; to the Committee on Labor and Human Resources.

EC-637. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Training Program for Special Programs Staff and Leadership Personnel;" to the Committee on Labor and Human Resources.

EC-638. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a document entitled "Assistance to Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid); to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, Volumes I and II" (Rept. No. 101-4).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 59. A resolution commending the Government and people of Pakistan on their return to democracy.

S. Con. Res. 15. A concurrent resolution concerning peace and famine relief in Sudan.

EXECUTIVE REPORTS ON COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk are printed in the RECORD of January 3, February 2, and February 8, 1989, at the end of the Senate proceedings.)

*Maj. Gen. Ronald W. Yates, USAF, to be lieutenant general (Reference No. 72).

*In the Air Force there are 32 appointments to the grade of major general (list begins with James G. Andrus) (Reference No. 74).

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Donald F. Ferrell) (Reference No. 75).

*In the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Richard A. Freytag) (Reference No. 76).

*Gen. Joseph T. Palastra, Jr., USA, to be placed on the retired list in the grade of general (Reference No. 77).

*Col. John Evans Hutton, USA, to be brigadier general (Reference No. 80).

*In the Marine Corps there are 8 promotions to the grade of major general (list begins with Bobby G. Butcher) (Reference No. 81).

*Brig. Gen. G. Richard Omrod, USMCR, to be major general (Reference No. 82).

*Vice Adm. Richard M. Dunleavy, USN, to be reassigned in the grade of vice admiral (Reference No. 85).

*Vice Adm. Diego E. Hernandez, USN, to be reassigned in the grade of vice admiral (Reference No. 86).

*Vice Adm. Jerry O. Tuttle, USN, to be reassigned in the grade of vice admiral (Reference No. 87).

*Rear Adm. Paul D. Butcher, USN, to be vice admiral (Reference No. 88).

*Rear Adm. Raymond P. Ilg, USN, to be vice admiral (Reference No. 89).

*Rear Adm. (Lower Half) Milton Chipman Clegg, USN, to be rear admiral (Reference No. 91).

*In the Navy there are 4 promotions to the grade of rear admiral (list begins with Daniel B. Lestage) (Reference No. 92).

*Rear Adm. (Lower Half) William Bernard Finagin, USNR, to be rear admiral (Reference No. 93).

*In the Navy there are 6 promotions to the grade of rear admiral (lower half) (list begins with Richard Ira Ridenour) (Reference No. 96).

**In the Air Force Reserve there are 48 promotions to the grade of colonel (list begins with Eugene R. Andreotti) (Reference No. 97).

**In the Air Force there are 14 promotions to the grade of colonel and below (list begins with Normando R. Nepomuceno) (Reference No. 98).

**In the Air Force and Air Force Reserve there are 39 appointments to the grade of colonel and below (list begins with Ronald J. Bergman) (Reference No. 99).

**In the Air Force there are 9 promotions and appointments to the grade of lieutenant colonel and below (list begins with Virginia V. Renoudet) (Reference No. 100).

**In the Air Force Reserve there are 24 promotions to the grade of lieutenant colonel (list begins with Thomas R. Beckman) (Reference No. 101).

**In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Simeon D. Bateman, III) (Reference No. 102).

**In the Air Force there are 44 students of the Uniformed Services University of the Health Sciences Class of 1989 for appointment, effective upon their graduation, in a grade and rank to be determined by the Secretary of the Air Force (list begins with John S. Baxter) (Reference No. 103).

**In the Army there are 51 promotions to the grade of colonel (list begins with Barbara M. Alving) (Reference No. 104).

**Major Truman W. Crawford, U.S. Marine Corps, for appointment to the temporary grade of lieutenant colonel, pursuant to Article II, Section 2, Clause 2 of the Constitution (Reference No. 105).

**In the Marine Corps there are 11 appointments to the grade of second lieutenant (list begins with Joel M. Christy) (Reference No. 106).

**In the Navy Reserve there are 7 appointments to the grade of commander (list begins with Benjamin T. Po) (Reference No. 107).

**In the Navy and Navy Reserve there are 38 appointments to the grade of captain and below (list begins with Daniel M. Del Sobral, III) (Refeerence No. 108).

**In the Navy and Navy Reserve there are 24 appointments to the grade of commander and below (list begins with Gregg E. Bauer) (Reference No. 109).

**In the Navy there are 33 appointments to the grade of ensign (list begins with William J. Parker III) (Reference No. 110).

**In the Air Force Reserve there are 286 promotions to the grade of colonel (list begins with Roger M. Ashley) (Reference No. 111).

**In the Air Force there are 2,455 appointments to the grade of captain (list begins with Rawson G. Abernethy) (Reference No. 112).

**In the Air Force there are 53 appointments to the grade of second lieutenant (list begins with Patrick K. Adams) (Reference No. 113).

**In the Army there are 113 promotions to the grade of lieutenant colonel (list begins with Eric D. Adrian) (Reference No. 116).

**In the Army there are 602 appointments to the grade of lieutenant colonel and below (list begins with Shirley O. Ford) (Reference No. 117).

**In the Army there are 404 appointments to the grade of second lieutenant (list begins with Kenneth P. Adgie) (Reference No. 118).

**In the Army there are 1,393 appointments to the grade of second lieutenant (list begins with Michael C. Aaron) (Reference No. 119).

**In the Marine Corps there are 292 transfers to the grade of captain and below (list begins with Robert A. Ballard) (Reference No. 120).

**In the Marine Corps there are 632 appointments to the grade of second lieutenant (list begins with Charlton P. Adams) (Reference No. 121).

**In the Navy there are 131 appointments to the grade of captain and below (list

begins with John Brecka) (Reference No. 122).

**In the Navy there are 154 appointments to the grade of ensign (list begins with Ralph Albanese) (Reference No. 123).

In the Navy there are 2,317 appointments to the grade of ensign (list begins with Lawrence N. Abrams) (Reference No. 124).

Gen. William L. Kirk, USAF, to be placed on the retired list in the grade of general (Reference No. 125).

Lt. Gen. Michael J. Dugan, USAF, to be general (Reference No. 126).

Lt. Gen. Jimmie V. Adams, USAF, to be reassigned in the grade of lieutenant general (Reference No. 127).

In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Timothy E. Breuhl) (Reference No. 149).

In the Navy and Naval Reserve there are 43 appointments to the grade of commander and below (list begins with Cal D. Astrin) (Reference No. 150).

In the Navy there are 1,092 appointments to the grade of ensign (Naval Academy Midshipmen-list begins with Scott Gregory Abel) (Reference No. 151).

Lt. Gen. Andrew P. Chambers, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 157).

Maj. Gen. John J. Yeosock, USA, to be lieutenant general (Reference No. 158).

Lt. Gen. John I. Hudson, USMC, to be Deputy Chief of Staff for manpower and Reserve Affairs (Reference No. 159).

In the Army there are 7 promotions to the grade of colonel and below (list begins with Frank E. Chapple II) (Reference No. 161).

Total: 10,462.

By Mr. PELL, from the Committee on Foreign Relations:

Robert Michael Kimmitt, of Virginia, to be Under Secretary of State for Political Affairs;

Margaret DeBardelben Tutwiler, of Alabama, to be an Assistant Secretary of State; and

Janet Gardner Mullins, of Kentucky, to be an Assistant Secretary of State;

Robert B. Zoellick, of the District of Columbia, to be Counselor of the Department of State; and

Thomas R. Pickering, of New Jersey, to be the Representative of the United States of America to the United Nations with the rank of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Thomas R. Pickering.

Post: Ambassador to the United Nations.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Timothy R. Pickering, none; Margaret S. Pickering, none.

4. Parents names: Hamilton R. Pickering (deceased, August 1987); Sarah C. Pickering, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Marcia S. Hunt, Bruce Hunt, $25, October 1984, Mondale; $50, September 1988, Robt Mrazk, MC; $50, October 1988, DNC.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services, unfavorably, and with the recommendation that the nomination not be confirmed:

John Goodwin Tower, of Texas, to be Secretary of Defense (with minority, supplemental, and additional views) (Exec. Rept. No. 101-1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 453. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 454. A bill to provide additional funding for the Appalachian development highway system; to the Committee on Environment and Public Works.

S. 455. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs; to the Committee on Environment and Public Works.

By Mr. JOHNSTON (by request):

S. 456. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. DURENBERGER, Mr. RIEGLE and Mr. BINGAMAN):

S. 457. A bill to provide for demonstration projects for the improvement of childcare, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI (for himself, Mr. SIMON, Mr. ADAMS, Mr. BRADLEY, Mr. DASCHLE, Mr. HATFIELD, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. WIRTH and Mr. KERRY):

S. 458. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KERRY, Mr. ROCKEFELLER, Mrs. KASSEBAUM, Mr. BENTSEN, and Mr. INOUYE):

S. 459. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 460. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. MATSUNAGA):

S. 461. A bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings; to the Committee on Finance.

By Mr. EXON (for himself, Mr. LAUTENBERG, Mr. SIMON, Mr. ADAMS, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. KASTEN, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. CONRAD, Mr. BRADLEY, Mr. BIDEN, Mr. PELL, and Mr. SARBANES):

S. 462. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 463. A bill to extend patent numbered 3,387,268, "Quotation Monitoring Unit", for a period of ten years; to the Committee on the Judiciary.

By Mr. SANFORD (for himself and Mr. BOND):

S. 464. A bill to promote safety and health in workplaces owned, operated or under contract with the United States by clarifying the United States' obligation to observe occupational safety and health standards and clarifying the United States' responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 465. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 466. A bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steriods; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DIXON):

S. 467. A bill to provide for an accelerated implementation of an approved demonstration project for Federal Aviation Administration employees at certain facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Mr. BRYAN):

S. 468. A bill to transfer real property to the City of North Las Vegas, Nevada; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. BURDICK, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. MOYNIHAN, Mr. SANFORD, Mr. DODD, Mr. LEVIN, and Mr. BRYAN):

S. 469. A bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971; to the Committee on Rules and Administration.

By Mr. EXON:

S. 470. A bill to provide better bus transportation services for residents of rural areas, and for other purposes; to the Com-

mittee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 471. A bill to amend the Mineral Lands Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. SIMPSON):

S. 472. A bill to amend the Foreign Relations Authorization Act, fiscal years 1988 and 1989, to extend the period during which aliens may not be denied visas on certain grounds, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 473. A bill for the relief of Isamu Yasutomi; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 474. A bill to amend the Immigration and Nationality Act to deny the adjudication of certain political asylum claims made in the United States; to the Committee on the Judiciary.

By Mr. SIMON:

S. 475. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

S. 476. A bill to increase the number of refugee admission numbers allocated for Eastern Europe/Soviet Union and East Asia; to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 477. A bill to require the use, in Federal formula grant programs, of adjusted census data, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DODD (for himself, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. MATSUNAGA, Mr. SIMON, Mr. COCHRAN, and Mr. CHAFEE):

S. 478. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S.J. Res. 66. A joint resolution to designate the third week of June of 1989 as "National Dairy Goat Awareness Week"; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. DOLE, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LUGAR, Mr. METZENBAUM, Mr. PACKWOOD, Mr. ROBB, Mr. SASSER, Mr. SPECTER, and Mr. WILSON):

S.J. Res. 67. A joint resolution to commemorate the twenty-fifth anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. CRANSTON, Mr. GRAHAM, Mr. BOND, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HEINZ, Mr. HELMS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. ROTH):

S.J. Res. 68. A joint resolution to designate the month of May 1989, as "Trauma Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 71. A resolution to authorize a present and former employee of the Senate to testify in the case of United States v. Ladd Anthony; considered and agreed to.

By Mr. MOYNIHAN (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SANFORD, Mr. GORTON, Mr. GRHAM, Mr. SIMON, and Mr. D'AMATO):

S. Res. 72. A resolution condemning the threats against the author and publishers of "Satanic Verses"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 453. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

APPRENTICESHIP IMPROVEMENT ACT

Mr. RIEGLE. Mr. President, I rise to introduce the Apprenticeship Improvement Act of 1989 to strengthen the ability of the Bureau of Apprenticeship and Training [BAT] to meet the demand for highly skilled and technically proficient workers for the remainder of this decade and beyond. I am happy to have my friend and colleague from Michigan, Senator LEVIN, as a cosponsor of this legislation.

A properly trained and skilled work force is vital to the effort to rebuild and maintain our country's stature in an increasingly competitive world economy. Since colonial times, apprenticeship training has effectively provided American workers with the skills needed for highly skilled occupations. Enhancing the availability of apprenticeship training offers a low cost way to maintain and expand the quality of our Nation's work force.

The Bureau of Apprenticeship and Training in Department of Labor is charged with the regulation and development of apprenticeship programs. Unfortunately, the staff of the Bureau has been decimated by budget cuts in recent years. During the 1980's, BAT has had its staff cut nearly in half. BAT offices in several major metropolitan areas have been closed and, as a result, several important services have been discontinued.

The apprenticeship system of training is a totally voluntary system with no financial incentives. The successes or failures of the system can be linked directly to the efforts of the individual BAT field staff to promote or sell apprenticeship to the private sector employers and labor unions. There are also linkages with other Federal, State, and local organizations, government officials, legislatures, school districts, community colleges, vocational education, veterans representatives, womens' organizations, minority organizations, and others interested in training and developing skilled workers. BAT staff generally are the only Federal Government representatives working at the State and local level for that purpose. In many cases there is only one BAT staff member to cover an entire State.

Ironically, the Department itself has indicated that the apprenticeship concept should be expanded, not reduced, as an instrument of labor policy. It has been conducting extensive research and soliciting public comment for over a year as part of its Apprenticeship 2000 initiative.

However, the BAT field staff currently are spread too thin to effectively carry out the missions and functions necessary for promoting and maintaining the apprenticeship system. The current staffing level is wholly inadequate to meet current needs, much less the expansion into new occupations contemplated by the Labor Department's Apprenticeship 2000 initiative. Any reassignment of existing staff to the expansion of the concept would doubtless result in a further deterioration of the traditional apprenticeship programs, which have served the construction and manufacturing industries so well.

Mr. President, I introduce the Apprenticeship Improvement Act of 1989 to reaffirm Congress' commitment to apprenticeship and training. The legislation would increase the staff of the Bureau to at least 377 full time employees. In addition, the bill would:

Limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training by disallowing such a reduction if it would reduce the number of civilian employees within the Bureau to fewer than 377 full time employees.

Require a set-aside of 1 percent of the funds for outreach, recruitment, and training programs to increase the participation of women, minorities, handicapped, displaced workers, and the disadvantaged.

Require the Secretary of Labor to submit to Congress within 6 months of enactment a detailed report concerning the Department's directive to determine whether apprenticeship programs comply with regulations governing equal opportunity. The report will include a detailed description of activities carried out by the Department to ensure such compliance, a list of compliance reviews undertaken, and a report describing any sanctions imposed as a result of compliance reviews.

Require the Secretary to establish and maintain a national information collection system for apprenticeships and apprenticeship programs.

Mr. President, the future of the American work force is much too important to allow a program such as this to continue to deteriorate. The increase in the number of BAT positions is moderate. The number would not reach the 1981 level of 459 full time positions, but would exceed the present level of 247 positions.

Further the bill would elevate the Bureau of Apprenticeship and Training to a more important place in the Department of Labor by putting it within the Office of the Secretary headed by an administrator reporting directly to him or her.

I urge my colleagues to support these necessary changes.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apprenticeship Improvement Act of 1989".

SEC. 2. ESTABLISHMENT OF INFORMATION COLLECTION SYSTEM.

Section 2 of the Act of August 16, 1937, (50 Stat. 664; 29 U.S.C. 50), popularly known as the "National Apprenticeship Act", (hereinafter in this Act referred to as the "Act") is amended—

(1) by inserting "(a)" after "SEC. 2.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall establish and maintain a national information collection system for apprenticeships and apprenticeship programs.".

SEC. 3. OUTREACH PROGRAM.

The Act is further amended—

(1) by redesignating section 4 as section 5, and

(2) by inserting after section 3 the following new section:

"SEC. 4. The Secretary shall assure that from the amounts appropriated to carry out this Act in each fiscal year, not less than 1 percent of such amounts shall be available to establish outreach recruitment activities to increase the participation of women, minorities, handicapped individuals, displaced workers, and disadvantaged individuals in the apprenticeship programs authorized by this Act.".

SEC. 4. ESTABLISHMENT OF BUREAU OF APPRENTICESHIP AND TRAINING; APPOINTMENT OF EMPLOYEES.

(a) ESTABLISHMENT.—There is established in the Department of Labor, the Bureau of Apprenticeship and Training (hereinafter in this Act referred to as the "Bureau") which shall carry out the policies and functions of this act in behalf of the Secretary of Labor (hereinafter in this Act referred to as the "Secretary"). The Bureau shall be under the direction of an administrator to be known as the Administrator of the Bureau of Apprenticeship and Training. The Administrator shall report directly to the Secretary.

(b) TRANSFER OF FUNCTIONS.—Functions of the Assistant Secretary for Employment and Training Administration of the Department of Labor with respect to the promotion of labor standards of apprenticeship, including research, information, and publications are transferred to the Bureau. Functions related to apprenticeship, including appropriate administrative and program support services, together with personnel necessary to the administration of such functions, and unexpended balances of appropriations and other funds related thereto, are transferred to the Bureau.

(c) APPOINTMENT OF EMPLOYEES.—The Secretary is authorized to appoint such employees as may be necessary for the administration of this Act in accordance with laws applicable to the appointment and compensation of employees and advisors of the United States.

SEC. 5. INCREASE IN FORCE.

(a) IN GENERAL.—The Secretary shall increase the force within the Bureau to 377 full-time employees no later than January 1, 1990.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 6. LIMITATIONS ON REDUCTION IN FORCE.

(a) IN GENERAL.—A reduction in force may not be conducted within the Bureau if—

(1) the reduction in force would reduce the total number of civilian employees within such Bureau; and

(2) such total number, after the reduction in force, would be less than the equivalent of 377 full-time employees.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 7. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the Congress, not later than 6 months after the date of enactment of this Act, a detailed report concerning whether the apprenticeship program conducted by the Department of Labor under the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), complies with regulations governing equal opportunity.

(b) CONTENTS OF REPORT.—The report required by this section shall include—

(1) a detailed description of activities carried out by the Department of Labor to ensure compliance;

(2) a list of compliance reviews undertaken by the Department; and

(3) a description of any sanctions imposed as a result of the compliance reviews.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 454. A bill to provide additional funding for the Appalachian development highway system; to the Committee on Environment and Public Works.

S. 455. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs; to the Committee on Environment and Public Works.

CORRIDOR 2000 INITIATIVE AND REAUTHORIZATION OF APPALACHIAN REGIONAL COMMISSION

● Mr. ROCKEFELLER. Mr. President, today, along with the distinguished senior Senator from my State of West Virginia, I am very pleased to introduce two pieces of legislation that are vitally important to my State of West Virginia and the Appalachian region. The first piece of legislation that I am introducing today will provide for the completion of the Appalachian Corridor Highway system by the year 2000. This legislation is dependent on a second piece of legislation which reauthorizes the Appalachian Regional Commission for a period of 5 years, which I am also introducing today. A companion bill is being introduced in the House of Representatives today by Congressman NICK RAHALL. The bill is being cosponsored by the entire West Virginia delegation.

In 1965, the Federal Government made a commitment to Appalachia to provide the assistance necessary to bring the region into economic parity with the rest of the Nation. This commitment has not been upheld. The gap has been narrowed in some areas of Appalachia, but we are not at par with the rest of the Nation. We must continue to receive special consideration. The Appalachian Regional Commission has been and is still the instrument to accomplish this goal.

The Appalachian Regional Commission has been marked for termination by the administration since 1981. In 1981, the Governors of the Appalachian States, and I was one of them, asserted that the work of the ARC was not complete, but we agreed to a finish-up plan. This plan would have provided for an orderly completion of the ARC efforts already in progress.

This planned finish up was not possible because the money was not available. The Federal Government made a commitment to the region in 1965 and again in 1981, but neither of these commitments have been upheld.

As a result of appropriations by Congress the ARC has survived, but the effectiveness of the Commission to impact the lives of those living in some of the most distressed areas of the Nation has been severly diminished. This year the region, which includes portions of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and all of West Virgina, received $107 million.

During the last quarter of a century progress has been made in fulfilling the objectives of the Appalachian Regional Commission. Jobs have been created, infant mortality has been halved, substandard housing has been reduced, but much remains to be done. Accordingly to a recent typology prepared by the Appalachian Regional Commission, there are 272 distressed counties in the Nation and of these, 82 are in Appalachia. Nearly one-quarter of Appalachia is distressed. This figure compares to 8 percent for the rest of the Nation. Other key indicators of economic and social welfare consistently lag behind the rest of the Nation.

The legislation that is being introduced to reauthorize the Appalachian Regional Commission will enable both the highway and the area development programs to continue for a period of 5 years. The highway program will be authorized at $144 million dollars per year and the area development program, which provides for black lung clinics, water, sewer, and many other basic human services, will be authorized at $41 million for an annual total of $185 million.

However, reauthorization of the ARC alone will not be enough to complete the 1,000 miles of the Appalachian corridor system that remain to be completed. My second piece of legislation, which is dependent on the reauthorization of the ARC, will require that we tap the highway trust fund surplus to supplement the ARC funding.

My plan calls for a $2 bonus from the trust fund surplus for every dollar that a State commits to the program from its annual Federal highway allocation. In addition, each Appalachian State would have to provide the required 20-percent match for Federal funds. The trust fund bonus would be limited to twice the amount of ARC funding that participating States receive. The program would be totally permissive and should a State choose not to participate, it would not impact their ARC funding.

When the Commission was established in 1965, a major goal was to connect Appalachia with the more prosperous and highly developed regions on either side of the mountains. This highway system would link isolated areas of Appalachia to national markets, a key component in the effort to make the industrial and commercial resources more competitive.

Between 1980 and 1986, 81 percent of the jobs in the region were in counties with completed interstates or corridors. This is a compelling argument for finishing these highways.

I admit that my proposal is ambitious, bold, and aggressive, but this is the attitude that we have to have if we are going to make progress. If we were to continue to fund the corridors at the current rate, they will not be completed until 2065. We cannot wait that long.

My proposal does not request an additional appropriation for the completion of these highways. I want to use funding that has already been collected for the purpose of highway construction.

When the current highway authorization ends in 1991, the bills will come in for 2 years. The gasoline tax is authorized until 1993 to cover these commitments. At the end of 1993, there will be a balance of $6 billion in the trust fund. I think that anyone would call this a surplus.

This balance of $6 billion assumes that the gasoline tax stops the day the commitments are paid. We know that is not going to happen. We will have another highway bill and a continuance of the gasoline tax. However, the next highway bill will not have to dedicate $3.15 billion per year to the Interstate System so those funds will be available for other projects in fiscal year 1994.

States will have to make some tough choices if they are to complete their corridors under this plan by the year 2000. They will have to make sacrifices. By giving up a portion of their annual Federal highway allocation to corridor construction and providing a 20-percent match from State funds, many other pressing highway needs will not be met. In my State of West Virginia, Governor Caperton has increased the gasoline tax and dedicated half of the proceeds to corridor construction.

These roads "halfway to nowhere" are ludicrous. We must complete them. It is certainly the key to economic development of the region. It is, in many cases, our last hope.

In West Virginia, 144 miles of a 410-mile system remain to be completed. There are four corridors which will require construction or substantial upgrading, D, G, H, and L. The largest of these is H which would connect the eastern portion of my State to the Washington-Baltimore area. This area of the State has some of the premier tourist spots, but the accessibility is limited. If we were to open this area of the State, it would provide access to an enormous tourism market creating jobs for West Virginians.

The programs of ARC are a partnership between the Federal, State and local governments. The Federal Government must not be allowed to walk away from its commitment to that partnership—and investment—because of a lack of funding. It is in part due to that partnership that life is better and opportunities are greater for the men, women, and children who live in the 397 counties of the 13 States of Appalachia. But the hopes and dreams of those people, especially the young ones, should not be left unrealized.

I feel that we have a compelling case for reauthorizing the Appalachian Regional Commission and completing the Appalachian corridor system by the year 2000. In the bipartisan footsteps of Jennings Randolph and John Sherman Cooper, let us fulfill our commitment to Appalachia.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201) is amended to read as follows:

"(g)(1) There are authorized to be appropriated—

"(A) $144,000,000 to carry out the provisions of this section other than paragraph (2) for fiscal year 1990, and

"(B) such sums as may be necessary to carry out such provisions for each of the fiscal years 1991, 1992, 1993, and 1994.

Any amounts appropriated under the authority of this paragraph shall remain available without fiscal year limitation until expended.

"(2)(A) There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

"(i) $287,000,000 for fiscal year 1990, and

"(ii) such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994.

to carry out the provisions of this section.

"(B) The Commission shall allocate the funds appropriated under the authority of subparagraph (A) among the States within the Appalachian region in a manner that ensures that the total amount allocated to each State for each fiscal year does not exceed the lesser of—

"(i) an amount equal to twice the amount of funds appropriated under the authority of paragraph (1) that are allocated to that State for such fiscal year, or

"(ii) an amount equal to twice the amount of Federal funds provided under any provision of law other than this section that are to be expended by that State during such fiscal year for highways on the Appalachian

development highway system and local access roads serving the Appalachian region.

"(C) Funds appropriated under the authority of subparagraph (A) shall not be subject to, or taken into account under, any limitation imposed by any provision of law on obligations for Federal-aid highways, unless such law specifically cites this subparagraph.

"(D) Funds appropriated under the authority of this paragraph shall remain available without fiscal year limitation until expended.".

SEC. 2. Subsection (a) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201(a)) is amended—

(1) by striking out "118" and inserting in lieu thereof "118(a)", and

(2) by striking out ", period of availability,".

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appalachian Regional Development Act Amendments of 1989".

SEC. 2. Section 2(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended by striking out the period at the end of the sixth sentence and inserting in lieu thereof the following: "and in severely distressed and underdeveloped counties or areas lacking resources for basic services.".

SEC. 3. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"(b) There are authorized to be appropriated to the Commission to carry out the provisions of this section $3,500,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994. Not more than $1,000,000 of the amounts appropriated pursuant to the preceding sentence for each fiscal year shall be available for expenses of the Federal cochairman, alternate, and the Federal staff.".

SEC. 4. Section 106(7) of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1994".

SEC. 5. (a) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $144,000,000 for each of the fiscal years 1990), 1991, 1992, 1993, and 1994.".

(b)(1) Section 201(h)(1) of the Appalachian Regional Development Act of 1965 is amended by striking out "70 per centum" and inserting in lieu thereof "80 percent".

(2) The amendment made by paragraph (1) shall apply with respect to projects approved after March 31, 1979.

SEC. 6. Section 214(c) of the Appalachian Regional Development Act of 1965 is amended—

(1) by striking out "December 31, 1980" in the first sentence and inserting in lieu thereof "September 30, 1994", and

(2) by inserting "authorized by title 23, United States Code" after "road construction" in the second sentence.

SEC. 7. Section 224(a)(1) of the Appalachian Regional Development Act of 1965 is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following "or in a severely distressed and underdeveloped county or area lacking resources for basic services;".

SEC. 8. Section 401 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there are authorized to be appropriated, to remain available until expended, to carry out this Act, $37,500,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994.".

SEC. 9. Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1994".●

By Mr. JOHNSTON (by request):

S. 456. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

DESIGNATION OF COMPONENTS OF THE NATIONAL TRAILS SYSTEM

● Mr. JOHNSTON. Mr. President, I am introducing today, by request, legislation to establish the California and Pony Express National Historic Trails. Public Law 98-405, approved August 28, 1984, provided for the study of the California and Pony Express Trail routes to determine if these routes should be designated as components of the National Trail System. The legislation I am introducing today, at the request of the administration, would include these trails in the National Trail System as national historic trails.

I ask unanimous consent that the draft bill, the letter of transmittal, and the section-by-section analysis prepared by the administration appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) The California National Historic Trail, a route of approximately 5,700 miles, including all routes and cutoffs, extending from Independence and St. Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Notwithstanding any other provision of this Act, no lands or interests in lands may be acquired for purposes of the trail designated under this paragraph without the consent of the owner thereof. The trail shall be administered by the Secretary of the Interior.

"( ) The Pony Express National Historic Trail, a route of approximately 1,900 miles, including the original route and subsequent route changes, extending from St. Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Notwithstanding any other provision of this Act, no lands or interests in lands may be acquired for purposes of the trail designated under this paragraph without the consent of the owner thereof. The trail shall be administered by the Secretary of the Interior.

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by adding "and ( ) and ( )" after "(16)".

THE SECRETARY OF THE INTERIOR,
Washington, DC, January 30, 1989.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to provisions of the National Trails System Act, Public Law 90-543, as amended (82 Stat. 919; 16 U.S.C. 1241), I am herewith submitting the study report on the California and Pony Express Trails in California, Colorado, Idaho, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah and Wyoming. Public Law 98-405, approved August 28, 1984, in amending the National Trails System Act, authorized study of the California and Pony Express Trail routes to determine if it would be feasible and desirable to designate them as components of the National Trails System. Conduct and completion of the studies and preparation of the study report were led by the National Park Service with the cooperation of the affected States, other Federal agencies, local governments, and the public.

Under provisions of section 5(b)(3) of the National Trails System Act, the National Park System Advisory Board is required to make recommendations as to the national historic significance of proposed national historic trails based on criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461). Pursuant to the August 11, 1987, letter of the Chairman of the Board, the board found that the California and Pony Express Trails are of national significance and are eligible for addition to the National Trails System as national historic trails.

Accordingly, I am submitting the study report as provided for in section 5(b) of the National Trails System Act for printing as a House or Senate document with the recommendation that the proposed California and Pony Express Trails are suitable for designation by the Congress as national historic trails. Enclosed is a draft of a bill which, if enacted, would designate the trails. A section-by-section analysis is also enclosed. We recommend that the bill be referred to the appropriate committee for consideration, and we recommend its enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the proposed legislation from

the standpoint of the Administration's program.

Sincerely,

EARL GJELDE,
Acting Secretary.

Enclosures.

SECTION-BY-SECTION ANALYSIS

Section 1. Amends section 5(a) of the National Trails System Act to designate two new national historic trails by adding two new unnumbered paragraphs which designate the 5,700-mile California National Historic Trail and the 1,900-mile Pony Express National Historic Trail, respectively, as components of the National Trails System. Trail routes are as generally described in the study report prepared by the Secretary of the Interior on the California and Pony Express Trails dated September 1987. Both trails are to be administered by the Secretary of the Interior. Section 5(d) of the National Trails System Act requires the Secretary to establish an advisory council for each trail within one year of its addition to the system and section 5(f) requires the Secretary to submit a comprehensive plan for management and use of each trail to the legislative Committees of Congress within two complete fiscal years of enactment of legislation designating the trail.

Section 2. Amends section 10(c)(2) of the Act. That section authorizes appropriations to implement provisions of the Act with respect to the trails designated in paragraphs (9) through (13), and the trails designated in paragraphs (15) and (16), of section 5(a) as components of the National System.

Public Law 99-445, approved October 6, 1986, designated the Nez Perce National Historic Trail as paragraph (14), but it did not authorize appropriations without monetary limitation by amending section 10(c) to change the reference from paragraphs (9) through (13) to paragraph (9) through (14). Instead, Public Law 99-445 enacted a free-standing provision authorizing the appropriation of $550,000 to carry out the Nez Perce Trail designation.

Public Law 100-35, approved May 8, 1987, designated the Santa Fe National Historic Trail as paragraph (15), and amended section 10(c) of the Act to authorize appropriations for the trail designated by paragraph (15). Public Law 100-192, approved December 16, 1987, added the Trail of Tears as paragraph (16).

The amendment in section 2 adds a reference to the unnumbered paragraphs designating the California and Pony Express National Historic Trails in this bill, thereby authorizing appropriations for these two trails without monetary limitation.●

By Mr. DODD (for himself, Mr. DURENBERGER, Mr. RIEGLE, and Mr. BINGAMAN):

S. 457. A bill to provide for demonstration projects for the improvement of childcare, and for other purposes; to the Committee on Labor and Human Resources.

NEW SCHOOL CHILDCARE DEMONSTRATION PROJECTS ACT

● Mr. DODD. Mr. President, today I am introducing legislation to encourage the development of a quality child care system within the Nation's public schools. I am pleased to have my distinguished colleagues from Minnesota, Senator DURENBERGER, from Michigan, Senator RIEGLE, and from New Mexico, Senator BINGAMAN, join me as sponsors of the "New School Child Care Demonstration Projects Act of 1989."

I believe that all of my colleagues recognize that American families need help balancing their family and workplace responsibilities and that the Federal Government has a strategic role to play. We are no longer debating whether or not child care legislation is necessary but rather what form that legislation should take.

Any legislation that we pass must improve the quality of child care, as well as its availability and affordability. Last month, as I conducted a hearing on the Act for Better Child Care, S. 5, I heard once again about the problems that working parents face in trying to find affordable and good quality child care. Three parents told tragic stories that are the worst nightmare of any family: of one child severely injured and two others dead as a result of abuse by their child care providers. These are extreme and, thankfully, rare cases. However, far too many parents are unable to find child care where they can leave their children without serious concern for their safety.

In order to prevent the tragedies experienced by those families and to address the skyrocketing demand for quality, affordable child care, last month I introduced S. 5, the Act for Better Child Services. That legislation would authorize significant Federal support for a wide range of child care services, from training for workers, to loans for providers, to child care subsidies for some 1 million children from low-income, working families.

The legislation I am introducing today complements S. 5 through the creation of model programs to point the way toward the good quality child care that our Nation's families deserve. The New School Child Care Demonstration Act of 1989 would establish a model child care system within the public schools. Each demonstration project would include: first, onsite child care for children from the ages of 3 to at least 12; second, a family support system for parents of newborn infants, including a home visitation program; third, support for local family day care providers, including training, technical assistance, and backup support in case of illness; and fourth, information and referral and other specialized services. All such services for children would be provided on a sliding fee cable, based upon the parents' ability to pay.

This bill authorizes $120 million, allowing each State to carry out one or more new school demonstration projects. Grants would also be available for demonstration projects focusing on special problems, including inner city and rural schools in poverty areas and schools serving a high proportion of single parent families and the young children of adolescent parents.

Under the New School Demonstration Projects Act of 1989, schools would be able to contract with nonprofit, community-based organizations to provide child care services. Likewise, every State would have an advisory committee, with members representing community-based child care organizations; parents' groups; teachers' groups; organizations serving as advocates on behalf of minority and handicapped children; State and local agencies providing education, social, health, and income maintenance services to children and families; individuals with expertise in early childhood development; and those representing private employers.

In addition to meeting State and local regulatory standards, each demonstration project must develop ways to improve the quality of child care services provided. One way to assure quality services is to improve the skills, performance, and salaries of child care workers. Therefore, the project administrators and staff must be trained in early childhood development. Likewise, salaries for workers should not be less than those paid for comparable services provided in the schools or surrounding community, whichever is higher. And last but not least, each project must provide for ongoing parental involvement throughout the process of planning, implementation, monitoring, and evaluation.

In closing, Mr. President, this legislation was inspired by the work of Dr. Edward Zigler, who I am proud to say is a constituent in my State of Connecticut. The director of the Bush Center in child development and social policy at Yale University, Dr. Zigler has been working on the issue of child care for some 30 years. He sees the prospect of putting child care services in the public schools as a means of building a family support and child care system within communities that is high quality, affordable, and universally accessible.

I urge my colleagues to join us in sponsoring the New School Child Care Demonstration Projects Act of 1989. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New School Childcare Demonstration Projects Act of 1989".

(b) TABLE OF CONTENTS—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

Sec. 3. Definitions.
Sec. 4. State demonstration grants authorization.
Sec. 5. Allotments.
Sec. 6. Evaluation.
Sec. 7. Application.
Sec. 8. Secretarial demonstration projects.
Sec. 9. Payments.
Sec. 10. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) dramatic changes in the demographics of the American workforce over the past two decades have had a profound effect on children and families;

(2) women and men are in the workforce out of economic necessity such that two out of every three women working outside of the home now provide the sole support or critical economic support for their families;

(3) twenty-six million children, close to half of all American children, have either a mother or both mother and father in the workforce and such numbers are expected to increase;

(4) Federal, State, and local policies have not kept pace with these changing demographics and the accompanying demand for quality, affordable childcare;

(5) there is a critical shortage of quality childcare arrangements for the children of working parents, from infancy through adolescence;

(6) even by conservative estimates, some two million elementary school age children lack adult supervision after school;

(7) quality after school care for the school age children of working parents has been shown to reduce the risk of delinquency, teenage pregnancy, injury, abuse, and poor school performance;

(8) research has also demonstrated that the most important variable in determining the effect of childcare on preschoolers is the quality of that care;

(9) a quality childcare system must address:

(A) the inability of some parents to pay for such services;

(B) the lack of training opportunities and low wages accorded childcare workers and their corresponding high rate of turnover;

(C) the often inadequate childcare standards and enforcement policies among the States; and

(D) the need for a strong partnership between childcare providers and parents; and

(10) building a quality childcare system within the public school system can help optimize the development of every American child and thus promote the future development and security of this Nation.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide financial assistance to States for the establishment of childcare demonstration projects within existing public elementary and secondary school buildings, that include the provision of—

(A) on-site childcare for children ages 3 to 12;

(B) a family support system for parents of newborn infants;

(C) support for local family daycare providers; and

(D) information and referral and other specialized services; and

(2) demonstrate the effectiveness of such demonstration projects in promoting community resources that provide high quality, affordable, and universally accessible family support and childcare services.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ELEMENTARY SCHOOL.—The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(3) FAMILY SUPPORT SERVICES.—The term "family support services" means services that assist parents by providing support in parenting and by linking parents with community resources and with other parents.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. STATE DEMONSTRATION GRANTS AUTHORIZATION.

The Secretary is authorized, in accordance with the provisions of this Act, to make grants to States to pay the Federal share of the cost of childcare demonstration projects conducted in existing public elementary and secondary school buildings.

SEC. 5. ALLOTMENTS.

(a) RESERVATION.—Of the amounts available for each of the fiscal years 1989 through 1991 under section 10, the Secretary shall—

(1) reserve 5 percent in each fiscal year to carry out section 6; and

(2) reserve $5,000,000 in each fiscal year to carry out section 8.

(b) STATE ALLOTMENT.—From the remainder of the sums appropriated under section 10 for grants to States for each fiscal year, the Secretary shall allot to each State, an amount which bears the same ratio to such remainder as the number of individuals in such State who have not attained 16 years of age bears to the total number of such children in all States, except that—

(1) each State shall be allotted not less than one-half of one percent of the amounts available for grants under section 9 for the fiscal year for which the allotment is made, or $500,000, whichever is the greater; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 4 for the fiscal year for which the allotment is made.

(c) DEFINITION.—For the purpose of the exception contained in subsection (b)(1), the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) RECENT DATA REQUIRED.—For the purpose of this section, the Secretary shall use the most recent data available.

(e) ADJUSTMENTS.—

(1) RATABLE REDUCTIONS.—If the sums appropriated under section 10 for any fiscal year for grants to States authorized under section 4 are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the minimum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced.

(2) INCREASES.—In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(f) REALLOTMENTS.—

(1) IN GENERAL.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10, the amount allotted to a State has not been made available to such State in grants under section 4 because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amounts to States which meet such requirements.

(2) AVAILABILITY FOR EXPENDITURE.—Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

SEC. 6. EVALUATION.

(a) IN GENERAL.—

(1) GENERAL AUTHORITY.—From the amount reserved in each fiscal year under section 5(a)(1), the Secretary shall carry out the evaluation of the State and Federal demonstration projects.

(2) ADMINISTRATIVE AUTHORITY.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of the demonstration projects, including evaluations that measure and evaluate the impact of the projects, in order to determine—

(A) the effectiveness of such projects in achieving stated goals; and

(B) the impact of such projects on related programs including the impact on salaries paid to childcare workers in the community served, and the structure and mechanisms for delivery of childcare services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs.

Evaluations shall be conducted by persons not directly involved in the administration of the project operation.

(b) RULES FOR CONDUCTING EVALUATIONS.—

(1) INSTITUTIONS OF HIGHER EDUCATION INVOLVEMENT.—In carrying out evaluations under this section, the Secretary shall establish working relationships with the faculties of institutions of higher education located in the area in which any such evaluation is being conducted, unless there is no such institution willing and able to participate in the evaluation. For purposes of the preceding sentence, for any single evaluation area in which such working relationships are established may not be larger than 3 contiguous States.

(2) SPECIFIC VIEWS.—In carrying out evaluations under this section, the Secretary shall, whenever feasible, arrange to obtain the specific views of individuals participating in and served by programs and projects assisted under this Act about such programs and projects.

(3) PROPERTY OWNERSHIP.—The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this section shall become the property of the United States.

(c) RESULTS OF EVALUATIONS.—The Secretary shall publish the result of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than 90 days after the completion thereof. The Secretary shall submit

to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

SEC. 7. APPLICATION.

(a) IN GENERAL.—No demonstration grant may be made under this section unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) REQUIREMENTS.—An application submitted under subsection (a) shall—

(1) specify the appropriate State agency or interagency council to be designated as the lead agency responsible for the administration of programs and activities relating to childcare programs carried out by the State under this Act and for coordination of related programs within the State;

(2) provide for an Advisory Committee which meets the requirements of subsection (c), to be appointed by the Chief Executive of the State to advise and consult in the preparation of the application, monitoring, and evaluation of demonstration projects assisted under this Act;

(3) provide comprehensive plans for one or more childcare demonstration projects within existing public school buildings that—

(A) ensure that year round, on-site, all day childcare for children ages 3 to 5 (or of the age of entering kindergarten) and on-site before and after school childcare for children ages 5 through 12, inclusive;

(B) ensure the establishment of a family support system for parents (including a home visitation program);

(C) provide support for local family daycare providers (including technical assistance, back-up support in case of illness, and training);

(D) provide for information and referral and other specialized services;

(E) develop a sliding scale fee payment system for children using the system (based on the parents ability to pay);

(F) provide for ongoing parental involvement in the planning, implementation, monitoring, and evaluation of such projects;

(G) provide that such demonstration projects be operated by administrators trained in early childhood development;

(H) provide for the use of trained childcare workers in such demonstration projects, with a priority given to childcare workers with credentials in early childhood education or child development, including the child development associate credential;

(I) provide that salaries paid to childcare workers in such demonstration projects shall—

(i) be not less than the rates paid for comparable services provided in the school or surrounding community, whichever is higher; and

(ii) be comparable to salaries paid to school employees with equivalent responsibilities, experience and credentials; and

that salary schedules for childcare workers encourage childcare workers to obtain early childhood credentials;

(J) assure that any childcare services provided by such demonstration projects meet, at a minimum, regulatory standards set by the State and local government;

(K) develop ways to improve the quality of childcare services in such demonstrations; and

(L) describe plans for monitoring and evaluating the effectiveness of such demonstration projects;

(4) ensure that funds provided under this Act, shall be distributed by the State in demonstration grants to local public agencies and nonprofit private organizations for programs and projects within such State;

(5) provide assurances, in furnishing childcare services in a public school building, that the State has or will enter into an agreement with the appropriate State or local educational agency, for—

(A) the use of facilities for the provision of before or after school childcare services (including such use during holidays and vacation periods),

(B) the restrictions, if any, on the use of the space, and

(C) the times when the space will be available for the use of the applicant;

(6) provide that the State shall not use more than 5 percent of the funds provided in any fiscal year for administrative costs;

(7) provide assurances that the State will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources;

(8) assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(9) provide for replication; and

(10) meet such other requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this Act.

(c) ADVISORY COMMITTEE RULES.—

(1) REPRESENTATION REQUIRED.—The Advisory Committee shall include, at a minimum—

(A) individuals representing community-based childcare organizations;

(B) individuals having expertise in early childhood development;

(C) individuals representing parents' groups and organizations;

(D) individuals representing teachers' groups and organizations;

(E) individuals representing State and local agencies which provide education, social, health, and income maintenance services for children and their families;

(F) individuals representing groups or organizations which advocate on behalf of children, minorities, and the handicapped; and

(G) individuals representing private employers who provide childcare services for their employees.

(2) SAVINGS PROVISION.—Any Advisory Committee in a State in existence on the date of enactment of this Act which the Secretary determines substantially meets the requirements of paragraph (1) shall constitute compliance with this section.

(d) APPROVAL.—The Secretary shall approve any application that meets the requirements of subsection (b), and the Secretary shall not disapprove any such application except after reasonable notice of the intention of the Secretary to disapprove of such, and after opportunity for correction of any deficiency.

SEC. 8. SECRETARIAL DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The amounts reserved under section 5(a) shall be used for the provision of grants to public and nonprofit private entities for special demonstration projects to be awarded at the discretion of the Secretary.

(b) FOCUS OF PROJECTS.—The Secretary shall make grants under subsection (a) that take into consideration special problem areas such as—

(1) handicapped children;

(2) inner city schools in poverty areas;

(3) rural schools in poverty areas;

(4) schools with a high mix of children of many different ethnic backgrounds and native languages;

(5) schools with a high proportion of homeless children;

(6) schools serving the young children of adolescent parents and single-parent families; and

(7) schools where a high proportion of students are at risk of dropping out before completing junior high school.

SEC. 9. PAYMENTS.

(a) IN GENERAL.—The Secretary shall pay to each eligible State having an application approved under section 7 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share for each fiscal year shall be 90 percent.

(c) NON-FEDERAL PAYMENTS.—The non-Federal share of payments under this Act may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $120,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991.●

By Mr. DECONCINI (for himself, Mr. SIMON, Mr. ADAMS, Mr. BRADLEY, Mr. DASCHLE, Mr. HATFIELD, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. WIRTH, and Mr. KERRY):

S. 458. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes; to the Committee on the Judiciary.

REPORT ON CONDITIONS OF DISPLACED SALVADORANS AND NICARAGUANS

● Mr. DECONCINI. Mr. President, today I reintroduce legislation to suspend for 2 years the deportation of Salvadoran and Nicaraguan nationals from the United States. This legislation, popularly known as DeConcini-Moakley, will ensure that those seeking refuge in America are given a fair hearing instead of being turned away from America to face an unknown fate.

Recent events in El Salvador underscore the importance of thoroughly examining our deportation policy before we return displaced persons to that war-torn country. The upcoming election in El Salvador has caused an escalation of the violence and killing that have long plagued that country. President Duarte's terminal cancer has weakened his Christian Democratic Party. The conservative party, ARENA, has stepped into the vacuum and experts believe it has a good chance of winning this year's Presidential election. In addition, the FMLN's activities, both political and

terrorist, have increased dramatically recently.

Many of the 70,000 casualties in El Salvador's civil war were civilians killed by the army or by right-wing death squads. Although often the perpetrators of these crimes are known, they are never brought to justice. We must temporarily postpone the deportation of Salvadorans to insure that they do not become victims of the random or directed violence that has once again become a daily hazard in El Salvador.

I urge the Bush administration to eliminate the need for legislation by granting the Salvadorans extended voluntary departure [EVD] status. The President has the power to grant EVD status without legislation. Currently, nationals from Afghanistan and Ethiopia enjoy EVD status. If we ignore our Central American neighbors in their time of need, it will further weaken our leadership role on this continent.

Unfortunately, the Bush administration has shown the same insensitivity toward these displaced persons from El Salvador as the previous administration. In fact, the administration has further restricted the rights of Central Americans with its new policy of detaining asylum applicants until their asylum claims are heard. Thus it appears that Congress will have to act to change the misguided deportation of Central Americans.

Over the last 8 years I have actively pressed for legislation that would protect the safety of displaced persons from El Salvador. I visited El Salvador several times and spoke with the leaders of that country. I remain in contact with El Salvador's Ambassador to the United States. I have visited with Alfredo Cristiani, the ARENA candidate for President. While he has renounced the death squad activity that was formerly associated with ARENA, we cannot be certain that there remains no connection. I remain firmly convinced that if the nationals are returned it will be at great risk to their safety, and it would have a disastrous effect on El Salvador's economy. Last September, President Duarte wrote a letter to Congress asking it to support DeConcini-Moakley. In that letter President Durate said that granting "temporary safe haven" to the Salvadorans was "the single most important initiative the United States can take to help my nation achieve peace."

The DeConcini-Moakley bill does not drastically alter immigration policy. Instead, it is a temporary offer of safe haven for those who have fled these two war-torn countries. It outlines what the GAO must investigate, and sets a definite timeframe for resolution of the covered individual's status. Because the bill provides only a temporary stay of deportation proceedings, it does not make any individual a permanent resident alien. The GAO has 1 year to complete its study and report its findings to Congress. The report is then referred to the appropriate congressional committee for hearings. Within 9 months the committee must report to the respective House its findings and any appropriate legislation.

The GAO study will cover three broad areas: displaced Salvadorans and Nicaraguans in Central America, treatment of those who are returned to El Salvador and Nicaragua, and the status of Salvadorans and Nicaraguans living in America. The study will focus on the safety problems these people face and the role the United States can play in resolving their problems.

A final important feature of this legislation is that it has a cut-off date for covered persons. Individuals are only eligible for a temporary stay of their deportation proceedings if they arrived in the United States before January 1, 1989. This provision ensures that the bill will not cause a drastic increase in the influx of Salvadorans and Nicaraguans.

Representative MOAKLEY has introduced similar legislation, H.R. 45, in the House of Representatives this term. I am confident his bill will pass the House, as it did last term by a margin of 237 to 181. DeConcini-Moakley passed the Senate Judiciary Committee by a 9 to 3 margin last term, so I anticipate that it will receive favorable action by that committee and soon be brought to the floor of the Senate for a vote.

With the resurgence of the violence and death in El Salvador, this legislation takes on greater urgency. A delay in its passage can be counted not only in days lost, but in lives lost. The new INS policy of detaining Central American asylum applicants until their asylum claims are processed suggests a departure from the favorable treatment that Nicaraguans received at the end of the Reagan administration. Therefore, Congress must act to halt the deportation of these threatened and vulnerable people from the United States.

Passage of DeConcini-Moakley will give the United States time to assess the security of these displaced persons and make a judgment based on all of the facts. Surely this is better than hasty judgments and wasted lives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT INVESTIGATION

SEC. 101. (a) REQUIRING GAO INVESTIGATION ON DISPLACED SALVADORANS AND NICARAGUANS.—Within sixty days after the date of the enactment of this Act, the Comptroller General of the United States shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) DETERMINATIONS ON DISPLACED SALVADORANS AND NICARAGUANS IN CENTRAL AMERICA.—The investigation shall determine the following with respect to displaced Salvadorans and displaced Nicaraguans who are present in either El Salvador, Honduras, Guatemala, Mexico, or Nicaragua, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua (as the case may be) and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(c) DETERMINATIONS ON CONDITIONS IN EL SALVADOR THAT COULD AFFECT SALVADORANS WHO HAVE RETURNED FROM THE UNITED STATES.—The investigation shall—

(1) assess the general conditions and circumstances in El Salvador that may affect returned nationals, with particular attention to determining the reliability and use of (A) reports of any violations of fundamental human rights, and (B) reports concerning the status of Salvadorans who have returned from the United States; and

(2) make recommendations for improvements in the type of information provided by such reports.

(d) DETERMINATIONS ON SALVADORANS SEEKING REFUGE IN OTHER COUNTRIES.—The investigation shall describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

SEC. 102. The Comptroller General of the United States shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study, including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

SEC. 201. (a) REFERRAL.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—Not later than 90 days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal

safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans or Nicaraguans who are displaced within El Salvador or Nicaragua (as the case may be) or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) COMMITTEE REPORT.—Not later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than 10 days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION LIMITATION ON DETENTION AND DEPORTATION

SEC. 301. (a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador or Nicaragua, as the case may be) aliens described in subsection (b) during the period beginning on the date of the enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General of the United States to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) SALVADORANS AND NICARAGUANS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or Nicaragua,

(2) have been and are continuously present in the United States since before January 1, 1989, and

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraph (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraph (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

(c) REGISTRATION.—Each individual described in paragraphs (1), (2), and (3) of subsection (b) shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days after such date, as a person to whom this Act applies. Upon registering, an individual shall be granted employment authorization and shall be provided with an appropriate document which shall note on its face that the individual's employment authorization terminates at the end of the suspension of deportation period established under subsection (a) and shall indicate such date.

(d) No person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or public opinion may obtain the benefit described in subsection (a).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARD OBTAINING SUSPENSION OF DEPORTATION BENEFIT

SEC. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of the stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)), unless the Attorney General determines that extreme hardship exists.

TITLE IV—MISCELLANEOUS PROVISIONS

ALIEN'S STATUS DURING PERIOD OF EXTENSION

SEC. 401. During the period in which an alien's deportation is temporarily stayed under section 301, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.●

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KERRY, Mr. ROCKEFELLER, Mrs. KASSEBAUM, Mr. BENTSEN, and Mr. INOUYE):

S. 459. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

USE OF INVENTIONS IN SPACE

● GORE. Mr. President, today I am pleased to introduce legislation that will help establish the patent regime for inventions made in outer space.

I also am pleased to announce that Senators HOLLINGS, KERRY, ROCKEFELLER, KASSEBAUM, BENTSEN, AND INOUYE have agreed to cosponsor this measure.

Mr. President, for the last few Congresses patent legislation for space-based activities has been introduced, but it has not fared very well in the U.S. Senate. Quite frankly, until now there really did not appear to be a need for such legislation, so it was hard to get the proposed legislation considered.

This year that situation is totally different!

When the United States signed the Space Station Intergovernmental Agreements last September with the European Space Agency, Canada and Japan, a very real need for patent legislation surfaced. As a matter of fact, enactment of such legislation is required for the United States to put the Intergovernmental Agreements into effect. Specifically, what is needed is language that permits an exception to the strict application of U.S. patent law for space vehicles that are specifically identified in an international agreement to which the United States is a party. The IGA makes such an exception regarding the applicability of 35 U.S.C. 184 which concerns the filing of patent applications in foreign countries. In the IGA, the parties to the Space Station Agreements have agreed that their national laws (35 U.S.C. 184 for the United States) would not be applied to prevent or delay the filing of patent applications in other countries for inventions made on their registered elements by persons not their nationals or residents under certain specified conditions.

Mr. President, finally, I should note that the language of the proposed amendment being introduced today in the Senate is identical to that which was passed twice by the House of Representatives and which has received substantial support from private industry and the private patent bar.

Mr. President, based on discussions that took place at the end of the last Congress with the Senate Judiciary Committee, I understand that the Subcommittee on Patents, Copyrights and Trademarks has agreed to consider this legislation in a timely manner during the 101st Congress. I support this position and want to thank the chairman of that subcommittee, my good friend and the senior Senator from Arizona, for his willingness to address this issue and to facilitate implementation of the space station agreements.

Mr. President, it is becoming clearer that the dreams of yesterday are becoming the realities of today. Space is the next frontier, and the United States must be in a position to avail itself of these new markets. Passage of this bill in a timely manner is a small step in that direction, but it's an important step because U.S. firms must have an acceptable legal regime in which to operate.

Mr. President, I hope this bill can be enacted in a timely manner by this Congress so that we can get on with the challenges of space-based activities and so that working in space one day will be as commonplace as working on Earth.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1)

chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 105. Inventions in outer space

Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2)) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2452(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this title, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

(2) The table of sections of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space.".

(b) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by adding at the end the following:

"(m) Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this Act, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

SEC. 2. (a) Subject to subsections (b), (c), and (d) of this section, the amendments made by the first section of this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed on or after such date of enactment.

(b) The amendments made by the first section of this Act shall not affect any final decision made by a court or the Patent and Trademark Office before the date of enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) The amendments made by the first section of this Act shall not affect the right of any party in any case pending in a court on the date of enactment of this Act to have the party's rights determined on the basis of the substantive law in effect before such date of enactment.

(d) Subject to subsections (b) and (c) of this section, the amendments made by the first section of this Act shall not apply to any process, machine, article or manufacture, or composition of matter, an embodiment of which was launched prior to the date of enactment of this Act.●

● Mr. HOLLINGS. Mr. President, I join the distinguished Senator from Tennessee in introducing the space patent bill, and I too hope that the Congress can act on this measure in a timely manner so as to add an element of certainty to the risky business of space-based activities.

Mr. President, this is important and necessary legislation because it would remedy the current uncertainty for patent law purposes as to the jurisdiction that applies to activities in outer space. This problem arises primarily because, as a general proposition, the existing patent laws of most countries, including the United States, have no extraterritorial effect. The bill would specifically provide that the U.S. patent law applies with respect to inventions made, used, or sold in space which are on aeronautical and space vehicles under the jurisdiction or control of the United States. This is important in determining the priority of invention, rights to inventions made with U.S. Government funds, and enforcement of privately held patents against infringers.

The bill is consistent with the purpose of the U.S. patent laws, to promote progress in the useful arts, by recognizing and rewarding inventions that advance space technology, as well as the policy and purposes of the U.S. Space Program as set forth in the National Aeronautics and Space Act. One effect of this bill would be to provide the ability to treat the Space Transportation System, and eventually the U.S. portion of the space station, as U.S. facilities in the same manner as a terrestrial-based facility is currently treated in relation to inventions and patents under title 35. It would also apply to privately owned space vehicles.

With the enactment of this bill, U.S. commercial entities will know, with certainty, that their activities in space will receive the same patent protection that these activities receive if conducted on Earth. This certainty in the area of intellectual property law will provide a more conducive business environment and, therefore, encourage the private sector to invest in the commercial use of space.

Mr. President, I would like to associate myself with the remarks of the distinguished chairman of the Subcommittee on Science, Technology, and Space and to ask for expedited consideration of this measure in the 101st Congress.●

By Mr. CONRAD:

S. 460. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

EXTENSION OF TREATMENT OF CERTAIN RENTS

● Mr. CONRAD. Mr. President, the 1988 technical corrections law contained an important change in estate tax treatment that will enable more farm families to keep an ongoing farming operation in the family when the property owner dies.

Section 2032A, as amended by the technical correction, extends special use valuation of farm property to surviving spouses who continues to cash-rent farm property to their children. Without this change, a recapture tax would have been imposed in such situations. By allowing the spouse to qualify for special use valuation, the correction was clearly intended to allow a farmer to transmit farm land to his children who would then continue to farm the property.

The 1988 provision, which applies to cash rentals occurring after December 31, 1986, should be helpful, but it does not entirely solve the problem. If there is no surviving spouse, it is not possible under the new law to transmit such property to one's children or grandchildren without triggering the recapture tax.

Accordingly, today I am introducing legislation which would apply to such analogous cases. I learned, for example, of a North Dakota constituent who cash-rented farm property from his mother, who had received the property from her father. Although the deceased grandfather qualified for special use valuation, neither the daughter nor grandson would be able to under a provision that applies only to surviving spouses.

I do not believe such situations were widespread, and it seems likely that Congress did not anticipate them when the language on surviving spouses was agreed to last year. But these cases do exist, and I believe they deserve the same treatment under section 2032A. The bill I am introducing is narrowly drawn to apply to qualified heirs who are immediate members of the decedent's family. I urge my colleagues to consider the fairness of this change, and approve a further correction in this area.●

By Mr. Grassley (for himself and Mr. MATSUNAGA):

S. 461. A bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings; to the Committee on Finance.

MEDICARE PAYMENTS FOR PHYSICIAN ASSISTANTS

● Mr. GRASSLEY. Mr. President, I am introducing legislation today which would extend Medicare reimbursement for services rendered by physicians' assistants in doctors' offices, clinics, and homes. Congressman RON WYDEN and I introduced this legislation last year. In the Senate, the bill was S. 1230, and was introduced May 19, 1987.

This bill complements legislation we introduced in 1986 which became law as part of the Omnibus Budget Reconciliation Act of that year. That legislation authorized Medicare part B reimbursement of the services of physician assistants under certain conditions. The services of the physician assistant had to be provided under the supervision of a physician. The services were to be rendered in a hospital, a skilled or intermediate care nursing facility, or for assistance at surgery. The services of the physician assistants were to be reimbursed at a discounted rate: 65 percent of the physician's charge for assistance at surgery, 75 percent for

services provided in a hospital, and 85 percent for services provided in a nursing home. The reimbursement was to be paid to the supervising physician.

The reconciliation legislation for fiscal year 1988 included a provision which authorized Medicare part B reimbursement for all services of physician assistants rendered in rural health manpower shortage areas, regardless of the institutional setting in which they are delivered, and at 85 percent of the physicians' charge for the service.

The legislation I am introducing today would extend Medicare reimbursement to the services of physician assistants regardless of setting or geographic location.

Mr. President, according to a study by the Office of Technology Assessment, physician assistants can have a positive influence on the quality of health care and on access to services. I believe that physician assistants can be particularly helpful in increasing access to health care services in rural communities. I believe that this was recognized by the Congress in the 1988 reconciliation legislation when we decided to reimburse physician assistants in health manpower shortage areas.

The bill I am introducing today is a logical extension of the earlier legislation I described above, which facilitated a greater role for physician assistants.●

By Mr. EXON (for himself and Mr. LAUTENBERG, Mr. SIMON, Mr. ADAMS, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. KASTEN, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. CONRAD, Mr. BRADLEY, Mr. BIDEN, Mr. PELL, and Mr. SARBANES):

S. 462. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AUTHORIZING APPROPRIATIONS FOR THE NATIONAL RAILROAD PASSENGER CORPORATION

Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I take pleasure in introducing legislation to reauthorize our National Rail Passenger Corporation [Amtrak] for fiscal years 1989, 1990, 1991, and 1992. I am especially pleased to be joined by my distinguished colleagues, the ranking minority member of the Surface Transportation Subcommittee, Senator KASTEN, and the chairman of the Appropriations Transportation Subcommittee, Senator LAUTENBERG, along with a number of my colleagues from around the country, in introducing this bill.

The budget proposal submitted for fiscal year 1990 by both the previous administration and the new administration once again calls for the elimination of funding for Amtrak. Most of us who support a national passenger rail system are convinced that a total elimination of Federal funding for Amtrak would mean the obliteration of rail passenger service in this country.

So the issue here is whether we want national passenger rail service. I certainly do, and I believe that a majority of Americans also want to retain this transportation option. Over 21.5 million intercity passengers traveled by Amtrak last year, and an additional 14 million commuters rode on trains operated by Amtrak, so rail service is obviously an important link in our transportation network. Since 1981, passenger miles, often considered the best indicator ridership, increased over 19 percent and passenger miles per constant dollar of Federal subsidy increased over 250 percent. Passenger miles per train mile have increased 22 percent and for every mile traveled by an Amtrak train, an average of 189 passengers are aboard.

Amtrak is also making substantial progress in becoming increasingly self-sufficient. In fiscal year 1988, Amtrak covered over 69 percent of its total operating cost with its own revenue, as compared with 48 percent of its costs in fiscal year 1981. I am not aware of any passenger railroad in the world that covers more of its own costs than Amtrak.

Last year, Amtrak earned a record $1.1 billion in revenue which is a 14-percent improvement over fiscal year 1987 and an 81-percent increase since fiscal year 1981.

We must not lose sight of the role Amtrak plays in relieving the congestion on our highways and in the air. Amtrak also serves approximately 500 communities of which—114 have no air service, 98 have no direct intercity bus service, and 37 have neither air nor bus service.

Amtrak has been on a steady uphill climb since 1970. Number of passengers, miles traveled, and revenue-to-expenses have increased dramatically. Amtrak has shown some real innovation in increasing efficiency, but it can not stand alone. The reauthorization level for fiscal year 1989 in this legislation is based on the fiscal year 1988 authorization which was included in the Omnibus Budget Reconciliation Act of 1985, with the subsequent funding levels in the bill adjusted for projected inflation during this time.

I look forward to continued improvement in the Amtrak system, and pledge my commitment to working toward this end. I encourage my colleagues to join us in supporting our national rail passenger system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(F) not to exceed $630,000,000 for the fiscal year ending September 30, 1989;

"(G) not to exceed $656,000,000 for the fiscal year ending September 30, 1990;

"(H) not to exceed $684,000,000 for the fiscal year ending September 30, 1991; and

"(I) not to exceed $712,000,000 for the fiscal year ending September 30, 1992.".

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from Nebraska, Senator EXON, in introducing a bill to reauthorize our national passenger rail system, Amtrak.

As chairman of the Senate Transportation Appropriations Subcommittee, as well as a Senator for a State dependent on passenger rail service, I have always been a strong supporter of Amtrak. It's an important element of our national transportation system.

Mr. President, on January 25, I introduced Senate Resolution 24, to express the sense of the Senate that Amtrak should continue to received adequate Federal support. I was pleased to be joined in introducing that resolution by Senator EXON and other Senators from virtually all regions of our country.

That geographical representation demonstrates that Amtrak is not a regional concern, not just something those of us in the Northeast Corridor care about. But certainly, for States like New Jersey, Amtrak is an absolute necessity. Thousands of our commuters depend on it everyday, riding to and from work on Amtrak trains or New Jersey Transit cars traveling over Amtrak rails. In our State and our region, our roads are clogged at rush hour. Without Amtrak's services, those roads would become parking lots.

But Amtrak is no less important in more rural States. In many cases, it's the only form of intercity public transportation available. Take away Amtrak, and you take away the ability of millions of rural Americans to travel in a timely, affordable manner.

Mr. President, over the last 8 years, we in the Congress fought the administration to keep Amtrak alive. Our efforts have been rewarded with improved financial performance, and record numbers of riders. The view of the Bush administration toward Amtrak remains to be seen. Secretary Skinner, throughout his confirmation process, acknowledged the importance of Amtrak. As someone who's been in-

volved in transportation planning, he's seen it firsthand. His views and experience are encouraging.

However, it's likely that Mr. Skinner's views will be tempered by others in the administration more concerned with short-sighted ideologies than long-term needs. Congress likely will have to continue to fight to preserve Amtrak.

Mr. President, the bill we introduce today calls for increased funding levels for Amtrak. As chairman of the subcommittee responsible for funding Amtrak, I can say that meeting those goals will be difficult, if not impossible. But these are goals worth aiming for. In its report, "1989 U.S. Industrial Outlook," the U.S. Department of Commerce projected that Amtrak ridership could continue to grow by 4 to 5 percent annually through 1993. More significant growth, the report stated, would be hampered by capacity constraints.

Mr. President, the potential for further improvement at Amtrak is clear. To pull the rug out by denying Federal support, as was proposed by the Reagan administration, would be shortsighted and counterproductive. It would simply shift the burden of carrying passengers from Amtrak to other modes, which are already overburdened.

Again, Mr. President, I recognize that budgetary pressures will make it difficult to meet the authorization levels contained in this bill. But, as chairman of the Transportation Appropriations Subcommittee, I am committed to continuing support for the system. I will continue to work with Amtrak president Graham Claytor to find ways of making Amtrak more efficient and less dependent on Federal funds.

Mr. President, I applaud Senator EXON for his leadership in introducing this bill, and look forward to Commerce Committee action on this important legislation.●

● Mr. SIMON, Mr. President I welcome this opportunity to join Senator EXON and my other colleagues in support of an improved national rail passenger system and I urge others to join us. In spite of the administration's repeated attempts to end Amtrak for the past 5 years, we in Congress have rejected this shortsighted proposal. Instead we have continued to provide money each year for its growing operations: long trains from East to West and North to South; between cities like Washington and New York, Chicago and Springfield, and San Diego and Los Angeles; and busy commuter systems like those in Massachusetts and Maryland.

Now we have a new administration and a new Secretary of Transportation, Samuel Skinner who has given us the assurance that the Department of Transportation will develop a comprehensive transportation policy. If that is so, an assessment of national rail needs and potential is long overdue.

Amtrak has been following the direction of Congress for the past 8 years—reduce reliance on Federal subsidies. Its shortfall on passenger operations has been reduced an impressive 43 percent, but, faces by hard choices on surface transportation programs, we have reduced Federal financial support by 53 percent in constant dollars. During this time Amtrak's major successes have occurred where the earlier investments have been substantial enough to make Amtrak an attractive choice to travelers. Amtrak's contribution to reduction of auto and airport congestion in the Northeast is so impressive that its successes must be maintained and expand in other parts of the Nation. Indeed, where it makes economic sense, Amtrak must meet the growing demand for its service.

In addition to shorter range service in congested urban regions, tourism is a major component of Amtrak's success. Travelers from here and abroad, instead of flying into the inevitable moonscapes around major airports, more often prefer Amtrak's long distance trains which originate in major cities, such as Chicago, and stop in many of the most attractive, historic rail towns in the Nation. That provides a potential reawakening of these towns as our major cities. Unfortunately, these long distance trains cannot keep up with this demand and are booked 4 months in advance during the peak season. Many customers are being turned away.

Because of Amtrak's success it can no longer coast on past investments in facilities and equipment. To raise more revenues Amtrak needs enough refurbished and new locomotives and railcars to meet its current demand and to avoid breakdowns due to shortage in equipment. Rights of way, if sufficiently improved at a fraction of the cost of new highway lanes or expanded airports, will provide for traveling speeds of up to 125 miles per hour.

In Illinois the major Amtrak route between Chicago and St. Louis stopping at our capitol, Springfield, is owned by a rail company now in receivership, and its potential is sorely hampered by poorly maintained track requiring slower speeds.

We can no longer accept shrinkage in the underused national rail system as inevitable while the demand for reliable and extensive rail travel expands. Congress must give a clear signal to citizens and their States and local governments as well as the private sector that Amtrak is not only here to stay, but that rail passenger service is an important option in their transportation and economic development plans. I urge you to join me in giving the Nation that green light.●

By Mr. SANFORD (for himself and Mr. BOND):

S. 464. A bill to promote safety and health in workplace owned, operated or under contract, with the United States by clarifying the U.S. obligation to observe occupational safety and health standards and clarifying the U.S. responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

GOVERNMENT OBSERVATION OF SAFETY AND HEALTH STANDARDS

Mr. SANFORD. Mr. President, in December 1861, Abraham Lincoln said in his State of the Union Address:

> It is as much the duty of government to render prompt justice against itself in favor of citizens, as it is to administer the same between private individuals.

That simple statement captures an essential part of the essence of democracy. It says eloquently that no person and no institution is above the law, not even the Government itself. Yet, we have not totally heeded the wisdom and advice of President Lincoln. We continue even today, almost 130 years later, to see our Government invoke its sovereign immunity, the theory that the king, the monarch, the absolute ruler, can do no wrong.

I introduce today, along with Senator BOND of Missouri, a bill to help right that wrong, to put the scales of democratic justice in balance, and not weighted heavily on the side of the Government against its citizenry.

This bill is short and to the point: it says that the Government, like private employers, must observe occupational safety regulations in any workplace it owns, operates or has under contract and if it does not, that it can be sued for its negligence when injury occurs.

The bill is nothing more than a day in court bill. It is not a compensation bill. It is not an automatic entitlement. It does not declare an open season on the Treasury. By clarifying the obligation of the United States to observe occupational safety and health standards, it simply allows people who are injured when those standards are ignored or violated to sue the Government.

I think the passage of this legislation is a clear move, and an overdue one, toward justice and equity and away from a double standard which treats private employers much more harshly than it treats the Government. What we insist the private sector do to protect its workers in terms of following health and safety regulations, we must also require of Government. That is all this bill does.

It does another thing which makes sense under our system of law. It makes equal treatment of similar cases of injury part of our law by depriving the Government of a technical legal

defense. Under present law, two individuals with the same grievance under the same circumstances are not treated before the law.

An injury caused by the negligence of a private person or a corporate employee can result in a lawsuit and a verdict that can be enforced if the negligent person is found liable. But, if the negligence results from the Government's negligence or from that of its employees, compensation is denied because of the technical defense of sovereign immunity, and its corollary, discretionary function.

What this means is that the same offense, the same unhealthy consequences, the same court finding and verdict, can lead to two different results for equivalent victims. Under current law, many people go uncompensated because of the Government appeal that it cannot be sued. That is not just and it is not what a democracy should guarantee its citizens.

To render prompt justice, as Lincoln suggested, means that citizens should be able to call their Government to task for negligence resulting in injury, as they do their fellow citizens. This bill provides for that equality of treatment and I look forward to its careful consideration and early passage.

By Mr. CRANSTON:

S. 465. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL

Mr. CRANSTON. Mr. President, today I am introducing legislation to designate the Juan Bautista de Anza Trail as a component of the National Trails System. The bill is identical to legislation being introduced in the House by Congressman GEORGE MILLER.

In 1775, Juan Bautista de Anza, a second-generation frontier soldier, set forth from Horcasitas, Mexico to open up the first overland route to upper California. Crossing the border near the city of Nogales, the expedition followed a route north along the Santa Cruz River past Tucson, then westward along the Gila River to Yuma, and across the Colorado River back into Mexico. Reentering the United States near El Centro, the expedition continued northward through Imperial, San Diego, Riverside, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, San Benito, Santa Clara, and San Mateo Counties, finally reaching San Francisco in June 1776. The de Anza expedition proved that overland travel between the Mexican province of Sonora and upper California was possible and resulted in the initial settlement of San Francisco and the founding of the presidio and mission there.

Pursuant to legislation I sponsored in the 98th Congress, the National Park Service conducted a feasibility study of including the Juan Bautista de Anza Trail in the National Trails System. I'm pleased to report that this feasibility study/environmental assessment concluded that the de Anza Trail meets the criteria for designation as a national historic trail. The study further found that there is substantial public support for the designation and that State and local agencies and private organizations are prepared to contribute their resources to the endeavor.

The bill I am introducing today implements the recommendations of the National Park Service study. It designates the Juan Bautista de Anza National Historic Trail, comprising approximately 1,200 miles from Nogales, AZ, to San Francisco, CA, and provides that the trail be administered by the Secretary of the Interior. The bill also calls for the Secretary to encourage the participation of volunteer trail organizations in the development and maintenance of the trail.

Mr. President, enactment of this legislation will give national recognition to an important pioneer route and commemorate an event significant to the course of American history and the settlement of California. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juan Bautista de Anza National Historic Trail Act".

SEC. 2. JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following:

"(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking "and (16)" and inserting "(16), and (17)".

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 466. A bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steroids; to the Committee on the Judiciary.

STEROIDS CONTROL

Mr. BIDEN. Mr. President, Today I am introducing a bill to address what has become a major public health problem in America—the abuse of anabolic steroids. And I am pleased to have the Senator from South Carolina join me in this effort. Senator THURMOND and I have been working for many years to deal with the drug abuse problem, particularly among our young people.

Young people use steroids not only because they want to be better athletes, but also because they want to look better. What they do not understand is that steroids have proven adverse medical consequences. The medical problems associated with steroids include coronary artery disease—including heart attack and stroke, cancer, liver disease, sterility, increased cholesterol levels, stunted growth in adolescents, and—in some rare cases—death. There is also some limited evidence that steroids can be psychologically addictive.

Unfortunately, while most people think that steroids are only a problem among the elite circle of world-class Olympic athletes, steroid abuse permeates every level of amateur and professional sports. In a recent survey, 7 percent of the male high school athletes said they had or were continuing to use steroids. And it's almost unbelievable that 40 percent of these users began before the age of 16. Applied nationwide, it could mean that 250,000 to 500,000 male high school students are using steroids.

Not surprisingly, this incredible demand for illicit steroids fuels an underground black market that has become a $400 to $500 million industry. And in an ominous trend, professional drug traffickers have been lured by these profits and are beginning to push a new set of poisons upon our children.

Last year, I added an amendment to the Anti-Drug Abuse Act of 1988 that increased the penalty for illegal distribution of steroids from a misdemeanor to a felony, punishable by up to 3 years imprisonment. And the penalty doubles for selling steroids to children.

When I introduced that amendment, I said that it was only the first step in what should be a nationwide crackdown on steroid trafficking and abuse. The bill that I am introducing today

represents what I believe should be one of the next steps in this effort.

Many illegal steroids dealers use the U.S. mails to distribute these drugs throughout the country. In addition, some foreign companies in Mexico and Europe have used direct mail solicitations to encourage U.S. citizens to buy steroids. In one blatant example, a Mexican firm, United Pharmaceuticals of Mexico, mailed a solicitation to U.S. citizens giving them directions to a hotel across the border where they could go to buy steroids.

My bill would address these problems in two ways. First, it will make using the mails to distribute steroids a separate criminal offense, thus giving postal investigators the authority to conduct steroid investigations. And second, it will make the solicitation of illegal steroid sales through the mails or any other communication device such as the telephone a criminal offense. Any person who violates either of these provisions faces a prison sentence of up to 3 years.

Once again, I would like to thank Senator THURMOND for joining me in this effort. I look forward to working with him in the Judiciary Committee as we try to stem the steroid abuse problem in America.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 83 of title 18, United States Code, is amended by adding after section 1716A the following:

"SEC. 1716B. NONMAILABLE ANABOLIC STEROIDS.—

"(a) Whoever knowingly—

"(1) deposits in the mail;

"(2) causes to be deposited in the mail; or

"(3) receives by mail with intent to further distribute,

any anabolic steroid for any use in humans other than the treatment of disease pursuant to the order of a physician, except as otherwise permitted by law, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) For the purposes of this section, the term "mail" means the U.S. Postal Service or any other interstate mailing or delivery facility or service.

"(c) Whoever knowingly uses any communication facility as defined in subsection (b) of section 403 of the Controlled Substances Act (21 U.S.C. 843(b)) in committing or in causing or facilitating the commission of any act or acts prohibited by subsection (a) shall be fined under this title, imprisoned not more than three years, or both. Each separate use of a communication facility shall be a separate offense under this subsection.

"(d) Any property, real or personal, involved in a violation of subsection (a) or (c) shall be subject to forfeiture under the procedures provided in sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853 or 881), with respect to criminal and civil forfeiture. Such forfeiture proceedings may be carried out by the Department of Justice or, with respect to administrative forfeiture proceedings, by the Postal Service.".

(b) The table of sections for chapter 83 of title 18, United States Code, is amended by adding after the item for section 1716A the following:

"1716B. Nonmailable anabolic steriods.".

(c) Section 3001 of title 39, United States Code, is amended by inserting "1716B," after "1716,".

Mr. THURMOND. Mr. President, today, I am pleased to join Senator BIDEN in introducing this important legislation. Last year, as part of the Anti-Drug Abuse Act of 1988, legislation was enacted which prohibits the distribution of anabolic steroids for any use in humans, other than for medical treatment. This provision was in response to the growing abuse of anabolic steroids by young adults, bodybuilders, and athletes. Ignoring the proven side effects of steroid use, such as cancer and sterility, people have continued to use steroids in an effort to make themselves stronger and physically more attractive. With the strong demand for these steroids, there will always be those who attempt to profit from their sale.

Despite last year's enactment of the statute banning the distribution of steroids, many wholesale steroids dealers have been using the regular mails to distribute their drugs. In addition, steroid dealers from various parts of the world have been marketing their products in the United States through direct-mail and telephone solicitation.

This legislation builds upon the drug bill Congress passed last year by making it illegal to use the mails to distribute steroids. Those who violate this provision would be subject to a maximum of 3 years imprisonment and tough criminal fines. The bill also makes the solicitation of illegal steroids sales a criminal offense and provides for the forfeiture of those assets used to violate the statute. In effect, this bill will give U.S. Postal Inspectors the necessary jurisdiction to provide needed assistance to law enforcement in the battle against illegal steroid use.

Mr. President, the abuse of anabolic steroids is a serious problem facing this Nation. Everyday, people are using these drugs despite the risks to their health and even their life. We must not stand by and watch as thousands of our citizens ruin their lives for the sake of bigger and stronger bodies. Without question, those people who sell steroids in violation of the law are drug pushers. Legislation which will punish them for their efforts to distribute illegal drugs should be swiftly considered.

I look forward to hearings on this bill and I urge my colleagues to support this important legislation.

By Mr. SIMON (for himself and Mr. DIXON):

S. 467. A bill to provide for an accelerated implementation of an approved demonstration project for Federal Aviation Administration employees at certain facilities; to the Committee on Commerce, Science, and Transportation.

ACCELERATED IMPLEMENTATION OF AN APPROVED DEMONSTRATION PROJECT

● Mr. SIMON. Mr. President, today, my good friend and colleague Senator DIXON and I are introducing legislation which should significantly help address both the safety and traffic problems now faced by three of our busiest airports—Los Angeles, New York Kennedy, and Chicago O'Hare.

Several months ago, Senator DIXON, and I, and several of our colleagues in the other body, went through a series of meetings with the Federal Aviation Administration. A number of near air misses in the Chicago airspace had increased fears that there was a disaster waiting to happen.

One of the problems the FAA has faced at O'Hare, and other large airports, is the ability to attract qualified controllers and, over time, to retain them. While this is only one of many problems we fact at O'Hare, it is a critical problem. The FAA has responded by asking the Office of Personnel Management to use their authority to put a pay demonstration project into place at three of the country's largest airports. The pay demonstration project, authorized under civil service reform legislation in 1976, will allow 2,000 FAA employees to be eligible to receive an additional pay allowance of up to 20 percent of their basic pay. The demonstration project will last for 5 years. Other pay demonstration projects already initiated by the Office of Personnel Management have proven to be highly effective management tools. We anticipate that this project will do the same at O'Hare, Kennedy, and Los Angeles International Airport.

Under the pay demonstration project authority, there is a 180-day waiting period following announcement of the project, allowing comments to be heard. The FAA project is currently scheduled to be implemented in May of this year. We believe the situation at these three airports is critical enough to reduce that 180-day waiting period. Our legislation would allow the pay demonstration project to start as soon as Congress passed this legislation.

This has not been a good period for the airline industry—anxiety is high among consumers, carriers, and Government regulators. When we are given the tools to address these concerns and take constructive action to ensure the safety of air travelers, we should do so quickly and fully. We

urge our colleagues to join us in moving this legislation quickly, and allowing these airports to function as safely and efficiently as they can.●

● Mr. DIXON. Mr. President, I want to commend my colleague, Senator SIMON, for his diligent efforts on behalf of air traffic controllers and the traveling community in general. We have a mission to accomplish today. That is to bring back confidence in the air traffic system.

Up to now, we've been rather upset at the way the Federal Aviation Administration handled the crisis in the Chicago airspace. I am pleased with this development, however. The pay demonstration project that we are attempting to implement will help solve a problem that has troubled me since the crisis began: not enough controllers want to work or are working in the facilities covering our Nation's busiest airports. What incentive is there to work in an expensive city at a busy facility when someone can earn the same money in sunny climes at an airport with moderate traffic? Absolutely none until now.

The demonstration project must be implemented soon. That is why Senator SIMON and I have introduced this bill. The traveling public needs to know that we take their safety seriously, and our Nation's air traffic controllers and support staff need to know that we take their jobs seriously. I urge the Senate to take immediate action on this bill and send the right signals about our commitment to air safety.●

By Mr. REID (for himself, Mr. BURDICK, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. MOYNIHAN, Mr. SANFORD, Mr. DODD, Mr. LEVIN of Michigan and Mr. BRYAN):

S. 469. A bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971; to the Committee on Rules and Administration.

FEDERAL ELECTION ENFORCEMENT ACT

Mr. REID. Mr. President, today I am introducing a bill to provide for more effective enforcement of our Federal election laws. I am proud to be joined in this effort by original cosponsors Senators BURDICK, ADAMS, BOREN, CONRAD, MOYNIHAN, SANFORD, DODD, LEVIN of Michigan and BRYAN.

We talk a great deal in this Chamber about the need to change our election laws, and I agree wholeheartedly with the reforms suggested in S. 137, Senator BOREN's Senatorial Election Campaign Act of 1989. In fact, I am an original cosponsor of that bill. But, in addition to these reforms, we must address the issue of enforcement. After all, what good are our laws if they are not enforced? Currently, the penalties for election law violations are too little, too late. As Germond and Witcover pointed out in an article that appeared in the Baltimore Evening Sun last month, the message of FEC enforcement is "we can only lock the barn after the horse is stolen."

Candidates can win elections by violating election laws. Often they are not penalized at all, and even if they are penalized—the fines amount to a mere slap on the wrist, years after the violation occurred. This hardly deters the successful candidate.

The Federal Election Enforcement Act addresses this problem by shortening the process and making the penalties more severe.

Currently, the law provides caps on penalties. This has led to ridiculously low penalties for serious violations of the law. This bill would change that by providing for minimum penalties equal to the amount of the violation. Only this way can we encourage people to know and abide by the law. In addition, the bill reduces the time required for conciliation agreements and provides minimum penalties that will limit the negotiating posture of alleged violaters. The Federal Election Enforcement Act also includes technical changes in Federal Election Law providing the FEC with the authority to issue injunctions and replacing the "reason to believe" standard with the Federal rules 12(b)(6) standard of failure to state a claim. The bill also addresses the problem caused by the often partisan 3-3 votes of the Commission which stop enforcement in its tracks. Under FEEA, the party alleging a violation will be given a private right of action in cases where the Commission fails to act because of a 3-3 vote. The bill also provides for the award of attorney's fees to the prevailing party.

The message this bill sends is a simple one: if we are going to have election laws, lets enforce them, if we are going to penalize violaters, lets have penalties that deter violations.

Mr. MOYNIHAN. Mr. President, I rise in strong support of the Fair Campaign Enforcement Act introduced today by my good friend from Nevada Senator REID. This bill, which I supported in the 100th Congress, takes a belated first step to correct one of the long neglected problems of guaranteeing fair elections: Poor enforcement of campaign laws, something that often gives an advantage to those breaking the law, and penalizes those abiding by it. While the Senate was deadlocked on campaign finance reform measures last Congress, there is hope that we will take a bipartisan step toward reform this time.

My frustration with the enforcement of campaign finance law is borne from firsthand experience. In 1982, I was targeted for defeat by a political smear organization called the National Conservative Political Action Committee, or NCPAC. NCPAC is now swamped with debt and all but defunct, but in the early 1980's, it effectively slung mud and grossly violated campaign laws in its attempts to defeat liberal lawmakers. During my campaign, the director of NCPAC's supposedly independent advertising campaign in New York State was also on the payroll of one of my Republican opponents. This in complete violation of Federal campaign law.

In January 1982, the New York State Democratic Committee filed suit against NCPAC and my opponent. More than 2 years later, the Federal Election Commission [FEC] finally filed suit against NCPAC. More than 2 years after that, a U.S. district court judge ruled that NCPAC had violated campaign law, forcing the group to settle with the FEC. Three and one-half years had passed since the election had been decided.

Fortunately, this long delay had no effect on the ultimate outcome of the election. But it might have. The perpetrators of the crime banked on the fact that by the time they were caught and punished, the damage they sought to inflict would be long done. And this was not an isolated incident. Mr. President, I submit that it is damaging to the integrity of the democratic process to give such an advantage to the lawbreakers that crimes are practically encouraged and rewarded. We must takes steps to ensure that the Federal Election Commission has no excuse for not carrying out its mission swiftly and effectively, and to ensure that elections cannot be stolen.

I believe the Fair Campaign Enforcement Act is one such step. The bill will require substantial penalties for violations of the law. It will require that the FEC take action more quickly against alleged violations. It will permit quicker access to the courts when the Commission fails to reasonably pursue a violation. These changes, I believe, will begin to tip the balance away from the lawbreaker, and ensure that election laws are fairly—and promptly—enforced.

Mr. President, I ask unanimous consent that an editorial from the Washington Post on the not-so-swift enforcement of Federal campaign law be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 1986]

THE FEC's GOOD NEWS

The good news is that the Federal Election Commission has won victories in two important cases. The bad news is—well, you begin to get the idea when you know that the cases arose in the 1982 and 1984 campaigns. The FEC has done a good job of closing the barn door, but the barn has been empty for years. The question is now whether, in comparable future cases, the commission can get it closed in time.

The first of these victories came in a case brought against NCPAC concerning the 1982 senatorial campaign of Bruce Caputo. NCPAC (under the name of "New Yorkers Fed Up With Moynihan") made what it claimed were "independent expenditures" substantially above the amount it could contribute directly to Mr. Caputo's campaign. That's legal, so long as "independent" means what it says—i.e., that there is no collusion or contact between the contributor and any candidate who is a beneficiary. But in this case both NCPAC and the Caputo campaign used the same pollster, Arthur Finkelstein. They could hardly be said to be independent unless the Caputo side of Mr. Finkelstein's brain refrained from communicating with the NCPAC side. The FEC sued NCPAC and won in federal court in Manhattan—but not until last Friday.

The second case was brought against the National Congressional Club and Jefferson Marketing, both controlled by associates of Sen. Jesse Helms. The charge is that Jefferson Marketing provided services to Helms-backed candidates at rates so far below market rates that they amounted to contributions above the limits set by law. Jefferson Marketing has signed a consent decree, agreeing to separate its ownership from the Congressional Club and to pay a $10,000 fine. This may prevent future violations. But a $10,000 fine seems a small price to pay for a violation that may have affected the outcome of a Senate campaign in which $26 million was spent and which was decided by 86,000 votes of 2.2 million cast.

These cases may be moot for most of the parties concerned: Mr. Caputo, for one, withdrew from the 1982 race long before the election, when it was revealed that his claim to have served in the military was false; NCPAC has had its financial woes of late. But the principles remain important, and the results show that the commission can do something about those who wink at the law. The mystery is why these cases took so long.

For this some blame must go to the defendants, who predictably delayed things as much as they could, and some to the courts; the FEC went to court against NCPAC in February 1984 and against Jefferson Marketing in February 1985. But blame must also go to the commission. These violations were about as clear-cut as one can find, and the complaints were brought well before the elections. Yet the FEC took 20 months to find probable cause that NCPAC violated the law—14 months after the election. In the Jefferson Marketing case, the commission made its finding 17 months after the complaint and three weeks before the election; but it allowed another four months for "conciliation." The FEC needs to act more quickly. As things now stand, those who obey the law are not to be put at an unfair disadvantage by those who violate it.

By Mr. EXON:

S. 470. A bill to provide better bus transportation services for residents of rural areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL BUS SERVICES ACT

Mr. EXON. Mr. President, I am proud to introduce a bill designed to improve bus transportation services for residents of rural areas.

In August 1988, the surface transportation subcommittee held a hearing in Omaha, NE, on passenger bus service, which followed a 2-day conference on reconnecting rural America. At that hearing we focused on the adequacy of existing interstate and intercity passenger bus service, the prospects for continuation of service and the need for a redistribution of Federal and State transportation funding to ensure continued service.

There is no doubt that rural America has been affected by the operation and structure of the bus industry since enactment of the Bus Regulatory Reform Act of 1982. By utilizing market freedoms under the 1982 reform act, carriers discontinued many unprofitable routes, and smaller carriers have established service in areas where demand still exists.

An analysis by the Interstate Commerce Commission found that between 1982 and 1986, approximately 3,400 communities, nine-tenths of them with populations of under 10,000, lost all intercity bus service.

In my home State of Nebraska, a good example of this nationwide problem for rural transportation is currently taking place. It involves the possible loss of the only intercity bus service through northern Nebraska, which runs from Omaha through northern Nebraska and up to Rapid City, SD.

The loss of this Black Hills Stateline route would end intercity bus service through such major northern Nebraska cities as Norfolk, Neligh, O'Neill, Bassett, Valentine, Rushville, Chadron, Ainsworth, and others. Only two of those cities have air service under the essential air services program. None of those cities is served by Amtrak.

However, this particular problem in Nebraska is hardly unique throughout rural America. There is clearly a need for some creative and innovative approaches and the establishment of a new rural transportation policy.

The legislation I am introducing today, known as the Rural Bus Services Act, specifically provides assistance to States and local communities facing loss of intercity bus service.

After deregulation of the airline industry, a safety net program was implemented to assist in keeping essential air service in smaller cities and communities threatened by loss of service. Intercity rail passenger transportation has Amtrak for essential rail transportation. Although there was language originally establishing a safety net program for intercity bus transportation, it was eventually deleted from the 1982 Bus Deregulation Act prior to its final passage. This legislation revives that program, with some modification, and funds this program by changing distribution of urban mass transportation funds.

The bill also increases the minimum share of funds allocated to provide transportation assistance to nonurbanized areas from the current 2.93 percent to 7 percent of total funds. That is a modest request.

For far too long, smaller communities and rural areas have not received an adequate share of UMTA resources. Out of the 7 percent funding mix created by this legislation, 1 percent or one-seventh of these funds would be available to carry out the new program for the improvement of intercity bus service, and for the establishment and maintenance of certain rural feeder services. The remainder would be available to help out existing rural transit programs.

I hope this legislation will provide the necessary tools for States and the incentives for existing transit providers to bring passengers from rural areas to hub cities, thereby linking local communities with other intercity carriers, as well as expand programs such as the Rural Connection Program initiated recently by Greyhound.

The bill also provides for the establishment of a pilot program to assess the feasibility of combining express pickup and delivery of small packages with passenger transportation in rural areas. Currently, rural transit systems can feed passengers to intercity carriers but are generally prevented from providing package delivery because of barriers established by State regulatory commissions.

A requirement of the legislation would be that DOT conduct a study to determine the extent to which this kind of limited pickup and delivery and passenger service is dependent upon Federal preemption of State regulation.

It is my hope that this bill will bring greater equity to our national transportation funding policy, increase assistance for transit in rural areas, and increase the mobility of the groups recognized as most dependent on intercity bus transportation, such as the poor, the elderly, and the handicapped. I urge my colleagues to join me in this effort.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Bus Services Act".

INTERCITY BUS SERVICE

SEC. 2. The Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"INTERCITY BUS SERVICE

"SEC. 26. (a) The Secretary is autorized to make grants for the initiation, improvement, or continuation of intercity bus service, and for the establishment and maintenance of rural feeder services, for residents of rural areas and residents of urban places designated by the Bureau of the Census as

having populations of 5,000 or more which are not within an urbanized area.

"(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 30 percent of the net cost of such an operating expenses project. The remainder of such cost shall be provided in cash from sources other than Federal funds. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may consider necessary to promote the initiation, improvement, or continuation of privately owned and operated intercity bus service. To the maximum extent feasible, assistance shall be distributed by the Secretary only for privately owned intercity bus companies to subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by the route and only direct costs of the operation of the route. In making any such grant with respect to service in a particular general area, the Secretary shall give preference to applications involving a private bus operator which lawfully has provided intercity bus service within that area during the 1-year period preceding the date of application for such a grant, as compared to applications involving proposals for such service by any other operator.

"(c) Grants for the establishment and maintenance of rural feeder services under subsection (a) of this section shall be made only to States and local public bodies thereof in order to provide financial and other incentive for such establishment and maintenance. Such incentives may include—

"(1) supplemental operating assistance to permit daily service;

"(2) extension of authorized operating hours to facilitate connections with bus and railroad services that operate in nationwide interstate commerce;

"(3) subsidization of fares; and

"(4) establishment of a special fund to pay for the marketing of rural connections and rural feeder services.

"(d) As used in this section, the term—

"(1) 'intercity bus service' means transportation provided to the public by a private bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (A) between one urban place as designated in accordance with subsection (a) and another such urban place, (B) between such an urban place and an urbanized area, or (C) between one urbanized area and another urbanized area, through rural areas or such urban places, or both, except that the term does not include local service; and

"(2) 'rural feeder services' means transportation provided to the public which is designed to facilitate connections between a rural area and bus and railroad services that operate in nationwide interstate commerce.".

FUNDING FOR RURAL PROGRAMS

SEC. 3. (a) Section 21 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1617) is amended—

(1) in subsection (a)(1), by striking "sections 9 and 18" and inserting in lieu thereof "sections 9, 18, and 26"; and

(2) by amending subsection (e) to read as follows:

"(e) For each of fiscal years 1987 through 1989, 2.93 percent of the aggregate funds made available for sections 9, 18, and 26 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out sections 18 and 26. For each of fiscal years 1990 through 1992, 7 percent of such aggregate funds shall be available to carry out sections 18 and 26, of which 1 percent of such aggregate funds shall be available to carry out section 26. All amounts made available for sections 18 and 26 shall be from funds appropriated under subsection (a).".

(b) Section 9(a)(2) of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1607a(a)(2)) is amended by inserting immediately before the period at the end the following: ", except that for each of fiscal years 1990 through 1992, not to exceed 84.36 per centum shall be available for such expenditure".

EXPRESS PICKUP AND DELIVERY OF SMALL PACKAGES

SEC. 4. (a)(1) The Secretary of Transportation shall establish pilot projects for the purpose of providing incentives for rural feeder services (as defined under section 26 of the Urban Mass Transportation Act of 1964) to combine express pickup and delivery of small packages with passenger transportation.

(2) The Secretary shall, not later than 9 months after the date of enactment of this Act, make grants for the projects referred to in paragraph (1), which shall not exceed 18 months in duration. The grants shall be made only to States and local public bodies and agencies thereof and shall not exceed 20 percent of the net cost of providing such pickup and delivery. The remainder of such cost shall be provided from sources other than Federal funds.

(3) In making grants under this section, the Secretary shall, in consultation with the Interstate Commerce Commission, give preference to applicants which—

(A) demonstrate a serious community need for such pickup and delivery, in light of such circumstances as availability and proximity of existing pickup and delivery services; and

(B) propose services by private bus operators with proven expertise in intercity bus services (as defined under section 26 of the Urban Mass Transportation Act of 1964) which possess a reasonable likelihood of continuing such pickup and delivery after grant assistance under this section has terminated.

(4) No grant under this section shall be made after September 30, 1991.

(5) Section 4(i) of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1603(i)) is amended by inserting, immediately before the period at the end of the first sentence, the following: ", including projects referred to in section 4(a)(1) of the Rural Bus Services Act".

(b) The Secretary shall conduct a study to evaluate the extent to which such pickup and delivery is dependent upon Federal preemption of State regulation. The Secretary shall, not later than 12 months after the date of enactment of this Act, report to Congress on the results of such study.

By Mr. MOYNIHAN (for himself and Mr. SIMPSON):

S. 472. A bill to amend the Foreign Relations Authorization Act, fiscal years 1988 and 1989, to extend the period during which aliens may not be denied visas on certain grounds, and for other purposes; to the Committee on the Judiciary.

CLARIFICATIONS TO MC CARRAN-WALTER PROVISIONS

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill, for myself and Mr. SIMPSON, which clarifies modifications made last year in the Foreign Operations Appropriations Act, fiscal year 1989 to section 901 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989. Section 901 concerns the exclusion of aliens from the United States on the basis of their political beliefs. Due to drafting errors, the law was not as clear as it might be. This bill goes some way to clarify that law. I am pleased to say that this bill has the support of the chairman and ranking member of the Committee on Foreign Relations. I hope we can look forward to its early passage.●

By Mr. GRAMM:

S. 474. A bill to amend the Immigration and Nationality Act to deny the adjudication of certain political asylum claims made in the United States; to the Committee on the Judiciary.

POLITICAL ASYLUM APPLICATION REFORM ACT OF 1989

● Mr. GRAMM. Mr. President, today I am introducing legislation that seeks to close a loophole in our immigration law which has been exploited by refugees from throughout Central America. The result of this activity is that small communities in south Texas have been overwhelmed as they struggle to cope with the thousands of people who have streamed into the United States.

Most of these individuals have requested political asylum after they have reached the United States. Under existing law, an asylum request initiates a specific administrative and judicial process which can take years to conclude if every appeal right is exercised and if the individual seeking asylum is determined to exploit every conceivable avenue that the law currently allows to be explored in the asylum process.

The problem that we have, Mr. President, is that the U.S. political asylum process was designed to accommodate a single, unique circumstance. It was never designed to accommodate tens of thousands of requests made by individuals who clearly do not meet the threshold test of political asylum, "* * * a well founded fear of persecution * * *" in their homeland.

Most of the refugees appearing in south Texas and requesting political asylum have had to pass through one or more countries in order to get to the United States and make their asylum claims. If they were truly fleeing political oppression, it would seem

as though they would either be applying for asylum in one of the nations that they must pass through in order to reach the United States or that they would exercise their right to apply for refugee status before reaching the United States.

However, neither of these options would provide the benefits that can be obtained by actually reaching the United States and making the asylum claim. In many cases, once the asylum process has begun, the potential asylee is free to travel throughout the United States, obtain a job, and either begin the process of assimilation or begin working the legal process as I have described.

President Bush and Attorney General Thornburgh have moved to control the situation in south Texas by sending additional Border Patrol and Immigration and Naturalization Service personnel to the area. The INS is detaining political asylum applicants and this policy has already resulted in a dramatic reduction in the number of individuals requesting political asylum. These administrative procedures have had their intended effect but, in my opinion, we need a permanent, legislative solution as well.

In order to close this loophole, I am introducing legislation which will mandate that individuals seeking asylum in the United States who come from North, Central or South American nations and who have traveled through a third nation, a so-called safe haven country, on their way to the United States, must file their application for asylum while they are in the safe haven nation.

In other words, I propose to restrict the processing of political asylum requests made in the United States by individuals who have had an opportunity to make such a request before they actually arrive here. Such requests could be made at U.S. Embassy or consular facilities or perhaps at sites which the State Department may wish to designate for such purposes.

The bill provides for expedited exclusion and deportation proceedings for those who violate the new asylum request procedure.

By closing this loophole in this manner, we will still be able to protect those who are fleeing oppression and have a legitimate fear for their safety but we will thwart those who would bend the system to their own designs.

I encourage my colleagues to review this proposal and work to ensure its swift enactment. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Asylum Application Reform Act of 1989".

SEC. 2. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended—

(1) in subsection (a), by striking out "(a) The" and inserting in lieu thereof "(a) Except as provided in subsection (d), the"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) No claim for asylum by any alien entrant in the United States may be adjudicated except on the limited grounds of paragraph (2) if the alien—

"(A) is a native of a country in North, South, or Central America; and

"(B) who—

"(i) had the opportunity in a safe haven country to file an application (or maintain an application previously filed) for refugee status in the United States; and

"(ii) either (I) did not file or maintain an application in any safe haven country or (II) filed or maintained an application and refugee status was denied or a decision on refugee status was pending on the date of the alien's entry into the United States.

"(2)(A) For each alien applying for asylum in the United States, an immigration officer shall make an initial determination as to whether such alien is ineligible for asylum under paragraph (1). The burden of proof is on the alien to demonstrate that he is not ineligible for asylum under paragraph (1).

"(B) If the immigration officer determines such ineligibility, then the alien shall be excluded or deported from the United States. The decision of the immigration officer is final, conclusive, and not subject to administrative appeal or judicial review. A denial of a claim of asylum under this subsection shall also be treated as a denial of a request for withholding of deportation under section 243(h).

"(3) Any alien excluded or deported from the United States under paragraph (2) may file, without prejudice, an application in a safe haven country for refugee status in the United States.

"(4) For purposes of paragraph (1), an alien shall be deemed to have had the opportunity in a safe haven country to file an application (or maintain an application previously filed) for refugee status in the United States if—

"(A) the alien transited or resided in that country before the alien's entry into the United States; and

"(B) the alien was not—

"(i) in the custody of governmental authorities for the duration of the alien's stay in that country; or

"(ii) on board a vessel or air carrier which did not disembark passengers in that country.

"(5) The Attorney General and the Secretary of State shall prescribe such regulations as may be necessary to carry out this subsection.

"(6) It is the sense of the Congress that the President should take into account the number of asylum claims denied under paragraph (2) in making his determination of refugee admissions for a fiscal year pursuant to section 207(a) of the Immigration and Nationality Act.

"(7) For purposes of this subsection—

"(A) the term 'alien entrant in the United States' means an alien—

"(i) who—

"(I) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

"(II) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

"(III) was not lawfully admitted to the United States and has an application for asylum pending with the Immigration and Naturalization Service; and

"(ii) with respect to whom a final, nonappealable, and legally enforceable order of exclusion or deportation has not been entered; and

"(B) the term 'safe haven country' means a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, a country other than the country of the alien's last habitual residence) with which the United States has consular relations.".

SEC. 3. APPLICABILITY OF PROVISIONS.

The amendments made by subsection (a) shall apply to aliens entering the United States on or after the date of enactment of this Act.

By Mr. SIMON:

S. 475. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF A VESSEL

● Mr. SIMON. Mr. President, I rise today to introduce legislation that would grant a waiver for documentation of a vessel located in Illinois. The vessel is operated on Lake Michigan by Margaret Montvid, a licensed U.S. merchant marine captain, and her husband. The Montvids' daughter purchased the vessel for $30,000 with the understanding that it would be eligible for redocumentation for a Great Lakes Trade Endorsement in time for the start of the coho salmon season starting in April last year.

Title 46, United States Code, together with the Jones Act, requires that vessels engaged in domestic coastwide trade be built and documented in the United States. These laws apply to all vessels irrespective of size or intended use. Furthermore, these provisions of law permanently terminate the coastwise privileges for U.S. built vessels that are later sold to foreign citizens. The owner must be able to provide all the documents establishing U.S. manufacture and U.S. citizenship of the builder and each individual in the chain of ownership.

Nancy Ann, official number 901962, was listed in the Boat Manufacturer's guide as a Baja 31 Fisherman built in 1975 by the Southampton Marine Co. in Berlin, NJ. This company went out of business in 1975, and the manufacturer's agent, Premier Sport's Marine, a disadvantaged business enterprise cannot be located. The boat has had 11 owners and documentation is missing for only 2 including Premier Sport's Marine. Marine Loan Security sent certified letters to all the others, but it was only after repeated phone

calls by Mrs. Montvid, that many of these previous owners responded.

Now, over a year after the boat was purchased and the Montvids invested an additional $15,000 in *Nancy Ann* for instrumentation and fishing equipment, this legislation will permit them to join other commercial charter operators at the new Northpoint Marina ner Zion, IL.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the vessel Nancy Ann, United States official number 901962.●

By Mr. SIMON:

S. 476. A bill to increase the number of refugee admission numbers allocated for Eastern Europe/Soviet Union and East Asia; to the Committee on the Judiciary.

REFUGEE EMERGENCY ADMISSIONS ACT

● Mr. SIMON. Mr. President, I rise to introduce legislation on a matter not of concern not only in my home State, but throughout the world. I am referring to the inability of our Government to accommodate the needs of persecuted religious minorities from the Soviet Union and Eastern bloc nations.

I, as well as many of my colleagues, have become increasingly concerned about the refugee situation in Rome and Vienna involving Soviet Jews, Poles, and others fleeing persecution in that part of the world. Neither the State Department nor the Immigration and Naturalization Service seem adequately prepared to process the increasing numbers and I am disturbed that the President has yet to propose additional visa numbers and funding to the Congress.

What otherwise would be a historic opportunity for freedom for tens of thousands is turning into a bureaucratic nightmare. The available details about INS processing of refugee applications in Rome, as well as projections for future flows, dictate that immediate action be taken.

Today, therefore, I am introducing legislation requiring the President to increase our refugee admissions numbers by 39,000 for this fiscal year. The 39,000 admissions will be allocated for 25,000 Soviet refugees and 7,500 Eastern European refugees. In addition, my legislation will restore the visa numbers for Southeast Asian refugees which the President reallocated as an emergency measure in anticipation of this crisis. I share the belief of many of my friends in the Jewish community that we should not balance this crisis on the backs of Southeast Asian refugees or any other refugees.

We are in danger of losing a historic opportunity for freedom for Soviet Jews. I believe my legislation is a first step to enable us to fully address their needs and give us time for more long-term workable solutions. I urge my colleagues to join me.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN REFUGEE ADMISSIONS FOR EASTERN EUROPE/SOVIET UNION AND FOR EAST ASIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall, in addition to the worldwide refugee admissions determined by the President for fiscal year 1989, increase such number by 39,000 refugee admission numbers, to be allocated as follows:

(1) 25,000 numbers shall be allocated for Soviet refugees.

(2) 7,500 numbers shall be allocated for Eastern European refugees.

(3) 5,000 numbers shall be allocated under the Orderly Departure Program for East Asian refugees.

(4) 1,000 numbers shall be allocated for first asylum refugees from East Asia.

(5) 500 numbers shall be allocated for refugees from the Near East and South East.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide assistance necessary for the admission of refugees under subsection (a).●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 477. A bill to require the use, in Federal formula grant programs, of adjusted census data, and for other purposes; to the Committee on Governmental Affairs.

FAIR SHARE ACT

● Mr. MACK. Mr. President, today I am introducing legislation to ensure that Federal funds are channeled back to States in the manner reflecting the intent of Congress. The Fair Share Act of 1989 would ensure that Federal funds to States are allocated in accordance with population counts based on the most recent available data, instead of outdated population estimates.

All we need to do is require the various agencies of the Federal Government to use data which is currently published by the Bureau of the Census. Annual updates are already generated by Census and the agencies, of course, routinely calculate State allocations of Federal funds. It's just a matter of requiring the agencies to plug in the most recent data into their formulas.

Right now, agencies pursue a random and somewhat haphazard way of allocating Federal funds. Some agencies use annual updated census figures; some use only old decennial census data; some generate their own data; and some use various figures for various programs.

The General Accounting Office has published a study in 1987 showing 51 Federal grants programs that use decennial census data in allocating funds to States. America is an increasingly mobile society. Federal grant programs based on population should reflect this mobility. Not considering this mobility means that States with growing populations, such as those in the Sun Belt, are unfairly penalized.

My home State of Florida had a population of 9,746,324 in 1980. By 1988, Florida's population had grown to 12,377,000—an increase of 26 percent. In 1987, Florida had become the fourth largest State in the Nation. To ignore Florida's dramatic population growth in the last 8 years is to defy the intent of Congress when it initiated these population-based grant programs. These are dollars which are not only much needed by the State, but funds which should be returned to Florida, according to Congress, the result is that Floridians see far fewer of their tax dollars returned to them than they should.

It is not necessary to use old population data. We have annual population updates produced by the Bureau of the Census every July that are automatically distributed to every agency in the Government. No one questions the reliability of these updates. It just makes good sense to use them. Many Federal program administrators already use these updates. All programs should use them.

Mr. President, I would like to cite the findings of a report released by the Sun Belt Institute. The research, conducted by Dr. Bernard Weinstein, is extremely illuminating. Dr. Weinstein's analysis reaches three important conclusions:

First, since 1950, the Sun Belt's share of Federal grants has fallen dramatically while the position of other regions has improved.

Second, this shift has exacerbated, not improved, economic dislocations affecting much of the Sun Belt.

Third, the reason for the regional imbalance is clearly biased and misdirected Federal formula grants, and a steady flow of Federal procurement dollars to States outside of the Sun Belt.

The legislation I am introducing today will not solve all of the problems linked to Federal funding and population shifts. But it will address the part of the problem easiest to solve. We can

and should eliminate the gross distortions in Federal allocations to States resulting from the use of outdated population figures. I am also asking the General Accounting Office to update their study of grant formulas with special attention to this problem.

The Fair Share Act of 1989 which I am introducing today also includes an important safety feature: The Office of Management and Budget would be required to compile a list of all Federal grant programs that use decennial census data. When the law's requirement for the use of annual updates kicks in, OMB could grant a waiver for a program where use of such an update would be inappropriate.

I would like to urge my colleagues to support the Fair Share Act of 1989.●

By Mr. DODD (for himself, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. MATSUNAGA, Mr. SIMON, Mr. COCHRAN, and Mr. CHAFEE):

S. 478. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ACT

● Mr. DODD. Mr. President, today I am introducing legislation to provide $25 million over 3 years to the National Board for Professional Teaching Standards for the research and development of equitable and comprehensive methods of assessment for the voluntary certification of teachers. I am pleased to have my colleagues, Senators PELL, HATCH, KENNEDY, MATSUNAGA, SIMON, COCHRAN, and CHAFEE join me today as cosponsors of this legislation.

The nonprofit Board for Professional Teaching Standards was created in 1987, pursuant to the recommendations of the Carnegie Forum outlined in "A Nation Prepared: Teachers for the 21st Century." The board, chaired by James B., Hunt, Jr., former Governor of North Carolina, has designed the voluntary certification process to parallel, and not conflict with or replace, State licensing. Two-thirds of the members of the national board are from the teaching profession and one-third from State and local government and school administration. The voluntary nature of the certification process would give teachers the option of participation. I am joined by nearly every segment of the education community in support of the board.

Why should we provide Federal funds to a private organization to establish a national board for teacher certification? The answer lies in the educational challenge facing America today.

We are adopting an unusual approach because of the unusual problem. As our Nation strives to develop an educational system that will enable us to compete in the increasingly competitive international marketplace, more than a few obstacles stand in the way of educational excellence. Our problems are myriad. Thirty percent of our youth are dropping out of school. On a recent international test, U.S. students scored far below those of our economic competitors on math and science problems. School districts around the Nation are facing shortages of math, science, and foreign language teachers. It is also estimated that as many as two-thirds of active teachers will be retiring by the year 2000. Furthermore, schools are tackling such complex problems as drugs, teenage pregnancy, and violence.

The private sector is already feeling the pinch of fewer and fewer workers skilled to fill job openings. States with the lowest unemployment rates, like Connecticut, are struggling to fill vacancies within their companies. With over 50 percent of mothers with young children working and one out of four children living in poverty, schools today are required to do more than teach. Many, State and local governments are committed to meeting the educational challenges of the next decade, but in light of the severity of the problems, they are also encouraging Federal and private initiatives to assist their efforts.

With these challenges in mind, we need to consider the advantages of private efforts to help bolster the educational system. The responsibility of educating our Nation's youth is not solely the responsibility of our schools. It is essential that the private sector contribute to the education and training of our Nation's youth. The National Board for Professional Teaching Standards is a unique example of a private sector initiative aimed at doing just that.

The national certification board attempts to enhance the quality of teaching by setting a high national standard of teaching excellence. The board's focus on teachers is unique. It recognizes that teachers are the backbone of our schools. It recognizes that they are faced each day with the challenge to motivate and teach our youth. A voluntary certification process would provide national continuity and respect to the teaching force. It would give teachers a means of distinguishing their ability at a national level and emphasize the national concern for quality teaching.

Now that I have painted a grim, but realistic picture of the challenges facing our educational infrastructure and the important role of teachers, let me point to the utility of a national certification process. First, it would complement the efforts on behalf of Federal, State, and local governments to strive for education excellence. It is a well-known fact that our educational system needs bolstering. The board's efforts to identify high standards of teaching and recognize those teachers who meet those standards, would be most beneficial to enhancement of our educational system.

Second, the board would reinforce the need for school systems to attract and keep quality teachers. For too many years, we have neglected to give teachers the respect they deserve. And, the nature of the marketplace and the conditions of our educational system make the need for qualified and committed teachers greater today than ever before.

Third, the board's research conducted on assessment techniques would be a valuable resource to States considering changes in their licensing exams.

Additionally, the same research would be available to graduate and undergraduate teacher education programs. Such programs would be able to utilize assessment techniques for the development of course work for new teachers.

While the board will operate privately, outside the realm of the Federal, State, and local commitment to education, a contribution from the Federal Government to the research and development of the methods of assessment will help the board establish the certification process by 1993. My legislation would help assure that the assessment methods used to qualify teachers for certification are thorough and fair. The bill does not provide assistance for administrative costs. The legislation also requires that the Federal funds be matched dollar for dollar by the funds raised privately by the board.

In closing, a national certification will give teachers a set of national standards they can use to gain well-deserved recognition and respect for their abilities. I believe it would help raise teaching standards, performance, and pay, and thus improve the effectiveness and quality of teaching. The assessment techniques would provide more uniform national criteria for States to use in the upgrading of licensing standards and teacher education programs. It would also provide uniform measurement techniques for school districts to use in developing new hiring and promotion standards. Taken together these reforms would help schools to attract the best and the brightest applicants to teaching by raising the visibility and rewards of the profession.

Priority for use of the Federal funds would be given to research and development activities in mathematics, the sciences, foreign languages, and literacy. And, the board would be asked to give priority to projects which will improve the knowledge and ability of teachers that work with students of limited English proficiency, the talented and gifted, and handicapped, and

those who are economically and educationally disadvantaged.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be cited as the "National Board for Professional Teaching Standards Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the economic well-being and national security of the United States depends on efforts to strengthen the educational system to provide all children with an education which will ensure a well-educated workforce;

(2) improved teaching is central to the goal of ensuring a well-educated workforce;

(3) incentives to enhance the professionalism and status of teaching can be provided through the development and promulgation of voluntary standards of professional certification that are rigorous and unbiased, that complement and support State licensing practices and recognize the diversity of American society;

(4) the National Board for Professional Teaching Standards, a private nonprofit organization has been created to establish such voluntary standards and a significant initial investment in research and development from non-Federal sources will be required to create such a system of professional certification; and

(5) the Federal Government has played an active role in funding vital educational research and can continue to support this national effort by providing limited but essential support for critical research activities.

(b) PURPOSE.—It is the purpose of this Act to provide financial assistance to the National Board for Professional Teaching Standards to enable the board to conduct independent research and development related to the establishment of national, voluntary professional standards and assessment methods for the teaching profession.

SEC. 3. DEFINITIONS.

For the purpose of this Act—

(1) The term "Board" means the National Board for Professional Teaching Standards.

(2) The term "Committee" means the Research and Advisory Committee established pursuant to section 5 of this Act.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(5) The term "Secretary" means the Secretary of Education.

SEC. 4. PROGRAM AUTHORIZATION.

(a) PROGRAM AUTHORIZED.—From sums appropriated under subsection (b) in any fiscal year, the Secretary is authorized and directed, in accordance with this Act, to provide financial assistance to the National Board for Professional Teaching Standards, in order to pay the Federal share of the costs of the activities described in section 6.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for the period beginning October 1, 1989, and ending September 30, 1992.

(c) TERMS AND CONDITIONS.—(1) No financial assistance may be made available under this Act except upon an application as required by section 7.

(2) No financial assistance may be made available under this Act unless the Secretary determines that—

(A) the Board will comply with the provisions of this Act;

(B) the Board will use the Federal funds only for research and development activities in accordance with section 6 and such teacher assessment and certification procedures will be free from racial, cultural, gender or regional bias;

(C) the Board—

(i) will widely disseminate for review and comment announcements of specific research projects to be conducted with Federal funds, including a description of the goals and focus of the specific project involved and the specific merit review procedures and evaluation criteria to be used in the competitive award process, and

(ii) will send such announcements to the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community.

(D) the Secretary, pursuant to an arrangement with the Board, will publish the announcements described in subparagraph (C) in the Federal Register (or such other publication deemed appropriate by the Secretary) and in publications of general circulation designed to disseminate such announcements widely to the educational research community;

(E) the Board will, after offering any interested party an opportunity to make comment upon, and take exception to, the projects contained in the announcements described in subparagraph (C) for a 30-day period following publication, and after reconsidering any project upon which comment is made or to which exception is taken, through the Secretary issue a request for proposals in the Federal Register (or such other publication deemed appropriate by the Secretary) containing any revised project information;

(F) the Board will make awards of Federal funds competitively on the basis of merit, and, in the award process, the Board will select, to the extent practicable consistent with standards of excellence—

(i) a broad range of institutions associated with educational research and development; and

(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question;

(G) the Board will adopt audit practices customarily applied to nonprofit private organizations and will comply with section 9(c);

(H) the Board will not use Federal funds to meet the administrative and operating expenses of the Board;

(I) the Board will submit an annual report to Congress in accordance with the provisions of section 9(a); and

(J) the Board will, upon request, disseminate to States, local educational agencies, or other public educational entities the results of any research or research project produced with funds authorized by this Act, upon the payment of the cost of reproducing the appropriate material.

(d) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of law, funds appropriated to carry out this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

(2) No funds shall be made available to the Board after September 30, 1992, except as authorized by paragraph (1) of this subsection.

SEC. 5. RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Board shall establish a Research and Development Advisory Committee composed of ten recognized scholars and experts in teaching, assessment, and other relevant fields. In carrying out the previous sentence the Board shall appoint two individuals selected by the Secretary. The Board shall consult with the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community on the appointment of other Members to the Committee.

(b) FUNCTIONS.—The Committee shall advise the Board on the design and execution of its overall research and development strategy, including procedures to assure compliance with the requirements of this Act. The procedures shall include—

(1) an outline of specific research and development agenda and activities to be conducted with the Federal funds; and

(2) provisions to ensure compliance with the open competition and merit review requirements of this Act for proposals and projects assisted under this Act.

SEC. 6. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Federal funds received under this Act may only be used for research and development activities directly related to the development of teacher assessment and certification procedures for elementary and secondary school teachers.

(b) PRIORITIES.—(1) The Board shall give priority to research and development activities in—

(A) mathematics;

(B) the sciences;

(C) foreign languages; and

(D) literacy, including the ability to read, write and analyze.

(2) The Board shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

(A) limited English proficient children;

(B) gifted and talented children;

(C) handicapped children; and

(D) economically and educationally disadvantaged children.

SEC. 7. APPLICATION.

(a) IN GENERAL.—The Board shall submit applications to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought; and

(2) provide assurances that the non-Federal share of the cost of activities of the Board is paid from non-Federal sources, together with a description of the manner in which the Board will comply with the requirements of this paragraph.

(b) APPROVAL.—The Secretary shall approve an application unless such application fails to comply with the provisions of this Act.

SEC. 8. FEDERAL SHARE.

(a) IN GENERAL.—The Secretary shall pay to the Board the Federal share of the costs of the activities of the Board for the period for which the application is approved under section 7.

(b) AMOUNT OF FEDERAL SHARE.—The Federal share shall be 50 percent of the costs of the activities described in section 6.

SEC. 9. REPORTS AND AUDITING PROVISION.

(a) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS REPORT.—(1) The Board shall submit an annual report to the appropriate committees of the Congress not later than December 31 of 1990, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this Act. The Board shall disseminate the report for review and comment to the Department of Education, the National Science Foundation, the National Research Council, and the education research community. The report shall—

(A) include a detailed financial statement and a report of the audit practices described in section 4(c)(2)(G);

(B) include a description of the general procedures to assure compliance with the requirements of this Act as required in section 6; and

(C) provide a comprehensive and detailed description of the Board's agenda, activities, and planned activities for the preceding and succeeding fiscal years, including—

(i) the Board's overall research and development program and activities;

(ii) the specific research and development projects and activities conducted with Federal funds during the preceding fiscal year, including—

(I) a description of the goals and methodology of the project;

(II) a description and assessment of the findings (or status and preliminary findings if project is not yet completed);

(III) a description of the competitive bidding process, the merit review procedures, and the evaluation criteria used to award project funds; and

(IV) a description of the Board's plans for dissemination of the findings described in clause (ii);

(iii) the specific research and development projects and activities planned to be conducted with Federal funds during the succeeding fiscal year, including the goals and methodologies to be used; and

(iv) a listing of available publications of the Board, including publications related to policies, standards and general information, research reports, and commissioned papers of the Board.

(2) The first annual report required by this subsection shall include a description of the Board's research and development agenda for the succeeding 5-year period. Such first report shall include to the maximum extent practicable, a description of specific research and development projects and activities, and the goals and methodologies of such projects and activities.

(b) ADDITIONAL REPORTS.—The Department of Education, the National Science Foundation, and the National Research Council shall report to the appropriate committees of the Congress on the compliance of the Board with the requirements of this Act not later than 30 days after the Board submits its annual report pursuant to subsection (a).

(c) AUDITING PROVISION.—The Comptroller General of the United States, and any of his authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Board, and to any recipient of the Board, that is pertinent to the sums received and disbursed under this Act.

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

(2) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers;

(3) provide an individual certified by the Board with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention or dismissal; or

(4) authorize the Secretary to exercise supervision or control over the research program, standards, assessment practices, administration, or staffing policies of the Board.●

● Mr. PELL. Mr. President, I am very pleased to join my colleague, Senator DODD, in introducing the National Board for Professional Teaching Standards Act. This legislation is the reintroduction of legislation we introduced last Congress with a few minor changes.

Mr. President, as I indicated last year, no issue in education today is more critical to educational excellence than that of teacher recruitment and retention. The quality of education in each school, in each school district, in each State, and in this country will reach only as far as the quality of our teachers. Yet with respect to the teacher supply, we face two critical problems: quantity and quality.

Estimates indicate that by the end of the next decade, close to 50 percent of the current teaching force will no longer be in the profession. This projection is largely based on the fact that many current teachers are soon due to retire. But it is also due to the fact that current teachers, young teachers, or teachers new to the profession experience extreme job dissatisfaction and find few incentives to remain in teaching.

The other troubling issue with respect to teacher recruitment is that of quality. The most talented of our college graduates seek careers other than teaching. Low pay, long hours, and little recognition offer them virtually no incentive to become teachers.

The legislation we are introducing today seeks to address this alarming situation by injecting one of the most undervalued professions in this country with a strong dose of professionalism. Our bill would provide $25 million over 3 years for research and development carried out by the National Board for Professional Teaching Standards to develop a national certification program for teachers.

Such a certification will establish a national standard of excellence for teachers to demonstrate they have met. The research and development required for this undertaking will be massive. Great care must be taken to develop assessments that will evaluate the teacher as a whole—to evaluate subject mastery and knowledge, and to assess the ability to translate that knowledge to the student, from the gifted and talented to the educationally disadvantaged. This is particularly difficult because these assessments must also be carefully constructed to allow no room for bias or favoritism.

Board certification will require the development of assessments in basic academic areas such as English, mathematics, science, and social studies. In addition, it will require assessments in biology, chemistry, and physics. It will require separate tests for elementary school teachers and for secondary school teachers.

This considerable project will take 3 to 5 years to complete and it is estimated that the total cost will be in the neighborhood of $50 million. In that regard, it is very significant that the Board has agreed to match, dollar for dollar, the Federal contribution of $25 million.

Once these assessments are developed, teachers will be able to sit for national certification. Certification will be strictly voluntary, and we have included specific legislative language to that effect.

Support for the National Board for Professional Teaching Standards is an important investment in upgrading the prestige of teaching. It offers teachers independent and indisputable confirmation of their ability. But its most fundamental contribution is that it will establish a professional standard for teachers, much like those that exist for lawyers and physicians.

Mr. President, the legislation we are introducing today begins our long journey toward ensuring that teaching is an honored and valued profession. It is by no means a cure-all, but it is an important beginning. Its undertaking is essential, for we must face the simple reality that we cannot continue to demand much from our teachers but offer little in return.

It is with this in mind that I commend this legislation to my colleagues and hope that they will join us in its active support.●

By Mr. HELMS:

S.J. Res. 66. Joint resolution to designate the third week of June 1989 as "National Dairy Goat Awareness Week"; to the Committee on the Judiciary.

NATIONAL DAIRY GOAT AWARENESS WEEK

Mr. HELMS. Mr. President, I am today offering Senate Joint Resolution 66 to designate the third week of June as "National Dairy Goat Awareness Week," and I ask that the resolution be appropriately referred.

Last year when I offered a similar resolution, there was a modicum of hooting and jeering by some elements of the news media. But the derision disclosed more about the news media than they realize. For one thing it showed a high degree of ignorance about the dairy goat industry in the United States.

For more than 7,000 years, dairy goats have supplied mankind with food and shelter. Dairy goats were an important part of the necessities that the early settlers brought to these shores. As pioneers moved across this land, dairy goats went with them. These animals have always been a part of the typical American farm in every region of the United States. Today there are over 250,000 dairy goats in this country.

Mr. President, while goat milk, ice cream, and yogurt are sold in many parts of the United States, the best known goat milk product is goat cheese or chevre. During the last decade, the number of domestic producers of chevre has increased dramatically; this has been due to a growing demand for American-made goat cheeses in both domestic and foreign markets. Increasing sales of American-made dairy goat products, especially cheeses, replaces imports and helps cut the U.S. trade deficit.

These facts are well known to dairy goat breeders, but few consumers are aware of the role played by the dairy goat in the American economy. Passage of this resolution expressing the sense of the Senate that the week commencing June 11, 1989, and ending June 19, 1989, is recognized as "National Dairy Goat Awareness Week," will do much to educate the American people—and perhaps some in the news media—to the potential of the dairy goats and their products.

I was happy to offer this resolution last year in coordination with the distinguished chairman of the House Agriculture Committee, Mr. DE LA GARZA, who will join me in attesting that the 1988 "National Dairy Goat Week" was a fine success. I'm confident this year's will be even more productive.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 66 be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 66

Whereas American goat cheeses are in demand by the American consumer and are replacing foreign imported cheeses;

Whereas due to the efficiency of the modern American dairy goat, which produces an excellent healthful milk, the dairy goat is becoming increasingly popular and useful on the family farm;

Whereas the American farmer has developed a dairy goat that produces superior milk and that is desired and exported worldwide; and

Whereas there is a need to further educate the American consumer as to the high nutritional value of products made from goats' milk; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the period beginning the second Saturday, and ending the third Saturday, of June of 1989, is designated as "National Dairy Goat Awareness Week"; and

(2) the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to commemorate such week with appropriate programs, ceremonies, and activities.

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. DOLE, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LUGAR, Mr. METZENBAUM, Mr. PACKWOOD, Mr. ROBB, Mr. SASSER, Mr. SPECTER, and Mr. WILSON):

S.J. Res. 67. Joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on Judiciary.

TWENTY-FIFTH ANNIVERSARY OF THE ENACTMENT OF THE WILDERNESS ACT

Mr. DOMENICI. Mr. President, I am going to send to the desk shortly a resolution to commemorate the 25th anniversary of the Wilderness Act of 1964. I am very pleased that 24 U.S. Senators, almost equally divided from both sides of the aisle, including my colleague, Senator BINGAMAN, have joined me in proposing this resolution to the U.S. Senate. When I am completed, it would please me if the Chair would refer the resolution to the appropriate committee of the U.S. Senate.

When Congress passed the Wilderness Act, which President Lyndon Johnson signed into law on September 3, 1964, the United States charted a course like that of no other in the history of nations. We permanently set aside for the American people areas of wild land where the forces of nature predominate and man is a visitor who does not remain.

Vast wilderness was our heritage from the time people first came to the shores of our country. A free and spirited nation was build in this new land. Establishing our great Nation required that some of the wild places be settled and some of the wilderness bounty be used. Freedom to pursue private enterprise was one of the driving forces in our growth. Mining, ranching, timbering, farming, and related land developments contributed to our welfare, our economy, and our independence. Freedom to roam unhindered through wild, pristine stretches of land helped shape our character. Conflicts arose as the population and stature of our Nation grew. From differing views our land ethic evolved. The creation of National Forests, National Parks, and National Wildlife Refuges was a first step as good stewards toward protecting our original inheritance.

Still, we had fewer wild areas as more land was settled and put to use to meet the needs of our Nation. At the same time our land ethic continued to develop. In the past wild areas were often viewed as places to be feared and conquered. But, that has changed. Wilderness has been vital to our Nation's success. As more wild areas disappeared, wilderness came to be viewed as a resource that must not be entirely consumed. Discussions focussed on the need to retain some areas in a natural state.

A landmark demonstration of these discussions occurred in New Mexico. The Forest Service, acting on its own administrative discretion in 1924, designated the first wilderness in the United States—the Gila Wilderness in southwestern New Mexico. This effort was pioneered by Aldo Leopold, who at the time worked for the Forest Service in New Mexico. Across the country other administrative designations followed.

Statutory protection for America's wilderness heritage came in 1964, with the passage of the Wilderness Act. Wilderness would be preserved. Wild, natural areas would always be there for future generations. The National Wilderness Preservation System, created by the act, was endowed originally with 54 wilderness areas covering approximately 9 million acres in 13 States. Congress has since expanded the Wilderness System to 474 units covering more than 90.1 million acres in 44 States.

We need to commemorate our Nation's accomplishment. Wilderness is a cultural heritage. Preserving it has been no small task. Decades of work by dedicated individuals, organizations, agencies, and Congress have been invested in balancing different viewpoints. Many people stand out in that effort; they all deserve credit. I have already mentioned Aldo Leopold. Being from New Mexico I want to mention another individual that means a lot to New Mexicans—Senator Clinton P. Anderson.

The late Senator Anderson, whom I was honored to succeed in the Senate, worked with others for many years in forging our Nation's original wilderness legislation. He became acquainted with the idea of wilderness preservation in personal conversations with Aldo Leopold in the 1920's. On January 14, 1963, Senator Anderson introduced S. 4 in the 88th Congress. He chaired the Committee on Interior and Insular Affairs to which the bill

was referred. It was this bill that became the Wilderness Act of 1964.

We are proud of his contribution which meant so much to New Mexico and our Nation. There are now 24 wilderness areas in New Mexico with the potential for many more. It has been my honor to be involved as a Senator in the creation of 18 of those areas.

The complexities of balancing differing viewpoints on public policy means that our work is not done. Wise use of natural resources is the only way we know of for the people of a nation to thrive and remain strong.

Theodore Roosevelt once made a statement that serves as a good reminder. He said:

> No country can long endure if its foundations are not laid in deep material prosperity which comes from thrift, from business energy and enterprise, from hard unsparing effort in the fields of industrial activity; but neither was any nation ever yet truly great if it relied upon material prosperity alone.

Certainly, multiple-use of our Federal lands is vital. But, just as certainly we will protect our wilderness heritage.

Mr. President, in conclusion let me recall a quote by Senator Clinton Anderson. In 1961 he stated:

> Like our museums and our art galleries, our wilderness areas may at any given time be visited by a relatively small percentage of people, yet they are available to any who will use them, part of our cultural resource as well as our national heritage. We should regard them as such and cherish them.

This year we will continue to work together on wilderness questions. I encourage us to do something else this year. Let us take time to commemorate the 25th anniversary of the Wilderness Act. To this end I am introducing a joint resolution. Several of my colleagues have already cosponsored the resolution. I urge the rest of my colleagues to join me by doing the same.

Mr. President, the passage of the Wilderness Act in September of 1964 was indeed a signficant conservation act by these United States. That act was preceded decades before by some very natural and relatively easy actions. We had, in the past, created National Forests, National Wildlife Refuges; and we had created National Parks.

But a new idea came about and it was given birth in the State of New Mexico by a Forest Service expert named Aldo Leopold for whom a wilderness area in the State of New Mexico is named. As a matter of fact, the Gila Wilderness in New Mexico was the first designated wilderness in the United States. In 1924 before we officially created wilderness by statute as a nation, the Forest Service by administrative order, designated the Gila Wilderness because of the excellent ideas of Aldo Leopold.

Since that time, we have seen that, as our great Nation grows, as we move into areas that were indeed once wilderness, we tend to consume them. We either consume them for natural resources for the needs of our people or we impact them by human activity. The wilderness area is a concept that essentially says leave it just like it is; and, if you want to see it and use it, do so in a very careful way so that what nature gave us remains forever.

I am very pleased that since that time the wilderness concept originally caught on, and from an idea in the State of New Mexico ultimately sponsored here on the Senate floor and passed by the U.S. Senate under the sponsorship of my predecessor—Senator Clinton P. Anderson, wilderness areas have been designated in 44 of our States with significant momentum and rather broad-based support.

The basic concept of wilderness is mighty. It says: Keep it like the Almighty gave it to us; yet it says: Where you can, allow grazing in the area, because that is not inconsistent with grazing as it was in its natural state. You do both with reasonableness and you end up with the very best.

I know there are some who would think that wilderness areas may be a waste; there are some who think maybe we have carried it to an extreme. But, frankly, I am one who believes that, looking now on the history of our United States in many of our own backyards, when something as beautiful as American wilderness areas are abused, it is too late to save them. When we permit greed or reckless activity to take over, then there is nothing left of that which is natural—what we call wilderness.

Mr. President, we have a total of 24 Senators asking for a resolution appropriately indicating that this is the 25th anniversary of the Wilderness Act in the United States of America and that we ought to appropriately take note of the same. I hope that other Senators who have not had a chance to read my correspondence asking for their cosponsorship will do so, and I trust that before too long we will have substantially more than a majority in the U.S. Senate from both sides of the aisle supporting this.

Mr. President, I send the resolution to the desk and ask that the resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. BINGAMAN. Mr. President, I rise today to join Senator DOMENICI in cosponsoring this Senate joint resolution commemorating the 25th anniversary of the Wilderness Act of 1964. I would like to single out for congratulations the Wilderness Society, which for 54 years has been a leader in the preservation of our treasured wildlands.

New Mexicans have a long legacy of respect for America's precious wildlands. New Mexico is one of the great public lands States of the West and we in the land of enchantment pride ourselves for our role in helping preserve and protect these lands.

The Wilderness Act would not have been signed by President Johnson without the leadership of Senator Clinton P. Anderson, who authored the law. Anderson chaired the Senate Interior Committee and was the leader of what came to be called the Conservation Congress of the 1960's.

Southwestern New Mexico is home to the Gila Wilderness, the first wilderness area in the United States, which was administratively designated by the U.S. Forest Service in 1924. The late Aldo Leopold, a distinguished New Mexico conservationist, was the Forest Service employee who worked hardest for the designation of the Gila Wilderness. That wilderness served as my backdoor recreation area while I grew up in Silver City, New Mexico. I have spent many rewarding hours backpacking in the Gila.

Thanks to the Wilderness Act, the Gila and 473 other Wilderness units have been established in 44 States. Some 91 million acres are protected for future generations. While the Gila and other areas were protected administratively before 1964, the act was necessary to ensure protection forever. Administrative designation of wilderness was subject to the whims of everchanging administrations; the act is firm testimony to the national will to preserve pristine lands, regardless of who might be elected President.

The Wilderness Act is a landmark law that ensures preservation of special lands that provide valuable solitude, critical watershed, wildlife habitat and a legacy of our natural history. As the act says so well, "A wilderness * * * is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The 25th anniversary of the act is well worth commemorating and I urge my colleagues to support this resolution.

Mr. BURNS. Mr. President, I am pleased to join with the Senator from New Mexico in the commemoration of the 25th anniversay of the Wilderness Preservation Act. Montana is proud of the significant contribution it has made to the protection of part of our public lands heritage in a natural condition. The act of 1964 designated five areas in Montana which amounted to almost 17 percent of the total set-aside in that milestone legislation. Today Montana has 3.5 million acres of designated wilderness, over 10 percent of the area designated in the lower 48 States.

While we commemorate our existing wilderness, I want to make it clear that I do not favor a great deal of additional wilderness in Montana. The voters were pretty clear in the election that they favor multiple use in the majority of the national forests. This is the position I will maintain in future negotiations.

One of the early proponents of an enduring system of wilderness, Bob Marshall, spent the early part of his career in Montana hiking the backcountry and strengthening his resolve that a portion of the land should be left in a primitive state. Marshall later, as Director of Recreation in the Forest Service, developed the standards of wilderness management that were incorporated in the 1964 act.

Senators Mike Mansfield and Lee Metcalf of Montana were tireless supporters of wilderness throughout the United States and they will be remembered because they helped form the legacy we salute today.

Montana is rich in scenic beauty, with an abundance of fish and wildlife species, and it also is the source of several major river systems. Montana public lands are also a source for timber products, for oil and gas and other important minerals, as well as a great deal of public recreation. We are pleased to share a portion in an undeveloped form, "where man is a visitor who does not remain."

Mr. REID. Mr. President, before the Senator from New Mexico leaves the floor, I wanted to ask permission of the sponsor of that resolution to allow me to affix my name to it. I have had a lot of experience in the last few years dealing with wilderness in Nevada in one beautiful, small wilderness area that was made part of the original Wilderness Act in 1964. It is called Jarbidge. It is an Indian name. It is in northern Nevada. We look forward this year to finally resolving the problem of wilderness designations in Nevada. I think we are well along the way. I have spoken to Senator MCCLURE and I hope to have that resolved in Nevada for the Forest Service wilderness areas.

I commend and applaud the senior Senator from New Mexico for the fine statement.

Mr. MCCAIN. Mr. President, I also ask that the Senator add my name as a cosponsor of his important resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the two Senators who have requested be added as original cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BYRD (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. CRANSTON, Mr. GRAHAM, Mr. BOND, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HEINZ, Mr. HELMS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. ROTH):

S.J. Res. 68, Joint resolution to designate the month of May 1989 as "Trauma Awareness Month"; to the Committee on the Judiciary.

TRAUMA AWARENESS MONTH

Mr. BYRD. Mr. President, I am introducing a resolution that would designate the month of May 1989 as "National Trauma Awareness Month." Last year, both the Senate and the House of Representatives adopted this resolution, and I am hopeful that again this resolution will be favorably considered by the Senate.

Trauma is the third leading cause of death among persons of all ages and is the leading cause of death for individuals under age 40.

The problem of trauma can be addressed through prevention and implementation of comprehensive emergency medical systems. It is a sad fact that the incidence of trauma continues to rise, and I believe that we need to draw the public's attention to the gravity of that traumatic injury problem in the United States. I hope that by passing this resolution, we can provide an important focus on a serious medical problem.

The resolution is being cosponsored, Mr. President, by 53 other Senators, and I welcome the cosponsorship of additional Senators whose names are not yet on the resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 68

Whereas, more than eight million individuals in the United States suffer traumatic injury each year; and

Whereas, traumatic injury is the leading cause of death of individuals of less than forty years of age in the United States; and

Whereas, every individual is a potential victim of traumatic injury; and

Whereas, traumatic injury can occur without warning; and

Whereas, traumatic injury frequently renders its victims incapable of caring for themselves; and

Whereas, past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions; and

Whereas, the people of the United States spend more than $110,000,000,000 annually on the problem of trauma; and

Whereas, the problem of trauma can be remedied only by prevention and proper treatment through emergency medical services and trauma systems; and

Whereas, the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical services and trauma systems; now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Trauma Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CRANSTON, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 13, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes.

S. 17

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 17, a bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes and for other purposes.

S. 20

At the request of Mr. LEVIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 20, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 23

At the request of Mr. HUMPHREY, the names of the Senator from Indiana [Mr. COATS], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 23, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 29

At the request of Mr. FORD, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 29, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 32

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 32, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 38

At the request of Mr. WILSON, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Montana [Mr. BURNS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 47

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 47, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 48

At the request of Mr. CRANSTON, the names of the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 48, a bill to amend the Federal Aviation Act of 1958 to provide protection for employees of the airlines and to promote air safety.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such Act without supervision, and for other purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82nd Airborne Division Association, Inc.

S. 135

At the request of Mr. GLENN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 136

At the request of Mr. ADAMS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 136, a bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections.

S. 137

At the request of Mr. BOREN, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 195

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 195, a bill entitled the "Chemical and Biological Weapons Control Act of 1989."

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 256

At the request of Mr. HARKIN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 256, a bill to direct a study by the Secretary of Agriculture of the classification of anhydrous ammonia as a poisonous gas for purposes of the Hazardous Materials Transportation Act, and for other purposes.

S. 271

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 271, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 277

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 277, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 278

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 278, a bill to make permanent the authority of the Secretary of Defense to reimburse members of the Armed Forces for certain expenses incurred in the adoption of children.

S. 279

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income employee adoption assistance provided by the employer.

S. 335

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a consponsor of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 339

At the request of Mr. BRADLEY, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from Georgia [Mr. NUNN], the Senator from North

Carolina [Mr. SANFORD], the Senator from Montana [Mr. BURNS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 365

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 365, a bill to provide for the continuation of certain basic services of the Postal Service consistent with Postal policies under section 101 of tiele 39, United States Code, and for other purposes.

S. 366

At the request of Mr. BAUCUS, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 366, a bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes.

S. 369

At the request of Mr. BOSCHWITZ, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 378

At the request of Mr. ROCKFELLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 378 a bill to extend the Steel Import Stabilization Act for an additional 5 years.

S. 382

At the request of Mr. GRAHAM, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 382, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 417

At the request of Mr. HEINZ, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 417, a bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes.

S. 421

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 421, a bill to amend the Petroleum Marketing Practices Act.

S. 430

At the request of Mr. DASCHLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 430, a bill to amend title XIX of the Social Security Act to provide coverage for certain outreach activities undertaken at the option of a State for the purpose of identifying pregnant women and children who are eligible for medical assistance and assisting them in applying for and receiving such assistance, and for other purposes.

S. 447

At the request of Mr. BOSCHWITZ, the names of the Senator from Montana [Mr. BURNS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 447, a bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year.

SENATE JOINT RESOLUTION 3

At the request of Mr. GARN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. WARNER], and the Senator from Virginia [Mr. ROBB] were added as cosponsor of Senate Joint Resolution 10, a joint resolution to designate the month of May, 1989 as "National Foster Care Month."

SENATE JOINT RESOLUTION 13

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. BRADLEY, the name of the Senator from [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate April 6, 1989, as "National Student-Athlete Day."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolutioni 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 44

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Maine [Mr. MITCHELL], the Senator from Washington [Mr. GORTON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oregon [Mr. PACKWOOD], the Senator from North Carolina [Mr. SANFORD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 44, a joint resolution designating the week of April 9, 1989, as "Crime Victims Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from Florida [Mr. MACK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Maine [Mr. MITCHELL], the Senator from Kansas [Mr. DOLE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. GARN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate May 17, 1989, as "High School Reserve Of-

ficer Training Corps Recognition Day."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the names of the Senator from Missouri [Mr. BOND], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 63, a joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

SENATE JOINT RESOLUTION 64

At the request of Mr. LAUTENBURG, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. BUMPERS] were added as consponsors of Senate Joint Resolution 64, a joint resolution to designate March 25, 1989 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 65

At the request of Mr. SIMON, the names of the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maine [Mr. MITCHELL], the Senator from Pennslyvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating June 12, 1989, as "Anne Frank Day."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare program.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 71—AUTHORIZING TESTIMONY BY AN EMPLOYEE OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 71

Whereas, in the case of *United States* v. *Ladd Anthony*, Cr. No. 88-271, pending in the United States District Court for the Northern District of Ohio, the Department of Justice has requested the testimony of Candy Korn, a present member, and Peter Harris, a former member, of Senator Metzenbaum's staff;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Candy Korn and Peter Harris are authorized to testify in the case of *United States* v. *Ladd Anthony*.

SENATE RESOLUTION 72—CONDEMNING THREATS AGAINST THE AUTHOR AND PUBLISHERS OF "SATANIC VERSES"

Mr. MOYNIHAN (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SANFORD, Mr. GORTON, Mr. SIMON, and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas, on February 14, 1989 Ayatollah Ruhollah Khomeini of the Islamic Republic of Iran called for the assassination of Salman Rushdie, author of "Satanic Verses," and of the officers of Viking, the U.S. publisher of the book;

Whereas, Viking officers have received death threats since the publication of the book, and Viking offices have been evacuated several times following bomb threats;

Whereas on February 21, 1989 President George Bush condemned Iran's threat against Mr. Rushdie and his publisher as "deeply offensive to the norms of civilized behavior": Now, therefore, be it

Resolved by the Senate, That in recognition of threats of violence made against the above mentioned author and publisher, the Senate—

(1) declares its commitment to protect the right of any person to write, publish, sell, buy, and read books without fear of intimidation and violence;

(2) unequivocally condemns as state-sponsored terrorism, the threat of the government of Iran and Ayatollah Ruhollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) expresses its support for the publishers and booksellers who have courageously printed, distributed, sold, and displayed "Satanic Verses" despite the threats they have received;

(4) applauds President Bush for his strongly worded statement of outrage against the Iranian government's actions and calls upon the President to continue to condemn publicly any and all threats made against the author and his publishers;

(5) commends the European Community member states for withdrawing their diplomatic corps from Iran in response to the Ayatollah's death sentences;

(6) recognizes the sensitivity of religious beliefs and practices, respects all religions and the commitment of the religious to their faith, and repudiates religious intolerance and bigotry, and

(7) calls upon the President of the United States to take swift and proportionate action in consulation, as appropriate, with other interested governments, in the event that violent acts should occur.

AMENDMENTS SUBMITTED

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1989 AND 1990

WILSON (AND NICKLES) AMENDMENT NO. 7

Mr. WILSON (for himself and Mr. NICKLES) proposed an amendment to the resolution (S. Res. 66) authorizing biennial expenditures by the committees of the Senate; as follows:

In the resolution, strike out section 24.

HELMS (AND OTHERS) AMENDMENT NO. 8

Mr. HELMS (for himself, Mr. NICKLES, and Mr. WILSON) proposed an amendment to the resolution (S. Res. 66), supra; as follows:

On page 1, line 9, strike "$53,252,088" and insert "$50,780,499".

On page 2, line 2, strike "$53,430,099" and insert "$50,892,155".

On page 3, line 22, strike "$1,876,650" and insert "$1,798,118".

On page 4, line 6, strike "$1,914,132" and insert "$1,834,080".

On page 5, line 5, strike "$4,736,267" and insert "$4,428,061".

On page 5, line 15, strike "$4,828,540" and insert "$4,516,622".

On page 6, line 14, strike "$2,728,969" and insert "$2,609,890".

On page 6, line 24, strike "$2,785,811" and insert "$2,662,088".

On page 7, line 25, strike "$2,560,816" and insert "$2,315,308".

On page 8, line 9, strike "$2,614,125" and insert "$2,361,614".

On page 9, line 8, strike "$3,313,130" and insert "$3,167,988".

On page 9, line 18, strike "$3,382,402" and insert "$3,231,348".

On page 10, line 20, strike "$3,694,395" and insert "$3,536,885".

On page 11, line 5, strike "$3,769,571" and insert "$3,607,623".

On page 12, line 5, strike "$2,673,547" and insert "$2,559,807".

On page 12, line 15, strike "$2,727,832" and insert "$2,611,003".

On page 13, line 15, strike "$2,604,115" and insert "$2,492,564".

On page 13, line 25, strike "$2,657,355" and insert "$2,542,415".

On page 14, line 25, strike "$2,754,692" and insert "$2,629,342".

On page 15, line 9, strike "$2,814,065" and insert "$2,681,929".

On page 16, line 9, strike "$2,666,656" and insert "$2,552,785".

On page 16, line 16, strike "$2,721,004" and insert "$2,603,841".

On page 17, line 13, strike "$4,951,018" and insert "$4,740,368".

On page 17, line 23, strike "$5,051,556" and insert "$4,835,175".

On page 24, line 3, strike "$4,748,545" and insert "$4,542,702".

On page 24, line 13, strike "$4,846,789" and insert "$4,633,556".

On page 25, line 13, strike "$4,981,973" and insert "$4,765,560".

On page 25, line 20, strike "$5,085,260" and insert "$4,860,871".
On page 26, line 19, strike "$1,430,672" and insert "$1,367,357".
On page 27, line 5, strike "$1,459,163" and insert "$1,394,704".
On page 29, line 15, strike "$1,123,937" and insert "$1,062,745".
On page 29, line 18, strike "$1,148,131" and insert "$1,084,000".
On page 30, line 8, strike "$1,200,008" and insert "$1,147,299".
On page 30, line 18, strike "$1,213,792" and insert "$1,170,245".
On page 31, line 18, strike "$2,305,816" and insert "$2,205,444".
On page 31, line 25, strike "$2,353,721" and insert "$2,249,553".
On page 32, line 20, strike "$1,887,941" and insert "$1,845,335".
On page 33, line 1, strike "$1,021,116" and insert "$978,288".

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on March 1, 1989, in SH-216 at 1:30 p.m. on the nomination of Edward J. Derwinski of Illinois to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs.

Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on March 6, 1989, in SR-418 at 12:30 p.m. on the veterans' programs budget for fiscal year 1990.

Mr. President, I announce, for the information of Senators, that the Senate and House Committees on Veterans' Affairs are scheduled to hold a joint hearing on March 7, 1989, in 345 Cannon House Office Building at 9:30 a.m. to hear the legislative presentation by the Veterans of Foreign Wars of the United States of America.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. BREAUX. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a closed executive session on the nomination of Edward J. Derwinski to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs on Tuesday, February 28, 1989, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE, COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, February 28, 1989, on S. 273, Deceptive Mailing Prevention Act of 1989, and consumer mail issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on 9:30 a.m., February 28, 1989, to receive testimony to reform the Tongass supply fund and the Tongass Timber Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 28, 1989, at 10 a.m. to hold an open confirmation hearing on the nomination of Richard Kerr to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM, OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1989, at 9:30 a.m. to hold a hearing on the effect of Japanese patent policy on American businesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 28, 1989, at 2 p.m., for an organizational business meeting for the purpose of adopting the committee's rules of procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DIXON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 28, 1989, at 6:30 p.m.—or later—in closed session to consider the report to accompany the nomination of John G. Tower to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, February 28, 1989, at 9:30 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970, 1972, and again last year, Congress legislated, and the President proclaimed the last Friday in April as "National Arbor Day." I am pleased that the Senate voted unanimously today to pass legislation I introduced to proclaim the last Friday in April 1989 as National Arbor Day.

Trees are one of our Nation's most important natural resources. They provide the raw materials for our basic industries, stabilize our environment, and add natural grace to our surroundings. The establishment of a National Arbor Day reminds all our citizens of the vital presence of trees, whether in urban areas or in distant wilderness.

Man's impact on the environment and on the future of our planet is increasingly evident. The importance of trees as a natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed declines, serious damage, and death of a number of species of trees in large areas of Europe and the United States. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the House of Representatives to act to proclaim April 28, 1989 as National Arbor Day.●

THE PASSING OF DR. IRVIN ABELL

● Mr. McCONNELL. Mr. President, I rise today to express my sorrow upon the death of a community leader and good friend of mine, Dr. Irvin Abell.

When Irvin passed away on January 31, the community of Louisville and the State of Kentucky lost a selfless, dedicated doctor whose contributions to the community included a career in medicine which spanned several decades. He was a former president of the Kentucky State Medical Association and former head of the Jefferson County Medical Society. Irvin also served as president of the medical

staff and the executive committee at the old St. Joseph Infirmary. Other medical organizations with which he was affiliated include the American College of Surgeons, Southeastern Surgical Congress, Southern Surgical Association, and the Kentucky Surgical Society.

But Irvin's duties did not exclusively center around the medical profession. He was a former board member of J.B. Speed Art Museum and a former director of the Louisville Chamber of Commerce. Irvin was also deeply interested in education having served on the board of overseers of Bellarmine College and as chairman of the board of advisers for Nazareth College.

Irvin Abell was a great man and a dedicated doctor who will be sorely missed by all who knew him and by all who benefited from his service to others. Mr. President, I know that my colleagues join me in sending our most sincere condolences to Irvin's widow, Helen, his children and grandchildren.

END HOLDING PATTERN

● Mr. MACK. Mr. President, the dispute between Eastern Airlines and the International Association of Machinists is having severe consequences for not only Eastern and its employees, but for the entire airline industry. A recent editorial in the Miami Herald examined this dispute, and, I believe, shed some light on the issue, and I ask that it be printed in the RECORD.

The editorial follows:

[From the Miami Herald, Feb. 24, 1989]

END HOLDING PATTERN

Contract negotiations between Eastern Airlines and the International Association of Machinists (IAM) officially are in a "cooling off" stage in which intense negotiations are waged in search of agreement. Unofficially, both parties are in a sweat, running to court, to Congress, and "concerned citizens" in search of allies for what comes after March 4, the deadline for agreement. If only each would devote as much energy to negotiations.

The stakes are high: Losing $1 million a day, Eastern must reduce its costs and gain financial flexibility if it's to survive. Quite aside from the bitter and personal battle between IAM President Charles Bryan and Frank Lorenzo, chairman of Eastern's parent Texas Air Corp., organized labor worries that a new industry standard is emerging. Still, the self-interest of each is best served by a contract agreement. To a wary traveling public and a South Florida community held hostage to the dispute, the distinction between the IAM's strike threat and Eastern's self-fulfilling prophesies of service cuts and asset sales is irrelevant.

South Florida's business community and political establishment should continue pressuring both disputants to reach a negotiated accord. To that end, give credit to Labor Secretary Elizabeth Dole for avoiding the trap laid by the AFL-CIO's executive council and for parrying its proposals to establish an emergency Presidential fact-finding board to intervene.

While negotiations proceed, there is no justification whatsoever to convene a board, which would require extending the negotiating deadline another 60 days. Even if negotiations fail, the nation's air service wouldn't likely be disrupted seriously by an IAM strike, or even Eastern's collapse. Other airlines are willing to expand. Presidential intervention simply would alleviate pressure on Eastern and the IAM to reach accord by March 4.

There has been too much delay already. Eastern's ebbing financial strength is dragging Texas Air down as well. Thousands of union jobs have been lost. Hopes for a buyout have proved unrealistic. Now is the time for a contract agreement, not for naming a Presidential board and giving the negotiators another two months to squabble.●

ADVANCED MANUFACTURING TECHNOLOGIES

● Mr. DURENBERGER. Mr. President, throughout the 1980's, we have been engaging in an ongoing debate as to how the Government can help American business improve its competitiveness in the global market. This is a difficult and complex issue which will not be quickly resolved.

As part of this debate, I would like to bring to the attention of my colleagues a recent article written by William C. Norris, chairman emeritus of Control Data Corp. and current chairman of the William C. Norris Institute, a nonprofit corporation established to address major public policy issues. In this article, Bill points out the importance of facilitating public-private cooperation in developing advanced manufacturing technologies.

He specifically recommends that Federal and State governments pool their resources with private companies to establish a network of manufacturing service centers throughout the United States to provide design and manufacturing services on a contract basis. As he notes, "this approach would surmount the barriers to adoption of advanced manufacturing technology, especially by small companies."

Mr. President, I believe Bill Norris has presented an idea that we should consider pursuing in the near future. I ask that the article published in the February 23, 1989, St. Paul Pioneer Dispatch be printed in the RECORD.

The article follows:

U.S. GOVERNMENT, INDUSTRY MUST JOIN FORCES TO MEET FOREIGN CHALLENGE

(By William C. Norris)

A spate of articles has appeared in the nation's newspapers and business magazines in recent months, prompted by a Department of Commerce report that American manufacturing is not as healthy as had been claimed. Apparently, previous statistics on manufacturing contained a miscalculation causing that sector's share of gross national product to be overstated.

This revelation has come as a shock to many, because, for a number of years, economists and the Reagan administration had contended that U.S. manufacturing was in robust health. This position has been maintained, in spite of an ever-expanding and highly visible array of foreign-made consumer electronic goods, automobiles, trucks and other products pouring into our businesses, homes and onto our streets.

Also largely ignored has been a continuing stream of reports during the past five years warning that many U.S. industries have fallen behind foreign competitors in use of advanced manufacturing technology. That includes computer-aided design, computer-aided manufacturing and robotic assembly.

As the Congressional Office of Technology Assessment noted in a July report: "Many U.S. industries have fallen behind foreign competitors in manufacturing technology. The weak performance of American manufacturers is one of the most important underlying forces behind the large trade deficit of the 1980s. The United Statees has to improve its manufacturing performance if it is to prevent further erosion in living standards."

Another reason for great concern is the strong shift toward higher value-added products by Japanese manufacturers who are increasingly investing in advanced automated manufacturing to expand production of high-value products—such as computers, peripherals, instruments, VCRs, televison sets, and optical fiber telecommunications equipment—as compared to lower value-added steel, chemical feedstock, pulp, paper, pork bellies and other commodities.

As a consequence of the ever-growing investment in manufacturing technology, Japanese manufacturers have increased quality and lowered the cost of products. At the same time, they are decreasing the time required to design and manufacture new products.

Countering this formidable threat is a gargantuan challenge. Our response must be designed not just to catch up, but to leapfrog foreign competition. Clearly, a substantial increase in investment to improve manufacturing is required. Because of the staggering federal budget deficit and the many other demands for increased expenditures, such an investment is unaffordable unless there is a substantial increase in the efficiency of utilization of existing resources through cooperation on an unprecedented scale. This must involve the federal government, state government, local communities and industry in a cooperative effort.

The most effective means of marshaling these players is by establishing advanced manufacturing service centers throughout the United States, which would use the most advanced technology. These centers would provide design and manufacturing services on a contract basis. Companies would pay for the service as used. A company could access the manufacturing center through a computer work station located on its premises.

The centers would be financed, initially, by a combination of federal, state, local community and industry funds. Eventually, the centers would be taken over by industry.

This approach would surmount the barriers to adoption of advanced manufacturing technology, especially by smaller companies, of substantial initial investment, high risk and lack of the capability to assemble and operate an in-house advanced manufacturing system.

Congress has recognized the need to stimulate and accelerate the adoption of advanced manufacturing technology throughout American industry by providing a modest amount of funding—which is matched by other public and private sources—for three regional advanced manu-

facturing centers. While this is a step in the right direction, much larger funding needs to be provided by the federal government, which is keyed to increased investment by state governments, communities and companies.

Every community in America is uneasy about the foreign competitive threat. The steady flow of words relating to the health of U.S. manufacturing, often conflicting, has dwelled on symptoms. Identifying and effecting a cure is overdue. American communities must now provide the impetus to get it under way. This is in keeping with their actions to help themselves by establishing economic development programs.

Thus, each community should start the necessary planning and start building the necessary support required by federal and state governments and companies to establish an advanced manufacturing service center. Such actions, by communities throughout America, would dramatically improve competitiveness, which would help underwrite the prosperity we are all seeking for the future.●

MIKE L. WARD

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I ask my colleagues in the Senate to join me in recognizing an outstanding Alabamian, Mike L. Ward, of Huntsville, AL. If the future of this country rests with our young people, Mike should give us all hope. I can not think of a more appropriate time to recognize Mike's achievements than Black History Month.

I first met Mike in July 1988 when he visited my office as Governor of Boy's State and a delegate to Boy's Nation. I found him to be a highly motivated and well rounded individual who had succeeded in being elected the first black Governor of Alabama's Boys' State.

Mike embodies many characteristics that have set him apart as a leader. Born in 1971 with cerebral palsy, he, through hard work and determination, became an outstanding student with the potential to become one of tomorrow's leaders.

A senior at Butler Senior High School, Mike also was elected junior and senior class president and is an active member in the student council. He is an associate editor of the Phoenix magazine, a member of the Key Club, the Junior Civitan Club, the wrestling team, and the debate team, and has participated in the Scholars Bowl for the past 2 years. Further, Mike hosts a weekly radio show on WEUP in Huntsville on academics and sports at Butler High School. In addition to his unparalleled involvement in school activities, Mike' commitment to his community extends into the realm of civic and charitable endeavors. He is a member of the Pentecostal Church, a member of Visions 2000, which is an organization that works with the mayor of Huntsville on community problems, and a member of the Huntsville City School Boards Committee on Race Relations. He volunteers with the Special Olympics and Salvation Army, is an advisor to Boy Scout troops in Huntsville and conducts seminars on "growing up." Sanford University in Birmingham, Auburn University, Vanderbilt University, or Duke University, Mike's choices for college will benefit from this young man's outstanding leadership abilities in the fall.

Mike's endless participation in school has provided Butler Senior High with respected leadership. He has been a source of pride for his school and the State of Alabama, giving Huntsville the opportunity to add yet another outstanding citizen to that city's history.

He embodies the characteristics that idenfify our American spirit—faith, courage, and determination. I am honored to serve as his Senator in Washington.●

SILVER ANNIVERSARY OF THE PORT AUTHORITY OF PITTSBURGH

● Mr. HEINZ. Mr. President, I rise today to mark a historic milestone in the economic development of Allegheny County, PA, and the mobility of its citizens. Tomorrow, March 1, the Port Authority of Pittsburgh [PAT] will celebrate 25 years of service.

From its modest beginning on March 1, 1964, when a bus left the Homewood Garage on Frankstown Avenue to begin service to the North Side and Bloomfield, until today, PAT has provided direct benefits to billions of commuters, schoolchildren, and the elderly.

During the past quarter century, PAT has traveled nearly 1 billion miles and carried more than 2.4 billion passengers.

Mr. President, the port authority and its nearly 3,000 employees are to be commended for the contributions they have made toward our region's economic and social development. Mass transit is an integral part of our Nation's commercial well-being. It relieves traffic congestion and makes our environment a more livable one by reducing the number of cars needed to get people around. For many people, it is the only available means of transportation.

The port authority could not have gone so far, so fast, without the Federal transit funding provided through the Urban Mass Transportation administration. I stand committed to this Federal-State-local partnership which has demonstrably proven its value to our citizens.●

AMMUNITION CONTROL AND HANDGUN VIOLENCE

● Mr. MOYNIHAN. Mr. President, it has happened again. The New York Post reported on February 22 that a 17-year-old girl was arrested at Paul Robeson High School in Brooklyn, NY, for threatening a classmate with a loaded pistol. The pistol was loaded with .32 caliber bullets. Big enough to be deadly. And small enough to have been hidden in the girl's waistband.

On January 25, I introduced the Violent Crime Protection Crime Act—S. 229—in the Senate to ban the manufacture, importation, and sale of .25- and .32-caliber ammunition. I did so because it will be next to impossible to control handgun violence by banning handguns themselves. Sixty million handguns are already in circulation, and they will last more than a lifetime. But bullets get used up. Our current supply of bullets will not last for more than a few years.

The .25- and .32-caliber ammunition is used in small, concealable handguns. It is overwhelmingly the choice of criminals. It is just used to kill people. Children use it to kill children. On January 23, for example, in Fairfax County, VA, an 8-year-old boy shot his 6-year-old sister to death. Deliberately, with a .32-caliber handgun. On January 11, in New York City, a 5-year-old brought a .25-caliber pistol to kindergarten. He was headlined by the New York Post as New York's "Pistol Packin' Peewee."

I do not wish to argue that it is the presence of guns and bullets alone that causes this kind of violence. Life has become desperate in our cities. In New York City officials estimate that 600,000 mostly young people use crack. And in the South Bronx 1 in 40 expectant mothers tests positive for the AIDS virus. The same people who are shooting at one another are slowly killing themselves. We must learn how to teach them the simple proposition that life is worth holding on to.

But that will take time. In the meantime, we could just save a few lives by cutting off the exhaustible supply of bullets that feeds our inexhaustible supply of handguns. To repeat: it has happened again. And it will happen again. I urge my colleagues to take another look at S. 229, and to do it sooner rather than later. We simply cannot delay action any longer.

AMERICAN POLICIES IN THE MIDDLE EAST

● Mr. WILSON. Mr. President, about 2 weeks ago, Vice President QUAYLE delivered a speech to the Anti-Defamation League that offered a clear and courageous exposition of the principles that will guide American policies in the Middle East. The Vice President reminded his listeners that in the blizzard of rhetoric and showmanship which has recently come from this volatile area of the world, the United States must wait for the verbal storm

to pass and look carefully for tangible deeds on the part of the Palestine Liberation Organization before it judges both the sincerity and the reality of Yasser Arafat's attitude toward the State of Israel.

"We need," the Vice President noted, "more than press conference statements and semantics. We need to see real evidence of concrete actions by the PLO—actions for peace, and against terrorism—before changing our fundamental attitude toward the PLO." If we read between Arafat's own lines, Mr. President, we still see a man representing a group that continues to rely on violence and subversion to achieve its goals. The PLO "denounces terrorism," we are told, yet still reserves a right to kidnap, kill, and bomb within Israeli borders. Palestinian spokesmen "accept Israel's right to exist," we hear on the evening news, yet the charter of their organization still calls for the destruction of the Jewish state. Arafat seeks a "genuine compromise" on the future status of the West Bank and the Gaza Strip, we read in the papers, yet still promises "10 bullets in the chest" to anyone who dares to disagree with his program of guerrilla warfare.

It is unfortunate that the Vice President's speech attracted so little attention in the media because it tackled these hard facts concerning the PLO's agenda and recommended sober policy options for the new administration. I therefore ask, Mr. President, that the text of this speech be printed in the RECORD.

The remarks follow:

REMARKS BY THE VICE PRESIDENT TO THE ANTI-DEFAMATION LEAGUE, PALM BEACH, FL

I am delighted to be here this afternoon and to address this distinguished gathering. Since its founding in a Chicago law office back in 1913, the Anti-Defamation League of B'nai B'rith has worked hard to make the American dream a reality for all Americans. You have sought, in your own words, "to stop the defamation of the Jewish people . . . and to secure justice and fair treatment to all citizens alike." These are great aims, noble aims, and I congratulate you for the courage, wisdom and tenacity with which you have pursued them.

The A.D.L.'s record infighting the good fight is a long and honorable one, but there's one aspect of that record that seems to me especially noteworthy: Your recognition that for civil rights to flourish at home, they must flourish abroad, as well. From the 1930's, when the A.D.L. fought Nazi propaganda in the United States, to your current efforts to develop lesson plans for schools that teach our students to distinguish between democratic and totalitarian forms of government, you have understood that the cause of democracy and human rights is indivisible. You have understood that you can't fight the bigots and the bullies at home while running away from them abroad. You have understood that you've got to stand up and be counted—both in the domestic arena and in the foreign arena.

I am here to tell you that the Bush Administration shares your basic outlook. At home, our aim is to strengthen the pluralistic threads out of which our society is woven—to build a "kinder, gentler nation," a nation where racism, anti-Semitism and bigotry of every sort no longer deface the American landscape. Abroad, our goal is to use our power to advance the cause of liberty. We know that these two aims are linked, and we recognize that we won't succeed at either task unless we succeed at both.

Maintaining liberty at home means honoring the values that have made us free. I stressed this need only a few days after becoming Vice President, when I addressed the National Religious Broadcasters Convention back in Washington. My theme was religious liberty, and the need for all Americans to respect our First Amendment Freedoms.

In the course of my remarks, I used one of my favorite quotations—from a letter sent by George Washington to the Hebrew Congress of Newport in 1790. It goes like this: "It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support . . . May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid."

That was the quote I read to the Religious Broadcasters, and it truly is one of the most beautiful quotes in our history. For it reminds us that at the very moment when the foundations of our nation were being laid, Americans understood that religious freedom isn't a privilege that the state can grant or withhold as it chooses; rather, it is a fundamental right, an inalienable right, that the state must uphold.

Of course, we Americans haven't always lived up to our high ideals. Our history has been marred by racism and anti-Semitism, and even today incidents occur. But these are the exception, not the rule. The rule is that the American people are deeply devoted to the principles of a democratic, just and pluralistic society. And the rule is that the Bush Administration—from the President on down—abhors and abominates all manifestations of racial and religious bigotry. Although reasonable men and women will differ over just where to draw the line between religion and the state in public affairs, there is no room to differ over the centrality of liberty, and of religious liberty. There is no differences over the need to keep America a nation where, "Every one shall sit in safety under his vine and fig tree, and there shall be none to make him afraid."

I wish it were so everywhere else in the world—but, unfortunately, it is not. As some of you may know, I just got back from a visit to Venezuela and El Salvador. Over the course of my trip, I met with many Latin American leaders. To all these leaders, I stressed this nation's enduring support for democracy and human rights. I explained to them that our democratic convictions aren't just an afterthought or an add-on; rather, they lie at the core of our foreign policy. For the American people as a whole—for Democrats and Republicans, for Jews and Christians—democratic self-government is the best guarantee of peace and freedom, of international stability and social justice.

This national consensus on behalf of democracy is one very important reason why the United States supports democratic Israel, but it's not the only reason. I'd like to examine some of the other reasons as well. But first, let me review with you some of the recent developments in the Middle East—developments with which the Bush Administration is currently grappling.

One very troubling recent development is the proliferation of both chemical weapons and ballistic missiles throughout the Middle East. The use of chemical weapons by both Iraq and Iran during the Gulf War, Iraq's use of these weapons against the Kurds, and Libya's possession of chemical weapons, remind us all, once again, that the Middle East is an exceedingly dangerous place—and that the dangers may be increasing.

Another recent development has been Yasir Arafat's acceptance of American conditions for initiating a dialogue—that is, recognition of Israel's right to exist, renunciation of terrorism, and acceptance of UN Security Council Resolutions 242 and 338. But there are many reasons for looking long and hard before drawing any firm conclusions about Mr. Arafat's reversal. We need more than press conference statements and semantics. We need to see real evidence of concrete actions by the PLO—actions for peace, and against terrorism—before changing our fundamental attitude toward the PLO.

To begin with, we must all remember that the PLO is an umbrella organization that contains a number of political groups. Some of these groups have made it clear that they continue to reject Israel's right to exist, and continue to regard terrorism as a legitimate means of struggle, regardless of what Mr. Arafat says. Clearly, then, the nature of the PLO's commitment to peace needs to be clarified.

Second, even within Mr. Arafat's own organization, some of his lieutenants have made statements that flatly contradict their leader's peaceful protestations—yet they are neither censured nor disciplined for their apparent insubordination. What are we to make of this? And what are we to make of the fact that Mr. Arafat himself has threatened the lives of Palestinian leaders on the West Bank who have indicated an interest in achieving some sort of peaceful accommodation with Israel? Or of the fact that the PLO Charter, calling for Israel's destruction, has not been formally revoked? Once again, simple prudence obliges us to monitor Mr. Arafat and his organization very carefully, and to probe his words very closely, before arriving at a final determination. Those who believe that America policy is about to undergo a basic shift merely because we have begun to talk with the PLO are completely mistaken. As Secretary of State Baker has noted, "The existence of the dialogue should not lead anyone to misunderstand our overall policy or question our enduring support for the State of Israel."

Yet another new factor in the Middle East equation is the Palestinian uprising that has gone on for over a year now, and has resulted in nearly four hundred Palestinians killed, and many more injured. Some may say that by the grisly standards of some of Israel's neighbors, a few hundred people killed in the course of a year-long uprising is not a very staggering figure. And, of course, Arab states have killed far more Palestinians than Israel has. But Israel cannot be judged by the standards of its neighbors. Israel judges itself—and is judged by

others—on the basis of the standards which prevail in the democratic West. And on the basis of these standards, the status quo on the West Bank and Gaza Strip is clearly unacceptable.

Of course the Israelis understand this as well as anyone. As you know, the recently-formed government in Jerusalem is exploring new options, examining new initiatives to deal with this crisis. We welcome these moves, and hope that they will lead to an atmosphere of mutual restraint. And we will continue to oppose the one-sided condemnations of Israel's actions that emerge all-too-often from the U.N. In fact, in its very first week on the job, the Bush Administration made it clear that we would veto a proposed Security Council Presidential statement harshly critical of Israel. When the sponsors of that statement toned it down somewhat, in the hope of avoiding a U.S. veto, we again informed them that it was still one-sided and unacceptable. As a result, the statement was withdrawn. There's a lesson to be learned here—a lesson about the U.S. commitment to the truth and justice in the Middle East—and we hope that those who sponsored this statement have learned it.

These, then, are some of the complexities facing the Bush Administration as we review U.S. policy in the Middle East. Clearly, the dilemmas are real, the choices are difficult, and the stakes are high. But the fact that a policy review is under way doesn't mean that our Middle East policy is somehow up for grabs now. On the contrary, the broad principles of U.S. Middle East policy remain firmly in place. And perhaps, during this period of review, they are worth restating.

So let's begin with the basics. The first principles of U.S. Middle East policy remains strong and unwavering support for Israel's security. Forty years ago, we supported the creation of the State of Israel for moral and humanitarian reasons. We believed that after the unspeakable atrocities committed by the Nazis, Jews needed a land they could call their own, a land in which they could live without fear. That is what we are committed, and will always remain committed to the security of Israel. We are committed to helping Israel protect itself against any combination of aggressors. And we will always make clear to the world, through moral and material support, that we are a permanent and unshakable ally of the State of Israel.

But humanitarian and moral considerations are not the sole basis for American support of Israel. As I noted earlier, our common democratic traditions, our partnership in pursuit of peace and freedom, is another pillar of our alliance. Israel is a vibrant democracy in a part of the world where democratic institutions have not, as yet, taken hold. This situation presents Israel's democracy with daily challenges of a kind that other democracies, surrounded by peaceful neighbors, have rarely had to face. That Israel's democracy continues to flourish under these conditions is both a tribute to the courage and determination of the Israeli people, and a bond firmly linking them to the American people.

American and Israel are also linked by common strategic interests. The fact is that we have no more reliable friend in the world than Israel. And the scope of our strategic cooperation is vast. Indeed, as Secretary of State Baker pointed out during his confirmation hearings, our relationship with Israel has expanded into a "true strategic alliance" during the Reagan-Bush years. One aspect of this alliance of particular interest to me when I served in the Senate was anti-tactical ballistic missile technology. With the proliferation of ballistic missiles to the Middle East, the need for such a defense becomes increasingly obvious. I am proud that I helped to channel funds to Israel through SDI for joint research and development projects, such as the Arrow missile defense system, and that I have worked to further U.S.-Israel strategic cooperation both in the Senate and during my visit to Israel in 1987. I know that both nations can gain enormously from such cooperation.

For all these reasons—our moral commitments, our democratic convictions, and our strategic interests—we provide more security assistance to Israel than to any other nation. I believe that this assistance is one of the best investments we can make—an investment not only in Israel's security, but in our own. And I know President Bush shares this conviction.

A second enduring principle underlying U.S. Middle East policy is the search for an Arab-Israeli peace based on direct negotiations between the parties. We believe that negotiations can work. We believe that the Arab-Israeli conflict is not intractable, and that compromises on all outstanding issues can be found. But the responsibility for making the compromises, for finding the solutions, rests with the parties themselves. Anyone who tries to shift the primary peace-making responsibility to the United States, who thinks that we can somehow be persuaded into pressuring Israel to accept a pre-cooked "solution", is only kidding himself.

A third enduring principle of our Middle East policy is that direct negotiations must be based on U.N. Security Council Resolutions 242 and 338, which include the exchange of territory for peace. Realistically, we believe that Jordan must play a part in any peace settlement. The Palestinians must participate in the determination of their own future, as well. We continue to believe, however, that an independent Palestinian state will not be a source of stability or a contribution to a just and lasting peace.

My friends, we should not lose sight during the current difficulties and turmoil of the fact that the last eight years have been good ones for the American-Israeli alliance. They have also been years in which the cause of democracy and human rights have made giant strides around the world. These two developments are not unrelated. For when America is truest to herself, when she takes her own principles seriously, and acts on them, both democracy and our friendship with Israel will flourish.

I want to assure you that the next eight years—the Bush-Quayle years—will be equally successful. We will continue to uphold the values of freedom and democracy that have made us great both at home and abroad. We will continue to advance the cause of human rights around the world. And we will continue to strengthen and deepen our strategic alliance with Israel.

Let me conclude these remarks on a personal note, if I might. As some of you may know, I was born in Huntington, Indiana. It was a small, decent, quiet American town—and life was safe and secure there. But then I grew up, and as I grew up I learned some new and ugly words; words like Gulag; words like Auschwitz; words like Boat People. And I learned that the safety and security that I had taken for granted were not part of the inevitable order of things. You have to work at it; you have to fight for it; and sometimes, you have to sacrifice for it.

I went into public life to do precisely this: to help, in the words of our Constitution, "to secure the blessings of liberty to ourselves and our posterity." But securing these blessings for ourselves means helping others to secure them for themselves—their posterity. It means working at home and abroad to make the world a little less cruel, a little more humane.

The A.D.L. has understood this all along. From your earliest days you have been an embattled organization, and all your battles have been fought on behalf of democracy and human rights. I salute you for what you have accomplished. And I trust that in the future we shall fight our battles together, side by side.

Thank you and God Bless You.●

TERRY EHRICH

● Mr. LEAHY. Mr. President, I would like to take a moment today to talk about a constituent of mine, Terry Ehrich, of Bennington, VT, who is the owner and publisher of a newspaper called the Hemmings Motor News.

Terry also provides a great public service by allowing his antique cars to be used during Bennington's local parades. I have certainly enjoyed them.

No matter where my travels take me, I can usually find a copy of the Hemmings Motor News, and I take great pride in knowing that the publication comes from Vermont.

I respectfully request that the article about my friend Terry that appeared in the Burlington Free Press be printed here in full.

The article follows:

IF YOU CAN'T FIND IT IN HEMMINGS—BENNINGTON'S THE HUB FOR SPECIALTY CAR ENTHUSIASTS

(By Kent M. Shaw)

BENNINGTON.—Can anyone help T. Hillsgrove, of Jacksonville, Fla., locate 16-inch rims with 3½-inch hubs for his 1940 Buick 46S Coupe?

"I have two rims that are bent so badly that I can hardly drive the car," laments T. Hillsgrove. "I've come to the conclusion that if I can't find it in Hemmings it probably doesn't exist. Can anyone help?"

However the writer makes out in his quest for a smooth ride in his '40 Buick, there may be no better place to look than among the 700-plus pages of Hemmings Motor News, the monthly Bible of vintage and special interest automobiles, parts and sundries published from a much-expanded schoolhouse in Bennington.

In 1988, Hemmings published 8,384 pages of classified and display advertising. Except for the occasional note from the publisher and the small string of letters, such as T. Hillsgrove's, there was nothing else.

No feature stories, no in-depth investigations, no chit chat, no profiles, not a word on the latest trends or fashions.

T-Bird: 1956, in storage 21 years, needs very minor work, $16,000.

We pay cash for Chrysler convertibles, 1928-68, any condition; 1963 Super Sport spinner wheel covers, excellent condition, $80.

There is no price listed with a 1955 Mercedes-Benz 300SL Gullwing, "available to qualified knowledgeable drivers."

At last count, says publisher Terry Ehrich, who is planning to celebrate Hemmings' 35th anniversary through most of 1988, circulation had reached 269,935, including newsstand sales of about 44,350 at the cover price of $3.95.

The flagship of Watering Inc., a privately held corporation of which Ehrich is a principal owner, Hemmings will account for about $13.5 million in revenues this year.

"There are a lot of fun cars in here," said the 47-year-old Ehrich, paging at random through a recent issue. "You can open it up and start daydreaming."

"Look at this old Ford woodie," he said. "Imagine driving across the country in that."

This one was a 1949 with 75,000 miles on it, "near perfect wood throughout, original upholstery, $8,900."

Ehrich has a much simpler time explaining how his business works than addressing the fundamental questions, explaining why it is that T. Hillsgrove or any of 100,000 other dedicated Hemmings readers develop, in Ehrich's words, such "emotional relationships" with their cars.

"People really get involved with their automobiles," he said, smiling.

Ehrich's involvement with Hemmings began in 1968 when he purchased the business from Ernest Hemmings, an auto parts jobber from Quincy, Ill., who mimeographed the first Hemmings—four pages long—in January 1954.

Ehrich moved the business to his native Vermont two years later, bringing along a few adventurous staffers and a publication with a circulation of about 35,000.

Brownell, who is also editor of Special Interest Autos—a Watering Inc.-owned magazine established in 1970, which publishes frank test drive reports on vintage cars—says the 1970s saw the pastime of refurbishing classic cars shift away from the near exclusive domain of millionaires who tinker with their Dusenbergs.

"The hobby redefined itself," Brownwell said. "These are regular folks. These are average Joes."

That isn't to say that Hemmings turns down ads from would-be sellers or buyers of Dusenbergs or Ferraris or 1955 Mercedes-Benz 300SL Gullwings. But the mainstay is the regular production American car—the V-8 powered 1930s Fords, the 1960s-era Mustangs.

Hemmings does turn down ads from people who forget to enclose a check or money order with their insert for any of the 60 or so categories inside. There is no billing department at Hemmings. The magazine also gives a boost to the average Joe by discounting non-commercial classified advertising for hobbyists.

Even when he doesn't have much in the way of spare time to share with a visitor, Ehrich is eager to show off the firm's "rolling stock," most of it housed in the former horse stables of a once-grand Bennington estate.

Hemmings Motor News is emblazoned on the sides of two 1929 Model AA Ford-Cretor popcorn vending trucks, which the firm takes along to auto shows for proven promotional value.

The regular fleet of 1936 panel trucks—a Chevy, a Ford and a Dodge—are there, too, restored to prime shape. Ehrich said he liked the idea of investing in the less-sought after panel trucks because few readers would feel Hemmings was competing against them in the market. Besides, said Ehrich, smiling again, there is plenty of room on the rich British racing green side panels for the company name.

"If you can't find it in Hemmings Motor News," reads a borrowed phrase on the back, "your car can probably do without it."

Ehrich said he may have learned something recently of the passions of vintage car collectors while he was preparing an introductory essay for a small publication Hemmings plans for 1989, a primer for the would-be collector.

"I think I convinced myself," said Ehrich, who found himself smitten by a 1928 Model A two-door recently.

"Because it was just the same as the first car I ever owned."

Just the same as the car he tinkered with as a teen-ager at a former Shell station in Arlington, just up the road a piece.

THE EHRICH FILE

Name: Terry Ehrich.

Occupation: Publisher, Hemmings Motor News.

Age: 47.

Education: Harvard College, Class of 1963.

Interests: Environmental activism: "We haven't tested the brakes in this technological society of ours. We've had the accelerator to the floor."●

FAIR HOUSING MONTH

● Mr. D'AMATO. Mr. President, I rise today to offer my support for Senate Joint Resolution 41, a joint resolution designating April 1989 as "Fair Housing Month."

Twenty-one years ago, in April 1968, Congress passed the Fair Housing Act. Fair Housing Month commemorates this landmark in civil rights history, and reaffirms our national commitment to providing fair housing to everyone regardless of race, color, religion, sex, national origin, familial status, or handicap. Just last year, to further our commitment to fair housing, Congress passed the Fair Housing Amendments Act of 1988, of which I was proud to cosponsor. The 1988 amendments expanded the Fair Housing Act to include coverage to prevent discrimination against handicapped persons and families with children.

Among its more important provisions, the Fair Housing Amendments Act bars discrimination in the sale, rental, or financing of housing on the basis of handicap. In addition, the amendments require reasonable modification of dwellings and reasonable accommodation in policies for handicap persons, and also requires the design and construction of certain new covered multifamily dwellings for first occupancy after March 13, 1991, to meet certain adaptability and accessibility requirements. Regarding discrimination against families, the 1988 amendments bar discrimination in the sale, rental, or financing of housing because there are children in a family, but exempts certain housing for older persons.

Mr. President, housing is a basic human right. So it is our duty to protect anyone denied housing because of race, number of children, handicap, or any other reason. America was founded on principles of fairness and equality—it is vital that we protect those in danger of losing these rights. I am proud to cosponsor Fair Housing Month which reminds us not to lose sight of our American values. I commend Senator SPECTER, my neighbor from nearby Pennsylvania, on introducing this joint resolution, and urge my colleagues to join us in cosponsoring Senate Joint Resolution 41.●

BIOLOGICAL AND CHEMICAL WEAPONS SANCTIONS

● Mr. LEAHY. Mr. President, I am pleased to have recently joined as a cosponsor of legislation introduced by Senator CLAIBORNE PELL to impose economic sanctions against nations that use biological or chemical weapons. The Pell bill is an important step toward deterring the appalling use of these weapons, even by those who are not signators of international treaties that prohibit their use.

Last month, the ugly specter of chemical weapons brought 149 nations together at a conference in Paris. The participants reaffirmed their support for the Geneva protocol, an international agreement banning the use of chemical weapons, and urged the completion of a treaty to ban their production or possession.

Mr. President, I found the Paris conference full of irony. It was as if people finally came to their senses about the dangerous path the world was heading down. President Reagan, the leader who appealed to other governments to hold the meeting, successfully urged Congress only several years earlier to resume production of chemical weapons. I fought hard against this unwise initiative but the President prevailed. If these horrible weapons are going to continue to exist we should deter their use by showing other countries their effects can be negated, not that we will retaliate with similar weapons. The United States should take a bold step and concentrate its efforts on defensive rather than offensive capabilities.

I also found it ironic that some of the nations accused of using chemical weapons attended the conference and signed the nonuse pact. I doubt that nations which have already used chemical weapons are in any way restrained by a nonuse pledge. It will take strong measures by the international community against violators if we are to deter further use of these inhumane and senseless weapons.

On several occasions during the Iran-Iraq war, United Nations inspectors determined chemical weapons

were used. Shortly after a cease-fire was reached, Iraq apparently used chemical weapons again, this time against Kurdish rebels and civilians. Several credible reports also indicate the Soviet Union resorted to chemical weapons during its failed campaign against the Mujaheddin in Afghanistan. There are also reports that Vietnam used chemical weapons in Cambodia.

In 1979 there was a very disturbing incident in Sverdlovsk, U.S.S.R. Apparently, an accident at a biological warfare facility released anthrax spores into the environment resulting in illness and death among the local community. This accident strongly suggests that the Soviet Union violated the 1972 Biological and Toxin Weapons Convention that bans both use and possession of these weapons.

Mr. President, the United States and its allies strongly condemned the use of biological and chemical weapons after many of these incidents. But strong words failed to keep the biological and chemical genies in their bottles. Last year, after the Iraqi chemical assault on the Kurds, the Senate finally moved closer to stronger measures by passing a sanctions bill against Iraq. Unfortunately, the House failed to take up this measure before the end of the 100th Congress.

The Pell legislation is an important opportunity to put nations on notice that the United States will react in more forceful terms to any future use of chemical weapons. The bill requires the President to impose sanctions if U.N. inspectors confirm their use. If a country denies entry to U.N. inspectors the sanctions would automatically be imposed.

Mr. President, almost as frightening as their use is the spread of these horrific weapons. Nearly 20 countries are now suspected of having chemical weapons. In addition to establishing international procedures to punish those who release chemical weapons, the United States must continue to work closely with all nations to promote the elimination of these weapons.●

MENTAL ILLNESS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 55, a joint resolution designating the week of October 1-7, 1989, as Mental Illness Awareness Week. I commend my colleague from Illinois, Mr. SIMON, for taking the lead in this effort to focus public attention on the concerns surrounding mental illness and the advances that have been made in treating this disease.

The impact of mental illness is felt throughout our society. Every year, between 31 and 41 million Americans experience significant disability with respect to employment, attendance at school, or independent living as the result of a clearly diagnosable mental disorder. More than 10 million Americans are disabled for extended periods of time by schizophrenia, manic depressive disorder, and major depression. Mental illness is a major contributor to homelessness; it is estimated that between 30 and 50 percent of the homeless suffer from serious, chronic forms of mental illness. The elderly are particularly vulnerable to mental illness; nearly one-fourth of the elderly who are thought to be senile actually have treatable mental disorders. Mental illness also impairs the healthy development of as many as 12 million of our children. All told, mental illness costs our Nation $106.2 billion annually in health care expenses and lost productivity.

Fortunately, research in recent decades has led to a wide array of treatments for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders. These treatments—which may be pharmacological, behavioral, or psychosocial—have been demonstrated to be highly effective. Nearly two-thirds of all mentally ill patients show significant signs of recovery with their initial treatment. Moreover, appropriate treatment of mental illness can result in restored productivity, reduced utilization of more costly medical services, and lessened social dependence—all of which help reduce the cost of mental illness to society.

By informing the public that mental illness is a disease—and that it can be treated—we can do much to diminish the fear and misunderstanding that commonly surrounds this disease. I commend Mr. SIMON for drawing attention to this disease and for recognizing the role of research in helping us to understand and treat mental illness. I encourage my colleagues to support this joint resolution, and I urge its immediate passage.●

MARTIN LUTHER KING, JR., HOLIDAY COMMISSION

● Mr. BIDEN. Mr. President, I am pleased to join Senator NUNN as one of the 29 original cosponsors of S. 431, a bill that would reauthorize the Martin Luthur King, Jr., Holiday Commission. Under the bill, the Holiday Commission, which was established in 1984 by Public Law 98-399, would be reauthorized for a period of 5 additional years. The enactment of this measure is necessary to ensure that the King Commission can continue its fine work in encouraging appropriate nationwide ceremonies relating to the annual observance of the holiday honoring Dr. King. It is indeed impressive that in the short period since its establishment, the Commission now coordinates special commemorative events in all 50 States and in more than 140 nations around the world. In addition, the Commission has also provided invaluable advice and assistance to Federal, State, and local governments, and to private organizations regarding the observance of the holiday.

As Senator NUNN noted when introducing this bill, the celebration of Dr. King's birthday provides a time for all Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luthur King, Jr. The Holiday Commission has played a particularly significant role in instructing the youth of our Nation on the importance of educational excellence, community service, and peace and justice. This significant work must continue.

Although the Commission has operated very effectively since its inception in 1984, it has done so with private donations and appropriate fundraising activities. However, Mr. President, the time has come for the Commission to receive a modest annual appropriation to continue its work. Even in these budget-conscious times, a $300,000 annual appropriation is a minimal amount of money. More importantly, the assurance of a Federal appropriation will enable the Commission to devote its time to carrying out its congressional mandate, rather than exerting and exhausting its energies on continual fundraising activities.

I am encouraged that more than a quarter of the Senate has joined in cosponsoring this worthy proposal. In addition, it is my understanding that President Bush has declared his support for a permanent King Holiday Commission. I am pleased this bill is being supported by the Bush administration.

As chairman of the Judiciary Committee, which will consider S. 431, I will do everything possible to ensure the prompt review of this important bill.●

THE IMMIGRATION AND NATIONALITY ACT

● Mr. D'AMATO. Mr. President, I rise to cosponsor S. 358, a bill introduced by Senators KENNEDY and SIMPSON to reform our legal immigration system. The Senate adopted identical legislation in the last session by an overwhelming vote of 88 to 4. That bill was the product of bipartisan compromise achieved in the Judiciary Committee. Unfortunately, the House did not consider it before the 100th Congress adjourned.

The authors of this legislation have attempted to structure a system that more accurately reflects our Nation's priorities for legal immigration. In addition to reaffirming the tradition of family reunification, the bill corrects

an inequity in the present system and seeks to stimulate immigration among those with needed skills.

S. 358 establishes a national level of immigration within which all new permanent entrants would be counted. The cap for the first 3 years will be 590,000, 100,000 over current levels.

Within this ceiling, the bill creates two categories for preference immigrant visas: One for close family members, 470,000 and another for independent immigrants, 120,000. The family connection preference system is adjusted to give greatest priority to the closest family members.

The bill also provides an additional 30,000 visas for 3 years to reduce the existing backlog in the preference for brothers and sisters of adult U.S. citizens.

The new category for independent immigrants makes visas available to those with skills and to those with no family connections in the United States. The bill provides for an additional 55,000 visas, and the current preferences for professional and skilled workers is retained. Priority for the additional 55,000 visas will be established by a point system.

Our present immigration system emphasizes the very worthwhile goal of family reunification, therefore giving preference to the sons and daughters of U.S. citizens and to the spouses and unmarried sons and daughters of permanent resident aliens.

Unfortunately, it also creates painful, and even tragic problems for Irish, Germans, Italians, Poles, and others without immediate family members in the United States. Many such individuals have watched their dreams of becoming American citizens fade, and eventually die, because the years of large-scale immigration from these lands are long past.

S. 358 recognizes that these deserving people have been left out, in fact, inadvertently discriminated against, by the present system. The point system for visa priority set forth in the bill places heavy emphasis on education, English langauge skills, needed labor skills, and youth. Those who would thus be accorded priority under these standards are clearly well-equipped to make immediate and meaningful contributions as American citizens.

The creation of this category is a provision I strongly support. In working with this legislation, I intend to explore ways to make it even more comprehensive. Opening the gateway of opportunity to more of these deserving individuals could only enhance our productivity and vitality as a culture. Our Nation would be richly rewarded by the extraordinary talents, energy, motivation, and educational achievements of these would-be citizens.

I also support this bill's requirement that the administration review the social and economic effects of immigration on our country, and if necessary, propose revisions of the national level of immigration at least every 3 years.

I commend my colleagues, Senators SIMPSON and KENNEDY, for their persistence, leadership, and clear commitment in crafting this bipartisan reform to our legal immigration system.●

ESTONIANS AND LITHUANIANS CELEBRATE THEIR INDEPENDENCE

● Mr. DECONCINI. Mr. President, February is an important month for Estonians and Lithuanians around the world. On February 16, Lithuanians celebrate their independence, while on February 24 it is the turn of the Estonians. This year is the first time that the Soviet authorities have permitted public celebrations of the independence of the pre-Soviet states of Estonia and Lithuania—in striking contrast to their previous behavior.

Many thousands of people in Estonia and Lithuania turned out to celebrate their independence, capping a remarkable year of public activism, involving hundreds of thousands of people, which sprang up in the Baltic States. The Soviets did not attempt to hinder the public expressions of the long-held Estonian and Lithuanian desire for freedom. Unfortunately, however, I must note that eight Lithuanian-Americans were denied—reportedly on Moscow's orders—Soviet visas to attend independence day celebrations. Such actions do not bode well for Soviet responses to visa requests for the Moscow human rights meeting in 1991.

The year 1988 will long be remembered in Estonia and Lithuania: Leading political prisoners, such as Enn Tarto, Viktoras Petkus, Mart Niklus, and Balys Gajauskas, were released after many years of imprisonment; new nationalist groups were formed, such as the Lithuanian Liberty League and the Estonian National Independence Party; the first mass political action organizations were founded: The Estonian Popular Front and Sajudis, the Lithuanian Movement to Support Perestroika.

Political activism in Estonia and Lithuania has gone even further than massive demonstrations and powerful new political organizations. The spirit of independence has spread to official bodies as well. In a brave defiant move, the Estonian Supreme Soviet voted to reject new constitutional amendments on the grounds that they would further restrict Estonian rights vis a vis the Kremlin. Although this effort was rebuffed, the Estonians continue to press for their program of legal reforms. And in Lithuania, Sajudis issued an independence day statement which in effect calls for eventual independence.

In conclusion, let me extend my congratulations to all Americans of Lithuanian and Estonian background on their independence days. I hope that recent events in the two proud countries of Estonia and Lithuania—as well as in Moscow—portend that history is moving toward greater human and national liberty in that part of the world.●

NATIONAL CHILD CARE AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 50, a joint resolution designating the week of April 2, 1989, as "National Child Care Awareness Week." I commend my colleague, Senator BOSCHWITZ, for helping to bring the problem of child care to national attention.

The composition of the American family is changing. Today, fewer than 10 percent of families are what was once considered the typical American family with the mother staying home and the father working. The upsurge in the number of women in the work force has been dramatic: In 1950 only 12 percent of women with children under age 6 worked, today, 57 percent do.

The family is the cornerstone of our Nation. Today's children, who will come of age in the 21st century, are our Nation's future. Many of them will have to overcome obstacles like broken homes, poverty, drugs, and troubled schools with high dropout rates. Studies show that early childhood intervention is the best hope for at risk children. We owe to these children the best in child care and must make it affordable to their parents.

Mr. President, this joint resolution highlights an issue of importance to millions of American families. I am encouraged by the emerging bipartisan commitment to finding a workable solution to the child care dilemma. I urge my colleagues to join me in cosponsoring Senate Joint Resolution 50.●

MANUEL J. CORTEZ

● Mr. BRYAN. Mr. President, I rise before you today to commend one of the State of Nevada's finest citizens, Clark County commissioner, Manuel J. Cortez, whose impressive record of contributions to the southern Nevada community makes him a worthy recipient of the Third Annual New Mexico Club of Nevada Distinguished Award being bestowed upon him.

Born in Las Cruces, NM, and a resident of the State of Nevada since 1944,

Commissioner Cortez has spent most of his adult life actively involved in the administration of Clark County. Prior to taking office in 1977 as county commissioner, Mr. Cortez was appointed to serve as the administrator of the Nevada Taxicab Authority. Previous to this appointment, he worked in both the Clark County Public Defender's Office and in the Clark County District Attorney's Office.

Manny is a former chairman and vice chairman of the county commission, and as a commissioner, also serves on the following boards: Las Vegas Valley District Board of Directors; University Medical Center Board of Trustees; vice chairman of the Clark County Liquor and Gaming Licensing Board; vice chairman of the Clark County Sanitation District Board of Trustees; Big Bend Water District Board of Trustees; Kyle Canyon Water District Board of Trustees; and chairman of the Las Vegas Convention and Visitors Authority.

A short list of some of Manny's past accomplishments include: President of the Nevada Association of County Commissioners; chairman of the Clark County Board of Commissioners; chairman of the Clark County Liquor and Gaming License Board; chairman of the Clark County Sanitation District Board of Trustees; vice chairman of the University Medical Center Board of Trustees; and vice chairman of the Metropolitan Police Committee on Fiscal Affairs.

Manny is also an active member in a variety of civic organizations, including: the Boys and Girls Clubs of Clark County and the Big Brothers and Big Sisters of Southern Nevada, among others. He also works closely with the Las Vegas Metropolitan Police Department, the Nevada Division of Aging, and Public Defender's Office on problems relating to senior citizens.

Besides his illustrious public service career, Manny and his wife Joanna have raised two fine children, Cynthia Ann and Catherine.

It is then with great honor and pleasure, Mr. President, that I commend this fine Nevada citizen, Clark County commissioner Manuel J. Cortez, as he receives the 1989 New Mexico Club of Nevada Distinguished Award.●

NAMIBIAN PEACEKEEPING FORCES

● Mr. SIMON. Mr. President, I hope we will act quickly on the question of funding for Namibian peacekeeping forces of the United Nations.

But there is concern that I heard expressed when I was in Africa recently about the size of the U.N. force.

It has been tentatively reduced from 7,500 people to 4,500.

Namibia is a substantial country in size, approximately twice the size of California.

To assume that 4,500 people can adequately take care of the transition there, I hope is valid, but there are understandably deep concerns.

I ask to insert into the RECORD a letter from the church leaders of Namibia to the Secretary-General of the United Nations and a resolution that they adopted.

I urge my colleagues to read it, and I urge those in the administration of the United Nations to monitor this situation carefully so that if additional forces are needed, we move with those forces immediately.

The material follows:

[Telex]

From: Windhoek, Namibia, Routed VIA Namibia Communications, Centre, London.
Date: 16th January 1989.
To: The United Nations Security Council.
From: The Executive Committee of the Council of Churches in Namibia (CCN), representing over 900,000 Namibian Christians.

RETAIN UNTAG GROUP AT 7,500

We, the leaders of the Namibian churches, make a desperate and urgent plea to the members of the United Nations Security Council to retain the size of the United Nations Transitional Assistance Group at 7,500 and not to reduce it in any way.

Our plea is made desperate by our conviction that the independence process in Namibia will be seriously jeopardised if the UNTAG force is reduced.

Our conviction is based on our awareness of what is now happening in Namibia. We have strong reasons to believe that:

1. Arms are being cached at strategic places in Namibia by forces unfriendly to Namibian independence.

2. Some people in Namibia are being supplied with arms in order to destabilise the independence forces.

3. Young Namibians are not only being recruited but are being integrated into the present military groupings in Namibia. They are being subjected to anti-Namibian propaganda and training.

4. UNITA members are being issued with Namibian citizenship documents to enable them to vote against SWAPO.

5. The South West African radio and television services and the core government press are continually producing biased propaganda aimed at influencing the cause of elections in Namibia.

6. The South African military build-up is continuing in northern Namibia. Long convoys of army trucks are seen moving north even in Kavango. New 'police stations' are being built in Ovamboland with the South African flag flying higher.

7. Members of Koeovet, the brutal South African counter-insurgency force, are to be integrated into the regular police force.

8. Police and army forces are already campaigning for elections. They call people to meetings, offer to plough their field or provide piped water. This must be urgently and adequately monitored by UNTAG members or the elections will be unfairly influenced.

9. If the UNTAG force is reduced the Cuban withdrawal, already begun in good faith, will be seized by certain parties at any opportunity to bolster UNITA, hurt Angola and allow South Africa to retain its grip on Namibia.

10. The South West African Administrator General's proclamation of white elections on 1st March 1989 will further confuse the independence process.

Thus we are convinced that to reduce the size of the UNTAG force will seriously jeopardise the Namibian independence process and that the proposed elections will not be free and fair. The Namibian people will be left at the mercy of the South African forces and the whole of Southern Africa will remain unstable.

In addition, the delay occasioned by the Security Council debate is frustrating the planning and fundraising of well-intentioned people here. The repatriation programme is especially at risk. This delay in itself may weaken the effectiveness of the independence process in Namibia.

We therefore plead with the United Nations Security Council most desperately and urgently that the UNTAG be held at 7,500 and this force be constituted and established in Namibia without delay.

Signed:

The Rt. Rev. Hendrik Frederik (President, Council of Churches in Namibia, Bishop of the Evangelical Lutheran Church).

Dr. Abisai Shejavali (General Secretary, Council of Churches in Namibia).

The Rt. Rev. James Kauluma (Anglican Diocese of Namibia).

The Rt. Rev. James Prinz (Methodist Church).

The Rev. Peter Lamoela (United Congregational Church).

The Rt. Rev. Kleopas Dumeni (Evangelical Lutheran Church in Namibia).

The Rt. Rev. Bonifatius Haushiku (Roman Catholic Church).

The Rev. Bartolomeus Karuaera (African Methodist Episcopal Church).

JANUARY 21, 1989.

To: The Secretary General of the United Nations.
From: An emergency meeting of the Executive Committee of the Council of Churches in Namibia (CCN).

SIR: Having just received information from New York concerning the present impasse in the Security Council, which poses a threat to the implementation of Resolution 435, we have convened today in Windhoek and wish to make the following statement further to our telex of 16 January 1989:

1. We confirm the contents of our above mentioned telex and wish you to know that we are extremely worried over what we see as a critically urgent situation in the proposed reduction of the UNTAG military component from the original 7,500 to 4,500.

2. Considering that the resolution 435 is a child of the Security council and has stood for ten solid years, it is to our disappointment and beyond our understanding that the Security Council (and particularly the five permanent members), who knew all along what the costs would be, should now appear to renege on their own agreement. We appeal especially to those countries who have from the beginning been champions of the cause of Namibia in the Security Council to continue in their support and not to desert us in this last and crucial hour.

3. If this matter is merely concerned with finance, we beg that consideration be given to the terribly high price already paid by Namibians in their struggle for freedom, and to the inestimable cost that would be paid should one life be lost because there were not enough members of the UNTAG

group to monitor and control the already known excesses of those disposed towards the South African system. A cheaply acquired settlement will ultimately prove astronomically costly to this region, and consequently to our trading partners. The ultimate choice is between South African colonialism and Namibian freedom.

4. We are deeply concerned at the size and unmonitored activities of the South West African Police (SWAPOL) forces which are known to be surrogates of the South African racist regime. The number of these forces should be known and specified and limited. The threatened reduction of the UNTAG military component from a minimum of 7,500 would allow the SWAPOL forces unbridled control over the election process.

5. We express our gratitude to the Secretary General, the member countries of the non-aligned nations, and the members of the African group for the position they have taken, for their understanding of our situation, and their sympathetic action on behalf of the Namibian people. In particular we express our admiration for General Prem Chand of India, for his witness for and support of the Namibian people's desire for a peaceful settlement with justice and dignity for all.

6. Please do not cut the costs on Namibia's future. Please do not reduce the UNTAG military component.

Signed:

The Rt. Rev. Hendrik Frederik (President, Council of Churches in Namibia [CCN], The Evangelical Lutheran Church).

Dr. Abisai Shejavali (General Secretary, Council of Churches in Namibia).

The Rt. Rev. Bonifatius Haushiku (Roman Catholic Church).

The Rt. Rev. James Kauluma (Anglican Diocese of Namibia).

The Rev. Bartolomeus Karuaera (African Methodist Episcopal Church).

The Rev. K. Shuuya (Evangelical Lutheran Church in Namibia).

The Rev. J. Massey (The Methodist Church of Southern Africa).●

SHARING UNITED JERUSALEM

● Mr. SIMON. Mr. President, through the years, I have visited Israel many times and have met every Prime Minister from David Ben-Gurion on.

But strangely, until my last visit to Israel, I had not met Mayor Teddy Kollek. He was always out of the country when I was there, or we were not able to get together.

Finally in my last visit, my friend Bob Asher arranged that my wife and I could get together with the Ashers and with Mayor Teddy Kollek for dinner one evening.

He is a refreshing, practical voice in Israel. And he reaches out to others in a marvelous way. The evening we were with him he had to leave somewhat early because he was going to some type of Greek Orthodox event.

Recently, Foreign Affairs magazine printed an article by him, "Sharing United Jerusalem."

You do not have to agree with every item in the article to recognize it contains a great deal of practical wisdom, which we have come to expect from Mayor Teddy Kollek.

I urge my colleagues in the House and the Senate to read his fine article.

At this point, I ask that this article be inserted in the RECORD.

The article follows:

SHARING UNITED JERUSALEM

(By Teddy Kollek)

The world's perception of the Arab-Israeli conflict and, indeed, much of its substance have been significantly altered by recent events in the West Bank, the Gaza Strip and Jerusalem. Eleven months of unrest and King Hussein's severing of the links between Jordan and the West Bank, have created a new and fluid situation. These events are focusing the world's attention on the need for new policies after twenty years of waiting in vain for Arab governments or Palestinian representatives to come to the peace table.

Thinking about new policies for Israel's relations with the Arab states and with the Palestinians should start with Jerusalem. On one hand, there is wide agreement that Jerusalem must be the last item on the agenda of any negotiations, because whatever is decided to be the fate of the West Bank will affect arrangements in Jerusalem. On the other hand, Jerusalem's importance is such that no negotiations can even begin as long as any one of the parties is persuaded that there is no possible reconciliation of the various interests concerning Jerusalem. After 21 years of administering Jerusalem as one city, we know that all communities, but in particular the Arab one, need a much larger measure of self-administration, autonomy or functional sovereignty. The municipality needs much more of the authority now vested in the government of Israel so that it can share this local authority with the communities and the neighborhoods. Our law on local governments is essentially the one we inherited from the British: introduced in Mandatory Palestine in the 1930s, it is based on the nineteenth-century municipal code of British India, designed to grant a minimum of authority to the "natives" and a maximum to the central government.

Changes are long overdue. They could and should be implemented independently of political developments elsewhere, and without waiting to see what will be the future of the West Bank and Gaza. The future of Jerusalem is to remain united and the capital of Israel, under the overall sovereignty of Israel. There is, however, room for functional division of authority, for internal autonomy of each community and for functional sovereignty. This would go a long way toward showing that a Jerusalem united and shared is not an obstacle to negotiations; on the contrary, it would be a significant contribution to the creation of a climate conducive to constructive bargaining.

II

Arab neighborhoods in East Jerusalem are no longer part of the West Bank. This situation has come about for several reasons, including the incorporation of East Jerusalem within Israel in 1967 and the 89,000 Jews living in new neighborhoods beyond the former armistice line. The main reason, however, is that the past twenty years have seen more change for the better for more people than did the previous two thousand years. These changes include some things that are commonplace in developed countries but less so in the Middle East: running water, sewers, public health services, low infant mortality, schooling for girls, voting rights for all adults, the right to join a trade union, religious freedom for all, a free press, excavation and preservation of archaeological sites and restoration and care of historic monuments. The world has recognized this in the last few years: even the automatic majority of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has toned down its routine condemnations of our efforts to preserve Jerusalem. These are but beginnings; much remains to be done.

Jerusalem's Arab community has made great progress. The most important and obvious indicator is its size: from an unchanging 70,000 between 1948 and 1967, it reached 132,000 in 1986 and is about 150,000 today, all but 15,000 of whom are Muslim. The corresponding Jewish population figures are: 100,000 in 1948, 200,000 in 1967, 336,000 in 1986 and about 350,000 today. Of course, a minority always feels it is the target of discrimination; the 90,000 ultra-Orthodox Jews in Jerusalem feel that way, too—as do the ultra-secular Jews. And Arabs naturally compare their conditions today with the prosperous new Jewish neighborhoods rather than with their own situation before 1967.

How different East Jerusalem is from the West Bank can be seen in the nature of the recent unrest, the *intifadeh*. One Arab youth killed, one policeman grievously injured, one young Jewish woman badly burned—these are the casualties recorded in Jerusalem during the months since December 1987 in which the *intifadeh* leadership has tried to import the uprising into Jerusalem. Only in the dozen villages that were incorporated into the Jerusalem municipality after 1967 did the movement receive a significant measure of support. In these villages a different kind of Arabic is spoken; education levels are lower; occupations are rural in character; the inhabitants are poorer; and Islamic fundamentalism is stronger; moreover, Jewish and Arab homes are often next to one another, without clear communal boundaries. It is the names of these villages that most often appear in the news when children and youths burn tires and throw rocks—A-Tur, Issawiya, Sur Baher, Shuafat, Beit Hanina, Silwan, Djebel Mukabber—although, at times, youths from these villages take their protest briefly into downtown East Jerusalem.

Another essential difference between Jerusalem and the West Bank is that the latter is administered by a special Israeli administration under the much harsher Jordanian civil law and under Israeli emergency regulations, inherited from the British; law and order is enforced there by the army under the supervision of military tribunals. All of Jerusalem is under the quite different Israeli law, administered by Israeli courts and enforced by the police. This means that the Arabs of Jerusalem are treated or have the right to be treated just like the Jews and all other citizens and residents of Israel.

Obviously, the same legislation and the same government and municipal regulations apply to Arabs and Jews alike; the judical system's lack of any discrimination is manifest and recognized by the Arabs. It is in government administration and law enforcement on the lower levels that equal treatment often lags behind the letter of the law. In any multi-ethnic city a minority always has to struggle for equal treatment from the city administration, even when there is no war and terrorism involved. In Jerusalem, the municipality is on the side of all minorities, and is handling cases of discrimination and harassment brought to its attention. It is not a question of equal rights but

a question of good will and a question of time—and the Arabs and the other minorities know it, even if they sometimes suffer unjustly and impatiently.

III

A major and ever-present Arab concern, long antedating the *intifadeh*, is the suspicion that the basic intention of the Israeli government is to obliterate the Arab component in the city's character. While one can understand why the Arabs would feel this way, the facts are very different. We have been protecting the Arab aspect of Jerusalem and transferring attributes of functional sovereignty to the Arabs ever since reunification.

After the 1967 war, initiated by Jordan's full-scale attack against the Jewish quarters of Jerusalem, we gave the Arab inhabitants the choice between accepting Israeli citizenship (few opted for this choice) or retaining their Jordanian citizenship—which had been imposed on them by Jordan during its 19-year occupation of the eastern parts of the city.

This would be inconceivable anywhere else in the modern world. Whenever a city or a territory changes hands, the general rule is to bestow the new sovereign's citizenship upon the population, or to forcibly expel or, at best, exchange it. The inhabitants of Alsace-Lorraine were subject to this treatment more than once, and this century knows many examples of such exchanges and explusions. The very first step is usually to force upon the inhabitants who remain an oath of allegiance to the new sovereign, as well as his citizenship, language and history books. We, instead, let those who so chose retain their Jordanian citizenship—and at the same time gave them the right to vote in Jerusalem municipal elections.

We in City Hall eventually succeeded in persuading our national government to introduce the Jordanian curriculum in the publicly funded city schools in the Arab neighborhoods. Thus, Arab graduates of our school system have access to universities all over the Arab world and qualify for Arab League scholarships. The Ministry of Education in Amman determined the curriculum, and we only removed blatant anti-Israeli and anti-Jewish bias from Jordanian and United Nations Relief and Works Agency textbooks.[1]

The Arab press is another enhancement of the Arab character of East Jerusalem and contribution to the autonomy of the Arab community. Since all of Jerusalem is part of Israel, Israeli law applies and both the Arab and the Jewish press are free, subject to military censorship. Though there are justified complaints that censorship is harsher on the Arab press, the fact is that there is no freer Arab press in the Middle East—and it must be remembered that no newspapers were published in East Jerusalem at the time of reunification in 1967. Today, four Arab dailies and a number of weeklies are published. It is true that from time to time an Arab paper runs into trouble; but on the other hand, a new addition to the Arab press, the weekly *an-Nahar*, became a daily quite recently.

The most important symbols and possessions of the Muslim Arab community of Jerusalem are the two mosques on the Temple Mount, the Dome of the Rock and al-Aqsa Mosque.[2] Immediately after the 1967 war Israel's military and political leaders assured Muslim and Christian dignitaries that all their rights would be respected as in the past.[3] These promises have been kept, even though difficulties occasionally have risen regarding the Temple Mount. Some nationalist Jewish groups in Israel, defying the government and the Supreme Court, claim the right to pray on the Temple Mount, stirring Muslim fears.[4] The Temple Mount's sanctity in Judaism may be one reason for the Muslims' suspicions and apprehension of Jewish encroachment and expropriation: as they cannot envision allowing "infidels," either Jews or Christians, to hold a Muslim holy place, they have no trust in Israel's accommodating attitude.

Jerusalem's Arabs will obviously continue to have strong links with the West Bank and with the rest of the Arab world. We see these links as an important factor for the maintenance of an autonomous Arab culture in Jerusalem. Each summer, over 100,000 Palestinans come freely to the West Bank and to Jerusalem from Arab countries which are at war with us, such as Jordan, Iraq, Saudi Arabia. These are mostly first- second- and third-generation Palestinian emigres who return on family visits.

To sum up: the Arab presence in Jerusalem has been not harmed but strengthened since 1967. Evidence for this, together with the thriving Arab press and the restoration of Islamic historical monuments, includes the numerous educational and cultural institutions forming the Islamic University of Jerusalem; the Islamic college and library at al-Aqsa Mosque; the theological seminary in Beit Hanina; the school of social work in downtown East Jerusalem; the school of nursing in al-Bireh; and the college of science in Abu Dis.

IV

All this is as it should be in Jerusalem. The accent has traditionally been on the self-segregation of independent, organic and historical communities, each with its religion, language, literature, history, dress and food. This is why for centuries the Old City has been divided into four separate quarters: Christian, Armenian, Jewish and Muslim. For centuries these communities lived in greater or lesser harmony with each other.

The notion of "separate but equal" education was justly discredited in the United States because it was not equal and because the separation was imposed by the majority. The voluntary "separate and equal" tradition of the Old City spread out beyond the walls in the late nineteenth and early twentieth century. Today, among the Jewish population, we see clear signs of change: hailing from 103 diasporas, so vastly different, the Jews are gradually but steadily forming one cohesive, distinct national group. Even so, almost a third of the Jewish population lives in strictly separate ultra-Orthodox neighborhoods. Among the Arabs a similar process is taking place. People from the outlying Arab villages of Jerusalem show some signs of adjustment to the urban Arab society, but they are still known to each other as *Jozi*, "from Wadi Joz," or *Turi*, "from Abu Tor." They identify with their village communities and do not speak of themselves as *Qudsi*, "from the Holy City." Christians identify with one of the forty denominations present in Jerusalem, and one cannot speak of a single Christian community, only of the Greek, the Latin, the Armenian and other communities. Jerusalem is not a melting pot, nor does anyone see integration or uniformity as desirable or even theoretically possible, except within an individual community.

In this respect, a serious problem has developed in the Old City. In a test case, an Arab family which had owned a house in the Jewish Quarter prior to 1948 was denied the right either to rebuild it or acquire new housing in the reconstructed Jewish0 Quarter. The Supreme Court of Israel backed the government's decision, saying that homogeneous neighborhoods had always been a historical fact in Jerusalem, and that after all that had happened, the Jews were entitled to their exclusive quarter in the Old City.

Many of us assumed that this decision set the rules for the Muslim Quarter, too. However, in the past few years two Jewish religious schools, or *yeshivot*, moved into Muslim Quarter buildings owned by Jews since the end of the nineteenth century. These *yeshivot* sought to be as close as possible to the Temple Mount where, it is believed, the Messiah will appear at the End of Days.

Last December, one week after the outbreak of unrest in the West Bank and Gaza, Ariel Sharon, the minister of trade and industry and one of Israel's war heroes, moved into a Muslim Quarter building owned by Jews since 1884. His openly admitted purpose was to make a political statement to all and sundry that Jews had the right to live anywhere in Israel, including the Muslim Quarter. This move added to the tension in Jerusalem, was perceived by many Israelis as a provocative act, and clearly aroused Arab fears and suspicions that the Jews who come to live among them are trespassers intent on driving the Muslims out, one building at a time, from the Old City and from all of Jerusalem.

I believe that all of our diverse neighborhoods must be preserved accordng to the wishes of their present inhabitants. I oppose the *yeshivot* while understanding their motivations. I oppose and do not want to understand the provocation by Mr. Sharon.

Another major and related Arab concern is new housing for the expanding population. Jewish groups not larger than the Muslim community, the ultra-Orthodox *haredim*, have succeeded in having entire new neighborhoods built exclusively for them, with synagogues, ritual baths, traffic interdictions on the Sabbath and other religious requirements. The *haredim* are represented on the City Council and are able to form political alliances to further their interests.

[1] This will probably not change in the wake of King Hussein's severance of links with Palestinians west of the Jordan.

[2] Unlike the cities of Mecca and Medina, where no non-Muslim is allowed—even today—under penalty of death, not all of Jerusalem is sacred in Islam, only the mosques on the Temple Mount.

[3] Moshe Dayan, then minister of defense, had already started this process by ordering the removal of the Israeli flag from the minaret of the al-Aqsa Mosque one day after the fighting stopped in the Old City. He was also the moving spirit behind the immediate removal of the anti-sniper walls and the mine fields, and he convinced the government to allow unrestricted traffic throughout the city within a fortnight.

[4] Access, except during times of Muslim prayers, is of course free to all religions and nationalities, as it is to the Jewish and Christian holy places. Large numbers of tourists still visit the Temple Mount uninfluenced by the *intifadeh*, and the entrance fees for the two mosques contribute substantially to their upkeep. During the 19 years of Jordanian rule, no Jews of any nationality were allowed into the Old City; Muslims with Israeli citizenship were not allowed to visit the holy places, and Christians with Israeli citizenship were allowed to visit only Bethlehem and only on Christmas.

I deeply regret the fact that there are no Arabs on the City Council. Under Israeli law, citizens of other countries residing in Israel have the right to vote in municipal elections, and this of course applies also to all Jerusalem Arabs aged 18 and older, even when they are Jordanian citizens.[5] Arabs have made increasing use of their right to vote, in spite of threats appearing in the Arab media, but those who have wanted to stand for election have been subject to a greater danger. Last year Hanna Siniora, a Christian Arab journalist, announced his intention to run at the head of a party list, but although he is a sympathizer of the Palestine Liberation Organization, he was denounced by the Arab media, his family's two cars were burned and he received death threats until he reversed his decision.

This sorry situation means that either I or a colleague in my "One Jerusalem" coalition must represent the Arab population and look after its interests. My argument is that the Arabs are Jerusalemites and taxpayers. But we are a poor city with very limited resources, and each faction on the council tries to obtain a maximum of the resources for its constitutents. Arab councilors, vociferously stating their demands, would paradoxically help return the peace and we need and make it easier to obtain resources for the Arab sector, including new housing.

V

The basic dilemma that confronts us in the governance of Jerusalem is this: we are trying to run a democratic municipal administration in a city where most of the population, Jewish and Arab alike, lacks democratic traditions. Jews from Muslim countries from Afghanistan to Morocco, from Eastern Europe and Latin America have always distrusted the state apparatus; they survived by creating self-contained communities whose leaders represented them to the outside world and the state. The same is true of the forty Christian groups which have always lived under their religious hierarchies.

Nor could the Muslims of Jerusalem ever fully identify with their rulers: the Turks were Muslims, but under their administration the Muslim Arabs were only marginally better off than the Jews and the Christians. The British were "infidels"; and the Jordanians considered Palestinians second-class citizens, especially those in Jerusalem whom they correctly saw as opposed to the Hashemite regime. During Jordanian rule, migrants from the town of Hebron became a majority in Arab Jerusalem, changing the character of the city, and the native Christian communities declined to one-half of what they were in 1948, continuing a trend of emigration dating from the beginning of this century. Emigration of the affluent and the educated, caused by the lack of economic, professional and political opportunities, left Jerusalem's Arabs without a strong middle class.

None of these factors is favorable to the development of democratic habits. But even if all Jerusalemites actively participated in the democratic process, the city administration would still be unable to deal with many problems because, as mentioned above, the present Israeli law on municipalities leaves very little power to the city government.

To encourage citizens' involvement, neighborhood councils called *minhalot* were formed some eight years ago and exist today in a dozen Jewish and Arab neighborhoods. The present law prevents us from giving these councils much legal authority, so we established them as nonprofit associations in the hope that they would promote participatory democracy. *Minhalot* proved very effective as intermediaries between the individual or the family clan and the municipality. The quality of life in several Jewish and Arab neighborhoods was improved by the practical proposals of the *minhalot* for allocation of municipal resources or for modifying planning decisions.

Because they are not political entities, *minhalot* are not subject to objection on grounds of sovereignty or nationalism and can contribute to efficient planning and to peaceful resolution of conflicts. *Minhalot* were therefore acceptable to the Jordanian authorities before the severance of ties, and in some instances Jordanian as well as Israeli funding went to projects in Arab neighborhoods.

An expanded system of *minhalot* could eventually play a role in a permanent arrangement by becoming the framework for self-administration by the different autonomous communities within one municipality. Direct elections to the *minhalot* can assure that each neighborhood's religious, linguistic, ethnic, cultural, educational and economic character will be determined as in the past by its inhabitants and their customs and traditions—an important factor for peaceful coexistence.

Just how tragic the situation was in divided Jerusalem between 1948 and 1967 is mostly forgotten today, because the vast majority of Jerusalemites are too young to have seen the walls cutting through the city. Yet almost no one, Jew or Arab, would seriously advocate a physical redivision of Jerusalem. There can be no geographic division of sovereignty.

I believe that further sharing of functional authority and greater decentralization within Jerusalem is possible and very desirable. Retention of Jordanian citizenship, granting the municipal voting right to citizens of countries at war with us, the minhalot as frameworks for decentralization, the fully autonomous Muslim administration of the Temple Mount, the use of the Jordanian/Arab League curriculum in the city schools for Arab children—all these features prove that Israel's sovereignty is not diminished by Arab autonomy, and that Israel's sovereignty need not interfere with the Arab community's institutions and economic, cultural and even political life. Internal and external security and foreign policy are probably the only essential security within a municipal police force, and Israeli policy toward the Arab world could be influenced by its resident Arab community.

A significant advantage of this approach is that functional division of authority can be accomplished without formal and public negotiations, which in the present circumstances are practically impossible. However, once new measures are introduced they affect the daily life of everybody and become almost a customary right of the beneficiaries. What the Israeli government could do—and what I am urging it to do—is to institutionalize existing measures and generously expand their application so that eventually there will come to exist a body of rights to replace the present ad hoc arrangements. Then, if other governments were to expres their support for such rights, we could have some of the "international guarantees" so often mentioned for Jerusalem.

VI

The time is ripe for changes that would have been unthinkable a few years ago. According to one theory, Egyptian President Anwar al-Sadat felt able to come to Jerusalem and eventually make peace only because of the elation Egypt experienced after its troops crossed the Suez Canal four years earlier. The subsequent crossing by Israel of the same canal and the threat to Cairo and to the Egyptian Third Army did not substantially affect this feeling of achievement.

The *intifadeh* may similarly affect the disposition of the Palestinians and enable them to enter negotiations with Israel. Even if the *intifadeh* loses intensity, its lasting effect could be a deep feeling of national satisfaction and pride. The *intifadeh* may also produce "homegrown" leaders more acceptable to Israel, in particular those who have rejected terrorism. If it ends otherwise, it will lose any positive effect it may have had.

At the same time, Israel's complacency of twenty years has been shaken and the necessity for changes is becoming clear to many Israelis. Once recognized, both sides' inability to attain all of their respective goals may convince them to enter negotiations. The arrangements tacitly implemented in Jerusalem could point the way to openly negotiated political compromises that will give neither side the feeling of success or failure, but will result in practical and livable (although not ideal) solutions.

At present no leaders can be said to represent the Jerusalem Arabs. The Supreme Muslim Council and other bodies were formed after 1967 to direct Muslim affairs in opposition to Israel, not in cooperation. Nevertheless, these bodies exist and enjoy a measure of authority. An ancient and influential institution is the Waqf, the religious foundation that administers Muslim holy places and owns large properties.[6] There are also members of centuries-old, venerable families who could regain the confidence of the Jerusalemite Muslim population: the Husseini, The Nashashibi, the Nusseibeh, the Khalidi, the Dajani and the Alami families; among the Hebronite community in Jerusalem are several established families which enjoy great respect, such as the Khattib and the Barakat families. The Christian Arabs have ecclesiastical hierarchies led by their respective patriarchs and bishops who have, to a high degree, kept their communities out of the conflict. Should the Arabs one day agree to discuss how they want to live in one undivided Jerusalem, they have leaders to negotiate the apportionment of authority to each community under Israel's overall sovereignty.

This is not utopia. For many generations there will remain some fear, resentment and

[5] In the 1983 elections, out of the 122,000 Muslim and Christian Arabs, there were approximately 58,000 adult men and women 18 years of age and above. Almost 15,000 voted and ten percent of them were women, an enormous change for the strongly traditional Arab society. They voted overwhelmingly for our "One Jerusalem" list, knowing that we will protect their interests as much as we can.

[6] As a part of King Hussein's severance of legal and administrative ties with the West Bank, all Jordanian civil servants and employees in the West Bank and Jerusalem were fired or forcibly retired by the Jordanian civil service, except those of the Waqf and of the Islamic tribunals, whose importance for the Muslims of Jerusalem and the West Bank was stressed as "embodying Islamic cultural presence" and "protecting both the holy Dome of the Rock and the al-Aqsa Mosque." The Waqf and the Islamic courts system, together with the *minhalot* in Arab neighborhoods, could provide the framework for communal autonomy.

religious fanaticism. Some Arabs will continue to deface Jewish tombs on the Mount of Olives as they do now from time to time, and as they did systematically after 1948 when Jewish gravestones were used for street-paving and latrines. Some Jews will insist on saying that there is no way of living with people who deface tombs and place refrigerators filled with explosive charges on busy downtown street corners. Such attitudes may last for a long time, but will eventually disappear—so we believe.

It is necessary to realize that this belief is not based on some sentimental, wishful thinking, but is a strongly felt conviction that pragmatically affects our day-to-day decisions. We recognize the existence of tension, hatred and violence, but we are guided by the decision to practice restraint, tolerance and understanding. We consider this a good investment, more than justified by the kind of Jerusalem we wish to see in the future.

Our vision has one major advantage favoring the building of this earthly new Jerusalem: it can be unilateral and still succeed, even if not everyone shares it. Its evolution depends on whether we are prepared to maintain our restraint in the face of cruel criticism, justified or unjustified, strictly avoid retaliation for violence, and ensure complete equality under the law. We must be realists and admit that violent incidents will occur and some among us may at times react violently. However, this should not mislead us into thinking that ours is an impossible task. The fundamental question is: Are we going to admit to ourselves that we have nothing to fear?

The flags that may fly from the mosques of the Temple Mount will not make Jerusalem less Jewish or more Muslim. Jerusalem is great enough for a few flags beside that of the State of Israel. We are here to stay, and deep in our hearts we know it, but it sometimes seems that we are uncomfortable asserting it. Fanatical minorities, such as Meir Kahane's movement or the Faithful of the Temple Mount, are born from a feeling of uncertainty, a remnant of the ghetto mentality, and from a lack of faith. Others have moments of uncertainty to which they react by making unnecessarily provocative statements.

We must be firm in declaring that the unity of Jerusalem, the capital of Israel, is beyond negotiation. But we must be sufficiently confident to announce that everything else is negotiable as a matter of course.

To sum up my modest proposal: we must make new and permanent arrangements in the city without waiting for negotiations on the national level, and we must do so independently of any such negotiations. Firmly embedded in the new status quo must be provisions for such important matters as the rights of the communities to internal self-administration in areas like education, welfare and sanitation; rights of communities to the geographical limits of their homogeneous neighborhoods as well as the authority to access their members for the cost of services, jurisdiction of each community's tribunals, the modalities of access to all holy places and the regulations of dress and behavior in them, jurisdiction over trespassers in the holy places, and any other matter of importance to each and every community. As defense and foreign policy will be reserved to the government of Israel, there should be no problem with sovereignty, real or symbolic, within one unified city.

We should expand the functional sovereignty and self-administration rights already transferred to the Arabs of Jerusalem. Those who think we should not are mistakenly afraid that we cannot afford it—but we decidedly can. The day we understand this we will be able to relieve legitimate Arab grievances without fear of showing weakness, and deal with violence without outraged surprise or feelings of failure.

It is clear that in the country's present mood, particularly after last month's elections, no government would be able to enshrine in law the rights of the non-Jewish minorities of Jerusalem, because a sufficient majority in the Knesset probably could not be mustered to pass such a measure. However, it may be feasible for the government to issue regulations empowering the municipality of Jerusalem to make such arrangements as are just and necessary. This would greatly calm Arab anxieties, especially if the government were to issue statements of intent and principle as to the main concerns of the Arabs, such as the Temple Mount, Jewish settlement in the Muslim Quarter of the Old City and new Arab housing outside the walls.

We of all people, who for two thousand years longed for Jerusalem, our historical and spiritual capital, must understand the feelings of the Arabs for Jerusalem, and realize that more time will have to pass until our vision of Jerusalem will be shared by the city's Arab residents. But we can make the waiting less difficult for all.●

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● Mr. PELL. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 101st Congress adopted by the committee on February 28, 1989.

The committee rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 28, 1989)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex offi-

cio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Minority Request.*—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13 and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specific meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two others notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of Congress "shall be resumed at the commencement of the Next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advanced by the staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed two weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms;

(iv) Members of the executive departments involved in the meeting, in the Com-

mittee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their organization if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13-CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with the Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by such group;

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment.*—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.●

RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES FOR THE 101ST CONGRESS

● Mr. NUNN. Mr. President, in accordance with rule XXVI of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Committee

on Armed Services for the 101st Congress, which were adopted by the committee on February 23, 1989, be printed in the CONGRESSIONAL RECORD.

The Rules of Procedure follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 23, 1989)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Opening Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a recorded vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management of procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the Committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The Chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

RULES AND SUBCOMMITTEE ASSIGNMENTS OF THE COMMITTEE ON SMALL BUSINESS

● Mr. BUMPERS. Mr. President, I submit for printing in the RECORD, the

rules of the Committee on Small Business as required by rule XXVI, paragraph 2, of the Standing Rules of the Senate. I would also like to submit a listing of the committee's subcommittee assignments.

I ask that this material be printed in its entirety.

The material follows:

COMMITTEE RULES

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on three days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b)(1) Ten Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) Six Members of the Committee shall constitute a quorum for the transaction of routine business, provided that the minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. S3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the taking of testimony, including sworn testimony, shall consist of one Member of the Committee or subcommittee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. The Chairman of any subcommittee may, after approval of the Chairman, initiate a hearing of the subcommittee on his authority or at the request of any member of the subcommittee. Written notice of all hearings shall be given, as far in advance as practicable, to Member of the Committee.

(2) Hearings of the Committee or any subcommittee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Any Member of the Committee may attend any meeting or hearing held by any subcommittee and question witnesses testifying before any subcommittee.

(3) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(4) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 24 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. Subcommittees shall not have the right to authorize or issue subpoenas. As subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

COMMITTEE ON FINANCE RULES OF PROCEDURE

● Mr. BENTSEN. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of each year, the rules of each committee be published in the RECORD, and that not more than 30 days after a committee amends its rules, the amendment be printed in the RECORD.

In compliance with both of these provisions, I ask that the rules of the Committee on Finance as amended on February 23, 1989, by unanimous vote of the committee, be printed in the RECORD at this point, along with a copy of the amendment.

The material follows:

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Adopted February 23, 1989)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), mem-

bers who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distraction or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesty and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and.

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

RULES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. GLENN. Mr. President, I herewith submit a copy of rules of procedure adopted by the Committee on Governmental Affairs pursuant to rule

XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

(Pursuant to Rule XXVI, Sec. 2, Standing Rules of the Senate)

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS.

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefore, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members, at least three days in advance of such meetings. In the event that unforseen requirements or Committee business prevent a three-day notice, the Committee staff shall communicate such notice by telephone or otherwise to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government or financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee; *Provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee.

F. *Agency comments.* When the Committee has scheduled and publicly announced a markup meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded by the time of the announcement of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the Committee.

G. *Meeting transcript.* The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or conference or any part thereof is closed to the public, unless a majority of the Committee members vote to forgo such a record. (Rule XXVI, Sec.5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* Eight members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* Five members of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the Committee shall constitute a quorum for taking sworn testimony *provided, however,* that one member of the Committee shall constitute a quorum for such purpose, with the approval of the chairman and the ranking minority member of the Committee, or their designees. (Rule XXVI, Sec.7(a)(2), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the Committee shall constitute a quorum for taking unsworn testimony. (Rule XXVI, Sec.7(c)(2), Standing Rules of the Senate.)

E. *Subcommittee quorums.* Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec.7(a)(1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittees thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent Committee members has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the Committee and filed with the chief clerk thereof, or to the chairman of the Subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is

necessary to identify it and to inform the Committee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of, and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7 (b) and (c), Standing Rules of the Senate.)

E. *Polling.* (1) The Committee may poll (a) internal Committee matters including the Committee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) The chairman, or a Committee member or staff officer designated by him, shall undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETING AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the Committee minority present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or Subcommitte, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(1), Standing Rules of the Senate).

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommitee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is detemined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, or his or her legal rights, provided, however, that any government officer or employee being interrogated by the staff or testifying before the Committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any governmental agency. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, object or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in pubic or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in testimony to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(2) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) submit questions in writing which he or she requests be used for the cross-exami-

nation of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee staff may proceed with the remainder of the deposition.

(4) The Committee staff shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with subsection (E). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk to the Committee. Committee staff may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate and the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives noice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part, thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittee.* All draft reports prepared by Subcommittee of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the record keeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittee.* The Committee shall have five regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations;

Government Information and Regulation;

General Services, Federalism, and the District of Columbia;

Oversight of Government Management; and

Federal Services, Post Office, and Civil Service.

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; *provided, however,* that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

[E] F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and ex-

tending through and including the last day of February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding year and the number of such personnel requested for the current year. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* As a requirement of confirmation, each nominee shall submit on forms prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination; and

(3) Copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however,* that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that the chairman and the ranking minority member shall review the report of the Federal Bureau of Investigation, which may also be reviewed upon request by any other member of the Committee. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the chairman and the ranking minority member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevent documents and forms, except any tax returns, submitted pursuant to subsection (B) and any report of the Federal Bureau of Investigation, shall be attached to the report. The report shall be kept in the Committee office for the inspection by members of the Committee.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the Committee; and the report required by subsection (D) has been submitted to the chairman and ranking minority member, and is made available for inspection by members of the Committee.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the prehearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their fulltime service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.●

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

● Mr. BURDICK. Mr. President, in accordance with rule XXVI of the Senate concerning committee procedure, I submit for the RECORD the rules of the Committee on Environment and Public Works for the 101st Congress.

The committee rules follow:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings.—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions.—Meetings of the committee, including hearings, and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums.—(a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting.—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote.—Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing.—The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees.—The committee shall have five regularly established Subcommittees as follows: Subcommittee on Water Resources, Transportation, and Infrastructure; Subcommittee on Environmental Protection; Subcommittee on Superfund, Ocean, and Water Protection; Subcommittee on Nuclear Regulation; and Subcommittee on Toxic Substances, Environmental Oversight, Research and Development.

Rule 11. Subcommittee Membership.—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements.—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals.—(a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities.—No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses.—(a) The committee shall act on all prospectuses for construction (including construction of buidings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings.—Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the staff director. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules.—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.●

TERRORISM HITS HOME IN CONNECTICUT

● Mr. LIEBERMAN. Mr. President, acts of terrorism appear to be on the rise throughout the world. Far too often in the news we learn of new terrorist actions taking the lives of innocent and unsuspecting people. While most of these incidents occur abroad, often their impact is felt thousands of miles away from the crime itself, and we are reminded that no one is completely isolated or insulated from terrorism. The recent bombing of Pan Am flight 103 clearly shows us just how far-reaching the effects of terrorism can be.

Unfortunately, a number of my constituents in Connecticut recently learned about the power and potency which terrorism has, even to those not directly involved in the incident.

A few weeks ago, Patrick Finucane was killed in his home in Belfast. According to reports, three Protestant paramilitaries broke into his home, shot him twice in the stomach and once in the head, and then proceeded to shoot his wife in the leg. Tragically, this whole incident was witnessed by their three young children.

Patrick Finucane was an attorney in Northern Ireland who represented people of all religious affiliations. Although he was a Catholic, he showed no preference to Catholics over Protestants. In fact, Patrick had a reputation for being apolitical. His recent decision to represent a member of the IRA appears to have precipitated his death. Even though Patrick treated this case like so many he had taken up before, apparently others did not approve of his work.

Patrick Finucane was killed for pursuing the duties and responsibilities of his profession. The right of an attorney to represent a client is fundamental right in modern day democratic societies. Those who decided that Mr. Finucane must die for his professional pursuits not only infringed upon his civil rights, but also needlessly took the life of a good and decent man.

This deplorable incident brings home the senseless violence taking place between Protestants and Catholics in Northern Ireland today. Cases of human rights abuses and killings are pervasive in this war-torn country. Needless killings and injuries occur to the innocent citizens of Northern Ire-

land all too frequently as the result of terrorist and counterterrorist activity.

I have nothing but sympathy for the members of Patrick Finucane's family who succeed him both in Northern Ireland and in Connecticut. I share their outrage and sadness about this senseless death. Hopefully, their relative's death will not have been in vain, but will instead help to highlight the urgent need to curtail the killings that terrorize Northern Ireland. I want to add my voice to the chorus of voices calling for representatives of England and Northern Ireland to seek common ground and put an end to the continued and needless bloodshed in Northern Ireland occurring today.

I firmly believe the United States must be a leader in the fight against terrorism. I hope that we will remain committed to our longstanding tradition of combating terrorists who threaten innocent people everywhere. Those who choose terrorism to advance their cause must be made to realize that it will not serve their ends. It is necessary for all nations to signal consistently and firmly that no positive results can be achieved through those violent methods. The ongoing conflict in Northern Ireland stands to remind us of the importance of persevering in our efforts to put an end to terrorism.●

MOVING PEOPLE NORTH

● Mr. SIMON. Mr. President, the National Journal recently had an article titled, "Growing Old" by Jonathan Rauch, in which is discussed the problem and opportunity of immigration as part of the solution to the growing old that is occurring not only within the United States but with most northern countries.

It is interesting because it lays out some of the problems as well as the potential.

The United States admits more legal immigrants into our Nation each year than all the other countries in the world combined.

Immigration will continue to be part of the way the United States solves its economic problems, but there are problems with immigration and a dramatic shift in where the immigrants are coming from, as the chart that goes with this article suggests.

I ask that the portion of the article in the National Journal entitled "Moving People North" be printed in the RECORD.

The article follows:

MOVING PEOPLE NORTH

The Third World will have young labor; the industrial world will need it. The most direct answer is also the most interesting: move the people.

"Governments in rich industrial countries have nightmares about the costs of supporting their aging populations," The Economist, the British weekly, said in a recent unsigned column. "They should wake up to the idea of allowing more young foreigners to immigrate." Actually, many people in Japan and Europe are wide awake to immigration: The prospect of a large inflow of foreign workers is keeping them up nights.

The mix of political and economic forces here is volatile. The decline of the working-age population throughout the industrialized North is likely to put upward pressure on wages, particularly among younger workers, in the early decades of the next century. Those wages cannot but be attractive to great numbers of young workers in less-developed countries. But immigration, while relieving some labor-force pressures and providing more paychecks from which to pay social security benefits, can more than compensate by creating other social tensions.

Take Japan. In recent years, Japan has found itself coping with an inflow of illegal Asian labor; foreigners come in from the Philippines and other Asian countries under temporary permits or to study, and then often don't leave. "The incentives are fantastic," Dornbusch said. "It's a delicate problem, but the trend is going to be there. Someone has to do the crummy work, and that's what the poor were invented for."

In Japan, however, foreign labor is not greeted with open arms. "The Japanese have always had problems with this," economist Edward J. Lincoln, a Japan specialist at the Brookings Institution, said. "It's very difficult for large segments of the population living and working in Japan who are not Japanese." Non-Japanese are seen as threatening to ethnic and cultural homogeneity, which the Japanese set great store by. "Japanese put so much emphasis on being the same as others—on uniformity," Tokyo demographer Tsuya said.

Florida State's Serow said, "Japan does not have any history of population movement at all." To many Japanese, the idea of a large inflow of foreigners is unacceptable. A close observer of Japan, asking not to be named, said that the level of hostility to immigration there is "amazing." This makes it somewhat doubtful that Japanese will be able or willing to import foreign labor in anything like the quantities that would be necessary to smooth out the economic effects of the aging of the country's population.

European countries are not so insular. An inflow of Turks bolstered the West German labor force in the 1960s and 1970s (although now, with West German unemployment high, the Germans are paying Turks to leave). But many of the nearby sources of Third World labor—Turkey, North Africa—are from Islamic cultures that are alien to Europeans. A large inflow of Turkish labor, senior economist Norbert A. Walter of Deutsche Bank A.G. said, would be socially unsustainable: "It's not something we could live with."

The logical place to look for Third World workers headed to France is Algeria, a former colony that has often been called France's Mexico. In The Wall Street Journal, an anonymous French government official was recently quoted as predicting that in 20 years, an additional 25 million North Africans will be looking for jobs in Europe. "Will Europe be ready to accept this? Obviously not," the official said.

In a telephone interview from his office in Frankfurt, Walter said: "I think a large part of the solution has to come from immigration. And we have lost 15 years, already." Europeans, however, are clearly not generally thinking of immigration in a positive light. In France, the United Kingdom and West Germany, the foreign-born already make up 7-10 per cent of the population; anti-immigrant movements have cropped up all over Europe. "France is a very clear case," French economist Tapinos said. "There's clearly an antiforeigner sentiment." The extremist right-wing party of Jean-Marie Le Pen has been making gains on a stridently nativist platform.

The periods of high immigration into France, West Germany and other European countries have also been periods of high fertility, Tapinos said: "Society will accept a large influx of foreigners when the society itself is growing." But non-Communist Europe's population is not growing, and it working-age population will soon be shrinking.

Moreover, using imported workers to pay retirement benefits to the population at large is potentially touchy. An increasingly foreign-born, and in many cases nonwhite work force may not gladly pay benefits for growing numbers of elderly white retirees. And immigrants themselves get old; to support them, the inflow has to keep coming. The U.N.'s Horlacher said, "If you want to handle this through immigration, you're on a treadmill." Not many industrial countries have a tradition of a steady inflow of immigrants, year after year.

A few do, of course: Australia, Canada and—the powerhouse among them—the United States. The United States admitted a big wave of immigrants in the first three decades of this century; those people wove themselves into the fabric of American society and now make up 12 per cent of the elderly, according to the Census Bureau. The numbers coming here today are not so large, but they remain significant. Over the course of the 1980s, legal immigration will probably be about eight million, according to the Immigration and Naturalization Service. Before enactment of the recent immigration reform law, illegal immigration was probably on the order of another 200,000 or so a year. On average, the migrants are significantly younger than the U.S. population as a whole, with an especially large bulge in the 25-34 age bracket.

These young workers are not ignorant freeloaders. Far from it. "They clearly are working their tails off," Torrey of the Census Bureau said. Census data on foreign-born Americans in 1980 show that their rate of college completion was almost identical to that of natives (about 16 percent), that they were almost as likely to be working in professional jobs and that their household median income was 85 percent that of native-born citizens. A 1986 analysis by the Council of Economic Advisers found that immigrants "appear to pay their own way from a public finance standpoint" and generally add to growth of output and standards of living in the United States.

Particularly striking in recent years has been what Sewell of the Overseas Development Council calls the "Third-Worldization" of the U.S. immigrant stream. "Guaranteed," Sewell said, "if you go to the emergency room this weekend, it will be staffed by Third World nurses and doctors." In the late 1950s and early 1960s, half of America's immigrants came from Europe and fewer than 10 percent came from Asia; by 1987, the figures were virtually reversed. Most of the rest came from Central and South America. This is not surprising: The Third World is where the young workers are. And the United States, although not without resentments and nativist streaks of its own, is

far more willing than most other industrial countries are to absorb them.

Alleviating the coming century's retirement burden by accepting Third World immigrants has the earmarks of a strategy particularly well suited to the American temperament. The savings approach to coping with the population's aging requires deferring consumption, which Americans, in sharp contrast with the Japanese, have shown in recent years they are not inclined to do. Immigration works right away: Immigrants are "instant adults," as Ben J. Wattenberg, a senior fellow of the American Enterprise Institute for Public Policy Research, put it. "That is one of the most profound natural advantages we have—that people want to come here," he said. "We're the only one of the major countries that has shown we can handle it."

But immigration has its costs. Assimilation can be an expensive process, economically as well as socially. Newly arrived immigrants, especially from the poorer nations of the Third World, often need training and education. "All these migrants will add to the rate of economic growth," economist Hale said, "but they may do it while they also lower productivity, because they have no skills, they have no education. What we lack, in my opinion, is the institutional framework to maximize the value from immigration." And to educate and acculturate large numbers of immigrants requires a big up-front investment.

In short, America will certainly get immigrants. Whether it will be able to make the most of them is another matter.

The table shows that the percentage of legal immigrants to the United States from the developed countries of Europe dropped sharply in the past 20 years, while the proportion from developing countries in Central America and Asia increased.

SHIFTING U.S. IMMIGRANT STREAM

Region of origin	Percent—			
	1955 to 1964	1965 to 1974	1975 to 1984	1987
Europe	50	30	13	10
North America	11	5	2	2
Central America [1]	25	35	32	34
South America	5	6	7	7
Asia	8	22	43	43
Africa, other	1	2	3	4

[1] Includes Mexico and the Caribbean.

Source: Immigration and Naturalization Service.

SOCIAL SECURITY IS A LIFE SAVER

● Mr. SIMON. Mr. President, recently, the St. Louis Post-Dispatch had an editorial, "Social Security Is A Life Saver," which points out what Social Security is doing to lift many people out of poverty.

Before we start tinkering with Social Security, we ought to read this editorial. I regret that we do not have a similar antipoverty program for children and many others.

One of these days, this Nation will do the humanitarian thing and have a jobs program that can lift a great many more people out of poverty.

I ask that the Post-Dispatch editorial be printed in the RECORD and to urge my colleagues to read the editorial.

The editorial follows:

SOCIAL SECURITY IS A LIFE SAVER

A new study by the U.S. Census Bureau says Social Security does more to lift people out of poverty and equalize income among Americans than do the tax system and social welfare programs. This politically neutral study takes on added significance for the incoming administration and for Congress, both of which will search far and wide for ways to reduce federal spending in order to cut the $155 billion federal deficit.

Social Security definitely is one program that should not be touched, apart from the fact that reducing benefits would not allow the government to borrow any less money than before. The census study explains that reducing Social Security benefits would put millions of the elderly, the disabled and widows into the poorhouse, widening the income inequality between them and the rest of society.

The findings, moreover, should put a damper on attempts to sacrifice entitlement programs in general for the deficit's sake. While these programs don't lift nearly as many people out of poverty as Social Security does, they, too, are shown to be effective weapons in reducing income inequality between the poor and the affluent.

According to the study, over 15 million fewer elderly Americans were poor in 1986 because of Social Security. Due solely to these benefits, the poverty rate for the elderly stood at 14 percent instead of nearly 48 percent. This dramatic reduction ought to be proof enough for Washington not to tread on this program.

The study also belies the contention that the tax structure is a more effective vehicle for raising the income of the poor than entitlement programs are. The study said the tax system has had little impact on the redistribution of income. Or, as a Census Bureau official told the New York Times, "taxes do not reduce inequality nearly as much as government benefits."

Conservatives who argue otherwise also insist that non-cash federal benefits—ranging from food stamps to school lunches, from rent subsidies to health insurance—ought to be counted as income. To be sure, the nation's poverty rate would be much lower if these were counted—11.6 percent instead of 13.6 percent, the census study noted.

But even after non-cash benefits are counted, more than 25 percent of blacks and nearly 24 percent of Hispanics would still be poor. Put another way, the various welfare entitlement programs don't save everybody, but the poor in general would be a lot worse off without them.

The nation's elderly just received in the mail a card telling them that the Social Security program is financially sound and that the 39 million Social Security recipients can rest assured that benefits will continue to flow their way. Now the Census Bureau has added the most compelling reasons yet for Washington not to tamper with Social Security. To do so would mean destroying this nation's most effective weapon for reducing poverty and income inequality.●

MAKING A REAL PEACE WITH VIETNAM

● Mr. SIMON. Mr. President, the Washington Post recently printed an article by Frederick Downs, Jr., titled "Making a Real Peace With Vietnam."

Mr. Downs heads the VA's Prosthetic and Sensory Aids Service. He is not a diplomat, but he is a veteran of the Vietnam war who has written two books on his experience in Vietnam.

He writes movingly about the needs of that country.

Given Vietnam's greater independence from both the Soviet Union and China, it is long past time for the United States to enter into diplomatic relations with Hanoi and to work with that country on her problems and the POW/MIA question.

I ask that the Downs article be printed in the RECORD and I urge my colleagues to read it.

The article follows:

MAKING A REAL PEACE WITH VIETNAM: IN HELPING THEM HEAL THEIR WOUNDS, MAYBE WE CAN BEGIN TO HEAL OUR OWN

(By Frederick Downs, Jr.)

In a well-lighted room the rehabilitation center at Haiphong Harbor, Vietnam, rows of disease-crippled babies and children lay of mats along the floor, each surrounded by a physical therapist and family members. The older children, 3 years and more, stared at us with wide, fear-filled eyes. When the therapist manipulated their limbs, tears ran down their cheeks, but they would not cry out. The younger children and the babies, however, were crying their hearts out as the therapist worked their crippled limbs in the hope that their function could be restored. As I squatted next to a 3-year-old girl, her eyes round with pain, I wondered when I had last seen an American child who had had polio.

Earlier in my tour of the Ba Vi center north of Hanoi, I had fallen behind the group. Attempting a shortcut, I came upon a man dressed in black pajamas maneuvering on crutches along the overgrown jungle trail. He was about my age—the age of the average Vietnam veteran—and his right leg was missing above the knee. He reminded me of a scene 21 years ago when I was a second lieutenant in South Vietnam, patrolling Highway I south of Duc Pho. There I had seen another dressed in black pajamas traveling on the road, leg missing, swinging his body with crutches. I had felt deep pity for that man then, imagining how terrible life would be for him without a leg.

Now, as I watched the replay of that scene, I did not feel pity. I knew the inner determination that both the man I observed and I, now an amputee as well, had to have to survive. I knew that with the proper help he could learn to walk without crutches—but that the proper help would be slow in coming it it came of all.

My mission in Vietnam, as a member of a three-person team sent by presidential envoy Gen. John Vessey Jr., was to see if there was a way to increase the odds that men like this would walk again and that the children of Haiphong—and the thousands like them elsewhere in Vietnam—would face a less painful future.

We should think about Vietnam in this holiday season. America is not vengeful nation. One of the greatest sources of both our moral and economic strength has been our willingness to reconcile differences not only among ourselves and with our foreign friends and allies, but also with those who have once been our bitterest foes. The humanitarian effort with which I have been intensely involved for more than a year

promises benefits, I believe, not only to that war-torn country but to the many Americans families who still await word of men missing in action or taken prisoner during the Vietnam war.

When, in 1987, President Reagan asked Vessey to become his personal POW/MIA emissary to Hanoi, it had become obvious that Vietnam had slowed its previous cooperation in dealing with these issues. Vessey met with Vice Premier Nguyen Co Thach in Hanoi in August 1987, and the two men agreed to make a fresh start by reconfirming pledges to separate humanitarian issues from the political differences between our countries.

The Vietnamese, however, had an additional concern. They felt that U.S. concern for humanitarian needs was one-sided, that it ignored the humanitarian needs of their own people, especially the largely untreated problems of the many survivors severely maimed during the war. With the president's authorization, Vessey agreed that, within our legal and policy constraints, the United States would facilitate private efforts to improve care for their disabled.

Following this agreement, Vessey sent teams of medical experts to Vietnam. Our team's mission, involving four trips thus far, was to review Vietnamese needs for prosthetics and orthotics—devices to replace or strenthen damaged limbs. Another team has made three trips to review disabilities among Vietnamese children.

These trips have not been pleasant excursions. Each time, we have learned more about the severe deprivation suffered by this struggling country of 66 million people. Vietnam is a land where the most basic equipment and services to rehabilitate the disabled are in pitifully short supply and where children die routinely from deficiencies in nutrition, sanitation, immunization and medical treatment.

Among those needing immediate help are 60,000 amputees, a few thousand spinal cord injured and 300,000 others with severe disabilities. To serve these people, there are seven rehabilitation centers with physical therapists, nurses and doctors. All of these people are skilled, dedicated health care professionals. However, they have practically nothing to work with. Medical tools and equipment, pharmaceuticals, nutritional supplements, drugs, vaccines—even the most basic tools and equipment—are totally lacking or in short supply.

To re-equip and supply the seven centers' prosthetic laboratories would require a long but, by the standards of America's rich medical economy, certainly obtainable list of supplies and equipment. The list, compiled by the Vessey teams, starts with the tools needed to fabricate artificial limbs and orthopedic braces (drill presses plus bits, socket coping lathes, leather-sewing machines, furnaces, band saws and so on). It proceeds through the chemicals and suppliers used in the making of the limbs (tons of acrylic, hardener and PVC powder to make the exoskeleton, aluminum to make sockets and braces and so on). And it culminates in the steel sheet required to build wheelchairs.

No one should imagine that the Vietnamese are sitting back and waiting for the outside world to help them. The evidence of their efforts—and the severe limitations placed on those efforts—are all around.

To reach the rehabilitation centers, for example, slightly-built mothers in black pajamas carried their crippled children on their backs along the narrow road. Some could make it in a day, but sometimes the trip took longer. A determined mother would carry her child for many miles on a trip that might take two or three days. With the child's arms wrapped around her neck, the legs grasping her waist, the woman, slightly bent over, would move quickly in that short stride used when carrying heavy loads. Her determined face would be set in the mold of mothers around the world grasping at straws in hope of helping their children.

At least one village in the north has been constructed specifically for those with spinal-cord injuries. After driving along a narrow, rough, dirt road, we entered the perimeter of the village on a cement roadway which ran through the village to the other end where the road became dirt again. The village was laid out in the shape of a large oval with houses distributed along branches radiating from the oval and ramps connecting the branches. All the paths were of cement so that wheelchairs could move easily along them.

At one end of the oval, a community building offered occasional movies and entertainment. There was no radio, and the TV did not work. Doctors asked us for medicine, particularly for vitamins and nutritional supplements for the patients. We spotted about 25 men in Vietnamese-style tricycle wheelchairs, many of them sharing their chairs with small children. The entire family of the spinal-cord patient had been moved with him into the village, where he would most likely spend the rest of his life. It seemed to me to be a dreary, monotonous life. There was nothing for these men to do except to roll to the edge of the village and look wistfully out across the wide expanse of rice paddies.

While the treatment and rehabilitation of the disabled were the initial focus of the Vessey teams' inquiry, the high incidence of disabilities among Vietnamese children called attention to the desperate need for improvements in preventive medical programs as well. As in much of the Third world, infectious diseases are the major factor in childhood mortality in Vietnam. Generally poor living conditions coupled with a low rate of immunization result in a population of children susceptible to the entire gamut of bacterial, viral and parastic diseases. Pneumonia and its complications account for one-third of childhood deaths. Malaria, diarrheal diseases, tuberculosis, rabies, plague, polio, measles, tetanus and leprosy are all being treated as facilities allow, but efforts are limited by shortages of vaccine, antitoxin and antibiotics.

Even if vaccines were available, Vietnam lacks the refrigeration facilities and transport needed to undertake mass immunization programs. In one children's hospital in Hanoi, newborn babies were fighting for their lives. I watched the mothers rocking their children in their laps and I imagined the horror of watching your child die for want of a single inoculation.

Hepatitis is rampant in Vietnam, with more than 10 percent of the population carrying the disease. It is frequently transmitting at birth from mother to child and ultimately results in high incidence of liver cancer. Active tuberculosis is rapidly growing throughout the population; unreliable tests discover only 50 percent of the infected adults and none of the children. Malaria is another major scourge, with 98,000 cases reported in Vietnam in 1987. An undramatic killer, malaria usually kills or stunts the physical and intellectual development of children under the age of 4. In Vietnam, this is viewed as a fact of life.

Nutrition problems not only increase susceptibility to infectious disease but directly provide the leading cause of infant morbidity. Vietnamese medical experts believe that 40 percent of all children in Hanoi under age 3 are malnourished. Protein and vitamin deficiencies cause blindness, dermatitis, rickets and slow physical and mental development. At one center, I saw a mother—sadly only one of many—whose crippled child was going blind from a lack of vitamin A. There was nothing she, or the clinic, could do.

It is important to point out again that these problems are not due to poorly trained or numerically inadequate health-care workers. Rather these men and women are limited by chronic shortages of Medical supplies and equipment. Moreover, the Vietnamese make the best possible use of the materials they have.

The main pediatric hospital in Hanoi, for example, has a program which focuses on educating mothers on how best to feed and care for their children. They have made clever use of minimal resources. One example is a specially designed plastic spoon with a big scoop on one end and a small scoop on the other. The mother is told that if her child has diarrhea, she should fill the small scoop with salt, the big one with sugar and put them into a cup of boiled water to feed the child. Education projects like this are essential to overcome age-old folkways. For example, if children have diarrhea, Vietnamese peasants traditionally do not give them anything to eat or drink.

The teams sent in by Vessey produced two reports which were distributed to private American humanitarian organizations for their evaluation. Many of those organizations have responded by proving prosthetic materials and equipment to existing rehabilitation centers, beginning surveys for possible construction of regional prosthetic facilities and sponsoring vists of Vietnamese specialists to observe our procedures and technology. One group is now planning a trip to Vietnam to do reconstructive surgery for children suffering from facial and other deformities. The State Department's desk officer for Vietnam, Laos and Cambodia, Michael Marine, is serving as a contact and coordinating point for anyone interested in helping the Vietnamese. A tax-exempt organization, the Foundation for Tomorrow, has also been set up to spearhead fundraising.

Although these efforts—and those of other countries and international organizations—are just the beginning of the response to help Vietnam, the resources currently available fall far short of the overwhelming needs of the Vietnamese, and official U.S. aid is dependent upon a Vietnamese withdrawal from Cambodia and a political settlement.

Vietnam provides us with a special chance this holiday season to remind ourselves of our humanitarian tradition. The initiative under way between our country and Vietnam is, I believe, supportable by all Americans. The families of our men still missing in action as well as the disabled child in Hanoi can benefit from the private generosity for which our country is so well known.

On a street corner in Hanoi near the Lake of The Restored Sword, I saw a blind man standing hesitantly on a curb. He was using a stick as a cane and was helpless until his friend returned to assist him. There are no white walking canes in Vietnam. There are no mobility programs for the blind in Viet-

nam and they, like the spinalcord-injured, are trapped within a very small environment.

Fear and ignorance contribute to the misery a disabled person must endure anywhere he lives in the world, including America. In one sense, Vietnam itself is like a disabled person among the family of nations.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC., February 27, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through February 24, 1989. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONGRESS, 1ST SESS. AS OF FEB. 24, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal Year 1989			
Budget Authority	1,233.0	1,232.1	.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,706.8	[3] 2,824.7	−117.9
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS FEB. 24, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	[1]	[1]	
Special Milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corproation Fund	144		
Compact of Free Association	1	1	
Federal Unemployment Benefits and Allowances	31	31	
Worker Training	32	32	
Special Benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the Civil Service Retirement and Disability Trust Fund [2]	(85)	(85)	
Payment to Hazardous Substance Superfund [2]	(99)	(99)	
Supplemental Security Income	201	201	
Special Benefits for Disabled Coal Miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veterans' Compensation COLA (Public Law 100–687)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Feb. 24, 1989	1,232,979	1,100,113	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	929	363	
Under budget resolution			266

[1] Less than $500,000.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.●

ROSE AUSTRUMS

● Mr. SIMON. Mr. President, it is in times of great danger and great sacrifice that heroes rise from the ranks of people who may view their tasks as ordinary, but are known to all of us as true heroes. I rise, Mr. President, to call to the attention of my colleagues such a person: Mrs. Rose Austrums.

During World War II Soviet Latvia was occupied for a time by German forces. In order to establish a hospital for the care of wounded Germans, troops ordered the evacuation of an orphanage run by Mrs. Austrums and four others. The orphanage housed 130 Latvian children and their evacuation placed the entire group on a perilous journey into Germany.

At first by bus to the Riga Harbor, then by ship, train, foot, and horse drawn carriage Rose Austrums held these children together as they traveled through a series of small German towns. The children suffered through disease, malnutrition, and the nightmares of war. One child even died.

But the courage of Rose Austrums prevailed and managed to keep her family of Latvain children and workers together. Her indomitable spirit spared those children tragedies others could not escape.

Today the children of Rose Austrum's family are citizens of the world in a variety of nations and throughout our own United States. Rose Austrums settled in Omaha, NE, and is now a vibrant member of her community.

It is people like Rose Austrums, those willing to help for no reward other than the mere satisfaction of doing their jobs, who must stand before this Chamber and this Nation as shining examples of courage and values. Mr. President, I ask that my colleagues, on behalf of this Nation, join me and commend her efforts.●

EDUCATIONAL TESTING REVEALS U.S. ROCK BOTTOM

● Mr. SIMON. Mr. President, one of the consistently stimulating forces on the American scene today is the president of the American Federation of Teachers, Albert Shanker.

Recently, his column that appears in the New York Times was about U.S. schools and the international mathematics and science tests.

What he has to say is significant, and I urge my colleagues in the House and Senate to read his column.

I ask that it be printed in the RECORD.

The column follows:

INTERNATIONAL MATH AND SCIENCE TEST—U.S. ROCK BOTTOM

(By Albert Shanker)

For those who thought A Nation at Risk could be dismissed as mere inflammatory rhetoric, a new report gives us the facts without the emotional tone. There's no doubt that our nation is at risk, according to a devastating study issued last week. The study, A World of Differences, compares the math and science performances of 13-year-old students from the U.S. and 11 other countries and Canadian provinces. The U.S. comes out rock bottom, not even close to the top group.

Both the math and science tests were designed to determine what percentage of the 13-year-olds could do problems at different levels of difficulty—indicating different levels of understanding and achievement. In

math, the easiest and lowest level was the ability to add and subtract. All students did well at this, with 97% of U.S. students able to add and subtract, and all others scoring 98, 99 or 100%.

At the next level, the story was different. When students had to solve a simple, one-step problem by figuring out whether they should add, subtract, multiply or divide, over 90% of the students in eight of the 12 countries succeeded. But in the U.S., only 78% of the students could handle this task—the lowest percentage of any country or province.

The next test measured the ability of students to solve two-step problems where both addition and division are needed—like finding the average age of a group of students. Only 40% of U.S. students could solve these problems, while 78% of Koreans could. In five of the 12 countries, 65% of the students or more succeeded.

The gap gets wider as we test for "understanding concepts"—solving more complex problems and understanding measurements and some geometry concepts. Forty percent of the Koreans and 16-24% of students in six other countries were able to do these problems. But only 9% of American students and 7% of those in French Ontario were able to perform at this level.

At the highest and most difficult level—interpreting data from complex charts and applying mathematics learned in school to real-world problems—5% of the Korean students but only 1% of U.S. and most other nations' 13-year-olds succeeded.

The science results were similar. In all countries, between 96-100% of the students knew simple, everyday facts. But at the next level—applying simple scientific principles—seven of the 12 countries scored between 90-95%, while the U.S. and Ireland were lowest with 78% and 76%, respectively.

Even larger differences emerged at the next level—the ability to analyze experiments. Korea came in at 73% and British Columbia at 72%, while the U.S. had only 42%; Ireland, 37%; French Ontario, 35%; and French New Brunswick, 35%.

At the highest level tested—applying scientific principles—over 31% of British Columbian students and 33% of the Koreans showed proficiency, while in the U.S. only 12% did, with three countries below us.

Ironically, when the tested students were asked whether they thought they were good at math, only 23% of the Koreans—the highest achievers—said yes (perhaps due to cultural modesty). But 68% of U.S. students—the lowest achievers—answered yes! (We scored highest on immodesty.)

What are we to make of this? Marshall Smith, Dean of the School of Education of Stanford University, in a recent conversation about sciences, said the battle is lost in grades K-8. Very few U.S. students enter high school prepared to do high-school level science. Teachers in many elementary schools teach almost no science because they themselves have never taken a serious science course, have no one to turn to for help, have very little equipment or lab facilities, among other problems.

What is true of science is largely true of math. In many states, there are no math or science requirements for licensing elementary school teachers. Where they do exist, the requirements are satisfied by demonstrating skill at the lowest level—simple computation and knowledge of basic scientific facts. As students go on to secondary schools, they're most likely to be taught by math and science teachers who are not really math and science teachers; they're teachers of other subjects forced to teach math and science, which they're not prepared to do.

Testing is also implicated in the mess we're in. Most school systems put no emphasis on science because they spend most of their time on the skills measured by the standardized tests that determine their system's reputation. That means lots of time on basic reading and low-level math.

Some other interesting facts emerge from the study. With the exception of the U.S., all the other places have either a provincial or a national curriculum. Korea, which did the best, has a much longer school year—220 days. But British Columbia, which also scored very well, does not have a long school year—185 days.

Of great interest is the fact that Korea is the only place that does not rely on classroom lectures and textbooks alone. Starting there in the 1970s, "The main thrust has been to develop an instructional system that draws not only on classroom lectures and the reading of textbooks but also on multiple learning materials and an extensive and very sophisticated set of television and radio programs."

Given the importance of math and science for business and industry, for national defense and for the intelligent exercise of citizenship, the U.S. faces disastrous consequences if these results are not turned around. It will be very difficult to do because we aren't producing enough college graduates who know enough math and science to meet the needs of business, the military and the schools. This is one problem that no "Education President" can refuse to ignore.

The study was conducted by the Educational Testing Service, Princeton, N.J., using the techniques developed by the National Assessment of Educational Progress. The countries and provinces included were: U.S., Korea, French Quebec, English Quebec, British Columbia, English New Brunswick, French New Brunswick, English Ontario, French Ontario, Spain, the United Kingdom and Ireland.●

SUBCOMMITTEE WITNESS TESTIMONY ON SEMIAUTOMATIC ASSAULT WEAPONS

● Mr. SIMON. Mr. President, on February 10, the Subcommittee on the Constitution, which I chair, held a hearing on the topic of semiautomatic assault weapons. Because of the large number of requests for witness statements from that hearing, I ask that the statements be printed in the RECORD.

The statements follow:

[From the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Feb. 10, 1989]

STATEMENT OF EDWARD D. CONROY ON DEPUTY ASSOCIATE DIRECTOR, LAW ENFORCEMENT

Thank you for inviting me to appear before this committee to address you on the subject of semi-automatic firearms and the obvious increase in firearms-related violence. This committee is well aware that seldom does a day pass when we do not hear of some firearms-related violence. Whether it be a drug-related shoot-out, a tragic, senseless shooting of innocent victims by a seemingly crazed individual or a gun battle between law enforcement officers and an armed career criminal, these types of incidents are seemingly commonplace and evoke the sensibilities of all Americans.

The Bureau of Alcohol, Tobacco and Firearms is the law enforcement agency tasked with the responsibility for enforcing the Federal firearms laws and regulations. Let me state that ATF is totally committed to using these laws in the ongoing war on drugs and particularly drug-related firearms violence. Further, we are using the additional weapons provided by the Congress in 1984, with the passage of the Armed Career Criminal Act, to stop the repeat offender who is responsible for the increase in murders, robberies and aggravated assaults.

Unfortunately, the crazed random shooter whose actions can never be rationalized is another problem entirely. Because of the difficulty in pre-identifying these individuals, we must rely on observant and concerned citizens who report to police changes in behavior of individuals. Tipsters and firearms dealers are also very important, as they alert law enforcement officials when questionable individuals acquire firearms.

Fifteen years ago, police rarely encountered armed drug dealers. Today, it is a different story. Firearms have become status symbols and tools of the trade for drug dealers. The proliferation of quality, high-powered firearms is an ever-increasing problem for law enforcement. This proliferation is fueled by the drug dealers' proclivity towards firearms and their all to apparent propensity for violence. Local crime statistics reflect the increasing use of firearms in drug-related murders and homocides.

Violent incidents involving the killing of police have increased at an alarming level. During 1985 through 1987, 198 law enforcement officials have been killed in the line of duty by firearms.

In September, 1988, a Los Angeles police officer was killed by a suspect armed with an AKS rifle.

In December, 1988, a Dallas, Texas police officer was killed while making an undercover narcotics purchase. The weapon used was a TEC 9, 9 mm pistol.

The illegal trafficking and use of firearms is tied to the growing drug trade, and today's criminal is armed to kill. The weapons of choice range from the semi-automatic 9 mm pistol to the AR-15 semi-automatic rifle to fully automatic machine guns.

The following incidents are illustrative of the violence and the potential for violence that exists today.

March, 1988—9 murders occurred at a posse-operated crack house. The weapon used was an AR-15 semi-automatic rifle.

April, 1988—6 subjects who were part of a heroin trafficking operation were arrested in New York. 50 AR-15 rifles converted to function as machine guns were seized.

May, 1988—ATF agents in Los Angeles executed a search warrant at an alleged drug trafficking location. Prior to being arrested, one suspect fired 15 shots from an AR-15 at the agents.

June, 1988—ATF, DEA and the Houston PD executed a search warrant and recovered a converted MAC 11 with silencer and a converted AR-15 along with 198 kilos of cocaine.

August, 1988—ATF and DEA executed a search warrant and recovered a converted UZI with silencer and 13 kilos of cocaine.

September, 1988—ATF seized an AR-15 and a kilo of cocaine from a Crips gang member in Maryland.

December, 1988—6 family members were killed in Algona, Iowa, by shots fired from a

Mini-14 semi-automatic rifle allegedly purchased through a newspaper ad.

December, 1988—A high school student armed with a MAC 11 type semi-automatic pistol shot 2 teachers, killing one. The pistol had been purchased from a licensed dealer by a relative.

December, 1988—Two suspects were arrested in Arizona in possession of 37 AKS semi-automatic rifles and 450 pounds of marijuana.

January, 1989—A Los Angeles Crips gang member was indicted for the possession of a converted M-11 with silencer that had been used in a robbery and homicide. The subject has two prior felony convictions.

January, 1989—An individual opened fire with an AKS semi-automatic rifle in a California school playground. Five children were killed and 30 wounded.

This list incident involving the AKS-47, semi-automatic rifle has raised a number of questions across the United States.

The senseless slaughter of children by a man wielding a sinister military looking weapon causes us to ask not only why but how. We have heard the firearm used in this tragedy described in many ways—assault rifle, para-military weapon, AK-47, AKS 47, AKS, AK47S and so forth. In terms of the Gun Control Act of 1968, as amended, these types of weapons are defined as rifles. The particular weapons in question happen to be "rifles" that function in a semi-automatic mode.

To purchase a semi-automatic rifle, an individual need only certify to a firearms dealer that he is not a felon or a fugitive from justice; not an unlawful user of or addicted to any controlled substance; never been adjudicated as a mental defective; that he is not an illegal alien; has not been discharged from the Armed Forces under dishonorable conditions and has not renounced his citizenship in the United States. The individual completes this firearms transaction form and is free to receive the firearm unless there is some state prohibition. Only three states currently have waiting periods for purchasing rifles.

The terms "assault rifle" or "para-military" weapons are not defined in Federal law. Generally speaking, "assault rifle" is a label attached by the manufacturer or by some military entity. "Para-military" weapon is a colloquialism that, depending on who is using it, can refer to anything from a firearm painted black or olive drab to a weapon employed by a group that follows a military-like regimen. Usually, it identifies a weapon that has been modeled—at least in appearance—after an already existing military weapon.

AKS is but one of at least eight model designations for the same semi-automatic rifle manufactured in China and imported into the United States. The AKS is a semi-automatic version of the AK-47, standard assault rifle of the Soviet Army since the 1950's. The AK-47 is a select fire weapon capable of firing 600 rounds per minute on full automatic and 40 rounds per minute on semi-automatic. The AKS and the AK-47 are similar in appearance. The AK-47 is an NFA type weapon, having been manufactured as a machine gun. The AKS is difficult to convert, requiring additional parts and some machinery. A firearms expert with the knowledge and aptitude, as well as the additional parts and necessary tools would take about 30 minutes to convert the AKS to fire fully automatic. The AKS is a semi-automatic that, except for its deadly military appearance, is no different from other semi-automatic rifles. As a matter of fact, the identical firearm with a sport stock is available and, in appearance, no different than other so-called sporting weapons.

There can be little doubt that increased firepower is now more available than ever before. The drug trafficker, the career criminal and the unstable individual—cued by whatever stimulus—are reaching for those firearms that he has seen portrayed in the media as the firearms of this particular ilk.

War movies use the M-16/AK-47 weapons, while other violent criminal movies endorse other types of firearms. Whether the media influences the types of firearms user we have been discussing, or this criminal element has influenced the types of firearms used in the media, can be debated. However, a point that cannot be debated is the fact that we are now, more than ever before, aware of the escalation of firearms-related violence and the increasing potential for firearms-related violence.

[From a hearing of the Senate Subcommittee on the Constitution of the Judiciary Committee]

TESTIMONY REGARDING NEED FOR REGULATION ON MILITARY ASSAULT WEAPONS

(By Daryl F. Gates, Chief of Police, Los Angeles Police Department)

PROPOSED REGULATIONS ON MILITARY ASSAULT WEAPONS

Our nation is confronted by an intolerable and growing threat to the most cherished right of our people—the right to life. That threat is posed by the proliferation of military assault weapons in the hands of criminals and crazies.

On January 17, Patrick Edward Purdy walked onto the crowded grounds of Cleveland Elementary School in Stockton, California, armed with an AK-47 military assault rifle and plenty of ammunition. He then sprayed the crowd of students with gunfire, leaving 5 innocent children dead and 29 others injured.

My Police Department has already lost two officers who were killed by assault weapons. Detective Thomas Williams was murdered in a drive-by ambush shooting by Daniel Jenkins on October 21, 1985. Jenkins, a hardened criminal, was armed with a MAC-10. Officer Daniel Pratt was killed in a drive-by shooting on September 3, 1988. The killer used an AR-15. Kirkton Moore, a violent gang member, is awaiting trial for the murder of Officer Pratt. I do not want any more officers to be spray-gunned to death by street punks armed with high tech killing machines.

I believe such weapons can be, and should be, legislated out of the hands of killers. The most formidable resistance to such legislation has come from those who hold reverent the right to bear arms. Those well-meaning people have in the past rallied in opposition to any proposed legislation that even hinted at gun control. I would say to those people that I, too, believe in the right to bear arms. I am not a gun control advocate, and I do not believe in general gun control. But recent events have convinced me that we all should stop thinking in terms of "Gun Control" and start doing something about "Gun Responsibility" and a reasonable right to bear arms.

The membership of the NRA is the largest, most vocal group of supporters of the right to bear arms. I believe that most people in that organization are ready to support responsible, restrictive legislation against assault rifles. In California, Ken DeChambeau, a lobbyist for the California Rifle and Pistol Association, which is closely affiliated with the NRA, has been quoted in the Los Angeles Herald Examiner as saying, "I'm willing to consider a compromise. The old rhetoric doesn't apply anymore. . . I'm willing to sit down with anyone reasonable and discuss ways of doing something. We've got to stop having dead children in our school yards."

I appreciate Mr. DeChambeau's realistic attitude and his honesty. I believe there are many more responsible men and women in pro-gun organizations such as the NRA and the California Rifle and Pistol Association who share those sentiments. With the help of these people, I'm sure that reasonable and workable laws can be passed.

The Second Amendment to the Constitution reads, "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." We should pay close attention to the words "well-regulated." The Second Amendment gives no more of an absolute right to bear arms than the First Amendment gives anybody the right to yell "Fire!" in a crowded theater.

A reasonable right to bear arms does not mandate that weapons designed and built for the express purpose of killing human beings on battle fields be made available to the general public. In fact, the general public is already prohibited by the National Firearms Act from owning most weapons built for that purpose. Also, the National Firearms Act strictly regulates access to other weapons, such as machine guns. Yet, through an error in judgement, we have allowed assault rifles to flow unrestricted across the counters of our gun shops and into the hands of too many criminals.

It is time to correct that error. Doing so will not be a "foot in the door" for gun control advocates. It will be a courageous and responsible move by reasonable people.

A coalition of criminal justice officials, including myself, began working last November on legislation to prohibit assault weapons in California. That legislation, introduced as California Senate Bill 292 (attached), would do several things. First, it would prohibit the sale, manufacture, and possession of all weapons that fall under a generic definition of "assault weapons," with certain specified exemptions. Next, it would create an Assault Weapons Commission whose task it would be to exempt other firearms when it is found that a particular firearm is a legitimate sports or recreational firearm. Finally, SB 292 would increase prison terms for those found guilty of using assault weapons in the commission of crimes. I strongly endorse this legislation and submit it as a model for similar Federal legislation.

The following additional points should be included in any new Federal legislation:

(1) The sale and manufacture of firearm magazines capable of holding 20 or more rounds of ammunition should be banned. This ban is necessary to ensure that exempted rifles and pistols aren't outfitted with the same deadly capacity as their outlawed cousins.

(2) Importing assault weapons should be prohibited. This is a logical step consistent with our own proposed restrictions on the weapons.

(3) Military assault weapons could be regulated by amending the National Firearms Act.

I urge the Congress to act on this issue—now! I believe that the majority of people who believe in the right to bear arms, as I do, will join with us in making it a reasonable right. Reasonableness means that a demented young man from Stockton cannot purchase an assault rifle across the counter at a local gun store, anywhere.

AK-47s, like the one Patrick Purdy used in Stockton, MAC-10s, like the one used to kill Detective Williams, and AR-15s, like the one used to kill Officer Pratt, are examples of military assault rifles that can be purchased right off the shelf in less than the time it takes to buy a pair of shoes. That ought to be a crime. I urge you to make it just that—a crime.

Attachment.

[S. 292 was not reproducible for the record.]

STATEMENT OF WILLIAM PATTISON ON BEHALF OF THE NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS BEFORE THE SENATE SUBCOMMITTEE ON THE CONSTITUTION

ASSAULT WEAPONS

Distinguished Senators and Staff: My name is William Pattison. I serve as Executive Vice President of the National Association of Police Organizations which represents over 90,000 police officers from Alaska to Florida, from California to New England, on the local, state and federal levels.

In addition, I am President of the Superior Officers Association of Nassau County, New York.

By way of background let me say that I began walking a beat twenty-nine years ago on the Nassau County police force. I presently hold the rank of Sergeant. Ours is a police family in that my son is a member of the California State Police.

As I am sure you are aware Nassau County is a bedroom community of the Greater New York Metropolitan area. Nassau's population is approximately 1.5 million. Our police force is the ninth largest in the United States consisting of some 4,000 officers.

In its first decade of existence NAPO, the National Association of Police Organizations, has had one main goal, namely to serve as a national advocate for rank and file police officers so that their views might be conveyed effectively to federal lawmakers and officials who enact, administer and implement federal laws and policies. We believe that we have been a useful sounding board to the legislative bodies and federal agencies which have the awesome task of determining how life in these United States will be lived.

In our role of advocate, we want Congress to know that the hundreds of thousands of dedicated police officers in our land have come to recognize the brutal fact that our streets, which we are pledged to patrol and keep safe for our fellow citizens, have become combat zones in which drug gangs, paramilitary groups, and other criminal elements prey upon the public, armed with assault weapons manufactured at home and abroad for military purposes.

Even suburban Nassau County, which once enjoyed a reputation as having a low crime rate, is now beseiged with drugs of all kinds, drug trafficking and a huge supply of weapons. Our present crime rate is astonishing.

The availability of, and access to, assault weapons by criminals has become so substantial that police forces are being forced to upgrade the weapons supplied to police officers merely as a matter of self-defense and self-preservation. The six-shot 38 calibre service revolver of old is no match against a criminal with a semi-automatic weapon.

While it is necessary, we do not believe that improving the weapons provided to police is the solution to the problem of assault weapons.

Instead, we in NAPO are convinced that prompt and decisive action by Congress is required to deal with assault weapons themselves. At the NAPO Executive Board meeting in Washington, D.C. held on January 31, 1989, NAPO's Board adopted a resolution, a copy of which is attached to this statement, which calls for the enactment by Congress of a ban on assault weapons after consultation with law enforcement representatives and other interested groups.

We believe such a ban would be a step in the right direction. It will send a message to the country that we will not permit America to become a shooting gallery or an armed camp, and that as a nation we can reverse the violent course that America is traveling. We must take the suggestion of our newly-elected president and find ways to become a "gentler and kinder" society. We must end the maiming and killing of our children, our citizens and our police officers.

We wish to state further, however, that a ban on assault weapons would be but one step on a much larger road that lies before us in the area of crime prevention and drug law enforcement. We have already conveyed to every member of Congress by letter dated January 27, 1989, from our President, Robert Scully, our concern over the lack of funding in the area of drug law enforcement under the Anti-Drug Abuse Act of 1988. We wish to state clearly and unequivocally that much more must be done in the areas of law enforcement, employment opportunities, training, education, housing, and the like if this country wishes to avoid the establishment of a large, permanent, threatening underclass of criminals and drug traffickers who will destroy the civil peace and domestic tranquility that the Founding Fathers sought to establish and maintain on these shores over two hundred years ago.

Thank you for this opportunity to come before you.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC. RESOLUTION

Resolution adopted by the National Executive Board of the National Association of Police Organizations (NAPO) on January 31, 1989, Washington, D.C.

As a matter of policy, the National Association of Police Organizations (NAPO) believes that the ready availability of assault weapons constitutes a serious danger to police officers and other members of the public.

Therefore, NAPO believes that Congress should carefully consider and enact appropriate legislation to ban such weapons as the AK-47 and other assault weapons after consultation with law enforcement groups and other interested parties.

STATEMENT BY LORI MACKEY, TEACHER AT CLEVELAND ELEMENTARY SCHOOL

My name is Lori Mackey and I am a teacher of hearing impaired children at Cleveland Elementary School in Stockton, California. I am here to report the facts of the tragic and fatal shooting by a single gunman on January 17, 1989.

At 11:43, 400 children were playing during their lunch recess. Four to five minutes later, five children were dead, and 29 children and 1 teacher were wounded. Now 23 days later, 5 are still hospitalized with gunshot wounds. Until that day, recess was a time of carefree play for those children, and school was a safe place to come and learn. Today children at Cleveland Elementary still go out for recess. But now they look at passersby with suspicion and fear. My students are disconcerted every time the door to my classroom unexpectedly opens. They won't return to their work until I have assured them that the person at the door poses no threat. There are patched bullet holes in our building today, a reminder to these children and me every day of how vulnerable we are every time we gather to work, study, or play.

I'd like to tell you the story of what happened at our school that day. At 11:35 a.m., the intermediate children (grades 4-6) were in their classrooms for academic instruction. The 400 primary students were outside enjoying the sunshine, innocently playing during their recess. My class had begun a math lesson, along with five hearing students who had just joined us. It appeared to be a normal day.

At approximately 11:43 a.m., our lives were to be changed forever. A young man, Patrick Purdy, parked his old green station wagon just outside of our campus on the back street. He ignited a long fuse to a homemade pipe bomb to blow up his own car. Then he entered the campus through a back gate, walked up the walkway towards our portable building, crossed behind the building to the back corner of our room, faced the playground and began shooting at the primary children with an AK-47; a semi-automatic weapon.

At that time, I was with a majority of the children up at the front of the room. I heard the shots, and quickly assessed them to be firecrackers. Shortly after the onset of the "popping sound," I heard a more intense explosion. I thought that someone had tied several fireworks together in a bundle and that they had exploded in unison. As the sounds continued, I immediately got up and walked to the door. Looking out the window, I saw to my left, approximately 5 to 6 feet away, a young Caucasian male dressed in Army fatigues who was holding a large weapon at his hip facing the play yard making wide sweeps with his gun. The intense sound pierced my ears. The look on the man's face was that of deep concentration. He did not look angry or pleased, just determined—determined to hurt innocent children at play. That look is one that I will remember for the rest of my life! I turned towards the direction of the playground, and out an adjoining window, I could see the pandemonium that was occurring. Children were scattering in every direction—I could hear their screams from where I stood. I continued my turn towards the children in my class and immediately instructed them to get down and to crawl to the back of the room under the safety of a large table which was secluded from the window on the door. I prayed that he would not see us. Maybe in his craziness, he would just assume that we were out for recess, as well. Under that table, the children and I shuddered with each rapid shot. I grabbed the telephone to phone the office. When they answered, I begged for them to call the police telling the person on the other end that a man with a gun was outside of our room.

After a minute or so, the shots stopped. We were terrified that he would enter the classrooms to do additional damage. As we

lay still, we watched his shadow through our four windows on the back wall. He walked past the back of our room. His journey to the other side seemed to have him moving at a snail's pace. On the east side of our building, he resumed his attack. He began shooting from his new position, again towards the playground. I immediately stood up to lock our door. "He would not come in to take us hostage," I thought. Apparently not satisfied with his "accomplishments", he once again traveled back to our side of the building to fire additional rounds! The children were terrified! As I looked at the children, the thought that I would never see any of them again entered my mind! Soon, the shots ceased and, for the last time, we watched him walk to the east side. At that point, we heard one isolated shot! Silence. We lay terrified. Had he entered one of the other classrooms? Had he taken the children hostage? Was he returning to our side? The silence was as deafening as the gunfire.

For twenty minutes or so, we sat in that silence. What was happening? Finally, a police officer came to the door and told us to stay hidden. He indicated that the gunman "had been shot over there," but there was a possibility of a second suspect. Were there enough officers on the campus to stop a second crazy man with a weapon powerful enough to kill and injure scores of people in a matter of seconds, I thought? The realization of what had happened, combined with this new fear of a second gunman, grabbed me. The tears started to fall; I could not be strong any longer. I can't explain the thousands of thoughts that went through my mind in those 20 minutes or so. What had any of these precious children done to deserve such hell? What had they done to this man to make him want to hurt them? What had any of us done to be devastated so terribly? How could one man, with one weapon, do so much damage to so many people?

While we lay there patiently awaiting our destiny I could hear helicopters and sirens all around us. As I peered out of the window, I could see the paramedics loading the children onto stretchers and administering medical attention as needed. Police and paramedics were everywhere. What kind of damage did this lone gunman do?

After approximately 20 minutes more, the police officers came to our door once again. They escorted us to an interior hallway where we were to wait for further directions. On the long journey across the playground, it was unavoidable for us not to see the bodies of three of the dead children lying on the ground covered with white sheets. The children wanted to know what had happened, but all I could tell them was that I didn't know, and that we shouldn't look. How could they be subjected to these inexplicable deaths at such a young age? How could I ever find the words to explain that children from their own school were lying before them—dead from the gun of a single gunman?

Since January 17, the lives of so many people have been drastically changed, not only in the population of Cleveland Elementary School, but in the entire community, in our state, our nation, and the world. The evidence of the impact is in the more than 500 letters that have poured into our school daily since that fatal day. Children from across the nation have written to express their sympathy and to say that they, too, are afraid to go to school now. We've heard from high school students whose concerns over this incident has prompted letters from them to their Congressmen and Senators. They wondered how a civilized society could allow anyone to purchase a weapon that can cause such terrible devastation. Parents have written of the fear that I, my family and friends, and the people in the educational community face . . . how can we protect our children who are so vulnerable to such a senseless act?

My students have demonstrated fearful behavior which was not apparent prior to the shooting. Their parents come to me daily with reports that their children are afraid to be in their bedrooms alone, afraid to sleep without a light on, and afraid of any stranger that they encounter. Nightmares are a regular occurrence. Anger rears its ugly head for no obvious reason. These are the effects on children who saw just the shadow of the gunman. They did not hear the gunshots, but only felt the vibrations of each round. They did not see their playmates fall to the ground around them. The children that were outside when the massacre occurred are faced with even greater devastation.

Personally, my life has been changed forever. In a matter of five short minutes, I am a different person. I will never look at things again in the same manner. Prior to my encounter with Patrick Purdy, I was a very trusting person. I looked at all people and saw good. Now, I look at each and every stranger with fear and suspicion. I jump at each loud noise, and cringe at each siren. My school, which has always been a peaceful haven for me, is now a place of fear and uneasiness. I once was able to sit alone in my classroom before and after school for great lengths of time to work on lesson plans, bulletin boards, and to meet with parents. Now, it is too frightening for me to be in the room alone. I enter the room with the students, and exit with them also. I worry that my effectiveness as a teacher will diminish, yet I can't find the strength to overcome my fears. I am not alone . . . these anxieties and fears live in each and every one of us at Cleveland School.

All of this alteration and destruction of lives was the result of one person—Patrick Purdy—who was able to plan the aggressive act, go to a store and purchase a semi-automatic weapon for the sole purpose of killing a large number of innocent, vulnerable human beings—in this case, children. It is quite obvious that his intent was not to kill merely 5 and wound 30 individuals. On his chest, he wore a weapon's pack filled with more than 300 additional rounds!

The teachers and staff that were present at the time of the shooting were quick to react, and risked their own lives to save the lives of these innocent children. Yet, why should we or any other person be placed in this position? We can't build a wall around us to protect ourselves from this type of cold, calculating murderer. Why aren't there laws to protect us from this kind of madness? Why are these malevolent machines even allowed to be produced and sold to anyone who has the money to pay for them? Only Congress has the power to pass a comprehensive law which will protect all citizens from a person who would purchase one of these weapons in one state and then travel to another to wreak havoc. Does it always have to take a tragedy of this magnitude to get any action? We at Cleveland School and the rest of the country want to know, "Has there been enough suffering to warrant action, now?"

TESTIMONY OF JOHN F. HANLON, JR., BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION

Mr. Chairman, Members of the Subcommittee: By way of introduction, I am John F. Hanlon, Jr., currently engaged in the private practice of law in Fort Lauderdale, Florida and soon to join the staff of the Florida State Attorney in Broward County, Florida as a prosecutor. Subsequent to my graduation from the Georgetown University Law Centre, I was employed by the U.S. Department of Justice, Federal Bureau of Investigation. During my Bureau career, from August, 1963 until November, 1987, I served in seven field divisions, and at F.B.I. Headquarters and held Special Agent Investigator, Supervisory and Executive positions.

On April 11, 1986, at Miami, Florida, I took part in what has been characterized as "the bloodiest day in FBI history." On that day, certain members of the C-1 Squad, the team charged with the responsibility of investigating bank robbery, kidnapping and fugitive matters, happened onto two heavily armed bank/armored car robbery suspects. These two, one armed with a twelve gauge shotgun and a 357 Magnum revolver and the other a Ruger Mini 14 Assault Rifle with 30 round "banana" clips of ammunition and a 357 Magnum revolver were suspected of committing a number of bank/armored car robberies characterized by ever escalating violence. During two of the robberies, guards were shot. One of the guards was shot twice as he laid on the ground, critically wounded. A third individual was killed and his automobile stolen. A fourth was shot several times at point blank range and his car stolen. Fortunately, this man survived. Before the investigation was completed, the two, William Russell Matix and Michael Lee Platt, were believed responsible for the deaths of seven people, including two FBI agents.

During the course of the shoot-out which lasted approximately four minutes, Platt, the man armed with the Ruger Mini 14 fired 45 shots, 42 of them with the assault rifle. It was he, armed as he was, who killed the two agents and injured the others. During the course of the shoot-out, Supervisory Special Agent (SSA), Gordon McNeill was wounded in the hand and head and left paralyzed in the street from a shot down through his shoulder and into his back, with fragments lodged against his spine. SSA McNeill who can walk, has no feeling from his chest down. Special Agent Edmundo Mireles was shot through the left arm, two inches of bone, muscle and tendons were blown away and he has been left with an almost useless arm. These two brave men are still on duty with the FBI. I was shot in the head, in the right hand and fingers, and suffered numerous fragment hits in the right arm and thigh. While trying to stem the flow of blood gushing from my right arm, I watched Platt stand between my legs and shoot me in the groin at point blank range. He then killed Agent Ben Grogen who fell at my feet. I heard his death rattle. He then shot Agent Jerry Dove who fell right next to me with his head some six inches from my face. Platt then shot him in the back of the head, execution style. Platt stood over me firing into the street. I thought his weapon was on full automatic due to the repidity of fire. Shell casings fell on my head and chest. Two other agents were injured slightly. Platt and Matix then got into the Bureau vehicle and attempted to flee. Agent Mireles so seriously wounded earlier, miraculously and coura-

geously got up off the ground, walked up to the car and emptied his revolver into the two of them, thus ending the fight. Fortunately, Matix only fired four shots, one from the shotgun and three from his handgun. Had he been similarly armed as Platt, with an assault rifle and was as active, none of us would have survived the carnage that day.

As you might imagine, there was much made of our actions on that day. We received numerous awards for bravery, and much favorable comment from the media and the public. All of this is fine and very much appreciated. However, it must be remembered that as law enforcement officers we were merely doing our job, the job we signed on for and the job the public has a right to expect. We did our duty, plain and simple and that is all.

While I am certainly flattered that my views have been sought on such an important piece of gun control legislation as that restricting the sale of assault type weapons, I really do not believe that I can tell this distinguished panel anything that they do not already know. Simply put, the United States of America, supposedly the most civilized nation in the industrialized world, has become through the proliferation of weaponry of all kinds and calibers as well as the spread of cheap, addicting drugs, an extremely violent and an extremely dangerous place in which to live and work.

In 1983, the Superintendent of Police for the City of Chicago, told a panel made up of ABC newsmen, including David Brinkley, George Will and the ever popular Sam Donaldson "We are an international disgrace when it comes to firearm violence." I felt this way even before the shoot-out in April, 1986.

The topic of gun control has been studied and studied and studied. Northeastern University in Boston, after a statistical study, found that strict gun control legislation cuts down on the utilization of guns during the commissions of crimes, including homicides. The Attorney General's Task Force Report on Violent Crime issued in 1981 found that crimes committed by armed individuals represented a severe problem of violence in this nation. The Task Force noted the ineffectiveness of federal legislation brought about by breakdowns in enforcement and unintended loopholes in the laws and called for broad, sweeping legislation.

Now we find ourselves in 1989 with ever increasing bloodshed and terror brought about by easy access to weapons. A month ago, in Dade County, Florida, a policeman in pursuit of an automobile had his cruiser sprayed with automatic weapons fire from an AK-47 assault rifle. In Stockton, California, a lunatic with a criminal background, armed with an assault rifle, killed a number of school children at play in a fusillade of bullets. What a tragic picture.

In the face of this, the gun lobby, lead by the National Rifle Association, probably the most powerful lobby in the United States, inundates us with a much different picture—a picture of a man, his boy and a dog, clad in camouflage hunting gear, walking through fields of newly fallen snow with long guns over their shoulders. This may be fine, but does the father and his son need an assault weapon, an AK-47, an M-16, a Ruger Mini 14 or a Mac-10 machine gun with 30 round "banana" clips of armour piercing bullets to "bag" a quail? I think not. Can a man and his son obtain such weapons, weapons that have no legitimate use? Certainly. Can the drug crazed career criminal obtain one? Certainly. All they need to do is walk into any gun store and find row after row after row. Platt did this when he walked into a Miami gun store ten (10) days before the shooting and bought the Ruger Mini 14 and 5000 rounds of ammunition. If he couldn't buy one, he could steal one out of a house, a car or a business establishment. Does the man and his boy have an absolute right to own or possess such weapons under the Second Amendment to the U.S. Constitution? Of course not. To argue otherwise is practically and legally laughable.

Gentleman, the effective control of weapons is needed and needed now more than ever. The people want it. The states alone cannot do this effectively. The federal government can and should, if it is willing, to take a tough stance against the gun lobby. Legislation restricting the sale of assault type weapons, weapons that have no legitimate use, is at least a step. Possibly this step can lead to sweeping gun control legislation which is concise, understandable and most importantly, effective. Such legislation would not only save thousands of lives, but would make America a safer place in which to live.

Thank you.

STATEMENT OF BILL PRESS, NEWS COMMENTATOR KABC-TV AND KABC RADIO, LOS ANGELES

Mr. Chairman, Members of the Committee: My name is Bill Press. I am a news commentator in Los Angeles for KABC-TV and KABC Radio. I am honored to have a moment on your agenda this morning to make three brief but important points:

One. California is under siege from military assault rifles. Two. We desperately need federal legislation outlawing private possession and use of such weapons. Three. This issue is too important for the media to stay on the sidelines.

1. CALIFORNIA UNDER SIEGE

Semi-automatic assault rifles were designed for the battlefield. But it's not the soldiers on the battlefield who are their targets today. It's the men and women and children of California cities. Starting long before the Stockton schoolyard tragedy.

From the Los Angeles Times comes this list of 36 people killed—and many more critically wounded—in the streets of Los Angeles by assault rifles between January 30, 1988 and January 31, 1989. And the killings go on. On the evening of January 28, two-year old Philip Fisher was shot and killed by an UZI fired from a passing car. His uncle just happened to be in the frontyard, holding the little toddler in his arms.

Citizens of California are living in fear. No matter what community we live in, we fear for our lives. We can't even depend on the police anymore—they are the first ones to admit it—because, too often, the criminals and the gangs are better armed than the cops.

2. NEED FOR FEDERAL LEGISLATION

The public recognizes this problem. The police recognize this problem. Our elected officials recognize this problem—and we are doing everything we can to solve it. This week, the cities of Stockton, Compton and Los Angeles enacted the toughest possible citywide bans on semi-automatic weapons. In Sacramento, Senator David Roberti and Assemblyman Mike Roos—with the help of Police Chief Daryl Gates and Sheriff Sherman Block—are pushing urgency legislation to extend the ban statewide.

Because we're so much under the gun, literally, I don't think any state is doing as much as California, but we are the first to recognize—we cannot do it alone. A California ban on the sale, possession and use of semi-automatic assault rifles will be of limited value, as long as those same guns can be purchased by mail or purchased just across the state line, in Reno or Flagstaff. California and other states desperately need the kind of umbrella protection against semi-automatic weapons that only federal legislation can provide.

3. ROLE OF THE MEDIA

We are counting on you, Senators. We are counting on our local and state elected officials. But we also know the tremendous political pressure you will feel from gunowners opposed to restrictions on semi-automatics.

Normally, this is a battle the media would stay out of—except to report the news. But this battle is too critical, too many innocent lives are on the line, for us in the media to remain silent. When the safety of our streets and cities is at stake, we can no longer be mere spectators. Freedom of the press implies responsibility of the press. And today, it is our responsibility—using all the powerful means we have at our disposal: talk shows; editorials; commentary; town forums; opinion pages—it is our responsibility both to inform the public of the dangers to society posed by military assault rifles and to help build support for getting rid of them. It is not fair, Mr. Chairman, for us to leave you out on the limb—alone. At KABC-TV and KABC Radio, we have tried to exercise our responsibility in several ways.

First, in editorials supporting a ban on semi-automatic weapons, like this editorial by KABC General Manager George Green. Second, in many hours of radio talk shows dedicated to exposing both sides of the issue and urging listeners to get involved. Third, and more directly, by our television public service feature called "Seven on Your Side": where reporter Henry Alfaro asked viewers to get busy, take a stand and write letters. We've received some 3,000 letters in one week. They run the range.

From the expected. John Adams of Huntington Beach writes: "I am against any kind of gun control." To the defiant: Michael O'Neill asserts: "I support the right of every American to own a semi-automatic weapon. These weapons in the hands of honest civilians serve as no threat to any other human."

To the unexpected. Ralph Beattie of Tarzana: "I am a life member of the NRA and the California Rifle and Pistol Association. Over the years, I have owned many rifles, pistols and shotguns, which I used while a licensed hunter and markmanship participant. But I am strongly against the availability of military attack weapons to the general public and see no purpose in them for a sportsman, hunter or marksman."

Granted, it is no scientific survey. But, as some indication of the public stands on this issue: those 3,000 letters are running two-to-one in support of banning military assault rifles. Fourth and finally, KABC TV and Radio have supported a ban on semi-automatic weapons in our commentary. With the cooperation of the Los Angeles Police Department, informing viewers every time an assault rifle is used in a crime. And, every day since the Stockton shooting three weeks ago, challenging viewers to provide one good reason for private ownership of an AK-47 or UZI. We've received hundreds of letters. And hundreds of reasons. Empty

reasons you've heard before. Like: "I need it for hunting deer." Or: "The Second Amendment guarantees me the right to own any gun I want." Or: "I need it to protect my family." Lots of empty reasons. Not one good reason so far. Because there is no good reason. The only reason for owning an AK-47 is to kill people the owner doesn't like.

In conclusion. Thank you again, Mr. Chairman and Members, for this opportunity to testify on this all-important issue. We hope you will pick up where the cities of Los Angeles, Compton and Stockton let off—and make the ban on semi-automatic assault rifles nationwide. It is a goal so critical to the safety of our communities, that if we in the media fail to support you in your efforts, we will not be doing our job.

Thank you.

STATEMENT OF JOHN M. SNYDER, PUBLIC AFFAIRS DIRECTOR, CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

Mr. Chairman and Members of the Subcommittee: Please accept my thanks for this opportunity to testify before this body on the matter of semi-automatic assault rifles.

With all of the public attention being given this subject subsequent to the horrendous January 17 slaying of five school children and the wounding of 27 others with the use of a semi-automatic rifle in Stockton, California by Patrick Edward Purdy, who also took his own life, I am most grateful to the Subcommittee for the chance publicly to offer my thoughtful reflections on this tragedy and on the subsequent reactions to it.

It would be well to recall at this juncture the August 1, 1966 incident in which Charles Joseph Whitman climbed the clock-tower which dominated the University of Texas campus at Austin and began a 96-minute terror spree in which he killed 16 people and wounded 20 more.

It would be well to recall that particular incident because in it Whitman did most of his mayhem with a bolt action Remington Model 700 in 6mm but finally was pinned down by police and armed citizens, including one firing an automatic rifle, a tripod-mounted M-14, thus limiting the mayhem Whitman was able to cause and making it possible for Austin police officer Ramiro Martinez to position himself for the final, savage encounter in which Martinez slew Whitman.

By recalling the 1966 Austin incident, we easily can see the beneficial use to which automatic rifles in the hands of law-abiding private citizens can be put. Unfortunately, though, we live in an era of apparent unreasoning reaction to irrational acts.

How else can one explain the senseless attack on the right of law-abiding American citizens to acquire and possess certain firearms, in this case semi-automatic rifles, when the Stockton incident calling forth this senseless attack indicates a breakdown in the criminal justice system's willingness or ability to protect citizens from criminals?

It almost appears that the spear carriers in this senseless attack effectively have been sucked into the cynical program developed by professional promoters of restrictive firearms legislation, one group of which, the Educational Fund to End Handgun Violence, stated in as recent pamphlet that the semi-automatic "weapons' menacing looks, coupled with the public's confusion over fully automatic machine guns versus semi-automatic assault weapons—anything that looks like a machine gun is assumed to be a machine gun—can only increase that chance of public support for restrictions on these weapons."

This latest attack on the right to keep and bear arms, carried out in legislative halls and in certain media, has even taken on a macabre and ghoulish quality, as manifest on a recent national weekly magazine cover depicting a surrealist skull superimposed on a distorted map of the "lower 48" United States hovering over crossed assault rifles. "Armed America," the cover proclaims, "More guns, more shootings, more massacres."

In the face of such a flagrant attack on the right to keep and bear arms, what are we to do?

We are, I hope, to keep cool and to approach this whole matter in so rational a manner as to bring about an actual improvement in the criminal justice system without chopping up the rights of the innocent gun owners throughout the United States who had nothing to do with the horrible slaying of the Stockton school children or with other horrible attacks on other innocent people.

Let us hope that this body does what it can as part of a general legislative initiative in a reform of the plea bargaining system at the Federal and State levels to strike at the heart of the real cause for the Stockton tragedy.

Not only does this initiative strike at the heart of the Stockton shooting and similar incidents, it also meshes with recently enacted legislation to curb criminal violence.

We call for a reform of the plea bargaining system which would require a person charged with a violent felony to bargain with the criminal justice system over sentencing but not over the charge.

Under this proposal, the violent criminal suspect would have to plead guilty to the felony charge unless it were dropped by prosecutors or he went to trial. Any bargaining in which the suspect and the legal system engaged would have to be over the length of the sentence, even probation, but someone who wanted simply to evade a felony record would not be able to do so.

Underlining this proposal is the fact that Patrick Edward Purdy, who shot the Stockton elementary school children, would have been prohibited from buying any kind of firearm under existing Federal and California law if he had not been allowed to plead down from a robbery charge in Woodland, California in 1984.

Purdy reportedly had a long criminal record and even had attempted suicide while in police custody but had no record of felony convictions. That is why he legally was able to elude the intent of Federal firearms laws when buying a semi-automatic rifle in Oregon and why he was able to purchase handguns in California despite that State's present 15-day waiting period and criminal record check.

At least two spokesmen for national police organizations support this proposal to reform the plea bargaining system rather than proposals to attack private semi-automatic rifle possession.

Deputy Sheriff Dennis Ray Martin of Saginaw County, Michigan, National President of the 103,000-member American Federation of Police, says "there's no sense having laws forbidding felons from acquiring firearms when we allow such dangerous felons to plead to misdemeanors and violations. We support this proposal to reform the plea bargaining system.

"Even if the felon gets probation, there are safeguards under firearms provisions of the Drug Act passed last year. Now if a probationer goes to buy a gun, he forfeits the probation and must serve his original sentence in jail."

The Executive Director of the National Association of Chiefs of Police, Gerald S. Arenberg, also supports this new plea reform proposal as a solution to the Stockton problem in preference to bans and new restrictions on semi-automatic firearms.

"When violent criminals who have been arrested by police are allowed to go free, or escape the consequences of their crimes, the legal system is failing in its duty to society," he says.

"The fault in the Purdy case—and in almost all of these sensational 'headline' cases—is that the culprits should have been in jail—and would have been in jail. The way to safeguard against such tragedies is not to ban the firearms of law-abiding people—but to see that people like Purdy don't get a chance to commit such horrible acts.

"Police long have supported the idea of reforming the plea-bargaining system."

There already are Federal and State laws prohibiting violent felons from acquiring firearms. Now, too, there is a new law regarding penalties for probationers who acquire or attempt to acquire firearms.

As of late last year, there exists a legislative requirement, a requirement which we supported, that the U.S. Department of Justice develop a system not only to provide a master file of such criminals but also to make it accessible to firearms dealers at the time of attempted firearms purchase.

The plea bargaining reform proposal, if enacted into law, will provide the missing piece of the legislative puzzle to insure that violent criminals like Purdy do not escape the net of justice.

This being the case, why not take this opportunity to demonstrate genuine statesmanship and enact it into law rather than infringe unnecessarily on the right of individual, law-abiding American citizens to keep and bear arms by banning semi-automatic firearms or restricting further law-abiding citizens' access to them?

Following here, for the convenience of Members of the Subcommittee, is the wording of model legislation implementing this proposal:

"The Congress recognizes the necessity of plea agreements in criminal proceedings, but also recognizes that plea agreements reducing felony charges to misdemeanors may have unanticipated effects that are detrimental to public safety. One such effect is that misdemeanor convictions do not restrict an individual's right to purchase various types of firearms. There have been persons who have been charged with several felonies that were reduced to misdemeanors by plea agreements, and the person's criminal history then contains no felony convictions. Such persons are then able to purchase certain firearms of types that would be prohibited to them had they been convicted of the original felony charges. It is the intent of the Congress to restrict the authority of prosecutors to reduce certain felony charges, while still permitting the recommendation of sentencing at the misdemeanor level.

"A prosecutor shall not reduce a felony charge to a misdemeanor when the facts of the case clearly indicate that the defendant committed the felony. In such case, the prosecutor may agree to recommend a sentence less than the standard sentence range for the felony by recommending a sentence

at a misdemeanor range if the defendant enters a plea of guilty to the felony charge.

"A prosecutor who enters into a plea agreement that violates the preceding paragraph (section) is personally liable for damages resulting from any crime involving a firearm committed by a person who would not have been able to obtain the firearm had not a felony charge been reduced to less than a felony by a plea agreement entered into by that prosecutor."

As the 1966 Austin incident mentioned earlier in this statement indicates, automatic firearms, including automatic firearms, in the hands of law-abiding private citizens can be necessary in restoring the peace and assisting the law enforcement community in the maintenance of public order. In that incident, law-enforcement officers and civilians, including one man firing a tripod-mounted M-14, acted together in firing so as to rip off chunks of concrete from the protective wall around the observation deck where Whitman was located. This forced Whitman to keep low and fire through drainage slits, and made it possible for Officer Ramirez, with Whitman so occupied, to approach the Whitman position.

It should also be noted, in connection with the 1966 Austin incident, that two police officers, George McCoy and Jerry Day, along with armed private citizen Allen Crum, had worked their way up the tower to a position near Whitman's position. When Crum began firing so as to ricochet a volley of bullets off a corner of the tower so as to draw Whitman's attention to himself, the ploy worked and Whitman began firing in Crum's direction. This gave Martinez the opportunity to round the corner for his confrontation with the mass murderer.

Other incidents also serve to indicate the necessary cooperation between law enforcement officers and armed citizens which can develop in fighting crime. In Buffalo, New York, during the blizzard of 1977, public authorities called on truckers to arm themselves and to assist the police in their struggle against thieves, robbers, muggers and other violent criminals.

In that same year, during the Johnstown, Pennsylvania flood, the Mayor told the city's citizens that they had to be able to defend themselves against criminals since public safety officials were so heavily engaged in dealing with the situation created by the flood that they could not deal with much of the crime which might arise.

Without reference to such notable specific cases as these, one could note generally that semi-automatic firearms are kept by citizens for home protection and by farmers and ranchers for use against farm pests and wild animals.

In this age of international terrorism, when warnings come regularly to the public regarding the possible outbreak of terrorist attacks against American citizens within the United States, it would show a callous disregard not only for the rights of American citizens but also for our safety if Congress were to enact legislation making it difficult or impossible for law-abiding American citizens to obtain the semi-automatic firearms with which our lives and the lives and safety of our loved ones could be protected.

Terrorists will not be stopped by anti-gun laws from acquiring or using firearms against the innocent. Why pass laws to prevent the innocent from getting the firearms they may need to protect themselves from terrorists?

It's possible, too, that well-organized and well-armed bands of terrorists could seek to undermine the very stability of the United States government, as they already have done to so many other governments around the world. In such a situation, a well-armed law abiding citizenry, such as we now enjoy in the United States, could act to assist the government in thwarting such a move or series of moves. Why ban or restrict the arms with which the citizens could so assist the government?

While we certainly hope that no American Hitler or Stalin ever arises in the United States, we also should make sure that one of the factors which can prevent that from happening, that is a well-armed citizenry, never is eliminated or dissipated by unwise anti-gun legislation.

Right now, we're witnessing the international spectacle of the mighty Soviet Army turning tail and removing itself, retreating, if you will, from Afghanistan. This would not be happening if it were not for the fact that the Afghans are an armed citizenry, including with semi-automatic firearms and that they're not afraid to fight for their freedom.

How do you account for the fact that the mighty Soviet military machine, which has kept the disarmed citizenries of Eastern Europe and of many other parts of the world subjugated for so long has had its hat handed to it by the rag-tag Afghans if you do not take into serious account the armed nature of the Afghan population?

While we may not like to admit it, the same point could be made with regard to the Viet Namese who fought so successfully for so long with small arms, including semi-automatic firearms, against our own modern-equipped and armed military forces in Southeast Asia.

If the Polish people were well-armed today, do you think its freedom-loving spokesman would have to go toadying to the Communist government for even a modicum of the rights and freedoms we take for granted in this country with our armed citizenry?

Do you think Ethiopian genocide through deliberate massive starvation on the part of the government there ever would even have gotten off the ground had the Ethiopian citizenry been armed?

While some may scoff at these and similar citations, the fact of the matter is they are real and we should not overlook the obvious lesson to be gained from a consideration of them. An armed citizenry is an obstacle to tyranny and subjugation and a disarmed citizenry has been and may be an invitation to such tyranny and subjugation.

Given these considerations, Mr. Chairman and Members of this Subcommittee, why let public charlatans get away once again with a further perpetration of the snake oil of gun control on the American public.

There is ample general evidence to indicate that gun control is not the crime control panacea its promoters would have Congress and the public believe that it is.

For 75 years now, we've had the Sullivan Law in New York State on the books. For over 20 years, we've had the Federal Gun Control Act of 1968 on the books. For over 10 years, we've had the straight-jacketing District of Columbia anti-gun law on the books. Even in Canada, there's been a tough anti-gun law on the books for 10 years. At the time of each of these laws' enactment, the promoters of each one of them assured the public that each one of them would be effective in fighting crimes committed with firearms. Yet, the rates of crimes committed with firearms are higher now than they've ever been before this. Why? Obviously, gun control is not the answer.

For over 50 years now, fully-automatic rifles, machine guns, so thoroughly have been regulated that it has been impossible for private citizens to obtain one without a Federal permit. To the best of my knowledge, not one of these legally-acquired and possessed firearms has ever been used in the perpetration of a criminal act. Yet we know that machine guns have been used by criminals in the perpetration of criminal acts. What does this tell you about gun control laws but that law-abiding citizens abide by them but criminals do not?

The same can be said about sawed-off shotguns. Rigorously restricted for 50 years, they still are a favored weapon of criminals, especially bank robbers.

There you have it. Gun control has not worked, does not work and will not work in fighting crime.

Gun control impinges on the right and freedom of law-abiding American citizens.

We'd like the Subcommittee to consider it and act on it. Unlike the bogus crime-fighting proposals really directed against a large segment of the law-abiding citizenry, this is a genuine crime-fighting proposal. It's time for Congress to get off the backs of the tens of millions of law-abiding American firearms owners and to get on the case of violent criminals.

Thank you.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION, TESTIMONY ON SO-CALLED ASSAULT WEAPONS—ABSTRACT

The private purchase of new "assault rifles" has been banned since May 19, 1986. Technically, the correct definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms for the purposes of federal law.

The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Patrick Purdy in his heinous crime in Stockton, California on January 17th is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by hunters and sportsmen in the United States for nearly a century. It was not converted to fully-automatic fire, nor is it "readily convertible." That semi-automatic rifle is no more "powerful" or more "rapid-fire" than any other semi-automatic hunting and target rifle owned by millions of Americans.

Among the more popular semi-automatic firearms currently owned by Americans are: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, the Heckler & Koch 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. The Remington Model 1100 alone has sold more than 3 million copies in the U.S., the M1 Carbine some 5 million since World War II.

The NRA will oppose any attempts to ban or restrict semi-automatic target and hunting firearms some choose erroneously to call "assault weapons." In previous debates, the NRA worked with members of Congress and the Administration to craft meaningful definitions and meaningful legislation to address concerns that were shared by sportsmen and "gun control" advocates. This attack on semi-automatic firearms, however, is an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century.

What was once an attack on handguns, this year is an attack on rifles and shotguns.

Legislation like H.R. 669 and Senator Metzenbaum's proposal attempt to redefine the term "assault weapon." It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines, as these proposals do. Any firearm capable of "accepting" a box-type magazine is capable of "accepting" magazines of indeterminate capacity. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all semi-automatic rifles and pistols, and all tubular magazine shotguns as well.

The real lesson to be drawn from the Purdy crime is that Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of those charges resulted in misdemeanor convictions only, not the felonies with which he was charged. Purdy's last contact with the criminal justice system resulted in a probation report that described him as a danger to himself and others.

Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those schoolchildren in the tragic incident in Stockton, California.

The NRA today proposes a series of crime-fighting initiatives. The NRA will support these initiatives with the same vigor with which we oppose restrictive firearms laws.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g).

Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes.

Third, we call for increased enforcement of the provisions of Public Law 99-308, the Firearms Owners' Protection Act. That law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. If the Justice Department finds that firearms were acquired from out-of-state in an investigation of gun-running rings, the federal government should step in.

Fourth, we support the conversion to prisons of military bases scheduled to be closed, as well as reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony.

Sixth, we look forward to working with members of the Congress and the Administration to ensure that Section 6213 of Public Law 100-690 is carried out: That the Attorney General report to Congress this fall with a program allowing for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

TESTIMONY OF JAMES JAY BAKER, DIRECTOR, FEDERAL AFFAIRS, NATIONAL RIFLE ASSOCIATION, INSTITUTE FOR LEGISLATIVE ACTION ON SEMI-AUTOMATIC FIREARMS

Mr. Chairman and Members of the Subcommittee, on behalf of the National Rifle Association of America, I thank you for this opportunity to appear before you representing law-abiding gun owners. I ask that my entire testimony, as well as it attachments, be included in the record of these proceedings.

We received Senator Metzenbaum's S. 386 yesterday, and will not give a detailed analysis of it at this time. Instead, I will confine my remarks to a general critique of H.R. 669 and S. 386, as well as the issues of semi-automatic firearms, "gun control," and violent crime.

Let me say at the outset that the private purchase of new "assault rifles" has already been banned and has been since May 19, 1986. Assault rifles *are* included under the requirements of the National Firearms Act of 1934. Technically, the correct and only definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms, or machine guns and submachineguns, for the purposes of federal law. The rifle used by Patrick Purdy in his heinous crime is not an "assault" rifle, as has been so widely reported in the media. The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Purdy is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by law-abiding Americans across the country, no more and no less. Semi-automatic firearms have been legally possessed in this country for almost one hundred years.

Millions of hunters and sportsmen own and use semi-automatic rifles and shotguns, and have for decades. Among the more popular current models for sporting use: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, Heckler & Kick 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. the Remington Model 1100 alone has sold more than 3 million copies in the United States, the M1 Carbine some 5 million since World War II.

Military model semi-automatic rifles and carbines have been sold to the general public for decades. Millions of M1 Garands, M1 Carbines, M1As (the civilian semi-automatic model of the Army's M-14 rifle), and AR-15s have been sold to private citizens over the last 40 years. These are all military model semi-automatics and are used in countless high-power target matches every year including the national matches at Camp Perry, Ohio. They are purchased by hunters, target shooters, and collectors.

In short, Mr. Chairman, the National Rifle Association will not assist or cooperate with anyone in banning or restricting semi-automatic target and hunting firearms some choose to erroneously call "assault weapons." You will remember previous debates in which the NRA worked with members of Congress and the Administration to craft meaningful legislation to address concerns that were shared by sportsmen and other groups concerned with public safety issues.

On the armor-piercing ammunition issue, as you know, the NRA first opposed legislation that would have banned hunting and target ammunition because of overly broad definitions. We worked with members of Congress and the Administration to develop language that precisely defined the issue at hand, met police concerns, and protected the nation's law-abiding firearms owners.

On the so-called "plastic gun" issue, as you also know, the NRA opposed legislation that would have banned fully-detectable firearms because of yet another faulty definitional standard. We again worked with members of Congress and the Administration to develop language that precisely defined the issue, and again helped to produce workable legislative language that passed both bodies of Congress nearly unanimously.

The attack on semi-automatic firearms is no less than an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century. In a sense, the NRA's historic position on gun control at times characterized as paranoia by our opponents, has been vindicated. Advocates of gun control have finally admitted that they are not interested in protecting the rights of law-abiding gun owners—they are merely interested in eliminating any type of firearm whenever presented with an emotionally charged opportunity to do so. What was once an attack on handguns is this year an attack on rifles and shotguns.

CRITIQUE OF PROPOSALS ON SEMI-AUTOMATIC FIREARMS

Sportsmen have been told for years that the reason gun control advocates targeted handguns was because they were not suitable for militia use, hunting, or self-protection and were therefore not included under the constitutional safeguard of the Second Amendment. We are now being told by anti-gun advocates and certain politicians that precisely because many semi-automatic firearms useful for hunting and target shooting are patterned after their military counterparts, they should be banned or heavily restricted in the interest of public safety.

Today we are talking about the outright banning of an entire class of firearms that have been legally owned in this country for a century. In fact, legislative proposals in both bodies of Congress call for imposing federal felony prosecutions on law-abiding citizens that do not surrender or register their lawfully purchased firearms. It is just this type of ill-considered legislation that the Second Amendment is designed to protect against. And it is worth remembering that American citizens' constitutionally protected right to "keep and bear arms" puts the burden of proof on those whose first instinct is always to abridge that right.

One can imagine how defenders of the First Amendment would react if every time somone made a slanderous statement legislators were urged to restrict freedom of speech. The safeguards built into the Bill of Rights are not to be compromised or legislated away lightly—especially not simply as a reaction to the actions of a homicidal maniac who slipped through the cracks of a crack-ridden criminal justice system, and especially when those impacted are only law-abiding citizens. There is no rational reason to legislate against the inalienable rights of law-abiding individuals simply because some individuals abuse those same rights. Instead we should arrest, prosecute, sentence, and imprison the latter in a ongoing effort to protect the former.

Recognizing that many do not share our belief in those principles, I turn now to the specifics of proposals we have seen. Most bills introduced to date on the issue of semi-automatic firearms fail to distinguish between types of firearms in the manner of early drafts on the armor-piercing ammo and "plastic gun" issues. Unlike those issues, there is no middle ground between banning or restricting some semi-automatics on the one hand, and all semi-automatics on the other. The reason for that is simple: There is no functional difference between

semi-automatic firearms of the type traditionally used in hunting or other recreational activities, and those which are patterned after military firearms of the modern age. That is why both an AKM-47 and a "traditional" Remington or Browning semi-automatic can be cerfitied as having a sporting purpose on the one hand, and not "readily convertible," on the other.

Some proposals, H.R. 669 and S. 386, attempt to redefine the term "assault weapon." In doing so, those bills encompass millions of semi-automatic firearms commonly used for hunting, target shooting, and self-protection. It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines. Any firearm employing a box-type magazine is capable of "accepting" magazines of an indeterminate capacity. Even shotguns with integral tubular magazines are capable of accepting magazines of larger capacities. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all rifles and pistols, and all tubular magazine shotguns as well.

S. 386 implicitly recognizes this definitional problem by failing to provide a definition at all. Section 3 of S. 386 defines "assault weapons" as those firearms designated in the bill, "versions" of those firearms, and firearms that are "substantially identical" to those firearms. The term "substantially identical" is nowhere defined in the legislation. As we have heard from the Treasury Department today, there is no functional difference between semi-automatic firearms, whether on the list provided in Section 3 or not. To my mind, the term "substantially identical" is equivalent to without functional difference. Thus, the logic of Section 3 is circular: An "assualt weapon" is a firearm so designated, based on its similarity to "assault weapons" so designated. It would have been much clearer, Mr. Chairman, for S. 386 to define an "assault weapon" as any semi-automatic firearm, period. That is certainly the effect of the so-called definition.

After failing to provide a definition, S. 386 hands off the entire issue of definition—in many ways the essence of legislation—to the Treasury Department. Although it is difficult to conceive of a semi-automatic firearm not already covered in Section 3, that Section also provides that "all other semi-automatic firearms" can be designated as "assault weapons" at the discretion of the Treasury Secretary. These unnamed and undefined firearms would then be banned, and failure to register them would be a federal felony carrying a 10-year, $10,000 fine.

S. 386 would also place currently owned semi-automatic firearms under the highly restrictive requirements of the 1934 National Firearms Act. If virtually all semi-automatic firearms are included—as they appear to be—untold millions of the nation's 65 million firearms owners will annually be subjected to a system that processed less than 100,000 individuals over a 52-year span. Conservative estimates indicate more than 20 million firearms currently possessed would be included under many of the proposed definitions. These Title II restrictions are a wish list for gun control advocates. They include a lengthy federal background check, registration, restrictions on transportation, fingerprinting, and a sign-off by local law enforcement. Yet these restrictions have not affected those drug traffickers using illegally acquired machine guns or illegally acquired and illegally converted semi-automatics to further their crimes. These criminals circumvent the system completely, and, by definition, always will. Needless to say, millions of hunters, competitive shooters, protective owners, and collectors should not be subjected to a system that has had absolutely no impact on machine gun use in violent drug trafficking crime. Millions of law-abiding gun owners and sportsmen will not sit idly by in contemplation of the several month procedure contained in the 1934 National Firearms Act. Further, there is no good reason relative to curtailing firearms abuse to subject law-abiding sportsmen who have owned semi-automatic firearms for decades to a system requiring them to submit federal registration forms to the Treasury Department and the F.B.I., and then ask for a sign-off from local law enforcement prior to buying the type of firearm their fathers taught them to hunt with.

The registration provisions of S. 386 point up the misguided nature of all "gun control" proposals. Section 6 requires the owner of a lawfully purchased firearm to locate a copy of the Federal Register listing prohibited semi-automatics. If his or her firearm is on that list, the owner must register it with the federal government within a month or face a 10-year prison sentence and a $10,000 fine. On the other hand, if a drug trafficker actually uses a firearm on the list in a violent crime, he faces only a 5-year penalty. Given the current failure to prosecute even felons in possession of firearms, it is unconscionable to threaten law-abiding citizens with a federal felony due to their possession of a lawfully purchased semi-automatic firearm that may later be found to be "substantially identical" to semi-automatic firearms on a list held by the Treasury Department.

At best, S. 386 contemplates a form of super-waiting period, federal registration, and government background investigation in order to legitimize the ownership of a previously purchased, and previously lawful, semi-automatic firearm. In light of the rejection of that system in the 100th Congress, when the defeated proposal encompassed a seven-day, not a several-month, wait prior to the purchase of only pistols or revolvers it seems counterproductive to revisit that issue. I refer you to my testimony before this Subcommittee on June 16, 1987. The most troubling aspect of new proposals on this issue is that sportsmen were told last session that they should accept waiting period proposals because they would never extend to their rifles or shotguns. Mr. Chairman, this goes beyond the old adage: "give them an inch and they'll take a mile." The Congress refused last year to give that inch, yet some now expect them to give up that mile.

The National Rifle Association and untold millions of hunters, target shooters, and protective gun owners are prepared to fight every step of the way on this issue until this Congress begins to address serious problems—recognized by all in this room regardless of their position on so-called "assault rifles"—inherent in an abysmally inadequate criminal justice system.

LESSONS OF THE PURDY CRIME LOST

As Senator Metzenbaum indicated in his letter to me, Mr. Chairman, the impetus for this hearing was the tragic crime committed by Patrick Edward Purdy on January 17th in Stockton, California. Notwithstanding the dangers of legislating on the basis of cover stories and headlines, the facts surrounding the true causes of that tragic crime have largely been ignored.

The semi-automatic rifle used by Purdy was not converted to fully-automatic fire, nor is it readily convertible, as has been reported by many. That rifle and semi-automatic firearms generally are used lawfully for hunting in some 48 states, and can be seen in the hands of target shooters at nearly every rifle range in the country. The very reason this rifle can be imported into this country—its "sporting purpose"—refutes the claim of those who call it a "weapon of war." And finally, perhaps to the surprise of some, there is absolutely nothing new about the mechanical function of that particular semi-automatic rifle. It employs a re-loading principle, the semi-automatic action, that has been employed in both military and sporting rifles for most of the century. It is not more "powerful" or more "rapid-fire"—other misconceptions widely reported—than any other semi-automatic hunting or target rifle owned by millions of Americans.

In short, the only thing new about this rifle is the misapplication of the label "assault" by people who are trying to ban it. We are hearing that these rifles are the "weapon of choice" for criminals loose on the streets. Just last year, Mr. Chairman, this Congress was asked to consider a national waiting period and background check for pistols and revolvers because they were called the "weapons of choice" for those same criminals. Just this week, Lt. James Moran, the commander of the Ballistics Unit for the New York City Police Department set the record straight in the New York Times: "A rifle is not what usually is used by the criminals. They'll have handguns or sawed-off shotguns. You have more firepower with a 9-millimeter handgun than you do with an AK-47. * * * The rifle is big. * * * These drug dealers are more inclined to use the 9-millimeter pistol than go to a cumbersome AK-47 rifle." Thus, it is clear to the NRA that most who propose restrictive gun control are not focusing on criminals and their guns, they only care about banning and or restricting firearms, period.

The real lesson to be drawn from the Purdy crime is that Patrick Edward Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had a seven-year history of involvement with the California criminal justice system. He had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of these charges resulted in misdemeanor convictions only, not the felonies with which he was charged and should have been prosecuted. His last contact with the criminal justice system resulted in probation, even though his own probation report described him as a danger to himself and others. Because of this failure of the criminal justice system, Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those five schoolchildren, and resulted in the tragic incident in Stockton, California.

In fact, the California probation system was the subject of an extensive study published in 1985 by the Rand Corporation and the National Institute of Justice. The National Institute of Justice concluded that felony probation "does present a serious threat to public safety." The Rand Corporation studied data on more than 16,000

felons, and recidivism data on a subsample of 1,672 who received probation in Los Angeles and Alameda Counties. The study found that:

65% of the total sample were rearrested;

53% had official charges filed against them;

75% of those charges involved burglary, theft, robbery, or other violent crimes;

51% were reconvicted;

18% were convicted of homicide, rape, assault, robbery, or weapons offenses;

34% were sent back to jail or prison.

Clearly, decisions regarding probation are being driven by concerns over prison overcrowding and not by determinations that certain individuals do not pose a risk to society.

As we meet here today, the combined failure of gun control and the criminal justice system is all around us. As you know, the District of Columbia has the most restrictive gun control laws in the nation. Handguns are banned, and even a bill similar to H.R. 669, Congressman Berman's semi-automatic ban bill, is in force. Yet violent crime is rampant in the city at levels far exceeding those experienced before the imposition of the D.C. gun ban. One reason for that may be found in the treatment of the two individuals who shot those youths at Wilson High School recently. They were charged with four counts and one count of assault with intent to kill, respectively. The first paid $2,250 to get out of jail on a surety bond. The second paid only $450. But we can take solace in the fact that they were ordered to obey a curfew. It's no wonder a teacher at another D.C. school was reported as saying: "What would they have had to have done to be denied bail * * * wipe out the whole school?"

Instead of improving the criminal justice system, gun control advocates are exploring new ways to disarm or restrict the law-abiding. As we meet here, the City Council is considering legislation to make handgun manufacturers strictly liable for the criminal misuse of their products—despite the fact that handgun manufacturers are already virtually prohibited from selling their products in the District, and have been since 1976; and despite the fact that such a legal theory has been discredited in every state of the nation. The intention of the D.C. City Council and the gun control advocates generally in pushing this legislation is clear: export the District's failed gun ban by making firearms manufacturers uninsurable.

Yet across the United States, the private ownership of firearms by the law-abiding is a valid and valuable response to failures of the criminal justice system. Criminologists report that private firearms ownership is both a general and specific deterrent to violent crime and violent criminals. One independent study estimates that one million Americans use rifles, shotguns, and pistols, each year for self-protection.

NRA'S CRIME-FIGHTING PROPOSAL

Today we are hearing the same tired proposals that sportsmen and gun owners have been hearing since the early 1900s. In the face of violent crime currently linked to massive drug smuggling and its financial profits, elected representatives in Congress and state legislatures call for making felons out of law-abiding citizens who insist on their right to own firearms. At the same time, the criminal justice system is apparently unable or unwilling to prosecute and jail the real felons. The NRA asks you to explore and consider every possible means of restricting criminals and improving the criminal justice system before legislating any restrictions that will only impact the law-abiding citizen, and may well aid the criminal.

Law-abiding Americans believe that criminals who violate existing laws should suffer the penalties. But the fact is, violators are not suffering those penalties. Criminal justice failures were widely reported earlier this week. USA Today called it "Getting Off Easy." That's an accurate phrase when the average drug trafficker received a sentence of only six years—and then actually served less than two years. The Wall Street Journal reported that less than half the people convicted of felonies nationwide went to prison. And that doesn't begin to address the real issue, since an indeterminable number of people charged with penalties plea bargain down to obtain only a misdemeanor conviction.

Therefore, we propose today a series of crime-fighting initiatives. We pledge to you today that we will support these initiatives with the same vigor with which we oppose restrictive firearms laws. These proposals can be supported by sportsmen, law enforcement, and any gun control advocates who really care about fighting crime.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g). Increased funding for U.S. Attorneys was a feature of the omnibus Anti-Drug Abuse Act, and we support that funding.

Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes. The Purdy crime alone demonstrates the result of a plea bargain policy that has become all too common in the face of overcrowded court dockets and prison systems.

Third, we call for increased enforcement of the provisions of the Firearms Owners' Protection Act, Public Law 99-308. As you know, the law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. Last year, Congress increased those penalties in the omnibus "Anti-Drug Abuse Act." Any reluctance by the government to prosecute federal gun-law violators who have been arrested and charged with local offenses, but who are also violating federal laws against possession by felons, particularly of Title II weapons such as sawed-off shotguns or unregistered machine guns, must be addressed. If the Justice Department finds that firearms were acquired from out of state in an investigation of gun-running rings, the federal government should step in. This would assist local government in a number of ways. First, it would make real the largely rhetorical federal assistance in the "State Firearms Control Assistance Act" which is the first title of the 1968 Gun Control Act. Second, it would mean tougher jail sentences than may occur with merely local prosecution. And third, it would help with the problem of expensive and overcrowded state prisons by diverting the most serious of drug-trafficking offenders to the federal system.

Fourth, we support two measures aimed at increasing the nation's prison space. Initially, the federal government should look to those military bases which are scheduled for closure. With minimal expense, these bases could be converted to prisons for use by the federal government or by the states in which they are located. As a second step, the NRA is prepared to support reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities to house the most violent criminal offenders.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony or who kill police officers' family members in retribution for the performance of their duties.

Sixth, we look forward to working with members of Congress and the Administration to ensure that the mandate of the McCollum substitute to the so-called "Brady Amendment" is carried out: That the Attorney General report to Congress this fall with a program that will allow for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

We are confident that broad support for these proposals can be garnered from most of the groups represented in this room today. We are also confident that reasonable individuals will agree that these proposals hold far greater promise for reducing the nation's appalling level of violent crime than does any ill-conceived and misdirected gun control proposal. Thank you.

TESTIMONY OF NEAL KNOX, EXECUTIVE DIRECTOR, THE FIREARMS COALITION CONCERNING ASSAULT RIFLES

Mr. Chairman, members of the committee. I appreciate this opportunity to testify on behalf of the Firearms Coalition and the million readers of my regular columns in Shotgun News, Handloader, Rifle and Guns & Ammo magazines.

The effort to ban so-called "assault rifles" represents a public admission by the advocates of "gun control" that their objective is not just to regulate or ban handguns, as they have claimed, but rifles and shotguns as well. The definitions used in state and federal bills now being considered would not only ban the military-type firearms being waved before the cameras, but some of the most popular rifles and shotguns designed and used for hunting, trap and skeet, and other forms of recreation.

The arguments used to support these bills are evidence of the predicted switch of criminal misusers of firearms from relatively low-powered handguns to far more lethal shotguns and rifles—a switch exacerbated by the wrong-headed efforts to ban production and sale of handguns, instead of focussing upon criminal acts.

As recently as 1986, James D. Wright of the University of Massachusetts—once a staunch advocate of interdictive gun laws—stated in "The Armed Criminal in America," research done for the Justice Department: "certain commonly proposed gun-banning measures could have strongly undesirable consequences, resulting in the substitution of more powerful and more lethal arms."

Granted, Wright was speaking of criminal misuse, not insane acts such as the murders of five children on a Stockton, CA schoolyard. But no matter what restrictions may be placed upon sane and law-abiding citizens, there is no way to prevent such tragedies. If Patrick Purdy had not owned an AK semi-automatic rifle, those children obviously would not have been shot with a 7.62x39; but they could have been shot with the 15-shot Taurus 9mm pistol Purdy also carried on that schoolyard. Or even more of the 400 children crowded on that schoolyard could have died and been injured if he had driven

his car across it, or thrown his "Molotov cocktails."

It should be underscored that Purdy was the very type of individual who supposedly would have been prevented from obtaining a firearm under a waiting period/police background check such as this committee considered last fall. He had a lengthy record of arrest and convictions, including drug violations and illegal manufacture of a machine gun; a police psychiatrist had found him a danger to himself and the public; he was reportedly drawing $682 monthly from the Social Security Administration as mentally disabled. Yet five times he obtained handguns after undergoing California's touted 15-day waiting period/background investigation, most recently obtaining the Taurus 9mm with which he killed himself the next school day after he obtained it.

No legislation specifically defining "assault rifle" is before this committee, but all of the state bills I have seen, as well as H.R. 669 by Rep. Howard Berman in the House, include variations of a definition used by California Attorney General John Van de Kamp in a mailing to law enforcement officials Dec. 5, 1988. That letter states the Attorney General's intent to draft legislation banning private possession of "assault rifles," and requested statistics to justify such a ban. His definition of "assault rifle" includes more than half of all long guns made in this country, for it includes most common .22 rimfire autoloading rifles, many semi-automatic centerfire hunting rifles, and all shotguns—of any action type—with five-shot capacity, which includes the most-popular shotguns made.

The Attorney General's definition of "assault rifle" even includes the 5-shot Remington Model 1100 shotgun, which Handgun Control Inc. co-chairman Nelson Shields once told me he owns for waterfowl hunting. When such effects are pointed out, it is claimed that they are mere "drafting errors," and that the sponsors never intended to include common guns. Frankly, I find such statements difficult to believe, in light of the considerable firearms expertise demonstrated elsewhere.

As an example, the definition of "assault rifle" used in last summer's proposed Senate amendment to the drug bill reportedly was "any shotgun or semi-automatic rifle patterned after a military firearm." The majority of U.S.-made repeating shotguns would be included in that definition, for all the most-popular commercial shotguns have been used by U.S. forces in combat in World Wars I or II, Korea or Vietnam.

I have stressed the problem of definition for the simple fact that it is impossible to make a meaningful distinction between hunting guns, self-defense guns and military small arms.

Magazine capacity is not a meaningful distinction, for in forms of pistol competition which include reloading, it requires only about 1.5 seconds to change magazines. It is illusory to think that a gun is "more dangerous" with one 30-shot magazine than with two 15-shot magazines, or three 10-shot magazines.

Action type isn't a meaningful distinction, for the Model 12 "pump" Winchester shotgun can be fired slightly more quickly than a Remington Model 1100 autoloader. In less than three seconds the common 12 gauge Model 12 can fire six 00 buckshot loads, each charged with 12 .33 caliber balls—72 bullets in three seconds, each ball capable of a fatal or disabling wound a city block away. The Model 1100 can discharge 60 .33 caliber bullets in about 2½ seconds, which is more firepower than any conventional machine gun.

It is my opinion as a court-qualified "firearms expert" that either the six-shot Model 12 or the five Shot Model 1100 Remington 12 gauge hunting shotguns are more lethal at ranges under 50 yards than either the semi or full-automatic versions of the AK-47 with 7.62x39 military ammunition.

Because so many hunting and competition guns would be banned by Van de Kamp's definition, major changes were made in the California Senate bill by David Roberti, and in almost identically worded definitions in bills introduced in Maryland and the U.S. House (H.R. 669). Each of those bills makes such modifications as their sponsors felt were necessary to make their bills politically palatable, while retaining their goal of banning as many long guns as possible.

One amendment increased the acceptable maximum capacity of unrestricted shotguns by one round to five rounds total, which would make most tubular magazine shotguns legal, but still leaves the popular six-shot Model 12 Winchester/Browning trap, skeet and hunting shotgun branded as an "assault rifle."

Another amendment broadened the semi-auto rifle definition to "Any semi-automatic that accepts a detachable magizine with a capacity of 20 or more rounds of ammunition" H.R. 669 uses that language but exempts popular .22 rimfire autoloading rifles. The Maryland bill makes it apply to rimfire rifles and all semi-automatic handguns. Every box-magazine rifle or handgun is capable of accepting 20 or even 50-shot magazines, and such easily made magazines are presently available for most guns.

Mr. Chairman, as this testimony was being prepared, a member of Mr. Metzenbaum's staff informed me that the "capable of accepting a 20-round magazine" definition is being considered in draft legislation. However, I was told the bill would initially ban certain specific makes and models, then abdicate the definitional problem to the Treasury and Justice Departments, which would in effect be responsible for both writing and enforcing the law.

That is reminiscent of the method used for avoiding Congressional responsibility on other difficult issues, such as dealing with budget deficits and setting Congressional pay scales. Without regard to the merits of the issue, I object to that method of legislating.

While I have emphasized the huge number of guns used for hunting which would be banned by so-called "assault rifle" legislation, hunting is not the issue, nor is whether I "need" a particular type firearm for hunting. I resent anyone telling me what I "need" just as much as I resent anyone telling me what I may read; I am a law-abiding citizen who resents being treated as a criminal because I own and lawfully use firearms.

To me, and those I represent, guns are mechanically interesting, historically interesting and aesthetically interesting. But they are much more than that. In his Commentaries on the Constitution Supreme Court Justice Story wrote: "The right of the citizen to keep and bear arms has justly been considered as the palladium [—the guardian—] of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers."

In Federalist Paper No. 46, James Madison wrote derisively of the governments of Europe which "are afraid to trust their peoples with arms." Madison would be appalled that this Senate Subcommittee on the Constitution is considering legislation which is so obviously a violation of the Constitution.

In *U.S.* v. *Miller* (1939), the only Second Amendment decision in this century, the Supreme Court upheld a portion of the National Firearms Act's restrictions on the narrow ground that because no evidence had been presented that short-barreled shotguns have "some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense."

If both sides had been heard in that case—instead of only the agency which proposed the law—evidence surely would have been presented that short-barrelled shotguns are and always have been part of U.S. military equipment. However, there can be no question that military-type rifles are military arms, and therefor included under the prohibitions upon the Congress guaranteed by the Second Amendment.

Even if the Second Amendment applied only to militia members, by law virtually everyone in this room is a member of the militia. Only four months after the Constitution was ratified, the Militia Act of 1792 established two classes of militia: (a) those formally organized into militia units and (b) all other able-bodied men aged 18 to 45. The National Guard Act of 1903 specifically did not replace that militia but added a third class of Federally controlled militia (See Sec. 311, Title 10 U.S.C.).

In 1876, the Supreme Court, in *U.S.* v. *Cruikshank* recognized possession of arms as a fundamental right, stating "the bearing of arms for a lawful purpose is not a right granted by the Constitution. Neither is it in any manner dependent upon the instrument for its existence." Accordingly, since none of the Bill of Rights had then been interpreted as limitations on other than the Congress, the Cruikshank court ruled that the First and Second Amendments limited the national government, but did not prohibit the Ku Klux Klan from preventing freed black slaves from holding political meetings or having guns. It is most unlikely that the Supreme Court would reach such a decision today.

In 1960 Justice Hugo Black, in "The Bill of Rights" (35 N.Y.U.L. Rev. 865, 873), wrote that the Second Amendment is an "absolute" prohibition against infringement by Congress. The reason, as made clear by the writings of the Constitutional framers, was that the right of the people to keep and bear arms was intended as an insurance policy guaranteeing governmental adherence to the First Amendment and the rest of the Bill of Rights.

Some claim that the Second Amendment was intended to apply only to organized militia, rather than as an individual right. But an effort to limit the Second Amendment by adding "for the common defense" was attempted when it was debated in the Senate of the First Congress. That amendment was soundly defeated, but revisionists act as if it had passed. (Journal of the First Session of the Senate of the United States, p. 20 (1820).)

Time Magazine recently stated that "surely" military-type rifles were what the Constitutional Framers intended to protect

from governmental infringement. On the contrary, as Dr. Joseph Olson, Professor of Law at Hamline University School of Law said while reviewing this testimony, military-type firearms "are precisely the type of weapon which the Second Amendment is designed to keep in the hands of the individual citizen."

The Second Amendment has nothing to do with hunting, target shooting, gun collecting or any other recreational use of firearms. The Second Amendment does, however, protect every citizens' right to protect himself, his family and this nation. The beauty of this "freedom insurance" plan is that so long as the right exists, it is never needed.

In the passions of the moment, aroused by the terrible tragedy on that Stockton, California schoolyard, it may be difficult to think of the overriding necessity to protect civil liberties, but protection of our civil rights—every one of them guaranteed by the armed populace that Thomas Jefferson intended—is the real issue in this debate.

I urge the members of this committee, and of this Senate, to carefully consider what is at stake. Thank you for this opportunity to present our views.●

CONDEMNATION OF CERTAIN ACTS BY IRAN—SENATE RESOLUTION 68

● Mr. SIMON. Mr. President, last week my friend and distinguished colleague Senator MOYNIHAN submitted a resolution condemning the Ayatollah Khomeini's death threat against the British author Salman Rushdie and bomb threats against the American publisher Viking Press. I associate myself with Senator MOYNIHAN's eloquent words and will ask to be made a cosponsor of Senate Resolution 68.

I speak today not only as a Senator, but as an author and publisher. The first amendment is the cornerstone of our democracy. It is true that our Constitution does not bind foreign leaders. But the values of freedom of speech and thought, and the freedom to write and publish, are also part of the Universal Declaration of Human Rights. The right to criticize is the most basic right of all. Without it, there can be no true freedom.

Ours is a pluralistic world, and we must understand there are cultures different from our own. But it is totally unacceptable for the leader of one nation to order the assassination of a citizen of another nation. It is totally unacceptable for the ayatollah to place a bounty on Mr. Rushdie's head for any reason, but it is especially troubling that this death threat has been made because of what Mr. Rushdie's has written. I understand the emotion behind those who are offended by Mr. Rushdie's book, but death threats and bomb threats have no place in today's world. Book banning and book burnings are sad spectables wherever they occur, and should not go unchallenged. Calling for the death of an author in a foreign country must be met by a strong diplomatic response.

I applaud President Bush's words of condemnation, and the European Community member states' decision to withdraw their envoys from Iran. These words and actions demonstrate that we will fight against religious intolerance and bigotry. Any attempt to suppress freedom of speech and thought, or the right to freely publish books, must be roundly condemned. The Senate ought to speak loud and clear in this area.●

TRIBUTE TO DR. ABEL WOLMAN

● Mr. SARBANES. Mr. President, the death of Dr. Abel Wolman marks the passing of one of our Nation's finest environmental engineers and a distinguished public servant. He served as chief sanitary engineer for the Maryland State Health Department and as head of the sanitary engineering and public health schools and professor emeritus of Johns Hopkins University.

Dr. Abel Wolman has been universally recognized for his significant contributions to the advancement of sanitation and health throughout the world. In 1918, Dr. Wolman, along with chemist Linn Enslow, developed the standard chlorine treatment of water. This process is now used throughout the world to eliminate harmful bacteria in drinking water. Dr. Wolman dedicated much of his career to consulting local, national, and international organizations and governments on sanitation and environmental issues.

When Abel Wolman was growing up in Baltimore, he had to carry water from a well. It is fitting that he is credited with the design of a water system that has now met the needs of this growing city for the last 50 years. Furthermore, Baltimore's system has remained a model that cities around the world admire. I know all Marylanders join in extending our sympathy to M. Gordon Wolman, his son, who has followed in the great tradition of his father, and all of his family.

I ask that the editorials from the Baltimore Evening Sun and the Baltimore Sun be reprinted in the RECORD.

The articles are as follows:

[From the Baltimore Evening Sun, Feb. 23, 1989]

ABEL WOLMAN

His diminutive size and agility in movement gave him a certain elfin appearance, but the eyes bore an unmistakable resemblance to great reservoirs. And little wonder, because it was the eyes of Abel Wolman which envisioned a world in which that most basic of necessities, water to drink, would be safe and plentiful to all peoples of the world.

His beneficent influence is now felt in the remotest reaches of the world each time a child drinks a glass of water without fear of contracting typhoid, cholera, dysentery or some other waterborne scourge so common before Wolman's methods became the world standard for cleanliness in water. But no city can be more thankful for his life and work than his native Baltimore, whose water supply will be safe and reliable as far as the eye can see.

Abel Wolman, now dead at 96, ranks among those rare individuals who had the capacity to move from the theoretical to the practical with indefatigable determination. He became a legend in his time, but the legend will endure as long as people drink and bathe in water they can accept, as a matter of course, to be clean and healthy.

[The Baltimore Sun, Feb. 24, 1989]

ABEL WOLMAN

Abel Wolman made many of the world's water supplies pure and fit for humans to use. That in itself is enough to qualify him as one of the greatest Baltimoreans of this century. In fact, generations of natives grew up believing—as did countless visitors to the city—that Baltimore distributed the nation's tastiest drinking water. If true, chalk it up to Abel Wolman.

A sanitary engineer of international stature, he helped build water systems and filtration plants in New York City and dozens of other U.S. communities. Similar plants in Israel, India, Africa and Latin America bear his trademark. Dr. Wolman later discovered with Linn H. Enslow, a chemist and former Johns Hopkins University classmate, the formula for successfully chlorinating water.

Like most scientists Dr. Wolman, who died Wednesday at 96, was very practical. He demonstrated his practicality during many of his well-attended lectures as head of the Hopkins Geography and Environmental Department. He felt, as one companion put it, that life was not without risks. He thought about many things, but "I can't conceive of being promised a world in which there are no problems, and I don't want my grandchildren to have the feeling that's what I'm trying to give them. That would be a bore."

For Abel Wolman, life was never a bore. He enjoyed his seniority and wore it well. A sprightly man, he never drove a car. He managed nevertheless to travel across continents until recently. He enjoyed being placed next to attractive women at dinner, telling them and anyone else what most worried him—everything from the deteriorating ozone layer to sludge in Back River.

Dr. Wolman was a scientist who lived life scientifically, believing for instance in nuclear power as a sound and inexpensive energy source. And yet he was in closer touch with the environment than most realized. He was a familiar figure walking on or near Hopkins' Homewood campus. Dr. Wolman collected many honors for his countless contributions, among them the National Medal of Science and the Lewis Dollinger Pure Environment Award. More than that, he won silent acclaim practically every day from working men and women in this area who drew water from a faucet and smacked their lips.●

THE 71ST ANNIVERSARY OF ESTONIAN DECLARATION OF INDEPENDENCE

● Mr. SARBANES. Mr. President, on February 24, Estonians around the world celebrated the 71st anniversary of their nation's declaration of independence. The celebration took place

against the moving and courageous reaffirmation of national integrity now taking place in Estonia. That is why it is an especially happy occasion for all Americans to join Estonian-Americans in celebrating not just their declaration of independence, but the extraordinary events of recent times.

From the beginning, independence of spirit has been the hallmark of the Estonian people—as indeed it is today. The battleground of endless foreign rivalries for more than 1,000 years, Estonia emerged from World War I a newly independent nation eager to take the path of democracy, modeling its constitution on those of the French, Swiss, and the Americans. With its democratic institutions and burgeoning economy, Estonia soon proved to be a model of political freedom, economic growth and academic and educational excellence.

Yet reflecting on Estonia's brief period of sovereignty, we remember how quickly liberty and freedom were suppressed in 1940 by the Soviet invasion and how the Estonians have suffered through the long dark period of Soviet repression. Throughout those difficult years, Estonians cherished the memory of what their land once was and the vision of what it could be in the future.

That vision is today bright with hope, as Estonians seek to decide how they will live and control their own destiny. Five months ago fully one-third of the Estonian population attended a rally in support of reform, democracy and independence. The Estonian Parliament has passed a bill asserting its right to veto legislation passed by Moscow that infringes on local autonomy.

The newly formed Estonian Popular Front, committee to political and economic reform, is working to place candidates on the ballot and to build a pluralistic political system. In fact, the Estonian Popular Front has adopted a program demanding free elections, constitutional guarantees, and an end to military service.

In this hopeful time, it is appropriate to pay tribute to the many courageous leaders who suffered grievously in the past for their beliefs. Among them is Mart Niklus, who first translated the Universal Declaration of Human Rights into Estonian and spent many years in Soviet labor camps and prisons, including the notorious Perm camp 36-1; he has recently been released from prison and was a delegate to the Popular Front's convention.

Another is Enn Tarto who was imprisoned for distributing unofficial literature, establishing contacts with emigres and signing statements protesting the Soviet Union's annexation of the Baltic States. He too has been freed and continues to work for national integrity.

Yet another is Juri Kukk. He died in 1981, and his untimely death cut short a truly heroic life. Although he did not survive his terrible ordeal, he left behind indelible memories of his devotion to freedom.

Estonian-Americans share the proud independence and integrity of spirit, that we see everywhere in Estonian life today. The Estonian American contributions to the fabric of American life—to our communities, culture, politics, economy—are unique. Together we pay tribute to the extraordinary developments now taking place in Estonia. All of us are sobered by the enormous challenge which Estonia faces, and deeply hopeful for the opportunities that lie ahead.●

THE HEROIC EFFORTS OF UNIVERSITY OF IDAHO EMPLOYEES DURING THE CLARK COUNTY WEATHER DISASTER JANUARY 31, 1989

● Mr. McCLURE. Mr. President, what is now being called the worst blizzard in the history of Clark County began on Tuesday, January 31, 1989. Before it ended on Sunday, February 5, the 19 inches of snow already on the ground and 2 new inches was blown by 40-mile-an-hour winds into 15-foot drifts in Clark County, ID. Recorded temperatures fell to 27 degrees below zero, dropping the wind chill factor to 90 degrees below zero.

Losses to livestock owners in Clark County were significant. One rancher lost approximately where the wind chill factor reached 110 degrees below zero 840 head of cattle, 700 head of sheep, and 40 head of horses during this storm. Losses would have been higher but for the heroic efforts of many in the local community. Of special note is the diligence of University of Idaho employees who worked continually to save over 1,100 head of sheep and 21 horses at the U.S. Sheep Experiment Station in Dubois, ID. Because of the dedicated efforts of these employees, losses at the experiment station were limited to the deaths of only 25 sheep.

During the storm, the sheep experiment station was snowed in. The only vehicle able to enter was the Bonneville County search and rescue snowcat from Idaho Falls. All rescue efforts were dependent upon the limited mobility of the experiment station vehicles and the tireless human efforts of the employees.

Sheep which were wintering on the nearby range were rounded up and loaded on station trailers. At times it was necessary to remove these sheep by hand in order to ensure they were safety sheltered in barns and sheds on the experiment station grounds. Many of the station employees suffered frostbite on their hands and faces because of the extreme cold and winds. Not only should these employees be recognized for their efforts, they should be commended for their dedication to their jobs.

Because of their efforts, losses to the university and the Federal Government were limited. University personnel at the station estimate that the efforts of these employees, saved over 52,500 of taxpayer dollars. I would personally like to commend the following university employees who rescued, FED, and cared for the experiment station sheep, horses, and dogs during the brunt of the storm: Max Quinn Jacobson, sheep operations manager; Homer Wells, research data technician; Jane Kruesi, animal husbandman; Keith Stewart, journeyman electrician; Hal Gamett, assistant maintenance/assistant herdsman; Levi Moss, maintenance craftsman apprentice; Kim Hemenway, veterinarian; Rod Traughber, I.H. animal science technician; Mark Williams; I.H. physiology technician; and Jay D. Little, Sr., I.H. general labor.

I am sure that there were others who assisted in these efforts. Station managers and program coordinators were also vital in the efforts to save the sheep and other animals at the station. To all those who assisted in these efforts, I extend my thanks and gratitude for a job well done. These fine and dedicated individuals, make me proud I am a Idahoan.●

OMNIBUS GLOBAL WARMING INITIATIVE

● Mr. GORTON. Mr. President, I am pleased to be an original cosponsor of Senator WIRTH'S Omnibus Global Warming Initiative, S. 324. The need for a comprehensive national energy policy has become so apparent, it can no longer be ignored. I commend Senator WIRTH for this creative and ambitious legislative effort. This is an effort in which I have been active in the past. I plan to continue that active involvement.

Throughout my Senate career I have advocated expansion of research efforts for our Earth, oceans, and atmosphere. In the past I have supported measures to establish a global foresight capability with respect to natural resources, the environment, and population. I have been supportive of the research efforts undertaken by NOAA and NASA. Those agencies have been conducting research on ocean and atmospheric interactions on a global scale, global air quality, ocean pollution, and global climatic change.

There is a growing concern among scientists that mankind is dangerously altering the Earth's atmosphere through the introduction of huge quantities of greenhouse gases. The continued alteration of our atmosphere may fundamentally change the

conditions governing life on Earth by altering the basic climatic conditions under which we live. Since the turn of the century, the concentration of CO_2 in the atmosphere has risen approximately 30 percent, with almost half of that increase in the last 25 years. If no actions are taken, and present trends continue CO_2 and other greenhouse gases will continue to accumulate in the atmosphere. The inevitable result would be an increase in the Earth's average surface temperatures of between 3 and 8 degrees Farenheit. Temperatures in that range could exceed anything experienced during the last 5,000 years. This is the essence of the so-called greenhouse effect problem.

In addition to CO_2, other greenhouse gases such as methane [CH_4] nitrous oxide [N_2O], and the chlorofluorocarbons [CFCS] are also accumulating in the atmosphere. The emissions of these gases are associated with a broad array of human activities including the production and use of fossil fuels, global deforestation, the raising of livestock, production of rice, and the manufacture of CFC's.

Appropriate action could delay the deepening of greenhouse effect by half a century or more. Such a delay could be crucial, and could spell the difference between disastrously rapid climate change and a manageable transition.

The United States can move to reduce its own emissions of CO_2 and other greenhouse gases in the near-term, and, in addition, pursue vigorously the development of new technologies to provide further reductions over the long term. We must fund research which will improve existing new nongreenhouse gas emitting technologies and develop new ones that are safe, economical, and reliable.

The United States must take a strong leadership role by aggressively bringing the greenhouse effect issue to the attention of the global community, leading the world community in emissions reductions and developing safe, economic, and reliable technologies. The greenhouse effect problem is not just a U.S. problem. It is a global problem and must be addressed by the entire global community.

A strategy of emissions reduction, aggressive research and development, and strong international leadership will not only result in a safer environmental future for the United States and the world, but will also enhance U.S. security and competitiveness.

I would note Mr. President, that while I support a number of provisions contained in this bill, there are also provisions which would be better served to be assessed on their individual merits. In developing solutions to the problem of global warming we must exercise caution to avoid unintended adverse effects on the environment and the world economy.

Specifically, I wish to reserve judgment on the Tongass timber reform provision contained within S. 324. Due to the issue's complex and sensitive nature, I believe this issue should be studied individually by Congress. I understand that the Senate Energy and Natural Resources Committee has held hearings on this issue. I also plan to carefully study this situation, and will follow the hearing process and business sessions of the committee closely.

Mr. President, I commend Senator WIRTH for his dedication to the issue of a comprehensive national energy policy. I look forward to working with him and other cosponsors in crafting this legislation to be a thoughtful and responsible approach to a complex problem.●

THE FEDERAL DEFICIT

● Mr. SIMON. Mr. President, the most pressing problem facing President Bush and the 101st Congress is the Federal deficit. And the games we have played with the budget figures makes the deficit appear smaller than it really is. In a column I write for newspapers in my State, I have outlined how including Social Security funds in the budget is fooling us into believing we are spending less for interest than we actually are. I ask to have it reprinted in the RECORD.

The article follows:

SOCIAL SECURITY AND THE DEFICIT

If you think the federal government's deficit is bad, let me assure you that it is actually worse than it appears.

The budget is deceptive because we include Social Security funds in the budget, a move made when the financial pressure from the Vietnam War made the deficit grow—and the nation's leadership wanted to "solve" the deficit problem without doing what Harry Truman had us do during the Korean War: Increase taxes to pay for the war.

The nation came through the Korean War with almost no increase in the deficit and almost no increase in inflation. It was a great tribute to President Truman and his staff.

But during the Vietnam War President Johnson accepted some bad advice: Pull Social Security trust funds into the budget, and the deficit won't look that bad, and we won't have to increase taxes to pay for the war. It is a decision the nation is paying for to this day.

Formal estimates suggest we face a federal government deficit of $148 billion for fiscal year 1989. But that figure is deceptive. The Social Security funds have a temporary surplus for the year of $52 billion, meaning that the real deficit is $199 billion if the Social Security funds are not counted.

The danger of including Social Security in the budget figures is that we fool ourselves into believing the situation is better than it is. And then the temptation is to "solve" the deficit problem by cutting back on Social Security benefits.

Social Security should be taken away from the budget, so that we have a clean look at what we are doing. And so that we are not tempted to take from the Social Security funds in order to balance the budget temporarily, funds that will be needed to pay retirement benefits in years to come.

The Social Security part of the budget also fools us into believing we are spending less for interest than we actually are.

Budget figures indicate we will be spending $163 billion for interest this fiscal year. Actually that is what the book-jugglers call the "net interest payment." They deduct the interest earned by Social Security before announcing the interest costs, a practice that is both deceptive and dangerous.

The real interest payment by the federal government this fiscal year is called the "gross interest payment," or $234 billion.

The fastest growing item in the budget is interest.

There is only one way to change that: Stop piling up more and more debt.

We need to get hold of our deficit situation, a problem now complicated by the difficulties faced by many of the nation's savings and loans, difficulties that will cost us next year somewhere between $30 billion and $70 billion above earlier estimates.

We have to stop borrowing from our children and grandchildren. That's what a deficit does.

But we also have to stop borrowing from our parents and our grandparents. That's what having Social Security as part of the federal budget does.

The number one problem facing the new President and the new Congress is the federal deficit.

We should stop playing games with the figures, and do what is necessary to move decisively toward a balanced budget.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, when the Senate completes its business today I intend to recess the Senate over until 11:30 a.m. on Wednesday.

On Wednesday, after the recognition of the two leaders, there will be a period for morning business not to exceed 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senate will then turn to the consideration of the Sullivan nomination at 12 noon on Wednesday with a rollcall vote to occur at 1 p.m.

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. on Wednesday, March 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that, on Wednesday, after the recognition of the two leaders, there be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, it is my hope and my intention that the Senate begin debate on Senator Tower's nomination tomorrow immediately following the disposition of Dr. Sullivan's nomination.

The PRESIDING OFFICER. The Chair has three announcements to read at this time.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from North Carolina [Mr. SANFORD] as chairman of the Senate Delegation to the Interparliamentary Union during the 101st Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-618, and upon the recommendation of the chairman of the Committee on Finance, appoints the following Senators as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Senators BENTSEN, MATSUNAGA, BAUCUS, PACKWOOD, and DOLE; and as alternates to the above conferences, meetings, and negotiation sessions: Senators MOYNIHAN, BOREN, BRADLEY, MITCHELL, PRYOR, RIEGLE, ROCKEFELLER, DASCHLE, ROTH, DANFORTH, CHAFEE, HEINZ, DURENBERGER, ARMSTRONG, and SYMMS.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader the appointment of the Senator from West Virginia [Mr. BYRD] as the chairman of the Senate Delegation to the British-American Parliamentary Group during the 101st Congress.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. MITCHELL. Mr. President, if the Republican leader has no further business, and if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 11:30 a.m. tomorrow.

There being no objection, the Senate, at 7:58 p.m., recessed until tomorrow, Wednesday, March 1, 1989, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1989:

THE JUDICIARY

FERDINAND F. FERNANDEZ, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT VICE WARREN J. FERGUSON, RETIRED.

PAMELA ANN RYMER, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT VICE ANTHONY M. KENNEDY, ELEVATED.

ROBERT C. BONNER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE PAMELA ANN RYMER, UPON ELEVATION.

MELINDA HARMON, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS VICE JOHN V. SINGLETON, JR., RETIRED.

VAUGHN R. WALKER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE SPENCER M. WILLIAMS.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. ROBERT E. BRADY, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. ROBERT F. DUNN, [redacted]-1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. EDWARD H. MARTIN, [redacted]-1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. STANLEY R. ARTHUR, [redacted]-1310, U.S. NAVY.

EXTENSIONS OF REMARKS

THE OLDER AMERICANS ALTERNATIVE CARE ACT OF 1989

HON. LEON E. PANETTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation that would expand and encourage the use of home health care as a humane, cost-effective alternative form of care for the elderly. This legislation recognizes our rapidly growing elderly population, and the fact that the current system fails to adequately care for the elderly who suffer from chronic illnesses. As you know, I have also introduced companion legislation, H.R. 990, to make adult day care an eligible activity under Medicare.

Institutional care, while expensive, is clearly appropriate and necessary for many of our older citizens. However, it makes no sense at all to emphasize or encourage institutional care for all elderly Americans. It has been clearly demonstrated that we have resources available to provide cost-effective compassionate alternatives through a range of services, including the utilization of healthy seniors in helping their peers remain as independent as possible, as long as possible.

At present, it is estimated that the number of Americans age 65 and over is growing at twice the rate of the general population and currently makes up almost 12 percent of our populace; in the year 2000, there will be almost 35 million persons over 65 and nearly 5 million over 85. As the number of elderly continues to grow, meeting their long-term health needs will be a challenge for our present system. Just as this group must not be left without adequate health care, they also should not be forced into one setting. Rather, they should have a number of options as to the type of treatment they wish to receive and the type of environment in which they can live. Obviously, many of those who need long-term care, as well as their families, would much prefer to be able to remain in their own homes rather than having to enter a nursing home, often outside their community.

The legislation I am introducing today, along with the Medicare adult day care amendments, seeks to address this current dilemma and encourage the use of cost-effective and humane forms of health care. My bill would expand and liberalize the home health care benefit under Medicare by adding periodic chore and respite care services as a category of home care services, strengthen and expand the Senior Companion Program under which able seniors provide assistance to their disabled peers, and offer a $250 refundable tax credit to persons who care for a parent in their home. The last provision would provide some relief and recognition to the millions of those who act as primary caregivers for their elderly parents.

Studies have shown that if adequate home health services were available through Medicare, approximately 2.5 million persons could be kept out of institutions. With the cost pressures currently facing the Medicare Program and our Federal Government generally, the cost-effectiveness of home care should certainly be utilized more extensively. It has also been reported that whereas the cost of care in a nursing home averages $24,000 annually, home care may cost one-third that amount. This being the reality, we must take full advantage of such opportunities.

Our country faces a major challenge in seeking to care for our Nation's elderly, and to do so in ways that preserve their dignity and, where possible, enable them to remain in their own homes and communities. We must move forward with necessary reforms to ensure that quality health care will be available and affordable for the growing elderly population. As we consider proposals in this area, the utilization of cost-effective and humane alternatives like home health care must be a significant part of health care reform efforts. We must take action to try to ensure that old age is something which is looked forward to, rather than dreaded. I urge the support of my colleagues for this proposal.

H.R. □ 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Alternative Care Act of 1989".

TITLE I—MEDICARE AMENDMENTS

SEC. 101. INCLUSION OF ADDITIONAL ITEMS AND SERVICES IN HOME HEALTH SERVICES UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this title, such term also includes periodic chore services (as defined in subsection (mm)) in the case of any individual with respect to whom there is in effect a plan for furnishing such services (to that individual) which has been established and is periodically reviewed by the appropriate health professional under regulations, and respite care services (as defined in subsection (nn)) for not more than 52 days in any calendar year as determined by the Secretary taking into consideration the need for such services with respect to the individual for whom they are provided and the person who normally cares for the individual.".

(b) PERIODIC CHORE SERVICES AND RESPITE CARE SERVICES DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x) is further amended by adding at the end thereof the following new subsections:

"Periodic Chore Services

"(mm) For purposes of the last sentence of subsection (m), the term 'periodic chore services' means services which are performed in the home of an aged, blind, or disabled adult individual (who is entitled under this title to benefits with respect to home health services) to help such individual remain in or return to such home, maintain or strengthen his capacity for self-care, and maintain or raise his level of functioning in the areas of personal care and household management, when such individual is unable to perform such services by or for himself, whether or not such individual also requires the services of a home health aide or other specialist. Such term includes the performance for an individual of household tasks, transportation for medical visits, and essential shopping and transportation to and from multipurpose senior centers (as defined in title III of the Older Americans Act of 1965) and nutrition projects (such as those funded under part C of title III of such Act), essential shopping and simple household repairs, assistance in outdoor walking, and other services furnished to an individual which are determined necessary, in the interest of the health and safety of the individual, to maintain him in his home.

"Respite Care Services

"(nn) For purposes of the last sentence of subsection (m), the term 'respite care services' means services for an individual who is unable to care for himself or herself on a full-time basis, which are provided on a temporary basis to such individual because of the absence of the person who normally cares for such individual, but only if such individual is a dependent of such other person for purposes of the Internal Revenue Code of 1986. Such services must be provided by persons who have successfully completed a training program as a homemaker/home health aide approved by the Secretary, and such services must be provided in the home of the dependent individual under the supervision of a registered nurse who is employed by a certified home health agency, homemaker-home health aide agency, or local public health department. Such services shall, when necessary and appropriate, be provided in addition to other services under this title to ensure that such individual receives a coordinated system of services designed to help the individual reach his or her maximum level of independence.".

(c) COVERAGE OF SERVICES IN ADULT DAY CARE CENTERS.—Section 1861(m) of such Act (42 U.S.C. 1395x(m)) is amended by inserting after "individual's home", in the matter preceding paragraph (1), the following: "or in an adult day care center which is a center eligible for funds under title XX of this Act and which meets standards prescribed by the Secretary and applicable State and local health and safety requirements".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the month following the month in which this Act is enacted.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TITLE II—SENIOR COMPANION PROGRAM

SEC. 201. REVISION OF PROGRAM.

Section 213 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013) is amended to read as follows:

"SENIOR COMPANION PROGRAM

"SEC. 213. (a) The Director is authorized to make grants or contracts to carry out the purpose described in section 211(a) through the establishment of senior companion programs. Each senior companion program—

"(1) shall be designed to encourage older persons receiving assistance under such program to participate actively in the affairs of their communities, to help themselves to the extent possible in order to lead independent lives outside of institutional settings, to take advantage of services and activities available to older persons under the senior companion program, and to reach out to their peers for companionship and assistance to the extent possible; and

"(2) shall be administered by a public or private nonprofit community-based organization of proven ability in providing services and assistance to older persons, except that such program may be administered under the auspices of a hospital in the community involved in any case in which administration by a public or private nonprofit community-based organization is not feasible or appropriate in such community.

"(b) Each organization responsible for the administration of a senior companion program—

"(1) shall take such action as may be necessary to minimize costs associated with the administration of such program;

"(2) shall train senior companions through the use of available community resources, to the extent practicable, in order to minimize administrative costs and in order to coordinate the operation of such program with the activities of other community agencies and organizations; and

"(3) shall organize personnel participating in such progam in the manner specified in subsection (c).

"(c)(1) The personnel administering each senior companion program shall consist of individuals serving as directors, supervising senior companions, and senior companions. Each director shall be responsible for overall administration of such program and for the supervision of approximately 10 supervising senior companions participating in such program.

"(2) Each supervising senior companion—

"(A) shall be responsible for the supervision of approximately 15 senior companions;

"(B) may participate in such program for not more than 40 hours during any workweek; and

"(C) shall devote 50 percent of such work period to the provision of services and assistance to older persons as a senior companion, and shall devote the balance of such work period to coordinating the activities of individuals serving as senior companions in such program.

"(3) Each individual serving as a senior companion—

"(A) shall participate in the senior companion program as a part-time volunteer for not more than 20 hours during any workweek; and

"(B) shall be responsible for the provision of services and assistance to approximately 20 older persons.

The number of older persons which may be served by a senior companion shall be based upon the needs of such older persons, distances which the senior companion is required to travel in order to serve such older persons, and other factors present in the community involved (such as the provision of services and assistance in congregate housing programs and in ethnic communities). The director of any such program, in determining the number of older persons which may be served by each senior companion participating in such program, shall ensure that the nature and quality of service provided by each senior companion is not adversely affected by the number of older persons for whom such senior companion is responsible.

"(d) Each individual serving as a senior companion—

"(1) shall work primarily with homebound older persons, except that such senior companion may enter into cooperative agreements with nursing home officials for the purpose of identifying older persons who are able to return to their homes if support services are made available to them in their homes; and

"(2) shall provide such older person with a variety of personal care services, nutritional services, social and recreational services, home management services, and information and advocacy services, which may include (A) shopping assistance; (B) transportation for medical or other appointments; (C) letter writing; (D) maintaining contacts with family members and friends; (E) bill payments and other financial matters; (F) meal preparation assistance; (G) minor housekeeping chores, sewing, minor home repairs, and personal hygiene services and other personal care services; (H) companionship and socialization; and (I) initiating contacts with social service providers, including providers of (i) mobile meal services; (ii) chore or homemaker services; (iii) nursing services; (iv) income assistance services; (v) transportation; (vi) social and recreational programs; (vii) medical services; and (viii) income tax assistance.

"(e) Each older person to whom such a senior companion is assigned shall have an initial assessment of the person's needs performed by a qualified registered nurse, medical social worker, or similar professional, which assessment shall include an evaluation of—

"(1) the availability and quality of food at the home of such older person;

"(2) whether such home is safe, clean, and sufficiently heated or cooled;

"(3) the ability of such older person to care for personal hygiene needs with appropriate assistance and encouragement from such senior companion;

"(4) the availability of needed medical and rehabilitative supplies;

"(5) the ability of such older person to manage financial resources and affairs; and

"(6) whether such older person requires any immediate professional assistance, as the result of despondency, drug dependence, or other similar factors.

"(f) Not more than 10 percent of any funds received by any public or private nonprofit organization under this section may be expended for administrative services which are not directly related to the provision of services or assistance to older persons.".

SEC. 202. EXTENSION AND INCREASE IN AUTHORIZATION OF APPROPRIATIONS.

Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended by striking "and" after "1988,", and by inserting after "1989," the following: "and $100,000,000 for each of fiscal years 1990 and 1991".

TITLE III—INCOME TAX CREDIT FOR MAINTAINING HOUSEHOLDS WHICH INCLUDE DEPENDENTS WHO HAVE ATTAINED AGE 65

SEC. 301. REFUNDABLE CREDIT FOR MAINTAINING HOUSEHOLDS WHICH INCLUDE DEPENDENTS WHO HAVE ATTAINED AGE 65.

"(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 35 the following new section:

"SEC. 36. MAINTAINING HOUSEHOLDS WHICH INCLUDE DEPENDENTS WHO HAVE ATTAINED AGE 65.

"(a) $250 CREDIT ALLOWED.—A $250 credit against the tax imposed by this subtitle for the taxable year shall be allowed to a taxpayer who has 1 or more qualified dependents for the taxable year.

"(b) DEFINITION AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED DEPENDENT DEFINED.—The term 'qualified dependent' means any individual who—

"(A) has as his principal place of abode the principal residence of the taxpayer, and is a member of the taxpayer's household, for more than 270 days of the calendar year during which the taxable year of the taxpayer begins,

"(B) is a dependent of the taxpayer (within the meaning of section 152) for such calendar year, and

"(C) has attained the age of 65 before the close of such calendar year.

"(2) SPECIAL RULES.—

"(A) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if half the cost of maintaining the household for such period is furnished by such individual (or, if the individual is married, by the individual and his spouse).

"(B) MARRIED COUPLES MUST FILE JOINT RETURNS.—The credit shall be allowed under subsection (a) to a taxpayer who is married (within the meaning of section 7703) only if the taxpayer and his spouse file a joint return under section 6013 for the taxable year.

"(C) CERTAIN MARRIED INDIVIDUALS LIVING APART.—If—

"(i) an individual who is married and who files a separate return maintains a household which includes a qualified dependent,

"(ii) over half the cost of maintaining such household is furnished by such individual, and

"(iii) during the last 6 months of the taxable year, the spouse of such individual is not a member of such household,

such individual shall, for purposes of this section, not be treated as married.

"(D) MULTIPLE SUPPORT AGREEMENTS.—In making any determination of the amount furnished by the taxpayer for maintaining a household, such amount shall include any amount contributed under a multiple support agreement for the support of any qualified dependent to the extent the amount contributed is treated as received from the taxpayer under section 152(c)."

(b) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 35 the following new item:

"Sec. 36. Maintaining households which include dependents who have attained age 65."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

THE UTILITY RATEPAYER REFUND ACT OF 1989

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, when we in Congress passed the Tax Reform Act of 1986, we thought we brought more fairness to the Tax Code. We eliminated loopholes, we discouraged tax-motivated investments, and we reduced the tax rates for all Americans.

Unfortunately, there was a "wrinkle" in the Tax Reform Act—an obscure section which is preventing utility customers from receiving a timely refund of $19 billion in excess deferred taxes. Under section 203(e) utilities may normalize the return of this $19 billion, which means consumers will wait as long as 30 years for the full refund.

Today, I am introducing the Utility Ratepayer Refund Act to repeal section 203(e) of the 1986 TRA. The result would be that Federal and State regulatory authorities would be able to decide on a case-by-case basis when ratepayers should be refunded this $19 billion. Thus, the bill is in keeping with the major goal of tax reform—fairness.

Utilities currently hold about $73 billion in deferred taxes. For years the tax laws have allowed utilities—gas, electric, telephone, water—to depreciate plant and equipment over different lengths of time for income tax and ratemaking purposes. Utilities today may collect through today's rates Federal income taxes that will not be owed to the Treasury for many—perhaps 20 to 30—years. These are called deferred taxes, and collectively the utilities hold about $73 billion in accumulated deferred taxes.

Approximately $19 billion of this $73 billion is excess deferred tax money. Prior to the Tax Reform Act of 1986 consumers had been paying utility bills based on the anticipation that utilities eventually would pay Federal taxes at 46 percent on corporate earnings, but the Tax Reform Act reduced the rate from 46 to 34 percent. Thus, utilities no longer owe the Federal Government all the deferred taxes previously collected from consumers. The utilities must return about $19 billion in excess deferred taxes to the consumer. The utilities acknowledge that this money must be returned to ratepayers, but utilities want to hold onto it for as long as possible, and section 203(e) of the TRA allows them to do just that.

Section 203(e) of the Tax Reform Act should be repealed because it is unfair to utility customers and it usurps State regulatory authority. This section makes some customers wait over 30 years to get the final installment of their refund from a utility. This is of little comfort to our senior citizens who are on tight budgets. Moreover, the section puts the Federal Government in the role of regulating utilities, which is normally a State matter.

The Utility Ratepayer Refund Act of 1989 will allow the State utility regulators to decide, on a case-by-case basis, when the $19 billion in excess deferred taxes should go to consumers. The bill does not mandate any return schedule; it simply leaves it up to State regulators to decide. After all, it is the State regulators who know best the financial condition of their State utilities. The State regulators are in the best position to decide how quickly these excess deferred taxes should go back to the consumers.

Let's get the Federal Government out of an area of regulation in which it does not belong. This is a reasonable bill that unties the hands of the State regulatory authorities and treats the consumer fairly. That's why a broad coalition of consumer groups, industrial users, regulatory authorities, and others support this bill.

I urge you to become a cosponsor of the Utility Ratepayer Refund Act of 1989.

The text of the bill follows:

H.R. □ 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utility Ratepayer Refund Act of 1989".

SEC. 2. REPEAL OF EXTENSION OF NORMALIZATION REQUIREMENT TO TREATMENT OF EXCESS DEFERRED TAX RESERVES.

(a) IN GENERAL.—Subsection (e) of section 203 of the Tax Reform Act of 1986 (relating to normalization requirements) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect as if subsection (e) of section 203 of such Act had never been enacted.

AGRICULTURAL PAPERWORK REDUCTIONS AND IMPROVEMENT ACT OF 1989

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. EMERSON. Mr. Speaker, I am pleased to join with my colleagues in sponsoring a bill to require the Secretary of Agriculture to prepare a report delineating specific proposals to reduce paperwork and recordkeeping required of farmers and to determine the feasibility of establishing an electronic system, with appropriate fees and safeguards, to aid in the paperwork and recordkeeping reduction. I congratulate the gentleman from Montana, Mr. MARLENEE, for his foresight in this area. I truly believe that this is a concept that will ultimately provide farmers with the tools they need to continue to improve the efficiency of their operations. In addition, the USDA will benefit through increased compatibility of their systems and improved information.

The bill, of which I am an original cosponsor, requires the Secretary of Agriculture to submit, within 240 days of enactment, a report to the Congress delineating specific proposals to reduce and simplify recordkeeping and other paperwork requirements. Such proposals will apply to programs covering application and participation in Federal price support programs, soil and water conservation programs, crop insurance, and loan activities of the Farmers Home Administration. In addition, the Secretary is asked to study systems in which farmers and cooperatives will be provided access to a computerized system within the USDA. Under such a system the Secretary is required to also determine an appropriate fee structure and assure all safeguards are in place.

Under today's system farmers must spend several days each month completing forms and keeping records in order to participate in the USDA programs. They must go from office to office to provide what in many instances is duplicate information to the Farmers Home Administration; to the Agricultural Stabilization and Conservation Service [ASCS]; and, to the Soil Conservation Service. While these various agencies of the USDA are attempting to improve their systems, there are still problems. There is a lack of coordination, and computer systems are not compatible between agencies. I am informed that over the past several years various computer systems have been acquired by the several agencies of the USDA on an agency-by-agency basis with no thought to adopting compatible or unified systems. The end result is that ASCS, the agency responsible for the day-to-day management of farm programs, has computers throughout the country which will not share basic information regarding farm operations with the Farmers Home Administration or the Federal Crop Insurance System.

Additionally, the Soil Conservation Service computers cannot retrieve information from local ASCS offices in order to help farmers to meet the vitally important conservation requirements of the 1985 farm bill.

As farmers seek to participate in the USDA programs, their requirements cross program lines. The hurdles farmers must scale are numerous, going from office to office, providing the same information to different agencies. That they can accomplish this feat is often a reflection of their abilities rather than those of the system presented to them. I believe that efforts have been made by the USDA to address these problems. However, I also believe that there is much room for improvement. That is the purpose of this bill.

The goal of this bill is to provide the means to thoroughly examine the subject of reducing paperwork and recordkeeping requirements and unified computer systems and to report to the Congress for our further consideration. Farmers and USDA will welcome this effort to aid them in becoming more productive and lessen the burdens of an increasingly complex system.

Thank you, Mr. Speaker.

THE MFJ RESTRICTIONS HURT U.S. TRADE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CRANE. Mr. Speaker, last year, the Congress passed telecommunications trade legislation aimed at opening up foreign markets to U.S. exports of telecommunications equipment and services. Political support for the legislation was broad-based in light of the perceived intransigence of a number of foreign countries to open their markets to our producers and a recognition of the importance of the telecom sector trade deficit and the critical need to avoid having our Nation's telecommunication's industry go the way of automobiles, consumer electronics, shoes, steel, and textiles. We are proceeding now with the implementation phase of the legislation passed last year in hopes that it will help to open markets and allow for increased U.S. sales abroad.

At the same time, we recognize that if foreign markets did open and as a result U.S. sales abroad were equal proportionally to foriegn sales in this country the effect of this turnaround in telecom trade on the sectoral deficit would be negligible simply because of the large disparity in size between United States and foreign telecom markets. Nevertheless we must proceed vigorously on this track to improve our export capability. At the same time the deficit for telecommunications equipment and services now stands at $4 billion and shows every sign of worsening in the future. We recognize that perhaps the major reason for the widening gap in the sectoral deficit is our increasing domestic consumption of foreign imported telecom products and services. One possible factor in this equation is the restriction which prevent a significant component of the U.S. telecommunications industry, the Bell holding companies, from entering the very same markets, manufacturing and information services, where the deficit is being experienced.

In light of the critical importance of telecommunications to U.S. productivity and competitiveness as well as to the Nation continuing as a world leader in technology development we cannot afford to ignore the possibility that these restrictions are hurting the U.S. trade position in this vital area. It may therefore be an appropriate time for Congress to review the judicially imposed policy in place which enforces these restrictions to assess and determine whether in light of possible negative implications for U.S. trade, technology, productivity and competitiveness the restrictions should remain in effect or possibly be replaced by a system of more flexible regulatory safeguards. There are a number of complex, thorny problems associated with removing the restrictions which warrant close and careful scrutiny by Congress. And jurisidiction for review of this policy lies in the Energy and Commerce Committee.

I want to submit for the Record, however, a trade rationale for why Congress should begin this examination and why all Members with trade interests should take an interest in reviewing these issues.

THE MFJ RESTRICTIONS HURT U.S. TRADE

The MFJ restrictions, which prohibit the Bell holding companies from manufacturing and providing information services, have been a major factor in the recent, and dramatic deterioration of U.S. telecommunications trade and present a serious threat to our future trade interests.

Whereas the trade problems that afflict other U.S. industries relate more directly to economic factors such as currency valuations or comparative labor and production costs, the decline in our telecom trade position is due in large part to domestic policy, namely the divestiture of AT&T and the imposition of the MFJ restrictions on the resulting Bell holding companies. The policy of divestiture was formed without any regard for its impact on telecommunications trade. In fact, from a trade perspective, the AT&T consent decree could not have been more poorly constructed.

Traditionally, U.S. trade policy has promoted access to markets because open entry encourages competition, benefits consumers and leads to increased productivity and efficiency. By contrast, artificial barriers to entry, unfair restraint of trade and protection from competition have been rejected as inhibitors of trade performance. Divestiture was clearly at odds with this established policy because it opened the U.S. market to major foreign companies, many of which are subsidized by their national governments, while summarily closing it to seven of this nation's largest telecommunications firms. The MFJ restrictions not only prevent the Bell companies from entering and competing with foreign suppliers in our own domestic manufacturing and information services markets, but also prohibit then from producing equipment and information services in this country for export abroad.

Trade performance is largely a function of effective resource commitment. Because the Bell companies control nearly two-thirds of the U.S. telecom industry assets and the U.S. telecom equipment market constitutes one-half the world market, divestiture and the MFJ restrictions effectively disarmed U.S. trade capability, gave away U.S. market share to foreign companies and handicapped the U.S. potential for gaining global market share. It is no wonder, therefore, that divestiture has been called a unilateral trade concession to foreign interests. Nor is it surprising, that trade statistics confirm that foreign suppliers have been the principal beneficiaries of divestiture with astonishing sales growth in the U.S. market.

Since the breakup of the Bell System was announced in January 1982, the U.S. telecommunications trade balance has fallen to a deficit of nearly $4 billion ($2.6 billion in equipment and $1.4 billion in services). Inasmuch as U.S. exports of telecom equipment have risen steadily, the explanation for the deficit lies in our increasing consumption of foreign produced equipment and services, a condition largely caused by the fact that the Bell companies are buyers only, not sellers in competition with foreign companies for U.S. market share. Future deficits may be much worse as foreign suppliers target the rapidly expanding digital network switching equipment, fiber optics, and information services markets. The Commerce Department estimates a loss to the economy of 25,000 jobs for every billion dollars in deficit trade.

As long as the MFJ restrictions remain in place, U.S. trade performance and competitive standing in domestic and global telecommunications markets will remain imbalanced and disadvantaged. These judicially-imposed restraints are not only anticompetitive but pose a long-term threat to the nation's telecommunications trade position. Specifically, the restrictions:

Prevent the Bell companies from commercializing R&D investment. Unable to recover their investment costs in the restricted market areas, the Bell companies have few incentives to engage in R&D. This impact occurs at a time when the U.S. needs to commit all its resources and fully mobilize its research potential in order to be more competitive in global high-tech markets.

"Warehouse" two-thirds of the U.S. telecom industry's capital assets in ways that 1) deny venture capital to new or existing, small and medium sized U.S. manufacturers and information service providers, and; 2) discourage innovation of the new telecom services and equipment that business users need to become more productive and competitive.

Expose U.S. companies to increased threat of foreign acquisition. The restrictions encourage foreign-based firms to target the U.S. market and the fastest way to gain both market share and advanced technology is by buying promising U.S. companies.

Force the Bell companies to adopt a procurement strategy that contributes to the telecom trade deficit. Because the largest U.S. equipment supplier, AT&T, also competes with the Bell companies in local exchange service markets it is in a position to control the introduction of new technology in ways that give its local services a competitive edge. Rather than risk being deprived of the new technology they need, many Bell companies have turned to what is often the only alternative source of supply: foreign companies. Since Bell company network equipment purchases represent about 25% of world demand, the MFJ restrictions have created what is essentially a "safe harbor" in the U.S. for foreign suppliers.

Drive "intelligence" out of the public switched network by preventing the Bell companies from developing the innovative technology necessary to provide the enhanced services customers now demand. Instead, intelligence is being built into customer-premises equipment, a market now dominated by foreign suppliers.

In short, because domestic policy developments, such as divestiture and the imposition of the MFJ restrictions, have contributed substantially to U.S. telecom trade problems, improving U.S. competitiveness in these markets will depend on domestic policy solutions. Replacing the outright prohibitions on Bell company entry into manufacturing and information services with a more flexible and appropriate system of regulatory safeguards is a step that must be taken if recent trade trends are to be reversed. Unleashing the potential of the Bell companies is essential to preserving America's superiority in technology development, leveling the playing field in telecom trade and ensuring that the U.S. telecommunications industry does not go the way of automobiles, consumer electronics, shoes, steel and textiles.

TRIBUTE TO MICHAEL McMAHON

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to bring special attention to a constituent of mine who recently demonstrated uncommon bravery in the rescue of two individuals from their burning home.

Mr. Michael McMahon, a volunteer firefighter from Smithtown, NY, was quick to arrive at the scene because he was eating lunch at his home, only a half block away. Mr. McMahon learned from neighbors that the house was occupied by an elderly couple, Mr. and Mrs. Michael Crisano. Wearing no protective clothing, Mr. McMahon entered the smoke-filled house in search of its occupants. Forced to crawl on his knees to avoid smoke inhalation, he found Mr. Crisano and brought him to safety. Mr. McMahon then learned that Theresa Crisano, 88, was still inside. Entering the house for a second time, Mr. McMahon went to a different bedroom and found Mrs. Crisano still in her bed. Because she was not able to move, McMahon had to drag her out of the house. Without the heroic actions taken by Michael McMahon, witnesses say both residents of the house would have died.

All firefighters, especially those who volunteer, deserve our thanks. Yet those who put their own lives at considerable risk to save the lives of others merit special recognition. In light of his 17 years as a volunteer firefighter and his courageous rescue efforts, Michael McMahon deserves our highest praise. I ask that my colleagues join me in commending Michael McMahon for his professional dedication and his extraordinary bravery.

FIRST STEPS IN HELPING THE WORKING POOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. STARK. Mr. Speaker, I would like to congratulate Congressman TOM DOWNEY, acting chairman of the Ways and Means Subcommittee on Human Resources, for holding a hearing today on how to help the working poor.

There are many statistics available which prove that poverty among people who work is on the increase. One such statistic reported by the Center on Budget and Policy Priorities is the following:

In 1981, a family of three with a full-time minimum wage earner was $280 below the poverty line; in 1987, this family's earnings fell $2,100 below the poverty line.

Collecting statistics becomes valuable only when appropriate action follows. Congressman DOWNEY has taken the first steps in addressing this issue by introducing H.R. 882 with Congressmen GEORGE MILLER and JOHN LEWIS and by scheduling today's hearings.

It is a disgrace that people in our country who work full time can still find themselves eking out an existence, not knowing where their next meal will come from or not knowing how long they can afford the roof over their heads.

I urge my colleagues to get involved in this problem. Cosponsoring H.R. 882 could be the first step.

RESOLUTION PROMOTING STUDENT VOLUNTARISM

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Ms. SCHNEIDER. Mr. Speaker, today I am introducing a resolution asking for individual school districts to make youth service programs available to youngsters. These service programs will be incorporated as course electives in secondary school curriculums.

The ethic of service has been a hallmark of our democratic heritage since America's inception, enlisting the spirit and energies of both old and young alike. Thomas Jefferson wrote in 1793 that "a term of duty in whatever line he can be most useful to his country is due from every individual."

Recently there has been a shift in the social consciousness of American youth producing a new student-volunteer movement at many schools across the Nation. An example of this new spirit can be seen at the Moses Brown School in Providence, RI, where students perform a variety of community services including tutoring at-risk students, carpooling senior citizens, and campaigning against drugs. There has been a growing awareness by the education community of the value of students performing community volunteer work as evidenced by over 3,000 high schools having some form of community volunteer programs.

Studies have shown that students participating in school-based service programs can increase scholastic achievements and self-esteem. Furthermore, a higher rate of school attendance has been found among students in volunteer programs. This is especially important when creating service programs that deal with at-risk students.

Voluntarism offers tangible public benefits to the community. In the past, emphasis has been placed mostly on the value of community service to the individual student, ignoring what a community stands to gain from student service programs. According to Youth Service America, young people in our country now contribute at least 250 million hours of service a year. The monetary value of these students performing 250 million hours is $875 million—figured at $3.50 per hour.

Mr. Speaker, I urge my colleagues to support this important measure to promote youth service. This Congress must demonstrate our commitment to student voluntarism. The passage of my resolution will send a strong and clear message to the education community that we do. It is time for our Nation to expand on the growing success of community service programs in our schools and teach our children the value of altruism.

ASSISTANCE TO THE U.S. TRAVELER GOING OVERSEAS: THE DEPARTMENT OF STATE EXTENDS A HELPING HAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to commend the Department of State for taking the initiative to establish a modern advisory system to help Americans planning to travel overseas. A traveler can now call a special number at the Department of State and obtain current information on the advisability of traveling to certain countries around the world. This newly created program is a step in the right direction and the Department has wisely decided to keep traveling Americans informed about current developments in various regions of the world that could have an impact on the safety of travelers.

A few years ago, a constituent of mine encountered serious difficulties during a vacation in Mexico. She was unaware of the Department's former program which made available written advisories for Americans planning overseas travel. My constituent and many other travelers did not realize that this service existed.

After learning of my constituent's unfortunate experience, I wrote to the Department and strongly encouraged that agency to establish a better system for notifying future travelers and also suggested that the availability of this service be more widely publicized.

Under the new advisory system, a traveler calls (202) 647-5225 at the Department in order to listen to a series of recorded travel advisories. Also included in this modernized information program is guidance for helping U.S. citizens in distress overseas as well as guidance concerning the visa requirements of foreign governments.

In addition, the Department of State plans to place interactive TV equipment in passport offices for use by applicants for U.S. passports.

In the age of aircraft sabotage and foreign airport bombings, the traveling public deserves to have a rapid and accurate way of learning about potential problems in the countries they are about to visit.

I commend the following New York Times article to my colleagues in the Congress:

[From the New York Times, Feb. 5, 1989]

GETTING A DIRECT LINE TO THE STATE DEPARTMENT

(By Betsy Wade)

For 10 years, the Bureau of Consular Affairs in the State Department has been preparing, revising and rescinding informative notices to Americans about travel abroad. These information sheets, or travel advisories, to give them their official name, are based on reports from State Department people in the field. They may be headed "warning" or "caution" or labeled simply "travel to" the country in question, and range from reports on hotel crowding—during an international fair in Baghdad, Iraq, last October, for example—to a con-

tinuing warning of the danger of guerrilla land mines in rural areas of El Salvador.

The 46 advisories in effect today include admonitions that would keep prudent United States citizens away from a country altogether, because there are no diplomatic relations or the security situation is perilous, and enumerations of remote areas likely to be hazardous for vacationers. But for all of their obvious value, these reports have remained unknown to most pleasure travelers; to get the information, you had to know that the advisories existed to begin with and then ask someone who had them if there was one in effect for the place you planned to visit.

In other words, for the 10 years these messages have been available, it took pretty aggressive research to learn that the United States Government cautions travelers to Ghana against wearing camouflage jackets or any "clothing or items which may appear military in nature" or that adventure travelers planning to trek in Nepal should register with the United States Embassy before setting out and should never trek there alone because of the danger of being harassed, robbed or kidnapped.

In December the State Department took a modest step toward putting this kind of information directly into the ears of the traveling public. If you use a push-button phone to call 202-647-5225, a number used by the Citizens Emergency Center in the State Department, you will be told to punch particular numbers on your phone for certain areas of the world, further numbers for portions of the alphabet, and then numbers to activate the recording of an advisory applying to the country you want to visit. If you have a long itinerary in mind, you can listen to three advisories before the connection is broken, and then call again to hear three more. (Questions about visa requirements can also be answered.)

Right now, if you use a dial phone to make the call, you are told to remain on the line and an employee comes on to learn which advisories—up to three—you want to hear. If the emergency center is not overloaded, the reports will be read to you. If things are busy, you will get a call back—the Government pays this toll—and the advisories will be read to you then. You may also ask to have pertinent advisories mailed to you.

Until the department gets an additional system that can be activated by voice as well as phone push buttons, people calling on a dial phone will be able to get information only on weekdays between the hours of 8 A.M. and 10 P.M. and on Saturdays from 9 A.M. to 3 P.M., Eastern standard time. Those using a push-button system who want to hear recordings can call at any time. It may be midyear before a system for the voice-activated recordings is installed.

The basic purpose of the center's phone service continues to be providing expert help for callers who are anxious about someone missing or jailed overseas, need to arrange to send money to a stranded friend or want information on a storm or crash. Before Dec. 20, the department's employees who answered on this line would also read travel advisories if asked, but the installation of the recorded service to take the burden of rote work means that emergency advice and action will be provided faster.

On Dec. 21, the day after the recordings were hooked in, the department has to cope with a surge of calls about the crash in Scotland of a Pan American plane flying to the United States. Understandably, the emergency overwhelmed the newly installed recorded advisory service; the department figures show that from Dec. 20 to Dec. 31, 1,090 calls were put through to the task force dealing with the Pan Am crash and 538 callers wanted to hear travel advisories. In the week of Jan 8 to 14, 670 travel advisory messages were heard by callers either listening to a recording or to a staff person.

Before the recording device was hooked up, the State Department's advisories were posted in passport offices and supplied to big travel agents, major newspapers and airlines. This means your travel agent or your airline probably could have read you the information if you asked, but neither would have been likely to volunteer it.

Newspapers, at least this one, seldom carry travel articles that might encourage visits to places that are subjects of advisory notices. However, new State Department advisories are usually reported in The Times's Travel section, or old ones are noted where appropriate in articles on the country in question.

According to Philip Covington of the department's Bureau of Consular Affairs, the recent rise in sabotage and terrorist attacks at airports has made the traveling public much more attentive to security matters, and this is part of the reason the department is making its advisory information more accessible.

The next step in this effort will be to place interactive television equipment in passport offices for use by applicants for passports. These TV sets will work like those in supermarkets or shopping stalls, where the user presses a key or a spot on the screen to bring up a table of information on a particular topic. The first sets will probably be placed in four agency offices later this year. For the vaguer future is a plan to insert the advisories into computer reservation systems maintained by airlines for themselves and travel agents.

Travel agents and airlines have usually been reluctant to volunteer negative information that they receive from United States agencies, meaning the State Department and the Centers for Disease Control, unless clients specifically ask.

One New York travel agent, Roberta E. Barcelon of Union Tours at 79 Madison Avenue, thinks the display of advisories in the reservations systems would be valuable. "Quite a few people—travelers and travel agents—don't pay attention to what's going on in the world," Ms. Barcelon said. "People pick up tours that are going to parts of the world that aren't particularly safe. With this warning, you could check with the packagers and see if they are going to deviate from the itinerary. Business people always make a contact with people out there, but pleasure travelers do not always know what they are getting into."

Here is a list, as of early January, of the travel advisories in effect that may be heard on the recorded service. The department cautions: "The State Department does not advise avoidance of all travel to most of the nations listed but wishes Americans to be aware of problem areas". It lists these places:

Afghanistan, Angola, Burma, Cambodia, Chad, China, Colombia, Cuba, Cyprus, El Salvador, Ethiopia, Ghana, Guatemala, Honduras, India, Iran, Iraq, Kuwait, Lebanon, Libya, Malaysia, Mozambique, Namibia, Nepal, Nicaragua, North Korea, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Somalia, South Africa, Soviet Union, Sri Lanka, the Sudan, Suriname, Syria, Tanzania, Thailand, Turkey, Uganda, Vietnam, West Bank and Gaza, Zambia and Zimbabwe.

TRIBUTE TO LEO COSLOW

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SMITH of Florida. Mr. Speaker, it is with great pleasure that I call to your attention the retirement of Mr. Leo Coslow. Leo has been president of the Meadowbrook Towers condominium complex in Hallandale, FL, for the past 12 years. During that time, he established a well-respected reputation for hard work and devotion to public service. His leadership will be sorely missed by the entire community.

Sixteen years ago, Leo moved to Hallandale to retire. At that time, Leo could have retired knowing that he had accomplished more than the average man. In addition to being vice chairman of the board of the Community Bank of Long Island, he also had been the owner of Coslow's, a successful chain of retail clothing stores. However, Leo did not fit Webster's definition of a "retiree." Even now, Leo is not fully retiring. He will continue to work as a part-time teller.

Always ready to rally to the needs of his community, Leo became an active resident and leader of the Meadowbrook Towers condominium complex. It was Leo who organized a committee to buy the condominium complex's land lease, thereby making owners out of the residents of the complex. As a result, the residents of Meadowbrook Towers were saved a tremendous amount of money and frustration. Leo was also a primary figure in the fight to obtain more police officers and firefighters for the city of Hallandale. As a tribute for his tireless dedication, Leo has also been named president emeritus of the board of the Meadowbrook Towers condominium complex.

The fact that his community is unwilling to relinquish his services is a better tribute to Leo Coslow than I can express with only a few words. I wish Leo good luck and good health for the future, and I know that he will continue to serve the community of Hallandale for many years to come.

DR. DEWAYNE WHITTINGTON: AN INSPIRATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DYSON. Mr. Speaker, Congress has always recognized the value of education in America. With this in mind, I rise today to honor one of the great educators from Maryland's First District, Dr. Harrison DeWayne Whittington. Dr. Whittington is superintendent for Somerset County Schools, and the first black superintendent on Maryland's Eastern Shore. He is an inspiration to all of the stu-

dents in the county and to all of us who appreciate dedication to public service.

Known by family and friends as a modest man, Dr. Whittington doesn't boast about his accomplishments, but lives by his aunt's advice: "Let the works I do speak for me." His works speak loudly. He has led or served on 29 education-related committees and 45 community organizations, while still finding time to be active in the Shiloh United Methodist Church. He has received 39 honors and awards, including Community Leader of America, Personalities of the South, and the Martin Luther King Achievement Award.

Dr. Whittington's dedication to community service is exemplified by his efforts with Shore Up!, Inc. Shore Up! is a community action agency involved in service projects such as the Head Start Program, fuel assistance for low-income families, employment, and food distribution. In his 15 years with this organization, Dr. Whittington has been a powerful advocate for children and youth. He was instrumental in getting facilities for the food assistance program, and for distributing this food to some 3,500 Somerset County residents. As a member of the Training and Employment Advisory Council, he has used his business knowledge to help participants find and keep jobs, jobs that might never have been found without his help.

But for all of these accomplishments, Dr. Whittington is most known as an educator. He has served as title 1 coordinator, director of Federal programs, coordinator of special programs and supervisor supporting services, and assistant superintendent for Somerset County Schools. In 1974, he was coordinator of human relations for the Maryland State Department of Education. Now he has added to his credentials by being named superintendent of Somerset County Schools.

Dr. Whittington is an inspiration for all of us, but especially to our Nation's youth. He was not born with the advantages that many of us can claim. His mother died when he was only 9 days old. He was raised by his grandparents. Education was something he had to work hard to obtain. Throughout high school he served as a custodian in the Somerset County school system, the same system he now leads. He worked his way through Morgan State University, and later earned his master's degree in education from Pennsylvania State University. Dr. Whittington has proven that vision and a commitment to hard work can overcome some of life's most formidable obstacles.

Mr. Speaker, I proudly salute Dr. Whittington. We could not point to a better example for our Nation's youth. His accomplishments will continue to grow, and our educational system and communities will continue to benefit from his work.

BIRMINGHAM: ONE OF THE NATION'S BEST

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. ERDREICH. Mr. Speaker, once again, a national publication has declared what the people I represent have known all along, the city of Birmingham symbolizes the best of what the New South has to offer. With its ever-growing economy and cultural diversity, Birmingham combines that bustling energy and driving heartbeat of a big city with the warmth, friendliness, and easy-going manner of small-city life.

The February 6, 1989, issue of Newsweek spotlights Birmingham as the "perfect" place to live. It describes "The Magic City" as "a friendly, prosperous city feeding on a high-tech blend of biomedical research, engineering, and telecommunications." It notes particularly the vital importance of the University of Alabama at Birmingham Medical Center to employment and economic growth, as well as the "fast-growing" Southern Research Institute, a $40 million nonprofit laboratory.

The article cites the diversity of the city, saying, "In all, some 67,000 service-sector jobs have been created in the Birmingham area over the past decade—a 27-percent increase." Yet, "while economic development has brought excitement to the town, residents still praise Birmingham as a great place to relax."

So, whether its "good jobs or good fishing," as the article concludes, Birmingham has something for just about everyone. With its southern hospitality economic base, Birmingham is the kind of city that attracts exactly what it has to offer, the best and the brightest, and all of its residents are mighty proud.

TRIBUTE TO AL LARAMORE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a man who dedicated his life to the youth of Annapolis, MD. Who, through his commitment to excellence, reenforced our belief in striving for the best. Al Laramore, affectionately known as "Big Al," was a longtime teacher and coach at Annapolis High School. His untimely death on January 10 of this year, at the age of 53, cuts short a coaching career unrivaled in its successes.

Mr. Laramore joined the staff at Annapolis High after graduation from West Virginia Wesleyan University. Over the years he led the "Fighting Panthers" to a 156–68 record over 23 football seasons and registered more than 100 victories in basketball, securing a State championship in 1974 along the way. In 1983 and 1984 his lacrosse teams won State regional championships—the highest level of competition available at the time.

Coach Laramore was a respected rival known for getting the most from his players—but he gave the most as well. He was a deeply religious man and a longtime member of the Fellowship of Christian Athletes. His presence will be sorely missed at Annapolis High, but his memory will live on.

I'm sure you will join me in this well-deserved tribute to Coach Laramore and in extending condolences to his family and friends.

TRIBUTE TO ROBERT L. WALKER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. McDADE. Mr. Speaker, I would like to pay tribute to a former constituent whose unheralded work may have pioneered the present equal employment opportunity laws which prohibit discriminatory questions in job applications and interviews.

Robert L. Walker, a former computer expert, consultant, and engineering recruiter, drafted a legislative bill of rights for equality [BORE] in the late 1960's to minimize various types of employment discrimination that existed at that time. The comprehensive JOB BORE proposal contained a number of specific proposals on unfair preemployment questions which eventually became law. Walker's proposals on eliminating or restricting questions relating to height and weight, marital status, national origin, citizenship, family situations and membership in organizations are nearly identical to current law.

Walker's proposal originated from his experience in the early 1950's when he supervised an industrial employment operation. While recruiting engineers, he noticed a prevalence of questions on employment application blanks which he felt violated the applicant's privacy and were irrelevant to prospective job performance. The information gained from these unnecessary questions could be used to eliminate job applicants on the basis of stereotyping and discrimination.

For example, Walker felt that questions about the number of children an applicant had could bias an employer against hiring that person. He proposed that questions on the number of dependents not be allowed on preliminary or supplementary employment applications. Current law allows an interviewer to ask whether an applicant has responsibilities that would interfere with specific work schedules, but not about dependents, children, or child care plans.

Walker submitted his legislative proposal to the Wisconsin Congressman who represented him at the time. The BORE plan was subsequently brought to the attention of the Equal Employment Opportunity Commission. Later, many of Walker's ideas were incorporated into public law.

Before his death in 1985, Walker told a newspaper reporter,

Everybody likes to receive credit for his work, particularly when it is done voluntarily on one's own time. However, the important thing at this time is the knowledge that, due to my efforts, millions of people have the legal machinery available to redress grievances in situations where they feel they have been subjected to employment discrimination or unwarranted invasion of privacy.

Mr. Walker's selfless work to correct an injustice is deserving of the highest praise. His legislative initiative shows that one person truly can make a difference. His widow, Helen Walker, brought her late husband's efforts to my attention last fall, and I am pleased to

report Mr. Walker's contribution to my colleagues in the House of Representatives.

TUNE IN, TUNE OUT, DON'T VOTE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. PANETTA. Mr. Speaker, I rise today to share with my colleagues a statement by Mayor John V. Lindsay on the growing need for campaign reform. I have had both the honor and pleasure of working closely with John Lindsay in the past. I know that he is deeply committed to ensuring greater voter participation in our democracy and I share his deep concern over the recent patterns of decreased voter turnout in Presidential elections.

As a longtime elected official and former Presidential candidate himself, John Lindsay is greatly concerned that the recent negative Presidential campaign has irreparably damaged the American voter's trust in our political system. In his article, Mayor Lindsay identifies what he believes to be the root of the voters' disillusionment with our political system and proposes many sweeping campaign reform changes. I urge my colleagues to consider Mr. Lindsay's proposals.

TUNE IN, TURN OFF, DON'T VOTE

(By John V. Lindsay)

The widespread outrage over the conduct of our recent Presidential campaign has dissipated as Americans look toward a new federal administration and hope for the best. It would not be in our nation's interest, however, to repress the regrettable events of the last election. They point to deep problems in our political life that must be solved to protect the democratic system from further voter estrangement and corruption. What follows is a brief account of what went wrong and some recommendations for preventing the same political disenchantment from recurring.

The elections of '88 are over and it's time to congratulate the new President and wish him and the country all good fortune. Etched in the history of the United States, however, is this election, and stemming from it are critically important lessons to be learned and steps to be taken.

According to one key poll, 63 percent of Americans considered the '88 Presidential campaign to be "abysmally negative". As one who has been involved in seven Presidential campaigns for over thirty-six years, run eight times for political office, including once for President, this campaign was the worst in my memory. Voters were repelled by the poisonous mudslinging; the low vote reflected voters' disaffection—only 50% of the eligible bothered to turn out, the lowest in 54 years in the United States and the lowest in the world of any industrial democracy. Such tactics, while not uncommon in state or local campaigns, had been unprecedented in a Presidential race, and that remains both the legacy and the message to the country. Because these sleazy techniques worked, others are certain to follow suit and take the low road in elections in years to come.

The candidates ignored the most critical issues facing our country. Voters were dismayed by President-elect Bush's drumming away on his positions in favor of the death penalty, prison furloughs and the recital of the Pledge of Allegiance, the objective being to make Governor Dukakis seem weak on law enforcement as well as unpatriotic. The governor never responded effectively, thus dragging down the campaign even further. Thousands of Americans increasingly felt frustrated and appalled by the campaign's tone.

Then there was the money. It's become so expensive to mount a major statewide or national campaign that candidates spend more time raising a war chest than they do in listening to constituents, reading, or even thinking about what they'd do if elected. One Senatorial candidate from a large state told me that he was spending 75 percent of his time raising money. Many of my old colleagues in the House of Representatives have begged me to help devise new legislation that would help get them out from under yoke of fundraising. One exasperated woman who considers herself a good citizen told me she could no longer get to see a candidate unless she contributed at least $500, which she could not afford. No wonder she felt shut out of politics.

Seventy percent of the oceans of money that are now raised go into buying television "spots". However, the more money that is spent on campaigns, the lower the vote. Americans are being induced into passivity by a media-oriented circus whose emphasis on fund-raising, advertising and polling makes most citizens feel that the process is beyond their grasp. They watch this expensive, negative "show" on television as spectators, not as participants and millions don't bother going to the polls.

How do we reverse this tide of negativism and reengage the American people in politics?

First, get rid of paid political television spots. These "messages" provide us with no useful information about the candidates. Denying office-seekers the opportunity to run on the basis of superficial "sound bites" and ads might force them to say something that rings true about the nation's condition and tell us what they would do to improve it. Most important, the elimination of such advertising would save tens of millions of dollars in taxpayers' matching funds devoted to this purpose without our assent. More important still, taking such spots off the air would deny large financial contributions a chit to be called if their candidate wins. Since broadcast advertising has become the vehicle of choice for reaching the electorate, candidates have become perilously dependent on and beholden to the privileged few individuals and interest groups who can afford to pay for it. That's not the way our system should operate.

If halting paid television spots should require a test of this issue again in the Supreme Court of the United States, let it happen. The practice of spending fortunes—including taxpayers' money—on misleading political advertising should not be allowed to fester totally protected as "free speech" lest the democratic process be seriously threatened. We do not invoke the First Amendment to immunize either obscenity or misleading commercial speech; that amendment should not be advanced as the rationale for undermining our political process, either.

Second, abolish the "soft money" provision that exempts all funds raised for so-called independent purposes from mandated contribution limits. This hypocritical loophole in the campaign financing law is rightly regarded by the American people as one more reason to be cynical about the way we elect our leaders.

Third, let's have more criticism from both Congress and the press when our national political campaigns descend into the gutter. Rather than exploit the sensationalistic aspects of negative electioneering in pursuit of a larger circulation or a bigger television audience, the press should call the candidates on sleazy practices and hold them to a higher standard of conduct. Members of Congress, with a reasonable degree of patriotism and pride in their profession, should act similarly. Not so incidentally, that would be a worthy way of proving to us that they deserve to run for national office themselves.

America suffers in many ways because our political campaigns have become so repugnant to the electorate. Citizens don't get involved in the process as campaign workers any more, diminishing voter turnouts give well-organized and well-financed extremists a disproportionate impact over the outcome of elections and worthy men and women are discouraged from seeking elective office. The net result of these trends has been a decline in the overall quality of political leadership.

In the years ahead such steps should be taken to bring about a more decent, sensible approach to political campaigning that merits the respect and participation of the American people.

REAUTHORIZE SELECT HUNGER COMMITTEE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in enthusiastic support of the reauthorization of the Select Committee on Hunger. Perhaps no other committee in the Congress has played such a vital role in addressing the complicated issues of domestic and world hunger.

The House gave this committee the daunting mandate of developing a comprehensive review of the problems of hunger at home and around the globe. We recognized that hunger is such an urgent matter and that responsibility for its relief was scattered among so many committees of jurisdiction that one committee should be charged with assessing the problems of hunger and then with recommending promising solutions.

As a member of the committee for several years, I can attest to its positive role in fulfilling its mandate. During the last Congress the committee conducted 32 hearings; issued 7 reports on hunger issues; traveled to such hunger-threatened nations as Haiti, Sudan, Bangladesh, Nicaragua, Ethiopia, and Vietnam; and studied such poverty-ridden areas as Appalachia, urban unemployment prockets, and American Indian reservations. More impotantly, the committee crafted solutions, (later enacted into public law) including a $17 million Child Survival Assistance Program for civilian victims of Central American civil war; model diabetes centers for targeted Indian reservations; support for Women in Develop-

ment; and earmarks for microenterprise credit, a Child Survival Fund, vitamin A treatment, and guinea worm disease eradication.

Clearly, these advancements could not have been made without the cooperation and support of the respective authorizing committees. However, the progress we have made in Congress on the above issues, shows that the committee has worked as an advocate and as a partner with other committees, and not as a competitor.

This cooperative and effective partnership was reflected before in the overwhelming margins by which the Select Committee on Hunger was reauthorized in the past. I strongly believe that the continuing demand to tackle hunger problems, comprehensively—the food crises in Sudan, Afghanistan, and Nicaragua, and the malnutrition of the homeless, American Indians, and rural Appalachians—offers a compelling reason to continue the work of this panel.

Consequently, I urge my colleagues to support this resolution of reauthorization and, by this action, signal to the hungry and malnourished in every dark corner that this body wants to shine the light of hope on their lives.

THE TRAIL OF TEARS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. EMERSON. Mr. Speaker, in the 100th Congress we designated the Trail of Tears as a National Historic Trail, commemorating the forced relocation in 1838 of the Cherokee from their ancestral homeland in the Southeastern United States to Oklahoma. In the course of our debate in the designation process, I noted that the Trail of Tears runs through my home district and State, and I commented on the widespread interest that it obtains there about the Trail of Tears.

The segment of the Trail of Tears that crosses Missouri begins at Cape Girardeau, the point at which many of the Cherokees crossed the Mississippi River and at which there was major encampment. Otahki, a Cherokee princess, died in the encampment in the Cape Girardeau area and was buried there. Many communities in my district have had a long and vital interest in their relation to the Trail of Tears. Many of them had special observances last fall in the course of noting the 150th anniversary of the march.

Many citizens traversed the trail from Tennessee to Oklahoma as a commemorative gesture and they were joined along the way by many local groups interested in the Cherokee, the Trail of Tears, and this episode in American history.

The 1988 commemorative trek in the form of a wagon train departed Red Clay, TN, on September 17, and completed the march on December 3 at Tahlequah, OK.

The portion of the 1988 wagon train that traversed Missouri was the longest. Participants spent a whole month in Missouri, from October 23 until November 24, camping each day at a different spot along the trail.

On October 23, it was my privilege to ride in the lead wagon from McClure, IL, across the Mississippi River to Cape Girardeau, MO. Later that day, and on October 24, participants had an encampment and rendezvous at the Trail of Tears State Park in Cape Girardeau County.

Trail of Tears State Park is one of the jewels of the Missouri State Park System and was created in the 1950's when local citizens with a deep interest in history purchased the land which now comprises the park, including the site of the 1838 encampment, and donated the land to the State.

At the rendezvous on October 23, 1988, there was an extensive program and ceremony, open to the public, attended by several thousand people. In the course of the rendezvous encampment ceremony there was some outstanding entertainment including historical lectures, folk tales, and song.

One of the outstanding items on the program was the ballad of "A Trail of Tears" by Jeannie Hinck of Burfordville, MO. Jeannie sang this ballad, which is beautiful; and I regret that the music cannot be heard here and reproduced for all to hear, but I am very pleased to be able to share the lyrics that she wrote which, I think, is an appropriate expression of sentiment recalling the sad story of the trail and of its significance in our history. I include the words of the ballad herewith.

A TRAIL OF TEARS

I awoke to the sound of hunger
Half way there, half way there.
The hunting was poor in the dead of that winter
Nothing there, nothing there.
Oh the white man, had made us a promise
So we put away our deepest fears.
And once again we continued our journey,
A trail of tears, trail of tears.

When we crossed that mighty river,
Bitter cold, bitter cold.
Soon we mourned the death of Otaki,
Story told, a story told.
We thought of the land that awaited
To live in peace for the rest of our years.
We go to join what's left of our people
Scattered down that trail of tears.

As we walk this road of sadness
Who would care, who would care.
I hear the cry's of the weak and the dying
Oh despair, oh despair
For the white man had wanted our forests.
They led us here, led us here.
The spirit of death is heavy among us.
A trail of tears, trail of tears.

Oh mother, mother, stay beside me
For I must die, I must die.
I will join our beloved Otaki.
Do not cry, do not cry.
Be strong on the trail of sorrows
Though the months turn into years
But for me, this journey has ended
A trail of tears, trail of tears.

—*Jeannie Hinck.*

TRIBUTE TO GEN. DRAZA MIHAILOVICH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CRANE. Mr. Speaker, today I am reintroducing a bill that seeks to make amends, at least in part, for one of the great historical injustices of World War II.

Many of my colleagues may remember Gen. Draza Mihailovich of Yugoslavia, one of the foremost freedom fighters in the European resistance movement during World War II. As you may recall, Mihailovich and his Chetnik forces were directly responsible for saving the lives of some 500 American airmen forced down in Axis-controlled Yugoslavia. Despite the fact that he fought against the Nazis, Mihailovich, a victim of Communist propaganda, was executed as a war criminal by Tito's forces following the war.

The United States was in part responsible for the fate of General Mihailovich and the Chetnik forces when it elected to follow the British lead to support Tito. Recent evidence indicates that the decision made by the United States and the British was based on skewed intelligence reports submitted by Cambridge-recruited Soviet spies within the British military.

The bill that I am introducing authorizes the National Commission of American Airmen Rescued by General Mihailovich to establish a public monument to honor the general for his role in saving the lives of these U.S. airmen. The commission has agreed to finance the entire construction and maintenance of the monument.

It is only fitting that we honor this hero for his courage and undying support to the Allied cause. I urge you to join me in recognizing the valor of General Mihailovich.

INTRODUCTION OF THE U.S.-U.S.S.R. "PEACE" STAMP

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, in his farewell address, President Reagan talked about a new spirit of peacefulness that exists around the globe. Greater communication and openness between the United States and the Soviet Union has fostered improved relations and reduced tensions throughout the world. Talks between President Reagan and General Secretary Gorbachev often touched upon the need for greater openness and a freer exchange of people, information, and ideas. One of President Reagan's goals was to broaden people-to-people contacts between the United States and the U.S.S.R.

Today I am introducing a resolution calling on the Postmaster General of the United States to issue a stamp for use in international postage. The central element of this stamp would be the word "peace"—mir—written in English and in Russian. The resolution will also call on the Postmaster or his representative to negotiate with his counterpart in the

Soviet Union for the purpose of issuing a similar postage stamp. The price of the U.S. stamp would be 45 cents, the minimum cost for international mail.

The peace stamp is an opportunity to open the lines of communication directly between our citizens and the people of the U.S.S.R. It is a chance to send to the people of the Soviet Union a simple message that they would easily understand—the message that the people of the United States have as their highest goal the continuation and improvement of the good relations we currently enjoy—a message of peace.

The peace stamp is a symbolic measure. But it is a positive and proactive symbol which can contribute to the momentum of increased communication, cooperation, and mutual understanding. Mr. Speaker, I would like to thank the 16 of my colleagues who join me today as original cosponsors of this resolution. With their help, and with the support of Congress, I hope that the peace stamp will become a reality by the end of the 101st Congress.

LET'S REWRITE THE NAVAL HISTORY BOOKS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. STARK. Mr. Speaker, it is reported that last Wednesday, Rear Adm. Thomas A. Brooks, Director of Naval Intelligence, testified before a House Armed Services Subcommittee that the Soviet Navy has reduced its steaming hours and increased the amount of time it spends at anchor. This, he says, has also "increased the number of ships in port ready to respond to an enemy attack, thus improving the ability of the Soviet navy to transition rapidly to war."

You learn something new every day.

I always thought it was a mistake to have all those battleships tied up at Pearl Harbor. But the real mistake was not to have our Navy's four carriers also at anchor in the harbor.

And those historians who always rave about Winston Churchill having the foresight to have the British Fleet alert and at sea on August 1, 1914—they were all wet. Any fool can now see they should have been at anchor. That was the real way to bottle up the German Navy.

So many things I'll have to relearn. Obviously, Nelson was foolhardy to attack the enemy fleets in Copenhagan and Abukir Bay. And Dewey! Silly Dewey attacking the Spanish in Manila Harbor.

Now we will know when glasnost, détente, or whatever is really working: it is when the Soviet Navy leaves harbor and spends more time cruising off our coasts that we will know world tensions have eased.

Mr. Speaker, if one follows Admiral Brooks line of thinking far enough, I can only say, "Please Mr. Gorbachev, don't surrender, we couldn't afford the extra budget dollars our Navy would request."

THE FIRST-TIME HOMEBUYERS ASSISTANCE ACT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Ms. SCHNEIDER. Mr. Speaker, one of the most disturbing trends of the last decade has been the decline in the number of young families that can afford to purchase a home. Homeownership is the fundamental element of the American dream, but it is becoming increasingly difficult for young families to achieve. In 1973, 38.9 percent of young married couples owned homes. By 1987, that figure had dropped to only 29.1 percent.

The leading cause of this decline has been the difficulty with saving the money necessary for a down payment. Between 1975 and 1987, the median price of first homes increased over 92 percent. This has lead to a corresponding increase in the percentage of one's income needed for a down payment. In 1978, the average down payment absorbed one-third of a first-time homebuyer's yearly gross income. By 1985, that figure had reached one-half.

Today, I have reintroduced legislation designed to deal directly with this worrisome problem. The First-Time Homebuyers Assistance Act is targeted at moderate income families and individuals who have not previously owned a home. Applicants for this program will need to meet stringent eligibility requirements, including a consistent employment and rental history, and an excellent credit record.

Qualified families that are currently unable to generate sufficient cash to place a down payment on a home will be eligible for Government guaranteed insurance of 0 percent down payment mortgages. The First-Time Homebuyers Mortgage Insurance Fund will be established specifically for this program. The qualified applicants will pay an initial insurance premium of 1.5 percent of the mortgage amount, and monthly payments of 5 percent of the monthly mortgage payment to this fund.

My bill also contains provisions to ensure that all money appropriated by the U.S. Government will be returned to the Treasury with any earned interest, upon the decision of the Secretary of the Department of Housing and Urban Development that the fund is liquid. This will ensure that this program will be self-funding and cause the Government to lose no money.

The aim of this program is to incorporate more families into the American dream of homeownership. The principle beneficiaries of this program will be the people on the fringes of being able to afford a home.

DATELINE MONTREAL: UNITED STATES CALLS FOR TOUGHER AVIATION SECURITY STANDARDS TO COMBAT TERRORISM IN THE AIR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. BROOMFIELD. Mr. Speaker, I am pleased to report that the administration has put the issue of tougher aviation security procedures on the front burner. I commend the administration and the Secretary of Transportation, Samuel K. Skinner, in particular, for their timely joint request, along with the United Kingdom, to hold an urgent session of the International Civil Aviation's Council in order to present a tough American formula for tightening up international aviation security. I understand that the Secretary's proposal was well received by the various ministers attending the ICAO meeting. I stand ready to assist the administration here in Congress in our Nation's war against terrorism in the skies.

My heart goes out to the families of the innocent victims of that barbaric terrorist attack. I can think of no more fitting tribute to those who perished than a rapid ICAO agreement calling for the implementation of those enhanced aviation security standards. We must do everything possible to ensure that tragic disasters of this nature will never happen again.

I commend the remarks of Secretary Skinner to my colleagues in the Congress who share my commitment to fighting the international menace of terrorism on the ground, sea and in the air.

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION SAMUEL K. SKINNER, INTERNATIONAL CIVIL AVIATION ORGANIZATION, MONTREAL, CANADA

Mr. President and distinguished members of the Council: Thank you for your prompt response to our joint request with the United Kingdom to hold this session of the Council.

It is truly an honor and unique opportunity to visit with my distinguished counterparts from other countries and Council members to discuss immediate steps we can take to eliminate terrorism in the skies.

I look forward to working closely with all of you here today and in the future to enhance the safety and security of international civil air transportation. First and foremost, let me stress the obvious—many can be proud of the world community's efforts to keep our skies safe. The dedicated women and men who screen the passenger, check the baggage, handle the cargo, and evaluate the threat, are to be commended for their vigilant efforts in carrying out their important mission. Generally air travel continues to be one of the safest forms of transportation. But we are not here to rest on our laurels or pat each other on the back. We can and must do more to counter the despicable acts of terrorists.

There is no question that citizens and carriers from all of our countries are potential targets of these barbaric acts of terrorism. Over 1,000 passengers on civilian aircraft from 14 different ICAO member states have fallen prey to sabotage in the last 10 years.

None of us here today knows which carriers or airports will become targets next year, or the year after. No one country or carrier should have to stand alone in matters of security. It is only by joining together, in the finest traditions of ICAO, that we can secure international civil aviation from acts of terrorism.

As you recall, the presence of ministers in the Council is not new. In 1985, ministers from my government and two others addressed the Council and urged ICAO to take action to thwart unlawful acts against civil aviation. Swift action was taken as ICAO adopted a set of measures that significantly improved security practices, especially relating to hijacking. The presence of so many ministers in today's session gives me great hope that much more will be done. We cannot afford to wait 6 months, 12 months or 3 years to address this problem; the time for action is now.

Clearly, more must be done. Over the past decade, we have experienced a disturbing increase in international terrorism for which civil aviation seems to have become a favorite target. This problem has unquestionably become an international concern. Since 1979 there have been twenty-one explosions aboard civil airliners from fourteen different ICAO member states, resulting in 867 deaths and 174 injuries.

In the last four years there have been four acts of sabotage against international flights: Air India Flight 182 was destroyed in 1985, with the loss of all 329 passengers and crew; Trans World Airways Flight 840 suffered an explosion in 1986 resulting in the deaths of four passengers; and Korean airways Flight 858 was destroyed in 1987, with the loss of all 115 passengers and crew. The destruction of Pan American World Airways Flight 103 on December 21, 1988, which resulted in the deaths of 259 passengers and crew and 11 persons on the ground, was the fourth and the most recent of these tragic incidents. It has demonstrated with shocking clarity the sophistication of terrorist capabilities, and has focused the attention of the world on the problem of terrorist and criminal acts directed against international civil aviation.

I know all of you will join with me in extending our deepest sympathy to the families and friends of all those who have lost their lives, both in the air and on the ground, as a result of these terrible acts, including the most recent act carried out against Pan American Flight 103.

We urge all Council members to condemn such barbaric acts and to take immediate steps to enhance security—we must act now to eradicate this global menace. While we do not want to overlook the important progress that ICAO has made in aviation security, we must take stronger and swifter measures to combat terrorism in the skies.

The United States is determined to assume its share of the burden in the struggle against terrorism. In the wake of Pan American Flight 103, our Federal Aviation Administration (FAA) took decisive action to tighten security requirements on United States air carriers operating out of airports in Western Europe and the Middle East. We have also enhanced security at U.S. airports. We are examining further measures that can be taken on a global basis to enhance security while respecting sovereignty. It is our hope, however, that ICAO, as it has in the past, will take a leadership role and adopt a unified approach to aviation security. There must be a coordinated international effort to increase aviation security. While each country must bear its own burden, we must recognize that the terrorist threat is a global one, and that alleviating the problem in one place will only cause it to appear in another.

ICAO has risen many times to combat unlawful acts against international civil aviation and in the face of this common threat, Mr. President, I urge ICAO and its member states to once again join together and redouble their efforts. New, concrete actions must be taken.

The United States considers Annex 17 to the Convention on International Civil Aviation to be a fundamentally sound document. However, we believe Annex 17 must be strengthened on two distinct but related levels. First, standards, recommended practices and guidance material applicable to all international civil aviation operations must be improved by making existing standards more explicit, adding new standards, and elevating certain recommended practices to standards.

But we do not believe this is enough. Many countries, airports and air carriers are periodically faced with situations of greater security threats that require measures beyond those appropriate for normal international operations. We believe it essential that once a high-risk situation has been identified by states, either individually or in concert, all carriers and facilities subject to these higher threats should be uniformaly subject to strengthened security requirements. We therefore also urge that a set of additional Standards and Recommended Practices be developed for uniform application to operations assessed as being subject to high risk.

Mr. President, it is the view of my Government that the Council should take specfic action now to develop an effective response to this critical problem. We should specify where improvements in existing Standards and Recommended Practices might be considered, particularly to prevent acts of sabotage, and particularly for operations assessed as being subject to high risk. Some of the more important improvements should be:

Additional and comprehensive screening for passengers and carry-on articles;

More thorough screening of checked baggage through X-ray and other techniques;

Better reconciliation of passengers and checked baggage;

More comprehensive screening of cargo and mail;

Expedite development and implementation of state-of-the-art screening technology;

Tighter control of access to areas where aircraft, cargo, and baggage are handled; and

A review of the problems posed by allowing electronic devices, such as computers and radios; on board aircraft.

We also believe that ICAO's role should not be limited to improving Annex 17, but that our technical and policy expert should discuss the full panoply of areas where we can enhance security.

Of course, Mr. President and distinguished Council members, the success of this organization depends in the end on the will of its members. I therefore urge member states to intensify their efforts in implementing the existing Standards and Recommended Practices in Annex 17 and to commit themselves to implement any new or strengthened provisions as soon a they are approved by ICAO, and to cooperate in applying uniformly any of those additional measures designed to deal with operations assessed as being subject to high risk. We appreciate fully that addressing increased security threats may require additional resources. The United States is committed to working with our fellow ICAO member states to this end.

Of course, we should not forget that Annex 17 already allows states to impose additional measures in response to higher-threat situations, and I urge member states to review the current situation and consider in cooperation with other states what appropriate interim measures could be imposed immediately and unformly to operations subjected to high degrees of threat.

I'd like to support the remarks of my distinguished colleague from the United Kingdom. We concur in the need for urgent future action which would rededicate the efforts of this Organization to ensure international civil aviation security. As my British colleague has stated, we have consulted extensively with Council members over the past two weeks. We of course remain open to further constructive dialogue on this matter.

Mr. President and distinguished members of the Council, people around the world are calling for leadership and decisive action to eliminate the gruesome, common threat of terrorism in the skies. We owe it to them, and to the families and loved ones of all who have suffered from these despicable and cowardly acts, to meet this problem head on by raising civil aviation security standards. That is why this gathering is a unique event in ICAO's history, and is a unique opportunity for us all to stand together in the fight against terrorism and against unlawful acts against international civil aviation. I look forward to working with all of you to bring about quick and concrete action to achieve that end.

The United States greatly appreciates ICAO's continuing leadership in international aviation, and the opportunity to address this distinguished forum.

Thank you.

THE ASSAULT WEAPON IMPORT CONTROL ACT OF 1989

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. GIBBONS. Mr. Speaker, today I am introducing legislation that would ban the importation of semiautomatic assault weapons and certain accessories into the United States

As my colleagues well know, my overriding goal as chairman of the Ways and Means Subcommittee on Trade has been to expand international trade and investment by keeping markets free, open and competitive. I usually oppose trade restrictive actions and the economic use of sanctions. However, one area I cannot tolerate is the continued importation of semiautomatic assault weapons into the United States.

Nationwide, law-abiding citizens and law enforcement personnel are faced with the frightening prospect of a spiraling domestic arms race. This race is prompted largely by the flood of these assault-type weapons into the country. Imports of cheap AK47 assault rifles alone, such as those used in U.S. drug and

gang killings and in a California school yard massacre, have seen a tenfold increase in sales in this country in the last 4 years. As a result of their widespread availability and remarkably low cost, these semiautomatic firearms have fast become a "weapon of choice" among drug dealers in the United States.

Just last week, the Virginia legislature took a courageous step in its efforts to stem the indiscriminate sale of semiautomatic weapons by requiring a check of all would-be buyers. Other States, emboldened by calls for action by citizens and law enforcement groups, are considering other measures to slow down the sales and use of these deadly weapons in their jurisdictions. Congress can ill-afford to remain silent on this issue. We must act now to support State initiatives by providing Federal protections against the unchecked flood of these weapons into domestic markets.

On February 8, Senator METZENBAUM, together with three of his colleagues, introduced a comprehensive legislative proposal to ban the manufacture, importation, possession and transfer of new assault weapons. As chairman of the Ways and Means Subcommittee on Trade, I am proud to sponsor this complementary initiative which specifically targets the issue of imports.

This legislation would prohibit the importation into the United States of any assault weapon, large capacity magazine, or large capacity ammunition belt, excepting any importation under the authority of the United States or by any department or agency of any State or political subdivision thereof. This legislation is limited to a specific list of the most dangerous semiautomatic military weapons now available and to firearms with large fixed magazines. Although more narrow in scope than S. 386, this bill, if enacted, would attack the proliferation of these weapons in the United States at the source.

The semiautomatic assault weapons and accessories covered by this legislation are not used for any economically viable purpose. They are not designed for the principal purpose of hunting game and recreational sport. They are, instead, designed to kill human beings and are being used more and more frequently by drug gangs and for other criminal activity throughout this country.

I believe that a total ban on the import of these products is justified and urge my colleagues in Congress to work with me towards that end.

UNFAIR TAXATION OF BANK DEPOSITS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HUBBARD. Mr. Speaker, I received a February 4, 1989, letter from Charles Beach, Jr., president of Peoples Exchange Bank in Beattyville, KY, which I encourage my colleagues to read.

Charlie Beach is a highly respected friend whose opinions and comments I value and admire. A short time ago certain administration officials were promoting the idea of taxing bank deposits in order to raise funds needed to pay off the $100 billion deficit in the FSLIC deposit fund.

I believe my colleagues will be interested in the excellent views of Charles Beach, Jr., about this idea. A copy of his timely letter follows:

FEBRUARY 4, 1989.

Hon. CARROLL HUBBARD, Jr.,
U.S. Congressman, Rayburn Building, Washington, DC.

DEAR CARROLL: That proposal to raise funds to pay off the $100 Billion loss created by the Savings and Loan Association by taxing bank deposits is the most unconscionable, reprehensive and discriminatory tax that has been proposed in the past two decades. Economists and knowledgeable financial experts lament that our national debt is not only at an all time high but our personal debt is equally at an alarmingly maximum level. This tax would penalize the saver and encourage the borrower.

Why should commercial banks be forced to bail out our competitor? Why are not deposit taxes applicable to credit unions, mutual funds and other depository institutions?

Unfortunately, it appears that Congress lacks the courage to implement a simplistic sales tax wherein all people would share equally, but continue to target a special segment of our society to pay for the sins and errant ways of others.

I am willing to pay my share. However, the threat of increasing our FDIC insurance premium or taxing deposits is an absolutely ridiculous, unacceptable and abominable proposal. Your support in defeating this would be greatly appreciated.

Sincerely,

C. BEACH, Jr.,
President, Peoples Exchange Bank, Beattyville, KY.

MAXWELL E. GREENBERG TO RECEIVE THE MAIMONIDES TORCH OF JUSTICE AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. LEVINE of California. Mr. Speaker, I am pleased to report to my colleagues that Maxwell E. Greenberg will receive the Maimonides Torch of Justice Award on March 7, 1989, from the legal services division of the United Jewish Fund.

The Maimonides Award to Mr. Greenberg is being given in recognition of his distinguished commitment to community service and of his activities as an exemplary attorney. Throughout his career, Mr. Greenberg has consistently served as a role model for his fellow attorneys in his dedication to the Jewish community and the community at large.

Max Greenberg's distinguished career includes numerous accomplishments and honors, both as a lawyer and as a national and local community leader. He has served as the national chairman of the Anti-Defamation League of the B'nai B'rith and is now honorary chairman. Max has also served as a vice president of the Jewish Federation Council and is currently a member of its board of governors. In addition, he has held the posts of vice president of the police commission for the city of Los Angeles and chairman of the board of the Rural Development Corp.

Although a complete listing of Max Greenberg's honors and awards would exhaust several pages of the CONGRESSIONAL RECORD, I especially want to compliment him on his six spectacular grandchildren, Aaron, Benjamin, and Coby Greenberg, and Adam, Jake, and Cara Levine, who have a direct and intimate relationship with the Representative from California currently addressing this House.

ARC SPELLS RELIEF

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. RAHALL. Mr. Speaker, I am pleased to introduce today two pieces of legislation which I believe are crucial to the economic revitalization of Appalachia. The first would reauthorize the Appalachian Regional Commission for 5 years at $185 million per year. The second would authorize the use of highway trust fund dollars for the completion of the Appalachian Corridor System.

The ARC was started in 1965 to address the unique socioeconomic needs of the Appalachian region. This area is a 195,000-squares mile region that follows the spine of the Appalachian Mountains from southern New York to northern Mississippi. All of my home State of West Virginia is included in the region, as well as parts of 12 other States.

The ARC has done much to fight the harsh, debilitating effects of poverty in this area through a variety of health and education programs and has played a critical role in the economic development of Appalachia. Much remains to be done, however, as many in Appalachia continue to struggle under lingering high unemployment in depressed economies.

A major component of the ARC has been its highway program. The Appalachian Corridor System is a network of 3,034 miles of roads which is only approximately two-thirds complete. Obviously these roads are crucial to the economic development of Appalachia. However, at current funding levels, the construction of the corridor system will not be finished until at least 2065. One only has to travel in my home State of West Virginia to realize the importance of the timely completion of these highways. Corridor G, which runs from Charleston to the State line at Williamson, will eventually be 80 miles in length. Two segments of the road, totaling 19 miles, remain incomplete and at current levels of funding will not be finished for another 25 years. These two segments are needed to link Corridor G with Logan and Williamson, two vital communities in southern West Virginia. My goal with this legislation is to provide the necessary funding to ensure completion of the entire system by the year 2000.

To meet that goal, the ARC itself must be funded at an adequate level. My bill will do that. Of the $185 million authorized each year, $144 would be dedicated to the corridor system. The remaining funds would go to other programs already in place. Additionally, my second bill would authorize the use of

$287 million each year for 5 years from the highway trust fund for use in construction of the corridors. This trust fund money would be in addition to the annual Federal highway allocation currently received by the States. However, States would have to make some tough choices if they want to take advantage of this program. While 20 percent of a State's annual funding would come from the ARC, the State would have to put in 20 percent of its own funding in addition to 20 percent from its annual highway trust fund allocation. The remaining 40 percent of the formula would be made up of a trust fund matching bonus, a 2-to-1 match triggered by the funds committed from a State's annual Federal highway allocation.

It is important to note that participation in this program would not be mandatory for the Appalachian States. Because it calls for hard choices between corridor completion and other highway needs, some States may elect to forgo the program.

Support for these bills has been overwhelming in my home State of West Virginia. Our newly elected Governor, Gaston Caperton, has already pledged that the State will meet its obligations under this legislation. Additionally, during a meeting of the Appalachian Governors this past Sunday, a resolution in support of these bills was approved overwhelmingly by the Governors. And finally, my colleagues in the West Virginia House delegation fully support these proposals and have joined me as original cosponsors.

Mr. Speaker, I urge my colleagues to carefully consider this important legislation. I think we can all agree that we have a pressing obligation to complete this federally mandated highway system in a timely manner.

TAX FAIRNESS FOR FARM AND OTHER SMALL BUSINESS FAMILIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. PANETTA. Mr. Speaker, I am reintroducing legislation today which would address an inconsistency in the U.S. Tax Code with regard to families who inherit a family farm or business.

Section 2032A of the code permits an heir to reduce the estate tax burden on a family farm or business if the property was being used for that purpose by the decedent and it was passed on to a family member who continues to participate in running the operation. Under this provision, the property is valued, for determining the estate tax, as a business or farm instead of at fair market value. There are set dollar limits on how much a family can reduce their estate tax burden by using this method.

If the heir sells the property to a nonfamily member or stops participating in running the business, or if the property is not used as a farm or business, the benefits of the estate tax cut are lost, and additional tax must be paid.

Another Tax Code provision, section 6166, permits the estate tax burden on a small business or farm, regardless of who inherits and runs it, to be spread over a 15-year period.

However, there is an inconsistency in present law which can harm family members utilizing section 2032A, and that inconsistency is what my bill is intended to correct.

Under section 2032A, if the heir sells or gives the property to another family member who also would have been an eligible heir under the provision, the benefits of the provision—the lower property valuation—continue.

However, if this occurs, the benefits of the 15-year payments do not continue. The tax must be paid in full immediately. This is because the benefits of section 6166 do not continue if the property is transferred from the original heir, regardless of whether the parties are related to the decedent.

Mr. Speaker, this does not seem fair to me. Obviously, in enacting section 2032A, Congress decided to encourage the continuation of family farms and businesses. I strongly support that goal, and I believe Congress still supports it. But in this instance, we are discouraging the transference of the farm or business to an heir who is a family member and is going to continue operating it. And if we are discouraging that, then we are encouraging the sale of the property to a third party, and probably bringing about the end of a family farm or business.

I do not oppose the general restriction of section 6166 to the original heir. However, in this particular instance, it contradicts the intention of Congress to encourage families to continue running their farms and businesses.

Under the legislation I am introducing today, section 6166 would be amended to permit the 15-year payments to continue if the property is transferred, but only if the property has been covered by section 2032A and is transferred to another direct family member of the decedent who still qualifies for section 2032A and is transferred to another direct family member of the decedent who still qualifies for section 2032A. So rather than have to pay the estate tax immediately, the family member could continue the 15-year schedule of payments. All others taking advantage of section 6166 would still be required to pay their estate tax immediately in that event of a transfer.

Mr. Speaker, my colleagues are well aware of the difficulties faced by family farms and businesses in recent years. We have attempted to address one aspect of their problems by enacting special provisions designed to ease their estate tax burden. By approving this bill, we can remove a serious inconsistency in those provisions and continue to encourage the institution of the family farm and the family business.

Following is the text of my bill:

H.R. 1162 a bill to amend the Internal Revenue Code of 1986 to provide that the extension of time for payment of the estate tax on property valued under section 2032A of such Code shall not be terminated by reason of a disposition of the property to a member of the qualified heir's family

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPOSITION OF SPECIALLY VALUED PROPERTY TO MEMBER OF QUALIFIED HEIR'S FAMILY NOT TO RESULT IN ACCELERATION OF DEFERRED ESTATE TAX.

(a) IN GENERAL.—Paragraph (1) of section 6166(g) of the Internal Revenue Code of 1986 (relating to acceleration of payment) is amended by adding at the end thereof the following new subparagraph:

"(G) EXCEPTION FOR CERTAIN DISPOSITIONS OF PROPERTY VALUED UNDER SECTION 2032A.—

"(i) IN GENERAL.—Subparagraph (A)(i) shall not apply to a disposition of property if—

"(I) the value of such property for purposes of chapter 11 was determined under section 2032A, and

"(II) such disposition is to a member of the family (as defined in section 2032A(e)(2)) of the qualified heir (as defined in section 2032A(e)(1)).

"(ii) CESSATION OF QUALIFIED USE TREATED AS DISPOSITION.—If—

"(I) subparagraph (A)(i) did not apply to a disposition to an individual by reason of clause (i) of this subparagraph, and

"(II) an additional estate tax is imposed by section 2032A(c)(1) by reason of a cessation (described in section 2032A(c)(1)(B)) by such individual,

such cessation shall be treated for purposes of this section as a disposition to which subparagraph (A)(i) applies."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estates of decedents dying after the date of the enactment of this Act.

LONG-TERM HEALTH CARE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. EMERSON. Mr. Speaker, one of the subjects about which we are all receiving a great deal of mail these days is the problem of financing long-term health care. There is a need. Everyone recognizes the need, but there seems to be few available solutions, considering the deficit problems facing the Congress and the country. How to finance long-term health care is a subject about which Washington is abuzz these days. We need all of the ideas on the table that we can get.

In this regard, Mr. Donald C. Evans, Jr., a lawyer/lobbyist—with no personal financial interest in this subject—has written an article with a proposal for a solution to this problem. Mr. Evans has an extensive background in government service, business, and the law and offers his perspective of one approach we may consider. It is not necessarily all-inclusive. Perhaps the comprehensive solution may be found in components. I lay his proposed solution on the table because I think it is innovative and though provoking; and I invite others to share with us their thoughts on this subject that is vital to the well-being of all Americans who wish to live a long life free of the problems of how they may pay for illness in their retirement years.

A NO-COST SOLUTION TO THE TREASURY—THE LONG-TERM HEALTH CARE FINANCING PROBLEM

(By Donald C. Evans, Jr.)

There is no denying the fact that a serious problem exists for any American involved with long-term health care, be it a nursing home or other facility. Too often paying for this care results in the total exhaustion of all savings and other assets painstakingly accumulated over a lifetime of hard work. This becomes a problem for the next generation as well because their children find themselves trying to find money to make sure their parents are cared for with dignity. National leaders declare this to be a problem which must be addressed. It has been called the most pressing issue of the elderly, even more so than the catastrophic health issue. Some in Congress have called on their colleagues to immediately address this problem. The major stumbling block arises when the question of financing is discussed.

Dr. Otis Bowen, as President Reagan's Secretary of Health and Human Services, attempted to meet this problem by suggesting that Congress adopt a new income tax deduction for contributions into an individual medical account, a system of savings similar to the present IRA accounts used for retirement. One problem with the Bowen approach is timing. It requires years for the accumulation of enough capital in these accounts to make a significant dent in solving an urgent present day problem. Those who can avail themselves of this approach will more likely be middle and upper income workers whose discretionary income is greater than that of the working poor and lower middle class. Secondly, the Bowen plan results in an immediate loss of significant amounts of revenue to the Federal Government at a time when the Budget deficit is a primary concern to all Americans.

Others have proposed putting another Federal spending program in place to solve the problem, perhaps by expanding Medicare. Even with pay-as-you-go growing in popularity among politicians in Washington, the American people don't seem to be inclined to support a major tax increase to pay for a new spending program, even one as worthy as this. Budget constraints have caused leading politicians in our country to sense an up-hill fight for a solution to the long-term health care problem in the next two years.

However, there is a plan Congress can adopt today which will protect against disastrous long-term health care costs. And it won't cost the Federal Government one nickel nor increase the Federal deficit. Antidiscrimination provisions already in the law make the same coverage immediatley available to workers of all income levels at the same affordable cost. It is equally available to the young person just entering the work force and the older worker approaching retirement. The plan works through the private sector without spending more money for government bureaucracy to administer another Federal program.

I propose to allow the use of private pension funds for the purchase of long-term care insurance policies. Presently, the tax law requires a pension plan to invest in assets that will grow in value or produce income that will fund the retirement benefits of the workers covered by the plan. An exception to this is where a worker can choose to have some of the plan assets attributable to his own account used to pay the premium on a life insurance policy on his life. The rationale for this exception is that the pension assets, which will include the insurance proceeds at his death, will be used for a recognized retirement goal—to support the worker's beneficiaries, usually the spouse and children, after the worker's death. To allow the use of these pension assets to purchase individual and group long-term care policies in order to protect the assets of the worker against total dissipation due to long-term care costs is just as retirement oriented a goal as that which is already allowed by the law—it protects the worker and his family during a time after he is unable to work.

Nearly half the civilian work force is presently covered by pension plans. Presently, there are only about 18,000 group long-term care policies out of the more than 500,000 existing policies (the rest are held by individuals). This plan will immediately open coverage to millions of workers. Congress only needs to authorize the pension plans to move ahead and we will take a giant step toward solving this national problem. Let's act now!

THE U.N. AND THE U.S. CONTRIBUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CRANE. Mr. Speaker, in spite of the lofty and abundant expectations that accompanied the founding of the United Nations in 1945, that organization has failed in many ways to live up to its charter. Many Americans held out great hope that this organization would help usher an era of peace, brotherhood, and tranquility into the affairs of men and nations. But this has not been the case. The United Nations has been guilty, in recent years, of maintaining a hypocritical double standard at the expense of both Western democracies and the U.N. Charter. And the United States percentage of contributions to the United Nations has ranged between 16 percent to 26 percent, making the pain of this double standard that much more difficult for Americans to bear.

At the very least, I think it is imperative that we reevaluate our financial contributions to that organization. A new contribution formula, one which would be fair to both the United States and other member nations, must be implemented. That is why I have introduced legislation to reduce our financial contribution from its disproportionately high percentage to a more realistic level of 5.6 percent. The latter figure is arrived at by shifting the contribution formula from one based on national income to one based on the population of member nations. Such a move would force Communist and Third World countries to shoulder a more proportionate and hence fairer share of the U.N. budget.

If we continue to pay an unduly large share of the U.N. expenses each year while other nations pay relatively little, we can only expect an increase in the hyprocrisy that has marked U.N. sessions in recent years. Criticism continues to be put on the United States and other Western democracies and we continue to pay for the right to listen to it. As one seasoned U.N. observer aptly noted:

Now I don't like antidemocratic organization, but I am prepared to accept their existence—so long as I don't have to pay for their fun and games.

I hope that my colleagues will join me in introducing a new level of realism into our contribution to the United Nations by cosponsoring this piece of legislation.

THE TRAGEDY OF THE ETHNIC ALBANIAN COMMUNITY IN YUGOSLAVIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. BROOMFIELD. Mr. Speaker, once again, I have to call to the attention of the Congress to the eroding human rights position of the ethnic Albanian community in Yugoslavia. I am deeply concerned that violence may break out in that country and that the Albanian minority will be targeted. Now is the time for our Government to let Yugoslav officials know that we are deeply concerned about human rights violations in that country and that we will not sit idly by and watch the persecution of a small minority in Yugoslavia. In the name of human dignity, the human rights of the Albanian community in Yugoslavia must be protected. I hope that Belgrade is listening.

I fully appreciate the multiethnic nature of modern Yugoslavia. That country is an amalgam of many ethnic groups who have, over the years, established a modus vivendi and are trying to work together to maintain the cohesiveness of that country. Nobody wants Yugoslavia to disintegrate. It is essential, however, for Yugoslav authorities to protect the human rights of that country's many ethnic groups.

I first became aware of the human rights problem in Yugoslavia when a young Michigan resident, and naturalized United States citizen, Pjeter Ivezaj, traveled to Yugoslavia to visit his family. After being harassed by Yugoslav police agents, he was detained for a long period without being officially charged. He was then put on trial and charged with having demonstrated in front of the Yugoslav Embassy in Washington in 1981. I worked closely with our Ambassador in Belgrade in an effort to win Pjeter's release. Later, I introduced legislation expressing the sense of the Congress that most-favored-nation trading status be denied to Yugoslav products coming to the United States market. Congressional intent obviously caught the attention of Yugoslav officials who had just given Mr. Ivezaj a long 7-year prison sentence. Pjeter was soon released, and is now in Sterling Heights with his family.

That unfortunate incident clearly underscores the serious human rights problems in that society. Recently, rising Serbian nationalism in Kosovo has taken on a particularly anti-Albanian tone. Serbians, the dominant group in Yugoslavia, have even accused ethnic Albanians of forcing them out of Kosovo. Tensions have mounted between the two ethnic

groups in that province and a number of incidents have erupted. Since the release of Pjeter, the human rights situation for the ethnic community in Kosovo has seriously eroded.

In recent weeks, Albanian miners in the Trepce zinc mine in Kosovo went on strike to protest discrimination and oppression by the Serbian authorities against the Albanians in Kosovo. The Serbians are reportedly trying to change the autonomous status of Kosovo by placing that province under the complete control of the government of the Serbian Republic. The strike action allegedly spread to other mines and factories and 7,000 students left the University of Pristina in order to protest the human rights violations in the province. The miners, who just ended their strike, also appealed to the United Nations and asked that world body to protect the human and constitutional rights of the Albanians in Kosovo.

I understand that troops and tanks have been sent to Kosovo and that threats of violence had been made against the miners by Yugoslav military officials. I fear a repetition of the violent events of 1981 which resulted in many deaths and injuries to ethnic Albanians.

The ongoing human rights violations in that country, the recently organized strikes and the possibility of military intervention in Kosovo are serious developments which distrub me. I see the situation in Kosovo coming to a full boil and ready to erupt at any moment. I trust that our Government will do all that it can to encourge Yugoslav authorities to restore peace to that area and to guarantee that the human rights of all ethnic groups in Kosovo are respected. It is essential that the security and political integrity of that country be maintained. While I encourage our Government to improve United States-Yugoslav relations, existing ties will certainly be damaged if Yugoslav officials allow anti-Albanian violence to bring more bloodshed to that province.

A THOUGHTFUL APPROACH TO NEW FARM POLICY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. KASTENMEIER. Mr. Speaker, I am pleased to join today with my friend and colleague from Wisconsin, Representative OBEY, in introducing a package of three bills aimed at enhancing the ability of American dairy farmers to continue to produce ample supplies of quality dairy products at reasonable prices.

In the mid-1980's, the dairy industry experienced a period of surplus production that led to Government purchases of dairy products at unsustainable levels. The response to that situation has been to continually lower the price farmers receive for their milk in the expectation that farmers will then produce less milk and there will be fewer dairy products for the Government to buy.

In reality, dairy farmers do not decide to cut back on their production because the price they get is lower. They have debts to pay, and they will increase their production if their unit price is lowered. The only way that a cut in the price of milk lowers production is by forcing dairy farmers who cannot survive at the lower prices into bankruptcy. Such a policy represents government at its cruelest.

The Bush administration is expected to follow the existing policy. In addition, it is expected to continue to pursue an end to agricultural trade barriers as part of the GATT negotiations. These policies forebode an era of ever decreasing milk returns for farmers, accelerated consolidation of dairy farms as individual farmers go bankrupt, and an increasing strain on rural economies as many farmers are replaced by few farmers.

In light of looming budgetary constraints, the Congress appears to be in a go-along-to-get-along frame of mind on these policies. The dismantling of current dairy programs appears to be considered somewhat inevitable.

We challenge that concept and ask our colleagues why such policies make sense. The goal of current dairy policy is to deliver to consumers a steady supply of quality dairy products at a reasonable price. The industry has consistently performed that task. No one would challenge the quality or variety of dairy products available in our stores. The price of those products has, year in and year out, increased less rapidly than the Consumer Price Index and the price of almost all other food products. The only problem we have seen has been costly purchases by the Federal Government.

There are alternative dairy policies that would continue to provide inexpensive, quality dairy products without costing the Government. A variety of supply management options have been utilized in the past to ensure that, rather than storing dairy products for which there is no demand, the products are not produced in the first place.

We are today reintroducing one such supply management bill as an option to be considered by the House Agriculture Committee and the Congress as a whole. The 'Milk Marketing Supply Management Act of 1989 would institute a two-tiered pricing plan whereby farmers would receive only one-fourth of the support price for milk produced in excess of their base production allotment established using historical production trends.

Some argue that this program would be cumbersome to administer. And yet, we already have grain programs in this country that require farmers to reduce their production by specific levels each year.

Others are concerned that the establishment of bases for milk production will make it impossible for new farmers to get into dairying. This bill, however, contains specific provisions for the allotting shares of the national base to new farmers on an annual basis.

But the major advantage of the legislation would be that it would eliminate costly Government purchasing and storage of dairy products by seeing to it that surplus milk is not produced. And, a consumption trends increase in the future, it would allow production to also expand to meet market demands.

Dairy farmers have been coping with a depressed dairy industry as we have pursued the ever lower price policy. No where have dairy farmers been suffering worse than in the traditional heartland of milk production: the upper Midwest generally and Wisconsin specifically.

As I have stated, the goal of the 1985 farm bill was to discourage production by decreasing price. However, that legislation contained within it the first ever legislated increases in market order differentials for 36 of the 44 Federal milk market orders. Those 36 orders were, of course, located away from the upper Midwest. These differential increases raised the price that farmers in those areas receive for their milk. That represented an incentive for increased production in some parts of the country that ran contrary to the decreased production goal of the bill. And if left Wisconsin dairy farmers at an extreme disadvantage.

In the last year, both the GAO and USDA have conducted investigations into the milk market order and have concluded that the differential increases need to be reconsidered. More significantly, they have both recommended that the market order system needs to be restructured with an eye toward consolidating market orders and/or establishing multiple basing points for the pricing of milk.

Clearly, we need to move along those lines. Thus, we are introducing today the Milk Market Order Consolidation Act of 1989. This legislation instructs the Secretary of Agriculture to propose and conduct a dairy farmer referendum on a single, nationwide milk market order.

Finally, we are introducing a third bill to eliminate the authority of the Secretary of Agriculture to impose 50-cent cuts in the support price for milk every January 1. The dairy price has fallen far enough. Further cuts will not cause farmers to trim back their production, they will throw families off of dairy farms and into bankruptcy. We need to act on dairy policy. But simply cutting the price for milk will not achieve any of the goals we desire.

It is my hope that the Congress will move quickly this year to consider a new farm program. The budget constraints we will be facing are likely to force scaled back spending on farm programs. The wise way to approach that situation is to have the Agriculture Committee proceed quickly with a thoughtful approach to our farm policy. The imprudent alternative is to wait for the budget process to force farm policy changes conceived without the careful consideration our farmers deserve.

CONGRESSIONAL MEDALS OF HONOR FOR HENRY JOHNSON AND DORRIS MILLER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. LELAND. Mr. Speaker, today Congressmen HUNTER, MCNULTY, and I are introducing legislation to properly commemorate the heroic deeds of two outstanding veterans, Henry Johnson and Dorris Miller, by posthumously awarding each a Congressional Medal of Honor.

During World War I, Sgt. Henry Johnson served in the 369th Infantry assigned to a French division. When, on one fateful night his company was attacked by 12 Germans, John-

son killed 4 of the enemy, rescued a wounded comrade, captured a stockpile of enemy arms, and thus repelled the attack. Notwithstanding gunshot and grenade wounds, Sergeant Johnson managed to rescue his fellow soldiers.

Later in World War II, Dorris Miller showed similar courage. His contributions were clearly exemplary given that he was not trained as a combat soldier, but rather, as a mess steward. Seaman Miller was assigned to the U.S.S. *West Virginia* when the Japanese attacked Pearl Harbor. Under serious enemy fire, Miller assisted his mortally wounded captain to safety and then manned a machine gun and successfully downed enemy aircraft.

At the time of their heroics, no black servicemen were awarded Medals of Honor for their actions. Of the approximately 1,500,000 blacks who served in the Armed Forces during WW I and WW II, not a single black soldier received a Medal of Honor. These numbers reflect the sad state of race relations in our country at the time.

Johnson was assigned to a segregated division in the Army which was under French command. Miller was a mess steward not because of his limited aspirations, but because that was the only option for blacks. Nevertheless, Johnson and Miller refused to accept the limited roles afforded black men in the service. Unfortunately, the times did not lend themselves to the proper honor for the two men.

Why have Johnson and Miller not been properly honored today, in 1989? Surely our society is more enlightened, more egalitarian. We have indeed made great strides against racial bigotry. The armed services have gone to great lengths to promote equal treatment of minorities at all levels of the military. Because of DOD's stated commitment to equality, one might become perplexed by the Army's and Navy's decision not to support efforts to properly honor Johnson and Miller.

Last year, the Army and Navy indicated that awarding a medal to these two servicemen would do a disservice to other servicemen who may have qualified for the award. Consequently, former Secretary of Defense Frank Carlucci instructed the Army and Navy to examine WW I and WW II records, respectfully, in order to identify other possible recipients. Although this review is most welcomed, the services must diligently work to ensure that a comprehensive and thorough review is executed.

The Army and Navy have expressed concern that awarding the decoration to Johnson and Miller could diminish the award's honor and prestige. The facts, however, speak for themselves. Johnson and Miller clearly demonstrated a commitment beyond the call of duty. While France has awarded its highest honor to Johnson, and the Navy has presented Miller with the Navy Cross, this is not sufficient.

While we have, for better or worse, inherited the actions of the past, we are not bound by them. We simply ask that this country properly recognize these two veterans. Had these men acted in Korea or Vietnam, they most certainly would have received at the very least consideration for the Medal of Honor. They did not; they had the misfortune of serving at a time when such consideration was unlikely. The fact that they are so obviously deserving sets them apart from others and warrants special consideration. The bills we introduce today waive the statute of limitations so that they may be properly considered and eventually receive an award.

In closing, Mr. Speaker, I want to thank my former colleague, Congressman DIOGUARDI, for introducing these bills in the 100th Congress and for his tireless efforts to secure their passage. It is my hope that these efforts will reach fruition in this Congress. Finally, I am submitting for the RECORD House Concurrent Resolution 22 which expresses the Texas Legislature's support for Seaman Miller's award.

HOUSE CONCURRENT RESOLUTION 22

Whereas, the Texas Legislature is proud to add its support for congressional legislation providing that the Congressional Medal of Honor be awarded posthumously to Dorris "Dorrie" Miller for exceptional acts of bravey during World War II; and

Whereas, on December 7, 1941, Mr. Miller a black man, was stationed at Pearl Harbor aboard the U.S.S. *West Virginia* when the ship came under attack by Japanese aircraft; a native of Waco, Texas, the young seaman was enlisted as a mess steward, the only duty then available to blacks in the Navy; and

Whereas, with his ship's captain severely wounded, Seaman Miller risked his own life to drag the injured officer to a safer location where he could continue to receive reports and issue commands; when the captain eventually lost consciousness, Miller bravely manned one of the ship's machine guns; and

Whereas, although he had no prior training in machine gun operation, the courageous young seaman managed to down two Japanese planes before he was ordered to abandon the sinking vessel; and

Whereas, in 1943, Dorris Miller was killed along with 700 of his crewmen when a Japanese torpedo sank the light aircraft carrier on which he was serving; and

Whereas, although Seaman Miller's actions were undeniably heroic, the racial climate of the era prevented his heroism from being fully recognized; although a total of 167,000 blacks served in the Navy during World War II, by the end of the war fully 90 percent were still serving as mess stewards; moreover, no black soldier was awarded the Congressional Medal of Honor, our nation's highest accolade, during either World War I or II; and

Whereas, in Seaman Miller's case, his remarkable actions were not disclosed until weeks after the attack and were initially acknowledged with only a letter of commendation; in May 1942, Admiral Chester W. Nimitz personally upgraded the award to a Navy Cross, the service's second highest honor; 40 years later, Dorris Miller received belated recognition when a Knox-class frigate was named in his honor; and

Whereas, the Congressional Medal of Honor may be rightfully awarded to any military person who ". . . distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life, above and beyond the call of duty . . ."; although nearly half a century has passed since the attack, Seaman Miller's courageous actions at Pearl Harbor endure in the hearts of many citizens, both black and white; his exceptional heroism on that day indeed merits our nation's highest honor; now, therefore, be it

Resolved, That the 71st Legislature of the State of Texas hereby honor the life and heroism of Seaman Dorris "Dorrie" Miller and request the Congress of the United States to enact legislation permitting him to be awarded posthumously the Congressional Medal of Honor; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

SUPPORT THE FLORIDA DEPARTMENT OF CITRUS' "NUTRITION FUNDAMENTALS" PROGRAM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. LEWIS. of Florida. Mr. Speaker, the National Center for Health Statistics has projected that 3.8 million children will be born in the United States in 1989. The future of our Nation is dependent on the health and well-being of these children, and it is the responsibility of all of us to be concerned about their nutritional status.

Several recently published studies conclude the children of America may be headed for trouble.

One such study, published by the American Journal of Diseases of Children, indicates obesity in children has increased 54 percent since 1974. Obese children may grow up to be obese adults, tending to be plagued by high blood pressure, diabetes, and heart disease.

Added to this concern, the American Academy of Pediatrics now recommends physicians to test cholesterol levels in all children above the age of 2 with a family history of high cholesterol or premature heart attack. Surprisingly, in initial tests, some children have total cholesterol levels of 200, which, according to the National Institutes of Health, is the desireable limit for adults.

Frightfully, the statistics continue. A recent study of 19,000 children ages 6 to 17 conducted by the President's Council on Physical Fitness and Sports cites the dismal state of children's fitness: 40 percent of boys and 70 percent of girls cannot do more than one pullup; one-third of boys and 50 pecent of girls cannot run a mile in less than 10 minutes; and only 2 percent of the students who took the President's Challenge, a series of exercises that measures strength, flexibility and endurance, performed well enough to qualify for the Council's award.

To improve this situation, several health clubs devoted specifically to the needs of children ages 1 to 15 have opened around the country. And enrollment is rising. Encouraging studies indicate that youngsters who learn early that exercise can be fun, may have fewer weight problems later on.

Why should children have to learn to run and play? Doesn't that come naturally?

Have we as parents failed in some way? Are we sending the wrong message to our children? Certainly a paradox exists: Adults in increasing numbers are working so hard to be physically fit—just look around your neighborhoods and count the number of joggers—and children are watching from the sidelines—woefully out of shape.

The answers are not so easily discerned. Indeed, many factors contibute to these lifestyle changes. Funding cuts in school physical education programs, increase in television watching, and video game playing are just a few. The basic structure of the American family has changed dramatically. The traditional picture of a father working and the mother at home now represents about 6 percent of American families. The Norman Rockwell family is an image of the past.

Today, families eat in shifts, grab meals on the run, in front of the TV, or not at all. No wonder children are confused about what constitutes a real meal. The average supermarket, with 20,000 items available on its shelves, beckons us with a confusing array of choices. But in this land of plenty, eating and weight problems added to the lack of interest in physical fitness are alarming.

The finger of blame cannot be pointed in any one direction. Consumers need to be educated, and only through a combination of nutrition and health-related information programs will America's children be back on track.

Nutritious eating habits must be formed early—when the child is a toddler—to model lifelong attitudes and food behavior.

The Florida Department of Citrus [FDOC] has traditionally spearheaded many nutrition and fitness-oriented education programs. Since 1932, the commission has worked diligently to provide consumers with information that will help them lead more healthful lives.

Through FDOC Program success, National Diet Month—read into this RECORD in 1986 and 1987—provided the impetus for thousands of Americans to take off some weight. These efforts were praised highly by the media and recognized by over 90 million Americans.

Another program enacted by FDOC in 1987, focuses nutrition efforts on growing children.

Entitled "Cup O'Juice," the program is a toddler nutrition education effort that informs parents, practitioners, and communicators of the role of 100 percent pure fruit juices in the nutrition, health, and development of growing children. The program aims to alert parents to the importance of reading fruit juice labels. More than a dozen brandname fruit juice beverages contain less than 50 percent juice.

Many health educators and physicians recommend 100 percent pure juice as one of the first beverages parents should serve children when they are ready to drink from a cup. And, 4 ounces of 100 percent pure orange juice provides a full-days supply of vitamin C for toddlers.

This year, the FDOC, while continuing with Cup O'Juice, expanded its program to encompass a wider range of activites. The 1989 program, entitled "Nutrition Fundamentals for Toddlers," takes a broader look at the eating habits of young children.

Together with the National Association of Pediatric Nurse's Associates and Practitioners and Children magazine, a public service announcement, video news release, and a week-long 800 telephone line have been produced. The 800 telephone line (800) 4-BABY-89, offered during "National Toddler Week," May 15 to 22, will provide parents with a series of tips on toddler nutrition, including helpful hints for dealing with finicky eaters, how to plan ahead for a nutritious breakfast, and why children eat less at this stage of development.

To reinforce nutritious eating habits and to produce a nation of healthy adults, the FDOC wishes to convey its message through communicating with those responsible for the feeding and well-being of our young.

Mr. Speaker, through my capacity as Florida's only Representative on the House Agriculture Committee, and to state my concern for the nutrition and health of young children—the most vital asset of our Nation's future—I hereby submit for this RECORD an outline of the Nutrition Fundamentals Program, and urge my colleagues to support the Florida Department of Citus in its efforts to promote Toddler Nutrition Week, May 15 to 22, 1989.

FAMILY LEAVE BENEFITS ASSISTANCE ACT OF 1989

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. BLILEY. Mr. Speaker, today I am introducing the Family Leave Benefits Assistance Act of 1989. This bill is designed to stimulate, encourage, and promote the continued growth of family sensitive employment policies through the use of tax incentives.

It is no longer useful to think of work issues and family issues as totally separate. Consider these facts: Today, most parents are workers and nearly half of all workers are parents. The fastest growing segment of the work force is mothers of children under the age of 3. It is estimated that 80 percent of all employed women will become pregnant at some point in their working lives. Over half of those women who work while pregnant are back to work within a year after childbirth. Women's contribution to total family income is particularly important for low-income families. In families with incomes between $10,000 and $15,000, employed wives who work full time all year contribute 58 percent to their total family income. When the family income drops below $10,000, this percentage rises to 64 percent. As a nation it is time to recognize that some families experience tremendous strain in reconciling work and family lives.

Employers have recognized this strain and are increasingly providing their employees with flexible benefit packages that allow them to ease their own work-family conflicts. Many of these plans include a parental leave provision. In a 1986 survey of Fortune 500 companies, over half of the companies responding offered some form of maternity leave. In a 1981 survey of small- and medium-sized firms, 88 percent of all companies responding provided such leave. My point here is that the voluntary negotiation system that American businesses rely on to design benefit plans is not failing American families but is working, adapting, and moving forward. While this voluntary system is working, the reality is that many companies currently do not provide parental leave to their employees because it costs too much; it is cheaper for them to replace employees who insist on taking the leave. This creates a situation of an employee having to choose between family and job—and an employer having to chose between loyalty to an experienced worker and the bottom line—the cost of the leave and the cost of replacing the worker. This dilemma is not good for American families and it is not good for American business.

My bill, the Family Leave Benefits Assistance Act is designed to address the needs of American families as well as American businesses not by mandating benefits but by helping businesses provide these benefits on a voluntary basis.

This bill would allow a company a 50-percent deduction for the costs of providing family leave. This plan would reduce the cost to employers of providing paid or unpaid leave. The deductions would be available for all qualified family leave expenses—that is, salary or wages and the costs of continued benefits, including paid leave, taken during the period in which an employee is temporarily absent on account of the birth or adoption of the employee's child or the serious illness of his or her child, spouse, or parent. The employer must have in effect a certified benefits plan which includes a leave policy providing that any employee taking leave will be entitled to return to the same or equivalent position without loss or pay or benefits.

For many employers, the increased tax deduction will be significant and will enable them to expand their current benefit packages to include family leave that is paid as well as unpaid. While I believe that the best arrangement for child care is a mother at home, I realize that economic necessity makes this difficult for many families. This plan would allow families to spend as much time as possible at home when a serious medical emergency involving a child, spouse, or parent occurs. Moreover, this plan recognizes that child birth and adoption are unique family events that require parents to give some undivided attention to their newly arrived child.

A voluntary approach to family leave supported by a tax break may seem too simple an answer to a complex problem. In fact, however, a voluntary approach serves more of the needs of businesses and families than a mandated approach. Employers simply cannot absorb the cost of the mandated approach without reducing current benefit packages. If an employer provides 10 weeks leave to all new parents, he will have to pay for it by cutting other benefits. Mandating family leave skews the benefit system toward only those families that can afford to take unpaid leave. The perk may be available to all employees, but it will be exploited mostly by the higher paid ones. Mandatory policies may result in discrimination against married women and men of child-bearing age. Because women will

be far more likely than men to take extended parental leaves, discrimination against women may result. Finally, mandatory policies would cause many family providers to lose jobs due to small business closings.

Mr. Speaker, the Family Leave Benefits Assistance Act recognizes that the Federal Government ought not dictate to American businesses what benefit plans should be put in place, or who should be eligible. I believe that negotiations between employees and employers best determine the content of fringe benefit packages. These negotiations are stifled by mandates and in fact reduce flexibility and choice—key ingredients to profamily solutions.

In short, this bill would stimulate businesses to expand their parental leave policies without crippling small businesses and hurting our competitiveness. It is the right thing to do for American families and for American businesses.

"I LOVE THIS JOB * * *": A JUDGE SPEAKS OUT ON THE PAY RAISE ISSUE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MICHEL. Mr. Speaker, amidst the sound and fury of the battle over the pay raise, the individual voice of reason tended to be lost. I recently received a letter from a Federal judge in the Midwest. I think the text of his letter tells us more about the realities of this issue than many people care to hear.

At this point I wish to insert in the RECORD, the text of a letter sent to me, February 11, 1989:

DEAR CONGRESSMAN MICHEL: I thought I would share some irony with you. I first learned about the Senate's rejection of the President's recommendations for salary increases for higher federal officials while listening to the radio last Thursday night shortly after 11:00 p.m. At the time I was working on a court decision, which I finished at about midnight. I learned about the House's rejection of the recommendations, again from radio news, while driving home on Tuesday at 6:15, after a full day on the bench and looking forward to another full evening of written work. On both occasions, I thought it was darkly humorous that the two Houses of Congress had acted in response to the firestorm of protest from people who think that Federal executives, legislators, and judges do not deserve even their present level of pay, let alone an increase.

I work the hours I do out of a commitment to handle the large caseload in our court. I could leave the public service right now, put in the same hours at a private law firm, and make two to three times as much in competition. At this point, I am not going to do that. In a few years—when my three children near college age—I may not have a choice. I love this job, for its intellectual challenge, the independence, and the matchless reward of directly participating in the administration of justice. It will probably break my heart if I have to leave it for financial reasons.

That, however, will likely be the result for me—and for a lot of other bankruptcy judges who, like myself, came on the bench at a younger age. Congress's failure to muster the political will to assume leadership on the compensation issue will lead to this result. I don't see how the improvement of executive or judicial administration in the Federal Government will be fostered in any way by the events of this last week.

THE U.S. POSTAL SERVICE SHOULD BE PRIVATIZED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CRANE. Mr. Speaker, The U.S. Postal Service has become an object of derision by Members of Congress, the business community, and more importantly the general public. The USPS once again opened itself to ridicule when the price of a first class postage stamp rose another 3 cents on April 3, 1988.

Since the Post Office was reorganized in 1970, we have seen postage rates jump from 10 cents to the current 25 cents—which is 45 percent higher than the rate of inflation. Yet, services provided to letter senders have deteriorated. For instance, in addition to a cutback on counter hours—front door service is also being abbreviated with the advent of regulations regarding newly constructed apartments and homes requiring "cluster" or street side mailboxes. In addition, former Postmaster General William Bolger admits that mail is being delivered about 10 percent slower than it was 20 years ago.

The malaise of the Post Office derives from being a State-owned monopoly. Unlike the private sector where management decisions are based primarily on economic factors, decisions in the public sector are unduly influenced by politics. Public firms are, therefore, divorced from the realities of the market place and prone to shoddy performance. The performance of the Post Office can only be improved by transferring it to the private sector.

The time has now come for a new approach to privatizing the Post Office. However, in order to achieve successful privatization, the interests of the postal workers, rural communities, business community, and the public must all be taken into consideration. To this end, I am reintroducing a bill which would privatize the Post Office by giving the employees full ownership of the corporation.

My plan is relatively straightforward. All assets of the Post Office would be given to a corporation owned by the employees by establishing an employee stock ownership plan [ESOP] which will transfer stock to the employees based on seniority and rank. Regulations will assure that rural service and general performance standards exceed current levels. The new firm will be given a 5-year grace period during which it faces no competition, giving it time to get its feet on the ground. Thereafter, the monopoly will be abolished and free competition in all classes of mail will be allowed.

I urge my colleagues to join me in an effort to creatively and effectively privatize the U.S. Postal Service.

LONG ISLAND SOUND CAUCUS RECONVENES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, lobster, fish, and other fruits of Long Island Sound are dying—suffocating in a sea that lacks oxygen. They are also threatened by toxic chemicals.

The extent of the damage to sealife in Long Island Sound is now being studied. Some parts of the problem are painfully obvious, however, so obvious that they demand to be fixed before further damage can be done.

In excess of 40 sewage treatment plants still discharge waste water directly into the sound. This water contains chemical leftovers from soaps and fertilizers spread on lawns and farms. Nitrogen is one of the main culprits. Just as your lawn thrives on nitrogen, so does algae. Algae growth has expoded in Long Island Sound. Where algae thrives, it starves the sea of oxygen, killing other sealife.

In the summer 1987, the year in which this caucus was founded, conditions in Long Island Sound were possibly the worst in history. Federal officials tested water in one area of the western part of the sound that contained no oxygen. Lobstermen hauled in traps full of dead lobsters that had suffocated in this water. Chemical tests on the tissue of fish and shellfish caught in the sound found such toxic materials as mercury, lead, copper, and polychlorinated biphenyls [PCB's].

In 1987, the Long Island Sound Congressional Caucus, a group of 10 Congressmen including myself whose districts border on the sound, was founded to support research and cleanup projects aimed at restoring sealife in the sound. The goal of the caucus reflects the goals of the Federal Clean Water Act—to make our waterways swimmable and fishable. Of these 10 congressional districts represented in the caucus, New York's First Congressional District, has by far the longest shorefront on the sound.

To meet these challenges, of making Long Island Sound swimmable and fishable, the members of the Long Island Sound Caucus have succeeded in maintaining appropriations to continue the 5-year study of the sound that began in 1985. The Environmental Protection Agency [EPA] and the National Oceanic and Atmospheric Administration [NOAA] are jointly conducting the study.

While awaiting the results of the environmental study, one critical question must be asked. What will it take to convince authorities to take action against polluters now, instead of waiting until 1990 when the study is complete? We are talking here about life, not something static, like a broken-down car that need repair. Certainly, restoration costs will rise the longer we wait to act. But, more important, with living organisms in a damaged ecosystem, there is a point of no return. To destroy a fishing run or a clam bed once is to destroy it for the foreseeable future.

Now is a particularly good time for Federal action on this issue. In 1987 Congress passed

a package of amendments to the Clean Water Act. One of these amendments established a National Estuary Program, under which the Long Island Sound is identified as a priority for cleanup projects. The Estuary Program calls for development of comprehensive plans for the protection of all designated estuaries. Besides Long Island Sound, Peconic Bay is now also to be designated as a national estuary.

Also within that package of amendments, Congress voted to authorize Federal funding of sewage treatment construction projects through 1993. Some of these funds might be used to clean, or possibly divert, waste water. Further, this funding authorization adopts a new permitting program which provides control over industrial and municipal storm water discharges into estuaries like the sound. EPA will receive authority to enforce these new controls on areas bordering the sound 2 years from now.

The problem of Brown Tide in the bays of eastern Long Island might also qualify for Federal funds under the National Estuary Program. With all the work going on nearby in Long Island Sound, it seems absurd that the Federal Government would continue to ignore the brown tide in the bays. This poorly understood algae bloom is destroying shellfish stocks and putting baymen out of business.

Congressman MRAZEK and I have great faith in the ingenuity and the will of Long Islanders to meet this challenge. We hope this meeting will yield suggestions that we can pursue in Congress in league with other caucus members.

MORE PROSPERITY, MORE HUNGER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MARKEY. Mr. Speaker, I would like to call the attention of my colleagues to the column below which appeared in the New York Times—Saturday, February 25, 1989. Dr. Jean Mayer, president of Tufts University and Dr. J. Larry Brown, a leading health care expert, offer a penetrating look at our failure to eradicate the unnecessary tragedy of hunger in the United States. It is time to take a good hard look at our fiscal priorities and to reexamine policies which have resulted in the evergrowing gap between the rich and the poor in this country.

MORE PROSPERITY, MORE HUNGER

(By Jean Mayer and J. Larry Brown)

MEDFORD, MA.—Throughout this decade, domestic hunger has been one of the most public of personal tragedies. The suffering of hungry American families, a wholly preventable condition, has been chronicled by numerous Government reports and academic studies. Research indicates a clear relationship between inadequate nutrition and illness, including more babies born at low birthweight and the risks of higher infant mortality and permanent disability.

Many families now appearing in bread lines across the country come from the traditional bedrock of our economy. In Pennsylvania, skilled steelworkers comprise a large percentage of the clientele in the more than 200 soup kitchens that have sprung up there since 1980. In Waterloo, Iowa, once-productive farm families now stand in bread lines to eat. In California's famed Silicon Valley, mothers working full-time at high-tech jobs supplement meager earnings with handouts from food banks.

The recent economic recovery is having little impact on the nation's 20 million hungry citizens—an unprecedented situation. The paradox of an economic recovery highlighted by hunger and homelessness stems from several factors. Chief among them is the dramatic shift to low-wage jobs in the United States economy.

According to the Joint Economic Committee of Congress, 8.2 million of the 13 million jobs created during this decade pay less than $7,000 annually. Half the jobs created since 1980 fail to lift families from poverty. This downward trend in wages undermines even white, male-headed households, which absorbed half the overall increase in poverty.

So sharp is this decline that by 1987, real wages were lower than for any year throughout the 1970's. A third of all new retail service jobs pay an average of only $4.39 per hour.

Another factor is the failure of the Federal minimum wage to keep pace with inflation. Since the wage was last increased, in 1981, to $3.35 per hour, consumer prices have risen 38 percent. This substantial loss of purchasing power undermines the ability of minimum wage workers to feed the nearly 15 million family members who depend on their incomes.

A third factor contributing to hunger amid prosperity is the weakening of Federal antipoverty programs, especially subsidized housing. The typical poor family spends 78 percent of its income on housing, a phenomenal burden created primarily by the decline in Federal housing subsidies. In this decade, they fell from $30 billion to $8 billion annually.

Federal calculations show that, in 1979, antipoverty programs like housing, food stamps and Medicaid lifted from poverty 20 percent of households whose cash incomes otherwise were below poverty. Today that figure has declined to 11 percent.

These three factors have made the poverty rate higher today than anytime in the 1970's. The number of poor has grown from 24.5 million in 1978, when unemployment was comparable to today, to 32.4 million now. More Americans are working than ever before, but eight million more people are poor because of the increasingly skewed distribution of income.

With the gross national product up 12 percent in real dollars, income inequality is at its greatest disparity since such comparisions were first calculated four decades ago. Since 1980, the share of after-tax household income has dropped for everyone except the wealthiest 20 percent.

This subsidization of the wealthy amounts to $35 billion annually, an amount that would have gone to poor and middle-income groups if their shares were the same as when the decade began. An economic pie that leaves millions hungry at the table of prosperity demands a response to fulfill our nation's commitment to individual opportunity.

The issues of housing subsidies and the minimum wage will be before Congress this year. Congress can also insure that successful programs like food stamps, school meals, nutritional aid to mothers and babies and elderly feeding are expanded to reach everyone in need. President Bush's "kinder, gentler nation" must protect those who have the least. The elimination of hunger and homelessness is the baseline measure of the decency of our Government.

THE PLIGHT OF CERTAIN AMERICAN REFUGEES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MOAKLEY. Mr. Speaker, in response to numerous calls from my colleagues and others regarding the plight of Central American refugees in the United States, I have prepared the following "Dear Colleague" letter summarizing my views on this important issue. I would like to insert the letter and a recent New York Times editorial on the subject in the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1989.

DEAR COLLEAGUE: As you know, I have recently reintroduced a bill (H.R. 45) which would temporarily suspend the detention and deportation of Salvadoran and Nicaraguan refugees currently in the United States. Over the past few days I have been contacted by Members concerning the Central American refugee problem in South Texas, the new I.N.S. detention policy and how my bill would affect that situation. I thought it might be useful at this time to address some of these issues.

Contrary to public perception, Salvadoran and Nicaraguan refugees have not begun a sudden influx into the United States. Regrettably, over the last nine years, war, human rights atrocities and natural disasters have forced many thousands to leave their homelands in search of political asylum or some sort of temporary safe haven here in our country.

There are those who would describe these refugees as mere "economic migrants" who have fled their countries for nothing more than economic gain. However, I reject this characterization. It is virtually impossible to separate the devastation of the wars in El Salvador and Nicaragua from the devastation of their economies. They are intertwined. A far more accurate description of the Salvadoran and Nicaraguan refugees in the United States would be to characterize them as "war refugees."

I do not believe that every Salvadoran or Nicaraguan who comes here has a "well-founded fear of persecution" and, thus, deserves political asylum, as stipulated in the Refugee Act of 1980. However, it is accurate to point out that many deserving refugees have been denied this protective status for purely political reasons. Unfortunately, due to U.S. foreign policy considerations, political asylum has not been administered fairly and, therefore, has not been a viable option for many Central Americans.

The new I.N.S. policy of refugee detention, restricted access to the advice of legal counsel, and assembly-line adjudication of asylum claims will only worsen matters. Persons with legitimate asylum claims will still come to the U.S. but will be deterred from coming forward to pursue their claims in fear that they will be jailed and denied the fair hearing that our laws require. Persons

who fail to meet the legal standards for asylum, but nonetheless have good reason to fear returning to their homeland, will be driven underground by the new I.N.S. policy. In either case the result will be the creation of a permanent, exploitable underclass of Central American refugees outside the protection of our laws—and, in turn, that will only aggravate the difficulties facing local communities where these refugees are now residing.

For those war refugees who do have compelling asylum claims, I believe that there is a better, more humane approach. Rather than adopting an ugly policy of massive detention—which will neither deter persons from coming to the United States nor encourage legitimate refugees to come forward and seek legal protection—our government should provide temporary safe haven status as outlined in my legislation. On January 3, I wrote to President Bush, Attorney General Thornburgh, and Secretary of State Baker urging them to grant Salvadorans and Nicaraguans extended voluntary departure status (EVD). However, the mails must be slow! To date, I have not received a reply to this urgent request.

I made this request for several concrete reasons. First, the majority of Salvadoran and Nicaraguan refugees need protection—for some it is political asylum, for others it is a temporary safe haven. Second, the United States has established a tradition, through EVD, of offering temporary protection to people fleeing violence and civil strife. To be consistent, the United States should offer the same relief to Salvadorans and Nicaraguans. Third, it is in the national interest of the United States to get a handle on this problem by encouraging persons already in the United States to come forward and secure work authorization rather than to remain underground. This will allow us to identify those in need of temporary protection and assist them in returning home when hostilities in their countries have calmed. Passage of H.R. 45 is vital in achieving these objectives.

By contrast, large scale, long-term detention, as I.N.S. is currently advocating, is both costly and impractical; and it discourages people from coming forward to I.N.S.

In 1986, the Congress passed a sweeping new immigration law. The Immigration Reform and Control Act was intended to address the problem of illegal immigration to the United States through a combination of civil and criminal penalties for employers who knowingly hire unauthorized workers and a legalization program for certain undocumented aliens. Although the new law provided the hope of legalization for undocumented persons who had resided in this country before January 1, 1982, as well as certain agricultural workers, most Salvadorans and Nicaraguans entered after 1982, and are not covered by these legalization programs. Ironically, many of those who do not qualify for the legalization programs are precisely those who came to this country at the time of greatest civil unrest in their own countries.

I believe that, notwithstanding the new immigration law, it is urgent that Congress and the Executive branch seek to develop a national consensus on the need for temporary safe haven for eligible Salvadorans and Nicaraguans. Whatever the initial motive for leaving their countries, Salvadorans and Nicaraguans in the United States face real dangers from deportation, and they deserve this country's protection.

The plight of Central Americans over the last nine years demonstrates dramatically that wars create destruction and hopelessness that people seeking to survive will flee. There is no easy or simple response to curb the influx of these war-refugees. A comprehensive approach is required to ultimately deter flight and create the conditions that will allow those currently in the United States to safely return home.

In addition to passage of H.R. 45, which would apply to only those refugees who are in the U.S. prior to date of enactment of the bill, I would suggest the following three point strategy: 1) diplomatic and foreign policy initiatives to alleviate the root causes of flight; 2) bi-lateral and multi-lateral initiatives to strengthen assistance to support the over one million refugees and displaced persons who currently reside in Central America and Mexico; and 3) fair and expeditious processing of asylum claims for those who may come in the future.

For your information, I have attached an excellent editorial ("Here: Migrants and the Need for Safe Haven") which appeared in Sunday's *New York Times* that responsibly addresses these issues.

Sincerely,

JOE MOAKLEY.

[From the New York Times, Feb. 26, 1989]

HERE: MIGRANTS AND THE NEED FOR SAFE HAVEN

The long lines of undocumented aliens applying for political asylum at an immigration office on the border in south Texas attest to the reverberating effect of United States policies in Central America. So many Central American aliens have applied for asylum in recent months that immigration officials have finally felt compelled to devise a get-tough policy to deter other migrants, trying to escape poverty, not persecution.

But in Central America it's often hard to draw a line between politics and economics, especially when U.S. policies have contributed to destabilization. That strengthens the case for generosity in granting asylum. Yet immigration officials fear encouraging a tidal flow that would overwhelm the proper, careful definitions of "refugees" and "asylees." Hence the decision to enlarge a detention camp on the border.

There's a warmer way to respond—create a new entry status: temporary safe haven. Giving such status to some number of Central Americans would recognize America's partial responsibility for their plight without compromising the goals of U.S. refugee and immigration laws.

Even a generous nation cannot admit anyone. That's why economic migrants are required to apply for immigration according to criteria that encompass regions of the world, family relationship to people already here and specially needed skills. But political migrants, those with a "well-founded fear of persecution" in their homeland, may win sanctuary under the 1980 Refugee Act. It's the duty of immigration officials to determine, fairly and expeditiously, who is a refugee.

Too often, however, foreign policy considerations distort the decision-making process. Officials have been reluctant to recognize political persecution under the U.S.-supported regime in El Salvador; they granted asylum to only 3 percent of Salvadoran applicants last year. By contrast, 65 percent of Nicaraguans fleeing the Sandinistas were granted asylum.

Growing numbers of asylum applicants caused a recent crackdown. Aliens used to be allowed to work temporarily during the lengthy application process. Last week, officials announced plans to detain them instead. As many as 6,000 aliens will be held in a tent city in south Texas. only those prejudged to present valid claims for asylum will be allowed to work and travel in the U.S.

Massive detention camps may effectively discourage economic migrants. A better remedy would be the certainty of timely and fair asylum decisions. Both certainty and fairness are now often missing. In Miami, for example, Nicaraguans rejected for asylum have been granted a de facto safe haven because immigration officials have proceeded so slowly with deportation hearings.

It would not be hard to formalize the safe haven status and restore integrity to the asylum process. Representative Joe Moakley of Massachusetts proposes a bill to do just that for Nicaraguans and Salvadorans. It would authorize the General Accounting Office to assess the feasibility of repatriating displaced nationals from Nicaragua and El Salvador. In the meantime, deportations of Nicaraguans and Salvadorans living here would be suspended for about two years.

The impulse to help aliens from Nicaragua and El Salvador is understandable, but the focus remains very narrow. Congress would do well to enact a safe-haven law with general application to aliens from other countries.

All political migrants seeking admission to the U.S. deserve fair, consistent and timely consideration of their claims. Some economic migrants who would abuse the process may deserve detention. But for aliens who simply need temporary resettlement until their homelands conquer the ravages of war, the idea of temporary safe haven satisfies the head and the heart.

LEGISLATION TO REFORM THE WAR POWERS RESOLUTION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DEFAZIO. Mr. Speaker, today I am introducing a revised version of House Joint Resolution 462, legislation I introduced in the 100th Congress to reform the War Powers Resolution

Secretary of State Baker proposed recently that Congress and the administration "agree to disagree" over the constitutionality of the War Powers Resolution. He advocated a "gentleman's agreement" in its place, presumably one that would allow the President to pursue any military adventure he chooses, so long as he chats with a few congressional leaders first.

The Constitution charges the President with the responsibility to "take care that the laws be faithfully executed." The War Powers Resolution is the law of the land. It is not for the President or his officers to rule on the constitutionality of a law; that question is reserved to the courts. There has never been a judicial determination of the validity of the War Powers Resolution. Until there is, the President is obliged to fulfill its requirements to the best of his ability. That's the theory. Unfortunately, it hasn't worked that way in practice.

Mr. Speaker, President Truman's unilateral introduction of United States Armed Forces into the Korean conflict marked a turning point in relations between the executive and legislative branches of Government. Though earlier Presidents did, on occasion, order the Armed Forces into hostilities, none claimed inherent power to do so without congressional authorization. The only bright spot since 1946 was the passage of the War Powers Resolution over President Nixon's veto in 1973. Unfortunately, through a combination of creative evasion by the executive branch, congressional inaction, and judicial abstention, the resolution has proved utterly ineffective.

The most recent example of judicial abstention was the Court's decision in Lowry versus Reagan. By an extraordinary exercise of judicial discretion, the Court made it clear to the Executive that compliance with the requirements of the War Powers Resolution is optional. In so doing, the Court ignored Chief Justice John Marshall's declaration that it is the job of the courts to "say what the law is." By the Court's reasoning, Congress must pass a law to require compliance with a law it already passed. The fallacy in that argument should be obvious to anyone with a measurable IQ.

The question is not whether to amend the War Powers Resolution but how. Many proposals have been advanced. A number of those seek to obtain Presidential compliance with the resolution by removing the provisions that Presidents have found objectionable. In so doing, they effectively repeal the War Powers Resolution. As Prof. John Hart Ely recently wrote, "Repeal is one way to obtain compliance," but it's hardly a good bargain for the legislative branch. What's worse, those proposals implicitly endorse the broadest possible view of Presidential war powers. The only checks they place on those powers are a requirement to consult in advance of a presidential war, and new rules for the House and Senate providing for expedited consideration of a joint resolution to stop that war. Thus the President starts wars, Congress must act to stop them, the reverse of the constitutional scheme.

Certainly, adequate consultation between the two branches is essential and should be encouraged. But a requirement to consult would be about as binding on an unwilling President as Secretary Baker's proposed "gentleman's agreement." We need more than that. We need a War Powers Resolution that asserts the congressional role in matters of war and peace. In particular, we need one whose requirements are enforceable. And that, ultimately, is the job of the courts in our system of government.

The three most important modifications to the war powers resolution I am proposing are:

A return to the concept of "prior restraints" embodied in the original Senate version of the WPR there is, defining in advance those uses of the Armed Forces in hostilities for which the President needs no prior authorization is neither possible or practical;

A prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days, unless use is authorized by Congress, and using purse string restrictions to enforce the prohibition; and,

Providing for judicial review by conferring standing upon Members of Congress to bring suit in the event of Presidential noncompliance, and limiting the court's discretionary powers to dismiss such cases.

What follows is a section-by-section analysis of my legislation. I urge my colleagues to study this proposal and support it as being absolutely necessary to protect the constitutional allocation of the power to make war.

SECTION-BY-SECTION

SHORT TITLE

Section 1 cites this bill as the "War Powers Rsesolution."

PURPOSE; CONGRESSIONAL LEGISLATIVE AUTHORITY

Section 2 describes the purpose of the legislation and provides the constitutional authority for such legislation. The purpose is identical to that of the original War Powers Resolution. Authority is derived from article I, section 8 of the Constitution, which specifically provides that Congress shall have the power—

(1) to declare war;

(2) to make all laws necessary proper for carrying into execution not only its own powers but also all other powers vested by the constitution in the Government of the United States, or in any department or officer thereof; and

(3) to control the expenditures of the federal government through its exclusive appropriations power.

USE OF THE ARMED FORCES IN HOSTILITIES

Section 3 describes, in detail, under which circumstnaces the President shall be allowed to introduce United States Armed Forces into hostilities without prior statutory authorization. Generally, these are instances where no prior congressional authorization is possible or prudent. The power to repel or forestall attacks on the United States or its armed forces is acknowledged, as is the President's historic right to rescue U.S. citizens whose lives are threatened. This section also imposes a prohibition on the expenditure of appropriated monies for any use of armed force not provided for by this section.

CONSULTATION BETWEEN THE PRESIDENT AND CONGRESS

Section 4 enlarges upon the consultation requirements in current law by specifying what is meant by "consultation" and by providing for the creation of an "Executive-Legislative Consultative Group."

REPORTS TO THE CONGRESS

The reporting requirement has been amended to apply only to an introduction of the Armed Forces into hostilities or situations where hostilities are imminent. Section 4(a)(2) and (3) have been dropped. The required report must state that it is being submitted pursuant to this section.

CONGRESSIONAL ACTION WITH RESPECT TO HOSTILITIES

Section 6 retains the provision requiring the automatic removal of United States Armed Forces from any hostile situation after 60 days unless Congress authorizes their continued presence. The 60 day clock commences upon introduction, not upon receipt of a presidential report. It applies, of course, only to situations covered by section 3 of this resolution. Any other introduction of United States Armed Forces into hostilities, without prior statutory authorization, would be illegal. The provision for removal of forces by concurrent resolution in current law is dropped.

CONGRESSIONAL EXPEDITED PROCEDURES

Section 7 updates the procedures providing for priority consideration of any joint resolution authorizing the use of United States Armed Forces beyond the sixty day statutory limit.

JUDICIAL REVIEW

Section 8 specifically confers standing to sue upon Members of Congress if any provision of the Resolution is violated by the President or the Armed Forces. It limits the court's exercise of discretionary powers to dismiss such cases on grounds of justiciability. It provides for expedited consideration of any action brought under this Act. It prescribes remedies and directs that any judgment rendered by the District Court shall be directly appealable to the Supreme Court. The effect of this section will be to provide for judicial review in any instance where a Member of Congress claims a violation of this law. The court will still be entirely free to dismiss such a claim as lacking merit, or to refuse to grant the relief sought.

RULES OF INTERPRETATION

Section 9 specifically states that authority to introduce the Armed Forces into hostilities shall not be inferred from any provision of law (including appropriations bills), or from any treaty, unless that treaty is implemented by legislation authorizing the subsequent use of the Armed Forces. It also directs that the courts shall not infer congressional *approval* of a presidential war simply because Congress has *failed* to enact a measure to terminate that war.

DEFINITIONS

Section 10 defines the terms "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances", "Armed Forces", and "introduce". Both the courts and the Executive branch have complained that current law lacks any clear definition of these terms.

SEPARABILITY CLAUSE

Section 11 retains the language from the original War Powers Resolution declaring that if any provision of this joint resolution is held invalid, the remainder of the resolution shall not be affected thereby.

IS MOSCOW DUE THAT RIGHTS SESSION?

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SHAW. Mr. Speaker, recently I traveled to the Soviet Union with many of my distinguished colleagues, including Mr. EDWARDS of Oklahoma, to take part in meetings between members of the Helsinki Commission on Human Rights and members of the Supreme Soviet. While we were there, Mr. Speaker, we saw many signs of progress toward openness in that society. Soviet citizens have more freedom of expression and access to information. To a certain extent, they may criticize their government with less fear of a knock on the door in the middle of the night. Things are clearly changing for the better. But, enough so

that Moscow should be asked to host the 1991 Conference on Human Rights? I am not sure that they have made that much progress. They still do not recognize the difference between rights and privileges. Free speech in the Soviet Union is still a privilege which the state may rescind at any time. Unless Soviet leaders recognize that peacable assembly, freedom of speech, freedom of the press, freedom to travel and to emigrate are rights derived from a higher authority than themselves, human rights in the Soviet Union will be tenuous at best.

Mr. Speaker, I would like to include in the RECORD at this time an excellent op-ed by Mr. EDWARDS which speaks to this subject. It appeared in the Washington Times on January 10, 1989.

IS MOSCOW DUE THAT RIGHTS SESSION?

(By Mickey Edwards)

The recent decision by President Reagan to endorse the Soviet Union's claim that it is a legitimate host for a 1991 conference on human rights goes far beyond a bit of backroom cheerleading for Soviet President Mikhail Gorbachev's campaign for internal reform: It recognzies the Soviet state—yesterday's "evil empire"—as a guarantor of the rights of its citizens and a striver for full recognition of human dignity. That's quite a leap and one that raises the question of whether the Russians have indeed moved so far in so short a time.

Is the Soviet Union, in fact, a born-again believer in human rights?

One thing is certain: In the words of a once-popular novelty song, strange things are happening. And nowhere stranger than behind the Iron Curtain. In fact, a visit to the Soviet Union today is a roller-coaster experience. A single week in Moscow and Leningrad can shock your system with alternating currents of surprise, joy and despair.

As vice chairman of the House Subcommittee on Foreign Operations, I recently returned from a week-long series of meetings with Soviet leaders in Moscow and in Leningrad. I had been invited to take part in talks between members of the Helsinki Commission on Human Rights and members of the Supreme Soviet.

The fact that the meetings were even taking place was momentous. Although there is no real parallel between the U.S. Congress, with its separate and considerable powers, and the Soviet version of a legislature, this was nonetheless the first time members of Congress and the Supreme Soviet had met together on a substantive issue. It was also the first time any representatives of the United States had been invited by the Soviets to discuss human rights questions. For years, in fact, the Soviets had denounced every mention by the United States of Russian human rights violations as interference in the U.S.S.R.'s internal affairs.

Not only had the Russians initiated the meetings, but it was clear from the outset that the topic was not to be human rights in general, but Soviet policy toward its own citizens. Two or three times the Soviet delegates made half-hearted attempts to suggest parallel human rights deficienices in the United States (homelessness, for example, and the arrest of clergymen who participated in the Salvadoran sanctuary movement), but those were fleeting blips on the screen.

The Soviets understood very well that we were there to talk about them—about Jews in Kharkov, Catholics in the Ukraine, political prisoners in the Soviet Gulag, denial of emigration permits. They understood that these talks were asymmetrical, and they accepted that.

There were excuses, of course (abuses were invariably blamed on earlier regimes), and at times the Soviets were more than a little disingenuous. ("Gosh, we'd sure like to learn what your folks do to make sure you always know what you constituents are thinking.")

There was some fervent advocacy of an occasional Soviet viewpoint (for example, the Russians firmly believe—as do many Americans, I suspect—that journalists ought to be held accountable for the truth of their reports). But the clear message (whether it was sincere is a separate matter) was one of Soviet eagerness to confess failings and to try to do better.

In many ways, this new openness in discussing human rights was a heady and disorienting experience.

There, at one lunch, were representatives of the Ukrainian Catholic Church (which has been denied recognition by the Soviet state), and of the Russian Orthodox Church (which is increasingly accepted by the Russians as a de facto "house religion," even though it, too, feels the sting of the government's restrictions on religious practice). And, on the other side of the table, sharing their borsht and black bread, were official representatives of the Soviet State—the people who deny the Russian people the full range of religious experience.

And there was a reception in Moscow at which top party and government leaders mingled, for the first time, with refuseniks, dissidents and leaders of the semirevolutionary movements in Lithuania and Estonia. Here, the publishers of underground journals; there Ivan Laptev, the ebullient editor of Izvestia.

So what does all this mean? Not long ago, Russians marked (and some celebrated) the millennium of Christianity in Russia. Has the milennium—the proverbial "that will be the day"—arrived as well?

One that, a few words of caution:

For one thing, there is less a willingness to accept responsibility for current and ongoing Soviet repression than there is a willingness to concede that Stalin and Leonid Brezhnev did things wrong. At one point, sitting across from Mr. Laptev in the conference room at Izvestia, I was driven in frustration to ask if he foresaw a day when Soviet citizens might be as free to criticize current policies as they now are to find fault with policies of the past.

His answer was something about the difficulty in getting information about current policy, particularly in the areas of defense and foreign affairs.

And there is an unwillingness to move from the specific to the general. In my remarks to the closing plenary session of our four-day meeting in Moscow, I cautioned that this country's interest was not limited to the emigration of a few specific individuals but to general acceptance of the principle that any citizen should be free to leave whenever he or she chooses: that we were concerned not only about specific instances of religious prohibitions but about the general principle of religious freedom for all Soviet citizens. While the Russians have begun to move toward satisfaction of U.S. demands in the specific cases we continually put forth, there is less progress toward accepting such freedoms as a general principle of government.

In assessing how much of the so-called Gorbachev reforms are real, we must break them down into three separate components: glasnost (or openness), perestroika (or restructuring) and democratization.

On the first, there is no question that there is a change in Russia. Soviet citizens have more access to the news, more ability to criticize their leadership, more freedom of expression. It is clearly not a Western-style definition of freedom, but there is certainly more freedom than before. Russian citizens remain highly skeptical, referring to similar relaxations during the Nikita Khrushchev years, and they ask such questions as: "If a cannibal begins to use a knife and fork, is that progress?", but that there has been some progress in opening the society is beyond doubt.

There has been less success with economic restructuring. Russian workers have developed a shouldershrugging indifference to their assignments, and years of cynicism aren't easily washed away. Despite Mr. Gorbachev's speeches and shakeups in the Politburo, shelves remain empty and long lines remain standard experiences for big-city shoppers.

Russian dissidents I met with in Moscow and Leningrad give President Reagan much of the credit for the new Soviet reforms.

As they see it, when Mr. Reagan declared at Reykjavik his intention to push forward with development of the Strategic Defense Initiative, and Mr. Gorbachev vowed to participate in an escalated high-tech competition, the Soviet leader found that his lagging economy simply wasn't up to it.

The response, as they see it, was a new push for an economic restructuring, which simply failed to get off the dime, largely because of worker apathy. So, to try to stimulate the economy, the scenario goes, Mr. Gorbachev was forced to try to find a way to give Russian workers some sense that they had a stake in the success of his reforms. And thus Mr. Reagan gave birth to glasnost.

Whatever Mr. Reagan's role, it seems evident that without a revived sense of involvement by Soviet farmers, clerks and factory workers, perestroika isn't going anywhere.

But if there is some progress in opening the society, and less in hyping the economy, there is virtually none in introducing true democratization.

One Leningrad couple described the Gorbachev efforts as "putting lipstick on a corpse." One example in Leningrad: a disrupted silent vigil, which resulted in participants languishing in Soviet jails for up to two weeks, a great improvement over going to the Gulag but not democracy as we know it.

Dissidents we talked to laughed about the so-called "elections" for local party leaders, in which each candidate would have to be approved in advance by the party. In fact, they said, the result might even be a worsening of the economy, since workers might be expected to vote against whichever candidate seemed most likely to make them work harder and produce more.

Democratization in the broader sense of self-determination is clearly not in the cards any time soon, as revealed in the recent Gorbachev crackdown on the Soviet Union's Baltic republics, which had the temerity to suggest that, absent matters of foreign policy and national defense, they would pretend to be relatively autonomous, much like states in the United States. That is clearly not what the Kremlin's leaders had in mind.

It is impossible to return from the Soviet Union without a recognition that things have indeed changed, enough so that that

vast country which has for so long been an enigma to those of us on this side of the Iron Curtain now seems to be an even greater enigma to those inside the country, where iron-clad rules have been replaced by confusion and the nation's leaders are seen to be walking a tightrope but with no indication of whether there is a net below. Russia has indeed changed.

But it also seems clear that acceptance of the Soviet Union as an equal partner in the struggle for human rights is greatly premature. It is one thing to respond to worldwide pleas and allow more refuseniks to leave; it is something altogether different to accept, as freedom-loving countries do, that all citizens are free to leave if and when they choose. It is one thing to grant a permit for a Bible study here or a church bazaar there; it is something altogether different to accept the right of people to worship where, when and how they please.

This is a Soviet Union in which, to advance democratization, government leaders purge the names of their predecessors from public buildings. It is a Soviet Union in which earnest, and probably sincere, officials talk of human rights while they bug the hotel rooms even of guests invited to talk about human rights.

They're trying, but they still don't quite get it.

Should the United States encourage the Soviet Union to continue to move toward a Western style of governing?

Without question. But it is simply wrong—and probably counterproductive—to give the Russia of today the American stamp of approval as a legitimate partner in the struggle for human rights.

The Bush administration should rethink this one and suggest that the United States will grant Mr. Gorbachev his long-sought legitimacy only when Russia indeed understands and champions the full range of freedoms for its long-suffering people.

ENGINEERING AND SAFETY: PARTNERS IN PROGRESS

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SMITH of New Hampshire. Mr. Speaker, the issue of engineering safety is one of great concern not only to the Members of Congress but also to the American public. Whether it's the Nation's infrastructure, our nuclear powerplants, or simply the automobile that we drive, safety through state-of-the-art engineering must always be a national priority.

American engineers justly can be proud of the contributions and advances they have made in this field, and a July 1988 article in Mechanical Engineering speaks to this point. Written by William F. Allen, Jr., chairman of Stone & Webster, Inc., "Viewing Safety From a Positive Perspective" underscores the importance of safety and the American engineer's dedication to the very highest standards.

I commend the article to my colleagues and ask that it be reprinted in the RECORD.

[From Mechanical Engineering, July 1988]

VIEWING SAFETY FROM A POSITIVE PERSPECTIVE

(By William F. Allen, Jr.)

(Even as they strive to improve their designs, engineers must realize that absolute safety will always remain elusive, just over the next hill. For its part, the public should recognize that the safety record for the vast majority of engineering works has been excellent.)

Recent, highly publicized failures of engineered systems and facilities make it important to put the issue of safety in engineering into perspective. Given a burgeoning population and a vast increase in the quantity, scope, and complexity of engineering work worldwide, the level of safety we have acheived is incredibly high.

The failures that have occurred—tragic though they are—involve only a tiny fraction of total engineering activity. It would seem that the public and the press do not always take this fact into account. Consider, for example, the space program. The multitude of successful launches seemed to be immediately forgotten at the moment of the *Challenger* disaster.

It is also worth emphasizing that life can never be made risk free. That simply is not in the cards. Clearly we must continue to do our best to achieve the highest possible degree of safety consistent with a reasonable expenditure of human and material resources. But we must, at the same time, recognize that perfection in engineering—as in every other aspect of human endeavor—will always elude us. We should, nevertheless, continue to strive for it in a rational way.

PERCEPTIONS AND ACHIEVEMENTS

Engineering is much more concerned with safety than the public perceives it to be. Therefore, as we continue trying to improve safety, we should at the same time try to improve the way the outside world perceives engineers and their work. One reason for the public's perception is that engineers are reluctant to claim credit for their achievements.

Another reason is the news media. The dominant medium today, for better or worse, is television. Television has unprecedented influence, but its principal role is to entertain, and its revenues are based on the size of its audience. As a consequence, the numerous engineering successes receive scant attention simply because they lack entertainment value. On the other hand, our failures—although their number is minuscule compared to the number of successes—are broadcast throughout the world, often in rather frightening and exaggerated terms.

Although they do not boast about their accomplishments, engineers have for centuries been steadily improving human existence, making life safer and more comfortable, and doing so with ever-increasing efficiency.

The 1930 edition of Grant's Principles of Engineering Economy states that "Engineering is the art of doing well for one dollar what any bungler could do for two." Engineers certainly are not bunglers. Over the years, they have provided for the satisfaction of life's essential requirements an abundant supply of potable water for the major population centers of the world; the expanded production and transport of food; and the supplies of electrical, mechanical, and chemical energy that have enhanced many thousandfold the limited muscular energy of man and beast. Engineering talent has raised living standards to unprecedented levels for a quarter of the world's population and has given new hope to those still existing under substandard conditions.

THE ESSENCE OF ENGINEERING

Providing for safety is the very essence of good engineering, and ASME and other engineering organizations have created a framework for improved performance in this area. But how is safety achieved? Certainly, safety can be improved by adherence to the rules and codes that govern engineering practice. There is, however, a more important factor: the application of experience and engineering judgment in carrying out the design process.

Engineering judgment is the essential ingredient in a rational approach to analyzing all the normal and abnormal events that could occur, and then deciding how best to design against those events. Engineering judgment is based on a solid technical education, on experience, and on an understanding of the relevant technical issues. Our ability to apply sound judgment has been greatly enhanced by the power of computers and such techniques as fault-free analysis.

But what about the failures? In light of them, do engineers really have a right to talk about their many successes? Since the overwhelming proportion of engineering work is excellent, and since we learn from our failures, engineers have no reason to apologize, no reason not to point to what is good.

The failure of the Tacoma Narrows Bridge about 50 years ago was especially tragic because the final design of the bridge had failed to incorporate all the knowledge of competent bridge designers. The more recent failure of the I-95 bridge in Connecticut was equally shocking. There are tens of thousands of bridges in the United States, and more attention must be devoted to bridge inspection.

A decade ago, in January 1978, the roof of the Hartford Civic Center collapsed. Fortunately, this occurred in the early morning, rather than at a time when the building would have contained 10,000 people. The collapse came after a combination of rain, freezing rain, and ice pellets had fallen on a layer of previously accumulated snow and ice. The roof drains were frozen shut and the load increased until failure occurred.

Building codes have evolved over a long period of time and continue to be updated as new knowledge is gained. Thus, after the Hartford accident, the guidelines of the American National Standards Institute were revised. ANSI 58.1 applies more conservative criteria to snow loads to account for snow drifting on multilevel roofs; it also makes adjustments for other natural phenomena that could increase roof loads. In addition, the code advises on increased roof slopes.

A change in steel-shop fabrication drawings resulted in the collapse of a two-tiered walkway spanning the lobby of the Hyatt Regency Hotel in Kansas City in 1981. One hundred fourteen people eventually died as a result, making this structural disaster one of the worse in history.

The walkways were designed to be suspended by continuous rods from roof trusses to the second-level bridge. Because of changes in the shop drawings, the design of the rod was altered from a one-piece to a two-piece construction. This essentially doubled the pressure on the end of the carrying beam, and the nut and washer at the end of

the rod pulled through the end of the box beam.

A structural design must meet code specifications; it must be based on accurate calculations and drawings; and it must be supported by good engineering practice. It is equally important that the detailed fabrication of components and the ultimate construction be carried out in accordance with the intent of the design.

In addition to structural failures, these are operational failures caused by the action or inaction of people in positions of responsibility. Examples include the ferry that capsized in Belgium in March 1987 after trying to leave port with the bow doors open, killing nearly 200 people; the accident at Three Mile Island in 1979, which killed no one; and the catastrophe at Chernobyl in 1986, which caused the death of 31 people. There is no way engineers can completely design against human nature. We try, and we must continue to try, but the human animal is simply fallible and unpredictable, and operational failures are going to happen on occasion.

NUCLEAR POWER

The failures at Chernobyl and Three Mile Island were two very different events from the point of view of engineering safety. The Soviet reactor was totally different from anything ever built in the United States. (A proposal was made some years ago to build a reactor of the same type in the United Kingdom, and the idea was soundly rejected on safety grounds.)

The 31 fatalities at Chernobyl were all firemen or plant workers, who received their injuries right at the reactor. No member of the general public showed any clinical signs of radiation effects, and that was not for lack of looking: 10,000 whole-body radiation counts and 100,000 thyroid scans were performed in the search for signs of sickness. None was found. So, the Chernobyl accident produced no radiation sickness, much less any fatalities, in the general public.

The evacuation of the area around Chernobyl did not even begin until 36 hours after the initial eruption, and it required about a week to complete. Calculations indicate that the radioactive material that was emitted in the initial violent event was perhaps only 10 percent of the total released. The remaining 90 percent came out in the nine days following the accident, when a roaring graphite fire prevailed. It is possible to argue over various aspects of safety in U.S. water reactors, but there can be no argument over whether a water reactor can produce a nine-day graphite fire.

The Russians should be given credit for providing detailed information to the world, so that engineers elsewhere could learn from the tragic failure at Chernobyl. It was an operating failure exacerbated by poor design.

The Three Mile Island accident was totally different. Although it was clearly a disaster of gigantic proportions—and certainly an economic catastrophe—there were no fatalities and no injuries to the public. The safety system did, in fact, work to protect against any off-site health effects. There were only slight releases of radiation, quite surprising in view of the large releases contemplated for rare accidents in the Reactor Safety Study of 1975, the so-called Rasmussen Report.

Only about 18 curies of radioiodine, or a barely measurable 0.001 percent of the total, escaped from the plant. About 10 million curies, or some five percent, of the Krypton and xenon also escaped. It had previously been assumed that the iodine, which has the potential for significant health effects would be released in far greater quantities (much like the noble gases, whose health effects are much more limited). Clearly it was not.

One result of the Three Mile Island accident has been the establishment of a substantial program of emergency preparedness around all nuclear power plants. Planning at this level did not exist before Three Mile Island. But the accident brought yet another result: increased concern about the safety of nuclear power. This is especially unfortunate, because nuclear power is the most environmentally benign, and potentially the most economical, way to produce the large amounts of electric power necessary to maintain and improve the standard of living throughout the world, and particularly to improve the lives of the three to four billion people now existing under substandard living conditions.

The exaggerated public concern about nuclear power brings me back, once again, to the news media. In a recent paper, Professor Bernard Cohen, a widely respected physicist at the University of Pittsburgh, made the following statement: "The problem is that public concern is driven by media coverage rather than by rational scientific analysis. The media have driven the public insane over the fear of radiation and of nuclear accidents."

Surely, any rational observer has to be dismayed over the climate of unreasoning fear that surrounds nuclear power. This has opened the way for a small group of self-appointed experts to engage in demagoguery. These nuclear antagonists have caused problems in a number of regions. Here in the Northeast, an area of rising power demand and heavy dependence on imported oil, opponents are blocking the operation of two completed nuclear power plants—Shoreham in New York and Seabrook in New Hampshire. Furthermore, the Pilgrim plant in Massachusetts is now down and preparing to restart, but the restart is being opposed by anti-nuclear forces. The public is being overwhelmed by nontechnical people who have declared themselves expert in our field. The situation is truly irrational.

There is yet another result of the Three Mile Island accident. Because the consequences were so much less severe than had been anticipated, there has been an enormous international scientific effort dedicated to gaining a better understanding of the reasons for the low iodine release, and to determining if these findings would also apply to other plants, other accidents, and other fission products. I am proud that my company has taken an active role in this reassessment activity. From what we have learned, it seems to be impossible for a nuclear power plant to kill anyone off the site, much less the dozens or hundreds previously predicted for the most severe and improbable accidents.

These data represent a completely new understanding of the risks of nuclear power, and the basis is sound. There have been substantial advances in scientific and engineering knowledge. The Nuclear Regulatory Commission has published a draft "Reactor Risk Reference Document," which, with its underlying reports, shows a reduction of about two orders of magnitude in the risk of an early fatality due to a severe accident.

I am not even sure I understand what is meant by a reduction in risk from 3×10^{-5} to 3×10^{-7} per reactor year. Both numbers are so low as to be off the scale of the commonplace risks we routinely encounter without ever giving them a thought. But the important point is that the change reflects a reduction in risk.

NUCLEAR SAFETY

So the real message from both accidents, Chernobyl and Three Mile island, is that nuclear power, as exemplified in the water reactors of the Western world, is safer than had been thought, and far safer than most other activities in modern society. We know that nuclear power can be an environmental and economic boon to mankind, offering the possibility of a vastly improved standard of living for hundreds of millions of people. But to remain viable, nuclear power must be perceived in a rational way to the public.

Engineers need to do their utmost to work with the news media, which mold public opinion. Engineers and scientists recognize that absolute safety is a myth, and that human society simply cannot afford to devote excessive resources in quest of such an elusive goal. Yet, when it comes to commercial nuclear power, there has been tremendous pressure to do just that. Dams, in contrast, are designed to withstand the maximum predicted flood flow in a period of two or three centuries. It would be impossible to provide an economic design for any dam on the basis of the worst flood imaginable.

DOUBLE CERTAINTY

Good engineering and safety go hand in hand, particularly for complex plants. For further insurance, separate technical reviews are highly desirable. Building codes provide for an independent structural review of major multi-story structures. During the construction phase, there should be inspections by competent professionals thoroughly familiar with the design. Such inspectors have the dual advantage of eliminating poor workmanship and ensuring that the construction complies with the design.

Many tragic structural failures have resulted from lack of attention to the construction sequence, and also to the environmental conditions under which the construction took place. Our company has, for many years, used construction-sequence modeling, both to promote efficient and orderly construction and to make certain that design characteristics are not exceeded at some intermediate phase of construction. During construction it is imperative to ensure compliance with proper procedures, for example, those that allow concrete and other materials to attain the assumed design strength.

It is also essential to inspect bridges and other structures, not only to determine whether some unexpected deterioration of material has occurred, but also to ensure that the design has appropriately addressed the assumed external factors, such as snow or ice loading. For instance, if heat tracing is done to keep roof drains open, an inspection should be required to determine that the heat tracing system functions properly. These reviews and inspections are a vital part of an overall safety approach and also help achieve greater efficiency and economy.

TOWARD ENGINEERING SAFETY

In view of the importance of the political processes associated with large, complex projects, I recommend the support and encouragement of graduate programs in engineering that provide for major study in public policy in addition to the technical

course work. This would equip graduates to deal better with lawmakers, regulators, the press, and the public, and to serve as lawmakers and regulators themselves. Northeastern University currently offers such a program and there might be programs at other universities, as well.

Second, I recommend that the major news media—television in particular—retain as consultants engineering and scientific experts who have earned their status by virtue of favorable peer review. Although we all recognize the need for the media to present information that will attract the attention of readers or viewers, the knowledge of experts would help place technical matters in better perspective. At least one television network already has a physician who serves as a consultant on medical markets. Thus, there already is at least some recognition of the value of outside expertise.

The need for a better perspective must be obvious. A minor radiation leak at a nuclear plant, for example, that is well below allowable limits, is usually a topic for national coverage on both radio and television. On the other hand, even though nearly 200 lives were lost in the Belgian ferry-boat tragedy, no one suggested that increased attention be paid to ferry safety in the United States. Apparently, no one has requested an investigation to determine if all U.S. ferries are equipped with indicator lights and closed-circuit television to prevent ferries from embarking with open bow doors.

We as a nation need to re-examine our priorities and use more plain common sense in addressing the major issues that confront us. We need to be positive and optimistic, for there is much left to be done, and we must approach the future and its challenges with confidence.

In Democracy in America, Alexis de Tocqueville wrote: "America is a land of wonders, in which everything is in constant motion and every change seems to be an improvement. . . . No natural boundary seems to be set to the efforts of man, and in his eyes what is not yet done is only what he has not yet attempted to do." This statement is still germane.

HELSINKI COMMISSION ISSUES HUMAN RIGHTS UPDATE ON ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HOYER. Mr. Speaker, approximately 1 year ago Romania quietly renounced its most-favored-nation trading status with the United States. Weary of continual uphill battles in the Congress over the propriety of granting MFN status to a country with such a poor human rights record, yet determined not to change his repressive policies, Romanian President Nicolae Ceausescu unilaterally decided to divest Romania of that status, which expired in July 1988. I am certain that his goal was to avoid scrutiny of Romania's human rights practices and the embarrassment of having Romania's MFN status suspended by the United States Congress.

Last month Romania stepped further outside the community of nations when its delegation to the Vienna followup meeting of the Conference on Security and Cooperation in Europe announced that in spite of having signed the Vienna final document, Romania would comply only with those provisions it considered valid. Throughout the meeting the Romanian delegation objected vociferously to writing significantly expanded pledges to respect human rights into the final document. Yet it cynically gave consensus to the document. Romania has thus evolved from a posture of feigned disinterest in human rights to one of downright defiance.

In this light the U.S. Commission on Security and Cooperation in Europe, of which I am cochair, is more convinced than ever of the continuing, crying need to monitor the human rights situation in Romania. As one Romanian citizen has confided, even if we can do no more than bear witness to the tragedies occurring daily in Romania, then we have performed a much-needed service to the Romanian people. But the Commission is determined to do more, to continue to hold the Romanian leadership accountable for the human rights pledges it has made, and each and every one it has broken.

This week, the Commission has released an update on human rights in Romania. This report, which describes human rights developments over the past year, is in response to the continuing congressional concern over Romania's human rights record, as well as to the pleas of Romanian citizens that we not turn our backs on them. Romanian activist Doina Cornea put it best, writing, "we must succeed in uniting, all of us, in being able to raise our voices together."

RESTORATION OF TAX DEDUCTIONS FOR MEMBERS OF THE ARMED FORCES RESERVE AND THE NATIONAL GUARD

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CHANDLER. Mr. Speaker, on behalf of Mr. MONTGOMERY and myself, I am today introducing legislation to amend a provision of the 1986 Tax Reform Act which places an undue burden on a vital component of our national defense structure. With the passage of the 1986 act, members of the Armed Forces Reserve and National Gurard are restricted from deducting miscellaneous expenses undertaken in the context of Guard and Reserve participation. New law requires that these expenses exceed 2 percent of an individual's annual income in order to be deductible. It is essential that Congress act to restore the full deduction for such expenses incurred by our country's citizen soldiers.

Reservists and members of National Guard units comprise an important source of personnel for the U.S. armed services in the event of an outbreak of hostilities. National Guard and Army Reserves comprise over half of the Army's total personnel. In addition, reserves comprise nearly 30 percent of naval personnel, 31 percent of Marine Corps personnel, and over 30 percent of total Air Force personnel are in the Air National Guard or Air Force Reserves. The importance of retaining a qualified, dedicated, and experienced National Guard and Reserve Force cannot be overlooked.

The vast majority of reservists and members of the National Guard are in the selected Reserve category. In this capacity, they are required to participate in a minimum of 48 drills and 2 weeks of active training each year. While they are compensated for their duties, these reservists and members of the National Guard are not compensated for travel expenses, including lodging and meals. In States where military facilities are widespread, housing and mess halls are often available and open to these individuals. In States such as my own, military facilities are few and far between, unfairly burdening individuals who serve here and not in other States.

This measure that Mr. MONTGOMERY and I are introducing today would amend the Internal Revenue Code to restore the full deductibility for miscellaneous itemized expenses incurred by members of the Reserve and National Guard Forces.

Reservists and National Guardsmen make a significant contribution to the national security of the United States. I hope that my distinguished colleagues will recognize this and demonstrate their support for the many thousands of dedicated men and women who serve our country in this capacity by cosponsoring this legislation.

The text of the bill follows:

H.R. □ 1142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 67 of the Internal Revenue Code of 1986 (defining miscellaneous itemized deductions) is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(14) any deduction allowable for expenses incurred by an Armed Forces reservist or National Guard member in connection with performance of services as a member of a reserve unit of the Armed Forces of the United States or of a unit of the National Guard."

(b) Paragraph (2) of section 62(a) of such Code (relating to certain trade and business deductions of employees) is amended by adding at the end thereof the following new subparagraph:

"(C) CERTAIN EXPENSES OF RESERVISTS AND NATIONAL GUARD MEMBERS.—The deductions allowed by part VI (section 161 and following) which consist of expenses of travel, meals, and lodging while away from home, and expenses of transportation, paid or incurred by the taxpayer in connection with the performance by him of services as a member of a reserve unit of the Armed Forces of the United States or of a unit of the National Guard."

(c) Subsection (e) of section 274 of such Code is amended by inserting after paragraph (9) the following new paragraph:

"(10) EXPENSES INCURRED BY ARMED FORCES RESERVISTS AND NATIONAL GUARD MEMBERS.—Expenses incurred by an Armed Forces reservist or National Guard member in connection with performance of services by him as a member of a reserve unit of the Armed Forces of the United States or of a unit of the National Guard."

(d) Subparagraph (A) of section 274(n)(2) of such Code is amended by striking out "or (9)" and inserting in lieu thereof "(9), or (10)".

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

HUMAN RIGHTS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SHUMWAY. Mr. Speaker, today a new chapter is being written in the history of the United Nations. For the first time in 30 years, the United Nations Human Rights Commission will consider human rights violations in Cuba.

Over the past 2 years, the Congress has unequivocally expressed its deep concern about the serious human rights situation in Cuba and its strong support for this matter to be addressed in a substantive and continuous manner by the United Nations Human Rights Commission.

I applaud the efforts of the working group which visited Cuba and produced a report that sheds some light on the tragic denial of human rights in Cuba. Given the serious abuses outlined in the summary report, it is imperative that the Commission continue to monitor the human rights situation in Cuba.

I commend to the attention of my colleagues the address which follows by our Ambassador to the Human Rights Commission, Armando Valladares—a man well known for his unwavering dedication to human rights.

AMBASSADOR ARMANDO VALLADARES, U.S. REPRESENTATIVE, UNITED NATION HUMAN RIGHTS COMMISSION—FEBRUARY 24, 1989

Today is a great day for the United Nations. After reading the Report from the Cuba Work Group (CWG), I can tell you that, on balance, we are pleased. The report reflects and gathers the official version of the Cuban reality, but it also received the accusations, documents and testimonies of the people, the victims. We applaud the dedication of the CWG under Ambassador Alioune Sene's chairmanship, as well as the time and effort put into the physical production of the report by the Secretariat.

This report does not judge the facts but rather shows in an impartial manner what the Cuban Revolution has denied for 30 years: the fact that there are violations of human rights in all categories and dimensions, almost without exception. There are well-documented violations and even official admissions of these violations on the part of Cuban functionaries.

The report demonstrates that the constitutional and legal system is structured contrary to the letter and spirit of interrnationally accepted human rights standards.

I think you may not have had time to read it, but the essence of the report, the compendium of all the denunciations, can be found in the annexes.

There are cases of torture, missing people, religious persecution, violations of all the civil and political rights and violations of economic and social rights. For instance, the Working Group received denunciations of massive beatings. In Chapter III, paragraph 4 the Minister of the Interior admitted that in the past detained individuals and prisoners were beaten and that Cuban laws were draconian.

In the annexes—legally a part of the report itself—you will find a copy of the sentence of Ruben Hoyo Ruiz, convicted solely for the possession of one Bible and you will find the sentence Arturo Garcia Rebollar, accused in a surrealistic trial for the possession of a translation of the prophecies of "Nostradamus". The National Union of Writers and Artists of Cuba (Union Nacional de Escritores y Artistas de Cuba—UNEAC) decreed that those predictions made 500 years ago were anti-Soviet.

On the other hand, the Cuban government lied to the Working Group; one of the times they told the Working Group that the Quivican Prison had been shut down. This was false. Comments in the Annex of the Report prove this. The Cuban authorities also transformed the punishment and torture cells in the Prison of Combinado del Este to deceive the Commission. But photographs were taken of these transformations and they clearly document the deceptive measures. Finally, we have been able to discover that the Cuban Government lied to the Working Group citing false numbers on the statistics of public health in Cuba. Official United Nations statistics prove this. The same was done with numerical figures on education and housing.

The Cuban Government gave the Group and President Sene guarantees that there would be no reprisals taken against those who came to testify. This has been not been the case: dozens of people have been arrested and beaten. These people burned their bridges when they openly testified to the Commission. The report speaks of reprisals, and these people must not be abandoned; the international community has a commitment with them. That is why I feel this process has just begun. You will see in the report that there are hundreds of questions which the Group directed to the Cuban Government for its comments, but they have not been answered. Thousands of cases of allegations of violations of Human Rights were sent to the Cuban Government on August 29, 1988; the Cuban Government has not even issued a return receipt. Subsequently, 1,500 other cases which were sent have not received any reply either. The questions on the Constitution and the Penal Code have not been answered, either.

The final consideration, the most important one and one which deserves undivided attention, is a clear recommendation for the process to continue, in other words the need not only to maintain, but also to reinforce the spirit of international collaboration on this case.

In conclusion, I want to repeat that today is a great day in the struggle for human dignity. The truth always comes to light. There is the report. You will see that in Cuba Human Rights are violated; there are cases of grave violations; for example, during its visit to Cuba the secretariat on behalf of the group received a total of 137 complaints of torture, cruel, inhuman or degrading treatment of punishment, missing people, murders, lack of freedom of religion, lack of freedom of expression or thought, lack of all fundamental liberties.

CONTRIBUTION TO EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HAWKINS. Mr. Speaker, Dr. James Comer is one of America's outstanding psychiatrist and educator. For some 20 years he has labored in the vineyards of New Haven, CT public schools, helping parents, students, and the school community work in cooperation with one another. The result of his work as an educator and as a psychiatrist, has evidenced improved teaching and learning in the schools in New Haven and elsewhere where he has made a major contribution in the education process.

Mr. Comer is author of a fascinating book, "Maggie's American Dream," which is a depiction of the influence that family has on the social, psychological, and cognitive development of a child at home and at school.

It is a brave story about the heroes and heroines in the Comer family and how they faced life, in all of its difficulties, and overcame the difficulties to become great contributors to the American society.

I commend "Maggie's American Dream" to my colleagues to read and enjoy.

In addition, I would like to submit an article by the New York Times on Dr. James Comer's career and his contribution to education.

[From the New York Times, Dec. 10, 1988]

A PSYCHIATRIST'S HISTORY OF HIS FAMILY'S SUCCESS

(By C. Gerald Fraser)

Sometimes Maggie Comer sees herself as a barefoot girl from the country. At other times she remembers her days as a domestic worker and elevator operator and how she and her husband, a steelworker, sent five children to college, where they earned a total of 13 degrees.

The family's story, says the oldest son, Dr. James P. Comer, is "a black success story," and he has written about it as a combined oral history and biography called "Maggie's American Dream: The Life and Times of a Black Family."

The book by Dr. Comer, a 54-year-old psychiatrist, has recently been published by New American Library. The story begins with Maggie Nichols Comer's first years in Woodland, Miss., and ends with her eldest son working to create for public-school children in several cities an environment as hospitable to learning as the one his parents created for him.

SEEKING A BETTER LIFE

Dr. Comer's father, Hugh Comer, died in 1954. His mother, now 84 years old, still lives in East Chicago, Ind., the place she chose as a 16-year-old in 1920 to escape the poverty of the Deep South and to seek a better life with relatives who had journeyed north earlier.

"I knew," she wrote in an epilogue for her son's book. "Even as a little barefoot girl back in the country, I had this dream . . . I thought to myself that if this one could do it, I could do it. And when I couldn't go on, I said my children would do it. People would say black folks can't do this and can't do that—I wouldn't have any of it. Sure, I could see it was harder for black people, but I just wanted a chance."

In 1977, Dr. Comer began recording conversations with his mother during family vacations. He also used stopovers in East Chicago and his mother's trips to her grandchildren's graduation ceremonies to compile 25 to 30 hours of recorded interviews.

"She is not one of those natural storytellers," Dr. Comer said. Early on, he decided the way to get information was "to ask questions around the special incidents over the course of my childhood. Eventually, she began to enjoy telling the stories and reflecting on the accomplishments."

ANALYZING SUCCESS

Dr. Comer, who is the author of three other books, says he wrote "Maggie's American Dream" to give people a model of success to examine. "You've got to ask why some people, with the same obstacles as others—and sometimes more—how did they get ahead? Let's look at success and figure it out."

Dr. Comer's brother Norman is superintendent of schools in East Chicago; his brother Charles is an optometrist. His sister Louise, a retired teacher of French, was once in charge of the Head Start program in East Chicago. His sister Thelma still teaches there.

Dr. Comer attributes these achievements to his parents' involvement in "traditional black culture": the church and an ability to learn even from menial jobs. Dr. Comer's father was a deacon at Zion Church, which was the center of social as well as religious activity for the family.

Dr. Comer said that his mother turned her experience as a domestic to great advantage. Domestic work, he said, allowed many black women to see "they were just as capable" as the white women for whom they worked. Domestic work, he said, was an opportunity "to really learn about the mainstream: how to get in, how to manage."

His mother told Dr. Comer that his middle name, Pierpont—after the legendary industrialist J. Pierpont Morgan—was his father's idea. "He always had high hopes for his children," she said, "and he always hoped that you would someday be a rich man."

Not yet listed among the Forbes 400, Dr. Comer works out of his office in the Yale Child Study Center in New Haven. The room is decorated with photographs he took while visiting China and Senegal. Dr. Comer has several jobs at Yale. He is a professor of child psychiatry, director of the School Development Program at the Yale Child Study Center and associate dean of the School of Medicine.

OUT-OF-SCHOOL LEARNING

His association with the Child Study Center began 17 years ago when he started working on what he calls an "intervention project" at two innercity schools in New Haven. He explained that he "wanted to give low-income black children the same chance in life—through education—that I had had." Although he studied medicine, public health and psychiatry, he said, "I really drew much of my understanding of the nature of learning problems and teaching problems from my own personal experience.

"After World War II, racial discrimination shut undereducated black men and women out of jobs, and families functioned less well," Dr. Comer said. "Success came only in a narrow range of professional activities. Black families who could not, as had the immigrants, secure social and political power and subsequently economic power, kept getting left further and further behind."

"The education problem is about difficult relationships," he said. "Schools must find a way to help teach parents and others to create a climate that facilitates overall development and, in turn, academic development."

These days, Dr. Comer said, "My parents would have more difficulty accomplishing the things they did because the interaction among authority figures is not as great and the sense of relatedness is not as great. As a result, the sense of caring, one to another, is not as great."

"I'm not sure," he said, "that my mother would be able to pick up the telephone and call the steel mill and ask for someone to give me a job.

LEGISLATION TO ESTABLISH FIRST HOME SAVINGS ACCOUNTS FOR YOUNG AMERICANS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SCHULZE. Mr. Speaker, since coming to Congress 15 years ago, working toward ensuring opportunities for young Americans to own their own homes has been one of my top priorities. Yet, recent trends have gone against affordable housing for our young people. The American dream of that first home and the benefits of home ownership must not be cast aside.

Today I am introducing legislation to establish first home savings accounts for young Americans—a savings incentive to help young people realize that dream of owning their first home.

My bill would allow a $2,000 yearly deduction to a first home savings account or, the withdrawal of up to $20,000 without penalty from 401K or IRA savings plans. The first home savings accounts would be capped at $20,000, yet encourage all young Americans to save, a goal which we must meet as a Nation.

I urge my colleagues to join me in encouraging savings and home ownership.

INTRODUCTION OF THE RADIO LICENSE RENEWAL AND IMPROVEMENTS ACT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. RINALDO. Mr. Speaker, today I am introducing the Radio License Renewal and Improvements Act of 1989. I am joined on this bill by my colleagues, TOM TAUKE, of Iowa, BILLY TAUZIN, of Louisiana, and RICK BOUCHER, of Virginia. It is our hope that the Subcommittee on Telecommunications and Finance will, this year, begin to explore these and other difficult issues facing radio broadcasters.

As many of my colleagues know, the question of reforming the licensing process for broadcasters is not new to Congress. Twice in this decade, the Senate passed legislation which would have altered the current renewal process. However, that legislation never came before the House. Efforts in the House to reform the license renewal process were not successful.

This bill differs from any previous proposal because it focuses specifically on radio broadcasters. Radio is a uniquely diverse, locally oriented and universally available medium. There are over 10,000 radio stations licensed to serve local communities throughout the Nation. The average household has 5.6 radio sets; radio reaches over 96 percent of people 12 years old and older and 99 percent of teenagers on a weekly basis. Radio stations broadcast in a variety of languages and employ an ever-growing list of formats, all designed to attract larger, local audiences. The success of a radio station is deeply rooted in the public's recognition that the station provides locally based services.

Currently, when a radio broadcaster's 7-year license terms ends, it is confronted with the distinct possibility that its license may be in jeopardy because others will file competing applications at the FCC for its channel. There is wide agreement that the current procedure is seriously flawed because it pits the current licensee's performance against the competing applicant's promise of performance. The competing applicant confronts little risk in filing an application and can realize significant financial gain without realizing success in obtaining that local frequency. This is a costly, time-consuming process in which the licensee receives little or no benefit for operating in the public interest and is faced with uncertainty during the renewal process. One could argue that these problems would be acceptable if the public benefited from this cumbersome process. However, the public realizes no benefit: not a single license has been revoked by the FCC using this process.

Our bill corrects this grave problem. It gives the radio licensee a "renewal expectancy". If that licensee can show that it has broadcast material responsive to issues of local concern, that it has not committed serious violations of the Communications Act or FCC regulations and that it has not engaged in a pattern of abuse of the Act or regulations, then FCC will renew the license. If the FCC finds that the licensee has failed to meet this standard, then competing applications may be filed. The bill bars payments by radio licensees to those who would file competing applications, petitions to deny, or informal complaints. This will remove the incentive to file against an incumbent licensee, expecting profits in exchange for the promise to withdraw these documents further in the renewal process. The bill also establishes an informal procedure by which the public can be involved in reviewing performance of a radio licensee during the license terms.

I have long been interested in a comprehensive review of the current status of the radio industry, including ensuring that the technical quality of radio is maintained and improved. It is my intention, in the near future, to introduce additional legislation that will address other issues confronting the radio industry. I hope my colleagues, upon review, will join me in both endeavors.

I am aware that other Members, particularly some of my colleagues on the Energy and Commerce Committee, may wish to have other provisions added to the bill. I welcome their interest, and look forward to discussing these issues with them. Only through open dialog among Members, the industry, and the public can we arrive at a point where our concerns about the radio license renewal process can be addressed and reasonable answers can be reached.

There is a congressional consensus that new telecommunications services and technologies should be encouraged and implemented. However, as telecommunications moves into the 21st century, we also must strive to fix the regulatory problems surrounding our oldest broadcast service—radio. The Radio License Renewal and Improvements Act is a sensible, precisely drawn solution to problems that have vexed radio broadcasters for years. I hope this Congress will make a concerted effort to revise and streamline the license renewal process for the good of the industry and the public and give this legislation favorable consideration.

PRAISE FOR VA HOSPITAL

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HAMMERSCHMIDT. Mr. Speaker, the personnel of Veterans' Administration hospitals are dedicated to delivering quality medical care for our Nation's veterans and sympathetic understanding to their concerned family members.

I receive many letters and messages attesting to those efforts, but public acknowledgement is perhaps too rare. So today, I would share with my colleagues a recent column published in the Arkansas Democrat, written by Wally Hall, chronicling his father's experience with a medical emergency treated at the John L. McClellan Memorial Veterans Hospital in Little Rock, AR.

[From the Arkansas Democrat]

DAD, VA:

(By Wally Hall)

It was 4:40 Wednesday afternoon when the call came.

I was sitting in my hotel room in Houston, reading, when the phone rang. It was my office conveying a message to call my wife, who told me my dad was in the Veterans Administration Hospital in Little Rock.

He had just had a heart attack.

That morning when I left for Houston for the Arkansas-Houston game, my mom and dad were at my house keeping my daughter who had the flu.

Suddenly, he's in the hospital and I'm hundreds of miles away.

I don't believe anyone can ever be prepared for a crisis that is so serious, that death is a possibility, but it was a reality and there was no time for panic.

A phone call to Suzanne, my travel agent, and I was booked on a flight home.

Even though the airline refused to accept my ticket that was for the next day, and I had to pay for another ticket, gate agents at Houston and Dallas got me on an earlier flight than I was scheduled. I was at the hospital by 8:35 p.m.

The next 48 hours were living hell.

I didn't think about the Arkansas-Houston game or writing a column until Friday afternoon when my dad was doing much better.

The thanks goes to a great staff at the VA hospital.

It was my first trip to the VA since the early 1970s when I was in the Air Force and I was truly impressed.

Even though it was a few minutes past visiting hours, the nurses readily agreed to let me see my dad and the first thing he said was: "Son, don't you get in this shape. You quit smoking and start watching what you eat."

That was typical of my dad. He was lying on the bed; he had suffered a heart attack and he was worried about me.

One of the many kind and considerate nurses my family has met in the last few days told me that Dr. Revard was on the case.

I remembered a Ron Revard who had been an All-SWC center for the Arkansas Razorbacks on the 1971 team and had eventually become a doctor, but the last I had heard was he was in private practice.

He turned out to be one and the same.

Wednesday night when my dad started having chest pains, Dr. Revard acted quickly. Dr. Nowlin, his attending resident, was finally off, so Dr. Revard met with our family and talked about what needed to be done. Because my dad was on strong pain killers, any decisions at that point would be with my mother, who was perfect for that because she was being stronger than any of us.

She and I met with my dad a few minutes and then again with Dr. Revard.

An angiogram was called for, and within an hour, my dad was being wheeled to another room.

Aunts, uncles, cousins and other family members were told they would be called.

Dr. Joesph Bissett, one of the best cardiologists in the country, came in, which left no doubt that Dr. Revard had concern for his patients and not his ego.

At 12:05 a.m. it began, and the next two hours were hell as we sat, stood, paced, walked, talked, drank coffee and prayed.

At 2:05, Dr. Bissett and Dr. Revard came out and told us the heart attack had been minor (thanks to my mom getting him to the hospital), and that fortunately my father had a very strong heart.

Anyone in the family could have told them that.

More tests would be coming, he was considered still in critical condition and in intensive care, but we felt relief.

Nonetheless, that's where I've been the last few days, and why I haven't had a column.

I have one today because Friday evening my dad told me he was fine and to get my behind back to work. Saturday he was moved out of intensive care and is doing great.

My experience with hospitals and doctors has been limited, but after seeing how efficient and professional the doctors and nurses were at the VA, I was able to leave with confidence and a good feeling that the VA Hospital is here.

TRIBUTE TO ARCHBISHOP WILLIAM DONALD BORDERS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CARDIN. Mr. Speaker, I rise today to honor a citizen of Baltimore, one of whom I and many others are most proud. I am speaking of our archbishop, William Donald Borders, who will retire this year.

Mr. Speaker, June 26, 1974 was an important day in the history of Baltimore. On that day, Bishop Borders of the Diocese of Orlando, Florida became Archishop Borders of Baltimore, the Nation's oldest archdiocese.

Archbishop Borders has been one of the greatest servants Baltimore has ever had. He has dedicated his life to serving God, but also to serving those in his community. The motto that has guided his life is "I will listen that I may serve," and he has lived up to that.

Archbishop Borders is well known for his responsiveness to the needs of those less fortunate. Baltimore magazine could have paid him no higher compliment than when it called him the "king of soup kitchens and shelters." Without Archbishop Borders, many, many of Baltimore's poor and homeless would have been deprived of shelter and food and, most importantly, a voice for their needs and an ear for their problems and concerns.

Archbishop Borders has also been a moving force for equality in our society. In his years as pastor of the Holy Family Church in Louisiana, then Father Borders took it upon himself to desegregate the church in an area few other places had been desegregated. He continued to work for equality when, after having moved to Baltimore, a Federal judge ordered busing to integrate the public schools. Finally, Archbishop Borders nominated Baltimore's first black bishop.

When he retires, Baltimore will lose one of her most caring and empathetic servants. He has been a role model for us all, someone that, in some small measure, those of us in public service will try to emulate.

Mr. Speaker, on Wednesday, March 1, Archbishop Borders will be honored at a testimonial dinner entitled "A Calling Answered With Caring." I can think of no better phrase to sum up the philosophy of his life's work. I urge my colleagues to join me in honoring Archbishop William Donald Borders. We wish him all the best, and offer our thanks for all he has done for our city and her citizens.

FINANCING OF MEDICARE CATASTROPHIC COVERAGE ACT NEEDS TO BE REEXAMINED

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. GEJDENSON. Mr. Speaker, I would like to draw the attention of my colleagues to a statement issued by the National Council on Aging. The financing system of the Medicare

Catastrophic Coverage Act has been the subject of a large constituent outcry, and I believe that this issue needs to be reexamined.

The National Council on Aging proposals represent a thoughtful attempt to craft a response to criticisms on the financing measures and impact of the new tax-based premium. I know my colleagues recognize that these new catastrophic benefits are needed, and that further advances have yet to be made regarding long-term health care. I believe that these comments are thought provoking, and I urge my colleagues to consider them.

STATEMENT OF DR. DANIEL THURSZ, PRESIDENT OF THE NATIONAL COUNCIL ON THE AGING

The National Council on the Aging urges the Congress to acknowledge that the firestorm of protest over the financing of the 1988 Medicare "catastrophic" amendments deserves a fair hearing and a positive legislative response.

Calls for repeal or delay of the new benefits are fundamentally attacks on Medicare itself. One of the original goals of Medicare was relief from the crushing health costs of the elderly. It is tragic that passage of these provisions has been delayed so long, while health costs have spun out of control.

Instead, the Congress should take decisive steps to restore confidence in the fairness of Medicare benefits and financing. NCOA urges the Congress to start work on measures including a freeze and cap on Medicare premiums, better coverage for the poor, exploration of additional, broad-based sources of financing health care including taxing of some unearned income, and extended protection for those persons who have employer-provided "Medigap" policies that duplicate the catastrophic benefits.

When some Congressional leaders portray legitimate questions about the financing features of the amendments as "sour grape" complaints of wealthy older persons, they threaten to weaken the wide, cross-generational support for both Medicare and Social Security. Such responses project a false image of fat cat older persons enjoying privileges and protections for which they are unwilling to pay a fair share, to the detriment of younger persons. The facts are otherwise.

The elderly spend almost 20 percent of their income in out-of-pocket payments for health care—more than any other group. Medicare covers less than half of their health care bills. Through Medicare premiums, deductibles, and co-payments and through billions of dollars of income taxes, older citizens already bear a major share of the costs of their own care and they help to underwrite the health costs of younger citizens.

It is misleading to portray the 1988 new benefits solely as "elderly" gains. The benefits, as do all benefits under Medicare, protect 33 million current users and ease the responsibilities and concerns of the extended families of beneficiaries. All citizens are potential and probable users of Medicare and can expect to claim services and protections for extended periods of their lives.

Until these amendments became law, Medicare and each of its expansions were financed through a social insurance mechanism from payroll and income taxes and from the co-payments by Medicare users. Paying for all of these changes through a "users fee" payment system is a complete legal and philosophic turnabout. It threatens to incorporate a toll-road operational philosophy into not only Medicare but also into Social Security itself. It is an inappropriate market approach to a core, public service—health care for those at risk because of age or disability. By extension, one might expect only farmers to finance farm subsidies and defense contractors to fund the defense budget. We hear no Congressional calls for such actions.

It is not sour grapes to fight for a restoration of the social insurance financing of Medicare and any major amendments. It is in the best tradition of American fairness and social justice.

Instead of attempting to control health care costs and relieve pressures on the federal deficit on the backs of Medicare users, the nation should widen its focus to the larger economic situation. We should all be alarmed at the economic disaster potentials of national health costs that will top $618 billion this year. We should also recognize that Medicare represents less than 17% of that total.

Creating a "user fee" payment system for Medicare beneficiaries will not contribute a solution to the needs of more than 37 million citizens, younger than 65, lacking any health insurance at all.

NCOA calls for interim Medicare reforms, listed below, and immediate attention to the need for a national health insurance system that will provide universal access at affordable costs to the American people.

PROPOSED IMMEDIATE ACTIONS

Instead of repealing or postponing the benefits and costs of the catastrophic amendments, Congress should:

(1)(a) *Freeze* the Medicare Supplemental premium (at the 1989 rate with a limit of $500 per payer);

(b) *Freeze* the Medicare Part B premium (rate at the 1990 level of an additional $4.90 per month);

(c) *Freeze* the prescription drug rate at the 1991 level (of $1.94 per month);

(2) Extend for two additional years the "maintenance of effort" provisions under which employers now providing "medigap" benefits to retired workers are required to either refund cash for benefits now covered by the law or add new benefits. After this extended period, the provision would be phased out over a several-year span.

(3) Provide for Medicare payroll taxation of earnings above $48,000, the current gap. A total removal of this cap would produce $9 billion in revenue in the fifth year of taxation.

ADDITIONAL OPTIONS

(1) Raise and accelerate wider eligibility for the Medicaid "buy-in" provisions to pay for the catastrophic amendments cost-sharing burdens on low income elderly and disabled persons. Eligibility at 100% of poverty should be effective in calendar year 1990 and 125% of poverty in 1992.

(2) Lower the deductible threshold for Part B doctor costs to $1,000 out-of-pocket charges and provide, at that point, 100% Medicare payment on all additional costs.

(3) Promptly enact a Medicare-based long-term care program. Such a program should meet the basic costs of home care, and adult day care, and respite services and assist in easing the high costs of nursing home care; it should be primarily financed through the payroll tax. Such a program should also provide for limited cost-sharing by users of long-term care and roles for private long-term care insurance under federal standards.

(4) Explore such additional revenue sources as higher federal taxes on large estates, complete incorporation of all state and local employees into Social Security and Medicare, and an updating of tax levels on tobacco and alcohol. In addition, consider a revision of the tax code to provide for a tax on the more than $900 billion of unearned personal income to Health Insurance trust fund to support these recommendations and other components of Medicare.

(5) Enact a requirement that all Medicare physician billings must be within Medicare-approved limits.

THE CRITICISMS

NCOA suggests that these measures are a reasoned response to the criticisms with which NCOA agrees in principle, raised by many regarding the financing of 1988 amendments:

(1) It is fundamentally unfair to tax one small segment of the population (half of Medicare beneficiaries) to support a protection that will be enjoyed by literally all citizens who can qualify for Medicare coverage through disability or age. Both Medicare and Social Security are family benefits and not of value only to the old.

(2) The Congress, in the 1988 amendment, altered its half-century compact with the American people to provide Social Security payments as social insurance benefits financed broadly through payroll and income taxes and cost-sharing by beneficiaries. Medicare is a part of this compact.

(3) The amendments did not provide for protection of those who were receiving "Medigap" retirement benefits, usually in exchange for fewer benefits or less pay during their working years, nor did Congress provide for a reasonable transition period for such workers and employers to modify benefits.

(4) The Congress and the federal government and many national and community groups serving families and the elderly failed to portray adequately the actual components of the amendments, and this failure led to the general belief that the most "catastrophic" health problem of the elderly, long-term care, was somehow being treated by the amendments.

(5) Older persons have been admonished to plan carefully for their financial futures. "Even" middle income older persons have a right to expect their government to not endanger such plans through the sudden imposition of new taxes and charges for basic health protection. Many of these same older citizens are paying almost 20% of their gross incomes in out-of-pocket health costs, even under the current Medicare program.

The most comprehensive examination of opinion on the catastrophic amendments confirms NCOA's findings. The American Association of Retired Persons poll released on January 12, 1989, shows that while a majority (65–70%) of the 1750 respondents, age 45 and above, generally support the Catastrophic Coverage Act, almost 60% oppose the "elderly only" financing of the program. In addition, 51% of the respondents over 65 judged the supplemental premium as negative. Additionally, the poll showed that the most supported new benefit is the "spousal impoverishment" provision, protecting some of the assets of a couple when a spouse must enter a nursing home and requires Medicaid coverage. Clearly, the poll indicates that long-term care is still the key health issue on the minds of American adults.

NCOA urges that the Congress and the public place this Medicare dispute in an ap-

propriate context. This nation faces a medical-financial crisis far in excess of federal outlays for Medicare and Medicaid. Last year, in 1988, the nation's health bill was almost $560 billion, an increase of 10.2% over 1987 costs. For 1989, the Department of Commerce projects a new increase in health spending of 10.7% to $618 billion.

Hospital costs will increase by 10.4%, physicians' fees by 13%, and nursing home costs by 11.4% in 1989. Despite such increases, more than 37 million Americans, mostly in families with working members, lack health insurance protection. Private employers are rapidly cutting back on retiree health benefits and are requiring greater cost-sharing by employees. Some observers have shown that health costs add greatly to the cost of our goods competing on world markets.

Why is it that other nations can provide comprehensive and universal health coverage at 5% to 8% of GNP while we spend more than 11% of GNP for a fragmented system that neither serves all, nor is able to control cost?

In short, the well-intentioned efforts of the Congress and the Administration to cap some Medicare beneficiary costs while remaining "revenue neutral," has resulted in distortions of the nation's key social insurance health system.

The history of the catastrophic amendments demonstrates that the problems of out-of-control costs and a fair sharing of health finances now go beyond Medicare, Medicaid, or any single component of the population. All of the citizens of this nation, young and old, deserve access to an efficient and affordable health system not dependent on factors of age, disability, or personal means alone.

A national health system, based on a flexible social insurance model, can provide the framework for efficiency and universality. We need to expedite the national dialogue on such a system now, or the "catastrophic Medicare crisis" and the scandal of millions of citizens lacking health care protection will become more symptoms of a more profound economic and political crisis in the decade ahead.

A TRIBUTE TO DANIEL V. FLANAGAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Daniel V. Flanagan, on the occasion of his 80th birthday.

Mr. Flanagan has had a distinguished career as a labor leader and as a community servant. It is appropriate for us to remember his many contributions to our community as his family and friends gather to celebrate with him at this joyous time.

In his professional life, Mr. Flanagan has been instrumental in creating union representation for thousands of workers in San Francisco, in California, and throughout the Western United States. As the AFL–CIO's western regional director, he was responsible for the organization of working men and women from waterfront warehousemen to farm laborers in the San Joaquin Valley. The labor movement will be forever grateful for his unstinting efforts.

Equally as significant has been his contribution to the community. Serving with distinction on the boards of many nonprofit organizations in the San Francisco Bay Area, Mr. Flanagan has provided important guidance to these agencies as they work toward their goals of helping those in need. Daniel Flanagan played an important role as chairman of the board and chairman of the building committee for the Hanna Boys Center in Sonoma, CA. He also served many years on the Boards of the Sierra Club and the Mount St. Joseph's Home for Girls.

Last but not least, it is appropriate to celebrate Mr. Flanagan's success in the world of sports. We will never forget his winning of the Pacific Coast light heavyweight championship in 1933.

Mr. Speaker, Daniel Flanagan has made over the last 80 years, a great contribution to his community and I am proud to bring some of his accomplishment to the attention of my colleagues.

ST. FRANCIS CATHEDRAL CUB SCOUT PACK NO. 16 CELEBRATES ITS 40TH ANNIVERSARY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DWYER of New Jersey. Mr. Speaker, this year the St. Francis Cathedral Cub Scout Pack No. 16 in Metuchen, NJ, will celebrate its 40th anniversary at a blue and gold banquet on March 12. Over the past 40 years, St. Francis Cathedral has sponsored a program which emphasizes involvement between boys, their parents, adult leaders, and the community.

Under the Cub Scout Program, boys between the ages of 7 and 12 participate in a number of programs aimed at promoting good citizenship, good sportsmanship, physical fitness, as well as mental and spiritual fitness. Over one and a half million boys nationwide participate in the Cub Scout Program which has been in existence since 1930.

St. Francis' involvement in Scouting has promoted better understanding within the family. Children participate with their parents as they learn new interests and skills. In today's society, with its daily pressures and demands on our time, the Scouting program brings families together. The St. Francis Cathedral Cub Scout Pack No. 16 offers the opportunity for young boys to combine the ideals they learn in their parish community with the civic responsibilities taught through the Scouting program.

The personal interest and dedication of St. Francis' parish family makes this Scouting program possible, and it is with deep appreciation and respect that I ask my colleagues to join me in thanking St. Francis Cathedral for its 40 years of commitment to the youth of Metuchen.

A TRIBUTE TO ROCCO PICCICUTO

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. NEAL of Massachusetts. Mr. Speaker, each of us knows individuals who, through generous gifts of time and talent, enrich our society. Rocco Piccicuto was such a man. Mr. Piccicuto's recent death cut short a life which embodied, in deeds as well as spirit, the civic-mindedness which we hold up to our Nation's youth as a model in these times.

Mr. Piccicuto was a lifelong resident of the city of Fitchburg, MA, in my congressional district. He was active in a number of civic associations and philanthropic organizations such as the Rotary Club, the Fitchburg Men's Club, the Special Olympics, and the Thayer Conservatory. In addition, Mr. Piccicuto embarked on a personal crusade to bring about the beautification of Fitchburg. Through his dedication, considerable progress has been made in that effort. The beauty of that city, particularly during the summer bloom, is a particularly appropriate monument to Rocco Piccicuto.

His wife, Patricia, and daughters, Kathryn and Patricia, should take pride and comfort in the knowledge that Rocco Piccicuto—veteran, husband, father, and citizen—played an important and admirable role in his community. I am pleased to have an opportunity to recognize his many contributions to Fitchburg through these remarks.

STRAIGHT TALK ON MERGERS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MOODY. Mr. Speaker, one of the most important issues facing the 101st Congress is what to do about the increased leveraging of corporate America. Clearly, not all mergers and acquisitions are bad. But the increased level of debt, particularly corporate debt, in our economy is troubling. There are human costs involved with corporate restructuring that need to be examined. And serious issues of property have been raised. Yet, it is not clear what congressional action, if any, is warranted.

To help us get a grasp of this complex issue, the Ways and Means Committee recently conducted an initial round of hearings on mergers and acquisitions. I would like to bring to the attention of Members the testimony of two of the witnesses: Dr. Henry Kaufman and Dr. Martin Feldstein. Their comments are very provocative and helpful as we try to deal with this important matter.

The testimonies follow:

STATEMENT BY HENRY KAUFMAN, PRESIDENT, HENRY KAUFMAN & CO., INC.

Mr. Chairman and Members of the Committee. My name is Henry Kaufman. I am President of Henry Kaufman & Company, Inc., a money management and financial consulting firm that I established last year,

after spending over 26 years with the firm of Salomon Brothers.

I am pleased to be able to accept your invitation to present my views on an important subject that has justifiably drawn the attention of both the Congress and the senior leadership of the new Administration—the decapitalization of American corporations. In recent public statements, I have expressed my own concerns about the disturbing disregard for capital that is permeating some important segments of American business. It is a phenomenon that threatens our nation's economic well-being.

The disregard for capital is not limited to the corporate sector. There are other manifestations. It is present in the exorbitant demand for credit on the part of the Federal Government that results from an inability to make necessary budgetary reductions. It is also seen in a continuing rise of personal indebtedness by the household sector.

But it is the prolonged, and highly undesirable, shift away from equity toward debt financing by many business corporations that is especially worrisome now. This shift has accelerated in recent years as a result of the corporate merger, acquisition, and leveraged buyout mania which, in a number of ways, has heightened the disregard for capital. I believe that unless something is done to forestall excesses that are almost inevitable in this area, the health of the free enterprise system in the United States will be endangered.

To some, this may seem to overstate the menace. But the merger, acquisitions, and leveraged buyout mania poses significant hazards for a number of reasons:

First, it creates a real threat to the financial viability of the corporations involved. That threat will become harshly apparent to everyone in the next recession, whenever that may come.

Second, it serves to undermine the basic strength of the stock market. In the short-term, it distorts normal trading activity as market participants become increasingly obsessed with uncovering where the next deal will come from. For the longer term, it erodes investor confidence in the underlying fairness of the markets. And from a cyclical perspective, the exaggerated dependence of the market on mergers, acquisitions and buyouts will end up contributing to a sharper decline in share values when the next recession draws nearer.

Third, it does permanent damage to the corporate bond market. As a result, the cost of long-term debt financing will rise for all business organizations, even those not directly involved in M&As or LBOs themselves. And that will encourage still shorter maturity financing to escape the high cost of long-term funds, aggravating corporate financial vulnerability.

Fourth, it weakens the competitive position of U.S. business internationally. That is because over a period of time the large increases in leverage and debt servicing that accompany corporate financial restructurings will make it more difficult for many U.S. firms to embark on essential investment projects. But corporations in the other industrial countries are improving their balance sheet positions—and hence their capacity to finance productive investments and sustain their competitive strength.

Fifth, it decreases our Government's revenue and thus increases the budget deficit.

Now, I would not go so far as to assert that all highly leveraged corporate restructurings are unwise. Some may well yield positive economic effects. But taken too far, the decapitalization of American corporations will cause future financial stress. Ultimately, it will put the Government into the business of business through bailouts that will move our system closer to a social, and away from an economic, democracy.

This variant of socialization probably will not happen suddenly, as the outcome of some dramatic shock. Instead, the pathology leverage is to infect the system slowly, with few immediate overt symptoms of financial disease. But once underway, the infection is virtually impossible to reverse. It will cause profound changes in the system, amounting to a major upheaval in our economic and financial way of life. Excessive leveraging will encourage a growing concentration of assets and of decision-making in the private sector.

Out of that will emerge a financial-industrial complex wherein financial institutions and industrial corporations become increasingly interwoven, rather than separate and distinct entities. That amalgam will invite various forms of Governmental intrusion, culminating in direct Government participation in business through bailouts of corporations that fall into severe financial difficulties.

But for now, and possibly for some time to come, these long-term adverse consequences for the country will either be ignored or dismissed. Unfortunately, the immediate financial rewards to the participants in the game are so large and tempting that a whole series of self-justifications have come forth in favor of these deals. Thus, more and bigger deals will continue to be pursued until either there is a major failure or until Government steps in to check the excesses that will inevitably occur at some point.

DIMENSIONS OF THE PROBLEM

There is no clear consensus on why precisely the M&A and LBO mania is happening right now, whether it is an indictment of a generation of ineffective management, an incorrectly structured tax system, a natural result of loose, abundant credit, or an outgrowth of our weakened international financial position. Doubtless, many factors are responsible. But there is no dispute that it is contributing to a decapitalization of U.S. business which is proceeding at a rampant pace.

It entails a staggering substitution of new debt for outstanding equity. Over the past five years the debt of U.S. nonfinancial corporations has gone up by an estimated $840 billion and the equity position has contracted by nearly $300 billion.

In the latest economic expansion, nonfinancial corporate debt has grown by 15.4% annually. This compares with an annual increase of only 8.4% for the previous six cyclical periods of economic growth.

In the process, interest payments by U.S. nonfinancial corporations have swelled to a point where they now amount to about 26% of internal cash flow. To put this number in perspective, these payments now preempt more internal cash flow than during the recessions of 1982 and 1974 when this ratio was 22% and 19%, respectively.

One price of this leveraging explosion is a severe drop in credit quality. Last year was the seventh consecutive year in which there were more downgradings in ratings by the major credit services than upgradings. As a result, only a handful of major corporations are still rated AAA, and the number of A and AA rated companies is also dwindling.

Some claim that the merger, acquisition and leveraged buyout activity imposes limited systemic risks as long as it involves non-cyclical business, those which presumably produce a steady cash flow. This is a substantial overstatement of the facts. Even non-cyclical businesses are adversely affected by downturns in economic activity, though not as much as heavy industries.

In this connection, the new dimensions of the interaction between monetary restraint and its impact on economic participants are not taken into consideration. In our new deregulated financial world, for the central bank to achieve effective restraint, it must force a denial of credit at a much higher level of interest rates than when markets were more segmented. Monetary restraint is successful only after considerable scrambling for credit takes place among businesses, households, and government. Thus, many so-called non-cyclical businesses will become more bruised than heretofore, including consumer goods, retailing, and service industries.

Moreover, the so-called cyclical sector has not been a small proportion of the merger and leveraged buyout activity. According to a recent study by Goldman Sachs, corporations in cyclical industries accounted for nearly $200 billion or 40% of merger and acquisition activity and for $35 billion or again 40% of the leveraged buyouts since 1982.

What is important to bear in mind is that this decapitalization of so much of American industry has come into vogue under relatively benign economic conditions. The weakened financial structure of many corporations has not been tested during a business contraction. When it comes, there will not be the swollen sales, revenues and corporate income readily available to service a bloated mass of debt that there is today. Consequently, the chances are high that companies with a highly leveraged capital structure will report losses that are much larger than normal in a cyclical economic downturn. For quite a few, cash flow will be inadequate to service debt. For many, there will need to be various kinds of reschedulings and workouts to avoid bankruptcy proceedings.

By then, the issue will be raised in a political context of whether the nation is prepared to accept the full discipline of the marketplace to exorcise these excesses of leverage. Will firms who took on massive amounts of debt be allowed to fail, even if that would threaten to worsen the business contraction? Or will there be a clamor for a safety net, a lender of last resort in the form of a governmental bailout? After all, many who are now perpetuating the M&A and LBO mania will be suffering acutely—lenders with fiduciary responsibilities, banks, pension funds, insurance companies.

For the Federal Reserve, the dilemma of how to conduct monetary policy during the next recession for an economy laden with heavily indebted corporations will be especially acute. We have to ask: To what extent will our central bank have to accelerate monetary ease to avoid an immediate financial calamity—even if that means prematurely reigniting inflation and seriously damaging the prospects for a non-inflationary recovery? And, if the central bank routinely accommodates the bailouts, will it not end up being little more than an accomplice in encouraging the drift toward a socialization of economic and financial activity?

The international consequences of the explosion of corporate debt are no less worrisome. Just at a time when this nation is trying to regain international competitiveness so that we can improve our trade position, the additional debt burdens on many

companies will have a crippling effect. In contrast, financial positions of major corporations abroad are getting stronger. In Japan, for instance, large increases in retained earnings have lowered corporate debt to equity ratios by some 10% in the past two years. A general pattern of improving equity positions is common throughout Europe, as well.

The proponents of an uninhibited market in corporate control, those who applaud the M&A, LBO mania, dismiss these concerns. Debt poses no burdens, they contend; if economic adversity ensues, debt is easily restructured. Leverage ratios are of little concern; companies in Europe and Japan have long had higher debt-equity ratios without adverse consequences. Monetary policy need not be influenced by corporate debt; it merely substitutes for debt that would otherwise have been accumulated by the household sector. And, the proponents assert, managements of companies will find it easier to pursue long-term strategies when they don't have to be subservient to the short-term time horizons of people in the stock market.

I find these assertions unconvincing. High levels of debt create fragility and a far greater vulnerability to economic shocks—unless society is willing to go along with the kind of close, even intrusive, banking and government involvement in industry that is institutionally embedded in countries such as Germany or Japan. But for our institutional setting, there is ample historical evidence supporting the financial dictum that a large equity position allows corporations to assume greater risks and to pursue opportunities that debt-heavy corporations must forego. Moreover, I know of no groups of shareholders who today are standing in the way of the management of a publicly traded corporation moving to improve the long-term efficiency of the firm. Shareholders do not resist these efforts; they yearn for them.

To argue that managements without shareholders but with huge amounts of debt somehow have more flexibility to achieve positive change in a business strikes me as both disingenuous and historically inaccurate.

PRESSURES FOR PERPETUATING HIGHLY LEVERAGED ACTIVITIES

Nevertheless, the unfortunate truth is that nearly all parties involved in the M&A, LBO mania have a strong vested interest in its continuation.

Existing members of management normally have stock options which can be cashed out at high premiums. Plus in a management buyout, they get substantial portions of the equity in the new entity on which further profits can be recorded.

Most stockholders are passive and enjoy the instant gratification of the high premiums paid by the bidders, and take their money elsewhere.

Commercial bankers get high fees for organizing and participating in the loan syndications. They get substantial interest rate spreads over the prime lending rate. In this day and age, when competition for credits is extremely fierce, these deals are nearly irresistible for the banks, regardless of the risks involved.

Investment bankers and lawyers get high fees as advisers, so lucrative that it is very difficult for them to be objective in identifying the negative aspects of the deals they are pushing.

In many instances, the investment bankers also stand to benefit twice over as underwriters and sellers of debt securities in the public markets that are usually required to pay down the bridge loans, part of which are domiciled on the investment bankers' own books.

About the only stakeholder that is plainly an instant loser is the holder of the existing bonds of the company. Frankly, the bond holders do not have a strong enough constituency to get themselves bailed out or a clear enough legal standing to prevail in the courtroom for financial damages.

The class of instant beneficiaries also includes the equity market at large. To the extent that shares are withdrawn, that tends to make market prices elsewhere higher than they would otherwise be. In addition, the M&A, LBO mania sets off a scramble to find the next potential candidate to go through the process, and their share prices are bid up substantially. In fact, a good part of the strength in the U.S. equity market today can be traced to the phenomenon. Other, more stable sources of demand for stock have largely retreated from the market, especially pension funds and individual investors with long-term horizons. The scent of the deal and the short-term killing that can be made in anticipating the next LBO or M&A has replaced other considerations. What it means is that for the time being the equity markets have almost become addicted, and any measures aimed at slowing down the tempo of M&A and LBO activity is bound to weaken the prices of equity in general.

WHO ARE THE DEFENDERS OF CAPITAL?

In view of this relatively new behavior of management, investors and financial institutions, it is appropriate to ask: "Who is the defender of capital?" It had been generally believed that it was business and investors who naturally exercised that responsibility. Much seems to have changed. The role of the powerful large individual stockholder manager has diminished. New stockholder groups have frequently avoided a participatory evaluation of management. In most instances, the important new classs of stockholders—institutional investors—tends to sell their shares rather than question management decisions. Moreover, the institutional portfolio practices of our day stress modern portfolio theory and equity risk diversification, not stockholder-management involvement. As a result, corporate managements are often independent trustees of a sort for a silent and absentee stockholder group.

The role of the institutional lenders, such a banks, has also shifted away from being the defender of capital to being financial entrepreneurs. They frequently resist the call for higher prudential capital ratios and more conservative accounting standards. Government-insured deposits, a technique for obtaining low-cost funds, have financed all sorts of marginal lending in an attempt to capture large profits.

Isn't it rather startling to find that before the loan problems of the LDCs and of the thrift institutions have been put to rest, the financial markets are enveloped in another speculative financing binge? Yet, the way our current world of institutions and markets are now structured, they cannot avoid being caught up in the creation of marginal debt. Today, even the most conservative institutions compromise standards and engage in practices that they would not have cared to pursue a decade or two ago. The heroes are the daring—those who are ready and willing to exploit leverage, and risk the loss of credit standing, to revel in the present casino-like atmosphere of the markets.

With the onslaught today of financial deregulation, innovation, and new technology, it is impossible for institutions and markets to be the defender of capital. Consequently, it is the Government as the representative of all constituents that must assume this urgent role.

We all must begin to appreciate that corporate debt can never be a full substitute for equity. Debt involves defined corporate obligations of interest payments and repayment schedules. It is a preemptive factor in corporate cash flow and may limit management flexibility. The abuse of the debt-creation process contributes to corporate failures, and for society as a whole runs the risk of debauching the essence of economic democracy. Equity, in contrast, allows freedom of decision-making and often reflects confidence in society and its political and economic institutions. If we diminish the role of equity, we invite the spectre of business control first shifting to financial institutions and then inexorably toward government. In the process, we risk a social and political change away from freedom.

THE CASE FOR A GOVERNMENTAL RESPONSE

For its part, the Government has two good reasons to respond promptly to the escalation of high leveraging within the corporate sector.

First is the straightforward adverse revenue effect on the U.S. Treasury. Decapitalization substitutes tax deductible debt for equity, so over time corporate taxable income will be lower than it would otherwise be. To be sure there are partial offsets. Some existing stock is held by people who pay capital gains taxes, and the lofty premiums paid by bidders will generate one-time capital gains collections. And some of the new junk bonds will be issued to taxpaying individuals and institutions. But over the long haul, the cumulative effect of an unchecked movement from equity to debt will permanently and substantially reduce corporate tax collections by tens of billions of dollars. Thus, the Government is subsidizing decapitalization of U.S. industry.

Second, and probably more important, the Government has to be concerned that the weakened financial structure of corporations effectively leaves it with the implicit burden of having to come to the rescue of failed companies the next time the economy turns downward—or else risk a major national financial catastrophe.

If the market cannot discipline itself, then the Government will have to consider means of inserting the necessary disciplines. It is no excuse to shy away from action on the assertion that no feasible set of restrictions will be perfect. Of course not. But just because what can be done will be imperfect doesn't mean nothing should be done.

TOWARD A PROGRAM OF PRUDENT LIMITS

I have a few suggestions for consideration. They are not meant to be exhaustive; many other proposals have merit and deserve to be considered. Here is my list:

First, the Government needs to reconsider the double taxation of dividends, a prime reason why debt is preferred to equity by many companies.

Other countries have faced this problem and have developed reasonable compromises to eliminate or greatly reduce the imbalance in tax treatment. It is time our Government did so as well.

Second, there needs to be a review of capital gains taxation. Modifications ought to

be made to raise the tax rate on short-term gains and eliminate it, or lower it substantially, for various classes of longer term gains.

Third, the capital requirements of financial institutions providing the financing for these deals should be scrutinized more closely. Any system of risk-based capital standards ought to treat especially strictly deals that involve huge quantities of debt and that depend heavily on locating eager buyers to purchase the subsidiaries the borrowing company intends to spin off to help repay the bank loans.

Fourth, beyond the formal application of impersonal numerical ratios, the central bank ought to be involved at the personal level with bank management, playing a leadership role in pressing for a return to conservative banking principles which are all too often neglected in the quest for quick profits. To take one practical illustration, that should involve insisting that syndicators of LBO loans accept a continuing responsibility toward the institutions to which they sell loans, even if a deal goes sour.

Fifth, it is questionable whether any Government-insured deposits should be allowed to be invested in these loans or in the junk bonds that are then issued to retire them. If banks and thrifts choose to participate, let it be in separate affiliates not funded by insured deposits.

Sixth, securities firms should not be allowed to underwrite securities for firms in which they have a direct stake themselves, whether an equity stake or a bridge loan. Disclosure of such positions is insufficient as a check on potential abuses. How can an investment banking firm do objective due diligence for the securities to be distributed to the public when the proceeds of the offering will pay off the bridge loan lodged in the securities firms' own holdings?

Seventh, bondholders in the existing securities of the firm should be given an explicit legal right to sue the organizers of an LBO or other corporate decapitalization for damages ensuing from the resulting downgrading of the credit ratings of those bonds caused by that restructuring.

Eighth, whenever the management of a company makes a bid for its company, there should be an immediate enquiry as to whether the group is utilizing inside information not disclosed to shareholders. Plus, a written explanation should be published why the business plan that the group intends to adopt after the LBO cannot be pursued as a publicly held company.

Ninth, sufficient time, perhaps 90 days, should be provided for other bidders to compete whenever members of existing management propose an LBO.

Tenth, I do not favor measures that directly limit the participation of the foreign institutional lenders who have been extremely important in the financing of many merger transactions. Some restraint, however, should be exercised by them. Regulatory authorities of the U.S. and other major countries have already made progress in developing uniform capital standards for banks. It would make sense to extend these efforts to include explicitly the treatment of merger financing. Moreover, I doubt that any major industrial country would want to be identified as a prominent source of funds facilitating the decapitalization of American enterprises. A continuing dialogue on this matter between U.S. and foreign officials will go a long way in harmonizing lending practices in this area.

CONCLUSION

These are just a few of the kinds of measures that should be considered. The basic thrust is that the current system of tax rules and financial regulation sets up a set of incentives and motivations which virtually ordain that the M&A, LBO craze will continue until it threatens the financial condition of the entire corporate sector. At that point, the debt-burdened companies will end up on the Government's doorstep, pleading for special assistance. And the Government will be hard pressed to say no. That is not the kind of free enterprise system we ought to have, one that speaks rhetorically of market disciplines but whispers in the closet that the Government will always bail people out if anything really nasty happens. But it is the kind of system we will end up with if nothing is done to introduce a more prudent regard for corporate capital than has been the case lately.

STATEMENT OF MARTIN FELDSTEIN, PROFESSOR OF ECONOMICS, HARVARD UNIVERSITY, PRESIDENT, THE NATIONAL BUREAU OF ECONOMIC RESEARCH

EXCESS DEBT AND UNBALANCED INVESTMENT: THE CASE FOR A CASHFLOW BUSINESS TAX

Thank you, Mr. Chairman. I am very pleased to participate in this opening day of hearings on the relation of the tax law to the rise in corporate debt.

CORPORATE DEBT AND FINANCIAL DISASTER

It is easy to understand how excessive levels of corporate debt could lead to financial instability and could turn an ordinary recession into a much more severe downturn. When corporate debt levels are excessive, a sharp rise in interest rates or a sharp decline in operating income could trigger a series of cascading defaults that could undermine both industrial firms and financial institutions.

I shall not dwell on the systemic risks that could result from high levels of corporate debt. I am here today with three distinguished witnesses—Benjamin Friedman, Henry Kaufman and Felix Rohatyn—who have warned repeatedly about the danger of the current level of corporate debt. A quartet of Cassandras is at least one too many. I shall therefore leave it to them to elaborate on the risks associated with current and prospective debt levels.

Moreover, although I appreciate the possibility that excess debt can cause financial instability, I am impressed by two considerations that suggest that the risks inherent in current corporate debt levels may be exaggerated. First, corporate debt in the United States is far lower as a percentage of GNP than in other industrial countries. Second, corporate borrowers are generally being very careful to structure their debt in such a way that, if the corporation cannot meet its full interest obligations, the subordinated debt holders would have strong incentives to cooperate with management in sustaining business activity rather than in causing a dissolution of the corporation.

But even if we are not near the brink of financial disaster, I believe that there can be no doubt that our tax rules have pushed corporations to greater reliance on debt than they would otherwise choose and than would otherwise be desirable from the standpoint of their shareholders. Companies and shareholders are taking greater risks than they should because of the strong incentives provided by our tax system.

I want to focus my remarks today on the tax bias toward debt finance inherent in the current tax system and the increased incentives to use debt that have been created by the tax legislation of the 1980s. I will also suggest a change in tax rules that could eliminate this distortion and strengthen overall business investment.

THE TAX BIAS TOWARD EXCESSIVE DEBT

Until a few years ago, corporations were generally reluctant to accept high levels of debt despite the fact that interest payments on corporate debt are tax deductible while dividend payments are not deductible. Although the restrained level of debt depressed the return to equity investors and therefore the price of corporate shares, it is easy to understand why corporate managers were nevertheless reluctant to use as much debt as their shareholders might want. While the shareholder who owns the stocks of many companies can accept the risk of an occasional bankruptcy if the average return on his protfolio of stocks is high enough, a bankruptcy could destroy the careers as well as the personal fortunes of corporate managers.

In recent years, however, managers have overcome their previous reluctance and have begun to increase their debt-equity ratios. One reason for the change in their behavior has been the fear of a hostile takeover if they did not increase the return to shareholders through greater leverage. But the 1980s have also seen three important changes in tax rules that increase the relative attractiveness of debt and that, by doing so, have added impetus to hostile takeovers as well:

(1) The new corporate and personal tax rates make the rate at which corporate interest payments are deducted substantially higher than the rate at which individuals can deduct personal interest payments. It therefore makes tax sense for corporations to borrow more for individuals to hold more and debt in their personal portfolios, just what we have been seeing.

(2) Because of the new limitations on the ability of individuals to deduct investment interest expenses, an investor who prefers a high debt-equity ratio may want the corporations in which he invests to do additional borrowing to replace the personal borrowing that he can no longer do in a tax-deductible way.

(3) The sharp rise in the tax rate on capital gains relative to the rate on interest income induces households to prefer more debt and less equity, further encouraging corporations to increase their debt-equity ratios.

THE TAX INCENTIVE TO MERGERS, ACQUISITIONS, AND LBO'S

The increase in mergers and acquisitions is also in part a response to a strong tax incentive, although one that may not be so clear even to those who are involved. Nevertheless, market pressures and the fear of hostile takeovers induce corporate managers to engage in M and A activity and in LBOs that are taxwise but that would not otherwise be justified.

The key here is that dividends are a very expensive way for corporations to get profits into the pockets of shareholders since every dollar of dividends in fully taxed at the recipient's marginal tax rate. In contrast, a shade repurchase is more "tax efficient" because the individual who sells his stock pays a capital gains tax only on the difference between the selling price of the stock and the investor's original cost. Even with equal tax rates on capital gains and

dividends, share repurchases are thus more tax efficient than dividends.

Seen in this light, an acquisition of one corporation by another has tax advantages similar to a share repurchase. The acquiring company distributes some of its retained earnings which get into the pockets of individuals subject only to the capital gains tax on the increase in the value of their shares. Although the acquirer has not put additional cash into the pocket of its own shareholders, for the corporate sector as a whole three has been a clear payout of earnings that would otherwise remain trapped in the corporation.

The debt financed acquisition or leveraged buyout is even more attractive to corporate managements and shareholders because it combines the tax benefits of an equity financed acquisition with the extra tax advantage of increased debt. The debt financed acquisition is equivalent to an acquisition financed by equity plus borrowing by the acquiring company to replace the lost equity with debt.

There is no doubt in my mind that existing tax rules provide a strong incentive to increase corporate debt. Although this implies greater financial risk than would otherwise occur, it does have the offsetting advantage of lowering the overall tax burden on corporate capital. This in turn reduces the bias against corporate investments and increases the overall incentive to save and invest.

Nevertheless, these offsetting advantages are not enough to justify the existing distortions. It is possible to modify current tax rules in a way that would neither increase nor decrease the overall tax burden on corporate capital but that would reduce the current bias in favor of debt.

THE TAX BIAS AGAINST PLANT AND EQUIPMENT INVESTMENTS

Before looking briefly at one such possible change in tax rules, I want to comment on a second very serious distortion that remains in the tax law and that can be eliminated by the same change in tax rules.

One of the important ideas that shaped the 1986 tax legislation was the concept of a "level playing field" that provides equal effective tax treatment to different types of business investments. The idea is a good one that should in principle increase the overall productivity of total investment.

Unfortunately, however, although the 1986 tax law may have reduced the tax differential between equipment and structures, it did so in a way that increased the tax bias against all investment in business plant and equipment relative to other kinds of business and nonbusiness outlays. The analysis that supported the elimination of the investment tax credit and the reduction of depreciation allowances as a means of achieving a more level playing field for business investment was incorrect because it ignored the wide range of investments that corporations make in addition to outlays for equipment and structures.

A corporation is investing whenever it gives up current profits in the hope of increasing future profits. Spending money for new plant and equipment is the most obvious but not the only form of business investment. A firm is also investing when it spends money on advertising, or on improvements in customer relations, or on recruiting employees, or on research and development. A firm also invests when it reduces current prices to increase its market share and raise future profits.

But there is a key difference between investments in plant and equipment and the so-called "intangible" investments in advertising, customer good will, market share, and personnel. The outlays on equipment and structures are not immediately deducted from income but are spread over a number of years. In contrast, all of the other forms of investment are deducted immediately in calculating taxable income. The current tax law therefore imparts a significant bias in favor of doing the intangible investments and this bias was increased by the 1986 tax changes that increased the effective tax rates on equipment and structures.

The bias in favor of intangible investments lowers overall productivity because it diverts scarce corporate funds away from plant and equipment and into less productive forms of investing. Moreover, although investments in advertising and market share may eventually raise the earnings of the investing corporation, that extra profit comes largely at the expense of other companies. National output and productivity are not increased.

A CASHFLOW BUSINESS TAX

In short, we have a tax system that distorts both the way that corporations finance themselves and the investments that they make: too little equity and too much debt coupled with too little investment in plant and equipment and too much investment in advertising, customer relations and market share.

There is a tax reform that would simultaneously eliminate both of these distortions: the cashflow business tax. It would change our current corporate tax rules in two important ways. First, interest payments would no longer be deductible. Second, all investments in plant and equipment and in inventories would be immediately deductible. The tax is called a "cashflow" tax because it is levied on the company's cash revenue minus all cash expenses (including investment but excluding the company's payments to the providers of its equity and debt capital).

Eliminating the deduction for interest would put debt and equity on an equal footing and eliminate the current tax bias to use excessive debt. The immediate expensing of all investments in structures, equipment and inventories would put such investments on a level playing field with advertising, personnel training, and other "intangible" investments for which current tax law already permits expensing.

The Cashflow Business Tax would thus eliminate the two most important distortions caused by our current business tax rules. Also eliminated would be the complex regulations defining the differences between debt and equity and spelling out the depreciation provisions for different types of assets.

What about the revenue effect of such a change? I have not done a detailed calculation. But some rough estimates indicate that the revenue gain of eliminating the interest deduction would just about pay for the revenue cost of immediate expensing of all investment. The overall change in tax rules could therefore be kept revenue neutral by a small change in the corporate tax rate.

There would of course be transition problems and special issues in dealing with financial corporations. But the shift to a Cashflow Business Tax would produce a simpler, fairer and more efficient tax system.

This committee might quite reasoanbly decide that the increase in corporate debt that has motivated these hearings does not present a substantial danger to the stability of our economy and therefore that, despite the serious distortions to business finance and investment caused by existing tax rules, America has had enough tax reform for one decade. But if you decide that the tax bias in favor of debt and against investment in plant and equipment should be eliminated, I strongly recommend that you consider the Cashflow Business Tax.

U.S. POLICY IN THE NORTHERN HEMISPHERE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. RICHARDSON. Mr. Speaker, Dr. Robert Pastor of the Carter Center of Emory University in Atlanta is one of the clearest, most incisive voices in the country on Latin American affairs. He has recently produced two works on Latin America which are crucial for a proper understanding of the situation in the Americas: a book, "Limits to Friendship: The United States and Mexico," and an article, "Securing a Democratic Hemisphere," featured in the winter 1988/1989 edition of Foreign Policy.

These two pieces represent some of the most sensible and pragmatic thinking on U.S. policy in our hemisphere. I commend these works for my colleagues and insert a review of Dr. Pastor's book and the conclusion from the article into the RECORD for their review.

LIMITS TO FRIENDSHIP: THE UNITED STATES AND MEXICO.

(By Larry Rohter)

It is hard to imagine a more mismatched pair of neighbors than the United States and Mexico. Forced by geography to live alongside each other, they do so with misgivings that seem to deepen, not diminish, as their relationship grows more intimate. For Americans, that relationship has often meant next to nothing; for Mexicans, it means virtually everything. One nation apparently is incapable of remembering any history, while the other seems unable to forget any. The list of differences goes on and on.

Against this backdrop; "Limits to Friendship" sets out to explore and explain the mutual mistrust and misconceptions that have long characterized relations between the two countries. As Robert A. Pastor and Jorge G. Castañeda make clear from the start, they do not "wish to present a common or even compatible view of the bilateral relationship." Instead, their goal is simply to offer both perspectives, and they have chosen a format—writing alternating sections in each chapter—that enables different views on major issues (drugs, debt, immigration) to come through.

Both authors bring useful personal experience to the task, and this permits "Limits to Friendship" to focus on specifics and avoid dreary philosophizing. Mr. Pastor, who writes the sections on the United States, was the National Security council's director of Latin American affairs under president Carter and now teaches political science at Emory University in Atlanta. He

cites numerous instances in which Washington's overtures to Mexico produced results quite different from those planned. Mr. Castañeda, whose father was Mexico's Foreign Minister from 1979 to 1982, is a professor of political science and international relations at the National Autonomous University of Mexico in Mexico City and a political commentator. He offers a Mexican interpretation of some of the same events described by Mr. Pastor. More often than not, the two views are complementary to, and contradictory of, each other.

Take, for instance, a dinner that an American consular officer once held for some Mexican opposition politicans. To Mexicans, Mr. Castañeda says, the diplomat's action was "a typical illustration of heavy-handed American meddling in Mexican domestic affairs," while to Mr. Pastor it was merely "part of his routine responsibilities." When the then President of Mexico, Miguel de la Madrid, visited Washington in 1984, the trip "got off to a rocky start" because "a rather low-level official" met him at the airport, Mr. Castañeda recalls. "Since the Secretary [of State] and the Vice President were abroad" at the time, Mr. Pastor replies; "no slight could have been intended." As Mr. Pastor notes, "it sometimes seems that the United States and Mexico cannot help but convert" even the most mundane transactions "into a moral allegory."

Whether deliberately or not, this book, a Spanish-language version of which is to be published this month in Mexico, itself mimics the ironies of the United States-Mexican relationship. Mr. Pastor admits flaws in Washington's policy-making procedures and the more inglorious episodes of America's treatment of its southern neighbor, but he also enumerates instances in which Mexican conduct exacerbated existing problems or created new ones. Mr. Casteñeda complains that in doing so Mr. Paster "has strayed over the border" into his own part of the book, yet he rarely acknowledges that Mexico might bear some responsibility for its difficulties with the United States. Though articulate and cogent, his presentation is largely an apologia for official Mexican positions, not a critical analysis.

Mr. Casteñeda mentions, for example, the case of an unnamed former President of Mexico who said "he could not have fulfilled his duties a single day beyond the date of his term's end" because he had become "so anti-American, so irritated by U.S. government behavior toward Mexico." It does not seem to have occurred to Mr. Casteneda that the reverse is also true: any number of well-intentioned Americans have become disgusted by the deceit, self-righteousness and corruption they often encounter in their dealings with Mexico.

Given the many apparently unsolvable differences the authors describe, it would perhaps have been more appropriate for them to describe the relationship between the two countries not as a "friendship" at all, but as a relationship characterized by an uneasy mutual ambivalence. Polls taken in both countries in 1986 and cited by the authors found that 59 percent of Mexicans regarded the United States as an "enemy country," while 53 percent of Americans did not consider Mexico a "stable, reliable, and friendly neighbor."

In such an environment, the real task for both policy makers and ordinary citizens becomes one of limiting misunderstandings, and in that respect the book contains specific suggestions. With new Presidents just now coming to power in both countries, the authors say, "the moment is ripe to consider a package deal that would involve major concessions and demands by both nations in trade, energy intelligence and security, debt, capital flight, and immigration." If, before beginning the process of negotiation, either President-elect Bush or President Carlos Salinas de Gortari wants to know why the other acts the way he does, there is no better place to start than this valuable, timely and fascinating work.

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A DEMOCRATIC COMMUNITY

The final challenge in Latin America is the most important and the most daunting. Only two functioning democracies existed in South America in 1978; today there are only two dictatorships. The entire Caribbean, except Haiti and Cuba, is democratic. In Central America, all of the counties are nominally democratic; but to the extent that democracy means subordinating the military to civilian elected leaders, only Costa Rica qualifies.

Still, democracy does not exist in several countries, and it is secure in few places. The region passively watched when generals interrupted the transition process in Haiti and Panama, Argentina, Ecuador, and Guatemala have all experienced coup attempts. What if the next attempt succeeded? Sadly, too little has been done internationally to help to consolidate democracy against the threats of militarism, debt, terrorism, and factionalism.

In the second stage of the hemispheric bargain, the new U.S. president should explore with other democratic presidents of the Americas the idea of calling a special OAS summit meeting to assess the state of democracy in the hemisphere and to develop recommendations on ways to strengthen it where it exists and promote it where it is absent. If Latin leaders view the OAS as an inappropriate forum, then alternatives can be explored with the aim of establishing a democratic community.

Legal and historical precedents exist for supporting democracy. The OAS Charter and the United Nations Universal Declaration of Human Rights proclaim representative democracy respectively as a basic principle of governance and a basic human right. Former Venezuelan President Romulo Betancourt believed that his country's democracy could survive only if dictatorships in the neighborhood were replaced. Betancourt urged that the OAS only recognize "regimes born of free elections and respecting human rights." The Betancourt Doctrine proved impractical in 1959 when few Latin democracies existed; but today, when the vast majority of Latin American governments are democratic but still endangered, there is a basis for re-examining the mutual responsibilities and obligations of democracies.

The political transformation of the region has settled the debate on the definition of "democracy". In the mid-1970s, some Latin American commentators argued that true democracy should be judged by mass participation rather than by the choices people face in the privacy of a voting booth. The Esquipulas plan, with its specific requirement of representative democracy, vanquished the idea that elections were an ethnocentric North American invention alien to the Latin cultural tradition. Latin Americans still attach a broader social and economic meaning to democracy than do most North Americans; but democrats in both regions agree that, at bottom, democracy means choice—free elections, free press, freedom to organize—and that the argument that health, education, and development should precede democracy masks a self-serving effort to perpetuate dictatorship.

This convergence of definitions and systems provides an opportunity. A summit of democratic presidents should consider all steps that legitimately could be taken by a group of democratic countries in the Americas to prevent the breakdown of democracy and promote its deepening and expansion. Among the policies that could be considered are those the United States adopted during the 1970s to promote human rights. This approach involved private diplomacy, public criticism, reduction or elimination of aid, votes against loans in the international development banks, and ultimately withdrawal of diplomatic personnel. In addition, the Democratic Community could search for ways to strengthen the Inter-American Court of Human Rights.

Allegedly to promote democracy, the Reagan administration imposed severe economic measures against Panama in 1988. The administration's unilateralist approach alienated the Latin American democracies and provoked them into defending Noriega and condemning the United States. Instead of snubbing Latin American democrats, the United States should have worked with them. A collective approach could have achieved more while requiring fewer sanctions.

If U.S. and Latin American democrats agree to implement the Contadora and Esquipulas plans in Central America, that formula could serve as the basis for a collective security arrangement to secure democracy throughout the hemisphere. Since it is easier to prevent a democratic government from being overthrown than to force a military government to give up power, democratic governments should agree to a series of steps they would take to condemn and isolate coup plotters. Concerted action could then be directed at helping nominally democratic governments—such as those in Central America—to assert control over their militaries. Finally, the last task is to find effective ways to pressure the few remaining dictatorships in the hemisphere to democratize. The truly democratic countries of the Caribbean should be encouraged to play a major role in this effort.

Argentine President Raúl Alfonsín has imaginatively found ways to gain legitimate international support for the perservation of democracy. His government has signed advantageous economic agreements with Spain and Italy that were premised on the maintenance of democracy in Argentina.

The basic concept underlying these agreements could also be replicated for addressing territorial disputes. Britain, for example, could negotiate a Falklands/Malvinas agreement that would be contingent on Argentina's maintaining its democracy. It might demilitarize the islands so long as democracy reigned in Argentina. Ecuador and Peru as well as El Salvador and Honduras might explore similar arrangements to settle their border disputes. Such agreements would benefit Latin American democracies in three ways: democractic governments could take credit for negotiating an end to these disputes; militaries would lose the main justification for their large budgets and role in politics; and coups would

become unpatriotic and costly in economic as well as political terms.

Although revolutionaries would have the region believe that their success in Cuba, Mexico, and Nicaragua was due to a mass revolt against poverty and injustice, the three great revolutions in these countries occurred after extended periods of economic development. If poverty had been the cause, all three revolutions would have occurred either 20 years before the actual event or 5 years after the turmoil had erased the economic gains of the previous decades. In reality, these three revolutions were precipitated by successive crises involving longstanding dictators. The opposition's demand for "effective suffrage" was denied; and the dictators were tempting targets to unite their entire countries behind those who sought change by armed struggle.

Tainted elections remain a problem. The Democratic Community ought to address that issue by establishing an international election-monitoring organization composed of senior statesmen and jurists that should observe the electoral process before, during, and after the election. The group could issue reports assessing the evidence of fraud, and the Democratic Community could take up these reports formally. As a gesture of support for the new organization, all the members of the Democratic Community, especially the United States, ought to invite it to observe their elections. It would be impractical, of course, for the organization to monitor all the elections; but it should have the discretion of choosing which ones to observe.

This organization could also work with national committees for democracy, which could be established on the model of the human rights organizations of the 1970s. These institutions became the voice of the voiceless, alerting the world to gross violations of human rights. Similarly, national committees for democracy would be nonpartisan and could issue warnings to the world when democracy seemed in jeopardy. Such warnings would attract the attention of visiting international groups and raise the costs to those who would disrupt democracy.

The Americas can no longer postpone resolving the triple threat of Central American insecurity, debt, and drugs. The coincidental timing of major elections throughout the hemisphere offers a fresh chance to resolve these problems. The United States and other key countries in the hemisphere must choose: Each can continue to seek it optimal goal by acting unilaterally, but this approach has engendered resentment without results. Alternatively, through a Democratic Community they can compromise, achieve important but suboptimal goals, and show that a multilateral approach is a more effective way to solve the problems facing the hemisphere.

In 1928 Franklin Roosevelt wrote in Foreign Affairs, "Single-handed intervention by us in the internal affairs of other nations must end; with the coöperation of others we shall have more order in this hemisphere and less dislike." Sixty years later, as the centennial of the inter-American system approaches, Roosevelt's words sound almost current.

The challenge for the new U.S. president, however, is both more arduous and more rewarding. Whereas Roosevelt was initially compelled to withdraw from Latin America, stay out of Europe, and confront the depression, the next U.S. president must devise a way to remain involved in Latin America and to use U.S. influence more effectively. The new U.S. president should work with his democratic counterparts to lift the pall of pessimism covering Latin America today and establish an enduring Democratic Community. Legitimate, collective pressure by the community could help civilian democrats to assert control over their militaries, to discourage extreme elements, and to isolate the region's remaining dictators. The new president should resolve to join the hemisphere's new democratic leaders in seizing this historic opportunity to refashion inter-American relations. Together they can prevent the political pendulum from swinging back to dictatorship.

NURSING SHORTAGE AND NURSE REIMBURSEMENT INCENTIVE ACT OF 1989 (H.R. 1140)

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. ROYBAL. Mr. Speaker, given the current nursing shortage crisis coupled with the fact that our Nation's health care system depends upon the skill and caring of nurses, a package of reforms from both the public and private sector is critically needed to provide a solution to the nursing shortage. This comprehensive package of reforms should include: First, increasing funding for training, education, and recruitment; second, implementing innovative nursing practice models in all health care settings; third, increasing nurses' salaries and benefits; forth, increasing nurse antonomy and decisionmaking; and fifth, providing direct Medicare and Medicaid reimbursement to nurse specialty groups. These reforms will directly address problems in recruitment, retention, and reentry of nurses into the nursing profession.

One part of this critically needed comprehensive package is the Nurse Education Act of 1988, which was passed in the 100th Congress. This legislation authorized increased funding for nursing programs. Though I believe it should be fully funded, current budgetary constraints will make it extremely difficult to get that full funding. A second part of the reform package is clearly the responsibility of health care providers—hospitals, health maintenance organizations, nursing homes, home health agencies, and medical offices. These public and private sector reforms will do much to increase respect, authority and responsibility, and income for nurses. Most importantly, reforms should include direct reimbursement under insurance programs, including Medicare and Medicaid. That is why I am introducing the H.R. 1140—Nursing Shortage and Nurse Reimbursement Incentive Act of 1989.

Direct reimbursement provides an incentive to the nurse specialty groups—nurse practitioners, clinical nurse specialists, certified nurse-midwives, and nurse anesthetists—who want to remain in nursing, while, at the same time, earning salary and benefits commensurate with their professional credentials, education, and experience. Furthermore it would enable these specialized nurses to practice in unserved and underserved areas, expanding access to needed health care. Direct reimbursement would give nurses choices among working as salaried employees, setting up independent practices, or entering into joint practices with physicians or other certified health professionals.

The Congressional Office of Technology Assessment reports that:

Unless the barriers of direct reimbursement are altered, the potential savings from a greater use of these specialized nursing groups will probably remain unexploited even though studies show that nurse practitioners, clinical nurse specialists, certified nurse midwives, and nurse anesthetists can provide services that both substitute for and complement physicians' services, depending on the particular service or type of practice—Health technology case study 37, 1986.

Recognition of these nurses as independent providers of quality health care services through Medicare and Medicaid reimbursement policy will permit nurses to function in a capacity commensurate with their education. By enacting H.R. 1140—the Nursing Shortage and Nurse Reimbursement Incentive Act, one part of the long-term solution to the nation's current nursing crisis will be addressed.

Mr. Speaker, I ask that the bill description be included in the RECORD.

SUMMARY OF THE NURSING SHORTAGE AND NURSE REIMBURSEMENT INCENTIVE ACT (H.R. 1140)

Amends the Social Security Act to provide coverage of and direct reimbursement of services for nurse practitioners, clinical nurse specialists and certified nurse-midwives under the Medicare and Medicaid programs. Certified registered nurse anesthetists reimbursement would change only for the Medicaid program, since they are already receiving reimbursement under Medicare.

Directs the Secretary in consultation with an advisory panel made up of experts and representatives of nurses affected by this Act to: 1) design a resource-based relative value scale fee schedule; 2) conduct a study of the relative costs for physician services and for nurse services with respect to overhead (including rent, staff, billing and malpractice insurance) and other resources, and 3) recommend to Congress the appropriate relative reimbursement levels for professional services provided by physicians and nurses respectively.

Directs the Secretary, through the National Center for Nursing Research and in collaboration with the Health Care Financing Administration, to contract for studies to: 1) cost out nursing services within the acute care setting, relate current nurse intensity to current DRGs and ascertain differences in diverse parts of the country; 2) cost out hospital nursing services and study the benefits derived from setting up revenue and cost centers; and 3) gather, consolidate and disseminate qualitative and quantitative data regarding obstacles that these specialized nursing groups might encounter relative to direct reimbursement.

Directs the Administrator of the Health Care Financing Administration to provide a toll-free telephone hotline to handle difficulties which the specialized nursing groups might have relative to direct reimbursement.

Expands the scope of Peer Review Organizations (PRO) to include the nursing services performed by these specialized nursing groups (nurse practitioner, clinical nurse

specialists, certified nurse-midwives and certified registered nurse anesthetists). Requires the PROs, to the maximum extent feasible, to consult with nurses from the specialty nursing groups and to utilize nurses from the respective specialty nursing groups when making final determinations of denial decisions with respect to a nurse from that specialty group.

LEGISLATION TO CONVEY TO COLUMBIA HOSPITAL FOR WOMEN CERTAIN PARCELS OF LAND IN THE DISTRICT OF COLUMBIA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DELLUMS. Mr. Speaker, today I am introducing legislation to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes. The Columbia Hospital for Women is a nonprofit hospital that needs this legislation to build a National Women's Health Resource Center adjacent to the hospital.

Columbia Hospital for Women was chartered by Congress in 1866 and is the only hospital in the Washington area specializing in obstetrics, gynecology, and neonatology. It has through the years been a pioneer in many research and clinical services for women nationwide. These accomplishments include: the first area institution to offer mammography; the first area prenatal clinic; and the first U.S. hospital to use ultrasound technology. It is also Washington's largest birthing center.

The proposed National Women's Health Resource Center would be an institution devoted exclusively to women's health concerns and provide a mix of clinical, research, education, and information programs. The proposed national center will be a private nonprofit center totally devoted to the research of diseases that effect over 51 percent of the Nation's population. I see this as a unique opportunity for our Nation and this city and invite my colleagues to join me in cosponsoring this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 3, the Administrator of General Services is directed to convey, for $5,000,000, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum), Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952. Such property is more particulary described as follows: All that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: Beginning for the same at the northeast corner of square being the corner formed by the intersection of the west line of Twenty-fourth Street West, with the south line of north M Street and running thence south with the line of said Twenty-fourth Street for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street for the distance of two hundred and thirty-one feet ten inches to the line of said M Street and running thence east with the line of said M Street to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

SEC. 2. LIMITATION OF CONVEYANCE.

No part of any land described in section 1 may be used for any purpose other than hospital, clinic, rehabilitation center, medical research institution, medical education institution, and domiciliary care institution purposes unless use for such other purpose is approved by the Administrator of General Services or by Act of Congress.

SEC. 3. USE BY UNITED STATES.

(a) USE BY UNITED STATES.—Subject to subsection (b), the United States shall retain the right to the use of the office building and parking lot located on lands conveyed pursuant to this Act. The Columbia Hospital for Women shall not be entitled to rent or other compensation from the United States for such use by the United States.

(b) NOTIFICATION AND TERMINATION.—The right to limit use by the United States under subsection (a) shall terminate on a date which is one year after the date of receipt by the Administrator of General Services of written notification that the Columbia Hospital for Women needs such property for hospital, clinic, rehabilitation center, medical research institution, medical education institution, or domiciliary care institution purposes.

SEC. 4. MODIFICATION OF RESTRICTION ON PRIOR CONVEYANCE OF LAND.

The Administrator of General Services is directed to take such actions as are necessary to modify the restriction which requires that lands conveyed by the Act of June 28, 1952 (Public Law 82-423) be used for hospital purposes and to allow such lands to be used only for hospital, clinic, rehabilitation center, medical research institution, medical education institution, and domiciliary care institution purposes, unless use of such lands for a different purpose is approved by the Administrator of General Services or by Act of Congress.

TRIBUTE TO CARLA ANGELICI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. ASPIN. Mr. Speaker, I rise today to pay tribute to a young American hero, Miss Carla Angelici. Carla, a 14-year-old girl from Pleasant Prairie, WI, displayed great courage and quick thinking on December 9, 1988, when she helped rescue a 6-year-old boy who had fallen through the ice on a neighborhood pond. Carla's actions have been praised by the Kenosha County Sheriff's Department and by her classmates at Lance Junior High School where she is an eighth grader. Now I am honored to join with my colleagues in the U.S. House of Representatives in commending Carla Angelici for her act of bravery and courage. Carla is an inspiration to us all.

UNITED STATES SHOULD STAND UP FOR HUMAN RIGHTS IN YUGOSLAVIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. TRAFICANT. Mr. Speaker, today in the Communist nation of Yugoslavia, troops are occupying the province of Kosovo—because the people there simply desire self-determination.

Over 90 percent of the residents of Kosovo are native Albanians, yet this majority is being blatantly denied the right to govern their own affairs. Sadly, Mr. Speaker, the ethnic Albanians living in Kosovo have routinely been denied their basic rights of self-determination and cultural freedom.

While all of us in the free would are troubled by the events in Kosovo, even more troubling is the deafening silence of our State Department on this matter. Mr. Speaker, I do not take lightly the fact that the United States is the leader of the free world. We are a democracy founded on the principles of human rights and freedom. As such, the United States has an obligation to take a strong stand against any and all abuses of human rights—no matter where they occur.

The United States enjoys a close economic relationship with the Communist Government of Yugoslavia. Indeed, our own State Department urges American bankers to provide financing to Yugoslavian industry. The Yugoslavs turn around and use our money to send us Yugos and displace American workers. The time has come to tell Yugoslavia that if it wants to continue to enjoy its access to our lucrative market, then it must cleanup its human rights record.

Mr. Speaker, it would indeed be a tragic injustice if this country failed to stand up for the basic human rights of ethnic Albanians being oppressed in Kosovo. The United States cannot wear blinders when it comes to human rights. Our principles must never be sacrificed or compromised because of geopolitics.

Ethnic Albanians should have the same right to self-determination as other ethnic groups in Yugoslavia have.

I urge the State Department to break its silence and convey to the Yugoslavian Government America's deep concern over the plight of the ethnic Albanians in Kosovo.

WHAT IS BLACK HERITAGE REALLY?

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. STOKES. Mr. Speaker, as you know, during the entire month of February our Nation celebrates Black History Month. This occasion affords us the opportunity to recognize the myriad contributions of Black Americans to our society. It also permits historians to explore our Black heritage and the relationship between African and human history.

I am pleased to share with my colleagues the following paper prepared by Dr. Eleanor Engram, director of the American Museum in Cleveland, OH. The paper, entitled, "What is Black Heritage—Really?," focuses on the need to acknowledge the correlation between African history and African-American culture. Dr. Engram believes that black children need to understand the continuity of their past and the achievements of their race to have a vision of their own future. She advocates the development of appropriate classroom materials and the use of museums to bridge the gaps between cultural experiences and African-American history.

Mr. Speaker, just recently I had an opportunity to hear Dr. Engram deliver a lecture on the significance of Black History Month. She captivated the audience with her unique presentation, which combined powerful oratory skills and innovative visuals.

During Black History Month, I am proud to salute Dr. Engram for her commitment to expanding our knowledge and appreciation of the African-American experience. I am pleased to share her article with my colleagues and encourage their reading of this important work.

WHAT IS BLACK HERITAGE—REALLY?

When we tell the story of African-American history, we go back as far as human history will allow because we have found that human history is African history. The January 11, 1988 issue of Newsweek magazine has on its cover an African Adam and Eve.

Anthropologists have been long aware that the evidence of the earliest human existence comes out of Africa. Now, at last, scientists agree that Africa was the place of origin of humanty—that the earliest human beings lived in Africa 250,000 to 140,000 years ago. Now we find confirmation in the work of archaeologists (scientists who examine the layers of the Earth for evidence of the past); paleontologists (scientists who analyze the skeletal remains of past life); geologists (scientists who analyze the earth for changes in its climate and their effects on the Earth and plant and animal life); and biochemists who study the nucleic acid chains of life.

The earliest human remains found to date are of a woman with black skin who lived in East Africa in Kenya. The same DNA in the cells of her fossil is in every human being on the planet today regardless of race. All of us, whether black, brown, red, yellow or white have common ancestors. We are all interrelated.

For thousands of years African people developed tools and culture and took them across the world as they migrated to the farthest corners of the globe. And wherever they went, we know that they believed that they were made in the image and likeness of God, because wherever they left evidence of the gods that they worshipped the gods looked like African people. That is, they had what we call "Africoid" features—thick lips, broad noses, and wooly hair.

Buddha's have been found in Southeast Asia, in Vietnam, in Egypt, in Japan, China, Java, Siam and India all bearing the characteristics of African people. These have all been dated between the sixth and tenth centuries A.D. Massive god heads have been found on the American continent and dated at 1,000 years before we are told Columbus discovered America. One such massive head from the Olmec culture of what we now call Mexico is in the American Museum of Natural History in New York.

In the earliest years of the Christian era, the icons of the church represented Madonna and Child as black. All over the world, and in most European cities, prior to the French Revolution, statues of Jesus and Mary were black.

Still to be found in Europe are Spain's Black Madonna, "Queen of the Pyrennees," Russia's Black Madonna, "Virgin of Kazan," Poland's Black Madonna, "Our Lady of Chestoczowa," Poland's holiest icon. It has been noted that more than 200,000 Poles make an annual pilgrimage to worship the Black Madonna.

There is a portrait of Jesus Christ, a black man, reposing in the museum in Madrid, Spain. It was painted by Medinacelli in the 12th century.

It was during the Renaissance that Europe began its exploration and discovered that everywhere they went there were people of color. For centuries, Europe traded with Africa and lived among its peoples enjoying the high levels of cultural development and attending Africa's universities. But by the 16th century, African people were being captured and sold into slavery. Artists began to portray the Madonna and Child as European. Napoleon made the statement "history is fables agreed upon," as he proceeded to disfigure the Sphinx and to destroy other evidence that all culture and civilization came out of Africa and that the architects of the great Sphinx and the great Pyramids, the inventors of the first calendar, and the first clock were of black African origin, Nubian and Kushite people.

Well before the sixth century, African people were the progenitors of philosophy, religion, the sciences of medicine, astronomy, mathematics, geometry, chemistry, biology, law, architecture, and physics. Greek and Roman knowledge came from the "African mystery systems." Plato, Euclid, Pythagoras, Aristotle and others who are believed to have provided the foundations for world civilization and culture all studied at the feet of African scholars. Hippocrates the father of medicine studied with "Imhotep," the true father of medicine. The Hippocratic oath had been vowed for thousands of years by African physicians. The scales of justice that symbolize our own legal systems are part of an ancient African belief that says to pass into the next world, one must be so free of injustice that one's heart must balance in one tray of the scale, with a feather, in the other tray.

The scales of justice are inscribed on the walls of a great pyramid constructed over 3,100 years ago.

There is evidence that iron mining existed in Africa 43,000 years ago. A mine discovered in Swaziland has been dated as 43,000 years old. The evidence that African people founded the steel industry is supported by the discovery of a 2,000 year old smelting furnace in Zaire. Nowhere else on the face of the globe was iron being melted and molded 2,000 years ago. And from this tradition, iron workers were taken across the globe to give cities like New Orleans, with its ornate iron work, their very character. All over the world skilled iron workers were black, from whence derived the term "blacksmith."

There is evidence of a mathematical system being used 8,000 years ago. The Ishango bone evidencing that system, found in Zaire is 8,000 years old.

While we think manned flight began with Wilbur and Orville Wright in the early 20th century, in Kitty Hawk, NC, there is evidence that African aeronautics existed 2,000 years ago. A model glider dated 2,000 years old was found in the Cairo Museum. The model bears a striking resemblance to our modern Hercules transport.

So they didn't bring jungle bunnies to this country, they brought skilled craftsmen, iron workers, wood workers. The furniture industries of North and South Carolina were developed with people who had centuries of woodworking skills. While slaves, we were defined as subhuman, and not permitted to enter into contract with the Government. We were therefore refused patents for the many tools we had invented. However, right on the heels of slavery, during the 1870's, 1880's, and 1890's, African-Americans invented and were awarded patents for thousands of tools that we all use and take for granted. Jan Maetzliger's invention of the shoe lasting machine guaranteed that "all God's children got shoes," for with this invention, industry was able to mass produce shoes. Elijah McCoy's invention of the graphite lubricator resulted in a mechanism so important to the railway industry that it led to the coining of the expression "The Real McCoy."

African-Americans invented and were awarded patents for the refrigerator, the clothes drier, the typewriter, the fountain pen, the lawn mower, the lawn sprinkler, the printing press, the elevator, the cooling unit, the horseshoe, the bridle, the saddle, the lantern and the animal trap, the wheels for the wagon train, the running gear for the wagon train, the smokestack for the locomotive, the wheels for the locomotive, the railway telegraph. When America says she is great because she won the West, could it have been done without the horseshoe, the bridle, the saddle? When America says she is great because the railways criss-crossed the country carrying cargo from one end to the other, could it have been done without the wheels for the locomotive, the smokestack, the railway telegraph? When we say our trucking industry made the country great because we can carry refrigerated food from California to Maine without its spoiling, could it be done without the air conditioning

unit that was invented by an African-American?

Images of Africans and African-Americans perpetuated by stereotypes in the media, in school books and in our minds have caused us to literally "shrink," to hide from the reality of our great and noble contributions of the past and our potential of the present and future. Along with this shrinking, we have learned to minimize the potential of the continent that has been mother to the world.

Africa, a continent, not a country, is a continent so geographically expansive that it can contain the continental United States, India, China, Europe, New Zealand and a few smaller countries. Africa is a continent so populous (560 million people), that in Nigeria, one of more than 50 African countries, there are 107 million people, in Egypt, 50 million people, in Ethiopia, 44 million people, in Kenya, 29 million people.

It is absolutely essential that the next generation have knowledge of the evidence of the great and noble contributions of people of African descent. They are the runners to whom we must pass the baton of the future. They are the generation that will have the responsibility of bringing peace to the planet and if that is to happen it will be because we have educated them for a new leadership hallmarked by intercultural awareness and respect.

INTRODUCTION OF JOINT RESOLUTION TO COMMEMORATE THE 25TH ANNIVERSARY OF THE WILDERNESS ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. UDALL. Mr. Speaker, I am pleased today to introduce a joint resolution designating the week of September 3, 1989 as National Wilderness Week.

This year marks the silver anniversary of the signing of the Wilderness Act. The act established the first system of protected wilderness anywhere in the world. The National Wilderness Preservation System now includes 90 million acres, acres where in the words of the act, "the Earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

I am proud to be a part of the legacy of wilderness preservation and am proud to introduce this joint resolution which commemorates our Nation's continued commitment to the preservation of wilderness.

Wilderness allows future generations the chance to save and to hold open spaces vital to the life of our country. Spaces which allow our kids to sit in a quiet spot along a river or among the trees, to watch and to dream. Spaces which allow ourselves to sit and to see the beauty and the grandeur of our world without the distractions and intrusions of our daily lives. Spaces which enable us to preserve our natural heritage.

As we pay tribute to the gains we have made we recognize that many more acres remain unprotected. Many areas already designated are coming under increasing pressure because the results of adverse development are being exported into wilderness areas—acid rain is one example. In addition, Congress has yet to complete its job of review and designation of wilderness on BLM, forest and park lands in many States. These tasks require a renewed dedication and effort by all of us to insure that this vital and unique part of our American heritage is preserved and extended. The vision of the future includes continued expansion of the wilderness system in the next 25 years.

Mr. Speaker, designating a National Wilderness Week expresses our appreciation for the wilderness we have preserved, gives us the opportunity to honor the people, Republicans and Democrats alike, who have worked to preserve wilderness areas, and allows us to renew our commitment to the preservation and expansion of protected wilderness areas.

VISION FOR IMPROVING HIGHER EDUCATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MAVROULES. Mr. Speaker, throughout my term in office I have held the improvement and expansion of education among my highest priorities. It is my firm belief that, in the long run, a society is only as strong as its educational system. We must fight to ensure equal opportunity for education in order to protect the academic, social, scientific, and military soundness of our future.

For this reason, I am submitting to the RECORD a proposal prepared by former Senator Paul E. Tsongas that outlines his vision for improving public higher education in Massachusetts. His proposal is comprehensive and insightful and I feel certain that it would serve as an excellent model for educational systems nationwide.

A PLAN FOR EXCELLENCE

(By Paul E. Tsongas)

PREFACE

This proposal is not intended to be the product of my expertise in educational policy. While I may have some knowledge about issues of higher education, there are thousands of our fellow citizens who are far more expert than I.

This, proposal instead, reflects my experience in observing and trying to understand two basic phenomena, human behavior and institutional behavior. First, after 15 years in politics I have had to draw conclusions about how people behave and why. What motivates them? What discourages them? What kind of environment allows them to flourish? Secondly, I have had broad exposure to the dynamics of institutions, both corporate and public. How do groups deal with the outside world? How do you build on enthusiasm and dedication? How do you overcome inertia? If I have any expertise it lies here in this experience base and thus this proposal.

I. WHY EXCELLENCE IN PUBLIC HIGHER EDUCATION?

A. Traditional Rationale.—The rationale for any system of higher education has long been agreed upon. Some of those reasons are obvious:

1. An enlightened society;
2. Cultural enhancement of decision makers;
3. Societal harmony through opportunity for economic and social mobility;
4. Pursuit of intellectual creativity; and
5. Career development.

B. Current Realpolitik Rationale.—But in 1989 there is a new driving force—a rationale that speaks to very real concerns that affect all of us. The new dominant need is to insure the survival of the American standard of living and quality of life by achieving true competitiveness in international trade. This requires, above all, a superbly trained, educated and motivated workforce. Only an educational system committed to excellence can produce this workforce and its leadership. This requires a general understanding that our nation has begun a decline toward eventual second-class world economic status. The race is on with the Pacific rim nations and Europe 1992. Our federal budget and trade deficits speak to how poorly we are doing. This battle simply cannot be lost. Here is where we in higher education can serve as true warriors against a threat common to all our people.

II. HOW?

Commit the gubernatorial, legislative, academic, business and community leadership of Massachusetts towards one common and stated goal: To have the best public higher education system in the United States by the year 2000.

This goal however must begin with the Board of Regents. I believe the Board is prepared to carry out its role in this mission.

III. WHAT ARE THE OBSTACLES TO EXCELLENCE?

A. Mindset.—We must face the reality that the attitude in Massachusetts is that of a two class higher education system—the privates are the first class passengers and the publics are back in the economy section. This mindset is a self-fulfilling prophesy. We have to think differently, i.e. like California ("Berkeley is equal to Stanford, and should be equal to Stanford.") We have to say and believe, for example, that UMass-Amherst can complete with Harvard and ULowell can compete with M.I.T. The students and the faculty and the Administration in each institution must believe to their core that they are in the best educational environment possible. Sure it's a long road, but achieving it is just a matter of collective will. (In addition to the institutional dynamics issues presented in this paper, it will be necessary to deal with the serious structural and academic matters that the Regents have been studying. These issues which involve such thorny items as the academic mission of each institution and the relationships between institutions. Much work has been done on these matters and the recommendations will soon be presented to the public.)

B. Our Pre-Perestroika System.—All of the incentives have historically been counter-productive. Until recently, under our system, rewards (i.e. funding) are received by every institution based on equal increases irrespective of merit or performance. This is basic socialism in a free enterprise country. (Gorbachev would understand the dynamics here perfectly.) The only way to get more than your equal share is to achieve political clout on Beacon Hill, the Governor's office or the Board of Regents. We need to introduce performance based funding allocations. In other words, excel and you'll get more funding, botch it

and we'll cut your funds. In the private sector, corporate survival depends on a system of accountability. It is accountability that allows for the agony and ecstasy choice that will incentivize both the institutional presidents and their boards of trustees. The Regents have begun to move in this direction under the guidance of Chancellor Frank Jenifer. This movement should be applauded and accelerated. The dynamics of merit pay increases, challenge grants for excellence, tuition retention, etc., must become part of the system. Let's find out who the superstars are. And let's find out who are not.

C. Political Considerations.—The thorniest of all the issues that confront public higher education is the perception that political interference is the norm. Talk to the average Massachusetts resident and you will hear deep concerns about political considerations undermining academic decision making.

Those of us who have served inside the system know that the rampant political interference of the past has largely abated. But the perception remains and it severely taints the image of the system. This taint has done serious damage and continues to do serious damage. It must be removed.

We cannot allow even limited political considerations to deprofessionalize and demoralize our institutions of public higher education. An ethic which provides for any decision making based on political connections rather than merit totally undermines the hope of true excellence. It creates anger, frustration, bitterness and a sense of unfairness that corrodes personal self-respect and institutional self-esteem. The powers-that-be need to agree to a merit-based philosophy of decision making within the institutions, as well as on the larger issues of the missions of individual institutions and their structure. Form should follow need. Form should not run counter to need. We call upon the legislature to formalize this commitment and put to rest the fears of our fellow citizens. To debate about the correctness of perceptions is fruitless. In this case perceptions are truly as powerful as reality. Let us put this issue behind us.

D. Corporate Indifference.—Corporations, their leaders and their boards of directors are involved with and care deeply about the success of private higher education. Corporate CEO's serve on the boards of private universities, and academics serve on corporate boards. (On the corporate boards on which I serve, there are eight current or former academics. All but one are from private universities.) There is an unstated, perhaps even unconscious, corporate philosophy that states that marrying into the privates is extremely beneficial and marrying into the publics is asking for trouble. Generally, we have not created an environment to counter this fear. This must change. Massachusetts corporations must interlock with public higher education. In return, the publics must create the perception and the reality that such interlocking will be in the self-interest of both. We need to appeal to the corporate sense of enlightened self-interest. We cannot expect them to act out of a sense of intimidation or philanthropy. We have to convince them that they can do well by doing good.

The skills within corporate Massachusetts are truly immense. They must be applied within our system of public higher education. Our skills are not inconsiderable either. Corporate Massachusetts must utilize our skills as well.

E. Community Indifference.—Some of our public colleges and universities have been very sensitive to the needs of their host communities and regions. Generally this has been brought about by institution presidents who value the ethic of community service. But, sadly, all too many of our public colleges and universities have been negligent when it comes to developing a broad cadre of fervent supporters in their respective communities. The attitude has often been one of existing apart from the host communities, not being an integral part of them. In some instances there has been an arrogance, indeed, a disdain, particularly toward some of the older urban communities. The people in these communities obviously pick up on this instantly and the resentment is deep and powerful. Not surprisingly then, these people don't care about what happens to these institutions. Indeed, in some cases, they are delighted to see misfortune visit them in the form of budget cuts, newspaper criticism or political hatcheting. Public higher education academics must care about and be involved in the communities of this stage. They must serve on boards, reach out to relevant causes, arrange tutoring, and the like. But most importantly they must link up to the public elementary and secondary school systems across Massachusetts. There cannot be excellence in public higher education if there is chaos and decay in public K through 12.

Academics, along with the corporate sector, must adopt the public school system and bring it into shape. The ULowell field studies program suggests how this can be done. By becoming an integral and beneficial component of our communities, our institutions will develop a committed constituency of dedicated supporters. (That would be a nice change of pace.) I need not say how helpful that can be on Beacon Hill. The institutions must develop a system of rewards and incentives for community service. (A system of punishment for non-involvement should not be established. It will only drive away quality academics who just were never made for such involvement.) Each institution should be seen as the heart or soul of the community and not some unnecessary appendage whose vitality or indeed survival is thought to be irrelevant.

F. Alumni.—There is just no way to justify the reality that many alumni of public colleges act differently from alumni of private colleges. There just is not the sense that "dear old ——— depends on my contributions and participation." It's not a lack of pride, it's a lack of psychic linkage. Look at alumni fundraising. The general sense of the public graduate is "thanks, see you later." The privates suffer from the same absence of graduate responsibility and gratitude but they are saved by a minority core of loyal, giving and engaged alumi. The publics have a similar core but it's much smaller and simply not adequate. One can take heart at the record of UMass-Amherst, Salem State, Fitchburg State, to take three examples, but over all the record is not acceptable. The alumni of all our public higher education institutions must assume some of the burden of seeking excellence. Each institution should establish methods and goals and incentives to bring about that kind of alumni devotion.

G. The Board of Trustees.—The board of trustees is the most critical component of any institution, public or private. A mediocre board will inevitably result in a mediocre institution or corporation. The reverse is also true. A superb board will expect and demand and force excellence. The system of selecting the members of our boards of trustees in public higher education leaves the issue of quality appointments to sheer chance at best. Too often in the past this process has been subject to political pressures that lessen the chances of excellence. Even a governor such as our current one, committed as he is to the appointment of quality, can benefit from a process that minimizes the possibility of political interference. We need a system that insures quality. We need the same kind of appointment review process that was established for the judiciary for exactly the same reasons. There should be established an Academic Review Panel modeled after the judicial review panel. It would create criteria for selection based on categories (i.e., community representation, financial and audit skills, management experience, academic and policy perspective). It would then receive names from every source (including the Governor and Beacon Hill) and narrow the list down to qualified candidates. The Governor would then make the final decision. Criteria would vary by the mission of the institution (ULowell, for example, would have a greater percentage of technologists given its focus on engineering and computer science) but the criteria would keep the board in balance and containing all the requisite backgrounds and skills. Such a system is applauded by all relative to the judiciary. We need the same process. It would send a strong, clear, unmistakable message to each institution that sooner or later there will be a majority of board members who will demand excellence. This is accountability and performance-based evaluation at its best because it is inside the institution. Of all the recommendations, this is the most important.

IV. ACTIONS REQUIRED

A. Governor and Legislature.—A bill enacted by the General Court and signed into law by the Governor:

1. Committing to excellence in public higher education establishing the specific goal of "best in America" by 2000.

2. Reaffirming the principle of open access into the system by all our citizens, while remaining vigilant in maintaining the quality of our academic standards.

3. Calling for public higher education to involve itself in the community, particularly the public school system.

4. Establishing the Academic Review Panel.

5. Calling on corporate Massachusetts to interlock with public higher education through serving on academic boards of trustees, inviting academics onto their corporate board of directors and to explore the numerous opportunities for exchange relationships at every level.

6. Reaffirming the principle that decision-making within the public higher education system should take place free of any political consideration.

7. Endorsing performance-based evaluation as one of the criteria for levels of institutional funding and endorsing the notion that the criteria should be openly arrived at and periodically reviewed.

8. Calling upon alumni of public higher education institutions to strengthen their relationship with their respective alma maters by a commitment to fundraising and participation equal to that of any private institution.

V. THE MECHANISM

Multually Reinforced Triangle [1] *(MRT)*

Theory: Make each sector of the triangle a valued partner in the mission of each other sector. Establish enlightened self-interest wherein each sector sees its own success and/or survival linked to the success and/or survival of each other sector. Create standards of excellence in all three sectors to allow for respect across the triangle.

CONCLUSION

If the political powers embrace this concept; if the corporate powers participate with enthusiasm; if the media endorses the concept and keeps public higher education central in the public discourse, and; if the citizens of Massachusetts demand excellence;

We will have the best public higher education system in America;

We will be a model for other States;

We will serve our country by helping to give it the weapons necessary to achieve economic prosperity through true international trade competitiveness.

I am ready for the challenge. I hope we can join hands and share in this adventure.

POLITICS AND STARVATION IN THE SUDAN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. LELAND. Mr. Speaker, I rise in strong support of the resolution before this body which reflects the growing concern of so many House and Senate colleagues on the worsening famine which is enveloping the Sudan. It is, of course, always a tragedy when anyone in this world of such abundant resources succumbs to starvation. It is a tragedy beyond comprehension when hundreds of thousands, perhaps as many as a million, people—largely children—starve to death as a result of politics and a conflict in which they are pawns, not participants. But such is the situation in the Sudan.

Exact numbers are uncertain, but there seems little doubt that well over one quarter million southern Sudanese perished in 1988 as a direct result of the dislocation, destruction and chaos caused by civil war. Perhaps a million have starved to death since 1983. These deaths were of civilians, not combattants. These deaths were of people in the way of conflict, people cut off from outside relief by the conflict, people who were denied food, water or medicine because of ethnic origin or religious or political affiliation.

The southern Sudanese who perished from famine in 1988 were lost because of the indifference and hostility of government and rebel authorities—military and civilian—who proved to be quite willing to use food as a weapon in their conflict. Access to those in need has repeatedly been denied relief agencies as both sides maneuver and manipulate the affected population for their own gain. The abuses of the concept of safe passage of relief items have been well documented. Relief planes and truck convoys have been the target of gunfire. Private relief agencies have been expelled by the government and harassed by the rebels. Food for the dislocated population has been repeatedly stolen by soldiers.

The Select Committee on Hunger and the House Foreign Affairs Africa Subcommittee conducted a joint hearing last July to examine the Sudan famine—and United States Government policies in response to that famine. The findings of that hearing were sobering. It appeared clear from evidence presented that the government of the Sudan, an ally of the United States supported by United States military, economic, development and food assistance, was less than determined that relief assistance reach those not clearly aligned politically. A pattern seemed evident of a government at best indifferent to the plight of many of its citizens. This pattern was clear from a long series of attempts for the most part successful—on the part of government authorities to preclude effective relief operations simultaneous with orchestrated attempts to have the international community condemn the SPLA (Sudanese People's Liberation Army—the rebel forces battling the government) for blocking relief efforts. As discouraging as evidence concerning the government's use of food as a weapon was, the lack of resolve of our own State Department to forge a more satisfactory response to the emergency was more so. The U.S. Government had seemingly allowed itself to be manipulated by Sudanese authorities into public silence about outrageous acts administered by government agents. Our relief efforts did not extend to those in need behind rebel lines. There was no indication of pressure from Washington on the Khartoum government to allow relief efforts to expand. There was little evidence of a plan to break through the barriers to getting relief to those in need.

The forebodings of catastrophe in the Sudan experienced by the participants in that hearing proved to be justified. Congressional delegations and relief agency experts over the past 8 months have verified the extent of the Sudan emergency and documented its causes. The truth is thousands of Sudanese civilians are needlessly losing their lives as politicians and field commanders sacrifice them as pawns in this conflict.

We cannot easily alter the situation in the Sudan. But we can be certain that no one doubts the position of the U.S. Government on the question of using food as a political weapon. We must be heard condemning this practice by whomever may be attempting it—and heard in a loud voice. We must be certain that our own relief efforts extend to those located across arbitrary political lines. We must resolve that the complexity of the situation will not fatigue us but, instead, that the horror of it will result in our determined efforts to make certain that these children not starve.

It is important to note that the relief operations launched by the U.S. Government—specifically those of AID's Office of Foreign Disaster Assistance—and the private relief agencies within the past few months have succeeded in reaching many desperate people in the Sudan with food, medicine, and a chance for survival. These efforts prove that more can be done. We in Congress must now resolve that more will be done.

The passage of a Congressional resolution will not, by itself, satisfy our obligations to the victims of famine in the Sudan. But passage of this resolution is a clear signal that we cannot be among those indifferent to the tragedy. I strongly urge my colleagues to support this measure.

IN RECOGNITION OF LT. COL. JEFF ROCK, A LEADER OF SOLDIERS

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. HUTTO. Mr. Speaker, on March 1, 1989, Alan J. "Jeff" Rock will be promoted to lieutenant colonel in the U.S. Army in recognition of his potential for increased responsibility within our Nation's oldest service. Shortly thereafter, Lieutenant Colonel Rock will depart Washington to assume command of the 2d battalion, 27th infantry, at Fort Ord, CA, having served since August 1987 in the Secretary of the Army's Legislative Liaison Office.

Commissioned in 1971 as a lieutenant of infantry from the U.S. Military Academy at West Point, Lieutenant Colonel Rock has had a history of command and staff assignments of increasing responsibility and of great value to the Army and the Nation. For example, he taught leadership training at the U.S. Military Academy from 1980 to 1983. He was later selected to attend the Marine Command and Staff College in 1983–84.

In recognition of his leadership qualities, he became executive officer of the 1st battalion, 32d infantry, at Fort Ord in 1984.

Most recently, he has served as a program officer responsible for the Army's liaison with the Congress concerning critical procurement programs and ammunition issues. His service has proven invaluable to the operation of the Readiness Subcommittee of the House Armed Services Committee. While we don't agree with Jeff on his choice of teams when Notre Dame plays Penn State, it is with the gratitude and best wishes of this body that Jeff Rock begins his tenure as a lieutenant colonel and the remainder of his surely bright Army career.

TRIBUTE TO DR. I. JEROME SOBEL OF PASSAIC, NJ, FOR HIS MANY YEARS OF OUTSTANDING SERVICE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to pay tribute to a truly great man, physician and humanitarian in my Eighth Congressional District of New Jersey who, for more than six decades, has enriched the lives of countless numbers of people in the greater northern New Jersey area through a tireless dedication to his profession and an unceasing commitment to his community.

[1] Triangle chart not reproducible in the RECORD.

I am speaking of Dr. I. Jerome Sobel of Passaic, NJ, who on July 16, 1989, will be celebrating his 90th birthday. For his multitude of contributions to his profession, his community and his country, Dr. Sobel will be honored with a testimonial dinner on March 5, 1989, at the Robin Hood Inn in Clifton, NJ.

Mr. Speaker, I know this event will be a great source of pride to Dr. Sobel's loving wife, Anne; his daughters, Beth and Tamara, and his son, Michael. I know, too, that on this great occasion, Dr. Sobel will be thinking of his late wife, Dorothy, and late daughter, Marcia. I am also certain that Dr. Sobel's many friends, colleagues and admirers are, indeed, anxious to have this opportunity to express their love and gratitude for his many contributions and accomplishments.

Dr. I. Jerome Sobel was born in Strimba, Hungary, in 1899 and came to the United States in 1904 where he settled in Manhattan and then moved to Passaic, NJ, at the age of 13. He graduated Passaic High School in 1917 and Stritch College of Medicine at Loyola University in 1929. He has been deeply involved in all branches of medicine for 60 years, and his medical practice has truly covered a wide scope of this esteemed profession.

Dr. Sobel's long list of outstanding achievements and accomplishments in both his civic and professional pursuits includes:

He was president of the National American Physicians Fellowship for Medicine in Israel and was named the organization's Man of the Year. The award, presented each year to an outstanding physician, is named in his honor.

He was the designated medical examiner for the Veterans' Administration for service connected disabilities dating back to the Spanish-American War.

He was president of Phi Lambda Kappa National Medical Fraternity and of its Medical Student Aid Society, and was the recipient of two Gold Key awards.

He was chairman for the chronically ill and indigent for the Passaic County Medical Society and Diabetes Committee.

During the 1930's he served as president of the Passaic Practitioners Club, which is now the Passaic County Medical Society.

He served as counsellor in the East for the Loyola University Stritch College of Medicine, organizing the school's alumni and serving as chairman of fund raising.

He was a member of the board of trustees of the Daughters of Miriam.

He was chairman of the Booster Club of the YMHA and a member of the YMCA for more than 50 years.

In 1985 Dr. Sobel was presented an award for the Boy Scouts of Sussex County, NJ, for his many years of volunteer work.

In 1975 he was presented with the "Others" Award by the Salvation Army for his devoted service to the needy.

Dr. Sobel also served his country through his service in the National Guard, where he attained the rank of lieutenant. He is a member of the American Legion Memorial Post and the Jewish War Veterans.

He is a member of Temple Shalom, Succasunna, NJ, where he celebrated his second Bar Mitzvah at the age of 83.

Mr. Speaker, above and beyond all of this, what is best known about Dr. Sobel by those whose lives he has touched for nearly a century is that he is truly a compassionate, caring man who has dedicated his life to helping others. Most assuredly, through his tireless and dedicated efforts to all of mankind, Dr. Sobel has made his community, his State, our Nation and, indeed, our world, a better place to live.

It is with great pride then, Mr. Speaker, that I ask you to join me in saluting a great man, physician, and humanitarian, Dr. I. Jerome Sobel of Passaic, NJ.

TRIBUTE TO MAYOR CARMEN ROSAMILIA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. McDADE. Mr. Speaker, it is with deep sadness that I report to my colleagues the death of Carmen Rosamilia, mayor of Renovo, PA, one of the finest public servants and warmest individuals I have ever known.

I first met Mayor Rosamilia about 7 years ago when his town was reapportioned into my congressional district. On my initial visit to Renovo, the mayor greeted me with open arms and an invitation to work with him in bringing new job opportunities to a town where the unemployment rate reached 85 percent after the major factory closed. He showed me his community with great pride, introduced me to Renovo's citizens and enthusiastically pledged to work with me in rebuilding the local economy. I very vividly remember a meeting he arranged for me with community leaders in the warmth of his own home.

Carmen had a deep concern for the people of his area based on nearly a half century of public service. He served for 20 years as a Renovo Borough councilman and for 27 years as the mayor. It is difficult to imagine Renovo without his able leadership and warm, dynamic presence. He was a fixture in his community not only as a civic leader, but as a businessman who owned and operated his own barber shop for most of his life.

Mayor Rosamilia was close to the people who elected him year after year. The citizens of Renovo respected him as a mayor who shared their concerns and they liked him as a neighbor who had a personal stake in the well-being of the community. He was known as a dedicated family man and as a public official who committed his time, talent, and energy to helping his area.

Carmen lived his entire life in Renovo. He was born and educated there, and raised his own family in the community he loved. Mayor Rosamilia is survived by his wife of over 50 years, Jenniemay, one son, two daughters, seven grandchildren, and two great-grandchildren.

There can be no greater tribute to a man than to say that he made a lasting contribution to his family and his community. Mayor Rosamilia was such a man. It was a privilege to know him and to work with him. I join the citizens of the Renovo area is paying tribute to a remarkable man. We mourn his passing, and we will deeply miss him.

CONGRESSIONAL ENCROACHMENT IN FOREIGN POLICY CAUSED REFUGEE PROBLEM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SOLOMON. Mr. Speaker, the next time we recess I might respectfully suggest you drive down to Brownsville, near the Mexican border, to inspect the fruits of your labor to be de facto Secretary of State.

It ought to make a great photo op, you shaking hands of thousands of Nicaraguan refugees grateful for your success in helping their Marxist masters consolidate their revolution and export it all over Central America.

This flood of refugees—now about 2,000 a week—began a year ago, precisely after Congress pulled the rug out from under the Contras, and less than a year after Lt. Col. Oliver North predicted it.

Speaking of predictions, Mr. Speaker, it appears increasingly likely that El Salvador is next on the list. Then it will be a matter of predicting whether Costa Rica will go before Honduras.

A recent Wall Street Journal editorial describes the tragedy with its usual eloquence. On the same day, a Peter LaBarbera article in the Washington Times described a Heritage Foundation symposium on our "Imperial Congress," which the participants agreed is causing a constitutional crisis. The article and editorial go well together, one illuminating the other.

It is my pleasure to place both in today's CONGRESSIONAL RECORD.

[From the Wall Street Journal, Feb. 23, 1989]

JIM WRIGHT'S BUS PEOPLE

"It won't take 20 years, Senator. It will take a whole lot less. The consolidation of the Communist regime in Managua will result in the spread of that revolution as they themselves have advocated. You will see democracy perish in the rest of Central America, a flood of refugees crossing the American borders and, potentially, the construction of a Berlin-type wall along the Rio Grande to keep people out."—Lt. Col. Oliver North, in response to a question by Sen. Orrin Hatch during the Iran-Contra hearings, July 12, 1987.

Talk about prophecy. TV viewers in recent days have been treated to the sight of exactly what Col. North predicted, thousands of Central Americans pouring across the U.S. southern border into Texas, asking for political asylum. Harassed immigration officials are setting up detention centers. The only thing missing is Col. North's Berlin Wall, but there is a plan for a deep ditch near San Diego.

Such are the consequences of the Jim Wright foreign policy. Jim Wright, you will remember, is the fellow who snatched away Central American policy from Ronald Reagan some years back on the grounds that the Speaker of the House is far better equipped than the President to command

the diplomatic service, the CIA, United States air and ground forces and all the ships at sea. Since then, the United States has not had a Central American policy, or at least not anything that might give pause to some of the more prominent thugs of the region, such as Danny Ortega, Tomas Borge and Manuel Noriega. Having been denied security by Speaker Wright, citizens of the region are coming to seek it in the U.S.

Many will be disappointed, Immigration and Naturalization Service Commissioner Alan C. Nelson announced Monday that thousands would be held in a tent city outside Brownsville while awaiting word on their applications for political asylum.

Previously, Nicaraguan refugees were automatically granted work permits and allowed to travel while their asylum requests were being processed. It was assumed that their fears of persecution back home were well-founded. Many have been working and paying taxes in the U.S. But now they and new arrivals face deportation. Mr. Nelson said Monday that Nicaraguans were exaggerating their fears, but that depends on whether you regard economic collapse and political oppression as fearful.

The current flight began last spring, shortly after Congress pulled the plug on the Nicaraguan Contras. That convinced many thousands that the communists, with their heavy shipments of East-bloc weapons, would prevail and spread their influence, which is what they are doing. So those thousands packed their belongings and began the long bus ride up through Guatemala and Mexico to South Texas, hoping to move from there to Miami, Los Angeles or other communities where their fellow expatriates have found refuge. More than 40,000 Central Americans—over whelmingly Nicaraguan—have taken this route over the past six months. They're now coming in at 2,000 a week.

The INS believes it can stop the flow with the "Brownsville Pen." But that is doubtful, even if the border patrol begins corralling refugees like cattle. Says Mark Schneider, a lawyer who works with the refugees in Harlingen, Texas: "It's a show; the INS people think they can deter refugees from coming by talking tough. But folks around here know that they will pass into the States through other regions. The only reason they've been choosing this as the point of entry is that it's a cheap, $15 bus ride from Mexico City to Matamoros. And then it's a hop across the border into Brownsville."

Nevertheless, thousands now face the prospect of being sent home. Deportation notices are being sent out in Nicaraguan refugee communities.

Meanwhile, the Nicaraguan communists are pursuing their "revolution without borders." Huge shipments of land mines and other terrorist weapons arrive in Nicaragua for guerrillas in neighboring countries. Latin terrorists claim responsibility for bombings and assassinations from base camps in Managua. Nicaragua itself is a ruin. El Salvador, where the Carter administration administered a big dose of socialism as an ill-considered antidote to communism, has also declined economically despite huge infusions of American cash. Nicaragua's armed anti-communist opposition, the Contras, has been sidelined by a lack of support from the U.S. Congress. So now a nation is in flight to Jim Wright's back doorstep, just as Ollie North predicted. Perhaps George Bush could arrange a trip to Brownsville for Speaker Wright, just to remind him of the consequences of his efforts to appease the left.

[From the Washington Times, Feb. 23, 1989]

CONGRESS USURPING PRESIDENT'S AUTHORITY, SCHOLARS SAY

(By Peter LaBarbera)

Congress has expanded its powers far beyond traditional limits, causing a "constitutional crisis" in the United States, a group of scholars said yesterday.

"Congress is increasingly an administrative body," said John Marini, adjunct fellow at The Claremont Institute, a California-based conservative think tank. "It competes with the [president] in terms of running the bureaucracy and basically undermines the Constitutions' separation of powers."

Mr. Marini made the comments at a Heritage Foundation symposium promoting the newly released book he co-edited, "The Imperial Congress: Crisis in the Separation of Powers."

"Congress should return to its traditional role of making the laws—what it is not doing, and what the Constitution says it should be doing," said Thomas West, a visiting scholar at the Heritage Foundation and a contributor to the book.

Mr. West said that despite President Bush's friendly overtures to Congress, he will soon find his programs thwarted by Capitol Hill and will be forced to campaign publicly against the body to defend his wishes.

"[Mr. Bush] will face a choice: either to cooperate with this 10-year trend [of decreasing presidential clout] . . . or do something to increase his presidential power," he said.

Mr. West added that the best deterrent to Congress' abuse of power is public opposition, like that directed at the recently proposed 50 percent congressional pay raise. The raise was slated to go into effect without a vote until a barrage of grass-roots criticism forced Congress to vote it down.

Mr. Marini, a political science professor at the University of Nevada, said past presidents from Richard Nixon to Ronald Reagan contributed to the crisis by acquiescing to a draining of their constitutionally mandated duty to administer the law.

"The executive branch has not protected its prerogatives in the way the Founding Fathers thought ambitious men who reached the highest office in the land would, "Mr. Marini said.

He and several other contributors to the book who addressed the conference urged Mr. Bush to "fight for his constitutional powers."

"President Bush must do, in short, what President Reagan never did . . ., take responsibility for upholding the institution of the presidency," said Gordon Jones, executive director of the House Republican Policy Committee and co-editor of "The Imperial Congress."

He called disappointing Mr. Reagan's "tendency . . . to compromise all too quickly" on laws that upheld congressional powers, which the former president theoretically favored abolishing.

The scholars assailed congressional "micromanagement" of federal policy, including private deals between congressmen and federal agencies and the accumulation of extraordinary powers by entrenched representatives.

The book cites the case of Rep. Jamie Whitten, Mississippi Democrat, the longest-serving member of the House who has been chairman of the Appropriations' subcommittee on agriculture for 38 of the last 40 years. Due to his continual influence on federal farm programs, Mr. Whitten has gained a reputation as "permanent secretary of agriculture," the book says.

It quotes Mr. Whitten as saying: "Don't you see? All anyone ever wants is special advantage over the next fellow. Understand that, and you've understood the intent of every law ever passed."

The book calls the lawmaker "an earnest proponent of using the law to give a special advantage to his favored constituency."

Mr. Marini said inadequate media attention on the workings of Congress—especially at the district level—has aided the slow acquisition of power by the legislative branch. This, he noted, has helped make incumbents safer than ever from election defeat.

"Rarely do you find the local press critical of its representative unless he finds himself in trouble," Mr. Marini said, "Most local reporting tends to rely on the press releases of the congressman's staff."

Mr. Jones said the congressional trend toward issueless campaigns and away from taking a strong public stand on a divisive issue has led to elections that turn not "on which policy is best for the nation" but on who can get most from the federal bureaucracy.

"You have a situation in which the congressman helps create the mess and then goes home and says he can do more for his constituents in dealing with the bureaucratic maze than his opponent," Mr. Jones said, "It's incredibly cynical."

Mr. Jones, like other participants yesterday, said Congress is not likely to reform itself. The scholars urged the president to veto legislation that chips away at his authority as well as any legislation he believes is unconstitutional.

They also called for greater media and public focus on the behind-the-scenes dealing of congressmen.

THE STUDENT FINANCIAL AID IMPROVEMENT ACT OF 1989

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Student Financial Aid Improvement Act of 1989. This bill will ensure that our scarce Federal student aid dollars will go to those students who need the most help with school expenses while saving millions for taxpayers. The provisions of the bill will modify the formula used to compute eligibility for student assistance. One major change that the bill calls for is the exemption of the net value of a family's principal residence from the student aid eligibility formula. The reasons for this change are compelling. In my district, the Fifth District of New Jersey, as well as in many other metropolitan areas of the country, the booming real estate market of the past decade has made many families increasingly house rich but cash poor. Families are told they have too much equity in their homes for their children to qualify for Federal student financial aid, yet these same families cannot afford to carry a home equity loan. We should not hold eligibility for loans hostage to rising real estate values.

Other provisions of the bill will ensure that those students claiming to be independent of parental support truly are independent before being eligible for greater aid awards. The proposed legislation will close a loophole that now allows any student not claimed as a dependent by his or her parents to automatically qualify as an independent student in the third and fourth years of school simply by receiving the full amount of a guaranteed student loan as qualifying independent income. Closing this loophole will avoid possible fraud and misuse of scarce financial resources.

My bill further amends the Higher Education Act of 1965 by eliminating inconsistencies that can result in the double-counting of student earnings as both resources and assets. Under current needs analysis, a student's prior year's earnings are added to any portion of that income placed in a savings account and the total is used in the formula to determine available assets. This serves as a disincentive for students to save. While a student is expected to contribute to the cost of his or her education, the needs formula should not count the same resources twice.

Another potential area for fraud and misuse addressed by the bill pertains to students' parents who enroll in college courses simply to use these costs as an offset to the amount they are expected to contribute to their child's education. The bill stipulates that the parents must attend school on at least a half-time basis in a degree or certification program in order to deduct these expenses when calculating their expected contribution to their child's education.

A final provision of the Student Financial Aid Improvement Act of 1989 which I introduce today explicitly permits financial aid administrators to exercise a greater amount of professional discretion in assisting low-income independent students with families. Recognizing that uniform application of the standard maintenance allowance can result in denial of Federal student assistance to otherwise qualified low-income students with families, Congress should allow financial aid administrators to adjust the cost of attendance figures to better serve those who truly deserve Federal financial assistance.

CHERRY HILL MAYOR RECEIVES AWARD FROM B'NAI B'RITH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I take this opportunity to bring to the attention of my colleagues Mayor Susan Bass Levin, of Cherry Hill, NJ, who on April 2, 1989, will receive the B'nai B'rith Community Service Award.

Elected the second woman mayor in the township's history, Susan took office in January 1988 with an innovative and straight-forward approach to public service. From the outset, it was apparent that the township's new chief executive was willing and able to make the tough decisions that the job demanded. Indeed, the administration has consistently delivered efficient and effective municipal services with a special emphasis upon an open means of communication between the mayor's office and the citizens of Cherry Hill.

This open-door policy has allowed the township's residents to have a strong and valuable voice in governmental affairs. From the establishment of citizen advisory boards which unite Cherry Hill's diverse neighborhoods to the regular town meetings with serve as opportunities for conversation and discourse, Susan has proven her commitment to providing thoughtful and responsive government to the people she was elected to serve.

Having worked with Susan through her involvement with the New Jersey Association of Women Business Owners, the chamber of commerce, and as a delegate to the 1986 White House Conference on Small Business, I am very much aware of Susan's dedication to fiscally sound government. Her understanding and intellect will undoubtedly continue to ensure Cherry Hill's commonsensical approach to financial planning well into the 20th century.

Mr. Speaker, the Community Service Award being presented to Mayor Susan Bass Levin by B'nai B'rith is a much deserved recognition for her efforts on behalf of the citizens of Cherry Hill. I take great pride in calling Susan a friend and ask that all of my colleagues join me in paying tribute to her upon this most auspicious occasion. As I applaud her commitment to public service, I also applaud the support that her family—her husband, Benjamin Levin and daughters, Lisa and Amy—has given her over the years. With this dedicated spirit, Mayor Susan Bass Levin will without question succeed in facing the difficult challenges that lie ahead.

FLOOR STATEMENT REGARDING WILLIAM MILLER

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. RAY. Mr. Speaker, in November 1988, William T. Miller of Columbus, GA, was introduced into the beverage world hall of fame at the National Beverage Industry Convention in Atlanta. Mr. Miller has recently retired as vice president of production for the Royal Crown Cola Co.

Mr. Miller is considered by many to be the father of America's diet soft drink industry. He created a sugar-free drink in response to a father's desire to please his diabetic daughter. The young girl distributed the drink to her friends and its popularity grew. Royal Crown Cola started producing the soft drink and labeled it "Diet Rite" in 1962. Mr. Miller has since watched diet drinks climb to 30 percent of today's soft drink market.

I have had the privilege and pleasure of knowing Bill Miller for many years. Bill is a family oriented man who possesses a sincere concern for others and a unique social consciousness. He spends a considerable amount of time in several capacities with the St. Paul United Methodist Church, and works actively with the Boy Scouts and Junior Achievement. Bill also spearheads Royal Crown Cola's practice of providing low-cost college loans to Columbus area students.

Bill has devoted time to serve as chairman of my Muscogee County Advisory Committee for the past 6 years. He has been a trusted and helpful advisor and consultant.

THE JUAN BAUTISTA DE ANZA TRAIL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MILLER of California. Mr. Speaker, I am introducing legislation today, along with 29 of my colleagues, to designate the Juan Bautista De Anza Trail as part of the National Trail System.

In 1775–1776, De Anza led a small band of settlers from the Nogales, AZ, area overland to California and then north to the San Francisco Bay area. Carried out under adverse conditions and in virtually unknown territory, the De Anza expedition was a truly remarkable achievement and led to the settlement of northern California.

The De Anza Trail, which is some 1,200 miles long, follows the general route of the expedition—from Nogales to the bay area.

Local citizen groups have been active in their support of designating this trail as a National historic trail. George Cardinet, the executive director of the Heritage Trails Fund, has been a persuasive advocate for the trail. He, and other citizens along the route of the trail, have helped determine the location of the trail and to organize support for its inclusion in the National Historic Trails System.

Including the De Anza Trail into the national system is an important step toward recognizing and commemorating an important event in our history. I hope that the Congress will move quickly to enact this bill.

TRIBUTE TO MOLLY GILBERT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. FRANK. Mr. Speaker, this Friday, March 3, a very well-deserved tribute is being held in Swansea, MA, on behalf of Molly Gilbert. Molly is a very impressive 7-year-old, the daughter of two equally impressive people, Mary Ann and Douglas Gilbert.

When Molly was 10 weeks old, it was discovered that she had a liver disorder. Last December 24, she was the beneficiary of a liver transplant at the Pittsburgh Children's Hospital. As the nicest possible Christmas present for Molly, her parents, and the many, many people who have come to root for this wonderful and determined child, the transplant

was the best of all possible Christmas presents.

This Friday, the people of Swansea will be turning out to pay tribute to Molly and, while this is not perhaps explicitly part of the event, to pay tribute to themselves. The people in the community have been superb in their efforts on behalf of the Gilbert family. The response of the people of Swansea in this situation has been a model of the way in which a community in this country expresses its mutual respect and commitment to helping. People have donated money, services, and perhaps most difficult of all, their time on behalf of the effort for Molly. And Molly has, of course, responded in perfect fashion. She is a Girl Scout, she takes dancing lessons, and she is a very much admired student at the Gardner School in Swansea.

Mr. Speaker, at a time when there is a lot of attention being given to volunteer efforts as one way—among many—of helping alleviate the problems that face us in this society, the great efforts of the people of Swansea on behalf of the Gilbert family, and the enormous dedication and love for each other that the Gilbert family has shown, deserve attention.

The Gilbert family, and all of their many friends in Swansea deserve to have a very good time on Friday night.

RECOGNIZING A BRAVE FIREFIGHTER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. MURTHA. Mr. Speaker, on Monday, February 15 a terrible tragedy occurred in Johnstown, PA, when firefighter Richard Roberts was electrocuted while battling a fire at an apartment building.

It was fitting that at his funeral an outpouring of support occurred in a procession that included 115 fire trucks and 112 personal vehicles.

We all particularly feel this kind of loss because we know that our Nation and our communities can only survive and prosper because of the dedication of our public service personnel such as Richard Roberts. We are a nation whose greatness has come from the sacrificing, dedicated personal lives of millions of citizens, citizens such as Richard Roberts who selflessly served his community, and unfortunately died in that service.

Through this recognition, I want to acknowledge the debt of our entire Nation to Richard Roberts and the many men and women like him who serve us all. While no words can compensate Richard's family for their loss, I hope they do take pride in Richard's public service and in his commitment to his community. It is in the highest tradition of our great country and I am proud to recognize an outstanding American.

CONGRATULATIONS TO THE CAFARO FAMILY OF YOUNGSTOWN, OH

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. DEWINE. Mr. Speaker, Winston Churchill once said, "Some see private enterprise as a predatory target to be shot, others as a cow to be milked, but few are those who see it as a sturdy horse pulling the wagon."

I would like to take a moment to recognize the vitality and strength of the free enterprise system as envisioned by Mr. Churchill. There is no better embodiment of this vision than in the contributions of the Cafaro family of Youngstown, OH.

In 1969, the Cafaro Co. built Eastwood Mall in Niles, OH, located midway between Youngstown and Warren. This $1½ million retail complex has served as the flagship for the Cafaro Co., as they have become the fourth largest developer of shopping centers and malls in the United States. During this time, the Cafaro family roots have remained in Ohio even as their economic impact has spread throughout the country.

This year we are celebrating the 20th anniversary of Eastwood Mall. I would like to take this occasion, however, to commemorate not only Eastwood Mall's 20th anniversary, but also the spirit and determination of the Cafaro family who have so added to the economic vitality of our country. At Eastwood Mall alone, their efforts have added 3,000 jobs to the local economy. It is this commitment to private enterprise which is the cornerstone of our Nation's prosperity.

As the Congress considers proposals designed to keep our country competitive in the world economy and prosperous at home, we would do well to look at the example of the Cafaro family and remember that the best enterprise is private enterprise.

I know my colleagues in Congress join me in congratulating the Cafaro Co., on this auspicious day.

BALANCED BUDGET AMENDMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. OWENS of Utah. Mr. Speaker, I am today introducing a balanced budget amendment to the Constitution, in order to restore badly needed fiscal credibility to our Government. It is simply irresponsible to go on fooling ourselves into believing that deficit spending is harmless; our constituents don't buy it, our trading partners don't buy it, and neither should we.

Last year our public debt cost us $150 billion in interest payments alone, $150 billion that should have gone to productive uses in our economy. And with interest rates on the rise, that figure will only get worse unless we deal with our budget deficit quickly and credibly.

We can no longer afford to rely on fiscal gymnastics to explain away our massive deficits. When the smoke and mirrors are cleared away, the fiscal year 1989 deficit is expected to be nearly $30 billion off the Gramm-Rudman mark. Regrettably, the fiscal year 1990 deficit will probably stray even further from the Gramm-Rudman target, given the unrealistic economic assumptions under which the new budget is being formulated.

With my amendment in place, the President would be required to submit a balanced budget to Congress each year. Additionally, Congress would be prohibited from deficit spending unless it has obtained a 60-percent majority to do so, with a mandatory roll call vote. If for some reason Congress did determine that outlays should exceed revenue during a given year, that excess would, by law, be repaid during the next year. Finally, my bill would prevent any revenue raising bill from passing without first obtaining majority support, again by a rollcall vote.

It is time to give our constituents what they deserve: A government that spends money wisely and lives within its means, and a constitutional amendment to keep it that way.

LEGISLATION TO REQUIRE A NEW, PERMANENT WARNING LABEL ON CIGARETTE PACKAGES AND ADVERTISING

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. SLATTERY. Mr. Speaker, today I am reintroducing legislation to require a new, permanent warning label on cigarette packages and advertising.

This label would read: "Surgeon General's Warning: Nicotine in Cigarettes Is an Addictive Drug."

The new, permanent warning label would be in addition to the current four rotating labels.

Surgeon General Koop's 1988 annual report verified the scientific evidence that nicotine in cigarettes is addictive.

According to this year's report, cigarette smoking accounted for more than one of every six deaths in this country, killing 390,000 Americans. It is the main avoidable cause of death in our society.

Congress has the responsibility of warning both smokers and potential smokers that before becoming a statistic, they'll become an addict.

I hope my colleagues will join me in battling one of the most commonly used drugs in America—nicotine.

This legislation has the support of the American Heart Association, the American Cancer Society, and the American Lung Association.

ERIK McMILLAN—NFL STAR ROOKIE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1989

Mr. CLAY. Mr. Speaker, it is always inspiring to watch the outstanding achievements of our next generation. One such inspiration is a 22-year-old St. Louis native named Erik McMillan. Erik is earning a reputation as an up-and-coming National Football League star. After an explosive year as a rookie defensive back for the New York Jets, the Associated Press named him the National Football League's Defensive Rookie of the Year.

Erik McMillan follows a family tradition of excellence in sports. His father, Ernie McMillan is a former standout Cardinal football player and his uncle Shellie achieved national acclaim as Sweet Charlie Brown, a snappy dribbler for the Harlem Globetrotters.

I am pleased to take this opportunity to congratulate Erik McMillan on his fine performance and to wish him every continued success. I am also happy to share with my colleagues a sampling of press reports about the triumphs of Erik McMillan.

[From the St. Louis Post-Dispatch]

JETS' MCMILLAN MAKES HIS MARK IN NFL DEBUT

(By Dan Caesar)

Whether he's playing in the defensive backfield for the New York Jets or roaming the streets of the nation's largest city, Erik McMillan suddenly finds himself thrust into a new and unfamiliar situation.

Last year, McMillan was the top defensive player at the University of Missouri, where he had more unassisted tackles (203) than anyone else in the team's history. This season, he is one of two rookies starting in the Jets' defensive backfield. And he has discovered it is a *long* way from Columbia, Mo., to New York City—both on and off the field.

"This city has tons of people, and half don't even know what they're doing or where they are," McMillan said. "I don't like New York. It's not my style of living. I'm just here to play ball. At least I don't have to live here after the season."

But this fall, he's a New York City area resident. And McMillan, son of former Cardinals tackle Ernie McMillan, has taken advantage of the Jets' desire to revamp what was a porous defense. He started at free safety Sunday in the Jets' 28-3, opening-day loss at New England, and received high marks for his performance. The Patriots threw two touchdown passes, both to Irving Fryar—who beat veteran cornerback Bobby Humphrey each time.

"Erik played real well," Jets secondary coach Mike Faulkiner said. "The only knock was that he dropped one ball that was right in his hands that he should have intercepted. It hit him right in the chest and bounced off. I told him that if it was a bullet, he would have been shot dead."

But Faulkiner said that was about the only thing he could say negative about McMillan's debut in the National Football League.

"We had him doing a lot of things," Faulkiner said. "We play a 4-3, and we had him at linebacker some of the time, where he came up and played the run. He never had to cover a receiver one on one, but he did cover the running backs that way sometimes and did a fine job. We even sent him in on a blitz a time or two."

That is an unusually diversified role for a rookie, especially one playing in his first regular-season game.

"We asked him to do things other defensive backs don't do," Faulkiner said. "He does a lot more than a rookie is expected to do. But I don't really consider him a rookie anymore. He's played in four preseason games, one regular-season game and two scrimmages. That's seven games, almost as much as a full college season."

The Jets have big hopes for McMillan, who Faulkiner said was in for all 71 of the Jets' defensive plays Sunday. They like his speed, versatility and perhaps most of all, his aggressiveness.

"I don't want this to sound wrong, but he's an intimidating hitter and he's the kind of hitter that it could be another Darryl Stingley situation with him," Faulkiner said. Stingley was a New England receiver who was left paralyzed by a hit from Oakland's Jack Tatum in 1978.

"Erik's leverage when he hits somebody is something else," Faulkiner said. "I don't mean to sound bad, but he could be deadly. He's a weapon."

But after one pro game, McMillan hasn't developed that reputation yet. And he knows the workload will increase as opposing quarterbacks zero in on seeing if he and fellow rookie James Hastey, who plays right cornerback, can handle their jobs.

"We'll get all the work we'll need," McMillan said. "They'll be testing us a lot. I'm ready for that. I enjoy the aggressive part of the game. And we'll be getting lots of on-the-job training."

At Mizzou, McMillan played cornerback, weak safety, and strong safety. But he said he never had the responsibility he does now. For the Jets, McMillan runs the defensive backfield. He calls plays, and barks out alignment assignments.

When told of what his son did Sunday, Ernie McMillan was not happy. Erik made four unassisted tackles and was in on three other tackles. The seven tackles in which he was involved was the most for anyone in the defensive backfield.

"I hate to hear that," Ernie said. "That's way too many for someone in the backfield to be in on. That doesn't speak too well of what's up front (on the defensive line)."

Erik is following in this father's path in more ways than one. Besides both being in the NFL, Ernie also started his first game when he was a rookie in 1961 and then went on to become an All-Pro during his 14-year playing tenure with the Cardinals.

"Everything fell into place for me," Ernie said. "(Kenneth) Panfil got hurt and I got the job right off the bat. Then Erik gets to start right away, too—that's nice."

But not *too* nice.

"I really hope everything works out for him, because that's an awesome responsibility he has there," the elder McMillan said. "To jump right out there, especially at safety, is a big load for somebody still learning."

And McMillan knows his son will receive plenty of early tests.

"He's playing in a passing division, with (Miami's Dan) Marino and (Buffalo's Jim) Kelly," Ernie said. "He's going to have to learn to be careful not to settle back at free safety and get lulled when they do a running play or two and then not protect the guy coming across the middle. It's a tough assignment."

But both father and son are excited about Erik's situation.

"I talked to him right before the game, and I had a hard time settling him down," Ernie said. "He was talking so fast, I couldn't slow him down. I knew he was pretty pumped up."

And Erik said he knows his dad is exhilarated about the situation.

"He's really fired up," Erik said. "He's given me a lot of advice over the years, and it's nice to be able to attain this level. We're proud of each other."

Missouri coach Wood Widenhofer thinks McMillan can end up as a star in the NFL.

"Erik has all the tools to be a great player," Widenhofer said. "He is, as far as athletic ability, right up there with the big time. He's the kind of guy you build a defense around. He was our big-play man all last year."

McMillan was ecstatic when the Jets drafted him, in the third round. He quickly discovered that he had a legitimate shot at starting as a rookie, because the Jets were searching for a way to tighten a defense that ranked 20th in the league in pass defense last year.

"I didn't want to ride the bench," McMillan said. "I'm just fortunate enough that the Lord has been behind me and put me in a good situation. It's really a learning experience. I'm trying to pick up what I can.

"I just have a lot more calls to make than I did in school. The players are about the same size, but the tempo is taken up another notch. It's more intense."

McMillan also will be keeping one eye on the fortunes of Mizzou's football team this fall. It seems that he is blind to Mizzou in the other eye.

"I think they'll do better because they have a lot of returning players on defense, but I don't know anything about the offense," he said. "Never did. I didn't pay any attention to the offense when I was there, so I really don't know anything about it now."

McMillan knows plenty about defense, however. He was burned his share of times at Mizzou, but he also returned three interceptions for touchdowns last season, tying a National Collegiate Athletic Association record.

"I really think he can be a good pro player," his father said. "I know he has the athletic ability. If he can put everything else together, he'll go far.

"It's a tough thing, though. Believe me, I know. But he has the ability to be something special."

[From the St. Louis Post-Dispatch, Dec. 26, 1988]

YOUNG ERIK MCMILLAN IS FROM SPECIAL LINE

(By Ira Berkow)

NEW YORK.—I knew of Erik McMillan's father, Ernie, and Erik's uncle, Shellie, much before I ever heard of Erik, before anyone had. It was a time in the 1950s when Erik was not yet the faintest glimmer in his father's eye.

They were, though, dramatic times, hopeful times, searing times for the McMillan brothers, growing up in the ghetto area of 47th Street, known widely as "the meanest street in Chicago."

Erik is the outstanding, sometimes explosive 22-year-old rookie defensive back for the Jets.

When viewing Erik, one can see the resemblance to his father and uncle—the solid

cheekbones, the engaging smile—and you can hear the intensity and passion in his voice, which carry over to his play, as they did with his dad and uncle.

Growing up in Chicago, I saw Shellie play center for the remarkable DuSable High School basketball team. He was one of the stars along with Paxton Lumpkin, later a snappy dribbler with the Harlem Globetrotters, and Sweet Charlie Brown, who would team with Elgin Baylor to help take Seattle University to the NCAA finals.

Ernie, Shellie's younger brother, was a sophomore substitute on the DuSable team that was one of the finest schoolboy teams ever, called the Wonder Five and still talked about today.

In 1954, the year, coincidentally, of Brown vs. Board of Education, the landmark civil rights ruling by the Supreme Court that overturned "separate but equal" public schooling, the DuSable Panthers became the first all-black team with a black coach to reach the highest level of an organized integrated sports program in America.

Undefeated, they gained the finals of the state tournament in Illinois, and lost in a close game that some felt had questionable calls.

Several DuSable players received athletic scholarships when few blacks, especially from 47th Street, got them.

Shellie was one of the first black players at Bradley University. He played for the Pistons and Hawks in the National Basketball Association.

Ernie went to the University of Illinois and played football. Later he was an offensive tackle for 16 years with the Cardinals and the Packers, made the Pro Bowl four times, and was an assistant coach with both teams.

The year 1954 seemed filled with possibilities, but there were deep racial antagonisms and indignities, of course, some that would affect the brothers forever.

One time Shellie played in New Orleans against Loyola University—in one of the first integrated college games in the South—and fouled out. Fans began to sing, "Bye Bye, Blackbird." Shellie left the court with angry tears in his eyes.

Today discrimination sometimes takes more subtle forms. Examples are the absence of black head coaches or top black executives in the National Football League, and what seems a quota system for assistant coaches. Ernie, unemployed now, sends out resumes, but hasn't heard an encouraging word.

Erik was raised in a setting different from that of his father and uncle, in the middle-class suburbs of University City, Mo., and Silver Spring, Md.

"I know I was more fortunate growing up than my father or uncle were," said Erik. "I got anything I needed, but I didn't get everything I wanted. My dad tried not to spoil me."

Erik was graduated from Missouri with a degree in business administration, was a football star and a third-round draft pick by the Jets. His speed and spring and knowledge of the game elevated him to a starting position.

The other day, he received some news and called his dad from the Jets' locker room. He told him he was getting an all-expenses-paid trip to Hawaii. "Oh," said Ernie McMillan, "how's that?"

"Because," said Erik, pleased at how he had set up his father, "I made the Pro Bowl team, dad."

His father said, "You're not serious." He knows that rookies, especially rookie defensive backs, rarely make it. Al Toon, the wide receiver who was also picked, walked by. Erik put him on the phone to finally convince his father.

"I'm proud of Erik," Ernie said later. "I like that he's aggressive, and positive. What I don't like is some of that mouthing, and finger waggling that he and some of the other kids think intimidates the opponent. They see that stuff on TV and imitate it. I tell him I don't like it, but he just looks at me. He thinks it works."

Beyond football, Erik said, "I feel I have the chance to do whatever I want, as long as I step on the right stones along the way."

Ernie McMillan, who has come far from 47th Street in Chicago, understands that formidable racial barriers remain in this country. "The only way things can change for the good is for people like Erik to think the way he does," he said. "I hope he's right."

[From the Columbia Daily Tribune, Sept. 12, 1984]

LIFE WITH A FOOTBALL FATHER—ERIK MCMILLAN GETS HIS INSPIRATION FROM HIS FAMOUS DAD

(By Jeff Krupsaw)

As a youth, Erik McMillan spent lots of his time among giant men in white uniforms.

Famous St. Louis Football Cardinal players such as Dan Dierdorff, Tom Banks, Jamie Rivers and Bob Reynolds were his friends.

"They would take me around like I was their son," McMillan says. "They would ask me, 'Do you like football? Your dad is a good guy.' They would take me on the practice field, let me try on the shoulder pads. They would take me in like I was their own kid."

But he was Ernie McMillan's kid. And his dad had a spell over him that hasn't worn off.

Maybe it all those years of following his dad to Busch Stadium, where his father played for 15 years as an offensive tackle. "It was always like that's my dad's job." Erik says "He said he was going to a game, it was like he was going to his job. It's just like anybody else who's dad went to the office to work.

Erik would hold his father's helmet after games.

"A lot of people would ask me, 'Do you want to be like your dad?'" he says. "I didn't know."

Now he knows.

At breakfast last Saturday morning before Missouri's season-opener with Illinois, freshman Erik McMillan was eating his Wheaties when teammate Robert Curry shoved a magazine in front of his bowl.

For McMillan, it turned out to be good reading and good therapy.

Inside the publication was a story about a former Illinois lineman who McMillan knows very well. It was about his father, Ernie, who played for the Illini from 1958-60 before going to the National Football League.

"When I saw his picture and that long article, it made me get more pumped," says Erik, who was preparing to play in his first game as a Collegian. "It made me know what I had to do if I'm going to be as good or better than he was."

Erik has quite an example to follow.

Ernie made it in the National Football League after being drafted in the 13th round. He lasted 15 years with the Cardinals and two more with Green Bay Packers by having an inner drive that surpassed most and one that impressed his son even more.

"My dad, that's my No. 1 idol right there," Erik says. "My dad is my greatest motivation. He gets me motivated."

Even if he had not seen the article in Illini Update, this young Missouri redshirt would have had plenty of incentive Saturday in Champaign, Ill., playing against his dad's old team on television in front of more than 78,000 fans.

"I was more determined than anything else," Erik says. "I wasn't nervous. I knew what I had to do. Just hustle and play technique. You've got to run and hit hard."

In doing so, he led a beleaguered Missouri defense with seven unassisted tackles and was one of two Tiger defenders to grade a winning performance.

Like any father, Ernie, now a scout with the St. Louis Cardinals, watched the game on television.

"I don't think he was rooting for Illinois, but I know he was rooting for me," Erik says.

"I was excited for him," says Ernie, who was pleased with Erik's performance. "The first thing I wanted to see was his aggressiveness."

At 6-foot-1, 190 pounds, Erik has no choice but to hit hard. Not many defensive ends can play major-college football at a size of a cornerback.

Of course, Erik makes up for his lack of size with an electronic timing of 4.45 seconds in the 40-yard dash and a 33-inch vertical jump.

Erik hardly takes after his dad in physical stature. Ernie played for the Cardinals at 265 pounds and Erik's cousin Howard Richards, a former Missouri All-American who now plays for the Dallas Cowboys, weighs more than 270 pounds.

"Hopefully, Erik'll get bigger," Ernie says.

"He's got good ability," Missouri head coach Warren Powers says, comparing Erik to recently departed MU defensive end Bobby Bell. "He needs to get more weight."

Size doesn't worry Erik, or Missouri weight coach Russ Ball, who says Bell was about the same size as McMillan when he came to Missouri. Already, Ball says McMillan has increased his bench press to 280 pounds.

"My weight will come with maturity," Erik says. "I just have to rely on my quickness and inner strength."

Ernie laughs when asked if his son inherited his speed and quickness. "They used a calendar when I ran," he says.

In months and years to come, Erik hopes to be a vital part of the Missouri team. But he doesn't plan on participating in another performance like the Tigers turned in against Illinois.

"Everybody's been saying I had a good game," he says. "I thank them for the compliment. But that's not good enough. You've got to work harder to do better. That wasn't us last Saturday. This Saturday, the real Missouri Tigers will show up. I don't think you'll ever see us again like that, not for the next four or five years."

Erik says his dad had praise for him after Saturday's game. "He said he was looking for enthusiasm and hustle," McMillan says. "You've got to play with enthusiasm, and you've to play like you want it. You've got to play with enthusiasm and get after people. Otherwise, you can't play."

The younger McMillan has proven that he can play, yet he ranks behind Eric Troy on second-team at defensive end.

That doesn't get him down. But when he does hang his head a little bit, he knows where to go for inspiration.

"It's like this, when I get depressed, I call my dad and tell him what's bothering me," Erik says. "If I can't do that, I keep his picture around."

Maybe Erik McMillan's son can say the same thing some day.

[From the St. Louis Post-Dispatch, Dec. 28, 1988]

JETS' FREE SAFETY PLAYS SMART

Erik McMillan of the New York Jets, who led the AFC with eight interceptions, was named the National Football League's Defense Rookie of the Year by The Associated Press on Tuesday.

McMillan, a free safety from Missouri drafted on the third round, was the only rookie defensive player named to the Pro Bowl. Although he missed three games because of a foot injury, McMillan easily finished first in balloting by a panel of sportswriters covering all 28 NFL teams.

Linebacker Chris Spielman of the Detroit Lions was a distant runner-up.

Erik, the son of Ernie McMillan, former All-Pro tackle for the St. Louis Cardinals, was the cornerstone of the Jets' rebuilt secondary. He returned two of his eight pickoffs for touchdowns and had three interceptions of Dan Marino in a 44-30 victory at Miami.

"Erik came into camp and showed he could handle the starting job," coach Joe Walton said. "He's aggressive, he learns quickly, he plays hard and smart."

The Jets started four new defensive backs this year; McMillan, cornerbacks James Hasty, also a rookie, and Bobby Humphrey, a converted receiver, and strong safety Rich Miano. They combined for 16 of the team's 24 interceptions, which led the AFC and was third in the league.

"It's been a very satisfying year," McMillan said. "When I came to minicamp, I didn't think there was any chance of starting with Lester Lyles and Jerry Holmes there. They were two of the most popular guys, and I thought they'd be the last guys cut. They were the first guys cut.

"The Jets were telling me I'm the man. It was quite evident because there was no one else to turn to."

It wasn't until the eighth game of the season, the victory at Miami, that McMillan felt comfortable.

"That was the first game I knew exactly what the offense was trying to do to us and also knew everything about the defense," he said. "That whole week started my foundation."

McMillan even engaged in a few verbal jousts with Marino, who had thrown for 521 yards but was picked off five times.

While McMillan got most of his recognition for his pass defense, Jets defensive coordinator Bud Carson was just as satisfied with the rookie's work against the run.

"Erik likes to challenge people and he does that best supporting against the run," Carson said. "He'll knock a guy's head off if he gets the chance, and he wants to get involved."

McMillan could have been involved in severe overmatches this year. How many rookie defensive backs have an immediate impact in the NFL—particularly in the AFC East, where they face receivers such as Mark Clayton and Mark Duper in Miami, Stanley Morgan and Irving Fryar in New England, Andre Reed in Buffalo and Billy Brooks in Indianapolis?

McMillan credits Walton, Carson and secondary coach Mike Falkkiner for "having the faith in me to give me the job. They could have gone with a veteran and had me sit, maybe play in passing situations (as a nickel back). They didn't do that and it worked out."

Miano, a four-year veteran who is the oldest of the Jets' DBs, lives in Hawaii. He attends the Pro Bowl each January as a spectator. This time, he'll have someone familiar to watch.

"I'm looking forward to it," Miano said. "Erik has earned it."

HOUSE OF REPRESENTATIVES—*Wednesday, March 1, 1989*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the words we speak to each other, O gracious God, carry with them the respect that every person deserves, tempered by our own limitations, our understanding or experience. May we profess the truth as we know and believe and may we ever learn to speak in ways that enhance that truth, that uphold the human spirit, that bring light to our common concerns, and always respect the integrity of every person. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri, Mr. VOLKMER, lead the Members in the Pledge of Allegiance.

Mr. VOLKMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

RESIGNATION AS MEMBER AND ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

The SPEAKER laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

WASHINGTON, DC,
February 28, 1989.

Hon. JIM WRIGHT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the rules of the Democratic Caucus, and in light of my election to the House Post Office and Civil Service Committee, I must resign my membership on the House Committee on Veterans' Affairs.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 96) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 96

Resolved, That the following named Members, and Delegate, be, and they hereby are, elected to the following standing committees of the House of Representatives:

Committee on Government Operations: Jim Bates, California.

Committee on Post Office and Civil Service: Paul E. Kanjorski, Pennsylvania; Ron de Lugo, Virgin Islands.

Committee on Public Works and Transportation: Carl C. Perkins, Kentucky.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THIRTY-FIFTH ANNIVERSARY OF HOUSE TERRORISM

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute.)

Mr. KANJORSKI. Mr. Speaker, I make a special request that the gentleman from Missouri [Mr. EMERSON] be allowed to join me at the podium during my 1 minute.

Mr. Speaker, the reason the gentleman from Missouri, BILL EMERSON, and I rise today is to call the attention of the House and the United States to the fact that terrorism is not new in the world. Political terrorism has existed for a long period of time, and today we celebrate, or at least we commemorate the 35th anniversary of the day the House of Representatives was fired upon by terrorists in this very Chamber.

Two witnesses to that act of terrorism are here today. Both the gentleman from Missouri [Mr. EMERSON] and I had the pleasure of serving the U.S. House of Representatives as pages that very day, and as a matter of fact, both of us were very close to the column in the back of the Chamber over the Democratic page booth that caught one of the shells fired by the terrorists. Both of us experienced being struck in this very Chamber as part of history.

I would like to call Congressman EMERSON up with me today and to share with the American people and, of course, our fellow Members, a photo that was taken and appeared in 1954 in Life magazine as the "Photo of the Year." I call attention to the fact that here is young BILL EMERSON, my roommate, with his mouth open, and behind him is young PAUL KANJORSKI when we were 16-year-old pages at that time carrying one of the injured Members out of the House of Representatives.

I would also like to caution my colleagues and call to the attention of the Speaker and my friends on the Democratic side that this incident occurred in the 83d Congress of the United States. At that time, the majority party in this House was the Republican Party.

I may say in parentheses that this was the last year in which the Republicans held the majority in the House, Mr. Speaker, so there may be some evidence of the fact that the Democratic Party has brought tranquility and peace to the House of Representatives.

THIRTY-FIFTH ANNIVERSARY OF HOUSE TERRORISM

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, I am delighted to join my friend of longstanding and my colleague from Pennsylvania [Mr. KANJORSKI] on this commemorative occasion. I do not think it is a celebration.

As one who has never been particularly age conscious, I stand in awe of the fact that this event occurred 35 years ago today, and I remember it as though it were yesterday.

As PAUL noted, he and I were pages on the Democratic side of the House, and we were on duty at that time. Speaker Martin was presiding, and when the shooting occurred in this gallery up here, Speaker Martin stepped behind the column there. There was great confusion in the House. I think there were a couple hundred Members present. As a matter of fact, we were in the midst of a division vote, and the yeas had just been seated, and the nays were rising when this clamor occurred up there.

My first thought was that this being the season of the year when senior school trips start arriving in town, I thought that someone had tossed a pack of firecrackers over the gallery. But when I looked up, I could see fire coming out of the end of the barrels of those guns.

The lady up there, Lolita LaBraun, was trying to unfurl a flag, and it was over as soon as it started. A House Member, Jimmy Van Zandt, from Pennsylvania, and a page at the time, and since a clerk, Lee Thomas, ran up

to that gallery to try to apprehend the culprits.

Buck Rogers was the doorman up there, who had a heart attack on the spot. The culprits got away, and were apprehended down at the bus station trying to get out of town. They were tried and sentenced to long terms, but they were later pardoned back in the late 1970's.

It was an interesting occasion. I have often thought it was a terrible thing to have happened, but since it did, I was glad I was here to observe that little anecdote in American history.

I might say it was a great pleasure for me personally when my friend, PAUL KANJORSKI, joined us here two terms ago. He and I were roommates and colleagues of that era, and it was great to see an old buddy come back to Congress.

PAUL, it is good to join you here today.

ANTIDRUG EDUCATION IS WORKING

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, there is good news indeed in this morning's papers: drug use among high school seniors has dropped to the lowest levels in a decade. A survey released yesterday shows that use of cocaine, marijuana, and PCP by high schoolers declined in 1988, continuing a trend of the last 2 years.

This proves that a key element of the drug programs put into effect by this Congress in 1986 and reinforced last year are working. That key element is education. The study shows that students are avoiding drugs not because of drug tests, not because they will lose their drivers license or their student loans. No, high school students are turning away from drugs because they are learning that drugs are harmful. The educational programs that this Congress has insisted be part of our Nation's effort against drugs are working.

This decline occurred even though that the students believe drugs are more readily available than ever. As our law enforcement officers will admit, interdiction can never solve the drug problem. More police and the military cannot stop the flow of drugs. We should stick with what works. This latest survey shows that education of our youngsters will work. We can raise a drug-free generation through our schools.

□ 1410

DO NOT RUBBERSTAMP THE RECOMMENDATIONS OF THE BASE CLOSING COMMISSION

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, a resolution is being introduced today which should command the attention of every Member of this body.

Every Member should be aware of this resolution, because they will ultimately be required to cast a recorded vote on it.

The resolution, cosponsored by myself and many other Members of the House, calls for the outright disapproval of the recommendations of the Base Closing Commission.

I know that many of my colleagues are currently predisposed to approve the Commission's list of base closures realignments.

That disturbs me greatly. It disturbs me because, as I stand here, hearings are taking place, and the evidence is clear: The savings that the Commission has projected will never, ever be realized.

In fact, millions of taxpayers' dollars will be squandered on new and unnecessary military construction.

This will not be the last time I ask my colleagues to reject the Commission's findings. Rubberstamping, a bad recommendation, serves no one's interest.

ADD CASCO BAY TO THE NATIONAL ESTUARIES PROGRAM

(Mr. BRENNAN asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, today I am introducing legislation to assist my home State of Maine and the communities surrounding Casco Bay in their efforts to keep the bay clean.

Casco Bay, on the southern coast of Maine, covers almost 1,000 square miles, and contains more than 400 islands. The greater Portland metropolitan region, which adjoins Casco Bay, is the largest population center in Maine. The bay supports active commercial and recreational fisheries. Researchers have found that the bay is truly exceptional in its biological productivity. But the environmental health of Casco Bay has been the subject of increasing attention and concern in southern Maine.

Although Casco Bay is still relatively clean, growing evidence points to a potential decline in environmental quality unless decisive action is taken.

Researchers with the National Oceanic and Atmospheric Administration found surprisingly high levels of heavy metals, including lead, silver, and zinc, in fish livers. The researchers also found PAH's in sediments that were fourth highest among 44 sites tested around the country.

Maine's Department of Environmental Protection found unsafe levels of bacteria this past summer at Portland's east end beach. The State has also released a report indicating that 27 percent of Casco Bay's shellfish flats are closed due to bacterial pollution.

As population in communities surrounding the bay has grown, municipalities have struggled to handle increasing flows of sewage and stormwater runoff. The city of Portland's water district was recently sued by a coalition of environmental organizations for alleged violations of the Clean Water Act.

The legislation I am introducing would add Casco Bay to the list of estuaries around the country that are to receive priority consideration by the EPA for inclusion in the National Estuaries Program.

Currently 12 estuaries around the country are participating in the program, and 4 estuaries were added to the list to receive priority consideration last year.

In Maine, public support for keeping Casco Bay clean is strong. Addition of the bay to the Estuaries Program is supported by the State of Maine and by Maine environmental organizations.

No other estuary in Maine has been considered for this program. The lessons learned from an estuaries management conference in Casco Bay can be applied to a score of other bays along the coast.

Casco Bay needs our help now. My colleagues, I ask for your support and assistance in having this unique estuary considered for inclusion in the National Estuaries Program.

WORKER HEALTH BENEFITS PROTECTION ACT OF 1989

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today, I am introducing the Worker Health Benefits Protection Act of 1989. This legislation will allow companies to continue providing retirement benefits in spite of rising health costs, high retiree to worker ratios, and new accounting rulings.

My bill contains two major provisions—first, distressed companies may be eligible for Government-guaranteed loans to provide retiree health benefits. The loan would be repaid by curtailing tax benefits from net operating loss carryovers.

Second, it would allow tax-free pension plan reversions to fund retiree

health trusts. Studies indicate that reversions of this sort constitute a significant revenue gain.

This legislation does not mandate benefits, but does provide an avenue for companies which wish to continue to help their employees in retirement.

Mr. Speaker, I urge my colleagues to support this legislation and give employers the opportunity to uphold their commitments to their employees.

THE FOREST SERVICE BUDGET AND THE LOSSES FROM TIMBER SALES

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, this morning the Subcommittee on Forests, Family Farms and Energy of the Committee on Agriculture examined the Forest Service budget and again next year millions of taxpayers' dollars are proposed for below-cost timber sales. In fiscal year 1987, 75 out of 119 of our Nation's forests, almost two-thirds of them, lost money on timber sales.

In Alaska we are losing 75 cents for every dollar we spend on selling timber.

Mr. Speaker, by cutting back on below-cost timber sales we could save $50 million, $100 million, or considerably more which could be well spent in our forests for firefighting, fish and wildlife enhancement or other purposes.

With the budget deficit our Nation faces and many unmet needs in our Nation's forests, below-cost timber sales are a luxury we can no longer afford.

NATIONAL ECONOMIC COMMISSION DASHES DEFICIT REDUCTION HOPES

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, with the Republicans controlling the White House and the Democrats controlling the Congress, true deficit reduction can only be achieved by negotiation.

Each side must stop insisting that the budget be balanced on the other side's priorities and must, instead, bring their own priorities to the table.

Democrats must bring entitlements and social spending, Republicans, revenues and defense spending, and each one must offer something of these priorities to the common solution.

This should have been the message of the National Economic Commission, appointed over a year ago amid high hopes for national consensus in addressing the deficit problem.

This wasn't their message in their final report today, and those hopes have been dashed.

Progress rests now on a strong statement by the financial markets that the deficit must truly be reduced, and a change in attitude by the leadership of both parties.

Otherwise, we will see yet another year of rosy economic assumptions, smoke and mirror budgeting, and reliance upon a fast-growing Social Security reserve to mask over our lack of resolve and courage to address this serious national problem.

INTRODUCTION OF RESOLUTION DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE SECRETARY'S COMMISSION ON BASE REALIGNMENT AND CLOSURE

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise to express my opposition to the recommendations of the Commission on Base Realignment and Closure and to announce my introduction today of the resolution of disapproval that would block the implementation of the base closings recommended by the Commission. During the 2 months since the release of the Commission's report it has become disturbingly clear that the Commission did not accomplish its mandate. Together with other Members whose districts would be affected by the base closings, my staff and I have spent countless hours reviewing the Commission's work and the substance of its recommendations. Serious questions have been raised about the net results of the Commission's recommendations as well as the merits surrounding many of the individual bases recommended for closure.

For myself and many other Members, the difference between our understanding of the Commission's mandate and the actual recommendations produced is striking. If implemented, the Commission's recommendations will close far more bases, but save far less money, than had been predicted. Moreover, while Congress was led to believe that the Commission would view potential cost savings as a key motive for its work, we now know that a more nebulous criteria—the military value of the base structure—was the Commission's primary focus. Thus, the base closures are predicted to save only $5.6 billion over a 20-year period, which is a far cry from the $2 to $5 billion annual savings we thought would result from this endeavor. A recent report from the Congressional Budget Office has raised questions that even these savings may be too optimistic. It is simply inequitable to ask our local communities to forfeit the major source of their economic livelihoods if the resulting savings are marginal.

A close review of the merits surrounding each base recommended for closure reveals that the justifications given by the Commission are often seriously flawed. Recent testimony given before the House Armed Services Committee showed that implementing the Commission's recommendations may, in fact, undermine our defense rather than enhance it. I have concentrated my own efforts on the situation at Norton AFB, and will therefore defer to my colleagues to review the specific merits of the other bases recommended for closure. Combined, the questions raised by my colleagues and I challenge the credibility and veracity of the Commission's work. Rather than accept the Commission's work at face value, I would urge my colleagues to take a closer look at the recommendations in order to determine if significant benefits will accrue from the base closings.

RURAL ENTERPRISE ZONES

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, it is no secret that many who live in rural communities, like a majority of my district, are still feeling the effects of the 1982 recession.

This is why today I am introducing the Rural Enterprise Zone Act of 1989, legislation that will foster economic opportunities for those living in struggling rural areas.

The Rural Enterprise Zone Act is designed to attract new and existing businesses into depressed rural communities by providing several meaningful tax incentives. Additionally, my bill directs the Secretary of Housing and Urban Development to administer a grant and loan program to assist entrepreneurs with business startup costs.

I am convinced that with just a little incentive, countless innovative small businessmen will locate their enterprises in depressed rural areas. The result would be economic growth, jobs, and opportunity for millions of Americans who have yet to participate in the economic expansion.

My initiative is similar to the legislation championed for years by Representatives Kemp and GARCIA, except that it concentrates solely on improving rural America. I urge my colleagues to join as cosponsors.

LEGISLATION ALLOWING STATES TO BAN EXPORT OF UNPROCESSED TIMBER FROM PUBLIC LANDS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today, I am introducing a bill to allow States to make policy that is consistent with a longstanding Federal practice: the practice of banning the export of unprocessed timber from public lands.

As early as 1968 it was obvious that if this Nation was going to maintain a viable domestic wood processing industry, we would have to restrict the export of raw logs. Log exports from Federal lands were first limited by Congress in 1969 and, since 1973, have been banned entirely.

But in order for the States to take similar action, they need an act of Congress, and that is what I am proposing today.

The issue is very simple—will the Pacific Northwest develop into an industrial economy—exporting its finished products to Japan and other nations on the Pacific rim—or will it remain a colony, selling its natural resources, and its heritage, at bargain basement prices?

The economies of Oregon and Washington are in a crisis. Plywood and lumber mills are closing for lack of logs. Yet, at the same time, vast quantities of those same logs are being shipped overseas. That's got to stop, and my bill is the logical place to start. I ask my colleagues for their support.

□ 1420

PROHIBITING STATES FROM TAXING PENSIONS OF OUT-OF-STATE RESIDENTS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, in response to a growing antitax movement in my State of Nevada and in many other States, I am introducing a bill today which would prohibit States from taxing the pensions of out-of-State residents. This measure would no longer allow States to impose an income tax on the pensions that retirees earned before moving to another State.

There are many retirees who have moved to other States finding their pensions taxed by the State of their former residence. I feel that it is unfair that these people are being taxed by States where they receive no benefits and cannot vote. Retirees on fixed incomes should live comfortably, without worries of being unfairly taxed by other States.

Certain State laws give those States the right to attach the pensions or assets of nonresidents to collect taxes owed, and even hire collection agencies that can take away the automobiles of pensioners.

There are millions of senior citizens in the Nation today and the number is growing rapidly. If this tax is not prohibited or at least restricted in scope, the economic impact on the people and the country will be tragic. I urge my colleagues to join me in this fight for America's senior citizens.

SUPPORT NOMINATION OF EDWARD DERWINSKI

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I want to express my support today for President Bush's nomination of Edward Derwinski to be the Nation's first Secretary of Veterans Affairs.

Mr. Derwinski is a World War II veteran, having served honorably in the U.S. Army as an infantryman in the Pacific theater and with the Japanese occupation forces in 1945-46. He also served in this body for 24 years and has held key positions at the State Department since 1983.

I met with Mr. Derwinski recently to discuss important issues facing the millions of veterans who have served their Nation so valiantly. He is aware of the severe funding shortages within the VA and of the pressing needs of an already understaffed and underfunded health care system.

We have a tough budget battle ahead to secure adequate funding for veterans' programs, but I am confident that Mr. Derwinski will be a forceful advocate for America's veterans at the President's Cabinet table. I hope the Senate will act soon to confirm Mr. Derwinski, and I look forward to working with him.

PARTISAN FIRESTORM ENGULFS PRESIDENTIAL NOMINEE

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, it is unfortunate that President Bush returns from a highly successful mission abroad to a partisan firestorm at home.

Through an exhausting agenda, the President, a former U.S. emissary to China, renewed old acquaintances with leaders in the Far East, an area of the world which has grown in international importance, both economically and strategically. It is an area in which the United States has historically maintained a pivotal role. Seasoned in foreign relations, the President recognizes that in a world made smaller by advances in communications and technology, and thus more interdependent, the U.S. role in that region must not diminish.

Meeting with 20 world leaders and discussing matters ranging from Sino-Soviet relations to Middle Eastern questions and Southeast Asian issues, the President gracefully moved to center stage as the leader of the Western World in the global theater.

In the meantime, an increasingly partisan firestorm has developed here at home over President Bush's choice for Secretary of Defense, former Senator John Tower. In our 200-year history, never has a Cabinet nominee of a newly elected President been rejected.

With lots of rumor and innuendo to ravage Senator Tower's reputation, but no apparent substantive evidence of lack of fitness to serve, the campaign against Senator Tower has become an increasingly partisan exercise. This is wrong. The President should not be denied the services of an admittedly qualified candidate for Secretary of Defense on the basis of rumor or partisan posturing.

FAMINE IN SUDAN

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, at this moment, Sudan is experiencing the worst famine on the globe. In 1988 alone, between a quarter and a half million Sudanese, many of them children, died of starvation. Two to three million have become refugees, many walking hundreds of miles to Ethiopia in search of food. The great tragedy is that this famine is not a natural phenomenon—it is man-made, brought on by a civil war between the Government of Sudan and the Sudanese People's Liberation Army [SPLA]. There is enough food to feed almost everyone in Sudan but both sides in the civil conflict use food as a weapon of war and actively prevent relief from reaching the hungry masses.

Monday, 11 of our colleagues joined me in introducing House Concurrent Resolution 58, which deplores the use of food as a weapon by both the Government and the SPLA and expresses support for all efforts that reach imperiled Sundanese. The resolution urges the President and the Secretary of State to reassess our relationship with Sudan unless that Government actively facilitates relief to its starving masses and begins negotiations for a peace accord to end the bloody civil war.

The message of our concurrent resolution is clear: Enough is enough; the suffering in Sudan must end. Too many innocent people have suffered,

too many children have died for us to sin by silence any longer. I urge my colleagues to support the resolution on famine in Sudan.

DEATH PENALTY FOR DRUG DEALERS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, if anyone in this Chamber still remains squeamish about the imposition of the death penalty in proper cases, I would refer him or her to the development in New York City where a drug law enforcement agent was coldbloodedly killed at the hands of drug dealers. That is exactly what our debate was about last year when we were considering the drug comprehensive bill that finally passed the Congress and signed into law by the President of the United States, and when we consider the ever-increasing momentum of this war, we can stop at nothing, because the drug dealers themselves will stop at nothing. They will execute judges, they will shoot down drug law enforcement officers, potential witnesses, anyone who gets in the way of their criminal enterprises, and so we have taken this first proper step.

All we need now to do is to raise the consciousness of the American public as to the drastic measures required to win this war on drugs.

SUPPORT RESOLUTION OF DISAPPROVAL ON BASE CLOSINGS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I am honored to join with the gentleman from California, Mr. GEORGE BROWN, as a cosponsor and strong supporter of the resolution of disapproval, and I urge my colleagues to do the same. The Galveston homeport, currently under construction in my district, is one of the supposedly "unnecessary" bases recommended for closure by the Commission. It is part of the strategic homeport program, extensively debated in Congress. It enjoyed the strong support of not only my House and Senate colleagues but of the administration and the Department of Defense. It was resolved by these parties, no more than 4 years ago, that the strategic homeport program was the best method for implementing the militarily sound principles of dispersal, battlegroup integrity, and increasing our naval presence in our geographic flanks. Congress felt strongly enough about the merits of these principles that it provided over $28 million in appropriations for the Galveston homeport over the past 2 years.

The Commission has decided, however, that Congress, the administration, and the Department of Defense, were wrong. In doing so they prove the very reason I opposed the whole idea of setting up a base closure Commission in the first place—that it is wrong to put into the hands of a small group of nonelected appointees, who are accountable to no one, decisionmaking authority with such grave implications for our national security. I urge my colleagues to support this resolution of disapproval, as our only means of blocking this irresponsible delegation of authority.

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1989 VETERANS' BUDGET

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday the House Committee on Veterans' Affairs submitted its report on the proposed budget for fiscal year 1990. In that report the committee recommends $32 billion in budget authority and $30.7 billion in budget outlays for fiscal year 1990. In addition, the committee recommended a supplemental appropriation in the amount of $520 million to remedy the severe funding shortfall currently facing the Department of Veterans' Affairs [DVA].

I want to express my full support for the committee's recommended level of funding with particular emphasis on the $520 million supplemental appropriation for the current fiscal year.

And I want to commend the leadership and members of the House Committee on Veterans' Affairs for their very thorough and dedicated work highlighting the current status of benefit programs and services being provided to this Nation's veterans.

During special hearings conducted by the Veterans' Affairs Committee last summer, inadequacies in the VA hospital system were identified and confirmed by numerous witnesses.

Additionally, the results of a formal survey conducted by the Veterans' Affairs Committee on all 172 VA hospitals, along with evidence gathered during 16 direct staff visits to medical facilities across the country, reveals a severe structural and funding problem within the VA hospital system.

There is no doubt about the need to address the issue of the veteran health care system immediately.

The portion of the Federal budget devoted to veterans' benefits and programs today is slightly more than half the average level during the 1960's and the 1970's. As the committee report shows, the demands on the veteran health care system are increasing. An aging veteran population, AIDS, and posttraumatic stress disorder [PTSD] are just some of the demands being placed on the DVA hospital system.

Curiously, all measurements of the resources committed to maintaining veterans' benefits and services have been declining while the demand on the system increases.

According to information provided by the House Veterans' Affairs Committee, 13,000 VA hospital beds were not in service last year. Of the 13,000 beds closed on June 30, 1988, 30 percent were attributable to either staffing or funding shortages. The survey conducted on VA medical facilities revealed that, on average, there is shortage of 183 full-time employees per medical center. During committee hearings the VA Administrator conceded that fiscal year 1988 employment levels could not be maintained during this fiscal year without a supplemental appropriation.

Unfortunately, solving the staffing and bed problems would not necessarily result in increased health care availability to veterans. As the committee report points out, individual hospital administrators are transferring moneys between accounts in order to meet daily operating expenses. This right-pocket to left-pocket funding situation only disguises the serious shortfall in DVA medical accounts. Eventually, the piper must be paid or veterans go without medical care.

The committee's recommended supplemental appropriation is urgently needed to restore the proper level of medical services to veterans.

Once the current DVA funding shortfall is addressed, immediate priority needs to be assigned to bringing the entire veterans' health care system to a level that will sustain the expected demand on resources that demographics and technology will dictate in the future.

Over half of DVA's medical facilities are over 30 years old. The DVA's recent capital facilities study documented that 69 of the 132 DVA medical facilities built before 1970 received a fair, poor, or failing rating on their physical condition. The current budget request if less than last year's and almost half what was requested by the Department of Medicine and Surgery.

Further structural decline has occurred because, as the Veterans' Affairs Committee reports, capital investment funds have been shifted to meet recurring expenses such as salaries. This action has resulted in a backlog of needed replacement equipment that approaches $600 million.

Mr. Speaker, the failure by Congress to address this issue and give it the priority it deserves will, as the Veterans' Affairs Committee reports, "ultimately result in second-rate or no

health care for the veterans of our Nation."

I urge my colleagues to support full funding for the veterans' programs established in law, beginning with a immediate supplemental appropriation for fiscal year 1989.

INTRODUCTION OF THE PORNOGRAPHIC MAIL PROHIBITION ACT

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, picture if you will the following scenes: A little boy comes home from school and picks up the mail as he enters the house. A little girl is allowed to open so-called junk mail addressed to the resident of that address. Yes, typical scenes from typical days in thousands of households. Unfortunately, for many households, this scene is becoming increasingly shocking and unpleasant. Unsolicited, sexually oriented advertisements are sent to homes in our districts every day. These advertisements are full color, explicitly offensive and indecent in and of themselves.

Unbelievably enough, this type of advertisement is sent to our homes every day. Even more unbelievable is the fact that mail porn is sent to senior citizens, families with small children, and yes, even the children themselves. Of course, forms may be filed with the Post Office asking not to receive mail porn, but the burden is on the innocent in their homes, not the porn operator.

Mail porn operators send out thousands of these advertisements in the hopes of gaining just one new customer. They are willing to offend thousands of people in their homes to find just one who is interested. Now I ask you: Just whom are we trying to protect?

In the 100th Congress, I introduced the Pornographic Mail Prohibition Act to protect the innocent in their homes. This year, 129 of my colleagues have joined with me to introduce the Pornographic Mail Prohibition Act into the 101st Congress. When enacted violators of this legislation will be subject to a civil fine of $25,000 as well as criminal forfeiture penalties. As the Supreme Court has stated: "[n]othing in the Constitution compels us to listen to or to view any unwanted communication, whatever its merit * * *" (*Rowan* v. *Post Office*, 397 U.S. 728, 737 (1970)).

It is time we stop placing the burden on people in their own homes. By supporting the Pornographic Mail Prohibition Act, you can help shift this burden to where it belongs—on the mail porn operator.

THE SCIENCE, MATHEMATICS AND RESEARCH TECHNOLOGIES SCHOLARSHIPS ACT

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, the United States may be surpassed by foreign nations in the technological arena due in large part to an ever-increasing shortage of qualified scientists, mathematicians, and engineers. This technological shortage is posing a threat to the welfare of the American economy and to our national security as well.

In order to meet the enormous challenge of this growing technology gap, today I am introducing the Science, Mathematics and Research Technologies Scholarships Act. To promote the study of engineering, mathematics, and the life and physical sciences, this legislation provides scholarships for the most academically qualified, competitive and interested college juniors. In addition to 2 years of undergraduate support, these scholarships will grant 2 years of graduate financial assistance to those recipients most qualified to pursue additional postgraduate studies.

In return for the scholarship, the scholarship recipients will be called upon to use their technological skills and knowledge for summer and postgraduate service in a science, mathematics, or engineering related capacity in the employ of the United States or with an organization performing services for the United States. Thus, through this program, the Government would invest in the academic pursuits of certain outstanding students by providing financial incentives for them to continue their education in fields that are critically important to the Nation in return for this service.

RESIGNATION AS LEGISLATIVE COUNSEL OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. HUTTO) laid before the House the following resignation as legislative counsel of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 1989.

Hon. JIM WRIGHT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives effective at the close of business February 28, 1989.

Sincerely yours,

WARD M. HUSSEY,
Legislative Counsel.

The SPEAKER pro tempore. The Clerk will read the following communication from the Speaker:

The Clerk read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1989.

WARD M. HUSSEY, Esq.
Legislative Counsel, U.S. House of Representatives, Washington, DC.

DEAR WARD: I have received your letter of February 16, 1989, stating that you shall retire as Legislative Counsel to the House of Representatives effective on February 28, 1989. I accept your resignation with profound appreciation for the devoted service you have rendered since 1946 to the House and its Members and, indeed, to the Nation.

The Office of Legislative Counsel has come a long way since its origin as the Legislative Drafting Service in 1919. It has become one of the essential institutions of the House, a truth that is ably demonstrated by the nearly universal reliance of Members and committees on its professional services. Especially under your leadership, the Office has flourished as a reservoir of expertise from which Members of the House can draw the nonpartisan advice and assistance that is indispensable to the clear, faithful, and coherent expression of legislative policy. The example you have set, since 1946 as a consummate legislative draftsman and since 1972 as the foresighted head of the Office, bespeaks a blend of skill and dedication that, in my experience, is unsurpassed.

I know I speak for the entire House of Representatives when I say that you leave here with our admiration, our respect, our gratitude, and our heartfelt wishes for many years of happiness and much success in your future endeavors.

Sincerely,

JIM WRIGHT,
The Speaker.

EXPRESSING GRATITUDE OF THE HOUSE FOR THE SERVICE OF WARD M. HUSSEY AND LAWRENCE E. FILSON

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a resolution (H. Res. 97) expressing the gratitude of the House of Representatives for the service of Ward M. Hussey and Lawrence E. Filson, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas Ward M. Hussey was appointed to the Office of the Legislative Counsel in November 1946 and Lawrence E. Filson was appointed to that Office in October 1949;

Whereas Ward M. Hussey and Lawrence E. Filson have provided 83 years of service to the House of Representatives as members of the Office of the Legislative Counsel;

Whereas Ward M. Hussey has served as the Legislative Counsel for 17 years and Lawrence E. Filson has served as the Deputy Legislative Counsel for 17 years;

Whereas Ward M. Hussey has been the principal draftsman of all the Federal income tax laws beginning before the enactment of the Internal Revenue Code of 1954; and

Whereas Lawrence E. Filson has been the principal draftsman of all major social security laws since 1954, including the original medicare and medicaid and supplementary security income laws, the Congressional

Budget Act, and significant housing legislation: Now, therefore, be it

Resolved, That the House of Representatives expresses its gratitude to—

(1) Ward M. Hussey and Lawrence E. Filson for their combined service to the House of 83 years, and

(2) the Office of the Legislative Counsel for its 70 years of assistance in the drafting of legislation considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, for the purposes of debate, I yield 30 minutes to the gentleman from Texas [Mr. ARCHER], and pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House pays a well-deserved tribute to two men who are leaving one of the least publicized yet most important offices on Capitol Hill. Yesterday, Ward Hussey, the legislative counsel for the House, and Larry Filson, the deputy counsel, retired. Their combined service in the Office of Legislative Counsel amounts to a total of 83 years. Their contribution to the work of the House of Representatives is immeasurable.

The Legislative Counsel Office is one of the most important and respected on Capitol Hill. The House depends on the office at every stage of the legislative process: From the drafting of a bill for introduction to the final version of conference agreements. It is there that our decisions are translated into statutory language. The Office of Legislative Counsel enjoys a reputation for professionalism and fairness that is unrivaled on Capitol Hill. Ward Hussey and Larry Filson helped establish the office's tradition of excellence.

Ward Hussey joined the Office of Legislative Counsel in 1946 after his World War II service in Okinawa. His service experience setting up a postal system for civilians led him to consider a job with the Government. This in turn led to a lifetime of public service and personal sacrifice.

Ward has often told us how difficult it was in those early days when, as the most junior staff person in the office, he would always get the last carbon copy from the old typewriters: A copy so faint and smeared that it was barely readable. But Ward persevered, and on March 1, 1972, he became only the fourth House Legislative Counsel since the office was established in 1918.

The Committee on Ways and Means has come to know Ward as the country's most knowledgeable expert on the Internal Revenue Code, but when he first joined the staff, he did not work on tax legislation. In fact, early in his career he helped draft the Marshall plan, and its statement of purposes, which established the framework for the rebuilding of post-war Europe.

In 1952, however, he began to work exclusively on tax legislation. This occurred, in Ward's own words, because no one else in the office wanted to work on tax bills. Knowing of the many frustrations to be encountered in this area, I can understand why no one wanted to draft tax legislation.

Soon after becoming the "tax man" at legislative counsel, Ward began a 9-month effort rewriting the entire Internal Revenue Code. His product became the Internal Revenue Code of 1954. Thirty-two years, and many tax bills later, Ward once again rewrote the entire Tax Code when he directed the drafting of the Tax Reform Act of 1986. The Tax Reform Act of 1986 has a very special meaning for me. Its enactment would have been impossible without the expertise and energy of Ward Hussey and his staff.

Larry Filson, a graduate of Park College and Columbia Law School, joined the Office of Legislative Counsel on October 1, 1949. He became assistant counsel in 1952 and deputy legislative counsel in 1972. Larry has drafted legislation in many areas of Federal law, using in his early days a now antique Royal manual typewriter.

A sampler of the landmark laws that reflect Larry's drafting skill would include—

(1) All of the major Social Security laws since 1954, including the original Medicare, Medicaid, and supplemental security income laws,

(2) The National Aeronautics and Space Act of 1958,

(3) The Congressional Budget Act of 1974,

(4) The Gramm-Rudman-Hollings Acts of both 1985 and 1987, and most recently,

(5) The Family Support Act of 1988.

Over the years, countless members and their legislative assistants have not only been helped, they've been saved because of Larry's expertise. Many a stalled legislative drafting session has been salvaged by Larry taking a draw of his pipe and saying, "I think what you're really trying to do is this." As if by magic, the right words would appear.

Mr. Speaker, it is a rare occasion for the House to adopt a resolution of this sort, but I can think of no more deserving recipients of this honor. The careers of Ward Hussey and Larry Filson are an example of public service at its finest. I know that all of my colleagues join me in thanking them for their service to their country and to this House.

Ward, Larry, we will miss you and we wish you all the best.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm very grateful for this opportunity to join Chairman ROSTENKOWSKI in offering this resolution honoring Ward Hussey and Larry Filson.

Their retirement today from the Office of Legislative Counsel is indeed a reflective occasion for those of us who have worked with these two gentlemen over the years.

Yes, it gives us a great chance to say a heartfelt "thank you" to these men who absolutely epitomize what it means to toil in the background. It also, however, represents a sad moment, when we must witness the passing of an era.

"Ward Hussey" and "Larry Filson" are not household names in this country * * * and, unfortunately, relatively few Americans will ever know about the contributions that they have both made to this Nation during their distinguished careers.

That's the way they wanted it. In fact—in an interview several years ago—Ward commented that one of the specifications for his job is a "passion for anonymity."

That may be a rare commodity in the Nation's Capital, but, in truth, it's one of the noble traits of these two men—which allowed Ward and Larry to be so successful in carrying out their responsibilities.

They are, and have been throughout their long careers, true professionals who epitomize the definition of public service.

Both of them could have shined in careers in the private sector, and enjoyed far greater financial rewards for their labors.

They chose instead to focus their brilliance on helping the Congress put into workable language the ideas we generate that affect the lives of all Americans.

Described by a close friend of mine as the quintessential wise man on the Social Security Act, Larry Filson, Deputy Legislative Counsel, has been known to insiders as Mr. Social Security.

He has drafted all of the major additions to the Social Security Act since the early 1950's.

That includes the Social Security Disability Program, the Medicare Program, the Supplemental Security Income Program, and, of course, the major Social Security Amendments of 1983.

Those who have had the pleasure of working with Larry in the late hours of final drafting sessions appreciate not only his expansive program knowledge and professionalism, but also his affable, accommodating nature and his dry wit.

Larry will be missed by all of us. He is a gentleman and the consummate scholar of the Social Security Act.

Likewise, no one will ever surpass the knowledge of the International Revenue Code possessed by Ward Hussey, House Legislative Counsel.

While one of his greatest achievements was the drafting of the post-World War II Marshall plan, he is, without a doubt, known now as Mr. Tax Code.

A key writer of the Internal Revenue Code of 1954, he drafted all of the additions to that document, as well as its replacement, the Internal Revenue Code of 1986.

His ability to frame complex tax concepts in simple legislative language is legendary.

Former tax staffers refer, with reverence, to Ward's way of rising from his chair during a heated debate in a drafting session, going to the chalkboard and outlining, in a now silent room, the essential elements of a solution.

A significant part of the lasting contributions of these two men will not be found just in the printed words they drafted.

They also have served as teachers and counselors to other generations of dedicated public servants, who in turn have carried on their commitment to precision in putting legislative action into the written law.

They never lost sight of the importance of that vital step in carrying out the will of the people, through their elected officials in Congress.

Ward and Larry, we hope that this Resolution honoring you on the occasion of your retirements, conveys how grateful we and the Nation are for the service you've rendered.

Neither you, nor your contributions to our Nation, will be forgotten.

Thank you, and God bless you.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. THOMAS].

The SPEAKER pro tempore (Mr. HUTTO). Without objection the gentleman from California [Mr. THOMAS] will control the balance of the time.

There was no objection.

□ 1450

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, it is good that we are going to take this time today to pay our respects to these two senior officials. Some of the people who might be listening to any replay of this might wonder, "Why would you single out two people when there are hundreds and hundreds of people up here on the Hill?"

But there are occasions, however, when we should do this, for here are two people who really helped to mold legislation over the years for the betterment of the Republic.

I marvel at times because I wonder how can we get legislation that we vote on for final passage when we have labored for months and months on a particular bill, formulated a policy, and then said conceptually this is what we have agreed to. We go home at midnight and the next day at noon a 200-page bill is prepared for us to vote on in legal form. Now, that sounds like almost an impossibility, and it is. Sometimes there are little flaws made, but can you imagine the years and years of training it takes to be able to master that type of a project. We could not do it if we did not have veteran people like Ward Hussey and Larry Filson.

Larry, I know from personal experience, helped us draft the Social Security reform bill of 1983 and has kept with it over the years. We can all be proud that the trust fund is solvent. In fact, unfortunately, it is being looked upon as a potential source of funds for other uses. But we have done a good job with the 1983 legislation and Larry Filson is to be commended.

Ward Hussey has been here for 43 years. You must have gone back to even before JAMIE WHITTEN came to the Congress, about the same time, so you are older almost than the Capitol Dome.

Well, it makes us feel good that we have had people who are professional. You two are typical of people who make the Congress look good. You have drafted legislation that has been in the public interest. The Nation is proud of you and those of us who work with you on the committee give you our special thanks.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

I consider myself a junior member of the firm, and so in my remarks I will reflect on what I find to be a constant amazement, and that is those of us who are out front, for example on the Ways and Means Committee, and get all the attention, all of the picture time and all of the ink time in producing what people consider the law of the land, have to understand and appreciate that it is very much like making a movie. Those people who are up there on the screen are only up there on the screen performing a very small part of what puts them up on the screen. What we have had in Ward Hussey and Larry Filson are the finest directors, the finest cameramen, the finest sound men, the finest stage men. They are everything else that makes a motion picture a motion picture.

When we argue the concept in a tax bill and we do argue the general concepts, they have to take what is sometimes a fairly vague message and not only put it into legislative language, not only make sure that the sound is in synchronization with the picture on the screen, but also make sure that what is said fits in with what is becoming a far more complex world than was the case just a few years ago, and that is if a desired change in one area affects something else that is already on the books, do you fit it in while making it a whole? That is if the sound and picture are in sync, is it in focus? Is the color correct? Are there people on the stage making noises that we do not know about that show up on the film? All of that has been their responsibility, without the credit, without the spotlight, but with the dedication to not only make us look good, but somehow beyond what I consider human resources be virtually infallible in doing that job, not in months, not in weeks, not even sometimes in days, but required to perform within hours and always doing it with no complaint and with total accuracy. Those are the kind of people that are in our employment. We do not often put the spotlight on them.

I would like to take this opportunity once again in saluting Ward and Larry to reflect on all the other employees who perhaps have not had as critical a job for as long a time, but perform just as admirably.

So from a junior member of the firm, thank you. I do not know who in the world figured out both of you retiring at the same time, but talk about loss of institutional memory, I am worried about a work product for a few years until we get some people up to speed. Having said that, I know you have trained people underneath you to perform as admirably as you have.

Thank you for your years, thank you for your contribution, thank you for making us look as good as we are, and as the author says in the book, these folks made it all correct and if there are any mistakes, they are attributable to us, not them.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Speaker, let me rise and add my voice to these well-deserved commendations to Ward Hussey and Larry Filson.

For more than 80 years, they have served this House. They have served our country with distinction. For more than eight decades they have embodied the highest ideal of public service. Often under great pressure and always with integrity and skill, they have served in the front lines of democracy, helping the wheels of government turn.

Those on the Ways and Means Committee have a special feeling for Larry and Ward. From the Marshall Plan to the Tax Code, from the space program to Social Security, we can see the help-

ful hand of these two distinguished gentlemen.

In a free country, it is often the quiet, unheralded voices that give meaning and substance to the ideas of freedom. Others get the credit, while their accomplishments live on in the laws of our land.

Year after year, day after day, and hour after hour, on law after law, Ward Hussey and Larry Filson have stood on the front lines, and indeed in the trenches.

My friends, wish you both well. We will miss you. The House will miss you. Our Nation will miss you, your talents, your energy and your skills.

Today's commendation is a tribute, a statement of appreciation, a statement of thanks. Because of you, America is a better place and our Nation is grateful for your service.

In a free country that perhaps is the greatest accomplishment and compliment to all or any of our public servants.

Good luck. We wish you successs and happiness in your future endeavors and in your retirement. The best to both you two fine splendid gentlemen.

Mr. CRANE. Mr. Speaker, while on one hand we regret having Ward Hussey and Larry Filson leave us, on the other hand it is with genuine pleasure that we wish them well in their retirement from being of the greatest of assistance to this House of Representatives.

I don't envy those who will try and fill the shoes of these two men—they are the very heart of the House Ways and Means Committee. Oh, yes, we debate and set policy in our efforts to draft legislation. And when we're finished, that's about what we have—a policy statement. And that's when the real work begins; when Ward Hussey and Larry Filson sit down and draft the final product upon which we vote. This pair leads the team which puts our intentions into workable, statutory language while avoiding any substantive changes. It is with their help that we are able to produce a final tax bill. It is not going to impress, or please, many tax-paying citizens to learn the identity of these "tax writers," but we on the Ways and Means Committee know the unimaginable value of these two gentlemen.

It is said, quite accurately, that Ward Hussey knows the tax code better than anyone else. He certainly should. He put in 43 years in the House Legislative Counsel's Office—serving as legislative counsel since 1972. On many occasions I have gone on record as stating that no one had read the Tax Reform Act of 1986, although this voluminous tax law affects every American citizen. I was wrong. While certainly no Member of Congress read the bill before it was passed, Ward Hussey read it. He had to—he wrote it.

In a career that goes back to the end of World War II, Ward has placed his imprint on a great deal of legislation, including such historic documents as the Medicare bill and the Marshall plan. He even had time to help an Irish-American Congressman from Chicago draft a bill which annexed Canada to the United States.

Forty years ago, in 1949, Larry Filson joined the Office of Legislative Counsel. Since 1972, he has served as deputy legislative counsel. For four decades, his hand has helped craft legislation, expertly molding it from the rough form in which it emerged from committee debate until he had fashioned it into a magnificent piece of legislative art exactly reflecting the thoughts of committee members.

His 40 years have seen him take his expertise into such varied areas as Social Security, space, family support, and the budget.

We join in wishing the very best to these two fine gentlemen as they step into what we certainly hope will be the pleasant moments of retirement.

Mr. DOWNEY of New York. Mr. Speaker, I rise today to join my colleagues on the Committee on Ways and Means in honoring Ward Hussey and Larry Filson. These two men personify the notion of selfless public service.

In an era where staff on the Hill turn over like the leaves on a tree, the careers of Ward Hussey and Larry Filson stand out like great oaks in a forest. Their knowledge, their wisdom, their respect for and dedication to the House of Representatives as an institution is unparalleled. They are also people for whom no deadline is too short, no request too unreasonable. As they serve as an example to us all, they will be sorely missed.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 97, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THOMAS of California. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES RECOGNITION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 22) to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I yield to my friend and colleague, the gentlewoman from Ohio [Ms. OAKAR], who has been the chief sponsor of this resolution.

□ 1500

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

First of all, I want to say how delighted I am to see two new members on our committee who have already assumed leadership positions, my colleague, the gentleman from Ohio [Mr. SAWYER], the chairman of this distinguished committee, and the distinguished ranking minority member of the committee, the gentleman from Pennsylvania [Mr. RIDGE], both outstanding individuals, and I am proud to have the pleasure of serving with them on this committee.

Mr. Speaker, ironically, this resolution, which would designate March 6 to 12 "Federal Employee Recognition Week," is very appropriate. We have just seen and heard the distinguished individual and chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and his colleagues, herald two gentlemen who have served for many years as legislative counsel to the House of Representatives. They are among the people whom we are honoring today. We are honoring Federal employees, people who are civil servants, many of whom give a career, their lifetime, to the Government of this great country, and, Mr. Speaker, there are 3 million Federal employees, and about 2 million retirees.

Mr. Speaker, they are the reasons, I believe, that we are the greatest country in the world, because they have devoted themselves to civil service and Federal service, and I was pleased not only to hear the words of the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], about the two distinguished individuals who had served this House as counsel, but I was pleased that President Bush, as one of his first gestures he has made as President, was to pay tribute to Government employees.

However, I do want to take this opportunity while we are recognizing them to say that in the last few years in particular I have been somewhat dismayed to see the kinds of compensation that we give to our Government workers, always being at the cutting edge of our Government cuts in the budget.

In this year's proposal, for example, we see that, once again, there is going to be an attempt to deplete part of their pension and their health benefits and not give them the raise that we would give those who serve in the military, cut some of their health benefits and so on. This is not the way we ought to be treating people who serve the Government, and these people are not only the wonderful people who

serve as our staff, they are people who protect our borders, they are people who are our astronauts, and Sally Ride, for example, was a Federal employee, and those astronauts who were killed in service because of the space mishap were Federal employees; they are individuals who work at our military installations, they are individuals who, indeed, make sure that our older Americans and disabled Americans get their Social Security checks.

Mr. Speaker, it is about time, I think, we say thank you not only in terms of paying tribute to them during this recognition week, which I am delighted to have sponsored and had so many cosponsors, but it is about time we put our actions where our words are, and that is why I would urge my colleagues to take a look at the budget assaults and really save us the pain, I think, of once again taking out our budget cuts on the backs of those who serve us the best, and for this reason, I want to thank my distinguished chairman for paying tribute to all Federal employees.

Mr. Speaker, I thank the gentleman, because I know his remarks will be devoted to the two individuals who have served as Federal employees for many years.

Mr. Speaker, I will be placing the remainder of my remarks in the RECORD, and I will simply say "thank you" to our Government employees and "thank you" to the retirees who do and who have done such a great job for all Americans.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise in strong support of House Joint Resolution 22, to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week." I commend the sponsor of this resolution, Congresswoman OAKAR, for her tireless and longstanding efforts on behalf of the Federal work force.

As a new member of the Committee on Post Office and Civil Service, I am proud to join Ms. OAKAR in saluting our Federal employees.

Often in life, we take for granted the delivery of many services and benefits, not stopping to consider the real people who make these real services available through their hard work.

This is particularly the case with services we receive from the Federal Government.

Federal employees process the monthly benefits our senior citizens and veterans receive. They deliver the mail we receive almost daily. They guide thousands of planes in and out of airports, inspect factories and plants for adequate health and safety measures, and conduct research in the hope of finding a cure for life threatening diseases such as cancer and AIDS.

From the Federal Bureau of Investigation to the Drug Enforcement Administration, Federal employees put their lives on the line to reduce the flow of narcotics, the possession of illegal weapons, and the incidence of other criminal behavior which threatens the safety of our communities.

Day in and day out, Federal employees administer programs in housing, education, and job training, all of which will improve the standard of living and expand opportunities for many Americans.

We expect a lot from our Government, but the hard work of those who ensure the efficient operation of the Government often goes unrecognized.

Federal employees deserve our appreciation and recognition for the services they perform. Despite pay scales and benefits which do not keep pace with comparable private sector wages and benefits, Federal employees continue to serve their Government and the people of this Nation with loyalty, dedication, and genuine expertise.

I urge my colleagues to join the gentlewoman from Ohio [Ms. OAKAR] in setting aside next week to recognize and thank our Federal employees for improving the quality of life for all Americans.

Mr. RIDGE. Mr. Speaker, we have a $1 trillion Government, and we are fortunate to have 3 million Federal employees who are committed to delivering many of the services contained within that huge dollar figure by services to people in the communities we represent, and I join my colleagues in support of this resolution.

Mrs. MORELLA. Mr. Speaker, I would like to commend our colleague from Ohio for introducing House Joint Resolution 22 to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week."

The resolution rightly recognizes that the many valuable services performed by this highly talented, educated group of individuals are inadequately recognized, both by Federal officials and the public.

Without these employees, we would be a nation of laws without implementation. We, as a nation, are dependent on Federal employees for the smooth running and organization of each facet of our daily lives—our food and agriculture; the monitoring of the environment; the setting of standards of health products, weights and measurements; banking, securities, commerce, hospital care for veterans, Social Security benefits, and numerous other examples.

Federal employees very seldom get a simple "thank you" from the Federal officials, let alone the public. Nor are Federal employees appreciated in terms of monetary reward. They are paid an average of 26 percent behind their colleagues in the private sector. Furthermore, the President's budget proposal indicates only a 2-percent raise for Federal employees. This is no way to show appreciation for the Federal work force or to help bridge the pay gap. Holding the salary of the Federal work force to a minimum will also affect the retirement pay of these individuals and again, keep them at a lower economic level than their private sector counterparts. This is most unfair to those people who have chosen public service as their life's career. They know that they will not amass great wealth on a Federal salary. By the same token, the Federal Government should not keep them at a low level during and at the end of their career.

Again, Mr. Speaker, I want to commend the gentlelady from Ohio for her thoughtful recognition of Federal employees and am pleased to be a cosponsor of the measure. I urge my colleagues to approve the measure.

Mr. WOLF. Mr. Speaker, I rise in support of House Joint Resolution 22 which designates March 6–10 as "Federal Employee Recognition Week."

I represent a congressional district which has as many Federal employees and Federal retirees as any in the Nation. I am a former Federal employee myself, serving at the Department of the Interior before coming to Congress.

I can tell you from firsthand experience that civil servants are among the hardest working and most dedicated professionals this country has. They are highly regarded citizens who are activists and leaders in their communities.

Simply put, Federal employees perform jobs that are important and that the American people demand and rely on.

I believe it is only appropriate that we recognize our Nation's civil servants with this resolution which I am proud to support and cosponsor.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 22, which designates the week beginning March 6, 1989, as "Federal Employees Recognition Week."

Mr. Speaker, as the ranking Republican on the House Committee on Post Office and Civil Service it gives me a great deal of pleasure to stand here today to recognize our 3 million dedicated Federal employees. Federal employees have been an integral part of the American work force and have made numerous contributions toward our Nation's prosperity. Federal employees are dedicated men and women who perform a vital and valuable service to all Americans each day. They have invested many years developing the expertise and experience necessary to ensure that our needs, which are so often taken for granted, are met in the most efficient effective way.

Mr. Speaker, in recent years Federal employees have taken the brunt of criticism aimed at the Government. There have been repeated attempts to cut the pay and benefits of our Federal employees whose pay lags 25 percent behind the private sector. Yet, our Federal employees find Government service an honorable and rewarding career and continue to serve with dedication and commitment.

Mr. Speaker, "Federal Employees Recognition Week" provides this House with the opportunity to thank the men and women in Federal service as well as acknowledge their contributions to our Nation.

Mr. McMILLEN of Maryland. Mr. Speaker, I'd like to add my support for House Joint Resolution 22, "Federal Employees Recognition Week." The week, March 6–13, marks a time when we can pay special tribute to a group of people that get far less praise than they deserve.

There are 3 million Federal employees in this Nation—more than 50,000 living in the Fourth Congressional District. The tasks these people perform often go unnoticed by us, but are vital to the operation of important services we depend on everyday: the handling of Social Security checks; monitoring the skies over airports; and patrolling our shores in defense of the Nation. We have come to depend on these services, but often forget that there's a person who must do each and every task.

These unsung heroes of the Nation deserve a national thank you and a week to recognize their effort. Their job requirements often demand them to go above and beyond the call of duty. One group estimated that every year Federal employees donate between $600 and $800 million in uncompensated overtime. This, at a time when their pay and benefits are often reduced. Two years ago Federal employees' pay was temporarily frozen and retirees received no cost-of-living adjustment [COLA] for inflation. This year President Bush's budget is proposing a similar 1-year freeze on COLA's for Federal and military retirees as a means to balance the budget. These public servants are not the ones who should be expected to pay for the excessive budget deficits run up over the last 8 years.

Federal employees have contributed more than their share to the growth and betterment of America. Since 1945, 38 Nobel Prizes in medicine or physiology have been won by people employed by the Government or receiving Government support. It was a Census Bureau accountant who was responsible for one of the early breakthroughs in computers, and a Department of Defense scientist who developed the first integrated circuit.

Our Nation cannot begin to repay the debt to Federal employees and retirees. Their selfless service often goes unnoticed—but not this week. This week we pay tribute to these unsung heroes—a tribute that's long overdue.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 22

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than 3,000,000 individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be commemorated for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 6, 1989, is designated "Federal Employees Recognition Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1510

LEGISLATION TREATING SEMIAUTOMATIC ASSAULT WEAPONS IN SAME MANNER AS AUTOMATIC MACHINEGUNS

The SPEAKER pro tempore (Mr. HUTTO). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, on behalf of 33 other Members from both parties, including 18 from California, I am introducing today a bill which treats semiautomatic assault weapons in exactly the same manner as current law for full automatic machineguns.

Assault weapons are not traditional hunting weapons. Assault weapons have no practical value to a civilized society.

If anyone can tell me why the AK–47, the Uzi, the MAC–10, the TEC–9 shouldn't be treated in the same way that full automatic machineguns, please come forward.

Our pragmatic approach bans the future importation and domestic manufacture of a specific list of semiautomatic assault weapons, including the AK–47, the Uzi, the MAC–10, the TEC–9 and several other assault weapons recommended as the weapons of choice of drug dealers, violent criminals, and terrorists. Current ownership is grandfathered, with future purchasers required to go through the same steps as those for fully automatic machineguns: a background check and approval from local police, registration of the weapon, and payment of a $200 transfer tax.

These assault weapons are found in the cities of Beirut, Tripoli, and Johannesburg. They shouldn't be the drug dealer's weapons of choice the cities of Los Angeles, Oakland, or even Des Moines, IA.

Assault weapons are weapons of war; assault weapons are the weapons of drug dealers and violent criminals, they are the weapons of terrorists and psychopaths.

Enough is enough. It is time to close the loophole in the law and stand by the side of law enforcement, before more psychos mow down the next schoolyard.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, I would like to talk today about the budget submitted by the President. My talk will be incomplete because the budget is incomplete.

The first thing that ought to be noted is that George Bush began his term with the most extraordinary refusal to exercise the powers of the Presidency that we have seen in a long time. Many of us became, in 8 years, accustomed to Ronald Reagan insisting on his right as President to exercise the prerogatives of that office. Indeed, many conservatives who were once critics of the excessively powerful Presidency that they thought began with Franklin Roosevelt, many of these conservatives during the 1980's were critical of what they argued were congressional intrusions on legitimate Presidential prerogatives.

It was very surprising, therefore, to have George Bush begin his governance by submitting to us a budget in which he resolutely refused to tell us how he thinks a substantial amount of the Federal money ought to be spent. He is clear in some things. President Bush is clear that we should increase military spending this year in dollars sufficient to meet inflation, which is a far larger increase than he grants to almost any other part of the Federal budget.

President Bush was also clear that we should cut the Medicare budget which provides funds for the sick elderly by $5 billion, a cut which I believe unwise, which will clearly, in my judgment, have adverse consequences on the elderly who are sick, and on those who try to care for them.

But when it comes to the great bulk of programs that the Federal Government deals with, education, the environment, housing, transportation, a number of programs in that general Government area, many of which are quite important in carrying out social purposes, purposes to which the President pays allegiance, George Bush sent us the unbudget. What the President said was here is the amount that I think we have to cut, and it is a very substantial cut, and here are some programs. Now Congress, I am not going to tell you how much I think should be spent on any of them. I am only going to tell you in general that they ought to be cut.

Mr. Speaker, it is a failure of the most egregious sort on the part of the President to exercise his constitutional and statutory responsibilities, and it

bespeaks, unfortunately, a lack of courage on the part of the President.

What he was confronted with was a series apparently of internally inconsistent promises which he made during the campaign. He promised increased military spending. He promised to raise no taxes and, in fact, to lower some, capital gains for people who are wealthy, some others in the oil and gas industry. At the same time, the President said that he would increase spending in several domestic areas. He said he would increase spending for education, he would increase spending for the environment, he would give special tax breaks for day care, he would give special tax breaks in other areas.

What we got was a man who said he would be for more defense spending, cut some taxes and increase no others, an education and environment President. And he took office and he found, as many of us believed, that it was not possible to do all of those things.

What we got from President Bush was a very good speech, one which outlined a number of goals which most of us in the House adhered to, and I believe that to the extent there was disagreement with most of those goals it came on the Republican side because George Bush talked about a very active and affirmative Federal Government. The previous conservative position I thought was we should not have a Federal Education Department. George Bush represents a President who thinks that the Federal Government should strongly influence standards by which teachers are judged, eligibility, teacher certification. That is a very great reach forward of Federal influence. I welcome it.

The problem is that the gap that exists between George Bush's well-intentioned speech and George Bush's budget is enormous. We have been used to the trade deficit and the budget deficit. We now have the budget speech deficit from George Bush, because the budget he sent us simply does not carry out promises that he made.

He dealt with that in a way that seems to me wrong for the President of the United States. He did say, as I look at it, "I tell you that I want to cut taxes for these groups of people, and I tell you that I do not want to increase taxes in a single place elsewhere." George Bush is a rare man, Mr. Speaker, he can look at that Federal Tax Code and say that he cannot find in it a single loophole worth closing. He looks at the Federal Tax Code and says it is perfectly fair. There is not a group anywhere that is being at all undertaxed relative to the rest of us. There is not any group anywhere that is taking advantage of a nook here and a cranny there to pay too little.

I do not think that is accurate. But he is the President and he has the right to make his own recommendations.

But what that has led him into do is to take the great bulk of what we call the discretionary, domestic programs, education, job training, the environment, community development, housing, transportation, a very large number of programs to which he said, making rhetorical tribute in his speech, said to Congress, here, cut them some, but I will not tell you where I am going to cut them. It is transparently political in the worst way. What he is saying is that there is pain to be spread around, so Congress, you do it.

I am not suggesting that Congress ought to insist that the President do it alone. Of course, it will be the job ultimately of this body to say what the final cuts will be in the legislation which we will send to the President to sign or veto. But it has heretofore, since we adopted the Budget Act, always been considered the responsibility of the President also to say what are his priorities, and what George Bush says is "Well, I need you to make very bad cuts in education and in transportation and in the environment and housing and other areas, but I want to be kind and gentle, so I am not going to tell you where I am going to do it."

It is the most extraordinary refusal on the part of a President to exercise his legitimate authority that I have ever seen. It is, in short, an absolute abdication of the responsibility to exercise any leadership whatsoever.

But even in these times, the President had to make some choices. And the next thing to be noted is that to the extent that he did make some choices, because he could not avoid them altogether, he made choices which fail sadly to carry out his promises to improve our capacity to deal with social problems.

Let me at this point, Mr. Speaker, say I want to anticipate those who say is the gentleman saying that money is always the answer. Money is not in any case a sufficient way to deal with social problems. But in most cases, and absence of adequate resources hampers our ability to deal with problems.

What is interesting to me is some of my conservative friends who most frequently denigrate money as an indicator of support, who most frequently say we need not measure commitment to programs in money spent, when it comes to the single biggest spending category of the budget, the military budget, they take the exact opposite position.

When Ronald Reagan and those who supported him during the 8 years in office and those who continue to advocate that position talk about national defense their position is that you measure your commitment to it in dollars, among other things. That is not a wholly inaccurate. Although I do believe that as a result of the execssive rate of spending increases and the absolute lack of management we saw particularly under Secretary Weinberger when he focused his considerable energies almost exclusively on "more" and not at all on "better" or even "well," and I believe there is clearly room to economize.

But clearly all of us recognize that the more resources you put into a problem the better you will deal with that problem. Now those resources obviously will be better utilized if they are sensibly employed, but money is one relevant measure. And what George Bush has done is in almost every area, cut back further and further in areas that have already been hurt badly.

The Center on Budget and Policy Priorities, which does, I believe, consistently the best budget analyses, accurate, responsible, value-laden. They are people who think that the poorest people in this very wealthy society have some claim on the rest of us so that they do not live degraded existences. They believe, as I do, that in a country as wealthy as we are, with the free enterprise system which functions as well as ours does, we can afford some percentage of our resources to take care of those who would not otherwise be able to live minimally decent lives, particularly those for whom there is some reason other than personal sloth, which leads them to be in difficult situations.

Let me read, Mr. Speaker, from the most comprehensive budget analysis which they did, which I intend to append to my remarks at least in part. "An analysis of the Federal budget proposals unveiled February 9 by President Bush indicates that claims that the budget would make significant stride toward a 'kinder, gentler nation' must be treated with skepticism. The budget does contain some new domestic initiatives. However, a number of the new initiatives are either smaller than the administration's budget rhetoric would indicate, turn out not truly to represent increases when the budget numbers are carefully examined, or are actually new cuts that have been skillfully packaged and presented to appear as increases."

The problem, Mr. Speaker, is that George Bush's commitment to ever-increased military spending, coupled with his determination not to close a single hoophole in the Federal Tax Code, not to get an additional dollar from people who might be held not to be paying their fair share, leaves him no choice but to reduce our capacity as a Federal Government to protect the environment and provide help for the

homeless and provide other needy people with important aspects of their lives.

Let me go back to the center for Budget Priorities, or more accurately Center on Budget and Policy Priorities, "In addition, the majority of the domestic programs in the budget that are not entitlements, along with some that are entitlements, would be lumped together into one large category. Total spending or outlays for this category would be frozen in fiscal year 1990 at $136 billion, the same level as in fiscal 1989. The budget does not specify the amounts by which each program in this category should be reduced, a matter that is left for negotiations with Congress. However, to freeze total spending for this category of programs would require that substantial cuts be made in these programs below the level needed to maintain fiscal year 1989 service levels into fiscal 1990 after taking inflation into account." In other words, George Bush gives the military a full compensation for inflation and we are talking here—I should not say the military because I believe the individual members in the military are fully entitled to that. I believe that individual members who volunteer to serve this country under great danger many times, at considerable inconvenience and difficulty at almost all times, they are fully entitled individually to the compensation for inflation. But that does not mean that you have to compensate the entire defense establishment, contractors and everything else, for inflation. Remember we are talking here about continuing to give favored treatment in the budget to that element in the budget which has already received the biggest increases during the 1980's.

Pentagon spending has greatly increased. What George Bush is saying is that "I am going to fully protect them from inflation on top of the large amount they have already gotten to." Whereas programs like housing, environmental programs which were badly cut during the eighties, they will not even be given an inflationary factor.

Let me quote again from the Center on Budget and Policy Priorities in a release that they put out entitled "The Bush Defense Budget" dated February 16, 1989, "The burden of deficit reduction: Under the Bush budget defense would make only a small contribution to deficit reduction, $0.6 billion of the $27 billion in cuts needed to meet the fiscal year 1990 Gramm-Rudman-Hollings target."

I trust, Mr. Speaker, I may refer to those three distinguished Members of the Senate in their bill-named capacity. I hasten to point out that I make no comment on those three worthy gentlemen. I simply mention their names because that is the way in which we know the bill.

Let me go back now to quoting: "While defense accounts for more than 25 percent of Federal spending, it would contribute less than 3 percent to the required reductions. Defense might actually contribute nothing to deficit reduction, since Congressional Budget Office estimates of defense outlays are $3 billion higher than the administration.

"The small defense contribution leaves the bulk of reductions to be made by nondefense programs, since the administration has ruled out revenue increases.

"Under the Bush proposal defense budgets would make future deficit reduction efforts more difficult, because budget estimates are for 1 percent growth of budget authority in fiscal 1991 and 1992 and 2 percent in 1993."

That is the Center for Budget and Policy Priorities. Let me point out those last numbers they talk about are in addition to inflation. So they will compensate them more than inflation.

Here is where we are under this budget: Medicare; Medicare provides some, by no means all, some medical assistance to people who are 65 and sick. If you are 65 and not sick, you do not get anything from Medicare. People do not draw on their Medicare entitlement unless they are ill.

If you are 65 and sick, the George Bush budget says, "I am going to give you $5 billion less than we need just to stay where we are." Now older people who understand the reality of Medicare know that thanks to the Ronald Reagan budgets and our failure as a Congress to change them—now we did change them some. We made the Reagan budgets less harsh in their impact on the elderly for 8 years. For 6 years the other body was controlled by the Republican Party and they were allies, generally, of the President there. The last 2 years with Democratic control of both bodies we were able to lessen the harshness of the Reagan budget on the elderly.

George Bush wants to continue that path. He wants to give the military full compensation for inflation, the military which has already been substantially funded at a very high rate during the eighties, and he gets that in part by cutting medical care. People should understand that the cost of those Stealth bombers at hundreds of millions of dollars per plane, the costs of inefficiency and corruption at the Pentagon, the cost of the high fees which Pentagon contractors pay to lobbyists so that they can compete with each other for these large amounts of money, the costs of the strategic defense initiative which John Tower and George Bush have said they probably do not think will work as Ronald Reagan pictured it, one of the costs of all of those things is a cut in the money that goes to pay for the elderly sick.

Let me return to the discussion which the Center on Budget and Policy Priorities gives. They talk about the Bush new domestic initiatives, because remember the first point of the Bush budget is it fails to include the most essential elements of the budget. It does not tell us where the President thinks there should be cuts. It is a cowardly budget. It is a budget which gives up Presidential prerogatives of which we have heard so much. The President should be aware that he will sound somewhat hollow to many of us if in the future he insists that his prerogatives are being taken away when he voluntarily gave up more power than I have ever seen any President ever give up, when he said with regard to $136 billion in Federal spending, "Here is this pot, it needs to be substantially cut and don't look at me, guys, you are on your own, because it would be an unpopular thing to do and I am looking for a honeymoon to last another year or two."

The second point though is that even the areas where the President did indicate what he was going to do, the actuality is, sadly, not up to the standard of civility and humane public policy that the President set.

□ 1530

The thing I think it is important for us to use is the standard George Bush set for himself in the Inaugural Address and the State of the Union Address saying he wanted to do more for the environment and more for education, and talked how he would expand Medicaid benefits. We are measuring George Bush by the standards he deemed to be appropriate. He fails, sadly fails, by his own standards.

Here is what the Center on Budget and Policy Priorities says, and Mr. Speaker, it is my intention to submit these documents for the RECORD. I invite people on the other side, as public defenders of the President, to come forward in future days. Let us have the debate on the budget. I suppose they defend George Bush's refusal to tell us where he thinks the cuts should be made. That is their right. Let us talk about it.

I would like them to tell me they think it is okay to cut $5 billion out of Medicaid, and perhaps they can show me how, as the President said it would not hurt the recipients. I think that is wrong. I don't think we can further squeeze the providers, the doctors and nurses and administrators and others, and not have the negative impact on the recipients that we have already seen. But I will submit these and we will have discussion of them.

Let me read again from the Center on Budget Policy Priorities. "In a number of areas identified in the budget as new domestic initiatives, the actual proposals to move toward a

kinder, gentler Nation do not appear to match the rhetoric that accompanies them." Medicaid, "the budget proposes to expand coverage to reach poor, pregnant women and young children." Mr. Speaker, there is insignificant explanatory material about what that means. It says the Bush budget proposed to expand mandatory coverage for pregnant women and infants, which would be an increase, and also Medicaid covers for immunization for children up to age 5, not otherwise covered. But then, Mr. Speaker, we get the unfortunate kicker, "at the same time," and this is the Center on Budget and Policy Priorities, "at the same time, however, the Bush budget fails to include any new funds to cover these expansions. Every dollar is increased Medicaid funding to cover these expansions is offset by a dollar in new Medicaid cuts. As a result, the total amount requested for Medicaid is identical, to the dollar, to the amount the Office of Management and Budget has said is needed to fund Medicaid under current law without expansions."

The President came and stood in this Chamber and said, "I am proposing the following expansions of Medicaid," and he was speaking the truth when he said that. Sadly, he was not speaking the whole truth, because he did not tell us he was going to finance those expansions of Medicaid by cuts elsewhere in the program. So, yes, some poor people will be better off, and I welcome that, but they will be better off only because other poor people will be worse off, and that is not a morally acceptable way to govern a strong and wealthy and compassionate Nation, and not kind, and it is not gentle to pit the poor against each other. Certainly not when we are giving the military a continuation of the kinds of increases they have already gotten.

Let me go on, Mr. Speaker, and there is more here about education which will go in the RECORD, and move on to the area of education. President Bush said he wanted to be the education President. Let me read from the center again. "Despite the President's claim, the budget would not do more for education, and the inclusion of several modest new education initiatives, the overall education budget would be cut. Funding for the Department of Education will be cut $100 million below the levels needed just to keep even with inflation and to maintain the current level of educational services. According to the Bush budget, some $17.3 billion was appropriated fiscal year 1989. To keep pace with inflation and avoid reduction, $18 billion would be needed in 1990, but the budget proposes slightly less, $17.9 billion in 1990." Skipping a paragraph which I will include in the RECORD, let me read again, "Analysis by the Senate Budget Committee staff has found that the Bush request for this part of the budget is $100 million in outlays below the amount requested in the Reagan budget despite the presence of education and Head Start, areas the President said he would expand. Most other programs in this area are lumped into the category from which $9.6 billion reductions would be made, and more deeply than in the Reagan budget."

In other words, in what he submits there are cuts, and this is again in the area where the President said he refuses to tell us what he thinks is right, so it will be cut even more. That is where we are in the area of education.

Then we get to the area of housing and homelessness. I was struck during the political campaign when then-Vice President Bush said in response to Governor Dukakis, who was responding to a question on the homeless, "Governor," the Vice President said, "you are confusing the issue of the homeless and housing." I do not wish to dispute the Vice President's bad grammar. He said, "Governor, you are confusing the issue of the homeless and housing." Mr. Speaker, that is a subject and sentence worthy of contemplation. Think about it. We are confusing the issue of the homeless and housing. In other words, we should separate the issue of the homeless from the issue of housing. Mr. Speaker, that is why they are homeless. They have been separated from housing. I thought he must have misspoken. How can we talk about separating the homeless from housing. But I heard the speech on the budget, and in contrast to his predecessor, George Bush speaks with more compassion and understanding and intelligence about the homeless. He does not purport to believe that they are people who like the outdoors, who willfully refuse to take the bounty of a great Nation. He understands that there are problems, some in societal arrangements, some in their own persons, and he understands there are serious economic and social programs for which society has a great deal of responsibility leading to the homeless situation, and he said, unlike President Reagan, he would be for funding the McKinney Homeless Act, named for our late and extraordinarily compassionate, decent colleague, Stewart McKinney. The McKinney program, for those who know the homeless program, is a very important one. It filled the big missing gap in our policy. It is an emergency and short-term program by nature, by the design of Stewart McKinney, and provides very short-term emergency relief for people who are in great pain. George Bush said in his speech that he wanted to provide more counselors for the homeless, better shelters for the homeless, and job training, and promised to do several things for the homeless, and then I read the budget and he does in the budget propose to do some things for the homeless, but Mr. Speaker, none of them include getting them new homes.

This budget is a disaster from the standpoint of trying to provide housing for individuals.

Once again, it comes from a man who finds not a single loophole in the Federal budget worth closing, who apparently believes we have achieved absolute fairness in the tax law, who, in fact, would like to reduce some of the rates, he says ultimately, which is a gamble that we will be in any way, benefit wealthier people. About that, there is no doubt. The tax cuts George Bush proposes he believes will bring us more revenue, ultimately others think they will not. They will all clearly put more money in the short term in the pockets of the wealthy, and he proposes no way to counter that effect.

He is also a man who wants to continue the extraordinary buildup of spending for the military. You know, Mr. Speaker, nowhere in what George Bush has said since he became President, in the state documents and elsewhere, have I seen any indication that he thinks we should be getting a greater contribution on the international security burden from our very wealthy allies. I have seen no sign that President Bush plans to increase American pressure to get our European and Asian allies, many of whom are quite prosperous today, to share the defense, and I am not one who says we should force them to increase their own military spending, but I must say that if the Western Europeans feel menaced by the Warsaw Pact, I expect them to increase their own military spending. But if they do not feel menaced, do not. I do not understand why it is in our interest in insisting that they act menaced, to the tune of allowing us to spend billions and billions of dollars to defend them from the threat that they do not feel themselves is terribly pressing.

As far as Japan, it is not wise to urge them to increase their own military spending, but many areas which again could take over burden from us, they have begun to spend more on foreign aid that is overdue and welcome, but not enough. There are many more things to do, including payments to us, for burdens we undertake. There was never any reason for Ronald Reagan to have allowed the Japanese to receive the free escort service which we provided for them for so long. Not forever, but for so long when we sent our ships into the gulf.

□ 1540

There were good strategic reasons for us to do it. There were even better economic reasons for us to insist that

the Japanese contribute some. But George Bush apparently finds no fault with that situation. So he tells us we do not have enough money because we have to increase military spending; we cannot ask that we get the contribution from our wealthy allies.

How do we do that? We continue the assault on the housing area. Yes, the McKinney program will be increased, but the George Bush budget covers this, and let me now quote again from the Center on Budget and Policy Priorities: "The growing shortage of affordable low-rent housing is widely thought to be one of the principal causes of growing homelessness." This is my aside, Mr. Speaker: That is not an assertion of overwhelming controversiality, that one reason we have more homelessness is that there are many fewer units available that those people can afford to live in.

Now, the Center continues: "The budget proposals fail to address this problem—containing the same low-income housing proposals as the Reagan budget—and may actually aggravate it through the reductions proposed in the low-income housing programs." So once again they are in that box.

Mr. Speaker, as the Democratic Study Group pointed out in its most recent study of the budget dated February 27 and as the Center on Budget and Policy Priorities and others have pointed out, not only does the George Bush budget fail to live up to its own promises to be kinder and gentler, it is in several areas considerably worse overall than the Reagan budget by the standard George Bush has set. He is the one who said that we have got to be gentler and kinder. Kinder and gentler than what? Kinder and gentler than Herbert Hoover? Kinder and gentler than America in the 1890's or Britain in the 1920's? One assumes that when the President uses the comparative words, "kinder and gentler," he means then the 8 years that preceded him, and his budget fails to do that.

Mr. Speaker, for the last few years a very strange phenomenon has existed around here. A majority of my colleagues in both Houses voted for the bill known as Gramm-Rudman-Hollings, a bill which I never thought made an enormous amount of sense, and having voted for it, people then used it to scare small children and others who are impressionable. The argument would be that you must give in on this and you must give in on that or else you will get the invocation of the sequestration provisions of Gramm-Rudman-Hollings.

Mr. Speaker, it is hard to be definite at first because the Bush budget is such an example of an "unbudget," because George Bush so adamantly refuses to live up to his responsibilities as President that he will not tell us, let me remind the Members, Mr. Speaker, exactly or even approximately what programs should be cut, because he wants to get the political credit for those cuts being made but he does not want to identify the ones he thinks ought to be cut. That is a terrible failing in a democratic leader.

Mr. Speaker, I am pleased to see that my colleague, the gentlewoman from California [Mrs. BOXER], is here. She is one of the leaders on the Budget Committee in this House who is trying to get fair consideration and who is pointing out that the Gramm-Rudman-Hollings sequestration, which has been something people have been using with which to scare others, would actually have less social negative consequences on this country than if we were to adopt the George Bush budget.

Mr. Speaker, at this point, to elaborate on this, since she is one who has been leading the fight on sensible budget priorities, I yield to my distinguish colleague, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I want to commend the gentleman from Massachusetts [Mr. FRANK]. Once more, he is bringing to the public the issues of the day that are of utmost concern.

Mr. Speaker, we have had many diversions in the last couple of weeks. There is a very contentious nomination of a Defense Secretary being considered over in the other body. We have had the President off to Canada, then off to Japan, and then off to China, and in the middle of all this we are struggling with the President's budget.

As the gentleman from Massachusetts says, first of all, there was a big mystery as to what this budget really was. Second of all, we had heard some very nice words from the President. They were kinder words, they were gentler words, but behind the kinder words and the gentler words unfortunately lies a meaner and a harsher budget.

I was so elated when I heard the President making his first speeches, his inaugural speech, for example, and his speech to the joint session. He talked about children, he talked about the problems of drugs, and he talked about the horrors of the homeless people. Yet when we cut through this budget, what we find is an incredible fact. The man who says he wants to be the Education President, George Bush, has in his own budget stated through his own Education Secretary that what we have is actually a cut from last year when we figure in inflation. His education budget is 1½ percent up from last year's budget, but when we add in the 4½-percent inflation, it actually cuts education.

How is this investing in children? How is this kinder and gentler?

We also hear today that Mr. Darman, the OMB Director, states that we should use the Reagan cuts, that the Reagan cuts will now become the Bush cuts. Well, when we take a look at the list of those cuts, I say to my friend, the gentleman from Massachusetts—and I am sure he knows this well—the cuts are unbelievable. The cuts would include the Job Corps, the Low Income Home Energy Assistance Act, VA education benefits and medical care. The Legal Services Corporation would be wiped out. It would also include child welfare services, community services block grants, State student incentive grants, and the Job Corps. It is amazing.

I remember during the campaign that President Bush said—and perhaps the gentleman from Massachusetts remembers this—that the reason he was picking Senator QUAYLE to be Vice President was because of the very successful Job Training Partnership Act Program that the Senator had put together along with Senator KENNEDY.

Well, when we have Mr. Darman in front of the Budget Committee, I say to my friend, what we find out is that they do not even have a suggestion as to what that particular program ought to be budgeted at. They say, "Congress, you decide, because it is not really a priority for us," and they threw it in that pile of programs which they really do not think are that important and which we have even entitled "the blank box."

So here is a key program that supposedly led to the selection of DAN QUAYLE, and President Bush does not even have a number for it.

Mr. FRANK. Mr. Speaker, if the gentlewoman would permit me ask this, I gather we have gotten something new from Mr. Darman in today's budget hearing?

Mrs. BOXER. Yes.

Mr. FRANK. Previously with Mr. Darman so adamantly refusing to tell us where he thought the cuts should be, I thought that "OMB" now stood for "off my back," because that was where he was trying to get the burden of decisionmaking.

David Stockman was not everybody's favorite person around here, but David Stockman never tried to duck the responsibility. He said, "Cut here, but don't cut there."

But I gather that Mr. Darman now is prepared to tell us that after all this they are going to give us the Reagan budget, is that correct?

Mr. Speaker, I yield further to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, the press reports indicate, I would tell my friend, that that is correct, that they are going to use the Reagan cuts. For example, in the education program, what we now know is that the "Education President," Mr. Bush, has stated

he wants to put forward $400 million of new programs. Well, we applaud that. We are very happy to see that investment.

On the other hand, when we ask what the cuts are, we find he is going to cut $500 million. So we see new initiatives of $400 million, and he is cutting programs that really work—and I mentioned some of them before—to the tune of $500 million. When we get all through with it and we add a few things here and there, we essentially have no new programs in the Education Department that are going to make a whit of a difference.

So Mr. Darman has today told the press that we would use the Reagan cuts, and that is where we stand. I would like to say to the gentleman—and I am very pleased that he brought this up because I did send around this letter to our colleagues—that he is right, because when we look at the Gramm-Rudman cuts which were supposed to be so devastating, we find that the Bush budget is worse.

Mr. FRANK. In the nondefense area, of course?

Mrs. BOXER. That is correct. And I want to make this further point: When we look at the military spending that the Bush administration is putting forward, there is a $9 billion increase.

Mr. FRANK. And that is described to us as a freeze. A freeze to the military is a $9 billion increase, whereas an increase for education is a $100 million cut?

Mrs. BOXER. The gentleman understands it. This is a new kind of mathematics which is amazing to me. And as the gentleman points out, we continue to hear these beautiful words about being kinder and gentler and caring, and you look behind it, and what do we see? We find the same old guns-versus-butter type of budget cuts.

I want to point out to the gentleman that $9 billion to the military in increases in budget authority, compared to cuts in Medicare, cuts in many of these programs that I mentioned before on the domestic side of the budget, means that when we get through with it, what we find, I say to my friend, is that the cuts are at the ratio of 40 to 1, domestic spending taking 40 times more than defense spending in the Bush budget to get down to that Gramm-Rudman cut.

So it seems to me, I say to my friend, the gentleman from Massachusetts, that he has done a great service today, because I do not think the people understand this. This Bush budget is the best kept secret we have around here, and I think it is time people started to make them account for their own budget numbers.

□ 1550

Mr. FRANK. Mr. Speaker, I think the gentlewoman from California [Mrs. BOXER] is exactly correct, and I appreciate what she and others have done to educate me and our colleagues on this, but of course the President is very skillful at presenting himself. He is under no obligation to give the bad news. He did not take an oath to tell us in his speech the truth, the whole truth and nothing but the truth. He told us the truth and nothing but the truth.

However, Mr. Speaker, there were some truths that were extracted from that particular speech. As my colleagues know we have got the good news in the speech, and the bad news is in the budget.

However I do not fault them for failing to live up to their responsibilities in the democratic process for sending us that un-budget, for sending us a budget which mandates cuts in programs involved in the environment, and education and transportation and not saying where they want to do it.

As the gentlewoman from California [Mrs. BOXER] has pointed out, they have presented us with a situation in which, if we were forced to choose between their budget and sequestration, sequestration would be better. We are not, and, as I know, the gentlewoman agrees with me because she has been a leader in trying to make America stronger militarily by making our Pentagon more efficient, and I should say that, if it were not for the resistance which a number of people, one of whom is now the Vice President of the United States, had led to efforts that she was involved in a few years ago, we would have had a much more efficient Pentagon because we had a rejection of these efficiency reforms that she had.

However, Mr. Speaker, what is clear to us now is, if we look at the underspending that goes on in Asia and Europe militarily, if we look at the vast changes going on in the Soviet Union, we are spending under George Bush's budget billions and billions more than is rationally necessary for the military, and that is not just a waste. It is coming at the price of adequate spending in education, and we are continuing to goldplate the Pentagon while we impose great deprivation in other areas.

Mrs. BOXER. Mr. Speaker, if the gentleman from Massachusetts [Mr. FRANK] will yield on that point, I think the gentleman is exactly right.

As my colleagues know, this is an issue where I feel all of America is with us. When we talk to people about the various ways we can spend this Federal dollar, to a person, essentially they say, "Hold military spending. Don't give it any more dollars."

Mr. Speaker, I would like to pose something to the gentleman from Massachusetts [Mr. FRANK]. If the gentleman were in business and he knew that one of his subsidiaries of his corporation was full of waste, fraud and abuse; as a matter of fact, there were scandals surrounding that particular subsidiary, would the gentleman give that subsidiary full cover, full inflation, while starving the parts of his business that were really doing well?

Mr. FRANK. No, I certainly would not, and I would not hire to run that subsidiary someone who had gotten wealthy helping it stay the way it was over the last few years.

It is extraordinary because on the one hand, as the gentlewoman from California [Mrs. BOXER] clearly says, they acknowledge that there have been inefficiencies and there have been abuses, and at the same time they want to spend it not only—it is one of the few programs to get the full inflation increase this year.

The President says in the years to come, "Let Gorbachev be making cuts, and let the West Germans continue to spend 2 percent, or whatever, compared to our 6 percent of the GNP. We're going to go even above the inflation rate."

Mr. Speaker, that is on a basis which is already wildly inflated. It is a full inflation percentage increase on the most favored part of the Federal budget by far.

Mrs. BOXER. The gentleman from Massachusetts [Mr. FRANK] is correct, and I would like to say to the gentleman that we have to look at what has gone on before. We cannot put blinders on.

We have seen a 100-percent increase in this budget. When Jimmy Carter left office, it was 150 billion, and he had started a buildup that he had felt was necessary, and perhaps it was necessary to begin to look at some of the problems we were having at that time.

However suddenly, when President Reagan came in, we did not see steady growth that could be understood. We saw these wild periods of growth in which we had a 100-percent increase in nominal terms of the dollars going to the military.

Now I do not care how good the people were who are expending those dollars. When we put that kind of money into a program, it just simply is going to go awry.

Mr. Speaker, where I feel we are making a mistake now is we have got a golden opportunity; I say to the gentleman from Massachusetts [Mr. FRANK], to begin to say to the Pentagon, "Now is the time to reform."

Now we have had a gentleman by the name of Dick Godwin who was brought in as the first procurement czar. Now this is no liberal, this is no Democrat. This is a conservative Republican gentleman who happens to come from California who told the Committee on Armed Services that without cutting one weapons system

we could save $16 billion each and every year out of the military budget.

So what does President Bush do? He just throws another $9 billion instead of using this as a golden moment.

Mr. Speaker, the other point I would like to make is a point that the gentlewoman from Colorado [Mrs. SCHROEDER] has been making, as well as other Members of Congress, which involved burden sharing. Now I am not one of these people who think we can abandon our allies or anything else, but I can say from a $100 billion budget that goes to the NATO countries that it seems to me that we can look at the Pentagon right in the eye and say, "Let's collect about ten billion of that hundred billion, and why don't we try that for a number?"

Mr. FRANK. Absolutely.

The gentlewoman from California [Mrs. BOXER] is the mother of two wonderful children, who I have had the pleasure of meeting, and I want to pick up on her metaphor of nonabandonment. As a mother I know the gentlewoman has been very concerned. She and her husband have provided well for those children. At some point; let us say in 15 years when her children are in their thirties and both, being very bright, are earning large amounts of money. I do not think anyone would consider it abandonment if she stops fully supporting them.

Mr. Speaker, World War II has been over since 1945, and it is hardly abandonment for us to say to the NATO allies, and to Japan and others in Asia, "Look, what was appropriate for us in the immediate postwar aftermath when you were really infants in terms of economic capacity because of devastation in the war, and so it was legitimate for you to rely on us so heavily, but this is now a mutual enterprise," and we would not be abandoning our allies by insisting on some mutuality in bearing the burden any more than the gentlewoman from California [Mrs. BOXER] would be legally liable for abandoning her two very bright and self-sufficient offspring who are 35 years old and doing very well.

Mrs. BOXER. Mr. Speaker, I am going to make sure that my children read the statement of the gentleman from Massachusetts [Mr. FRANK] because I think the gentleman is on target here.

The point is abandonment is a good word because I think frankly in this country we have been adandoning our children for the last 8 years. We are losing them to drugs, we are losing them to teenage pregnancies, we are losing them to dropout rates, and the fact of the matter is that we have got an opportunity here, a golden moment in history, when burden sharing should really translate into saved dollars. We have military procurement reform, and I will quote the President.

The President said, "I want to wring the last dollar of waste out of this budget," and that should translate to dollars, and, if we can do that, I submit to the gentleman from Massachusetts [Mr. FRANK] that we can have a budget that truly invests in our people and one in which we have a strong defense that we can rely on and that is what I hope we will be working on in the future.

Mr. FRANK. Mr. Speaker, I thank the gentlewoman from California [Mrs. BOXER], and, Mr. Speaker, I am going to conclude at this point. I am struck again; the gentlewoman has the talent for picking out things that people say that illuminate when she quotes the President as saying that he was going to wring out the last dollar of waste. If we then look at what he proposes for the Pentagon, he apparently believes there is not a dollar of waste there because, not only is he going to save any money at the Pentagon, he is going to continue to favor them above any other government department in funds.

Mr. Speaker, we will be continuing this discussion of the Bush budget. Maybe we will get the President to tell us what he really things about some of these areas. In any case, we believe that there are a majority of us here who are not prepared to cut medical care, and cut environment and cut education, and, when the budget deliberations come forward, even the President can duck; his coparties over here cannot, and those issues will be put forward.

Mr. Speaker, at this point I yield back the balance of my time.

The documents referred to follow:

A MEANER, HARSHER AMERICA?—THE BUDGET SPEECH VERSUS THE BUDGET PLAN

Despite President Bush's rhetoric about a kinder, gentler America, it appears that, for the majority of domestic programs, his budget would require harsher cuts than either the final Reagan budget or automatic sequestration under the Gramm-Rudman law.

On February 9, in his budget speech to Congress, President Bush stressed his commitment to education, environmental protection, and programs to aid competitiveness. He also insisted that, for most government programs, his budget requires at most a freeze on overall spending.

However, as the analysis in this report demonstrates, for the majority of domestic discretionary programs the Bush "freeze" would actually require overall fiscal year 1990 appropriations to be cut well below the fiscal year 1989 level. And while the President's speech highlighted the small handful of education and environmental programs that he proposes to expand, his budget places most programs in these areas in the category to be cut, rather than expanded.

For domestic programs, the Bush budget would be more austere than Gramm-Rudman sequestration. While sequestration would require overall domestic outlays to be reduced by about $12 billion below baseline levels (based on Administration assumptions), the Bush budget appears to require an outlay reduction of $20-22 billion.

The Bush budget is also more austere than the fiscal year 1990 budget proposed by President Reagan. Although President Bush is seeking smaller savings in entitlements than sought by President Reagan, overall cuts in domestic discretionary programs would be almost twice as large under the Bush budget as under the Reagan budget.

This report illustrates the impact of the Bush plan on various specific domestic programs. For a more general analysis of the Bush budget, see DSG Special Report No. 101-3, "The Bush Black Box Budget," February 15, 1989.

The Bush budget proposal lumps most domestic discretionary programs [1] into a general category that budget analysts have begun calling the "black box". This category includes, for example, most aid to education, most environmental programs, job training, social services, highways, mass transit, veterans' medical care, and many agriculture programs. For this "black box" category, President Bush proposes that overall outlays in FY 1990 be no higher than overall outlays in FY 1989, with the details of spending for individual programs to be determined later.

Although President Bush characterizes his domestic proposal as a "freeze", its effects would be quite different from the budget freezes that have been used by Congress in the past several years to help meet deficit targets. What Congress has meant by a freeze is freezing appropriations (budget authority) at the previous year's level. Such a freeze produces savings by holding appropriations below the amount needed to keep up with inflation.

President Bush, however, wants his freeze to apply to outlays, rather than to appropriations (budget authority). Attempting to freeze outlays creates severe complications, and can require very substantial cuts in appropriations. The problem is that outlays in any given year often depend more on prior-year appropriations and on various other hard-to-control factors than they do on new appropriations.

Thus, for many programs, achieving an outlay freeze would require cutting FY 1990 appropriations not only below the amounts needed to keep up with inflation, but also substantially below the FY 1989 level. (See the Appendix on page 15 for a more detailed description of why an outlay freeze can require substantial budget cuts.) The net effect of attempting such an overall freeze on outlays would be substantially greater reductions in appropriations for domestic discretionary programs than would be required either by sequestration or by the FY 1990 Reagan budget.

IMPACT OF BUSH FREEZE ON DISCRETIONARY PROGRAMS

On the following pages are some examples of the severe impact that an outlay freeze of the type proposed by President Bush could have on key domestic programs. Additional examples are provided in the table begin-

[1] Discretionary programs are those where spending levels are determined through the annual appropriations process. The other basic budget category is entitlements, which are programs where spending levels are effectively determined through the eligibility rules and benefits formulas set by the substantive law governing the program. The majority of domestic programs fall into the discretionary category (although overall spending for entitlements is larger.)

ning on page 6 and in the accompanying graphs.

For illustrative purposes, these examples assume that the outlay freeze is applied on a program-by-program basis. While it is possible that, within the overall confines of the Bush proposal, some individual programs could receive outlay increases above a freeze level, the result would be to require cutting other programs by even more than the following examples indicate.

Compensatory Education—Compared to the level estimated by CBO as necessary to maintain current services, appropriations for the compensatory education program for disadvantaged children would be cut 46% under the Bush outlay freeze—compared to 8% under sequestration and 1% under the Reagan budget. (This 46% cut is necessary because most FY 1990 outlays in this program have already been set by prior-year commitments and new commitments must be dramatically scaled back to keep outlays level.)

Vocational & Adult Education—Appropriations for vocational and adult education would be cut by 44% below the CBO current services level under an outlay freeze. In contrast, the Reagan budget would have provided this program a full inflation adjustment, and the program would be cut 8% under sequestration.

Student Financial Assistance—Under the Bush outlay freeze, appropriations for financial assistance for needy students would be cut by 15% below the CBO current services level. Sequestration would require an 8% cut. The Reagan budget called for only a 3% cut.

Superfund—An outlay freeze would require an 83% cut in Superfund appropriations (which fund the cleanup of hazardous waste sites) below the CBO current services level for two related reasons: 1) under current policy, outlays would rise substantially between FY 1989 and FY 1990 due to large increases in appropriations in recent years; and 2) most of the FY 1990 outlays have already been set by prior-year commitments, requiring drastic cuts in new appropriations to keep outlays level. By contrast, the Reagan budget had targeted Superfund for a 17% increase in appropriations above a current services level.

EPA Pollution Abatement and Compliance—Under the Bush outlay freeze, appropriations for the pollution abatement, control, and compliance activities of the EPA would be cut 18% below the CBO current services level. In comparison, the program would be reduced by 8% under sequestration and by 6% under the Reagan budget.

National Parks—Compared to the level required to maintain current services, freezing outlays for National Parks operations would require cutting appropriations by 7%. The Reagan budget had only proposed a 3% cut in these appropriations.

Job Training—Appropriations for job training services, important in improving the labor force's productivity, would suffer a 34% cutback below the CBO current services baseline under the Bush outlay freeze (again, because more FY 1990 outlays in this program have already been set by prior-year commitments.) Under sequestration, this program would be cut by 8%, and under the Reagan budget, by only 1%.

Aid to Highways—Under the Bush outlay freeze, appropriations for federal aid to highways would be cut by 7% below the current services level. In contrast, the Reagan budget would have provided this program a full adjustment for inflation.

Energy Supply R&D—Compared to the current services baseline, appropriations for energy supply research and development, critical to the country's future economic competitiveness, would be cut by 9% under the Bush outlay freeze, 8% under sequestration, and 3% under the Reagan budget.

WIC—The Bush outlay freeze would require a cutback of 5% below the current services baseline in appropriations for the Special Supplemental Food Program for Women, Infants, and Children (WIC). By contrast, the Gramm-Rudman law protects this program from sequestration, allowing it a full inflation adjustment.

Maternal and Child Health Block Grant—Compared to the current services baseline, appropriations for the Maternal and Child Health Block Grant would be cut by 7% under the Bush outlay freeze, 8% under sequestration, and 4% under the Reagan budget.

Veterans' Medical Care—The Bush outlay freeze requires cutting appropriations for veterans' medical care by 9% below the current services baseline. In comparison, the Gramm-Rudman law limits the application of sequestration to veterans' medical care—with the result that sequestration would only result in a 3% cut in this program.

BUSH'S PROPOSALS FOR ENTITLEMENT PROGRAMS

The Bush budget plan adopts many of President Reagan's proposals for cuts in entitlement programs, including the following:

$5 billion in FY 1990 outlay savings in Medicare, through changes in formulas for paying hospitals, doctors, and other providers of services and through increasing premiums paid by beneficiaries so that they continue to cover 25% of costs.

$4.7 billion in FY 1990 outlay savings in various programs affecting federal employees and retirees, through reducing the government contribution to employee health benefit programs, cancelling the FY 1990 cost-of-living adjustment in civilian and military pensions, and eliminating the option for retirees to take their pension benefits in a lump sum.

$1.9 billion in FY 1990 outlay savings in farm price and income support programs.

The Bush plan does not adopt certain other entitlement cuts proposed by President Reagan, including cuts in Medicaid and child nutrition programs. It makes up for this, however, by requiring even larger cuts in non-entitlement programs than those recommended by President Reagan.

For entitlement programs, the Bush budget would be considerably harsher than automatic sequestration under Gramm-Rudman. Overall, sequestration in FY 1990 would impose cuts of roughly $4 billion in outlays for entitlements (based on Administration assumptions), while the Bush plan calls for cuts of about $13 billion in entitlement outlays. For Medicare, for example, sequestration would require a cut of about $1.5 billion in FY 1990 outlays, while the Bush budget proposes a cut of $5 billion.

THE BUSH DEFENSE BUDGET: CONTRIBUTES LITTLE TO DEFICIT REDUCTION AND POSTPONES TOUGH CHOICES

The zero real growth defense budget proposed by President Bush for FY 1990 would make no significant contribution to federal deficit reduction. In addition, the Bush budget projects defense growth above inflation beginning in FY 1991, which would add to future deficits. The unrealistic expectation of future defense growth permits the military services to begin production of a series of new military hardware programs. This message, "freeze now, get well later," is a dangerous illusion for defense planners. Lower defense budgets, which are likely in the future, will severely constrain future defense choices.

THE BURDEN OF DEFICIT REDUCTION

Under the Bush budget, defense would make only a small contribution to deficit reduction: $0.6 billion of the $27 billion in cuts needed to meet the FY 1990 Gramm-Rudman-Hollings target. While defense accounts for more than 25 percent of federal spending, it would contribute less than 3 percent to the required reductions. Defense might actually contribute nothing to deficit reduction, since Congressional Budget Office estimates of defense outlays are approximately $3 billion higher than the Administration's estimates. The small defense contribution leaves the bulk of reductions to be made by non-defense programs since the Administration has ruled out significant revenue increases.

Under the Bush proposal, defense budgets would make future deficit reduction efforts more difficult. Budget projections are for 1 percent growth budget authority in FY 1991 and 1992 and 2 percent growth in 1993.

PROJECTED FUTURE BUDGET GROWTH ENCOURAGES EXPENSIVE NEW WEAPONS PROGRAMS

While there are no programmatic details of Bush's defense budget proposal, the real growth projected for FY 1991-1993 in the Bush budget constitutes an illusory "freeze now, get well later" budgetary strategy with dangerous implications for defense planning. If defense planners anticipate future growth in the defense budget, they will avoid making the tough choices that are necessary this year.

The illusion of future growth permits defense planners to begin or continue new military hardware programs at low or inefficient rates of production in the expectation of receiving adequate production funding in the future. Once these "new starts" are underway, they are difficult to cancel. The fiscal demands for such programs, however, will put serious pressures on funding for military readiness, sustainability and force structure.

A "FLEXIBLE FREEZE"

The FY 1990 Bush budget proposal, called a "flexible freeze," uses the term "freeze" in different ways for different programs. For the defense budget, the freeze uses the FY 1989 appropriation level as a base, adding inflationary growth. But for a number of non-defense discretionary programs, the freeze uses FY 1989 levels outlays as a base and provides no increase for inflation. According to Center on Budget and Policy Priorities analysis, The Bush Budget: Progress Toward a Kinder, Gentler America?, holding these outlays constant could require substantial in budget authority below FY 1989 levels. There are also potential budgetary reductions in the entitlement programs. The net result of the Bush budget would permit defense spending to grow while most of the non-defense discretionary spending would be cut below current levels.

PROPOSED BUSH "SPENDING FREEZE" WOULD CUT NON-ENTITLEMENT PROGRAM APPROPRIATIONS BELOW A FREEZE LEVEL AND CUT ENTITLEMENTS $2.3 BILLION MORE THAN REAGAN'S BUDGET

The impact of the domestic spending "freeze" contained in the Bush Administration budget unveiled last week is substantially deeper than initial reports indicated.

The Bush budget proposes to lump most of the domestic programs that are not entitlements, along with a number of entitlement accounts, into one large program category. Total spending (or outlays) for this category would be held to $136 billion in FY 1990, the same level as in FY 1989 without any adjustment for inflation.

The Administration has said that freezing spending for these programs at the $136 billion level would require cutting spending for these programs by $9.6 billion below the levels needed to maintain their current services levels after taking inflation into account.

New information concerning the freeze includes the following:

While *outlays* for the programs in this category would be frozen at FY 1989 levels, this would require cutting total appropriations for the non-entitlement programs in the category *below* the FY 1989 level. OMB director Richard Darman has suggested two possible ways of looking at the freeze as it applies to non-entitlement programs: assuming that FY 1990 outlays for each program are frozen at the FY 1989 level or assuming that the Reagan budget proposals are used for these programs. If outlays are frozen for each domestic discretionary program subject to the freeze, total appropriations for these programs would have to be cut $1.9 billion below the FY 1989 level (i.e., below an "appropriations freeze" level), according to information from OMB.

If the Reagan budget proposals for these programs were adopted (an approach that produces an outlay freeze for the domestic discretionary programs subject to the freeze, although not for the entitlement programs covered by the freeze), total appropriations for these programs would have to be cut $4.6 billion below the FY 1989 appropriations level.

To freeze overall outlays for the entitlements in the freeze category would require cutting the outlays for these programs by *$2.3 billion more than under the Reagan budget.* This represents an 18.4 percent reduction for these programs from the Reagan budget. This $2.3 billion in additional savings does *not* include the effect of freezing cost-of-living adjustments in federal retirement programs or of freezing the federal share of state administrative costs in AFDC or food stamps, since those proposals were also included in the Reagan budget.

Part of the $2.3 billion (in entitlement savings below the Reagan budget) apparently comes from assuming virtually no funding at all for the employment and training programs for welfare recipients that were established by the welfare reform legislation enacted in October 1988. Since states are not yet operating under the authority of this new law (federal regulations to implement it have not yet been issued), very little if any expenditures will be incurred under the law in FY 1989. If FY 1990 spending for these programs is frozen at the FY 1989 level, hardly any money will be available to implement these programs next year.

The welfare reform law mandated that up to $800 million be made available to states for these programs in FY 1990. There are state matching requirements in the law, and the Reagan budget assumed $350 million would actually be used in FY 1990. Most or all of this $350 million disappears under the assumptions of the Bush freeze. (The Reagan budget documents project zero outlays for this account in FY 1989.) Of course, it could be provided as a result of negotiations with Congress, but then other programs would have to be cut below a spending freeze level.

The largest chunk of the $2.3 billion comes from assuming that outlays will be frozen for the Postal Service Fund. Under normal U.S. Postal Service operations, outlays from this fund are projected to rise about $2 billion in FY 1990. Freezing the outlays from this fund would likely require the Postal Service to raise the price of stamps to make up the lost revenue.

Among the program accounts that would be subject to a freeze is the account that funds the costs of running the Social Security program through Social Security district offices. As a result, total funding for Social Security is $100 million lower in the Bush budget than it was in the Reagan budget.

The Center's latest analysis also finds that the widely reported statement—that the budget uses the term "freeze"to include inflation when it is talking about defense but excludes inflation when the term "freeze" is applied to the domestic side of the budget—explains only part of the budget gimmickry being used. In the defense area, the analysis notes, the term "freeze" means an appropriation level equal to the FY 1989 level plus inflation. In the domestic area, the term "freeze" means an outlay (or spending) level equal to the FY 1989 level without any adjustment for inflation, which (as noted) requires cutting domestic program appropriations below the FY 1989 level.

The analysis also examines a number of other aspects of the Bush Administration budget.

APPOINTMENT OF LEGISLATIVE COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair announces to the House that, pursuant to section 521 of the Legislative Reorganization Act of 1970 (2 U.S.C. sec. 282), he has appointed David E. Meade, Legislative Counsel of the U.S. House of Representatives, effective March 1, 1989.

APPOINTMENT AS MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 94-371, as amended, the Chair appoints as member of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House:

Mr. PEPPER of Florida;
Mr. SCHEUER of New York;
Mr. FISH of New York; and
Mr. GREEN of New York.

APPOINTMENT AS MEMBERS OF THE NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT

The SPEAKER. Pursuant to section 6160(b) of Public Law 100-690, the Chair appoints to the National Advisory Commission on Law Enforcement the following Members on the part of the House:

Mr. EDWARDS of California;
Mr. HUGHES of New Jersey;
Mr. GEKAS of Pennsylvania; and
Mr. SMITH of Mississippi.

□ 1600

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, February 28, 1989.

Hon. JIM WRIGHT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:30 p.m. on Tuesday, February 28, 1989 and said to contain a message from the President whereby he transmits the National Policy Agenda for calendar year 1989; and an addendum to the Twenty-ninth Annual Report on the Trade Agreements Program.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

NATIONAL TRADE POLICY AGENDA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-33)

The SPEAKER laid before the House the following message from the President of the United States; which ws read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, February 28, 1989, at page S1804).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOLLOWAY) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 60 minutes, on March 2, 7, 8, 9, 14, 15, and 16.

Mr. GINGRICH, for 60 minutes, on March 2.

Mr. WALKER, for 60 minutes, on March 2.

Mr. WEBER, for 60 minutes, on March 2.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mr. KOSTMAYER, for 60 minutes, on March 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DOWNEY, to revise and extend his remarks on House Resolution 97.

(The following Members (at the request of Mr. HOLLOWAY) and to include extraneous matter:)

Mr. DORNAN of California.
Ms. SCHNEIDER.
Mr. KOLBE.
Mr. SCHULZE in two instances.
Mr. ARMEY.
Mrs. MORELLA.
Mr. SHAYS.
Mr. WHITTAKER.
Mr. GALLEGLY.
Mr. ARCHER.
Mr. GREEN.
Mr. BOEHLERT.
Mr. LIGHTFOOT in three instances.
Mr. ROTH.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. MORRISON of Connecticut.
Mr. LAFALCE.
Mr. SOLARZ in two instances.
Mr. HAMILTON.
Mr. PEPPER.
Mr. FALEOMAVAEGA.
Mr. LEHMAN of Florida.
Mr. SMITH of Florida in five instances.
Mrs. BOXER.
Mr. MCMILLEN of Maryland.
Mr. ATKINS.
Mr. GUARINI in two instances.
Mr. RICHARDSON.
Mr. STARK in three instances.
Mr. WAXMAN in two instances.
Mr. DORGAN of North Dakota.
Mr. JOHNSTON of Florida.
Mr. THOMAS A. LUKEN.
Mrs. COLLINS.
Mr. SCHUMER.

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), under its previous order the House adjourned until tomorrow, Thursday, March 2, 1989, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

677. A letter from the Secretary of Education, transmitting the biennial report listing those colleges and universities which requested and received a waiver of the low average educational and general expenditures criterion in order to be designated as eligible to receive grants under this title, pursuant to 20 U.S.C. 1067(a)(2); to the Committee on Education and Labor.

678. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed renewal of a lease for defense articles to Pakistan (Transmittal No. 13-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

679. A letter from the Acting Assistant Secretary (Management), Department of the Treasury, transmitting a report on the administration of the Freedom of Information Act for the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

680. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the quarterly report of the number of waivers granted refugees and a summary of the reasons for their grant, covering the fourth quarter of fiscal year 1988, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

681. A letter from the Under Secretary of State for Management, Department of State, transmitting the eighth annual report on the implementation of the Foreign Service Act of 1980, pursuant to 22 U.S.C. 4173; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

682. A letter from the Chairman, Federal Election Commission, transmitting the Commission's supplemental budget request for fiscal year 1989 and adjusted budget request and testimony for fiscal year 1990, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House Administration and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY (for himself, Mr. KANJORSKI, Mr. GONZALEZ, Mr. CLAY, Mr. MURTHA, Mr. YATRON, Mr. KLECZKA, Mr. MANTON, Mr. TOWNS, Mr. TRAFICANT, Mr. RITTER, Mr. BEVILL, Mr. FLIPPO, Mr. BOEHLERT, Mr. MARTINEZ, Mr. HARRIS, Mr. HENRY, Mr. RAHALL, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. BRYANT, Mr. STENHOLM, Mr. MCCURDY, Mr. GARCIA, Mr. OWENS of New York, Mr. BONIOR, Mr. CLINGER, Mr. FAUNTROY, Mr. WALGREN, Mr. FUSTER, Mr. WATKINS, and Mr. GALLO):

H.R. 1179. A bill to establish a corps of administrative law judges to preside at certain Federal proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. FAUNTROY, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. SCHUMER, Mr. FRANK, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. TORRES, Mr. KLECZKA, Mr. KANJORSKI, Mr. HUBBARD, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. PELOSI, Mr. LAFALCE, Mr. MCDERMOTT, and Mr. NEAL of Massachusetts):

H.R. 1180. A bill to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMEY (for himself and Mr. FAUNTROY):

H.R. 1181. A bill to amend the United States Housing Act of 1937 to expand the capability of resident management corporations to purchase public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY (for himself and Mr. ARMEY):

H.R. 1182. A bill to amend the United States Housing Act of 1937 to provide for maximum economic rents applicable to all residents of public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY (for himself, Mr. WEBER, Mr. LEWIS of Georgia, and Mr. ARMEY):

H.R. 1183. A bill to amend part D of title IV of the Job Training Partnership Act to direct the Secretary of Labor to target $5,000,000 out of funds appropriated for such part for employment training and entrepreneurial activities administered by resident management corporations and tenant organizations at public housing projects; to the Committee on Education and Labor.

By Mr. ANDREWS (for himself, Mr. PICKLE, and Mr. ARCHER):

H.R. 1184. A bill to suspend temporarily the duty on furniture, seats, and parts thereof of unspun fibrous vegetable materials; to the Committee on Ways and Means.

By Mr. ATKINS (for himself, Mr. MOAKLEY, Mr. MARKEY, Mr. STUDDS, Mr. MAVROULES, Mr. BROWN of California, Mr. BEILENSON, Mr. WAXMAN, Mr. CONTE, Mr. DONNELLY, Mr. KENNEDY, Mr. FAUNTROY, Mr. GEJDENSON, Mr. BATES, Mr. OWENS of New York, Mr. MINETA, Mr. RAVENEL, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Ms. SCHNEIDER, Mrs. BOXER, Mr. GARCIA, Mr. DYMALLY, Mr. YATES, Mr. UDALL, Ms. PELOSI, Mrs. COLLINS, and Mr. CARPER):

H.R. 1185. A bill to establish national standards for the manufacture and labeling of certain plumbing products in order to conserve and protect water resources, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BENTLEY:

H.R. 1186. A bill to amend the Defense Production Act of 1950, as amended, to prohibit the Department from acquiring transportation services from countries which are signatories to the Warsaw Pact; jointly, to the Committee on Banking, Finance and Urban Affairs and Armed Services.

By Mrs. BOXER (for herself, Mr. EDWARDS of California, Ms. OAKAR, Mr. DE LUGO, Mr. FRANK, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. FUSTER, Mr. AKAKA, Mr. SCHEUER, Mr. TOWNS, Mr. OWENS of New York, Ms. PELOSI, and Mr. SAVAGE):

H.R. 1187. A bill to establish a Federal Council on Women; to the Committee on Government Operations.

By Mrs. BOXER (for herself, Mr. HYDE, Ms. KAPTUR, Ms. PELOSI, Mr. FAUNTROY, Mr. ATKINS, Mr. LAFALCE, Mr. THOMAS A. LUKEN, Mr. HENRY, Mr. HERTEL, Mr. MCGRATH, Mr. BEREUTER, Mr. DEFAZIO, and Mr. PAXON):

H.R. 1188. A bill to establish certain provisions with respect to the discouragement of commercialized childbearing; to the Committee on the Judiciary.

By Mr. BRENNAN:

H.R. 1189. A bill to add Casco Bay, Maine to the list of estuaries that receive priority

consideration under the Federal Water Pollution Control Act; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. STARK (for himself, Mr. FAZIO, Mr. EDWARDS of California, Mr. LEHMAN of California, Mr. CAMPBELL of California, Mr. WAXMAN, Mr. MATSUI, Mr. MARTINEZ, Mrs. BOXER, Mr. BROWN of California, Mr. DYMALLY, Mr. DELLUMS, Mr. ROYBAL, Mr. BERMAN, Mr. MINETA, Mr. BATES, Ms. PELOSI, Mr. BEILENSON, Mr. MILLER of California, Mr. LEVINE of California, Mr. SHAYS, Mrs. MORELLA, Mr. GREEN, Mr. RANGEL, Mr. HOYER, Mr. FEIGHAN, Mr. MOODY, Mr. SMITH of Florida, Mr. DONNELLY, Mr. HOCHBRUECKNER, Mr. YATES, Mr. WEISS, Mr. COYNE, and Mr. FASCELL):

H.R. 1190. A bill to amend chapter 44 of title 18, United States Code, to include semiautomatic assault weapons and large capacity ammunition feeding devices, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DEFAZIO (for himself, Mr. AUCOIN, Mr. CRAIG, Mr. STALLINGS, and Mrs. UNSOELD):

H.R. 1191. A bill to authorize the States to prohibit the export of unprocessed logs harvested from lands owned or administered by States; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, Mr. RAHALL, Ms. SCHNEIDER, Ms. OAKAR, Ms. KAPTUR, Mrs. KENNELLY, Mr. STARK, and Mrs. MORELLA):

H.R. 1192. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; jointly, to the Committees on Government Operations and the District of Columbia.

By Mr. DORGAN of North Dakota:

H.R. 1193. A bill to amend the Internal Revenue Code of 1986 to treat rural electric or telephone cooperatives in the same manner as other cooperatives for purposes of the book income preference under the minimum tax; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 1194. A bill to establish procedures to ensure housing and neighborhoods free of drug trafficking and related acts of violence; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HALL of Texas (for himself and Mr. BARTON of Texas):

H.R. 1195. A bill to establish certain requirements with respect to the Superconducting Super Collider project; to the Committee on Science, Space, and Technology.

By Mr. FORD of Tennessee:

H.R. 1196. A bill to suspend until January 1, 1993, the duty on iohexol; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. HYDE, Mr. STENHOLM, Mr. DE LUGO, Mr. OXLEY, Mr. DANNEMEYER, Mr. QUILLEN, Mrs. MARTIN of Illinois, Mr. DENNY SMITH, Mr. DERRICK, Mr. GALLO, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. SHUMWAY, Mr. DONALD E. LUKENS, Mrs. BENTLEY, Mrs. VUCANOVICH, Mr. BUNNING, Mr. THOMAS of California, Mr. EMERSON, Mr. MARTIN of New York, Mr. BROWN of Colorado, Mr. MCEWEN, Mr. DREIER of California, Mr. COBLE, Mr. HILER, Mr. COSTELLO, Mr. BARTON of Texas, Mr. BLAZ, Mr. LEWIS of California, Mr. WELDON, Mr. BROOMFIELD, Mr. SMITH of New Hampshire, Mr. SOLOMON, Mr. ROBINSON, Mr. IRELAND, Mr. HANSEN, Mr. BILIRAKIS, Mr. PAYNE of Virginia, Mr. WOLF, Mr. NIELSON of Utah, Mr. DORNAN of California, Mr. HUNTER, Mr. ROWLAND of Connecticut, Mr. INHOFE, Mr. NEAL of North Carolina, Mr. HARRIS, Mr. LOWERY of California, Mr. LIPINSKI, Mr. DEWINE, Mr. KYL, Mr. MOORHEAD, Mr. SHAW, Mr. ARMEY, Mr. MARTINEZ, Mr. LENT, Mr. PACKARD, Mr. MCGRATH, Mr. HASTERT, Mr. PICKETT, Mr. DUNCAN, Mr. WALKER, Mr. ROE, Mr. TAUZIN, Mr. HEFLEY, Mrs. PATTERSON, Mr. WILSON, Mr. RHODES, Mr. PARRIS, Mr. FAWELL, Mr. BURTON of Indiana, Mr. BUECHNER, Mr. STUMP, Mr. FLIPPO, Mr. FIELDS, Mr. SCHAEFER, Mr. KOLBE, Mr. HOUGHTON, Mr. BAKER, Mr. BLILEY, Mr. HERGER, Mr. HOLLOWAY, Mr. DAVIS, Mr. MCCRERY, and Mr. PASHAYAN):

H.R. 1197. A bill to provide the penalty of death for certain killings of Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 1198. A bill to amend the country of origin marking law requiring that imported manhole rings of frames, covers, and assemblies thereof be marked on the top surface; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. RIDGE, Mr. STAGGERS, Mr. BRENNAN, Mr. ROWLAND of Connecticut, Mr. ROBINSON, Mr. FLORIO, and Mr. EVANS):

H.R. 1199. A bill to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses; to the Committee on Veterans' Affairs.

By Mr. DONNELLY (for himself, Mr. DOWNEY, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. FLIPPO, Mrs. KENNELLY, Mr. COYNE, Mr. CRANE, Mr. FRENZEL, Mr. VANDER JAGT, Mr. ANDREWS, Mr. MCGRATH, Mr. CHANDLER, Mr. GUARINI, Mr. MATSUI, Mr. DORGAN of North Dakota, Mr. MINETA, and Mr. MACHTLEY):

H.R. 1200. A bill to extend for three years the period during which qualified mortgage bonds and mortgage credit certificates may be issued; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 1201. A bill to establish a program to provide funds for employment of unemployed individuals to repair and renovate educational facilities, and for other purposes; to the Committee on Education and Labor.

H.R. 1202. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of a certain portion of amounts received as annuities, pensions, or other retirement benefits by individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 1203. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions which include unemployment compensation in gross income; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. LEVIN of Michigan, and Mr. VANDER JAGT):

H.R. 1204. A bill to clarify that certain technical assistance grants shall be treated for Federal tax purposes as being made for a charitable purpose; to the Committee on Ways and Means.

By Mr. LEHMAN of Florida (for himself, Mr. WOLF, Mrs. SCHROEDER, and Mr. RANGEL):

H.R. 1205. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for adoption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. LIGHTFOOT:

H.R. 1206. A bill to amend the Public Health Service Act to prohibit the Secretary of Health and Human Services—and any officer or employee of the Public Health Service—from disclosing to the Congress, without the consent of the patient involved, patient identifying information in medical records acquired or created by the Public Health Service; to the Committee on Energy and Commerce.

H.R. 1207. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to establish programs to assist the Food and Drug Administration in recruiting distinguished scientists and individuals in health professions as employees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS A. LUKEN (for himself and Mr. WHITTAKER):

H.R. 1208. A bill to amend the Federal Railroad Safety Act of 1970 to provide for drug and alcohol testing for railroad employees; to the Committee on Energy and Commerce.

By Mrs. MEYERS of Kansas:

H.R. 1209. A bill to exclude Members of Congress from the quadrennial pay adjustment procedures under the Federal Salary Act of 1967; to provide that cost-of-living adjustments for Members may not exceed 3 percent a year; and to establish certain requirements relating to any legislation which would adjust the rate of pay for Members; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Mr. RIDGE (for himself, Mr. ATKINS, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BATES, Mrs. BENTLEY, Mr. BEREUTER, Mr. BEVILL, Mr. BILBRAY, Mr. BLILEY, Mr. BONIOR, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BUNNING, Mr. BURTON of Indiana, Mrs. BYRON, Mr. BRYANT, Mr. CAMPBELL of Colorado, Mr. CHANDLER, Mr. CHAPMAN, Mr. CHENEY, Mr. CLEMENT, Mr. CLINGER, Mr. COBLE, Mr. COMBEST, Mr. COSTELLO, Mr. COURTER, Mr. COYNE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LUGO, Mr. DERRICK, Mr. DORNAN of California, Mr. EMERSON, Mr. ERDREICH, Mr. FLIPPO, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GALLO, Mr. GALLEGLY, Mr. GAYDOS, Mr. GEKAS, Mr. GLICKMAN, Mr. GORDON, Mr. GRANT, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Louisiana, Mr. HEFLEY, Mr. HENRY, Mr. HILER, Mr. HOLLOWAY, Mr. HORTON, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JENKINS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LENT, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MCDADE, Mr. MCEWEN, Mr.

McGRATH, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURPHY, Mr. NIELSON of Utah, Mr. OWENS of New York, Mr. OXLEY, Mr. PACKARD, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PENNY, Mr. PICKETT, Mr. PORTER, Mr. RAY, Mr. RHODES, Mr. RINALDO, Mr. ROBINSON, Mr. ROE, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mrs. SAIKI, Mr. SAVAGE, Mr. SCHAEFER, Mr. SHAW, Mr. SHUMWAY, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SOLOMON, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of Florida, Mr. SPRATT, Mr. STALLINGS, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. TORRES, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WATKINS, Mr. WHITTAKER, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. YATRON, and Mr. YOUNG of Florida)

H.R. 1210. A bill to prevent the mailing of unsolicited sexually oriented advertisements, and for other purposes; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. RITTER:

H.R. 1211. A bill to require that the Director of the Office of Management and Budget include a reference to Easton, PA, in the official title of the metropolitan statistical area of which it is a part; to the Committee on Post Office and Civil Service.

By Ms. SCHNEIDER:

H.R. 1212. A bill to establish a program of demonstration grants to local educational agencies to promote the implementation of plans to reduce class size; to the Committee on Education and Labor.

By Mr. SCHULZE:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 with respect to health benefits for retired workers; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mrs. BOGGS, Mr. MURTHA, and Mr. ANTHONY):

H.R. 1214. A bill to amend the Internal Revenue Code of 1986 to provide a fixed rate of interest on the postponed estate tax attributable to a reversionary or remainder interest in property included in the estate; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. KLECZKA):

H.R. 1215. A bill to amend title 18, United States Code, to eliminate special privileges accorded prison industries in the purchase of goods by Federal agencies; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mrs. LLOYD, Mr. MOORHEAD, and Mr. MORRISON of Washington):

H.R. 1216. A bill to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

By Mr. SLAUGHTER of Virginia (for himself and Mr. WALGREN):

H.R. 1217. A bill to establish a Science, Mathematics, and Research Technologies Scholarship Program; to the Committee on Science, Space, and Technology.

By Mr. SMITH of Texas:

H.R. 1218. A bill to amend the Internal Revenue Code of 1986 to require principal campaign committees to pay the same rate of tax as other political organizations; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 1219. A bill to amend the Internal Revenue Code of 1986 to repeal the employee benefit plan nondiscrimination rules added by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 1220. A bill to suspend for a 5-year period the duty on certain brown, orange, and violet dyes; to the Committee on Ways and Means.

By Mr. STANGELAND:

H.R. 1221. A bill to stimulate employment through the creation of rural enterprise zones designated by the Secretary of Housing and Urban Development, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Ways and Means; and the Judiciary.

By Mr. STARK:

H.R. 1222. A bill to increase the penalties for banking fraud; to the Committee on the Judiciary.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 1223. A bill to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska):

H.R. 1224. A bill to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992; to the Committee on Merchant Marine and Fisheries.

H.R. 1225. A bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 through fiscal year 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI (for himself, Mr. FLORIO, Mrs. ROUKEMA, Mr. COURTER, Mr. DE LUGO, and Mr. FOGLIETTA):

H.R. 1226. A bill to amend the Federal Aviation Act of 1958 to prohibit the takeoffs and landings of subsonic aircraft exceeding certain noise limits; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH (for herself, Mr. BILBRAY, Mr. DORNAN of California, Mr. HANSEN, Mr. LEWIS of California, Mr. SKEEN, Mr. KOLBE, Mr. STUMP, Mrs. BENTLEY, Mr. DEFAZIO, and Mr. MILLER of Ohio):

H.R. 1227. A bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. LEWIS of California, Mr. HAMILTON, Mr. COURTER, Mr. FLORIO, Mr. SAXTON, Mr. CAMPBELL of Colorado, Mr. PALLONE, Mr. BROOKS, Mrs. BOXER, Mr. MADIGAN, Ms. PELOSI, and Mr. BRUCE):

H.J. Res. 165. A joint resolution disapproving the recommendations of the Commission on Base Realignment and Closure; to the Committee on Armed Services.

By Mr. DE LA GARZA:

H.J. Res. 166. Joint resolution to designate the third week in June 1989 as "National Dairy Goat Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. SIKORSKI, and Mr. KLECZKA):

H.J. Res. 167. Joint resolution to designate March 16, 1989, as "Freedom of Information Day"; to the Committee on Post Office and Civil Service.

By Mr. LIGHTFOOT:

H.J. Res. 168. Joint resolution designating September 21, 1989, as "National Farm Safety Day for Kids"; to the Committee on Post Office and Civil Service.

By Mr. MATSUI (for himself, Mr. LOWERY of California, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mr. COELHO, Mr. DYMALLY, Mr. FAZIO, Mr. HAWKINS, Mr. LEHMAN of California, Mr. MARTINEZ, Mr. MINETA, Mr. PANETTA, Ms. PELOSI, Mr. TORRES, Mr. WAXMAN, Mr. BATES, Mr. LEVINE of California, Mr. MILLER of California, Mr. EDWARDS of California, Mr. ROYBAL, Mr. FAUNTROY, Mr. OWENS of New York, and Mr. HORTON):

H.J. Res. 169. Joint resolution designating April 8, 1989, as "Chief Justice Earl Warren Day"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 170. Joint resolution designating May 1989 as "National Digestive Disease Awareness Month"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY:

H. Con. Res. 64. Concurrent resolution expressing the sense of the Congress with respect to human rights in Poland; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 96. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ROSTENKOWSKI (for himself, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. GEPHARDT, Mr. DOWNEY, Mr. GUARINI, Mr. RUSSO, Mr. PEASE, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. DONNELLY, Mr. COYNE, Mr. ANDREWS, Mr. LEVIN of Michigan, Mr. MOODY, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. FRENZEL, Mr. SCHULZE, Mr. GRADISON, Mr. THOMAS of California, Mr. MCGRATH, Mr. BROWN of Colorado, Mr. CHANDLER, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, and Mr. SHAW):

H. Res. 97. Resolution expressing the gratitude of the House of Representatives for the service of Ward M. Hussey and Lawrence E. Filson; considered and agreed to.

By Mr. MILLER of California:

H. Res. 98. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the first session of the One Hundred First Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

22. By the Speaker: Memorial of the General Assembly of the Commonwealth of Virginia, relative to requiring out-of-state mail order vendors to collect sales tax; to the Committee on the Judiciary.

23. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to grant funding for combined sewer overflow control; to the Committee on Public Works and Transportation.

24. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to aircraft maintenance; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOXER:

H.R. 1228. A bill for the relief of Howard W. Waite; to the Committee on the Judiciary.

By Mr. JOHNSTON of Florida:

H.R. 1229. A bill for the relief of James B. Stanley; to the Committee on the Judiciary.

By Mr. McGRATH:

H.R. 1230. A bill for the relief of Jocelyne Carayannis and Marie Carayannis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. HUGHES.

H.R. 5: Mr. CLAY, Mrs. COLLINS, Mr. DEFAZIO, and Mr. LANTOS.

H.R. 22: Mr. JONES of North Carolina.

H.R. 30: Mr. MOAKLEY, Mrs. UNSOELD, and Mrs. LOWEY of New York.

H.R. 32: Mr. SCHUMER and Mrs. PATTERSON.

H.R. 48: Mr. CAMPBELL of California and Mr. TORRES.

H.R. 70: Mr. RIDGE, Mr. EMERSON, Mr. POSHARD, Mr. LIVINGSTON, Mr. DEWINE, Mr. ECKART, Mr. BAKER and Mr. GILLMOR.

H.R. 100: Mr. MCEWEN, Mr. LAGOMARSINO, Mr. CHAPMAN, Mr. STEARNS, and Mr. PACKARD.

H.R. 112: Mr. INHOFE.

H.R. 118: Mr. CRANE, Mr. ROE, Mr. DORGAN of North Dakota, Mr. PACKARD, and Mr. TORRES.

H.R. 191: Mr. GALLO, Mr. GUNDERSON, Mr. SKEEN, Mr. ARMEY, Mr. CRAIG, Mr. COX, Mrs. VUCANOVICH, Mr. FAWELL, Mr. HYDE, Mr. BUECHNER, Mr. FIELDS, Mr. UPTON, Mr. DE LUGO, and Mr. LIGHTFOOT.

H.R. 192: Mr. CONTE.

H.R. 210: Mr. CROCKETT.

H.R. 211: Mr. TRAFICANT and Mr. CROCKETT.

H.R. 212: Mr. ATKINS and Mr. EDWARDS of California.

H.R. 214: Mr. NEAL of North Carolina, Mr. TOWNS, and Mr. CROCKETT.

H.R. 215: Mr. LOWERY of California, Mr. ROSE, Mr. HORTON, and Mr. MCCLOSKEY.

H.R. 216: Mr. FRANK, Mr. EDWARDS of California, and Mr. EVANS.

H.R. 239: Mr. FAUNTROY, Mr. BAKER, Mr. CARPER, Mr. SAXTON Mr. TOWNS, Mr. BORSKI, Mr. CROCKETT, Mr. ECKART, Mr. DONALD E. LUKENS, and Mr. GORDON.

H.R. 270: Mr. VALENTINE.

H.R. 271: Mr. SMITH of Texas.

H.R. 311: Mr. DORNAN of California, Mr. ROWLAND of Connecticut, Mr. HENRY, Mr. ROE, Mr. PAXON, and Mr. HUNTER.

H.R. 377: Mr. THOMAS of Georgia, Mr. RIDGE, Mr. POSHARD, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. WHITTAKER, and Mr. SMITH of Texas.

H.R. 381: Mr. POSHARD and Mr. HUNTER.

H.R. 403: Mr. GALLO, Mr. SMITH of Florida, and Mr. BARNARD.

H.R. 461: Mr. RAVENEL, Mr. BALLENGER, and Mr. SMITH of New Hampshire.

H.R. 463: Mr. SOLOMON.

H.R. 466: Mrs. MARTIN of Illinois and Mr. LANCASTER.

H.R. 505: Mr. BEVILL, Mr. MILLER of Ohio, Mr. MARTIN of New York, Mr. GALLEGLY, Mr. DUNCAN, Mr. LOWERY of California, Mr. HUGHES, Mr. BOEHLERT, Mr. BILBRAY, Mr. HUNTER, Mr. LEWIS of California, Mr. HANSEN, Mr. CARR, Mr. NEAL of Massachusetts, Mr. DIXON, Mr. OBERSTAR, Mr. SCHEUER, Mr. FISH, Mr. OLIN, Ms. KAPTUR, Mr. MOORHEAD, Mr. POSHARD, and Mrs. MARTIN of Illinois.

H.R. 518: Mr. BENNETT, Mr. MARTIN of New York, Mr. GALLEGLY, Mr. GILLMOR, Mr. MOORHEAD, Mr. ROBERT F. SMITH, Mr. SHAYS, Mr. STENHOLM, Mr. GEKAS, Mr. MILLER of Washington, Mr. WALKER, Mr. RAHALL, Mr. THOMAS of Georgia, and Mr. YATRON.

H.R. 545: Mr. BONIOR, Mr. KASTENMEIER, Ms. SCHNEIDER, Mr. LEVIN of Michigan, and Mr. SMITH of Florida.

H.R. 563: Mr. HAYES of Louisiana, Mr. STOKES, Mrs. KENNELLY, Mr. POSHARD, Mr. COSTELLO, and Mr. PERKINS.

H.R. 634: Mrs. COLLINS, Mr. SHUSTER, Mr. PRICE, Mr. MAVROULES, Mr. CAMPBELL of Colorado, Mr. HUNTER, Mr. PARKER, Mr. SMITH of Texas, Mr. PACKARD, Mr. PORTER, Mr. ROBINSON, and Mr. HAMILTON.

H.R. 636: Mr. DEFAZIO, Mr. FAUNTROY, Mr. MARKEY, Mr. MFUME, Mr. TOWNS, Mr. CLAY, Ms. PELOSI, and Mr. EVANS.

H.R. 658: Mr. MOLLOHAN and Mr. TAUZIN.

H.R. 743: Mr. CHENEY.

H.R. 746: Mr. ECKART, Mr. FASCELL, and Mr. HOLLOWAY.

H.R. 770: Mr. CONTE, Mr. ENGEL, Mr. PALLONE, Mr. ROWLAND of Connecticut, Mr. TORRICELLI, and Mr. WILSON.

H.R. 797: Ms. KAPTUR, Mr. FRANK, and Mr. HUGHES.

H.R. 843: Mr. DANNEMEYER.

H.R. 848: Mr. STANGELAND, Mr. DYMALLY, and Mr. WHITTAKER.

H.R. 855: Mr. LEWIS of Georgia, Mr. MILLER of Ohio, Ms. KAPTUR, Mr. LAFALCE, and Mr. TAUZIN.

H.R. 872: Ms. PELOSI, Mr. ATKINS, Mr. BONIOR, Mr. MCDERMOTT, Mr. FOGLIETTA, Mr. KOLTER, Mr. HERTEL, Mr. OBERSTAR, Mr. BATES, Mr. EVANS, Mr. MILLER of Ohio, and Mr. WILSON.

H.R. 901: Mr. MCCLOSKEY, and Mr. SMITH of Mississippi.

H.R. 927: Mr. TOWNS, Mr. CHAPMAN, Mrs. MEYERS of Kansas, Mr. HENRY, Mr. HERTEL, Ms. SLAUGHTER of New York, Mr. TORRICELLI, Ms. PELOSI, and Mr. BOEHLERT.

H.R. 951: Mr. ACKERMAN, Mr. AKAKA, Mr. ATKINS, Mr. AUCOIN, Mrs. BOGGS, Mr. BOUCHER, Mrs. BOXER, Mr. DEFAZIO, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ESPY, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FLORIO, Mr. FRANK, Mr. FUSTER, Mr. GILMAN, Mr. GEJDENSON, Mr. HOCKBRUECKNER, Mr. JACOBS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. MFUME, Mr. MOAKLEY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Ms. PELOSI, Mr. PENNY, Mr. RANGEL, Mr. RHODES, Mr. RICHARDSON, Mr. ROE, Mr. ROYBAL, Mr. STARK, Mr. STUDDS, Mr. TORRES, Mr. UDALL, Mr. WILSON, Mr. WOLPE, and Mr. YATES.

H.R. 952: Mr. BEILENSON, Mr. BLAZ, Mr. DE LUGO, Mr. INHOFE, Mr. TAUKE, Mr. NIELSON of Utah, Mr. GRANDY, Mr. EVANS, Mr. LEACH of Iowa, and Mr. SKELTON.

H.R. 962: Mr. ARCHER, Mr. BATES, Mr. BILIRAKIS, Mr. CHENEY, Mr. CRANE, Mr. DICKINSON, Mr. GEKAS, Mr. HOUGHTON, and Mr. LEWIS of California.

H.R. 982: Mr. HUBBARD, Mr. MILLER of California, Mr. ROWLAND of Connecticut, Mr. PERKINS, Mr. BRYANT, Mr. AKAKA, Mr. BUSTAMANTE, Mr. APPLEGATE, Mr. CARDIN, Mr. DELLUMS, Mr. CLARKE, Mr. AUCOIN, Mr. FAUNTROY, Mr. BOSCO, Mr. HAMMERSCHMIDT, Mr. CARPER, Mr. SOLOMON, Mr. WHEAT, Mr. ROBINSON, Mr. CARR, Mr. SANGMEISTER, Mr. MORRISON of Connecticut, Mr. MAZZOLI, Mr. MCDADE, Mr. MCCURDY, Mr. FISH, Mr. MURPHY, Mr. NAGLE, Mr. PICKETT, Mr. SKELTON, Mr. GRANDY, Mr. ALEXANDER, Mr. COLEMAN of Texas, Mr. KLECZKA, Mr. LENT, Mr. WYLIE, Ms. SLAUGHTER of New York, Mr. JACOBS, Mr. NEAL of North Carolina, Mr. OWENS of Utah, Mr. MANTON, Mrs. KENNELLY, Mr. DEWINE, Mr. DEFAZIO, Mr. TAUZIN, Mr. FLORIO, Mr. PALLONE, Mr. HOCHBRUECKNER, Mr. ROE, Mr. PENNY, Mr. HILER, Mr. RINALDO, Mr. WOLPE, Mr. SKEEN, Mr. IRELAND, Mr. ERDREICH, Mr. HALL of Ohio, Mr. RIDGE, Mr. CHANDLER, Mr. LEATH of Texas, Mr. HATCHER, Mr. DAVIS, Mr. ROBERTS, Mr. COSTELLO, Mr. ROSE, Mr. MARTIN of New York, Mr. SABO, Mr. STALLINGS, Mr. GAYDOS, Mr. FROST, Mr. HOUGHTON, Mr. CONTE, Mr. ROBERT F. SMITH, Mr. STUDDS, Mr. FLIPPO, Mr. DERRICK, Mr. RAHALL, Mr. SMITH of Vermont, Mr. MOLINARI, Mr. ROYBAL, Mr. HAMILTON, Mr. HANSEN, Mr. MURTHA, Mr. MRAZEK, Mr. PORTER, Mr. HAYES of Illinois, Mr. LANTOS, Mr. PEASE, Mr. LEACH of Iowa, Mr. HERTEL, Mrs. JOHNSON of Connecticut, Mr. SMITH of Florida, Mr. SAXTON, Mr. RAY, Mr. DIXON, Mr. TAUKE, Mr. BALLENGER, Mr. MAVROULES, Mr. MOAKLEY, Mr. LANCASTER, Mr. ANTHONY, Mr. JOHNSON of South Dakota, Mr. KASTENMEIER, Mr. DICKS, Mr. HOLLOWAY, Mr. TRAFICANT, Mr. HAYES of Louisiana, Mr. MCEWEN, Mr. MCHUGH, Mr. WILSON, Mr. RITTER, Mr. SAVAGE, Mrs. COLLINS, Ms. SCHNEIDER, Mr. MOLLOHAN, Mr. JAMES, Mr. WOLF, Mr. MORRISON of Washington, Mr. GEJDENSON, Mr. NATCHER, Mr. HENRY, Mr. RICHARDSON, Mr. KOLTER, Mr. VALENTINE, Mr. HOYER, Ms. PELOSI, Mr. FRANK, Mr. EMERSON, Mr. BRENNAN, Mr. STOKES, Mr. WALGREN, Mr. TOWNS, Mr. WALSH, Mrs. SMITH of Nebraska, Mr. VOLKMER, Mr. SISISKY, Mr. GLICKMAN, Mr. ROWLAND of Georgia, Mr. GOODLING, Mr. OLIN, Mr. NOWAK, Mr. THOMAS of Georgia, Mr. HASTERT, Mr. MCCOLLUM, Mr. CAMPBELL of Colorado, Mr. TRAXLER, Mr. TALLON, Mr. CALLAHAN, Mr. HUGHES, Mr. DARDEN, Mr. KANJORSKI, Mr. DOWNEY, Mr. BOUCHER, Mrs. PATTERSON, and Mr. FIELDS.

H.R. 1041: Mr. SCHUMER, Mr. DYMALLY, Mr. EVANS, Mr. MCNULTY, Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. HAYES of Louisiana, Mr. CHAPMAN, Mr. TORRES, Mr. FAWELL, and Mr. LEHMAN of Florida.

H.R. 1074: Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. HANSEN, Mr. DYMALLY, Mr. EVANS, Mr. ATKINS, Mr. GARCIA, Mr. LELAND, Mr. ROE, Mr. MRAZEK, Mr. BILIRAKIS, Mr. MANTON, Mrs. COLLINS, Mr. SAXTON, Mr. AKAKA, Mr. ROYBAL, Mr. NOWAK, Mr. OWENS of New York, Mr. ACKERMAN, Mr. GORDON, Mr. SMITH OF Florida, Mr. MCDERMOTT, Mr. BATES, Mr. FAUNTROY, Mr. MCCLOSKEY, Mr. FASCELL, Mr. HENRY, Mr. KOLTER, Mr. HAWKINS, Mr. MARKEY, Mr. TORRES, Mr. MFUME, Mrs. BOXER, Mr. CONYERS, Mrs. SAIKI, and Mr. SISISKY.

H.R. 1078: Mr. BUECHNER, Mr. EVANS, Mr. MILLER of California, Mr. OBERSTAR, Mr. PANETTA, Mr. DYMALLY, Mr. DOWNEY, and Mr. SMITH of Florida.

H.R. 1079: Mr. ROWLAND of Connecticut and Mr. DE LUGO.

H.R. 1082: Mr. HOCHBRUECKNER, Mr. GOODLING, Mr. PETRI, Mr. JAMES, Mr. LAGOMARSINO, and Mr. HASTERT.

H.R. 1100: Mr. BRUCE, Mr. COSTELLO, Mr. GORDON, and Mr. HENRY.

H.R. 1140: Mr. FLORIO and Mr. BEVILL.

H.J. Res. 3: Mr. MCEWEN, Mr. LAGOMARSINO, Mr. CHAPMAN, Mr. STEARNS, Mr. PACKARD, and Mr. SMITH of Mississippi.

H.J. Res. 22: Mr. FROST, Mr. BROWN of California, Mr. TALLON, and Mr. SISISKY.

H.J. Res. 34: Mrs. MARTIN of Illinois.

H.J. Res. 77: Mr. FLIPPO, Mr. PARKER, Mr. LEACH of Iowa, Mr. PORTER, Mr. HUTTO, Mr. GINGRICH, Mr. NELSON of Florida, and Mr. BEVILL.

H.J. Res. 110: Mr. COBLE and Mr. CRANE.

H.J. Res. 123: Mr. HAMILTON, Mr. SCHIFF, Mr. MCCURDY, and Mr. BURTON of Indiana.

H.J. Res. 127: Mr. COBLE.

H.J. Res. 132: Mr. BRUCE, Mr. CAMPBELL of Colorado, Mr. THOMAS A. LUKEN, Mr. SHAW, Mr. BROWN of Colorado, and Mr. WYDEN.

H.J. Res. 150: Mr. MONTGOMERY, Mr. BLILEY, Mr. SCHIFF, Mr. THOMAS of Georgia, Mr. MCGRATH, Mr. HORTON, Mr. HUGHES, Mr. BURTON of Indiana, Mr. LANCASTER, Mr. DORNAN of California, Mr. MURTHA, Mr. BENNETT, Mr. PAXON, Mr. MCDADE, Ms. KAPTUR, Mr. NATCHER, Mr. EMERSON, Mrs. SAIKI, and Mr. RIDGE.

H.J. Res. 154: Mr. WHEAT, Mr. SHAYS, Mr. DOWNEY, Mrs. MORELLA, Mr. INHOFE, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. CONTE, Mr. MARTINEZ, Mr. FEIGHAN, Mr. NEAL of Massachusetts, Mr. MORRISON of Connecticut, Mr. RAHALL, Mr. SIKORSKI, Mr. DEFAZIO, Mr. FRENZEL, Mr. LOWERY of California, Mr. PALLONE, Mr. BAKER, Mr. KOLTER, Mr. KOSTMAYER, Mr. SPRATT, Mrs. KENNELLY, Mr. KENNEDY, Mr. WOLPE, Ms. SNOWE, Mr. MCMILLEN of Maryland, Mr. FAUNTROY, Mr. DIXON, Mr. PORTER, and Mr. GREEN.

H. Con. Res. 1: Ms. SLAUGHTER of New York.

H. Con. Res. 7: Mr. SMITH of Mississippi.

H. Con. Res. 13: Mr. MARTIN of New York, Mr. SMITH of Mississippi, Mr. NELSON of Florida, Mr. BAKER, Mr. EMERSON, and Mr. GILLMOR.

H. Res. 41: Mr. BARNARD, Mr. BEVILL, Mr. BILIRAKIS, Mr. DERRICK, Mr. GRANDY, Mr. MADIGAN, Mr. MARLENEE, Mr. POSHARD, Mr. PRICE, Mr. ROTH, Mr. ROWLAND of Georgia, Mr. SCHAEFER, Mr. SMITH of Mississippi, Mr. SPENCE, Mr. THOMAS of Georgia, Mr. WEBER, Mr. WYLIE, and Mr. YOUNG of Alaska.

SENATE—*Wednesday, March 1, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Omnipotent God, perfect in truth and justice, to whom all are ultimately accountable, let truth and justice prevail in this place, today and in the days to come. In the name of the incarnate truth, Lord of righteousness. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today at 12 noon the Senate will turn to the consideration of the nomination of Dr. Louis Sullivan to be Secretary of Health and Human Services. The Senate will conduct a 15-minute rollcall vote on that nomination beginning at 1 p.m.

Upon disposition of the Sullivan nomination, it had been my intention to proceed to the Tower nomination. I have just been advised that the nomination of Admiral Watkins to be Secretary of Energy is now out of committee and available for Senate consideration, if unanimous consent can be obtained, and that it appears likely that we will be able to achieve that consent with a 20-minute consideration of the Watkins nomination, followed by a 15-minute rollcall vote.

Therefore, it is my intention, following the consideration of the Sullivan nomination, to seek unanimous consent to proceed to the Watkins nomination for 20 minutes of debate, equally divided, to be followed by a 15-minute rollcall vote.

Mr. President, once the Senate has completed its business today, it is my intention to recess the Senate over until 9:15 a.m. on Thursday, March 2.

On Thursday, a joint meeting of Congress will be held at 10 a.m. in the House Chamber to commemorate the 200th anniversary of the first meeting of Congress. At 9:45 a.m., the Senate will proceed as a body to the House Chamber for the joint meeting.

Mr. President, I inquire of the distinguished Republican leader whether he has any objection to the schedule as I have indicated and, particularly, to proceeding to consideration of the Tower nomination, which, as he knows, I announced last week following consultation with him, and have since repeatedly stated was my intention.

Mr. DOLE. Mr. President, as I understand, we will do the Sullivan nomination and then the Watkins nomination, and then it would be the majority leader's hope to proceed to the Tower nomination. I can indicate to the majority leader that I will be meeting with some of my colleagues, hopefully, between 1 and 2 o'clock, and I would be in a position to indicate to him at that time whether we can proceed to the Tower nomination today or tomorrow.

I think we probably can waive part of the 48-hour rule, and we may be able to waive it all, but I will be in a position to indicate that to the majority leader, I hope, by 2 or 2:30.

Mr. MITCHELL. Under the schedule outlined, we should complete action on Watkins close to 2, so it is probably best and appropriate that we defer consideration until about 2, and at that time, I hope to hear from the distinguished leader.

Mr. DOLE. I might also ask the majority leader something we may want to discuss later on, that if we proceed to the Tower nomination, either today or tomorrow, will we be in session on Friday, and could there be votes on Friday and then Monday? That is something we can discuss later.

Mr. MITCHELL. That is fine. I will look forward to that.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. MITCHELL. Mr. President, when the Senate votes on the nomination of John Tower to be Secretary of Defense, I will cast my vote against confirmation of the nomination.

The threshold question each of us must answer is, What standard do we apply to nominations? The Constitution specifies none. No law prescribes one. In the end, each of us is left to his or her own conscience and interpretation of history.

In researching this question in connection with a prior nomination, I came across the following statement by the author G. Calvin MacKenzie in his book entitled "The Politics of Presidential Appointments." I offer it for consideration by all Senators:

> The most elementary of the purposes for which the confirmation process is used is that of examining and passing judgment on the character and competence of the President's nominees. Evaluating nominees is not, however, a simple matter. For one thing, most of the individuals nominated by the President are intelligent and accomplished members of the political, economic, or academic communities. In recent times, at least, most nominees would satisfy even the most stringent minimum qualifications for public service. And yet the question that must be asked by the Senate is not whether these are "good" men or "good" women, but whether a particular individual possesses the necessary and appropriate qualifications to serve in a particular position. The question of "fitness" thus has both a general and a specific component. Nominees are expected to be persons of high integrity and proven ability, but they are also expected to have acquired the appropriate training, insight, and sensitivity for service in a specific government office.
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> The task of nominee evaluation is further complicated by the fact that there is not now, nor has there ever been, any universally accepted qualifying standard for public service, any consistent set of criteria for judging fitness. There are a few specific criteria that apply to particular positions, some statutory and some traditional. But the President is as aware of these as the members of the Senate and rarely fails to nominate someone who satisfies these well-recognized standards. The difficulty occurs in those hazy areas where the standards are not set in the concrete of tradition or law. When judgment must be passed on an individual's past performance, his personal and financial integrity, the level of his competence, and his political acumen, then Senators have to make decisions for which there are few exact precedents and even fewer useful guidelines.
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> There is, therefore, much inconsistency in the manner in which Senate committees evaluate the personal qualifications of the nominees who come before them. The level of concern with a particular nomination and the criteria by which it is judged are very often affected by the mood of the moment. A criterion stringently applied one year may be all but forgotten the next. For those who like consistency and tidiness in governmental processes, there is nothing quite so dismaying as this ad hoc quality of confirma-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tion decisions. In spite of this persistent inconsistency, however, the task of evaluating nominees is marked by several recurring themes. Most of the expressed concerns about the personal qualifications of nominees fall into three broad areas: conflict of interest, character and intergrity, and professional competence or experience.

That is the end of the quotation from Professor MacKenzie's book.

Senator Tower has had a long career in public service, as a Senator from Texas, as head of the Commission which undertook the first outside review of the Iran-Contra affair, and as one of our chief arms negotiators in Geneva. Senator Tower has an extensive knowledge of defense programs and of the operations of our Nation's military forces. He possesses the experience and many of the skills we seek in a Secretary of Defense. But credentials as a defense expert are not the sole basis on which to assess the nominee.

I have reviewed the record on this nomination carefully. I have examined the Armed Services Committee's records and reports. I have read the extensive FBI background report in its entirety. After this study, I am persuaded that John Tower should not be confirmed as Secretary of Defense.

This is not a decision I make easily or lightly. I believe that the President has broad authority to select the Cabinet members of his choice. Acting on this principle, I have supported all previous Cabinet nominations of President Bush.

Under the Constitution the President has the prerogative to nominate Cabinet members. That does not mean, however, that the Senate's role in the confirmation process is automatically to approve each Presidential nominee. The Senate must evaluate the nominee's behavior and standards as well as his ability to discharge properly the duties of the office. Only after this careful assessment can each Senator make a final evaluation on whether the nominee should serve in one of the most responsible positions of our Government.

The Committee on Armed Services has conducted an exhaustive review of this nominee's background and record. Chairman SAM NUNN and the other members of the committee studied the evidence in great detail. The committee and Chairman NUNN insisted that facts be the basis for the committee's report and actions with respect to this nomination. The results of the committee's efforts are available for all Senators to examine, and I urge them to do so. I commend Senator NUNN and Senator WARNER and other members of the committee for the responsible job they have done.

I especially commend Senator NUNN. He has handled a difficult and delicate matter with restraint and fairness. It is SAM NUNN's unique qualities of intelligence, thoroughness, and thoughtfulness that have, with good reason, made him one of the most respected Members—if not the most respected Member—of the Senate.

Now the Senate as a whole must decide this nomination.

It has been said that those who oppose the Tower nomination are unfairly imposing standards which have not been applied to Members of the Senate. But it is not moral perfection or the qualifications of Senators that are at issue here. It is the ability to serve effectively in a position of unique power and responsibility. It is, therefore, unfair to require that of someone who would be Secretary of Defense—directly in the chain of command of the most powerful military force in human history.

The Secretary of Defense will be required in the next 4 years to lead the Department through difficult changes. Public confidence in the integrity of the defense procurement and management system must be restored. Decisions must be made on programs which will involve billions of dollars and which could have profound effects on the Federal budget and on the balance sheets of many defense contractors.

Immediately after leaving the Government as chief negotiator on strategic arms, Senator Tower formed close consulting relationships with numerous defense contractors. He earned a great deal of money in less than 3 years advising these companies about the possible impact of Government decisions on their business. He received payment while it was widely assumed that he might be a nominee for Secretary of Defense.

Senator Tower's decision to embark on such a course can at best be described as one of indifference to the potential conflicts or appearance of conflicts which such relationships could engender. The willingness to enter into business relationships of this type raises profound questions about the nominee's ability to separate private and public interests, or to remain objective when future decisions must be made.

Defense News, a newspaper widely respected for its coverage of the Pentagon and defense issues, summarized these problems as follows:

After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself.

Defense News further argued:

The principal task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

Other newspapers knowledgeable about the defense business have raised similar objections. Navy Times notes that the Secretary of Defense should be of "upstanding character," and concludes that Senator Tower does not measure up. The Air Force Times has termed John Tower "not credible." Army Times characterized as "appalling" the "speed and greed with which Tower spun through the revolving door."

That is a quotation.

Each of these publications which specialize in defense coverage has called for Senator Tower to step aside.

Public officials have a right to a private life. They do not have a right to engage publicly in behavior which could interfere with the discharge of their public duties. A single lapse in judgment—or perhaps even a few—should not disqualify an individual from public service. But when the lapses in judgment form a pattern of many incidents spanning many years, and when there is insufficient evidence to demonstrate that the pattern has been broken, then there are reasonable grounds to question whether the individual possesses the qualities necessary for the uniquely demanding job of Secretary of Defense. In my view, these questions have not been satisfactorily resolved in this case.

There is overwhelming evidence that Senator Tower at one time used alcohol to excess. Indeed, after initial denials, both the nominee and the White House have reversed their positions and now acknowledge this fact. That being the case, it is reasonable and prudent to require convincing evidence that the excessive use has stopped and that it will not recur. Such evidence must consist of more than a pledge or a promise. It must be reflected in the individual's behavior. Again, the record in Senator Tower's case is not persuasive.

Viewed in the light most favorable to Senator Tower, the evidence of his actions in recent years is conflicting. There is credible, direct, eye-witness testimony about his conduct from a wide variety of persons who have nothing in common and no apparent reason to make false statements. In most—but not all—instances, there are statements to the contrary.

This is a difficult decision which must be made after reviewing a conflicting record. Reasonable people may read the same record and reach different conclusions, but there is surely no basis for the claims by some of the nominee's supporters that there is nothing but rumor and innuendo in the record.

It is only after careful study of this record that I have concluded that John Tower is not the man to provide leadership by example to the military and civilian employees of the Depart-

ment of Defense, especially in the difficult job of reforming the Pentagon's administration and procurement practices in a period of budget stringency.

It is with great sadness that I have come to this conclusion. I know and have worked with John Tower. I regret deeply the ordeal he and his family have endured.

I emphasize that this is a personal decision. I reached this decision only after thorough review and analysis of the record. I do not believe any Senator's decision should be based upon partisan considerations. This is a personal decision for each Senator to make, based solely upon what each believes to be in the best interests of the Nation.

Yesterday morning, I met with President Bush. I expressed to him the hope that the outcome of this nomination would not have an adverse impact on relations between the President and Congress. I recalled the President's statement in Japan, noting his continued commitment to bipartisanship. I assured him that it is my intention to continue to work together with the administration in addressing the critical problems which face our Nation, regardless of the outcome of the vote on the Tower nomination. I hope my colleagues, whatever their vote on this issue, will share the attitude which the President and I have expressed.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized.

The majority leader's time under the order expired and his 5 minutes under morning business likewise expired.

The Senate is in morning business, but the Chair recognizes the Republican leader under the order.

Mr. DOLE. Mr. President, if I might yield 5 minutes of my leader's time to the Senator from Colorado [Mr. ARMSTRONG] and then reserve the remainder of the time.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. ARMSTRONG] is recognized for 5 minutes.

Mr. MITCHELL. Will the Senator yield for just a minute?

Mr. ARMSTRONG. Yes.

Mr. MITCHELL. Mr. President, I would like to say that I exceeded my leader's time and, in fairness, I ask unanimous consent that the distinguished Republican leader be given an equal amount of time if he chooses under leader time.

Mr. DOLE. I thank the Senator.

The PRESIDENT pro tempore. Without objection, the Republican leader will control 15 minutes. The time for morning business will expire at 12 noon but, under the order, the Senate will proceed in executive session at the expiration of the Republican leader's time.

Mr. ARMSTRONG. Mr. President, I am grateful to the Republican leader for yielding me time. Do I also have reserved to me 5 minutes of my own time under a previous order?

The PRESIDENT pro tempore. Only by unanimous consent.

Mr. ARMSTRONG. I thank the Chair. I do ask unanimous consent, since it is my desire to proceed for 10 minutes in all.

The PRESIDENT pro tempore. The Chair will inquire then, is the Senator from Colorado asking for 10 minutes in addition to the 5 minutes yielded by the Republican leader?

Mr. ARMSTRONG. Five and five, Mr. President, for a total of 10 minutes.

The PRESIDENT pro tempore. Very well, then, the time for the Senate to go into executive session is thereby extended accordingly.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. ARMSTRONG. Mr. President, I think we are about to go seriously off the rails on this Tower nomination. I am, I must say, distressed by what I have heard from the Democratic leader and even more distressed by what I have been reading in the press, the statements attributed not only to the Members of the Democratic Party but to some of my own colleagues.

It may be that I am the only one who holds the view I am about to express, but, by gosh, there comes a time when you have just got to say how you feel. I think we are making a big mistake.

I raise the question not only because of my concern and regard and affection for John Tower, but for a much larger question of what we are doing to the process by which the Senate considers and either confirms or rejects nominees.

Here is where I am coming from, Mr. President. First of all, I start out with the predisposition to vote for the nominee of the President of the United States, whether it is George Bush, or Ronald Reagan, or Jimmy Carter, or Gerald Ford, or whoever it is. If the President sends up a nominee to serve in his Cabinet, I start with the supposition that I am going to vote for that nominee because the President sent him up here. And I think that is probably the universal opinion of every Senator; that we start with a predisposition to support the nominee.

Therefore, if somebody has some reason why we should not support a nominee, why we should on only the ninth occasion in the history of this country turn down a Cabinet recommendation of the President, they better have a pretty good reason. And, in my view, it ought to be a specific reason. It ought not to be general. It ought not to be innuendo. It ought not to be aired in the press or on television. It ought to be reported in the Senate in a very direct, official, formal manner.

What I fear, as we begin the debate on this matter, whether it is this afternoon at 1 or tomorrow at 2 or next Tuesday, or whenever we get to it, is that instead of having that kind of thoughtful presentation of the issues, of the arguments against Senator Tower's confirmation, that in fact so many Senators have already prejudged the matter, have come down here and, on the basis of information which seems pretty sketchy to me, have made a decision that they are either for him or against him. And I regret it, Mr. President.

In fact, the purpose for my rising is to suggest that the Armed Services Committee needs to do its homework.

Now, the President has sent up the nominee. I am not here to tell you John Tower is the best nominee. He is the only nominee. Mr. Bush did not seek my advice as to whether or not to appoint him. If he had, I would have given my advice. But that is not the question before Senators.

The question before Senators is not whether or not he is the best available nominee or the best potential nominee. The question is whether or not he meets some kind of still to be defined minimum standard so that the President's choice can be approved. And if you start, as I do—and I bothered to do some reading into what Senators have said about this over the last couple hundred years, and I think this is the consensus position not only of sitting Senators but of the 1,800 or so who have preceded us in this Chamber—the President deserves to have his nominee confirmed unless there is a very, very strong reason to the contrary.

Now, Mr. President, the Democratic leader has referred in his remarks—and I think I am quoting accurately, because I made a note of it as he did so—to numerous lapses of judgment on behalf of the nominee. If that is true, we are entitled to know specifically what those are.

The Democratic leader has referred to "credible, direct eyewitness testimony," his words. And if that is true, we are entitled to know the names, dates, and places on which these eyewitness episodes occurred. I want to know who they are.

Mr. President, the thing that distresses me and which prompted me to come over here to speak today is the committee report. It is not, I guess, off the press, but I have what purports to be the final draft which has been sent for typesetting. Mr. President, it is very, very thin.

I said at the outset I have great respect for the President and great deference to him in the exercise of his prerogatives. But I will tell you something else. I have a lot of respect for the Senate Armed Services Committee. I am not one of the Senators who automatically said that he was going to support John Tower or anybody else. If the Armed Services Committee says that we ought to reject that nomination, I think Senators have a duty to consider the information, the opinions, the evidence that the committee wants to submit. And that is why, for the last couple of days, my staff and I have been phoning, on about an hourly basis, to get a copy of this Armed Services Committee report.

Mr. President, there is not anything in here. I am not telling you there may not be evidence, and my hope is that if such evidence exists it will be submitted to the Senate in open session. But thus far, based on the committee report, which is where that kind of information and specific allegations, let alone proof and evidence, should be submitted, it just is not there.

Now, the committee has raised three—I am referring now to page 10 of the typewritten draft—has raised three questions: excessive use of alcohol, provision of consulting services on what the committee deems to be an improper basis, and a number of incidents of indiscreet behavior toward women.

When you sift through the report, here is what it comes down to. It comes down to the fact that, according to the committee, there are not any instances that they refer to in which Senator Tower was impaired in the conduct of his duties as a Senator, as an arms negotiator, or in any official capacity that is mentioned in here so far as I can see where his performance of his duties was impaired through the use of alcohol. Indeed, while it is not contained in the committee report, I have reviewed within the last several days the statements of a dozen or more Senators that are to the contrary, those who have served with him and know him who tell about their experiences when he was the chairman of the Armed Services Committee about how long he could stay up at night to negotiate a conference report, even round-the-clock, day after day for 10 or 12 days. And he gets high marks from those who observed him.

Now somebody said back in the 1970's, he had a drinking problem. I do not know whether that is true. I never knew John Tower very well until I came to the Senate in 1979 and I will just stand up and be counted with all the other Senators who have said: I never saw him when I thought he was intoxicated. I cannot tell you he was not. I am just telling you I never saw it. And if somebody did and they think it is a serious enough issue to make the point, then they ought to come to the floor and tell us not just that it might have happened some time but when and where.

Let me just read a paragraph from page 14 of the committee report draft.

> The committee determined that Senator Tower's excessive use of alcohol would disqualify him from being assigned to many sensitive positions in the Department of Defense.

It goes on from there. If that is true and if there is, as the Democratic leader says, credible, direct, eyewitness testimony, then by gosh, Mr. President, Senators ought to have that information and it ought to be made available in public, not up in room S-407. I have heard a lot of rumors about what is up in room S-407. Up in the attic they have 70 or 800 pages of FBI reports and I suppose before this is over that I am probably going to have to go up and look through that stuff but I do not think Senators ought to have to do that as a way to form a judgment on a matter of public business which is being conducted here. And we are conducting public business.

Again, the Democratic leader has made the point that the record is there and it is a matter about which reasonable people may disagree. But reasonable people cannot form an opinion if it is a secret record.

Mr. President, it is not just John Tower who is being judged here. It is the Senate. It is every Senator. Every Senator will have to be judged by his colleagues and by his staff and by his friends and by his family and by his constituents by how he votes. How can we properly be judged, let alone how can John Tower be judged fairly, if it is all based on something that is a big secret?

The second issue which is addressed in the committee report is the question of Mr. Tower's attitude or behavior toward women. The committee report again deals with opinions. If there are facts to back up the opinions, I, for one, will take those facts seriously and consider them.

I am not one of those who thinks we ought to just dismiss such matters as being irrelevant. Nor, Mr. President, may I say, do I share the opinion of the committee minority which says that something that occurs outside the context of an official setting is not to be considered.

I want to distinguish my viewpoint from that of my fellow Republicans who serve on the committee. They, the committee minority, say that only a limited portion of the nominee's personal relationships with members of the opposite sex is properly subject to review and concern by the committee in judging a nominee's fitness.

I do not quite go along with that and I want to read another paragraph and explain how I would distinguish my own view. The committee minority writes:

> Beyond the issue of work and professional relationships which are clearly relevant to a nominee's fitness to serve as an official in the Department of Defense, we believe that a nominee's relationships with members of the opposite sex are properly treated as private and are not subject to committee's scrutiny.

I think everyone, even Cabinet officers or Senators, deserves a healthy presumption of privacy. But I really do not go along with that point of view. If there is information that in some private relationship a nominee has violated some pledge or has behaved in a way that is improper or sets a low standard of public morality, then I think when a nominee is being considered for a post like Secretary of Defense, or for that matter Senator, that that is fair game.

I want to say this just right. We had, not too long ago, a political figure from my State whose political career was abruptly ended because of an allegation of an improper relationship with a person of the opposite sex. I am not insensitive to that in the case of Senator Tower. If there is something in the record I am going to take that into account. But the difference between the case involving the Colorado figure that I referred to a moment ago and this case is striking.

Our former colleague, who was a candidate for President, was forced to withdraw or at least did withdraw following an episode in which all the facts were on the public record.

Mr. President, I see you are about to bang the gavel. May I beg the indulgence of my leader for 5 additional minutes?

The PRESIDING OFFICER (Mr. SHELBY). I would inform the Senator from Colorado that he has used 10 minutes. I would like to know if the Republican leader has yielded 5 minutes or 10 minutes?

Mr. DOLE. I yielded 5 minutes. I got unanimous consent for 5 minutes.

The PRESIDING OFFICER. The leader has 10 minutes remaining.

Mr. ARMSTRONG. May I have 5 additional minutes?

Mr. DOLE. I will yield the remaining 10 minutes, 5 minutes to the Senator from Colorado and 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. ARMSTRONG. I thank my leader.

The point I want to make is that whatever anybody else may think, I believe such issues are fair game; that they are factors for consideration. That is not to say that one lapse or two lapses, human nature being what it is, is disqualifying. But it is a fair

standard on which judgments may be made.

But the distinction I want to draw is, in the case I have just cited, we are talking about a specific instance which occurred on a date which was specified at a time which was specified in front of witnesses who came forward and whose names were known and who published stories. In fact, there was a picture that was published.

In the Tower case we are talking about allegations which are hinted at but never even made. It is not that the allegations are unproven. In the committee's report they are not even really made. There is not anything specific that Senator Tower is said to have done.

I believe, and I really plead with my colleagues on the Armed Services Committee, it is your duty if you have that kind of information to bring it forward. If you do not, then, by gosh, I think it is your duty to back off.

What about the notion which appears, by the way, in both the majority and minority reports, that we ought to keep this FBI report secret? I am not saying publish the FBI report. That is just a lot of raw investigatory material. I am saying, whatever the committee took into account in reaching its extraordinary recommendation ought to be specified. Lay it out.

If there is something that he did specifically, what is it? So that we can make a judgment and so the nominee can be judged and so that the country can hold us accountable for the stewardship of our task.

That applies to drinking. It applies to behavior toward women. And it applies to the question of improper relationships with defense contractors. What is it, specifically, that is objected to?

I am prepared to look at that. If there is something there, I will make a judgment on it and stand up to be counted.

What about the notion that somehow classified information like this has to be kept secret? Is it not just like defense secrets that we keep classified? Well, of course not. We keep information about the national defense classified to protect intelligence operatives and national technical means of gathering intelligence data, as well as to keep exactly what we know from the scrutiny of other nations. Nothing like that is involved here.

This is a case of a person's character and background and behavior. He is entitled to a fair and open trial in the court of public opinion, and he cannot get it if all this stuff is up there and there is a bunch of guys going up to room S-407 and reading it. They are, I am told, denied the opportunity to even make notes and then they go out and leak it to the press.

That brings me to one more thing that is sticking in my craw and this is addressed to my Republican colleagues in the committee. There is not, in the minority report, any specific reference to why the rumors which have appeared should not be believed. Maybe it is asking too much that the committee report ought to address rumors, but in fact there are a number of things that leaked, appeared in the popular press, and have even been referred to here on the floor.

One involves some guy who held himself out to be a doctor and said he has some information relevant to the case and then it turned out he had five aliases. I want those facts in the committee report or a part of the official proceedings of this body.

Another episode, I am told, we have all heard this—I guess this has been published, too—that somebody came forward and said: We saw Senator Tower intoxicated on such and such occasion in such and such place and there were three such episodes. In each of those cases he was either out of the country, in Pakistan or Seattle or something.

Mr. President, I guess I have had my say. I did not really expect to speak of this. Maybe there is one more point I should make.

Some people have whispered in my ear that we all ought to get behind John Tower because there is a lot of hypocrisy on the committee. I do not think that is a reason to be for John Tower. We can all make our own judgments of whether or not Senators are hypocritical. I guess some of us are sometime. I, probably, might have been once or twice. Maybe every one of us have been on some occasion. That is not the issue. The rumors are not the issue. The innuendos are not the issue.

In my opinion the only proper basis for making this judgment is facts specifically and openly presented and that has not happened yet. When it does I am ready to listen, but if it does not, I think the Armed Services Committee ought to back off.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support John Tower for Secretary of Defense because I know he is honest and able, based upon my personal experience with him in the U.S. Senate and on this floor.

Had the FBI investigation or the Armed Services Committee hearings established disqualifying evidence, I would not have hesitated to do my constitutional duty not to consent to his nomination. I, personally, strongly object to the current myth that perceptions become the facts. We in the Senate have a duty to analyze allegation and to find the facts.

The Senate is being asked to evaluate a man reasonably well known to most Senators. I have seen John Tower on this floor in all-night sessions under difficult, trying circumstances, demonstrating the capacity for serious, sober work.

While none of us can personally vouch for all his personal activities 24 hours a day over many years, I believe I know him well enough to conclude that he would not allow prior relationships with contractors to affect his honest judgment and that he would maintain himself in the sober condition to make the important decisions required of the Secretary of Defense.

For myself, John Tower did not need to make an additional pledge because a warrant of sobriety is implicit in his oath of office. I know more about John Tower to express a positive evaluation of his capacity and competency to be Secretary of Defense than I know about almost all other nominees up for confirmation.

This nomination has an especially strong Presidential Imprimatur because President Bush himself knows John Tower so well from decades of personal association. The President has a unique basis to evaluate John Tower's integrity and sobriety which should accord even greater weight to the customary presumption in favor of the President's Cabinet choices. Given the President's responsibility as Commander in Chief and his election mandate, his choice should be rejected only in the face of unambiguous evidence. This is not a lifetime court appointment, but an executive subordinate whom the President can fire at any time he decides his appointee is unfit to discharge his duties.

Were John Tower to drink in excess, given the facts of this matter it would be known wherever it happened worldwide virtually instantaneously.

John Tower has a special quality of toughness that may not have enhanced his popularity with fellow Senators. I personnally observed that when he tenaciously, if not acerbically during the course of floor debate, fought my 1982 summit resolution. His toughness or strength, though, is an admirable quality in the individual whose Department must be prepared to square off with our Nation's enemies.

An impartial observer, Mr. President, would be skeptical, if not suspect, that his former Democratic colleagues, who were so lavish in their praise of Senator Tower, now find him unacceptable when a new administration seeks to establish his authority and power. Perhaps it is a backhanded compliment to his strength that as Secretary of Defense no one but John Tower, subject only to the President, would be running that Department. At a time when the Defense budget may have to be cut, no one would give greater credibility or confidence than John Tower to any such cuts, much

like President Nixon's unique stature in "Going to China."

Mr. President, today, I repeat a concern which I have expressed on other nominations urging to refrain from making judgments before all the evidence has been presented. I believe it is prejudicial and unwarranted and really inappropriate for Senators to say how they would vote if the vote were held "today" or at any particular time before all the evidence has been submitted. The nominee is entitled to have all the evidence considered before a judgment, however tentatively articulated, is expressed.

Mr. President, I thank the distinguished Republican leader for yielding this time. I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

ADM. JAMES WATKINS NOMINATION

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request with respect to the consideration of the nomination of Admiral Watkins, which I believe has been cleared by the distinguished Republican leader.

Mr. President, as in executive session, I ask unanimous consent that today, Wednesday, March 1, following the vote on the nomination of Louis Sullivan, the Senate proceed to the nomination of Adm. James Watkins to be Secretary of Energy, under a time agreement of 20 minutes equally divided between the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Idaho [Mr. MCCLURE] or their designees.

Provided that no motions be in order and that following the yielding back of time, the Senate proceed without any intervening business to a 15-minute vote on the nomination.

Provided further, that upon the disposition of the nomination, the motion to reconsider be laid upon the table and the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I ask unanimous consent that it be in order to request for the yeas and nays on the Watkins nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. I ask for the yeas and nays on the Watkins nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

TRIBUTE TO OLIVER C. DAWSON

Mr. THURMOND. Mr. President, on Thursday, February 9, 1989, the State of South Carolina lost a champion among men with the death of Oliver C. Dawson. A man who was well known in our State, Oliver Dawson served with dedication and integrity for more than 40 years and a professor, athletic director, coach, and administrator at South Carolina State College.

Coach Dawson was born in Thomaston, GA, and attended John Carroll University in Cleveland, OH, where he excelled in sports. He was the school's No. 1 singles player in tennis, an all-star guard in basketball, a fullback on the football team, a recordbreaking track star and the State of Ohio's heavyweight boxing champion. He later earned his undergraduate degree from South Carolina State College in 1936, and went on to receive a master's degree from New York University in 1947.

While at South Carolina State College, Coach Dawson coached five sports and won championships in four of them. Under his leadership as head basketball coach, in 1943, the South Carolina State Bulldogs won their first Southern Intercollegiate Athletic Conference [SIAC] title. Four additional [SIAC] titles were added to the college's expanding trophy case by the college golf team, which was founded by Coach Dawson. As the school's head football coach in 1947, Coach Dawson led the team to an undefeated season which propelled them into the national championship for black colleges and universities.

Coach Dawson's contributions to the State of South Carolina and to South Carolina State College were not limited to the field of athletics. In fact, Coach Dawson may have left his greatest legacy to the State in the many lives he touched and influenced throughout his long career as a coach and teacher. It was not uncommon for Coach Dawson to end his busy day visiting sick students in their dormitories, or tutoring young athletes when they were having difficulties with their studies. Many of our State's finest citizens were once the benefactors of this man's untiring faith in the boundless potential of our youth.

Throughout his life, Coach Dawson was justly recognized for his contributions. In 1974, he became the first black inducted into the South Carolina Athletic Hall of Fame, and in 1983 he became a charter member of the South Carolina State College Athletic Hall of Fame. In 1984, he was further recognized as the first black inducted into the John Carroll University Athletic Hall of Fame, and in that same year, South Carolina State College's 15,000 seat football stadium was renamed in his honor.

A man of unlimited energy who was blessed with vision and a genuine love for his fellow man, Oliver Dawson will be greatly missed and long remembered by the people of South Carolina and the many graduates of South Carolina State College.

I extend my deepest sympathy to Coach Dawson's beloved wife, Mrs. Garcia Waterman Dawson, his daughter, Mrs. Maria D. James of Wayne, PA, and his sister, Mrs. Eddie Bell White of Cleveland.

Mr. President, I ask unanimous consent that certain newspaper articles concerning Coach Dawson be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Orangeburg (SC) Times and Democrat, Feb. 11, 1989]

COACH OLIVER DAWSON—WITH HIS DEATH AT AGE 78, SOUTH CAROLINA SAYS GOODBYE TO SPORTS LEGEND

February is Black History Month, an observance dedicated to widening knowledge of and deepening understanding of the roles African-Americans have played in American history. It is the life story of people such as Oliver C. Dawson, a South Carolina coaching legend, that should be brought to the fore during the observance, for Dawson inspired thousands of young people.

Sadly, it is during this special month that Orangeburg and South Carolina must say goodbye to Oliver Cromwell Dawson, better known to many by his nickname "Bull" Dawson. The longtime South Carolina State College coach died Thursday at the age of 78.

Coach Dawson's is a story of hard work, individual athletic success and coaching success—the goals so many strive for in the sports world. But he was more. In fact, his work with the athletes, students and the community earned him the honor, in 1974, of being the first black man to be inducted into the South Carolina Athletic Hall of Fame.

As a young man in Ohio, Dawson was a star athlete, with noteworthy successes in football, basketball, track, boxing and tennis. His achievements at John Carroll University earned him a spot in that school's athletic hall of fame.

But it was at South Carolina State where Coach Dawson made his most lasting mark. In the words of retired S.C. State President M. Maceo Nance, "He was Mr. Athletics at South Carolina State College."

Dawson came to S.C. State in 1935. Until his retirement in 1976, he coached five major sports: football, basketball, tennis, track and golf. He won championships in four, with his 1947 football team going undefeated and winning a national title among predominantly black colleges. He was athletic director for 16 years. The college honored his achievements by naming the football stadium "Oliver C. Dawson Bulldog Stadium" in his honor in 1984, and he is a member of the S.C. State Athletic Hall of Fame.

At S.C. State, though, Dawson was more than a coach and athletic leader. He taught as a professor of health and physical education, initiating the professional program in health and physical ed in 1947 and serving as department chairman for 30 years.

Dr. Nance, who was a student in one of Dawson's history classes at S.C. State in 1942-43, says it was in his athletic and teaching duties that Coach Dawson came to be known as "Bull." It was an appropriate

nickname for a man who was a strong disciplinarian. But Nance says Dawson "was not as tough as the image he projected." He cared deeply about those he coached and taught, and those he worked with. He spent a lot of time with the students and athletes, and didn't stop at retirement in 1976. Even after that, he coached the S.C. State golf team.

Dr. Nance knew Coach Dawson well. The former school president was on the S.C. Athletic Hall of Fame committee when Dawson was selected for induction, an honor Dr. Nance says was a source of particular pride for "Bull" Dawson. But really, it is South Carolina that can take pride in having had the services of Coach Dawson for much of his lifetime.

During this Black History Month and afterward, the accomplishments of men such as Oliver C. Dawson should be remembered and honored. "Bull" Dawson will be missed.

[From the Orangeburg (SC) Times and Democrat, Feb. 10, 1989]

FUNERAL TO BE MONDAY FOR S.C. STATE COACHING LEGEND OLIVER DAWSON

The funeral for Oliver Cromwell "Ollie" Dawson, legendary South Carolina State College coach and athletic director, is scheduled for 2:30 p.m. Monday at St. Luke Presbyterian Church.

The Rev. David Blackshear will officiate. Entombment will be at Mausoleum of the Good Shepherd at Belleville Memorial Gardens. The casket will be placed in the church at noon.

Mr. Dawson, of Belleville Road, Orangeburg, died Thursday at The Regional Medical Center after an extended illness. He was 78.

He was born in Thomaston, Ga., and grew up in Cleveland. He had a long and unparalleled career as a professor, coach, athletic director and administrator at S.C. State.

Affectionately known as "Ollie, the Man for All Seasons," Mr. Dawson came to S.C. State in 1935 and attained legendary status at the Orangeburg institution before retiring in 1976.

During his 41-year tenure, he coached five sports, winning championships in four of them: football, basketball, tennis and golf. He also coached track and field for the Bulldogs.

Mr. Dawson served as a Bulldog assistant football coach in 1936 and was named head coach the following year. He held the position until 1950, with his teams consistently finishing in the upper division of the Southern Intercollegiate Athletic Conference (SIAC). In 1947, his squad was undefeated and played for the national championships for black colleges and universities.

He coached basketball for 11 seasons and brought the school its first SIAC crown in 1943. Mr. Dawson also coached tennis for seven seasons and track and field for four. He initiated the S.C. State golf program and served as head coach for six seasons, winning four SIAC titles.

Mr. Dawson also started the professional program in health and physical education at the college and served as department chairman for 30 years. In addition, he was Bulldog athletic director for 16 seasons, overseeing some of the most productive years in the school's athletic program.

Mr. Dawson's career was highlighted by his induction into the South Carolina Athletic Hall of Fame in 1974, becoming the first black to be so honored.

In 1983, he became a charter member of the S.C. State College Athletic Hall of Fame and, a year later, he became the first black to be inducted into the John Carroll University Athletic Hall of Fame.

In 1984, S.C. State renamed its 15,000-seat football stadium in honor of Mr. Dawson.

Mr. Dawson attended John Carroll University in Cleveland and graduated from S.C. State in 1936. He earned a master's at New York University in 1947 and did further study at Denver University and West Virginia University.

Mr. Dawson was an elder at St. Luke Presbyterian Church and a member of the Presbyterian Men's Council. He was also a member of the Alpha Phi Alpha Fraternity and numerous sports and professional organizations.

He served on several state and governmental commissions, including the Hillcrest Recreational Facility Commission from 1972 until his death. His civic involvement afforded him many meritorious citations and awards.

Survivors include his widow, Mrs. Gracia Watermann Dawson of the home; a daughter, Mrs. Maria D. James of Wayne, Pa.; and a sister, Mrs. Eddie Bell White of Cleveland; and two grandsons.

The family will receive friends from 6 to 7 p.m. Sunday at Simmons Funeral Home. Friends may call at the residence and at the funeral home.

Pallbearers will be Luther J. Battiste Jr., Dr. Oscar P. Butler, Lamar Dawkins, Robert E. Howard, Lewie C. Roache, William Johnson, Frank Staley and D.W. Walker.

Honorary pallbearers will be Alpha Phi Alpha Fraternity; elders of St. Luke Presbyterian Church, William C. Brown, Victor Kerr and Paul R. Webber.

The family suggests memorials may be made to the Capital Fund of St. Luke Presbyterian Church or to the Oliver D. Dawson Scholarship Fund for health and physical education majors at S.C. State.

[From the Columbia (SC) State, Feb. 10, 1989]

HIRING DAWSON GOOD MOVE BY STATE

(By Herman Helms)

On an historic day in 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. Leroy "Satchel" Paige, barnstorming with Babe Ruth, threw strikes past the famous slugger, and South Carolina's Normal Agricultural and Mechanical College employed Oliver C. Dawson—one of the smartest moves any institution of higher learning ever made.

He came from Cleveland and John Carroll University with a stunning background of accomplishments in sports: record-setter in track, No. 1 singles player in tennis, all-star guard in basketball, powerful fullback in football and heavyweight boxing champion of Ohio.

He rode into Orangeburg in a brand, spanking new automobile and assumed the duties of head coach of everything at the school, later to be renamed South Carolina State College, at a small salary.

The car was a gift from an admirer in Cleveland named Sonny DeMoribus, president of the City Council and owner of a brewery. Thrilled over seeing Dawson direct the high school basketball team to 63 straight victories, DeMoribus showed his appreciation by buying the coach the new wheels that got him to Orangeburg where he would become a legend in his own time.

ONE-MAN COACHING STAFF

Dawson found a bride early on, the daughter of an instructor in the tailor shop at the school. They were married on the campus where Gracia Maria Watermann was born. Later their home was blessed with the arrival of a baby girl, now the mother of two and wife of a law professor at the University of Kentucky. Once on campus, Dawson never left. He coached five sports and won championships in four of them. His 1947 football team was undefeated and won the national championship for predominantly black colleges and universities. He worked in State's athletic program for 41 years, retiring in 1976.

The early days were tough, but one thing he never had trouble with was coaching subordinates. There weren't any. He was the head coach, the only coach of all sports, the man for all seasons.

He would get through football practice late in the afternoon, rush home for a bite to eat and return for basketball practice at night. In a particular hurry one night, he rushed in one door and out the other, snatching a sandwich off the table. "Who was that man, Mama?" their small daughter asked. "That was your father, child," her mother responded.

She fixed meals he never touched and slept in chairs waiting for him to come home at night. She watched him walk away from the big football game of the year with his arms around the depressed young quarterback who threw the intercepted pass that loss it. She knew, without being told, where he was going on nights when he went to the dorm to look in on players who weren't feeling well. She listened silently in another room when he brought athletes to their home and scolded them for not doing their schoolwork.

HE LOVED ALL HIS ATHLETES

She shared his joy after victories and shall never forget how ecstatic he was in the spring at graduation exercises. He caused people to turn and stare at him by clapping so hard for his players with hamlike hands that used to knock out boxing opponents. He coached them and counseled them and loved every one as if they were his own.

He worked so hard and made so little money, and she sacrificed so much as a coaching widow. All of his players weren't winners after they left school, but the percentage was high. The coach felt fulfilled and so did his lady. They couldn't have been happier if he had been king and they lived in a castle.

State College has beautiful facilities today and a very successful athletic program. The man who helped make it possible died early Thursday morning at age 78.

Ollie Dawson would be quick to say he couldn't have gotten to first base without the help of his lady. Together they lived a life that is better story than any fiction writer could ever write.

GEORGE WASHINGTON HAD IT RIGHT WHEN HE ADVOCATED "FIRST IN THE U.S.A."

Mr. HELMS. Mr. President, most historians, both present and past, give George Washington high marks in every possible way—and I hope they never stop. As for the dyspeptic few who have attempted to debunk our

first President and other patriots, a pox upon their houses.

All my life I have admired George Washington. I believe the entire plethora of good things recorded about his life. The cherry tree? Of course he cut it down, and he told the truth about it. The tossing of the silver dollar across the river? Shame on any disbeliever who even raises a question about it.

Shortly after the inaugural parade on January 20, I found something else that I like about George Washington. Don Hughes of Burlington Industries stopped by on another matter, and he casually mentioned one of the colorful and interesting floats in the inaugural parade.

On the float was George Washington himself, or it certainly looked so. Actually it was a stand-in—Ronald Trowbridge, one of the directors of the Commission on the Bicentennial of the U.S. Constitution—but Mr. Trowbridge did a credible job in representing our first President and our all-time hero.

Mr. President, the suit worn by Mr. Trowbridge was an almost identical copy of the suit worn by George Washington on his inauguration day a couple of centuries ago. Not only that, the suit bore the label, "Made in the U.S.A."—and that was quite appropriate because George Washington can logically be designate as the first advocate of the "Made in the U.S.A." campaign now being conducted throughout the United States.

Where did I get all this information? Well, Mr. President, I'm sort of like the very young George Washington when that hacked-down cherry tree was discovered. I've got to tell the truth. Don Hughes of Burlington Industries told me.

There's a fine publication produced regularly by the public relations department of Burlington Industries. It's called the Burlington Look. It contained a brief article relating to George Bush's inauguration which told about Mr. Trowbridge, the parade float, the duplicate George Washington's inaugural suit—the whole bit.

It turns out that President Washington insisted a couple of centuries ago that his inaugural suit would be "unfashionable" if it were made of fabric not produced in this country. So he asked Gen. Henry Knox to procure "some superfine American broadcloths" for the purpose. General Knox came up with dark brown fabric made by a textile mill in Hartford, CT.

So far, so good, Mr. President. Upon inquiry of my friend, Don Hughes, I learned that the suit worn last month by Mr. Trowbridge in the Bush-Quayle inaugural parade was made of 100 percent worsted wool manufactured in Raeford, NC, at a Burlington Industries plant. Don Hughes is proud of that, and so am I.

One final point, Mr. President, and I shall conclude: The "Made in the U.S.A." float on January 20 provided a useful reminder of the importance of the textile industry throughout the history of America, from George Washington's time to George Bush's time. The first George to serve as our President had it right. When textiles are made in the U.S.A., they're first rate. President George Washington realized that, and so does President George Bush today. It's essential that the textile industry in America remain strong and productive. A lot of things are riding on it—including our national security.

Mr. President, I ask unanimous consent that the article from the Burlington Look, to which I alluded earlier, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE CANNOT TELL A LIE . . . GEORGE WASHINGTON'S OUTFIT WAS MADE IN THE U.S.A. BY BURLINGTON MENSWEAR

The first president of the United States not only was "first in war, first in peace, and first in the hearts of his countrymen." George Washington also was the first advocate of the U.S. textile and apparel industry, insisting that the suit he wore for his inauguration be tailored from American-made cloth.

To honor the 200th anniversary of Washington's inauguration, "George Washington" rode again in the inaugural parade for George Bush on January 20.

The father of our country—portrayed by Ronald Trowbridge of the Commission on the Bicentennial of the U.S. Constitution—rode atop a float sponsored by the commission and the Crafted With Pride in U.S.A. Council. The council is the leading trade group championing the sale of "Made in U.S.A." textiles, apparel and home fashions.

Trowbridge wore a replica of Washington's U.S.-made inaugural suit on the 45-foot-long float depicting the Constitution scroll. The suit was constructed of 100 percent worsted wool fabirc manufactured at Burlington Industries' Raeford, N.C. plant, and tailored by the costume department at Colonial Williamsburg.

Raeford is a unit of Burlington Menswear, the country's leading manufacturer of fine worsted wool and worsted blend fabrics for suits and uniforms. The division also operates plants in Oxford and Forest City, N.C., in Clarksville and Halifax, Va., and in Bishopville, S.C.

In his day, George Washington was of the opinion that it would be "unfashionable" for a gentleman to appear in anything that wasn't made in the U.S.A. So prior to his inauguration in 1789 at Federal Hall in New York City, he asked General Henry Knox to procure "some superfine American broadcloths." The dark brown woolen fabric was made by a Hartford, Conn. Textile mill.

A journalist of the time, commenting on the look of Washington's swearing-in suit, wrote: "The cloth is of so fine a fabric, and so handsomely finished, that it was universally mistaken for a foreign manufactured, superfine cloth."

"Washington's insistence on 'buying American' is as valid today as it was 200 years ago," said Robert Swift, executive director of the Crafted With Pride in U.S.A. Council. "It's a very fitting reminder that promoting and buying U.S.-made apparel and home fashions was as important to our founding fathers then as it is to us now."

George Washington's original inaugural suit is on permanent display at Federal Hall, where he took his oath of office.

MORE COMMUNIST PLANS FOR EL SALVADOR

Mr. HELMS. Mr. President, the Communist rebels in El Salvador must be overjoyed today. Once again, violence and terrorism are yielding dividends for the Communists who, with the acquiescence of our State Department, have won a key concession from the ailing Duarte government.

To the apparent satisfaction of the State Department, President Duarte has proposed to postpone elections and begin direct talks with the Marxist FMLN terrorists. So once again, the bait has worked and in this case the victim may be the Salvadoran Constitution and democratic future of that country.

Last night the Salvadoran military unilaterally implemented a cease-fire around the country. Meanwhile the Salvadoran Marxist guerrillas continued their attacks on military targets, killing and wounding dozens of soldiers, and depriving more than half of the country of electricity.

Mr. President, according to media accounts and other reliable sources, the U.S. Department of State and the U.S. Embassy in San Salvador are once again involved in intervening in the Salvadoran election process—just as happened in 1984. The Army reportedly received pressure from the United States to enter into a suicidal unilateral cease-fire. And political parties of the opposition are being pressured to accept an unconstitutional delay of the elections.

President Duarte is proposing to delay the elections now scheduled for March 19, until April 30, 1989. It is clear that this is a violation of the 1983 Salvadoran Constitution. Article 154 of the Salvadoran Constitution clearly states: "The presidential term will last 5 years and will begin and end on the first of June." And article 79 states that the election process must begin no later than 2 months before June 1. This means that March 31 is the latest date elections could be legally held.

However, in January, the FMLN guerrillas submitted an unconstitutional and unacceptable plan to postpone free elections in El Salvador for 6 months. The guerrillas have had 5 years to participate in the electoral process, but they are coming forward now for the sole purpose of killing the electoral process, just as they have been killing and threatening hundreds of duly elected mayors, and other offi-

cials and political leaders. In other words, the guerrillas talk about peace, but continue to wage war.

In exchange for the delay, the FMLN promised a 5-day cease-fire and an agreement to stop murdering those mayors who fail to disassociate themselves from the government. This is merely a plan to salvage the ailing leftist parties, such as the Christian Democrats who have been outclassed by the center-right Arena party in the polls.

Imagine, Mr. President, how happy some candidates from both parties here in the United States would have been if some foreign country had insisted that last November's elections be postponed by a few months.

This assault on orderly constitutional procedure in El Salvador should have been rejected out of hand. Yet, there were those in the State Department who felt that the proposal should be "carefully and seriously" considered. The administration's tepid reaction was not lost on the Communist guerrillas.

Several weeks later, a new Marxist-Leninist proposal arrived—equally preposterous, equally one-sided. That proposal called for the establishment of three joint commissions to discuss the cessation of hostilities and withdrawal of military forces, to revise the electoral code, and to organize international oversight in implementing the provisions.

On Monday, President Duarte made a counterproposal to postpone elections for 6 weeks and the bells started ringing at the State Department. The State Department spokesman, Charles Redman, praised the proposal as "potentially the most significant opportunity ever for peace in El Salvador." He also added that if the FMLN is "serious in seeking a peaceful democratic outcome to the conflict, it will follow the government's example."

So, once again Mr. President, we give the Communists the benefit of the doubt, and the constitutional process is thrown in the garbage can. Once again, we hold out the vain illusion that perhaps the Communists are in fact seeking a "peaceful democratic outcome"—never mind the ongoing acts of terrorism such as the murder of FMLN defector Miguel Castellanos, who was assassinated on February 17, 2 days after he publicly denounced the Communist plan as ruse.

The Salvadoran people have long stressed the importance of an orderly democratic process in El Salvador. President Duarte has said that his ambition is to turn over the Presidency to a duly elected successor. We should never urge another nation to stray one bit from its Constitution.

Mr. President, on Monday, Ambassador Jeane Kirkpatrick laid out the tragic consequences to the democratic process in El Salvador. I ask unanimous consent that her column entitled "Setting a Trap in El Salvador" be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 27, 1989]

SETTING A TRAP IN EL SALVADOR

(By Jeane Kirkpatrick)

It would appear that the Bush administration, including Secretary of State James Baker, has been lured into a trap regarding El Salvador—a trap that has been baited as usual with what some mistake as a proposal to bring peace to the deeply troubled region.

El Salvador's FMLN guerrillas have presented two new "peace" proposals in the past two weeks. The first was an offer to participate in elections—for a price. The second, which followed a week later, is a broader proposal that offers to "definitively" end El Salvador's war.

El Salvador's government and all its major political parties promptly rejected the FMLN's initial offer to participate in the presidential election, and for good reason. It called for postponing the election for six months (in clear violation of El Salvador's constitution), required that government forces cease actions against guerrillas, and provided for an FMLN veto on electoral arrangements. In return, the FMLN offered a five-day cease-fire and promised to stop assassinating mayors if mayors ceased cooperating with the government.

It was an offer no government could accept. But the Bush administration has let it be known that it acted—through the person of Vice President Dan Quayle—to encourage reconsideration, thus justifying the FMLN expectation that the "new team" might prove more flexible than Ronald Reagan, George Shultz and Elliot Abrams.

"We wanted to wait until the end of the Reagan administration" to present the new plan, one guerrilla commander commented. Like Yasser Arafat and Daniel Ortega, FMLN leaders expected that the new administration will be more "open" and less informed about what has gone before and will therefore perhaps be more accommodating.

Although some in the media describe the FMLN's second proposal as a "new" and "important" departure from its longstanding position, in fact all that is new is the packaging. El Salvador's Communist Party leaders, Shafik Jorge Handal, was more accurate when he said: "This is not a new proposal," it is a "further development" of the FMLN's previous offer.

Following the traditional FMLN position, the new proposal still calls for "dissolution of the current security force"; the national police, the national guard and the treasury police, and for reducing El Salvador's army from 55,000 to 12,000.

There is, however, some new language. In the past, the FMLN explicitly insisted on integration of the guerrilla forces into El Salvador's army. Now it is willing "to recognize the existence of a single army" (which means a single, much smaller army into which FMLN forces would be integrated).

Where previously it demanded a share of power in a reconstituted interim government, now it demands the establishment of three joint commissions; one on cessation of hostilities and withdrawal of military forces, one on revision of the electoral code and a third to organize international oversight of implementation. In these commissions, power would be shared and decisions would be made by consensus.

El Salvador's political parties responded to this latest offer by agreeing to meet with FMLN leaders on "neutral" ground in Mexico last week. After the meeting, the political parties concluded that the government should respond to the repackaged FMLN demands.

There is no question how Salvadoran President Napoleon Duarte will respond. His whole life has been a struggle to give his country constitutional government. He will not in his final days dismantle the legacy he has worked so painstakingly to construct.

He understands—if the Bush administration does not—that it is not possible to "suspend" El Salvador's constitution and still preserve democratic government. He understands that for a decade the prime target of the FMLN has been to dismantle and take control of El Salvador's armed forces and that for a decade those sympathetic with the guerrillas have sought to paralyze El Salvador's army under the guise of its "permanent reorganzation."

And he knows that for a decade the FMLN has sought by all means and ruses to prevent the development and implementation of a democratic constitution, not only by denying the legitimacy of elections and refusing to participate, but by attacking polling places and voters as well.

Duarte understands that El Salvador's armed forces, which have so painstakingly learned restraint of power, would not be restrained if the constitution were violated. Said Defense Minister Gen. Eugenio Vides: "Falling into the trap would mean anyone could have the opportunity for disrupting the democratic process simply for the sake of staying in the presidency longer."

Duarte will know how to deal with the FMLN proposal. Meanwhile, someone at the responsible level in the Bush administration with an interest in preserving democracy and serving U.S. foreign policy interests should do some cramming on the recent history of Central America.

And it wouldn't hurt American journalists covering the region to consult original documents rather than relying on government and guerrilla public-relations handouts.

RESPONDING TO TERRORIST THREATS

Mr. MOYNIHAN. Mr. President, John Chancellor has raised a most important issue regarding the terrorist threats against Salman Rushdie, his publisher and book distributors. Mr. Chancellor stated on February 28, 1989 that:

> One of the goals of terrorism is to force people to modify their behavior . . . and our behavior, as Americans, has been modified by the Ayatollah. Mr. Rushdie was scheduled to come here to go on an American book tour. Now he can't. That's an abridgement of our freedom to listen, whether we think his book is good, bad or boring. Terrorism is working in this case.

Other terrorists have sought victory by forcing a change in our behavior. On November 8, 1983, terrorists bombed the Capitol itself, sparking debate in the Senate as to whether we should surround the building with defensive barriers. But such barriers would undermine our democratic insti-

tutions by diminishing the access of Americans to their own government. At the City College of New York on December 14, 1983, I said that "we decided almost unanimously against it. You have to be very careful not to let your institutions be affected by terrorism."

The Ayatollah Khomeini hopes to change our behavior with his threats. John Chancellor suggests that we deny him that victory, and invite Rushdie to make a book tour in the United States under all necessary protection by our Government. I agree; regardless of whether we like Mr. Rushdie's book, the right to publish, sell, and read it cannot be held hostage by the Ayatollah. Mr. President, I ask unanimous consent that Mr. Chancellor's commentary of February 28, 1989, be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

LET'S INVITE RUSHDIE

One of the goals of terrorism is to force people to modify their behavior. When the Ayatollah Khomeini put Salmon Rushdie on a hit list, Rushdie modified his behavior. He's in hiding in England. And our behavior, as Americans, has been modified by the Ayatollah. Mr. Rushdie was scheduled to come here to go on an American book tour. Now he can't. That's an abridgement of our freedom to listen, whether we think his book is good, bad or boring. Terrorism is working in this case.

So why don't we invite Salmon Rushdie to come to the United States for a week or so to talk about his book? If we can protect Yasir Arafat we can protect Rushdie. American authorities provide security all the time to controversial visitors to the United Nations. Television studios can be secured, hotels can be guarded, lecture halls can be protected.

Instead, something curious and scary is going on. Everybody's acting as though the Ayatollah's killers are supermen who will strike once Rushdie makes a move. That's wrong. They're not, but it's precisely what the Ayatollah wants us to think. Why can't the President or the Attorney General say—if Americans want to listen to him, let Rushdie come here and we'll protect him. We'll let him speak, and we'll guarantee the right of Americans to listen to whomever and whatever they please. That's our right, and terrorists shouldn't be allowed to take it away from us.

Would it be complicated and expensive to protect Rushdie? Sure. So is protecting freedom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the order of 12 noon having already arrived, the Senate will now go into executive session to consider the nomination of Louis W. Sullivan to be Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Louis W. Sullivan, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The time for debate on the nomination between now and 1 p.m. is to be equally divided and controlled between the Senator from Texas [Mr. BENTSEN] and the Senator from Oregon [Mr. PACKWOOD] or their designees.

The Senator from Texas.

Mr. BENTSEN. Mr. President, I am delighted to be here to support the nomination of Dr. Louis Sullivan to be Secretary of the Department of Health and Human Services. I might state we were ready to proceed on this matter yesterday, but the other side of the aisle had requested that we defer until today, and we were pleased to cooperate in that regard.

Dr. Sullivan's nomination was reported out of the Finance Committee by a vote of 19 to 0. One member of the committee voted present. I am anxious to allow Dr. Sullivan to get on with the job, and to devote his full attention to the formidable task of managing the Nation's largest Cabinet department.

In his capacity as Secretary of Health and Human Services, Dr. Sullivan's decisions are going to affect the lives of millions of Americans. For example, over 50 million Americans receive help from Medicare or Medicaid, important programs that make health care available to people who are aged, poor, or disabled. Mothers and families who are caught up in the cycle of poverty around this country have new reason to hope for a meaningful future as HHS begins to implement last year's new welfare reform law. Mr. President, I am confident that Dr. Louis Sullivan is going to be a caring advocate for these and other vulnerable Americans.

The challenges that are facing Dr. Sullivan as HHS cannot be overestimated. The programs of this over $400 billion agency will be at center stage as we grapple with the deficit and with the budget that has been proposed by the President. When President Bush talks about a kinder and gentler America, decisions about Health and Human Services programs are central to achieving the objectives he has in mind. During the Committee on Finance's hearings on Dr. Sullivan's confirmation, I was struck by how strongly many of my colleagues reacted to the President's proposals to cut Medicare spending by over $5 billion next year. Within the committee, strong support was also shown for improving the health of our Nation's children, and for addressing the looming crisis in rural health care, a crisis reflected in the fact that we have had so many rural hospitals across this country close over the last 5 years.

These are just a few of the formidable challenges that are going to be faced by Dr. Sullivan. I think he is well-equipped to meet these challenges. As the president and dean of the Morehouse School of Medicine, he used his talents as a physician and an administrator to endow an institution and its students with a deep commitment to health care for society's most vulnerable citizens.

Mr. President, I should note that there was some delay on the part of the White House in scheduling confirmation hearings on Dr. Sullivan. We were prepared in the Finance Committee to move on the nomination much sooner, but we were asked by the White House for some additional time so that some paperwork could be completed. This paperwork in part involved Dr. Sullivan's arrangements upon leaving Morehouse, and was required to ensure that there was not created any ongoing financial conflict of interest with his position as Secretary of HHS. I am confident that Dr. Sullivan has severed any connection between himself and Morehouse that could pose a problem. In fact, he did so at considerable sacrifice for himself and for his family.

In looking at the arrangements made for Dr. Sullivan's departure from Morehouse, I and several of my colleagues are concerned that he may have been called on to do more with regard to foregoing severance pay than demanded by even the strictest rules and principles of equity and ethics. This issue deserves further exploration, so I have asked the committee staff to look into the severance pay issue with the staff from the Office of the Counsel to the President and the Office of Government Ethics. Dr. Sullivan is not a wealthy man, and the amount of money that we are talking about is substantial for him. I do not want to needlessly discourage good and able men and women from seeking positions in Government service.

I might say also that I am delighted that President Bush has made a renewed commitment to improving access to affordable health care, to the implementation of welfare reform and to investing in the future of our Nation's children. His nomination of Louis Sullivan as Secretary of HHS is a good first step in the right direction. These areas of child health, rural health care, and welfare reform, are going to be among the top priorities of the Committee on Finance in the coming 2 years, and I look forward to working with Dr. Sullivan on them. I

urge the Senate to act promptly and favorably on his nomination. I defer to the ranking member on the committee, the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I thank the Chair.

I, too, support Dr. Sullivan and support him quite strongly. Let me make a couple things clear for the record, if I might, because there has been a big issue about the subject of abortion. Dr. Sullivan has made his position very clear. He supports President Bush's position. He is opposed to Federal funding of abortion. He wants to overturn Roe versus Wade and will support that position. That is clearly not my position. I do support Federal funding of abortion, and I hope that Roe versus Wade is not overturned. But if I were to vote against Dr. Sullivan, I would have to vote against him on that issue alone, no other issue, because in every other respect from my standpoint he is eminently qualified. If I were to vote against him on that issue, in my judgment, it makes me as bad as the other side, which does not agree with me on this issue, that says that is the one issue I am going to vote on. I hope we have passed the eye-for-an-eye philosophy. I am willing to say, "Doctor, your department has lots of other things to do." As a matter of fact, the entire Department of Health and Human Services funded only 322 abortions last year, almost all of them to save the life of the woman. Twelve or thirteen years ago the then Department of Health, Education, and Welfare, the predecessor to this Department, was funding almost a quarter of a million. So those opposed to funding won the battle. We voted on the Senate floor. The battle is lost from my standpoint, won from theirs. He fully realizes that the major things his Department has to do relate to Medicare, Medicaid, Social Security, and tremendous budget restraints. I do not want to say budget cuts because President Bush has asked that Medicare go up next year by $8 billion. If we do not change the law, it is going to go up $13 billion, but it is not a cut from where we are this year.

Those are the problems on which Dr. Sullivan has to work. Indeed, if we should be asking the question about abortion, we really ought to be asking it more of judicial appointments, especially Federal court appointments, rather than the particular position he is going to hold.

With that background, let me go on to the money and the allegation of the conflict. Dr. Sullivan was entitled at Morehouse to two different benefits. One was straight out severance pay, about $300,000, that he is entitled to when he leaves that job as dean. If he retires, if he comes to work for the Government, if he moves to Indonesia, he is entitled to that money. He has voluntarily agreed to give that money up. I think that is a mistake because I think it sets a bad precedent for others who might follow. There is nothing that says there is any conflict in his taking money he has earned in the past and that has nothing to do with if he ever was connected with Morehouse again. That he would be entitled to. I wish, frankly, he would reverse his personal decision and say, "That part I will take," because he is not a wealthy man.

The second issue involves a sabbatical. A sabbatical is when in normal academic life you take a year off every 7 years and you receive a full stipend or some part stipend from the college and you go back. The question is whether or not there could be a possible conflict of interest in his receiving some pay from Morehouse while he is Secretary of Health and Human Services in a department that has to pass on grants to medical schools, some of which go to Morehouse. There the Office of Government Ethics has ruled that he would have a conflict of interest. He is going to forgo that also. He is not taking, either one. But that probably is legitimate to forgo. I think the other one is voluntary and he really should not lose it because he is not wealthy. I admire him for doing it, but I would not want the record to indicate that every employee would have to do that because it was an earned entitlement that you have no matter what.

With that behind us, I do not know where the President was going to find a better man with background qualifications better than Dr. Sullivan, a physician of repute, an educator without peer. Anybody who can found a medical school, found it in the mid-seventies, raise the money for it and make it go, deserves a place in this Cabinet—as far as I am concerned, in any position, but to found one that is primarily black, to train doctors to serve in urban areas and rural areas where we are, very frankly, having a hard time getting graduates of normal medical schools, deserves a double accolade and he has made it go.

The recommendations of the Georgia congressional delegations, House and Senate, were above reproach. The letters that we had from citizens who knew him in Atlanta, those who knew him in Boston when he was in Boston, are without compare. In every sense this man is qualified to do a first-rate job. The issue of abortion ought to be irrelevant, or at a maximum de minimis for this position at this time. Therefore, I entirely support his confirmation and hope that the Senate will give him a 100-to-0 vote this afternoon.

The PRESIDING OFFICER. The Senator from Texas controls the time.

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, I urge the Senate to confirm the nomination of Dr. Louis W. Sullivan, M.D., to become the next Secretary of Health and Human Services. As the chairman of the Senate Committee on Labor and Human Resources, the committee that shares jurisdiction with the Committee on Finance over DHHS, I look forward to working with Dr. Sullivan in the years to come to address serious challenges which fall in the area of public health.

Dr. Sullivan appeared before the Labor Committee yesterday to discuss his views on a number of important health and child care issues. I was impressed with his insights into complex problems, his commitment to the concerns we share, and his sensitivity to the problems of the uninsured, the elderly, people infected with the AIDS virus, and those in urban and rural areas who lack access to basic medical care.

The problems the Secretary of HHS will confront over the next few years go to the very heart of the many different challenges facing the Nation.

Thirty-seven million citizens have no health insurance coverage, either public or private. As a result, they are denied access to essential health care that should be a fundamental human right.

Thirty million senior citizens and their families are at risk for the devastating cost of long-term care, either in a nursing home or in their own homes.

The AIDS epidemic continues to threaten our society with the most devastating plague of the 20th century. Forty-nine thousand Americans have already died from this disease; over a million and half are infected with the deadly virus, and care needs could well bankrupt our health care system in the decade ahead.

The National Institutes of Health are the envy of the world for their record of achievement in biomedical research, but the United States lags behind 18 other countries in protecting children against infant mortality.

Minority citizens die at rates that shame us all; unnecessary deaths among blacks and other minorities from preventable and treatable illnesses number almost 60,000 a year;

Hospitals are reeling under the pressures of soaring costs. An economical and effective prospective payment system is an essential element in the struggle against excessive inflation in these costs, but health care must never be held hostage to attempts to balance the budget on the backs of our hospitals.

Efforts to contain health care costs must not compromise the high quality

of care that all Americans have come to expect. In searching for cuts, we must take the careful approach of the skilled surgeon, seeking to remove the excess without harming essential functions.

I commend President Bush for nominating Dr. Sullivan to lead us in meeting these and other challenges. He is a distinguished physician, medical researcher, and medical administrator. And I am also pleased to note that he has served or studied at a number of Massachusetts institutions—including Boston University, Harvard Medical School, Boston City Hospital, and the Boston Sickle Cell Center.

One of the most impressive achievements in his distinguished career involves the Morehouse School of Medicine. As the school's first dean and president, Dr. Sullivan created the medical school and built it into one of the Nation's most respected institutions for the training of physicians. He is widely recognized by his peers for his leadership, energy, commitment and contributions to academic medicine.

Dr. Sullivan is also well known for his honesty and integrity. In accepting the call to public service, his efforts to avoid any hint or question of conflict of interest have been above and beyond those ordinarily demanded of the Nation's high officials. Dr. Sullivan has voluntarily chosen to forgo a large amount of severance pay rightfully owed to him from his service at the Morehouse School of Medicine.

In summary, I am proud to support the nomination Dr. Sullivan to become the next Secretary of Health and Human Services. His new Department has the widest array of Federal programs and the largest budget. He is well-qualified for the position of Secretary of HHS and I urge the Senate to confirm his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. HATCH. Mr. President, today we will be voting on the nomination of Dr. Louis Sullivan, President Bush's nomination as Secretary of the Department of Health and Human Services. Dr. Sullivan has my full support and I hope that all of my colleagues will likewise support this nomination.

The Department of Health and Human Services has the third largest budget in the world. Only the United States and Soviet Governments have budgets that are bigger. HHS administers and reviews countless domestic programs in America which touch every American every day. The thankless task of administering this mammoth agency must fall on the shoulders of a compassionate professional.

If I were to characterize Dr. Sullivan in just two words, I would call him a "compassionate professional." I believe he is just exactly that type of a person. First of all, he is a respected health care professional. He has worked on a great number of the problems that the Secretary of Health and Human Services would have to deal with. He has firsthand knowledge of the health care needs of Americans. He has worked to help low-income mothers and their children receive needed services while working against poverty in America. He has cared for the elderly and understands their needs. He will now head an agency that provides health care services to over 31 million elderly Americans; health care services for nearly 26 million low-income families; social services and cash benefits to over 40 million Americans; and health and social care to over 33 million Americans with disabilities.

Dr. Sullivan's credentials to lead our Nation's health and human services program are impeccable. He is well-educated. He is articulate. He will be a great spokesman for all of these areas, and he is a respected author. His résumé reads like that of one of the great people of this world, which he is. He is a noted hemotologist and has trained amd taught at laudable medical institutions including Harvard Medical School, New Jersey College of Medicine, Boston University, and since 1975 has been the dean, president, and director of the School of Medicine at Morehouse College.

I will not go into all the numerous awards and other matters that have made his life so important. But his record and experiences embodies what, I believe, is characteristic of what we need in a Secretary of Health and Human Services.

So I am delighted that Dr. Sullivan, a progressive, compassionate, conservative with proven abilities as an administrator, will accept the challenge of administering this essential Federal agency. His responsibilities will be large and diverse, and I admire his willingness to join the ranks of the dedicated public servants now serving HHS and other areas in the President's Cabinet.

Again, I call Dr. Sullivan a "compassionate professional," one who really will make a difference in this country. I urge my colleagues to support his nomination.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yield time?

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I rise to join the other Members of the Senate who speak of their admiration for Dr. Sullivan. He has impressed us all. We are looking forward to his tenure as Secretary of the Department of Health and Human Services. He confronts a formidable task—the proposition that this is, indeed, as the Senator from Utah said, a country with the third largest budget in the world—is a measure of the undertaking.

I might say, since so much of our talk these days is of difficulty, that last evening I met with Dorcas Hardy, Commissioner of the Social Security Administration, who reports that the Social Security retirement and disability funds are rising at $89,000 a minute. Not all the news is of difficulty and strain.

Nevertheless, I would like to address succinctly a matter which our distinguished Chairman, LLOYD BENTSEN, raised in Dr. Sullivan's hearing before the Committee on Finance. The Chairman and, I might add, the majority leader, questioned Dr. Sullivan about the JOBS Program—that is the training program provided for in the Family Support Act which we adopted last year and which was enacted last year. This act is the first overhaul of the welfare system in half a century, from the time that it was first created. The chairman stated as to "whether or not [the JOBS] Program is a discretionary program or an entitlement, * * * this was passed as an entitlement provision. And in less than 3 months after—enactment—the administration's budget was presented to us undermining that entitlement feature and * * * in effect * * * making it a discretionary program. I am deeply concerned * * *," said the chairman of our committee, Senator BENTSEN, and this Senator who is chairman of the Subcommittee on Social Security would like to echo those views.

Mr. President, in the 100th Congress, this body passed the Family Security Act, the first overhaul of our Family Welfare Program, Aid to Families With Dependent Children [AFDC], in half a century. After months of negotiations, the House and Senate produced a conference report that was swiftly adopted by both bodies. My colleagues in the Senate voted 96 to 1 in favor. President Reagan signed the Family Support Act into law, Public Law 100-485, on October 13, 1988.

One of the most important features of our welfare legislation was the creation of a new entitlement program, the JOBS Program, to provide education, training, and work experience to AFDC parents. Indeed, the bipartisan consensus that secured passage and enactment of our legislation was largely founded on the simple premise that welfare mothers and fathers must

strive to support their children through work. It is the further obligation of Government to do all in its power to help these poor parents make ready to enter the labor force.

Toward this end, we created the JOBS Program. Upon introduction, the JOBS Program was to be an open-ended entitlement. Subsequently, in the Finance Committee's markup of our bill, concerns were raised about creating a new, open-ended entitlement program at a time of growing budget deficits. We argued, with the support of the Nation's Governors, that open-ended financing was the only sure way of providing the States with the fiscal assistance they needed to make the new work-training programs a success.

Still, we compromised. Working with the Governors, we agreed to make the JOBS Program a capped entitlement, but—and let there be no doubt about this—an entitlement nonetheless.

The capped entitlement remained intact throughout Senate deliberations and the House-Senate conference. Indeed, during the conference, again at the request of the Governors, we raised the caps to guarantee States solid Federal financial support in future fiscal years. As signed by President Reagan, our new public law entitles States to 600 million Federal dollars in the current fiscal year, $800 million in fiscal year 1990, $1 billion in fiscal year 1991-93, $1.1 billion in fiscal year 1994, $1.3 billion in fiscal year 1995, and $1 billion in fiscal year 1996, and future fiscal years.

This is the lynchpin to our JOBS Program, the point upon which Congress and the Governors and the President agreed: States must be entitled to sufficient Federal resources so that they may, in accordance with statute, create new education, training, and work programs, target long-term welfare recipients to participate in these programs, and substantially increase rates of participation in these programs. At the same time, States must act responsibly and take advantage of the Federal entitlement. A State that does not use these Federal funds will have only itself to blame.

Mr. President, I review this legislative history only to make the point that the entitlement status of the JOBS Program was neither an accident nor an afterthought. The decision to make the JOBS Program an entitlement, a radical departure from current law, was carefully considered, seriously debated, and deliberately adopted by this body, by the House, and signed by the President.

Imagine our consternation, therefore, when President Reagan, not 3 months after signing this landmark legislation into law, sent us, on January 9, 1989, a fiscal year 1990 budget that proposes to completely undo the JOBS entitlement. The outgoing Reagan budget proposes that the JOBS Program be a discretionary program, subject to annual appropriations, and that the maximum appropriation in fiscal year 1990 be cut to $350 million. In short, our capped entitlement of up to $800 million would be reduced by more than half to a discretionary sum of only $350 million.

Mr. President, this was appalling. This proposal, should it be permitted to stand, would clearly violate the law. The statute says it is an entitlement as much as any of the other entitlement provisions of the Social Security Act. And it is not within the preview of the President to say "I have changed my mind," and, therefore change the law. Yet, no particular protests were made because the budget of the outgoing President was soon to be revised by the incoming President. One month later to the day, on February 9, 1989, President Bush's budget revisions arrived, in a document entitled, "Building A Better America." It arrived, Mr. President, but it shed little light. No mention was made of the JOBS Program; indeed, no mention was made of the Family Support Act at all. Still, we hoped. Silence could, perhaps, be interpreted to mean that President Bush would support the new statute, rather than his predecessor's budget.

I spoke with Dr. Sullivan about this very point when he visited me in my office, on January 23, 1989, prior to his confirmation hearing before the Finance Committee. A number of us questioned Dr. Sullivan on this point again when he appeared before the Committee on Finance last week. Indeed, my distinguished colleagues, the majority leader and the chairman of the Finance Committee emphatically made the point during the hearing: The JOBS Program must remain an entitlement.

In the last 2 days, I have met with Governors Carroll Campbell of South Carolina and Bill Clinton of Arkansas. Both expressed the concern of their fellow Governors that the JOBS Program maintain the entitlement status guaranteed in the new statute.

On Monday, February 27, following my meeting with Governor Campbell, I spoke with Mr. Darman and raised this specific question. I can report to the Senate that Mr. Darman agreed with me that the moneys for the JOBS Program were in fact to be, by law, a capped entitlement. He indicated that the exact amount made available in the first budget round might not be that provided in the Family Support Act—$800 million in fiscal year 1990—but that this could be dealt with in a supplemental, should it become necessary.

I hasten to state that this was a telephone conversation and cannot be considered a formal undertaking by the distinguished Director of the Office of Management and Budget. But if it is an indication of his present thoughts, it is indeed reassuring. However, something much more formal must come from the executive branch.

Mr. President, I know Dr. Sullivan will want to address that matter.

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank the distinguished ranking member for yielding me the time.

Mr. President, I congratulate President Bush on his selection of Dr. Louis W. Sullivan as Secretary of the U.S. Department of Health and Human Services, and I am pleased to express my support and vote for his confirmation today.

Dr. Sullivan is well-qualified for the position of Secretary of Health and Human Services, as reflected in his impressive list of accomplishments and experiences. In July 1975, the 41-year-old physician became the founding dean and director of the Medical Education Program at Morehouse College in Atlanta, GA. He was named the first president and dean of the Morehouse School of Medicine when it became independent from the college in 1981.

Before joining the Morehouse College faculty, he held diverse teaching and administrative positions. Dr. Sullivan began his academic career as an instructor of medicine at the Harvard Medical School from 1963 until 1964. He later served at the National Institutes of Health and as an attending physician in Jersey City, NJ. From 1966 through 1975, Dr. Sullivan held various positions at Boston University School of Medicine and Hospital including those of professor of medicine and physiology and professor of nutrition. Certainly this wide range of experience will serve him well as Secretary for Health and Human Services.

In addition, Dr. Sullivan belongs to a number of medical and scientific societies, including the American College of Physicians, where he is a member of the Health Care Financing Subcommittee. He also holds many advisory and consulting positions, including membership on the Robert Wood Johnson Health Policy Fellowship Board of the National Academy of Sciences and membership on the Advisory Committee to the Harvard-Massachusetts Institute of Technology Division of Health and Technology. Dr. Sullivan has conducted numerous research projects that include studies on vitamins and the effects of alcohol on certain health conditions.

I am confident that Dr. Sullivan will be an effective leader on the many important issues addressed by the De-

partment of Health and Human Services.

I support the nomination of Dr. Sullivan to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has in the other positions he has held in the past.

I have had the opportunity to become personally acquainted with Dr. Sullivan and believe him to be a man of outstanding qualifications to take on this very important position.

His professional career has already been outlined. Beyond what appears on paper, he is a man who presents himself extremely well. He is articulate, he is personable, and I think he has the qualities to be an outstanding Secretary of Health and Human Services.

Mr. President, beyond those comments about Dr. Sullivan personally, I compliment President Bush and the administration in the support of Dr. Sullivan through a difficult confirmation proceeding. Some questions arose early on, I think, as a result of Dr. Sullivan's not being totally experienced in the fast currents of the Washington political scene, and the administration, I think, gave the kind of support which was warranted and which has worked out.

I also compliment my colleague, Senator PACKWOOD, for his participation in this confirmation proceeding. There had been some publicity given to an early meeting between Senator PACKWOOD and Dr. Sullivan, where Dr. Sullivan testified at the hearings that he had misspoken, and that, too, was clarified.

I particularly appreciated Senator PACKWOOD's comment in voting in support of Dr. Sullivan, that notwithstanding a disagreement on a single issue, a single issue ought not to make the determination as to qualification of a Cabinet choice, and I heartily agree with that kind of conclusion, that there are an enormous number of issues which face all of us in the discharge of our public duties.

While there may be disagreements, even heated and vociferous disagreements, on a single issue, that ought not to be the determinant. So as these proceedings draw to a close, Mr. President, I think it is going to be a good day for the United States with a man of this distinguished position, and I look forward to supporting Dr. Sullivan both in the vote today and in the administration of his office. I urge my colleagues to give Dr. Sullivan their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, the Senator from North Carolina spoke with me and indicates he does not want to go past 1 o'clock. I have no other speaker. I know of Senator THURMOND, who is not here, and Senator CHAFEE, also. I wonder if the Senator from North Carolina is ready to proceed now and take 5 or 6 minutes and stop and see where we are.

Mr. HELMS. Very well.

Mr. PACKWOOD. I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. HELMS. Mr. President, let me defer to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank my distinguished colleague from North Carolina.

Mr. President, I rise to state that I support Dr. Sullivan's nomination for Secretary of HHS with enthusiasm, and I am pleased that our distinguished chairman of our committee, Senator BENTSEN and Senator PACKWOOD, the ranking member, have been able to work out with the administration the fact that Dr. Sullivan will be able to retain the severance pay that he was originally apparently forced to give up.

That struck me, as it did other members of the committee, when Dr. Sullivan came before us, as an extremely onerous requirement upon Dr. Sullivan. Certainly, none of us expects somebody to come into the administration as a pauper and go out a wealthy person. Likewise, we do not expect somebody to come in with moderate wealth and go out of the administration a pauper. That was a requirement that was about to be levied upon Dr. Sullivan.

It appears that this matter will be worked out, and should Dr. Sullivan choose to retain that severance pay or that particular fund that we previously have discussed, it would be possible, and I certainly hope that he will do it, because there is no possible conflict of interest in that.

Dr. Sullivan appeared before our committee, as previously stated, and greatly impressed all of us. In addition, he made personal calls on us. We had a chance to interview him and go over his record, and the administration and the Nation are lucky to have obtained the services of a man such as Dr. Sullivan, so we look forward to a happy administration, a successful one.

He confronts all kinds of challenges. I stand exactly in the same position as Senator PACKWOOD does as regards Roe versus Wade and the abortion issue. Nonetheless, Dr. Sullivan is the man for the job, and despite all these differences, I believe his nomination should be confirmed.

I was extremely impressed with Dr. Sullivan's concern for and emphasis on the issues of access and prevention. To me, this suggests that he has, not just the background, but also the vision required to do the job.

Mr. PACKWOOD. Does the Senator from North Carolina want to proceed next or want to let Mr. THURMOND proceed?

I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the nomination of Dr. Louis Wade Sullivan to be Secretary of Health and Human Services. The Department of Health and Human Services has a budget which is second only to that of the Pentagon. It is charged with the responsibility of administering programs which provide vital services to our Nation. I am confident that President Bush has made a wise selection in his choice of Dr. Sullivan to head this important Department.

Mr. President, Dr. Louis Sullivan is well qualified to hold the demanding position of Secretary of Health and Human Services. A native of Atlanta, GA, he graduated magna cum laude from Morehouse College and received his M.D. degree cum laude from Boston University. He then completed an intership and a medical residency at New York Hospital, Cornell Medical Center. Dr. Sullivan also served a residency in general pathology at Massachusetts General Hospital, after which, he became a research fellow in hematology at the Thorndike Research Laboratories of the Harvard Medical School at the Boston City Hospital.

Dr. Louis Sullivan has been an assistant professor of medicine at the New Jersey College of Medicine; and successively, an assistant professor, and full professor of medicine, at the Boston University School of Medicine. While in Boston, Dr. Sullivan became codirector of hematology at the Boston University Medical Center, where he continued his research in that area.

In 1975, Dr. Sullivan became the founding dean and director of the Medical Education Program at Morehouse College. When the Morehouse School of Medicine became independent of Morehouse College in 1981, Dr. Sullivan was named its president. Since 1985, he has served with distinction as president of that institution of medical learning.

Dr. Sullivan's academic achievements have been recognized through his induction into the Alpha Omega Alpha Medical Honor Society, and Phi Beta Kappa. He has also served as a member of the Institute of Medicine of the National Academy of Sciences; the Cancer Institute's National Cancer Advisory Board; and as vice chairman of the Commission on Health and Human Services of the Southern Regional Education Board. Dr. Sullivan

has been honored by numerous other professional and civic organizations.

Mr. President, Dr. Louis Sullivan has demonstrated his effectiveness as an outstanding physican, teacher, and administrator. He is sensitive to the needs of the underprivileged and elderly of our country. He is a dedicated leader, who possesses the expertise necessary to carry out President Bush's policies at the Department of Health and Human Services. Accordingly, I urge my colleagues to support Dr. Sullivan's nomination.

Mr. PACKWOOD. Mr. President, I yield the remainder of the time I have to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Oregon.

Mr. BENTSEN. Would the Senator like additional time? I have another 3 minutes, if he wants it.

Mr. HELMS. I will try not to use it.

Mr. BENTSEN. I yield an additional 3 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Texas.

Mr. President, at the outset let me emphasize as strongly as I know how that I respect Dr. Sullivan for his many academic accomplishments and contributions to medicine. Nonetheless, I am obliged to vote against his confirmation as Secretary of Health and Human Services. He is a civil man, a pleasant man, and I enjoyed the one conference I had with him. Obviously, he is a man of high ability and intelligence, but, nevertheless, having studied the matter, some of the answers to questions and nonanswers to questions—to be honest about it—that Dr. Sullivan has provided, I feel obliged as a matter of conscience to vote against his confirmation as Secretary of Health and Human Services.

After reading and rereading his responses to questions that I had submitted for the record and after reviewing his responses to questions asked by other Senators at his confirmation hearing, I have concluded that one of two things is obvious: Either Dr. Sullivan has no opinion on a number of issues or he is reluctant to voice his opinion, one or the other. If Dr. Sullivan has no opinion on those issues which are of utmost importance to me and to a great many citizens I am privileged to represent, I find myself troubled, that he may find himself vulnerable to manipulation by bureaucrats and powerful outside interests groups whose views are antithetical to those of the President of the United States, not to mention many of the rest of us. On the other hand, if he refuses to voice his position, he is doing a disservice to the U.S. Senate and the American public. So, in short, this is one of those rare instances where I will be casting my vote hoping that I will be proved wrong on both counts, and I fervently hope that I will be because I like the man and I wish that I could support his nomination.

But let me offer a few examples: Senator ARMSTRONG, for example, asked Dr. Sullivan at his February 23 hearing before the Senate Finance Committee whether he would recommend that the President sign an Executive order banning fetal experimentation on preborn children who have been aborted. Dr. Sullivan declined to give a definitive answer.

On February 23 I asked him, through a question submitted for the record, whether he favored fetal experimentation as reported in a December 21 Atlanta Journal article. Dr. Sullivan again refused to give a definitive answer.

I believe the pro-life community as it is called, is unanimously opposed to fetal experimentation on an unborn alive child if it imposes more than minimal risk to the child.

I cannot turn my back on that opinion. Furthermore, organ harvesting or tissue harvesting from dead babies who are the products of induced abortion is just as abhorent and just as egregious. We have condemned over and over again thousands of times the harvesting of tissues and organs of Jews murdered at the hand of Adolf Hitler. We should take care that we provide the same protection to the most innocent and helpless of human life, that is to say, unborn children. Dr. Sullivan has been unwilling to give that commitment, for whatever reasons satisfactory to himself.

On February 23 I also asked in writing whether Dr. Sullivan supported the Civil Rights Commission's recommendation to "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap." Dr. Sullivan refused to answer the question and merely stated that he would "explore * * * the extent to which we are meeting our responsibilities."

Mr. President, that will not do. That is not enough. I like the man. But he owes us more of an answer than that.

On February 27, Senator HATCH asked Dr. Sullivan in the Senate Labor Committee hearing whether he supported notifying spouses if their partner is infected with the AIDS virus. Dr. Sullivan said he could not take a position on whether health authorities should notify spouses because it is a State issue. I am sure Dr. Sullivan knows that for years the Federal Government has made recommendations to the States on treating and controlling contagious diseases, including AIDS, and it continues to make recommendations on testing and contact tracing, so I find Dr. Sullivan's comments puzzling.

On February 27, Senator COATS submitted a host of questions and unfortunately, again, Dr. Sullivan would not take a position.

Asked whether he would begin a study on the detrimental effects of abortion, Dr. Sullivan refused to commit to doing the study and simply said he would "work with the Director of CDC to explore the practicality of undertaking such a study."

Asked whether he would support a widespread epidemiological study on the prevalence of AIDS infection, Dr. Sullivan said that "if the results of the feasibility study show it is possible to obtain accurate information at acceptable cost from household survey of HIV seroprevalence, CDC will recommend that the full national survey be conducted. * * *"

Mr. President, that is a nonanswer. Dr. Sullivan would not take a position whether he would even approve CDC's recommendation.

Senator COATS also asked Dr. Sullivan whether he would support a Federal confidentiality law which would repeal State confidentiality and right-to-know laws concerning AIDS. Dr. Sullivan said that he wanted to see the results of a study. He would not take a position.

Asked whether he believed that living embryos, fetuses and newborns should be protected from research which poses greater than mimimal risk of suffering, Dr. Sullivan cited the Department's "commitment to the protection of all human subjects in research" and a law which prevents the use of living fetuses in research. Dr. Sullivan did not state whether he supported this policy or this law.

Asked whether he supported research using the organs or tissues of children who are the products of an induced abortion, Dr. Sullivan refused to take a position.

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. BENTSEN. I have 3 minutes I had been holding for the junior Senator from Georgia, but I do not believe he is going to appear. So I yield that to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The Senator is most generous, and I thank him.

On questions relating to the starvation of newly born handicapped infants, Dr. Sullivan refused to commit to taking steps to enforce the law. I found that puzzling. Asked whether he would enforce the congressionally defined standard of care for severely handicapped infants, Dr. Sullivan merely said that he wanted to be updated on the progress and recommendations of a study being conducted on the subject by the Office of Human Development Services. That was a nonanswer.

Dr. Sullivan has also taken positions with which I disagree respectfully. He supports the reauthorization of title X—the so-called family planning bill provided that the title X program is not involved with abortions. I do not. The title X program is no more and no less than a safe sex program for teenagers. The title X program is funding and will continue to fund school-based birth control clinics. It is the leading Federal funder of Planned Parenthood, an organization bound and determined to destroy the ethical fiber of this country.

Dr. Sullivan supports abortion in cases of rape and incest. I do not. In my opinion, if one really believes that that baby in the mother's womb is a real, live person, than I cannot understand how he can support imposing a death sentence on the child because the child was conceived by force.

Mr. President, I will not further consume the Senate's time except to reiterate what I said at the outset. I respect Dr. Sullivan for his intelligence and demonstrable academic accomplishments. However, his failure or refusal, one or the other, to take positions on a number of extremely important issues, at least important to me, leaves me with no alternative but regretfully to cast my vote against his nomination.

I do it with no animus toward him and I wish him well, and I hope he will prove me wrong in his service as Secretary of HHS.

Mr. President, I ask unanimous consent that the following items, be printed in the RECORD: First, my questions and Dr. Sullivan's responses; and second, Senator COATS' questions and Dr. Sullivan's responses to those questions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR LOUIS SULLIVAN CONFIRMATION HEARING, SENATE COMMITTEE ON FINANCE, FEBRUARY 1, 1989

(1) What is an abortion?

(2) As a doctor, when do you believe life begins?

(3) On December 18 you reportedly stated to the *Atlanta Journal* that you support a woman's right to an abortion. On December 21 you are quoted as saying, ". . . my private situation . . . is that there should be that right [to an abortion]." On January 23 Evans and Novak reported that you have told Senator Packwood you favor abortion. On January 24, the *New York Times* reported that you have told other legislators that you support legalized abortion.

How does your current position differ from all these accounts?

(4) In the December 21 *Atlanta Journal* article you stated that you do not believe the federal government should be involved in funding abortion "because it's such a divisive, emotional issue with such polarization on both sides."

How does your current position differ from the position you took on December 21?

(5) Do you believe that tissues and organs should be removed from an aborted child while that child is still alive?

(6) Do you believe that tissues and organs should be removed from a dead aborted child?

(7) On December 21 the *Atlanta Journal* reported that you favor fetal experimentation. How does your current position differ from that reported in the Dec. 21 article?

(8) Should the lives of the handicapped be protected from the time of birth?

(9) Do you oppose the actions of some doctors who deny lifesaving medical treatment or food and fluids to newly born handicapped infants?

(10) According to a press release of the Civil Rights Commission dated January 12, next month the Commission will release a report which recommends that the Executive Branch "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap."

Will you support the Commission's recommendation?

FEBRUARY 27, 1989.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: Enclosed please find my answers to your questions presented by Senator Symms in conjunction with my confirmation hearings before the Senate Finance Committee. I have also sent a copy of my responses to the Committee for inclusion in the hearing record.

Sincerely yours,

LOUIS W. SULLIVAN, M.D.,
Secretary-designate,
Department of Health and Human Services.

RESPONSE TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR JESSE HELMS

Question 1: What is an abortion?

Answer: An abortion is the premature expulsion of a fetus from the womb, which may be either spontaneous or induced.

Question 2: As a doctor, when do you believe life begins?

Answer: I believe that life begins at conception.

Questions 3 and 4: On December 18 you reportedly stated to the *Atlanta Journal* that you support a woman's right to an abortion. On December 21 you are quoted as saying, ". . . my private situation . . . is that there should be that right [to an abortion]." On January 23 Evans and Novak reported that you have told Senator Packwood you favor abortion. On January 24, the *New York Times* reported that you have told other legislators that you support legalized abortion.

How does your current position differ from all these accounts?

In the December 21 *Atlanta Journal* article you stated that you do not believe the Federal government should be involved in funding abortion "because it's such a divisive, emotional issue with such polarization on both sides."

How does your current position differ from the position you took on December 21?

Answer: I am in full accord with President Bush's views on abortion. I oppose abortion except to save the life of the mother and in cases of rape and incest. I am in favor of a pro-life amendment to the Constitution and I am in favor of overturning *Roe* v. *Wade.*

Consistent with these views, I wholeheartedly support the Hyde Amendment. The Federal Government should not be funding abortions, except when the life of the mother is in danger.

Question 5: Do you believe that tissues and organs should be removed from an aborted child while that child is still alive?

Answer: No. Tissues and organs must not be removed from a living fetus, infant or child, nor an adult without his or her consent.

Questions 6 and 7: Do you believe that tissues and organs should be removed from a dead aborted child?

On December 21 the *Atlanta Journal* reported that you favor fetal experimentation. How does your current position differ from that reported in the December 21 article?

Answer: I have a strong conviction that no action should be taken that would encourage or promote abortion.

The Department of Health and Human Services has a longstanding commitment to the protection of all human subjects in research. In addition to the Department's broad regulations protecting research subjects, there are special regulations to guard against exploitation of vulnerable research subjects—especially pregnant women, fetuses and children.

Our regulations prevent the use of living fetuses in research unless there is a therapeutic benefit to the fetus or unless the research poses essentially no risk to the fetus (n.b. the test for this latter exception is that the research is conducted on fetuses in utero without reference to whether the fetus is to be carried to term or not). Congress has codified these strong protections into section 498 of the Public Health Service Act.

Question 8: Should the lives of the handicapped be protected from the time of birth?

Answer: Yes, the lives of the handicapped should be protected.

Question 9: Do you oppose the actions of some doctors who deny lifesaving medical treatment or food and fluids to newly born handicapped infants?

Answer: It follows from my previous answer that I would of course oppose actions that would deny lifesaving medical treatment or food and fluids to newly born handicapped infants. I believe medical care should always be provided when beneficial. In addition, nourishment should always be provided.

Question 10: According to a press release of the Civil Rights Commission dated January 12, next month the Commission will release a report which recommends that the Executive Branch "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap." Will you support the Commission's recommendations?

Answer: I intend to explore with the Justice Department and HHS Department personnel what our authorities are in this area and the extent to which we are meeting our responsibilities. If there are deficiencies, I will make recommendations to correct them.

DR. SULLIVAN'S RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD DURING CONFIRMATION HEARINGS

Question 1: I would like to ask you a series of questions related to abortion activities in Title X projects.

(a) Do you believe for purposes of Title X that abortion is a method of family planning?

(b) Do you agree with the statement made by President Reagan on July 30, 1987 that "At present, the coexistence of abortion with federally-supported family planning services fosters the view that abortion is an acceptable and government-sanctioned method of family planning"?

(c) In your opinion, should Title X clinics which refuse to separate their abortion activities from legitimate forms of family planning be eligible to receive Title X funds?

(d) What steps will you take to implement proposed regulations creating a wall of separation between abortion and legitimate family planning? Will you direct the Department to appeal—if necessary to the Supreme Court—all court rulings which would overrule, in whole or in part, those regulations.

(e) What further steps will you take to assure that the original legislative intent of Congress with respect to Title X is carried out?

Answer: (a) I agree with the view embodied in Title X that abortion is an unacceptable method of family planning and that, as such, Title X family planning should not include abortion-related services. I support the concept that proper family planning should reduce the incidence of abortion.

(b) Abortion is antithetical to the purposes of Federal family planning programs. It is important that the integrity of the Title X program be established as a program which in no way promotes or facilitates access to abortion. The message of the Title X regulations issued on February 2, 1988 is that the Federal government does not sanction abortion as a method of family planning and that it will not provide funding for actions that assist a woman with an unintended pregnancy to obtain an abortion.

(c) Clinics which refuse to separate their abortion activities from legitimate Title X family planning services should not be eligible to receive Title X funds. I support the rules issued on February 2, 1988 which require that a Title X project be organized so that it is physically and financially separated from prohibited abortion-related activities.

(d) I support the implementation of these important regulations and will ask the Justice Department to appeal any court order barring implementation. I will also ensure that the Department continues to implement the regulations, to the extent practical, where not enjoined.

(e) To the extent practical, I intend to implement the new rules where not enjoined by court order from doing so.

Question 2: President Bush has said that the Federal Government must establish policies to encourage women with unplanned pregnancies to consider adoption as a life-giving, positive option for their babies. Pregnant adolescents especially need help in sorting through the long-term implications of their choices. Since the Title X family planning program is the largest Federal program specifically targeted at adolescents, this would be an important place to reach adolescents with information about adoption. Do you support allowing Title X projects to provide, at their discretion, adoption services?

Answer: Title X projects are intended to provide services to help individuals determine the number and spacing of their children. This includes a broad range of acceptable and effective methods to limit or enhance fertility, including contraceptive methods amd the management of infertility (adoption may be considered as one method of infertility management). Although Title X does not fund pregnancy care services after pregnancy has been diagnosed, Title X projects are required to facilitate access to prenatal care and social services, including adoption services, that might be needed by a pregnant client to promote her well-being and that of her child.

Question 3: The Adolescent Family Life Demonstration Program is the only Federal program that targets adolescents with a message of abstinence and provides real alternatives to abortion (including the option of adoption). Can we count on your support for full funding of this demonstration program?

Answer: I support continued full funding of the Adolescent Family Life Program. As you may know, President Bush's budget provides for full funding of the program at $10 million. As I stated before the Senate Finance Committee last week, I intend to actively encourage adoption and other alternatives to abortion.

Question 4: Each year, over 1.5 million women undergo abortions. Since the legalization of abortion in 1973, 20 million abortions have been performed in the United States.

On January 9, the Surgeon General of the Public Health Service reported to the President his conclusions on the health effects (both physical and psychological) of abortion for women.

The Surgeon General found documentation that after abortion there can be infertility, a damaged cervix, miscarriage, premature birth, low birth weight babies, etc. But he further noted that conclusive data did not exist due to poorly kept records.

With regard to psychological damage, he concluded that "at this time, the available scientific evidence about the psychological sequelae of abortion simply cannot support either the preconceived beliefs of those pro-life or of those pro-choice." The Surgeon General then recommended to the President that consideration be given to going forward with an appropriate prospective study on women who have undergone abortions.

Given the apparent lack of information and data on the health risks associated with abortion will you direct the Centers for Disease Control to begin to conduct a prospective study on women who have undergone abortions?

Answer: The Centers for Disease Control has looked into the feasibility of a study of the physiological and psychological consequences of childbearing.

At the request of the Surgeon General, CDC convened a meeting of invited consultants on February 29, 1988 to discuss the feasibility of conducting a prospective study.

Although the group members seemed to agree that a prospective study of abortion/childbirth morbidity would be valuable, they also agreed that there are significant problems designing and implementing such a study. The best study design would be methodologically difficult, including enrollment of large numbers of women prior to pregnancy, with frequent follow up until pregnancy, and then post-pregnancy follow up for at least 5 years. New psychological instruments would need to be developed and standardized. I will work with the Director of CDC to explore the practicality of undertaking such a study.

Question 5: This past year, the Senate entertained floor debate on the issue of whether a spouse should have the right to know that his or her spouse has been infected with the AIDS virus. In light of the deadly nature of this disease, do you believe that a spouse should be notified.

Answer: The Department of Health and Human Services has a stated policy to strongly encourage notification of sexual and needle-sharing partners of HIV positive persons as part of the nation's HIV prevention strategy.

This policy was published in CDC's Morbidity and Mortality Weekly Report in August 1987 and was expanded and emphasized in a special report on partner notification published in July 1988.

CDC has notified States that they must have a plan for partner notification as a condition of funding for AIDS prevention programs. As of July 1988, all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands had a policy of urging HIV positive patients during their counseling sessions to notify their own sex and needle-sharing partners. In addition, 48 States plus the District of Columbia and the Territories provide health department assistance to infected persons in notifying at least some partners if requested.

One of the most important reasons that State and local health departments have not provided more widely available assistance in partner notification is that the necessary resources—both financial and trained personnel—are not available to them.

The Department will work to enhance the effectiveness of programs for notifying the spouse of a person who is infected with HIV. On an ethical basis, there is a compelling argument for such a policy.

The primary purpose of spouse or other partner notification programs is to reduce transmission of HIV in our population. The way in which such programs are structured has a major impact on their effectiveness.

The most desirable way to effect spousal notification is by supporting the infected person in the process of notifying his or her own spouse. Programs, such as those operated by blood banks to counsel seropositive donors, have demonstrated that with sufficient support, most married HIV infected persons are able to and will notify their own spouses. Some may require assistance.

Adoption of such a program at the Federal level still will require implementation and enforcement at the State and local level. We have already demonstrated, however, that with proper support and encouragement, the States and local areas will implement such programs in the absence of Federal legislation, and will expand these programs as resources become available.

Many professional societies, including the American Medical Association and the American Academy of Pediatrics, are considering positions strongly encouraging spouse and sex partner notification. These positions should be encouraged, and the Department should work with these organizations as well as with State Medical Societies and other organizations to develop educational programs for physicians to help them deal with this important issue.

A major concern of all groups is that coercive spousal or partner notification programs not discourage individuals at high risk of HIV infection from participating in counseling and testing or drive them towards participation only in anonymous testing programs in which sex partner identification would not be possible.

Were Congress to pass legislation mandating notification of spouses of HIV infected

persons, I would do my best to see that such requirements are complied with. It will be important to consider, in developing any such requirements, the issue of physician liability.

Question 6: There are large discrepancies in the estimates about the actual number of persons who have been infected with the AIDS virus. Some federal health officials estimate the number to be up to 1.5 million. Others place the number closer to 10 million. In June of 1986, President Reagan ordered the Centers for Disease Control to conduct a wide-spread epidemiological study to determine the rate and prevalence of the virus. That study was never begun. Will you direct the CDC to conduct a wide-spread study?

Answer: CDC estimates that the number of persons in the United States infected with HIV is between 1.0 and 1.5 million. This estimate is compatible with data obtained from CDC's "family of HIV seroprevalence surveys," testing of military recruits, results from HIV surveillance in sentinel hospitals, and serosurveys of childbearing women.

In response to President Reagan's directive, CDC has awarded a contract to conduct a national household survey to determine the prevalence of HIV in the general population of the United States. The contract requires the work to be completed in two phases. Phase I is a feasibility study, and Phase II is the national survey. Phase I is currently underway.

If the results of the feasibility study show that it is possible to obtain accurate information at acceptable cost from a household survey of HIV seroprevalence, CDC will recommend that the full national survey be conducted, and CDC will request the funds necessary to conduct that survey. If pilot and pretest results indicate that accurate data cannot be obtained from such a survey, CDC would not recommend proceeding. Accurate information is critical, but a survey which either underestimated or overestimated HIV seroprevalence could impede efforts to plan appropriately for AIDS/HIV control and prevention efforts and necessary services.

Question 7: During the 100th Congress, there was an effort here in the Senate to enact a Federal confidentiality law. That law would have repealed State laws that allow certain individuals to be notified if they will handle or have handled body fluids of an AIDS patient. Do you support enactment of a Federal confidentiality law which does not take into account individuals who come into contact with the AIDS virus?

Answer: I believe that strong confidentiality protections for information about AIDS patients or persons infected with HIV are necessary, and I also believe that any such protections must include provisions for revealing information, under carefully controlled and limited circumstances, when it is necessary to protect the health of others.

I understand that the Department is now studying, at the request of Congress, the State laws that protect the confidentiality of information about AIDS patients and persons with HIV-infection. When that study is completed, and we have a sense of the extent and nature of the protection under State law, I will consider whether Federal legislation is necessary or desirable, or whether this is best left to the States.

Question 8: Do you believe that living embryos, fetuses, and newborns should be protected from biomedical and behavioral research activities that involve greater than minimal risk of suffering, injury, or death unless the activities are designed to benefit the fetus or newborn?

Answer: The Department of Health and Human Services has a longstanding commitment to the protection of all human subjects in research. In addition to the Department's broad regulations protecting research subjects, there are special regulations to guard against exploitation of vulnerable research subjects—especially pregnant women, fetuses and children.

Our regulations prevent the use of *living fetuses* in research unless there is a therapeutic benefit to the fetus or unless the research poses essentially no risk to the fetus (the test for this latter exception is that the research is conducted on fetuses in utero without reference to whether the fetus is to be carried to term or not). Congress has codified these strong protections into section 489 of the Public Health Service Act.

Question 9: Fetal tissue implants may offer the promise of improving the treatment of a number of intractable afflictions ranging from Parkinson's disease to diabetes. I say may because scientists are still debating the effectiveness of such procedures. While the goal is certainly admirable, the means used to achieve the goal, namely harvesting aborted children, raises numerable ethical and moral questions. Do you believe that an unborn or newborn child who has died as a result of an induced abortion should be used for purposes of research or transplantation?

Answer: Generally, fetal, child, and adult cadavers are now treated largely alike under Federal and most State laws. However, we need to recognize that fetal cadavers, unlike adult and child cadavers, often become available as a result of a volitional act, namely, an induced abortion.

In March 1988, the Assistant Secretary for Health imposed a moratorium on NIH-funded research involving the transplantation of human fetal tissue from induced abortions. This moratorium was put in place in order to give the NIH the opportunity to examine the ethical, legal and scientific ramifications through an independent advisory committee.

I anticipate that it may be a month or so before I formally receive the complete package. At that time, I would expect to review the entire file and consult thoroughly with members of Congress and various participants of the ad hoc panel, among others.

I can assure you that guiding my decision is a strong conviction that no action should be taken that would encourage or promote abortion. It would not be appropriate to encourage women to have an induced abortion for the purpose of obtaining tissue for research.

Question 10: Dr. Sullivan, I have been troubled by reports that the Child Abuse Amendments of 1984, which prohibit discriminatory denial of medical treatment to children born with disabilities, have been inadequately enforced. In particular, I am told that quite a number of the state agencies that get federal funds to enforce that law have policies that on their face are out of compliance with it. Would you commit the Department, under your leadership, to require the state agencies to submit their policies and procedures to HHS? And would you commit the Department to conduct a thorough review of those policies to ensure that any state agency that is found to be out of compliance revises its policies as a condition of receiving federal funding under this program?

Answer: I plan to look into this matter and to explore with the Justice Department and HHS Department personnel what our authorities are with respect to the Child Abuse Amendments of 1984 and the extent to which we are meeting our responsibilities. If there are deficiencies, I will take steps to correct them.

Question 11: I have one further question about the enforcement of this law. The law includes a very detailed standard for what medical treatment must be provided children born with disabilities. It is equally precise about the exceptions—what treatment may legally be withheld. But I am told that there are some who argue that states do not have to enforce this federally defined standard of care to get funding. They say that denials of treatment in violation of this standard of care must be reported to a state agency, but that the agency and the state courts don't actually have to require that treatment be provided in accordance with it—that each state can set its own rules on who will live and who will die. My question is whether it will be the intention of HHS under your leadership to enforce the congressionally defined standard of care, or whether you will fund states whose agencies or courts apply a different standard of care?

Answer: Although I have not personally reviewed the child-abuse legislation and its implementing regulations, I understand they do contain detailed requirements States must follow in dealing with reports of withholding of medically indicated treatment to infants.

I further understand that an Office of Human Development Services task force is looking into (1) whether States have the necessary processes in place to comply with these requirements and (2) what further steps the Department should take to encourage and promote enhanced compliance in this area. After I am confirmed, I will ask HDS to update me on the task force's progress.

Question 12: The absence of reliable data on the number of children in foster care makes it difficult to analyze and monitor the movement of children in and out of substitute care. Will you work with the Office of Management and Budget to put in place a system to enable us to gather foster care data?

Answer: I understand that the Office of Human Development Services is already working with OMB to develop an extensive plan for collection of data covering children in foster care.

Mr. HELMS. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I congratulate President Bush on his selection of Dr. Louis Sullivan to be the new Secretary of Health and Human Services.

Dr. Sullivan is widely respected among faculty members and administration officials in the Nation's colleges and universities. I have heard many complimentary remarks from friends in the higher education community about Dr. Sullivan's intelligence, his capacity for hard work and his pleasant personality.

I enjoyed a recent meeting with Dr. Sullivan in my office and was very favorably impressed with him and his commitment to use his abilities to the

fullest in administering the programs of the Department of Health and Human Services.

As a southerner I am proud that our region will be represented in the President's Cabinet by a man who is so highly regarded and so obviously well qualified for the challenge of this important undertaking.

Mr. DANFORTH. Mr. President, I rise today to express my support for President Bush's nominee for Secretary of the Department of Health and Human Services. The importance of this position cannot be underestimated. The next Secretary will preside over a department that affects the lives of almost every American. He will be responsible for a department with a budget of more than $400 billion and will be handling some of the most complex issues facing our country today. Dr. Louis Sullivan is an accomplished and thoughtful health care professional who promises to meet successfully the enormous challenges of this position.

The most difficult problems he will face will be in the field of health care. Dr. Sullivan's strong background in this area will prove invaluable at a time when health care costs are soaring and increasing numbers of people are left without insurance to cover the costs of even the most basic care. Dr. Sullivan's experience as a practicing physician and as a medical school administrator give him a depth of understanding of the ethical choices that we as a country will have to make in the future. In his testimony at the Finance Committee hearing, he very thoughtfully discussed the serious dilemma that our country must begin to face—as a result of our advanced medical technology, we are now able to perform more services than we can reasonably afford. His understanding of cost containment issues and the ethical questions involved is strengthened by his insights into the problems of the uninsured. Because of his efforts to improve medical care in underserved areas, he has a deep understanding of the great inequities in our existing system and the importance of addressing these issues within the broader context of the health care system. I have great confidence that Dr. Sullivan will do more than react to the problems before us. As a result of his background and unusual sensitivities, I believe that Dr. Sullivan will be a leader in developing a national policy for our country's health care system. I look forward to working with him on this very important effort.

My brother Dr. William H. Danforth, who is the chancellor of Washington University in St. Louis and a physician himself has known Dr. Sullivan for many years. His comments about the nominee very effectively summarize my own feelings:

Dr. Louis Sullivan's background of accomplishment in medicine, science and education demonstrates that he has the ability to be a strong Secretary of Health and Human Services. Perhaps even more important, he is a man of integrity and conscience who understands and has wrestled with the great questions of justice and of equity. I am certain he will be more than strong; he will be outstanding.

Mr. MITCHELL. Mr. President, I rise to support the confirmation of Dr. Louis Sullivan as Secretary of the Department of Health and Human Services. While Dr. Sullivan has been nominated for one of the most difficult jobs in Washington, he has assured me and my colleagues on the Senate Finance Committee that he looks forward to the task with commitment and enthusiasm.

As a member of the committee, and as the former chairman of the Health Subcommittee, I am painfully aware of the tremendous challenge we face in providing health and human services to the most deserving of our citizens in a time of severe fiscal constraints upon the Federal budget.

The citizens most dependent upon the programs within the jurisdiction of the Department of Health and Human Services are often the most frail in our society—children, the elderly, and the disabled. As our population ages we face an enormous burden of assuring the soundness of the Social Security system, the fiscal solvency of the Medicare Program, and the safety net of Medicaid coverage for poor elderly.

At the same time we are aware of the serious problems facing children in America today. As our colleage Senator MOYNIHAN often reminds us, one in five American children lives in poverty. Often these children do not have access to basic health care services. We must find viable ways to invest in the health and welfare of the Nation's children or we will pay a tremendous price for our failure to do so—both in fiscal costs and in human costs.

I commend Dr. Sullivan for his willingness to take on this great task and pledge my support to work with him to protect the important programs of the Department of Health and Human Services. We will be called upon to make difficult choices. We may have disagreements about those choices. But we must keep in mind that we share a common goal—to provide access to health care and other critical human services for all of our citizens.

Mr. DOLE. Mr. President, there is no department of Government that has the capacity of impacting on as many lives as does the Department of Health and Human Services. From the conduct of basic biomedical research to the financing of disability benefits, the Department deals with those in the dawn of life and those nearing the sunset of their days.

Lou Sullivan is uniquely qualified to lead this vast agency and represent its many constituencies.

Mr. Chairman, there are huge problems facing America today; AIDS; the skyrocketing cost of medical care; the steadily disappearing rural hospital; an unacceptable level of infant mortality; the need for long-term care; the need to break the welfare cycle; the need to reassure our elderly of our support; and the continuing need to break down physical and attitudinal barriers that keep America's disabled out of the mainstream.

Lou Sullivan is a proven administrator who has dedicated his career to excellence—not only in the development of a high quality school of medicine, but also in his teaching, research, and in outreach to every segment of society.

He is a man of strong intellect who can master both the issues and the bureaucracy.

He is a man of strong conviction who can take the lead in achieving the kinder, gentler Nation President Bush envisions.

He is also a man who can lead others and provide the direction and support needed to energize the human resources available at HHS.

He brings the sensitivity of one who has cared for patients and the hardheadedness of a CEO who has built a medical school.

President Bush has made a quality pick for HHS, he deserves our support.

Mr. BYRD. Mr. President, I support the nomination of Dr. Louis Wade Sullivan to be Secretary of Health and Human Services.

The Department of Health and Human Services, perhaps more than any other Federal agency, touches the lives of each and every one of our citizens. Aside from administering the Social Security, Medicare, and Medicaid Programs, the Department also is responsible for administering many of the programs that provide support services to families. Administering these programs is a huge job, but a job that is vital if we are to address the issues of drug abuse, adoption assistance, foster care, child abuse prevention, day care, and many other of the problems facing us as a society today.

Of equal importance, are the health programs administered by the Department through the Public Health Service, the National Institutes of Health, and the Centers for Disease Control. Good health care and prevention of disease are vital to the well-being of our people. Cardiovascular diseases, such as stroke and heart attack, are the leading causes of death in this country, followed by cancer. Today, although we have conquered many of the diseases of the past that so ravaged our country—such as polio and smallpox—too much still remains to be

done. A great deal is yet to be learned about occupational diseases, and everyone is concerned about the growing number of AIDS cases, and diseases associated with the elderly, such as Alzheimer's disease.

Access to quality health care is also an issue that must be addressed. Unfortunately, there is a shortage of medical doctors in many areas of our country, and rural hospitals in many States are closing. West Virginia is not unaffected by these problems.

A chain is only as strong as its weakest link. So is our Nation strong, as long as our people flourish. It is essential that we maintain our Federal commitment to bettering the lives of those suffering from disease, and in finding solutions to those unique problems that confront our families today.

Dr. Sullivan has stated his strong interest in biomedical research, and in programs, to assist the disadvantaged, our children and the elderly.

I, too, have a strong interest in seeing that the Federal commitment remains strong, and I hope that Dr. Sullivan will work with the Congress. Dr. Sullivan is well-respected, and I believe that his background in the field of health, education, and public service will be an asset in meeting the demands that will be placed on him as Secretary of Health and Human Services. As previously indicated, I support Dr. Sullivan's nomination.

Mr. PELL. Mr. President, I strongly support the nomination of Dr. Louis W. Sullivan to become Secretary of Health and Human Services.

Dr. Sullivan's credentials have already become familiar to us all. As the president and former dean of Morehouse School of Medicine in Atlanta, GA, as a former professor of medicine at Morehouse and at Boston University, and in his numerous other professional positions, Dr. Sullivan has a clear record of accomplishment and achievement.

What is less well known is the breadth and depth of Dr. Sullivan's experiences. Dr. Sullivan has served on numerous occasions as a consultant to the National Institutes of Health, including the National Cancer Institute, and has served both the Veterans' Administration and the Food and Drug Administration in an advisory capacity. Dr. Sullivan has also been involved with such organizations as the National Leukemia Society, the Association for Academic Minority Physicians, and the National Academy of Sciences, to name only a few.

In short, Dr. Sullivan has had a career filled with knowledge and experience in many of the areas of medicine and health policy which he will face as Secretary of Health and Human Services. But the greatest knowledge, and the most impressive credentials would mean little without the vision which Dr. Sullivan has shown throughout his career. As a leader in establishing Morehouse School of Medicine, Dr. Sullivan has shown a commitment to and understanding of the needs of minority students, and has found a way, at Morehouse, to turn an important idea into a successful reality.

It is my hope that Dr. Sullivan will, as Secretary, turn that same creative energy toward a new and massive problem: the health care and human services needs of the American people. More than ever, vision is needed. And more than ever, fiscal and attitudinal barriers exist which hinder change. Dr. Sullivan is given today the challenge of doing better than the best that can be done, because the American people have great needs, and those needs can wait no longer.

While the scope of the issues facing Dr. Sullivan is staggering, including Medicare, Medicaid, Social Security, programs affecting children, the elderly, and the disabled, and the health and human service needs of a nation, I share Dr. Sullivan's view that health promotion and disease prevention programs should receive a high priority in the years to come. As a cost-efficient means of improving both the quality of life and the health of the American people, we could not do better than to give people access to health information, health care, and a chance at a better life.

I look forward to working with Dr. Sullivan and my colleagues on the committee in achieving compassionate and fiscally responsible solutions to the complicated and important problem of how best to deliver health care and human services now, and in the years to come.

Mr. HARKIN. Mr. President, I rise today in strong support of the confirmation of Dr. Louis Sullivan for Secretary of Health and Human Services.

I have been impressed with his understanding of the critical issues in health care today, particularly the need to control escalating costs while ensuring both access and quality in health care services for all Americans, especially those who are poor, elderly, disabled, or disadvantaged.

I was also heartened to hear from Dr. Sullivan that he shares the President's commitment to ensuring that Americans with disabilities take their rightful place in the economic mainstream of society. In that context, I look forward to working with him on the Americans With Disabilities Act, so that together we can bring down the barrier of discrimination that denies too many of our disabled citizens the opportunities that should be theirs as a matter of law.

He has also expressed both publicly and privately his sensitivity to the health care needs of rural America. We must work cooperatively to address these critical health care needs—because not to address them will result in severe economic consequences for all America. I hope to see the Department of Health and Human Services, under Dr. Sullivan's direction, take a leadership role in this effort.

Finally, the issues of prevention of disease and morbidity must continue to occupy a preeminent place in our battle to improve the health of our citizens. We must be aggressive in pursuing our commitment to biomedical research, reducing infant mortality, preventing the ingestion of pesticides, and improving the health and safety of the workplace.

In my capacity as chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I look forward to exploring these issues in depth with Dr. Sullivan at his April 10 hearing regarding the HHS budget.

In closing, I would like to express my confidence that with Dr. Sullivan as the Secretary of Health and Human Services, the challenges that confront us today will be dealt with in a compassionate, thoughtful and responsible way. I am pleased to vote for his confirmation today.

Mr. DURENBERGER. Mr. President, I am pleased to have the opportunity to speak in support of President Bush's selection to be Secretary of the Department of Health and Human Services.

The Department of Health and Human Services faces some of the most significant challenges of our society and holds within it the promise of creating for all Americans a better more fulfilling life.

It is in the programs of this Department that President Bush, Dr. Sullivan, and Congress will be called upon to make the tough choices and decisions that will make this Nation kinder and gentler.

As Secretary of HHS, Dr. Sullivan will be called upon to advise the President on health, welfare, and income security policies and programs.

Through its five program divisions including the Social Security Administration, Health Care Financing Agency, Office of Human Development, Public Health Service, and the Family Support Administration the programs and policies of HHS manage to touch just about every American during their lifetime.

With an annual budget of approximately $400 billion, HHS administers the third largest budget in the world, behind only the budgets of the United States and the Soviet Union.

Dr. Sullivan has an impressive résumé and brings considerable qualifications to the job. Dr. Sullivan is a graduate of Moorhouse College in Atlanta. He received his medical degree, cum laude, from Boston University. From there he became an instructor in

medicine at the Harvard Medical School and an assistant professor of medicine at the New Jersey College of Medicine.

More than any of the other remarkable achievements of Dr. Sullivan's life—and there are many—I believe the founding of the medical education program at Moorhouse College in 1975 is his finest. Its development into an independent program in 1981 shows not only the deep commitment to a better life for all Americans that Dr. Sullivan holds but also his ability to make that commitment become a reality.

Mr. President, I come before you today with a spirit of great optimism for this Department. We are of course faced with some formidable problems in the health care field that in many ways are the results of our many successes. People are living longer than ever before and are enjoying levels of health far beyond those dreamed possible only a decade ago.

We have the most technologically advanced health care system in the world and exellent, well-trained physicians, nurses, and other health professionals.

Yet the benefits of this system are unevenly distributed and some lack access to even basic services. Moreover this is true even though we are spending more than any other nation on health services.

Why then am I optimistic? Because the convergence of leadership in Congress and in the Bush administration, coupled with recognition among health care providers that change is essential and eminent, provides an unparalleled opportunity for us to shape the health care system of the future.

We need a system that is kinder and gentler and provides access to cost effective services for all of our citizens, young and old, urban and rural, rich and poor.

I do not wish to underplay the difficulties which we will encounter or the obstacles we must overcome because they are formidable.

But with the leadership of Dr. Sullivan, together we can deal with these issues and craft a more responsive yet more cost effective health care system for the future.

Because of the preeminence of the issues facing this Department, there were many of us who wanted to see a Secretary with "inside the beltway" Washington experience, who already had one foot in the door ready to tackle the challenges before us.

However, I believe Dr. Sullivan has proven to me, to other Members of the Senate, and to the country that he has sound understanding of the issues and of the awesome challenges before him and that he is committed to working with the President, the Congress, and the people to see that the responsibilities are carried out.

I look forward to the fresh ideas, the new energy, and insight Dr. Sullivan will bring to this position.

If I could heed one note of caution it would be to point out the importance for him as he carries out the vast duties of Secretary of HHS to not lose sight of the overall picture.

He should have a full understanding of the issues facing the Department and work with Members of Congress and others in accomplishing this goal. I believe he will do this without losing sight of the traditional, basic values that have driven him to accomplish the things he has.

I was pleased to hear Dr. Sullivan state before the Finance Committee that he has "developed the habit of consultation—of seeking the wisdom and experience of others, exploring many alternatives, and sometimes playing devils advocate in order to understand all sides of an issue." This will be an important part of his job as Secretary of HHS. If we are to meet the formidable tasks ahead we must work together in developing sound policies to the problems facing this Nation.

I think it is interesting to note, that it is the nomination of the so-called Washington outsider that is moving smoothly through the Senate and it is the nomination of the Washington insider that is facing difficulties.

This Nation faces many serious challenges ahead. There are no more easy solutions. Options will be limited and decisions will be tough.

But again, I do not look upon this as a burden, but as new challenges and opportunities. It is when this country is in crisis, that it proves itself worthy of being the superpower that it is.

As we move forward, we must continue to change our attitude about how we measure a great society—to measure a country's greatness not by the amount of money we spend on various programs, but by the amount of opportunity we provide every member of society.

This is the type of thinking that was reflected in the passage of the welfare reform legislation lead by the distinguished Senator from New York and the type of thinking that will allow us to move forward in other areas including, coverage for the uninsured, greater employment opportunities for the disabled, and strengthening family life and family values.

Mr. President, I believe we have a candidate that is deeply committed to improving the quality of life for all Americans, who will provide fresh insight to the challenges before us, and has the ability to work with others to accomplish common objectives.

I commend President Bush on his selection, and I hope all of you will join with me in support of his nomination.

Mr. DOMENICI. Mr. President, I rise with pride today to support President Bush's nomination of Dr. Louis Sullivan to be this Nation's new Secretary of Health and Human Services.

The Department of Health and Human Services [HHS] is responsible for the largest component of the Federal budget, including such important programs as Social Security, Medicare, and Medicaid.

As my colleagues are aware, Federal spending on human resources has exceeded national defense every year since 1971. HHS controls most of that allocation.

In fact, the budget that Dr. Sullivan will oversee, a budget of around $400 billion, is larger than the budgets of all of the world's independent nations except perhaps the Soviet Union. The "World Fact Book" (CIA) for 1987, for example, lists the total government expenditures for the United Kingdom at $314.5 billion; France at $217.5 billion; and Germany at $121.3 billion.

In his new position, Dr. Sullivan will have a critical responsibility for helping to shape much of this Nation's human resource spending, spending that touches the lives of nearly every American.

As Dr. Sullivan told the Committee on Labor and Human Resources: "The commitment to serve is the unifying force at HHS" and its 114,000 employees nationwide.

HHS policy and spending have a direct impact on such important issues as the homeless, rural hospitals, AIDS victims, Indian health, medical research, mental health research, and health care for the poor and elderly. Key block grants from the Department of Health and Human Services also will have a direct bearing on the success or failure of our new war on drugs.

Many of the scientific breakthroughs that we hope will come soon in the study of the human genome, schizophrenia, and the AIDS virus will occur in HHS laboratories and through HHS grants.

Better biomedical research and treatments for mental illness will have impact in every nation looking for better ways to treat its victims of AIDS, mental illness, and even heart disease.

The President's nominee for Secretary of HHS reminded the Senate Committee on Labor and Human Resources that his notion of service will not forget "our continued assault against cancer, heart disease, diabetes, arthritis, and the other disorders afflicting our citizens."

There is no Federal department where this commitment to service can have greater potential for affecting the lives of millions of citizens directly.

I am optimistic that Dr. Sullivan will be confirmed by the full Senate. I therefore take this opportunity to em-

phasize a very important and fairly new initiative in the National Institute of Mental Health [NIMH]. Under the leadership of Dr. Lewis Judd, the National Advisory Mental Health Council has produced a national plan for schizophrenia research.

I commend this excellent plan to Dr. Sullivan for his early review and support. I believe firmly that this blueprint for the future of mental health deserves the Secretary's full support. I also believe that such support will produce many rewards for the Department. More importantly, it offers hope for the millions who suffer from this dreaded disease.

Dr. Sullivan has also stressed his commitment to fighting drugs in our society. He has reminded us that he understands how the problem of drugs "gnaws at the fiber of our families and the stability of our social structure." He has promised to "work long and hard * * * in doing all I can to halt this terrible epidemic."

I will support his every effort to stop this terrible epidemic on every possible front.

Regarding the Nation's health, Dr. Sullivan is committed to rural and inner city health needs. He has called for proper and dignified treatment to improve "the relatively poor health status of our minority citizens: Black, Hispanic, Native American and those others who have yet to fully realize the American dream." They will, he said, "be of special concern to me."

Mr. President, President Bush is to be commended for nominating Dr. Sullivan to take on the challenges that will make us a "kinder and gentler nation."

Dr. Sullivan is a graduate of Morehouse College (B.S.) and Boston University (M.D.). He was an instructor in medicine at Harvard Medical School, professor of medicine and physiology at Boston University School of Medicine, and the founder and first dean and president of the Morehouse School of Medicine. His commitment, energy, and contributions to academic medicine are well known among his peers.

Mr. President, Dr. Louis Sullivan will bring that same energy and commitment to the leadership post of the U.S. Department of Health and Human Services.

He will make a great Secretary of HHS, and I am proud to cast my vote for his confirmation.

Mr. BAUCUS. Mr. President, I would like to lend my strong support to the confirmation of Dr. Louis Sullivan as Secretary of the Department of Health and Human Services.

We have plenty of difficult problems for Dr. Sullivan to deal with here in Washington. I would like to highlight one area that needs a strong advocate at the Department of Health and Human Services.

The delivery of health care in rural America has reached a crisis stage. One-fourth of all Americans live in rural areas. But they're older and have less resources than those in urban areas. Thirty percent of the Nation's seniors who are eligible for Social Security and Medicare, and 38 percent of those living below the poverty line, live outside of cities.

Often Government programs, particularly those designed to bring efficiency to public policy, are created without an understanding of their impact on rural America. Dr. Sullivan's own area of expertise, health care, offers good examples.

Rural hospitals are in trouble. Medicare prospective payment may be efficient when a 17-bed hospital in the middle of New York City or Chicago is forced to close. But close a hospital of that size in Roundup, MT, and you have eliminated reasonable access to health care for thousands of Americans and disrupted an important foundation of the local economy.

It is not just hospitals. It is also doctors. I am told by many of my colleagues who live in cities that they have a glut of physicians, too many of them. In Montana, over half of the counties are having a hard time trying to recruit a single primary care doctor. No wonder, when a doctor takes call 24 hours a day, and then discovers that Medicare pays him or her 30 percent less than a colleague living in a city. This just isn't right.

Dr. Sullivan will be assuming tremendous responsibility for the health and well-being of our Nation's citizens. I am impressed that he has expressed a willingness to learn more about those areas of this country that he has not visited, and that he has agreed to come to Montana. I look forward to showing him firsthand the problems that frontier hospitals and doctors have in providing health care to rural America.

I have asked Dr. Sullivan that he remember that in rural America, doctors anchor hospitals, hospitals anchor local economies, and economies anchor people. Any break in the chain can destroy lives—destroy whole communities.

I look forward to working with Dr. Sullivan to solve some of these very difficult problems.

Mr. MATSUNAGA. Mr. President, I rise today in support of the nomination of Louis W. Sullivan, M.D., for the office of Secretary of Health and Human Services. As Dr. Sullivan emphasized in his statement before the Finance Committee last week, this Department "touches the lives of Americans wherever they are most vulnerable—from the beginning of life, through health and sickness, from the foods we eat to the medicines we take, to the care of the elderly and disabled." I hope and trust that Dr. Sullivan will hold firm in his commitment to ensuring the health and welfare of all people in our country with the resolve he has demonstrated throughout his distinguished career.

Formerly the president of the Morehouse School of Medicine in Atlanta, GA, which he helped found and had headed since 1975, Dr. Sullivan is viewed as an accomplished physician, a committed academic, and a successful administrator. He has been particularly active in championing research on health problems facing minorities and takes pride in the record of Morehouse School of Medicine for sending scores of young minority physicians into medically underserved rural areas and inner cities.

Mr. President, the challenges facing the Secretary of Health and Human Services today are gargantuan, especially in light of the budget deficit. The Department has a $400 billion budget, which is larger than that of but a few major nations. Dr. Sullivan has acknowledged the immensity of this role and has stated his intention to bring a new spirit of kindness and compassion to the Department.

I heartily concur with Dr. Sullivan's priorities: containing escalating medical costs without sacrificing quality care for all, emphasizing health promotion, sustaining and improving programs like Head Start and Aid to Families with Dependent Children, addressing children's health issues, bolstering biomedical research, and focusing our resources on the poor, the disadvantaged, and the neglected in our society. As a member of the Finance and Labor and Human Resources Committees, I look forward to working with Dr. Sullivan in these endeavors.

Mr. President, I urge that my colleagues do confirm the nomination of Dr. Sullivan.

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to vote on the nomination. The question is, Will the Senate advise and consent to the nomination of Louis W. Sullivan, of Georgia, to be Secretary of Health and Human Services. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—98

Adams	Bingaman	Breaux
Armstrong	Bond	Bryan
Baucus	Boren	Bumpers
Bentsen	Boschwitz	Burdick
Biden	Bradley	Burns

Byrd	Hatfield	Murkowski
Chafee	Heflin	Nickles
Coats	Heinz	Nunn
Cochran	Hollings	Packwood
Cohen	Humphrey	Pell
Conrad	Inouye	Pressler
Cranston	Jeffords	Pryor
D'Amato	Johnston	Reid
Danforth	Kassebaum	Riegle
Daschle	Kasten	Robb
DeConcini	Kennedy	Rockefeller
Dixon	Kerrey	Roth
Dodd	Kerry	Rudman
Dole	Kohl	Sanford
Domenici	Lautenberg	Sarbanes
Durenberger	Leahy	Sasser
Exon	Levin	Shelby
Ford	Lieberman	Simon
Fowler	Lott	Simpson
Garn	Lugar	Specter
Glenn	Mack	Stevens
Gore	Matsunaga	Symms
Gorton	McCain	Thurmond
Graham	McClure	Wallop
Gramm	McConnell	Warner
Grassley	Metzenbaum	Wilson
Harkin	Mitchell	Wirth
Hatch	Moynihan	

NAYS—1

Helms

NOT VOTING—1

Mikulski

So the nomination was confirmed.

DEPARTMENT OF ENERGY

NOMINATION OF ADM. JAMES D. WATKINS, OF CALIFORNIA, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Adm. James D. Watkins, of California, to be Secretary of Energy.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Debate on the nomination is limited to 20 minutes to be equally divided and controlled by Senators JOHNSTON and MCCLURE.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am pleased to bring before the Senate President Bush's nomination for Adm. James D. Watkins to be Secretary of Energy. The Commission on Energy and Natural Resources, just this morning, cleared this nomination by a vote of 19 to nothing. And I would like the RECORD to show, as I have just indicated, that we are, first of all, bipartisan; second, unanimous; and, third, very expeditious in the way that we are dealing with this nomination.

Perhaps the reason for that is that James D. Watkins, former Chief of Naval Operations, distinguished American, deserves that kind of treatment. He has that kind of record. He is a man of that substance and that reputation.

Mr. President, the most important message of this nomination is that we as a government are going to treat energy with the importance it deserves.

After 8 years of neglect, perhaps we can begin to put our energy house in order.

After 8 years, perhaps we can acknowledge that there is a Federal role and responsibility for energy.

Perhaps we can admit that accomplishments in energy are not automatically suspect because the Federal Government is involved.

The President has sent us a highly qualified, committed nominee for Secretary of Energy. He has announced his intention to nominate Henson Moore, widely respected in the field of energy policy, to be Deputy Secretary. These nominations must be followed by the naming of qualified, committed people for the important subordinate positions in the Department—Director of the Nuclear Waste Program, Assistant Secretary for Defense Programs, Assistant Secretary for Environment Safety and Health, the head of the Uranium Enrichment Program, to name only a few.

The quality of the people in these positions is very, very important for Admiral Watkins' success as Secretary.

He will need people he can rely on in these positions. The Energy Department faces an array of problems of unprecedented magnitude. Solution of these problems will call for strong, active, professional leadership and a substantial commitment of resources, things often missing in the last administration.

DOE WEAPONS COMPLEX

Admiral Watkins' first priority at DOE is restoring the creditability of the Department's nuclear weapons complex.

This is a very tricky job. On one hand, he must be an advocate of safety and cleaning up the environment. He must tell people what he plans to do. He must let them comment on his plans, and he must respond to their comments. He must be open, candid, and above suspicion. He must have credibility with the public.

On the other hand, he should remember that there are some people he is never going to satisfy. We have spent hundreds of millions of dollars on civilian nuclear reactors in a futile attempt to satisfy professional nuclear critics. They aren't satisfied. They never will be.

He must make safety his priority. He must be sensitive to safety, he must manage with safety in mind, he must go the extra mile for safety. But he does not have a charter to throw away hundreds of millions of taxpayers' dollars just because of a minority that does not understand or care about real safety.

The proper course is to bring the best scientific and engineering minds available to analyze what has to be done, assure that the plan will pass review by those who know the most about the science involved, establish a scientific consensus that the plan is responsible and adequate to protect the public health and safety, and then stick to it.

The Committee on Energy and Natural Resources will do what it can to help build support for a responsible plan that is based on sound scientific analysis and engineering judgment.

ATTENTION NEEDED TO OTHER ISSUES

The problems of the defense complex will get the media attention. However, Admiral Watkins must not let this distract him from several very important nondefense issues that require urgent action by the Department.

OIL

By far the most serious nondefense issue is the state of our oil supplies. Oil is the most important energy source in any national energy policy.

Half our energy consumption is oil. In some important cases, such as transportation, it is impossible or too expensive to use fuels other than oil.

Way too much oil is imported from the Middle East. One look at what is going on there today should be sufficient to see the folly of over dependence on this source of oil.

In 1988 we imported 42 percent of our oil. Three years ago we imported 31 percent. The bulk of that growth has come from OPEC.

Our domestic production of oil is falling at the fastest rate in modern times. We lost a million barrels per day of production between 1986 and 1988. Lower 48 oil production today is the lowest it has been since 1950.

The President has proposed some tax incentives for oil production. That is all right as far as it goes. But it does not go far, and it costs the Treasury money. Senator BENTSEN and I intend to reintroduce our oil import fee legislation. An import fee not only boosts domestic production, it also reduces the deficit.

We need to get Henson Moore confirmed. I cannot think of a better person to help create an oil policy that matches the dangers we face from our growing oil dependence. We need to act now.

NUCLEAR WASTE

The nuclear waste program has not had a director since 1987. The Department needs a top-quality person in this job now.

There is tremendous exposure in this program—politically and financially. Moreover, having an effective civilian radioactive waste program is essential to the success of efforts to clean up defense radioactive wastes. The defense high-level radioactive wastes will be placed in these facilities.

URANIUM ENRICHMENT

We urgently need to reform the DOE Uranium Enrichment Program, or DOE will lose many of its domestic utility customers. We have already lost most of the world market.

Reform requires legislation. Last Congress we passed legislation in the Senate to deal with this problem. We will need the administration's help in this Congress, especially in the House.

ADVANCED REACTORS

The DOE program to develop the next generation of nuclear reactors needs attention. The current program lacks focus and is facing rising facility costs.

We need to demonstrate to the public that modular reactors with passive safety features can be designed, financed, constructed, and licensed in a reasonable fashion. DOE's program is supposed to do this, but it is not.

We simply cannot do without nuclear power if we hope to deal with electricity demand growth and the challenge of global warming.

SCIENCE FACILITIES

The previous administration proposed many more scientific facilities than could possibly be funded in the current budget climate. The superconducting super collider is only the most visible part of the problem.

Priorities must be established. The science community seems to recognize this. DOE's leadership in matching what we want with what we can afford is essential.

ACID RAIN

President Bush has declared that the administration will support legislation dealing with acid rain. Clean coal technology should be part of this effort.

GLOBAL CLIMATE CHANGE

The growing concern over the possibilities of global climate change has important implications for energy policy and energy use. DOE should be a significant participant in all research and development programs and policy studies dealing with this issue.

Mr. President, I am very pleased that Admiral Watkins is going to be in this position of Secretary of Energy which is, perhaps, the most daunting challenge that we have ever given to anybody in the Cabinet, in terms of building and refurbishing plant and equipment and cleanup of toxic waste, outside of wartime, at any time in the history of this country. He is, indeed, deserving of all the tremendous accolades he has received.

I reserve the remainder of my time and yield to Senator ADAMS such time as he may require.

Mr. ADAMS. I thank the chairman of the committee. I rise in support of this nomination.

We are very pleased to have a person in this admiral who is not only experienced but is a person dedicated to moving forward with many of the waste problems, as the chairman has said. We look forward to working with him.

Mr. President, I rise today to speak in support of the confirmation of Adm. James Watkins as Secretary of Energy. I have reviewed the admiral's record. I have met with him and with Deputy Secretary-designate W. Henson Moore to discuss the major problem areas within the Department as they effect the State of Washington and national security policies. I am impressed with what I have found.

I want to report to my colleagues and the citizens of my State that I found Admiral Watkins most candid and forthright about the difficult challenges he faces in his newest service to the Nation at the Department of Energy. First and foremost, the admiral recognizes that in addition to the myriad of physical and budget problems facing the Department—especially in terms of environmental, safety, and modernization requirements at its nuclear weapons production complex—the management structure and philosophy of the Department needs some major renovation. This reform is long overdue and as a former Cabinet Secretary who has struggled through a reorganization of a major Federal agency, the need for internal reform may well be the most daunting task the new Secretary will face.

Second, Mr. President, the State of Washington has recently completed a long and difficult set of negotiations with the Department of Energy, the U.S. Environmental Protection Agency, and the Justice Department to develop a comprehensive cleanup plan for the Department of Energy's Hanford Reservation. The resulting agreement, which is expected to become effective within the next 2 months, will provide a detailed blueprint for cleaning up more than 1,000 waste sites at Hanford.

This agreement is an historic turning point in the relationship between the State of Washington and the Department of Energy. Without litigation, in a spirit of good faith, the Department of Energy and the State, under Gov. Booth Gardner's leadership, have worked out a new program for cleanup. In the process, the negotiations have ushered in what many of us hope is a new era of cooperation between our State and the Department of Energy and the Federal Government. Senator MARK HATFIELD and I both discussed the importance of this agreement with Admiral Watkins including the need to provide additional funding in the current fiscal year to support this agreement. I am pleased that this additional funding has been made available and that the Hanford agreement has been reached.

I want to commend the admiral for his understanding and support for environmental restoration as a Department priority. I look forward to working with him on this endeavor and on the many other problems facing both the State of Washington and the Department as a whole. These include issues as diverse as the Bonneville Power Administration, energy conservation, basic science research, and new missions for the fast flux test facility. All are vital to the Nation and to my State. All will require a new openness, a new level of cooperation with affected States and interests, and a new relationship with the Congress that has not been in evidence in past practices at the Department of Energy.

Admiral Watkins faces a daunting task, but his tenure comes at a point in time when the Department of Energy is truly at a crossroads. I wish him well and urge my colleagues to support his confirmation.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Mr. President, on March 1, 1989, the Committee on Energy and Natural Resources favorably reported the nomination of Adm. James D. Watkins to be Secretary of Energy by a unanimous vote. I look forward to working with Admiral Watkins toward what I believe to be our common goal—the development and implementation of a comprehensive national energy policy to insure an energy-independent, healthy, and safe future for America.

Mr. President, I am greatly concerned with a general lack of national energy awareness and the absence of a true comprehensive national energy policy. Today, the United States is more dependent on foreign oil than it was prior to the 1973 Arab oil embargo. Domestic oil production has fallen and consumption has increased. If the current trend continues, we could be dependent on imports for two-thirds of our oil by as early as 1995. I am deeply concerned by this prospect, for what is at stake is our economic security, our foreign policy flexibility, and our defense preparedness. Such vulnerability must not be allowed to occur. The cornerstone of our present strategy for dealing with energy emergencies is the strategic petroleum reserve. However, even though the reserve is growing in absolute terms, due to budget constraints and rising consumption, we are down to 90 days of protection from a peak of 115 days in 1985. If the current trend continues,

by 1995 the SPR will provide only 60 days equivalent of net imports.

Upon confirmation, Admiral Watkins will be faced with a wide spectrum of problems to solve and challenges to meet at the Department of Energy. The development and pursuit of a long-term, comprehensive, and consensus-based strategy to foster the efficient use of energy and energy production consistent with the protection of national environmental values should be a priority. The Department of Energy also is facing a great many problems and difficulties relating to the current capability for meeting the Department of Defense's strategic materials requirements; the construction of the two new production reactors should be undertaken as soon as possible. In addition, there is growing concern about the adequacy of our Nation's overall nuclear waste disposal efforts. This concern includes both the disposal of civilian nuclear waste and the adequacy of environmental restoration efforts at the various natural laboratory sites.

I raised certain concerns of particular importance to me with the Secretary-designate; and from his responses I am satisfied he will attempt to address these concerns to the best of his ability. I look forward to working with him in solving these very real and very serious problems that are facing the Department of Energy.

Mr. President, I urge my colleagues to join me in supporting Admiral Watkins' confirmation as Secretary of Energy.

Mr. President, the most obvious question that the Secretary of the Department of Energy must confront is the widely publicized problems with respect to environmental conditions at the various defense production complexes that are operated by the Department of Energy.

While that is and must be very much on our minds, there may be an even more important question that this country must deal with, and that is the question of our growing dependence upon imported oil for the essential needs of our country and the associated long-range problems of how we deal with the combustion of fossil fuels to produce energy.

Those are less in the headlines today, but not less important questions. I am certain the President would want it known something that is relatively obvious in his nomination; that having selected a man with the background of administrative skills that Admiral Watkins has already demonstrated in more than one area of his career, it should be obvious that the President is very much concerned about the public perceptions of problems at defense production facilities and wants the public to understand that they are going to be dealt with. He selected a very strong and very knowledgeable man to deal with those problems.

The only reason I take any time at all today is to underscore that point, but also to make the other point that while that perhaps preoccupies us because of the seriousness of the problem and its presence in the headlines, it is not the only problem with which this country must deal in the Department of Energy.

Mr. President, I yield to the distinguished Senator from South Carolina 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in support of the nomination of retired Adm. James D. Watkins to be the new Secretary of Energy. Admiral Watkins is well-qualified for this position, and I am confident that he will fulfill his duties with the same ability and integrity he displayed throughout his military career.

Born on March 7, 1927, in Alhambra, CA, Admiral Watkins graduated from the U.S. Naval Academy in 1949, the Naval Submarine School in 1951, and the Naval Postgraduate School in 1958.

This fine nominee's record in the Navy is long and distinguished. From 1967-69, he served as executive officer on the U.S.C. *Long Beach*, the Navy's first nuclear-powered surface ship. Later, Admiral Watkins became Chief of Naval Personnel from 1975-78. In 1978, he was named Commander of the Mediterranean 6th Fleet, and subsequently became Commander in Chief of the Pacific Fleet, a position he held until 1982. At that time, Admiral Watkins became Chief of Naval Operations and served in that position until his retirement in 1986.

After his retirement, Admiral Watkins played a key role as Chairman of the President's Commission on AIDS in 1987. Admiral Watkins was widely acclaimed for his leadership as Chairman of the Commission.

As a representative of the State which is home to the Savannah River Plant, I have a particularly keen interest in the policies of the Department of Energy and the new Secretary-designate.

His solid background in the field of nuclear energy will serve Admiral Watkins well as the chief spokesman for the Department of Energy. In 1958, he studied at the Oak Ridge School of Reactor Technology and in 1966-67, he studied at the Atomic Energy Commission's Division of Naval Reactors. In addition, he previously served as an administrative assistant at the Atomic Energy Commission. His experience and working knowledge of nuclear energy matters are irrefutable and will provide a sound foundation for him as Secretary of Energy.

I strongly support the nomination of Admiral Watkins and I urge my colleagues to move swiftly to approve this very able and dedicated nominee.

In closing, I want to say he has a reputation of being a man of character, a man of courage, a man of capacity, and a man of compassion. He has all the good qualities. He is a very able man. I feel he will make an outstanding Secretary of Energy.

Mr. BYRD. Mr. President, will the distinguished Senator from Louisiana yield me 2 minutes?

Mr. JOHNSTON. I yield the Senator 2 minutes.

Mr. BYRD. I thank the Senator.

Mr. PRESIDENT, I am pleased to have the opportunity to support the nomination of retired Adm. James D. Watkins to be the Secretary of Energy.

Admiral Watkins has had a distinguished career. He rose through the ranks of the U.S. Navy to serve as chief of naval operations for 4 years, prior to his retirement in 1986. He has won acclaim for his leadership in the difficult position of Chairman of the Presidential Commission on AIDS.

Admiral Watkins is committed to forging an "integrated energy strategy." We have lacked a national energy policy for the last 8 years, and we need to establish a policy that will work. I believe that, as the Secretary of Energy, he will work to ensure that our environmental policies are not put on a collision course with our economic policies.

In his confirmation hearing, as well as in a meeting with me, Admiral Watkins stated that he intends to play a major role in the administration's development of clean air and acid rain policies. I am pleased that he will do so. An engineer by training, Admiral Watkins understands the importance of not allowing policy to get ahead of technology. He understands that coal is our most abundant domestic energy resource, and he has stated that the deployment of clean coal technologies is one of his greatest personal interests.

The issues that the Department of Energy must address in the coming years are complex and diverse. I support the nomination of Adm. James D. Watkins to be Secretary of Energy, and I believe that he will bring the skills, the enthusiasm, and the dedication needed to set and implement policies to address these issues.

I yield the floor.

Mr. DOLE. Mr. President, today the Senate is considering the nomination of one of the most important Cabinet positions in the Bush administration, the Secretary of Energy.

Three unique crises face the Department today—an alarming and potentially devastating level of imports of foreign oil, unprecedented levels of

ozone resulting from the emissions from fossil fuel burning and the attendant need to research new technologies, and the Nation's crippled nuclear weapons programs.

OIL IMPORTS

Mr. President, it has been nearly a decade since Americans have focused attention on the source of our oil. Like so many problems we experience, it appears that calamity must be thrust upon us before actions are taken to keep our economy strong and our Nation secure.

But we are once again being lured into a false sense that gasoline comes from pumps in an endless supply. This past January the United States imported over 50 percent of the crude oil which we consumed. Those who were here in 1979, during the Iranian oil crisis, might recall that Iran supplied only 5 percent of our supply at the time and that our overall imports were much less.

Yet today, with imports up and domestic production declining, there seems to be little concern.

Without a doubt, a national energy policy, one based on increasing domestic production, must be formulated and implemented. Our domestic oil and gas industry has been devastated, along with support industries and communities in the oil patch.

Today's policy of blindly relying on others to supply our energy is dangerous, unacceptable and damaging to the U.S. economy.

EMISSIONS, NEW TECHNOLOGY

A second problem facing the Department is twofold. An increase in the level of ozone produced from the burning of fossil fuels, combined with the need to develop new methods of using these fuels more cleanly and technology for switching to alternate sources of energy.

Just yesterday, an official with the Environmental Protection Agency testified before a congressional committee that, in 1988, ozone levels—the chief culprit in the so-called greenhouse effect—were the worst in a decade. Advances in clean coal technology as well as in using such alternate sources such as ethanol, nuclear, nitrogen, solar, and geothermal must be made to continue fueling our country into the future, while protecting our environment.

NUCLEAR WEAPONS PROGRAMS

The issue before the Department of Energy which has received the most attention is probably the Nuclear Weapons Program. Here, three areas must be addressed on an urgent basis. First, at this time the United States has no operating facility which produces radioactive tritium gas which is a vital component in the vast majority of our nuclear arsenal.

Second, a comprehensive indexing and disposal method must be undertaken to clean up the waste from DOE facilities around the country. And third, research on new warheads must continue to keep pace with the rapidly changing makeup of this ultimate deterrent.

ADMIRAL WATKINS

Fortunately, Mr. President, the nominee before us today has the ability to lead in all of these areas. Adm. James D. Watkins has a distinguished and decorated career in nuclear reactors and scientific research. Additionally, his service on several boards and commissions attest to his ability to quickly master the details of issues in which it might appear he has had little experience.

For example, little more than 1 year ago, Admiral Watkins was appointed Chairman of the Presidential Commission on the Human Immunodeficiency Virus [AIDS]. In just months, Admiral Watkins was able to direct the committee through the many divisive issues surrounding the subject and present a ground-breaking blueprint for action.

Admiral Watkins has served as Chief of Naval Operations, Chief of Naval Personnel, Director of Nuclear Power Distribution in the Office of the Chief of Naval Operations as well as engineering officer of the Navy's land-based nuclear reactor, as well as a host of other naval positions.

I can think of no one who will be more able to tackle the diverse and important issues before the Department of Energy, and look forward to working with him in his new mission.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of Adm. James D. Watkins as Secretary of the U.S. Department of Energy, and I am pleased to express my support and vote for his confirmation today.

Admiral Watkins is well qualified for the position of Secretary of Energy, as reflected in his impressive list of accomplishments and experiences. On June 30, 1982, Admiral Watkins was selected by President Reagan to become the 22d Chief of Naval Operations. He retired from that post on June 30, 1986, and entered civilian life after 41 years of service to the U.S. Navy.

While serving in the Navy, Admiral Watkins held a number of assignments at sea aboard nuclear powered vessels, in addition to shore assignments associated with the selection, education, and training of personnel. He also supervised the maintenance and operations of naval nuclear propulsion plants.

After receiving his master's degree in mechanical engineering, Admiral Watkins was selected by Adm. Hyman G. Rickover to enter the Navy's nuclear-powered submarine program in 1959. In the early 1960's, Admiral Watkins went on to serve as an assistant to Admiral Rickover for 3½ years at his headquarters in Washington, DC. He then served as Director of the Office of Chief Naval Personnel's Nuclear Power Distribution Branch. Subsequently, as Chief of Naval Personnel and Vice Chief of Naval Operations, Admiral Watkins continued his leadership role as principle adviser to the Chief of Naval Operations and Secretary of the Navy on safe and efficient operations of the Navy's nuclear-powered fleet.

In addition, Admiral Watkins' military decorations include several Distinguished Service and Legion of Merit medals, the Bronze Star with combat "V" and other medals, and campaign and service ribbons.

In October 1987, Admiral Watkins was appointed Chairman of the Presidential Commission on the Human Immunodeficiency Virus [AIDS] Epidemic, and submitted the Commission's final report to President Reagan on June 24, 1988. For his work on this Commission, he was awarded an honorary doctor of humane letters from the New York Medical College in June 1988.

Certainly his wide range of experiences will serve him well as Secretary of Energy.

I am confident that Admiral Watkins will be an effective leader on the many important issues addressed by the Department of Energy.

I support the nomination of Admiral Watkins to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has other positions in the past.

Mr. SIMPSON. Mr. President, I am very proud to speak on behalf of Mr. Watkins this afternoon as we vote on his confirmation as Secretary of Energy. He is an extremely fine man. One that I have visited with, and shared many goals and ideas with, and I greatly look forward to working with him.

Jim Watkins brings great capabilities in management and leadership. He demonstrated these skills magnificently as he worked for our country on the Presidential Commission on AIDS. And now he comes to us to be at the helm of an agency that will make so many crucial decisions and policies for our Nation in the years to come. He must help us develop an energy policy that cleans up the problems of the past, and yet continues to give incentives for America to build a future that is energy independent, healthy, and safe.

Jim Watkins brings great experience and expertise to the arena of nuclear energy. He has pledged to focus on the very serious problems with regard to cleanup of commercial and nuclear waste and putting our nuclear defense

operations back on track. That is very important for our country and I am confident that he is the best man for the job.

But our Nation's energy mix is multifaceted and I have great confidence that he will address the other energy sources and programs with equal vigor and capability. A strong fossil fuel program is so important to this country—one that is environmentally sound, but also dedicated to building a strong future for our domestic coal and oil and gas industries. Energy research, and an effective clean coal program are also very important programs that Jim Watkins will be providing the leadership for.

I am most pleased to be able to lend my support to President Bush's fine nominee for Secretary of Energy and I look forward to working with him. Welcome to Washington—to Jim and his gracious wife, Shiela.

Mr. DOMENICI. Mr. President, I rise today to express my strong support for the confirmation of the nomination of Adm. James D. Watkins to be Secretary of Energy.

I have met with Admiral Watkins and, as a member of the Committee on Energy and Natural Resources, I participated in his confirmation hearing. Let me say to my colleagues in the Senate that Admiral Watkins is impressively qualified to be Secretary of Energy.

I was impressed because, for the first time in my tenure in the U.S. Senate, a nominee for Secretary of Energy came before the committee and demonstrated an understanding of the extreme importance of the Department's national laboratories to the National Government.

Mr. President, the Department of Energy is not just a Department of Energy. In reality it is a hodge-podge of many functions. In addition to overseeing the Federal Government's basic energy policy, it also has the responsibility for our Nation's national laboratories, basic science research and development, the nuclear weapons program, and radioactive waste disposal.

It is interesting to note that, as Secretary of Energy, Admiral Watkins will be the manager of more scientists, engineers, physicists, and mathematicians than anyone else in the free world. Many of these individuals work for our National Laboratories, such as Los Alamos and Sandia National Laboratories in New Mexico.

These individuals and the National Laboratories are tremendous national resources. We must find a way to use these resources that are at our disposal.

As we move away from an era of nuclear confrontation, our National Laboratories will be changing. While we must maintain the essential national defense mission of the National Laboratories, we must diversify the mission of the National Laboratories so that we fully utilize the tremendous energy and knowledge of our scientists.

I am encouraged by Admiral Watkins' willingness to examine what the Department can do to utilize fully the resources of the National Laboratories. For example, the National Laboratories can share the wealth of their knowledge with the private sector through technology transfer. They can help us promote excellence in science, engineering, and mathematics among America's youth. They can also explore ways to protect our environment from the greenhouse effect. The National Laboratories also can assist in advancing the level of medical knowledge in our Nation through the mapping of the human genome.

On this last point, let me say that I believe research on the human genome will be of great importance to our Nation's health and economy. The National Laboratories are very important to this research and the Department should take a leadership role in this area along with the National Institutes of Health.

Admiral Watkins will bring a new perspective, new energy, and a new management style to the Department of Energy. The most significant asset that Admiral Watkins brings to the job, however, is credibility.

The Department of Energy especially needs credibility in its Nuclear Waste Program.

The citizens of the United States, and in particular those in my State of New Mexico, are extremely concerned when you mention anything to do with nuclear waste.

Therefore, I was heartened when Admiral Watkins testified that nuclear waste "will be handled, processed, and finally stored in compliance with those safety standards to which the Federal, State and responsible local authorities are full partners."

This is a welcome statement that was well-received in my State of New Mexico, which is the site of the Waste Isolation Pilot plant—WIPP—the Nation's proposed first geologic repository for nuclear waste.

So far, the Department of Energy has not done a good job managing the WIPP project and has yet to fulfill all of its commitments to the State of New Mexico regarding the project. Thus, the Department has a very poor image in New Mexico.

Therefore, I am opposed to opening WIPP until the Department of Energy provides certain protections to safeguard the health and safety of New Mexicans. In addition, I will oppose making WIPP the permanent disposal site for transuranic waste unless and until the Department demonstrates that WIPP complies with EPA regulations governing such sites.

I cannot support the administrative withdrawal of the WIPP site proposed by the Department because it does not provide adequate protection for the health and safety of the citizens of New Mexico.

Rather, in order to adequately protect the health and safety of New Mexicans, I believe Congress must pass a land withdrawal bill that:

First, prevents any radioactive waste being stored at WIPP until EPA standards for the temporary storage of radioactive waste have been complied with;

Second, mandates that the Department comply with EPA standards for the permanent disposal of radioactive wastes—and that EPA certify such compliance—prior to the permanent disposal of any radioactive waste at WIPP;

Third, directs the Department to remove all radioactive waste from WIPP if it fails to comply with the EPA permanent disposal standards;

Fourth, limits the amount of waste for health and safety experiments at WIPP to only as much waste as independent scientists agree is needed for the experiments;

Fifth, prohibits high-level waste experiments at WIPP;

Sixth, provides an independent oversight role for the New Mexico Environmental Evaluation Group;

Seventh, mandates that waste bound for WIPP must be transported in canisters approved by the Nuclear Regulatory Commission and that the State of New Mexico and local governments shall be notified in advance of any waste shipments;

Eighth, provides compensation to the State of New Mexico to offset the expense of having WIPP located in the State; and

Ninth, authorizes funding for the completion of the WIPP road system, including the Santa Fe, Roswell, Carlsbad, and Artesia by-passes and the Los Alamos-Santa Fe alternate route.

I was very pleased at Admiral Watkins' statement that he agreed on the need for a land withdrawal bill and his willingness to listen to the scientific community's comments on what that bill should contain. This is a solid step toward establishing the Department's credibility on WIPP.

Mr. President, Adm. James Watkins has served our Nation with great distinction, first in the Navy and subsequently as Chairman of the Presidential Commission on the Human Immunodeficiency Virus Epidemic—commonly called the AIDS Commission. He met those challenges well. He is now faced with the new, and possible greater, challenge of managing the Department of Energy. I believe that he is well-suited for the task. I encourage all of my colleagues to lend him their enthusiastic support.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the nomination of Adm. James D. Watkins to be Secretary of Energy.

Much has been said of Admiral Watkins' credentials for the critical assignment of launching a cleanup of the Department of Energy's nuclear weapons plants and surely this is the Department's immediate priority at this time. Not only does he have the technical experience for this assignment but Admiral Watkins has managerial skills of a high order, which he demonstrated in numerous Navy billets, including his tour as Chief of Naval Operations. His most notable demonstration of these skills, however, was as Chairman of the Presidential Commission on AIDS, which issued its report last year.

For my part, I am especially gratified by his testimony to the Energy and Natural Resources Committee last week at his confirmation hearing that he intends to be an advocate for solar energy and energy efficiency research and will work for improved technology transfer from the Department's national laboratories to the private sector. In his testimony the admiral stressed that the reduction of the Nation's dependency on foreign oil will be a primary focus of his work at the Department, quite aside from his attention to the plant cleanup issue. He made it very clear that he takes energy conservation most seriously indeed. I am confident he will do a commendable job in this extremely difficult Cabinet post and for this reason I will be voting for confirmation of his nomination and urge my colleagues to do likewise.

Mr. JOHNSTON. Mr. President, I am wondering if there are other Senators on our side of the aisle who wish to be heard? If not, Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Adm. James D. Watkins, of California, to be Secretary of the Department of Energy?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 17 Ex.]

YEAS—99

Adams	Biden	Boschwitz
Armstrong	Bingaman	Bradley
Baucus	Bond	Breaux
Bentsen	Boren	Bryan
Bumpers	Harkin	Mitchell
Burdick	Hatch	Moynihan
Burns	Hatfield	Murkowski
Byrd	Heflin	Nickles
Chafee	Heinz	Nunn
Coats	Helms	Packwood
Cochran	Hollings	Pell
Cohen	Humphrey	Pressler
Conrad	Inouye	Pryor
Cranston	Jeffords	Reid
D'Amato	Johnston	Riegle
Danforth	Kassebaum	Robb
Daschle	Kasten	Rockefeller
DeConcini	Kennedy	Roth
Dixon	Kerrey	Rudman
Dodd	Kerry	Sanford
Dole	Kohl	Sarbanes
Domenici	Lautenberg	Sasser
Durenberger	Leahy	Shelby
Exon	Levin	Simon
Ford	Lieberman	Simpson
Fowler	Lott	Specter
Garn	Lugar	Stevens
Glenn	Mack	Symms
Gore	Matsunaga	Thurmond
Gorton	McCain	Wallop
Graham	McClure	Warner
Gramm	McConnell	Wilson
Grassley	Metzenbaum	Wirth

NOT VOTING—1

Mikulski

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the forgoing nominations are laid on the table, and the President is notified of the confirmations of these nominations.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the distinguished Senator from New Hampshire be permitted to address the Senate for a period not to exceed 10 minutes on a subject of a tribute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr RUDMAN. I thank my friend, the distinguished majority leader.

THE DEATH OF FORMER NEW HAMPSHIRE SENATOR NORRIS H. COTTON

Mr. RUDMAN. Mr. President, I rise today to pay tribute to and mourn the passage one of the greatest and most beloved statesman in the history of the State of New Hampshire:

A man who devoted almost his entire adult life to public service, including two decades in the U.S. Senate and four terms in the House of Representatives;

A man whose career of public service stretched from the silent film era to the Moon landings.

He served under seven Presidents, was a pillar of the Senate and secured the respect and admiration of his colleagues and his constituents. But he always referred to himself as "just a country lawyer."

My friends, flags across New Hampshire snap in the wind at half-staff today in honor of the memory of Norris Cotton. For 20 years Norris Cotton held the Senate seat I now hold—and acted with a degree of integrity, civility, humor, and old-fashioned Yankee common sense that, I believe, will not be repeated.

Laconic, upright, fiercely independent and appropriately suspicious of ideas that did not take root in our rocky New Hampshire soil, he embodied the substance and character of the State and people he served for so many years.

Born on a farm in Warren, NH, at the start of this century, Norris Cotton in his later years would reminisce about the time the first automobile rumbled into town, or when he strained to hear a voice over the first scratchy rural phone line strung to his parents' farmhouse.

He worked and saved to pay for his education.

And in 1923, at the age of 22, he was elected to the New Hampshire Legislature at a time, he later recalled, when "any fool could go to the legislature * * * and did."

The next year he was elected president of the New Hampshire Republican State Convention and was then brought to Washington to serve as a clerk to Senator George Moses.

Observing the conduct of the Senate by day, he studied law at night and then went back to New Hampshire—to work as a county attorney and district court judge.

He returned to the New Hampshire House in 1943 and was elected its speaker.

In 1946 he was elected to the House of Representatives, where he would serve the residents of New Hampshire's Second District for four terms.

In 1954 he came to the Senate—elected to fill the unexpired term of the late Senator Charles Toby. He was reelected in 1956, 1962, and 1968.

He loved the Senate—one time leaving his hospital bed to cast a vote. Describing himself as "a stand pat, conservative, hide-bound, moss-back Republican," Norris Cotton devoted his time and energy to the issues of health and transportation.

His proudest achievement was the establishment of the cancer research and treatment center in Hanover, NH, that now bears his name.

When he retired from the Senate in 1974, in part to care for his ailing wife, he was the third-ranking Republican and eighth, overall, in seniority in this body.

What can I say about a man held in such high regard, who possessed such good humor and deep wisdom?

His wit was sharp and tart. His first vote in the Senate was to censure Joseph McCarthy. His second was on defending Formosa. And the third was on Senate salaries. Later he would say,

I was beginning to think that serving in the Senate was like working in a steel mill—and it would be prudent to spit on anything

you were about to sit down on—it might be hot.

His independence was undeniable. A loyal Republican, he nevertheless opposed increased military spending when be was convinced the war in Vietnam could not be won. And when he was criticized for not voting with the State's senior Senator, Styles Bridges, Cotton replied, "When two Senators vote the same way all the time, one of them ain't thinking."

His character was unique. The Robert Frost Award he received in 1972 recognized his "tradition of individuality, hard work, and devotion to the country north of Boston."

The White Mountains of New Hampshire are home to a natural rock formation that forms "The old Man of the Mountains,"—the symbol of our State. And in describing that symbol, Daniel Webster once said, "Up in the Mountains of New Hampshire, God Almighty has hung out a sign to show that there, He makes men."

If there was ever a public man who personified that spirit, that landscape—it was Senator Norris Cotton.

In New Hampshire Norris Cotton was, quite simply, a giant political figure of the modern era.

Tomorrow, in Lebanon, NH, we will gather to say goodbye to this great Granite Stater, and he will be honored by an old friend who he came to Congress with in the 1940's, who will deliver the eulogy tomorrow, former President Richard Nixon.

I yield the floor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Senator from New York be permitted to address the Senate, not to exceed 10 minutes, in connection with a tribute.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEA AGENT KILLED IN NEW YORK

Mr. D'AMATO. Mr. President, I thank the distinguished majority leader for giving me this opportunity to make a rather sad report to the Senate of the United States, and in a way, to our people.

Mr. President, it is a bit ironic that almost 1 year ago to the day, a savage event took place in the city of New York at 2 a.m. There was a young police officer who sat in a patrol car for the purpose of protecting a witness, a witness who was giving testimony against drug dealers. That police officer, Edward Byrne, was assassinated—three bullets to the head—as he sat behind the steering wheel of his vehicle.

I think the savagery of that event brought about a cry from the people of our State and throughout this country that we had not been doing nearly enough in our battle against the scourge of drug addiction, certainly not when organized crime and drug dealers had no hesitancy in ordering the assassination of police officers to demonstrate their strength, that of the drug dealers and their cartel. That was February 26, 1988. Last evening at 10 p.m., February 28, 1989, another officer of the law sacrificed his life in the battle against this scourge of the drug traffickers. Everett Hatcher was murdered in New York City, Staten Island. He was the father of two children, ages 9 and 3.

Everett Hatcher was a drug-enforcement agent, a special agent. He joined DEA in the early 1970's. He was known as a special person. He was a man of great dedication, fearless in his job in pursuit of those who brought about this scourge, not only in our city of New York but also throughout many of the urban centers of America.

DEA Agent Hatcher was working on a joint DEA-FBI investigation with the organized crime drug-enforcement task force. The suspect, Gus Farace, was a convicted murderer who was released 10 months ago from prison. Farace has organized crime connections. Agent Hatcher was going to meet him to discuss a cocaine deal.

There was a surveilliance team with Hatcher, who was also wired, but around 9 p.m. the people who had Hatcher under surveilliance lost him. Agent Hatcher became the first law-enforcement officer killed in the line of duty of New York City this year. In 1988, seven law-enforcement officers were killed on duty in the city.

Mr. President, I rise to pay tribute to the dedicated law-enforcement officers who place their lives on the line, and particularly those agents and those officers who undertake this special detail and obligation, in attempting to curb this epidemic, and who in many cases are undertaking a battle against superior, organized forces, better funded than they are, and our law-enforcement officers are outgunned in many cases.

Today, in sadness, I say that we have a special obligation to rededicate ourselves and to be more purposeful, not only in law enforcement but also in education and prevention, in bringing the totality of our resources of this Nation against that dreaded scourge.

As Edward Byrne a year ago served as a catalyst to help pass and galvanize support for the comprehensive drug bill, I would hope that this body, our Nation, and our leaders would come together as a tribute to Everett Hatcher and to his family and to his wife, and to say we will not allow his death to go in vain, that we will fund the drug bill and find the resources, even during these times of budget restraint, to make it a meaningful endeavor on our part. I hope we will do this so that his life will have real purpose and meaning in this great sacrifice that he has made on behalf of our children and our grandchildren, and the strength and vitality of our Nation, which we see being dissipated in every way, every walk of life, and particularly, with our young, particularly with the ferocity of the devastation which the crack epidemic has brought. It is a sad thing, Mr. President, when we stop to think, and we do not like to acknowledge it, that once a crack addict, for all times a crack addict. According to uncontroverted medical testimony, there have been no cases where a crack addict has been rehabilitated, none. What a tragedy. What do we do? What have our efforts been to win this war, which is ravaging America and society?

Mr. President, our prayers and our hearts are with the Hatcher family; but, more important, I would hope that we would see to it that we do something tangible so that we can one day come to the floor and say we are winning this war, and it is not just a war of words, so that Everett Hatcher's devotion to duty, his sacrifice, will not have been in vain.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MITCHELL). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as in morning business, I ask unanimous consent to make a statement for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMANITARIAN AID FOR THE CONTRAS

Mr. GRAHAM. Mr. President, we will have an opportunity within the next several weeks to make a choice which should help to bring us together as a Senate and as an American people. That decision will be the decision to approve additional humanitarian aid to the Nicaraguan resistance which is one which will affect the progress of democratization in this hemisphere, as well as help engender a spirit of bipartisanship within the United States.

I urge the administration to move quickly to send a request for humanitarian aid to the Nicaraguan resistance to the Congress so that we can act before the current aid expires at the end of this month.

I also urge the administration to place this aid request into a larger policy context. Such a context must clearly link our continuing humanitar-

ian aid for the Contras to the actual fulfillment by the Sandinistas of their many broken promises to democratize Nicaraguan society.

This broader context is vitally important that we work closely with other Latin American countries in an attempt to keep collective attention focused on democratization in Nicaragua.

This larger context of democratization and human rights is one that the Central American nations themselves defined when they agreed to the Esquipulas II accords. Esquipulas II is an unequivocal statement of their belief that strengthening democracy is the surest path to peace and development in the region.

Two weeks ago, the five Central American Presidents agreed in a meeting at Tesoro Beach in El Salvador to spell out the linkage between the reintegration of the resistance forces—the Contras—into Nicaraguan political life and the democratization that the Sandinistas must initiate to make that possible.

Nicaraguan President Daniel Ortega made specific commitments to undertake the process of democratization within the framework of Esquipulas II.

He agreed to several key points: moving up Presidential elections from November 1991 to February of next year; electoral and media law reform; and the release of political prisoners.

I can assure the Sandinista government officials that we will be watching them closely to ensure that they abide by their pledges.

After all, these are basically restatements of pledges they made—and have not kept—when they signed the Esquipulas accords in 1987. Specifically, we will be watching to see if they allow the media—all the media, including Radio Catolica, which remains closed—to operate freely.

We will be watching to see if they allow the establishment of independent television stations.

We will be watching to see if they continue to administer a Somoza-era law that allows them to sentence political opponents to 6 months in jail—an obviously useful tool to use to suppress the political opposition.

We will be watching to see if they allow independent trade unions to organize, to strike, and to operate freely.

These are some of objective measures we will use to determine whether or not the Sandinistas live up to their obligations. The ball, Mr. President, is in their court.

As part of the El Salvador agreement, the governments consented to develop a plan over the next 90 days that will tie reintegration of resistance forces into Nicaragan society with the new commitments by the Sandinistas to democratize.

Esquipulas II and the Tesoro Beach Declaration address democratization and regional security and should serve as the operational framework for a peace. They have the authority of the Central American nations who created them as their support.

Neither agreement, however, addresses the question of continued Soviet support for the Sandinista regime. The Soviet Union gave $2.5 billion in military aid to the Sandinistas between 1979 and 1988. Last year alone, the Sandinistas received $515 million in Soviet military support.

I encourage the administration to make clear to the Soviets in the strongest possible terms that this remains an outstanding and grave concern of the United States. This continuing military support calls into serious question the Soviets' professed sincerity in solving regional conflicts.

There is another more severe weakness in both Esquipulas II and the Tesoro Beach Declaration, however—one which we can help remedy by our decision on humanitarian aid.

The weakness is the absence of a system of verification and compelling incentives to comply with democratization. Those incentives, which could take the form of sanctions or other enforcements, are a powerful weapon of persuasion we should not be naive enough to discount.

The existence of the Contras has sent a clear message to the Sandinista leadership from the beginning that the end result of their people's revolution must not be the descent from a hated dictatorship into an even more repressive totalitarian state.

If the Contras are forced to disarm and disband before the Sandinistas have demonstrated a willingness to welcome them into the political dialog, then they have lost their country.

Central America and this hemisphere will have lost the military lariat which has helped to rein in the Sandinista's headlong flight toward absolute tryanny.

We would be irresponsible in this Senate were we to reduce the issue to one of partisan concerns. Oliver Wendell Holmes once said: "The great thing in this world is not so much where we stand, as in what direction we are moving."

Not one of my distinguished colleagues would deny that we all desire to move in the direction of a democratic peace for Nicaragua.

To ensure that takes place, I think we must hold the Sandinistas to a timetable for democratization.

The viability of the Contra forces has helped pressure the Sandinista regime to be open to the Central American peace process, and it may well be the most potent incentive for compliance which we have. To abandon that incentive now is to exhibit a disregard for the chance to see peace and basic human freedoms return to Nicaragua.

By approving, on a bipartisan basis a humanitarian aid package for the Contras, we send a clear message of support for Nicaraguan democratization. By so doing, we make it very clear that we will not allow the Contras to be dismantled until the Sandinistas follow through on their commitments.

That is our commitment—to encourage the movement toward democracy in our hemisphere so that it may reach its full realization.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3 p.m.

There being no objection, the Senate, at 2:41 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

RECESS UNTIL 3:30 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:30 p.m. this afternoon.

There being no objection, the Senate, at 3 o'clock p.m., recessed until 3:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the benefit of the many Senators who have called inquiring as to the Senate's schedule for the remainder of today and this week, let me explain what is occurring.

Last week I announced my intention to proceed to the Tower nomination on today and reaffirmed my intention to do so this morning. During the course of the day, the distinguished Republican leader asked that I postpone seeking to do so until he had an opportunity to consult with his colleagues and indicated that he would shortly thereafter provide me with his recommendations on how best to proceed.

We are now waiting for the results of that consultation which has been occurring for the past approximately 2 hours. I am advised that the Republi-

can leader has nearly completed those consultations and will soon be in a position to indicate to me what his desires are with respect to the Tower nomination. It remains my intention, as it has been throughout this recent several weeks, to proceed to the nomination as promptly as possible, and I look foward to that in consultation with the distinguished Republican leader.

Since I understand that there are some Senators who have requested the opportunity to speak as if in morning business, it is now my intention to merely place a quorum call, awaiting those Senators and awaiting the distinguished Republican leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLY COW! A HALL OF FAMER!

Mr. DIXON. Mr. President, I want to take this opportunity to pay tribute to a man near and dear to the hearts of sports fans in my own State of Illinois and throughout the United States.

On January 27 of this year, my good friend Harry Caray, the voice of the Chicago Cubs, was named the 1989 recipient of the Ford C. Frick Award, the highest honor baseball can bestow on a member of the broadcast profession.

Harry will take his rightful place among such broadcasting legends as Mel Allen, Jack Brickhouse, Jack Buck, Bob Elson, Ernie Harwell, Bob Prince, and Vin Scully on July 23, when he is inducted into the broadcasters' wing of the National Baseball Hall of Fame in Cooperstown, NY.

Mr. President, Harry Caray has been a warm personal friend of mine for many years now. I have many wonderful recollections of that beautiful and continuing friendship.

I recall sitting next to him in the broadcast booth while he sings "Take Me Out to the Ball Game" and looking out at the response of the fans and enjoying the excitement. Why, Mr. President, Harry and I have even sipped a beer together to toast our friends and this great Nation of ours.

For the past 44 seasons, fans of the St. Louis Cardinals, Oakland Athletics, Chicago White Sox, and Chicago Cubs have been treated to Harry's colorful style. His descriptions of thousands of games over the years have instilled in many of us a love and enthusiasm for the game of baseball, and for Harry himself.

Never was this affection more apparent than last February, when Harry suffered a stroke. His dogged determination to recover, combined with the outpouring of sentiment to Harry and his wife, Dutchie, from his legions of fans throughout the world, had him back in Wrigley Field's broadcast booth, believe it or not, by the end of May.

Harry has always been a Hall-of-Famer in his way of treating people. Countless times I have seen him stand for hours, signing autographs and bantering with fans young and old, until all were accommodated. Through our many discussions over the years, I have come to know Harry Caray as a sincere, caring man with deep feelings for those less fortunate in our society and with creative ideas for helping them. This is a side of Harry which more people should know about.

Mr. President, I would like to add my voice to those of millions of other baseball fans throughout America in saluting Harry Caray, the newest broadcaster in Baseball's Hall of Fame and, I am proud to say, Mr. President, my warm and dear friend.

Mr. President, having made those genuine remarks out of love and affection for a dear friend, I now look at this Chamber and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. BOREN. Mr. President, like other Members of the Senate, over the last several days I have been carefully weighing my own personal decision in regard to the nomination of John Tower to be Secretary of Defense. I have taken the time to read the FBI reports and both the majority and minority committee reports from the Armed Services Committee. I have carefully weighed the qualifications of this nominee. I have discussed the matter with colleagues on both sides of the aisle. I have discussed the matter with the President of the United States and have given due consideration to his views on this matter.

This is not an easy decision for me. I have had the privilege of serving with Senator Tower in the U.S. Senate. I knew Senator Tower through family friendship before I came to this body. I think that he is a man who possesses a great amount of knowledge and expertise which would be of benefit to this country. I think there are many ways in which he could be of service to this country. I know he has a true dedication to his country and a true desire to perform public service.

Mr. President, I believe that over the next year or two, important and fundamental decisions will have to be made at the Department of Defense: decisions about the defense budget, decisions about weapons systems, decisions about more effectively using every dollar of taxpayers' money in the defense budget. These decisions that will have to be made by the next Secretary of Defense are very difficult decisions.

Even if the Secretary of Defense making them were completely without controversy himself, it would be very difficult to make those decisions and to carry those decisions into effect. Therefore, I believe that for the good of this country, we need to have a Secretary of Defense for the United States, a person for whom there is broad support in the country, a person about whom there is not deep division of opinion or strong debate about his qualifications to hold office. It is for that reason I have decided I cannot in conscience at this time feel it is in the interest of the United States that I support the nomination of Senator Tower. Therefore, if this nomination comes to a vote on the floor, I will be casting my vote in the negative on that question of confirmation.

It is my sincere hope that that will not happen. As I have indicated, Mr. President, I believe that Senator Tower is a man who sincerely cares about this country. He has devoted a good portion of his life to national security issues and to trying to build a strong defense for this country. I hope that he will decide upon reflection that it is in the best interest of the country, in the best interest of the President, who is the President of all of us, and in his own best interest to withdraw prior to any vote on this nomination. I think, if Senator Tower were to take that action, it would affirm the belief that many of us have that he truly does want to put his country first. I think it would be an action that would be understood by both those who support him and those who find it impossible in conscience to support this nomination. If Senator Tower should decide to follow that course, I would be the first to say I believe there are many other positions of Government in which the talents and considerable expertise of Senator Tower could be used. I would be the first to support his nomination to some other position where he could be of service to his President and to his country.

Mr. President, having said that, let me also say that as the hours pass in the debate over this nomination, as the merits of this proposal are fully determined on the Senate floor, it is my hope also that we will not lose our sense of proportion. Whatever happens about this nomination I do not believe will determine the course of future relations between the President and the Congress. I think those who say it will be a crippling blow to this President if this nominee is not confirmed are wrong.

I know my own option of this President. I think he is one of the finest people to occupy that office for a long time. It has been many years since I have felt so good about the future course of this country as I feel because of the spirit and leadership which George Bush has been providing since he took the oath of office as the President of the United States. He is as much my President as anyone who serves on the other side of the aisle. No one in this body, Democrat or Republican, hopes that he succeeds more than I. In nearly all of the appointments that he has made and all of the first decisions he has made, I think he has followed the right course of action. My vote against this nominee should not be interpreted by anyone as a signal that I will not, without regard to politics or party, be prepared to support this President time and time again in the future as he tries to pull us altogether, to work together as Americans without regard to party for what is good for our country.

So I do not think anyone should interpret an action on this nomination as any kind of decision about whether or not this Congress should cooperate with the President of the United States whenever possible. After visiting with the President yesterday, I am also convinced that he shares that same opinion; that after this matter is put behind us, we will find ways to all work together in a better spirit than has existed between the Congress and the President for many, many years. I hope nothing will be said on the floor on either side of the aisle during the next several hours, perhaps days, of debate on this nomination that will impair the ability of any of us in this Chamber to work together for the national good or impair the ability of the President of the United States and Congress and our congressional leaders to work together.

A lot has been said in recent days in terms of whether or not political motivations are behind the decisions of Members of the Senate as to how they cast their vote on this nomination. Having been the target of some criticism on past occasions—for example, when I was one of two members of my party to vote for the confirmation of Mr. Bork to be a Justice of the Supreme Court—I think my own record indicates I do not put party ahead of what I think is best and right for the country.

I would say also that I know very well, perhaps as well as I know any Member of this body or any person in public life, as to the senior Senator from the State of Georgia, the chairman of the Armed Services Committee, there is no Member of the Senate, there is no person that I have known in public life who has more consistently put what he thinks is best for his country ahead of his own personal political ambition or ahead of any partisan political consideration.

So, Mr. President, I have great respect for the President of the United States, and I have great respect for my colleagues on the other side of the aisle who feel strongly that they should support this nomination. I honor the President for standing by his appointee. In politics, all of us know people who have been able to rise through the political ladders by being able to manipulate human beings, by not stopping and pausing to think of people and their human concerns. The President of the United States is not such a man. He is known as a man who has friends because he is a decent, good, caring human being. People have said to me, "I am puzzled. Why would the President of the United States put so much on the line for this nominee when such controversy has enveloped this matter?"

I believe, Mr. President, that President Bush has put so much on the line because he is a decent, caring human being who feels he should loyally stand with those he has asked to serve him. I salute him for his loyalty and for his friendships toward others. I do not think there is a basis for criticizing the President of the United States on that score, just as I salute the patriotism and integrity of the senior Senator from Georgia. American politics would be better served if we had more men in public life with the integrity of either George Bush or SAM NUNN of Georgia. Our country would be better if we had more men and women like them in public life. And so I appeal to my colleagues. There are honest differences of opinion, honest differences of judgment about what is best for this country. Let us not have a divisive debate. Let us debate on the merits as best we can. Let us reach a decision we think is best for the country. Let us not allow any divisions of opinion on this matter to keep us from fulfilling the pledge that we all made at the beginning of this session to work together as Americans, to keep us from following the dictate of the President when he said in his State of the Union Address that the American people did not send us here to bicker or to play politics. They sent us here to work together to solve the Nation's problems.

There is but one person who can remove the name of Senator Tower from consideration. The President of the United States, as I indicated, has commendable loyalty and strength of purpose. He will never do it. I can only say that I urge Senator Tower to take that action himself. It would be good for our country, good for our President. It would enable us to begin working together in a bipartisan spirit so essential to this country. Then I frankly hope that the President of the United States would use the talents and the expertise of Senator Tower either in some other public position of trust or at the very least his advice and counsel as a citizen who has much to offer and desires to contribute much to the good of his country.

Mr. President, it has been a difficult decision. It is a decision that I have reached and that I have communicated to Senator Tower, to the President, as well as to others. It is not a clear-cut decision. It is a matter about which reasonable people can differ. In my opinion it is a decision that should be reached without impugning the motives of anyone, and certainly I reach it without inpugning either the motives or character of the man who has been nominated by the President to be Secretary of Defense because he is a fine Member of the U.S. Senate. He has a good record of public service. He is a man who cares about his country. But for the good of the country I hope that he will withdraw. Let the President name a Secretary of Defense who can have the unified support without question, without deep debate of a broad spectrum of the American people because that Secretary of Defense is going to have tough decisions to make, decisions that are hard enough without having to also fight a battle to defend himself personally in his own position at the same time.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. SIMPSON. Mr. President, I came to the floor to speak briefly on the issue of acid rain, but I have listened with great intent to my friend from Oklahoma, a man for whom I have the greatest respect and admiration, who came to this body when I did; we were sworn in together on this floor January 15, 1979. I agree with almost everything he said except his decision. What he says is very real. Much of it is the kind of thing that I would expect from him as a compassionate and very caring person. I guess before I would speak these 4 or 5 minutes on acid rain, I might note again the problems in society are what we see in this Tower situation. The issue now comes to the honest recommenda-

tion that Senator BOREN has made that he should withdraw, and yet there is something that gnaws in the bosom of every human being: how do I put my reputation back together? Who does that for me? How do I do that when I pick up the paper and read about the ballerina dancing on the piano and sloshing your way through life. When you go look at the FBI report and you find that the guy that put up the allegation about the ballerina on the piano and all the rest of the antics there, is some guy they will not even publish his remarks in the newspapers of America, some nut who has four aliases, a doctor, professor, what have you. How many times do we have to have people do that to us in the public vendue and then say, "Well, I am sorry, but there is no way you can produce your rebuttal because that is classified." If I had my way they ought to take some of that report and splash it out and hand it over to the Washington Post. Let the people of America see "anonymous witness No. T-4 and T-1." I do not know who T-1 and T-4 were but they were very serious about preserving their anonymity. That I don't doubt. Because when they went back and interviewed them, they found out they had a "different view" of it than the one that appeared in the newspaper. So how do you pick up the pieces? The Senator from Oklahoma voted for Robert Bork. Robert Bork knew he was going to lose, but he came right in here with his case because he wanted his grandchildren to read something about him other than the fact he was a racist, a sexist, a sterilizer of his fellow human beings—and all that junk that destroyed Robert Bork. So when you get to this point I do not know where else you go in this particular society of ours. But I think "win, lose, or draw," old John Tower ought to come right here and there will be some interesting people who will then get up and tell the story—the real story with facts and figures and attributable facts—and we will deal with it on facts instead of inuendo. He has already admitted some remarkable things. Humans do not like to do that. He said he did do some of those things in 1970, he did drink a little scotch, that those are things that happened but they were not so now. So it is fascinating to me, I guess it is ever so, as to just who are these appointed scorekeepers in society now who keep track of everybody. I am learning to handle them well. I just say to them when they ask me a question, "What did you do when you were 20 or 25 or 30?" because I think we are going to have to get into the issue of asking the examiners the same questions that are asked of the examinees because it has reached a point of absurdity. And we know our colleagues on both sides of the aisle who have been destroyed by it. And so that is where we are left. There is no other forum for a person to go to if they walk away from the fray for then the other stuff is believed and they have not had their opportunity to put their lives back together so that their children recognize the person who raised them and their grandchildren have an opportunity to see that there was a pretty noble guy who served as a U.S. Senator and put in a lot of years of public life and was really not some slosher who just kind of went through life without producing anything. So that is where we are. Who puts people back together? I guess you do that for yourself. Nobody else is going to do it for you around this place of Washington. Whoever said, "If you want a friend in Washington, buy a dog," was right.

Mr. BOREN. Will the Senator yield for just a moment?

Mr. SIMPSON. Indeed.

Mr. BOREN. I want to tell him I have bought a dog, and I think the advice, I believe, President Truman gave was well taken. I also do not know whether it is the time for us to begin confessing all of the matters of our youth. Since we now have C-SPAN and my mother does have it at home, I thought I would defer that for awhile.

Mr. SIMPSON. So does mine.

Mr. BOREN. I know my good friend, who has been listening to my statement, understands that I do not impugn the integrity of Senator Tower, nor do I. I did state for the record that I believed he was a very able Member of the Senate. He has considerable expertise. I think he has a desire to serve this country. If Senator Tower were to take himself out of consideration at this point, I do not believe the American people would take that as an act of admission or defeat. I think they would take it as a very graceful and courageous act and a statement on his part that given the circumstances and divisions that now exist he might not be able to perform and make those tough decisions and be able to get the support for tough discussions that he would need.

I would suggest—and I would be the first one to support the President of the United States if such a gesture were made by Senator Tower—as I say, it would have to come from him because George Bush is a person who would never request it, nor should he, and that is one of the reasons I have such great respect for the President of the United States. He is a fine human being in addition to being a fine leader. But I do believe and I would hope that if that happened, there might be other capacities in which Senator Tower could serve in public life and perhaps even in a way in which the Senate of the United States would have the opportunity to say that he was well qualified to serve in those positions and perhaps make it clear by another action that there is a great deal of respect and affection for him on the part of all of us who have struggled with this decision and come down on the other side. I know my good friend and colleague understands that and understands what I am saying. I simply wanted to say it to him again. I understand what he is saying. We all from time to time have been the target of unfair criticism. Anyone who steps into public life is from time to time. None of us enjoys seeing anyone else subjected to difficult personal situations, and I certainly do not.

Mr. SIMPSON. Mr. President, I understand that fully, and never was any reference made by the Senator from Oklahoma about Senator Tower's integrity, and I understood that fully, indeed, before I made my remarks, and they have just been reemphasized, but certainly unnecessarily so, because I never heard any of that in his comments.

My comments were simply to the effect, "What choices do you have when you have been creamed in America and in the press, and it is your name and your reputation on the line and then suddenly you drop out?" I do not know. I am a fighter. The Senator from Oklahoma is a scrapper, and the Senators who are in the Chamber are fighters. When they are telling lies about you, you scrap, especially about yourself and your reputation. I do not know what other forum he has than this.

This old cowboy would never walk away from that: Innuendo and goofy witnesses interviewed by the FBI, who change their story when they are in their little cubicles with the FBI, different from what they did publicly. I would never allow that to happen to me.

I do not know what others may think, but that would not happen to me.

Now, I want to say, too, that I agree totally with our majority leader and with the Senator from Oklahoma, that if anyone thinks this is going to set a tone of destruction of getting things done in this country, that is just goofy too. There is no need to spend time on that, except that it keeps people excited, I guess, and we would not want to deny them that. I think the majority leader's words were that it would be "a gross overexaggeration" to believe this would be destructive of future relationships with President Bush, or the majority leader, or all of us here, or the minority leader, BOB DOLE. That just is not going to happen.

It is curious to me why the people who ask the question would want to see it happen. What does that do for our country? Sometimes they would

want to think about that. Sometimes that high and laudable goal is not always attainable. We have so much to do with such great, ghastly problems of the budget and the deficit and all those things, that there will be plenty for us to do; and about once every 4 weeks somebody will ask if we are not going to destroy the country if we have another fight on the floor. We will have to say, "I guess not." It has gone on some 210 years, and we will slug along and see if we can continue to do it.

I came here to speak 4 minutes on acid rain, and I am still going to do that.

CLEAN AIR LEGISLATION

Mr. SIMPSON. Mr. President, there was a bill introduced yesterday by which we are moving again on clean air legislation. I have been on the Environment and Public Works Committee for 10 years. It is the most extraordinary thing to deal with in that committee.

Former Senator Gary Hart was the chairman of the clean air coalition, and when he presented his work product, years ago which was a splendid work product, somehow the zealots on both sides went to work on that, and we never did a thing. It is ironic that a lot of things that were in there are still the things that will lead us toward a good result on this issue. In the past, all we have done is suffer from legislative gridlock on this issue of acid rain, a total polarization.

I have learned one thing in the Environment and Public Works Committee. Whatever the bill looks like, I just vote for it and get it out to the floor. That saves you from wading through 10,000 pieces of mail per month, from hysterical letters, and I always write people back and I say, "The bill that passes the Environment and Public Works Committee will never pass on the floor of the U.S. Senate, so why do you write?"

Now I finally think we have an opportunity to do it. Polarization is a product of the various interest groups in their extremity, taking those hard positions, showing an unwillingness to compromise. Senator BYRD has had a serious and intensive interest in this issue, obviously, representing West Virginia. I have an intense interest in it, representing Wyoming, which is now the largest coal-producing State in the United States. I know that is a shock, but it is true, some 163 million tons of low-sulfur coal. There are terrible problems of the high-sulfur coal States, but then there is the dagger in the breast of all of us in the West, which was put on the books in 1977 and it was heavily opposed by my friend Senator Muskie then, who said that this is just plain wrong.

It should never be in this measure. It was the issued percentage reduction. It simply said that if you had low-sulfur coal, you had to reduce it the same percentage of sulfur content as you would with the high-sulfur coal. How absurd. All it was, was to set up a georgraphical struggle, and that struggle has been going on now for 12 years and will become evident ever more in the market as the years go on.

So we can do it again this year as we did before, pass the same old stuff out of committee and see it always end up there at this desk in a rotting form. We can, in the committee, choose to listen to all sides and regions of the country and craft a bill that the Senate will actually approve for a change—a debate that will be participated in by the Senators who are most affected those from the States of Ohio, Illinois, Missouri, Indiana. They have never been in the debate yet, because the bill comes out of a committee which is heavily titled toward States that are least economically affected. We have some very heavy lifting to do on that one, and maybe we can get a little critical mass going for a change. The Bush administration is developing a clean air bill themselves. I think that is going to be an interesting legislative vehicle.

The one yesterday is well worth pursuing—parts of it. The committee and the Senate as a whole ought to try to support those measures, putting together something sensible, and take a good look at what the President unveils in the Clean Air Act legislation. I think we need to cooperate with the administration.

The President has said this is a critical national issue for him. That is great. It is for me, too. I have been trying to work on an acid rain bill for many years. Senator GEORGE MITCHELL and I were awfully close last year on a bill with 10 million tons reduction, recognizing the 40-years phaseout provision, recognizing that subsidies would be unacceptable, recognizing various phase-in procedures, recognizing that you could not gimmick the system with high sulfur versus low sulfur, recognizing that you could not have mandatory scrubbing. Now we are ready to go. I think that if we can get the various interest groups going, and stop trying to provide gimmickry in the marketplace with regard to coal and other fuel products. I do not think we can any longer afford the carving-out of special provisions in the law used to save a few jobs. We have seen how that only polarizes the debate, and it is important that we do not fall into that trap again this year.

I would be glad to visit with the United Mine Workers and hear what they are saying and try to work with them. It is ironic that the United Mine Workers will come up with a gimmick for high-sulfur coal, which affects the low-sulfur coal market and, yet, they go to the low-sulfur coal States and ask people to join their union. While they are out there cutting their bicycle tire, they are asking them to join the union in Wyoming, while they are here in Washington assuring that they have set up a permanent contest which is detrimental to those people that they are trying to get into their membership. I do not understand that, but at least it ought to be explained to the membership out there.

So here we come with a new bill. I really hope that we can craft one. I see that the players are here. I think we want to have something that has the least amount of cost to the citizens of the United States, and provide this 10 million ton reduction. We owe that to the electric rate payers and to the taxpayers. Maybe this year it will be a breakthrough for clean air if we all compromise a little. I am ready. It is time to ignore all of the environmental zealots who would shut down America and light up a wood stove and camp in the woods, and also to ignore the private-sector zealots who would say, "We do not need to do anything about this, because we need to study it some more." Just throw them both out of your office and get on with the issue of doing something that is sensible, common sense, and not intent of causing a geographical scrap.

I think we have a rare window of opportunity for cooperation and decisive action. Maybe we have learned from our past mistakes. Maybe we can seize the moment and advance the clean air bill that is based on good, constructive common sense and not on destructive dogma.

We lost one fine player, former Senator William Proxmire, a splendid player, but the others are here, and they are on both sides of the aisle: Senator BYRD, Senator MITCHELL, Senator CHAFEE, Senator BURDICK, Senator RUDMAN, and many, many more are ready to participate on the committee and off the committee, and maybe this year we can get something done, and I think we can, in the good spirit that will prevail.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following nominations on the Executive Calendar. Calendar items 13 through 35, and Calendar items 37 through 40; all

nominations on the Secretary's desk with the exception of the Army; that they be confirmed en bloc, that motion to reconsider en bloc be laid upon the table, and that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Hearing none, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Ronald W. Yates, xxx-xx-xxxx FR, U.S. Air Force.

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. James G. Andrus, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Malcolm B. Armstrong, xxx-xx-x... FR, Regular Air Force.

Brig. Gen. John L. Borling, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Stephen B. Croker, xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. Gerald A. Daniel, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Lawrence E. Day, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Thomas E. Eggers, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Howell M. Estes III, xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. Frederick A. Fiedler, xxx-xx-x... FR, Regular Air Force.

Brig. Gen. Richard E. Hawley, xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. John E. Jackson, Jr., xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. Arlen D. Jameson, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Jeffery D. Kahla, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Donald L. Kaufman, xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. Vernon J. Kondra, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Paul E. Landers, Jr., xxx-xx-x... FR, Regular Air Force.

Brig. Gen. John D. Logeman, Jr., xxx-xx-x... FR, Regular Air Force.

Brig. Gen. Bruce J. Lotzbire, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Billy G. McCoy, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Burton R. Moore, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. John M. Nowak, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Gary W. O'Shaughnessy, xxx-xx-x... FR, Regular Air Force.

Brig. Gen. David C. Reed, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Peter D. Robinson, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Richard M. Scofield, xxx-xx-xx... FR, Regular Air Force.

Brig. Gen. John D. Slinkard, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Joseph K. Stapleton, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Kenneth E. Staten, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. William A. Studer, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Robert F. Swarts, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Sam W. Westbrook III, xxx-xx-x... xxx-... FR, Regular Air Force.

Brig. Gen. Frank E. Willis, xxx-xx-xxxx xxx-... FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Sections 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Donald F. Ferrell, xxx-xx-xxxx, Air National Guard of the United States.

Brig. Gen. Cecil W. Greene, xxx-xx-xxxx, Air National Guard of the United States.

Brig. Gen. John M. Hafen, xxx-xx-xxxx, Air National Guard of the United States.

Brig. Gen. James R. Mercer, xxx-xx-xxxx, Air National Guard of the United States.

Brig. Gen. Fred D. Womack, xxx-xx-xxxx, Air National Guard of the United States.

To be brigadier general

Col. Gordon M. Campbell, xxx-xx-xxxx, Air National Guard of the United States.

Col. James W. Chapman, xxx-xx-xxxx, Air National Guard of the United States.

Col. Donald L. Coleman, xxx-xx-xxxx, Air National Guard of the United States.

Col. Joseph E. Copenhaver, xxx-xx-xxxx, Air National Guard of the United States.

Col. Stephen P. Cortright, xxx-xx-xxxx, Air National Guard of the United States.

Col. John F. Flanagan, Jr., xxx-xx-xxxx, Air National Guard of the United States.

Col. Richard W. Godfrey, xxx-xx-xxxx, Air National Guard of the United States.

Col. Hugh S. Harris, Jr., xxx-xx-xxxx, Air National Guard of the United States.

Col. Talmadge R. Howell, xxx-xx-xxxx, Air National Guard of the United States.

Col. James A. Melvin III, xxx-xx-xxxx, Air National Guard of the United States.

Col. Raymond E. Moorman, xxx-xx-xxxx, Air National Guard of the United States.

Col. Scott L. Philbrick, xxx-xx-xxxx, Air National Guard of the United States.

Col. Darrel D. Thomssen, xxx-xx-xxxx, Air National Guard of the United States.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, title 10, United States Code:

To be major general

Brig. Gen. Richard A. Freytag, xxx-xx-xxxx xxx-... FV, Air Force Reserve.

Brig. Gen. Angelo J. Perciballi, xxx-xx-x... xxx-... FV, Air Force Reserve.

Brig. Gen. John D. Riddle, xxx-xx-xxxx FV, Air Force Reserve.

Brig. Gen. Julio L. Torres, xxx-xx-xxxx FV, Air Force Reserve.

Brig. Gen. Duane A. Young, xxx-xx-xxxx xxx-... FV, Air Force Reserve.

To be brigadier general

Col. Lawrence B. Anderson, xxx-xx-xxxx xxx-... FV, Air Force Reserve.

Col. Larrie C. Bates, xxx-xx-xxxx FV, Air Force Reserve.

Col. Joe L. Campbell, xxx-xx-xxxx FV, Air Force Reserve.

Col. Charles B. Cassion, xxx-xx-xxxx FV, Air Force Reserve.

Col. Robert T. Cetola, xxx-xx-xxxx FV, Air Force Reserve.

Col. Gerald R. Chancellor, xxx-xx-xxxx FV, Air Force Reserve.

Col. Wayne E. Delawter, xxx-xx-xxxx FV, Air Force Reserve.

Col. William W. Didlake, Jr., xxx-xx-xxxx FV, Air Force Reserve.

Col. George A. Hall, xxx-xx-xxxx FV, Air Force Reserve.

Col. Thomas L. Neubert, xxx-xx-xxxx FV, Air Force Reserve.

Col. Thomas E. Penick, Jr., xxx-xx-xxxx FV, Air Force Reserve.

Col. Robert L. Tate, xxx-xx-xxxx FV, Air Force Reserve.

Col. Vernon R. Tate, xxx-xx-xxxx FV, Air Force Reserve.

Col. William F. Willoughby, xxx-xx-xxxx FV, Air Force Reserve.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provision of title 10, United States Code, section 1370:

To be general

Gen. William L. Kirk xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Michael J. Dugan, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jimmie V. Adams, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Joseph T. Palastra, Jr. xxx-xx-xxxx, U.S. Army.

The following-named officer for permanent promotion in the United States Army in accordance with article II, section 2, clause 2 of the Constitution of the United States:

To be brigadier general

Col. John Evans Hutton, xxx-xx-xxxx.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Andrew P. Chambers, xxx-xx-... xxx-... U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John J. Yoesock, xxx-xx-xxxx, U.S. Army.

MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 624:

Bobby G. Butcher, Walter E. Boomer, Matthew P. Caulfield, Donald R. Gardner, John I. Hopkins, William M. Keys, Jeremiah W. Person, III, John A. Studds.

The following-named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 5912:

G. Richard Omrod.

The following-named officer for assignment as Deputy Chief of Staff for Manpower and Reserve Affairs, under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John I. Hudson [redacted]/9903, USMC.

NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Richard M. Dunleavy, [redacted]/1320, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Diego E. Hernandez, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Jerry O. Tuttle [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Paul D. Butcher [redacted], U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Raymond P. Ilg, [redacted]/1310, U.S. Navy.

The following-named rear admiral (lower half) in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

DENTAL CORPS (2200)

Milton Chipman Clegg.

The following-named rear admiral (lower half) in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Daniel B. Lestage.

Donald Floyd Hagen.

SUPPLY CORPS

Brady Marshall Cole.

Francis Leonard Filipiak.

The following-named rear admiral (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

DENTAL CORPS OFFICER

William Bernard Finagin.

The following-named captains in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Richard Ira Ridenour.

SUPPLY CORPS

Ray Rupchand Sareeram.

Peter Albert Bondi.

William Richard Morris.

James Patrick Davidson.

CIVIL ENGINEER CORPS

Jack Eugene Buffington.

DEPARTMENT OF STATE

Robert Michael Kimmitt, of Virginia, to be Under Secretary of State for Political Affairs.

Margaret DeBardeleben Tutwiler, of Alabama, to be an Assistant Secretary of State.

Janet Gardner Mullins, of Kentucky, to be an Assistant Secretary of State.

Robert B. Zoellick, of the District of Columbia, to be Counselor of the Department of State.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Eugene R. Andreotti, and ending Robert D. Wendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Normando R. Nepomuceno, and ending John S. Weldon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Ronald J. Bergman, and ending Terry D. Marshall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Virginia V. Renoudet, and ending Donna C. Theriot, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Thomas R. Beckman, [redacted] and ending Maj. Susan J. Augustus, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Simeon D. Bateman III, [redacted] and ending Maj. Nancy A. Saeger, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning John S. Baxter, and ending Melinda L. Winterscheid, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Roger M. Ashley, and ending Ronald L. Mull, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Rawson G. Abernethy, and ending Thomas L. Ziemann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Patrick K. Adams, and ending Robert L. Whitaker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Timothy E. Breuhl, [redacted] and ending Maj. Carol M. Thomas, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1989.

Marine Corps nomination of Maj. Truman W. Crawford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Joel M. Christy, and ending Daniel H. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Robert A. Ballard, and ending Stephen C. Zidek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Charlton P. Adams, and ending Daniel H. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Benjamin T. Po, and ending Larry S. Garsha, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Daniel M. Del Sobral III, and ending Mark M. Adams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Gregg E. Bauer, and ending Thomas J. Papadimos, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning William J. Parker III, and ending Ward L. Witherspoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning John Brecka, and ending Frank Peiffer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Ralph Albanese, and ending Jonathan L. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Lawrence N. Abrams, and ending Michael E. Zwick, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Cal D. Astrin, and ending Rufus M. Thomas, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Scott Gregory Abel, and ending Glen Alan Zurlo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

STATEMENT ON THE NOMINATION OF JOSEPH E. COPENHAVER TO BE BRIGADIER GENERAL

Mr. BYRD. Mr. President, I am pleased that the President has nominated Col. Joseph E. Copenhaver for the rank of brigadier general. Colonel Copenhaver is a native of Big Chimney, WV, and a graduate of the University of Charleston—formerly Morris Harvey College—in Charleston, WV.

Colonel Copenhaver has held a number of responsible positions in the West Virginia Air National Guard since he completed training in July 1956, including flight commander, operations officer, and squadron commander until 1976, at which time he was assigned as the air/group commander where he served until March 31, 1988. On April 1, 1988, he was assigned to his present position as commander of West Virginia's Air National Guard.

Colonel Copenhaver holds many honors, including the Meritorious Service Medal, the Air Force Commendation Medal, the Air Force Outstanding Unit Award, with one Bronze Oak Leaf Cluster, and the Combat Readiness Medal with five Oak Leaf Clusters. His State awards include the West Virginia Service Medal and the West Virginia Distinguished Unit Award with four Bronze Oak Leaf Clusters. Colonel Copenhaver holds the aeronautical rating of command pilot, and has accumulated over 6,000 military flying hours and 4,500 civilian flying hours.

Mr. President, it has been my experience that all members of the Reserve components of the armed services, and especially those reaching the high rank of brigadier general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Colonel Copenhaver's wife, Barbara Lou, and their son, Capt. Joseph E. Copenhaver, Jr., currently assigned to headquarters 23d Air Force, and their daughter, Dr. Lisa A. Martin, of Charleston, WV, are also to be commended.

Mr. President, I am pleased to cast my vote for the confirmation of Col. Joseph E. Copenhaver as brigadier general, and I urge my colleagues to support this nomination.

Mr. PELL. Mr. President, I wish to congratulate the majority leader for his prompt action in gaining Senate approval of these nominations for senior positions in the State Department. The Foreign Relations Committee received these nominations in mid-February, scheduled hearings last week immediately following the recess period, and approved them at a business meeting Tuesday, February 28. All of the nominations formally received by the committee have been acted on, and with today's action all but one of them has been confirmed.

The Foreign Relations Committee remains eager and ready to give prompt consideration to additional nominations for State Department positions and ambassadorships as soon as they are received. However, as of today, March 1, 1989, the committee has in hand not a single formal nomination for any of its many prospective appointees. Today, the committee was notified of the administration's intention to nominate seven senior State Department officials, but I have been given no indication as to when the formal nominations, and the accompanying papers, will be received.

The names of many of these prospective nominees appeared weeks ago in press reports, and today's Washington Post gives the impression that they have now been formally nominated and that therefore the logjam is about to be broken. But that is not the case. As my colleagues know, the Senate and its committees cannot act until the President signs off on a nomination and transmits it to the Senate. That has not yet happened.

Of particular concern to me is that the notification I received today did not include Lawrence Eagleburger, who has long been reported to be the administration's choice to be Deputy Secretary of State. As of today, we don't even have an official statement of the administration's intention to nominate Mr. Eagleburger, much less the formal nomination. It is important to fill this important post, and I want to act as quickly as possible; so I hope that the formal nomination will be forthcoming soon.

I regret the delays, and I am sure Secretary Baker regrets that his team is not in place. I encourage the administration to move as quickly as possible to bring the nominations to the Foreign Relations Committee so that we can start the process of hearings and approval. Our consideration will be expeditious but complete. We will proceed as quickly as we can consistent with our constitutional responsibilities in the consideration process.

NOMINATION OF ROBERT M. KIMMITT

Mr. HELMS. Mr. President, this first group of four subcabinet nominations for the Department of State consist of men and women who have previously served in positions of responsibility with Secretary Baker.

The Committee on Foreign Relations conducted hearings on their nominations on February 21. There was no objection expressed at that time to any of the four nominees.

I observed at the hearings, and I reiterate now, that their tenures will be more enjoyable for them if they continue the same responsiveness to the members of the Foreign Relations Committee, and other Members of the Senate, that Secretary Baker has demonstrated in his few weeks on the job. The Secretary is off to a fine start, and I look forward to working with him and his associates at the State Department.

Mr. President, in connection with Mr. Kimmitt's hearing, I filed some written questions. Because of the importance of these issues, I call to the attention of my colleagues the responses that I received, and I ask unanimous consent that these questions and responses appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS SUBMITTED BY SENATOR JESSE HELMS FOR ROBERT M. KIMMITT, NOMINEE TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

ANGOLA/NAMIBIA AGREEMENT

Question. Please provide the Committee with the transcripts of the discussions and the negotiating record of the Angola/Namibia Agreement. Specifically, this should include the same types of notes and background information as provided to the Senate for the INF Treaty deliberations. All notes, transcripts of conversations and meetings, cables, decision memoranda, and other records involving the U.S., Angola, Cuba, South Africa, the Soviet Union, the United Nations, and other relevant parties should be provided. These should include information on the following specific meetings:

1. Brazzaville, April 5-6, 1987;
2. Luanda, July 14-15, 1987;
3. Luanda, September 8-9, 1987;
4. Luanda, January 28-29, 1988;
5. Luanda, March 9-11, 16-18, 1988;
6. Geneva, March 14-15, 1988;
7. Washington, March 21, 1988;
8. Washington, March 28-29, 1988;
9. London, April 29, 1988;
10. London, May 3-4, 1988;
11. Brazzaville, May 13, 1988;
12. Lisbon, May 18-19, 1988;
13. Moscow, May 29-2, 1988;
14. Cairo, June 23-25, 1988;
15. New York, July 11-13, 1988;
16. Sal, Cape Verde, July 22-23, 1988;
17. Geneva, July 31-August 1, 1988;
18. Geneva, August 2-5, 1988;
19. Brazzaville, August 24-26;
20. Brazzaville, September 7-8, 1988;
21. Brazzaville, September 26-29;
22. New York, October 6-9, 1988;
23. Geneva, November 10-15, 1988;
24. New York, November 22-24, 1988;
25. Brazzaville, December 1-4, 1988;
26. Brazzaville, December 12-13, 1988; and
27. New York, December 22, 1988.

Answer. The Department is collecting and reviewing the record of the negotiations, in which the U.S. role was that of mediator among the three signatory parties: the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa. The negotiations were conducted among the parties on a private and confidential basis, and the U.S., as mediator, would have to consult the signatory parties regarding release of the items in question. In the interim, the Department is prepared to provide a series of classified briefings on the negotiations. As part of the briefings, the Department would be prepared to respond to specific questions and concerns of members and staff.

Mr. HELMS. Mr. President, I would mention that I first made this request of Jim Baker during his confirmation hearing in mid-January. He said he saw no reason why the information could not be given—under the proper security arrangements and so forth.

The African Bureau at the Department of State, Mr. President, has had a reputation both for its secrecy and its poor relations with Congress. I expect, certainly I hope, that this will improve decidedly under the new administration.

Assistant Secretary of State Chester Crocker served as a so-called mediator in negotiations between the South Africans and the Communist governments of Angola and Cuba which culminated in agreements signed at the United Nations on December 22, 1988. He and other State Department personnel spent much time, and taxpayer's money, in flying to countless meetings between the various parties in what have been described as tedious and time-consuming negotiations.

A great deal of mystique has surrounded these negotiations in that the U.S. Congress has not been apprised of precisely what promises, or hints of promises, were made to any of the parties to the agreement. We're already seeing the first rumblings from the signatories that understandings are not being fulfilled.

Now, as usual, it comes time for the U.S. taxpayers to be given the bill—approximately $150 million to support U.N. peacekeeping to enforce the agreement this year alone.

The Senate insisted last year, and properly so, that it be given, on a classified basis, access to the INF Treaty negotiating record. Then-Majority Leader BYRD and others insisted on this procedure, and it proved invaluable in evaluating the discussions of both parties to the treaty. In my judgment, that same access will need to be granted to the Senate this year with respect to the Angola/Namibia agreements which the United States was instrumental in forging and which we are suppose to help enforce. The Senate will need this information both in order to evaluate United States funding for the peacekeeping and verification operations in Angola and Namibia as well as to ascertain what, if any, United States commitments have been made to any of the parties.

Obviously, there are many of us who are concerned with the potential impact on Jonas Savimbi and his courageous UNITA freedom fighters. President Bush has already demonstrated his comment to Dr. Savimbi and his democratic forces.

Additionally, the United States has agreed to participate in the verification of the agreements apart from our financial contribution through the United Nations. We certainly need to have a clear understanding of what was agreed to in order to ensure proper verification of its implementation.

I appreciate Mr. Kimmitt's initial response. However, it is imperative that the Senate have access to the records before the Senate is asked to consider the peacekeeping funding request.

Indeed, his answers to some of the other questions I posed underscore the need for the Senate to develop a comprehensive understanding of what these agreements encompass for U.S. foreign policy.

Mr. President, I ask unanimous consent that the reminder of the questions, and Mr. Kimmitt's responses, be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

13TH AND 15TH PARALLELS

Q: The December 17, 1988 report of the U.N. Secretary General makes reference to the deployment of international military teams close to the line of the "15th parallel as adjusted" and the "13th parallel as similarly adjusted." A footnote in this report defines these adjustments. The bilateral and tripartite agreements do not appear to make any geographic reference other than to the 13th and 15th parallels per se. What is the understanding about the lines below which the Cubans must withdraw? Are they "adjusted", as described by the Secretary-General?

A: The "adjustments" mentioned in the Secretary General's December 17 report on the regulations governing the verification team set up to monitor total Cuban troop withdrawals from Angola refer to decisions taken by South Africa and Cuba/Angola to meet military requirements of the Cuban withdrawal process. One adjustment enables the Cubans to utilize the Port of Namibe, which is just below the 15th parallel, for troop witdrawals between August 1 and November 1. Similarly, the complex of Benguela-Lobito, which is located just south of the 13th parallel, is important to Cuba's phased withdrawal of its troops from Angola. The "adjustments" worked out among military representatives of South Africa, Cuba and Angola allow the Cubans to use the ports for withdrawal of equipment and personnel during the timeframe alloted for the northward redeployment and withdrawal of Cuban troops from southern Angola. In the case of Namibe, this would permit the use of this port through the first seven months of the agreement; Benguela-Lobito would be available for the withdrawal of forces and materiel until the withdrawal is completed.

IMF/WORLD BANK

Q: At the time of the signing of the agreement—December 22, 1988—or any other time, did Secretary of State Shultz, or any other U.S. official, convey the message that the U.S. would no longer oppose the entry of Angola into either the World Bank or the IMF? Prior to December 22, 1988, what was the U.S. position with regard to Angola's entry into the IMF or the World Bank? After December 22, 1988, what was the Reagan Administration's position with regard to Angola's entry into the IMF or the World Bank?

A: On December 22, 1988, Secretary Shultz met with the delegation of the People's Republic of Angola to the signing ceremony for the Angola/Nambia accords. In that meeting he said he would recommend to his successor that the U.S. no longer oppose Angola's bid for IMF/World Bank membership on political grounds. He noted, however, that Angola would have to meet the full range of economic criteria for membership which he described as onerous. This position was consistent with our long-standing position that a shift in our policy towards Angola's IMF application was contingent on Angola's making a verifiable commitment to the total withdrawal of Cuban troops from Angolan soil. The achievement of this important policy objective led to Secretary Shultz's conditional statement to the Angolan delegation, and remained the policy of the Reagan Administration through January 20, 1989.

Q: What is the Bush Administration's position with regard to Angola's entry into the IMF or the World Bank?

A: In light of the December 22 accords, the Bush Administration will evaluate Angola's application to the IMF/World Bank in the context of evidence of Angolan compliance with the agreements following the April 1 date for the beginning of total Cuban withdrawal from Angola.

ACTA DI MINDELO/MINDELO MINUTES

Q: Please provide the Committee with a copy of the Acta di Mindelo, also known as the Mindelo Minutes. This agreement was allegedly signed—or initialled—5 years ago. Why was the Senate not notified of this agreement under the Case Act reporting requirement? What is the legal status of the Mindelo Minutes?

A: The so-called Mindelo Minute (which actually bears the heading "Act of Sao Vicente") was a written summary of an exchange of views between Angola and the U.S. in the Republic of Cape Verde in January 1984. The Minute recorded the position of each side at that stage of our efforts to broker the withdrawal of South African forces from Angolan soil for a fixed period of time in return for an Angolan Government commitment to use its influence on SWAPO to restrict its actions in Namibia. The Act of Sao Vicente also summarized the state of our negotiations with Angola regarding the total withdrawal of Cuban forces from Angola. Release of the text of the Act of Sao Vicente remains subject to the agreement of the Luanda authorities. The Act of Sao Vicente was not submitted to Congress pursuant to the Case Act because it was not an international agreement entered into by the United States. It does not create legal obligations for the U.S. Rather, it was an agreed summary of the views exchanged by the U.S. and Angolan representatives.

U.S. AID TO ANGOLA

Q: Please provide a copy of the report of the U.S. A.I.D. team which visited Angola in October, 1988. Who were the members of the team?

A: A copy of the final report of the U.S. Private Voluntary Agency/U.S. Government assessment team's visit to Angola is attached.

The team leader was Ronald P. Burkard of CARE. The other team members were: William Garvelink (A.I.D. Office of Foreign Disaster Assistance), Richard Hough (A.I.D. Office of Food for Peace), David B. Jackson (Africare), Hector Jalipa (World Vision), and Michael Mispelaar (CARE). More information on the team members is contained in Annex G (page G-1) of the report.

Q: Under what authority was such a trip conducted?

A: I am advised that A.I.D.'s Office of Foreign Disaster Assistance has the general authority to provide relief and humanitarian assistance worldwide, and that Section 491 of the Foreign Assistance Act provides specific authority.

Q: Specifically, how are such trips—to determine whether a U.S. aid program should be initiated—permitted when U.S. law prohibits aid to Angola? Indeed, this trip appears to be begun immediately after the passage of legislation—sections 512 and 550 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989—which explicitly prohibits direct or indirect aid to the government of Angola.

A: The PVO assessment team visit to Angola was funded by the Office of Foreign Disaster Assistance. The Department believes that the prohibitions on direct and indirect aid to Angola in sections 512 and 550 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as noted above, do not apply to disaster assistance funds. Also, it is the Department's view that, since the 1989 act does not provide funds for PL 480, the restrictions in Sec 512 and 550 do not apply to food assistance provided under PL 480.

Q: Is the Bush Administration still considering an aid program to Angola?

A: The Administration does not contemplate any direct or indirect development assistance to Angola as currently prohibited by legislation. A.I.D. has contributed modest amounts of humanitarian assistance through UNICEF, since 1981, in the form of PL 480 emergency supplemental food for mothers and children displaced by the war, and is considering OFDA emergency relief requested by U.S. PVOs. In addition, State/Refugee Programs has provided assistance to refugees through UNHCR and ICRC since 1980.

CUBANS IN AFRICA

Q: It appears that the Cubans are required to withdraw 50,000 troops from Angola. However, Jonas Savimbi's UNITA forces contend that the Cubans have more than 50,000—perhaps as many as 60,000-62,000. In any event, does the agreement require the removal of all Cuban military troops from Angola?—or only 50,000, if there are, in fact, more than 50,000?

A: The December 22, 1988, agreements call for the total removal of all Cuban troops from Angola. The presence of any Cuban troops in Angola beyond July 1, 1991, would violate the accords.

Q: Are the Cubans required to withdraw their Soviet-made MiGs from Angola? Will Cuban naval forces be required to be withdrawn from off the Angolan coast? Please furnish a list of all Cuban military equipment that is to be withdrawn under the agreement.

A: While the New York agreements do not specify what equipment the Cuban forces in Angola must withdraw, Cuba and Angola have assured South Africa and the UN that Cuban units will be withdrawn together with their equipment. The Department is prepared to brief the Committee and its staff on Cuban military equipment and naval forces.

Q: It has been reported to me that the Cubans have been searching around for other countries who would consider "hosting" the troops being withdrawn from Angola and specifically that they have talked to Ethiopia, Mozambique, Zimbabwe, Ghana and also Nicaragua. Have the Cubans approached (1) Ethiopia, (2) Mozambique, (3) Zimbabwe, (4) Ghana, and/or (5) Nicaragua? Doesn't the agreement *require* that the Cuban forces be withdrawn "to Cuba"?

A: It is the clear understanding of the parties to the New York agreements that all Cuban forces in Angola will be withdrawn to Cuba. This understanding is based on the categorical statements of the Cuban Government. There have been reports that Cuba has approached a number of African countries, including some of those you mention, as to their willingness to "host" troops being withdrawn from Angola. None of these reports has been confirmed.

Q: Would an increase in Cuban forces in other African countries violate the recent agreement?

A: An increase in Cuban forces in other countries would not violate the letter of the New York agreements, but the U.S. would certainly view such a development as a serious violation of the spirit of the accords and as contrary to the categorical statements made by the Cuban Government.

DEMARCHES TO FRG ON LIBYAN CW PROGRAM

Q: Last week West German Minister Schaeuble reported on his government's information regarding West German firm participation in the construction of a poison gas facility at Rabta, Libya. The report outlines a number of warnings, notes, demarches, and other communications both formal and informal from the United States Government to West German officials. Some references in the report such as "friendly services" or "partner services" may also refer to communications from the United States. Please review the Schaeuble report and provide the Committee with copies of all such communications to the West German Government regarding West German firm participation in chemical weapons production in Libya.

A: The Department is working with other agencies to identify those communications with the FRG that raised this issue. In the interim, State Department officials, together with representatives of relevant intelligence agencies, are prepared to present a classified briefing on this topic.

DEMARCHES TO FRG ON IRAQI CW PROGRAM

Q: The March 30, 1984 issue of the New York Times, (Page 1) reports on demarches made to the West German government regarding West German firm participation in chemical weapons production in Iraq. Please provide for the committee copies of all communications with the West German government on this subject.

A: Information on FRG firms involved in building a chemical weapons plant in Iraq and the sale of chemicals and specialized equipment was passed to FRG officials as early as November 1983. The government prosecuted the Karl Kolb Company, the firm responsible for constructing the CW facility at Samarra, and took several actions to stop exports to the Iraqi CW program. Classified information passed to FRG officials in Washington and Bonn can be provided the committee in a special intelligence briefing.

CW: JAPANESE INVOLVEMENT AT RABTA

Q. News accounts suggest that at least two Japanese firms, Japan Steel Works and Toshiba, have made deliveries to Rabta. Has the Department made any representations to the Japanese government on this subject and if so, what was their reply?

A. Since August 1988, the Department has had a series of consultations with the Japanese Government concerning the involvement of Japanese firms at a metal fabrication plant adjacent to the Libyan chemical weapons plant at Rabta.

Toshiba Corporation recently announced that Toshiba electrical switching equipment was provided to Japan Steel Works under sub-contract. Toshiba Corporation assumes the equipment was shipped and installed at the metal fabrication plant. The Department of State had no prior information concerning specific Toshiba involvement with the metal fabrication plant, but in its diplomatic representations to the Japanese Government, the Department had expressed concerns over the involvement of any firms with the Libyan chemical weapons program.

I am advised that consultations, which are ongoing, with the Japanese Government have been positive and constructive. The Government of Japan has informed the U.S. that as of July 1988 Japanese firms had ceased all involvement with the metal fabrication plant.

The Japanese Government recently has taken the following measures on its own initiative to strengthen export controls on precursor chemicals: revised Japan's export control order, adding four more chemicals (to make a total of 10) to Japan's control list; expanded destination controls on precursor chemicals to worldwide; and issued warnings and guidance to Japanese chemical companies concerning exports of chemicals on the warning list of the Australia Group, an organization in which Japan is an active member.

SWISS BANKS

Q: News accounts from Europe suggest that West German firms have used Swiss banks as intermediaries and financiers of their chemical weapons equipment sales. Have we made representations to the Swiss government on this subject, and if so, how have they responded?

A: While the Department has not made representations to the Swiss government on the specific subject of possible use by West German firms of Swiss banks as intermediaries and financiers of chemical weapons equipment sales, the Department has approached the Swiss government regarding the U.S. government's serious concern about chemical weapons proliferation. The Swiss government has been asked to undertake to ensure that Swiss firms and individuals are not providing assistance to the Libyan and other Middle Eastern CW programs.

AUSTRALIA GROUP

Q: What plans does the Administration have to regularize the chemical suppliers' group known as the Australia Group?

A: The Australia Group (members of the European Economic Community and Australia, Canada, Japan, New Zealand, Norway, Switzerland, and the United States) meets every six months at the Australian Embassy in Paris to consider the problem of Chemical Weapons (CW) proliferation.

Participating states have imposed export controls on certain chemical weapons precursors to deny them to probable users, particularly Iran and Iraq. Under the chairmanship of Australia, the group has been consulting informally since 1985 to improve the effectiveness of those controls and to find other ways to curb the illegal use of CW. The U.S. is looking into ways to enhance the effectiveness of the Australia Group, including formalizing the Group.

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DEMARCHES TO ALLIED GOVERNMENTS

Q: Have we made diplomatic representations to allied governments regarding their firms' participation in chemical or biological warfare production in Iran, Syria or Egypt? If so, please provide details.

A: I am advised that the Department has made numerous diplomatic representations to several allied governments since the mid-1980s on their firms' assistance to chemical and biological programs in the Middle East. If the Committee so wishes, a classified briefing can be provided on such diplomatic demarches and other communications. Given the sensitive nature of the information, it would be appropriate for the briefing to be conducted by State Department officials and representatives of the relevant intelligence agencies.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week".

MEASURES REFERRED

The following joint resolution was read the first and second times and referred as indicated:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employee Recognition Week"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-17. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Appropriations.

"RESOLUTION No. 1

"Whereas, because of underfunding, the Veterans Administration Central Office has found it necessary to limit health care to those veterans mandated by public law; and

"Whereas, in Minnesota, at the Minneapolis and St. Cloud Veterans Administration Medical Centers, a means test has been established to determine eligibility for health care; and

"Whereas, some veterans who are inpatients requiring nonemergency inpatient care who have health insurance, Medicare, or substantial liquid assets, will be referred to the community not at the Veterans Administration expense; and

"Whereas, other veterans who are outpatients will receive an initial evaluation and medications for up to 14 days, but will not be placed in an outpatient program and will not be scheduled for continued care; and

"Whereas, placements for nursing home care will now be limited to a maximum of 90 days when the need primarily results from nonservice-connected disabilities; and

"Whereas, providing over-the-counter drugs to patients, if the prescription is to be taken on an "as needed" basis, has been discontinued; and

"Whereas, the cutbacks in medical care provided by the Veterans Administration means it will no longer provide veterans with the medical care they need and deserve; and

"Whereas, it is irresponsible not to provide veterans with this medical care: Now, therefore,

"*Be it resolved by the Legislature of the State of Minnesota*, That it urges the President and Congress of the United States to restore full funding to the Veterans Administration Medical Centers.

"*Be it further resolved*, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-18. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"HOUSE JOINT MEMORIAL No. 2

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

"Whereas, large scale rehabilitation, repair and capacity improvements are ongoing necessities of the national highway transportation system; and

"Whereas, the highway transportation system is the most critical component of the physical infrastructure of the United States of America; and

"Whereas, there is a growing and concentrated national consensus for a program to serve the country's highway transportation needs through the year 2020; and

"Whereas, high quality highways are critical to the ability of manufacturers to build and deliver products, and to the ability of states and communities to attract new industry and to sustain economic growth; and

"Whereas, the international-trade competitive positions of the nation and of the states are directly related to the quality of access to the Interstate Highway System and related also to the physical condition of interstate and primary highways; and

"Whereas, current national policy makes no provision for continuing the Federal-Aid Highway Program into the future; and

"Whereas, in all recent federal-aid highway acts, Congress has had to include provisions for extending the Highway Trust Fund and the taxes which fund it; Now, therefore, be it

"*Resolved by the members of the first regular session of the Centennial Idaho Legislature, the house of representatives and the senate concurring therein*, That we petition the United States Congress to make permanent the Highway Trust Fund and the user fees accruing to it, so that a reliable funding source is available for constructing, rehabilitating, and othewise improving the highways and bridges which are so essential to the economic vigor of Idaho, and of the nation; and be it further

"*Resolved*, That we petition the United States Congress to protect the Highway Trust Fund from predatory proposals to divert highway user revenues to programs entirely unrelated to the transportation purposes for which the Fund was established; and be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the cochairmen of the National Economic Commission, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-19. A resolution adopted by the legislature of Ulster County, New York favoring enactment of the Recyclable Materials Science and Technology Development Act; to the Committee on Environment and Public Works.

POM-20. A joint resolution adopted by the Legislature of the State of Idaho to the Committee on Finance.

HOUSE JOINT MEMORIAL No. 1

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

"Whereas, the United States Congress is seeking some effective means of reducing the federal budget deficit in the immediate future; and

"Whereas, several proposals being considered for budget reduction purposes would increase the existing federal gasoline tax by various sizable increments; and

"Whereas, the U.S. Department of Energy has stated that "a motor fuel tax will create an economic loss which is of far greater magnitude than the possible benefits. . ."; and

"Whereas, a gasoline tax for deficit reduction would be a regressive tax affecting the poor to a greater extent than other income levels; and

"Whereas, states would receive no direct revenue benefits, while incurring substantial increases in their public assistance costs; and

"Whereas, residents of the south, midwest and west pay more fuel taxes because they must travel greater distances by personal vehicles than residents of other regions and therefore would bear a disproportions burden of deficit reduction; and

"Whereas, since there continues to exist a great need to rehabilitate and reconstruct the nation's transportation infrastructure, motor fuel taxes should continue to be dedicated to transportation purposes; and

"Whereas, the tourism industry, one of the top three employers in eighty per cent of the states, would be adversely affected; and

"Whereas, the gross national product, consumer price index, and employment all would be severely and negatively affected; and

"Whereas, raising the gasoline excise tax for deficit reduction purposes would not only undermine the highway trust fund, but would also fail to get to the root of the

problem of federal spending exceeding federal income: Now, therefore, be it

"Resolved by the members of the first regular session of the Centennial Idaho Legislature, the house of representatives and the senate concurring therein, That we petition the United States Congress to oppose the use of the Federal gasoline tax to reduce the federal deficit; and be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the cochairmen of the National Economic Commission, and the congressional delegation representing the state of Idaho in the Congress of the United States."

POM-21. A resolution adopted by the Municipal Police Employees Retirement System, Baton Rouge, Louisiana, relative to medicare, social security, and related programs for state and local public employees; to the Committee on Finance.

POM-22. A resolution adopted by the House of Represenatives of the State of Michigan; to the Committee on Governmental Affairs.

HOUSE RESOLUTION No. 766

"Whereas, The year 1990 marks the 150th anniversary of the 1840 "log cabin and hard cider" presidential campaign of William Henry Harrison, the ninth President of the United States. A man to the manor born and the son of the governor of Virginia, he gained fame for himself as victor over the Indians at the Battle of Tippecanoe; and

"Whereas, While Harrison's own high living on his 3,000-acre estate in Ohio resulted in great debt, the image of himself he projected as a Whig candidate in the 1840 election was of a simple man of the frontier who enjoyed nothing better than sipping cider in his log cabin. This man of myth received fifty-three percent of the popular vote in this contest against President Martin Van Buren. One month after taking office, he was dead, having caught cold during lengthy inaugural address in the freezing rain. He never made a single major decision as president, but did turn the attention of the nation to the sturdy, little houses that served so well the early settlers as the American frontier was pushed westward; and

"Whereas, Log cabins, humble dwellings fashioned out of the rich resources at hand, were the homes of many early settlers who found the construction of shelter the first priority in the new land. Log cabins are, of course, places of the past. Time, neglect, and often fire have removed their traces from the landscape, while a few still stand preserved and maintained by historical societies. Yet, log cabins are also places of the present and the future, a fact attested to by their new popularity as cottages and year-round homes. The log cabin is a true American artifact, one deserving of special national recognition: Now, therefore, be it

"Resolved by the House of Representatives, That this legislative body respectfully memorializes the Congress of the United States to issue a log cabin commemorative postage stamp in 1990 to commemorate the important place of these humble dwellings in our pioneer and political history; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Postmaster General, and to the members of the Michigan congressional delegation."

POM-23. A joint resolution adopted by the Third Olbiil Era Kelulau; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION

"Whereas, the former Congressman Lujan is a native of Albuquerque, New Mexico; and

"Whereas, the former Congressman Lujan is a Republican of New Mexico and was elected to the House of Representatives of the United States Congress in 1970, having served nine terms in the Congress; and

"Whereas, the former Congressman Lujan served on the House Committee on Interior and Insular Affairs and served as a Ranking Minority Member of the House Committee on Science and Technology in the United States Congress; and

"Whereas, the former Congressman Lujan co-sponsored the United States Congress House Joint Resolution No. 597 with Congressman Ron de Lugo of the Virgin Islands, which resolution attempted to authorize entry into force of and increase the benefits in the Compact of Free Association between the United States and the Government of Palau; and

"Whereas, the former Congressman Lujan has retired from the United States Congress after serving nine full terms; and

"Whereas, the new President of the United States, the Honorable George Bush, has appointed the former United States Congressman Manuel Lujan, Jr. to the position of Secretary of the United States Department of the Interior; and

"Whereas, the people of the Republic of Palau are pleased with the appointment of the former Congressman, the Honorable Manuel Lujan, Jr., who has distinguished himself as a capable statesman and a strong advocate of Pacific interests, to this important position which has a direct impact upon the relationship between the United States and the Republic of Palau; now, therefore,

"Be it resolved by the Senate of the Third Olbiil Era Kelulau, First Regular Session, January 1989, the House of Delegates concurring, that the people of Palau, represented in the Olbiil Era Kelulau, do hereby congratulate and commend the former United States Congressman, the Honorable Manuel Lujan, Jr., on his appointment to the position of Secretary of the United States Department of the Interior; and

"Be if further resolved that certified copies of this joint resolution be personally delivered to the Honorable Manuel Lujan, Jr. upon his arrival in Palau; the President of the United States of America; the Vice President of the United States of America in his capacity as the President of the Senate; the Speaker of the House of Representatives of the United States Congress; the President of the Republic of Palau; the President of the Senate and the Speaker of the House of Delegates of the Third Olbiil Era Kelulau."

POM-24. A petition from the Secretary of the State of Arizona transmitting revised election figures for certain candidates; to the Committee on Rules and Administration.

POM-25. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Rules and Administration:

SENATE CONCURRENT RESOLUTION No. 4

Whereas, the economy of the United States continues to be threatened by an increasing federal budget deficit attributable in large part to increases in federal spending; and

"Whereas, the federal budget deficit reached one hundred twenty-five billion dollars as of June 30, 1988; and

"Whereas, Congress continually fails to take corrective action to effectively reduce the federal budget deficit; and

"Whereas, the national average annual per capita income for 1987 was fifteen thousand four hundred eighty-one dollars; and

"Whereas, the recommendation of the Quadrennial Commission on Executive, Legislative and Judicial salaries calling for an approximate fifty percent increase in pay for United States congressmen has been approved by the President; and

"Whereas, the pay for congressmen under the salary raise proposal would increase from eighty-nine thousand five hundred dollars to one hundred thirty-five thousand dollars per year; and

"Whereas, Congress may take action on the recommendation on or before February 7, 1989, to reduce or eliminate the raise for members of Congress; and

"Whereas, the members of Congress should debate in public the merits and disadvantages of such a pay raise at this time: Now, therefore, be it

"Resolved, by the Senate of the Sixty-fourth Legislature of the state of South Dakota, the House of Representatives concurring therein, that the South Dakota state Legislature respectfully request that the United States House of Representatives and the United States Senate conduct meaningful debate and vote on the subject of a congressional salary increase and do so prior to the February 7th deadline; and

"Be it further resolved, that the Secretary of the Senate of the state of South Dakota forward a copy of this resolution to the members of Congress in key leadership positions."

POM-26. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Veterans' Affairs:

RESOLUTION No. 1

"Whereas, because of underfunding, the Veterans Administration Central Office has found it necessary to limit health care to those veterans mandated by public law; and

"Whereas, in Minnesota, at the Minneapolis and St. Cloud Veterans Administration Medical Centers, a means test has been established to determine eligibility for health care; and

"Whereas, some veterans who are inpatients requiring nonemergency inpatient care who have health insurance, Medicare, or substantial liquid assets, will be referred to the community not at the Veterans Administration expense; and

"Whereas, other veterans who are outpatient will receive an initial evaluation and medications for up to 14 days, but will not be placed in an outpatient program and will not be scheduled for continued care; and

"Whereas, placements for nursing home care will now be limited to a maximum of 90 days when the need primarily results from nonservice-connected disabilities; and

"Whereas, providing over-the-counter drugs to patients, if the prescription is to be

taken on an "as needed" basis, has been discontinued; and

"Whereas, the cutbacks in medical care provided by the Veterans Administration means it will no longer provide veterans with the medical care they need and deserve; and

"Whereas, it is irresponsible not to provide veterans with this medical care; Now, therefore, be it resolved by the Legislature of the State of Minnesota that it urges the President and Congress of the United States to restore full funding to the Veterans Administration Medical Centers.

"Be it further resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Adm. James D. Watkins, United States Navy, Retired, of California, to be Secretary of Energy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. SIMON, Mr. HUMPHREY, Mr. METZENBAUM, Mr. THURMOND, Mr. COCHRAN, Mr. LEVIN, Mr. SYMMS, Mr. COATS, and Mr. GORE):

S. 479. A bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 480. A bill to authorize the several States and District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

By Mr. CRANSTON:

S. 481. A bill to place a moratorium on the relocation of Navajo and Hopi Indians under Public Law 93-531, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 482. A bill for the relief of Abu-Ras Nehad and Fadia Salem; to the Committee on the Judiciary.

S. 483. A bill for the relief of Hreinn Pio Francisco Lindal; to the Committee on the Judiciary.

S. 484. A bill for the relief of Taras Eugene Bileski and Rina Bileski; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. DODD, Mr. HEINZ, Mr. KERRY, Mr. ROCKEFELLER, Mr. SASSER, Mr. SHELBY, and Mr. STEVENS):

S. 485. A bill to authorize a White House Conference on Homelessness; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 486. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith salinity control project, New Mexico and Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself and Mr. MATSUNAGA):

S. 487. A bill to include among those eligible for the prisoner-of-war medal certain individuals who were held captive in circumstances comparable to those under which persons have been held captive by enemy governments; to the Committee on Armed Services.

By Mr. FOWLER (for himself, Mr. BUMPERS, Mr. FORD, Mr. METZENBAUM, Mr. BINGAMAN, Mr. CONRAD, Mr. KERRY, and Mr. WIRTH):

S. 488. A bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. KASTEN, Mr. LEAHY, Mr. INOUYE, Mr. SIMON, Mr. PELL, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GRASSLEY, Mr. EXON, and Mr. D'AMATO):

S. 489. A bill to transfer certain funds available for State legalization assistance grants to programs to assist refugees; to the Committee on Appropriations.

By Mr. LAUTENBERG:

S. 490. A bill to amend the Occupational Safety and Health Act of 1977 to increase the civil penalties imposed for certain violations of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON:

S.J. Res. 69. Joint resolution designating April 8, 1989, as "Chief Justice Earl Warren Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 73. Resolution relating to the continued availability of funds for State legalization impact assistance grants; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. Con. Res. 16. Concurrent resolution calling on the Government of Vietnam to expedite the release and emigration of all political prisoners; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. SIMON, Mr. HUMPHREY, Mr. METZENBAUM, Mr. THURMOND, Mr. COCHRAN, Mr. LEVIN, Mr. SYMMS, Mr. COATS, and Mr. GORE):

S. 479. A bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses, and for other purposes; to the Committee on Finance.

FAIRNESS FOR ADOPTING FAMILIES ACT

Mr. HATCH. Mr. President, I am introducing today the Fairness for Adopting Families Act, a bill that will greatly assist American families to adopt children. Senators THURMOND, SIMON, HUMPHREY, METZENBAUM, COCHRAN, LEVIN, SYMMS, COATS, and GORE are joining with me to introduce this legislation.

A tax deduction for adoption expenses is desperately needed, both for its substance as well as its message. As lawmakers, we must make sure our laws treat families formed through adoption the same as laws for families formed biologically. As lawmakers, we must also continue to express our support for the family unit. We all agree that strong families are the key to a strong America and our support for their formation must be the cornerstone of our message. For many prospective parents, the only way to form their family is through adoption.

To many seeking to adopt a child, the costs associated with such a procedure are simply prohibitive. Prospective parents are often required to pay not only court and attorney fees but also expenses for maternity home services, hospital and physician costs, and at times, prenatal care expenses for the natural mother. Data provided the National Center for Adoption show that the actual costs connected with legal adoptions can exceed $15,000. Family wealth should not be the determinative factor in adopting a child. This bill recognizes the importance of the family unit through alleviating many of the cost barriers associated with adoption.

This proposed legislation has three major features. First, it would provide a tax deduction of up to $5,000 for unreimbursed and legitimate adoption expenses. Second, it would exclude from an employee's gross income up to $5,000 in payments made by an employer for adoption expenses. Third, it would treat any employer contribution to an adoption expense plan as a deductible business expense.

This bill provides that as long as an adoption is in accordance with State and local law, the tax deduction for unreimbursed adoption expenses would be available. Each legal adoption is socially useful and beneficial. Each adopting family deserves our support. This is true whether the child is a healthy infant, a child with special needs, or a child from another country.

This legislation does not provide, however, a deduction for expenses for adoptions administered through illegal practices, such as through a baby

broker. Many adopting parents in my own State of Utah and in other States have been defrauded by such schemes. The cost of an illegal adoption often exceeds $25,000, most of which goes into the pockets of middlemen. Fees for such unconscionable arrangements should not and would not be deductible.

Two of this bill's provisions deal with the interest in adoption by many of America's employers. Corporations such as Dow Chemical, IBM, Digital Equipment, and Honeywell offer adoption benefits. This legislation will encourage more employers to establish such profamily plans.

The bill addresses two problems now associated with employer-provided adoption benefits. The first problem is that adoption payments made to employees are taxable to the employee as income. The bill excludes from an employee's income those payments. The second problem is that employers may not treat their adoption payments to employees as deductible business expenses. The bill solves this problem by treating employer contributions to an adoption expense reimbursement program as ordinary and necessary business expenses.

This legislation will also save our society money. The National Center for Adoption has shown savings in two ways. First, the bill would move thousands of children, who might otherwise have lingered in foster care, into loving homes. Second, the tax deduction encourages shifting medical costs to the adopting family and away from the more expensive AFDC and Medicaid systems.

I strongly encourage my colleagues to support this legislation. We are representatives of a society that professes a commitment to ensure the success of the family. The Tax Code should demonstrate that commitment by allowing for the deduction of adoption expenses. Congress manifested its agreement with this concept last fall when it included in the Technical and Miscellaneous Revenue Act of 1988 a sense of the Congress resolution that adoption expenses should be deductible. President Bush has also recognized the importance of the deduction by including it as a proposal in his budget message to Congress.

I urge my colleagues on the Finance Committee to take quick action on this bill. The $5,000 limit on the deduction is a flexible figure and can be changed to meet budgetary constraints, as are other provisions in this bill. The most important resource America has is its families. We must do everything in our power to ensure their continued growth and success. A relatively small dollar investment in this bill will greatly benefit not only children and families but society as a whole.

I ask unanimous consent that the full text of the bill and summary of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount allowable as a deduction under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed $5,000.

"(2) INCOME LIMITATION.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's income (determined without regard to this section and section 134) exceeds $60,000, bears to

"(B) $10,000.

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, or local program.

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption,

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—The term 'child' shall include any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 220. Adoption expenses.

"Sec. 221. Cross reference."

(b) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount excludable from gross income under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed the excess (of any) of $5,000 over the amount allowable as a deduction under section 220 with respect to such adoption.

"(2) INCOME LIMITATION.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 220) exceeds $60,000, bears to

"(B) $10,000.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan of an employer—

"(1) under which the employer provides employees with adoption assistance, and

"(2) which meets—

"(A) the requirements of section 89(k), and

"(B) requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 220(c)."

(2) TECHNICAL AMENDMENT.—Paragraph (2) of section 89(i) of such Code (defining statutory employee benefit plan) is amended by adding at the end thereof the following new subparagraph:

"(D) An adoption assistance program (within the meaning of section 135(c))."

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by strik-

ing out the last item and inserting in lieu thereof the following:

"Sec. 135. Adoption assistance programs.

"Sec. 136. Cross reference to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

COMPONENTS OF ADOPTION TAX DEDUCTION BILL

Title: Fairness for Adopting Families Act.

1. Provides tax deduction for adoption expenses: allowance of a deduction for the costs of an adoption, in accordance with State law, including infant, special needs, or foreign child. The amount allowable is capped at $5,000. Families earning up to $60,000 could deduct 100 percent of expenses, with a gradual phaseout of the benefit from $60,000 to $70,000 annual income. Adoption expenses which are not tax deductible include relative adoptions and foreign travel not associated with requirements of a foreign adoption.

2. Excludes from employee's income adoption expenses paid by an employer up to $5,000.

3. Treats employer contribution to adoption expense plan as an ordinary and necessary business expense.

4. Effective date: applies to expenses incurred or paid for adoptions which become final after December 31, 1988.

By Mr. COCHRAN:

S. 480. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

EQUITY IN INTERSTATE COMPETITION ACT OF 1989

● Mr. COCHRAN. Mr. President, today I am introducing legislation to correct an inequity which is eroding State tax bases and injuring local retailers. The Equity in Interstate Competition Act is identical to legislation I introduced in the 100th Congress to help State governments collect sales taxes on interstate mail order sales.

Congressional interest in this issue has grown as States have become increasingly concerned about their inability to collect sales taxes on out-of-State mail order purchases by their residents. During the 100th Congress, the House Subcommittee on Select Revenues reported a measure requiring large retailers to collect sales taxes on such transactions. Hearings were held in the Senate by the Finance Subcommittee on Taxation and Debt Management, and the chairman of the Small Business Committee introduced legislation to address this inequity.

In 1967, the Supreme Court held in the National Bellas Hess case that, without congressional guidance, a State could not require an out-of-State vendor to collect and remit the State sales or use tax on purchases made by customers in that State if the company did not have an actual physical presence in that State. Since that decision, however, the retail sales market has changed significantly, with mail order companies enjoying a rapid growth in popularity. Direct marketers have increased annual earnings to more than $150 billion through catalog sales and at-home shopping by means of cable television, telephones, and computers. The National Conference of State Legislatures reports that more than 14 percent of all retail sales are now made by out-of-State direct sellers. The National Association of Tax Administrators estimates that interstate transactions could eventually reach 25 percent of all retail sales.

My own State of Mississippi depends heavily on sales and use tax revenues to support education, health, welfare, corrections, and other operations of government. These taxes account for 62 percent of State tax collections and are derived from the sale of items which could be sold in interstate commerce. The Advisory Commission on Intergovernmental Relations estimates that Mississippi will lose approximately $23.4 million in 1989 as a result of mail order sales that escape taxation.

It is important that Congress provide State governments with the opportunity to collect all revenues to which they are entitled. Many States and local authorities have had to raise taxes and curtail services in order to meet their obligations. The State of Mississippi, for instance, has raised its sales and use tax rate twice since 1983, to a current level of 6 percent. Income tax rates for individuals and corporations have been increased, and expenditures for many programs have been reduced.

States are justified in urging that unwarranted tax exemptions enjoyed by out-of-State vendors be removed. Increased mail order sales have diverted business from local companies which support their communities through services, property taxes, and charitable contributions. It is unfair to exempt mail order firms from sales taxes that are collectible when the same products are purchased from a local retailer.

My bill does not authorize a new tax, nor does it create burdens for the consumer. The legislation simply gives States the authority to require that out-of-State retailers collect sales taxes which are already legally due.

Under my bill, collection of the sales tax can only be required if the sale destination is in the State imposing the tax and the seller engages in regular or systematic soliciting of sales in that State. Small mail order firms will not be affected, since collection will be required only if the seller has gross sales of $12.5 million nationwide or over $500,000 in a particular State.

The bill will not require the collection of local sales taxes unless they are uniform throughout that State. Accounting for collection will be limited to quarterly reporting, and the bill specifies that the seller will not have to account in any manner for receipts on the basis of geographic location within the State.

It is time for Congress to recognize this tax inequity and to act to give our States the authority to correct the problem. I urge Senators to join me in support of this legislation.●

By Mr. CRANSTON:

S. 481. A bill to place a moratorium on the relocation of Navajo and Hopi Indians under Public Law 93-531, and for other purposes; to the Select Committee on Indian Affairs.

MORATORIUM ON RELOCATION OF NAVAJO AND HOPI INDIANS

Mr. CRANSTON. Mr. President, today I am pleased to reintroduce legislation to halt for at least 18 months the relocation, pursuant to Public Law 93-531, of Navajo and Hopi Indians from their ancestral homes in and around Big Mountain in the northern desert area of Arizona. Identical legislation is being introduced in the House by Congressman BATES. This issue involves important questions of religious freedom and Native American policy. The legislation I am introducing today is based on a measure I first introduced during the 99th Congress as S. 2545 and reintroduced as S. 2452 in the 100th Congress. Unfortunately, after having been referred to the Senate Select Committee on Indian Affairs in both the 99th and 100th Congresses, no action was taken on either bill.

Mr. President, the need for Congress to place a moratorium to halt further relocations is now as urgent as ever. Indeed, the problems faced by Hopi and Navajo as they confront the relocation mandated by Public Law 93-531 are increasing with time rather than decreasing.

PUBLIC LAW 93-531

Mr. President, Congress enacted Public Law 93-531, the Hopi and Navajo Land Settlement Act of 1974, in an attempt to resolve what appeared merely as a land dispute between two Indian tribes occupying adjacent reservations. Public Law 93-531 resulted in the partition of land, known as the Joint Use Area, which had been held jointly by the two tribes. The statute also mandated the relocation of Indians of each tribe then living on lands partitioned to the other, and established the Navajo and Hopi Indian Relocation Commission to carry out this mandate.

Mr. President, the competing interests involved in generating the Hopi and Navajo Settlement Act debate were not as clearcut as they may have first appeared. A land dispute between the Hopi and Navajo Tribal Councils regarding the proper bounds of their respective reservations as set forth in

the Executive order of 1882, was surely a motivating force in generating the debate. Yet, as many people have come to understand, this boundary dispute is one which has little meaning to many of the traditional Navajo and Hopi inhabiting the Joint Use Area, who have lived side by side, traded and intermarried for generations and who are the ones most affected by the relocation mandates. Furthermore, the unclear role played by those in favor of developing coal and other energy resources in the Joint Use Area remains a troubling aspect of the debate.

Mr. President, my proposal to establish an 18-month moratorium on the Federal Government's relocation efforts will give the Congress the opportunity to rethink the Hopi-Navajo land dispute controversy in the only way that is practical, and to correct it, as conscience and fairness require. Perhaps more importantly, it will give those most directly affected by this situation—for the first time—the opportunity to speak and negotiate for themselves.

HISTORICAL BACKGROUND

Mr. President, as I mentioned earlier, it is true that a long-standing conflict between the federally recognized Hopi and Navajo tribal councils is one aspect of this controversy. That over the centuries differences have arisen between Navajo and Hopi residing on adjacent lands in northeastern Arizona is also true.

Although minor differences exist in the various historical accounts of how the complex relationship between Hopi and Navajo residing in northern Arizona developed, the general history of this area can be outlined as follows.

Descended from the Anasazi ("the Ancient Ones") cliff dwellers of Mesa Verde and elsewhere, the Hopi have lived in what is now northeastern Arizona at least since 1000 A.D. Indeed, the Hopi have a longer authenticated history in North America than any other ethnic group.

Today the Hopi occupy the same self-governing, autonomous villages on three high mesas as were occupied by their ancestors centuries ago. Old Oraibi, on Third Mesa, established around 1100 A.D., is the oldest continuously occupied community in North America. Most Hopi villagers are primarily farmers who depend on their own agriculture for their survival. Living areas are generally limited to the mesa villages while Hopi farms are located below and surrounding the villages, within about a 5 to 10 mile radius, on communally held land. In addition to farming, grazing, and gathering, lower elevation outland areas are used for religious and cultural purposes.

The Navajo first arrived in the area sometime in the 15th century. The Navajo were herdsmen who required grazing lands for their animals. Their pastoral lifestyle and their need for abundant grazing lands for their livestock brought them into occasional conflict with numerous Southwestern neighbors, including the Hopi. Often, however, Navajo were allied with Pueblo Indians against a common enemy, the Spanish, who showed up in the area in 1540, and continued to occupy the area until 1823, when Mexico took jurisdiction.

Mexican rule ended in 1848, when the United States acquired jurisdiction over the area through the Treaty of Hidalgo. Yet, like the Spanish adventurers before them, the arrival of American immigrants led to competition and friction. The entrance of the U.S. Government in the lives of the Southwestern Indian tribes soon followed.

The intensity of the tensions which developed between the United States and the Navajo Nation led to the infamous "search-and-destroy" campaigns of Kit Carson in 1863 and culminated in the forced relocation ("The Long Walk") of the Navajo to Fort Sumner, NM. Five years later, the Navajo were released from Fort Sumner and the U.S. Government approved for them a small land holding by Executive order.

Although the U.S. military campaign against the Navajo, their dire economic condition upon release from Fort Sumner, their subsequent westward expansion, and their growing population sometimes strained relations between Hopi and Navajo, they continued to engage in both social intercourse and commercial trade. Indeed, in the latter part of the 1860's, Hopi and Navajo traditional leaders met together in the Hopi village at Walpi, on First Mesa, and entered into a Treaty of Peace. Despite the passage of time, many Hopi and Navajo traditional leaders claim this peace pact, as well as older covenants of peace, reportedly dating back to the 15th century, have not been broken and continue to bind them to this day.

In 1882, President Chester withdrew certain lands from the public domain under Executive order, "for the use and occupancy of Moqui, [Hopi] and such other Indians as the Secretary of the Interior may see fit to settle therein."

The ambiguity of this language later became the basis of complex and lengthy litigation between the federally recognized Hopi and Navajo tribal councils, to determine the rights and interests granted to each tribe by the 1882 Executive order. The Hopi and Navajo Settlement Act of 1974, then, represented an attempt by Congress to enforce a final settlement of the competing land title claims of the Hopi and Navajo tribal councils, title claims with origins in a 19th century Executive order of President Arthur.

HUMAN COSTS OF PUBLIC LAW 93-531

Mr. President, I believe it is imperative that we not allow the "land title" aspects of the controversy to obscure the staggering human costs of implementing the relocations mandated by Public Law 93-531.

As we now know, early estimates of the number of individuals subject to relocation were not accurate. Rather than approximately 1,000 families, more recent estimates of the Navajo and Hopi Relocation Commission indicate that full implementation of Public Law 93-531 may require the relocation of approximately 2,700 families. Altogether then, the families, predominately Navajo, subject to the relocation mandates of Public Law 93-531 may total close to three times the number originally estimated. This means that full implementation of Public Law 93-531 may require the relocation of more than 10,000 individual family members.

In February 1985, President Reagan commissioned William P. Clark, former Secretary of the Interior, to study certain aspects of the implementation of Public Law 93-531. A memorandum dated September 20, 1985, prepared by Richard C. Morris, who served as counsel in the Department of Interior, outlines many problems related to implementation of the relocation mandates of Public Law 93-531. The Morris report describes the suffering of some of those who voluntarily accepted relocation to the off-reservation, urban areas:

> [P]articularly the older—or traditional—families have been able unable to cope in an urban or even suburban environment. Some could speak only in their native tongue and had no marketable skills. They had no understanding of municipal taxes, utility services, or maintenance of the simplest mechanical devices in their modern homes. They were soon in debt and became victims of unscrupulous lenders. Many lost or sold the homes provided by the Relocation Commission, probably the central reason they had agreed to move in the first instance. Many suffered severe emotional traumas when placed in an environment in which they could not cope and now regret their decision to move.

Some of the problems faced by those who "volunteered" for relocation such as cultural shock and substandard living conditions are also addressed in a report released on April 25, 1985, by the surveys and investigations staff of the Subcommittee on the Department of Interior and Related Agencies of the House Committee on Appropriations. This report is critical of the way the relocations mandated by Public Law 93-531 have been implemented by the Relocation Commission, and it highlights a number of the problem areas, including: long delays in completing replacement housing, a lack of planning, failure to provide decent housing, cost overruns, inadequate counseling activities, relocatee housing

resale activity and related fraud allegations.

The large-scale removal of people from their traditional homes to new communities required by Public Law 93-531 surely poses logistical problems. Nevertheless, the failures of the Relocation Commission to cope with logistical and other problems has increased the human suffering of relocatees. This intolerable situation must not be allowed to continue.

RELIGION AND TRADITIONAL RESISTANCE

If the experiences of those who "volunteered" for relocation are disturbing, the problems of those Navajo subject to relocation who have steadfastly refused to go, are even more so. Yet, despite years of impoverishment, forced livestock reduction and a profound sense of uncertainty concerning their future, traditional Navajo continue to oppose relocation. The essence of the Navajo resistance to the relocation mandates of Public Law 93-531 is founded in their traditional Navajo religion. As one Navajo resister has explained, relocation is not acceptable to traditionals because it would force them to accept a "deportation from the spiritual world of their ancestors." Many of those who have chosen to relocate frame their decision in a religious context as well. For example, one Navajo relocatee explained his decision to relocate: "we are Christians and our God can go anywhere."

Because their religion is linked to the land, compulsory relocation would seriously undermine traditional Navajo religious beliefs. Relocation heightens the spiritual, social, and psychological suffering experienced by traditionals by tampering with their connection to the land and their system of religious belief.

The complex relationship which has developed over the years between Navajo and Hopi in major part arises from historical, cultural and traditional considerations. Throughout numerous legal struggles between the two federally recognized tribal councils over the past few decades, however, many traditional Hopi and Navajo have always maintained that they had more in common than at odds.

The religious beliefs of traditional Hopi and Navajo are both based on land theologies which follow natural laws. Moreover, they share a commitment to revere forever and serve as caretakers of the land. This commitment serves as a strong common bond between many traditional Hopi and Navajo, and is the foundation of their joint opposition to the relocation mandates of Public Law 93-531.

MONETARY COSTS

Although the tragic human costs associated with the relocation efforts of the Federal Government are impossible to calculate, the economic costs are less elusive. We now know that early estimates of the cost of relocation were completely erroneous. Indeed, rather than approximately $40 million, more recent estimates indicate that 7 or 8 times that amount may be required to complete the relocation. The House report that accompanied the fiscal year 1987 Department of the Interior and Related Agencies Appropriation bill noted that although approximately $150 million had already been appropriated, more than $100 million in additional costs would be required to complete relocation. Moreover, with the target date for completion in 1993, 4 years into the future, and the horrendous record of the Relocation Commission in meeting cost estimates, it does not seem unlikely that the total costs of the compulsory relocation ultimately may soar to heights of between one-third and one-half of a billion dollars.

SUMMARY OF THE LEGISLATION

Congress has grappled with the problems stemming from the implementation of Public Law 93-531 for 15 years now, Mr. President. As our understanding of the complexities and dimensions of the issues have increased, modifications to the original act have been adopted. Fifteen years later, however, it is increasingly apparent that the approach of Public Law 93-531 is seriously flawed, and that it has inflicted, and will continue to inflict, great hardship and suffering.

Mr. President, the legislation I am proposing today will give us the opportunity to halt the relocations for 18 months and reconsider the implementation of Public Law 93-531. It will establish a Navajo and Hopi Indian Relocation Advisory Commission with a majority of Hopi and Navajo viewpoints as separate from the viewpoints of the respective tribal councils. Thus, this legislative proposal represents the only congressional initiative which seeks to provide Hopi and Navajo traditionals with a forum in which to express their views concerning implementation of Public Law 93-531.

Mr. President, it is imperative that any proposed solutions or alternatives to the problems resulting from the implementation of Public Law 93-531 must incorporate the views of traditional spokesmen and leaders of both tribes. If those most directly involved and most harshly affected by the relocation mandates are not allowed to participate fully in the process, it is highly unlikely that any viable resolution of the controversy can be found.

The Advisory Commission would be required to hold public hearings on the lands subject to the mandates of Public Law 93-531. These hearings would be held at a variety of locations, including communities facing relocation. By mandating public hearings on the land and requiring a rotation of hearing sites, this measure aims at encouraging the greatest level of participation by Hopi and Navajo representing the entire spectrum of viewpoints.

After the Advisory Commission concludes its study of the problems resulting from implementation of Public Law 93-531, it would be required to submit a report to Congress outlining recommendations for solutions to the remaining problems involved in completing the requirements of Public Law 93-531, and viable alternatives to relocation, that would resolve the disputes between the Hopi Tribal Council and the Navajo Tribal Council, and meet the needs of many traditional Hopi and Navajo as well.

Mr. President, my legislation does not impose another legislative solution. Rather, it provides the time and the means to change the course. The initiative I am introducing today offers an alternative process for dispute resolution, a process which emphasizes the input of those most uniquely qualified to negotiate for themselves an acceptable solution.

Finally, I ask unanimous consent that the complete text of S. 481 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Notwithstanding any provision of law other than subsection (b)—

(1) no Navajo Indian or Hopi Indian shall be required to relocate pursuant to the provisions of Public Law 93-531, or pursuant to any judgment or order of any Federal court, during the 18-month period beginning on the date of enactment of this Act,

(2) no Federal funds may be expended during such period with respect to—

(A) the lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)), or

(B) the lands held in trust for the Navajo Tribe, or to be acquired for the Navajo Tribe, under section 11 of Public Law 93-531 (25 U.S.C. 640d-10), and

(3) no construction, except such construction as may be necessary for individuals already located to such lands, may be carried out during such period on the lands described in paragraph (2).

(b)(1) Nothing in this Act shall alter, affect, or delay any payment which is required to be made to any individual under the provisions of Public Law 93-531.

(2) The Navajo and Hopi Indian Relocation Commission and the Secretary of the Interior shall take such actions as may be necessary to ensure that no Indian is subjected to any undue hardship by reason of the provisions of subsection (a).

SEC. 2. (a) There is hereby established the Navajo and Hopi Relocation Advisory Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The membership of the Commission shall consist of—

(A) 2 individuals appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives,

(B) 2 individuals appointed by the President pro tempore of the Senate,

(C) an individual appointed by the American Bar Association who has a background in mediation or arbitration and in human rights or constitutional law,

(D) 3 Hopi Indians who represent the Hopi Traditional Sovereign Villages and are appointed to the Commission by traditionally recognized spiritual leaders or spokesmen of the Hopi Traditional Sovereign Villages,

(E) 3 Hopi Indians appointed by the Hopi Tribal Council,

(F) 3 Navajo Indians who represent Navajo traditional people and are appointed to the Commission by the Navajo communities located on lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)) that are subject to relocation, and

(G) 3 Navajo Indians appointed by the Navajo Tribal Council.

(2)(A) At least one of the individuals appointed under subparagraphs (A) and (B) of paragraph (1) shall be an anthropologist or sociologist who has studied relocation.

(B) The individuals appointed under subparagraphs (A) and (B) of paragraph (1) should be representative of different educational, economic, racial, ethnic, and age groups and shall include men and women.

(3) Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) The individual appointed under paragraph (1)(C) shall act as Chairman of the Commission.

(5) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(6) Each member of the Commission shall be entitled to one vote which shall be equal to the vote of every other member of the Commission.

(7) The Commission may adopt such rules and regulations (consistent with the other provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c)(1) The Commission shall conduct a study of—

(A) the problems resulting from the implementation of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531 that meet the needs of traditional members of both of the Hopi and Navajo traditional governments.

(2) In conducting the study under paragraph (1), the Commission shall visit, inspect, and hold public hearings regarding, the lands involved in the relocation required under Public Law 93-531. Public hearings of the Commission shall be held at a variety of locations, particularly the communities involved in the relocation.

(3) By no later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to the President and to the Congress a report on the study conducted by the Commission under paragraph (1). Such report shall include—

(A) recommendations for solutions to the remaining problems involved in completing the requirements of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531,

that would resolve the disputes between the Hopi Tribal Council and the Navajo Tribal Council, and meet the needs of traditional members of both the Hopi and the Navajo traditional governments.

(d) The Commission shall have the power to—

(1) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of such personnel as may be necessary to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(e)(1) Each member of the Commission not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation.

(3) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) The Commission may hold such hearings and sit and act at such times, take such testimony, have such printing and binding done, enter into such contracts and other arrangements, make such expenditures, and take such other actions as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(g) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(h)(1) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purposes of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits the report required under subsection (c)(3).

SEC. 3. Funds necessary to carry out the provisions of this Act shall be paid out of amounts appropriated to the Navajo and Hopi Indian Relocation Commission.

By Mr. GORE:

S. 485. A bill to authorize a White House Conference on Homelessness; to the Committee on Governmental Affairs.

WHITE HOUSE CONFERENCE ON HOMELESSNESS

● Mr. GORE. Mr. President, the U.S. Conference of Mayors recently released its latest report on homelessness, revealing what just about everyone involved in this issue already suspected; afforable housing is becoming even scarcer, hunger and homelessness continue to increase, the number of persons seeking emergency shelter is rising, and families compose more than a third of the homeless population.

Among the recommendations of the chairman of the Conference of Mayors, Mayor Raymond L. Flynn of Boston, was the convening of a White House Conference on Homelessness. The Stewart B. McKinney Homeless Assistance Act passed with broad, bipartisan support in the last Congress; and I am convinced that a White House Conference on Homelessness would play a constructive role in helping develop the next stage of a unified public policy affecting the homeless.

Therefore, today I am introducing the "White House Conference on Homelessness Act" to authorize a national conference of individuals concerned with programs and issues, both public and private, relating to homelessness. This assembly will be charged with the responsibility of examining homelessness and developing specific and comprehensive recommendations for appropriate executive and legislative action to address the problems of homelessness.

The Conference also will be asked to review existing laws and regulations related to public policy regarding the homeless and make recommendations for improvements. Joining me as original cosponsors of this act are Senators DODD, HEINZ, KERRY, ROCKEFELLER, SASSER, SHELBY AND STEVENS.

During the campaign, President Bush repeatedly called for full funding of the Stewart B. McKinney Homeless Assistance Act, the major homeless bill in the last Congress. The President, and his new HUD Secretary Jack Kemp, have made a public commitment to addressing the problems associated with homelessness. I applaud that commitment, and I welcome the opportunity to work with the administration to make real and permanent progress toward solving this crisis. And, Mr. President, home-

lessness is indeed at crisis proportions in this Nation.

In the January report of the Conference of Mayors, one in a series issued by that organization since 1982, the extent of homelessness in the Nation's cities was once again cited in detail. Among the conclusions of the report, which complied the results of a 27-city survey, were the following:

During the past year, requests for emergency shelter increased by 13 percent, while requests for shelter by homeless families increased by an average of 18 percent. An average of 19 percent of the requests for emergency shelter went unmet during 1988; and for homeless families, 23 percent of the requests were unmet. Nearly all cities expect requests for emergency shelter to increase again this year.

Emotional and mental health problems were identified most frequently as a consequence of homelessness for parents, children, and families as a whole. Among the other consequences cited were school-related problems, health problems and inadequate health care, loss of self-esteem and hopelessness, and family problems.

Every survey city cited the lack of housing affordable by low-income people as a main cause of homelessness. Other causes frequently identified were unemployment; mental illness, and the lack of services for the mentally ill; substance abuse, and the lack of needed services; and, of course, poverty.

More than a third, 34 percent, of the homeless are members of families; and one in four homeless persons is a child. Another 34 percent are substance abusers; a fourth are mentally ill; and 23 percent are employed.

Mr. President, the statistics go on and on, almost to a numbing degree. There are statistics about runaway youth, the elderly, veterans, the physically and mentally ill, abused and battered women and children. There are as many reasons for homelessness as there are homeless people. And I am certain that every one of my colleagues is appalled by the number of children who do not have a home.

The Tennessee Department of Education recently issued its report on the education of homeless children and youth as required by the McKinney Act. Commissioner Edward Smith determined that a lack of stability is the No. 1 concern for homeless children. Let me quote from Commissioner Smith's report:

Deprived of basics such as proper heating and clothing, attending school on a regular basis is difficult. Many of these children feel rejected and are shuffled around so much, they fall far behind academically. These children need an assurance that they are worthy of love and consideration as human beings; they need help in developing their self-esteem.

Mr. President, the McKinney Act was, and remains, an essential element of the Federal response to homelessness. To some extent, it begins to address most of the problems associated with homelessness. But with the problem continuing to grow, the next step in homeless policy needs to be defined, and a coherent long-range policy must be developed. It is for that reason that I am introducing the White House Conference on Homelessness Act.

The Conference is meant to increase public awareness, identify the problems of homelessness, assemble the individuals involved in the issues and programs related to homelessness, review existing laws and programs, and make recommendations for executive and legislative action.

Delegates will be selected in State and regional conferences or appointed by Governors, mayors, and Members of the House and Senate. Each Senator will be given the opportunity to name a delegate to attend the national conference. The President will name 100 delegates; and he is authorized to call and conduct the conference within 18 months of enactment and to appoint a conference director and staff.

The Executive Director of the Interagency Council on the Homeless will be charged with preliminary preparations for the conference, including giving approval for the State and regional conferences. In general, this conference is modeled on the very successful White House Conferences on Small Business.

Mr. President, I believe this conference will serve a very important function by giving those most closely involved in services and advocacy for the homeless the opportunity to make specific recommendations for public policy. I urge my colleagues to join me in making this conference a reality and a success.

At this time, Mr. President, I ask unanimous consent that two letters from Mayor Flynn, one endorsing this legislation and one to President Bush, be inserted in the RECORD at this point, along with a copy of the full text of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White House Conference on Homelessness Act".

SEC. 2. AUTHORIZATION OF CONFERENCE.

(a) IN GENERAL.—The President shall call and conduct a National White House Conference on Homelessness (hereinafter referred to as the "Conference") within 18 months of the date of enactment of this Act, to carry out the purposes described in section 3 of this Act. The Conference shall be preceded by State and regional conferences with at least one such conference being held in each State and the District of Columbia.

(b) PRIOR STATE AND REGIONAL CONFERENCES.—Participants in the Conference and other interested individuals and organizations are authorized to conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the Executive Director of the Interagency Council on the Homeless, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 3 of this Act in order to prepare for the Conference.

SEC. 3. PURPOSES OF CONFERENCE.

The purposes of the Conference shall be—

(1) to increase public awareness of homelessness;

(2) to identify the problems of homeless individuals;

(3) to examine the status of homeless individuals;

(4) to assemble individuals involved in policies and programs related to the homeless;

(5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problem of homelessness; and

(6) to review the existing laws and regulations related to public policy regarding the homeless.

SEC. 4. CONFERENCE PARTICIPANTS.

(a) IN GENERAL.—In order to carry out the purposes specified in section 3 of this Act, the Conference shall bring together individuals concerned with issues and programs, both public and private, relating to homelessness. No person involved in providing services to, or advocacy for, homeless individuals may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any attendee except a registration fee of not to exceed $10.

(b) SELECTION.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences. In addition—

(1) each Governor may appoint one delegate and one alternate;

(2) each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate;

(3) the President may appoint 100 delegates and up to 30 alternates;

(4) each organization enumerated in section 301(b) of the Stewart B. McKinney Homeless Assistance Act may appoint one delegate and one alternate; and

(5) each mayor of a city with a population of 175,000 or more, according to the latest available census, may appoint one delegate and one alternate.

Only individuals involved in providing services to, or advocacy for, homeless individuals shall be eligible for appointment pursuant to this subsection.

SEC. 5. PLANNING AND ADMINISTRATION OF CONFERENCE.

(a) FEDERAL SUPPORT.—All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) EXECUTIVE DIRECTOR OF INTERAGENCY COUNCIL.—In carrying out the provisions of this Act, the Executive Director of the Interagency Council on the Homeless—

(1) shall provide such assistance as may be necessary for the organization and conduct

of conferences at the State and regional levels as authorized under section 2(b) of this Act;

(2) is authorized to enter into contracts with public agencies, private organizations, and academic institutions to carry out the provisions of this Act; and

(3) shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the Conference, as well as by participants in State and regional conferences.

(c) NONREIMBURSEMENT.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed either from funds appropriated pursuant to this Act or the Stewart B. McKinney Homeless Assistance Act.

(d) STAFF.—(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

SEC. 6. REPORTS REQUIRED.

Not more than 6 months after the date on which the National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

SEC. 7. FOLLOWUP ACTIONS.

The Interagency Council on the Homeless shall include in its annual report to the President and the Congress the status and implementation of the findings and recommendations of the Conference.

SEC. 8. AVAILABILITY OF FUNDS.

(a) AUTHORIZATION.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and they shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

(b) LIMITATION; DISPOSITION OF UNEXPENDED BALANCES.—No funds appropriated to the Interagency Council on the Homeless shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

OFFICE OF THE MAYOR,
Boston, MA, March 1, 1989.

Hon. ALBERT GORE, Jr.,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GORE: I appreciate your action today in filing legislation to establish a White House Conference on Homelessness. You have always been a strong advocate for the homeless, and this new legislation further demonstrates your commitment to this important issue.

As Chairman of the U.S. Conference of Mayors Task Force on Hunger and Homelessness, and on behalf of the nation's mayors, I recently issued our annual survey which shows that this problem continues to grow, and needs the increased attention of the federal government.

Last October, I wrote to the two Presidential candidates and urged them to convene a White House Conference. Recently, I wrote to President George Bush, and sent him the attached letter along with a copy of the U.S. Conference of Mayors report on Hunger and Homelessness.

I am encouraged by President Bush's expressed concern for the homeless in America, and hope that he will convene this conference. With your leadership in the Senate, this conference will be a giant step toward the solution to homelessness in our country.

Thank you for your long-standing commitment to the homeless in America. Mayors across the nation know that they can count on you to work with them on issues of fairness and equity.

Sincerely,

RAYMOND L. FLYNN,
Mayor of Boston.

OFFICE OF THE MAYOR,
Boston, MA, January 30, 1989.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In your inaugural speech, and in other speeches and statements you have made, you have called attention to the urgency of the plight of the homeless in America. As Chairman of the United States Conference of Mayors Task Force on Hunger and Homelessness, I greatly appreciate that you have moved to elevate the needs of our homeless Americans to the top of our national agenda and I would like to reiterate a plan of action that I submitted to you during the presidential campaign.

Last October, I wrote to you and to Governor Dukakis to ask that the next President convene a White House Conference on Homelessness, as a way to mobilize the strong public-private partnership that is needed to end the shame of homelessness in America. This conference would bring together representatives of your administration, Congress, state and local government, the clergy, shelter and service providers, the private sector, unions, veterans' groups and community organizations to map an all out effort in which every person and every group can play a role in ending homelessness.

Together, this conference can adopt as a national goal, the commitment made in my city by the people of Boston that:

"No person shall be denied a warm bed, a hot meal, decent health care and transportation to and from shelter."

As a further goal, this conference would also consider the steps needed to provide safe, decent and affordable housing for all in need. While shelters are important, shelters are not homes and we cannot rest until we have devised a way for every homeless family—and in particular, every homeless child to have a place that they can call home.

I also believe that a White House Conference on Homelessness would be complimentary to your commitment to provide "full funding" for the Stewart B. McKinney Homeless Assistance Act as well as your support for raising the minimum wage—an action that will help many of the homeless who work full or part time jobs, and still cannot afford food or housing. As you know, the McKinney Act is an important step in providing services to the homeless, but it is no panacea in and of itself. A White House Conference on Homelessness would serve to illuminate the "thousand points of light" to which you have often referred—the dedicated individuals and organizations who give their time and money to help those in need.

Earlier this month, on behalf of the mayors of America, I released our annual report on "The Status of Hunger and Homelessness in America's Cities," which I am enclosing for your review. In our report, we found that hunger and homelessness are continuing to increase—particularly among families and veterans—however, we also found that due to the McKinney Act and expanded activity by local governments and community organizations, the increase had abated somewhat. This does not mean that we should stop to pat ourselves on the back, rather, it means that our efforts are beginning to pay dividends and that we should redouble these efforts to turn around these disturbing statistics.

Your action in convening a White House Conference on Homelessness would have the strong support of all Americans. The National League of Cities unanimously adopted this proposal during their annual meeting in Boston last December and I have received letters of support for this idea from both Democratic and Republican mayors. Further, the Heritage Foundation, a conservative "think tank," recently held a conference on homelessness at which the need for increased presidential leadership was frequently cited. The White House Conference on Homelessness could be a centerpiece of your administration's strong commitment.

Thank you for your leadership on this issue. I would appreciate the opportunity to discuss this proposal with the appropriate members of your administration.

Sincerely,

RAYMOND L. FLYNN,
Mayor of Boston.●

By Mr. BENTSEN:

S. 486. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, and for other purposes; to the Committee on Energy and Natural Resources.

LAKE MEREDITH SALINITY CONTROL PROJECT

● Mr. BENTSEN. Mr. President, today I am again introducing legislation to help the people of the Texas Panhandle assure themselves of a reliable supply of quality drinking water.

This bill will authorize the Bureau of Reclamation to work with the Canadian River Municipal Water Authority to reduce the salt content of the water supplied to the CRMWA's member cities. Those member cities include Amarillo, Borger, Pampa, Plainview, Lubbock, Slaton, Tahoka, O'Donnell, Lamesa, Brownfield, and Levelland. These towns have a com-

bined population of some 430,000 people.

Water is the lifeblood of our country. In west Texas water is especially scarce and valuable. The high value which the citizens of this great area of our country place on a reliable water supply is indicated by their willingness to pay for most of the costs of this project themselves. Local citizens, with the help of the able then-State Senator BILL SARPALIUS, got the Texas State Legislature to enact a law enabling the CRMWA to sell tax-exempt revenue bonds to finance this project. I am pleased that Congressman BILL SARPALIUS is now one of the newest Members of the Texas congressional delegation and is a sponsor of the House version of this bill, along with another of my distinguished Texas colleagues, Congressman LARRY COMBEST.

The Canadian River Municipal Water Authority began delivering water from Lake Meredith to its member cities in 1968, and since the beginning there has been concern about the quality of that drinking water. The salt content has shown a generally increasing trend, with drought cycles producing chloride levels as high as 400 milligrams per liter. Health and environmental agencies generally recommend maximum chloride levels of 250 mg/L for drinking water. Cities which also have ground water available have in some cases mixed that in with the lake water to get a more acceptable water supply, but that option is more expensive and is not available to all.

Studies by private consultants and by the Bureau of Reclamation have shown that about 70 percent of the salt entering Lake Meredith originates in a shallow brine acquifer just downstream from Ute Dam near Logan, NM. This brine acquifer is under artesian pressure and is leaking into the river.

In 1980 the Bureau of Reclamation was directed by Public Law 96-375 to study this problem and report on possible solutions. This report, completed in 1985, recommended drilling wells into this acquifer and pumping brine out to reduce the artesian pressure. The most economical method of disposing of this brine is through deep injection wells of the type used in the oil industry, and there appears to be suitable geologic strata for this purpose in the area.

This project is essential if the Texas Panhandle is to have an adequate supply of acceptable quality drinking water for the future of the region. The CRMWA and its member cities are prepared to operate and maintain the project and to pay for the cost of construction, but they need the technical expertise of the Bureau of Reclamation in designing and building the project.

The bill I am introducing today will authorize funds to be appropriated to the Bureau of Reclamation to carry out the preliminary work and to supervise the construction of the project. It will also authorize the Bureau to accept funds from the CRMWA to pay for land acquisition and construction costs. The CRMWA has estimated that their part of the costs will total about $6.4 million, with the Federal portion totaling about $2 million. These figures will undoubtedly be updated by more detailed Bureau of Reclamation estimates during consideration of this bill. However, this is obviously a very heavy commitment of non-Federal funds, giving a high degree of leverage to the small Federal investment which will be required if this project is to be successful.

The people of west Texas understand that the alternative is to allow salt pollution of the region's water to continue, possibly rendering Lake Meredith useless eventually. Lack of a reliable water supply will make future economic growth very difficult, and the loss of Lake Meredith would threaten the existing economic base.

The citizens of west Texas are not asking the Federal Government for a handout. They are not asking the taxpayers to carry them. They are asking the Federal Government to work side by side with them in this endeavor and to share the essential expertise which the Bureau of Reclamation has developed through years of construction projects.

Passage of this legislation will allow this local self-help project to get started. I am pleased to be able to introduce this bill, and I urge its passage by the Senate.●

By Mr. CRANSTON (for himself and Mr. MATSUNAGA):

S. 487. A bill to include among those eligible for the prisoner-of-war medal certain individuals who were held captive in circumstances comparable to those under which persons have been held captive by enemy governments; to the Committee on Armed Services.

PRISONER OF WAR MEDAL

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing legislation, S. 487, to amend section 1128 of title 10, United States Code, which establishes eligibility for the prisoner-of-war medal, to incorporate the definition of prisoner of war that is utilized in title 38, United States Code, for determining eligibility for VA benefits, and thereby include among those eligible for the medal those individuals who were held captive in neutral or allied countries in situations similar to those of prisoner-of-war conditions during armed conflict. Joining with me in this legislation is fellow committee member Senator MATSUNAGA. Section 532 of Public Law 99-145, the Department of Defense Authorization Act for fiscal year 1986, directed the various Secretaries of the military departments to issue a medal to former prisoner of war. The Department of Defense has interpreted that provision, which is codified at section 1128 of title 10, as not permitting the award of this medal to individuals who were taken and held as prisoner in situations other than the classical prisoner-of-war situation during armed conflict. As a result, the medal has not been awarded to such former captives as the crewmembers of the U.S.S. *Pueblo* and the military personnel who were held captive in Iran during the seizure of the United States Embassy in Teheran.

On May 20, 1988, legislation I coauthored with my good friend from Florida, Senator GRAHAM, was enacted in Public Law 100-322, providing that an individual who was detained during wartime by a foreign, nonenemy government— that is, a neutral or ally—is a former POW for VA benefit purposes, if the Administrator of Veterans' Affairs determines that he or she was held under circumstances comparable to those under which persons are held as POW's by enemy governments. Therefore, individuals who previously have been turned down as ineligible for POW status for VA benefits but who satisfy the new criteria may now receive those benefits as former POW's.

In my view, a change in the criterion establishing eligibility for POW medal purposes is certainly justified as a matter of policy. There can be no doubt that the *Pueblo* crew members were held as prisoners under conditions as bad or worse than many other military personnel who were taken and held as prisoners during time of war. In addition, this change could bring eligibility for the former prisoner-of-war medal into conformance with the standard used for eligibility for benefits under title 38 that are provided on the basis of the veteran being a former prisoner of war.

It is my hope that this bill will enable the *Pueblo* crew and others with similar experiences to receive the recognition which they earned at such great personal cost—recognition that they have been denied due to the rigid definition of prisoners of war currently being applied for purposes of the medal.

Mr. President, I urge my colleagues to give their support to this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-

tion 1128(a) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new clause:

"(4) by a foreign government or its agents, or a hostile force, under circumstances which the Secretary concerned finds to have been comparable to the circumstances under which persons have generally been held captive by enemy governments during periods of war.".

By Mr. FOWLER (for himself, Mr. FORD, Mr. METZENBAUM, Mr. BINGAMAN, Mr. CONRAD, Mr. KERRY, and Mr. WIRTH):

S. 488. A bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes; to the Committee on Energy and Natural Resources.

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT

● Mr. FOWLER. Mr. President, I rise today to introduce the Renewable Energy and Energy Efficiency Technology Competitiveness Act. This proposed legislation reflects my long-held belief that renewable and conservation technologies are an essential component of the comprehensive, long-term energy policy our Nation must have if we are going to establish energy independence.

It is easy to forget the gas lines of the 1970's. We have proven that by letting our dependence on oil imports escalate until it exceeds that of the Arab oil embargo era. It is easy to forget the uncertainty of the oil supply the world experienced so recently during the Persian Gulf conflict. With a weak OPEC and plentiful oil production, it is even easier to ignore the limits of world oil reserves to supply our energy needs into the next century.

But I believe we are shirking a basic responsibility of foresight in government if we succumb to these Lethe-like temptations to laziness and procrastination. That is why I introduced this bill in the 100th Congress, where it came very close to final passage. At that time American servicemen were still escorting oil tankers through a war zone, coming under attack and inflicting casualties. Some of the reminders of the urgent need for action have dissipated, but the underlying portents remain the same. So today I am reintroducing this legislation and urging Congress to respond to this challenge of energy independence, instead of waiting to respond to another energy crisis.

I can think of no more opportune moment, at the beginning of a new administration, to consider this legislation which seeks to reverse policies which have allowed our development efforts in solar, photovoltaics, wind, geothermal, biomass and other promising technologies to fall into stasis and neglect.

This legislation calls for targeted renewable energy and energy efficiency research, along with development and demonstration programs to bring these ideas into the mainstream. It authorizes funding levels on a multiyear basis to provide stability in these programs. And it calls on the Department of Energy to focus on commercial applications of the most promising technologies—to translate our research, development and demonstration efforts into marketable products that can provide major help in meeting evergy demand.

Under the previous administration, very beneficial and cost-effective Department of Energy programs in conservation and development of renewables were all but eliminated, while our main competitors in the advancement of technology were not so shortsighted. The Japanese, the Germans, the Dutch and the Brazilians bolstered their support for research and development in alternative sources of energy. In the 1980's we lost our lead, to international competition, in many renewables technologies invented by Americans.

The development and marketing of these technologies can make major contributions to eliminating our trade imbalances—by reducing our need for oil imports and increasing our exports of energy technologies. The potential for marketing photovoltaics devices alone is huge in developing countries.

Many of these resources which we know how to develop can provide a virtually inexhaustible energy supply with no adverse affects on the environment. These technologies could substitute for some of the environmentally destructive energy projects undertaken by Brazil and other debtor nations in their rush for industrial development. They can stem the greenhouse effect and arrest global warming. They can also lessen our need to turn to nuclear energy before we can solve the massive, and growing, environmental problems we are experiencing in that area.

These clean sources of energy will also have direct economic benefits. We can potentially save billions on pollution control, cleanup and health care costs. We can also abate extensive damage to our natural resources—from our farms to our lakes and forests.

Developing energy efficiency and renewable energy technologies makes sense. It offers immense returns in energy independence, economic security, environmental protection, and international competitiveness. That is what I am proposing to invest in. I think it is a modest investment, one we can hardly afford not to make, and I urge my colleagues in the Senate to once again support this legislation.●

● Mr. WIRTH. Mr. President, I appreciate the opportunity to join Senator FOWLER in introducing this important bill. Eight years ago, this Nation was investing substantial resources into energy efficiency and conservation programs. The oil price shocks of the 1970's forced us to recognize that our dependence on foreign sources of oil threatens our national security as well as our economy. We also realized that it was time to roll up our sleeves to respond to these challenges. So we set the Nation's research community, Federal agencies, and industry to work to reduce our dependence on foreign energy supplies—particularly imported oil. The result of that effort is nothing short of astounding.

Improvements in energy efficiency have leveled off the Nation's energy consumption. Today, we use the same amount of energy as we used in 1973, despite enormous growth in our economy. And the United States took the lead in developing alternative sources of energy, including promising solar energy technologies.

Unfortunately, the impressive gains that have been derived from energy conservation and renewable energy research and development have been reversed by misguided budget priorities within the DOE budget over the past years. We should restore as a priority commonsense energy research that will contribute to our efforts to reduce the trade deficit, enhance our competitiveness, and protect the environment.

I am concerned that we may have lost an international competitive edge to Japan, a country that now is twice as energy efficient as the United States. Our Government should have been following policies designed to take that edge away. Instead, over the past 8 years, we have abandoned energy conservation as the cornerstone of a sound and effective energy plan.

Eight years ago we were spending more than $500 million on solar and renewable research programs. This year's budget funded these programs at $84.5 million. Similarly, when the Reagan administration began, the budget for energy conservation research and development was $343 million. Now we have an energy conservation research program funded at $86 million. We must ask ourselves: Why have we cut these programs 85 percent and 75 percent respectively?

Have these programs been sacrificed in order to balance the Federal budget? Have we realized the full benefits of energy conservation and renewable energy supplies? Has the private sector taken over leadership of the Nation's energy research and de-

velopment? The answer to these questions can only be no.

If we do not reverse this trend toward reducing the critical investments we must make for future generations, we owe an apology to our children and grandchildren. For example, the U.S. world market share in photovoltaics has dropped from 80 percent in 1981 to 50 percent this year. Our international competitors, such as Japan and West Germany, have increased their expenditures on photovoltaic research and development—and they are reaping the benefits of that. We must take a sober look at today's budget realities, and readjust our priorities to invest in energy efficiency improvements and renewable energy.

In my home State of Colorado, the Solar Energy Research Institute, which was designed to be the Nation's primary Federal laboratory for solar energy research and to perform functions assigned by the Department of Energy in research, development, and testing, has had to absorb significant cuts for the last 8 years. SERI simply cannot absorb any additional cuts and continue to conduct and coordinate research and development on solar technologies which private industry cannot reasonably be expected to undertake.

Energy efficiency, solar energy, and other renewable energy technologies can enhance our industries' competitiveness in international markets and can help improve the Nation's balance of trade by reducing the need for imported oil. And as atmospheric scientists from around the world are sounding an alarm about the potentially profound threat of global warming, it is becoming increasingly clear that energy efficiency and alternatives to fossil fuels must be found to preserve and protect our environment.

This bill would provide stable, multiyear funding for these research programs, enabling them to plan programs that often take several years to develop. In addition, this legislation would provide the impetus to expand the use of public/private partnerships to demonstrate the commercial feasibility of energy efficiency and renewable energy technologies. I look forward to working with Senator FOWLER in passing this vital bill and to developing a comprehensive national energy policy that emphasizes the critical importance of energy conservation and alternative sources of energy.●

By Mr. KENNEDY (for himself, Mr. KASTEN, Mr. LEAHY, Mr. INOUYE, Mr. SIMON, Mr. PELL, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GRASSLEY, Mr. EXON, and Mr. D'AMATO):

S. 489. A bill to transfer certain funds available for State legalization assistance programs to programs to assist refugees; to the Committee on Appropriations.

TRANSFER OF CERTAIN FUNDS FOR REFUGEE ASSISTANCE

● Mr. KENNEDY. Mr. President, I am pleased to join with my colleague from the Appropriations Committee, Senator KASTEN, as well as many other Senators, in introducing this bill to deal with the refugee crisis that has developed in our program for Soviet refugees.

An emergency situation has now developed in the flow of Jewish refugees and others from the Soviet Union. The number suddenly being allowed to leave the Soviet Union will nearly double the total last year, and will be 50 percent more than was budgeted or planned for this fiscal year.

During the President's consultations with the Judiciary Committees last September, on refugee admissions under the terms of the Refugee Act, the administration proposed a ceiling for the Soviet Union of 18,000 which was increased to 25,000 in December, after emergency consultations. But, at the rate of the current flow of Soviet refugees, those numbers will be exhausted by the end of this month. No funding will be available, and the program will come to a halt.

Clearly, we have a humanitarian as well as a foreign policy interest in responding to this emergency. As chairman of the Subcommittee on Immigration and Refugee Affairs of the Judiciary Committee, we are prepared to use the emergency provisions of the Refugee Act to provide the additional admission numbers, but this is only half the problem. The equally important other half is adequate funding for their processing and resettlement. If additional funding is not found by next month, refugees will be turned back, left to languish in Rome at great cost in care and maintenance, and the voluntary agencies involved in the program will be forced to close down.

We are introducing a bill to deal with this crisis by drawing on already appropriated funds that the administration proposes to rescind. The fund is the State legalization impact assistance grants created and funded by the Immigration Reform and Control Act of 1986. The administration proposes to rescind $300 million of this fund in fiscal year 1990 and again in fiscal year 1991. Furthermore, for fiscal year 1989, of the $665 million available under the SLIAG Program, CBO reports that less than $70 million will probably be actually spent.

We propose to shift $150 million of these available funds to support the processing and resettlement of an additional 25,000 Soviet Jews and other refugees—the number estimated that will be moving through the end of this fiscal year. This will cover the costs of their processing and resettlement by the voluntary agencies, as well as State and local costs.

Clearly, longer term solutions must be found to deal with Soviet migration. But if we do not respond now to this emergency, we will be turning our backs to our longstanding commitment to assist Soviet refugees.

Mr. President, in introducing this legislation, it is not my intent to hamper the efforts of States to assist beneficiaries of the recent immigration amnesty through the State Legalization Impact Assistance Grant Program. State expenses reimbursed by the program to date have been so low that the President has proposed a $300 million rescission in each of the next 2 years.

It is my intent to make it easier—not harder—for States to have access to the SLIAG Program for the legitimate expenses. And I am committed to making the adjustments to the program which many States are currently seeking, as well as to pursuing for the future any additional funding to States as a result of our emergency response to Soviet emigration.

To this end, I am introducing today separate legislation as a starting point for discussions regarding needed changes in the SLIAG Program.

Let me also note that this emergency response is the result of a healthy partnership between the Federal Government and the private sector. Organizations involved in the resettlement of refugees from the Soviet Union have launched tremendous fund-raising efforts of their own to match the funds we propose to appropriate to the program.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) of the unobligated funds appropriated by section 204(a)(1) of the Immigration Reform and Control Act of 1986 (relating to State Legalization Impact Assistance Grants)—

(1) $50,000,000 are hereby transferred to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services for use only for grants under the "Voluntary Agency Programs" and for grants to States authorized by section 412 of the Immigration and Nationality Act (relating to domestic resettlement of and assistance to refugees) and for such other assistance authorized by such section as the Director may deem necessary; and

(2) $150,000,000 are hereby transferred to the account under the Department of State entitled "United States Emergency Refugee and Migration Assistance Fund".

(b) Amounts transferred under subsection (a)—

(1) shall be administered in accordance with all the laws, rules, and regulations applicable to the accounts to which the funds were transferred, except that the dollar limitation on appropriated funds contained in

the second sentence of section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 shall not apply; and

(2) shall remain available for obligation and expenditure for the same period of time for which funds are available under the accounts to which the funds were transferred.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join with Senators KENNEDY, KASTEN, and others as an original cosponsor of this bill which proposes funding for the processing and resettlement of the unexpectedly large number of Soviet refugees being permitted to leave the Soviet Union this year. Without this money, funding will soon run out and the admissions program for Soviet refugees will come to a halt within a matter of weeks.

Earlier this year, I, along with 53 other Senators wrote to the administration to urge them to address this serious problem, and I ask that a copy of this letter be inserted in the RECORD following my remarks.

The bill draws on already appropriated funds that the administration proposes to rescind. The funds being drawn upon are the State legalization impact assistance grants [SLIAG] created and funded by the Immigration Reform and Control Act of 1986. The administration proposes to rescind $300 million of this fund in fiscal year 1990 and again in fiscal year 1991.

For fiscal year 1989, of the $665 million available under the SLIAG Program, CBO reports that less than $70 million will probably actually be spent. This bill will shift $150 million of these available funds to support the processing and resettlement of an additional 25,000 Soviet Jews and other refugees—the number estimated that will be moving through the end of this fiscal year. This will cover the costs of their processing and resettlement by the voluntary agencies, as well as State and local costs.

Why do we need this money? It is needed to address the refugee emergency that has developed in the flow of Jewish refugees and others from the Soviet Union. The number of Soviet Jews allowed to leave the Soviet Union has nearly doubled since last year. It will be 50 percent more than was budgeted or planned for this fiscal year.

Last year, refugee admissions were set at 18,000 for the Soviet Union, and that was increased to 25,000 in December following emergency consultations with Congress. But, given the current rate at which Soviet refugees are seeking to enter this country, those numbers will be exhausted by the end of this month. No funding for these refugees will be available and the Refugee Program will come to a halt with respect to these people. The Judiciary Committee is prepared to use the emergency consultation provisions of the Refugee Act to provide the additional admission numbers. But additional numbers are only half the battle. There must be more funding, which this bill provides.

We must respond to this emergency. It would be ironic indeed that just at the time that the United States human rights policies have met with a good deal of success, especially in the area of freedom of emigration from the Soviet Union, our own lack of commitment to funding would impede the departure, migration, and resettlement of those the Soviets are permitting to leave.

Our actions must not send the wrong signals to freedom-loving people around the world. The United States has always been a beacon of hope to those struggling for fundamental human rights. Now, when our efforts have begun to bear fruit, and the Soviet Union has begun to grant thousands of citizens long-awaited exit visas, we must not be the cause of delaying these refugees' journey to freedom any more.

This bill makes sure that we don't. I urge my colleagues to swiftly pass it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JAMES BAKER,
Secretary of State,
Washington, DC.
Hon. RICHARD THORNBURGH,
U.S. Attorney General,
Washington, DC.

DEAR MR. SECRETARY AND MR. ATTORNEY GENERAL: We are writing to express our concern about the problems that have arisen regarding the emigration and resettlement of Soviet refugees.

Our major concern is that, as of the end of January, over 500 Soviet Jews have been denied refugee status in Rome, a departure from the longstanding U.S. practice of considering all Soviet Jews to be refugees. Our second concern is that Soviet emigres seeking visas in Moscow have been told to expect delays of a year or more in processing their applications. Personnel ceilings notwithstanding, is there not a way to deal with this backlog so that the U.S. government does not replace the Soviet government as the obstacle to departure?

We realize that the substantial and unexpected increase in Soviet emigration has placed new strains on our agencies' ability to process and resettle refugees. It is ironic, however, that just at the time that the United States' human rights policies have met with a good deal of success, especially in regard to freedom of emigration from the Soviet Union, it is our own bureaucratic difficulties that are impeding the departure, migration and resettlement of those the Soviets are permitting to leave. Resolution of these problems must be found quickly.

The attempts being made by the State Department to find additional numbers and dollars and the initiative it took to work with the Office of Refugee Resettlement (ORR) at HHS are appreciated. We are all aware of the pressure created by the budget deficit and the need to exercise fiscal restraint.

It is disturbing, however, that the Department has chosen to open one door by closing another. We refer to the decision to reallocate 6,500 refugee slots from Southeast Asia to the Soviet Union. This decision sends a very negative message to the Vietnamese government and to the families of thousands of Indo-Chinese people who are already approved for the Orderly Departure Program or who are in first asylum countries.

In the spirit of bipartisanship and cooperation, we make the following suggestions for dealing with these problems in the short term.

First, the Refugee Act of 1980 specifies a procedure for dealing with unexpected increases in the refugee population, the emergency midyear consultation. We urge you to call for such a consultation so that the Administration and Congress can together determine the appropriate ceiling, funding levels and funding sources to accommodate the projected Soviet refugee flow in FY 1989. The private sector is already preparing a major campaign to raise additional private funds to supplement its annual fundraising efforts which raise millions for the resettlement of Soviet Jews in this country.

Second, there is a need for additional Immigration and Naturalization Service officers, particularly Russian speaking officers in Rome, to help speed up processing. Since this problem first arose, there has been a reduction in waiting time for interviews with INS. However, additional officers could shorten the stay in Rome even more, at significant savings for both the federal government and the private sector agencies.

Third, we call on the new Administration to reverse its departure from its longstanding practice of considering all Soviet Jews as refugees. This policy is founded on a long history of discrimination, anti-Semitism, ant-Zionism, and restricted opportunities for Jews in the Soviet Union. The reforms initiated by President Gorbachev are encouraging, but have yet to take hold in the daily lives of Soviet Jews and other religious minorities. In fact, one byproduct of glasnost is that extremist groups, including virulent anti-Semites, are growing increasingly outspoken. The United States should not modify its position on such a sensitive issue as refugee status until real change has taken root in the Soviet Union.

Our actions must not send the wrong signals to freedom-loving people around the world. The United States has always been a beacon of hope to those struggling for fundamental human rights. For years, we have fought for the right of Soviet citizens to emigrate. Time and again, our leaders have insisted that Soviet barriers to emigration are a major obstacle to improved relations between our two countries.

Now, when our efforts have begun to bear fruit and the Soviet Union has begun to grant thousands of citizens long-awaited exit visas, we cannot be the cause of delaying these refugees' journey to freedom any longer.

Finally, as we begin to work on the budget for FY 1990, we hope that we will project next year's refugee flow with as much accuracy as is possible in this changing area so that we do not find ourselves in this very difficult position a year from now. While this may mean increases in funding, and a readiness on the part of all involved federal agencies to share the financial burden, it is better to budget realistically in the beginning than have to try to find additional funds late in the year.

We appreciate your cooperation on this most urgent matter, and look forward to hearing from you as soon as possible. We

also look forward to meeting with representatives of your Administration to discuss our suggestions.

Sincerely,

Charles E. Grassley, Rudy Boschwitz, Frank R. Lautenberg, Alan J. Dixon, Bob Kasten, Carl Levin, Patrick J. Leahy, Herbert Kohl, Wyche Fowler, Jr., Spark M. Matsunaga, Ted Stevens, Alfonse M. D'Amato, Alan Cranston, Daniel K. Inouye, Quentin N. Burdick, Jeff Bingaman, Christopher J. Dodd, Mitch McConnell, Wendell H. Ford, Howard M. Metzenbaum.

Joseph Lieberman, Conrad Burns, Richard Bryan, Albert Gore, Jr., Brock Adams, Tom Daschle, Paul S. Sarbanes, Harry Reid, J. Bennett Johnston, Bill Bradley, Dan Coats, Tom Harkin, Bob Graham, Barbara A. Mikulski, Timothy E. Wirth, John McCain, Pete Wilson, Claiborne Pell, Larry Pressler, Arlen Specter.

Dave Durenberger, Kent Conrad, John C. Danforth, Paul Simon, John F. Kerry, Christopher S. Bond, John Heinz, Bob Kerrey, John Glenn, Connie Mack, Ernest F. Hollings, Orrin G. Hatch, Joseph R. Biden, Jr.●

● Mr. KASTEN. Mr. President, we must do something about the emergency which has resulted from an increased flow of Soviet refugees, and from the shortage of funds for programs designed to help those refugees.

The legislation which I am introducing today with Senators KENNEDY, LEAHY, and others is one answer to this problem. This proposal provides necessary funding for the increased number of refugees both in the Domestic Resettlement Program and for the international part of the program. We recommend that funding for the program be secured by transfer from funds which have heretofore been made available for State legalization impact assistance grants—funding which the administration has recommended for rescission.

Mr. President, my colleagues and I, while anxious to solve this problem as quickly as possible, are open to any suggestions which Members or the administration may have about how to proceed. I emphasize this point because there are some who may have specific concerns with respect to the State legalization impact assistance grants. If there are better sources of funding, we welcome suggestions in that vein—however, I believe all of us agree that something must be done, and soon, to relieve the pressure created by this dramatic increase in Soviet refugees.

Mr. President, even with the adoption of this legislation, there remains much to be done in this arena. Senator LEAHY and I, as the chairman and ranking member of the Foreign Operations Appropriations Subcommittee are looking at a fiscal year 1990 budget request for these programs. We believe there will be between a $100 million and $150 million shortage of the funds needed to adequately take care of Indochinese, Soviet, and other refugees, as well as assistance programs under those accounts.

Mr. President, I want to compliment Senators KENNEDY and LEAHY for their continuing leadership on this issue and I look forward to working with them on this and related matters in the future. It is our hope that our colleagues will join us in this effort by cosponsoring this legislation.●

● Mr. LEAHY. Mr. President, I am pleased to join my distinguished colleagues, Senators KENNEDY and KASTEN in offering this bill to relieve a growing human tragedy in Rome. Unprecedented numbers of Soviet refugees are arriving for processing and resettlement, and we face a serious funding shortfall in helping them move on to their new homes. This bill will require the executive branch to use up to $150 million in unexpended funds appropriated to States for immigration assistance under the authorization of the Immigration Reform and Control Act. Without this legislation, the administration proposes to seek a recission of those unexpended funds.

I would point out, Mr. President, that this measure, urgent as it is, is only a short term solution. After many years of demands by United States administrations, Republican and Democratic, that the Soviet Union allow freedom of emigration, refugees are being allowed to leave the Soviet Union in numbers far exceeding what anyone anticipated a year ago. I have heard estimates that we could see as many as 40,000 or more in fiscal 1990. However, the administration's foreign operations budget request for the coming fiscal year seeks a funding level of $371 million, sufficient only to process and resettle 25,000 Soviet refugees, within an overall total of 84,000 for refugees worldwide.

This request is totally inadequate to the needs. It may be as much as $100 to $150 million too low. I look forward to working with my good friend and ranking member of the Foreign Operations Subcommittee, Senator KASTEN, in finding solutions to this shortfall.

I applaud the intention of the distinguished chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs to seek an emergency consultation with the administration on how to find sufficient immigration admission numbers to deal with this growing backlog. Several of us have written the administration urging such a consultation.

I urge all Senators to join us in support of this measure.●

By Mr. LAUTENBERG:

S. 490. A bill to amend the Occupational Safety and Health Act of 1977 to increase the civil penalties imposed for certain violations of such act, and for other purposes; to the Committee on Labor and Human Resources.

INCREASING CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the OSHA Civil Penalty Inflation Adjustment Act of 1989, to increase the maximum authorized civil penalties under the Occupational Safety and Health Act to account for inflation.

Mr. President, the Occupational Safety and Health Act [OSHA] was enacted in 1970 to assure safe and healthful working conditions for all working Americans. Yet since the OSHA was enacted, more than 100,000 workers have lost their lives because of unsafe working conditions. Each year, an estimated 7,000 to 11,000 more are killed on the job. Thousands of others die from the long-term effects of occupational illnesses.

The OSHA gives the Occupational Safety and Health Administration [OSHA] broad authority to establish health and safety standards. Under the law, OSHA is responsible for inspecting worksites and identifying unsafe practices and equipment. Those who violate OSHA safety and health standards may be prosecuted criminally, or they may be assessed civil penalties.

The sanction of criminal prosecution, in practice, has apparently been an inadequate tool for protecting worker safety. A 1988 report by the House Committee on Government Operations found that since OSHA was created in 1970, there have been a mere 14 criminal prosecutions under the act and only 10 convictions. No one has ever spent a day in jail for violating OSHA. Not surprisingly, the committee concluded that—

> The criminal penalty provisions of the OSHA, as presently written and as enforced by OSHA, provides (sic) no deterrent to employers violating the statute.

The failure of criminal sanctions to deter violators highlights the importance of the other available sanction—civil penalties—in protecting worker safety. Unlike criminal sanctions, OSHA can directly assess civil penalties without having to rely on the Department of Justice, whose prosecutional resources are severely strained.

Civil penalties have the potential to provide a significant deterrent to those who would violate worker safety and health standards. However, their effectiveness as a deterrent has been severely limited because inflation has dramatically reduced their real value.

In 1970, when OSHA was enacted, the Consumer Price Index was at 38.8. By December 1988, that figure had increased to 120.5. That's an increase of over 210 percent. As a result, the existing civil penalties are worth less than one-third of their original value.

This bill would increase all OSHA civil penalties to account for inflation

since they were originally enacted. Currently, violators are subject to penalties of up to $1,000 per violation, or up to $10,000 for each "willful or repeated" violation. Under this bill, the $1,000 maximum would be increased to $3,000 and the $10,000 maximum would be increased to $30,000.

In addition, the bill establishes a mechanism for periodically increasing the level of OSHA civil penalties to account for inflation. Every 5 years the Secretary of Labor would revise the maximum allowable level of penalties to account for price increases—as measured by the Consumer Price Index—over the previous 5-year period. The adjusted penalty maximums would be published in the Federal Register at least 30 days prior to their effective date.

Mr. President, maintaining the deterrent effect of OSHA penalties is important to protect worker safety. But it is also important to protect honest, law-abiding businesses.

The fact is, meeting OSHA's requirements for a safe workplace often involves a substantial investment. And honest businesses are making that investment. Sometimes, though, their competitors aren't. And with weak sanctions, they're getting away with it.

Mr. President, as a society, we have an obligation to the honest business. An obligation to make sure that its competitors can't exploit weakened sanctions to gain an unfair competitive advantage. This bill will help us meet that obligation.

Mr. President, indexing OSHA penalties will provide another important benefit: it will help reduce the budget deficit. The Congressional Budget Office has estimated that the proposed increases could produce as much as $20 million annually in additional revenue.

Some may argue that indexing put the level of worker safety sanctions on automatic pilot. Yet this misses the key point—penalties are already on automatic pilot—an arbitrary, unpredictable pilot called inflation. This bill will take policy off this unstable automatic pilot and keep it on the course set by Congress.

Congress has enough to do without having to repeatedly reaffirm existing policy and maintain the value of penalties. Each year we struggle to adopt a budget and pass the necessary appropriations bills. Also, even if legislation to adjust penalties reaches the Senate or House floor, a small minority in the Congress—or the President—can effectively block legislation. It thus makes sense to ensure the maintenance of penalty values without the need for repeated congressional action.

The fact that OSHA penalty values have been allowed to deteriorate so substantially reflects a general governmentwide problem. We in Congress like to talk tough when we set penalties for violating laws. But all too often, once we enact penalties, we forget about them. They get lost in the thick volumes of the United States Code, never to be seen or heard from again.

Many of these penalties are designed to meet important public needs: To keep our air and water clean, our children protected from dangerous products, our transportation systems safe. The problem is that as these penalties sit on the shelf, inflation dramatically erodes their deterrent effect.

It simply doesn't make sense that consumers must pay higher prices for everything from food to health care—but those who break the law do not.

I will be introducing separate legislation, as I have in the past, to establish a mechanism under which all penalties could be raised periodically to account for inflation. My bill, the Federal Civil Penalty Inflation Adjustment Act, would require the President to provide Congress every 5 years with a list of all civil penalties and the levels to which they should be increased for inflation. The bill was the subject of hearings last February, at which time then Deputy OMB Director Joseph Wright called it "a good piece of legislation that should be passed." The AFL-CIO's Building and Construction Trades Department and several consumer and environmental groups also expressed support for the bill.

The Civil Penalty Inflation Adjustment Act establishes a reporting mechanism; it does not raise penalty levels. However, rather than waiting for the comprehensive list of penalty adjustments that the proposal would require, I believe Congress should act promptly to increase particularly important civil penalties, such as those that protect worker safety.

Mr. President, the OSHA Civil Penalty Inflation Adjustment Act of 1989 would bring OSHA penalties up to date and strengthen protections for our Nation's workers. It also would keep those protections strong in the future. If enacted, many lives would be saved—and many families would be spared needless grief and hardship.

I urge my colleagues to support the bill and ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. CIVIL PENALTIES FOR VIOLATION OF OSHA.

Section 17 of the Occupational Health and Safety Act of 1977 (29 U.S.C. 666) is amended—

(1) by striking out "$10,000" in subsection (a) and inserting in lieu thereof "$30,000 (as adjusted in accordance with subsection (m))";

(2) by striking out "$1,000" each place it appears in subsections (b), (c), (d), and (i) and inserting in lieu thereof "$3,000 (as adjusted in accordance with subsection (m))"; and

(3) by adding at the end thereof the following new subsection:

"(m)(1) The authorized fines provided in subsections (a), (b), (c), (d), and (i) shall be adjusted for inflation every 5 years provided in this subsection.

"(2) Not later than December 1, 1993, and December 1 of each fifth calendar year thereafter, the Secretary shall prescribe and publish in the Federal Register a schedule of maximum authorized fines that shall apply for violations that occur after January 1 of the year immediately following such publication.

"(3) The schedule of maximum authorized fines shall be prescribed by increasing the amounts in each of the subsections referred to in paragraph (1) by the cost-of-living adjustment for the preceding 5 years. Any increase determined under the preceding sentence shall be rounded to—

"(A) in the case of penalties greater than $1,000 but less than or equal to $10,000, the nearest multiple of $1,000;

"(B) in the case of penalties greater than $10,000 but less than or equal to $100,000, the nearest multiple of $5,000;

"(C) in the case of penalties greater than $100,000 but less than or equal to $200,000, the nearest multiple of $10,000;

"(D) in the case of penalties greater than $200,000, the nearest multiple of $25,000;

"(4) For purposes of this subsection:

"(A) The term 'Consumer Price Index' means the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(B) The term 'cost-of-living adjustment for the preceding 5 years' means the percentage by which—

"(i) the Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

"(ii) the Consumer Price Index for the month of June preceding the date on which the maximum authorized fine was last adjusted.●

By Mr. CRANSTON:

S.J. Res. 69. Joint resolution designating, April 8, 1989, as "Chief Justice Earl Warren Day"; to the Committee on the Judiciary.

CHIEF JUSTICE EARL WARREN DAY

Mr. CRANSTON. Mr. President, today I am introducing a resolution that would proclaim April 8, 1989, as "Chief Justice Earl Warren Day." This year marks the 20th anniversary of Chief Justice Warren's retirement from the Supreme Court, and it seems appropriate that we should take this opportunity to recognize the special contributions which he has made to our country.

Chief Justice Warren was clearly one of the outstanding public servants of the 20th century. He began his remarkable career as a deputy city attorney for the city of Oakland, and ended his days in California as Governor. However, it was not until President Dwight Eisenhower tapped Earl

Warren for Chief Justice of the Supreme Court that his real impact on the entire Nation was felt.

Under his leadership, the Warren Court set the United States on a new course of racial equality. Chief Justice Warren and his colleagues presided over the most dramatic and important civil rights cases this country has ever known. Warren's commitment to equal rights was firmly set in his decision of Brown versus Board of Education. It was Earl Warren and his Court that ended legal discrimination in America. Warren was also the primary force in protecting the rights of the accused. In the case of Miranda versus Arizona, the Court ruled that individuals were innocent until proven guilty and that they deserved the same rights as all other citizens.

On April 8 and 9, 1989, many distinguished members of the public and private sectors will be meeting in San Francisco to honor Earl Warren on the 20th anniversary of his retirement from the Supreme Court. This commemorative weekend will include a dinner where the first public screening of the PBS documentary, "Superchief: The Life and Legacy of Earl Warren" will be shown. Also, a symposium on the legacy of the Warren Court will be held to debate the merits of the man and his Court.

Mr. President, I believe that we too should participate in this event by passing this resolution which I am introducing today. It's clear that Chief Justice Warren has made a significant contribution to our country by his service on the Court as well as in public office. This resolution I am introducing today is our statement of gratitude to Chief Justice Warren, and I urge my colleagues to support it. Identical legislation is being introduced in the House of Representatives today by Congressmen MATSUI and LOWERY.

Mr. President I ask that the text of the resolution be printed in the RECORD.

There being no objection, the Joint Resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 69

Whereas Chief Justice Earl Warren was a dedicated servant to the public for over 50 years;

Whereas Chief Justice Warren extended the principles of the Bill of Rights to every United States citizen;

Whereas Chief Justice Warren strove for equality for the poor and underprivileged:

Whereas Chief Justice Warren embodied the pursuit for equal rights for all United States citizens regardless of race, color, or creed;

Whereas Chief Justice Warren fought for the promise of an equal voice in government for all United States citizens;

Whereas Chief Justice Warren worked for the guarantee of a fair trial; and

Whereas Chief Justice Warren committed himself to these ideals and began a new era of true equal justice under the law: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled; That April 8, 1989, is designated as "Chief Justice Earl Warren Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 14, a bill to provide for a grant program to assist eligible consortia in providing services to individuals with acquired immunodeficiency syndrome or AIDS-related complex.

S. 20

At the request of Mr. LEVIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 20, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

SENATE JOINT RESOLUTION 16

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 27, a bill to establish a federally sponsored program for the restoration, conservation, and management of Onondaga Lake in Onondaga County, NY, and to provide for the sharing of costs of such clean up, and for other purposes.

S. 38

At the request of Mr. WILSON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 134

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 167

At the request of Mr. HARKIN, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 167, a bill to amend the Fair Labor Standards Act of 1938 to increase the tip credit, and for other purposes.

S. 172

At the request of Mr. PRESSLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 172, a bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains conservation program.

S. 251

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 251, a bill to make a comprehensive investigation into potential changes to the global environment and climate, and for other purposes.

S. 302

At the request of Mr. PRYOR, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 302, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 350

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 363

At the request of Mr. BOND, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 363, a bill to amend title 18 of the United States Code, to stiffen the penalties for bank fraud.

S. 369

At the request of Mr. BOSCHWITZ, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 376

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 376, a bill to amend the Airport and Airway Improvement Act of 1982 to provide that certain noise control costs are included as allowable project costs.

S. 391

At the request of Mr. JOHNSTON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 391, a bill to reform the budget process.

S. 395

At the request of Mr. HARKIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 395, a bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes.

S. 450

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 450, a bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit on the basis of family size, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 25

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 25, a joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. CONRAD], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 15, a concurrent resolution concerning peace and famine relief in Sudan.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLUTION 16—RELATING TO THE RELEASE OF POLITICAL PRISONERS BY THE GOVERNMENT OF VIETNAM

Mr. BOSCHWITZ submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas, fourteen years have passed since the end of the Vietnam conflict;

Whereas, despite the release of some political prisoners over the past year, many remain imprisoned in Vietnamese reeducation camps, and thousands of families do not know the fate of their loved ones;

Whereas, the Socialist Republic of Vietnam has signed an agreement with the United Nations High Commissioner for Refugees to assist in the reunification of families;

Whereas, despite General Secretary Nguyen Van Linh's public assertion that released prisoners who wish to leave Vietnam would be free to do so, only very few have been allowed to leave;

Whereas, the United States has made it clear that it is willing to accept these prisoners; and

Whereas, the Vietnamese Foreign Minister Nguyen Co Thach has previously accepted a United States proposal to discuss this resetttlement of Vietnamese released from reeducation camps: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of Vietnam—

(1) to make public the names of all political prisoners held in reeducation camps;

(2) to release immediately all political prisoners still held;

(3) to honor its commitment to allow the emigration of all political prisoners; and

(4) to implement resettlement of political prisoners promptly and efficiently by establishing a special program for processing the cases of those released from reeducation camps as was done in the case of the American children.

SENATE RESOLUTION 73—RELATIVE TO AVAILABILITY OF FUNDS FOR STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 73

Resolved, That it is the sense of the Senate that—

(1) funds appropriated by section 204(a)(1) of the Immigration Reform and Control Act of 1986 (relating to State Legalization Impact Assistance Grants) should not be rescinded or deferred; and

(2) every effort should be made to improve the efficiency and accessibility of such funds to assist State and local governments in their efforts on behalf of newly legalized aliens.

● Mr. KENNEDY. Mr. President, I am introducing today a resolution which is a brief beginning to what I believe will be an important initiative to help State and local communities cope with the impact of immigration.

This resolution opposes the administration's decision to rescind funds made available to States in the Immigration Reform and Control Act of 1986—the so-called State Legalization Impact Assistance Grant [SLIAG] Program. The President's budget recommends a $600 million reduction in this program over the next 2 fiscal years.

This grant program was an important element of the 1986 act. It was designed to assist States and localities over a 4-year period with expenses incurred as a result of the recent immigration "amnesty" program.

Mr. President, it is my intention to use the resolution as a starting point for considering any adjustments which may be advisable in the SLIAG Program. We developed the program as part of the 1986 act with little concept of precisely who would be legalized and how many. Now that the amnesty doors are closed and all the applications are in, we have a better sense of the kinds of activities that should be supported under the SLIAG Program.

As chairman of the Subcommittee on Immigration and Refugee Affairs, I will be exercising our oversight responsibilities over the coming weeks to examine this and other aspects of the 1986 act. There are a number of issues for the subcommittee to pursue, and it is my hope to complete this process soon.

In the meantime, this resolution is a starting point. Much of substance on the use of these funds will likely be added in the days ahead. But I believe it is important to get the process going.●

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging, in conjunction with the Subcommittee on Long-Term Care, and the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging, has scheduled a joint hearing to receive testimony on residential board and care facilities.

The hearing will take place on Thursday, March 9, 1989, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director of the Senate Special Committee on Aging at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, March 1, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Edward J. Derwinski to be Administrator of Veterans' Affairs/Secretary of Veterans Affairs on Wednesday, March 1, 1989, at 1:30 p.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate at 9:30 a.m., March 1, 1989, to hold a business meeting, pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 1, 1989, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 1, at 9:30 a.m., to hold a hearing on chemical and biological weapons proliferation: The nature and extent of the threat, with CIA Director Webster.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet in a closed meeting during the session of the Senate on Wednesday, March 1, at 2 p.m., to hold a briefing on chemical and biological weapons proliferation: The nature and extent of the threat.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 1, 1989, at 9 a.m., to hold a hearing on the Federal Communications Commission's proposal to replace rate of return regulation with the price cap approach.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 1, 1989, at 10 a.m., to hold a hearing on the nomination of William J. Bennett to be the Director of the National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LIMIT THE USE OF BROKERED DEPOSITS

● Mr. MURKOWSKI. Mr. President, on February 9, 1989, I introduced S. 398, a bill to limit the use of federally insured brokered deposits by financially troubled banks and savings and loan institutions. As I stated then, the use of brokered deposits, which are federally insured certificates of deposit that are marketed nationwide by financial institutions through the use of a broker, has greatly contributed to the severity of this Nation's deposit insurance crisis. Brokered deposits, when used by financially unsound institutions, drain the FSLIC and FDIC insurance funds, inflate banking costs, and encourage funds to flow to poorly managed institutions.

Mr. President, it pleases me to see that Chairman Seidman of the FDIC, in testimony yesterday before the Senate Banking Committee, recognized the need to curb the use of brokered deposits. Chairman Seidman undoubtedly recognizes that troubled institutions frequently take excessive risks with their use of brokered deposits and leave the taxpayers to suffer the consequences.

In fact, Mr. President, an article in today's Wall Street Journal vividly highlights the excesses of brokered deposits. The article states that of the eight thrifts currently paying the highest rates on 6 months, $100,000 certificates of deposit, seven carry the lowest thrift-quality ranking.

Mr. President, I ask that the entire article be printed in the RECORD and that this body join me in putting an end to the reckless use of brokered deposits.

The article follows:

[From the Wall Street Journal]

LIMITS PLANNED ON BROKERED DEPOSITS' USE

FDIC'S CHIEF, CRITICS CITE SUCH DEPOSITS IN BANKS THAT FAIL AND S&L CRISIS

(By Paulette Thomas)

WASHINGTON.—Banks are likely to see new limits placed on the use of brokered deposits—huge deposits that gravitate toward premiums in market interest rates—said William Seidman, chairman of the Federal Deposit Insurance Corp.

Industry experts have criticized the use of brokered deposits for contributing to the chaos in the savings and loan industry. Some institutions use them to expand their deposit base exponentially in a matter of months, and then invest in risky, high yielding ventures to fund the interest on the $100,000 blocks of government-insured deposits.

In the past, brokered deposits have also been a serious problem for banks. "In banks that failed we discovered big levels of brokered deposits," an FDIC spokesman said.

Mr. Seidman, during questioning before the Senate Banking Committee, said he expects interest rates paid by banks and thrifts to continue climbing, because they are rising generally. But he said the FDIC will propose a rule to require banks that plan to expand their deposit base through the high-rate brokered deposits to notify the FDIC in advance for approval.

Banks must currently report their level of brokered deposits, if they exceed 5% of deposits, the FDIC spokesman said.

The competition for the deposits, brokered by institutions such as Merrill Lynch & Co. and Charles Schwab & Co., continues to drive up rates, particularly for weak institutions seeking liquidity. Of the eight thrifts paying the highest rates on six-month, $100,000 certificates of deposit, seven carry the lowest thrift-quality ranking, according to 100 Highest Yields, a weekly newsletter monitoring interest rates paid by financial institutions.

The Bush administration savings-and-loan overhaul plan being considered in Congress would also give the FDIC the authority to restrict brokered deposits in thrifts, Mr. Seidman said, because the FDIC would administer the thrift insurance fund.

An announcement yesterday by Mr. Seidman's FDIC and the thrifts' Federal Savings and Loan Insurance Corp. illustrated that brokered deposits can be abused. The agencies said they received a $10.4 million settlement in a lawsuit against former New York money broker Mario Renda, who testified before Congress as an expert witness in 1984 about money brokerage. Under the settlement, Mr. Renda, his wife and 14 corporations they controlled admitted to defrauding banks and pension funds.

Aside from the $10.4 million civil settlement, much of it in real estate holdings, Mr. Renda also agreed to a $9.9 million judgment as restitution to the FDIC in criminal proceedings, the agencies said. Mr. Renda couldn't be reached for comment.

Mr. Seidman also recommended three specific changes in the administration plan, while also urging Congress to approve it as quickly as possible. Mr. Seidman singled out, for example, the bill's provision to

allow the president to appoint and remove the chairman and vice chairman of the new FDIC. The FDIC "could be controlled by the administration," he said, and become subject to political winds. Currently, the FDIC board elects the chairman, and there is no vice chairman.

He also said specific limits should be imposed on the amount of debt and other obligations the FDIC could issue. Mr. Seidman proposed a $7 billion limit, and a restriction against committing to more than it had resources to pay. The FDIC has about $6 billion in obligations. He also said quarterly FDIC reports should be issued only to the Treasury, instead of other agencies as well, to ease paperwork requirements.

ARCTIC COASTAL PLAIN PUBLIC LANDS LEASING ACT OF 1989

● Mr. MURKOWSKI. Mr. President, yesterday, Senator STEVENS and I introduced the Arctic Coastal Plain Public Lands Leasing Act of 1989.

AUTHORIZES ENVIRONMENTALLY COMPATIBLE LEASING OF COASTAL PLAIN

The purpose of the bill is reflected in its title. It authorizes the Secretary of the Interior to competitively lease the public lands on the coastal plain of the Arctic National Wildlife Refuge for environmentally sound oil and gas exploration, development and production.

ANWR IS LARGE—19 MILLION ACRES—SIZE OF SOUTH CAROLINA

Mr. President, for those Members who may have forgotten, the Arctic National Wildlife Refuge—ANWR—is located in the extreme northeast corner of my home State of Alaska. It is the Nation's second largest wildlife refuge: Comprised of some 19 million acres; 17 million acres of the refuge lie in the east portion of the Brooks Mountain Range. The remaining 2 million acres lie on the coastal plain—between the north face of the Brooks Range and the Beaufort Sea.

EIGHT MILLION ACRES OF WILDERNESS

Nearly 45 percent of the refuge—8 million acres—has been designated by Congress as wilderness. There are more than 7.5 million acres of wilderness in the mountains and nearly 500,000 acres in the coastal plain.

ONE AND A HALF MILLION ACRES NOT IN WILDERNESS TO BE LEASED

The only area subject to leasing by our legislation is the 1.5 million acres of the coastal plain that is not in wilderness. The remaining 17.5 million acres of the refuge would be off-limits to leasing.

IDENTICAL TO S. 1217 INTRODUCED BY SENATOR STEVENS AND ME LAST YEAR

The legislation we are introducing today is identical to S. 1217, the ANWR leasing bill introduced by Senator STEVENS and me last year and the foundation for S. 2214, the ANWR leasing bill reported favorably by the Energy and Natural Resources Committee in the 100th Congress. S. 2214 was developed after nine comprehensive hearings and numerous markup sessions.

The Parliamentarian has advised that a bill similar to S. 2214 would be referred to the Environment and Public Works Committee. Although I have great respect for my colleagues on that committee, I want to take full advantage of the knowledge gained through the Energy Committee hearing process last Congress. I am confident that the Energy Committee, with its collective wisdom and experience on this issue, will favorably report an ANWR leasing bill that encourages environmentally sound development, just as they did last year.

Since S. 1217 was referred to the Committee on Energy and Natural Resources last Congress, the bill we are introducing today will also be referred to the Energy Committee.

ANWR LEASING HAS BEEN DEBATED FOR 15 YEARS

The issue of leasing the coastal plain of ANWR has been debated for more than 15 years. It was a major issue during the years of congressional debate preceding passage of the Alaska National Interest Lands Conservation Act [ANILCA]. Volumes of data on the pros and con of oil and gas leasing were researched, written, presented, and studied during those years. The result? A compromise directing the Department of the Interior to study the issue for another 5 to 10 years.

The Department carried out its mandate for additional study and, 8 years after ANILCA was enacted, recommended to the Congress that oil and gas leasing be authorized on the coastal plain.

TIME IS RIGHT TO AUTHORIZE LEASING

Mr. President, the truth is, we have studied and debated this issue long enough. It is now time to make the decision. It is time to authorize environmentally compatible leasing in the most promising oil and gas prospect in North America.

LEASING OPPONENTS HAVE BEEN WRONG BEFORE

Those opposed to environmentally sound leasing of the coastal plain belong to the same groups that, 15 to 20 years ago, predicted dire environmental consequences if the Trans-Alaska pipeline were constructed. Yet Congress, by 1 vote in the Senate, decided to expeditiously move forward on that project. Today, TAPS carries 2 million barrels of crude oil per day—one-quarter of our domestic production from the North Slope of Alaska to Tidewater where it is loaded on tankers bound for the Continental United States. It has transported nearly 6 billion barrels of crude oil over the last 12 years. And, the predicted dire environmental disasters have not occurred.

One should ask, Mr. President, what our energy security situation would be today, if TAPS had not been constructed?

ENDICOTT SHOWS ABILITY FOR ENVIRONMENTALLY SOUND DEVELOPMENT

In deciding this issue, we do not need to limit ourselves to estimating the probable impacts of oil and gas leasing in ANWR. We have a real life demonstration next door to ANWR at Prudhoe Bay that we can learn from. Last February the Endicott Field at Prudhoe Bay came on line as the ninth largest oil field in the United States. That field produces more than 100,000 barrels of crude oil per day from two islands with a total surface of 55 acres.

FULL DEVELOPMENT OF ANWR NO LARGER THAN DULLES AIRPORT

Mr. President, under current technology, if the entire 1½ million acres of the coastal plain were brought into full production—a highly unlikely event—the total area directly impacted by roads, pipelines, and facilities would be less than 12,500 acres. To put this in perspective, the entire refuge is four-fifths the size of the State of Virginia. The Dulles International Airport complex covers more than 10,000 acres of Virginia countryside. Envision Dulles Airport as the only presence of man in the eastern 80 percent of Virginia and you can begin to appreciate the minimal impact full leasing would have on ANWR.

LEASING ANWR MUST BE PART OF ANY NATIONAL ENERGY POLICY

We are also told that we ought to enact a national energy policy before deciding to lease ANWR. The opponents of leasing in ANWR claim that such a policy would demonstrate that the potential oil and gas reserves of ANWR are not needed; that we can achieve the same amount of energy through other means, such as conservation.

NO ENERGY POLICY CAN IGNORE FUTURE NEED FOR OIL AND GAS RESOURCES

Mr. President, I have in the past and will continue to support the efforts to require and encourage conservation and the use of alternative energies in America. I also, however, support the environmentally sound development of our domestic oil and gas reserves. I am not robbing Peter to pay Paul, I am supporting a balanced energy policy for our country. As unsavory as it may seem to the environmental organizations, we are a nation dependent on petroleum products. We are trying to change that; but until we do, we need oil and we must make realistic choices now to provide it in the future for the sake of our economic well-being and our national security.

OIL IMPORTS NOW EXCEED DOMESTIC PRODUCTION; EXCEED 50 PERCENT OF CONSUMPTION

In December 1988, for the first time in history, the amount of oil we imported exceeded 50 percent of the amount of oil consumed in the United States. If we refuse to provide supplies of oil from domestic sources, we will be

forced to depend upon foreign sources for greater and greater amounts of petroleum—perhaps as much as 60 percent by the mid-1990's.

ANWR MAY OFFSET EXCESSIVE RELIANCE ON IMPORTED OIL

It is inconceivable that we would eliminate the most promising oil and gas prospect in North America as an option before we even know the extent of its reserves.

ANWR DECISION CONCERNS APPROPRIATE USE OF PUBLIC LANDS

The real issue in the ANWR debate is not about energy policy. Any rational energy policy would encourage the sound exploration and production of ANWR. Nor is the issue about impact on the environment. Our experience at Prudhoe Bay, Endicott and TAP's has laid that issue to rest.

Mr. President, the real issue is whether this 1½ million acres of public lands should be opened for true multiple use, including environmentally sensitive development of potential oil and gas resources; or whether we should declare this area wilderness and prohibit any utilization of its hydrocarbon resources.

When you add up the 15 years of study and debate, the experience of Prudhoe Bay, the ever increasing rate of oil imports, and the 10- to 15-year leadtime to bring an arctic oil field into production, you can reach no other conclusion. Now is the time to authorize oil and gas leasing in the coastal plain of ANWR.

PRESIDENT BUSH SUPPORTS ENVIRONMENTALLY SOUND LEASING IN ANWR

President Bush has examined the merits of oil and gas leasing on the coastal plain of ANWR and has concluded that it is in our national interest to proceed with environmentally sensitive exploration and development of this area. I am confident that most of my colleagues will reach the same conclusion as the Senate debates this issue in the 101st Congress.●

THE EXPANDED CHILD CARE OPPORTUNITIES ACT OF 1989

● Mr. D'AMATO. Mr. President, I am pleased to join Senator PACKWOOD, Senator MOYNIHAN, and others in sponsoring the Expanded Child Care Opportunities Act, S. 412.

Many Members of the Senate share a commitment to easing the child care crisis affecting millions of American families. Senator HATCH and Senator DODD have also introduced child care bills—the Family Earned Income Tax Credit Act and the Act for Better Child Care Services. I was pleased to join them in cosponsoring these bills.

With so much dedication and so many creative ideas, I am confident that the Senate will be able to reach a compromise on how to address the child care dilemma.

The Expanded Child Care Opportunities Act offers some excellent ways to assist low- and middle-income families. Increasing the existing child care tax credit would give parents direct financial assistance. This would also allow parents flexibility in selecting care for their children. Increasing social service block grants to the States to improve and expand child care services is also a good approach. This would allow each State to respond to its individual needs.

I support the worthy goal of effective child care legislation. There is perhaps no greater priority than the very important investment we make in the care and education of our children.

I look forward to working with Senators PACKWOOD and MOYNIHAN and others on the Labor and Finance Committees on child care legislation during the 101st Congress.●

THE FAMILY EARNED INCOME TAX CREDIT ACT

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Senator HATCH, Senator DODD, and others in cosponsoring S. 450, the Family Earned Income Tax Credit Act of 1989.

Senators HATCH and DODD established themselves as leaders on the child care issue in the 100th Congress. Both Senators offered an approach to easing the emerging child care crisis facing so many American families. Last year time ran out before the Senate was able to reach a compromise on the issue.

A bipartisan commitment to devising effective child care legislation is evident this year. I have joined Senator HATCH and others in cosponsoring Senator DODD's act for better child care services. During the 101st Congress, I am confident that the Senate will be able to craft a legislative solution to the child care dilemma. We must keep in mind that fewer than 10 percent of families are what was once considered the "typical American family," with the mother staying at home and the father working.

In the Family Earned Income Tax Credit Act, Senator HATCH offers an excellent approach to assisting low and middle income families with child care expenses. I look forward to working with Senator HATCH, Senator DODD, and other members of the Labor and Finance Committees on child care legislation.

The goal of effective child care legislation is a worthy one. Our Nation's children will come of age in the 21st century. Our investment in their care and education is an investment in our Nation's future.●

LEGISLATION TO CHANGE FREDDIE MAC'S BOARD

● Mr. D'AMATO. Mr. President, I rise today in support of legislation which promotes a fundamental value of this Nation—home ownership. As ranking member of the Housing Subcommittee, I am pleased to join the chairman of this subcommittee, Senator CRANSTON, in preserving the integrity and soundness of the Federal Home Loan Mortgage Corporation [Freddie Mac].

In the broad discussion about the FSLIC crisis, a number of proposals are being discussed which alter the Federal Home Loan Bank Board. Although I support the efforts of the Bank Board and the Treasury to resolve this issue, I am also concerned about the impact that they will have on the governing of Freddie Mac.

Currently, the Directors of the Federal Home Loan Bank Board are the Board of Directors of Freddie Mac. If the Bank Board is eliminated or adjusted, the Board of Directors of Freddie Mac may be affected. Because the market has shown that Freddie Mac and Fannie Mae are invaluable tools for providing efficient mortgage financing, I want to be sure that the management of Freddie Mac is not adversely affected in the process of making adjustments for the FSLIC crisis.

The Board of Directors of Freddie Mac must continue to enhance the housing mission that was initially given to Freddie Mac. A Board adversely affecting this purpose may undermine the management and the stock value of the Freddie Mac Corporation. Ultimately, the home buyer will pay if we steer Freddie Mac off course.

As many of my colleagues know, I initiated a move to lift the restrictions on the Freddie Mac preferred stock in June 1988. Since that time, the stock has over tripled in value. The stock has been trading without restrictions since January. The lifting of restrictions accomplished two purposes: It provided a needed boost within the industry, and it broadened the ownership of the Freddie Mac stock. Currently, only 25 percent of the stock is held by savings institutions.

The broader ownership and increasing value of the stock are clear indications that the market believes in the effectiveness of Freddie Mac in providing an efficient source of mortgage financing. In establishing a Board of Directors for Freddie Mac, we must send a signal to the market that builds on this faith and trust.

The legislation that Senator CRANSTON and I are introducing today will enhance the mission of Freddie Mac, building on the healthy competition which exists between Freddie Mac and Fannie Mae. This competition has been a key factor in the development

of an efficient mortgage financing system.

Specifically, our legislation establishes a new Board of Directors for Freddie Mac. This new Board will look identical to that of Fannie Mae. The Board will contain 18 members. Five of these members will be appointed by the President. This structure, first, puts Freddie Mac and Fannie Mae on the exact same par for competing; and second, sends a signal to the market that Freddie Mac's mission will continue to be one of providing sound mortgage financing to home buyers around the Nation.

In the interim, our legislation establishes a transition Board of Directors. This Board consists of the Chairman of the Federal Home Loan Bank Board, the Secretary of Housing and Urban Development, and the President of the Federal Home Loan Mortgage Corporation.

Freddie Mac has proven to be an integral part of a mortgage financing system that ensures that the lowest cost mortgage credit is always accessible to America's home buyers. I am pleased to work with Senator CRANSTON to ensure that this institution continues its mission, enhancing affordable housing opportunities for citizens across the country.●

ONONDAGA LAKE RESTORATION ACT, S. 27

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 27, the Onondaga Lake Restoration Act.

Onondaga Lake is a 4.5-square-mile lake located in Syracuse. It has been claimed that the lake is the most polluted inland body of water in the United States. It got that way after decades of abuse as untreated sewage was discharged on a regular basis into the lake. Pollution in the lake is so bad that fish containing mercury have been declared by the U.S. Food and Drug Administration to be unfit for human consumption.

It is time to restore Onondaga Lake to its former beauty. It is almost hard to believe that at the turn of the century the lake's shoreline was sprinkled with all the traps of a tourist spot: hotels, amusement parks, beaches, and restaurants. While there have been improvements to water quality by upgrading some of the waste treatment facilities and by the closure of the Allied Chemical plant, there is much to be done.

The city of Syracuse is embarking on an ambitious project which will revitalize the waterfront area of the city. A mammoth shopping mall is currently under construction on the banks of the lake.

Federal funding is desperately needed to help in efforts to clean the lake. S. 27 not only authorizes these funds, it also establishes a lake management conference to be comprised of representatives of the U.S. EPA, the Army Corps of Engineers, the State of New York, Onondaga County, the city of Syracuse, a citizen's advisory committee and a technical advisory committee. This lake management committee will be responsible for recommending a course of action to clean the lake and will also identify other sources of funding.

The restoration of Onondaga Lake will surely be a centerpiece in the efforts to rectify the decades of abuse suffered by hundreds of other lakes across the country. Cleaning the environment should be a major priority as we enter the 1990's. I urge my colleagues to act on this legislation.●

THE TRENTON BUSINESS & PROFESSIONAL WOMEN'S CLUB, INC., CELEBRATES 75 YEARS

● Mr. LAUTENBERG. Mr. President, I rise to honor the Trenton Business & Professional Women's Club which is celebrating its 75th anniversary March 10, 1989. Since its founding in 1914, it has strived to promote the rights of women in the workplace and community. It has played an active role diligently working with all levels of government to set goals and make positive changes for women.

The club evolved from the Phyllis Club of the Young Women's Christian Association. It was founded by Emma Dillion and Roselle Bucknum, individuals who wanted to help preserve opportunities that had opened up for women by World War I; 1914 marked its founding and in 1916 its constitution was adopted.

In 1919 representatives of the New Jersey clubs founded the New Jersey State Federation of Business & Professional Women's Clubs. That same year, the Trenton club played an active role in forming the National Federation of Business and Professional Women.

The women's suffrage movement in 1920 emphasized women's awareness of issues and laws affecting them. The Trenton BPW's goal was to raise standards and to be a voice for working women. These goals were carried through with efforts by the State federation and the Trenton club's founder Emma Dillion.

The club has been a leading force in the struggle for equality and instrumental in supporting women's rights. In 1919 it supported the first national survey of working women, in 1920 the 19th amendment for women's suffrage, in 1937 along with the State and national federation the equal rights amendment for the first time, and in 1946 it began a political promotion project to support women in political office.

Since its founding, Trenton BPW has dedicated itself to elevating standards for working women. It has done so by stressing areas where a significant difference could be made; in legislation, education, and personal growth. Trenton BPW continues to actively participate in these areas through career advancement seminars, scholarships, and workshops. I commend Trenton BPW for the significant accomplishments achieved during its rich 75-year history and for continuing to confront the many challenges facing women today.

Several members will be honored the evening of March 10 for 50 years service to this outstanding organization. I applaud Eva R. Blake of Trenton, Lillian Miller of Hamilton Township, Mary G. Roebling of Trenton, and Helen Higgins of Yardley, PA, who will receive a Lifetime Member Award. These individuals have dedicated themselves to the goals of BPW for half a century. They have faced many challenges and have seen many changes.

I extend congratulations to all of you as you celebrate the Trenton Business & Professional Women's Club's diamond anniversary. May your good work continue for many years to come.●

PAN AM 103

● Mr. MOYNIHAN. Mr. President, news that Pan Am flight 103 had crashed in Lockerbie, Scotland, sent a shock wave through the world's public. That so great a disaster could occur, so close to Christmastime, was an idea which was both deeply disturbing and tragic.

For many, Pan Am 103 has become a memory. It is something that happened. We do not know who did it, and we may never know. It is a chapter of history, and history must move on.

But we cannot move on, we cannot fail to address the troubling issues raised by the crash. Who learned that a threat was made against a Pan Am flight originating in Frankfurt? Who evaluated that threat? Who was told? Why were others not told? How was such a powerful bomb smuggled on board an aircraft, and what prevents a similar bomb from being smuggled aboard another aircraft tomorrow?

There are questions on a more human scale as well. How did the Governments of the United States and Great Britain assist family members of the victims following the crash? Why have no personal effects recovered from the crash site been returned to the family members? These are serious questions. These are unanswered questions.

Mr. President, most of us need not live with these questions nagging us day and night. We may go home to our families, grateful that it was not our loved ones who were killed in the

crash. Hundreds of families are not so lucky. As they confront their grief, they compel this body and other organs of the Government to confront the issues raised by the downing of Pan Am 103.

The Committee on Foreign Relations plans hearings on this subject, and I understand that other committees will hold hearings as well. Hard questions will be asked. They will demand answers.

Mr. President, I ask that a statement by family members of the vicitms of Pan Am 103 be placed in the RECORD immediately following my remarks.

The statement follows:

GENERAL STATEMENT ISSUED BY FLIGHT 103 VICTIM FAMILY MEMBERS ATTENDING PRESS CONFERENCE, GRAND HYATT HOTEL, NEW YORK CITY, FEBRUARY 6, 1989

We are relatives of some of those innocent persons murdered in this wanton attack on Pan Am Flight 103, the most massive terrorist attack in history aimed at American civilians. During the past six difficult weeks, not only have we had to accept the senseless death of our loved ones, we were forced to confront the bureaucracy to have the remains of our loved ones returned, we have arranged for funerals, and attended along with over 160,000 others, numerous memorial services in Syracuse, New York City, and Lockerbie, Scotland, and scores of other cities and towns in the United States. We have had the support and sympathy from grieving relatives, friends, members of our communities, and individual airline employees. We have collectively received several hundred thousand cards and letters of condolence. The outpouring of sharing has been a great comfort to us.

However, there has been one quarter from which the response has been utter silence. We have received no condolences from the top officials of Pan Am nor the leaders of our national government. Unlike the British Government leaders, our President, Vice President, Secretary of State, and Secretary of Transportation have not attended any of the memorial services that were held. Not even 2nd level U.S. officials have been present. But most disturbing to us has been the utter silence of our national leaders over the past 6 weeks. Our numerous letters are not answered, we see no sign of action, we are not being informed of any events which would lead to answers to the many questions that remain. The question must be asked: Can it be that the U.S. Government policy is to ignore the Flight 103 bombing by doing little or nothing?

In the immediate aftermath of the Flight 103 bombing we were shocked to learn that the FAA (Federal Aviation Agency) had issued written alerts of a terrorist threat to bomb a Pan Am flight originating in Frankfurt during the pre-Christmas holiday period. These warnings had apparently been sent to U.S. embassies, the airline, British officials, and the U.S. military personnel in Frankfurt, however, the warning alert was not available to passengers or crew of Flight 103. President Reagan when asked about this policy of keeping warnings, even high level alerts secret from the public, asserted that so many threats are received that to make them available to the public could stop all air traffic. The FAA's own reports, however, show a relatively small number of threats to aircraft (400–500 per year out of 6 million flights) and a very small number of high level threats (variously reported at 22 to 24 in all of 1988). The threat to Pan Am flight 103 after December 5th was apparently classified as such a high level threat. While the number of people who knew of the FAA terrorist alert is not known at present, the approximately 168 vacant seats on this usually crowded pre-Christmas flight indicates the distinct possibility that the alert was more widely known than has yet been reported.

Both the State Department, and the Transportation Department promised in late December a "review" of the policy on warnings, but the policy (or lack of policy) apparently remains intact and nothing further has been heard of this "review."

We believe the present defacto policy of issuing warnings of terrorist threats to government agency employees while withholding such alerts from the flying public and the flight crews is both immoral and possibly criminal and it must be roundly condemned. We call on U.S. Transportation Secretary Skinner to disavow this FAA and airline policy forthwith, and to make available upon request to any perspective international air passenger a current summary of FAA alerts or reported threats to aircraft and to require notification of flight crews.

The anger felt by many of us about suppressed warnings has been heightened by revelation that airline security measures cannot generally detect plastic bombs in the checked baggage. While the FAA and the airline have apparently known of this massive security gap since 1986 and the FAA has ordered new equipment to detect such bombs, no interim measures to detect such bombs were undertaken, apparently for reasons of commercial convenience.

Many questions need answers—How could warnings or alerts be suppressed when the FAA and airlines knew that their security measures were ineffective? By what right, and on whose authority, was the information on ineffective security measures and specific terrorist bomb threats kept from the public and flight crews? Why has the FAA and Pan Am still refused to institute effective security measures to detect plastic bombs in luggage compartments? (The FAA regulations issued on December 28, 1988 following the Flight 103 bombing call merely for X-rays of all luggage, which cannot with current equipment detect plastic bombs.)

We would like now to turn to some sensitive matters of direct concern to most relatives: The handling of the remains of unidentified victims and the indefinite delay in return of the personal effects of property. (Personal effects refer to very personal things removed from a body or found in the immediate vicinity of a body.)

A funeral service was held last week in Scotland for a number of victims whose bodies had not been fully recovered or identified. Unfortunately, only short notice or no notice was given to a number of American next of kin.

While family members were originally told in the week after the crash that personal effects would be returned to the next of kin with the bodily remains, and other property would be identified and returned by Pan Am, Scottish authorities subsequently ruled that they would handle these matters. Scottish authorities have stated that personal effects and property of Americans will be turned over to the U.S. State Department rather than released directly to the next of kin. Despite our request, no personal effects or property has been returned to the next of kin on the grounds that these items may be needed in the criminal investigation of future criminal cases. While we appreciate that there may be good cause to hold some luggage found near the bomb blast, we believe the personal effects removed from the identified bodies should be returned to the victim families within the next week. Other victim property which is stored in a large factory warehouse in Lockerbie, should also be identified and returned. To date, despite several requests, no lost luggage forms have been sent to victim family members to accomplish this task. We call on the Scottish authorities, especially Scottish Home Secretary Malcolm Rifkind and the Scottish Lord Advocate, Lord Cameron of Lochbroom, to promptly authorize the release of victim personal effects and expedite the identification and return of other property.

In conclusion, we call on President Bush to act on the ideals he has championed. Please, Mr. President, break your silence and exercise your leadership to redouble the efforts of the Federal Government to identify and apprehend the perpetrators of this, the worst terrorist attack in history of American civilians. Use your power to restore genuine security for Americans travelling on American international air carriers. End the Government's present immoral policy of providing selective warnings and alerts to certain favored persons while keeping the public and airline employees whose lives are at risk in ignorance.

To the Congress which will decide the degree to which it will investigate the Flight 103 bombing over the next several weeks, we urge you to conduct a full and complete investigation.●

SAVINGS AND LOAN CRISIS

● Mr. DASCHLE. Mr. President, one of the most serious problems we face today, aside from the national budget deficit, is the crumbling savings and loan industry. The one aspect of this crisis that concerns me the most is the extensive evidence of fraud and misconduct engaged in by savings and loan executives and insiders. I rise today to urge my colleagues to adopt strict enforcement measures as part of the comprehensive S&L crisis legislation that we will undoubtedly consider in the near future.

According to the General Accounting Office, an investigative arm of Congress, there have been "extensive, repeated, and often blatant violations of law and regulations" among the failed thrifts. In many of them, there have been "astoundingly egregious" conflicts of interest, self-dealing, deceit and bogus accounting. The American people have every right to be incensed when they read about thrift executives and insiders who used skimmed profits to buy jets, vacation homes, race horses, and jewelry, and to give lavish parties.

Estimates vary on the number of thrift failures that have involved fraud. In a recent study, the House Government Operations subcommittee concluded that three-quarters of more than 500 S&L insolvencies appear to be linked to fraud and misconduct.

The U.S. Attorney General gives a more conservative estimate of 25 to 30 percent. Either way, this situation is simply intolerable. The U.S. Attorney General further estimates that losses in savings and loan cases involving fraud and embezzlement amounted to over $2 billion in 1988, alone.

It is an unfortunate fact that many of the illegally obtained funds have been spent in ways that preclude their recovery. That does not mean, however, that we should cease efforts to vigorously prosecute the individuals responsible, if only to deter future acts of fraud and mismanagement. We cannot allow these cases to sit unprosecuted or to settle suits in such a fashion that subsequent criminal prosecution is undermined.

It may be costly to prosecute, but statistics from 1987 and 1988 show that we can, at least, recover approximately $2.40 for every $1 spent in enforcement. The more we recover, the less taxpayers will have to pay to bail out the thrifts that these irresponsible individuals ran into the ground.

I sincerely hope that my colleagues will not lose sight of these very important facts as we consider a comprehensive approach to resolving the thrift crisis in the months ahead.●

ORDERS FOR TOMORROW

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m. on tomorrow, Thursday, March 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that after the time for the two leaders there be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 9:45 A.M. UNTIL 12 NOON

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 9:45 a.m. the Senate stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that at 12 noon there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. I further ask unanimous consent that at 12:30 p.m. the Senate go into executive session to consider the nomination of Senator John Tower to be Secretary of Defense.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

JOINT MEETING OF THE CONGRESS

Mr. MITCHELL. Mr. President, earlier today I indicated that at 10 o'clock a.m. on Thursday, tomorrow, there would be a joint meeting of Congress to commemorate the 200th anniversary of Congress' first meeting. The Senate will recess at 9:45 a.m. in order to accommodate the joint meeting.

Mr. President, do I understand that my colleague from Maine wishes time to speak?

Mr. COHEN. No more than 5 minutes.

Mr. MITCHELL. Perhaps I could yield to the distinguished Republican leader.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, the majority leader indicated what the schedule will be tomorrow. We will begin the Tower nomination at 12:30. I am not certain at this point how long that nomination may take. I assume that we will be in session on Friday and will be on the Tower nomination, if not completed tomorrow.

Mr. MITCHELL. That is my intention.

Mr. DOLE. Do we know how late on Friday? Is there any indication how late we might go?

Mr. MITCHELL. I have made no determination on that yet, and would consult with the Republican leader before making a decision in that regard.

Mr. DOLE. I think in accordance with the prior discussion, in the event that the Derwinski nomination might be available say late tomorrow, it could be taken up; if not, maybe next week. The only other nomination remaining would be the nomination of Mr. Pickering to be Ambassador to the United Nations, and the majority leader has indicated he is prepared to move on that at any time.

Mr. MITCHELL. Yes. As soon as the relevant committees act and the nominations are cleared, we will move to them promptly.

Mr. DOLE. I would just say for the record that we have had a number of discussions this afternoon, the Republican members of the Armed Services Committee and part of the leadership, on the Tower nomination. I have had a number of discussions with the Chief of Staff of the White House. And it will be our intention to have a full discussion of not only the reports filed by both the majority and the minority, but a full debate of the Tower nomination. And I would say, again hopefully, we hope to focus on the merits of John Tower, not the demerits of anyone else.

It is going to be our effort as I have said in the past to try to get this back on a bipartisan track. It is still a nomination of great importance to the President. I met with the President last night. He feels strongly about it. He is willing to do whatever he might be able to do to bring about a successful conclusion—additional meetings with Senators, additional meetings with Senators and John Tower. Whatever the President can do he wishes to do because this is a matter of historic importance to the President.

It is early in his term. It would be the first time in history that a nominee was rejected at this point in a President's first term.

So this is a matter of great concern to the President, to John Tower, to the Republican leadership, and I would say, as I have said every time I have stood on this floor to discuss the Tower nomination, that we hope the door is not closed on the other side. And we are still optimistic that there would be some—if not persuaded now, at least we are going to hold their fire, keep their counsel who remain uncommitted until we have had a chance to get into the discussion of the facts.

I think that is where it is. We are prepared to discuss this at length or until we can persuade enough Senators, and if we cannot, certainly we will let the majority leader know at the earliest time when we may have a vote but it would probably be sometime next week. That would be my guess.

Mr. MITCHELL. I thank the distinguished Republican leader.

Mr. President, I understand that my colleague, the senior Senator from Maine, wishes 5 minutes.

Therefore I would like to ask unanimous consent that the senior Senator from Maine, Mr. COHEN, be permitted to address the Senate for 5 minutes, and immediately upon the conclusion of his remarks that the Senate stand in recess under the previous order until 9:15 a.m. on tomorrow, Thursday, March 2, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under that understanding the Senator from Maine is recognized for 5 minutes.

THE TOWER NOMINATION

Mr. COHEN. Mr. President, I shared in that leadership meeting with the minority leader this afternoon. A lot of questions were raised as to how we proceed from this point, how we bring the measure to the floor, and how we

conduct our deliberations on the floor in the debate.

I can only reassure my colleagues that we intend to have a rather vigorous debate because that is what is required in this Chamber. Something far more than John Tower's nomination is at stake in my judgment—although it is important to me that he be confirmed. What takes place here in this Chamber, what happens to the Senate as an institution, what rules are to be applied, what standards are to be raised, what compliance will be insisted upon, and whether it will be a double standard for us and those in the executive branch are issues that must be addressed. I was asked today whether or not there is a higher duty, a higher standard of behavior for those who serve in the executive branch, particularly the Secretary of Defense, and apparently Senator Tower indicated during his speech at the National Press Club today that he believed there was.

Perhaps so. But there also ought to be some uniformity of conduct. There ought not to be a situation in which we can cast stones through these glass walls of ours at a nominee and say that his conduct is unbecoming, and that he is not worthy of support by either the President or indeed this body.

There will be extensive debate about what the standards ought to be for our own behavior as well as that of the nominees for the executive branch.

I say this by way of reference to a speech that John Tower gave at the National Press Club this afternoon. It is an important speech. It talks about substance. It deals with the most important aspect of his nomination. That is his qualifications, his intellectual capability, his experience, his vast experience in the field of defense and foreign policy issues. These characteristics have been clouded by a host of allegations, rumors, inspired innuendo, false accusations, all of which have been reprinted or televised over the evening news to his great detriment.

This speech attempts to put things back on track; to talk about substance, to talk about the kind of choices that are facing the Defense Department, and the kind of leadership that John Tower would hope to bring to the position of Secretary of Defense.

Mr. President, I ask unanimous consent that it be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. COHEN. I would like to offer a couple of comments about the report that has been filed on behalf of the majority.

In my judgment, it is a very obvious brief for the prosecution as such. It is very precise in the use of language and remarkably vague in factual support of some of the allegations contained in the document.

One of the issues that is most troubling to me is the notion that John Tower somehow must be disqualified from being Secretary of Defense because of the appearance issue. I do not believe there is any room here for a double standard. In this particular case, I think it is very difficult for any Member of the U.S. Senate to disqualify John Tower based upon an appearance of conflict. We have to weigh the appearance against the actuality. If we start disqualifying people based upon appearance of conflict, I would respectfully suggest that we may have to disqualify most of the Members of this body from ever passing upon legislative matters, because we have not only solicited but received contributions from the various sources over which we have legislative jurisdiction and indeed pass, on an annual basis, upon the merits or demerits of their respective claims. I do not believe there is any room in this particular case for having a double standard, and that appears to be the case. We are judging upon appearances of conflict as opposed to the actual facts.

During the course of the next day or several days I believe we will be able to make a very persuasive case that the chance for an appearance of a conflict with John Tower is much less than that of ourselves. There are few checks against our excesses and many against potential ones in the executive branch. I think we will have a great deal to talk about in weighing the evidence.

I also want to say one other thing. All of the members of the Armed Services Committee—and we draw upon our experience—have said publicly that they have never seen John Tower under the influence, drunk, or conducting himself in any way that would bring disrespect to himself or his office. This is our actual experience. Yet, we are now asked to weigh that experience against something contained in the FBI reports. Most of the public does not understand what constitutes an FBI report. They assume it carries some notion of sanctity, of its accuracy, of truthfulness of what is being said in those reports, when, in fact, it is simply a giant vacuum cleaner that sucks in all of the information and statements that people make, whether based in fact or fiction or fantasy, or the product of a bizarre imagination. All of this information goes into the FBI report. It is not digested. It is not scrutinized, and it is not criticized. It simply goes in.

So we weigh our experience against allegations contained in the FBI report, and I think that it raises a serious issue as to how we go about conducting confirmation hearings in the future. If we are going to reject a nominee based upon the FBI files rather than our own experience or that which is taken in open and public session, I think we have to seriously reexamine the process itself.

That bears upon not only John Tower but also the future and integrity of the process before the U.S. Senate.

EXHIBIT No. 1

REMARKS BY JOHN TOWER BEFORE THE NATIONAL PRESS CLUB, MARCH 1, 1989

I would like to speak today about problems of a broad scope and long-term significance; in short I would like to talk about the questions that normally occupy the mind of a nominee for Secretary of Defense.

It is clear that a majority of the American people lack confidence in the way the Pentagon is managing their defense dollars. The President is very concerned about this attitude and has charged me with restoring public and congressional confidence by renovating the Pentagon's massive management structure and conducting a fresh review of our forces.

The primary responsibility of the Secretary of Defense is to ensure that our military forces are prepared and the policies that guide them will ensure the security of the Nation. His advice to the President and his proposals to Congress need not be popular, but they must be right. For in no other agency lies the responsibility for the security of this country and the lives of so many men and women serving voluntarily throughout the world.

The overall military force we have planned for is not the force we can afford. It is imperative that the Secretary of Defense wring out every ounce of efficiency he can find in the Department and insure that fewer dollars are spent wisely. It is really as simple as that.

Significant and painful cuts will be made; cuts that are prudent—yes; cuts that do not endanger our security—certainly; cuts that reflect a thoroughly worked out strategic design—absolutely; but cuts that will create a storm of debate both inside and outside the Pentagon. But then we are prepared to face such storms.

We all understand the current budget crunch. The reductions President Bush and I have agreed upon are both necessary and significant. We have already determined that in order to meet the Gramm-Rudman target, $6.3 billion will be taken from the fiscal year 1990 budget. These cuts come on top of 4 straight years of defense decline, in which our military budget dropped 11 percent in real dollars. We must make certain that in making these cuts, efficiencies are enhanced and our security insured.

We should be proud of the significant and necessary resurgency of our military power under Ronald Reagan. I make no apology for my support of that effort, and I look back with considerable satisfaction to the deep bipartisan support that helped America regain her credibility in the eyes of the world.

But the 1980's are behind us. We do not disparage the real achievements of the Reagan administration when we note that the 1990's offer us some distinctly different challenges and threats—and that our response to new situations will not be to fall back on old ideas.

That is why I have spent much of the past month in the midst of two important initiatives mandated by President Bush. First, a

comprehensive review of America's national defense strategy; and second, the development of a plan for implementing sorely needed reforms of Defense Department Management and Procurement Practices.

Our review of the stragetic options open to President Bush has gone virtually unnoticed in the General Clamor surrounding my nomination. It has been in the works for many weeks, and it is a serious undertaking.

Given the choices and cuts that lie before us, it only makes sense to begin the administration by stepping back from our current situation to see the world as a whole—and by assessing the trends and uncertainties that will affect global politics in the 1990's and beyond. Nothing would be more dangerous than to enter into an exhaustive reworking of our budgets and programs without first attempting to understand the threats and challenges that are likely to shape that future world. Moreover, we cannot risk a dangerous mismatch between resources and strategy. Our review will insure that that does not happen.

In assessing our strategy, we must first look at dominant trends. Some are encouraging:

Our friends and allies have grown in economic strength and self confidence.

The Soviet Union seems to be undergoing unprecedented reform and has told us of a "new thinking" in foreign and military affairs.

In Latin America and Asia, the forces of democracy and the free market appear to be boldly on the march.

But this is not the whole picture. The future of Secretary General Gorbachev's reforms is cloudy—not only because their success is in doubt, but because we cannot be certain what his reforms really mean for Soviet foreign policy until we see more concrete action. Moreover, Libya and other hostile states are procuring ever more lethal weapons that seriously threaten world peace. The sobering truth is that even if the Soviets become less of a threat, the world will remain a dangerous place indeed.

The defense strategy review has several aspects:

The review will analyze how current trends and uncertainties affect the appropriateness and effectiveness of our national defense strategy for the 1990's. It will identify those elements that should continue to guide our strategy and those elements that should be reexamined.

The review will address specific force posture issues in light of the reexamined national defense strategy and current budget constraints. The goal will be a military force that provides the most effective deterrent while offering the greatest competitive leverage for our defense investment.

The review will examine how arms control can be used to enhance our national security objectives. It will examine the basic premises underlying our approach to current and prospective negotiations and insure that they are consistent with our defense strategy and force posture.

The issues that we will confront in this defense strategy review are some of the most difficult in Government. We face critical choices in both strategic and general purpose forces—ICBM modernization; SDI; the manning and composition of our land, air, and naval forces; and the mix of active and reserve components. We must make sound judgments about what national security demands and what budget constraints permit.

We must also take a dispassionate look at our arms control policies. As we all know, arms control is not a disembodied program, but rather one vital element of national security policy. We must be clear on the role arms control should play. Arms control agreements must enhance the security of the United States and her allies. In the Bush administration, arms reductions negotiations will complement our overall strategic design, not the other way around.

Of course, as we review our defense strategy and capabilities, we must remember one critical point. Rebuiliding our military strength over the past 8 years was critical to our foreign policy successes. And maintaining that strength in the 1990's will be no less so. It would be shortsighted indeed to conclude that because we now seem to face a more peaceful world, we can neglect a critical reason for current global stability—America's military power. The world still holds serious threats to the free world. While there are hopeful signs, there is still more promise than performance. The challenge of our strategy review is to assess how, with limited resources, we can preserve our strength, and our alliances, and meet our commitments around the world.

As our defense strategy review will mold the forces of the decade ahead, so too will it frame the most immediate concern of the Secretary of Defense—reforming the way the Department does business.

I have said plainly and repeatedly—before the Republican Platform Committee in July 1988, during my time with the Bush campaign, in my meetings with the President and his key advisors, and most recently in my testimony to the Senate Committee—that the Defense Department must take a cold hard look at its Management and Procurement Practices. This is something to which the President and I assign urgent priority. At the President's direction, we are well into an extensive management review of the Department. Over 2 years ago, the Packard Commission reported on the ways and means to reform our system of buying weapons. The President and I embrace the Commission's recommendations and they will be implemented with the utmost urgency they require.

Over the years literally mountains of paper and seas of ink have been given over to management reform reports. The Bush administration has no intention of adding yet another hollow call for change.

The President wishes us to build on the best from the past, to take account of current realities and to give him by May a course of action for fundamental reform. We will detail specific actions that need to be taken to implement changes in four key areas: people and organization, defense planning, acquisition practices and procedures, and government-industry accountability.

We know that our system for buying weapons is encumbered by too many people and too many layers of bureaucracy. There must be cuts.

We know that running the Department demands a highly skilled and professional military and civilian workforce. Here, there must be improvements.

We know that the system is choked by a thicket of laws and unspeakably ponderous regulations, which cost time and money. Congress and the administration must address the problem.

We know that there are buying practices and procedures—identified by the Packard Commission and a host of other experts—that can give us better weapon systems, in less time and for less money. We must make the bureaucracy dance to a different tune.

Allegations of corruption and abuse are all too common fare. The public's trust in the Pentagon must be restored. It must be made crystal clear that we have zero tolerance of abuses and abusers.

The Department of Defense sometimes moves like an arthritic turtle and can find the most innovative ways to maintain business as usual. That has got to stop. The defense bureaucracy can be reshaped, but only if people can be mobilized into action. Leadership can energize the individual initiative of every man and woman in the Department, and shift the course of events.

In managing the Department, subordinates must have the authority and the backing to do their jobs effectively. They should be held strictly accountable for the results of their decisions. The issue here, of course, is one of competence and integrity. These attributes are not lacking in the Pentagon, and they need only be tapped by an aggressive and hard-nose Secretary.

The same high standard of accountability should extend to the private sector as well. We cannot tolerate people in Government or industry who fail in their responsibilities to the men and women of our Armed Forces. Our military depends on nuts and bolts and sheet metal. We cannot be satisfied with anything but the best. Our attitude must be one of zero tolerance of abuses of the system. The guilty will bear the full brunt of the law.

These efforts cannot take second place in the Secretary's mind. They must sit at the center of his desk, they must be his day-to-day concern. I have no illusions that the way the Department should be handled will make the Secretary a universally loved individual. Popularity, as you may have gathered, has never been my strong suit. That in itself should be a powerful recommendation.

As some of you have suggested in your news reports, I've spent a great deal of time thinking about what I might do as Secretary of Defense. I have shared my philosophy with the President; now let me address this larger audience.

Secretary of Defense is a profound responsibility in terms of the global scope of his concerns. In a narrower sense, however, a Secretary makes decisions that, taken together, determine whether our Nation has the wherewithal to act when we must. Defense decisions can have no criterion save the preparedness of our military forces. There can be no favorite weapons—only effective weapons. Each service must understand that the Secretary of Defense is a person who can—and frequently does—say no. And under current conditions, "no" is a word that must slip easily off the Secretary's tongue. There can be no favored contractor—only effective and honest ones. Defense contractors, by their performance, earn the responsibility—yes, the responsibility—to craft America's weapons.

A Secretary of Defense must select and lead top-notch subordinates to fulfill his mandate. Indicative of the leaders the Bush administration will recruit is candidate for our Deputy Secretary—Donald Atwood. A proven General Motors leader with extensive engineering and managerial experience, Mr. Atwood exemplifies the high standard we will demand in our defense appointees. And let me note that one of the things that recommend Don Atwood is his experience with defense industry. In his position, as in others, ignorance of the defense industry is no virtue.

Ultimately, however, the Secretary of Defense is in charge. He will be the person who

must ensure that the President's vision and sound principles are brought to bear in defense decisions. He must ensure that the hard choices are faced, that the necessary cuts are made, that the necessary reforms are carried out. And he will accept responsibility for the results of his stewardship.

A Secretary, of course, cannot escape controversy. But if he makes sound choices, Congress and the American people will be the first to applaud. When billions had to be backed out of the defense budget, Frank Carlucci decisively cut programs and force structure, and Congress properly praised him for eschewing "business as usual."

A "business as usual" Secretary is not good enough. I want it said: "Tower never flinched." Major and expensive systems will not survive the defense strategy review. I cannot give you a "cut list" of weapons, because such cuts should follow, not precede our strategy review. But in making those cuts, I will not succumb to the temptation of stretch outs and postponing the tough decisions. Nor will I assume that any weapon, or any force structure is, sacrosanct.

With clear policy direction and consistent oversight, the personnel of the Defense Department should be given the chance to do their jobs to the best of their ability. We have over 2 million willing, capable and dedicated people in the Department who, if given the chance, can play a major role in providing for a strong and fiscally sound national defense. I intend to give them that opportunity—and to hold them, as I ask you to hold me, accountable for the results.

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until tomorrow.

Thereupon, the Senate recessed at 5:21 p.m. until tomorrow, Thursday, March 2, 1989, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1989:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LOUIS W. SULLIVAN, OF GEORGIA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF ENERGY

ADM. JAMES D. WATKINS, U.S. NAVY, RETIRED, OF CALIFORNIA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF STATE

ROBERT MICHAEL KIMMITT, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF STATE.

JANET GARDNER MULLINS, OF KENTUCKY, TO BE AN ASSISTANT SECRETARY OF STATE.

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE COUNSELOR OF THE DEPARTMENT OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD W. YATES, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE UNDER PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES G. ANDRUS, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. MALCOLM B. ARMSTRONG, xxx-x... xx... FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN L. BORLING, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. STEPHEN B. CROKER, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. GERALD A. DANIEL, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. LAWRENCE E. DAY, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. THOMAS E. EGGERS, xxx-xx-xxxx, REGULAR AIR FORCE.
BRIG. GEN. HOWELL M. ESTES, III, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. FREDERICK A. FIEDLER, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. RICHARD E. HAWLEY, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN E. JACKSON, JR., xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. ARLEN D. JAMESON, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JEFFREY D. KAHLA, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. DONALD L. KAUFMAN, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. VERNON J. KONDRA, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. PAUL E. LANDERS, JR., xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN D. LOGEMAN, JR., xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. BRUCE J. LOTZBIRE, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. BILLY G. MCCOY, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. BURTON R. MOORE, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN M. NOWAK, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. GARY W. O'SHAUGHNESSY, xxx-xx... xx... FR, REGULAR AIR FORCE.
BRIG. GEN. DAVID C. REED, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. PETER D. ROBINSON, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. RICHARD M. SCHOFIELD, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN D. SLINKARD, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOSEPH K. STAPLETON, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. KENNETH E. STATEN, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. WILLIAM A. STUDER, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. ROBERT F. SWARTS, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. SAM W. WESTBROOK, III, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. FRANK E. WILLIS, xxx-xx-xxxx FR, REGULAR AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DONALD F. FERRELL, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. CECIL W. GREENE, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JOHN M. HAFEN, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JAMES R. MERCER, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. FRED D. WOMACK, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. GORDON M. CAMPBELL, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES W. CHAPMAN, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD L. COLEMAN, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH E. COPENHAVER, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. STEPHEN P. CORTRIGHT, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN F. FLANAGAN, JR., xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RICHARD W. GODFREY, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HUGH S. HARRIS, JR., xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. TALMADGE R. HOWELL, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES A MELVIN, III, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RAYMOND E. MOORMAN, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. SCOTT L. PHILBRICK, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DARREL D. THOMSSEN, xxx-xx-xxxx, AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. RICHARD A. FREYTAG, xxx-xx-xxxx FV, AIR FORCE RESERVE.
BRIG. GEN. ANGELO J. PERCIBALLI, xxx-xx-xxxx FV, AIR FORCE RESERVE.
BRIG. GEN. JOHN D. RIDDLE, xxx-xx-xxxx FV, AIR FORCE RESERVE.
BRIG. GEN. JULIO L. TORRES, xxx-xx-xxxx FV, AIR FORCE RESERVE.
BRIG. GEN. DUANE A. YOUNG, xxx-xx-xxxx FV, AIR FORCE RESERVE.

To be brigadier general

COL. LAWRENCE B. ANDERSON, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. LARRIE C. BATES, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. JOE L. CAMPBELL, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. CHARLES B. CASSON, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. ROBERT T. CETOLA, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. GERALD R. CHANCELLOR, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WAYNE E. DELAWTER, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WILLIAM W. DIDLAKE, JR., xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. GEORGE A. HALL, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. THOMAS L. NEUBERT, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. THOMAS E. PENICK, JR., xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. ROBERT L. TATE, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. VERNON R. TATE, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WILLIAM F. WILLOUGHBY, xxx-xx-xxxx FV, AIR FORCE RESERVE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. WILLIAM L. KIRK, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. MICHAEL J. DUGAN, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JIMMIE V. ADAMS, xxx-xx-xxxx FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOSEPH T. PALASTRA, JR., xxx-xx-xxxx U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR PERMANENT PROMOTION IN THE UNITED STATES ARMY IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES:

IN THE ARMY

To be brigadier general

COL. JOHN EVANS HUTTON, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ANDREW P. CHAMBERS, xxx-xx-xxxx U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN J. YEOSOCK, xxx-xx-xxxx, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

BOBBY G. BUTCHER.
WALTER E. BOOMER.
MATTHEW P. CAULFIELD.
DONALD R. GARDNER.
JOHN I. HOPKINS.
WILLIAM M. KEYS.
JEREMIAH W. PEARSON III.
JOHN A. STUDDS.

THE FOLLOWING-NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

G. RICHARD OMROD.

THE FOLLOWING-NAMED OFFICER FOR ASSIGNMENT AS DEPUTY CHIEF OF STAFF FOR MANPOWER AND RESERVE AFFAIRS, UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN I. HUDSON, xxx-xx-xxxx/9903 USMC.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. RICHARD M. DUNLEAVY, xxx-xx-xxxx/1320, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DIEGO E. HERNANDEZ, xxx-xx-xxxx/1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JERRY O. TUTTLE, xxx-xx-xxxx/1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PAUL D. BUTCHER, xxx-xx-xxxx, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RAYMOND P. ILG, xxx-xx-xxxx/1310, U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

DENTAL CORPS (2200)

MILTON CHIPMAN CLEGG.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

DANIEL B LESTAGE.
DONALD FLOYD HAGEN.

SUPPLY CORPS

BRADY MARSHALL COLE.
FRANCIS LEONARD FILIPIAK.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

DENTAL CORPS OFFICER

WILLIAM BERNARD FINAGIN.

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

RICHARD IRA RIDENOUR.

SUPPLY CORPS

RAY RUPCHAND SAREERAM.
PETER ALBERT BONDI.
WILLIAM RICHARD MORRIS.
JAMES PATRICK DAVIDSON.

CIVIL ENGINEER CORPS

JACK EUGENE BUFFINGTON.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING EUGENE R. ANDREOTTI, AND ENDING ROBERT D. WENDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING NORMANDO R. NEPOMUCENO, AND ENDING JOHN S. WELDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING RONALD J. BERGMAN, AND ENDING TERRY D. MARSHALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING VIRGINIA V. RENOUDET, AND ENDING DONNA C. THERIOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR THOMAS R. BECKMAN, xxx-xx-xxxx, AND ENDING MAJOR SUSAN J. AUGUSTUS, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR SIMEON D. BATEMAN, III, xxx-xx-xxxx, AND ENDING MAJOR NANCY A. SAEGER, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING JOHN S. BAXTER, AND ENDING MELINDA L. WINTERSCHEID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING ROGER M. ASHLEY, AND ENDING RONALD L. MULL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING RAWSON G. ABERNETHY, AND ENDING THOMAS L. ZIEMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING PATRICK K. ADAMS, AND ENDING ROBERT L. WHITAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR TIMOTHY E. BREUHL, xxx-xx-xxxx, AND ENDING MAJOR CAROL M. THOMAS, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MAJOR TRUMAN W. CRAWFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING JOEL M. CHRISTY, AND ENDING DANIEL H. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING ROBERT A. BALLARD, AND ENDING STEPHEN C. ZIDEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING CHARLTON P. ADAMS, AND ENDING DANIEL H. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BENJAMIN T. PO, AND ENDING LARRY S. GARSHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING DANIEL M. DEL SOBRAL, III, AND ENDING MARK M. ADAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING GREGG E. BAUER, AND ENDING THOMAS J. PAPADIMOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING WILLIAM J. PARKER, III, AND ENDING WARD L. WITHERSPOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING JOHN BRECKA, AND ENDING FRANK PEIFFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING RALPH ALBANESE, AND ENDING JONATHAN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING LAWRENCE N. ABRAMS, AND ENDING MICHAEL E. ZWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING CAL D. ASTRIN, AND ENDING RUFUS M. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 2, 1989.

NAVY NOMINATIONS BEGINNING SCOTT GREGORY ABEL, AND ENDING GLEN ALAN ZURLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 2, 1989.

EXTENSIONS OF REMARKS

ECONOMIC IMPACT OF THEATER AND THE ARTS ON BUSINESS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. RICHARDSON. Mr. Speaker, one of my constituents, Arlene Markinson, producer of Santa Fe Spirit Co., gave an outstanding speech entitled "Economic Impact of Theater and the Arts on Business." I commend it to my colleagues. It makes a lot of sense about the theater and the arts and its possible impact on economic development.

ECONOMIC IMPACT OF THEATER AND THE ARTS ON BUSINESS

(By Arlene Markinson)

I've come here today to talk to you about the arts being good business. My husband and I own the Helen Hayes Theatre on Broadway in New York City and also produce shows outside of our theatre. Upon moving to Santa Fe 2½ years ago, I met many talented people. I also have been very attracted to the richness of the history in this area. Last year I had a desire to produce a show that celebrates the human spirit, the beauty, the grandeur of New Mexico focused on Santa Fe. Even though I am a newcomer to New Mexico, my heart and soul is here. Although my theatrical contacts are in New York, I am committed only to employing New Mexicans. I believe there can be a surge of economic development through the arts in the 1990's here in New Mexico. As an entrepreneur I am willing to risk investment, work hard and guide those who are interested in learning about profitable theatre.

I found an artistic director, Irene Oliver-Lewis from Albuquerque and offered her a partnership in "Santa Fe Spirit". We then proceeded to find a writer who could create a musical embracing the ethnic diversity of the tri-cultures emphasizing the ability to co-exist. An important example for the world to see today. We chose E.A. "Tony" Mares, a well-known historian who's respected by all three cultures. From there we combed the theatrical community for the creative staff and auditioned many to find the very best. This musical extravaganza is new for almost everyone involved, and with the appropriate guidance we know they will surpass expectations. We are all in the midst of making history. We are the role-model for the state in private investment and just the beginning of what economic development in the arts can mean to New Mexico in terms of creating new jobs, increasing tax revenues and strengthening the economy of the state. The arts as business are no longer the sole province of big cities.

We will open June 5th and run until September 10th, four performances a week at the James A. Little Theatre. We intend to run the show annually and as the tourist industry continues to grow, we will extend the length of the show to accommodate the demand. With your continued enthusiasm and support, our intention in the fall of 1990 is to take "Santa Fe Spirit" on an international tour.

I would now like to share with you some important facts about the arts. While we are not creating "Santa Fe Spirit" as an economic tool, it does serve as an economy energizer. The benefits of theatre and the other arts in the United States and throughout the world have far exceeded their big box office receipts. The arts is a growing force that not only has the ability to lift the human spirit, but also enough drawing power to create employment, revitalize neighborhoods, boost local economics and motivate corporations to donate large sums in sponsorship money.

The impact is more than just the direct amount we are spending in conjuction with the event such as renting office and performing spaces, production studios, storage areas, training centers, research libraries, audio and video studios, museums, advertising and public relations agencies, printing plants, artist-run spaces, etc. For every dollar spent on the arts, the impact on the economy is roughly three fold. This is called the "multiplier effect".

I would like to step you through a cross section of second-tier cities from Boston in the east to San Diego in the west and other states. Each impact study show time and time again when economic developmental program officials pay attention to the roll of cultural resources in a city, the results are remarkable among all sectors of the community including government and business as well as arts organizations.

In 1980 in Princeton, New Jersey, the McCarter, a local, regional theatre set out to learn how much money it and its theatregoers spend in the community. They found its economic impact on the state exceeded more thatn $10 million a year. A similiar study was made for the Guthrie Theatre in Minneapolis and their's was more than $22 million a year.

In March, 1985 Iowa showed that the arts contributed over $110 million and found that government support for the arts acts as a magnet for additional private contributions.

In May, 1985, Michigan contributed over $195 million in direct and indirect spending into the state's economy annually and returned over $2 million in income, admission and other taxes collected.

San Francisco's Bay area in 1985/86 showed their direct economic impact of the arts to be $150 million annually. They found over 50% of the arts income is earned by arts groups themselves through admission receipts. For 1986 the total economic impact of the arts on San Francisco ranged from $208 to $240 million.

In 1986, Texas found their multiplier to be 3.35 and their total statewide impact was valued at $1.7 billion. The direct impact was worth at least $510 million. Business support of the arts in Texas reached over the billion dollar mark in 1987.

In Boston, the arts industry is the city's largest non-governmental employer. The arts accounted for $500 million of the city's overall economy in 1986. Arts attracted 7.6 million people in Boston to their events that year. It was more than double the attendance that went to professional sports events. And that percentage holds true to other large cities with major sporting events.

In San Diego with its world class threatre company which has produced plays that went to Broadway with acclaim and to the Kennedy Center in Washington, DC, impact of the arts and cultural organizations exceeded $90 million in 1987 and expected to grow to $96 million in 1988. Nearly $45 million in revenues were accumulated in 1987. Attendance at San Diego arts and cultural programs were estimated to be nearly 6 million people.

In New York City, the Broadway theatre district in the 1987/88 season stimulated expenditures totaling $845 million and with its national tours, $2.468 billion annually toward the economy of the United States. I remind you that this does not include any production that are off-Broadway and off-off-Broadway. The Broadway theatre's industry gross income exceeded $253 million and directly contributed to the economy of New York City through expenditures of producers and theatre owners for salaries, rents, advertising, royalties, sets, costumes and direct tax payments. Additionally, theatregoers annually spend $275 million on restaurants, taxis and parking. 15.6% of visitors who come to New York attending theatre and other cultural events extend their stay by an average of 2 days to enjoy further cultural events.

Industries in New York that most benefit from this $845 million activity in order of importance are: real estate, business and professional services, wholesale and retail trade, eating and drinking establishments, hotel and personnel services, utilities, transportation, medical and educational services, finance and insurance.

The arts in New York are a larger industry than advertising or hotel and motel operations, management consulting or computer and data processing services.

New York may be the most dramatic example, but any city of almost any size gains economically with theatres in town. Attendees spend more on hotel accommodations, meals, drinks, other entertainment, transportation, books, gifts, clothing, souvenirs and other purchases, generating a great deal of taxes going to the city and state.

The arts draw large numbers of people from the surrounding areas as well as tourists, whose spending supports local business and land development. An example is Lincoln Center in New York City. It was built in a depressed neighborhood. Fourteen years later, the Center was surrounded by $1 billion in new office buildings, apartments and restaurants. Another example is found in Dallas, Texas where property values surrounding the new arts district has risen 733% following completion of the art museum there.

The arts increase the element of excitement and variety that is the key to city life. Government and the private sector now recognize the role of artists as dynamic city builders. Many companies relocate accord-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing to amenities available in a given community to attract scarce, highly trained workers. Companies and communities must offer an increasingly attractive quality of life that includes the arts.

The arts revitalize urban centers through "artist colonies", concentration of artists living in a given neighborhood, such as SOHO in New York City. The rezoning of SOHO and now NOHO and TRIBECA districts of Manhattan permit artists to live and work in industrial zones. We see these artists colonies here in Santa Fe on Canyon Road and developing in the Sanbusco area, the newly renovated Dorothy Brett and Nicholai Fechine houses in Taos and in the area surrounding the Kimo Theatre in Albuquerque.

Interestingly, performing artists make up only 24% of the arts industry labor force. Other arts-related occupations such as technicians make up 18%, art administrators 8% and support personnel 50%. Surveys show that artists jobs provide "meaningful employment" in that workers receive a high degree of job satisfaction. Artistic workers also exhibit strong career commitment despite it being a low paid occupation. Professional artists are highly educated. They are an important part of the country's highly qualified people and contribute much to our evolvement.

Portland, Louisville, St. Louis, Cleveland, Pittsburgh, Winston Salem and Seattle are among the successful art development centers resulting from the wonderful collaboration with all the sectors of the community whose expectation is to revitalize downtown areas, provide employment and add billions of dollars to the city's tax base.

An example of what a city can do for itself is San Antonio. It has developed what is perhaps the most comprehensive ambitious programs for attracting high-tech investment of any major city in the country. At the core of this strategy are education and the arts. San Antonio: Target 1990. The city's development strategy document contains a number of objectives that would shock the traditional industrial developer:

1. Making San Antonio's Symphony one of the ten best in the country.

2. Enacting long-term plans to make the city museums interpreters of the regions cultural and historical attributes.

3. Establishing San Antonio as the nations leading center for Hispanic music, visual and performing arts.

4. Making the San Antonio Festival, the city's annual 23 day long celebration of itself, an international attraction.

5. Developing a first class ballet company.

Cities such as San Antonio view encouragement of the arts as being as important to economic development as improving access to freeways for manufacturing firms.

The cultural consumer represents the fastest growing, richest market of the post-modern economy. On a national level, in 1983, Canadians spent $6.4 billion out of pocket on arts-related activities including movies and other commercial cultural activities, such as museums, art galleries, live dance, music, theatre, opera and private tuition for painting, music, dance and other classes. Americans spend at least $64 billion a year on arts-related activities. Compared with manufacturing industries, the arts industry in Canada is the largest employer, the 6th largest with respect to salaries and wages and the 9th largest with respect to revenue.

Theatre and the arts is a people magnet, drawing tourist and tourist dollars. A visitor's dollar is worth as much to the local economy as one earned from exporting manufactured goods, and in recent years, tourist dollars have been increasing much more rapidly than manufacturing dollars.

A working coalition between the arts and the travel industry, two of the fastest growing segments of the economy can be mutually reinforcing. One sign of the increasing recognition and the arts institution was a conference held in Toronto in 1980 called, "Arts and Tourism: A Profit Partnership". Over 300 experts from the travel field and the arts investigated developing stronger economic links through coordination of planning and marketing to produce mutual financial gain. It was noted that a city's quality of life as reflected by availability of diverse cultural attractions is an effective tool in promoting the favorable reputation required by a city hoping to attract tourists and/or new businesses as well as conventions, and other meetings which have positive economic side effects.

Building the tourist-arts industry could be the fastest and cheapest way to create jobs, increase tax revenues, and strengthen the economy of the state. I am sure that in the minds of both the tourism and economic development communities is the issue of the seasonal nature of tourism. The arts may be the strongest asset capable of addressing the travel industry's desire to promote year round tourism. To date, most attempts to promote joint arts and tourism efforts have focused on festivals, generally summer festivals. Cities should be encouraged to extend the marketing of their major cultural programs and year round resources as well as their summer attractions. This would convert part-time to year round employment and generating expanded sources of revenues.

Theatre and the arts is multifaceted with lots of benefits. Individuals look to the arts for inspiration, excitement and enjoyment, corporations count on the arts to enrich the quality of life for their employees, and state and local government rely on the arts to bring tourists, conventions, new businesses and residents to the state.

The arts industry is unique—it produces a product which can be exported and yet draws millions of people from all over the world to participate in or partake of these artistic activities. It is also a quality of life and economic development issue, not just a luxury or a recreational issue. Convincing business and government leaders of the importance of the arts and culture is not enough, the public needs to be informed as well. There can be development without destroying the ancient past, our source of pride. With careful planning we do not have to be engulfed by overgrowth. Supporting the arts is not totally just something "nice to do". It is also self-enlightenment and self-interest for all sectors.

I invite you all to see "Santa Fe Spirit". Every New Mexican will be proud of this production and their own "Santa Fe Spirit."

TRIBUTE TO FRANK SOUSA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. BOXER. Mr. Speaker, I rise today in order to acknowledge and pay tribute to an outstanding Californian, Mr. Frank Sousa. Frank has been one of labor's leaders as the directing business representative of District Lodge 190 of the International Association of Machinists and Aerospace Workers, AFL–CIO, and has been a constant source of pride for both his fellow machinists and the community at large.

The machinists will be honoring Frank, as he retired effective February 1, at a testimonial dinner in San Francisco on April 8, but I would like to take this opportunity to honor him here. Frank was initiated into the machinists union on August 26, 1953, and he has served as the directing business representative of District Lodge 190 since 1977.

Frank has compiled an impressive list of positions both inside and outside the union. When he retired from active service he held such positions as machinists delegate to the national AFL–CIO, chairman of the Western States Trucking Committee for the National Auto Transporters, chairman for the Sea Land west coast negotiating committee as well as vice president of the California Labor Federation for the AFL–CIO.

It is not just his accomplishments in the field of labor that make Frank stand out, though. Frank is one of the wonderful people that I have come in contact with in all of my years of public service. He is warm and intelligent and a true inspiration.

Mr. Speaker, I consider it a privilege to be able to speak on behalf of Mr. Sousa, and it fills me with great pride to join his colleagues in the machinists union in honoring this appreciated and respected citizen.

THE GUN LOBBY IS RUNNING OUT OF AMMO

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SMITH of Florida. Mr. Speaker, as a proud supporter of the Brady amendment, the cosponsor of legislation to regulate assault rifles, and the sponsor of a bill to put an end to "Saturday Night Specials," I direct my colleagues' attention to an article from the February 13, 1989, Christian Science Monitor, by Ms. Mary L. Grow.

Her arguments are concise, precise, and irrefutable.

THE GUN LOBBY IS RUNNING OUT OF AMMO

(By Mary L. Grow)

Every time a madman enters a school yard and sprays children with bullets, we see affirmation of the unfettered right to bear arms—the principle for which the National Rifle Association spends millions each year to influence votes in Congress.

In response to those who are appalled at the ease with which even mentally unstable criminals like Patrick Edward Purdy can obtain arms (including military assault weapons), advocates of gun ownership trot out the old saw: "When guns are outlawed, only outlaws will have guns."

Of course, laws will always be violated. But the imperfection of human nature gives society no excuse for failing to create laws that reflect the behaviors we aspire to.

The National Rifle Association (NRA) puts forward three arguments against gun control: The first is constitutional, the second based on the perceived need to defend home and family, and the third political. None holds up to scrutiny.

THE CONSTITUTIONAL ARGUMENT

In a 1939 case involving the use of a sawed-off shotgun, the Supreme Court declared unanimously: "In the absence of any evidence showing that possession or use of [the sawed-off shotgun] has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument." Constitutional scholars point to this as the clearest statement the court has made on the meaning of the Second Amendment.

Former U.S. Supreme Court Justice Lewis F. Powell Jr., a moderate (who also happens to be rifle-owning hunter), gave a speech in August to the Criminal Justice Section of the American Bar Association. "Much scholarly debate," he said, "has centered on the extent to which the Second Amendment applies to private ownership of arms, or is restricted to the need for a 'well regulated militia.' With respect to handguns, however—as opposed to sporting rifles and shotguns—it is not easy to understand why the Second Amendment, or the notion of liberty, would be viewed as creating a right to own and carry a weapon that contributes so directly to the shocking number of murders in our country."

THE SELF-PROTECTION ARGUMENT

The medical community has begun to see Americans' high rate of gun-related deaths as a public health issue. The New England Journal of Medicine last spring published an article comparing how often a gun was used successfully in slaying an intruder with how often a privately owned gun was responsible for suicides, accidents, or murders among family members and acquaintances. The findings: A gun in the home is 43 times more likely to be used to kill or injure the homeowner or a family member than it is to kill an intruder.

THE POLITICAL ARGUMENT

For decades, conventional wisdom has held that it is political suicide for a politician to support gun control. This belief grew out of several well publicized political defeats, engineered and financed by the NRA. Sen. Joseph Tydings of Maryland was a notable example, forever held up, of the inevitable defeat awaiting any politician who took on the NRA.

But, though the myth lives on, it no longer corresponds to reality. The NRA has suffered a number of defeats around the country during the last year or so. Although it spent $6 million to the opposition's $500,000, the NRA lost in its effort to repeal the new Maryland law banning the sale and manufacture of Saturday night specials. In Minnesota, some courageous legislators drew on strong citizen opposition to turn what looked like certain NRA victory on a "right-to-bear-arms" amendment to the state constitution into defeat.

A Minnesota poll of one year ago highlighted the fact that 80 percent of Minnesotans, including 77 percent of gun owners, support stronger gun control. A recent Gallop Poll showed that 91 percent of all Americans favor a seven-day waiting period for handgun purchases, and 84 percent favor federal licensing of gun owners. It would hardly take political courage to support gun control in today's climate.

Politicians often follow public opinion rather than lead it. My seatmate on a recent flight was a young military intelligence officer with a shirt full of ribbons and, above them, a combat infantryman's badge. In the course of a wide-ranging conversation, he told me that he used to belong to the NRA but had quit in disgust over its irresponsible positions on gun control. When will our politicians begin to catch up with such wisdom?

In the wake of yet another schoolyard slaughter, I feel outrage at those who say that their right to shoot at targets is greater than the right of small children to live free from the perils that result from our lack of safeguards over who may own guns and how they may be used. I feel outrage at the politicians who fail to prohibit the sale of assault weapons and at those who voted against the Brady Amendment, which would have mandated a seven-day waiting period before any handgun purchase. And I feel outrage at the NRA for equating God, the Constitution, apple pie, and freedom with the unregulated ownership of firearms.

I believe that every politician whose vote has been influenced by fear of the NRA or indebtedness to huge NRA campaign contributions must take some responsibility for the tragedy in Stockton, Calif.

THE NORTHEAST-MIDWEST CONGRESSIONAL COALITION TAKES AIM ON ENERGY AND NATURAL RESOURCES

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Ms. SCHNEIDER. Mr. Speaker, the 101st Congress faces an array of critical challenges that profoundly impact the economy and quality of life throughout Northeastern and Midwestern States. The Northeast-Midwest Coalition has outlined its regional policy agenda for the 101st Congress in our biweekly newsletter, the Northeast-Midwest Economic Review. As a member of the coalition's executive committee I would like to share the following excerpt from the Economic Review with my colleagues and I encourage coalition members to become involved in advancing the regional agenda.

[From the Northeast-Midwest Economic Review, Vol. 2, No. 1]

ENERGY AND NATURAL RESOURCES

HAZARDOUS WASTE REDUCTION

With two-thirds of the nation's Superfund sites, the Northeast-Midwest region has reason to be concerned about the proliferation of hazardous wastes that create environmental risks and economic costs. A 1985 National Academy of Sciences' report found that toxic contamination of the Great Lakes exposed inhabitants of the Midwest to serious health risk, and pointed out that such pollution was derived from numerous sources, including air emissions, wastewater discharges, leaking landfills, and nonpoint runoff.

Proper management of hazardous materials must be undertaken on a multi-media basis, and industrialists and environmentalists are beginning to realize that wastes should be reduced at their source, curtailing the pollutants before they become a problem. Case studies show that multi-media waste reduction programs have saved industries money in processing, raw materials, and waste-handling costs.

In 1987, Reps. Howard Wolpe (D-Mich). Claudine Schneider (R-RI), Dennis Eckart (D-Ohio), Sherwood Boehlert (R-NY) and Sen. Frank Lautenberg (D-NJ) introduced the Hazardous Waste Reduction Act (H.R. 2800 and S. 1439), based on work by the Northeast-Midwest organizations. The bills would promote voluntary multi-media waste reduction, establish a high-level office at EPA, and create a clearinghouse for information on innovative waste reduction programs that would be accessible to industries and others seeking assistance. They also would establish a program of grants to states that provide technical assistance to small businesses seeking help in reducing their waste management costs. Although slightly different versions of this legislation passed the House and the Senate at the close of the 100th Congress, the two measures could not be reconciled prior to adjournment. Throughout 1989, the Northeast-Midwest organizations will continue to aggressively promote hazardous waste reduction.

SOLID WASTE

Garbage and ash barges—some roaming across the oceans for more than two years in search of a dumping site—vividly display the inability of local officals to manage the waste generated within their borders. Landfills, particularly in the Northeast, are running out of room. In five years, 27 states will deplete their landfill capacity.

As with the hazardous waste problem, garbage can best be managed by reducing its production. Several state and local governments have recently taken actions to support source reduction and recycling, but Washington must play an expanded role in establishing minimum standards, promoting market incentives, and fostering research and technology transfer.

The 101st Congress will consider solid waste management as it reauthorizes the Resource Conservation and Recovery Act (RCRA). The Coalitions plan to play an active role in the legislative debate. The Institute, meantime, will develop several papers that review the problem and policy options.

GREAT LAKES

The Great Lakes, the world's largest supply of surface freshwater, binds much of the Northeast-Midwest region. The history of the Great Lakes states is one of struggle to balance the needs of a dymanic, highly industrializedd society with those of its natural environment. Toxic pollution today threatens to tip that balance. Activities to preserve this natural resource have evolved from relatively simple early programs to upgrade sewage treatment plants, to more complex efforts to contain the enormous flow of toxic contaminants entering the watershed every day.

The Coalitions' Great Lakes Water Resources Task Forces—co-chaired by Representatives James Oberstar (D-MN), Carl Pursell (R-MI), Henry Nowak (D-NY), and Fred Upton (R-MI) in the House and Senators John Glenn (D-OH) and David Durenberger (R-MN) in the Senate—will continue to support the full authorized funding for the Great Lakes programs. In 1988, Members worked to include provisions within the Clean Water Act amendments to expand the Great Lakes National Program Office's

responsibilities; they also increased its budget by $11 million.

The Institute will pay particular attention to the cleanup of the 42 "areas of concern" around the Great Lakes where contamination is so bad that use of the area has been curtailed. A report on funding options for the cleanup will be distributed in early 1989. To coincide with activities by other Great Lakes groups, the Task Forces will organize a hearing on regional issues in March. The groups also hope to organize two tours—one for U.S. Representatives and Canadian Parlimentarians and one for members of the media—to examine first-hand air toxics, contaminated sediments, and other environmental problems throughout the lakes.

GROUNDWATER

Leaking underground storage tanks are serious threats to the region's groundwater. In response, the Institute has published several papers drawing attention to the issue, and the Coalition helped establish a Trust Fund that should provide approximately $500 million over a four-year period to assist states in clean-up operations.

The Institute has issued a paper on how land-use controls can be designed to protect groundwater, as well as Groundwater Protection: Obstacles and Legislative Solutions, a report on policy options to preserve the region's precious groundwater resource. In 1989, the groups hope to promote full funding for Trust Fund activities and to survey state uses of those funds.

WATER SUBSIDIES

One of the most egregious regional budget inequities is the Bureau of Reclamation's (BuRec) generous subsidies for irrigation and industrial and urban water supply projects throughout the 17 western states. The fiscal 1986 irrigation subsidy totaled $534 million, and analysts estimate total support throughout the century has surpassed $20 billion. Ironically, 38 percent of the acreage irrigated by BuRec is used to produce surplus crop that receive additional USDA price and income supports totaling some $730 million annually.

Rep. Sam Gejdenson (D-CT) has introduced legislation to require farmers using Reclamation water for the production of surplus crops to pay the full cost of that water. Sen. John Heinz (R-PA) will introduce a companion measure in the 101st Congress.

LOW-INCOME ENERGY ASSISTANCE

Because the nation's poor should not face the choice between food and fuel, Congress approved the Low-Income Home Energy Assistance Program (LIHEAP) to provide vital federal assistance to poor families facing high household energy costs. Unfortunately, that program has been severely cut, causing real pain for poor people in the colder northern states.

The average U.S. household spent about 4 to 5 percent of its income on energy in 1986, but poor families must pay a hefty 14 to 15 percent of their income. In 1980, the LIHEAP program paid about 40 percent of low-income families' home energy costs. By 1987, that support had declined to 19.5 percent.

In February 1988, Representative Wolpe (D-MI) and Senator Heinz (R-PA) released an Institute report, Narrowing the Gap: The Energy Needs of the Poor and Federal Funding, which graphically demonstrates the growing gas between energy cost and the poor's ability to pay. Previously, Representatives Jim Jeffords (R-VT) and Charles Hayes (D-IL) released other Institute papers and testified for the Coalition before the Appropriations Committee.

As budget battles become more fierce, the Northeast-Midwest Coalitions will seek broader support for higher LIHEAP funding levels.

ENERGY EFFICIENCY

The Northeast-Midwest region—which pays the nation's highest energy prices and produces less than one-third of the energy it consumes—has a particular concern for energy programs that increase efficiency, promote local renewable resources, and make clean coal use a viable alternative to gas and oil use.

The region has become more efficient since the 1973 oil embargo, using little more energy today than we did 15 years ago but producing almost 40 percent more goods and services. Despite this progress, the United States still uses twice as much energy per unit of industrial output as its competitors in Japan and West Germany. The new administration and Congress can improve U.S. economic viability by creating partnerships with industries and universities to advance research and development of energy efficient technologies.

In November 1988, the Institute sponsored a conference in Boston to identify policy initiatives that advance energy efficiency. Throughout the next two years, it will distribute issue papers and organize Hill briefings that focus on specific measures. The Coalitions, meanwhile, will advocate cost-effective research as well as low-cost conservation incentives.

PATIENT IDENTIFYING INFORMATION CONFIDENTIALITY ACT OF 1989

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LIGHTFOOT. Mr. Speaker, today I introduce legislation, the Patient Identifying Information Confidentiality Act of 1989, which seeks to protect the privacy of individuals who participate in research or treatment programs conducted, supported, or regulated by the Public Health Service [PHS]. This legislation would require the Secretary of the Department of Health and Human Services [HHS] to delete patient identifying information, such as name, Social Security number, and address, from any medical or treatment record acquired or created by the PHS before disclosing that record to Congress. The Secretary would be required to establish by rule a system to identify records without using patient identifying information for the purposes of cross-referencing the records.

This legislation is necessary because currently the Secretary of HHS lacks the authority to restrict congressional access to patient identifying information, even if the patient explicitly requests anonymity. If Congress requests to review complete PHS records, such as adverse drug reaction reports from the Food and Drug Administration or clinical trial records from the National Institutes of Health, and those records contain individual names, addresses, telephone numbers and other identifiable information, then HHS must submit those records to Congress without being able to remove a person's identity from the records.

Enabling the HHS Secretary to delete patient identifying information from treatment and medical records acquired, created, or maintained by the Public Health Service is important for many reasons. For example, it retains the traditional provider/patient relationship of strict confidentiality of a person's participation in a health survey, in a clinical trial, or in a data gathering activity, such as a drug report. Health care providers, public health officials, and researchers could assure patients that their identities would be safeguarded and would remain confidential. Without having this guarantee of strict confidentiality, many individuals would be reluctant to participate in these activities, such as drug trials, if there was a chance that their identities could be revealed.

Furthermore, permitting congressional access to this information is an intrusion into an individual's personal privacy. It denies that person the fundamental right guaranteed by the U.S. Constitution of a right to privacy. Many individuals consider their participation in medical surveys, studies, and trials as sensitive information that they would not like revealed to others, especially to Congress.

The intent of this legislation is not to restrict Congress' legitimate oversight responsibilities over public health programs. Congress has a constitutional right to review the programs and activities of the Public Health Service and to request access to PHS documents and records. This legislation recognizes this right and establishes a mechanism to permit congressional access to treatment and research records containing patient identifying information, while at the same time protecting the confidentiality of individuals whose identities are revealed in the records.

This legislation is similar to a bill I introduced during the 100th Congress, H.R. 5293, which received the strong support of the Department of Health and Human Services and the American Medical Records Association. I plan to seek additional support for this bill during the coming weeks, and hope that my colleagues will join me in this effort.

INCONSISTENCY IN ESTATE TAX LAW

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SCHULZE. Mr. Speaker, I am pleased today to introduce legislation with my colleagues Congresswoman BOGGS, and Congressmen MURTHA and ANTHONY, to correct an inconsistency in estate tax law. A basic policy since the estate tax was first enacted has been to allow an executor of a decedent who possessed a vested remainder or reversion interest—usually in trust, but also in a life estate—to defer paying the tax on his decedent's possession of the underlying property after all invening income interests have ended. The potential hardship we address, is that the remainder interest gives rise to estate tax on the death of the remainderman before

all intervening income interests have ended, but the remainderman's executor is not in possession of assets that can be converted into cash to pay the tax.

In a typical case, a decedent was the vested remainderman of a trust and not entitled to the enjoyment of the trust corpus until the income beneficiary dies. When the income beneficiary later dies, the executor finally has a right to the funds and to use them to pay the remainderman's estate tax plus interest. This longstanding provision—section 6163 of the code—is absolutely essential so that the remainderman's executor is able to meet obligations to the remainderman's beneficiaries while only paying the tax on the remainder interest at the later time when the remainder assets become available.

This provision fails to generate much interest because vested remainders and reversions are relatively rare outside of Louisiana. In most jurisdictions, remainders are usually made conditional on the remainderman surviving the life beneficiary so there is no taxable event when a contingent remainderman predeceases the income beneficiary. The major exception is Louisiana which does not recognize contingent remainders. But this does not excuse failure by Congress to correct an error that arises all the time in Louisiana, and some of the time in other States.

When the remainderman's estate contains assets other than the remainder interest, there often is an urgent need to use these to support his surviving family members. However, the executor is taking a risk when he applies assets to the needs of the remainderman's beneficiaries and defers the tax on the remainder interest. Under stable conditions a deferral would be prudent because the tax is computed on the current value of the remainder, reflecting the deferral for the life expectancy of the income beneficiary. Since the current interest rate is determined very similarly to the way the discount rate is determined, the total tax and interest will proximate the burden if there were no deferral. Assuming a 50-percent estate tax rate, the remainderman's executor would anticipate receiving assets double the tax plus interest burden.

However, in 1975 Congress changed the rule so that the interest burden became completely unpredictable. The interest now changes quarterly with current conditions. This has meant that when a valuation was made on, for example, the 4-percent discount rate that was used for over 30 years, the interest rate might be at the current 10-percent rate or higher. In current terms, the present discount rate is 10 percent but current interest rates might be replaced by an interest rate greatly in excess of 10 percent. The result is that the tax plus interest can greatly exceed the value of the property when it finally comes into possession.

This chance that an election could have extremely adverse results has caused executors to be reluctant to take advantage of the provision whenever there are enough assets in the remainderman's estate to allow them this freedom; fiduciaries are expected not to assume avoidable risks. The result has been that unjustified hardships are imposed on the beneficiaries—the family of the decedent remainderman—because of the risk of a long-term deferral is not acceptable.

The use of the fluctuating interest rate in the case of the typical problem posed by lack of liquidity in other types of estates is very different. In those circumstances, the executor should have an incentive to use due diligence in liquidating the estate assets and in effect, the estate has a series of short-term loans. However, if the decedent has a vested remainder or a reversion, there frequently isn't any option to waiting until the period expires or the income beneficiary dies, and once the assets other than the remainder are distributed, the executor can only wait. There is in effect a loan for the total term of deferral during the period that elapses before termination of the intervening income interests.

The result is that executors who must make the election to defer because the vested remainder interest is the major part of the estate are assuming risks that are both unreasonable and unavoidable. In addition, even an executor who has possession of other assets has a difficult balance between the rights of the decedent's beneficiaries and the risk entailed in the variable interest rates, being asked to accept an unreasonable risk if he relies—or is forced by circumstances to rely—on the latter.

Our legislation will restore the historic relationship between the discount rate and the interest rate. When the discount rate is low, the tax is high but interest rates are low. When the discount rate is high the tax is low but the interest rate should be high.

The bill also closes a loophole in present law when the interest rate subsequently falls so that an executor with adequate other assets turns out to have unfairly reduced the tax burden by making the deferral election. If interest rates go down, deferral is continued and the estate has a lower total burden than if the tax had not been deferred. On the other hand, if interest rates go up, the disaster that is a potential for other executors is avoided by then paying the tax and accrued interest. In effect the executor has a no-lose option.

The bill applies to interest that is deferred on taxes on a vested remainder interest under section 6163(a) on the date it is introduced. Some severe hardships have resulted from taxes based on the 4-percent discount rate in effect before 1976 and interest rates that have risen as high as 20 percent. The bill does not change the existing rule for hardship deferrals.

This effort to make the tax law more equitable is essential for Louisiana trusts or usufructs, and also is consistent with our continuing efforts for the country as a whole to provide needed revenues without arbitrary and capricious rules.

CENTRAL AMERICA: GUARANTEEING A SOVIET BEACHHEAD

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. HYDE. Mr. Speaker, among the myriad reasons that the Reagan policy in Central America fell on such hard times is that the administration failed to sustain an effective public diplomacy program to tell the American people what it was attempting to accomplish. At one time there was an Office of Public Diplomacy in the State Department that had the mission of telling the administration's story. It sent speakers throughout the country to explain and debate the issue, wrote and distributed publications, and galvanized the entire Government to educate the public about a complex issue. It pushed the bureaucracy to have more intelligence released so that the American people could learn how our security was indeed being threatened by the Soviet advances in the region through Moscow's long-time surrogate, Cuba, and its new-found clients, the Sandinistas in Nicaragua.

One of the most effective members of the Public Diplomacy Office was Col. Larry Tracy, a U.S. Army officer loaned to the State Department because of his indepth knowledge of Latin America and exceptional communication skills. His mission was to speak and write on Central America as a means of providing the public the facts about the region, and what the administration was doing there. He authored the administration's two most respected publications on the region, "The Soviet-Cuban Connection in Central America and the Caribbean" and "The Challenge to Democracy in Central America." He also gave some 400 speeches and debates throughout the country. He retired from the Army in 1986, but continues to speak and write on the issue as the senior policy consultant for Americans for Democracy in Latin America [ADLA], a nonprofit educational project based in Portland, OR.

Earlier this month, Colonel Tracy's article "Central America: Guaranteeing a Soviet Beachhead" appeared in The American Legion magazine whose 2.8 million readers have an avid interest in matters impacting on the security of the United States. I believe this article contains such sage advice on what the Bush administration and the Congress should do to avoid the dilemma of either a Communist Central America or sending young Americans to fight and die there that I am submitting the article for inclusion in the CONGRESSIONAL RECORD:

[From the American Legion Magazine, January 1989]

GUARANTEEING A SOVIET BEACHHEAD

(By Col. Lawrence L. Tracy)

The 41st U.S. President inherits an expanding economy, improved relations with the Soviet Union, and a world in which "peace is breaking out all over." But storm clouds are gathering over the administration as it begins.

The darkest cloud looms over Central America, which may soon, in the words of Zbigniew Brzezinski, former presidential security adviser, become the nation's "most preoccupying challenge . . . the most urgent foreign priority."

Even when Ronald Reagan took office in 1981, the region gave cause for alarm. Two years earlier, the Soviet Union and Cuba had gained new clients in Nicaragua and Grenada, and military aid to keep the new regimes in power was pouring in from the communist-bloc. In El Salvador, guerrillas were trying to blast their way into power with U.S. weapons captured in Vietnam and

sent covertly to El Salvador from Hanoi, via Cuba and Nicaragua.

The new administration was eager to respond to the Soviet challenge. The Central America-Caribbean area was perceived as the perfect place to disprove the Brezhnev Doctrine that communism was "irreversible." The strategic importance of the region derives from its geographic location and the fact that half the imported petroleum and U.S. commerce, and more than half of NATO resupplies, pass through the waters of the Caribbean and the Gulf of Mexico.

U.S. prestige had suffered in Vietnam; the administration believed it could be restored by stemming communist expansion in Central America with a blend of political, economic and military aid to encourage the formation of a democratic center, giving the people an alternative to right- and left-wing extremists. The objective was to prevent another Cuba and avoid another Vietnam.

The result of this policy was the emergence of elected governments in the region, a decline in support for communist guerrillas, and a U.S. rescue operation in Grenada, which was overwhelmingly supported by the people of that island. In Nicaragua, the revolution showed signs of wilting, as an insurgent movement emerged—dubbed the "Contras" by the beleaguered Sandinistas—and received arms and training from the U.S. government. The Reagan Doctrine appeared to be on track, despite the fact that Moscow was giving Cuba and Nicaragua eight times more economic and military aid than the United States was giving the entire region.

Now, as a new administration takes over, the democratic movement in Central America is in trouble. The Contras have been defeated, not by the Sandinistas, but by the U.S. Congress. In El Salvador, showcase of the democratic experiment, the reformist Duarte government is faltering, and key members in Congress are threatening a military aid cutoff if the conservative ARENA Party wins the presidency in March. Time now appears to be on the side of the communist guerrillas who once were teetering on the brink of defeat.

The future of democracy in Central America, so promising a short time ago, is in jeopardy because of the lack of U.S. resolve, misguided congressional policies, and the failure of the past administration to enunciate its policy well enough to gain the understanding and support of the American people.

The President of the United States has the responsibility to use his office to educate the public to the national security threats he perceives and the necessary action he must take. If Congress opposes him, he must force a national debate on the issue to allow the people to decide. Despite his unequaled skill as a communicator, the President failed to convince the American people of the danger mushrooming in Central America, and was thus unable to force accountability on Congress, especially the House of Representatives.

If the new administration is to avoid a catastrophe in the region, it must do what the previous administration could not: forge a bipartisan consensus on Central America. It will not be easy. The confrontations on the issue with Congress have left a lot of blood on the floor, and the bitter 1988 presidential campaign may exacerbate partisan hostility. Moreover, the new administration's decision not to make Central America a key issue of the election campaign seems to dispute any argument that its overwhelming victory at the polls signals a mandate for intensifying the Reagan policy.

To turn things around, this administration must follow a two-track, persuasion-and-pressure policy aimed at developing a positive relationship with Congress and respecting its foreign policy prerogatives, while protecting the constitutional power of the presidency. Simultaneously, it must build grass-roots support in all 50 states as a means to pressure Congress into responding to the crisis facing the country.

The persuasion track requires cooperation and communication with Congress, ending the adversarial attitude that prevailed on Central America during the Reagan years. Excluding Congress from consultation, or intentionally misleading it, is not only legally questionable, it is dumb politics. Our new President must make it clear he wants to work with Congress on Central America, but be ready to demand a public debate if agreement is not reached, forcing an "up-or-down" vote on the issue to achieve accountability.

Bipartisan consensus already has been achieved on U.S.-Soviet relations; it can be reached on Central America if, in the words of the late Sen. Arthur Vandenberg, partisan differences "stop at the water's edge." Few members of Congress now hold any sympathy for the Sandinistas. What support Managua had enjoyed has been squandered by its blatant abuse of human rights, close ties to Moscow, and unprovoked military aggression against its neighbors, a fact attested to by some of the most outspoken congressional foes of the past administration's policy.

However, Congress has tried to have it both ways. Many Democrats, and some Republicans, have rattled the sabers of U.S. military power to demonstrate their anti-communist position, but then cast votes to end Contra aid and limit assistance to the democracies in the region. Future historians may view such hypocrisy as guaranteeing the Soviet beachhead these same congressmen have said is unacceptable.

Congressional opponents of Contra aid have taken political cover behind the Arias Peace Plan. To support it, Congress ended all military aid to the Contras in February 1988. The Soviets showed no such restraint rushing in almost $500 million in military aid since the pact was signed in August 1987—more than twice the total amount the United States has provided the Contras in seven years.

President Oscar Arias knows he is not "taking a chance for peace," by requesting Washington to disarm the Contras. Arias has stated he expects the United States to protect Costa Rica if it is threatened by the Sandinistas.

Ambivalence over Central America makes Congress vulnerable to an administration pressure campaign designed to inform the American people about the administration's policy in Central America and the need for congressional support.

The policy itself should have as its long-term goal economic growth and the creation of jobs by developing free-market economies that contribute to democracy and deprive communism of the grievances upon which it feeds. But this pressure track must also emphasize that the current security crisis, if not resolved, could result in sending America's sons to Central America later because Congress would not send guns now.

Abraham Lincoln said. "Give the people the facts, and the Republic will be safe." The new administration and Congress must work *together* and give Americans the facts on Central America, and then listen to the people's voice.

H.R. 135, CONCERNING PRODUCT LIABILITY RECORD RETENTION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. COLLINS. Mr. Speaker, many companies are regularly feeding documents into shredders today in the name of "document reduction" programs. In reality, they are eliminating documents which could be crucial to the merits of a plaintiff's product liability claim! Such business practices must universally be condemned as intolerable.

This issue arises in a variety of contexts in product liability suits. The documents obtained during the discovery process help the plaintiff's lawyer to verity the statements of witnesses, refresh the memory of those who have forgotten key details of design and safety, and fill in the gaps from witnesses who have died, disappeared or are beyond the court's jurisdiction. Where a particularly long statute of limitations or repose is involved, the manufacturer's documents are especially important due to the difficulty in remembering details from so many years before. Most significantly, on matters where the plaintiff carries the burden of proof, they must have fair access to the evidence necessary to present their case.

The importance of providing plaintiffs with access to a manufacturer-defendant's documents is illustrated in a recent book describing the Dalkon Shield tragedy. As the author describes:

Thousands of documents sought by lawyers for victims . . . sank from sight in suspicious circumstances. A few were hidden for a decade in a home basement in Tulsa, Oklahoma. Other records were destroyed in a city dump in Columbus, Indiana, and some allegedly in an A.H. Robins furnace.

This is not an isolated case. After an American Airlines DC–10 crashed in Chicago in 1979, one of the most serious aircraft crashes in history, the airline's lawyer instructed the author of an in-house report on the accident to destroy all notes, memoranda, and other data. Many believe that this material could have established the fact that the airline knew of a crack in the engine bulkhead before the accident occured.

To prohibit these practices, in January, I introduced H.R. 135, which would require manufacturers to retain for 25 years their documents and other data which directly relate to the elements of a product liability action. Materials concerning design specifications, warranties, warnings, and general product safety would thus be retained and available for use at trial.

Strong civil penalties would be imposed by this bill in instances where evidence has been destroyed or concealed. If a court found that a litigant wilfully destroyed or altered any key evidence, it could conclude that the facts at issue did, in fact, exist as contended by the innocent party. Monetary penalties would also be assessed, as they are a tried and true method for encouraging compliance with the law. A rebuttable presumption would apply

where the documents were negligently removed or where the documents were nonwilfully eliminated in some other way.

H.R. 135 is needed for a number of reasons. Its utility focuses primarily on the availability of evidence necessary for making a product liability claim, as discussed earlier. Additionally, record retention will facilitate and expedite justice. The benefits here include saving time which decreases the backlog in the courts; saving unnecessary attorney's fees, which would otherwise limit claimants to those who could afford to bring a suit; fairer and more consistent verdicts, due to cases being decided from the original sources of evidence; and enhanced prospects for out-of-court settlements, which, once again, would decrease judicial backlogs. At the very least, it would encourage manufacturers to rethink the wisdom of destroying, altering or hiding vital documents. Under the best of circumstances, it may get companies to act responsibly and take safety precautions or correct defective products where records warn of such hazards. After all, greater product safety remains the bottom line.

In spite of these laudatory benefits, some will object to this proposal. They will argue that it imposes burdensome recordkeeping requirements on companies. My bill only requires companies to keep papers which, gain, directly relate to the elements of a product liability claim as defined by this bill—nothing more.

Others will argue that it is punitive to allow an adverse inference to be drawn against a party failing to produce a document, especially those who don't intentionally destroy papers with a malicious intent. However, ever since the 17th century in England, and continuing throughout our history, it has been a well-established premise of law to do so. Even still, my bill would merely give the court discretion to apply a rebuttable presumption, as opposed to requiring that anything be conclusively established. Thus, my bill treats these circumstances with moderation.

As for those who negligently mishandle documents, we need a procedure that will discourage the systematic destruction of vital records, no matter what the intent. According to an American Bar Association survey taken several years ago, more than 50 percent of those polled said that they often or always encounter programs reducing documents which relate to product liability issues.

Furthermore, "accidental" destruction of documents is often illusory. For example, a defendant may claim that a clerk changed offices and disposed of some loose papers which turned out to be documents related to product design. Those documents have been "willfully," yet not "maliciously," destroyed. But the entire premise of such an allegation is falacious. Critical documents concerning design, performance, and safety are not kept randomly in the desks of lower echelon clerks. They are treated with the importance that they do carry and are retained in vaults, computers, or other safeguarding devices. And even if they were, in fact, kept in the clerk's desk, it is possible that such an unorthodox practice had "losing" the document as a prime motivation. This example illustrates the need to address the never-ending permutations of creative and seemingly innocent methods of document elimination.

Opponents will also contend that this will duplicate existing laws on record retention. Many laws do exist to help Government officials enforce compliance with regulations or help develop information for potential rulemaking. But they do not apply to the same types of records that this bill would apply to. Although there would be occasional overlap, the existing record retention laws generally apply to records which pertain to regulatory concerns. My bill would apply to documents pertaining to product liability concerns. Other laws relate to specific products as opposed to all those capable of causing injury. Finally, there is no consistency among record retention laws in the method of enforcement, penalties for noncompliance, the types of documents that must be stored and the length of time they must be kept. Most importantly, they don't provide a private right of enforcement.

In addition, court-imposed penalties apply where documents are destroyed in anticipation of litigation. This amendment would also apply where documents are routinely destroyed as business practice. Thus, existing law needs to be supplemented.

Mr. Speaker, if anyone doubts the importance of record retention, they should consider two situations. First, what recourse would asbestos victims have had if someone did not locate the Johns Manville memo showing that the company knew of the health hazards of its product as early as 1930? And second, what compensation would have been awarded to the Grimshaw family if the cost-benefit analysis done by Ford in its Pinto accident cases had not "come to light"? The answer in both instances is little, if anything, and the victims would have been unjustly uncompensated.

A TRIBUTE TO THE JOHN MARSHALL HIGH SCHOOL BARRISTERS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. WAXMAN. Mr. Speaker, I am delighted to bring to the attention of my colleagues an outstanding group of students—the John Marshall High School Barristers who recently won their second Los Angeles County Mock Trial Competition.

Ana Liza Fulay, Arisa Mattson, and Sean Williams served as lawyers and Carlos Brooks and Jessica Bernstein handled the pre-trial/law in motion duties for the Marshall team. Carlo won the county prize for best pre-trial lawyering.

Marshall students Lola Moon Glaudini, Jane Gyllenhammar, Shira Myrow, Eli Keltner, Neora Myrow, and Jessica Bernstein served as trial witnesses. Other Marshall students on the winning team were Heidi Kubota, Bearin Santos, Amanda Wallace, and Norma Villalon.

Claire Goldblum and David Tokofsky, teachers at Marshall High, directed the team. Los Angeles City attorney Diane Wentworth and Riverside County district attorney Robert Spira provided legal training. The students were supported and encouraged by many other Marshall High teachers.

In order to even qualify for the final round of the competition, each team must win five previous trial contests. All trials were heard by superior and municipal court judges at the Los Angeles Superior Court House. Volunteer attorneys from the District and City Attorneys' offices, the Public Defender's Office, and the private sector scored the trials along with the judges.

The Marshall team performed so well that many attorneys and judges involved in the competition praised the students' performance as better than that of many university law students. The Marshall team ranges in age from 15 to 18 years old.

Mr. Speaker, I am quite proud of the impressive accomplishments of this exceptional group of students. I wish the team the best of luck in the State finals next month where I am sure they will give their usual, excellent performance.

CORRECTION OF H.R. 1092, A BILL TO PROHIBIT OPEN ALCOHOL CONTAINERS IN VEHICLES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, on February 23, 1989, I introduced H.R. 1092, legislation to prohibit open alcohol containers in vehicles, which contained an inadvertent error in the short title. The Extension of Remarks on page E 507 of the CONGRESSIONAL RECORD for Thursday, February 23, 1989, explains the bill accurately. However, the short title of H.R. 1092 that appears on page H 381 of the CONGRESSIONAL RECORD for Thursday, February 23, 1989, is incorrect. The proper title and text should read as follows:

H.R. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPEN CONTAINER LAWS

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 159. Open container limitations

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

"(1) GENERAL RULE.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of each fiscal year succeeding the first fiscal year beginning after September 30, 1990 in which the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway, or the right-of-way of a public highway, in such State is lawful.

"(2) LIMITATION OF APPLICATION TO CHARTER BUSES.—If a State has in effect a law which makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (and not the

passengers) of any motor vehicle designed to transport more than 10 passengers, including the driver, while being used to provide charter transportation of passengers, such State shall be deemed to be in compliance with paragraph (1) of this subsection with respect to such motor vehicles in each fiscal year in which such law is in effect.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1992.—

"(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1992, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) of this title but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) of this title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of this title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1992.—No funds withheld under this section from apportionment to any State after September 30, 1992, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State makes effective a law which is in compliance with subsection (a), the Secretary shall on the day following the effective date of such law apportion to such State the withheld funds remaining available for apportionment to such State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds apportioned under section 104(b)(5)(A) of this title shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are so apportioned.

"(B) Funds apportioned under section 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6), of this title shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of this title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not made effective a law which is in compliance with subsection (a), such funds shall lapse or, in the case of funds withheld from appointment under section 104(b)(5) of this title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

"(c) DEFINITIONS.—As used in this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(4) PASSENGER AREA.—The term 'passenger area' shall be defined by the Secretary by regulation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end thereof the following new item:

"159. Open container limitations.

ST. JOSEPH'S R.C. CHURCH, BAYONNE CELEBRATES CENTENNIAL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. GUARINI. Mr. Speaker, I would like to share with the Members of this body the celebration of the 100th anniversary of St. Joseph's Church, one of the oldest Slovak parishes in the East and the second Roman Catholic Church to be founded in Bayonne.

The year-long celebration began on December 12, 1987 with a Mass celebrated by the Most Reverend Jerome A. Pechillo, regional bishop of Hudson County and auxiliary to the Archbishop of Newark, assisted by Rev. Andrew J. Frye, administrator of St. Joseph's Parish; Rev. Msgr. Clement A. Ockay, pastor emeritus; Rev. John E. Komar, associate pastor; and Rev. Msgr. Michael A. Komar. Parishioners and friends attended a cocktail hour and banquet held at the parish auditorium.

On Sunday, March 5, 1989, the people of St. Joseph's Slovak R.C. Church will observe the 50th anniversary of the founding of the Slovak Republic with the celebration of Mass offered for the people of Slovakia at 12 noon at St. Joseph's Church, 317 Avenue E, Bayonne, NJ. After the Mass, at 2 p.m. a brief program will be conducted in the Bayonne Municipal Chambers, 630 Avenue C. The observance will concude with the raising of the Slovak flag in front of the municipal building.

The history of the parish dates back to 1888 when Rev. Joseph Kosalko founded the church in the Constable Hook section. Father Kosalko, the first priest mentioned in the annals of St. Joseph's Church, had wandered about to scattered colonies of Slovak immigrants, exhorting them to cherish and preserve their faith and administering the sacraments.

In the course of his ministrations to the people of Bayonne, Father Kosalko noted that a Lutheran Church in Constable Hook was for sale. He proceeded to get permission from Bishop Winand M. Wigger, of Newark, to establish St. Joseph's Parish. Later that year, with a committee composed of John Gottko, John Merkovsky, and Andrew Porubsky, the doors of the newly purchased edifice were opened as the Slovak Roman Catholic Church.

St. Joseph was unanimously chosen as patron of the new congregation.

The first appointed pastor was Rev. Samuel Bella who came to Bayonne in 1889 and worked with the congregation until 1895.

After Rev. John A. Hlebik and Rev. Francis J. Simonik had administered the parish, Rev. Emery F. Richtarsik came to St. Joseph's in 1899. By that time the parish had been in existence for 11 years and the congregation had spread to other parts of Bayonne. Father Richtartsik then purchased the site of the present church builidng at 25th Street and Avenue E.

Succeeding Father Richtartsik, Rev. George Szikora then began building a new church in 1906 and on July 4, 1908, Rt. Rev. Msgr. Charles J. Kelly blessed and set the cornerstone of the building. On Palm Sunday, April 4, 1909, services were held in the new church for the first time.

Father Szikora also founded the parochial school. He obtained the Sisters of St. Dominic from Newburgh, NY. The first principal when the school opened in 1909 was Sister M. Augusta.

Following a 3-month interim administration by Rev. Andrew Liktor and Rev. Honorat Rogovsky, O.F.M., Rev. Andrew L. Adzima then became pastor of St. Joseph's Church in 1915. In 1921 he had the present school built and later the new rectory. Father Adzima also organized the Holy Name Society, the Children of Mary Sodality, the Altar Rosary Society, and the Catholic War Veterans.

The growth of the parish eventually made a curate imperative, and on May 21, 1921, Rev. Joseph A. Chmely became curate and spiritual director of the Children of Mary Sodality, mixed choir and League of Catholic Action.

Rev. William A. Hornak, a son of St. Joseph's parish, was appointed as curate in 1932, and because of his interest in sports was assigned to the directorship of young men in the parish.

Father Adzima was elevated to the rank of right reverend monsignor in May 1941. He continued among the parishioners until March 1947, when he passed away.

Father Chmely then became pastor of St. Joseph's. He continued his work for the future of the parish and in 1952 began his program to renovate the church.

On January 3, 1960, Father Chmely was elevated by Archbishop Thomas Boland at Sacred Heart Cathedral, Newark, as a right reverend monsignor.

Upon the death of Monsignor Chmely, Rev. Clement A. Ockay, also a son of St. Joseph's parish, became pastor of St. Joseph's Church on February 18, 1968, and also had responsibility for St. Joseph's school. On May 21, 1986 Father Ockay was elevated by Archibi-

shop Peter L. Gerety at Sacred Heart Cathedral, Newark, to the rank of monsignor. Monsignor Ockay was instrumental in making many improvements in St. Joseph's Church and church property as well as demonstrating a forceful stand to avoid closing our school. He was active in Slovak affairs and is past chaplain of the Slovak Catholic Federation's eastern region.

In 1956 when Father Andrew J. Frye was ordained to the priesthood for the Archdiocese of Newark, his first assignment was to St. Joseph's R.C. Slovak Church in Bayonne, NJ, where he served until 1960 under the pastorate of Msgr. Joseph A. Chmely. Father Frye returned to St. Joseph's as administrator, following the retirement from the pastorate of Msgr. Clement A. Ockay.

Father Frye was appointed pastor of St. Joseph's, December 1, 1987, and installed by Bishop Pechillo on January 31, 1988. Father Frye passed away October 13, 1988.

The following priests have served as curates of St. Joseph's: Rev. George Hresko, Rev. George Senderak, Rev. Michael Hudak, Rev. Michael Simko, Rev. Andrew Frye, Rev. Eugene Boneski, Rev. Francis Burla, Rev. Thomas Onacilla, Rev. James McKenna, Rev. Andrew Kalafsky, Rev. John Hopkins, Rev. Michael German, Rev. Edward Matash, and Rev. John Komar.

Many special events were held during the centennial year. The year-long anniversary ended on Saturday, December 11, 1988, with a Mass of Thanksgiving celebrated by Archbishop Theodore E. McCarrick at St. Joseph's Church, with a gala banquet held at the Hi Hat.

Archbishop McCarrick named Rev. Theodore W. Osbahr, pastor of St. Joseph's, Bayonne, effective January 14, 1989, succeeding Father Frye, and the new pastor was installed on Sunday February 19, 1989, by the Most Reverend Jerome A. Pechillo, regional bishop of Hudson County.

The contributions of Slovak Americans to the development of America have been momentous. In war and peace they have stood shoulder to shoulder with all good Americans for the defense and development of our great Nation. The history of Slovak Americans for the past 50 years is well known. The trials and tribulations of those who are still residing in Europe make us appreciate the freedom America has provided.

I wish to commend Madeline Hoppey and Bayonne City Councilman Joseph Makowski, who are cochairpersons of the Slovak Independence Day program on March 5. The program they have arranged is of deep social and historical significance and the good people of Bayonne will be joined by visitors from other areas at the events planned from the noonday Mass at St. Joseph's to the flag raising in front of the Bayonne City Hall at 2 p.m.

I am certain that my colleagues wish to join me today in this tribute to a courageous group of brothers and sisters who believe in freedom and dignity for all individuals.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. PEPPER. Mr. Speaker, for 5 consecutive years, I introduced a House joint resolution to designate 1 week of the year "National Digestive Disease Awareness Week." For the last 2 years, to give this area of concern the attention it merits, legislation was passed naming May "National Digestive Disease Awareness Month." To continue our successful effort to enhance the awareness of the American public, the Congress and the administration through this effort, I am introducing today a bill designating May 1989 "National Digestive Disease Awareness Month."

Digestive diseases are more widespread than many imagine. More than 20 million Americans suffer from chronic diseases of the digestive system. Over 14 million cases of acute digestive diseases are treated in this country annually, and one-third of all malignancies are digestive related.

Digestive diseases rank third among illnesses in total cost in the United States. Digestive diseases necessitate 25 percent of all surgical operations. These illnesses represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality.

The cost of digestive disease is estimated at $17 billion per year in direct health care costs, and figuring for working hours lost and other losses, the total annual economic burden for digestive disease is close to $50 million annually. Of course, these diseases also take their toll in ways that cannot be measured in dollars.

The bill I introduce today is a response to these high costs, in financial terms and human terms. It calls for a unified national effort to increase awareness and to combat digestive disease.

I urge my colleagues to join me in cosponsoring this initiative, as so many have done in the past.

A TRIBUTE TO ABRAM L. SACHAR

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SOLARZ. Mr. Speaker, I rise to pay tribute to Abram L. Sachar, who recently celebrated his 90th birthday. A scholar in the field of Jewish history and one of the most prominent figures in the American educational community, Dr. Sachar is best known as the founding president of Brandeis University.

Abram Sachar was born in 1899 in St. Louis, MO. He received his B.A. and M.A. degrees from Washington University, and then continued his studies at Harvard and Camridge, receiving his Ph.D. degree from the latter in 1923. Dr. Sachar taught history at the University of Illinois for 6 years, and then became the director of the first Hillel Foundation in the United States. In 1933, he was named national director of B'nai B'rith Hillel Foundations, which under his leadership flowered into the principal Jewish student group on American and Canadian campuses. In 1948, Dr. Sachar was tapped as the first president of the newly founded Brandeis University in Waltham, MA. The first nonsectarian Jewish-sponsored university in the United States, Brandeis flourished under Dr. Sachar's guidance. During his presidency, Brandeis developed an excellent academic reputation and saw the establishment of a graduate school of arts and sciences and the Florence Heller School for Advanced Studies in Social Welfare. Upon his retirement from the presidency in 1968, Dr. Sachar was named chancellor of Brandeis. As a 1962 Brandeis graduate, I am proud to have studied during his presidency.

Dr. Sachar is the author of numerous books, including the renowned "A History of the Jews" (1930) and "A Host at Last" (1976), the latter a delightful chronicle of his Brandeis years. Dr. Sachar also hosted the popular public television series "The Course of Our Times" in 1970–71. A brilliant speaker, he has lectured throughout the United States and abroad, and has been the recipient of countless awards as well as honorary degrees from some twenty-five colleges and universities. In 1986, Dr. Sachar received the American Jewish Committee's prestigious Akiba Award, which honors an individual or institution for outstanding contributions to the enrichment of Jewish life through scholarship, leadership, and community service. The award was presented to Dr. Sachar for "his innovative educational leadership, which has made the single Jewish-sponsored university in the United States one of the outstanding institutions of higher learning in the Nation." The Akiba Award was especially appropriate for Abram Sachar, for in the Jewish world, Rabbi Akiba has long been the paradigm of the ideal Jewish leader, the man of learning who was also a man of action.

Dr. Abram Sachar is most certainly a wonder. At age 90 he still displays an uncanny liveliness. His leadership is unparalleled in the Jewish community and in the American community at large. I and his legions of friends around the world wish him a most happy birthday.

CONTINUING HUMAN RIGHTS ABUSES IN HAITI

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. OWENS of New York. Mr. Speaker, a recent report on continuing human rights abuses in Haiti confirms my worst suspicions about the military government headed by Gen. Prosper Avril, who assumed power through a coup last September.

On Saturday, February 24, three human rights groups, Americas Watch, the National Coalition for Haitian Refugees, and Caribbean Rights, a Barbados-based group, issued a

report which says that in the 5 months since General Avril came to power, Haiti is "no closer to an elected, lawful government" than it was 3 years ago, after the Duvalier family dictatorship that ruled for 30 years was overthrown.

The report, entitled "The More Things Change * * *" says that while General Avril has set himself apart from those who ruled Haiti in the interim following the Duvalier's fall by meeting with Haitian human rights spokespersons and opposition leaders, his government has nonetheless "countenanced violence against critics." It says the general has "halted significant efforts to disband the paramilitary forces" of the Tonton Macoute, the Duvalier's terrorist secret police which according to the report "have been behind the most violent episodes in Haiti's recent past." Additionally, says the report, "Neither the Avril Government nor its predecessors have made any headway in bringing to justice the perpetrators of the many political killings and other abuses that have continued to plague Haiti since the fall of Duvalier. To the contrary, at the end of December 1988, the Avril Government issued a safe conduct out of the country to former Colonel Franck Romain," a close friend of the man General Avril ousted as President, Lt. Gen. Henri Namphy.

Romain, who became the mayor of Haiti's capitol of Port-au-Prince through fraudulent elections held January 17, 1988, was permitted to leave Haiti and live elsewhere in exile, despite his being implicated as the mastermind of a massacre of 52 unarmed worshippers by gunmen last September at the St. Jean Bosco Church, where popular opposition activist Father Jean-Bertrand Aristide was saying Mass.

Mr. Speaker, late last year the Reagan administration released economic aid funds to Haiti which were "already in the pipeline" but had been held up as the administration attempted to determine if the new Avril government would make good on its promises for democracy and respect for human rights. This report indicates that the new regime is no better than its predecessors, and that the release of the funds was unjustified.

The Bush administration has been silent about what its foreign policy on Haiti will be. I strongly urge the administration to withhold United States funds to Haiti and sever diplomatic relations until the Avril government holds immediate free and fair elections for a civilian administration and a national assembly—rather than wait 2½ years, as Avril proposes, because he feels the people "aren't ready" for elections—disbands the Tonton Macoute, and arrests, tries, and imprisons all those who are involved in human rights abuses, brutality and intimidation.

I would like to submit for publication in the CONGRESSIONAL RECORD a recent New York Times article concerning the human rights report on Haiti. I am also including a chronology of events in Haiti since the fall of the Duvaliers and my comments on those events.

[From New York Times, Feb. 27, 1989]

THREE RIGHTS GROUPS SAY HAITI REGIME BREAKS COMMITMENT TO DEMOCRACY

(By Howard W. French)

Three human rights organizations have charged that the Haitian Government has flouted its commitment to democratic change by failing to stop widespread political violence and intimidation by the army and private paramilitary bands.

The charges were made in a report jointly published Saturday by two New York-based human rights groups, Americas Watch and the National Coalition for Haitian Refugees, and by Caribbean Rights, a human rights group based in Barbados. It asserted that in the five months since Gen. Prosper Avril came to power, Haiti is "no closer to an elected, lawful government" than it was three years ago, after the overthrow of the Duvalier family dictatorship that ruled the country for 30 years.

Throughout this period, the report said, Haiti has been ruled by a succession of military-dominated governments that have pledged "to usher in democracy and respect for human rights," but have instead "mocked these vows with their actions."

"Behind the rotating governments, the changing facades and the competing military factions," in post-Duvalier Haiti, the report said, "lies an unwavering refusal by the army to relinquish its grip on power, together with the opportunities for corruption which that has implied."

The Duvalier dictatorship was ended in February 1986, when Jean-Claude Duvalier was forced into exile in France by a popular uprising against a regime that was widely considered violently repressive and corrupt.

HOPES SEEN AS DISAPPOINTED

Popular hopes for democratic change soared in the wake of the Duvalier overthrow, but the report, titled "The More Things Change . . .," said the net result for ordinary Haitians "has been ongoing political violence and serious human rights abuses."

General Avril took power in September in a coup led by non-commissioned officers of the Presidential Guard. The report said that although he had distinguished himself from his predecessors by pursuing dialogue with democratic opposition groups, his Government had nonetheless "countenanced violence against critics."

The report said General Avril had "halted significant efforts to disband the paramilitary forces," known as the Tonton Macoute, that it said "have been behind the most violent episodes in Haiti's recent past."

"Neither the Avril Government nor its predecessors have made any headway in bringing to justice the perpetrators of the many political killings and other abuses that have continued to plague Haiti since the fall of Duvalier," the report said.

"To the contrary," it said, "at the end of December 1988, the Avril Government issued a safe conduct out of the country to former Col. Franck Romain." He was a close associate of the ousted President, Lieut. Gen. Henri Namphy.

CHURCH MASSACRE CITED

Mr. Romain, who was elected Mayor of the capital, Port-au-Prince, in the internationally discredited elections of Jan. 17, 1988, was locally reported to have engineered the massacre of 53 worshipers by armed thugs at the St. Jean Bosco Church, where a popular priest, Jean-Bertrand Aristside, was saying Mass.

The church massacre, on Sept. 11, 1988, was repeatedly cited by the young officers who overthrew the Namphy regime days later as the one event that drove them to rebellion.

After a brief period of popular support for the new Government, inspired by discussions between General Avril and opposition groups, and the routing by junior officers of commanders they said were venal and murderous, the report said, a climate of cautious optimism among Haitian democrats and human rights observers gave way to deepening disappointment.

A month after coming to power, it said, 15 participants in the September coup, junior officers in the Presidential Guard, were arrested and held for over two months without trial "on unsubstantiated allegations of plotting a coup."

CHRONOLOGY OF CONGRESSMAN MAJOR OWEN'S POSITIONS ON HAITI

February 19, 1986: Congressman Owens charges that the military junta governing Haiti in the wake of Jean-Claude Duvalier's departure is just as brutal and repressive as the previous regimes. He introduces H. Res. 379 which declares the support of the House for free and open elections in Haiti within six months.

February 27, 1986: Congressman Owens urges the establishment of a civilian caretaker government in Haiti, as reports of human rights abuses under the CNG proliferate.

March 5, 1986: Congressman Owens asserts in a House floor speech that Haiti's military junta is following the same antidemocratic policies as the previous Duvalier regime.

March 20, 1986: Congressman Owens cites more incidents of repression by Haiti's ruling military junta, which was appointed by former Haitian President Duvalier.

April 29, 1986: Congressman Owens urges Haiti to set date for free elections.

July 17, 1986: Congressman Owens inserts schedule on election of a new government and the ratification of a new constitution in Haiti in the Congressional Record, and calls for democracy for the island nation.

August 1, 1986: Congressman Owens urges increased U.S. support for Haiti to promote economic reconstruction following the flight of former President Jean-Claude Duvalier.

August 7, 1987: Congressman Owens introduces H. Con. Res. 181, condemning violations of human rights in Haiti. The measure urged President Reagan to immediately suspend all military assistance and all nonemergency economic assistance to the CNG, and to use every means at this disposal, including provision of technical and financial assistance to the Electoral Council in Haiti, to ensure that upcoming national and local elections there would be free and fair. It also called for international organizations (such as the Organization of American States) to make resources and expertise available to the Electoral Council.

September 16, 1987: Congressman Owens calls for peaceful U.S. intervention in Haiti to ensure freedom of scheduled local and national elections there, by providing technical assistance and expertise to the Electoral Council.

October 14, 1987: Congressman Owens supports U.S. participation in ending the reign of terror and in establishing a democratic society in Haiti. Owens denounces the shooting death of Haitian Presidential candidate Yves Volel as Volel was making a speech about human rights abuses in Haiti in front of police headquarters in Port-au-Prince.

October 20, 1987: Congressman Owens charges the CNG, which was handpicked by Jean-Claude Duvalier before his February

1986 departure, with establishing a reign of terror in Haiti, which threatens scheduled elections. He calls on the United Nations and the Organization of American States to "saturate" Haiti with observers of the civil process leading up to the elections, and says the U.S. should do everything possible to ensure the elections take place as scheduled.

October 21, 1987: Congressman Owens, in a House floor speech, notes that many Haitians are afraid to register to vote in the upcoming elections, and that many candidates are fraid to file applications to run in the elections, because their lives are being threatened. He urges the U.S. State Department, the Reagan Administration, the Organization of American States and the United Nations to act immediately to guarantee fair elections in Haiti.

October 28, 1987: Congressman Owens applauds former President Carter's visit to Haiti to inspect human rights conditions, and says that human rights observers are needed prior to the November elections in Haiti to make sure that voters and candidates aren't being threatened and intimidated.

November 3, 1987: Congressman Owens denounces the destruction of the Electoral Council's Port-au-Prince headquarters by arson, and another arsonist's attack on a business owned by an Electoral Council member. He stresses that peaceful intervention by the U.N., the O.A.S. and the U.S. government would end such violence, and ensure that the elections would take place.

November 5, 1987: Congressman Owens charges Haiti's ruling military junta, the CNG, with being responsible for the systematic organized terror in Haiti. On the morning of November 5, the Electoral Council's printing office which produced elections materials was set on fire, and an electoral office was ransacked.

November 9, 1987: Congressman Owens announces in House floor speech that the offices of two Haitian centrist Presidential candidates were fired upon, and a third Presidential candidate was shot at by unknown assailants. Owens says Haitians are in for more of the same unless the U.S. government intervenes peacefully.

November 17, 1987: Congressman Owens warns about a new threat to human rights in Haiti, "rogue taxicabs," or Tonton Macoute terrorists disguised as cab drivers who pick up unwitting passengers and take them away, never to be heard from again. Owens also cites a letter from Amnesty International, the human rights monitoring group, which says the CNG has not introduced any effective safeguards to protect Haitians from arbitrary arrests, killings, and "disappearances."

December 1, 1987: Congressman Owens denounces the November 29 violence that resulted in the cancellation of Haiti's national elections, and the CNG's illegally dissolving the Electoral Council and naming its own elections panel. Owens calls on the U.S. State Department to pressure the CNG to reinstitute the disbanded Electoral Council, and give the Council the authority to call upon whatever outside forces it needs to assist it in running new elections.

December 2, 1987: Congressman Owens leads Congressional Black Caucus colloquy regarding the situation in Haiti. Owens denounces the CNG for allowing the November 29 violence to take place, and repeats his call for the U.S. government to provide maximum assistance to the Haitian people so that they may have free and fair elections.

December 3, 1987: Congressman Owens arranges Washington, D.C. meeting between 40-member delegation of New York Haitian-American leaders and representatives of the U.S. State Department and the Agency for International Development.

December 3, 1987: Congressman Owens and Haitian-American leaders from New York hold Capitol Hill news conference in which they call for the CNG to resign, for the disbanded Electoral Council to be reformed and to replace the CNG, and for the U.S. to provide maximum assistance to the people of Haiti so that they may have free and fair elections. Owens and the Haitian-American leaders caution that such assistance would not include U.S. military intervention.

December 8, 1987: Congressman Owens calls on U.S. to support general strike in Haiti protesting November 29 violence that resulted in the cancellation of the elections. He says the U.S. must also support all other efforts in opposition to the brutality of the CNG, and to guarantee that any newly called elections will be free and fair.

December 9, 1987: Congressman Owens cites a Time Magazine article which indicates that CNG head General Henri Namphy never intended for the November 29 elections to go forward, and that he had fooled the U.S. Government in that regard. The article said Namphy prepared a decree calling for the dissolution of the Electoral Council five days before the election. Owens called on the U.S. State Department to denounce the CNG and to join the Haitian people in calling for a new government which represents the people and would abide by the Haitian Constitution.

December 15, 1987: Congressman Owens denounces the CNG's hand-picked Electoral Council, which consists of political unknowns who could be easily manipulated by the CNG. Owens cites yet another incidence of violence, a gunfire and Molotov cocktail attack on the home of an independent candidate for Haiti's Senate.

December 18, 1987: Congressman Owens says the U.S. State Department's response to the Haiti crisis is "shameful," and cites newspaper article which says the State Department blames both the CNG and the Electoral Council for the November 29 violence. Owens reads the names of some of the victims of that violence, who were friends or relatives of Haitian-American residents in his 12th Congressional District during a House floor speech.

February 9, 1988: Congressman Owens denounces the fraudulent national election in Haiti, and the presence of the U.S. Ambassador to Haiti at the swearing-in of Haiti's new President Leslie Maingat.

February 17, 1988: Congressman Owens calls attention to the fact that Haiti is a major supplier of cocaine to the southern portion of the United States, and that one of its chief distributors, Colonel Jean-Claude Paul, was facing indictment by a U.S. District Court in Miami for drug trafficking. The Congressman noted that Colonel Paul was also implicated in the November, 1987 massacre of Haitian voters, and called for a continued U.S. cutoff of aid to Haiti due to its drug trade.

September 13, 1988: Congressman Owens decries the massacre of Catholic Mass celebrants in Reverend Jean-Bertrand Aristide's St. Jean Bosco Church in Port-au-Prince by gunmen and others who hacked parishoners to death with machetes. He calls for an immediate end to all U.S. government support for the regime of Lieutenant General Henri Namphy, who ousted the quasi-civilian government of Leslie Manigat in a June, 1988 coup.

January 4, 1989: Congressman Owens notes that $25 million in U.S. aid funds, which had been held up by the Reagan Administration following Namphy's ouster in a September, 1988 coup by General Prosper Avril, had been released. He points out that General Avril would not permit elections for a democratically elected civilian government for 2½ years, and that while he forcibly "retired" many corrupt army officers, many more remain in power. The Congressman asks the U.S. State Department to not accept cosmetic "reforms" and that it should monitor how the aid funds are being spent and whether signficant steps toward democracy and respect for human rights are taking place in Haiti.

A TRIBUTE TO AN EXCHANGE OF A DIFFERENT SORT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SCHUMER. Mr. Speaker, today I call my colleagues' attention to a cultural exchange of a different sort. Seventh to ninth graders at John Wilson Junior High School in Brooklyn will venture to Emerson Junior High School in Pomona, CA.

This trip is the rewarding culmination of a 2-year correspondence between these two schools, a period in which letters, photographs, reports, and even videos were exchanged. Nine students and their teacher, Roberta Weiss, will spend 10 days at their "buddy school" in California attending classes, living with host families, and recording their trip on video.

It is a long way from Brooklyn to Pomona and it is a tribute to the imagination of John Wilson Junior High School and the concern it has for its students, that it is providing them with the opportunity to spend 10 days in a different environment.

John Wilson Junior High School is a 950-student school in the Canarsie section of Brooklyn. Its student body reflects the community's diverse ethnic and economic makeup. The school offers a full range of educational programs including programs for the physically handicapped and for gifted students. John Wilson Junior High School is a magnet school for telecommunications. The school possesses a studio in which it produces a weekly television show, "Next Stop Canarsie." The video the students of the school will film during their trip to Pomona will subsequently be aired on the school's television show.

I am pleased to have this opportunity to extend a warm Brooklyn greeting to the exchange students from Pomona when they arrive in Brooklyn. Although New York is different from California, I am certain that the sights like Seaview Park and Flatlands Avenue that Brooklyn has to offer will not be lost on these young Californians.

Mr. Speaker, while I appreciate that this exchange is not an extraordinary occurrence, in a time when the rhetoric of education and

education initiatives are prevalent, it is reaffirming to see a school taking its own initiative to provide a fruitful educational experience for its students.

NATIONAL FREEDOM OF INFORMATION DAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. HORTON. Mr. Speaker, today I introduced legislation to designate March 16, 1989, as "National Freedom of Information Day". As in years past, March 16 has been chosen because it marks the anniversary of the birthday of James Madison, one of America's very earliest advocates of freedom of information.

The first amendment of the Constitution, which guarantees Americans the freedoms of speech and press, is the backbone upon which our great Nation is based. We need only look at the many countries around the world which do not permit freedom of the press to realize how fortunate we are to have this open exchange of ideas.

March 16 is also significant because it was on this date in 1985 that American journalist Terry Anderson was abducted in Beirut by terrorists. I ask that we take time out during the celebration on March 16 to remember the sacrifices which Mr. Anderson and other journalists have made in the furtherance of providing us with information.

Arthur Hays Sulzberger once stated that "a man's judgment cannot be better than the information on which he has based it." I wholeheartedly agree with this sentiment and, thus, consider it an honor to introduce "National Freedom of Information Day."

I urge all my colleagues in the House to join Representatives SIKORSKI, KLECZKA, and me in cosponsoring this important tribute to James Madison and our Constitution's Bill of Rights.

SUPPORT FREEDOM OF INFORMATION ACT ON NATIONAL FREEDOM OF INFORMATION DAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. KLECZKA. Mr. Speaker, I am pleased to join my distinguished colleague and ranking minority member on the House Government Operations Committee, the Honorable FRANK HORTON, as an original cosponsor on this joint resolution to designate March 16, 1989, as National Freedom of Information Day.

Unlike many around the world, we in America are fortunate in possessing a broad array of rights, particularly in the realm of expression. Our Constitution allows Americans to speak and to write without fear of persecution or censure.

Our laws also provide Americans with access to Government information as enshrined in the Freedom of Information Act [FOIA]. FOIA has long been a particular concern of mine because it allows citizens oversight of the functioning of our Federal Government and all its agencies. As Mr. HORTON and I both know from our work on the Government Operations Committee, oversight is essential if we are to ensure honesty and efficiency in our Government.

For these reasons, I am not only cosponsoring National Freedom of Information Day but I also am introducing legislation later this year to strengthen FOIA and make it more accessible to the public. In this way, I hope to fortify our already substantial freedoms in this important area.

All Americans should be aware fo their precious rights of expression in our democracy; National Freedom of Information Day will contribute to this essential goal. Thus, I urge my colleagues to join me in cosponsoring this worthy legislation.

AND NOW MEDICARE, NOTCH BABIES!

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. ARCHER. Mr. Speaker, I include the following paper by Mr. Robert J. Myers. Robert J. Myers, F.S.A., was chief actuary, Social Security Administration, 1947–70, deputy commissioner of Social Security, 1981–82, and executive director of the National Commission on Social Security Reform. He is professor emeritus, Temple University.

AND NOW MEDICARE NOTCH BABIES!

(By Robert J. Myers)

For some years, the complaints of the Social Security notch babies have been heard throughout the land. This group, consisting of those born during 1917–21, complains that their Social Security benfits are lower than those of persons who were born either before them or after them. To a certain extent they are correct, but only in comparison with persons born before 1917 who worked substantially after age 62.

The notch situation is an unfortunate one and is due to a technical flaw in the law, which was not intentional. Regrettably, it was not corrected when discovered shortly after the legislation containing it was enacted in 1977. The problem is not that the notch babies are getting too little—they are receiving equitable and reasonable benefit amounts. Rather, some persons who were born before 1917 (and who worked well beyond age 62) are receiving windfalls and bonanzas. To increase benefits for the notch babies would merely create new inequities and notches as to those born in other years. To decrease benefits for those born before 1917 who are receiving windfalls would be unfair at this point in time.

The new catastrophic Medicare benefits enacted on July 1, 1988 (the Medicare Catastrophic Coverage Act, P.L. 100-360) has produced a notch situation of significant degree. This notch affects not merely a single group of persons born in a particular period, but rather many persons in all future years. Further, it affects not only living persons, but also the survivors of deceased Medicare beneficiaries!

Here is how the Medicare notch occurs. To finance a large portion of the cost for the new benefits, a so-called Supplemental Premium is levied as a surcharge on the income taxes of Medicare eligibles. This surcharge is 15 percent, with a per capital maximum of $800, in 1989. It increases each year until it is 28 percent, with a maximum of $1,050, in 1993. Those with income-tax liability of less than $150 are exempt, as are also those who are Medicare eligible for less than 7 months in the taxable year.

As a result of the latter exception, for 1989 for example, a person who reaches age 65 on June 30 has an added income-tax liability for the Supplemental Premium of as much as $800. Such maximum is applicable to single persons with about $33,000 of taxable income (which generally includes half of the Social Security benefits received). The Supplemental Premium is due within 3½ months after the close of the taxable year and need not be partially paid in advance for 1989 (but must be for subsequent years).

On the other hand, the person who reaches age 65 on July 1, 1989—one day later—has no Supplemental Premium to pay at all! What a notch! The same situation also occurs for persons who receive Social Security disability benefits and have received them for 24 months, at which time they become Medicare eligible. The one who first becomes eligible in June pays the full Supplemental Premium, while the July eligible pays nothing for that year.

This Medicare notch can be solved quite simply—and in a revenue-neutral manner too (in fact, with a small increase in aggregate revenues). What should be done is to make the Supplemental Premium in the first and last years of eligibility be determined on a pro rata basis. Thus, persons first becoming eligible in the last month of the taxable year (i.e., for age-65 attainments, in December normally) would pay no Supplemental Premium. Those becoming eligible in the next-to-last month of the taxable year would pay 1/12 of the Supplemental Premium amount, etc., until those becoming eligible in the first month of the taxable year would pay 11/12 of such amount. The same procedure, but in reverse, would apply for deaths.

This basis would, obviously, result in some persons paying less than under present law, and others paying more. However, it would be equitable and would have relatively smooth transitional results. And no sharp notches would occur as between essentially similar persons. We can well do without having Medicare notch babies!

A TRIBUTE TO MR. ELTON BOVEY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. BOXER. Mr. Speaker, I rise today in order to acknowledge and pay tribute to an outstanding bay area resident, Mr. Elton Bovey. One of labor's true leaders, Elton has been an important part of the Teamsters Union in California since 1941.

The Teamsters will be honoring Elton, as his retirement became effective as of the first of the year, at a very special retirement dinner

on March 31. I would like to take this opportunity to honor him here. During his 48 years of employment in and around the newspaper and magazine industries Elton has been a true proponent of the union and its membership since he joined in March of 1941.

Elton served as president and principal officer for local No. 96 since being elected in February of 1955 until a merger last year with Teamsters Local 296. He continued as an officer and business agent of local No. 296, fulfilling his pledge not to retire until the negotiations between the merging unions were complete.

Elton has also distinguished himself outside the union during his lifetime. He enlisted in the U.S. Air Force in October of 1942 with subsequent duty in the 1389th Air Transport Command based in Presque Isle, ME during World War II. Following his honorable discharge he returned to a career in the newspaper and magazine industry working at the Oakland Post Enquirer, San Francisco Examiner, and Oakland Tribune before becoming an officer of local No. 96 of the Teamsters.

Mr. Speaker, Elton has been a true cornerstone of the Teamsters for many years and I consider it an honor to be able to speak on his behalf. It fills me with great pride to join his colleagues in the Teamsters Union in honoring this appreciated and respected citizen.

RABBI ROBERT FRAZIN HONORED BY TEMPLE SOLEL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SMITH of Florida. Mr. Speaker, it is with great pleasure and pride that I bring to your attention a very special individual: Rabbi Robert Frazin. On March 10, 1989, a dinner to celebrate his 25 years as a rabbi and community leader will be held at Temple Solel in Hollywood, FL. Rabbi Frazin has given a quarter of a century of dedication and inspiration to people of all ages and faiths.

As a founding member of Temple Solel, I have been privileged to watch Rabbi Frazin guide our congregation with his characteristic humor and sensitivity. Through the years, the rabbi ensured that Tempel Solel is not just a group of worshipers with a common religion, but a spiritual family, filled with unique warmth and unity. I am proud that Rabbi Frazin presided over my own children's bar and bat mitzvahs, since this means they were blessed by someone who not only has had a real concern for their development into mature adults, but who also has been a wonderful influence on this process. At Temple Solel, we know we can depend on our rabbi to share our joys and ease our sorrows as we would rely on our closest friends. Several generations of Solel are better off for having the rabbi as a role model and friend.

However, Rabbi Frazin has spread his mitzvot among many people, not solely those at Temple Solel. He has taught others the importance of tenderness and social responsibility in the best possible way—through example. Whether working to aid the homeless or expanding mutual respect and understanding as a leader of the interfaith council, Rabbi Frazin has been devoted to apply the tenets of the faith he loves toward helping people of all religions.

Temple Solel has been fortunate to have as our rabbi a man as caring, intelligent, and charming as Rabbi Frazin. Mr. Speaker, I know that you and all of my colleagues in Congress are with me in honoring a person who epitomizes all the qualities one could wish for in a rabbi, a community leader, and a dear friend.

LEGISLATION TO HELP IMPROVE TEACHING AND LEARNING IN OUR SCHOOLS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Ms. SCHNEIDER. Mr. Speaker, today I am re-introducing legislation to help improve teaching and learning in our schools today. Improving the quality of education in this country is the key to our Nation's future competitiveness. Too many students are graduating from high school only to find themselves unemployed. Each year 700,000 students drop out of school. We are all uncomfortably aware that United States students place behind their Japanese and European counterparts on virtually every standardized test of mathematics, science, and geography. Clearly, our educational system needs to examine innovative approaches to teaching. Reducing class size is one of the most effective ways for schools to provide higher quality education.

My legislation will establish demonstration projects to study the effects of class size reduction on student achievement. Education advocates suggest that reducing class size is one way to improve student achievement. Class size reduction has remained out of the reach of most school districts due to the lack of funds. This bill would provide an incentive for school districts to reduce class sizes by providing matching funds for demonstration projects.

Smaller classes mean more attention for each student and an improved atmosphere for both learning and teaching. For a better educated America, our students need more individualized instruction, and more contact with their teachers. For example, if a high school teacher teaches 5 classes of 24 students a day, he or she is directly responsible for 120 students. That teacher would need an additional 20 hours per week just to spend 10 minutes extra with each student. That presents an insurmountable obstacle for many teachers.

The bill I am introducing today will provide incentive grants of $75 million in the first year to school districts that want to reduce class size. Federal funds would be made available to the school district, where they could be used for adding new teachers and new classroom space. These funds would be matched by State and local funds. The class sizes would be 15 pupils per class in grades K–3; and 18 pupils per class for all other grades. Each teacher would be responsible for no more than 80 students. The results of these demonstration projects will be used to examine the effect of class size reduction on student achievement.

Basic education at elementary and secondary level remains the most important place to focus preventive action and attention. Unless a good foundation is laid during the early years in the education system, a college degree becomes impossible. Today, only 22 percent of jobs require college degrees; in 10 years 33 percent will. We cannot afford to shortchange our children's education in an increasingly competitive world. The work force of tomorrow depends on the education of students today.

LEGISLATION TO PROVIDE THE FOOD AND DRUG ADMINISTRATION WITH RECRUITMENT INCENTIVES

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LIGHTFOOT. Mr. Speaker, the legislation I introduce today is designed to assist the Food and Drug Administration [FDA] in recruiting qualified individuals to work for the agency. It is no secret that the Food and Drug Administration has faced a number of challenges during the last several years. The FDA is under constant pressure to approve drugs, medical devices, food and color additives, and other items as quickly as possible.

In order to approve these drugs, devices and other items, FDA personnel must analyze thousands of pages of documents about the composition of the item, how it is made, whether it is safe, and the results of the clinical trials. Needless to say, this process requires a tremendous amount of time and effort on the part of FDA personnel to ensure that the products they regulate are safe and effective. Throughout the years, FDA employees have diligently strived to make sure that the public health is protected from bad products, and they have done a commendable job.

However, with the increased sophistication of products, such as those developed through biotechnology, and with louder calls by some in the public for quicker release of lifesaving drugs, additional demands are being placed on FDA personnel. To meet these growing demands for quicker approval of complex products, it is essential that FDA retain its current highly qualified work force and recruit new individuals as the need arises. To aid in this task, FDA must have at its disposal certain tools to assist in the retention and recruitment of key personnel.

The legislation I offer today provides FDA with some of these tools to ensure that it is able to keep ahead of the demands currently being placed on the agency. First, the bill establishes a Senior Biomedical Scientific Service Corps within the FDA. Members of this Scientific Service Corps would receive compensation at a rate higher than the present general service schedules. FDA would have

the flexibility through pay incentives to encourage its senior scientists to continue to work for the agency, and to encourage new individuals to come aboard. This tool attempts to make the FDA more competitive with the salaries offered to top scientists in the private sector.

The second component of this bill authorizes training grants for educational institutions to develop programs to be used to train individuals in the field of regulatory review medicine. Individuals participating in a regulatory review medicine training program could receive financial assistance. In turn, for each month they receive assistance through the training grant, they must commit to work for the FDA for 2 months.

Another feature of the bill creates the Science Training Loan Repayment Program. The Loan Repayment Program would repay the educational loans of students enrolled in programs leading to a degree in medicine, dentistry, pharmacy, venterinary medicine or another health profession program, or students enrolled in a graduate training program in regulatory review medicine who agree to accept employment with the FDA for a period of obligated service.

Finally, the bill establishes the Food and Drug Administration Distinguished Services Science Award. This annual award would be given to dedicated scientists employed by the FDA who have expeditiously approved lifesaving products or who have discovered other ways to protect society from unforeseen health hazards.

This measure should assist FDA in recruiting qualified individuals to work for the agency, which is essential if FDA is to keep pace with the growing demands placed on the agency. Last year, the Presidential Commission on the Human Immunodeficiency Virus Epidemic recommended that FDA develop recruitment tools, such as training grants and a loan repayment program, to aid in attracting qualified individuals to work for FDA. It is time that Congress focus more attention on this critical issue. I urge my colleagues to review this measure and to join me in enhancing the operations of the FDA. Ultimately, the public will benefit by having safer drugs approved more quickly.

WORKER HEALTH BENEFITS PROTECTION ACT OF 1989

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SCHULZE. Mr. Speaker, retiree health benefits are becoming extinct due to rising health costs, high retiree to worker ratios and new accounting rulings. Today, I am introducing "Worker Health Benefits Protection Act of 1989" to allow companies to continue providing retirement benefits.

My bill contains two major provisions: First, distressed companies may be eligible for Government-guaranteed loans to provide retiree health benefits. The loan would be repaid by tax benefits realized by the corporation from utilization of net operating loss carryovers and alternative minimum tax payments. The principal of these loans may not exceed the amount by which the present value of the unfunded aggregate liability for defined benefit pension plans and retiree health benefits exceed the shareholder equity of the corporation.

Second, it would allow tax-free pension plan reversions to retiree health trusts without requiring plan termination. Studies indicate that reversions of this sort constitute a significant revenue gain to the Treasury. This provision benefits those companies with overfunded pension plans.

This legislation does not mandate benefits, but does provide an avenue for companies that wish to continue to help their employees in retirement. My bill uses a free market approach to providing benefits for employees.

Estimates for retiree health liability range from $200 billion to $2 trillion. These numbers certainly indicate the magnitude of the problem.

Mr. Speaker, I urge my colleagues to support this legislation and give employers the opportunity to uphold their commitments to their employees.

A TRIBUTE TO MRS. GEORGE S. MAY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. HYDE. Mr. Speaker, I want to extend my heartfelt congratulations to Mrs. George S. May on the occasion of her 90th birthday, Saturday, March 5.

An energetic and thoughtful woman, Alice A. May and her late husband, George, founded a management consulting business in 1925 that remains a vigorous and prosperous business for her, her two daughters, and the many communities it serves.

Mrs. May has never wavered from her obligation to the community of Park Ridge, IL, where she makes her home. She was instrumental in early and continuous support of the Chick Evans Scholarship Foundation, through which much-needed scholarship money is earmarked for Chicago-area college and university students.

Recently, the company, at her direction, completed an indepth management consulting project which included installation of a computer system in a church-sponsored retirement home. She has also directed the company to provide consulting services for the National Association for Downs Syndrome, Special Olympics, and other numerous charitable, religious, and academic projects.

Mrs. May continues to serve on the board of directors of the George S. May International Co., helping assure that its purpose of providing management consulting assistance to medium- and small-sized businesses continues with the highest possible levels of quality.

Her untiring service is indicative of the energies and caring concern Mrs. May continues to bring to both the company and our Nation. Happy birthday, Alice.

H.R. 129, PROHIBITING COURT ORDERS WHICH LIMIT THE AVAILABILITY OF INFORMATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. COLLINS. Mr. Speaker, one of the most questionable, if not unethical, practices in product liability suits today is the use of court orders to bar public disclosure of manufacturer's information concerning product safety.

These orders result where, in a claim involving a defective product, the plaintiff's attorney, for example, needs documents and other evidence to establish a claim. Often, the manufacturer-defendant will seek a court order that requires the plaintiff, at the end of the case, to destroy or return to the manufacturer the evidence, without making it public. Since the plaintiff's attorney has a duty to protect the interests of her client—as opposed to those of the public at large—she acquiesces to this request and agrees to seek the court order. The agreements are "blessed" by the court and then the documents are placed under confidential seal. Thus, access to product information comes at a heavy price.

In a recent book describing litigation of asbestos cases, these bargaining tactics and their consequences that are harmful to the public were graphically illustrated. After a Federal judge literally locked the lawyers in a room for 16 hours a day, 5 days a week, for 3 weeks, the parties agreed to a financial settlement of certain worker claims. In exchange, the plaintiffs' attorneys agreed that whatever evidence they obtained from discovery could not be passed along to subsequent claimants. All papers were then sealed by the court.

One of the plaintiff's lawyers, acknowledging he had made a serious mistake in agreeing to the settlement terms, later said of the court's action:

> As a result, the deposition of Richard Gaze (a company physician) which provided powerful evidence of what the Pittsburgh Corning people really knew about asbestos disease, and when they knew it, remained under wraps for the next five and half years.

Indeed, during that time period, the company denied to hundreds of claimants that it had any knowledge of this hazard until the mid-1960's, a contention that plaintiff's lawyers obviously could not rebut.

This is not an isolated case. A serious design defect in the heating systems of Chevy Corvairs, first discovered in the mid-1960's, was not disclosed until 1971 because of a protective order. In another case, involving the crash of several Pan Am 707's, an attorney said that if certain in-house and FAA reports had not been sealed, "no one would have ever gotten on a Pan Am plane again." Similar orders also were entered into in Dalkon Shield cases. The list could go on and on.

It is time we put a halt to these orders! My bill would bar courts from issuing any order which precluded disclosure to a Government

agency of relevant product information such as design specifications, warranties, warnings, and other information related to product safety. Disclosure would be restricted to governmental offices with legislative, regulatory, or law enforcement authority over such products. In addition, these documents would be revealed to other attorneys who represent similarly situated claimants and agree to the terms of an applicable court order that limits the disclosure of such information by the initial parties.

The benefits of this proposal are twofold. First, it will promote greater public safety. If repeated litigation demonstrates that a product has a serious design flaw, or contains inadequate warnings, the appropriate regulatory authorities will be appraised of this information and can act accordingly. Similarly, liberal disclosure to appropriate agencies and individuals would put pressure on a manufacturer to correct dangerous aspects of a product which might not be changed if the manufacturer could easily avoid responsibility for its flaws.

This amendment also will streamline the litigation process. Parties and courts involved in the trial of subsequent cases over the safety of a product will no longer face time consuming and costly discovery procedures. They will not have to recreate the same information or relocate identical documents, starting from stratch. Consequently, attorney's fees will be reduced, and the choice of whether or not to bring a product liability claim to court will not be based on the ability to afford one. The backlog of cases often faced by courts would be reduced and fairer and more consistent verdicts may result since juries would have the same facts before them.

Despite these significant benefits, some will argue that this proposal will result in the wrongful disclosure of certain information: for example, trade secrets. However, first, Federal agencies are already prohibited from revealing such materials. Governmental entities will not be allowed to receive information unless they have protections of trade secrets already in place. Similarly, nothing in my bill will restrict the current authority of courts to bar private parties from publicly disclosing evidence. And any future litigants who receive this information would be bound by the court order which applied to the original litigants.

Others may contend that this will impede the swift resolution of cases. In my view, the interests of the public's safety far outweigh any delay that may occur in the first suit on a particular product. Moreover, any time lost in an initial case would be more than made up during subsequent ones on the same product because the settlement process will be enhanced. The great delay in the discovery process will be eliminated. Parties will know much quicker whether the facts support their claims.

Mr. Speaker, this issue's imminence is reflected by the American Bar Association which recommended in 1986 that courts allow disclosure of relevant product information. This bill offers many positive benefits to the public including enhancement of public safety.

A TRIBUTE TO SHERMAN TELLER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. WAXMAN. Mr. Speaker, on March 11, 1989, The Myasthenia Gravis Foundation, Inc., will present Sherman Teller with its highest honor, the Founder's Award, at its 25th Annual Humanitarian Award Dinner.

Sherman Teller's dedicated service to the foundation has spanned over two decades. Although his primary cause for years has been Myasthenia Gravis, he has also generously donated his time and support to many other philanthropic and cultural organizations. Sherman, and his wife, Fran, are either founding members or active supporters of many charitable groups including City of Hope, ARDRA, the Clare Foundation, DARE, the National Institute for Jewish Hospice, the Los Angeles County Museum of Art, the Music Center, and the American Youth Symphony Affiliates.

Sherman is a senior vice president and executive committee member of Jack Nadel, Inc., an internationally recognized advertising agency. A self-made man, Sherman joined the company in 1953 as a salesman and worked his way up.

Sherman began his career during the Depression, working 12-hour days, 6 days a week—earning only $8 a week—and attending City College of New York at night. Sherman was later drafted and spent 4½ years in the Army, which included service in the South Pacific.

The Tellers, who met in 1942 on a blind date, moved to Los Angeles in 1950. They have one son, Stephen, an attorney specializing in immigration law.

Sherman Teller's dedicated service to his community is inspiring. I am delighted that he is being presented with the much-deserved Myasthenia Gravis Founder's Award. I gladly bring to the attention of my colleagues Sherman's dedicated service and many admirable accomplishments.

FAIR TAX TREATMENT FOR RURAL ELECTRIC AND TELEPHONE COOPERATIVES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation to provide for the fair tax treatment of rural, electric, and telephone cooperatives.

This bill will affect the tax treatment of patronage dividends by correcting what was an inadvertent oversight by the Ways and Means Committee during consideration of the Tax Reform Act of 1986.

Under the Tax Reform Act of 1986, Congress allowed rural farmers cooperatives to exclude allocations in the nature of patronage dividends when determining the cooperative's net book income for purposes of the minimum tax. Rural telephone and electric cooperatives are defined under a separate section of the Internal Revenue Code, and were inadvertently not included in the special exemption for farmers marketing cooperatives.

To subject a portion of the cooperative's patronage credit allocation to taxation is inconsistent with tax policy. The bylaws of the cooperative deem that the amount allocated as patronage dividends is contributed capital by the patrons of the cooperative. It is contrary to tax policy to subject capital to taxation.

To subject a portion of the telephone or electric cooperative's patronage dividend allocation to taxation would exacerbate the special problems and expenses normally encountered in rural areas. To tax patronage credits would have a negative effect on a coop's equity. If patronage dividend allocations are taxed it will be more difficult to provide universal telephone service and electricity to farmers and rural users in an already fragile farm economy.

This legislation simply carries out the intent of Congress by providing telephone and electric cooperatives the same exemption as farmer marketing cooperatives. I ask you to join me as a cosponsor of this bill to assist our rural cooperatives.

The text of the bill follows:

H.R. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION RELATING TO TREATMENT OF RURAL ELECTRIC AND TELEPHONE COOPERATIVES UNDER THE BOOK INCOME PREFERENCE.

(a) IN GENERAL.—Subparagraph (E) of section 56(f)(2) of the Internal Revenue Code of 1986 (relating to special rule for cooperatives) is amended by adding at the end thereof the following new sentence: "In the case of a corporation operating on a cooperative basis and engaged in the furnishing of electric energy, or providing telephone service, to persons in rural areas, the amount determined under subparagraph (A) shall be reduced by any allocation which is in the nature of a patronage dividend."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 701 of the Tax Reform Act of 1986.

FATHER GERARD ALEXANDER PISANI HONORED IN BAYONNE, NJ

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. GUARINI. Mr. Speaker, Gerard, Jr. was born to Gerard Alexander Pisani, Sr. and Dorothy Louise Klaus in Pompton Lakes, NJ on May 17, 1938. Gerard is the oldest of two children. His sister's name is Ruth Ann.

The Klaus family was a small family of German descent whose ancestry was already in the United States for several generations.

The Pisani family is a large Italian family. Gerard's grandfather, Louis Pisani and his

grandmother, Adeline Calzaretta, were both born in Italy. They both came to the United States when they were in their teens—ages 17 and 15 respectively. Louis was also the oldest son in his family and with Adeline became the father of 10 children, of whom Gerard, Sr. was the oldest son.

Until the age of 5, Gerard lived with his parents in Haskell, NJ, across the street from his paternal grandparents. The family then moved to Butler, NJ, where he attended public school through graduation from high school. During school he was on the honor roll and was vice president and president of his junior high classes. In high school Gerard was active in many extra-curricular activities, including the radio club, debating team, and student council. He was especially involved in the music life of the school and was the school accompanist during his junior and senior years, graduating in 1950.

From the age of 7, Gerard played piano and organ in the Midvale Gospel Church where most of his family were members. At the age of 13 he became the organist for the Riverdale Bible Church. He also would accompany his mother who was often engaged as soloist. During most of his high school years he traveled weekly to New York to play for the Protestant Council of Churches program called "Noon Day Chapel" on the Dumont Television Network.

Gerard began his college years at Wheaton College in Wheaton, IL. He then transferred to Taylor University in Upland, IN. He finished his college and theological training at Nyack Missionary College in Nyack, NY. It was during these years that Gerard also traveled extensively with Jack Wyrtzen and the Word of Life Fellowship which had regular nationwide weekly television and radio broadcasts, summer camps in the Adirondack Mountains of New York State and winter camps in San Paulo, Brazil. Gerard not only played the piano and organ for the broadcasts and large rallies, but was active in the production of these programs and the running of the camp ministries. It was toward the end of this period of Gerard's life that, on December 9, 1962, he was ordained to the ministry in the Baptist Church.

It was about this time that Pastor Pisani began a mission work in the Milton/Oak Ridge area of New Jersey called the Milton Bible Church. As the church grew it began to hold services in the Cozy Lake School, changing its name to the Community Church of Jefferson Township. Property was purchased, 11 acres on Milton Road, for the building of a new church and parsonage. Before the church was built, Pastor Pisani announced to his board and congregation that he was applying to become a postulant to the priesthood of the Episcopal Church. Much to his surprise, this raised questions and generated quite a bit of discussion. In less than a year most of the families of the Community Church had decided to join the Episcopal Church. When over 90 families were confirmed and received into membership of the Episcopal Church of the Newark Diocese, the name of the church was changed to Saint Gabriel's.

During this process Pastor Pisani entered the General Theological Seminary in New York City to complete further studies and requirements to become a priest in the Episcopal Church. He was ordained to the deaconate on June 11, 1966 and was ordained to the priesthood on October 15, 1966. He was then appointed the first Vicar of St. Gabriel's Church.

Father Pisani served this new congregation until he went to become the Rector of Christ Church in Pompton Lakes, NJ in 1969. It was from here that he came to Trinity Parish in Bergen Point in November 1974.

Trinity Parish was destroyed by fire in 1972. The congregation was very small and the diocese was reluctant to rebuild the church. When Father Pisani came to Bayonne and saw the enthusiasm of the people and the possibility for future ministry, he led the congregation in their goal to rebuild the church and parish hall. The new church was consecrated in the fall of 1975. While the church's membership is small in comparison to some, it is proud of the outreach ministries it has been able to establish on behalf of the city of Bayonne.

Presently the congregation continues to give space, free of charge, to groups like A.A., Al-Anon, Dignity, and Recovery. It has also taken on the responsibility to sponsor several significant programs, including 'The Windmill' Highways, Musical Arts at Trinity, Scout Troup No. 3, and Sea Explorers Ship No. 3. These programs have grown substantially over the last few years and will be expanded in the near future to provide for housing for its adult handicapped participants of 'The Windmill' and others in need.

In addition to being the pastor of Trinity Parish, Father Pisani is also the chaplain for the Bayonne Fire Department. Over the almost 15 years of his assignment to Bayonne he has served on the Board of Bayonne Mental Health and participated in many other community groups. Presently he serves on the Bio-ethics Committee of the Bayonne Hospital, as a member of the Bayonne Kiwanis Club, as a member of the Cable Franchise Review Committee for the city of Bayonne, and as secretary/treasurer of the Bayonne Interfaith Clergy Association.

Father Pisani is also active in the Diocese of Newark as a member of the Bishop's Council of Advice and a member of the board of Christ Hospital Health Services Corp. by appointment of Bishop Spong.

Father Pisani will be honored by the Sons of Italy at the annual Italian Heritage Award Dinner-Dance at Maddelena's Villa-Nova on March 4, 1989.

A TRIBUTE TO MARILYN AND JEROME SIEGEL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Marilyn and Jerome Siegel, a couple exemplifying the best of what Brooklyn stands for.

Thirty years ago Marilyn and Jerry were confronted with a very special challenge. Clifford, their first child, was born with cerebral palsy. Marilyn and Jerry reacted with characteristic resolve. Instead of turning inward and sidestepping the difficulties Clifford's condition presented to them, the Siegel's chose to open themselves up and embrace the challenge.

Over the last 30 years, Marilyn and Jerome have been strident advocates of the handicapped. Marilyn, who returned to college while her children were in school, eventually received an M.A. from Brooklyn College and now teaches special education at the Hebrew Academy for Special Children. Marilyn Siegel's commitment and single-mindedness has also landed her a seat on the Board of Trustees of the Brooklyn School for Special Children.

Clifford Siegel lives at the Hunter Avenue residence of the Brooklyn School for Special Children and attends the training impaired in useful service [TRIUS] program held on Stillwell Avenue, not too far from my Shorefront district office. Characteristically, Marilyn and Jerome have taken an active interest in their son's ongoing development, as members of the residence committee at Clifford's school.

At a time when increasing interest is being paid to the special needs and concerns of the handicapped, it is important to herald the unique accomplishments of those who have long labored to make life easier for disabled people. Marilyn and Jerome have contributed much to our community; and all of us owe them our admiration, respect, and love.

Marilyn and Jerry Siegel also deserve our congratulations. Their younger son Larry and his beautiful wife Lisa are expecting the birth their first child very soon. I stand here to wish them the greatest health and happiness in the future.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. OWENS of New York. Mr. Speaker, today I am introducing the Domestic Volunteer Service Act Amendments of 1989, a bill to extend, for 3 years, title I of the Domestic Volunteer Service Act of 1973.

Title I provides for the national antipoverty programs under DVSA including, Volunteers-In-Service-To-America [VISTA], service-learning programs, and special volunteer programs. All of these programs represent an important source of needed services to the disadvantaged and disenfranchised communities across the country.

VISTA is the Federal Government's only full-time domestic volunteer service program. Since its inception in the Economic Opportunities Act of 1964, more than 100,000 Americans of all ages, occupations, ethnic backgrounds, and economic levels have served as VISTA volunteers to those who have been systematically shut out of mainstream America. VISTA volunteers serve on a 1-year, full-time basis, receiving a modest subsistence allowance while in service and they are expected to live in the same communities as the people they serve. Their achievements have been extraordinary. VISTA volunteers work in projects that address and reflect the problems

of the community they serve—including hunger, homelessness, unemployment, youth delinquency, and illiteracy. They work with native Americans, migrant farmworkers, Americans with disabilities, immigrants, the very young and the very old. Each volunteer costs the Federal Government about $8,000 per year; however, each VISTA project mobilizes approximately $54,600 in new funds and services that otherwise would not have been available. VISTA volunteers and programs are an empowering factor in helping communities develop the skills and leadership capacity needed to become self-sufficient.

On February 23, 1989, I convened a hearing to commemorate VISTA's achievements over the last quarter century. At that time, we had the pleasure of hearing from a diverse group of outstanding men and women who have been involved with VISTA as volunteers and administrators at various times since 1964. From these witnesses, the subcommittee learned about VISTA and volunteer service over the last 25 years and how they can best be put to use today and in the future.

The reauthorization process will give us the opportunity to more fully explore the reasons for the lack of recognition given to VISTA and the other title I programs at a time when there is such tremendous interest in national service. Because resources are scarce, we in the Federal Government do not have the time nor the money to waste reinventing the wheel.

Current authorization for the Domestic Volunteer Service Act expires September 30, 1989. I am introducing this legislation to authorize title I of this act at such sums as may be necessary for fiscal years 1990, 1991, and 1992. This will give the members of my subcommittee adequate time to determine what changes need to be made to the enabling legislation. When the oversight process is completed, any changes will be incorporated into a longer reauthorization package for committee and floor action later this year.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

Section 501 of the Domestic Volunteer Service Act (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "and"; and

(ii) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992";

(B) in paragraph (2)—

(i) by striking "1988, and" and inserting "1988,"; and

(ii) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992"; and

(C) in paragraph (3), by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992";

(2) in subsection (b), by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992"; and

(3) in subsection (c)—

(A) by inserting before the period at the end of the first sentence the following: ", and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992"; and

(B) in the third sentence—

(i) by striking "1989, and" and inserting "1989,"; and

(ii) by inserting before the period at the end the following: ", and such sums as may be necessary for the fiscal year 1992".

TRIBUTE TO GEORGE MANTELLO, ONE OF THE UNSUNG HEROES OF THE HOLOCAUST AND WORLD WAR II

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SCHUMER. Mr. Speaker, I rise to call my colleagues' attention to the deeds and valor of one of the great unsung heroes of the Holocaust and World War II on the occasion of his visit to the United States. Mr. George Mantello is perhaps one of the most outstanding examples we have of a single individual standing up and mobilizing the world against the atrocities of Nazi Germany and its death camps.

George Mantello, a Jew who served as El Salvador's Secretary General in Switzerland from 1942 to 1945, saved nearly 30,000 Jews from almost certain death in the Holocaust, and perhaps hundreds of thousands more by the means of two extraordinary feats of rescue.

At a time when the Nazis and their Hungarian collaborators were deporting up to 10,000 Jews a day to Auschwitz, threatening to completely exterminate the Hungarian Jewish population of Budapest, Mantello took action which led directly to a halt in these deportations. Almost singlehandedly, he initiated a press campaign in Switzerland that finally awakened the Western World to the horrors of the Nazi concentration camps, and forced an end to the deportations in Hungary.

At the heart of this remarkable event lies Mantello's disclosure to the press of the Auschwitz protocol. These protocols were a 30-page document that described the ongoing atrocities in the concentration camps, and was based on the testimony of two young escapees from Auschwitz, Josef Lanik and Rudolph Vrba.

With the help of four leading Protestant theologians who supported Mantello's campaign, the Auschwitz protocol was reported in over 400 articles, published in 120 Swiss newspapers, which condemned the mass murders at Auschwitz. The response to the report was quick and stunning. It finally evoked an international outcry from such leaders as President Roosevelt, the Pope, Britain's Anthony Eden, the King of Sweden, the International Red Cross, and the Swiss Government. They demanded that Admiral Horthy, the Regent of Hungary, put an end to the deportations of the remaining Jews in Budapest. Despite the ever increasing pressure from Eichmann to complete the "final solution," on July 18, 1944, Horthy halted the deportations, and the nearly 200,000 Jews still living in Budapest were saved from the gas chambers.

George Mantello's second rescue effort, though not as dramatic, was responsible for saving an equally impressive number of people during the war. He produced and distributed 15,000 Salvadoran citizenship papers to Jews and non-Jews throughout Nazi occupied Europe. These served as "protective papers" for their holders, and over 95 percent of these families survived the Holocaust. While many Latin American consuls made fortunes selling their country's passports, Mantello provided these papers gratis, out of purely humanitarian motives. All this was fully supported by the Government of El Salvador.

In addition to his resuce work, Mantello was extremely helpful to both the American and British intelligence services, while never taking a penny for his services. Using his diplomatic pouch, Mantello slipped millions of dollars of Swiss technical instruments that were necessary for the war effort out of Axis-surrounded Switzerland and into Allied hands.

Mr. Speaker, it is with unspeakable admiration that I bring to my colleagues' attention the remarkable, and until now relatively unrecognized, achievements of Mr. George Mantello. Surely this great humanitarian hero, now 87 years old, deserves our deepest gratitude and the highest praise this body can bestow upon him.

EFFICIENCY STANDARDS FOR PLUMBING PRODUCTS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. ATKINS. Mr. Speaker, water officials in my home State of Massachusetts recently announced a water emergency for the Metropolitan Boston area. The Quabbin Reservoir, which is the largest reservoir in the Northeast, and which provides Boston and 45 other communities with water, is falling at a rate of 70 million gallons a day. It is now at 68 percent of its capacity, and officials are warning that only prompt enactment of water conservation measures will spare the region from a serious water shortage.

This is in Massachusetts, a State bordered by an ocean and containing a multitude of rivers, lakes, and streams. In other regions of the country, the situation is even worse. California, for instance, is forecasting a third consecutive year of drought and severe water restrictions, while in the drought-stricken Midwest, farmers are praying for heavy spring rains after a dry winter.

Unfortunately, we cannot blame our water shortage problems solely on Mother Nature. We are also suffering from the rapid influx of people into our cities. About 70 percent of the population lived in urban areas in 1960, but that figure is expected to grow to 85 percent by 2000. In many of these areas, water use already approaches or exceeds the water supply system's dependable yield, leading the Congressional Budget Office to estimate that of the Nation's 756 large urban water systems, 170 will need an additional water supply in the next decade.

Mr. Speaker, we have the ability to attack our water shortage problems in a relatively simple and painless way: by improving the efficiency of plumbing products and residential water-use items. Unbelievably enough, residential water use for the average person in this country comes to over 18,000 gallons of water per year. The amount that is used unnecessarily is staggering, especially in light of the fact that new technology to improve the performance of water-using products is commercially available. It's time to recognize the severity of our water shortage problems and ensure that water-efficient products are used.

Today I am reintroducing the "National Plumbing Products Efficiency Act," which would accomplish that goal by setting national efficiency standards for residential items that use water. Congress passed similar legislation for energy appliances in the 100th Congress, and I have modeled my legislation after that law. I am pleased to announce that WYCHE FOWLER will again be joining me by reintroducing identical legislation in the Senate.

I first became interested in this initiative last spring, when Massachusetts became the first State to set water-saving standards for toilets. Since that time, the idea has taken off. The States of Washington and Rhode Island have begun the process of initiating similar standards, and recently the Delaware River Basin Commission, which controls water policy for parts of four States—New York, New Jersey, Pennsylvania, and Delaware—announced new efficiency standards for toilets, faucets, showerheads, and urinals. Furthermore, the environmental community included a call for plumbing product efficiency standards in its "environmental blueprint" for President Bush.

It is easy to see why this idea has received so much attention. In Massachusetts, it's estimated that a switch to more efficient toilets would save up to 25,000 gallons of water per year in the average household. In Maryland, studies indicate that a similar toilet standard could reduce or hold residential water demand at present levels for up to 30 years, despite rapid population growth. And, the Delaware River Basin Commission says its low-consumption toilet requirement would result in estimated savings of 42 million gallons of water per day by the year 2020.

All of the above savings are only for toilets. My legislation would also require water-saving standards for faucets, showerheads, clothes washers, dishwashers, and any other plumbing products which use significant amounts of water and for which standards can realistically be set. Use of products that meet those standards could cut indoor water use in half, and they could also cut home energy use by reducing the use of hot water. Low-flow requirements have financial benefits, as well. Massachusetts estimates that installation of low-flow toilets could chop $80 off the average family's annual water bill, while the Delaware River Basin Commission estimates its new toilet requirements could save $250 million in costs that would be needed for new water supplies and wastewater treatment facilities by the year 2020. Water conservation achieved through this strategy would also reduce the operating costs of existing facilities, and would spare us from the immeasurable environmental costs of diverting existing water supplies and constructing new plants.

I also believe that my legislation would reap considerable benefits for the plumbing and appliance industries. For one thing, the development of national standards would promote an orderly national market to replace a market in which hundreds of different States and localities could soon have hundreds of different efficiency requirements. Second, national standards enforced by the Federal Government would take the place of unenforceable consensus standards and put foreign and domestic manufacturers on an even playing field. Finally, enactment of efficiency standards would boost demand for new plumbing fixtures and appliances. The average toilet, for instance, is replaced every 15 to 20 years. However, if consumers recognize that water conservation is necessary, and that water-saving products can keep down rapidly rising water bills, the demand for replacements will escalate.

When I first introduced the "National Plumbing Products Efficiency Act" last October, I invited the plumbing and appliance industries, State water commissions, and environmental organizations to comment on my proposals. Since that time, I have learned a lot about water conservation and the plumbing industry, and I have incorporated a number of the suggestions I received into the new version of the bill. I look forward to a continuing dialogue with industry, States, and environmental groups in an effort to enact the most effective and fair plumbing products efficiency bill possible.

In the 1970's, this country responded to an energy crisis by enacting widespread energy conservation measures. We cannot wait for further evidence of an impending water crisis before doing the same in regard to water conservation. The potential savings from enacting water-saving efficiency standards for plumbing products are huge, and so are the fiscal and environmental savings from not having to create new reservoirs or construct new wastewater treatment plants. I urge my colleagues to join me in cosponsoring this legislation, which I hope will make water conservation the "wave" of the future.

SDI REASSESSMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 1, 1989, into the CONGRESSIONAL RECORD:

SDI REASSESSMENT

In the early weeks of the Bush presidency, one of Ronald Reagan's most controversial programs is quietly approaching an important turning point. As President Bush begins to define his defense and foreign policy priorities, important choices will have to be made about the future of the Strategic Defense Initiative (SDI)—the program to provide for defenses against enemy missile attack. These choices will have significant implications for the federal budget, the security of the nation, and the future of arms control.

Since President Reagan proposed SDI in March of 1983, there has been constant debate about its objectives. Should SDI be a research program exploring scientific principles and basic technologies which may have military applications in the 21st century? Should it be a program to build massive defensive systems to fully protect the American people from missile attack? Or should we develop more modest defenses with less all-embracing objectives? President Reagan's goals for SDI were always clear. He wanted nationwide defenses that would render nuclear weapons "impotent and obsolete." But that objective may no longer be central in SDI planning. President Bush's nominee for Secretary of Defense, John Tower, recently testified that any expectation of providing umbrella population defenses was "unrealistic." Most defense experts agree with Tower's assessment.

With nationwide defenses ruled out, there are now two widely talked about SDI alternatives. One is a modest defensive deployment called an Accidental Launch Protection System (ALPS) which would defend large parts of the country against a few missiles that might be fired by mistake or by a small country with limited capabilities. The other is the socalled Phase I of SDI. This first phase would involve the use of existing technologies to destroy some of the warheads aimed at the United States during a nuclear war. Any decision to deploy limited missile defenses can only be made after we have answered three basic questions:

HOW WELL WILL IT WORK?

Judging the utility of any missile defense proposal is difficult unless we know how the Soviet Union will respond ot it. If we build defenses, they could build more offensive systems and overwhelm our defensive capabilities. Both sides would then have increased military spending without achieving any measurable gain in security. A Phase I SDI, as currently envisioned, could probably be countered by the Soviet Union unless both sides agreed to limit their offensive weapons; and the Soviets are unlikely to accept new arms control limitations at a time when we are deploying missile defenses.

Modest defensive systems would offer some protection against accidental launches and against attacks from smaller nations that may someday acquire both nuclear weapons and long-range missiles. The chances of an accidental missile attack are hard to estimate, but they have certainly decreased in recent years as both the United States and the Soviet Union have worked to reduce the danger of technical failures in missile control. Limited defenses would not protect us against all kinds of small-scale or terrorist nuclear attacks, such as a nuclear weapon smuggled across our borders. Small defensive systems would give us some added protection, but at a significant price.

HOW MUCH WILL IT COST?

Funding for SDI has risen steadily in the last few years. The final Reagan budget request for 1990 includes $5.9 billion for missile defenses, a 50% increase over this year's expenditures. From 1985 through 1989, SDI has consumed nearly $15 billion. This level of spending is modest compared to the costs we would incur in a full-scale Phase I program. Last October the Defense Department estimated that the testing, development and deployment of Phase I would cost $69 billion. ALPS would probably cost less

but no official estimates have been made. A commitment to either of these alternatives would affect spending on other defense priorities. In an era of budget constraints, SDI must compete for limited Pentagon funds.

WHAT EFFECT WILL IT HAVE ON ARMS CONTROL AND THE ABM TREATY?

Any decision to deploy missile defenses would have an impact on past and future arms control agreements with the Soviet Union. By most accounts, it will be impossible to build the first phase of SDI without violating the Anti-Ballistic Missile (ABM) Treaty of 1972, one of the most important international agreements in the postwar era. A decision to build missile defenses would also threaten the successful negotiation of a Strategic Arms Reduction Treaty (START) to reduce superpower nuclear warheads by 50%. Because ALPS would involve fewer interceptors and no space-based weapons, it might be possible to construct without violating our ABM treaty commitments, but there are serious verification problems in building any limited defense system without making it appear to be a precursor to a prohibited nationwide system.

The purpose of partial missile defenses is to increase the security of the United States by adding defensive capabilities to our existing offensive weapons. Increasing our security in the nuclear age is an important objective, but there are many ways to achieve it. For example, mobile missiles, which are now under consideration, would improve the ability of our land-based forces to survive a nuclear attack. Alternatively, signing a carefully negotiated START agreement could reduce the threat of nuclear war and the need for missile defenses. Taking one of these steps, or both of them, might be cheaper and safer than a decision to proceed with Phase I deployments.

SDI is at a crossroads. Since it was introduced in 1983, the idea of building missile defenses has received serious national debate. There is now wide agreement that we need a basic research program to explore the prospects for future missile defense systems. We have done this research for many years, and so have the Soviets. The harder questions for SDI are whether we should go beyond research and begin building actual defensive systems with limited capabilities. As SDI approaches its sixth anniversary, difficult decisions must be made about the immediate future of missile defenses. The Bush Administration, the Congress, and the American public will have to make those decisions with great care.

IN INDIA FEMINISTS OPPOSE ABORTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LaFALCE. Mr. Speaker, I was very troubled by a recent column in Newsweek by Jo McGowan, an American writer living in India. She reports that in Bombay feminists have now succeeded in having amniocentesis severely limited. This action has been taken because 7,999 out of 8,000 recent abortions in Bombay were found to have been of females, who are considered less desirable than males in much of India. Given our cultural values, this may seem shocking to us. But how much more shocking must it be to other cultures when, in this very wealthy Nation, we abort millions of babies, often for purely financial reasons or other reasons of convenience. The Newsweek column reads as follows:

IN INDIA, THEY ABORT FEMALES

(By Jo McGowan)

Beware what you set your heart upon, for it surely shall be yours. Feminists would be wise to heed this old-fashioned warning. By insisting upon the right of every woman to have an abortion, they have opened a Pandora's box of which they are only now realizing the depths.

I say this as an American resident of India where an updated version of female infanticide is being practiced. Amniocentesis, a medical procedure used to detect certain fetal abnormalities, almost always reveals the sex of the unborn child—a side benefit doctors in India now put to use in a culture that prizes sons. Or, as one doctor was quoted in the Indian Express last year: "Yes, I do sex-determination tests. It's better for an unwanted girl not to be born than to suffer later." The birth of a boy is cause for great rejoicing, but given modern technology that of a daughter can lead to a request for an abortion.

In India, being female is an economic handicap. A girl means trouble. She must be married off at great expense (the custom of dowry was outlawed in 1961 but is still prevalent), only to be lost to her family. Anything she earns belongs to her in-laws. Her parents, who may incur a lifetime of debt to pay for her wedding, can expect to see her only once or twice a year and then in strained, formal visits. The more daughters they have, the worse off they become. It's no wonder then that the idea of sex determination, with abortion as an option if the sex turns out to be "wrong," is so popular here that sex-selection clinics have become a big business.

But as amniocentesis has become widely available in the subcontinent, it has also become more and more controversial. Feminists decry its inherent sexism—their vigorous fight against its use for sex selection won them a victory recently when the western Indian state of Maharashtra (of which Bombay is the capital) outlawed the procedure for any but strictly defined medical reasons.

To undergo amniocentesis in Maharashtra now, a woman must be at least 35 years old or must have a medical history that suggests the possibility of a genetic disease. The new law, applauded by women's groups, is seen as a promise of things to come. In my opinion, however, the victory it represents will remain an isolated one simply because the feminist position on this issue is illogical and inconsistent.

What is the feminist position? Very simply put—it is wrong to abort babies just because they are girls. In making their arguments, women in India use highly emotional terms like "feticide" and marshal grim statistics (out of 8,000 cases of abortion in Bombay, 7,999 involved a female fetus, according to one study) to support their case.

All very sad and very compelling but for one large fact: feminists (in India and all over the world, for the feminist community is at one on this issue) are speaking out of both sides of their mouths. When the issue is sex determination and the "selective" abortion of girls, they call it female feticide. But when the issue is reproductive freedom and the abortion of male and female fetuses, they call it a "woman's right to choose." It won't work. They can't have it both ways. Either they accept abortion or they don't.

For years now, feminists have made the abortion issue a top priority and have worked tirelessly to create a climate in which the destruction of unborn children is acceptable. They have done their work well: millions of fetuses are aborted all over the world and very few people give it a second thought.

SPECIAL INTEREST

The basic principle of the abortion-on-demand movement is that the decision to abort should rest entirely with the woman. No special-interest group or individual (be it the church, the state, her parents or her husband or lover—should have any say in the matter. Free choice means just that—the woman chooses.

Yet some mothers, indeed many mothers in India and other countries and cultures where males are highly prized, have very legitimate reasons in believing that giving birth to a girl is unacceptable. What gives anyone the right to tell them they are wrong? Certainly no traditional feminists should dare, any more than she would tell the mother of a hemophiliac that she should carry her pregnancy to term.

"Selective" is the term used to describe the specific targeting of girls for abortion, as if the word somehow proves the essential evil of the act. But which abortion is *not* selective? The handicapped fetus of the mother who only wants a perfect baby, the third child of a mother who only wants two, the unplanned baby of a mother who wants total control of her life—all of these can be "selectively" aborted. What changes in each case is only the mother's view of what is acceptable and what is not.

From where I sit, feminists have no moral standing from which to speak out against the selective abortion of girls. In insisting that they do, they have become just another special-interest group, like the church or the state, trying to prevent women from exercising their right to choose. Once it is permitted to kill some fetuses for some reasons, I don't see why it isn't permitted to kill all for any reason.

As a woman who is opposed to abortion, I would almost have welcomed this turn of events, were it not so tragic and wrong. But perhaps now the real nature of abortion will be revealed in all its horror. (Perhaps from the undeniable truth that it is wrong to kill a baby simply because she is a girl will emerge the larger truth that it is wrong to kill a baby at all.)

IN PRAISE OF THE SELECT COMMITTEE ON AGING

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Ms. SCHNEIDER. Mr. Speaker, I would like to take the occasion of the reauthorization of the Select Committee on Aging to express my profound sense of pride in the accomplishments of this committee. A day hardly passes without my citing a report, study, or hearing by this committee which has articulated a significant trend or fact of importance to older Americans. In its 14-year history, the Select Committee on Aging has addressed such critical issues as poverty among older women, the

high cost of health care, age discrimination, and low cost elderly housing. It is this committee which addresses the Older Americans Act, the major piece of legislation affecting the elderly. It is this committee which has raised awareness about such devastating health problems as Alzheimer's disease and osteoporosis. It is this committee which has taken on the banking industry to make it more amenable to the needs of senior citizens. It is this committee which takes an active oversight role of the Social Security Administration, and the most important programs this Government runs—Social Security and Medicare. Obviously, I could go on and on because the list of the Aging Committee's accomplishments is long and distinguished.

Under the leadership of my esteemed colleague CLAUDE PEPPER, the Health and Long-Term Care Subcommittee, on which I serve, has been a major force addressing all aspects of long-term care. Our subcommittee is responsible for undertaking a comprehensive continuous review of health care facilities, research and development, relevant legislation, and the administration of health care programs. Congressman PEPPER's advocacy does not start and stop with older Americans. His long-term home health care bill calls for long term care coverage for children as well as seniors. This makes the bill totally intergenerational, and he has attracted overwhelming public support for it.

Mr. Speaker, the Select Committee on Aging provides much needed advocacy for older Americans. In this capacity, it acts as a coherent vehicle for promoting legislation and action to improve the quality of life for America's elderly. I view service on the Select Committee on Aging as a high priority. Rhode Island has the second highest proportion of older adults of any State in the Nation; I am fortunate to have the benefit of their wisdom and experience as I consider legislation of importance to Americans. I am proud to join my colleagues in reauthorizing this critical and successful committee.

NATIONAL FARM SAFETY DAY FOR KIDS

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LIGHTFOOT. Mr. Speaker, today I have introduced a House joint resolution which would designate September 20, 1989, as "National Farm Safety Day for Kids."

We often think of farms as ideal places to raise children. There's plenty of space, responsibilities, and the positive interaction with nature. While these characteristics hold true, farm accidents involving children are taking a devastating toll on many farm families.

In few other occupations do youngsters have access to the sophisticated machinery and equipment as they do in modern farming operations; 7 days a week, 365 days a year, today's farmers and their children are involved in many activities that utilize this machinery.

Currently, accidents are the leading cause of death of children under the age of 16 who live on farms. There are a considerable number of children under the age of 5 who are exposed to extremely hazardous work sites on farms. Farm tractors, flowing grain, and other farm machinery account for over 80 percent of the fatalities of children who are involved in farm-related accidents.

The best way to prevent these farm accidents is through increased public awareness. Knowledge of the dangers that exist to children when surrounded by farm machinery and grain handling needs to be heightened. Farm safety education programs directed at children should be developed and implemented by Federal, State, and local officials with assistance from both public and private organizations.

I ask my colleagues to join me in sponsoring the "National Farm Safety Day for Kids" and call attention to the dangers that are present to our farm children.

SAFETY NET

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to share with my colleagues here in the House of Representatives an editorial which recently appeared in the largest newspaper in New Jersey, the Newark Star-Ledger. I am pleased that media attention is being focused on the important work that our friend and colleague, JIM FLORIO, is doing to alleviate the problems that have resulted from deinstitutionalization. Congressman FLORIO has been a leading advocate for a segment of our society that is too often neglected, those with mental and physical impairments.

Mr. Speaker, as a cosponsor of the bill to expand Medicaid benefits to persons living in group homes and supervised facilities, I share Congressman FLORIO's belief that every American must be given the chance to develop his or her full potential. I urge my colleagues to take a moment to read the following editorial and to join in this important legislative effort.

[From the Newark Star-Ledger]

SAFETY NET

As a concept, deinstitutionalization makes sense. Who can argue convincingly against a policy which holds that a person who is no threat to himself or society should be kept shut up inside some government-run hospital?

Regrettably, there is a serious discrepancy between concept and practice. Deinstitutionalization has been less than perfect because government has failed to follow through and provide the support programs needed to assist in the adjustment of the mentally retarded and other handicapped persons to the challenges of community life.

In recognition of this deficiency, Rep. James Florio (D-1st dist.) has introduced legislation which would come to the aid of persons suffering from mental retardation and related conditions, such as epilepsy and cerebral palsy.

What the Florio bill would do is change federal rules so that persons living in group homes, supervised facilities and other non-institutional settings could receive Medicaid benefits and improved quality of care. "People who are retarded or have related conditions should have the same rights as everyone else," Mr. Florio explained. "They should be allowed to reach their full potential as human beings. To me, this is not so much health legislation as an affirmation of the rights of people."

The existing rules are unnecessarily restrictive—harshly punitive, in fact—and prevent persons with disabilities from returning to the community and assuming more productive, fulfilling lives. Cosponsoring the legislation with Mr. Florio are Rep. Henry Waxman, chairman of the House subcommittee on health and environment, and Rep. John Dingell, who heads the House Energy and Commerce Committee.

Advocates of the mentally retarded and persons with related conditions are speaking out in support of the proposed change in Medicaid rules. The legislation would give a new lease on life to persons who would continue to suffer needlessly under the presently senseless system.

Clearly, the Florio bill is a humanitarian measure which should be quickly passed and signed into law by President Bush.

THE RAILROAD DRUG ABUSE PREVENTION ACT OF 1989

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, today I am introducing a bill that goes straight to the very heart of rail safety. This legislation would require the most stringent and most far-reaching drug and alcohol testing program for rail employees ever to be introduced in Congress. It is the same bill which passed the House last year but which died at the desk in the Senate.

A major feature of this bill is that it will require the random testing of all rail employees in safety-sensitive positions. That means we're going to test train crews, yard crews, dispatchers, and anybody else whose job involved the safe movement of trains. And that's not just blue collar workers, but management, too.

Why random testing? Because random testing will let drug users know that someone will be looking over their shoulders. They need to know that at any time they can be tested and yanked from the locomotive cab or the control tower. They simply won't be able to hide anymore.

Our bill doesn't just stop at random testing, however. It will also for the first time require by law a full scale program of post-accident drug and alcohol testing; reasonable cause testing; preemployment testing; and testing as part of annual physicals.

The need for this legislation is very clear. A shocking number of rail accidents in recent years have involved rail employees who use drugs or alcohol. The most well-known and devastating of those accidents occurred in Chase, MD, 2 years ago, when 16 people died after a Conrail locomotive recklessly ran through four red signals into the path of a crowded Amtrak passenger train. The Conrail

engineer later confessed to having smoked marijuana only minutes before the crash.

Unfortunately, the Chase crash was not an isolated incident. It could easily have been repeated in April of last year in New York when one Metro North commuter train smashed into another which was standing still. The trains were empty, so no passengers were injured. But of the 10 rail employees tested for drugs after the accident, 5 tested positive—for everything from marijuana to morphine.

Despite these and other accidents, remedies have been slow in coming. In the last Congress, the House passed our bill, but the Senate refused to take it up. Instead, the Senate inserted in own omnibus drug bill a blanket provision requiring drug testing of airline, trucking, and rail employees, but limited it to just random testing. For reasons that are unclear, in conference the Senate was not willing to agree to our much more stringent bill.

Last year, the Department of Transportation issued rules for random drug testing of rail employees. While I wrote to then-Secretary of Transportation Burnley to applaud his initiative, I am concerned that the DOT regulations inexplicably fail to require testing for alcohol in addition to drugs. Furthermore, DOT's rules make no provision to ensure the accuracy of drug testing laboratories through a system of proficiency testing, nor do they provide for the treatment and rehabilitation of employees who test positive.

The bill I am introducing today, with the ranking minority member on our subcommittee, BOB WHITTAKER, of Kansas, would not only establish a comprehensive system of drug and alcohol testing, but addresses these other issues as well.

I must confess that the strong measures we have put in this bill are not ones that I embraced easily. I have long been, and continue to be concerned that any drug and alcohol testing program for rail employees be administered fairly and accurately. In fact, 2 years ago, at our hearing in which we exposed the falsification of drug testing results at DOT's CAMI Lab, I said:

Everyone agrees that drug and alcohol testing should be done. We simply cannot tolerate our railroads, our trucks, our cars, and our planes being operated in a blurry haze of drug and drink. At the same time, however, no one wants to see careers shattered and innocent lives ruined by the indelible mark of a positive drug test that was, in fact, mistaken or falsified.

I still hold that opinion. For that reason the bill I am introducing today not only requires the full range of drug and alcohol testing, including random testing, but goes on to specify a procedure for the certification and proficiency testing of drug testing laboratories. It requires the establishment of DOT approved rehabilitation programs for employees who test positive. And it opposes civil and criminal penalties: On those who alter test samples or falsify test results; on those who flee the scene of an accident to avoid being tested; and on railroads who fail to carry out the required testing.

In sum, with this bill we are sending a clear message: we are not going to tolerate drug use in the rail industry. We are not going to stand by while innocent people are killed month after month and year after year.

But we are going to do our best to stamp out the threat to public safety posed by drug users.

THE 71ST ANNIVERSARY OF ESTONIA'S DECLARATION OF INDEPENDENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. DORNAN of California. Mr. Speaker, I rise today to commemorate the 71st anniversary of Estonia's Declaration of Independence. I would like to submit to the CONGRESSIONAL RECORD the following factual update on the current situation in Estonia provided to me by the Estonian American National Council.

ESTONIA: POLITICAL AWARENESS AND NATIONAL REAWAKENING, 1988–89

1988 was a dramatic year of demonstrations, rallies, song fests and unprecedented political activity in Soviet-occupied Estonia, all of it aimed, ultimately, at the eventual restoration of Estonian independence. The world media have been filled with images of "the mouse that roared," as a country of one million seemed to challenge an empire of 300 million.

In a true grassroots movement, Estonia demands for reform, democracy and outright independence came directly from the long-suppressed Estonian people—fully one-third of the population attended a rally September 17, while 900,000 signed a petition opposing proposed Soviet Constitutional changes as undemocratic and harmful to Estonian interests. National and local-level groups and organizations, representative of a variety of approachs but united in their final objective, continue to form.

Estonians were brought to this level of activity by a growing awareness that their very survival as a people is threatened by the continued Soviet occupation and colonization of their homeland. Kept keenly aware—by the presence of 150,000 Soviet troops—that they live in an nation under occupation, Estonians yearn once again to be masters in their own home, to control their own economy and natural resources, to decide their own internal affairs, their own destiny. At its founding ceremonies August 20, 1988, the Estonian National Independence Party declared:

"We do not have enough clean air, water or earth to sustain life, let alone freedom—Add to that the danger of becoming a minority in our own ancient land."

As a possible indicator of things to come, the Soviet press has been villifying Estonia for months, to the point that the Estonian Popular Front has sued Tass for slander. However, while well aware of the ever-present potential for a Soviet crack-down or of a violent backlash led by the Russian chauvinist organization "International Front," Estonians still push peacefully for further reforms and democratization. Counting on continued moral and real support from the free world, Estonians are proceeding with careful, measured steps to move away from Moscow's control and toward true sovereignty.

The goals of free Estonians and of the international Estonian resistance movement remain:

1. That the Molotov-Ribbentrop Pact along with its secret protocols be declared null and void from the moment of its inception.

2. That Estonian-Soviet relations be governed by the 1920 Peace Treaty of Tartu, in which the USSR promised to respect Estonian sovereignty "forever".

3. That all Soviet troops, militia and paramilitary forces be withdrawn from Estonian soil.

4. That the existing Soviet colonial administration and bureaucracy in Estonia be dismantled.

5. That reparations be paid to the Estonian people an to all individuals and families who have suffered directly or indirectly as a result of Soviet-German collusion, invasions and occupations of Estonia since 1939.

6. That democratic elections be conducted, initially under international supervision.

7. That, as a former member of the League of Nations, Estonia be admitted to United Nations membership and reinstated into all other international organizations, conferences and institutions to which Estonia belonged.

In Moscow on November 17, 1988, the Estonian National Independence Party presented to members of the U.S. CSCE (Helsinki) Commission a "Memorandum Concerning the Situation in Estonia". This document concludes:

"The time is ripe to begin to discuss the restoration of Estonian independence in much more conrete terms. It is our desire, that the developments in the Baltic states be taken into the orbit of the key issues concerning the United States Congress and Government and that there be a deeper and sincere understanding and appreciation of the efforts of Estonians, Latvians and Lithuanians as they strive to restore their national independence.

"A practical step would be the placement of impartial UN observers into the Baltic states to ensure a peaceful transition to democracy.

"An international conference should be organized within the framework of the Conference on Security and Cooperation in Europe to discuss the problems and aspirations of the Baltic states (with representatives of Estonian, Latvian and Lithuanian independence movements invited to attend).

"We propose that discussions be initiated concerning a problem of key importance, namely the removal of Soviet occupation forces from Baltic territory. These discussions should be an integral part of all arms reduction talks in Europe and a logical extension of talks in connection with the evacuation of Soviet forces from Afghanistan. A multi-lateral international agreement on the evacuation of Soviet forces from Estonia, Latvia and Lithuania must be based on the condition that independence be restored to those states. The resulting neutral Baltic states, independent of any power-bloc, could play a valuable and positive role in the collective security of Europe."

INVISIBLE JUDICIARY

HON. AUSTIN J. MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. MURPHY. Mr. Speaker, I appreciate this opportunity to rise in support of legislation which I have introduced today to create a central corps of administrative law judges.

In today's complex world of bureaucracy and red tape, the role of administrative law judge has taken on new significance. Often referred to as the "invisible judiciary," the work of the administrative law judge is important and necessary. It becomes much easier to understand the size of the Federal administrative judiciary when one realizes there are twice as many administrative law judges as there are district court judges handling all Federal and criminal cases.

The scope of the authority of the Federal administrative judiciary is much broader than most people realize. Administrative law judges deal with cases involving everything from licensure of radio and television broadcasting to corporate merger and antitrust; from regulation of trading and securities, commodities, and futures to adjudication of claims relating to social security and other benefits.

With a system this important, it is imperative we work to ensure it operates most effectively and efficiently. That is why I am sponsoring this legislation. In 1989, our Federal administrative judiciary needs to be examined. This system is too often slowed down by immense backlogs, plagued with an uneven distribution of work, and suspicions that judicial impartiality may be compromised.

The problems of uneven distribution of work first came to my attention in 1985 after my office investigated a constituent's black lung benefits appeal. I was shocked to learn this case was being delayed because it was one of 21,000 cases that had yet to be addressed by one of the 23 ALJ's then working on black lung at the Department of Labor.

Upon further investigation of this intolerable situation, I discovered glaring differences in the amount of work done by ALJ's at various agencies. In this same year, 1985, the ALJ's at the Securities and Exchange Commission issued only 11 decisions. This legislation would prevent such backlogs and inequity from ever occurring again, by equitably distributing cases between all ALJ's.

The corps proposal also evokes the question of judicial expertise. This argument is predicated on the belief that unification of all administrative law judges into a corps will not make maximum use of each judge's expertise. Opponents contend that administrative law judges should continue to preside over the same types of cases which they have always heard. This argument is based more on fear than on reason. Even with the consolidation of all federal administrative appeals offices into a corps, judges will continue to be assigned to a division that is responsible for the same or similar area of law from which their expertise has grown. Judges would be grouped in the following divisions:

One. Division of Communications, Public Utility and Transportation Regulations;

Two. Division of Safety and Environmental Regulation;

Three. Division of Labor;

Four. Division of Labor Relations;

Five. Division of Health and Benefits Programs;

Six. Division of Securities, Commodities, and Trade Regulation; and

Seven. Division of General Programs and Grants.

Most judges will still be specialists in various fields of law, and their expertise will not be lost. Unification will provide judges with the opportunity to hear a wider range of cases. This move would combat the occasional boredom some judges encounter by providing them with a greater amount of intellectual stimulation.

This new agency would operate under the direction of the chief administrative law judge, who would be appointed by the President. Each of these divisions would be headed by a division chief. This system would provide the flexibility required to ensure uniform workloads among judges.

In this time of budget constraints, this bill would also provide substantial cost savings for the Government. Preliminary estimates from the Congressional Budget Office are that potential savings could be as high as $20 million annually. In Washington, DC alone, consolidation of 29 separate docketing offices would produce immense savings. Pooling of administrative staff, receptionists, docketing clerks, and libraries would allow reduction of the support staff and could yield an estimated additional $10 to $15 million annually. Consolidation of physical facilities and resources would also result in more efficient and economical operation of the administrative hearing process. Many law libraries and hearing rooms which are maintained for various agencies throughout the District of Columbia would no longer be required. Finally, efficiency would also be achieved by the unification or reconciliation of the nearly 280 different procedural and evidentiary rules currently used in departmental and agency adjudications.

Another problem that would be addressed by this legislation is the great inconvenience and cost when administrative law judges travel great distances to hear cases. Many administrative law judges are faced with the need to travel as much as 1 week each month in order to conduct hearings in locations remote from Washington, DC or district offices. This present arrangement is very costly. Estimates from the Departments of Labor and Agriculture indicates a range from $5,000 to $10,000 per year in travel related expenses per judge. This arrangement can be difficult to manage for judges who must travel constantly, and it is often cumbersome for the parties. Long-distance adjudication arrangements generate expensive phone bills. Mail delays are often encountered when filing documents, slowing down an already creeping system. Securing hearing rooms is often troublesome, and many hearings are conducted in hotel rooms.

Restructuring the system through enactment of my proposal would ameliorate many of these problems. The bill would provide for more administrative law judges being dispersed throughout the country. This arrangement would eliminate or significantly decrease the amount of necessary travel. Also, judges could hear more cases that arise in their vicinity not only because more judges would be located in outlying areas, but also because judges would be able to hear many cases in their vicinity requiring a hearing under the Administrative Procedure Act. The establishment of permanent hearing rooms throughout the country would also greatly ease the scheduling difficulties many administrative law judges now face.

This bill would also serve to dismiss one of the oldest problems facing the Federal administrative judiciary, the question of judicial impartiality. A direct result of the present structure of the administrative hearing system is a public concern that ALJ's, because they are agency employees, are not impartial. The comments of one pro se litigant defending himself against U.S. Department of Labor's charges of violating the Davis-Bacon Act aptly summed up public suspicion of the Federal administrative judiciary. The defendent complained, "How can I expect to win this case when the Department of Labor is my accuser, prosecutor and judge?"

This lingering suspicion will continue to impede the work of the Federal administrative judiciary as long as the current system exists. Whether or not agenices do influence the decisions of their administrative law judges remains a debate without an answer. The Administrative Procedures Act is certainly designed to protect the autonomy of the administrative law judge. However, as an agency employee, administrative law judges are vulnerable to a variety of subtle and not so subtle pressures from their employing agency. An agency's control over promotional opportunities, office space, and support staff is a source of very real power and control over administrative law judges. Even though most agencies refrain from exerting pressure to influence their judge's decisions, the fact that such pressure may be applied compromise the integrity of the entire system.

Consolidation into an administrative law judge corps would end suspicion. An independent agency under the executive branch would be responsible for all administrative appeal hearings and proceedings. Administrative law judges would be removed from the employ of the various agencies for which they had previously worked, allaying all suspicions concerning their impartiality.

Implicit in the Administrative Procedures Act is a guarantee of due process for claimants and defendants. As long as extensive delays, inequitable distributions of work, and suspicions of a lack of judicial impartiality continue of plaque the system, we are failing to enforce this guarantee.

I am confident this legislation will accomplish the efficiency and savings we as Members of Congress owe to our constituents. When so many people are effected by the decisions of the Federal administrative judiciary, why not provide them with the best system possible? At less cost to our taxpayers, this bill provides all Americans with a system they can rely on for expeditious, efficient and unbiased administrative justice.

RESOLUTION OF DISAPPROVAL OF THE RECOMMENDATIONS OF THE DEFENSE SECRETARY'S COMMISSION ON BASE REALIGNMENT AND CLOSURE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. BROWN of California. Mr. Speaker, I rise to express my opposition to the recommendations of the Commission on Base Realignment and Closure and to announce my introduction today of the resolution of disapproval that would block the implementation of the base closings recommended by the Commission. During the 2 months since the release of the Commission's report it has become disturbingly clear that the Commission did not accomplish its mandate. Together with other members whose districts would be affected by the base closings, my staff and I have spent countless hours reviewing the Commission's recommendations as well as the merits surrounding many of the individual bases recommended for closure. For this reason, I am introducing the resolution of disapproval and I urge my colleagues to take a close look at the results of the Commission's work. I hope my colleagues will support the resolution if they conclude, as I have, that the Commission has failed to produce a base closure list the implementation of which would produce significant cost savings and improve our Nation's defense.

Earlier today I rose on the floor of the House to announce my introduction of the resolution of disapproval and explain some of the general reservations I have concerning the Commission's recommendations. At that time I questioned whether closing these bases would truly result in the cost savings which the Commission has predicted, and I made reference to the many serious questions my colleagues have raised concerning the Commission's analysis in regard to specific bases recommended for closure. Combined, the questions raised by my colleagues and I challenge the credibility and veracity of the Commission's work. I would like, at this point, to take issue with the specific justifications given by the Commission for its recommendation that Norton Air Force Base [AFB] be closed.

Before reviewing the Commission's recommendations for Norton AFB, I must first protest some general aspects of the Commission's work. Like many Members, I have been dissatisfied with the Commission's intransigence in releasing the information necessary for a complete understanding of how its conclusions were reached. The little information that has been given to my office does not represent, in my estimation, the fullest possible disclosure of the process and criteria by which Norton AFB was recommended for closure. Confronted by this unacceptable situation several Members, including myself, have been forced to resort to the Freedom of Information Act or a resolution of inquiry to obtain the information necessary to adequately review the Commission's work. At the request of myself and other Members the General Accounting Office is conducting an analysis of the Commission's work. I am sure this will be an objective and thorough review, but I hope it will be completed before Congress must vote on the resolution of disapproval.

I must also protest the intransigence of the Navy in regard to Commission's work. In an additional view added to the Commission's report by Thomas F. Eagleton, we have been told that the Navy "stonewalled" and "refused to play." My understanding was that no service would be given or receive special treatment in the base closing process. According to Mr. Eagleton, however, the Navy "got away with it." This is a disturbing revelation, patricularly when two Air Force bases are being closed in San Bernardino County in my district.

Finally, I must protest the fact that foreign bases were not reviewed by the Commission. If the American people are going to be asked to tighten their belts, then we should begin by reducing unneeded expenditures overseas. This is particulary appropriate at a time when our major allies have the economic and political strength to bear a higher share of their defense burden. Clearly, there exist obsolete overseas bases which the Commission could have recommended for closure.

Next, I would like to take issue with several of the reasons the Commission gave for the closing of Norton Air Force Base [AFB]. The Commission recommends Norton AFB for closure due to air traffic congestion, inadequate facilities, and excess capacity within that category of bases. The Commission specifically cites the poor quality of the facilities, increasing competition for skilled personnel, and a shortage or weapons storage facilities, family housing, medical, dental and recreational facilities.

Several of these points are contradicted by the limited documentation which was provided to my office by the Commission. For example, the Commission states that flight operations at Norton AFB have been constrained due to air traffic congestion in the Los Angeles area. In its phase II analysis, however, the Commission states that another Military Airlift Command unit is expected to assume control of the routes formerly occupied by Norton AFB units. It is stated quite bluntly that "airspace is therefore expected to remain unchanged." This comes as no surprise when one considers that most of Norton's flying units are recommended for transfer to March AFB, located only 15 miles south of Norton, and presumably subject to the same airspace constraints that have existed at Norton AFB. It should also be noted that prior to the release of the Commission's recommendations, the Air Force and the Federal Aviation Administration had approved a joint use proposal that would have increased air traffic at Norton AFB. These factors lead me to question the validity of the Commission's assertions concerning air traffic congestion at Norton AFB.

I must also question whether moving Norton's units 15 miles south to March AFB will markedly improve the Air Force's ability to attract qualified civilian personnel. One would assume that the competition for skilled personnel will be the same at March as it has been at Norton AFB.

Regarding the alleged shortage in weapons storage facilities, the Commission's documents show a deficiency of only 3 percent in explosive storage and 4 percent in warehousing. This hardly seems like a deficiency warranting elimination of the entire base.

It is not clear to me that significant cost savings would result from the closure of Norton AFB. The Commission's documentation does not provide a clear and comprehensive accounting in this regard. While the Commission states that $322 million will be saved over 20 years by the closure of Norton AFB, the Air Force has already estimated a cost of $316 million to accommodate Norton's units at other bases. I hope that in calculating the total savings from the closure of Norton AFB the Commission has taken these outlays into account. I also hope the Commission has recognized the value of the many new facilities, such as a new commissary and control tower, that have been built at Norton AFB.

As a member of the California congressional delegation I cannot help but note that California will lose more than 80 percent of the jobs lost nationwide resulting from the implementation of the base closure recommendations. The situation is even worse for San Bernardino County, home for both Norton and George Air Force Bases. While the Commission was not required to "spread the pain," so to speak, it seems wholly inappropriate to deliver such a massive impact to a single geographic region, regardless of where it is located.

Finally, and most importantly, I must take issue with the Commission's assertion that the closure of Norton AFB would have "minimal impact on local employment." Ironically, the documentation provided to my office shows clearly that the Commission's analysis is fatally flawed in this regard. In determining the effect on local employment which would result from the closure of Norton and George, the Commission considers only the civilian and military personnel directly employed on base. Thus, the Commission calculates that the loss of the 6,653 on-base jobs at Norton AFB would have only a 0.9 percent impact on the local employment base of 774,614. This is not an accurate reflection of the base's impact on the local economy. In its fiscal year 1988 economic resource impact statement, Norton AFB cites a total on-base work force of 10,741 plus 18,614 secondary jobs created due to the base's presence. Thus, when the 29,355 jobs dependent on the base are factored out of the local employment base we see a negative impact of 3.8 percent.

This is not the end of the story. Congress must accept or reject the Commission's recommendations in their entirety. Therefore, we must consider the net impact of all the base closings together. This is a particularly relevant consideration for San Bernardino County which will lose two bases if the Commission's recommendations are implemented. However, in addition to grossly underestimating the base's impact on local employment, the Commission's report also makes the mistake of considering each base closure in isolation. The Air Force uses a 50-mile radius to calculate its economic impact zones. The Commission evidently used the same 50-mile radius to reach the figure of 774,614 for total employment in both the Norton and George econom-

ic impact zones. It is reasonable, therefore, to jointly consider the closures of Norton and George when determining the impact of these closures on local employment. By conducting calculations this way we see an adverse impact on local employment of 39,168 jobs, amounting to a 5.1-percent increase in local unemployment. One can hardly classify this as a "minimal impact."

These are the primary concerns I have regarding to the Commission's recommendation that Norton AFB be closed. These concerns lead me to introduce the resolution of disapproval today. There are simply too many unanswered questions concerning the Commission's work to allow the implementation of its recommendations without an open debate of the full House of Representatives.

I am introducing the resolution of disapproval for the additional reason that I represent the people of the 36th Congressional District in California. My constituents are reasonable people who are willing to make sacrifices in our Nation's interests. They are not willing, however, to bear an inequitable burden in this regard. They are unwilling to see their area singled out in efforts to reduce our Federal budget deficit. San Bernardino County is being asked to forfeit two major military bases and suffer a potential increase in unemployment of more than 5 percent. My constituents have been virtually unanimous in demanding that I oppose this inequitable slam against our area; every city council in the area has passed resolutions opposing the Commission's recommendations, and my office has been deluged by constituent mail carrying the same message.

Some will accuse me of placing parochial political considerations ahead of our Nation's broader interests. There comes a point, however, when I must take a stand against the wholesale sacrifice of my district's interests in favor of broader considerations. I would be derelict in my duty as a representative of the people if I remained silent in the face of this outcry from my constituents.

I hope Congress will take a hard and serious look at the Commission's work. I harbor no illusions that the resolution of disapproval will garner broad support from the Congress. As a final request, therefore, I would ask that, if and when the base closures are implemented, the local communities are provided with the fullest possible assistance in minimizing the adverse economic impact. While I know there is life after base closings, I also know that this will be a long and difficult process for the communities in my district and across the Nation.

It is incumbent upon the Federal Government, therefore, to help ameliorate this impact on the communities that have, after all, been host for these bases for many years. The Office of Economic Adjustment must be provided with a budget sufficient to assist communities in converting bases to civilian uses. Environmental contamination on the bases must be cleaned up completely and rapidly, and in a manner which does not hinder the ability of local communities to convert the bases to job-producing civilian uses. This will be an extremely costly and complex process and I hope that the resources necessary to do the job right will be made available. Finally, I would urge my colleagues to consider the plight of the military retirees who live near the bases recommended for closure. Many of these retirees have settled near the bases to have access to commissaries, base exchanges, and clinics and hospitals. Closing these facilities will have a serious impact on their lives. Where feasible, such facilities should be retained. This is a particularly relevant consideration at Norton AFB where a brandnew, $4 million commissary was opened only 2 years ago.

There has been much talk laterly of working for a "kinder, gentler nation." I hope this concept will be applied to the issue of base closures. The military has been a part of many communities for decades. Indeed, communities have often grown up around military bases. If budgetary and efficiency considerations dictate that certain bases be closed, then let it be done in a manner which does not ignore the human impact.

SGT. JAMES B. STANLEY

HON. HARRY A. JOHNSTON II

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. JOHNSTON of Florida. Mr. Speaker, today I ask for your support of a private bill I am introducing for relief of Sgt. James B. Stanley. While I am aware that the vast majority of private bills do not gain passage, I sincerely believe this case warrants congressional action.

Sergeant Stanley was one of the military men unknowingly involved in LSD experiments during the 1950's. He had volunteered to test gas masks for the Army and was instead slipped LSD repeatedly in his drinking water without his consent. He began to hallucinate, lost his career in the Army, was at intervals violent toward family members, and his marriage eventually failed. It was not until 1975 that the Army finally informed him of his exposure to LSD, and that the origin of his mental illness and bizarre behavior became evident to him.

Sergeant Stanley's case has been heard by the Supreme Court, and although the Court decided against him by a 5-to-4 vote, all the judges agreed that the facts of the case proved that Stanley suffered irreparable injury. The Court cited the Feres Doctrine as the basis for their unfavorable ruling, which grants the U.S. Government immunity from liability in the civil courts for servicemen "where injury arises out of or are in the course of activity incident to service."

Congress has become Sergeant Stanley's court of last resort. As you are probably aware, precedent exists for an award of this kind. Public Law 96-77 provided for the relief of James R. Thornwell, who was similarly a victim of the Army's LSD experiments. In 1976, Congress also granted relief for the family of Frank R. Olson, a civilian biochemist, who was given LSD without his consent by the Army and subsequently jumped to his death while under the influence.

Supreme Court Justice Brennan, in his dissenting opinion, concluded that "soldiers ought not be asked to defend a Constitution indifferent to their essential human dignity." No action on the part of the military could more deeply offend our national conscience than the involuntary human experimentation reflected in the Stanley case. I ask my colleagues to help redress in some small way this extreme miscarriage of justice.

Mr. Speaker, I would like to insert a copy of the bill in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $625,000 to the trustee, designated pursuant to section 4, for the benefit of James B. Stanley.

(b) BASIS.—The payment required by subsection (a) shall be to compensate James B. Stanley for the physical, psychological, and economic injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1958.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1(a) shall be in full satisfaction of all claims James B. Stanley may have against the United States for—

(1) the injuries received by him as described in section 1; and

(2) for any injuries received by him subsequent to his discharge from the United States Army that are the result of the injuries described section 1.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

James B. Stanley shall not be eligible for any compensation or benefits from the Department of Veterans' Affairs or the Department of Defense for any injury received by him as described in section 1.

SEC. 4. PAYMENT TO TRUSTEE.

(a) ESTABLISHMENT OF TRUST.—The sum paid pursuant to section 1(a) shall be paid to a bank located in Florida as trustee for James B. Stanley, under a trust agreement to be entered into by such bank and James B. Stanley. Any such trust agreement shall be approved by the Attorney General prior to its being entered into by such bank and James B. Stanley.

(b) PROVISIONS OF TRUST.—The trust agreement entered into pursuant to subsection (a) shall provide that the trustee—

(1) initially pay the outstanding debts and obligations of James B. Stanley, including the legal fees and reimbursable expenses, as limited by section 5, incurred in connection with the benefits provided by this Act;

(2) invest the amount remaining after paying the outstanding debts and obligations described in paragraph (1) and hold the principal and interest in trust for the benefit of James B. Stanley;

(3) pay to James B. Stanley during his lifetime all of the net income of the trust on a monthly basis, and also pay or apply such amounts of the principle as the trustee deems necessary for the health, welfare, comfort, and maintenance of James B. Stanley; and

(4) pay to the estate of James B. Stanley, upon his death, all assets held in trust.

SEC. 5. LIMITATION OF ATTORNEYS' OR AGENTS' FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any attorney or agent of James B. Stanley for any service rendered in connection with the benefits provided by this Act. Any person who is found guilty of a violation of this section shall be fined not more than $1000.

MARS IS NICE TO VISIT, BUT TAKE A LOOK AT EARTH

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. GREEN. Mr. Speaker, the study of global environmental change has become one of the more pressing issues Congress will address in this session. As the ranking minority member of the Veterans, HUD, Independent Agencies Subcommittee of the House Appropriations Committee, which funds NASA, I believe space-based environmental research is a key to preventing further global environmental disintegration. An increase in scarce Federal funds devoted to this type of research would ensure the acquisition of data vital to the preservation of our planet's ecological balance. William C. Potter, in an article for the Los Angeles Times, describes the importance of redirecting our efforts from a United States/Soviet mission to Mars to a cooperative plan regarding a space-based environmental investigation.

The article, which appeared in the January 29 edition of the Los Angeles Times, follows:

MARS IS NICE TO VISIT, BUT TAKE A LOOK AT EARTH

(By William C. Potter)

Now that the U.S. space shuttle has returned to service, there is increased excitement and talk aobut the new direction of the American space program.

Some would have us chart a course toward Mars in a manned mission with the Soviet Union. Others envision a manned space station as the logical progression in our exploration of space and its use for commercial purposes such as materials processing. Still other space enthusiasts identify moon-based research and exploration as the most feasible next phase of a rejuvenated American space effort.

While a good case can be made for each of these ambitious initiatives, there are compelling reasons to reserve at least a portion of the space agency's budget for exploration of planet Earth.

A long-term program of Earth observation from space is necessary in order to obtain otherwise inaccessible data on global environmental changes that threaten the future habitability of the planet. These changes include, but are not limited to, the depletion of stratospheric ozone, the greenhouse effect, ocean pollution deforestation and desertification.

An international program of space cooperation will be required to obtain the data necessary to develop models for predicting these changes and to devise strategies for coping with them. The coordination of U.S. and Soviet activities in the space-based study of global changes in the environment should constitute a major component of that international program.

The legal basis for coordination has already been created with the April, 1987, U.S.-Soviet agreement concerning cooperation in the exploration and use of outer space for peaceful purposes and the May, 1988, annex to that accord. Senior officials from 17 national space agencies have also endorsed the concept of "Mission to Planet Earth." What is now needed in the United States is the political will and financial support to implement a cooperative program of space-based monitoring of global environmental changes.

A major rationale for the proposed U.S.-Soviet mission to Mars is the effect that it might have as an international confidence-building measure. An international program of space cooperation for the purpose of monitoring global environmental trends on Earth could have much the same effect and for a fraction of the cost. The beneficiaries of the cooperation, moreover, would not be limited to the superpowers; the environmental threats to Earth do not discriminate between developed and developing regions.

This symmetry in impact—something rarely present in world politics—makes the study of environmental problems an ideal subject for international cooperation. It also has the merit of demonstrating to nations often critical of the superpowers that they, too, may derive tangible benefits from advances in space science.

The proposed mission to planet Earth provides the Bush Administration with an opportunity simultaneously to showcase the rejuvenated American space program and to enhance international cooperation. Now is the time to creatively make use of space-based observations of environmental changes and, literally, to turn our attention from space to Earth.

WELCOME TO THE SAN MATEO WEEKLY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LANTOS. Mr. Speaker, in an era when newspapers seem to get fewer each year I am delighted to welcome a new newspaper—the San Mateo Weekly. Under the able and intelligent leadership of Jerry Fuchs, a new weekly newspaper will begin serving the residents of the city of San Mateo, CA. The first issue of the San Mateo Weekly appears today.

Our Nation is built upon the foundation of an informed citizenry, and newspapers have long been the chief means of keeping our people informed about the critical public issues of the day. Even in this age of electronic media and satellite communications, the printed word is still a key element in preserving our democracy.

Mr. Speaker, our precious first amendment rights of freedom of speech and freedom of the press are essential to our democratic way of life. It is most appropriate that we can welcome the San Mateo Weekly—a sign of the vitality of our free press—at the same time as we witness an unprecedented terrorist assault on those fundamental freedoms of speech and free press from zealots who seek to silence our right to speak freely.

Mr. Speaker, I congratulate the San Mateo Weekly and its publisher Jerry Fuchs on this important occasion.

MORATORIUM ON RELOCATION OF NAVAJO AND HOPI INDIANS

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. BATES. Mr. Speaker, today, I am introducing legislation that I believe will help a longstanding land dispute in Arizona between the Navajo and Hopi Indian Tribes that originated more than a century ago. My good friend and colleague, Senator ALAN CRANSTON, is today introducing identical legislation in the Senate.

Mr. Speaker, Public Law 93-531, as amended by Public Law 96-305, was supposed to provide the legislative solution to a land dispute in Arizona between the Navajo and Hopi Indian Tribes. The Navajo and Hopi Indian Relocation Commission established pursuant to this legislation issued a plan for relocation of individuals of each tribe residing on lands partitioned to the other pursuant to a court order resulting from the 1974 statute. This relocation was to be completed by July 6, 1986, a deadline which was not possible to meet.

Dissatisfaction with implementation of the legislation has been expressed by the Navajo, who comprise the great majority of the relocatees, as well as Members of this body. Moreover, the Hopi tribal government has rejected any attempts by the Navajo to negotiate changes in the provisions of relocation mandated by current law.

For the past two sessions of Congress, my distinguished colleague from the other body has introduced legislation that I believe will lead to the successful resolution of the issue. Today, I am introducing the same legislation.

Mr. Speaker, this legislation would place an 18-month moratorium on relocation and establish a commission to study relocation problems, hold hearings in the area, and submit a report outlining solutions to relocation problems and alternatives to relocation.

The Commission would consist of 17 members, including 6 Navajo and 6 Hopi members, with each tribe having three representatives appointed by its tribal council and three appointed by its "traditionalist" leaders.

Mr. Speaker, unless Congress acts on this issue, and a comprehensive plan is developed and put in place, the fundamental tribal disputes that exist today may persist for still another century.

The following is the printed text of the legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Notwithstanding any provision of law other than subsection (b)—

(1) no Navajo Indian or Hopi Indian shall be required to relocate pursuant to the provisions of Public Law 93-531, or pursuant to any judgment or order of any Federal court,

during the 18-month period beginning on the date of enactment of this Act,

(2) no Federal funds may be expended during such period with respect to—

(A) the lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)), or

(B) the lands held in trust for the Navajo Tribe, or to be acquired for the Navajo Tribe, under section 11 of Public Law 93-531 (25 U.S.C. 640d-10), and

(3) no construction, except such construction as may be necessary for individuals already located on such land, may be carried out during such period on the lands described in paragraph (2).

(b)(1) Nothing in this Act shall alter, affect, or delay an payment which is required to be made to any individual under the provisions of Public Law 93-531.

(2) The Navajo and Hopi Indian Relocation Commission and the Secretary of the Interior shall take such actions as may be necessary to ensure that no Indian is subjected to any undue hardship by reason of the provisions of subsection (a).

SEC. 2. (a) There is hereby established the Navajo and Hopi Relocation Advisory Commission (hereafter in this Act referred to as the 'Commission').

(b)(1) The membership of the Commission shall consist of—

(A) 2 individuals appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives,

(B) 2 individuals appointed by the President pro tempore of the Senate,

(C) an individual appointed by the American Bar Association who has a background in mediation or arbitration and in human rights or constitutional law,

(D) 3 Hopi Indians who represent the Hopi Traditional Sovereign Villages and are appointed to the Commission by traditionally recognized spiritual leaders or spokesmen of the Hopi Traditional Sovereign Villages,

(E) 3 Hopi Indians appointed by the Hopi Tribal Council,

(F) 3 Navajo Indians who represent Navajo traditional people and are appointed to the Commission by the Navajo communities located on lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)) that are subject to relocation, and

(G) 3 Navajo Indians appointed by the Navajo Tribal Council.

(2)(A) At least one of the individuals appointed under subparagraphs (A) and (B) of paragraph (1) shall be an anthropologist or sociologist who has studied relocation.

(B) The individuals appointed under subparagraphs (A) and (B) of paragraph (1) should be representative of different educational, economic, racial, ethnic, and age groups and shall include men and women.

(3) Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) The individuals appointed under paragraph (1)(C) shall act as Chairman of the Commission.

(5) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(6) Each member of the Commission shall be entitled to one vote which shall be equal to the vote of every other member of the Commission.

(7) The Commission may adopt such rules and regulations (consistent with the other provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c)(1) The Commission shall conduct a study of—

(A) the problems resulting from the implementation of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531 that meet the needs of traditional members of both of the Hopi and Navajo traditional governments.

(2) In conducting the study under paragraph (1), the Commission shall visit, inspect, and hold public hearings regarding, the lands involved in the relocation required under Public Law 93-531. Public hearings of the Commission shall be held at a variety of locations, particularly the communities involved in the relocation.

(3) By no later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to the President and to the Congress a report on the study conducted by the Commission under paragraph (1). Such report shall include—

(A) recommendations for solutions to the remaining problems involved in completing the requirements of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531.

that would resolve the disputes between the Hopi Tribal Council and the Navajo Tribal Council, and meet the needs of traditional members of both the Hopi and the Navajo traditional governments.

(d) The Commission shall have the power to—

(1) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of such personnel as may be necessary to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(e) (1) Each member of the Commission not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation.

(3) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) The Commission may hold such hearings and sit and act at such times, take such testimony, have such printing and binding done, enter into such contracts and other arrangements, make such expenditures, and take such other actions as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(g) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(h) (1) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purposes of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits the report required under subsection (c)(3).

SEC. 3. Funds necessary to carry out the provisions of this Act shall be paid out of amounts appropriated to the Navajo and Hopi Indian Relocation Commission.

THE SEMIAUTOMATIC ASSAULT WEAPONS ACT OF 1989

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. MORELLA. Mr. Speaker, the "right to bear arms" must not protect drug dealers, violent criminals, terrorists, and psychopaths. I join with my colleagues today in support of the Semiautomatic Assault Weapons Act of 1989. The terrible tragedy in the Stockton, CA school yard focused world attention on the ease with which people may purchase weapons of this type in the United States. This legislation would treat semiautomatic assault weapons the same way as machine guns are treated under current law.

This is not a confiscation bill. Current owners of semiautomatic assault weapons could keep their guns, but would have to register them with the Bureau of Alcohol, Tobacco, and Firearms. Importation and domestic manufacture of semiautomatic assault weapons would be prohibited. Also prohibited would be the manufacture, importation, possession or transfer of new ammunition feeding devices with a capacity greater than 20 rounds.

I stand in strong support of this legislation, and I urge my colleagues to join me in support

of this public safety measure. Let us make an effort to lower the shocking murder statistics in the United States today. This legislation would certainly be a step in the right direction.

RAILROAD DRUG ABUSE PREVENTION ACT OF 1989

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. WHITTAKER. Mr. Speaker, today I join my colleague TOM LUKEN, the Chairman of the Transportation Subcommittee of the Energy and Commerce Committee, in introducing legislation to mandate random drug testing of railroad personnel in safety-sensitive positions.

More than 2 years after the national attention was focused on the problem of railroad drug abuse by the tragic collision at Chase, MD, the Congress still has not enacted compulsory testing legislation for any mode of transportation. Yet over that same span of time, there have been numerous examples of rail accidents where drug use was involved. And by the way, we know of these instances of drug use only because the Department of Transportation is temporarily being allowed to conduct post-accident tests, but its testing rules have been overturned in Federal court with an appeal now before the Supreme Court.

After carefully investigating this railroad safety issue in our subcommittee's hearings, we know that random testing is the only truly preventive anti-drug strategy that can blunt the threat to public safety posed by drug users who literally hold the lives of others—including fellow workers—in their hands. Failing to pass legislation assuring that our rail safety authorities will have this vital tool available seriously undercuts our supposed national commitment to fight drug abuse in a comprehensive way.

The 2 years since the Chase accident have seen a number of developments: more unfortunate and avoidable accidents, the issuance of random-testing rules by administrative action of Transportation Department, and—inevitably—numerous court cases. But the key factors remain just about as they were in early 1987: DOT still has no congressional mandate to support a random testing program, and in an area where there are many thorny legal and constitutional questions, that deficiency can be fatal to any program once it reaches the courts.

Already, the newly issued random testing rules have been challenged in court. The prognosis is not particularly hopeful. And even if present rules—adopted without any specific statutory backing from the Congress—do ultimately survive in the courts, why should Congress assure by inaction that this vital safety measure will only be implemented the hard way, if at all?

Besides giving random testing a strong legal underpinning, the bill we are introducing today will also assure that railroad workers are afforded a testing program of guaranteed integrity—including a mandatory program of rehabilitation for those who voluntarily turn themselves in or are in a first-offense situation. This is the best and most humane way we know to protect the public against the obvious safety threat, while giving the drug user every reasonable opportunity to put his life back together through a professionally administered rehabilitation program. I look forward to working with our other colleagues to pass this important legislation on a bipartisan basis as soon as possible.

One final note: I sincerely hope that House members, the public, and especially the Senate advocates of transportation testing programs will consider our bill on its own merits, and its own merits only. This bill is a proposal addressed to the demonstrated problem of drug and alcohol abuse in the railroad industry. It is not a stalking-horse for other testing programs, in transportation or elsewhere. Therefore I urge that it be considered on its own, and not help hostage to divided opinions on other forms of drug testing—whether in transportation, sports, government, or elsewhere. Problems are often best solved one at a time, and this is such a case.

FAIRNESS FOR ADOPTING FAMILIES ACT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. LEHMAN of Florida. Mr. Speaker, for several Congresses I have introduced legislation to amend the Internal Revenue Code of 1986 to provide a deduction for adoption expenses. Today I am again reintroducing the Fairness for Adopting Families Act along with my colleagues Congressman CHARLES RANGEL, Congresswoman, PATRICIA SCHROEDER, and Congressman FRANK WOLF. A companion bill in the Senate is being reintroduced by Senators ORRIN HATCH and PAUL SIMON as well.

I believe that we should focus our priorities and take a special interest in representing our Nation's children with emphasis on their needs and rights. One change in this direction was signaled by President Bush's announcement during his State of the Union Address. He promised to take steps to create a tax deduction for adoption expenses. I have worked for a bipartisan approach to this issue in the past, and I welcome working with the Bush administration on this important issue.

We neglectfully forget that there are many children who do not live in permament homes with loving, nurturing parents. Just as each child has a right to a home, I believe that people who are eager to become parents should not be barred only because they cannot afford the high costs associated with adoption. For those who chose this option, and it is a magnificent way to form families, we should better address today's needs and help to remove unnecessary obstacles that prevent successful adoption in this country.

We have not done very much to encourage the development of healthy families, despite a lot of lipservice to this ideal. Children still languish in the foster care system much too long, their best interests being lost in legal mire. Many prospective parents are ready and able to parent older, hard-to-place, and handicapped children as well as infants.

When enacted, this legislation will alleviate much suffering by American taxpayers who desperately want to parent but simply do not have the savings or income necessary to meet the increasing costs of adoption. Let us help children and would-be parents by allowing a little relief that is already being allowed to taxpayers that are covered by medical insurance and are allowed a tax deduction for childbirth expenses. It would also help families who are, more and more, choosing to expand their own families through adoption.

Tax reform enacted during 1986 has abandoned the needs of children and prospective adoptive parents by leaving this issue to the States. Yet research has shown most States have neither the funds nor sufficient interest to initiate adoption assistance programs.

The legislation being introduced in the House today would provide a tax deduction for reasonable and necessary adoption of a child by a taxpayer. These fees include agency fees, court costs, attorney fees, and other expenses directly related to the legal adoption of a child. It does not allow expenses incurred in the adoption by an individual of the spouse's child since such a child would already be a member of a family. The amount allowable shall not exceed $5,000 and in the case of an international adoption, $7,000. The deduction would not be allowed for anyone whose taxable income exceeds $60,000. And to encourage more companies to join those who already provide employee reimbursement for adoption expenses, the bill allows for business expenses.

One of the primary barriers to adoption for the mainstream of American citizens who wish to adopt is the cost associated with adoption. I know from the many letters I have received over the years and from my long involvement in adoption issues that the expenses prohibit many deserving people from adopting infants or older children. It is a myth that those who adopt can afford to do so. And it is unfair for only those who can afford to adopt to become parents. It is unfair to the children who I believe have a right to be nurtured in loving homes. And it is shortsighted if we do not help prospective adoptive parents to realize their dreams.

Our children are our future, and we have a responsibility as legislators to represent their needs. It is time for adoption as a mode of family formation to receive more support, and I urge my colleagues to cosponsor this legislation and work for its early passage.

MARK MASLER NATIONAL WINNER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. BOEHLERT. Mr. Speaker, it is with great pride that I stand before the House to recognize Mark Masler of Tuxton, NY, as the national winner of the American Farm Bureau

Federation Young Farmer and Rancher Discussion Contest.

Mark's accomplishment should not be underestimated. Mark was selected to represent New York in the national contest after winning regional and statewide meets. His victory represents New York's first national champion from this competition, singled out from 32 State champs who competed for the title.

The top national honors were based on Mark's discussion and knowledge on topics centering on the future of agricultural policy. The State champs gathered in San Antonio, NM, to debate ideas and offer solutions to such complex issues as the 1990 farm bill, Social Security, new agriculture product development, and chemical use in farming.

Because of Mark's history of assuming leadership roles, demonstrated through his chairmanship of the Young Farmers and Ranchers local and State committees, he was able to outshine many worthy farmers competing in the meet.

Presently Mark operates a 300-acre 100 registered Holstein cow farm. The Cortland County farmer's endeavors have not gone unnoticed, he has received quality milk awards from Cortland Bulk Milk several times.

Mark truly epitomizes the farmer of the 21st century. He is highly in tune with the technical advances in his field and has an excellent working knowledge of his choosen career in life. Mark received his bachelor of science from Cornell University in 1982. He works within his community in various local organizations and keeps abreast of the latest farming breakthroughs to increase his production.

As cochairman of the Northeast Agriculture Caucus I am aware of the problems facing farmers of the 1990's. I have no greater respect than to those individuals who enter the farming profession. The men and women who provide the country with bread and butter sacrifice much to reap the fruits this great land of ours has to offer.

Young people such as Mark Masler are a credit to their profession and give us great confidence that the future of farming is in good hands.

FEDERAL LAW ENFORCEMENT OFFICERS DEATH PENALTY ACT OF 1989

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. GALLEGLY. Mr. Speaker, today I ask for the help of my colleagues to send a convincing message that the 101st Congress will not tolerate wanton and intentional killings of Federal law enforcement officers. These brave men and women should be considered untouchable by violent criminals who show no regard for our moral standards or laws.

Last year, 114 Members of Congress joined me in sponsoring legislation to permit the death penalty for first-degree murder of Federal law enforcement officers. This support was greatly appreciated, and I believe it helped lead to the eventual inclusion of a similar death penalty measure in the comprehensive drug bill. As you will recall, votes on this issue were overwhelmingly supportive of the death penalty.

However, there is still no enforceable death penalty for the first-degree murder of law enforcement officers in cases where drugs are not involved. That is why I am reintroducing my legislation today. My bill covers several Federal officers who may be at risk because of their jobs, including U.S. marshals, judges, attorneys, and FBI agents.

My personal interest in this matter stems from the shocking murder of a constituent of mine who was performing his duties as a Drug Enforcement Agency Officer. When the suspects were apprehended, Federal prosecutors felt obligated to drop charges, and defer to local prosecutors because California has a death penalty. Said U.S. Attorney Robert Bonner at the time:

> It is lamentable, indeed, it is astonishing, that it is not possible to obtain the death penalty under Federal law for the murder of Federal agents. * * * Only Congress can remedy this glaring inadequacy.

Clearly, this is a matter that cuts across party lines. I am asking each Member to join with me to protect our Federal law enforcement officers by cosponsoring and supporting this legislation.

BILL ON CONSERVATION AND RENEWABLES

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mrs. LLOYD. Mr. Speaker, today I am introducing with my colleagues Messrs. SHARP, MORRISON, and MOORHEAD, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. Senator FOWLER has introduced the companion bill in the Senate. The legislation will provide funding stability for U.S. renewable energy and energy efficiency research and development. The 3-year funding authority seeks to rectify an ever-worsening situation—debilitating reductions in our Federal R&D energy funding.

This year I expect that many hours of our congressional agenda will be spent discussing issues of enormous importance to our global environment and our global community, with global warming, ozone depletion, and acid rain among the most prominent. As we attempt to define our future energy strategies and policies, I believe it is not too soon to reemphasize technologies which will clearly become an important part of our future energy mix. The clean-burning, waste-free renewable energy and energy efficient technologies authorized in the legislation deserve a "second look" as we seek the delicate balance between energy needs and environmental concerns.

By itself the bill is not meant to be a solution to problems within the renewable and energy efficient technology development industries caused by severely reduced budgets over the past 8 years. However, I hope it will be a first step in allowing the technologies to develop on a steady course. Our U.S. manufacturers need our help and our leadership in moving the technologies successfully to the marketplace in this country. We have seen too many promising technologies developed by U.S. research and development brought out by foreign interests because our Federal budget problems did not allow adequate support.

By instituting industry-Federal sector cost-sharing joint ventures I believe the legislation will be beneficial to our industry and business communities and our consumers. The technologies will leave the laboratory with U.S. private sector assistance thus ensuring a market interest. This will enhance our ability to compete in the international marketplace. When energy-saving, more efficient technologies are available to our consumers energy costs saved will benefit the homeowner as well as business owners.

The goals of the bill are to provide funding for 3 years to allow stability for research and development efforts; set national performance goals for renewable technologies; provide funding for six cost-shared joint research and development ventures; and calls for an annual report to the Congress by the Committee on Renewable Energy, Commerce, and Trade.

As chairman of the Subcommittee on Energy Research and Development, I intend to take action on the legislation as soon as our annual budget authorization deliberations are completed. It is my hope that, with the assistance of my colleagues the legislation will become law this year. The benefits gained by our support for these technologies far outweigh the small amount of Federal support called for by this bill. My colleagues and I hope you will join us in our sincere efforts to bring parity to these neglected technologies.

THE FUTURE OF TOURISM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. ROTH. Mr. Speaker, the Travel and Tourism Government Affairs Council recently sponsored the seventh annual unity dinner. This event brings together travel industry professionals and public officials in a unified effort to promote tourism in the United States.

Tourism has always been a success story in America. Our great resources and diversity of attractions have made us a favorite destination for foreign travelers. In the past decade, the figures for tourism have skyrocketed, generating new jobs and boosting the economy. Tourism is now the second largest employer in the country, and the staple business for many of our States.

Our commitment to the tourism industry must reflect these statistics. We are at a crossroads. We cannot be bystanders while other countries claim our share of the worldwide tourism market. It is a competitive business, and it will take the combined effort of tourism professionals and government officials to keep tourism in America strong.

The caucus on travel and tourism has been a vital link between the tourism industry and the Federal Government. The forum it provides to discuss pertinent issues has been invaluable.

The unity dinner celebrated the 10th anniversary of the caucus. In 10 years we have made a lot of progress in the travel and tourism field. But the theme of last night's dinner was not a celebration of the past; instead it was a challenge for the future.

In the 101st Congress, we will address issues that affect the tourism business. I urge my colleagues to be aware of those issues and to join with the travel and tourism caucus in making these important decisions.

The course that we take now will steer us into the 1990's and into the next decade. America has traditionally been in the forefront of international trade, and tourism should be no exception. We must keep the industry strong in the next decade and in the next century.

IF THEY COULD SEE WITH MY EYES

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SHAYS. Mr. Speaker, I am pleased to have this opportunity to share a poem with my colleagues that was written by one of my constituents, Jason Hoefflinger of Norwalk, CT, upon his completion of a drug rehabilitation program. The program, administered by the Vitam Center at Norwalk Hospital, helps young people locate an inner strength that allows them to overcome the influence of drugs. His poem reads as follows:

IF THEY COULD SEE WITH MY EYES

(By Jason Hoefflinger)

My old life is dead,
A new one is beginning.
It's a game I'm losing,
But I'm also winning.
Some say I can't be changed at all.
They say changing me is like hitting a wall.
If they could see with my eyes,
Hear with my ears.
Then they'd know how I lived throughout the years.
I've lived with crime and shame.
I've broken the rules,
I've cheated the game.
I have seen, I have done, I have heard it all,
But now I'm strong, I'm standing tall.
I'm inside looking out,
Wondering what my life is all about.
I'm trying as hard as I can,
To make myself a better man.
My past can't be changed,
It never will.
But the future to come,
Is yet to be filled.

CHIEF JUSTICE EARL WARREN DAY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. MATSUI. Mr. Speaker, I want to take this time to inform you that Congressman BILL LOWERY and I will be introducing legislation to designate April 8, 1989, as "Chief Justice Earl Warren Day." We invite our colleagues to join us in honoring this great jurist and American.

Chief Justice Earl Warren was one of the outstanding public figures of the 20th century. He began his remarkable career as an assistant to the city counsel of Oakland and ended his days in California as Governor. However, it was not until President Dwight Eisenhower tapped Earl Warren for Chief Justice of the Supreme Court that his real impact on America was felt.

Under his leadership, the Warren Court set the United States on a new course of racial equality. Chief Justice Warren and his colleagues presided over the most dramatic and important civil rights cases this country has ever known. Warren's commitment to equal rights was firmly set in his decision of Brown versus the Board of Education. It was Earl Warren and his Court that ended legal discrimination in America. Warren was also the primary force in protecting the rights of the accused. In the case of Miranda versus Arizona, the Court ruled that individuals were innocent until proven guilty and that they deserved the same rights as all other citizens.

On April 8 and 9, 1989, many distinguished members of the public and private sectors will be meeting in San Francisco to honor Earl Warren on the 20th anniversary of his retirement from the Supreme Court. This commemorative weekend will include a dinner where the first public screening of the PBS documentary, "Superchief: The Life and Legacy of Earl Warren" will be shown. Also, a symposium on the legacy of the Warren Court will be held to debate the merits of the man and his Court. It would be most fitting then for Congress to pass this legislation in order that our institution be represented on the day that Justice Warren receives his homage.

Chief Justice Warren and his Court changed the face of America. Individual rights gained new importance and the Court was there to protect them. Mr. Speaker, I urge my colleagues to join Congressman LOWERY and me in honoring this great jurist and American.

THE RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. SHARP. Mr. Speaker, today on behalf of myself and my good friends and colleagues MARILYN LLOYD, CARLOS MOORHEAD, and SID MORRISON, I am introducing the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.

The purposes of this legislation are to improve the commercialization and international competitiveness of renewable energy and energy efficiency technologies developed in the United States.

It does this by orienting DOE's renewable energy research programs more toward achieving commercial applications; by establishing performance goals for those programs; by providing stable authorization levels for the renewable energy and conservation research and development programs over the next 3 years; by requiring the Department of Energy to enter into joint ventures with industry; and by expanding efforts by Federal agencies to facilitate marketing efforts for renewable energy products in foreign counties.

Three trends have increased the importance of renewable energy and energy efficiency since last year when my colleagues and I originally filed this bill.

One trend is the increasing scientific evidence that combustion of fossil fuels is contributing to a gradual warming of the Earth that may have dire consequences for our planet.

While my colleagues are no doubt aware of the global warming threat, they my not be as aware of two other trends in energy use. U.S. energy consumption has been rising rather steeply in the past 2 years. Total consumption was at an all time high last year after remaining roughly level between 1973 and 1986.

Finally, our imports of foreign oil are also increasing, rising to 42 percent of domestic consumption in 1988 with expectations of even higher imports in the years to come.

THE IMPORTANCE OF RENEWABLE ENERGY

Renewable energy has multiple benefits for our economy. The most obvious benefits are environmental. While renewable energy technologies do have some environmental impacts, they are not as severe as those of more conventional technologies. This becomes increasingly important as we learn more each year about the dangers of the "greenhouse effect" caused by carbon dioxide buildup and continue to struggle with the problems of storing radioactive waste, improving urban air quality, and reducing acid rain.

Renewable energy technologies also offer us diversity and therefore more security. The more different types of energy we rely on, the less chance that any one of them will be interrupted or will rise in price. Diversification is a form of insurance policy. Renewables also contribute to energy security more directly to the extent that they displace imported energy supplies.

Finally, renewables help with the trade deficit. Not only do they displace imported energy, but perhaps more importantly, they provide a growing international opportunity for exports. This last point is worth expanding upon.

The international market for wind turbines today is roughly $200 million per year and is expected to rise to $1 billion per year by 1994 and $3 to $6 billion by the year 2000. In the last 7 years, however, the share of the U.S. wind machine market captured by foreign imports has gone from zero to 70 percent.

The international market for photovoltaics is currently $500 million and is expected to increase to $5.4 billion by the year 2010.

We do not have to wait for the future to capture these benefits. Renewable energy technologies are contributing right now. Wind generated 1.8 billion kilowatt-hours in the United States in 1988, roughly enough electricity for the residential customers in a city the size of San Francisco. There are roughly 1,600 megawatts of geothermal powered electric generating capacity active in California, an amount equal to three large coal fired power-

plants. Photovoltaics are currently cost effective in remote applications such as buoys, communication towers, and oil and gas production facilities, and technological advances are rapidly driving their cost down further. Between 5 and 10 percent of all homes in the United States rely primarily on wood for home heating.

While renewable energy is no panacea for our environmental, trade or energy security concerns, it has to be part of a long-term solution.

FEDERAL FUNDING FOR RENEWABLE ENERGY

Funding for renewable energy has been steadily declining since the beginning of the 1980's. For example, DOE renewable energy R&D funding dropped from $647 million in 1980 to $103 million in 1987, $97 million in 1988 and $92 million in the current fiscal year. This comes at a time when international markets are expanding and other countries are increasing their spending in these areas.

In 1988, for the first time, the United States Government spent less on research for photovoltaics—$35 million—than either Japan—$43 million—or West Germany—$61 million. The same is true in wind research where the United States spent $8.5 million while West Germany and the Netherlands spent $10.2 and $9.7 million respectively.

While the deficit compels us to limit spending in all areas, cuts of the size we have seen in renewable energy are not the way to maintain our technological leadership and international competitiveness.

ENERGY CONSERVATION'S IMPORTANT CONTRIBUTION

Efficiency has already saved the United States tremendous amounts of energy. Between 1973 and 1986 the GNP grew 33 percent while energy used stayed roughly steady at 73 quadrillion British thermal units—"quads". If the economy had continued to grow at that same level of energy use per GNP, we would have used an additional 29 quads per year. That 29 quads is more energy than the total new supplies from all other forms of energy since 1973. It also represents an estimated $150 billion savings per year to consumers.

Not all of that 29 quads can be attributed to increased efficiency. Some is due to a structural shift in our economy away from energy intensive "smokestack" industries. However, as much as half of the savings can be attributed to increased efficiency.

Compared to historical trends, our savings in oil and gas alone equal roughly half of OPEC's current capacity. This reduction in demand was a major factor in reducing OPEC's grip on the market.

There is much additional efficiency left to exploit in the economy. Various studies estimate there are between 5 and 18 million barrels of oil equivalent per day of cost-effective efficiency improvements available in our economy. Many of these savings are available at fractions of the cost of new supply.

Many exciting efficiency technologies are available to us such as heat mirror glass, electronic ballasts for fluorescent lights, cars in the 30- to 50-miles-per-gallon range, and refrigerators, air-conditioners and furnaces that use far less energy while offering the same comfort and convenience.

Just as renewable energy can help with the trade deficit, so can energy efficiency. Obviously, greater efficiency can reduce energy imports. In addition, lower energy costs mean lower production costs and hence more competitive U.S. products.

There is also a burgeoning world market for more efficient products including appliances, efficient motors and motor controls, automobiles and computerized energy management systems. Federal research and development can help us enhance our competitive edge in these growing markets.

Conservation R&D spending has undergone the same kind of cutbacks that have occurred in renewable energy. Funding dropped from $344 million in 1980 to $166 in fiscal year 1989.

WHAT THIS BILL DOES

This bill sets technical performance goals for DOE's research and development programs for photovoltaics, solar thermal and wind, and requires DOE to set similar goals for its biofuels, solar building, ocean energy systems and geothermal research programs.

The bill authorizes slightly higher, 3-year funding levels for the renewable energy and energy conservation research and development programs.

The 3-year authorizations have two purposes. One is to redress the imbalance which has occurred in absolute funding levels through cuts in recent years. Hence, the partial restoration of budget authority. Second, by providing authorizations for 3 years we hope to provide some stability for the researchers and firms depending on them. Such stability should lead toward better planning and efficiency for these programs.

It also requires DOE to set up six renewable energy joint venture projects demonstrating the commercial potential of renewable energy technologies. These ventures would be jointly financed with industry.

This provision is in response to industry criticism that the renewable energy R&D program is too oriented toward long-term research and not oriented enough toward nearer term research that firms can use to develop commercial products.

The bill authorizes slightly higher, 3-year funding levels for the Committee on Renewable Energy, Commerce and Trade [CORECT]. CORECT is a very successful interagency task force that coordinates the Government's efforts to encourage foreign markets for domestic renewable energy products.

The bill requires DOE to provide a strategic plan that shows how its research and development plans help achieve the policy goals in the national energy policy plan [NEPP]. The intent of this provision is to more closely tie the allocation of DOE resources in research to the goals specified in the NEPP. We should have some idea of the relative ranking of how much energy is potentially going to be produced or saved per dollar spent.

CONCLUSION

Renewable energy and energy conservation are too important to give up on now. We need to build on the progress we have already made through more emphasis on commercial application and by stabilizing funding for these programs. By doing so we can keep America competitive in the growing international market for these products. At the same time, we can make a down payment on the global warming problem and contribute to U.S. energy security.

We welcome our colleagues' support and cosponsorship.

VETERANS NURSE PAY ACT OF 1989

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. KENNEDY. Mr. Speaker, day after day we read or listen to accounts about the terrible crises facing Veterans' Administration medical centers. VA hospitals have been forced to take beds out of service, deny patient care to war-injured veterans and cut back on essential patient services. The VA nursing shortage is an essential root problem of this crises—and the severe underfunding of salaries, without a doubt, is the root problem of the VA nursing shortage. VA nursing pay scales are grounded in title V of the general schedule which has become so obsolete that it can no longer provide the flexibility that the changing labor market demands.

The current GS pay scale for a registered nurse just out of college, for an example, is $17,542 per year. This may be sufficient for the limited areas of the country where there is no nursing shortage, but for 75 percent of the VA medical centers, this salary is totally inadequate to recruit and retain qualified registered nurses. Nurses in the VA can receive special salary rates, but the problem with special salary rates is that they are administratively costly to implement. By the time a hospital administrator receives the go-ahead from the VA central office to implement the new rates, nursing salaries in the private sector have escalated again, placing the administrator in the constant game of catchup. Another problem with special salary rates is that in areas such as New York, Boston, and San Francisco, labor costs far exceed the limit placed on special salary rates.

The Veterans' Nurse Pay Act of 1989 addresses these concerns by reforming the current nurse pay schedule. This legislation condenses the present eight pay grades into four pay grades and provides a broad salary range for each of the four grades. The Veterans' Nurse Pay Act of 1989 gives the hospital administrator the flexibility to respond to local labor market needs and select a salary within a range for registered nurses without prior VA central office approval. The hospital administrators must be able to substantiate their actions, just as they currently must substantiate the need for special salary rates. The difference is that they are able to do this at annual budget cycles which gives them the freedom to immediately respond to a crises instead of waiting several months for central office approval.

The Veterans' Nurse Pay Act of 1989 will provide nurses with the incentive to excel in their practice by rewarding them for assuming head nurse positions, publishing articles in

professional journals, attaining clinical certification, and participating in professional societies. But most importantly, this legislation will reward nurses for choosing to work at the Veterans' Administration by allowing them to receive pay competitive with the private sector.

This legislation is cost conscious: it does not provide a blanket increase in nurses' salaries. Only the VA hospitals which are located in tough labor market areas will receive funds for salaries in excess of the minimum amount in each range. This legislation will incorporate the special salary rate funds that should be provided for under current law.

I hope my colleagues will support the Veterans' Nurse Pay Act of 1989. Special salary rates have become the rule rather than the exception. Piling bonuses and special salary rates on top of an ailing pay schedule has resulted in an administrative nightmare. Let's treat the underlying problem by reforming the pay schedule so that hospital administrators can reopen the closed wards, readmit deserving veterans and restore patient services back to the levels mandated by law. We owe this to our Nation's veterans. A section-by-section summary of the legislation is provided below:

VETERANS' NURSE PAY ACT OF 1989 SECTION-BY-SECTION SUMMARY

SECTION 1. TITLE

"Veterans Nurse Pay Act of 1989."

SECTION 2. RESTRUCTURING OF NURSE PAY LEVELS

A. The current 8 nurse pay grades will be condensed into 4 pay grades. Each of the 4 new pay grades will have a corresponding salary range which incorporates the pay levels employed under Title V of the General Schedule.

1. Entry Grade will replace the current junior and associate grades and will have a salary range of $17,542-$34,136 (GS 6-GS 10).

2. Intermediate grade will replace the current full and intermediate grades and will have a salary range of $23,846-$44,957 (GS 9-GS 12).

3. Senior grade will replace the current senior and chief grades and will have a salary range of $34,580-$63,172 (GS 12-14).

4. Director grade will replace the current assistant director and director grades and will have a salary range of $48,592-$82,500 (GS 14-GS 16).

B. DEFINITION OF CURRENT NURSE GRADES.—On the date of enactment, the 4 new pay grades will become known as the current nurse grades.

SECTION 3. ADMINISTRATION OF NEW PAY STRUCTURE

A. Amends Subchapter I of Chapter 73 of title 38, U.S.C. by creating a new section 4107A under section 4107.

a. Instructs the Secretary to maintain four pay grade levels with the corresponding relationship to the General Schedule (see section 2.a.).

b. The rates of salary for each nurse grade will correspond to the established range of pay grades. The minimum salary for the nurse within a grade will be the minimum salary within that range and maximum salary rates for the nurse within a grade will be the maximum salary within that range.

c. (1) The range of salary will be divided into 20 equal increments known as steps. There will be no rates of pay that fall between steps. Rates of pay will increase by a full step.

(2) a. A nurse's salary will be increased by one step every two years for satisfactory performance if a salary increase has not otherwise been received for that two year time period.

b. All promotions involving additional duty assignments will be associated with at least a one-step salary increase within a nurses grade.

(3) All future head nurses and existing head nurses will receive a two step salary increase. A two step decrease in salary will occur when the nurse leaves such position.

d. Promotions from one grade level to another will be associated with an increase in salaries.

e. MERIT INCREASES.—The director of a medical center may provide a step increase within a grade or a cash bonus to a nurse who has exceptional qualifications, experience or achievement for that nurse's grade using the following criteria:

1. service with relevant professional committees or groups.

2. service in a responsible office in a professional nursing society.

3. educational attainment including certification.

4. publication of articles in professional journals.

5. exemplary job performance.

6. other appropriate evidence of professional stature.

f. GUIDELINES FOR DETERMINING NURSES' SALARIES.—

1. The medical center director may hire a nurse at a rate of pay in excess of the minimum rate in each range but no more than the maximum rate in each range without prior Central Office approval if the director feels it is necessary to obtain the services of the nurse.

2. This may be done under the following circumstances:

a. to provide pay competitive with the private sector.

b. to meet current staffing needs.

c. to recruit nurses with essential specialized skills.

3. When a director exercises this authority without prior Central Office approval, the director must—

a. justify in writing why this action was taken and provide supporting documentation.

b. provide this documentation at the next budget submission.

g. A nurse transferring from one VA medical center to another will not become demoted in grade but will be subject to pay consistent with local VA pay conditions.

B. TRANSFERS.—

1. (a) clarifying language.

(b) Eliminates the cap on overtime pay by allowing nurses to receive 1 and ½ times their hourly rate for overtime.

2. renumbers current title 38, section 4107 language.

C. CONFORMING AND CLERICAL CHANGES.

SECTION 4. EFFECTIVE DATE

October 1, 1989.

HALL INTRODUCES SSC FOREIGN CONTRIBUTION BILL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. HALL of Texas. Mr. Speaker, today Mr. BARTON of Texas and I are introducing legislation designed to encourage foreign contributions to the superconducting super collider project and to clarify the terms and conditions under which the State selected for the site, Texas, will contribute voter approved funds totaling approximately $1 billion.

H.R. 1195, the SSC Non-Federal Contribution Act of 1989, contains much of the thrust of the State and foreign language in H.R. 4505, the Department of Energy Research and Development Authorization Act of 1989, which was reported from the Committee on Science, Space, and Technology and passed by the House last year. However, since that time a number of events have occurred which have given us reason to take a second look at these provisions.

The site selection process has been completed, and the size of the State contribution is now known. A contribution of this magnitude by the State of Texas, which is approximately 25 percent of the cost of the project, substantially reduces the Federal outlays required to construct and operate the SSC.

Like the State contribution, foreign contributions have the potential to further reduce the Federal cost of the project. However, there is justifiable concern that, in the absence of proper constraints on foreign contributions and participation in the SSC project, American jobs could be lost and an unjustified amount of experience in the so-called high-tech parts of the project could be gained elsewhere.

This bill addresses those issues and seeks to achieve a balance between the desire for substantial foreign participation and contributions and the economic and technical benefits that will accrue to Americans through the design, construction, and operation of such a large project.

The Subcommittee on International Scientific Cooperation which I chair will hold a hearing on March 8 to receive testimony on this bill. The Department of Energy and the State of Texas have been invited to testify. In addition, the Energy Department witness will be asked to review the current status of discussions with potential foreign contributors and participants.

Further hearings may be held to receive testimony from foreign governments and companies interested in participating in the SSC project.

STATEMENT HONORING CHIEF JUDGE ALMERIC CHRISTIAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. DE LUGO. Mr. Speaker, we have an abundance of legal talent in the U.S. Virgin Islands, but no legal mind is more respected than that of Chief Judge Almeric Christian.

Judge Christian, who was the first native Virgin Islander to be named U.S. attorney and then district court judge, has been a model of scholarship and accomplishment for our entire community. Our people could go into his courtroom with confidence that they would find justice and fairness. In his 40-year legal career, he never shied away from tough decisions that affected our entire community, including one ruling that opened up our public schools to children of noncitizens and another ruling that declared our beaches belong to and must be accessible to our people.

After 18 years on the bench, Judge Christian now has retired to senior status. But he remains a highly esteemed leader in our community, whose opinions are sought on public affairs and the fine points of legal issues, not to mention the subtleties of a smooth golf stroke.

I was pleased to see the Virgin Islands Daily News recently devote its space to profile Judge Christian and hold him up as a model for our entire community. I want to place that article in the CONGRESSIONAL RECORD because I believe Judge Almeric Christian has earned wider recognition for his wisdom and courage on the bench.

The article follows:

CHRISTIAN'S EMINENT CAREER—FIRST NATIVE-BORN DISTRICT COURT JUDGE IS TRAILBLAZER

(By Philip Harrigan)

He was the first native-born District Court judge and the first District Court senior judge in the territory.

But Almeric Christian could have ended up writing about law, not practicing it.

Now retired from the bench at age 69, Christian recalls being steered toward journalism by a teacher on his native St. Croix.

"He got me a scholarship to Columbia University," which has a top journalism school, but "I went straight into prelaw," Christian says.

This decision resulted in a long, illustrious legal career, one in which Christian made rulings and issued sentences that drew sharp criticism and for which he has no apologies.

"Judges pay too much attention to what the public, as they perceive the public, is going to think about what they do," he says. "That is one area in which I part company with most of the judges with whom I've come in contact."

Some residents have felt that Christian has been too easy on many offenders at sentencing. But he says it is sentencing guidelines that dictate how much time is served.

"Take a judge that would normally give 60 to 75 years for a sentence," he says. In some cases "under the guidelines, unless he justified it, he would have to give 10 years" for the same offense.

"The public doesn't know you can sentence someone for 50 years, and he's eligible for parole in much less time than that"—often one-third of the time to be served, Christian says. And new guidelines that set a 10-year term for certain crimes do not allow for parole, so that time must be served in full.

Christian was born Nov. 23, 1919, to Elena and Adam Christian. He says his legal career was inspired by his lawyer-uncle Andreas Christian.

While a student at Christiansted High School—from which he graduated in 1937 as salutatorian—Almeric Christian worked at his uncle's law offices after school and during the summer.

"I did a little shorthand and typing then and would help out," Christian recalls. Sharing office space with Andreas Christian was pioneering Virgin Islands journalist and labor leader David Hamilton Jackson, and exposure to both men "firmed up my ambition to be a lawyer."

In 1942, after a year of law study, Christian was drafted into the U.S. Army. During his stint in the service, he served as a defense counsel in special court martials.

"I got so many guys acquitted, they made me the prosecutor," he says.

After completing his legal studies, Christian was admitted to the Virgin Islands bar in October 1947. Also that year, he was admitted to the New York bar.

Back then, he recalls, "we had three resident lawyers on St. Croix and maybe another four on St. Thomas. Now we have over 300."

In 1959, Christian was admitted to practice before the 3rd Circuit Court of Appeals and in 1955 was admitted to the bar of the U.S. Supreme Court.

In 1962, President Lyndon Johnson appointed Christian U.S. Attorney for the Virgin Islands for a four-year term and reappointed him in 1966.

In 1970, President Richard Nixon appointed Christian to the territory's single District Court seat. Less than one year later, he became chief judge when Congress authorized appointment of a second district judge and stipulated that the jurist with the most service would be named chief judge.

He was appointed to a second 10-year term in 1980.

During his years on the bench, Christian ruled on issues that deeply affected life in the territory. In one notable case, he set the stage for implementation of a free-beach law by ruling that the beaches belonged to the government, and, essentially, the people.

Christian was an imposing figure on the bench—sternness tempered with a lighthearted sense of humor that showed itself in asides to lawyers, jurors or the courtroom in general.

Christian may well be remembered for his work on the bench, but he also is a man who once was an avid baseball player, a sprinter in college and a teacher, a job he held right after high-school graduation ("They gave me a fourth-grade class that nearly drove me nuts").

Christian also is a family man. He is married to the former Shirley Fronup. They have two children, Adam, 22, and Rebecca, 19. Christian's eldest child by a first marriage is Dr. Donna Christian Green, assistant Health commissioner.

Last Oct. 31 shortly after becoming a senior judge with a reduced caseload, Christian stepped down from the bench. There was no provision for senior-judge status for V.I. federal judges before 1986, he says.

Christian, who was experiencing problems with his sight when he took senior status, says he's been "trying to reduce my golf handicap" since retiring.

But, he adds, the legal world has not been left entirely behind. He has met with the Government Employees Service Commission "to discuss matters that were bothering them." And he's also told Lt. Gov. Derek Hodge that he'd serve as a hearing officer for insurance claims.

Christian says he also has offered his services to Territorial Court Presiding Judge Verne Hodge "to help out in a pinch."

Christian calls his professional life rewarding, and he believes there are "highly capable lawyers" in the territory.

And, he adds, it "galls me" when the government brings in outside lawyers of "no greater competence than lawyers we have right here."

THE PROMISE OF TENANT MANAGEMENT AND URBAN HOMESTEADING

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. ARMEY. Mr. Speaker, I would like to commend for my colleagues' attention the following article by David Caprara which appeared in the winter 1989 issue of Public Welfare. Mr. Caprara is the director of Housing and Economic Development Programs at the National Center for Neighborhood Enterprise. He has worked tirelessly on behalf of innovative housing policies that will help our Nation's lower income citizens help themselves.

THE PROMISE OF TENANT MANAGEMENT AND URBAN HOMESTEADING

(By David Louis Caprara)

A visit to the Vaughn public housing site in St. Louis provides a grim reminder of the failures of federal housing policies throughout the past several decades. The looming concrete canyon of vacant, boarded-up, high-rises is scheduled for demolition in the near future, the same fate that leveled the once adjacent Pruitt-Igoe project—a housing site so ridden with troubles that dynamite was deemed the only viable solution. These are but two examples of the substandard conditions our country's poor have endured as the hapless victims of the "war on poverty."

Across the nation, such housing failures can be found time and again: in the buildings that have virtually been taken over by gangs in Cabrini Green on Chicago's North Side; in the vacant and crime-ridden public housing sites of Detroit. One can only marvel at the seeming indifference of some policy makers in their purported effort to provide "decent, safe, and sanitary housing" for low-income individuals and families.

Only one block away from the catastrophies of public housing in St. Louis, however, lie three low- and moderate-income housing sites that may provide direction for a future successful housing policy for this nation. One of the model developments, the Carr Square Village public housing site, was turned over to a tenant management corporation (TMC) in 1976. After nearly 13 years of successful management, throughout which residents, through their own efforts, enjoyed an ever-increasing sense of pride and improved quality of life, Carr Square Village will soon become the second public

housing site in the nation to be converted to cooperative tenant homeownership—a fitting reward for the sweat and effort poured into the site by residents.

The first tenant-managed housing site to be purchased by its residents is Kenilworth-Parkside in Washington, D.C., which achieved its long-awaited goal in October 1988. Both Kenilworth and Carr Square are part of a three-year public housing resident management demonstration funded by the AMOCO Foundation and sponsored by the National Center for Neighborhood Enterprise. The center provided technical support through a three-step process of management training, economic development, and homeownership conversion.

The Cochran Gardens TMC in St. Louis, a neighbor of the Vaughn site, is also in line for tenant ownership. Cochran Gardens has been hailed as a national model of resident-managed housing and was recognized as such in the federal Housing and Community Development Act of 1987. Bertha Gilkey, Cochran's chairman of the board and president of the National Tenant Union, testified before the housing subcommittees of both the House and Senate. She also appeared on CBS's *Sixty Minutes*, where she recounted in detail the transformation of her housing site. Challenging the decision to doom the site to the same fate as that of gang-ruled Pruitt-Igoe, Gilkey applied her courage, energy, and powers of persuasion, enlisting former gang members in a massive effort to rehabilitate Cochran Gardens.

In time, a virtual army of talented and energetic residents was mustered to form an in-house maintenance crew; a youth corps; and a bevy of small-business entrepreneurs who have set up ventures including day care provision, catering services, renovation/construction teams, cable television installation crews, and a system of urban mass transportation. A "people's factory" is also on the drawing board, which will be owned and operated by the TMC in partnership with area corporations.

O'Fallon Place, also located in St. Louis, is a third model project, a low- and moderate-income project that resulted from a joint venture between Carr Square and Cochran Gardens—which hold 25 percent equity—and a local private developer, McCormack, Baron, and Associates. The O'Fallon site is a well-kept, attractive set of townhouse apartments.

Moreover, repeated examples of the success and momentum of resident management throughout the nation give evidence that such programs are repeatable and not merely flukes—or the result of a single charismatic leader, as some have claimed. In case after case, resident management has transformed communities that had previously been hellholes, abandoned by housing authorities. In addition, statistics show that as the management in various sites improves under the residents, who are after all the people most concerned with its success, the larger society also benefits. For example, a recent study of the Kenilworth-Parkside development by Coopers and Lybrand estimates that the site will save $4.5 million for the District of Columbia government over a 10-year period, thanks to a 77 percent increase on rental revenues, a decrease in operating costs, and an abundance of services offered by the Kenilworth resident management corporation that will diminish the burden on the local government. (In addition, 132 residents have been taken off the welfare rolls through the various business enterprises created by the residents.)

Resident management groups have ventured into areas of social service provision where traditional housing authorities have feared to tread. Hope and a sense of community pride of ownership have been restored through participatory democracy as residents have taken on a range of problems and projects including teen pregnancy, drugs, unemployment, health, and education. In Jersey City, New Jersey, the A. Harry Moore TMC reduced its crime rate from three times the citywide average to a rate significantly below the city's average. In Boston, the Bromley Heath TMC cut robberies by 77 percent in an area in which telephone companies and other vendors had previously eliminated services because of the high incidence of crime.

The hope for the future of U.S. housing policy clearly lies in private-sector initiatives that involve partnerships with inner-city residents like those I have described. These partnerships may be more fully recognized by lawmakers in the 101st Congress. For example, the current draft of the Senate Housing and Urban Affairs Subcommittee's "National Affordable Housing Act" states that "national housing policy related to preservation and investment in affordable rental housing should rely more heavily on the growing sophistication of state and local governments. And it should expand the capacity of the non-profit sector and other public/private partnerships."

In his book, *Producing Lower-Income Housing: Local Initiatives*, James Pickman and other housing experts have compiled an inventory of over 100 local and state initiatives "within the rapidly changing context of lower-income housing production in the 1980". The authors agree that the predominantly private-sponsored ventures described in the book are clearly replicable. They added that "in fact, new initiatives are being launched constantly—which makes it difficult to keep up with the latest developments".

Clearly, these dynamic and pioneering champions provide the brightest hope for a new formulation of our national housing policy. The "urban homesteading approach" advocated by such leaders as President George Bush, Jack Kemp, and Sen. Alan Dixon (D-Ill.) is now guiding the creation of a new partnership in housing policy—one of compassion and vision, which will allow pioneering tenants to acquire their homes through "sweat equity and self-management".

PHYSICIAN SELF-REFERRAL PROBLEM: THE EVIDENCE INCREASES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1989

Mr. STARK. Mr. Speaker, Thursday the Subcommittees on Health and Oversight of the Committee on Ways and Means are conducting hearings on issues related to physician self-referrals, including H.R. 939, the Ethics in Patient Referrals Act of 1989.

In today's Wall Street Journal, a most sobering and alarming article emphasized the pervasiveness of these practices. In it, the inflationary effects on costs to patients and insurance carriers, the perversion of medical judgment, and the secrecy—to the patient—of the arrangements, are detailed.

I would like to share with my colleagues the text of this informative article by M. Waldholz and W. Bogdanich, in the Wall Street Journal, March 1, 1989:

[From the Wall Street Journal, Mar. 1, 1989]

DOCTOR-OWNED LABS EARN LAVISH PROFITS IN A CAPTIVE MARKET

(By Michael Waldholz and Walt Bogdanich)

The threat was unmistakable. Coming from a fellow physician, it was a shocker.

William Birnbaum, a radiologist in Irvine, Calif., says that in late 1985 a colleague suddenly demanded a share of his profit. If Dr. Birnbaum didn't accede, he says he was told, this colleague and other physicians in the same medical building would stop referring patients to him for X-rays and other tests.

"He said he wanted a piece of the action," Dr. Birnbaum recalls. "He said since it was their patients, they deserved some of the income."

Dr. Birnbaum spurned the offer. Late last year, the colleagues carried out the threat. In a building next door, they created a separate radiology practice in which they each owned investment shares. As owners of the new Irvine Imaging Center, they will divvy up the income from tests on their patients for such ills as broken bones, tumors, heart problems, backaches, migraines and chest pains. The more tests, the more revenue, and the higher the dividends to physicians.

Practically nonexistent two or three years ago, arrangements such as this are spreading across the U.S. Terrance Gill, a consultant who helps set up such deals, bluntly described the phenomena in a seminar for physicians a few years ago. "Stickup, extortion, bandit(ry), anything else you want to call it, but it's reality out there, foks," he said in the tape-recorded session.

By some estimates, physicians in every community in America are supplementing their incomes with profits from their interests in laboratories, X-ray centers and other medical facilities where they send their patients. In many cases the physicians earn 25% to 100% and more a year on investments of $5,000 to $100,000.

The halls of medicine, in fact, are buzzing with tales of extra cash for no extra effort. Physicians who in 1986 bought partnership shares at $25,000 each in MRI of Elizabeth, N.J., a magnetic-resonance imaging, or scanning, center, received a financial report last June showing a six-month return of $248,442, or almost $10,000 a share.

That amounts to an annualized return of nearly 80%, after just two years of operation. The venture's prospectus projected an annual return by 1995 of $35,498 a share and total profits after 10 years of nearly $250,000 a share.

LEGAL, BUT ETHICAL?

Outside investors aren't welcome in many such ventures. Physicians, on the other hand, are courted, because they can refer patients to the facilities and thus help ensure their financial success.

U.S. law strictly forbids payments to physicians in direct return for a professional referral where federal money, from Medicare or Medicaid, pays the bill. State laws vary. But in most places it is legal for physicians to profit from investments in medical services to which they refer patients. Critics say such profits, however legal, amount to refer-

ral fees—or kickbacks. They charge that the ventures circumvent the law and violate longstanding medical ethics that prohibit payments in return for referrals.

"The arrangements are wrong because they produce a terrible conflict of interest for a doctor," says Arnold Relman, editor of the New England Journal of Medicine. "They give doctors powerful incentives to bend their professional judgments." If such deals aren't outlawed, he says, "doctors will continue to drift toward the opinion that medicine is just a business, and patients are theirs to be bought and sold."

The issue of profiting from patient referrals is one of the most-important to confront the medical community in years. There is evidence that self-referral affects the quality and cost of patient care. But few patients, employers and insurers, who pay the bills, are aware the practice exists. Still, many in medicine see nothing wrong with the arrangements as long as physicians disclose their holdings.

Some health-care authorities like Dr. Relman believe the growth in the ventures reflects a changing attitude among physicians. Angered by loss of income and control over patient care, many physicians are fighting back in a manner the critics say breaches standards of conduct and abuses the trust of their patients.

Few dispute that the investments create conflicts of interest. The argument concerns how extensive the ventures are and whether the profit potential affects patient care. "There is no evidence [of] . . . widespread abuse," says James Todd, an official of the American Medical Association.

Yet some patients have received less convenient and more expensive care when referred to specialized practices or facilities in which their physicians own an interest. A 1983 survey by Blue Cross and Blue Shield of Michigan found that diagnostic laboratories owned by referring physicians charged almost double the fees of other labs and did nearly twice as many tests on the average patient.

"There is no question that ownership interest leads to more testing," says Charlotte Bartzack, a Blue Cross researcher who conducted the 1983 study. She says she has just completed a study showing that physicians have overtested pregnant women with ultrasound imaging devices. The physicians charge Blue Cross about $100 more than it costs them to rent the device for a test. "Some of the doctors are testing the women every month, while only one or two such tests are needed," she says.

In medical trade-magazine argot, giving physicians a piece of the action in laboratories, and other facilities is called "joint-venturing." It is about to erupt into controversy in Washington. Democratic Rep. Fortney "Pete" Stark of California refers to joint ventures as "bribes" and "scams designed to skirt federal anti-kickback laws." Last month, he introduced a bill to block Medicare payments for services provided by the ventures. Tomorrow he will chair a congressional hearing into the matter.

Joint-venturing is also being investigated by a congressional committee chaired by Democratic Rep. John Dingell of Michigan, Congress's General Accounting Office, and the Office of the Inspector General of the Department of Health and Human Services. Their findings will be out later this year.

Says Rep. Stark: "If legislation is not enacted, every minute of every day more deals get started. Within a certain period of time, it [joint venturing] will be politically irreversible."

The American Medical Association says only about 7% of American physicians are involved in such ventures. Other healthcare authorities estimate it may be closer to 25%. All told, physicians hold shares or limited-partnership interests in medical facilities that provide "tens of billions of dollars" a year in services, says Ronald Kovach, a health-care market analyst for Technicore Corp. of Allentown, Pa.

The transactions are spreading into every aspect of medicine. In Florida and California, hospitals are selling interests in operating rooms and laboratories to physicians. Thousands of physicians have bought interests in diagnostic laboratories, physical rehabilitation centers, sports-medicine clinics, mammography laboratories and women's health clinics, all of which a partner-physician can help make profitable by referring patients.

Some of the offerings seem simply too good to be true. In Houston, entrepreneur Jay Harvey sought referring physicians for an outpatient surgery center in 1987 by offering a tenfold return within five years on a $7,500 investment requiring no cash down. Philip Hensel, an enterprising physician in Newport Beach, Calif., tried recruiting physicians to invest in a rehabilitation program for heart patients with the promise of "$15,000 to $25,000 annually . . . by sending your own patients to your own facility."

In an interview, both men say they eventually scaled back the returns they projected but still attracted plenty of physician-investors.

THE PROFITS IN MRI

Many of the ventures encourage high usage. A financial report by Central Suffolk MRI, Smithtown, N.Y., sent to potential physician-investors in other centers, shows that in the first three months of 1987, 481 MRI scans generated a per-share quarterly dividend of $1,000. By October 1988, after quarterly usage doubled, the per-share dividend rose to $5,300. Physicians' shares in the magnetic-resonance center costs $100,000 each, most of which could be borrowed.

Magnetic resonance imaging, which produces extraordinary pictures of the internal body without the health risk of X-rays, has become especially profitable. MRI machines cost as much as $2 million or more. But an hour's examination generates fees of $500 to $1,000.

Jerome Molitor, medical director of the MRI center in Elizabeth, says the center's 26 physician-investors took a high risk by financing a "much-needed technology for the community." He says the investors refer only 30% to 40% of its patients.

In medicine's version of a hostile takeover, many physicians are demanding interests in existing scanning facilities and laboratories. An East Coast physician tape-recorded conversations he had with a promoter who had organized a group of physicians who wanted to share in the profits of an imaging center. Unless the radiologists who owned the center agreed, the promoter told them, the referring physicians would finance a competing center.

"Some people have called me an extortionist," the entrepreneur was recorded as saying. The Wall Street Journal was supplied the tape with the understanding that neither the physician who supplied it nor the promoter be identified.

Many faciliites market their services by offering ownership to physicians. A prospectus for Physicians' Professional Laboratory Services in Jacksonville, Fla., says the $5,000-a-share offering is being made only to physicians. "It is expected that the eventual success of the facility will depend to a large extent on the willingness and ability of the investors to refer patients for lab work," the prospectus says.

IT STINKS

Even physicians who find joint ventures unethical or distasteful are being pressured to join them to protect their income. Alfred Sils, a radiologist in Tarzana, Calif., led an unsuccessful fight in 1986 for a law in California banning the arrangements. But last year, he himself sold shares in his radiology practice to about 40 referring physicians. "It stinks," he says. "We held our noses and did it because if we didn't, someone else would come in here and lure our referring doctors away."

Few patients are aware of such conflicts of interest. This is true despite the American Medical Association's recent ruling that physicians must disclose to patients their interest in facilities the physicians sent them to. In California, state law also requires disclosure if a physician's interest in a facility amounts to 5% or $5,000, or higher. The requirement is widely ignored.

Physicians at the Irvine Imaging Center aren't notifying their patients in writing or in person. Ray Asrar was recently sent to the facility for an X-ray by his physician, Marshal Grossman, an investor. Mr. Asrar says he was unaware of his physician's interest. "It would have been common courtesy to tell me," he says, noting the test cost him about $200 beyond his insurance coverage. Neither Dr. Grossman nor other physicians involved in the imaging center would comment on their disclosure policy or any other aspect of the center.

Despite the conflict of interest in joint ventures, the AMA and many individual physicians don't oppose them. But under intense pressure by many radiologists, the American College of Radiology condemned joint-venturing last September.

In a personal letter to the editor of the New England Journal of Medicine, the radiology college chairman, Lee F. Rogers, wrote: "We have found the potential and actual abuse and exploitation of patients by unethical practices, and the flagrant disregard of physicians' responsibilities to the patient so great and so pervasive that these arrangements must be disallowed."

TALE OF TWO SCANNERS

In Boise, Idaho, the two main hospitals each installed an identical MRI scanner in 1986 even though some health planners urged them to share one. The scanner at St. Alphonsus Regional Medical Center isn't owned by the hospital but by a partnership that includes 39 local physicians and the hospital's administrator. They financed about $1 million of the machine's cost, according to papers filed with the state. Sometimes the machine has run around the clock all week long.

Meanwhile, the machine at St. Luke's Regional Medical Center, 10 minutes away and owned solely by the hospital, runs only eight hours a day, and almost never on weekends. For some scans, until last fall, St. Luke's was charging about $150 less than St. Alphonsus. Then St. Luke's raised its prices.

"We finally figured, why the price-competitive," says Dr. Tod Burt, a radiologist at St. Luke's. "No matter what, the doctors who own a share of the machine at St. Al's aren't going to send their patients here, even if it means billing them more or send-

ing them to be scanned in the dead of night."

Several physician-investors in the St. Alphonsus machine declined to discuss the situation. C. Thomas Jewell, a physician associated with St. Alphonsus who turned down an offer to invest in the MR, says, "I have a feeling many of the doctors involved feel it's wrong."

But for some physician-investors, getting involved "is just plain old greed," says Steven Hirschtick, a Los Angeles lawyer whose firm, Hirschtick, Chenen, Lemon & Curtis, represents radiologists. Physicians' incomes are being squeezed by Medicare and private insurers' cost constraints and by competing health maintenance organizations, he says. "Competition for patients is cutthroat," says Jeff Goldsmith, a Chicago consultant.

BEYOND PRUDENCE

"There is no doubt in my mind that the [joint venture] deals violate medical ethics," says Mr. Hirschtick. But they are perfectly legal, he says, if structured as limited partnerships in which physicians receive dividends in proportion to their ownership interest, not as payments for specific patient referrals.

The General Accounting Office of Congress is conducting the first detailed study of whether joint venturing encourages unnecessary or inappropriate medical care.

Some physicians think it does. "There are a lot of ways you can increase your use of the (MRI) without practicing bad medicine," says Murray Solomon, a radiologist in Burlingame, Calif., just outside San Francisco. "Where it might be prudent to scan a patient with an ailment once every two years, you might just do it every year or even more often instead, figuring what's the harm." Dr. Solomon says he is involved in an MRI joint venture for "competitive" reasons.

Physician-investors in Mammography Plus, a breast cancer detection center in Los Gatos, Calif., were told in a quarterly letter last year that 20% of investors ordered five or less mammogram tests, another 20% ordered six to 10 tests, while 18% referred 30 or more patients. "One physician has referred 115 patients during the first quarter," the letter says. "A fine example for us all to follow."

The letter, sent by Gerald Trobough and Donald Cariani, both obstetrician-gynecologists, exhorted partners with low usage rates to "increase their referrals" because "the long-term goal of this partnership is the responsibility of each of us."

A CHECK AND A SCORECARD

Enclosed with the letter is a first "distribution check" to the physicians for $300 per share, an "approximately 50% annualized return on your investment." Besides the check, each physician-investor also received a report showing how many patients he had referred to the center.

Dan Hale, administrative consultant of the center, says Mammography Plus is popular among the physicians because it provides better services than the local hospitals, not because of the investment return. He says the center isn't overtesting, but is encouraging physicians to use an important service.

Health facilities supported by taxpayers say they are being hurt by the for-profit competition. Harry Stein, chief of radiology at North Shore Hospital in Manhasset, N.Y., says several area physicians who have invested in local imaging centers now send the hospital "only their Medicaid patients."

Many nonprofit home health agencies say they receive only low-paying Medicaid referrals from physicians who have invested in their own visiting nurse operations. The Visiting Nurses Association of Los Angeles, a nonprofit organization, recently notified such physicians that it would no longer take their Medicaid patients if they didn't also refer patients with private insurance, which reimburses at higher amounts.

LONG-DISTANCE INVESTING?

The federal Stark bill would forbid the payment of Medicare money to facilities owned by physicians who refer patients to them. And newly proposed regulations by the Department of Health and Human Services would sharply restrict the ventures.

The fiercest counterattack is expected to come from the American Imaging Association, a lobbying group for physician-owned imaging centers that was organized in December. "We think the [Stark] bill ought to be restricted to just regulating abusers," says Frank Kyle, whose firm, Med Inc., Nashville, helps establish physician-owned centers.

But critics of the ventures say anything less than outright banning of them will leave loopholes.

Advanced Diagnostic Imaging, a venture associated with the New York securities firm of Stuart, Coleman & Co., recently recruited physicians in Long Island to invest in an MRI center it is opening in Massachusetts. "That would be a way for doctors to make a good investment without violating the Stark law," says ADI's president, Drew Netter. "There is no suggestion that the Long Island doctors encourage use in Massachusetts, but then again there is nothing to stop Long Island doctors from talking to their colleagues up north."

And, presumably, Massachusetts physicians would be free to invest in a Long Island MRI center.

Often the joint ventures sprout in areas already saturated with services. In some places deals are so readily available that physicians can choose between them.

That is happening in Fountain Valley, Calif., south of Los Angeles. The Fountain Valley Medical Center runs an MRI and a CT, or computerized tomography, scanner. Last year, area physicians asked for an interest in the imaging center. They weren't interested in the money, says Michael D. Cummings, a neurosurgeon, but wanted control of the center in order to run it better.

CONSULTANT'S ROLE

When the hospital rejected the physicians' offer in late December, the physicians set out to raise $3 million in cash and notes from about 100 area physicians in order to build their own center. In a letter to these physicians, Dr. Cummings predicted returns beginning at more than 50% a year and rising to about 91% in the sixth year of operation.

Now, to retain the allegiance of physicians who use the existing imaging center, the hospital will be forced to make a competing offer, says Malcolm Sperling, a member of the hospital's governing board. "It will be as competitive as it has to be to attract [referring] doctors," Dr. Sperling says. "We need to do this to keep our doctors."

Dr. Cummings says he got the idea to try a takeover of the Fountain Valley center at a seminar last year. There he met Mr. Gill, the Southern California consultant who for the past few years has criss-crossed America preaching the gospel of joint-venturing.

At a symposium for physicians in 1986, Mr. Gill told them that MRI centers do "much, much, much better," if they give "a piece of the action . . . in your community [to physicians] who own the book of business," according to a tape recording.

Mr. Gill said physicians should take advantage of the fact that their "contemporaries march to the cash register." He added, "Greed is a powerful motivator." He said that many referring physicians seeking to increase their incomes were already seizing part ownership in hospital imaging centers.

ABOVE THE AVERAGE

Mr. Gill's consultancy, called the Cooperative, has helped establish some 70 MRI centers with physician-investors, or about 14% of the total MRI centers in the country that are owned by investors.

In a letter he wrote in January to a prospective client, Mr. Gill boasted that the Cooperative's MRI centers average 400 scans a month, versus the national average of 260, and average more than $1 million a year in pre-tax profits, versus the national average of $400,000.

About a dozen other consulting and venture capital firms are beating the medical bushes for new deals. A Merrill Lynch & Co. investment fund has raised $25 million for 13 limited-partnership imaging centers around the country. On New York's Long Island alone there are now 14 MRIs, although the state's health planning agency says only six are needed.

The greater Los Angeles area has more than 50 MRI scanners. The number is expected to triple to 150 by 1991 as a result of "rampant entrepreneurial spirit," says Dr. Robert Lufkin of the University of California, Los Angeles, School of Medicine.

COMMON SERVICES IN WHICH DOCTORS ARE SHAREHOLDERS

Radiology Centers providing X-rays and other diagnostic imaging tests.

Diagnostic laboratories.

Physical rehabilitation centers.

Cardiac rehabilitation centers.

Sports medicine clinics.

Women's health centers.

Home health care and visiting nurse services.

Medical equipment leasing and sale companies.

Radiation therapy centers.

Hospital services such as operating rooms, labs, X-ray or physical rehab programs.

Same-day surgery centers.

HIGHER PRICES AND USE BY DOCTOR-OWNED LABS

The following is a 1983 study by Michigan Blue Cross and Blue Shield comparing price and usage of 20 doctor-owned labs versus 20 independent labs.

	Physician-owned labs	Independent labs
Average payment	$44.82	$25.48
Average number of tests per patient	6.23	3.76
Range of payments	$21.33–$123.18	$7.15–$30.33
Range of tests per patient	3.42–20.72	1.67–4.68

A MICHIGAN DOCTOR TURNS AGAINST HIS MEDICAL LAB

Michigan has the nation's toughest law governing physicians' conflicts of interest. Physicians are barred from referring patients to medical facilities in which they have an interest.

Yet the law, Michigan authorities say, failed to stop physicians from investing in what was Michigan's largest independent

medical laboratory, Metric Medical Laboratory. At one point Metric, in suburban Detroit, had 144 limited partners. Most were physicians or their stand-ins, says David Edick, an assistant state attorney general in Michigan. The lab boasted that its limited partners received returns on their investments of between 5,000% and 7,000%.

In September, Michigan Attorney General Frank J. Kelley filed criminal complaints in Ingham County charging the lab with fraud and the payment of illegal kickbacks.

Soon after investing in the lab, Leo Modzinski got a letter from the lab warning "that he would be terminated as a limited partner if his volume of lab referrals did not increase," the complaint alleges.

When Dr. Modzinski tried to increase his $1,000 initial investment, he was told he must first generate more lab referrals, a complaint charges. Investigators also say the lab "insisted that Dr. Modzinski use lab profiles which contained unnecessary testing for many of its patients."

Dr. Modzinski has agreed to cooperate with the government in exchange for the dropping of charges against him. Richard Zuckerman, a lawyer for Metric Medical, says "the company believes the charges are specious and baseless." Mr. Zuckerman says the case rests on Dr. Modzinski, who was convicted of defrauding the federal government in the 1970s. Dr. Modzinski declines to comment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 2, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

Environment and Public Works
To hold hearings on proposed budget requests for fiscal year 1990 for the Environmental Protection Agency.
SD-406

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 358 and S. 448, bills to reform the admission levels of immigrants to the United States.
SD-226

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to review current status of the Medicare Program.
SD-215

1:00 p.m.
Labor and Human Resources
To hold hearings on the minimum wage increase.
SD-430

MARCH 6

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Army and Navy military construction programs.
SD-192

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to examine the use of toxic materials in the aerospace industry.
SH-216

12:30 p.m.
Veterans' Affairs
To hold hearings to review the Veterans' Administration proposed budget request for fiscal year 1990.
SR-418

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the American Battle Monuments Commission, Cemeterial Expenses (Army), and the Selective Service System.
SD-116

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Geological Survey.
S-128, Capitol

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on Defense Nuclear Agency's nuclear weapons effects testing.
SR-222

MARCH 7

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Indian Affairs, Office of Construction Management, and the National Indian Gaming Commission.
SD-138

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 436, to strengthen the protections available to employees against reprisals for disclosing information and to protect the public health and safety.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the U.S. Trade Representative, and the International Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To hold hearings on proposed legislation authorizing funds for fiscal year 1990 for the Office of the U.S. Trade Representative, International Trade Commission, and the U.S. Customs Service, Department of the Treasury.
SD-215

10:30 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 1990 for children's programs.
SD-226

MARCH 8

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of Public Debt, U.S. Mint,

Office of the Inspector General, and the U.S. Savings Bond Division.
SD-116

Commerce, Science, and Transportation
To hold hearings on the mission to planet Earth.
SR-253

Rules and Administration
To hold oversight hearings on the operations of the Office of the Senate Sergeant at Arms and the Office of the Architect of the Capitol, and to consider any pending calendar business.
SR-301

Veterans Affairs
Business meeting, to consider the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-192

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To continue hearings on proposed legislation authorizing funds for fiscal year 1990 for the Office of the U.S. Trade Representative, International Trade Commission, and the U.S. Customs Service, Department of the Treasury.
SD-215

MARCH 9

9:30 a.m.
Special on Aging
To hold joint hearings with the Select Committee on Aging's Subcommittee on Health and Long-Term Care and the Subcommittee on Housing and Consumer Interests on residential board and care facilities.
SD-628

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Labor.
SD-116

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
To resume hearings on exchange trading practices in the commodity futures markets.
SR-332

MARCH 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for ACTION, National Commission on Children, National Council on Disability, Federal Mediation and Conciliation Services, National Mediation Board, Railroad Retirement Board, Commission on Railroad Retirement Reform, Federal Mine Safety and Health Review Commission, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Internal Revenue Service and the U.S. Postal Service.
SD-116

10:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agreements and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Energy Information Administration, Economic Regulatory Administration, Office of Hearings & Appeals, and Emergency Preparedness, all of the Department of Energy.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Air Force and Defense Agencies military construction programs.
SD-192

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the National Credit Union Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 341, to prohibit discrimination against blind individuals in air travel.
SR-253

Energy and Natural Resources
To hold hearings on energy efficiency and renewable energy technologies as they relate to S. 324, National Energy Policy Act of 1989.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Indian Health Service of the Department of Health and Human Services, and Indian education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To resume hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

1:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on aviation security issues.
SD-192

MARCH 15

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
Room to be announced

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the

Office of the Inspector General, General Services Administration.
SD-116

Governmental Affairs
To hold hearings on the proposed Federal Advisory Committee Act Amendments of 1989.
SD-342

10:00 a.m.
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253

Veterans Affairs
To hold oversight hearings on veterans' health care issues.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physician Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care, Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
S-126, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 6

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-124

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.
SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.
SD-116

Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the U.S. and Canada.
SD-215

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.
S-128, Capitol

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 11

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and applications programs.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.
SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.
SD-116

APRIL 13

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.
SD-138

9:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.
SD-116

APRIL 17

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.
SD-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans' Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse, and Mental Health Administration and the Health Resources and Services Administration.
SD-116

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Commodity Credit Corporation, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-192

APRIL 19

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.
S-128, Capitol

MAY 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continued hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 15

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

CANCELLATIONS

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.
SD-366

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear-reactor technologies.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, March 2, 1989*

The House met at 9:30 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Speak to Your people, O loving God, of Your presence and hear the petitions and needs of each one. Minister to us, O God, in the depths of our hearts and hear the aspirations and hopes of each of us. We place before You the innermost feelings that we withhold from all else and pray that Your spirit will guide us each new day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Rhode Island [Mr. MACHTLEY] please come forward and lead our colleagues in the Pledge of Allegiance?

Mr. MACHTLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, February 23, 1989, the Chair declares the House in recess subject to the call of the Chair, which will be at 10 a.m.

Accordingly (at 9 o'clock and 32 minutes a.m.), the House stood in recess subject to the call of the Chair at 10 a.m.

□ 1158

JOINT MEETING OF THE 101ST CONGRESS IN COMMEMORATION OF THE BICENTENNIAL OF THE U.S. CONGRESS

During the recess, the following proceedings took place in commemoration of the Bicentennial of the U.S. Congress.

The U.S. Army Band, under the direction of Col. Eugene W. Allen, leader and conductor, Maj. C. Benjamin DuBose, conducting, entered the door to the left of the Speaker, took the positions assigned to them, and presented a prelude concert.

The honored guests entered the door to the right of the Speaker and took the positions assigned to them.

The Doorkeeper, Hon. James P. Molloy, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The U.S. Army Band, under the direction of Col. Eugene W. Allen, leader and conductor, and Maj. C. Benjamin DuBose, presented a prelude concert.

The SPEAKER. The joint meeting to commemorate the Bicentennial of the U.S. Congress will come to order.

The Doorkeeper announced the flag of the United States.

The flag was carried into the Chamber by the joint Armed Forces color guard accompanied by the 3d U.S. Infantry Fife and Drum Corps.

The national anthem was presented by the U.S. Army Band.

The color guard saluted the Speaker, faced about, and saluted the House.

The SPEAKER. The color guard will now post the colors.

The flag was posted, and the Members were seated.

The SPEAKER. The invocation will be given by the Reverend James David Ford, Chaplain of the House of Representatives.

The Chaplain, Rev. James David Ford, D.D., offered the following invocation:

With appreciation for Your providence, with gratitude and praise, we thank You, Almighty God, for the blessings given to us and to our Nation in all the time before us.

You have nurtured us and breathed into our souls the very breath of life; You have given direction in the dark days when hope was weak and spirits confused; You have shown the path of truth as a beacon of light; You have redeemed us in forgiveness and pointed the way to righteousness. Gracious God, continue to touch the heart, the mind, the spirit of our Nation that we will be faithful to the high calling You have given, to be the people You would have us be and to do those things that honor You and serve the common good.

Accept our gratitude, O God of wisdom, for the gifts of life and hope that have been the heritage of our Nation. May we continue to know the blessings of order, harmony, and peace and continue in Your way that justice will flow down as waters and righteousness like a mighty stream. This we pray. Amen.

The Doorkeeper announced the House and Senate Journals of the First Federal Congress, and they were carried by the Clerk of the House and the Secretary of the Senate and placed in the well.

The Doorkeeper announced the mace of the House and the gavel of the Senate, and they were carried by the House and Senate Sergeants at Arms and placed in the well.

The SPEAKER. The Chair recognizes the gentlewoman from Louisiana, the Honorable LINDY BOGGS, Chairman of the Commission on the Bicentenary of the House of Representatives. [Applause.]

Mrs. BOGGS. Mr. Speaker, Mr. Vice President, leaders of the House and Senate, Members of the House and Senate, distinguished guests, ladies and gentlemen, it is my great honor to welcome you to this joint meeting in commemoration of the 200th anniversary of Congress. This occasion is a very special part of the celebration of the Bicentennial of Congress, which will be marked by historical publications, ceremonies, exhibits, a special film, and other activities during 1989.

All three branches of the Federal Government trace their beginnings to 1789, but it was Congress which assembled first, and successfully launched the United States of America. So, it is fitting that the first branch assemble on this day in recognition of the noble work of our predecessors and in anticipation of the events yet to come that will celebrate the executive and judicial branches.

As today's ceremony began, officers of the House and Senate brought into the Chamber some special objects that are dear to Congress. The two Journals, one for the House and one for the Senate, contain the record of the beginning of Congress in 1789. Each legislative day for the past two centuries the House and Senate have recorded their actions and formally approved their Journals. They represent our beginnings as a legislature, and they are symbols of the unbroken record of two centuries of representative government under the U.S. Constitution.

These two particular copies of the Journals were George Washington's personal copies and they are kept at the National Archives.

The mace of the House of Representatives, a silver eagle atop a silver globe of the world, supported by 13 ebony rods, each representing one of

the Original Thirteen States, is a symbol of authority of the House.

This particular mace has been used since 1841, and is always in the Chamber when the House is in session.

The ivory gavel is one of the great treasures of the Senate. According to tradition, John Adams, the Nation's first Vice President, used the gavel at the first session of the Senate in 1789. Thomas Jefferson may have used this same gavel to call the Senate to order when he was Vice President of the United States and President of the Senate from 1797 to 1801. Jefferson compiled his Manual of Parliamentary Practice to guide him as he presided over the Senate. Those rules are still consulted almost 200 years later.

Behind me on the Speaker's desk sits an old silver inkwell that has been in the House for at least 168 years. It appears in a portrait of Henry Clay of Kentucky painted in 1821. Clay was the first great Speaker of the House, and went on to a distinguished career as one of the greatest U.S. Senators in history.

We have gathered these volumes and these special artifacts to remind us of the past and to show the continuity of the traditions of Congress, traditions which are as strong today as they were in the past.

It is my great pleasure to introduce to you Senator ROBERT C. BYRD, the President pro tempore of the Senate and the Chairman of the Senate Bicentennial Commission, who has contributed so much to our understanding of the history and traditions of the Senate. His recently published history of the U.S. Senate is testimony to the great love he has for its traditions and for this great experiment in freedom—the United States of America. Senator ROBERT C. BYRD. [Applause.]

Senator BYRD. Mr. Speaker, Mrs. BOGGS, Members of the 101st Congress, fellow citizens, as Chairman of the Senate Commission on the Bicentennial, it is a privilege and an honor for me to address this joint meeting commemorating the beginning of the First Congress on March 4, 1789.

The ink had only barely dried on the new Constitution which two of the Original Thirteen States had not yet ratified. The newly elected President, George Washington, waited to be sworn into office; nor had the Vice President taken his oath. Neither of the two constitutional officers of Congress, the Speaker of the House and the President pro tempore of the Senate, had been elected. The Cabinet, the Supreme Court, and the entire Federal judiciary remained mere phrases in the Constitution, as yet unformed by legislation.

Members of the First Congress set about to mold the aspiration of the Constitutional Convention into the reality of a government that would unite the separate States into a Nation, a government that would forge the citizens of these States into one people, a government that would preserve domestic tranquility and defend against foreign aggression, a government that would divide power into three branches, with checks and balances among them to prevent any part of it from becoming tyrannical. Moreover, it was a government and a nation that could grow.

In 1791 Congress voted to admit Vermont as the first new State outside the original 13. Over the course of the next two centuries, the Nation expanded across the continent and to the Pacific and into the Pacific. Today a majority of us represent States that not only did not exist in 1789 but also whose areas at that time lay under foreign control. A map of 1789 would show my own State of West Virginia as simply the western region of Virginia, still 74 years and a bloody Civil War away from separate statehood.

Whether those of us in this 101st Congress represent one of the Original Thirteen States or one of the additional 37 States, the Commonwealth of Puerto Rico, the District of Columbia, and American Samoa, Guam or the Virgin Islands, we share a commonality to our predecessors in the First Congress, and we are here today as a result of the work done by them and by succeeding generations of Senators and Representatives. We have inherited from them the responsibility for making the laws of this Nation, for determining the course today, and into the future centuries. We celebrate 200 years of history, a proud accomplishment of the democratic government and a representative national legislature.

But 200 years is not so long a time. Consider that one Member of the 101st Congress first took his oath during the 74th Congress. CLAUDE PEPPER became a U.S. Senator in November 1936 and served in the Senate until 1952. He became a Member of the House of Representatives in January 1963 and he continues ably and faithfully to represent his district. [Applause.]

Think about his service which began over 50 years ago, fully one-quarter of the two centuries that Congress has existed. CLAUDE PEPPER first took his oath of office as a Senator when Franklin D. Roosevelt was President of the United States, when this Nation was emerging from a devastating depression, and before it had faced global conflict in the Second World War. CLAUDE PEPPER first took his oath of office as a Representative during the Presidency of John F. Kenndy and a far more prosperous Nation was beginning seriously to address problems of poverty and racial inequality and before it faced another terrible war in Southeast Asia. During his span of years in the Congress the United States exploded the first atomic bomb, signed the Nuclear Test Ban Treaty and recently agreed to abolish an entire class of nuclear weapons. We built our first Interstate Highway System, made tremendous strides in national health care and landed men on the Moon and brought them back safely again to their home on Earth.

It is remarkable that one congressional career could encompass so much of our Nation's history, and certainly CLAUDE PEPPER is a remarkable man. Many of the rest of us can look back over our own careers in this Congress and similarly marvel at the momentous events that we have witnessed, the many Presidents with whom we have worked, the significant legislation that we have helped enact. We are all part of the history of this great institution, even those of us who entered Congress for the first time during the 101st Congress and who are still learning their way about the corridors of this magnificent Capitol. These Members, too, will have the opportunity to make history. Perhaps among these Members will be as tenacious a one as CLAUDE PEPPER, who will still be serving in the 126th Congress, 50 years from now.

If one Member among us eventually celebrates the 250th anniversary of the Congress, I ask that member on behalf of all of my colleagues and on behalf of all of our predecessors give our successors this salute: May the Congress of the United States endure forever, may here the people always govern. [Applause.]

The PRESIDENT pro tempore (presiding). The Chair recognizes the Speaker of the U.S. House of Representatives, Mr. JIM WRIGHT. [Applause.]

Mr. WRIGHT. Two hundred years ago the First Congress came to New York to breathe life into the new Constitution and to make a reality of the dream and promise of representative self-government.

Members of the new Congress arriving in New York were greeted by flags, musical salutes, church bells, and the roar of cannon. They, as well as the crowds that greeted them, were keenly aware that they were plowing new ground. They were attempting to create something unique in history. Madison said, "We are in a wilderness without a single footprint to guide us."

There were 59 Representatives and 22 Senators representing those 11 States which had ratified the new government at that point. Eight of them had served as delegates to the Constitutional Convention. All but two of them had served at some point in public office.

After reviewing the roster of the new Congress, an optimistic George Washington proudly proclaimed that "it will not be inferior to any assembly

on Earth." A somewhat less enthusiastic James Madison, on the other hand, seemed to discern in the very distinctions that adorned the names of the Members of the new House a cause for concern because he said, "I see on the list of Representatives a very scanty proportion who will share in the drudgery of business."

The new House did not exactly get off to a running start. Only five States were represented on that first day, March 4, 1789, and it took 25 false attempts over a period of 29 days just to establish a quorum, without which they were unable to elect a Speaker and get down to business.

But get down to business they finally did. Even before George Washington could be inaugurated the new House had taken up the tariff bill to provide the needed revenue to run the new government and to pay off some of the debts that they had accumulated during the Revolutionary War. Oh yes, they already had a national debt. It was so severe in relative terms that Spain, which then owned Florida, was offering to help bail out the new government with cash payments to buy the Carolinas.

That First Congress to its credit and to our lasting benefit accumulated a very impressive legislative record. It gave form to the executive branch of Government by creating the Departments of State, Treasury, War and the Office of the Attorney General. It gave substance to the judicial branch of government by establishing the Supreme Court, a system of lesser Federal courts and establishing a criminal code for the United States.

It began to tie together the thin sprinkling of pioneer settlements scattered along this eastern seaboard into one cohesive Nation by authorizing a system of roads and bridges, trails and navigable streams.

But surely its most celebrated and most enduring contribution to the future was the writing by the First Congress of that lasting testament to individual human liberty, the American Bill of Rights.

Now for 200 years Congress has been a mirror of the Nation—a distillate of our national strengths and weaknesses. Hale Boggs described it as a collection of ordinary men and women grappling with extraordinary problems.

William Redfield said Congress was "a fair cross-section of the people, showing us very much as we are and throwing our faults and virtues into high relief." Samuel Johnson, speaking for the ratification of the Constitution before the North Carolina Convention, sought to describe the quality and character of those Representatives whose election had been mandated by the Constitution. He said, "They are to be bone of our bone, flesh of our flesh."

In all of this the U.S. Congress is probably the most fascinatingly human institution in the world. It is beyond question the most criticized legislative assembly on Earth, and still the most honored. It can rise to heights of sparkling statesmanship, and it can sink to levels of crass mediocrity. In both postures it is supremely interesting precisely because it is human. The story of Congress is the story of people.

We were visited in 1831 by a distinguished French aristocrat named Alexis de Tocqueville who later wrote about American democracy. De Tocqueville was grandly impressed by the intellectual caliber of people in the Senate who at that time were not directly elected by the public, but rather chosen by State legislatures. But he was negatively impressed by the quality that he discerned in the House. He spoke of our "vulgarity and poverty of talent." These characteristics which he thought created a general worthlessness to the House of Representatives, de Tocqueville attributed to the fact that its Members were directly elected, democratically, by the people. That French nobleman boldly prophesied that, unless the method of choosing Representatives was changed, this American Republic stood under the doom of "perishing miserably among the shoals of democracy." Well, that was 158 years ago.

In 1925, the House Speaker, Nicholas Longworth, philosophically opined that "from the beginning of the Republic it has been the duty of every freeborn voter to look down upon us and the duty of every freeborn humorist to make jokes about us." He may have had in mind Mark Twain who, a quarter Century earlier, commented that America had no distinctive indigenous criminal class—"except, of course for the Congress."

Even so, the Congress—called by Thomas Jefferson "the great commanding theater of the Nation," by another historian, the grand repository of the democratic principle, the butt of cartoonists, crusaders, and comedians alike—has endured for 200 years as the fulcrum of our system of representative self-government.

In this tripartite system, Congress sometimes has been overshadowed by a charismatic executive. Yet the Congress has managed in all circumstances to muddle through, sometimes leading and sometimes lagging, sometimes leaping and sometimes limping.

Toward the end of his career Sam Rayburn once was asked, "How many Presidents have you served under?"

The crusty old Texan snorted and replied, "Huh, I haven't served under any. I've served with eight."

And that system of representative self-government, of which Congress is an integral and indispensable part, with all its faults, and flaws and mortal imperfections, still is—just as it was in Lincoln's time, and may it forever remain—the last best hope of the Earth. [Applause.]

The PRESIDENT pro tempore. The Chair recognizes the Senator from Maine, the Honorable GEORGE MITCHELL, the majority leader of the U.S. Senate. [Applause.]

Senator MITCHELL. Mr. Speaker, Mr. President, Members of Congress, and distinguished guests, this is a new experience for me which I think I am enjoying. When we leave here, the Senate will commence debate on the Tower nomination. A month ago, when the pay raise controversey was at its height, a Republican colleague of mine in the Senate came over to me, put his arm on my shoulder and said, "Look at it this way. It can't get any worse."

In 1830, John Quincy Adams was elected to the House of Representatives. He had previously served as an ambassador, as Secretary of State, and as President, yet he wrote of his election to the House, "My election as President of the United States was not half so gratifying." His sentiments were understood by the people of his time, but they would not be understood by the people of our time.

In the 20th century, and especially in the age of television, many, if not most, Americans have come to view the executive as the primary branch of government. That was not intended by the Members who wrote the Constitution. The Constitution's first article which describes the powers of Congress is longer than the other seven articles combined, and that is why Congress is called the first branch of Government. I do not claim that Congress is the primary branch, but I do remind all that it is a coequal branch of Government.

Indeed an independent legislature is a distinguishing feature of democracy. All forms of government have executives. In totalitarian societies that is usually all there is. Where legislatures exist in those societies they are merely tokens, wholly subservient to the executive.

This 101st Congress is part of the most successful effort at self-government in all of human history. The brilliant success of the Founding Fathers is evidenced in the fact that in our two centuries of history we have had 41 presidents and no kings. No institution has contributed more to that happy result than the Congress.

Together the two Houses of Congress enact all legislation. Together they can override Presidential vetoes. The House originates revenue bills. The Senate's advice and consent is necessary for the ratification of treaties. The Constitution entrusts Congress with the power to tax, to provide for the common defense and general

welfare. The Congress has the authority to regulate commerce, to establish a judicial system, to declare war, to raise and support the Army and the Navy.

With that broad authority comes great responsibility. It is our responsibility to use the power with which we have been entrusted for the common good.

As we enter the third century of our institution, we can do no better than to recall the words of one of the great past Members of Congress to whom the Speaker has already alluded, his predecessor, Sam Rayburn, who in his first speech in the House said:

> It is now my sole purpose here to help enact such wise and just laws that our common country will by virtue of those laws be a happier and more prosperous country. I have always dreamed of a country which I believe this will and could be. That is one in which the citizenship is an educated and patriotic people, not swayed by passion or prejudice, a country that shall know no East, no West, no North, no South, but inhabited by a people, liberty-loving, patriotic, happy and prosperous, with its lawmakers having no other purpose than to write such just laws as shall in years to come be of service to humankind yet unborn.

To some, Sam Rayburn's objective may sound naive and so idealistic as to be impossible of attaining. To me, even recognizing the failings from which we as humans suffer, they are noble objectives for which we should always strive.

Thank you very much. [Applause.]

The SPEAKER. The Chair recognizes the gentleman from Washington, the Honorable THOMAS S. FOLEY, majority leader of the U.S. House of Representatives. [Applause.]

Mr. FOLEY. Mr. Speaker, Mr. President pro tempore, Members of the Congress, distinguished guests, ladies and gentlemen, when the crowds cheered and cannons roared, as Speaker WRIGHT has said, on the First Congress' meeting in New York on March 4, 1789, the quarters which they were to inhabit were not yet finished, causing them to convene in makeshift circumstances. The first Members were planters and merchants and, as today, about a third of them were lawyers. There were, Chaplain Ford, a few clergymen as Members as well. Despite a slow and rather disappointing start to their work, they obtained a brilliant conclusion. Allowing Fisher Ames, a Member of the First Congress, to say of his colleagues that they were "on the whole, very good men, not shining, but honest and reasonably well informed."

Congressional terms overlap; individuals come and go—sometimes without much fanfare. Influences change, recede. I believe, however, I speak for the more than 10,000 of us who have served in the House of Representatives and over 11,000 who have served in the Congress, in saying that for most of us it has been the greatest pride and honor of our lives.

As Senator MITCHELL indicated, John Quincy Adams returned to serve in the House of Representatives after being President of the United States considering it a great honor to do so. According to the 63-year-old Mr. Adams, "No election or appointment conferred upon me ever gave me so much pleasure." Yet, in addition to being President, he had, before he came to the House of Representatives, been at the age of 14 a diplomatic secretary in the court of Russia's Catherine II, at 28 a minister to The Hague, and minister plenipotentiary to Russia at the time of Czar Alexander I. He saw Napoleon return to Paris from Elba, served as Secretary of State under President Monroe, then a U.S. Senator, President, and finally Member of the House.

In this body, we have had over 10,000 Members. While many of them have gone from the House to the Senate, I would note that some of our greatest Members, John Quincy Adams and CLAUDE PEPPER, have done it the other way around. [Applause.]

With the great honor of being a Member of Congress has come throughout the years of our history close scrutiny and criticism, both individually and as an institution. That is appropriate, because the great pride of our service is that unlike great Cabinet officers or judges, we are here not by the appointment of the President, but by the election of the people.

The Congress has changed dramatically over the years with the coming of radio and television. It is perhaps the most closely followed branch of our Government, clearly the most observed and commented upon. We are the only branch of Government that conducts its day-to-day business not only under the scrutiny of television, but in an almost verbatim RECORD. While the CONGRESSIONAL RECORD will perhaps never appear on the best-seller list, it does lay open to the American people, as does television coverage, the business that goes on here, their business.

We have perhaps the longest-standing continuous assembly in the world, along with that of Great Britain and its Commonwealth. But it is perhaps only here that Members have an opportunity from the very first day of their service to participate directly in the affairs of the institution and to have the opportunity to actively serve the people of their State or their district in an immediate way.

We are, unfortunately, sometimes victims of the perception that the business of the Congress is somewhat disorderly and confused. This is because the business of making legislation is also the business of compromise and adjustment. That is not always understood. Although it is considered by some to be making a "deal" or trading away principles, it is, when done with principle, the most compelling and important of public business.

"The Congress," Woodrow Wilson said, "has been both extravagantly praised and unreasonably disparaged, according to the predisposition and temper of its various critics. The truth is," he said, "in this case as in so many others, something quite commonplace and practical. The Congress is just what the mode of its election and the conditions of public life in this country make it."

When the First Congress completed its work in 1789, it had, as the Speaker indicated, a brilliant, almost unequalled results, to the point that journalists and other observers of the day in commenting on its achievements, decided that they had been truly phenomenal.

A friend wrote to Vice President Adams that "In no nation, by no legislature, was ever so much done in so short a period for the establishment of government, order and public credit and generally tranquillity."

At the end of my first session of Congress, the 89th Congress, our late great colleague, Hale Boggs, quoted Fisher Ames and concluded that he believed that his was a very apt description of Congress because "we come from the people, and we are of the people, and, thank God, we have a system that makes that possible."

We can all echo that prayer of gratitude today. [Applause.]

The SPEAKER. The U.S. Army Band will now perform America the Beautiful.

The U.S. Army Band presented a musical interlude.

The SPEAKER. The Chair recognizes the distinguished gentleman from Illinois, the Honorable ROBERT H. MICHEL, minority leader of the U.S. House of Representatives. [Applause.]

Mr. MICHEL. Mr. Speaker, Mr. President pro tempore, Mr. Chief Justice, my distinguished colleagues, ladies and gentlemen, that spirited rendition of "America the Beautiful" speaks of our national natural wonders of this great land, its spacious skies, its waving fields of grain and purple mountains' majesties, but I guess equally as beautiful is our legacy of self-government because it is a beauty we have created for ourselves. With God's help and our own help we have drafted a way of living together in community guided by the ideals of justice and equality before the law. Nothing beneath the spacious skies is more beautiful than human beings working out their destiny in freedom. In that sense our country has for 200 years indeed been America the beautiful, and Congress is a major part of that creation.

One of the most gratifying events in each session of Congress is the return of former Members to this Chamber. It is a special day for all of us filled with memories. The continuity and the tradition of this great institution are embodied in our welcome of old friends and colleagues, and today in a similar spirit we are gathered in honor of our former Members of Congress, the 65 Representatives and the 26 Senators who made up that very first Congress.

It is difficult for us to think of them as colleagues. We are, after all, separated by 200 years. We can no longer see them as they are. They have become a legend, and it is the legend we see.

In one sense it is good that we have this legend. A nation needs its legends as much as it needs its heroes, but it is good for us to recall today that the Congressmen with discern across the chasm of years were also creatures of flesh and blood, not the demagogues of legend. They had to make the same kinds of decisions that we have to make, they had to answer the same questions:

Will it be yea or nay on this vote? Shall I compromise or shall I fight? How can I balance the desires of my constituents with the harsh necessities of governing?

And like us and like all those who came after them, they had to work for ideal political goals with rather imperfect human abilities.

I can remember when I first came to this House, I looked with awe at Speaker Sam Rayburn and Joe Martin and Senators Everett Dirksen and Dick Russell over on the other side, and so many others, and now I find myself a veteran of the legislative wars. I might tend to think I have become all too sophisticated, not easily impressed, but today once again I feel that sense of awe and humility as we commemorate the giants of the First Congress.

In this ceremony we stretch forth our hand to them as colleagues across the centuries, and we say to them, "If we have not matched your record of accomplishment, we hope at least we have been worthy of your trust. And separated by time, but united in duty, we say to Daniel Carroll, of Maryland, to George Thatcher, of Massachusetts, and to Speaker Frederick Muhlenberg of Pennsylvania and all the rest, honored congressional colleagues:" thank you for your sacrifices and your achievements. Because of you our country is truly America the beautiful.

Now I have an introduction to make. If I may paraphrase one of our former congressisonal colleagues, the Members of the First Congress left us a legacy far above our power to add or detract by our record, and at this point in our celebration, therefore, what we need is not more congressional prose, but the fiery, living truth of great poetry.

We are very fortunate indeed to have with us today the Poet Laureate Howard Nemerov. His work has been described as modern sensibility with classic elegance. He has been the recipient of the Pulitzer Prize, the National Book Award, the National Medal of Arts and, among other recognitions, the prestigious Bollingen Prize for poetry in 1981. He is also a novelist, essayist, critic and teacher, a consultant to the Library of Congress, and a distinguished professor of English at Washington University in St. Louis.

Now, if these achievements were his only contribution to our civilization, he could be content, but he made another kind of commitment. During World War II he flew more than 100 combat missions with the Royal Air Force and later with the U.S. Air Force.

Howard Nemerov was once asked about the problem of poetic inspiration, and he said, "The impulse comes from unexpected oddities." Unexpected oddities sounds much like what goes on in some of our debates, so he should feel right at home here on this floor of the House.

Mr. Speaker, ladies and gentlemen, it is my pleasure to introduce the Poet Laureate of the United States, Howard Nemerov. [Applause.]

Mr. NEMEROV. Well, this is going to be an anticlimax; isn't it, after an introduction like that?

TO THE CONGRESS OF THE UNITED STATES ENTERING ITS THIRD CENTURY, WITH PREFACE

Because reverence has never been America's thing, this verse in your honor will not begin "O thou." But the great respect our country has to give may you all continue to deserve, and have.

Here at the fulcrum of us all,
The feather of truth against the soul
Is weighed, and had better be found to balance
Lest our enterprise collapse in silence.

For here the million varying wills
Get melted down, get hammered out
Until the movie's reduced to stills
That tell us what the law's about.

Conflict's endemic in the mind:
Your job's to hear it in the wind
And compass it in opposites,
And bring the antagonists by your wits.

To being one, and that the law
Thenceforth, until you change your minds
Against and with the shifting winds
That this and that way blow the straw.

So it's a republic, as Franklin said,
If you can keep it; and we did
Thus far, and hope to keep our quarrel
Funny and just, though with this moral:

Praise without end for the go-ahead zeal
Of whoever it was invented the wheel;
But never a word for the poor soul's sake
That thought ahead, and invented the brake.

—26 ii 89.

[Applause.]

The SPEAKER. The Chair recognizes the Senator from Kansas, the Honorable BOB DOLE, minority leader of the U.S. Senate. [Applause.]

Senator DOLE. Mr. President pro tempore, Mr. Speaker, my colleagues in the House and Senate, this morning we have all paused from our normal legislative pressing business, which is not too pressing these days, to commemorate the 200th anniversary of the U.S. Congress, and this is a rare, special occasion because as an institution we focus so much on today and tomorrow that sometimes it is difficult to find time to reflect on yesterday. So today for a few moments we are doing that, and that is a shame because, as Members of Congress, we are surrounded by reminders of men and women who preceded us. We sit at their desks, we occupy their offices, we carry on their traditions, and we have much to learn from them.

During the last Congress I delivered a series of Bicentennial minutes offering vignettes on important or colorful or unusual events that happened in the Senate's history. While putting these together, I was repeatedly surprised to find Members of Congress wrestling with issues 100 and even 200 years ago that were as current as the headlines in today's newspapers. As the Speaker said, we were confronting Federal deficits. They were struggling with pay raises or helping a President get his nominees confirmed, and I find examples demonstrating that we have been doing it for 200 years.

Take today's joint gathering. In a sense it has been stated previously that this really commemorates today the first absence of the quorum because, although we officially began on March 4, 1789, they could not get a quorum, and we did not have the first real joint meeting until April 6, 1789. On that first occasion Members of the House walked up to the Senate Chamber in New York Federal Hall to count the electoral votes confirming George Washington's election as President.

The last joint session, prior to today's joint meeting, took place a month ago when Members of the Senate walked through the Capitol of the House Chamber to hear President George Bush. During the two centuries in between joint meetings, we have heard Presidents, kings, prime ministers, admirals, and astronauts. In the past here stood Winston Churchill, Chester Nimitz, Carl Sandburg, Charles deGaulle, Neil Armstrong, Anwar Sadat, and Margaret Thatcher. Here Gen. Douglas MacArthur told a joint meeting in Congress that "old soldiers never die, they just fade away." Those were memorable moments in our history.

Beyond such out-of-the-ordinary events as joint meetings, 1989 will mark the 200th anniversary of many of Congress' everyday routines. It was in 1789 that the House and Senate ap-

pointed their first committees, convened their first conference committees, elected their first officers, adopted their first rules, wrote and took their first oaths of office and enacted their first legislation, confirmed their first nomination, and established the first Cabinet officers thereby beginning their first oversight of executive agencies.

Today, if you wonder why the clerks of the Senate and the House bow when they deliver bills and messages in each House, that was prescribed by the First Congress. If you ever wonder why we formally address our Chief Executive as the President of the United States of America, the First Congress decided that.

The first choice, by the way, of a special Senate Committee on Titles was: His Highness, President of the United States of America and Protector of the Rights of the Same. That is the title I was leaning to until New Hampshire.

The House Chaplain who opened this session with a prayer and the Senate Chaplain who will close it are the successors of Chaplains chosen by the First Congress. So, too, are the Secretary of the Senate and the Clerk of the House who presented the first Journals of Congress, Journals which are still being recorded by our clerks today.

About the only job you would not have found in that First Congress was mine, or GEORGE MITCHELL'S or BOB MICHEL'S or TOM FOLEY'S. There were no party leaders in the First Congress because there were no political parties. With parties and party offices coming later, it reminds us that we are constantly adding to the history of this institution. We build on foundations laid before us as others will build upon what we leave behind.

Perhaps the best that can come out of our celebrations of Congress' yesterdays is a greater awareness of how much the past has shaped us and how much we can help shape America's tomorrow.

Now I have the pleasure of introducing an outstanding American, a very special guest speaker, David McCullough. David is well known to us in the Senate, who debated the Panama Canal, the Panama Canal treaties of 1978. A dog-eared copy of his book on the creation of the Panama Canal, "The Path Between the Seas," rested on the table in the well of the Senate and was consulted extensively by those on both sides of that heated issue. That book won the National Book Award for history. His most recent book, a biography of Theodore Roosevelt entitled "Mornings on Horseback" won the American Book Award. He is a narrator of the forthcoming CBS documentary produced in honor of the congressional bicentennial.

I am honored and proud to present David McCullough. [Applause.]

Mr. McCULLOUGH. Mr. Speaker, Mr. Vice President, Senator DOLE, Members of the 101st Congress, ladies and gentlemen. For a private citizen to be asked to speak before Congress is a rare and very high honor and I thank you.

Simon Willard was never a Member of Congress in the usual sense. Simon Willard of Roxbury, MA, was a clockmaker early in the 19th century and he did it all by hand and by eye.

"In cutting his wheel teeth," reads an old account, "he did not mark out the spaces on the blank [brass] wheel and cut the teeth to measure, but he cut, rounded up and finished the teeth as he went along, using his eye only in spacing, and always came out even. * * *

"It is doubtful," the old account continues, "if such a feat in mechanics was ever done before, and certainly never since."

The exact date is uncertain, but about 1837, when he was in his eighties, Simon Willard made a most important clock. I will come back to that.

On a June afternoon in 1775, before there was a Congress of the United States, a small boy stood with his mother on a distant knoll, watching the battle of Bunker Hill. That was Adams, John Quincy Adams, diplomat, Senator, Secretary of State, and President, who in his lifetime had seen more, contributed more to the history of his time than almost anyone and who, as no former President ever had, returned here to the Hill to take a seat in the House of Representatives, in the 22d Congress, and thrilled at the prospect. And it was here that this extraordinary American had his finest hours.

Adams took his seat in the old House—in what is now Statuary Hall—in 1831. Small, fragile, fearing no one, he spoke his mind and his conscience. He championed mechanical "improvements" and scientific inquiry. To no one in Congress are we so indebted for the establishment of the Smithsonian Institution. With Congressman Lincoln of Illinois and Corwin of Ohio, he cried out against the Mexican War, and for 8 long years, almost alone, he battled the infamous gag rule imposed by southerners to prevent any discussion of petitions against slavery. Adams halted slavery, but was fighting, he said, more for the unlimited right of all citizens to have their petitions heard, whatever their cause. It was a gallant fight and he won. The gag rule was permanently removed.

Earlier this year, at the time of the inaugural ceremonies, I heard a television commentator broadcasting from Statuary Hall complain of the resonance and echoes in the room. What resonance. What echoes.

John Quincy Adams is a reminder that giants come in all shapes and sizes and that, at times, they have walked these halls, their voices have been heard, their spirit felt here. Listen, please, to this from his diary, from March 29, 1841:

> The world, the flesh, and all the devils in hell are arrayed against any man who now in this North American Union shall dare to join the standard of Almighty God to put down the African slave trade; and what can I, upon the verge of my seventy-fourth birthday, with a shaking hand, a darkening eye, a drowsy brain, and with all my faculties dropping from me one by one, as the teeth are dropping from my head—what can I do for the cause of God and man. * * * Yet my conscience presses me on; let me but die upon the breach.

And how he loved the House of Representatives:

> The forms and proceedings of the House [he writes], this call of the State for petitions, the colossal emblem of the Union over the Speaker's chair, this historic Muse at the clock, the echoing pillars of the hall, the tripping Mercuries who bear the resolutions and amendments between the members and the chair, the calls of ayes and noes, with the different intonations of the answers, from different voices, the gobbling manner of the clerk in reading over the names, the tone of the Speaker in announcing the vote, and the varied shades of pleasure and pain in the countenances of the members on hearing it, would form a fine subject for a descriptive poem.

Some nights he returned to his lodgings so exhausted he could barely crawl up the stairs. In the winter of 1848, at age 80, after 17 years in Congress, Adams collapsed at his desk. A brass plate in the floor of Statutory Hall marks the place.

He was carried to the Speaker's office and there, 2 days later he died. At the end Henry Clay in tears was holding his hand. Congressman Lincoln helped with the funeral arrangements. Daniel Webster wrote the inscription for the casket.

Many splendid books have been written about Congress: Harry McPherson's "A Political Education," Allen Drury's "A Senate Journal," Alvin Josephy's "On the Hill" and "Kings of the Hill" by Representative RICHARD CHENEY and Lynne V. Cheney; "Rayburn," a fine recent biography by D.B. Hardeman and Donald Bacon, and "the Great Triumvirate," about Clay, Webster, and Calhoun, by Merrill Peterson. Now, in this Bicentennial year, comes volume one of Senator ROBERT BYRD'S monumental history of the Senate.

But a book that does justice to the story of Adams' years in the House, one of the vivid chapters in our political history, is still waiting to be written, as are so many others.

Our knowledge, our appreciation, of the history of Congress and those who have made history here are curiously, regrettably deficient. The plain truth is historians and biographers have

largely neglected the subject. Two hundred years after the creation of Congress, we have only begun to tell the story of Congress—which, of course, means the opportunity for those who write and who teach could not be greater.

There are no substantial, up-to-date biographies of Justin Morrill of Vermont, author of the Land Grant College Act; or Jimmy Byrnes, considered the most skillful politician of his day; or Joe Robinson, the tenacious Democratic majority leader whose sudden death in an apartment not far from here meant defeat for Franklin Roosevelt's court-packing scheme; or Carl Hayden of Arizona, who served longer in the Senate than anybody, 41 years.

We have John Garraty's life of Henry Cabot Lodge, Sr., but none of Henry Cabot Lodge, Jr. Search the library shelves for a good biography of Alben Barkley or Speaker Joe Martin and you won't find one. They don't exist. The only biography of Senator Arthur Vandenberg ends in 1945, when his career was just taking off.

The 20th century Senator who has been written about most is Joe McCarthy. There are a dozen books about McCarthy. Yet there is no biography of the Senator who had the backbone to stand up to him first—Margaret Chase Smith.

"I speak as a Republican," she said on that memorable day in the Senate. "I speak as a woman. I speak as a United States Senator. I speak as an American. I don't want to see the Republican Party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry and smear."

We have books on people like Bilbo and Huey Long, but no real biographies of George Aiken or Frank Church.

Richard Russell of Georgia, one of the most highly regarded, influential figures to serve in the Senate in this century, used to take home old bound copies of the CONGRESSIONAL RECORD, to read in the evenings for pleasure. He loved the extended debates and orations of older times and would remark to his staff how strange it made him feel to realize that those who had once counted for so much and so effected the course of American life, were entirely forgotten.

You wonder how many who pour in and out of the Russell Building each day, or the Cannon Building, have any notion who Richard Russell was? Or Joseph Gurney Cannon? There is no adequate biography of either man.

As Speaker of the House and head of the Rules Committee, Uncle Joe Cannon, of Danville, IL, once wielded power here of a kind unimaginable today. He was tough, shrewd, profane, picturesque, and a terrible stumbling block. It was the new 20th century. The country wanted change, reform. Uncle Joe did not. "Everything is all right out west and around Danville," he would say. "The country don't need any legislation."

When a bill came up to add a new function to the U.S. Commission of Fish and Fisheries, making it the U.S. Commission of Fish and Fisheries and Birds, Cannon protested. He didn't like adding "and Birds" * * * "and Birds" was new and different and therefore unacceptable.

The insurrection that ended Cannon's iron rule, a revolt here in this Chamber in 1910, was led by George Norris, of Red Willow County, NE. There have been few better men in public life than George Norris and few more important turning points in our political history. Yet today it is hardly known.

How much more we need to know about the First Congress when everything was new and untried.

How much we could learn from a history of the Foreign Relations Committee.

Imagine the book that could be written about the Senate in the momentous years of the New Deal. Think of the changes brought about then. Think of who was in the Senate—Robert Wagner, Burton K. Wheeler, Hugo Black, CLAUDE PEPPER, Barkley, Huey Long, Tom Connally, Vandenberg, Taft, George Norris, Borah of Idaho, and J. Hamilton Lewis, of Illinois, a politician of the old school who still wore wing collars and spats and a pink toupee to match his pink Vandyke whiskers.

It was "Ham" Lewis who advised a newly arrived freshman Senator named Truman from Missouri, "Harry, don't start out with an inferiority complex. For the first 6 months you'll wonder how the hell you got here, and after that you'll wonder how the hell the rest of us got here."

For some unaccountable reason, there is not even a first-rate history of the Capitol, nothing comparable say, to William Seale's history of the White House. This magnificent building grew in stages, as America grew. It is really an assembly of different buildings, representative of different times, different aspirations, and the story should be told that way.

We are all so accustomed to seeing our history measured and defined by the Presidency that we forget how much of the story of the country happened here.

Beside Congress, the Presidency seems clear, orderly, easy to understand. The protagonists are relatively few in number and take their turns on stage one at a time.

Congress, by contrast, seems to roll on like a river. Someone said you can never cross the same river twice. Congress is like that—always there and always changing. Individuals come and go, terms overlap. The stage is constantly crowded. The talk and the rumpus go on and on. And there is such a lot of humbug and so much that has been so overwhelmingly boring.

But let no one misunderstand, and least of all you who serve here, we have as much reason to take pride in Congress as in any institution in our system. A history abundantly shows, Congress, for all its faults, has not been the unbroken parade of clowns and thieves and posturing windbags so often portrayed. We make sport of Congress, belittle it, bewail its ineptitudes and inefficiency. We have from the beginning, and probably we always will. You do it yourselves, particularly at election time. But what should be spoken of more often, and more widely understood, are the great victories that have been won here, the decisions of courage and vision achieved, the men and women of high purpose and integrity, and, yes, at times genius, who have served here.

It was Congress after all that provided the Homestead Act, ended slavery, ended child labor, built the railroads, built the Panama Canal, the Interstate Highway System. It was Congress that paid for Lewis and Clark and for our own travels to the Moon. It was Congress that changed the course of history with lend lease and the Marshall plan, that created Social Security, TVA, the GI bill, the Voting Rights Act, and the incomparable Library of Congress.

It is not by chance that we Americans have built here on our Capitol Hill, side-by-side with the center of Government, our greatest library, a free and open repository of books and without limit on viewpoint, in every language, from every part of the world.

In 200 years, 11,220 men and women have served in the House and Senate, and while the proportions of black Americans, of women, of Hispanic and Asian Americans, and native Americans have not, and do not now, reflect the country at large, it is nonetheless the place where all our voices are heard. Here, as they say—here as perhaps we cannot say too often—the people rule.

We need to know more about Congress. We need to know more about Congress because we need to know more about leadership. And about human nature.

We may also pick up some ideas.

Considering the way defense spending has been handled in recent years, we might, for example, think of reinstating an investigating committee like the Truman Committee of World War II, which saved billions of dollars and thousands of lives.

If we are unwilling to vote the taxes to pay for the war on drugs, to save our country, why not sell bonds as we did in two world wars? It is hard to

imagine anyone not wanting to buy a bond to win the war on drugs.

Above all we need to know more about Congress because we are Americans. We believe in governing ourselves.

The boy should read history, the first John Adams wrote to his wife Abigail about the education of their son, John Quincy. History. History. History. We must all read history, and write and publish and teach history better.

How can we know who we are and where we are headed if we don't know where we have come from? How can we call ourselves patriots if we know little of our country's past?

Who were those people in the old bound volumes of the CONGRESSIONAL RECORD? What moved them? What did they know that we do not?

Our past is not only prolog, it can be bracing. In Emerson's words, "The world is young: the former great men [and women] call to us affectionately."

I have decided that the digital watch is the perfect symbol of an imbalance in outlook in our day. It tells us only what time it is now, at this instant, as if that were all anyone would wish or need to know. Which brings me back to Simon Willard.

In the years when the House of Representatives met in Statuary Hall, all deliberations were watched over by the muse of history, Clio. She is there still over the north doorway. She is riding the winged "Car of History," as it is called, keeping note in her book. The idea was that those who sat below would take inspiration from her. They would be reminded that they too were part of history, that their words and actions would face the judgment of history, and that they could count themselves part of an honorable heritage.

Clio and the Car of History are by the Italian sculptor Carlo Franzoni of Carrara. The clock in the foreground is by Simon Willard. It was, as I said, installed about 1837. Its inner workings, cut freehand by Simon Willard, ticked off the minutes and hours through debate over the Gag Rule, the annexation of Texas, the Mexican War, tariffs, postal service, the establishment of the Naval Academy, statehood for Arkansas, Michigan, Wisconsin, matters related to immigration, the Gold Rush, statehood for California, the fateful Kansas-Nebraska Act, and the final hours of John Quincy Adams.

It is also a clock with two hands and an old-fashioned face, the kind that shows what time it is now * * * what time it used to be * * * and what time it will become.

And it still keeps time.

On we go. [Applause.]

The SPEAKER. It is my privilege to present soloists of the U.S. Army Band, Sfc. Will Shead and Sfc. Evelyn Yount, who will perform a patriotic note.

Sfc. Will Shead and Sfc. Evelyn Yount presented a musical interlude.

The SPEAKER, The Chair at this time would like to recognize Mr. Anthony Frank, the Postmaster General of the United States, who will introduce to Members the special congressional postage stamps that will be issued in commemoration of the Bicentennial of Congress. [Applause.]

Mr. FRANK. Mr. Speaker, good morning, women and men of the Congress. It is appropriate that the Postal Service pay tribute to the Congress and the legacy of leadership, not just because my last name is "Frank."

Both our organizations hold the public trust. We deliver America's mail, 500 million pieces a day, 6 days a week. You deliver the promise of the Constitution. You have been chosen by and you speak for the people. For 200 years, you have represented our interests, defended our rights protected our freedoms.

Today we will have a preview of the two new commemorative stamps dealing with this bicentennial which will be issued commencing in April. Interestingly, the subject for the House of Representatives stamp features the 1890 marble structure which Dr. McCullough just described to us, referred to as the "car of History." It is on display in Statuary Hall. Clio the muse stands in the winged chariot of time recording events as they occur.

I would like Mrs. BOGGS to help me in unveiling the U.S. House of Representatives stamp.

(Mrs. BOGGS assisted in unveiling the U.S. House of Representatives stamp.)

Mr. FRANK. The Senate stamp features the carved gilded eagle and shield located on the Vice President's chair in the old Senate Chamber. I would like Senator LUGAR to join me in unveiling the U.S. Senate stamp.

(Senator LUGAR assisted in unveiling the U.S. Senate stamp.)

[Applause.]

Mr. FRANK. Next month, on the 4th and 6th of April, millions of these stamps will be transporting mail around the world, and may they serve as a small but powerful symbol of democracy of leadership of America.

Thank you. [Applause.]

The SPEAKER, The Chair at this time would like to recognize the Honorable Nicholas Brady, Secretary of the Department of the Treasury, who will introduce to us the special congressional coins that will be issued in commemoration of the Bicentennial of Congress. [Applause.]

Mr. BRADY. Mr. Speaker, Mr. President, distinguished Members, and friends, I am honored to address this joint meeting of the Congress marking the 200th anniversary of the first meeting of Congress.

It is a special privilege for me, having been a Member of Congress, to return on such a wonderful moment in history. I am here this morning to introduce the designs that will appear on the coins commemorating the Bicentennial of the Congress. These coins will celebrate 200 years of the great American experiment in democracy. The coins will honor the Congress and at the same time provide funds to be utilized by the U.S. Capitol Preservation Commission for improvements to the restoration of the Capitol. Designs for the three coins were chosen from among the designs submitted by 18 sculpture engravers who provided 110 designs for us to choose from. The designs embody the traditions and the symbols cherished by our forefathers. The U.S. Capitol is recognized throughout the world as a symbol of democracy and freedom. The $5 gold coin depicts the Capitol dome on the obverse, and the gilded eagle in the old Senate Chamber on the reverse. The silver dollar portrays the statue of freedom which reigns atop the Capitol dome on the obverse, and with the House mace the reverse side of the coin is designated. The clad half dollar includes the head of freedom on the obverse and the full Capitol on the reverse.

These designs are the artists' renderings that will be transferred in sculpturings that will be used to mint the coins. I would like to send to each of the Members an invitation to participate in the first ceremony which will take place later in the spring of the striking of these coins. The U.S. Department of the Treasury is very proud to be a part of this wonderful celebration.

Mr. Speaker, with your permission, I would like to ask Senator DIXON, Congressman FASCELL, and Congressman ANNUNZIO to come to the well and unveil the drawings. Thank you very much. [Applause.]

The Honorable Nicholas Brady was assisted in the unveiling of the drawings of the coin designs by Senator DIXON and Representatives FASCELL and ANNUNZIO. [Applause.]

The SPEAKER. The stamp and coin designs will be available for viewing in the Speaker's lobby after today's ceremony.

Now we will rise for the benediction which will be spoken by the Reverend Richard C. Halverson, Chaplain of the Senate.

The Chaplain of the Senate, Rev. Richard C. Halverson, L.I.D., D.D., offered the following benediction:

Eternal Father, thank You for the legacy that is ours, for the giants of the past and the giants that are here today. Grant us, people and politician, the will and the wisdom to be faithful. The Lord bless you and keep you. The Lord make His face to shine upon you

and to be gracious unto you. The Lord lift up His countenance upon you and give you His peace. Amen.

The SPEAKER. Members and guests will remain standing for the retirement of the colors.

The color guard retired the colors.

The SPEAKER. The Chair declares the joint meeting dissolved. The House will continue in recess until approximately 12 noon.

The honored guests, and the Members of the Senate retired from the Chamber.

At 11 o'clock and 44 minutes a.m., the proceedings in commemoration of the Bicentennial of the U.S. Congress were concluded.

□ 1209

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 9 minutes p.m.

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER. The Chair has an announcement.

Pursuant to the provisions of section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Speaker of the House of Representatives and the President pro tempore of the Senate did, on Tuesday, February 28, 1989, appoint Dr. Robert D. Reischauer as Director of the Congressional Budget Office, effective March 6, 1989, for the term of office beginning January 3, 1987.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 6, 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 2, 1989, it adjourn to meet at noon on Monday, March 6, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 8, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. MICHEL. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 100) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That Representative Walsh of New York be and is hereby elected to the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING APPOINTMENT OF ROBERT D. REISCHAUER AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I wish to rise in commendation for the appointment of Robert D. Reischauer as Director of the Congressional Budget Office.

The recommendation of the Committee on the Budget both by the gentleman from Minnesota [Mr. FRENZEL], who is my ranking minority member, and myself was that Mr. Reischauer should be appointed to that position. The Senate concurred in that appointment.

Mr. Speaker, he brings a very long and distinguished career in the Congressional Budget Office to bear as the new Director. The Congressional Budget Office is the arm of the Congress that reviews budget numbers. It is essential that we have credible budget numbers both in assumptions and the numbers that we deal with in developing a credible budget resolution.

Mr. Speaker, I think Mr. Reischauer will assist us in that effort, because he brings credibility and qualifications to that job. It has been a long time since we have had a Director of the Congressional Budget Office, and I thank the Speaker and the President pro tempore of the other body for acting quickly and expeditiously to fill that responsible job with a very responsible individual.

CARIBBEAN BASIN ECONOMIC RECOVERY EXPANSION ACT OF 1989

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, on behalf of a broad bipartisan group of this House, I have introduced H.R. 1233, the Caribbean Basin Economic Recovery Expansion Act of 1989.

I will include at the end of my remarks a section-by-section summary explanation of the bill.

Mr. Speaker, today I am introducing, with a bipartisan group of my House colleagues, an important piece of trade legislation designed to expand and improve the Caribbean Basin Initiative or CBI Program. The legislation, entitled the Caribbean Basin Economic Recovery Expansion Act of 1989 and more commonly referred to as CBI-II, would expand the current duty-free treatment for imports from the region and extend trade benefits on a permanent basis in order to promote a stable climate for expanded investment.

As my colleagues are aware, the Caribbean Basin is a crucial region to the United States, and its political and economic stability is a key component of our foreign and national security. Under the Caribbean Basin Economic Recovery Act enacted in 1983, Congress authorized certain unilateral and preferential trade and tax benefits for Caribbean Basin countries and territories. Presently, 22 countries are designated beneficiaries for duty-free access of their exports to the U.S. market until September 30, 1995. The current program exempts from duty-free treatment certain goods produced in CBI countries which are generally regarded as import sensitive in the United States. These exemptions include textiles and apparel subject to textile agreements, footwear, handbags, work gloves, leather flat goods and apparel, certain watches and parts, petroleum, and tuna. The CBI program also provides certain tax benefits, including a convention tax deduction, operation of foreign sales corporations, and the availability of financing for active business investments in those countries that have signed a tax information exchange agreement.

The legislation that we are introducing today is the result of a year-long investigation by the Subcommittee on Oversight of the Committee on Ways and Means under the distinguished leadership of its chairman, JAKE PICKLE, on the impact and effectiveness of the CBI, a series of hearings

held by the Subcommittee on Trade on CBI legislation introduced in the 100th Congress (H.R. 3101), and consultations with representatives of the Caribbean countries and major U.S. industries involved. The bill expands the duty-free treatment granted to imports from the region and includes a number of other recommendations to improve the effectiveness of the program. At the same time, several of the more controversial provisions in H.R. 3101 have been removed or modified to address concerns raised by the domestic textile and sugar industries.

I will briefly mention a few major provisions of the bill:

First, the bill allows limited duty-free treatment for articles from the Caribbean currently exempt from the program. Second, the bill sets a minimum quota floor and quota reallocations for sugar imports from the region. Third, the bill increases the duty-free allowance for tourists returning from the Caribbean from $400 to $600. Fourth, the bill creates a separate cumulation determination for imports from the Caribbean for determining injury in antidumping and countervailing duty cases. Fifth, the bill establishes a Pilot Customs Preclearance Program. And finally, the bill repeals the 1995 termination date on duty-free treatment of imports from the region.

Mr. Speaker, in closing, our purpose in introducing this legislation now is to address concerns that the current program has not achieved the positive results that were intended. We need to build confidence in the region, create greater business certainty, and provide a long-term positive investment climate. I believe this is a good bill that will foster economic development of the Caribbean and thereby promote political stability in the region. I urge my colleagues to review this legislation and I seek your support.

A section-by-section summary of the bill is set forth below:

SUMMARY OF PROPOSED CARIBBEAN BASIN INITIATIVE (CBI) LEGISLATION

SHORT TITLE (SECTION 1)

The short title of the legislation is the "Caribbean Basin Economic Recovery Expansion Act of 1989".

CONGRESSIONAL FINDINGS (SECTION 2)

Section 2 contains findings of the Congress that a stable political and economic climate is necessary for the development of the Caribbean Basin and for U.S. security and economic interests, and that the U.S. commitment to the development of that region should be reaffirmed and strengthened by improving the operation of the Caribbean Basin Economic Recovery Act (CBI).

REPEAL OF THE DUTY-FREE TREATMENT TERMINATION DATE (SECTION 3); REPORTS ON PROGRAM OPERATION (SECTION 6)

Under current law, duty-free treatment for eligible imports from CBI beneficiary countries terminates on September 30, 1995. Section 3 repeals this expiration date, thereby maintaining duty-free treatment for eligible imports in perpetuity unless Congress legislates otherwise. Section 6 requires the President to submit a report to the Congress every 3 years on the operation of the program, with the initial report due by October 1, 1992.

AN INCREASE IN THE DUTY-FREE ALLOWANCES FOR U.S. RESIDENTS RETURNING FROM CBI BENEFICIARY COUNTRIES OR U.S. INSULAR POSSESSIONS (SECTION 4)

Section 4 increases the duty-free allowance for U.S. residents returning directly or indirectly from a CBI beneficiary country from $400 to $600 and from a U.S. insular possession from $800 to $1,200.

LIMITED DUTY-FREE TREATMENT FOR EXEMPT ARTICLES (SECTION 5)

Under the present CBI, imports of textiles and apparel which are subject to textile agreements; footwear, handbags, luggage, flat goods, work gloves and leather wearing apparel; canned tuna; petroleum and petroleum products; and certain watches and watch parts are exempt from duty-free treatment. Certain imports of textiles and apparel are subject to import quotas under bilateral agreements. Imports for the Caribbean Basin are also dutiable if they do not meet the rule-of-origin requirements.

Section 5 expands CBI benefits through limited duty-free treatment on these products:

1. Duty-free treatment for textile products entering under Guaranteed Access Levels.—Duty-free treatment on textile products entering under bilateral guaranteed access level (GAL) agreements would apply to the total value of textile products entering from the Caribbean under GAL agreements, not merely the value of the U.S. fabric currently exempt from duty under item 807.00. Products receiving duty-free GAL treatment must be assembled in the Caribbean from either (a) fabric formed and cut in the United States or (b) foreign fabric cut in the United States that is not made in the United States or is made in the United States but is in critical shortage. The Secretary of Commerce will determine, after consultation with an advisory committee of domestic textile and apparel industry representatives, the foreign fabrics that will qualify for GAL duty-free treatment. The initial list will be revised annually based on industry petitions to add or delete fabrics and their review by the advisory committee.

2. A "tariff rate quota" allowing a specific volume of goods in each product category currently dutiable under CBI to enter duty-free, except textiles and apparel.—Imports from CBI beneficiary countries of a product-exempt category, except textiles or apparel, would receive duty-free treatment on an aggregate amount up to 5 percent of annual U.S. total imports in the category. If aggregate CBI imports reached that level in any year, imports in the following year from each individual CBI beneficiary country would enter duty-free up to the amount entered from that country in the preceding year plus an annual growth of 3 percent. Any imports above the specified tariff-rate quota level would continue to be subject to duty.

STATUTORY GUARANTEED ACCESS LEVEL AGREEMENTS FOR CERTAIN TEXTILE PRODUCTS ASSEMBLED IN CBI COUNTRIES (SECTION 5)

Section 5 codifies the administrative GAL program as a statutory program and requires the U.S. Trade Representative to enter into bilateral agreements with CBI beneficiary countries, at their request, to guarantee access levels to the U.S. market for textile products assembled in CBI beneficiary countries from U.S. fabric or qualified foreign fabric. The textile product may incorporate findings and trimmings of foreign origin that do not exceed 25 percent of the cost of the components of the assembled product. Existing GALs, which were negotiated under the Reagan Administration's CBI Special Access Program, would be "grandfathered" under this statutory authority.

A sense of the Congress urges the U.S. Trade Representative to seek greater fairness, transparency, and stability in country allocations of quota export certificates between U.S. and foreign companies.

ESTABLISHMENT OF A SUGAR IMPORT FLOOR AND QUOTA REALLOCATIONS FOR CBI COUNTRIES (SECTION 7)

Section 7 establishes a guaranteed minimum access level for sugar imports from CBI beneficiary countries by setting a minimum quota floor at the 1989 aggregate level. Irrespective of the total global quota level in future years, the CBI share in the aggregate could not be set below the current level, but that share would increase proportionally if the total global quota level increases.

Individual CBI countries would receive quota reallocations as a result of annual shortfalls or quota suspension or termination by administrative actions. The Department of Agriculture is required to determine each year whether each quota country will fill its quota for that year, under penalty that any shortfall would be allocated. Any quota shortfalls, including shortfalls of CBI beneficiary countries, would be reallocated proportionally to CBI countries. The existing quota suspension for Panama and any future country quota suspension or termination under existing authorities, such as for national security or foreign policy reasons, would also be reallocated proportionally to CBI countries.

Compensation authority is provided if these CBI quota provisions are found to be inconsistent with U.S. international obligations under the GATT. The Administration must consult with the House Ways and Means and Senate Finance Committees prior to proposing a compensation offer.

SEPARATE INJURY CUMULATION DETERMINATION FOR CBI BENEFICIARY COUNTRIES IN COUNTERVAILING DUTY AND ANTIDUMPING CASES (SECTION 8)

In countervailing duty and antidumping cases under current law, imports into the United States from CBI beneficiary countries are aggregated together with imports of the like product under investigation from all non-CBI suppliers in determining whether the unfair trade practice causes or threatens material injury to the U.S. domestic industry. Section 8 creates a separate cumulation of imports of a like product under investigation only from CBI beneficiary countries, as a group. If the U.S. International Trade Commission determines that such imports from CBI beneficiary countries injure U.S. producers, current law and sanctions would apply.

ESTABLISHMENT OF A PILOT CUSTOMS PRECLEARANCE PROGRAM (SECTION 9)

Section 9 requires the U.S. Customs Service to establish preclearance operations during fiscal years 1990 and 1991 at a facility in a country in the Caribbean Basin appropriate under specified criteria for testing the extent to which the availability of preclearance operations can assist in the devel-

opment of tourism. The Commissioner of Customs shall submit a report to the Congress on the preclearance operations program as soon as practicable after September 30, 1991.

REQUEST THAT BLUE BUNTING OVER DOORS OF HOUSE CHAMBER BE ALLOWED TO REMAIN

Mr. GIBBONS. Mr. Speaker, if I may be recognized for one other brief unanimous-consent request, I ask unanimous consent that the blue bunting over the doors adorned by stars used in today's ceremony be allowed to remain in the Chamber at the discretion of the Speaker.

The SPEAKER. The Chair will take that suggestion under advisement and will consult with others and consider the advisability of following the gentleman's recommendation.

REQUEST THAT PRESIDENT APPOINT EMERGENCY BOARD TO SOLVE DEADLOCK BETWEEN MACHINISTS AND EASTERN AIRLINES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise today to request that President Bush appoint an emergency board to solve the deadlocks between the International Association of Machinists and Eastern Airlines.

The contract between Eastern Airlines and the International Association of Machinists expired 14 months ago. Last month, after 13 months of negotiations, the National Mediation Board declared an impasse and instituted a 30-day-cooling-off period which comes to an end on Saturday. The two sides are still unable to come to an agreement and unless a Presidential emergency board is created, a strike appears inevitable.

The creation of an emergency board will prevent a strike from occurring for another 60 days, and will give the union and Eastern additional time to work out their differences. If a strike were to occur, it would result in chaos for air travelers around the country. I join the National Mediation Board, the International Association of Machinists, and the AFL–CIO in urging the President to appoint an emergency board and prevent a strike at Eastern Airlines.

The last-minute attempt by Eastern to play a divide-and-conquer game and pull the pilots away from the machinists points to the urgency of this matter.

IRAQ'S SUFFERING LITTLE CHILDREN

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, Iraq's indiscriminate use of poison gas against its own civilians last year was one of the most shocking violations of human rights since the end of the Second World War.

We now have another devastating revelation about Iraq. The highly respected human rights organization, Amnesty International, has documented large-scale and systematic torture of children by Iraqi authorities in order to punish their parents or to obtain false confessions from them as they watch in agony while their children are tortured.

With a united voice, the entire civilized world must condemn this mind-boggling example of medieval cruelty at the end of the 20th century.

As a sad footnote to this horror, the United Nations Human Rights Commission has lost what little credibility it had by refusing to investigate this outrage because of political pressure by some of its totalitarian members.

RIGHT-WING REPUBLICAN ACTIVISTS ENGAGE IN PARTISAN POLITICS

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, a small band of right-wing Republican activists is engaged in an undertaking so brazenly cynical and so blatantly partisan that it should offend and throughly outrage every one who is sensitive to due process.

Recent news articles make it clear that this small band of propaganda terrorists has been plotting all along, on a series of conspiracies to discredit Speaker WRIGHT and other Democrats.

Moreover, they are cynically trying to intimidate Republican members of the Ethics Committee into finding some complaint against the Speaker to be valid.

To use the prosecutorial forum of the Ethics Committee to resolve our political differences is improper. To attempt to influence individual members' votes on that committee is tantamount to jury tampering and should be punished under our rules. I shall propose such rules changes.

Well, it won't work—the American people are a lot wiser than you Republicans give them credit to be. Americans will not be led down a path of divisiveness, no matter how shrill your whining becomes.

Congressman GINGRICH, quoted in the February 26 Washington Post, says, and I quote, "Now we have a way of dividing America."

PRESIDENT BUSH URGED TO TAKE STEPS TO PREVENT EASTERN AIRLINES STRIKE

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I rise today in strong support of the workers of Eastern Airlines in their battle with Eastern Chairman Frank Lorenzo. And I call upon President Bush to declare a national transportation emergency to prevent the strike scheduled to begin Saturday morning.

Texas Air's shameful history shows why President Bush must act. In 1982, Lorenzo's Texas Air bought Continental Airlines and quickly manipulated bankruptcy laws to break Continental's union. Congress was so outraged that we passed legislation preventing companies from using bankruptcy laws to ever do this again.

In 1986, Lorenzo bought Eastern Airlines and began trying to use sham transactions to break its union. On two separate occasions, a Federal judge had to stop Lorenzo from unilaterally transferring unionized Eastern workers into nonunion subsidiaries of Texas Air. Meanwhile, since 1987 Lorenzo has been demanding that Eastern employees take pay cuts of 30 to 40 percent. Texas Air has simply not played fair. It has sold Eastern assets to itself at bargain basement prices and then cried that Eastern is losing money. It has made ridiculous demands of Eastern's workers and then cried that the workers are not being reasonable.

Now Lorenzo's single-minded attempt to crush Eastern's union has led to the scheduling of a strike which could cripple America's transportation system. I urge President Bush to use the power which is his alone to prevent this potential disaster. I urge him to appoint an emergency board under the Railway Labor Act which would start a 30-day factfinding action followed by a 30-day-cooling-off period.

A TRIBUTE TO WILLARD SCOTT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, Willard Scott is a great American, a great Virginian and a man who is beloved in the Washington, DC, area.

I rise today to pay tribute to Willard Scott in the wake of news reports about the unfortunate memo criticizing Willard's work as the weatherman and man about country on the NBC morning program.

I also rise to report that USA Today's telephone poll yesterday confirmed what we all know: America loves Willard Scott.

Willard is pure Americana. Through his travels across our land to county fairs and festivals and into small towns and neighborhoods, he celebrates America and her people. He touches America's heart and focuses on her goodness.

And incredibly over the years, Willard, through his individual effort, has promoted and benefited more charities and worthwhile causes than any one person I know.

It would be a fitting tribute for the Congress to recognize Willard Scott as the U.S. Ambassador of Goodwill. We salute him and predict Willard Scott will be leading the cheers for America every morning on the Today Show for many years to come.

REQUEST FOR PRESIDENT BUSH TO APPOINT A PRESIDENTIAL EMERGENCY BOARD TO MEDIATE DISPUTE BETWEEN EMPLOYEES AND MANAGEMENT OF EASTERN AIRLINES

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, I rise today to voice my concern over the protracted confrontation between the employees and the management of Eastern Air Lines.

Negotiations started in September 1987. In January 1988, Eastern management rejected the National Mediation Board's arbitration proposal. This set up the 30-day count down that will end midnight tomorrow, March 3, at which point the International Association of Machinists may have no alternative but to strike.

Over the past decade, Eastern's unionized employees have agreed to significant financial concessions in their attempt to help save the airline. In the current round of talks, the employees have taken a pay freeze, major work rule changes, and reductions in entry pay rates.

I call on President Bush to appoint a Presidential Emergency Board to help Eastern employees and management overcome this current impass. I am not here to pass judgment. I do not have knowledge of the details of the negotiations. But I speak on behalf of the employees of Eastern and the general public that relies on Eastern Airline's services.

SUBCOMMITTEE MEMBERS SUPPORT APPOINTMENT OF BOARD TO INVESTIGATE DISPUTE BETWEEN EASTERN AIRLINES AND MACHINISTS

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, Eastern Airlines and its machinists are now locked in a dispute which threatens not only to temporarily disrupt air service, but to permanently disrupt the employment of thousands of employees, and to destroy the fabric of this vital industry. This situation requires immediate, and special, attention. Along with Congressman OBERSTAR, who is Chairman of the Aviation Subcommittee on which I serve, I have just signed a letter to President Bush, requesting that he accept the recommendation of the National Mediation Board to appoint a board to investigate and report on the issues which are involved in the dispute between Eastern and the International Association of Machinists.

In over 30 airline disputes, 5 Presidents have, without exception, accepted the NMB's recommendations and have appointed emergency boards. In the majority of cases, the boards have been successful in averting work stoppages.

The current dispute is one which has already caused a great deal of concern and hardship to a great many people. In Georgia's Fourth District, which I represent, aviation is a vital part of our economy and our community. In this time of concern over aviation safety and maintaining productive jobs for Americans, we cannot afford to ignore the very real problems which exist, and those which will be created by the disruption of a major airline such as Eastern. The interest of the larger community—of the traveling public and the thousands of people involved in the aviation industry and their families—will be served by the appointment of a commission and the consequent aversion of a strike. This is a time to prevent devisiveness and to work together for the resolution of this painful situation. I strongly urge the President to follow the unbroken precedent set by his predecessors, and accept the NMB's recommendation for the appointment of a commission.

CALLING ON PRESIDENT BUSH TO ACT TO AVERT A NATIONAL TRANSPORTATION DISASTER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to call on President Bush to act to avert a national disaster. I call on the President to appoint an emergency mediation board to fashion a settlement in the Eastern Airlines conflict.

A March 4 strike could potentially cripple our Nation's transportation system. It would cripple a once great airline and render tens of thousands of employees temporarily jobless. In my Atlanta congressional district thousands of employees would be adversely affected by this action.

I call on Frank Lorenzo and Phil Bakes at Eastern to bargain in good faith with the International Association of Machinists and Aerospace Workers to avert a labor disaster in the days to come. Eastern and its unions must come together for the common interest of our Nation's transportation industry.

Again, Mr. President, I call on you to appoint an emergency mediation board to settle the differences between Eastern and its unions.

THE 200TH ANNIVERSARY OF FIRST CONGRESS ALSO BIRTHDAY OF THE HONORABLE ROBERT H. MICHEL, REPUBLICAN LEADER

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute.)

Mr. MACHTLEY. Mr. Speaker, I would like on this historic day, to recognize the fact that the gentleman from Illinois [Mr. MICHEL], our Republican leader, was born on this day many years ago, and to wish him well.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SLATTERY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 1, 1989.

Hon. JIM WRIGHT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit five sealed envelopes received from the White House at 5:55 p.m. on Wednesday, March 1, 1989, and said to contain the following message from the President whereby he transmits the report outlining the composition and functions of the National Space Council to be established by Executive order.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

REPORT ON COMPOSITION AND FUNCTION OF NATIONAL SPACE COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

(For message, see proceedings of the Senate of today, Thursday, March 2, 1989.)

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 32. Joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day";

S.J. Res. 34. Joint resolution designating the week of April 16, 1989 through April 22, 1989, as "National Minority Cancer Awareness Week";

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989";

S.J. Res. 40. Joint resolution to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day";

S.J. Res. 45. Joint resolution designating May 1989 as "Older Americans Month";

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 56. Joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ Tissue Donor Awareness Week";

S.J. Res. 58. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day";

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week"; and

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

The message also announced that pursuant to Public Law 93-618, the Chair on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints Mr. BENTSEN, Mr. MATSUNAGA, Mr. BAUCUS, Mr. PACKWOOD, and Mr. DOLE, as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements; and Mr. MOYNIHAN, Mr. BOREN, Mr. BRADLEY, Mr. MITCHELL, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. DURENBERGER, Mr. ARMSTRONG, and Mr. SYMMS, as alternates to the above conferences, meetings, and negotiation sessions.

The message also announced that the Chair announces on behalf of the majority leader, the appointment of Mr. BYRD, as chairman of the Senate delegation to the British-American Parliamentary Group during the 101st Congress.

The message also announced that pursuant to section 276, title 22 of the United States Code, the Chair on behalf of the Vice President, appoints Mr. SANFORD, as chairman of the Senate delegation to the Interparliamentary Union during the 101st Congress.

QUALITY HEALTH CARE IS ESSENTIAL

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

Mr. SLATTERY. Mr. Speaker, small rural hospitals are losing money and closing their doors at an alarming rate. These small hospitals, of 60 beds or less, have an average profit margin of minus 1 percent. Some are losing even more money which is limiting their ability to deliver health care services.

Since 1983, when the cost plus reimbursement system for Medicare reimbursement and replaced with the prospective payment system, 453 hospitals have closed nationwide; 188 of those hospitals were located in rural communities.

Unless unfair discrepencies in payments to urban and rural hospitals are eliminated, more rural hospitals will be forced to shut down and the residents of small towns throughout our country will be forced to live without local hospital care.

These small hospitals are often the only well-equipped medical facilities within miles of rural communities like Clay Center, KS in my home district.

Mr. Speaker, quality health care is essential to the economic well-being of rural communities everywhere.

Congress must recognize its responsibilities to alleviate the glaring pressure which inadequate Medicare payments place on the viability of rural hospitals.

The Medicare physician reimbursement system is also having a negative effect on the ability of rural communities to attract and retain physicians' services.

Doctors can earn more money in big cities than they can in many rural communities.

For example, physicians in New York have received $7,500 for triple bypass surgery. A Kansas physician has received $3,300 for the same operation.

This is contributing to the problem rural hospitals have in recruiting and retaining doctors. Congress must act to correct these discrepancies between urban and rural fees.

For these reasons, today I am introducing the Medicare Reform Act—a two-part package which I believe will help stabilize the situation confronting our rural hospitals, and begin the reform of the Medicare physician payment policy.

OUTLINE OF LEGISLATIVE PROPOSALS

This legislation has four major provisions:

First, remove from the prospective payment system and return to a cost-based system: Rural hospitals of 60 beds or less, or any rural hospital which has experienced during the past two years a 70-percent Medicare caseload, or any rural hospital which has an average daily census of 30 patients or less.

Second, study of future payment system for rural hospitals: Within 3 years of enactment, HCFA, in consultation with the Prospective Payment Assessment Commission, is directed to recommend to Congress either a new payment system for rural hospitals which have opted out of the prospective payment system, or maintainance of the cost-based system.

Third, severity of illness: Payments to hospitals continuing to be reimbursed under the Prospective Payment System will be the greater of either the DRG applicable to admission or post-admission diagnosis.

Fourth, physicians: Require that HCFA publish the top 100 volume procedures under Medicare part B—which account for approximately 70 percent of part B spending. Following publication, differences in prevailing rates for physician specialty groups within carrier areas will be eliminated and one median prevailing rate will be established for each identified procedure. Upon submission of each carrier's 100 median prevailing rates, HCFA would be required to calculate national median rates.

Carrier median prevailing rates which are above the national median prevailing rates for any of the 100 identified procedures would be frozen—those falling below would receive the full MEI increase.

Mr. Speaker, I realize that some changes in physician reimbursements are being developed, but those changes will not be available for at least one year.

The crisis in rural health care cannot wait.

We must seize this opportunity to institute a more equitable physician reimbursement system. Geographic discrepancies in today's reimbursement system must be reduced and physicians should be reimbursed under one payment rate.

Mr. Speaker, we are at a critical turning point in the health care industry. The health care industry has experienced dramatic changes since the early 1980's. Certainly, portions of the industry have become more efficient. Yet not all providers have come out winners—the changes of the past have placed a tremendous strain on the capacity of some facilities, especially in rural areas, to provide quality health services.

The legislation I have introduced above will provide a period of stability for the small rural hospitals which have suffered greatly under the prospective payment system.

I realize that changes in Medicare will be difficult in light of President Bush's proposed $5.5 billion cut in Medicare, but the effort must be made.

I look forward to participating in the movement to save our rural hospitals and establishing equity in the Medicare physician payment system.

And I encourage my colleagues to join me in this effort.

APPOINTMENT OF A PRESIDENTIAL EMERGENCY BOARD TO AVOID AN IMPENDING EASTERN AIRLINES STRIKE IS GOOD ADVICE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, without a major turnaround before midnight on Friday, Eastern Airlines employees will be forced to strike. Despite a few last-minute maneuvers by management, the fact remains that the negotiations' posture, the management of Eastern has been intransigent and irresponsible throughout the 2 years of negotiations.

As Yogi Berra once said, "It seems like deja vu all over again."

The management of Eastern has presided over the busting of the union at Continental Airlines and from there it has proceeded to dismantle Eastern Airlines by selling its most profitable assets and siphoning off hundreds of millions of dollars from Eastern to Continental and Texas Air.

Now it claims that Eastern is poor. Effective labor law requires good faith collective-bargaining effort from labor and management. This spirit has clearly been violated by Eastern's management in its dealing with Eastern employees notwithstanding last night's offer.

Eastern's president, Mr. Frank Lorenzo, has consistently refused to offer the employees anything more than severe reductions in pay.

Mr. Speaker, the National Mediation Board which has overseen the negotiations, has asked for the appointment of a Presidential emergency board to avoid the impending strike. I believe this is good advice.

It is in the interest of all American workers, indeed of all Americans, to assure that the tactics of corporate management such as Eastern's do not succeed.

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO, Mr. Speaker, on February 24, 1918, 71 years ago, the people of Estonia proudly proclaimed their independence, and created a government free from the domination and tyranny imposed on them for centuries by the Russians.

After the formation of this free state, Estonians and their allies successfully defended their country from attacks by the Red army. About 2 years later, on February 2, 1920, a peace treaty was signed between the new Republic of Estonia and the Soviet Union, where Russia "agreed to renounce voluntarily forever all rights over Estonian territory and people."

This peace treaty lasted only 20 years, before the Soviet Union in 1940 again attacked and invaded Estonia, and incorporated it into the Soviet empire. The United States has never recognized this brutal seizure by the Communists, and the people of Estonia continue today in their brave efforts to obtain freedom and self-determination once again for their beloved homeland.

During the last year, we have seen a growing movement of Estonian nationalism sweeping Soviet-occupied Estonia. The people of Estonia have taken bold steps in an attempt to gain more freedom and autonomy from their Soviet oppressor.

At this point in the RECORD, I would like to share with my colleagues a statement prepared by the Estonian American National Council outlining these recent steps that the Estonian people have taken in pursuit of liberty. The text of that statement follows:

ESTONIA: POLITICAL AWARENESS AND NATIONAL REAWAKENING, 1988-89

1988 was a dramatic year of demonstrations, rallies, song fests and unprecedented political activity in Soviet-occupied Estonia, all of it aimed, ultimately, at the eventual restoration of Estonian independence. The world media have been filled with images of "the mouse that roared," as a country of one million seemed to challenge an empire of 300 million.

In a true grassroots movement, Estonian demands for reform, democracy and outright independence came directly from the long-suppressed Estonian people—fully one-third of the population attended a rally September 17, while 900,000 signed a petition opposing proposed Soviet Constitutional changes as undemocratic and harmful to Estonian interests. National and local-level groups and organizations, representative of a variety of approaches but united in their final objective, continue to form.

Estonians were brought to this level of activity by a growing awareness that their very survival as a people is threatened by the continued Soviet occupation and colonization of their homeland. Kept keenly aware—by the presence of 150,000 Soviet troops—that they live in a nation under occupation. Estonians yearn once again to be masters in their own home, to control their own economy and natural resources, to decide their own internal affairs, their own destiny. At its founding ceremonies August 20, 1988, the Estonian National Independence Party declared:

"We do not have enough clean air, water or earth to sustain life, let alone freedom. . . . Add to that the danger of becoming a minority in our own ancient land."

As a possible indicator of things to come, the Soviet press has been villifying Estonia for months, to the point that the Estonian Popular Front has sued TASS for slander. However, while well aware of the ever-present potential for a Soviet crack-down or of a violent backlash led by the Russian chauvinist organization "International Front," Estonians still push peacefully for further reforms and democratization. Counting on continued moral and real support from the free world. Estonians are proceeding with careful, measured steps to move away from Moscow's control and toward true sovereignty.

The goals of free Estonians and of the international Estonian resistance movement remain:

1. That the Molotov-Ribbentrop Pact along with its secret protocols be declared null and void from the moment of its inception.

2. That Estonian-Soviet relations be governed by the 1920 Peace Treaty of Tartu, in which the USSR promised to respect Estonian sovereignty "forever".

Mr. Speaker, on the occasion of the 71st anniversary of Estonian Independence Day, I am honored to join with Estonian-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Estonian descent throughout this Nation, as we commend the great courage of the Estonian people in resisting the tyranny of their Communist oppressor, and as we support their efforts in one day achieving self-determination in a free Estonia.

PRICE FIXING PREVENTION ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, today I am introducing the Price Fixing Prevention Act of 1989 to end increasing confusion in the Federal courts over the proper substantive and evidentiary standards to be applied in cases where a manufacturer conspires with a dealer to drive a rival dealer out of business because of that rival's competitive pricing policies.

The American retail sector of the economy is without parallel in the world. From full service to highly innovative discount stores, the American consumer is presented with the widest selection of goods and services at the lowest prices. Without the vigorous pull of competition, however, the number and diversity of retail sources would diminish rapidly, ultimately driving up prices for nearly all consumer goods. For this reason, the antitrust laws were designed to protect against all conspiracies aimed at driving competitors out of the marketplace.

But striking out against such conspiracies has been severely hampered because of two developments: The first involves the continuing failure—even refusal—of the antitrust enforcement agencies to bring a single vertical price fixing case in the past 8 years. In fact, it was only through congressional action that we have been able to bar efforts by the Department of Justice to intervene in behalf of defendants charged with price fixing. We can no longer harbor any illusion that public enforcement alone will be a factor in deterring or punishing such conspiracies.

Without public enforcement of the antitrust laws, we can only rely on private enforcement by individuals injured in their business or prop-

erty. And yet, even the private remedy has been put at risk by two recent cases decided by the Supreme Court. In Monsanto versus Spray-Rite Corp. and in Business Electronics versus Sharp Electronics, the Court made statements that have now cast uncertainty about the proper substantive and evidentiary standards to be applied in cases involving the termination of a dealer as a result of a vertical price fixing conspiracy. In the wake of these decisions, a number of lower courts have erected procedural and substantive barriers which may have prevented some meritorious cases from even reaching the jury.

As the ultimate antitrust policymaker, Congress should now put an end to confusion and clarify precisely what its policy views are in this area. The Price Fixing Prevention Act of 1989 thus has two major provisions: First, it clarifies that if sufficient causation for a Sherman Act section 1 claim is shown by the plaintiff, then an inference of illegal "concerted action" is raised; and a jury will decide whether the antitrust laws have been violated. Where these requirements are not met, a defendant's ability to obtain a grant of summary disposition under the Federal rules of civil procedure remains unaffected. Second, the bill states plainly that resale price maintenance in all its various forms other than a maximum price is illegal per se under the antitrust laws.

The legislation that I introduced today tracks very closely a predecessor bill in the 100th Congress, which I sponsored and to which this body gave near-unanimous support. It is my hope that we may move quickly forward with this legislation so that the other body may have sufficent time to act during this Congress. It is quite clear to me that without action by Congress, vertical price fixing will become an increasingly familiar business practice in the marketplace.

EXIMBANK AND THE TRADE WAR CHEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, I am pleased to inform my colleagues that the direct loan program of the Export-Import Bank of the United States, which was shutdown by the Reagan administration in its final days, is now back in business.

The Eximbank Board of Directors has resumed operations of this essential trade program after the new administration clarified its position on the program in a letter from OMB Chairman Darman.

While this is welcome news, more needs to be done if we are to strengthen the capacity one of our Nation's key trade agencies to assist our exporters in meeting the heavily subsidized foreign competition.

On the near horizon, we need a 1-year reauthorization of the tied aid credit "war chest." While progress has been made on the tied aid issue, Eximbank needs the statutory authority to use the war chest to combat unfairly subsidized foreign competition. As a recent article in the Financial Times indicated, very attractive tied aid credit offers by other nations are luring American firms to move offshore. If the Congress does not act, the war chest goes out of business September 30. I intend to introduce legislation this month which would extend the war chest authority for 1 year.

In addition, we must address the capital levels of the Bank itself. By the end of this fiscal year, the Bank will likely deplete entirely its capital. Some type of recapitalization, perhaps tied to the waiver of prepayment penalties of certain Eximbank loans, is in order.

At this point, I would like to include in the RECORD an article on Eximbank which includes the views of outgoing Bank President John Bohn. As the article notes, the "on again, off again" attitude toward export financing gives the United States a reputation of unreliability.

The material follows:

[From the Financial Times, Feb. 28, 1989]

DEPARTING EXIMBANK CHIEF ACCORDS LITTLE CREDIT TO U.S. GOVERNMENT

(By Peter Montagnon and Nancy Dunne)

An unenviable task awaits the still-to-be named successor to Mr. John Bohn, who leaves the post of president of the US Eximbank for greener private-sector pastures next week.

Though widely respected in the US export industry for the professionalism of his three-year term in charge of the bank, Mr. Bohn leaves the institution facing fundamental problems that call its future into question.

A victim of both general budget stringency and the free-market doctrines of the years of former President Ronald Reagan, the bank has faced increasing political fire in recent times.

In the past seven years, its budgetary authorisation for direct credit lending in support of exports has dwindled to $695m (£395m) from $5.4bn. In January it was forced to announce a cessation of all new direct-loan approvals because no money was made available at all in Mr. Reagan's budget for the fiscal year beginning in October.

According to Mr. Bohn, losses incurred as a result of a mismatch between its cost of borrowing from the Government and the low export credit rates in the late 1970s and early 1980s will wipe out its capital sometime around the turn of the current fiscal year.

Meanwhile the big dollops of aid used quite legitimately by competitors such as Japan have seriously undermined the ability of US exporters to compete in markets such as Thailand, Indonesia and China.

In short, there could scarecely be a more poignant example than the Eximbank of the way in which institutional failures on the part of the Government have contributed to loss of international competitiveness by US industry.

At a conference in Washington this week, several leading exporters spelled out the consequences.

Mr. Robert Hammond, assistant treasurer of American Telephone and Telegraph, said the failure of the US to provide more attractive mixed credits was encouraging telecommunications companies to move offshore. Mr. Robert Smith, assistant treasurer of General Electric, said his company was forced to source exports abroad to take advantage of the more competitive financing offered by foreign governments. And Mr. Glen Bruce, corporation manager of Dresser Industries, said some overseas customers were not even asking US companies to bid on projects because their credit was uncompetitive.

Arresting this drift will be an uphill struggle for Mr. Bohn's successor.

The bank's dependence on federal government financing as its sole source of funds means it will be able to continue functioning even after its capital is exhausted. The provision of some as yet unspecified funds in the budget of President George Bush means it will soon be able to resume its direct lending programme, but a great deal of uncertainty remains.

"We still don't know and have no way of knowing whether we will get an adequate amount of money," Mr. Bohn said this week. As a result, the resumption of direct credit approvals will have to be cautious even though the temporary suspension of lending announced in January had contrived to give an impression to trading partners of unreliability.

Though the bank could operate without capital, this was not an incentive for firm management of its affairs, he said.

A further problem remained the proliferation of mixed credits (export credits sweetened with aid) which has not been solved by tighter international rules agreed two years ago.

Japan was continuing to offer mixed credits at an increasing level but within the new guidelines, he said. "The mechanism we have introduced provides some discipline but not enough."

For its part, US aid policy was not sufficiently commercially oriented. "We have given away money with little regard for its effect on our economy."

The Eximbank has long been regarded with suspicion by many in Congress who see it as providing unnecessary subsidies to a few large companies which account for a tiny share of US exports, but it is not without its supporters.

Senator Patrick Leahy, chairman of the Foreign Operations sub-committee responsible for Eximbank, told the conference this week he was a strong supporter because other countries had made it clear they would continue their export subsidies. "Some countries have been getting a free ride as a result of US policies," he said.

Mr. Bohn cited two beacons of hope. The first was that export credit agencies generally might play an increasing role in any new policy to deal with the developing country debt crisis. The second was that Eximbank might eventually be drawn in to play a role in reversing the decline in US competitiveness, which is still the subject of much agonized debate in Washington.

There is not much sign of that happening yet, however. The budget message from Mr. Bush is that there is a "pre-disposition" to retain the direct lending programme, but that is a long way from increasing it or even putting it on a permanently secure footing.

IMMIGRATION EMPLOYMENT PAPERWORK REDUCTION ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SHAW] is recognized for 5 minutes.

Mr. SHAW. Mr. Speaker, there are times and circumstances when, in our eagerness to pass legislation, we do not foresee its potential impact on the business community. This is sometimes referred to as the "law of unin-

tended effects." The 1986 Immigration Reform and Control Act, is a case in point.

This act requires all employers to compile and maintain "I-9" employment verification forms on all new employees. This has not been a popular requirement, but I believe it is the best way to limit the job opportunities drawing illegal immigrants to our shores. In what was originally an attempt to restrict people smugglers, who were paid to transport aliens into the United States, the act extended employer sanctions to those "who recruit or refer for a fee."

As officially interpreted, this requirement has created special problems for the placement industry, which the Immigration and Naturalization Service views among those who "recruit or refer for a fee." Personnel consultants serve industry by finding qualified men and women for jobs. Even though the men and women they place are not their employees, personnel consultants are required to complete "I-9" forms on each of them.

Requiring this paperwork is burdensome to placement firms and makes little sense. Companies retain placement firms to find qualified, employable people. An illegal immigrant is not employable under the law. A personnel consultant who refers people who the clients cannot employ risks the loss of that client's confidence. What rational businessman will retain a consultant who gets them into trouble with the Department of Justice? Laws, regulations, and forms are rarely necessary, Mr. Speaker, when commonsense prevails.

Meanwhile, hundreds of thousands of these documents are piling up in placement firms throughout our country. These duplicate "I-9's" serve no useful purpose. When a person is hired, the firm that hires him or her must complete its own "I-9" form within a few days. Thus, people hired through placement firms are the only American workers for whom two sets of employment verification documents must be completed. No good end is served by this duplication of effort. No public purpose is advanced.

This is why I am reintroducing today legislation that I originally introduced in the 100th Congress. This bill would simply relieve the placement industry of this wasteful, duplicative paperwork burden. This is all my bill would do. It would in no way undercut the employer sanctions contained in the 1986 act. All employers would still have to compile and maintain "I-9" files on all new employees. This included all employers and employees in the placement industry itself. No one would slip through the cracks. Regardless, let me emphasize that I continue to support the Immigration Reform and Control Act. It is more important now than ever, as south Florida is once again facing a new influx of immigrants, many of whom are seeking employment.

We in Congress do ourselves and this institution great harm when we impose on American businesses recordkeeping or paperwork burdens that serve no valid public purpose. Some Federal paperwork requirements are burdensome, but necessary. When such requirements serve an overriding public interest, we should support them and deal with whatever criticism emanates from our doing so. When such burdens are unnecessary, however, we owe it to the public to end those burdens. This is such a case.

Mr. Speaker, the text of my bill follows:

H.R. 1269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Employment Paperwork Reduction Act of 1989".

SEC. 2. MAKING USE OF IMMIGRATION EMPLOYMENT VERIFICATION SYSTEM VOLUNTARY.

(a) ELIMINATING REQUIREMENT OF PAPERWORK.—Section 374A(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)) is amended by striking the dash and all that follows through the end of paragraph (1) and inserting the following: "an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment.".

(b) REPEAL OF PENALTY FOR PAPERWORK VIOLATIONS.—Section 274A(e) of such Act (8 U.S.C. 1324a(e)) is amended by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(c) CONFORMING AMENDMENTS.—Section 274A of such Act (8 U.S.C. 1324(a)) is further amended—

(1) in subsection (a)(4), by striking "(1)(A)" and inserting "(1)";

(2) in subsection (a)(5), by striking "paragraphs (1)(B) and (3)" and inserting "paragraph (3)";

(3) in subsection (b), in the matter before paragraph (1), by striking "paragraphs (1)(B) and (3) of subsection (a)" and inserting "subsection (a)(3)";

(4) in subsection (e)(4), by striking "(a)(1)(A)" and inserting "(a)(1)";

(5) in subsection (f), by striking "(a)(1)(A)" each place it appears and inserting "(a)(1)";

(6) in subsection (a)(3)(A) by striking "paragraph (4), (5), or (6)" and inserting "paragraph (4) or (5)"; and

(7) in subsection (a)(3)(B), by striking "paragraph (4), (5), or (6)" and inserting "paragraph (4) or (5)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to hiring, recruiting, or referring occurring on or after the first day of the first month that begins more than 60 days after the date of the enactment of this Act.

ORDER OF BUSINESS

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that my special order follow immediately the special order of the gentleman from Alabama [Mr. DICKINSON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

TRIBUTE TO THE HONORABLE BILL NICHOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. DICKINSON] is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, today I am joined by my good friend and colleague from Alabama, TOM BEVILL, and the Alabama delegation and many of our colleagues in paying special tribute to a very great American and a very dear friend of mine, BILL NICHOLS.

At this time, I yield to the gentleman from Mobile, AL, Mr. CALLAHAN of the First District in Alabama.

Mr. CALLAHAN. I thank the gentleman for yielding.

Mr. Speaker, our Nation lost a great leader this past December with the passing of our former colleague, BILL NICHOLS, of Sylacauga.

Few Members of Congress in our Nation's history have served in this body with more distinction, honor, and integrity than BILL NICHOLS.

His style was soft-spoken and kind and he had a deep understanding for earning respect by first showing it to others.

During his 22-year tenure in the House we witnessed his incredible ability to bring the two sides of an issue together and it was his slow, deliberate, and tempered style that will be so greatly missed in this body.

The best tribute that I can pay to our friend, BILL NICHOLS, is that over the course of his long and distinguished career in public service he never forgot who he was, where he came from, or who the people were that sent him here. He had genuine care and concern for the average working man and woman that is too often absent in public service today. He always remembered that our purpose in this job is to serve the public and he tirelessly dedicated his life and career to that end.

To his lovely wife, Carolyn, who was so good to Karen and I when we first came to Washington, we extend our continued prayers and support. We know her days are still very empty without BILL and we wish for her God's strength and guidance during this difficult period.

Mr. DICKINSON. I thank the gentleman for his contribution.

It is a sad occasion to get together to commemorate the life and the outstanding accomplishments of our colleague BILL NICHOLS, but it is certainly something that should be done because with his passing, he has left a great void in the elected officials of the Nation and certainly his district, the Third District of Alabama.

In life, BILL was both a dear close friend and a dedicated statesman who always stood tall in his patriotism and love of country. There was also another side to this man, that of a kind and quiet gentleman, who found it natural to put the needs of others above his own. If he gave his word, you could take it to the bank. He was solid, and dependable, and absolutely trustworthy.

BILL was a man of many accomplishments who remained remarkably unassuming. As an Auburn University football star, he turned down an offer to go professional. As a brave young volunteer in the U.S. Army, BILL NICHOLS fought gallantly against the Germans in World War II and lost his left leg to a land mine in the Battle of the Hurtgen Forrest. He subsequently underwent 19 operations and learned to walk again. During his 8 years as a representative and senator in the Alabama Legislature, BILL NICHOLS distinguished himself through his efforts in support of the handicapped, education, and improving State highways. For these reasons, the Capitol Press Corps honored him as the most outstanding member of the Alabama Senate in 1965.

In Washington, BILL NICHOLS never put aside the compassion and good common values that he was so well known for back home. As chairman of the Military Personnel and Compensation Subcommittee of the House Armed Services Committee, BILL was dubbed the "friend of the serviceman" for ensuring that America's service members received compensation and benefits comparable to civilian pay. In 1984, BILL NICHOLS chaired the House Investigations Subcommittee probe of Pentagon procurement waste, in which the Defense Department reportedly paid outrageous prices for hammers and for toilet seats.

This was only a small portion of it, though, because the waste and fraud was not in hundreds of dollars but in millions of dollars.

Many regard the hallmark of his career to be the passage of the Goldwater-Nichols Defense Reorganization Act. Labelled as the most far-reaching piece of defense legislation to pass Congress in over 40 years, it called for the reorganization of the upper ranks of the military services. After the failed rescue attempt of the American hostages in Iran, and the bombing of the U.S. Marine barracks in Lebanon, BILL NICHOLS fought hard for the Pentagon reorganization, laying the blame for these tragic events on the lack of authority given to officers placed in responsible positions. That has been changed, thanks to BILL.

Mr. Speaker, BILL was the recipient of a Bronze Star and a Purple Heart.

Before coming to Congress he was a county farm agent, a local school board member, a successful businessman and after coming to Congress here, he was certainly an outstanding and capable Member of Congress. BILL NICHOLS was all of these things. But for those of us who are privileged to know him, he will above all be remembered as a good friend and a good American.

Mr. Speaker, at this time I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman from Alabama for yielding.

Mr. Speaker, I want to thank BILL DICKINSON and TOM BEVILL for taking this time so we can pay tribute to our friend and colleague, BILL NICHOLS. I lost one of my very closest friends when BILL died of a heart attack on December 13, and this country lost one of its greatest patriots.

In a very thoughtful gesture, Mrs. Nichols gave me and my colleague, JOHN KASICH the honor of eulogizing BILL at his funeral in Sylacauga, AL. It was a sad day, but I had no trouble coming up with nice things to say about BILL NICHOLS. Ever since he and I met 22 years ago at freshman orientation here on Capitol Hill, I have loved and admired this person.

Throughout his life, BILL NICHOLS was always a leader. He played football at Auburn University and was captain of the team. He had a close relationship with his alma mater. I had the privilege of attending a ceremony a few years ago on the Auburn campus, where BILL was honored by having the ROTC building named after him. Naturally, he was very proud of this.

BILL NICHOLS was a highly decorated veteran of World War II. He was severely wounded in the war, but he and his wife, Carolyn, worked hard to overcome that handicap and they did it with dignity.

I try to talk to Carolyn about every month to see how she is doing. The loss of BILL, of course, is very hard on her, but she is carrying on life and doing the things BILL wanted her to do.

BILL was a leader in our House prayer breakfast group. At one time, he was president of the group and I know he looked forward to those Thursday morning sessions. He would often write down quotes or prayers offered by others on the program.

During my eulogy in Alabama, I failed to tell the story about BILL and former Congressman Jack Brinkley of Georgia and how they took on President Jimmy Carter and won. We were putting a national veterans cemetery in the Southeastern part of the United States. The administration had picked a spot very near the Atlanta International Airport and right below the glide path into one of the runways.

Jack Brinkley and BILL didn't like the site at all. They found a suitable location near the Alabama-Georgia State line and went to work on me and others who had jurisdiction over veterans cemeteries.

By sheer determination, BILL and Jack convinced the Carter administration to agree to the new site. As a result, veterans and their dependents are being buried at this more convenient location.

BILL and I served together on the Armed Service Committee. He was military oriented, through and through. His biggest concern was for the enlisted personnel. He cared more, and did more, for the privates, corporals, sergeants and Navy chiefs than anyone I can remember. When he was chairman of the Personnel Subcommittee, he led the way to increase individual pay; special pay, overseas pay and doctors pay were also implemented. We improved the PX's and commissaries, and he helped start our GI bill on its way to passage. He was truly the enlisted man's friend.

He was also very proud of the Goldwater-Nichols Act that updated the command structure of the military. That was one of the most important pieces of legislation passed in recent years. I am always proud when witnesses before the committee mention the Goldwater-Nichols Act.

When BILL was chairman of the Investigations Subcommittee, that panel wrote a critical report on the loss of our marines in the bombing in Beirut. Some people in the military didn't like the report, but BILL never backed off, and he was right.

BILL NICHOLS was dedicated to his work, just as he was to his family. They know, just as we know, that he was a very special person. We are fortunate to have had the chance to serve with such a great American. We miss him, but BILL is with the good Lord today. Our thoughts are with Carolyn, his three children, Memorie, Margaret, Flynt, and their families.

□ 1245

Mr. DICKINSON. Mr. Speaker, I yield to our good friend and colleague from the adjoining district in Florida, the gentleman from Florida, Mr. EARL HUTTO.

Mr. HUTTO. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I first heard the name of our departed friend BILL NICHOLS, back in the early 1960's when I worked with television station WSFA in Montgomery, AL. At that time, BILL NICHOLS was a member of the Alabama Legislature, and his name was frequently in the newspaper and on our television station as well as other media throughout the State of Alabama because even then BILL NICHOLS' ability as a leader was being recognized.

I did not have the honor of really meeting BILL NICHOLS until I was elected to Congress in 1978 although I had known his first administrative assistant, Jack Venable, who had worked with me at the television station. When I came to Washington, BILL NICHOLS was one of those who helped take me in tow and was very helpful in my getting the kind of orientation to this body which has been of much benefit through the years. BILL NICHOLS and I had a lot in common. We

both came from a rural Alabama background and we were interested in many of the same things. BILL remembered fondly that I had narrated the Auburn University statewide football telecast with Coach Ralph "Shug" Jordan. Since BILL was a former Auburn football player and captain of the team back when Coach Jordan was playing in the early thirties this was a natural point of mutual interest for both of us, and we talked about that considerably. Of course, I don't think there is anyone in this body that did not know that BILL NICHOLS was "Auburn University" through and through. BILL was one of that institution's most distinguished alumni, and he savored every minute of anything that had to do with Auburn.

Perhaps the cry of "war eagle" was uttered by him just about more than any other two words in his vocabulary. His support of Auburn and his leadership throughout the years were recognized by his alma mater on a number of occasions. I remember going with a number of members to attend the dedication of the William F. Nichols ROTC Building on October 2, 1986, and, indeed, this was a proud moment for BILL, Carolyn, and their family. This is a beautiful building on Auburn's campus that accommodates all of the ROTC units there, and it is a fitting tribute to one who has given so much of himself for America and the cause of freedom. And in 1988, Nancy and I attended the homecoming football game at Auburn University where at halftime BILL received the Walter Gilbert Award.

BILL NICHOLS had a distinguished record in the U.S. Army during World War II and was severely wounded. He was a natural for the House Armed Services Committee, and his membership on the committee for over 20 years was a platform that highlighted his many qualities of leadership. BILL's cool demeanor, his pleasant personality and his knowledge of the issues endeared him to all of us members of the committee and indeed to his other colleagues here in the House. Nancy and I counted BILL and Carolyn Nichols among our best friends in Congress, and we enjoyed the company of the Nichols on many occasions. Early in my service in Congress we were priviledged to travel with the Nichols on an overseas trip. This was indeed a good time of fellowship with this wonderful couple as we experienced the culture as well as the political situations in a number of countries.

Earlier I mentioned BILL's close ties with Auburn University and in the last 3 years my family and I have been closer to the Nichols than ever since our oldest daughter, Lori, began her freshman year in 1986 and then this past fall our youngest daughter, Amy, also entered Auburn. The Nichols were very helpful in getting our girls off to a good start and we delighted in attending several Auburn football games together.

Although, BILL had had some health problems in recent years, including heart bypass surgery, he appeared to feel better and apparently was doing extremely well the last couple of years before his fatal heart attack. It was a source of pride to me and I am sure with our other Members to see that some of BILL NICHOLS' best work was done during his last few years in Congress. I had the pleasure of serving with BILL as a conferee on the defense authorization bill for a few years when we were both fighting to preserve the jobs of our civilian employees at military bases and to keep them from being contracted out. BILL commanded the respect of everyone and it was good for me to be in his presence when both of us were going head to head on this issue with some Members of the Senate. As you know, BILL was coauthor of the Goldwater-Nichols defense reorganization bill that provided for the reorganization of the Defense Department. It was not an easy task but Congressman NICHOLS, as chairman of the HASC Investigations Subcommittee, was right in the thick of it and never waivered in the face of stiff opposition from some of those in high offices in the Pentagon. This legislation will be a monument to BILL NICHOLS for years to come and has already been hailed as an outstanding piece of legislation even by those who had opposed it.

Since we have similar constituencies it was not unusual for me, as well as other Members, to sit next to BILL NICHOLS here in the Chamber and to discuss how we were going to vote on upcoming legislation. He always was well attuned to the desires of the folks back home, and that was the thing that mattered most to him. He often had words of wisdom on the right positions to take on the various bills.

BILL NICHOLS was a great American patriot.

BILL NICHOLS is gone from our midst, but he will not be forgotten. He was loved by his family, by his many friends here in Congress, and by many thousands of people in the Third District of Alabama and throughout the State. I believe we all are the better for having a little bit of BILL NICHOLS rub off on us during his sojourn here on Earth. Knowing of his Christian commitment, it is good to know that he has transitioned from this life into Heaven. My entire family, all of whom were fond of BILL NICHOLS, would like to take this opportunity to again extend our deepest sympathy and best wishes to Carolyn and all of the NICHOLS family. May God richly bless each one of you.

Mr. DICKINSON. Mr. Speaker, I yield to the distinguished gentleman from Alabama [Mr. FLIPPO].

Mr. FLIPPO. Mr. Speaker, I thank the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Alabama [Mr. BEVILL] for arranging these special orders.

Mr. Speaker, with the passing of Congressman BILL NICHOLS, his wife Carolyn, his family, his friends, and his colleagues have suffered a unique loss. We have lost a great American, a great Alabaman, and a great human being.

BILL NICHOLS was a patriot in the purest sense of the terms, and he led a very useful life. BILL's courage was the courage that was tested by war, and his strength was the strength of character that comes from deep inside that allowed BILL to overcome the serious injuries that he sustained during that war and to go on to become one of Alabama's greatest statesmen.

BILL NICHOLS, as we all know, was a native of Sylacauga, AL, and we know that he served as an outstanding captain of the Auburn University football team, and later in life he enjoyed the distinction of coming back for further service as one of the members of the board of trustees of Auburn University. He was then in fact the chairman of the board and played a very important role in the development of Auburn University as a world-class institution of higher learning.

We know that during World War II BILL distinguished himself in battle. He was awarded, as we know, the Bronze Star and the Purple Heart for his bravery in action. Then after the war BILL came back and distinguished himself in agribusiness, and in 1965 he was named Man of the Year by Progressive Farmer magazine.

BILL served in both the Alabama House and the Alabama Senate, where he was named Outstanding Senator by the capitol press corps.

So BILL NICHOLS' life really exemplified public service at its very best.

As for me personally, when I was first elected to Congress, BILL was always there to offer his help and his guidance. Through his example, we learned a great deal about what it takes to be a good representative of the people. We all know that BILL rose through the ranks here in Congress to become one of America's leading experts on defense matters. We have already heard it said that the passage of the Goldwater-Nichols bill reorganizing the combat decisionmaking process at the Pentagon is a lasting testament to his work here. He has other testaments to his work.

This Goldwater-Nichols bill was important, but it was no more important than the legislation that he helped to get passed as a State senator to help

the schoolchildren of Alabama to become competitive in the world.

Our Nation has really lost a great man, but we are comforted by the lasting contribution that he made during his service to America and his service to his fellow man. BILL NICHOLS made a difference, and we will truly miss him.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Speaker, I thank my colleague for his contribution.

Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would simply like to take this time to pay my respects to BILL NICHOLS as an individual and a strong American. BILL came to us as a very popular man from Alabama, not alone because he was an outstanding athlete or an outstanding war hero, but because he was more like people than anybody else. I think in this body of 435 people, BILL NICHOLS was more like us than anybody else.

He was simply a man of the people. We praise him for his contributions in the military field, and it is appropriate that we do, and we praise him also for his contributions in the agricultural field, because he was an expert on that subject.

□ 1300

I think there is something perhaps we might mention today that might be overlooked by some, and that is that BILL NICHOLS was a very religious person. Quite often the case is that those men who go forward in battle and become a national hero in the field of combat also have become some of the most religious leaders we have ever had. BILL NICHOLS never missed a Thursday Morning Prayer Breakfast. I do not believe in all the years that he came did he ever miss one, except perhaps when he was ill. He came not because he had any office to hold, he just came because he thought there was solace and help to be found in the discussion by his fellow colleagues about things that affect our Maker and our own services. He was a regular attender and he was a contributor.

Those of us who know him as the expert in the military field or the expert in agriculture also know that he was a man of high principle, high character. If we wanted to know something about a particular bill in his field, I as one would go to BILL NICHOLS and say, "What is our position? What is a good position on this particular bill that is pending before the Congress?"

If it was in his field, he would tell me, and I would believe him.

Now, you may say perhaps we ought to read all these bills, but we do not always have a chance to read them all. We rely on some people to give us their advice and suggestions, a very common practice that is done in this Congress. In his field when you talked to BILL NICHOLS, he would tell you exactly what his position was and why without trying to influence you or trying to coerce you or moving you in one direction, just gave you the facts, and based on that you could make your decision perhaps and know that you had the facts.

Well, I appreciate a man like that. I think the Members of this Congress do. I do not believe anybody ever served here who was not more genuinely respected as a man of the people, a good fierce American who believed in this country and believed in doing right and who exhibited all those traits as long as he was here in this House.

I will tell you, we have lost a good man, a great American, and we will remember him a long time.

Mr. DICKINSON. Mr. Speaker, I thank my colleague, the gentleman from Texas.

Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Speaker, I thank the gentleman from Alabama for yielding to me. I appreciate the gentleman taking this special order so we can pay tribute to a dear friend and indeed a hero of mine.

I would also like to be associated with the previous remarks made by the gentleman from Texas [Mr. PICKLE].

BILL NICHOLS was someone very, very special. When he was chairman of the Investigations Subcommittee of the Armed Services Committee, on which I was lucky enough to serve in my first term in that committee, he was a kind and decent religious man. No one in this body that we served with is more respected on both side of the aisle than BILL NICHOLS.

He was also very, very important to each and every serviceman and woman who serves this Nation in the large part he played on the Morale, Welfare and Recreation Panel, where I served with him, as well as on the Investigations Committee.

Traveling with BILL was quite an experience. It seemed to me that anytime I was traveling with BILL NICHOLS, I found myself in some garden spot like downtown Beirut or Panama.

Of course, BILL had lost a leg in World War II. Of all the places that we trekked through the dust and mud and up and down the stairs, at no time did BILL NICHOLS ever ask for any special attention. You know, after a long, long day and a lot of walking, he would get an opportunity to take that artificial limb off and relax for a few minutes and then it was time to strap it back on and go with the best of young people 15 or 20 years younger than he was.

I learned a lot in long conversations with BILL NICHOLS of what this body is all about, what America's defense should do and where it should not be involved.

Talking about that artificial limb, there is a great story that we enjoy, the people who know BILL and know his sense of humor well. One time he was down at Fort Hood when they were trying to get Congress to learn more about the M-1 tank. After they had been given a description, shown how to drive it and the tank was being fired, it came time for BILL to climb up in the turret. There was a young soldier there to explain what the schedule was going to be, to assist the Member and to teach him a little bit about the tank. With that tremendous strength BILL had in his upper body, he started climbing up on the side of the turrent when his foot struck the track. To the chagrin and amazement of the young trooper, the leg came tumbling down and the poor young fellow did not know what to do about it. He looked up and he said, "Congressman, what should I do?"

BILL looked down at him and he said, "I have already lost one leg in defense of my country. I don't want to lose another. Would you hand me that leg and we will get on with the program." Whereupon he strapped it on and the tank took off.

We have the opportunity to serve with some wonderful people here. BILL was one man I will never, never forget.

I also appreciate the responsibility that he gave to me as a Republican member, both on the Investigations Committee and as a member of the MRW panel. He taught us all a great deal.

To Carolyn and the family, what a lovely lady she is and a tower of strength, I wish them well. I want them to know that they are a part of this family, notwithstanding BILL's passing. We are indebted to her and the family as well.

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman from New York.

Mr. Speaker, in concluding, let me wind up by saying that two of the closest friends that BILL had in the House were TOM BEVILL and myself, because we have known him as long or longer than any and have served so closely with him. For that reason TOM and I have taken this opportunity to share special orders. He will follow me with his own remarks and such remarks as other Members might wish to make.

In winding up, let me share with all of you a couple vignettes about BILL. Two or three remarks have been made about his artificial leg. BILL never let it slow him down. He was a horse. He was a charger. A lot of times it was not

comfortable, a lot of times he felt bad, but he never said a word. He just kept on going.

BILL was a great hunter. That was his passion. He loved to hunt. I have been on many hunts with him, sat in a cold, cold duck blind or goose blind with him, sat on a cold stool in a dove field. I learned early on not to stand too close to him, because he would not let many come through. He was a crack shot. He was good. I have to hand that to him.

We were sitting in a goose blind one time on the Eastern Shore of Maryland. It was a terrible snow, ice, and about 2 inches of water in the bottom of the goose blind. I mean, it was cold. One person in the blind looked over and noticed BILL just had on a pair of rough shoes, instead of boots. We all were wearing insulated boots. So his friend looked at BILL and said, "BILL, my gosh, aren't your feet freezing?"

And he said, "Only one of them."

Well, I have been on many a hunt with BILL. I can only say that I have never known a man as popular as BILL, that so far as I know has not one enemy in the world.

The night before BILL died we were at a Christmas party at the White House. As has been commented on, he had open heart surgery about 3 or 4 years ago. He lost a lot of weight. He was taking care of himself. He was watching his diet. He was exercising daily and he was really in good shape.

We were sitting there at the White House at the Christmas party. I walked by and saw him and Carolyn sitting there. My wife and I went over and sat with them. In a little while I turned to my wife and I said, "You know, I have come, I have seen and been seen, and I'm ready to go."

Carolyn said, "BILL is, too. BILL has been up since before 4 o'clock. He went on a goose shoot this morning. He just got back and now he is here. He doesn't stay up until 9:30 very often at night."

That was the last time I saw BILL. He went home. His wife took him to work the next morning very early about 6:30, which he often did. He was found slumped over his desk from a heart attack. The White House party was the last time I had seen him.

I have known BILL and worked with him for 25 years. We had adjacent districts in Alabama. We had adjacent offices up here. We shared constituents. I cannot tell you how many times I have had people from his district, a river separated us from one another as far as districts are concerned, Prattville was in his district, Montgomery is my hometown. So many times people from Prattville I would run into would say, "Congressman, I just want you to know, I voted for you every time."

I would say, "That's fine. Where do you live?"

They would say, "Prattville."

"That's BILL's district."

The same thing would happen to him. We got confused by names quite often, but I was always very proud when that was the case.

My wife and Carolyn are very close friends. They really are very fond of each other. It is with particular sadness that we mark the passing of our good friend, BILL NICHOLS, and wish our very best and God's mercies on Carolyn and the family in the travail and in the heartache that they have endured as a result of BILL's passing.

So Mr. Speaker, at this time I yield back the balance of my time in order that my good friend and colleague, the gentleman from Alabama [Mr. BEVILL] can continue with this tribute to our good friend, BILL NICHOLS.

TRIBUTE TO THE LATE HONORABLE BILL NICHOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BEVILL] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, I yield to the distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I thank my friend, the gentleman from Alabama, for yielding to me.

Mr. Speaker, I feel fortunate to have served with BILL NICHOLS, both as a Member of the House of Representatives and on the House Armed Services Committee.

All of us can point to ladies and gentlemen with whom we have served who stand out as leaders and mentors for newer Members.

They are people who have been here for a long time, people who know the ropes, people who take a genuine interest in their colleagues.

BILL NICHOLS was such a man. He helped me understand the committee, helped me understand Congress, and gave me a better idea of what kind of Congressman I wanted to be.

He epitomizes high standards of service to this country. With an enviable war record in the European theater, he had a unique understanding of the military.

He also had the business sense that came from running a company, and tried to apply his experience, common sense, and good judgment to congressional decisions.

Bill's commitment to the domestic and national security of this country set a high standard for every Member of this body. His devotion to his family is equally praiseworthy.

All of us who knew him were better off because of it. His wisdom and friendship will be greatly missed. We would all do well to remember BILL NICHOLS is looking over our shoulders.

Mr. Speaker, this Nation has lost one of its finest citizens, and I have lost one of my greatest friends.

□ 1315

Mr. BEVILL. Mr. Speaker, I yield to my distinguished colleague, the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today we honor the memory of our colleague, BILL NICHOLS. Many of my colleagues in this House have served longer through the years with Mr. NICHOLS than I have, but I can say as the newest Member of the Alabama delegation that in my short tenure, BILL NICHOLS was a good friend, and a great help to me, both personally and professionally.

When I took the oath of office in January 1987, it was BILL NICHOLS who furnished the Bible, which he then inscribed and gave to me. No momento of my congressional career will ever mean more, no gesture of friendship will be more fondly remembered.

As one new to Congress and to the Alabama delegation, I had, and still have for that matter, much to learn. BILL NICHOLS was a counselor who was always available, always willing to share from his own experience and wisdom.

Perhaps the greatest lesson I learned from BILL NICHOLS came simply from watching him. At a time when many question the motivations and lack of comity in Government today, and point to rhetoric which replaces rationality, or political posturing which takes the place of sound public policy, the career of my colleague, BILL NICHOLS, shines forth as the example of a legislator who was effective in a quiet and gentlemanly way. BILL NICHOLS had the unique ability to be both loyal to his friends and to maintain total independence of judgment and action. Some may believe that loyalty always means blind loyalty, and others believe that independence in politics requires a critical stand toward all issues and individuals. BILL NICHOLS showed the true qualities of a statesman in his ability to balance and reconcile these potentially conflicting qualities. His work on the Armed Services Committee exemplifies this trait, especially the reorganization of the Joint Chiefs of Staff and the delegation of greater power to area military commanders. BILL NICHOLS was concerned with how instruc-

tions worked, even when his friends opposed changes he had come to regard as necessary. As chairman of the Investigations Subcommittee, he again demonstrated his loyalty to those who serve in our Armed Forces, and demonstrated that loyalty by insisting on rendering an independent judgment on the effectiveness of our policies and the actions of those placed in positions of authority.

Mr. Speaker, I'd like also to speak about the qualities of BILL NICHOLS the private citizen. As a man, he also demonstrated loyalty, loyalty to his family, to his church, and to his alma mater. All of us in the House know that a special effort must be made to balance the demands of our public positions with the needs of our families. I think BILL NICHOLS was exemplary in this regard. His wife, Carolyn, and his children, were always at the center of his concerns.

Throughout his years in Washington, BILL NICHOLS remained a member of the First Methodist Church in his home town of Sylacauga. In fact, he continued to serve as a teacher in the men's Sunday school class, and faithfully attended services there. I know that his religious conviction was deep, and that it was a source of strength and inspiration to him.

Mr. Speaker, as I thought about the remarks to make today about Mr. NICHOLS, I took out the Bible which he had furnished for my swearing-in ceremony and read the inscription in it and just opened it up and it turned to a verse of Scripture that I would like to share with the Members and the American people, and it is from Matthew 25, verse 40. Mr. NICHOLS had this marked, and maybe it was marked for me. The verse reads: "And the king shall answer and say unto them, Verily, I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

A graduate of Auburn University, BILL NICHOLS was a star athlete, playing on the varsity football team. He continued his interest in his alma mater throughout his life, ultimately serving on its board of trustees.

Mr. Speaker, BILL NICHOLS was a friend, he was an adviser, he was an example of the qualities to which we all aspire, and I know my colleagues join me when I say he will be missed, and also that this world is a better place for BILL NICHOLS having walked among us.

Mr. BEVILL. Mr. Speaker, I yield to our distinguished colleague, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, BILL NICHOLS has left us a legacy of competence, diligence and grace that makes every Member of this body feel good even in the face of the bitter loss his passing has brought to this institution. A man of immense courage and imposing presence, he was kind and patient almost to a fault. He was the living definition of the word genteel.

In an era of heros he was the genuine article. He wore his wounds from World War II as badges of courage and fortitude. That same indomitable spirit which made him a great athletic figure at Auburn also made him a leader in the halls of leaders.

His 30 years of public service both in the Alabama legislature and up here in Congress were characterized by unmatched devotion to duty. I always marveled at how fresh and ready he was when we got together very early in the morning for some recreation in the fields.

It was certainly understandable when one realizes that he was in his congressional office for work at the break of dawn every day. He was not a workaholic but no one had more devotion to his public service than BILL. He was always available for his constituents as well as his colleagues.

Whether he supported your position or not, his demeanor was the same. He was as tough as the chew of tobacco he treasured, but he was so smooth that when he won his point, his adversary in the discussion would always come away thinking he hadn't lost anything.

You know the measure of a man in the duck blind or along a stream. BILL had no equal in the love of the outdoors. It came naturally from his roots on the farm and it came instinctively from his ease in the wild. I've walked many a path with BILL. He was an expert shot. He operated outdoors as he did indoors—he seldom got excited and he seldom missed. Yet as much as he cherished birds on the wing, he always deferred to whomever was with him to take the first shot.

He loved his home district. Whether he was fishing in the Coosa or inspecting the tank rehab lines at Anniston, it was a joy to him. The third district of Alabama is blessed with beauty and the finest of our educational institutions, such as Tuskegee and Auburn.

The district represents the grace, beauty, patriotism, and devotion to which we all aspire in this great land. It is no wonder that the citizens of east-central Alabama sent this gracious, beautiful, patriotic man, who devoted his every waking thought to them, back to Congress again and again. He was a beacon of honesty, integrity, and friendship to all of us and we will miss him dearly.

Mr. Speaker, I wish to extend my deepest sympathy to his lovely and beautiful wife, Carolyn, and his lovely three children.

Mr. BEVILL. Mr. Speaker, I yield to my distinguished colleague, the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding and my good friend on the other side of the aisle, too.

Mr. Speaker, I came to know BILL, I suppose, during our relationship at the Thursday morning prayer breakfast, since we sat next to each other, and I learned a lot about him then, the kind of person that he was. In fact, I thought I kind of had an in with the Committee on Armed Services, since he was chairman of the Oversight Investigation Committee, and all of the ruckus was going on about overcharging and things of this nature. BILL was really looking after that, and I would get a lot of information from him about that.

BILL has always impressed me as a fellow who would not quit trying no matter what the odds seemed to be. As we all know, he was at the Normandy invasion, and he lost a leg there, but that did not slow him down at all.

I recall, and maybe it was 3 or 4 years ago, when we were out of session and then came back, that during that period BILL had a serious illness. I recall his hair turned white, and I heard that he almost died, but he came back, and with the determination that he had, he regained his stamina. I know I would see him in the morning. We would exercise together in an area where I really saw him putting forth a great effort to do all that he could, and he would often come up to me while he was exercising and he would say, "Doc, check my pulse and see if everything is going all right."

Mr. Speaker, we developed a real close relationship during that period of time, the time that we spent sitting next to each other at Thursday morning prayer breakfasts. He was a true patriot in my opinion, a great American, and as so many other people here have said, he is going to be sorely missed by all of us.

Just this morning at prayer breakfast, I was sitting there and someone else had taken that seat, and some of us sitting around talked about BILL and how we missed him, and we will miss him sorely.

Mr. BEVILL. Mr. Speaker, I yield to our distinguished friend and colleague, the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Speaker, I want to join with the Members in showing my sympathy and my affection for our dear friend BILL NICHOLS. I know that a lot of people in our institutions know the devotion that BILL NICHOLS had to the Department of Defense, to the defense of this country, and things of that nature.

What they do not or did not know, a lot of them, is the devotion that BILL NICHOLS had to the men and women who served in the Armed Forces. I had the privilege not only to serve with BILL on the Committee on Armed Services for 8 years, but I had the

privilege of serving with him on what we call the morale, welfare, and recreation panel, which not even many Members of Congress know exists. That panel has to do with the oversight jurisdiction of the PX's, the commissaries, the recreation facilities, and the qualify-of-life facilities for soldiers and airmen and sailors all over the world and their familes.

BILL NICHOLS spent hours every day working to make sure that that was what it should be, that the quality of life the troops and their families have, regardless of whether they were serving in Texas, Alabama, or Korea, Japan, or the Philippines or whatever, was better than it should be. BILL devoted really a lifetime to it. We would go to a military installation somewhere on a trip, and when everybody else, of course, would obviously want to go look at the troops and tanks and so forth, BILL NICHOLS would gently drift off and go look at the PX, look at the commissaries to see if the food was as it should be.

Mr. Speaker, as I said, when my dear friend, Bob Polk, died, whom the gentleman knew so well, in my lifetime, I have been privileged to know a number of outstanding people, but in that lifetime of knowing a number of outstanding people, I have known only a few remarkable people. I classify Bob Polk in that category, Mr. Speaker, and I classify BILL NICHOLS in that category.

I just want to say to Carolyn and the family that not only does my feeling for BILL NICHOLS go much deeper than affection, it does to love. That is the only term that I known to describe him, and I think that is not only true from me, I know it is true from the gentleman and the Alabama delegation. I know it is true from this House.

Mr. Speaker, no matter how long we serve here, I do not think there are many of us who can leave and have that said about us. We are going to miss BILL NICHOLS more than we know.

Mr. BEVILL. Mr. Speaker, today's tribute in honor of our good friend, BILL NICHOLS, is, for me, one of the saddest experiences I have had as a Member of the House.

I have never known a better man on this Earth than BILL NICHOLS. He and I worked together, side by side, for 30 years. We were elected together to the Alabama Legislature in 1958, and since that time, I looked upon BILL as a brother. He represented the best that is in our country. His loss has left a great emptiness in this chamber and within me, personally.

I am confident that there never has been a more patriotic person to serve in Congress. BILL proved his love of this country on the battlefields of World War II. He nearly died there, fighting for freedom. The wounds he suffered were deep and lasting, but they reenforced in him an abiding love of our land and a deep and lasting reverence for libery.

BILL dearly loved his family, his church, and the people of Alabama's Third Congressional District. He represented them with the greatest energy, commitment and integrity. I remember many times that BILL would leave this Chamber after a late night session, having worked all day, and then drive all night to his district so that he could fulfill a breakfast meeting commitment with his constituents.

I would find wise counsel in talking with BILL about important pieces of legislation on which the House was about to vote. Without fail, he would give good, solid advice. His first and overriding concern with any legislation was: Was it good for America.

And BILL's most significant piece of legislation was a perfect example of how he viewed his responsibility as a Representative and one of the senior Members of the House Armed Services Committee. The Goldwater-Nichols Act has been hailed as among the most significant laws passed by Congress, dealing with the defense of America. BILL worked for 5 years developing this legislation which strengthened the chain of command of our Armed Forces. It made our military and its leadership more efficient and effective.

Today, this country is more secure because of BILL NICHOLS.

BILL's success in Congress, and the love and admiration which his constituents felt for him, never changed his humble character. I am confident he could have been reelected to represent his District as long as he wanted to continue to serve.

I remember when I was inspecting a water project in Maryland, at the request of the local Member of Congress, and I met one of the citizens of Maryland involved in the project. When he learned I was from Alabama, he asked if I'd ever heard of a friend of his from Alabama, by the name of BILL NICHOLS. He and BILL had gone duckhunting together in Maryland for a number of years. I told him that BILL and I had been elected to Congress together and were close friends. He was shocked to learn that BILL, his duckhunting buddy, was a senior Member of the U.S. House of Representatives. In all those years, BILL had never mentioned that he was a Congressman. That's typical of how modest a man he was.

My wife, Lou, my entire family, and I extend our deepest, heartfelt sympathy to BILL's lovely wife, Carolyn, and to his three children. BILL's family gave him love, strength, and happiness. I know how proud he was of them, and how proud they are of his many accomplishments, and in the life that he lived.

BILL NICHOLS remained a kind, down-to-Earth, humble man all of his life. I deeply miss my friend from Alabama.

□ 1330

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Speaker, let me say first of all that for many of us in this body, today has been very difficult.

When one stands and talks about a good friend a colleague, someone they have looked up to over the years, it is always difficult.

At the same time, many of us as freshman, and each of us has had that first day when we have stood in this Chamber and put up our hand and sworn allegiance to our country, our district, and our fellow Members of Congress, there is always some Member that sort of takes you under the wing and makes sure that you are given the right guidance. Ten years ago I had the opportunity to have BILL NICHOLS take me under his wing. I do not think there could have been a better person to do that. I was new. I was inexperienced. I was naive. He trained me well, I think. I looked at the views and the values that he had toward his country, toward his family, and toward his colleagues in this body, and there is no one who had higher esteem for this institution.

His war record was one that he was so proud of. Many of us journeyed to Europe, to Normandy to visit for the 40th anniversary. BILL was very much a part of that delegation. But he had another mission on that trip. He very quietly slipped off and went up into France and into Belgium and into some of the areas that he had trod as a young man in 1940 through 1944.

We all look back on issues and things that make a man. As many of us know, BILL NICHOLS had a wooden leg. But he was not encumbered by that.

We went to investigate Lebanon during the altercation in the early 1980's. There was a deuce and half that we were to ride into the airport. I made a comment to one of the gentlemen standing there, one of our military Marine Corps escorts and I said, "You know, I think it would be better if Mr. NICHOLS could ride in the cab; it might be a little difficult for him to get up in the back of the truck."

The gentleman said, "Oh, I didn't realize." And I said, "Well, yes, he has a wooden leg."

By the time I had turned around, BILL NICHOLS was the first one on the back of that truck.

One of the things he liked to do, at least he told me so, was to see what our young men and young women do

in their jobs out on the front lines. Last summer I had an opportunity with Admiral McKay, the head of our nuclear Navy, to accompany BILL on his first ride on a nuclear submarine. They had figured and rigged a cage to get BILL on because of his leg, and because the other one had a very heavy brace. We got down into the submarine and we were out at sea, and he looked at me with those wonderful, kind eyes, and that big smile, and he said, "BEVERLY,," and I said, "Yes, BILL?" He said, "I really could have come down that tower, couldn't I?"

I thought for a moment, and there is no way that I could have told him that he would have had difficulty, because I know that had BILL NICHOLS made his mind up to go down that tower he would have gone down inside of that tower.

I watched him relate to the young people that we had on board that submarine. He would talk about their mission, talk about how far away they were from home, many of them from areas that were inland, a lot of them never having been to sea before, but they had chosen the Navy and had chosen the nuclear Navy, and had chosen a mission and a role that was very difficult. But he identified with them, he talked to them. He told them his philosophy. I know that each and every one of those young men, as is true of all of the military families that his life had touched, were saddened, and this country is a sadder nation for the loss of BILL.

In the last year I do not think anything gave him more pleasure than to talk about his new Greek grandson. What pride he had to talk about that young child that was coming along, and the joy and the happiness of his family and what that meant to him.

So I want to join with the gentleman in the well and to thank him as well as the gentleman from Alabama [Mr. DICKINSON] for taking this special order today to really address what I think is a great loss to this Nation of a very fine American.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding.

I was sitting here reminiscing and ruminating over the many things that come to mind when I think of BILL NICHOLS. As the gentleman commented, he served with him 30 years, and I have served with and been very closely associated with him for at least 25 or more. There are so many little vignettes and so many stories that come to mind.

But I think the story of BILL would not be complete if I did not put it in the RECORD, because it is a true story, an event that took place about 6 years ago as the new Congress at that time was being organized. The Democrats get together and elect who will be the chairmen of the various committees, and BILL was fourth in the seniority, and it normally goes by seniority. To the surprise of many people, there was an upset in the election, a coup if you care to call it that, when Mel Price, who had been the chairman for many years, but was advancing in age, was not reelected. That left a seat open.

The number two man asked BILL to make his nominating speech then since he was next in line, and BILL agreed to do it. Then before it was over, many, many people came to BILL and urged him to run, telling BILL that he was the most popular, and he was, in line of seniority, and knowing what I know after 24 years on the Armed Services Committee, I am convinced it is true, and I think most of my Democratic colleagues would agree that it is true that if BILL had been elected to be chairman of the Armed Services Committee, if he had allowed his name to be put in nomination, and the gentlewoman from Maryland was there, I believe, he would have won, he would have been chairman. I think he knew that.

He said, "No, I have agreed to nominate and support someone else. I have given my word. That is what I am going to do, and I will not agree for my name to be placed in nomination."

As a consequence, BILL was not elected chairman. And again, getting back to what has been said repeatedly here, his word was his bond. If he told you he would do something, he would do it. If he gave his word, you could take it to the bank.

BILL, having given his word, stepped aside and did not compete for the position when I am absolutely convinced that he would have been made the chairman of the Armed Services Committee had he sought it. But true to his word, he supported another candidate, and so BILL wound up as the chairman of the subcommittee on which he served when he died.

That is just one more measure of the man that I think it behooves us all to think about when we talk about service, integrity. He was always a very great believer in the system, and this I think is just one more reason to salute the memory of a great and a true American.

I thank the gentleman from Alabama.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in expressing my sorrow at the passing of our friend and colleague, BILL NICHOLS of Alabama.

I have served with many Members, but none have stood better with his colleagues than BILL. All of this was so evident at the funeral services where so many who worked with him were there, including what seemed to be the whole town.

We lost a great friend and the Congress a valuable Member.

BILL NICHOLS' record of service to the people of his district, State, and Nation will benefit all for years to come.

To his family we extend our sincerest sorrow at his passing. Truly, he leaves a great record.

Mr. JENKINS. Mr. Speaker, I want to join my colleagues who are paying special tribute today to the Honorable BILL NICHOLS, who served in this august body for 22 years before a massive heart attack ended his life in December.

It is a privilege to say that I served in the U.S. House of Representatives with BILL NICHOLS. He set a standard of representation of the people which we should follow. The people of the Third District of Alabama were served well on this floor and in these Halls. He looked after his local people from the Tuskegee Institute and Auburn University to the bedroom counties bordering Montgomery and Birmingham, and they showed their approval by continuing to reelect him for the 12th time shortly before he died.

He served those of us in this institution well by paying close attention to his committee duties. He was a solid rock in the foundation of the Armed Services Committee, not failing to question when the need arose, but a strong supporter of the military. He voiced his concerns about the defenses of the Marine barracks near Beirut before the truck loaded with explosives crashed the gates and killed 241 servicemen.

As a veteran and staunch defense ally, he took the helm of the Subcommittee on Investigations and reformed the procurement process.

As we look back today over his distinguished career of public service, we all can say that BILL NICHOLS could be a formidable foe, a committed ally, but always a gentleman in Alabamian and southern sense of the word.

Mr. DE LA GARZA. Mr. Speaker, we have lost a colleague whose record of service to this Chamber is long and distinguished.

Representative BILL NICHOLS is gone and today this Congressman proudly remembers the great friendship we developed over the many years. Such friendship makes our loss hard to bear, but the memories are great and everlasting.

Both of us were artillery officers during our Army careers. We shared a love of country and patriotism. We had jointly attended the 100th anniversary of the Army post at Fort Sill, OK, and we both felt very strongly about service to the Nation.

In his capacity as a high ranking member of the Armed Services Committee and chairman of its Subcommittee on Investigations, BILL NICHOLS worked tirelessly in the Congress to make military policy work for America in the best possible way.

He put his talents and energy to work on behalf of the enlisted men and women who made the military work. The everyday men and women who provide the fuel for the great engine of our armed services. These people were the focus of BILL NICHOLS's great compassion and efforts.

Now and then a Member of Congress will come our way who shows us the true color of public service through hard work and diligence. Chairman NICHOLS brought that color to its brightest in his support of the U.S. armed services. He was always ready at an instant to help any colleague on any matter and his energy was without end.

To his family we extend our heartfelt sympathies and we want you to know that we valued above all our friendship with this great man. He will not be forgotten by us. We have 1,000 different remembrances and recollections over the years to keep us company. And those are the memories that outlast us all.

Mr. SCHULZE. Mr. Speaker, I rise to pay tribute and remember a good frined and great man, the late Congressman BILL NICHOLS, of Alabama's Third District.

For 22 years, this body had the privilege to know BILL's dedication to public service and love of country. It is only appropriate that today we honor those contributions and commitment he held so dear.

BILL was a hero and leader many times over, even before he came to the U.S. House of Representatives. He showed his courage first on the football team of Auburn University, where he captained the 1940 squad. Passing up a professional football career, he chose to utilize his education in agriculture and agronomy by advising Autauga County farmers and counseling 4-H Clubs.

When his country needed him to serve in World War II, BILL was prepared, having trained for military service in Auburn University's ROTC program. BILL entered the Army in 1942 as a second lieutenant, quickly distinguishing himself in combat. As a result of his heroics at the Battle of the Hurtgen Forest, Germany, BILL earned the Bronze Star and the Purple Heart.

After retiring from the Army as a captain, he returned to Alabama, where it did not take BILL long to find himself giving to the community again. He distinguished himself in the Alabama Legislature with his efforts to improve Alabam's education system, to help the handicapped, and to create better roads in the State. Understandably, BILL received the capitol press corps "Most Outstanding Member of the Alabama Senate" award.

Elected to the U.S. Congress in 1966, BILL took his expertise in agriculture and the Armed Forces to Washington. Frankly, I am certain all of us here today would agree that we benefited from his understanding and leadership on the most important issue facing America—protecting the Union. BILL could always be counted on in the Armed Services Committee to define the proper defensive posture the United States must pursue. For one, I am grateful BILL NICHOLS was watching out for all of us. Certainly, the United States is better for it.

There is no question BILL will be missed in this body, friends and patriots always are.

Mr. SPENCE. Mr. Speaker, as we are all painfully aware, in the past few years there has been a barrage of criticism in the news media about the lifestyles of certain Members of Congress. In fact, in today's edition of the Washingtion Times there was an article which capsulized some of the well-known newspaper stories about Members over the past 15 years or so. Of course, as the ranking minority member of the House Committee on Standards of Official Conduct for a number of years, I had to deal with these problems on a first-hand basis.

There is no question that Congress is constantly under a microscope, and in a free and open society this is to be expected. However, as a famous radio and television commentator pointed out, there is always another side of the story. And, our late friend and colleague, BILL NICHOLS, represented the other side of the story. BILL NICHOLS' political career was symbolic of what people expect in their elected officials. He was the model, the very ideal of what Plato and Thomas More had in mind when they described what a public servant should strive to attain.

I served with BILL NICHOLS for the better part of 18 years, and I can say without rservation or equivocation that he was one of the most outstanding public servants it has ever been my privilege to know. His honesty and integrity set a standard that should be emulated by every young person who strives for public office. He set a role model, and when he was taken away from us in such an untimely way, our consolation was that his example will live on in the hearts and minds of everyone who works to perfect the democratic process.

There were so many fine traits of BILL NICHOLS to admire that I hardly know where to begin in enumerating them. First and foremost, he was a gentleman of the highest order and a true American patriot. He loved the institution of Congress, and he always placed the institution above his own personal interests. As a valued member and leader for years of the House Armed Services Committee, he fought a long, hard, and successful battle to reform Pentagon procedures and solidify the chain of command. He understood the military establishment, and he worked tirelessly to help our Armed Forces meet the global challenges of the latter half of the 20th century.

BILL NICHOLS was proud of his native State of Alabama. He was a civic, business, and political leader in Alabama for years before taking his House seat in 1967. He was known throughout Alabama, and indeed, the entire South for his advocacy of agriculture and the need to expand the Nation's food and fiber production. Also, while working on his degree in agriculture at Auburn University, he excelled on the football team and was named team captain. What a lot of folks may not know is that he was actually offered a professional football contract. Of course, as most of us know, his football playing days ended for good when his left leg was shattered during World War II during the Battle of the Hurtgen Forest.

BILL NICHOLS was a genuine American hero. The product of the strong values of rural America, he possessed the true grit, determination, and courage that our great Nation must always have in its leaders. You cannot replace the BILL NICHOLS' of this world: you can only hope that such men will come to the forefront during times of crisis.

Mr. Speaker, I will miss the friendship, wisdom, and counsel of BILL NICHOLS. To his dear wife, Carolyn, and their three children I extend my heartfelt sympathy and deepest appreciation for sharing with us their husband and father who was an inspiration to us all.

Mr. ASPIN. Mr. Speaker, there are a few rare individuals who because of their character, standards, behavior, and physical presence indelibly influence the actions of others. They are the type of individuals by whom you and I judge our own actions. BILL NICHOLS was one such individual.

If I were asked to name an example of an American hero, it would be BILL NICHOLS. As a young man he excelled as a student leader and athlete. He was the captain of the 1940 Auburn University football team. His physical courage and bravery were demonstrated on the European battlefields of World War II where, like so many others of his generation, he was called upon to sacrifice himself in the service of his country. Sacrifice he did. Severely wounded, he lost one leg and the use of the other was severely limited.

Because he never talked about his injuries and learned to walk and carry on a normal life, many people who knew him later were unaware of the extent of his disability. But in remembering him we should reflect on the lasting physical courage that his very presence represented. As chairman of the Investigations Subcommittee he traveled a number of times to Central America during the midst of the hostilities—to El Salvador, Nicaragua, and Honduras. He visited the Marines in Beirut during the 1983 crisis and the Persian Gulf in 1987 at the outset of the recent incidents there. Despite his physical impairment, he rode in aircraft, helicopters, submarines, tanks, and even on flatbed trucks. Many Members will recall seeing him completely exhausted at the end of the day on one of these always-hurried trips, but somehow refreshed and ready to proceed the next morning. His leadership of the Defense Department reorganization effort in 1986 was interrupted by a quintuple heart bypass operation. He was back on the job in less than 8 weeks. BILL NICHOLS, throughout his life, courageously sacrificed his personal well-being for others.

But he exemplified much more than physical courage. He was a serious person—not humorless, but sincerely committed to making a contribution. A man of character, of strong conviction, he was also open to reasoned dissent. He had a presence that commanded respect—quiet, humble, extremely polite, sensitive to the feelings of others, and very dignified. He was a religious person with rigorous standards of conduct. He cared deeply for the people of Alabama and the members of the Armed Forces. Common sense, natural talent, hard work, and diligence combined to make him one of the best judges of defense issues any of us have known. It would be difficult to look back with the advantage of hindsight and fault his judgment on any major national security issue. Many have commented that it is difficult to think of the Committee on Armed Services without the presence of BILL NICHOLS.

Above all, BILL NICHOLS was a hero because he had the moral courage to take a stand on the major issues. Despite his principled, career-long support of a strong national defense, he took on the entire Pentagon, and the President, when he became convinced

that change was necessary. The result was the Goldwater-Nichols Department of Defense Reorganization Act of 1986. It was my privilege to propose the amendment naming that Act for BILL. It is his ultimate legacy to the American people—the legacy of one who made heroic efforts on their behalf. It ranks in importance with all previous national security legislation, fittingly establishing BILL NICHOLS' proper place in the history of our country.

Mr. ANDERSON. Mr. Speaker, it is a sad occasion for me to take note of the recent passing of my colleague and friend, BILL NICHOLS, with whom I served in Congress for over 20 years. Congressman NICHOLS was a fine and decent man whose concerns for the interest of his constituents in the Third District in Alabama were reflected in all of his activities.

As chairman of the Subcommittee on Military Personnel and Compensation he earned a reputation as the "Friend of the Serviceman" for his dedication at making the quality of life for military personnel the best it could be. BILL did a great deal for the military, but his concern for the less fortunate and his fellow man were well known and is a memorial in itself.

I join with you in commemorating his life and mourning his passing.

Mr. STOKES. Mr. Speaker, I want to thank our colleague, the distinguished gentleman from Alabama [Mr. BEVILL] for reserving this time for us to pay tribute to our good friend, the late BILL NICHOLS. With his passing, the Congress and our Nation lost a dedicated and committed individual.

BILL NICHOLS was well loved by the Third Congressional District of Alabama. He won reelection time again with ease, and he never had any serious opposition. He worked well with his colleagues in the House, earning their respect, and he worked diligently and tirelessly for the Third Congressional District.

Mr. Speaker, BILL's energy in the House was spent mostly on matters dealing with the military. BILL NICHOLS fought valiantly for his country during World War II, losing a leg during a land mine explosion. It was fitting and appropriate for BILL NICHOLS to begin and end a career spanning two decades as the fifth ranking member of the House Armed Services Committee.

BILL NICHOLS career on the committee enabled him to assume several leadership positions. His first chairmanship was of the subcommittee that handles personnel matters, pay and benefits. Although he never served as chairman of the full committee, the accomplishments of this southern Democrat on the Armed Services Committee were significant. After the 1982 election, BILL became chairman of the Investigations Subcommittee. As a result of BILL's probe of procurement practices, a desire to change the basic structure of the Pentagon led to the passage of a substantial reform package in the House. BILL NICHOLS leaves a legacy of intelligent and compassionate leadership. His absence will surely leave a void.

Mr. Speaker, I have many fond memories of BILL. He was soft-spoken, courteous, and a real southern gentleman. He always conducted himself with dignity and was highly respected by his colleagues for his legislative skills.

I recall on one occasion calling upon BILL to assist with a problem one of my constituents had in Alabama. He was immediately receptive to the problem and worked on the case as if the constituent were his own. The matter was favorably resolved because of the personal attention BILL gave to the case.

Mr. Speaker, I am proud to have counted among my friends and colleagues a man such as BILL NICHOLS. I will miss him greatly and I hope that it is some comfort to his wife, Carolyn, and his many friends, that so many others in this Chamber share that emotion.

Mr. BATEMAN. Mr. Speaker, BILL NICHOLS' passing was a loss not just to his family and friends and his Alabama constituents, but surely to this institution, the House of Representatives, in which he served so tirelessly for 22 years.

It should be no surprise to anyone who is familiar with BILL NICHOLS record prior to his congressional service that he became such a distinguished member of the House, BILL NICHOLS excelled in virtually all aspects of his extraordinary career, from Auburn University where he received a masters in agronomy and was captain of the football team to his military service where he received a Bronze Star and Purple Heart after losing a leg in the Battle of Hurtgren Forest to the Alabama legislature where the capitol press corps named him the most outstanding member of the Alabama Senate.

I, came to know him late in his career as a colleague on the Armed Services Committee. I gained a quick admiration for his tireless support of the rebuilding of this Nation's defenses.

At the same time, as chairman of the Investigations Subcommittee, BILL was determined to see our military run more efficiently. He led the inquiry into the bombing of the Marine compound in Beirut and a probe into the Pentagon procurement program.

His expertise came to the fore in 1986 with the passage of what is known as the Goldwater-Nichols Department of Defense Reorganization Act, the most sweeping military reform in 40 years and one which BILL called his "proudest achievement."

Mr. Speaker, Thoreau once wrote,

Even the death of friends will inspire us as much as their lives.* * * Their memories will be incrusted over with sublime and pleasing thoughts, as their monuments are overgrown with moss.

I know that, in life, BILL NICHOLS inspired us in this House. I hope that his passing will also inspire us to live up to the high standard of public service he set and also to continue to fight for those beliefs he held so dear—among which was his belief that a strong and efficient military is vital to deterrence of war and the defense of freedom at home and abroad.

Mr. BENNETT. Mr. Speaker, our late colleague BILL NICHOLS was a Congressman's Congressman, a person therefore who was a fountain of good judgment for each of us who served with him.

He was also a spiritual leader, whose contribution to good fellowship in the House was well illustrated by his leadership in the House Prayer Breakfast group.

He was a magnificent man—we all miss him.

Mr. MYERS of Indiana. Mr. Speaker, it is with heartfelt deep sadness that I join the many friends of BILL NICHOLS in remembering his life and service to the U.S. House of Representatives and to his country.

BILL always distinguished himself whatever he did or wherever he was. He served in Europe during WW II as an artillery officer, losing his leg by stepping on a land mine. After a long hospital stay he came back to his home in Alabama.

After serving in the Alabama House and Senate he was elected to the 90th Congress and my friendship with BILL began. We were freshman among 69 new Members. Now there are only seven of us still serving in the House from that group.

Remembering BILL and his many years in this body, two things continue to come up. His loyalty and his integrity. It didn't really make any difference to BILL whether a colleague was a Democrat or Republican, he would share his time and suggestions with all.

This House, his beloved State of Alabama, the Nation are better today because BILL lived, he cared, and he shared.

It has been an honor for me to have known BILL and to have had the privilege of serving with him here in the House for 22 years.

My wife Carol joins us in extending our prayers to his wife Carolyn and their family.

Mr. MATSUI. Mr. Speaker, it is with great sadness that I rise today to pay my last and most sincere tribute to BILL NICHOLS. I know every Member of this House was shocked and saddened by the sudden death of BILL. His steadfastness and unswerving loyalty were traits that we all tried to emulate.

BILL's career in this body was remarkable. He always voted his conscience and fought for what he felt was right. BILL was a staunch defender of a strong and ready America and he did all that was in his power to ensure that America was strong, was ready.

BILL was always proud of the faith and trust emplaced upon him by his constituents. Their faith, as we all know, was not misplaced. BILL always had the members of his district in mind, arguing for a healthy steel and textile industry, providing for rural Americans, and extolling the joys and beauty of the South.

Mr. Speaker, this House has lost a true friend. There are many of us who looked to BILL for leadership and counsel. He never failed us. I offer my most sincere condolences to BILL's wife Carolyn and his children. Their grief is greatest but they had the joy of knowing BILL so closely for so many years and this hopefully will be of great comfort to them. I salute BILL NICHOLS for his selfless life and I salute his family for they all carry BILL in their spirits.

Mr. MILLER of Ohio. Mr. Speaker, I want to join my House colleagues today in paying appropriate tribute to the late BILL NICHOLS—our good friend and distinguished colleague from the great State of Alabama. It is difficult for me to add to the words already expressed here today about BILL. He has been fondly remembered by Members from both sides of the aisle, and I want to endorse their fitting comments and wonderful stories about a terrific man.

BILL NICHOLS will be missed greatly in the Chamber. We have just celebrated the 200th anniversary of the Congress and, with all the bicentennial attention, I find it regretful that our friend BILL NICHOLS—who really reflected the very best that this House stands for and has stood for over 200 years—is not here to share this moment with us.

As we recall those who have labored long and hard for the good of their districts, the benefits of their respective States and for the best of the Nation, at large, we must remember BILL among those who provided the leadership America needs and deserves. He was a hero of World War II, and defender of the very principles of democracy that we are sworn to uphold daily, and the champion of what's right and proper about this Nation.

I came to Congress with BILL and I can assure his family that he had my deepest admiration and respect by any measure of the man. I extend my sympathy to his lovely wife Carolyn, and the Nichols family.

Mr. HORTON. Mr. Speaker, I rise today to share for a few moments some thoughts on our colleague BILL NICHOLS who passed away last year. I also want to relay the thoughts of the members of the 108th Infantry, 2d Battalion Association.

BILL NICHOLS will best be remembered for his dedicated and outstanding service as a member of the Armed Services Committee. Throughout his career, BILL made sure that our fighting forces were equipped for their missions. He was always a friend of GI's and worked to ensure that they and their families could lead comfortable lives.

BILL will also be remembered for his efforts to improve the efficiency and competitiveness of the Pentagon's procurement process. As the 101st Congress looks into the current problems with procurement, we should look to BILL's legacy for guidance on how to improve the current situation.

BILL's commitment to our Nation's defense started long before he came to the Congress in 1967. As many of us know, he was a decorated combat veteran who lost his left leg as a result of a land mine explosion in the Hurtgen Forest. Despite this setback, BILL led a fulfilling life.

Mr. Speaker, I also want to take a moment to share the thoughts of the men of the 108th Infantry 2d Battalion Association. These veterans developed a special relationship with BILL since they trained for the Second World War at Fort McClellan which is in the Third District of Alabama. In October of last year, the association recognized BILL's contributions to our Nation's defense with their "Award of Appreciation." BILL was also granted an honorary membership in the 108th Infantry 2d Battalion Association. My good friend Joe Taddeo, who is the association's president, asked me to pass along the group's condolences to BILL's lovely wife Carolyn.

My wife Nancy and I want to join in that sentiment when we express to Carolyn our most heartfelt thoughts and prayers. Mr. Speaker, the 101st Congress suffered a tremendous loss even before it began. It is my hope that the memory of BILL's dedication to this Nation will guide the new Congress toward excellence.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to Congressman BILL NICHOLS, whose sudden death on December 13 was a tremendous loss to the people of this Nation.

Congressman NICHOLS dedicated his life to public service, and I was privileged to have served with him during the entire 22 years he served as a Member of the House of Representatives.

Before coming to Congress, BILL NICHOLS served our country with distinction during World War II. He received both the Bronze Star and the Purple Heart for his heroic actions during this war. Also, he served in the Alabama State House from 1959 to 1963, and then was elected to the Alabama State Senate in 1963.

Elected to the 90th Congress in 1966, Congressman NICHOLS ably represented his constituents from the Third Congressional District of Alabama. His exemplary service as chairman of the Subcommittee on Investigations of the House Armed Services Committee helped to uncover faulty procurement procedures in the Defense Department. He also served as a member of the Subcommittee on Military Personnel and Compensation and the Subcommittee on Readiness, and was highly respected by his colleagues for his expertise on defense matters.

Congressman NICHOLS was a fine legislator, and a man of great compassion and courage, who will be sorely missed by all of us in the House of Representatives who had the opportunity to work with him.

Mrs. Annunzio and I extend our deepest sympathy to his widow, Carolyn, and to the other members of his family who survive him.

Mr. ERDREICH. Mr. Speaker, the death of my friend and colleague, BILL NICHOLS, has left a tremendous void in the lives of all those who knew him. His death was a great blow to his family and loved ones, but it has also had a tremendous impact on so many others. I certainly will miss his friendship, advice, and counsel, as will the rest of the Alabama congressional delegation.

His excellent and wise representation of the Third District of Alabama will most certainly be missed by those he so faithfully served, as will his honesty and integrity be missed by the entire Nation.

BILL NICHOLS always put the best interests of his State and country at the forefront of his political agenda. He was assigned to the 8th Infantry Division as an artillery officer during World War II, and distinguished himself in combat. He was critically wounded in 1944 and removed from action. For the bravery he displayed while risking his life on behalf of his country, he was awarded the Bronze Star and the Purple Heart.

Following his return to private life, and at the urging of his friends, BILL entered the political arena, and was elected to the Alabama House of Representatives in 1959 and the Alabama Senate in 1963. Again, his outstanding service won him many honors; in 1965, he was voted "Most Outstanding Member of the Alabama Senate" by the Capitol Press Corps.

BILL moved on to the national political arena in 1966, and was elected to the U.S. House of Representatives. After securing a position on the House Armed Services Committee and serving with distinction as a committee member, he rose to the position of chairman of the Subcommittee on Investigations and headed it through the end of the 100th Congress. The subcommittee examinations he initiated into defense issues led him to join Arizona Senator Barry Goldwater in introducing the Goldwater-Nichols Reorganization Act of 1986, which many have called the most far-reaching piece of military-related legislation to be approved by Congress in over 40 years.

During his 22 years in the House of Representatives, BILL served with a sense of fairness, always taking into account the concerns of the people he served in the Third District and entire State of Alabama. He was a good friend to all of us, and our State, and we have all benefited from his wise counsel. Our Nation is better off because of his leadership and we will all miss him tremendously.

Mr. QUILLEN. Mr. Speaker, I wish to join my colleagues in remembering our friend BILL NICHOLS who suffered a fatal heart attack and passed away last December 13.

Congressman NICHOLS represented the people of Alabama's Third Congressional District in the House for 11 terms with genuine distinction. It was an honor to serve with BILL NICHOLS during those 22 years and his passing is a great loss to all of us.

Congressman NICHOLS is probably best remembered as a hard-working, straightforward Member who was devoted to the armed services and the national security of the United States. He was a World War II veteran who lost a leg in combat and it was on the House Committee on Armed Services that Congressman NICHOLS made his mark during his long and distinguished congressional career.

Although he was without peer in his dedication to our armed services and their mission, Congressman NICHOLS was responsible for leading the effort which reformed the procurement system at the Pentagon and he also played a crucial role in the 1986 Defense Department Reorganization Act.

I will miss BILL NICHOLS. He was a fine and decent man, he was a patriot, and he was an outstanding Member of Congress. In this time of sorrow, I want to extend my condolences to BILL'S lovely wife, Carolyn, and their children.

Mr. CRANE. Mr. Speaker, the passing away of BILL NICHOLS leaves this Chamber with a loss it will long suffer.

BILL NICHOLS was a fine gentleman, a great patriot and an outstanding Member of Congress. He served as an Alabama Congressman for over two decades after his first election to the House of Representatives in 1966. Almost all of those years were particularly devoted to the workings of the House Armed Services Committee. He used his military background well in seeing that the Nation's defenses were built up to preserve our freedom from outside violence. He trained for military service in Auburn University's ROTC program prior to his graduation from that fine scholastic institution. Called to active duty following this country's entry into World War II, he served with the 8th Infantry Division and distinguished himself in combat in France and Germany until critically wounded in the Hurt-

gen Forest. His courage under enemy fire won him the Bronze Star and Purple Heart decorations.

Not only did he strive to make our defenses strong, but he did his utmost to improve the quality of life for military personnel. Because of his endeavors, enlisted volunteers in America's armed services receive compensation and benefits more realistic to their worth than before BILL NICHOLS took up the task.

We were privileged to call BILL NICHOLS a special friend. He was a witty, intelligent Southern gentleman with whom we spent many pleasant moments.

BILL NICHOLS will long be remembered for the great service he gave to his country both in peace and in war.

Mr. WATKINS. Mr. Speaker, Representative BILL NICHOLS was not only a colleague but a good friend. We all share in the sorrow at the passing of this great man. He was one of the most beloved Members with which I have had the honor to serve. He was a devoted husband, father and spoke often of his family. He was a very devout man who without question was prepared to meet his God. He was a source of inspiration each Thursday morning when I looked across the table and saw him at the weekly Member's Prayer Breakfast. It was a comfort and a joy to know that he was always there. Not only did we look forward to this time of inspiration and breaking bread but we also shared a love for rural America and agriculture. Perhaps BILL is best described in this poem by Ben Burroughs:

IT SHOWS IN YOUR FACE

You don't have to tell how you live each day;
You don't have to say if you work or play,
A tried true barometer serves in the place,
However you live, it shows in your face.

The false, the deceit that you wear in your heart
Will not stay inside where it got its start;
For sinew and blood is a thin veil of lace,
However you live, it shows in your face.

If you have battled and won in the game of life,
If you feel you've conquered the sorrow and strife;
If you've played the game square and you stand on first base,
You don't have to tell it, it shows in your face.

If your life's been unselfish; for others you live;
And not what you get but what you can give
And you live close to God, in his infinite Grace,
You don't have to tell it, it shows in your face.

There is no question as to where BILL NICHOLS stood. His face reflected love for his fellow man. For him, an unselfish manner was the standard not the exception. Many that have come to serve in this great institution have found the system attempting to change their actions and motives. My friend BILL was in full control. And that, I believe, to be because of his relationship with his God. Well-done BILL, you have been a good servant of the people and you will not be soon forgotten by this great institution. As for me, I will carry fond memories and be thankful that BILL NICHOLS passed my way.

Mr. HUGHES. Mr. Speaker, it is with profound sadness that we gather to honor the memory of our late friend and colleague, BILL NICHOLS.

It somehow seems fitting that BILL'S last moments were spent in his office, at his desk, working at the job to which he devoted so much of his time and energy. For 22 years he served the people of Alabama, and his Nation, with honor and distinction. The BILL NICHOLS I came to know personally was not only a quiet but effective legislator, but also a man of rare courage and conviction.

As one of the ranking members of the Committee on Armed Services, and as chairman of the Investigations Subcommittee, BILL came to be widely regarded as a leader in defense policy issues. His tenure in the Congress was marked by a resolute commitment to strengthen and improve the readiness of our defense forces.

Mr. Speaker, for over two decades, from the depths of the cold war to the promise of glasnost, BILL NICHOLS was a central figure in shaping America's response to events in a dangerous world. We are a stronger nation as a result of his dedication, and I know I speak for all of us when I say that this House will sorely miss his expertise and his wisdom. I want to join with my colleagues in extending our deepest sympathies to his family and his many friends.

Mr. DARDEN. Mr. Speaker, I want to thank the gentleman from Alabama [Mr. DICKINSON], the ranking member of the Armed Services Committee, for sponsoring the special orders for BILL NICHOLS.

No other Member of this body exemplified the dedication to fair play and justice than did Chairman NICHOLS. He was always known for his ability to calm the storm and reach a bipartisan solution, which was always in the best interest of the Nation.

Mr. Speaker, I write a weekly newspaper column for the news media in Georgia's Seventh District. Following Chairman NICHOLS' death I believed it fitting to express my feelings about BILL to my constituents, and more importantly, point out the impact he had on the military strength of our great Nation. I ask to insert a copy of this column in the RECORD:

[A report to the Seventh District, week of February 13, 1989]

BILL NICHOLS LEFT LEGACY OF NEW STRUCTURE FOR THE NATION'S ARMED SERVICES

(By Congressman George (Buddy) Darden)

Bill Nichols once told someone that he "put in a little time in the service—combat time." He did not add that a land mine explosion in World War II cost him a leg.

Bill knew, from personal experience, the everlasting damage that war brings. That may well have been why he worked so hard to make sure his country's armed forces were so strong and well-organized that they would discourage any potential adversary from mounting a challenge; he wanted to save future generations from having to share his experience.

Until his death just before Christmas, Bill was Alabama's 3rd District Congressman. He was a valuable member of the House Armed Services Committee, and the Chairman of its Investigations Subcommittee. And, in the five years we worked together, he became my good friend.

Bill died suddenly and unexpectedly on a Tuesday morning. He had easily won reelection to a 12th term only five weeks earlier. At age 70, and with a history of heart trouble, you might have expected him to take it easy while Congress was out of session. But he had gone to his Washington office before sunrise to begin getting ready for the 101st Congress, and it was there that a fatal heart attack struck.

Just the night before, Bill and his wife Carolyn attended the annual White House Christmas party; Lillian and I had an enjoyable time discussing with them our plans for the coming year. President Reagan took time to greet Bill and thank him for his strong support of the President's defense budget.

Bill's credentials as a proponent of a strong national defense were unassailable, and that reputation served to his—and the nation's—advantage in recent years as he demanded reform of the Pentagon's management structure and procurement system. He knew that only a strong America could survive military challenges; he also knew that strength could not be maintained if inter-service rivalries took precedence over well-coordinated military operations, or if public support for the armed forces was undermined by reports of outlandishly high costs for weapons and other supplies.

Through his leadership of the Investigations Subcommittee, he pressed the Pentagon to pay more attention to program and weapons costs. He became the primary House sponsor of legislation to streamline the military chain of command and give the Chairman of the Joint Chiefs of Staff more power to impose unity among the service branches. That reorganization measure came to be known as the Goldwater-Nichols Act, honoring Bill Nichols and its leading proponent on the other side of Capitol Hill, then-Arizona Senator Barry Goldwater.

Bill Nichols was always courteous and considerate of all his colleagues, whether they were senior or junior to him. I consider him a positive example for all members of Congress to follow, because he had that admirable ability to disagree without being disagreeable. He was a true gentleman, but he never failed to express or vote his convictions.

Mr. DYSON. Mr. Speaker, I thank my distinguished colleague, the ranking member of the Armed Services Committee for offering me this opportunity to remember a true American patriot, BILL NICHOLS. I again extend my sympathy to his wife, Carolyn, his family, his many friends, and the people of his district whom he proudly served for over 20 years.

I am honored that BILL considered me his friend. His leadership will be missed, not only in the House Armed Services Committee, where he distinguished himself as the chairman of the Subcommittee on Investigations, but by all of his colleagues and the Nation to which he dedicated his life.

I will always remember BILL NICHOLS as a gracious Southern gentleman. He was never too busy to give his advice when I requested it and he was never carried away with the trappings of his office.

In fact, I was recently told a story about BILL that I would like to share with my colleagues. On a recent stop at a small country store in my district, the owner told me that BILL NICHOLS had been a regular customer when he was goose hunting on the Eastern Shore. As a matter of fact, BILL had been going to that store for almost 15 years. This merchant knew him by sight and by the name

of BILL NICHOLS. He knew his name because BILL had introduced himself on his first visit and because BILL always had the time to stop and converse when he visited this store. It was nearly 15 years before this storeowner learned that BILL NICHOLS was a Congressman.

When he recounted this story, my constituent told me that he would forever be impressed with Congressman NICHOLS because he was, and I quote, "One incredibly nice man."

I believe that is just the way that the thousands of people who met BILL NICHOLS in his career felt as well. BILL NICHOLS will always be remembered for his outstanding leadership and work in the reorganization of the Department of Defense, an accomplishment which will forever be remembered as the Goldwater/Nichols bill. In addition to his many legislative achievements, he will be remembered by most as a man who cared. He cared about his country and he cared about the people he served.

It was a privilege to serve with BILL NICHOLS. He was a leader among leaders and his service in this great body of government has permitted our country to become a stronger and safer nation.

Mr. REGULA. Mr. Speaker, BILL NICHOLS was a patriot, a good family man, a cherished friend to many of us, a respected colleague dedicated to the well-being of our Nation and his constituents, and a believer who lived by the golden rule.

We miss his wise counsel and the warmth of his friendship.

Mr. RAY. Mr. Speaker, BILL NICHOLS is remembered as a farmer, scholar, athlete, soldier, businessman, church-member, State legislator, U.S. Representative, and House subcommittee chairman. However, in my opinion, the best description of BILL NICHOLS is that of patriot.

BILL NICHOLS was born on a small farm in Mississippi. Soon afterward, his family moved to Sylacauga, AL, where he grew up. BILL graduated from Sylacauga High School and attended Auburn University. At Auburn, he was the captain of the 1940 football team and was accepted to three honorary fraternities: The Blue Key, Gamma Sigma Delta, and the Scabbard and Blade. BILL received a B.S. degree in agriculture and a master's degree in Agronomy.

BILL NICHOLS entered the army in 1942 as a second lieutenant and was assigned to the 8th Infantry Division. During the battle of the Hurtgen Forest, Germany, BILL was critically wounded. He was awarded the Bronze Star and the Purple Heart, and was retired at the grade of captain.

After the war, BILL returned to Sylacauga and entered private business. He became active in community affairs by serving on the Sylacauga School Board and on the board of stewards of the First Methodist Church of Sylacauga.

BILL NICHOLS was elected to the Alabama House of Representatives in 1959 and to the Alabama Senate in 1963. The Capitol Press Corps voted him the "most outstanding member of the Alabama Senate" in 1965.

BILL NICHOLS was first elected to the U.S. House of Representatives in 1966. Throughout his 11 terms of service he worked to keep the Armed Forces strong and efficient. He sought to improve the quality of life for our military people and earned the reputation as a "friend of the serviceman." Of his numerous legislative accomplishments, one of the most outstanding was the Goldwater-Nichols Reorganization Act of 1986 which restructured the Department of Defense. Many have said that this bill was the most far-reaching piece of defense-related legislation in more than 40 years.

I am proud and honored to have served with BILL NICHOLS these past 6 years. We worked closely on behalf of the people of the Third District of Georgia and the Third District of Alabama, and I always found BILL to be hard working and dedicated to his constituents. He was more than a colleague, he was a friend.

Mr. BEVILL. I thank my colleagues for their kind remarks and I yield back the balance of my time.

THE SAVINGS AND LOAN SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, today is the day we celebrate the 200th anniversary of the Congress, and I think that it is a day when we should not speak about negative matters on this floor. I rise to speak again about the savings and loan association scandal because I think it is not a negative matter. I think it is a very important matter for this Congress at its 200th anniversary to confront this major problem, a problem unlike any other we have ever seen before, and confront it openly and with a maximum amount of discussion.

My great fear, my concern is that we are going to be presented with a bill on the floor and be asked to act upon it very speedily, and there will be a minimum of discussion instead of a maximum discussion needed among ourselves.

In addition to discussing the savings and loan association swindle among ourselves, there is a need to have a maximum dialog with the American people, because the American taxpayers are being asked to pay a bill of enormous magnitude. It is still climbing; is $154 billion now, and estimates are that it may go as high as $357 billion before it is over.

□ 1345

That is a tremendous amount of money and the taxpayers will have to pay a greater share of that. For that reason we need to maximize the dialog with our constituents.

I am not particularly interested in banking. I am not on the Banking Committee, but I am interested in the budget as a whole because in order for me to honestly have a dialog with my own constituents, I need to tell them the truth about what is happening with the savings and loan associations swindle. I need to tell them that when they complain to me as they did this morning, where I was in a breakfast this morning discussing the tremendous cuts being proposed for health care, $5 billion in cuts, and how that cut will impact on the hospitals of New York City.

I learned to my surprise the hospitals in New York City are among the most efficient hospitals in the country.

We are not happy with our hospital service, but it seems that in terms of the cost of service per patient our hospitals are doing a good job. But they cannot continue as they are, and they cannot certainly continue to survive if they have to take a huge Federal cut.

In addition to health care we have the problem of education. I serve on the Committee on Education and Labor. I was looking forward to the proposals to be presented by the incoming President, Mr. Bush. He said he wanted to be known as an education President. I looked forward to his proposals. Surely we would go forward, I thought, and tackle the tremendous problems we face in education in this country.

Because I serve on the Committee on Education and Labor and because I am the chairman of the Subcommittee on Select Education of that committee, I am very much aware of the magnitude of the problems in our schools.

We have two very serious problems. On the one hand the very best schools in America are not good enough in terms of world competition. When our young people are matched in tests, the very best are matched in tests for science and math with youngsters in other parts of the world, they come in either at the very bottom or near the bottom.

That is one problem, that our very best schools are not good enough and we need to tend to that.

The other problem is at the other end of the scale our worst schools are totally collapsing. The school systems of Chicago and New York, the inner-city school systems are collapsing. They are not able to come to grips with the problems with which they are faced. No matter how they doctor the statistics, how much lack of truth there is in reporting, you still see the tremendous surge in the number of young people who are dropping out of school.

Then ever worse than that is that the number who stay in school; with the kind of education they get, it places them educationally at the same spot as the persons who dropped out. When they come out of the 12th grade, they cannot read nor write any better than those who dropped out at

the 9th or 10th grade. It is a very serious problem.

Articles have appeared, studies have been made which indicate that schools are collapsing in the inner cities to the extent that they do not have enough chalk or erasers.

Now, we know about the large class sizes, we know about the deteriorating infrastructure, the buildings falling apart, we know that; but it has gotten down to the fact where teachers do not have chalk, they do not have erasers. Libraries in most inner-city schools are completely obsolete. They are libraries with geography books that do not show the nations which have become independent in Africa over the last 10 years because the geography books are more than 10 years old.

On and on it goes. I could go on with the horror stories.

I am not here to make the case for education. I think it is pretty much accepted that we have to make up for a tremendous deficit, a loss in education, a deficit in education over the last 8 years when our schools fell behind in terms of the effort being made by the Federal Government to assist in the improvement of the schools.

We are all disappointed that our President, who says he wants to be the education President, has come forth with some proposals that looked good when we first heard them, when the President stood there and presented his budget message. I like most of the other Members of Congress was pleased that here at last we do not have a President who is boasting about the fact that he has made tremendous cuts in education or other domestic programs.

Lo and behold when the euphoria wore off, and we looked at his proposal, or the great things he proposed, at the same time he proposed that we cut all of the domestic programs by $11.4 billion; all the nondefense programs are going to be cut by $11.4 billion. You have to spread the cut out.

The great deception of the President's message was that while he proposed increases, he did not say that in order to get these increases in certain areas you are going to have to have decreases in other areas.

Education, in order to get the benefits of the increases proposed in education alone, you have to decrease and cut off other programs in education. Education will take a hit there.

Education will take another hit because education is the largest of domestic programs that does not have entitlement programs.

Many of the other domestic programs have entitlement programs where people must be given service. So only the programs which do not have entitlement programs, such as education, are the ones that could be cut in order to get the $11.4 billion cut.

That means that education in the first year of the reign of the education President, education will be taking a larger cut than anybody else. And the public out there would be the last to understand this, because though they heard the President's speech as we did, they do not have the details.

Now that all the analyses have been made, this is where we are: education faces worse cuts, health care faces worse cuts. There is no chance we are going to be able to bring relief to the senior citizens out there who are concerned about the surtax and the catastrophic program. On and on it goes.

I have to face my constituents and tell them that I do not really think they are going to appropriate enough money to make the war on drugs reasonable.

I have to face my constituents and tell them that I do not think that there will be any relief from the Federal Government in terms of low-income housing.

I have to face my constituents and tell them all this because we say we do not have the money. That is what I have been doing for 7 years. This is my seventh year and I have been going back and saying we have a deficit, we do not have the money, we do not have the money for job training programs, the money for education, the money for women, infants, and child care; we do not have the money and we are in a deficit. We are trying to get rid of a deficit.

I have told them these things while at the same time, of course, I have had to watch while we found money for other things we wanted to find, money for. We wanted to bail out the millionaire farmers with a drought relief bill. We brought a $4 billion to the floor and we gave drought relief to everybody including farmers who were making $2 million gross per year.

The patterns of finding the money for defense, the Star Wars, for millionaire farmers, that pattern of finding the money for those who are powerful while you tell those who have no power that there is no money, that pattern is a pattern that I am thoroughly fed up with.

Now I see it again in the S&L scandal which is shaping up here where we are saying we are going to have to find the $157 billion to take care of the bankers, the financiers, people who are the least desirable ones in terms of subsidies from the Government; the least deserving recipients of Government subsidies, financiers and bankers.

Yet that is what it amounts to when you look at the savings and loan situation.

They have failed, they have a problem because people have stolen the money. In most cases they have stolen the money or they have been too incompetent and have managed the money badly.

The line between incompetence and mismanagement and thievery is very thin, especially in a business like banking.

Anything related to banks you assume that anybody who is in the business is not allowed to even put his foot in the door unless he has a certain degree of competence. He has to know arithmetic, know how to keep books, basic things which cannot go wrong in a banking setup, especially since the Government, the Federal Government steps in and says we are going to guarantee $100,000 deposit; everybody who has deposits up to $100,000 knows that the Federal Government would pay up to $100,000.

The Federal Government is involved and I do not see them allowing incompetent people to come in to run banks. So I do not buy the line that there is a lot of incompetence and mismanagement that has generated this crisis. I say thievery. Thieves, thieves stealing—with middle-class people they usually call it embezzlement—but these are thieves who are stealing and they have generated the present crisis.

We have to go back and tell our folks that no, there will be no relief, we have nothing to look forward to. The American education system will depend on the Federal Government for no help because we have to take care of the savings and loan association scandal, swindle, bailout.

The savings and loan association scandal is probably the worst of its kind that this Nation has ever faced; the worst ripoff, the worst raid on the Treasury.

I said this a few days ago and since then I have noticed there are some other people who have come forward with documentation that makes it quite clear that a number of the things I said a few days ago make sense.

One of the things I said a few days ago was we should get to the heart of this matter by emphasizing prosecution. Instead of being soft on white collar crime as this Congress always is, we scream and yell about other kinds of crimes, but when it comes to white collar crimes Congress is generally quite soft.

Let us take about up to 25 years in jail for anybody who has committed economic crimes on the magnitude and scale that will help to wreck the economy of the Nation. That is what has happened. This savings and loan scandal can really set in motion a process, a domino process which will do serious harm to the economy.

So people who have been involved in creating this situation should be considered criminals; they should be tried and they should face many years in prison.

I say if they are faced with a situation where they are being prosecuted and properly treated as the criminals that they are, then you will find more answers will be found in places where they do not seem to have the answers; that many will come forward, and the tradeoff could be that. Instead of prison you pay back everything that has been taken out. Instead of the taxpayers being asked to pay back what the thieves have stolen, let those thieves go back to their Swiss bank accounts and their hidden assets and come forward with the money.

In American Banker of February 28, not too long ago, the date is February 28, American Banker has this account of a felon who was convicted in a fraud case related to the savings and loan association. And the felon is going to make restitution up to $20 million, which they found that he has that he can pay back.

The man's name is Mr. Renda.

Mr. Speaker, I read from the American Banker article:

Restitution is a key element of the settlement reached last weekend in the suit against Mario Renda by the Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation. Mr. Renda was President of First United Fund Ltd., a now-defunct money brokerage firm in Garden City, New York. Mr. Renda, 47, already pleaded guilty to two criminal charges stemming from S&L fraud. At the sentencing on March 10 in Federal Court in Kansas City, he faces up to two years in prison.

I think he should be facing more than 2 years in prison. That is just one more indication of how we are soft on white-collar crime.

But anyway, to go back to the article and I quote again:

The civil suit relates to Mr. Renda's admitted role in defrauding Indian Springs State Bank and Coronado Federal Savings and Loan Association. Both institutions, based in Kansas City, Kansas, were declared insolvent as a result of the fraud scheme.

Now listen to this quote:

It is relatively rare for courts to require forfeiture of personal assets by individuals who plead guilty or are convicted of fraud.

Why is it relatively rare? In our judicial system obviously we are also soft on white-collar crime. That is a basic correction that is needed which Congress should take a look at.

But, again, to quote from the article:

But it will become more common as government focuses on prosecuting fraud at financial institutions, according to officials of the FDIC and the FSLIC. The agencies also hope the threat of restitution will prove to be a powerful deterrent to fraud.

In a weekend speech to Iowa bankers, FDIC Chairman L. William Seidman said his agency will push for court ordered restitution in cases involving fraud at banks and S&L's placed under FDIC supervision.

We think such orders should be requested and granted as a matter of course to minimize the cost of criminal acts to the appropriate insurance funds.

The article continues:

"Court ordered restitution is one of the key prongs in the FDIC's efforts to stop a bank fraud," said Christopher A. Byrne, senior attorney with the FDIC. We are actively engaged in a program to sensitize local prosecutors and the courts to the importance of restitution.

Now I say this, not reading the whole article, but my point is that instead of Mr. Bush tacking on $50 million at the end of his plan to bail out the savings and loan associations, as an afterthought almost, the money for the prosecution should be up front. That should probably be much more. If prosecution goes forward, taxpayers will probably have to be asked to bail out or to pay a much smaller share of the money that has been stolen from the S&L's.

Also, I would like to call attention to an article of the New York Times of February 20 where they are discussing an S&L that has failed and the regulators made a statement at that time. I take exception to the statement.

And I quote:

Regulators found no evidence that fraud had been committed. They attributed the institution's failure to "loan-underwriting deficiencies, a failure to maintain appraisal reports, poor maintenance of books and records, and insufficient internal routes and controls." In short, laxity in the approval process for real estate loans during the boom years of the Texas economy ultimately produced huge losses when the economy turned down.

□ 1400

That paragraph is the kind of thing that the Federal officials have been saying for much too long. They found no evidence of fraud, but they found great evidence of poor bookkeeping, laxity of controls, and insufficient checking of loans. I say that if there was a red flag which goes up that lets us know stealing is taking place, it is when people begin to keep the books carelessly; it is when the procedures get loose. All that is a setup to steal. It does not happen when people do not want to steal. Everybody knows how to keep books; everybody knows the routine. If there is actually poor bookkeeping, then I take exception to the fact that regulators will say there is no evidence of fraud or no criminal activity went on, but we have all this incompetence. Whenever there is incompetence, I think some representation should be made by the Government that there is fraud. Instead of asking the taxpayers to pay this money back, they ought to assume there is fraud and go after the people with prosecutions, and then much more of the money would come back.

I would also like to take note of an article that appeared in the Barron's of February 20, 1989. That article is entitled, "Steal of the Century?" This article, entitled "Steal of the Century?" is written by an economist, Benjamin J. Stein, who is an economist and writer based in Los Angeles. Mr. Stein uses the word, "steal," but he wants to make it clear that what he is describing is really not criminal activity. And I agree with him. I have shifted now. Anymore when I talk about criminal activity, I want to take just a moment to say that I am talking about the magnitude of the giveaway and how all taxpayers had better be alarmed and informed about what is happening, and they should also be very angry at the Government regulators who have done this, because Mr. Stein describes how three large legitimate firms—one headed by William Simon, one by Robert Perelman, and one by Robert Bass—legitimately bought out some S&L's that were failing, and they did nothing wrong. They legitimately bought them out, but the deal made by the Government, by Chairman Danny Wall, head of the FSLIC, and his gang gave away so much that this article has been written as a protest against how all this taxpayers' money was given away.

How was it given away? In two ways. First, as tax losses. They allowed these people to assume tax losses of a tremendous magnitude for doing nothing. A moment after the deal was concluded, those companies were richer because they could write off all the tax losses of the failed S&L's they bought.

The second way the taxpayers lost was this: They guaranteed them against future losses so that in the companies they bought, if something went wrong in the future and they did not get their money back, they had a guarantee that the taxpayers are going to bail them out.

I am going to quote directly from Mr. Stein's article. He is talking about what it all adds up to when you do that:

By my humble calculations, just the forgone tax cost to the Treasury from the Bass-American Savings deal would have paid for several thousand regulators and investigators for about 5 years.

This is just the tax losses from one of these three deals that would have paid for several thousand regulators and investigators for a 5-year period.

I quote again:

The forgone tax collections from all of the S&L deals would have paid to hire a thoroughly competent staff of regulators for the balance of the century.

I continue the quote as follows:

One of the tragedies associated with these transactions is that they display such astounding inequity between hundreds of millions of ordinary citizens and a few billionaires. But the tragedy that should make taxpayers truly gnash their teeth is that the giveaways do not ultimately save a dime—and in the long run will be far more expensive than just paying off the depositors would have been.

Continuing with the quote:

Over time, the net worth deficit of the S&Ls—that is, the gap between the value of their assets and the value of their liabil-

ities—will still have to be paid off by the taxpayers. The mergers, acquisitions and bailouts will not improve that situation by one iota. The bailouts, in fact, make it worse, in that the taxpayers now have to make up the tax subsidy as well as the portfolio losses. Further, to add to the government's losses, which is the taxpayer's losses, the bailouts are so cumbersome and attention-getting that they divert the government from closing down the hundreds of other S&Ls still open. Those S&Ls, like their fallen comrades before them, are still offering huge rates on government insured deposits. That skews the whole rate structure of the financial sector. As the dying S&Ls bid up the cost of capital to keep themselves afloat day by day and meet minimum asset requirements, the healthy, well-managed S&Ls are forced to compete and to pay irrationally high rates. In turn, this drags other S&Ls into financial trouble, and starts again the whole cycle of return on assets not keeping pace with cost of liabilities. As it is, the present cost is high enough: $100 billion or more. In the whole history of the United States; there is no precedent for a loss of that magnitude in a single episode of mismanagement and idiocy. One hundred billion dollars is more than the total wage of all the public school teachers in America. It is about the total income of all the active-duty soldiers, sailors and airmen in the U.S. armed forces.

I might point out, Mr. Speaker that at the time this article was written, the acceptable figure, referring to the $100 billion, was $150 billion. I specifically want to emphasize the last part of the foregoing article.

I have been quoting, of course, from Barron's February 20, 1989, an article written by Benjamin S. Stein.

I have two other items I wish to bring out, and I will close. An article in "In These Times" of March 1 of this year, just released yesterday, talks about the possibility of another solution. This is offered instead of Mr. Bush's solution, which is basically to sack the taxpayers, that is, the man who said, "Read my lips, no new taxes," the man who is going to find a deceptive way to make the taxpayers pay through the nose for what they have taken. That is the only way we can describe what has happened.

"In These Times" says this, and I quote:

> Meanwhile, consumer groups are beginning to attack the notion that taxpayers must foot the bill. On February 15 Ralph Nader proposed $40 billion in new taxes to shift the bailout burden from average taxpayers to the wealthy and corporations. Another plan will be proposed by the Association of Community Organizations for Reform Now (ACORN) and Rev. Jesse Jackson.
>
> Nader's plan advocates a 10 percent surcharge on corporate income taxes; 0.5 percent tax on stock sales, increasing the top marginal tax rate to 33 percent from 28 percent; and imposing new taxes on mutual funds, junk bonds, leveraged buyouts and luxury home mortgages. Nader says, "It's folly to place the burden of the S&L scandal on the backs of the average taxpayer instead of on the backs of those far more able to pay."

I disagree with Mr. Nader. I think we should not place the burden on any taxpayers. I think a way should be found to guarantee that the banks, the S&L's, the people who have stolen the money, will be forced to pay back the money and retrieve the money. If we are going to tax corporations and if we are going to tax the people who earn $200,000 or more a year, that money ought to go into education, it ought to go into health care, and we ought to use the money for women, children, and infants. There are many ways to use new tax money other than to pay for a bailout of the S&L's, which in essence is paying for the subsidization of thieves. We are subsidizing those who deserve to be subsidized the least.

My final document is one that I hope will become a part of every Congressman's reading material over the next few weeks. I hope they will pay due tribute to the new chairman of the Banking, Finance and Urban Affairs Committee, Mr. HENRY B. GONZALEZ. I hope they will read Mr. GONZALEZ' little statement called "Making the Bailout Workable." It is an analysis of the administration's plan to solve the current crisis. In the days and weeks since I have been searching for information which throws light on this very difficult and frigthening subject, I have found that this is a most useful and most thorough piece of information.

Mr. GONZALEZ lays out the facts here. Although he is the chairman of the Banking Committee, Mr. GONZALEZ states that he has received the Bush proposal and the bill has been introduced in the Senate, but as chairman of the Banking Committee he will not introduce the bill; he is only going to offer amendments when the bill comes to his full committee. Those amendments will seek to ensure the long-term viability of the Federal Deposit Insurance; second, that the Federal insurance depositer institutions will be kept free of fraud, insider dealing, and gross mismanagement to improve regulation; point 3, institute, quick, certain, and severe penalities for those who abuse, misuse, or defraud federally insured institutions; point 4, a flow of mortgage moneys that meets real housing and community needs; point 5, that the greater burden of the cost of the bailout will be borne by the industry and the affluent and not by the small depositor or the low- and moderate-income families; and point 6, access by individuals and communities to family services on a nondiscriminatory basis.

On that last point, it is very interesting to note that these very same banks or savings and loan associations that are now going bankrupt, that are now failing because of their mismanagement, because of their risky loans, are the ones who also refuse to give loans to local persons who need to get loans to buy homes. They are the ones who are guilty of racial discrimination most often, and recent studies have shown that redlining on the basis of race continues en masse in our big cities.

There is one section of Mr. GONZALEZ' statement which is called "Financing the Plan, the Need for the Full Truth," and I quote from that section:

> The bailout of the savings-and-loan industry is massive and requires the understanding and support of the American public. That support depends on the public's perception that they are being told the full truth, and that the day of smoke-and-mirrors projections has ended. It is essential that cost estimates be based on solid assumptions, not on calculations that have no chance of becoming reality.

And to do that, Mr. GONZALEZ further, in support of all that, offers a table and two simple charts in the back of his statement which say in essence that the cost to the taxpayer at this point of bailing out the savings and loan associations, if we take the $100 billion figure, is likely to be $45 billion. If we get premiums from the savings and loan association accounts and we sell off some assets, whatever we do, under his estimates, we are still going to have to have $45 billion of taxpayers' money concerned, and that will be the case only if we are honest, only if the President is honest and says that we need $45 billion now. If we buy them out right now, it will cost $45 billion, but if we do what the President is proposing to do, the same $45 billion expenditure will go up to $183 billion.

He is proposing to set up a separate corporation to sell bonds and use those bonds to pay off, pay interest on those bonds, and when they get through with that deal, the same people who ripped us off before will be richer than they were before, and they will be involved in that procedure also and take the profit from that, too.

□ 1415

But Mr. GONZALEZ, the chairman of the Banking Committee, says:

> Pay it now. Face the music. Do something to get $45 billion and you will save $138 billion, because the total cost if you don't do it that way, if you do what Mr. Bush proposes to do, will be $183 billion.

I close, Mr. Speaker, by saying that I am angry, I am outraged, I hope the whole Congress will understand the implications of what we are doing.

Nothing can be done about the deficit if we have to go and search for billions of dollars to bail our undeserving thieves and incompetents. Nothing can happen in terms of new initiatives to do anything about the problems we face.

We are going to have a dragon that eats up every dollar, every dime that is available, and that dragon is a despicable dragon. It is a dragon made up of

thieves and incompetents, who do not deserve a single penny from the American taxpayers.

It is our duty on the 200th anniversary of the Congress to make certain that the people's interests are protected, that whatever happens we guarantee that the taxpayers are not the ones who are left footing the bill and suffer what thieves have done.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes on March 7 and 8.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SLATTERY, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

(The following Member (at the request of Mr. OWENS of New York) to revise and extend his remarks and include extraneous material:)

Mr. CLEMENT, for 60 minutes, on March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. DAVIS.

Mr. BROOMFIELD.

Mr. SHAW.

Mr. GALLO.

Mr. CRANE.

Mr. CONTE.

Mr. MILLER of Washington.

Mr. IRELAND.

Mr. RICHARDSON.

Mr. CONTE.

Mr. HORTON in two instances.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. RICHARDSON.

Mr. DARDEN in two instances.

Mr. BATES.

Mr. KENNELLY.

Mr. FASCELL.

Mr. LELAND.

Mr. PENNY.

Mr. FALEOMAVAEGA.

Mr. ATKINS.

SENATE BILLS REFERRED

Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 32. Joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 34. Joint resolution designating the week of April 16, 1989, through April 22, 1989, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989"; to the Committee on Post Office and Civil Service.

S.J. Res. 40. Joint resolution to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 45. Joint resolution designating May 1989 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil Service.

S.J. Res. 56. Joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 58. Joint resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes; to the Committees on Foreign Affairs and Post Office and Civil Service.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, March 6, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table referred as follows:

683. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a proposed transaction involving U.S. export to Algeria in excess of $100, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

684. A letter from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem; including a relevent report by the Secretary General of the United Nations for the period June 1 to November 30, 1988, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

685. A letter from the Acting Secretary of State, transmitting the 12th annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 215n-1; to the Committee on Foreign Affairs.

686. A letter from the Secretary of State, transmitting a copy of Presidential Determination No. 88-11 regarding the certification of 17 major narcotics source and transit countries that have cooperated fully with the U.S. to control narcotics production; that certification of Lebanon is in the vital national interests of the United States, that Afghanistan, Burma, Iran, Laos, Panama, and Syria do not meet the standards; a copy of the 1989 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291-1; to the Committee on Foreign Affairs.

687. A letter from the Acting Director, U.S. Information Agency, transmitting the Agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

688. A letter from the Executvie Director, Advisory Council on Historic Preservation, transmitting a report on the Council's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

689. A letter from the Chairman, National Credit Union Administration, transmitting the agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

690. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting the Bank's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

691. A letter from the Acting Vice President and General Counsel, Overseas Private Investment Corporation, transmitting the Corporation's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

692. A letter from the Director, Human Resources Directorate, U.S. Army Community and Family Support Center, Department of the Army, transmitting the annual report for the U.S. Army Nonappropriated Fund Employee Retirement Plan for the year ended September 30, 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

693. A letter from the U.S. Trade Representative, transmitting a draft of proposed legislation to authorize appropriations for the Office of the U.S. Trade Representative for fiscal years 1990 and 1991, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

694. A letter from the Acting Secretary of Health and Human Services, transmitting a draft of proposed legislation to reduce costs in the Medicare program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

695. A letter from the Co-Chairmen, National Economic Commission, transmitting the Commission's report of recommendations which address the federal budget deficit and at the same time do not impair economic growth, pursuant to Public Law 100-203, section 2103(b)(1) (101 Stat. 1330-35); jointly, to the Committee on Appropria-

tions, Ways and Means, Government Operations, and Rules.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself and Mr. OBERSTAR):

H.R. 1231. A bill to direct the President to establish an emergency board to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units; to the Committee on Public Works and Transportation.

By Mr. BATES (for himself, Mr. HUNTER, Mr. FRANK, Mr. LAGOMARSINO, Mr. GARCIA, and Mrs. BENTLEY):

H.R. 1232. A bill to amend the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. GIBBONS (for himself, Mr. PICKLE, Mr. RANGEL, Mr. GUARINI, Mr. FORD of Tennessee, Mr. DOWNEY, Mr. MATSUI, Mr. ANTHONY, Mr. LEVIN of Michigan, Mr. MOODY, Mrs. JOHNSON of Connecticut, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. FRENZEL, Mr. SCHULZE, Mr. FASCELL, Mr. FAUNTROY, Mr. TOWNS, Mr. CROCKETT, Mr. DYMALLY, Mr. PURSELL, Mr. GILMAN, Mr. GARCIA, Mrs. BENTLEY, Mr. ESPY, Mr. LAGOMARSINO, Mr. DE LUGO, Mrs. BOGGS, Mr. WEISS, Mr. LELAND, Mr. SKELTON, Mr. OWENS of New York, Mr. ROE, Mr. DORNAN of California, Mr. GRAY, Mr. HAYES of Illinois, Mr. NIELSON of Utah, Mr. HAMILTON, Mr. SHUMWAY, Mr. GEJDENSON, Mr. PICKETT, Mr. MCMILLEN of Maryland, Mr. MILLER of Washington, Mr. SMITH of Florida, Mr. ATKINS, and Mr. FROST):

H.R. 1233. A bill to improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 1234. A bill to provide financial assistance to States and localities for high quality early childhood development programs for prekindergarten children, and for other purposes; to the Committee on Education and Labor.

By Mr. BATES (for himself, Mr. OWENS of New York, Mr. FAUNTROY, Mr. TOWNS, Mr. SMITH of New Hampshire, Mr. DEFAZIO and Mr. DELLUMS):

H.R. 1235. A bill to place a moratorium on the relocation of the Navajo and Hopi Indians; under Public Law 93-531, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOKS:

H.R. 1236. A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing; to the Committee on the Judiciary.

By Mr. BUECHNER:

H.R. 1237. A bill to provide rent relief for families residing in lower income housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COOPER (for himself, Mr. SLATTERY, Mr. SYNAR, Mr. SWIFT, Mr. NIELSON of Utah, Mr. TALLON, Mr. ROBINSON, Mr. STAGGERS, Mr. DERRICK, Mr. ROSE, Mr. JENKINS, Mr. SKEEN, Mr. OBEY, Mr. MARLENEE, Mr. WATKINS, Mr. GUNDERSON, Mr. WEBER, Mr. CLEMENT, Mr. SCHUETTE, Mr. SOLOMON, Mr. ROBERT F. SMITH, Mr. ENGLISH, Mr. COMBEST, Mrs. SMITH of Nebraska, Mr. OBERSTAR, Mr. MCCURDY, Mr. MURPHY, Mr. MCCLOSKEY, Mr. JONTZ, Mr. ROGERS, Mr. BEREUTER, Mr. KASTENMEIER, Mr. HAMILTON, Mr. CAMPBELL of Colorado, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. TRAXLER, and Mr. STENHOLM):

H.R. 1238. A bill to require the Federal Communications Commission to include safeguards for protection of subscribers of small telephone companies in any changes in the method of regulating interstate telephone service rates; to the Committee on Energy and Commerce.

By Mr. COURTER (for himself and Mr. DOUGLAS):

H.R. 1239. A bill to amend title 18 of the United States Code to limit the exclusion of evidence obtained as a result of a search or seizure; to the Committee on the Judiciary.

By Mr. CROCKETT (for himself, Mr. FASCELL, Mr. GIBBONS, Mr. GUARINI, Mr. FRENZEL, Mr. HAMILTON, Mr. STUDDS, Mr. KOSTMAYER, Mr. WEISS, Mr. FUSTER, Mr. JOHNSTON of Florida, Mr. SOLARZ, Mr. GEJDENSON, Mr. FAUNTROY, Mr. PEASE, Mr. CRANE, Mr. BUSTAMANTE, Mr. DE LUGO, Mr. FOGLIETTA, Mr. DELLUMS, Mr. LELAND, Mr. GRAY, Mr. TOWNS, Mr. ACKERMAN, Mr. RANGEL, Mr. PETRI, Mr. ROE, Mr. WHEAT, Mr. BROWN of California, Mr. DYMALLY, Mr. NIELSON of Utah, Mr. RICHARDSON, and Mr. ATKINS):

H.R. 1240. A bill to promote equitable economic growth and participatory development, national and regional economic integration, environmental sustainability, food security, and self-reliance in the Caribbean through responsive aid and development policies and programs; to the Committee on Foreign Affairs.

By Mr. DAVIS:

H.R. 1241. A bill to establish the Calumet National Historical Park in the State of Michigan, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DORNAN of California:

H.R. 1242. A bill to amend the Internal Revenue Code of 1986 to index the basis of capital assets; to the Committee on Ways and Means.

By Mr. ERDREICH (for himself and Mr. HARRIS):

H.R. 1243. A bill to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research; to the Committee on Science, Space, and Technology.

By Mr. GALLO (for himself, Mrs. ROUKEMA, Mr. COURTER, Mr. PAYNE of New Jersey, Mr. FLORIO, Mr. RINALDO, Mr. PALLONE, Mr. ROE, Mr. DWYER of New Jersey, and Mr. SAXTON):

H.R. 1244. A bill to require that the Office of Personnel Management include certain areas within its "Study of Federal Employees Locality Pay", and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of South Dakota:

H.R. 1245. A bill to amend the Agricultural Act of 1949 to set the target price for oats at $2.52 per bushel for the 1990 crop and to clarify the administration of the feed grain crop acreage base provisions of such act; to the Committee on Agriculture.

By Mr. JONTZ (for himself and Mr. EVANS):

H.R. 1246. A bill to allow subsequent holders of certificates issued under section 107E of the Agricultural Act of 1949 to redeem such certificates in the same manner as original holders of such certificates; to the Committee on Agriculture.

By Mr. LAGOMARSINO:

H.R. 1247. A bill to authorize the Agency for International Development to pay the expenses of an election observer mission for the May 1989 presidential elections in Panama; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself, Mr. FLORIO, Mr. RITTER, Mr. NIELSON of Utah, Mr. BRYANT, Mr. MCCURDY, and Mr. BEREUTER):

H.R. 1248. A bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council; jointly, to the Committees on Armed Services and the Permanent Select Commission on Intelligence.

By Mr. LEVINE of California (for himself, Mr. ATKINS, Mr. WAXMAN, Mr. WHITTAKER, Mr. HANSEN, Mr. VISCLOSKY, Mr. DE LUGO, Mrs. COLLINS, Mr. GARCIA, Mrs. BOXER, Mr. ANDREWS, and Mr. KILDEE):

H.R. 1249. A bill to make exports of cigarettes and the advertising of cigarettes abroad subject to the same restrictions on labeling and advertising of cigarettes as apply to the sale of distribution and advertising of cigarettes in the United States, and for other purposes; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER and Mr. BATES):

H.R. 1250. A bill to provide that the promotion and certain advertising of tobacco products to children and the sale from vending machines of tobacco products to children violate the Federal Trade Commission Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 1251. A bill to amend section 102 of the Social Security Amendments of 1983 to include individuals between the ages of 46 and 55 within the special provisions—now applicable only to individuals age 55 or over—which liberalize the insured status requirements for certain employees of nonprofit organizations whose services were mandatorily covered by such amendments; to the Committee on Ways and Means.

H.R. 1252. A bill to amend section 224 of the Social Security Act to permit an individual who is entitled both to disability insurance benefits and to other periodic benefits, and who is consequently subject to benefit reduction under that section, to lessen the amount of such reduction by taking into account certain noncovered earnings in the year of his or her disability and the 5 preceding years; to the Committee on Ways and Means.

By Mr. OWENS of New York:

H.R. 1253. A bill to require the Bureau of Labor Statistics to collect and report unemployment and related statistics by congressional districts; to the Committee on Education and Labor.

H.R. 1254. A bill to provide for fair and nonpartisan administration of Federal elections; to the Committee on House Administration.

H.R. 1255. A bill to require that the Librarian of Congress be appointed from

among individuals with specialized training or significant experience in the field of library and information science; to the Committee on House Administration.

H.R. 1256. A bill to amend title 18, United States Code, to eliminate the effect of the parental exception to the kidnaping prohibition in cases of kidnapings in violation of valid custody orders; to the Committee on the Judiciary.

H.R. 1257. A bill to amend title 39, United States Code, to require the disclosure of certain information in connection with the solicitation of charitable contributions by mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1258. A bill to amend title 38, United States Code, to provide that surviving spouses of enlisted members of the Armed Forces who served during a period of war before World War II and who died of a service-connected disability shall be entitled to dependency and indemnity compensation [DIC] at no less than the rate for the surviving spouses of veterans whose highest pay grade was E-3; to the Committee on Veterans' Affairs.

By Mr. PANETTA (for himself, Mr. GRADISON, Mr. WAXMAN, Mr. MADIGAN, Mr. GEJDENSON, Mr. MATSUI, Mrs. BOXER, Ms. PELOSI, Mr. BERMAN, Mr. DE LUGO, Mr. TOWNS, Mr. GREEN, Mr. OWENS of New York, Mr. EDWARDS of California, Mr. GARCIA, and Mr. BILBRAY):

H.R. 1259. A bill to amend the title XIX of the Social Security Act to require hospice coverage under the medicaid program; to the Committee on Energy and Commerce.

By Mr. PEASE:

H.R. 1260. A bill to reform the Federal deposit insurance system by limiting the amount of insurable deposits of any person to $100,000; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PENNY:

H.R. 1261. A bill proposing an amendment to the Constitution of the United States allowing an item veto in appropriation acts; to the Committee on the Judiciary.

By Mr. PENNY (for himself, Mr. FRENZEL, Mr. ROBINSON, Mr. LEWIS of Florida, Mr. DORGAN of North Dakota, Mr. OWENS of Utah, and Mr. STENHOLM):

H.R. 1262. A bill to amend the congressional budget process to provide for a pay-as-you-go budget for the United States, to provide for a biennial budget for the United States, and to provide line-item veto authority for the President, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. RAHALL (for himself and Mr. LEHMAN of California):

H.R. 1263. A bill to amend the Public Utility Regulatory Policies Act of 1978 to terminate the application of section 210 of that act to hydroelectric power facilities; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.R. 1264. A bill to amend title XVIII of the Social Security Act to include mechanical ventilators under the definition of prosthetic devices; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. DORGAN of North Dakota, Mr. SKEEN, Mr. SCHIFF, Mr. JOHNSON of South Dakota, and Mr. KILDEE):

H.R. 1265. A bill to amend the Carl D. Perkins Vocational Education Act to establish a program of grants for vocational-technical training and to encourage tribal economic development, to provide for the designation of the National Indian Center for Research in Vocational-Technical Training, and for other purposes; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 1266. A bill to amend title 18 of the United States Code to stiffen the penalties for bank fraud; to the Committee on the Judiciary.

By Mr. RITTER (for himself and Mr. LEVINE of California):

H.R. 1267. A bill to stimulate the design, development, and manufacture of high definition television technology, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Science, Space, and Technology, and Government Operations.

By Mr. SCHEUER (for himself, Ms. SCHNEIDER, Mr. BROWN of Calfornia, Mr. KASTENMEIER, Mr. HOCHBRUECKNER, Mr. HENRY, Mrs. COLLINS, Mr. BATES, Mr. CLARKE, Mr. ROE, Mr. FUSTER, Mr. PRICE, Mr. BEILENSON, Ms. PELOSI, Mr. OWENS of New York, Mr. VALENTINE, Mr. AKAKA, Mr. HAMILTON, Mr. GILMAN, Mr. NELSON of Florida, Mr. DE LUGO, Mr. TOWNS, Mr. BOEHLERT, Mrs. SAIKI, Mrs. MORELLA, Mr. BONIOR, Mr. MINETA, Mr. WALGREN, Mr. RAVENEL, Mr. CONYERS, Mr. SCHUETTE, Mr. WAXMAN, Mr. WOLPE, Mr. LEWIS of Georgia, Mr. CARPER, Mr. LANTOS, Mr. PALLONE, Mr. SMITH of New Hampshire, Mr. RITTER, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. FOGLIETTA, Mr. GARCIA, Mr. DOWNEY, Mr. HAYES of Illinois, Mr. JONTZ, Ms. OAKAR, Mr. ATKINS, Mr. KOSTMAYER, Mr. GINGRICH, Mr. PORTER, Mr. EVANS, Mr. MRAZEK, Mr. MFUME, Mr. MATSUI, Mr. COOPER, Mr. SABO, Mr. FAUNTROY, Mr. NEAL of North Carolina, Mr. BUECHNER, Mr. HAWKINS, Mr. ACKERMAN, Mr. BORSKI, Mr. MCHUGH, Mr. KENNEDY, Mr. RANGEL, Mr. ROSE, Mr. LEVINE of California, Mr. MOODY, Mrs. MEYERS of Kansas, Mr. SMITH of Vermont, Mr. VENTO, Mr. SIKORSKI, Mr. PEASE, Mr. MCMILLEN of Maryland, Mr. LEVIN of Michigan, Mrs. BOXER, Mr. LELAND, Mr. KOLTER, Mr. LEACH of Iowa, Mr. COYNE, Mr. BERMAN, Mr. FORD of Tennessee, Mr. OWENS of Utah, Mr. EDWARDS of California, Mr. SKAGGS, Mr. WEISS, Mr. OBERSTAR, Mr. BOSCO, Mr. HUGHES, Mr. LIPINSKI, Mr. NOWAK, Mr. FISH, Mr. CLAY, Mr. TORRES, Mr. SOLARZ, Mr. RIDGE, Mr. MILLER of Washington, Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. STARK, Mr. HARRIS, Mr. TANNER, Mr. DELLUMS, Mr. DIXON, Mr. YATES, Mr. SHAYS, and Mr. MCNULTY):

H.R. 1268. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; jointly, to the Committees on Science, Space, and Technology and Merchant Marine and Fisheries.

By Mr. SHAW:

H.R. 1269. A bill to amend the Immigration and Nationality Act to make use of the employment verification paperwork system voluntary; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.R. 1270. A bill to amend title XVIII of the Social Security Act to permit certain rural hospitals to elect to be paid for inpatient hospital services on a cost basis, and for other purposes; to the Committee on Ways and Means.

H.R. 1271. A bill to amend title XVIII of the Social Security Act to eliminate increases in the prevailing charge levels for certain physicians' services under part B of such title in any case where such an increase would raise a prevailing charge level above the national median prevailing charge level for any such service; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. SNOWE:

H.R. 1272. A bill to amend title II of the Domestic Volunteer Service Act of 1973 to require that priority be given to funding programs of national significance; to the Committee on Education and Labor.

By Mr. TALLON:

H.R. 1273. A bill to repeal the restrictions added by the Tax Reform Act of 1986 on the deduction for retirement savings; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 1274. A bill to establish as an executive department of the Government a Department of International Trade and Industry, to establish the National Oceanic and Atmospheric Administration and the Bureau of the Census as independent agencies, and for other purposes; jointly, to the Committee on Government Operations, Energy and Commerce, Foreign Affairs, Merchant Marine and Fisheries, Post Office and Civil Service, Science, Space, and Technology, and Ways and Means.

H.R. 1275. A bill regarding the convening of a White House Conference on International Trade; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. WELDON:

H.R. 1276. A bill to amend title 10, United States Code, to prohibit any individual convicted of contract-related fraud and any suspended or debarred contractor from entering into subcontracts with defense contractors; to the Committee on Armed Services.

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.J. Res. 171. Joint resolution to designate 1989 as the "Centennial Year of the National Zoo"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York:

H.J. Res. 172. Joint resolution proposing an amendment to the Constitution of the United States to provide that the United States shall guarantee to each person the right to employment opportunity; to the Committee on the Judiciary.

ByMr. CONTE:

H. Con. Res. 65. Concurrent resolution concerning relations between the United States and Sudan; to the Committee on Foreign Affairs.

By Mr. LEACH of Iowa (for himself and Mr. KASTENMEIER):

H. Con. Res. 66. Concurrent resolution calling for the creation of an International Criminal Court with jurisdiction over internationally recognized crimes of terrorism, illicit international narcotics trafficking, genocide, and torture, as those crimes are defined in various international conventions; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H. Con. Res. 67. Concurrent resolution calling upon the President to grant asylum to those individuals who seek asylum in the United States rather than serve in the South African armed forces in support of apartheid; to the Committee on the Judiciary.

By Mr. ASPIN (for himself and Mr. DICKINSON):

H. Res. 99. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the first session of the 101st Congress; to the Committee on House Administration.

By Mr. MICHEL:

H. Res. 100. Resolution electing Representative Walsh of New York to the Committee on House Administration; considered and agreed to.

By Mr. IRELAND (for himself and Mrs. SCHROEDER):

H. Res. 101. Resolution expressing the sense of the House of Representatives regarding implementation of the INF Treaty and more equitable defense burdensharing; to the Committee on Foreign Affairs.

By Mr. MILLER of California (for himself and Mr. SOLARZ):

H. Res. 102. Resolution expressing the sense of the House of Representatives concerning the death threats issued by Ayatollah Ruhollah Khomeini of Iran against British author Salman Rushdie and other persons associated with the publication and distribution of the book; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

25. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to an investigation by the ICC on the abandonment of the Teton Valley Branch line; to the Committee on Energy and Commerce.

26. Also, memorial of the Legislature of the State of Idaho, relative to revising the Medicare Catastrophic Coverage Act of 1988 to modify the impact upon individual senior citizens; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. DIXON, Mr. JOHNSTON of Florida, and Mr. LEVIN of Michigan.

H.R. 22: Mr. BOUCHER, Mr. SHAYS, Mr. BONIOR, Mr. PEASE, Mr. WALGREN, and Mr. JACOBS.

H.R. 109: Mr. DARDEN and Mr. BARNARD.

H.R. 111: Mr. ESPY and Mr. CROCKETT.

H.R. 245: Mr. HAWKINS, Mr. BOSCO, Mr. LEHMAN of California, Mr. FAZIO, Mr. LANTOS, Mr. PACKARD, Mr. MOORHEAD, Mr. ROYBAL, and Mr. MILLER of California.

H.R. 316: Mr. HUNTER.

H.R. 423; Mr. PURSELL, Mrs. MARTIN of Illinois, Mr. BILIRAKIS, Mr. BILBRAY, and Mr. COMBEST.

H.R. 436: Mr. HALL of Texas, Mr. DURBIN, Mr. ECKART, and Mr. WYDEN.

H.R. 510: Mr. EVANS, Mr. HUCKABY, Mr. LIPINSKI, Mr. SMITH of Mississippi, Mr. TAUZIN, Mr. PENNY, and Mr. LIGHTFOOT.

H.R. 614: Mr. BLAZ.

H.R. 641: Mr. EVANS.

H.R. 683: Mr. BENNETT, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. DORGAN of North Dakota, Mr. FAWELL, Mr. HASTERT, Mr. HATCHER, Mr. HUGHES, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mrs. MARTIN of Illinois, Mr. SHAYS, Mr. WEBER, and Mr. WHITTAKER.

H.R. 720: Mr. HAWKINS, Mr. TORRES, Mr. MARTINEZ, Mr. TORRICELLI, Mr. BOEHLERT, Mr. DIXON, Mr. MCHUGH, Mr. YATES, Mr. WEISS, and Mr. SHAYS.

H.R. 762: Mr. RAHALL, Mr. COLEMAN of Texas, Mr. MOLLOHAN, Mr. SYNAR, and Mr. DE LA GARZA.

H.R. 768: Mr. POSHARD and Mrs. MARTIN of Illinois.

H.R. 950 Mr. DE LUGO and Mr. EVANS.

H.R. 971: Mr. SLATTERY, Mr. BOUCHER, Mrs. COLLINS, Mr. HARRIS, Mr. DONALD E. LUKENS, Mr. OWENS of New York, Mr. GORDON, Mr. DEFAZIO, Mrs. PATTERSON, Mr. LAFALCE, Mr. SKEEN, and Mr. ATKINS.

H.R. 987: Mr. FLORIO, Mr. ECKART, Mr. GUARINI, Mr. LANTOS, Mr. SCHEUER, Mr. HAYES of Louisiana, Mr. DIXON, Mr. TORRICELLI, and Mr. SYNAR.

H.R. 995: Mr. PACKARD, Ms. PELOSI, Mr. GRANT, and Mr. BENNETT.

H.R. 996: Mr. PERKINS, Mr. SCHEUER, Mr. FAUNTROY, Mr. BOUCHER, Mr. NEAL of Massachusetts, Mr. PAYNE of Virginia, Mr. NELSON of Florida, Mr. DE LUGO, Mr. WOLF, Mr. MCDERMOTT, Mr. HILER, Mr. HUCKABY, Mr. GARCIA, Mr. DYMALLY, Mr. BRUCE, Mr. BROWN of Colorado, Mr. BONIOR, Mr. DWYER of New Jersey, Mr. LIPINSKI, Mrs. MARTIN of Illinois, Mr. HATCHER, Mrs. BOXER, Mr. SLAUGHTER of Virginia, Mr. TORRICELLI, and Mrs. COLLINS.

H.R. 1005: Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mr. WEISS, Mr. ATKINS, Mr. LEWIS of Georgia, Mr. ACKERMAN, Mr. DE LUGO, Ms. OAKAR, Mr. BUSTAMANTE, and Mr. GARCIA.

H.R. 1044: Mr. CHAPMAN, Mr. EVANS, and Mrs. BOXER.

H.R. 1095: Mr. ATKINS, Mr. BROWN of Colorado, Mr. EVANS, and Mrs. MARTIN of Illinois.

H.R. 1096: Mr. COURTER, Mr. PAYNE of New Jersey, and Mr. HUGHES.

H.R. 1114: Mr. DYMALLY.

H.R. 1131: Mr. MORRISON of Connecticut.

H.R. 1140: Mr. QUILLEN, Ms. KAPTUR, Mr. FROST, and Mr. BARNARD.

H.R. 1185: Mr. HENRY, Mr. DELLUMS, Mr. JONTZ, Mr. DEFAZIO, Mrs. BENTLEY, and Mr. BARNARD.

H.R. 1195: Mr. PACKARD.

H.J. Res. 77: Ms. KAPTUR and Mr. MOORHEAD.

H.J. Res. 103: Mr. KILDEE, Mr. KLECZKA, and Mr. BARTLETT.

H.J. Res. 154: Mr. KANJORSKI, Mr. LEVINE of California, Mr. PEPPER, Mr. CLINGER, and Ms. SCHNEIDER.

H. Con. Res. 30: Mrs. SMITH of Nebraska, Mr. DANNEMEYER, and Mr. PACKARD.

H. Res. 18: Mr. WALKER, Mr. MOORHEAD, Mr. ROBERT F. (BOB) SMITH, Mr. MARTIN of New York, Mr. DYMALLY, Mr. RHODES, Mr. THOMAS of California, Mr. MORRISON of Connecticut, Mrs. MEYERS of Kansas, Mr. FRENZEL, Mr. OLIN, Mr. DANNEMEYER, Mr. GUNDERSON, Mr. HILER, Mr. SHUMWAY, Mr. DONALD E. LUKENS, Mr. HAMMERSCHMIDT, Mr. LENT, Mr. RAVENEL, Mr. BATEMAN, Mr. CRANE, Mr. KYL, Mr. BROWN of Colorado, Mr. COBLE, Mr. COMBEST, Mr. IRELAND, Mr. DENNY SMITH, Mr. FAWELL, Mr. SOLOMON, Mrs. JOHNSON of Connecticut, Mr. SUNDQUIST, Mr. HENRY, Mr. HASTERT, Mr. LIGHTFOOT, Mr. PORTER, Mr. FIELDS, Mr. BENNETT, Mr. DEFAZIO, Mr. WHITTAKER, Mrs. MORELLA, Mr. QUILLEN, Mr. GALLEGLY, and Mr. BOEHLERT.

SENATE—*Thursday, March 2, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, sovereign Lord of history and the Nation, we thank Thee for our Founding Fathers—their wisdom, their vision. Their intent is often debatable—their convictions are not. Help us take seriously those convictions, fundamental to their vision for nationhood.

On this significant day, we recall "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Eternal Father, help us understand that a Creator God is basic to human rights, government dedicated to preserve those rights, and a sovereign people from whom that government derives its authority. We ask this in His name who is King of Kings and Lord of Lords.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, at 9:45 this morning the Senate will recess in order to accommodate the 10 a.m. joint meeting with the House, which will commemorate the 200th anniversary of the Congress' first meeting.

Following the joint meeting the Senate will reconvene at noon. There will be a period for morning business between 12 noon and 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

At 12:30 p.m. the Senate will begin its deliberations on the nomination of John Tower to be Secretary of Defense.

In accordance with the schedule for Senate proceedings which I announced in January, it is my intention that the Senate will remain in session through this evening, Thursday being the late day in the schedule which I announced.

And as I indicated at the request of the distinguished Republican leader yesterday, it is my hope to take up the Derwinski nomination later this evening if the committee with jurisdiction acts prior to that time and recommends the nomination to the Senate.

RESERVATION OF LEADERSHIP TIME

Mr. MITCHELL. I reserve the remainder of my time and I reserve the leader's time for the distinguished Republican leader.

QUORUM CALL

Mr. MITCHELL. I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DANGER OF CHEMICALS

Mr. REID. Mr. President, we utilize state-of-the-art chemicals in the manufacturing of materials for our Nation's defense. We pride ourselves on the results, which reflect enhanced performance and quality. But in the past year, things have gone astray.

Last May, I was made painfully aware of the danger of chemicals. In the town of Henderson, NV, where I graduated high school, right outside the heavily populated metropolis of Las Vegas, Nevadans witnessed the explosion of the Pacific Engineering and Production Co. The blast, triggered by chemicals used for the shuttle and other rocket systems, demolished everything in its path.

A blue ribbon panel, headed by then Lieutenant Governor—and now Governor—Bob Miller, studied the situation and concluded in a report that "the most unsettling fact we learned was that we have such limited knowledge regarding the identification, location, utilization and transportation of hazardous materials."

The Henderson study focused on the community's right to know about the potential hazards of chemicals utilized in plants near their homes. This is a perfectly valid concern, but let us not lose sight of an employee's right to know the dangers of the chemicals he comes into contact with on a daily basis.

At some point, impact on the employee spreads to others in the community. One man who was adversely affected by chemicals in an aerospace manufacturing plant comes home at night and is afraid to hug his 5-year-old son. The man fears that the chemicals will rub off on his son's skin, inflicting the same problems he himself suffers.

This man, and over 100 others like him, is the catalyst for a hearing I will chair Monday before the Senate Environment and Public Works Subcommittee on Toxic Substances, Environmental Oversight, and Research and Development. The hearing will focus on the potentially deadly chemicals handled by aerospace and defense employees.

These workers utilize new chemical compounds found in composites—a plastic-like material of great strength that is supplanting the use of metals and other materials. Scientists say composites will replace much of the metal now used in aircraft and automobiles within the decade.

These chemical compounds represent a new and improved technology—a definite boon to our production and manufacturing capabilities.

The effect has not been so positive for those who work with the chemical compounds. These people have experienced sickness, recurring pains, and—in some cases—tragic deaths from cancer.

I wonder, Mr. President, if we are promoting a strong defense at the expense of our hardworking citizens? Some of those plagued by health problems are involved in the manufacture of the Stealth Fighter, an aircraft that will be based in Nevada at the Tonopah Test Range Airfield. There is no question that this is good for Nevada, and good for the country.

But what happens to the people who build these planes—who work in a secretive environment referred to as the "Black World."

When employees aired their grievances, they were threatened with prosecution for national security violations.

Inspectors at the Occupational Safety and Health Administration are denied access to manufacturing facilities. They are kept from investigating safety conditions because of the top secret work that goes on behind closed doors.

Congress must ensure that Americans who work to keep our country safe are protected themselves.

Boeing's chief medical officer says: "Every single chemical we use is dangerous." Juxtapose that statement, Mr. President, with an editorial written by Lockheed's president of Aeronautical Systems in his company's employee newsletter.

He writes,

I cannot emphasize too strongly that we have seen nothing to indicate the materials we work with are fundamentally unsafe or pose a health hazard.

With these conflicting signals, it is clear that the present controls governing new materials and employee safety and health are inadequate.

We cannot dismiss what is happening now, as Lockheed does. Company officials claim they are barraged by mere "nuisance dust complaints."

If that is the case this certainly must be the most debilitating, damaging dust known to the world.

I hope that on Monday, with the spate of witnesses who will appear before the subcommittee, we can begin to shed some light on what is really happening, and what we can do to make sure that our defense workers are safe in their own country, and in their own workplace.

THE TOWER NOMINATION

Mr. DOLE. Mr. President, later today we are going to move to the Tower nomination and I hope that we can have a good debate. As I said last evening, it is our hope that we can persuade our colleagues on both sides of the aisle to confirm the nomination. We will be addressing the reasons that we believe the nomination should be confirmed and I would also add that it is my hope that some on both sides, obviously, have open minds. We understand there are a number of each side who do have. We can make the case for John Tower.

I must say, also, that it is a bit more difficult when we pick up this morning's Washington Post and find a couple of well-leaked stories on the front page.

It is interesting to note that these leaks would appear today, the day the debate starts. They are not even included in the FBI report but available to some in the Senate Armed Services Committee and I assume someone there must have been the source.

So I would just hope as we get into this debate, we are going to base it on the merits, not on the leaks, not on more falsehoods and more rumors about John Tower, on some uncorroborated statement by somebody somewhere about incidents in 1976 and 1977.

He does not deserve that. The institution does not deserve that. And Members of this body do not deserve that.

While we hope that we can keep this debate on a high plane, it is going to be more and more difficult if we continue to see more and more information leaked to the press by someone—obviously, someone who wants to do in John Tower.

If we are going to have a high-level debate, as I trust we will, and if we can still find this spirit of bipartisanship, as I believe we can, then we have to be prepared to accept some responsibility on both sides for unfair tactics. Certainly leaking to the press matters that were not even in the FBI report, in my view, borders on being quite unfair.

I reserve the remainder of my time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—COMMEMORATION OF THE BICENTENNIAL OF THE U.S. CONGRESS

The ACTING PRESIDENT pro tempore. The hour of 9:45 a.m. having arrived, under the previous order, the Senate stands in recess until 12 o'clock noon.

Thereupon, the Senate at 9:45 a.m., recessed until 12 o'clock noon and proceeded to the Hall of the House of Representatives to commemorate the Bicentennial of the U.S. Congress.

(For the ceremony in Commemoration of the Bicentennial of the U.S. Congress, see today's proceedings in the House of Representatives.)

At 12 noon, the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer [Mr. SIMON].

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes, with Senators permitted to speak therein for 5 minutes each. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAFEE pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. SANFORD. Mr. President, may I inquire of the time limitations?

The PRESIDING OFFICER. The Chair is under instructions from a previous standing order that at the hour of 12:30 the Senate will go into executive session. As a result, the Senator has about 4 minutes.

Mr. SANFORD. I think that I will wait until later to make my presentation then.

THE BUDGET DEFICIT

Mr. SANFORD. Mr. President, since we have 2 or 3 minutes, I will simply point out that I want to begin talking about the budget, about the deceit in the budget, about the fact that in spite of claims that we are reducing the deficit, we are not reducing the deficit, and that the debt is continuing to climb.

I view this as a matter of dishonesty. The debt is bad enough, and the deceit is even worse.

I think it is a matter of national honor and a matter of simple honesty. I want to talk about it when I can take the full time, and so I yield the floor.

JOINT MEETING OF THE CONGRESS CELEBRATING THE 200TH YEAR OF CONGRESS

Mr. THURMOND. Mr. President, I ask unanimous consent that remarks I delivered on the floor of the House of Representatives on this day be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR STROM THURMOND ON THE HOUSE FLOOR, JOINT MEETING CELEBRATING 200TH YEAR OF CONGRESS

Mr. THURMOND. Mr. President, it is with great pride that I stand before you today as a Member of this historic body now celebrating its 200th year of service to our Nation. When 55 delegates to the Constitutional Convention met in Philadelphia in the summer of 1787 to structure a Government that would ultimately bind our 50 States, they faced a momentous task. How could they create a body which governed the people, and yet was governed by the people? James Madison perhaps said it best when he stated, "in framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

This concern was addressed in the Constitution, our Nation's most important document. As designed by our ancestors in Philadelphia, the Constitution clearly states the role government should play in our lives. For more than 200 years our Constitution has provided the framework for a government which has survived and prospered through the frailties of man and the metamorphosis of a nation. We as the elected Members of this congressional body must never lose sight of the intentions outlined in this document. If we fail to abide by the limitations and directives put forth by our forefathers, then we fail to carry out the spirit upon which our Nation was founded.

Our past has been rich in growth and prosperity, a circumstance Members of the First Congress tried to envision when writing the Constitution. Although their task was daunting, their success was unquestioned.

Our future rests with abiding by the principles laid out in this historic document. Straying from its confines, which occurs all too frequently, can be dangerous.

As we celebrate this historic anniversay today, let us not forget both the spirit and intention of the brave men who penned the Constitution.

HAIL TO JAMAICA FOR THE PEACEFUL ELECTORAL PROCESS

Mr. PELL. Mr. President, the election held in Jamaica a few weeks ago in which Michael Manley once again was chosen to head the Government was indeed a significant event. It was especially noteworthy because of the peaceful electoral process, underlined by the absence of the bloody violence which took place in the election of 1980 but also by the remarkably civil manner in which Michael Manley and defeated Prime Minister Edward Seaga handled the outcome on election night.

Bruce Sundlun, a businessman from Providence and the Democratic candidate for Governor this past fall, was an eyewitness to this most positive process. Mr. Sundlun, with his experience as a member of the OAS election observer team in 1980 in his thoughts, describes in very clear detail election day in which Jamaicans peacefully voted to return Manley to power.

I recommend that my colleagues read Bruce Sundlun's piece which appeared in the Providence Journal on February 16 in order to gain a sense of the meaning of the peaceful election to Jamaica. I ask unanimous consent that the article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITNESS TO CHANGE: JAMAICA WILL MAKE IT

(By Bruce Sundlun)

HOPEWELL, JAMAICA.—In relative peace, Jamaica changed its government last week, in remarkable contrast to the violence this small country suffered during a change in power several years ago.

Michael Manley and his Peoples National Party won big, with 44 of the 60 seats in Parliament. He had previously headed the government from 1972 through 1980, when he lost to Edward Seaga and the Jamaica Labor Party in a violent election. Seaga won again in 1983 in a quickie election which Manley and his party boycotted, and this time Seaga was seeking an unprecedented third term. That and "time for a change" became major issues against him.

Last week's election was much different from 1980, when Manley was under Fidel Castro's influence, Jamaica was full of Cubans and guns, and 750 people were killed by thugs working for both parties. This time one woman was shot, apparently accidentally, by police; nine died during the whole campaign.

In 1980, I was with an Organization of American States observer team here in Hopewell, a hilly town of 15,000 voters on the northwest coast, near Montego Bay. Thugs had stolen all the rental cars from the airport and were riding around with rifles. There was fear of a military coup, tension in the streets, and hatred between each party's workers.

But last week in Hopewell, everything was calm, even dull, as 70 percent of eligible voters went to the polls under pretty good political organization. The polling places were secured by spic-and-span Jamaican police, soldiers in full battle dress with automatic rifles, and special constables with billy clubs. But all that force was not needed.

The people clearly wanted peace. Manley and Seaga had formally signed a peace accord guaranteeing no violence by their party workers, and the media had advised everyone to go home after voting, not to leave home with anyone claiming to be a policeman unless identification was sure, and to take down the license numbers of strange cars in the neighborhood. The process seemed to work well, and aside from some screaming and yelling at a few polling places in Kingston, there was an eerie quiet throughout the nation.

Early on election day, Seaga went on television to claim fraud, but there did not appear to be any evidence. Manley pointed out that the Election Commission was independent, with representatives from both parties, and its chairman was reporting things going smoothly.

At eleven in the morning, I went to JLP headquarters in Hopewell and had a friendly talk with Stanton Russell, headquarters manager, and Franklin D. Jackson, the JLP candidate from Hanover Parish. They told me there were 80 polling places in the parish, and they had seven people working each location, and four portable radios. The voting lists were computerized, and poll watchers were "guesstimating" the JLP to be ahead, 99-94.

At PNP headquarters, on the second floor of an abondoned building, there was a crowd of people who could not figure out why I was there, but politely let me through. Cleveland Wright, campaign manager and union representative, showed me his papers which forecast a PNP victory for Aston King by 1,700 votes. (He won by 1,424.) Wright was concerned that the JLP might try to vote the names of Jehovah's Witnesses, who don't vote, or people who had moved to the United States. His count showed the PNP ahead, 452-259.

At polling place 41-B, in a small church, there were four ballot boxes, each on a bridge table with an officer and a checker from each party—all women. They could not have been more pleasant, and showed me how voters dip their fingers in a semi-permanent dye, and mark their paper ballot behind a screen. The soldier and policeman on duty were relaxing in the shade.

At 3:30, PNP headquarters showed their party leading 920-523, and the JLP claimed to be ahead 2,113-1,530. Obviously, somebody was kidding himself; the results later showed the JLP to be wrong. At 4:15, a check at three polling places showed about 70 percent of the eligible vote in, with 45 minutes to go. There was no one in line.

The returns came in fast on the government-owned television station, and from the beginning, PNP candidates almost everywhere were winning. The commentators were very good, but the production reminded me of the 1950s. The news reports were terrible showing over and over the one pushing and shoving incident that occurred in Kingston, and disregarding the big story: The peaceful election.

Throughout the evening, the PNP lead was never in doubt, establishing a 57-43 percent advantage at 8:15 and holding all night. Commentators filled the gaps between returns with agreement that it had been bad to delay the election into the tourist season, that the acrimony during the campaign had been excessive, and that negative ads had been ineffective and rejected by the voters. Commentators pointed out that the results

were the same as in the 1986 local elections, so not much had changed in two years.

Prime Minister Seaga graciously conceded at 10:30, relieving those commentators who had feared he might be bitter, critical and antagonistic. Prime Minister-elect Manley, who in 1980 had been called a communist, went out of his way to start his victory speech with a prayer by an Anglican priest. He, too, was gracious, saying it was "not a time to crow," and thanking the people for a second chance to lead the country.

He particularly praised the security forces for a peaceful election, and made clear that the winners in the election had "a responsibility to those who lost." He asked for a quick meeting with Mr. Seaga to discuss housing, education and training for the young, and closed by asking for God's help. It was an impressive speech.

The day after the election was a holiday in Jamaica, sunny and tranquil. The nation did well.

THE REFUGEE ACT

Mr. SIMPSON. Mr. President, it has been less than 10 years since we passed the Refugee Act. That law was intended to eliminate our former ad hoc approach to refugee situations and to insure greater equity in our treatment of refugees. We believed it would eliminate the former discriminatory treatment of refugees by providing the Nation with a new definition focusing on the humanitarian plight of the refugees themselves—as opposed to national origins and political considerations.

The Refugee Act provided for a normal refugee flow of 50,000 persons per year with provisions for the emergency admission of additional refugees whose lives were placed in immediate jeopardy where their personal safety was threatened, or where there was an imminent possibility of their loss of freedom. The Refugee Act of 1980 was to establish for the first time a coherent and comprehensive U.S. refugee resettlement and assistance policy.

But the Refugee Act has not worked quite as well as we might have wished. While the bill raised the annual limitation on regular refugee admissions from 17,400 to 50,000, we have far exceeded the 50,000 in every year since the bill's passage. While we adopted the international nonideological definition of refugee, we have had great difficulty in eliminating our former bias in favor of persons fleeing Communist countries. While we intended to provide Federal support for the resettlement for all refugees entering the United States, we have been unable to find sufficient funding for all who we agree to admit.

There are so many complex reasons for the difficulties we are experiencing as we apply the Refugee Act to the current refugee situation. These include our foreign policy initiatives, domestic political pressures, and the current budgetary constraints. However, a significant factor in today's problems is the pure gimmickry involved in the law and the process. We are always so susceptible to gimmickry. We Americans. We have some Vietnamese who risk their very lives and that of their families in an unseaworthy boat trying to get to Thailand so they can find a brighter economic future in the United States; some Soviets who find that glasnost offers an opportunity to leave the Soviet Union for a freer life in America; and some middle-class Nicaraguans facing 20,000-percent inflation in their country who pay a huge sum to a smuggler to get them to America.

But those folks are all looking for "a better life" in America; they are not fleeing political persecution at home. They all have advocacy groups here in the United States who are pleading their cases and, in some instances, condemning the Federal officials enforcing the law who are charged with determining whether these peoples meet the definition of "refugee"—that being a person with "a well-founded fear of persecution based upon race, religion, nationality, membership in a particular social group, or political opinion."

The distinction among refugees, asylumees, immigrants, economic migrants, and humanitarian parolees is lost in the clamor as we stubbornly and sentimentally cling to the former definition of refugee—"escapees" from Communist or Communist-dominated countries.

While the Refugee Act intended the selection of refugees to be ideologically neutral, domestic pressures have resulted in one set of standards for refugee selection being applied in one part of the world, and quite different standards being applied in another.

While there is so much pressure to take large numbers of refugees, there is little or no support for private funding and voluntary resettlement of the refugees, as the Federal coffers dry up.

So now here we are as of yesterday, with a proposal, S. 489, to take the funding which we appropriated to reimburse States for the costs of providing education and other assistance to newly legalized immigrants. The funds are requested so that we can accept more refugees and fund the transportation, reception and resettlement costs of these refugees. While these funds are apparently not needed by the States in the current fiscal year, we specifically provided that the unused balance would continue to be available in subsequent fiscal years to address the expected higher level of need in the final years of the program.

A number of State governments, including my own, inform me—and justifiably so—that tapping the legalization reimbursement funds would not be wise policy. The States have programs in place, they can spend the money allocated to them, and to transfer it elsewhere would be to renege on a deal that was struck with them on the Immigration Reform and Control Act of 1986.

I am fully aware that for foreign policy reasons we will have persons leaving their homelands who we may wish to accept, whether or not they are truly refugees. I have no objection to making a special provision for that type of immigrant. I suggested to the Secretary of State a year ago that we needed a new category of foreign policy immigrant for persons such as some of those now receiving exit visas from the Soviet Union. Some individuals may have relied on statements of our Government which led them to believe that the United States would always accept them if they were to emigrate. Others we may wish to accept simply to make a foreign policy statement.

I look forward to the legislative proposal which the administration is preparing in order to deal with this type of immigrant. It will be very difficult to establish the criteria for use of this type of visa. What may work for the Soviet Union may not be suitable for Asia and Latin America. Some interest groups will always oppose it if Federal funding for the settlement of these immigrants is not included. Such a category will likely not be large enough to include all immigrants of this type who may wish to enter—just as we cannot accept all of the true refugees who may wish to enter, or all of the normal flow of immigrants who wish to enter.

We are facing some tough situations just like the current one in the Soviet Union where only a few hundred persons were receiving exit visas last January, but by December, 4,000 persons were given exit visas. Some estimate that as many as 100,000 Soviets may be allowed to leave in the next year. We cannot take them all, and it is so very important to acknowledge that unlike so many others in the world, most emigres leave the Soviet Union with a visa to enter Israel. They are not faced with the alternative of admission to the United States, or return to the Soviet Union. Most Soviet emigres have two "safety nets:" First, visas to Israel; and second, offers of parole into the United States, if their refugee application is refused. No other refugee group has these safety nets. We must explore this further along with so many other aspects of the issue.

I do look forward to receiving the new legislation from the administration, and I especially look forward to the opportunity it will give us to have a new, full and complete debate on our refugee policy.

DR. LOUIS W. SULLIVAN, SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. SIMPSON. Mr. President, yesterday we confirmed Dr. Louis Sullivan. I had not come to know Dr. Sullivan until he was tapped by President Bush to become Secretary for Health and Human Services. But I have come to know him since that announcement. He is a fine man with stunning qualifications.

I believe that Louis Sullivan will serve his President and his country with great honor and distinction. He comes from outside the Washington arena—beyond the beltway—as the insiders have come to call it. So he brings with him a lively and fresh perspective on the myriad of issues he will deal with—and he brings a new approach to managing the monstrous bureaucracy that is his agency.

As a newcomer, Louis Sullivan found that the roads here can be somewhat bumpy. But throughout the entire process—that at times had to be so personally tough for him—I believe he demonstrated all the great determination and sound good judgment necessary for his new role.

As Secretary for Health and Human Services, he assumes one of the hottest seats in Washington. For his agency deals with so very many of America's greatest problems.

Just some of the priorities: evaluating the benefits as well as the real benefits versus perceived shortcomings of the catastrophic health care law.

Promoting and developing legislation to ensure that rural health care providers receive adequate and equitable Medicare reimbursement under the Medicare Program. And working to assure that rural Americans have access to needed health care.

Determining the appropriate role for the States and the private sector in providing long-term health care.

Reassuring many skeptical Americans that Social Security will survive far into the future in its present form—and dealing with serious questions involving possible inequities between generations of Americans in the allocation of the domestic budget.

It is an agenda that is staggering in both its weight, scope and complexity—and I have named but a few issues.

Louis Sullivan takes on great responsibility—and he leaves behind a job in the private sector that he has enjoyed so greatly. He indeed characterizes the spirit of public service. He is a splendid man. A man of intellect and ultimate patience, kindness and gentle good humor. We welcome he and his charming wife Ginger to the new administration.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of John G. Tower, to be Secretary of Defense. The clerk will report.

The assistant legislative clerk read the nomination of John Goodwin Tower, of Texas, to be Secretary of Defense.

Mr. NUNN. Mr. President, today the Senate begins its consideration of the nomination of our former colleague John Tower for the position of Secretary of Defense. Last week, I joined with a majority of the members of the Armed Services Committee in recommending that the Senate not confirm Senator Tower to that position. It is with a sense of sorrow that I begin my duties on the floor as manager in opposition to this nomination.

This nomination has been a painful experience for the nominee and for his family and for all of his friends. It has been difficult for the Members of the Senate who served with Senator Tower and it has been particularly difficult for the members of the Armed Services Committee because most of us worked closely with the nominee when he served on the committee and know him well as a friend and colleague.

I might add that most members of the committee, I think, were favorably disposed toward his nomination when our proceedings started. I know that, when the proceedings started, I intended and felt that I could at the conclusion of the hearings in good faith support the nominee. My mind was changed by the facts that were presented to the committee.

We must, however, carry out our constitutional responsibility. The Constitution reflects the firm conviction of the Founding Fathers that the investiture of an individual in a position of great governmental authority is not the exclusive domain of the President. They clearly set forth the principle that this responsibility is shared between the executive and legislative branches, with the President nominating, choosing, and the Senate confirming by advice and consent.

The committee report on this nomination, including the executive annex, which is available to all Senators in the Office of Senate Security in S-407, contains a full explanation of the committee's action on the nomination and the reasons for the committee's action. I urge all of my colleagues to review both the public report, which has been available now for a couple of days, as well as the executive annex in S-407.

I might add that the minority has a report that is public and they have also an executive annex which is in S-407. So between reading the two public documents, one by the Republican side, the minority, and one by the majority on the committee, and reading the executive annex, I think a Member will be able to get a full flavor and a full understanding of where each respective side is coming from in reaching this important conclusion.

I want to take a few minutes to outline the process this committee used to review this nomination; to discuss the important role of the Secretary of Defense; and state clearly the committee's concerns with respect to this nomination.

Although the responsibility for nominations rests primarily with the President, the Senate's constitutional power to advise and consent establishes a responsibility for the Armed Services Committee to ensure that high standards are applied in the appointment of persons who are entrusted with the Nation's security and the Nation's defense. The committee's review on this nomination has in my view been the most thorough review of any nomination to come before the committee in my memory.

The responsibility for ensuring that the nomination is in compliance with applicable laws and executive branch regulations governing conflict of interest rests with the executive branch primarily. The Armed Services Committee, however, has traditionally held nominees to a higher standard than that required by conflict of interest laws and has conducted rigorous oversight of the financial interests of nominees to senior Department of Defense positions.

This has occurred under several different chairmen: Senator Stennis, Senator Tower, and Senator Goldwater. It is not new for us to be very careful on conflict of interest problems.

As part of the confirmation process the committee obtained Senator Tower's financial disclosure forms for this nomination and for his service as START negotiator as well as the financial disclosure forms available in the Senate Office of Public Records; his tax records for the last 3 years; copies of his campaign expenditure of fund filings and certain receipts; copies of all his defense consulting contracts and related documents; filings under the Federal Regulation of Lobbying Act; additional materials submitted by Senator Tower at the committee request, as well as his military service record.

The committee also received the letters required to be submitted by the nominee for White House counsel, Office of Government Ethics and DOD general counsel on the conflict of interest and related matters.

Prior to submission of a nomination to the Senate the Federal Bureau of Investigation conducts a background

investigation of the nominee for the purpose of providing the President with information about the suitability of the prospective nominee. The report of the investigation is submitted to the counsel to the President who is responsibile for preparing appropriate advice to the President.

Sometimes it happens, in a transition period, that it is provided to the counsel for the transition.

The determination as to whether an individual should be nominated rests with the President of the United States. Thus, the preparation and review of the background investigation, financial disclosure statements and other initial material bearing on suitability rests with the executive branch.

The executive branch is responsible for the quality and the effectiveness of the background investigation. Not only does the administration control the conduct and direction of the FBI investigation, it also controls the underlying information. The material provided to the committee consists only of the FBI's summary of its interviews. The underlying interviews are not submitted to the committee and everyone should understand that.

What we have in S-407 is the summary of interviews the FBI conducted. They prepare the summary. We do not see nor do we have the underlying interviews.

The FBI considers the White House its client from the beginning through the conclusion of the background investigations. Moreover, the FBI believes that it must receive permission from the White House to proceed on any committee request. The White House has insisted—and this is consistent with past practices, there is nothing new about this—they have insisted that all requests for followup investigations from the committee be given to the White House first or at least simultaneously with our conveyance of those requests to the FBI itself.

On one occasion an attorney in the White House counsel's office during the course of this inquiry showed the nominee an allegation provided to the committee before that allegation was transmitted to the FBI. I must say that I was very concerned about that. Senator WARNER and I shared that concern. I took some steps, based on that concern. We were able to rectify it by direct conversations with Mr. Boyden Gray and we were able to put that process back on track.

But I think everyone should understand, the FBI does not feel that the Senate of the United States is their client. Their client is the White House and the information flow, both to the FBI and from the FBI, comes from the White House.

I think it is also important to point out that throughout the entire process the FBI report remains the property of the executive branch. The executive branch controls who sees this report and under what conditions. The terms under which the FBI report on Senator Tower have been made available to the Senate are very specific. The White House has insisted that it be reviewed only by Senators and by a very small number of staff in a secure room in the Capitol.

We were not able to get staff access for some time during this course. Only Senator WARNER and myself looked at the report for several weeks. Then it was broadened and finally we had a staff set up immediately before recess because we knew it was going to take a tremendous amount of work to be able to prepare the report in a form that people could understand as well as possible.

Mr. President, I ask unanimous consent that the letter to me from White House counsel C. Boyden Gray on February 14, 1989, outlining the agreement between the White House and the Armed Services Committee giving the members of the Armed Services Committee access to the FBI report be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 14, 1989.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: With respect to our conversation last Friday regarding access by the Senate Armed Services Committee to the Federal Bureau of Investigation's (FBI) summary of its background investigation of Senator Tower in connection with his nomination as Secretary of Defense, I am gratified that we have now reached an understanding on the way in which we will proceed.

I believe the fact that all of the Committee's subsequent deliberations involving the FBI summary on Senator Tower's nomination will occur during Executive Session only, that this nomination has significant national security implications, and the unique nature of the allegations concerning Senator Tower warrant a one-time only exception to the procedures governing access to FBI background investigations by Committee members.

The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations, and our ability to recruit qualified candidates for positions of governmental service. Therefore, I am pleased that we have agreed on ground rules for Committee access that suit our purposes and yours. The enclosed Terms of Access sets forth procedures for access, custody, storage, and return to the Executive branch of the FBI background summary. With this understanding, we are prepared to deliver copies of these documents to your Committee immediately.

I believe that this understanding will make it possible for the Committee to proceed expeditiously on this nomination once the FBI has completed its investigation.

Sincerely,

C. BOYDEN GRAY,
Counsel to the President.

TERMS OF ACCESS TO THE FBI SUMMARY OF ITS INVESTIGATION OF JOHN TOWER (NOMINATION AS SECRETARY OF DEFENSE)

FEBRUARY 14, 1989.

The Counsel to the President has agreed to make available to the Senate Armed Services Committee (SASC) four copies of the Federal Bureau of Investigation's summary of its background investigation of Senator John Tower. (The FBI summary consists of the following parts: (1) summary memorandum (undated [December 13, 1988]); (2) summary memorandum (December 23, 1988); (3) summary memorandum (undated [January 6, 1989]); (4) summary memorandum (January 13, 1989); (5) summary memorandum (undated [January 25, 1989]); (6) summary memorandum (February 8, 1989); and (7) summary of the ongoing investigation not yet completed by the FBI.) Since these documents are the property of the Executive branch and involve extremely sensitive information, they will be made available only through the Office of Senate Security located at Room S-407, United States Capitol. Only Senators on the SASC and not more than 6 designated SASC staff members (as determined and designated by the Chairman, SASC, and the Ranking Minority Member) and designated members of the Executive branch shall be granted access to these documents at this location. The names of the designated staff members shall be provided, in writing, to the Counsel to the President prior to their being given access to the documents; and the names of the Executive branch officials shall be provided, in writing, to the Chairman, SASC, prior to their access at this location. A record of all persons using these documents in Room S-407 shall be maintained.

Access to these documents will be limited to Senators on the SASC and the 6 designated SASC staff members. These documents may be reviewed in Room S-407 only; no additional copies may be made; and no documents may be removed. Any notes derived from these documents shall be treated as sensitive and shall be used only in connection with the Committee's Executive Session deliberations (and vote). At the conclusion of the Committee's deliberations (and vote), any notes shall be destroyed or considered part of the FBI documents for purposes of this Agreement.

Within 14 days of the conclusion of the Committee's deliberations (and vote) on Senator Tower's nomination, these documents will be returned to the Counsel to the President unless another agreement has been reached with the Senate leadership.

Sam Nunn, Chairman, Senate Armed Services Committee; John W. Warner, Ranking Minority Member; C. Boyden Gray, Counsel to the President.

Public release of this document authorized by C. Boyden Gray, Counsel to the President, March 1, 1989.

Mr. NUNN. Mr. President, this is a letter from Mr. Gray explaining the conditions under which we received this information. It is also a signed document here, signed by myself as chairman of the Armed Services Committee, as well as Senator WARNER as

ranking minority member, and signed by Boyden Gray, counsel to the President. This stipulates the exact conditions under which we will be able to handle this report and have been able to handle it.

I might add that there has been a subsequent, I believe, oral agreement. The leadership will have to speak to this. It is an oral agreement with the leadership, Senator MITCHELL and Senator DOLE, which expands this agreement, because this agreement provided only for Armed Services Committee members and our staff and now, of course, other Senators, all Senators are permitted to view the report.

There are some who have suggested that the FBI report should be made public. I am sure we are going to hear that again during the course of this debate. I want to make it clear as far as our agreement with the President, I am not permitted to make that decision. Nor is Senator WARNER. This decision, as far as we are concerned, is entirely the President's decision since the executive branch considers the FBI report, quoting from that letter from Mr. Gray, "the property of the executive branch."

I should note what the White House counsel said in his letter to me on February 14, that is the letter I have just put in the RECORD, quoting from that letter:

> The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations, and our ability to recruit qualified candidates for positions of governmental services.

I will just add that I think most members of the Armed Services Committee have respected the agreement of confidentiality under which the Senate was given access to the FBI report. Unfortunately, there have been some leaks of information contained in that report. Last week White House officials began characterizing the contents of chapter 7 of the FBI report on the evening of February 20, the day it was made available to the Senate. I can have a whole series of articles put in the RECORD quoting who had said what, in terms of category, about those various observations from the report.

There were leaks last week, some from Senators by name and some from unnamed White House officials, which culminated in a rather detailed description by a White House official in Sunday's New York Times on seven allegations against Senator Tower contained in the FBI report.

They were not direct quotes. They were basic explanations from the White House of their view of these allegations. But there were details given.

Of course, I took objection to that. I feel if anyone is going to put out any kind of paraphrasing or summary of an FBI report, we should make sure that it is a fair portrayal to the American public so there will not be misimpressions and I think that works both ways. It works as well for those of us on our side who do not favor this nomination.

We have an obligation not to put out anything related to that FBI report unless there is a common agreement to it and unless the President of the United States releases us. That is the obligation I have. That is an obligation I am going to keep.

I cannot speak for anyone else here. I think we all should remember, though, as important as this seems right now, and it is important, it is even more important that we preserve the ability of the Executive and congessional branches of Government to work together in keeping matters classified, whether they are classified for personal reasons or whether they are classified for national security reasons.

If we have a breakdown of that relationship during the course of this nomination, no matter who wins the nomination, the loser is going to be the national security of our country. It is up to the President to decide to release that report. It is not up to us. I would caution every Senator against revealing information in that.

Temporary tactics and advantages must not come in front of the national security. From my point of view it will not. I know I speak for Senator WARNER. I know he feels just as strongly as I do about this, because we have worked together as a team.

We come to different conclusions, but he has handled himself with total honor, total integrity. He has done his job in making sure that his side of the aisle has been protected and we have had almost a unique relationship during the course of this whole deliberation, as tough as it has been. As bad as it has been in many respects, I can assure everyone, if he and I and our staffs has not formed a joint approach to this and if we had not shared all the information simultaneously when it came in, whatever the problems, whatever the difficulties of this nomination, we could multiply it by a hundred.

I want to tip my hat to Senator WARNER. We are going to have vigorous debate during the course of the next 2, 3, 4, 5 days, whatever it takes. He has handled himself with total integrity, total honor and so has his staff and chief counsel, Pat Tucker. I salute both of them. I praise them for their efforts in this, even though we did reach different conclusions.

Mr. President, today's most recent leak, a story in the Washington Post, did not come from me and it did not come from my staff. I do not know where it came from. There are apparently two accounts of this incident: One summary prepared by the committee, which has been available to Senators, and as well an interview by the FBI, which was never contained in the FBI report, delivered to us and sent to the Senate, and thus not available to the Senate.

So I do not know where the leak came from. But I repeat, any leak of confidential information in inappropriate, it is unfortunate, it is unfair to the nominee, it is unfair to the Senate, it is unfair to the President, whether it comes from the executive branch or whether it comes from the Democratic side or Republican side; it is simply not fair. If we are going to have a process of giving information in an FBI report, I think it must be done in terms of under Presidential guidance, and it must be done officially, not by leaks.

Mr. President, the committee's access to the FBI report provides an important element in the constitutional system of checks and balances that is reflected in the Senate's advise and consent function. After all, if the President uses the FBI report as part of the information he uses to decide whether to nominate someone to a position, the Senate must be able to use the same information in giving its advice and consent to the nomination.

I hear people, and I know there is legitimate frustration about this in the news media, "How can the Senate of the United States use people who don't have names to evaluate whether we should give our advice and consent?" Everyone should understand, that is the same information the President of the United States uses to determine whether he nominates, and I think people ought to keep that in mind. If the process is flawed, it is flawed both in terms of the President's review, as well as our review.

There are many people turned down for executive branch positions in this administration, probably in the future, certainly in past administrations, probably in the future, certainly in past administrations, and who have been turned down by the same type of information that we are using here. Do I like it? No, I do not like it. I do not like the way we are basically having to proceed. Do I have a clear answer to it? No, I do not. Would there be a better method? We will all have to search and see.

I am a trial lawyer from a small town. I was brought up where you have a confrontation with your challenger. If someone is going to say something about you, you put them on the stand and cross-examine them. That is the way I like to do business. We have never done business that

way. We have followed the normal procedure in this situation.

Everyone has to understand—I will address this later in the debate—if we decide to go that route, we will eliminate confidential information in virtually all cases coming to the Senate. We will probably by logic eliminate it in some fashion from the executive branch. That will greatly impede the ability of the FBI and the President of the United States from making a determination about selecting people for these posts.

Whether we like it or not, a lot of people will not give information unless their names are guaranteed to be confidential. I do not like that, but that is the process. That is what we are saddled with here. We are going to hear a lot of people criticize it. I will be the first to say I do not think the system is perfect. I think it can be improved, and I hope we can improve it in the future. But I do not have clear alternatives.

I think people, when they challenge the way we operate now, should also be required to point out how we should operate and still be able to give the President the best information he can have available to make sure that he does not put someone in a key position in Government who has a background that would not show up unless we did it in this kind of procedure where the FBI reports, as well as the Senate. We have to look at the same information.

Mr. President, the role of the committee with respect to the FBI report is to review the process and the information provided, determine if clarification or supplementation is needed, and apply the committee's own standards and procedures to the material and determinations provided by the executive branch. The committee also looks to ensure the material conforms to existing rules, regulations and laws. All members by now have had an opportunity to review the FBI report in the Office of Senate Security. They can reach their own judgment about the contents of this report.

I would be the first to say, as Senator Warner has said so many times, that people of good will can reach different conclusions based on that information. People of good will can come to different conclusions.

On December 16, 1988, when President-elect Bush announced his intent to nominate Senator Tower, the FBI report had not been completed. Indeed, the President-elect was provided with a document described as, "Summary Memorandum Containing the Partial Results of the Investigation of John G. Tower."

That is what is now called chapter 1 of the FBI report. Chapter 2 was completed on December 23, 1988. Chapter 3 was completed on January 6, 1989. It was at this point that the transition counsel informed the committee that the FBI summary of the investigation was available for review. That is when Senator WARNER and I got into the act.

We were provided that report in the form of chapters 1, 2, and 3 on January 7, 1989. We were together when we received that. Subsequently, at the request of both Senator WARNER and myself, additional information, known as chapter 4, was added to the FBI report, January 30, 1989, and then was provided to the committee. Chapters 5 and 6 of the FBI report were provided to the committee on January 25 and February 8, respectively. On February 7, the counsel to the President asked Senator WARNER and myself to delay the committee's vote on the nomination until new allegations that had been brought to the attention of the White House and the Justice Department could be investigated by the FBI. We were asked to delay, and we did. I think it was a proper request by the White House.

On February 14, 1989, the White House agreed to make the FBI report available to all members of the committee and a limited number of staff. Chapter 7 of the FBI report was made available to the committee on February 20. Chapters 8 and 9 were made available on February 28.

Beginning with the initial review of the FBI report on January 7, the committee worked with the FBI, the White House, as well as the nominee, to obtain additional materials to clarify certain information and to conduct the committee's own review. That process continued through the hearings and deliberations of the committee on the nomination. In the course of the committee's consideration on the nomination, the committee received hundreds of letters and phone calls concerning this nomination. To ensure that the FBI's background investigation was not burdened with useless or cumulative information, a procedure to screen allegations was set up by our staff. The staff first screened all material to determine which items contained allegations of misconduct as opposed to simply statements of opinion. The committee then conducted a followup to determine whether there were sufficient details to indicate that the allegation raised new matters and whether further investigation was warranted.

The staff determined that over 50 of the written and verbal allegations received presented no basis for further investigation. These materials were available for review, and they still are, by any member of the committee. But they were not used for the basis of any action by the committee.

There were various other allegations which were determined to be cumulative, other matters already set forth in the FBI report. These were contained by the committee for use in conjunction with its review of the FBI report. The committee continues to receive a significant volume of mail and telephone calls on this nomination. At the time this report was filed, the committee's screening process has resulted in nine charges forwarded to the White House and the FBI out of the hundreds of communications received by the committee.

On January 20, 1989, President Bush formally submitted to the Senate the nomination of Senator Tower to be Secretary of Defense. The committee met in executive session during the morning of January 25 to receive a briefing by myself and Senator WARNER to discuss procedures for acting on the nomination. The briefing covered the FBI report and the conflict of interest issues.

Public hearings began on the afternoon of Janaury 25 with testimony from Senator Tower on national security issues. Senator Tower testified again on the morning of January 26, when the discussion concentrated on his relationship with defense contractors. That afternoon, the committee received further testimony from Senator Tower on national security issues. On that day, the chairman, myself, also announced that testimony would be received from outside witnesses on January 31, noting that all requests to testify would receive appropriate consideration.

At the hearing on January 31, the committee received testimony from three public witnesses. During the afternoon on January 31 the committee met in executive session with two public witnesses, and then met in executive session with the nominee to consider conflict of interest and background matters involving conflidential or proprietary matters. The committee met again with the nominee in executive session on the morning of February 1, and then met in open session that same morning with Senator Tower to conclude its hearing on the nomination.

On February 7, the counsel to the President requested that the committee delay further consideration of the nomination until the FBI completed an investigation of a new allegation that had been brought to the attention of the White House. This new allegation concerned the "ill-wind" investigation into DOD procurement practices and whether Senator Tower was in any way involved in that. The committee has been advised by the White House and the FBI that no substantiation of this allegation has been developed in this investigation. The FBI's examination of this allegation as part of the background investigation is available to all Senators in the Office of Senate Security. The committee resumed its consideration of the nomination in executive session meetings on

February 22 and 23. On February 23, the committee completed its deliberations on the nomination in a public session.

Mr. President, I should add at this point that on this question of the ill-wind business, we have not, I repeat not, we have not monitored the facts in those cases. We have taken the conclusions reached by White House counsel and the Attorney General and we have accepted those conclusions based on the tremendous sensitivity of this investigation, the number of people that are involved, the overall scope, and the fact it is ongoing. We did not feel we should get into our own oversight of the executive branch on those particular allegations. So we have basically accepted the word of the Attorney General and White House counsel as to when we should proceed and as to when those matters have been cleared up.

THE IMPORTANCE OF THE OFFICE OF SECRETARY OF DEFENSE

The importance of the office of Secretary of Defense is something that we should not underestimate in terms of this nomination. This is not simply another Cabinet position. All Cabinet positions are important, but the Secretary of Defense is part of the national command authority. Together, the Secretary of Defense and the President, they make decisions that concern the deployment of forces in the world, the questions of nuclear command and control; they make decisions that can affect not only the United States but the two of them together can change and alter world history with a mistake or any kind of action that is not taken with great consideration. So this is not just another appointment. This not simply a Cabinet position. This is a position that has unique responsibilities.

The Secretary of Defense is in the chain of command for military operations which runs from the President to the Secretary of Defense to the unified and specified combatant commanders in the field. The President and the Secretary of Defense constitute what is called national command authority for U.S. military forces as well as nuclear weapons.

The Secretary of Defense is, in essence, the deputy commander in chief. Just like the President, the Secretary of Defense must be prepared to carry out his military command responsibilities 24 hours a day. Many crises over the last 20 years demonstrate the round-the-clock military command duty of the Secretary of Defense. For example, the seizure of the U.S.S. *Pueblo* by North Korean forces which occurred shortly after midnight, Washington time, on January 23, 1968; the bombing of the Marine Barracks in Beirut, Lebanon, which occurred at 11:22 p.m. Washington time, on Saturday night, October 23, 1983; the shooting down of the Iran Air flight 655 by the U.S.S. *Vincennes* which took place at 2:55 a.m., Washington time, on Sunday, July 3, 1988.

In addition to commanding military operations, the Secretary of Defense is also the leader of our military establishment. He must be able to inspire the highest standards of behavior on the part of his subordinates. Indeed, his ability to lead depends in large measure on whether he commands the confidence and respect of his subordinates. Because lives, careers, battles and indeed the security of our Nation are at stake, we have consistently insisted on the highest possible standards of moral conduct and integrity from the professional military officer corps. The example that the Secretary of Defense sets will significantly influence whether these high standards are maintained.

COMMITTEE'S EVALUATION OF THE QUALIFICATIONS OF SENATOR TOWER

Senator Tower has a substantial understanding of national security policy and internationl security affairs. His 20 years service as a member of the Senate Armed Services Committee, including 4 years as chairman, his service as chief U.S. negotiator in the strategic arms reduction talks, known as START, and his chairmanship of the Tower Board have provided Senator Tower with a solid background on national and international security issues.

But the Secretary of Defense must be a person suited by personal conduct, discretion, and judgment to serve second only to the President in the chain of command for military operations; to set the highest leadership example for the men and women in uniform and civilian employees of the Department of Defense and to restore public confidence in the integrity of defense management.

Although Senator Tower has a number of strong qualifications for the position of Secretary of Defense, the committee concluded that Senator Tower cannot meet these standards and therefore should not be confirmed as Secretary of Defense.

The committee's major concerns focused on Senator Tower's standards of personal conduct, discretion, and judgment. These findings included excessive use of alcohol; the provision of consulting services to defense contractors on the probable outcome of ongoing, confidential arms control negotiations shortly after serving as an arms control negotiator himself, which created the appearance of using public office for private gain, and, I would add, a number of incidents of indiscrete behavior towards women.

I agree personally with each of these findings.

ALCOHOL ABUSE

The committee examined in detail the issue of Senator Tower's use of alcohol. There are serious allegations in the FBI report based on a number of firsthand, personal observations by named individuals with no known motive to lie. There are also allegations by unnamed individuals. These include incidents in the recent past.

There is also evidence on the other side of this question, and I will point that out right at the beginning. There is the record of Senator Tower's performance as the chief U.S. negotiator for the START talks in Geneva and on the Tower Board. By all accounts, Senator Tower performed well in these assignments. There are also a large number of testimonials by distinguished Government officials as well as Members of the Senate. As a matter of fact, I have a testimonial, I am sure, when he retired from the Senate, and I meant every word of it when I said it at that time. But the record of alcohol abuse by the nominee cannot be ignored. The committee had to determine whether Senator Tower has shown a pattern of excessive drinking in the past; if so, whether he has acknowledged and dealt with this problem; and whether this pattern continues into the recent past or even today. The record of the FBI report and the committee's own review show a clear pattern of excessive drinking and alcohol abuse by Senator Tower during the 1970's. Senator Tower and his close associates and friends have now conceded that he had a drinking problem in the 1970's. Even the administration has acknowledged that the nominee had a pattern of excessive drinking during this period. I must add that this was not the position of either Senator Tower or the administration at the beginning of this process.

There is substantial evidence that this pattern continued in the 1980's. I believe personally that Senator Tower has had a serious drinking problem in the 1970's and the 1980's including in recent years. The committee searched in vain for a point in time when the nominee himself acknowledged this problem and dealt with it decisively. The nominee made it very clear that he has never sought medical assistance for his drinking problem. There are significant inconsistencies in what Senator Tower told the FBI in the first report ready by President Bush in his first announcement, what Senator Tower told the FBI in subsequent reports, his executive session testimony to the committee, and his public statements.

There are inconsistencies in these statements, and these are addressed in the executive annex to this report which is in the majority report in S-407. Any Senator wanting to take a look at this train of statements will be able to do that.

Department of Defense Directive 1010.4 states very clearly that alcohol

abuse "is incompatible with the maintenance of high standards of performance, military discipline, and readiness." Military commanders state that the selection and assignment of military personnel to sensitive positions of command or those involving responsibility for nuclear weapons are so rigorously controlled that alcohol abuse would result in immediate disqualification or transfer of anyone in that nuclear chain of command.

I think everyone ought to recognize this. Everyone ought to recognize we are not talking about the Secretary of the Interior. We are talking about someone that is next to the President, at the very top of the nuclear chain of command.

Senator WARNER and I spent 3 years or 4 years working on what we call "risk reduction," the risk of nuclear war. We have even succeeded partially in getting a risk reduction center set up between the United States and the Soviet Union. Every step we can take to reduce the risk of nuclear war, to reduce the mistake, must be taken, and I think all Senators need to consider the importance of this chain of command as well as the importance the military themselves given this chain of command, and the example we set here in this nomination is going to work its way down in the military forces of our Nation one way or the other—one way or the other.

If we do not care about these matters at the top, how can we expect the military people to care about them as it works down the chain of command? And I think every Senator should keep that in mind, and they may come to different conclusions. But I confess that has a great deal to do with my opinion. My view on this matter is cumulative. It is not one concern, not just this concern because there are others and I will enumerate them.

But I will make no apology for being concerned in this area and for setting this as one of my principal concerns and one of the principal qualifications that I believe we must have as a Secretary.

It is not only a question of behavior, even if that behavior is beyond question. It is a question of example. It is a question of example all the way down that chain of command. No one should diminish the importance of example in the military of our country.

Department of Defense Directive 5210.42—Nuclear Weapons Personnel Reliability Program—and implementing service regulations provide for the screening of all personnel selected for or assigned in positions responsible for nuclear weapons.

The DOD Directive sums up the Personnel Reliability Program screening and disposition policy with regard to alcohol abuse as follows:

Disqualifying. Any of the following traits or conduct shall normally be considered disqualifying.

Top of the list: guess what it is?

a. Alcohol abuse.

Alcohol abuse is defined in the DOD Directive as:

Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships.

That is the definition. I am going to read it again:

Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships.

If the Senate of the United States believes that is not important then we had better consider that in this debate.

Again, make no mistake about it. What we do here will have repercussions throughout the military services.

With regard to selection for, and assignment to, command positions, senior military commanders indicated there is no tolerance for alcohol abuse. Each of the military services views these assignments as special positions in the chain of command that must be filled by individuals who are not only professionally peerless but who are in control of their faculties at all times. They further indicated that command jobs at all levels are demanding in this respect; that all who aspire to command know this; and that rotations into and out of these positions recognize the demanding nature of these jobs.

The committee determined that Senator Tower's pattern of excessive use of alcohol in the 1970's and 1980's would disqualify him from being assigned to many sensitive positions in the Department of Defense. The committee determined that these disqualifying standards should be applied to the most sensitive position in the Department of Defense—the position of Secretary of Defense.

SENATOR TOWER'S ACTIVITIES AS A DEFENSE INDUSTRY CONSULTANT

From mid-1986 until December 1988, Senator Tower provided consulting services to a number of defense and aerospace firms, including LTV Aerospace & Defense Co.; Martin-Marietta Information Systems; Rockwell International, Inc.; Textron, Inc.; British Aerospace, Inc.; Hicks & Associates; and Jeford-McManus International, Inc. Senator Tower received a total of $1,028,777—gross receipts—from these firms during the approximately 2½ years he provided such services.

In the 13 months prior to his employment as a defense consultant, Senator Tower served as the chief U.S. negotiator for the strategic arms reduction talks [START] in Geneva. Shortly after leaving those ongoing talks, he became a consultant to companies, such as Martin-Marietta, Rockwell International, and Textron that are engaged in programs that are related to or under discussion in START, including the MX missile, the Midgetman missile, the Titan II and Titan IV space boosters, the advance launch system, enhanced guidance and control for the Minuteman missile, research and development on advanced missiles and reentry vehicle systems, support and follow-on activities for the B-1B bomber, and systems related to the strategic defense initiative [SDI].

Mr. President, this subject is addressed in the State Department directives which the State Department has issued giving guidance and in governing possible employment activities by people in the State Department which includes, of course, arms control negotiators.

These directives caution against disclosure of "inside" information as well as classified and administratively controlled information. Former employees are advised to take care not to communicate any confidential information to subsequent employers. We are not talking about simply classified information. We are talking about inside information. It is covered by the State Department's own directives.

Although Senator Tower's consulting clients had an enormous stake in programs which could be directly affected by the outcome of the START talks, he did not take care to avoid discussing the probable results of the talks with them. According to his testimony before the committee, he provided advice to his clients on the "implications of INF and other arms control negotiations on * * * future product development."

Those are not my words. Those are his words. Again, he provided advice to the clients on—quoting him—"implications of INF and other arms control negotiations on * * * future product development."

Senator Tower also testified that he advised his clients on the "probable outcomes" of the arms control talks.

That is valuable information coming from someone on the inside; extremely valuable information. If you are a producer of the MX missile, the Midgetman missile, or an SDI system, it is very, very valuable. You do not have to disclose classified information to be extremely valuable in providing a judgment based on inside information. You do not have to give up a secret in order to be of extreme value if you know what the bottom line of the U.S. negotiating position may be with respect to a certain defense weapon.

Although Senator Tower told the committee that his advice was based on "enlightened guesswork" and publicly available information, the rapid

shift from status as a negotiator to status as a consultant—giving advice on the probable outcomes of ongoing negotiations—created the appearance of using inside information for private gain. That is what we found.

As a result of his involvement in START negotiations and access to the parallel INF and space and defensive systems negotiations, Senator Tower possessed the most sensitive information that could be obtained on the impact of the negotiations on a contractor's "future product development." Senator Tower, as a key arms control envoy, would have been aware of U.S. negotiating strategies, real U.S. goals, fallback positions, and potential quid pro quo tradeoff offers that were proposed and debated by the U.S. interagency process, whether or not the particular options were approved. He would thus have gained considerable insight into the likely future directions of the negotiations after his departure. This would include clear understandings regarding those U.S. START positions that were nonnegotiable, and those positions from which we were or might be prepared to retreat, under some conditions.

Senator Tower's position gave him insight into the U.S. position of unresolved issues within the general START framework, including banning all mobile ICBM's, establishing "counting rules" for bombers, dealing with strategic defenses, and determining allowed numbers of nondeployed missiles.

Furthermore, access to the interagency deliberations would have provided Senator Tower with insight into the views of the Office of Secretary of Defense, the Joint Chiefs of Staff, and the individual military services on proposed budget levels for strategic systems or new START decisions for individual weapons system proposals.

I want to state this, because I think it is very important: The committee has long recognized the importance of a healthy interchange between the public and private sectors, particularly in terms of encouraging people from industry with technical and managerial skills to engage in public service. That is crucial. We have to have experienced people. But Senator Tower's decision to provide consulting services on arms control matters, just after serving as an arms control negotiator, in the view of the committee, and in my personal view, crossed a line with regard to the revolving door which is of great concern to the committee.

In short, Senator Tower, in our view, showed poor judgment by placing himself in a situation where there was such an obvious tension between the information he acquired as an arms control negotiator and his obligations to his consulting clients. The committee and I want to emphasize this: The committee does not have evidence, and we make no charge, that Senator Tower provided his clients with classified information. We did not find that. In the committee's judgment, however, this situation created the appearance of using public office for private gain and casts doubt, particularly at this juncture in our history, on his ability to command public confidence in the integrity of the defense acquisition system.

In his own testimony before the committee, Senator Tower noted the importance of public confidence. Quoting him:

> If we are to maintain a strong defense establishment in this country, we must restore public confidence, not just in the Pentagon, but in the national security process.

He also testified, quoting him again:

> We do have to be concerned about public perceptions, because I think the essence of what is required for democracy to succeed is public confidence in their institutions, popular confidence in public institutions, stated better.

Again, he says we do have to be concerned about public perception. I think he is right. The committee thinks he is right. As President Bush noted earlier this year, quoting President Bush:

> Government should be an opportunity for public service, not private gain.

He noted as a guiding principle that Government employees must "avoid even the appearance of what is wrong." Senator Tower possessed a wealth of inside information on the arms control negotiations. Because of his position, his advice to clients on the effect of, using his words, "probable outcomes" of these negotiations on their product development, was obviously very valuable to his clients. In that circumstance, he created the appearance of using public office for private gain.

It is critical that the new Secretary of Defense act vigorously to reform the defense acquisition process, which has been plagued by allegations of illegal and unethical practices, and restore public confidence in the integrity of defense management. Senator Tower's own activities would greatly complicate efforts to accomplish these tasks. His post-START consulting employment reflected insensitivity to the appearance that he has used inside information for private gain. His activities would weaken public confidence that defense acquisition decisions would be based solely on the public interest.

BEHAVIOR TOWARD WOMEN

The committee examined a number of allegations concerning the nominee's behavior toward women. The committee's record on this issue demonstrates no findings of liaisons with female foreign nationals and, hence, no security violations that such activities would entail. Nor does the record support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex.

These were the two areas we focused on. We were not trying to determine if Senator Tower had a perfect record. That was not what we were looking at. We were trying to determine whether there was a security violation, and we found none. I think it has been unfair to the nominee that there have been so many stories about alleged security violations in Geneva, relating to his personal conduct with foreign nationals.

I tried my best, and I did it on at least three occasions, to warn the news media away from these allegations. I expressed over and over again that they should be cautious. So if anybody is going to say that Senator Tower has been treated unfairly in this process, on that particular count, I would agree.

I have done what I could to prevent that, and it is regrettable. We found no evidence—and I will repeat, no evidence—of Senator Tower having any kind of liaison with any foreign national.

I also want to clarify the record, that we were not searching for a saint. I do not believe we should look for sainthood in terms of the Secretary of Defense. We were not trying to see if his record with women was perfect. We were looking at those two matters. First was a security violation. The answer is that we do not find one. Second, was there a record to support the allegations that have floated around that the nominee exerted sexual pressure on employees and associates of the opposite sex? We felt this one was also important. Men and women in the military now, together, are working on our national security. Women have to be treated fairly. The military understands that, and they are doing everything possible. We did not find that Senator Tower exerted sexual pressures on employees. We found no pattern of that.

I will add that, in the course of looking at those matters, and in the course of looking at the alcohol matters, we did find a number of examples of personal conduct which the committee found indiscreet and which called into question Senator Tower's judgment.

These examples add to the cumulative body of concern the committee has about this nomination. They were not decisive. They add to the question of judgment and the question of example, particularly when we have so many women in our military today. I must say that we depend on them for our national security.

So we have to be concerned about example. We have to be concerned about the treatment of women in the military service, and we have to be concerned about the relationships be-

tween men and women in the military. It is not easy. We have had top-ranking officials, in the last 2 years, who have been basically either court martialed or kicked out of the military for what is known as fraternization. It is not something the military winks at, and I think we ought to also understand that.

The committee is also concerned about the personal example the Secretary of Defense must set for efforts of the Department of Defense to end discrimination toward and any sexual harassment of women. The U.S. Armed Forces have been asked to fully integrate women into the force. That is what we told them to do: treat them equally, except for combat eligibility. Serious problems still exist, however, with the status and treatment of the women in the military. In this regard, the Secretary of Defense's own conduct must be able to set an example.

There is much in Senator Tower's record which is highly commendable. I believe that John Tower is a loyal, patriotic, dedicated citizen of this country, who has a solid record of public service.

That is my belief. I also sincerely believe that John Tower is dedicated to our Nation's security. I do not have any doubt about that. That is not what this debate is about.

But for me and the majority of the Armed Services Committee, that is not enough.

The committee is skeptical as to the nominee's ability to restore public trust in the Pentagon management system, which is absolutely imperative, if we are going to have a strong national defense. We have to have confidence that the Pentagon is being managed correctly and wisely. We have to have confidence that the taxpayers' money is being spent wisely.

The committee is concerned as to his ability to command the confidence and respect of his subordinates and set the moral standards for men and women in uniform.

Finally, the committee concluded that we could not in good conscience recommend that the Senate confirm an individual to serve at the top of the chain of command when his history of excessive drinking is such that he would not be selected to command a missile wing, a SAC bomber squadron, or a Trident missile submarine.

I do not think there is any doubt on that question.

Mr. President, I think it is significant that four publications that cover the Department of Defense very closely—Army Times, Navy Times, Air Force Times, and Defense News—have all come out in the last month in opposition to Senator Tower's nomination. I will ask unanimous consent that these editorials be printed in the RECORD at the conclusion of my remarks.

Mr. President, leadership must be established from the top down. Standards must be set from the top down. If we want the sergeant at his post on the DMZ in Korea or the lieutenant standing alert with her SAC refueling tanker in the Midwest to meet the high standards asked of those who wear our Nation's uniform, we must make that clear here in the U.S. Senate.

Mr. President, the Armed Services Committee has recommended that the Senate not confirm the nomination of Senator Tower to be Secretary of Defense, and I urge my colleagues to vote against this nomination.

The material I am putting in the RECORD is significant because it presents the views of respected defense publications that are read by our men and women in uniform. The editorials and columns consist of the following:

First, an editorial from Defense News:

Second, editorials from Army Times, Navy Times, and Air Force Times;

Third, two columns by the distinguished military historian, Col. Harry G. Summers, Jr., U.S. Army (retired); and

Fourth, a commentary by NBC correspondent John Chancellor on the importance of these defense publications' views.

I hope that my colleagues will find this material helpful.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Defense News, Feb. 6, 1989]

TOWER SHOULD STEP ASIDE

Mr. John Tower should withdraw his name from consideration to be defense secretary of the United States. It would be a service to the country and to the president. Withdrawal would be the act of a seasoned politician who understands that the best interests of the nation sometimes require personal sacrifice by those who would help lead it.

Withdrawal is necessary because the record of Mr. Tower's professional life raises substantive doubt that he can perform with utmost effectiveness at a time when defense priorities and the Defense Department each are undergoing periods of vital, but delicate, change.

The nation's ability to mount a robust defense depends, over the long term, on the support of the American people. Support for defense spending is declining. The public is raising legitimate questions about the relationship between the Defense Department and the defense industry. Further, defense no longer is the nation's top priority as was the case in 1981 when President Reagan accelerated the defense buildup begun by his predecessor. Today, defense is one of a number of national priorities, which include reduction of the federal deficit and improvement of the nation's trade balances.

What is needed is a defense secretary with the political skills to raise public confidence in the Pentagon and the acquisition process. He should have the vision to unite NATO's quarrelsome allies and address their changing and diverging defense priorities in light of Soviet leader Mikhail Gorbachev's entreaties. The new secretary must possess the diplomatic and leadership skills to build an international consensus for the president's defense agenda.

While in the Senate, Mr. Tower earned a reputation as a tough, abrasive deal maker. Even his allies do not characterize him as one much interested in the opposing views of others. He demonstrated little interest in improving the acquisition system or in balancing the appetites of former Defense Secretary Caspar Weinberger with other, equally important, needs of the nation.

But it is his job since 1986 as a defense consultant that is most troubling. In about two years, Mr. Tower earned $1 million as a consultant for Rockwell International, Martin Marietta, LTV, Textron, British Aerospace, Astrotech and Hicks and Associates, a consulting firm that advises, among others, the Northrop Corp. These firms are makers of the B-1 and B-2 bombers, the MX and Midgetman missiles, and a wide array of the Pentagon's most important conventional weapons.

Sen. Sam Nunn, chairman of the Armed Services Committee summarized the issue this way: "Frankly, the difficulty here is not the fact that you have worked for a defense contractor or been a consultant" but that Mr. Tower represented "five or six or seven of the major corporations . . . If you were to [excuse] yourself from [Pentagon discussions involving] all of them, you couldn't be secretary of defense . . . We have a perception problem. The question of conflict is one that usually relates to continuing financial interests. The other is perception . . . I know you to be an honest person. But I do worry about the perception."

The Senator worries because he knows that today's public perception is tomorrow's political reality. That is why President Bush established ethics in government as a priority of his administration. After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself.

The principal task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

[From the Army Times, Feb. 13, 1989]

TOWER SHOULD GO

John Tower should withdraw his nomination to be the next secretary of defense.

Out of concern for the military, which the former Texas senator clearly loves, he should step side. Tower's public position has been so compromised by the agonizing process by which he was nominated and is being confirmed—as of this writing the Senate Armed Services Committee has postponed its vote on the matter—that he cannot be the strong spokesman the Defense Department needs now.

We are reluctant to pass judgment on Tower's character per se. It takes a judge with more moral clarity than we would claim to reach a definitive verdict on the charges of womanizing and high living that have surfaced along Tower's troubled road to the Pentagon post. Edward Kennedy has survived much more serious charges to serve a long term in the Senate. Are the standards

for a defense secretary so much higher than for a senator?

More troubling and more at issue is Tower's position as a consultant to defense contractors. No one has claimed Tower acted illegally in receiving big fees from defense firms in return for what, by Tower's own description, was precious little real information. But the speed and greed with which Tower spun through the revolving door is appalling.

Though the charges against Tower may be unproven, they undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed, he is almost a caricature of how most people see the Defense Department, a kind of Mr. Military-Industrial Complex.

Balancing this is the "Nixon-goes-to-China" argument. That is, Tower will be able to tame the Pentagon's wasteful ways and make reforms stick because he is such a long-term supporter of the military. In his confirmation hearings, Tower said, "I understand we must live within constraints. I am not such a mindless hawk that I would come to you and ask you for a substantial increase in defense expenditure when I know it is not going to happen."

Tower recognized that he would be viewed with suspicion in asking for defense increases. But how then can he credibly support the current defense budget, which calls for a 2 percent real increase in spending? And how can he make the argument—which needs desperately to be made by someone—that national security may be more important than this year's Gramm-Rudman number? The United States is about to enter the two most important arms negotiations in history and needs to stick to its guns to reach a successful conclusion.

And to maintain a national consensus on military spending, the Pentagon badly needs to have its image resurrected from the Golgotha where spare parts scandals and Operation Ill Wind and pique at our allies and many other problems have marooned it. Is John Tower the man to do that?

Alas, no.

It seems cruel to deprive a man with the skills to do a job he desperately wants to do of the opportunity to make good. And we may be making a moot point, as the Senate seems intent on confirming Tower come hell or high water.

But George Bush, who says he cares deeply about ethics in government, might want to reconsider. The president's sense of loyalty may be too strong.

Or Tower may summon personal courage of his own—it would take uncommon courage to refuse now the job he wants so much—to step aside. It might be the best help he can give to his friends in the military.

[From the Navy Times, Mar. 6, 1989]

THE TOWER VOTE

President Bush gambled and apparently lost on the nomination of former Sen. John Tower to be secretary of Defense. The Senate Armed Services Committee sent the nomination to the Senate floor with a recommendation not to confirm.

The vote split along party lines—11 Democrats against Tower, nine Republicans voting in favor of their former colleague. If the partisan pattern holds, the nomination will be defeated in the Senate where Democrats hold a 55–45 majority.

Critics of committee chairman Sam Nunn, D-Ga., say with some bitterness that he allowed rumor and innuendo about Tower's social life to rule the day. They suggest that Nunn had his way with Defense when Frank C. Carlucci was secretary, and now he bristles at the thought of so formidable an adversary as Tower taking over the post.

These charges themselves seem the fruit of politics and bruised egos. As Navy Times went to press, no version of the FBI investigation into Tower's personal habits had been released. The public has no way to assess the material that swayed Democratic conservatives like Nunn and Sen. John Glenn, D-Ohio, to vote against the nomination. But Sen. John Warner's observation that reasonable men can disagree on the implications of the FBI reports is no ringing denunication of Nunn's leadership on this issue.

Both Nunn and Tower care deeply about national security and those serving in the armed forces. Tower served with distinction in the Senate for 24 years. He's been a strong supporter of the Sea Services. As a master chief in the Naval Reserve, he holds a special affection for the Navy.

But the Senate has an obligation to vote down a nomination when sufficient questions of character are raised. All those investigations were opportunities to allay the Democrats' concerns. They did not.

The vote in committee came down to two issues. The first is whether Tower is a good choice to handle the tough decisions ahead for defense. He has the brains and background to handle the job.

The second, however, involves leadership, and that includes personal habits. "Will we demand less of our secretary of Defense than we do of our people in uniform?," Glenn asked.

We shouldn't. And military people need to know we won't. The Defense secretary should be, and should be known to be, a man of upstanding character. President Bush should nominate another to lead the Defense Department.

If he does not, the full Senate should reject the nomination.

[From the Air Force Times, Feb. 20, 1989]

NOT TOWER

The armed forces are under great pressure. They are being forced to find ways to hold down spending without endangering the nation, and they must rebuild public trust in the flawed procurement system. To do this, they need a strong, widely respected leader.

John G. Tower is the wrong man for the job.

Let's set aside for the moment the questions that have been raised about his drinking habits and his relationships with women. And let's even assume that the most recent FBI investigation into his financial affairs yields no evidence of illegality. There are other, compelling reasons Tower should not be secretary of defense.

It is clear that defense spending will be constrained and that the secretary of defense will have to engage in intricate and delicate negotiations with Congress and within the executive branch. To assure that the resources devoted to defense are adequate, but not excessive, the nation needs a Pentagon leader who is credible.

Tower is not. He has accepted more than three-quarters of a million dollars in payments from U.S. defense contractors for various consulting services he has rendered to them since he retired from the Senate.

In testimony before his former colleagues, he has offered to "recuse" himself—that is, not be involved in—certain decisions involving projects with which he was directly associated. But that is not a feasible solution. It would mean, in effect, that every time such a project required a decision by the secretary of defense, he would have to leave the room. That's no way to run the Pentagon, especially now, when excruciatingly difficult decisions must be made. There is too much at stake to allow vital decisions to be handled by underlings because the secretary of defense's chair is empty.

Unfortunately, Tower's lack of credibility is not limited to issues on which he worked as a consultant, and that is the most significant problem.

Tower is so closely associated with the defense industry that many people will question virtually any statement he makes on defense issues. His supporters argue that Tower knows defense issues and he knows Congress. That is true. But this knowledge is worthless if it is percieved to be tainted by bias.

Why should the people of the United States accept as the leader of their defenses a man whose effectiveness has been impaired by his past? Surely there is one person among the 250 million Americans who is both qualified to be secretary of defense and unfettered by ties to the defense industry?

Tower's nomination shows poor judgment by President Bush. It should be withdrawn. Failing that, it should be rejected.

[From the Navy Times, Feb. 20, 1989]

TOWER APPOINTMENT WOULD SET WORST POSSIBLE EXAMPLE

(By Harry G. Summers, Jr.)

"How can I justify my title of Honest Old Abe with the appointment of a man like Cameron?" lamented President Abraham Lincoln of his secretary of War, Simon Cameron, a Pennsylvania politician who was so splendidly and notoriously corrupt that even Congress took notice and voted him a formal record of censure.

"Honest Old George" Bush may well find himself asking the same question if the Senate Armed Services Committee votes to confirm former Sen. John Tower as secretary of Defense and the full Senate concurs in that nomination. Unlike Simon Cameron, John Tower has yet to be accused of selling diseased horses to the cavalry (perhaps because there's no horse cavalry around anymore), but "Jumpin' John" Tower has been publicly accused of being a drunkard, an adulterer and an influence peddler to the tune of three quarters of a million dollars from various and sundry defense contractors.

Whatever the fire underneath all the smoke that has been raised over the Tower nomination (and some flames—the specifics of the alleged influence peddling, for example—have emerged already) he is a strange candidate for a president who ostensibly "sought out individuals of the highest integrity" to serve in his Cabinet, and who has insisted that he would tolerate "not even a perception of wrongdoing" in his administration. Nowhere are such moral standards more important than for the secretary of Defense.

For one thing, along with the vice president and the secretary of State, the Defense secretary is a statutory member of the National Security Council, which Bush has pledged to revitalize as the nation's power center on matters of war and peace. Here, where the survival of the world may well

hang in the balance, a clear head unfogged by alcohol or excess is essential.

For another, the secretary of Defense manages a multibillion-dollar budget already under attack on charges of fraud, mismanagement and corruption. In Tower's case, that aspect of his duties has already been compromised to some degree by the $763,777 he raked in as a "consultant" for defense contractors while he was out of office.

Whatever the legality—and Washington's "sleazoid" lawyers can prove anything legal if the fee is right—the ethics of the matter are odious enough to call into question Tower's credibility as an "honest broker" when it comes to matters of Defense Department procurement and acquisition. But that's not the main reason his appointment is so wrong.

The worst aspect of this appointment is the message it would send to the men and women of our armed forces. It is not generally recognized that, thanks to the ill-conceived restructuring of our defense establishment after World War II, the secretary of Defense is not only the equivalent of the former Cabinet-level secretary of War and secretary of the Navy, he is also the operational commander of the armed forces, in effect the general-in-chief and admiral-in-chief of the Army, Navy, Air Force and Marine Corps. As with any military commander, the secretary of Defense sets the moral standards for those subordinate leaders under his command.

There is an abominable irony in the fact that the Senate would even consider for the post of "general/admiral-in-chief" an individual who—if guilty of the behavior alleged to Tower—would be rejected outright (in fact, not even considered) were he a serving military officer in the zone for promotion. The truth of the matter is that if Tower were a colonel, he might long ago have been cashiered.

While drunkenness and womanizing are no more unknown in the military than they are in civilian society, in the military they are far less condoned when brought to official attention. Over the years any number of generals, admirals and other senior officers have been quietly called on the carpet for such misbehavior and told to retire or face a military court-martial. Especially in recent years there has been a severe crackdown on alcohol abuse and sexual harrassment throughout the services.

To appoint as secretary of Defense one accused on national television of chasing his secretary around the desk and tugging at her skirt, allegedly in a drunken stupor, while serving in Geneva as the arms control representative of the United States, not only makes a mockery of such crackdowns, it sets the worst possible example for the leaders of America's sons and daughters now serving in our armed forces.

As a father and a grandfather, and especially as America's commander in Chief, President Bush ought to be ashamed of himself for nominating such an individual in the first place, and so should the members of the United States Senate if they allow this nomination to be confirmed.

[From the Washington Times, Mar. 1, 1989]

TAKING THE PLEDGE, WITH A LIMITED WARRANTY?

(By Harry Summers)

Looking right into the camera on ABC television's "This Week With David Brinkley" last Sunday and keeping a straight face the whole time, former Sen. John Tower took the pledge to abstain from alcohol and backed it up by swearing, "I've never broken a pledge in my life." Sure.

If one of his former wives and those who served with him in Geneva are to be believed, he obviously was not talking about the solemn pledge of fidelity he made during his wedding ceremony. And he could not have meant to include his earlier pledge not to peddle his influence as chairman of the Senate Armed Services Committee to defense contractors once he was out of office.

This seems to be strictly a limited warranty pledge, and a pathetic one at that. Here was a man aspiring to operational command of America's armed forces throwing his dignity to the winds and swearing to a nationwide audience that he would give up "demon rum" for the duration. Even Carry Nation's credulity would have been strained, for the performance had all the sincerity of a sinner anxious for a handout taking the pledge at a temperance rally. All that was needed was Sam Donaldson laying on hands and a Salvation Army band in the background belting out "Put a Nickel on the Drum, Save Another Drunken Bum . . ."

It was only a month ago that Mr. Tower was pledging that one of his "overarching objectives" was "to restore public confidence in the Department of Defense." Instead, what he has succeeded in doing is undermining public confidence not so much in the Pentagon but in the White House and Capitol Hill.

Mr. Tower has certainly done President Bush no favors. Like Abraham Lincoln, who appointed Pennsylvania politician Simon Cameron as secretary of war to pay off a campaign debt, Mr. Bush understandably nominated Mr. Tower to be secretary of defense. But unlike Mr. Lincoln, who shipped Mr. Cameron off as ambassador to Russia once his true character was revealed, Mr. Bush has stood by his man. White House toadies no doubt have convinced Mr. Bush that he's demonstrating loyalty, in contrast to President Carter, who ran for cover whenever any of his appointees got into trouble.

But what Mr. Bush is really doing is convincing the American people that he doesn't have enough backbone to enforce his own pledge to "seek out individuals of the highest integrity" to serve in his Cabinet. Today those fine words are seen as just so much political hogwash.

By this time common sense should have told Mr. Bush that when it comes to a floor fight to confirm Mr. Tower, even if he wins, he loses; for if Mr. Bush wins he'll be stuck with what many perceive to be a moral degenerate in his Cabinet. No matter how many pledges Mr. Tower makes, one thing he will never be able to do now is "restore public confidence in the Department of Defense."

And by continuing to support Mr. Tower, Mr. Bush has done Senate Republicans no favors, either. By making the nomination a test of party loyalty, Mr. Bush has not only compromised his own integrity, he has forced Republicans in the Senate to compromise their integrity as well. One might suppose it would be liberal Democrats like Ted Kennedy defending Mr. Tower's "swinger's rights," while conservative Republicans like John McCain fought for a restoration of moral standards—but instead the arguments have to be reversed.

When the best argument the Republicans can muster in support of the Tower nomination is that one shouldn't "undermine the presidency," it should be clear to all concerned that Sen. Sam Nunn not only has the votes on his side, he and his fellow Democrats occupy the moral high ground as well.

One reason this point is not as plain as it might be is that some in the media have denied that a moral high ground exists. According to them, morals and character have no place in determining fitness for public office. Citing past presidential peccadilloes as evidence (peccadilloes that some of these "reporters" helped hide from the American people), they deny any connection between private and public behavior. Such attitudes merely confirm the American public's suspicions that the media are so jaded and debauched that they have lost the commonsense ability to tell right from wrong.

But if the issue is properly addressed, telling right from wrong is not difficult. Military officers traditionally use a simple test to judge the fitness and suitability of superior officers, a test that could cut through all the double-talk and hypocrisy that now surrounds the Tower nomination. The question is not "Could I serve in his unit?"—for most believe they could take care of themselves in the worst of circumstances. Instead they would ask the much tougher question, "Would I want my son or daughter to serve under his command?"

If you want to know whether John Tower, pledges and all, should be confirmed, imagine your son or daughter is assigned to the office of the secretary of defense. The answer will be apparent.

JOHN CHANCELLOR, NBC NEWS "COMMENTARY," RE: TOWER NOMINATION, MARCH 1, 1989

It's an old and honorable tradition in America that the military doesn't get involved in politics. So we've heard nothing about John Tower from the people who may have to work for him in the Pentagon and the armed forces. But if these men and women can't get into the Tower debate, there is a chain of newspapers that speaks to them and sometimes for them: the Army Times, the Navy Times, the Air Force Times, and Defense News, four influential publications read throughout the military, each with its own editorial policy. All are opposed to the nomination of John Tower.

The editorial in Defense News says that Tower should withdraw because of his work as a consultant to some of the biggest defense contractors, companies that produce, among other things, the B-1 bomber, the B-2 bomber, the MX missile and the proposed Midgetman missile. Senator Tower says that when contracts involving his former employers came up, he may take himself out of the bargaining. Defense News says, if he takes himself out, he can't be a full-time Secretary. If he is involved in the bargaining, there will be questions about conflict of interest. Either way, Tower has a problem just when the Pentagon needs a boss who will be popular and presuasive with the Congress and the country.

Publications serving the Defense Department, the Army, Navy and Air Force should know more than most about who should be Secretary of Defense, and when they all come out against John Tower, you've got to pay close attention.

Mr. NUNN. Mr. President, in turning the floor over to Senator WARNER I repeat that we have handled this matter from the very beginning as a

total partnership. We have formed a joint staff. Everything that came in to the majority went immediately to the minority.

Senator WARNER has conducted himself with total integrity and total honor and for that we all owe him a debt of gratitude and I personally express that gratitude to him and to Pat Tucker.

We will have a lot of back and forth here in the next few days, but that record will be unassailable.

Mr. WARNER. Mr. President, I thank the distinguished chairman from Georgia for his remarks.

I, too, shall refer to the work that we have done jointly for these many weeks in the course of my statement.

I rise to oppose the recommendation of the Armed Services Committee and to endorse with pride the recommendation of the President of the United States that John Tower, former U.S. Senator, receive the advice and consent of the U.S. Senate to become Secretary of Defense.

Mr. President, I shall be somewhat brief in my opening remarks to accommodate a colleague who has a schedule conflict and at a later time I will go back and I will address the incalculable contributions of this distinguished American as a public servant, 24 years as a Member of the U.S. Senate, the personal selection by a President to be an arms negotiator.

"Truth and fairness," those are the words that should be ever present in this Chamber as we commence this historic debate and discharge the duties of the Senate.

I mention Senator Tower's public service because in the Senate today are 70 U.S. Senators who served with him through those years by day, by night, and not one, Mr. President, has thus far come forward to challenge in any way the discharge of his duties as a U.S. Senator, not one. There is a silence, so far, on that critical point in this Chamber. That silence is a tribute to our former colleague.

Mr. President, when he departed, I remember very well, because my seat was at that time right over there and behind me sat Senator Goldwater, who succeeded him as the senior Republican and the leader on the Armed Services Committee, and this Chamber received quite appropriately accolades from both sides of the aisle as this fine American said good-bye and went his way. I remember so well, thinking at that time, that at long last he could devote more time to his family, and to those many interests that all of us have but which Senate duties have precluded the pursuit thereof.

But, a short time thereafter, again came the call for public service from the President of the United States to participate in the most critical of all challenges, the relationships between the United States of America and the Soviet Union, that adversary who potentially could inflict the greatest harm to this country. John Tower stepped forward and volunteered.

It was not the highest post in the delegation. It was not commensurate in power with the chairmanship of the Senate Armed Services Committee, but that did not cause him the slightest pause, for it was another challenge to go forward and perform a public service to the Nation he loves.

I shall return to this distinguished American's career, but I go now to the statements by our distinguished chairman about the performance of the work of the committee. And indeed, in the weeks that we worked together in the preparation of the record, and with our two staffs headed up by Patrick Tucker on the minority side, Arnold Punaro and Andy Effron on the majority side, it was total teamwork, a sharing of all the information. All decisions were made jointly. The chairman worked with honor and fairness in our personal relations. I returned the same.

Senator NUNN and I recognized, from the first moment we read that FBI report, that this nomination would be a challenge to us, to the members of our committee, and to the Senate as a whole. We decided, and I believe quite correctly, to pursue our respective responsibilities in a nonpartisan way as we prepared a record for the committee and the Senate.

Then came the night of decision, Thursday, February 23, when the Senator from Georgia and the Senator from Virginia concluded their committee work on the record. The road forked and we went separate ways on the vote. I was proud to stand with all eight of my colleagues on the Armed Services Committee as we unequivocally stated our support for the President of the United States and his choice for Secretary of Defense, John Tower.

The public must think S-407 is some secret chamber. Indeed, it does have a cloak of secrecy and a security about it. But it is that room to which Senators must go, at times when we have matters of national security interests, or matters of privacy that we must accord communications from fellow citizens, to examine these documents. Today, in that room, is a "collection" of material. I do not dignify it with the word "evidence." As I said, on Thursday night at the vote, this "collection" represents the most incredible cobweb of fact, fiction, and fantasy that I have seen in the decade I have been privileged to serve in this institution. Somewhere therein are elements of truth, and it is our responsibility, individually and collectively, to search out the truth. Every Senator has taken upon himself or herself to go to S-407 and perform that degree of study they believe necessary to find that truth.

Given the conflicts in the material in S-407, this Senator turned to another source of evidence. It was the persuasive factor with this Senator. I mentioned earlier that John Tower served with 70 Members of this body who are still serving today. There is another group, perhaps 30 to 40, who have departed this institution. Some 100 Senators know John Tower.

Not one has come forward to challenge his work while performing his duty. Not one has come forward to challenge with facts their own personal observations—that at any time John Tower's conduct, with respect to other individuals, or his daily lifestyle, or personal habits, ever interfered in any way with the effective performance of his work as a U.S. Senator. Not one has said, "I saw John Tower do this or that, in such a way as to undermine his ability to make controlled, sound decisions as a public servant." To me, Mr. President, therein, is the burden of evidence upon which Senators should judge this case.

In the days that unfold, as we debate, I shall listen carefully and wait to see if just one of the approximately 70 currently active Senators will come to this Chamber and relate their personal observation to the contrary, for that evidence should he accorded great weight. Of those who have retired I shall faithfully transmit any of their messages I might receive.

We heard this morning the chairman, in a very fair manner, address the personal tragedy that has been inflicted on John Tower, the members of his family, and the members of his staff, as a consequence of press leaks. Well, those of us who have served here in Washington understand the art of leaks. I am confident, however, of the credibility of the work that the chairman and I performed through last Thursday.

I am not going to point fingers. I have no knowledge. One can never determine, almost without exception, how the leaks occur. But it is interesting that those leaks have all been of a nature that are negative, that are sensational, that are based upon those allegations which rivet the attention of people who are watching from the distant States of our Union.

This morning's newspaper carries a story. The chairman referred to it. I guess we will hear more about it. I sincerely hope that it can be disproved. Some facts relative to that are in S-407. But before this Senator attaches any credibility, a great deal of corroboration will be necessary.

But I thought I would bring out today, not a secret document, but another, I think, credible source of evidence. I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1989.

Hon. SAM NUNN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We have known Senator John Tower professionally and personally for a number of years. We are very aware of his 26-year record of outstanding public service to his country.

He served the people of Texas in the United States Senate for 24 years. They endorsed his performance in office by re-electing him three times, in each instance over a well-financed and strong opponent.

After retiring from the Senate where he held important policy and leadership positions, Senator Tower was asked by the President to handle some of the toughest and most delicate problems facing our country. He received public acclaim for his work as Chief Negotiator for the U.S. Strategic Arms talks in Geneva, and for his fairness and candor as Chairman of the President's Special Review Board which studied National Security Council operations in light of the Iran-Contra matter.

We all know the Senator well. Many of us worked as volunteers in his campaigns or as members of his staff. Many of us counseled with him on domestic policy or on sensitive matters of national security and defense. Others of us are simply his friend. But we all are convinced that President Bush has made an excellent choice in nominating Senator Tower as Secretary of Defense.

We urge you to bring his nomination to a prompt vote in the Senate Armed Services Committee and to recommend his confirmation as Secretary of Defense.

Sincerely,

Honey Alexander, Member, Corporation for Public Broadcasting, Nashville, TN; Carol E. Dinkins, Former U.S. Deputy Attorney, General, Houston, TX; Anne Armstrong, Former Ambassador to Great Britain, Armstrong, TX; Elizabeth H. Dole, Secretary of Labor, Washington, DC; Patricia Hill, Member, Texas House of Representatives, Dallas, TX; Kay Bailey Hutchison, Former Chairman, National Transportation Safety Board, Dallas, TX; Cyndi T. Krier, Member, Texas State Senate, San Antonio, TX; Beryl B. Milburn, Former Chairman, Higher Education Coordinating Board, Austin, TX; Cynthia Root Moran, Former Assistant Secretary for Legislation (Acting), Department of Health and Human Services, Washington, DC; Jocelyn L. Straus, Member, National Council on the Arts, San Antonio, TX; Carla A. Hills, U.S. Trade Representative, Washington, DC; Jeane J. Kirkpatrick, Leavy Professor of Government, Georgetown University, Washington, DC; Sally F. McKenzie, Vice Chairman, Texas Women's Commission, Dallas, TX; Catherine Clark Mosbacher, Attorney, Houston, TX; Anna Mowery, Member, Texas House of Representatives, Fort Worth, TX; Irene Wischer, President and CEO Panhandle Producing Co., San Antonio, TX; Greer Garson Fogelson, Dallas, TX; Jessica Catto, Builder, Woody Creek, CO; Nancy Kissinger, New York, NY.

(Mr. ADAMS assumed the chair.)

Mr. WARNER. This would be characterized as evidence favorable to John Tower. And since this morning's sensational story related to alleged mistreatment of members of the opposite sex, I challenge all to examine this letter. It was forwarded to the chairman of the committee, Senator NUNN of Georgia, signed by a dozen or more women who have made their mark in the history of America. Former Ambassadors, Cabinet officers, all of them have climbed that challenging and difficult ladder of success that confront women in professional life. They state:

We all know this Senator well. Many of us worked as volunteers in his campaigns or as members of his staff. Many of us counseled with him on domestic policy or on sensitive matters of national security and defense. Others of us are simply his friend. But we all are convinced that President Bush has made an excellent choice in nominating Senator Tower as Secretary of Defense.

Many Members of this body will recognize these names. But, as I put this in the RECORD, I will be interested to see whether it makes page 1 of America's papers like the negative leaks. Will this letter merit the attention and heralding presswise as have the negative stories that we have seen thus far, negative leaks which have begun to create something of a mindset across the Nation.

That is why this debate is so important—it is essential to seek that truth, to seek fairness, and to seek participation by the American people in this historic decision. We are not just deciding the fate of John Tower to be the next Secretary of Defense, we are deciding the fate of many Americans who will follow him, who will be called by not only President Bush but by the next President and the next President, to come to the Nation's Capitol to take on responsibilities as Cabinet officers. They will want to know they will be treated fairly by the U.S. Senate.

Yes, we are going to establish a historical precedent with this case and we do so, I hope, with utmost care.

So how does this Senator reach his decision? I mentioned my own experience with the Senator. I traveled with him in various parts of the world, served with him on the Armed Services Committee. When I first entered the Department of the Navy 20 years ago this month as Under Secretary of the Navy, I came before this body for advice and consent. And the first hand that was extended to me, other than that of John Stennis, was that of John Tower to guide me and help me get started in the Navy Secretary's Office. And for these ensuing 20 years I have had the privilege of working with him.

So my decision is based on my own observations. My decision is also based on the uncontested observations of some 70 other Senators serving here today and those who have departed. But, lastly and most importantly, my decision is based on the judgment of the President of the United States, a man who was elected overwhelmingly by the people of this country. And they said in that mandate, "Mr. President, take office, form your Government, and lead this Nation." And we are here to give such advice and consent as is necessary.

We do have a duty under the Constitution, and I would like to read the provision: Article II, section 2, referring to the powers of the President of the United States:

He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States. * * *

We celebrated this morning in the joint meeting the bicentennial of the Congress of the United States—200 years. And in that period of time some 540-plus individual Americans have been selected by the successions of Presidents to serve in the Cabinet of the United States. This body has seen fit to superimpose our judgment—a veto—on a President of the United States for only eight of these individuals. And now the majority of the Armed Services Committee of the U.S. Senate recommends to the U.S. Senate that this individual become the ninth in the history of our country to be rejected.

In the last 100 years, only twice—I repeat, only twice; once under the Presidency of Calvin Coolidge and once under the Presidency of Dwight Eisenhower some 30 years ago—has this body exercised its constitutional right to veto the choice of a President. But to me that body of 200 years of tradition—precedents—provides the guidance the Senate needs in determining the weight of evidence needed to overturn a President's decision.

Time and time again in the course of debate in the proceedings of the U.S. Senate, we go to the desk to seek the advice of the President of the Senate who, in turn, seeks the advice of the Parliamentarians of the Senate. This institution operates on precedent. Much of the precedent was established by Thomas Jefferson. Incidentally, as a footnote to history—the first time the power of advise and consent was exercised was on the 16th of June 1789, when George Washington sent a Virginian by the name of Short to be Minister Plenipotentiary to France and allow Thomas Jefferson to return as the first Secretary of State.

Two hundred years of precedent, 540 different Cabinet officers. Therein is a body of evidence on which Members of the U.S. Senate today as well as yesterday could base their decision to support a President.

Mr. President, I will accommodate other Senators here and conclude my remarks by saying that I am confident that this body will discharge its search for the truth and fairness in a manner that will comport with the dignity of this institution for its 200 years. For, if we allow ourselves to get into the style of a soap opera, or we begin to engage in a civil war, the truth will perish somewhere in between. And that we must avoid.

Yes, if we allow ourselves to go either of those routes, then the Senate itself will be on trial. I pray that that does not occur.

We must judge John Tower with the same fairness and objectivity we daily judge ourselves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine, Mr. COHEN.

Mr. COHEN. Mr. President, yesterday afternoon there was a small congregation of members of the press outside the Senate Chamber. Several of them approached me, following a meeting that we had in Senator DOLE's office, and they said: "Why prolong the agony? It is over. The better part of politics is pragmatism. Won't this only delay getting a new Secretary of Defense? Will it not impair the President? The Democrats have the votes, so to Satan with your chapter and verse about fair play."

And finally, "Does this not reflect poorly upon the President? Does he not recognize the need to cut his losses?"

I think what it reflects is not only the President's loyalty, but his basic sense of decency. He has watched the trial, the conviction and, indeed, the political execution of a man that he has known for a quarter of a century, a man who has never had the opportunity to confront the witnesses who have testified in secret against him.

President Bush believes that John Tower is fit to serve as his Secretary of Defense. It is my personal judgment that, if the Senate is going to reject him, we have to have very clear and convincing evidence that the President's judgment is either deficient or otherwise impaired—that he does not want and will not receive a 24-hour-a-day Secretary of Defense; that somehow he is insufficiently concerned about—perhaps even indifferent to—allegations pertaining to his nominee's propriety and sobriety of conduct.

I was reading "Murder in the Cathedral" last evening. I thought it somehow appropriate that I might discuss it here today.

Archbishop Thomas Beckett said, "The last temptation is the greatest treason: to do the right deed for the wrong reason." Now, Anthony Lewis had a column in today's New York Times. I think it bears repeating today because he picked up the same theme found in "Murder in the Cathedral." Anthony Lewis said, "There are good reasons to reject John Tower's nomination." Because of his philosphy and support for large expenditures for defense. But Anthony Lewis goes on to say:

> But many Senators are relying on a bad reason to oppose confirmation. That is the charges, collected in an FBI report, that Senator Tower has engaged in improper personal behavior, including abuse of alcohol. The people who made those charges were not under oath when they were interviewed by the FBI. They did not have to confront Senator Tower, or answer his questions.

"Reliance on charges that have not been subject to testing by the person accused is a dangerous business," according to Mr. Lewis. And that is why witnesses in our courts, civil and criminal, must be available for cross examination. Cross examination is the greatest engine for the discovery of truth.

But Mr. Lewis points out, this is not a trial. Those who rely on the FBI reports say this is not a trial. We do not have to find John Tower guilty of all these offenses beyond a reasonable doubt. If we see smoke, we may conclude there is fire. And then Mr. Lewis goes on to say:

> A system that operates on secret charges is an invitation to the grudge and smear. It allows those with motives of jealousy or politics to destroy reputation. It permits innocent mistakes to be destructive.

So, we ought not to allow people to do the right thing for the wrong reason. If you follow Mr. Lewis' line of logic, one could vote against John Tower because of his philosophy. But that might be the wrong deed for the right reason.

I think T.S. Eliot was wrong. I think the greatest treason is to do the wrong thing for the wrong reason. And I suggest to you that is precisely what the Armed Services Committee has done.

What is the evidence? We have had a variety of evidence come before the committee. First, we have our own personal experience, our own observations. And we heard Senator WARNER express much of that just a moment ago. I have said this before. I did not know John Tower before coming to the Senate. I have no way of verifying or accounting for his personal habits, drinking or otherwise. I am willing to stipulate that, on occasion, he drank excessively. He has already indicated that to the Senate Armed Services Committee. I would be willing to stipulate that provided we also stipulate that he was fully able at all times to carry out every single responsibility ever entrusted to him during that time.

I have known him since 1979. I have been a close friend. I have traveled here in this country, abroad, and I also know that every other member of the Armed Services Committee has had a similar experience to mine, those who have traveled with him and spent time with him. Not a single Senator on the committee who worked closely with him day and night many times can say they have ever seen him under the influence of alcohol, inebriated, or conduct himself in a manner that would bring discredit to the office. I believe the same thing can be said of the members of the Tower Commission, the START negotiators, and all of the others who ever associated with Senator Tower in a professional capacity. None have said they have seen him out of control of his faculties.

Now I suppose it is possible that he is able to conceal this alleged problem with alcohol from those who worked closely with him, never revealing even a tremor in his hand, a slur in his speech, an unsteadiness in his walk. That is possible; highly unlikely, but I suppose it is possible.

I must weigh that. But how many times have I sat on the Senate floor and listened to the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, and the ranking member, Senator WARNER, and others, praise John Tower for his intelligence, his endurance, his negotiating skills. Was there ever a time when he was not able in their judgment to carry out the heavy responsibilities he had as chairman of the Armed Services Committee? Were those simply false words that they were uttering on this floor? Were they the soothing flatteries that we sent aloft as members of the club?

Think about "the club." It also stimulates thought about Gore Vidal's book, published in 1977, called Washington, DC. He said:

> No one was ever quite sure who belonged to The Club since members denied its existence but everyone knew who did not belong. The Club was permanently closed to the outsize personality, to the firebrand tribune of the people, to the Senator running too crudely for President. Members of The Club preferred to do their work quietly and to get re-elected without fanfare. On principle they detested the President, and despite that magnate's power to loose and to bind, The Club ruled the Senate in its own way and for its own ends, usually contrary to those of the President.

I mention this description of the club because it is pretty obvious. John Tower was never a member of the club.

In spite of the absence of that membership, we heaped him time after time with accolades about the extraordinary amount of energy he possessed, the endurance, the capabilities that he always showed while serving as chairman of the Armed Services Committee.

Recently, a number of the Members of this body and the other body traveled to Munich, West Germany, to participate, along with John Tower, in a very important NATO defense meeting. How many of our colleagues lis-

tened to John Tower at that time present the American view on defense issues relating to NATO? Would any one of them tell you that he revealed anything but a sharp, unclouded mind, logical thought process, and compelling rhetoric? There is not one who would venture such a thought.

Was it the behavior of a man who has a serious drinking problem? Did anyone there—and I include members of the media; we had people from the print media. We also had representatives from CBS, ABC, NBC, not as journalists, but actual participants in that conference—was there anyone there who witnessed unbecoming conduct or activity on his part? The answer is no.

So we have this kind of experience to call upon, and we have to weigh our own personal experience against the evidence that was presented to the Armed Services Committee. That is where I think we are sadly lacking.

We had direct evidence. We had a total of three witnesses appear before the committee in public, excluding Senator GRAMM and Senator BENTSEN who introduced Senator Tower. Those were the witnesses who appeared, one of whom testified about John Tower's alleged lack of sensitivity to subcontracting and the infrastructure and industrialization problems of this country. There were two other witnesses. One was Mr. Weyrich and another a so-called Dr. Jackson, a Mr. Jackson.

Mr. Jackson said in open session that he had a source in Geneva that could attest to some impropriety on the part of John Tower while he was there as a START negotiator. I asked Mr. Jackson at that time, "Who is your source?" He said, "I couldn't possibly reveal that in public; breach of faith."

We went into executive session, and I will say for the record here, perhaps inappropriately so, but I have said it before, when called upon to identify his source, Mr. Jackson did not have one that he could identify. His information was obviously based upon hearsay.

He issued an apology to the committee that it was inappropriate to have said what he had said in public session. Unfortunatley, the private apology never made it to the public arena, and so we had damaging testimony taken in public and, unfortunately, rebutted in private.

We had confidential information and evidence presented. The committee report maintains that the witnesses had no motivation to lie. Of course, that does not mean because they have no motive to lie they necessarily presented either accurate testimony or the truth.

I watched this morning one of the television programs, and one of my colleagues said he had been a prosecutor for 8 years and he knew how to read FBI files. Let me just suggest that no prosecutor would ever bring a case like this before a court of law resting on his proof on unsworn, unidentified witnesses, because he would have the case thrown out on a motion for summary judgment immediately after he made his opening statement. That is what would happen in a court of law based upon those FBI files.

So they may not have a motive to lie. In fact, lies were told, and they are contained in the FBI report. One story that I have found to be of particular offense was that dealing with the story that the major networks ran with alleging that John Tower was involved in improper behavior with a Russian ballerina. It was a scandalous story, burned up the airwaves for several days. The only problem was once it was checked out by the FBI, the person who called that story in was found to be totally lacking in any credibility. That story never made it to the wires, unfortunately. Again, a very dangerous situation in which unconfirmed, uncorroborated, indeed, false statements made about John Tower were reported in the press and yet never revealed for what they were.

We had various other personnel talk about an extraordinary amount of alcohol that had been consumed by John Tower. One of the witnesses who has been cited once again in the press left much to be desired in terms of his veracity and credibility, not only about dates, places, time, destination, but volume of alcohol consumed. We have had situations where 1 person said, "Yes, I saw him under the influence," and 13 said no. Do you believe the 1 and discount the 13?

Mr. Adelman, a very respected individual, wrote a column that got very extensive coverage, and when he was asked by members of the press and others in the White House and our committee, "Where's the beef?" or "What's the beef?" he responded with what I think were some weak generalizations.

So I have to ask a question: Is the committee—we reported out this report—and this Senate going to give greater probative value to unsworn statements by unidentified people than we do to our own experience, than to that of a General Scowcroft, a Howard Baker, a Max Kampelman, indeed, President Bush himself? Is that the kind of probative value we give to this kind of evidence?

Perhaps I indulge in too much reading of literature—but I could not help but recall Arthur Miller's "The Crucible." It is a very unhappy play. It is set in Salem, MA, back in 1692, when the witchcraft trials were at their height. It is a tale of deceit, deception and hysteria brought on by a group of young girls who invent stories about people consorting with the Devil. Their masquerade is given credence by assorted ministers who see their own power over the community growing as they punish the alleged Devil worshipers.

The lives of many townspeople, including some real pillars of the community, are ruined. They are ruined or ultimately ended by hanging. They could save their lives by confessing to witchcraft, but most of them refuse to do so and they are put to death. I could not help think, as I read through the FBI reports, that we are basing our judgment on Tower's fitness or lack of it for office upon that play.

There is a particularly moving crescendo at the end of act one in which these various young ladies start to say, "I saw Sarah Good with the Devil," and "I saw Goody Osburn with the Devil," and "I saw Bridget Bishop with the Devil; George Jacobs with the Devil; Alice Barrow with the Devil; Goody Hawkins; Goody Bibber," and on and on, to this wonderful crescendo of hysteria, of people they saw with the Devil.

Then of course we have the Reverend Hale, who says,

> Nurse, though our hearts break, we cannot flinch; These are new times, sir. There is a misty plot afoot so subtle we should be criminal to cling to old respects and ancient friendships. I have seen too many frightful proofs in court—the Devil is alive in Salem, and we dare not quail to follow wherever the accusing finger points!

That is what I found in the FBI reports: Unconfirmed statements by unidentified people, UFO's, unidentified flying witnesses, as such.

There is a double standard involved here. On CNN, one evening a Democractic colleague of mine was asked whether or not he considered the conduct of John F. Kennedy to be disqualifying for the Presidency. He responded at that time that if it was proved to him that John F. Kennedy did the things written about him, he would have voted against him for President.

Really now, what proof would he have accepted at that time? FBI interviews, unsworn statements by unidentified witnesses—that would not have been acceptable to me. I would have thrown it in the sewer. I would never have rejected him on the basis of rumors, those furry little creatures that scurry around so comfortably in the dark and then scatter in the light of scrutiny.

Or how about Lyndon Baines Johnson? Another of our Commanders in Chief—Was he qualified to serve as the commander of a B-1 squadron, a Trident submarine? Could he have been promoted from corporal to sergeant? Not if you believe what was written about him by those who were said to have been close to him.

Well, do you accept those observations of some respected and well-

known authors? If you do, did you know about those traits at the time that he ran for Vice President? Perhaps more importantly, did these character flaws prevent him from successfully pushing through some of the most important domestic legislation in the history of our country? Did they prevent John Kennedy from forcing the Soviet missiles out of Cuba or negotiating a nuclear test ban treaty? There is a double standard at work here.

I will take just another moment. We have other colleagues who want to talk. I have more to say and will have more to say as we go on to this debate. I must say that I was deeply disturbed when I read this report by the majority. Pages 12 through 17—5 pages—literally destroy the reputation of a man who has served his country ably and with great patriotism.

I will point to just a few paragraphs. "The committee searched in vain for a point in time when the nominee himself acknowledged this problem," alcohol, "and dealt with it decisively. The nominee made it very clear that he has never sought medical assistance for his drinking problem."

I do not recall any evidence being established that he had a drinking problem that required medical assistance. But I would say that had he done so, and then sought medical advice, I can guarantee you the report would have read, how can we rely upon a man who had to turn to seek medical advice to cure a problem? Can you trust in the future a man who has had a past problem identified by medical authorities? That is how the report would have read had he done so.

Page 14. "The committee determined Senator Tower's excessive use of alcohol"—when? Past excessive use of alcohol? Present excessive use of alcohol? What are we referring to on page 14, "Senator Tower's excessive use of alcohol would disqualify?" Are we not required to specify upon what evidence we are relying? Is it those unidentified sources that we find in the FBI reports? Is that what we are calling the excessive use?

And then we get to the issue about disclosing inside information. The committee comes to the judgment at the bottom of page 15 that Senator Tower violated his trust as such, that he gave the appearance he provided inside information to those contractors that he subsequently dealt with.

On page 16 they say, "The committee has no evidence that Senator Tower provided his clients with classified information." Sure, they have evidence. Of course, we had evidence. John Tower's testimony before the committee is evidence. Now, if we had doubts as to the integrity or the honesty or the credibility of that representation to the committee, the committee could have done something. Call the clients in. Call the contractors in. Ask them: "Did John Tower ever provide you with inside information?" We did not do that. Instead, we have here on page 16 that, well, we do not have any evidence that he did not give it, but it created the appearance that he crossed the line. The fact is that John Tower did not violate either the legal requirements or our ethical requirements, and so the line has been established in this report.

Behavior toward women. Once again, the committee record on this demonstrates no finding of liaisons with female foreign nationals and no security violations, and yet by virtue of this ambiguous, vague allegation about behavior toward women they find that somehow John Tower has behaved improperly. Not a shred of evidence that he would not carry out his duties to make sure that people who are serving in our military forces, the women who serve in our military forces would not be harassed.

A final point and maybe more about the report later. Appearances. All of us have to be concerned about appearances, but if appearance is to govern rather than actuality, then as I have said before, I repeat again, most of us would have to disqualify ourselves from passing judgment upon the matters that come before this body. Each one of us solicits, or most of us, I should say, not all, most of us solicit and receive contributions from a variety of sources—agriculture, telecommunications, business, and, yes, defense, and yet somehow we are able to maintain, and we do, that we have the individual character and integrity to pass judgment upon these "special interests" without undue influence.

Now, if we can do that, and I believe we can, then why are we now saying John Tower by virtue of creating a perception about an appearance is unable to do so? I think we are talking once again about a double standard. I would also point out that there are checks and balances against executive abuses and improprieties that are nonexistent for us. There are laws that we pass that the executive must abide by, very clear, specific rules about contracting. There is the Competition in Contracting Act that I helped to author which requires that awards go to the best competitor. There are whistleblowers within the system who will cry foul if there is any hint of impropriety. There is John Tower himself who, I believe, has maintained a sterling record of integrity during his service in the Senate. But most of all there is us—Congress. We are the ultimate veto over impropriety or, indeed, even poor judgment. We are the ones who do not award contracts. We are the ones who fund the programs, who modify the programs or, indeed, cancel the programs, and there is no appeal from us, no check on our particular conflicts or abuse. So for us to disqualify John Tower based upon that I think is a great double standard.

Finally, let me say I return to The Crucible. "Is the accuser always holy now? Were they born this morning as clean as God's fingers? I'll tell you what's walking Salem—Vengeance is walking Salem. We are what we always were in Salem, but now the crazy little children are jangling the keys of the kingdom, and common vengeance writes the law. This warrant's vengeance. I'll not give my wife to vengeance." Well, President Bush has said we are not to turn our judgment over, to give the keys to this particular kingdom, this Chamber, over to those who submit reports and statements that are unsworn and unidentified.

Mr. President, when you weigh the totality of the evidence and you measure this against the standard as to whether or not we can find by clear and convincing evidence that the President is not as concerned about the chain of command as we are, then I believe you will have to find that our committee has been found wanting. The President of the United States deserves to have John Tower and John Tower deserves this position.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM.

Mr. GRAMM. Mr. President, I would like to begin by saying that I am awfully proud to be able to associate myself with the remarks of our dear colleague from Maine. Through his words and thoughts he reflects on the greatest in terms of ability and integrity that we have had in the Senate, and today I am proud he is here and I am sure those who have gone before would be proud if they had heard him today.

Mr. President, I would like to begin by saying that I do not want to be judged by the standard that has been applied to John Tower here today. I want mercy. If I cannot get mercy, I will take justice, but I do not want to be judged by what is passing for justice on this floor today.

Mr. President, you can really sum up the committee report in one sentence, and I will read it. And then I want to talk about the John Tower we know, not just from a black book up in room 407, though I am going to talk about that black book up in room 407. But I want my colleagues who are listening and anybody else who is listening, if they know John Tower, to listen to this one sentence that sums up the indictment of Senator Tower and ask themselves, Is this the John Tower that I know and have known?

The sentence says: "The committee doubts Senator Tower's ability to provide effective leadership which will require commanding the confidence and respect of his subordinates in setting

the moral standards for the entire U.S. Military Establishment."

That is the indictment. That sentence sums up why every Democratic member of the Senate Armed Services Committee voted to reject the nomination of John Tower.

Mr. President, the men who cast those votes are honorable men but this is not a correct conclusion, and there are no facts that exist anywhere on this Earth that can substantiate that sentence.

Mr. President, I would like to begin by noting that John Tower is not an abstraction. John Tower is more than a 3-inch black book up in room 407 of this old building. John Tower is a man we know. Because we know him does not make him righteous, but because we know him, we know more than what others say. If there is anything that begins the process of rejecting this sentence, it is the 70 Members of this body who served with John Tower and another 10 or 20 who were in the House while John Tower served in the Senate.

Mr. President, first of all, I want to talk about something that I guess only an old teacher would look at. But I think it tells you as much about John Tower as his record, though I will speak of it as well. But I would like to talk about what I call John Tower's alumni—all the people that in 24 years in the U.S. Senate worked for John Tower, people that have gone on and left their mark on the history of this Nation, and people who uniformly love, admire, and revere John Tower. They are Members of the U.S. Congress—two of them. The Secretary of the Navy today worked for John Tower. The Secretary of the Air Force, the Special Assistant to the President for Congressional Relations, had his first job with John Tower—members of the Texas Senate, Federal judges, literally hundreds of people. And I ask myself how did this one man who came to the Senate in 1961 have so many people work for him that have gone on to do so many great things with their own histories independent of John Tower? They are a testament to the man. And they can tell you uniformly that John Tower does have the ability to provide effective leadership.

Mr. President, we do not have to just look at the people who work for John Tower and went on to work for America directly. But let us look at his record. For 24 years John Tower stood not just for Texas in the U.S. Senate, but he stood for national defense.

I remember the year when I came here in 1979 when defense was tough, then in 1981 when it changed, and when the tide of public opinion demanded a change. But whether it was popular or whether it was not popular, John Tower was there speaking out on behalf of national security and national defense.

Mr. President, today there are those who question John Tower's ability to lead. But where is that borne out in his record? Where has there ever been evidence that John Tower has not been able to lead? Is there one Member of the Senate Armed Services Committee who served with John Tower who will come to the floor and say John Tower was not an effective leader of the Senate Armed Services Committee?

When John Tower came to the Senate in 1961 it was not an unknown phenomenon for people to come into the public service to do good and to leave having done well. It was not an unknown phenomenon for people to grow rich in public service. Yet when John Tower left public office in 1984, as I came to take his seat in the Senate, he left public service basically as a man who had as his principal and basically his only economic asset his retirement account.

I know many things about John Tower, and I have known him for many years. But I have never known any person whose word I trusted more than I trust his. John Tower may be many things, but John Tower's word is good, and John Tower has strong commitment to America and a keen sense of what is right and wrong.

Mr. President, I am going to read a part of two statements, made by a person whom I respect. I do not read this statement as a criticism of the person who made it who today has come to a different conclusion. But I read it because I think it sums up how our colleagues felt that day in 1984 when the Senate finished the Armed Services authorization bill and Members recognized that this was the last bill that John Tower would ever manage. I want to read this statement. It is a statement by our own chairman, Senator NUNN.

He is talking about John Tower:

He will leave his own legend. John Tower is recognized as one of the most knowledgeable, articulate, and effective leaders for a strong national defense that has ever served in the United States Senate. John Tower has never lost sight of the fact our men and women in uniform are our most important national security asset. During the Vietnam war John Tower made nine trips to Southeast Asia to visit the troops and review conditions firsthand, more than any other Senator. All of us can attest to his skill, his leadership, and his success in guiding a strong defense program. Senator Tower's success on national security issues can in part be attributed to his remarkable understanding of our foreign policy. Not only does he know the issues, he also knows well the foreign officials who influence them. This combination has been a tremendous asset to the work of this committee and the Senate as a whole.

Then I read further; still from Senator NUNN:

I note that this is Chairman Tower's final authorization bill that he will be presenting to the Senate, at least on this side of the river.

I take it, Mr. President, he was not talking about the stream that divides us from Heaven. I take it he was talking about the Potomac River, with the Pentagon on the other side of the river.

What the future may hold for him I do not know, but I submit that he has the background and knowledge that are indispensable in the defense arena. I hope that, whatever the future holds when he retires at the end of this session, he will continue to involve himself in the defense arena and our foreign policy arena as well as the overall involvement of every aspect of Government because his talent, wisdom, and experience are indeed national assets.

Mr. President, that description is not of a man who is incapable of leading. But what has changed? What happened? What changed the perception of John Tower?

Well, Mr. President, I guess part of it is this tainting of defense contractors. John Tower left here, and he went out and he went to work in the private sector of the economy. For almost 30 years he served the public interest. He did not grow rich in that service, and he left and went out to work in the defense industry; and throughout the FBI report and throughout the debate, in newspaper article after newspaper article, we hear about this "taint" of defense contractors.

Mr. President, I do not understand why we villify the defense industry. Defense is not just brave, young men and women on guard in Korea and Germany who keep Ivan from the gate. Defense is also a defense industry that is second to none, that builds weapons our allies want to buy and our adversaries want to steal. How working in that industry taints one, I do not understand, and I reject it.

I would like to know who has less ties to the Pentagon, who has served as Defense Secretary, than John Tower does. Was it the vaunted David Packard, whose proposals now we hear a continuing cry to implement? Well, I think not, because the business that bears his name is a major defense contractor. Was it Robert McNamara, who left his firm to come to Government, and whose firm was a major defense contractor? I attack this so strongly because the issue is counterproductive and unfair, not just to John Tower, but also counterproductive to our whole system of national security.

By this logic, the ideal person to be Secretary of Defense would be a fellow who just rolled into town in a turnip truck, who would agree never to make a decision related to turnips or to trucks, and who, when he left the Defense Department, would immediately

go to a monastery. The problem is, Mr. President, nobody is ever going to be capable of doing the job from that background. I do not want a person to be Secretary of Defense who does not have advice that is worth a lot of money, because we are investing both money—$300 billion a year—and more than money in the Defense Department. We are investing the future of America and our children and the security and peace of the free world, and I want somebody there who knows what he is doing.

That is why Packard was great, that is why McNamara understood the Defense Department, and that is why John Tower can be effective.

Mr. President, I cannot understand how working for the Defense Department can be a negative, when the worst thing that the committee can conclude really boils down to two statements: One, the committee has no evidence that Senator Tower provided his clients with classified information. The second is that his actions created the appearance of using inside information for private gain. "Created the appearance."

Mr. President, there is not a Member of the U.S. Senate today who does not have more vested interest in the industrial military complex of America than John Tower does, not one. There is not a Member here who has been elected without votes of people who work in the Defense Department and who work in the defense industries of this Nation.

There is not a Member here who has not been affected in a political campaign by the fact that defense is big business in America. There are many here who have taken contributions from employees of the defense industry, who have taken contributions from their political action committees in the past; and more than that, they are going to do it in the next campaign, as well. How is that a lesser vested interest than that of John Tower, who severed every tie with the defense industry when he went to the Pentagon?

Let me make it clear, Mr. President, that I am proud that the people in the defense industry support me. But the point still remains that there is not one Member of this body who does not have a greater vested interest in this very area than John Tower.

Our conflict of interest is greater than his, and, yet, no one here, it seems to me, with any validity, could make the argument that we are not capable of making independent judgments. I would reject that argument. Only the people who want to run the country by manipulating the media through the so-called public interest groups, or people who want the taxpayer to pay for campaigns, would have it any different.

Mr. President, of the three charges against John Tower contained in that black book in room 407, the one that has the least credibility, the one that offends most, is this absurd idea that having worked for defense contractors, he is therefore not fit to make decisions that affect defense contractors and, indeed, the future of mankind.

I reject that. There is no evidence to substantiate it. The committee admits there is no evidence, but they are concerned about appearances, but how is our appearance less indicting than his?

The second charge has to do with "womanizing." Mr. President, I am not going to go into great length about this womanizing charge. I do not know which of our great leaders have been accused of it in the past. When you look at the charges and you get down to the bottom line, it seems to me that the conclusion that the majority reaches on the committee destroys what they claim to be evidence. The conclusion as stated by Senator NUNN is simply this:

> The record does not support the allegation that the nominee exerted sexual pressure on any employees or associates of the opposite sex.

Now, Mr. President, I do not want to get into great discussions about John Tower and what he did when he went home, who he might have gone out with, but I want to address two of these stories that have ended up on the front pages of our paper, on television, and one of them has already been mentioned.

We all remember it because it came out right before we were going on recess, and we were going to have this investigation while we were gone. This was the one where the supposed doctor had played a piano at a private party in Texas while John Tower and a voluptuous Russian ballerina danced on the piano, until the easily offended physician lost his interest in playing and left the room.

Who did not hear that story? It circulated around here like wildfire. It ran in one form or another on the television networks. It was wonderful fiction. What did the facts turn out to be, Mr. President? When the FBI checked it out, No. 1, the guy telling the story is not a doctor. He has had four aliases. He does not play the piano. There is no Russian ballerina. To anybody's knowledge, this guy never met John Tower. And anybody who would suggest that John Tower could buy a girlfriend an apartment in River Oaks, which is one of the richest areas in America, does not know John Tower.

The second story just broke onto the scene this morning. We have all known about it because it is in this indictment book that the committee put together, and it is in the FBI report. It has to do with this sergeant at Bergstrom Air Force Base. This sergeant says that some years back he was at Bergstrom Air Force Base when John Tower came to town on an inspection tour. He says Tower was drunk and that he fondled a female airman.

You will hear counterevidence later from someone who received a letter today from the person who was the commander of the base in 1975 and who was there, I just want to present some facts about Bergstrom Air Force Base that I think demonstrate how silly this story is.

I have been to Bergstrom Air Force Base twice since I have taken John Tower's job and both times I have been there, three television stations came out to cover my visit. Bergstrom Air Force Base is in our capital city in Austin. If John Tower, as a senior member of the Armed Services Committee, made an inspection there I can assure you that it was covered heavily by Austin and therefore statewide media.

I submit to my colleagues, would a man who has not been observed in 24 years in his official duties in the U.S. Senate with 70 Members who served with him go to his capital city on an inspection tour drunk and fondle an airman?

Mr. President, that accusation is so ridiculous that it is hard to believe that it ran on the front page of the newspapers.

I hope somewhere somebody finds this old airman and that somebody will interview the base commander, and it is interesting that the FBI report there is not any other soul who says this is a true story, but this one lonely retired sergeant.

I hope someday we will check this story out. But I do not see how anybody could believe that a man who for 24 years in Washington, DC, 1,800 miles away from home, when the Senate was not on television, was never once seen inebriated and then in broad daylight goes to his capital city on an inspection tour drunk. Nobody could believe that. That is an insult to anybody's intelligence.

Finally, the whiskey accusation which I have touched on here, and again I am not going to go into great detail about it because the plain truth is that whiskey is not an unknown commodity to the people of America and to the people who have been important in its Government, and in case my momma is watching I want to make it clear that the world would be better off if God had never allowed whiskey to be created, but that is not the issue here. The issue here is John Tower and alcohol.

I do not need to rundown the list of people who, by this new standard, would never be present in the chain of command. Ulysses S. Grant, who won the Civil War, clearly would have been rejected by this body.

And I am not going to repeat the story about Lincoln. We have all heard it. We know it. But obviously we have forgotten it.

Winston Churchill, who was a voice of the free world, who stood alone against Nazi aggression, consumed more liquor on an average basis than anyone has ever accused John Tower of consuming. Was he unfit? Ask Hitler's ghost. The plain truth was he led the free world until in God's good time the New World came to the aid of the old.

What astounds me about all this whiskey business is that nowhere in this FBI report, nowhere, is there any accusation, much less evidence, that in 30 years of public service that John Tower ever failed to perform his duties as a Senator, as an arms negotiator, as head of the Tower Commission. No one ever suggests, much less proves, that John Tower ever failed to do his duty, to show up for work, to attend the meetings, to be a leader, to be effective, because of the use of alcohol.

Now, Mr. President, there are a lot of stories that have been circulated. One of the Members of the House who worked for John Tower said in the 1970's it got lots of media coverage, somebody leaked it to the media, that John Tower drank a lot of whiskey in the 1970's. He also makes it clear John Tower always did his job.

But I think it is clear that there is no evidence anywhere to substantiate a claim that John Tower is now, nor that he has ever been, an alcoholic. There is no evidence to substantiate that.

I do not think there is any doubt about the fact that you could find some sociologist somewhere who would define some incident in John Tower's personal life as suggesting a person with a whiskey problem. But if you define alcoholism as the effect of whiskey on your ability to do your job, to perform your functions, there is no evidence or suggestion that John Tower has ever suffered from alcoholism.

There is also ample evidence that in the late seventies John Tower dramatically changed his consumption of alcohol. I know John Tower—John Tower and I are not very much alike—but I know him very well, and I watched him on television, and I listened to him say that he was not an alcoholic, he had never been an alcoholic, but that if it was such a big issue, he would give his word that while he was Secretary of Defense he would never have a drink of any beverage alcohol.

For a proud man like John Tower, that was tough. But in my honest opinion that should have eliminated any concern about alcohol.

I would also like to address one point that Senator NUNN made. I am not a military officer and I have never had any direct dealings with nuclear weapons. I have voted on them, and I voted for most of them because they keep the world free and keep my children safe. But a point was made about the criteria for dealing with nuclear weapons and holding positions of trust, and the Senator from Georgia, I guess, implied that Tower would be rejected by a military commander because of these criteria.

Mr. President, I do not have to speculate about it. I do not have to speculate about whether he would be rejected or not because I have evidence John Tower was not rejected. The Constitution says very, very clearly that the President shall be Commander in Chief of the armed forces of the United States. The Commander in Chief has known John Tower for 30 years. The Commander in Chief looked at the FBI report and chose John Tower to be Secretary of Defense.

So he was not rejected. He was chosen by the Commander in Chief, who was given the powers to choose under the Constitution.

Finally, Mr. President, I want to get down to a discussion about advise and consent. Now, the distinguished Senator from Virginia has read the lines from the Constitution that we all know so well because it is an important power of this body.

What did the Founding Fathers mean by advise and consent? Did they mean what we are doing here today?

It is a hard question and the only way to answer that question, Mr. President, is to look at the record. What has been the case? In the 200-year history of advise and consent, never has an initial Cabinet appointee of a President been rejected; never in 200 years. In many new Presidencies, the entire Cabinet has been approved within a week. Clearly, in looking at the fact that in some cases in the first day after the new President took office, full Cabinets have been approved, there has been a change in the meaning of advise and consent.

Mr. President, I believe it has taken on a new meaning here and I think the new meaning is a harmful meaning to the Republic in two ways.

Number one, we have set a standard for John Tower that has never been employed before. And, second, Mr. President, in doing so we have vastly sought to expand the power of the Congress. There is but one Member of this body who did not have the opportunity to run for President of the United States, and that is RUDY BOSCHWITZ because he was not born here. Ninety-nine others had a chance to go out and travel all over the country and raise $30 million, kiss a whole lot of babies and offer a vision for America's future. Some did, and they were not chosen.

George Bush was chosen President of the United States. George Bush—not the Senate Armed Services Committee—is the Commander in Chief of the Armed Forces of the United States. What we are seeing here is the continuation of a process that has existed since the Second World War, where Congress seeks to infringe on the powers of the executive branch of Government, where committees and committee chairmen and senior Members become warlords in terms exerting their influence over specific elements of the Government.

We do not run for President, but we play President. We impose policy, but we do not take responsibility. And, Mr. President, there is a strong element of this here.

If John Tower is rejected there are several things that are going to happen. No. 1, we will have expanded advise and consent far beyond the parameters that have ever existed before. We will have rejected a man not because of what he did but, in the committee's language, because of the appearance of what he may have done. We will have rejected a man on the basis of rumors, where John Tower never got an opportunity to respond or even to read the report. And, Mr. President, John Tower is not an unknown. Seventy of us served with him. We will have expanded the power of Congress and in doing so we will have weakened the Presidency.

Mr. President, we also will have raised the cost of public service once again. Where do all the great men and women come from who give up jobs, always, or almost always, making more money, to come here and serve in Government? Is this the kind of standard that we are going to impose on them? Who will come? If only saints can serve in Government, I will soon achieve my goal of getting the whole Government back in to the Old Executive Office Building.

And, finally, the thing that hurts me the most about this is not just the expansion of the power of the legislative branch at the expense of the executive branch, not just the new standard which will impede good people in terms of coming forward and holding up their hand and volunteering to serve America, but the real tragedy here is if what appears to be headed toward a straight party-line vote turns out to be one, that a good man who gave this country 30 years, a man who served with distinction, a man whose word was always good is going to be denied an opportunity to serve America. And that is the tragedy that I lament today as we begin this debate.

Mr. President, today is Texas Independence Day. And on this day for 24 years, John Tower always had a get-together. He always ended that celebration by reading a letter. I think it is

a meaningful letter. It is a short letter, I have spoken a long time and I am going to read this letter and stop. He read this letter because it symbolized what, to him, Texas was about but, more importantly, I think it tells you something about John Tower. Because the plain truth is that while I am not a contemporary of John Tower, I admire him and I can envision him in the role of this letter that for 24 years on this day he always read. The letter, read on March 2 of each year, goes back to March 2 1836. The letter was actually written in February, but what it started culminated 152 years ago.

It is a letter from the Alamo. And it is a letter that is from the commandancy of the Alamo, Bejar, February 24, 1836.

To the people of Texas & all Americans in the world—

Fellow citizens & compatriots—

I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man—The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, & our flag still waves proudly from the walls—I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism and everything dear to the American character, to come to our aid, with all dispatch—The enemy is receiving reinforcements daily & will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible & and die like a soldier who never forgets what is due to his own honor & that of his country—victory or death.

WILLIAM BARRETT TRAVIS,
Lt. Col. comdt.

Mr. President, I believe John Tower has the same high standards as the man who wrote this letter.

Yesterday, in concluding a press conference, Senator Tower referred to the letter from the Alamo, maybe thinking about today being the day of his 24-year celebration. After he had made the reference, he said, "Maybe that was not a good reference because all the people at the Alamo died." And, Mr. President, he is right, of course. The people who responded to William Barret Travis drawing the line in the sand, those who stepped over did die but, in fact, the ones who did not step over also died, only we do not remember their names.

I think it is important that we have had this debate. I believe that John Tower wanted this debate. I am hopeful, even at this late hour, that there will be those who will listen to the debate and who will conclude that John Tower should be confirmed as Secretary of Defense.

Mr. WARNER. Mr. President, all Texans can take great pride in the remarks of its native son, the junior Senator from Texas. Senator GRAMM, we felt the emotion and you touched our hearts. You paid your old dear friend a great and deserving tribute. We thank you.

Mr. President, I see the chairman has returned to the floor.

Mr. LEVIN. Mr. President, is time controlled?

Mr. NUNN. No; there is no agreement. If a Senator gets the floor, he may take the time he needs.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I voted against confirming Senator Tower in the Armed Services Committee and will vote against his confirmation on the Senate floor for a number of reasons.

We must judge Senator Tower as we would someone who is not a former colleague—no better, no worse.

The requirement to render a judgment comes not from our being without sin. The requirement to render our best judgment comes from the Constitution of the United States. The Constitution requires us to give or not to give advise and consent to a nomination based on our best, conscientious judgment.

It does not say that those who accept an honorarium or a PAC contribution or who drink, are exempt from this obligation and responsibility. It says that we must consent or not consent to the nomination. It does not say that only those of us who are pure, or are saints, must vote. It says the Senate of the United States must reach its best judgment and consent or not consent to the nomination of the President of the United States.

The President is entitled to someone in whom he has confidence, of course. But, the Nation is also entitled to someone in whom it has confidence, and the requirement that the Senate vote on whether to confirm the President's choice helps assure that confidence. Based on the committee record, I do not have sufficient confidence, nor do I believe the public can have sufficient confidence, in Senator Tower's ability to effectively lead the Department of Defense.

First, I believe it would be very difficult for Senator Tower to effectively address the serious revolving door and conflict-of-interest problems at the Department of Defense.

Revolving door stories and procurement scandals have had center stage in the press in recent years. A February 6 lead article in Newsweek magazine addresses this subject. The lead sentence in that story refers to the revolving door as cashing in on public service. The American public followed the stories of Nofziger and Deaver, both of whom set out to make their fortune based on their contacts with the Reagan administration, having served in some of the highest positions in that administration.

The Department of Defense has been particularly beseiged by the problem. We have seen program managers on our major weapons systems leave the Department and turn up several days later at the same facility or at the facility of the leading contractor on the program that they were in charge of, but now wearing the contractor's hat. We have seen top Assistant Secretaries for the services do the same thing.

George Sawyer, for example, was the Assistant Secretary of the Navy for Shipbuilding and Logistics. He played a key role in negotiations with the Electric Boat Division of General Dynamics. He left the Navy and immediately went to work for General Dynamics.

Concerns about the revolving door go to both the fear that a Federal employee may be less than loyal to the Government when future employment with a contractor is a possibility and that upon leaving, former government employees will share inside information with their new employers.

Congress has wrestled with these issues. In last year's reauthorization of the Office of Federal Procurement Policy, we reflected a growing concern and recognition over this problem. In that bill we barred any Government official who was personally and substantially involved in a procurement from working on that same procurement for a contractor for 2 years from the time the Government official leaves office. We did that in order to avoid the temptation for recent Government employees to disclose inside information for private gain and to significantly reduce the questionable appearance that results from the revolving door.

On top of this, the Pentagon has also been plagued with procurement scandals—the Operation Ill Wind investigation being the most notable in the past 2 years. Secretary Weinberger was the target of political cartoonists who saw the Pentagon as a defense contractor's candy store. And just recently we have seen one of DOD's most important contractors paid back tens of millions of dollars to the Government for massive fraud, including false billings and coverups.

TV viewers have been witness to numerous procurement scandals in living color. ABC recently showed Northrup employees purchasing presumably military specific parts for the MX guidance system at a local Radio Shack as well as weapon systems that simply did not work.

I am not saying everything that has been reported has been accurate. But I am saying that the public's perception of the Pentagon and defense contractors is one of waste, fraud and abuse, and the public's confidence in the Pen-

tagon and its contractors may be at an all time low.

Senator Tower, himself, agreed that restoring the public's confidence in the Pentagon is of primary importance. He described it as one of the "overarching objectives," of the next Secretary of Defense. I agreed that restoring confidence in the Pentagon is a No. 1 priority for the new Secretary; I am afraid Senator Tower is not the individual who can do it.

After serving as this country's chief negotiator to the long-range nuclear missile talks in Geneva, Senator Tower almost immediately hired on as a consultant to a number of DOD's biggest contractors. He was paid well for this from 1986 through 1988: $246,860 by LTV; $166,750 by Rockwell; $154,167 by Hicks and Associates; $116,000 by Martin Marietta; and $70,000 by Textron.

What did he do in his capacity as a defense contractor consultant? Well, according to the description Senator Tower provided to the committee, among other responsibilities he did the following:

For Martin Marietta, Tower & Associates "met with senior R&D and product managers on implications of INF Treaty and current START talks for the firm's future product development."

For Rockwell International, Tower & Associates "analyzed implications of arms negotiations talks and congressional activity on SDI" as well as meeting "with Rockwell management to discuss the future of the Midgetman system."

For Textron, Tower & Associates "met with senior management to discuss implications of INF and other arms control negotiations on the company's future product development."

Those companies are involved in product development, to use Senator Tower's words, and those products they were developing directly related to the ongoing confidential START negotiations. The products of those contractors are affected by our confidential bargaining strategies, our confidential negotiation goals and our confidential fall back positions. Some of the weapon systems are mentioned in the committee's report—the MX missile, the Midgetman missile, the Titan II and Titan IV space boosters, and others.

Senator Tower said he gave what he called enlightened advice related to future product development. The advice included what weapons systems these companies should or should not proceed with—or product development—based according to his own testimony and on his advice on the probable results of those ongoing, confidential START talks.

Mr. Tower testified that he did not disclose classified or confidential information and I have said I do not challenge that. But he said he provided his opinion on how the probable outcome of those confidential talks might affect the product development of his clients. So, he gave advice to his private clients on the very same weapons systems which were the subject of inside and confidential information which he had as our chief START negotiator.

I asked him whether or not he thought this created an appearance problem in that he could be perceived as using public office, that is—the inside, confidential information that he gained on the future of particular weapons as the START talks negotiator, for private gain, that is—the money that he received for his advice on the probable outcome of the START talks as it affected those same weapons. He said he did not see an appearance problem. I do. Mr. President, you cannot solve the problem if you do not recognize it in the first place.

When Senator NUNN asked Senator Tower whether it would be wrong "to give advice, not giving the negotiating position to a client, but to give advice that really was based on knowledge of the confidential negotiating position," Senator Tower said that it was a gray area "and that it is kind of difficult to come up with a conclusive answer on that."

I disagree. I believe it is clear that he cannot give advice to a client which is based on his confidential, inside information that he has obtained through his job.

Proving the basis for the advice may be difficult, but I believe the basis cannot be confidential information. By hiring himself out as a consultant to defense contractors to advise them on matters relating to the ongoing confidential START talks, Senator Tower created an inherent conflict. The large sums paid to him for his services created a duty to give his clients his best advice. At the same time, he had a public duty to safeguard the confidential information to which he was privy. Inevitably, there is a great prospect for conflict in those duties.

This is not a situation into which a person in the position he was in, the head of the START delegation, should willingly place himself, if he is determined to retain public confidence that he will protect the public interest that had been entrusted to him. Senator Tower's failure even to perceive this built-in conflict, demonstrates insensitivity to the problems created by the revolving door.

During the committee's hearing, I asked Senator Tower whether he saw an appearance problem with what he did, and he said he did not. I want to quote from the RECORD.

Senator LEVIN. In your situation, do you see that there is an appearance problem, when the chief negotiator, an ambassador to START talks, then leaves those talks and advises clients who have a very heavy stake in the outcome of those talks? In that situation, without suggesting any impropriety in actuality, without suggesting in the slightest that you advised them of confidential or privileged information, just the fact that you are advising them, as you put it, on probable outcomes of those talks, do you see an appearance problem there? That is my question.

Senator TOWER. I do not see it, Senator, because the question has not been raised until now. Nobody has ever questioned me on that before now and I have not really seen any press commentary on that.

Senator Tower does not see a problem here, that moving immediately from the Government's confidential negotiator on a treaty to a defense contractor's consultant on that same treaty creates an appearance of using inside information for personal gain. Are appearances important in this area? They are. Yet Senator Tower said he had not thought of it and does not see a problem in that situation, and that is very disturbing to me.

Taking this type of consulting job in the first place is a cause for concern, and we who are privy to the Government's secrets should shy away from putting ourselves in a position where there is economic pressure to disclose inside information or where outside observers would naturally believe we are or might be disclosing such information. But to be unwilling to see that such actions create an appearance problem, that also causes me great concern, because it is evidence of an insensitivity to an important ethical issue that dominates the public's perception of the Government in general and the Pentagon in particular.

More than that, if you do not see a problem, you are not in a position to correct it, and we have a problem in the Pentagon in our procurement processes. A big part of that problem is that revolving door through which too many of our high officials have moved.

The President has acknowledged the importance of avoiding bad appearances. In a recent speech to senior executive service employees, President Bush said: "The guiding principle (of his administration) will be simply to know right from wrong; to act in accordance with what is right and"—here are the keywords of President Bush—"to avoid even the appearance of what is wrong." "Government," he correctly stated, "should be an opportunity for public service, not private gain."

We have had an Executive Order 11222 that has been in effect for decades, that directs all employees to "avoid any action, whether or not specifically prohibited by the order, which might result in, or create the appearance of, using public office for private gain."

Do we care about appearances? I hope so. Recent editorials in some of

the leading defense trade papers have expressed great concern about the appearance problem stemming from Senator Tower's consulting job. A leading commentator on defense matters, the Defense News, stated in a February 6, 1989, editorial urging Senator Tower to withdraw his name that "it is his job since 1986 as a defense consultant that is most troubling."

It goes on to say, "after 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself. The principle task of the next Defense Secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The Defense Secretary must be an independent voice of force, authority, and reason. There is ample reason to doubt whether Mr. Tower is the man for these times."

That is the Defense News. The Army Times, another respected leading commentator on defense affairs, also referred to Senator Tower's work as a defense consultant as a most troubling issue. "No one has claimed that Senator Tower acted illegally in receiving big fees from defense firms in return for what, by Tower's own description, was precious little real information. But the speed * * * with which Tower spun through the revolving door is appalling," wrote the Army Times.

The editorial added that the charges against Senator Tower "undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed," they wrote, "he is almost a caricature of how most people see the Defense Department." The Air Force Times and Navy Times had a similar editorial.

Mr. President, I do not believe that Senator Tower, with his attitude on the subject, as demonstrated by his own actions and words, would be able to address effectively the myriad revolving door and procurement problems which face the Pentagon and which have sapped its procurement process of its public support. He would lack the credibility to deliver the right message and the sensitivity to acknowledge the scope and the intensity of the problem.

As to the alcohol issue, White House officials were wrong when they asserted that the FBI file discloses " 'no corroborating witnesses' to prove that Mr. Tower had a drinking problem in recent years" and that "not one" allegation about excessive drinking by Senator Tower could be corroborated.

White House officials can reach whatever conclusions they want from the FBI file which they provided us, but the facts speak for themselves, and their characterizations of those facts were wrong.

Just as reasonable people will disagree on other aspects of this nomination, reasonable people can reach different conclusions from the FBI file as to whether Senator Tower engaged in excessive alcohol usage in the 1980's.

But it is indisputable that in that FBI file there is a significant number of interviews with identified eyewitnesses, witnesses with no known motive to lie, who said that they saw Senator Tower during the 1980's either drinking to excess or who described the after effects of such drinking. And I want to repeat—we are not allowed, given the rules of confidentially which have been imposed on us by the White House, to release the information contained in that FBI file, it is confidential, not through our choice but through the White House requirements. But given the fact that we cannot on this floor state the names of those identified witnesses, with no known motive to lie, who came forward with this information, we can only restate the conclusion. And it is a conclusion which to me is indisputable from that FBI file. There is in that FBI file a significant number of interviews with identified eyewitnesses, with no known motive to lie, who said that they saw Senator Tower during the 1980's either drinking to excess or who describe the after effects of such drinking.

I want to emphasize a critical point, because the issue has come up here about this FBI file. It is difficult for all of us, no matter which conclusion we have reached in the best of our consciences and judgment, to argue a case when there is a restriction upon us that relative to the drinking problem we cannot identify upon which witness's testimony in that file we are relying. But the choice to put that restriction on this decade is the choice of the White House, not of the Senate. We were not allowed even to read that White House file except under a promise that we would not disclose its contents. The White House obtained that promise from our chairman and our ranking member. And so it is the choice of the White House that we be so restricted in this debate; that we can only state conclusions we have reached in our consciences and in our best judgment. My conclusion is that there is significant evidence from a substantial number of identified, not anonymous, witnesses with no known motive to lie, who have come forward and said that in the 1980's the drinking problem of Senator Tower continued.

Mr. President, Senator Tower has vast knowledge in the defense and foreign policy field. Before the committee's hearings on this nomination, frankly, I assumed I would vote in favor of that nomination. Before the hearings began, I had actually prepared a draft statement saying that I had planned to vote for the confirmation of the former chairman of our commmittee because of the knowledge which he has in the area of defense. But following these hearings and following my best, conscientious judgment, I have concluded that Senator Tower falls short in the area of sensitivity to appearances created by that revolving door through which he himself so swifty passed. And that he falls short in winning my confidence that his excessive drinking problems ended in the 1970's.

In conclusion, our Presidents are entitled to substantial leeway in selecting their Cabinets, but this appointment for Secretary of Defense, the No. 2 person in chain-of-command and a person who must lead the Pentagon by example through an exceedingly difficult period in the Defense Department's history, I regret to say falls unacceptably short.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I ask the distinguished Senator from Michigan for his attention for a moment. The Senator from Michigan represented that it was the White House that has put the hammerlock, the padlock on the information in S-407.

Mr. LEVIN. That is my understanding.

Mr. WARNER. I think it is important that we seek a clarification. I see here the distinguished chairman of the committee. First, I would like to refer to a letter dated February 14, 1989, which Chairman NUNN put in the RECORD this morning, and I read because I think it goes directly to the point raised by the Senator from Michigan. It is from Boyden Gray, counsel to the President, with a copy to the ranking member.

Dear Mr. Chairman: With respect to our conversation last Friday regarding access by the Senate Armed Services Committee to the FBI summary of its background investigation of Senator Tower in connection with the nomination as Secretary of Defense, I'm gratified that we have now reached an understanding on the way in which we will proceed.

I emphasize "reached an understanding" because indeed the chairman and I did meet with White House counsel to address this difficult issue.

I believe the fact that all of the committee's subsequent deliberations involving the FBI summary on Senator Tower's nomination will occur during executive session only, that this nomination has significant national security implications and the unique nature of the allegations concerning Senator Tower warrant a one-time only exception to the procedures governing access to FBI background investigations by committee members. The documents we will provide are extremely sensitive. Their dis-

closure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations for others, and our ability to recruit qualified candidates for positions of governmental service. Therefore, I am pleased that we have agreed on ground rules for committee access that suit our purposes and yours. The enclosed terms of access set forth procedures for access, custody, storage and return to the executive FBI background. With this understanding we are prepared to deliver copies of these documents to your committee immediately.

Now, it is interesting that in the brief 10 years I have been on the Armed Services Committee I have served under three and now four distinguished chairmen: First John Stennis, of Mississippi; next John Tower, of Texas; then Barry Goldwater, the Senator from Arizona; and now the distinguished Senator from Georgia.

The Senator from Georgia, when we were given our respective responsibilities by the members of the committee, decided that we would, as I would characterize it, take additional steps with respect to Presidential nominations. Heretofore, the committee, only on rare occasions, had the chairman or the ranking member examine FBI material. Now, that is history and the reasons for that perhaps are best known to the chairmen who have now departed. I think, quite properly, Chairman NUNN at his initiative, with my concurrence, notified the President—at this time President Ronald Reagan and then we notified candidate Bush and subsequently President Bush—that it would be our practice for the chairman and the ranking member to examine very carefully FBI material.

Well, as the chairman said, yes, and I say this respectfully, the Presidential candidate on the Democratic side, the Governor of Massachusetts, Mr. Dukakis.

Mr. Chairman, we then, the chairman and I, recognized that in order for us to fulfill our responsibilities as trustees for the committee, that not only would we make our own judgment but we felt it imperative that the other members of the committee likewise have access to the material. That is the reason for this particular document.

Yesterday afternoon, Chairman NUNN and I, and White House counsel, spent a considerable period of time together with counsel on the minority side, the majority side, and counsel from both the majority leader of the U.S. Senate and the Republican leader, Mr. DOLE. It was the consensus after a meeting of about an hour or so that we simply could find no way by which to devise a formula to take the FBI material in any way, sanitize it, reduce it, or agree upon a common body of fact to be used by the Senate in open debate.

I hope the Senator from Michigan would reflect on that, because in the presence of my chairman I say that I believe all decisions with reference to this record to date have been made as a result of a conscientious effort by the President's representatives, the majority leader representative, namely the chairman of the committee, and myself speaking thus far for the Republican side.

We have not as yet found a way by which to provide Members in open session with the liberty to make specific references to the FBI material in S-407. I draw the attention of the Members of the Senate to rule XXIX of the U.S. Senate, which also covers the use of such material in the reference thereto by Members of the Senate.

Mr. NUNN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. NUNN. I would say I have listened carefully to the Senator from Virginia, and I agree with what he said. I also agree with what the Senator from Michigan has said. The property here of the executive branch and the Gray letter makes that clear. The effort to see if there could be a so-called sanitized version has been a joint effort in the last couple of days, but there was a period of time, and I am losing track of time now, at the end of last week, where the White House had a unilateral announcement that they were going to try to issue a sanitized report. At that stage last week, last weekend, I was not contacted. I had anticipated they might issue one on their own, and my statement last weekend was that, if they issued one on their own, it would not reflect accurately to the American people the correct sort of summary; then, or if it was distorted, the committee would find no other way because we could not issue our own. The White House could do it today. They could come out with a sanitized version today. The committee cannot do that because we bound ourselves to respect this letter and this contract.

So the point I wanted to make last weekend was that if the White House, as they could do, issues a sanitized version—it was not out—then we would not be in the position to do anything to put out an accurate version because we would still be bound by our agreement. At that state, we would have to consider calling witnesses, which I made it clear I did not want to do.

So I think that is important background. The Senator from Virginia is entirely correct. Did he meet with Mr. Gray yesterday afternoon or was it the day before?

Mr. WARNER. Nights go into day, Mr. President. I am not sure.

Mr. NUNN. It was this week, in the last 2 days. We tried to see if there could be a three-way agreement to try to sanitize the version. I think during the course of conversation we picked out several examples, and went through them hypothetically. I believe I would be correct in saying that it was the conclusion of White House counsel, the Senator from Virginia, the Senator from Georgia as well, and the key staff people there that the difficulties would be almost insurmountable and that we would be spending a week, 2 weeks, maybe even 3 weeks simply trying to agree on this.

When we got through with it, the feeling that I had—and I think Mr. Gray shared this—was that the public thirst for this information would probably not be satisfied then. Also, when you delete, for instance, on a particular source the name and the background where the individual cannot be identified, then you lose the ability of the public to weigh whether they would accord that particular individual credibility or not. It makes a lot of difference. Even on anonymous witnesses the FBI goes to a good bit of detail about the background of that witness, the general area of that witness, the experience of that witness, the association of that witness with the particular nominee in question, all of those things, and if they gave the account of the anonymous witness to the point that it would give the true flavor of it, the testimony, then a good investigative reporter could spend a few hours and find out the name just based on the circumstances.

So the long and short of it is we did try, and we all concluded that it would be an exercise in futility. Even if we were to reach an agreement, by the time we did it we would delay this nomination for a long time, and we would also probably end up with the news media and the American public being just as frustrated because there would be so much in the way of reactions.

So back to the question: if the President chose to release the whole FBI report this afternoon, the whole thing, he can do it.

Mr. WARNER. Mr. President, I challenge my good friend on that. He knows that the recitations in this letter are predicated on a history of practice by all Presidents.

Mr. NUNN. Absolutely. I agree with that.

Mr. WARNER. Therefore, do not hold up the challenge that by a stroke of the pen George Bush could release the record this afternoon. It could not take place because he would hamper the ability of the FBI, and other investigatory agencies of this Government to conduct those background checks.

Mr. NUNN. I completely agree with the Senator on that.

Mr. WARNER. On that point I think we agree.

Mr. NUNN. I do not believe any of us would disagree. I did not say it would be wise.

Mr. WARNER. I know. But by inclination of the Senator's voice, by judicious language of his hand, he left a doubt that the President with a stroke of the pen could just open this mystery up and bring forth into this Chamber stacks of material from which we would search out the truth for many hours.

Mr. NUNN. The Senator from Virginia makes a very good point. I would stand corrected as to the tone of my voice.

Mr. WARNER. Mr. President, I think the point has been covered.

Mr. LEVIN. If the Senator from Virginia, my friend, will yield, as I understand it, the key point being is that these documents are the property of the executive branch. That is the only thing.

Mr. WARNER. That is correct. It has been the practice of Presidents, be they Democrat or Republican, and in the interest of good Government they cannot just simply release it.

Mr. NUNN. I think the Senator is correct. I think all of us have to keep in mind here something I said earlier this morning. As important as this matter is now—and it is important, I do not diminish the importance of it one iota; We spend hours, hours, hundreds and hundreds of hours working on it and thinking about it—but as important as it is, when it is over, when John Tower is confirmed as Secretary of Defense or when he is not confirmed, this Government is going to go on. We still are going to have to have confidential communications, and the executive branch, particularly the new administration, has to be able to have confidence in Congress and vice versa.

So I think we have to keep in mind the larger picture. I would think this President, like any other President, before he releases an FBI report, would look at that larger picture and how it affected his ability to get confidential information to make his evaluation of future nominees. There are hundreds of positions that have not been filled. If the President of the United States did something here that impeded the FBI's ability to look at other people and to get confidential sources from other people, it might very well harm the President's ability to make wise choices.

So there are a lot of things to consider. We are talking about the difference between theoretical capabilities and the practical considerations.

Mr. WARNER. Mr. President, I think the manner in which the distinguished chairman has spoken here on this issue, for a moment an issue of controversy, now hopefully resolved, reflects on the manner in which he with honor and distinction, and with complete fairness and objectivity, worked with this Senator in the preparation of the record for our committee and the Senate as a whole.

I thank the chairman.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON), The Senator from Washington.

Mr. GORTON. Mr. President, under normal circumstances, a Senator in my position, newly returned to this body, and as a junior member of the Committee on Armed Services, would almost certainly not speak in this body on the President's nomination for a Secretary of Defense.

If one in my position felt particularly strongly or wished to curry a little bit of favor, he might, however, write up a short statement and have it included in the RECORD. Under those circumstances, that statement would cover the background and experience of the nominee. It would point out, in this case, that John Tower served for four terms, some 24 years, as a Member of the U.S. Senate, and all or almost all of that time was as a member of the Senate Committee on Armed Services.

I would probably include the observation, common to all of his colleagues, that the work of that committee was the work which John Tower considered to be most important in the U.S. Senate, on which he spent the greater part of his great abilities, his time, and his effort.

Such a statement would point out his interests in some of the most archaic elements of arms control, of weapons systems, of the relationships among our armed services, and, of course, of the ultimate purpose of those armed services, the security of the United States of America.

Certainly, any such statement would point to the undoubted intelligence and thoughtfulness of John Tower. It would speak admiringly of his dedication to his position and to his duties as a Member of the U.S. Senate, which, even in a body of hard-working and dedicated people, was clearly outstanding.

If one wanted to add, perhaps, a little bit of humor or levity, as one went on in such a statement to discuss the strength of character which was exhibited from the beginning of his Senate career to the end of that career, one might even use the three-word phrase which appeared in Charles Krauthammer's column in the Washington Post yesterday, describing John Tower as—and I quote—"A tough little bastard."

One might finish by pointing out that after 24 years of service with his colleagues here in the U.S. Senate and the people of Texas, whom he represented, John Tower went on to represent all of the people in the United States in a distinguished capacity as an arms negotiator in Geneva; and, of course, that he had been selected by a newly-elected President for the vitally important post of Secretary of Defense.

It then would have concluded with an expression of delight at the wisdom of the President of the United States for picking such a qualified person for that position, and a pledge, along with 99 other Members of the Senate, to vote in favor of that nomination.

That, of course, is not the case here today. We seem almost to assume all of those charactistics on the part of John Tower. As was the case with the distinguished junior Senator from Texas, who spoke not long ago, each of us, to quote the praises heaped upon John Tower, as he retired from this body and went on to another career, praising without exception the qualities which I have just outlined.

We might even point to a slightly later episode in this body, in which early in 1985 John Tower was confirmed by voice vote, after a unanimous vote of a committee, to be U.S. Ambassador to the strategic arms reduction talks. That appointment, incidentally, must also have been accompanied by an FBI report, to which every element of character, which is relevant here today, must have then been relevant.

But that is not the way in which this nomination has proceeded. We are faced here with a report of the majority of the members of the Armed Services Committee, which questions or asserts, I might say, more properly, in spite of this long and distinguished career, a lack of ability to lead the Defense Department on the part of John Tower. In supporting that conclusion of the negative recommendation of the majority report, there are four distinct, but connected, threads, to that opposition. First, assertions with respect to the nominee's use of alcoholic beverages. Second, his relationship with women, the one word characterization of which is womanizing. Third, his representation of certain defense interests in the period of time after he ceased to be an arms control negotiator in Geneva and before he was selected for this position by the President of the United States. Fourth, and I think it is safe to say, most significantly, a set of objections or reasons which goes under the title of, and I have to quote this word, "perceptions."

I would like, if I may just briefly, since each of them has previously been discussed, mention each of those four objections, and then make a few independent observations of my own. We have just heard and seen a debate over the FBI report. Most particularly, with respect to allegations levied against John Tower connected with the consumption of alcohol. Since this is already a part of the public record, we do know that some of those allegations are anonymous, some of them

are attached to names. One of them, perhaps the most significant of all, at least as we look back to the decade of the 1970's, has attached to it the name of a Member of Congress, of the House of Representatives. I may say, Mr. President, just briefly and in passing, that I hope I never have a supporter so strong and a friend so close as John Tower has in the Congressman from Texas, LARRY COMBEST, who apparently was simply attempting to prove by his testimony that the consumption of alcohol never affected John Tower's performance of his duties as a Member of the U.S. Senate.

But however we characterize the testimony, which is included in that FBI report, we, the Members of this body, are the best witnesses of John Tower's personal habits and the impact, if any, of those personal habits on the way in which he conducted himself and discharged his duties as Member of the U.S. Senate and as a chairman of the Committee on Armed Services.

As I sat through last Thursday evening's meeting of the Armed Services Committee and listened to the remarks on the nomination I counted 10 of the 20 members of that committee who served as members of the Armed Services Committee with John Tower. I counted 14 of those 20 who had served in the U.S. Senate with John Tower. And as has been here reported, without anyone quarreling with the figure, 70 of the 100 Members of this body served in the U.S. Senate with John Tower.

It is remarkable that none of those individuals came to the FBI, to the Committee on Armed Services, or to this point to the floor of the U.S. Senate to testify on the basis of his or her firsthand knowledge that he or she had ever seen John Tower drink to excess, act in a manner inappropriate with his position or duties, most particularly that his work in committee or here on the floor was ever impacted in the slightest by whatever drinking habits that he engaged in.

This is particularly remarkable in light of the fact that John Tower himself has said that in retrospect there were certainly times during the decade of the 1970's when he drank to excess.

That, it seems to me, is the evidence of most value. That, it seems to me, is the evidence which is overwhelmingly probative of whether or not John Tower ever had in the past or is likely to have in the future his duties impacted adversely by alcoholic beverages.

It is now fashionable as a part of this debate to point to certain rules and regulations and to assert variously that John Tower by reason of his personal habits could not be hired as an agent of the Federal Bureau of Investigation or be promoted to be a squadron commander or some other similar office in the Strategic Air Command or some other military organization which has control over nuclear weapons.

Again, the distinguished junior Senator from Texas dealt with that specific issue by pointing out that under the Constitution of the United States the President of the United States is Commander in Chief of our Armed Forces and that the ultimate decision in that respect was and remains his.

I would like to point out something quite different. To the best of my knowledge John Tower has never sought appointment as an agent of the Federal Bureau of Investigation and has never sought a position as an officer in the Air Force or any other military service in which he would have that military responsibility over nuclear weapons.

I think the evidence is almost overwhelming for the proposition that had he sought a professional career as an officer in the Air Force he would in fact have met all of those qualifications.

What John Tower has sought during the course of the last 30 years has been a career as a Senator of the United States, and I want to emphasize once again that he has never acted in any fashion which has caused him to be criticized in the U.S. Senate or as a U.S. Senator in the performance of his duties. He has lived up to every requirement, written or unwritten, in connection with that office and with his position as an arms control negotiator.

Most recently, just 3 or 4 days ago, John Tower pledged if it is necessary as a qualification for Secretary of Defense, as it has never been in the past, that he drink no alcoholic beverages under any set of circumstances during the period of time that he holds that office, that he will not do so under pain of losing that office.

I do not believe that to be a necessary qualification for the office. I do believe in the truthfulness and accuracy of John Tower's pledge under the circumstances that he will in fact keep that pledge.

I must refer to two incidents in only a slightly different manner which my distinguished colleague from Texas did earlier. We are very fortunate that we are not making judgments about the appropriate character for a commander of the armies of the United States during the course of the Civil War. That famous story which almost everyone in this body knows about Lincoln and the temperance leaders who asked that General Grant be fired because he drank whisky is still appropriate in this circumstance. President Lincoln is reported to have asked the temperance leaders to find what brand of whisky it was that General Grant was consuming so that he could provide a barrel of it to each of his other generals.

I also believe that the free world is extremely fortunate that the members of the majority party on the Committee on Armed Services did not have a vote in the Parliament of the United Kingdom when it faced the duty of selecting a new Prime Minister in May of 1940, because if they had been they certainly would have rejected the name of Winston Churchill on the grounds which they have asserted here.

We simply, it seems to me here and elsewhere, are attempting to impose an after-the-fact rule which we would not impose on ourselves and which we have not ever in the past imposed on any nominee for this or any similar position.

Next, Mr. President, perhaps even a discussion of the second element in this opposition that of—I put it in quotation marks—"womanizing" makes us all rather uncomfortable. The majority of the committee does state, "nor does the record support the allegation, that the nominee asserted sexual pressure on employees and associates of the opposite sex," and then goes on, however, to bring these various incidents in as a part of the fourth objection which I will get to later, that of perception.

I think from the factual standpoint the majority committee report is accurate in its characterization that there is no support in the record for such allegation.

Thirdly, of course we get to the point which was most strongly emphasized by the distinguished Senator from Michigan, Mr. LEVIN, that would disqualify John Tower from this position because for a period of approximately 2 years he provided advice to and representation of certain defense contractors. Again, from the beginning of this debate I have listened in vain for any statement, any allegation, that the nominee violated any law or regulation or any rule of this body. In fact, it seems to be stipulated that he did not. No law has been violated. No regulation has been violated. No rule of the Senate of the United States with respect to former Members was violated by Senator Tower's representation.

In fact, even the editorials for various publications which were read by the distinguished Senator from Michigan do not claim any such violation.

(Mr. BRYAN assumed the chair.)

Mr. GORTON. They make the point with which I will deal just a little bit later, and I think I can almost quote this, that the charges themselves are enough to disqualify the nominee.

Now, I believe, Mr. President, that it is safe to say that no Member of this body believes that his or her acceptance of honoraria from any source or his or her acceptance of campaign contributions from any source disables that Member of the Senate from deal-

ing objectively and soundly with issues which come before this body which affect the sources of those honoraria or those campaign contributions.

There are, of course, some who would abolish the ability either to accept honoraria or campaign contributions, but even there they do it mostly, again, on the basis of mere appearances and make no accusations or allegations that votes are affected by the acceptance of that money.

And yet here we impose a clear double standard on this nominee stating an unwillingness to believe that his unqualified assertion that he will not be affected in the performance of his duties as Secretary of Defense by the fact that he was previously employed by or retained by a defense contractor.

Ironically, Mr. President, many of the names which have been suggested as alternative nominees for Secretary of Defense, indeed many of the names which were suggested during November and December, after the election, as Secretary of Defense in order to clean up the Pentagon, or whatever phrases were used, were people who had spent their entire careers as officers or officers and directors of major defense contractors in the United States. Their names were suggested, presumably, because they had a sufficient depth of experience with the way in which such contractors operate so that they could become effective supervisors of defense contractor activity wearing the hat of the Secretary of Defense.

I believe those suggestions to have been sound. I would much prefer to have someone who has worked in and understands the inner workings of General Motors or General Dynamics in an important position in the Defense Department, where everything that he or she does is subjected to public scrutiny, than I would someone totally inexperienced with the way in which those entities operate.

It is for that reason that I draw exactly the opposite conclusion from that of the Senator from Michigan. I think that the 2 years that John Tower spent in the private sector are advantages to him in taking over this position, that it has given him a different insight to the insight which he gained either as a Member of the U.S. Senate or as an arms control negotiator, into the heart of some of the very challenges with which the Secretary of Defense will be faced.

I believe him to be an honest, upright, intelligent, and honorable individual who will use that experience to be more critical and more sophisticated in supervising the activities of those contractors than he could have been had he never had any such experience.

Moreover, we look at this whole problem, and I believe that if we accept the position of the Senator from Michigan, we are inevitably led to the conclusion that the only persons who are eligible to be Secretary of Defense will be those who have spent their entire adult careers as employees or elected officials of the Government of the United States, as civil servants or otherwise, perhaps, though I am not at all sure of this, as academics, or are so totally divorced from the concerns of national defense that they are completely ignorant of either debates over defense policy or of the activities of people and corporations who are involved in the defense of the United States.

Glorifying ignorance and lack of experience as qualifications for one of the most important positions in the Cabinet of the United States seems to me, Mr. President, at the very least to be perverse.

The fourth reason which we are given that seems to me, from my careful attendance at the meeting of the Committee on Armed Services last Thursday night, the principal reason given by opponents to this nomination is not centered in any of these first three allegations. It is centered in what one majority member of the committee called "empty cartridges"; another, "rumors"; a third, "allegations"; a fourth, "innuendo"; and almost all, "perceptions."

George Will, in a column yesterday, came to a conclusion, more eloquent than I would otherwise reach in summarizing the process of reaching a committee decision on this challenge, in these word, "Thus, a confirmation process which began purporting to pursue the truth ends by declaring the truth irrelevant."

That seems to me, Mr. President, fairly to summarize the report of the majority of the Armed Services Committee on this nomination. The truth is irrelevant; appearance and perceptions reign.

It is my firm opinion, Mr. President, that standard of evidence and that standard of judgment would be so wrong as to be disastrous even if we were to announce that we would apply it prospectively and only to future actions of people who some day may be nominated for vital positions in this Government. To apply it retrospectively seems to me to be overwhelmingly disastrous policy.

The Constitution of the United States prohibits this Congress from passing any ex post facto law. Now, it is obvious, Mr. President, as you and I have shared former positions as attorneys general of our States that the confirmation process by the Senate of the United States is not the passage of a law and it is, therefore, not unconstitutional, in the narrow sense of that term, for us to apply any standard of judgment which we wish to apply. But the policy of the judgment of the Founding Fathers of this country who placed that ex post factor prohibition in our Constitution does, it seems to me, apply to us here now.

It is both unjust inappropriate and damaging to the cause of good government for us to apply after the fact a set of standards clearly going beyond any violation of the law or any violation of standards of conduct which has ever previously been applied to a person seeking this position.

It is partly, of course, as a result of exactly that kind of retroactive judgment that we here, if we reject this nomination, are doing a terrible injustice.

We have already gone a long way down the road to the destruction of the reputation and, I say bluntly, the professional future of an American who has dedicated almost all of this adult life to the service of this Nation and, most particularly, the service of this Nation's security; a destruction of reputation and future which in my view is whatout justification, and violating the spirit, if not expressed terms, of the Constitution of the United States.

The newly elected President of the United States has chosen John Tower to be his Secretary of Defense. He has continued to express his confidence in John Tower throughout the increasing bitterness of this dabate. As at least one and perhaps more of those who have spoken in this body on this issue this afternoon has already pointed out, never, nor once in the 200 years of this body, has it rejected the nominee of a newly-elected President to a position in his Cabinet. And only eight individuals have had their names rejected out of more than 500 such nominees at any time.

That precedent, Mr. President, shows more eloquently than can any remarks on this floor the appropriate standard by which this Senate has judged Presidential nominees for positions in his Cabinet.

In spite of the fact that the same words are used in the Constitution, it is a different standard than we have used for—to take the other extreme—Justices of the Supreme Court of the United States who, of course, serve for life. A member of the Cabinet serves the President and serves at the President's pleasure. Such a nominee should not be rejected except on the basis of overwhelming and absolutely proven evidence of incompetency or of bad character.

I do not believe that any Member of this body can possibly asset that that kind of overwhelming proof was evidenced in this case. In fact, of course, it is almost certain that a majority of the Members of this body have testified to the good character and competence of this nominee within the course of the last 4 years; some on the

floor of this Senate, many others outside of it.

One Member of this body has now suggested that the President switch positions and nominate his choice for National Security Adviser to be Secretary of Defense and Mr. Tower to be National Security Adviser. If that Member of this body were President of the United States that would have been a perfectly appropriate choice. It implies that Mr. Tower is perfectly well suited to serve in a vitally important position, at the right hand of the President of the United States. That Senator, however, is not President of the United States and that is not, under those circumstances, a valid suggestion. In fact, it seems to me to undercut, almost completely, the announced intention of that Senator to vote against this nomination.

One final point, Mr. President. Having said that I believe John Tower to be fully qualified for this position, and after having stated that I do not believe that any of the set of objections to him, whether specific or perceptual, are valid grounds on which to turn down the nomination, and after having claimed for myself, I think accurately, the position of an overwhelming presumption in favor of a Presidential nominee in this body, each of which would be more than sufficient in and of itself to cause us to vote in favor of this nomination, I do wish to make one other point which I do not believe has been brought up to this point during the debate.

The debate in which we are engaged today, and the actions and history which have led up to it over the course of the past 6 weeks or so, have been clearly destructive of the good order and the respectful relationships among Members of this body and between this body, perhaps the entire Congress of the United States, and our newly elected President. All of us welcomed and feel that we have benefited by the respect, good feelings and kind words exchanged between the President and the Congress and among the various Members of this body at the beginning of this new administration.

We have all reflected on the fact that the people of the United States once again have chosen a divided Government with one party controlling the President, the other party having a majority in both Houses of Congress.

We have, almost all of us, perhaps all of us, dedicated ourselves to the proposition the people of the United States have called upon us to make that situation, which until a few years ago was extraordinary but now seems to be more and more ordinary—work. The people of the United States did not want deep and bitter partisan divisions.

I am not a Member, Mr. President, who believes that we have gotten to this point in this debate on the basis of a deliberate plan or plot on the part of any individual or any group. I am convinced that in a very real sense, it just sort of happened. But we are here and every one of us knows perfectly well that it has caused a sharp, a rapid and a severe deterioration in personal and institutional relationships. We are going to face many issues, bluntly, many of which are more important than the nomination of the Secretary of Defense of the United States, in the coming months. They are going to be divisive because there are different ideas about how we should meet them and how we should handle them. We would do well to meet those with a feeling of at least personal and institutional accommodation with one another.

Now, simply by reason of its majority, the majority party here has complete authority and ability to confirm or reject this nomination. They have that right and they have that responsibility. It is my view, Mr. President, for the restoration of that trust and confidence among the Members of this body that is vital to the successful meeting of the challenges that we are going to face during the course of this and next year, that only the Members of the majority party, or some of them, can cause a restoration of that trust and confidence among us. A bloody rejection battle over this nomination is certainly possible and is predicted by many. I do not believe that whatever can be gained by such a political victory is likely to be worth its cost.

I plead as earnestly as I possibly can for a reconsideration on the part of the Members of the leadership of the majority party of the course of action which I am convinced they launched upon inadvertently. A gracious retreat will pay far greater dividends than a tainted victory.

Mr. President, I ask Senators to consider what they have the power to do. Do justice to a conscientious, hard working and patriotic American.

Support the appropriate prerogatives of the President of the United States. Diffuse the poisons that keep creeping into the deliberations of this U.S. Senate. Confirm John Tower as Secretary of Defense.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, none of us feel comfortable with a confirmation process in which all the rules of evidence are not there, in which charges are not required to be refuted under oath, in which the usual rules of evidence that protect every American are evident in consideration. But that is the system that we have.

Let me say starting out that when we got to the confirmation process with regard to the President's nomination for Secretary of Defense, I was predisposed to vote for John Tower, vote in favor of his nomination. I did not have much doubt that I would be voting in favor, but I said we will have the hearings and then I will reach a final decision at that time.

It is too bad that the farther we went, the more information I received, the more information that came out of the seven FBI reports that we have now—seven—the more information, the more doubts that were created as to the suitability of our former colleague here to be the new Secretary of Defense.

We started receiving allegations shortly after the nomination process began in the Armed Services Committee regarding the fitness of John Tower to be the Secretary of Defense. Literally hundreds of phone calls and letters came in. Most of those were seined out. They were available for people to look at who were on the committee. Only nine out of all those were sent back to the White House with a request for more information and FBI study of this.

Let me say at the outset that at each stage along this whole tortuous process we have been through, that has been the track that had to be followed. When the committee had an allegation they thought should be investigated, it went from the committee to the White House with a request. The White House was the controlling body in this. Then they requested the FBI. The same thing back the other way, from the FBI to the White House to us.

Most of the questions that came in, most of the allegations that came in centered on John Tower's drinking problem. Former Senator Tower said that he had no problem, that there was no alcohol abuse in his background.

The White House, however, debated his fitness for over a month. It was not a sudden thing. They went through a lot of debate back and forth in the White House as to whether he should be the nominee or not. The President finally made his nomination on the 16th of December, but what information did the President have at that time? Did he have all these FBI reports? No. He did not even have yet the first FBI report in its entirety. What the President had available was titled "Summary Memorandum Containing the Partial Results of the Investigation of John G. Tower," plus Mr. Tower's statement that he had no alcohol abuse in his background, and the President went ahead and made his nomination on December 16.

I do not know whether the President would do the same thing today or whether he would make sure that all those FBI reports got careful scrutiny

before he made his nomination if it were to be done again today.

(By unanimous consent, remarks delivered by Mr. GLENN at this point have been expunged.)

Mr. McCAIN. Will the Senator yield?

Mr. GLENN. No; I would rather complete my statement and then I will respond to any questions.

Other people did not make those same observations of those same incidents.

Mr. McCAIN. Will the Senator yield for the purpose of answering a question?

Mr. GLENN. Go ahead.

Mr. McCAIN. I ask my colleague, from what he is saying by selecting words, then it is therefore allowable to quote words rather than sentences from a confidential FBI report? Is that now my colleague's understanding of the confidentiality of this report, selected words?

Mr. GLENN. Once again, we are down into arguing what we can say about the FBI report. I think all these reports have been in the press numerous times now, on leaks from the other side, in fact stated by Republican members of the Armed Services Committee the night that we voted.

Mr. McCAIN. I thank the Senator. I understand now it is allowable to quote words from a confidential report, which is supposed to be kept confidential.

Mr. GLENN. No; you are probably right. While I have a number of other ones to go through here that are of a similar nature that takes us clear up to the current time here, I will dispense with that and we will go on. You make a good point, and I buy your argument.

Mr. DOLE. Will the Senator yield?

Mr. GLENN. Yes.

Mr. DOLE. Parliamentary inquiry. Is it appropriate to quote words from the FBI report?

The PRESIDING OFFICER. The FBI report is a document that has been given to the Congress in such confidentiality, and the confidentiality must be abided.

Mr. DOLE. So what do we do? They have already spoken. I make that inquiry.

The PRESIDING OFFICER. By way of response, under rule XXIX, paragraph 3: "All confidential communications made by the President of the United States to the Senate shall be, by the Senators and the officers of the Senate, kept secret." That is what the rule provides.

Mr. DOLE. If the Senator will yield for a further inquiry, quoting words from the FBI report is in effect violating that particular rule. It seems to me it is unfair to the nominee. We cannot get anything else out of the report. Now can we have that matter expunged from the RECORD and the media as though it were not said? What recourse does the nominee have?

The PRESIDING OFFICER. The rule provides that by order of the Senate, remarks may be expunged from the CONGRESSIONAL RECORD.

Mr. DOLE. Is there any objection to expunging those remarks that were quoted from the FBI report from the RECORD.

Mr. GLENN. I will agree to that if that settles it.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio still has the floor unless he is yielding.

Mr. GLENN. No; I yielded for a question.

Mr. DANFORTH. I thought a unanimous-consent request had been made.

Mr. GLENN. I yielded for a question.

The PRESIDING OFFICER. I think the unanimous consent was to have it stricken from the RECORD as the Chair understood it.

Mr. DANFORTH. That is right, and I reserve the right to object. I would like to find out exactly what is being expunged, because not only were direct quotes made from the record but selective characterizations from the FBI report were also made designating individuals by description, designating the substance of what they allegedly had to say and then in some cases direct quotes from what they did say. So my question and my reservation is, what are we expunging from the RECORD? Are we expunging in entirety the remarks of the Senator from Ohio where he characterizes what he claims is in the FBI report, or are we simply expunging specific words which were direct quotes?

Mr. GLENN. Mr. President, I used no names. There was not an identification of anyone. They were mostly single words to give an impression of what the FBI report gave which has been what I have been hearing all day from the other side too, or the impressions of the FBI report. If the words are offensive, I will be glad to have those stricken from the RECORD. If it is more than that, perhaps I will start over again then, with the whole speech.

Mr. DANFORTH. Mr. President, further reserving the right to object, it would be my opinion that characterizations such as descriptions without names of the individuals who purported to make these statements, together with not only direct quotes but with paraphrases of what they said should be stricken from the RECORD.

Mr. GLENN. These were single word descriptions, I believe almost all of them, that I used. They were not identified with any one person. They did not pinpoint any one person. I used no names. I had no idea that my remarks would be objected to because the FBI reports have been characterized on the other side today as inoffensive remarks, as meaning nothing.

If there is a desire that I start my whole speech over again and expunge everything up to now, we can do that if that solves the problem.

Mr. DANFORTH. Mr. President, further reserving the right to object—I am not objecting. I simply reserve the right to object to try to determine what the request of the Senator from Kansas was and what the agreement by the Senator from Ohio was with respect to expungement.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Georgia.

Mr. NUNN. Reserving the right to object, I believe that every Senator ought to be very careful about how they phrase any wording. Now, we have had a lot of discussion out here today about the ballerina from that side of the aisle over and over and over again. The thing that really refutes the ballerina charge is in the FBI report.

Mr. COHEN. If the Senator will yield, that was based upon a report that appeared in the Washington Post, nothing about the FBI report. That was leaked to the press.

Mr. GLENN. Let me say to the Senator I believe I still have the floor. Is that correct?

The PRESIDING OFFICER. The Senator from Ohio still has the floor.

Mr. GLENN. I would say that the characterizations on the other side are about specific instances out of the—most of them out of the FBI report. Most of them have been leaked to the public and have been in the press from whatever source. All my single words have been in the press. Are they acceptable as repeats of the press, which is what the other side has been doing in describing all of these articles today that are also in the FBI report. Is that fair?

Mr. COHEN. If the Senator wants to characterize them as single-word descriptions from unidentified sources, I have no objection, but I point out unidentified sources, uncorroborated testimony.

Mr. GLENN. I will so identify them as single word descriptions of unidentified sources.

Mr. NUNN. Mr. President, will the Senator yield to me for a moment.

Mr. GLENN. I yield for a question, yes.

Mr. NUNN. Mr. President, I would ask the Senator this question, and I agree that we are all going to have to be careful on this. It is not going to be easy so I do not fault anything anyone

said. But the ballerina business and the doctor business was all from the FBI report. And there had been some reports in the news media about it, if we are going to play that news media game.

I would ask the Senator from Ohio this question. If you look at the Sunday New York Times, February 26, quoting from that—and this is in the form of a question to the Senator—it says, quoting Bernard Weinraub:

The report is based on interviews that run "several thousand pages," said one White House official.

The summary, the official said, will contain descriptions of 12 allegations against Mr. Tower that the FBI was unable to corroborate. The official went on to describe 7 of the 12 allegations, the presentation of which is intended to cast Mr. Tower as someone unfairly rejected by the Democrats on flimsy charges.

The summary is to include the following charges and explanations:

I am not going to read all of these but it goes on to talk about what happened at a party; it goes on to talk about the Russian ballerina affair in Houston; it goes on to talk about the Arizona businessman in the Jefferson hotel; it goes on to talk about a businessman in West Germany observing certain matters, next a male flight attendant on a trip to Paris; next the Monocle Restaurant; next the neighborhood episode in Dallas, so forth and so on.

Mr. Fitzwater, the White House spokesman, said the aim of the public strategy is to "try to get these issues out in the open, get to focus on the validity of these charges.".

Now, I would just ask the Senator a question. If we use the rule of this opening up everything in those categories, then we are going to really be revealing the whole thing and I do——

Mr. McCAIN. Parliamentary inquiry, Mr. President.

Mr. NUNN. I do not believe we should do that and I do not think we should really peg to news media accounts in making that open to everything else. It we do that, there is going to be no end to it. All we have to do is have one leak in the news media and everybody pegs onto it and here we go. So I think that would be a bad rule and I would hope that we would just respect the FBI.

Mr. McCAIN. It has already happened today.

Mr. GLENN. In answer to the Senator's question, yes.

Mr. NUNN. I thank the Senator.

Mr. McCAIN. I have a parliamentary inquiry, Mr. President.

Mr. DOLE. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. GLENN. I yield for a question, yes.

Mr. DOLE. Let me indicate for the record I think the words used by the Senator from Ohio have been in the public print.

Mr. GLENN. They certainly have.

Mr. DOLE. I do not quarrel with his, but I think we ought to agree early on what is fair and what is not fair. Now Senate rule XXIX does not cover the White House, does it?

The PRESIDING OFFICER. The rule does not cover the White House for the reason that, of course, the Senate rule could not control the course of conduct of the White House.

Mr. DOLE. But it does cover the Senate.

The PRESIDING OFFICER. It does.

Mr. DOLE. And I think the sanction is—and I am not suggesting it because I think the Senator from Ohio just repeated what had been in public, but if somebody wants to stand up here without lifting the injunction of secrecy and start reading out of the FBI report, the sanction is expulsion from the Senate. Is that correct?

The PRESIDING OFFICER. The sanction would be that which the Senate chose to impose.

Mr. DOLE. But does that include expulsion and dismissal of an employee of the Senate?

The PRESIDING OFFICER. That would be a matter up to the Senate.

Mr. DOLE. I want to reaffirm what has been stated. This is fairly serious business unless we can resolve it, but I think sooner or later we are going to have to make something public or somehow inform the public because otherwise a lot of us who are trying to debate the issues are limited, whether it is the Senator from Ohio or someone on this side. I do not quarrel with the Senator from Ohio. He repeated what has been in the public. It is nothing he picked out of the report. He picked it out of the papers. That was a statement made by the Senator from South Carolina a couple days ago, about 7 or 8 words taken out of the RECORD. Is this a violation? I am not certain that is so important but that we understand what it is so all of us on both sides can do the best we can in the debate not violating rule XXIX.

Mr. McCAIN. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio still has the floor.

Mr. McCAIN. Mr. President, does not the President of the Senate respond to a parliamentary inquiry?

The PRESIDING OFFICER. If the Senator that has the floor chooses to yield for the purpose of the inquiry.

Mr. GLENN. I will yield without losing my right to the floor. I will yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. There are many leaks as we all know that have been made to the media. If in the course of this debate information that has already been disclosed by the media is discussed by this Senator or any other, is that a violation of rule XXIX?

The PRESIDING OFFICER. Would the Senator propound his question one more time?

Mr. McCAIN. What I am saying is that there are many leaks from the FBI report that have appeared in the media. I am not here to go through the academic exercise of who is responsible for it. But this Senator believes once it has appeared in the media, then if this Senator uses a media source for discussing those allegations, then I do not believe—I am asking for a rule of the Chair as to whether there is a violation of rule XXIX or not if the source of the discussion and debate is not from the FBI report but from information which is public knowledge in the media.

The PRESIDING OFFICER. The Chair is aware of no precedent on that point on that issue.

Mr. McCAIN. I seek a ruling from the Chair on whether this Senator can discuss without fear of violating rule XXIX information which has been published in the national media.

The PRESIDING OFFICER. The ruling from the Chair is that information would no longer appear to be confidential.

Mr. McCAIN. I thank the Chair.

Mr. NUNN. Mr. President, if the Senator would yield for further inquiry, we are getting into knee-deep difficulties here. There is good faith on both sides. I do not attribute anything, but one particular Senator for instance on February 23 stated in the New York Times—this happened to have been a Republican Senator, but I am sure we have had and may have similar situations. He went on to quote. It gives a whole quotation about a witness T13. The report goes on to say that he saw—I am not going to repeat him because I do not think there is any need. But it goes on and on about a detailed situation wherein the Senator in that instance clearly revealed FBI information.

Does that mean that whole subject is opening up now? If so, what we are going to do is go outside, tell the news media, let it be printed, then come in here and talk about it. That is the worst way possible to handle this situation. I do not think we ought to do that.

I do not know what the ruling of the Chair would be. I would submit to Senators that we ought to restrict the FBI report in terms of the way we discuss it to our own opinions and conclusions drawing therefrom because, if we do not, there is going to be no end to it.

Whatever the Chair may rule, I think that we have an obligation, and although there already have been a

number of leaks—I do not doubt there are going to be leaks—if we open it up and discuss everything in detail that has appeared in the news media, we are not going to have a confidentiality of that report.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator?

Mr. GLENN. Without losing my right to the floor.

Mr. WARNER. Mr. President, I would simply like to join my colleague from Georgia in saying this would be a total circumvention of the process adopted in the Rules of the Senate to protect this type of material. There is work under way to determine once again whether or not there is any possibility to permit some use of the material in S-407. It may well be a continuing process throughout this debate. But the chairman and I did our best together with the White House counsel, without success, and I think for the time being I would hope Senators would honor the material that is up there, and not in any way indulge in trying to circumvent the rule. I would suggest that the distinguished Senator from Ohio, once again, repeat his offer, to start from the beginning and expunge the material that he has stated.

Mr. WILSON. Mr. President, will the Senator from Ohio yield for a question?

Mr. GLENN. Without losing my right to the floor.

Mr. WILSON. I thank the Senator.

I would like to ask my colleague from Virginia or my colleague from Georgia, since they have expressed a similar view, how they feel that justice can be done to the nominee when in fact both those who favor and those who oppose his confirmation are limited to expressions of opinion—and when in fact the nominee has already been trashed nationally and internationally by the kind of anonymous leaking that has been given broad network news coverage for weeks and weeks.

I have used a harsh phrase in saying that I think that the confirmation process has been contaminated, has been hijacked, has in fact been corrupted, not because there is any lack of diligence on the part of the committee or the committee staff, but because someone has leaked damaging allegations which are unsubstantiated, there has been no leakage or characterization of the rebuttal evidence until the recent White House effort to characterize the evidence.

I would ask my friend from Virginia or my friend from Georgia, how in the world can justice be done? It seems to me that in fact the evidence that we have all seen now—at least I think most Senators have been up to S-407 and seen the evidence—if it were released, does not jeopardize any national security interest. But the confinement of that evidence to the secure room except that when it is leaked to the national network evening news does present a situation that cannot help but continue to be grossly unfair to the nominee.

Mr. WARNER. Mr. President, in response——

The PRESIDING OFFICER. The Senator from Ohio still has the floor. Does he yield?

Mr. GLENN. I yield. I reserve my right to the floor. I yield for other purposes without losing my right to the floor.

Mr. WARNER. Mr. President, in response to the inquiry of the Senator from California, the leadership at this very moment together with the managers of this nomination are trying to perform some further work on this issue. The Senator raises very valid questions, questions that have troubled the chairman, I, and others for some period of time. But at this particular moment I would suggest to the Senator from California and others that we abide by the present, shall we call, ground rules that we will not make reference in any way to the material in S-407 until such time as the leadership and others might address this question.

Mr. NUNN. Will the Senator yield for just a moment? I will respond to that. I do not suggest it. I hope we can avoid it. But it may be necessary to have a closed session. Senators are the ones who are going to have to vote on this. If the President wants to release the FBI report after considering the ramifications and the precedent and all of that, he can release the whole thing, and there will not be a problem. I do not know that that would be a wise course. I do not advocate that. But he can do it.

On the other hand, if he does it, we can have a closed session of the Senate and have all this information down here on the desk, have a debate, and the people who are going to have to vote on it will be able to do it.

I know the public will not be involved in that. That is not good. I would like to have a full debate, too. But we also have to consider this President, and other Presidents, and whether they are going to be able to have an FBI report that has any confidentiality. That gets right down to the heart of whether the people are going to be willing to talk to the President's representatives about prospective people in high levels of Government. It is not a simple issue.

Mr. WILSON. If I may respond——

The PRESIDING OFFICER (Mr. KERRY). The Senator from Ohio has the floor.

Mr. GLENN. I yield without losing my right to the floor.

Mr. WILSON. I thank the Senator from Ohio.

I think the point is simply this. If we have a closed session, yes, we can discuss it among ourselves, but there has already been too much public debate among Senators as to perception—and the statement that whether or not—to quote my good friend from Ohio—the perception is unfair or fair, it is nonetheless the public perception. The question has been raised as to whether because of these perceptions or appearances Senator Tower can give the leadership necessary to bring about reforms within the Department of Defense.

In the effort to resolve this question, I say to my friend from Georgia and to my friend from Virginia that I think we have to give great consideration to the fact that already there has been aired publicly a partial presentation of this evidence, that a closed session of the Senate would not repair the damage that has been done, and that fairness really requires that we deal not just among ourselves, but that we have a significantly public process to fully air the rebuttal as well as the allegations.

Otherwise, I think, Mr. President, we are in grave danger of leaving what has become a contaminated process hopelessly contaminated. It is no wonder that the public, according to a Time magazine poll, has an unfavorable opinion of Senator Tower. I do not know how they could avoid having one. The only things they have heard on the evening news for weeks have been these allegations. So I understand why it is that the chairman is seeking to observe what have been traditional processes. The fact is that those traditional processes have not been observed in the process of this confirmation. Someone he does not know, and I do not either, has been busily leaking confidential information. I would say that the damage has already been done.

The Senate must recognize that, and understand that we cannot have a fair confirmation process by leaving things in the current status.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. GLENN. I yield, without losing my right to the floor.

Mr. NUNN. While we are discussing the release of the FBI report, I think we ought to also understand that if that is done, we have a whole lot of material in the executive session in the Armed Services Committee, a whole lot of private documents, a whole lot of things that relate to testimony, witnesses, and so forth. So any effort to release the FBI report, it seems to me, if we are going to have it all where people can make a judgment, and this is just as much a part of the record as the other, would include the

executive session testimony that we have had, and we would include all the documents that we have and the allegations we have.

If you want it all out there, we can do that. I would say that we have all sorts of business about Geneva. We have a huge amount of information in there that relates to allegations about Geneva. So somebody will have to think carefully about this, all of us, now, about how much you want out there. How much do you believe is necessary for fairness?

I want to be fair. I want everybody in here to understand as much of the facts as possible. But if we set this precedent right here, I would ask the Parliamentarian and the Presiding Officer to think very carefully about that precedent. I hope it is not a precedent. I hope, with Senator BYRD on the floor, that we can understand the ramifications of what has just been done. Maybe it is not new, but it has to be handled carefully.

If, on another matter, we have, let us say, a foreign intelligence matter that comes out in the New York Times, a Senator can then get up on the floor, because we have had one leak of some very sensitive information relating to national security—nothing to do with a nominee, and that precedent holds—a Senator can get up on the floor and make reference to that national security information with total sanctity under the Senate rules.

Mr. WILSON. No one is suggesting that.

Mr. NUNN. We are talking about a precedent that I hope is not going to be a precedent here, because the Parliamentarian just ruled on the question of whether something which has been in the public print can be referred to freely on the floor of the Senate. We had better think that over very carefully.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GLENN. I yield, without losing my right to the floor.

Mr. BYRD. Mr. President, the Chair did not rule. I think all Senators should understand that the Chair only rules in response to a point of order. There was no point of order made.

The Senator from Arizona propounded a parliamentary inquiry. No Chair has ever issued a ruling in response to a parliamentary inquiry. The Chair may respond that, in his opinion, thus and so. That is not a ruling. I call this to the attention of Senators so that it might help them in the future:

On page XI, the very first page in the preface of the book on Senate procedure, the last paragraph:

> It will be observed that the footnotes divide themselves into two classes: those without, and those with the word "See" and "See also." Those without are rulings by the Presiding Officer or decisions by the Senate, and those with "See" are responses by the Chair to parliamentary inquiries in cases where the opinions expressed are in keeping with the practices of the Senate, even though in such cases an appeal from an opinion expressed by the Presiding Officer in reply to a parliamentary inquiry is not in order.

That is very important. If it is a ruling by the Chair on a point of order, such ruling can be appealed by a Senator. But if it is a response to a parliamentary inquiry, there can be no appeal of that expression of opinion by the Chair. So that is a very, very weak precedent, if any, I assure the Senator from Georgia.

So that the RECORD might show a response of the Chair to this question and so that it will not stand just as a statement by the Senator from West Virginia, may I inquire of the Chair if I am correct in the statement that I have made?

The PRESIDING OFFICER. In the opinion of the Chair, the Senator was correct. The ruling only occurs in response to a point of order.

Mr. BYRD. I thank the Chair, and I thank the Senator for yielding.

Mr. NUNN. I am relieved to hear the Senator from West Virginia give that explanation, as usually he is the expert on the rules.

I hope we would take this under advisement with the leadership, consulting with the Chair and the Parliamentarian, before we make this a precedent. It has very serious implications. It would give the Senate the right to basically confirm certain extremely detrimental material being in the news media, that it is one thing when it appears and another thing when it is confirmed by people in the Government.

Mr. WILSON. Mr. President, will the Senator from Ohio yield?

Mr. GLENN. I yield, without losing my right to the floor.

Mr. WILSON. Mr. President, I would agree that had that been a ruling rather than simply the response or opinion of the Chair to the inquiry, it would be an overly broad rule.

I think the situation that is before us is easily distinguishable. The chairman is correct in expressing his concern that we not compromise national security interests, where those are, in fact, jeopardized by that kind of leakage. That is not the case in this instance. What has been jeopardized, instead, is Senator Tower's reputation.

So I think that at such time as a point of order is raised or at such point as we have undertaken to resolve this dilemma, we have to include in the resolution a concern about this specific instance, which is one that is distinguishable from one where the national security would be jeopardized.

Beyond that, I just say I think we need to be concerned, as well, about basic fairness. The chairman, earlier today, commented on what has been reported in the Washington Post in a story by a reputable—in fact, a highly reputed—investigative reporter, and he identifies only "sources." The chairman does not know how the reporter came by this information, nor do I.

The chairman has expressed his feeling that it is unfair to the nominee, and indeed it is. I will simply say this is only the most recent example of this kind of thing. Far more people have heard on the evening news, and I am told will hear tonight, from this very witness, than will read the Washington Post story.

There is something even more important than the reputation of John Tower at stake here, even more important than the question of whether for the first time in history we deny a new President his nominee for a Cabinet position.

What is at stake is the very distinct possibility of creating an evil precedent, whereby through manipulation, anonymously, of the national news media, we so permeate and so contaminate the confirmation process that it ceases to be what the framers intended.

I suggest to Senators that we are in danger of setting such a precedent, and if that occurs, it has an importance that overrides even the reputation of John Tower, because in being unfair to him, we will be guilty of permitting the deception of the American people. I suggest that that is not something we can simply suffer. We will have to resolve this.

The first amendment is the most important of all our freedoms, and probably all the others flow from it and depend on it, but it is being abused. There has to be a means of resolving this question, not just in fairness to John Tower or to George Bush, but to the confirmation process and the duty that we, as Senators, owe the American people, under the Constitution.

I thank my friend from Ohio for his generosity.

Thank you, Mr. President,

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. Mr. President, I would suggest that expunging which I agreed to a little while ago, when I had made my opening remarks for the first 6 or 7 minutes and I came down to a portion where I quoted from the summary memorandum that President Bush had read before he made his nomination on December 16 and it was titled "Summary Memorandum Containing the Partial Results of the Investigation of John G. Tower"—I suggest that as a way out of this, that all after that in my remarks be expunged, and I will pick it up at that point without repeating the earlier remarks.

I ask unanimous consent that be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, will the Senator yield for a moment?

Mr. GLENN. I yield for a question, yes.

Mr. MITCHELL. Is the Senator able to estimate the length of time it will take him to complete his remarks uninterrupted?

Mr. GLENN. Half hour.

Mr. MITCHELL. Half hour.

Mr. GLENN. Thereabouts.

Mr. MITCHELL. Then, Mr. President, it is now my intention to propound a unanimous-consent request. I know the distinguished Republican leader is here. I have discussed this with him and with both the majority and minority managers.

Mr. McCAIN. Mr. President, will the Senator yield to me for 1 minute?

Mr. GLENN. I yield without losing my right to the floor.

Mr. McCAIN. I thank the Senator.

Mr. President, I have some information I think would be very interesting to the Members of this body and others concerning the allegation that was printed on the front page of the Washington Post this morning concerning an allegation made by a retired Technical Sergeant Jackson concerning some alleged behavior on the part of Senator John Tower during some period between 1976 and 1978.

I remind my colleagues it was on the front page of the Washington Post. We have now received information that this individual's last duty was when he reported to Berkstrom Air Force Base on February 21, 1976. His last duty day was March 16, 1977. He was referred to the Wilford Hall Medical Center for Psychological Evaluation and was later retired for psychiatric disability, and the details of that can be made available. He was permanently retired on April 19, 1978 for a psychiartic condition.

I also point out that the 12th Air Force commander from June 1975 through June 1978 recalls John Tower to be in Berkstrom only once during the period, the first Saturday of August 1975 for an air show. That memory has been confirmed by the wing commander and vice wing commander and master chief of the Air Force.

Mr. President, the reason I am bringing this very important information to the attention of this body is that this allegation was obviously given great credibility by the media by being printed on the front page of the Washington Post. I think it clearly indicates there is no validity to that and very little we can do to repair the damage that is done by this allegation and I understand was going to be carried on national media tonight.

I hope it clears up the situation, and we will be glad to provide further details on this information we received.

I thank my friend from Ohio for yielding.

Mr. MITCHELL. Mr. President, will the Senator yield?

Mr. GLENN. Without losing my right to the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that today, Thursday, March 2, at 5:45 p.m., the Senate temporarily lay aside the nomination of John Tower to be Secretary of Defense and proceed to the nomination of Edward J. Derwinski to be Secretary of Veterans' Affairs under a time agreement, 1 hour, equally divided between the Senator from California, Mr. CRANSTON, and the Senator from Arkansas, Mr. MURKOWSKI, or their designees, provided that no motions be in order and that following the using or yielding back of time the Senate proceed without any intervening business to a 15-minute vote on the nomination.

Mr. GLENN. Will the majority leader make that 6 o'clock? I may not be quite done.

Mr. MITCHELL. Provided further that upon the disposition of the nomination the motion to reconsider be laid upon the table, the President be immediately notified of the confirmation of the nomination and the Senate return to the nomination of John Tower to be Secretary of Defense.

Mr. President, the Senator from Ohio has asked that I change the time here to 6 p.m. and I accordingly do so so that the unanimous consent would be that at 6 p.m. the Senate temporarily lay aside the Tower nomination and move to the nomination of Derwinski with all other aspects of the unanimous consent request to be as stated by me.

The PRESIDING OFFICER. Is there objection to the request?

Mr. PRYOR. Mr. President, reserving the right to object, and I shall not, I was not here. Did the majority leader request a vote at a time certain on the Derwinski nomination?

Mr. MITCHELL. No. The vote will be in accordance with the request following the using or yielding back of time. Therefore, the vote will occur at 7 p.m. if all time is used or sooner if time is yielded back.

Mr. PRYOR. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that it be in order to now request the yeas and nays on the Derwinski nomination.

The PRESIDING OFFICER. It there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I thank the Senator from Ohio and the distinguished Republican leader.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Thank you, Mr. President.

Mr. President, as I was saying——

Mr. BYRD. About an hour ago.

Mr. GLENN. When President Bush made his nomination on December 16 he had read a partial FBI report. The President read a report titled as follows: "Summary Memorandum Containing the Partial Results of the Investigation of John G. Tower."

He went ahead and made the nomination even though there had been a month of debate back and forth between the White House and the staff as to whether this nomination should be made. So they had their own doubts going in.

The nominee at that time, Senator Tower, had said that he had no alcohol abuse problem, period. That is what the President had to go on.

Now, there are examples all through the 1970's and 1980's, most of which have been in the press. I will not characterize them again except to say they are overwhelming in evidence as far as I am concerned with all of the slang remarks, all of the types of references that describe drunkeness that we are all very familiar with, and these are repeated over and over and over again.

After that started occurring at that time, the nominee instead of saying that he had no alcohol abuse earlier, then started talking about yes, he drank some in his younger days. That is public. That was not out of the FBI report.

There are a number of references to the problems back in the 1970's and at that point the White House then said yes, there had been an abuse problem back in earlier days.

Now, the nominee then said he had a problem back in earlier days and talked publicly about drinking too much.

He then stated on the Brinkley program last Sunday—the program I was on at a different time period—that 12 years ago he gave up Scotch, but said he still drinks wine—stuck with wine since that time and with an occasional martini and vodka sometimes with salmon and caviar.

Now through all of these references, both before the committee and publicly, the nominee has talked about drinking wine now as though that is diet-rite soda pop; as though there is no problem, and it can be proven because he only drinks wine. Well, I would submit that does not prove very much to me. Because, if you look at the problem, it is alcohol; it is not whether it comes in wine or whether it comes in bourbon or whether it comes in scotch. The problem is alcohol.

The facts are that a 1½ ounce standard shot of 80 proof whisky is equaled in alcoholic content by a 12-ounce beer, 4½ percent beer, and it is equaled by the usual 4½ ounce glass of wine at 12 percent. And so what we are talking about is alcohol consumption. We are not talking about what the form is that it comes in unless we know how much wine is actually consumed.

But the record is replete. I see how no one being fair in reading that FBI report can come away with any conclusion but that there was an alcohol abuse problem in the seventies and that the problem extends up into the 1980's, and no reason to believe that it is not current at the present time.

We have been castigated on our side for fairness and for truth. It has been said that we are not being fair with this because we cannot release this information. Well, if that is important to this nomination, the President is the possessor of the FBI report. He is in control of it. And I do not believe in just letting that go down. I still hope we can work something out with regard to that FBI report.

The truth is relevant, in spite of what was quoted a while ago as being in the press; which, incidentally, quoted me by name because I had said that the opinions and perceptions of the military, and how they control nuclear weapons and how sobriety is demanded, and how it is checked before people are let into that program. I said that was something I thought was relevant. I thought that perceptions there, which our military is judged on, were important. So when that was taken out of context, I thought that that was unfair to me.

So I would correct that here today, that the truth is indeed relevant. And if we are to have fairness and truth, then I think we have to implore the President to do something about getting that FBI report out so that everyone can have the advantage of the same information the rest of us have read.

I do not vote on blind allegiance to the President, Democrat or Republican, either one. And, yet, people on the other side of the aisle are being implored to be loyal to the President. In other words, ignore what you have read, ignore what impressions you get out of that FBI report and have blind allegiance to the President. This is a new President, they say; never in history have we had a new President who had a Cabinet position turned down. Mr. President, the advise-and-consent role of the Senate does not say, "except for new Presidents." The advise-and-consent role still applies, and we are to put our best judgment to it.

Senators must judge. They must read that report. After reading the report I cannot come to any conclusion, but that there was a big problem and a very good chance there will still be a problem.

And this allegation of partisanship I do not accept at all. I have voted with the Republicans on the other side in committee over there on at least one important matter where I was the only Democrat that voted with them and received a lot of criticism on my side of the aisle for siding with them. It was a decisive vote. I was the swing vote.

So I let my views of where we stand with regard to our country be the measure by which I judge things. During the Carter years, I opposed a Democratic President on occasion. I was judged harshly for that in the Democratic ranks, but that is the way it is.

I would say this, that as far as our politics are concerned, if there has been any politics it has been on the other side of the aisle. Because I can tell you this: that Senator MITCHELL, as our majority leader, has consistently said that he wanted everyone to read the report and make their own individual judgments.

What has been the record so far on this charge of partisanship? Let me talk about that just a second. Do you know we have approved on this floor so far 13 nominations of the President of the United States, And in all those 13 nominations that have now been approved and gone back to the President approved, there has been only one on which there was one vote against the President's nomination and that came from a Republican Senator. One vote out of all those 13 nominations, 100 Senators voting. That is 1,300 votes. So this charge of partisanship is a bunch of nonsense as far as I am concerned. It just is not true. The record is not there.

The President came in and wanted us to hold early hearings to get his people approved. We did that. I held hearings before Inauguration Day to help him get Richard Darman approved for OMB. I commented to President Bush at the White House one night, when we were over there for a chairmen's reception, that I thought he had an opportunity to be a great President because he comes with a background unparalleled in the history of our country, and that he had made all the right moves. I want to cooperate with him. I have no animus at all toward President Bush, none whatsoever.

But I can guarantee you that in our role of advise and consent in the Senate, I do not see how anyone can read that report, those FBI reports, of what happened in the seventies, what is still occurring in the 1980's, without coming to exactly the same conclusion, unless they are being overwhelmed with this loyalty to the President that is being called for.

Perhaps it would be advisable later on, after this debate has ceased and we have gone on to other things here, for someone to consider, if they do not like this way of doing things, that we change that, that we put in a constitutional amendment and change the advise and consent role of the Senate that the Founding Fathers put in, and that the second opinion of the President that we provide here in the Senate to nominations, that we change that and truly give a President his right to appoint anyone he likes. Maybe that should be proposed, but I do not agree with that.

There are a couple of other things I want to say, related to this nomination process. One is, I have been absolutely amazed to read some of the press reports about how we are somehow trying to create a great move of power to Capitol Hill and we want to influence all foreign policy and we are out to wound the new President. I do not know where that stuff is coming from, but it certainly is not coming from any discussions that I have been in on here on anything to do with the Tower nomination. I guess the press thrives on confrontation. I understand that. But that just takes it so far that it is ludicrous, as far as I am concerned.

This is no power play with the administration; never has been. We do not plan to make it that. It is not a plan to wound the President. I wish the President well. I want to work with him.

I just think, in this particular case, when you look at the whole record, which I submit I am not even sure the President has seen to this day—what he saw was the first summary before he made the nomination, and that was not even a complete FBI report.

Someone had a news report one night that what we are doing is hurting foreign policy. They asked one of the reporters at the other end of the line in China with the President about what impact the Tower nomination was having on the President's talk with Chinese leaders. The response was, well, it had not even come up as far as they knew; that they were not paying any attention to it; that it was a domestic issue. And of course it is.

Now, let me return to the alcohol problem. I want to address this specifically from the standpoint of the De-

fense Department, separate from Lincoln or Grant or Churchill which have been brought up repeatedly throughout this debate; about how great they were in spite of their overindulgence in alcohol. I don't know whether this is supposed to mean that our people in the military should become alcohol abusers and they will be like Grant and Churchill. But that has been brought up repeatedly to somehow excuse alcohol abuse. I do not look at it that way at all. They functioned not because of alcohol but in spite of it.

But how does the military approach the problem of alcohol abuse? Well, let us look at that. The military looks at this matter of alcohol as being so important that not only are alcohol abuse programs in effect for the whole Department of Defense but, in particular, there is a Department of Defense directive, the subject of which is "Nuclear Weapon Personnel Reliability Program."

It describes why they think this program is necessary and they have the types of people listed who have to go through special screening. It is not just people in command or supervisory positions. For example it is people who handle missiles, and those who handle nuclear weapons in almost any way that are subject to the Personnel Reliability Program and Screening before they can get into any program related to nuclear weapons.

Many people aspire to get into that program. They want to spend their careers in that program and the qualifications are there. But there are also disqualifying factors. If they have one of those disqualifying traits in their background, they cannot get into the program. If they exhibit any one of those traits once they are in a nuclear weapons assignment—officer or enlisted—they have to get out of the program. They are kicked out. Let me read from the directive:

Disqualifying, "Any of the following traits or conduct shall normally be considered disqualifying."

The first trait listed, is "alcohol abuse."

If you have that in your background, you do not get in. If you exhibit it while you are in the program, you get kicked out. They pay strict attention to that. This is the DOD directive, right here. That is the way it reads. That is the specific language in from the directive.

Why do they view it that way? Well, say they want to be safe with nuclear weapons—they do. But there are two things, it seems to me, that makes the Department of Defense and the military different from any other department. It is not like working at the Department of Agriculture, Department of Commerce, or Interior or something like that. When you are in a nuclear weapons program, you have two things you may face and you may face them very, very rapidly.

No. 1, your actions may have to be timely. You are not always given overnight to decide what action to take. If you are a nuclear weapons specialist, or a commanding officer, or a communications expert, or a truck driver transporting a missile, you may not have 12 or 14 hours or 2 days from now to prepare for your mission. They may say: We are going in minutes. We have to do this. There is a national emergency. So the time factor in those jobs can be quite different. So that is one difference: Timeliness of action is one reason the military has to have a personnel reliability directive. Reason No. 2: The consequences of a mistake may alter the whole course of history. It is that important. Your actions may be required in a very short period of time. Your judgment cannot be impaired. And the consequences of a mistake may be cataclysmic. You may blow up some of our own people if you make a mistake. We may not get the weapons off on time. There are many things that may happen.

For the sons and daughters serving around this world who serve in that Nuclear Weapons Program and have gone through that kind of screening to get there, and they are on that career track, can we permit a lesser standard for a Secretary of Defense than we require for those people in uniform who are on nuclear weapons assignments? I say no.

There is another reason a Secretary of Defense has to be that reliable also. He is part of the National Command Authorities. I use the plural. That is usually stated the other way, "National Command Authority," and we mean the President. The way it is actually written is, "The National Command Authorities." In the plural.

It originated in DOD Directive 1500.30, paragraph 3(a), dated December 2, 1971. It has been in effect since then, no changes have been made.

First, regarding the NCA, the U.S. Constitution designates the President as the Commander-in-Chief of the Armed Forces. Second, the National Security Act of 1947 designates the Secretary of Defense as the President's executive agent, he is to carry out the President's orders.

Third, no statute defines the term "National Command Authorities," but it is in the plural and the interpretation of that, which is in the book "U.S./Soviet Military Balance Concepts and Capabilities, 1960 to 1980," contains the following definition:

> National Command Authorities: The top national decisionmakers of a country. In the United States they are limited to the President, the Secretary of Defense, and their duly deputized alternates or successors.

The President is the supreme authority regarding the use of nuclear weapons. But the Secretary of Defense is right in there with him. We have had rumors in the past that certain Secretaries of Defense, when they wanted to tell the President something about a situation going on in the world, were advised that the President has been at this party or that party, and questions have been raised and there is some question as to whether things should come up at that time. If there was an incapacitated President, who serves? It is the Secretary of Defense.

So, what I said about the military with regard to timeliness of action—you cannot wait. You may not have a day to decide what action to take. You may not have an hour. And the consequences of a mistake, a mistake of judgment—well, you cannot imagine the consequences. We could change the course of history, as I said.

Returning to the Personnel Reliability Program, how does the military make their judgments on the people that go into that program? How strict are they? Are they brought in, given rights of appeal? Can the person say: well, I used to abuse alcohol but I don't any more? No, that will probably keep him out, unless it was a long time ago and the person has gone through some kind of rehabilitation.

Are there rules of evidence? Are there examinations and cross examinations permitted when a board is formed to select people for the nuclear weapons assignment? No. There is no appeal. It is an opinion that somebody has formed. It is a perception that that person is either reliable or not; that he either has a problem or not. I wish all the rules of evidence were there to protect members of the military that requests a nuclear assignment or is in a nuclear assignment and about to get kicked out. I wish it was possible to give them protection of the court, evidence, examination, cross examination, but that is not the way the military works. We do not have that kind of protection. It would be too cumbersome.

Regarding the position of Secretary of Defense, I do not see how you can judge a Secretary of Defense any differently than people in the military judge themselves because leadership in this area has to be by example. The military above all other organizations I know of leads by example. And that should be from the Secretary of Defense on down. The Secretary of Defense is the leader of our military and that leadership, to me, has to be by example.

Another area I want to address is perception. How do the people across this country perceive us? What is their expectation of the performance of public officials in Washington? Well, that is, indeed, a different subject. I think there is a lot left to be desired here.

Perceptions in the mind of the public as to the expectations of their public officials in Washington and perceptions in the minds of the military personnel about leadership that we select for them and leadership that they look to, to lead by example.

Concerning Senator Tower, those perceptions are formed, however, by the nominee's own actions. These perceptions are based on the committee reports, this debate, press and media interpretations and by original investigative reporting, of which there has been much in this particular case. And perhaps that is considered not fair. But it is the system, and we as Senators have to make our judgment based on this information.

It has been brought up by a number of people that we cannot judge impartially because, after all, we have problems right here in the Senate with some of our own people sometimes.

Agreed. I agree with that 100 percent. I can talk about some Senators who are no longer around here who had some problems I was aware of. I would say if Senators right here had to go through this same confirmation process, it might weed out a few around here. Not many. Not many. I don't know many around here that I think abuse alcohol. But I think occasionally there are some. So, are we judged by a different standard? Well, perhaps we are. I do not deny that.

But we go through a different confirmation process, too. We go through a confirmation process called election. We do not come before our colleagues here. We go back home. If there is a problem with alcohol abuse, we depend upon the people to single out those people who cannot pass muster in that regard, if they think it is interfering with performance here on the floor. And that is the way it should be.

I do not question there is a double standard here. We just go through a different confirmation process. That is the main point I wanted to make.

It is too bad that is the case, I guess. But I would say, too, in defense of the military, here on the Senate floor we are 1 of 100 votes. The other day, I saw Senator Tower on TV when he was saying he has seen people come on the Senate floor not sober and vote on nuclear matters. Well, that is right, but they are not in the chain of command and did not have the right to order nuclear weapons around and change the status or disposition of our troops, wherever they are in this world.

So do we have a problem here sometimes? Yes, but we are 1 of 100, and we do not have the military timeliness factor I mentioned, and the possible consequences of action that can result from that timeliness requirement in an emergency.

Do we have military emergencies? Yes, we have had 8 or 10 over the last 10 or 12 years where it was a real emergency. The President had to be notified in the middle of the night, had to make decisions; the Secretary of Defense right along with him every time.

So the same timeliness requirements apply and the same potential for consequences of a mistake are right there.

The DOD policy is not to assign someone to a key position or even lesser positions in that nuclear chain of command. Alcohol abuse disqualifies a person, and we can have no lesser standard, as I see it.

There is one other area. Military is very strict on their policies with what they call fraternization. In days past, that was called womanizing. That is a difficult subject to discuss. How do you define it? I always thought if there was a womanizing problem, there was a woman having a manhandling problem. Maybe there is a way to turn this thing so we equal it out. That has been brought up. It has received much press attention.

Is it right? I do not know. How do you define it? That is less definable than the alcohol, as far as I am concerned, but the perception is out there.

In the military, there are strict rules of fraternization and how you treat women in the military? It is with respect and dignity. You do not go on a military base today but where you see women as an integral part of the command, working there with the same effectiveness as the men.

When those lines of impropriety are crossed with regard to fraternization, they are dealt with harshly. We have had, over the last several years, over 20 military male officers court-martialed out, and probably several times that number who chose to resign to avoid court-martial. It is an issue that receives very special consideration in the military now.

Mr. COHEN. Will the Senator yield?

Mr. GLENN. That perception is there. The perception is in the press. I cannot verify them but it is a perception that is out.

Mr. COHEN. Is the Senator suggesting there is evidence that Senator Tower manhandled a woman in the military?

Mr. GLENN. No, I did not say that. I did not say that at all.

Mr. COHEN. That is what you are implying.

Mr. GLENN. I did not use Senator Tower's name. What I said with regard to manhandling was that I do not like the term "womanizing." That is the point I was making. I think you came in after I was stating that. I never liked that term. It always takes two people, whatever that is. I do not know what the counterterm would be. I was talking about manhandling. I was not referring to Senator Tower at all. I think the RECORD will show that.

Mr. COHEN. I thank the Senator.

Mr. GLENN. The military has very strict policies. Over 20 male officers have been drummed out of the service, and women will not be subjected to degrading treatment.

Where does this leave us? At each step along this confirmation process FBI reports have been received by the committee. In addition, allegations have been reported in the press and by investigative reporting. I do not know whether this process is right or wrong, but I know that we each have to make up our own minds after reading those FBI reports. After having started out being in favor of voting for the nominee, at each step along the way, I have had more doubt cast on the ability of the nominee to truly set the example. Our military officers and enlisted personnel expect and deserve reliable leadership. National security demands it. We do not permit people in military command assignments if there is any doubt. Military people are not let into certain positions if there is any doubt. I just feel that we cannot hold our Secretary of Defense to lesser standards than we demand of our people in the military.

Mr. President, the Army Times, Navy Times, Air Force Times, and Defense News, are usually referred to as the military press although I will not say they always express the views of the top military and people in the Department of Defense. They are run by civilians, but they comment on and follow closely matters in the military. I think their views should be taken into consideration here.

I submit to be printed at the end of my remarks the editorials out of those publications. One is from the Army Times and says, "Tower Should Go." Another is from the Navy Times which says, "The Tower Vote," and recommends against him. One is from Defense News and is entitled "Tower Should Step Aside." Another one is from the Air Force Times and says, "Not Tower."

I do think their views are important and should be made part of the record. Mr. President, I ask unanimous consent that those editorials be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. GLENN. Mr. President, I can assure everyone here that I do not enjoy voting against John Tower. I wish I could in good conscience vote for him, but I have bigger concerns. There are greater loyalties. I have to do my best to provide, in my own little way in the Senate, the military with unquestioned leadership in the areas that have been widely discussed during the last few weeks; leadership that will, without doubt and without any concern, be leadership by exam-

ple. That is the reason why I cast my vote as I did in the Armed Services Committee, and will cast my vote against this nomination on the floor.

EXHIBIT 1

[From the Army Times, Feb. 13, 1989]

TOWER SHOULD GO

John Tower should withdraw his nomination to be the next secretary of defense.

Out of concern for the military, which the former Texas senator clearly loves, he should step aside. Tower's public position has been so compromised by the agonizing process by which he was nominated and is being confirmed—as of this writing the Senate Armed Services Committee has postponed its vote on the matter—that he cannot be the strong spokesman the Defense Department needs now.

We are reluctant to pass judgment on Tower's character per se. It takes a judge with more moral clarity than we would claim to reach a definitive verdict on the charges of womanizing and high living that have surfaced along Tower's troubled road to the Pentagon post. Edward Kennedy has survived much more serious charges to serve a long term in the Senate. Are the standards for a defense secretary so much higher than for a senator?

More troubling and more at issue is Tower's position as a consultant to defense contractors. No one has claimed Tower acted illegally in receiving big fees from defense firms in return for what, by Tower's own description, was precious little real information. But the speed and greed with which Tower spun through the revolving door is apalling.

Though the charges against Tower may be unproven, they undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed, he is almost a caricature of how most people see the Defense Department, a kind of Mr. Military-Industrial Complex.

Balancing this is the "Nixon-goes-to-China" argument. That is, Tower will be able to tame the Pentagon's wasteful ways and make reforms stick because he is such a long-term supporter of the military. In his confirmation hearings Tower said, "I understand we must live within constraints. I am not such a mindless hawk that I would come to you and ask you for a substantial increase in defense expenditure when I know it is not going to happen."

Tower recognized that he would be viewed with suspicion in asking for defense increases. But how then can he credibly support the current defense budget, which calls for a 2 percent real increase in spending? And how can he make the argument—which needs desperately to be made by someone—the national security may be more important than this year's Gramm-Rudman number? The United States is about to enter into two most important arms negotiations in history and needs to stick to its guns to reach a successful conclusion.

And to maintain a national consensus on military spending, the Pentagon badly needs to have its image resurrected from the Golgotha where spare parts scandals and Operation Ill Wind and pique at our allies and many other problems have marooned it. Is John Tower the man to do that?

Alas, no.

It seems cruel to deprive a man with the skills to do a job he desperately wants to do of the opportunity to make good. And we may be making a moot point, as the Senate seems intent on confirming Tower come hell or high water.

But George Bush, who says he cares deeply about ethics in government, might want to reconsider. The president's sense of loyalty may be too strong.

Or Tower may summon personal courage of his own—it would take uncommon courage to refuse now the job he wants so much—to step aside. It might be the best help he can give to his friends in the military.

[From the Navy Times, Mar. 6, 1989]

THE TOWER VOTE

President Bush gambled and apparently lost on the nomination of former Sen. John Tower to be Secretary of Defense. The Senate Armed Services Committee sent the nomination to the Senate floor with a recommendation not to confirm.

The vote split along party lines—11 Democrats against Tower, nine Republicans voting in favor of their former colleague. If the partisan pattern holds, the nomination will be defeated in the Senate where Democrats hold a 55-45 majority.

Critics of committee chairman Sam Nunn, D-Ga, say with some bitterness that he allowed rumor and innuendo about Tower's social life to rule the day. They suggest that Nunn had his way with Defenses when Frank C. Carlucci was secretary, and now he bristles at the thought of no formidable an adversary as Tower taking over that post.

Those charges themselves seem the fruit of politics and bruised egos, As *Navy Times* went to press, no version of the FBI investigation into Tower's personal habits had been released. The public has no way to access the material that swayed Democratic conservatives like Nunn and Sen. John Glenn, D-Ohio, to vote against the nomination. But Sen. John Warner's observation that reasonable men can disagree on the implications of the FBI reports in no ringing denunciation of Nunn's leadership on this issue.

Both Nunn and Tower care deeply about national security and those serving in the armed forces. Tower served with distinction in the Senate for 24 years, He's been a strong supporter of the Sea Services. As a master chief in the Naval Reserve, he holds a special affection for the Navy.

But the Senate has an obligation to vote down a nomination when sufficient questions of character are raised. All those investigations were opportunities to alley the Democrats' concerns. They did not.

The vote in committee came down to two issues. The first is whether Tower is a good choice to handle the tough decisions ahead for defense. He has the brains and background to handle the job.

The second, however, involves leadership, and that includes personal habits. "Will we demand less of our Secretary of Defense than we do of our people in uniform?," Glenn asked.

We shouldn't. And military people need to know we won't. The Defense Secretary should be, and should be known to be, a man of upstanding character, President Bush should nominate another to lead the Defense Department.

If he does not, the full Senate should reject the nomination.

[From Defense News, Feb. 6, 1989]

TOWER SHOULD STEP ASIDE

Mr. John Tower should withdraw his name from consideration to be defense secretary of the United States. It would be a service to the country and to the president. Withdrawal would be the act of a seasoned politician who understands that the best interests of the nation sometimes require personal sacrifice by those who would help lead it.

Withdrawal is necessary because the record of Mr. Tower's professional life raises substantive doubt that he can perform with utmost effectiveness at a time when defense priorities and the Defense Department each are undergoing periods of vital, but dedicate, change.

The nation's ability to mount a robust defense depends, over the long term, on the support of the American people. Support for defense spending is declining. The public is raising legitimate questions about the relationship between the Defense Department and the defense industry. Further, defense no longer is the nation's top priority as was the case in 1981 when President Reagan accelerated the defense buildup begun by his predecessor. Today, defense is one of a number of national priorities, which include reduction of the federal deficit and improvement of the nation's trade balance.

What is needed is a defense secretary with the political skills to raise public confidence in the Pentagon and the acquisition process. He should have the vision to unite NATO's quarrelsome allies and address their changing and diverging defense priorities in light of Soviet leader Mikhail Gorbachev's entreaties. The new secretary must possess the diplomatic and leadership skills to build an international consenses for the president's defense agenda.

While in the Senate, Mr. Tower earned a reputation as a tough, abrasive deal maker. Even his allies do not characterize him as one much interested in the opposing views of others. He demonstrated little interest in improving the acquisition system or in balancing the appetites of former Defense Secretary Caspar Weinberger with other, equally important, needs of the nation.

But it is his job since 1986 as a defense consultant that is most troubling. In about two years, Mr. Tower earned $1 million as a consultant for Rockwell International, Martin Marietta, LTV, Texton, British Aerospace, Aerotech and Hicks and Associates, a consulting firm that advises, among others, the Northrop Corp. These firms are makers of the B-1 and B-2 bombers, the MX and Midgetman missiles, and a wide array of the Pentagon's most important conventional weapons.

Sen. Sam Nunn, chairman of the Armed Service Committee, summarized the issue this way. "Frankly, the difficulty here is not the fact that you have worked for a defense contractor or been a consultant" but that Mr. Tower represented "five or six or seven of the major corporations . . . If you were to [excuse] yourself from [Pentagon discussions involving] all of them, you couldn't be secretary of defense . . . We have a perception problem. The question of conflict is one that usually relates to continuing financial interests. The other is perception . . . I know you to be an honest person. But I do worry about the perception."

The senator worries because he knows that today's public perception is tomorrow's political reality. That is why President Bush established ethics in government as a priority of his administration. After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit state-

ment about the the path he had chosen for himself.

The principle task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

[From the Air Force Times, Feb. 20, 1989]

NOT TOWER

The armed forces are under great pressure. They are being forced to find ways to hold down spending without endangering the nation, and they must rebuild public trust in the flawed procurement system. To do this, they need a strong, widely respected leader.

John G. Tower is the wrong man for the job.

Let's set aside for the moment the questions that have been raised about his drinking habits and his relationships with women. And let's even assume that the most recent FBI investigation into his financial affairs yields no evidence of illegality. There are other, compelling reasons Tower should not be secretary of defense.

It is clear that defense spending will be constrained and that the secretary of defense will have to engage in intricate and delicate negotiations with Congress and within the executive branch. To assure that the resources devoted to defense are adequate, but not excessive, the nation needs a Pentagon leader who is credible.

Tower is not. He has accepted more than three-quarters of a million dollars in payments from U.S. defense contractors for various consulting services he has rendered to them since he retired from the Senate.

In testimony before his former colleagues, he has offered to "rescue" himself—that is, not be involved in—certain decisions involving projects with which he was directly associated. But that is not a feasible solution. It would mean, in effect, that every time such a project required a decision by the secretary of defense, he would have to leave the room. That's no way to run the Pentagon, especially now, when excruciatingly difficult decisions must be made. There is too much at stake to allow vital decisions to be handled by underlings because the secretary of defense's chair is empty.

Unfortunately, Tower's lack of credibility is not limited to income on which he worked as a consultant, and that is the most significant problem.

Tower is so closely associated with the defense industry that many people will question virtually any statement he makes on defense issues. His supporters argue that Tower knows defense issues and he knows Congress. That is true. But this knowledge is worthless if it is perceived to be tainted by him.

Why should the people of the United States accept as the leader of their defenses a man whose effectiveness has been impaired by his past? Surely there is one person among the 250 million Americans who is both qualified to be Secretary of Defense and unfettered by ties to the defenses industry?

Tower's nomination shows poor judgment by President Bush. It should be withdrawn. Failing that, it should be rejected.

Mr. COHEN. Mr. President, I ask unanimous consent on behalf of myself, Senators DOLE, WARNER, WILSON, MCCAIN, LOTT, THURMOND, WALLOP, GORTON, and COATS that the following document be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE
Washington, DC, March 2, 1989.

Mr. PATRICK A. TUCKER,
Minority Counsel, Senate Armed Services Committee, Senate Russell Office Building, Washington, DC.

DEAR MR. TUCKER: This is in response to your request of this morning for information regarding retired Air Force Technical Sergeant Robert ("Bob") Jackson.

Air Force records, as read to me telephonically this afternoon, reveal the following:

One "Bob" Jackson, DOB 6 May 1934, was assigned to Bergstrom Air Force Base from February 1976 until April 1978.

Sergeant Jackson's first duty day at Bergstrom was 21 February 1976. His last duty day was 16 March 1977. On 21 March 1977 Sergeant Jackson was referred to Wilfred Hall Medical Center for medical supervision and subsequently was placed on the Temporary Disability Retired List following medical and psychological evaluation.

The Physical Evaluation Board which evaluated Sergeant Jackson concluded, *inter alia*, that Sergeant Jackson exhibited symptoms of a mixed personality disorder with anti-social themes and hysterical features. Air Force records indicate that following 21 March 1977 Sergeant Jackson was unable to perform his duties as an information specialist. He was retired from the Air Force at the grade of E-6 on 19 April 1978.

Sincerely,

ANNE N. FOREMAN,
General Counsel.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. GARN. Mr. President, I rise in support of the Tower nomination. I must admit I am rather puzzled by what has transpired, all that I have read in the newspaper accounts, all that I have heard on the floor and heard from the Senate Armed Services Committee. The reason I am puzzled is because I have served in this body for going on 15 years. The Senate is not a large group of people. It is only 100 of us.

With the nature of our work and the legislative process on committees, late-night sessions here on the floor, all-night sessions in some cases, as well as traveling together various places around the world, we do get to know each other rather well after a period of time. When I hear about these alcohol charges, I must admit I am rather surprised. I have heard others say that they are aware of colleagues in the Senate who have had alcohol problems. I too am aware of those over these last 14 years, some who have appeared on the floor, particularly at late-night sessions, with obvious problems, and it becomes fairly general knowledge among us as to those colleagues who have alcohol problems.

I served with John Tower for a decade. For that entire decade I served with him on the Senate Banking Committee. He was the ranking Republican on that committee when I first was here. I also had the privilege of serving with him on the Armed Services Committee when he was the ranking Republican on that particular committee. I had the opportunity to travel to the Soviet Union with him during the days of the SALT II debates, and I traveled with John Tower during the summer of 1972 when he and I were in various cities around this country debating Paul Warnke and representatives of the Carter administration on the merits or demerits of the SALT II Treaty.

So my point is I have seen him on the floor. I have seen him in social situations. I have served on two committees with him for a decade. I traveled around the world with him, to many social events, and I am amazed that I am not aware, absolutely not aware that there was a supposed problem or ever seen him in a drunken state. That has been the testimony of most of my colleagues. If he had this alcohol problem we hear so much about, I am amazed that he could hide it from so many people who are close associates for so many years.

My point is I simply do not believe from my personal observation that he has an alcohol problem and the unsubstantiated charges in an FBI report. And some of those witnesses hardly have great character of their own if you want to read the rest of the report and look at their particular credibility.

And so I really am puzzled, as I started to say, where this great alcohol problem came from if none of us who served with him on a very close and intimate basis ever observed it. And yet some in this body to this day, we are well aware, have a problem. We are aware of it. I would certainly be the last person to mention any names on this floor or off the floor. But there is a double standard going on that I am very disappointed in after all these years in the Senate; that we are trying a former colleague, who served this Senate for 24 years in a very distinguished manner and served his country and his State well now, through rumor and innuendo and unsubstantiated charges; that those are more important than our personal observations. It is very, very puzzling to me.

I will not take more time of the Senate at this time, but I certainly wholeheartedly support John Tower's nomination for Secretary of Defense. I

think he would be as fine a Secretary as this country has had because of his background and experience. I think in order to clean up some of the problems of defense and get more for our money down there, make it more efficient, improve the procurement process and all of that, it takes someone who has been on the inside, who understands the establishment, who can make those changes. But to see his character assassinated, to see him abused the way he has been in the press can only be called the most unfair treatment of an individual that I have seen in the 14 years that I have served in the Senate. But when the time comes that we do finally cast our vote, I will be happy to cast my vote for John Tower.

Mr. GLENN. Mr. President, I want to respond to my good friend from Utah by saying that John Tower says himself he had a problem back in those days we are talking about when he served here. He has acknowledged that, acknowledged publicly I believe that his wife he was about to marry made some demands to reduce the drinking. That has been said publicly, to cut back in those years. So it is not us saying that. It is not the FBI report saying that. It is him saying that himself, so I will use that as authority.

Mr. GARN. If the Senator will yield, I am aware——

Mr. GLENN. I yield the floor.

Mr. GARN. I am aware of that.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. GARN. It seems to me a problem of alcohol abuse usually has some evidence in performance, and I would suggest the Senator from Ohio would certainly not be able to indicate—we were sworn in the same day at the same moment in 1974. If he did have a problem by his own admission, I never observed it, but I certainly never observed it in any way impairing his ability to do his job as a U.S. Senator at any time. I have heard no testimony by anyone to that effect, that John Tower's ability was ever impaired.

Mr. GLENN. Will the Senator yield?

Mr. GARN. I will be happy to yield.

Mr. GLENN. I hate to get into these graduations of alcohol abuse and treatment. I am not implying that John Tower is an alcoholic. But just in response to the comment of not having observed an alcohol problem—and I am not referring to him specifically, but if there is one thing that people in the alcohol abuse field are well aware of, it is that there are all different kinds of drinking patterns. There are people who have to nip, all day, every day. There are people who drink once every few weeks; they are episodic drinkers. There are people who have gone through treatment centers, they are back out, they are off for 6 months, then they go start up again. If there is one thing that is consistent in the whole alcohol abuse field, it is that there is no one pattern.

We had a series of hearings in Governmental Affairs last year, because I think the alcohol problem is getting to be enormous in this country. Half the deaths on the highways, are alcohol related, and you can go on and on. I am not implying this to Senator Tower. Please do not misinterpret me. But this idea that it is OK to go to white wine or that we have not seen him drunk and not able to perform, that there is not an abuse problem, which he now says he had back in the seventies, I just cannot excuse that. I cannot say that he did not have a problem because we did not see it here on the Senate floor.

Drinking problems take a multitude of forms. They are not all the types that we would have noticed here on the floor. I did not know Betty Ford had a problem, did not know Kitty Dukakis had a problem at all. I am not around them every day obviously, but as I understand most people around them were not aware of it either and yet they finally knew it was getting a grip on their lives and they went and did something about it, to their everlasting credit.

So as to this business that just because we did not see it here, there was not a problem, when he now says there was a problem, he acknowledges, back in those days, I go by his acknowledgement.

I yield the floor.

Mr. GARN. I would note that the Senator from Ohio is talking in the past tense, had. It is now 1989. I do not know that too many people in this life, if they were held accountable and responsible for their past, would be able to accomplish anything or be trusted. But we are greatly exaggerating what was in the FBI report. We are pillorying a man who is capable and qualified to serve his country well. We are applying a double standard.

We can talk about Senators who do not have the nuclear button. Well, neither does a Secretary of Defense. Only the President has that nuclear button. I could get into, which I do not intend to do, with my good friend and fellow astronaut from Ohio, that kind of discussion but we could talk about some Presidents who had some problems while they were in the Oval Office that did have the red button there for them. I just think we are applying a double, unfair standard to a well-qualified individual. Some of us happen to believe in the principle of repentance in any event.

Mr. GLENN. One of the points I made in my remarks was that the Department of Defense is different. It is different than being on the floor of the Senate. There is a double standard. Our confirmation process starts with the people back home. It comes from the election process.

Mr. GARN. The public elects a lot of drunks to public office.

Mr. GLENN. No. 2, the military has a very strict system. They will not let anyone deal with nuclear weapons unless they have been through the PRP. It is very strict. The No. 1 disqualifying item is alcohol abuse. Now, there is not any doubt that the pattern that I read out of those FBI reports is that this problem is not all in the past.

There are problems in that FBI report that are much more current than that. I am not quoting from it so we do not get back into the quagmire we were in about an hour ago. But the problem is you have to make a judgment call. Is it all in the past or not? I judge from what I read that it is not all in the past. The Senator has read this report and obviously has come to a different conclusion.

But I do not think in the military with the timeliness that is required—it may be minutes—and the consequences of a mistake are the reasons why the military has the very strict selection program. I do not think you can require less of a Secretary of Defense. That is the reason I come down the way I do.

Mr. GARN. We obviously have——

The PRESIDING OFFICER. The Chair would indicate to the Senator from Utah that we have a previous order to set aside the nomination at 6 o'clock. Do you wish to continue?

Mr. GARN. I ask unanimous consent to continue for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. To complete my thought, we obviously have a difference of opinion. Both of us served in the military, and I am not capable to argue the shades of alcoholism as I am sure the Senator from Ohio is not as well.

I will simply conclude by saying I still believe that Senator Tower has been treated very unfairly, that he is capable and qualified to be Secretary of Defense, and that I have nothing in my personal experience or from others that I have heard that would disqualify him from this position.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, regarding the Tower nomination, I am very much in the undecided column on this issue. I do have some concerns, but they are not about the personal items discussed in the press but, rather, my concern is over the issue of cleaning up the defense procurement mess, or what I consider the defense procurement mess, in the Pentagon.

I wrote a letter to President Bush a few days after the election, urging

that a Secretary of Defense with a different philosophy be appointed—someone from outside the normal industrial-military complex.

It has been my strongest feeling for many years that we need to break the cycle of the revolving door between the defense contractor corporations and the Pentagon. This is no way reflects badly upon John Tower's character, but rather, to me, there is nothing in his record that seems to indicate he would be a reform-minded Secretary insofar as this area is concerned. However, I am keeping an open mind and was slightly encouraged by his remarks of yesterday.

I am very concerned about how our next Defense Secretary will affect the effectiveness of defense programs and systems. I am very concerned that we have efficiency. A B-1B bomber crashed near Rapid City, SD. I do not know if that was because of defective parts, a defective communication system, or what caused it. The official report said "pilot error." I really cannot judge. But if any of these problems were the fault of the defense contractor, I want a Defense Secretary who is able to punish the wrongdoer and get the problem fixed.

There is a belief in my State, at least, that the $500 hammers and coffeemakers and defective parts that have been brought to the fore need to be corrected.

I hope out of this debate something positive will come, and that is that the American people want us to be more accountable about spending the defense dollar. They want a dollar's worth of return for a dollar spent.

They also are very concerned that we clean up what I call the contractors' mess. Perhaps the best way to do this, or at least I suggested this early in November, is to have someone from completely outside the normal military-industrial group.

But I continue to struggle with this decision. I want to support my President, but my reservations over this nominee remain. It will be a difficult decision for me, and I plan to keep an open mind.

Mr. DASCHLE. Mr. President, when I was asked last December about the nomination of former Senator John Tower as Secretary of Defense, I said that while he would not be my choice for the position, Senator Tower deserved the benefit of the doubt unless his confirmation hearings produced information which should disqualify him from serving as Secretary of Defense. I am now convinced, after following the hearings very closely, and reading the FBI background check on the nominee, that John Tower should not be confirmed as the Secretary of Defense.

My concern about this nomination first centers on testimony regarding Senator Tower's close association with major defense contractors. Since leaving the Senate in 1985 and then serving as a U.S. Arms Control negotiator in Geneva, Senator Tower has received approximately $750,000 from defense contractors, and is considered one of the premier defense industry lobbyists in the country. Senator Tower's extensive involvement with five major defense contractor's places him in the position of having to recuse himself from consideration of many Pentagon projects, including important strategic programs such as the B-1 bomber. This situation would make more difficult the already challenging job of reforming an archaic and anticompetitive defense procurement system.

I am further troubled by the fact that Tower advertises himself as a born-again Pentagon reformer, while at the same time, dismissing the Pentagon procurement scandals as trivial. Tower once said, "I think if you look at all of the waste, fraud, and abuse that is the result of mismanagement or neglect or malfeasance within the Department, it would amount to a startlingly low figure."

During the Reagan administration, the Defense Department committed itself to a myriad of new weapon systems. The new Secretary of Defense will face budget constraints that will necessitate critical strategic decisions. Costly programs such as the B-2 (Stealth) bomber and the MX and Midgetman missile systems need to be reevaluated and prioritized. Some programs will need to be canceled, and others will need to be deferred. The Secretary of Defense should play an integral and decisive role in these decisions, and I question how a Secretary who must recuse himself from many of these deliberations can effectively serve his Department, his President and his country in this capacity.

Second, the background investigation of Senator Tower conducted by the Federal Bureau of Investigation produced hundreds of pages of comment on Senator Tower's use of alcohol, relations with women and dealings with defense contractors. This material prompted one White House official to tell the Washington Post that the volume of derogatory statements on Tower's drinking habits and relations with women was such that if Tower were seeking a job as an FBI agent rather than the position of Secretary of Defense, he would not be hired.

In addition, the Department of Defense has very strict regulations concerning the use of alcohol. Under these regulations, Senator Tower would not be allowed to command a missile wing, a SAC bomber squadron or a Trident missile submarine. In fact, Senator Tower would not qualify to command any of the divisions at Ellsworth, AFB, in South Dakota. The Secretary of Defense is, as Senator Nunn has said, the "Deputy Commander-in-Chief" and needs to be prepared to carry out his military command responsibilities 24 hours a day. I find it very difficult to ask the servicemen and women of this country to respect as their leader a Secretary of Defense who could not meet the minimum standards to which they are held.

Finally, and perhaps most importantly, Senator Tower is not the best person for this job and does not meet the President's own clearly stated standard of ethical leadership. President Bush says he wants all his nominees to "bend over backwards" to be above even the perception of impropriety. Regrettably, Senator Tower falls far short of this standard.

Aside from the complex challenge of managing 2 million active service personnel and governing a $300 billion budget, the Secretary of Defense must be a leader. The Secretary must have the credibility and respect of the servicemen and women in our Armed Forces in order to inspire and challenge each and every one of them. The Secretary should not be held to minimum standards of conduct and propriety, but to the maximum standard of honor and integrity.

This is not a partisan debate, and we should not waive our constitutional right to advise and consent—as many of our Republican colleagues are urging—merely because Senator Tower is the President's choice for the nomination. Presidential prerogative is simply not enough to overcome the deficiencies of this nomination.

We are standing on the edge of a new world of strategic relations. Rapidly changing technology, national insecurities, domestic economic imperatives, and unique opportunities for arms control agreements make this one of the most dangerous and challenging periods in Pentagon history. To meet this challenge, the Secretary of Defense must not only understand security and defense issues. He must also recognize our new financial constraints, boldly deal with potential corruption in the procurement process and, most importantly, be of unimpeachable personal integrity. These criteria are necessary to assure the absolutely essential confidence of the American people and lead the Department of Defense into the 1990's.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. What is pending now in the Senate, Mr. President?

The PRESIDING OFFICER. Under the previous order, this nomination will be temporarily laid aside.

VETERANS' AFFAIRS

The PRESIDING OFFICER. The clerk will report the nomination of Edward J. Derwinski to be Secretary of Veterans' Affairs.

The legislative clerk read the nomination of Edward J. Derwinski, of Illinois, to be Secretary of the Department of Veterans' Affairs.

The Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. CRANSTON. Mr. President, I bring before the Senate the recommendation of the Veterans' Affairs Committee that the President's nominee for the first Secretary of Veterans Affairs—former Representative Edward J. Derwinski—be confirmed in that position and as Administrator of Veterans' Affairs until March 15. Our committee met on this matter earlier today and voted unanimously—11 to 0—in support of this recommendation.

INAUGURATION OF NEW ERA

Mr. President, as the Senate considers the nomination of the first Secretary of Veterans Affairs, I am struck by how historic an occasion this is in the annals of veterans affairs in our Nation. It is a day for which so many have labored so long and hard and with such great tenacity. I think particularly of my distinguished colleague from South Carolina, Mr. THURMOND, whose bill was the vehicle last year in the Senate for action to raise the VA to Cabinet-level status.

So, this day clearly marks the inauguration of a new era in veterans affairs.

BACKGROUND OF NOMINEE

Mr. President, as many of our colleagues know, Ed Derwinski represented the Fourth District of Illinois in the House of Representatives from 1958 until 1982 and, since 1983, has held consecutively two Presidential appointments at the Department of State, Counselor until 1987, and thereafter, Under Secretary of State for Security Assistance, Science and Technology. He is a World War II veteran, having served in the Army in the Pacific theater. During Ed's time in the Congress, he developed a reputation for expertise both in foreign relations matters, through his service on the Foreign Affairs Committee and in matters relating to the Federal Civil Service, through his service on the House Post Office and Civil Service Committee on which he was the ranking Republican member and a major force in enacting the Civil Service Reform Act of 1978.

QUALIFICATIONS OF THE NOMINEE

In yesterday's confirmation hearing, I described Ed Derwinski's qualifications in the following terms prior to his testimony:

Ed, I suspect that your many years in Congress have given you valuable skills to bring to bear in the high position for which you have been nominated.

First, by virtue of your efforts on behalf of your constituents over the many years in the House, I know you have gained a strong sense of the vital importance that the VA plays in so many peoples' lives—whether in the form of a benefits check or access to high-quality health care or to any of the many other services and benefits that the VA furnishes. And I know that your recognition of that importance can make the task of maintaining and strengthening that system of veterans benefits and services that much more meaningful to you.

Second, it is obvious that your extensive experience with the Civil Service system can be a great asset in connection with the Federal Government's second largest employer. I don't have to tell you that a department with over 250,000 employees needs to have a strong program for understanding and meeting the needs of its employees. The VA, in a very real sense, is its employees. All of the services, all of the benefits ultimately depend on the efforts of a qualified and committed work force. Over my many years of working on VA issues, I have developed a very high regard for the work and dedication of VA employees, and I hope you will be as impressed in your visits to facilities throughout the system.

Although your long experience in the foreign relations field may not be obviously relevant to the VA, I think your experience there can be of assistance. As you know only too well—both from your work in the Congress and now from your years at the State Department—the essence of success in the field of foreign relations is the ability to recognize and respect competing interests and then to seek to develop a balance between such interests so as to find an appropriate resolution. The art of negotiation that you have honed over the years could be invaluable both inside the VA and in representing the VA in the Cabinet and elsewhere.

With reference to this final point of negotiation, Ed Derwinski has often stressed the importance of bringing the Executive and Legislative Branches together. It is my very strong sense that we who work on veterans matters do our very best work when we work in a bipartisan fashion and do so with cooperation between the two Houses of Congress and between the Congress and the Executive Branch. I sincerely look forward to that kind of a bipartisan relationship with Ed, assuming his confirmation.

CERTAIN CONTROVERSIAL ISSUES RELATING TO THE NOMINEE

Mr. President, I want to address the way in which certain controversial issues relating to this nomination have been investigated by the Committee and the chronology and extent of that effort. I note at the outset that Senator FRANK MURKOWSKI, the committee's ranking minority member, and I have worked extremely closely, cooperatively, and amicably throughout the process of trying to secure answers to a number of difficult questions.

It was on December 22 that then-President-elect Bush announced his intention to nominate former Representative Derwinski to be the first Secretary of Veterans' Affairs. Shortly thereafter, I asked committee staff to begin to determine the nominee's record on veterans matters while in Congress and generally to gather necessary background information, including the record of his two prior confirmation hearings before the Senate Foreign Relations Committee, so that the committee could proceed with the confirmation hearing in a timely fashion.

Mr. President, as some of my colleagues may know, the Oakland Tribune published an editorial about the nominee on December 28, 1988. This editorial charged the nominee with a "record of service in an organization riddled with former Nazi collaborators" and raised questions about "his alleged role in passing United States secrets to the South Korean CIA in the late 1970's." Subsequently, there were two front page stories in the Los Angeles Times, on January 12 and 14, both of which focused on the second matter, the issue of the unauthorized disclosure of information in 1977 to the South Korean Government about one of its intelligence agent's planned defection. The first of these articles reported, apparently for the first time in the press, that the nominee, during a March 10, 1983, hearing of the Senate Foreign Relations Committee on his nomination to the position of Counselor at the State Department, had acknowledged providing the information in 1977. We confirmed this the next day when the Foreign Relations Committee provided us with the transcript of that hearing that was recovered from the Archives at our request.

KCIA DEFECTOR ISSUE

This matter centers on an event which took place in September 1977 during an investigation by the House Subcommittee on International Relations into matters relating to United States-Korean relations, particularly in light of the so-called Koreagate affair which, among other things, involved attempts by Korean officials unlawfully to influence Members of Congress. The chairman of the subcommittee was Representative Donald Fraser; Representative Derwinski was the ranking minority member, and he had opposed the subcommittee investigation which he stated was inappropriately impairing our relations with a U.S. ally.

On September 13, 1977, Representative Fraser received word that an agent of the Korean CIA who was stationed in New York City was interested in remaining in the United States and would testify before the subcommittee if arrangements could be made for him to receive protection. On September 15, the KCIA agent traveled to the Washington, DC, area and met

with subcommittee staff. It was planned at that time that the agent would leave his job and defect to the United States early the next week. Later that day, the subcommittee staff briefed the rest of the staff and Representatives Fraser and Derwinski and perhaps one other Member.

The next day, September 16, the subcommittee staff learned that the Korean Government had learned that one of its KCIA agents was planning to defect and that the KCIA was seeking to locate the agent in question. As a result of subcommittee staff efforts, the FBI took the KCIA agent into custody on the evening of the 16th prior to the arrival of the KCIA at the defector's home.

Because providing information about the KCIA agent to the Korean Government could have constituted an obstruction of justice, the FBI began an investigation into the disclosure. Subsequently, a Federal grand jury in late 1977 heard testimony on the disclosure issue but returned no indictments. Representative Derwinski was called to testify before the grand jury. He told our committee that in response to questions from the grand jury he invoked the speech and debate clause and gave no answers to the questions asked.

In January 1978, then Attorney General Bell wrote to Speaker O'Neill to provide information gathered by the Department of Justice during its investigation of the disclosure issue. Speaker O'Neill referred that material to the House Committee on Standards of Official Conduct—the House Ethics Committee—which carried out an investigation. In October 1978, that committee completed its effort and issued a press release which stated that the committee had "voted unanimously to take no further action after the subcommittee determined that there was insufficient evidence to sustain a Statement of Alleged Violation against any one of 15 or more possible suspects."

In 1983, in connection with his confirmation hearing before the Senate Foreign Relations Committee for the position of Counselor at the Department of State, Representative Derwinski admitted, apparently for the first time, that he had provided information about the KCIA agent to a Korean official in 1977. On March 10, 1983, at the hearing Representative Derwinski testified as follows: "[W]ithout giving matters any serious thought, after having been notified by the staff that there was in effect a defection procedure, I just casually related that to one of the officials at the South Korean Embassy."

On March 1 and 2, 1989, Representative Derwinski indicated to our committee that he "just blurted out" the information to an official of the Korean Embassy during a chance meeting outside of the Longworth House Office Building. He further indicated that he had no intent at that time of in any way obstructing the ongoing investigation of the House Subcommittee or of putting the KCIA agent in jeopardy and that he had made the disclosure to apprise the South Korean Government—with whom, as an ally of the United States, he maintained a very close relationship—that they were going to have to deal, in the near future, with a KCIA defector testifying before the subcommittee. He further stated that he "should not" have made the disclosure. He termed it "dumb" to have done so.

Mr. President, in order to try to understand as much as possible about this KCIA-defection matter, the committee staff and I undertook an extensive investigation, which is outlined in some detail in a document which I will ask be placed in the RECORD at the conclusion of my remarks. As part of that effort, committee staff and I, together or separately, met with or spoke with many individuals, including Members and former Members of Congress, and we had two lengthy meetings with the nominee—focusing, first, on the efforts in 1977 of the House Subcommittee on International Relations; second, on activities in 1977 and 1978 relating to the impact of the leak and investigations into the source of it; third, on the 1983 Senate Foreign Relations Committee's confirmation hearing; and, fourth, on the nominee's statements about what he had done in 1977.

As part of these investigatory efforts, I wrote a number of letters on the matter—to President Bush, the Attorney General, the Counsel to the President, and the House Committee on Standards of Conduct—and submitted two sets of prehearing questions to the nominee specifically on this matter, and he has responded to each under oath. All of these letters and replies and the prehearing questions and answers were made public yesterday and will be printed in the hearing record. Committee staff have reviewed many materials relating to the issue, including materials relating to other committees' involvement in various aspects of the matter and numerous press reports. The nominee's published writings have also been studied.

Finally, on Tuesday of this week, the committee held an extensive closed meeting to discuss certain classified and sensitive information arising out of the FBI background investigation and to talk with the nominee about certain parts of that information. I discussed with all members of the committee my very serious concerns about certain aspects of the KCIA matter and heard the concerns of other members. We then questioned the nominee under oath for an hour and a half. Yesterday, our Committee held a hearing at which these matters were again discussed with the nominee who testified under oath for 2½ hours.

As I noted earlier, I have felt an obligation for our Committee to pursue in a thorough, fair, and judicious manner all material issues that arose as to this historic nomination. I believe that the chronology that I have outlined and that is set forth in detail in the document that I will be inserting in the RECORD demonstrates how I sought to fulfill that responsibility.

Mr. President, I want to stress that the investigation we have conducted has been both intensive and extensive and has stretched over many weeks. Some very serious questions developed in the course of our inquiry, and I have felt, in fairness to the nominee, that it was necessary that neither I nor staff make any public statements about those questions. We have felt strongly that his reputation and record should not be sullied by rumors or innuendo.

It was only on Tuesday morning that, after reviewing certain highly classified materials, I was able to put to rest in my mind one very salient question I had about the nature of the communication to the Koreans. In many instances, our search for evidence in this area has been like looking for a proverbial needle in the haystack.

But I am convinced that we have exhausted all available avenues of exploration, including efforts to obtain access in a timely fashion to the records of a 1977 grand jury that looked into the disclosure issue. I want to note further that our extensive inquiry has caused some to misunderstand the nature of our concern and effort and to criticize our efforts. I reject any such criticism and feel very strongly that our very thorough and painstaking process was necessary and appropriate, and that the serious questions we felt it necessary to consider so fully were real and highly germane.

Moreover, there has been totally unwarranted criticism of the Committee majority staff's efforts in this matter, all of which have been carried out at my direction, with my specific approval, and with my full knowledge. I am confident that there have been no leaks. Nor will there be.

Mr. President, we sought, for two reasons, to carry out our inquiry and get much information prior to the committee's hearing in documentary form: First, to give the nominee a chance to respond in a thorough and considered and fully accountable form to certain difficult questions; and, second, to seek to have the hearing on the nomination, as much possible, focus on programmatic issues involving the Department of Veterans Affairs.

EXPLANATION OF VOTE

Mr. President, before explaining my affirmative vote on the nominee I want to discuss my general position on Cabinet nominees and how that was applied in this case.

Generally, I believe that a President should be allowed to appoint those he pleases to be his top advisers. I have seldom opposed confirmation of a Cabinet nominee. There are no clear guidelines for the exercise of the advice-and-consent function in this respect. It is a matter of conscience for each Senator.

My criteria are that, in general, I would vote against a Presidential nomination of a person to serve at the pleasure of the President—as distinguished from a life-time or term appointment—only on two general grounds: One relating to policy viewpoints, and one relating to behavioral standards. Under the first, I would oppose a nominee if he or she had evidenced policy views fundamentally at variance with the functions and responsibilities of the particular office or did not embrace the basic philosophy underlying the position. In the area of behavioral standards, I would oppose a nomination if the personal or professional behavior of the nominee or potential conflicts of interest involving the nominee convinces me that he or she is not fit to assume a high office of Government.

I have made one general exception to these criteria for Presidential advisers—I have always contended that these minimal standards do not apply to nominations for Attorney General of the United States. Because of the special role of the Attorney General as the chief law enforcement officer of the United States, I have generally applied more stringent criteria—similar to those associated with Federal judicial nominations.

In the case of this nomination, I believe there is no disqualification of Mr. Derwinski on the basis of his policy views or understanding of the responsibilities of the office to which he has been nominated. He has responded in a generally forthright and—with some exceptions as to issues on which he felt he had not had enough time to form a knowledgeable opinion—responsive manner to the many prehearing questions posed to him. He has already evidenced that he is willing—if not yet effective in doing so—to advocate the needs of veterans to the President.

However, I do believe that Mr. Derwinski's actions and statements in connection with the 1977 defection of a South Korean intelligence officer raise serious ethical questions.

I want to stress that I wanted to be very positive about the nomination of the first Secretary of Veterans' Affairs. At the same time, as I have indicated, I have felt and feel a special responsibility, as chairman of the Veterans' Affairs Committee, to scrutinize very carefully this historic nomination for the first head of the VA to sit in the President's Cabinet. I felt and feel that this obligation is independent of any scrutiny that any other committee or other entity has given any relevant matter pertaining to this nominee. Our committee is the only one in the Congress which has been charged with the responsibility of making a recommendation to the Senate as to whether or not this nominee should be confirmed to head the second or third largest department in our Government and to sit in the Cabinet of the President of the United States.

Mr. Derwinski has been confirmed twice before by the Senate for positions in the Department of State. It serves no purpose to rehash now whether in 1983—in connection with the first such nomination—the members of the Foreign Relations Committee were actually aware of all of the pre-1983 facts before us now. I know that I, for one, was not, and the record shows that only five members were present at the March 10, 1983 hearing. In any event, that was then and this is now, and there is of course no doubt that the Foreign Relations Committee did not have before it Mr. Derwinski's statements in 1989 about his role in this matter.

In any case, what another committee did or did not do earlier does not alter the responsibility of our committee or the Senate to reach a judgment on the nominee's fitness for the position to which he is now nominated.

Nor do I believe that what transpired in the course of the investigations by the grand jury or House Committee on Standards of Official Conduct is dispositive here. We sought with mixed success to gain access to the records of those inquiries.

As to the 1977 grand jury proceedings, the Justice Department advised that the Attorney General had rejected the request, made by myself and Senators MURKOWSKI and SPECTER, to petition the district court to give this committee access to all the grand jury notes, minutes, and other materials relating to Mr. Derwinski in order to assist the Senate in carrying out its constitutional advice-and-consent responsibilities. The Senate's legal counsel advised that without Justice Department participation there was no likelihood that a petition to the court would be successful.

Although there is no public report of the grand jury, it was widely reported in the press that the grand jury's failure to proceed against Mr. Derwinski was due to the need to protect intelligence sources and methods and that the grand jury issued a negative report regarding his actions which the judge sealed. Based on all the information available to me, those press reports seem credible. I certainly find no basis for concluding that Mr. Derwinski, who testified to our committee, as I indicated earlier, that he invoked the speech and debate clause in order to answer no questions during his appearance before the grand jury, was in any way exonerated because he was not indicted.

As to the 1978 House Ethics Committee investigation, that committee assured us that the only documents in its records are news clips, a press release, and a January 24, 1978, classified letter to Speaker O'Neill from then Attorney General Bell. That committee did not make them available, but we obtained access to those documents separately. I discussed this matter with the Representative who headed that probe and am satisfied that that committee was unable to act because of the need to protect intelligence sources and methods—not because it did not have evidence of inappropriate conduct by Mr. Derwinski.

Hence, I find neither of these aborted investigations dispositive of the issues we must confront in considering this nomination. And so we have proceeded, in cooperation with our ranking minority member, as I have outlined, to carry out a very thorough investigation into and scrutiny of the nominee's actions and statements in connection with the 1977 defection issue.

After reviewing in depth and at length all of the background information provided by the White House on Mr. Derwinski, including some highly classified information, his 1983 testimony to the Foreign Relations Committee, certain materials obtained from the Justice Department, and written and oral statements made by the nominee in response to prehearing written questions and to me in the course of two meetings in my office, I reached a conclusion on the KCIA issue and its relationship to whether Mr. Derwinski should be confirmed as the first Secretary of Veteran's Affairs.

There is no question that Mr. Derwinski made the communication in 1977. He admitted this in 1983 and to our committee now.

Mr. President, the bottom line is this: In my judgment, Mr. Derwinski made a significant mistake in 1977 in making the disclosure and since then on a number of occasions in dissembling as to what he had done. I find that these actions and statements raise significant ethical questions. I conclude that what he did in 1977 in making the disclosure was wrong and that the entire record demonstrates that he has often not been candid or forthcoming about it.

I cannot give details underlying the conclusions I have reached, due to the sensitive or classified nature of much

of the material on which I have based my conclusions. However, I have weighed all of the evidence extremely carefully and I am confident that my conclusions are sound.

Were there a pattern of other such ethical lapses in Mr. Derwinski's history, I could not support his nomination. But his unfortunate actions and statements in connection with this one matter must be evaluated in the context of his entire record. When weighed against his 24 years of otherwise distinguished service in the Congress and almost 6 years of high-level work at the State Department without any blemish that we are aware of, I do not find his indiscretions as to this one incident to be disqualifying.

There is much positive in Ed Derwinski's record of public service—much to be justifiably proud of. I have received many good comments from his former colleagues about his character and capacity. Hence, I am optimistic about his potential to rise above this unattractive episode, to put it behind him once and for all—perhaps the wiser for it—and to move forward constructively and positively to make America a better place for those who have kept America strong and free.

ALLEGATIONS OF NAZI-FASCIST ASSOCIATIONS AND OTHER QUESTIONS

With reference to the charge raised in the Oakland Tribune editorial of alleged associations by the nominee with groups "riddled with former Nazi collaborators," we have looked into the assertions raised in the editorial and questioned the nominee under oath about this matter in person and in writing. The FBI has made a special supplemental report, at my request, on this allegation.

Based on what we learned in that process and from the nominee and the FBI investigation and assuming no further information on those charges is uncovered and I expect none to be, I am satisfied that the nominee has done nothing wrong in respect to this issue.

As to certain other questions regarding the KCIA matter, a conclusive adverse judgment cannot be sustained and I believe the nominee deserves the benefit of the doubt on those matters.

CONCLUSION

Thus, I will vote to confirm the nominee and urge my colleagues to do likewise.

Mr. President, as we do so today, I want to note that heading up the VA has always been a tough job. I think it will be even tougher in the future. First, the next person to head the VA will be the first Secretary of Veterans' Affairs. The change to a Cabinet-level Department will have many ramifications. Expectations for change and more resources will be high.

Second, the VA is in a very bad financial way just now. I am deeply concerned about its ability to continue to provide benefits and services in an acceptable manner unless this fiscal crisis is resolved. Trying to find the way out of the present fiscal thicket confronting the VA while recognizing and working in response to larger economic concerns will be no small challenge.

But, I am very hopeful that Ed Derwinski will be the right person to take charge of the VA at this critical juncture. In his answers to my prehearing questions and again yesterday in his prepared statement, the nominee expressed his very clear and strong intention to be an advocate for veterans within the administration and the Cabinet. It has not always been clear in the recent past that the head of the VA was fulfilling that role and I am delighted with Ed Derwinski's very forthright acceptance of that mandate.

Indeed, he has already been carrying the VA flag within the President's councils. He has requested, although thus far unsuccessfully, supplemental funding for VA programs for both fiscal year 1989 and 1990. Indeed, he joined with me and a number of Senators and Representatives yesterday evening in a meeting at the House Appropriations Subcommittee convened by House Veterans' Affairs Committee Chairman SONNY MONTGOMERY to press OMB Director Richard Darman on these points. I believe that this meeting will lead to a supplemental funding request for VA medical care—although in what amount, I am not clear.

As I have said on many occasions, I believe very strongly that the cost of veterans benefits—including its extensive health care system—is a continuing cost of providing for our Nation's defense. We must not be seen as being unwilling or unable to fulfill our commitment to those who have answered our country's call to service.

I also want to make special note of Mr. Derwinski's very constructive testimony yesterday in support of the provisions in Public Law 100-527, the Department of Veterans' Affairs Act, that I and Senator GLENN worked together to design to prevent the politicization of the new Department. I was particularly pleased with what the nominee had to say about this since this had long been a major concern of mine in connection with creating a new Cabinet-level Department, and one I addressed at length on the Senate floor on July 11, 1988, upon original Senate passage of that bill (CONGRESSIONAL RECORD, 17494) and later upon final Senate action on October 18, 1988, of the conference report (31483). I welcomed the nominee's pledge at the hearing to carry out his duties and run the Department in a nonpartisan fashion and his statement that he had told the White House he was not interested in any political placements in the Department.

With Senate action to confirm this nomination, I now look forward to getting down to business and working with Mr. Derwinski and his fine selection for Deputy Secretary, Tony Principi, in a cooperative, open fashion to meet our obligations to those who have defended the Nation in its hours of need.

Finally, I want to thank my friend, the committee's ranking minority member, Senator MURKOWSKI, for his great cooperation and assistance as we have worked together so closely and amicably on this nomination. I also thank Senator SPECTER for his great interest and involvement, and all of the other members of the committee as well, as we have worked together on this nomination.

Finally, I thank Bill Brew, Ed Scott, Jon Steinberg, Sharon Blackman, Claudia Kaskin, Charlotte Hughes, and Karen Paul for all of their enormous and very effective and conscientious efforts in assisting me on this nomination. I also thank the minority staff, particular Klan Ptak and Vic Reston, for their cooperation on this matter.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the document I mentioned earlier which sets forth a chronology of my efforts in connection with investigating the KCIA matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF SENATOR CRANSTON'S ACTIVITIES REGARDING KCIA DISCLOSURE ISSUE

On January 4, I and Committee staff met with the nominee in my office for approximately one hour. On that same day, I wrote to President Bush, noting my meeting with the nominee and requesting that the FBI, as part of its customary background investigation, cover fully the charges raised in the Oakland Tribune editorial of December 28, 1988. I also asked that I have the opportunity to review the report of the FBI's investigation prior to the Committee's hearing on the nomination, which I noted I had tentatively set for late January or early February. I then scheduled the hearing for February 6.

Following publication of the Los Angeles Times January 12, 1989, article which was the first published report that the nominee had acknowledged to the Foreign Relations Committee in 1983 that in 1977 he had provided information about the KCIA defector to the Korean Government, I asked staff to contact the Office of the White House Counsel on my behalf to ask that the FBI report include, in addition to the 1989 investigation, material reflecting the FBI's involvement in this matter in 1977 and the FBI's full investigation in 1983 in connection with the nominee's confirmation as Counselor at the State Department.

During the week of January 16, I met, alone or with Committee staff, with members or former members who were involved with the House Subcommittee on International Relations activities in 1977, with the

1978 investigation by the House Committee on Standards of Official Conduct—commonly known as the House "Ethics" Committee—or with the Senate Foreign Relations Committee's confirmation hearing in 1983. During the same time frame and in subsequent weeks, the Committee staff located and spoke with staff or former staff involved with each of those Committees and their activities.

On January 17, I wrote to the Chairman of the House Ethics Committee requesting information from that Committee's files relating to its 1978 investigation. That Committee's January 24 response indicated that the only document in that Committee's files that might be relevant to our Committee's inquiry was a January 1978 letter from then Attorney General Bell to Speaker O'Neill, which included classified enclosures, and as to that document it was suggested that our Committee contact the Department of Justice.

On January 18, I submitted an initial set of pre-hearing questions to the nominee. He provided answers on January 25 and January 30.

On January 26, I again met with the nominee in my office for approximately 30 minutes.

On January 27, I wrote to the Attorney General requesting a copy of the 1978 letter from Attorney General Bell.

On January 30, I submitted follow-up pre-hearing questions dealing specifically with the KCIA defection issue. The nominee replied to those questions on February 2.

On February 2, I wrote to the nominee in further follow-up to his answers to certain pre-hearing questions, asking that he be prepared to respond to some of the questions at the Committee's forthcoming hearing on the FY 1990 VA Budget and to others before March 15, the effective date of the new Department of Veterans' Affairs. The nominee responded in a February 3 letter.

On February 2, I was notified that the report of the FBI's background investigation was complete and, early on February 3, I reviewed that report and accompanying materials for nearly two hours. Late that morning, I met with Senators Murkowski and Specter, the only other members of our Committee who had reviewed the FBI report at that time, to discuss certain matters raised by the report. Senator Murkowski and I agreed that the confirmation hearing scheduled for the following Monday would need to be postponed to enable the Committee to acquire and review more materials relating to the nominee.

At that point and subsequently, I met with and spoke with the White House Counsel, Boyden Gray, and his deputy counsel to request further information from the White House, the Department of Justice, and the FBI.

I then rescheduled the hearing for February 23, to follow the one-week February recess.

On February 6, Senator Murkowski and I wrote to the Chairman and Ranking Minority Member of the House Ethics Committee to renew our Committee's request to their Committee for a copy of the 1978 letter from Attorney General Bell. Finally, after an exchange of letters between the Ethics Committee and the Department of Justice, a copy of the Bell letter was made available by the Department of Justice in the early evening on February 9, and Committee staff and I reviewed it on February 10.

On February 9, following a series of discussions I had involving Senators Murkowski and Specter, Senator Murkowski and I wrote to Mr. Gray, requesting that Mr. Derwinski be given access to certain materials relating to the FBI report. Senator Specter had made a similar request in a letter of February 8. Also, following extensive staff consultation with the Office of Senate Legal Counsel, Senator Murkowski and I, with Senator Specter's support, asked that the Department of Justice be directed to seek disclosure of all records, notes, and materials pertaining to Mr. Derwinski generated by the 1977 Federal Grand Jury that was investigating the KCIA-agent disclosure.

In a February 14 reply, Mr. Gray answered that the White House had referred to the Justice Department our request that Mr. Derwinski be granted access to materials in the FBI report and our request that the Department seek access for our Committee to materials from the Grand Jury relating to Mr. Derwinski's testimony. Since receiving this reply, Committee staff and I have been working with the Department of Justice regarding our requests. Although the Department has advised that the Attorney General has decided not to seek the Grand Jury materials, the Department has been most forthcoming in all other respects. The Office of Senate Legal Counsel has advised us that without the support of the Department of Justice, there is no likelihood that the Committee could successfully acquire the Grand Jury materials.

On February 17, the nomination hearing, which was then scheduled for February 23, was rescheduled for March 1, because of scheduling conflicts.

Throughout this period of time, the Committee's Chief Counsel and Deputy General Counsel had innumerable conversations with the Justice Department, the House Ethics Committee staff, the White House Counsel's office, the Senate Legal Counsel's Office, the FBI, and VA representatives to try to facilitate access to the various materials.

On February 21 and 23, the Justice Department arranged access for Committee staff to certain important FBI interview reports from the 1977 investigation.

On February 21, I reviewed carefully the follow-up FBI material I had requested on the alleged Nazi relationship matter.

On February 21, 27, and 28, I reviewed again with great care the FBI report and associated materials.

On February 28, the Committee met in executive closed session for 3 hours to discuss certain classified and sensitive information included in the FBI report and to talk with the nominee about certain parts of that information.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. I thank the Chair.

First of all, I want to echo many of the comments of my colleague, the senior Senator from California, and the chairman of the Veterans' Affairs Committee.

I feel the committee has worked very diligently in the manner in which the review of fitness of the nominee, Edward Derwinski, to be the first Secretary of Veterans' Affairs, was held.

We are here to vote on the nomination of Edward Derwinski to be the first Secretary of Veterans' Affairs.

The Senate Committee on Veterans' Affairs held its hearing yesterday during which the Members addressed Ed's experience, personal philosophy, and leadership skills. I believe that Ed clearly demonstrated that he has all the qualities he must possess in order to assume this highly responsible position. Earlier today the committee voted unanimously to recommend Ed's confirmation.

Ed has a long and distinguished record of public service.

From his 24 years in the Congress, he has acquired an appreciation for the procedures, customs, and values of this body.

From his 8 years at the State Department, he has acqui ed an in-depth understanding of the e ecutive branch and, I am certain, more experience than most, in difficult negotiations.

From a lifetime in Washington, he has established personal relationships with the Government leaders and decisionmakers who will shape the future of our country.

Ed's public service began long before he came to Washington. It began in his youth when he put on the U.S. Army uniform during World War II.

That service tells me a lot about Ed's character and commitment to our Nation.

It also confirms to America's veterans that he is one of them.

The committee yesterday also looked very carefully into the allegation made concerning his involvement in the 1977 Koreagate incident and his purported relationships with persons considered to be anti-semitic and anti-democratic. I would like to state that Ed has been cleared on both accounts.

President Reagan had always recognized the importance of our veterans to our country. In November 1988, he reaffirmed his support by signing the bill which elevated the new Department of Veterans' Affairs to Cabinet-level status. My understanding is that President Bush, then President-elect, asked Ed if he would accept the nomination to head this Department. President Bush is well aware of Ed's professional background and experience and obviously has great confidence in his abilities.

I, likewise, am confident that Ed has full appreciation of the importance the Congress and the Nation place on the veterans' programs created to serve those who have served us. By and large, the Veterans' Service Organizations have also expressed confidence in and support of the President's nominee.

I would like to thank the distinguished chairman and the committee members for their thoughtful attention and dedication during the period leading up to the confirmation hearing and during the hearing itself. I was pleased that Members on both sides of

the aisle were able to work so closely together on a nomination that will significantly affect our large veteran community and our national defense.

I urge my colleagues to vote unanimously in favor of confirming Ed Derwinski to be Secretary of Veterans' Affairs.

Mr. President, I have had the pleasure of knowing Ed Derwinski for some time. Ed is an unsual individual, and in many ways I think typified by my colleague from Illinois in the sense that he is a real man, he is a real person, he is a friendly person, he can handle situations.

I had the pleasure of being on a trip to Korea not so long ago when Alaska was a nominee for the Winter Olympics. Ed was along as the State Department individual to contribute to the U.S. effort inasmuch as Alaska had been selected as the U.S. site for the competitive matter of selection. We were competing with representatives from Sweden, Norway, Bulgaria, and other countries. Kings, queens, presidents were present. And I recall an occasion where there was a little press conference, and Ed was asked the question, "How do you expect to keep up in the company of kings, queens, presidents, and here you are a representative of the State Department? You have even brought with you a Senator from the State of Alaska. And Ed replied, "Well, ladies and gentlemen, it is a little-known fact that I, Ed Derwinski, and the Senator from Alaska are of Polish nobility," a secret well kept. I thought what an appropriate remark on the spot to handle a rather difficult situation.

And I think that typifies the ability of Ed Derwinski who has come a long, long way in his 32 years of public service.

The Senate Committee on Veteran's Affairs held its hearing yesterday, as the Senator from California indicated. The members expressed their satisfaction, their thanks, for the responses that Ed gave. He gave his personal philosophy. He outlined the leadership skills that he expects to take to the Department of Veterans' Affairs and when he sits at the policy-making level in the Cabinet and addresses the priorities of America's veterans.

You know, Mr. President, we can never repay the obligation that we have to America's veterans. There are those who have said that Ed Derwinski is embarking on a difficult job, and that is right, because we can never do enough. We are going to have to work with what we have to continue to reprioritize the changing needs of America's veterans.

I think the committee is convinced that Ed clearly has demonstrated that he has the qualities he must possess in order to assume the highly responsible position which has been cast upon him.

There are many who are responsible for the creation of the Department of Veterans' Affairs. Certain Members of the House of Representatives, Senator THURMOND, and many of our colleagues were early advocates.

But I think it would be inappropriate to overlook the fact that this occurred on the watch of President Reagan. I happen to be down at the White House that particular day when the President invited several of us down to announce that he had made the decision that he was going to pursue the creation of a Department of Veterans' Affairs. He indicated it was against the advice of some of his closest advisers. Clearly, it was not a subject that was agreed to by everybody and there were comments around that, "Well, if you give the veterans a Cabinet position, you might as well give them the key to the Treasury."

President Reagan felt we owed the veterans of the country an obligation, and this position, on a policymaking level, would bring those involved to that realization.

So I think President Reagan also deserves credit and recognition for his contribution because the Department would not have been established without his commitment.

Ed's distinguished career speaks for itself. I have already indicated that he spent 32 years in public service. He is a World War II veteran, with 24 years in the House of Representatives, and 8 years in the State Department.

He is a man of integrity and principle who willingly cooperated with this committee to ensure that we had the necessary information to fulfill our responsibilities regarding his nomination.

The committee yesterday, as my colleague from California indicated, looked very carefully into the allegations made concerning his involvement in the 1977 so-called Koreagate incident that had been reported in this body at great length during the time of the incident. We also covered his relationship with persons considered to be anti-Semitic and antidemocratic. Ed was completely cleared on both accounts.

I would like to depart for just a moment to indicate in perhaps a modest degree the difficulty which Senator CRANSTON and I and, to a degree, Senator SPECTER and the other Members had in going through the information that was made available to us from classified sources, FBI files, and so forth.

The facts are that when Mr. Derwinski was deposed in 1977, the FBI, in taking the depositions, did not have the availability of taped information, to our knowledge. So the information was taken by an FBI person and then transcribed by that person.

Unfortunately, Mr. Derwinski never saw what he was alleged to have said, and it was paraphrased in the third person, so to speak. As a consequence, when we examined this information, we found there was evidence about the allegation that we could not ask Mr. Derwinski about because he had not seen it since he was deposed.

So I would advise my colleagues and anybody else who is about to be deposed to make very sure that they have a tape recorder with them so that there can be some accurate account of what is said. Senator CRANSTON and I spent many hours trying to make a determination of what the factual information was. Mr. Derwinski was most responsive in indicating from memory his point of view, but we could not communicate to him the information that we had. But I feel quite satisfied, as I am sure my colleague from California is, that we saw all the information that was available to us.

Mr. Derwinski indicated that he had made one mistake back in 1977 and that mistake was thoroughly looked into. We all make mistakes, and if we look at the contribution of Mr. Derwinski since 1977, I think that speaks for itself. Again, I want to assure my colleagues that the matter was looked into as thoroughly as humanly possible.

I wish to thank the staffs on both sides who did a very diligent job of being responsive to the responsibility that the committee chairman and myself as ranking member have. I feel completely satisfied that we have gone through everything that was available and that there is nothing more out there. On this particular issue Ed Derwinski has acknowledged he made a mistake, and I think that is adequate from a standpoint of our obligation.

President Bush has been, of course, well aware of Ed's professional background and experience and obviously has great confidence in Ed's ability to head the new Cabinet-level Department or he would not have nominated him.

I, likewise, am confident that Ed has a full appreciation of the importance the Congress and the Nation place on the veterans' programs created to serve those who have served us. By and large, the veterans' service organizations have also expressed confidence and support of the President's nominee.

Again, I thank the chairman, the senior Senator from California, and the other Members for their diligence during the period leading up to the confirmation. I think both sides worked in a nonpartisan manner and worked closely together. I think that is significant in view of the large veteran community that has been watching this process.

I would conclude by urging my colleagues to vote unanimously in favor

of confirming Ed Derwinski to be the first Secretary of Veterans' Affairs for the United States of America.

The PRESIDING OFFICER. The Chair recognizes Mr. MURKOWSKI.

Mr. MURKOWSKI. I will yield briefly to my good friend, the senior member of the Veterans' Committee, Senator THURMOND.

Mr. THURMOND. Mr. President, I rise today in strong support of Mr. Edward Derwinski—President Bush's nominee to be the first Secretary of the Department of Veterans' Affairs. This is truly a historic moment. The road to Cabinet status has been a long one, and in just a few weeks the new Department is to be officially in place.

Mr. President, the man chosen to serve as spokesman for our Nation's 27.3 million veterans brings with him numerous qualifications. First and foremost, he is a veteran himself, having served as an Army infantryman in the Pacific theater during World War II. His membership in the American Legion, Veterans of Foreign Wars, and other service organizations provide him with a good base of understanding of what the needs and concerns of veterans are in the 1980's and 1990's.

Mr. Derwinski's 32 years of public service will serve him well in the position of Cabinet Secretary. After serving 2 years in the Illinois State House of Representatives, he successfully ran for Congress from the South Side of Chicago, representing the district for 24 years. As a Member of the House, he was the ranking Republican of the Foreign Affairs, and Post Office and Civil Service Committees, and was instrumental in passage of landmark Civil Service reform legislation, and foreign aid reform.

After leaving Congress in 1983, he went to the State Department to serve as counselor and as an adviser to former Secretary of State George Shultz. Since March 1987, Mr. Derwinski has served very ably as the Under Secretary of State for Security Assistance, Science and Technology.

Mr. President, in all of these positions, Mr. Derwinski has demonstrated a no-nonsense approach to getting things done. That is the type of person we need at the new Department. Mr. Derwinski has generally enjoyed a warm relationship with Members on both side of the aisle over the years, and I hope that will continue in the years ahead. His career, as a whole, has been one of dedicated public service.

As an aside, I must mention that his lovely wife, Bonita, is also talented in her own right, having served the Reagan administration as Deputy Director of Congressional and Public Affairs at the Immigration and Naturalization Service.

Mr. President, it was my privilege to first introduce the bill to make the Veterans' Administration a Cabinet Department in 1975. As the original sponsor of that legislation last year, I am deeply interested in the new Department and am pleased that Mr. Derwinski has been selected as the first nominee.

Mr. President, I am pleased to offer my strong support for this very able, capable, and dedicated nominee. I urge my colleagues to expeditiously approve his nomination.

Mr. DIXON. Mr. President, I am delighted to rise today to express my unqualified support for Edward J. Derwinski as Secretary of Veterans' Affairs.

I would like all of my distinguished colleagues to know that I do this not just out of courtesy to a fellow Illinois native, but also out of deep respect for Ed Derwinski's lengthy and highly regarded 32 years of public service.

Everyone here knows that Ed is a Republican and I am a Democrat. But what many may not know is that we started our political careers together as freshmen in the Illinois Legislature back in the 1950's, Ed as a Republican, and ALAN DIXON as a Democrat. Down in Springfield, IL, we all grew to respect Ed as a big-hearted, honest, open-minded guy with a sense of humor; in short, a political gentleman who was not afraid to do battle with you by day, and then show his true friendship in the social world. Ed Derwinski was—and is—an honorable political figure in the finest tradition of this country.

In my own service in all three branches of the Illinois State Government, I have observed Ed first hand—from his management of statewide political matters to his personalized handling of casework for veterans. As the senior Senator of Illinois, I can also tell you that his nomination has been well received by all of our veterans organizations in our State.

As a veteran myself, I know Ed is already sending the right signals to all our veterans—that he is their advocate and not just some faceless bureaucrat without access to the corridors of power. He is indeed a personal friend of President Bush, not to mention most Members of this Congress. But Ed Derwinski is more than just a friend; he is a man who gets things done; he is a man who can get people to work together; he is a man who can identify and solve many problems; he is a man who can honorably work and deal with people of all political persuasions. I am sure that every Member of the Senate will enjoy working with Ed Derwinski.

I have, Mr. President, and I recommend him highly and commend him highly to all my friends and colleagues in the U.S. Senate.

I yield back the remainder of my time and thank the chairman and ranking member.

Mr. CRANSTON. Mr. President, I thank my friend from Alaska for his appreciation of my efforts and I appreciate his efforts. I also want to join in thanking the staff on both sides for their very diligent and hard work on this matter. We did as thorough a job as we could and got into all the facts that could be made available to us, though not all were made available to us.

I am now delighted to yield to the distinguished majority leader who, fortunately, is a member of our committee.

Mr. MITCHELL. Mr. President, it is a pleasure to join Chairman ALAN CRANSTON, ranking minority member FRANK MURKOWSKI and the other members of the Veterans' Affairs Committee in bringing the historic nomination of Congressman Edward Derwinski to become the Nation's first Secretary of Veterans' Affairs to the Senate floor today.

The enactment last year of legislation to elevate the Veterans' Administration to a Cabinet-level executive department was one of the significant achievements of the 100th Congress.

Bringing the Administrator of Veterans' Affairs into the President's Cabinent was a long overdue step.

It makes good management sense to have an agency whose programs, operation, and expertise are so widerang-ing and extensive represented at the Cabinet table when domestic policy is formulated.

It is also symbolically important to have the interests and concerns of America's veterans and their families fully represented at the highest levels of this Government when this country's domestic policies are considered and determined.

Public Law 100-527 accords America's veterans a long overdue voice at the highest level of Government. The individual chosen by President Bush to be that voice in his Cabinet is Ed Derwinski.

Ed Derwinski comes before this committee with a long and distinguished career in public service, which began with his service as a combat infantryman in the Pacific Theater during World War II and one term in the Illinois State Legislature.

In 1959, Mr. Derwinski began a long career as a Member of the House of Representatives from the Chicago area that lasted for 24 years, serving on the House Post Office and Civil Service Committee and the Foreign Affairs Committee.

For 6 years, Ed Derwinski has served in the State Department, as counselor and since 1987, as Under Secretary for Security Assistance, Science and Technology.

The first Secretary of Veterans' Affairs faces a big challenge.

First, he must address the present funding crisis, and I believe that is an accurate description of the present circumstances at many VA medical centers, that is diminishing the VA's ability to provide first-class medical care to America's veterans.

Second, he must manage the employees, facilities, and programs of one of the largest departments in the Federal Government, including the largest medical system in the free world.

In taking office and forming a new team to manage the vast resources of the VA, Mr. Derwinski will encounter many issues that are not new, are not prone to quick solution or easily corrected. I can think of a couple very quickly:

Compensation for exposure to agent orange;

Treatment for veterans suffering from post-traumatic stress disorder;

Improving the system of adjudicating veterans benefits claims so that all veterans can be assured their claims will be handled in an efficient, accurate, and fair manner; and

Identifying and implementing solutions to recruit and retain the top-quality medical personnel necessary for the VA to provide the medical care our veterans deserve.

Finally, in all he does, the nominee must meet the very high expectations that exist among the Members of this body, our counterparts in the House and the various veterans service organizations that will be a forceful, determined, and consistent advocate for the interests of veterans, their families and their survivors.

I feel Mr. Derwinski is off to a good start.

On the first count, Mr. Derwinski has indicated in correspondence to the chairman, in his public speaking appearances since being nominated by the President, and in his testimony before the committee that the VA's medical care system needs immediate additional funding and that he supports such supplemental funding for the VA in fiscal year 1989 and intends to press for that funding within the administration.

Acknowledging the existence of a problem, knowing its magnitude, and resolving to correct it are the first steps in solving any problem. But that's more than previous administrators have been willing to do, so I commend Mr. Derwinski for taking this position.

On the second count of balancing his responsibilities as the veterans' advocate and being a team player within the administration, Mr. Derwinski's goal, articulated before the Veterans' Affairs Committee, is to make the veterans case and to have a "pretty good batting average" on behalf of veterans.

That is a fair goal. It goes without saying that there will be many eyes following his performance in meeting that goal. It will not be an easy assignment.

In his testimony to the Veterans' Affairs Committee, the nominee articulated his desire to make the transition from "Administration to Department" as effectively as possible; to consult frequently with representatives of the veterans service organizations; to keep an open door and an open mind; and to work closely with the appropriate committees of Congress.

I can tell the nominee that the members of the Veterans' Affairs Committee, especially the chairman and the ranking minority member, look forward to working with him to find and fashion solutions to the problems he faces in this new position.

We want him to succeed as the first Secretary of Veterans' Affairs. For we share a common goal, to see to it that those benefits earned by veterans through their service to this country are provided them in an efficient, fair, and equitable manner.

Mr. GRAMM. Mr. President, I had not intended to speak, but I understand that we are waiting on someone. So I just wanted to take this opportunity to say that I had the pleasure of serving with Ed Derwinski in the House. He is competent. He is very conscientious. He has a great record of service.

We are all hopeful that great things can be done by this new Secretary. I believe that he is the man that could do the job and I am happy to join all the voices here that are raised on his behalf.

Mr. DOLE. Mr. President, I could not be more pleased that a man of Ed Derwinski's caliber and experience will soon be confirmed as our first Secretary of Veterans' Affairs. He brings a wealth of both legislative and executive branch insight to this new and demanding positon that will serve our veterans community.

Make no mistake about it, many demanding challenges face our veterans today. Whether it's health care, shortages of trained medical personnel, or compensation for service-connected disabilities, I'm confident that Ed Derwinski can make the difficult decisions necessary to ensure fairness for those who served their country so selflessly.

America owes its veterans quality representation at the Nation's highest levels. I'm certain that the Senate tonight will recognize that one of our colleagues is ready and able to accept this new challenge and deserves our support.

Mr. DECONCINI. Mr. President, I rise in support of the nomination of Edward J. Derwinski to be the first Secretary of Veterans' Affairs in the history of our Union. I have great expectations for him, and am extremely hopeful that Ed will set the highest standard for this office.

I am very grateful to the Chairman, ALAN CRANSTON, and ranking member FRANK MURKOWSKI, and to Senators SPECTER and SIMPSON, for their thorough, but fair consideration of the sensitive issues presented by this nomination. My colleagues have established what I believe to be the highest standard for themselves in this process, and Ed knows we will expect the same in return from the new Secretary.

I have reviewed in detail the information provided by the White House and Mr. Derwinski, together with his legislative record as a Member of the House of Representatives. I have found his record to be admirable, albeit what I know to be a single incident of misjudgment with respect to an accidental disclosure of sensitive information. As I have been satisfied that the record is sufficiently complete, I need not discuss that incident further.

I personally met with Mr. Derwinski and frankly discussed the 1977 incident and his perceptions of the mission of the Department of Veterans' Affairs. I found him to be exceedingly candid and very sympathetic to the current veterans health care crisis. True to his word, Ed set about as soon as he could to urge additional funding for health care, and other critical veteran programs. Although he was not initially successful, I believe his actions to date indicate he will not replicate the previous administration's apathy and ambivalence to the declining quality and availability of health care for those who have sacrificed their body and soul to protect our freedom.

Again, I think Ed Derwinski's record as a career public servant is to be commended. He knows of my deep concern that our veterans did not have adequate representation in the past administration. I wish him well and extend to him my pledge to assist him in any manner I can as he accepts what I believe will be one of the greatest challenges of his lifetime.

Mr. President, I urge my colleagues to extend their support by unanimously approving the nomination of Edward J. Derwinski to the Office of Secretary of Veterans' Affairs.

Mr. GRAHAM. Mr. President, today we will vote on the nomination of Mr. Derwinski to head the Department of Veterans' Affairs. In the Senate Veterans' Affairs Committee this afternoon, we unanimously voted to recommend the confirmation of Mr. Derwinski.

Last Congress most of us in the Senate voted in favor of the creation of a Department of Veterans' Affairs with a Cabinet-level Secretary heading it. I, too, supported the Department's creation because it represented a chance to bring new focus and new initiatives to the forefront of the agen-

cy's thinking. Specifically, I hoped this new Department would be more responsive to the special needs of high growth States like Florida. Florida has the fifth largest population of veterans in the United States and the fastest growing veteran population. It is my hope that the new Secretary will be successful in making the Department more streamlined and well managed. And, if he works in tandem with Congress and the veterans' service organizations, then all veterans stand to benefit. But it is the veterans in States like Florida, where resource allocation has not kept pace with the growth in the population, where veterans stand to gain the most. The more efficient the new Secretary is able to make the Department, the more timely decisionmaking and resource allocation will become.

The issues of resource allocation, health care access and delivery, eligibility for and provision of benefits and services, will only become more complex as the repercussions of the budget shortfall in the medical care account become clearer. The new Secretary will have enormous responsibilities and tough decisions have to be made as we deal with an estimated half billion dollar shortfall. Under these circumstances, Mr. Derwinski's many years in Congress may serve him well. Certainly, his record of service to his congressional constituency should help him develop a positive, responsive relationship with his new constituency, one of the largest and most important constituencies in America—veterans, their dependents and survivors.

I intend to vote for Ed Derwinski. I am satisfied with the committee's thorough and fair confirmation investigation and with Mr. Derwinski's testimony. In my personal conversations with him, Ed Derwinski was forthright and cooperative. The veterans need a strong advocate as head of their new Department. I am counting on Ed Derwinski to be both strong and an advocate.

Mr. DASCHLE. Mr. President, we have before us today a historic vote—the confirmation of the first Secretary of Veterans' Affairs, Edward Derwinski. I am pleased to support the President's nominee to head this long-awaited cabinet post.

Earlier this year I met personally with Mr. Derwinski to discuss the priority issues facing veterans—funding for veterans' health care, compensation for victims exposed to agent orange, and the improved operation of the Department of Veterans' Benefits, among other issues—and I was pleased with his candid approach to discussing his views on these matters.

Furthermore, I was pleased that the nominee agreed with me on the importance of taking prompt action to restore funding for veterans' health care programs. We discussed the fate of the thousands of veterans who have depended on VA health care for years and who are now being denied access to that medical network, and the importance of using the resources available to the Secretary to rectify this tragedy.

The magnitude of that task must not be underestimated. The budget shortfall for veterans' health care for this fiscal year is estimated to be $635 million, with an accumulated shortfall of over $1 billion. With the administration's fiscal year 1990 budget falling an additional $1 billion short of providing adequate veterans' health care, the new Secretary will have his work cut out for him.

This priority issue promises to provide an "initiation by fire" for the new Secretary. Congress, the administration, and the Nation's 27 million veterans will all be watching to learn his assessment of what this Nation's commitment to veterans should be. This is an extremely tough year for someone to endure that scrutiny, but I am encouraged that this nominee will make every effort to meet the serious challenge facing him.

On the day we met to discuss veterans' concerns, just before he left my office, Edward Derwinski left me with one promise—that during his tenure as Secretary of Veterans' Affairs, his door would remain open to discuss crucial veteran concerns. The frank nature of our discussions gives me confidence that whether or not we agree on future specific policies regarding veterans, the first Secretary of Veterans' Affairs will be honest about where he stands, and will keep an open mind in considering how best to address veterans' needs.

The importance of that quality has never been as clear as it is this year. We all know the difficulties faced last year, when the previous Administrator assured Congress that funding for VA health care programs was adequate while veterans were turned away from VA hospitals. I am hopeful that this new era of veterans' programs will be marked by an atmosphere of cooperation and honesty, culminating in genuine dedication to a common goal—providing all veterans with the benefits they have earned through their service to this Nation.

With 1989 holding the greatest challenges ever faced by veterans' programs, the new Cabinet Department and its leader have an opportunity to establish a precedent that this Department operates as an advocate for veterans. Edward Derwinski has told us he will seize that opportunity.

I look forward to working closely with the President's nominee to return to veterans the health care they have earned and deserve. Those who have protected our Nation's freedom should never be expected to accept anything less.

Mr. BURNS. Mr. President, I strongly support President Bush's nominee to be the first Secretary of Veterans' Affairs, Mr. Edward J. Derwinski. Mr. Derwinski's record speaks for itself. He is a veteran himself serving in the U.S. Army during World War II. He knows first hand what it means to have served our country. Some have criticized Mr. Derwinski because he has no experience in Washington with veterans issues. But I can't see that there would be any better qualification for being the Nation's highest representative of veterans than to be one.

After serving in the military, Mr. Derwinski has had a long, prestigious career of serving this country in several capacities—as a representative in the Illinois General Assembly, as a 12-term Member of the House of Representatives, and most recently as a State Department Under Secretary.

I am confident in Mr. Derwinski's ability to handle the problems that face him in his new post. I have already spoken to him about one of those problems which adversely affects Montana's 106,000 veterans—veterans health care. He has assured me that he will do his best to address the funding problems both in fiscal year 1989 and fiscal year 1990. This is a crisis that hurts all veterans, not only those in Montana and I look forward to working with Mr. Derwinski to come up with some solutions—both short-term and long-term.

I won't take up any more time. I know that Mr. Derwinski will win confirmation of the U.S. Senate and will begin his hard work on behalf of this Nation's veterans.

Thank you, Mr. President.

Mr. JEFFORDS. Mr. President, since being elected to Congress in 1974, I have had a special interest in the concerns of our country's veterans. This interest was kindled by my own service in the U.S. Navy and Naval Reserves and also by my concern during the 1970's about the veterans who returned from the Vietnam conflict during a very difficult time in our history. In fact, my concern about veterans led me to establish a special advisory committee in Vermont that brought all the different veterans organizations together to discuss issues of common concern and to build a greater degree of unity among the groups.

Given these concerns, I was deeply gratified that my wish to serve on the Senate Veterans' Affairs Committee was granted. I believe that our country has unique responsibilities to veterans and I look forward to working to develop positive ways of meeting some of the difficult challenges we face.

My service on the committee begins at a time of great change. Legislation enacted last year will elevate the Vet-

erans' Administration to the Department level beginning on March 15. This act will greatly enhance the profile of veterans programs, spotlighting our country's commitment to those who served in the military.

Into this proverbial lion's den has been thrown my good friend and former House colleague, Ed Derwinski. President Bush's choice to be the first Secretary of the Department of Veterans' Affairs will need to possess outstanding personal qualities. My observations of Ed Derwinski, especially during the committee's consideration of his nomination over the past weeks, have led me to believe that President Bush has made an excellent choice.

Through a long and thorough confirmation procedure, Ed was forthcoming, patient, and good-humored. The committee, under the able direction of Chairman CRANSTON and ranking Republican Senator MURKOWSKI, focused intensively on Ed's involvement in the so-called Korean defector affair. Serious questions arising from this affair were raised, and to my mind, put to rest. In addition, I was heartened by Ed's conduct of himself during this inquiry. He always exhibited a healthy ability to accept criticism and to acknowledge past mistakes.

During yesterday's open hearing before the committee, Ed demonstrated that he has moved quickly to immerse himself in some of the difficult issues he will face following confirmation. I was particularly pleased that Ed already has some creative ideas for meeting some of the challenges that are ahead. All of these qualities will serve Ed well, both in his relations with Congress, and as head of the Government's third largest Department.

I am pleased to support Ed Derwinski's nomination to be Secretary of the Department of Veterans' Affairs and to recommend him favorably to my colleagues.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues today in voting to confirm Ed Derwinski as the Secretary of Veterans' Affairs.

As many of you know, I served with Ed Derwinski in the U.S. House of Representatives. I have the highest regard for his abilities and am convinced that he is an outstanding choice to be the first Secretary of the new Department charged with administering the programs and concerns of America's veterans.

Ed not only served his Illinois constituents well for 24 years, but also served our Nation as a whole very well during his 8 years at the State Department.

This combined experience in both the legislative and executive branches assures his success as Secretary and assures our veterans will be well served.

I strongly support Ed Derwinski and urge my Senate colleagues to do likewise.

Mr. DOMENICI. Mr. President, I rise today to express my strong support for the confirmation of Edward J. Derwinski to be the Secretary of Veterans' Affairs.

Mr. Derwinski has a very distinguished record of achievement and service in Congress and at the State Department. He is exceptionally well qualified for this post.

I commend President Bush for making an excellent choice.

Edward Derwinski was born in Chicago, IL, and served as an infantryman in the U.S. Army during World War II. He served in the Pacific Theatre and with the Japanese Occupation Forces in 1945 and 1946.

After completing his military service, he attended Loyola University where he obtained his bachelors degree in history.

Since then, Edward Derwinski has compiled an outstanding record of achievement as a public official. Beginning in 1959, he represented his suburban Chicago district for 24 years as a Member of the U.S. House of Representatives.

In 1982, he accepted an invitation from President Reagan to serve at the State Department. Here he served as Department counselor and adviser to the Secretary, for almost 6 years. Beginning in March 1987 he was the Under Secretary of State for Security Assistance, Science and Technology.

Mr. Derwinski would become our first Secretary of Veterans' Affairs. As the largest independent agency in the Federal Government, with more employees than any Department other than the Department of Defense, President Reagan and the Congress felt that it was time to elevate the VA to Cabinet level.

This is particularly important as more veterans from World War II and Korea reach retirement age. The Federal Government must provide the best service and care possible to our veterans. At the Cabinet level, the Secretary will be in a better position to represent veterans' interests.

Earlier this week, members of the American Legion from New Mexico visited me. They told me that they had listened to an address by Mr. Derwinski the previous evening, and how they were impressed that he would be an effective, caring spokesman for their cause.

Mr. President, I share this enthusiasm, and I urge my colleagues to vote to confirm Edward Derwinski as Secretary of Veterans' Affairs. I believe his integrity, dedication and experience will serve our Nation well.

The PRESIDING OFFICER. Does any other Senator desire to speak to the nomination of Edward Derwinski to be Secretary of Veterans' Affairs?

Do the managers yield back the time?

Mr. MURKOWSKI. Mr. President, the Senator from Pennsylvania is on his way. He is just a few feet down the hall. I believe the Senator from Wyoming, the minority whip, Senator SIMPSON, has advised us that he wants to say a few words. Those are the only individuals to my knowledge, Mr. President, that have indicated to the minority of their intent to speak on this matter.

The PRESIDING OFFICER. There are 11 minutes and 45 seconds on the minority clock remaining.

Mr. MURKOWSKI. In view of the fact, Mr. President, that I do not have anybody here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I regret my absence from the floor and the intervening quorum call, but I have been a part of a meeting in the Republican leader's office on the nomination of John Tower, so I could not be present earlier, although I had been here at 6 o'clock until about 6:20 and I could have spoken at that time. But I do have a few comments that I want to make about the nomination of Congressman Derwinski.

The PRESIDING OFFICER. The Chair might let the Senator know we are operating under a controlled time agreement. There are 6 minutes 40 seconds remaining on this particular nomination.

Mr. CRANSTON. Mr. President, I yield 4 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor for 4 minutes.

Mr. SPECTER. I thank the distinguished chairman.

Mr. President, I intend to vote for Congressman Derwinski because I believe that on the totality of circumstances—may we have order in the Chamber, Mr. President.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SPECTER. I intend to vote for Congressman Derwinski because I believe on the totality of circumstances, in the light of his long, distinguished record, he ought to be confirmed.

There is, however, a matter which the Veterans' Affairs Committee investigated in some detail which I believe warrants some additional comment and that is the incident involving the disclosure of the Korean defector. That is a matter of some impor-

tance, and it is a complicated matter because it goes back to 1977 and then in 1983 Congressman Derwinski was the subject of a confirmation proceeding. He was confirmed on a voice vote at that time and was further confirmed for another position in 1987.

Notwithstanding that fact, the committee made a detailed inquiry, as far as we could go, on the 1977 incident. I regret, Mr. President, that we were not able to obtain the grand jury notes of the investigation at that time and there are a series of reasons why we were unsuccessful. It may be that we ought to amend the law relating to grand juries' disclosures. We also got limited information from an investigation of the House Ethics Committee at that time; I think it would have been enormously helpful had we had that information as well.

Very detailed efforts were made by the committee to get additional information. It is really unrealistic for the committee to conduct an investigation in 1989 on a 1977 incident. Had we had those contemporaneous investigations we might have known more.

The fact is that on the record at hand, the totality of the evidence, as related by Congressman Derwinski, is that he blurted out the information to a Korean official on the Longworth steps. There is no showing on the record of venality or intention to obstruct justice or intention to injure that so-called defector. Accordingly, I believe that we ought to confirm Congressman Derwinski on this record.

Mr. President, one other comment ought to be made, and that is the difficulty in proceeding and giving Congressman Derwinski a fair hearing in light of the fact that he was not permitted to examine documents which raised certain questions. We wrote to the counsel for the President. I think the record should contain my letter to Boyden Gray, dated February 8, and the letter from Senators CRANSTON and MURKOWSKI, dated February 9, and Mr. Gray's reply, dated February 14, and my reply to that, dated February 16, because we had the curious situation where Congressman Derwinski was not allowed to have any details on matters that he was about to be questioned about. That, also, was unsatisfactory.

But we proceeded as best we could. We had a closed session, and those matters were inquired into diligently and at some length. The totality resulted from having a record where the information was blurted out by Congressman Derwinski and nothing more than that.

We also investigated the allegations of pro-Nazism and anti-Semitic attitudes and conduct, and none of that was found to have any basis.

Mr. President, I think that Congressman Derwinski has a good background to be an effective Secretary of Veterans' Affairs. He is experienced in Government. He is experienced in politics. He expressed himself that he is prepared to be an advocate for the veterans, and I believe on the totality of the record that he ought to be confirmed.

Mr. President, I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 8, 1989.

Hon. C. BOYDEN GRAY,
Counsel to the President, The White House, Washington, DC.

DEAR BOYDEN: Following our meeting last Thursday, I met with Congressman Derwinski on Friday afternoon.

In going over the situation with Congressman Derwinski, it seemed to me that you or someone from the Executive Branch should make available to him the specific allegations, so that he would be in a position to respond to concerns which the Veterans' Affairs Committee and I have. As a matter of basic fairness to him, just like it would be a matter of basic fairness to anyone who was asked to respond to any allegation, it is necessary for him to know the specifics and that can only be provided, as I understand it at this stage of the proceeding, by someone from the Executive Branch.

I raised this concern with Senator Cranston who agrees, and I believe that Senator Murkowski also concurs. Senator Murkowski and I have discussed the importance of completing a review of all relevant factual materials at an early date so that the confirmation process can go forward.

I stand ready to put this item at the top of my agenda, as I believe Senator Cranston and Senator Murkowski and others on the Committee will do so, so that the confirmation process can proceed.

I am asking my secretary to call your secretary to read this letter or to telex it to your office forthwith so that you can have it at the earliest possible moment.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON VETERANS'S AFFAIRS,
Washington, DC, February 9, 1989.

C. BOYDEN GRAY, ESQ.,
Counsel to the President, The White House, Washington, DC.

DEAR BOYDEN: The Committee has scheduled a closed, Members-only executive session for 1:30 P.M. on Wednesday, February 22, 1989, regarding the Edward J. Derwinski nomination. The meeting will focus on the report, with accompanying material, of his FBI background investigation.

There are a number of issues arising out of the report and material that we would like to discuss with Mr. Derwinski in the course of that meeting. To be able to do so and in the interest of fairness to him, we specifically request that arrangements be made to give him access, well in advance of that meeting, to his documented interviews in the FBI reports and to those classified materials relating to the 1977 unauthorized disclosure of the planned defection of a South Korean CIA agent.

We also believe that it is essential that our Committee have access to the notes, minutes, and any reports or other materials, as they relate to Mr. Derwinski, arising out of a Federal Grand Jury investigation in the Fall of 1977 into the incident of unauthorized disclosure mentioned above. In that regard, we ask that the Department of Justice be directed to initiate a judicial proceeding in the U.S. District Court for the District of Columbia to seek access to that information so that it can be reviewed by this Committee. We further ask that Mr. Derwinski's agreement be sought and, if obtained, communicated to the District Court. The Office of Senate Legal Counsel is prepared to provide assistance to the Department in such a proceeding.

We thank you for your cooperation and for your timely efforts in these matters.

Sincerely,

ALAN CRANSTON,
Chairman.
FRANK H. MURKOWSKI,
Ranking Minority Member.

THE WHITE HOUSE,
Washington, DC, February 14, 1989.

Hon. ARLEN SPECTER,
Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This letter responds to your letter to me of February 8, 1989 requesting that the Executive branch provide Mr. Derwinski with access to various materials (including classified documents) that relate to the so-called Koreagate affair.

As I note in my response to a letter similar to yours that I received from the Chairman and Ranking Minority Member of the Committee on Veterans' Affairs, we defer to the judgment of the Members of the Committee as to the information raised in the FBI background investigation that they feel must be discussed with Mr. Derwinski. We note, however, that since many of these materials relate to a previous criminal investigation the White House did not believe it was appropriate to provide Mr. Derwinski with access to the various materials compiled by the FBI, which include certain classified documents, before his nomination was submitted to the Senate; we continue to believe that it is inappropriate for us to share those materials with him. (Of course, we express no opinion as to whether the House Committee on Standards of Official Conduct or the Senate Committee on Foreign Relations should provide to Mr. Derwinski materials they may have generated in connection with their investigation of his role in Koreagate.)

The allegations involving Congressman Derwinski's role in Koreagate were the subject of a 1977 grand jury investigation, a 1978 House Committee on Standards of Official Conduct investigation and the Senate Committee on Foreign Relations confirmation hearing on Mr. Derwinski in 1983. We express no view as to the propriety of reopening an investigation of Congressman Derwinski's role in Koreagate at this time, except to say that responding to such an investigation is beyond the scope of the duties of the Office of the White House Counsel.

For your information, we have accordingly forwarded to the Department of Justice the Chairman and Ranking Member's request that the Department of Justice initiate a lawsuit on behalf of the Committee to obtain access to the referenced grand jury materials. With respect to this and other requests that in essence seek to reopen Koreagate, we request that the Committee deal directly with the Department of Justice or

with the two relevant congressional committees that were previously involved.

Of course, the White House Counsel's office remains available to consider the Committee's requests for additional FBI investigation on matters that have arisen since Mr. Derwinski was last confirmed by the Senate in 1987 or matters that have not been addressed previously. In this connection, the FBI will complete its investigation of the allegations concerning Nazism in the very near future and we will make that report available to you at your convenience.

Sincerely,

C. BOYDEN GRAY,
Counsel to the President.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 16, 1989.

Hon. C. BOYDEN GRAY,
Counsel to the President, The White House, Washington, DC

DEAR BOYDEN: Thank you for your letter of February 14, responding to mine of February 8, 1989.

While I appreciate your deference to the "judgment of the Members of the Committee as to the information raised in the FBI background investigation which they feel must be discussed with Mr. Derwinski,"that does not adequately respond to the considerations raised in my letter of February 8 or the issues raised by Senator Cranston and Senator Murkowski in their letter to you dated February 9, 1989.

In my judgment, there are papers in the FBI file which Congressman, Derwinski, should see in advance of questioning by members of the Veterans' Affairs Committee so that:

1. He can have an opportunity to prepare for the hearing as a matter of basic fairness to him; and

2. The Committee members can pursue questioning of those subjects with Congressman Derwinski in a sensible fashion.

In view of the shortness of time and the slowness of the mail, I am asking my secretary to call your secretary to read this letter and to telex it to your office forthwith so you can have it at the earliest possible moment.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair, and I thank my colleagues for yielding the time, and I yield the floor.

Mr. SIMPSON. Mr. President, I am so very pleased to rise today in support of the nomination of Edward J. Derwinski to be the first Secretary of Veterans' Affairs.

Ed Derwinski is a highly respected former Member of Congress, having served in the House of Representatives for 24 years. He has most recently served at the State Department for 6 years.

I have met several times with Ed Derwinski and am extremely impressed by his commitment to serving the veterans of this Nation responsibly. His personal and professional qualifications for the position are clear. Having served very ably for many years in the House of Representatives and for a number of years in the executive branch, he has a clear understanding of the legislative process. He is so well respected by his colleagues.

The Committee on Veterans' Affairs met yesterday in public hearing to discuss the qualifications of this nominee, to ask him questions concerning his commitment to veterans, and to see that they are afforded the best care available, and to air in public—once again—allegations that had been raised in a number of editorials and news reports concerning Mr. Derwinski's suitability to be Secretary of Veterans' Affairs. The alleged unsuitability was premised on two grounds—the first that Ed Derwinski was somehow anti-Semitic because of his campaign work with a Republican campaign council that works to garner support among ethnic minorities; the second that Ed Derwinski had breached a confidence during his service in the House of Representatives in 1977.

The first of these allegations is nothing more than a feeble, ignorant, and baseless "guilt by association." To hold Ed Derwinski responsible for the views or backgrounds of every other person who might also have worked on those campaigns would be like holding the national commander of the American Legion or the VFW or Amvets responsible for my views, since I belong to all of those fine organizations. I am sure those gentlemen might take issue at having my opinions—at least on some matters—attributed to them.

The second allegation is one that had been previously raised when Mr. Derwinski was confirmed as State Department counselor by the Senate in 1983. The allegations were discussed by members of the Senate Committee on Foreign Affairs in a closed meeting and again in open session the following day. Many members of the committee, including our own fine chairman, did not attend that session, but it was a scheduled and open hearing. Mr. Derwinski admitted at the time that hindsight showed his inadvertent reference to a possible defection to be a mistake—a "stupid one" and one that he greatly regretted.

In preparing for the hearing, I reviewed that transcript, interviewed Mr. Derwinski thoroughly myself, read the FBI report, and reviewed other documents, reports, and interviews made available to members in a closed session Wednesday. Other members of the committee prepared themselves similarly. Nothing that I reviewed has given me any reason to doubt the suitability or ability of Ed Derwinski to serve capably, honorably, and with great distinction as the first Secretary of Veterans' Affairs.

In his many years of public service, only one incident in public life occurred that Ed Derwinski has said he regrets and regards as a mistake. I am completely satisfied that there was no evil intent behind the incident—it was simply an inadvertent mistake. Now, after 12 years and 2 other Senate hearings to confirm Ed Derwinski for administration posts, it has only arisen again to plague him unnecessarily.

Throughout the past several months since he was nominated, as throughout his career, Ed Derwinski has behaved with integrity and honor, and I am honored to be able to support him for this position.

He's going to do a great job—with ultimate fairness. He and his spirited and bright wife, Bonnie, make a nice addition to the Cabinet corps.

Mr. CRANSTON. Mr. President, I yield 3 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. MOYNIHAN. Mr. President, I rise, of course, in support of the nomination, the historic moment when we create a Veterans' Affairs Department and have a Secretary thereof. I would wish simply to record a long and affectionate relationship with Representative Derwinski. He and I were members of the U.S. Delegation to the United Nations General Assembly in the autumn and winter of 1971, where I had repeated opportunities to work with him in matters of great sensitivity to the country and of importance to the world.

I found him without ever the slighest lapse to be a man of transparent probity and shining patriotism. It is important to me that a man of peace, as he has been his whole life in public affairs, should now engage himself with the concerns of Americans who have had to go to war. He will do so with a double understanding of the responsibility and I wish him, as we all do, the greatest possible success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The chair recognizes the Senator from California.

Mr. CRANSTON. I yield 3 minutes to the Senator from Hawaii, a member of our committee; 3 minutes to Senator MATSUNAGA.

The PRESIDING OFFICER. Senator MATSUNAGA has the floor for 3 minutes.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the nomination of Edward J. Derwinski to be the first Secretary of Veterans' Affairs. Mr. Derwinski is highly qualified to act as the prime advocate of the Nation's 27 million veterans and their 51 million family members. First and most important, Mr. Derwinski is a veteran himself, having served as an enlisted man in World War II in the Pacific Theater. His service in the enlisted ranks gives him a perspective many do not possess: he understands the feelings of those who are not at the top of the chain of command, who are forever at the mercy of superiors

or of bureacracy, and who therefore must be the special concern of those in power.

Second, Mr. Derwinski's 24 years in the House, representing a highly diverse, ethnic constituency in Chicago, has given him an appreciation of the congressional process, both its strengths and weaknesses. I served many of those years as a colleague of his. I remember him as an effective, respected, and well-liked legislator, a formidable combination in any setting. He, perhaps more than any of President Bush's Cabinet Secretaries, understands the general political dynamics that drive the institution as well as the special concerns of individual members.

Finally, Mr. Derwinski has an intimate knowledge of the executive branch of government, having served as counselor and Under Secretary of State for Security Affairs in the State Department, two important and difficult jobs. From all indications, he brought the same skills of accommodation and reasonableness he developed in the House to Foggy Bottom, skills that have not always been in abundance there. Unfortunately, I must add, he also brought plaid sports jackets. Aside from this failing, he was a highly effective executor of the Administration's policies.

Mr. President, Mr. Derwinski is an outstanding candidate for Secretary of Veterans' Affairs. His wide experience in life and in government mark him as a man who can successfully lead the Department through its most serious fiscal crisis. I am confident that he will be a great advocate for veterans. I urge my colleagues to confirm the nomination of my good friend Ed Derwinski.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we yield back our remaining time.

Mr. CRANSTON. Mr. President, this side likewise yields back all remaining time.

Mr. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Colorado [Mr. WIRTH], the Senator from Illinois [Mr. SIMON], and the Senator from Oklahoma [Mr. BOREN] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. WIRTH], and the Senator from Tennessee [Mr. GORE], would each vote "Yea".

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—94

Adams	Garn	McClure
Armstrong	Glenn	McConnell
Baucus	Gorton	Metzenbaum
Bentsen	Graham	Mikulski
Biden	Gramm	Mitchell
Bingaman	Grassley	Moynihan
Bond	Harkin	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Heinz	Pressler
Bumpers	Helms	Pryor
Burdick	Hollings	Reid
Burns	Humphrey	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Exon	Mack	Wilson
Ford	Matsunaga	
Fowler	McCain	

NOT VOTING—6

Boren	Gore	Simon
Durenberger	Packwood	Wirth

So the nomination was confirmed.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on today, March 1, 1989, during the recess of the Senate, received a message from the President of the United States, transmitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 1, 1989 are printed in today's RECORD at the end of the Senate proceedings.)

COMPOSITION AND FUNCTIONS OF THE NATIONAL SPACE COUNCIL—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 24

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on March 1, 1989, during the recess of the Senate, received the following message from the President of the United States, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I hereby transmit my report outlining the composition and functions of the National Space Council to be established by Executive order.

1. *Composition.* The National Space Council will be composed of the following members:

1. The Vice President
2. Secretary of State
3. Secretary of Defense
4. Secretary of Commerce
5. Secretary of Transportation
6. Director of the Office of Management and Budget
7. Chief of Staff to the President
8. Assistant to the President for National Security Affairs
9. Director of Central Intelligence
10. Administrator of the National Aeronautics and Space Administration

The Chairman of the Joint Chiefs of Staff, Assistant to the President for Science and Technology, heads of other Executive Departments and agencies, and other senior officials in the Executive Office of the President shall participate in meetings of the Council as appropriate.

The Council will be chaired by the Vice President. The Council will meet subject to the call of the Vice President.

The Vice President may authorize the Executive Secretary of the Council to establish such Council Working Groups, composed of senior designees of the above members and chaired by the Executive Secretary, or another official, as may be appropriate.

2. *Functions.* The National Space Council will oversee the implementation of the objectives of the President's national space policy and be the principal forum for coordination of U.S. national space policy and related issues. The Space Council will also review and recommend modifications of national space policy to the President where deemed necessary or appropriate. The Council will address major space and space-related policy issues in the two governmental sectors (civil and national security), as well as those policy issues involving the third, nongovernmental sector (commercial) that are affected by Government actions.

The Council will provide a means to foster close coordination, cooperation, and technology and information exchange among the sectors to avoid unnecessary duplication and to advance our national security, scientific, technological, economic, and foreign policy interests through the exploration and use of space.

GEORGE BUSH.

THE WHITE HOUSE, *March 1, 1989.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-640. A communication from the Deputy Secretary of the Department of Agriculture, transmitting, pursuant to law, the third annual report documenting the nature and extent of the policies of other governments to assist their agricultural exports and to impede imports of agricultural products from the United States; to the Committee on Agriculture, Nutrition, and Forestry.

EC-641. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on allied contributions to the common defense; to the Committee on the Armed Services.

EC-642. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-643. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting jointly, the biennial report on the administration of the Wild Free-Roaming Horse and Burro Act; to the Committee on Energy and Natural Resources.

EC-644. A communication from the Administrator of the Energy Information Administration of the Department of Energy, transmitting, pursuant to law, the "Annual Energy Outlook 1989"; to the Committee on Energy and Natural Resources.

EC-645. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990 and 1991 and for other purposes; to the Committee on Environment and Public Works.

EC-646. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities; to the Committee on the Environment and Public Works.

EC-647. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a notification of a Department of Health and Human Services' matching program entitled "Medicare Part A Beneficiary Records/VA Patient Records"; to the Committee on Governmental Affairs.

EC-648. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, notification of the annual report under the Government in Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-649. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Railroad Retirement Board under the Government in Sunshine Act for calendar year 1988; to the Committee on the Governmental Affairs.

EC-650. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, notification of the recent discovery and disposal of a suspected chemical munition; to the Committee on Armed Services.

EC-651. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report of the National Endowment for the Humanities under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-652. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report of the Office of Special Counsel under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-653. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report of the Commodity Futures Trading Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-654. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, the annual report of the United States Information Agency under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-655. A communication from the Acting Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Department of the Treasury under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-656. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report on the results of a determination of the Railroad Retirement Account's abilitly to pay benefits; to the Committee on Labor and Human Resources.

EC-657. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the biennial report listing certain colleges and universities eligible to receive grants; to the Committee on Labor and Human Resources.

EC-658. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the supplemental budget request for fiscal years 1989 and 1990; to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

Edward J. Derwinski, of Illinois, to be Commissioner of Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself and Mr. BAUCUS):

S. 491. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOSCHWITZ (for himself, Mr. JEFFORDS, and Mr. SANFORD):

S. 492. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of the earned income tax credit will be related to family size; to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. D'AMATO):

S. 493. A bill to amend the Federal Home Loan Mortgage Corporation Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself, Mr. PRYOR, Mr. DOLE, Mr. WALLOP, Mr. DANFORTH, Mr. BOREN, Mr. BAUCUS, Mr. D'AMATO, Mr. BOSCHWITZ, Mr. SIMON, Mr. BURDICK, and Mr. SANFORD):

S. 494. A bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. HATCH):

S. 495. A bill to amend title 10, United States Code, to encourage increased utilization of domestic firms in the performance of Department of Defense contracts; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. INOUYE, Mr. BURDICK, and Mr. CONRAD):

S. 496. A bill to amend the Carl D. Perkins Vocational Education Act to establish a program of grants for vocational-technical training and to encourage tribal economic development, to provide for the designation of the National Indian Center for Research in Vocational-Technical Training, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. DECONCINI (for himself, Mr. SIMON, and Mr. HATCH):

S. 497. A bill entitled the "Copyright Remedy Clarification Act"; to the Committee on the Judiciary.

By Mr. PELL (by request):

S. 498. A bill to establish programs for the professional development, recruitment, and training of elementary and secondary school teachers, to establish a national academy for teaching, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, and Mr. DANFORTH):

S. 499. A bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council; to the Select Committee on Intelligence.

By Mr. MCCONNELL:

S. 500. A bill to provide incentive grants to one elementary and two secondary schools of excellence in each congressional district, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. STEVENS, and Mr. DODD):

S. 501. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 502. A bill to extend the application deadline for assistance under the Impact Aid Program; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 503. A bill to protect the ozone layer by reducing chlorofluorocarbons and halons, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. KERRY, Mr. MCCAIN, Mr. DURENBERGER, and Mr. SANFORD):

S. 504. A bill to improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S.J. Res. 70. A bill to designate the month of March 1989, as "Women's History Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. BAUCUS):

S. 491. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

STRATOSPHERIC OZONE AND CLIMATE PROTECTION ACT

Mr. CHAFEE. Mr. President, with each passing day we have seen more attention being paid to global environmental problems. We are used to attention being paid to national difficulties, but now the global worries are more before us every day.

I think, Mr. President, that if 10 years ago we had stopped a group of people in the street and asked them what they thought about the greenhouse effect or the destruction of the ozone layer, the chances are that the group would have responded with a blank stare.

Now today these issues are high on everyone's worry list. To my mind, that is good news. Before we can solve these problems we have to have widespread recognition of the fact that these global and environmental threats are real and that they are serious. That widespread recognition is now present.

The attention these matters are getting is reflected in the press and in public statements by world leaders such as President Bush, Secretary General Gorbachev of the Soviet Union, and Prime Ministers Thatcher of the United Kingdom, Brundtland of Norway, and Mulroney of Canada. The widespread recognition we need is now here.

Today, on behalf of myself and the chairman of the Senate Subcommittee on Environmental Protection, Senator BAUCUS, I am introducing the Stratospheric Ozone and Climate Protection Act of 1989. This is a revised, updated version of the bill I introduced 2 years ago in February 1987, S. 571. We will be holding hearings in the Committee on Environment and Public Works and plan to move this bill as quickly as possible.

Mr. President, the main impetus for this legislation is the ongoing destruction of the ozone layer. Chlorofluorocarbons and other manmade chemicals are reacting with and destroying ozone in the stratosphere. As a result we—"we"—meaning the world—are losing the shield that protects us from the Sun's harmful ultraviolet radiation.

What does this all mean? With more radiation pouring through the atmosphere there definitely will be an increased incidence of cancer, skin cancer, and cataracts. Furthermore experts have testified that increased radiation may cause suppression of the body's immune system and make us more susceptible to all sorts of diseases.

Studies on the effects of solar ultraviolet radiation have shown that damage to the stratospheric ozone layer presents a serious threat to our food crops and to all forms of life on land and in the sea.

Equally important is the fact that these chemicals—what we are talking about now is these ozone depleting chemicals, the chlorofluorocarbons, sometimes referred to as CFC's, which are powerful greenhouse gases, the balance of the change coming from the release of carbon dioxides from the burning of fossil fuels, and there are other contributors, as well—in addition to being ozone depleters, are powerful greenhouse gases. They act as a thermal blanket, trapping heat in the Earth's atmosphere and causing temperatures to rise. It is estimated that they contribute around 20 percent to the problem of global climate change. They have to be recaptured, recycled, and safely disposed of and not released.

Finally, the legislation includes trade sanctions that can be used to leverage other countries and convince their governments to adopt phaseout programs similar to ours. The trade provisions are designed to assure that U.S. industries will not be penalized by domestic unilateral action to eliminate CFC's.

In other words, why should we suffer competitively because we have done the right thing for the rest of the world, and our competitors might not. For instance, CFC's are used to clean chips that are used in electornic devices. If a foreign country refuses to, and continues to use CFC's to clean their chips, whereas, we banned it, then we will ban the importation of those chips, and it is possible to trace the fact that imported chips have used CFC's as a cleanser and a solvent. Elimination of these chemicals is the most effective, single step we can take to curb the phenomenon known as the greenhouse effect.

By eliminating these harmful chemicals, we will be addressing two problems at once: Destruction of the ozone layer and the threat of uncontrolled global climate change.

This bill has five main elements:

First, it puts the five worst chlorofluorocarbons [CFC's]—numbers 11, 12, 113, 114, and 115—on a phaseout schedule that moves faster and further than the Montreal Protocol; instead of the protocol's 20-percent reduction in 1993 and 50-percent reduction in 1998, my bill calls for a 20-percent reduction in 1992, a 50-percent reduction in 1995, and complete elimination no later than 1997;

Second, where the protocol will only freeze production of the halons and does not regulate methyl chloroform at all, two powerful ozone depleters, my bill puts these chemicals on the same phaseout schedule as the most harmful CFC's;

Third, whereas the Montreal Protocol would allow unlimited growth in the production and use of other, less potent ozone depleting chemicals and, in turn, continue the threat to the ozone layer, my bill places a limit on the growth of such chemicals by requiring that total ozone depletion potential be reduced by 95 percent between now and 1997; the key here is to control the chlorine loading of the atmosphere from all manufactured chemicals;

Fourth, the bill includes a supplement to the production phaseout; recognizing that it would be extremely difficult to eliminate all production and use of these chemicals on a 2- to 3-year timeframe we must, at the very least, eliminate emissions that are destroying the ozone layer; to achieve this, the bill prohibits, as of January 1, 1993, the venting or release of these chemicals into the environment; recapture, recycling, and safe disposal will be required; and

Fifth, 12 months after this bill becomes law, importation of ozone depleting chemicals, and products made with or containing such chemicals, will be prohibited unless EPA certifies that the country of origin is on a phaseout schedule similar to ours.

Prospects for the bill depend on the willingness of other nations to amend the Montreal Protocol and the speed with which the international process moves forward. It is preferable to address the problem through international agreement. No one can argue with that.

29-059 O-90-17 (Pt. 3)

My bill includes a phaseout schedule for CFC's and other ozone depleting chemicals that moves faster and further than the Montreal Protocol, which was signed last year, the international agreement that went into effect January 1 this year. Instead of the protocol, the Montreal agreement provided for 20 percent reduction of CFC's in 1993 and 50 percent reduction in 1998. My bill calls for a 20-percent reduction, not in 1993, but in 1992; a 50-percent reduction, not in 1998, but 1995. Furthermore, I have a complete elimination no later than 1997, which is only 8 years from now.

My bill places a limit on the production and use of chemicals that are completely unregulated under the Montreal protocol and requires that total ozone depletion potential be reduced by 95 percent between now and 1997. As a supplement to production controls, the bill seeks to eliminate emissions that are destroying the ozone layer. By 1993, in January, the venting or releasing of these chemicals, and I am not talking now production, I am talking of the release of these CFC's that are in a refrigerator that one might dispose of, or an automobile air conditioner that one might dispose of, no longer can an individual just vent these, let them go up in the stratosphere. They will have to be recaptured, and that is perfectly possible now with the equipment we currently have.

Both President Bush and EPA Administrator Reilly are deeply interested in the CFC problem and I urge them to endorse my proposal. The United States should take a leading role in pressing for elimination of these chemicals by no later than 1997. Informal negotiations will begin this Sunday in London at a meeting called by Prime Minister Thatcher. Formal talks will get under way with the first meeting of the parties to the Montreal protocol that will be held in Helsinki during the latter half of April.

Nevertheless, if the negotiations bog down, we will not sit around and wait. As a major consumer of CFC's we can use our clout as a trading partner. If we are forced to move first, it will have a secondary beneficial effect: Our industry can get the jump on alternatives and be more competitive in the future.

My proposal to eliminate the most harmful CFC's, halons and methyl chloroform, by 1997 may strike some as a tough pill to swallow. I recognize the enforcement difficulties, such as identifying and prosecuting those who release CFC's into the atmosphere or ascertaining whether foreign electronics manfacturers have used CFC solvents. But these problems can be overcome.

True, this bill is strong medicine but I worry that it is not strong enough. We have a very sick patient, a patient who is suffering from a disease that continues to advance like a cancer. With each new study, the scientists discover a new surprise. They are finding that the disease is much more advanced than anyone thought.

It seems that every time we get a piece of good news about the ozone layer, it is followed by a matter of weeks with more bad news.

For example, on September 26, 1987, 24 nations signed the Montreal protocol on substances that deplete the ozone layer. That was a major achievement and gave us reason to cheer. But within 2 weeks we had a new report from Antarctica confirming our worst fears, the "hole" over the Antarctic was worse than we thought and manmade chemicals such as CFC's were identified as "the smoking gun."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In March 1988, the Senate voted to approve ratification of the protocol, another step forward. This time, the bad news came the very next day. The results of an international study on global ozone trends was released by the Ozone Trends Panel, a distinguished group of more than 100 government and academic scientists from around the world. They delivered a startling, sobering and frightening message. The Washington Post headline read: "Evidence of Ozone Depletion Found Over Big Urban Areas: Pattern Widens; Severity Surprises Experts."

By analyzing data collected since 1969, these scientists found that over an area from 40 degrees north—a line running roughly from Philadelphia through Columbus, OH, and Reno—to 53 degrees north—a line running through central Canada—we are destroying ozone at a rate of 2 percent each summer and 5 percent each winter. This area includes most of Europe and China.

From 53 degrees north to 64 degrees north—an area covering most of Alaska, northern Canada, and the Soviet Union—we are seeing ozone losses exceeding 6 percent in the wintertime. These numbers are staggering. It is important to note that these measurements are far greater than the depletion that was being predicted by computer models.

In the Southern Hemisphere, the panel reported a year-round depletion of 5 percent or more at all latitudes south of 60 degrees south. This means that the "seasonal hole" over Antarctica is no longer seasonal and that it is getting dangerously close to inhabitated portions of South America, Australia, and New Zealand.

Prior to this, many scientists and industry representatives were telling us that the famous "Hole" over Antarctica was an interesting, isolated phenomenon limited to that remote part of the globe. They told us there was no proof that CFC's destroy ozone on a global scale. They told us that warnings from Drs. Rowland and Molina—warnings first issued in the early 1970's about CFCs destroying ozone—were just speculation, they were just theories.

There is no longer any question, Mr. President, we have moved beyond speculation and theory. As Dr. Watson, the NASA scientist who chaired the international panel said: "Things are worse than we thought. There has been a long-term change since 1969 that had not been recognized before."

Dr. John Gille, a scientist with the National Center for Atmospheric Research and one of the leaders of the panel that prepared the report said that, if earlier data had given scientists "a smoking gun," this report had given them "the corpse." He noted that: "For the first time, we have a really definitive answer that ozone has decreased." He said "we understand what is going on and we can predict it will be much more severe in the future."

Following this report, the two major producers of CFC's in this country, du Pont and Allied Signal, stated their intention to phase out production of these chemicals and, in September 1988, then-Administrator of the EPA, Lee Thomas, called for a complete phaseout of ozone depleting CFC's and halons. Several weeks ago, du Pont announced a major breakthrough in the search for safe alternatives. We were back at a high point on the roller coaster, good news abounds.

In keeping with the now well-established pattern, we were due for a new scientific report showing that the problem is worse than we thought. On Friday, February 17, 1989, NASA and NOAA issued a preliminary report from the recent airborne expedition to the Arctic region. As many of us expected, the news was grim.

In scientific jargon, the polar expedition found that the chemical makeup of the atmosphere over the Arctic was extremely perturbed.

This means the scientists have found that the Arctic region is primed for chemical reactions similar to those that are destroying ozone over Antarctica. As in the past, the scientists were surprised. One of the expedition's leaders, NASA's Dr. Watson said that "the incredible perturbation" found in the chemistry of the stratosphere "is a strong message to policymakers."

The message is that nothing less than total elimination of these harmful chemicals will suffice. We need a crash program to find and use safe substitutes as quickly as possible. We have a crisis on our hands and business as usual will not be tolerated.

To those who say it can't be done, I say "it must be done." The time for rhetoric and vague promises is past. The time for action is now.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and the text of the bill be printed in the RECORD.

SECTION-BY-SECTION ANALYSIS OF THE STRATOSPHERIC OZONE AND CLIMATE PROTECTION ACT OF 1989

Section 1. Short Title.

Section 2. Congressional Findings.—Includes findings that manufactured substances, such as chlorofluorocarbons, are polluting the atmosphere and may be contributing to the related environmental problems of stratospheric ozone depletion and global climate change due to the greenhouse effect; these related problems threaten human health and the environment on a global scale; it is necessary to control international trade in chlorofluorocarbons and other ozone depleting substances to protect our global environment; and the United States needs to be the world leader in developing substitutes for these harmful chemicals.

Section 3. Objectives and National Goal.—Establishes as a national goal, the elimination of atmospheric pollution caused by the release of manufactured chemicals, such as chlorofluorocarbons.

Section 4. Definitions.—Includes definitions of "household appliances" and "medical purposes" that receive special consideration under Section 9; "manufactured substances"; and "substances covered by this Act".

Section 5. Listing of Regulated Substances.—There are two lists of regulated substances:—(1) a priority list of chemicals that must be eliminated by the year 1997 (production of certain CFCs, halons and methyl chloroform is to be frozen at 1986 levels in 1989, reduced by 20 percent in 1992, reduced by 50 percent in 1995, and eliminated in 1997 and (2) a list of other chemicals with ozone depletion potential. The priority list includes the most popular and harmful chlorofluorocarbons (11, 12, 113, 114 and 115), halons (1211, 1301 and 2402), and methyl chloroform. The second list includes chemicals such as methylene chloride, carbon tetrachloride, and chlorofluorocarbons-22, 123, 124, 125, 141(b) and 142(b).

The production of chemicals on the second list is regulated and limited on the basis of overall ozone depletion potential. Since the regulated chemicals have differing, relative ozone depletion potential, producers are free to shift their production capacity from a priority list substance to a second list substance or from one second list substance to another, provided the total ozone depletion potential of chemicals manufactured by each producer is reduced significantly over the next several years (based on 1986 levels, ODP must be reduced by 95 percent no later than 1997).

Section 6. Reporting.—Producers of ozone depleting chemicals are required to submit annual reports to the EPA.

Section 7. Production Phase-Out for Priority List.—This section sets forth the phase-out mentioned earlier.

Section 8. National Security Exemption.—This section authorizes the President to modify the controls of halons on the basis of national security needs.

Section 9. Limitation on Use and Disposal.—In addition to the production limitations set forth in the bill, the Administrator is directed to promulgate, by July 1, 1991, regulations that will reduce the use of chemicals that are destroying the ozone layer and increase the recapture and recycling of such chemicals. By 1994, specific regulations are to be in place regarding the recapture, recycling and safe disposal of the regulated chemicals.

To further supplement the production limitations of the bill, as of January 1, 1993, it shall be unlawful for any person to intentionally vent or release into the atmosphere any of the regulated chemicals (other than the halons that are used in fire extinguishers). This provision is premised on the theory that, if we cannot eliminate production of these harmful chemicals by 1993, we must at least eliminate emissions that are destroying the ozone layer and contributing to the greenhouse effect.

Recognizing that (1) there are some essential medical uses for these chemicals for which no safe alternative is likely to be developed, and (2) many people have recently purchased (or are planning to purchase) household appliances that depend on the continued availability of these chemicals, the prohibition on use of chemicals slated for elimination in the year 1997 does not apply to uses for medical purposes and, for a period not to exceed the year 2007, to service and maintain household appliances.

Section 10. Limitation on Ozone Depletion Potential.—This section sets forth the reduction in overall production of ozone depleting substances mentioned earlier.

Section 11. Accelerated Schedule.—Based on new information regarding the severity of the problem or on the availability of safe substitutes, the Administrator is authorized to accelerate the phase out schedule set forth in the bill.

Section 12. Certification of Equivalent Programs.—Chemicals with ozone depleting potential pose a threat to human health and the environment without regard to where such chemicals or products that use such chemicals are made. Protection of the environment necessitates the regulation of international trade and the imposition of import controls that track the domestic controls set forth in this Act. Therefore, unless a country of origin is certified as having a phase-out program similar to this Act, the regulated chemicals (or products) from such country cannot be imported into this country. Similarly, this Act will prohibit the use of the U.S. as a free port for transshipment of such chemicals (or products).

Section 13. Labeling.—All containers of, or products made with, substances covered by this Act must bear a warning label.

Sections 14-19.—Miscellaneous Provisions on Federal Enforcement, Judicial Review, Citizen Suits, Separability, Relationship to Other Laws, and Authority of Administrator.

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stratospheric Ozone and Climate Protection Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the best available scientific evidence shows that manufactured substances, including chlorofluorcarbons and other substances covered by this Act, are destroying statospheric ozone, and significantly contributing to global climate change, and other atmospheric modifications;

(2) no level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe;

(3) stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation in the troposphere and at the surface of the Earth;

(4) increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including increased rates of skin cancer, cataracts, and, potentially, suppression of the immune system), threaten food crops and marine resources, and otherwise damage the natural environment;

(5) the Montreal Protocol on Substances that Deplete the Ozone Layer provides a framework for all nations of the world to protect the earth's ozone shield;

(6) the Ozone Trends Report completed in March 1988 through the effort of over 100 international scientists found undisputed observational evidence that the atmospheric concentrations of source gases important in controlling stratospheric ozone levels (chlorofluorocarbons, halons, methane, nitrous oxide, and carbon dioxide) are increasing on a global scale as a result of human activities and that observed losses of ozone since 1970 are significantly greater than computer models had predicted, especially over the northern hemisphere during the winter months where losses ranging from 2.3% to 6.2% were observed;

(7) the computer models used in the formulation of the Montreal Protocol predicted that global ozone depletion would reach 0.8% by 1986, the Ozone Trends Report measured global ozone depletion of 2.5%;

(8) there has been a large, sudden, and unexpected decrease in spring-time Antarctic ozone with decreases greater than 50% in the total column, and greater than 95% between an altitude of 15 to 20 kilometers;

(9) scientific expeditions and analyses have established that chlorine compounds derived from emissions of chlorofluorocarbons are responsible for destruction of the stratospheric ozone layer over the Antarctic and the surrounding oceans;

(10) recent scientific reports indicate that a similar destruction of the ozone layer may occur over the Arctic region and that the same chlorine compounds found in the Antarctic region are present in areas of the Arctic ozone layer;

(11) experimental laboratory studies and measurements of ozone depletion suggest that the chemical reactions responsible for destruction of ozone over Antarctic could operate in the aerosal layer of the stratosphere and would not be limited to the polar regions;

(12) the Ozone Trends Report found that, since 1979, ozone appears to have decreased by 5% or more at all latitudes south of 60 degrees south throughout the entire year;

(13) the control measures that are set forth in the Montreal Protocol (a freeze on the consumption of certain chlorofluorocarbons at 1986 levels in 1989 followed by a 20% reduction in 1993 and on additional 30% reduction in 1998, coupled with a freeze on the consumption of certain halons at 1986 levels in 1992) will allow atmospheric concentrations of chlorine to increase by more than a factor of two;

(14) the Ozone Trends Report and other recent scientific studies have raised serious questions about the adequacy of the control measures that are set forth in the Montreal Protocol;

(15) ozone depleting chlorofluorocarbons are powerful greenhouse gases projected to be responsible for 15-25% of global warming and, under the existing Montreal Protocol, 10% of future warming;

(16) stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated chlorocarbons with ozone depleting potential, and emissions of other gases, imperil human health and the environment worldwide;

(17) in order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

(A) emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone depleting potential, should be terminated rapidly,

(B) it is necessary to control international trade in substances covered by this Act and products containing or made with processes that use such substances; and

(C) trade with countries that are not parties to the Montreal Protocol should be controlled;

(18) the highest priority must be given to developing and deploying safe and energy efficient substitutes to replace ozone depleting substances as rapidly as possible; and

(19) the United States needs to develop and deploy safe, energy efficient substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere and to limit climate change.

SEC. 3. OBJECTIVES AND NATIONAL GOAL.

(a) The objectives of this Act are to restore and maintain the chemical and physical integrity of the Earth's atmosphere and to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, that is or may be related to the chlorofluorocarbons or other substances covered by this Act by—

(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

(2) promoting the rapid development and deployment of energy efficient alternatives to the use of chlorofluorocarbons and other substances covered by this Act,

(3) assuring that such alternatives reduce ozone depleting potential to the maximum extent possible and, at the same time, do not exacerbate the problem of human induced global climate change either directly as radiatively important trace gases or indirectly as substances that reduce the energy efficiency of products which incorporate or use such substances, and

(4) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and the known and potential adverse effects therefrom on human health and the global environment.

(b) In order to achieve the objectives of this Act, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chlorofluorocarbons and other halogenated carbons with ozone depleting and global warming potential, and to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate.

SEC. 4. DEFINITIONS.

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household appliances" means noncommercial personal effects, including air-conditioners, refrigerators, and motor vehicles.

(3) The term "import" means to land on, bing into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) The term "manufactured substances" means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(5) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner of the Food and Drug Administration, in consultation with the Administrator.

(6) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(7) The term "substances covered by this Act" means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 5.

SEC. 5. LISTING OF REGULATED SUBSTANCES.

(a) PRIORITY LIST AND INITIAL LISTS OF SUBSTANCES TO BE PHASED-OUT.—Within sixty days after enactment of this Act, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, chlorofluorocarbon-114, chlorofluorocarbon-115, methyl chloroform, halon-1211, halon-1301, and halon-2402.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other substances shall be subject to the limitations on ozone depletion potential under section 10 of this Act and shall include chlorofluorocarbon-22, chlorofluorocarbon-123, chlorofluorocarbon-124, chlorofluorocarbon-125, chlorofluorocarbon-141(b), chlorofluorocarbon-142(b), carbon tetrachloride, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufactured substance which, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within one hundred and eighty days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 10, constitute the ozone depletion factor of each such substance. Unless the Administrator promulgates regulations under this subsection setting forth a different value, the following ozone depletion factors shall apply for each listed substance:

Substance	Ozone depleting factor
Chlorofluorocarbon-11	1.0
Chlorofluorocarbon-12	1.0
Chlorofluorocarbon-22	0.05
Chlorofluorocarbon-113	0.8
Chlorofluorocarbon-114	1.0
Chlorofluorocarbon-115	0.6
Chlorofluorocarbon-123	0.02
Chlorofluorocarbon-124	0.02
Chlorofluorocarbon-141(b)	0.1
Chlorofluorocarbon-142(b)	0.06
Carbon tetrachloride	1.06
Methyl chloroform	0.10
Halon-1211	3.0
Halon-1301	10.0
Halon-2402	6.0

SEC. 6. REPORTING REQUIREMENTS.

(a) PRIORITY LIST.—Within ninety days after enactment of this Act, each person producing a substance listed pursuant to subsection (a) of section 5 shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during calendar year 1986. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive twelve-month period until such producer ceases production of the substance. Each such report shall be signed by a responsible corporate officer.

(b) OTHER REGULATED SUBSTANCES.—Within ninety days of the date on which a substance is placed on the list under subsection (b) of section 5, each person shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive twelve-month period until such producer ceases production of the substance. Each such report shall be signed by a responsible corporate officer.

SEC. 7. PRODUCTION PHASE-OUT OF SUBSTANCES ON THE PRIORITY LIST.

(a) PRODUCTION FREEZE.—Effective July 1, 1989, it shall be unlawful for any person to produce a substance listed under subsection (a) of Section 5 in annual quantities greater than that produced by such person during calendar year 1986.

(b) PHASE ONE REDUCTION.—Effective July 1, 1992, it shall be unlawful for any person to produce a substance listed under subsection (a) in Section 5 in annual quantities greater than 80 per centum of that produced by such person during calendar year 1986.

(c) PHASE TWO REDUCTION.—Effective July 1, 1995, it shall be unlawful for any person to produce a substance listed under subsection (a) in Section 5 in annual quantities greater than 50 per centum of that produced by such person during calendar year 1986.

(d) PHASE THREE REDUCTION.—Effective July 1, 1997, it shall be unlawful for any person to produce any quantity of a substance listed under subsection (a) of section 5 unless such person has, in accordance with subsection (e), received prior authorization to produce such substance.

(e) EXCEPTION FOR MEDICAL PURPOSES.—Notwithstanding the prohibition set forth in subsection (d), the Administrator, in consultation with the Commissioner of the Food and Drug Administration and after notice and opportunity for public comment, may authorize the production of limited quantities of a substance listed under subsection (a) of section 5 solely for medical purposes if such authorization is determined to be necessary for medical purposes.

SEC. 8. PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY.

The President may issue such orders regarding production and use of halon-1211, halon-1301 and halon-2402, at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

SEC. 9. LIMITATIONS ON USE AND DISPOSAL.

(a) The Administrator shall, not later than July 1, 1991, promulgate regulations establishing standards and requirements regarding the use of substances covered by this Act. Such regulations shall include requirements that reduce the use and emission of such substances to the lowest achievable level and may include requirements to use alternative substances (including substances which are not covered by this Act), minimize use of substances covered by this Act, or maximize the recapture and recycling of substances covered by this Act.

(b) The Administration shall promulgate regulations establishing standards and requirements regarding the use of any manufactured substance that may, either directly as a radiatively important trace gas or indirectly as a substance that reduces the energy efficiency of products which incorporate or use such substance, exacerbate the problem of human induced global climate change.

(c) The Administrator shall, before January 1, 1994, promulgate regulations establishing standards and requirements for the recapture, recycling, and safe disposal of substances covered by this Act. Such regulations shall include requirements that:

(1) substances covered by this Act that are contained in bulk in appliances, machines or other goods (including but not limited to refrigerators and air conditioners) shall be removed from each such appliance, machine or other good prior to the disposal of such item;

(2) any appliance, machine or other good containing a substance covered by this Act in bulk shall not be manufactured or distributed in commerce unless it is equipped with a servicing aperture which will allow the recapture of such substance during service and repair of such item; and

(3) any product in which a substance covered by this Act is incorporated so as to constitute an inherent element of such product, including but not limited to rigid and soft foams, shall be disposed of in a manner that prevents the release of such substance into the environment.

(d) Effective January 1, 1993, it shall be unlawful for any person to knowingly vent into the atmosphere or otherwise knowingly use, release or dispose of any substance covered by this Act (other than halon-1211, halon-1301, and halon-2402) in a fashion which permits such substance to enter the environment. Releases associated with the approved use of medical devices and diagnostic products for medical purposes and de minimus releases associated with good faith attempts to recapture and recycle or safely dispose of any substance covered by this Act shall not be covered by the preceding sentence. The first sentence of this subsection shall not apply to releases associated with the servicing or repair of equipment which contains substances covered by this Act but does not include a servicing aperture which allows the recapture of such substances if, during the first servicing or repair after the effective date of this Act, such servicing aperture or other similar features are installed.

(e) Effective July 1, 1997, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (a) of section 5 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to exceed ten years after July 1, 1997, to maintain and service household appliances.

SEC. 10. LIMITATION ON OZONE DEPLETION POTENTIAL.

(a) Effective July 1, 1989, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than that produced by such person during calendar year 1986. The prohibition set forth in the preceding sentence shall remain in effect until the effective date of regulations promulgated in accordance with subsection (b) or July 1, 1993, whichever is earlier.

(b) Prior to July 1, 1992, the Administrator shall promulgate regulations establishing production limitations for substances covered by this Act that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5 and calendar year 1986 production levels, yield not less than a 95 per centum reduction in total ozone depletion potential in 1997. If the Administrator fails to promulgate regulations in accordance with this subsection, effective July 1, 1997 it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 5 per centum of that produced by such person during calendar year 1986.

SEC. 11. ACCELERATED SCHEDULE.

The Administrator shall promulgate regulations, after notice and opportunity for public comment, which require each producer to reduce its production of—

(1) a substance listed under subsection (a) of section 5 more rapidly than the schedule provided under this Act; or

(2) a substance listed under subsection (b) of section 5 on a specific schedule not otherwise provided for in this Act

if the Administrator determines that such revised or specific schedule (A) based on new information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, may be necessary to protect human health and the environment or (B) based on the availability of substitutes for a listed substance, is attainable. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator determines that such regulations are not necessary and denies the petition. No less often than every 18 months, the Administrator shall, in response to a petition or otherwise, either publish such regulations or a determination that such regulations are not necessary.

SEC. 12. CERTIFICATION OF EQUIVALENT PROGRAMS.

(a) IMPORTS.—Effective twelve months after the date on which a substance is placed on the priority list under subsection (a) of section 5, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this Act, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this Act. The prohibition on the import of any product manufactured with a process that uses a substance listed under subsection (a) of section 5 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may have been manufactured with a process that uses such substance. The Administrator's decision that a product may have been manufactured with

a process that uses such substance shall constitute a rebuttable presumption.

(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under subsection (a) unless it is determined that—

(1) the Nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in sections 6 and 14 of this Act, and that the information contained in such reports is available to the Administrator and the Secretary.

(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(d) ALLOCATION.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of section 7 (production phaseout for priority list) and section 10 (limitation on ozone depletion potential), shall be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 13. LABELING.

(a) Effective eighteen months after the date on which a substance is placed on a list maintained under subsection (a) or (b) of section 5, no container in which such substance is stored or transported, no product containing such substance, and no product manufactured with a process that uses a listed substance shall be introduced into interstate commerce unless it bears a label stating either of the following, as appropriate:

(1) "Contains (insert name of listed substance) a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

(2) "Manufactured with (insert name of listed substance) a substance which harms public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

The Administrator shall issue regulations to implement the labeling requirements of this section within one year after enactment of this section, after notice and opportunity for public comment. Such regulations shall require all containers and products which are subject to this section and introduced or reintroduced into commerce later than ninety days after promulgation of such regulations to bear the appropriate label.

SEC. 14. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this Act and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly exceeds the production limits under section 7 (production phase-out for initial list) or section 10 (limitation on ozone depletion potential);

(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 7 or section 10;

(3) knowingly imports a substance listed under subsection (a) of section 5, a product containing such substance, or a product manufactured with a process that uses such substance, in violation of section 12 (certification of equivalent programs);

(4) knowingly vents or releases a substance into the environment in violation of section 9 (limitations on use and disposal);

(5) knowingly introduces into interstate commerce a substance or product in violation of section 9 (limitation on use and disposal) or section 13 (labeling);

(6) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this Act; or

(7) knowingly produces, transports, distributes, or uses any substance listed under section 5, a product containing such substance, or a product manufactured with a process that uses such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this Act.

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

(e) CIVIL PENALTY.—Any person who violates any requirement of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) VIOLATIONS.—Each day of violation of any requirement of this Act shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 7 (production phase-out for initial list), section 9 (limitation on use and disposal), section 10 (limitation on ozone depletion potential), and paragraphs (1), (2), (3), and (5) of subsection (d) of this section, the production, introduction into commerce, or importation of each one hundred pounds of a substance listed under subsection (a) of section 5 that is in excess of the production limits under section 7 or section 10 shall constitute a separate violation.

SEC. 15. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Administrator pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 16. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action under paragraph (a)(1) of

this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 14.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Administrator; and

(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 15, may award costs of litigation (including reasonable attorneys and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

SEC. 17. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 18. RELATIONSHIP OF OTHER LAWS.

(a) Nothing in this Act shall be construed to alter or affect the authority of the Administrator under the Clean Air Act or the Toxic Substances Control Act or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

SEC. 19. AUTHORITY OF ADMINISTRATION.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

By Mr. BOSCHWITZ (for himself, Mr. JEFFORDS, and Mr. SANFORD):

S. 492. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of the earned income tax credit will be related to family size; to the Committee on Finance.

JOB ENHANCEMENT FOR FAMILIES ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to reintroduce the Job Enhancement for Families Act [JEFFA], along with Senator JIM JEFFORDS and Senator TERRY SANFORD. JEFFA increases the maximum earned income tax credit [EITC] for a low-income working family with one child and adjusts the credit for family size.

During the 1960's and 1970's, Congress sought to eliminate any Federal income tax liability for families whose income fell below the poverty level. Several approaches were used in tax legislation enacted during this period, including increases in the personal exemption and standard deduction and the EITC.

Of course, the Tax Reform Act of 1986 virtually eliminates tax burdens for millions of low-income taxpayers. We increased the standard deduction to $5,200 and the personal exemption to $2,000 effective this year. We also increased the EITC credit percentage from 11 to 14 percent and indexed the income threshold for inflation. As a result, for a family of four, the tax threshold has been increased from the pretax reform level of $9,575 to more than $15,000.

In spite of all we have achieved, the current EITC has two shortcomings: It does not, in my opinion, provide enough financial support to keep a low-income family above the poverty level, especially when one considers the added financial burden of raising more than one child. For many low-income families, the cost of providing child care so that one or both parents can work is, by itself, an insurmountable obstacle.

My bill addresses these deficiencies by increasing the maximum benefit for a family with one child to $1,000, from the 1989 level of $910 under current law. In addition, I propose to increase the maximum benefit in relation to family size so that a family with two children would be eligible for a $1,500 credit; the credit for three children would be $2,000; and for four children or more it would be $2,500.

If enacted, these changes will meaningfully affect low-income families, where at least one parent is working. For example, using a family of three as an example, the $2,000 credit would represent an hourly pay increase of $1; for a family of four, the $2,500 credit would represent an hourly pay increase equal to $1.25. Under my bill, more welfare recipients will have an incentive to enter the work force and more parents of low-income families will be able to remain in the work force.

Mr. President, I firmly believe we must do a better job of targeting Federal assistance to those most in need. We also should avoid enacting legislation that removes incentives to work. The bill I am introducing today satisfies both of these criteria. I welcome the support and cosponsorship of my colleagues and urge the Finance Committee to consider my bill at the earliest opportunity.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Enhancement for Families Act of 1989".

SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) INCREASE IN AMOUNTS OF CREDIT.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $7,143.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $7,143, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $8,000.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
"No or 1 qualifying child	14	8.8
"2 qualifying children	21	13.2
"3 qualifying children	28	17.6
"4 or more qualifying children	35	22."

(b) INFLATION ADJUSTMENTS.—

(1) Paragraph (1) of section 32(i) of such Code is amended—

(i) by striking out "the applicable calendar year" and inserting "1990",

(ii) by striking out "paragraph (2)(B)" and inserting "subsection (a)", and

(iii) by striking out "1984" in subparagraph (B) and inserting "1989".

(2) Section 32(i) of such Code is amended by striking out paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(c) QUALIFYING CHILD.—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual who is taken into account in determining such individual's eligibility for the credit allowable under this section."

(d) CONFORMING AMENDMENT.—Paragraph (2) of section 32(f) of such Code is amended by striking out "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting in lieu therof "subsection (a)(2)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.●

By Mr. CRANSTON (for himself and Mr. D'AMATO):

S. 493. A bill to amend the Federal Home Loan Mortgage Corporation Act; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL HOME LOAN MORTGAGE CORPORATION TRANSITION ACT

Mr. CRANSTON. Mr. President, I introduce today the Federal Home Loan Mortgage Corporation Transition Act, which will give Freddie Mac a modern board suited to its current and future role in the Nation's mortgage finance system. I am pleased that the distinguished Senator from New York, Mr. D'AMATO, joins with me as a cosponsor.

Congress created Freddie Mac in 1970 as a federally chartered corporation that creates a continuous flow of funds to mortgage lenders in support of homeownership and rental housing.

Freddie Mac's importance to housing finance has grown dramatically in recent years. This legislation will ensure that a strong Freddie Mac will continue to provide affordable home finance for America's homebuyers.

This bill is very important to the Nation's housing.

It would provide Freddie Mac with a new 18-member board of directors, with 5 members appointed by the President and the rest elected by stockholders.

This would give Freddie Mac the same, market-oriented corporate structure as its sister corporation, the Federal National Mortgage Association—Fannie Mae.

An interim board—including the Chairman of the Federal Home Loan Bank Board, the president of Freddie Mac, and the Secretary of Housing and Urban Development—would serve until the new board can be elected.

The bill gives the Secretary of Housing and Urban Development regulatory authority over Freddie Mac. It also gives the Secretary of Treasury authority to approve the rate and maturity of Freddie Mac's unsecured debt obligations. This parallels the current regulatory structure for Fannie Mae.

The bill will convert Freddie Mac's outstanding preferred stock to voting common stock. The bill will also provide Freddie Mac with standby credit now provided to Fannie Mae.

Currently, the Federal Home Loan Bank Board functions as Freddie Mac's board of directors. That arrangement has become increasingly unsatisfactory as Freddie Mac has grown in importance. At times it has created conflicts between the board members' responsibilities as the Bank Board and their responsibilities as Freddie Mac's board of directors.

A reform of Freddie Mac's corporate structure is long overdue. In recent weeks, it has become urgently needed.

The Bush administration's recent proposal to eliminate the Federal Home Loan Bank Board makes it impossible to continue with the current corporate structure any longer.

Several hastily conceived proposals have recently been floated from several sources in the administration. They have caused alarm among leading analysts of the secondary mortgage market.

Mr. President, I ask unanimous consent that copies of two recent reports from Wall Street analysts be included in the RECORD at the conclusion of my remarks.

With rising interest rates and growing concern about the affordability of home ownership, this is certainly no time for make-shift experiments with Freddie Mac's corporate structure.

Our legislation provides the sound course of action. It provides Freddie Mac with the proven, market-oriented structure that has long served Fannie Mae so well.

I am confident that our legislation will remove the fears that Freddie Mac may inadvertently be harmed by actions related to the FSLIC crisis. Those fears are unnecessary.

In recent years, Congress has consistently acted to ensure that Freddie Mac and Fannie Mae remain as strong, stable supports for the country's private home finance system. I am confident that this strong congressional commitment will continue.

Freddie Mac and Fannie Mae have maintained lively competition to serve America's mortgage lenders in every region of the country, throughout cycles in the economy. That has greatly benefitted America's homebuyers, providing them with the lowest possible interest rates.

This legislation ensures that these two pillars of America's mortgage finance system will continue to compete on equal terms and in the national interest.

Freddie Mac's achievements are remarkable. Since Congress created Freddie Mac in 1970, it has provided homes for 7.3 million homeowners and apartments for over 500,000 renters. In California alone, Freddie Mac has helped provide homeownership to over 1.3 million households.

The legislation we introduce today is timely. It is prudent. It is urgently needed. I urge my colleagues to join us to ensure the bill's early enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Home Loan Mortgage Corporation Transition Act".

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to provide stability in the secondary market for home mortgages,

(2) to provide that the operations of the Federal Home Loan Mortgage Corporation respond appropriately to the private capital market, and

(3) to ensure that the Federal Home Loan Mortgage Corporation continues to provide supplementary assistance to the secondary market for home mortgages by providing a degree of liquidity for mortgage investments thereby improving the distribution of investment capital available for home mortgage financing.

SEC. 3. TRANSITION OF BOARD.

(a) NEW BOARD.—Section 303(a) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows:

"(a)(1) There is created the Federal Home Loan Mortgage Corporation, which shall be a body corporate and shall be under the direction of a Board of Directors. Within the limitations of law and regulation, the Board of Directors shall determine the general policies which shall govern the operations of the Corporation. The principal office of the Corporation shall be in the District of Columbia or at such other place as the Corporation may from time to time prescribe.

"(2) The Corporation shall have a Board of Directors which shall consist of 18 persons, 5 of whom shall be appointed annually by the President of the United States, and the remainder of whom shall be elected annually by the voting common stockholders. The Board of Directors shall at all times have as members appointed by the President of the United States at least one person from the homebuilding industry, at least one person from the mortgage lending industry, and at least one person from the real estate industry. Each member of the Board of Directors shall be appointed or elected for a term ending on the date of the next annual meeting of the voting common stockholders, except that any appointed member may be removed from office by the President of the United States for good cause, and any elected member may be removed from office for good cause under

such procedures as shall be prescribed by the Corporation. Any appointive seat which becomes vacant shall be filled by appointment of the President of the United States, but only for the unexpired portion of the term. Any elective seat on the Board of Directors which becomes vacant after the annual election of the directors shall be filled by the Board of Directors, but only for the unexpired portion of the term. Any member of the Board of Directors who is a full-time officer or employee of the Federal Government shall not, as such member, receive compensation for services as such a member.".

(b) TRANSITIONAL PROVISION.—There shall be an interim Board of Directors of the Federal Home Loan Mortgage Corporation which shall serve from the date of enactment of this section until the date of the first meeting of the voting common shareholders of the Corporation at which the first election of the directors elected by the shareholders occurs. The interim Board of Directors shall consist of the President of the Corporation, the persons who were, on the day prior to the date of enactment of this section, the Chairman of the Federal Home Loan Bank Board, or his or her designee, and the Secretary of the Department of Housing and Urban Development, or his or her designee. A quorum of the interim Board of Directors shall consist of a majority of the directors duly serving from time to time. The first meeting for election of directors shall occur, under such procedures as shall be specified by the Corporation, within 6 months following the date of enactment of this section.

SEC. 4. REGULATORY POWER.

Section 303 of the Federal Home Loan Mortgage Corporation Act is amended—

(1) by redesignating sections (b) through (f) as sections (c) through (g) respectively, and

(2) by inserting after subsection (a) the following:

"(b)(1) The Secretary of Housing and Urban Development shall have general regulatory power over the Corporation, which shall not extend to the Corporation's internal affairs, and shall make such rules and regulations as shall be necessary and proper to ensure that the purposes of this title are accomplished. The Secretary may require that a reasonable portion of the Corporation's mortgage purchases be related to the national goal of providing adequate housing for low- and moderate-income families, but with reasonable economic return to the Corporation. In any one fiscal year, the aggregate amount of cash dividends paid by the Corporation on account of any share of its common stock shall not exceed any rate which may be determined from time to time by the Secretary to be a fair rate of return after consideration of the current earnings and capital condition of the Corporation. The Secretary may examine and audit the books and financial transactions of the Corporation, and the Secretary may require the Corporation to make such reports on its activities as he deems advisable. Pursuant to the authority provided in this subsection, the Secretary shall, not later than June 30 of each year, report to the Congress on the activities of the Corporation under this title.

"(2) If the Corporation submits to the Secretary of Housing and Urban Development a request for approval or other action under this title, the Secretary shall, not later than the expiration of the 45-day period following the submission of such request, approve such request or transmit to the Congress a report explaining why such request has not been approved. Such period may be extended for an additional 15-day period if the Secretary requests additional information from the Corporation, but such 45-day period may not be extended for any other reason or for any period in addition to or other than such 15-day period. If the Secretary fails to transmit such report to the Congress within such 45-day period or 60-day period, as the case may be, the Corporation may proceed as if such request had been approved.".

SEC. 5. COMMON STOCK.

(a) IN GENERAL.—Section 304(a) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows:

"(a)(1) The common stock of the Corporation shall consist of—

"(A) nonvoting common stock, which shall be issued only to Federal home loan banks, and

"(B) voting common stock, which shall be issued to such holders, in such manner and amount, and subject to such limitations on concentration of ownership, as the Corporation prescribes.

"(2) The nonvoting common stock and the voting common stock shall have such par value and such other characteristics as the Corporation prescribes. The voting common stock shall be vested with all voting rights, each share being entitled to one vote. The free transferability of the voting common stock at all times to any person, firm, corporation or other entity shall not be restricted except that, as to the Corporation, it shall be transferable only on the books of the Corporation. Nonvoting common stock of the Corporation shall be evidenced in such manner and shall be transferable only to such extent, to such transferees, and in such manner, as the Corporation prescribes.".

(b) CONVERSION OF STOCK.—On the date of enactment of this Act, each share of outstanding senior participating preferred stock of the Federal Home Loan Mortgage Corporation, with a par value of $2.50 per share, shall be changed into and shall become one share of voting common stock of the Corporation. Such voting common stock shall, with respect to the nonvoting common stock of the Corporation, retain all of the rights, priorities and privileges of the senior participating preferred stock and the transformation of the senior participating preferred stock into voting common stock accomplished by this subsection shall be deemed to satisfy the Corporation's obligation to redeem senior participating preferred stock for non-callable common stock.

(c) CONFORMING AMENDMENTS.—(1) Section 304(b) of the Federal Home Loan Mortgage Corporation Act is amended by inserting "nonvoting" before "common".

(2) Section 304(c) of the Federal Home Loan Mortgage Corporation Act is amended by striking "such" and by inserting "nonvoting common" before the word "stock".

(3) Section 304(d) of the Federal Home Loan Mortgage Corporation Act is amended by inserting "nonvoting common" before "stock" each time it appears.

SEC. 6. FEES.

Section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof: "Nothing in this section authorizes the Corporation to impose any charge or fee upon any mortgagee approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act solely because of such status".

SEC. 7. STANDBY CREDIT.

Section 306(c) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows:

"(c) The Secretary of the Treasury is authorized in his or her discretion to purchase any obligations issued pursuant to subsection (a) of this section, as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include such purposes. The Secretary of Treasury shall not at any time purchase any obligations under this subsection if such purchase would increase the aggregate principal amount of his then outstanding holdings of such obligations under this subsection to an amount greater than $2,250,000,000. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.".

SEC. 8. TERMS OF OBLIGATIONS.

Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end the following:

"(j) Any notes, debentures, or substantially identical types of unsecured obligations of the Corporation evidencing money borrowed, whether general or subordinated, shall have such maturities and bear such rate or rates of interest as may be determined by the Corporation with the approval of the Secretary of the Treasury.".

SMITH BARNEY ANALYST'S REPORT, FEBRUARY 17, 1989

FREDDIE MAC

Recommendation: Neutral.

Earnings per share: Qtr 1988A $1.45.

Fiscal Year: 1988 actual, $5.73; 1989 estimate, $5.05; 1990 estimate, $5.75.

We have (unhappily) moved Freddie Mac from a Buy to a Neutral in response to its Board's decision last week to recommend a change in its corporate structure. Briefly, preferred shareholders under the new proposal would only get to elect three Board members, the rest being either government officials, Presidential appointees or elected by the new Board itself. We especially dislike the proposed because:

We think preferred shareholders should be appalled by this suggestion for three reasons:

1. Three votes out of thirteen is not control, period.

2. Investors need to remember how close Fannie Mae came in the late 1970s to become what amounted to a "source of funds" for then Carter Administration's social programs. A narrow majority on the

Board was the only thing that ultimately protected shareholders' rights. Freddie Mac without a shareholders-elected Board is an easier prey for a Congress and President looking for funds to solve the FSLIC crisis.

3. It has become quite clear that Freddie Mac CEO, Leland Brendsel, however he may feel personally, does not represent preferred shareholders but quite properly reports to his own Board. He can't publicly lobby for a Fannie Mae style Board if Freddie Mac chairman Danny Wall has other ideas. So who represents the preferred shareholders?

FIRST BOSTON COMPANY EQUITY RESEARCH REPORT, FEBRUARY 24, 1989

FREDDIE MAC

Bush Administration Proposes To Bring Freddie Mac Corporate Governance Structure Under Far Greater Political Control; Prospects of Legislative Success Appear 20 Percent or Less; Dividend Raised From Annual $1.25 to $1.60.

Maintain sell.

Freddie Mac history:

Price February 23, 1989: 51⅝.

Earnings per share: 1989 estimate, $6.20; 1988 actual, $5.73; 1987 actual, $4.53.

Previous estimate, 1989, $6.20.

Dividend yield, 1989, $1.60.

52 week price range, 45½-53½.

Common shares, 60 million.

Book value/share, December 31, $26.40.

Next quarter estimate, $1.50 versus $1.41.

Market value, $3.2 billion.

Return on average equity, 28 percent.

Estimate 5-year growth rate, 8 percent.

SUMMARY AND RECOMMENDATION

The Bush Administration's proposal to restructure the thrift industry's regulatory process—which was finalized this week—contained an unpleasant surprise for Freddie Mac's shareholders and management.

The proposal would place two Cabinet members or their designates on a three-member Board of Directors for Freddie Mac. This measure would tend to place Freddie Mac far closer to the maelstrom of the political process and could jeopardize the tradition of selecting Freddie Mac's management on the basis of professional merit rather than political qualifications.

Fortunately, Freddie Mac's traditional supporters—including thrift institutions, mortgage bankers, realtors, and homebuilders—are certain to oppose this measure, and their chances of success exceed 80 percent. Nevertheless, we view the dangers to Freddie Mac here as serious; shareholders should continue to keep their eyes on this issue until the administration's proposal is clearly removed from the legislative agenda.

On the good news front this week, Freddie Mac raised its annual dividend from $1.25 to $1.60. We believe the company has left itself enough room for a dividend increase of comparable magnitude in early 1990.

We are maintaining our sell recommendation on Freddie Mac; our reasoning remains that Freddie Mac is still more likely to prove the stellar performer between the two companies.

THE BUSH ADMINISTRATION PROPOSAL: MORE THAN JUST BUREAUCRATIC GOBBLEDY-GOOK

The Bush Administration's proposal would place as Freddie Mac's three directors (1) the chairman of the Federal Home Loan Bank System, (2) the Secretary of the Treasury or his designate, and (3) the Secretary of Housing and Urban Development (HUD) or his designate. Freddie Mac's current Board consists of the three members of the Federal Home Loan Bank Board (FHLBB), the federal agency whose primary responsibilities currently include regulating the savings and loan industry and managing the Federal Savings and Loan Insurance Corporation (FSLIC).

While this proposed change may sound at first like bureaucratic gobbledy-gook, it actually could have profound significance for Freddie Mac's day to day operations.

We have never liked the current corporate governance arrangement at Freddie Mac; the only compliment we can give is that the new proposal is worse. So far, despite its bureaucratic proximity to day-to-day politics, Freddie Mac's management team has remained nonpolitical. Whatever the weaknesses of the FHLBB, it is an independent regulatory agency with members appointed for fixed terms; over the last twenty years the FHLBB members have used their independence to choose executives at Freddie Mac on the basis of professional excellence rather than political criteria.

On the other hand, placing Cabinet members or their designates as two members of a three member Board would virtually ensure job insecurity among top executives at Freddie Mac every time there was a change in administrations. Policy priorities would also be subject to change. The Secretary of HUD or his designate under some regimes is likely to view low-income housing as an important public objective. Despite our sympathy for the plight of the homeless and other destitute groups our financial preference would be to keep their problems as far away from Freddie Mac as possible.

Freddie Mac's current ties to the political process have already incurred some damage at Freddie Mac, particularly regarding compensation for upper management. Concerned about the negative publicity that might ensue if they paid Freddie Mac's top executives "too much," the FHLBB has allowed executive pay schedules to lag behind those of the private sector. Despite the lifting of restrictions on Freddie Mac's ownership, the FHLBB has not yet indicated whether it plans to compensate Freddie Mac's management with stock options. In contrast, Fannie Mac's management at all levels enjoys several lucrative stock option programs—a factor which we believe has contributed to the excellence of management at that company. We believed previously that the recent broadening of Freddie Mac's stock ownership would eventually result in the company's executives receiving compensation packages similar to those received at other large publicly traded companies. The newly proposed Board of Directors arrangement would cast considerable doubt on that scenario.

The one silver lining in the cloud may be that the Administration's proposal will focus shareholders and the housing related interest groups on how much they have to lose here. Mortgage bankers especially depend on Freddie Mac as a primary avenue for their products into the secondary market. Three key Freddie Mac constituencies—the mortgage bankers, realtors, and homebuilders—are virtually certain to oppose the proposal. All three groups are well diversified geographically, resulting in the ability to place pressure on every member of the Congress. Each group is also a powerhouse in the game of campaign contributions. One other potential ally—the thrifts—may be absent from the usual coalition here; they have much bigger fish to fry regarding other details of the Bush legislation.

While there are clearly risks, the Bush proposal is likely to galvanize efforts to push for an expanded Freddie Mac board modeled after Fannie Mae's. We would view the advent of a Fannie Mae type board arrangement as a clear-cut positive for Freddie Mac.

DIVIDEND INCREASE: $1.25 TO $1.60

Freddie Mac's Board voted to increase dividend levels to an annual level of $1.60 in 1989, up from $1.25 in 1988. The increase—while welcome—was expected. Freddie Mac's policy is to pay out 20 percent to 30 percent of expected earnings for the year as dividends. Assuming 1990 earnings come in north of $6.50—which appears likely—Freddie Mac has left itself enough room for another dividend increase next year.

By Mr. DURENBERGER (for himself, Mr. PRYOR, Mr. DOLE, Mr. WALLOP, Mr. DANFORTH, Mr. BOREN, Mr. BAUCUS, Mr. D'AMATO, Mr. BOSCHWITZ, Mr. SIMON, Mr. BURDICK, and Mr. SANFORD):

S. 494. A bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals; to the Committee on Finance.

HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

● Mr. DURENBERGER. Mr. President, today I am introducing legislation that would extend for 5 years the current 25-percent tax deduction that is available for the purchase of health insurance by self-employed individuals and unincorporated small businesses. I am pleased that Senators PRYOR, DOLE, WALLOP, DANFORTH, BOREN, BAUCUS, D'AMATO, BOSCHWITZ, BURDICK, SIMON, and SANFORD have joined in cosponsoring this legislation which brings a degree of equity to the farmers and small business owners of America.

Unless this legislation is adopted before the end of this year, the current 25-percent deduction will terminate. I believe that would be totally inequitable and unfair to the small business people and farmers of America who need health insurance every bit as much as the executives and employees of corporations.

Mr. President, this legislation represents a small step toward making affordable health insurance available to all working people. While Congress has allowed large corporations a 100-percent deduction for the cost of health insurance for employees and retired employees, it was not until the Tax Reform Act of 1986 that Congress adopted the provision temporarily allowing the modest 25-percent tax deduction for the self-employed. And as a condition for taking advantage of this modest deduction, small firms must provide health insurance to their employees on a nondiscriminatory basis. This legislation continues this requirement.

Mr. President, the 25-percent health insurance deduction should be viewed

as a modest first step toward bringing fairness and equity to the small businesses and farmers of our country. I believe the deduction should be equal to the deduction allowed corporations, and I plan on introducing legislation later in the session to achieve that result. In the meantime, it is imperative that the unincorporated small businesses and family farmers of this Nation be assured that we will not allow the current tax deduction to lapse.●

● Mr. PRYOR. Mr. President, today Senator DURENBERGER and I rise to introduce a bill to allow sole proprietors and self-employed individuals to continue to take a 25-percent deduction for health insurance costs. The provision of the Internal Revenue Code allowing this deduction is scheduled to expire after December 31, 1989.

The deduction of health insurance is another example of the Internal Revenue Code favoring large businesses at the expense of the small business man or woman. If a company is incorporated, it can deduct the full cost of providing health insurance as an ordinary and necessary business expense. Additionally, the employees of these companies do not have to include the value of those benefits in their income. However, the small ma and pa grocery or drug store may not take any deduction if Congress allows this provision to sunset.

In my mind the 25-percent deduction does not go far enough. Eventually I would like to see Congress pass a law to allow a 100-percent deduction. Senator DURENBERGER and I are in agreement, however, that at this time it is an important first step to preserve the present 25-percent deduction. I look forward to working with him in the future to increase the deduction.

Congress hears a great deal about the plight of the uninsured. An important step toward helping these individuals obtain health insurance coverage is leveling the treatment of health insurance costs for large and small businesses in the Internal Revenue Code. I hope that Congress and the Committee on Finance will expedite passage of this important legislation.●

● Mr. BAUCUS. Mr. President, the legislation we are introducing today will help remedy the problem of employees of small businesses who either have no health insurance coverage or have inadequate health insurance coverage. The legislation will extend for 5 years the deduction for 25 percent of the amounts paid for health insurance for self-employed individuals, their spouses, and the dependents.

This provision is very important for farmers and small businesses. We added it to the Code in 1986 because access to employer-provided health plans is lowest with small employers—particularly with small, self-employed employers.

I am proud to have introduced the legislation in the 99th Congress which led to this deduction being added to the Code and I am proud to be here today to make sure that it is extended for 5 years.●

By Mr. HEINZ (for himself and Mr. HATCH):

S. 495. A bill to amend title 10, United States Code, to encourage increased utilization of domestic firms in the performance of Department of Defense contracts; to the Committee on Armed Services.

PERFORMANCE OF DEPARTMENT OF DEFENSE CONTRACTS BY DOMESTIC FIRMS

● Mr. HEINZ. Mr. President, in recent years the Department of Defense has been awarding greater numbers of military contracts to foreign companies. From 1980 to 1987 contracts to foreign firms totaled $46 billion. One noticeable example of this trend has been the replacement of the venerable Colt .45 sidearm by the Italian produced Beretta.

It can be argued that to a certain extent this type of cross-production is good, as it helps to standardize NATO weapons. Yet the benefits of shared hardware and technology necessary for efficient war-making by NATO forces must be tempered by a realization that the United States may need to act alone. Unlike sidearms, which can be substituted relatively easily, computer chips necessary for advanced weapons systems are vital. Should the United States ever be cutoff from the overseas sources of these chips, some of our most important systems may very well be rendered inoperable, or at least irreplaceable. The following is a list of systems dependent on foreign computer chips provided by the Final Report of the Defense Science Board on the Defense Industrial and Technology Base: Global Positioning System, Integrated Underwater Surveillance System, Defense Satellite Communication System, Fleet Satellite Communication System SSQ AN-53B Sonobuoy, F-16 Fighting Falcon, AIM-7 Sparrow air-to-air missile AM-6988 Poet Decoy Army Helicopter Improvement Program APG-63 Airborne Radar (for F-15 M1-Abrams, and F/A-18 Hornet.

It should be readily apparent that the security of the United States is dependent as much upon its industrial and technological resources as upon its current military forces. As the report of the Under Secretary for Acquisition to the Secretary of Defense, "Bolstering Defense Industrial Competitiveness," states.

The vitality of our manufacturing economy in general ultimately determines the war-fighting power of our nation's force structure. The economy's latent capability to enhance current forces in response to strategic threats is a critical element of our deterrence strategy.

Yet the manufacturing economy cannot have latent capability if it currently does not produce. The report continues—

Many basic industries of importance to defense production have declined, threatening the responsiveness of our industrial base. Left unchecked, such erosion could rob the United States of industrial capabilities critical to national security.

This is not a far-fetched warning. Current domestic production of televisions, VCR's and telephones is almost nil. If it can happen to consumer-based industries, what is the future for defense-based industries?

It has been my observation, as well as that of others, that over the past 7 years the Department of Defense has reduced its purchases from U.S. sources in those situations where it could have legally made a choice between American- and foreign-sourced products. Although these actions have probably not been inconsistent with current law, they have had an adverse impact on the continued viability of American defense industries, which in turn could have long term effects on our national security, especially in times of crisis.

Accordingly, I asked the General Accounting Office to analyze DOD procurement practices to ascertain whether they also observed this change occurring. I also asked for a judgment as to the impact of any such change on the health of the domestic industries affected by it.

The GAO report on the Defense Department's assessment of industries critical to the defense industrial base did not show significant increases in the value of DOD prime contracts awarded to foreign sources but made clear that there is no adequate data maintained on subcontracting for parts and components. Obviously, the problem of a weakened industrial base is not related simply to the health of prime contractors; rather it is also closely tied to awards of subcontracts to foreign bidders. It is the small American businessman who is injured by such a policy, a policy which often unfairly favors highly subsidized bids by foreign competitors.

In reviewing the defense industrial base with the help of the Logistics Management Institute [LMI], a Federal Funded Research and Development Center, the Defense Department concluded that the following are the top 25 defense critical industries which have been most adversely affected by these trends in the past 6 years: steel springs; industry trucks and tractors; nonmetallic mineral products; asbestos products; rubber and plastic footwear; farm machinery and equipment; finishing plants not elsewhere classified [NEC]; metal barrels, drums, and pails; hoists, cranes, and monorails; electrical industrial apparatus [NEC];

steel foundries [NEC]; machine tools and metal cutting; boot and shoe cut stock and findings; fur goods; construction machinery; footwear, except rubber [NEC]; carbon and graphite products; men's and boy's outerwear; textile machinery; textile bags; hats, caps, and millinery; sewing machinery; and motorcycles and bicycles.

I would note in passing, in view of past debates in the Senate, the high ranking of footwear and textile categories on this list. Although ranked in order of damage and not in order of importance to DOD, these nonetheless are all items determined to be defense critical.

Mr. President, this is only the top of the list. My office has heard many complaints from critical industries who believe that they may have been adversely affected by DOD procurement practices. Most notable among them are ball and roller bearings, iron and steel forgings, screw machine products and fasteners, and semiconductors and related products. The following data reflects the adverse trends which these industries are experiencing.

Imports' share of our market, a primary indicator of competitiveness, for ball and roller bearings increased from 12.2 percent to 16.6 percent and screw machine products rose from zero to 10.0 in the period 1980 to 1986.

Change in capacity is another important indicator of an industry's health. The measure of capacity growth that LMI selected is practical capacity: The maximum level of production possible with the equipment in place and a realistic work schedule. For iron and steel forgings, that figure decreased by 1.4 percent from 1980 to 1985. During this period, U.S. overall manufacturing capacity grew 1.5 percent annually, but of the 160 critical defense industries, 94, or 59 percent, performed below that overall average. The defense industries with the greatest decline in capacity were aluminum rolling and drawing, steel foundries, industries, industrial trucks and tractors, and primary copper.

The GAO report also provided LMI's figures on the annual percentage change in manufacturers' shipments. These shipments are a measure of the activity in each defense critical industry. A negative or low growth demonstrates slow demand growth, which may lead to reduced investments and growth in capacity. The ball and roller bearing industry fell by 2.9 percent. Iron and steel forgings fell by 5 percent, and screw machine products increased only by 0.6 percent in comparison with the 1.4 percent per year growth of shipments for all manufacturing combined. There are other measures of industry health, such as investment ratios and average return on fixed assets, that also reveal similar deterioration.

Of equal importance is the deterioration of high-technology industries. The 1988 Defense Science Board study, "The Defense Industrial and Technology Base," states the premise:

> The effectiveness of our deterrent depends upon our ability to maintain this technological superiority and our adversaries' belief in that ability. When our ability is questioned, our deterrent is diminished and the threat of war increases.

Although we have managed to ensure our technological superiority since the Second World War, the margin of superiority has steadily declined. Even as I speak, the technological initiative is moving in the Soviets' favor among the 20 most important basic technology areas as defined by the Science Board study. Of the 15 areas in which the United States is superior, 8 are quickly approaching equality, while 3 of the 5 equal areas are becoming Soviet-dominant. Thus in 11 out of the 20 areas the Soviet Union is either taking the lead, as in optics and conventional warhead technology, or achieving parity, as in such fields as submarine detection, signature reduction, and aerospace propulsion.

Even as the United States loses its technological supremacy, it is losing control of its high tech industries. From 1981 to 1986, foreign acquisitions rose from about 35 American businesses to over 120 firms. In that total are represented 36 percent of the electrical and telecommunications industry, 20 percent of chemicals, pharmaceuticals and biotechnology companies, 16.2 percent of the computer industry, 13.3 percent of machine tool manufacturers, and 10.9 percent of precision instruments firms. In terms of military related industries, 11 companies were bought by foreigners in 1983 while there were 37 takeovers in 1988.

Right now there are even more acquisitions in process. A West German company is attempting to buy Electric Materials Co., possibly the only American producer of a silicon wafer that is required in advanced semiconductors. Plessy, a British company which bought American firms producing radar, communications systems, and antisubmarine devices but was under contractual agreements concerning classified work and technology export, is now the target of a $3 billion hostile takeover by General Electric of Britain and Siemens, a West German company. Should those succeed, all previous limitations may be irrelevant as far as the new owners are concerned.

Given this state of affairs, it is clear that something must be done, now. The Department of Defense has recognized this fact and has begun to take action to halt the erosion of our domestic defense industrial base. DOD has made efforts to assist selected sectors, particularly semiconductors, gas turbine engines, machine tools, ball bearing and forgings. Bolstering defense industrial competitiveness recommends establishing a manufacturing strategy committee to advise the Undersecretary of Defense for Acquisition on ways to improve the defense contractor manufacturing technology and industrial processes. Consistent with this objective, it lists several steps toward improving the planning and manufacturing capabilities of second-tier defense contractors. In particular, the report recognizes that subcontractor performance has had limited visibility in high-level DOD attention notwithstanding its clear importance in the procurement process:

> The Department of Defense procurement processes are focused on prime contractors, even though purchased materials and components supplied by subcontractors represent 50 to 85 percent of the total cost. The Department does not require or encourage vendors' participation in strategic planning decisions or design processes. In fact, requirements of the competition advocates for free and open price competition for subcontractors and suppliers have the effect of keeping the supplier base in constant turmoil and make it virtually impossible for defense contractors to build a stable base of reliable, high quality, cost-effective vendors. This is the opposite of the practice generally credited for the high quality of Japanese products.

Although the Department of Defense plans a number of programs to rectify the problems in the defense industrial base, I believe legislation is also needed to further advance and direct these efforts. My bill will encourage increased utilization of domestic firms in the performance of defense contracts by spurring prime defense contractors to consider domestic industry at the subcontractor level. The bill requires DOD to consider in its bid review process the amount of domestic subcontracting that prime contractors include in their bids.

This bill is modeled in part on Public Law 95-507, enacted in October 1978, which is intended to ensure that small businesses are given "the maximum practicable opportunity to participate" in Government contracts of prime contractors. The winner of a contract must meet with the procurement officer of the Government agency involved and work out an agreement which gives small business a certain percentage of all subcontracts.

Unfortunately, Public Law 95-507 has had a number of enforcement problems which my bill hopes to avoid. First, the Secretary of Defense will be required to publish and furnish an explanation of all laws, regulations and department policies which encourage the use of property manfuactured and services provided by domestic firms in performance of DOD contracts. Furthermore, the Secretary must publicize the availability of these materials.

The main thrust of the bill is designed to ensure American companies adequate access to government contracts. Each bid or proposal submitted by a contractor in connection with a contract solicitation issued by DOD shall specify the minimum percentage of the total dollar amount of the contract that is to be performed by domestic firms. The percentage amount of domestic subcontracting listed in the bid shall be a significant factor in the evaluation of the bid or proposal and the subsequent awarding of the prime contract. Therefore, those bids including a greater degree of domestic subcontracting content will be weighted favorably in comparison to bids containing a lesser content. Any contract awarded will include a requirement that at least the minimum percentage of domestic subcontracting promised in the bid will be commissioned.

In addition, the winning contractor is required to submit fully executed agreements with all subcontractors within 15 days of the award. Should the primary contractor decide to replace a subcontractor, a fully executed agreement with the replacement company is due within 15 days of notification to the Secretary. The Secretary will then review all contracts every 90 days to ensure that their provisions are being met.

The bill also has a clause to address complaints. If an interested party submits a complaint that a contractor has failed to comply with the contract's requirements, the Department's Inspector General must investigate. If the complaint is valid, the Department must require the contractor to take corrective action reasonably available or impose sanctions as determined by the Inspector General.

Mr. President, it is past time that Congress provide responsible incentives to insure increased participation by American industry in the defense procurement process and by doing so to maintain the integrity and viability of our defense industrial base. Failure to do that not only harms our national security, it destroys jobs and contributes to the further decline of our manufacturing sector. This legislation is a modest but constructive effort to remind everyone that Buy American is a pro-American policy. I do not mean this in the simple, dogmatic sense. Rather, it is founded upon a keen sense of reality. The United States is one of two superpowers. As such it has a number of inherent responsibilities. In order to fulfill these duties we need the ability to act independently of other nations, both out of choice and possibly necessity. Without a secure industrial base such independent action is impossible. It is therefore our task to ensure that the United States will never be compromised due to a simple lack of parts. Such an ignominious fate is so easily avoidable that it cannot be allowed to be our destiny.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UTILIZATION OF DOMESTIC FIRMS TO PERFORM DEPARTMENT OF DEFENSE CONTRACTS

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2331. Performance of Department of Defense contracts by domestic firms

"(a) PUBLICATION OF NOTICE OF BUY AMERICA POLICIES.—(1) The Secretary of Defense shall—

"(A) furnish to any person, upon request, materials containing an explanation of all laws, regulations, and Department of Defense policies and practices which require or encourage the use of property manufactured or produced and services provided by domestic firms in the performance of Department of Defense contracts; and

"(B) publicize, on an ongoing basis, the availability of the materials referred to in clause (A).

"(2) The Secretary shall publicize the availability of the materials referred to in paragraph (1)(A) by means that—

"(A) provide the maximum practicable publicity for the availability of such materials; and

"(B) are likely to provide actual notice of the availability of such materials to the maximum practicable number of small business concerns.

"(b) MINIMUM DOMESTIC CONTENT.—(1) Each bid or proposal submitted by a contractor in connection with a contract solicitation issued by a military department or Defense Agency shall—

"(A) specify the minimum percentage of the total dollar amount of the contract that is to be performed by one or more domestic firms; and

"(B) except as provided in paragraph (2), include a plan under which not less than the minimum percentage of the total dollar amount specified for the contract will be performed by one or more domestic firms.

"(2) A contractor shall not be required to submit a plan referred to in paragraph (1)(B) in connection with any bid or proposal if the contractor submitting the bid or proposal includes in the bid or proposal a certification that the contractor will perform the entire contract and that the contractor is a domestic firm.

"(3)(A) For the purposes of section 2305 of this title, the matters included in a bid or proposal pursuant to paragraph (1)—

"(i) shall be significant factors in the evaluation of the bid or proposal; and

"(ii) subject to subparagraph (B), shall have such importance in relation to other significant factors as the Secretary of the military department or head of a Defense Agency soliciting the bid or proposal may assign.

"(B) The Secretary of the military department or the head of the Defense Agency evaluating a bid or proposal for a contract shall assign 10 percent of the total number of evaluation points to the domestic performance factor. A bid or proposal that provides for performance by one or more domestic firms at a higher percentage of the total cost contained in the bid or proposal than is provided for in another bid or proposal shall be awarded a higher number of the assigned points than is awarded to such other bid or proposal.

"(4)(A) Any contract awarded on the basis of a bid or proposal referred to in paragraph (1) shall include a requirement that at least the minimum percentage of the total dollar amount of the contract specified in such bid or proposal pursuant to such paragraph be performed by one or more domestic firms.

"(B) A material element in the performance of a contract referred to in subparagraph (A) shall be compliance by the contractor with the requirement included in the contract pursuant to such subparagraph.

"(5) Every 90 days after the Secretary of a military department or the head of a Defense Agency awards a contract containing a requirement described in paragraph (4), the Secretary of such department or head of such agency shall review the contractor's compliance with—

"(A) the plan submitted by the contractor under paragraph (1)(B); and

"(B) the subcontracting agreements submitted by the contractor under subsection (c).

"(c) SUBCONTRACTING PROVISIONS.—The Secretary of a military department or the head of a Defense Agency awarding a contract on the basis of a bid or proposal referred to in subsection (b)(1) shall include in such contract the following requirements:

"(1) That, within 15 days after the date on which the contract is awarded, the contractor submit to the Secretary or the head of such agency fully executed copies of subcontracting agreements for all work to be performed by subcontractors of the contractor in the performance of such contract.

"(2) That the contractor promptly notify the Secretary or the head of such agency of any intention of the contractor to replace or otherwise terminate a subcontractor and that, within 15 days after submitting a notification that a subcontractor is to be replaced, the contractor submit to the Secretary or the head of such agency the name of the replacement subcontractor and a fully executed copy of the agreement between the contractor and the replacement subcontractor.

"(3) That each voucher submitted by the contractor for payment under the contract identify the amount, if any, in such voucher to be paid to each subcontractor.

"(d) COMPLAINT RELATING TO FAILURE TO ACHIEVE MINIMUM PERCENTAGE OF DOMESTIC PERFORMANCE.—(1) If, in the case of a contract awarded by the Secretary of a military department or the head of a Defense Agency, any interested party submits in writing to the Inspector General of the Department of Defense a complaint that a contractor has failed to comply with any requirement of a contract referred to in subsection (b)(4), the Inspector General shall—

"(A) investigate the complaint;

"(B) determine whether the complaint is valid; and

"(C) if the complaint is valid, determine—

"(i) what, if any, corrective action is reasonably available and appropriate for the contractor to take at the time the Inspector General determines that the complaint is valid; and

"(ii) what, if any, sanctions it is appropriate to impose against the contractor.

"(2) The Secretary of a military department or the head of a Defense Agency that awarded a contract referred to in paragraph (1) shall require the contractor to take all corrective actions determined reasonably available and appropriate by the Inspector General under paragraph (1) and impose against the contractor all sanctions determined appropriate by the Inspector General under such paragraph.

"(e) DEFINITIONS.—In this section:

"(1) The term 'domestic firm' means any business entity which is not a foreign firm.

"(2) The term 'foreign firm' means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the voting stock is owned or controlled by one or more foreign nationals.

"(3) The term 'domestic performance factor', with respect to a bid or proposal for a contract, means the extent to which the bid or proposal provides for performance of the contract by one or more domestic firms.

"(4) The term 'interested party', with respect to a contract which contains a requirement referred to in subsection (b)(4), means—

"(A) any person who submitted a bid or proposal for such contract but was not awarded the contract;

"(B) any domestic firm which, at the time a subcontract under such contract is awarded by the prime contractor to a foreign firm, is ready, willing, and able to perform such subcontract; and

"(C) any other person aggrieved by a failure of the contractor to comply with such requirement.

"(4) The term 'small business concern' means a small business concern within the meaning of section 3 of the Small Business Act (15 U.S.C. 632).".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2331. Performance of Department of Defense contracts by domestic firms.".

SEC. 2. EFFECTIVE DATE

The amendments made by section 1 shall take effect with respect to contract solicitations issued by the Department of Defense on or after the date of the enactment of this Act.●

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. INOUYE, Mr. BURDICK, and Mr. CONRAD):

S. 496. A bill to amend the Carl D. Perkins Vocational Education Act to establish a program of grants for vocational-technical training and to encourage tribal economic development, to provide for the designation of the National Indian Center for Research in Vocational-Technical Training, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN VOCATIONAL EDUCATION

● Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation aimed at helping young native Americans better prepare themselves for the competitive, global society of the 21st century. Joining me in introducing this legislation are my good friends and distinguished colleagues, the chairman of the Senate Select Committee on Indian Affairs, Mr. INOUYE, Senator DOMENICI, Senator BURDICK, and Senator CONRAD.

This legislation will amend the Carl D. Perkins Vocational Education Act to ensure more native Americans of their right to a quality vocational education. Such an assurance is vitally important to the young Indian people of New Mexico and to native Americans throughout the country. The world these young people face, with its harsh economic realities, is a new and different place. It is not the world we knew as children.

In their world, the key to success is education.

Without a good, solid education, the youth of today will be unable to compete for the job of the 21st century. And without maximum participation by all of our citizens in the workforce, our Nation's social and economic structure will suffer untold damage. Indeed, many of our Indian tribes are already suffering. Some of the highest unemployment rates in the Nation are recorded on their lands, and some of the highest high school dropout rates are found among their youths.

Unfortunately, the Indian tribes of New Mexico know the pain of these statistics all too well. The Navajo Nation is plagued with an unemployment rate hovering near 40 percent. And last year in New Mexico, more than 10 percent of the native American teenagers enrolled in public schools dropped out. During the last several years, the State dropout rate has been highest among this group of students and the native American college-entrance rate remains woefully low.

These grim statistics must be turned around, and given the trust relationship between the Federal Government and Indian tribes, the Congress' responsibility should be obvious. Each Indian youth, no less than any other young person in this country, deserves the opportunity to achieve as much as he or she is able.

But the jobs awaiting these young people, unlike the industrial-based jobs common only a decade ago, often require highly specialized training. The training and education is hard to get, however, when it means leaving family, home, and culture for an unfamiliar, expensive, urban environment. I fear we are losing too many potential contributors to the national work force because too many young Indians simply cannot afford to leave the reservation and their families and homes. And the critically needed educational opportunities simply are not available on most reservations.

That is why this legislation is so important. It will establish a National American Indian Center for Research in Vocational-Technical Training to help tribes and tribal institutions formulate important economic development policies and strategies and develop critical education and training programs.

Importantly, it will also provide a basic funding source for tribal institutions nationwide, including the two institutions that are committed solely to providing quality vocational educational opportunities for Indian students—The Crownpoint Institute of Technology in New Mexico and the United Tribes Technical College in Bismarck, ND.

These are good schools, with important training opportunities in high-demand fields such as accounting, computer technology, health care, masonry, carpentry, and mechanics.

They also are schools operating on meager budgets, built largely by the Federal Government, but without Federal authorizing statutes to provide stable funding sources. The problems they must grapple with are many. Without dependable funding from the Federal or State Government, the schools exist year-by-year, competing for grants that get smaller and smaller each year. Long range planning is difficult, because their administrators often do not know whether they will be able to operate into the future. Critical structural repairs remain undone and course curriculum sometimes suffers.

Yet despite these adversities, these two schools are successes. Since first opening its doors in 1979, Crownpoint Institute of Technology has graduated more than 1,100 skilled workers into the Nation's work force. Nearly all of these graduates were unemployed and without job skills when they enrolled into Crownpoint.

Now, they have the education and training needed to leave the welfare rolls forever and assume active roles in their tribe's labor force and in our Nation's future.

Without a doubt, Crownpoint Institute of Technology and the United Tribes Technical College have played a crucial role in the education of many native Americans, and their intensive training programs should be encouraged and strengthened. This legislation does just that. It will provide a stable, basic funding source for these two schools based upon current expenditures and current costs. In addition, this legislation will establish a National Indian Center for Research in Vocational-Technical Training to help tribes and tribal institutions formulate important economic development policy and strategy.

This legislation is a critical component of a comprehensive educational system for native Americans and all Americans. It is not the complete solution to the many educational problems and pitfalls facing young Indians, but it is an important part of the solution. Accessible, affordable vocational edu-

cation is critical to our future workforce, and our Indian people deserve the same basic opportunities available to others. We owe this to the young native Americans of today and tomorrow.●

By Mr. DECONCINI (for himself, Mr. SIMON, and Mr. HATCH):

S. 497. A bill entitled the "Copyright Remedy Clarification Act"; to the Committee on the Judiciary.

COPYRIGHT REMEDY CLARIFICATION ACT

● Mr. DECONCINI. Mr. President, I rise today to introduce a bill with my colleagues Senator SIMON and Senator HATCH to reaffirm Congress' intent that States be subject to suit under the 1976 Copyright Act for copyright infringement. This bill has been made necessary by recent Federal Circuit Court opinions which, contrary to what I believe was the clear intent of the Congress when enacting the Copyright Act of 1976, have held that States are immune from suit in Federal court for infringement of copyright material. If these decisions are allowed to stand, without further congressional action, the intolerable result will be that States are entirely immune from prosecution for infringement under the comprehensive scheme of copyright protection the Congress provided in the Copyright Act. This lack of protection for American copyrighted material cannot be allowed to continue, and Congress must act now to restore to the law the degree of protection that has been thought to exist since Congress originally enacted the copyright law. The act must be amended to make clear that States are subject to suit in Federal district court for claims of copyright infringement.

On October 3, 1988, the U.S. Court of Appeals for the Ninth Circuit held that States and their instrumentalities are immune from damage suits for copyright infringement under the sovereign immunity clause of the 11th amendment to the U.S. Constitution. That decision, together with a recent similar holding in the fourth circuit, critically impairs creative incentive and business investments throughout this country's copyright industries—all of which serve important market segments which contain at least some State entities. Particularly vulnerable are the educational publishers among whose principal markets are State universities. The anomalous result of these decisions is that public universities can infringe without liability upon copyrighted material and essentially steal information from private universities, but private universities cannot similarly infringe with immunity on public institutions. In other words, UCLA can sue USC for copyright infringement, but USC cannot sue UCLA.

A State assertion of sovereign immunity in copyright claims has a particularly devastating effect on copyright owners who—unlike others foreclosed by 11th amendment immunity only from the Federal courts—are deprived of any forum for effective relief. Following the ninth circuit decision, the Register of Copyrights reported to Congress that "copyright proprietors have demonstrated that they will suffer immediate harm if they are unable to sue infringing States". The ninth circuit court itself concluded that:

Although we find the arguments [of plaintiff copyright owner and amici copyright industries] compelling, we are constrained by the Supreme Court's mandate that we find an abrogation of immunity only when Congress has included * * * unequivocal and specific language indicating an intent to subject States to suit in Federal court. Such language is absent from the Copyright Act of 1976. We recognize that our holding will allow States to violate the Federal copyright laws with virtual impunity. It is for the Congress, however, to remedy this problem.

Congressional reimposition of State liability for damage actions for copyright infringement is not a complicated matter and should not be a controversial one. The simple fact is that protecting copyright from this particular form of infringement does not render any conduct unlawful that is not already unlawful. it does not take away any "rights" from States that they now possess. It does provide fair opportunity for copyright owners to have their day in court, and it does provide relief for what is now and will remain infringing State conduct. Most importantly, congressional action to restore protection from infringement by States also serves to restore the careful, delicate balances struck by the 1976 Copyright Act—indeed, restoring this form of protection is essential to restoring that balance and perfecting the Congress' clear intent. As the Register of Copyrights recently concluded:

The legislative history of the Copyright Act demonstrates that, in enacting the 1976 copyright statute, Congress specifically focused debate on the extent to which the States and their agencies utilize copyrighted works and should either be liable for or exempt from infringement. * * * The Copyright Office is convinced that Congress intended to hold States responsible under the Federal copyright laws. * * * If the outcome of [the ninth circuit opinion] leaves open any possibility that States are immune from suits for damages in Federal courts for copyright infringement, Congress should act quickly to amend the act to ensure that States comply with the copyright law.

For nearly a decade following the 1976 Copyright Act, it was generally believed that States were not immune from copyright infringement suits. What the 101st Congress must do is what the 94th Congress thought it had done, only to find 9 years later that the Supreme Court had changed the legislative ground rules. Congress should now reaffirm its original intent in a manner consistent with the Supreme Court's recently announced guidelines and provide full protection for copyright owners, the very protection it thought it had provided in the 1976 act.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Copyright Remedy Clarification Act".

SEC. 2. LIABILITY OF STATES AND INSTRUMENTALITIES OF STATES FOR INFRINGEMENT OF COPYRIGHT AND EXCLUSIVE RIGHTS IN MASK WORKS.

(a) COPYRIGHT INFRINGEMENT.—Section 501(a) of title 17, United States Code, is amended by adding at the end the following: "As used in this subsection, the term 'anyone' includes any State and any instrumentality of a State, both of which shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.".

(b) INFRINGEMENT OF EXCLUSIVE RIGHTS IN MASK WORKS.—Section 910(a) of title 17, United States Code, is amended by adding at the end the following: "As used in this subsection the term 'any person' includes any State and any instrumentality of a State, both of which shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act but shall not apply to any case filed before such date.●

● Mr. SIMON. Mr. President, I am happy to join with my friend and colleague, Senator DECONCINI, as primary cosponsor, with Senator HATCH, of the Copyright Remedy Clarification Act. This bill is necessary to ensure that the intent of Congress in the 1976 Copyright Act is not undermined by recent court decisions; and that creators of American books, music, films, computer programs, and other works continue to have protection against illegal use of their copyrighted material.

Article 1 of the U.S. Constitution grants Congress the power—

[t]o promote the Progress of Science and useful Arts, by securing for Limited Times to Authors and Inventors the exclusive Right to their respective writings and Discoveries.

Accordingly, Congress has provided copyright protection to stimulate investment and creativity by promising copyright holders certain exclusive rights to their works.

The remedies for copyright infringement are exclusively in Federal courts. Some recent lower court decisions,

however, have cast shadow of doubt on the ability of copyright holders to successfully seek damage against certain infringers. State entities may now hide behind the doctrine of sovereign immunity, which exempts them from damages in a copyright infringement suit.

This was clearly not the intent of Congress when it revised the Copyright Act in 1976. As noted in a study of this issue by the U.S. Copyright Office—

[t]he legislative history of the Copyright Act demonstrates that, in enacting the 1976 Copyright statute, Congress specifically focused debate on the extent to which states and their agencies utilize copyrighted works and should be either liable or exempt from infringement.

The Federal Court of Appeals for the Ninth Circuit, in the case BV Engineering versus University of California, decided in October 1988, rejected evidence of congressional intent. The court required "unequivocal and specific language indicating an intent to subject States to suit in Federal court." The Ninth Circuit then stated, "It is for the Congress * * * to remedy this problem."

In the Copyright Remedy Clarification Act, we accept the invitation of the ninth circuit. Our bill does not create new rights, or alter the delicate balance between the copyright holder and the public. It does not take away any of the exemptions for State use already provided in the Copyright Act. This legislation merely clarifies congressional intent that copyright owners have a remedy against State entities for damages when they illegally copy or distribute copyrighted works.

As an author and publisher, I know how important copyright protection is to creativity. And as a member of the Judiciary Committee, I am proud to cosponsor this legislation, and to work toward its enactment.●

By Mr. PELL (by request):

S. 498. A bill to establish programs for the professional development, recruitment, and training of elementary and secondary school teachers, to establish a national academy for teaching, and for other purposes; to the Committee on Labor and Human Resources.

TEACHERS' PROFESSIONAL DEVELOPMENT ACT

● Mr. PELL. Mr. President, today I am reintroducing, by request, the Teacher's Professional Development Act of 1988. I am doing so on behalf of the Council of Great City Schools. The Council of the Great City Schools is a national organization comprised of 45 of the Nation's largest urban public school systems. These cities serve over 5 million students, or approximately 12 percent of the Nation's public school enrollment. Schools in these urban areas educate about one-third of the Nation's black children, 27 percent of the Nation's Hispanic children and 20 percent of the Nation's Asian children. Almost one-third of these children are from families receiving some form of public assistance.

Resources in these schools are woefully inadequate. While these schools face shortages of educational materials, equipment and facilities, the greatest resource deficiency is that of teacher supply. It is startling to realize that teacher shortages are four times higher in urban areas than other areas of the country. Many of the teachers currently practicing in these schools are due to retire, and urban schools have not been able to attract new teachers to fill this gap.

This is compounded by the fact that these schools face an even more severe shortage of minority teachers. Student enrollment in the Great City Schools is about 70 percent minority, 30 percent nonminority; yet the teaching force is almost the reverse: 68 percent nonminority, 32 percent minority.

Teacher recruitment is a serious problem for urban schools. It is not surprising that inadequate resources, higher student-teacher ratios, dangerous conditions and severe discipline problems turn teachers away from an urban assignment. Ironically enough, these schools need our best teachers, because for children in poverty, education remains the only viable ticket out of the ghetto.

The Teacher's Professional Development Act would provide financial assistance to local education agencies, colleges and universities, and individuals to develop programs to enhance the professional status of teachers; recruit and retain larger numbers of minority teachers; and provide inservice training and incentives which encourage teaching as a career goal. I am introducing this bill so that it may serve as a vehicle for discussion. It is one important example of an approach to the very difficult problem we face in the area of teacher shortages.

Later in this Congress, it is my intent to take a careful examination of the whole issue of teaching, from teacher recruitment to teacher retention. This proposal will most certainly be an integral part of that examination. I commend this legislation prepared by the Council of Great City Schools to my colleagues, and urge that they give it their most serious consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teachers' Professional Development Act".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to strengthen the Nation's teaching force by establishing programs of financial assistance that will—

(1) explore new methods of enhancing the professional status and professional satisfaction of teachers;

(2) increase the proportion of minority teachers in the workforce;

(3) offer incentives for qualified individuals to teach in local educational agencies and public elementary and secondary schools with high proportions of minority students;

(4) encourage talented individuals to pursue careers in teaching, particularly in academic disciplines in which shortages of qualified teachers exist or are projected;

(5) retrain teachers and update the skills of teachers; and

(6) attract individuals who have left teaching to reenter the profession.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) TEACHING PROFESSIONS PILOT GRANTS.—There are authorized to be appropriated $25,000,000 for fiscal year 1990 and each of the 2 succeeding fiscal years to carry out the provisions of section 4.

(b) TEACHER RECRUITMENT INCENTIVE GRANTS.—There are authorized to be appropriated $100,000,000 for fiscal year 1990 and for each of the 6 succeeding fiscal years to carry out the provisions of section 5.

(c) INSERVICE TEACHER TRAINING GRANTS.—There are authorized to be appropriated $250,000,000 for fiscal year 1990 and for each of the 6 succeeding fiscal years to carry out the provisions of section 6.

(d) NATIONAL ACTIVITIES.—(1) There are authorized to be appropriated $5,000,000 for fiscal year 1990 and each of the 6 succeeding fiscal years to carry out the provisions of section 7(a).

(2) There are authorized to be appropriated $500,000 to carry out the provisions of section 7(b).

(e) LOAN FORGIVENESS FOR TEACHERS IN SCHOOLS WITH SUBSTANTIAL ENROLLMENTS OF MINORITY STUDENTS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 1990 and each of the 6 succeeding fiscal years to carry out the provisions of section 8.

SEC. 4. TEACHING PROFESSIONS PILOT GRANTS.

(a) SELECTION PROCEDURE.—From amounts appropriated pursuant to section 3(a) the Secretary shall make grants to local educational agencies to plan and implement teaching professions pilot grants on the basis of competitive selection among qualifying applicants. In making such grants, the Secretary shall provide for an equitable distribution of funds by geographic area and shall fund only applicants whose applications propose programs of sufficient size, scope, and quality to be of value as a demonstration.

(b) USE OF FUNDS.—Funds provided pursuant to section 3(a) may be used to plan and implement pilot programs to enhance the professional status, governance role, and professional satisfaction of teachers. Such pilot programs may include programs which—

(1) use differential staffing patterns (such as career ladders and job-sharing) for teachers;

(2) provide incentive pay to teachers;

(3) employ experienced teachers as mentor or master teachers;

(4) increase teacher involvement in policy and governance decisions, such as decisions related to curriculum, class size, staff hiring, and the role of teacher aides;

(5) decentralize management so that decisions are made at the school level and with the participation of teachers;

(6) promote research on effective techniques to recruit, train, and reward teachers; and

(7) foster coordinated activities with teacher associations or institutions of higher education.

(c) DURATION OF GRANTS.—Grants under this part may be awarded for a period not to exceed 3 years.

(d) EVALUATIONS.—Each local educational agency receiving a grant under this section shall evaluate the effectiveness of the pilot program at the end of the grant period. Each local educational agency shall submit the results of such evaluation to the Secretary.

(e) APPLICATION.—Each local educational agency desiring a grant or contract under this Act shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 5. TEACHER RECRUITMENT INCENTIVE GRANTS.

(a) ESTABLISHMENT OF PROGRAM.—(1) From amounts appropriated pursuant to section 3(b) the Secretary shall make grants on the basis of competitive selection among applicants that qualify pursuant to subsection (b) to—

(A) eligible local educational agencies for local recruitment programs described in subsection (d); and

(B) eligible local educational agencies (or consortia of such agencies) and eligible institutions of higher education, applying jointly, for teacher preparation programs described in subsection (e).

(2) The Secretary shall annually determine the amount of funds to be reserved for programs under subsection (d) and programs under subsection (e) on the basis of the number of applicants and the funding needs for each type of program.

(b) ELIGIBILITY.—(1) A local educational agency is eligible to receive a grant under this section if the enrollment of minority students in the schools of the agency equals or exceeds 30 percent of the total enrollment of such agency.

(2) An institution of higher education is eligible to receive a grant under this section only if—

(A) the institution of higher education offers a course of study leading to teacher certification; and

(B) the institution of higher education applies jointly with an eligible local educational agency for a program described in subsection (d).

(c) PRIORITIES FOR AWARDS.—(1) In making grants for programs described in subsections (d) and (e), the Secretary shall give priority to projects which will help prepare minority individuals to teach in academic disciplines in which shortages of qualified teachers exist or are projected to exist at the time the application is made.

(2) In making grants for programs described in subsection (e), the Secretary shall give priority to applicants who are from institutions of higher education which qualify for assistance under part B of title III of the Higher Education Act of 1965.

(d) LOCAL RECRUITMENT PROGRAMS.—Each eligible local educational agency having an application approved pursuant to subsection (f) shall use grants received from funds made available for this subsection for—

(1) programs that provide tuition assistance, stipends, and other forms of educational support to individuals who are currently employed as teacher aides in the schools of the local educational agencies, to assist such individuals in entering and completing courses of study at an institution of higher education that lead to teacher certification; or

(2) pilot programs, including pilot programs operated in conjunction with youth organizations such as the Future Teachers of America, to encourage secondary school students (especially minority students) to pursue careers in teaching.

(e) JOINT TEACHER PREPARATION PROGRAMS.—(1) Each eligible local educational agency and eligible institution of higher education having an application approved pursuant to subsection (f) shall use grants received from funds made available for this subsection to plan and implement 5-year, cooperative programs of teacher training, in which students complete 4 years of preparation for a teaching certificate and spend a fifth year participating in a teacher training program operated jointly by the institution of higher education and one or more local educational agencies.

(2) Grants under this subsection may also be used to provide tuition assistance and scholarships for promising students to participate in joint teacher preparation programs.

(f) APPLICATION.—Each local educational agency and institution of higher education desiring a grant or contract under this Act shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 6. INSERVICE TEACHER TRAINING GRANTS.

(a) ESTABLISHMENT AND DISTRIBUTION.—From amounts appropriated pursuant to section 3(c) the Secretary shall make grants to local educational agencies to plan and implement inservice teacher training programs. The Secretary shall make grants on the relative basis of the amount each local educational agency receives under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 in the year preceding the fiscal year for which the determination is made.

(b) USE OF FUNDS.—Funds provided pursuant to section 3(c) may be used by local educational agencies to plan and implement inservice training programs for teachers in mathematics, science, foreign languages, technology, the humanities, and pedagogical skills. Such programs may include—

(1) training in academic disciplines in which shortages of qualified teachers exist or are projected;

(2) retraining to help teachers move into other academic disciplines to fill shortages;

(3) recruitment and retraining of individuals who have left teaching to prepare such individuals to fill shortages; and

(4) recruitment and training of individuals with special experience in the private sector to qualify such individuals to fill classroom vacancies on a temporary basis.

(c) APPLICATION.—Each local educational agency desiring a grant or contract under this Act shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 7. NATIONAL ACTIVITIES.

(a) NATIONAL ACADEMY FOR TEACHING.—From amounts appropriated pursuant to section 3(d)(1) the Secretary shall, through grant, contract, or other arrangement with a public agency or private nonprofit institution or organization, establish a National Academy for Teaching. The Academy shall—

(1) serve as a clearinghouse for research, evaluations, and model programs regarding the professional development, recruitment, and training of teachers;

(2) disseminate information about such research, evaluations, and model programs (including pilot programs conducted under sections 4 and 5); and

(3) train or retrain elementary or secondary school teachers and principals.

The Academy shall not have the authority to certify or license teachers.

(b) STUDY OF PENSION PORTABILITY.—From amounts appropriated pursuant to section 3(d)(2) the Secretary shall conduct a study of the feasibility of permitting teachers and administrators to transport pension benefits among States and among local educational agencies.

SEC. 8. LOAN FORGIVENESS FOR TEACHERS IN SCHOOLS WITH SUBSTANTIAL ENROLLMENTS OF MINORITY STUDENTS.

(a) IN GENERAL.—(1) Notwithstanding the provisions of the Higher Education Act of 1965, the Secretary shall, in accordance with the provisions of this section, cancel the obligation to repay a Stafford loan (a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965) for any borrower who is employed as a full-time teacher in a public elementary or secondary school of a State or local educational agency in which the enrollment of minority students equals or exceeds 50 percent of the total enrollment of such school.

(2) The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN CANCELLATION.—(1) For each academic year in which the borrower of any Stafford loan is employed as a full-time teacher in a school described in subsection (a), the Secretary shall cancel the obligation to repay 20 percent of the total amount of each such loan. The total period for which cancellation may be made under this subsection shall be 5 years.

(2) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

(c) REPAYMENT OF ELIGIBLE LENDERS.—From amounts appropriated pursuant to section 3(e), the Secretary shall pay to each eligible lender and holder for each fiscal year an amount equal to the aggregate amount of Stafford loans which are canceled pursuant to this section for such year.

(d) APPLICATION FOR CANCELLATION.—Each individual desiring a cancellation under this Act shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) DEFINITION.—For the purpose of this section, the term "eligible lender" has the meaning provided by section 435(d) of the Higher Education Act of 1965.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act.

SEC. 9. DEFINITIONS.

As used in this Act, the term—

(1) "institution of higher education" has the meaning provided in section 435(b) of the Higher Education Act of 1965;

(2) "local educational agency" has the meaning provided by section 1471(c)(12) of the Elementary and Secondary Education Act of 1965;

(3) "Secretary" means the Secretary of Education; and

(4) "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall take effect on October 1, 1990.●

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, and Mr. DANFORTH):

S. 499. A bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council; to the Select Committee on Intelligence.

DESIGNATION OF SECRETARY OF COMMERCE AS A MEMBER OF THE NATIONAL SECURITY COUNCIL

Mr. CRANSTON. Mr. President, I rise to introduce legislation to make the Secretary of Commerce a statutory member of the National Security Council. I do so in order to ensure that economic considerations are part of the national security advice given to the President. This bill is identical to legislation introduced in the House by my friend and fellow Californian, MEL LEVINE.

Mr. President, the world is a far more complex place today than it was when the NSC was created in 1947. It's time to recognize—in a formal way—that economic security is a fundamental and inseparable part of national security, and deserves the same respect given to military and foreign policy considerations. This legislation will aid us in our efforts to develop sound, coordinated policies that take into account our economic as well as our national security concerns.

As America prepares to enter the 21st century, the stakes are extraordinarily high. The internationalization of the world economy has changed the dimensions of national security. Foreign trade competition is greater now than at any other time in our history and shows no sign of abating. The developing economies of the Pacific rim are gaining economic power as they expand their level of exports to the United States and the rest of the world. We must acknowledge Japan as an economic giant and work to lower our massive trade deficit with her. Our Nation will also encounter a more concerted trade effort from our allies in Europe as the EC pushes to consolidate its markets by 1992.

If we continue to mount soaring trade deficits, we risk losing an entire generation of jobs and business opportunities. We risk weakening our economic institutions and industrial base. This, obviously, has implications for our national security. If America wishes to remain a world leader, we must meet these economic challenges. I believe we will be successful, but success will not come on its own. We must work creatively and tirelessly to regain our edge in international trade competition.

We must begin this process by rethinking the way in which our Nation formulates policy. We must recognize that our economic security is the foundation of our national security. Thus, one of our most important goals must be to ensure that economic concerns are fully considered in national security debates.

As part of the National Security Act of 1947, the National Security Council was created to "advise the President with respect to the integration of domestic, foreign, and military policies relating to national security." Statutory membership on the Council is limited to the President, Vice President, and the Secretaries of State and Defense. Because of the growing importance of economic policy issues to our national security, I believe the time has come to bring the Department of Commerce into the realm of national security decision making.

It is extremely important that we do not overlook the domestic element of the national security equation. Simply put, a sound economy is the foundation of our national security. Without economic strength and stability, the future well-being of our Nation is in jeopardy. This is why I support making the Secretary of Commerce a statutory member of the National Security Council.

National security concerns cannot be properly examined if looked at outside the context of economic considerations. Let me illustrate this point by discussing the issue of American high technology exports, an issue with considerable national security implications. The Department of Defense is greatly concerned about sensitive technology getting into the hands of Soviet bloc nations—and rightly so; such diversions would have severe military consequences for our Nation. However, the issue of technology exports cannot be examined solely in military terms. Exports of nonsensitive goods account for a sizable portion of our Nation's overall level of high-technology exports. Placing excessive controls on goods which are not "critical," or are readily available from other Western sources, undermines the competitiveness of our high technology industries, thus harming America's economic position.

Clearly, both Commerce and Defense have a role to play in developing policies such as those relating to export controls. I am concerned, however, that economic considerations are not always given the attention they deserve. It's crucial that we continue to foster a more cooperative effort on issues impacting our economic and national security.

The most recent manifestation of this is the handling of the Fighter Support Experimental [FSX] Agreement with Japan by the administration. Negotiations on this agreement—which would allow the United States to transfer fighter aircraft technology to Japan for codevelopment and coproduction, and in turn receive access to any new technology resulting from the project—were handled entirely by the Defense Department. It is only because of strong reservations expressed by Commerce Secretary Mosbacher, U.S. Trade Representative Hills, and Members of Congress that the administration delayed signing the agreement, thus allowing time for review by an interagency panel. This delay has given Commerce officials some time to assess the potential impact that this transfer of important technology could have on the long-term competitiveness of American industry. But, essentially, the agreement was complete before Commerce had any real opportunity to review the deal or to affect the specifics of the agreement. This should not happen.

Clearly, we must not treat our economic concerns so lightly. How we deal with our trading partners will largely determine the fate of the American economy and our role as a world power. We must ensure that the Commerce Department is an active player in all matters which involve our economic and national security concerns. The challenges presented to us by a changing world economy must be confronted by a unified American Government, with policies which reflect our Nation's best interests. We must coordinate our efforts better—nothing less than our future prosperity depends on it.

Mr. President, I am pleased to be joined in this bipartisan effort to reinforce our national security by my colleagues, Senators MURKOWSKI, BINGAMAN, and DANFORTH. It's my hope that other Senators will show their support by cosponsoring this legislation, and that this important measure will be enacted soon.

I ask unanimous consent that the text of the bill be printed at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) in clause (6) of the fourth undesignated paragraph by striking "and";

(2) by redesignating clause (7) of that paragraph as clause (8); and

(3) by inserting after clause (6) of that paragraph the following:

"(7) the Secretary of Commerce; and".

Mr. BINGAMAN. Mr. President, I am pleased to be an original cosponsor of Senator CRANSTON's legislation to make the Secretary of Commerce a statutory member of the National Security Council. I commend him for introducing this long overdue legislation and I commend his colleague Congressman LEVINE for introducing identical legislation in the House.

It has been clear to me for some time that we need to broaden our traditional narrow definition of "national security" to include our economic and trade relations with other nations. As a member of the Armed Services Committee, I have seen these economic and trade issues become inextricably intertwined with our defense relations with our allies and foes alike. The most recent instance is the memorandum of understanding with Japan on the development of the FSX fighter. But I can think of numerous other instances in recent years where our Nation would have benefited from a closer linkage between our economic policies and our defense and foreign policies. Frankly, most other nations do a far better job in making this connection in their policy process.

I can think of no better way to further this purpose in our own policy making process than by placing the Secretary of Commerce on the National Security Council. I urge my colleagues to seriously consider this legislation and I hope that it will win broad support throughout the Congress.

Mr. MURKOWSKI. Mr. President, one of the most profound developments in a rapidly changing world is the growing linkage between commerce and national security.

General Secretary Gorbachev's far-reaching reform campaign is based on the urgent recognition that the Soviet Union is falling far behind other advanced industrial nations in economic performance. Despite its vast military power, the U.S.S.R. is in real danger of being relegated to the status of a second rate power as its economic limitations curtail its international influence and, ultimately, its military capability.

Global economic power has shifted sharply to the Far East. Japan has replaced the United States as the global banker. Korea, Taiwan, and other nations on the Pacific Rim are the world's fastest growing, most dynamic economies. Europe has made a dramatic bid to join them with the decision to create a true European Common Market in 1992. Meanwhile, the international economic position of the United States has eroded sharply as evidenced by persistent trade deficits and the reliance on foreign financing to support the Federal budget deficit.

The U.S. Government is not well organized to meet this increasingly demanding international economic competition. Formerly, this country had the luxury of ignoring the commercial implications of political and military decisions. No longer.

The recent United States-Japan proposed agreement on the FSX fighter aircraft is a case in point. Because the commercial implications of that proposed agreement were not taken fully into account by U.S. negotiators, we signed an agreement that is probably not as good as it could have been. Even if the agreement is an acceptable one, the process that produced it was clearly flawed. There are many other similar examples of the same problem.

I am pleased to join Senator CRANSTON in introducing legislation to insure that economic and commercial considerations be taken fully into account in national security decisionmaking. The proposed bill would add the Secretary of Commerce as a statutory member of the National Security Council. In my view, we should go a step further and extend the membership to include the U.S. Trade Representative, as well. When the bill comes to committee, I will propose a friendly amendment to that effect.

By Mr. McCONNELL:

S. 500. A bill to provide incentive grants to one elementary and two secondary schools of excellence in each congressional district, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN EDUCATION ACT

● Mr. McCONNELL. Mr. President, I rise today to introduce the Excellence in Education Act of 1989. This legislation, introduced in the 100th Congress as S. 1627, provides for the award of incentive grants to elementary and secondary schools which achieve the greatest improvement in academic achievement and attendance rate. This bill seeks to further assure both families as well as teachers that excellence in education remains a national, as well as State and local, priority.

As we look across the Nation, it is clear that the Nation's education report card is mixed at best. Reports of high educational achievement clash with other stories of frighteningly low educational attainment. For every bright star in the education sky, there is at least another dim point where education performance falters. I fear that, unless we take action as a nation to address our educational problems, the educational sky may dim altogether.

My own State of Kentucky exemplifies the educational challenge facing us. The Commonwealth of Kentucky has the lowest percentage of high school graduates in the country—only 53 percent of Kentucky's population 25 and older have high school degrees. In fact, 20 percent of Kentucky adults have less than an eighth grade education. The number of Kentucky adults age 15 to 44 who have even attended college lags 26 percent behind the national average. Perhaps even more frighteningly, Kentucky ranks at or near the bottom of the Nation in percentage of adult literacy.

As stark as this picture is, I don't mean to suggest that Kentucky is bereft of educational success. Kentucky students rank with their peers across the Nation in every field of study. The point I am trying to make is that we simply cannot continue to allow this to be a nation of educational haves and have-nots.

I don't profess to know all the answers to our Nation's educational needs. What I do know is that no one entity, Federal, State, or local, or public or private, has sufficient means to combat education's problems. Only through a renewed partnership of all available resources will we be able to address our Nation's education ills.

I propose that we address ourselves to the frontline of elementary and secondary school education: our teachers and principals. When all is said and done, and the dust from the pundits' various prescriptions settles, it is our educators who are charged with the responsibility of putting theory into practice. I think it's long past time that we recognized innovative educators for their success.

The Excellence in Education Act provides one elementary and two secondary schools in each congressional district with incentive grants of up to $50,000. These grants will be distributed to schools that show the largest improvement in academic performance and attendance, and will support both merit bonus awards as well as program and facility improvement.

Mr. President, I would like to assure my colleagues that my proposal is not "merit pay" as such. Adequacy of educators' salaries is an important and pressing issue, and should be addressed at the appropriate level. As my colleagues know, however, the Federal Government lacks the resources to step in and supplement State and local support for teachers and principals.

Like my previous bill, S. 1627, the Excellence in Education Incentive Act of 1987, my new bill provides incentive grants up to $50,000 for the one elementary school and the one secondary school in each congressional district which demonstrates the largest measure of improvement in academic performance and attendance rate. However, my bill will now also provide for incentives for secondary schools to address the Nation's grievous lack of ability in mathematics and science.

In a recent international comparison of math and science skill among 13-year-olds, American students wound up at or near the bottom of the survey. Bassam Z. Shakhashiri, Assistant Director for Science and Engineer-

ing Education at the National Science Foundation, said that "the lack of preparation for further education and future employment that these American teenagers demonstrated is nothing short of frightening." I certainly agree, Mr. President; at a time when the national and world markets are becoming more technologically oriented, we simply cannot afford to be left behind. Mr. President, earlier I alluded to the danger of becoming a nation of education haves and have-nots. We are also in imminent danger of becoming technological have-nots in the world's markets.

My proposal to award vital skills incentive grants to secondary schools which demonstrates the most improvement in mathematics and science skills will not solve this problem by itself. But it will provide incentives for educators to find innovative means of training tomorrow's mathematicians and scientists.

Upon award by the Secretary of Education, 75 percent of an education excellence incentive grant will go to merit bonuses to teachers and school principals. The remaining 25 percent may be used for academic programs, supplies, and equipment, or for the repair of academic facilities. Upon award of vital skills incentive grants, 70 percent of the grant will go to merit bonuses. The remaining 30 percent can be used for academic programs, supplies, and equipment, or for the repair of academic facilities. Neither and education excellence incentive grant nor a vital skills incentive grant will go to the same school in consecutive years.

Dispensation of the merit bonuses will be determined by Merit Selection Board composed of one member appointed by the Member of the House and one member appointed by each Senator of the State in which the district is located. The Board will use the following criteria when making individual awards: The teacher's attendance record, the attendance record of the students enrolled in the classes of the teacher, the academic achievement and improvement of the students enrolled in the classes taught by the teacher, innovative educational techniques, and leadership qualities of the principal.

Mr. President, by introducing the Excellence in Education Act of 1989, I hope to stimulate healthy competition in education techniques and ideas. I believe America's educators are the key to turning American education around, both in terms of application as well as the genesis of innovative new education ideas. I urge my colleagues to join me in providing America's educators with meaningful incentives to find new means of making education work.●

By Mr. D'AMATO (for himself, Mr. STEVENS, and Mr. DODD):

S. 501. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

TAX TREATMENT OF AMOUNTS RECEIVED UNDER GROUP LEGAL SERVICES PLANS

● Mr. D'AMATO. Mr. President, I am introducing today a measure that will foster the availability of legal services for everyday Americans. As it stands now, too many folks are locked out financially from most law offices. The American Bar Association [ABA] estimates that only 24 million Americans claim the financial ability to access legal counsel. Legal services must not be a luxury for the privileged few.

This bill would amend section 120 of the Internal Revenue Code to make permanent the exclusion from employee's gross income the amount employers contribute to prepaid group legal services which are provided employees as a work benefit. It would also raise from $70 to $90 the limit on annual premium payments which are excludable from gross income.

Making this exemption permanent will be a positive and substantial step forward in assuring that anyone who wants a lawyer can afford one.

Tax exclusion of group legal services is not a new provision. Employees have been allowed to exclude such benefits from their gross income since 1976. Initial enactment of this provision, however, was on a 5-year trial basis, which required Congress to revisit the issue in 1981 and three times thereafter. The most recent instance was in the 100th Congress. The Tax Technical Corrects Act included only a 1-year extension of this provision, thus necessitating this legislation.

Group legal services provide valuable and necessary assistance to millions of Americans. With the growing complexity of today's world, the need of ordinary citizens for legal counsel has become greater. Be it a real estate transaction, preparation of a will, or a simple divorce, Americans are frequently confronted with problems of a legal nature, which makes access to a lawyer indispensable. Group legal services are a low cost, effective source for legal counseling.

Mr. President, there is no reason why we should not make this tax exclusion a permanent part of the Tax Code. By making it permanent we remove the cloud hanging over the legal service industry and clear up the uncertainty about legal service tax treatment that now troubles plan participants. Indeed, certainty in this context is crucial. It is unfair to require providers and participants to guess whether Congress will extend the exclusion or not each time the provision is due to expire. Such unpredictability retards the growth and availability of group legal services and hampers financial planning.

As an institution, the Senate has repeatedly affirmed its commitment to assuring the availability of legal services by rebuffing efforts to scale back or eliminate the Legal Services Corporation [LSC]. Support for this measure and support for the LSC share a central premise—access to a lawyer is essential.

This measure enjoys the support of numerous business and labor organizations, in addition to the ABA.

I urge my colleagues, Mr. President, to join in our efforts to clarify once and for all the tax treatment of employer provided group legal services.●

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 502. A bill to extend the application deadline for assistance under the Impact Aid Program; to the Committee on Labor and Human Resources.

EXTENDING THE APPLICATION DEADLINE FOR ASSISTANCE UNDER THE IMPACT AID PROGRAM

● Mr. BAUCUS. Mr. President, on behalf of myself and Senator BURNS, I am introducing a bill today that will allow 14 school districts across the country to receive money to which they are entitled but have been denied due to bureaucratic rules that won't budge.

These school districts, including St. Ignatius in Montana, were late in filing their applications for Federal impact aid. Their penalty for being late was a flat denial of any aid at all. The Department of Education allows no grace period for these schools—aid is simply denied if the applications are not received by January 31. No excuses, no help, no money.

My legislation extends the application deadline from January 31, 1989, to March 15 of this year. Applications received by the Department by March 15 will be considered valid and eligible for funding.

The Impact Aid Program is an entitlement—there is no competition for funding. Because of this, my bill costs the Government nothing. The money has already been appropriated and should be given to all the schools that are eligible for it.

St. Ignatius is located on the Flathead Indian Reservation and has a population of 822. Six hundred of those people are between the ages of 5 and 18. The district is eligible to receive $400,000 in impact aid, about one-quarter of the school district budget. Without the aid, the district will probably be forced to lay off teachers, cut back on services, and the schools may risk losing their accreditation.

Today, school superintendents have their hands full in ensuring that students receive a good education within the severe budget constraints facing

our schools. The St. Ignatius school superintendent is new this year and has been responsible for not only learning about his district but the many Federal rules and regulations governing education. A formidable task for anyone.

He made an honest mistake—he thought the application had to go to the State educational agency by January 31, not the Federal Government. He mailed his application by the January 31 deadline and the State agency sent it on to Washington. The Department of Education received it on February 13—9 working days after the deadline—but denied it because it was late.

Now, 600 students don't know if they'll be going to schools that are accredited. Teachers don't know if they'll have jobs and the rest of the town is wondering how the Department of Education can be so insensitive to their needs. I wonder about that, too.

The per capita income of St. Ignatius is $5,260. They can't come up with $400,000 to keep their schools going. And they shouldn't have to. They are entitled to this money and should receive it.

We've heard a lot about a kinder and gentler Nation and the importance of education. It's time that we follow through on these ideas. I understand that the Department needs to set deadlines, but I also understand the plight of 600 children who want to go to school.

The Department of Education is in the process of reviewing these regulations and may change them in the future. But St. Ignatius can't afford to wait. I ask the Senate to consider the future of these students and extend the application deadline. We can't let the bureaucracy get in the way of education.

I ask unanimous consent that a copy fo the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency for fiscal year 1989 funds under section 2 or 3 of the Act entitled "An Act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (20 U.S.C. 240) (hereinafter referred to as the "Act"), if such application has been certified by the State educational agency, was received by the Secretary of Education by March 15, 1989, and is otherwise in compliance with the provisions of the Act.●

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 503. A bill to protect the ozone layer by reducing chlorofluorocarbons and halons, and for other purposes; to the Committee on Environment and Public Works.

CHLOROFLUOROCARBONS AND HALON REDUCTION ACT

● Mr. BAUCUS. Mr. President, today I am introducing legislation along with Senator CHAFEE to preserve the Earth's protective ozone shield and reduce threats to the Earth's climate.

Two chemicals, chlorofluorocarbons and halons, are largely responsible for reducing the protective ozone layer in the Earth's upper atmosphere. This legislation will ensure that manufacturers of these chemicals will quickly and smoothly develop and use safe substitutes that will not destroy our ozone layer.

Without a protective ozone layer, harmful ultraviolet radiation will reach the Earth's surface, increasing the chance of skin cancer, threatening our body's immune system and damaging the Earth's ecosystems.

In the Earth's lower atmosphere, these two chemicals are potent greenhouse gases. They account for 15 to 20 percent of all greenhouse gases worldwide, and are believed to be changing our global climate.

The danger from releasing these chemicals into the environment is getting worse with every passing day. Almost every day we learn more about the effects from halons and CFC's. We now have data linking the destruction of the ozone to these chemicals. The data suggests that it is no longer a question "if" a hole in the ozone layer exists, but how large it is.

We must prohibit the use of ozone depleting substances, before there is no more ozone to deplete. Like in baseball, three strikes and you're out. Halons and CFC's now have three strikes. The evidence is overwhelming.

In 1987, a study of the Antarctica atmosphere found that CFC's and halons caused a hole in the ozone layer over that continent. This is strike one.

Next a group of experts collected data showing that a significant loss of ozone has occurred during the winter months, not only over the polar caps, but worldwide. Strike two.

Finally last week the National Aeronautics and Space Administration [NASA] and the National Oceanic and Atmospheric Administration [NOAA] released evidence that the ozone layer is being threatened in the Arctic.

The entire Arctic stratosphere is being changed, for the worse, apparently by the presence of chlorofluorocarbons and halons.

In my opinion this is strike three.

Together, the findings over the years clearly make the case that the time for action is now.

The Montreal Protocol, a monumental agreement and system of international cooperation went into effect on January 1 of this year.

This protocol freezes worldwide production of CFC's at 1986 levels for the 31 countries that have signed the protocol.

It also reduces CFC production first by 20 percent and then by 50 percent by the year 1998.

The Montreal Protocol represents a tremendous hope for the world's environment. It is a sign that countries can cooperate to address global environmental problems.

Unfortunately, it was negotiated before we knew that CFC's were responsible for the Antarctic hole; before we knew that stratospheric ozone had been depleted worldwide; and before we knew that a hole similar to the one over the Antarctic also exists over the Arctic.

If the Montreal Protocol is implemented as it stands today, chlorine levels will continue to increase and will double by the middle of the next century. The stratospheric ozone layer could not tolerate such high levels.

We must use our latest data and move forward from the Montreal Protocol. The legislation that we are introducing today is meant to do just that.

The Chlorofluorocarbon and Halon Reduction Act establishes a freeze on the production of ozone depleting substances.

The bill sets a fee on each pound of CFC or halon produced, based upon its ozone depleting potential. The fee should eliminate any incentives to continue producing these substances while they are being controlled and reduced.

The fee is set at 25 cents per pound and is increased until it reaches $2.50 per pound in 1994. The revenue will be transferred from the producers of CFC's and halons to the U.S. Treasury.

The bill also sets up an ozone layer and climate protection trust fund to provide grants to producers and users of ozone depleting substances to develop safe substitutes.

Today, I am also joining Senator CHAFEE in introducing legislation to phaseout the use of CFC's, and halons. The evidence clearly supports the need to cut the production of these substances by more than 50 percent, the amount specified in the Montreal Protocol.

Finally, in the near future, I will introduce comprehensive legislation addressing all ozone depleting substances and greenhouse gases.

This legislation, together with the bills we are introducing today, will provide EPA with all the tools necessary to protect our global environment from ozone depleting substances and greenhouse gases.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD and that the executive summary of the findings of the Airborne Artic Stratospheric Expedition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Chlorofluorocarbons and Halon Reduction Act of 1989".

FINDINGS

SEC. 2. The Congress finds that—

(1) restrictions on the production of chlorofluorocarbons (CFCs) and halons are essential to safeguarding the earth's ozone layer, reducing the greenhouse effect, and protecting human health and the environment;

(2) restrictions on chlorofluorocarbons and halon production, as required under the Montreal Protocol on Substances that Deplete the Ozone Layer and by Environmental Protection Agency regulations, will restrict the supply and therefore increase the price of these chemicals, and that increased prices provide a greater economic incentive for firms using these chemicals to increase recycling, while also providing an incentive for the introduction of chlorofluorocarbons and halon substitute chemicals;

(3) future revenues from higher chlorofluorocarbons and halon prices, resulting from regulatory restrictions to protect human health and the environment, should be used for the benefit of the public. As such, some portion of these revenues should be made available in an equitable manner to facilitate and expedite the shift away from the harmful chlorofluorocarbons and halons by chlorofluorocarbons and halon producer and user firms;

(4) because of the worldwide recognition of the need to move away from using ozone-depleting chemicals, strong international competition now exists to develop chemical substitutes and to produce chlorofluorocarbons- and halon-free products including refrigerators, electronic components, various foams, and automobile and commercial air conditioners. United States chemical producers and chlorofluorocarbons and halon user industries should be encouraged to successfully participate in this competition by developing improved chemicals and products that do not rely on chlorofluorocarbons and halons; and

(5) special emphasis should be placed on developing new chlorofluorocarbons- and halon-free products and technologies with improved energy efficiency as a means of protecting the ozone layer and contributing to reductions in global warming.

OBJECTIVES AND NATIONAL GOAL

SEC. 3. (a) The objective of this Act is to provide for a smooth transition away from the use of ozone-depleting chemicals in order to protect the earth's ozone layer and to limit global warming.

(b) In order to achieve that objective, the national goal is to provide for an orderly and equitable shift to alternative chemicals and products and to facilitate the competitiveness of United States industry at home and abroad.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "assessment year" means the 12-month period as set forth in section 6(a) or as hereafter modified pursuant to this Act; and

(3) "ozone-depleting chemicals" refers to those chemicals listed in section 5(a) as may be modified by section 5(b).

(4) "Secretary" means the Secretary of the Treasury.

IMPOSITION OF PRODUCTION AND IMPORTATION CHARGE ON OZONE-DEPLETING CHEMICALS

SEC. 5. (a)(i) Within 60 days following the date of the enactment of this Act, the Administrator shall issue such regulations as may be necessary, commencing with the effective date provided by the following table, to impose an ozone-protection charge on producers and importers of the following chemicals:

Ozone-Depleting Chemical	Effective Date
Trichlorofluoromethane (CFC-11).	July 1, 1989;
Dichlorodifluoromethane (CFC-12).	July 1, 1989;
Trichlorotrifluoroethane (CFC-113).	July 1, 1989;
Dichlorotetrafluoroethane (CFC-114).	July 1, 1989;
(Mono) chloropentafluoroethane (CFC-115).	July 1, 1989;
Bromochlorodifluoroethane (Halon 1211).	January 1, 1992;
Bromotrifluorethane (Halon 1301).	January 1, 1992; and
Dibromotetrafluoroethane (Halon 2402).	January 1, 1992.

(ii) Within 60 days following the date of enactment of this Act, the Secretary shall issue such regulations to collect the production clause.

(b) The Administrator shall promulgate regulations adding to the list of ozone-depleting chemicals referred in to subsection (a), chemicals which are known or can reasonably be anticipated to cause or contribute to stratospheric ozone depletion and whose production and importation he determines should be limited to protect public health and the environment. The Administrator shall also promulgate changes to the effective dates in subsection (a) if such changes are necessary to protect public health and the environment and are in furtherance of the goal and objective of this Act set forth in section 3.

(c) In promulgating such regulations, the Administrator shall take such action as may be necessary to assure that no production or importation charge shall be imposed on any such chemicals that are used and entirely consumed in the production of other chemicals.

SETTING THE AMOUNT OF THE CHARGE

SEC. 6. (a)(1) For each assessment year, the production charge shall be estimated using the procedures set forth in this section. The production charge for each assessment period will be the greater of the amounts calculated under this subsection or subsection (b).

(2) The amount of the production charge shall be calculated on the basis of the following schedule:

(A) Chlorofluorocarbons—

Assessment Period	Amount of Base Charge
July 1, 1989 to Sept. 30, 1989.	$.25/pound
Oct. 1, 1989 to Sept. 30, 1990.	$.50/pound
Oct. 1, 1990 to Sept. 30, 1991.	$1.00/pound
Oct. 1, 1991 to Sept. 30, 1992.	$1.50/pound
Oct. 1, 1992 to Sept. 30, 1993.	$2.00/pound
Oct. 1, 1993 to Sept. 30, 1994.	$2.50/pound

and for every 12 month period thereafter $2.50/pound.

(B) Halons—

Assessment Period	Amount of Base Charge
Jan. 1, 1992 to Sept. 30, 1992.	$1.50/pound
Oct. 1, 1992 to Sept. 30, 1993.	$1.50/pound

and for every twelve month period thereafter $1.50/pound.

(3) The Administrator shall promulgate regulations modifying the assessment periods consistent with any changes to the effective dates adopted under section 5(b).

(4) The Administrator shall promulgate regulations modifying the amount of the base charge to reflect future changes in the expected price and availability of substitutes and alternative technologies to ozone-depleting chemicals.

(5) The base charge shall be assessed against each pound (or portion thereof) of ozone-depleting chemical produced or imported multiplied by that chemical's ozone-depletion factor. The ozone-depletion factors for the covered chemicals are the following:

Ozone-Depleting Chemical	Ozone Depletion Factor
CFC-11	1.0
CFC-12	1.0
CFC-113	0.8
CFC-114	1.0
CFC-115	0.6
Halon 1211	3.0
Halon 1301	10.0
Halon 2402	6.0

(b)(1) The Administrator shall promulgate regulations modifying the factors or adding to the list in subsection (a) consistent with actions under section 5(b).

(2) The charge shall be based on the calculated increase in revenues that result from the restrictions on the ozone-depleting chemicals in an assessment period. The charge shall be calculated by the Administrator as the total revenues from the sale of the ozone-depleting chemicals minus the estimated costs of production and reasonable rate of return.

(3) Total revenues shall be determined by the Administrator based on reports required by the Administrator, by regulation, from each firm producing ozone-depletion chemicals for that assessment year. The reports shall include the total revenues from sales of ozone-depleting chemicals broken down by chemical. The reports shall be received by the Administrator within 30 days of the end of an assessment period.

(4) Costs of production and reasonable rate of return shall be calculated by the Administrator as the 1986 weighted average price calculated separately for chlorofluorocarbons and for halons. To reflect future changes in production costs, the 1986 estimated weighted average price shall be multiplied each year by the producer price index for basic inorganic chemicals (pub-

lished by the Department of Labor) for the period covered by that assessment year.

(5) Regulations by the Administrator shall permit individual companies to petition the Administrator with documentation showing that their production costs have increased more than the industry average. The Administrator shall modify the application of the calculation of production costs if a valid showing is made.

(6) The charge for importing ozone-depleting chemicals identified in section 5(a) shall be the same charge as calculated for the production of those same chemicals in the applicable assessment period. The charge shall be assessed against the importer of record as listed on United States Customs Service Form 7501.

(7) The Administrator shall notify producers and importers of the amount of their totaled assessed charge within 60 days of the end of the assessment period. Firms have within 30 days of the date of receipt of their assessment to submit full payment to the Secretary.

(8) Firms exporting ozone-depleting substances shall apply to the Administrator for refunds for the calculated charge for the quantity of ozone-depleting chemicals that they exported in each assessment period. Applications for refunds must be submitted to the Administrator for approval within 30 days of the end of the applicable assessment period. The Administrator shall review the request for a refund and notify both the requestor and the Treasury within 60 days of its approval of such requests. Approved requests for refunds shall be paid by the Secretary.

SUPPORT FOR RESEARCH RELATED TO TECHNOLOGICAL ALTERNATIVES TO OZONE-DEPLETING CHEMICALS

SEC. 7. (a) All moneys received by the Secretary pursuant to this Act for any assessment year, up to $100 million, shall be deposited in the Ozone Layer and Climate Protection Trust Fund established by section 10 of this Act. All moneys so received in any assessment year in addition to such $100 million shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b)(1) Moneys in the Trust Fund shall be available for research grants as follows:

(A) 30 percent to support research related to substitutes for ozone-depleting chemicals by chemical producers; and

(B) 70 percent to support research into alternative products that are produced without ozone-depleting chemicals covered by this Act.

(2) The research referred to in paragraph (1) shall include testing the basic properties of chemical substitutes; testing the applicability of possible substitutes in specific products; examining health, environmental, and safety issues related to the use of possible chemical substitutes; improving the energy efficiency of alternative technologies; monitoring environmental impacts; and other related purposes.

ADVISORY COMMITTEE

SEC. 8. (a) The Administrator shall establish an advisory committee to advise him in connection with research to be carried out pursuant to this Act. Such committee shall be comprised of individuals who are representatives of chlorofluorocarbons and halon producers and users, the Department of Defense (designated by and with the approval of the Secretary of Defense), the Department of Commerce (designated by and with the approval of the Secretary of Commerce), and public interest groups. Members of the Committee will serve without additional pay as such.

(b) It shall be the function of the advisory committee, at the request of the Administrator, to advise and make recommendations to the Administrator as to research to be carried out pursuant to this Act, and the making of grants to carry out such research.

(c) In carrying out its function, the advisory committee shall consider, among other things, the quantities of ozone-depleting chemicals the proposed technology would replace; the timing of possible reductions with preference given to near-term technologies; the effect of global climate change; the likelihood of commercialization of the technology; the degree of public and private participation and support for a proposed project; the extent to which the research results of the project will be accessible to the public; and the energy efficiency that would result from the project.

GRANTS

SEC. 9. (a) The Administrator is authorized to establish and carry out a grant program for the purpose of carrying out research authorized by this Act. Grants made under such program may be made to public and private entities, or combinations thereof, including consortia established expressly for the purpose of conducting research pursuant to this Act.

(b) Applications for grants under this Act shall be submitted as such time and in such form and contain such information as the Administrator shall prescribe by regulation.

TRUST FUND

SEC. 10. (a) There is established in the Treasury of the United States a trust fund to be known as the "Ozone Layer and Climate Protection Trust Fund" (referred to in this Act as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be deposited in it as provided in this Act.

(b) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, to carry out the grant program under this Act.

(c) It shall be the duty of the Secretary of the Treasury to report to the Congress each year on the financial condition and the results of the operation of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years.

(f)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) as original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by such Trust Funds may be sold by the Secretary of the Treasury at market price. The interest on, and the proceeds from the sale or redemption of, such obligation held in such Trust Fund shall be credited to and become a part of the Trust Fund.

AUTHORIZATIONS

SEC. 11. There are authorized to be appropriated from the Ozone Layer and Climate Protection Trust Fund such amounts as may be necessary to carry out the grant program under this Act.

SECTION-BY-SECTION ANALYSIS—CFC AND HALON REDUCTION ACT OF 1989

Section 1: Short title.

Section 2. Congressional Findings. Includes findings that action to restrict chlorofluorocarbons (CFCs) and halons have recently been initiated through an international agreement (the Montreal Protocol) and carried out domestically by regulations adopted by EPA. By restricting the production of CFCs and halons, these regulations should increase the price of these chemicals. Higher CFC and halon prices serve the useful purpose of providing a strong economic incentive for increased recycling, while also creating a market for higher priced substitute chemicals and products.

EPA estimates that increased prices will generate several billion dollars in revenues over the next decade. Under the current EPA regulations, these revenues would accrue primarily to a small number of EPA and halon producers. The findings state that, instead of benefiting these few companies, this revenue should benefit the general public and that some portion of it should be made available on a more equitable basis to both CFC and halon producer and user firms to facilitate the transition away from the use of ozone-depleting chemicals.

The findings also note the widespread acceptance that CFCs and halons must be restricted, has lead to intense international competition to develop CFC- and halon-free technologies in such product areas as refrigeration, solvents, commercial and auto air conditioning and various foams. The firms that develop and bring such products to market will have an excellent opportunity to expand their domestic and international sales. Other nations are providing targeted support to assist their industries in making this transition. The findings suggest that some portion of the revenue that results from CFC and halon restrictions should be channelled back to United States chemical producers and user firms to aid them in their efforts to develop and bring to market alternative technologies.

The findings also note that special emphasis should be placed on developing alternative technologies that both are CFC and halon-free and which increase energy conservation. This final consideration is necessary to avoid shifting in the near term to technologies which could add to energy demand and therefore contribute to global warming. Such shifts could result in the need for costly, longer-term shifts to still different technologies to address concerns of global warming.

Section 3. Objectives and National Goal. Establishes as the objectives to provide for a smooth transition away from the use of ozone-depleting chemicals by facilitating the shift by United States producer and user industries to alternative chemicals and products for both domestic and international markets.

Section 4. Definitions. Specifies that the chemicals covered by and the timing of the charge are fully consistent with the Montreal Protocol and EPA's current regulation.

Section 5. Imposition of Production and Importation Charges. Specifies that the CFC and halon production charge shall be based on either a set fee schedule included in the Act or on the actual price increases, whichever is greater. The set fee schedule is based on a smooth transition to more costly CFC substitutes. It assumes that CFC substitutes will become commercially available by 1994 and will cost less than $2.50/pound

more than current CFC prices. This method of setting the charge is fully consistent with anticipated pricing behavior by CFC producers under the current EPA regulation.

The alternative method would be used if CFC price increases were greater than anticipated under the first method. Under this approach, the total revenues from CFC and halon sales as determined by the market prices charged by the producers would be reported to EPA. The EPA Administrator would estimate changes in production costs based on 1986 base year prices increased by a producer price index to reflect inflation. This estimate would also ensure that producers maintained the same rate of return they received in 1986. For a given assessment period, the charge would be the difference between the actual total revenues from the sale of CFC and halons minus the adjusted production costs.

The import charges would be based on the average production charge for the same assessment period and would therefore remove any economic incentive for imports over domestic production. Charges on exports of the regulated chemicals would be refunded to avoid penalizing U.S. competitiveness abroad.

Section 7. Support for Research Related to Technological Alternatives to Ozone-Depleting Chemicals.

It sets forth a process and criteria for making some of the revenues collected by the charge available to CFC and halon producers and user industries to assist them in the transition way from these chemicals. It establishes an Ozone Layer and Climate Protection Fund in the Treasury and an advisory committee chaired by EPA and consisting of representatives of all the key industry sectors and government agencies to assist in determining the distribution of funds.

It authorizes up to [$75-100] million annually for five years and specifies that no more than [30-50] percent shall be made available to firms for the purposes of research into the development or production of chemical substitutes with the remainder targeted for user industries.

The section also describes that the funds are to be used for the purposes of research related to testing the basic properties and user applicability of proposed alternatives and for evaluating issues related to health, environment, and safety impacts. It establishes a number of criteria for distributing funds including: the quantity of CFCs and halons likely to increase energy efficiency; the degree of and support public and private participation; and the extent to which findings will be made available to the public. It is likely that many of these projects will build on existing joint research efforts that have been recently initiated in several sectors of the CFC and halon production and user industries.●

By Mr. GRAHAM (for himself, Mr. KERRY, Mr. MCCAIN, Mr. DURENBERGER, and Mr. SANFORD):

S. 504. A bill to improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes; to the Committee on Finance.

CARIBBEAN BASIN ECONOMIC RECOVERY ACT AMENDMENTS

● Mr. GRAHAM. Mr. President, I am pleased to introduce today, along with my distinguished colleagues Senators KERRY, MCCAIN, DURENBERGER, and SANFORD, legislation which will improve the Caribbean Basin Initiative which the Congress originally approved in 1983.

Our reasons for improving the CBI are twofold and related. First, a broad range of U.S. national security interests is being directly threatened by continuing economic deterioration in Central America and the Caribbean.

Nowhere can this be seen more clearly than in the massive flow of narcotics into this country. Traffickers are having a field-day feeding on the economic despair that grips the region.

Second, the CBI works. An already deteriorating economic situation would have been worse without the CBI. A number of studies, including two by the International Trade Commission, prove that.

This legislation would make an already successful program even more effective by providing expanded duty-free access for CBI exports into the U.S. market.

In doing so, we have made every effort to protect the legitimate interests of U.S. industry. Indeed, this bill reflects in depth consultation with both domestic industry and governments in the region.

The result strengthens the CBI Program, while striking an appropriate balance between the needs of our democratic allies and our own domestic economic interests.

Although the CBI is by no means the sole resolution to the many complex problems facing the region, it is logically a necessary component of any comprehensive policy. We must revitalize economic growth in the basin so that our democratic friends can earn their way back to economic health.

Part of that process is the importance of long-term assurances for investors. Permanent economic health in the Caribbean Basin must be a U.S. objective that transcends the temporal limits of administrations and congressional sessions.

This legislation, in effect, makes the considerations in the Caribbean Basin Initiative permanent, subject to periodic review for effectiveness. It underlines our serious commitment to the goal of a prosperous and peaceful hemisphere.

We also extend a sensitivity to the unique nature of the small economies involved in the CBI by separating their exports from large-scale trade violations cases—separate injury cumulation determination. That makes sense and is the only fair way to judge those cases.

Yesterday, I spoke in support of renewing humanitarian aid for the Nicaraguan resistance. The ultimate aim of that gesture is to ensure that the peace process is strongly influenced to its full evolution in Central America—in the Caribbean nations there—by eliminating the extreme political dissension which subverts economic growth in the region. Democracy is a crucial component of stable economic progress and when we encourage one—we enhance the other.

Clearly we need a comprehensive, long range, pragmatic strategy for the hemisphere which paints the Caribbean Basin as a vigorous and enthusiastic partner in hemispheric progress. I think improving the CBI helps us to accomplish that goal.●

Mr. DURENBERGER. Mr. President, I rise today as an original cosponsor of S. 504, the Caribbean Basin Economic Recovery Act of 1989. I want to express my appreciation to Senator GRAHAM for his hard work on behalf of our hemispheric allies. I am honored to join him and my colleagues—Senators KERRY, MCCAIN, and SANFORD—in support of "CBI II."

I supported the original CBI legislation in 1983 because I believed it was an important step toward long-term economic growth in the Caribbean Basin. The 1983 bill granted duty-free status to many products for 12 years, contained tax incentives for investment and tourism, and provided guaranteed access levels for textile exports. However, no single piece of legislation could be expected to overcome the effects of oil price increases, the foreign debt burden or a host of other obstacles to development.

The reality is that CBI has worked well; although it has not revitalized the Caribbean economies, it has prevented a poor economic situation from becoming worse. Our democratic neighbors have a long way to go on the road to sustainable economic development. But CBI has provided valuable assistance on this road.

The benefits of CBI I are tangible: More than 600 investment projects have begun; more than $1.6 billion has been invested; 95,000 new full-time jobs, and 21,000 part-time jobs have been created; and nontraditional exports—the key to economic diversification—have registered major increases since 1983.

Despite these positive indicators, CBI has not met expectations—in part because expectations may have been too high, and in part because some CBI benefits accrue over the long term. There is a very real danger of losing the momentum that led to CBI I. It was the personal commitment of President Reagan that made CBI possible. A personal commitment from President Bush will be needed to breathe life into CBI II.

Unfortunately, the focus of United States Latin America policy in the 1980's has been almost exclusively dominated by Nicaragua. We have spent billions on Central America—and included the democracies of Cen-

tral America as CBI beneficiaries—but we tend to overlook nations not beset with immediate evils or polarization and violence.

Belize does not get much attention in the United States because it does not have an active insurgency or a government perceived to be repressive. Belize is a vibrant democratic nation that needs only modest attention and commitment from the United States to aid its long-term development. CBI has been very important in opening new investment opportunities in Central America's newest nation and CBI II will provide more help.

We all knew where Grenada was after United States troops liberated the island—but how many Americans know what is going on there today? Or what is going on in St. Lucia? Trinidad and Tobago?

My point, Mr. President, is that we should not—and cannot—wait for unrest to make a country dominate our headlines. We can—and must—act constructively before instability reaches critical mass. A vital element is to provide CBI nations with the means to help themselves. Stimulating investment and production among our closest neighbors allows our democratic allies to foster economic growth and development.

I listened to Guatemalan President Vinicio Cerezo last night say that his country does not need gifts—it only needs a chance to develop its potential. I was in Guatemala last month and saw first hand the changes that President Cerezo's democratic rule has brought his country. I saw how nontraditional agriculture was growing—reducing dependence on world coffee and sugar prices.

I saw the manufacturing industry was having a fundamental impact on Guatemalan society. Manufacturers need consumers with buying power—and they pay higher wages. Newer manufacturing enterprises are now powerful competitors for labor with the traditional agricultural sectors. This competition for labor has made labor—for the first time in Guatemalan history—a commodity with real and growing value.

Guatemala's progress cannot be traced solely to CBI—the bravery and perseverence of a Cerezo and the vision of Defense Minister Gramajo deserve far more credit. Nonetheless, CBI has been an important element in progress toward democratization in Guatemala.

The bill introduced today would expand CBI in several critical areas. The Caribbean Basin Economic Recovery Act of 1989: Extends the duty-free treatment indefinitely; increases duty-free allowances for Americans traveling to CBI states; expands the duty-free treatment to more products; codifies the GAL for certain textile products; establishes a floor for sugar import quotas; lays out a separate injury determination formula in certain trade cases; and establishes a pilot program to help expedite customs clearance.

Mr. President, it is important to emphasize that these measures are only steps to help provide interim relief to the debt-ridden economies of the region. It is also important to let the CBI nations know our commitment to democracy and development is followed with concrete action. But it should not be viewed as a panacea for the economic difficulties facing the region. The long-term answers to the development question will continue to lie in infrastructure investment, diversification of the economic base and national policies that further economic growth.

As part of our commitment to the people of this region, we are establishing a minimum quota floor for sugar imports from this area. But the countries that will benefit from this quota must recognize that they cannot count on sugar exports to the United States as the foundation for their future economic development. As our domestic sugar producers become more efficient and productive, America's need for imported sugar will continue to decline. And while in the short term this legislation will insulate the CBI countries from such diminished imports, in the long term they must seek out other markets and other products for their export growth.

In their attempt to attract foreign investment and to diversify their economic base, the Caribbean countries must also recognize that they cannot look solely to the United States for a market. Japan, the Pacific rim countries, and Western Europe must all make a more concerted effort to open their markets to the products produced in this region—and to take a greater interest in the long-term development of the region. In this regard, I am heartened by the report of the International Commission for Central America—the Sanford Commission—which recognizes that multilateral action by all the world's democracies is an integral part of the solution for Central America.

Finally, this legislation should not be viewed by our major trading partners as an invitation to circumvent our antidumping and countervailing duty laws by allowing them to establish screwdriver plants in the CBI or build other facilities designed to circumvent dumping and countervail orders. The CBI injury cumulation provisions must be narrowly construed to ensure conformity with our other trade laws, and with our commitments and obligations under the GATT.

These reservations do not in any way diminish my support for this legislation. I have a strong commitment to work with my colleagues on the Senate Finance Committee make this bill into law.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 23

At the request of Mr. HUMPHREY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 23, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 30

At the request of Mr. WIRTH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 30, a bill to require for certain requirements relating to the convention of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes.

S. 89

At the request of Mr. SYMMS, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 89, a bill to delay for 1 year the effective date for section 89 of the Internal Revenue Code of 1986.

S. 135

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 149

At the request of Mr. BINGAMAN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 149, a bill to establish the Economic Policy Council.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Alabama

[Mr. HEFLIN] was added as a cosponsor of S. 184, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible before 1979.

S. 198

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 198, a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

S. 260

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. WILSON], the Senator from Illinois [Mr. SIMON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 262

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to remove certain limitations on charitable contributions of certain items.

S. 273

At the request of Mr. HEINZ, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mr. DOLE], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Maryland [Ms. MIKULSKI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. EXON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Tennessee [Mr. GORE], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 273, a bill to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes.

S. 350

At the request of Mr. LOTT, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 357

At the request of Mr. SYMMS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 370

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 370, a bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

S. 390

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 390, a bill entitled the "Business Incubator Review Act of 1989."

S. 433

At the request of Mr. ROTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 433, a bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes.

S. 436

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 436, a bill to strengthen the protections available to employees against reprisals for disclosing information, to protect the public health and safety, and for other purposes.

S. 478

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

SENATE JOINT RESOLUTION 42

At the request of Mr. PACKWOOD, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate March 16, 1989, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 64

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 65

At the request of Mr. SIMON, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating June 12, 1989, as "Anne Frank Day."

SENATE JOINT RESOLUTION 67

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System.

SENATE JOINT RESOLUTION 68

At the request of Mr. BYRD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 68, a joint resolution to designate the month of May 1989 as "Trauma Awareness Month."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare Program.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. KENNEDY, the name of the Senator from New Hamp-

shire [Mr. HUMPHREY] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution concerning peace and famine relief in Sudan.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 61

At the request of Mr. DIXON, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Resolution 61, a resolution expressing the sense of the Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX Codevelopment Fighter Program.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 8, 1989, in SR-301, to hold oversight hearings. The committee will receive testimony on the operations of the Office of the Sergeant at Arms at 9:30 a.m., followed by testimony on the operations of the Office of the Architect of the Capitol at 10:15 a.m.

Immediately following the oversight hearings, the committee may turn to consideration of any pending legislative and administrative business.

For further information regarding these hearings, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 2, 1989, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 1, 1989, and March 2, 1989, at 10 a.m., to hold a hearing on the nomination of William J. Bennett to be the Director of the National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 2, 1989, at 9:30 a.m. in closed session to receive testimony on nuclear materials requirements by the Nuclear Weapons Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Thursday, March 2, 1989, at 2 p.m. in closed session to receive testimony on the Soviet strategic force developments in review of the fiscal years 1990 and 1991 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, March 2, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LAUTENBERG. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold an executive meeting for the consideration of and vote on the nomination of Edward J. Derwinski to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs on Thursday, March 2, 1989, at 1:30 p.m. in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

J.W. AND JOHN F. WOLFE HONORED IN COLUMBUS, OH

● Mr. GLENN. Mr. President, I rise today to recognize two distinguished citizens of Columbus, OH, who have been chosen to receive the prestigious People of Vision Award of the Ohio affiliate of the National Society to Prevent Blindness.

J.W. Wolfe, chairman of the board of the Ohio Co., and John F. Wolfe, publisher, president, and the chief executive officer of the Columbus Dispatch, have demonstrated uncommon clarity of vision in their leadership in the Ohio business community and in their dedication to preventing blindness and promoting eye safety. Over the years they have each made many personal and professional humanitarian contributions to the cause of good vision, workplace safety and medical research, yet they have shunned publicity and refused awards that would have focused on themselves rather than on the benefits to the people of their community.

It is altogether fitting that these outstanding Ohioans be recognized for their visions of the future and their service to their neighbors. I am pround to salute John F. Wolfe and J.W. Wolfe of Columbus, OH, truly men of great vision, as they receive the 1989 People of Vision Award.●

DR. KENNETH O'BRIEN

● Mr. WILSON. Mr. President, I rise today to speak in honor of Dr. Kenneth O'Brien, a man who has dedicated both his professional and community life to the improvement of the medical profession. Today he retires from over 42 years of service as a physician and member of the Board of Directors of Community Hospitals of Central California.

Dr. O'Brien opened his medical practice in Fresno in 1945, after graduating from the College of Osteopathic Physicians and Surgeons in Los Angeles. He and six other physicians purchased the Sample Sanitarium and converted it into Sequoia Hospital in 1946.

Dr. O'Brien served as a charter member and president of the Sequoia Hospital Board of Trustees, and in other official capacities until 1955, when the hospital merged to become Sierra Hospital.

Dr. O'Brien was a charter member of the Sierra Hospital Foundation Board, served as secretary and was elected president in 1982.

In addition, Dr. O'Brien has served as a member of every Sierra Hospital Medical Staff Committee, chairman of the department of medicine and president of the medical staff.

Since January 1983, he has served as vice president of the Board of Directors of Community Hospitals of Central California until this day, when he retires from the board and the medical profession.

Through the years, Dr. O'Brien made sure Sequoia Hospital grew to accommodate the changing medical needs of the city of Fresno. Please join me and the Board of Directors of Community Hospitals of Central California in honoring Dr. Kenneth O'Brien for his invaluable service to the medical community.●

THE U.S. CONSTITUTION AND THE RIGHT TO VOTE

● Mr. STEVENS. Mr. President, I would like to take a moment today to acknowledge a very significant event that occurred in Alaska on election day. Across the State of Alaska a student mock election was held in conjunction with an essay contest on "The U.S. Constitution and the Right to Vote." Over 250 students participated in the essay contest alone. I find this very encouraging.

The right to vote is a privilege that should not be taken lightly. I visited with these students at their polling headquarters. Let me hasten to add, some of these students do not agree with me. They did not support President Bush as I did—and at least one of their comments might provoke a response from me. But, these are their essays—their words—not mine.

Mr. President, I ask that the essays of the three first place winners from their specific age groups—Bronwyn K. Rick, Tessie Buttram, and Greg Ha—be printed in the RECORD.

THE U.S. CONSTITUTION AND THE RIGHT TO VOTE

(By Bronwyn K. Rick—grade 6)

Will my vote make a difference? I think that the answer to that question is yes. Somebody can win an election by just one vote, and someday that one vote might be mine.

People think that their vote doesn't make a difference, so why should they vote? That is a difficult question. Their vote is just as important as anyones, a Congressman's, a Governor's, or even the President's.

Sometimes, when people run in an election they aren't satisfied when they win by just a few votes. What they don't realize is that those few votes were given by people; people who took the time out to vote for them. Their vote does make a difference.

When we vote in an election we express how we feel about a candidate. We are saying that their ideas are good and that we believe in them. We believe that they can do a good job, and that we support them.

When we vote we help turn our state and country into a better place, and that depending on the ideas we may help modernize and improve the well-being of our nation. We can help poor people, clean up our streets, and improve the overall quality of life. All of these ideas come through voting.

Voting shows people of all the other countries in the world that we, the American people, can all come together as one and vote for someone peacefully. We say that we really do believe in America and that it should be led by a true and faithful leader. Voting shows commitment to our country. When people vote for any candidate we are showing that they have some quality or idea that the other candidates does not have. Sometimes people believe in many different candidates, but they pick the one whose ideas, values and philosophies are nearest to their own.

How do I know who to vote for? I listen to what the candidates have to say. I like the candidates who don't say any negative things about their competitors. I think that shows the bad side of them. People like me want to hear what good things each individual candidate can do, and about their accomplishments. That is how candidates get positive votes.

Voters should study the candidates so that we can know more about them, their platform and beliefs. If we study them, and like their ideas, we can contribute and support their campaign, so even more people will learn about "our" candidate. That will help them grow stronger and even better known.

I believe that we get a real choice in elections because we are free to vote for whomever we want. No one has the right to stop us from voting in a private situation for our chosen candidate or amendments. The Constitution says that any citizen of voting age has the right to vote no matter what their sex, race, or political preference is.

Sometimes people don't vote. When they don't vote that means that they don't really care about how America turns out or who leads us. They then should not have any right to say anything bad about the outcome of the elections.

Americans have one thing that many other countries do not have. That one thing is freedom. We must not abuse that right, we must be proud of this. Freedom gives us the right to say yes or no to anyone or anything that we want, by way of voting without fear of being punished for our feelings. Sometimes to protect our freedoms we are called on to do things that are not especially pleasant or we don't want to do, like go to war to defend our nation or pay taxes to support our country.

We the people, all joined together are the ones who get a real choice by participating in elections, and by defending the rights our constitution provides for us.

THE U.S. CONSTITUTION AND THE RIGHT TO VOTE

(By Tessie Buttram—grade 9)

I think that if you are a woman or of a racial minority you should take advantage of your right to vote. After all, you didn't always have that right. It used to be only white men who could vote. Racial minority citizens weren't able to vote until amendment 15 was ratified February 3, 1870. Amendment 15 Section one says, "The right of citizens of the United States to vote shall not be denied or abridged by the U.S. or by any state on account of race, color, or previous condition of servitude." Women weren't allowed to vote until Amendment 19 was put into effect August 18, 1920. Amendment 19 more-or-less says that the right of citizens to vote shall not be denied because of sex.

In the last election, November 1984, (according to the 1988 World Almanac) 40.8% of the 18-24 year old age group voted. This percentage is compared to the 25-44 year old age group of 58.4 percent. That's a 17.6% difference. This is only one of the reasons why we should be educating America's teens to vote in high school. This issue can be stressed by holding practice elections. You have people rallies fueling election week to get us in the spirit. Tell us where to register and then maybe you will see a voting percentage increase.

Thanks to women's liberation, our country's complete turn-around in morals and values, we have more women in office than ever before. Someday I hope to see a woman President. It could be possible that only we, the future generation, can decide. So exercise your right to vote, and take pride in doing so.

LOST POWER—THE RIGHT TO VOTE

(By Greg Ha—grade 11)

The right to vote in America today has been neglected. Voting power is dominated by individual special interest groups, mainly the wealthy; the popular vote has become a minority vote. In retrospect there is an incredible irony contrasting how Americans view the right to vote now than in the past. Altogether voting power is sadly, but truly diminishing.

When the average apathetic American gives up their right to vote, they leave their decision up to someone else. This process is like dominos; when a person gives up their right to vote they strengthen the vote of the person who does vote, in theory. Take for instance the 1988 Presidential Campaign. An issue which Americans hear about is taxes. George Bush, the Republican nominee, tells America to read his lips, "No new taxes." On the other hand Mike Dukakis says he would raise taxes as a last resort. The tactic which Bush is using is the same one Ronald Reagan used in 1980 and 1984. The tactic is that by not raising taxes he appeals to the upper-middle class and wealthy; the individuals who make up the majority of registered voters. So as a result taxes stay low, Bush gets elected and raids other funds like Social Security or homes for the poor. This issue is just one example of how the right to vote is neglected. Voting can not be for the people, if it is not by the people.

Irony haunts the power to vote. In the past men struggled for the right to vote. Today in places like Burma and Korea people struggle for a more democratic process, giving up their lives in their quest. In early America women and blacks sacrificed themselves as martyrs for equal rights including the right to vote. Now that all Americans have the right to vote they seem complacent enough not even to practice what they struggled so hard for. The right to vote is present for all to take advantage of, but sadly it is being neglected, and manipulated by the wealthy.

The neglected power of voting is no longer a power. Voting power has the potential to command this nation anyway it desires. Unfortunately the majority of the American public is ignorant and naive. As a result the right to vote is at the heels of the wealthy and is haunted by irony. If only America could look back and appreciate what lengths the right to vote has come, America would be a better nation.●

MASON CITY HIGH SCHOOL BAND

● Mr. HARKIN. Mr. President, I rise today to commend the Mason City High School Band for their excellence in the performing arts. The band was recently recognized for their fine work by receiving the "Sudler Flag of Honor," an award bestowed by the John Philip Sousa Foundation.

Sudler Flag of Honor Awards are made possible through the generosity of Louis and Virginia Sudler. Louis Sudler is himself a performer and businessman who has extended his love for music by assisting and inspiring talented young musicians. Over the years he has established scholarships and awards for young talented musicians through the Louis Sudler

Foundation and the Sousa Foundation. The Sudler Flag of Honor Program itself has been in operation for 6 years, presenting 23 bands across the United States with this honor.

Criteria for receiving the Sudler Flag include standards of excellence in concert activities consistently over several years; competitive evaluation at State, regional, national, or international levels, and standards for the director of the band.

I am proud that a band receiving such high distinction is an Iowa band. The Mason City High School Band was one of only three bands to receive this award for 1988. Under the direction of Mr. Gilbert Letto, the Mason City Band is certainly to be commended for its hard work over the years. The efforts of those young musicians have paid off. They, along with Mr. Letto, will be honored on May 12 at a presentation ceremony in Des Moines during the 62d annual convention of the Iowa Bandmasters Association. The attendees will have the opportunity at that time to listen to why the band is deserving of the Sudler Award.●

ELECTRIFIED FENCE ON SOUTH AFRICA MOZAMBIQUE BORDER

● Mr. LEAHY. Mr. President, last year the Subcommittee on Foreign Operations asked the State Department Bureau of Refugee Affairs to report on the electrified fence on the South Africa-Mozambique border. South Africa installed this barrier to keep out Mozambique refugees fleeing from the civil strife there.

According to the report which I recently received in my new capacity as chairman of the subcommittee, the fence is charged with a potentially lethal 3,300 volts. In 1987 alone, 52 people were killed and hundreds more seriously injured. Ironically, despite these casualties, the fence has proven ineffective as a border control. An estimated 11,500 Mozambiquans crossed into South Africa along that border last year.

Mr. President, it would be difficult to conceive of a more barbaric way to control migration. These are refugees fleeing the devastation of RENAMO, the South African backed insurgency, which according to the State department is responsible for murdering 100,000 civilians.

I was relieved to read that the United States is on record opposing this outrageous barrier. Jonathan Moore, the United States Coordinator for Refugee Affairs, has complained to the South African Government about the fence. He urged them to at least reduce the voltage below a lethal charge. Unfortunately, his appeals have so far been ignored.

In view of the serious human rights issue this fence presents, and because many Senators may be unaware of its existence, I ask that the full text of the report be printed in the RECORD.

The report follows:

REPORT BY BUREAU FOR REFUGEE PROGRAMS TO SENATE APPROPRIATIONS COMMITTEE: ELECTRIFIED FENCE ON THE SOUTH AFRICA-MOZAMBIQUE BORDER

The Government of South Africa operates a lethally charged electric fence on a portion of its border with Mozambique running north from Swaziland. The Senate Appropriations Committee, in language discussing the 1989 Refugee and Migration Account Appropriation, noted with alarm reports it had received of Mozambican civilians dying as a result of encountering the electric fence constructed by South African authorities and requested the Bureau for Refugee Programs to submit by December 31, 1988 a report on the situation and efforts the United States has taken to relieve it.

The South African Government (SAG) began lethally charging the fence about June, 1986. The purpose of the fence, which the SAG operates with the acquiesence of the Government of the People's Republic of Mozambique (GPRM), is to control the influx of Mozambicans, entering for whatever reason, into South Africa.

PHYSICAL CHARACTERISTICS OF THE FENCE

In June, 1986, the fence was only 30 kilometers long but has undergone regular expansion to its present length of 90 kilometers. The first 30 kilometer stretch was from the Crocodile River south towards Komatipoort, the second stretch of 30 kilometers was from Swaziland north along the border between the so-called homeland of Kangwane and Mozambique, and the final stretch connected the first two. The lethal portion of the fence extends 62.4 kilometers from the southern tip of Kruger Park to the northern tip of Swaziland. The fence carries 3,300 volts. There are no current plans to further extend the fence. (A second electric fence with non-lethal voltage has been erected along Mozambique's southern border with the "homeland" of Kwazulu.)

USG officials recently visited the fence in the vicinity of Komatipoort. The electrified barrier consists of three rolls of barbed wire about ten feet high. Several electrified wires run through the barbed wire and are connected to electric relay posts. These in turn are connected to a central computer which reports where any contact with the fence has occurred. The electrified barrier has non-electrified fences on both sides at a distance of about 10 feet.

FENCE RELATED DEATHS AND INJURIES

The only statistics on deaths and injuries are compiled by the South African Defense Ministry. In March of 1988, Defense Minister Magnus Malan stated in Parliament that 46 people had been killed by the fence between June 1, 1986 and February 15, 1988. However, SAG officials have at other times informed Embassy personnel that the fence claimed 52 lives in 1987 and 16 in the first half of 1988. An unknown number of persons have received severe burns from the fence. In January of 1988, a USG official was told that 50 to 100 severe burns had been seen by local homeland officials dealing with refugees.

In addition to the deaths and injuries resulting from contact with the fence, an unknown number of Mozambicans, after successfully navigating the fence, are shot or otherwise injured by South African Defense Forces attempting to capture them. Although SAG officials claim policy is to use minimum force in intercepting Mozambicans, local hospitals have reported numerous instances of gunshot wounds which Mozambicans received while crossing the fenced border.

IMPACT OF THE FENCE ON MIGRATION

Despite the number of deaths and injuries resulting from attempts to cross the fence, it has proven ineffective as a border control. According to SAG officials, about 11,500 Mozambicans crossed into Kangwane homeland in the past year. The Mozambicans use a variety of methods (such as tunnelling, use of rubber tires or tree trunks to cross over, and vaulting) to avoid burning or electrocution. Mozambican "guides" also bring people across for a fee. There are many Mozambicans who, after being deported by the SAG, recross the fence, some repeatedly.

U.S. EFFORTS TO RELIEVE THE SITUATION

The fence first came to our attention in late 1986. It became part of the USG agenda in dealing with South Africa in early 1987 and has been raised at increasingly higher levels as our concerns have gone unmet. In a meeting with Foreign Minister Botha in October of 1987, Ambassador Perkins expressed our opinion that the operation of the fence constitutes a human rights violation. The electrification of the fence and resultant deaths and injuries were criticized in the Annual Human Rights Report for 1987. In October of 1988, the U.S. Coordinator for Refugees Ambassador Jonathan Moore inspected the fence and met with officials of the Mozambican and South African governments to discuss refugee issues, including the fence. In those meetings he conveyed to both sides the USG position that the use of the lethal charge in the fence was an unnecessarily harsh way to deal with the border situation (SAG officials with whom Ambassador Moore met noted in response to questioning that a non-lethal charge would be equally effective in deterring entry). He also asserted that the fence resulted in the denial of asylum to Mozambicans genuinely fleeing the chaotic security situation in their home country.

A major obstacle to relieving the injuries and deaths caused by the electric fence is that the GPRM acquiesced in the building of the fence and supports its continued operation. As early as March of 1987, USG officials raised the issue of the fence with GPRM officials, who had no reaction. SAG officials have reported that they and Mozambican military officials consult regularly about the fence and other border problems. The GPRM apparently has its own security concerns involving the RENAMO insurgency which favor the continued operation of the fence and which have, in addition, led the GPRM to plant anti-personnel mines in many areas on its side of the border.

CURRENT U.S. INITIATIVES

The fence itself is only one part of a larger problem: the inability of Mozambicans to find asylum in South Africa. Over 200,000 Mozambicans present in South Africa are believed to have fled the civil strife caused by the RENAMO insurgency. Some 35,000 refugees who are in Kangwane and Gazankulu are allowed to stay; the SAG has not interfered with the local authorities' decision to grant them visitor's permits. However, the SAG forcibly repatriates Mozambicans whom it catches outside the "homelands" without work permits (26,870 deported in 1987). The SAG has no judicial process by which these individuals can seek

refugee status or appeal a decision to return them to Mozambique. The GPRM is unable to provide secure sites on which to settle these individuals when they are forced back. By repatriating the refugees, the SAG is again exposing them to the insecure, dangerous conditions from which they originally fled.

The current U.S. approach is to address the overall policy of protecting Mozambican asylum seekers in, or attempting to enter, South Africa. The United Nations High Commissioner for Refugees, the international agency normally charged with protecting the rights of refugees, has no presence in South Africa and therefore cannot effectively intervene to assist the Mozambicans. The Department of State is pressing both the SAG and GPRM to allow more international involvement in the border situation in order to provide greater protection and assistance to Mozambicans seeking relief from the ongoing warfare in that troubled country.

We are also exerting our influence to promote a peaceful resolution of Mozambican conflict, which has been a primary cause of refugees fleeing into South Africa. We continue to press for adherence to the 1984 Nkomati accord between South Africa and Mozambique, which prohibits destabilization efforts against each other. The Department's Bureau for Refugee Programs commissioned and widely distributed the report in April, 1988 on the RENAMO atrocities within Mozambique and their affect on the generation of refugee flows to neighboring countries. On September 12 of this year, Presidents P.W. Botha and Joaquim Chissano met in Mozambique to revitalize this accord, raising hope that reduced South African support for RENAMO and expanded bilateral ties between South Africa and Mozambique will create conditions which are more favorable to regional peace.●

REPORT ON THE MIDDLE EAST

● Mr. LEAHY. Mr. President, on January 3 I was privileged to become chairman of the Foreign Operations Subcommittee of the Appropriations Committee. My first official act was to leave on January 4 for Israel and Egypt.

These two nations are by far the largest recipients of U.S. foreign assistance, receiving over $5 billion between them. That is more than one-third of our entire foreign aid budget of some $14.2 billion in fiscal 1989. A number of factors made it important that I go to the Middle East at this time.

First was the fact of my own chairmanship. I needed to meet with the leaders of Egypt and Israel, and they wanted to get to know the new chairman of the Foreign Operations Subcommittee, certainly one of the most important bodies in the United States Senate as far as their interests are concerned.

Second was the installation of a new government in Israel, and the prospect that Israel might now be in a position to make political decisions about the stalled Middle East peace process and the terrible situation in the West Bank and Gaza. A visit would give me an opportunity to see for myself what is happening in the territories, and to discuss directly with Israeli leaders their ideas for ending this tragedy in a way that comports with the sense of justice, democracy, and decency which prevails in Israel.

And, finally, there was the advent of a new President here in the United States, with the chance that a renewed effort might be made to help Israel, Egypt, and moderate Arabs rebuild the once bright hopes for peace coming out of the Camp David accords and the Israel-Egypt Peace Treaty.

Mr. President, I believe my discussions in Tel Aviv, Jerusalem, Hebron, and Cairo were valuable. I came away with a strong sense of the urgency for American leadership, for the sake of Israel and for the sake of the Arabs, including the Palestinians. President Reagan and Secretary of State Shultz left the new administration a helpful legacy in its opening to the PLO. This opening could produce movement toward dialog and contact.

Immediately after my return, I met with Secretary of State Baker to summarize my discussions and my impressions. I spoke to him of the longing of both Israelis and Arabs for strong American leadership in the Middle East, and I emphasized the enormous importance for Israel of an alternative to violence in the West Bank and Gaza.

The Middle East should be a top foreign policy priority of President Bush and Secretary Baker. It is one area where only the sustained and personal involvement of the President himself can guide U.S. policy and shape events.

I prepared a report on my trip to Israel and Egypt for the Appropriations Committee. In the hope that it may be of use to my colleagues in the Senate, I ask that my report might be included in the RECORD at this point.

The report follows:

MIDDLE EAST TRIP REPORT

(By Senator Patrick Leahy)

INTRODUCTION

From January 5–12, my delegation and I visited Israel and Egypt. This was my first trip as the new chairman of the Foreign Operations Subcommittee of the Appropriations Committee. My choice of Israel and Egypt as the first countries to visit as chairman was deliberate. These two nations are by far the largest recipients of US foreign assistance, reflecting their enormous political and strategic importance to this country. They are the only two nations in the Middle East thus far to have the courage and statemanship to make peace and normalize relations. I wished to signal my strong support to them. It also seemed appropriate that my first act as chairman of the subcommittee charged with preparing the Foreign Operations appropriation, which contains the vast bulk of US foreign aid, would be to visit the two single greatest beneficiaries of the generosity of the American people.

My delegation spent 4 days in Israel and two and a half days in Egypt. In so short a time, it is possible only to gain impressions and insights, not to become an expert in the enormous problems of that troubled region. Nevertheless, in an intensive schedule of meetings, briefings, visits and inspections, I was able to gather information that will be of great value to me and to the Foreign Operations subcommittee as we begin to work on the Foreign Operations appropriations bill for Fiscal Year 1990.

In Israel, I met with Prime Minister Yitzhak Shamir, Defense Minister Yitzhak Rabin, Finance Minister Shimon Peres, Israeli military intelligence, officials of the Foreign Ministry, senior officers of the Israeli Defense Forces, Members of the Knesset, Israeli scientists and environmentalists, agriculture specialists, representatives of the American embassy in Tel Aviv and the Consulate General in Jerusalem, and many others, including Palestinian notables in the West Bank. In Egypt, I met with President Hosni Mubarak, Deputy Prime Minister and Defense Minister Field Marshall Abu Ghazala, Presidential Advisor Osama el Baz, Egyptian developmental officials, representative of the US Embassy and US AID Mission, and a good many Egyptian citizens at the Helwan Housing Project.

For all these meetings, and for the time and patience of our hosts, I and my delegation are extremely grateful.

On this trip I was ably assisted by a number of people, including Ms. Ellen McCuloch-Lovell of my staff, Mr. Eric Newsom, staff director of the Foreign Operations subcommittee, Mr. James Bond, minority staff member of the Foreign Operations subcommittee, Dr. Henry Gaffney, Director of Plans of the Defense Security Assistance Agency and Mr. Morton Dworken, Director of the Office of Security Sales and Assistance in the Department of State. My thanks to them, and to the many people from the US embassies, consulates and missions who also assisted.

Israel

Israel is preoccupied with the Palestinian uprising in the West Bank and Gaza. Its leaders are struggling to find a successful strategy for dealing with the uprising, or *intifada*, that is consonant with the humane, democratic values of Israel and the Israeli people. Unfortunately, a great many Palestinians have died in the violence since December 1987, over 370, and also a number of Israelis, about 15. The toll in human life has been inexcusably high.

The scenes of turmoil and confrontations between Israeli soldiers and Palestinian demonstrators, the latter often very young teenagers, have been ugly. There has been a considerable impact on American public opinion, as demonstrated by a national poll shortly after my return which indicated a majority of Americans oppose Israel's actions in the West Bank and Gaza. In addition, the effect on Israeli public opinion has been immense. Israeli leaders conceded that the Israeli people are deeply divided, with roughly half favoring a hardline no compromise stance towards the intifada and the territories, and the other half wanting to see a negotiated solution that accommodates in some degree the aspirations of the Palestinians. There is a great debate underway in Israel prompted by the intifada, with no consensus as yet emerging as to what directions the Israeli people wish to see their government take.

Opinions of Israeli leaders about the impetus and leadership of the intifada varied, with some arguing it is inspired, led and sus-

tained from the outside, principally by the Palestine Liberation Organization (PLO). Others, including a number of key military officers, legislators and diplomats with whom I spoke, firmly believe the intifada is an indigenous phenomenon, a true nationalist rising by the Palestinians of the West Bank and Gaza. One of the most perceptive assessments I heard was from a senior Israeli military officer, who said the intifada represents a generational watershed. He argued that the older Palestinians had acquiesced in Israeli control of the territories, but the young Palestinians—and the majority of Palestinians in the West Bank and Gaza are under 30 I was told—will no longer quietly accept Israeli rule.

On one point, most, though no all, of the Israelis with whom I spoke were agreed: the intifada cannot be repressed by military force, and can only be solved by some political process that responds to Palestinian demands to have a voice in their own future. The agonizing dilemma for Israeli leaders, political and military, is what that political process might be and how to establish it without appearing to bow to force.

The attitude of Israeli leaders respecting the short term policy of dealing with the intifada varied, with the majority opinion seeming to believe that more force is necessary to contain the violence and to show the demonstrators that force will not pay. Other Israelis insisted that violence only led to more violence, instilling a sense of martyrdom and exaltation among the young Palestinians. Israeli leaders indicated that they are aware of the impressions conveyed to world opinion by the use of force against the Palestinian rioters, but argued that people must recognize that it would be folly for Israel to make concessions in the face of violence. Some Israelis equated such a stance with giving in to terrorist demands.

Clearly, many Israeli leaders are deeply disturbed by having to use soldiers to maintain public order, a police task. They fear the impact on the morale, readiness and psychological outlook of Israeli soldiers, both regular and reserve, who have to serve in the West Bank and Gaza. That such concerns are justified is demonstrated by Prime Minister Shamir's confrontational meeting with young IDF soldiers shortly after I left Israel, in which the soldiers protested having to carry out the Government's policy of force in the West Bank and Gaza.

Israeli leaders almost uniformly told me they understood the importance of Israel regaining the initiative in the peace process. Most were disturbed or angered by the American opening to the PLO, announced shortly before my visit. Senior Israeli leaders insisted the American decision was a great mistake which would encourage further violence and terrorism, and would impede Israeli attempts to revive the peace process. Their opinion was that PLO leader Yassir Arafat failed to meet fundamental American conditions, and that what they regarded as his ambiguous statements were merely a tactical move to gain the diplomatic initiative.

Several Israeli leaders spoke to me in very general terms about a new Israeli peace initiative for the West Bank and Gaza. From what little was said, such an initiative appears to be a variant of the West Bank and Gaza portion of the Camp David Accords of 1978. The key elements of such an initiative would seem to be elections in the West Bank and Gaza for local officials who would administer some form of autonomy and participate in negotiations with Israel and perhaps other parties, such as Jordan, on a long-term solution to the status of the West Bank and Gaza. It should be noted that all Palestinians with whom I spoke in the West Bank firmly rejected the concept of local elections under Israeli control, either to administer West Bank autonomy under Israeli authority or to select Palestinians with whom Israel could negotiate the final status of the territories. Palestinians insisted no elections were necessary to select their representatives for negotiations, since the PLO already represented Palestinians in the West Bank, Gaza and elsewhere. These Palestinians also declared emphatically that Camp David as it applied to the West Bank and Gaza was dead. Any solution to the status of the territories would have to be based on a fresh initiative, they said.

Some Israeli leaders told me that if persons associated with the PLO were among those chosen by the inhabitants of the West Bank and Gaza in free elections to represent them in negotiations with Israel for autonomy and for a solution to the permanent status of the West Bank and Gaza, Israel would sit down with such representatives. Israel's only condition was that such persons not be terrorists and have repudiated violence as the means to solve the question of the status of the territories. Some Israelis expressed skepticism that PLO members ever would satisfy this condition, but others were optimistic that such a step would eventually occur once it became clear that the intifada would not force Israel to make concessions regarding the status of the West Bank and Gaza.

It is clear from my discussions that Israel faces severe economic problems, in part exacerbated by the costs, direct and indirect, of the intifada. I was told inflation is rising again, economic growth is low, and Israel finds itself gripped in the "stagflation" which plagued much of Western Europe and the United States in the 1970s. Leaders said politically and socially difficult measures are needed, including privatization of much of government activities, reduction of taxes that constrain private initiative, lowering of massive central government deficits, and a cutback in the role of government in the economy. It was suggested that many of the economic gains of the early 1980s made with enormous U.S. financial assistance, are being lost through low growth and inefficiencies in the centrally managed economy.

Israelis told me the real burden on the Israeli economy is the staggering defense budget. Now, more than half the defense budget goes to repay foreign loans to buy advanced military equipment. This leaves little to cover the operational, training and readiness costs of the Israeli Defense Forces.

Dealing with Israel's pressing economic problems is complicated by the West Bank and Gaza situation. I heard estimates of as much as a 2% loss in Israel's Gross National Product because of labor, trade and other disruptions, as well as the direct costs to the Israeli government, because of the intifada. Some Israelis with whom I met indicated that tourism, an important foreign exchange earner, was down significantly, perhaps as much as 25% by some estimates. They attributed this fall in tourism to perceptions of widespread violence, though in fact demonstrations are confined to the West Bank and Gaza.

Egypt

Unfortunately, due to time limitations, my stay in Egypt was even briefer than my visit to Israel, only two and half days. However, in that time I was privileged to meet President Mubarak, as well as other senior Egyptian figures.

Discussions in Egypt focused more on the profound economic and social problems besetting that country, and the use Egyptians are making a large scale U.S. economic and military assistance. Egypt is confronting a massive foreign debt, and is approaching a crisis in its ability to meet its debt payments. Very difficult negotiations have been in progress for some time with both the World Bank and the International Monetary Fund for substantial infusions of badly needed foreign exchange. However, these negotiations are lagging because of Egypt's unwillingness to agree to wideranging economic reforms. These reforms, which the United States also believes are necessary, involved austerity measures and structural reforms which would be painful to the Egyptian people. If Egypt's leaders miscalculate the tolerance of their people for more sacrifice and if the reforms take unduly long to produce beneficial results, there could be dangerous political turmoil.

Egyptian leaders also made clear they dislike US insistence on attaching conditions to the release of some of its economic assistance. These conditions are related to internal economic and governmental reforms and to progress in negotiations with the World Bank and the International Monetary Fund. The Egyptians believe they have made significant progress in dismantling the inefficient economic structure left by President Nasser, and they are the best judges of how fast their system can tolerate change.

Egypt's reluctance to agree to risky economic reforms that may take years to pay off is understandable. At the same time, US officials stressed that failure to restructure Egypt's centralized "socialist" economy, with its manifold inefficiencies, huge bureaucracy, staggering waste, corruption and abuse, only postpones the day of reckoning. Difficult decisions cannot be delayed much longer.

The Foreign Operations subcommittee, under the able leadership of my predecessor, Senator Inouye, and Senator Kasten, introduced a provision in the foreign assitance appropriation which permitted holders of military assistance debt to refinance that debt at lower rates of interest now prevailing. Israel has availed itself of that provision, as has Turkey. However, Egypt has as yet failed to take advantage of this arrangement to refinance its pre-1985 military assistance debt, totaling more than $5 billion, at significantly lower interest rates. Egyptian officials explained that on reason for their hesitation was Egyptian expectation that the world community would soon find a formula for relieving at least official debt for Third World nations, and that therefore Egypt was reluctant to refinance its official debt with the United States with commercial banks, and perhaps jeopardize the chance to have some or all that debt written off. Whether justified or not, this Egyptian expectation underlines the importance of the United States and the developed nations coming to grips soon with the pressing problem of Third World debt.

As for the peace process and the Palestinian problem, Egypt's leaders praised the US opening to the PLO and urged that it be followed up with substantive moves to revive the moribund Middle East peace process. Senior Egyptians stressed that no efforts for peace in the Middle East could succeed without active American participation as mediator and facilitator. They urged that

the new Administration make restarting the peace process in the Middle East a top priority, and indicated they were willing to be supportive of American efforts.

One important point that was made in my discussions was that Egypt regards the Camp David Accords as they relate to the West Bank and Gaza as obsolete. Evidently, the Egyptians share the belief of West Bank Palestinians that any solution to the status of the West Bank and Gaza will have to be on a different basis than the autonomy plan embodied in the Camp David Accords. Egyptians stressed that this view in no way affected Egypt's adherence to the Egypt-Israel Peace Treaty. All Egyptian leaders with whom I spoke emphasized that they had made their peace with Israel, and it was up to the rest of the Arab world to make the same fundamental decision. As for Egypt, they said, its main concern now is economic development and improvement of the lives of its people.

HELWAN HOUSING PROJECT

In my visit to Cairo, I requested that AID take me on a tour of the massive Hewan Housing Project, on the outskirts of the city. This is one of the largest such projects AID has undertaken, involving the construction of over 7,500 units for poor Egyptian families. What I found was illustrative of the many problems of undertaking large scale development projects in Third World conditions.

Begun ten years ago, and with a five year target date for completion, the Helwan Housing Project is still far from completed. When I left Washington, I had been told that no families had yet been housed, after ten years of work and over $135 million provided by AID. Once I arrived, I was told in fact the first 15 families had taken up occupancy. Once on the site, the number had risen to 48, and before I left it approached one hundred. At that rate, had my visit lasted three more days, more than three hundred Egyptian families might have had housing.

In fact, despite an appalling story of mismanagement, misunderstanding, red tape, inefficiency and waste, the Helwan Housing Project at last seems to be reaching the payoff point. Project managers predicted that units would soon begin to be occupied at the rate of 100 families per month, and that the first large blocks of housing would be finished within another two years. It will still be several years before the entire complex is done, if it ever is. However, at the Project, I visited schools, workshops, clinics, small private enterprises, and other community facilities started under the program. I saw poor Egyptians having for the first time real opportunity for work, housing, decent health care, education for their young.

The difficulty with the Helwan Housing Project is that it is finally attaining these very real goals only after tremendous waste and loss of time. It is hard to find reasonable explanations for why a five year project is still far from complete a decade later, and why only a tiny handful of the more than 7,000 Egyptian families have found clean, healthy housing after more than $130 million of the American taxpayers' money has been spent.

AID's explanation is that its initial mistake was to attempt an innovative approach to low income housing without first obtaining the full fledged support of the Egyptian housing bureaucracy. AID wanted to build units for ownership by the occupants, with full payment of a mortgage. The idea was to instill a sense of personal commitment to the success of the project by those who would borrow to buy their own dwelling. However, the Egyptian bureaucracy was used to a system of subsidized government-owned housing rented to the occupants. Because of the very different points of view, AID project managers found themselves entwined in masses of Egyptian red tape, and were unable to keep the project on schedule.

AID insists it has learned valuable lessons from the Helwan experience, and that it will never again design a project so out of keeping with the managerial, technical and financial resources of the host government. Perhaps this is so. Nevertheless, the Helwan Housing Project, its conception, design, management, implementation and Agency oversight will be a subject of Foreign Operations subcommittee inquiry.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the budget act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of the $136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., February 21, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through February 9, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF FEB. 9, 1989

[In billions of dollars]

	Current Level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal year 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,708.0	[3] 2,824.7	−116.7
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	.....
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with sec. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS FEB. 9, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	.....
Other appropriations	594,475	609,327	.....
Offsetting receipts	−218,335	−218,335	.....
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	(2)	(2)	.....
Special milk	4	.....	
Food Stamp Program	253	.....	
Federal crop insurance corporation fund	144	.....	
Compact of free association	1	1	.....
Federal unemployment benefits and allowances	31	31	.....
Worker training	32	32	.....
Special benefits	37	37	.....
Payments to the Farm Credit System	35	35	.....
Payment to the civil service retirement and disability trust fund [1]	(85)	(85)	.....
Payment to hazardous substance superfund [1]	(99)	(99)	.....
Supplemental security income	201	201	.....
Special benefits for disabled coal miners	3	.....	
Medicaid:			
Public Law 100–360	45	45	.....
Public Law 100–485	10	10	.....
Family support payments to States:			
Previous law	355	355	.....
Public Law 100–485	63	63	.....
Veteran's Compensation COLA (Public Law 100–687)	345	311	.....
Total entitlement authority	1,559	1,121	.....
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	.....
Total current level as of Feb. 9, 1989	1,232,979	1,100,113	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	929	363	.....

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS FEB. 9, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Under budget resolution			266

[1] Interfund transactions do not add to budget totals.
[2] Less than $500 thousand.
Note.—Numbers may not add due to rounding.●

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution, introduced by my colleague, Senator RIEGLE from Michigan, designating June 14, 1989, as "Baltic Freedom Day." The purpose of this measure is to express Congress' concern over the Soviet Union's continued subjugation, oppression, and Russification of the Baltic people of Lithuania, Latvia, and Estonia. However, some encouraging developments have occurred over the past several years brightening their chance to achieve their shining goal and autonomy.

Only 2 years ago last month, the Lithuanian people celebrated for the first time in 47 years, their first steps toward independence and neutrality. They have joined together to demand a "free Lithuania," organized by the Sajudis reform movement and approved by the local Communist Party. Almost 200,000 people, in both Lithuania and in Kaunas, the Lithuanian capitol from 1920-39, united to assert their right to exercise "freedom of choice," in response to Gorbachev's speech to the United Nations in December 1986. The Sajudis manifesto included the restoration of Lithuania's "traditional status of neutrality in a European demilitarized zone, as well as universally accepted human and civil freedoms, from which flows the general right of Lithuanian's citizens independently to choose and develop their own forms of state existence." In an effort to improve East-West relations, struggles such as this should not go unnoticed.

June 14, 1989, will mark the 49th anniversary of the United States nonrecognition policy toward the Soviet's illegal occupation of Lithuania Latvia, and Estonia. This policy will remain a sensitive issue of United States-Soviet relations until the Kremlin's hegemony of the Baltic States is relinquished. I am certain that we will continue to be as steadfast in this policy as our Baltic friends have been in their pursuit of freedom.

Lithuania, Latvia, and Estonia each proclaimed their independence in 1918 and for 22 years they nurtured their newly found freedom—a freedom previously denied them for centuries by more powerful, aggressive neighbors. In 1920, the Soviet Union promised to recognize their independence.

By signing peace treaties with each Baltic State, the Soviet Union promised to "voluntarily and forever" renounce its sovereign rights over the territories of Lithuania, Latvia, and Estonia and to recognize without reservation their "independence, autonomy, and sovereignty." The Soviet Union's promise, however, was as hollow as any they have made before or since that time.

In 1940, the Soviet Union began its attempt to smother Baltic freedom. The Red Army stormed into Lithuania, Latvia, and Estonia, and seized control of all three nations. The Soviets established in each nation a puppet regime which unanimously passed a "request" for incorporation into the Soviet Union. Late in 1940, these "requests" were enacted in Moscow.

The Soviet occupation began with a series of arrests and imprisonments that swelled into the tens of thousands of prisoners. On the evening of June 14, 1941, with the Soviet terror gathering momentum, they began a massive deportation program. Between 1944 and 1949, hundreds of thousands of Baltic people were herded into freight cars and exiled to distant parts of the Soviet Union. Those countless native Balts who were considered potential foes of Soviet imperialism were branded "enemies of the people" and were replaced by new settlers from the Soviet Union.

Under Stalin, Khrushchev, Brezhnev, Andropov, and Chernenko, thousands of Lithuanians, Latvians, and Estonians have been slaughtered, deported, exiled, and imprisoned in slave-labor camps or committed to psychiatric institutions. These ruthless dictators have pursued a Russification policy which has denied the Baltic people the most basic of human rights.

For the time being, the Soviet Union may have control of Lithuania, Latvia, and Estonia. But, without the consent of their freedom-loving people, the Soviet Union inevitably will regret its illegal and forced incorporation of these proud nations.

What the Soviets have done clearly flies in the face of the U.N. Universal Declaration on Human Rights and the Helsinki Final Act. Despite repeated professions of support for the principles embodied in the Final Act, the Soviets continue to violate the rights to self-determination guaranteed the Baltic people. As this act affirms, "All people always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development."

The degree and depth of Soviet denial of basic human and civil rights is not as deep as the Baltic people's desire for freedom and independence. The Balts' deeply rooted love of freedom and steadfast belief in the principles of independence have enabled them to endure Communist hegemony and suppression. They have lasted through years of Soviet subjugation, oppression, and Russification. Their spirit will not be broken, and their struggle for self-determination will not subside.

Mr. President, as a member and former Chairman of the Commission on Security and Cooperation in Europe, I remain deeply concerned about the Soviet Union's continuing human rights violations in Lithuania, Latvia, and Estonia. As a party to the U.N. Charter and as a signatory of the Helsinki accords, the Soviet Union has pledged its respect for human rights and fundamental freedoms. As such, the Soviet Union must accept the political and legal obligations that these agreements require.

When we celebrate June 14, 1989, as "Baltic Freedom Day," it is fitting and proper that we remind the Soviet Union of these obligations. I urge my colleagues to join me in support of this resolution to reaffirm our love for freedom and our commitment to the principles of independence for all peoples, for ourselves, and especially for our Baltic friends who have been forced to live in their absence.

I hope that encouraging developments in the Baltic States will be allowed to follow their natural course and become permanent. Until they become permanent, we must continue to be vocal advocates of Baltic freedom and vigilant sentries against the possibility of reversal of these important gains.●

SOVIET REFUGEES—S. 489

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor and strong supporter of S. 489, a bill introduced yesterday by the distinguished senior Senators from Massachusetts and Wisconsin, along with a number of our colleagues. This bill is intended to transfer $200 million in previously appropriated funds from the State Legalization Impact Assistance Grant Program established by the Immigration Reform Control Act of 1986 to programs to assist Soviet refugees.

In both the fiscal year 1990 and fiscal year 1991 budgets $300 million of the funds in the State Legalization Impact Assistance Grants Fund were recommended for rescission. We propose not to rescind all of these funds and to transfer $200 million as follows: $50 million to the Office of Refugee Resettlement of the Department of Health and Human Services for use only for grants under the Voluntary Agency Programs and for grants to

States for domestic resettlement and assistance to refugees; and $150 million to the Department of State in the U.S. Emergency Refugee and Migration Assistance Fund.

Mr. President, we are facing a humanitarian and public diplomacy crisis. This crisis is caused by the large number of persons being allowed to emigrate by the Soviet Union. When we provided funds for refugee assistance for fiscal years 1988 and 1989, we did not anticipate the dramatic increases we have seen in emigration from the Soviet Union. Accordingly, we are not now able to pay for benefits for the larger than expected number of refugees desiring to come to the United States.

As a former Chairman and current Commissioner of the Commission on Security and Cooperation in Europe—better known as the Helsinki Commission—I have attended many international meetings at which the United States has pressed the Soviet Union to live up to its international commitments to freedom of movement. In the past, the Iron Curtain really was iron, and people only managed to escape Soviet authority at great risk to their lives and families.

Now, we face the changes President Gorbachev has wrought in Soviet practices, including greater freedom to emigrate—and rising numbers of refugees wishing to come to the United States. Last year saw not only the rise in numbers of Soviet Jews allowed to leave, but, for the first time, Pentacostals and other religious dissidents being permitted to leave after years of severe persecution. Last year also saw a continuation of the struggle between Christian Armenians and Moslem Azerbaijanians over Nagorno-Karabakh, and the terrible Armenian earthquake, all of which combined to produce a rising wave of Armenian refugees.

We were unprepared for these developments and have not yet established a program for dealing with them. We are struggling to define such a program and I understand that progress is being made in the executive branch. However, a growing number of people are now stranded in Rome, Italy, and an increasing backlog of cases await processing in Moscow.

Worse, the Immigration and Naturalization Service is resorting to what I view as an erroneous interpretation of the Immigration and Naturalization Act to deal with what is, in essence, a resource problem. Because we do not have enough funds to pay the costs of the refugees desiring to come to the United States, we are simply deciding that they are not refugees!

This is an incredible situation. The law provides that—

[t]he term refugee means * * * any person who * * * is unable or unwilling to return to [his or her country], and is unable or unwilling to avail himself or herself of the protection of that country *because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.* * * * (8 U.S.C. 1101(a)(42), emphasis added.)

It has been alleged that the INS, fully aware of a recent Supreme Court decision setting forth standards for applying the "persecution or well-founded fear of persecution" test, is not applying it properly. The effect of this misapplication is to reduce the number of people qualified for admission to the United States as refugees to a number equal to the resources available to pay for them.

This, if true, is a deeply regrettable bureaucratic decision. If it is true that the INS is doing this, it undercuts a principal U.S. human rights initiative and destroys good will built up with much effort through extensive public diplomacy by both executive branch and legislative branch leaders. It also presents to new immigrants a very, very poor picture of the way our constitutional system works. It leads them to believe that our laws are as conveniently flexible to the needs of Government policy as are Soviet laws.

For these reasons, among others, it is vital that we act, in concert with the executive branch, to resolve this problem. We need, through the emergency consultation process, to provide additional refugee numbers. We need to pass this bill to fund those numbers.

This bill will not provide a permanent solution to the problem. It will, however, allow the administration to handle a humanitarian crisis and stop a public diplomacy disaster before things get worse.

Mr. President, I ask my colleagues to join me and the other supporters of this important bill in pressing for its rapid consideration and passage. The more time we allow to pass without action, the worse conditions will become, and the greater the harm that will be done to innocent people and to the cause of human rights.●

NATIONAL DRINKING WATER WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 60, a joint resolution designating the week of May 1-7, 1989, as "National Drinking Water Week." I commend my colleague and good friend from Arizona for taking the lead in increasing the awareness of the necessity of drinking water.

Water is one of our most important natural resources—necessary for most forms of existence. Unfortunately, it is too often taken for granted. Sometimes it takes a severe drought like last summer's for us to realize how much water is a part of our daily lives. Humans, after all, are 65 percent water.

National Drinking Water Week presents an excellent opportunity to recognize those who work to not only guarantee us a constant water supply, but also a clean supply.●

COMMENDING THE PRESIDENT'S REVIEW OF DEFENSE STRATEGY

● Mr. WILSON. Mr. President, I wish to commend President Bush for having wisely and courageously chosen to begin his stewardship of American security by conducting a thoughtful and thorough review of U.S. defense and arms control strategy. His steadiness in the face of considerable pressures to act fast is simply another reminder of the people's sound judgment in electing him to our Nation's highest office.

As the President's national security team begins this review, they will doubtless consider the work of outside groups that have addressed U.S. strategy for the nineties. I have received and reviewed one such study, "Securing Strategic Stability" and its companion piece, "Deterring Through the End of the Century" from the Center for Strategic and International Studies. These are significant works that should, and doubtless will, command the attention of senior Bush administration officials.

While I endorse the need for such a review, Mr. President, and have the utmost respect for the study participants, I was deeply troubled by many of the underlying assumptions embedded in the study plan and in key aspects of the analytic methodology. I have serious questions with certain threat assessments and I flatly disagree with many of the work's critical conclusions. Since most of my criticisms relate to assumptions regarding U.S. war plans, operational capabilities, and deterrent posture, I sent the study to SAC headquarters and asked for an assessment of it by General Chain and his operational and analytic staff.

General Chain, in a January 26 letter to me, replied that "there are significant faults in the study's basic approach and analysis." He also observed that "the assumptions, not the analysis, drove the conclusions." I would put it differently—this report seems to be a solution—the small ICBM—in search of a problem.

Since the real world we live in, Mr. President, demands that we tighten our belts and solve real problems like improved force survivability, I am confident that President Bush will heed the advice of the SAC commander and press ahead with a credible, affordable, and survivable strategic modernization program.

I therefore look forward to working with the Bush administration in the upcoming strategic review.

Mr. President, because General Chain offered some commonsense perspectives on the land-based and air-breathing components of America's strategic deterrent forces, I ask that my original letter to him and his reply be printed in the RECORD.

The letters follow:

Gen. JOHN CHAIN,
CINC SAC, Omaha, NE.

DEAR JACK: I have recently received a copy of a study done by the Center for Strategic & International Studies entitled "Securing Strategic Stability". I have read the report with interest and am curious about your reaction.

In particular, I would very much appreciate your comments on the methodology, analysis and conclusions of the report.

I must confess, I find it a little difficult to square the report's conclusions regarding the SICBM and a "stretched" B-2 with a potential START agreement that heavily emphasizes air breathers and a budget environment that will mean severe fiscal constraints. It seems to me that the study panel places an incredible premium on *your* ability to do "single warhead targetting" and on *your* needs for absolute "zero warning" ICBM force survivability. I wonder whether you, as CINC SAC share these priorities and perspectives and would endorse the resource allocations recommended.

I would very much appreciate getting your comments on this report as soon as possible, hopefully before we begin hearings on the President's budget in February.

Please feel free to call me if you have any questions or need any clarification about the request. Thanks, Jack.

Sincerely,

PETE WILSON.

JANUARY 26, 1989.

Hon. PETE WILSON,
U.S. Senate, Washington, DC.

DEAR PETE: Thank you for your letter regarding "Securing Strategic Stability," published by the Center for Strategic and International Studies (CSIS). The study group's willingness to engage in systematic analysis of our strategic modernization alternatives is commendable. The group's recognition that a START Treaty without modernization will likely make us worse off is also refreshing. Nonetheless, there are significant faults in the study's basic approach and analysis. The assumptions, not the analysis, drove the conclusions. I'm afraid this effort, however worthy in conception, could cause more confusion than understanding in the months ahead.

The study begins on the wrong foot. On page 13, we're told that the central objective is crisis stability. (That's certainly a worthy goal, but not our only one.) We are then told that crisis stability implies having forces which are "withholdable regardless of alert condition," and that weapons such as PEACEKEEPER Rail Garrison are of little real use.

Let's stop and think about that line of reasoning. For those of us who like to deal in plain English, "crisis stability" means that (1) there is a crisis and (2) our forces have a stabilizing effect—exactly what Rail Garrison can deliver in a crisis. I am not aware of any crisis that did not include measures to improve our force posture. In a real crisis, we would disperse Rail Garrison forces, and they would be "withholdable." Rail Garrison will improve crisis stability, if you're talking about crises in the real world. And, in the real world, we've got the means to provide sufficient warning for Rail Garrison to disperse. (As you know, we've invested billions over the years to acquire the hardware and perfect the procedures.) We should recognize real world facts if we want a valid evaluation of Rail Garrison.

My staff has found that the analysis itself, as portrayed in the graphics has some apparent instances of bombers being credited with only START-countable surviving weapons instead of actual weapons, a major miscount. It should therefore be no surprise that bombers do not fare well in the bottom line comparisons.

Several other incorrect or misleading assumptions or factors were used to reach the conclusions. Only the "rideout" scenario was used, which is unrealistic and assumes away the value of our silo based ICBMs. Higher than realistic SSBN at-sea rates reduce the relative contributions of the ICBMs and bombers. Many options are simply unrealistic, e.g., only 11 B-52s in service in one alternative force. The fiscal guidance is too low, even if you compute it using the study's methodology; that error limits the potential solutions available.

Basically, the study assumes away Rail Garrison and undervalues the contributions of our bombers. The conclusions reflect the flaws in approach and analysis. In particular, I do not agree with the implication that we should pursue Small ICBM now at the expense of B-2.

The right answer for strategic modernization is to push ahead with vigorous Rail Garrison and B-2 programs now, and develop the Small ICBM later. Rail Garrison is here; it's affordable, and practical. The B-2 is a revolution in combat capability. (And, as you have noted, START puts a special premium on manned penetrators like the B-2.) The Small ICBM would be great right now—with its outstanding mobility and single-warhead targeting flexibility. However, we can't afford it now, and we'll have to wait.

Thanks for the opportunity to comment on the CSIS report. I look forward to discussing strategic modernization with you again soon.

Best wishes.

JOHN T. CHAIN, Jr.,
General, USAF, Commander in Chief, Strategic Air Command.●

NATIONAL STUDENT-ATHLETE DAY

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 39, a joint resolution designating April 6, 1989, as "National Student-Athlete Day," which I cosponsored on Janaury 31.

National Student-Athlete Day will help us give a much-needed recognition to the importance of athletics in a student's development. While academics and studying are paramount, athletic competition and participation in fitness programs are of great proven value to our young people. Sports are not just great exercise; they also help develop discipline and character.

I can personally vouch for the merits of sports program—I was a member of the Chaminade High School Track Team for 4 years and was lucky enough to attend Syracuse University on a track scholarship. Sports played an important part in my development—I think all of our children should be given the same opportunity.

This year's National Student-Athlete Day will emphasize the importance of education to athletes. We must stress the value of sports and fitness to students, but only in the context of obtaining an education.

Also stressed on April 6, will be the positive role of sports as an alternative to drug and alcohol abuse. Let's face it, too many American youth of all ages are turning to drugs—either as users or dealers or both. If more students with free time after school participated in their school's extracurricular sports programs, fewer would have the time or the interest for drugs. Participation in a team sport can help build a student's self-esteem and provide the confidence to "say no" to drugs.

The Federal Government supports several progams to focus on the potential role of student athletes to prevent drug abuse among their peers. In 1984, the Drug Enforcement Administration [DEA] began the Sports Drug Awareness Program, which emphasizes the role of the coach and student athlete. In a report on U.S. Anti-Drug Abuse Programs to the House Committee on Appropriations, the Sports Drug Awareness Program is described as follows:

> With the coaches' commitment to preventing narcotics and dangerous drug abuse, student athletes are encouraged to become role models using positive peer pressure to dissuade other students from using and abusing narcotics and dangerous drugs. DEA and FBI staff join with athletes, officials from professional sports, and high school coaches who have implemented successful programs to present clinics to help coaches develop programs in their high schools.

Last year's omnibus drug bill appropriated $3 million to fund another special program the National Youth Sports Program. These are just two examples of programs developing all over the Nation to combat our drug problem. Much, much, more needs to be done to rid this country of drugs—these programs are only a start.

National Student-Athlete Day presents an excellent opportunity to help our children grow both physically and mentally. I am proud to offer my support for this joint resolution.●

CONGRATULATIONS TO IRVEN ARMSTRONG, OUTSTANDING HOOSIER

● Mr. LUGAR. Mr. President, I ask you and my colleagues to join with me in congratulating an outstanding Hoosier, Mr. Irven Armstrong.

Mr. Armstrong has served as an educator, teacher, high school administra-

tor, insurance specialist, speaker, World War I veteran and a prominent figure in the beginning and early development of Kappa Alpha Psi Fraternity, Inc., an African-American Greek Letter College fraternity.

On March 7, 1989, Mr. Armstrong will celebrate his 97th birthday with his wife Alberta. He is the oldest living member of the Kappa Alpha Psi and one of the fraternity's most prominent members.

Irven Armstrong attended public schools until 1910. Mr. Armstrong and his brothers were the only black students to graduate from Westfield County School in the towns 150-year history. He then continued his education at Indian University, majoring in history, and he joined the Kappa Alpha Psi Fraternity. His love for education fostered his decision to become a teacher. He began his career in an all black school in Hamilton County, IN, and then went on to a position as a high school administrator. After serving in World War I, Mr. Armstrong became an insurance specialist for the Old Liberty Life Insurance Co. in Chicago.

During his later life, Mr. Armstrong continued to be an extremely active member in his fraternity. In his 77 years as a member, he has been Polemarch in four chapters of the fraternity: Alpha Chapter; Indianapolis Alumni Chapter; Chicago Alumni Chapter; and Baltimore Alumni Chapter. In August, 1986, at the 75th Jubilee Conclave in Indianapolis, Mr. Armstrong was given the Laurel Wreath, which is the highest award given by his fraternity, in recognition of his contributions to his community, his excellent work as an educator, and for his continual dedication and work for Kappa Alpha Psi.

Irven Armstrong is a man of integrity and I am proud that he is a Hoosier. I ask my colleagues to join me in wishing him the best for another great year.●

BAN HIGH-POWERED ASSAULT WEAPONS

● Mr. SIMON. Mr. President, the Chicago Defender recently had an editorial about assault weapons

It is hard to believe that anyone can defend the use of these assault weapons whose only aim is to kill as many human beings as possible in the shortest time possible.

I hope we will have the courage to ban these weapons.

They are becoming an increasing threat to our society.

I urge my colleagues to read this editorial, which I ask to have printed in the RECORD.

The editorial follows:

[From the Chicago Defender, Feb. 11, 1989]

BAN HIGH-POWERED ASSAULT WEAPONS

The Defender sincerely commends the Chicago and Maywood police departments for working together recently to seize a cache of high-powered assault weapons and explosives in the suburbs of Maywood and Westchester. Such incisive teamwork may have saved countless people from being wounded, maimed or killed in future violence. If ever an ounce of prevention was worth a pound of cure, this was that time.

A review of the list of armaments is enough to send chills down the spine of any decent-minded individual. At the Maywood address, there were a total of 38 weapons, including eight automatic machine guns, seven sawed-off shotguns, one semi-automatic Uzi machine gun, 20 handguns, 23 live hand grenades and numerous rounds of ammunition. At the Westchester home, suspected cocaine, $4,300 in cash, 13 guns and an undisclosed quantity of ammunition were confiscated.

Authorities reportedly said the two homes where the weapons were being kept were so-called "safe houses" used by gangs. It was also reported that officials felt the weapons were destined for delivery to a Chicago street gang. The Defender wants to stress that the weapons reportedly were fully-loaded.

Just think of the damage to society that could have been done if the 51 weapons and grenades had been delivered to and used by the street gangs. Bullets have no eyes. They do immeasurable damage when fired from a high-powered assault weapon held by a person who is so intent on killing a rival that the weapon-wielding fool doesn't care how many innocent bystanders will be hurt or killed in the process. The media have reported innumerable cases of infants, preschool children, senior citizens, and innocent adults being caught in such senseless shootings. Who is to explain to innocent victim's loved ones why his/her precious life was so heartlessly and unnecessarily extinguished?

There are other horror stories of high-powered weapons use such as the time when mentally unbalanced persons walk into a school, shopping center, fast-food restaurant or the like and opens fire helter-skelter.

Chicago Police Superintendent LeRoy Martin reportedly made a statement which the Defender thinks authorities and lawmakers should take into serious consideration: "All (the weapons) were created by the military as war weapons. They have only one purpose and that is to kill . . . they were never intended for civilian use. And here such weapons are, in the hands of people involved in criminal activity."

Martin's statement is so on target and in agreement with the Defender views of the matter that we at the Defender are strongly recommending that legislation pass appropriate laws to ban high-powered assault weapons and any ammunition made for them. Let's take a page from the Los Angeles' and Stockton, California book of wisdom on this issue. The city council of the two municipalities recently passed legislation to ban such weapons.

Readers may recall that a man recently used such a weapon to wound 30 children and a teacher and kill five youngsters on a school playground in the L.A., Stockton area. Let's not wait for such a tragedy to occur in Illinois. We don't need school children, police officers, or any other decent citizens ruthlessly slaughtered because of someone's indiscriminant use of such armaments. Ban the weapons throughout the state and, most importantly, enforce the ban. The Defender wants each citizen to support a ban because, as the old saying goes, "The life you save may be your own."●

THE 72d ANNIVERSARY OF U.S. CITIZENSHIP FOR PUERTO RICANS

● Mr. SIMON. Mr. President, I rise today to commemorate the 72d anniversary of the granting of U.S. citizenship to residents of Puerto Rico. On March 2, 1917, the "Act to provide a civil government for Puerto Rico, and for other purposes" was enacted into law. Since that time, Puerto Ricans have been U.S. citizens but have not enjoyed all of the rights and privileges that go with citizenship.

The people of Puerto Rico vote in Presidential primaries and send delegates to both the Republican and Democratic conventions. However, they have no vote in the general election. The more than 3.3 million U.S. citizens in Puerto Rico cannot elect two U.S. Senators like other citizens can. Most of our Federal laws apply to Puerto Rico including any requirements for military service.

On the anniversary of this important occasion, I renew my belief that true equality of citizenship for Puerto Rico residents means that Puerto Rico should be granted statehood. If Puerto Rico became a State, it would have a voice in the general election, two U.S. Senators, and at least five or six Members in the House of Representatives. Too often Puerto Rico receives the short end of important and severely needed Federal programs.

Recently, I met with the Governor of Puerto Rico, Rafael Hernandez Colon. He has recently asked Congress to sponsor a plebiscite on Puerto Rican political status. I believe that allowing Puerto Ricans to finally choose a definitive status for the island would have bipartisan support in the Congress. It also requires the consensus support of the key parties in Puerto Rico. Today, on the 72d anniversary of the granting of U.S. citizenship for Puerto Rico residents, I offer my cooperation and energies to work with Energy Committee Chairman JOHNSTON, his ranking member Senator MCCLURE, concerned colleagues on both sides of the aisle, and interested parties on the island of Puerto Rico in this endeavor.●

POVERTY AND DEVELOPMENT IN SOUTHERN AFRICA

● Mr. SIMON. Mr. President, the Carnegie Endowment has just released "Uprooting Poverty—The Second Carnegie Inquiry into Poverty and Development in Southern Africa." At a recent Carnegie conference, Senator

KENNEDY recently commented on the study and his position on United States policy toward South Africa. I thought my colleagues would be interested in reading Senator KENNEDY's remarks. I ask that the full text of Senator KENNEDY's statement and The Second Carnegie Inquiry into Poverty and Development in Southern Africa be included in the RECORD.

The statement follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY: "A NEW AMERICAN POLICY TOWARD APARTHEID"

Thank you, Karl, for that generous introduction. I also commend your tireless work not only in making this conference a success, but in making it a significant milestone on our journey to a more sensible policy toward South Africa and Southern Africa.

As I look out at this audience and see all the expertise and experience here to discuss this remarkable study, I cannot help but think, as President Kennedy might have said, "there is more wisdom about Southern Africa in this room than at any other time in our history—except when Helen Kitchen had lunch with Karl Beck last Tuesday."

We have all come to the Carnegie Endowment today, because South Africa continues to be a matter of intense interest and concern to the United States and to the American people. U.S. policy is a compelling issue for debate, not only in Congress and the executive branch in Washington but throughout the United States. If President Bush's pledge of a new breeze has meaning in our foreign relations, we will have a new and more realistic and long overdue policy toward apartheid and South Africa by our Government.

Given our own history, our deep involvement in the struggle against apartheid is not only understandable, but inevitable. No other country in the world outside South Africa—no other people in the world—has been as occupied and as pre-occupied with the issue of apartheid as the United States and the American people.

But there is another reason for our presence here today. Uprooting poverty—the final report of the second Carnegie inquiry into poverty and development in Southern Africa—is a landmark in social science and research. It will influence the politics and policies of the apartheid state itself, and it will have a profound and lasting effect on the lives of millions of people throughout Southern Africa.

This study documents the deprivation of the South African people in ways that cannot be ignored, even in Pretoria. Its findings destroy one of the fundamental myths at the heart of the apartheid system. I encountered that myth myself, on my second day in South Africa in 1985, when I met Pik Botha. I had spent the previous two nights and a day in Soweto.

"Yes," he said, "What you say in Soweto—the crowded shacks and the single-sex hostels—the conditions are very bad."

But, he went on, "You must remember that you are in Africa. Even with so-called Apartheid," he said, "the South African black is in better shape here than his counterparts in other African countries." He told me to go to Nairobi, Lagos and Khartoum. "Poverty is a fact of life in all Africa," he said. "But it is not as bad in South Africa."

Pik Botha was wrong then, he is wrong now, and this study proves it. As it shows, poverty in South Africa is as severe as poverty anywhere else in Africa. South African blacks endure even worse conditions, because of Apartheid, than many other Africans.

Take just one statistic in this study. For blacks in South Africa, infant mortality is higher than in many other African nations, including Botswana, Zimbabwe, Kenya, the Congo, and Zambia. If we look at rural regions in South Africa, the rate is even higher. In Venda, in the northern Transvaal, 10 of the 30 babies born alive during the year preceding the study died before their first birthday.

Other comparisons cannot be ignored. In measuring economic inequality, South Africa has the worst disparity of any of the 57 countries in the world for which data are available. When it comes to economic injustice, South Africa has the most shameful record in the world.

But uprooting poverty does much more than compile the statistics of injustice. It also explores the causes. It identifies some of the historic, pre-apartheid roots of deprivation, beginning with the fact of conquest and including the creation of the inhuman system of migratory labor, adopted long before apartheid itself was established.

Finally, this study identifies the cruel specifics of apartheid—the pass laws, the creation of artificial homelands, the group areas act, the forced removals—which make apartheid a daily living nightmare for black men, women and children in South Africa.

The authors of this study have shown the world the true magnitude of that suffering. Professor Ramphele and Doctor Wilson have held up a searing mirror to the ugly face of apartheid, and they deserve great credit for their achievement.

Francis Wilson follows the footsteps of his mother, the great historian of Southern Africa, Doctor Monica Wilson. Her work 20 years ago destroyed another myth of apartheid—as does her son's work today—by proving beyond any reasonable doubt that there were, in fact, Africans living throughout South Africa before the arrival of European settlers in the 17th century, and their appeal for justice today has even greater merit.

Doctor Ramphele, too, is well known to students of South Africa for her work and writing which have changed the mind and mentality of all South Africans, both blacks and whites. Even before uprooting poverty, her place in the history of her country was secure. Her enduring insights and commitment guarantee that she will continue to inform the debate. Her example will continue to inspire all those who cherish freedom and the goal of a free South Africa.

Above all, these two authors deserve credit for three powerful judgments in their work.

They say: "Poverty in South Africa is a profoundly political issue." They say: "Power lives at the heart of the problem of poverty in Southern Africa." They say: "An essential prerequisite for uprooting poverty in South Africa is a redistribution of political power."

These words must be heeded as uprooting poverty enters the international debate—in South Africa as well as in this country. The new and important focus on the misery inside South Africa must not distract us from the fundamental political challenge to end apartheid. That abhorrent system will not necessarily end by increasing black bank accounts or feeding black babies. It will end only when the majority of the people of South Africa have the political power to end it. It will end only when a total reorganization of the political relationships between blacks and whites has been accomplished.

Ending poverty, curing disease, easing suffering—are all important, and the international community should be contributing more resources and expertise to reach those goals.

But we must never adopt a limited agenda aimed at easing the economic plight of black South Africans without transforming their political plight too. It is long past time for political as well as economic power to be transferred from the minority to the majority.

Apartheid will only be ended with a clear, consistent, and concerted policy—of all nations working together to apply the full range of political, diplomatic and economic pressure against the South Africa regime.

That is why I support comprehensive sanctions. And so today, I take this opportunity to urge President Bush, as one of his first steps in foreign policy, to reverse the drift of the past 8 years, to withdraw America's opposition to sanctions in the United Nations Security Council, and to put our Government at long last where it belongs, at the forefront of a new worldwide effort against apartheid in South Africa. Above all, I hope that Congress and the new administration will end our divisions of the past 8 years on this vital issue, so that together, we can work to end apartheid, once and for all time.

Finally, I have an important duty to perform—to introduce one of the truly great leaders of the anti-apartheid movement in South Africa. For many years, Vusi Khanyile has worked tirelessly against apartheid. He has served as organizing Secretary of the Soweto Civic Association, Secretary of the Soweto Parents' Crisis Committee, and as a founder and chairman of the National Education Crisis Committee.

Last October, Vusi and two leaders from the United Democratic Front escaped detention and sought sanctuary in the American Consulate in Johannesburg. Nations and leaders throughout the world rallied to their support and called for their release, and also for the release of thousands more detained in South African jails.

Last October, the Government of South Africa bowed to Vusi's will. Today, because of the courage of hundreds of detainees who maintained their hunger strike, there is new hope that all the detainees may soon be free.

Vusi, you are a profile in courage and it is our privilege to welcome you to Washington.

THE SECOND CARNEGIE INQUIRY INTO POVERTY AND DEVELOPMENT IN SOUTHERN AFRICA

The Second Carnegie Inquiry into Poverty and Development in Southern Africa was initiated by Carnegie Corporation of New York in April of 1982. Based in South Africa at the University of Cape Town, it is directed by Dr. Francis Wilson, the distinguished economist, head of the School of Economics and of the Southern Africa Labour and Development Research Unit (SALDRU) at the School of Economics, a long-time opponent of apartheid.

The Inquiry has had three main objectives: (1) collection of up-to-date facts about poverty and the process of impoverishment among blacks in South Africa and surrounding states that are economically dependent upon South Africa; (2) Generation of public debate in South Africa and abroad about the causes, nature, and extent of black pov-

erty in Southern Africa; and (3) stimulation of thinking and action on short-run and long-run strategies against poverty and on ways of facilitating equitable development in the region.

The recommendations for action, while analyzing the role of the state and having implications for government policy, are primarily addressed to nongovernmental institutions. The ultimate aim is to seek ways that a more just and democratic society can be shaped in South Africa.

The Inquiry is an interdisciplinary and cooperative fact-finding enterprise based primarily on field work and involving a network of scholars and professional persons in law, medicine, economics, religion, and other fields as well as community leaders, teachers, and social workers who have firsthand knowledge of poverty and the process of impoverishment. The intention has been to ensure the widest possible participation in the study from all segments and races in Southern Africa. More than 20 universities in the region have participated in the study.

The Inquiry is the most exhaustive survey and analysis of the causes and consequences of poverty in that region since the Corporation-financed study among whites in South Africa was carried out from 1927 to 1932. Popularly known as the Carnegie Poor White Study, it resulted in five volumes that stimulated action bringing the Afrikaner poor out of their isolated, rural conditions to become part of mainstream South African society. Ironically, it helped lead to the political empowerment of the Afrikaner community.

The current study focuses on a problem of obviously greater magnitude and complexity than did the Poor White Investigation. For one thing, there were not legal or political barriers to full participation by Afrikaners in South African society. Also, following the Poor White Study, industry and commerce collaborated with the State to foster the "unfettered development" of Afrikaner talent, something that is not expected to happen to blacks under the present leadership as a result of the Second Inquiry. On the other hand, the timing of the Inquiry's results, and its diagnostic and remedial thrust, may, it is hoped, make it a basis of policy in whatever government or regime succeeds the one in existence.

At the outset of the study, it was decided by Inquiry principals that there would be no single definition of poverty. Rather, the aim would be to find out what poverty *means* to different people in different settings. The primary indicator of poverty is level of wealth and earnings, but money is not sufficient to portray "the full dimensions of poverty". Poverty thus has been studied in relation to land use, the legal system, food and nutrition, health care, education and training, transport, housing, social welfare, and other "quality of life" indicators. It has been studied for its particular effects upon families, migrant workers, women, children, and the elderly. Not least, it has been studied in its relation to apartheid and to the political economy of the country as it has developed over several hundred years.

The Inquiry began in January 1980 with a 15-month period of extensive consultation and travel by Francis Wilson to assess the feasibility and role of the study. Out of these discussions the scope and decentralized structure of the Inquiry emerged. The research phase was launched in April 1982, involving a roundup of existing research and research in progress, the generation of new knowledge, and the identification of knowledge gaps. The research phase ended in the summer of 1985, although follow-up continues.

What has been intended is a national "mapping" of poverty and the process of impoverishment in South Africa. This work is already opening up whole new areas of scholarly exploration. As one observer put it, "I have no doubt that, whatever else may come out of the investigation, the detailed factual research on poverty that is has sponsored will justify its existence. For years to come the Carnegie papers will be mined for information."

Preliminary findings were presented at a conference on poverty and development held in Cape Town in April of 1984, for which more than 300 papers were presented by participants in the Inquiry. The conference also exhibited a collection of photographs of the southern African poor, entitled "The Cordoned Heart." A film festival taking as its theme "Signs of Hope" brought together information about development efforts in other countries. There was additionally a video workshop, a slide show, and an art exhibition.

The conference was part of an ongoing process that will result in a series of reports and public education efforts, both in South Africa and in the United States. It is very much the thinking of Inquiry leaders that the future shape of South African society will depend on the foundations that are laid down now for combating what Wilson calls "one of the most unequal distributions of national wealth in the world." The need to lay down the basis for a just and democratic system indeed is what the Inquiry is all about.

As part of the task of generating public debate about the Inquiry's findings and recommendations, Wilson and his colleagues launched an intensive education campaign in South Africa. The interim findings presented at the April 1984 conference created much comment and controversy in the Nationalist Party and other circles, provoking complaints in Parliament from President Botha that South Africa is being singled out and that the Inquiry would have done better to focus its attention on the rest of Africa where, he said (mistakenly) poverty is much worse. The press attention has been mainly in the English-language papers, but widespread coverage has also been given to the Inquiry in the Afrikaner and black press. Wilson and his associates on the study have traveled widely throughout southern Africa to make presentations before businessmen, church leaders, politicians, university faculty, and community groups to share with them the facts, analyses, and thinking about strategies and to stimulate independent thinking and action on the recommendations.

The public education effort in the United States begin in spring of 1986 with the publication of the interim report, *South Africa: The Cordoned Heart*, (W.W. Norton). The book was edited by the noted South African photographer, Omar Badsha, with a long introduction by Francis Wilson, more than 80 photographers exhibited at the conference on poverty, and short essays by the South African photographers, half of whom are black. Timed with the photography book was an exhibition of selected photographs held at the International Center of Photography in New York City in May 1986, after which the exhibition went on tour throughout the United States for two years. The exhibits have appeared mainly on university campuses and art centers. The travelling exhibition has been renewed for two additional years beginning January 1989.

The final "overview" report, *Uprooting Poverty: The South African Challenge*, synthesizes the findings and recommendations of all the Inquiry reports and monographs. Due to be published in the United States by W.W. Norton on March 17, 1989, it is co-authored by Francis Wilson and his colleague, Dr. Mamphela Ramphele, who was banned from 1977 to 1983. While in banishment in the northern Transvaal, she began the Ithuseng Community Health Center as a commitment to community development and individual action. She is one of the outstanding black leaders in South Africa working for peaceful change.

The 311 conference and 9 post-conference papers have been circulated to selected libraries in Africa, United States, and elsewhere. Some of the monographs have already been published separately in various journals.

Working group reports, scheduled for publication in 1989, thus far cover education, law, labor, and the church. Books are also planned on the reserves, the platteland, and metropolitan centers.

The present Inquiry is independent of all governmental bodies and political parties. It is financed wholly by Carnegie Corporation, which has contributed $515,000 toward the work, with offices and staff provided by the University of Cape Town.

SCIENCE CURRICULUM REFORMS PROPOSED

● Mr. GLENN. Mr. President, the United States is entering a period of great opportunity. For the last several years, the educational community in this country has been taking a critical look at the way we teach our young people science and mathematics. The results of these reviews have been very troubling to me. It was less than a month ago, for example, that a study of science and math performance in half a dozen countries put American 13-year-olds near or at the bottom.

How is this country going to be able to compete with our trading partners if we cannot produce the scientists and engineers necessary to make internationally competitive products? And if we cannot compete in the global economy, how are we going to provide good jobs for our citizens? Or generate the tax revenues to help clean the environment, fight crime, provide health care or defend this country? More is at stake here than whether Johnny can read or add or dissect a frog. The standard of living for all future generations is at risk.

On Thursday of last week, several of the Nation's most prestigious scientific organizations, including the American Association for the Advancement of Science, the National Science Foundation, IBM Corp., and the Carnegie Corp. of New York, issued a report titled "Project 2061" that examines the way we teach science and proposes changes in the goals and methods of science instruction. I realize the report will have its critics. Nevertheless, I

would like to pay tribute to these organizations for taking the initiative here: Not only have they obviously thought very hard about science education and its problems, these organizations have undertaken an effort to come up with the solution.

Of course, Project 2061 may end up collecting dust like a lot of other reports that preceded it. I hope not. The difference here is that we finally may have the national attention that a task of this magnitude will need in order to reach fruition. The President and the Congress are both eager to make the U.S. educational system the best in the world. Numerous polls show that the American people support Federal Government initiatives to improve education.

For my part, I have introduced S. 134, a bill to establish congressional scholarships for science, mathematics, and engineering. Under this proposal, two high school seniors from every congressional district in the country would receive 4-year, $5,000 annual scholarships to study science, math, or engineering at the college of their choice. The concept of national science scholarships was endorsed by President Bush in his fiscal year 1990 budget proposal. I applaud the President's proposal and state for the record my willingness to work with him on this initiative.

No matter how important a message these congressional scholarships will send to the Nation's young people, they will not close the scientist gap. Clearly, as the Project 2061 demonstrates, the United States may have to develop new science curricula and methods for teaching them in order to produce more scientists and engineers as well as raise the science literacy of the general population. This is why initiatives like the Project 2061 are so important.

I ask that the article from last Friday's Washington Post on Project 2061 be printed in the RECORD.

The article follows:

SCIENCE-STUDY REFORM SOUGHT—AIM IS TO BROADEN ALL STUDENTS' SKILLS

(By Philip J. Hilts)

Several of the nation's largest and most prestigious scientific organizations yesterday announced the most ambitious effort yet to redesign schools to overcome the pervasive weakness of students in science and mathematics.

The program is even larger than the billion-dollar rewriting of science texts that occurred in the post-Sputnik years. It was announced by representatives from the American Association for the Advancement of Science, the National Science Foundation, International Business Machines Corp., the Carnegie Corp. of New York and participating school districts.

The plan is radical and authors acknowledge that it is risky because it abandons previous attempts to fix the ailing system simply by changing texts or training teachers.

Instead it seeks to develop a new approach to teaching, including possibly eliminating regular subjects and ending standardized testing. Instead, teaching may consist largely of guiding students through projects that include not only science and mathematics, but also forays into related aspects of literature, economics, history and other subjects.

"We can't continue our industrial progress at the level of skills that are coming in with the new work force," said William O. Baker, former chairman of American Telephone & Telegraph Co.'s Bell Laboratories and co-chairman of the project. "The old notion that America would always find a way, that the gifted and talented, as few as they are, would nevertheless see us through is now suspect."

He said the idea in redesigning whole school systems is not to focus on gifted students and special science classes, but to teach all students a substantial amount from all areas of science and technology.

The group has spent four years writing a detailed, 100-page outline of the kinds of knowledge about science and nature that a student should have upon leaving high school.

The group announced at a news conference yesterday the beginning of another four-year phase in which teams of teachers from about a dozen school districts in five states, led by the AAAS group, will outline new curricula, texts and student schedules.

In a third phase, these outlines will be taken by states and local school districts, modified to fit local conditions and installed in a number of schools. It would require all teachers to adapt and would reorganize the schedules of all students if it is adopted.

The first two phases, which will cost about $10 million, will be paid for by the AAAS, NSF, IBM, Carnegie, the Mellon Foundation and participating states. If the reform is adopted by schools, the cost will be borne by the federal and state governments and local school districts.

The plan is called Project 2061 for the year when Halley's Comet returns. The project was begun in 1985, the year of the comet's last approach. Project leaders said they hope the reforms will be widely adopted in time to help children who will live to see the comet's return in 2061.

The plan "is a rallying point for leapfrogging the traditional piece-by-piece teaching of literacy, and something about science, and something about technology, and something about numeracy. If you acquire the knowledge in [the basic outline], and learn to read, you will be literate," Baker said.

One of the key points in the plan said F. James Rutherford, director of the project, is to simplify schooling. He said schools now try to teach far too much. "This is an effort to move schools away from their fixation with teaching mountains and mountains" of details. He said it is not even clear that regular textbooks will be needed.

Instead, the plan envisions students taking up to a dozen or so substantial topics over their 13 years from kindergarten to high school graduation, and exploring them fairly exhaustively and from many perspectives.

For example, one topic might be evolution, and it would examine not only biological evolution, but also the evolution of political systems.

The atmosphere and weather might be another topic, which would consider not only the physics of molecules in the atmosphere, and the movement of energy around the Earth, and the geophysics of the Earth, but also the economic and social impacts of climate and weather.

The subject might be taken up in early grades with measurements of rain and collection of snowflakes and might in later grades address the probabilities involved in predicting weather, Rutherford said.

The teams that will now begin designing the detailed models will total 25 people, including 20 teachers, three school administrators and two university experts. The teachers will devote about three or four days a month and two summers to the project.

The school districts collaborating on the project are those of San Diego and San Francisco in California; four in San Antonio, Tex; two in Georgia; one in Wisconsin, and two other urban Eastern districts not yet named.

REFORMING SCIENCE EDUCATION

Excerpts from "Project 2061, Science for All Americans," published by the American Association for the Advancement of Science in Washington.

THE PROBLEM

"Most Americans are not scientifically literate. . . . U.S. students rank near the bottom in science and mathematics" in the world.

"The present science textbooks and methods of instruction, far from helping, often actually impede progress toward scientific literacy. They often emphasize the learning of answers more than the exploration of questions, memory at the expenses of critical thought, bits and pieces of information instead of understanding in context, recitation over argument, reading in lieu of doing."

"Few elementary school teachers have even a rudimentary education in science and mathematics, and many junior and senior high school teachers in science and mathematics do not meet reasonable standards of preparation in those fields."

THE SOLUTION

(Already completed) "Establish a conceptual base . . . by defining the knowledge, skills and attitudes all students should acquire as a consequence of their total school experience, from kindergarten through high school."

(Just beginning) "Teams of educators are transforming [that outline of knowledge] into blueprints for action. The main purpose of the second phase of the project is to produce a variety of curriculum models that school districts and states can use as they undertake to reform the teaching of science. . . ."

(Beginning four years from now) Bring together "scientific societies, educational organizations and institutions . . . in a nationwide effort to turn phase II blueprints into educational practice."●

MEXICO AND DRUGS

● Mr. BENTSEN. Mr. President, the State Department yesterday released its annual International Narcotics Control Strategy Report. This congressionally-mandated document provides us the basis for subsequent debate on the progress made by specific countries.

In advance of any such debate, I want to call the Senate's attention to the section dealing with Mexico. While

the news on controlling the drug menace is never good enough, the report with respect to Mexico is positive and encouraging.

As the summary says:

Mexico expanded the scope of opium and marijuana eradication programs, while taking steps to improve operational efficiency. Cocaine seizures rose sharply. Still, Mexico remained the largest single country source for heroin, the second largest source for marijuana and a leading transit point for cocaine. Newly elected President Carlos Salinas de Gortari has made anti-narcotics programs a national priority for his new government, and the Attorney General's budget for 1989 will exceed $26 million, up from $19.5 million in 1987. A strong, positive tone for bilateral relations was set in an early meeting between then President-elect Bush and Mr. Salinas, and the U.S. Government, anticipating continued improvements in the program, is prepared to cooperate with Salinas on these enhancements. However, U.S. officials are concerned about the inhibiting effects of corruption throughout the program. U.S. enforcement agencies continue to monitor instances of drug related corruption within Mexico.

Mr. President, I ask that the full text of the report's section on Mexico be reprinted in the RECORD, along with a related news article from the February 27 Washington Post.

The material follows:

[U.S. Department of State, Bureau of International Narcotics Matters]

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT, MARCH 1989

MEXICO

A.1. Status of Illicit Narcotics Production and Trafficking

Mexico is a major producer of opium poppy and cannabis and continues to be a primary source of heroin and marijuana entering the United States. Current estimates by U.S. officials are that 1988 net production from Mexico totaled 45-55 metric tons of opium and 5,655 metric tons of marijuana. Data reported by the Mexican Attorney General's office indicate improvements in eradication, including an approximate 25 percent expansion of opium destruction, that offset increased cultivation. Net production levels, after eradication and seizures, were approximately the same as 1987 for opium while net marijuana production decreased. Additionally, traffickers increasingly use Mexico as a transit country for shipping cocaine from South America to the United States.

The narcotics control program in Mexico includes aerial and manual eradication, interdiction, bilateral law enforcement directed at curtailing trafficker operations, military involvement in narcotics eradication, and efforts to increase public awareness. Under the de la Madrid administration, which ended its term on November 30, the government maintained its commitment to eradicate illicit drug crops and cooperated with U.S. law enforcement agencies in the interdiction of narcotics.

U.S. officials, noting the improvements in several areas in 1988, believed the effectiveness of the joint eradication and interdiction operations needs to be improved even more in 1989.

Publicly acknowledging drug trafficking as a grave threat to health and national security, new President Carlos Salinas de Gortari has made the defeat of narcotics trafficking a national priority. He has created an enlarged and restructured Deputy Attorney General's Office with specialized units devoted solely to fighting drugs and has ordered a 100-percent increase in anti-drug personnel and resources. The campaign against narcotics trafficking is administered by Attorney General Enrique Alvarez Del Castillo.

The aerial eradication program is the most effective current means of diminishing the production of opium and cannabis; improved enforcement is needed to curb trafficking in heroin, marijuana and cocaine. In 1988 the Office of the Attorney General (PGR) increased the size of its eradication air fleet and took significant steps to improve the efficiency of its anti-narcotics operations.

Despite severe domestic economic problems and a sharp cutback in government spending for most other programs, the PGR budget for drug eradication climbed from $19.5 million in 1987 to $23.1 million in 1988. A $26.0 million budget is projected for 1989. Increased Mexican funding, plus U.S. financial assistance, was instrumental in helping the PGR to eradicate more hectares of opium poppy and marijuana in 1988 than in 1987 and 1986, giving confidence to its projections of an upward, sustained trend line for future years.

The Mexican Army is also involved in narcotics eradication and interdiction with approximately 25,000 Army personnel (25 percent of total troops) regularly engaged in manual eradication, and up to 50,000 troops involved in anti-narcotics operations during peak growing/harvesting periods. Since late 1986, the Mexican Navy has cooperated with the U.S. Coast Guard and other U.S. agencies in carrying out drug interdiction efforts against suspected traffickers in Mexican territorial waters. The 9,000-member Mexican Marine Corps has jurisdiction for anti-drug operations extending approximately six miles inland from the coast. New Defense Minister General Antonio Riviello Bazan has pledged that the Mexican military will intensify drug eradication and interdiction.

Mexico's 2,000 mile border with the United States makes the country a natural point of origin and transshipment for drugs. Severe domestic economic problems and intimidation by traffickers have motivated farmers to grow illegal narcotics crops; financial rewards for poor farmers from drug crops are far above those possible from growing legal crops. Traffickers provide peasant growers with credit and seeds, and pay in full for the illicit crop immediately after the harvest.

Throughout 1988, senior Mexican officials increasingly expressed concern over the threat that narcotics trafficking organizations could pose to government authority. Many, however, reiterated that drug consumption, primarily in the United States, fuels drug production in Mexico. The media and the general public also appear to be growing more aware of the threat narcotics trafficking and abuse present.

Terrorism does not exist in Mexico in the traditional sense of an alliance between drug traffickers and political insurgents. Frequent violent confrontations do occur, however, between drug traffickers and the police, military, and rival traffickers, and armed reprisals against anti-drug personnel and helicopters are increasing. Four major seizures of large weapons shipments during 1988 highlighted an increasingly volatile and dangerous situation. These shipments consisted of state-of-the-art weapons and other paramilitary equipment reportedly destined for Colombia. The government moved rapidly to arrest both Mexican and Colombian nationals involved with the shipments.

Corruption continues to undermine effective drug law enforcement. The emergence in 1988 of an increasing number of Colombian traffickers within Mexico, involved primarily with facilitating the transshipment of cocaine to the United States, has contributed to an already complex situation. There is little information to measure the degree to which the government addressed high-level drug-related corruption during 1988. President Salinas has vowed to come down hard on corruption, especially by public officials. Although not linked to drug trafficking, the January 10, 1989, arrest of the leadership of the powerful Petroleum Workers Union was an encouraging demonstration of strength on the part of President Salinas. The following statements respond to the requirements of Section 2013 of P.L. 99-570: (a) There is no evidence to suggest that the government, as a matter of government policy, has encouraged narcotics production or trafficking; and (b) No senior officials of the government have been indicted on drug-related charges since the last 2013 report.

Mexican financial institutions, which are governed by strict financial privacy laws, are not viewed as major conduits for large scale money laundering, but have been used to facilitate the laundering of narcotics proceeds. Deposits (normally U.S. dollars) are automatically converted to pesos, which could continue to suffer rapid and unpredictable devaluations. Mexican commercial banks, all but two of which are nationalized, do not provide information to U.S. officials on their activities. The Mutual Legal Assistance Treaty (MLAT), once ratified by the U.S. Senate, could provide a useful framework for law enforcement cooperation on money laundering and access to bank records. For the most part, narcotics-generated funds are invested in real estate and attractive commercial ventures in Mexico or in the U.S. and other countries. Because Mexican currency exchange houses and commercial business operations are less stringently regulated than commercial banks and they can deal in currency without conversion into pesos, drug traffickers are expected to increase their heretofore limited use of them to launder money. In late 1988, the new Mexican Attorney General announced that his office will investigate money laundering, continue to confiscate traffickers' resources, and strengthen penalties for drug trafficking.

A.2. Accomplishments in 1988

Mexican authorities arrested over 13,000 persons on drug-related charges in 1988 including major traffickers Miguel Quintero Paez, Filemon Medina, Juan Lizarraga, Juan Jose Quintero Payan, Jose Pineda Trinidad, Juan Frank Garcia and Hugo Etienne Marin.

Drug traffickers Rafael Caro Quintero and Ernesto Fonseca Carrillo, among other defendants, were convicted on drug trafficking charges by a Mexican court in September. Caro Quintero received a 34-year sentence and Fonseca Carrillo, 11 years. Verdicts from their trial in Guadalajara for the 1985 kidnapping and murder of DEA Special Agent Enrique Camarena are expected in 1989. The court case related to the 1986 detention of DEA Special Agent Victor Cortez

by Jalisco state police continues, and should also be resolved in 1989.

The PGR reported destroying 2,737 hectares of opium poppy and 3,997 hectares of marijuana in 1988, compared to 2,200 hectares of opium poppy and 3,750 hectares of cannabis in 1987. This is an increase of 25 percent in opium poppy eradication and 6.6 percent in marijuana destruction over PGR figures for 1987. (These values are midpoint ranges found in the data tables.)

The PGR verification program reported that 40 percent of the hectarage sprayed had been surveyed and of that hectarage the destruction rate was 98 percent. Eradication totals increased in 1988 because of improved aircraft maintenance levels, reduced aircraft on ground time (AOG, i.e., for major overhauls and major repairs rather than for routine maintenance), improved spare parts ordering, a greater number of flight hours logged by the PGR, additional PGR aircraft committed to aerial eradication, and better pilot retention.

In the state of Michoacan, the PGR continued a special project in which federal and state government enforcement personnel manually eradicated narcotic crops with U.S.-supplied backpack sprayers in areas inaccessible to aerial spraying. Aerial spraying continues to account for the majority of illicit crops destroyed.

DEA participation in Operation Vanguard, the bilateral reconnaissance and eradication verification effort, was suspended by DEA Headquarters in April, pending a reevaluation of the program. Future U.S. participation in the Mexican verification program is currently being reviewed in Washington. In mid-1988, DEA instituted a program to assist in estimating crop cultivation, determining methods of production, and identifying end-product ratios (i.e., opium gum to morphine to heroin).

In June, a PGR/Embassy exchange of letters provided the funding for a new aviation maintenance contract. Bell Helicopter Services, Inc. (BHIS), a subsidiary of Bell Helicopter-Textron, Inc., succeeded E-Systems in providing aviation maintenance services in support of the PGR air fleet. The total value for the first 12 months of the contract is estimated to be $10.4 million. The contract authorizes maintenance for up to 93 PGR aircraft.

The PGR set an aircraft availability rate goal of 70 percent for 1988 and the air fleet averaged 67.3 percent availability. The lower figure is due to a greater number of aircraft down for routine servicing and repairs, as the PGR has logged almost 5,000 more flight hours in 1988 than for the same period in 1987. Failures in obsolete radio equipment installed in the PGR fleet (as well as routine maintenance) also contributed significantly to aircraft downtime. The twelve new Bell 206b helicopters purchased by the PGR with its own funds in 1987 were fully operational during 1988. This allowed the PGR to increase the number of spray/support helicopter pairs from 14 to 19.

In February, the PGR successfully completed a 90-day, INM-funded accelerated training program to fill helicopter pilot vacancies. While all other government employees remained under a wage freeze, PGR eradication campaign personnel received a significant pay increase in April. At midyear, all pilot vacancies had been filled. By December, however, continued inflation and no additional salary raises caused some pilots and technical personnel to leave for higher wages with commercial airlines. Given the danger factor, this in-out trend is likely to continue unless salary increases keep better pace with inflation.

The U.S. and the PGR worked together in 1988 to upgrade physical facilities and support equipment at selected PGR air bases and to field test herbicides and spray equipment to increase the effectiveness of eradication operations. In 1988, three additional field advisors were hired.

The PGR reported seizing 15,363 kg of cocaine, 278 tons of dried marijuana, 158 kg of opiates, 71 kg of heroin, 1,899 land vehicles, 27 aircraft, 16 boats, and 2,649 assorted firearms in the anti-drug campaign in 1988. The PGR also reported dismantling eight heroin labs and one cocaine lab, and arresting 13,135 individuals on drug-related charges during the same period. Because most drug labs in Mexico are small kitchens or rudimentary back yard contrivances, they are difficult to discover. Although a few cocaine laboratories have been found in the past, we have no evidence that extensive refining occurs.

According to the Mexican military, it manually eradicated 6,781 hectares (84,370 fields) of opium poppy and 8,785 hectares (74,216 fields) of cannabis in 1988. U.S. officials are unable to verify these claims which, when combined with reported PGR eradication totals, equal or exceed U.S. estimates of total cultivation. Thus, these figures are not included in the INCSR data tables. The Mexican military does not permit civilian (Embassy or PGR) scrutiny of its official activities. The Mexican Army also reported confiscating 7,729 kg of cocaine and 15 metric tons of marijuana during 1988. The Mexican Navy/Marine Corps reports having confiscated 47,051 kg of marijuana and 60.2 kg of cocaine during the same period.

INM-funded training by U.S. Coast Guard and DEA teams will assist in enhancing Mexican law enforcement capability to interdict illicit drug shipments and narcotics traffickers.

Various Mexican public and private institutions involved in prevention and treatment programs have adopted a zero tolerance approach to drug problems. Jointly funded by USAID/Mexico and a Mexican social service agency, a pilot program to combat the use of drugs in Ciudad Juarez carried out an attitude survey among the public, completed prevalence studies in public schools and in-bond plants (maquiladoras), aired professional antiabuse messages in the media and movie theaters, established a community drug hotline, created a job bank for ex-addicts, and opened information and counselling services for public school students and factory workers. Field work for the 1988 Mexican Ministry of Health (MOH) National Household Drug Abuse Survey, partially financed by INM, was completed in June. A final report is expected in mid-1989.

In October, 1988, the government purchased a radar system from a U.S. firm to detect and help in the interdiction of aircraft suspected of transporting narcotics northwards across Mexico's southern border (Belize and Guatemala). The Mexican Air Force will operate the system and develop an interdiction capability, which is not expected to be operational before late 1989. These actions, directed toward Mexico's southern border, are appropriate for targeting the significant amounts of cocaine transiting Mexico to the U.S. from South America. Nevertheless, the U.S. government continues to urge the GOM to undertake counter narcotics activities with Operation Alliance on our mutual border.

As indicated in previous reports under Section 2013 of the Anti-Drug Abuse Act of 1986, the government, for reasons of sovereignty, has declined to grant open-ended or unrestricted rights to the U.S. Customs Service to cross the Mexican border in pursuit of suspect aircraft. Various alternatives have been proposed by both sides without resolution. Efforts will continue to be made with the new senior Mexican law enforcement officials to persuade them to participate in initiatives, including under Operation Alliance, to halt the flow of drugs across the border.

A.3. Plans, Programs and Timetables

Given the strong anti-narcotics statements by President Salinas and his cabinet, further improvements in Mexican anti-narcotices efforts are anticipated. Increased liaison at all civilian levels is expected. U.S. officials are particularly encouraged by Salinas' creation of a new Deputy Attorney General's Office for Narcotics Matters. This new entity has four main sub-sections: Narcotics Investigation; Psychotropic and Drug Material Processing Control; Anti-narcotics Production Campaign; and International Relations.

The U.S. Embassy will provide procedural guidance to the PGR when the U.S.-funded BHSI aviation maintenance contract comes up for renewal in June, 1989. The Embassy will work with the maintenance contractor in 1989 to raise the PGR aircraft availability rate to 70 percent. Five new Bell 206b helicopters, purchased with PGR insurance funds in late 1988, will join the air fleet in early 1989 to replace helicopters destroyed in the anti-narcotics campaign.

Such improvements should enable the PGR to eradicate at least 20 percent more hectares of illicit crops in 1989 than it did in 1988. The U.S. will assist the PGR in formulating an effective drug eradication plan, emphasizing the achievement of the proper mix of Bell 206b and Bell 212 spray aircraft for maximum advantage. In 1989, INM funding will provide sufficient aviation fuel, herbicides, tools, and equipment to maintain the serial eradication program. Funds will also be used to maintain and upgrade PGR air bases and support equipment under a joint plan. In addition to the Michoacan manual eradication program, the government has stated its intention to undertake additional manual eradication programs in other key areas of Mexico.

A Letter Of Agreement (LOA) will be negotiated with the government in 1989 to develop an aerial survey project to determine better the extent of drug cultivation in Mexico. At least one (and hopefully three) PGR aircraft will be modified as photographic platforms with INM funds under the project.

The U.S. will also work with the government in 1989 to provide training in narcotics-related law enforcement and intelligence collection for Mexican law enforcement officials, to reduce the supplies of drugs that reach the United States either from or through Mexico, and to establish a precursor chemicals monitoring program. DEA's Operation Greenbelt, aimed at collecting more cultivation and production data, should be fully operational throughout 1989.

The U.S. will continue to assist the GOM in the development of community-based narcotics demand reduction programs. The Ciudad Juarez drug abuse prevention program will run through September, 1989, and be replicated in other Mexican cities. Re-

sults of the National Household Drug Abuse Survey will be published and disseminated by mid-year.

The U.S. has negotiated a Letter Of Agreement, which will comply with provisions of the Chiles Amendment. Mexico is party to the 1961 Single Convention on Narcotics, as well as the 1972 Protocol. Mexico is a signatory to the new United Nations Convention Against Illicit Trafficking.

The United Nations Fund for Drug Abuse Control (UNFDAC) has agreed to provide $15 million to Mexico, in return for matching funds from the government, in order to support a technical assistance program for rural integrated development in the most poverty-ridden areas of the drug growing states of Oaxaca, Guerrero and Michoacan. A master plan to be submitted by the government will contain its eradication schedule.

A.4. Adequacy of Legal and Law Enforcement Measures

Regarding the requirements of Section 2013 of P.L. 99-570, the government does not as a matter of policy encourage or facilitate the production or distribution of illegal drugs. The government has taken legal steps to eliminate bribery and other forms of public corruption. The administration of President de la Madrid created a Comptroller General's office to oversee the conduct of government employees and established comptroller offices in various government agencies to receive complaints. A new code of ethics was promulgated, which included the requirement for senior officials to declare annually their assets or changes in assets. These measures probably curbed some abuses, especially compared with the excesses during the two previous administrations, but it is unclear whether the level of narcotics-related corruption has diminished, either in absolute terms or in its impact on programs. With regard to enforcement of laws which deal with corruption, as noted in Section A.2, the extent to which the government may have addressed high-level corruption in 1988 is unclear. President Salinas has, however, vowed to come down hard on corruption by public officials. Mexico signed a Chiles Agreement on February 23, 1989.

In December of 1987, Mexico ratified the Mutual Legal Assistance Treaty (MLAT) which has long been sought by the U.S., but the U.S. Senate has not yet given its advice and consent to ratification. The MLAT could provide a basis for improving bilateral cooperation on criminal matters, including investigation and prosecution of narcotics-related crimes.

Statutes against drug trafficking are sound, but their enforcement is less satisfactory. The collection and use of evidence continues to be rudimentary, no nationwide criminal identification system exists, forensic capabilities are outmoded and police communication links are limited. Developing cases solely against Mexican money launderers is not foreseen in the immediate future because of the lack of investigative and prosecutorial resources. U.S. Customs plans to work with DEA and the IRS to focus on drug-related money laundering investigations.

The Mexican Constitution (Article 27) permits the government to confiscate and redistribute land not used for socially acceptable purposes, including lands used for drug crops. Based on a 1987 administrative initiative permitting the seizure of drug traffickers' property at the beginning, rather than at the end, of the legal process, the seizure of traffickers' assets continued during 1988.

Mexico continues to be very cooperative in expelling or deporting large numbers of non-Mexican fugitives wanted in the United States. Generally, these are U.S. citizens, such as drug trafficker Leonard Swirda who was deported in 1988, but we have also received third country nationals through this process.

Return of fugitives under the bilateral extradition treaty, a process far less efficient than deportation or expulsions, continues to be rare. In the last year, the government extradited accused. West German drug trafficker Veronica Kiera Wahl to the U.S. over a competing West German request, and court proceedings concerned the extradition of accused drug trafficker Daniel Fowlie, while slow, have nonetheless been successful to date. However, during the same period, Mexico refused the extradition of convicted terrorist William Morales.

A.5. Domestic Drug Abuse in Mexico

While still limited, increased attention to drug abuse issues has been noted in the media during 1988. Accurate drug abuse information is still unavailable in Mexico. The results of the 1988 National Household Drug Abuse Survey should significantly fill this data gap. Drug treatment centers in Mexico continue to report that common inhalants, such as gasoline and paint thinner, are the primary sources of abuse. Marijuana follows in popularity. Patterns of drug abuse vary by region and by urban versus rural local and are drawn along socioeconomic lines. Cocaine is available to more affluent youths and adults. Heroin abuse reportedly is only a problem in the U.S./Mexico border region. Major resort areas form pockets of drug abuse. The majority of heroin and marijuana production in Mexico, however, is destined for U.S. rather than local consumption. In contrast to the past, the Mexican public is increasingly being alerted by public organizations to the threat of drug dependence.

B.1 Nature of Illicit Drug Production

Small-scale farmers continue to be backbone of illegal opium poppy and marijuana drug production in Mexico. The processing and transportation of the final products are, however, in the hands of large organizations which have controlled the Mexican illegal narcotics trade for decades. Some traffickers have taught farmers more advanced growing techniques, such as using irrigation and improved seeds and fertilizers to increase and enhance yields. Nevertheless, in many rural areas the cultivation of opium poppy and marijuana remains unchanged over the past forty years. The increasingly prevalent practice of planting small, widely dispersed cultivations has made aerial eradication increasingly dangerous and difficult. Growers have also responded to the application of aerial herbicides by harvesting mature sprayed plants or washing all plants with water immediately following spraying.

In recent years, traffickers have encouraged the production of illicit crops in non-traditional growing areas, resulting in some marijuana cultivation in every Mexican state. Opium poppy, traditionally grown only in the tri-state region of Sinaloa, Chihuahua and Durango, is now also found extensively in the states of Michoacan, Nayarit, Guerrero, Oaxaca and Chiapas.

Both black tar heroin and the traditional Mexican brown variety are still produced in Mexico. According to Drug Abuse Warning Network (DAWN) statistics, the higher purity and lower price of black tar heroin has resulted in increased hospital emergency admissions, as well as overdose fatalities, in the United States.

B.2. Factors Affecting Production

The escalating cost of living and widespread unemployment and underemployment in Mexico have contributed to the attractiveness of drug ventures. Although inflation has been reduced from 169 percent in 1987 to about 52 percent in 1988 as a result of the government's economic solidarity pact, many Mexicans continue to experience real economic hardship. The cultivation, distribution and resale of illicit crops provide an attractive economic alternative.

Mexico produces some chemicals that are diverted to the refining of heroin from opium.

B.3. Maximum Achievable Reductions

The PGR makes no annual drug cultivation or production estimates. The government maintains that to do so, the total amount under cultivation would have to be known accurately, which, they believe, is not possible. Gross production has been estimated by U.S. officials. Government drug eradication policy is to eliminate opium poppy and cannabis cultivation wherever found. Given the size and geography of the nation, limits on available resources, and the current extent of drug crops in both non-traditional and traditional growing regions, this is an ambitious and extremely difficult goal.

PGR 1988 eradication figures show that 2,504 to 2,971 hectares of opium poppy (2,737 midpont) and 3,997 hectares of marijuana were destroyed. (The opium variable is field size, which range from .056 to .094 hectares.) Based on these totals, and the percentage of increase over 1987, U.S. officials estimate that the PGR can eradicate as much as 3,250 hectares of opium poppy and 4,796 hectares of cannabis in 1989, a 20 percent increase over 1988 results. Reductions anticipated for 1990 are 4,278 hectares of opium poppy and 5,755 hectares of cannabis, a further 20 percent increase over 1989.

B.4. Methodology for Estimates

Mexican officials, including the new President, Attorney General and Defense Minister, have publicly expressed their commitment to improve efforts and results against drug traffickers. It is therefore anticipated that the PGR will be able to eradicate 20 percent more hectares in 1989 than it did in 1988. Projections for 1989 are also premised on the assumptions that AOG time will be minimized, the spare parts ordering system will function properly, and PGR aircraft availability and pilot retention rates will remain at optimum levels.

Weight reductions of illicit crops are based on a yield of one metric ton of opium for each 100 hectares of opium poppy and 1.13 metric tons of marijuana for each hectare of cannabis cultivation.

C.1. STATISTICAL TABLES

	1990 estimate	1989 estimate	1988	1987	1986	1985
A. SUMMARY TABLES FOR CY						
Opium:						
Cultivation [ha]		7,750	7,738	7,360	6,000	7,500
Eradication [ha]		3,250	2,737	2,200	2,135	2,300
Harvested [ha]		4,500	5,001	5,160	3,865	5,200
Yield [mt]		40–50	45–55	50	40	52
Heroin:						
Produced [mt]		4–5	4.5–55			
Seized in-country [mt]		0.090	0.080	0.070	0.035	0.010
Consumed in-country [mt]						
Cannabis:						
Cultivation [ha]		9,000	9,000	9,000	8,430	5,865
Eradication [ha]		4,796	3,997	3,750	2,970	1,740
Harvested [ha]		4,204	5,003	5,250	5,460	4,125
Yield (1.13 mt/ha) [mt]		4,750	5,655	5,933	6,170	4,540
Loss Factor (0.10) [mt]		475	565			
Seized in-country [mt]		300	278			
Consumed in-country [mt]		100	100			
Hashish:						
Converted from cannabis [mt]						
B. DATA TABLES FOR CY						
Cultivation (Gross):						
Opium [ha]		7,738	7,738	7,360	6,000	7,500
Cannabis [ha]		9,000	9,000	9,000	8,430	5,865
Potential Prod (Gross):						
Opium [mt]		78	78	75	60	75
Cannabis [mt]		10,170	10,170	9,900	9,275	6,450
Hectares eradicated:						
Opium [ha]		3,250	2,737	2,200	2,135	2,300
Cannabis [ha]		4,796	3,997	3,750	2,970	1,740
Crops eradicated:						
Opium [mt]		32	28	25	20	18
Cannabis [mt]		5,419	4,517	4,125	3,270	2,000
Net cultivation:						
Opium [ha]		4,500	5,001	5,160	3,865	5,200
Cannabis [ha]		4,204	5,003	5,250	5,450	4,125
Net production:						
Opium [mt]		45	50	50	40	52
Cannabis [mt]		4,750	5,655	25,933	6,170	4,540
Refining:						
Heroin [mt]						
Heroin Base [mt]		5	5	4		
Seizures:						
Opium [mt]		0.02	0.02	0.16		
Heroin [mt]		0.09	0.08	0.07	0.04	0.01
Cocaine [mt]		18.60	16.90	15.40	9.30	5.30
Marijuana [mt]		330	330	278	400	400
Arrests:						
Nationals		15,400	14,000	12,888	9,800	8,340
Foreigners		300	275	247	300	300
Total arrests		15,700	14,275	13,135	10,100	8,640
Labs destroyed:						
Heroin			8	4	7	
Cocaine			1	3	5	

[1] Net marijuana production for 1987 was incorrectly reported as 6,950 metric tons (rounded) in the 1988 INCSR.

[From the Washington Post, Feb. 28, 1989]

MEXICO, U.S. ENVOY CITE ANTIDRUG GAINS AS "CERTIFICATION" NEARS

(By William Branigin)

MEXICO CITY, February 27.—With the U.S. Senate scheduled to begin the "certification" process Wednesday on Mexico's performance in combating drug trafficking, the Mexican government and the U.S. ambassador here are claiming major successes by the three-month-old government of President Carlos Salinas de Gortari.

In a rare briefing after the signing of a bilateral agreement on cooperation in the war on drugs last week, U.S. Ambassador Charles J. Pilliod Jr. praised the Mexican government for what he said was a "remarkable" and "quite impressive" increase in its antinarcotics efforts.

In a separate interview, Mexico's deputy attorney general in charge of fighting the narcotics trade, Javier Coello Trejo, listed achievements since Dec. 1 that include the arrests of 1,617 people for drug offenses, eradication of 2,162 acres of opium poppy and marijuana plants and seizure of 70 pounds of pure heroin, 92 tons of marijuana and 2.2 tons of cocaine base.

The State Department is to release its annual report Wednesday for the congressional certification hearings on whether or not Mexico and other countries are cooperating fully with the United States in fighting the drug trade.

Under a 1986 law, decertification of a country in which narcotics are produced or transshipped would require the U.S. government to cut foreign aid—in Mexico's case about $15 million a year in assistance for a drug-eradication program—and vote against loans by multilateral institutions.

Last year, the Senate voted 63 to 27 to decertify Mexico, but the move was killed in the House where Speaker Jim Wright (D-Tex.) shared the Reagan administration's view that such sanctions threatened larger bilateral interests.

Regardless of the outcome, the annual hearings are a painful, infuriating process for Mexico, which views the deliberations as U.S. interference in its internal affairs. This year, the Mexican government seems determined to take a more detached view, but resentment still crops up.

In an interview Friday, Coello Trejo said he respected and would not judge the legal procedures of a friendly country, "although obviously I don't believe that the legislature of one country should judge the actions of another."

He said the government was not worried about the outcome of certification and would continue to fight drug trafficking regardless. "The fight is to the death," he said, "because it concerns the well-being of Mexicans and the health of our children." He added that he doubted Mexico would be decertified anyway, "because the efforts of Mexico in this fight are strong and substantial."

Moreover, Coello Trejo said, "we are not fighting against drug trafficking because of certification, but because the conviction of Mexico is to put an end to this cancer that fundamentally affects Mexico and the whole of humanity."

A 40-year-old lawyer whose toughness on crime earned him a reputation as the "iron prosecutor" in the attorney general's office from 1971 to 1982, Coello Trejo said Salinas has created a new antinarcotics division manned by 1,200 federal police. He said 1989 funding for the antidrug effort has been raised to a record $53 million, which he said would help pay for the increased personnel, higher salaries, more arms, vehicles and helicopters and a new land-based and aerial radar system to try to stop cocaine flights from South America.

Among the recent successes of Mexico's antidrug campaign, Coello Trejo said, was the arrest in Mexico Feb. 20 of Giuseppe Ponsiglione, alias Pino Catania, an Italian said to represent Colombian cocaine kingpin Pablo Escobar. Ponsiglione, who was convicted of involvement in the "French Con-

nection" heroin-trafficking ring years ago in New York, was arrested along with a Mexican and two Colombian pilots on charges of trying to smuggle 1,430 pounds of cocaine into the United States. The cocaine was seized.

Last month, police in Ciudad Juarez arrested Gilberto Ontiveros Lucero, alias El Grenas, on charges of trying to smuggle six tons of marijuana across the border. Ontiveros, allegedly an accomplice of Ponsiglione and a top Mexican drug lord, had been arrested on drug charges in 1986, but served only two years of a 20-year sentence before allegedly bribing a judge to free him.

According to Coello Trejo, at least 35 drug rings have been broken up under the current administration.

In Washington, however, the Mexican commitment to the war on drugs has come under some suspicion because of the appointment to top posts of certain officials suspected of past or present links to drug traffickers. The government insists there is no evidence of any such connections, although one such implicated official, Miguel Nazar Haro, was forced to resign last week as the new Mexico City police intelligence chief. Government officials attributed the move to complaints in Mexico that he had been responsible for human rights abuses in the 1970s.

Despite the concerns about some of Salinas' appointments, a well-in-formed U.S. official expressed optimism about the pace of Mexican antidrug activities in recent weeks.

"We're pleased with what we see," the official said. He said that unlike the previous administration of president Miguel de la Madrid, the new government had yet to "shut off" any of the investigative efforts in Mexico of the U.S. Drug Enforcement Administration.

The official also said he detected a new concern in the current administration about a "serious erosion of the effectiveness of some Mexican institutions," notably the military and the Federal Judicial Police. The official said Mexican authorities quietly were taking steps to reduce drug-related official corruption, the existence of which the government is loath to admit in public.

Ambassador Pilliod, a Reagan administration political appointee with two years here, on Friday discounted reports of high-level drug-related corruption in Mexico, "A lot of those reports came out of individuals in the field," he said, "Very seldom did those reports originate from official sources in the United States." Often, he said, such accounts came from arested drug traffickers, "who made statements that were not corroborated, yet [were] reported by members of the press."

Asked about criticism of the Mexican military, which has been accused in the past of providing protection for some drug operations, Pilliod said, "I don't think the criticism came out of this office." He said the current Mexican defense secretary was "showing the same determination" to fight the drug trade as his predecessor, Gen. Juan Arevalo Gardoqui.

Regarding this week's Senate proceedings, Pilliod said, "I don't visualize Mexico being decertified with the efforts that they've put out in the drug area." He added, "There's no reason for it. They're working with us." He praised current U.S.-Mexican antidrug cooperatiion as "closer and more supportive than we've seen at any time in the past."●

THE SAVINGS AND LOAN CRISIS

● Mr. HATFIELD. Mr. President, among the most pressing issues facing this Nation is the crisis in the savings and loan industry. Clearly, there is no simple cure-all solution to this very complex problem. Indeed, the final rescue package will likely incorporate a variety of proposals to address not only the short-term need to recapitalize the FSLIC and manage insolvent thrifts, but also the more basic need for regulatory reform to ensure this problem never occurs again.

Mr. President, as Congress investigates this matter, and evaluates the Bush administration's rescue proposal, I would like to share the perspective of one individual who has viewed the financial services industry as both an insider and an outsider. Georgetown University distinguished lecturer, Charles C. Ellis, has been familiar with corporate finance since 1946, when he served as controller for the Armstrong Cork Co. in Pennsylvania. Since 1953, he has served in a variety of financial executive positions with several major corporations, including Ford Motor Co., RCA and the Irving Trust Co. He currently serves on the board of directors of 13 major corporations. Prior to beginning his corporate career, Dr. Ellis earned an associate bachelors degree from Juniata College, a masters of business administration from Harvard University, and a doctorate degree from Juniata College. Since 1982, Dr. Ellis has been a member of the faculty at Georgetown University's School of Business Administration.

During his 7 years at the Irving Trust Co., Dr. Ellis had the opportunity to look at banking through the eyes of an outsider who was brought in to develop a financial control and planning program for the bank. Irving's management believed that a nonbanker might be able to look at the banking industry with a fresh and unbiased perspective. Dr. Ellis' lack of knowledge about the industry at the time enabled him to ask very simple, basic questions that a professed banker would have been embarrassed to ask. Some of the questions still being asked by Dr. Ellis today are: "Does it make sense for any financial institution to lend long and borrow short? If not, why do we subsidize this practice by guaranteeing what are essentially investment funds by labeling them as deposits?"

Mr. President, I ask that an article by Dr. Ellis expressing this point of view be printed in the RECORD immediately following my statement.

The article follows:

A SIMPLE SOLUTION TO A PROBLEM THAT SHOULDN'T EXIST

Today American taxpayers are faced with the possibility of having to pay more than one hundred billion dollars to rescue the savings of depositors in thousands of bankrupt savings and loan associations throughout the country. Although there are many causes for these failures, ranging from local economic problems to fraud and thievery, the underlying reason for their vulnerability to failure is that they, along with many other banking institutions, operate on the completely unsound financial principle of lending long and borrowing short.

Banks and savings and loan associations cannot invest depositor's funds in mortgages and other illiquid investments and promise depositors that these funds will be returned to them at any time they may wish to have them. The tragic effect of this totally illogical concept has been demonstrated many times over in the history of banking in the United States. Throughout the nineteenth and early twentieth centuries there were innumerable local bank failures. Most of these resulted from a loss of depositor confidence. Any rumor about a bank's soundness could trigger a rush by its depositors demanding the immediate return of their funds. No matter how sound a bank's investments were, they generally could not be liquidated instantly to provide the cash needed to pay off their depositors. As a result, many financially sound institutions were forced into bankruptcy and their depositors needlessly lost most of their savings.

In addition to the frequent local bank failures occuring during these years, there were periodic nationwide economic depressions during which depositors panicked, demanding the return of their deposits and forcing the closing of hundreds of banks across the country. The public's tolerance of these failures and the misery associated with them is difficult to understand. Even more difficult to understand is why there was apparently no recognition of the real cause of the failures. The public, press and politicians seemed to be satisfied by blaming them on the bankers, whom they generally labeled as greedy, dishonest or incompetent. In fact, throughout this period bankers were most frequently looked upon as villains who foreclosed on mortgages and stole the savings of widows and orphans.

The fallacy of the lend-long borrow-short principle reached crisis proportions during the 1929 to 1932 period. The stock market crash of 1929 ushered in a period of steady deterioration of public confidence in all of the country's financial institutions. Runs on banks became epidemic and a complete collapse of all of the nation's financial institutions appeared to be imminent. In 1932 as an emergency reaction to this crisis President Roosevelt declared a bank holiday in order to give the banks and the Federal Reserve time to cope with the situation.

What followed was the enactment of a great mass of legislation aimed at protecting investors and depositors from losses of any sort. In the case of the banks and savings and loans, deposit insurance corporations were established to guarantee the deposits of federally or state insured institutions. This restored the confidence of the public in the country's financial institutions. Depositor confidence, in turn, protected banks and savings institutions from the mass deposit withdrawals that had been the cause of most of their past failures.

Depositors now became a new class of investors who were protected from any loss of principal or interest on their savings regardless of the financial soundness of the institution in which they placed their funds. The burden of maintaining and assuring financial soundness was assigned to federal and state regulatory agencies. This system

seemed to work well for many years, but in the late nineteen seventies the proliferation of small banks and savings and loans, plus the move toward deregulation made the inherent weaknesses of the system surface again.

Because all deposits of up to one hundred thousand dollars were insured, the smallest and financially weakest institutions could compete successfully against the largest and most financially sound by merely offering higher interest rates. Because all deposits were insured, the depositor was only concerned about where he could get the highest interest rates for his funds. In response to this demand, a nationwide network of deposit brokers sprang up to assist depositors find the highest rates available on any day on which they had funds to invest.

This free market scramble for funds based solely on interest rates, raised these rates to unprecedented high levels. This forced existing institutions to use these high cost funds to make increasingly risky loans. Also the ease of obtaining these funds encouraged entry into the market of a host of marginal institutions. It was truly a thieves' paradise where one could use government insured funds to make limitless investments in almost any venture. The consequences were predictable and catastrophic. An unprecedented wave of bank and savings and loan failures has swept the country, wiping out the reserves of many state deposit insurance agencies and threatening to do the same to federal deposit insurance funds.

The obvious question is why did the federal and state regulators allow these institutions to make such high risk, and frequently fraudulent investments. The answer can be found in the spirit of the times, the era of deregulation. There was a revolt by all sectors of the business community against what was perceived to be excessive government regulations. The banks and savings institutions in particular were loud complainers about the restrictions within which they were forced to operate. As a result, the power of the regulatory authorities, who in the past had kept a reasonable degree of order in the banking community, was all but wiped out. The resulting free-for-all competition among the country's banks and savings institutions has created a financial disaster far worse than any experienced to date. Not only will taxpayers have to bear the burden of this folly, but the attempt to hide its magnitude by tax benefit deals is making very rich individuals and corporations much richer while adding further to the taxpayers' burden.

We are now involved in a mad scramble to find ways to patch up the system without facing up to the huge costs involved. First, we must pay for the damage that has already been done during the great government subsidized investment spree. Next, we must face up to the continuing costs involved in maintaining a segment of our financial system that requires conversion of investment funds to demand funds in order to guarantee its investors protection against any loss of principal or interest. Nowhere else in our financial system do we provide investors such protection. Because funds invested in banks and savings institutions are called deposits rather than investments doesn't change their true nature.

However, to convince depositors in banks and savings institutions that they really are not depositors but investors who should be willing to accept the risks assumed by any other type of investor, may be a logical approach to the current problem, but certainly one that the public will not understand or accept. Most people assume that a financial institution that gives them both government guaranteed safety and instant availability of their funds is a cornerstone of America's economy. Therefore, to persuade the public that such an institution is not financially viable, would be impossible.

Despite this fact, we cannot allow the present system to continue operating as presently structured without endangering our entire economy. Congress and the state legislatures must recognize that a return to some form of strict government control over banking and savings institutions is essential. Such control, however, does not have to be applied across the board to all activities of these institutions as has been the case in the past. Because the only reason for government regulation of banks and savings institutions has been the need to insure depositors funds, regulation, therefore, should be restricted solely to government insured deposits. These deposits should be invested only in government securities and segregated from all other funds. Funds provided by any other financial activities should be exempt from regulation.

This proposal should result in several significant advantages over the present practice of allowing government insured deposits to be invested in illiquid high risk assets.

The restriction of government insured deposits to investment in government securities would significantly increase the market for these securities. This, in turn, should lower their interest rates and reduce the government's borrowing costs.

The workload of the regulatory agencies should be reduced substantially because they no longer will be required to audit and evaluate all of the assets and liabilities of an institution. This will also eliminate the present duplication of effort by the bank examiners and the public auditors. Determination of an institutions financial viability will be assumed fully by the public auditors thus eliminating the problems associated with the present shared responsibility.

Restricting regulation to only government insured deposits frees Congress from all of the complications associated with determining what activities banks and savings institutions should be allowed to participate in. This should result in much freer financial markets and fairer and more realistic competition among participants.

Opposition to this proposal will be great from both banks and savings institutions. The savings institutions, in particular, will portray themselves as the provider of mortgage funds that enable the common man to own a home. These funds, of course, will come from many little depositors who are saving for the education of their children, retirement or a rainy day. Although this may have been true thirty years ago, it is far from true today. Mortgages that originate in savings institutions are most frequently passed through to large mortgage pools and mortgage processing specialists. The savings institution is thus nothing more than a middle man. The money made available by unloading mortgages can then be invested in any other type of venture. It also should be noted that the eligibility requirements for mortgages have become much stricter because mortgages now must meet the standards demanded for negotiable instruments.

Similarly, the ideal of having funds supplied principally by small depositors in the community has also become a myth. As described previously, funds are obtained in large blocks through a nationwide network of deposit brokers whose only interest is obtaining the highest interest rates available. The little saver probably puts his savings in a money market fund.

In light of these facts, there should be no social, political or economic reason to allow a favored group of financial intermediaries to use government guaranteed funds to invest in anything other than government securities. This will provide a level playing field where all financial intermediaries will compete on an equal basis and the risks associated with any investment will be borne by the investor not the government.●

SCOTTSBURG HIGH SCHOOL WARRIORETTES

● Mr. LUGAR. Mr. President, I ask you and my colleagues to join me in saluting the Scottsburg High School Warriorettes—the Indiana State girls basketball champions.

This game was truly a Cinderella story similar to the Milan High School boys' championship, on which the movie Hoosiers was based. In front of a crowd of 16,567 at Market Square Arena in Indianapolis, Coach Donna Cheatham led her perennially strong team to a thrilling overtime 74 to 72 defeat of Benton Central.

In October, Coach Cheatham and her team paid me a great honor in Scottsburg by making me the first honorary Warriorette and presenting me with a team jersey I have worn proudly in the Nation's Capital. In return I presented Renee Westmoreland, who scored 30 points to be named "Most Valuable Player," with a basketball net labeled "Market Square, 1989"—a symbol of what became one of the best predictions I have ever made.

My congratulations also go out to everyone associated with Scottsburg High School, as well as Mayor Bill Graham and all the people of Scottsburg—one of the most charming towns in beautiful southern Indiana.●

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I inquire of the distinguished Republican leader whether he has any further business or any further comments to make.

Mr. DOLE. I have no further business and no comments.

Mr. MITCHELL. Senator GRAHAM has requested an opportunity briefly to introduce legislation. Will the Senator indicate how much time he requires for that purpose?

Mr. GRAHAM. Two minutes.

Mr. MITCHELL. Would the distinguished Senator from Florida be willing to wait just a couple of moments so we can complete other business and then we will yield to him?

CONSIDERATION OF CERTAIN MEASURES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the following: House Joint Resolution 22, Federal Employees Recognition Week; Senate Joint Resolution 24, Older Americans Abuse Prevention Week; Senate Joint Resolution 54, Child Abuse Prevention Month; Senate Joint Resolution 64, Greek Independence Day—March 25, 1989; and that the Senate proceed to their immediate consideration en bloc, that they be read a third time and passed and that the motion to reconsider the votes by which they were agreed to be laid on the table en bloc, and that their preambles, where appropriate, be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 24) to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Older Americans Abuse Prevention Week," which was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 24

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights.

Whereas these elders represent every racial, religious and socio-economic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1988, has traditionally been designated as "Older American Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1989, and ending on May 7, 1989, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such period with appropriate programs ceremonies, and activities.

NATIONAL CHILD ABUSE PREVENTION MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 54) to designate the months of April, 1989 and 1990, as "National Child Abuse Prevention Month," which was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 54

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas An estimated six million children become victims of child abuse in this Nation each year;

Whereas an estimated four to five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of April, 1989 and 1990, are designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling on all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

The Senate proceeded to consider the joint resolution (S.J. Res. 64) to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," which was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 64

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1989, marks the one hundred and sixty-eighth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1989, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

"GREEK INDEPENDENCE DAY" MARCH 25, 1989

Mr. LAUTENBERG. Mr. President, I rise in support of Senate Joint Resolution 64, a joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The joint resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

This joint resolution is identical to one that Senator SPECTER and I introduced in the last Congress, Senate Joint Resolution 346. That joint resolution, which had 60 consponsors, was approved unanimously by the Senate. Unfortunately, the House of Representatives did not act on the companion resolution so it did not become law. That is why we reintroduced the joint resolution in the Senate this year. The companion has been reintroduced in the House of Representatives.

March 25, 1989, marks the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said:

If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons

alike share in the government to the utmost.

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present day Greek Americans in New Jersey and across the country to our American culture.

This joint resolution is a tribute to these contributions, past and present, which have greatly enriched American life.

FEDERAL EMPLOYEES RECOGNITION WEEK

The joint resolution (H.J. Res. 22), to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SARBANES. Mr. President, I am very pleased that today the Senate will act on House Joint Resoulution 22 to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week." This joint resolution was introduced to honor and thank the men and women in Federal service who perform a multitude of jobs so important to the growth and vitality of our Nation.

The joint resolution, sponsored by Congresswoman OAKAR, passed the House of Representatives yesterday by unanimous vote. I commend Senate Majority Leader GEORGE MITCHELL, Senator METZENBAUM, and the members of the Senate Judiciary Committee for bringing this matter before the full Senate so promptly.

The more than 3 million men and women who have chosen public service as a career are a vital part of America's work force. The work they perform touches our lives in so many ways—from services for the elderly, handicapped, and disabled to daily mail delivery; from fighting fires to contributing to important medical and scientific research; from managing our parks and recreation areas to collecting our taxes.

We have some of the best trained and best qualified people in our country's work force in Federal service. They have consistently maintained high standards of excellence and have invested many dedicated years to serving their Government and fellow citizens.

Federal employees are trusted friends who Americans have learned can be relied upon. They deserve to be commended and encouraged for providing the high quality service necessary to carry out the priorities and objectives of our Government. I am pleased today to have the support of my colleagues in passing this joint resolution.

COMMENDING THE PEOPLE AND GOVERNMENT OF PAKISTAN ON THEIR RETURN TO DEMOCRACY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 22, Senate Resolution 59, a resolution commending the Government and people of Pakistan on their return to democracy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 59) commending the Government and the people of Pakistan on their return to democracy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, the resolution we are taking up today, Senate Resolution 59, commends the Government and people of Pakistan on an historic achievement—the return of democracy to that strategically important country of 100 million.

On November 16, 1988, Pakistan held a remarkable election. Throughout the country, tens of millions of Pakistanis lined up to cast ballots in the first free and fair elections in that country since the 1970's. As remarkable, the elections were conducted almost completely without violence.

The elections followed 11 years of military dictatorship during which many Pakistanis suffered from loss of basic human rights and worse. Chief among the victims was the last democratically elected Prime Minister Zulfikar Ali Bhutto and his family. The military regime had Prime Minister Bhutto put to death, while his widow and daughter were imprisoned and then exiled.

It is, therefore, all the more remarkable that the victor of the recent Pakistan elections, and now the new Prime Minister of Pakistan, is Benazir Bhutto. At 35, she is one of the world's youngest leaders. But, she has been tested as few political leaders are ever tested. In the face of solitary confinement, mistreatment, and prolonged imprisonment, she has shown extraordinary courage and determination.

As Prime Minister, Banazir Bhutto has moved quickly to remove the last vestiges of military rule. She has freed all political prisoners and ended restrictions on the printed and electronic media. For the first time in Pakistan history the opposition now receives coverage on the state-run television.

Prime Minister Bhutto has also moved to address Pakistan's growing drug crisis. In the space of a decade, Pakistan has moved from having virtually no heroin addicts to an addict population of some 500,000. She has declared that containing narcotics will be the top priority of her administration. It will be a tough task and one in which she will need our help.

Prime Minister Bhutto has promised to keep Pakistan's commitment not to develop nuclear weapons, and has promised continuity in Pakistan's policy of supporting freedom in Afghanistan. With Indian Prime Minister Rajiv Gandhi, she has embarked on an historic effort to improve relations between these two subcontinental antagonists.

This resolution applauds the new Government actions to build democracy in Pakistan, as well as its statements in the foreign policy field. Now that Pakistan is a democracy, it is my hope and expectation that relations between our two countries will become closer and stronger.

During the years of Benazir Bhutto's imprisonment, I had many occasions to raise her mistreatment with visiting Pakistani officials. During her years of exile, she was an annual visitor to Washington and I well recall our conversations about her efforts to bring democracy to Pakistan. Now she is Prime Minister, I am truly delighted to be the original sponsor of this resolution to commend the people of Pakistan, and the new Prime Minister, on the return of democracy. I urge adoption of Senate Resolution 59.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 59

Whereas on November 16, 1988, the most free and fair elections in the history of Pakistan were held;

Whereas the elections were held in an orderly fashion and without any election-related fatalities;

Whereas the support of President Ghulam Ishaq Khan, of the Judiciary and of the Military was essential to the restoration of democracy in Pakistan;

Whereas the elections produced an electoral victory for Benazir Bhutto and the Pakistan People's Party;

Whereas Benazir Bhutto has shown extraordinary political and personal courage in the face of prolonged imprisonment and family tragedy;

Whereas Prime Minister Bhutto has moved swiftly to restore full human rights to the people of Pakistan by ordering the release of all political prisoners and the end of restrictions on the written and electronic media; and

Whereas Prime Minister Bhutto has pledged to continue Pakistan's steadfast support of freedom for the Afghan people, has promised that Pakistan will not develop nuclear weapons, and has undertaken initiatives to improve relations with India: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) commends the Government and people of Pakistan on the holding of free and fair elections and for the return to democracy;

(2) congratulates Benazir Bhutto on her election as Prime Minister of Pakistan and wishes her a successful administration;

(3) expresses its deep appreciation to President Ghulam Ishaq Kahn, Chief Justice Nasrullah, and Chief of Army Staff Beg for their critical role in insuring the successful transition to democracy in Pakistan;

(4) commends Prime Minister Bhutto for her prompt actions to free political prisoners and restore full human rights and express its support for her foreign policy statements on Afghanistan, nuclear weapons, and relations with India; and

(5) expresses its strong support for Pakistan's new democracy, reiterates its commitment to the security and independence of Pakistan, and affirms its willingness to assist the new government's efforts to address Pakistan's many economic and social problems.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PEACE AND FAMINE RELIEF IN SUDAN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 21, Senate Concurrent Resolution 15, a concurrent resolution concerning peace and famine relief in Sudan.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15), concerning peace and famine relief in Sudan.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, one of the world's most urgent humanitarian crises today is in southern Sudan. We have today before the Senate a bipartisan concurrent resolution which speaks to the urgent needs in that country for peace and international relief assistance.

I am pleased to be joined in this effort by Senator SIMPSON, the ranking member of our Subcommittee on Immigration and Refugee Affairs as well as Senator PELL, Senator SIMON, Senator KASSEBAUM, and Senator HUMPHREY in the development of this concurrent resolution. I commend the Foreign Relations Committee for its prompt action in support of it.

The timeliness of the concurrent resolution is unquestionable as hundreds of thousands of Sudanese civilians have died over the past 2 years. And many more will be lost if peace is not achieved and the international community does not respond further to the needs that exist. There are urgent steps which the Khartoum government can and must take, which the concurrent resolution before us clearly outlines.

In December, the Subcommittee on Immigration and Refugee Affairs sent a special study mission to the Horn of Africa specifically to look into the questions of peace and relief in Sudan. What the mission witnessed was a tragedy of monumental proportions.

Certainly, famine is no stranger to the Sudan. But in this case, unlike the famine of 1984–85, the shortages are not due to natural disaster, but are man made. This time food shortages are primarily the result of the ongoing civil war in southern Sudan.

For this reason, Secretary of State Baker issued a vitally important statement last month which noted that "starvation will not end until the fighting ends" and called on both sides to the confict to "put peace first."

It is for this reason, Mr. President, that it is essential that the concurrent resolution before us today deals not only with the relief needs of the southern population, but with the requirements of peace as well.

While the needs are urgent, it is also important to recognize that some efforts are already underway. And our concurrent resolution today recognizes and commends them. These include the important breakthrough of the International Committee of the Red Cross in delivering relief supplies to civilians on both sides of the civil conflict. It includes the activities of the U.S. Office of Foreign Disaster Assistance in getting assistance in to key towns in southern Sudan—towns which had been without food for extended periods. And it also encompasses the efforts of voluntary agencies, which are now expanding their activities on behalf of the Sudanese populations.

It is also important to mention, Mr. President, the role which U.N. Secretary General Javier Perez de Cuellar is fulfilling to advance the twin causes of peace and relief within the country. In just about a week, the United Nations will be conducting a major conference in Khartoum to address the continuing emergency in that country.

While involvement in this grave humanitarian crisis is growing, there is clearly much more that needs to be done—and soon. This concurrent resolution will provide guidance to our Government and the international community as to the steps which now must be taken.

As Mr. Francis M. Deng, former Sudanese Ambassador to Washington, recently stated, "It is not the dead who suffer, it is those who watch them die." Today, with this concurrent resolution, we cannot be accused of being mere onlookers to this humanitarian disaster, and I urge my colleagues to adopt it.

Mr. SIMON. Mr. President, as one who joined Senator KENNEDY in submitting Senate Concurrent Resolution 15 on the situation in Sudan, I believe that we must move vigorously to respond to the overwhelming human tragedy the people of Sudan are facing.

Last year an estimated 200,000 to 500,000 people died in Sudan of starvation. An additional 3 million—including orphaned children—have wandered in search of food, many to border refugee camps in neighboring Ethiopia. And literally 1.5 million southerners starve on the outskirts of Sudan's capital, Khartoum. The Sudanese people have become pawns in a 30-year-old civil conflict between the dominant Arab Muslim north and the African Christina and animist south. Both sides have used food as a weapon against the other, preventing food from reaching territory held by the other side. Millions of innocent people are caught in the fatal crossfire.

Many of us are disappointed by the long silence and failure on the part of the last administration to address this problem vigorously by taking effective action on food relief and movement toward a cease-fire. Secretary of State James Baker's February 8, 1989, statement is a welcome relief. He has indicated that although:

Many Sudanese and expatriates are laboring tirelessly to ensure food deliveries, and the cooperation with these efforts by both the Sudanese Government and the Sudanese People's Liberation Army (SPLA) has improved in recent months * * * much more needs to be done.

Removing the obstacles to food delivery is critical and Secretary Baker has said that:

The United States will do all it can to support these efforts.

We are here today to determine how the United States can move vigorously on food relief. In 5 weeks, the rain will begin in Sudan. We need to move quickly before food transportation becomes more difficult. What actions will we take? How can we encourage the Sudanese Government and the

SPLA to remove obstacles to food delivery?

The Kennedy concurrent resolution, among other things, urges:

The President and the Secretary of State to exercise vigorous international leadership in pressing for a genuine national reconciliation and an end to widescale starvation and suffering in Sudan, through forceful direct representations to the Government of Sudan and the SPLA, through sustained multilateral, diplomatic initiatives and active United States-Soviet collaborations, and through the designation of a special United States government envoy.

We also urge a review of United States-Sudan relations, including an examination of our bilateral and multilateral aid to Sudan, if the Sudanese Government fails within 6 months to make progress on food relief and on negotiations with the SPLA toward a cease-fire.

Former Sudanese Ambassador to the United States Francis M. Deng said in a recent article:

While we and our friends must all work for peace with a sense of urgency, the international community should spare no time or effort in bringing immediate relief to the starving masses. To be silent or equivocal about a human tragedy of such magnitude would not only add an international dimension to the national vacuum of moral leadership but would indeed be a shortsighted diplomatic miscalculation. To quote words I used some 16 years ago under similar but less tragic circumstances, "It is not the dead who suffer, it is those who cause their death and those who watch them die."

Last Thursday, I chaired hearings of the Senate Foreign Relations Subcommittee on African Affairs on the situation in Sudan and explored these questions with administration and private witnesses. My hope is that we will be able to move quickly in the next weeks and provide leadership in moving others to do the same.

Last Friday evening, 10 Senators and Representatives joined me in sending a telegram to the Sudanese Prime Minister and the leader of the Sudanese People's Liberation Movement urging a temporary cease-fire to facilitate the delivery of food and other humanitarian relief before the rainy season begins. I ask unanimous consent that the text of the telegram be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 24, 1989.

His Excellency SADIQ AL-MAHDI,
Prime Minister
Republic of Sudan

DEAR MR. PRIME MINISTER: As friends of the Sudan, we are deeply concerned about the tragic situation in southern Sudan which has caused massive human suffering. The war has caused hundreds of thousands of innocent civilians to die of starvation and two million more to flee their homes in search of food and security. If all of us could work together in the next few weeks before the rainy season begins, we could help save countless lives through coordinated food relief efforts. In that regard, we call upon both parties to the war to adopt an immediate temporary cease-fire to facilitate the delivery of food and other humanitarian relief until the rainy season begins. The cease-fire would be a demonstration of good will on the part of both parties and might become an important first step toward peace in Sudan.

We are sending this telegram to you and Colonel John Garang.

Cordially,

Nancy Landon Kassebaum, Ranking Member, Subcommitee on African Affairs; Committee on Foreign Relations.
Paul Simon, Chairman, Subcommittee on African Affairs, Committee on Foreign Relations.
Senators Gordon J. Humphrey, Richard G. Lugar, Alan K. Simpson, Claiborne Pell, Jesse Helms, Edward M. Kennedy.
Representatives Howard Wolpe, Dan Burton, Frank R.Wolf.

Mr. PELL. Mr. President, Sudan is in the midst of an increasingly bloody civil war which has claimed the lives of hundreds of thousands of Sudanese people and forced another 2 million to flee their homes in search of food and security. The war is rooted in religious and ethnic differences between the south, which is inhabited primarily by animists and Christian Africans, and the north, where Arabic-speaking Muslims dominate. Efforts by the Muslim-based government in Khartoum to Islamize Sudan and deny the south equal political representation and economic opportunities have spawned s strongly supported southern insurgent movement, the Sudanese People's Liberation Movement [SPLM] with a well-trained and equipped army [SPLA].

Perhaps the greatest tragedy of the war is that both parties have used food as a political weapon and deliberately obstructed international relief efforts. Government forces have denied food to civilians in government held towns merely because they are Dinkas—the largest tribe in the south and the base of support for the SPLM. The SPLA, in turn, has attacked food convoys and relief planes designated for government held areas. In the last 2 years alone, an estimated 100,000 to 250,000 southerners died from starvation. As many as 1½ million people may be at risk in the rural areas of southern Sudan unless international relief efforts are expanded.

The recent agreement between the Sudanese Government and the SPLA to allow the International Committee of the Red Cross [ICRC] to bring food into six towns, three government held and three SPLA controlled, is a step in the right direction. But it is not enough. Food must be delivered to many more towns in both areas. This can happen only if the Government of Sudan and the SPLA are willing to put the welfare of civilians ahead of military goals.

The famine in Sudan is not the result of drought or lack of food but of the war. It is imperative that the parties to the war adopt an immediate cease-fire to facilitate international relief efforts, especially before the rainy season begins. A cease-fire could be an important first step toward resolving the issues that divide the people of Sudan and prevent Sudan from becoming a stable and united nation.

As the central government, the Government of Sudan has a special responsibility to facilitate international humanitarian relief efforts, to protect the welfare of all the Sudanese people, and to seize every opportunity to bring the war to a speedy conclusion. The concurrent resolution before us reflects the growing concern in Congress and among the American people about the situation in southern Sudan. I believe this is a good concurrent resolution and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 15

Whereas starvation and civil war have killed nearly 1,000,000 southern Sudanese civilians since 1983 and displaced 2,000,000 to 3,000,000 of southern Sudan's 6,000,000 people;

Whereas numerous and reliable reports from the field document that both sides of the conflict, the Government of Sudan and the Sudanese People's Liberation Army (hereafter in this concurrent resolution referred to as the "SPLA"), have not only neglected the welfare of southern Sudanese people, but in many instances have deliberately deprived southern Sudanese of food and medicine and have used food as a weapon of war;

Whereas combatants have massacred untold numbers of civilians, destroyed entire villages, and decimated the infrastructure in southern Sudan;

Whereas a national peace accord, which is essential both to an effective emergency relief effort and to a negotiated peace settlement, was endorsed by the SPLA and the Democratic Unionist Party in November 1988, but did not receive the agreement of the Government of Sudan;

Whereas the United States and other international donors have taken several significant steps to alleviate famine, including an October 1988 emergency airlift by the United States Office of Foreign Disaster Assistance and a relief operation carried out by the International Committee of the Red Cross in both rebel and government-held areas in southern Sudan;

Whereas such humanitarian efforts are crucial first steps but assist only a small fraction of the more than 2,000,000 Sudanese in dire need of relief;

Whereas the United States has a special relationship with the people and Government of Sudan, including the provision of more than $100,000,000 in bilateral and multilateral assistance in fiscal year 1988, the largest amount received by any nation in sub-Saharan Africa;

Whereas Secretary of State James A. Baker III, in a statement on February 8, 1989, emphasized that "starvation will almost certainly not end until the fighting ends," urged both the Government of Sudan and the SPLA to "put peace first and to agree to an early ceasefire" in order to facilitate relief, and called on "authorities at all levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone"; and

Whereas the Secretary General of the United Nations, at the invitation of the Government of Sudan, has announced a relief conference to be held in Khartoum in March 1989: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends Secretary of State Baker's statement of February 8, 1989, as a major step forward in dramatically focusing world attention upon the humanitarian disaster in Sudan and the urgent need for responsible action by the Government of Sudan and the SPLA to bring about a ceasefire, effective emergency relief, and implementation of a meaningful peace accord;

(2) commends the relief activities in Sudan of the Agency for International Development, the Office of Foreign Disaster Assistance, international organizations, and American, international, and indigenous private and voluntary agencies;

(3) condemns and deplores the use of food as a weapon by the Government of Sudan and the SPLA and calls upon each of them to respect and honor the safe passage of food and emergency relief supplies to civilians in affected areas;

(4) supports all efforts by the international community, private and voluntary agencies, and concerned governments to provide assistance to imperiled Sudanese, including cross-border feeding operations and prepositioning of food in southern Sudan;

(5) commends the International Committee of the Red Cross (ICRC) for its success in working simultaneously with the Government of Sudan and the SPLA to deliver food and emergency assistance to civilians on both sides of the conflict, and supports efforts by the ICRC to rapidly expand the volume of relief delivered and the number of sites reached;

(6) supports the expanding involvement of the Secretary General of the United Nations in promoting peace and relief activities in Sudan and commends the Government of Sudan for welcoming these efforts;

(7) urges the President and the Secretary of State to exercise vigorous international leadership in pressing for a genuine national reconciliation and an end to widescale starvation and suffering in Sudan, through forceful direct representations to the Government of Sudan and the SPLA, through sustained multilateral, diplomatic initiatives, and active United States-Soviet collaborations, and through the designation of a special United States Government envoy;

(8) urges the President and the Secretary of State to conduct a comprehensive reassessment of the United States' relationship with the Government of Sudan, including critical examination of future bilateral and multilateral assistance given by the United States to Sudan (other than humanitarian assistance), unless within 6 months after the date of adoption of this concurrent resolution—

(A) the Government of Sudan has made demonstrable progress in facilitating increased relief to displaced populations in areas it controls, through for instance, increased mobilization of key government resources and improved controls over government-armed militias; and

(B) the Government of Sudan has made significant progress in negotiations with the SPLA for a national peace accord and a cease-fire; and

(9) urges the President and the Secretary of State to impress upon the SPLA its special responsibility to permit the flow of international relief to civilians in government-controlled southern cities and towns, the imperative for the SPLA-controlled areas and, finally, the importance for the SPLA to negotiate independently with the Government of Sudan for a national peace accord.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and the Secretary of State.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Florida be recognized for 2 minutes, and that upon the conclusion of his remarks the Senate stand in recess under the previous order until 10 o'clock in the morning on tomorrow, Friday, March 3.

(The remarks of Mr. GRAHAM pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MITCHELL. Mr. President, I amend my request by asking that, following the remarks of the Senator from Florida, the Senator from South Dakota [Mr. PRESSLER], be recognized for 3 minutes, and that upon the conclusion of his remarks the Senate then stand in recess under the previous order until 10 o'clock tomorrow morning, Friday, March 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. At this time the Chair has two announcements to make.

The Chair announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to section 201(a)(2) of Public Law 93-344, the appointment of Dr. Robert D. Reischauer as Director of the Congressional Budget Office for the term of office beginning on January 3, 1987, to take effect on March 6, 1989.

PRINTING OF RESPONSE TO MOTIONS

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the response by the managers of the House of Representatives to motions to dismiss several of the articles of impeachment against Judge Alcee L. Hastings, filed by his counsel, pursuant to section 2 of Senate Resolution 39, 101st Congress, 1st session, which response was received by the Secretary of the Senate on March 2, 1989.

The response follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 24, 1989.

Re Impeachment Inquiry of Judge Alcee L. Hastings.

Hon. WALTER J. STEWART,
Secretary of the Senate of the United States, The Capitol.

DEAR SECRETARY STEWART: Enclosed for filing in the above-captioned matter are the following:

1. The Response of the House of Representatives to Respondent's Motion to Dismiss Articles I Through XV;

2. The Response of the House of Representatives to Respondent's Motion to Dismiss Article XVII; and

3. The Executive Summary of the Response.

Thank you.

Very truly yours,

ALAN I. BARON,
Special Counsel to the Managers of the House of Representatives.

[In the Senate of the United States sitting as a Court of Impeachment]

In re Impeachment of Judge Alcee L. Hastings

EXECUTIVE SUMMARY RESPONSE OF THE HOUSE OF REPRESENTATIVES TO RESPONDENT'S MOTIONS TO DISMISS

I. INTRODUCTION

In Articles I through XV, the House charges Respondent with having participated in a corrupt conspiracy to obtain a bribe in a criminal case pending before him, and with committing multiple acts of knowingly making false statements under oath in order to mislead the trier of fact during the 1983 criminal trial in which respondent was tried on the conspiracy charge. In his Motion to Dismiss those articles, Respondent asserts that principles of double jeopardy bar Senate action because impeachment is a criminal proceeding. According to Respondent, because he was acquitted by the jury, the Senate cannot now proceed with his impeachment trial. In addition, Respondent contends that the Senate should not proceed with a trial because of the delay between the alleged misconduct and his impeachment by the House of Representatives. With respect to Article XVII, Respondent also contends that by combining the subjects of the preceding articles in an omnibus article, the article fails to allege a separate high crime or misdemeanor, and impermissibly permits "cumulative" guilty votes.[1]

[1] Respondent has not moved to dismiss Article XVI, which pertains to the wiretap disclosure allegation.

II. DOUBLE JEOPARDY PRINCIPLES DO NOT APPLY

A. The Constitutional Doctrine of Separation of Powers Mandates an Impeachment Process that is Separate and Independent of the Judicial Branch

Respondent's double jeopardy argument is incompatible with the very structure of our Government. Neither the Senate nor the House of Representatives can defer to the Judicial Branch in a matter which is their unique constitutional responsibility. The doctrine of separation of powers and the system of checks and balances established by our Constitution require the Congress to exercise its independent judgment in an impeachment proceeding, irrespective of the outcome of a prior criminal or civil case.

Moreover, the doctrine of separation of powers also prohibits the Senate from delegating to the Judicial Branch its impeachment authority. The Supreme Court has emphasized that neither the Judicial Branch, nor any other branch of the Federal Government may be "assigned nor allowed 'tasks that are more appropriately accomplished by [other] branches.'"

The Senate has recognized these fundamental constitutional principles and refused to defer to a decision of the Judicial Branch in lieu of exercising its unique constitutional responsibility. In the impeachment trial of Judge Harry Claiborne, for example, the Senate Impeachment Trial Committee refused to rely on the criminal conviction of Judge Claiborne. The same reasoning was applied by the Senate Select Committee on Ethics with respect to expulsion proceeding concerning Senator Harrison A. Williams, Jr.

B. Impeachment Is Not A Criminal Proceeding Warranting Application Of The Double Jeopardy Clause

The central and explicit premise underlying Respondent's double jeopardy argument is that a Senate impeachment trial is a criminal proceeding. Then, and only then, would principles of double jeopardy apply. Respondent's premise is without merit.

1. *Relevant Legal Analysis*

The Fifth Amendment provides in pertinent part, ". . . nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; . . ." The double jeopardy clause has been held to apply to all criminal matters irrespective of the outcome of a criminal trial.

It is also settled law that the double jeopardy clause does not apply to non-criminal proceedings, even if those proceedings are based upon the same facts which resulted in a criminal acquittal. In determining whether the double jeopardy clause applies to a particular proceeding, therefore, the Supreme Court distinguishes between remedial and punitive proceedings.

Numerous proceedings have been deemed remedial in nature, even though the impact of the judgment is highly negative to the financial and personal interests of the individual involved. Thus, the courts have permitted forfeiture, disbarment, deportation and parole revocation proceedings based upon the same facts resulting in a criminal acquittal.

The threshold question, therefore, is whether an impeachment proceeding is essentially remedial in nature and thereby unaffected by the double jeopardy clause, or is a criminal, punitive proceeding to which the double jeopardy clause applies. A review of the text of the Constitution, the historical evidence, analysis by and experts in the field of constitutional law, and pronouncements of both the House and the Senate regarding the nature of an impeachment proceeding, leads to the conclusion that the sanctions are remedial rather than punitive and the Framers did not intend impeachment to be criminal in nature.

a. The Framers intended impeachment to be a non-criminal proceeding

Article I, Section 3, Clause 7 of the Constitution provides:

"Judgment in cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment according to law."

In the impeachment judgment clause, therefore, the Framers contemplate a dual process where impeachment would be available to remove an offending official from public office, but the Executive Branch would retain its jurisdiction to proceed with a criminal prosecution, if appropriate.

Other Constitutional provisions that address the nature of impeachment also indicate that it was not the intent of the Framers that impeachment be considered a criminal proceeding. For example, even though impeachment is grouped with "Crimes" and "offenses" in two provisions of our Constitution, it is mentioned solely for the purpose of excluding impeachment from the protections created from criminal matters in those provisions: There is no right to a jury trial in an impeachment, while a right to trial by jury is a fundamental precept of our criminal jurisprudence; the President cannot pardon the official convicted in an impeachment proceeding, a power the President has in criminal cases. Thus, the Constitution treats impeachment separately from criminal proceedings.

Although some language of the Constitution suggests connections between impeachment and the criminal process, e.g. the Senate "convicts" on charges of "Treason, bribery or other high Crimes and Misdemeanors," these references stem from the fact that the English system of impeachment, to a limited extent, served as a model for the Framers. English impeachments were unquestionably criminal proceedings. However, in this and other critical respects the English model was rejected, rendering the American impeachment a remedial process.

The separation of functions between impeachment and criminal proceedings has been commented upon many times by some of the most distinguished constitutional scholars in our nation's history. Repeatedly, they reach the same fundamental conclusion: the purpose of impeachment is not to punish an individual, but to protect the institutions of government from persons who have abused their postiions of public trust. That protection is effected by removing such federal officials from office and, in some instances, barring them from holding future office. This analysis also supports the conclusion that, as established by the Framers, impeachment is non-criminal proceeding.

b. *The history of the double jeopardy clause does not support Respondent's argument*

A review of the proceedings surrounding the adoption of the Constitutional amendment embodying the double jeopardy clause supports the conclusion that the Framers intended impeachment to be a remedial proceeding not subject to the principles of double jeopardy. The deletion of the specific exemption for impeachment from James Madison's proposed double jeopardy clause reflects no more than a removal of language deemed unnecessary in view of the existing provisions of the Constitution which had already taken impeachment outside the scope of double jeopardy. Similar treatment was afforded Madison's proposal with respect to trial by jury which included a specific exemption for impeachment.

c. *The constitutional sanctions for impeachable conduct are not punitive*

Even if the intent of the Framers were found to be ambiguous, application of the established judicial test to determine whether double jeopardy principles are applicable would lead to the same conclusion that they are not.

When determining whether a statutory or regulatory proceeding is remedial in nature, and therefore not subject to the protections of the double jeopardy clause, the courts look beyond the intent of the drafters to determine whether the sanctions imposed in the particular proceeding are such that the proceeding itself must be considered punitive rather than remedial. Here, the question is whether the sanctions imposed by the Senate upon conviction of an impeachable offense are such that impeachment must be considered punitive. The answer is no.

In the Constitution, the Framers established limited sanctions for a Federal official found guilty of an impeachable offense: "removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States." On their face, these sanctions are remedial. Removal from office and future disqualification are remedies unique to impeachment proceedings; they cannot be imposed by any court as a punishment for criminal conduct. They affect only a limited number of individuals (the President, Vice President and civil officers of the United States) and relate only to their continued or future tenure in Federal office. In addition, the remedies afforded the Senate focus on the needs of the public and the nation rather than on punishment of the accused individual.

2. *Both the House and the Senate have recognized the noncriminal nature of impeachment*

Respondent's fundamental premise that impeachment is a criminal proceeding has been rejected by both the House and the Senate. Over a hundred years ago, in 1873, the House Committee on the Judiciary explored the nature of impeachment in connection with the impeachment inquiry of Vice President Colfax. Their report concluded, "impeachment was intended by the framers of the Constitution to be wholly remedial and not punitive. . . ."

In the Claiborne impeachment trial, the Senate recognized the distinction between impeachment and criminal proceedings when it determined that the criminal standard of proof—beyond a reasonable doubt—does not necessarily apply in an impeachment trial.

Finally, in the recent Report of the Senate Committee on Rules and Administration on what procedures to employ in this impeachment case, the issue of the nature of impeachment was considered. The Committee stated, "Most important, it must be remembered that an impeachment should not be viewed as a criminal prosecution."

Thus, not only the relevant legal analysis and historical precedent establish that impeachment is a remedial proceeding, but also the House and Senate have reached the same conclusion in this and other proceedings. Respondent's double jeopardy argument should be rejected because it rests on the faulty premise that impeachment is criminal in nature.

III. THERE HAS BEEN NO UNWARRANTED DELAY BETWEEN THE ALLEGED OFFENSES AND RESPONDENT'S IMPEACHMENT

The offense charged in Article I, the alleged bribery conspiracy between Judge Hastings and William Borders, occurred in 1981. The offenses charged in Articles II through XV, the alleged perjury committed by Judge Hastings at his criminal trial, occurred in February 1983. Seven and five years later respectively, on August 3, 1988, the House of Representatives impeached Judge Hastings for these and other offenses.

There is no statute of limitations applicable to articles of impeachment, for neither the Constitution nor House or Senate rules require that articles be adopted by the House or presented to the Senate within any particular length of time. Therefore, as a matter of law, Articles I through XV cannot be dismissed due to the time that has passed since the commission of the offenses. Rather, Judge Hastings must be raising the equivalent of an equitable defense of laches, which requires a showing of inexcusable and unreasonable delay prejudicial to the defendant.

In fact, the doctrine of laches, too, does not apply to the Federal government. However, even assuming, *arguendo*, that a laches defense were to apply to the House of Representatives, Respondent's delay argument has no merit. First, the time period between the commission of the alleged offenses and Judge Hasting's impeachment falls well within historic precedent. For example, in the impeachment of Judge Charles Swayne, two of the six articles alleged offenses that occurred more than twelve years prior to the impeachment. Most recently, in the impeachment of Judge Harry Claiborne, six years elapsed between the misconduct and impeachment. In both cases, the Senate convicted on these articles.

Second, the adoption of Articles I through XV was timely, proceeding in accordance with the procedures established by Congress in the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. Finally, much of the time elapsed stems from litigation initiated by Respondent or engendered by his opposition to the disclosure of grand jury and other document.

The fact that evidence has been available since Judge Hastings' arrest and criminal trial does not require the House of Representatives to impeach him immediately. There is no such constitutional requirement and, as illustrated by the investigation conducted in this case by the Eleventh Circuit pursuant to the 1980 Act, a thorough and unbiased study of the allegations is advisable, even though time consuming. This is especially true in a case such as this, in which the respondent challenges in court many aspects of the judicial and congressional investigations.

The 1980 Act establishes a mechanism through which any citizen can initiate a complaint and a respondent's own peers review the allegations. Using such a procedure weeds out frivolous complaints and creates an initial record from which the House may launch its own investigation. The House, of course, may proceed with an impeachment without a Judicial investigation. Respondent, however, is arguing that the House is required to bypass the very mechanism created by Congress to investigate claims against Federal judges. This is an untenable position.

Respondent's claim that he has been prejudiced by delay is also without merit. Nearly all of the witnesses who will testify with respect to Articles I through XV have testified under oath in other proceedings. The House will stipulate to the authenticity of this testimony. Three of the unavailable witnesses named by Respondent, were never even called by Respondent at his criminal trial, nor does he explain in any detail why their testimony is now so "crucial" to his defense. The other two unavailable witnesses listed by Respondent have had their sworn testimony recorded in previous trials.

IV. THE OMNIBUS ARTICLE PLEADS A SEPARATE OFFENSE

Article XVII follows a practice begun in the last century of not merely pleading one or more impeachable offenses, but asserting that a course of behavior involving several forms of misconduct has damaged the body politic. Such omnibus articles have formed the basis for all the impeachment convictions in the twentieth century.

In the American experience, a total of only five persons, all of them judges, have been impeached and convicted by the Congress. Three of those men (Judges Archbald (1912-1913), Ritter (1933-1936) and Claiborne (1986)) were tried and convicted on so-called "omnibus" articles of impeachment.

Thus, in every impeachment trial in the twentieth century which resulted in conviction, the Senate has convicted on an article that included several acts of misconduct, including acts that were separately alleged in other articles. A conviction on the "omnibus" article is a recognition by the Senate that such a formulation of charges is proper, and that the pattern of behavior alleged therein is a separate basis for removing the official from office.

The case of Judge Halsted Ritter is most instructive here, since the omnibus article was challenged by the respondent on the same grounds as raised here. Judge Ritter asserted that when the Senate voted on the omnibus article, it would have already voted on the previous articles, and

"The object and purpose of such an arrangement can be but to cumulate adverse votes, if any, upon prior articles, with the hope that the cumulative or collective arrangement may be sufficient to sustain those articles in the vote upon the final article * * *"

The Managers responded that the article raised,

"* * * a substantial doubt as to [Judge Ritter's] judicial integrity. . . . We contend that this is the highest crime which a judge can commit on the bench. It is not whether he did this thing, that thing, or the other thing, but whether or not the sum total of the things he has done has made the people doubt his integrity as a judicial officer."

The Senate acquitted Judge Ritter on each of the preceding articles, but found him guilty only of the omnibus article. A point of order was raised that the conviction was improper because of the acquittal on the substantive charges of the preceding articles. The point of order was overruled by the Chair, the Chair stating, "A point of order is made as to Article VII in which Respondent is charged with general misbehavior. It is a separate charge from any other charge."

In the same sense, Article XVII herein is a charge separate and distinct from the preceding articles. Indeed, in the present proceeding, an even stronger case can be made that the omnibus article is a separate charge. Although it generally pertains to conduct that is also alleged in the preceding articles, Article XVII does not merely refer to those articles, but sets forth specific conduct which has undermined confidence in the Federal judiciary. Moreover, the recitation of conduct in Article XVII differs in several respects from that described in the previous articles.

As in previous impeachments resulting in conviction, the final article in this case alleges general misconduct resulting in the undermining of the Federal judiciary. Although in the instant case, each act of misconduct individually constitutes reprehensible behavior totally at odds with continued service as a Federal judge, the gravamen of Article XVII is that the sum total of the individual acts is destructive to the judiciary. History attests to the fact that a pattern of misconduct is a separate basis for conviction and removal from office.

Accordingly, for the reasons set forth above, Respondent's Motion to Dismiss Articles I through XV, and his Motion to Dismiss Article XVII should be rejected.

Respectfully submitted, The U.S. House of Representatives.

By ALAN I. BARON, Special Counsel to the House Managers.

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FEBRUARY 24, 1989.

[In the Senate of the United States sitting as a Court of Impeachment]

In re Impeachment of Judge Alcee L. Hastings

RESPONSE OF THE HOUSE OF REPRESENTATIVES TO RESPONDENT'S MOTION TO DISMISS ARTICLES I THROUGH XV

I. INTRODUCTION

In this impeachment proceeding, the House of Representatives has presented to the Senate seventeen Articles of Impeachment against United States District Judge Alcee L. Hastings. After an exhaustive review of the evidence, the House concluded by an overwhelming vote of 413 to 3, with 4 voting present, that Judge Hastings (hereinafter referred to as "Respondent") has engaged in misconduct that warrants removal from office.

Respondent has filed before the Senate two motions in which he argues that sixteen of the Articles of Impeachment should be dismissed prior to trial. The House Managers address Respondent's Motion to Dismiss Articles I through XV in this memorandum. The Managers address his Motion to Dismiss Article XVII in a separate memorandum filed contemporaneously.

In Articles I through XV, the House charges Respondent with having participated in a corrupt conspiracy to obtain a bribe in a criminal case pending before him, and with knowingly making false statements under oath in order to mislead the trier of fact during his 1983 criminal trial on the conspiracy charge. In his Motion to Dismiss Articles I through XV, Respondent asserts that principles of double jeopardy bar Senate action because impeachment is a criminal proceeding. According to Respondent, because he was acquitted by the jury, the Senate cannot now proceed with his impeachment trial. In addition, Respondent contends that the Senate should not proceed with a trial because of the delay between the alleged misconduct and his impeachment by the House of Representatives.

The Senate should reject both of these arguments. The trial on Articles I through XV should proceed because the prohibition against double jeopardy does not apply to an impeachment proceeding. Respondent's double jeopardy argument, in fact, is inconsistent with the constitutional structure of our Government, misapplies the historic precedent and ignores the relevant legal analysis. Similarly, the Senate should reject Respondent's delay argument, because the time that has elapsed between the commission of the alleged misconduct and Respondent's impeachment is a product of two factors: the litigation occasioned by Judge Hastings' objections to the proceedings leading up to his impeachment, and the diligence and care with which the various institutions involved in this matter have handled the inquiry. In any event, the time lapse between the events in question and this impeachment falls well within the historic precedent of other impeachment proceedings.

As established by the Framers of our Constitution, the Senate has the responsibility of resolving impeachment proceedings, including the issue of whether the trial in this case should proceed on all seventeen articles. When deciding Respondent's Motions to Dismiss, the Senate, like courts of law, must assume as true the allegations contained in the Articles of Impeachment. In other words, to grant Respondent's motions, the Senate must determine that the trial on Articles I through XV and Article XVII should not proceed even assuming Respondent has conspired to accept a bribe, lied repeatedly under oath and conducted himself in a manner that undermines the integrity of the Federal bench, as alleged by the House of Representatives.

Finally, in support of his Motion to Dismiss Articles I through XV, Respondent included an extensive Statement of Facts responding to the Statement of Facts in the Report of the Committee on the Judiciary which accompanied the House impeachment resolution.[1] For the convenience of the Senate, the Managers include in the attached Appendix the Statement of Facts from the Committee Report addressing the bribery and perjury allegations.[2]

II. RESPONDENT'S IMPEACHMENT TRIAL SHOULD PROCEED BECAUSE DOUBLE JEOPARDY PRINCIPLES DO NOT APPLY

In his Motion to Dismiss Articles I through XV, Respondent asserts that his impeachment trial is barred by the doctrine of double jeopardy. He alleges that an acquittal by a jury in an earlier criminal case precludes the Senate from proceeding with this impeachment. The consequence of Respondent's position is that even if one concludes that Respondent conspired to take a bribe, knowingly testified falsely under oath, and undermined the integrity of the Federal judiciary, the Senate cannot exercise its unique constitutional responsibility of protecting the institutions of government from those who abuse public office.

Respondent's argument is without merit and should be rejected. It is inconsistent with the very structure of our constitutional Government. Moreover, it rests upon the erroneous premise that an impeachment trial is a criminal proceeding. Respondent's view has been considered and rejected by the Senate, as well as by numerous distinguished constitutional scholars. If an impeachment trial is deemed a criminal proceeding, a wrenching and unwarranted departure from two centuries of our nation's consitutional history would ensue, affecting far more than the instant case.

A. The Constitutional Doctrine of Separation of Powers mandates an impeachment process that is separate and independent of the Judicial Branch

A fatal flaw with Respondent's double jeopardy argument is its incompatibility with the very structure of our Government. Respondent contends that the Senate is bound by a jury verdict of acquittal and, therefore, it must dismiss the Articles of Impeachment. Neither the Senate nor the House of Representatives, however, can defer to the Judicial Branch in a matter which is within its unique constitutional responsibility. The doctrine of separation of powers and the system of checks and balances established by our Constitution require the Congress to exercise its independent judgment in an impeachment proceeding, irrespective of the outcome of a prior criminal or civil case.

As the Supreme Court recently stated,

"This Court consistently has given voice to, and has reaffirmed, the central judgment of the Framers of the Constitution that, within our political scheme, the separation of governmental powers into three coordinate Branches is essential to the preservation of liberty." [3]

It is beyond dispute that the Framers set up a system of checks and balances to ensure that no branch of the Federal Government becomes too powerful and that all are held accountable.[4] For example, legislation passed by Congress can be vetoed by the President and is subject to a review of its constitutionality by the courts. Similarly, Senate confirmation is a precondition to Presidential appointment of Federal judges, and the sole check on lifetime tenure in office is Congress' impeachment power. Even when a Federal judge is convicted of a crime, he or she cannot be removed from office without Senate action.

Respondent asks the Senate to ignore this system, to disrupt the checks and balances crafted by the Framers, by allowing a jury to have the final say on whether a Federal judge should remain on the bench. The Framers, however, rejected such a result. They specifically bypassed the Judicial Branch in favor of the Senate when determining what body should be vested with the power to remove Federal officials.[5]

The doctrine of separation of powers also prohibits the Senate from delegating to the Judicial Branch its impeachment authority. The Supreme Court has emphasized that neither the Judicial Branch, nor any other branch of the Federal Government may be "assigned nor allowed 'tasks that are more appropriately accomplished by [other] branches.'" [6] As stated by the Court,

"That this system of division and separation of powers produces conflicts, confusion, and discordance at times is inherent, but it was deliberately so structured to assure full, vigorous and open debate on the great issues affecting the people and to provide avenues for the operation of checks on the exercise of governmental power." [7]

In two analogous situations, the Senate has recognized these fundamental constitutional principles and refused to defer to a decision of the Judicial Branch in lieu of exercising its unique constitutional responsibility. In the impeachment trial of Judge Harry Claiborne, the House asked the Senate to apply the doctrine of collateral estoppel by accepting as true the facts found in Judge Claiborne's criminal case, which in turn supported conviction on the articles of Impeachment.[8] The Senate Impeachment Trial Committee refused to rely on the judicial findings. The Chairman of the Committee, Senator Charles Mathias, stated:

"The managers ask the Senate to bind itself to the judgment of the courts of the United States . . . Now, there might be very compelling considerations if the Senate were simply sitting as another court, but the evidence is that the framers of the Constitution deliberately constructed a system which would result, in Alexander Hamilton's phrase expressed in Federalist No. 65, in a 'double prosecution' . . .

"The Senate has the sole power to try all impeachments." We have no authority to delegate that responsibility to any other branch. Particularly it must be remembered that the Constitutional Convention specifically rejected the idea of conferring on the Supreme Court the power to try impeachments.

"If our obligation to try all impeachments results in the expenditure of our time and resources or creates the possibility that our conclusions may differ from those of the judiciary in exercising our separate constitutional responsibilities, that would be a result of the Framers' design and not of our personal wishes.

"Accordingly, we are obliged to continue and not interrupt our assignment of receiving the evidence which the Senate may later use when it performs its duty as the sole trier of fact in this impeachment." [9]

Similarly, the Senate Select Committee on Ethics emphasized the Senate's responsibility to exercise its independent constitutional authority in its report on a resolution to expel Senator Harrison A. Williams, Jr.[10] The Committee's report explains:

"The committee's unanimous recommendation of expulsion reflects its strong conviction that its own determination of the matter and that of the Senate must be made independently of the jury's verdict, [the court's] ruling on due process motions, and indeed, any action which any court may take with regard to Senator Williams' case." [11]

Likewise, Senator Heflin, who was the ranking minority member of the Senate Ethics Committee in the Williams' case, remarked:

"Many people . . . misunderstand the role of our committee and the nature of disciplinary proceedings.

"When the jury returned a verdict of guilty, many said that should dictate our result; but with out own independent constitutional obligation to discharge with our

[1] Footnotes appear on end of article.
[2] Footnotes appear on end of article.

own standards of conduct and individual concepts of right and wrong, nothing external to this body can ever dictate our result: not prosecutors, not juries, not judges, not appeals courts.

"While our higher standard makes it highly probable that the conviction of a crime would constitute an ethical impropriety warranting sanctions, that is nonetheless an independent, case-by-case determination.

"Likewise, had Senator Williams been found not quilty or were his conviction to be overturned on an appeal, it would still be possible for him to have violated the Senate's 'Code of Conduct'.

"The Constitutional clearly contemplates, and it would constitute no repugnant result for there to be no conviction but yet expulsion." [12]

The same is true in this case. The Constitution demands that the Senate exercise its independent judgment and not defer to a jury verdict in cases of impeachment. The Senate should not place in the hands of the Judicial Branch its own constitutional authority. The Senate alone has the power to determine whether a Federal judge should remain on the bench.

B. Impeachment Is Not A Criminal Proceeding Warranting Application Of The Double Jeopardy Clause

The Central and explicit premise underlying Respondent's double jeopardy argument is that a Senate impeachment trial is a criminal proceeding. Then, and only then, would principles of double jeopardy apply.[13] The House submits that Respondent's premise is without merit. In fact, his view has been considered and rejected by the Senate, as well as by numerous distinguished constitutional scholars. Impeachment is a remedial proceeding, which is not criminal in nature and, therefore, the doctrine of double jeopardy does not apply.

1. Relevant Legal Analysis Establishes That Principles Of Double Jeopardy Do Not Apply To Impeachment Proceedings

Consideration of Respondent's argument must begin with an analysis of the double jeopardy clause in the Fifth Amendment to the Constitution. The Fifth Amendment provides in pertinent part, ". . . nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb. . . ."

The law governing the applicability of the double jeopardy clause has been extensively developed by the Supreme Court. In *Ex Parte Lange,*[14] the Court stated:

"The common law not only prohibited a second punishment for the same offense, but it went futher and forbid a second trial for the same offense, whether the accused had suffered punishment or not, and whether in the former trial he had been acquitted or convicted."

Thus the double jeopardy clause applies to all criminal matters irrespective of the outcome of a criminal trial.

It is also settled law that the double jeopardy clause does not apply to non-criminal proceedings, even if those proceedings are based upon the same facts which resulted in a criminal acquittal. In *Helvering* v. *Mitchell,*[15] the Supreme Court, per Justice Brandeis, rejected the ideal that the double jeopardy clause barred imposition of a monetary penalty in a subsequent proceeding where a criminal trial based upon the same facts had resulted in an acquittal. An "acquittal on a criminal charge is not a bar to a civil action by the Government, *remedial in its nature,* arising out of the same facts on which the criminal proceeding was based. . . ." [16] In determining whether the double jeopardy clause applies to a particular proceeding, therefore, the Supreme Court distinguishes between remedial and punitive proceedings.

Numerous proceedings have been deemed remedial in nature, even though the impact of the judgment is highly negative to the financial and personal intersts of the individual involved. In *United States v. One Assortment of Firearms,*[17] the owner of various firearms had been acquitted in a criminal trial, but the Supreme Court held that the double jeopardy doctrine did not prohibit a subsequent forfeiture proceeding against the firearms involved in the criminal case. In *Lewis v. Frick,*[18] the defendant's criminal acquittal did not bar subsequent deportation proceedings for the same acts. In *Helvering v. Mitchell,* the Supreme Court, noting the different standards of proof in criminal and civil proceedings, held that acquittal in a tax evasion trial did not bar a subsequent civil assessment suit. Indeed, double jeopardy has been found not to attach even where confinement may be imposed in the second proceeding.[19]

The threshold question, therefore, is whether an impeachment proceeding is essentially remedial in nature and thereby unaffected by the double jeopardy clause, or is a criminal, punitive proceeding to which the double jeopardy applies. A review of the text of the Constitution, the historical evidence, and analysis by distinguished scholars and experts in the field of constitutional law, leads to the conclusion that the Framers did not intend impeachment to be criminal in nature and the sanctions are remedial rather than punitive.

a. The Framers Intended Impeachment To Be A Non-Criminal Proceeding

The first source for determining the intent of the Framers regarding the nature of impeachment is the Constitutional language itself. Article I, Section 3, Clause 7 of the Constitution, known as the impeachment judgment clause, provides:

"Judgment in cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment according to Law."

The House submits that this language alone establishes that the essential nature of impeachment is non-criminal, that the sanction is remedial rather than punitive, and that impeachment proceedings are outside the scope of the double jeopardy clause.

A persuasive indication of the Framers' intent to establish impeachment as a remedial process is that criminal prosecution remains available following a Senate conviction. In the impeachment judgment clause, the Framers contemplate a dual process where impeachment would be available to remove an offending official from public office, but the Executive Branch would retain its jurisdiction to proceed with a criminal prosecution, if appropriate. Alexander Hamilton commented on this feature of the Constitution in *the Federalist, No. 65* during his discussion of the appropriate forum for an impeachment trial. Hamilton wrote that the judiciary was ill-suited to serve as a court of impeachment because the accused would then lose the benefit of his "double trial," in that the same branch of government would have jurisdiction over both the impeachment and the criminal case.[20] In designing a two-part scheme, the Framers implicitly acknowledged that impeachment and criminal prosection are independent and that the latter is not a substitute for the former.

In addition to the impeachment judgment clause, there are other Constitutional provisions that address the nature of impeachment. A review of these references also indicates that it was not the intent of the Framers for impeachment to be considered a criminal proceeding.[21]

For example, even though impeachment is grouped with "Crimes" and "offenses" in two provisions of our Constitution, it is mentioned solely for the purpose of excluding impeachment from the protections created for criminal matters in those provisions. Thus the Constitution treats impeachment separately from criminal proceedings. There is no right to a jury trial in an impeachment, while a right to trial by jury is a fundamental precept of our criminal jurisprudence. The President cannot pardon the official convicted in an impeachment proceeding, a power the President has in criminal cases.

It is true that some language of the Constitution suggests connections between impeachment and the criminal process. Thus, the Senate "convicts" in an impeachment trial and the standard for impeachable conduct—"Treason, bribery or other high Crimes and Misdemeanors"—suggests criminal activity.[22] These references, however, stem from the fact that the English system of impeachment, to a limited extent, served as a model for the Framers. Only certain aspects of the English model were adopted; in other critical respects the English model was rejected, rendering the American impeachment a remedial process.

English impeachments were unquestionably criminal proceedings even though they did not require an indictable crime.[23] Impeachment in England was a "double-edged sword; it was used not only to sever a man from his office, but also his head from his body." [24] This was the great watershed distinction between the English and American practices:

"One thing that the writers of the American Constitution made clear, however, was that no matter how much they were following the footsteps of their English predecessors, the impeachment process was not to be the alternative to, or a substitute for, criminal proceedings. They did this both by restricting the sanctions that might be applied to removal from office and also by providing that conviction on impeachment did not preclude further ordinary criminal proceedings.

"This basic difference between the American and the English processes requires that the English precedents be scrutinized with a wary eye. For in many ways the English procedures are truly criminal in ways that the American procedures clearly are not." [25]

Impeachment is also distinguished from criminal proceedings in the way that it is initiated and tried. As established by the Framers in Article I, Section 2, Clause 5, the House of Representatives initiates an impeachment trial by way of articles, rather than by a grand jury returning an indictment. It is the Senate, not courts of law, that has jurisdiction over impeachment trials.

This separation of functions between impeachment and criminal proceedings has been commented upon many times by some of the most distinguished constitutional scholars in our nation's history. Repeatedly,

they reach the same fundamental conclusion: the purpose of impeachment is not to punish an individual, but to protect the institutions of government from persons who have abused their positions of public trust. That protection is effected by removing such federal officials from office and, in some instances, barring them from holding future office. This analysis also supports the conclusion that, as established by the Framers, impeachment is a non-criminal proceeding.

One can begin with Hamilton's explication of the Constitution's impeachment provisions in *The Federalist, No. 65:*

"A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offences which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated Political as they relate chiefly to injuries done immediately to the society itself. . . .

What, it may be asked, is the true spirit of the institution itself? Is it not designed as a method of National Inquest into the conduct of public men?[26]

Thus the essence of the offense for which impeachment is appropriate is not merely criminal activity, but rather such conduct which constitutes "the abuse or violation of some public trust." Hamilton went on to state that only the Senate would be sufficiently "unawed or uninfluenced" to serve as a tribunal for an impeachment.[27]

Professor Philip Kurland, in analyzing Hamiltion's writings in the *The Federalist, No. 65,* observed:

"There is certainly not to be found here any intimation that the function of impeachment is to afford a tribunal for the trial of criminal offenses. Hamilton is rather suggesting that the reason for not utilizing a court for the trial of impeachments is exactly because the issues are so different from those that are meet for the ordinary criminal law processes."[28]

Similarly, Justice Joseph Story, writing in 1833, spoke of impeachment as "a proceeding purely of a political nature. It is not so much designed to punish an offender as to secure the state against gross official misdemeanors. It touches neither his person nor his property, but simply divests him of his political capacity."[29]

Justice Story's comments echo the words of James Wilson, generally viewed as the finest legal mind at the Constitutional Convention. Wilson wrote:

"[I]mpeachments . . . come not . . . within the sphere or ordinary jurisprudence. They are founded on different principles, are governed by different maxims, and are directed to different objects, for this reason, the trial and punishment of an offense on an impeachment, is no bar to a trial and punishment of the same offense at common law."[30]

In his writings, Wilson also stated that impeachment was "confined to political characters, to political crimes and misdemeanors and to political punishments."[31]

Modern scholars and commentators have examined the issue of the non-criminal nature of impeachment. Like the early commentators, they too have concluded uniformly that impeachments are intended to protect the institutions of government from abuses of the public trust, and were not intended to be criminal proceedings. Impeachment, as established by the Framers, is a remedial process:

"[B]eing a political process, impeachment should not be viewed as a duplication of the criminal process. The impeachment process was designed to be neither a criminal proceeding, nor, in a strictly technical sense, a juridical trial. Removal from office cannot be viewed as criminal punishment or its equivalent. To hold otherwise would be to assume that an office holder was possessed of an indefeasible property interest in the office.[32]

Professor Raoul Berger, when replying to the argument advanced by former President Nixon's counsel that our impeachment process is criminal in nature, wrote:

"When [President Nixon's counsel] emphasizes the criminal nature of impeachment in England, he overlooks that there it was part and parcel of a criminal proceeding. The separation of the two in our Constitution demands a construction of impeachment in non-criminal terms lest it fall afoul of other constitutional provisions.

"First, there is double jeopardy. Were impeachment criminal in nature . . . a conviction or acquittal on impeachment would bar a criminal indictment and a prior conviction or acquittal on indictment an impeachment, for no man can be tried twice for the same offense. Both [James] Wilson and [Justice] Story were aware of the play of double jeopardy in the Constitutional provision. *The Framers meant to have both impeachment and indictment available, not to put Congress to a choice between either one or the other."*[33]

Similarly, Professor Kurland made the following observations about the remedial nature of impeachment:

"It is not insignificant that the concern of the Convention from the beginning and throughout was centerd on a means for removal from office and not on punishment for misbehavior.

* * * * *

"The purpose of the [impeachment] provision is clear. It is not punishment of an individual for criminal activity, but removal from office for abuse of authority."[34]

In his Memorandum, Respondent argues the opposite conclusion. He contends that the language of the Constitution suggests that impeachment is a criminal proceeding and, therefore, principles of double jeopardy apply. His analysis of the Framers' intent is without support.

In his memorandum, Respondent relies on the impeachment judgment clause. He argues that this constitutional provision establishes one exception to the prohibition against double jeopardy, which covers the case of a"convicted" official. The Constitution, he contends, "creates an express exception for a *'party convicted'* of an impeachable offense. It creates no exception for a party *acquitted."*[35]

Respondent is forced to take this position regarding the Framers' intent because otherwise his double jeopardy argument would create the anomaly of prohibiting impeachments following the criminal *conviction* of civil officers. Thus it would mean that Harry Claiborne should be returned to the bench, indeed that he never was constitutionally removed from office. It would also mean that the pending impeachment inquiry involving Judge Walter Nixon, who is currently in jail serving a sentence for conviction on two counts of perjury, should be terminated. If the impeachment process is a criminal proceeding, they too should not be subjected to another trial.

Recognizing the dilemma created by his thesis, Respondent is forced to take wholly novel and unsupported position which twists the language of the Constitution. No tailor can cut the constitutional fabric to fit this argument. The fallacy of his analysis is apparent on its face, for the term "party convicted" in the impeachment judgment clause clearly refers to civil officers who impeachment trial has resulted in conviction. It has nothing to do with judgments in a criminal proceeding. It offers not support to Respondent's anomalous contention that persons acquitted in a criminal trial are protected by the double jeopardy clause, while those convicted are subject to a subsequent impeachment proceeding.

Contrary to Respondent's assertion, the language of the Constitution establishes that impeachment is a remedial proceeding. The specfic constitutional provision that criminal prosecution could follow an impeachment conviction, the functional distinctions between impeachments and criminal trials, and the analysis of Constitutional scholars all establish beyond reasonable question the intent of the Framers to create a remedial, non-criminal impeachment proceeding.[36]

b. The history of the Double Jeopardy Clause Does Not Support Respondent's Argument

Respondent also asserts that the adoption of the Constitutional amendment embodying the double jeopardy clause supports the conclusion that the Framers intended impeachment to be a criminal proceeding subject to the principles of double jeopardy. A review of that history, however, demonstrates this is not the case.

In the House of Representatives, James Madison offered a series of constitutional amendments which included the following proposition:

"No person shall be subject, except in cases of impeachment, to more than one punishment or one trial for the same offense; nor shall be compelled to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor be obliged to relinquish his property, where it may be necesssary for public use, without a just compensation."[37]

This proposition was taken up and debated by a Committee of the Whole of the House of Representatives. None of the debate referred to the clause "except in cases of impeachment."[38] Madison's proposal, with some amendments, was adopted by the House on August 20, 1789 and was included in the double jeopardy clause reported from the House to the Senate.[39]

According to an entry in the Senate Journal from September 4, 1789, the proposal was further amended by the Senate as follows:

"The eighth article was then considered, and after a successful motion to strike out these words: 'except in case of impeachment, to more than one trial, or one punishment; and substitute these words: 'be twice put in jeopardy of life or limb by any public prosecution;' it was agreed to."[40]

There is no history of any debate on this amendment. As adopted by both houses, the language read: ". . . nor shall any person be subject for the same offense, to be twice put in jeopardy of life or limb. . . ."

On the basis of this history, Respondent argues that the deletion of the specific language exempting impeachment from the double jeopardy clause reflects a decision to leave impeachment within those cases cov-

ered by the double jeopardy provision. There is no history or commentary to support this position.

It is, in the view of the House, substantially more likely that the deletion of the specific exemption for impeachment from the double jeopardy clause, reflects no more than a removal of language deemed unnecessary in view of the existing provisions of the Constitution which had already taken impeachment outside the scope of double jeopardy.

In this connection, it is noteworthy that Madison's seventh proposition also had a reference to impeachment which was deleted prior to final adoption of the Amendments. There, as with the double jeopardy provision, impeachment was initially specifically excluded as a proceeding to which the right to trial by jury would attach. That proposition, which stated basic safeguards accompanying criminal trials, was as follows:

"The trial of all crimes (*except in cases of impeachments,* and cases arising in the land or naval forces, or the militia when on actual service, in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment or indictment by a grand jury shall be an essential preliminary. . . ." [41]

In the final version of the amendments, the explicit exception for cases arising in the military was retained, but the exception for impeachments was deleted.[42] It is reasonable to assume that with regard to both the protection against double jeopardy and the right to trial by jury, the drafters of the Bill of Rights were of the opinion that it was obvious from the terms of the Constitution that those rights guaranteed by the Fifth and Sixth Amendments in all criminal matters, were not applicable to impeachment trials. Therefore both the original language of the Constitution and the amendments made to the Constitution by the First Congress reflect an understanding on the part of the Framers that impeachment was not a criminal proceeding subject to the principles of double jeopardy.

c. The Constitutional Sanctions for Impeachable Conduct Are Not Punitive

The House submits that the evidence of the Framers' intent that impeachment be a non-criminal proceeding and not subject to double jeopardy principles is compelling and conclusive. However, even if this intent were found to be ambiguous, application of the established judicial test to determine whether double jeopardy principles are applicable would lead to the same conclusion.

When determining whether a statutory or regulatory proceeding is criminal in nature, and therefore subject to the protections of the double jeopardy clause, the courts look beyond the intent of the drafters to determine whether the sanctions imposed in the particular proceeding are such that the proceeding itself must be considered punitive rather than remedial.[43] Here, the question is whether the sanctions imposed by the Senate upon conviction of an impeachable offense are such that impeachment must be considered punitive. The answer is no. Indeed, the sanctions established by the Constitution for impeachable conduct reinforce the conclusion that impeachment is non-criminal in nature. For this additional reason, Respondent's double jeopardy argument fails.

In the Constitution, the Framers established limited sanctions for a Federal official found guilty of an impeachable offense. Article II, Section 3 provides that the Senate's only remedy upon conviction on an Article of Impeachment is "removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States."

On their face, these sanctions are not punitive. Removal from office and future disqualification are remedies unique to impeachment proceedings; they cannot be imposed by any court as a punishment for criminal conduct. They affect only a limited number of individuals (the President, Vice President and civil officers of the United States) and relate only to their continued or future tenure in Federal office. In addition, the remedies afforded the Senate focus on the needs of the public and the nation rather than on punishment of the accused individual. Unlike a criminal proceeding where the sentence imposed must be relative to the crime, in cases of impeachment only the remedies of removal and disqualification are available, no matter how serious the offense.

In addition, consideration of other factors suggested by the Supreme Court indicate that the impeachment sanctions are remedial. The Supreme Court has characterized proceedings as remedial even if the impact of the sanction imposed has a significant detrimental impact on the individual involved.[44] Thus, courts have permitted disbarment and licensing revocation proceedings following a criminal acquittal on the same facts—proceedings which carry sanctions that may destroy an individual's employment opportunities and reputation.[45] Likewise, the Supreme Court has held that deportation, which imposes the most wrenching of disabilities, separating the subject from family, friends, and livelihood, is not a punitive sanction.[46]

Moreover, impeachment sanctions share the characteristics of a remedial or regulatory sanction: they have not been historically regarded as punishment; nor do they require that the conduct be criminally proscribed; and removal and disqualification are tailored to protect the public trust. No more appropriate remedy could be fashioned to accomplish that limited purpose.

2. Both the House and the Senate Have Recognized the Non-Criminal Nature of Impeachment

Finally, Respondent's fundamental premise that impeachment is a criminal proceeding has been rejected by both the House and the Senate. For this reason too, Respondent's double jeopardy argument fails.

Over a hundred years ago, in 1873, the Committee on the Judiciary of the House of Representatives had occasion to explore the nature of impeachment and the sanctions of removal in a report issued in the impeachment inquiry of Vice President Colfax. The report explains:

"Your committee, therefore, are led to inquire, what is the nature and what the objects of impeachment under our Constitution?

"Are they punitive or remedial? . . . Your committee are very strongly inclined to the opinion that impeachment was intended by the framers of the Constitution to be wholly remedial and not punitive, except as an incident to the judgment, because we find that the Constitution limits the judgment in impeachment by strongly restrictive words . . . .

* * * * *

". . . [W]e find impeachment to be remedial in this, that it only provides as a further consequence disqualification for office, by which the evil is cured . . . .

"We are also inclined to believe that proceedings of impeachment were intended to be remedial and not punitive, because we have already seen that if punitive at all an entirely inadequate punishment has been provided by the judgment; because the very highest offenses are triable by impeachment, such as treason and bribery, and the sentence may be only removal from an office whose term extends for a few days only, as in the case under consideration." [47]

More recently, during the impeachment inquiry into the conduct of former President Nixon, the difference between impeachment and the criminal law was expressed thus:

"Impeachment and the criminal law serve fundamentally different purposes. Impeachment is the first step in remedial process—removal from office and possible disqualifications from holding future office. The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government. Furthermore, the Constitution itself provides that impeachment is no substitute for the ordinary process of criminal law since it specifies that impeachment does not immunize the officer from criminal liability for his wrongdoing." [48]

In the Claiborne impeachment trial, the Senate recognized the distinction between impeachment and criminal proceedings when it determined that the criminal standard of proof—beyond a reasonable doubt—does not necessarily apply in an impeachment trial.[49]

Finally, in the recent Report of the Senate Committee on Rules and Administration on what procedures to employ in the impeachment case of Respondent, the issue of the nature of impeachment was considered. The Committee stated:

"Most important, it must be remembered that an impeachment should not be viewed as a criminal prosecution. 'The impeachment process was designed to be neither a criminal proceeding, nor in strictly technical sense, a juridical trial.' Hamilton characterized it as a method of 'National Inquest' into the conduct of public men.

"The proposition that impeachment proceedings are not criminal trials is also evident from previous actions of this Committee. In 1974, the Rules Committee held hearings on the subject of whether the Senate Impeachment Rules would be revised. Among the proposals presented to the Committee was one by Senator Mansfield which set out comprehensive, detailed rules of procedure which were 'substantially modeled' on the civil and criminal rules of procedure for federal courts. The Committee did not adopt the Mansfield proposal; instead it made minor changes in the existing rules.

"One change made by the Committee is particularly important. Rule VIII was amended to substitute the words 'person impeached' for 'person accused' or 'accused.' The report explains that '. . . there was a general feeling among the members of the Committee that the language of the rules should accord with the *sui generis* nature of impeachment and should, therefore, avoid terminology closely allied with criminal proceedings.' "

"There are many distinctions between an impeachment and a criminal prosecution. For example, Senators are both judge and jury, and admissibility of evidence may be determined by vote of the Senate. Members, not the parties, decide if Members are qualified to hear the case, and Senators have an unlimited right to pose written questions to witnesses and counsel. Also, during the Claiborne trial, the Senate rejected a motion that would have imposed on all Members a single standard of proof for conviction.

"In the Claiborne case, both the impeachment committee and the full Senate rejected the motion that they were in any sense bound by the outcome of the criminal prosecution against Judge Claiborne. The Constitution provides further evidence that this view is consistent with that of its authors where it specifically permits criminal prosecution of a person impeached. In any event, in view of the foregoing, the acquittal of the respondent is irrelevant to the questions before this Committee." [50]

Thus not only the relevant legal analysis and historical precedent establish that impeachment is a remedial proceeding, but also the House and Senate have reached the same conclusion in this and other proceedings.

There is no basis for Respondent's assertion that impeachment is a criminal proceeding requiring the application of principles of double jeopardy. History makes clear that the Framers intended impeachment to be a remedial proceeding, serving the important purpose of preserving the integrity of Federal office to the benefit of the public. The legal analysis adopted by the Supreme Court also demonstrates that impeachment is remedial and, therefore, double jeopardy does not apply. In addition, the Senate and the House have adopted this view of impeachment proceedings.

Accordingly, the Senate should reject Respondent's argument that the doctrine of double jeopardy requires the Senate to dismiss Articles I through XV of the Articles of Impeachment.

IV. THERE HAS BEEN NO UNWARRANTED DELAY BETWEEN THE ALLEGED OFFENSES AND RESPONDENT'S IMPEACHMENT

In his Motion to Dismiss Articles I through XV, Respondent also asserts that dismissal of these articles is warranted due to the lapse of time between the alleged offenses and his impeachment by the House of Representatives. The offense charged in Article I, the alleged bribery conspiracy between Judge Hastings and William Borders, occurred in 1981. The offenses charged in Articles II through XV, the alleged perjury committed by Judge Hastings at his criminal trial, occurred in February 1983. Seven and five years later respectively, on August 3, 1988, the House of Representatives impeached Judge Hastings for these and other offenses.

There is no statute of limitations applicable to articles of impeachment, for neither the Constitution nor House or Senate rules require that articles be adopted by the House or presented to the Senate within any particular length of time.[51] Therefore, there is no support for the assertion that, as a matter of law, Articles I through XV should be dismissed due to the seven and five years that have passed since the commission of the offenses. Rather, Judge Hastings must be raising the equivalent of an equitable defense of laches—that the House of Representatives is guilty of inexcusable and unreasonable delay prejudicial to the respondent in this impeachment proceeding.[52] The House takes issue, however, with Respondent's assertion that the House of Representatives unreasonably delayed this case.

Assuming, *arguendo*, that a laches defense were to apply to the House of Representatives,[53] Respondent's delay argument has no merit. First, the time period between the commission of the alleged offenses and Judge Hastings' impeachment falls well within the bounds of precedent in prior impeachments. Second, the adoption of Articles I through XV was timely, proceeding in accordance with the procedures established by Congress in the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (hereinafter referred to as "1980 Act"). Finally, much of the time lapse stems from litigation initiated by Respondent or engendered by his opposition to the disclosure of grand jury and other documents.

A. Historic Precedent Refutes Respondent's Argument of Delay

In the American experience, there have been at least three impeachment proceedings in which the time between the charged offenses and the adoption of articles was the same or greater than the five and seven years at issue in this case. In the impeachment of Judge Charles Swayne, two of the six articles alleged offenses that occurred more than twelve years prior to the impeachment.[54] Similarly, in the impeachment of Judge Halsted Ritter, the alleged offenses occurred five to seven years prior to the House of Representatives' adoption of articles.[55] Most recently, in the impeachment of Judge Harry Claiborne, the offense alleged in Article I occurred on June 15, 1980, six years before the House adopted the article on July 22, 1986.[56] In short, the Senate has never dismissed Articles of Impeachment on the basis of unwarranted delay.

B. The Time Between The Alleged Misconduct And Impeachment Was Reasonable And Justified

When a court is presented with a delay defense, it looks at all the factors or circumstances relevant to the given case in order to determine its validity.[57] Here there has been no unreasonable or inexcusable delay by the House of Representatives. In fact, just the opposite is true.

Article I focuses on the bribery conspiracy which took place in 1981. Articles II through XV focus on the false testimony that occurred at Judge Hastings' criminal trial in February, 1983. The delay between Respondent's indictment on December 29, 1981 and his trial in February 1983 is largely attributable to a motion to dismiss, filed by Judge Hastings, which alleged that a federal judge must be impeached prior to a criminal prosecution. Judge Gignoux, the trial judge in the case, denied Respondent's motion and severed Respondent's trial from that of co-defendant Borders in order to allow Respondent to pursue an interlocutory appeal. Judge Gignoux's decision was affirmed by the Eleventh Circuit. The appeal by Judge Hastings delayed his trial for eleven months.

Immediately following Judge Hastings' trial, on March 17, 1983, William Terrell Hodges, Chief Judge of the United States District Court for the Middle District of Florida, and Anthony A. Alaimo, Chief Judge of the United States District Court for the Southern District of Georgia, filed a complaint with the United States Court of Appeals for the Eleventh Circuit. The complaint was initiated under 28 U.S.C. 372(c) of the 1980 Act. The Chief Judge of the Eleventh Circuit thereupon appointed an Investigating Committee, consisting of five judges. Litigation initiated by Judge Hastings or engendered by his opposition to the Investigating Committee's efforts to obtain documents and testimony delayed the Investigating Committee's hearings and other fact finding for over a year and a half: Judge Hastings challenged the constitutionality of the 1980 Act and the statutory authority of the Investigating Committee, he opposed the Investigating Committee's attempt to obtain grand jury materials from his criminal case, and he opposed the Investigating Committee's motion to compel the testimony of witnesses who asserted a "judicial privilege" based on their employment by Judge Hastings. Judge Hastings lost all of these points, but the litigation effectively stalled the investigation.[58]

On August 4, 1986, the Investigating Committee submitted its report and recommendation to the Judicial Council for the Eleventh Circuit and, on August 29, 1986, the Judicial Council adopted a resolution in which it accepted and approved the report. Four days later, on September 2, 1986, the Eleventh Circuit certified the Hastings matter to the Judicial Conference of the United States, after which, on September 17, 1986, the Judicial Conference invited Judge Hastings to respond.

Thereafter, on March 17, 1987, Chief Justice Rehnquist, acting on behalf of the Judicial Conference, transmitted to the Speaker of the House of Representatives a certification that, in language taken from 28 U.S.C. 372(c), the Judicial Conference had determined that Judge Hastings had "engaged in conduct which might constitute one or more grounds for impeachment." The certification and the accompanying report of the Investigating Committee were referred to the Committee on the Judiciary on March 23, 1987. The Committee, in turn, referred the inquiry into the conduct of Judge Hastings to the Subcommittee on Criminal Justice.

Less than a year and a half passed between the time the inquiry reached the Subcommittee on Criminal Justice and the adoption of Articles of Impeachment by the House of Representatives. Again, litigation made necessary by Judge Hastings' opposition to the Judiciary Committee's efforts to obtain relevant documents delayed the inquiry: Judge Hastings opposed the Committee on the Judiciary's requests for access to the grand jury materials in Judge Hastings' bribery conspiracy case and other documents that were under court-ordered seal in the wiretap matter.[59] Ultimately, the litigation was resolved by the courts in favor of the Committee.[60] The litigation ended on April 18, 1988. One month later, on May 18, 1988, the Subcommittee on Criminal Justice began its hearings. After an exhaustive independent investigation of the facts, including seven days of Subcommittee hearings, the House of Representatives adopted Articles of Impeachment on August 3, 1988.

This chronology demonstrates that the time that elapsed between the commission of the offenses charged in Articles I through XV and Judge Hastings' impeachment is a product of two factors: the litigation occasioned by Judge Hastings' objections to the investigations, and the diligence and care with which the various institutions involved in this matter have handled the inquiry. Each institution efficiently handled its own investigation and reached a decision in a timely manner.

Respondent ignores these facts and argues that there is no compelling justification for

the time delay because all the evidence relied upon by the House has been in existence since 1983.[61] He also argues that because Congress did not delegate its impeachment power to the Federal judiciary in the 1980 Act, proceedings conducted pursuant to that Act do not justify the time that has elasped between the commission of the alleged offenses and his impeachment.[62]

Respondent is wrong on both counts. First, the fact that evidence has been in existence since Judge Hastings' arrest and criminal trial does not require the House of Representatives to impeach him immediately. There is no such constitutional requirement and, as illustrated by the investigation conducted by the Eleventh Circuit, a thorough and unbiased study of the allegations is advisable although time consuming. This is especially true in a case such as this, in which the respondent challenges in court many aspects of the judicial and congressional investigations. The careful review of this case by various institutions of Government is to ensure that justice is done.

Second, the fact that Congress established in the 1980 Act a procedure through which the Federal Judiciary may conduct an investigation prior to that of the House of Representatives in no way justifies the dismissal of subsequent Articles of Impeachment. The Act establishes a mechanism through which any citizen can initiate a complaint and a respondent's own peers review the allegations. Using such a procedure weeds out frivolous complaints and creates an initial record from which the House may launch its own investigation. The House, of course, may proceed with an impeachment without a Judicial investigation. Respondent, however, is arguing that the House is required to bypass the very mechanism created by Congress to investigate claims against Federal judges. This is an untenable position.[63]

Respondent's assertion of unjustifiable delay is without merit. The same must be said about his claim that he has been prejudiced by delay. He alleges that Articles I through XV should be dismissed because both witnesses and documents have become unavailable, and because recollections have dimmed.[64] What Respondent fails to mention, however, is that nearly all of the witnesses who will testify with respect to Articles I through XV have testified under oath in other proceedings.[65] The House will stipulate to the authenticity of this testimony. Three of the unavailable witnesses named by Respondent, Santo Trafficante, Joseph Nesline and Andrew Mavrides, were not called by either party at Respondent's criminal trial, nor does Respondent explain in any detail why their testimony is now so "crucial" to his defense. The other two unavailable witnesses listed by Respondent are Alvoyd Merritt and Frank Romano. Both testified at Judge Hastings' criminal trial and the House will stipulate to the authenticity of their testimony.[66]

C. A Defense of Unwarranted Delay Does Not Apply to the House of Representatives

Finally, Respondent's Motion to Dismiss on the basis of laches has no merit because the doctrine does not even apply to the Federal Government.[67] As explained by Justice Stone,

"The true reason [for this rule] '* * * is to be found in the great public policy of preserving the public rights, revenues, and property from injury and loss, by the negligence of public officers * * *' The rule is supportable now because its benefit and advantage extend to every citizen, including the defendant, whose plea of laches or limitation it precludes; and its uniform survival in the United States has been generally accounted for and justified on grounds of policy." [68]

In short, a defense of unreasonable delay does not apply to the United States in a suit to enforce a public right or protect the public interest because the right or interest at stake in the litigation is preeminent.[69]

Here, the House of Representatives seeks to protect a vital public interest—the integrity of the Federal judiciary. The House, as part of the Federal Government, is pursuing a public benefit that cannot be compromised or forfeited by an allegation of delay, particularly where Respondent's own actions have hindered the progress of the investigation. For this reason, the Senate need not even consider the amount of time between the commission of the charged offenses and Judge Hastings' impeachment. In any event, there has been no unwarranted delay in this case requiring the dismissal of Articles I through XV.

V. CONCLUSION

For the foregoing reasons, the Senate should reject Respondent's motion and proceed with an impeachment trial on all seventeen Articles of Impeachment presented by the House of Representatives. There is nothing "unfair" about conducting a trial and removing a judge who tried to sell his office and then managed to obtain an acquittal in a criminal case by repeatedly and knowingly offering false testimony under oath. Respondent's own misconduct on the witness stand resulted in a perversion of the legal process in his criminal trial. He cannot be permitted to profit further from that misconduct in this proceeding.

Accordingly, the Managers respectfully request that the Senate deny Respondent's Motion to Dismiss Articles I through XV.

FOOTNOTES

[1] *See* Memorandum in Support of Motion to Dismiss Articles I Through XV Without Trial Based Upon 1983 Jury Verdict and Lapse of Time (hereinafter referred to as "Respondent's Memorandum") at 11.

[2] The Statement of Facts in the Committee Report also sets forth the facts underlying Article XVI, which charges Respondent with disclosing confidential wiretap information. Because neither of Respondent's Motions to Dismiss directly addresses this article, the House Managers do not include this portion of the Committee statement.

[3] *Mistretta v. United States*, 57 U.S.L.W. 4102, 4107 (January 18, 1989).

[4] *Id.*

[5] Hamilton, *The Federalist, No. 65* at 426-427 (Mod. Lib. Ed.).

[6] *Mistretta v. United States, supra* at 4103 *citing Morrison v. Olson*, 56 U.S.L.W. 4385 (June 29, 1988).

[7] *Bowsher v. Synar*, 478 U.S. 714, 722 (1986).

[8] B. Reams, Jr. and C. Gray, *The Congressional Impeachment Process and the Judiciary: Documents and Materials on the Removal of Federal District Judge Harry E. Claiborne* 169-187 (1987).

[9] *Id.* at 108-110. Moreover, there is even less reason in this case than in that of Judge Claiborne to defer to the jury verdict. In Judge Claiborne's criminal case, the jury found beyond a reasonable doubt that the judge had committed the crimes alleged. In other words, the jury was convinced that the evidence satisfied the stringent standard of proof applied in criminal proceedings. In contrast, in Respondent's criminal case, all the jury found was that there was a "reasonable doubt" as to Respondent's guilt. It did not determine that the evidence presented established his innocence.

Moreover, it should not be forgotten that in a separate trial William Borders was convicted of conspiring with Respondent to obtain a bribe. For the jury to reach that conclusion, it must have determined, beyond a reasonable doubt, that Judge Hastings participated in the bribery scheme.

[10] This situation is analogous to that of impeachment because the Senate's authority to expel its members also derives directly from a Constitutional provision independent of Executive Branch authority to prosecute a crime. *See* Article I, Section 5.

[11] S. Rep. No. 97-187, 97th Cong., 1st Sess. 10 (1981).

[12] 128 Cong. Rec. S.1459 (March 3, 1982).

[13] Respondent's Memorandum at 1, 54.

[14] 18 Wall. 163, 169 (1873).

[15] 303 U.S. 391, 398-404 (1938).

[16] *Id.* at 397 (emphasis added).

[17] 465 U.S. 354 (1984).

[18] 233 U.S. 291 (1914).

[19] *See Standlee v. Rhay*, 557 F.2d 1303 (9th Cir. 1977) (acquittal in a criminal trial did not bar subsequent parole revocation based on same charges).

[20] *See The Federalist, No. 65, supra* at 426.

[21] The other Constitutional provisions that address impeachment are:

Article I, Section 2, Clause 5: "The House of Representatives . . . shall have the sole Power of Impeachment."

Article I, Section 3, Clause 6: "The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present."

Article II, Section 2, Clause 1: "The President . . . shall have Power to grant Reprieves and Pardons for offenses against the United States, except in Cases of Impeachment."

Article II, Section 4: "The President, Vice President and all civil Officers of the United States, shall be removed from office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Article III, Section 2, Clause 3: "The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury;. . . ."

[22] Article II, Section 4.

[23] The term "High Crimes and Misdemeanors," in fact, is not limited to criminal to criminal activity. At the time of the drafting of the Constitution, the term incorporated misconduct that was not subject to criminal prosecution. In the American experience, ten officials impeached by the House of Representatives were accused of misconduct that did not constitute a crime.

As Senator Byrd recently explained: ". . . "[H]igh Crimes and Misdemeanors" appear to be words of art confined to impeachments, without roots in the ordinary criminal law and which had no relation to whether an indictment would lie in the particular circumstances." Cong. Rec. S. 8380 (June 19, 1987).

[24] Kurland, *Watergate, Impeachment, and the Constitution*, 45 Miss. Law Journal, 531, 537 (1974).

[25] *Id.* at 538. At least one scholarly work on impeachment posits that the English influence was substantially less than is generally credited and points out the fundamental differences between the English and American concepts of impeachment. For example, Parliament refused to limit its jurisdiction by defining impeachable offenses, while the Framers of the Constitution labored to define impeachable offenses with precision. Only officeholders could be impeached under the federal provisions, while in England, only the royal family was immune from impeachment. In England, the House of Lords could convict by a bare majority. In the American Constitution, the unique formula of "two thirds of the members present" became the rule. Finally, and perhaps most importantly, the House of Lords could order any punishment upon conviction including death. The delegates to the Convention limited themselves to non-criminal remedies which could not be imposed by any regular court. *See* Hoffer and Hull, *Impeachment in America*, 1635-1805 (Yale 1984).

[26] *The Federalist, No. 65, supra* at 423-424.

[27] *Id.* at 425.

[28] Kurland, *supra* at 547.

[29] J. Story, *Commentaries on the Constitution of the United States*, § 803, at 586-87 (5th ed. 1905).

[30] J. Wilson *Works* 452 (1804).

[31] *Id.* at 166.

[32] Furmage and Magrum, *Removal of the President: Resignation and the Procedural Law of Impeacement*, 1974 Duke L.J. 1023, 1029.

[33] Berger, *The President, Congress and the Courts*, 83 Yale L.J. 1111, 1143-44 (1974) (emphasis added; footnotes omitted).

[34] Kurland, *supra* at 541, 545.

[35] Respondent's Memorandum at 52 (emphasis in original).

[36] The original report and recommendation of the Eleventh Circuit Investigating Committee in the instant case, which was approved by the Judicial Council of the Eleventh Circuit, specifically addressed the issue of whether double jeopardy would bar an impeachment after acquittal in a criminal case. The five distinguished judges who sat on the Investigating Committee unanimously concluded that principles of double jeopardy did not apply. *See* Appendic I, Serial No. 11, *In the Matter of the Impeachment of U.S. District Judge Alcee L. Hastings*, at 347.

The basis for the Investigating Committee's conclusion echoes many of the grounds set forth above. The Committee pointed out,". . . impeachment does not serve the same purpose as a criminal prosecution. Impeachment is remedial and designed to product the institution of government from corrupt conduct; conduct that subverts the foundations upon which such institutions rest, namely the trust of the people in the integrity of the constitutional officers of the United States Government. This different is an important reason why double jeopardy principles are not applied to an impeachment proceeding." *Id.* at 348.

[37] Annals of Congress, 433 (June 8, 1789).

[38] 1 *Annals of Congress* 753 (August 17, 1789).

[39] 1 *Annals of Congress* 767 (August 20, 1789).

[40] 2 Senate Journal (September 4, 1789), *quoted in* 2 Schwartz, B., *The Bill of Rights: A Documentary History (1971)*, at 1147, 1149.

[41] *Annals of Congress, as quoted in 2 Schwartz*, at 1027. (emphasis added).

[42] In the form in which the amendment were finally adopted, the protections named in the seventh proposition appeared in Articles VII and VIII, the Fifth and Sixth Amendments.

"Art. VII. [Fifth Amendment] No person shall be held to answer for a capital for otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger. . . .

"Art. VIII [Sixth Amendment] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense."

[43] *United States v. Ward*, 448 U.S. 242, 248, *reh. denied*, 448 U.S. 916 (1980).

[44] *See* text accompanying notes 17 to 19.

[45] *See Office of Disciplinary Counsel v. Campbell*, 345 A.2d 616 (Pa. 1975), *cert. denied*, 424 U.S. 926 (1967) (acquittal did not bar attorney disciplinary action). *Young v. State Bd. of Registration for Healing Arts*, 451 S.W.2d 346 (Mo. 1969), *cert. denied*, 397 U.S. 922 (1970) (physician's license revocation proceeding for performing an unlawful abortion not barred by prior acquittal on criminal charge for the same offense).

[46] *Lewis v. Frick, supra.*

[47] H. Rep. No. 81, 42nd Cong., 3rd Sess. (1873) *reprinted in Impeachment, Selected Materials*, 93rd Cong. 1st Sess. 601, 605–606 (1973).

[48] Staff Report, *Constitutional Grounds for Presidential Impeachment*, 93rd Cong., 2nd Sess. 24 (1974).

[49] Judge Claiborne filed a motion in the Senate to designate "beyond a reasonable doubt" as the standard for conviction in the Senate. The Senate rejected the motion by a vote of 75 to 17. Senator Mathias stated, "It is the Chair's determination that the question of standard of evidence is for each Senator to decide individually when voting on Articles of Impeachment." *Proceedings of the United States Senate in the Impeachment Trial of Harry S. Claiborne*, S. Doc. 99-48, 99th Cong., 2d Sess. at 148.

[50] S. Rep. 101-1, 101st Cong., 1st Sess. 73 (1989).

[51] For this reason, as well as because an impeachment trial is not a criminal proceeding, the federal statute of limitations for bribery and perjury does not apply. Nor, for that matter, is there any type of presumption that a delay of more than five years is improper. Respondent offers no historical support for such an argument. *See* Respondent's Memorandum at 78–80.

[52] *Costello v. United States*, 365 U.S. 265, 282 (1961); *Gardner v. Panama Railroad*, 342 U.S. 29 (1951).

[53] In fact, the Doctrine does not apply. *See* discussion, *infra.*

[54] The House impeached Judge Swayne on January 18, 1905 while the offenses charged in Articles IV and V occured in 1893. Similarly, over ten years passed between 1894, the year of the offense charged in Article VI, and Judge Swayne's impeachment. *Impeachment of Charles Swayne, Proceedings in the House of Representatives (1903-1905)*, 66th Cong., 2nd. Sess. 635 (1912).

[55] The house adopted seven Articles of Impeachment against Judge Ritter on March 2, 1936. Articles I through VII alleged misbehavior occuring in 1929 through 1931. *Official Conduct of Judge Halsted L. Ritter, Trial and Impeachment*, 1933-1936 at 628.

[56] S. Doc 99-48, 99th Cong. 2d Sess. 2 (1986).

[57] *Gardner v. Panama Railroad Co., supra*, at 30-31; *Bott v. Four Star Corp.*, 807 F. 2d 1567 (Fed. Cir. 1986).

[58] The Investigating Committee initiated efforts to obtain grand jury records in June, 1983. Judge Hastings' opposition prevented the Committee from gaining access to those records until October, 1984. In May, 1985, the Investigating Committee sought the testimony of Judge Hastings' law clerks and secretary. Judge Hastings opposed the subpoenas. His opposition delayed the Witness' appearance before the Investigating Committee until July, 1986.

[59] The litigation over the Committee's access to the bribery conspiracy materials delayed its review of those documents for approximately five months, from July to December 1987. Respondent's opposition to the Committee's access to documents in the wiretap matter delayed the Committee's review of those documents for approximately seven months, from September 1987 to April 1988.

[60] The Committee on the Judiciary's requests for access to the materials were granted by Judge John Butzner, a Senior Judge of the Fourth Circuit, sitting by designation as District Judge in the Southern District of Florida. His decisions were affirmed by the Eleventh Circuit Court of Appeals. *See In re Request for Access to Grand Jury Materials*, 669 F. Supp. 1072 (S.D. Fla.), *aff'd* 833 F.2d 1438 (11th Cir. 1987) (special panel); *In re Grand Jury 86-3 (Miami)*, 673 F. Supp. 1569 (S.D. Fla. 1987), *aff'd* 841, F.2d 1048 (11th Cir. 1988) (Special panel).

[61] Respondent's memorandum at 74.

[62] *Id.* at 81-82.

[63] Respondent also implies that reliance on the implementation of the 1980 Act is unjustified because he did not participate in the judicial proceedings. Respondent's Memorandum at 77. What Respondent fails to mention, however, is that he was invited to participate fully in the Investigating Committee hearings, but declined to do so. Instead he entered a limited appearance and filed suit in United States District Court challenging the constitutionality of the 1980 Act and its implementation in this case. Respondent could have participated in the judicial proceedings without waiving his right to pursue his legal challenge.

[64] Respondent's Memorandum at 75-77.

[65] Witnesses have testified at Judge Hastings' criminal trial, William Borders' trial and the hearings of the Eleventh Circuit Investigating Committee.

[66] Respondent also implies that the primary reason Frank Romano should be a witness is for the Senate to "see him and compare his appearance with that of Rico/Romano." Respondent's Memorandum at 76. Photographs of Frank Romano may substitute, and may more accurately portray his appearance at the relevant time.

[67] *United States v. Summerlin*, 310 U.S. 414, 416 (1940); *Guaranty Trust Co. of New York v. United States*, 304 U.S. at 132.

Nor, for that matter, does a statute of limitations defense apply to the Federal Government, unless there is an explicit period established by federal law. *Guaranty Trust Co. of New York* v. *United States*, 304 U.S. 126, 132 (1938); *United States* v. *City of Palm Beach Gardens*, 635 F.2d 337, 339 (5th Cir. 1981) *cert. denied* 454 U.S. 1081 (1981).

[68] *Id.* citing Story, J., in *United States v. Hoar*, 26 Fed Cas. p. 329-30, No. 15373.

[69] *See Student Public Interest Research Group of New Jersey v. P.D. Oil and Chemical Storage, Inc.*, 627 F. Supp. 1074, 1085 (D. N.J. 1986).

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES.

By ALAN I. BARON,

Special Counsel to the House Managers.

Submitted by Managers of the House of Representatives: Jack Brooks; John Conyers, Jr.; Mike Synar; John Bryant; Hamilton Fish, Jr.; George W. Gekas.

Impeachment Trial Staff: Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; Lori E. Fields, Assistant Special Counsel.

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FEBRUARY 24, 1989.

APPENDIX—STATEMENT OF FACTS

The Committee, based on its independent inquiry into the conduct of Judge Hastings, finds the following facts.

A. BRIBERY CONSPIRACY

1. Background

On October 22, 1979, Alcee L. Hastings was sworn in as a United States District Judge for the Southern District of Florida. Both William A. Borders, Jr., then a Washington, D.C. attorney, and Hemphill Pride, a mutual friend of Mr. Borders and Judge Hastings, attended Judge Hastings' investiture ceremony. At the time of the swearing in, Mr. Borders and Judge Hastings had known each other for approximately 16 years. They were political allies and social friends. Hemphill Pride was a friend of both men, but he was particularly close to Judge Hastings. Mr. Pride had known Judge Hastings since the early 1960's when they were in law school together in Florida. After graduation, Mr. Pride had returned to South Carolina to practice law.

In 1977, Mr. Pride was convicted in South Carolina of misusing funds in a federally subsidized housing project. As a result of his conviction, Mr. Pride was suspended from the practice of law. His conviction was upheld on appeal in December 1979, not long after Judge Hastings became a federal district judge. During the time Mr. Pride's case was on appeal, Mr. Borders permitted Mr. Pride to live rent-free in an apartment in Washington, D.C. In March 1980, Mr. Pride began serving his sentence at the federal correctional facility at Maxwell Field in Montgomery, Alabama.

On October 16, 1980, Mr. Pride's mother wrote to Judge Hastings and asked his help in arranging an early release for her son. There is no evidence of a replay from Judge Hastings. Mr. Pride testified that while he was in prison he asked Judge Hastings to raise money for him to hire counsel to pursue certain post-conviction relief. According to Mr. Pride, Judge Hastings refused on the grounds that his position as a judge precluded him from doing so.

Mr. Pride was paroled on March 15, 1981 and he immediately began to work at two jobs in Columbia, South Carolina. He could not be employed as a lawyer, however, because he was indefinitely suspended from the practice of law by the Supreme Court of South Carolina. Under South Carolina rules he could not apply for readmission for two years, until May 1983. He also had to take and pass the South Carolina bar examination.

2. The Romano Case

Thomas and Frank Romano were indicted in November 1978 on 21 counts of racketeering, mail and wire fraud, embezzlement and

false tax filings. The indictment alleged violations of the Racketeer Influenced Corrupt Organization statute ["RICO"] which, under certain circumstances, could result in the forfeiture of property connected with illegal racketeering activity. The case was assigned to Judge Hastings within the first week he was on the bench.

In December, 1980 the Romano brothers were tried before a jury. The prosecution charged that they had looted a construction project of over a million dollars through various fraudulent means. During the trial, the prosecution made a proffer to Judge Hastings, out of the presence of the jury, that the Romanos had a history of making payoffs.

On December 23, 1980, the jury found the Romanos guilty on all counts. The parties agreed to try the forfeiture issues before Judge Hastings without a jury. Under applicable procedural rules, the court was required to make findings of fact and return a special verdict as to the extent of the property to be forfeited. Judge Hastings heard part of the prosecution's proof on the forfeiture issues on December 30, 1980. He then continued the matter until February 30, 1981 for an evidentiary hearing. He announced that he would proceed to final disposition of the case during the week following the evidentiary hearing.

On December 30, 1980, Marshall Curran, Jr., the lawyer who had represented the Romanos at trial, filed an appeal on their behalf. The Romanos retained a new attorney, Neal Sonnett, to handle their sentencing and appeal.

On February 20, 1981, Judge Hastings concluded the evidentiary hearing on the forfeiture matter. The judge reserved ruling and asked the parties to submit memoranda. Judge Hastings stated that sentencing would not be scheduled in light of the fact that there were to be additional submissions by the parties and the court had not yet received the presentence reports.

On March 13, 1981, the prosecution filed its proposed findings of fact and conclusions of law on the forfeiture issue. On April 6, 1981, the Romanos filed their memorandum of fact and law in opposition to the Government's proposed findings of fact. The next day, April 8, 1981, the Government filed a lengthy memorandum in support of the forfeiture which sought forfeiture of property totalling $1,162,016 in value consisting of four components: (a) the net cash proceeds of certain checks ($305,939); (b) total cash proceeds of certain other checks ($540,000); (c) an investment in the Sea Inn restaurant ($234,061); and (d) a part of the gain realized upon the sale of the restaurant ($82,016).

On April 23, 1981, Judge Hastings' law clerk advised the parties that sentencing in *Romano* would take place on May 11, 1981. The official Notice of Sentencing was filed on April 28, 1981, setting the sentencing for May 11, at 1:00 p.m.

On May 4, 1981, Judge Hastings entered an order forefeiting property owned by the Romans worth $1,162,016.

3. William Dredge and Further Events in Romano

William Dredge operated an antique store in north Miami, Florida. He was also a fence, a burglar, and a drug dealer. Mr. Dredge was a friend of Joseph Nesline, a Washington D.C. gambler, who apparently introduced Mr. Dredge to Mr. Borders in late March or early April of 1981. In March 1981, Mr. Dredge was the subject of a narcotics investigation in Maryland. He was in touch with Mr. Borders in connection with this problem.

Mr. Dredge testified before the Eleventh Circuit Investigating Committee that around the end of March or in early April 1981, Mr. Borders asked Mr. Dredge if he knew the Romano brothers since Mr. Dredge was from the south Florda area. When Mr. Dredge responded that he did not know them, Mr. Borders asked him to check them out. Mr. Dredge made some inquiries and reported to Mr. Borders that the Romanos were "good stand up people," which in underworld parlance meant they would live up to their commitments and not disclose matters to the authorities. Mr. Borders then asked Mr. Dredge to contact the Romanos and tell them Mr. Borders might be able to help them in their criminal case. Mr. Dredge passed word to the Romanos that he knew and attorney in Washington, D.C. who could help them with their case.

Hotel and telephone records establish that the Romanos were in California on April 7, 1981 and during their stay they learned through an intermediary of Mr. Dredge's message about a Washington Lawyer who could help them. In response, the Romanos contacted their counsel, Neal Sonnet, who documented the call in a memorandum dated April 16, 1981. The Romanos decided to ignore Mr. Dredge's offer.

Mr. Dredge reported to Mr. Borders about his attempted contact with the Romanos. Mr. Dredge testified before the Eleventh Circuit Investigating Committee that Mr. Borders said the judge handling the Romanos' case was a good friend of his and, for $150,000, he could deliver the judge. Mr. Dredge testified he did not really believe Mr. Borders could control a federal judge.

Over the next few months Mr. Borders repeatedly asked Mr. Dredge about the situation and Mr. Dredge reported that he had talked to the Romanos, but they did not have any money. According to Mr. Dredge, he was simply stringing Mr. Borders along. Mr. Dredge never had any contact with the Romanos or their intermediary after meeting with the intermediary in early April. Mr. Borders continued to importune Mr. Dredge about the Romanos and Mr. Dredge kept telling Mr. Borders that the Romanos did not have the money. According to Mr. Dredge, Mr. Borders said the judge could not believe the Romanos could not come up with money to keep them out of jail.

Mr. Dredge testified that when he suggested to Mr. Borders that the Romanos were trying to get to Judge Hastings through another contact, Mr. Borders challenged anyone else to produce the judge at a given time and place. Mr. Borders said he would produce Judge Hastings at a given time and place to prove he controlled him.

On April 29, 1981, a sealed indictment was returned in Baltimore, Maryland charging William Dredge with narcotics offenses. Mr. Dredge was arrested in Florida on May 10, 1981, and Mr. Borders arranged for Jesse McCarary, a Miami lawyer, to represent Mr. Dredge at his bail hearing on May 11, 1981. Also on May 11, 1981, the Romanos were scheduled to be sentenced by Judge Hastings.

Mr. Dredge testified before the Investigating Committee that he had a conversation with William Borders the day before the Romanos were supposed to be sentenced, in which Mr. Borders told him the sentencing would be continued by Judge Hastings in order to give the Romanos a chance to come up with the money, because the judge could not believe they would not do so.

At the May 11, 1981 sentencing hearing, the Romanos' attorney, Neal Sonnett, requested a continuance in order to present additional argument to the court regarding a pending motion for new trial that was scheduled to be heard that day. The Government opposed the continuance on the ground that everything had been thoroughly briefed and there had already been a delay of five months since the conviction. Judge Hastings granted the continuance and asked for briefs on RICO issues. He then set a briefing schedule and indicated that sentencing would not take place until late June 1981, but that the next time it was scheduled, sentencing would proceed.

Mr. Dredge testified before the Investigating Committee that Mr. Borders called him the day after the sentencing had been postponed to say that the hearing had been continued and the Romanos had better come up with the money. Mr. Dredge was convinced William Borders was serious about the bribe after the continuance of the hearing. It was Mr. Dredge's understanding, based on what Mr. Borders told him, that Judge Hastings had postponed the sentencing on his own motion. In fact, the May 11, 1981 sentencing was postponed on the basis of Mr. Sonnett's eleventh hour request. The fact that Mr. Borders knew in advance that the sentencing hearing would be continued, however, convinced Mr. Dredge that the bribery scheme was for real.

On Friday, June 19, 1981, a panel of the Fifth Circuit handed down a decision in *United States* v. *Martino*.[1] At issue in the case was an interpretation of the RICO statute's forfeiture provisions pertaining to the definition of an interest that was subject to forfeiture. The court held that the term "interest" did not include income, receipts or profits from racketeering activity. Government attorneys and defense counsel in *Romano* recognized that this opinion had important implications for the order previously entered by Judge Hastings on May 4, 1981, forfeiting property owned by the Romanos worth $1,160,000.[2] Accordingly, all parties briefed the issue in papers filed with the Court in advance of a hearing scheduled for July 8, 1981.

At the July 8, 1981 hearing, Judge Hastings was scheduled to sentence the Romanos and hear argument on all outstanding motions, including a motion for him to reconsider his May 4, 1981 order requiring forfeiture. At the hearing, after extensive argument concerning the impact of *Martino*, Judge Hastings stated to counsel he was familiar with *Martino* and had read the briefs. He had also received a memorandum on the issue from his law clerk shortly before going on the bench to conduct the hearing. At the conclusion of the argument, Judge Hastings reaffirmed his forfeiture order of May 4, 1981. He stated that he would file a brief written order explaining the basis for his decision.

Judge Hastings then sentenced each of the Romanos to a prison term of three years. The prison terms were consistent with the recommendation of the probation office.

4. The Undercover Investigation

On June 3, 1981, the case of *United States* v. *Accardo* was brought in the Southern District of Florida. This was a multi-defendant racketeering case in which Santo Trafficante, reputed to be the organized crime

Footnotes at end of article.

boss of southern Florida, was named as a defendant. The case was assigned to Judge Hastings. A month later, William Dredge flew to Washington, D.C. and stayed with Joseph Nesline from July 7-9, 1981. Mr. Dredge told the Investigating Committee that during his stay, Mr. Nesline had another guest at the apartment—Santo Trafficante. While at the apartment, Mr. Dredge observed Mr. Trafficante trying to contact Mr. Borders and heard bits and pieces of conversation which led him to believe that Mr. Borders and Judge Hastings were involved in a bribery scheme to obtain money from Mr. Trafficante.

On July 20, 1981, Mr. Dredge advised the United States Attorney's Office in Miami that he had information concerning a bribery scheme involving Judge Hastings, Santo Trafficante and a Washington, D.C. lawyer who was coming to Miami the next day to meet with Mr. Trafficante. In return for this information, Mr. Dredge wanted the drug charges pending against him in Maryland dismissed. In the course of ensuing discussions with Government prosecutors, Mr. Dredge also revealed the proposal to solicit a bribe from the Romanos—the essence of which was that for $150,000 their sentences would be reduced to probation.

Mr. Dredge did not initially identify Mr. Borders as the Washington lawyer who was arriving the next day to meet with Mr. Trafficante. However, a strike force attorney who had worked in Washington recognized Mr. Border's name on a passenger list and visually identified Mr. Borders at the airport. The FBI followed Mr. Borders, who took a cab to Mr. Dredge's house and was later driven by Mr. Dredge to a shopping center. From there Borders took a cab to the Fontainebleau Hotel, where the FBI observed him meeting with Santo Trafficante for 5 to 10 minutes in a secluded area. Thereafter, Mr. Trafficante drove Mr. Borders to the airport.

Mr. Dredge continued to be debriefed by the Government concerning his knowledge of any bribery schemes. On August 18, 1981, Mr. Dredge told law enforcement agents that Mr. Borders was coming to Miami again to meet with Mr. Trafficante to iron out their bribery deal. FBI surveillance teams observed that on August 21, 1981, Mr. Borders flew to Miami, took a taxi to the Fontainebleau Hotel, got out of the cab, and got into a car driven by Mr. Trafficante, who drove him back to the airport. They spoke for four minutes at the terminal and Mr. Trafficante left.

Having twice corroborated Mr. Dredge's statements, the Government attempted to enlist Mr. Dredge's cooperation. Mr. Dredge refused to testify or wear a recording device because be feared for his life. He was willing, however, to introduce an undercover agent to Mr. Borders as one of the Romano brothers. Mr. Dredge advised the FBI that Mr. Borders was anxious to do the Romano deal, but that he would only deal with one or both of the Romanos.

On August 27, 1981, the Fifth Circuit handed down the case of *United States* v. *Peacock*,[3] which grudgingly followed the *Martino* rationale, while noting that a petition for rehearing en banc was pending in *Martino*. Jeffry Miller, one of Judge Hastings' law clerks, testified that he brought this case to Judge Hastings' attention in early September, in all likelihood before September 10, 1981. According to Mr. Miller, Judge Hastings then told him to "give the money back" to the Romanos.

On September 10, 1981, Mr. Dredge, in the presence of an FBI agent, telephoned Mr. Borders and advised him that the Romanos were "ready to deal." Arrangements were made for Mr. Dredge to meet Mr. Borders at the Miami airport on Saturday, September 12 at 8:00 a.m. and introduce him to "Frank Romano," who was to be impersonated by retired FBI agent, H. Paul Rico.

On Friday, September 11, 1981, Judge Hastings was scheduled to fly from Miami to Washington, D.C. Judge Hastings was scheduled to leave Miami at 3:48 p.m, but his flight was delayed. He called Mr. Borders' office twice to advise him of the delay. He did not arrive at Washington National Airport ["National"] until about 8:00 p.m., two hours after his original scheduled arrival time.

On the same day, Mr. Borders was scheduled to leave National for Miami at 7:30 p.m. in order to make his meeting at 8:00 a.m. the next morning with Mr. Dredge and "Frank Romano." However, he changed his flight to leave at 9:25 p.m., thereby arriving in Miami at 1:30 a.m. on September 12. This schedule change created a clear opportunity—at period of over an hour—when Judge Hastings and Mr. Borders could have met at National, althought no one actually observed such a meeting. Judge Hastings did not check into the Sheraton Hotel until 10:14 p.m., over two hours after he arrived in Washington, D.C.

The next morning, September 12, 1981, Mr. Borders met Mr. Dredge and the man who he thought was Frank Romano at the Miami airport. The undercover agent, Mr. Rico, was wearing a body recorder and recorded the conversation with Mr. Borders. At the meeting, Mr. Borders stated that he understood that the Romanos had "lost some property." He advised Mr. Rico that 10 days after receiving the payment of $150,000, an order would be signed returning a "substantial amount" of the property and thereafter, they were to withdraw their appeal and something would be done about their jail sentences. When Mr. Rico raised the issue of "how do I know," Mr. Borders responded, "checks and balances." Mr. Borders said, "I don't get nothin', until the first part is done . . . that will be a signal showing you that I'm, I know what I'm talking about, right?"

Mr. Borders proposed that the money be placed in escrow with Mr. Dredge and that Mr. Borders would only receive the money after the order came down. Mr. Rico said he preferred not to use Mr. Dredge and, aware that previously Mr. Borders had suggested to Mr. Dredge that Mr. Borders could provide his influence with Judge Hastings by having him show up at a given time and place, Mr. Rico proposed verification in that manner. Mr. Rico asked if Mr. Borders wanted to get back to him with the time and place. Mr. Borders said that was unnecessary and immediately selected Wednesday, September 16, 1981, as the date for Judge Hastings' appearance. Mr. Rico selected the main dining room in the Fontainebleau Hotel in Miami Beach at 8:00 p.m.

Mr. Borders and Mr. Rico agreed to meet the following Saturday, September 19, 1981, at the Miami airport at which time Mr. Rico would make an "up front" payment on the bribery deal. At the conclusion of their meeting Mr. Borders assured Mr. Rico, saying "that's 100 percent, 100 percent, 100 percent."

At the time of his conversation with Mr. Rico about the status of the *Romano* case, Mr. Borders had no official connection with the case. He was a Washington, D.C. lawyer, and was not a member of the Florida bar. According to Judge Hastings' trial testimony, he never spoke to Mr. Borders about the facts, proceedings, or issues in the case.

When Mr. Borders finished his meeting with the undercover agent, he flew from Miami to West Palm Beach and drove to a long-planned family reunion. He stayed there only briefly, however, and made a complex series of reservations and cancellations of airplane flights back to Washington, D.C. Ultimately, Mr. Borders flew from Orlando, Florida to Baltimore-Washington International Airport ["BWI"], arriving at 8:58 p.m.[4]

Judge Hastings was spending that weekend of September 11-13, 1981, in Washington, D.C. at the Sheraton Hotel. Jesse McCrary, a mutual friend of Judge Hastings and Mr. Borders, registered at the Sheraton Hotel on the 12th in the room next to Judge Hastings.

Around 9:00 p.m. on Saturday, September 12, 1981, Mr. Borders landed at BWI. From there he immediately went to the Sheraton Hotel in Washington, arriving at Judge Hastings' room at 10:00 p.m. When Mr. Borders arrived, Judge Hastings, Jesse McCrary and three women—two sisters, Pearl and Margaret Dabreau, and Donna Myrill—were in the judge's room. The group had not yet had dinner. According to Mr. McCrary, it was Judge Hastings' idea to delay dinner. Ms. Pearl Dabreau testified before the Investigating Committee that the group was "waiting for someone." Ms. Myrill testified before the investigating Committee that they were specifically waiting for Mr. Borders. After Mr. Borders arrived, they all went to dinner. At trial, Judge Hastings testified under oath that Mr. Borders' appearance at the Sheraton Hotel that night was a surprise and not prearranged.

There is no evidence in the record to explain how Mr. Borders knew Judge Hastings would be in his room at the Sheraton Hotel at 10:00 p.m. on a Saturday night, although Mr. Borders clearly went to great lengths to get there from Florida, including foregoing his family reunion.

On Tuesday, September 15, 1981, Mr. Borders and a friend, Madeline Petty, flew from Washington, D.C. to Las Vegas, Nevada to attend the Sugar Ray Leonard-Tommy Hearns championship fight scheduled for Wednesday, September 16. This trip had been planned as a birthday present for Ms. Petty; the plane tickets had been purchased two weeks earlier on September 1, 1981. According to Dudley Williams, a close friend and former law partner of Mr. Borders, Mr. Borders; friends knew that he never missed an important championship fight.

September 16, 1981 was also the date Mr. Borders and Mr. Rico had agreed that Judge Hastings would appear at the main dining room of the Fontainebleau Hotel at 8:00 p.m. in order to prove that the judge was in on the bribery scheme. FBI agents had the hotel under surveillance. Shortly before 8:00 p.m., Judge Hastings and a woman named Essie Thompson were observed entering the Fontainebleau Hotel and walking into the dining room.

Judge Hastings had invited Ms. Thompson to dinner the day before. He did not mention Mr. Borders to her nor did he indicate that they were meeting anyone. The maitre d' seated them at a table for four and removed two place settings. Judge Hastings did not protest. After about 15 minutes, Judge Hastings left the table and returned a few minutes later. At Judge Hastings' trial in January 1983, Ms. Thompson testified that when Judge Hastings returned to the

table he said he was "looking for some friends from D.C." According to the FBI interview report dated October 10, 1981, however, Ms. Thompson told FBI agents that when Judge Hastings returned to the table he said he was "looking for someone, but did not see them." Judge Hastings acknowledged at trial that he did not have Mr. Borders paged. At trial, he testified that Mr. Borders had promised to meet him at the Fontainebleau that night but had not shown up.

Mr. Borders was in Las Vegas at the championship fight. He and Ms. Petty returned to Washington, D.C. two days later, on Friday, September 18, 1981, betwen 8:00 and 9:00 p.m. At the airport, Mr. Borders and Ms. Petty parted company. Mr. Borders took a 9:20 p.m. flight to Miami, in order to make his arranged meeting with Mr. Rico the next morning for the "up front" payment.

Mr. Rico had not told Mr. Borders that Judge Hastings had appeared at the Fontainebleau Hotel on September 16, as promised. Mr. Borders nevertheless proceeded directly from National to Miami for his rendezvous with Mr. Rico as if he knew that the signal confirming Judge Hastings' involvement had been given.

On Saturday morning, September 19, 1981, at 10:00 a.m., Mr. Borders and Mr. Rico again met at the Miami airport. Mr. Rico was wearing a body recorder. After an exchange about the Leonard-Hearns fight, the undercover agent said: "You did what you said you'd do." Mr. Borders acknowledged this and Mr. Rico continued. "Your man arrived and in fact, he arrived a little early and, ah, you said you could do that, and that's ah, your end of the situation." Mr. Borders then asked, "What is it in?" and Mr. Rico replied that it was just in an envelope. Mr. Rico said he would put it inside a newspaper and give it to Mr. Borders. The undercover agent then said "[B]efore we go any further, the last time we talked my understanding was that, ah, some property was going to be released." Mr. Borders said the property would be released within 10 days. He told Mr. Rico, "Once you do that then file a motion for mitigation of sentence." Mr. Borders said, "Just tell him [the attorney] you're tired of the appeal, just see if the man will reduce the sentence."

The two men then separated and Mr. Rico went to get $25,000 in cash which had been placed in a locker. The undercover agent returned and placed the newspaper containing the envelope with the money on the arm of a sofa. Mr. Borders picked up the newspaper. There was further conversation, and Mr. Borders told Mr. Rico that the money would cover a reduction in sentence for both Romanos. They then discussed when the balance of the bribe would be paid. Mr. Borders suggested it be paid as soon as the order was entered returning the forfeited money. Mr. Rico proposed another installment payment, then full payment "on the culmination," i.e., when the sentences were reduced. Mr. Borders objected that this was not the deal. He again proposed that the money be put in escrow with Mr. Dredge. Mr. Rico rejected that idea. They finally agreed that on October 3, 1981 after Judge Hastings issued the order, the remaining $125,000 would be paid.

There was no further contact between Mr. Borders and the undercover agent between September 19 and October 2, 1981. The order returning a portion of the forfeited property was not issued within 10 days of September 19 as Mr. Borders had promised.

On October 1, 1981, a lawfully authorized wiretap was placed on Mr. Borders' business phone, and on October 2, 1981, a similar tap was placed on his residential phone. Mr. Rico placed four calls on Friday, October 2, to Mr. Borders' office. Mr. Borders was out, but he arranged to have a call patched through to him. At 3:11 p.m. Mr. Rico spoke to Mr. Borders and told him nothing had happened regarding the order. Mr. Borders replied "I think it has . . . I'll check into it," and then suggested they cancel the scheduled October 3, 1981 meeting for the final payment. Mr. Borders said he was not sure he would be able to call Mr. Rico back Friday night; he explained he did not know if he could find out "because of the time." They agreed that Mr. Rico would call Mr. Borders at home two days later, Sunday, October 4, 1981.

By 4:50 that Friday afternoon, Mr. Borders was back in his office. In a call recorded by the FBI, Mr. Borders' secretary called Judge Hastings' chambers and was told that Judge Hastings had left for the day.

On Sunday morning, October 4, Mr. Rico called Mr. Borders as agreed to find out the status of the order. Mr. Borders explained "I have not, ah, gotten an answer, cause I haven't been able to talk to anybody." Judge Hastings testified at trial that William Borders called him the afternoon of October 4 and left a message for him to return the call.

On Monday morning, October 5, 1981, Judge Hastings told his law clerk, Jeffrey Miller, to do the order returning a substantial amount of the Romanos' property that day. This was an "unusual" request according to Mr. Miller, although he also observed it was unusual for an order to sit around that length of time. Another law clerk, Daniel Simons, stated that Judge Hastings seemed disturbed that Mr. Miller had not finished the order.

At 4:22 p.m. on October 5, 1981, Mr. Rico again called William Borders. He said he was anxious. Mr. Borders said he understood, that he had checked on the matter, that the order had not gone out yet, but "that's been taken care of," Mr. Borders said it probably went out that day, the 5th, or would go out first thing in the morning, on the 6th.

Less than one hour later, at 5:12 p.m., Judge Hastings called Mr. Borders and the following conversation occurred:

Mr. BORDERS: Yes, my brother.

Judge HASTINGS: Yeh, my man.

Mr. BORDERS: Um hum.

Judge HASTINGS: I've drafted all those, ah, ah, letters, ah, for Hemp . . .

Mr. BORDERS: Um hum.

Judge HASTINGS: . . . and everything's okay. The only thing I was concerned with was, did you hear if, ah, you hear from him after we talked?

Mr. BORDERS: Yea.

Judge HASTINGS: Oh. Okay.

Mr. BORDERS: Un huh.

Judge HASTINGS: Alright then.

Mr. BORDERS: See, I had, I talked to him and he, he wrote some things down for me.

Judge HASTINGS: I understand.

Mr. BORDERS: And then I was supposed to go back and get some more things.

Judge HASTINGS: Alright. I understand. Well then, there's no great big problem at all. I'll, I'll see to it that, ah, I communicate with him. I'll send the stuff off to Columbia in the morning.

Mr. BORDERS: Okay.

Judge HASTINGS: Okay.

Mr. BORDERS: Right.

Judge HASTINGS: Bye. bye.

Mr. BORDERS: Bye.

The Government argued at Judge Hastings' trial that this was a coded conversation intended to convey information converning the bribery scheme. Judge Hastings testified at trial that it was not a coded conversation, but rather a discussion about some letters he was drafting to help Hemphill Pride. The Subcommittee submitted the tape recording and the transcript of this conversation to a recognized expert in the field of linguistics, Professor Roger Shuy of Georgetown University, who analyzed the conversation and concluded that Judge Hastings and Mr. Borders were engaging in a coded conversation.

On October 6, Judge Hastings issued an order which vacated judgments against the Romanos for over $845,000 of the total original forfeiture of $1,200,000.[5] This order reversed in large measure Judge Hastings' prior order of May 4, 1981 and was inconsistent with his oral ruling on July 8, 1981. There had been no further filings or proceedings before Judge Hastings since the hearing on July 8, 1981.

Mr. Rico called Mr. Borders at mid-day on October 7 inquiring again about the status of the order. This time Mr. Borders said "it went out yesterday morning." This assertion corresponds to Mr. Borders' October 5 conversation with Judge Hastings in which the judge said he would send out "the letters in the morning." In fact, the order had gone out by special delivery the evening of October 6. Mr. Rico called Mr. Borders the night of the 7th to tell him he had received word that the order had been issued. They discussed arrangements for the final payoff. Mr. Rico offered to travel to Washington, D.C. on Thursday or Friday, October 8 or 9. Mr. Borders agreed and told Mr. Rico to call him when he got to town.

The National Bar Association had scheduled a testimonial dinner in honor of Mr. Borders, a past president of the organization, for October 9, 1981, in Washington, D.C. Judge Hastings was one of the sponsors of the dinner. On the morning of October 8, 1981, Mr. Borders received a call from Judge Hastings who stated that he would be arriving in Washington the next day at 10:40 a.m. Judge Hastings told Mr. Borders he was staying at the Washington Hilton, although he would prefer to be at the L'Enfant Plaza Hotel. Mr. Borders said he could always get Judge Hastings in there.

Mr. Borders picked up Judge Hastings at National on the morning of October 9. They drove from the airport to the L'Enfant Plaza where a suite and an adjoining room were assigned to them. They stopped briefly to see Hemphill Pride, who was also staying at the L'Enfant Plaza Hotel for the National Bar Association event. Judge Hastings and Mr. Borders then left the hotel and after a couple of intermediate stops arrived at Mr. Borders' office where Mr. Borders had a message to call "Frank" [Mr. Rico] at the Twin Bridges Marriott Hotel. Mr. Borders called and Mr. Rico told Mr. Borders he had "brought all the necessary papers." Mr. Rico and Mr. Borders agreed to meet at the Marrriot in about an hour.

When Mr. Borders arrived at the Marriott, he told Mr. Rico, who was wearing a recording device, to "get it" because he wanted to take a ride. Mr. Borders and the undercover agent got into Mr. Borders' car, with a bag containing $125,000 in 100 dollar bills on the floor between them. As they started to leave the parking lot, the FBI pulled them over and arrested Mr. borders.[6]

Mr. Borders was arrested just before 1:00 p.m. on October 9, 1981. At 1:18 p.m. Mr. Borders requested and received permission to telephone his attorney, John Shorter. Mr. Shorter arrived at the Marriott at 1:31 p.m. according to FBI logs. At 1:55 p.m., Special Agents Bird, Skiles and Murphy left for Mr. Borders's law office to locate and interview Judge Hastings. They entered the office at 2:40 p.m. and presented subpoenas for certain of Mr. Borders' records to Mr. Border's secretary, who was uncertain how to deal with the situation. She contacted Mr. Shorter and Agent Murphy explained to Mr. Shorter that they had subpoenas for records. Mr. Shorter told the secretary to accept the subpoenas.

In addition, Agent Murphy told Mr. Shorter that they were trying to locate Judge Hastings in order to interview him, and asked Mr. Shorter to give the judge Mr. Murphy's name, Mr. Bird's name and the number of the FBI Washington field office if he located the judge.

After leaving Mr. Borders' office and making a few stops, Judge Hastings returned to his room at the L'Enfant Plaza Hotel and ordered lunch from room service around 1:00 p.m. Shortly thereafter, Mr. Pride dropped by and joined him for lunch. Afterwards, they went downstairs for drinks in the hotel's cocktail lounge.

When Mr. Pride returned to his room, he immediately received a phone call from John Shorter who told him that Mr. Borders had been arrested on charges involving bribery that had taken place in Judge Hastings' court. Mr. Shorter also told Mr. Pride that the FBI was looking for Judge Hastings to interview him. Mr. Shorter gave Mr. Pride the names of two FBI agents and the FBI telephone number. He asked Mr. Pride to give the message to Judge Hastings and to tell him to contact the agents. Mr. Shorter thought that Judge Hastings should have a lawyer present and suggested the name of a Washington attorney. Mr. Pride immediately called Judge Hastings and told him he had an important message and that he should come to Mr. Pride's room.

Mr. Pride took his two-year old son and met Judge Hastings outside the elevator on Mr. Pride's floor of the hotel. Mr. Pride related Mr. Shorter's information. Mr. Pride testified at Mr. Borders' trail that Judge Hastings' reaction was one of shock, as if "he didn't know which way to move or what to do." Judge Hastings repeatedly asked where Mr. Borders was. Mr. Pride told the judge he knew nothing more than what he had learned from the phone call. The judge asked Mr. Shorter's number, but Mr. Pride stated that Mr. Shorter was with Mr. Borders.

Mr. Pride testified that he and Judge Hastings then left Mr. Pride's child at Mr. Pride's room and went together to Judge Hastings room. Mr. Pride testified at Judge Hastings' criminal trial that he suggested to Judge Hastings that if he had a problem he could best handle this matter in Florida, rather than in Washington and that he should get Florida counsel. Mr. Pride watched while Judge Hastings packed his clothes. When Mr. Pride offered to give Judge Hastings a ride to the airport, Judge Hastings declined, saying that Mr. Pride should not get involved because Mr. Pride was still on parole and that he would take a cab. They then went downstairs to the lobby where Judge Hastings and Mr. Pride parted. Mr. Pride testified that Judge Hastings made no phone calls in his presence.

At his trial, Judge Hastings testified that before leaving the L'Enfant Plaza Hotel, he gave Mr. Pride a 100 dollar bill and asked him to pay the room service charge and to pick up a suit Judge Hastings had left with the valet service. Mr. Pride, in his testimony, denied that Judge Hastings gave him any money or asked him to take care of the charges or the suit. The room service charge was not paid and the suit was left behind.

Judge Hastings also testified at trial that after speaking with Mr. Pride outside the elevators, he returned alone to his room and telephoned his mother and his fiancee, Patricia Williams, in Florida, while Mr. Pride went to his own room. According to Judge Hastings, when he called his mother long distance from his hotel room, she said she had learned about William Borders' arrest and that reporters were at her apartment complex. She allegedly was hysterical and told him to "come home." Judge Hastings also testified that he called Ms. Williams who told him that she had been interviewed by the FBI and that she had called his chambers and learned the FBI was interviewing his staff. According to Judge Hastings, Mr. Pride joined him after these calls.

The computer-generated record of all calls charged to rooms at the L'Enfant Plaza Hotel on October 9, 1981 does not reflect the calls Judge Hastings claims he made to his mother and Ms. Williams. The Chesapeake and Potomac Telephone Company routinely maintains a computer record of all telephone calls from the guest rooms at the L'Enfant Plaza Hotel. The computer runs for October 9 and 10, 1981, reflect only one call made from the hotel to area code 305—the area code for south Florida. That call was made at "22:00" (10:00 p.m.), long after Judge Hastings had left for Florida. Moreover, that call was placed from a room other than the one assigned to Judge Hastings. The records show no long distance calls made from Judge Hastings' room until the morning of October 10, 1981 at 1:56 a.m., again long after the judge had departed the hotel and the District of Columbia. That call was made to New York City.

On the afternoon of October 9, 1981, the FBI office in Washington, D.C. advised FBI personnel in Miami to begin interviews at Judge Hastings' chambers. The agents arrived at about 2:50 p.m. and were there until approximately 5:15 p.m. The Miami office of the FBI also received instructions to interview Ms. Williams, Judge Hastings' fiancee. FBI agents arrived at her office at about 2:50 p.m. and began the interview at approximately 3:00 p.m. Ms. Williams was interviewed by FBI agents for approximately 45 minutes. She was interrupted once by a phone call during the interview and stated to the agents upon her return that the call was from a client. On Friday, October 9, 1981, at 2:50 p.m. FBI agents left Mr. Borders' office to go to the L'Enfant Plaza Hotel. They arrived at about 3:10 p.m., and were advised by the front desk that Judge Hastings had not checked out. Special Agent Murphy then called Judge Hastings' room and there was no answer. The agent called several times over the next few minutes and then went to the room and knocked. Each time there was no answer. At 3:30 p.m., Special Agent Murphy again called Judge Hastings' room. There was no answer.

The evidence indicates that Judge Hastings departed for the airport within 30 to 40 minutes of the time he first learned of Mr. Border's arrest. By around 3:00 p.m., he was aware the FBI in Washington, D.C. wanted to interview him. Judge Hastings testified that he left the hotel at approximately 3:35 or 3:40 p.m. By 4:37 p.m., according to telephone records, he was at BWI calling his mother from a pay phone.

Airline records establish that Judge Hastings could have taken a direct flight that afternoon from Washington, D.C. to Miami, where his car was parked. There were 14 seats available on a flight, which left National at 4:35 p.m. However, instead of traveling to National which is located four miles from the L'Enfant Plaza Hotel, Judge Hastings went by taxi—at a cost of $50—to BWI, which is 32 miles northeast of the hotel and approximately an hour away in Friday afternoon traffic.

At 4:37 p.m., Judge Hastings called his mother from a pay phone at BWI and spoke for four minutes, charging the call to his home telephone. This is the first documented contact between the judge and his mother that day. At 5:06 p.m., he called Ms. Williams that day. He spoke to her for one minute and told her to call him back at a different pay phone. She called back at 5:07 from her home, and again at 5:22 p.m. from a pay phone. He then took her number, moved to a third pay phone and called her again. Judge Hastings admitted at his trial that he had engaged in this series of pay phone calls. He testified to several explanation for this conduct—a baby was crying; he suspect government surveillance near the pay phone; he was afraid Ms. Williams' phone had been tapped. He denied, however, that he went to BWI because he was trying to avoid any FBI agents who might be waiting for him at National.

Delta Airline records show that at 5:31 p.m. Judge Hastings made a reservation on flight 237 departing BWI at 6:30 p.m. for Miami with an intermediate stop in Fort Lauderdale. There is a handwritten notation on Judge Hastings' ticket crossing out Fort Lauderdale as his destination and substituting Miami. However, Judge Hastings got off the plane when it stopped in Fort Lauderdale. At the Fort Lauderdale airport, Judge Hastings rented a car because he had parked his car at the Miami airport when he left Florida.

Judge Hastings testified at trial that upon arrival in Fort Lauderdale, he went to his mother's house and then proceeded to the home of Ms. Williams. In his FBI interview on October 9, 1981, however, he stated that he called his mother from the airport and drove directly to the home of Ms. Williams, without first seeing his mother. Judge Hastings testified that he arrived at Ms. Williams' home between 9:30 and 10:00 p.m. and told her to expect a visit from FBI agents. At about midnight, two FBI agents showed up and interviewed Judge Hastings for two hours. They testified that they had gone to Ms. Williams' home on the chance that Judge Hastings might be there.

FBI Agent John Simmons testified that when Mrs. Hastings was interviewed by the FBI on the night of October 9, at about 11:00 or 11:30 p.m., she stated that she had not heard from her son. Judge Hastings testified at trial that he had gone home and that if his mother had told the FBI that she had not heard from him, it was because she had had too much to drink. Both Judge Hastings and his mother denied that she had been instructed to tell the FBI that she had not heard from him. Mrs. Hastings testified at trial that Judge Hastings came to the apartment and she gave the FBI Ms. Williams' telephone number when an agent called later that night.

When Judge Hastings was interviewed by the FBI at Ms. Williams' home, he denied

any involvement with Mr. Borders in a bribery conspiracy. He stated that he did not believe he had ever discussed the *Romano* case with Mr. Borders. With respect to his abrupt departure from Washington, D.C., Judge Hastings said he went home because he believed he could better defend himself against allegations while on "his own turf." He later testified at trial that he departed immediately because of the telephone calls he made from the hotel to his mother and Ms. Williams. When interviewed by the FBI on October 9, 1981, Judge Hastings did not mention any telephone calls.

On Monday, October 12, 1981, three days after Mr. Borders' arrest, at 6:38 a.m., a person placed a telephone call from Judge Hastings' home telephone number (305-731-8176) to William Borders' home telephone number (202-398-6321). The call lasted two minutes. No recording of the conversation was made because the wiretap was no longer in effect.

On October 14, 1981, Ms. Williams wrote to Judge Hastings and told him that she felt "pride and joy as well as horror" as a result of their telephone conversation on Friday, October 9th, when Judge Hastings called her "from Baltimore" and indicated that he wanted her legal assistance in confronting allegations of bribery which Judge Hastings has just learned were being directed against him.

5. Contacts Between Judge Hastings and William Borders

As the *Romano* case proceeded, there was a series of telephone calls between Judge Hastings and Mr. Borders, which are documented through toll records. Judge Hastings also testified to two additional calls from Mr. Borders. While the content of these calls is not always known, there is a synchronization of contacts between Mr. Borders and Judge Hastings relative to significant documented events in the *Romano* case. As the Eleventh Circuit Investigating Committee observed, the telephone contacts between Judge Hastings and Mr. Borders were often of brief duration, sometimes at odd hours and on at least one occasion from and to a pay phone.

Analysis of these contacts reveals that most of the known calls occurred on or close to days on which (a) Judge Hastings had motions in the *Romano* case under active consideration, (b) Judge Hastings held hearings relating to the Romano's forfeiture or sentencing matters, or (c) William Borders was negotiating about the payment of a bribe. The available telephone records for Judge Hastings and Mr. Borders, and Mr. Borders' office message logs reflect only eight other telephone contacts from January through October 1981. Specifically:

1. On February 20, 1981, the day of the forfeiture hearing, Judge Hastings called Mr. Borders early in the morning. The call lasted three minutes.

2. On April 9, 1981, the day after the last memoranda relating to the forfeiture issue were filed, Judge Hastings called Mr. Borders' office. He left a message for Mr. Borders to call and said he would be "at his office between 12 and 1." At 12:15 p.m. a call was placed from a pay phone in the corridor of the third floor of the federal courthouse in Miami, Florida near Judge Hastings' chambers to a pay phone in the lobby of the federal courthouse in Washington, D.C. The call lasted one minute or less and was charged to Judge Hastings' residence. At about the same time, Mr. Borders' secretary made a reservation for Mr. Borders to fly to Miami the following weekend. This call was made within a day or two of them when the intermediary relayed Mr. Dredge's message to the Romanos that there was a Washington, D.C. lawyer who might be able to help them with their case.

3. Judge Hastings called William Borders three times within a few days of April 23, 1981, the date the parties were advised the Romanos sentencing was scheduled for May 11, 1981.

4. On May 4, 1981, the day Judge Hastings entered his ordered compelling forfeiture, he called Mr. Borders during a morning recess and left a message that he would be awaiting Mr. Borders' call between 12:00 and 1:00 p.m.

5. Judge Hastings called Mr. Borders four times between the call on May 4 and the scheduled time of sentencing on May 11, 1981 at 1:00 p.m.: once after midnight on May 6 from Madison, New Jersey; once on May 7 at 4:30 p.m. when Judge Hastings left a message for Mr. Borders to call him at 7:00 a.m. the next morning; and twice before 7:00 a.m. on May 11. Two of the calls (on May 7 and May 11) were to the home of Mr. Borders' girlfriend. On May 11, Judge Hastings postponed sentencing. One of the three documented calls lasted less than two minutes; the two others less than one minute each.

6. Judge Hastings sentenced the Romanos on July 8, 1981. On July 5, 7 and 9, Judge Hastings called Mr. Borders. The July 5 and 7 calls each lasted less than one minute. On July 9, Judge Hastings left a message for Mr. Borders. The following weekend Mr. Borders met Judge Hastings in Miami.

7. On September 10, 1981, the same day that Mr. Borders arranged a September 12 meeting with Mr. Rico, there were calls back and forth between Judge Hastings and Mr. Borders. The calls occurred both before and after the Borders-Rico meeting had been arranged.

8. On September 11, 1981, the day before Mr. Borders was to meet Mr. Rico, Judge Hastings called Mr. Borders twice.

9. On September 20 or 21, 1981, Mr. Borders called Judge Hastings which was during the 10 day period before the order was to issue.[7]

10. On October 2, 1981, after telling Mr. Rico that he would check on the promised order vacating the forfeiture order, Mr. Borders called Judge Hastings' chambers and asked to speak with Judge Hastings.

11. On October 4, 1981, Mr. Borders called Judge Hastings' residence and left a message for the judge to call.[8]

12. On October 5, 1981, Judge Hastings told his law clerk to get the *Romano* order out that day. At 5:12 p.m. that day, Judge Hastings called Mr. Borders.

13. On October 8, 1981, Judge Hastings called Mr. Borders and arranged to stay at the same hotel when he came to Washington, D.C. on October 9, 1981.[9]

6. Pre-Trial Proceedings

Following William Borders' arrest on October 9, 1981, a subpoena was served on the chambers of Judge Hastings, seeking appointment calendars, telephone logs, and other records. The requested documents were turned over to the FBI at the time of the service of the subpoena.

William Borders was released from jail on Saturday, October 10, 1981. The items subpoenaed from Mr. Borders' office on October 9, 1981, were turned over on October 13, 1981. At least two items from Mr. Borders' office were missing: a telephone message slip for September 9, 1981 and the secretary's desk calendar from September 1981.

On October 13, 1981, a grand jury began hearing evidence, a process it concluded on October 21, 1981. On December 29, 1981, an indictment was returned against Mr. Borders and Judge Hastings charging both with conspiracy and obstruction of justice.[10]

On January 4, 1982, the case was assigned to Judge Edward T. Gignoux, then Chief Judge of the United States District Court for the District of Maine, sitting by designation. He ordered reciprocal discovery, which called for each of the parties to produce for the other side those documents it intended to rely upon at trial. The prosecution produced its documents on January 19, 1982, including the tapes of the intercepted telephone calls between Judge Hastings and Mr. Borders. The defense produced its materials on February 12, 1982. Judge Hastings did not at that time produce any letters or drafts of letters about or to "Hemp" as referred to in the critical October 5, 1981 conversation.

On February 1, 1982 Judge Hastings filed suit to enjoin his prosecution on the ground that a sitting federal judge had to be impreached before a prosecution could proceed. Although this position was eventually rejected,[11] his criminal case was stayed pending the outcome of the litigation, thereby prompting Judge Gignoux to sever Judge Hastings' trial from that of Mr. Borders.

Mr. Borders was tried in Atlanta, Georgia from March 22 until March 29, 1982. Neither Mr. Borders nor Judge Hastings testified. The theory of Mr. Border's defense was that there was insufficient evidence of a conspiracy with Judge Hastings. Mr. Borders argued that although the evidence may have been compelling that he solicited and took a bribe on behalf of the judge, there was insufficient evidence that he had acted in concert with Judge Hastings.[12] The jury convicted Mr. Borders on all counts on March 30, 1982. Mr. Borders appealed, contesting the introduction of certain evidence supporting a finding that there was a conspiracy, specifically the evidence tending to show that Judge Hastings had fled Washington, D.C. after he had learned of Mr. Borders' arrest. The United States Court of Appeals for the Eleventh Circuit concluded that the evidence of flight was sufficient to support a finding that Judge Hastings had conspired with William Borders and affirmed the conviction.[13]

Judge Hastings and his attorneys undertook to prepare his defense. In addition to having one of the defense attorneys attend Mr. Borders' trial as an observer, thereby enabling the judge to gain a preview of the Government's evidence against him, the defense team immediately reviewed the taped conversations.

On January 25, 1982, Hemphill Pride was interviewed by Judge Hastings in Columbia, South Carolina. Judge Hastings' principal attorney at that time, Joel Hirschhorn, was concerned about his client meeting alone with Mr. Pride and therefore arranged for a local attorney, Jack Swerling, to attend the session. When the conference concluded, however, Mr. Pride insisted on driving Judge Hastings to the airport. During that trip, Judge Hastings told Mr. Pride it was important for Mr. Pride to recall that the judge was trying to draft support letters for him. When Mr. Pride told the judge that he knew of no such attempts and, if he had, he would have stopped any such efforts, Judge Hastings replied that Mr. Pride would not have had to know about it. Mr. Pride refused to endorse Judge Hastings' suggestion

and disavowed any connection with the letters.

Following the Court of Appeals' rejection of his challenge to the prosecution, Judge Hastings' case was set for trial. Approximately one month before trial, on December 13, 1982, Judge Hastings (now represented only by himself and Patricia Williams) for the first time disclosed to the prosecution the "Hemp letters," which consisted of three yellow legal pad sheets, comprising three handwritten letters, one addressed to Hemphill Pride, and the other two addressed generally to friends and supporters from whom Judge Hastings was requesting either financial assistance for Mr. Pride or letters of support to be sent to the South Carolina Supreme Court, to be used to assist Mr. Pride in gaining readmission to the South Carolina bar.

The prosecution submitted the letters to forensic experts in an attempt to date the creation of the letters. The Committee did so as well. None of the forensic experts, however, could date the papers. The paper and ink employed were such that it was impossible to conclude when the letters were written. Likewise, tests to reveal impressions on the paper other than the visible writing revealed nothing that could date the papers.

B. JUDGE HASTINGS' FALSE TESTIMONY AT TRIAL

Judge Hastings' criminal trial, conducted in Miami, Florida, began on January 19, 1983 and continued for 12 days. Judge Hastings took the stand as the final witness in his defense. During his testimony, Judge Hastings testified falsely in 14 different instances. Three instances of false statements pertain directly to Judge Hastings' testimony that he did not participate in a conspiracy with William Borders: (1) Judge Hastings' assertion that he and Mr. Borders did not agree to solicit a bribe from the Romanos; (2) Judge Hastings' assertion that he and Mr. Borders did not agree that Judge Hastings would modify the Romanos' sentences from a person term to probation in exchange for the bribe; and (3) Judge Hastings' assertion that he and Mr. Borders had never agreed that Judge Hastings would set aside the May 4, 1981 forfeiture order after a payment on the bribe.

The 11 other instances of false testimony pertain to Judge Hastings' attempt to explain away specific incriminating evidence. Judge Hastings knowingly testified that:

1. He expected to meet William Borders at the Fontainebleau hotel on September 16, 1981.

2. He was surprised by Mr. Borders' arrival at his room at the Sheraton Hotel on September 12, 1981.

3. On October 5, 1981, he told his law clerk to prepare the order in the *Romano* case primarily because the law clerk would be leaving his employment shortly.

4. His October 5, 1981 telephone conversation with William Borders was about writing letters for Hemphill Pride rather than about the conspiracy to solicit a bribe in the *Romano* case.

5. The "Hemp letters" were written on October 5, 1981, when, in fact, they were fabricated by Judge Hastings after that date in an effort to conceal his participation in the bribery scheme.

6. On May 5, 1981 he talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

7. On August 2, 1981 he talked to Hemphill Pride by placing a telephone call to 803-782-9387 in Columbia, South Carolina.

8. On September 2, 1981 he talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

9. The telephone number 803-777-7716 was the number at a place where Hemphill Pride could be contacted in July 1981.

10. On the afternoon of October 9, 1981, he called his mother and Patricia Williams from his room at the L'Enfant Plaza Hotel.

11. He took a plane from BWI rather than National because he did not think there were direct flights to Miami from National at that time.

FOOTNOTES

[1] 648 F.2d 367 (5th Cir. 1981).

[2] This figure appeared in the committee report; however, it was in error. The correct figure is $1,162,016.

[3] 654 F.2d 339 (5th Cir. 1981).

[4] The day before setting up his initial meeting with Mr. Rico, Mr. Borders told both Judge Hastings and their friend Jesse McCrary that he intended to be in Florida for the weekend.

[5] This figure appeared in the committee report; however, it was in error. The correct figure is $1,162,016.

[6] The FBI's decision to arrest Mr. Borders immediately rather than let the money go was based in part on a belief that the money would not go directly to Judge Hastings, but instead would first be "laundered." The $25,000 that was paid to Mr. Borders on September 12, 1981 was never found. The Government eventually recovered $25,000 from Mr. Borders in a civil suit.

[7] This call is not documented by phone records; however, Judge Hastings testified to the call at trial.

[8] This call is also not documented in the phone records; however, Judge Hastings testified to it at trial.

[9] *See* Appendix I to the Subcommittee Hearings at p. 199 n. 47.

[10] Mr. Borders was also charged with two counts of interstate travel to carry out the bribery scheme.

[11] *United States* v. *Hastings*, 681 F.2d 706 (11th Cir. 1982).

[12] *United States* v. *Borders*, 693 F.2d 1318, 1319 (11th Cir. 1982).

[13] *Id.*

[In the Senate of the United States Sitting as a Court of Impeachment]

In re Impeachment of Judge Alcee L. Hastings

RESPONSE TO MOTION TO DISMISS ARTICLE XVII

Article XVII charges Judge Hastings as follows:

Judge Hastings, who as a Federal judge is required to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did through—

(1) a corrupt relationship with William Borders of Washington, DC.;

(2) repeated false testimony under oath at Judge Hastings's criminal trial;

(3) fabrication of false documents which were submitted as evidence at his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Respondent asserts that this Article should be dismissed for two reasons. First, he claims that the article is fatally flawed because it "fails to allege a separate 'high crime or misdemeanor' within the meaning of the Constitution." [1] Second, he claims that since sections (1) through (3) of the Article restate the accusations found in the first fifteen Articles, they should be stricken for the reasons set forth in his Motion to Dismiss with respect to those articles, leaving only section (4), which, he asserts, should be dismissed as redundant of Article XVI.[2] The response of the Managers to Respondent's second argument is set forth in Managers' Response to Motion to Dismiss Articles I through XV.

With respect to his first contention, Respondent's claims are both factually and legally inaccurate: his description of the substance of Article XVII ignores its important differences from the preceding articles, and his recitation of the Congressional precedents supporting this form of article is erroneous. More importantly, Respondent fails to understand, or even acknowledge, the import of articles of impeachment which do not merely set forth one or more impeachable offenses, but which assert that a course of behavior involving several forms of misconduct has damaged the body politic. Viewed in this context, it becomes apparent why such omnibus articles have been adopted and have formed the basis for all the impeachment convictions in the twentieth century.

In the American experience, a total of only five persons, all of them judges, have been impeached and convicted by the Congress. Three of those men (Judges Archbald (1912-1913), Ritter (1933-1936) and Claiborne (1986)) were tried and convicted on so-called "omnibus" articles of impeachment.[3]

Thus, in every impeachment trial in this century which resulted in conviction, the Senate has convicted on an article that included several acts of misconduct, including acts that were separately alleged in other articles.[4] Respondent's assertion that such precedents "have no real consequences" when the respondent is also found guilty on other articles misses the point, since a conviction on the "omnibus" article is a recognition by the Senate that such a formulation of charges is proper, and that the pattern of behavior alleged therein is a separate basis for removing the official from office.

In the impeachment of Judge Robert W. Archbald, the final article charged generally that as a district court judge, Archbald had used his office "wrongfully to obtain credit," and as commerce court judge, that he had used his office to affect "various and diverse contracts and agreements," in return for which he had received hidden interests in those contracts, agreements and properties. In the preceding articles, these charges had been specified and set forth separately.[5] The Senate found Archbald guilty of the charges in five of the thirteen articles, including the catch-all thirteenth.[6]

With respect to Judge Halsted Ritter, his acts of misconduct were pleaded in the final article of impeachment primarily by cross-reference to the preceding articles. Moreover, the cumulative effect of his conduct was specified:

". . . the reasonable and probable consequence of the actions or conduct of Halsted Ritter, hereunder specified or indicated in this article, since he became judge of said court, as an individual or as such judge, is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge." [7]

Objections similar to those raised in Judge Hastings' Motion to Dismiss were raised by Judge Ritter and rejected by the Senate. First, Ritter argued that the omnibus article should be stricken because the rules of both criminal and civil pleading were violated by combining separate and distinct offenses.[8] Second, Judge Ritter asserted that when the Senate voted on the omnibus article, it would have already voted on the previous articles, and

". . . it is contemplated that the votes of the Senate upon . . . all the preceding articles, shall be single, definite, and final, and that they shall not be presented again in a massed, cumulative, collective arrangement in the final article . . . Such an arrangement is decidedly unjust to the respondent. The single, separate, and final vote upon the preceding articles should end those articles, and they should not be voted upon again in the final catch-all arrangement of article VII.

"The object and purpose of such an arrangement can be but to cumulate adverse votes, if any, upon prior articles, with the hope that the cumulative or collective arrangement may be sufficient to sustain those articles in the vote upon the final article . . ."[9]

The Managers for the House of Representatives argued that neither criminal nor civil rules of pleading applied, and, more importantly, that the omnibus article was a separate charge in that it alleged a course of behavior more damaging than individual acts of misconduct. The article, it was argued, raised

". . . a substantial doubt as to [Judge Ritter's] judicial integrity . . . . We contend that this is the highest crime which a judge can commit on the bench. *It is not whether he did this thing, that thing, or the other thing, but whether or not the sum total of the things he has done has made the people doubt his integrity as a judicial officer.*" (emphasis added)[10]

The Senate acquitted Judge Ritter on each of the first six articles, but found him guilty only of the omnibus article. A point of order was raised that the conviction was improper because of the acquittal on the substantive charges of the preceding articles. The point of order was overruled by the Chair, the Chair stating, "A point of order is made as to Article VII in which Respondent is charged with general misbehavior. It is a separate charge from any other charge."[11]

In the same sense, Article XVII herein is a charge separate and distinct from the preceding articles. Indeed, in the present proceeding, an even stronger case can be made that the omnibus article is a separate charge. Although it generally pertains to conduct that is also alleged in the preceding articles, Article XVII does not merely refer to those articles, but sets forth specific conduct which has undermined confidence in the Federal judiciary.

This recitation of conduct in Article XVII differs in several respects from that described in the previous articles. Section (1) would require only a finding of a corrupt relationship with William Borders, without necessarily making findings with respect to the details set forth in the preceding articles. Likewise, section (2) refers generally to "repeated false testimony." Section (3) relating to the charge that Respondent fabricated false documents is not set forth in the previous articles. Section (4), alleging improper disclosure of confidential information, describes impeachable conduct without the detail set forth in Article XVI.

The "omnibus" article further states that this conduct violated Respondent's responsibility as a Federal judge "to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially. . . ." This special duty and standard of Federal judges is at the heart of the omnibus article. In explaining the purpose of such an article in the Claiborne case, Manager Peter Rodino stated:

". . . The allegations of article IV rest on the same evidence adduced in support of articles I, II, and III. . . Conviction on article IV, however, rests on a separate and compelling legal theory, which has roots deeply embedded in the impeachment power. In 1936, the Senate convicted Judge Halsted L. Ritter of bringing disrepute upon the Federal judiciary that he had been chosen to represent.

* * * * *

"As Members of this body have recognized in prior judicial impeachments, the judges of our Federal courts occupy a unique position of trust and responsibility in our system of government: They are the only members of any branch who hold their office for life; they are purposely insulated from the immediate pressures and shifting currents of the body politic. But with this special prerogative of judicial independence comes the most exacting standard of public and private conduct."[12]

As in previous impeachments resulting in conviction, the final article in this case alleges general misconduct resulting in the undermining of the Federal judiciary. Although in the instant case, each act of misconduct individually constitutes reprehensible behavior totally at odds with continued service as a Federal judge, the gravamen of Article XVII is that the sum total of the individual acts is destructive to the judiciary. History attests to the fact that a pattern of misconduct is a separate basis for conviction and removal from office.

Accordingly, for the reasons set forth above, and in the Managers' Response to Respondent's Motion to Dismiss Articles I through XV, the Managers of the House of Representatives respectfully request that the Motion to Dismiss Article XVII be rejected.

Respectfully submitted, The U.S. House of Representatives.

By Alan I. Baron, Special Counsel to the House Managers.

Managers of the House of Representatives: Jack Brooks; John Conyers, Jr.; Mike Synar; John Bryant; Hamilton Fish, Jr.; George W. Gekas.

Impeachment Trial Staff: Alan I. Baron, Special Counsel; Janice E. Cooper, Assistant Special Counsel; Patricia Wynn, Assistant Special Counsel; Lori E. Fields, Assistant Special Counsel;

House Judiciary Committee Staff participating in impeachment trial preparation: William M. Jones, General Counsel; Alan F. Coffey, Jr., Chief Associate Counsel; Daniel M. Freeman, Counsel; Peter Levinson, Associate Counsel; Raymond V. Smietanka, Associate Counsel.

FEBRUARY 24, 1989.

FOOTNOTES

[1] Motion to Dismiss Article XVII, at 1.

[2] Id. at 8-9.

[3] Neither of the other two convicted officials, Judge Pickering (1804) and Judge Humphreys (1862) was tried on an omnibus article.

[4] Respondent is mistaken when he asserts that Judge Archbald was acquitted. See Motion to Dismiss Article XVII, at 5: "The practice [of exhibiting a culminating article] had no real consequence in the *Archbald* and *Claiborne* impeachments; *Archbald* was acquitted in any event and *Claiborne* was convicted on other counts." In fact, both Judge Archbald and Judge Claiborne were convicted on a "culminating" article as well as other articles. Congressional Record, Senate Proceedings, 62d Cong., 3d Sess., Janaury 13, 1913, at 1623-1647 (hereinafter "Archbald Proceedings") Proceedings of the United States Senate, 99th Cong., 2d Sess., S. Doc. 99-48, at 291-298 (hereinafter "Claiborne Proceedings.")

[5] Archbald Proceedings, supra.

[6] Id.

[7] Congressional Record, Senate Proceedings, 74th Cong. 2d Sess., March 31, 1936, at 4655 (hereinafter "Ritter Proceddings.")

[8] Id. at 4657.

[9] Id. at 4658.

[10] Id.

[11] Ritter Proceedings, supra, at 637-38.

An analysis of the actual votes on the Ritter Articles of Impeachment does not support Respondent's claim here that a "culminating article," as he terms it, permitted an accumulation of guilty votes in that case. Respondent claims that Judge Ritter was convicted on the omnibus article because the "votes of those who thought him guilty of one or more were permitted to cumulate in the seventh. . . ." In fact, the vote to convict Judge Ritter on the final Article of Impeachment was only one vote greater than that on the first article, and a total of only three votes changed from the vote on the first article: one Senator who had voted not guilty on all the other articles voted to convict on this article, and two other Senators reversed their votes from the first article. Thus, there was no "cumulation" of guilty votes from other articles.

Likewise, the voting record in the Archbald and Claiborne impeachments shows no evidence of actual cumulation of guilty votes. Archbald and Claiborne Proceedings, *supra.*

Whatever the actual voting history in a particular impeachment, however, the fact remains that Article XVII in this case is not a mere repetition of the previous articles. Rather, conviction on the omnibus article reflects a determination that two-thirds of the Senate finds that Respondent's pattern of conduct constitutes "general misbehavior" which justifies removal from office.

[12] Claiborne Proceedings, supra at 122.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I wish to deliver a few words in memory of Norris Cotton who served in this body for 20 years and who departed this life on February 24, at the age of 88 years.

Senator Cotton's funeral was held today in Lebanon, NH. I and my colleague, Senator RUDMAN, attended the church, and not surprisingly, it was filled to capacity, with all types of citizens from the most humble to the most famous, including former President Nixon, who entered Congress

with Norris Cotton in the House of Representatives in 1946, and who counted Norris Cotton as one of his close friends and allies through all of the years.

Senator Cotton had already retired from this body when I first met him. In fact this Senator was mounting his very first campaign for the U.S. Senate when I went to see him in his office in Lebanon in the western part of our State. Before I called for an appointment, Senator Cotton had never heard of me; and never met me. Neither had nearly anyone else in New Hampshire. But he readily agreed to see me and was very courteous and generous with his time. He even insisted that I sit in the very chair which he had occupied on the floor of the U.S. Senate. As the Presiding Officer knows, under the rules, when a Senator leaves this august body he is permitted to take with him the chair which he occupied on the floor. And Senator Cotton had installed that chair in his office in Lebanon, NH.

When I went to visit him, he insisted that I sit in that chair and it was quite an inspiration and encouragement to this fellow named HUMPHREY who was undertaking what most thought to be an impossible quest.

But that it turns out was typical of Norris Cotton—courteous, kind, and totally unimpressed with himself, a most unprepossessing gentleman. And so, thanks to the kindness of Norris Cotton, who must have thought I had a snowball's chance in hell of winning election in my first try, I sat in one of these Senate chairs some 9 months or so before I was actually elected to this body. I liked the feel of it; it gave me encouragement.

As I came to know Norris over the years, I learned that such kindness and considerateness were his hallmarks. He was a man totally lacking in hauteur, totally unimpressed with his position and fame.

In the long history of the United States, few men have served with more distinction or accomplished more on behalf of the people of their State or their country, than did Norris Cotton.

The former Senator from New Hampshire, a man who for 20 years sat at the Daniel Webster desk, which this Senator now has the privilege to occupy, believed by many to be the greatest of all Senators.

I rise today to remember him, not merely because he was my predecessor in serving the people of the great State of New Hampshire, not merely for his accomplishments, but as an example of public service to which all can look for inspiration.

Norris Cotton served in the Senate from 1954 to 1974. But he began his public service career long before that, in fact before most of those now serving in this body were born. It was in 1922, before his 23d birthday, that Norris Cotton was elected to his first political office, as a State representative from Warren, NH.

A year later he became president of the Republican State convention, the youngest person ever to be so honored. During his first term he backed a bill that created the University of New Hampshire.

This interest in education was to be a lifelong focus of his considerable energies.

Norris Cotton came to Washington for the first time in 1925 as an aide to Senator George Moses.

At the same time he studied law at George Washington University, earning his law degree in 1928 which he put to use, moving back to Concord, NH, to practice law. He served two terms as the Grafton County attorney from 1933 to 1939, before being elected as judge of the Lebanon Municipal Court. In 1942, Norris Cotton won election to the State legislature again, 2 years later becoming speaker of the house.

During Cotton's tenure as speaker, the Old Man of the Mountain and "Live Free or Die" became the State's symbol and motto, and the legislature created the State retirement system.

It was in 1946 that Speaker Cotton returned to Washington as Congressman Cotton, elected by the people of his district to fill the seat vacated by Sherman Adams when he became Governor.

Norris Cotton served four terms in the House before winning a special election to fill the remaining term of the late Senator Charles W. Tobey. Senator Cotton went on to win three full terms finally retiring in 1974.

In the Senate his interests were many but his passions limited to a few vital issues. As the ranking minority member of the Commerce Committee, he played an important role in legislation dealing with aviation transportation, consumer protection, and telecommunications. As the ranking Republican on the Appropriations Committee he focused on labor, health, education, and welfare.

Norris Cotton's proudest achievement was in the field of health care. When he learned that New Hampshire and Vermont had one of the highest cancer rates he worked quickly to get the money to build a treatment center. "I thought we were having a lot of deaths because you didn't have centers available where they could catch cancers in time," he was quoted saying. He was able to get $3 million to build what became the Norris Cotton Cancer Center in Hanover at Dartmouth College.

He later called the construction of the center "the one thing I accomplished during my 30 years in Washington that gives me the most satisfaction." Of course, Senator Cotton did plenty more for the people of New Hampshire: For example, because of his tireless work on their behalf an air traffic control center was built in Nashua, and import quotas on home heating oil were lifted. He also played an essential role in the drafting of the 1970 Merchant Marine Act.

Senator Cotton had a delightful sense of humor, one which still remains legendary in Washington to this day. One of his many quips comes to mind: Long after he retired from the Senate he was quoted describing the parsimonious mood of his colleagues. "The boys," as he referred to his Senate colleagues, "are in such a mood that if someone introduced the 10 Commandments, they'd cut them down to 7."

After the many long speeches honoring him at his retirement, Senator Cotton rose to respond, with the humor so typical of him: "I remember in my youth it took me some 20 years to learn to make a speech, and then it took me about 40 years more to learn not to make a speech."

There are a lot of wonderful stories about Norris Cotton in the Senate even to this day.

He once left his hospital bed to vote on a tax reform amendment. Another time he left a State dinner at the White House and came to the Senate floor in his tuxedo to debate a water quality control bill.

Some of the best stories, however, are about the force of his presence on the floor during debates. Our former colleague, Charles Percy once said;

> When Norris Cotton spoke on the floor everyone listened, for if Norris Cotton felt impelled to speak, then he had something worth listening to.

One time he literally forced a Senator who opposed him off the floor with the power of his remarks.

Senator Cotton was an ardent fiscal conservative displaying the Yankee frugality for which our State is so famous. He frequently opposed new Federal spending as a solution for societal ills.

It was not that he was insensitive or uncaring about problems of our country, but that he knew that Federal intervention seldom can make a positive difference and frequently makes the problem worse.

As always, he did so in plain-talking language that made clear what he meant. In his 1978 memoirs, "In the Senate," he explained his conservative ideology in this way.

> The combined voices of all the politicians in Washington and elsewhere are as a mere whisper compared with the thunderous propaganda put out by the visionaries pointing the way to utopia by means of more Federal programs.
>
> The fallacy of their approach is the ingrained belief that any human ill can be cured by applying gobs of money, just as our grandmothers used to slap a mustard

plaster on our chests for any symptom of whatever nature.

That was Norris Cotton, simple, direct, honest, and in most cases right.

Perhaps it was this political philosophy, his opposition to the ever-expanding Federal bureaucracy, that earned him a special place in the heart of one of the other great leaders of this body, and of this country, Senator Barry Goldwater. At the time of Senator Cotton's retirement in 1974, Senator Goldwater rose to honor him and acknowledged:

It was Norris who did more than any one Member of the Senate to induce me to run for the Presidency in 1964, and no one served that campaign with more ardor and devotion than he did.

So, for all that we have to be thankful to Norris Cotton for, we can also thankfully remember that it was Senator Cotton's influence that helped launch the conservative resurgence in America, and ultimately led to the candidacy and Presidency of Ronald Reagan.

It is for this reason and so many others that when I think of Norris Cotton that this maxim comes to mind: "A politician thinks of the next election; a statesman thinks of the next generation." Norris Cotton was a statesman.

I will miss him and I know a great many of my colleagues and all of the citizens of the State of New Hampshire will miss Norris Cotton.

Finally, Mr. President, I would close by taking note of the irony that today at the very hour his friends and colleagues gathered to honor him in a memorial service in a church in Lebanon, NH at that very hour the Senate and the House were gathering in joint meeting to commemorate the 200th anniversary of the first meeting of the Congress.

That is an interesting coincidence. It is an interesting coincidence that that event should take place during the funeral of Norris Cotton, one of the great giants of the Senate in this century.

Mr. President, I yield the floor.

PROGRAM

Mr. MITCHELL. Mr. President, on tomorrow it is my intention to have the Senate come in at 10 a.m. Following time for the two leaders there will be a period for morning business not to extend beyond 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

At 10:30 a.m. the Senate will go into executive session to continue debate on the Tower nomination. Should the Pickering nomination be available for floor consideration on tomorrow it is my intent to seek consent to consider that nomination.

Senators should therefore be on notice that a rollcall vote on the Pickering nomination is possible tomorrow.

I would also like to indicate to my colleagues that should a vote be scheduled on the Pickering nomination it is my hope to schedule it as early as possible tomorrow in view of my earlier statements regarding no rollcall votes after 3 p.m. on Fridays.

ORDERS FOR TOMORROW

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock in the morning on Friday, March 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I ask unanimous consent that, following the time for the two leaders, there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TOWER NOMINATION

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 10:30 a.m., the Senate go into executive session to resume deliberation on the Tower nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 10 a.m. tomorrow.

Thereupon, the Senate recessed at 7:39 p.m. until tomorrow, Friday, March 3, 1989, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 1, 1989, after the recess of the Senate, under authority of the order of the Senate of January 3, 1989:

DEPARTMENT OF STATE

JOHN D. NEGROPONTE, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

IN THE AIR FORCE

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

EUGENE A BEARDSLEE, xxx-xx-xxxx
DIANA BERG, xxx-xx-xxxx
ANTHONY L. BLAYLOCK, xxx-xx-xxxx
SEAN P. CALLAHAN, xxx-xx-xxxx
STEVEN J. CHIHOS, xxx-xx-xxxx
ROBERT A. CREWS, xxx-xx-xxxx
JAMIE A. DAMSKER, xxx-xx-xxxx
MARK D. EICHELBERGER, xxx-xx-xxxx
ERIC R. ELAM, xxx-xx-xxxx
TIMOTHY W. FARQUHAR, xxx-xx-xxxx
KENNETH B. FLOYD, xxx-xx-xxxx
MICHAEL S. GODWIN, xxx-xx-xxxx
MICHAEL S. GUDAITIS, xxx-xx-xxxx
DANIEL J. HARTIGAN, xxx-xx-xxxx
MARK R. HERBST, xxx-xx-xxxx
BRADFORD E. HOUSER, xxx-xx-xxxx
WILLIAM C. KELLY III, xxx-xx-xxxx
MICAHEL J. KELVIN, xxx-xx-xxxx
ROBERT J. KEPPLER, xxx-xx-xxxx
KEITH E. LEWIS, xxx-xx-xxxx
LEE H. MARSH, JR., xxx-xx-xxxx
ALISON F. MCCOY, xxx-xx-xxxx
SHAUN P. MCMANINMON, xxx-xx-xxxx
KATHYLEEN M. PARE, xxx-xx-xxxx
EDWARD M. RIVERA, xxx-xx-xxxx
KEVIN J. ROBBINS, xxx-xx-xxxx
GERALD D. RUGG, xxx-xx-xxxx
GLENN P. SMITH, xxx-xx-xxxx
CLIFFORD B. STANSELL, xxx-xx-xxxx
CECIL B. STINE, xxx-xx-xxxx
CURTIS G. TENNEY, xxx-xx-xxxx
EDWARD A. VETOCK, xxx-xx-xxxx
LARRY K. WATERS, xxx-xx-xxxx
THOMAS D. WHITE, JR., xxx-xx-xxxx
THOMAS G. WOJSZYNSKI, xxx-xx-xxxx
FLOYD J. WYGANT, II, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593 AND 3353:

MEDICAL CORPS

To be colonel

BRAM H. BERNSTEIN, xxx-xx-xxxx
STEPHEN M. CREEL, xxx-xx-xxxx
JOHN W. EDWARDS, JR., xxx-xx-xxxx
LEWIS M. FLINT, xxx-xx-xxxx
WILLIAM P. HALL, xxx-xx-xxxx
RICHARD S. LASKIN, xxx-xx-xxxx
EDWARD H. MILLER, xxx-xx-xxxx
THOMAS P. MONATH, xxx-xx-xxxx
THOMAS R. TAYLOR, xxx-xx-xxxx
EDWARD J. ZENNI, JR., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

JEFFREY N. BLOOM, xxx-xx-xxxx
JOHN F. CLARKE, JR., xxx-xx-xxxx
HARRY C. CRAWFORD, JR., xxx-xx-xxxx
DAVID L. FRIEDMAN, xxx-xx-xxxx
HARVEY R. HATCH, xxx-xx-xxxx
LOUIS C. HUESMANN, II, xxx-xx-xxxx
KYUNG C. KIM, xxx-xx-xxxx
RALPH G. LEIGH, xxx-xx-xxxx
ALEXANDER R. LIM, xxx-xx-xxxx
PHILIP G. LISAGOR, xxx-xx-xxxx
CHARLES R. STANHOPE, xxx-xx-xxxx
LEONCIO B. TENA, xxx-xx-xxxx
JOSEPH WOLODZKO, xxx-xx-xxxx
JAMES R. WOODS, JR., xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be colonel

JOHN M. LONG, xxx-xx-xxxx

To be lieutenant colonel

CLAUDE M. ROUNTREE, xxx-xx-xxxx

To be major

PATRICK MCMAHON, xxx-xx-xxxx
JAMES J. NAGY, xxx-xx-xxxx
* THOMAS E. RIGSBEE, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be lieutenant colonel

* ROBERT H. LANGSTON, xxx-xx-xxxx

CHAPLAIN

To be major

* CHARLES A. DEBNEY, xxx-xx-xxxx

MEDICAL CORPS

To be major

* NICHOLAS J. BATTAFARANO, xxx-xx-xxxx

* ENRIQUE BENIQUEZ, xxx-xx-xxxx
* DEIRDRE CHRISTENBERRY, xxx-xx-xxxx
* ROBERT B. ELLIS, xxx-xx-xxxx
* RONALD C. HILL, xxx-xx-xx...
* DAVID D. MUKAI, xxx-xx-xxxx

DENTAL CORPS

To be major

* PAUL T. L. CHAN, xxx-xx-xx...
* GEORGE W. MCMILLIAN, xxx-xx-xx...

MEDICAL SERVICES CORPS

To be major

* GARY S. MADONNA, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING NAMED FORMER NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

DAVID A. AUSTIN
ANDREW F. GREEN
JEROME A. LOGAN
EDWARD J. MCGINN
CALVIN R. WALLACE
MARCOS A. ZEQUEIRA

THE FOLLOWING MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

JACK D. AMIS
ROGER J. BAGSHAW

THE FOLLOWING FORMER U.S. ARMY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

SHELDON L. WEIDER

IN THE AIR FORCE

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 541 AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DAVID L CLOE, xxx-xx-xx...
JOHN R GRAHAM, III, xxx-xx-xxxx
MARK A HAGLER, xxx-xx-xxxx
BRIAN P MCGOLDRICK, xxx-xx-xxxx
JAMES A RODRIGUEZ, xxx-xx-xxxx
ERIC S ROKKE, xxx-xx-xxxx
ROGER P SURO, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

MICHAEL L. ABBOTT, xxx-xx-xx...
STEPHEN E. ACHTEL, xxx-xx-xxxx
MITCHELL D. ACKERMAN, xxx-xx-xx...
PAUL D. ACKERMAN, xxx-xx-xxxx
HAROLD D. ADAMS, xxx-xx-xxxx
MARCELLA F. ADAMS, xxx-xx-xx...
EDWARD J. ADELMAN, xxx-xx-xxxx
HINKLE JANE A. ADKISON, xxx-xx-xxxx
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IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353(B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

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VINCENT A. WILD, xxx-xx-xxxx
COREY L. WILDER, xxx-xx-xxxx
ERIC T. WILKOWSKI, xxx-xx-xxxx
ALLAN D. WILL, xxx-xx-xx...
LUNNON D. WILLIAMS, xxx-xx-xx...
MARK C. WILLIAMS, xxx-xx-xx...
STEPHEN C. WILLIAMS, xxx-xx-xxxx
TIMOTHY D. WILLIAMS, xxx-xx-xxxx
TRACE S. WILLIAMS, xxx-xx-xxxx
MICHAEL D. WILLIAMSON, xxx-xx-xx...
DANIEL A. WILLSON, JR, xxx-xx-xxxx
CHRISTOPHER S. WILSON, xxx-xx-xxxx
ERIC D. WILSON, xxx-xx-xxxx
GRETCHEN M. WILTSE, xxx-xx-xxxx
JEFFREY T. WIMMER, xxx-xx-xxxx
CHARLES E. WINFREE, xxx-xx-xxxx
TODD A. WINKLER, xxx-xx-xxxx
STEVEN E. WINNER, xxx-xx-xxxx
MICHAEL F. WINTHROP, xxx-xx-xxxx
ERIC C. WINTON, xxx-xx-xxxx
SUSAN R. WOJSZYNSKI, xxx-xx-xxxx
CHRISTOPHER L. WOOD, xxx-xx-xxxx
ROBERT D. WOODS, xxx-xx-xxxx
JOHN G. WORLEY, xxx-xx-xxxx
PAUL WOZNICK, xxx-xx-xxxx
SAMUEL A. WRIGHT, xxx-xx-xxxx
SABINA L. WU, xxx-xx-xxxx
ARTHUR P. WUNDERLE, xxx-xx-xxxx
JAMES E. WURZER, xxx-xx-xxxx
CHRISTOPHER M. WYATT, xxx-xx-xxxx
CHER E. WYNKOOP, xxx-xx-xxxx
RICHARD W. WYNN, xxx-xx-xxxx
TROY YAMAGUCHI, xxx-xx-xxxx
FRANK D. YANNUZZI, JR, xxx-xx-xxxx
STEVE A. YARBROUGH, xxx-xx-xxxx
ANDREW L. YINGST, xxx-xx-xxxx
MARGUERITE J. YOPP, xxx-xx-xxxx
CHRISTOPHER L. YOUNG, xxx-xx-xxxx
DIRK L. YOUNG, xxx-xx-xxxx
RICHARD A. YOUNG, xxx-xx-xxxx
DAVID J. YOUNGDALE, xxx-xx-xxxx
JAE J. YU, xxx-xx-xxxx
CURTIS J. ZABLOCKI, xxx-xx-xxxx
RONALD S. ZALEWSKI, xxx-xx-xxxx
BRYAN J. ZAWIKOWSKI, xxx-xx-xxxx
STEPHEN R. ZEPP, JR, xxx-xx-xxxx
TROY J. ZIEGLER, xxx-xx-xxxx
STEVEN C. ZIOMEK, xxx-xx-xxxx
WILLIAM P. ZUBER, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

HOWARD M. BOWE, xxx-xx-xxxx
CALMAR A. BOYD, JR, xxx-xx-xxxx
RICHARD W. BRIGGS, xxx-xx-xxxx
DONALD E. BUGG, xxx-xx-xxxx
JOHN P. CARRAGHER, xxx-xx-xxxx
DONALD E. CHRISTY, xxx-xx-xxxx
MICHAEL D. CONLEY, xxx-xx-xx...

GREGORY J. DADAK, xxx-xx-xxxx
CECIL L. DORTEN, xxx-xx-xxxx
WALTER M. DUZZNY, xxx-xx-xxxx
VERNON F. FETCH, xxx-xx-xxxx
JERRY L. GORDEN, xxx-xx-xxxx
HORACE S. HARA, xxx-xx-xxxx
RONALD W. HENRY, xxx-xx-xxxx
JOHN W. LIBBY, xxx-xx-xxxx
GLENN A. LILLMARS, xxx-xx-xxxx
OMER E. MANER, xxx-xx-xxxx
JOHN M. MONTGOMERY, xxx-xx-xxxx
NICK M. PIZZUTI, xxx-xx-xxxx
LESTER M. REAKSECKER, xxx-xx-xxxx
RANDAL M. ROBINSON, xxx-xx-xxxx
JAMES E. ROGERS, JR., xxx-xx-xxxx
MICHAEL E. SIMS, xxx-xx-xxxx
JOSEPH J. TALUTO, xxx-xx-xxxx
LARRY D. WEAVER, xxx-xx-xxxx
LAWRENCE L. WEISS, xxx-xx-xxxx
WALTER J. WHITFIELD, xxx-xx-xxxx
JESSE M. WHITTEN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

THOMAS P. MEANEY, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

BRUCE O. BECKMAN, xxx-xx-xxxx
LOUIS J. BLAZEK, III, xxx-xx-xxxx
WALLACE D. BOWLING, JR., xxx-xx-xxxx
EDWARD P. BRADLEY, xxx-xx-xxxx
GEORGE M. CALVERT, xxx-xx-xxxx
EDUARDO DIAZCARABALLO, xxx-xx-xxxx
ROBERT A. DULL, xxx-xx-xxxx
PAUL C. DUTTGE, III, xxx-xx-xxxx
JOHN M. ESPLIN, xxx-xx-xxxx
TIMOTHY G. EVERETT, xxx-xx-xxxx
JAMES P. FARKAS, xxx-xx-xxxx
ROSS T. FLEMING, xxx-xx-xxxx
RICHARD S. GEBELEIN, xxx-xx-xxxx
RALPH GEVINSON, xxx-xx-xxxx
DONALD J. GOLDHORN, xxx-xx-xxxx
JERRY W. GRIZZLE, xxx-xx-xxxx
CHARLES H. HALL, III, xxx-xx-xxxx
HUGH J. HALL, xxx-xx-xxxx
JOHN T. HOFFMAN, xxx-xx-xxxx
JACK L. HOPSTAD, xxx-xx-xxxx
STANLEY G. JACOBS, xxx-xx-xxxx
STANLEY W. JOHNSTON, JR., xxx-xx-xxxx
HERMAN G. KIRVEN, JR., xxx-xx-xxxx
PHILIP C. KNIGHT, xxx-xx-xxxx
PETER C. KUTSCHERA, xxx-xx-xxxx
CHARLES M. LAYE, xxx-xx-xxxx
DENNIS E. LUTZ, xxx-xx-xxxx
RALPH F. LYON, xxx-xx-xxxx
EDWARD E. MATHEWS, xxx-xx-xxxx
JAMES R. MCINTYRE, xxx-xx-xxxx
CONAN L. MILLER, xxx-xx-xxxx
JAMES L. MOORHEAD, xxx-xx-xxxx
CHARLES H. NEWELL, JR., xxx-xx-xxxx
BRADLEY K. OLSON, xxx-xx-xxxx
THOMAS R. OWENS, xxx-xx-xxxx
CECIL A. PEEPLES, xxx-xx-xxxx
JAMES D. PHILLIPS, xxx-xx-xxxx
STEVEN B. RICH, xxx-xx-xxxx
JOHN B. RILEY, JR., xxx-xx-xxxx
MICHAEL C. RINEHART, xxx-xx-xxxx
CHARLES D. SIKES, xxx-xx-xxxx
PHILIP K. STIRN, xxx-xx-xxxx
DAN T. SUDDETH, xxx-xx-xxxx
RAYMOND W. TAYLOR, xxx-xx-xxxx
ROBERT J. VAUGHN, xxx-xx-xxxx
KENNETH R. WADE, xxx-xx-xxxx
RONALD D. YOUNG, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

LAWRENCE E. JOHNSTON, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

MARGARET J. ARRIOLA, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

JAMES G. KINLEY, xxx-xx-xxxx
JOHN I. LAURIDSEN, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

NAMAN X. BARNES, xxx-xx-xxxx
JOSEPH L. BLACK, xxx-xx-xxxx
JERRY L. BUSSELL, xxx-xx-xxxx
JOHN W. CORNELISON, xxx-xx-xxxx
ALVIE L. DORMINY, xxx-xx-xxxx
JON F. GRIBBIN, xxx-xx-xxxx
ROBERT J. HAYES, xxx-xx-xxxx
JOSEPH C. HERB, xxx-xx-xxxx
THOMAS D. KINLEY, xxx-xx-xxxx
FREDRICK C. LYMAN, xxx-xx-xxxx
DONNIE L. MARTIN, xxx-xx-xxxx
GARY D. MAYNARD, xxx-xx-xxxx
DAVID W. PEARSON, xxx-xx-xxxx
CHARLES H. PETERS, xxx-xx-xxxx
RICHARD W. PHOEBUS, xxx-xx-xxxx
DAVID P. RATACZAK, xxx-xx-xxxx
DAVID S. RUGG, xxx-xx-xxxx
RAY A. SCHWIMMER, xxx-xx-xxxx
WAYNE A. SMITH, xxx-xx-xxxx
RONALD J. SPRENGLER, xxx-xx-xxxx
CLARENCE E. SUGGS, III, xxx-xx-xxxx
MARK C. WALSH, xxx-xx-xxxx
EBEN S. WOLCOTT, xxx-xx-xxxx
MORRIS W. WOOD, xxx-xx-xxxx
IRENEUSZ J. ZEMBRZUSKI, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

GARNETT J. LEONARD, xxx-xx-xxxx
DENNIS P. OWENS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

HENRY T. DIXON, xxx-xx-xxxx
JOE E. LETSINGER, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

RICK BACCUS, xxx-xx-xxxx
DANNY W. BOROFF, xxx-xx-xxxx
JOHN W. BRANT, xxx-xx-xxxx
CHERYL A. BROWN, xxx-xx-xxxx
WILLIAM E. COOK, xxx-xx-xxxx
IVONNE CORDEROMURATTI, xxx-xx-xxxx
GEORGE A. CRANE, III, xxx-xx-xxxx
JAMES J. DONELON, III, xxx-xx-xxxx
CHARLES A. DRUMM, xxx-xx-xxxx
WILLIAM E. EATON, xxx-xx-xxxx
WILLIAM D. EVANS, xxx-xx-xxxx
DONALD R. FAIRLEY, xxx-xx-xxxx
MARION M. GLOVER, xxx-xx-xxxx
PHILLIP T. GUSTAFSON, xxx-xx-xxxx
WILLIAM J. HAYESREGAN, xxx-xx-xxxx
TY W. HOLDEN, xxx-xx-xxxx
THOMAS JENKINS, xxx-xx-xxxx
JOHN J. JOHNSON, xxx-xx-xxxx
ROBERT W. KINCH, JR., xxx-xx-xxxx
ROY T. MARTIN, xxx-xx-xxxx
THADDEUS E. MENDENHALL, xxx-xx-xxxx
ARCADIO MORATORRADO, xxx-xx-xxxx
GEORGE D. NIPPELL, xxx-xx-xxxx
JOSEPH R. OLIVA, xxx-xx-xxxx
HAROLD J. PRAZNIK, JR., xxx-xx-xxxx
ARTHUR W. PULKET, xxx-xx-xxxx
DANIEL C. RATHBUN, xxx-xx-xxxx
JOHN R. RUNNER, xxx-xx-xxxx
ROBERT C. SCHARP, xxx-xx-xxxx
GARTH T. SCISM, xxx-xx-xxxx
GEORGE G. SHEPHERD, xxx-xx-xxxx
PHILLIP R. SPEAKE, xxx-xx-xxxx
JOE E. STREET, xxx-xx-xxxx
JERRY W. STRONG, xxx-xx-xxxx
DESKIN D. WATERS, xxx-xx-xxxx
JERRY D. WEBSTER, xxx-xx-xxxx
GEORGE H. WELCH, xxx-xx-xxxx
DARRELL D. WHITE, xxx-xx-xxxx
GARY W. WIDNER, xxx-xx-xxxx
CANNON S. WRAY, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

CARLOS O. GARDNER, JR., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

LOUISE N. RYALS, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

JOSE R. DAVILA-RAMA, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

NORMAN R. BRETHOUWER, xxx-xx-xxxx
EDWARD A. METZ, xxx-xx-xxxx
BROOKS A. MICK, xxx-xx-xxxx
LIONEL F. WILLOUGHBY, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

FREDDIE A. ESPERANZA, xxx-xx-xxxx
FRANCIS M. HENRICH, xxx-xx-xxxx
THOMAS R. SOUTHARD, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

CHARLES W. ACKERMAN, xxx-xx-xxxx
AMON L. BAILEY, xxx-xx-xxxx
FORREST A. BOETTCHER, xxx-xx-xxxx
THOMAS W. CLARK, xxx-xx-xxxx
EDWARD E. ECKART, xxx-xx-xxxx
DENNIS J. FAGAN, xxx-xx-xxxx
GEORGE E. HYDER, xxx-xx-xxxx
EUGENE R. JAKUBOWSKI, xxx-xx-xxxx
RICHARD H. JOHNSTON, xxx-xx-xxxx
LEROY T. LAFORCE, xxx-xx-xxxx
ALLEN R. LEPPINK, xxx-xx-xxxx
INTOSH D. MC, xxx-xx-xxxx
MELVIN W. NELSON, xxx-xx-xxxx
JOSEPH O. NIXON, xxx-xx-xxxx
DEWEY T. OKELLEY, JR., xxx-xx-xxxx
BARRY G. OTTLEY, xxx-xx-xxxx
EARL E. SEPPALA, xxx-xx-xxxx
LEON C. SHACKELFORD, xxx-xx-xxxx
PAUL E. SUCHANYC, xxx-xx-xxxx
CHARLES A. WATTS, JR., xxx-xx-xxxx
MURRAY B. WHITE, JR., xxx-xx-xxxx
WALTER E. ZINK, xxx-xx-xxxx

CHAPLAIN

To be colonel

WILLIAM R. BOUKNIGHT, III, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

MICHAEL D. EGBERT, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

MARK D. AHNER, xxx-xx-xxxx
JOHN BARTA, JR., xxx-xx-xxxx
SANS C. BROUSSARD, xxx-xx-xxxx
LEWIS E. BROWN, xxx-xx-xxxx
HARRY H. BRUBAKER, xxx-xx-xxxx
TERRY H. CARTER, xxx-xx-xxxx
CHARLES M. CARY, JR., xxx-xx-xxxx
RONALD CEFALONE, xxx-xx-xxxx
ROBERT H. COOPER, xxx-xx-xxxx
STEVEN R. DEKRAMER, xxx-xx-xxxx
ROBERT E. DEMBY, xxx-xx-xxxx
KERRY B. DOLAN, xxx-xx-xxxx
TERRY J. DORENBUSH, xxx-xx-xxxx
RICHARD D. EDWARDS, xxx-xx-xxxx
THOMAS W. ERES, xxx-xx-xxxx
LARRY E. FAGERSTEN, xxx-xx-xxxx
ROBERT L. FOURNIER, xxx-xx-xxxx
MICHAEL A. GARDNER, xxx-xx-xxxx
WALLACE C. GRANT, xxx-xx-xxxx
WALTER O. HARTZOG, JR., xxx-xx-xxxx
DOUGLAS H. HIMLE, xxx-xx-xxxx
BRUCE R. JONES, xxx-xx-xxxx
ROBERT J. KNIERIEM, xxx-xx-xxxx
LANDON B. LOWMAN, xxx-xx-xxxx
LAWRENCE G. LUPUS, xxx-xx-xxxx
THOMAS P. MANCINO, xxx-xx-xxxx
BRIAN J. MCCRODDEN, xxx-xx-xxxx
GREIG W. MITCHELL, xxx-xx-xxxx
HENRY A. MOAK, JR., xxx-xx-xxxx
MARYLIN J. MUZNY, xxx-xx-xxxx
JERRY D. PARISH, xxx-xx-xxxx
ROBERT L. PATTON, xxx-xx-xxxx
JERRY A. PETTERSSON, xxx-xx-xxxx
CHRISTOPHER J. POWERS, xxx-xx-xxxx
STEVEN D. ROBERTS, xxx-xx-xxxx
PETER G. ROBINSON, xxx-xx-xxxx
JOSEPH R. SKELTON, xxx-xx-xxxx
THEODORE J. SUTHERLAND, xxx-xx-xxxx
JOEL M. TALLEY, xxx-xx-xxxx
LARRY W. TRIPHAHN, xxx-xx-xxxx
JAMES D. VALENTYN, xxx-xx-xxxx
PETER J. VENZA, xxx-xx-xxxx
REUBEN D. WALKER, xxx-xx-xxxx
STEPHEN R. WISE, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

CLAUDE T. BEITLER, JR., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

ANTHON E. ANDERSON, III, xxx-xx-xxxx
DOUGLAS R. COOMBS, xxx-xx-xxxx
ANTHONY C. KORVAS, xxx-xx-xxxx
RICHARD F. WALKER, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

DONALD O. BILLS, xxx-xx-xxxx
ARNOLD D. BRAY, xxx-xx-xxxx
MICHAEL W. KIMBERLY, xxx-xx-xxxx
EMERY D. PEISSIG, xxx-xx-xxxx

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593 AND 3353:

MEDICAL CORPS

To be lieutenant colonel

SALLIE A. DRANE-BOSCH, xxx-xx-xxxx
MUSHTAG H. KAHN, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3383:

ARMY PROMOTION LIST

To be colonel

MERRITT J. ALDRICH, xxx-xx-xxxx
TEDDY B. BAER, xxx-xx-xxxx
JIMMY L. BARNETT, xxx-xx-xxxx
ARTHUR F. CONLON, xxx-xx-xxxx
PAUL A. FOLFAS, xxx-xx-xxxx
ROBERT H. FREY, xxx-xx-xxxx
JEWEL L. FURLOW, JR., xxx-xx-xxxx
JOHN K. GILLETTE, II, xxx-xx-xxxx
CHESTER K. HANSEN, xxx-xx-xxxx
ROBERT E. HAWKES, JR., xxx-xx-xxxx
RICHARD J. IZZO, xxx-xx-xxxx
PATRICK D. KENT, xxx-xx-xxxx
DENNIS E. KLEIN, xxx-xx-xxxx
JAMES LARSON, xxx-xx-xxxx
RONALD D. LUTES, xxx-xx-xxxx
JAMES C. MARTIN, xxx-xx-xxxx
RICHARD MARTIN, xxx-xx-xxxx
CHARLES NOLAN, V, xxx-xx-xxxx
JAMES C. PRICE, xxx-xx-xxxx
DAVID L. PUMMILL, xxx-xx-xxxx
NOEL J. PYATT, xxx-xx-xxxx
THOMAS S. REAVELY, xxx-xx-xxxx
GEORGE A. ROBERTSON, xxx-xx-xxxx
KENNETH F. SILLS, xxx-xx-xxxx
LAWRENCE R. STACK, xxx-xx-xxxx
HAROLD J. WHITE, xxx-xx-xxxx
CHARLES E. WILSON, xxx-xx-xxxx
ALVIN H. ZITO, xxx-xx-xxxx

CHAPLAIN

To be colonel

AMOS CLEMMONS, xxx-xx-xxxx
STEPHEN E. KIRTLEY, xxx-xx-xxxx
PAUL E. LEONARD, xxx-xx-xxxx
DAVID S. LUCKETT, JR., xxx-xx-xxxx
JACK A. MARCOM, xxx-xx-xxxx
WILLIAM E. OUTLAW, JR., xxx-xx-xxxx
JOHN T. PRIEST, xxx-xx-xxxx
DERYL WATSON, xxx-xx-xxxx
FRED E. WIETFELDT, JR., xxx-xx-xxxx

DENTAL CORPS

To be colonel

JACK C. SHROPSHIRE, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

JOHN R. HOLCOMB, xxx-xx-xxxx
LAWRENCE R. WHITEHURST, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

JERRY P. BEILBY, xxx-xx-xxxx
CHARLES C. FREEMAN, xxx-xx-xxxx
GILBERT D. ROMAN, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

THOMAS B. BESSER, xxx-xx-xxxx
STEVEN W. COSGRAY, xxx-xx-xxxx
THOMAS J. EVANS, xxx-xx-xxxx
GARY S. HAMADA, xxx-xx-xxxx
JOHN A. HENNINGSEN, xxx-xx-xxxx
PAUL H. HILL, xxx-xx-xxxx
DANIEL E. KAUZLARICH, xxx-xx-xxxx
BRUCE P. KLEM, xxx-xx-xxxx
SUE E. MCCONAUGHY, xxx-xx-xxxx
JOSEPH J. MIKA, xxx-xx-xxxx
GALEN O. NORBY, xxx-xx-xxxx
ROBERT S. PHILLIPS, xxx-xx-xxxx
MARCUS B. POTTER, xxx-xx-xxxx
GEORGE READ, xxx-xx-xxxx
BERT T. ROBISON, xxx-xx-xxxx
ROBERT A. SEYMOUR, xxx-xx-xxxx
CURTIS K. SHINSATO, xxx-xx-xxxx
DONALD M. STEWART, JR., xxx-xx-xxxx
ROWAN S. TOKUNAGA, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

RONALD S. GAUSS, xxx-xx-xxxx
DANIEL Y. MOON, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

GERALD J. BROWN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

GARY J. MCCRIGHT, xxx-xx-xxxx
LUCIANO MUNIZ, JR., xxx-xx-xxxx
BONNIE L. WARE, xxx-xx-xxxx

ARMY MED SPECIAL CORPS

To be lieutenant colonel

HARVEY P. KAMP, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

GARY W. CHURCH, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3370:

ARMY PROMOTION LIST

To be colonel

JOHN E. BATEY, xxx-xx-xxxx
ROBERT E. DUNN, xxx-xx-xxxx
RALPH J. FERA, xxx-xx-xxxx
JOHN R. GHERE, xxx-xx-xxxx
RICHARD D. GUYNN, xxx-xx-xxxx
PETER A. KIRCHNER, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

H. R. ALEXSANIAN, xxx-xx-xxxx
BENJAMIN P. ALLEN, xxx-xx-xxxx
DONALD E. ALSBRO, xxx-xx-xxxx
RALPH A. BAKER, xxx-xx-xxxx
THOMAS E. BARRATT, xxx-xx-xxxx
ROBERT W. BARRETT, xxx-xx-xxxx
JAMES R. BLACK, xxx-xx-xxxx
RAYMOND H. BLAKE, xxx-xx-xxxx
JOSEPH R. BOSCACCI, xxx-xx-xxxx
RICHARD A. BOWMAN, xxx-xx-xxxx
JOHN G. BRIMMER, xxx-xx-xxxx
SAMMY E. BROWNLEE, xxx-xx-xxxx
EDWARD BRZEZINSKI, xxx-xx-xxxx
GERALD E. BURGER, xxx-xx-xxxx
VICTOR M. CANINO, xxx-xx-xxxx
NATHAN K. CHUNG, xxx-xx-xxxx
HENRY W. COGLEY, xxx-xx-xxxx
SUSAN M. CONNOLLY, xxx-xx-xxxx
RALPH E. CROSS, xxx-xx-xxxx
WILLIAM G. DANIEL, xxx-xx-xxxx
DOEL D. DAY, xxx-xx-xxxx
GARY M. DEGASTA, xxx-xx-xxxx
MICHAEL DIGERONIMO, xxx-xx-xxxx
MICHAEL B. DISHMAN, xxx-xx-xxxx
MARTIN E. DORF, xxx-xx-xxxx
RICHARD S. FRANKS, xxx-xx-xxxx
ANTHONY J. FRANZE, xxx-xx-xxxx
MARY T. FRY, xxx-xx-xxxx
GORDON S. GARRETT, xxx-xx-xxxx
JEFFREY L. GIDLEY, xxx-xx-xxxx
MICHAEL S. GILMER, xxx-xx-xxxx
JOHN F. GUERRE, xxx-xx-xxxx
KURT C. GUNDACKER, xxx-xx-xxxx
JACKIE R. HANCOCK, xxx-xx-xxxx
PETER G. HANELT, xxx-xx-xxxx
KENNETH F. HEDDEN, xxx-xx-xxxx
JOHN W. HILL, xxx-xx-xxxx
RAY E. HOLMES, xxx-xx-xxxx
GARY R. HORTON, xxx-xx-xxxx
RODNEY D. ICE, xxx-xx-xxxx
MARCEL T. KARKLINS, xxx-xx-xxxx
BRUCE B. KELLY, xxx-xx-xxxx
RICHARD J. KELLY, xxx-xx-xxxx
MICHAEL E. KENNEMER, xxx-xx-xxxx
THOMAS D. LEWIS, xxx-xx-xxxx
JOHN C. MANCINI, xxx-xx-xxxx
JOHN T. MASON, xxx-xx-xxxx
DENNIS P. MCKNIGHT, xxx-xx-xxxx
JACOB H. MEGEHEE, xxx-xx-xxxx
ROBERT A. MEISTER, xxx-xx-xxxx
JOHN L. MESSINGER, xxx-xx-xxxx
ALAN N. MILLER, xxx-xx-xxxx
DONALD L. MILLER, xxx-xx-xxxx
THOMAS A. MILLER, xxx-xx-xxxx
DONALD W. MILMAN, xxx-xx-xxxx
WAYNE M. NELSEN, xxx-xx-xxxx
GARY E. NELSON, xxx-xx-xxxx
JOHN OEHLSCHLAEGER, xxx-xx-xxxx
DAVID F. OLSON, xxx-xx-xxxx
ROBERT A. PEDERSEN, xxx-xx-xxxx
ROBERT G. PENDLETON, xxx-xx-xxxx
VERDON J. PETERS, xxx-xx-xxxx
BENJAMIN PHILLIPS, xxx-xx-xxxx
RICHARD G. PICHA, xxx-xx-xxxx
JEROME POEPPELMAN, xxx-xx-xxxx
JOSEPH W. RATZMAN, xxx-xx-xxxx
RONALD L. RITTER, xxx-xx-xxxx
RICHARD T. ROCKWELL, xxx-xx-xxxx
DANIEL M. RUNYAN, xxx-xx-xxxx
WILLIAM M. SHARMAN, xxx-xx-xxxx
RALPH F. SIBLEY, xxx-xx-xxxx
ROBERT M. SKOGLUND, xxx-xx-xxxx
DOUGLAS A. STEPHENS, xxx-xx-xxxx
JAMES A. STREET, xxx-xx-xxxx
ALICE M. TATE, xxx-xx-xxxx
JERE M. TEED, xxx-xx-xxxx
ERIC C. THEINER, xxx-xx-xxxx
JOHN M. THOMA, xxx-xx-xxxx
DAVID P. TOUSIGNANT, xxx-xx-xxxx
DAVID R. TRENARY, xxx-xx-xxxx
BERNARD M. TUCKER, xxx-xx-xxxx
THOMAS R. TURNER, xxx-xx-xxxx
JOHN C. VANAKEN, xxx-xx-xxxx
JOHN P. VANDERBAAN, xxx-xx-xxxx
ROBERT P. VANSPRANG, xxx-xx-xxxx
JOHN VANVALKENBURG, xxx-xx-xxxx
ELWOOD P. WALMSLEY, xxx-xx-xxxx
WILLIAM R. WALSH, xxx-xx-xxxx
DANIEL L. WILKING, xxx-xx-xxxx
ROY R. WODARZ, xxx-xx-xxxx

VETERINARY CORPS

To be colonel

JOHN C. GORDON, xxx-xx-xxxx
JOHN L. HAYES, xxx-xx-xxxx
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THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY PROMOTION LIST

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RODRIGUE RODRIGUEZ, xxx-xx-xxxx
SARA B. ROGERS, xxx-xx-xxxx
ANGEL ROMANFRANCO, xxx-xx-xxxx
ALICIA O. ROSS, xxx-xx-xxxx
ILIGINO F. SALON, xxx-xx-xxxx
R. SAN ANTONIO, xxx-xx-xxxx
PAMELA SANANTONIO, xxx-xx-xxxx
THOMAS E. SANCHEZ, xxx-xx-xxxx
VIDAL J. SANCHEZ, xxx-xx-xxxx
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STEPHEN N. SCHILT, xxx-xx-xxxx
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ALAN SCHWARTZ, xxx-xx-xxxx
RALPH SCHWARTZ, xxx-xx-xxxx
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ROBERT A. SIMMONS, xxx-xx-xxxx
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JACOB Z. SLEPIAN, xxx-xx-xxxx
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SHERMAN C. SMITH, xxx-xx-xxxx
WALLACE D. SMITH, xxx-xx-xxxx
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BARBARA J. STIBLERT, xxx-xx-xxxx
HELEN M. STINSON, xxx-xx-xxxx
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ROBERT W. TAYLOR, xxx-xx-xxxx
WILLIAM F. TAYLOR, xxx-xx-xxxx
EDWIN TEURBE-TOLON, xxx-xx-xxxx
JAMES C. THOMAS, xxx-xx-xxxx
KENNETH E. TRNKA, xxx-xx-xxxx
LUIS TUMIALAN, xxx-xx-xxxx
DONALD M. TURNER, xxx-xx-xxxx
ROSS W. TYE, xxx-xx-xxxx
KUMJAD UNNOPPET, xxx-xx-xxxx
BHUP VASAROHIKUMAR, xxx-xx-xxxx
EDUARDO M. VELEZ, xxx-xx-xxxx
MANUEL B. VERSOLA, xxx-xx-xxxx
WILLIAM E. WALKER, xxx-xx-xxxx
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RANDALL J. WENDT, xxx-xx-xxxx
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GUANHIOK YU, xxx-xx-xxxx
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JAMES F. ZIMMER, xxx-xx-xxxx
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MEDICAL SERVICE CORPS

To be lieutenant colonel

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HAROLD F. ARGUE, xxx-xx-xxxx
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RICHARD S. LEE, xxx-xx-xxxx
WILLIAM E. LEE, xxx-xx-xxxx
KENNETH H. LESLIE, xxx-xx-xxxx
ROBERT P. LEVESQUE, xxx-xx-xxxx
MICHAE LEWANDOWSKI, xxx-xx-xxxx
MELVIN S. LIVENGOOD, xxx-xx-xxxx
BRUCE R. LOCKWOOD, xxx-xx-xxxx
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MICHAEL F. LYONS, xxx-xx-xxxx
ARTHU MANGELSDORFF, xxx-xx-xxxx
DENNIS T. MANSHIO, xxx-xx-xxxx
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NATHAN S. MATHEWSON, xxx-xx-xxxx
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ROGER W. MCNEES, xxx-xx-xxxx
CHARLES MILLSTEIN, xxx-xx-xxxx
ROBERT MOHELNITZKY, xxx-xx-xxxx
JOSEPH J. MOONEY, xxx-xx-xxxx
GARY D. MORICAL, xxx-xx-xxxx
JOSHUA MOSLEY, JR., xxx-xx-xxxx
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DENNIS J. NICKELS, xxx-xx-xxxx
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ERVIN M. NORGREN, xxx-xx-xxxx
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ROGER S. PERENICK, xxx-xx-xxxx
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ABILIO W. PIRES, xxx-xx-xxxx
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VIRGIL D. REED, xxx-xx-xxxx
NELSON K. REINHARDT, xxx-xx-xxxx
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STEPHEN C. SCANLON, xxx-xx-xxxx
LOWELL T. SCHAEFER, xxx-xx-xxxx
LAWRENCE SCHOENFELD, xxx-xx-xxxx
MICHAEL C. SCHONGAR, xxx-xx-xxxx
DENNIS T. SEKINE, xxx-xx-xxxx
THOMAS A. SELDEN, xxx-xx-xxxx
PATRICIA SEPULVEDA, xxx-xx-xxxx
THOMAS W. SHORT, xxx-xx-xxxx
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LESTER B. SLATER, xxx-xx-xxxx
GARY P. SMITH, xxx-xx-xxxx
GEORGE P. SMITH, xxx-xx-xxxx
ROBERT G. SMITH, xxx-xx-xxxx
OLIVIA STALLINGS, xxx-xx-xxxx
MICHAEL F. STANLEY, xxx-xx-xxxx
TONY D. STEM, xxx-xx-xxxx
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DALE T. STOVERUD, xxx-xx-xxxx
JOSEPH M. SULLIVAN, xxx-xx-xxxx
MICHAEL SUMMERHAYS, xxx-xx-xxxx
GWIN F. TACKETT, xxx-xx-xxxx
DONALD R. TAYLOR, xxx-xx-xxxx
CHARLES E. TERRY, xxx-xx-xxxx
ROBERT THORSTENSON, xxx-xx-xxxx
GEORGE J. TOOLAN, xxx-xx-xxxx
JOHN H. TRENHOLM, xxx-xx-xxxx
RICHARD W. TRIVETT, xxx-xx-xxxx
MICHAEL A. UHORCHAK, xxx-xx-xxxx
DAVID M. VALENTINE, xxx-xx-xxxx
JOEL VICKERS, xxx-xx-xxxx
WILLIAM J. VOGT, xxx-xx-xxxx
CHRISTOPHE WALLACE, xxx-xx-xxxx
RONALD R. WATSON, xxx-xx-xxxx
FRANK X. WEISS, xxx-xx-xxxx
RONALD E. WEST, xxx-xx-xxxx
SAMMY D. WEST, xxx-xx-xxxx
FRANCINE B. WHITE, xxx-xx-xxxx
JOHNNY C. WHITENER, xxx-xx-xxxx
CASIMER R. WICHLACZ, xxx-xx-xxxx
LARRY F. WIESERMAN, xxx-xx-xxxx
WESLEY M. WILLIAMS, xxx-xx-xxxx
ROBERT WILLIAMSON, xxx-xx-xxxx
THOMAS G. WILSON, xxx-xx-xxxx
ROBERT WOLF, xxx-xx-xxxx
LUTHER M. WOODARD, xxx-xx-xxxx
WILLIAM C. WYER, xxx-xx-xxxx
JEFFREY YOUNGGREN, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

BERTHA M. AYCOCK, xxx-xx-xxxx
PAMELA L. BERG, xxx-xx-xxxx
JAMES R. BOYD, xxx-xx-xxxx
JAMES A. BROWN, xxx-xx-xxxx
LILLIE R. BROWN, xxx-xx-xxxx
WILLIAM D. HODGES, xxx-xx-xxxx
PATRICIA M. HOWARD, xxx-xx-xxxx
TIMOTHY L. KAUFFMAN, xxx-xx-xxxx
CRAIG J. KOPET, xxx-xx-xxxx
ALEATHA W. LANDRY, xxx-xx-xxxx
JESSE W. MAJKOWSKI, xxx-xx-xxxx
RICHARD MCCANDLESS, xxx-xx-xxxx
AUDREY C. MCCOOL, xxx-xx-xxxx
SHERRI E. MCKINNEY, xxx-xx-xxxx
LINDA M. MOCNY, xxx-xx-xxxx
MILDRED M. MORIMOTO, xxx-xx-xxxx
HILDA M. NAGORSKI, xxx-xx-xxxx
ARDENE S. NAKAGAWA, xxx-xx-xxxx
EILEEN PRENDERGAST, xxx-xx-xxxx
MI RODRIGUEZRIVERA, xxx-xx-xxxx
ABERNATHY SANFORD, xxx-xx-xxxx
PAMELA F. SCHUERMAN, xxx-xx-xxxx
LINDA M. SEESE, xxx-xx-xxxx
GAIL H. SINCLAIR, xxx-xx-xxxx
GLEN S. SLATER, xxx-xx-xxxx
JUDITH A. TAYLOR, xxx-xx-xxxx
JAMIS C. TOWNSEND, xxx-xx-xxxx
HELENE T. WATTS, xxx-xx-xxxx
MAGDALENE L. WELLS, xxx-xx-xxxx
EDWARD A. WINSLOW, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

WILLIAM L. BROWN, xxx-xx-xxxx
JOSH M. HATKIN, xxx-xx-xxxx
WILLIAM C. MITCHELL, xxx-xx-xxxx
ALEXANDER Z. NAGY, xxx-xx-xxxx
LEE M. PHILO, xxx-xx-xxxx
RICHARD L. RUDY, JR., xxx-xx-xxxx
ALLEN W. SINGER, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3359:

MEDICAL CORPS

To be lieutenant colonel

BARBARA NYLUNDMORGAN, xxx-xx-xxxx
THOMAS F. OMEARA, xxx-xx-xxxx
IRVING K. STONE, xxx-xx-xxxx
BRUCE E. WILSON, xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1989:

DEPARTMENT OF VETERANS' AFFAIRS

EDWARD J. DERWINSKI, OF ILLINOIS, TO BE SECRETARY OF VETERANS' AFFAIRS.

VETERANS' ADMINISTRATION

EDWARD J. DERWINSKI, OF ILLINOIS, TO BE ADMINISTRATOR OF VETERANS' AFFAIRS.

EXTENSIONS OF REMARKS

AN ADDRESS BY BENJAMIN MEED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. GREEN. Mr. Speaker, 2 weeks ago, Holocaust teachers, survivors, and members of the U.S. Holocaust Memorial Council met in Washington, DC, for the Second Annual National Alumni Conference and the National Executive Leadership Conference. Close to 300 people from 28 States were in attendence.

Benjamin Meed, president of the American Gathering/Federation of Jewish Holocaust Survivors, spoke at the National Leadership Board Meeting to Holocaust survivors on February 19. I wanted to share his remarks with my colleagues:

AN ADDRESS BY BENJAMIN MEED

We are together again and as always when survivors get together, there is a spark which ignites our responsibility to remember the past and our destiny—in the words of Elie Wiesel for the dead and the living we must bear witness. No matter from where in the nation we come, we have the feeling of familiarity, bonds that were fused by suffering and by a common memory. We know each other deeply and we also know how difficult it is for others, even our best friends who did not share our experience, to understand us or to enter into our inner soul.

I feel something rather special this afternoon for I see before me three different parts of my life, three ranges of activities that have consumed my time, my energy, my imagination, and my emotions for so many years and they have all come together in one weekend, in one occasion.

First and foremost, there are the survivors—you and me. We have traveled a long journey together, far from the world of our parents, far from the world in which we began our lives, the world in which values were shared and endured from one generation to another.

Instantly, that world was shattered and we were thrown into a world of darkness. We are the fortunate, we survived, just bodies and souls, no homes and no families. We were displaced people. Then we came to America. At first we were isolated; and then we were joined by others. It took time and hard work, but finally we survivors have assumed our rightful place in Jewish life and in American society. We have been together at commemorations and at Gatherings, at events large and small, all on behalf of Jewish life and our beloved State of Israel. We all love America. America did a lot for us. But America has not changed us, however. By our collective testimony we have helped to change America and especially American Jewry.

It is for survivors and for our collective legacy that the American Gathering was born and it is to survivors and to our legacy that I have devoted every ounce of my energy.

Our second major activity is now our teachers program of Holocaust and Resistance. As you heard from Vladka, who said it better that I ever could, the teachers are our connection to the future. They and others like them will carry part of our legacy to the American people, to an entire generation that was born after Auschwitz and Treblinka. You have seen them, our alumni, their devotion—and how much they want to learn from us the survivors. Here in America, these teachers recapture our memory and transmit it to the younger generation. You have seen their incredible quality as human beings and their enthusiasm to learn and to teach others.

In many European cities, every vestige of the Second World War and of Nazi tyranny has been erased. Cities have been rebuilt. The past has been covered over and the memory of Jews forgotten.

So let me thank Vladka. After all, she created the program and she has worked on it so tirelessly for the past five years.

Another most important activity of my life is the United States Holocaust Memorial Museum, located in the heart of our nation's capital—the national memorial that will transmit our experience to future generations of Americans. It is a Museum, but not only a Museum. I am personally grateful that Chairman Harvey Meyerhoff pointed this out in his remarks yesterday. It is an educational institution that will include archives and an International Center for Holocaust Studies, a Learning Center and educational programs for an anticipated one million American visitors each year.

Imagine if someone had suggested in 1946, the year we came to the shores of America, that this would be possible—we would have taken him for mad. Imagine if someone had told you in 1976 that a national memorial would be built under government auspices on the National Mall in Washington, we would have taken him for a lunatic. Maybe we were meshugge—because while others told us to forget, we insisted on remembering and we will reap the fruits of our collective commitment. A national memorial will be built in our lifetime—within three years—and it will convey the Jewish and human tragedy in a manner authentic to history.

So my friends, this weekend we meet as one: survivors, teachers and Museum builders. For it is our common task that brings us together. We still must learn from one another. But above all, we must respect each other. We are interdependent—we need each other. Each one of these groups must appreciate what the other groups can give to our common task.

Yet at this hour, we survivors meet alone as we should, to take stock of the past and to ask some questions about the future. Where do we go as an organization? What is our task as survivors for the next several years? This question must concern us today. This should be our main agenda item.

Let us begin with an honest—and painful—assessment of our greatest enemy—time. Within a quarter of a century, there will be no survivors left to bear witness. Each day our numbers diminish and each year our energy wanes. So first and foremost our concern must be to finish what we alone can inspire others to complete because we are the eyewitnesses—because we were there in the pit of hell.

Not only in Washington, but also in New York, Los Angeles, Miami and other cities, they are building major memorials to the Holocaust. Survivors are involved with each of these important institutions as we should be. We have contributed to each of these institutions as we should and we have served as a conscience for each of them, demanding that they tell a truthful story, that it be told with dignity and in a manner equal to the magnitude of the event.

We have additional contributions to make—not only monetary, but material as well. Many of us have artifacts— uniforms, photographs and documents—that have been stored away in our homes. These artifacts will be of interest to our children, but they may have a greater power to instruct the generations, to provide a compelling and enduring documentation of our experience. It is time to clean out our attics and basements, to contribute the physical remains of our memory so that the story that will be told in the museums can reflect our experience.

I was disturbed last fall—as I am sure you were—to read in the press that two letters written by Anne Frank were sold in a public auction for $160,000. We now see that unless we take a stand, unless we protest, Holocaust artifacts will become a business and the material remains will be sold to the highest bidder. We cannot allow that to happen, and, frankly, if we permit this, then ultimately, it will be the enemy who profits—Nazis will sell their memorabilia, the Polish government will be sitting on a gold mine and the Czechs will make a fortune off the Precious Legacy. Only the moral voice of the survivor can put an end to this vulgarity.

Secondly, we must individually tell our stories, record our memories for posterity. In many communities there are oral history programs designed to record the experiences of survivors. They are being conducted in a sensitive and considerate manner. We greatly appreciate their work. Oh yes, survivor testimony must be given, gathered, and conserved, but it must be shared by all reputable institutions.

My fellow survivors, it is time to tell what can be told so that none of us will leave this earth without sharing our tragic and heroic story. I know it is painful and difficult—but it is so necessary. And these oral testimonies cannot be the property of any one institution. We must insist that they be shared among Washington, New York, Detroit, Los Angeles and others, so that all can learn.

Finally, for the past decade the American Gathering has been compiling a registry of Jewish Holocaust Survivors, the names and experiences and families of tens of thousands of survivors who came to the United States. We have the single most important archives on the survivors in the world. The American Gathering has the largest collec-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tion of information and data on the experiences of those who lived through the kingdom of night. The national registry can tell you the cities of their birth, the camps and time of their incarceration, the means of their survival, the places to which they moved after the war, the nature of their rebuilt lives in the United States and Canada, their children and their children's children. Historians have told me that there is no single source of immigration to the United States in the post-war years as authoritative or as complete as ours, but this too cannot remain ours alone.

We will have to consider a method of sharing this archive with the Holocaust institutions, libraries and resource centers throughout the United States—local and national—so that the focus and the discussion of the Holocaust will not be on the dead alone, but on those who survived and rebuilt their lives with dignity.

We must complete this registry in our lifetime. There are still thousands of survivors who are not recorded. There are an equal number of survivors who died in the United States before we established the registry and there are so many others whose stories we still do not know.

Our principle must be simple. Survivors have developed documentation as their contribution to history. What we developed must be shared equitably and openly with all those who want to learn about the Holocaust. Surely no commercial use may be made of this material and privacy must be guaranteed—but history must be served.

I am concerned—more deeply concerned than ever—with the themes of remembrance. For years, we fought against the idea that Jews went like sheep to the slaughter. Who, if not the Jewish survivor, taught the world of resistance and of spiritual dignity? Without our testimony no one would have known of the magnitude of the uprising in Warsaw, the revolt in Treblinka, the escape from Sobibor, the bombing of the crematoria in Auschwitz, the struggle of the partisans and underground workers, the inner life of the ghettos. No one would have known what it was like to be a Jew posing as a Christian, and sometimes even wearing a German uniform. Without our acts of witness, no one would have learned of the inner quality of defiance, of the thousands of acts large and small that characterized the spiritual resistance of our people.

Now as teachers are spreading the knowledge of the Holocaust and as museums and memorials are being built, we must again set the tone. Surely we must speak of death, but not of death alone.

We have all seen the skeletal remains of a once vital people, but we must give flesh to the bones and see the people as they once lived. Survivors have an obligation to convey that message and tell that story.

And we must be on guard against commercialization and vulgarization not only by our enemies but by our friends who mean well but do not understand.

Today everybody raises funds on the back of the survivor, everybody sheds tears for our experience, but in the process, they often cheapen the magnitude of the event and dilute it of all meaning. We must put an end to that.

We realize that the institutions that are to be created with our help will not be built for survivors—they are being built for all Americans, Jews and non-Jews alike. But only we survivors can make sure that the Holocaust will be presented truthfully. The world must know what happened and how it happened. It must also know who were the real Holocaust victims. And we must make certain that the exhibitions we help shape today will be permanent and enduring so that they can not be changed by any political whim or any change of mood.

And on a personal note, may I say that we have an obligation to those survivors who have entered old age without the material resources to sustain themselves in dignity in their final years. We shall hear of important plans to allow survivors to help one another so that those who are without families and without support know that we truly mean that we are our brothers' keepers. We must help each other.

To conclude, I would like to make a radical proposal—that we survivors, together with those who understand our goals, create a National Endowment for Holocaust Education and Remembrance, a collective fund that will provide adequate resources for work in the remembrance of the Holocaust long after we have passed.

In our lifetimes, we must support the museums and the memorial centers—but once we are gone, we must insure that our collective work for all these many years will be sustained. Ninety percent we may choose to leave to our families and to the charities, the tzedakahs, we currently support—but let us take what we are—a remnant—a remnant of our funds and pool them into a collective fund, the National Endowment, to be dedicated for all eternity to the causes we hold dear.

Let us go through these days together and let us share and listen. We will hear of the many wonderful activities throughout the nation. Proud stories of real achievements in Detroit and Miami, in Washington and in New York.

Let us use our days together to take measure of where we have been and think at great length of where we must go and what there is left for us to do together. Let us think and act.

Thank you!

A CORRECTION OF BROOKLYN'S POLITICAL HISTORY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. OWENS of New York. Mr. Speaker, it is important to correct the history of political events in the Central Brooklyn section of New York City. Current newspaper accounts have indicated that Mr. Wesley McDonald Holder, who has recently announced that he will serve as a Brooklyn coordinator for New York City Mayor Edward Koch's re-election campaign, has never lost an election. If the reporters who continue to perpetuate this myth would only check the facts they would discover that this claim is a blatant distortion of the recorded facts.

Mr. Mac Holder has clearly lost two elections. He was the campaign manager for New York State Senator Anna Jefferson who had won her seat on the Vander Beatty slate in 1982. She lost her bid for re-election to her Senate seat to Velmanette Montgomery. He was the campaign manager for then State Senator Vander Beatty who ran for a seat in the U.S. House of Representatives from the 12th Congressional District. He lost to State Senator MAJOR OWENS in 1982.

Mr. Mac Holder's alliance with Vander Beatty extended beyond his service as campaign manager in 1982. He also joined his protege, Mr. Beatty, in a court challenge that was later proven to be based on a criminal conspiracy involving the alteration of the records of the Board of Elections. Numerous citizens attending the trial watched in horror while Mr. Mac Holder conferred with Mr. Beatty in court and later cheered the court's unjust and corrupt decision to order a new election. This "contract" decision by a judge who deliberately delayed the trial in order to allow the minimum amount of time for the appeal was later overturned by New York State's highest court. Vander Beatty was ultimately convicted in 1983 by the State Supreme Court for election fraud, and sentenced in 1984 to serve 16 to 48 months in prison.

Commencing in 1982 with his alliance with Vander Beatty, Wesley McDonald Holder has insisted on throwing away what was once an honorable place in the political history of New York City.

Mr. Mac Holder is closely associated with Kings County Hospital in Brooklyn. He is thus in a position to clearly see one specific example of what the Koch policies and the sloppy administration of the hospital have done to the health care services of New York City. Being out of touch as a result of his age is not the explanation for Mr. Mac Holder's endorsement of Mayor Koch. The so-called sly fox of New York City politics has, for his own reasons, consciously chosen to disregard the suffering of the brothers and sisters all around him.

INTRODUCING CONCURRENT RESOLUTION ON THE SUDAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. CONTE. Mr. Speaker, I rise today to call the House's attention to the deadly conflict in the Sudan. Hundreds of thousands of people have already died in that unfortunate country; and many more lives are now at risk.

For 5 years, the Sudanese Government has been at war with the Sudanese People's Liberation Army, or SPLA. In the last 2 years, this war has brought famine down on the southern region of Sudan. According to the Select Committee on Hunger, 260,000 Sudanese men, women, and children died of hunger last year—and the count this year could be as high or even higher. Relief workers say the famine may be worse than the Ethiopian disaster of 1984–85.

As a Member of Congress concerned with foreign aid, I have been involved in this issue for some time. With many others, I have fully supported our assistance to the Sudan. But over the last 2 years, I have been alarmed by many reports of the Government's unwillingness to allow free passage of emergency relief to areas struck by famine.

Therefore, in December I met with Sudan's Ambassador. I informed him of the growing

congressional concern, let him know that many of us cannot support aid to the Sudan unless its Government provides its starving citizens with food and shelter, and reminded him that inaction could endanger our friendship with the Sudanese Government.

As disturbing as the obstacles to relief has been the attitude of some members of the Government toward peace negotiations. Last November, officials of the Democratic Unionist Party, a partner in the Sudanese Government coalition, negotiated a peace agreement with the SPLA. Prime Minister al-Mahdi, reportedly influenced by Islamic fundamentalist parties, rejected the agreement.

This brought on a crisis within the Government. On Monday, February 21, Defense Minister Abdel-Maguid Khalil resigned to protest the lack of progress toward a political solution. Many senior army officers have joined his protest, and demanded a negotiated settlement. On February 24, al-Mahdi agreed in principle to such a settlement.

This sequence of events shows that many people in the Sudanese Government and in the SPLA have committed themselves to finding a peaceful solution—and that they continue to face opposition. Their concern is matched around the world. The United Nations, under Secretary General Perez de Cuellar, is undertaking a mediation effort similar to its work in the western Sahara. Senators EDWARD KENNEDY and ALAN SIMPSON have introduced Senate Concurrent Resolution 15. We in the House can add our voice to the many calling for an end to the starvation and violence that are killing people in the Sudan.

I, therefore, am introducing this concurrent resolution. By passing it, we join with many of our colleagues in the Senate, with Secretary of State Baker, and with hundreds around the world to call for a negotiated end to the conflict; and we give notice that "the character of the future relationship between the United States and the Sudanese Governments should be dependent on the Sudanese Government's willingness to allow humanitarian relief efforts to proceed unimpeded and on meaningful progress in peace negotiations."

Mr. Speaker, this is a tragic situation, and one in which our voices can make a difference. We all want the famine to end; but as Secretary of State James Baker said on February 8th, "starvation will almost certainly not end until the fighting ends." I hope all my colleagues will join me in working to bring peace and life to the Sudan.

LEGISLATION TO MAKE THE SECRETARY OF COMMERCE A MEMBER OF THE NATIONAL SECURITY COUNCIL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation which would make the Secretary of Commerce a statutory member of the National Security Council.

In the world of the 1990's and beyond, a nation's economic strength—the health of key manufacturing sectors and the level of its technological development—will play an ever-increasing role in its political and military stature on the world stage. We need to begin giving greater priority to United States long-term industrial competitiveness and technological leadership, along with the defense and diplomatic concerns that have traditionally defined our national security interests. To compete in the high technology world economy of the 21st century, we must recognize that industrial strength is an essential component of our national security.

There are few who would dispute the fact that national security is determined by more than just military strength as measured in terms of defense manpower and weapons stockpiles. Yet much of our national security decisionmaking operates as if our industrial security and economic welfare were largely irrelevant to the political power and strength of our Nation.

Key economic questions are decided in the National Security Council on a regular basis, yet the individual most concerned with U.S. industrial leadership—the Secretary of Commerce—is not a member of that group. The Secretary of Commerce must have a loud voice in agreements involving the sale of key American firms to foreign interests, the export or licensing of vital military or industrial technology, and other decisions which impact our economy and are thus essential to our national security. He should not have to fight to see that his viewpoint is given thorough consideration.

This is more than just a matter of trade authorities being overruled for defense or diplomatic reasons. The Department of Defense has frequently expressed its concern over the health of the U.S. defense industrial base, and this concern extends increasingly beyond industrial sectors with an obvious military role. Because of this concern, the Department of Defense has sought to preserve and enlarge its role in economic decisionmaking. Unfortunately, there has been a general reluctance to recognize the importance of industrial competitiveness concerns over what may appear to be straightforward defense of diplomatic decisions. While the Defense Department clearly has a role to play in economic decisionmaking, allowing the Pentagon to have primary responsibility on commercial policy questions in the NSC is not the best way of developing commercial strategy.

The current debate over the wisdom of moving forward on an agreement to license American fighter aircraft technology to Japan for the development of a new Japanese fighter is a recent example of this phenomenon. Beyond my concern over this deal on its merits, I am troubled by the fact that American commerce and trade authorities were not involved in its negotiation or original approval. The fact that the Secretary of Commerce was able to persuade the administration to undertake an 11th hour review of the proposal does not allay my fears that we have inadequate procedures for assessing the economic repercussions which may ensue from this type of agreement.

It is interesting to note that the Japanese Ministry of International Trade and Industry was involved in every step of negotiations with the United States on this arrangement, and even the chief negotiator for the Japanese defense forces was a former high-ranking MITI official who had been a central participant in the United States-Japan semiconductor talks. In the future, our Defense Department officials engaged in similar discussions with our allies and trade partners should not be handicapped by lack of support from American commerce experts.

If we do not move quickly to support the areas in which we have a technological advantage, if we sell key technologies at cut-rate prices to our competitors, if we do not properly assess the impact of foreign acquisition of strategic industrial sectors, then we face not only the loss of national power, but the prospect of becoming a second-rate economic power as well. To deny the integral importance of commerce and competitiveness to our national security is to ignore the realities of international politics in the technological age.

Key decisions on export licensing, technology transfer, defense codevelopment projects, and other issues which directly effect our competitiveness and our economic well-being must be made with the input of the Secretary of Commerce.

MARIETTA'S KEEPER OF GARDENS FINDS ROMANCE IN FULL BLOOM

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. DARDEN. Mr. Speaker, Celestine Sibley, a popular Atlanta Journal-Constitution columnist, recently highlighted in her column the marriage of two of Marietta, GA's most distinguished citizens. Mr. Gene Tibbetts and Mrs. Virginia Berry were married last weekend in a ceremony at the First Baptist Church of Marietta. Mr. Tibbetts is largely responsible for the beauty of the Marietta Square. His gardening ability may only be surpassed by that of his new wife, Virginia.

I would like to submit for inclusion in the Congressional Record Ms. Sibley's column from the February 24, 1989, edition of the Atlanta Journal which features Mr. and Mrs. Tibbetts.

MARIETTA'S KEEPER OF GARDENS FINDS ROMANCE IN FULL BLOOM

[By Celestine Sibley]

It was a smart-alecky thing to say, but I couldn't resist remarking to Gene Tibbetts, 75 the celebrated Marietta gardener, that the weather was too bad for tilling the soil so, I heard, he was going to get married. Mr. Tibbetts laughed good-humoredly and put Saturday's ceremony in the First Baptist Church of Marietta in more positive perspective, having little if anything to do with the weather.

"Yes, we are getting married," he said happily. "I believe we can handle it all."

The retired insurance agent, who has planted and tended Marietta Square—both the park and the sidewalk planters—for 11 years out of a love of beauty, and 71-year-old Virginia Berry, who operates a jewelry

store on the square, will walk down the aisle at 11 a.m. Their seven children and what Mr. Tibbetts calls "a lot of grands and greats" and scores of friends and admirers from all of Marietta, but particularly from around the town square, will be there to celebrate with them.

In fact, the wedding has almost become a community project, the bride laughingly explained. The couple are members at the First Baptist Church, where they met, so the congregation has what amounts to a proprietary interest in their nuptials. Mrs. Berry's Sunday school class is meeting tonight at a member's house to make sandwiches for the reception, which will be held in the church parlor. Other members, aided by Woody Tibbetts, Mr. Tibbetts's cousin and co-worker in gardening, are decorating the church with flowers and greenery. And the church's music staff will have trumpet, organ and piano playing the hymns for the ceremony.

After the wedding celebration, the bride and bridegroom will leave for another fete—the 97th birthday party of Mr. Tibbetts's first wife's father, Walter Hunt.

This party will be held in New Canaan Baptist Church in Paulding County, where Mr. Hunt was a farmer-sawmiller and active in county government. Five generations of his family will be there.

From that party, the Tibbetts will embark on a honeymoon, starting at Callaway Gardens and going on to New Orleans, coming home in time to prune the roses. Mr. Tibbetts mischievously suggested that he didn't plan to present his bride with flowers on their wedding day because he has already planted six rose bushes for her and she surpassed him in her care of them.

"She had roses from June almost till Christmas," he said. "She wants to move the bushes from her house to mine, where we're going to live, and that will give us about 20 bushes in all."

Mr. Tibbetts, who worked for Life of Georgia insurance company for 40 years, and his cousin, Woody, who was a postal service employee, were recently honored by the Men's Garden Club of Marietta for their contribution to the beauty of the old downtown area. The cousins, both widowers, grew up on adjoining farms in Dallas.

Mrs. Berry will wear a daffodil yellow silk dress—a surprise, she said, to her bridegroom, who thought she was planning a blue grown.

"Is she pretty?" I asked him.

"Yes," he said. "I think she's real nice looking, much nicer looking than the man she is marrying."

"I think the man I'm marrying is very handsome," Mrs. Berry said.

She also proved she could cook by "raising three big, healthy children."

The only one of their grandchildren who is not expected to attend their wedding is Mr. Tibbetts's grandson, John, who with his wife was graduated from West Point last year and is stationed in Germany.

Children, grandchildren and great-grandchildren have kept him from being lonely and sad since his first wife died five years ago, Mr. Tibbetts said. Both he and Mrs. Berry, whose first husband died nine years ago, found escape from loneliness in travel. And now they'll travel together—after the roses are pruned.

CAROLE BESWICK: "DISTINGUISHED CITIZEN OF THE YEAR"

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to an outstanding women—Carole Beswick. On March 8, Carole will be honored by the Grayback District of the Boy Scouts of America as their "Distinguished Citizen of the Year."

Carole Beswick has been the mayor of Redlands, CA, since 1983. Normally, the position of mayor is considered a part-time job, but Carole has committed herself to this particular community in the 35th district, full time.

In addition to Carole's duties at city hall, her external involvement in community service is both impressive and far reaching. She is a member of the south coast air quality management district; chairman, advisory commission on water policy, San Bernardino Valley municipal water district; chairman, southern California earthquake preparedness project policy advisory board; member, San Bernardino County CSA110 District Advisory Commission, east valley corridor study; member, League of California Cities Public Safety Policy Committee; member, corporate body, United Church of Christ Board of Homeland Ministries; vice chairman, Redlands City Planning Commission, 1979–83; past vice president, member, Relations Inland Empire Cultural Foundation; past vice chairman, Project Heritage Auxiliary of Assistance League of Redlands; vice president, Redlands Area United Way, past campaign chairman, past member of allocations committee; Redlands Community Hospital, board of directors; Redlands Symphony Association; chairman, advisory committee, Town & Gown, University of Redlands; past vice president, Community/University Relations; Assistance League of Redlands, president 1979–81; Bonnes Meres Auxiliary of Children's Home Society, president 1977; Lawyers Wives of San Bernardino County, president, 1975; honorary member, Redlands noon soroptimist intervention project.

As you can see, there is no acceptable way to summarize the many important achievements Carole has made to the community of Redlands. It truly is her community in that she has contributed so much to its growth and development. I am proud to stand here today and honor her on the floor of the House of Representatives.

TRIBUTE TO THE CENTRAL CHRISTIAN CHURCH OF BATTLE CREEK

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. WOLPE. Mr. Speaker, I want to pay special tribute to Central Christian Church of Battle Creek, MI, on the occasion of the dedication of its new church building.

In 1902, a group of Christians came together in Battle Creek to organize an independent Christian Church. The group soon merged with the members of the Grace Temple, and called their first minister, Reverend Buzzell. The ordinal group of 40 members grew steadily, and soon outgrew the Grace Temple facility. In 1922, the church moved to the Kingman home at the corner of Main Street and Lathrop. The home was extensively remodeled and several additions were built. Surviving a fire in 1933, the church continued to grow. Two wings had to be added onto the sanctuary in the late 1960's; their addition nearly doubled the facility's size.

By the early 1980's, it became clear that the old building could no longer accommodate the still expanding congregation. The decision was made to relocate, to acquire new land, and to construct a spacious new facility on Riverside Drive. I was privileged to participate in the dedication of the beautiful new building on December 11, 1988.

Mr. Speaker, the members of the Central Christian Church take understandable pride in their history and the strength of their faith. Their dedication symbolizes a confidence and understanding in both Central Christian's past and future.

CONDEMNING DEATH THREATS AGAINST SALMAN RUSHDIE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. MILLER of California. Mr. Speaker, today on behalf of myself and my colleague from New York, Mr. SOLARZ, I am introducing a House resolution condemning the death threats against British author Salman Rushdie and those associated with his book, "The Satanic Verses," issued by Ayatollah Ruhollah Khomeini of Iran.

The House resolution is broader than the earlier joint resolution I introduced on February 23, expressing the commitment of the House to protect the right of anyone to read, write, publish, sell, and distribute books, as well expressing our support for actions taken by the European Community member states. The House resolution declares that the death threats issued against Mr. Rushdie and those associated with him are an unacceptable attack on one of our most basic and sacred principles, freedom of expression.

I hope that the 110 Members of the House who cosponsored the joint resolution, as well as the rest of the House will join Mr. SOLARZ and myself in swiftly placing the House firmly on record in opposition to this attack on freedom of expression.

The text of the resolution follows:

H. RES. —

Whereas Ayatollah Ruhollah Khomeini of Iran issued death threats against Salman Rushdie, author of the novel Satanic Verses, and other persons associated with the publication and distribution of the book;

Whereas one of the most sacred principles of the United States is the fundamental right to freedom of expression;

Whereas the death threats issued by Ayatollah Ruhollah Khomeini represent a pernicious and unacceptable threat to freedom of expression and to the freedom of writers and publishers in every country;

Whereas the Ayatollah's death threats are an invitation to murder and an openly hostile act in flagrant violation of internationally accepted rules of behavior and contrary to the Charter of the United Nations; and

Whereas the Ayatollah's death threats against Salman Rushdie and others associated with his book jeopardize efforts to improve relations between the United States and Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the death threats issued by Ayatollah Ruhollah Khomeini against Salman Rushdie and others associated with the publication and distribution of his book Satanic Verses;

(2) condemns as incitement to terrorism by a state the threat of the Islamic Republic of Iran and the Ayatollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) calls for the repudiation of such threats and the immediate withdrawal of any monetary reward or martyrdom for the murder of Salman Rushdie;

(4) commends the European Community member states for their statement condemning the threats and their united action in withdrawing their senior diplomats from Iran;

(5) commends all those authors, publishers, and other persons who have reaffirmed the fundamental right to freedom of expression by courageously resisting threats and intimidation;

(6) applauds President George Bush for his strongly worded statement of outrage against the Iranian Government's actions and calls upon the President to continue to condemn publicly any and all threats made against the author and other persons associated with the book Satanic Verses;

(7) declares the commitment of the United States Government to the protection of the right of any person to write, publish, sell, buy, and read books without fear of intimidation and violence; and

(8) asks that the President direct Federal agencies to cooperate fully with State and local law enforcement authorities to provide protection against threats for commercial establishments, including bookstores, that may wish to display and distribute Mr. Rushdie's novel.

MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation to make hospice coverage under the Medicaid Program, which is now optional, a mandatory benefit. As you may know, hospice was made an option under Medicaid in legislation passed and enacted during the 99th Congress at the same time that the hospice Medicare benefit was made permanent. I was proud to be the sponsor of both these pieces of legislation to serve the terminally ill and their families, and am pleased to introduce this bill today to extend the Medicaid hospice benefit. This measure, which was first introduced last March, had 39 cosponsors in the last Congress.

In reintroducing this measure, I am very pleased to be joined by my distinguished colleagues, Mr. WAXMAN, chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment, Mr. MADIGAN, ranking minority member of that subcommittee, Mr. GRADISON, ranking minority member of the Ways and Means Committee's Health Subcommittee, and total of 15 other cosponsors. I would like to note that Mr. WAXMAN and Mr. GRADISON were also original cosponsors of the optional Medicaid hospice measure, and their continuing support in this effort, as well as with hospice legislation in general, is greatly appreciated.

As you know, hospice is a compassionate, cost-effective system of caring for the terminally ill that helps them remain in their homes and communities, among family and friends. Over the past decade, we have seen enormous growth in the hospice movement, with approximately 150 new ones having been created every year for the past 3 years. Today, there are over 1,700 hospice programs in operation throughout the country, of which 1,450 are full-service programs. Of these, half are already certified by Medicare, and 200 are in the process of becoming certified.

Hospice provides an innovative means of care and support in which a team of health care workers and others strive to make the remainder of the lives of the terminally ill, and the lives of their families during this very difficult time, to be as meaningful and comfortable as possible. Serious illness is difficult at any time, and terminal illness is much more so: physically, emotionally, spiritually, and economically. Hospice helps to significantly relieve the burden in all of these areas.

Not only is hospice compassionate and emotionally supportive for the terminally ill and their families; as important, in this time when the need for cost containment is crucial, it is highly cost-effective as well. It is widely concluded that the substitution of hospice for acute care can save significant amounts of money. The Congressional Budget Office has estimated that hospice coverage under Medicare could save more than $100 million over 3 years. As for Medicaid, Illinois, for example, would save at least $1 million per year, by a conservative estimate, if it had such a benefit, based on decreasing Medicaid costs by at least 27 percent through less use of inpatient care. The State of California has estimated that a Medicaid hospice benefit would save over $2.1 million per year, with over $1 million of that being Federal savings, once fully implemented. Additional evidence of hospice's cost-effectiveness is provided by several studies that have shown hospice care saving 20 to 40 percent when compared with traditional acute care, and by the fact that numerous major health insurers have included a hospice benefit with little or no increase in premiums. We must continue to encourage the development and utilization of cost-effective, community-based forms of care such as hospice as we struggle to reduce the deficit.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, it was with the aim of making this form of care for the terminally ill available to those with low incomes and their families. While the Medicare benefit makes hospice available to the elderly and disabled, and these groups comprise a large proportion of those who could benefit from hospice, a need was seen to enable Medicaid beneficiaries, who are low-income, disabled, or both, to have access to the same services.

The ranks of these persons now include, unfortunately, a large number of AIDS patients, and will include many more over time. As you know, AIDS is the greatest epidemic and the worst public health problem to strike this country in this century, and possibly in our entire history. As of February 6, 1989, there was a total of 85,590 reported AIDS cases and 48,957 deaths as a result of the disease. Projections by the Public Health Service and the Centers for Disease Control show a cumulative total of at least 270,000 AIDS cases in the United States and 180,000 deaths, with over 50,000 of these occurring in 1991 alone.

Clearly, much needs to be done to care for the rapidly growing number of persons who are going to become terminally ill and die of AIDS, and to do this in the most cost-effective and compassionate manner possible. Hospice, with its combination of in-patient and out-patient care, provides the most appropriate means of care for many who are dying of AIDS. In fact, hospices saw 25 percent of all persons who died of AIDS last year.

In particular, there is a large and rapidly-growing group of intravenous drug abusers among AIDS patients, and these persons often are homeless or have unstable living situations and cannot be adequately cared for at home without outside assistance. For these persons in particular, as well as many other AIDS patients, hospice probably provides the best possible care during the terminal stages of the disease. Fiscal year 1988 budget reconciliation legislation includes a provision that will reimburse hospices for inpatient care for Medicaid patients with AIDS even if these patients must spend more than 20 percent of their time in such a setting. This, in combination with the expansion of the hospice Medicaid benefit provided by this bill, should enable many more AIDS patients to receive the care they need in hospice programs, rather than having to spend all of their time in expensive inpatient settings or, worse, end up in the streets or bad home situations.

In addition, even with the greater need of AIDS hospice patients for inpatient care, hospice can save considerable sums when compared with traditional forms of care. In San Francisco, which makes extensive use of hospice and other community-based care, it costs about $25,000 to care for AIDS patients during their last year of life. In Atlanta, it would cost approximately $66,000 and in New York City, $120,000. Neither of these cities has extensive hospice programs.

So far, 13 States, including New York, Michigan, Florida, Illinois, Texas, and North Carolina, have created a Medicaid hospice

benefit since the enactment of the option. While several other states are also moving to create such a benefit, and this is encouraging, the other cosponsors and I believe that the current need is great enough to warrant making the hospice Medicaid benefit mandatory. This would rapidly speed up the process by which hospice services will become accessible to Medicaid beneficiaries throughout the country. The bill would become effective for calendar quarters beginning on or after January 1, 1990. States would be allowed additional time to enact enabling legislation if necessary, as will obviously be true in many cases. We urge our colleagues to give their approval of this measure to expand hospice coverage for those who could most benefit by it, and to save taxpayer and government funds in the process.

For your convenience, the text of the bill follows:

H.R. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM

(a) IN GENERAL.—Subparagraphs (A) and (C)(iv) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) are each amended by inserting "and (18)" after "(17)".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

INTRODUCTION OF LEGISLATION EXTENDING QUALIFIED MORTGAGE BOND PROGRAM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. DONNELLY. Mr. Speaker, yesterday, I introduced legislation to extend the qualified mortgage bond program for 3 years, through the end of 1992. My bill, H.R. 1200, was cosponsored by 16 members of the Committee on Ways and Means, and is identical to legislation introduced in the other body by Senator RIEGLE.

Mr. Speaker, the mortgage bond program is an unqualified success story. Its purpose is straightforward: to help individuals and families achieve the American dream of owning their own home. Since 1980, the program has, nationwide, provided low-interest loans to over 750,000 individuals purchasing their first home. At a time when housing prices are skyrocketing and interest rates are beginning to increase, the importance of this program cannot be overstated.

In my own State of Massachusetts, the Massachusetts Housing Finance Agency [MHFA] administers the Qualified Mortgage Bond [QMB] Program. The Massachusetts agency is among the best housing finance agencies in the Nation, and has developed guidelines that truly target the benefits of the program to those who most need it. The program helps lower middle income individuals who would have otherwise absolutely been unable to purchase a home do so. In Massachusetts, where the State median income is $41,000, the median income of assisted homebuyers is $31,000. In an area where a modest home can cost over $200,000, it's easy to see how this program has helped Massachusetts.

The mechanics of the program are actually quite simple. A State will issue bonds, the interest on which is tax-exempt under authority of section 103 of the Internal Revenue Code, and pledge the bond proceeds for first-time mortgage loans. Then, assuming that the potential borrower meets the requirements contained in section 143 of the Internal Revenue Code—as well as whatever requirements may be imposed under State law—a home mortgage can be made. Unlike many of the other tax-exempt bond provisions contained in the code, the benefits of this program go to low and middle income Americans—not to bond lawyers and underwriters. Authority for States to issue tax-exempt bonds for qualified mortgage expires at the end of 1989.

Last year, as part of the Technical and Miscellaneous Revenue Act [TAMRA], Congress extended the QMB Program for 1 year, with broad, bipartisan support. Over 350 Members of the House had cosponsored my legislation to extend the program—if not an all-time record in the House of Representatives, then close to it. TAMRA also further targeted the program.

Under code section 143, a bond is not a tax-exempt QMB unless it meets several restrictions. First, the purchase price of a house purchased with a loan from a QMB cannot exceed 90 percent of the average area purchase price. Second, the income of borrowers generally cannot exceed 115 percent of the area median income—100 percent of area median income in the case of single purchasers of two individuals. The 115 or 100 percent level if adjusted upward—but not down—in areas of the country with high housing prices in relation to income. Finally, loans from QMB's must be made within 3 years from the date when the bond is issued, and loan repayments must generally—but not always—be used to redeem the bonds.

TAMRA also included a new recapture provision, designed to insure that individuals who have rapidly increasing incomes and who use the program to build up equity in a QMB-financed house as a down payment on a more expensive house will not take advantage of the QMB Program. Under the recapture provisions, individuals who sell a QMB-financed house within 10 years of its purchase would generally be required to recapture a portion of the subsidy provided by using QMB financing. Recapture is not a condition of bond exemption; rather, it is a requirement imposed on home buyers. Because of some questions over the efficacy of the recapture provisions, the conferees on TAMRA agreed to delay the effective date of the provision, generally to loans originated after December 31, 1990.

Let me say, Mr. Speaker, that I supported the recapture provisions—but I am pleased with the 2-year delay. It seems to me that some questions over the operational rules of the recapture provisions need to be answered before they go into effect. For example, is 10 years too lengthy a period during which recapture could be imposed? Second, should the Federal recapture rules preempt State or local law which may impose similar or stricter requirements? Third, should there be exemption from recapture in certain sympathetic circumstances? The General Accounting Office was directed, in TEMRA, to answer these questions, and I am confident that they will do so. It is my understanding that GAO is meeting with industry groups on this study, and I encourage this continued dialog. But let me say in conclusion that I support some rules which will insure that this program benefits only those who need it—and if recapture is the only way to do so, then I will not support another delay in the effective date of recapture.

Mr. Speaker, I urge all Members of the House to cosponsor H.R. 1200. The legislation extends a program that helps thousands of Americans take a continued step on the road toward realizing the American dream.

RULES OF THE COMMITTEE ON HUNGER FOR THE 101ST CONGRESS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LELAND. Mr. Speaker, pursuant to House rule XI, clause 2(a), I submit for publication in the CONGRESSIONAL RECORD, a copy of the rules of the Select Committee on Hunger, as approved by the committee on March 1, 1989:

RULES OF THE SELECT COMMITTEE ON HUNGER

RULE 1. MEETINGS

The regular meetings of the committee shall be held on the third Thursday of each month at 9:30 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisons of House Rule XI, 2(c)(2). Every member of the committee, unless prevented by unusual circumstances, shall be provided

with a memorandum at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the name, titles, background and reasons for appearance of any witness. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 2. QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

RULE 3. COMMITTEE REPORTS

Every committee report shall be approved by a majority vote of the members voting, a quorum being present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(1)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in committee unless the proposed report has been available to the members of the committee for at least three calendar days (exlcuding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the committee prior to the consideration of the proposed report in the committee.

RULE 4. PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

RULE 5. ROLLCALLS

A rollcall of the members may be had upon the request of any member.

RULE 6. RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alterations, additions, or defacement.

RULE 7. TASK FORCES

The committee may establish such task forces as it deems appropriate. The jurisdiction of such task forces shall be established by the chairman of the committee in consultation with the ranking minority member of the committee. The chairman and ranking mnority member of the committee shall serve ex officio on each task force.

RULE 8. HEARING DATES AND WITNESSES

The chairman of the committee, after consultation with the ranking minority member of the committee, shall announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he, after consultation with that member, determines that there is good cause to begin such hearings at an earlier date. Whenever any hearing is conducted by the committee upon any measure or matter, the committee's minority party members shall be entitled, upon request by a majority of them to the chairman of the committee before the completion of the hearing to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 72 hours in advance of their appearance.

RULE 9. OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

RULE 10. FIVE MINUTE RULE

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruptions, questioning by the committee members taking place afterward. After completing his questioning, the chairman shall recognize the ranking majority and then the ranking minority member, and thereafter in recognizing members present, he may give preference to the members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the members actually present. A member desiring to speak or ask a question shall address the chairman and not the witness in order to insure orderly procedure.

Each member may question the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all members have had an opportunity to ask questions, the round may begin again under the 5-minute rule.

RULE 11. INVESTIGATIVE HEARINGS; PROCEDURES

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 12. COMMITTEE RECORDS

(a) A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULE 13. TV, RADIO AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, by any of such methods of coverage, subject to the provision of House Rule XI, 3. In order to enforce the provision of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alterations, curtailment or discontinuance of coverage as he determines necessary.

RULE 14. STAFF

The chairman shall have the authority to hire and discharge majority staff and majority-appointed shared staff. The ranking minority member shall have the authority to discharge minority staff and minority-appointed shared staff. The authorization for the creation of new majority and majority-appointed shared staff positions, subject to the committee's budget, shall rest with the chairman, and the ranking minority member shall have the same authority with respect to minority and minority-appointed shared staff.

RULE 15. AUTHORIZATION TO TRAVEL

Travel to be paid from fund set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearing conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of member and staff seeking authorization.

RULE 16. ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the committee shall—

(1) make available to other committees the Select Committee's findings and recommendations resulting from the investigations of the committee as appropriate; and

(2) prepare a budget for the committee and present such budget to the committee for its approval.

RULE 17. AMENDMENTS OF RULES

These rules may be modified, amended or repealed by a majority vote of the committee at a meeting at which a quorum is present, of at least two legislative days' written notice of the proposed change has been provided each member of the committee prior to the meeting date on which such changes are to be discussed and voted upon.

THE AFRICAN-AMERICAN CHURCH, BROOKLYN AND NATIONALLY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. OWENS of New York. Mr. Speaker, this Black History Month the Congressional Black Caucus through a special order paid tribute to the role of African-American churches in economic, political, and social development at home and abroad. I would like to add my remarks to its special recognition of an institution which has been a mainstay of the African-American community.

Religion has been the most important cultural aspect in the life of African-Americans. African worship began in the seat of civilization in Africa. In the United States, africanisms survived in African-American worship, despite the slave system's efforts to strip African slaves of their languages, ethnic cultures, customs, names, and religious beliefs, in order to more completely subjugate them.

Free African-Americans in the Northern States were sometimes permitted to worship in white churches, but they were relegated to segregated "Negro" pews. Disgusted by this segregation, African-Americans began to form their own churches. The establishment of early African-American religious institutions in my congressional district of Brooklyn followed this pattern. By 1900 there were 18 African-American churches in Brooklyn.

These churches, like those elsewhere in the Nation, evolved into primary agents for social and economic progress in the African-American community, and a respite from the racial oppression and discrimination African-Americans faced. In the latter half of the 19th century in Brooklyn, many secular activities had their beginnings or their base in churches. For instance, historic Bridge Street A.M.E.W. Church was a terminal in the famous underground railroad, which aided fugitive African slaves fleeing the South for freedom in the northern United States and Canada.

By the 1890's African-American churches in Brooklyn began to provide various community education services. This was due to the emergency of African-American middleclass and affluent church members. Most of Brooklyn's African-American literary societies began in the churches. By 1890 almost every major African-American church in the area had its own literary circle or society. The most well known were the Concord Literary Circle and the Brooklyn Literary Union of Siloam Presbyterian Church. As more African-Americans from the South migrated to northern areas, Brooklyn's African-American churches sponsored numerous education programs, Sunday schools, missionary societies, Christian associations, mutual aid and social welfare organizations to meet the needs of the new arrivals.

African-American ministers consequently became the spokesperson for the desires and aspirations of their people. Among the noted activist African-American ministers in Brooklyn were Amos N. Freeman of Siloam Presbyterian Church. During his double pastorate from 1852 to 1850 and from 1864 to 1885, he was the president of the African Civilization Society and led the fight against school segregation. Another outstanding African-American minister of Brooklyn was Baptist Thomas S. Harten of Holy Trinity Church. Harten led protest marches, was the founder and president of the Afro-Protective League, commanded personal audiences with several U.S. Presidents, led the campaign for the defense of the Scottsboro Boys, a group of African-American men in the South who were falsely accused of assaulting a white woman, and was the organizer of a Roosevelt for President Party in New York. Harten was also nominated to run for the New York City Council and the U.S. Congress.

One of the most controversial Brooklyn-based ministers was George Frazier Miller of St. Augustine's Protestant Episcopal Church. He was a contributing editor to the leftist magazine, "The Messenger."

His religious philosophy was to deal with both the theological salvation of humankind and "the whole man while he is yet on this side of the grave." He was the minister of St. Augustine's from 1896 through the 1920's.

Over the years, churches in the U.S., both white and African-American, have experienced a massive decrease in memberships. Apparently this decrease coincides with the rise of an intellectual middle class among the younger generations of both ethnic groups which rejects traditional religious dogma. African-American church leaders can stem the decline of African-American church members if they examine how their predecessors used the church as the secular center of African-American social, political, and economic activity. As the strongest and most long-lived African-American owned and controlled institution outside of historically African-American colleges and universities, the church could play a key role in rescuing the current and future generations of African-American children and young people from ignorance, poverty, drug abuse, homelessness, and hopelessness.

For example, African-American churches could conduct literacy programs for children and young people who have difficulty reading, and remedial tutorial programs for students in English, math, and the sciences, areas in which many innercity African-American students experience the most difficulty. Because of the high cost of a college education today, many African-American churches have scholarship programs. Through bake sales, church dinners, and other fundraising activities, congregations are able to help finance the tuition of some of their young members. They could extend this practice to all community youth.

African-American churches could conduct drug abuse prevention and education programs for children and youth.

African-American professionals who are members of churches could agree to be mentors to children and youth, teaching them what they need to know to enter such fields as law, education, medicine, engineering, and others. Churches could foster mentoring programs for this purpose. Mentors could also hold classes in churches to teach young people the skills involved in seeking and obtaining jobs, from how to write a résumé to how to conduct oneself during a job interview.

Increasingly churches have become involved in financing and building low-cost homes. An example of this is the Nehemiah plan in the Brownsville section of Brooklyn, which is in my congressional district. Named after the Biblical prophet of the fifth century who rebuilt Jerusalem, the Nehemiah plan was a project of more than 40 churches, known collectively as East Brooklyn churches. This interracial, interdenominational coalition created a revolving, interest-free construction fund that eliminated the need to borrow from banks and made it possible to pay contractors immediately. New York City provided free land, almost all of it city-owned, taken for nonpayment of taxes, and New York State provided low-interest mortgages within the reach of working poor and low-income people. The project became the inspiration for the Housing and Community Development Act of 1987, which the Congress passed in December of that year, and it was signed into law February 5, 1988.

The latter part of this century and the 21st century will be crucial periods for African-America, particularly for the youth. We are in danger of losing our youth to the ravages of poverty, homelessness, unemployment, drug abuse, and illiteracy unless we as a people demand the wisest and fullest possible investment by America in education, job training, housing, community development, and economic opportunities. After sustaining unprecedented damage as a people under 200 years of criminal enslavement, and an additional 100 years of governmental abuse and neglect, we need and deserve massive reparations.

The African-American churches in this country must be among those of our institutions and our leaders who spearhead our demands for the full payment of reparations debt by the year 2019, 30 years from the installation of the new Bush administration. Just as the African-American churches formed the organizational base for the antislavery and civil rights movements of the 19th and 20th centuries, so must they take the initiative in pushing our Government to take urgent action on this critical matter. By generating its own social service programs and by demanding national long-term commitments to African-America in the nature and spirit of a "Marshall Plan," African-American churches will once again become relevant and necessary to the lives of African-American people as they were in the early 19th century when they began.

1989: CENTENNIAL YEAR OF THE NATIONAL ZOO

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. CONTE. Mr. Speaker, today I am introducing a joint resolution to designate 1989 as the centennial year of the National Zoo. It was 100 years ago today that the National Zoological Park of the Smithsonian Institution was established by the Congress of the United States.

The National Zoological Park was established by Act of Congress on March 2, 1889

"for the advancement of science and the instruction and recreation of the people" with strong support by Smithsonian Secretary Samuel P. Langley. A year later the zoo was placed under the supervision of the Smithsonian regents and encompassed the Institution's Department of Living Animals, which for several years had been situated on the Mall behind the Castle building.

It was and is the only federally funded zoo in the United States, and was the first zoo to be established for the avowed purpose of conserving wild animals driven to the edge of extinction by man's activities.

Now some 3,500 mammals, reptiles, amphibians, and birds, along with 4,000 invertebrates and many specimen trees and other plants from around the world occupy the original 163-acre site in Washington's Rock Creek Valley. While visitors enjoy and learn, the zoo's scientists, curators, and veterinarians care for the animals and pursue the urgent work of learning to conserve and increase the viability of threatened and endangered species of the world. To this end, the zoo also maintains a 3,000-acre Conservation and Research Center in Front Royal, VA, in fulfillment of its founding commitment to the conservation of wildlife.

In its second century the National Zoo, like all zoos, must face the challenges and changes of the future. Worldwide urbanization, environmental degradation, and extinction of species demand a heightened response in both science and education to create the means and the will to mitigate these destructive trends. In science the zoo will maintain and strengthen its leadership in basic research, animal husbandry, and animal health, and in training wildlife and park managers in the Third World nations where most of the Earth's rich biological diversity is under siege. In public education the zoo is creating a new form—the biological park, or Biopark—which integrates all facets of life in displays of animals and plants, artifacts that explain scientific principles, and artistic works tying mankind to the rest of the natural world.

The National Zoo is a national and international leader among zoos, a dynamic and conspicuous bureau of the Smithsonian Institution, and a resource and refuge for visitors from Washington, the United States, and the world. In its centennial year a congressional resolution of commemoration, celebration, and rededication is most fitting.

As the senior congressional regent from the House, I extend my congratulations to the National Zoo staff for a hundred years of excellence and my best wishes for the future.

Mr. Speaker, I hope this resolution will be expeditiously considered by the House to further commemorate the significance of our National Zoo.

THE TOBACCO EXPORT REFORM ACT OF 1989

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEVINE of California. Mr. Speaker, today I am introducing the Tobacco Export Reform Act, which will require that cigarettes for export be subject to the same labeling and advertising restrictions as cigarettes sold in the United States. It will also prevent the U.S. Government from actively promoting tobacco industry efforts to open new markets.

The U.S. tobacco industry, frustrated by Americans' increasing concern about the serious dangers of smoking and the declining percentage of Americans who smoke, has turned its attention to creating new markets in Asia and Africa. Using hard-sell tactics, U.S. tobacco companies are luring women and teenagers, groups that traditionally have not smoked in great numbers in those countries. The industry is taking advantage of the lower level of awareness abroad of the serious health consequences of tobacco use, and the fewer restrictions on advertising and labeling in foreign countries.

At a time when health authorities in our own country have likened the addictive properties of nicotine to those of cocaine and heroin, and have gone to increasing lengths to encourage Americans to kick the habit, tobacco companies are now preying on foreign consumers to pick up the slack in sales.

It is even more disturbing that the U.S. Government has often been an enthusiastic advocate of tobacco promotion abroad. The U.S. Trade Representative has used the threat of section 301 trade sanctions to force open markets or change marketing practices in Japan, South Korea, and Taiwan in recent years. Trade negotiators have treated advertising restrictions as nontariff trade barriers; they were partially successful in lifting an advertising ban in Taiwan; they were even more successful in forcing open Japanese and Korean markets. U.S. Government officials also tried to thwart a Hong Kong ban on smokeless tobacco products. And the U.S.-targeted export assistance program and the cooperator foreign market development program provide U.S. taxpayer dollars for the purpose of developing foreign markets for U.S. tobacco.

My legislation will require that tobacco products sold abroad carry the same warning labels on packaging and advertising, as well as the same restrictions on advertising, as those sold in this country under the Federal Cigarette Labeling and Advertising Act. We should not have one set of health standards for Americans and another for foreign nationals. At a minimum, we should disclose the health dangers of tobacco when we sell or advertise these products abroad. If the importing nation has labeling and advertising requirements that are substantially similar to or more stringent than those set forth in the U.S. law, the President may waive this requirement.

This legislation would further restrict U.S. Government authorities from promoting the reduction or elimination of foreign country restrictions on the advertising, sale, manufacture, promotion, or distribution of tobacco products.

When 2.5 million deaths a year worldwide are attributed to cigarette smoking, it is irresponsible for the United States to export this dangerous product without health warnings. It is a further display of cynical disregard for the health of the world's citizens when U.S. Government officials are actively engaged in the promotion of a product that causes heart disease, lung cancer, birth defects, and death.

It's time that we brought our trade policy in line with our health policy and stop the double standard on tobacco promotion. The authority of the U.S. Government should not back the export of death and disease. I urge my colleagues to lend their support to the Tobacco Export Reform Act.

STANDOFF AT EASTERN AIRLINES

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. DARDEN. Mr. Speaker, the Eastern Airlines machinists' strike which looms over us today could—if it becomes a reality—do far more than bring one major air carrier to a halt; it is very possible that the entire transportation structure across much of this Nation could be thrown into chaos. If the strike spreads to workers outside Eastern, we face the prospect of a massive disruption of commerce by air, rail, and road.

The Railway Labor Act provides a mechanism for the Government to deal with just such a strike situation, through creation of a Presidential emergency board to seek common ground between management and labor. In light of the danger to our whole interstate commerce structure posed by the current standoff at Eastern, I believe it is only prudent for President Bush to name members to such an emergency board.

Mr. Speaker, the members of the International Association of Machinists and Aerospace Workers, and the AFL-CIO, recognize the grave consequences for interstate commerce which may result from a work stoppage at Eastern. At the same time, they cannot accept the terms which have been offered by Eastern management, and management has given no indication that it is prepared to meet the conditions sought by unionized workers. Clearly, we are at an impasse—and the creation of a Presidential emergency board is the logical remedy.

DORIS BRAY, OUR LADY FOR ALL SEASONS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEWIS of California. Mr. Speaker, every community should be so lucky to have a person like Doris Bray to be one of its most celebrated citizens.

Doris Bray was born July 2, 1905, in Santa Monica, CA. She received a bachelor of arts degree in 1926 and completed graduate studies in 1931 from the University of California at Los Angeles. Her career centered upon public administration and consulting until she married Emmett W. Bray and became a resident of Trona, CA, in 1955. Three years later Doris became owner and publisher of the Trona Ar-

gonaut, a weekly newspaper in the Trona area, which is still in operation. In 1963 Doris was instrumental in helping to establish the Searles Valley Community Services Council and has been the executive director of that organization until her retirement this last December.

In addition to Doris' full-time responsibilities with the Trona Argonaut and community services council, she was able to find the time and energy to serve her community in many leadership capacities. She was president of the board of directors for the Trona Ambulance Service, a longtime member of the Patton State Hospital advisory board and a member of the municipal advisory council, a post to which she was appointed by the San Bernardino County Supervisors in 1985.

Doris is a member and past president of Searles Lake Branch of the American Association of University Women, Trona Community Chest, Trona Business & Professional Women, Searles Lake Veterans Foreign Wars [VFW] Auxiliary, and VFW Auxiliary; and past officer of California State VFW Auxiliary.

Many people either do not have the time or do not take the time to share their knowledge with others; not Doris Bray. She is the author of "A Law is Born, Ballarat Facts and Folklore," and has written numerous magazine articles for professional journals in the field of public administration. Her creativity seems boundless. In addition to all of the above, Doris has also directed 26 plays protraying early mining camp life.

Maybe the last words said are most important. Doris Bray is friend—a friend to endless numbers in Trona and California—and a friend to this Member of Congress. Doris is not just a friend because she is a fellow Bruin, she's not just a friend because she loves her community. Doris is a friend because you just can't help but love our lady for all seasons.

TRIBUTE TO THE KALAMAZOO JUNIOR SYMPHONY ORCHESTRA

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. WOLPE. Mr. Speaker, I want to pay tribute to the Kalamazoo Junior Symphony Orchestra on the occasion of its golden anniversary.

The Kalamazoo Junior Symphony Orchestra was founded in 1939 by Eugene Andrie and has since become one of the Nation's most prestigious youth ensembles. On March 4 an event has been planned to celebrate the symphony's history. Fifty former students will return to Kalamazoo and be led by Andrie in a musical tribute to the harmonious ensemble which helped to shape their lives.

As a regional group, the Kalamazoo Junior Symphony Orchestra draws its members from throughout southwestern Michigan. It is a uniquely independent organization that receives its financial support from a variety of area corporations, foundations, and patrons, and most notably, from the endless carwashes, candy bar sales, and other fundraising activities organized by symphony members and their families.

The extraordinary success of the Kalamazoo Junior Symphony is attributed to a supportive musical community which boasts a number of outstanding local school string programs, and to the high musical standards set long ago and maintained by Andrie and his talented successors. In 1943, the orchestra came under the direction of a close, personal friend, Julius Stulberg, who led the symphony for 31 years. He was succeeded in 1974 by Herbert Butler who, in turn, passed the baton to the Kalamazoo Junior Symphony's current leader, Robert Ritsema, in 1979.

Mr. Speaker, those who have been privileged to be a part of the Kalamazoo Junior Symphony Orchestra—as performer, board member, or contributor—take pride in the orchestra's remarkable musical achievements. I am honored to represent constituents who, through their involvement with the Kalamazoo Junior Symphony Orchestra, have given so much to their community and its cultural environment.

LEGISLATION TO ASSIST INDIAN VOCATIONAL EDUCATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation assisting the cause of Indian vocational education. Currently, only two tribal institutions exist nationwide which are solely dedicated to providing quality vocational education for American Indians: The Crownpoint Institute of Technology located in my own district in New Mexico, and the United Tribes Technical College in Bismark, SD.

Over the past decade, our Nation's economy has changed dramatically from an industrial-based economy to one that is increasingly service-based. This has precipitated a change in our training needs as more and more of the jobs in high demand require specialized, vocational training. These jobs range from the construction trades—masonry, plumbing, carpentry, electricians, sheet metal workers, and heavy equipment mechanics to food services, medical records technicians, nursing, and the computer fields, among others. Many of these specialized employment fields can be taught in short-term training programs that yield high annual wages ranging from entry level wages of $8,500 to $20,400.

At the same time, problems in the national economy become magnified on many of our Nation's Indian reservations. American Indians currently suffer from one of the Nation's highest unemployment rates. The unemployment rate on the Navajo Reservation is seven times that of the United States at large, with an average unemployment rate of 37 percent. In addition, it is estimated only 55 percent of American Indians complete high school. College attendance rates for American Indians remain the lowest for any minority group with only 17 percent of young American Indians going on to college. The reasons for this are many, including the hardships of leaving one's homeland to attend college in an unfamiliar urban environment, and the prohibitive costs of higher education.

For these and other reasons, it is imperative that we invest in vocational education, particularly as the Indian tribes of our Nation confront the problems of high dropout rates and unemployment through economic diversification and tribal economic development.

Currently, the Crownpoint Institute of Technology and the United Tribes Technical College are the only two tribal institutions struggling to provide specialized vocational job training for American Indians. These two institutions are the only Indian tribal educational institutions which are not provided for by Federal authorizing statute. Because they are not State institutions, they cannot look to city, county, or State levies for funding. Absent tax generating economies, tribal governments cannot provide adequate support.

As a result, their sources of funding are competitive and soft, and frequently absent. Without dependable funding, long-term planning becomes impossible. In fact, at times, only portions of a course can be offered because a onetime funding source is no longer available. More critically, at the end of 1 school year, it is not unusual for these institutions to be uncertain about whether they will be able to open for classes for the continuing year. In short, because of their unique status, they have been overlooked by every funding source and have simply fallen through the cracks.

Despite the tremendous odds facing these institutions, the Crownpoint Institute of Technology has graduated over 1,150 Indian adults into the Nation's work force, skilled from among 25 fully accredited, intensive training programs. Virtually all of these graduates entered CIT unemployed and without any job skills.

UTTC also has an excellent record. UTTC currently serves 275 students from 40 tribes and 13 States. While a majority of UTTC's students initially receive public assistance, UTTC has a solid record of graduating and assisting 70 percent of its graduates in finding gainful employment. Thus, both the Crownpoint Institute of Technology and the United Tribes Technical College enable their graduates to leave the welfare rolls forever and become gainfully employed. More importantly, these institutions are critical to the transformation of these graduates into proud, productive citizens contributing to tribal and State economies.

Among other things, the legislation I am offering today will provide a stable, basic funding source for the Crownpoint and United Tribes Technical College institutions based upon their current expenditures and costs. It will also increase the current native American set-aside in the Carl Perkins Vocational Education Act reserved for tribal and tribal organization vocational projects. This increase will be subject to a matching commitment from tribes which may be in cash, in kind, or from other Federal sources. I am pleased this legislation will also encourage tribally controlled community colleges to develop vocational projects relating to and emphasizing tribal economic development. Finally, it will create a National Indian Center for Research in Voca-

tional-Technical Training designed to provide input into Indian economic development policy.

In closing, I emphasize that Federal investments in native American vocational education can be expected to be returned multifold. For instance, in just 6 years of employment, one Crownpoint graduate will have returned in taxes the cost of his or her education. In New Mexico alone, one graduating class can be expected to earn $1.2 million in 1 year and contribute over $460,000 to the tax base. Contrast this to the cost of maintaining these individuals and their families on public assistance and it is clear this legislation is worthy of Federal investment. The time has come to provide these valuable institutions serving Indian people the same basic funding opportunities afforded to all other educational institutions.

THE DOMESTIC VOLUNTEER SERVICE ACT PROGRAMS OF NATIONAL SIGNIFICANCE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Ms. SNOWE. Mr. Speaker, today, I am pleased to introduce legislation which would amend the Domestic Volunteer Service Act [DVSA] by establishing three programs of national significance within the Retired Senior Volunteer Program [RSVP]. These programs of national significance are intergenerational programs for afterschool library latchkey children, respite care programs for family caregivers, and programs to monitor guardianships.

Establishing programs of national significance is a way in which to recognize initiatives that some RSVP's have already undertaken. Further, these programs of national significance help to identify areas that should have a national focus for volunteer activities. While they are not mandates, these programs are one way of helping RSVP directors to better target their limited resources.

As you know, voluntarism has had a long and proud tradition throughout American history. Thus, it is fitting that Congress has sought to foster that tradition through its support for ACTION. RSVP is one of the several programs that provides the opportunity for retired persons to give their volunteer services in various settings.

For example, RSVP volunteers have provided assistance to orthopedically handicapped children, to homebound individuals needing shopping assistance or friendly visiting, to families needing respite care, and to refugees in need of literacy training. One program in Lewiston, ME, is a neighborhood afterschool program which provides activities in a supervised setting for children under 12. RSVP programs serve a variety of community needs.

Thus, when I heard about the growing problem of latchkey children in libraries because of a lack of adequate afterschool programs, I began to wonder if we might not turn this situation to an advantage.

Unfortunately, many working families are struggling to find adequate, affordable day care for their children. With the average annual cost of care totaling $3,000 per child, finding quality care can be an impossible task. Currently, 2.1 million children, ages 5 to 13 years, regularly spend some period of time without adult supervision afterschool.

Libraries, since the turn of the century, have made a commitment to serving the needs of children. Nothing, however, has prepared them to deal with the deluge of unsupervised children who, on a regular basis, are spending extended periods of time in the library because of a lack of day care.

In May 1988, the American Library Association indicated that "what to do with and about library latchkey children has become one of the most rapidly developing public library policy arenas." Exemplifying that problem, the report cited the Brooklyn Public Library which has 100 or more unattended children a day; and Los Angeles County which in 1985 found about 2,000 children a day whose parents used the libraries as an afterschool center. In places as disparate as Illinois, Texas, and Oregon, librarians are trying to cope with a problem that is really a community problem—how shall we care for our children and who shall be responsible.

One solution I have proposed is the Intergenerational Library Literacy Act. This legislation relies on older volunteers who will work with libraries interested in developing afterschool literacy and reading skills programs for latchkey children. Additionally, older volunteers, through program and example, will stress positive images of aging.

Support for this bill has been widespread. Indeed, it was at the recommendation of the president of the National Association of RSVP directors that I included the concept of programs of national significance in order to permit RSVP to better direct volunteers into these library programs if such programs meet the needs of the community. In this way, RSVP could provide a core of volunteers upon which libraries could build their programs.

Another area of great concern has been the need to support the efforts of family caregivers. As you know, in December 1988 a study by ACTION found both RSVP and Senior Companion Program [SCP] volunteers offered respite services to caregivers. RSVP volunteers were found to spend about 15 percent of their time in providing services to family caregivers. Most organizations surveyed who received RSVP and SCP help indicated that without these volunteers, "they either could not operate or would have to curtail respite activities." Volunteers were found to derive a sense of satisfaction from providing respite services because they were aware of the value of allowing caregivers the opportunity to take breaks from their caregiving activities.

Unfortunately, the study found that large numbers of caregivers are wait-listed and that the insufficient supply of volunteers was a principal reason for limitations on respite care. For this reason, establishing respite care as a targeted program may help to provide greater emphasis on services to caregivers.

Finally, we are all aware of the problems that abound in the guardianship programs. Wards are individuals whose legal rights, decisionmaking authority, and possessions have been transferred to the control of a guardian or conservator based on a judgment that the ward is no longer able to take care of these matters.

Today, as many as 500,000 adults may have been made wards under court guardianship or conservatorship programs. While guardians can protect the well-being of those incapable of protecting themselves, the current fragmented system provides few safeguards to wards.

The idea of guardian advocates to monitor guardianship programs was first addressed in legislation I introduced in the last Congress and which was reintroduced in January. Advocates can be trained by the courts to explain what wards can expect from the court system, to provide support, and in general serve as the eyes and ears of the court system's monitoring process. I believe that RSVP volunteers could serve as a cadre around which to develop a program of volunteer advocates.

These proposals, while not binding on any community, will permit the idea of these intergenerational library programs, respite care programs, and guardianship monitoring programs to develop and grow. Indeed, by encouraging their development in communities across the country, RSVP directors could benefit from the experiences of their counterparts in order to develop recruitment, training, and placement models.

As the population ages, there will continue to be an increasingly large number of older adults who seek meaningful opportunities for contributing to society outside of paid employment. Older volunteers bring with them a lifetime of experience which many are eager to share.

The text of the Domestic Volunteer Service Act, programs of national significance follows:

H.R. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF NATIONAL SIGNIFICANCE UNDER RETIRED SENIOR VOLUNTEERS PROGRAM.

Part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.) is amended by adding at end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 202. In making grants under section 201 and determining the amount of the grants, the Director shall give priority to programs of national significance, such as—

"(1) volunteer programs in libraries during afterschool hours to provide literacy and reading skills training for children whose parents are not at home during afterschool hours;

"(2) guardianship monitoring programs; and

"(3) respite care programs.".

SEC. 2. CONFORMING AMENDMENT.

The table of contents in the 1st section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 prec.) is amended by inserting after the item relating to section 201 the following new item:

"Sec. 202. Programs of national significance.".

FIVE-YEAR BICENTENNIAL COMPETITION ON THE CONSTITUTION AND THE BILL OF RIGHTS

HON. ARTHUR RAVENEL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. RAVENEL. Mr. Speaker, as most of you know, we're in the second year of the 5-year bicentennial competition on the Constitution and Bill of Rights. On February 15, South Carolina held its statewide competition and I am most proud to say that the First Congressional District winner, R.B. Stall High School, went on to take first place.

R.B. Stall High School won last year's competition as well, but none of the students from last year's class are among the participants this year—the only repeat is the teacher. The fact that Mrs. Karen Gabe Gibson has been able to produce another winning team speaks well of her outstanding talents. She has the respect of her students and the support of her peers. The school principal, Mike Turner, has been a diligent endorser of the bicentennial competition and worked untiringly last year in planning and fundraising efforts necessary to send our team to Washington for the national competition.

It is important to note here the support my office receives. Countless citizens have given freely of their time to help in training, judging and organizing. This is an impressive, worthwhile program that tends to be addictive—once people have volunteered, most are only too happy to help again. No congressional staff can afford to devote the time this project requires. Without the expertise and enthusiasm of Susan Boykin and Pam Tuttle of the South Carolina Department of Youth Services, who are kind enough to be the district coordinators, we could not have the quality of competition these fine students deserve.

It is indeed an honor to individually list the names of the members of the winning class that will be representing the State of South Carolina in our Nation's Capital in May.

Jacquelin Addison, Morgan Alley, Russell Baxley, Kristin Black, Michael Brown, Darwina Bugarin, Janet Coker, Willie Dasinger, Barbara Ellis, Jaime Facchino, Steven Gabriel, Michell Grover, Bernadett Malamug, Demetrice McBride, Derrick McFadden, Barbara Montgomery, Candy Nagal, Meredith Phillips, Tricia Rice, Joel Rogers, Bernette Shaw, Dawn Snyder, Mike Strohm, Michelle Tetterton, Kyle Varner, John Wahlers, Ronnie Welch, and Leslie Wilson.

THE NORTHEAST-MIDWEST CONGRESSIONAL COALITION TAKES AIM

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mrs. KENNELLY. Mr. Speaker, the 101st Congress faces an array of critical challenges that profoundly impact the economy and quality of life throughout Northeastern and Midwestern States. The Northeast-Midwest Coalition has outlined its regional policy agenda for the 101st Congress in our biweekly newsletter, the Northeast-Midwest Economic Review. As vice chair of the coalition, I would like to share the following excerpt from the Economic Review with my colleagues and I encourage coalition members to become involved in this regional agenda.

HUMAN RESOURCES

LABOR MARKET INFORMATION

Members of Congress need timely and reliable data if they are to address effectively the human resource issues of a changing economy. They rely on labor market information both for policy development and resource allocation at the federal level, and for ensuring that at the local level the poor and unemployed receive good advice and guidance to make their way into productive jobs in the economic mainstream. The Institute has prepared a series of publications on how policymakers can improve labor market information, and it sponsored a Congressional briefing on the topic.

Throughout 1989, the Institute will organize a series of regional conferences among state Employment Security officials, training and education administrators, and other state policymakers to explore the most pressing state needs in the labor market information field, particularly the need for improved data on the subsequent employment experiences of dislocated workers and of training program completers, in order to design more efficient and effective employment and training policies. The Coalitions, meanwhile, will promote initiatives that add two statistical programs—one on changing occupational skill requirements and one on worker mobility—to the existing LMI programs. Also included in these initiatives is support for improving the accuracy of local unemployment statistics used in many federal allocation formulas for grants to states and localities.

DISLOCATED WORKERS

Of particular concern to the Northeast and Midwest are the thousands of unemployed workers dislocated from the region's traditional manufacturing industries. Growth in new high-technology and service businesses has helped put some of these workers back on the job, but others who lack sufficient basic or occupational skills face the prospect of permanent unemployment.

The Institute plans to publish a guide book this year that reviews research on dislocation issues and explains examples of exemplary dislocated workers programs. The guide will be directed to policymakers and planners at the state and local level. The Coalitions, meanwhile, will promote initiatives that provide states with incentives to upgrade the job skills of unemployment benefit recipients and that improve job counseling and skills-testing programs in the Employment Service Labor Market Information.

Members of Congress need timely and reliable data if they are to address effectively the human resource development issues of a changing economy. They also need updated labor market information if they are to ensure that the poor and unemployed receive good advice and guidance to make their way into producive jobs in the economic mainstream. The Northeast-Midwest Institute has prepared a series of publication on how policymakers can improve labor market information, and it sponsored a Congressional briefing on the topic.

Throughout 1989, the Institute will organize a series of regional conferences among Employment Service officials, demographers, and policymakers to enhance the understanding of labor market dynamics, particularly the subsequent employment experiences of dislocated workers and of training program completers, in order to design more efficient and effective employment and training policies. The Coalitions, meanwhile, will promote initiatives that add two statistical programs—one on occupational skill requirements and one on worker mobility—to the LMI programs currently authorized in the Job Training Partnership Act.

EDUCATION AND ECONOMIC DEVELOPMENT

As the nation and the region face a profound economic transformation, we must first identify our people—our human capital, if you will—as the major resource for revitalizing our economy. Technology and management ability are critical factors, but economic growth and renewal ultimately depend upon our work force. They depend on whether we, as a nation, can provide our people with the education, training, and job opportunities that will allow them to reach their full potential and attain security in their personal lives. Perhaps no asset is more critical to this revitalization than our public and private educational system.

In 1988, the Institute received a major grant from the Carnegie Corporation of New York to organize a series of six field conferences that identified ways for schools to improve the local economy and prepare students for new economic conditions. The one-day conferences, hosted by Members of Congress, aimed to create ongoing task forces among local educators, elected officials, economic development administrators, and business leaders to promote a more flexible school system that can enhance local economic development.

Conferences were hosted by: Representatives Howard Wolpe and Fred Upton in Kalamazoo, Michigan; Representative Charles Rangel in New York City; Representatives Frank Horton and Louise Slaughter in Rochester, New York; Representative Claudine Schneider in Providence, Rhode Island; Representative Thomas Sawyer in Akron, Ohio. The Institute also held a briefing in Washington to discuss the project's findings and recommendations. A report on the conferences and the possible linkages between education and economic development will be released in early 1989.

DEMOGRAPHIC AND ECONOMIC TRENDS

Each year, the Institute releases a detailed report on demographic and economic trends in the Northeast-Midwest region. Where possible, The State of the Region outlines various projections for development and examines the fundamental forces driving the Northeast-Midwest economy. The report's second section reviews trends in each of the region's 18 states. The third section presents detailed tables on demographic and economic data.

As an increased service to its various constituents, the Institute sponsors a series of monthly briefings on the state of the region. On the fourth Wednesday of each month, Members of Congress host informal breakfasts and discussions with some of the nation's leading demographers. Recent sessions have focused on the 1990 census and redistricting, employment and workforce trends, labor market information, residen-

tial segregation, and the federal statistical system.

RAY SIEBERT RETIRES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize my lifelong friend, Ray Siebert, who on March 4, 1989, will retire after serving the U.S. Postal Service and the community of Rialto for over 31 years.

I have to say that Ray has served his community in more than one way. He has been an active member and served as deacon and elder of the San Bernardino Christian Church. He is a past president of the Kiwanis Club, past president of local 406 of the Postal Supervisors and local 411 of the National Association of Letter Carriers and past president of the Fraternal Order of Eagles, Aerie 506.

Ray has contributed immeasurably to the smooth operation of our local communities postal delivery system; so much so, that he moved up in the ranks to the position of postmaster in Rialto this last year. For many years he acted as the liaison officer between the U.S. Postal Service and the 35th Congressional District office, paving the way for positive resolution of many postal problems. Ray Siebert got this far by subscribing all the while to the idea that his friends', neighbors' and fellow residents' lives would be less troublesome if the mail service functioned properly—and it has for over 31 years.

Ray has lived in San Bernardino County since childhood and I have known him since we attended San Bernardino High School together. He and his wife Claudette have been married for 34 years and raised their two daughters Shawnie and Lonnie in the 35th District. Upon his retirement, Ray and his wife Claudette plan to take their fifth wheeler RV and begin to see the United States. Mr. Speaker, I ask that you join me today in saluting Ray Siebert. While his presence in the postal community will be greatly missed, his many years of dedication will serve as a reminder that this postal patriarch did exist. It is with great respect that I pay tribute to him today.

THE INF TREATY AND DEFENSE BURDEN SHARING

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. IRELAND. Mr. Speaker, this year marks the 40th anniversary of the North Atlantic Treaty Organization [NATO], and it's about time for a major reassessment of this country's financial commitment to that alliance. The world is a much different place than it was right after World War II, when America was the only Western nation with the economic and military might necessary to fill the vacuum left by the decimation of Europe.

Today, thanks in large part to the Marshall plan and United States help in the past four decades, our friends and foes alike from the Second World War have become economic powers in their own right. Yet we continue to bear the financial burdens of defending Western Euopean soil and protecting the trade routes around the globe that are the lifelines of prosperity for our major allies. About 60 percent of the U.S. defense budget goes toward the protection, not of United States territory, but of Western Europe. We spend between $160 and $170 billion per year on NATO—more than the contributions of the other 15 NATO members combined. The number of United States military personnel stationed in Europe increased from 145,000 in 1950 to 340,000 in 1988. That trend has continued upward in the past 20 years, with few deviations. Meanwhile, we run record budget deficits and maintain intolerable trade imbalances with many of the nations whose defense we support with our tax dollars.

The United States must take the lead if we are ever to achieve a fair sharing of the financial burdens and military risks that come with supporting NATO and our other alliances. I firmly believe that a strong leadership effort by the President, with full backing from the Department of Defense and the Department of State, will bring about equitable defense burden sharing with our allies.

However, it appears that Congress must take the first step if we are to get anywhere, and I rise today to do just that. My distinguished colleague PAT SCHROEDER and I have introduced legislation to send a clear message from Congress to the administration and our allies—that the American taxpayer cannot continue to shoulder the burden of defending Western Europe.

The dismantling of the intermediate nuclear forces under the treaty signed by President Reagan and Soviet Premier Gorbachev and ratified by the Senate last year provides a good opportunity to demonstrate to our allies that we mean business on burden sharing. Congresswoman SCHROEDER and I have introduced a resolution that calls for the withdrawal of all civilian and military personnel assigned to the INF forces once the destruction of those weapons is complete in 1991.

The Department of Defense has not been forthcoming with information as to the status of personnel assigned to the Pershing II and ground-based cruise missiles [GLCM's] or the Department's plans for the reassigning of those personnel when the INF dismantling is complete. According to figures provided my office by the Army and the Air Force, there are at least 24,821 military and civilian personnel connected with INF forces currently stationed in the Netherlands, Belgium, West Germany, Italy, and Great Britain. Those people should be brought home when the missiles they service have been deactivated.

The destruction of the INF forces and reassignment of INF personnel should result in significant savings. The Department of Defense, in its amended budget request for fiscal years 1988 and 1989, promised savings of at least $459 million, including $132 million in personnel costs in 1989 alone. Those savings would be offset somewhat by the costs of missile transportation, destruction, verification inspection, and personnel assignments, but the Department has not said what the net savings should be when all is said and done. In fact, if the Army and Air Force reassign INF personnel to fill alleged shortages in Europe, retain existing units there longer than planned, or even create new units in Europe, we may be spending more than we were before the INF Treaty was enacted.

This cannot be allowed to happen. Maintaining or increasing our presence in Europe, in light of the elimination of the INF forces and despite intense public pressure to achieve equal burden sharing and reduce the budget deficit, would be irresponsible indeed. We can and must maintain our strength without spending money and assigning personnel where they are not needed. Current trends in the international arena, as well as mounting budgetary pressures, argue for a shrinking of force structures and a reduction of overseas deployments, not a mere shifting of personnel from one European base or headquarters to another.

With insufficient and incomplete information from the Pentagon on this subject, I have asked the General Accounting Office [GAO] to examine several key issues and provide information on exactly what the Department of Defense intends to do with our INF personnel. Specifically, I have asked GAO to answer the following questions:

How many personnel are involved and what is the schedule for their reassignment and their precise unit destinations?

How will the Pershing and GLCM personnel reductions be accomplished—through transfers, attrition, reduction in force, separation or what?

Are personnel being reassigned to meet valid requirements in combat units or headquarters units?

Are the new assignments compatible with skill levels and specialty training found among INF personnel?

Has the overall NATO troop ceiling been adjusted to reflect Pershing and GLCM deactivations?

Is DOD remaining within the congressionally mandated NATO troops ceiling?

What has happened to the savings projected by DOD in its amended budget request for fiscal years 1988 and 1989?

On a related issue, I have also asked the GAO to determine the extent of DOD's compliance with recommendations made last February on reducing manpower levels and overhead cost in the military. The recommendations were put forth in a study entitled, "Review of Unified and Specified Command Headquarters," commissioned by then Secretary of Defense Frank Carlucci and undertaken by Derek Vander Schaaf, Deputy DOD Inspector General. The study reviewed our worldwide military command headquarters structure, with an eye toward streamlining foreign operations and reducing the number of unnecessary personnel stationed abroad.

The study documents significant duplication of functions, excessive layering of organization structures and overlapping responsibilities among the various command headquarters. The report recommends the elimination of 7,309 military and civilian positions from the

headquarters structure by the end of the current fiscal year, yielding savings of up to $336 million in fiscal year 1990 and $1.7 billion over the next 5 years.

In a report to Congress last December, Secretary Carlucci stated that 3,000 military and civilian spaces would be eliminated from Unified and Specified Command Headquarters, and that these reductions would be reflected in the Department's budget submission for fiscal years 1990 and 1991. I have asked the GAO to review the Department's plans for implementing the reductions outlined in Secretary Carlucci's report to Congress. GAO will determine to what extent the reductions have been incorporated in the Departments 5 years defense plan for fiscal years 1990–94 and provide a detailed breakdown as to how the reductions are being accomplished.

Armed with adequate information as to the Pentagon's policies toward our European-based personnel, Congress can determine what has been done and what remains to be done to achieve equitable burden sharing. We can make a thoughtful assessment of what our present and future role should be in maintaining the defense of the alliance, while giving due consideration to budgetary realities. The first step toward burden sharing will come with an honest admission on the part of the Defense Department, the administration and Congress that we cannot go on like we have for the past several decades. We must make the best use of the funds appropriated for the national defense, not maintain a bloated force structure abroad just for the sake of it. Until we make substantive moves to reduce our personnel in Europe, our NATO allies will never believe that we are serious about burden sharing. The resolution that we have introduced today and the study that I have requested from the GAO will leave no doubts in their minds as to the intent of Congress in this regard.

THE RURAL ELECTRIFICATION ADMINISTRATION LENDING ASSISTANT IMPROVEMENTS ACTS OF 1989

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. BATES. Mr. Speaker, today I introduce the Rural Electrification Administration Lending Assistance Improvements Act of 1989. Not only is my proposal bipartisan, covering the full spectrum of congressional political thought, it is also supported by the National Taxpayers Union, the National Tax Equality Association, the National Propane Gas Association, the Alliance for Fair Competition, and other worthwhile associations of public interest.

This legislation would bring REA lending programs in line with changes in the conditions of rural electric and telephone service. When the program was begun in 1936, few farms had electricity or telephones. Today, these services are available from the Florida Keys to remote Alaskan villages above the Arctic Circle. Quality rural utilities are available in every corner of rural America.

But with REA's original task seemingly all but completed, the REA is still going strong, pumping taxpayer money—about $1 billion annually—into areas of the country far removed from the little house on the prairie. And, this money is highly subsidized.

Over the last 15 years, the value of REA subsidies amounts to over $50 billion. Some of these moneys subsidize the power from REA-backed nontaxpaying cooperatives to recharge golf carts at Hilton Head Island, the spa where 18 holes can run $97.50. Other subsidized loans provide power to Kuwait Investment Co.'s pleasure island of Kiawah, SC, as well as other sunshine resorts.

Mr. Speaker, Federal below-market-rate loans don't end with the sunshine resorts. Tax-free REA cooperatives also provide power to the burgeoning leisure economies and condominium complexes of Vail, Aspen, and Snowmass.

Simply stated, these ski playgrounds and the sunshine tanning centers of the wealthy don't require high-subsidy loan assistance. This legislation would reform these unnecessary subsidies.

Mr. Speaker, a good question is: Why have such extravagant subsidies so long been tolerated when the country cries for cost cutting budget reform? Well, that's a good question. Simply put, with apologies to Will Rogers, "Some Congressmen never met a spending bill they didn't like."

Today, without question, this legislation makes a clear call for reform. And it does so on a sound base. Today, unlike 1936, nearly all REA borrowers are financially healthy and profitable. Some REA electric power supply borrowers and their affiliated distribution members have assets that exceed companies on the Fortune 100 list of largest U.S. enterprises. Our bill recognizes this change and would make the appropriate reform—by replacing high-subsidy REA direct loans with loan guarantees when assisting legitimate rural borrowers.

Under current law, areas that were rural in former times but are no longer rural continue to receive high subsidy assistance. About 5 percent of REA borrowers serve largely metropolitan areas, not rural areas. During the period 1980 to 1985, these urban and suburban borrowers received nearly 20 percent of all electric loans aimed at rural communities. Our bill says "once a borrower, always a borrower" is bad policy. We would stop this practice and assist only legitimate rural borrowers.

The telephone program is no different. A number of REA borrowers are subsidiaries of major, multimillion dollar telecommunications holding companies. One of these outfits, with sales and assets of $2.6 billion and $5.1 billion respectively, took nearly 10 percent of all telephone loans during the 1980 to 1985 period. As a group, these holding companies, representing 7.5 percent of all telephone borrowers took 25.5 percent of the money between 1980 and 1985. These holding companies are playing in the Euro and Wall Street bond markets. Multimillion dollar companies have no place taking high-subsidy assistance from hard-working taxpayers. Our bill would stop this practice.

Does this legislation cause serious problems in providing affordable, quality utilities to rural America? The answer is no; a resounding no. There would be no drastic increase in farmers' utility bills under our proposal. The Congressional Budget Office and the Office of Management and Budget agree on that. The Congressional Budget Office previously reported that moving to a more market oriented loan rate above the highly subsidized REA rate "* * * would have little effect on most cooperative's rates as interest charges account for only a small percentage of the average ratepayer's bill." The Office of Management and Budget in conjunction with the Department of Agriculture and the Rural Electrification Administration report that the impact on the typical ratepayer would be "only 74 cents per month."

Now Mr. Speaker, does the package save any money? Yes. Projected savings from current services and countable savings for Gramm-Rudman-Hollings purposes result in nearly $5 billion over the next 5 years. This legislation produces savings that are dramatic and real. At the same time, our legislation remains sensitive to rural America. It does not abolish REA nor does it cause a drastic increase in farmer's utility bills. It is a reform bill that provides continued generous Federal assistance to those who need it while eliminating assistance to those who don't.

In those few cases where a borrower is experiencing financial hardship, our legislation provides a wholly reliable safety net. This legislation ensures that a borrower in true need gets direct, high-subsidy assistance. The proposal does not threaten quality, reliable, and affordable service to rural America.

Americans have long been generous to those who truly need help. This attribute is the cornerstone of our country's strength. We help one another. However, unless we open our eyes to changes and make the appropriate reforms in Federal spending, we simply won't have enough resources to meet the critical needs of today. Frankly, no one has to be an expert in rural utility service to know that conditions have changed since REA was created in 1936. The help that was once needed has been largely satisfied.

This legislation can reform the program, and reduce our costs without harming rural America or abolishing REA. It allows us, in a substantial way, to find the resources to meet other urgent needs of today's America.

In essence, our bill follows the advice of Mark Twain, which was, "Do what's right and you'll please some of the people and astound the rest." We have an opportunity here to do what's right and astound those who believe Congress never met a spending bill it didn't like.

I urge my colleagues to join us in supporting this legislation which strikes the proper balance between the legitimate interest of all parties.

Mr. Speaker, the bill follows:

H.R. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Electrification Administration Lending Assistance Improvements Act of 1989".

SEC. 2. Section 305(c) of the Rural Electrification Act of 1936 (7 U.S.C. 935(c)) is

amended by adding at the end thereof the following: "Nothing in this section shall be deemed to limit the authority of the Administration to sell loans made under this section on a nonrecourse basis pursuant to section 304(c) of this Act.".

SEC. 3. Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended by—

(a) deleting from the first sentence thereof ", in the full amount thereof,"; and

(b) deleting the second and third sentence and inserting in lieu thereof the following: "With respect to loan guarantee issued on or before September 30, 1988, the guarantee shall be in the full amount of the loan and the loan shall be made by the Federal Financing Bank at a rate of interest set pursuant to section 6 of the Federal Financing Bank Act (12 U.S.C. 2285) and not more than the rate of interest applicable to other similar loans then being made or purchased by the bank. With respect to loan guarantees issued after September 30, 1989, the guarantee shall not exceed 70 per centum of the outstanding undivided principal of and interest on any loan made for the purpose of financing the costs of electric distribution and subtransmission facilities and telephone facilities and shall not exceed 80 per centum of the outstanding undivided principal of and interest on loans made for the purpose of financing the costs of electric generation and transmission facilities: *Provided,* That the guarantee shall cease to be effective with respect to the loan, or any portion or derivative thereof, to the extent that the 30 per centum or 20 per centum, as the case may be, unguaranteed portion of such loan, portion or derivative becomes collaterized or secured in any manner whatsoever, in whole or in part, directly or indirectly, by an obligation or obligations issued or guaranteed by the United States of America or any of its agencies: *Provided further,* That the guarantee shall cease to be effective with respect to the loan, or any portion or derivative thereof, to the extent that the 70 per centum or 80 per centum, as the case may be, guaranteed portion of such loan, portion or derivative is at any time separated from the 30 per centum or 20 per centum unguaranteed portion of such loan, portion or derivative in any way: *And provided further,* That the guarantee shall cease to be effective with respect to the loan, or any portion or derivative thereof, to the extent that the guarantee is used to provide significant support for a bearer obligation which does not comply with all of the registration requirements of the Internal Revenue Service. After September 30, 1989, the Administrator may guarantee no loan made by the Federal Financing Bank, the Rural Telephone Bank or any other lending agency that is an agency or instrumentality of the United States.".

SEC. 4. Section 306A of the Rural Electrification Act of 1936 (7 U.S.C. 936a) is amended to read as follows:

"SEC. 306A. PREPAYMENT OF GUARANTEED LOANS.—A borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of the Act may, prior to October 1, 1989, prepay such loan, or any loan advance thereunder, by paying the outstanding principal balance due on the loan or advance plus accrued interest through the date of prepayment through use of private capital or internally generated funds. No sums in addition to the payment of the outstanding principal balance and accrued interest due on the loan may be charged against the borrower. Sums in addition to the principal balance, plus accrued interest, may be charged against the fund or the Rural Electrification Administration.

"Prepayment of Federal Financing Bank loans may be financed with private capital or internally generated funds using a section 306 guarantee of not to exceed 80 per centum of the undivided pro rata principal of and interest on the refinancing loan, or any portion or derivative thereof: *Provided,* That the guarantee shall cease to be effective with respect to the refinancing loan, or any portion or derivative thereof, to the extent that the 20 per centum unguaranteed portion of such refinancing loan, portion or derivative becomes collateralized or secured in any manner whatsoever, in whole or in part, directly or indirectly, by an obligation or obligations issued or guaranteed by the United States of America or any of its agencies: *Provided further,* That the guarantee shall cease to be effective with respect to the refinancing loan, or any portion or derivative thereof, to the extent that the 80 per centum guaranteed portion of such refinancing loan, portion or derivation is at any time separated from the 20 per centum unguaranteed portion of such refinancing loan, portion or derivative in any way: *Provided further,* That the guarantee shall cease to be effective with respect to the refinancing loan, or any portion or derivative thereof, to the extent that the guarantee is used to provide a significant support for a bearer obligation which does not comply with all of the registration requirements of the Internal Revenue Service. Except as hereinabove provided, guarantees and other financial assistance shall not be available to borrowers to refinance loans prepaid under this section: *Provided further,* That the administrator may provide lien accommodations to enable private lenders to obtain security.".

SEC. 5. Section 306B of the Rural Electrification Act of 1936 (7 U.S.C. 936b) is amended to read as follows:

"SEC 306B. PREPAYMENT OF DIRECT OR INSURED LOANS.—A borrower of a direct or insured loan made under this Act and held by the Administrator may prepay such loan by paying the lesser of the outstanding principal balance due thereon or the present value thereof, discounted from the face value at maturity at a rate set by the Administrator. In the event that a borrower prepays using tax exempt financing, the discount shall be adjusted to make the discount equivalent to fully taxable financing. The borrower shall certify in writing whether the financing will be tax exempt. In the case of an electric borrower prepaying loans at the discounted present value thereof, no loans, loan guarantees or other financial assistance shall be provided pursuant to this Act to the borrower or its successors or for the purpose of furnishing or improving electric service of the type (that is power supply or distribution) provided by the borrower within the area so served by the borrower. In the case of a telephone borrower prepaying loans at the discounted present value thereof, no loans, loan guarantees or other financial assistance shall be provided pursuant to this Act to the borrower or its successors or for the purpose of furnishing or improving telephone service in the area served by the borrower.".

SEC. 6. Section 312 of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by deleting therefrom "15" and inserting in lieu thereof "3".

SEC. 7. Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended to read as follows:

"SEC. 313. FINANCIAL ASSISTANCE LIMITATION.—

"(a) After September 30, 1989, the Administrator may make no insured loans under section 305 unless the Administrator shall have made one of the findings set forth in section 305(b) (1) and (2). Insured loans made after such date shall bear interest at a rate determined at the time the insured loan is approved based upon the interest rate on marketable obligations of the United States with maturities comparable to the maturity of the insured loan less 3 per centum: *Provided,* That the interest rate on such insured loans shall not be less than 5 per centum per annum. The aggregate amount of such loans approved in any fiscal year shall not exceed 5 per centum of the total amount of section 306 loan guarantees approved for such fiscal year by the Congress of the United States.

"(b) After September 30, 1989, the Administrator shall not guarantee loans under section 306(i) to or for the benefit of a borrower if the borrower serves more than 20,000 customers and at least 50 per centum of the borrower's customers are located within a Metropolitan Statistical Area or a Consolidated Metropolitan Statistical Area with a population in excess of 100,000 as periodically established by the Office of Management and Budget; (ii) if the Administrator finds that the predominate purpose of the loan would be to provide or improve electric or telephone service in an area that is largely for recreational use such as ski or beach resort; or (iii) to any borrower for the purpose of furnishing and improving telephone service if during the most recent calendar year for which data is available the gross revenues of the borrower or organizations affiliated with the borrower including the gross revenues of the borrower shall have exceeded $100 million."

SEC. 8. Section 406 of the Rural Electrification Act (7 U.S.C. 946) is amended by—

(a) amending the first sentence of subsection (c) thereof to read as follows:

"Class A stock shall be issued only through September 30, 1989 to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a). No class A stock shall be issued after September 30, 1989 and 51 per centum of the maximum amount of class A stock outstanding at any time after September 30, 1985, shall be redeemed and retired by the telephone bank on September 30, 1995. The remaining balance of such stock shall be redeemed in equal increments over the next ten years and completely retired by September 30, 2005.";

(b) deleting the last sentence of subsection (g) thereof; and

(d) deleting subsection (h).

SEC. 9. Section 407 of the Rural Electrification Act of 1936 (7 U.S.C. 947) is amended by adding the following new subsection (d):

"(d) Notwithstanding any other provision of this Act, the telephone bank shall redeem and retire according to an effective implementation plan for privatization all outstanding debentures issued to and held by the Secretary of the Treasury. All of such debentures shall be redeemed and retired not later than September 30, 1995, and thereafter the telephone bank shall not issue telephone debentures to the Secretary of the Treasury and the Secretary of Treasury shall not purchase any such debentures. Telephone bank debentures are not guaranteed or otherwise backed by the full faith

and credit of the United States and they are to be treated as corporate securities for the purposes of the securities and banking laws.".

SEC. 10. Subsection (b) of section 408 of the Rural Electrification Act of 1936 (7 U.S.C. 498) is amended as follows:

(a) paragraph (3) is amended to read as follows:

"Loans under this section shall bear interest at the "cost of money rate." The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, including but not limited to borrowing, operating, and administrative costs necessary to operate the bank and including, without limitation, the costs associated with accumulating necessary reserves adequate for the redeeming and retiring of class A stock and to borrow exclusively from private markets without Federal guarantee after September 30, 1995: *Provided,* That in no event shall the interest be less than 5 per centum per annum.";

(b) paragraph (4) is amended by deleting therefrom the last sentence thereof; and

(c) paragraph (8) is amended by:

(1) deleting ", if such prepayment is not made later than September 30, 1989"; and

(2) adding at the end the following: "No loans, loan guarantees or other financial assistance shall be provided pursuant to this Act to any borrower prepaying under this section or to its successors or for the purpose of furnishing or improving telephone service in the area served by the borrower.".

SEC. 11. The Rural Electrification Act of 1936 is amended by adding at the end thereof the following new section 413:

"SEC. 413. TELEPHONE BANK PRIVATIZATION.—The Telephone Bank Board shall (i) begin immediately to undertake to qualify as a member of a federally regulated charter organization or lending insurance agency as appropriate and shall adjust all of its financial reporting to the standards used by said charter organization or lending insurance agency except those standards required under the Budget Control and Impoundment Act of 1975; (ii) begin immediately to take steps to build necessary equity reserves to enable the telephone bank to borrow privately without any form of Federal guarantee, which steps shall include but not be limited to setting a loan interest rate that will develop adequate cash flow to enable the telephone bank to pay interest on private borrowings used to retire Treasury debt and class A stock; (iii) by December 31, 1989, develop an effective implementation plan for privatization as provided in sections 401(b) and 406(c) of this Act; and (iv) by December 31, 1990, hire a competent qualified staff, knowledgeable in private banking practices, to begin the process of converting the telephone bank to a private, independent, lending institution.".

PROTRACTED CONTRACT NEGOTIATIONS BETWEEN THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS AND EASTERN AIRLINES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. STOKES. Mr. Speaker, the protracted contract negotiations between the International Association of Machinists & Aerospace Workers and Eastern Airlines has been one of the longest and most visible disputes in memory.

Eastern Airlines recently rejected the National Mediation Board's January 30, 1989, arbitration proposal, bringing about an impasse under the Railway Labor Act, which started a 30-day cooling off period that will end March 3, 1989. After the expiration of that period, management will be free to impose its last offer, and the International Association of Machinists will be forced to strike. As Neil Henderson noted in this morning's Washington Post:

Imagine a Washington workday with no Eastern Airlines service, no Amtrak, no Maryland commuter trains and general confusion throughout the local transportation network as roads grow more congested and trucks carrying food to market don't arrive.

In the interest of averting that worst case scenario, I bring to the attention of my colleagues the following statement by the AFL-CIO Executive Council, which deserves the immediate attention of the President and of Members of Congress:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON EASTERN AIR LINES

The protracted confrontation between the employees of Eastern Air Lines and Frank Lorenzo has been one of the longest and most visible disputes in memory.

After misusing the nation's bankruptcy laws to bust the unions on Continental Air Lines, Frank Lorenzo has personally presided over the systematic dismantling of Eastern Air Lines by selling its most profitable assets. He has siphoned off hundreds of millions of dollars from Eastern to Continental and Texas Air. He now claims poverty at Eastern.

In contrast, over the past decade, Eastern's unionized employees have compiled a record of financial sacrifice in their attempts to save their airline, giving up more than $1.5 billion in wages and other concessions. In the current round of negotiations, the International Association of Machinists and Aerospace Workers has conceded to a pay freeze, major work rule changes and reductions in new entry rates.

That show of good faith has not been matched on the management side. After refusing to bargain in good faith throughout the current negotiations that started in September 1987, Eastern rejected immediately the National Mediation Board's January 30 arbitration proposal. Under the Railway Labor Act, that action brought impasse, starting a 30-day period that ends March 3. After that deadline, management is free to impose its last offer and the IAM is free to strike.

Clearly, Frank Lorenzo seeks to force a strike by imposing the wage cuts of 20 to 30 percent, pension reductions and work rule changes—all part of the "offer" Eastern management hasn't changed for 16 months.

In contrast, IAM members sought to bargain, welcomed arbitration and now support the appointment of a Presidential Emergency Board.

The AFL-CIO supports the call for the National Mediation Board to recommend and the President to appoint a Presidential Emergency Board. To prepare for the possibility that no emergency board is named, the AFL-CIO will mobilize its resources to assist the employees at Eastern and calls for action by affiliated unions, state AFL-CIOs and local central bodies for the fullest possible support.

NATIONAL VISITING NURSE ASSOCIATION WEEK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize and congratulate the Visiting Nurse Association [VNA] of the Inland Counties and its affiliate, Ramona VNA & Hospice, as they celebrate National Visiting Nurse Association Week.

Each day, the VNA staff works with families who are coping with the difficulties of providing a safe environment for a loved one. These people are dedicated to providing quality care in the comfort and convenience of the home setting. As well as traditional home health, they have programs in home maintenance for senior citizens, hypertension, education, health insurance advocacy, and early intervention to maintain infants' health.

I am thankful for associations such as the VNA and Ramona VNA & Hospice; people throughout the Inland Counties need the assistance and care extended by the Visiting Nurse Association and it gives me great pleasure to extend those thanks today on the floor of the House of Representatives. Please join me, Mr. Speaker as I respectfully pay tribute to the Visiting Nurse Association of the Inland Counties and its affiliate, Ramona VNA & Hospice.

U.S. FOREIGN POLICY MUST REFLECT AMERICAN IDEALS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. HORTON. Mr. Speaker, our colleague, BILL BROOMFIELD, who is the vice chairman of the House Foreign Affairs Committee, has written an unusually thoughtful article titled: "United States Foreign Policy Must Reflect American Ideals" which appears in the March issue of the New Age magazine.

The magazine is published by the Southern Jurisdiction of the Scottish Rite of Freemasonry with a monthly circulation of nearly 650,000 across the United States.

BILL BROOMFIELD, who was recently elevated to the 33d degree, the highest honor in Freemasonry, contends that a successful American foreign policy must be grounded in two fundamental principles: human rights and economic liberty.

If America is to continue to be both a great and a decent power, it must not be afraid to project those ideals around the world, Representative BROOMFIELD argues.

Mr. Speaker, I commend the following text of BILL BROOMFIELD'S insightful article to my colleagues.

UNITED STATES FOREIGN POLICY MUST REFLECT AMERICAN IDEALS

(By William S. Broomfield)

Just after the 1988 Presidential election, a news story revealed an interesting fact: the Soviets were quite pleased with the election of George Bush.

The conventional wisdom in America might have suggested otherwise. Many people assume that the Soviets would be more pleased with an administration that took a generally softer line on such issues as arms negotiations and Marxist governments in the Third World.

Yet it was clear from the Soviet response that the Kremlin prized predictability and stability above all other considerations. The Kremlin's attitude is understandable: most of us, whether individuals or institutions, don't like surprises.

I believe the main reason for the success of President Reagan's foreign policy was its predictability. And one reason that it was predictable, one reason the Soviets might *not* appreciate, was that it was in character. America's foreign policy of the last 8 years has been entirely in character with its most deeply held principles: human rights and economic liberty.

These two principles are not simply declarations on paper that we trot out for Fourth of July speeches. They are part of the American way of life.

And, if our foreign policy is to win friends for us around the world, it also must stem from our deepest principles. That's what President Reagan meant when he referred to the Nation as a "city set upon the hill".

The first ideal that should shine forth to other nations is our commitment to human rights. The freedoms to be found in America are well-known throughout the world. They are not merely theories we read, but habits we practice.

The Soviet Union suffers by comparison. A recent news article shows the difference. It told of young boys and girls forced to work on giant agricultural cooperatives in central Russia. The article pointed out that Soviet law prohibits child labor, but adds that there are no penalties.

There are no penalties because those who wrote the laws clearly did not intend for anyone to take them seriously. They merely wanted something on paper to show a commitment to progressive labor practices. Of course, there is also complete freedom of religion according to the Soviet constitution. But tell that to the clergy who want to build new churches, or educate seminarians, or speak freely from the pulpit.

The Reagan Administration made human rights a fundamental part of Untied States policy everywhere. We have made our standards clear not only to totalitarian regimes with Marxist governments, but to authoritarian regimes with military-dominated governments. Human rights have thereby become a major factor in our relations with all countries—friends and enemies, allies and antagonists alike.

The second American ideal that should inform our foreign policy is economic freedom. There is no country in the world that gives greater freedom to enterpreneurial talent, that gives workers more freedom to find the best use for their skills, and that gives the consumer a greater range of products and services than the United States.

It was not so long ago that arguments raged over the relative merits of capitalism and socialism. Many saw the future in statist solutions to economic problems. In the 1970's, Angola and Ethiopia joined the ranks of socialist countries, as did Vietnam, Cambodia and Laos.

Yet, just a decade later, many of those who thought that economic controls would bring economic growth have found that they have brought only economic decay. If there is any reason for a Soviet and Chinese about-face in economic thinking, it has nothing to do with a change of heart by Marxist theoreticians and everything to do with a simple observation that could be made by anyone forced to stand in line outside a state-owned grocery store: democratic capitaism has left Marxist planning in the dust.

Nowhere is that more apparent than in the two Koreas, where South Korea's per capita income has leaped from $96 in 1962 to more than $2,000 today, a figure three times the current per capita income of its once wealthier neighbor to the north.

What's true in the Pacific Rim is also true in Africa. About 30 years ago, the socialist leader of Ghana, Kwame Nkrumah, issued a challenge to the market-oriented leader of the Ivory Coast. He mentioned that their countries were neighbors and were very similar to each other in many respects but one: Ghana was following a socialist path; the Ivory Coast, a market path.

Mr. Nkrumah suggested they should compare each other's progress in future years. The results were striking: from 1960 to 1982, Ghana's per capita income fell 1.3 percent a year; in the Ivory Coast, it rose 2.1 percent a year.

It is clear that free enterprise has won the battle of the economic theories. And the main reason is the collapse of so many planned economies. This offers both an opportunity and a challenge to the United States. It's an opportunity to spread economic liberties to other countries and a challenge for us to help restore their economies.

However, those nations who are willing to accept our help should also be willing to adopt some economic reforms. For years, many developing nations have been very happy indeed to accept development assistance and loans from institutions like the World Bank and countries like the United States to support infrastructure projects like power facilities, new roads, and major agriculture and industrial schemes. But if they truly want faster growth they will have to more readily accept market-oriented reform—the only true reforms that will lead to real economic growth.

A third element should guide our foreign policy. It stems not from our ideals but from our need for security. Our foreign policy must reflect America's ideals, but it also must reflect global realities. We live in a dangerous world at a dangerous time. So we must pursue a foreign policy that not only projects human rights and economic liberties outside its borders, but also protects those same freedoms within its borders.

It has been roughly 175 years since the United States had to fight a foreign power on the continental United States. Our isolation came to an abrupt halt on December 7, 1941. America's reaction to the events of that day were best put by Senator Arthur Vandenburg, a great statesman from the state of Michigan and a man who had long been a principled isolationist. "My convictions regarding international cooperation and collective security for peace took firm form on the afternoon of the Pearl Harbor attack," he said. "That day ended isolationism for any realist."

That was in 1941. It then took the Japanese fleet 11 days to cross the Pacific to attack Pearl Harbor. Today it would take about 11 minutes for a submarine-launched Soviet warhead to reach Chicago. It is clear we must maintain a national defense second to none. Our survival, and the survival of the rest of the free world, depend on it.

Yet, there are some who challenge our defense establishment. They say that the United States is an imperialist nation. If it is, I have certainly seen no evidence of it.

I have been in Congress since 1957, and have served on the House Foreign affairs Committee since 1961, 14 of those years as Vice Chairman. I have now served with 8 Presidents and 10 Secretaries of State, as well as untold hundreds of assistant secretaries and foreign service officers. I have attended top secret meetings in The White House, the State Department, the Pentagon, and in Congress. And not once have I seen any evidence of grand conspiracies, of great global designs. I have just seen people who are intent on preserving our security and projecting our ideals.

For all of our global influence, we certainly have been a reluctant superpower. After World War II, when much of Europe lay in ashes, when Russia was exhausted from the loss of 20 million of her people, when Japan was occupied, we made no move to create a great American empire.

In fact, the first thing we did was to demobilize our armed forces. Like Cincinnatus, most American servicemen returned to the proverbial plow. In 1945, we had 12 million men and women in uniform. One year later, we had fewer than 3 million wearing a uniform. Is that the sign of an imperialist nation?

America must, and does, use its power prudently. Yet it should do everything it can to protect itself. Moreover, if our foreign policy is to be successful, we must not be afraid to project our ideals. And, if our ideals are to shine faith brightly to other nations, we must be willing to project our influence to make that happen. That is the role of being both a great and decent world power.

HYDRO MADNESS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. RAHALL. Mr. Speaker, the United States is slowly but surely losing some of its most pristine and wild rivers and streams to small hydroelectric power developments. While the loss of this rich river heritage alone should be a cause for concern, these projects are extracting a heavy toll on electric utility ratepayers. Ironically, this is occurring under the guise of a law which purported to have conservation and consumerism as its goals.

These hydroelectric power projects are being fostered and in fact, subsidized, under the Public Utility Regulatory Policies Act of 1978 [PURPA]. The intent of this law was to facilitate industrial cogeneration and environmentally benign alternative power sources by requiring electric utilities to purchase this power whenever it is offered.

While PURPA never intended a ratepayer subsidy, because of changing energy prices and the Federal Energy Regulatory Commis-

sion's inept implementation of the law, that is exactly what has happened.

For example, I recently learned that if two proposed hydro projects at Summersville and Sutton in West Virginia are approved by FERC, the combined effect on electric utility consumers would be a $91 million subsidy financed by the ratepayers over a 10-year period.

This subsidy occurs as a result of the regulatory scheme for these projects. About $27 million of this amount is due to what represents an interest-free loan from the consumers to the developers on the $48 million differential between the cost of producing the hydro power over how much they would pay for coal-fired generation already in the system. Another $64 million accrues under the regulatory system in payments for capacity that is not currently needed. I might add that the efficacy of building hydroelectric power projects in the midst of some of the richest coalfields in the world is simply beyond the comprehension of this Member of Congress.

In addition, FERC unilaterally expanded PURPA's coverage as it relates to hydroelectric power to new dams rather than solely to existing sites as intended by Congress. The floodgates were opened and armed with this misinterpretation of the law and a hefty 21 percent tax credit, private developers found a sure fire way to profit from small hydroelectric power projects which would otherwise be uneconomical to construct and operate.

During the period 1984 to 1988 alone, 447 new projects primarily of 30 megawatts and less in size went on line. Last year, 165 additional hydro projects were under construction with 1,429 planned or projected. In addition, many of these projects serve no public need for additional electric generating capacity.

We are, as such, faced with the prospect of consumers continuing to be made to pay for projects that are not only unneeded, but for power that is more expensive than what is already being generated and planned for by the electric utility company.

To further aggravate the situation, we are losing the recreational and scenic values of our rivers. With the growing demand for outdoor recreational opportunities, we can ill-afford the continued loss of the natural resources on which hydroelectric power is based. Nor can many areas of the country afford to squander away its tourism potential for the sake of unnecessary hydro power developments.

This situation has not gone unnoticed by the Congress. The tax credits have been ended for new projects. The Electric Consumers Protection Act of 1987 also sought to place some checks on the development of hydro projects as it relates to the environment. Yet, there is evidence to suggest that once again the meaning and intent of the law is falling on deaf ears at FERC.

I would submit that to date, all of the hydroelectric projects that may have been needed, and that may have made sense, have already been built. What is left are marginal projects with geological, environmental and economic deficiencies.

Simply put, this hydropower madness must stop.

Today, I, along with the gentleman from California, RICK LEHMAN, are introducing a bill which would simply repeal PURPA as it applies to hydroelectric projects. This legislation would once and for all end the cruel hoax that is being perpetrated on the American people by speculators in hydroelectric power.

At this point, I think we should all "just say no to hydro."

EX-CUBAN PRISONER RECALLS ILL-TREATMENT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. GARCIA. Mr. Speaker, I am submitting for the RECORD an article which appeared in the Washington Post on January 19, 1989. The article tells briefly the story of Mr. Jose L. Pujals, a political prisoner under Fidel Castro for nearly 30 years.

After speaking out against the Castro regime, Mr. Pujals was subjected to 27 years of prison, hard labor, and beatings. Thanks in part to a letter signed by Congressman FRANK WOLF, myself, an over 160 others. Mr. Pujals was finally released last fall.

I urge my colleagues to take a moment to read this short article.

EX-CUBAN PRISONER RECALLS ILL-TREATMENT

(Jack Anderson and Dale Van Atta)

Jose L. Pujals spent nearly half of his life wondering whether he would live to see the next day.

His antagonist was Fidel Castro, arguably the last of the charismatic communist dictators, who still believes he can turn his island nation into a people's republic of paradise. Castro clings to ideals that even the Soviet Union is rethinking and he has cruelly repressed his enemies.

Last year, Castro made a rare attempt to spruce up his international image. He released about 250 political prisoners who have been piling up in Cuban prisons in the 30 years since he seized power.

The gesture may put a temporary sheen on Castro, but people such as Jose Pujals are skeptical. Pujals, now 63, spent nearly three decades in Cuban prisons because he disagreed with Castro. The dictator's sweeping gesture set Pujals free two months ago, but that can't make up for the 27 years that Pujals says he was beaten and forced to work in fields.

"Day after day, you don't know when they're going to take your life away," he said. "When we went out to the fields, we didn't know if we would come back or be beaten to death."

Our associate Scott Sleek heard Pujals' first-hand account, which shows Castro's human rights record has plenty of room for improvement.

Pujals opposed dictator Fulgencio Batista, whom Castro overthrew in 1959. But he didn't trust Castro either. Pujals spoke out against the new revolutionary government and became a target for punishment. He was arrested in 1961 and charged with trying to kill Castro, with being a U.S. spy and other crimes. He admits that he tried to organize opposition to Castro's regime, but he says the other charges were bogus.

The government, according to Pujals, had decided his sentence before his trial. He lived for 14 months under the cloud of a death penalty. Today he says he thinks diplomatic appeals forced the government to lift the death sentence.

But that didn't end his suffering. He was transferred back and forth more than 20 times among eight prisons. He worked in fields or a stone quarry, where, he says, prisoners were beaten indiscriminately.

While common criminals wore blue prison garb, political prisoners were forced to wear the yellow uniforms of the Batista troops. Many of them hated Batista, but they came to see the yellow uniforms as a symbol of dignity. Then the prison officials decided that political prisoners should wear blue. Pujals said those who resisted were beaten. He and others were thrown into a tiny dungeon, where they wore only underwear and huddled together for warmth.

The political prisoners were frequently deprived of food, mail, visitors, light, water and medical care. The rules about mail taught them that no news was good news. "If a letter comes informing you of bad news about your family, they will hand it to you," Pujals said. "If it's good news, that your family is doing well . . . then they won't give it to you."

Pujals' wife, Gloria, sent their three children to be raised by relatives in Florida. She stayed in Cuba to be near him. He now lives in Tallahassee, Fla.

LOWER INCOME HOUSING FAIR RENT ACT OF 1989

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. BUECHNER. Mr. Speaker, I rise today to introduce the Lower Income Housing Fair Rent Act of 1989. My legislation modifies onerous income restrictions for Americans in public and assisted housing programs.

In plain language—this legislation eliminates artificial disincentives to economic advancement for families receiving public housing assistance. Under present regulations the entire income of lower income families is taken as the basis for the computation of housing assistance eligibility. Ostensibly designed to glean the chaff from the public housing roles, in fact, it creates a far greater problem.

According to the formula now used, families risk losing housing eligibility for, at best, marginal economic gains. We are in effect imposing regressive penalties on lower income families and by so doing perpetuating a dependent housing class. This is clearly wrong.

Young people cannot work to buy themselves clothes, or pay for their own lunches, or even save for their education. They cannot afford to bring home any income legally earned. To do so places them in jeopardy of losing the roof over their families head.

By penalizing young people who would secure legitimate employment in order to help support their family, we turn them to nefarious activities to acquire income. In the inner cities this means drugs. Clearly this was not the intent of the regulations as originally written.

My legislation excludes all income earned by family members—other than the two family members with the highest incomes—in deter-

mining eligibility. It eliminates restrictions on income earned by children and other family members.

I am not suggesting that we give people a free ride in public housing, nor does this legislation do so. Anyone familiar with public housing projects realize that few live there by choice. My legislation gives people a choice, or at least the opportunity to work to provide one for themselves.

THE 100TH ANNIVERSARY BANQUET LINCOLN REPUBLICAN CLUB OF OAKLAND COUNTY, MI

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. BROOMFIELD. Mr. Speaker, I recently had the privilege of speaking at the 100th anniversary banquet of Michigan's Oakland County Lincoln Republican Club.

To the best of my knowledge, this is the longest continuous annual Lincoln Day dinner in America. I've been attending this dinner since 1948, when I was a young Michigan State Representative. The dinner was first held when Oakland County had only 41,000 people, before the Duryea brothers had built their first car, and when Henry Ford was just a 25-year-old, living on a farm in Dearborn, MI, selling firewood, and tinkering with machines.

I'd like to think of our club as a piece of American history—older than such other American institutions as the game of basketball, the movie industry or the automobile industry.

But I am sure that the 300 Republicans who gathered for the first banquet were not thinking about the future. Their thoughts must have been focused on the past, to a period 25 years before when a good number of them were fighting the battles of the Civil War.

This was the bloodiest war in American history. And what made it worse was that it pitted American against American.

It was not a popular war, and I think it says something about Lincoln's character and his dedication to principle that so many men who fought in that war held him in such reverence years later.

The Oakland County Lincoln Republican Club was created by members of the Grand Old Party, and its annual banquet has been maintained through the hard work of many Oakland County Republicans. But what brought all these people together 100 years ago, and what continues to draw them today, is not only party loyalty, but also a desire to commemorate the life and accomplishments of our greatest President, as well as his dedication to the principles on which the Republican Party was built.

The year the club was founded, Lincoln's great opponent, Jefferson Davis, died. With the passing of so many Civil War leaders, some people must have worried that the memories of a very important era in our history were growing dim.

I'd like to think that the same concerns were on the minds of those early Oakland County Republicans. They must have thought it important to remind the people of Oakland County that so many of their own people had fought with President Lincoln to preserve the Union and to ensure that all Americans could live free.

I believe my fellow Members would find it interesting to read a short history of the Oakland County Lincoln Republican Club and a list of the many fine Michiganders who have served it as president.

Mr. Speaker, I ask that these two documents be inserted in the RECORD.

HISTORY OF THE OAKLAND COUNTY LINCOLN REPUBLICAN CLUB

January 6, 1888 a group of Republicans met in the Club room of the Oakland Gazette, Pontiac, to take preliminary steps to form an Oakland County Republican Club. The meeting was called to order by C.F. Kimball. David Hobart of Holly was named chairman, and William H. Morgan of Pontiac secretary. Committees were appointed from each ward and township.

By-laws were drawn, and the Michigan Club of Oakland County was formed. They provided for an annual meeting to be held the second Saturday of February. Joseph E. Sawyer was elected president.

February 15, 1889, the club met, revised the by-laws and changed the name to the Oakland County Lincoln Republican Club. The Constitution and By-laws were incorporated, under the laws of the State of Michigan. Provision was made for the annual meeting to be held on Lincoln's birthday. C.F. Kimball was elected president.

The first annual banquet, held February 12, 1890 at the Opera House, Pontiac, was attended by several hundred persons, including Governor Cyrus G. Luce, legislators, and other prominent Republicans both in Michigan and other states. President Kimball called the assembly to order. He said he had no desire to detain them long from what they most yearned for, to partake of the feast prepared for the inner man, and the intellectual feast which was to follow. He addressed himself as follows to the object of the organization of the Oakland County Lincoln Republican Club: "The Lincoln Republican Club is composed of Republicans who dare to, and do, upon proper occasion, advocate, and sustain by their votes, always, the principles and organization of the Republican party." (Taken from the files of the Oakland Gazette, 1888-1889.)

Since 1889, only one year (1945—during World War II) has passed without a banquet being held.

In years past, the annual meeting and banquet was marked by an entire day of celebration; it meant the converging upon Pontiac from every section of the county of hundreds of loyal Republicans. Before the advent of the automobile, members came by horse and buggy and wagons. Special trains were operated on that day to transport Republicans from outlying areas of the county.

OAKLAND COUNTY LINCOLN REPUBLICAN CLUB PAST PRESIDENTS

Joseph E. Sawyer—1889; C.F. Kimball—1890; G.M. Trowbridge—1891; Gen. S.S. Matthews—1892; M.S. Brewer—1893; J.S. Stockwell—1894; S.W. Smith—1895; George Smith—1896; Chas. F. Kimball 1897; D.J. Hammond—1898-99; H.A. Wyckoff—1900; Frank L. Covert—1901; K.P. Rockwell—1902; T.D. Seeley—1903; H.M. Zimmerman—1904; Geo. W. Dickerson—1905.

Roy E. Bailey—1906; A.L. Munroe—1907; R.F. Munroe—1908; Col. Benjamine—1909; A.L. Craft—1910; Frank G. Ely—1911; Albert G. Griggs—1912; Frank L. Doty—1913; Ward Hammond—1914; W.D. Clizber—1915; G. Ross Thompson—1916; Wm. A. Patterson—1917; S.S. Crohn—1918-19; D. Floyd Blakeslee—1920-21; James W. Cobb—1922; Arthur W. Spencer—1923.

Calvin Smith—1924; Burton P. Daugherty—1925; Clyde Underwood—1926; David C. Pence—1927; Norman C. Orr—1928; Luther O. Allen—1929; Albert W. Wilson—1930; S.S. Crohn—1931; Clarence L. Smith—1932; George N. Higgins—1933; Howard Warner—1934; Fred Cadwell—1935; Rev. H.B. Johnson—1936; Fletcher L. Renton—1937; W.E.C. Huthwaite—1938-39.

Verne Hampton—1940; Ralph Becker—1941; L. Harvey Lodge—1942-3; Carl W. Forsythe—1944; Wm. S. Isgrigg—1945-46; Grant D. Maudlin—1947; Cecil McCallum—1948; Bernard Girarad—1949; Harry Horton—1950; Bruce J. Annett—1951; Stanton G. Dondero—1952; Richard I. Moore—1953; Raymond E. Addis—1954; John B. Wilson—1955; Robert Sutton—1956; George F. Taylor—1957.

Wendell Brown—1958; Gordon D. Haupt—1959; Theodore Koella—1960; George W. Kuhn—1961; Frank J. Clancy—1962; Ernest Crawford—1963; Dorothy M. Rowley—1964; Boris J. Sellers—1965; Robert L. Templin—1966; Arno L. Hulet—1967; Tony Guyer—1968; Robert L. Shipper—1969; Barry M. Grant—1970; Andrew Campbell—1971; Russell Thompson—1972.

Robert Beach—1973-74; Richard Fessler—1975; Lillian R. (Skeets) Davey—1976; Richard R. Wilcox—1977; Sally Dixon—1978; Marilyn E. Fessler—1979; Kenneth Beattie—1980; L. Catherine Wolters—1981; Paul A. Nida—1982; Dorothy L. McIntosh—1983; Harold G. Berry—1984; Berneda E. Hassinger—1985; David J. Lee—1986; Maynard M. Feldman—1987; Yvonne G. Strother—1988; Fran Blass—1989.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 1989

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. PEASE. Mr. Speaker, today I am introducing the Federal Deposit Insurance Reform Act of 1989 which will limit Federal deposit insurance coverage on a $100,000 per person or total deposit basis.

The primary goal of deposit insurance is to promote financial stability through the prevention of widespread bank runs. Since its inception during the financially turbulent days of the Great Depression, our Federal deposit insurance system has performed well in achieving this end; however, any deposit insurance system entails with it unforeseen but very real costs, and the present U.S. system is certainly no exception.

Our current deposit insurance system is plagued with a host of costly disincentives and corresponding economic inefficiences which have generally arisen from the unlimited nature of our deposit insurance coverage. This system's limitless coverage stems from the fact that deposits are covered up to $100,000 on a per account basis. Individuals or corpora-

tions desiring coverage over the $100,000 limit can circumvent the per account limit by simply opening another account. The rise of brokered deposits has made this occurrence not only commonplace, but in many cases, very profitable. Why is such an insurance system prone to abuse and at the root of many of our depository institutions' problems? The thrift industry's current dilemma provides a vivid illustration.

The unlimited nature of deposit insurance coverage coupled with financial deregulation in the S&L industry produced an environment which encouraged risk taking and imprudent fiscal behavior. Many S&L's grew at astounding rates by offering high returns on accounts under the auspices of federally insured deposits. Brokered deposits, which split large sums of money into $100,000 bundles and channel these funds, risk free, into the highest yielding and oftentimes most reckless thrifts and banks, greatly facilitated this rapid growth. Additionally, S&L's were now investing in unfamiliar areas, forbidden prior to deregulation.

Yet even as these thrifts expanded at such dizzying speeds, depositors did not feel the need to monitor the financial health of their depository institutions because the Federal Government was guaranteeing their deposits. Released from depositor—and not to mention FSLIC—discipline and scrutiny, thrifts had a greater incentive to invest in riskier assets with higher yielding returns, and with their new found cash, that is exactly what they did. Predictably, many of these investments went sour, but the S&L saga did not end there; on the contrary, this was only the beginning.

As losses began to mount and numerous S&L's became insolvent, the FSLIC was overwhelmed and the net worth of its insurance fund rapidly declined, reaching negative reserves for the first time in 1986 and growing progressively more insolvent in the years following. Yet still, insolvent institutions were allowed and able to operate through the miracle of unlimited deposit insurance coverage. Although owner's equity in the insolvent institutions was gone, individual depositors and brokers continued to feed these institutions capital because they knew that their deposits were ultimately backed by the Federal Government and because many of the insolvent thrifts offered the highest rates of return.

This precarious hand to mouth financial existence encouraged thrift managers to engage in risky but potentially high yielding loans and investments. Such activities held out the minute possibility of restoring the institutions to positive net worth in the unlikely event of a financial success. On the other hand, in the event that these loans and investments failed, which many of them did, the loss would be absorbed by the Federal Government at no additional cost to the thrift managers or owners. Such gambling, ultimately at the American taxpayer's expense, was promulgated by our current deposit insurance system and substantially contributed to the exorbitant costs of the S&L bailout, for in the absence of deposit insurance coverage, many of these risky loans and investments would not have been made. Unfortunately, such activities persists today and are a major reason why the S&L bailout bill seems to rise exponentially on a monthly basis.

These perverse risk promoting incentives are the primary but not the only problems associated with our present deposit insurance system. The unlimited nature of insurance coverage also subsidizes safe, high returns for upper-income depositors, corporations, and banks and thrifts themselves who are the most avid users of brokered deposits. Furthermore, such extensive insurance coverage unnecessarily extends the Federal Government's financial liability. Today, the U.S. Government guarantees approximately $3 trillion in deposits—an astronomical and ever-growing figure, especially in light of our current fiscal and budgetary problems.

In light of these problems, a growing number of academics and policy makers have begun to realize that a significant change in our present deposit insurance system is needed. President Bush's S&L plan correctly calls for a thorough Treasury Department study of the present deposit insurance system, which is to focus on reforms that would limit insurance coverage and the use of brokered deposits.

The Federal Deposit Insurance Reform Act of 1989 is a structural reform which would limit deposit insurance on a $100,000 per person or total deposit basis. This would eradicate many of the current disincentives, costs, and inefficiencies which the present system encourages by placing financial risk back on the appropriate individuals—mainly, the owners and managers of the banks and thrifts and not on the American taxpayer. With such a reform in place, managers of depository institutions would certainly behave in a more prudent and responsible manner because deposit insurance, which presently renders the costs of funds unrealistically cheap, would guarantee a smaller percentage of their reserves. Furthermore, this bill would require depositors to monitor the health of the institutions in which they place their funds due to the fact that any amount of total savings exceeding $100,000 would no longer be guaranteed. Such depositor prudence, in turn, would certainly limit the rapid growth and continual operation of insolvent and unsound financial institutions because without a Government guarantee, even substantially higher interests rates would not allow these institutions to continually attract capital as they now do.

Depositor prudence, spurred by a $100,000 per person limit on insurance coverage could also transform the nature of the brokered deposit business. Instead of promoting instability, which some brokerage agencies do by chasing the highest rates at some of the most insolvent institutions, the role of the broker could potentially be the promotion of the most financially sound institutions for those individuals desiring to deposit funds in excess of the $100,000 insurable limit. In the absence of a Government guarantee, targeting sound institutions and not simply high rates of return would be an important aspect of the brokerage business.

Finally, the Federal Deposit Insurance Reform Act of 1989, which would be applied in a non-retroactive manner, would enhance financial stability. Bank runs would not result because deposits insured before the reform would keep their Government guaranteed status; yet, the risk promoting incentive structure inherent in our current deposit insurance system would be curtailed. Therefore, the likelihood of another fiscal fiasco anywhere near the size of the S&L debacle would be dramatically reduced. Furthermore, Government liability in the form of slower growth in insured deposits would also be significantly, yet gradually curtailed.

As mentioned at the onset, through prevention of bank runs, the ultimate goal of a deposit insurance system is to promote financial stability. Yet the current state of our system is beginning to represent a triumph of means over ends. The limitless nature of our deposit insurance coverage has precluded the advent of any major bank runs; however, in light of the hundreds and potentially thousands of insolvent thrifts and banks, a taxpayer bailout plan topping $100 billion, and the FDIC's first ever fiscal year loss in 1988, overall financial stability has certainly not been achieved. On the contrary, the United States has not witnessed such a broad and costly depository institution mess since the Great Depression. Structural changes are needed in our present deposit insurance system which will bring financial means back in line with the overall goal of financial stability. The Federal Deposit Insurance Reform Act of 1989 would be an important step in the direction of this goal. Without reforms along these lines, the trillion dollar taxpayer bailout of the FDIC in the year 2000 may make our current FSLIC problems and costs seem like a drop in the bucket.

HIGH DEFINITION TELEVISION [HDTV] COMPETITIVENESS ACT OF 1989

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. RITTER. Mr. Speaker, today, Congressman MEL LEVINE and I introduced the first legislation specifically designed to help American industry compete with Japanese and European companies in the development and manufacturing of high definition television [HDTV]. The Japanese and Europeans have a pronounced lead in the development of this important technology. The High Definition Television Competitiveness Act of 1989 will encourage American industry to get back into the consumer electronics field we all but abandoned over the last decade. And in doing so, we will be helping to retain our lead in advanced electronics and computers.

The two most important inventions of the 20th century are the automobile and the television. One gave mobility to people and the other gave mobility to ideas. HDTV is a radically improved version of TV technology that will change the way television is viewed and used. By itself and combined with computer technology, it can change the way we all live and work.

HDTV, the next generation of TV technology, will deliver both greatly enhanced picture resolution and CD-quality sound to this country's 90 million television households. In addition to better home entertainment, HDTV has many different commercial, educational, health

and defense applications which will make it increasingly important to the economic well-being and security of the Nation.

The High Definition Television Competitiveness Act of 1989 is a multilevel approach to helping America catch up with and potentially lead the competition. First, the legislation would provide appropriate incentives in the Tax Code to stimulate HDTV research, development and pilot manufacturing by domestic industries. Next, it would change current antitrust laws to allow cooperative efforts and joint ventures by domestic companies to engage in HDTV-related research, development and manufacturing. The legislation would also encourage Government participation and shared funding to facilitate and coordinate joint ventures and cooperative industry efforts in HDTV development. It also instructs the Secretary of Commerce report to the President on the trade implications of HDTV and how we may use trade laws to promote U.S. HDTV production. In addition, the bill would increase funding to the FCC to speed the adoption of a transmission standard, an essential component of the rapid development of a HDTV manufacturing industry.

An important aspect of this legislation is it seeks to have a market for HDTV's before mass production is realized. The legislation has the Secretary of Commerce investigating the potential Government uses for this technology. The applications are many. We foresee agencies such as the Federal Aviation Administration, NASA, the Department of Defense, the Departments of Education and Agriculture as potential users of this technology. The legislation also calls for experimental community demonstration projects showing applications of HDTV technology in both homes and places of business.

If you share our desire to help America compete in this bellwether technology, we urge you to cosponsor this important legislation. Following is a section-by-section analysis of the High Definition Television Competitiveness Act of 1989:

SECTION-BY-SECTION ANALYSIS

THE HIGH DEFINITION TELEVISION COMPETITIVENESS ACT OF 1989

Section 1. Short Title.—This section identifies the Act as the "High Definition Television Competitiveness Act of 1989".

Section 2. Findings.—This section expresses various findings by Congress as to the importance of developing a high definition television research, development and manufacturing presence in the United States.

Section 3. Definitions.—This section provides definitions for a number of terms used in the title, including the following:

"Secretary" means the Secretary of Commerce.

"HDTV technology" means equipment and techniques required to create, transmit, receive, display, process, record, store, recover, and play back high definition television images and accompanying sound material.

"Cooperative HDTV enterprise" means any organization, joint venture, or partnership of domestic designers or manufacturers (or both) of broadcast or cable television technologies for the purpose of—

(A) Discussions, considerations, review, actions, or agreements concerning HDTV technology;

(B) Conducting research on, or design, development, or manufacture of, HDTV technology; or

(C) Any combination of the activities described in subparagraph (A) and (B).

TITLE I—TAX INCENTIVES FOR RESEARCH AND DEVELOPMENT

Section 101. Findings.—This section expresses findings by Congress as to the need for a permanent long-term research and development tax credit for the development of a high definition television.

Section 102. Modification to Credit for Increasing Research Activities.—This section repeals the following sections of the Internal Revenue Code of 1986 which will make permanent R&D tax credits.

(1) Section 4(g) (relating to termination).

(2) Section 280(c) (relating to disallowance of deduction of portion of research expenses).

This section also makes the effective date for the repeals December 31, 1988.

TITLE II—AUTHORITY TO ENGAGE IN JOINT ACTIONS TO PROMOTE DEVELOPMENT

Section 201. Findings.—This section expresses findings by Congress as to the importance of cooperative efforts in research, design, development and manufacturing in developing a high definition television industry in the United States.

Section 202. Treatment of HDTV Joint Ventures Under the Communications Act of 1934—This section amends Section 313 of the Communications Act of 1934 dealing with the application of antitrust laws. the section provides that cooperative HDTV enterprises engaged in a joint research, development or production ventures are not unlawful restraints of trade with respect to proposed changes to the National Cooperative Research Act of 1984 (see Sec. 203 as follows).

Section 203. Treatment of HDTV Joint Ventures Under the National Cooperative Research Act of 1984.—This section expands the scope of the National Cooperative Research Act of 1984 to include joint production (manufacturing) of HDTV technology, in addition to research, design or development.

TITLE III—FEDERAL SUPPORT FOR DEVELOPMENT INITIATIVES

Section 301. Findings.—This section expresses findings by Congress as to the importance of federal assistance in developing a high definition television research, development and manufacturing consortium in the United States.

Section 302. Authority to Establish Programs.—This section is divided into two parts:

(a) General Development Assistance—to establish a program to provide general financial assistance to cooperative HDTV enterprises to promote the discovery, development and commercialization of HDTV technology, and;

(b) Special Assistance for Pilot Projects and Demonstrations—to establish a separate program to provide financial assistance to support pilot manufacturing projects and experimental community demonstrations related to HDTV technology.

Section 303. Applications for Assistance.—This section requires the Secretary of Commerce, after consultation with the FCC, the NTIA and other relevant Federal agencies, to award financial assistance, competitively based on whether an application is likely to lead to productive lines of research, development, or commercializatrion. This section also requires the Secretary of Commerce to consult with the Secretary of State, the USTR and other appropriate officials concerning the impact on foreign trade and foreign relations of a HDTV research, development and manufacturing consortium.

Section 304. Cooperative Agreements.—This section gives the Secretary of Commerce authority to set up the terms, conditions and assurances for applicants to receive financial assistance. It also stipulates that each cooperative agreement is required to put up matching private funds to receive federal financial assistance.

Section 305. Reports.—This section requires both interim quarterly reports on the state of progress of the research, development and commercialization of applicant's HDTV development progress and a comprehensive report, not later than 4 years after date of enactment, on the results of the financial assistance provided under this Act.

Section 306. Authorization of Appropriations—This section authorizes up to $100,000,000 for FY 1990 and each of the four succeeding fiscal years.

TITLE IV—COORDINATION OF FEDERAL PROCUREMENT OF HDTV TECHNOLOGY

This title includes a mechanism to coordinate GSA, DOD, NASA and other Federal agency procurement of HDTV technology in order (1) to secure lower unit costs by mass purchase offers, and (2) to guarantee HDTV manufacturers substantial market potential to induce investment in R&D.

TITLE V—INTERNATIONAL TRADE

This title instructs the Sectretary of Commerce to submit a report to the President and the Congress of the implications on international trade of HDTV technology including recommendations on methods by which trade laws may promote the development and viability of domestic manufacturers of HDTV technology.

TITLE VI—HDTV BROADCAST STANDARD

This title increases funding to the FCC by $500,000 for the fiscal year 1989 to speed the adoption of a transmission standard, an essential component to the rapid development of a HDTV manufacturing industry.

LEGISLATION ESTABLISHING THE CALUMET NATIONAL HISTORICAL PARK

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. DAVIS. Mr. Speaker, today I am introducting legislation which will establish the Calumet National Historical Park in Michigan's Upper Peninsula. The Calumet areas holds a significant place in the history of America's copper mining industry. Now commonly called the "Copper Country," Calumet and nearby communities once supplied 75 percent of the Nation's copper.

The largest lava flow on earth is located on the Keweenaw Peninsula—Keweenaw, Houghton and Ontonagon Counties—in the Upper Peninsula of Michigan. This large sale volcanic activity produced the only place on Earth where economically recoverable 100 percent pure native copper is found. Some masses of pure copper exceeded 500 tons.

The Keweenaw Peninsula was the source of rich copper deposits which were mined by

local Indians from the prehistoric times and until the early 1800's. The Keweenaw Peninsula is the only site in the country of aboriginal, prehistoric mining of copper. This copper was traded as currency in a wide area.

In the 1600's French explorers reported rich copper mines on the southern shore of Lake Superior. A British mining company explored for copper there in the 1770's. The first mining boom of the country occurred there after the discovery of the 3,708 pound solid copper Ontonagon Boulder and reaching a treaty with the Indians, about 5 years before the California gold rush.

From 1845 until the Civil War, 75 percent of the U.S. production of copper came from the Keweenaw Peninsula. This percentage dropped gradually to about 20 percent in 1885. At that time, this region in Michigan produced 12 percent of the world's copper. From 1885 to 1920, production increased greatly, but the percentage of the U.S. production gradually declined to about 10 percent.

During the U.S. Civil War, about 90 percent of the copper used came from the Keweenaw Peninsula—56 percent from the Quincy mine alone. Between 1840 and 1920, more than 400 companies were organized to mine copper in the Keweenaw copper range.

Mining on the Keweenaw Peninsula pioneered deep shaft mining techniques and advancements in related mining technology. For years both the deepest vertical shaft—over 6,000 feet—and incline shaft, over 9,000 feet—in the world were some new mines deeper. Some of the first large scale industrial organizations in the country were formed there.

Active mining on the Keweenaw Peninsula ceased in 1968 due to economic conditions. In 1989, due to the high price of copper, several groups are studying the possibility of reopening two of the Calumet and Hecla Mines that were closed in 1968. Huge amounts of copper remain here. As cheap sources of copper get mined out elsewhere in the world, mining will return to the Keweenaw Peninsula. It's just a matter of time.

Michigan Technological University in Houghton, MI, was established in 1885 to support the local mining industry. The university has the records of the Calumet and Hecla Mining Co., the Quincy Mining Co. and many other important records and photographs preserved in the university archives and the Copper Country Historical Collections.

Geologic records have been preserved by Michigan Technological University at the A.E. Seaman Mineralogical Museum. The museum has over 60,000 mineral specimens—the core of the collection documents the Keweenaw Copper Range. Local mineral specimens have been traded with mineral museums around the world to establish one of the finest mineral collections in the world.

Michigan Technological University also has a faculty well versed on mining in the Keweenaw Peninsula in their geology, mining and metallurgy engineering departments and in social sciences.

Currently there are historic remnants located in and in the vicinity of Calumet, MI. These remnants tell the story of the mines, machinery and technology that gave rise to the growth and development of the copper industry from its earliest years through 1920.

As is evident from this information, the Calumet area represents an unsurpassed chapter in our Nation's copper mining history. It is for this reason that I am introducing legislation to establish the Calumet National Historical Park. The park will illustrate the historical importance of the Keweenaw Peninsula in the development of our Nation's technology.

TOBACCO EXPORT REFORM ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. ATKINS. Mr. Speaker, I rise to bring to the attention of the American people legislation introduced by Congressman LEVINE, myself, Congressman WHITTAKER and Congressman WAXMAN entitled the Tobacco Export Reform Act.

It seems hard to believe, but the U.S. Government, which banned cigarette advertisements on TV, required warning labels on packages, banned smoking on most airline flights, and declared through the Surgeon General that tobacco is an addictive drug, is aggressively promoting tobacco use in other countries. The Tobacco Export Reform Act will curtail the export of tobacco products by prohibiting the Office of the U.S. Trade Representative from threatening economic sanctions against countries that do not open their tobacco markets. In addition, the bill requires all exported cigarettes with U.S. brand names to carry the Surgeon General's warning.

The consequences of U.S. actions on behalf of the tobacco industry have serious ramifications for our future trade policy, health policy, and foreign policy. The United States is not only perpetrating an extraordinary expensive and ultimately lethal health risk abroad, it is expending valuable political capital to open foreign markets that benefit multinational firms but not the interests of America or the world.

Officials at the Office of the U.S. Trade Representative argue that breaking down tobacco trade barriers in Asia will help to liberalize markets for other U.S. products. However, all evidence indicates that the opposite is true. In 1986 the USTR announced a landmark agreement with Korea on tobacco while reporting little progress on 54 other agricultural exports. Gains by the tobacco industry have been offset by setbacks with beef, wheat, high technology, leather, and other products.

On moral grounds, the actions of the U.S. Government are not lost on foreign leaders and citizens. The tobacco trade conjures up the worst images of the ugly American and foreign policy bully. Recently, there have been anti-American demonstrations over tobacco in South Korea and Taiwan. It is reminiscent of the Opium Wars of the 1840's, when the British fought for the right to export opium to China.

Today, countries that resist reducing tobacco export tariffs are threatened with an equally blunt instrument—economic sanctions. Attempts by Korea, Taiwan, and Japan to ban cigarette advertising from television was met with criticism from the United States, which considers a ban on advertising abroad an unfair trade practice but which considers a ban on TV advertising at home a national health priority.

It is both unfortunate and short sighted that America's commitment to public health extends only to our water's edge. While public health awareness has led a 1.1 percent annual decline in cigarette consumption in Europe and America, aggressive marketing has led to a 2.1 percent yearly increase in Asia and the developing world.

In Asia much of the increase has come from U.S. tobacco company efforts to increase cigarette demand among women and children—two groups who do not traditionally smoke. They are succeeding. As a result of Madison Avenue style promotional strategies, female college students in Japan are four times as likely to smoke as their mothers.

Furthermore, the tobacco trade is of dubious value to the American farmer. Most exported cigarettes with American brand names are grown with foreign leaf and processed on foreign soil. Shortly, a joint venture between the People's Republic of China and R.J. Reynolds will produce billions of cigarettes. This new factory will be the most modern cigarette factory in Asia. While multinational corporations reap the rewards of increased foreign cigarette consumption, it is apparent that American farmers are left out of the profit equation.

Mr. Speaker, I believe that most Americans would be outraged to learn that U.S. cigarette packages require no warning label when exported to many countries—or to learn that exported cigarettes with American brand names contain mostly foreign grown tobacco. It is no wonder that Asian citizens are outraged at the United States. Our trade policy, which is achieved through intense negotiations and pressure, sends a message to our trade partners that Asian lungs are more expendable than American lungs.

Our bill will ensure that the United States has a trade policy that we can all be proud of. The time is right for Congress, the health community and all Americans to demand that our Government play fair with our allies and trading partners. Thanks in large part to actions by the U.S. Government, pandemic lung cancer in Asia is not just likely, it is inevitable. The Tobacco Export Reform Act is an important step for world public health and for a trade policy that makes sense.

ESTONIAN INDEPENDENCE DAY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. MILLER of Washington. Mr. Speaker, last Friday was the 71st anniversary of Estonia's Declaration of Independence. My district has been fortunate the last few weeks to have a group of Estonian students participate in an exchange program. These Estonian students who are attending Mariner High School, have brought home to us once again the truth that Estonians are their own people with their own

culture. They are not Russians, they are Estonians, and the Estonian people have the right to self-determination. Later this month a group of Mariner High School students will be visiting Estonia, and will see this first hand themselves.

Once again, this year, the bravery and courage of the Estonian people has been on evidence for all the world to see, admire, and emulate. In response to the small openings of glasnost, the Estonian people themselves demanded reform, democracy, and outright independence. Last September 17, one-third of the entire population of Estonia attended a rally, and 900,000 signed a petition opposing proposed Soviet constitutional changes as undemocratic and harmful to Estonian interests. To put this in perspective, a proportional rally in the United States would require some 83 million people to participate.

On our country's Independence Day, we can freely celebrate and enjoy the freedom and liberty that democracy brings to the people. But Estonians today gather at their own peril to remember the independence which was taken away from them.

Just this week in Lithuania a leading Communist Party official criticized that Baltic Republic's largest grassroots reform movement, and recommended a tightening of government control of publications. The Estonians who gathered on February 24 for Estonian Independence Day know full well that in Estonia, today's freedom can vanish at an official's whim.

And yet Estonians continue the struggle for their freedom. They yearn once again to control their own destiny. They understand that only when Estonians can decide their own internal affairs will economic, environmental, and other concerns be solved. The Estonian National Independence Party declared:

We do not have enough clean air, water or earth to sustain life, let alone freedom.

And so, as in America, but without the protection of America's freedom, Estonians have courageously worked at the grassroots to gain back their freedom.

Estonians do not forget the freedom that was taken from them by the Molotov-Ribbentrop Pact. We, in Congress and around the country, must also not forget the plight of the Estonians. We will continue to work for the day when once again Estonia will be an independent and free country.

TRIBUTE TO STAN ZICKLIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. BERMAN. Mr. Speaker, it is a pleasure to ask my colleagues to join me in saluting a respected and popular member of the community, Mr. Stan Zicklin, who has been chosen by Temple Beth Shalom as Man of the Year. Mr. Zicklin is being honored because of his enduring interest in social issues, his many contributions to the Jewish community, his charitable work for seriously ill children and his commitment to the welfare of humanity.

Stan Zicklin symbolizes the spirit, energy, and future of the San Fernando Valley. He is currently senior vice president/financial consultant with Shearson Lehman Brothers, where his leadership has led to great successes in the business world. His pleasant personality and willingness to be helpful has endeared him to both his colleagues in the financial consulting business and the public he has served so well.

Stan's compassion has enhanced the lives of many seriously ill children and is responsible for hospital and home visits to brighten the spirits of these children. His many charitable contributions include his long-time participation in the Kidney Foundation of Southern California. He raised funds for the purchase of dialysis machines and set up hemodialysis centers and hospitals throughout southern California. He also worked with patients at Children's Hospital projects. As a result of his hard work and excellent performance, he enjoys respect and support throughout the San Fernando Valley.

Throughout his career, Stan has always shown a willingness and desire to give freely of his valuable time to aid organizations and causes important to his community. He served on the Board of Directors of the Kidney Foundation of Southern California, and presently is membership chairman, ways and means chairman and president of San Fernando Valley Chapter of Kidney Foundation of Southern California. In 1987, Stan was chairman of the convention of Shearson Lehman Brothers Brokers.

Stan Zicklin has selflessly served the Jewish and secular communities locally for many years and has always shown a willingness to aid organizations important to Judaism. He has been very active with Valley Beth Shalom Synagogue since 1974, and has served as vice president of Ways and Means, financial vice president, youth vice president, chairman of the board of directors and president. Presently, he is the building fund campaign manager. He is also the recipient of the prestigious University of Judaism Merit Award for community service.

Stan Zicklin is a native of Brooklyn, NY. He graduated from Bernard Baruch School of the City College of New York in 1959 with a degree in business accounting. He has been married to Arlene (Bogert) for 27 years and is the proud father of three sons, Andy, Steve and Scott.

Few people have given of their time and energy as selflessly as Stan. It is my distinct honor to ask my colleagues to join me in honoring Stan Zicklin, an invaluable member of the community.

PIK CERTIFICATES

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. JONTZ. Mr. Speaker, today my colleague from Illinois, Mr. EVANS, and I are introducing legislation to correct a problem which many farmers and agribusinesses are experiencing with the U.S. Department of Agriculture's [USDA] payment-in-kind certificates [PIK].

Specifically, this legislation would address the problem created by the refusal of USDA to allow subsequent holders of PIK certificates to redeem these certificates in the same manner as presently allowed by original owners.

Generic PIK certificates have been used since 1983 by USDA, in lieu of cash, to pay producers for participating in USDA farm programs. These certificates can be redeemed for commodities or cash, can be used to pay off an existing commodity loan, or can be sold by the original owner depending on what works best in his/her farming operation. However, the certificates do have an expiration date, which has created confusion and problems for some farmers.

Low commodity prices over the past few years have increased farmer participation in Government farm programs designed to reduce the amount of surplus farm commodities. Many farmers who had never participated before did so, and were unaware of the complex and often confusing program requirements, deadlines, and expiration dates.

As a result of this confusion and unfamiliarity many producers were not aware of the expiration dates of PIK certificates. When several farmers ended up with expired certificates, USDA initiated a plan to allow original owners to redeem expired certificates for 85 percent of their face value. However, USDA did not address the problem of expired certificates held by subsequent owners.

It is important that USDA treat subsequent holders of PIK certificates in the same manner as original owners, by allowing redemption of expired certificates at 85 percent of their face value. Subsequent holders generally purchase PIK certificates, sometimes even at a premium, to be able to take advantage of favorable conditions to market their gain. Such purchases help free up available Government owned stocks of grain by enabling farmers to pay off existing farm stored commodity loans and thereby allowing the movement of the grain into the open market.

The reasons these certificates expire are numerous, and the following are some problems experienced by a few of my constituents: First, a producer bought several certificates at one time thinking the expiration dates were all the same only to find out some had already expired or were about to; second, a producer signed over his certificates to his bank as collateral for a loan, the bank took possession of the certificates, and notified him the day they were to expire that he had better do something with them. He did and found that he had approximately 5 hours to sell them or they would expire leaving him holding worthless certificates as he no longer was the original holder because he had signed them over to the bank; third, a grain elevator whose normal practice is to place newly purchased PIK certificates on top of the company safe, until they can be put in the safe at the end of the day. Several weeks later the grain elevator's bookkeeper discovered that some PIK certificates were missing. Fortunately the PIK certificates were found behind the safe, but unfortunately they had expired.

These are just some of the examples of what can happen, and some good reasons for changing the present policy. The amount of financial loss to farmers varies, from a few hundred to several thousand dollars. These people aren't asking to redeem their expired certificates at full face value, they are just asking for the same treatment given to original owners whose certificates also expired.

The legislation that my friend and colleague from Illinois, Mr. EVANS, and I are introducing will correct this inequity, by requiring USDA to redeem expired PIK certificates held by subsequent owners. We welcome your cosponsorship and support.

INTRODUCTION OF LEGISLATION TO ENSURE PROPER SAFEGUARDS FOR RURAL TELEPHONE RATEPAYERS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. COOPER. Mr. Speaker, today I am reintroducing legislation I sponsored last year—H.R. 5019—to protect rural telephone users from FCC actions that threaten to allow their long-distance bills to rise. Last year, over 80 of my colleagues joined me as cosponsors, and I invite their support again today.

AT&T now averages its long-distance rates so that all calls of equal distance are priced the same, no matter whether the call is made to a city or to the country—even though it costs much more to make a rural long-distance call. This averaging involves cost-sharing among all local and long-distance companies. It is justified by Federal law requiring universal nationwide phone service at just and reasonable rates. If rates are deaveraged in any way, it is likely that rural America will bear the brunt of higher rates.

Under an order the FCC intends to adopt in 2 weeks, the telephone giants like AT&T could legally raise some rates by 5 percent a year while dropping other rates. Consider this: Services used mostly by rural ratepayers could go up legally by 20 percent over the 4-year plan as services used mostly by city folks go down by 20 percent.

The FCC's plan is to start a new system of telephone regulation for AT&T and the local Bell companies called price caps. It is very different than traditional rate of return regulation. It helps the telephone giants respond better to competition in cities, primarily. But it also allows them to increase prices where they face no competition. This scares many rural phone companies, and rightly so.

In 1987, the National Telephone Cooperative Association [NTCA] raised concerns that the FCC was neglecting rural safeguards. They filed comments with the FCC asking for specific protections for rate averaging, cost-sharing, and a unified industry rate of return. But the FCC failed to include these specific safeguards in either of the proposals it offered for public notice and comment.

In repeated appearances before the House Telecommunications Subcommittee, FCC Chairman Dennis Patrick offered verbal commitments to continue long-distance rate averaging, and last week he announced his plans to some sort of policy statement in the final order to that end. But this week, Chairman Patrick refused to agree to adopt firm, explicit rules in the order to guarantee the continuance of nationwide long-distance rate averaging and pooling. If the specifics in the proposal make subtle rate deaveraging legal, then his general policy statement is of little value.

So I wouldn't try to take his guarantee to the bank. Rural America deserves a full range of explicit rate safeguards, and any form of regulation without such rules should be defeated.

This bill would require rules to ensure the continuance of long-distance rate averaging and pooling. Most importantly, it would give the Congress time to inspect and evaluate whether the FCC has adequately provided for these safeguards before any price caps plan goes into effect. Last Thursday, NTCA passed a resolution calling for Congress to ensure that all of these concerns are completely resolved.

I thank all of my colleagues who join with me in introducing this legislation. It is critical that we send a stern signal to the FCC immediately that we will not allow rural America's rates to increase unfairly.

COMMEMORATIVE COINS HONORING THE BICENTENNIAL OF THE U.S. CONGRESS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. FASCELL. Mr. Speaker, I rise today in honor of the "Bicentennial of the Congress of the United States of America." On March 4, 1789, 13 of the 65 Members of the newly elected U.S. House of Representatives met for the first time in New York City in Federal Hall, on the corner of Broad and Wall Streets. While it would take another month before the House achieved its first quorum, the gathering of these 13 Americans represents the beginnings of what has perhaps become the world's greatest experiment in government.

This year, to mark the achievements and accomplishments of the legislative branch of the Federal Government, a series of events will be held in honor of its bicentenary. Some of these events have already been held, while many others are yet to take place. One aspect of this celebration which I would like to mention is the minting of three commemorative coins in honor of the "Bicentennial of the U.S. Congress." These coins will honor the House of Representatives and the Senate and the principle they represent, Government for, and by, the people. I am particularly pleased that the spirit which launched our experiment in Government 200 years ago will be captured by these commemorative coins.

Mr. Speaker, the three-coin set will consist of a $5 gold coin, a $1 silver coin, and a half-dollar clad coin. As the sponsor of the legislation to mint these coins, I take great pride in advising our colleagues that the designs for these coins have been selected by the Secretary of the Treasury. The next step in the process is for the designs to be molded into casts for the actual striking of the coins, and a "first strike" ceremony is expected to take place this May. As a Member of Congress, it is with great anticipation that I await the day when these designs are transformed into coins, a tangible symbol of our bicentennial.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. NATCHER. Mr. Speaker, it is a privilege to once again recognize the members of the Future Homemakers of America as they recently celebrated FHA/HERO Week with the theme "Future Homemakers of America: Tomorrow's Leaders Today."

In 1988 Future Homemakers of America continued to be involved with family, community, and career activities. Chapter projects across the country focused on such topics as substance abuse, AIDS prevention, teenage pregnancy and parenting, working with children and the elderly, and developing leadership skills on the job.

In 1987–88 there were 10,927 members in 271 chapters in my home State of Kentucky. And in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, there were 1,350 members.

Chapter projects in Kentucky continued to focus on issues that deal with teens and families, such as AIDS prevention, prevention of family violence, peer pressure, handicap awareness, child emotional abuse, stress management, and teen runaways.

Kentucky was the host State of a cluster meeting in November 1988; 2,414 students and 709 adults attended this meeting, which was the largest attendance ever at a regional meeting; 1,208 members and advisers attended the State meeting in Louisville and 175 members and advisers from Kentucky attended the 1988 National Leadership Conference in Cincinnati In July.

The national vice president of Future Homemakers of America is Beth Ann Campbell of Wallingford, KY, and I am especially pleased that the president and secretary of the Kentucky association are from the Second Congressional District. B.J. Devore, president, attends Caverna High School and Kim Brown, State secretary, attends West Hardin High School.

Deana Durham, a graduate of LaRue County High School, and the 1987–88 State president, was the recipient of the $2,000 Raye Virginia Allen State President's Scholarship, which recognizes leadership, academic excellence, and voluntarism.

The Future Homemakers of America is an excellent organization. I again want to commend the members and advisers for their continued commitment to community service, and I wish them continued success in their future endeavors.

A TRIBUTE TO ARTHUR P. TOWNSEND: A TRUE PUBLIC SERVANT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. BROWN of California. Mr. Speaker, I stand before you today to pay tribute to an outstanding resident of my district, Arthur P. Townsend. I am sorry to inform you that he passed away on Monday, February 13, 1989. This will be a terrible loss for San Bernardino, CA. Mr. Townsend was a vital, active participant in a wide range of organizations that have worked to strengthen the community. His many contributions will not be forgotten by the residents of the Inland Empire.

Moving to San Bernardino in 1945, Mr. Townsend became a community leader and a well-respected civil rights activist, acting as the voice of the African-American community in the Inland Empire. He was actively involved with the National Association for the Advancement of Colored People [NAACP] and was a charter member of the Congress of Racial Equality. Mr. Townsend founded and served as the chairman of the Inland Empire Black Caucus.

Art Townsend, also known as the Father of the Sixth Ward, worked to ensure political representation for the black residents of San Bernardino in the last 1960's. San Bernardino was divided into five city council wards at the time. Many of the city's black residents lived in the fifth ward, where their political power was limited. Largely due to efforts led by Mr. Townsend, the city charter was amended in 1967 to establish a sixth ward, guaranteeing black residents political representation in the San Bernardino city council.

Mr. Townsend was well-respected for his outstanding journalistic activities. In 1965, he established the Precinct Reporter, a weekly newspaper that is widely read throughout the Inland Empire. The Precinct Reporter has served to unify and stablilize local black communities during a period of social change. This newspaper is nationally recognized, and has been previously cited in the CONGRESSIONAL RECORD. Mr. Townsend also served as the publisher of the only black-oriented weekly newspaper in the Orange County area—the Tri-County Bulletin. As a founding member of the West Coast Black Publishers Association, and a recent president, he was elected Publisher of the Year by that organization. He was also a member of the National Newspaper Publisher's Association. His solid reputation among professionals in the newspaper business attests to his success. His entrepreneurial skills in real estate enable him to subsidize his newspaper's organizations until the early 1980's, when the newspaper began to break even.

In a life marked by public service, Art Townsend served the community in many capacities. He was the Commander of American Legion Post 710, a charter member of the San Bernardino Juvenile Commission, a member of the San Bernardino Chamber of Commerce, and the founder of the San Bernardino Boys' Club. Mr. Townsend was also an ardent supporter of the League of Mothers.

Mr. Townsend's energy was not focused solely on local interests. Largely due to Mr. Townsend's efforts, San Bernardino became a sister city of Ife Ife, Nigeria. Nigerian royalty and high government officials have visited San Bernardino for meetings. Relationships such as these benefit all who are involved.

Art Townsend was as devoted to his family as he was to the community. He is survived by his wife, Mary, two daughters, Roslyn and Yolanda, and four sons, Brian, Michael, Gregory, and Donald. He instilled in his children his strong dedication to the community and civic affairs. I am pleased that his son Brian continues to publish the Precinct Reporter every Thursday, thus continuing the spirit of his father's efforts to create a better world.

Mr. Speaker, I believe that Arthur Townsend's leadership serves as a fine example for all public servants. As a leader, founder, and an active participant in many community activities in the Inland Empire, he will be sorely missed. His accomplishments have made the community of San Bernardino a better place to live, and his efforts will not be forgotten. I will certainly not forget him, for he was a good friend.

THE INTRODUCTION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY EXPANSION ACT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. GUARINI Mr. Speaker, today we are taking a bold step for the future of peace and democracy in the Western Hemisphere. The 23 nations in the Caribbean Basin desperately need our help. In many areas, poverty, civil unrest, and instability threaten the very fabric of democracy.

The legislation we are introducing today strikes at the heart of the region's problems. CBI II is a strategy for restoring economic health to the Caribbean Basin. It is designed to increase trade and investment, expand employment opportunities, and foster long-term economic growth.

CBI II is not a new program. It is a better one. It builds upon the seeds of economic growth we planted in 1983. It builds on the region's strengths and targets those areas where CBI nations can truly compete.

For CBI sugar, it sets a minimum quota level at 1989 levels. For textiles and apparel, it removes duties on products made from U.S. parts. For tourism, it establishes a preclearance program and increases the duty-free allowance for U.S. travelers to the region. Moreover, it insulates CBI products from unintended consequences of trade actions and it makes the CBI a permanent program.

CBI II is mutually beneficial for the basin and the United States. In terms of our trade concerns, and national security, through CBI we strengthen each other and our future.

As CBI economies grow, U.S. exports to the region increase. That means more jobs in the basin and the United States Communications, transportation, textiles, and electronics are only a few of the industries that will benefit.

The prospects for CBI II are extremely good. There is growing bipartisan support in Congress. More and more people are putting parochial interests aside and recognizing the importance of long-term economic growth for the peace of the entire Western Hemisphere.

Economic stability and peace go hand in hand. One cannot proceed successfully without the other. Our efforts today will yield great rewards in terms of future national security and the security of the entire Western Hemisphere. Let us hope that the entire Congress and our President will join in our effort to bring a higher standard of living and a higher quality of life to all of the democracies of the free world.

REPEAL THE RESTRICTIONS ON IRA DEDUCTIONS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. TALLON. Mr. Speaker, of the many challenges facing this country, none is more important than adopting fiscal policies that help America compete at home and abroad. The future of our country will be fought on the economic battlefield. And, it has become increasingly clear that the decline of the national savings rate is our Achilles heel.

The problem of low national saving has worsened significantly in the 1980's. National saving in 1986 and 1987 was approximately 2 percent of the GNP, a rate far to low to support domestic investment requirements. It is less than one-half of the saving rate of Great Britain, one-fifth the average saving rate of the major industrialized countries, and ⅛ the saving rate of Japan.

We simply must reduce the cost of capital in this country relative to our trading partners. I believe the place to start is by expanding the tax incentives for savings, rather than reducing or eliminating them as was done by the Tax Reform Act.

The structure of the Tax Code influences individual and corporate decisions to spend, save, and invest. Unfortunately, the structure of our current tax system encourages a lot more spending than saving and investing.

In particular, the new IRA restrictions that were enacted as part of the Tax Reform Act came at an unfortunate time. IRA's are about the only base of support for savings in this country. And with the increasing strains on the Social Security system, working Americans will become even more dependent on IRA's for their financial security upon retirement.

Instead of reducing IRA eligibility, I believe we should have extended full eligibility to all Americans. As a result, I have introduced H.R. 1273 to repeal the restrictions on IRA deductions added by the Tax Reform Act of 1986. My bill will restore the $2,000 deductibility on IRA deposits provided to all workers prior to 1986.

The restrictions placed on individual retirement accounts by the 1986 Tax Reform Act strike at the heart of middle-income families

who are trying to earn a decent living, educate their children, and save for their retirement years. We cannot afford for them to stand.

Participation in IRA's jumped dramatically in 1982 following the Economic Recovery Act of 1981, which extended eligibility for tax-deferred IRA contributions to all earners. The number of contributors in 1982 was almost four times the 1981 number, from $26 billion to $250 billion. After the Tax Reform Act of 1986 narrowed eligibility for tax deferral, 1987 participation fell to less than half of that for 1985 and 1986.

Until the 1986 changes, the IRA was the best available savings program for the middle-class, working individuals of this country. Roughly 80 percent of those who have IRA's have incomes of $50,000 or less; 65 percent have incomes of $40,000 or less. With such statistics, it is difficult for me to understand how this savings program could ever be misapprehended as a rich person's tax break.

Mr. Speaker, every act of investment in the economy ultimately traces back to an act of saving. In turn, the surest way to raise our rate of economic growth and therefore our future standard of living is to increase the size of our capital stock. Taking a step toward increased savings through increased use of the IRA now will be well repaid with a stronger securer economic future for us all.

A CONGRESSIONAL SALUTE TO M. LUCILLE DRESSEL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual without whose help, I might not be standing before you today. M. Lucille Dressel will be honored by the Democratic Women's Study Club of Long Beach as their Woman of the Year on Friday, March 3, 1989. This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment to the Long Beach community and the Democratic Party.

Lucille Dressel was born in Kaufman County, TX, on April 1, 1917. At age 7, she moved to Okarche, OK, a small town of 500 people, and attended public school and Congregational Church. It was in Oklahoma where she raised her daughter, Shirley Jenkins, now living in Long Beach, and her son, Jim Frederick, who now lives in San Francisco. After leaving Oklahoma in 1954, and spending many years in Colorado, Mrs. Dressel moved to Long Beach 10 years ago last June.

Mr. Speaker, Lucille Dressel has spent a great deal of her time advancing the beliefs of our Nation, its people, and the Democratic Party. For example, she has spent many enduring hours working with the GLENN M. ANDERSON congressional campaign, to which I am eternally grateful and indebted. She also helped in electing my step-son, Evan Anderson Braude, as councilman for the first district, Long Beach. Aside from her endeavors for me personally, she also helped with the Alex Pope campaign for Los Angeles County Supervisor, and assisted in Dave Elders' successful campaign for State assemblyman. On the national level she volunteered for Senator Gary Hart, Vice President Walter Mondale, Congresswoman Geraldine Ferraro, and for Massachusetts Gov. Michael Dukakis in 1988.

One would think that Mrs. Dressel's membership in the Democratic Club of Long Beach, and the Democratic Women's Study Club, along with her extensive political campaign work would leave her no time for civic and religious involvement. However, this is clearly not the case. She is a member of the Bixby Knolls Christian Church, the Interfaith Action for Aging, the Gray Panthers, the VFW Auxiliary, the American Legion Auxiliary, and the Long Beach Area Citizens Involved.

Mr. Speaker, M. Lucille Dressel commands the respect of the Long Beach community, the Democratic Party, and the entire Nation. My wife, Lee, joins me in extending our congratulations to this giving and unselfish woman. She is truly a remarkable individual who has devoted her talents and energies to enriching the lives of so many other people. We wish Lucille, her daughter, Shirley, and her son, Frederick, all the best in the years to come.

FEDERAL EMPLOYEES LOCALITY PAY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. GALLO. Mr. Speaker, today I am introducing a bill to require that the Office of Personnel Management include high cost-of-living areas of northern and central New Jersey within its "Study of Federal Employees Locality Pay."

In areas such as northern and central New Jersey the Federal Government is finding it increasingly difficult to recruit and to retain its work force, demonstrating that the current practice of paying Federal employees the same rate throughout the country should be modified. Supporters of locality pay correctly argue that Federal salaries should reflect cost-of-living differentials across geographical regions.

Realizing the importance of the problem, OPM is conducting a study to determine the merits of locality pay. However, it is my understanding that OPM does not intend to include northern and central New Jersey. I strongly believe that this omission is unacceptable.

According to a report issued by the Metropolitan Northern New Jersey Federal Executive Board last year, the cost of living in northern and central New Jersey ranks among the highest in the Nation. For example, the median cost of a house in New Jersey is approximately $100,000 higher than the national average. Additionally, property taxes are 147 percent higher.

The Executive Board Report of August 1988, clearly shows that the Federal workforce is suffering from an increasing brain drain, as current Federal workers and highly qualified college graduates find that they can make substantially more money in the private sector.

Three examples demonstrate that the problem has already become a crisis for New Jersey. First, the August report states that New Jersey's Social Security Administration was unable to fill more than half its professional interviewing vacancies in 1987 despite extensive recruitment. Second, according to the Newark Star-Ledger, the inability to recruit accountants at New Jersey's IRS centers will cause tax assessments this year to be $20 million less than projected.

Third, virtually all of the agents in the entire New Jersey office of the Federal Bureau of Investigation are trying to transfer to New York. Why? Because FBI agents in New York were given 25 percent pay increases under a pilot program to test the effectiveness of locality pay.

Approximately 600,000 new Federal jobs in New Jersey will need to be filled with quality applicants by the year 2000.

Unless Federal compensation becomes more competitive with the private sector, I predict that the gap between job openings and qualified applicants will continue to widen.

It is my understanding that the OPM study will be influential in determining how Congress will address locality pay. I believe strongly that the study must examine the situation in northern and central New Jersey if its results are to be a fair presentation of this problem.

The issue of locality pay should be addressed in a comprehensive manner. In this bill, I am not asking for special treatment for New Jersey. I am only saying that New Jersey should be part of the solution.

I ask my fellow colleagues to join me in support of this legislation to ensure that the OPM study is truly useful.

FLORIO HONORS DR. HAROLD A. MILLER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I take this opportunity to bring to the attention of my colleagues an educator who, after 30 years of community service, retired as principal of the Cinnaminson Middle School on August 31, 1988. I am referring to my constituent, Dr. Harold A. Miller, of the First Congressional District in New Jersey.

Dr. Miller began his career in education in 1950 with the Camden Board of Education until joining the Cinnaminson school system in 1955. Proving himself as a motivated teacher and competent administrator, Dr. Miller became vice principal of the junior-senior high school in 1964 and principal of the middle school in 1969. Throughout this time, he pursued his masters degree in education and administration and obtained a doctorate of education from Temple University in 1972. It is, therefore, evident that his commitment to the benefits of a full education were proven not only by his words, but by his deeds as well.

The attainment of the best education for the students was consistently an objective of Dr. Miller. Through his membership with the National, New Jersey, and Burlington County

Education Associations, Dr. Miller constantly strived to discover the most improved curriculum and advanced educational techniques. It is by no accident that the superior education received by many of the students within the Cinnaminson district came about under the stewardship of Dr. Miller.

Mr. Speaker, on March 8, 1989, Dr. Miller will be honored by the community he served so well for his many years of dedication and service. Please join me in saluting Dr. Miller and wishing him much success and happiness in the many years to come.

THE EASTERN AIRLINES STRIKE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise to speak about the rapidly approaching possibility of machinists' union strike at Eastern Airlines. This action would pose another threat to the stability of our Nation's airline industry and the daily schedules of air passengers nationwide. It also further weakens the public's wary confidence in the safety of air travel. Most importantly, it threatens the livelihoods of thousands of workers and their families.

In order to resolve this crisis rationally and fairly for all parties involved, I urge President Bush to immediately create an emergency mediation board and declare a 60-day moratorium on any action by either management or the labor unions that would disrupt or halt Eastern's regular schedule of airline service.

Labor-management relations at Eastern have been severely tested for the past 17 months, and the 30-day cooling-off period imposed by the National Mediation Board has failed to resolve their dispute. That period ends on March 4, allowing the airline to impose new working conditions and wages on the union, and freeing the union to go on strike.

Passengers and travel agencies are understandably reluctant to rely on Eastern's service and the airline continues to lose money at a rate of $1 million a day. While the machinists' union and management are far apart on contract terms, both parties want to keep the airline in business. Bankruptcy would mean not only the loss of jobs, but also the inevitable reduction of price competiton in today's regulated airline industry.

Rather than allowing further tension and increased bitterness on both sides, the President should appoint a factfinding panel and delay any strike for another 60 days. In making this request, I am joining the mediators who have been involved in recent negotiations.

The President is in a position to prevent service disruption throughout the airline industry. I urge him to use his executive authority and leadership ability to take these steps which are necessary to the survival of Eastern Airlines, the livelihood of its employees, and the protection of air travelers.

THE INCREASING IMPORTANCE OF THE ASIA-PACIFIC REGION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. FALEOMAVAEGA. Mr. Speaker, it is on the heels of President Bush's return from his tour of Asia that I would like to take a moment to note the rising influence and increasing impact of the Pacific region on international matters. Symbolically, unlike predecessors in the Office of the Chief Executive, President Bush's first major trip abroad has been to the countries of the Pacific rather than to those of the Atlantic.

In the upcoming decade and into the next century, the countries of the Pacific shall play a greater role in the economic, political, and military affairs of the United States and the world. As has been often stated, the 21st century shall truly be an era marked with significant economic advancement by the nations of the Pacific. According to administration sources, it is to be expected by 1995 that the United States' volume of Pacific-bound trade shall be twice that conducted with the nations of the Atlantic. Moreover, it is projected that the aggregate gross national product of the Pacific shall surpass that of Europe in a little over 10 year's time.

With Japan leading the way for the countries of the Pacific—being the world's greatest creditor Nation, its largest donor of foreign assistance and the United States strongest financial partner and ally in the defense of the sea lanes of the Pacific basin—the United States must reassess its relationship to the Asia-Pacific region. The United States clearly cannot be satisfied with merely maintaining its present policies when dealing with the Pacific. This is a time that mandates significant changes be made for the creation of alliances with the nations of the Pacific region that will protect our mutual interests and foster lasting trust.

It is gratifying to note that President Bush has recognized the need for change in the United States relationship with the countries of the Pacific. As the President has declared, America, too, is a Pacific nation and we must renew our determination to strengthen ties and relationships with our allies and partners in the Pacific region.

On that note, Mr. Speaker, I would like to insert in the RECORD two articles on this subject that have appeared recently in the press. The first article, entitled "Bush Restates U.S. Determination To Remain a Power in the Pacific," was written by Gerald M. Boyd, and published on February 23, 1989, by the New York Times. The second, entitled "Relearning From Japan," was written by Haynes Johnson and printed on February 24, 1989, by the Washington Post.

[From the New York Times, Feb. 23, 1989]

BUSH RESTATES U.S. DETERMINATION TO REMAIN A POWER IN THE PACIFIC

(By Gerald M. Boyd)

President Bush today reasserted the determination of the United States to remain a Pacific power, calling the region one "of great and growing importance in international affairs."

At a stop here en route to Tokyo for the funeral of Emperor Hirohito, Mr. Bush said he planned to strengthen relationships with friends and allies in a five-day journey that will take him to Japan, Beijing and Seoul, South Korea.

Mr. Bush previewed the trip, his first abroad as President, in a refueling stop at Elmendorf Air Force Base, halfway on the 15-hour flight. Speaking to American members of the armed services in a hangar, he said the trip has symbolic and substantive components.

"Alaskans understand that America is as much a Pacific nation as it is an Atlantic one—and that the Pacific region is of great and growing importance in international affairs," he said. "At each stop, I aim to strengthen key relationships with our friends and partners in the Pacific region."

'WE'RE READY TO ROLL, YEAH'

Although residents of Alaska and the Soviet Far East are increasing their cultural, diplomatic and scientific exchanges, Mr. Bush made no mention of the Soviet Union or the new warming. But he praised American troops based in Alaska as the "forward edge of our national defense."

"And make no mistake about the importance of your task," he said. "Alaska's strategic position, at the point where the Far East, the Western Hemisphere and the Arctic meet, is proof enough that the missions you perform here are vital to our national security."

Mr. Bush arrived at the Air Force base as a light but steady snow was falling. He was accompanied by Secretary of State James A. Baker 3d, the chief of staff John H. Sununu, Brent Scowcroft, the national security adviser, and other senior aides.

Asked by a reporter if he was heading to Tokyo with "new initiatives," he said, "We're ready to roll, yeah."

TRIP SCHEDULED AROUND FUNERAL

The President said it was important for the United States not to take the Asian nations for granted as the new Administration tackles other problems.

"There is something more than symbolism," he said of the trip to China, his fifth since he left there in 1975 after serving as chief American envoy. "That relationship is fundamental to any foreign policy equation of the United States."

"We don't ever want to neglect our friends," he said. "Yes, things in the Pacific seem to be going reasonably well, but we are a Pacific power and this visit will demonstrate that we intend to stay a Pacific power."

Before leaving Washington, senior Administration officials sought to lower expectations by noting that the trip was scheduled around the funeral Friday of Emperor Hirohito.

PRIVATE MEETINGS WITH LEADERS

Briefing reporters Tuesday on the eve of the visit, Mr. Scowcroft said that "the substance will not be extensive," although Mr. Bush is scheduled to hold private talks with more than a dozen heads of state in Tokyo.

"This trip is mainly an opportunity to have serious discussions at the outset of his Administration with such important Asian friends and allies and to reaffirm that the United States plans to play a strong and affirmative role as an Asian power," Mr. Scowcroft said.

Mr. Bush's three-day stay in Tokyo is to include private meetings with Japan's new Emperor, Akihito, and Prime Minister Noboru Takeshita.

The White House also made public the President's written answers to questions submitted by the Kyodo News Service, in which Mr. Bush minimized several potential disputes, including trade friction between the world's two largest economies, Japan's military spending and Japanese investment in the United States, which amounted to about 13 percent of all foreign investment by the end of 1987.

TOKYO'S FOREIGN-AID PACKAGE

Mr. Bush said, "It is important that our allies assume greater responsibility in the cause of global peace and prosperity." But he added: "It is not for me to prescribe Japan's role in the world. The decision is up to the Government and people of Japan."

While Japan's trade surplus with the United States has been edging down American officials estimate that it will still total about $80 billion by the end of the year.

Even so, Mr. Takeshita has received a favorable response from the Bush Administration by proposing to spend $10 billion in foreign aid in the fiscal year that begins in April. That is an increase of 7.6 percent and would surpass proposed American spending by $1 billion.

Mr. Bush told Kyodo that the Administration was "encouraged" by Japan's military spending, although "there was still room for greater improvement." Japan is planning to spend about 5.9 percent of its gross national product on defense, a percentage that some American lawmakers have asserted should be higher.

Mr. Bush has meetings with about a dozen leaders, including President Francois Mitterrand of France, President Hosni Mubarak of Egypt, King Hussein of Jordan, President Chaim Herzog of Israel, President Richard von Weizsäcker of West Germany, Prime Minister Lee Kuan Yew of Singapore, President José Sarney of Brazil, King Baudouin of Belgium, Prime Minister Benazir Bhutto of Pakistan, President Ibrahim Babangida of Nigeria, Prime Minister Turgut Ozal of Turkey, and Prime Minister Chatichai Choonhavan of Thailand.

[From the Washington Post, Feb. 24, 1989]

RELEARNING FROM JAPAN

(By Haynes Johnson)

In Tokyo, the greatest assemblage of world leaders—larger even than the one for John F. Kennedy's funeral—has paid last respects to Emperor Hirohito of Japan. In the gathering, of course, was President Bush.

State funerals are, by definition, symbolic affairs. None in modern times, and perhaps none in this century, has been so rich in symbolism and historical irony as that of Hirohito, especially in reference to the United States.

Just 44 years ago, Japan was in ruins, impoverished and desolate, its dreams of empire crushed by the overwhelming power of the United States. At that moment, the United States, conqueror and ruler of Japan, fully emerged as the world's preeminent superpower.

Now, the roles have been reversed. Japan has managed history's most spectacular comeback. It stands today as the newest superpower and moves rapidly to claim the position as the most technologically advanced nation. Japan is among the world's most affluent nations and its leading creditor. Its horizons appear unlimited.

The United States, if not in actual decline, is facing hard questions about its future, none more difficult than that of dealing with its relations with Japan. Once the leading creditor, the United States has become the world's leading debtor. In many areas, it present situation compares unfavorably with its erstwhile vanquished doe. Prominent are the following:

With half the population, Japan produces twice as many scientists and engineers as does the United States.

While the U.S. savings rate has fallen sharply in the last decade, Japan's continues to increase and now is twice that of the United States.

In terms of annual economic growth, as measured by gross national product statistics, Japan's growth rate is now three times as large.

The U.S. collective debt has multiplied, making it more difficult to compete in world markets. Japan's exports have increased accordingly. Its penetration of the American economy through a range of manufactured goods has been profound, and Japan now exports to the United States nearly three times what it buys from America.

Finally, a point made often in recent years but inexplicably without real political impact in presidential elections: Japan has succeeded in buying large segments of this country through direct investments in American companies, banks, real estate. Its direct investment in the United States, according to official estimates, exceeds $33 billion and is increasing.

All of these are reasons enough to ponder the comment of economist Lester Thurow, cited in Newsweek's report on Japan this week. "At the rate things are going," Thurow said, "we are all going to wind up working for the Japanese."

There were other obvious ironies connected with the funeral services telecast throughout the world. There was Bush, in office barely a month and an aviator shot down as a youth in the Pacific by Japanese planes. He may be the last of the World War II generation to rise to the top of American political leadership. Now he has paid tribute to the monarch whose 62-year reign was the longest of the century's major historical figures. Hirohito's time on the world stage far outlasted that of Lenin, Stalin, Churchill, Roosevelt, Hitler, Mao and lesser figures. It also encompassed the greatest shift in fortunes involving any two nations in that period.

In his lifetime, Hirohito presided over Japan's rise and fall—and then its rise again. He saw his small island nation survive the devastation of atomic war and loss of more than 3 million lives. Then, although Japan possessed nothing comparable to the natural resources of the United States and had a vastly smaller land mass and half the population, he watched it compete on equal terms and directly challenge the United States for world economic supremacy.

The lesson is simple. Japan accomplished this by demonstrating traits that, for generations, Americans most celebrated in themselves: hard work, perserverance, ingenuity, enterprise, appreciation of education and competition. Most of all, Japan has succeeded because it has not been content to stand still.

It is good that Bush went to Hirohito's funeral, a moment of both ceremonial and paramount historical significance. It would be even better if he studies the Japanese example and returns with renewed determination to stop the sense of drift and purposelessness that seem to have enveloped his new administration. He, and all Americans, have work to do.

EAGLE SCOUT AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exceptional young man from my district who has completed a major goal in his scouting career. Phillip Robert Augustyniak, Jr., will be awarded the rank of Eagle Scout at the Court of Honor to be held Sunday, March 5, 1989, at the Evangelical Lutheran Church of the Cross in Chicago, IL.

During his service as a scout, Phillip has proven his leadership abilities in several ways. He has held the positions of quartermaster, den chief, patrol leader of the eagle patrol and is currently a member of the leadership corps.

Phillip is a freshman at Luther High School South in Chicago, and has achieved many scholastic honors. In sixth and seventh grade he earned first place ribbons at the history fair and in eighth grade he received an honorable mention. He has also written for the school newspaper.

The Boy Scouts of America represents some of the finest youth in our country and the training and values they receive and develop during their years of scouting are invaluable to them and to their country.

I am sure my colleagues join me in extending heartfelt congratulations to Phillip on this outstanding achievement.

THE OATS PROMOTION ACT OF 1989

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, today I am introducing legislation which I hope will help to solve the problem of increasing oats importation into the United States. My State of South Dakota is traditionally the No. 1 oats producing State in the Nation, however I increasingly hear from my producers that it does not make economic sense for them to plant oats. My producers along with others in this country are "planting for the program," and the current farm program is discriminating against oats.

The target prices for oats and several other of the feed grains have long been based on their feed value. One need look no futher than the grocery store shelf to see that oats have become an important part of many people's diets. I think it is time that we recognize the important food value of oats in our Federal farm programs. The legislation I am introducing today would raise the oats target price in

an effort to encourage more oats plantings. It is also my hope that this move may indeed lead to some budget savings.

I have problems with the fact that this country, which has surpluses of many grains, would have to import 60 million bushels of oats to meet our domestic needs. We definitely have the capacity to produce more oats and producers would be willing to do so if they did not feel that they were being penalized. Planting oats makes sense from a conservation standpoint—they are often planted in a rotation to replenish the soil. If only it made economic sense to the producers and their bankers.

That is what I am attempting to do, and I would encourage my colleagues, both urban and rural, to support this effort.

HONORING LEVITTOWN (PA) BABE RUTH ALL-STARS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. KOSTMAYER. Mr. Speaker, I would like to call to the attention of my colleagues the great achievement of the Levittown Pennsylvania Babe Ruth All-Star Baseball Team. The team, led by the outstanding coaching of Harry O'Donnell and Bill Bowman, won the 1988 Pennsylvania Championship Title, was victorious in the Eastern United States Mid-Atlantic Regional, and came in fourth place in the Babe Ruth World Series in Lebanon, MO, in August 1988.

This accomplished team of 14 and 15-year-old players deserves great recognition, Mr. Speaker, for bringing such distinction to the town of Levittown, PA. The hard working team members who represented their town include Dustin DeFazio, Joe Doto, Gary Forrester, Mike Klein, Ed Lubinski, Mike Mannion, Dante Mucci, Casey O'Donnell, Chris Potts, Tom Raymond, Mike Ritter, Ryan Stefan, Brian West, Jeff Wilhelm, and Bob Windows.

Mr. Speaker, it takes a lot of loyalty and devotion and a lot of plain hard work and practice to achieve the level of success of the Levittown Babe Ruth All-Stars. I ask my colleagues to join me in commending this fine team and their outstanding coaches.

TRIBUTE TO THE PATIENT RELIEF PROGRAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. HUNTER. Mr. Speaker, there is a group of people in San Diego, CA, who in various ways, have helped to change the lives of those ravaged by war. The Patient Relief Program is made up by physicians, hospitals, and private citizens who have banded together to nurse the victims of the wars in Afghanistan and Central America back to health. These talented men and women restore both physical and emotional health. San Diego's Patient Relief Program works in cooperation with the United States Government's Afghan Patient Relief Program, the Intergovernmental Committee on Migration, and the International Medical Corps.

All of the surgery and medical care performed is done free of charge. Food and housing are donated, or paid for by donations, local immigrant and refugee communities provide translation and run food banks.

The Los Angeles Shriners Hospital, the Frost Street Surgical Center, Scripps Memorial Hospital, and Sharp Memorial Hospital, have all done outstanding work for the Patient Relief Program. They've opened up their facilities to these patients free of charge and given them the best medical care available.

Many physicians, medical specialists, and therapists have selflessly volunteered to reconstruct war-torn children and adults. I would like to especially thank Drs. Richard Cunningham, Mark Rechnic, Michael Halls, Craig Dever, Richard Perlman, Ronald Hacker, Barbara Brem, Donald B. Dose, Harold Forney, Malton Johnson, Jonathan Jones, Susan Kay, Cammille Kochenderfer, Stephen Krant, and Arthur Sanford. Oculist Kirsten Kolberg-Applegate, BCO Gordon Kolberg, and therapist Sandy Doehr also have my thanks.

Without the help of private individuals and community leaders, the program could not have rebuilt so many lives. These men and women contributed countless amounts of time and money to care for the victims of war in Central America and in Afghanistan. Thanks to Karen Worthy, Pastor John Oien, Larry Dickson, Michael Foote, Engineer Dost Hayat, Dan McKinnon, Sue Reeves, Zia Waleh, and Dr. Sadruddin Shuhab Zadeh.

Mr. Speaker, I am proud to be associated with the Patient Relief Program. I am sure sometimes between the language barrier, international flights, visa problems, bureaucracy, long hours, and sometimes heartbreaking cases, these fine men and women if it is all worth it. But I am sure that the glow of one young patient's face, reminds them that their work is vital and deeply appreciated.

INTRODUCTION OF SMART START LEGISLATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. KILDEE. Mr. Speaker, I am pleased to be introducing legislation today to assist States and localities in establishing prekindergarten education programs. This measure is the House companion bill to S. 123, introduced by Senator KENNEDY, which is commonly referred to as "Smart Start."

Smart Start strives to assist families by providing communities with funding for comprehensive developmental services for 4 year olds. The additional experience which Smart Start contemplates is a worthwhile addition to the vital framework that is represented by the Act for Better Child Care which I introduced on January 3, 1989, as well as the Head Start Program. Along with these two vital building blocks, Smart Start can be a valuable component in an overall strategy of support for children and families.

My first priority remains the immediate passage of comprehensive child care legislation such as the Act for Better Child Care. The Act for Better Child Care [ABC] is a comprehensive bill which addresses the child care needs of families with children of all ages, from infancy through schoolage. It would bring the Federal Government into a partnership with States and the private sector to help build a sensible child care delivery system. It would also help low and moderate income families pay for child care.

ABC addresses the varity of child care needs of working parents. Smart Start takes an approach concentrating on a single, but important age group and is not a substitute for the Act for Better Child Care. Only ABC contains all of the ingredients essential for a comprehensive child care system. Smart Start, on the other hand, provides primarily 4 year olds with a holistic system of support by allowing State and local communities to channel funds to programs which operate full day and full year programs.

An equally important priority is Head Start. Head Start has provided comprehensive childhood development services to poor children for over 20 years yet is able to reach only a fraction of those eligibles for its outstanding services. This important program is up for reauthorization next year. Steps must be taken to ensure services for all Head Start eligible children by continuing to build this proven program which Congress has invested in so wisely since 1965.

I welcome suggestions and recommendations for additional issues that should be looked at when this legislation comes up for consideration. This legislation is an important contribution to the current debate.

EASTERN AIRLINES STRIKE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. SCHAEFER. Mr. Speaker, today we are on the brink of a national transportation emergency. Should the confrontation between Eastern Airlines and the machinist union remain unresolved, the union is prepared to disrupt service not only at Eastern but at several other airlines as well as at railroads.

The International Association of Machinists and Aerospace Workers and Eastern Airlines have been negotiating since September 1987. Attempts to settle contract disputes continued until January 31, 1989, when National Mediation Board Chairman Walter Wallace declared a deadlock. On February 2, a 30-day-cooling-off period began and the deadline of 12:01 a.m. Saturday, March 4 is now less than 48 hours away.

Under the Railroad Labor Act, the President has the option of establishing an emergency board to avoid possible interruption of interstate commerce. I believe the administration must evaluate whether the airline could continue to operate if an emergency session is convened. Such a move of this nature would have to make economic sense. Obviously, nobody wins if the airline does not stay sol-

vent. During this period I believe that we should pursue sensible solutions to avert a potential transportation nightmare.

I am not advocating a prounion or antiunion position, rather I believe that the long and bitter dispute between Eastern and the machinists can and should be resolved through discussions not disruptions of service.

THE CONGRESSIONAL BICENTENNIAL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1989

Mr. CRANE. Mr. Speaker, in 2 days, on March 4, 1989, we will mark the 200th anniversary of the convening of the First Federal Congress in New York City. This anniversary can be considered part of our ongoing celebration of the bicentennial of the Constitution.

As a member of the Commission on the Bicentennial of the U.S. Constitution, I am very pleased that Congress today held a joint meeting to formally recognize this institution's 200th birthday. Honoring the birthday of our Constitution and Congress is a little more challenging than generating the excitement that attended the bicentennial honoring the birth of the country. It may be even harder these days to generate enthusiasm for the congressional bicentennial in light of the recent pay raise fiasco and the budget deficit for which Congress must take a great deal of responsibility. However, despite these recent concerns and some bumps in the road along the way, we, as Americans, can certainly be proud of this institution and what it has accomplished over two centuries of work.

There have been many examples in history of people who secured independence from a monarchy or from the bondage of an oppressor nation. Yet many of these acts of independence have failed in the next step toward freedom—that step being to create an effective and responsible government which preserves each individual's liberty, life, and property.

Our democratic Republic with its three branches of government has indeed served us well and has preserved the freedom we all enjoy. As the legislative branch of our Government, Congress has served admirably in the balancing scheme our Founding Fathers created. We have much to be proud of, and we certainly ought to be taking the time to honor the 200th anniversary of the Congress, to reflect on our great heritage, and to honor all our colleagues, both past and present, for their distinguished and dedicated service in carrying on the traditions of this historic body.

I look forward to the continued celebration of the bicentennial of the Congress and the Constitution, and I hope that the events surrounding this celebration will further increase the appreciation and respect our people have for the Founding Fathers and this great country they created.

SENATE—*Friday, March 3, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D. offered the following prayer:

Let us pray:

*Owe no man any thing, but to love one another * * *.*—Romans 13:8.

Gracious Father in Heaven, we tend to equate love with maudlin sentiment, but the Bible instructs us, God is love, which indicates it is the most powerful bonding force in history.

Mighty God, perfect in love, infuse this place with Your presence. As there is no symphony without distinct instruments and musicians—no tapestry without variety of color—as unity is meaningless without diversity, there is no democracy without citizens of divergent views and organizations with competing demands which generate controversy, and conflict, requiring compromise.

God of peace, remind us that "a house divided against itself cannot stand," and enable us, however great the pressure, to heed St. Paul's admonition, "Owe no man any thing, but to love one another * * *."

In the name of the Prince of Peace we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, at 10:30 this morning, the Senate will go into executive session to continue deliberations on the Tower nomination.

Following the leader time, there will be a period for morning business until 10:30.

On Wednesday and Thursday of next week, March 8 and 9, the Senate will begin deliberations on the motions filed by Judge Hastings relative to his impeachment trial. The Senate will hear argument on Judge Hastings' motions to dismiss some of the charges against him. That argument on the motions will occur between the hours of 2 and 4:30 p.m. on March 8.

On March 9, beginning at 2 p.m., the Senate will debate and consider the motions. These proceedings could well continue into the evening on that day. For the benefit of my colleagues planning their schedules, I hope they will clear their schedules during the times I have described in order to be present for these important deliberations.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I also request that the Republican leader's time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for 5 minutes each.

POSTAL OFF-BUDGET BILL—101ST CONGRESS

Mr. STEVENS. Mr. President, I join many of my good friends in the Senate in cosponsoring S. 302, legislation which will remove the U.S. Postal Service from the unified Federal budget. Except for the effective date, this bill is identical to S. 2449, which had 74 cosponsors when the 100th Congress adjourned.

The Postal Service was originally off-budget under the Postal Service Reorganization Act. In 1974, the President exercised his discretion under the Reorganization Act to take the Postal Service off-budget in order to provide a businesslike environment free from political influence.

The Service remained off-budget until 1985 when the Office of Management and Budget proposed, in the President's fiscal year 1986 budget, to bring off-budget items on-budget. In order to display the proposal, the Budget brought Postal Service—and other previously off-budget items—into the budget.

Then in 1986, the Gramm-Rudman-Hollings proposal formalized what OMB had done informally the previous year; beginning with the fiscal year 1987 budget, the Gramm-Rudman-Hollings amendment has required that all Federal entities, including the Postal Service, be included in the Federal budget. The only exception is Social Security which is off-budget, but is figured into budget totals for purposes of the Gramm-Rudman deficit target.

The bill we introduce restores the pre-1985 situation, so that only the appropriations into the fund are on-budget, with the postal fund itself being an off-budget item. Beginning with fiscal year 1991, under our bill, the receipts and disbursements of the Postal Service would not be included in either the President's budget totals or the congressional budget resolution totals. In addition, the Postal Service budget would not be counted when calculating the deficit for Gramm-Rudman-Hollings purposes. Finally, the bill clarifies that the legislation does not in any way diminish Congress' oversight authority over the Postal Service.

Mr. President, this legislation is important to our Nation's ability to maintain an efficient, inexpensive, universal Postal Service. Subjecting the Postal Service to the uncertainties of the Federal budget process threatens its ability to maintain the service necessary to sustain the Nation's commercial and communications network. As an example, the 1987 budget reconciliation bill required a 1-year deferral of 65 percent of the 1988 postal capital investment program. This caused an

unnecessary and unwise delay in the capital improvement of our postal system.

In addition to impeding improvements in Postal Service facilities and operations, the current on-budget treatment of the postal fund is unnecessary from a budgetary point of view. This is because the 1970 Reorganization Act mandates that the Postal Service break even. The Service generates its own revenue and receives no operating subsidies from the Treasury; and postal rates are adjusted, as required, to preclude deficit spending. As a result—using the Postal Service's accrual accounting—profits and losses have balanced out over the past 10 years.

Moreover, including the Postal Service's capital expenditures in our annual Federal budgets actually distorts the deficit picture. Unlike other Federal entities, Postal Service spends large portions of its budget on projects which are clearly capital expenditures. It is a distortion of the Federal deficit to treat these capital expenditures as up-front cash outlays, rather than expensing the projects over the life of the investment as businesses are accustomed to doing. For example, the Federal budget for fiscal year 1989 shows the Postal Service running a deficit of $655 million, while the Postal Service's accounting shows net income of $523 million; the difference is due to treatment of capital spending.

Annual accounting of the Federal Budget can also misrepresent the Postal Service's performance. The length of postal ratemaking proceedings and the need to avoid frequent rate changes gives the Postal Service a financial cycle of several years. While the Postal Service must break even over this cycle, the annual accounting of the Federal budget focuses on annual deficits in isolation from subsequent surpluses.

Mr. President, I support the concept of a unified budget to serve as a measure of the Federal budget's impact on the economy. However, the Postal Service is a unique entity. It is mandated by law to run on a break-even basis and is intended to operate in an independent businesslike environment, free from political influence. Removing Postal Service from the unified budget will not undermine the accuracy of our Federal budget and will ensure the continued independence and integrity of our Nation's postal system.

I urge every Senator to join now in cosponsoring this bill in order to assure passage of it in this Congress.

SECURITY IN THE NORTH PACIFIC

Mr. STEVENS. Mr. President, many in this body have expressed great interest in the proposals for force reductions announced by Soviet General Secretary Gorbachev at the United Nations. This Senator joins in hoping that this opening portends closer relations between our two nations. We cannot fail to recognize though the tremendous military power the Soviet Union continues to wield across the globe.

An article in the December 10 edition of Jane's Defense Weekly detailed Soviet capabilities and United States activities in the North Pacific. The threat in this region is real, and looms against the critical sealanes through which transit much of our Nation's domestic oil, as well as routes to our Pacific allies. I ask unanimous consent that this article be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. The presence of the U.S. Navy in the North Pacific has been enhanced by the expanded activities of the U.S. 3d Fleet, under the theater command of Adm. Huntington Hardisty, CINCPAC. Through exercises demonstrating the Navy's ability to undertake operations any time of the year, the 3d Fleet has put the Soviets on notice that the United States Navy is a permanent resident of the North Pacific.

The biannual joint service exercise "Brim Frost" was recently conducted in and around Alaska. The men and women of all the military services, the National Guard and the Reserves endured the harshest conditions recorded in Alaska in over a century. The unprecedented challenges of these extremes demonstrated the excellence and determination of our military forces. Sadly, "Brim Frost" was marred by the tragic loss of a Canadian Forces C-130. The sacrifice of these men will not be forgotten, and testifies to the close ties between our two military establishments.

Increasing attention has been paid to the vital strategic location of Alaska. This article in Jane's Defense Weekly highlights the naval importance of this region to our defense. I urge my colleagues to consider these issues as we face many difficult decisions in reviewing our defense spending and commitments this year.

EXHIBIT 1

NEW SIGNIFICANCE OF THE NORTH PACIFIC

(By James C. Borg)

As the United States pulls its warships out of the Persian Gulf in the wake of the Iran-Iraq war, the US Navy says more emphasis will be placed on the North Pacific, a remote and rugged region only recently recognised as critical in any US-Soviet conflict.

As US trade with Asia overtakes that with Europe, and with increasing Soviet naval strength in the Pacific, American naval forces have since 1986 stepped up operations in the chilly seas surrounding the Aleutians.

Not since the Second World War, which saw a 15-month Japanese occupation, has Alaska's 1609 km-long string of mountainous islands seen so much military activity.

The island of Adak, particularly with its airfield for navy P-3 Orion Soviet submarine-tracking patrol aircraft based at Petropavlovsk, would be a hotly contested battleground, the lynchpin for success of the so-called US maritime strategy in the Pacific.

Under that strategy, sometimes called horizontal escalation, the first hours of a US-Soviet conflict would find the navy engaging Soviet ships and submarines as they sail from their Pacific homeports of Petropavlovsk and Vladivostok.

"In a potential crisis situation, deterrence is best served by open and early positioning of forces for strikes against Soviet forces and warfighting facilities, and by showing our resolve to maintain peace and support for nations in the region," said Adm. Huntington Hardisty, Commander-in-Chief of the US Pacific Command, in a recent speech in Honolulu.

"Should the Soviets initiate hostilities in this theatre or initiate events elsewhere, US military forces are prepared to engage them rapidly and as far forward as possible to neutralise their warfighting capability."

In recent cold-weather operations in an around the Aleutians, US aircraft carrier battle groups and battleship task forces have successfully avoided detection by Soviet land-based 'Bear' bombers through surprise routes and 'terrain-masking', dodging radar behind the Aleutian peaks.

On at least one occasion, a carrier has come close to striking range of the Kamchatka Peninsula before being discovered, navy officials say.

However, there's no hiding Adak, a multipurpose base that includes a listening post for ocean acoustic sensors, or the air force installation at Shemya. A January 1987 amphibious landing at Adak and Shemya involving 14 ships, 12000 sailors, 115 aircraft and 2000 Marines, the first winter amphibious operation in the Aleutians since the Second World War, clearly showed to what lengths the Pentagon is prepared to go to defend the territory.

"Since I arrived here two years ago, we've done probably 10 times as many exercises in the Northern Pacific as we had in the preceding 10 years," said Vice Adm. Diego Hernandez, outgoing commander of the 3rd Fleet, which has the North Pacific and Bering Sea in its operational jurisdiction.

"The Persian Gulf took a tremendous number of ship days away from the time that's available for us to operate.

"Although we still have not realised any great savings in terms of force levels in the Middle East, we anticipate that once Iran and Iraq are able to reach final agreements, that, eventually, in a way that makes sense, there will be a gradual reduction to pre-war levels. And that will provide us with the ships and aircraft to devote to more exercises in the North Pacific."

Hernandez commands an operational structure vastly different from the one he inherited in August 1986.

Formerly based at Ford Island in Pearl Harbour, 3rd Fleet had been largely devoted to anti-submarine warfare and training in support of the US 7th Fleet, then the principal teeth of the Pacific Fleet and operating chiefly in the Far East.

Today, with its headquarters staff embarked aboard the USS *Coronado* (AGR 11),

3rd Fleet has become the navy's fourth 'fighting fleet'—along with the 7th and 6th and 2nd in the Mediterranean and Atlantic.

With more Soviet coastline in its area of responsibility than any of the others, the 'new' 3rd Fleet finds itself in a pivotal role in the maritime strategy, designed in part to keep the Soviets from shifiting Pacific Forces to a NATO conflict.

Soviet missile-firing SSBNs, patrolling quietly in their 'bastion' in the Sea of Okhotsk, presumably would be included as targets, even in a non-nuclear war, a course of action that has generated some controversy.

While some observers maintain that attacks on SSBNs would risk crossing the threshold to nuclear war, advocates of the maritime strategy insist it would apply pressure on the Soviets to end the conflict more quickly.

Adm. Hardisty said such attacks may be a matter of practicality, since there is no reliable way to differentiate missile-firing strategic submarines from attack boats carrying torpedoes and anti-ship cruise missiles.

"In an undersea war, everyone would be involved," he said.

While some submarine characteristics can be construed through sonar, the whole undersea friend-or-foe identification process remain undecided.

US submarines in a pack are commonly assigned separate horizontal operating zones, but there are a lot of doubts in the navy about what would happen in a 'melee' or battle involving many submarines.

What is clear is that the USA no longer concedes the North Pacific, once considered a "Russian lake", to its neighbour across the Bering Strait. The first signs of change came in early 1983.

The carriers *Midway* and *Enterprise*, steaming east across the Pacific, met with the carrier *Coral Sea*, steaming west. The three flat-tops and their escorts abruptly turned north toward the Aleutians.

There they were met by land-based air force fighter, bombers, tankers and AWACS radar planes and navy Orions. For the next several days and nights, in cold weather and heavy seas, more than 40 ships and submarines, 300 navy and air force aircraft and 23,000 military personnel carried out a fast-paced and finely tuned training exercise.

A Coast Guard cutter and four Canadian ships also sailed with the group. Code named 'Fleet EX 83-1', it was the biggest naval operation in 40 years, an unusual exercise that caught the Soviet Union off guard. When seas were too rough for the retrieval of carrier-based aircraft, KC-135 tankers circling above the armada refuelled the thirsty jets.

While the ships approached no more than 640 km from the Kamchatka Peninsula, more than 70 Soviet aircraft rushed out to meet the battle groups and were spotted by navy E-2 and air force E-3 AWACS radar aircraft. Soviet 'Bear' bombers, simulating missile launches against the ships, were intercepted by navy fighters and land-based air force F-15s under the tactical control of a navy cruiser.

B-52 bombers flew reconnaissance and mine-laying missions. The unprecedented demonstration of modern fleet muscle and reflexes and inter-service co-operation became the model for future training.

In August 1986, the carrier USS *Carl Vinson* steamed from the west coast across the Aleutians, then slipped into the Bering Sea, eluding for three days Soviet reconnaissance aircraft searching south of the island chain.

The next month, the carrier USS *Ranger* crossed the Pacific undetected on a course between Pearl Harbor, a fairly common port of call, and the Aleutians. In October, the battleship USS *New Jersey* raced through the Sea of Okhotsk, while, just to the south, the Ranger battle group operated with Japanese maritime forces.

At the same time, south of the Aleutians, the Constellation battlegroup trained with Canadian naval forces. The following January, the *Vinson*, returning from the Indian Ocean, rendezvoused near Shemya with the helicopter carrier USS *Belleau Wood*, which led the amphibious landings of exercise 'Kernel Potlatch 87'.

The training drove home new lessons in winter naval warfare as sailors struggled with icy flight decks, brutal winds and heavy clothing.

Surprisingly, said Hernandez, former captain of the carrier USS *John F. Kennedy*, *Nimitz* class 'supercarrier' *Vinson* was able to launch and retrieve aircraft by adjusting its speed to the sea state even after bad weather had closed onshore airfields.

Summarizing this activity in the December 1987 issue of the journal *Morskoy Sbornik*, a Soviet reserve captain declared: "Despite its peaceful name, the Pacific Ocean was and remains far from peaceful."

In large measure designed to protect Alaska's North Slope oil shipments, today's emphasis on the North Pacific is, according to the navy, in response to enhanced Soviet Pacific naval forces.

Currently the largest of the four Soviet ocean-going fleets, by US count the Soviet Pacific Fleet has 25 strategic submarines, more than 100 attack submarines and 723 surface ships, including 95 major surface combatants, led by two *Kiev* class helicopter carriers and a *Kirov* nuclear-powered guided-missile cruiser.

Since 1984, the Soviets have introduced 'Fencers', 'Foxhounds', 'Fulcrums' and 'Flankers', all fourth generation fighter aircraft, as well as naval aviation bombers and reconnaissance aircraft. The US Pacific Fleet by contrast has fewer than 300 ships and submarines.

Pacific commander Hardisty insists the Soviet fleet has shown little evidence of Mikhail Gorbachev's *perestroika*. "His proposals may be a ruse to undercut the strong alliances we maintain in the Pacific, or they may be a genuine effort on the part of the Soviets to reduce military tensions and create an international environment where internal political and economic reform can be undertaken," said Hardisty.

"Frankly, it is too soon for us to determine their sincerity, since there is still a wide gap between Gorbachev's rhetoric and actual Soviet deeds."

Hernandez, meanwhile, said exercises have proved that the 3rd Fleet can operate year-round in the North Pacific as long as battle plans remain flexible.

"The weather will influence the training, the pace of what one's doing, but if the plans are flexible, so that you can implement them every time you have an opening, then we find that you can maintain the initiative," says Hernandez.

An important by-product, he said, has been increased co-operation and interoperability with the air force's Alaskan Air Command and NORAD.

OIL FROM ALASKA'S COASTAL PLAIN

Mr. STEVENS. Mr. President, the Coastal Plain of Alaska's Arctic National Refuge has the greatest potential for new discoveries of oil and gas of any unexplored onshore area in the United States. Exploration and development of this area is critical to maintaining domestic energy reserves.

My colleague from Alaska, Senator MURKOWSKI, and I have introduced legislation to allow leasing of the Coastal Plain to go forward. We previously introduced this bill in 1987. We also introduced an amendment which reflects the progress made on this matter during the last Congress, while protecting Alaska's interests in development of the Coastal Plain.

Mr. President, our country's rapidly increasing reliance on foreign sources of oil is cause for alarm. U.S. oil consumption is up, domestic production is down, and imports are increasing. During January, the American Petroleum Institute reported that during December 1988, oil imports actually exceeded domestic production.

Even with the price of oil moving between $13 and $14 a barrel, as it was toward the end of 1988, oil imports represent a major portion of our trade deficit. During November, the most recent month for which complete information is available, we spent $3.13 billion on foreign oil. That month our trade deficit was $12.51 billion, meaning one quarter was attributable to oil imports.

As the price of oil rises, and as our imports increase, the spending on foreign oil will continue to climb. Some in this Chamber have talked at great length about the evils of high trade deficits. Here is a major component of those deficits, and unless we take action now it will dominate our trade figures for decades.

Aside from the economic impact of reliance on foreign oil, there is also a potential threat to national security. When we no longer have control over our major sources of oil, we are subject to threatened or actual sudden disruptions of that supply. Oil was used as an economic weapon against this country in the 1970's. Based on current trends, that could happen again during the 1990's and beyond.

The decline in domestic production is in part due to the low oil prices of the last few years. Reserves which are more expensive to produce, or stripper wells which produce too little to offset the cost of continued production have been shut in. But this is just a precursor to what will occur as proven domestic reserves are depleted.

Alaska currently produces slightly more than 2 million barrels of oil each day—about 25 percent of all U.S. productions. However, Prudhoe Bay, the largest oil field in North America at 10

billion recoverable barrels, has already produced more than 6 billion barrels. Production from Prudhoe and other North Slope fields will soon begin a rapid decline, and by the year 2000, production is expected to be only 600,000 barrels a day.

Oil production in the South 48, as we call it, has declined over the last 10 years. Only the regular increase in Alaska's production has offset this decline. As proven reserves are drawn down, U.S. production will drop off and it will not increase without additions to our reserves. The only way to significantly improve our reserves is to explore areas like ANWR's Coastal Plain.

There are ways to extend our existing reserves. There is renewed attention to research into enhanced oil recovery techniques, as well there should be. Existing technologies, such as waterflooding to maintain reservoir pressure, have increased expected recovery from Prudhoe Bay by more than a billion barrels, and extended the life of the field by about 5 years.

Enhanced recovery from existing field can supplement our energy supply. It can not, however, be a complete substitute for the location of new oil reserves. Our economy, and particularly our transportation sector is heavily reliant on oil. Congress has approved and I have supported legislation encouraging the development of vehicles which can use ethanol and methanol based fuels. However, we are decades away from feasible alternatives to our reliance on fossil fuels.

For the foreseeable future we are going to need oil If we do not take actions to reserve the trends I have already discussed, we will be inescapably dependent on foreign sources for that oil. President Bush recognizes the national security implications of this situation—he mentioned them just the other day.

We know that we need to seek out new reserves of oil and gas in this country. We know that the Coastal Plain of the Arctic National Wildlife Refuge has about the highest potential for containing those reserves of any area in the country. The area we are talking about is less than 100 miles from the first, second, and ninth largest oil fields in North America, which share the same basic geologic structure.

All of this clearly weighs in favor of allowing exploration and development of the ANWR Coastal Plain. Only one credible objection has been heard—that before leasing of the Coastal Plain takes place we should be assured that it will be done in an environmentally sensitive manner.

The best evidence we have available to us is the history of development of the other North Slope oil fields. Years of experience in the Arctic have improved oil field technology to the point that the ninth largest field in America—Endicott—fits on 56 acres on two gravel islands. Years of study of wildlife and the environment in the Prudhoe area have demonstrated ways to minimize the impact oil and gas fields. These lessons can be carried over to the Coastal Plain.

In the Arctic, the exploratory phase need not have any noticeable impact on the environment. Drilling is done during the winter, using ice access roads, ice air strips if necessary, and can use ice or removable drilling pads. With the coming of spring, the ice melts and all that is left is a hole in the ground and a marker post. Any patches of vegetation which may have been damaged come back quickly with a bit of reseeding.

During the development of new fields on the Coastal Plain, a carefully planned infrastructure of gathering lines, service roads and well pads would be put in place. Again, most of the work would be done during the winter, when it will have the least possible effect on the landscape and there are few animals in the area.

The legislation which I have introduced with Senator MURKOWSKI would require all development to be subjected to a strict standard of environmental protection. Only activities resulting in no significant adverse effect on fish and wildlife, their habitat and the environment will be permitted.

As I said, the concern for impacts on the environment—assuring that the imapct on wildlife and on the tundra will be kept to an absolute minimum—is a valid concern. There has been an effort, however, to raise bogus concerns about the Arctic National Wildlife Refuge.

For many people in the United States, the wilds of Alaska represent a dream of untouched expanses. They may or may not get to see Alaska during their lives, but they have heard of it, and they know it is there.

That image is, I believe an important one for the human spirit. Take a person who lives out there on the eastern seaboard, where cities dump their raw sewage in the ocean, where other cities send the ash from their incinerators to Africa, and where the air may be unfit for them to breathe and the water unfit to drink. They seem to grab onto that image of Alaska and the other wild parts of the Earth to sustain themselves.

As a result, they are vulnerable. They are vulnerable to extreme environmentalists who play on their fears that the wilds may be destroyed. These groups wring thousands, even millions of dollars out of poor souls by telling them that drilling in the Arctic is like damming the Grand Canyon. What they fail to mention is that 56 million acres of Alaska are already permanently protected for future generations in wilderness, and at the beginning of this decade more than 100 million acres of Alaska were placed in various conservation units, effectively closed to most forms of development. These groups have the gall to identify their efforts to close the Arctic National Wildlife Refuge's Coastal Plain as the top environmental priority, the most important conservation decision this Nation faces.

And there are some in Congress who will listen to this balderdash. They will ignore the real problems this country faces. They will continue to allow our trash and our wastes to be shipped to Third World nations, and then will demonstrate their strong concern for the health and wellbeing of the people by opposing efforts to provide heat and light at a reasonable price to those same people.

If there is a critical issue in this debate, it is providing a stable supply of energy for the United States. I hope that the Senate will recognize the importance of the oil and gas resources of the Coastal Plain, and will move quickly on this legislation.

JESSE HELMS

Mr. SYMMS. Mr. President, Senators come and go, but oftentimes there are Senators who make an incredible impact during the time they are in the Senate. On the airplane a couple weeks ago, returning to my State of Idaho, I was reading the January/February edition of Conservative Digest which contained an article on our distinguished colleague, Senator JESSE HELMS from North Carolina.

I ask unanimous consent that the article, "The Stouthearted Jesse Helms," be printed in the RECORD for all of our colleagues to have the opportunity to review.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STOUTHEARTED JESSE HELMS

(By Paul M. Weyrich)

1. Which candidate running in North Carolina in 1984 received the highest percentage of the black vote?

A. President Ronald Reagan.

B. Representative Bill Cobey.

C. Senator Jesse Helms.

2. Which U.S. Senator is known to staffers inside the Senate as the most caring and the kindest to the "little people"?

A. Chris Dodd.

B. Alan Cranston.

C. Jesse Helms.

3. Which U.S. Senator compiled the most impressive record for the passage of substantive legislation in the 100th Congress?

A. Ted Kennedy.

B. Lowell Weicker.

C. Jesse Helms.

Contrary to attempts by the mass media in the Tar Heel state to distort the man's image and accomplishments, the answer to all three questions is "C," Senator Jesse Helms. And despite their efforts to defeat this principled man, Jesse Helms is complet-

ing his third term in the Senate and is a good bet for a fourth term.

While the media in the Senator's home state portray him as the enemy of minorities, the meanest man in the Senate, and a legislator who is isolated and ineffective, the facts say otherwise.

HIGH APPROVAL AMONG MINORITIES

In his 1984 reelection bid Jesse Helms won six percent more of the black vote than did the very popular Ronald Reagan. Bill Keyes, chairman of Black PAC which assisted Helms in that race, says "that's because blacks know when someone is being honest with them." Keyes also notes that had Helms garnered the percentage of the black vote Republican candidates have traditionally received in North Carolina, he would have been narrowly defeated. Thus, despite efforts by the media in the state to portray Jesse Helms as intensely disliked by the minority population there, blacks were instrumental in returning Jesse to the Senate. They know the real Jesse Helms—and they like him.

COMPASSION AND HUMILITY WIN FRIENDS

The North Carolina media, particularly the newspapers, have also portrayed Helms as mean and forbidding. While there is no doubt that he is tough, even his enemies concede that the senior Senator from North Carolina is a gentleman in battle: polite, courteous, and almost always in good humor.

A great many Senators, both Democrat and Republican, are filled with their own self-importance, believe themselves to be Presidential material, and have a poor relationship with their staff. Jesse Helms, on the other hand, suffers no delusions and is beloved by his staff. He has a reputation for keeping staffers forever, despite the fact that he pays lower salaries than almost any other Senator. Many of the Helms staff are like Dr. Jim Lucier, the able chief minority counsel of the Senator Foreign Relations Committee, who has been with Helms since he entered the Senate following his upset victory in 1972.

These staffers have a genuine affection for their boss because he takes a personal interest in them, always remembering to ask about their families and sympathizing with them over ailments or injuries. Startled lower-echelon staffers on committees have for years talked about calls from Senator Helms wishing them a Merry Christmas and thanking them for their good work. "I've worked in the Senate for most of my adult life," said one such clerk, "and no Senator ever called to say thanks except Helms."

Helms is also famous for his warm personal notes not only to his colleagues, but to constituents and nonconstituents alike. Time and again, when Helms has heard of a hardship situation, he has prevailed upon friends to help out; they can't turn him down because he himself gives so generously whenever asked. That is a side of the man the media in his state don't play up. But then, neither does Jesse Helms. Unlike many of his colleagues, Jesse Helms doesn't strut and boast about his charitable works. When asked why, Helms talks about the passage in the New Testament that admonishes believers to do their good works in secret so that their treasure may be stored in Heaven, not on earth.

AN ABLE AND EFFECTIVE STRATEGY

But without question, the greatest media distortion has been in the area of Senator Helms's legislative accomplishments. The media portray him as an isolated and ineffective Senator and decry his use of the filibuster (Helms is skillful at using it to block noxious legislation) as "obstructionist." His colleagues, however, say otherwise.

"I only wish he weren't always so effective," says Kansas Senator Nancy Kassebaum, a moderate Republican who often disagrees with Jesse Helms. "While Senator Helms and I don't agree on all the issues, I have enormous respect for this ability to be able to establish an effective agenda for his views. He knows how to use the rules. He knows how to legislate. Yet, despite our differences, he has never tried to block me from speaking or in any way inhibit my efforts." Senator Kassebaum gives Helms high marks for his work as the ranking Republican on the Senator Foreign Relations Committee where she serves with him: "He has tried very hard to work with the differing views on the Foreign Relations Committee and has really succeeded. Sometimes he feels so strongly about an issue he feels he must assert his own views and doesn't seek consensus, but even then he tries to be fair to the rest of us. I enjoy working with him a great deal."

Colorado Senator Bill Armstrong, chairman of the Senate GOP Policy Committee, is another who admires what Jesse Helms has accomplished: "Anybody who thinks that Jesse Helms isn't making an enormous difference, just isn't paying attention to what's going on." Armstrong says that "from abortion to foreign policy Jesse Helms has led he fight on many of the most important issues in the Senate in this era."

And former Transportation Secretary Elizabeth Dole, wife of Senator Minority Leader Bob Dole and herself a North Carolinian, calls Helms "one of the most respected legislators of our time . . . a man of enormous integrity."

It is his reputation for integrity that has enabled Jesse Helms to be such an effective Senator. Consider this record: In the month before the 100th Congress adjourned, Helms participated in 27 winning efforts. "I don't recall anything like it," says Assistant Secretary of Defense Margo Carlisle, who was for many years a Senate aide and was Director of the Senate GOP Conference for four years.

These measures included: authorization of priority North Carolina freeway projects; extension of the Au Pair program; a ban on the transfer of satellite missile-launching technology to Communist China until Peking stops selling missiles to the Middle East; a ban on the broadcast of indecent material on radio and television; rejection of Senator Bill Bradley's attempt to add tougher warning on cigarette packages (of great interest to North Carolina); an amendment to the crime bill providing for a mandatory 20-year sentence for the possession of crack; an amendment requiring mandatory revocation of parole, probation, and supervised release for those convicted of the possession of illegal drugs. The pace of the Helms legislative effort was breathtaking: Eight of his amendments and resolutions were passed in a single day.

The breadth and scope of the Helms legislative efforts is what amazes me," says Jade West, executive director of the Senate Steering Committee. "Many Senators confine their legislative activity to the Committees on which they sit. But Helms has legislative initiatives which have succeeded in almost every arena."

The Helms record in the 100th Congress is absolutely dazzling, especially in the face of a Democratic majority bent on having their way. Here are just a few of the measures Jesse Helms successfully championed:

Compensation of the United States taxpayers for damages to national security caused by those who violate national security export controls.

An explanation by the President as to whether Soviet violations of the ABM Treaty jeopardize U.S. national interests and whether the U.S. should withdraw from such a treaty.

An amendment (passed by one vote) prohibiting the State Department from purchasing (with the taxpayers' money) a house for the Secretary of State.

An amendment prohibiting funds for the Centers for Disease Control from being used to provide any AIDS educational or preventative material that promotes, encourages, or condones homosexual activities or the intravenous use of illegal drugs.

An amendment authorizing the U.S. Navy to sink any Iranian vessel, destroy any Iranian missile battery, or neutralize any Iranian installation that threatens safe passage of any American warship or of any other vessel known to have a U.S. citizen on board.

A measure to help prevent rape and other sexual crimes by prohibiting dial-a-porn operations.

Repeal of the law passed by the District of Columbia City Council that provided insurance companies could not test for the deadly AIDS virus.

Economic sanctions against the Marxist regime that is committing genocide by starvation in Ethiopia.

These are but a few of the dozens of pages of Helms initiatives in the 100th Congress. Not all of his amendments or bills were approved. But some of the votes he managed to get on record, even with his losing amendments, allow us to identify the true conservatives. And those votes were useful last November in exposing liberals up for reelection and defending some conservative U.S. Senators.

Remember that the Senate is controlled by Democrats. So, far from being isolated and ineffective as the media claim, Jesse Helms was able to secure enough opposition votes to get a great deal of his legislation passed. Indeed an amazing number of his bills were co-sponsored by Democrats. Senator Helms has even managed to work effectively with the liberal chairman of the Senate Foreign Relations Committee, Claiborne Pell (D-RI).

As Senator Armstrong has pointed out: "Of all the Senators on either side of the aisle, Helms is probably taken the most seriously. In fact, he has become a lightning rod on some of the most crucial issues of this era. When other Senators know he is going to move, they know they have to pay attention because Helms never does anything unless it has a real purpose and meaning."

Mrs. Carlisle summed it up this way: "I doubt that one North Carolinian in five understands the extraordinary legislative ability of their senior Senator. It is amazing to those of us who have been associated with the Senate for a long time that Helms would be pictured in any way but as one of the most effective Senators in this era."

The problem lies not in what Jesse Helms is but rather in what he is not. In an age of television pretty boys, Jesse Helms is not an image-conscious, plastic, blow-dried Senator. In an age of party-goers too lazy to push buttons on automatic elevators, Jesse Helms, despite having an able staff, does his own work. In an age of pork-barrel compro-

misers, Jesse Helms stands true to his principles. In an age of phony compassion, Jesse Helms performs his charity without fanfare and television cameras.

That Helms is able to win reelection despite the false image created by hostile media in North Carolina is a tribute to the loyalty of those who know him personally and are not misled. Those Tar Heelers and thousands of admirers across the nation who think of Jesse Helms as their Senator make it possible for Helms to purchase the time to tell his story and partially offset the negative image created by the constant media pounding he takes year in and year out.

One can only speculate about what sort of margins Helms would win by if he were fortunate enough to have media which merely reported on what he accomplishes each year in the Senate. It might be overwhelming enough to scare away any opposition.

[From the Conservative Digest, January/February 1989]

COMPASSION AND PRINCIPLE

(By Bob Harris)

Gayle Bomar's Saturdays were full of touchdown passes and gridiron glory. The star quarterback for the University of North Carolina Tar Heels was frequently asked to appear at children's hospitals and clinics across North Carolina where his stories of football exploits could brighten the day for children battling handicaps and illness. During one visit to the North Carolina Cerebral Palsy Hospital at Duke University in Durham, Bomar met an unexpected visitor down on his hands and knees playing with the children.

"I was astonished to see it was Mr. Helms," Bomar recalls. "I had heard professors criticize him because he was conservative, and here was this man pictured as some kind of ogre so obviously full of concern for these little kids. It gave me a new perspective on him, and also on some of the things that pass for wisdom on many of our college campuses."

It might have surprised a young college student like Gayle Bomar who had never met Jesse Helms. But to people who have known Jesse Helms for years, it wouldn't have been anything out of the ordinary. Just another example of the hidden side of an extraordinary man who cares.

The Cerebral Palsy Hospital in Durham is just one of the many "good works" Jesse Helms has been involved with over the years. The hospital is sustained with contributions raised by yearly telethons broadcast statewide by WRAL-TV and a network of stations. The originator of the fundraising idea was the then operations manager of WRAL—Jesse Helms. "The hospital would not have been possible without the continuing help of Jesse Helms," said Dr. Lenox Baker, founder of the Cerebral Palsy Medical Center. "It would never have gotten off the ground." According to Dr. Baker, "Jesse Helms has raised more money to help crippled children than any other man in North Carolina."

ACTIONS SPEAK LOUDER

A skeptic might point out that politicians and television personalities often get involved in charitable work. Sure, it costs them a little time and effort. But the payoff in good PR yields big dividends. Fair enough. Even the most hard-bitten skeptic, however, might change his or her mind if they knew about an experience in the personal lives of Jesse and Dorothy Helms.

It was Christmas time 1962 when Dot and Jesse Helms read in the newspaper about a young boy in Greensboro with Cerebral Palsy who had lost his parents. The article said that all the youngster wanted for Christmas was a mother and father. They were touched as any of us would be. But, unlike most of us, Jesse and Dot Helms took the next step: They adopted Charles, giving a brother to 13-year-old Nancy and 16-year-old Jane.

Jesse Helms visited Dr. Baker at the Cerebral Palsy Hospital to find out what might be done to help Charles. When he told "Doc" Baker that he and Dot planned to adopt the baby, Dr. Baker expressed reservations. He wondered how Charles might fit in. "We're the ones who will fit in," Helms reassured him. After four operations and a great deal of love from his new family, Charles Helms is today a successful businessman in Winston-Salem, North Carolina.

Charles Helms is reluctant to talk about his adoption. He knows his father frowns upon those who retell the story for fear that some people might think it was being told for political gain. But in a 1984 interview, Charles Helms did say of his father, "He has strong views, and he expresses them distinctly. But he is a very gentle man. I don't think anybody could do any better for a daddy."

Those who have not met Jesse Helms personally may find it hard to believe how gentle and kind this man really is. The mass media portray him as the fire-breathing conservative dragon of the U.S. Senate, and his Democrat critics and their media allies call him "Senator No" or the "Prince of Darkness." (The liberals fear a man they can't intimidate and control.) But, as Douglas Kiker, a veteran reporter for NBC News who has followed Helms' career, put it, "If a political profile of Jesse Helms comes down to one thing, it is compassionate. On a personal level, Helms is a man deeply into good works."

GROWING UP SOUTHERN

Born October 18, 1921, to Jesse and Ethel Helms, young Jesse was taught early by his father, "When you take a stand, stay there, unless you are really proved wrong." Jesse's father earned $25 a week as the police and fire chief in Monroe, North Carolina, population 3,000. Family life in this small Southern town centered around the home, the school, and the church.

Even though Senator Helms' father, "Big Jesse" as he was known, only had a fifth grade education, Senator Helms remembers him as "the wisest man I ever knew. I remember him saying on many occasions that a man's word is his bond."

"Big Jesse's" lessons on honesty stuck. A political opponent who had done business with Jesse Helms before his election to the Senate once remarked, "I'd give him uncounted money in a minute and never have a thought about it."

His parents taught him about the value of hard work. Mama greeted Jesse and his brother every morning with the same cheery call when it was time to get up and go to school. "Get up out of bed, you'll never make a nickel in there."

During those tough Depression years Jesse held a succession of jobs—cotton picker, floor sweeper, soda jerk, and, most interesting for him, sports writer for the local newspaper. Jesse wasn't very good at sports ("I had three left feet," he recently told an interviewer) but he had a knack for sports reporting. At the age of nine, he wrote his first newspaper article describing how the local football team, the Purple Pythons, had finally won a game after a long losing streak. "The Purle Pythons uncoiled today . . ." the story began.

Lessons taught by his teachers also helped shape the character of Jesse Helms. The Senator still tells the story of Miss Annie Lee, an eighth-grade English teacher who lectured the students on the proper use of grammar. Her pet peeve was split infinitives. Forty years later, at the end of a long Senate Committee meeting where a bill was being drafted, Senator Helms would tell his friend Hubert Humphrey the story of Miss Annie and the Minnesota lawmaker would heartily agree to delete a split infinitive from the bill.

Helms also remembers one prediction Miss Annie made that had nothing to do with English class. On the day in 1933 when the United States suspended the Gold Standard, Miss Annie pointed to the lessons of history to show that countries which backed their currencies with nothing more than paper suffered long-term economic harm. "She said it would now be easy for the government to spend money that it doesn't have, weakening our currency with indebtedness. She was right. It happened," the Senator recalls.

Another important influence on Jesse Helms was Ray House, the principal of Monroe High School. Ray House was more than a principal. He was the high school band instructor and, more than that, a wise counselor. Mr. House would call each high school senior and ask them what they planned to do for the future. When he asked Jesse Helms if he intended to go to college, Helms answered that he didn't think the family could afford it. "That's when he gave me a lecture that has stayed with me ever since," Jesse Helms says.

The principal told him there were jobs available for students who were willing to work hard and do anything that was honest to achieve success. He said that a college degree was not necessary for success unless a student was planning on entering a profession like medicine or law. But he counseled Jesse Helms to go to college to learn how to learn.

FROM BROADCASTING TO THE U.S. SENATE

Jesse Helms worked as a post-hole digger and dishwasher to support himself at Wake Forest College. Later, he got a job proofreading copy at night for the Raleigh News & Observer and eventually worked up to reporting on sports. While working on the sports desk, Jesse Helms met another reporter at the paper, Dorothy Coble. A romance developed and as Senator Helms told a newspaper interviewer several years ago, "Dot's desk was between the water cooler and the sport desk. It was a hot summer and I was unusually thirsty that summer." They were married on Halloween in 1942.

During World War II, Helms served in the Navy. After the war he returned to the paper. A few months later he began his career as a broadcaster. Helms was responsible for 15-minute news broadcasts on WRAL, a fledgling station in Raleigh, North Carolina. Helms and WRAL pioneered the use of recorded sound bites. That was in the days before audiotape and Helms recorded his news interviews on a wire recorder that was as heavy to lug around town as the tuba he had played in the high school band.

In the early 1950s, Helms went to Washington as chief aide to two North Carolina Senators. He later became editor of a banking industry magazine. But the broadcasting

business beckoned again in 1960 and Helms became the editorialist and operations manager for WRAL-TV. Under Helms the station quickly earned a reputation as "The Voice of Free Enterprise" in eastern North Carolina.

The editorials Helms wrote won praise from thousands of Americans—and the condemnation of liberal editors and Chapel Hill professors. He took strong stands on controversial issues like morality and the anti-war radicals who marched in our streets under the banner of the Vietcong.

In 1970, Jesse Helms accompanied his 21-year-old daughter Nancy down to the Board of Elections when she went to register to vote. Amazingly, she registered Republican at a time when most Southerners automatically registered Democrat. When her father asked her why, she told him that the way he talked around the dinner table, he ought to be a Republican because the Democratic Party was no longer representing the views in which he believed. Jesse Helms changed his registration to Republican. When he reminisces about the incident, he laughingly says, "A little child shall lead them."

In 1972, at the insistence of friends, Jesse Helms put his name on the ballot for United States Senator. He says today that he didn't expect to win since no Republican had been elected to the Senate from North Carolina in this century. But he won.

He won something else in that campaign as well—something more important than an election—a personal relationship with the Lord. Helms explained his religious experience in a conversation with Tar Heel Magazine several years ago:

"I got so depressed," Helms recalled, dredging from his memory the overwhelming tiredness he had felt as he headed out to attend yet another breakfast. "I was thinking, 'Lord, have mercy, What am I doing here? I don't even want to be in politics. I'm running myself to death.' And for the first time, I really prayed. Not, 'Lord, let me win'—I didn't think I was going to win anyhow—but 'Lord, don't let me embarrass my family. Help me to do what's right in this thing. Help me live through it somehow.' I don't know how long that went on, but when I got through, I looked out the window and the sun was shining. I had the greatest feeling of serenity that I'd ever had. I've got it today. I don't worry about things. I do the best I can and let 'er fly.

"Up until that point, I think, my religion was sort of rote," he explained. "I'd go to church on Sunday mornings; I taught Sunday school; I did all the proper things. But I don't think it was until that very morning that it really dawned on me what this was all about."

A QUIET FAMILY LIFE

Jesse and Dot Helms live a quiet life in their modest home in Arlington, Virginia, outside Washington, D.C. Jesse rises at 6 or 6:30 and reads the papers while Mrs. Helms cooks breakfast. Then he drives to the Capitol for the Senate sessions. In the evenings, Jesse and Dot Helms aren't part of the cocktail party circuit. Most of their evenings are spent quietly at home talking over that day's events after a simple dinner. "Jesse is a meat and potatoes man," Mrs. Helms says. "He likes steak and french fries. He's not much on me trying out my new recipes."

Dot Helms is every bit a believer in Jesse Helms' conservative principles as he is. After her cancer surgery in 1988 (she is well recovered now), she insisted that Senator Helms keep a speaking engagement on the INF Treaty even though he was ready to cancel it. She is active in the Senate Wives Bible Study group. Both of them share a common pride and joy—six grandchildren. The youngest, born last April, was three months premature and weighed only 2½ pounds at birth. "We lived on a diet of fingernails," Granddad says. "She made her first trip away from home except to go to the doctor of course, and she came to see us on Thanksgiving. She is now pushing 13 pounds. The prettiest little red head you ever saw."

As Senator Helms is fond of saying, "You don't spend time with young people. You invest it." And he's invested a lot of time. He regularly meets with groups of students in Washington and takes time to explain the inner workings of government. Back home in North Carolina, Jesse Helms was instrumental in establishing Camp Willow Run, an interdenominational Christian youth camp on Lake Gaston.

STANDING ON PRINCIPLE

Jesse Helms is the kind of leader who makes some politicians in Washington squirm. Forthright in his own beliefs and with the courage of his convictions, Jesse Helms has proven his willingness to battle for what's right, no matter the risk to his own career or reputation. He lives and acts by a simple creed: "You have to have certain basic principles and you better be dogone certain that they're predicated on what's fair, what's possible, what's equitable and what's honest."

When Gorbachev comes to visit, Jesse Helms declines the chance to be part of Gorby's glitzy propaganda show. When Ted Kennedy prattles about welfare reform, Helms wonders why it has to cost working taxpayers $3 billion and won't require a single able-bodied welfare recipient even to think about working until 1994. Senator Helms believes that the people ought to be supreme, not nine unelected, unaccountable judges on a Supreme Court that imperially strikes down 175 years of law and tradition and declares voluntary school prayer is illegal.

There are those in Washington always eager to appropriate the taxpayers' money for this or that worthy cause. Asking these politicians to put their own money where their mouth is, Helms proposed an amendment requiring Senators to donate $1,000 of their own personal money to the worthy cause they champion. You don't win love notes from the Washington press corps and the liberals that way. But you win the respect of millions of Americans who are struggling to support their families and pay their taxes.

I was a 13-year-old in junior high when Jesse Helms first ran for the United States Senate in 1972, and remember hoping that he would win. I wanted him to win because he was the fellow on TV who said it was wrong for Vietnam war protestors to march under the Communist flag of Ho Chi Minh and the Vietcong. Ho Chi Minh and the Vietcong were the enemy of freedom in Vietnam and I was glad somebody was willing to speak out against their supporters.

I also remember the day a Republican campaign worker came by school to give a talk about the electoral process, and I told him I wanted Helms to win. He must have told Jesse Helms about it because shortly after Helms won, I got a call from him. That made a lasting impression on me. And in the years since, as I've watched him stand up for what is right and true—and take the heart in Washington for doing so—my respect for this principled American patriot has grown tremendously.

RICHARD "DICK" FLETCHER

Mr. SYMMS. Mr. President, America recently lost a great friend. Richard Fletcher was the executive director of the national Sigma Nu fraternity for many years. Richard Fletcher has had an incredible impact on so many lives in America. I had the opportunity to meet him when I was in college, and I remember the inspirational speeches he gave when he would visit our chapter at the University of Idaho.

Mike Antonovich, who is a supervisor of the Fifth District of the board of supervisors of the county of Los Angeles, sent me this article and asked that I might consider inserting it in the RECORD on behalf of so many people who had the opportunity to know the late Richard Fletcher. It is written by Mo Littlefield, who is now the executive director of the national Sigma Nu fraternity. Howard Baker once said that there was no group of people more overrepresented in the Senate than those who had been in space. However, it was brought to my attention with the death of Richard Fletcher that 9 percent of the U.S. Senate are members of the Sigma Nu fraternity, with our most prominent member, of course, being the majority leader, GEORGE MITCHELL from Maine. In addition to myself and my colleague from Idaho, Senator MCCLURE, there is also TRENT LOTT from Mississippi, BOB KASTEN from Wisconsin, BOB GRAHAM from Florida, ALAN CRANSTON from California, QUENTIN BURDICK from North Dakota, and LLOYD BENTSEN from Texas.

I ask unanimous consent to insert in the RECORD a very fine article about a fine American, and outstanding Virginian, who had a tremendous impact on the lives of many people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGMA NU FRATERNITY,
Lexington, VA, November 2, 1988.

To Brothers and Friends of Sigma Nu.
From Mo Littlefield, Executive Director.
Subject: Richard Rolston "Dick" Fletcher Joins Chapter Eternal.

Sigma Nu and the entire college fraternity world mourn the loss of one of their greatest architects. On Monday, October 31, 1988, Brother Dick Fletcher unexpectedly ascended to the Chapter Eternal. He was 81.

Born September 19, 1907, the second oldest in a close family of six brothers and a sister, he grew up in Blacksburg, Virginia; Tacoma Park, Maryland; and State College, Pennsylvania, where his father, Stevenson W. Fletcher, was head of the Department of Horticulture, later Dean of Agriculture and Director of Research. In 1924, Brother Dick entered Penn State and became initiated into Sigma Nu as Delta Delta No. 236. A pacesetter from the outset, he inspired four younger brothers to follow him into the

Legion of Honor via Delta Delta Chapter: Steve, Peter, Jack and Emmett.

Majoring in English literature and journalism, Brother Fletcher was both a scholar and an all-around athlete. He starred in football, baseball, baseketball and track, while he worked on the campus newspaper and other student publications. Growing up in rural Virginia and Pennsylvania and in the church had taught the "Fletcher boys" a healthy respect for family and neighbors, nature's creatures and growing things. Self-reliance and rugged individualism became a Fletcher trait.

Brother Dick's celebrated life began as an adventure in learning and teaching. He was first lured to newspaper work as a reporter for the Chattanooga Times and soon after became an English teacher and athletic director at Virginia's largest high school, Maury of Norfolk, where as coach of all sports he consistently fielded state championship teams.

He served his country during World War II for three years, two of which included five European campaigns. At his discharge from the U.S. Army, he held the rank of major and had earned the Bronze Star for gallantry.

His tour of military duty interrupted a nineteen-year stint at the University of Virginia where he served as director of first-year athletics, coaching football, basketball and baseball, later as director of admissions, and ultimately as director of student affairs. As dean of students, he engendered national interest, as reported by Time magazine, when he triumphantly defended the honor system of Mr. Jefferson's University. This tenacity to principle caught the eye of Sigma Nu officials, and a year later he was persuaded to assume the position of the Fraternity's General Secretary, upon the retirement of Malcolm Sewell (Beta Kappa) who had served for a quarter of a century.

For the next sixteen years, Brother Fletcher's stardom continued during his leadership over Sigma Nu affairs, earning him perpetual recognition in 1966 as a member of the Fraternity's Hall of Honor. In the tradition of three great progenitors, Walter James Sears (Nu/Beta Nu), John C. Scott (Beta Zeta), and Albert H. "Bert" Wilson (Beta Iota), he shaped and articulated Sigma Nu's noble mission, and his message was contagious. Applying a mastery of the English language, incomparable wit, and eloquence as speaker and writer, he had a profound impact upon the college fraternity movement. With boundless enthusiasm and dedication, he served on numerous interfraternity committees, councils and commissions; became the most sought-after keynote speaker at fraternity convocations; and was quoted widely in fraternity publications. Among his many interfraternity honors were the National Interfraternity Conference Gold Medal awarded in 1977 and the Fraternity Executives Association Distinguished Service Award in 1978.

Retiring from Sigma Nu employment in 1972, he focused his creative energies on the historic community of Lexington and Rockbridge County, serving as the city's first director of visitor relations. He emerged a champion of historic preservation and prime mover in the restoration of area landmarks.

Upon his second retirement, Sigma Nu again pressed him into service to fulfill the dream he had first envisioned in 1956 when he engineered the move of the central office from Indianapolis to Lexington, the birthplace of Sigma Nu. A milestone had occurred in 1969 with the centennial dedication of the wing additions to the headquarters at 9 Lewis Street, but much was left to be accomplished on the development of both the museum and the honor library, the latter of which was fittingly dedicated in his name in 1976. Although Brother Fletcher likened this monumental project to the building of a cathedral, an ongoing enterprise never really finished, as president of the Sigma Nu Educational Foundation, he worked tirelessly to generate the funds needed to achieve the educational mission of the Fraternity. Inspired by his guiding hand as curator of The Headquarters Shrine, the Sigma Nu Foundation acquired adjacent property which opened the window of opportunity for further expansion of the Fletcher dream through the inauguration of a unique leadership development program based upon ethical values. This undertaking began with the restoration of the facility housing the Leadership Development Center and the launching of the Sigma Nu LEAD Program.

The contributions of the Dick Fletcher to Sigma Nu and to the college fraternity movement stand as a monument to the cherished principles of Love, Honor and Truth. Past Regent Herman B. Wells (Beta Eta), Chancellor of Indiana University, said, "I never met a person more able to motivate men toward higher achievement than Dick Fletcher. He has been the paragon of fraternity values and will forever be numbered among the most noble leaders of the fraternity movement."

Regent Robert D. Krestel (Epsilon Rho) commented, "When it comes to men of honor, few can equal the shining example of Dick Fletcher."

President of the Sigma Nu Educational Foundation Robert L. Marchman III (Xi) stated, "We have all lost a great Sigma Nu, a beloved brother and a dear friend."

Those of us who served on Mr. Fletcher's staff now know how Plato must have felt when he lost his revered mentor, Socrates.

Dick Fletcher is survived by his brother Stevenson W. Fletcher, of Kennett Square, Pennsylvania; sister Margaret Fletcher Pierson, of State College, Pennsylvania; his wife Marjorie; son, Dr. John S. Fletcher (Beta) of Williamsburg, Virginia; daughter, Marcia Fletcher Clark, of Portland, Oregon; six grandchildren and five great grandchildren.

Expressions of condolence may be sent to Sigma Nu Headquarters, Box 1869, Lexington, VA 24450, where they will be hand delivered to Mrs. Fletcher.

Mr. SYMMS. Mr. President, I yield the floor.

WISCONSIN WILL BENEFIT FROM A FEDERAL CAPITAL GAINS TAX CUT

Mr. KASTEN. Mr. President, I believe the case for a capital gains tax cut should focus on results. These results can be measured in terms of new investment and new jobs. In 1978 and 1981, we cut the capital gains rate by more than half. Investment in new companies boomed. This helped spark the creation of over 19 million new jobs in this decade.

In my home State of Wisconsin, we have had tangible results from a low State capital gains tax rate. Wisconsin is one of the few States that retained the 60-percent exclusion of long-term capital gains from taxable income after Congress eliminated the Federal exclusion when it overhauled the tax system in 1986. And as a result of this low State capital gains tax, the Milwaukee Sentinel said that "Wisconsin enjoys the lowest unemployment rate in 15 years" and "the perception of Wisconsin being friendly to business is improved by this important enhancement of the investment climate."

Wisconsin has taken a positive, first step toward stimulating more investment in newly emerging small businesses and creating more new jobs for the future. But I believe we can and must do more by reducing the high Federal capital gains tax. Our high capital gains rate, practically the highest in the world, puts American workers and businesses at a severe competitive disadvantage with our major trading partners—many of whom do not tax capital gains at all. Cutting the U.S. capital gains rate in half would put us on a more level playing field with our overseas competitors. More importantly, this one step would move Wisconsin's and the entire Nation's economy into even higher gear.

Recently, I was joined by business leaders from 22 high-growth Wisconsin firms to send a public message: Wisconsin stands to hit the economic and employment jackpot if the Federal tax rate on capital gains is reduced. And everyone in our State—from business to labor, from young people to the elderly, from the single person to the family of 10—stands to gain from the economic growth a capital gains tax cut would spark in Wisconsin.

I highly recommend to my Senate colleagues a recent policy paper by the nonpartisan, nonprofit Public Expenditure Research Foundation in Madison, WI on the capital gains issue. The foundation study found that a low Federal capital gains tax would bring substantial economic benefits to Wisconsin and to the rest of the Nation. Specifically, a capital gains tax cut would encourage investors to realize gains, freeing capital for new investment; stimulate entrepreneurial activity; increase tax collections; encourage investment in new and emerging businesses; and improve the Nation's competitiveness for foreign investment.

I urge my colleagues to support this effort to bring more growth, more jobs and more opportunity to all Americans.

I ask unanimous consent that a copy of a letter signed by the Wisconsin business leaders to President Bush expressing support for efforts to reduce capital gains taxes, a copy of Public Expenditure Research Foundation's "Wisconsin Issues" and the Milwaukee Sentinel's editorial of February 2 be entered into the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 1989.

Hon. GEORGE BUSH,
The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As representatives of Wisconsin businesses committed to economic growth and job creation, we want to express our strong support for your efforts and those of U.S. Senator Bob Kasten to seek a reduction in the current tax rate on capital gains.

We believe a lower capital gains tax rate would help create jobs, spur investment and growth, boost family incomes, and help Wisconsin compete more effectively in world markets.

With your and Senator Kasten's leadership, we can keep the U.S. economy on the right track in creating jobs and opportunity for all. A capital gains tax cut is a big step in the right direction.

Respectfully,

Wayne L. Staats, Advanced Computer Graphics.
Ken Bartels, Trans Pak Corporation.
Sam Hope, Hope Dispensing Systems.
John D. Roethle, Anderson-Roethle, Inc.
Lloyd W. Herrold, Gibbs, Roper, Loots & Williams.
Robert C. Brunner, Public Expenditure Survey.
Jim Gannon, Price Waterhouse.
Trent Chambers, Price Waterhouse.
John Ducan, Metropolitan Milwaukee Association of Commerce.
Hilda Heglund, COSBE.
Dick Beightol, Capitol Bankers Life Insurance Co.
Eric Butlein, CPU.
Trent Chambers, Price Waterhouse.
Michael Flanigan, Milwaukee Telephone Company.
Jack Gardner, Artcraft Industries Corp.
John Hessler, Hessler Assurance Designs.
James Hostetler, Keller's Select Wines and Spirits.
Donna Lebrecht, Lebrecht, Stephenson & Hagen, Inc.
Erwin Merar, Merco Corp.
Dan Roddy, Metropolitan Milwaukee Association of Commerce.
Dick Shon, Midas Muffler Management Co., Inc.
Steven Smith, Ph. Orth Company.
Sally Sprenger, ANEW Healthcare Service, Inc.
Robert Taylor, Erie Manufacturing Company.
Dean Treptow, Polaris Group, Inc.
Thomas Wamser, Beck Carton Corp.

WISCONSIN ISSUES

TIME FOR A CHANGE, LOW FEDERAL CAPITAL GAINS TAXES SHOW BIG ADVANTAGES

A long-term disagreement over how capital gains should be taxed continues in the nation's capital and financial centers. And most recently the debate has centered on a proposal to reduce the maximum tax on capital gains to 15% from its current 33% level.

Capital gains occur when capital assets are sold for more than their original purchase price. Capital assets include property owned and used for personal purposes or investments such as a home, stocks, bonds, land, and commodities such as gold or silver. For example, you would net a capital gain if you sold your home for more than you paid for it, even if the increase in value was due to inflation.

CAPITAL GAINS TAXATION HISTORY

From 1922 to 1986 long-term capital gains (gains held more than one year) were given preferential treatment under federal tax law and were taxed at rates lower than those applied to short-term gains and ordinary income (wages and salaries).

Prior to 1978 half of all long-term gains were excluded from taxable income and the remainder taxed at a rate of 49%. In 1978 the late U.S. Representative William Steiger of Wisconsin led the fight to lower capital gains taxes by promoting the idea that high tax rates stifle economic productivity.

In 1978, at Steiger's urging, Congress cut the capital gains tax rate to a maximum of 28% while increasing the exclusion amount to 60%. Subsequently the maximum tax rate was cut to 20% in 1981.

The Tax Reform Act of 1986 reversed that trend by enacting the largest capital gains tax rate increase in history. Although ordinary income tax rates were reduced, the act also eliminated many tax preferences, including the 60% exclusion for long-term capital gains.

Under the 1986 Act both long-term and short-term capital gains are taxed as ordinary income and rated at a maximum rate of 33%. (See table)

REDUCED TAX BENEFITS ECONOMY

Proponents of a capital gains tax cut argue that it would stimulate the economy and create jobs while increasing tax collections.

Capital gains play an important part in an individual's willingness to invest in new business, and high taxation of gains discourages this type of investment.

Investors risk short-term capital outlays in new and emerging businesses in the anticipation that long-term profits will prove greater than dividends from their current investments. But faced with high capital gains taxes, investors may choose to maintain current investments and avoid taxation of capital gains from those investments.

Comparisons of public stock offerings for 1978 to 1983 indicate that enterpreneurial activity in the economy surged during this five-year period of lower capital gains taxation.

In addition, the Wall Street Journal reports that some investors are reluctant to invest in the stock market because of high capital gains taxes. For many, stock market risks outweigh possible benefits when government taxes will take one-third of every dollar gained.

U.S. INCOME TAX RATES

[Effective 1988]

Taxable income	Percent tax rates
MARRIED TAXPAYERS	
Up to $29,749	15
$29,750 to 71,899	28
$71,900 to 149,249	33
$149,250 and up	28
SINGLE TAXPAYERS	
Up to $17,849	15
$17,850 to 43,149	28
$43,150 to 89,559	33
$89,560 and up	28

GOOD PUBLIC POLICY WHY THE U.S. NEEDS A CAPITAL GAINS TAX CUT

Encourages investors to realize gains, freezing capital for new investment

Stimulates entrepreneurial activity

Increases tax collections

Encourages investment in new and emerging businesses

Improves the nation's competitiveness for foreign investment

LOCKED-IN GAINS

High capital gains taxes not only discourage risk-taking investments but lock investors in to their current investments. Since capital gains are taxed only when gains are realized (assets are sold), investors have some control over when (if at all) they pay capital gains taxes. If they know capital gains will be taxed at a high rate, investors can and often do retain their capital assets—"locking in" their investment indefinitely.

Economists are concerned that locked-in investments could lead to a misallocation of capital in the economy. When asset sales are inhibited, the investment of anticipated gains from those sales is blocked.

The result is a stagnation of capital assets—funds are locked in to older investments and are not available for new investment opportunities. This prevents any economic activity that might have been stimulated by new investment.

The only sure way for investors to avoid taxation on capital gains is to retain their assets and pass them on to their heirs upon death. An asset held in this manner is not taxed as a capital gain. This solution, however, continues to remove capital from further circulation in the economy.

JUMP IN REALIZATIONS

The view that a high tax rate causes investments to be locked in is held by many in the financial and economic communities, including former secretaries of the U.S. Treasury, academic professors, and former members of the President's Council of Economic Advisors.

The lock-in theory holds that a reduction in the capital gains tax rate will increase the realization of capital gains. The large chart below presents a look at the realization of capital gains in the U.S. from 1970 to 1986.

Capital gains realizations increased significantly in 1979 and 1982—the years immediately following the capital gains tax cuts of 1978 and 1981. And preliminary data for 1986 show that realizations of gains more than doubled as investors anticipated the increase in taxes effective for 1987.

CHANGES IN TAX COLLECTIONS

Tax collections from capital gains are linked to the amount of gains realized by taxpayers. As gain realizations rise tax collections also increase.

A review of the small inside chart below (showing collections from capital gains taxation for 1970 to 1985), presents some interesting trends. Capital gains tax collections remained fairly constant during the early 1970s—years of high inflation—but began an upward climb in 1978 when the tax rate was cut to 28% with a 60% exclusion.

The period following the 1981 capital gains tax rate cut (from 28% to 20%) saw an additional marked increase in the amount of tax collections.

High capital gains taxes discourage entrepreneurial activity. MIT economics professor Paul Samuelson put it best: "You cannot tax the results of old innovation without somewhat affecting the prospects of an as-yet-unborn innovation." If innovators are not allowed to reap the rewards of their work, innovation is not likely to occur.

TAX HIGH INTERNATIONALLY

Proponents of a capital gains tax cut also point to the United States' high rate of taxation in comparison to other developed and developing nations.

The U.S. currently taxes long-term capital gains at a higher rate than all of its European and Asian competitors, and taxes short-term gains at a higher rate than all but two of them. (See table below).

Reducing the nation's tax on capital gains would encourage foreign investment in the U.S. and help its competitiveness overseas.

CURRENT INTERNATIONAL CAPITAL GAINS TAX RATES

Country	Maximum long-term rate (percent)	Maximum short-term rate (percent)
United States	33	33
United Kingdom	30	30
Sweden	18	45
Canada	17.51	17.51
France	16	16
West Germany	(1)	56
Belgium	(1)	(1)
Italy	(1)	(1)
Japan	(1)	(1)
Netherlands	(1)	(1)
Hong Kong	(1)	(1)
Singapore	(1)	(1)
South Korea	(1)	(1)
Taiwan	(1)	(1)
Malaysia	(1)	(1)

[1] Exempt.

Source: Arthur Andersen & Co.

EFFECTS OF 1986 TAX REFORM ACT ON CAPITAL GAINS TAX RATES

[In percent]

Income class (dollars in thousand)	Effective capital gains tax rates				Percent change from prior law to 1989–91
	Prior law	Under Tax Reform Act of 1986			
		1987	1988	1989–91	
Under 10	1.4	5.6	6.0	4.5	+221
10 to 20	4.7	14.6	14.8	14.3	+204
20 to 30	6.9	18.2	17.5	17.3	+151
30 to 50	9.3	22.4	21.4	20.7	+123
50 to 75	12.2	27.2	27.6	27.4	+125
75 to 100	14.3	27.7	29.8	29.0	+103
100 to 200	15.1	27.8	32.0	32.1	+113
Over 200	16.1	27.1	27.8	28.4	+75
Average marginal rate	9.2	20.5	21.1	21.5	+134

Source: Lawrence B. Lindsey, National Bureau of Economic Research.

The average marginal rate for taxation of capital gains will increase 134 percent (from its 1986 level) by 1989 under changes enacted in the Tax Reform Act of 1986.

BROAD-BASED TAX EFFECT

Opponents of a capital gains tax cut argue that the tax affects only the rich, dismissing the impact the tax has on all taxpayers. In a 1973 study of the sale of capital assets, the U.S. Treasury found that low and middle income taxpayers paid a much higher effective tax rate on gains than did upper income taxpayers even though upper income taxpayers faced higher statutory rates.

This highlights one of the problems with the capital gains tax. The taxpayer is taxed on the increased value of the asset even though the increase may be due to inflation.

Harvard economist Lawrence Lindsey has estimated the change in capital gains tax rates by income group from 1986 to 1989–91. As shown in the table above, the 1986 Tax Reform Act actually increased tax rates most significantly for the lower income groups.

The capital gains tax weighs more heavily upon the middle and lower income groups since in many instances they may not be able to time the realization of their gains (unlike higher income individuals). Taxpayers in all income groups would benefit from a reduction in the capital gains tax.

TAXPAYER REACTION TO TAX LAW CHANGES

Since Congress reduced the capital gains tax in 1978, a variety of studies have attempted to relate taxpayer behavior to tax law changes. The National Bureau of Economic Research, the Brookings Institute, the U.S. Treasury, and the Congressional Budget Office have all done work in this area.

Some of the common findings of these studies include: increases in tax rates discourage realizations of capital gains; higher income groups are more responsive to tax rate changes; individuals with gains in stocks are more sensitive to changes in tax rates than those with gains in other types of assets; and gains are more likely to be realized in the first year following a tax reduction.

The major area of disagreement between proponents and opponents of a change in the capital gains tax rate is the long-term effect rate changes have on taxpayer behavior.

Experts disagree on how taxpayers' realization of long-term gains over the long run (more than one year) is affected by changes in tax rates. The practical outcome of this disagreement is the difference in projected tax collections under the proposal to reduce the capital gains tax to 15%.

Opponents of a capital gains tax rate reduction contend that reducing the tax to 15% would result in a drop in tax collections. Proponents counter that such a reduction would instead result in collection increases. How is it possible that the two groups can come to such divergent conclusions?

The answer lies in their treatment of taxpayer activity in economic models used to estimate tax collections. Opponents of a tax cut use a static model, which assumes that taxpayers make no adjustments in the timing of their gain realizations beyond the first year of a change in the tax rate.

Estimates by tax cut proponents are based on a dynamic model which assumes that taxpayers do make adjustments in their realizations beyond one year. The dynamic model takes into account the fact that as taxes decrease the taxpayer will have an ongoing incentive to realize gains more frequently—resulting in the generation of more tax collections.

The dynamic model also notes the broader effect of a tax reduction. Even if collections from taxation of capital gains declined as a result of a tax cut, the decline would be offset by a rise in the collection of other taxes due to the economic activity generated by investment of realized gains.

A recent U.S. Treasury report found that the tax rate reductions in 1978 and 1981 increased tax collections by $4.7 billion—a strong case for the accuracy of the dynamic model.

WISCONSIN'S TAXATION OF CAPITAL GAINS

Until the mid-1980s Wisconsin treated all capital gains, both long-term and short-term, as ordinary income taxed under the state's income tax.

But following the recommendations of a 1979 study by the Public Expenditure Survey (see discussion below right) the Wisconsin legislature provided for a 60% exclusion of long-term capital gains from taxable income. This "federalization" of the state tax law was phased in over a three-year period until exclusions reached the 60% level in 1984.

Now Wisconsin has maintained the 60% exclusion although the federal government dropped a similar provision from the federal tax code as a result of the Tax Reform Act of 1986.

Although attempts have been made in the state legislature to reduce or eliminate the exclusion (most recently in the 1987–88 budget), the 60% level has been maintained by the stroke of the Governor's veto pen.

Wisconsin is currently among only ten states that tax 40% of long-term capital gains.

As shown in the table at right, 27 states have joined the federal government in taxing all long-term capital gains. One state each taxes 60% and 50% of long-term gains, while 10 states tax only 40%.

Eleven states impose no tax on capital gains income.

Capital Gains Taxation in the 50 States

Amount of long term capital gains taxed	*Number of States*
100 percent	27
60 percent	1
50 percent	1
40 percent	[1] 10
None	11

[1] Includes Wisconsin.

Source: Advisory Commission on Intergovernmental Relations.

SURVEY LEADS THE FIGHT

In the 1970s the *Public Expenditure Survey* led the fight to reduce Wisconsin's high rate of capital gains taxation. In 1979 the Survey published a study entitled *Wisconsin's Taxation of Capital Gains: Fair? Progressive? Competitive?* The study was a joint effort by the Survey's research staff and University of Wisconsin-Madison business professor Dr. Jon Udell.

In an examination of capital gains taxes paid in the state in 1976, the study concluded that all of Wisconsin's citizens were affected by the tax. Survey research staff found that most capital gains in Wisconsin were realized by low and middle income taxpayers, refuting the argument that capital gains taxes affect only the rich.

The study further found that the state's high capital gains taxes (second highest in the nation at that time) discouraged investment in the state. This disincentive to invest in turn resulted in the loss of potential jobs and tax revenues for Wisconsin.

In addition, the study demonstrated that capital gains taxation discriminates against in-state investors in Wisconsin industry. For example, a Florida resident investing in a Wisconsin company pays no state tax on a capital gain from that investment, but a Wisconsin resident with a similar gain will pay state tax on the gain.

Finally, Survey researchers found inflation to be the primary factor in the increase in value of most capital gains. Thus individuals who hold capital assets for a long period of time (such as the elderly) are hit especially hard by capital gains taxation.

[From the Milwaukee Sentinel, Feb. 10, 1989]

BUSH COULD LOOK TO STATE FOR ADVICE

Members of Congress who are still smarting from the loss of a pay raise they backed

away from under public pressure can be expected to try and get back in good grace with the voters by attacking President Bush's proposal for a capital gains tax cut as a break for the rich.

Perhaps Wisconsin Gov. Tommy G. Thompson should get on the phone to the president and describe his successful effort to retain the exclusion from state taxation of 60% of capital gains income.

Thompson managed to stave off a stampede by Democrats to "federalize" the state law on such taxes by adopting a change in the "simplified" tax reform program passed by Congress that required capital gains income to be considered as ordinary income.

Former Gov. Anthony S. Earl strongly suggested that there was hardly any alternative and that the state was entitled to the tax "windfall" which would accrue.

Thompson said "the heck you say," and rode to victory on a platform that backed the break on the ground that it would stimulate investment and create jobs in Wisconsin.

Today, despite the exodus from Wisconsin of several businesses during the past administration and a big deal Thompson forged with Chrysler Corp. that didn't work out, Wisconsin enjoys its lowest unemployment rate in 15 years.

Skeptics will argue that a direct link cannot be traced from higher employment to the low capital gains tax, but Thompson's administration has called the provision an arrow in his quiver in the battle against the competition for industrial jobs.

Certainly, the perception of Wisconsin as being friendly to business is improved by this important enhancement of the investment climate.

Bush, of course, can point to experience at the national level in trying to sell his idea.

After the late Rep. William A. Steiger (R-Wis.) helped lead a fight to adopt a capital gains tax exclusion in the 1970s, revenues did rise because of increased activity.

What such a break actually does in the long run is to promote the movement of investment to the best-managed companies. In the process, the entire economy is strengthened.

Toward that end, Bush's plan is especially far-sighted. For one year, it would permit the tax break on investments held for one year. That would promote an initial burst of revenue.

Afterward, the break would be applied to gains held for a longer period to ensure stability.

Even shortsighted lawmakers should see the wisdom in this strategy.

PROPER USE OF PUBLIC LANDS

Mr. McCLURE. Mr. President, there has been much discussion both in committee and on the floor in recent years about what is or is not a proper use of our vast public land base.

As usual, when interest groups become highly polarized over natural resource issues, it often becomes difficult for the general public to sort fact from fiction.

A recent speech by Mr. Daniel Goldy to the Associated Oregon Loggers does an excellent job of summing up the current situation in Oregon. Virtually every public land State faces the same crisis Mr. Goldy defines for exactly the same reasons.

The Congress and media are quick to climb on board the latest environmental bandwagon; often without searching out the actual facts. They simply take at face value—and then repeat—whatever material environmental organizations choose to provide them with.

Votes on such issues are easy politically for those with little or no public lands in their State. They have nothing to lose—no jobs, no industry, no funding for education or funds to maintain county roads. The same is not true for the men and women in scores of small communities throughout Oregon, Idaho, and other predominently Western States.

I hope my colleagues will take the time to read Mr. Goldy's comments.

Mr. President, I ask unanimous consent that the complete text of Mr. Goldy's January 14, 1989, presentation to the Associated Oregon Loggers Convention be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOGGERS AND LUMBERMEN: A THREATENED AND ENDANGERED SPECIES

About 41 years ago—in Eugene—I had my introduction to Oregon's forest issues when I came out as a very young Deputy Asst. Secretary of Interior to hold hearings on the O&C Lands.

I learned that Oregon was unique in possessing the outstanding forest resources of any state in the U.S.; that Oregon alone has more commercial timber than all of the states of the South; that the forests are to Oregon's economy what oil, gas and coal are to other states; what the automobile industry is to Michigan; or what the sun and climate is to the southern states. I learned that Oregon's forest resources could, if managed correctly, provide a permanent foundation of economic prosperity under the State's economy. But because such a large percentage of the forest resources (more than any other state in the U.S.) is in Federal ownership, Oregon's economy is really dependent on decisions made in Washington, DC.

The intervening years remind one of the old serial movie thriller, "The Perils of Pauline." The wood products industry heroine is always about to perish at the end of each serial only to be saved by the hero in the nick of time. But because all the past forest crises were related to markets (which went up and down like a roller coaster), no matter how bad things got, one could be optimistic that the good times would eventually return. As a consequence, companies would invest in better mills and equipment and be ready to ride the next wave of prosperity.

Today the issues are different. We are not confronting a collapse of the wood products markets. On the contrary, the market prospects are good for the indefinite future. This is why so few have grasped that enormity of the economic disaster that is in the offing.

The problem today—unlike any time in the past—is timber supply. The prospect is that Oregon's forest products industry will be put to death because the radical environmentalists have devised the legal means to stop federal timber sales. And that is just what they are doing.

Unless new federal legislation is enacted to correct the problem, there will be more wood products mills closed in Oregon by the end of 1989 than were closed in the depths of the 1981-82 depression. Unemployment rates will soar to 20% levels in timber dependent counties. And I would remind the residents of the Portland Metropolitan area, many of whom finance and cheer on the radical environmentalists, that in 1981-82 when the wood products industry last collapsed, the unemployment rate exceeded 12% in the Portland area. Oregon's economy is inter-dependent and there is no immunity or hiding place for anyone if the largest generator of gross state product—the wood products industry—is deliberately destroyed.

The Oregon counties which receive a share of revenues from O&C and national forest lands will be looking at—by the end of this year—losses in annual federal timber receipts of $85 to $100 million per year. In addition they will suffer losses from reduced severance tax receipts and property taxes as mills close.

The state's budget—which is about to undergo the biennial tug of war between the Governor and the Legislators—and between groups of Legislators—will be rendered meaningless by the shrinkage of revenues and the skyrocketing of welfare costs. I personally agree with the Governor's Children's Agenda, and the need for more expenditures for mental health, health care, education and state infrastructure. But we will be facing budget cutbacks, not increases, if the wood products industry closes down.

One of the ironies: the hopes of the Governor and many Legislators to use the revenues arising from today's current prosperity (based on a resurgent wood products industry) to bolster the universities, like the University of Oregon here in Eugene, will be dashed on the rocks of state-wide depression. And who will have been in the vanguard of those orchestrating the state-wide economic collapse? None other than students and professors at the University of Oregon who are leaders in the radical environmentalist movement. Perhaps when that occurs, the President of the University of Oregon will look at the Environmental Law Institute—which filed the O&C spotted owl suit—and come to a different conclusion about how appropriate is its mission and whether Oregon's taxpayers should be financing a group whose objective is to destroy the economic foundation of the state.

I would like now to spend a few minutes to describe how we came to this situation whereby a small group of radical environmentalists can shut down the state's economy. Some 40 years ago when I became Regional Administrator of the BLM and the O&C Lands, the issue was conservation—how we could perpetuate our forest resources for a sustained yield so as to put a permanent economic foundation under the timber dependent communities.

The environmentalists of that era were conservationists. They believed in wise and prudent use of our basic resources. We were all on the same side.

Today the radical environmentalists are no longer conservationists. They are "preservationists." They want to lock up our forest resources and throw the key away. They do not care about the state and its communities; they are not interested in community stability or preserving the economic base. Indeed, they care not a whit about people or what happens to them—they want total control over the national

forests and other federal forests; they want to stop all logging. Some of them prefer to kill loggers with spikes in trees than to have a tree cut.

Lest you think I am overstating—I was told by the Chief of the U.S. Forest Service that the environmentalist organizations in Washington, D.C. have served notice of their intention to introduce legislation into the new Congress to recharter the Forest Service. The purpose of the new charter would be to ban logging in the national forests. The rationale for this initiative is that the globe is endangered by the depletion of the ozone layer and the consequent greenhouse effect, and therefore no more trees should be cut in federal forests.

The scientific facts are that young growing trees put oxygen into the air and take out carbon dioxide; whereas the old growth (or ancient forests) the environmentalists want to preserve, do just the opposite. The decaying old Douglas fir produces carbon dioxide and takes oxygen out of the air. The solution to the ozone problem would appear to be to accelerate the harvest of old growth and increase by a factor of 2 or 3 the rate of replanting to young vigorously growing forests.

Note that the first big confrontation with the radical environmentalists was over wilderness. They wanted all areas of the national forest to which the roads had not yet been extended to be placed in permanent wilderness designations. They created enough of a ruckus to produce two RARE (Roadless Area Review and Evaluation) studies by the U.S.F.S. After the second study, then President Carter sent his recommendations to Congress. Here in Oregon it called for adding 416,000 national forest acres to the existing 1.1 million acres of wilderness. When the bill was passed late in the session in 1984 it actually contained more than one million acres rather than the 416,000 that the RARE II study had recommended. This was the consequence of the environmentalists putting so much heat on Oregon's Congressional delegation that they capitulated.

When the Oregon Wilderness Bill was signed, the wood products industry was told by the Congressional delegation that while the wilderness reservations might have been excessive, it was worth it to secure the "release" of the rest of the national forests for development. The term of art here is the word "release". The legislation contained release language which was supposed to bar further consideration of wilderness reservations through the 15 years of the next planning cycle, by which time there presumably would be no non-wilderness roadless areas to fight about.

But our Congressmen were wrong. The day the Wilderness Bill was signed, the Oregon Natural Resources Council put out a press release announcing they would now proceed with an all-out drive to lock up the rest of the forests in wilderness—but this time they would call it something else, such as "reservations for wildlife", "scenic viewsheds", "old growth ecosystems", "watersheds", etc.

And so was born the battle over the northern spotted owl. To anyone who takes the time to look at the facts, it is clear that the real issue is not northern spotted owls. Indeed, once the argument began, spotted owls were located everywhere, including in young second growth, in higher altitudes, in old car bodies in Eastern Oregon. Most of the owl have been found along logging roads, but few were located deep in the virgin old growth that is supposed to be their required habitat. All one has to do is look at the maps.

Then it was acknowledged by the environmentalists that the spotted owls really weren't the issue. What they wanted was to lock up the old growth. At the Environmental Law Clinic at the U. of O. Law School, March, 1988, the environmentalists said the owl was a "surrogate" for what they were after; that if they hadn't stumbled on the owl, they would have had to genetically engineer one to accomplish their purposes.

At that Law Clinic, the environmentalists also spelled out their strategy with respect to appeals. They indicated that they would win—even if they lost on the merits after litigation of their appeals—provided they could get the Ninth Circuit to issue a stay on timber sales pending a final decision. Their objective was to eliminate the wood products industry by withholding timber needed for current operations. This accounts for the across-the-board appeals filed in certain national forests. At one point they filed 279 appeals in one or two days.

Of course they have not explained to the Ninth Circuit Court what kind of game they are playing, so that Court has issued a stay on timber sales in old growth O&C forest within a 2.1 mile radius of any spotted owl location pending final resolution of environmentalist appeals. The BLM has announced they are withdrawing about one-third of their planned timber sales for the current fiscal year because there is no way they can be sold and awarded in the face of the Ninth Circuit's stay. I was very pleased to see that Governor Goldschmidt has joined with industry and the Association of O&C Counties in a motion urging the Ninth Circuit Court to lift its injunction. If the Ninth Circuit refuses to do so, the issue will be appealed to the Supreme Court.

It is interesting to note how little the environmentalists really care about wildlife except as a device to lock up the forests. Andy Stahl, who was the Chief Forester for the U.S. Wildlife Federation here in Eugene (but is now working for the Legal Defense Fund of the Sierra Club in Seattle) went to Saskatchewan, Canada, in 1985 to address the Wildlife Federation there. He urged the group to "Mine out their forests"—to liquidate them—to take the money and run—and to set aside any notions of sustained yield. His motives were clear enough; to get the Canadians to further overcut their forests so as to drive the industry out of business here in the U.S.-Pacific Northwest with subsidized lumber exports. But one has to ask: why has he no concern for the wildlife in Canadian forests?

When the U.S. Fish and Wildlife Service concluded for the second time that the northern spotted owl was neither threatened nor endangered, the environmentalists were momentarily non-plussed. But they soon came up with the marbled murrelet as the next bird that required old growth forests. What is clear is that so long as the objective is to lock up the forests and put the wood products industry out of business, they will never run out of wildlife species as surrogates. If one species is finally litigated, they will be ready with another.

So here we have the environmentalists blocking timber sales on the basis of spotted owl preservation when they have publicly acknowledged that their real goal is to lock up the "old growth"—or as they now say, because they think it has more public relations appeal—to lock up the "ancient forests". But as all of us know, the old growth can't be preserved. Old growth Douglas fir gradually dies, and if nature does not renew the forest with fires, blowdown or insect infestations, it is gradually replaced with hemlock or some other less desirable species.

Nothing reveals more clearly the distorted values of the environmentalists than their efforts to prevent the salvage of the fire-killed timber in the North Kalmiopsis area—the devastating Silver Fire that occurred in the fall of 1987. Although it is not a wilderness area, (half the fire was in the Kalmiopsis Wilderness) the environmentalists prefer the bugs get the fire damaged timber in the North Kalmiopsis rather than have it salvaged for use by people and have the area replanted.

Thus far I have not mentioned the new Forest Plans being prepared by the U.S.F.S. and the B.L.M. As you are all aware, the U.S.F.S. bowed to the pressures of the environmentalists, and in their preliminary drafts they came up with preferred alternatives that would reduce levels of annual harvests by about 21% in Oregon and Washington—but closer to 34% in the national forests of Western Oregon. These new proposed plans are full of technical errors that understate the amount of timber available on a sustained yield basis. But perhaps worse, the plans arbitrarily adopt "minimum management requirements" with no public input pursuant to which vast acreages have been set aside for non-timber purposes.

The industry has been getting ready to challenge these plans on both legal and technical grounds. Studies of the technical issues have convinced the industry that even if all the additional acreage were set aside for the MMRs, the Forest Service could maintain the sales levels under existing plans if only they would run the computers correctly and add up the figures accurately.

We had been told that even if there were some flaws in the plans, it would be best to have them adopted as soon as possible—and to correct mistakes later. This is because without the new plans there would be no way to get into the non-wilderness roadless areas in the face of environmentalists' appeals; and timber sales would grind to a halt if the only option was to continue to overcut in the presently roaded areas. The USFS also assumed that the plans would resolve other contentious issues with regard to wildlife, riparian zones, scenic watersheds, etc.

This is the assumption the State of Oregon has been proceeding on in its quest for an Oregon alternative.

But that assumption has been blown apart by the success of the environmentalists in blocking timber sales with appeals in national forests where final plans have been adopted. Mills are closing as timber sales are stayed by the Ninth Circuit in Montana and Idaho where the Forest Service thought their new plans would give them clear sailing.

To understand all this, it is necessary to look at the Ninth Circuit Court of Appeals. The industry has joined the U.S. Government in an appeal to the U.S. Supreme Court to reverse the Ninth Circuit on some decisions which are regarded as totally improper under the law, and where the court is accused of substituting its judgments for the technical judgments on substantive matters of government agencies and administrators charged by law with making such decisions. In effect we have the Ninth Circuit judges substituting themselves for the Re-

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gional Forester, the Director of the BLM, and the Chief Engineer of the Corps of Engineers in making highly technical judgments.

The environmentalists have seized on two specific interpretations or biases evident in Ninth Circuit decisions: One relates to how site specific an environmental impact statement or environmental assessment accompanying a timber sale plan or program must be to be acceptable. To date no EIS or EA has been sufficiently site specific to be acceptable, and unless this is changed by the U.S. Supreme Court or by legislation, it appears that every federal timber sale that the environmentalists choose to appeal will require a full-blown EIS. Such an EIS is so expensive and time consuming that for all practical purposes, the timber sales program would grind to a halt.

Note that the EIS the Forest Service prepared for the Silver Fire cost more than $2 million, took about 8 months to prepare, and sales would probably still be blocked on appeal had Congress not passed legislation eliminating court appeals in this case. Congress did this because the bugs would have consumed the timber; thereby resolving the issue in favor of the environmentalists while the court was deliberating.

The other issue utilized to block timber sales in Ninth Circuit appeals is "cumulative impact." The environmentalists argue that it is not enough to look at the timber proposed for sale in relation to the plan and program adopted for that national forest, but it must also be evaluated in relation to everything else that has or may happen in that timbershed under private and other public ownerships. Thus, if the Ninth Circuit, in its forestry judgment, concludes that some private owner has cut too much of his timber in the timbershed, it might then stop the Forest Service from selling its timber because that would create too much cumulative impact.

By now it should be clear that the "site specific" requirements and the "cumulative impact" requirements are at odds with each other. One requires a very narrow focus on a small number of acres; the other requires a view of the entire timbershed. The combination makes it possible to block almost any federal timber sale anywhere—absent legislation to correct it. Without such legislation the new forest plans are meaningless. All they would do is impose additional ceilings and limits on timber sales, but they could not guarantee that any timber would be sold pursuant to the plans.

This then is where we are and how we got here. Before concluding, there are a few loose ends I should take care of. I have said that absent remedial legislation, Oregon's wood products industry would be in dire straits—with much of it shut down—by the end of 1989. What happens in the meantime?

The industry came out of last year's drought and severe fire season short of logs. As you know, when the weather eased, logging resumed at full speed. Nevertheless some mills have laid off shifts; others have closed because of log shortages. This will continue. When spring comes there will be another upswing in logging. But backlogs of timber under contract are rapidly shrinking in the face of record high harvests from BLM and national forest lands.

We have already noted the BLM announcement of a one-third cutback in sales this fiscal year given the constraints of the stay issued by the Ninth Circuit on the owl case. The Regional Office of the USFS has told us they expect at least one-fourth of scheduled sales this fiscal year won't be sold because of environmentalists' appeals. Because the backlog of timber sales on the shelf ready to be offered resulting from the timber contract buy-back program has been exhausted, the USFS no longer has any way to substitute other sales for those held up on appeals.

Actually it appears the fall down on Forest Service sales will be substantially more than the one-fourth estimated. At this rate timber backlogs will disappear during 1989 and by the end of the year few if any companies will have a log supply.

In the meantime the shrinking timber supply is driving up timber prices and putting a squeeze on the mills. Their delivered log costs are rising much faster than end product prices. This is the kind of squeeze that threatened most mills with bankruptcy in 1983 and 1984.

What about the companies' private timber? Most of the private industrial timber is young second growth. Good forest management would suggest it be allowed to grow while concentrating on harvesting dead and dying old growth. But with federal timber under increasing constraints, the private industrial young second growth is being harvested at an accelerated rate. Some of it is going into export as logs and some is being used to postpone the eventual day when the mills close for lack of raw material.

I am all in favor of banning raw log exports, particularly when the industry is about to be shut down for lack of logs. But let's not be confused. The federal forests have more than 75% of the commercial timber and log exports are banned from these forests. What will close down the industry and shut down the county revenues is environmentalists' blocking federal timber sales.

This premature liquidation of the young second growth is exactly what the environmentalists have been advocating. They have sought by every means to stop the harvesting of old growth and have urged mills to convert to processing young second growth. To the extent the environmentalists succeed, it spells the end of a forest industry in Oregon. Lock up the old growth and liquidate the second growth and that is the end of sustained yield and a perpetual forest. Nature will in due course liquidate the old growth and then there will be nothing but a 70-100 year renewal period.

Not to worry, the environmentalists say. Let's put the national forests into new parks and live off tourism. Oregon has long enjoyed a burgeoning tourist industry which helps supplement incomes from basic industries like wood products. But Oregon already suffers from a sub-standard per capita income (some $1400 below the national average) because of the loss of high wage jobs in basic industries and the substitution of low wage jobs in trade and services (including tourism). Oregonians need jobs on which to raise and support a family, not more minimum wage jobs which can't get people out of poverty.

Moreover, there is no evidence to suggest that the destruction of wood products jobs in order to create new national parks will create more jobs than were lost. Indeed the experience with the Redwoods National Park in California suggests just the opposite.

And speaking of jobs, we have heard a great deal in the past couple of years of how Oregon should promote more secondary manufacturing of wood products. It is, of course, true that millwork plants that manufacture doors, windows, shutters, mouldings, furniture stock and the like are labor intensive in relation to raw material inputs. Such plants are the mainstays of communities like Bend, Madras and Klamath Falls—to name but a few. What is not understood is that those millwork plants use the material produced from old growth logs. Lock up the old growth and you not only put the primary producers out of business but also the millwork plants.

And finally, what about the Wilderness Society study by Jeffrey Olson which is widely quoted by environmentalists to the effect that even if the old growth is not locked up, the wood products industry is slated to lose 34,700 jobs in the next 4 decades? They argue that if all the old growth is set aside it would only mean a loss of an additional 2300 jobs in Oregon by the year 2030.

As an economist I can tell you the Olson analysis is total nonsense. It ranks with the Wilderness Society assertion at a recent Portland City Club meeting that environmentalist appeals of timber sales have not cost one worker his job in Oregon.

The essential fallacy in Olson's economics is that he projected the enormous increases in productivity that occurred in the wood products industry in 1981-83 on a straight line basis to 2030. He ignores the facts that those investments were a one time catch-up to bring processing costs down to a level whereby the industry could process the timber it had under contract. In some cases mill productivity increased by 62%. But what mill owner in his right mind would invest in new plant and equipment today with the timber supply disappearing? And most mills have already installed the best of the new technology. Moreover, if the old growth is locked up, and the second growth is liquidated, employment in the wood products industry wouldn't be gradually reduced. It would be wiped out.

I know it is difficult for Oregonians who are enjoying a sense of prosperity and basking in the glow of an Oregon comeback to believe that there is any big problem down the road. Most Oregonians are not sufficiently versed in economics to know that the comeback and the current prosperity is based on the resurgence of the wood products industry. But unless they awake to the realities they will find that the comeback will become a fall-back; and that we will be right back in the economic morass we experienced in 1981 and 1982. Only this time there will be no wood products industry to pull the state's economy out of the glue.

The issue of the spotted owl—like the snail darter episode before it—teaches us that the federal law on threatened and endangered species needs to be amended. If the owl is listed by the federal courts, it alone will cost this region's wood products industry more than 2 billion board feet of sales per year.

When and if the law is amended, it is time that provision be made so that loggers and lumbermen can be listed. We are the real endangered species.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:30 having arrived, the Senate will now go into executive session to resume the consideration of the nomination of John G. Tower to be Secretary of Defense; which the clerk will state.

The assistant legislative clerk read the nomination of John Goodwin Towers of Texas, to be Secretary of Defense.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I wish to speak at length on the nomination of John Tower, but I will do that at a later date.

I spent a great deal of time yesterday watching the debate as it happened and reviewed a lot of it last night.

I listened to some fine speeches yesterday. Again, I appeal to some of our colleagues in the Democratic Party that there might be five of them who would come forward and vote for this qualified, capable man, John Tower, as Secretary of Defense. It is very obvious the confirmation debate is going to be very partisan. It probably will be as bloody as any debates that have been held on this Senate floor since the Civil War. It does not befit the Senate well to have this debate so obviously partisan.

I know that my Democrat colleagues on the floor will say it is not partisan. However, they are going to have a hard time making it stick unless we can get four or five of them to vote for Senator Tower. I invite my colleagues to read yesterday morning's Washington Times story about booze and sex on Capitol Hill. If they do not think they are opening Pandora's box, I think this will be a grievous mistake.

I urge my colleagues, before it gets any more rank, any more acrimonious, any more uncivil, that some of them think it through. One of our distinguished Senators, whom I consider to be a friend of mine, gave a glowing speech on the qualifications of John Tower to be Secretary of Defense, and then at the end of the speech said, "But in good conscience, I cannot vote for him."

Now, it seems to me either John Tower is qualified or he is not qualified. The calls are coming into my office, why are the Democrats doing this? Have they held a caucus meeting and decided it would be the party position to dump Tower?

For what gain I have not figured out. But I will speak on this issue later. It is Friday. The acrimony has not broken completely out into the open so that it is out of hand at this point. I appeal to my colleagues on the other side of the aisle who have kept their minds open on this issue to come forward now.

Senator BENTSEN has already given Senator Tower a glowing endorsement before the committee. I do not think he has made a public statement of what his intention is to do on the Senate floor, but I think three or four Democrats coming out in favor of Senator Tower would be a good start for today. We might end the debate next week and then get on to other important subjects like the budget.

We have seen interest rates go up in the last couple of months. The Chairman of the Federal Reserve Board repeatedly states before different committees in Congress, that we need to get busy and resolve the budget questions so the markets will know what we are going to do this year. That is the best way to dampen any further increases in inflation or any further increases in interest rate pressure upward. Coming from the Western part of the country, Mr. President, high interest rates mean a slower economy; a slower economy means more troubles with respect to the Federal budget.

It means more hurt and pain to the working men and women of America. What this Congress needs to do is to focus our attention on the things we can do something about. President Bush was elected President of the United States. He selected his choice to be Secretary of Defense. I have not heard Senators say that Senator Tower was not capable. If you read the statements of Senators who have voiced disapproval of him, it is very interesting through previous statements in support of Senator Tower. As recently as December 1988, Senator GLENN said:

> I worked very closely with John when he was chairman of the Armed Services Committee. So I have no doubt that he would make a good Secretary of Defense. But you know, it is not up to me. It is up to George Bush.

Well, I will not go on and read all of these but there are statements from Senators BENTSEN, GORE, NUNN, EXON and others, praising John Tower—Senator BYRD praising him for his ability, his forthrightness, and his knowledge. To allow this to be a partisan, bitter struggle would be a travesty. However, it is not too late. It is Friday, and we are going to be gone for a couple of days. In that time I hope a few of my Democrat colleagues will rethink or finally announce that they intend to support John Tower.

It is unfortunate that the Nation suffers while we dally. The President's administration is being given a spike in its heart by partisanship here on the Senate floor. I do not think it is good for America. It is not good for the Senate. It is not good for the President. And in the long run, it is not good for the preservation of peace and freedom around the world.

It is a denial of opportunity to all. There is nothing beneficial about what has happened with respect to this debate, and the charges made here on the Senate floor. It is going to have a tremendous effect on the respect the American people have in Congress, and it is going to have the news media start talking about things that they have not up to now.

It is unbelievable to me that this could have happened. I would hope that some of my colleagues would help those of us who are for Senator Tower to bring this thing to a close.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho yields the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the distinguished chairman of the Armed Services Committee, Mr. NUNN, and I are prepared to try to accommodate our colleagues today. I know on this side of the aisle there are a great many that are desirous of coming forth and stating their views on this important nomination. We thank our colleague from Idaho this morning.

Mr. President, I ask that when Senators come to the floor to speak today, Monday, whatever the duration of this debate may be, that they think in terms of fairness and fact. Let us judge John Tower in the same manner we daily judge ourselves. Many of us have had the opportunity to be trained in the law.

I would like to speak for just a few minutes about some guidelines that I found personally helpful as I worked my way through the information, allegations, fantasy, and fiction that have been heaped on the Senate here in the last 2 months.

Shortly, the chairman will be speaking this morning on the procedures that he and I followed in preparing the record for the committee, and then the work of the Armed Services Committee. I am confident that the responsibility that was placed on the Armed Services Committee up until Thursday night—I use that as the fork in the road respectfully—was done fairly, impartially and I think in accordance with the best standards and traditions of this institution. I shall have further remarks on that subject today. But at the moment, I would like to turn to some notes that I made during the night.

I sketched down the following: A basic rule of American fairness is we decide matters of importance on facts—not on rumor, not on innuendo. The FBI report which has been the subject of much discussion thus far and indeed I am certain will be the

subject of a great deal of discussion today—let us make certain we understand that is not fact in and of itself. It is really in my judgment information. Much of it, if not the bulk of it, was drawn simply from interrogation of individuals by the agents. I am not here to disparage the agents. In my judgment, I think the FBI—well, time will tell, but I think they did their best. And they performed as they have done in the past and likely in the future. They simply went out and asked an individual "Do you know John Tower? Tell us what you believe in your judgment are those criteria by which he can serve in this office."

Then, there are a standard series of questions. But that is not subject to cross-examination. It is not necessarily corroborated or uncorroborated. It is simply gathered, written down and given in the formal report to the Senate. I classify it as information and not evidence.

While a confirmation process is not and should not be a judicial proceeding, certain rules of judicial process which are designed to learn the truth, I think, are worthy of observation and worthy of being followed. For example, generally hearsay evidence should be afforded very little weight in seeking the truth. Likewise, information provided by witnesses not subject to cross-examination should be taken again lightly unless there is no doubt about the individual's motives, powers of observation, and qualifications to provide the information in question.

If we are seeking the truth, we should follow that criteria. And, yesterday, we had splashed in the papers and then on the floor of the Senate sharply conflicting reputations about a witness and his credibility. Nevertheless, it seized the headlines, and we are still struggling to try to determine the truth of those allegations.

Third, information provided by one person which cannot be confirmed by others in a position to observe the same circumstances should be afforded again little weight in attempting to learn the truth. Fifth, information provided by those unwilling to even tell the FBI or allow the FBI to use their name should be very cautiously weighed if we are to learn the real facts especially when that information is not corroborated by others willing to attach their names. Last, we should regard nonspecific information as having little value if it cannot be tested for the truth.

In short, while this is not a judicial proceeding, we should not forget those rules which indeed have guided other tribunals, courts, and others, in the search for the truth.

We cannot let fiction, innuendo, and rumor determine the outcome of this nomination. Rather, I think great weight should be accorded, first, the judgment of the Commander in Chief of the Armed Forces of the United States, the President of the United States, who unequivocally and consistently has said that he knows John Tower and has full faith and confidence in his ability to discharge the office for which he has been nominated.

Second, the Members of the U.S. Senate who have served with John Tower during the course of his 24 years therein form a body of evidence and fact that, in my judgment, is uncontested.

Last, we have our own personal observations and knowledge, having worked with John these many, many years. We should apply that knowledge and a sense of fairness, as we look at the information that is in S-407, and as we strive to look for facts and truth, and judge John Tower as we judge ourselves.

Mr. SYMMS. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. Yes, I yield.

Mr. SYMMS. Mr. President, a fact occurs to me, and I spoke on the floor moments ago. The Senator from Virginia has been in the Senate longer than I have, as has the chairman of the committee. How is this debate going to go on without causing great acrimony on the Senate floor? Some of us would look at that report and see it as innuendos and falsehoods, or some would look at it and think there is some justification. This is a very clear-cut issue, and it is obviously getting closer and closer to a partisan free-for-all.

I made the observation to the Washington Post the other day that the problem with this is—and I do not like to see this; I do not like to see issues of national security and foreign policy become partisan in any fashion. Yet, that is what happened, and I still think there is time to avoid it, if we can get some change in this.

I was reminded of the recent television movie that came from the book "Lonesome Dove," I read the book, and the movie was very well done. At the end, Gus McCrae is carried back to the Rio Grande to be buried by his lifelong friend, Woodrow Caul, and it reminds me of what is happening here. It is as though our colleagues in the majority party seem to be under some kind of an illusion that they are going to be able to take Senator Tower down to the Rio Grande and bury him along the orchards of the Lonesome Dove and not have a whole bunch of Senators accompanying that burial scene.

What is the view of the Senator from Virginia, who has made a great effort to work with the chairman of the committee? I observed that in the 2 years I was there. Where does he think this debate will lead the Senate, if we cannot get three or four or five Senators to announce rather soon? The partisan free-for-all has not started yet is what I am saying. I say it will be starting next week.

Mr. WARNER. Let me say to my colleague that we are, indeed, I hope, searching for the truth. We are, indeed, debating in the allegedly greatest debating group on Earth. The important thing is that each and every Member of this body make his or her decision based on independent and objective judgment. We cannot let this debate become—and I hope it will never be so characterized—a power grab of the power of the President to make his selection, given to him by the people of this country and reposed in him in writing by the Constitution of the United States.

I say to the Senator that if we draw up on the ramparts, Republican squared off against Democrat, and engage in a civil war, then the truth will perish somewhere in between. I pray that that shall not happen.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL.). The Senator from Georgia.

Mr. NUNN. Mr. President, yesterday, in my opening remarks on this nomination, I referred to four respected publications that cover the Defense Department very closely: the Army Times, Navy Times, Air Force Times, and Defense News, all of which have come out in their editorials in opposition to John Tower's nomination. Those editorials are a part of the RECORD at this point. My friend Ben Schemmer, editor of the Armed Forces Journal, pointed out to me yesterday afternoon, quite appropriately, that there is another respected publication that covers national security issues very closely—and very well, I might add—that has endorsed John Tower's nomination to be Secretary of Defense.

To make the record of the Senate's debate on this nomination as complete and balanced as possible, I ask unanimous consent that the Armed Forces Journal article in support of Senator Tower's nomination written by Ben Schemmer be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS IT TOWER'S FORCE OF CHARACTER, NOT THE LACK OF IT, THAT WORRIES HIS DETRACTORS?

(By Benjamin F. Schemmer, Editor, Armed Forces Journal International)

While Mikhail Gorbachev's "peacekrieg" excites the west with promises of a moderate new defense policy, President George Bush's defense policy appears in limbo because his Secretary of Defense-designate still awaits muster by the U.S. Senate. Gorbachev makes headlines with a cascade of appealing new initiatives; John G. Tower makes news having his dignity shredded by a torrent of allegations that he lacks the moral fiber, impartiality, and managerial

experience to defend America (and our allies) honestly and efficiently.

John Tower hasn't just been carefully "screened" for this appointment; he's been "sifted," as he noted wryly a few weeks ago. Tower is undergoing democracy's version of Chinese water torture, given the weeks of White House interrogatories, FBI background checks, and press scrutiny he underwent in November and December. Since Tower's nomination on December 16th, the Senate Armed Services Committee has been undertaking a microscopic postmortem of all those inquiries—a process that some now view as an autopsy rather than the independent check of fitness for office which the Senate is supposed to provide. But the process is taking so long and has been so punctuated with innuendo that some pundits have concluded that John Tower's crucible has become George Bush's albatross. But they haven't questioned the double standards behind some challenges to Tower's confirmation.

Some say Tower's effectiveness as Secretary of Defense will be diminished, at least initially, because of the prolonged public scrutiny he has undergone while waiting, first, to be nominated and, now, to be confirmed. Others suggest he will be crippled simply because so many questions have been raised about him, no matter they should prove unfounded.

Concerns like those have been voiced several times, for instance, by Representative Les Aspin, Chairman of the House Armed Services Committee. It's a curious argument—as if what might now disqualify Tower from serving as Secretary of Defense is that he's been more thoroughly vetted for the post than any of the 16 Defense Secretaries who, should he be confirmed, will have served before him. Following that logic, one might as well suggest that George Prescott Bush should have refused the oath of office on January 20th because he had to campaign so long to win a vote of confidence from the American people.

Late last week, just when it seemed the Senate Armed Services Committee had about concluded its commendably painstaking and unprecedented investigation of Tower's fitness for office, a vote on his confirmation was delayed because of a new allegation challenging Tower's personal conduct. To their credit—but Tower's pain (and the President's)—Senators Sam Nunn and John Warner, the Committee's Chairman and ranking minority member, immediately made public news of the charge and asked the White House to have the FBI investigate it. Atop that, late last week two defense tabloids (Defense News and Army Times, owned by the same publisher) issued press releases flaking editorials from this week's editions that headlined, "Tower Should Step Aside." That made the CBS, NBC, and ABC evening news on Friday, even though neither contained any new information or new allegations: their thrust was "it is [Tower's] job since 1986 as a defense consultant that is most troubling."

That was the ultimate redundancy in double standards: two tabloids which depend for most of their income on advertising from defense firms (as does the magazine which I edit) challenged Tower's impartiality, while touting their own editorial independence and reportorial integrity, even though their pages are filled with news reports about hardware programs their advertisers are managing.

While John Tower's mettle continues to be tested by an overload of stray voltage, it is to President Bush's credit that he continues quietly to forge the comprehensive reassessment of American defense policies and Pentagon priorities which John Tower has promised. Indeed, as the latest spate of allegations made America's front pages and TV tubes last weekend, Tower was at the White House late Saturday afternoon working on the revised defense budget which the President will present to Congress late this week. One doubts that President Bush would have had Tower working on that agenda were he concerned that John G. Tower might not survive the latest round of character assassinations.

I've known John Tower well over a decade, and I've traveled with him to Europe to forums noted especially for their collegial, informal, after-hour discussions with our NATO allies-environments uniquely conducive to honest exchanges of differing views, but also replete with temptations to let one's hair down too much or to overindulge in the European grape. Until January 20th, Tower was the chairman of our board of directors, and my publisher and I have had occasion to enjoy Tower's company over lunch, over cocktails, at receptions, and during dinner. I have never seen John Tower "womanize;" I have never seen him under the influence of alcohol; I have never seen him embarrass himself, his committee, or his country. Indeed, his personal conduct has been a model of probity. Professionally, he is a hard-nosed but caring boss, a manager who minces no words yet gets things done with diplomacy and dispatch. He has never intruded on our editorial work, whether on behalf of his defense contractor clients or any other cause.

Indeed, I suspect that it is his force of character, not his lack of it, that worries some people about Tower's appointment as Secretary of Defense. To the discomfort of many senior military leaders, for instance, Tower has said repeatedly he plans to take a hard look at Service "roles and missions," a Pentagon sacred cow that most of his predecessors went out of their way never to challenge. He's also made clear that he plans to focus on "people" as a way of coping with constrained defense budgets; that translates to a challenge of military "force structure," another issue most members of the Joint Chiefs of Staff would prefer to avoid.

There is an old military saying, "Hardship builds character." Could it be that Tower's crucible may turn out to be the best testimony yet to George Bush's judgment of personal integrity and professional competence?

OUR BOSS QUIT, NOW HE NEEDS YOUR HELP

He quit; he's left us. A hard-nosed but caring boss, he could get more done with fewer words than any man we've ever known. But the President gave him a better offer, heading a team that will end amateur night in the Pentagon. Former Senator John G. Tower resigned as Chairman of AFJI's Board of Directors effective January 20th, and as this issue went to press, he was midway through his Senate confirmation hearings to become America's 17th Secretary of Defense, the most thoroughly vetted one in America's history John Tower wasn't just carefully "screened" for this appointment; as he's put it, he was "sifted." It's been a little rough on Tower, but he's a tough guy; and the unprecedented scrutiny he's undergone will in the end, be good for America as well as our allies, imposing special confidence from the outset as Tower undertakes his heavy responsibilities in these uniquely challenging times.

We forego the usual temptation to give an incoming Secretary of Defense our advice, John Tower doesn't need it. What he needs now is your help—honest input from real professionals on the pitfalls and potential ahead.

Mr. NUNN. Mr. President, yesterday Senator COHEN criticized the absence of confrontation and cross-examination in the committee's inquiry into the facts of the Tower nomination. He also went on to draw a parallel to the Salem witch trials. We have heard a lot of people talk in that vein in the last 2 or 3 days.

Before I get into this subject, I would like to say that any time I am on a different side of an issue of major national security or foreign policy importance with Senator COHEN, I have second thoughts. I scratch my head and search my soul to see if I have made an error, because I think he is one of the most thoughtful, conscientious, articulate, and wise Members of the U.S. Senate. I have done that in this case.

I must say that his strong support of Senator Tower has given me more pause than any other single factor in this overall deliberation. It has made my decision tougher. So I have great respect for Senator COHEN. But there are a number of very significant differences between the committee's proceedings on the Tower nomination and the events in Salem, starting with the fact that the poor souls who were burned in Salem did not have the entire apparatus of the Federal Bureau of Investigation assigned to check out and, if indicated by the evidence, rebut the accusations; and, indeed, the FBI did rebut numerous allegations about this nominee and they did it very effectively on a number of specific occasions.

I think it is important for the public to understand that the FBI in this matter is not in the role of a prosecutor. They have not conducted an investigation for the purpose of seeking an indictment. They have not gone out and tried to find evidence against any individual. They have considered the White House—the President, and the Counsel for the President—to be their client from day one through the last report. That is the client that the FBI has looked to. I want to say, frankly, that in spite of frustrations many people have expressed about this matter, I believe that, under all the circumstances they were faced with, the FBI has done a commendable job in this background investigation.

Although I do not agree with Senator COHEN's conclusions, he did echo the deep concern that I expressed yesterday morning about the difficult problems we face in this confirmation process.

There are several important facts that I think should be added to his observations: First of all, the Bush tran-

sition team was deeply divided on the Tower nomination because of allegations of misconduct, a fact well reported in the media. There are people who are acting as if this whole thing started when the Senate Armed Services Committee started our hearings. That is not true. I will put in the RECORD during the debate a stack of news articles concerning allegations aired in the press before we ever had the first hearing.

The business about "womanizing" and "alcohol"—, all of those words being tossed around—and I have not used the word "womanizing" in my consideration of the nomination—did not start with the Armed Services Committee. Those words were well out in the news media before President Bush ever made his decision, and I think everybody ought to understand that.

I want to make another point: President Bush, himself, relied heavily on the FBI report to make his decision, to continue to stand by that decision, and to come out of the White House on numerous occasions to say that the FBI had gunned down this allegation and that allegation.

So the FBI report that has been so severely criticized here is the same report that President Bush relied on and it is the same type of FBI report that he relies on for all of his other decisions relating to nominations.

Mr. SYMMS. Mr. President, will the chairman yield for a question on that?

Mr. NUNN. No. I want to finish my remarks. Then I will be glad to yield. I thank the Senator.

The FBI report was made available to every member of the committee. Not one member—not one member who voted on the Tower nomination for Senator Tower—said, "Let's not rely on this report. Let's get the witnesses up here and have a hearing."

There was never a motion made in committee in the whole time we met, executive or otherwise, to get witnesses in, never one. We did have a discussion. We discussed it on a couple of occasions.

Every member of our committee fully knew that there were serious, deeply held concerns by committee members, including the chairman, about matters that were raised in the FBI report. Yet not one member moved at any time to reopen the hearings or to call witnesses.

I offered Senator Tower the opportunity to have rebuttal witnesses. I made that offer to him personally after the open and executive session in which Mr. Weyrich and Mr. Jackson testified. I stated to him that I would be glad to have rebuttal witnesses in open session or executive session. He declined.

Yesterday, I mentioned the fact that the committee's proceedings had been delayed as a result of information developed in the Ill Wind investigation into Pentagon procurement practices. The White House—not the Armed Services Committee—was so concerned about the information developing in that investigation that they asked us to hold up our proceedings for 13 days. They asked us to hold up. Senator WARNER will verify that. We did that. We did that. We received the FBI report on that matter on February 20. That report did not answer all the questions. I had my counsel go through that report. It left me with a series of unanswered questions. Yet the committee relied on the FBI report and the assurances of the executive branch in that matter that there was no direct evidence implicating Senator Tower in any criminal activities as the basis for not conducting our own inquiry into that matter.

But if we had followed the procedure that some now suggest, and which they did not ask for during our deliberations, we would call witnesses to resolve the answers that were not given by the February 20 FBI report, we could have had a week of hearings on that matter alone. But we did not do that.

The President asked us to rely on the FBI report and the Justice Department's judgment as the basis for determining that no direct evidence of involvement by John Tower in the Ill Wind scandal has been developed. That is exactly what we did. We relied on that.

The February 27 FBI report contains another development—who knows whether it is significant—of a financial allegation which is under continuing investigation.

Again, the President asked us to rely on the FBI report and the Justice Department on this matter. Senator WARNER and I pledged to do so. Should we have rejected that and insisted on having full-blown proceedings before our committee with confrontation and examination, I would say that would take another 2 weeks and if we did it, and it could spill over into some pending investigations, which I think would be entirely improper.

I think the President has made a reasonable request and I think we should rely on the Justice Department's good judgment on that matter.

A major issue which required detailed investigation by the FBI and extensive review by the committee staff involved allegations of Senator Tower's behavior with Eastern bloc women in Geneva. That is another area in which we relied primarily on the submissions of the executive branch.

As is well known, I repeatedly noted to the news media on at least three occasions, and maybe four or five, that they should be very cautious about the rumors floating around this town on the subject of Eastern bloc women. And yet, as detailed in our report, our attempts to obtain information from the executive branch, to "gun down" these allegations—using the term the President used—were repeatedly frustrated by the failure of the executive branch to provide the documents we requested.

Every time I as chairman assured the members of our committee—and in some cases the news media when they were asking questions in this overall area about Geneva allegations—every time I assured them that there was nothing to these allegations, lo and behold, another Government document would show up, usually in the news media, or in Congressman DINGELL's committee, containing allegations of misconduct.

If members of our committee wanted a trial, we could have had one on Geneva—not only on the alleged misconduct in Geneva, but also on the withholding of documents and destruction of a document by one agency.

It does not take a very skeptical person to ask about the confidence we should have in the executive branch when every document adverse to the nominee was omitted from the Geneva files provided to us by the administration.

Now I believe these were innocent omissions and I still believe that today. I allege nothing. I believe it was innocent destruction of a document, and I do not think there was anything material in that document. But to determine whether the documents were innocently or deliberately withheld, we could have had one big trial on those issues.

There are many questions that could be asked about the credibility of those materials. Yet, in the end, we relied on their documents. We relied on the FBI report, and we determined that the allegations of improper relations with foreign nationals was unfounded.

I have said that over and over and over and over again. We found nothing on that. We found nothing on the subject of Geneva and John Tower and Eastern bloc women.

I do not recall any members saying we should not rely on the FBI report to resolve these matters. I do not recall anyone making a motion for a trial-type hearing on Geneva matters.

There was also a serious allegation that Senator Tower lobbied on behalf of LTV's interest in the C-FIN Program prior to his registration under the Lobbying Act. The allegation also extended to his activities on behalf of British Aerospace, which also had an interest in the C-FIN Program. The nominee compounded the difficulty in this area in dealing with this matter by his own uncertainty as to the defense-related activities of British Aerospace.

We could have called witnesses from LTV, British Aerospace, our staff, former staffers, Senators, and Pentagon officials. It might have taken several weeks to sort out this matter alone. We could have had ample opportunity for confrontation and cross-examination. We did not do that. Instead, we relied on the FBI report, executive branch materials, and Senator Tower's submissions for our conclusion that his activities did not constitute a violation of the Lobbying Act. No one who now supports John Tower asked us to take a different approach in this matter.

Significant questions were raised about the manner in which Senator Tower disposed of the nearly half-million dollars that he raised for his 1984 campaign before he decided not to run for reelection. Our own Senate rules, Senate rule 38 precludes use of such left-over funds for personal use.

There were a variety of expenditures which raised questions. We directed those questions to Senator Tower and relied on the FBI report and a documentary review by staff. We could have called a large number of witnesses to make our own record, with full examination or cross-examination. We did not do that. We relied on the FBI report for our determination that Senator Tower was not in violation of the Senate rules. That is what they found and I agree with them.

The conduct of the nomination proceedings of Melvyn Paisley to be Assistant Secretary of the Navy in 1981, when Senator Tower was chairman of the committee, also was a matter of serious concern to several members of our committee, and everybody knows that.

As a result of a review conducted by Senator WARNER and myself, we concluded that the FBI report on Melvyn Paisley contained "serious allegations" of misconduct. That was the FBI report that apparently was never looked at by our committee back in 1981. We have attempted to determine whether this information was made available to the committee in 1981 when Senator Tower was chairman. To date, we have received very little useful information from either the Reagan administration or Bush administration. Senator Tower denied on the record that he was made aware of the adverse information involving Mr. Paisley. We did not attempt to obtain any corroboration on the record for Senator Tower's statement. We did not call witnesses. Instead, we relied on the FBI report—and we did so even though the executive branch has been uncooperative to date—or at least unsuccessful to date—the efforts undertaken in response to Senator WARNER and myself as to our questions to determine what went wrong in the handling of the Paisley nomination. Something went wrong either in the White House or in our committee or in both.

We could have had a trial on that, quite a hearing.

We did not do so. We did not find any misconduct in this matter by Senator Tower. Nobody who supported Senator Tower through our proceedings objected when we relied on the FBI report.

There were other allegations raising serious issues about Senator Tower's fitness: whether he was involved in a last-minute, unexplained insertion of a provision of the fiscal year 1985 authorization bill that had the effect of directing a sole-source procurement of a new 120-millimeter mortar for the Army from a foreign source.

We found, relying primarily on the FBI report, that he had no involvement in that matter.

Whether Senator Tower was aware of an approach to the 1980 Reagan-Bush campaign, through his staff, by an alleged emissary from Iran, who sought to make a deal with that campaign for release of the hostages after the election.

We found no improper actions by Senator Tower, and we relied primarily on the FBI report.

We could have called witnesses on these matters. There would have been days, if not weeks or examination, cross-examination, and rebuttal. We did not do that. We relied instead on the FBI report and our own formal inquiries for our determination that Senator Tower was not involved in these matters.

I would like to reiterate that I share the concerns raised so eloquently by Senator COHEN about the difficulties of relying on an FBI report to determine the fitness of a nominee. I am a lawyer by training. I revere the Bill of Rights and the basic guarantees of due process. But the Bush administration presented us with this nomination knowing full well that we would be faced with an FBI report filled with specific, direct allegations of misconduct, as well as hearsay, as well as contradictions, as well as rebuttals, as well as favorable comments in considerable detail.

It was a record, as Senator WARNER has stated, upon which reasonable persons could draw different conclusions. Yet it is the record upon which the Bush administration has asked us to rely. And, as I mentioned yesterday, there are many, many people who are turned down for considerations for Federal offices as a result of FBI reports before there is a formal nomination from the White House. Time after time after time, something will pop up in an FBI report and that individual is scratched from the list of consideration in terms of an appointment.

So I think those who are asking the question whether the Senate should rely on the FBI report should also ask the question: Should the President rely on the FBI reports? When we are asked whether we should even take into consideration people who do not give their name, confidential sources, the same question ought to be asked of the White House: Should the White House consider confidential sources when the President decides to turn someone down? It is the same principle, as far as I am concerned.

Perhaps we ought to review the whole procedure here. But when people start looking for an alternative, they are going to find that alternatives are not easy to prescribe.

I have heard over the last few days a number of interesting suggestions about how one might conduct a confirmation proceeding. But if anyone had wanted to use the FBI report on John Tower merely as a starting point for trial-type hearings, these hearings would have lasted longer, they would have been lengthier, they would have been more complex than any hearings held by the U.S. Senate in my memory, and that includes long before I got here.

I think the time and place to ask for witnesses and different procedures really is in committee. We could have considered it there. We could have made a deliberate decision. But, I repeat, not one time, not one time during the entire deliberations of our committee was there ever a motion made by any member, Republican or Democrat, to change the procedure to do things differently.

Have we run a perfect set of nomination hearings? No. But I will defy any committee of this Senate to take the number of allegations we received and handle them with any more dispatch and with any more thoroughness.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. NUNN. I will be glad to yield in about 20 seconds.

I guess I would summarize, Mr. President, by saying that the frustration does not appear to be with the FBI report that clarifies and rebuts allegations against Senator Tower and, in many cases, rebuts them completely. The frustration seems to be with the FBI report's allegations that are not rebutted. I think that if you are going to complain about those, then you also have to complain about the others. I think that is only fair.

Mr. President, I am happy to yield for a question.

Mr. STEVENS. Mr. President, I thank the Senator. I will seek the floor in my own right here in a second, after the Senator is finished.

Mr. NUNN. Mr. President, I yield the floor.

Mr. STEVENS. Well, in fairness, the Senator might want to respond.

Mr. President, I will seek recognition.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Before I make my statement that I intended to make, I would like to ask my friend a question. Before I ask that question, I will make a statement of my own.

I was interviewed by the FBI at length, two members of the FBI. I fully expected the President of the United States to be informed of what I had told the FBI.

I would ask my friend whether he was interviewed by the FBI and, if he was, whether he does not agreed with me that the President of the United States has a right to give a different weight to those people who have served with a Senator for years, those who have traveled with him, have lived with him, have spent night after night with him, than he does informants that are undisclosed on the FBI report? Was the Senator interviewed by the FBI? What did he tell them?

Mr. NUNN. The answer to that question is yes, I was, and I gave a favorable recommendation. I told them very clearly that I had no knowledge of any reason that Senator Tower could not serve effectively as Secretary of Defense. And I also said that in a statement when he was nominated. I also felt that way until about half way through these hearings.

Mr. STEVENS. Mr. President, I have traveled with the Senator from Georgia and I have great, fond affection for the Senator from Georgia and his lovely lady. As a matter of fact, we intended to spend time together, I hope, soon.

My basic problem with this issue is I have trouble with the Senate—and I am an ex officio member of the Senator's committee. I was there. I did not make a motion pertaining to Mr. Weyrich, for instance. I made a suggestion he should be sworn. I wish he had been sworn, but I did not make a motion concerning the hearing.

I was really not worried about the hearing because I had been informed that there had been a series of Senators interviewed, people that had known John Tower for years, as I have, who were character witnesses.

I want to state to the Senate that I was U.S. attorney, as I have said before on the floor, for many years, many in my life at that time anyway, not as long as I have been a Senator. But I was U.S. attorney in Alaska and I have used FBI reports there. I have used FBI reports here on many occasions. I believe that in their background investigations, in terms of this type of procedure, as the Senator from Georgia has said, they are capable people who do their utmost to present both sides of any issue. I think the Senator from Georgia would agree with that.

I have a memory of the reports that I saw on a gentleman from Georgia. I am one of the Republicans who supported that gentleman all the way through his trouble because I read the FBI reports and I paid particular attention to the people who had known Bert Lance. And I have since learned to know him and to like him myself and I supported him then under attacks that came which were not too dissimilar from some of those that are coming now.

There were many on our side who said, "This is a chance to really be partisan." But many of us said, "No, no, this is the President's choice and the President is the one that made the decision."

This FBI report was basically for the President to make up his mind in the first instance. And as he got rumors, he asked us to hold up and give him a chance to review additional reports to see whether he would change his mind. But we really are not judging John Tower in terms of this FBI report, we are judging George Bush. The President has made the determination on the basis of the advice that comes to him in these FBI reports that he supports John Tower. One of those statements was made by me.

I want to review that statement that I made and what I remember at the time. But, first, let me just suggest to the Senator from Georgia and others here on the floor who oppose my good friend John Tower that maybe we ought to think a little bit about what we are doing.

Suppose, for instance, that a witness had come in and said this:

> Remaining within reach are the jam and a weak (three-ounce) scotch and soda—always Johnny Walker Red—which the prostrate . . . will sip occasionally over the next four hours in the tradition of Palmerston, Pitt, and Baldwin. However, the legend that he is a heavy drinker is quite untrue. . . . is a sensible, if unorthodox, drinker. There is always some alcohol in his bloodstream, and it reaches its peak late in the evening after he has had two or three scotches, several glasses of champagne, at least two brandies, and a highball, but his family never sees him the worse for drink. He remarks: "We all despise a man who gets drunk." And, after an exchange of views on drinking: "All I can say is that I have taken more out of alcohol than alcohol has taken out of me."

That is from William Manchester's book, "The Last Lion."

You know who it is: Winston Churchill.

What standards do we have now as a nation that those of us in the Senate can allow people to come in as undisclosed, unidentified informants in an FBI process and say to us: We cannot confirm this man to be a Secretary of Defense because he has a reputation of drinking.

I traveled with John Tower. I lived with him in Geneva on four different occasions, three times with my assistants; one time with my wife, my assistants and my daughter. I went to Geneva at least 14 times during the process of our oversight of the arms control agreements. My distinguished friend, the Senator from Georgia, the chairman of this committee, was there on many of those times.

Who knows John Tower best? Someone whose office was around the corner from his in the Capitol for 8 years when I was whip and he had his Capitol office just down the hall? Someone who walked back and forth with him at night, all night long on several occasions—on many occasions, not just several occasions.

Who knows him best? Someone who has traveled from base to base to base with him? Or someone who reports—and we have now just debunked that report—but he was seen touching a young woman? I wonder what we would do if he had touched a young man?

The standards before the Senate are on trial. I want to say that my friend from Idaho is right. The ramifications of this are going to be immense.

I want the Senate to know I have lived with John Tower. I argued with him more, perhaps, than did the Senator from Georgia. I lost battles with him on this floor as I sought to change defense policy through the appropriations process. Everybody knows that.

As a matter of fact, my friend from Arizona, who is not here, writes about this in his book. You ought to read what he says about me in that book. He disagreed with me, too. In my judgment, history will prove me right and them wrong. That is the essence of this society of ours. We are entitled to our opinions, and we present them as forcefully as we can and we fight here for those positions. Some people lose and other people win, and then sometimes the tables turn.

But there is one thing about John Tower. He never took an argument off this floor. We would argue and walk down that hall and go to our respective offices to make calls, or we would argue and we would leave here and go take a trip to a defense base or, on many occasions, after he left here and he was in Geneva, I would talk to him at length about what was going on here. We would sit around and we would have a glass of wine in our hands. But I never in my life, as I told the FBI, have seen John Tower inebriated. I never have seen him when he wasn't in control of his faculties. I have never seen him be less than an absolute Southern gentleman to women.

Who is entitled to greater weight on the floor of the Senate, those people in the FBI report or me? That is the problem for the Democrats in this body. I say that advisedly to my friends.

He is my friend. I thought he was your friend. And I want some justice for my friend. Somehow or other, the history of his life with us has to be reflected in this procedure.

I spent yesterday traveling up to New Hampshire, Mr. President. It was an affair of the heart because, as a young lad, I sat up there in the gallery and watched Norris Cotton assist my State become a State. I remember those days. When he passed away, I went up there and attended the funeral.

I take those days in this body with a deep feeling and I know John Tower did, too. What happens to those days in this process? Swept aside; swept aside by a process of relying upon FBI reports that, as a U.S. attorney, I would look at and I would say: That is great, but those are not creditable witnesses. Those are not people that a jury would rely on. I will not bring that case.

The number of times I did that can be checked with the FBI. It was not often, but I did it. And every U.S. attorney has done it.

As I said, I exercised my rights as an ex officio member of the Armed Services Committee several times to attend the meetings of the Armed Services Committee. I never have had an inkling of a doubt that the members of that committee had the same experience with John Tower here in the Senate as I did. He was an irascible debator who could really get in and be personal and dig at someone so one would wonder, really, sometimes, how he could be as tough in terms of things he would do to try and get other people to change their minds on a position that they had taken.

This is a man who feels strongly about this country. I say to you in all good humor, with every good intention, there is more involved here than just John Tower.

Next week, when I speak at length on this subject, I intend to raise some of the issues that the Senator from Georgia has raised concerning the question of what are the rights of a nominee. This is not just an ordinary nomination that is coming up. As the Senator from Georgia says, those are knocked aside.

I was a Presidential appointee in the administration at one time, the Eisenhower administration, and I did not hire people sometimes based on FBI reports. I admit that. I think it is a process that may be unfair but those candidates are not subject to confirmation. They are not subject to this procedure. The Constitution gives them rights but we have to have some way to judge people we do not know so we rely on these background statements.

I agree. I think in some instances they probably are unfair. This, however, is a constitutional process. This is an officer of the Federal Government who is required to be brought to this body for our advice and consent and we need to examine further into that. We need to examine the total history of that as to what is our role and, if it is to change with John Tower, by the good Lord as long as I stay here—and I think that will be a long time, Mr. President—it will be the same for every other Cabinet nominee that comes before this body.

I tell the Senate I know John Tower. You know John Tower. It is time for us to come up here on the basis of our own knowledge.

I challenge any Member of the Senate to come in and tell me that he has seen John Tower inebriated. I challenge any Member of the Senate to come here and tell us that he knew that John Tower had problems like this but did not come forward. I would like to know who are the six Members of the other side who advised the President of the United States that this was a good selection, through the FBI investigations? Who are they? Why should we misjudge George Bush on the basis of the reliance he has placed on us as witnesses interviewed by the FBI? Now we give greater reliance to these people who come before us who might as well be coming in with sacks over their heads?

I read that FBI report: Confidential informant with a name blanked out, with a number or a letter. It is not the same.

The Senator from Georgia is right. This is not a criminal case. Those would not even be in there in a criminal case because any U.S. attorney knows he has to call witnesses.

Maybe we should reconsider our process. I will give the Senate a chance to do that next week because this is a case where the world is looking at us. We have been told for years there is something called senatorial courtesy. Somehow or another, some people thought we had brushed things under the table that we knew. The implication is we would know something about somebody and not bring it up because of senatorial courtesy. Here is a situation where those of us who know him are being brushed under the table, and we are listening to undisclosed informants in an FBI process destroy the character of a man who we served with.

I met John Tower in 1961. I have known him as a friend since that time, and if he were here he would be chuckling. He would be a little bit amused that I am the one to defend John Tower. Again, I say I do not think any of you argued with him and fought with him, the way I have. I want the Senate to look at this on the basis of what we know about John Tower, and if anyone wants to debate me about John Tower and what I have said about what I know about John Tower, this is the place to do it, in front of God and everybody.

I find it very difficult to believe that in the years that I served under Democratic Presidents, I was willing to look at issues on the basis of the prerogative of the President and that today I do not know of one Member on the other side of the aisle who is looking at it the way I did.

Mr. President, maybe I was wrong.

Mr. GRAMM. Will the distinguished Senator yield for one question?

Mr. STEVENS. Yes.

Mr. GRAMM. Mr. President, I thank the Senator for yielding. I would like to ask him something here that bothers me, I guess, now more than anything else, and that is there is nothing like a parallel with how the system of justice works in this country and what is happening here. Let me give you the example and then pose the question.

When I went up to room S-407 to read first the committee statement and then the FBI report, the first thing that I confronted was a story, which we all know from the Washington Post yesterday, about an Army sergeant who tells this tale about Senator Tower's behavior. My first reaction in reading the statement was it made my stomach hurt.

I had an advantage over everybody else since I visited the military base, I had known Senator Tower, but there it was, the allegation prominently displayed the first thing you look at. Members went up there and read that book, made a decision and came down to the third floor and walked into the press room and announced, "I am going to vote against John Tower."

Yesterday it comes out that six people were eyewitnesses to Senator Tower's visit to the base from generals to sergeants. The sergeant who made the accusation, it turns out, was not even at the base when Senator Tower visited, and he was subsequently treated for mental illness and released.

What bothers me, and I pose my question, does it bother you that people have made a judgment on an accusation, have taken a public position and now that the allegation has been totally and utterly destroyed, they are in the difficult position of coming back or having to consider coming back and saying, "I was affected by that allegation. It was a factor in my decision and now it is destroyed having to make a public change in position."

This is so much different from the legal system where the jury hears everybody present their case and nobody says anything until the end. Here people have taken public positions based on assertions that were the lead item in the indictment books, so to speak, that have now been utterly and totally destroyed.

Does that bother you that this process has been followed, and do you see that as a factor that can in any way be overcome by the debate?

Mr. STEVENS. Mr. President, it bothers me considerably, the process that this Senator has mentioned. It bothers me because, in the first instance, FBI reports are for background information and they ought to be given a relative weight, as far as events and individual people are concerned. I do not think that original allegation should have been put out in the public press until it had been checked.

It reminds me of the other one I heard about the person from Arizona who had no ax to grind, I was told, came in and gave an affidavit concerning activities—or gave a statement, I do not know if it is an affidavit—activities of my good friend John Tower. After it was laboriously checked, it was found to be totally wrong. I do not know. You have to ask our friends on the other side of the aisle if they relied on them.

I did not need an FBI report to review John Tower. That is what I want to tell the Senate, and I do not know why anyone here who served with him did.

There are some Members of this body, I would hasten to say, if I was asked by the FBI, I would not recommend them for service in a Cabinet position, and there are probably others who would say the same thing about me because of my alleged temper, Mr. President. Or maybe other things, for all I know.

All I can tell you is, as far as I am concerned, the process is incomplete unless we become witnesses ourselves. Many of us here have a religious bent—I was interested yesterday to hear Norris Cotton had intended to go to the ministry in the first instance. It was a beautiful service, and it is too bad others did not have the time to attend.

Many of us here have deep, deep religious convictions, and we believe that we ought to try to witness those convictions. We do not publish it, but we go to our prayer breakfast and we go to the annual President's prayer breakfast. We try to encourage people to be involved. The whole concept of that is witnessing for a belief. I am here today because I want to be a witness for John Tower, and I want to be heard. I want my friends across the aisle to know if you cannot listen to me on this issue, then I believe it is going to be hard for me to address you on any issue. That is the problem for the future.

Maybe you did not know him the way I did. Maybe you did not travel with him the way I did. Maybe you did not stay in his home in Geneva the way I did. I even remember driving John Tower home on several occasions when we were in late at night in the early years when we served here together.

I have been his friend through two divorce proceedings. I have never had a divorce myself. I had one unfortunate loss, but I have not had a divorce myself. That would be a problem, I think, for any man. Through those periods, I never knew John Tower to lose control, not only through just the use of any kind of alcohol, but just lose control, period.

John Tower is a man, as we all know, in control of what he does. I think he would be tremendously in control of the Department of Defense. I spend as much time on defense as any man in the Senate. I think I know the Defense Department fairly well, but not as well as John Tower does. I think he is qualified to be a Secretary of Defense. I think in a period of a downward trend line in defense budgets, we need somebody who knows that Department, knows the relative value of systems, knows the relative value of different agencies, entities, within command of the Department of Defense, knows what costs money in the future if you do it now, knows how you can save money in the future if you do it differently, even if it might be a little more expensive now, somebody with brains, dedication, and commitment to his country. You think of that, Mr. President, and think of a Senator of the United States who is no longer serving in the body and who would you name? Again, I say to my friends on the other side of the aisle, who would you name who has that background and that capability other than John Tower?

If I were President of the United States and the Senate turned down John Tower, I would send his name back up again.

I thank the Chair.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair very much.

Mr. President, I would like to outline my own views and comment a little more informally on where I think we are and how I have arrived at my decision.

I had never met John Tower before he came into my office in January. Senator Tower visited me, as he did all the members of the Armed Services Committee, late one afternoon. We spent somewhere between a half an hour and an hour getting to know each other and discussing a variety of issues that were of concern to me. This was a courtesy visit by Senator Tower and very much in line with what one would expect of a nominee. We talked about conventional arms control, on area of particular concern to me. We also talked about the severe budget problems that the Defense Department faces, about how those problems fit into our overall budget package, and how we are going to go about sorting through the very tough decisions that are going to have to be made in the defense area.

I assumed after that relatively brief interview that I was going to vote for Senator Tower and from there went on to the hearings. I sat through most of those hearings, heard Senator Tower's testimony, heard the opening statements from all of my colleagues, and listened to the evidence as it was presented by witnesses coming before the committee.

Clearly, Senator Tower does know the Pentagon. He knows the programs. He knows the weapons systems, and nobody has questioned that. I did not agree with much of what he said about overall defense policy. Some of it I agreed with, some of it I did not. I did not come away from the hearing convinced that Senator Tower understood how rapidly this world is changing. The Soviet Union is a country that is changing before our eyes. The Soviet empire is collapsing. The Soviets have enormous economic problems which threaten to make them a second rate, or even a third rate, world economic power. The Soviet ideology is not being followed or being taken seriously by anybody in the world. The Soviet Union is changing, and with that the Soviet threat is changing.

I am not sure we would agree on a lot of U.S. economic positions around the world and how much should we be committing to defense at a time when some would suggest we are enormously overextended. All one has to do is look at our current budget to understand that. I am not sure he and I would agree on the role that Europe and Japan ought to be playing in their own defense. Nor am I sure that Senator Tower understands a lot of the new global realities, particularly new environmental realities such as the fact that we are now seeing our global environment stretched to the breaking point and that perhaps our most important alliance, our alliance with the environment, is severely threatened.

But agreements on that kind of substance are not the grounds upon which one makes a decision on a Cabinet appointee. As has been said over and over again, this is President Bush's choice. It is his constitutional responsibility, as has been suggested over again, to go through the evidence and nominate the person he feels most appropriate. It is our responsibility to look at that evidence, and if something unusual comes up, step in. If nothing comes up we do as we have in so many other sessions, let the appointment go through.

I found myself defending Senator Tower early on in these hearings. I defended him in the committee against

the allegations made by one of the witnesses, a Mr. Paul Weyrich, whom I had met on one occasion before he came in. But we all know who Paul Weyrich is. He came in and in public session made a whole string of allegations, cited a whole string of what he said were facts about Senator Tower's behavior. Rapidly the committee moved to executive session and intensely questioned Mr. Weyrich about his allegations. This is a man who is no knee jerk liberal, no leftwing partisan, no liberal partisan. I think Paul Weyrich is a hero of the right. He came in and said to us that he knew that there was [a black box] in the White House filled with letters. Mr. Weyrich said that those letters were from Members of the Senate and others relating to the administration incident after incident about John Tower's behavior. Mr. Weyrich said that on the basis of what was in that black box we should not confirm John Tower as Secretary of Defense. I asked Mr. Weyrich—and other members of the committee did as well, "Have you seen the black box? He said no, he had not seen the black box. I asked him how did he know that there was such a black box? And he said that he had been told by a White House staff person, who had been a good source prior to that, that the black box existed.

I said, "Well, if you have not seen the black box, who was the person who told you about the black box?" At this point he said, "I can't tell you who that person is."

We have right there, it seems to me, a very good example of something resembling tail gunner Joe McCarthy saying, "and I have here a list." There was no evidence of that, and I think all of us jumped right on Mr. Weyrich and tried to push aside all of those allegations as absolutely absurd. All of this discussion occurred in open session.

Following this, I thought—as many in the committee did—that I would probably support him. Not with the great enthusiasm that I support Mr. Reilly at the EPA or Watkins at the Department of Energy, but I felt he was the President's choice.

But very soon after that the erosion began; the erosion that is being debated on the floor and the erosion which all of us have to judge. The FBI reports started to arrive, one and then another, and it was our responsibility as members of the committee—some may not want us to carry out that responsibility, but we have that responsibility—to review those reports and to sort through the information and to make a judgment. This is what we are asked to do in the process of advise and consent required by the Constitution.

Unhappily, this is a little bit like taking off the layers of onion; the more of them you take off, the more you want to cry. Thus, I became more troubled as more information came in. There was some misunderstandings, I believe, between the chairman and the White House, and it is unfortunate that they occurred. This was not the best run process from the point of view of the White House but in any case we are all big people. We understand that mistakes are made.

Leaving that aside, I think we have to look carefully at the substance of these allegations. The information from the FBI, in my opinion, fell into three groups—conflict of interest, behavior with women, and alcohol.

Let me briefly take those one at a time if I might, Mr. President.

On the conflict of interest issues, I think perhaps there are some very real problems and each Member of this body is going to have to make his or her own decision about this. What was his relationship with various contractors? What did he do for the very significant fees he received? What happened after he was in Geneva? How rapidly was the door revolving? Can he do the job as the Secretary? Is he compromised by his close relationship with a variety of contractors? Or, if he was confirmed, what would he be left able to do at a time when we have some very, very significant procurement problems in the Pentagon. We have to weigh that and that is a judgment that each individual is going to have to come to.

The second issue, one which I find very troubling, is the issue of Senator Tower's personal behavior and the example and precedent that he sets relating to women.

In the 2-plus years that I have been on the Armed Services Committee, I have visited a lot of military bases, been out on ships, and talked to a lot of commanding officers in the military. One cannot help but be struck by the fact that every time you have a discussion with a commanding or executive officer, that individual inevitably brings up with a manner of significant pride the fact that women are being integrated, completely into the military. Except for combat assignments, women are asked to do everything that everybody else does. Women are to be treated absolutely as equals and not as objects.

This policy has been reiterated over and over again, and only last year a senior commander was piped out of the Navy for behavior that did not meet this code of conduct.

I have to ask myself, after all that I have seen in the report, if the Secretary of Defense can set an example for the Pentagon. If we are asking everybody in our armed services to behave in a certain way, we cannot have a different standard for the person at the top of the Department.

Everybody has a right to behave the way that they want in their own private lives. There is no question about that. But there are also times when what you do as an individual sets an example. We all have that responsibility here as Members of this body. If you are the head of a large organization, you have very specific responsibilities and I do not think that Senator Tower meets that test. This is the second issue that I find very troubling.

The third issue relates to alcohol. I think a review of his record suggests that this man had some very significant drinking problems in the 1970's. The question of real concern to us is how long have those problems continued? Does he continue to have that kind of problem? It is our business to think through the obligations that this man would carry, that the Secretary of Defense carries. A Secretary of Defense has the awesome responsibility of being second in the military chain of command.

Finally, what kind of an example does the nominee's actions set for the rest of the military when the military has very, very clear policies against alcoholism, and alcohol abuse? What kind of behavior should we expect from a Secretary, if we have requirements for people who are in sensitive command positions in the military? Are we going to have one standard for everybody in the military and another for the Secretary of Defense? I think not.

Each of these three areas has been discussed and is a matter for each of us, as individuals, to sort through. There is evidence on one side and evidence on another. There is, as I have said before, in this, no smoking pistol. I have come to the conclusion, however, that the ground is littered with empty cartridges. It is our job to sort through these cartridges. What do these cartridges mean? It is a difficult decision for each of us to make but we have that obligation, and we have to pursue it.

A couple of other comments, on the nomination process. What of the FBI report? There have been a lot of statements made here on the floor, and at the White House, and by the supporters of Senator Tower, calling for the release of the FBI report. If you are all concerned about what specific information is in that FBI report, then release it. The White House, however, is also saying that this is our report. It is a secret document. I believe, it is a White House report. The FBI works for the White House, so it is a White House report. You cannot have it both ways. You cannot on the one hand say we are not going to release the report because this is the President's document, but on the other hand turn around and say release this so all of

these specific allegations come out and can be addressed publicly.

The FBI report is the President's report and I would urge those who are calling for its release to talk to the President about it. I happen to think that it would be very bad to release the report. I think that sets a very bad precedent. But if this is such an important matter, why do not our colleagues who are concerned about getting this report released talk to the President, and say to him, "Mr. President, release the report."

Now about the issue of partisanship. There have been suggestions made that this nomination has become a wild partisan binge. I have difficulty believing that. Rhetoric and hyperbole go a bit far when one considers who the chairman of the committee is. Certainly I would never suggest and I do not think very many people in this body would suggest that SAM NUNN is a rabidly partisan individual. SAM NUNN is a good Democrat, but first and foremost he is somebody that I think everybody in this body respects enormously. And to suggest that SAM NUNN is leading a vast partisan witch hunt I think is ludicrous.

For those who suggest that all the Democrats are voting one way and all the Republicans are voting another are wrong, I think we ought to turn that around and say to the people who are on the other side of the issue, "Why did you all vote together on the other side? You read the same evidence we did. Why are you acting in such a partisan fashion?"

Finally, on the partisan issue, I would again remind my colleagues of the record of confirmation of every other one of the President's nominees.

Let me make a comment if I might on the subject of appearance. There have been those who have said this is not important. Of course, we should be thinking about appearance. Appearance is important and rapidly becoming very negative. For example, the Air Force Times, February 20, stated that "John G. Tower is the wrong man for the job. Tower's nomination shows poor judgment by President Bush. It should be withdrawn. Failing that, it should be rejected."

The March 6, Navy Times stated that:

> The Defense Secretary should be known to be a man of upstanding character. President Bush should nominate another to lead the Defense Department. But if he does not, the full Senate should reject the nomination.

The Defense News, Monday, February 6 stated that:

> Mr. John Tower should withdraw his name from consideration to be Defense Secretary of the United States. It would be a service to the country and to the President.

Army Times, February 13, 1989 stated that:

> Tower should go. John Tower should withdraw his nomination to be the next Secretary of Defense.

Those perceptions are now prevelant and they are important. Even the President himself has said that they are important. President Bush in one of his first speeches after the inauguration said:

> The guiding principle will be simply to know right from wrong, to act in accordance with what is right, and to avoid even the appearance of what is wrong.

In a news conference shortly thereafter the President noted:

> We are in a different time now. What might be legal and might be perfectly sound ethically might have to be altered because of perception.

Perception and appearance are important and Mr. President the perception and the appearance are lousy.

One final note. I have been struck by the fact that this is not just an inside the beltway discussion. People all around the country are talking about it and asking about it; More and more individuals are concerned.

I come from a State that is half Republican and half Democrat. It is probably more conservative than liberal. It is certainly more Republican than Democrat, when you add in how the independent voters generally vote in the State of Colorado. Despite this, my mail and telephone calls have been running consistently at about 7 to 1 against Senator Tower. That struck me. I am also struck by the anecdotal information that each of us receives.

Policemen come up on the street and say, "You should not vote for this man." A group of students in this area were asking what is going on, and are overwhelmingly against Senator Tower. A gas station attendant filling up your car comes around and says, "I hope you are not going to vote for Senator Tower."

Mr. President, this is not a decision that any of us should take lightly. It is a decision which is of a precedent-setting nature, and it is one in which the reputation of a former colleague of many people is out in front of the public, being aired, and being discussed.

This is not an easy issue at all. It is my best judgment that we should not vote for the Tower nomination. It would be my recommendation to the President, or recommendation to John Tower, that the easiest thing to do is to withdraw his nomination, so that we can get on with the very important business of finding one of any number of very well-qualified individuals who can do this job. I can think of a list of 5, 6, 10 individuals, whose names could be sent up, and who could go flying through here. We must get on with the business of reviewing foreign and defense policy and have this administation get on with the business of not only leading the Western alliance but also fulfilling its responsibilities around the world.

Mr. President, the Senate has a constitutional obligation to review Presidential nominations for high office and to provide the body's "advise and consent" regarding those nominations. Reflecting a longstanding tradition of presumption in favor of the President's choice for Cabinet level appointees, the Senate has seldom rejected a President's nominee; only eight times in the history of the Republic has this occurred.

When on January 20, President Bush forwarded to the Senate the nomination of John G. Tower to be Secretary of Defense, there were few, if any, in this body predisposed to oppose the President's choice. John Tower is a man of considerable experience and significant knowledge in defense matters. When Senator Tower visited with me in my office on January 23, we discussed conventional arms control and budget issues facing the Department of Defense. I was inclined to support his nomination, as were many of my colleagues on the Armed Services Committee.

Over the next month, the committee conducted an exhaustive review of Senator Tower's qualifications to serve as Secretary of Defense. In the course of the committee's work, continuing allegations arose which required additional investigation by the FBI. Between January 7 and February 20, a total of seven FBI reports were forwarded to the committee concerning Senator Tower. The committee staff also reviewed independently more than 100 allegations of misconduct on the part of Senator Tower, most of which were determined to be baseless. And most of the allegations raised in the FBI reports were also proven to be baseless or contradicted by other accounts. But of the remaining allegations, there were sufficiently serious concerns raised in the background report on Senator Tower that I am unable in good conscience to support his nomination.

I voted against this nomination in the Armed Services Committee last Thursday and I intend to vote against this nomination when it comes to a vote here on the Senate floor. My concerns about Senator Tower's qualifications fall into three general categories: First, relationship to defense contractors; second, personal behavior; and third, alcohol abuse.

The committee reviewed questions concerning Senator Tower's work as a paid consultant for several major defense contractors. Questions have been raised about the basis for his large fees, potential conflict-of-interest changes, and his ability to implement needed changes in the Pentagon. President Bush himself has called for a higher standard for his appointees,

urging them to avoid even the appearance of conflict of interest. I cannot conclude, based on the evidence available to the committee, that Senator Tower's defense consulting constitutes on overwhelming problem. However, I must concede that I am extremely uncomfortable about the immediacy with which Senator Tower assumed his role as consultant to several major defense contractors after concluding his service as strategic offensive arms negotiator. This disturbing lack of judgment by Senator Tower contributes to the perception that he used public office for private gain. President Bush's higher standard, I believe, dictates that nominees avoid even the appearance of conflict of interest. This issue takes on special importance in light of the damage done to the Defense Department by recent procurement scandals.

Over the last 10 weeks, the country has been buffeted with a string of stories about Senator Tower's relationships with women. In my review of the record, I did not find powerful, specific evidence of the alleged liaisons, encounters, and relationships. But I did find sufficient cumulative evidence to trouble me about the nominee's attitude toward women, as well as about his judgment and discretion. While I believe that an individual has the right to conduct his personal life as he sees fit, the Office of the Secretary of Defense demands a higher standard of discretion and judgment.

The U.S. Armed Services have been asked to fully integrate women into the force, treating them equally in all ways, with the exception of combat eligibility. I have visited many bases and ships, and at each one have been struck by the pride with which women—now constituting roughly one-tenth of our forces—are being integrated into the services, by the pride with which they serve, and by the commitment of our commanding officers to reach the goal of completely equal treatment. But the job is far from complete; serious problems still exist with the status and treatment of women in the military. Just last year, a Navy commander was dismissed for unacceptable behavior toward women. The Department of Defense has set a policy that women be treated as equals, not objects. The Secretary of Defense sets an example for millions of women and men in uniform and must be beyond reproach.

Based on the information available to the committee, there has clearly been a pattern of alcohol abuse in Senator Tower's life. The concerns raised on this score are, in my view, extremely serious. Were the nominee being considered for a sensitive military command in the armed services, the information contained in the FBI report would be sufficient to deny him that job. Surely, we should demand no less from our Secretary of Defense, who is below only the President in the military chain of command and who holds a position involving great personal pressures.

Further, the armed services have implemented a far-reaching program to combat alcoholism. Confirming a nominee with a pattern of alcohol abuse as Secretary of Defense would undercut these efforts and send a contradictory message to the people serving in our armed forces about the seriousness of alcohol abuse.

Senator Tower's public pledge on national television last weekend not to drink any alcoholic beverages if confirmed as Secretary of Defense has not changed my view of his overall fitness to serve in that role. In voting against Senator Tower's nomination last week in committee, I based my decision on several factors which in the aggregate left me with considerable doubt about Senator Tower's judgment and discretion. The pledge does not alter the body of evidence made available to the committee, nor the doubts surrounding Senator Tower's qualifications.

Finally, Mr. President, I would like to try to answer the question of "where is the smoking gun?" There is no smoking gun in all of this—our task would be easier if there were. But the ground is littered with a substantial number of spent cartridges. Sorting through these is the challenge we face. Honest men and women can disagree, and we have.

This decision has not been an easy one for me or any member of the Senate Committee on Armed Services. The Office of Secretary of Defense is not to be taken lightly, nor is the Senate's constitutional role in "advise and consent" regarding Presidential nominations for that office. Article 2 of the constitution is very clear on this point, and we should not let ourselves be any less clear.

Some Senators have suggested that the President possesses nearly an absolute right to have his nominee confirmed. Why then, I ask, does the Senate even bother to consider executive nominations? If we are meant only to rubber stamp a President's choice, we should dispense with the entire charade of a shared role. But as long as the Constitution explicitly calls for a Senate role in this executive function, we have an obligation to take that responsibility seriously. And that means carefully reviewing all considerations and making a balanced determination. Our oath of office binds us to uphold the Constitution, it is not a loyalty pledge to the President.

Now let me turn to the process the committee has followed, and some of the rhetoric in the floor debate about that process. Statements have been made that the FBI reports do not contain specific incidents of Senator Tower's abuse of alcohol in the 1970's, and more importantly, in the 1980's. These statements have suggested that we are "hiding behind T1, 13, He/She," that there are no specifics, and that we are operating on hearsay and unsubstantiated allegations.

These statements are simply not true. The record is replete with specifics, in the 1970's and in the 1980's, specific instances, told to the FBI by specific and identified individuals. Yes, some people asked not to be identified and, therefore, show up in the FBI reports as "T1, 13, He/She." This is the way the checking system works. These allegations have been investigated by the FBI. Some of them proved to be unsubstantiated, some the opposite. But it is simply untrue to state that there are no specifics in the FBI record—there are specific instances cited for the last decade and for this one.

Now the question can be asked, "Well, what are the specifics? " This is an unfair and inappropriate question, since we all know that the FBI report was developed on the basis of confidentiality and is intended to remain so. It is totally inappropriate for us to compromise this confidentiality in any way, by citing allegations that have proven wrong, or allegations that are clearly dealt with in the record. If those of us who oppose this nomination started selectively leaking some of this classified information in the light in which we interpret it, the other side would cry foul—and appropriately so.

Charges of blatant partisanship have been leveled at the Democrats who voted against Senator Tower's nomination. This is grossly unfair to the chairman, SAM NUNN, who has always conducted himself, and the Senate Armed Services Committee under his chairmanship, in a nonpartisan manner. The committee vote did split along party lines, but I do not believe that any Democrats sought or seek to make the Tower nomination a partisan affair.

Senate Democrats have, after all, voted unanimously to confirm 12 of President Bush's nominations. But in the case of Senator Tower, serious concerns have surfaced—sufficiently serious that most Democrats find themselves unable in good faith to support his nomination to this senstive post. Most Republicans feel the President should have his way.

Mr. President, we will face enormous challenges in national security policy in the years ahead. Budgetary constraints will demand that we make very difficult choices among competing claims for resources. And a new style of Soviet leadership poses significant opportunities and challenges in East-West relations.

Let us now move forward, receive a new nomination, ratify that choice and get on with the grave responsibil-

ities of redefining our military's—and our country's—relationship to a rapidly changing world.

Mr. President, I ask unanimous consent that following my statement, the editorial in this morning's newspaper, the op-ed piece by Senator NUNN in the Washington Post, as well as other editorials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 3, 1989]

SENATOR NUNN REPLIES: WE ARE NOT BEING UNFAIR

(By Sam Nunn)

In a recent editorial on the Tower nomination, The Post stated that "much more needs to be stated for anyone not privy to the secret material on John Tower to be able to make an intelligent assessment of it." This statement goes to the heart of one of the major problems involved in this nomination: the use—and confidentiality—of the lengthy FBI report on its background investigation of John Tower.

First, I would emphasize that this report is the property of the executive branch. It was only with great reluctance that the White House agreed to make it available to the full Senate. The White House insisted upon a very restricted access arrangement under which only senators and a handful of trusted aides could review it, and then only if they read it in a secure room in the Capitol rather than the convenience of their offices.

In a cover letter accompanying the report, White House Counsel C. Boyden Gray warned of serious consequences if this report were made public: "The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, and our ability to recruit qualified candidates for positions of governmental service."

Senators opposed to the nomination who have respected the terms under which they were afforded access to the documents now find themselves being criticized for not making public specific material from the report supporting the committee findings on alcohol abuse and indiscretions. If, after considering the precedent and the effect on future FBI background checks, the White House chooses to release this report, all the allegations can be openly debated. However, in saying that the burden for laying all the facts out in the open rests with me, the Post errs. That judgment rests entirely with the president, the attorney general and the director of the FBI.

Some critics of the Armed Services Committee's vote on this nomination also assail the majority for allegedly relying solely on anonymous and unfounded allegations in reaching its decision in opposition to this nomination. The specter of McCarthyism has even been raised in recent days.

I want to make it very clear that there are sources who agreed to give their names on the record as well as those who requested anonymity in this report. It should also be clearly understood that Sen. Tower was afforded the opportunity both by the committee and the FBI to respond to allegations raised in the course of the nominating process. Sen. Tower responded to a number of the allegations in the closed sessions of the committee. In the case of every serious, specific allegation in the FBI file, the FBI followed up with an interview with Sen. Tower in which he was given every opportunity to rebut the charges. In addition, there were a number of committee concerns which were resolved in Sen. Tower's favor by the FBI report.

I would also note that while it is true that FBI reports often contain confusing and contradictory information, presidents have on many occasions refrained from nominating someone based on an FBI report. If, as some suggest, it is unfair for the Senate to use FBI reports as a basis for rejecting a nominee, is it also unfair for the president to use FBI reports to disqualify an individual from further consideration?

Consider the alternative. Our committee could have decided at an early stage to dispense with its traditional reliance on the FBI and conducted its own full background check. We could have called hundreds of witnesses, put them under oath and questioned them at great length. We could have formed teams of investigators, dispatched them to all corners of the globe and subpoenaed hotel receipts, bar tabs, airline manifests and countless other material evidence—all in an attempt to investigate every serious charge.

This would not, however, have been responsive to The Post's call for a full public disclosure, since the nature of most testimony would have required executive sessions. There would have been one decided advantage: members could have looked the witnesses in the eye and cross-examined them. As a lawyer concerned about fairness, I would prefer this procedure. But there would have been serious disadvantages: with the very large number of charges in this nomination, the process would have taken months and diverted the committee and the executive branch from their basic governmental tasks.

The nomination of John Tower is not a trial, nor can the Senate conduct its review as if it were. Rather, the Senate has no realistic alternative but to read the FBI report, keeping in mind all the while that it is full of conflicts and contradictions, firsthand observations as well as hearsay. In casting their votes, however, senators will exercise their judgment based on a careful review of all the information available to them, and not just the FBI report.

After my own review of this record, I have concluded that John Tower should not be confirmed as secretary of defense. This is a highly personal conclusion for me. I recognize that people of good will can reasonably come to an opposite judgment.

I do believe, however, that if senators weigh the evidence of this case with objectivity and dispassion, they will conclude that the president would be best advised to find another nominee. In three cases—use of alcohol, behavior toward women, and conflict of interest—Sen. Tower falls short of the standards which must be demanded of those who would bear the awesome responsibilities of this position.

I believe that the weight of the evidence shows:

1. John Tower had a serious drinking problem in the 1970's—a point which the nominee and the White House now acknowledge—and that this pattern of alcohol abuse continued throughout the 1980s. I can find no point in time when the nominee acknowledged and dealt with this problem. I do not believe our nation can afford to take the risk that John Tower's drinking problems are all in the past.

2. The committee found no findings of liaisons with female foreign nationals, and hence no security violations that such activities would entail. Nor does the record support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex. However, the committee found examples of indiscreet conduct toward women by Sen. Tower which call into question his judgment and his ability to set an appropriate example for the men and women in uniform.

3. The committee also believes John Tower showed very poor judgment when he chose to provide consulting services to defense contractors on arms control matters immediately after serving as an arms control negotiator. Although there is no evidence that Sen. Tower provided his clients with classified information, this situation created the appearance of using public office for private gain and casts doubt on his ability to command public confidence in the integrity of the Pentagon's acquisition system.

On Feb. 28, President Bush criticized the Senate for making such an issue of the "perception" of a conflict of interest. Yet in one of his first speeches after his inauguaration, President Bush said that "the guiding principle will be simply to know right from wrong, to act in accordance with what is right, and to avoid even the appearance of what is wrong." And in a new conference a week later, he noted that "we're in a different time now" and that "what might be legal and might be perfectly sound ethically might have to be altered given this new approach because of perception."

There is much in John Tower's record to commend. I believe that John Tower is a loyal patriotic American who has a solid record of public service. I know that he is dedicated to our nation's security.

That, however, is not sufficient reason to confirm John Tower as secretary of defense. The man who fills this office must be a person suited by personal conduct, discretion and judgment to serve second only to the president in the chain of command over military forces and nuclear weapons. The secretary of defense must be prepared to carry out his military command responsibilities 24 hours of each day, as underscored by crises such as the 1968 capture of the USS Pueblo, the 1983 bombing of the Marine barracks in Beirut and the 1988 shoot-down of Iran Air Flight 655 by the USS Vincennes—all of which occurred in the dead of night.

Lastly, the secretary of defense must set the highest leadership example for the men and women in uniform and the civilian employees of the Defense Department. Leadership must be established from the top down. Standards must be set from the top down. If we want the sergeant at his post on the DMZ in Korea or the lieutenant standing alert with her Strategic Air Command KC-135 refueling tanker at a stateside base to meet the high standards asked of those who wear our nation's uniform, the Senate must make that clear in the individuals it confirms for the position of secretary of defense.

[From the Army Times, Feb. 13, 1989]

TOWER SHOULD GO

John Tower should withdraw his nomination to be the next secretary of defense.

Out of concern for the military, which the former Texas senator clearly loves, he should step aside. Tower's public position has been so compromised by the agonizing process by which he was nominated and is

being confirmed—as of this writing the Senate Armed Services Committee has postponed its vote on the matter—that he cannot be the strong spokesman the Defense Department needs now.

We are reluctant to pass judgment on Tower's character per se. It takes a judge with more moral clarity than we would claim to reach a definitive verdict on the charges of womanizing and high living that have surfaced along Tower's troubled road to the Pentagon post. Edward Kennedy has survived much more serious charges to serve a long term in the Senate. Are the standards for a defense secretary so much higher than for a senator?

More troubling and more at issue is Tower's position as a consultant to defense contractors. No one has claimed Tower acted illegally in receiving big fees from defense firms in return for what, by Tower's own description, was precious little real information. But the speed and greed with which Tower spun through the revolving door is appalling.

Though the charges against Tower may be unproven, they undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed, he is almost a caricature of how most people see the Defense Department, a kind of Mr. Military-Industrial Complex.

Balancing this is the "Nixon-goes-to-China" argument. That is, Tower will be able to tame the Pentagon's wasteful ways and make reforms stick because he is a such a long-term supporter of the military. In his confirmation bearings, Tower said, "I understand we must live within constraints. I am not such a mindless hawk that I would come to you and ask you for a substantial increase in defense expenditure when I know it is not going to happen."

Tower recognized that he would be viewed with suspicion in asking for defense increases. But how then can he credibly support the current defense budget, which calls for a 2 percent real increase in spending? And how can he make the argument—which needs desperately to be made by someone—that national security may be more important than this year's Gramm-Rudman number? The United States is about to enter the two most important arms negotiations in history and needs to stick to its guns to reach a successful conclusion.

And to maintain a national consensus on military spending, the Pentagon badly needs to have its image resurrected from the Golgotha where spare parts scandals and Operation Ill Wind and pique at our allies and many other problems have marooned it. Is John Tower the man to do that?

Alas, no.

It seems cruel to deprive a man with the skills to do a job he desperately wants to do of the opportunity to make good. And we may be making a moot point, as the Senate seems intent on confirming Tower come hell or high water.

But George Bush, who says he cares deeply about ethics in government, might want to reconsider. The president's sense of loyalty may be too strong.

Or Tower may summon personal courage of his own—it would take uncommon courage to refuse now the job he wants so much—to step aside. It might be the best help he can give to his friends in the military.

[From the Defense News, Feb. 6, 1989]

TOWER SHOULD STEP ASIDE

Mr. John Tower should withdraw his name from consideration to be defense secretary of the United States. It would be a service to the country and to the president. Withdrawal would be the act of a seasoned politician who understands that the best interests of the nation sometimes require personal sacrifice by those who would help lead it.

Withdrawal is necessary because the record of Mr. Tower's professional life raises substantive doubt that he can perform with utmost effectiveness at a time when defense priorities and the Defense Department each are undergoing periods of vital, but delicate, change.

The nation's ability to mount a robust defense depends, over the long term, on the support of the American people. Support for defense spending is declining. The public is raising legitimate questions about the relationship between the Defense Department and the defense industry. Further, defense no longer is the nation's top priority as was the case in 1981 when President Reagan accelerated the defense buildup begun by his predecessor. Today, defense is one of a number of national priorities, which include reduction of the federal deficit and improvement of the nation's trade balances.

What is needed is a defense secretary with the political skills to raise public confidence in the Pentagon and the acquisition process. He should have the vision to unite NATO's quarrelsome allies and address their changing and diverging defense priorities in light of Soviet leader Mikhail Gorbachev's entreaties. The new secretary must possess the diplomatic and leadership skills to build an international consensus for the president's defense agenda.

While in the Senate, Mr. Tower earned a reputation as a tough, abrasive deal maker. Even his allies do not characterize him as one much interested in the opposing views of others. He demonstrated little interest in improving the acquisition system or in balancing the appetites of former Defense Secretary Caspar Weinberger with other, equally important, needs of the nation.

But it is his job since 1986 as a defense consultant that is most troubling. In about two years, Mr. Tower earned $1 million as a consultant for Rockwell International, Martin Marietta, LTV, Textron, British Aerospace, Astrotech and Hicks and Associates, a consulting firm that advises, among others, the Northrop Corp. These firms are makers of the B-1 and B-2 bombers, the MX and Midgetman missiles, and a wide array of the Pentagon's most important conventional weapons.

Sen. Sam Nunn, chairman of the Armed Services Committee, summarized the issue this way: "Frankly, the difficulty here is not the fact that you have worked for a defense contractor or been a consultant" but that Mr. Tower represented "five or six or seven of the major corporations . . . If you were to [excuse] yourself from [Pentagon discussions involving] all of them, you couldn't be secretary of defense . . . We have a perception problem. The question of conflict is one that usually relates to continuning financial interests. The other is perception . . . I know you to be an honest person. But I do worry about the perception."

The senator worries because he knows that today's public perception is tomorrow's political reality. That is why President Bush established ethics in government as a priority of his administration. After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself.

The principle task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

[From the Navy Times, Mar. 6, 1989]

THE TOWER VOTE

President Bush gambled and apparently lost on the nomination of former Sen. John Tower to be secretary of Defense. The Senate Armed Services Committee sent the nomination to the Senate floor with a recommendation not to confirm.

The vote split along party lines—11 Democrats against Tower, nine Republicans voting in favor of their former colleague. If the partisan pattern holds, the nomination will be defeated in the Senate where Democrats hold a 55-45 majority.

Critics of committee chairman Sam Nunn, D-Ga., say with some bitterness that he allowed rumor and innuendo about Tower's social life to rule the day. They suggest that Nunn had his way with Defense when Frank C. Carlucci was secretary, and now he bristles at the thought of so formidable an adversary as Tower taking over that post.

Those charges themselves seem the fruit of politics and bruised egos. As Navy Times went to press, no version of the FBI investigation into Tower's personal habits had been released. The public has no way to assess the material that swayed Democratic conservatives like Nunn and Sen. John Glenn, D-Ohio, to vote against the nomination. But Sen. John Warner's observation that reasonable men can disagree on the implications of the FBI reports is no ringing denunciation of Nunn's leadership on this issue.

Both Nunn and Tower care deeply about national security and those serving in the armed forces. Tower served with distinction in the Senate for 24 years. He's been a strong supporter of the Sea Services. As a master chief in the Naval Reserve, he holds a special affection for the Navy.

But the Senate has an obligation to vote down a nomination when sufficient questions of character are raised. All those investigations were opportunities to allay the Democrats' concerns. They did not.

The vote in committee came down to two issues. The first is whether Tower is a good choice to handle the tough decisions ahead for defense. He has the brains and background to handle the job.

The second, however, involves leadership, and that includes personal habits. "Will we demand less of our secretary of Defense than we do of our people in uniform?," Glenn asked.

We shouldn't. And military people need to know we won't. The Defense secretary should be, and should be known to be, a man of upstanding character. President Bush should nominate another to lead the Defense Department.

If he does not, the full Senate should reject the nomination.

[From the Air Force Times, Feb. 20, 1989]

NOT TOWER

The armed forces are under great pressure. They are being forced to find ways to hold down spending without endangering the nation, and they must rebuild public trust in the flawed procurement system. To do this, they need a strong, widely respected leader.

John G. Tower is the wrong man for the job.

Let's set aside for the moment the questions that have been raised about his drinking habits and his relationships with women. And let's even assume that the most recent FBI investigation into his financial affairs yields no evidence of illegality. There are other, compelling reasons Tower should not be secretary of defense.

It is clear that defense spending will be constrained and that the secretary of defense will have to engage in intricate and delicate negotiations with Congress and within the executive branch. To assure that the resources devoted to defense are adequate, but not excessive, the nation needs a Pentagon leader who is credible.

Tower is not. He has accepted more than three-quarters of a million dollars in payments from U.S. defense contractors for various consulting services he has rendered to them since he retired from the Senate.

In testimony before his former colleagues, he has offered to "recuse" himself—that is, not be involved in—certain decisions involving projects with which he was directly associated. But that is not a feasible solution. It would mean, in effect, that every time such a project required a decision by the secretary of defense, he would have to leave the room. That's no way to run the Pentagon, especially now, when excruciatingly difficult decisions must be made. There is too much at stake to allow vital decisions to be handled by underlings because the secretary of defense's chair is empty.

Unfortunately, Tower's lack of credibility is not limited to issues on which he worked as a consultant, and that is the most significant problem.

Tower is so closely associated with the defense industry that many people will question virtually any statement he makes on defense issues. His supporters argue that Tower knows defense issues and he knows Congress. That is true. But this knowledge is worthless if it is perceived to be tainted by bias.

Why should the people of the United States accept as the leader of their defenses a man whose effectiveness has been impaired by his past? Surely there is one person among the 250 million Americans who is both qualified to be secretary of defense and unfettered by ties to the defense industry?

Tower's nomination shows poor judgment by President Bush. It should be withdrawn. Failing that, it should be rejected.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I think every new Senator hopes to ease gradually and gracefully and without controversy into his new duties. I found myself, as a new member of the Armed Services Committee, thrown into the middle of what has become the topic of the day, the great controversy that surrounds the confirmation of John Tower.

For the last several weeks, I have been forced to deal with the personal affairs and effects of an individual's life, spent many, many hours reading the voluminous accounts of allegations, of FBI investigations, listening to witnesses, and trying to form an opinion as to how I should handle this matter.

I think my lack of previous exposure to the issue, my unfamiliarity with the nominee, is probably an advantage. Unlike others on the committee, I did not know John Tower. I did not serve with John Tower. He never did me any favors; he never did me any harm. In fact, we had never met before this occasion. So I believe I approached the nomination with the personal detachment that is valuable in a juror and important in my efforts to examine the evidence in as an objective a manner as possible.

In working through this question and in examining the evidence and listening to the witnesses and reading the reports, I was reminded of one very important question over and over. Just exactly what was I supposed to be doing? I know the simple answer, advice and consent. That is our constitutional duty. But trying to define what that meant and what my responsibilities were has been a very, very difficult process. I am a lawyer. I asked my constituents to forgive me for that, but I am a lawyer, and I would have known what to do if John Tower had been on trial. The rules of evidence would have applied. Witnesses would been called and cross-examined. Innocence would have been assumed, in the absence of any proof to the contrary. But the Tower hearing has been like no trial I have ever seen. Witnesses are mostly anonymous. Allegations have been kept secret. The defendant, in this case John Tower, was never allowed to confront his accusers, or know even what they charged, except by picking up the paper the next moring and reading a new allegation. Under these extraordinary procedures, where hearsay is given the weight of proof, the case against John Tower, in my opinion, has not been made. Witnesses gave us conflicting testimony; allegations have been vague and, for the most part, unsubstantiated. The charges remain unconvincing. To date, in my opinion, none of the charges would begin to prove the case against John Tower in a court of law. Proof, it turns out, is what some committee members were not after. They referred to again and again, as we just heard previously on the floor, the concept of perceptions, perceptions of impropriety, perceptions of insobriety, perceptions of insensitivity.

One member of our committee explained before voting against John Tower: "However those perceptions are formed * * * by the nominee's own actions * * * (4) by the press reporting their interpretations * * * whether we like it not, the perceptions are there and they are real, and I think they have to be considered." "Once again," he concluded, "it is perception, and perceptions of a leader determine much of the effectiveness of that person's ability to lead. That may not be fair. I agree with that. That may not be fact. But the perception is there, and we are still looking for leadership, and that means leadership by example."

Is this what advise and consent means? Is it a trade in allegations and perceptions, a weighing of media damage and public opinion, and because the public has the perception that John Tower is not qualified, regardless of whether the facts substantiate that perception, that that weighing of perception is enough to deny him the nomination?

Forget John Tower for a minute. He may or may not be the best person for the job of Defense Secretary. I am convinced that he is, but that is not the point I am trying to make. I think there is a principle involved here somewhere, a principle concerning how the Senate should treat the President's Cabinet appointments, a principle about what nomination means.

Fortunately, it is not a debate that we have to conduct in a vacuum. Advice and consent was given considerable attention by the founders. Alexander Hamilton wrote that the Senate should approve a President's nominee, unless there were "special and strong reasons for refusal;" further, that when the Senate oversteps its proper bounds, the result is "the full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly."

Thomas Jefferson narrowly limited just cause for Senate rejection of a nominee, "I have always considered control of the Senate as meant to prevent any bias or favoritism in the President toward his own relations, his own religion, toward particular States."

Senator George Cabot, of Massachusetts, wrote in 1799, "I have always rejected the idea of nonconcurrence with a nomination merely because the nominee was less suitable for the office than thousands of others: He must be positively unfit for office, and the public duty not likely to be performed by him, to justify in my mind the nonconcurrence. It has always appeared to me that a departure from this principle would soon wrest from the President altogether the essence of the nominating power, which is the power of selecting offices."

"Positively unfit for office, and the public duty not likely to be performed

by him," a very specific and a very limited standard and a standard that I believe has been the norm in the Senate from the beginning.

Mr. President, I submit to the Senate that nothing in the record presented to us begins to prove the case that John Tower is positively unfit for office or that the public duty is not likely to be performed by him. In fact, we have had eloquent testimony from Members on both sides of the aisle that John Tower is a person for whom the public duty is likely to be performed and performed very well, that a more competent, a more experienced, a more qualified, a more knowledgeable Cabinet Secretary for the Department of Defense would be hard to find.

It is interesting to me that when Harry Hopkins was appointed to be Secretary of Commerce in 1939, Senator Walsh of Massachusetts, though criticizing the politics of the WPA under Hopkins, said that the President's nomination to his Cabinet should not be rejected "except for grave and unmistakable disqualification." Senator Glass admitted he disapproved of just about everything Hopkins had done, but that the President should have the "widest possible latitude" in the choice of his Cabinet, and "if he wants men of the Hopkins type of advise him, I think he ought to be allowed to select them."

And when Henry Wallace was nominated to be Secretary of Commerce in 1946, Walter Lippmann wrote that for the Senate to shoot down a President's selection in the absence of some compelling disqualification was "a usurpation by the Senate of an executive function" and "incompatible with our form of government."

But even apart from all this—apart from Hamilton and Jefferson and the long tradition of the Senate—there is another decisive reason why advise and consent should not be a gauge of public perceptions: because allegations are cheap and reputations are valuable.

If Senate decisions are made on the weight of allegations rather than the weight of evidence; and if those unsubstantiated perceptions can be transformed by a string of charges, none of which are publicly proven; the potential for abuse is enormous. Scurrilous accusation becomes a potent political tool.

Something is wrong, I submit, badly wrong, when it becomes that easy to ruin a man.

I stated in my remarks before the Armed Services Committee just prior to the vote that we may be in danger of establishing a new precedent of setting a new standard for public office, that that precedent would be that the weight of allegation and not the weight of proof is what determines whether a man is fit for office.

Simply put, I believe a President should be given his Cabinet choice unless there is as the Senate precedent has indicated prior to this nomination, some decisive and compelling disqualification. And a decisive disqualification, it seems to me, requires decisive proof.

Mark Twain advised, "First get the facts. You can always distort them later."

I am new to the whole confirmation process, to the process of advise and consent. But it seems to me we have skipped the first step and gone directly to the second. It was impossible for me to conclude otherwise when the Armed Services Committee gave its verdict: charges unproven. Defendant convicted.

Mr. President, I would hope the Senate would not reach this same verdict.

I thank you for the time.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I stated at a news conference on Tuesday when I announced my decision to vote "no" against the Tower nomination that I did not intend to try this case. It is not a pleasant task.

Listening to floor debate this morning, I found myself in a position similar to that of the distinguished chairman of our Armed Services Committee, uncomfortable in passing judgment on our former colleague. Like the chairman, I was initially favorably disposed toward this nomination. But a careful review of the FBI reports has changed that initial disposition. Like the chairman, I cannot in good conscience vote to confirm John Tower, of Texas.

I was pursued to appear on Nightline and two morning shows and three Sunday talk shows, and I turned them all down. I did not seek a high profile in this debate. But I was tempted to go on all of these talk shows when I heard my friend, the distinguished minority leader, Senator DOLE, say, "HOLLINGS is just looking for headlines."

When we are required to pass judgment on a colleague as we are today in the case of Senator Tower, I do not believe anybody seeks out a high profile. Senators would prefer to vote and get it over with as promptly as possible because the Record is not a very tasteful thing.

The Senator from Idaho at one point made an analogy to the TV miniseries Lonesome Dove. In his plea for bipartisanship, he oh so nonpartisanly charged that the Democrats are burying John Tower at the Rio Grande.

We say in law that he who seeks equity must do equity. Likewise, he who seeks bipartisanship must be bipartisanship and is ill-advised to make a partisan accusation that somebody is burying John Tower at the Rio Grande.

I have voted for George Bush three times. I voted for Mr. Bush to be head of our Central Intelligence Agency, to be our envoy to China, and to be our United Nations Ambassador. You can look at my extensive record of positive, encouraging remarks about the President-elect right through December and January. We all talk at civic clubs. My comments were most hopeful concerning Mr. Bush because with respect to Government, I have much, much higher regard for President Bush than I did for President Reagan. President Reagan frankly did not like the Government, and he thought his role or task was to come here and disassemble it, abolish the Department of Education, abolish the Department of Energy, send responsibilities back to the cities, the counties, the States; just get rid of the Federal Government.

In contrast, President Bush has served in all the roles I have just enumerated plus Congressman, plus Vice President, and on down the line. So his record is like mine, a lifetime in Government service. And I respect and appreciate that.

I had hoped that President Bush would act more decisively on the economy. I am disappointed there. But that is another subject.

The point is that I have been favorably disposed to the new President. The Senator from Georgia shares that view. We had been visited by the President in our own party caucus. I had not before seen that happen—a Republican President calling on the Democrats in caucus.

Similarly I have have been taken on a tour of the second floor at the White House by Mr. Bush. I had not been there for 8 years. Senator NUNN and I were shown the exercise room where Ronnie Reagan did his weight lifting. We had two little Bush grandchildren there. There is no one we all admire more than Mrs. Bush. We had a wonderful evening and it was one aspect of that period of good feelings we call the Presidential honeymoon.

I had two Cabinet appointments to consider as the chairman of the Commerce, Science, and Transportation Committee. I had the Secretary of Commerce and the Secretary of Transportation. At the time I got the nomination of Mr. Mosbacher as the Secretary, I was immediately called to task by Common Cause. They protested, "Do not even have a hearing." I rejected the notion of turning the Mosbacher nomination into a political carnival or inquisition for Common Cause or anyone else. I told them so, and we moved forward in spite of Common Cause's objection, and I was commended by my colleagues on the Republican side.

My purpose is not self-congratulation, but the Record will show that the minority joined in the praise of our handling of the Mosbacher nomination and the bipartisan way we did it.

And the same was true of Mr. Skinner.

The White House said that the FBI is the servant of the White House. That is part of our problem right now. The FBI is the servant of the White House and they have conducted their investigation according to the wishes of their master. Likewise, the White House has strictly regulated and controlled Senators' access to the FBI reports. Originally, only the chairman and the ranking member were entitled to those reports. And if any of our colleagues wanted to see them, they just could not, nor could anybody else. And that was the White House rule.

Well, it disturbed one of my colleagues because in the Judiciary Committee, when reviewing judicial appointments, all Senators, not just the chairman and the ranking member see the reports.

But, anyway, we ironed that issue out in a bipartisan fashion. I only comment so as to emphasize that opportunities, if we wanted to be partisan, have existed on many occasions already in this session.

But I think it is for the good of the Government that the new administration get started quickly and get its appointments through the process. And the record shows that we have confirmed 13 or more top appointees already, all unanimously voted for by every Democrat—all the Democrats.

So what is different with Tower? What is different with Tower? Well, the FBI reports speak loud and clear on Senator Tower. Their message leaves no question. And that is another reason why I felt obliged to answer Senator STEVENS who spoke a few moments ago. You know, we always say, when we do not agree with a particular Senator, "I have great respect." Well, I not only have great respect, I like TED STEVENS. He is one of the finest gentlemen and one of the finest individuals I have ever met. Our friendship goes back to when he first came to the Senate. And, yes, we have socialized and we have traveled together. But he said that the witnesses interviewed by the FBI were not credible.

Well, that goes to the root of one our difficulties with the FBI reports. The confidentiality requirement is a roadblock in this debate. I go back to the servant-master relationship between the FBI and the President of the United States who has the sole control of confidentiality. And, I emphasize that national security is not at issue. There is no national security issue here. In fact, for the national good, it would be best if the President of the United States would immediately release all of these FBI reports, if the committee would release all of its reports. Then we would cut out the shadowboxing. As a colleague said recently to me, "If they release the report, this whole thing would be over in 1 hour's time." Mr. Tower would be back in Texas not to be buried in the Rio Grande but to be buried in the truth of the record.

I request respectfully that the President release the FBI reports. I plead with him to release the report. I implore him to release the report. I demand that he release the report.

I urge that he release those reports because it is precisely the Senate's character that is being assassinated, not John Tower's, and I am sick and tired of it. And that is why I am here on this floor. When you try to do a conscientious job, Mr. Tower's advocates leap to their feet and invoke the confidentiality. They protest, "You can't say anthing about what's in it, you can't characterize it, you can't do anything." But—and here is the double standard—the President can say its charges have been gunned down. The President can say it is innuendo, the President can say rumor, and so on.

I say with no equivocation. The reports contain facts. And I know facts. I have practiced law for 40 years. Those reports contain categorical facts and there are too many of them.

Yet I quote the Senator from New Hampshire, Senator WARREN RUDMAN. "There is nothing in the report which indicates any impairment whatsoever of Mr. Tower due to alcohol," said Senator WARREN RUDMAN, New Hampshire Republican. "Nothing; zero."

Well, if he has the right to say "nothing," "zero," "not a single instance," then I have the right to say "ten times," "twenty times," "thirty times" during the 1980's. I will make a bet with any Senator. I will give them odds 10 to 1, $100 to $1,000, that if the FBI reports are made public, I will be proved correct when I said "at least ten times." And that is what bothers this Senator. That is what bothers the Senator from Georgia and everybody else who has not retreated to the bunker of partisanship.

I really admire our majority leader, GEORGE MITCHELL. He has put no pressure on Democrats to vote as a block. I never received any persuasion or pressure. I was asked whether I talked to Senator NUNN from the time the committee voted until I announced my position after having read the FBI reports earlier this week. I said, "No, I had not."

As you well know, I am hardly Senator NUNN's stooge—he and I differ on the ABM Treaty—but I am his admirer. And he has done an outstanding professional job in handling this nomination and in standing like a rock in the face of an outrageous partisan assault from Mr. Tower's defenders.

I am tired of hearing Republicans trying to frame this as a power grab by Senator NUNN or Senator NUNN's opening shot in the 1992 Presidential race. That is hogwash. He has had a job to do. He would love to have given this job to somebody else. He was not out to get John Tower; neither was I. Heck, I invited John Tower to address our Hibernian Society in Charleston. I thought a lot of him.

I guess it ought to be said at this point that there no longer is any senatorial club as envisioned by my colleague from Alaska. He lamented as to how we are losing the club. It is just not here. You do not get to see the other Senators. You see your staff—and maybe we are overstaffed here, overworked, and reworked. You have five breakfasts and eight dinners and seven other things, and by the time I finish my speech here I have to get back to the staff because they have four appointments waiting in the office. So the collegial relationships are a thing of the past.

They assign us a hideaway office. Senator Tower charged at the Press Club the other day that we stagger out of our hideaways to vote on issues of strategic deterrence. I do not believe I have been in my hideaway four times during the evening hours. So I hardly use it, and I tell my colleagues and my House Member friends: "I have a nice place in the Capitol. If you ever want to use it, you are welcome to use it." I do not use it. You cannot find time to get to it.

No, I never took a trip with Senator Tower. I did not know of his personal life. We all heard of it, the domestic difficulties. Similarly, with respect to his reputation with alcohol. I heard the talk. But I thought he had outgrown that behavior.

Now Senator STEVENS says that it is we who are on trial, that each of us is obliged to cite our personal observations of Senator Tower's indiscretions. But that is not the test. But on that record, no, I have not seen Senator Tower drunk, but I do not think that is my responsibility.

Indeed, I do not have sufficient experience with Senator Tower to judge him on the basis of my firsthand experience. As I said, we do not have that old Senate club and we do not see each other that frequently. The American people ought not to be led to believe that Senators are off in their hideaways having a party and drinking together.

What is unique about the Tower case is the extent and decisiveness of the FBI reports. I was just trying to remember this morning—I have been through the confirmation of Secretary of Defense Carlucci. I never heard anything about liquor or women with

him. I went through the confirmation of Secretary Weinberger. I never heard anything about liquor or women with Weinberger. I went through the confirmation of Harold Brown. I never heard anything about liquor or women with Harold Brown. I went through the confirmation of Donald Rumsfeld. I never heard anything about Donald Rumsfeld and liquor and women. Such facts were not in the record that I remember about Secretary Schlesinger, Secretary Richardson, Secretary Laird, Secretary Clifford, or Secretary McNamara.

But read the Army Times and Navy Times and Air Force Times and Defense News. Every newspaper that closely covers the Department of Defense, every one of them, says: Mr. Tower, step aside and let President Bush appoint someone else.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials by George Will and Charles Krauthammer, appearing in the Washington Post earlier this week entitled, "Political Potshots With Empty Cartridges."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1989]

THE TOWER AFFAIR

POLITICAL POTSHOTS . . .

(By Charles Krauthammer)

William Bennett, drug czar, has to pledge to give up cigarettes. John Tower, nominee for secretary of Defense, has to forswear alcohol. Next thing you know the secretary of Health and Human Services will be required to take a safe sex oath. The pursuit of virtue knows no bounds.

We are in the midst of a full-blown outbreak of congressional fastidiousness and the results are not pretty. Until now ritual renunciations, revelations and other humiliations were demanded of presidential candidates only. The practice has now been extended to Cabinet members. I will begin to enjoy the trend when its reach extends to Congress. But since Congress specializes in inventing standards of conduct for everyone save Congress, I will undoubtedly be denied the pleasure.

At least regarding potential presidents, this ransacking of the candidate's personal life has a shred of logic, since the presidency has become largely a symbolic office. (It will become even more so if the Senate denies the president his choice of Secretary of Defense.) And we want our symbols, like our celebrities, to fit our current fads and fancies. High among these are our moral fads and fancies. A current favorite is to see health as proof of good character and good hygiene as a sign of high moral virtue. (In 1987, for example, hardline conservatives tried to get the surgeon general to declare abortion harmful to the mother in the not unreasonable hope that, in the current climate, the best way to advance the anti-abortion cause is to find abortion unhealthy rather than immoral.)

It is one thing to have presidents undergo public trial of their personal habits. It is quite another to do the same to Cabinet secretaries. A Cabinet is not a symbolic body. The Defense secretary's job is not to be a role model for an ensign. It is to keep the ensign armed, trained and out of war. For that the secretary of Defense needs to be shrewd, tough and experienced. If he is a moral educator as well, fine, if he is not, who cares?

Many senators appear to care. They seem to accept the new standard for Cabinet service enunciated by Paul Weyrich, conservative activist and public scold. Writing Monday in the The Wall Street Journal, Weyrich explained that we Americans ought not be denied our "rightful expectation that public officials be people we can respect as honest and moral role models."

Now no one has called Tower dishonest. If the Weyrich standard for Cabinet fitness is to rule, we need two cabinets. The Role Model Cabinet would be peopled by paragons of virtue, Mother Teresa for HUD, Betty Ford for drug czar, Audie Murphy for Defense. The Real Cabinet would consist of grizzled veterans who can run things.

The role model theory of government is inane. A country that cannot draw on its reservoir of tough little bastards to fight its battles is a country impoverished. Those in need of moral education should turn to church. State has other functions.

In 200 years the Senate has rejected only eight presidential nominees for the Cabinet and never the nominee of a newly elected president. Rejection is a weighty political act. The "moral" argument for doing so in this case is based on criteria so ad hoc and so improvised that one is led to the conclusion that the argument is really political. Senate Democrats, led by Sam Nunn of Georgia, are showing George Bush who is in charge. The straight party-line vote in the Senate Armed Services Committee shows that senators were not giving their independent reading of the FBI report. They were following Nunn or Bush.

Tower has become a test of strength between the parties, between the branches and between Nunn and Bush. If Nunn wins, he becomes the most important arbiter of national security policy in the country after the president, and not far after him. He becomes de facto leader of the Congressional Democratic Party and a logical choice to take Bush on again, this time in 1992.

This would be an enormous political boost for Nunn. And yet his sober, self-effacing manner permits him, as no other politician, regularly to escape the charge of self-aggrandizement. Whatever he does, no matter how political, he remains Mr. National Interest.

Two years ago, he challenged the administration's interpretation of the ABM treaty. A few weeks later, he joined with majority leader Robert Byrd and other Democrats in proposing legislation that would have terminated the American reflagging of Kuwaiti vessels in the Persian Gulf within 80 days unless both houses of Congress expressly voted otherwise. The first was a questionable idea, given the delicate state of nuclear arms talks at the time. The second was simply a very bad idea.

In both cases Nunn was fighting for institutional prerogatives (the treaty- and war-making powers of Congress) that would not incidentally have enhanced his power as Congress' leader on national security issues. Now his aim is the first veto of a Cabinet member in 30 years, an even greater assertion of power.

The Democratic Party is increasingly shut out of presidential politics. Naturally, it wants to increase the power of Congress at the expense of the presidency. But that is not necessarily good for a country with an already weak chief executive. If he beats Bush this time, Nunn will present it as a victory for the national interest. But the whiff of ambition—institutional and personal—will be increasingly hard to disguise.

THE TOWER AFFAIR

. . . WITH EMPTY CARTRIDGES

(By George F. Will)

Sen. Tim Wirth (D-Colo.) voted against John Tower in the Armed Services Committee because, although there is no "smoking gun," the ground is covered with "empty cartridges." And Wirth worries that rumors (cartridges?) of Tower's "womanizing" set an "example" that might cause women in the military to be "discriminated against."

Wirth will not talk about specifics because that would be "unfair." We know everyone is trying to be fair.

Regarding the allegations, Sen. Jeff Bingaman (D-N.M.) stresses quantity over quality. He voted against Tower because the "allegations" (cartridges?) come "from a great many unconnected sources."

Sen. Alan Dixon (D-Ill.) another quantity man, is impressed that "the firestorm of allegations" has not stopped. Many allegations are, he says, merely "rumors and innuendo," but (read this carefully) "other allegations offer cause for considerable alarm." Does Dixon think they are true? All he says is: "There may not be a smoking gun, but there is an abundance of smoke." Smoking cartridges, perhaps?

Sen. John Glenn (D-Ohio) says the "effectiveness" of an officeholder depends on "perceptions," and in Tower's case, "They may not be fair—I agree with that—may not be fact. But the perceptions are there." Thus a confirmation process that began purporting to pursue the truth ends by declaring the truth irrelevant.

However, Sen. John Breaux (D-La.) explains that we are witnessing senatorial idealism: "We ought to be looking for the very best we can find in the nation. The president has the right to go out and find that person, but the Senate has an obligation to determine whether in fact this is the best we can find out there in the whole country." So the Senate's ("we") preferences are at least of equal weight with those of the man who wins the presidential election.

Adding them up, the reasons for rejecting Tower include: alleged drunkenness that a senator serving with Tower claims never to have seen, but which most Democrats now say they believe on the basis of reports (cartridges?) gathered by the FBI. Undefined and undocumented "womanizing." The "appearance" of "conflicts of interest" (more about which in a moment). And the Senate thirst for "the best."

A rule: In Washington, when four reasons are given for doing something, the real reason is none of the four.

Sen. Sam Nunn (D-Ga.) was most worried about Tower's use of alcohol. Then Tower pledged not to touch it. Then Nunn changed his emphasis. Nunn was clear about only why he was not saying. "I'm not saying," he said that Tower as a private consultant improperly gave information to defense contractors. But "it's the appearance that is so bad."

Now, is it really asking too much to ask Nunn, who has rendered an emphatic judgment on Tower, to be comparably clear about his reasons for the judgment? It is simply smarmy for him to issue these sim-

pering disclaimers ("I'm not saying . . .") while destroying a man's reputation, career and with studied ambiguities.

Does Nunn think Tower today has an alcohol problem? Has Nunn decided that Tower behaved unethically as a consultant? Nunn cannot decide, he should defer to presidential decision on Tower.

"I'm in a hopeless situation," Nunn said because he cannot reveal his reasons for finding Tower unfit. FBI reports are confidential. They also are often confusing, contradictory and inconclusive. Because the White House has characterized the reports differently from the way Nunn has, Nunn threatened to reopen the hearings and subpoena people for testimony under oath. This he says, would be "unfortunate."

Oh? For whom? Not Tower, who can hardly be more injured. It might be unfortunate for the patrons of The Monocle Restaurant because all the employees would be testifying. (One claims to have seen Tower drunk, a dozen say they never did.) And it would be interesting to hear from the man who says he saw Tower drunk in Washington on a day when Tower was in Pakistan, Texas and Seattle.

If it is fair to judge Tower for "appearances," it is as fair to note that Nunn "appears" to be taking this personally. As Nunn likes to say, I'm not saying that he is. So there is a "perception" that this is simply a power struggle. The perception may be fair, but we know how seriously Nunn and allies take perceptions.

Some Democrats are behaving the way some Republicans did between 1949 and 1952, when they had been too long with the sobering responsibility of executive power. As Democrats bandy "allegations," or something. Try substituting the phrase "allegations of communist sympathies" for "allegations of alcohol abuse" (or "womanizing" or "conflicts of interest"). Then see what you think of the flavor of this senatorial closemindedness. As some earlier senators (Joe McCarthy and Jenner and others) understand empty cartridges are the perfect ammunition for character assassinations.

Mr. HOLLINGS. George Will talks about "perceptions" and "empty cartridges." Mine are not empty. I wish they were. I am talking about facts. We are not dealing with fanciful things. I quote Charles Krauthamner:

The Defense Secretary's job is not to be a role model for an ensign. It is to keep the ensign armed, trained, and out of war. For that, the Secretary of Defense needs to be shrewd, tough, and experienced. If he is a moral educator as well, fine. If he is not, who cares?

We do, that's who. We have a high duty. It is ironical that this piece should be written in such a way to wrongly refute the DOD's own policy concerning the moral character of members of our Armed Forces. The DOD's policy is quite clear as the record will show. I ask unanimous consent that a summary prepared by the majority staff of the Senate Armed Services Committee on DOD's policy on alcohol abuse be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A SUMMARY BY THE MAJORITY STAFF OF THE COMMITTEE ON ARMED SERVICES ON DEPARTMENT OF DEFENSE POLICY ON ALCOHOL ABUSE

Department of Defense Directive 1010.4 provides the general policy toward alcohol abuse within the Department of Defense.

This Directive notes that "Alcohol and drug abuse is incompatible with the maintenance of high standards of performance, military discipline, and readiness." It is DoD policy to treat, counsel and rehabilitate alcohol abusers where possible. However, those alcohol abusers who cannot or will not be rehabilitated will not be disciplined or discharged.

Army Regulation 600-85 sums up this general policy:

"Alcohol and drug abuse are incompatible with military service. Soldiers identified as alcohol and drug abusers who, in the opinion of their commanders warrant retention, will be afforded the opportunity for rehabilitation. Those soldiers identified as alcohol abusers who do not warrant retention will be considered for separation from the military by their unit commander."

ASSIGNMENT TO CRITICAL COMMAND OR SENSITIVE POSITIONS IN THE MILITARY SERVICES

Senior military commanders unanimously state that selection to and assignment in key/sensitive positions, such as positions involving responsibility for nuclear weapons, and responsibility in the chain of command (i.e. squadron or wing commander, ship captain, and company or battalion commander) are so rigorously controlled that any hint of alcohol abuse would result in immediate disqualification or relief from command.

For example, DOD Directive 5210.42 (Personnel Reliability Program) and implementing Service regulations provide for the screening of all personnel selected for or assigned in positions responsible for nuclear weapons. This includes personnel such as:

a. Aircraft and missile crews assigned to systems that deliver nuclear weapons.

b. Command and control personnel in the command or staff line who could direct the disposition and employment of nuclear weapons.

c. Nuclear maintenance personnel.

d. Nuclear storage and supply personnel.

e. Security guards who control access to nuclear weapons facilities and systems.

f. Communications security personnel who receive, maintain, and distribute authenticators and codes.

The DOD Directive sums up the Personnel Reliability Program screening and disposition policy with regard to alcohol abuse as follows:

"Disqualifying. Any of the following traits or conduct shall normally be considered disqualifying. a. Alcohol abuse."

Alcohol abuse is defined in the DOD Directive as: "Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships."

With regard to selection to and assignment in command positions, senior military commanders indicated there is no tolerance for alcohol abuse. Each of the military services views these positions as special positions in the chain of command that must be filled by individuals who are not only professionally peerless but who are in control of their faculties at all times. They further indicated that command jobs at all levels are demanding in this respect; that all who aspire to command know this; and that rotations into and out of these positions recognize the demanding nature of these jobs.

Examples of these kinds of command positions include:

a. Company Commander of an Army rifle company assigned on patrol duty at the DMZ in Korea.

b. Captain of an attack or Trident submarine on patrol.

c. Wing Commander, or even a Squadron Commander, of an Air Force F-111 Tactical Fighter Wing in England.

d. Brigade Commander of the Berlin Brigade.

e. Army M-1 Tank Commander, an E-5, in the 2nd Armored Cavalry Regiment (quick reaction team) on the border in Germany.

f. CINCSAC.

EXAMPLES OF SPECIAL REGULATIONS ON ALCOHOL CONSUMPTION

Article 1150, U.S. Navy Regulations, provides that: "Except as may be authorized by the Secretary of the Navy, the introduction, possession or use of alcoholic liquors for beverage purposes on board any ship, craft, aircraft, or in any vehicle of the Department of the Navy is prohibited."

Air Force Major Air Command instructions that implement Air Force Regulation 60-16 require aircrews to comply with the FAA standard of no more than .04 blood alcohol content for flying. These instructions also prohibit crew personnel, at the minimum, from consuming any alcoholic beverages within 8 hours of a scheduled flying mission.

POLICY ON ENLISTMENT IN THE MILITARY SERVICES

Department of Defense policy is to: "Not induct persons into the Military Services who are alcohol or drug dependent and not hire persons who are alcohol or drug dependent if that dependency impairs job performance." (DOD Directive 1010.4)

This policy is further outlined in the implementing regulations of each of the military services. For example, Army enlistment regulations state that "Applicants having a history, or possible history, of alcoholism, or have been rehabilitated for a period of one year" are disqualified from enlistment in the Army. (Army Regulation 601-210)

This disqualification may be waived for enlistment into the Reserve Forces only, and then only with documentation that an applicant with a history of alcohol abuse has been rehabilitated. Army regulations state: ". . . applicant must have been rehabilitated for a period of 1 year and present documents below to substantiate rehabilitation that has existed for more than a year.

a. Letter from doctor or rehabilitation center.

b. Letter from person's counselor or AA counselor.

c. Letter from another counselor or AA counselor who has knowledge of the person.

d. Letter from current employer, or if unemployed, from most recent employer."

POLICY ON SEPARATION FROM THE MILITARY SERVICES

General Department of Defense policy is to afford alcohol abusers in the Military Services rehabilitation. Therefore, the primary basis for separation is failure to complete a prescribed program of rehabilitation. For example, Army separation regulations state:

"A soldier . . . may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a [re-

habilitation] program. . . ." (Army Regulation 635-200)

However, this does not preclude separation of alcohol abusers without recourse to rehabilitation if in the judgement of a commander retention of the individual is not warranted.

ACTUAL PRACTICE IN MILITARY

Senior military commanders indicate the normal practice in the officer corps, particularly senior officers, with respect to alcohol abuse is to offer the officer the chance to resign. Few are handled via the military justice system.

Officers with known drinking problems are precluded from command assignments and many problems are handled by the selection board process:

Mr. HOLLINGS. Mr. President, I want to specifically address a section of the summary on page 2 dealing with what actions disqualify an individual from serving in our most critical nuclear and command positions. These points are lifted directly from DOD Directive 521042 which deals with the Personnel Reliability Program—I quote:

Disqualifying. Any of the following traits or conduct shall normally be considered disqualifying. a. Alcohol abuse.

Alcohol abuse is defined in the DOD Directive as:

Any irresponsible use of an alcoholic beverage causing misconduct on unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility or personal relationships.

I would also like to point out the committee's understanding of the views of our senior military commanders on this point.

Senior military commanders unanimously state that selection to and assignment in key/sensitive positions, such as positions involving responsibility for nuclear weapons, and responsibility in the chain of command (i.e. squadron or wing commander, ship captain, and company or battalion commander) are so rigorously controlled that any hint of alcohol abuse would result in immediate disqualification or relief from command.

Strictly according to the directive, John Tower is disqualified. He was disqualified by the DOD's own directive.

Mr. WALLOP. Will the Senator yield for a question?

Mr. HOLLINGS. Yes, sir.

Mr. WALLOP. Those refer to actions on the job, do they not?

Mr. HOLLINGS. I am not going to play the game on the job/off the job.

Mr. WALLOP. It is a simple question.

Mr. HOLLINGS. My colleague and I are going to stay sober here in the Senate Chamber. We stay sober outside the Senate Chamber and around the State of Wyoming.

If the Senator goes around drunk in Wyoming he will not be here again. So, yes, this directive applies not just to "on the job," it requires conducting yourself as an officer and a gentleman. If you are found off base in a bar drunk, or in an airplane drunk, or in a restaurant in Washington drunk, or in New York at a party drunk, and I can go down the list—yes, you would be disqualified.

Mr. WALLOP. But——

Mr. HOLLINGS. It is not just "on the job." Do not raise the canard that we have not seen him drunk on the job.

Mr. WALLOP. Those qualifications of which the Senator speaks are both the judgment of the commander and they are qualifications of people who are on the job. The problem that we are trying to address is to get Senator Tower to the job. There is no indication that he either presently has a problem and, should there be such an indication, the Senator has already foresworn the use of alcohol. So it is not a fair thing to say and not a fair thing for my friend from South Carolina to say that John Tower would be disqualified. He would be if he were on the job and did that, but there is no indication, either that he has ever done it on the job or that he would.

Mr. HOLLINGS. Mr. President, the Senator from Wyoming has a different measure and a double standard. I think "on the job" and "on the base" or "off the base" are one and the same and this directive means exactly that. It says: "Any hint of alcohol abuse." And it means 24 hours a day—on or off the job.

Many of us have been in the military. A soldier does not sit around the barracks getting drunk. He tries to get away from the barracks and back into some civilian lifestyle. But I can tell you this here and now, you cannot require "no hint of alcohol abuse" of the troops in command and then have a different standard for your Secretary of Defense.

Some on the Republican side would like to put us individually on trial. I cannot go along with this notion that as long as you do not get drunk during duty hours, you are a fine candidate for battalion commander, squadron commander, wing commander, or anywhere in the chain of command. That is absurd, because you never know when the alert will come. It can come at midnight as easily as three in the afternoon. And the same policy applies to the seaman in the nuclear submarine service of our nuclear navy.

Mr. WALLOP. Will the Senator yield for a question?

Mr. HOLLINGS. I will not yield at this moment.

I notice that the other side has adopted a scorched earth policy. I notice in this morning's news:

Senate Republicans announced yesterday that they will release the names of Democratic opponents of Mr. Tower who have received political contributions, lecture fees, and free trips from defense contractors.

No. 1, Mr. President, that information has already been released. We filed them and they are public knowledge and they have already been published. So it is not a particularly potent threat. But it is very educational for me because I asked my staff: Pull my file and find out what I received from defense contractors by way of contributions, lecture fees, and free trips. And I found out that in 3 years I did not get any free trips. I only got three lecture fees. That is pretty bad for a fellow who supports the Defense Department as strongly as I do.

I go to college campuses addressing different interests. They all oppose each other and cancel each other out. They are so numerous that they could not possibly buy a vote. They do not, of course. But the point is that I learn a lot from going around, and I get fees. But I have not gotten very many from defense. I guess the industry does not realize I am a friend of defense.

Next to Senator INOUYE, I am the ranking member on the Defense Appropriations Subcommittee, and I want them to know I studied my humility under Mendel Rivers, of South Carolina. His rule was that if you did not take care of him, he would take care of you.

Mr. President, I had the singular privilege of sailing last month on the U.S.S. *Tennessee,* a nuclear Trident submarine.

It was the best of Government. I told the crew that I had just left the worst of Government in Washington, and I say that advisedly having been in Government 40 years. We are indulging in an ongoing didly-bop game with the budget deficits, saying we are going to grow out of them. We continuously cut housing, education, research, technical training, and feeding programs for infants. We keep cutting, holding the programs back, and we will not pay the bills for anything up here. It is the worst of Government I have ever seen in 40 years.

But I saw the best of Government on the U.S.S. *Tennessee.* We went on a dive—overnight—and we witnessed all the different maneuvers. Incidentally, I say to the Senator from Georgia, we closed down the nuclear reactor and started it back up in an hour's time. The Senator from Georgia and I have the Savannah River nuclear plant. They closed it down last year, and we will be lucky if we can get it started this year. But we can do it in the nuclear Navy.

There is discipline in the nuclear Navy. Aboard ship, they kept talking about the PRP. I said, "don't speak to me in an unknown tongue. What is this PRP?" "That, Senator, is the personnel responsibility program whereby we have random testing."

That really got my attention when they said "random testing" because Senator DANFORTH and I will soon reintroduce our bill requiring random testing of workers in public transpor-

tation, airlines, trains, buses, and so on.

I asked, "You have random testing?" Absolutely, we have random testing for the critical control positions in the nuclear weapons program. The directive mandating such testing is the one I mentioned previously, DOD Directive 5210.42 dated December 6, 1985.

Mr. President, I ask unanimous consent to print it in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE DIRECTIVE, DECEMBER 6, 1985

Subject: Nuclear Weapon Personnel Reliability Program.

References: (a) DoD Directive 5210.42, "Nuclear Weapon Personnel Reliability Program," April 23, 1981 (hereby canceled)

(b) Title 8, United States Code, Section 1408, June 27, 1952

(c) Title 5, United States Code, Section 522a, Public Law 93-579, "Privacy Act of 1974," December 31, 1974

(d) DoD Directive 5210.41, "Security Criteria and Standards for Protecting Nuclear Weapons," September 12, 1978

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy governing the nuclear weapon personnel reliability program (PRP). This program is designed to ensure the highest possible standards of individual reliability in personnel performing duties associated with nuclear weapons and nuclear components.

B. APPLICABILITY AND SCOPE

1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies that are responsible for operations associated with nuclear weapons (hereafter referred to as "DoD Components").

2. Its provisions apply to all DoD personnel and contractor employees assigned to PRP Critical or Controlled Positions, as defined in enclosure 1.

C. DEFINITIONS.

The terms used in this Directive are defined in enclosure 1.

D. POLICY

1. It is DoD policy to ensure that nuclear weapons are not subject to loss, theft, sabotage, unauthorized use, unauthorized destruction, accidental damage, or jettison. The national security and welfare require, therefore, that only those personnel who have demonstrated unswerving loyalty, integrity, trustworthiness, and discretion of the highest order shall be employed in nuclear weapon PRP positions.

2. PRP is a peacetime program applicable only to personnel who have access to, or control access to, war reserve nuclear weapons, nuclear weapon systems, nuclear components, or sealed authenticators. These personnel perform duties which meet the criteria for critical or controlled positions (see enclosure 1).

a. Therefore, the program does not apply to Reserve and National Guard units not actually possessing war reserve nuclear weapons, nuclear components, or sealed authenticators, nor does it apply to active duty units tasked to receive but not normally possessing war reserve nuclear weapons, nuclear components, or sealed authenticators, or only receiving them at the outbreak of hostilities.

b. Nevertheless, Reserve and National Guard units shall apply PRP standards as feasible, and commanders shall assign only the best and most reliable personnel to billets that would be PRP positions if war reserve nuclear weapons were present. Reserve and National Guard units that do not have personnel performing PRP duties which meet the criteria for critical or controlled positions shall not identify any billets as PRP positions.

3. While adherence to PRP procedures during wartime may be impractical, particularly in a combat theater, the philosophy of the PRP remains in effect. Commanders, while not encumbered with the administrative controls of the peacetime program, must continue to apply their best professional judgment and select only the most trusted individuals to perform nuclear weapon duties.

4. Critical and controlled positions shall be manned only by U.S. citizens or U.S. nationals.

5. Denial and revocation of certification of acceptability for assignment pursuant to this Directive are not punitive, and are not in themselves grounds for disciplinary measures or judicial or nonjudicial punishment. However, such desertification does not bar disciplinary or administration measures otherwise appropriate.

6. Only DoD employees (military or civilian) shall perform the duties of a PRP position, unless the Head of the DoD Component concerned, or a designee, having found this infeasible, has specifically authorized a DoD contractor to do this work.

a. Contractor employees performing services in PRP positions shall meet the reliability standards of this Directive.

b. The requirements set forth in enclosure 2 shall be incorporated into all contracts for such services, and the contractor's security office shall be advised accordingly.

c. Contractor employees shall perform nuclear duties only on those specific United States installations or cleared contractor facilities authorized by the Head of the United States Component, or a designee, for that purpose.

7. Acceptability of personnel for assignment to Critical or Controlled Positions or to training leading to such assignment shall depend on compatibility with national security interests. The reliability standards in this Directive, and the absence of derogatory evidence related to these standards, shall be used to determine acceptability.

8. Enclosure 3 lists typical PRP positions. Because of the diversity of position titles and duties within the Military Departments, the factors set forth in Critical and Controlled Positions (see enclosure 1) shall determine an individual's suitability for a PRP position in a specific unit. All such positions shall be formally designated.

9. Acceptability for assignment, subject to the standards of this Directive, shall be confirmed in writing by a Certifying Official. Before an individual assumes PRP duties, it shall be certified that the individual has: (a) had the required security investigation and clearance; (b) been screened in accordance with the reliability standards of enclosure 4; and (c) been found acceptable and qualified for assignment to a PRP position under the standards described in subsection D.7., above.

10. The PRP Certifying Official shall ensure that all candidates for PRP positions undergo a medical evaluation conducted in accordance with procedures in enclosure 5.

11. The PRP Certifying Official shall personally interview all candidates for PRP positions.

12. The PRP Certifying Official shall cause all personnel assigned to PRP positions to be continually evaluated.

E. RESPONSIBILITIES

1. The Deputy Under Secretary of Defense for Policy (DUSD(P)), or designee, shall:

a. Be responsible for overall policy guidance and management oversight of the PRP.

b. Modify or supplement, with the concurrence of the General Counsel, Department of Defense, and the Assistant to the Secretary of Defense (Atomic Energy), any of the enclosures to this Directive after such coordination with the Military Departments and Defense Agencies as may be appropriate.

c. Monitor and evaluate the DoD Components' implementation of the policies enumerated herein.

d. Approve waivers to the policy enunciated herein, on a case-by-case basis, based upon the recommendation of the Head of the responsible DoD Component.

2. The Heads of DoD Components shall effect necessary programing, budgeting, and accounting actions to ensure effective implementation of the PRP.

F. PROCEDURES

1. Detailed procedural requirements pertaining to investigative requirements, medical evaluations, continuing evaluations, certifications, decertifications, and subsequent screening are contained in enclosure 5.

2. Each DoD Component shall establish a procedure for formally designating Certifying Officials and Reviewing Officials under this Directive. The number of such officials shall be kept to the minimum consistent with operational requirements. The position of an individual who is designated as Certifying Official shall be designated as a Critical or Controlled Position commensurate with the highest category of any nuclear duty position in the unit or activity concerned. In nonoperational and support activities, such as staff offices or communications elements controlling or using sealed authenticators, transportation units, or storage maintained depots, the positions of first-level supervisors who have been designated as Certifying Officials shall be similarly designated.

3. Certifying Officials shall identify each PRP position (either Critical or Controlled). The number of such positions shall be restricted to the minimum required to accomplish the mission.

a. Procedures shall be established to ensure that only properly certified personnel are assigned to PRP positions.

b. When PRP positions become vacant, certified personnel shall be assigned as rapidly as possible.

c. Certifying Officials shall reevaluate designated PRP positions at least annually to determine the need for additional positions or the cancellation of unnecessary positions. When specific positions are designated as PRP positions by higher authority, an annual review of those positions by individual units is not required. The higher authority will conduct the annual review for the positions they designate.

d. Procedures shall be established to ensure that at least one of the individuals satisfying the two-man rule has a final PRP certification to preclude simultaneous use of two interim certified individuals.

4. The PRP shall be reviewed and evaluated during appropriate inspections and staff visits by all levels of command. The inspection shall include all aspects of the program as established by this Directive. The results of these inspections shall be reviewed periodically at the highest level within the DoD Component to ensure effective and consistent application.

G. REPORTING REQUIREMENTS

1. An annual status reflecting permanent decertifications from the PRP shall be forwarded to the DUSD(P), ATTN: Director, Security Plans and Programs, by February 15 each year. Detailed instructions for preparation of the report are contained in enclosure 6.

2. The reporting requirements in G.1. have been assigned Report Control Symbol DD-POL(A)1403 (formerly DD-COMP(A)1403).

H. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Deputy Under Secretary of Defense for Policy within 120 days. The copy shall be marked to identify the corresponding paragraphs of this Directive. Forward one copy of changes to implementing instructions within 60 days of publication.

WILLIAM H. TAFT IV,
Deputy Secretary of Defense.

DEFINITIONS

For purposes of this Directive the following definitions apply:

1. Access. Proximity to a nuclear weapon or nuclear component affording an opportunity to tamper with or damage a nuclear weapon when such activities could go undetected. Normally, a person near a weapon would not be considered to have access if an escort or guard were provided for either the person or the weapon.

2. Alcohol Abuse. Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships.

3. Armed. Equipped with a firearm along with appropriate ammunition.

4. Certifying Official. For military and DoD civilian personnel, the commander, or designee, responsible for the operation or security, or both, of nuclear weapons, in a PRP position allowing sufficient personal contact with all personnel to permit continual evaluation. For DoD contractor personnel, the DoD official designated in the contract.

5. Competent Medical Authority. A U.S. military medical officer or a U.S. civilian physician employed by the U.S. Government, responsible for providing medical service or clinical evaluations as specified by the Certifying Official and, when appropriate, the Reviewing Official.

6. Controlled Position. A position whose incumbent, because of assigned nuclear duties:

a. Has access but not technical knowledge, as defined herein; or

b. Controls entry into an Exclusion Area, but does not have access or technical knowledge, as defined herein; or

c. Is armed, assigned duties relating to nuclear security, and in a direct line of sight to a nuclear weapon and could inflict damage upon the weapon or, when joined, to its delivery system; or

d. Has been designated as a Certifying Official at operational unit level or first level Certifying Official in staff activities with identified PRP positions at the Controlled level only.

7. Critical Position. A position whose incumbent, because of assigned nuclear duties:

a. Has access and technical knowledge as defined herein; or

b. Can, at battalion, squadron, ship level, or below, either directly or indirectly cause the launch or use of a nuclear weapon; or

c. Controls or uses sealed authenticators, permissive action link (PAL) materials, related codes, strategic missile computer tapes, emergency action messages, or release procedures for nuclear weapons; or

d. Has been designated as a Certifying Official at operational unit level or first level Certifying Official in staff activities with identified Critical PRP positions.

8. DoD Personnel. Active duty military personnel, active civil service employees of the Department of Defense, or DoD contractors and their employees.

9. Drug Abuse. The illegal, wrongful, or improper use of any narcotic substance, cannabis, or other controlled substance or the illegal or wrongful possession, transfer, or sale of same.

10. Exclusion Area. A designated area immediately surrounding any nuclear weapon. Normally its boundaries are the walls, floor, and ceiling of a structure, or are delineated by a permanent or temporary barrier. In the absence of positive preventive measures, access into the Exclusion Area constitutes access to the nuclear weapon.

11. Limited Area. A designated area immediately surrounding one or more Exclusion Areas. Normally this is the area between the boundaries of Exclusion Areas and the outer or inner barrier or boundary of the perimeter security system.

12. Reviewing Official. The commander or a designated representative at the command level immediately above that of the Certifying Official, who is responsible for operations involving nuclear weapons.

13. Tamper. To perform intentionally an incorrect or unauthorized act that could cause prearming, arming, launching, firing, releasing, or detonation of a nuclear weapon or degradation of weapon performance.

14. Technical Knowledge. Knowledge, however obtained, that would allow an individual to tamper with a nuclear weapon or nuclear component in a manner that such tampering would not be detected during normal prefire operations or weapon-monitoring inspections and could cause, then or later, unauthorized prearming, arming, launching, firing, releasing, or detonation of a nuclear weapon or degradation of weapon performance.

15. U.S. National. A citizen of the United States or a person who, though not a U.S. citizen, owes permanent allegiance to the United States. Title 8 U.S.C. 1408 (reference (b)) provides detailed information as to identification of noncitizen U.S. nationals.

CONTRACTOR REQUIREMENTS

The contract shall require that contractor employees performing duties in PRP positions under this Directive shall meet the reliability standards of the PRP. The contractor shall:

1. Instruct managerial, supervisory, medical, and other personnel in the purpose, standards, and procedures of the PRP.

2. Inform and instruct each employee about to work in a PRP position, that the assignment is subject to the standards and procedures of the PRP.

3. Ensure that employees assigned or to be assigned to a PRP position undergo medical examination and evaluation.

4. Provide the Certifying Official with results of a medical evaluation of any contractor employee assigned or to be assigned to a PRP position, and immediately report any other information about such employee, relevant to the standards for assignment under the PRP.

5. Provide for sufficient observation by contractor supervisory personnel of employees assigned to PRP positions, except when such employees are assigned to a DoD Component under the direct supervision of DoD personnel in which case the Certifying Official will be responsible for such observation.

6. Assign to the duties of a PRP position only those employees eligible, according to the Certifying Official, under the standards of the PRP.

7. Temporarily remove an employee from a PRP position immediately upon receipt of information that is, or appears to be, reason for decertification from such assignment under the standards of the PRP.

8. Notify the Certifying Official immediately of such temporary removal and the reasons for it.

9. Notify appropriate activities so that entry authority and access lists may be updated to bar decertified personnel.

10. Immediately remove an employee from a PRP position upon notification by the Certifying Official that the employee has been temporarily decertified.

11. Reassign the employee when notified by the Reviewing Official that the employee has indeed failed to meet reliability standards, and has been permanently decertified.

12. Provide to the Defense Industrial Security Clearance Office (DISCO), Columbus, Ohio 43216, a list of all contractor employees assigned to PRP positions. Update lists as warranted. The lists shall include full name and social security account number, plus name and address of the employing contractor facility and the name, address, and autovon telephone number of the Certifying Official.

TYPICAL PRP POSITIONS

Duty position	Type of position	Example and remarks
1. Commanders, delivery units.	Critical	Army and Marine Corps—CO Battalion and below; Navy—Ship and Aircraft Squadron Co; Air Force—Aircraft Wing and Squadron Co; Persons delegated to act in behalf of the above with respect to nuclear weapon operations.
2. Pilots and crew, delivery aircraft.	do	Pilots, navigators and bombardiers, weapon system officers, electronic system officers. Crewmembers who could not employ or release nuclear weapons are covered in par. 3, below.
3. Delivery unit personnel and supervisors:		
a. With access and technical knowledge.	do	Persons who by the nature of their assigned duties could cause the unauthorized launch, release, or firing of a nuclear weapon.
b. With access, no technical knowledge.	Controlled	Handling, transporting, and launch personnel.
c. Without access	None	Support personnel such as clerks, cooks.

TYPICAL PRP POSITIONS—Continued

Duty position	Type of position	Example and remarks
4. Commanders, nuclear support units.	Critical	Army—CO, Direct Support/General Support Depot; Navy-W—Division Officer; Air Force—Munitions Maintenance Squadron [MMS] and Missile Maintenance Squadron [Mims] CO; Marine Corps—Marine Nuclear Ordnance Platoon [MNOP] or Marine Wing Weapons Unit [MWWU] CO.
5. Nuclear support unit personnel and supervisors:		
a. With access and technical knowledge.	do	Persons who perform modifications, retrofits, limited life component [LLC] changes, and similar tasks.
b. With access, no technical knowledge.	Controlled	Handling, transporting, launch personnel.
c. Without access	None	Support personnel such as clerks, cooks.
6. Personnel in command control line.	Critical	Persons who control or use authenticators and emergency action messages; PAL teams and management personnel; staff officers who could direct the employment of nuclear weapons; contractor and other personnel who control or use strategic missile computer tapes.
7. Handling and transport personnel and supervisors.	Controlled	Storage and supply personnel, supply clerks, vehicle operators, crane operators.
8. Pilots and crew, transport aircraft:		
a. with access	do	
b. without access	None	
9. Explosive ordnance disposal personnel.	Critical	
10. Security guards:		
a. Internal and perimeter.	Controlled	Persons who control access into an exclusion area or a limited area; includes guards within any such area.
b. Monitors	do	Persons who unilaterally monitor intrusion detection systems without any redundant alarm in operation.
c. External to perimeter.	do	Armed persons assigned to duties directly related to the security of nuclear weapons who have a direct line of sight to and could inflict damage upon a nuclear weapon or, when joined, its delivery system.
d. Escort	do	Persons who control access to weapons during movement.
11. Delivery system maintenance personnel and supervisors:.	Critical	Persons who, though their knowledge of the weapon system and their assigned duties, could cause the unauthorized launch, release, or firing of a nuclear weapon
a. With access, no technical knowledge.	Controlled	
b. Without access	None	
12. Inspectors:		
a. With access	Critical or controlled.	Position at least equal to that of position being inspected.
b. Without access	None	
13. Custodial unit personnel:		
a. Custodians	Critical	
b. Custodial agents	Controlled	
14. Communications security personnel.	Critical	Persons who receive, maintain, and distribute sealed authenticators, PAL material, or related codes.

RELIABILITY STANDARDS

1. QUALIFYING

a. Physical competence, mental alertness, and technical proficiency commensurate with job or duty requirements.

b. Evidence of dependability in accepting responsibilities and effectively performing in an approved manner; flexibility in adjusting to changes in working environment.

c. Evidence of good social adjustment and emotional stability and ability to exercise sound judgment in meeting adverse or emergency situations.

d. Positive attitude toward nuclear weapon duty, including the purpose of the PRP.

2. DISQUALIFYING

Any of the following traits or conduct shall normally be considered disqualifying.

a. Alcohol abuse.

b. Drug abuse. It is not intended that isolated or experimental use of cannabis derivatives, such as marijuana or hashish, be automatically disqualifying. The Certifying Official must judge whether such experimental or isolated use has adversely affected the individual's reliability.

c. Neglience or delinquency in performance of duty.

d. Conviction(s) by a military or civil court of serious offense(s), or a pattern of behavior or actions that is reasonably indicative of a comtemptuous attitude toward the law or other duly constituted authority.

e. Any significant physicial or mental condition substantiated by competent medical authority, or characteristics or aberrant behavior considered by the Certifying Official as prejudicial to reliable performance of the duties of a particular Critical or Controlled Position.

f. Poor attitude or lack of motivation.

PRP PROCEDURES

A. INITIAL SCREENING

Determination of initial acceptability for assignments under the PRP shall be made by the Certifying Official on the basis of the following:

1. Security investigation and security clearance

a. Critical Position: A current background investigation (BI) (see paragraph 1.c., below) and a current security clearance at a level commensurate with the security classification of information required in the position.

(1) If appropriate, review of the results of the BI by the Certifying Official. No such review is required if the agency that conducted the investigation and the central adjudicating activity have discovered neither derogatory nor potentially disqualifying information.

(2) In the event that it becomes necessary to consider an individual for a Critical Position and the required BI has not been completed, interim certification may be made under carefully controlled conditions, as set forth below:

(a) The individual has had a favorable national agency check (NAC) within the past 5 years without a break in active service or employment longer than 1 year; or has had a favorable BI for more than 5 years, and has not had a break in active service or employment longer than 1 year. For purposes of this Directive, service as a cadet at any of the four service academies may be considered "active service."

(b) The BI has been requested.

(c) All other requirements of the PRP screening process have been fulfilled.

(d) The individual is identified to supervisory personnel, entry controllers who directly control access to exclusion areas, and others as necessary, as having interim certification.

(e) The individual is not paired, in a two-man team, with anyone having only an interim certification.

(f) Justification of the need for interim certification is documented by the Certifying Official.

(g) Should the BI not be completed within 150 days of the date requested, the Certifying Official, through the appropriate clearance authority, shall ascertain from the Defense Investigative Service the reason for delay in completion. The Certifying Official shall then determine whether to continue or withdraw the interim certification.

b. Controlled Position: A current NAC, see paragraph A.1.c., below, and a current security clearance at a level commensurate with the security classification of information required in the postion.

(1) An NAC completed for the purpose of first-term enlistment or induction into the Armed Forces satisfies this requirement.

(2) Interim certification is authorized for an individual who does not meet the requirement of a current NAC, that is, completed within the past 5 years, subject to the following conditions:

(a) The individual's favorable NAC or higher investigation is more than 5 years old, and no break in active service or employment has exceeded 1 year. For purposes of this Directive, service as a cadet at any of the four service academies may be considered "active service."

(b) A new NAC has been requested.

(c) All other requirements of the PRP screening process have been fulfilled.

(d) Should the NAC not be completed within 90 days of the date requested, the procedure set forth in subparagraph A.1.a.(2)(g), above, for ascertaining the status of the BI in the case of a Critical Position shall apply.

(e) The individual is identified to supervisory personnel, entry controllers who directly control access to exclusion areas, and others as necessary, as having interim certification.

(f) The individual is not used to fulfill the two-man rule requirement with a partner also having interim certification.

c. Fulfilling Investigative Requirements: The investigative requirements in paragraphs A.1.a. and b., above, shall have been met when:

(1) The investigation upon which certification depends was completed within 5 years of the date of initial assignment to a PRP position, and no break in active service or employment longer than 1 year occurred between completion of the investigation and initial assignment.

(2) In cases where the investigation ended more than 5 years before initial assignment or where a break in active service or employment exceeded 1 year after completion of the investigation, a new investigation is required.

(3) After initial assignment to the PRP, a new investigation is not required so long as the individual remains in the PRP. Additional investigative requirements are outlined in subsection F.2., below.

(4) The word "NAC," when used in this Directive, includes the ENTNAC for first-term enlistees and the NACI conducted for civilian employment.

2. Medical evaluation

a. As part of the required screening process, medical histories and records, if they are sufficiently comprehensive and current for the purpose, shall be evaluated to determine the candidate's physical and mental condition and qualifications under the standards of the PRP.

(1) Screening of medical records must be performed by competent medical authority (see definition, enclosure 1) or other personnel specifially trained and designated to perfrom this function. When review is accomplished by other than competent medical authority, as defined, and such review raises a question of an individual's physical or mental suitability for assignment to a PRP position, the case will be referred to competent medical authority for evaluation or additional medical examination.

(2) If available medical records are inadequate, competent medical authority shall conduct a medical examination to determine medical qualification under PRP standards. This medical evaluation shall include psychiatric aspects of the case, involving psychiatric consultation when indicated.

b. Competent medical authority shall advise the Certifying Official and, when appropriate, the Reviewing Official, on all aspects of any condition that may reflect on an individual's suitability for assignment to a PRP position. The Certifying Official shall also be advised of any prescribed medication that could detract from the ability of an individual in the PRP to perform assigned duties.

(1) Nonmedical Certifying and Reviewing Officals are authorized to review medical records of candidates and members of the PRP to make determinations required by this Directive. Due to the sensitive and confidential nature of the records, review authority shall extend only to the designated Certifying and Reviewing Officials and not to their representatives. When approprate, such review shall proceed with the assistance of a physician who can advise on medical record data which might otherwise be misinterpreted.

(2) In connection with review of medical records, pursuant to 5 U.S.C. 552a(b)(1) (reference (c)), such medical records may be disclosed to Certifying and Reviewing Officials for the stated purpose without either a request from, or the consent of, the individuals to whom the records pertain. Certifying and Reviewing Officials may not release or discuss the content of medical records except as provided in subparagraph A.2.b.(1), above.

c. When non-U.S. physicians provide routine medical support responsible U.S. medical personnel shall ensure that medical information relating to personnel in the PRP is properly reported to the Certifying Official.

d. Individuals in the PRP who require medical treatment by non-DoD medical personnel shall be instructed to notify the Certifying Official of such treatment.

e. The Secretaries of the Military Departments shall ensure that physicians on duty with the Armed Forces have been instructed in the purpose of the PRP and have been advised of their responsibilities thereunder.

3. Personnel Files: The individual's personnel file and other official records and information locally available concerning behavior or conduct that could be relevant to PRP standards shall be reviewed in detail.

4. Personal Interview: A personal interview shall inform the individual of the significance of the assignment, the reliability standards, and the need for reliable performance, and shall ascertain the individual's attitude toward the PRP.

5. Proficiency Qualification: It shall be certified, in accordance with DOD Directive 5210.41 (reference (d)), that the individual has had the formal course of instruction and/or experience applicable to a particular Critical or Controlled Position, and is proficient in the duties to be performed.

B. CERTIFICATION

The Certifying Official shall confirm an individual's acceptability for assignment, subject to the standards of this Directive, before that individual begins performing PRP duties. Certification shall be properly recorded.

C. CONTINUING EVALUATION

Certifying Officials shall cause continuing evaluation of the reliability of all personnel whose acceptability for assignment is subject to the standards of this Directive, and shall take action necessary to endure that:

1. Personnel and medical records, including dental records, reflect assignment of an individual to a PRP position or to training leading to such assignment.

2. Individuals whose assignment is subject to the standards of this Directive are so identified to managers, supervisors, and other concerned line and staff officials; and that any information that raises questions about such individuals; judgment or reliability is reported and acted upon without delay.

3. Individuals whose performance of duty may be impaired by the use of prescribed medication or short-term stress, as determined by competent medical authority or dental authority when dental treatment is involved, shall be restricted from duty involving nuclear weapons for the period of the stress or use of medication but should not be removed from the PRP under section D., below, of this enclosure, unless the condition is diagnosed to be of a long-term or permanent nature, or unless otherwise appropriate.

4. Individuals within the PRP understand their obligation to report any factors or conditions that could adversely affect their performance within the PRP to their Certifying Officials.

5. Contractor employees who have been determined eligible and have been assigned to PRP positions are identified to the Defense Industrial Security Clearance Office (DISCO), Columbus, Ohio 43216. DISCO, upon receipt of any information that may bear on the continued assignment of such an employee under the PRP, shall forward that information to the appropriate certifying Official.

D. DECERTIFICATION

Any individual who fails to meet the reliability standards specified in this Directive shall not be assigned to, or continued in, duties of a PRP position. Temporary or permanent decertification shall depend on the circumstances, character, and transitory or continuing nature of the cause.

1. General: A certification of acceptability shall be revoked immediately upon a Certifying Official's determination that an individual no longer meets the standards contained in this Directive. The certification shall terminate administratively when an individual transfers from a PRP position to one not requiring certification.

2. Temporary Decertification: Temporary removal from PRP duties shall occur immediately upon receipt of information that is, or appears, reason for decertification from the PRP.

a. Except when restricted from PRP duties as required by section C., above, individuals removed temporarily shall be notified in writing by the Certifying Official of such action (and cause) within 15 workdays, unless returned earlier to regular duties.

b. The Certifying Official shall expeditiously collect information essential to a considered decision about voiding the temporary decertification or invoking a permanent decertification. In the event of suspected alcohol or drug abuse, such information should include a medical evaluation by competent medical authority.

c. Normally, personnel shall not be permanently reassigned until a final decision is reached by the Certifying Official and, if necessary, the Reviewing Official.

3. Permanent Decertification: This is a determination by the Certifying Official that the individual does not meet the reliability standards specified in this Directive. In such cases the Reviewing Official shall advise the individual in writing of the determination and reasons for it, and of the requirement for review by the reviewing official.

E. REVIEW OF PERMANENT DECERTIFICATION

1. To ensure uniform application of the reliability standards specified by this Directive and effective utilization of personnel, consistent with the purpose of the PRP, the Reviewing Official shall review each case involving a negative determination.

2. Upon review of the Certifying Official's determination, the Reviewing Official shall send written notification to the individual and the activity where assigned, of the findings and conclusion. The Reviewing Official may seek additional clarification or extenuating information from the individual concerned, when such action seems warranted. (In the case of a DoD contractor employee, the contractor shall be told only that the employee has been decertified and must therefore be reassigned to non-PRP duties in compliance with contractual requirements.)

3. If the Reviewing Official sustains permanent decertification, appropriate entries shall be made in the individual's personnel record.

4. In instances involving approval of permanent decertification, the individual shall be reassigned to a position not requiring PRP certification.

F. SUBSEQUENT SCREENING

Whenever an individual who is currently PRP certified is transferred to another PRP billet with a new certifying official he or she must be interviewed by the new Certifying Official. A rescreening of medical and personnel records must also occur whenever those records are moved to a new organization or location in conjunction with the transfer above. Such rescreening ensured the new Certifying Official has current information for the interview, and should strengthen relations among the Certifying Official, medical officials, and personnel specialists by increasing their interaction. The depth of the interview will be determined by the new commander and/or the Certifying Official.

1. When an individual is moving from one PRP position to another, records of the prior certifications are to be favorably weighed in accepting the individual for the new assignment. An individual being screened for reassignment from a Controlled Position to a Critical Position, may be certified on an interim basis with a NAC only without a need for the NAC to have been completed within the past 5 years as required by subparagraph A.1.a.(2)(a), above.

2. A new investigation is required in accordance with paragraph A.1.a. or b., above, under the following conditions:

a. Assignment to a non-PRP position intervened for more than 5 years, with no investigation equivalent to, or more extensive than, that required for the PRP position for which the individual is being considered; or

b. A break in active service or government employment exceeded 1 year; or

c. Significant derogatory or questionable information materializes, rendering this action necessary.

3. No new investigation or certification is required for those individuals now in PRP positions.

INSTRUCTIONS FOR PREPARATION OF ANNUAL STATUS REPORTS REFLECTING PERMANENT DECERTIFICATION FROM THE PRP

Each report shall be designated "For Official Use Only" and include, for the preceding year ending December 31, the following information by class of personnel, such as, military, federal civilian, and defense contractor, in accordance with the attached format. (Note: Each class of personnel; military, civilian, or contractor is reported on a separate form.)

1. Number of personnel in Critical and Controlled Positions, by area, on December 31.

2. Number of decertifications in Critical and Controlled Positions by area.

3. Number of personnel permanently decertified from the PRP subsequent to certification, categorized by prinicipal disqualification trait or conduct set forth in paragraphs 2.a. through f., enclosure 4, above. Indicate no more than one disqualification trait or conduct per individual.

4. Data submitted for subsection C.2. of attachment 1, below, should be categorized further by type of principal drug involved.

Mr. HOLLINGS. Without going to the full text because my colleague from Ohio went into this last evening, I cite page 4-1, "Disqualifying Reliability Standards." This was identified in the summary I mentioned previously.

Paragraph 2 is on disqualifying. It reads: "Any of the following traits or conduct should nominally be considered disqualifying. a. Alcohol abuse."

If you do not come to the conclusion after reading the FBI reports that there has been alcohol abuse by Senator Tower, then I submit that you need remedial reading because the facts are just too many.

Frankly, I originally had a skeptical view of the various allegations about Senator Tower. I recalled the case of former Senator Talmadge some years ago. I voted with him. I well recall the domestic difficulties that gave rise to some of those charges. I thought that that might be occurring with Senator Tower, who I was initially prepared to vote for. The FBI reports persuaded me otherwise.

When I call on the President of the United States to release the record, he can easily protect the confidentiality of the individuals. That is the only duty he owes. If the FBI says, "I take this statement from you confidentially. Senator Tower is up for the appointment of Secretary of Defense, but I would like you to tell me about him, is he a loyal citizen," and so on.

Over the years, I have seen many, many FBI reports and, incidentally, I investigated the FBI in 1954 as a member of a Hoover Commission task force looking into our intelligence activities.

I can tell you there is nothing confidential other than the names of the individuals interviewed, and we can strike those names from the report. We can mask the names, and get down to facts, get away from this diversionary game of impugning Senators' motives. Mr. Tower's defenders have ambushed Democrats with the charge of partisanship, ambushed Senator NUNN with charges of a power play, and so on.

I have the greatest admiration for Senator MITCHELL for not getting sucked into that partisan tit for tat. Rather than jumping up and down every time Senator DOLE had a new charge, Senator MITCHELL did not respond. I was home at the time and I turned to my wife and said, "Well thank heaven GEORGE is not reacting to everything like that because it would look partisan." There is not any question about the partisan nature of the other side's assault on this body. This is character assassination—assassination of the character of the U.S. Senate.

There is also assassination of an individual Senator's character. I cite an editorial in the Greenville News on March 2. Mr. President, I ask unanimous consent it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Greenville News, Mar. 2, 1989]

HOLLINGS TAKES SIDES WITH PRIVATE ACCUSERS

South Carolina Sen. Fritz Hollings has helped put the troubled Cabinet nomination of John Tower in perspective. There's a political lynching going on; and Hollings has joined the mob.

Hollings and Tower served together in the U.S. Senate for 18 years, from 1966 through 1984. And during that period Hollings undoubtedly observed enough firsthand, and heard enough second hand, to establish an informed opinion of Tower's character and patterns of conduct.

Just so, and on the basis of that personal knowledge and assessment of other people's impressions, Hollings said he planned until very recently to vote to confirm Tower as secretary of defense.

Meanwhile, though, tales surfaced of Tower being indiscretely fond of women and alcohol. Tales indeed: These were anonymous accusations for which no one would step forward and vouch for their authenticity. Yet, astonishingly members of the Senate committee screening the Tower nomination repeated the tales as troubling generalizations, giving them the stature of legitimate charges.

It is against this background that Sen. Hollings now says he has read the report of the FBI investigation into the tales; and though no one yet will step forward as a public accuser of John Tower, Hollings says the report makes a persuasive showing that the accusers are credible, their accusations are convincing, and his opposition to Tower is thus unavoidable.

And to top off that deviation from logic and fairness, Hollings says the evidential basis for rejecting Tower is "overwhelming, it is not even close." He means that the 55 Senate Democrats wired for a party-line vote against Tower represent his sense of 100 percent thoughtfulness.

This doesn't even reach the subtlety level demonstrated by Sen. Edward Kennedy of Massachusetts. Kennedy voted against Tower in the Senate Armed Services Committee, making it an 11-9 vote for rejection instead of a 10-10 vote to report the nomination to the full Senate without recommendation.

At least Kennedy, who has some expertise in womanizing and drinking, resorted to entirely different grounds to oppose Tower. Happily for mobs, lynchings devoted to striking down the subjects of their inflamed feelings don't require any other consistency of purpose.

Sen. Hollings places uncommon confidence in accusations made against Tower by persons Tower is not allowed to publicly confront. And Hollings shows no deference to President Bush who publicly accepts responsibility for his choice of Tower. Our senator's reasoning in all this is unclear, but he certainly isn't driven by any impulse to be fair, or by any desire to cooperate with a new president overwhelmingly supported by South Carolina voters in the recent election.

Mr. HOLLINGS. The sloppiness of the thinking and writing in this editorial are matched only by the inaccuracy of its facts. The editorial says "no one yet will step forward as a public accuser of John Tower," false. We have talked about Weyrich, Adelman, and others, all of them pillars of the new right. These people are perhaps Mr. Tower's most damning accusers. The Greenville News editorial poses as an attack dog for fairness, but in truth it is a partisan poodle echoing the most hackneyed lines of Senator Tower's defenders. The editorial cites "anonymous accusations for which no one would step forward and vouch for their authenticity." False; false. The News takes its cue from the President of the United States because I have heard him say the same things.

I tell the President and I tell my distinguished colleague from Alaska that the key charges are credible and corroborated. They say Senator Tower is not allowed to confront the charges. On the contrary, the report's charges have been presented to Senator Tower. He has given ample opportunity to rebut the charges in the FBI reports.

Mr. WALLOP. Will the Senator yield for one question?

Mr. HOLLINGS. Yes.

Mr. WALLOP. Are you contending that Senator Tower is permitted to see this FBI report?

Mr. HOLLINGS. It is my understanding that he has had the offer to rebut its charges.

Mr. WALLOP. I beg to differ.

Mr. HOLLINGS. I believe you should ask the White House.

Mr. WALLOP. He is not permitted to see that report, and that is one of the fundamental unfairnesses of this process.

Mr. HOLLINGS. Let us clear that for the public. They see witness X who makes a statement and—of course, they mask the identity of the interviewee—then they go to Senator Tower: "Witness X said that on such and such a date you were here," and Senator Tower said, "I wasn't even in the country on that date."

Mr. WALLOP. I beg to differ with my friend. It is absolutely incorrect what you are saying.

Mr. HOLLINGS. It is absolutely incorrect what you are saying because I have just stated the truth. I have seen that.

Mr. WALLOP. The Senator has his version of the truth which is not available to Senator Tower.

Mr. HOLLINGS. Senator Tower is given the facts and charges in the report.

Mr. WALLOP. No, sir, Senator Tower is not allowed to see the report, in whole or in part.

Mr. HOLLINGS. I have seen individual refutations, and that is what I wanted to see. I wanted to look at that credibility and measure it for my own conscience.

Mr. WALLOP. I just cannot let it go, Senator. The FBI does not tell Senator Tower the name or the source of those allegations.

Mr. HOLLINGS. I did not say they tell the name of the accuser. The name is masked to preserve confidentiality. Indeed, a number of charges were refuted by Mr. Tower.

Mr. President, I return to the charge that Senator Tower is being treated unfairly. There is a simple solution here. Let the President make the FBI reports public. In this particular case I think it would serve a worthy purpose once the names are masked and other precautions are taken, to open the FBI reports to the public. Give it to Senator Tower. That is what I have requested and that is what I plead. But that is a decision for President Bush. Let me note, however, that I have been told reliably that Senator Tower objects to making the reports public. So ask him. Let the record be made public. This would do me a favor, do him a favor, and do the truth a favor. Does he want it released?

So let us get down to the nitty-gritty of where we are on this question of alcohol abuse.

I took the liberty of checking with the Pentagon and I am saying to myself, "Wait a minute now, you are going to put your friend in as Secretary of Defense when you know what the DOD has done with alcohol cases in the last few years."

From 1984 to 1988, there were 13,515 enlisted personnel discharged for alcohol abuse by the DOD. The DOD admits to only five officers. But, the DOD report containing these figures states that officers are not usually charged with alcohol abuse but with general misconduct or miscellaneous provisions, when he is separated from the service. But we know of actually 5 officers and 13,515 enlisted. The DOD says this is the bottom line, 13,520, but there were many many more discharges due to alcohol abuse. They just weren't all called that. There were also a sizable number of decertifications due to alcohol abuse in the PRP Program—that is the program controlled by DOD directive 5210.42, that deals with nuclear officers and other critical personnel. In 1987, there were 415 of them. So this is my test. How do you swear in as Secretary of Defense, an individual who must deal with thousands of alcohol abuse cases, when he is a known alcoholic abuser himself. Man, what are we talking about in this body? What are we debating? This is an open-and-shut case. The man has a problem, let him handle the problem. But do not ask us to jeopardize the discipline, do not let us make a mockery of the directive of the Navy, Army, Air Force, Marines, the entire military, and civilians. The entire discipline of our armed services depends upon this. And here we dare to quibble, "Was he on duty?" "Did you see him on the floor?" And all of these other things.

Mr. WALLOP. Mr. President, will the Senator yield for a question about those case?

Mr. HOLLINGS. Yes.

Mr. WALLOP. Is there one of those cases that does not also involve either a criminal violation or a duty standard violation?

Mr. HOLLINGS. Alcohol was enough for me. I did not go further. My answer is I did not determine whether or not there was criminal violations.

Mr. WALLOP. That is one of the problems.

Mr. HOLLINGS. It is not a problem for me. I said it is a problem for the Senator. You want him drunk and criminal. All I have to do is find him drunk.

Now, Mr. President, with respect to the test and some of the comments made, what are the nominees' rights. I wish the Senator from Alaska could have stayed and I would be glad to rejoin this issue with him at any time. What are the rights of the nominee, my distinguished friend calls out, under the Constitution? N-o-n-e, none. Because under the Constitution I could come in here and say I do not like him. I do not have to give any reason. I do not have even to say I do not like him. I can just stand silent and vote against him. That is a valid ballot cast in the advise and consent procedure under the Constitution. So there you are.

Now, we all know as a practical matter that it does not work that way. We all have to always answer to our constituents, and so we lean backward and forward to be fair and scrupulous, and the only reason I am on the floor is to persuade my constituents that, by gosh, we did not casually, as charged in the editorial, come forward in a conspiracy or partisan attack, with no evidence, and all those other ignorant charges. We have applied the same test that we have given all other potential Secretaries of Defense. This is the only Secretary of Defense in this, my 23d year, where even the subject has been raised. Charges have been raised publicly, privately, by way of the FBI report and everything else of that kind.

More typical are the nominations of Mr. Skinner and Mr. Mosbacher. We did not have the controversies. I found them very intelligent, very skilled, outstanding gentlemen with tremendous civic records and proud appointments and I join in President Bush's pride. What a contrast to the debate on Senator Tower where the nominee's defenders resort to splitting hairs and drawing little lines on a base and off base, on duty and off duty or whether the drunkenness was in conjunction with a criminal act. And I do not think it is wise to make the issue one of whether or not actual laws were broken. The DOD directive wisely says, simply, any hint. I mean to emphasize those words.

Mr. WALLOP. But will the Senator yield again for one last question. I regret doing this but I think it is important. The public is watching. The regulation the Senator cited concerning the standard for these people being dismissed, or the numbers of which the Senator also cited to us and if the Senator will read the rest of the story—involvement in criminal acts or dereliction of duty.

Mr. HOLLINGS. Not so for the nuclear Navy. Alcohol is enough. I am absolutely proof positive, confident on that. And I am reading this Department of Defense Policy on Alcohol Abuse and not crime. We put it in the record. It is in there. "Any of the following traits or conduct shall normally be considered disqualifying: (a) alcohol abuse." Alcohol abuse is defined as "any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior or impairing work performance, physical or mental health, financial responsibility or personal relationships." It does not say crime. I do not see crime in there?

Mr. WALLOP. It does.

Mr. HOLLINGS. Where I am reading it on page 2 of the summary I mentioned.

Mr. WALLOP. I have it. Misconduct is criminal behavior, unacceptable social behavior.

Mr. HOLLINGS. Misconduct is criminal behavior. I am talking about the definition of alcohol abuse on page 2 of the summary. Let us not try to make a criminal out of John Tower.

Mr. WALLOP. I have the same regulation. I am saying any irresponsible use of an alcoholic beverage causing misconduct, criminal behavior.

Mr. HOLLINGS. That is in further elaboration. I have read the actual definition from the DOD Directive on the Personnel Reliability Program that involves alcohol abuse.

I have the entire thing in the record so we have every page in here. It refers to the part I read at the very beginning where they would be immediately disqualified, and on that basis Senator Tower is, rather than confirmed, he is immediately disqualified under his own directive if he were there.

If we had already confirmed Senator Tower and we read the FBI reports, we would all have to huddle in the Armed Services and Defense Appropriations debating how in the world we can disqualify, court-martial, or dismiss from the service thousands of people for alcohol abuse last year, when we look at the record here of the Secretary of Defense? How could the DOD function with such a double standard.

From page 2 of the summary I will read one more time. "Disqualifying: Any of the following traits or conduct shall normally be considered disqualifying, A, alcohol abuse." Alcohol abuse is defined in the DOD directive as "Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior or impairing work performance, physical or mental health, financial responsibility, or personal relationships."

That is their definition. So we get right to the answer of a previous question by my distinguished colleague from Wyoming where he said it did not impair Senator Tower's work. If you did not see him on the job, if you did not see him drunk, if you did not catch him drunk on the job, the inference being of course that as long as he stays sober at work, it's OK to get drunk and disorderly anywhere and any time you please. Not so. The DOD directive says "unacceptable social behavior." They are certainly not referring to on-the-job behavior. It is all "yes, sir" and "no, sir" as I remember it. The directive did not just say "work performance." It said "social behavior." And it means 24 hours a day.

I want to yield to others. I will be through shortly. But we are not here on trial ourselves, although I will be glad to answer any questions about our alleged unfairness. I will be glad to answer any of these spurious charges. They call that the octopus defense, where they squirt the dark confusion onto the debate such as honoraria and defense trips.

There has been a question in this Senator's mind, substantiated by a record made in the House side, regarding the degree of security that was maintained in Geneva. I am confident from the report that security was violated, and I am confident that Senator Tower was one of several officials responsible for security in Geneva. But I have not gone into that. We can go into that if you all want to really let it all hang out. But this is a personal thing, and there is no personal assassination. The President can run around hollering "no evidence, innuendo, rumor, just partisan politics." He is totally off base. He is hearing here from a Senator that has stuck with him on Bob Bork for the Supreme Court. I did that not on account of partisanship but because I think he is one of the most distinguished jurists ever produced by this country. I will stand by my vote. So I vote them as I see them. I try to study them closely.

I have reached the age to be very, very careful about personal matters.

Senator Tower is—in a sense—asking for a promotion. We want to know here how he deals with an officer and a gentleman. He will be the Secretary of officers and gentlemen and of enlisted personnel—all conducting their behavior in accordance with the Secretary's directive on alcohol abuse. You cannot tell the 2.1 million people in the armed forces, "We are going to give you a test on alcohol abuse but not give such tests to the civilian leaders."

The Senators say, "We don't care about that. We are Senators, and we think he is a pretty good example. We ought to make him Secretary in a hurry because he can do a good job." Those who know Senator Tower, like myself, feel that he could do a good job.

That is not the test, that he could do a good job. The example that he sets as Secretary is equally as important as his doing a good job.

The Senator from Georgia and the membership have been indulgent of me for the moment. Once again, I did not want to try this case. I would be delighted to, if they want to get into this partisanship scrap all weekend about how we are trying to make a power grab, and everything else of the kind.

The Department of Defense is a mess and it needs leadership now. There are too many personnel in the DOD. We should be withdrawing troops from Europe. We will be withdrawing troops from Korea. President Bush says they will remain as long as they are needed, there is a good case to be made, yes, that our Air Force in Korea is needed. But the Army's Second Division including certainly the downtown Seoul golf course and base ought to be given back to the South Koreans, in this Senator's opinion. And, in an expeditious manner.

We can get into all of these things, contracting and the contracting out problem. We heard from Senator Goldwater—a good friend. He has had a lot of good, cute, colorful quotes to the effect that we could not get a government together if we tested everyone for alcohol. But this is no occasion for flippancy. We have to clean up the DOD. We have a real tough job to do. We need someone who has not already been voted down by a majority of the Armed Services Committee.

Similarly, with all the defense journals, Army, Air Force, and Navy Times, and Defense News saying move on, Mr. Tower, let the President appoint someone else. There is no reason for this long debate because the record is clear. It is convincing. It is credible. It is corroborated.

I repeat my bet, as I take my seat, 10 to 1 are the odds. I will show 10 events during 1988. I did not worry about 1987, or that report in yesterday's Post. I wanted to find out whether there had been a recovery because we all believe in forget and forgive. But this is not the time for forgiveness. This is a time to measure the record as it appears on top of the table. I wish the President of the United States would put it on top of the table and quit playing this game, quit talking about innuendo and rumor and saying "totally gunned down," because he is absolutely wrong.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in support of the nomination of John Tower as Secretary of Defense, and I have several thoughts I do want to give here this afternoon. But before we begin that, I will yield to the Senator from South Dakota, who has an airplane he would like to catch. I will yield for 2 or 3 minutes, as he would see fit, for those comments.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I am going to the Air Force Academy this weekend as a member of its Board of Visitors, and I must catch a plane.

Mr. President, I remain undecided on the nomination of John Tower. But I do feel he was treated very shabbily in the Washington Post yesterday. I have visited the FBI records room each day for the last 3 days. I have pretty much taken at face-value the FBI report. But I think we need more analysis of how accurate these reports are. Perhaps they could be made public with the names expunged.

Maybe we could get an analysis or review of each allegation.

Mr. President, let me also say that I will not base my decision on these personal matters. I had hoped we could have a serious debate on substantive defense issues such as the defense contractor reform problem. This is the area of primary concern to me—not all this hearsay gossip on personal matters.

Also, normally, such debate includes issues such as the nominee's positions on our troop strength in Europe, strategic planning, and so forth.

Mr. President, I did want to express my concern about the accuracy of many allegations in the FBI report and the Washington Post yesterday. Too much attention is directed to these matters, and I agree with the President that perhaps an unfair standard is being applied in this respect.

My concerns about Senator Tower arise from a philosophy I have about what the Secretary of Defense should be vis-a-vis the contractor community. Last November, long before Senator Tower was nominated, I wrote President-elect Bush a letter urging that a Secretary of Defense be appointed who was separate from the normal military-industrial complex.

A B-1B bomber crashed recently near Rapid City, SD. Some in our civilian population, and some in our military population, believe that the electronics system in the B-1B has defective parts. Experts say it may cost $10 billion to fix up the B-1B. I believe the contractors should pay to fix it—not the taxpayers.

The $500 hammer, the $300 coffeemaker, and so forth—we must end these abuses.

One way is to demand reform in the defense contracting system, and to use this confirmation process to do so. This is my primary concern.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I proceed here with some trepidation this afternoon following the great orator, the Senator from South Carolina. I have watched him for many, many years and admired his ability and his great leadership in this body.

So, as a new Member of the Senate, I am hesitant to proceed behind this great Senator from South Carolina. I will do so, and I will begin my remarks here today by talking about something that has been concerning me throughout the discussions in the Armed Services Committee and here on the floor of the Senate—that is, even the use of the word "perception."

I have heard Senators on the Armed Services Committee and others outside of this great body, and Senators here, talk about the perception. It is the accumulation of the accusations, even though they may have been proven to be untrue or unfounded or totally hysterical. It is the accumulation of those allegations that seems to have created a perception that is wrong for a Secretary of Defense. I have to question that. Should we cast such a historical vote on the basis of what we perceive may or may not have been happening? I submit that is fundamentally wrong.

Also, I want to refer to some of the examples that have been given, not because of the examples themselves, but because of the timing and what they did to the process. We have all heard the story of the now famous Russian ballerina. But more important than that story, and the fact that it was totally baseless, was when it occurred. On February 8 or 9, the Senate Armed Services Committee was close to the point where we could have had a vote before the Senate went into recess for the Presidents Day recess. But this allegation appeared before the committee. I remember distinctly this Senator saying, "Now, that is a serious allegation. If there is any evidence whatsoever that any of that is true, I want to know about it." Certainly, I would have factored that into my thinking. So at that crucial juncture, when the Senate Armed Services Committee was about to vote, and in my opinion, would clearly have voted to confirm Senator John Tower, or recommend to the Senate that the Senate confirm John Tower, to be Secretary of Defense, the committee stopped and said, "No, we want this investigated." The FBI will need some time to check into it, and so we did not act on that pivotal February 8 or 9, and then 10 days went by.

When we returned from the Presidents Day recess, as I recall, around February 20 or 21, I checked on this and found that certainly there was no truth to it at all, but at a crucial moment we hesitated, because of what turned out to be an unfounded hysterical allegation of monumental proportions.

Then there was the second instance. For almost 1 whole day, and over a couple of days, a week or so ago, the committee was saying, well, there is a new allegation that the FBI needs time to look into. That appeared on the front page of the Washington Post. This is the one with regard to the "credible business person," Mr. DeBerge.

So the committee was saying we need to know whether these allegations of being perhaps in a condition of drinking too much in a Washington hotel are true. Once again, the committee was sort of immobilized as we questioned, is this true, are these dates and examples, and can it be corroborated?

Again, the committee hesitated, because we wanted to know if there was any truth to these allegations. A second time, it turned out that all three dates that were mentioned were not true, and it turned out that this credible businessman had a very clear partisan background, in fact, was a pollster, a political pollster, and a second time when we hesitated. These are all important, because of what they did to the process, and because of the time that was lost.

Now, a third time. The last couple of days, members of the committee have met in groups, and the Republicans have met to talk about this allegation, about this Air Force sergeant who alleged that Senator Tower came to Bergstrom Air Force Base and was out of order. He was drinking and acting indiscretely with a female member of the Air Force. So again we asked if this is true. In fact I had the media asking me, "Well, Senator, if you found out he did let his hand slide down in an untoward manner, would that affect you?" Should a Secretary of Defense act in that way? I started asking myself, well, yes, how would that affect you?

Again, it turned out that this witness was a witness who had a history, perhaps, of exaggeration, but it was on the front page of newspapers, and it caused the Members to hesitate. It caused the Senators to say, "I want to know. What are the details?

There are other examples of where the committee hesitated and did not go forward because of allegations which turned out to be totally unfounded, untrue, baseless. It has contributed to producing this swamp that we are now in, where we have lost sight of the bigger picture of what we are dealing with, and we are analyzing every blade in this swamp, every tree, every movement that occurs. I think we have lost sight of what really we should be dealing with here.

As a new Member of the Senate, but one who served in Congress for 16 years, I take the Senate's constitutional role of advice and consent very seriously. I have looked at the allegations and the evidence, keeping in mind what our roles should be. As a member of the Armed Services Committee, I have had a responsibility to be involved in the process right from the beginning, and, quite frankly, I have been perplexed and troubled by what I have seen and heard and the way the committee acted.

I could spend a lot of time talking about the limited number of witnesses that we did actually hear, the fact that the committee had almost no substantive discussion between he Members on both sides of the political aisle. We were talking about procedure, usually, or allegations that needed to be checked out.

A major concern I have pertains to Senate tradition. This body has certain standing rules and it also has a large number of precedents based

upon interpretation of those rules over time. During the short period of time that I have been here, I have been looking at a number of Senate precedents, and I have learned that the Senate also has a number of unwritten rules that govern our relationships with each other—things like senatorial courtesy, reciprocity and yes, even expected standards of behavior for Members of this great body. We also have certain unwritten customs that guide our relationships with the executive branch—namely, the presumption that the President, especially a new President, should have the right to name his own Cabinet.

Mr. SYMMS. Will the Senator yield for a question?

Mr. LOTT. I will be glad to yield.

Mr. SYMMS. I want to compliment my dear friend of many years, who came to the other body when I did, and I say it is wonderful to have him here in this body, and I will be looking forward to working with him.

Mr. LOTT. I thank the Senator.

Mr. SYMMS. I did not have the privilege of being on the Armed Services Committee—if it was a privilege—while this partisan debacle took place, but I am interested in page 16 of the committee report, and I want to quote what it says. It says:

> . . . has brought to the Committee's attention personal knowledge of even a single incident calling into question John Tower's fitness to serve as Secretary of Defense. Rather, prior to the President's nomination of John Tower on January 20, 1989, 12 of those Members were asked for their opinion and gave their recommendation for John Tower to serve as Secretary of Defense. Among those giving such a favorable recommendation are 6 Democrat Members of this Committee.

Among those giving such favorable recommendations are six Democrats, members of this committee.

Was that discussed in the committee, the members of the committee who had recommended to George Bush on a point that the Senator asked?

I agree with the Senator that the President was elected; the elections are supposed to mean something. He should be able to choose a capable Cabinet officer of his choice.

But evidently, he called members of the committee and the very members of the committee who after some change of heart, for whatever reason, voted against him that told the President that they favored his nomination.

Is that public knowledge or was that ever discussed in the committee?

Mr. LOTT. It was mentioned peripherally by a number of members on a number of occasions. I think it probably was even referred to in some of our views.

I have here with me a number of quotes from Members of the Senate, some of the members of the committee who have just made laudatory remarks about Senator Tower to the high heavens about no limit to what he could do and hoping he would be involved.

But the Senator makes an important point. I have asked myself. I have asked present Senators and former Senators, including the great former Senator from Mississippi and chairman of the Armed Services Committee, John Stennis, "What about this process? What about this man?" And I have without exception found that our colleagues here have said that John Tower is a man of great ability, a man of experience, and that he is definitely qualified.

I have asked them, "Have you seen him inebriated or out of control or in a debilitating state at any time in performing his official duties or otherwise when he was acting out of order?" And without exception, the answer has been, we have never seen such a circumstance.

I do not understand why it is that Members of this body now forsake what they have seen and heard with their own eyes and accept allegations from unnamed sources all over this country who have come in anonymously and said, "Well, I heard this." Some of these allegations are in the fourth degree. This person heard it from another person who heard it from somebody else.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. LOTT. I am glad to yield further.

Mr. SYMMS. I come back: Were there six Senators who voted against Senator Tower in the committee that had told President Bush they thought he would be a good Senator?

Mr. LOTT. That is my understanding, no question. A number of committee members voted against him who earlier gave a clean bill of health to the Senator when interviewed by the FBI.

Mr. SYMMS. I hope some of the majority would explain that because that to me is hard for me to understand how you can suck and blow in the same breath. Either you are for him or against him. Of course, someone could change his mind.

It seems to me that at some point in time, a President, if he seeks advice and counsel from Senators, there should be some respect for the advice and counsel they give the President.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. LOTT. I am glad to yield to the distinguished Senator from Ohio to join in this discussion. Perhaps the Senator from Idaho would like to continue to participate in it.

Mr. GLENN. I want to make clear the only time I was asked—I probably was one of those six, but I was asked by the FBI if I knew any reason not to vote for him, and I said, no, that I did not at that time, and so I suppose I am probably counted in those who were not against him at that time. I learned a lot since then through all the hearings and reading the FBI reports, and that is the reason that I changed.

I was predisposed at that time to vote for him and said so. I wanted to have the hearings before I finally made up my mind. At each step along the way my predisposition was eroded by what I learned.

I probably was one of those listed, and I think the other members of the committee on our side had the same kind of circumstance apply.

Mr. LOTT. I thank the Senator for his comments. The Senator certainly has been diligent in his work.

I ask the Senate again: Do they not know this man? What are we doing to this man? You know, beyond the precedents and the tradition involving the President, what we are doing to the Defense Department? What about John Tower and all the accusations and innuendos that we are now being influenced by? And yet we know the man ourselves.

I did not serve in the Senate with John Tower, but I have known him for years, being a Member of the House of Representatives, and then I did serve for a year with him as cochairman of the Republican platform in 1980. I was with him all over this country, in cities from New York City to Los Angeles and St. Louis. I was with him long hours when we had hearings all day long from before 9 o'clock to after 6 o'clock, or even into the night. I was also with him socially.

Never once did he show any evidence that he was not doing anything but the best possible job. Never once did he show any influence of alcohol.

I have seen him with my own eyes time and time again.

Now, am I going to turn and be influenced by what has been brought before the Senate Armed Services Committee by an FBI investigation which was not sworn and which in many instances is contradicted by others?

So much of the material in that report that is favorable to John Tower, which we cannot give by name, is not being mentioned.

The President is trying to assemble his Cabinet. He has that right. I have been floored by what I have seen. I thought I had left straight party line votes in the other body where trench warfare is the order of the day. I did not expect it here. I thought it was going to be like all these other votes we have been having.

Yet in this case for some reason it seems to have spun out of control.

The President knows John Tower better than any of us, longer than most of us. He has seen everything

that we have seen. He has made his choice. The Commander in Chief has picked the man that he wants to be Secretary of Defense, and it seems to me that Senate tradition would lead us, barring some debilitating evidence, some incapacity to perform, to ratify his recommendation.

In over 200 years, the Senate has rejected a President's nomination for the Cabinet only eight times. Never before in the first year of a President's new term. Never before a Secretary of Defense. Never before a former colleague that we know.

Are we now prepared to deny this President that right?

John Tower is certainly qualified. I do not want to repeat what others have said. But I have been impressed by his demeanor, by his tenacity, by his knowledge. And I have concluded that John Tower is enormously well qualified—by virtue of his education, by virtue of his experience in the Senate, by his experience as a arms control negotiator and an ambassador, and yes, based upon his experience in the private sector, which I believe will prove to be an asset in managing the Pentagon.

I did not think when I came to the Senate that I was entering a monastery to be a monk. Are we not when we leave this body going to be entitled to go work in the area where we have the greatest knowledge? That is where the man spent 24 years of his life, in the defense area. It was perfectly natural that he go in the private sector and work with defense contractors.

Does he have the temperament for the job? Absolutely. Is he a gladhander? No. Does he suffer fools gladly? Obviously not.

Has he bruised some egos around here? I did not realize how much. But apparently he has.

I would submit to the Senate that his tough demeanor and vast intellectual capabilities will be enormously valuable to the President and the administration at this time in providing exactly the kind of leadership that is required to strengthen and maintain our Nation's defense capabilities.

Does Senator Tower have a conflict of interest and will his former financial ties to defense contractors impair his judgment as Secretary? No! My friends, there is no conflict of interest. He did not go from the Senate right into the private sector. He went from the Senate to arms negotiator and then into the private sector.

John Tower indicated to the Armed Services Committee that he has severed all his ties to the companies for whom he furnished advice. He does not own any stock in any of the companies. He is not entitled to deferred compensation from any of the companies. And he has no contractual relationships of any kind with any of the companies.

Those of you in this room who know him better than I do know that John Tower would not put himself in a position of having a conflict of interest.

He said it himself best in his own words when he appeared this week before the National Press Club.

> Defense decisions can have no criterion save the preparedness of our military forces. There can be no favorite weapons—only effective weapons. Each service must understand that the Secretary of Defense is a person who can—and frequently does—say no.

And John Tower is a man who can say no.

And under current conditions, "no" is a word that must slip easily off the Secretary's tongue. There can be no favored contractor—only effective and honest ones. Defense contractors, by their performance, earn the responsibility—yes, the responsibility—to craft America's weapons.

John Tower, by his own words, has set out very lofty criteria that he will use as Secretary of Defense.

In 30 years of public service, including 24 years as a Member of this body and chairman of the Armed Services Committee for part of that service, there was never one iota of evidence that John Tower ever did anything to bring disfavor on the Senate or on the United States of America. Quite the contrary was true.

John Tower has always had the highest regard for his country and has always given top priority to what is in the foreign policy and national security interests of the United States. I would submit to the Senate that he will do no less if we vote to confirm him as Secretary of Defense.

What about the alleged improper actions with regard to women? We have talked about the recent situation with the Air Force personnel, a man named Jackson, but I think that this can best be described by the chairman of the committee's own words. Senator NUNN, both in the article in the paper today and in his remarks before the committee last week, said:

> I believe the committee's record on this issue demonstrates no finding of liaisons with female foreign nationals, and hence no security violations that such activities would entail. I also believe that the record does not support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex.

So I think this issue has been laid to rest.

Has John Tower been known to have a drink? Sometimes too much perhaps, in the 1970's? Yes, he has acknowledged that. But there is also a lot of evidence, clear evidence, that in recent years his consumption has been in moderation and that it has not been a problem.

How many of us in this room would admit to that proclivity if really under the microscope like John Tower has been? But there is clear evidence, clear evidence, and many witnesses who have said that it has been substantially moderated in the 1980's. I am absolutely convinced it has been moderated.

And now John Tower has taken a pledge of abstinence with his promise to the American public not to "consume beverage alcohol of any type or form" if confirmed as Secretary of Defense, and has offered to resign if he violates that pledge.

What about his pledge of abstinence? Does it matter? Where I come from, when a man or a woman looks you in the eye and gives you their word, that is good enough. You do not have to write it down. You do not even have to shake hands. You understand. And if you break that pledge, your credibility is destroyed forever. John Tower has never broken his word or a pledge to any Member of this boby or to our country.

I am convinced that he is not an alcoholic, and I have been around a few in my life in my own family. I know how they act; I kown what they look like. If I were convinced that the evidence were to the contrary I would vote no on this confirmation.

I have also asked myself whether John Tower has any personal or moral problems that are debilitating? And, debilitating is an important criterion that I felt I had to answer for myself. And based upon what I have read in those FBI reports and the other documentation I have seen, there is no debilitating problem that would impair John Tower's performance as Secretary of Defense.

It seems to me, at least up to this point in time, that the accumulation of accusations has affected the attitude of the American people toward this nomination. But it is my hope that we can bring all the facts regarding the suitability of John Tower before the Senate and make all the facts available to the American public over the next several days, and I am hopeful that once we have done that, that a majority of Senators will conclude that John Tower deserves to be confirmed as Secretary of Defense.

Last Thursday, I said in the Armed Services Committee that I feared the committee vote would be based on the weight of the accusations—some of them not even qualified to be allegations—instead of on the weight of the evidence. I hope the Senate will not follow suit.

Let me now talk about some of the broader issues that really bother me. I worry about what we are doing to the President, to this President. I worry about what we are doing to the relationship between the President and the Senate. I worry about the new precedent that we are setting if we do in fact not confirm this nominee. I

think it is going to have a very damaging effect.

Yesterday, in a joint session, we commemorated the 200th anniversary of the convening of the first Federal Congress, which met in New York City on March 4, 1789. As we commemorate this historic occasion, I think it is both important and appropriate to note that several traditions of the Senate will be broken if we vote to reject this nomination. And I don't think that is something to be taken lightly by any Senator.

The first is the general principle that the President should have the right to name his own Cabinet.

A second tradition that will fall by the wayside if the Senate votes to reject this nomination is that never in the 40 years that we have had a Department of Defense has the Senate ever rejected a Presidential nomination to head that Department.

And a third tradition that will go up in smoke is that the U.S. Senate has never ever voted down a current or former Member of this body whom a President nominated to his Cabinet.

I ask my colleagues whether they really are prepared to break that long tradition now?

There are many reasons why John Tower deserves to be confirmed as Secretary of Defense. But none are more important than the damaging impact that rejection of John Tower at this time would have on the Presidency and our country's national defense.

What message would rejection of a man whose name symbolizes a strong defense for America send to the Soviet Union at a time when Mr. Gorbachev is so anxious to coax the United States and our NATO allies into hastily arrived at concessions affecting the defense of Europe and the West?

What message would it send to some of our NATO allies who may be succumbing to the enchanting sounds of the sirens being beamed from Moscow?

It seems to me that some have forgotten that "peace through strength" is more than an empty slogan. This has been said many times but bears repeating once again. And that is, that it was the steadfastness of former President Reagan and the strength of his Presidency that made the INF Treaty possible.

It seems to me that if our new President and our NATO partners are to be successful in negotiating new arms control agreements that are in our national security interests, and I want to emphasize I am talking about agreements that are in our national security interests, then it is this Senator's strongly held belief that we should not do anything that would weaken the stature and authority of the Presidency. Yet that is exactly what we would be doing by rejecting President Bush's nominee for Secretary of Defense.

There are vital matters pertaining to our national defense that face the new administration—modernizing our land-based missiles, the future of SDI, how rapidly to proceed with the B-2 Stealth bomber, and setting overall budget priorities to meet our defense needs within the constraints imposed by a no-growth budget.

Momentous decisions must be made, and made without further delay. If we are to make the correct decisions, decisions that are in our foreign policy and national security interests, then we must have the best judgment and active participation of the Secretary of Defense. We are not doing our duty if we continue to leave a vacuum at the top of one of the most important Cabinet departments of the Federal Government.

And also I want to repeat again what this institution is doing and what we have done to this man. What we have done to John Tower no man should have to endure and no brave man would take sitting down. And he is not. He is fighting back. For this body to allow the kind of attacks that we have seen on this man is beyond me.

I have been reading the history of this great body, reading the book on the Senate by the former majority leader and current chairman of the Appropriations Committee, the distinguished senior Senator from West Virginia; a magnificent book.

I have also been reading the history of former Senators from my own State, men like L.Q.C. Lamar, a great statesman who did so much to bring this country back together. He served on the Supreme Court. He used to quote mythology. I was reading some of his speeches and came across one that I think applies to this body today. It was a case where Prometheus was bound to the rock, but it was not an eagle, but a vulture that buried his beak in the tortured vitals of the victim.

It is almost the way I feel here today. In acting upon this nomination, is this body, great institution that I feel so honored to serve in, going to soar like an eagle as it has in the past and do what is right in its relationship with the President and the defense of this country, our country. Or, like the vulture did to Prometheus, will we bury our beak in the vitals of our victim who has been one of our own?

We should not do that, my colleagues. The American people, I think, will realize and find when they have heard the whole story that this would be a grave mistake. Therefore, I urge that all of our colleagues read and reread the allegations. Do not be weighted down by the trees. Look at the big picture. Let us do what is right for this President and for this country.

If America is to meet the global challenges that confront us today, then the President and the Congress need the judgment and experience of a strong and effective Secretary of Defense. And we need it now.

I deeply believe that a compelling case has been made that John Tower possesses those qualifications. I hope that the Senate will act favorably on his nomination.

Mr. WARNER. Mr. President, I wonder if my distinguished colleague and good friend from Mississippi would indulge in my trying to clarify one statement that he made, because I know he seeks accuracy. He made reference to the famous ballerina that dances on the desks here now in the Senate Chamber as being the cause for a delay. Let me refresh the Senator's recollection.

On the 7th of February, the Senate was visited by the President of the United States. Prior to his arrival, you may recall that we had a meeting of Republicans in our leader's office, Senator DOLE's office, and thereafter I indicated a willingness on behalf of the Republicans to move forward. As a matter of fact, I went right out in this Hall before the media and said we have had this meeting and we urged the chairman of the committee to move forward. We felt that it was time for a vote. Does the Senator recall that, I ask my distinguished colleague?

Mr. LOTT. I do recall that.

Mr. WARNER. Later that afternoon, Senator NUNN and I went down to visit with the President. We discussed, in a very free and friendly manner, the feelings of both Senators about procedures on this case, some reference to the facts and what we were endeavoring to do with the committee and what we were willing to do. And that afternoon—and the record thus far has not reflected this—but that afternoon Senator NUNN and I agreed with the President that we would meet the next day, the Armed Services Committee, and, if possible, reach a vote. But it was essential that we get in the remaining FBI report. And in the presence of all, right in the Oval Office, the counsel for the President said, "Mr President and Members of the Senate, that report will be available by the close of business tonight for your examination."

And with that understanding, we went back and we indicated to colleagues on both sides of the committee that we would have a meeting the next day and that we would have available for consideration the final FBI report. Senator NUNN waited in his office. I waited in my office. And at approximately 7 o'clock, counsel for the President called both of us, indicating that it was the determination of the White House staff that that report required further careful investigation, it could not be forthcoming the next day nor the following day. As a matter of fact, it was their judgment

that evening that the report could not be completed until after the Senate returned from its recess of some 10 days. And that is exactly what happene±d. We went on recess and the report came back on the Monday.

So, the delay which the Senator made reference to was occasioned not by Chairman NUNN nor myself, but by the White House.

Mr. LOTT. If the Senator will let me comment briefly on that, he is absolutely correct. I did not mean to say that I found fault with the delay.

I did not mean to indicate it was the Armed Services Committee that caused it, or the Republicans, or the President. We all did. My point was, at that moment in conversation, the distinguished leader of our committee on our side of the aisle, from Virginia, will recall, I said if there is any chance at all if any of this is true, I want to know it. I was one of the ones that said we cannot vote until we know if there is one shred of evidence that this is true.

So I agree with him totally and I certainly cast no aspersions at him or the chairman or anybody in this instance. In fact if anybody has to bear part of the blame, I feel the burden. My point was, though, that event was what clearly made up my mind for me after reading the other evidence. When we came back and it turned out that this was such a bogus story, I said how long will this go on? How long can these allegations come in? And then there were others.

So I just want to emphasize your recollection is absolutely right. The White House indicated we could not get it and I and others said we must know the answers.

We have waited for the answers time and time and time again. In many instances the most horrible accusations have turned out to be baseless. So that was the point I was trying to make and I appreciate the Senator from Virginia giving me that opportunity to clarify.

Mr. WARNER. Mr. President, our distinguished colleague from Mississippi is correct. Time and time again he has worked with both sides of the aisle on this case and I think in a very fair way endeavoring to speak the truth.

Mr. President, I ask at this point in our colloquy that I might have printed in the RECORD the calendar of the work performed by the committee and the dates on which the Senate was in session.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS

Jan. 7, 1989—Parts 1, 2 and 3 of FBI report received.

Jan. 13, 1989—Part 4 of FBI report received.

Jan. 25, 1989—Part 5 of FBI report received.

Jan. 25, 1989—Committee hearings begin (Sen. Tower).

Jan. 26, 1989—Committee hearings (Sen. Tower).

Jan. 31, 1989—Committee hearings (outside witnesses).

Feb. 1, 1989—Committee hearings conclude.

Feb. 7, 1989—White House Counsel advised that additional time was required to complete FBI investigation, probably 10 days.

Feb. 8, 1989—Part 6 of FBI report received (did not cover matters referred to by White House Counsel on Feb. 7, 1989).

Feb. 10-20, 1989—Senate not in session.

Feb. 20, 1989—Part 7 of FBI report received (included matters referred to by White House Counsel on Feb. 7, 1989).

Feb. 22-23, 1989—Committee Executive proceedings conducted, and open committee meeting conducted for vote on nomination.

February 28, 1989—Nomination reported to the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the proceedings on the nomination of John Tower for Secretary of Defense represent as I see it an intense struggle between the executive branch and the Senate of the United States for primacy in foreign policy and armed services policies that, I believe, is the basis for the hotly contested issue which we now have on this floor.

I personally believe that there yet remains a chance for John Tower's nomination to be successful. But I think the fact is that it is a steep, uphill fight at this time because people are dug in. There is an instinct, candidly, against John Tower because of his dominance as chairman of the Armed Services Committee in the past; because John Tower, as noted on this floor before has ruffled a great many feathers in this body, principally on the other side of the aisle but on the Republican side of the aisle as well, and because certain amenities were not followed early on by the White House in the dealings with the Armed Services Committee and its chairman.

But, Mr. President, I believe that there are matters of great import involved in this debate and I believe that, if we sort them out and come to grips with them on a number of levels, and deal with the essential facts, I believe that the American people will insist that the U.S. Senate confirm John Tower.

The critical aspect, Mr. President, is dealing with the facts, the hard facts in the case. Unfortunately, the rules of confidential communication have, to this point, excluded most of the hard facts from consideration by the Senate. It is my hope that before this proceeding is finished, we will be able to deal with all of those allegations and lay them bare on this floor. And I believe that if, as, and when that happens, it will be clear that there is no case against John Tower.

We have a curious situation. We are permitted to discuss on the floor of the Senate, consistent with rule 29, what has appeared in the media, but not what has been available to Senators in the FBI report.

We have gone in some length into the case of the Russian ballerina which captured nationwide attention on telvision and in the newspapers. The nominee dancing in an unclothed state with a ballerina on a piano top: Lurid, sensational, very deep impressions on those who hear about it. But now we find it to be absolutely false.

We heard about Sergeant Jackson's allegations about the nominee fondling someone in front of thousands of people and now we find it totally discredited for a number of reasons. In the face of that, those who oppose Senator Tower say well, we did not really consider it at all.

But as noted earlier on this floor, there are many people who have read that allegation who gave it obvious weight. If you take a look at the executive annex, which exists in Senate room 407, that is the No. 2 item in the arguments against the nominee. The No. 1 item is a reference back to the 1970's, which I think by all accounts is now an irrelevancy at this time.

Then we had the situation of the Arizona businessman that appeared in the press whose allegations against the nominee, when subjected to hard analysis, absolutely disintegrated.

There have been a number of very distinguished Senators who have taken the floor and said that they read the FBI report and there is a cumulation of evidence.

I have taken a very close look at the full FBI report and have taken a very close look at the executive analysis which the Democrats, have filed. I submit to this body that, if you take these charges one by one and analyze them, they disintegrate. If they were presented in a courtroom, the presenter would not get to the jury. They would be dismissed summarily because, on a piece-by-piece analysis, simply stated, there is no credibility.

An allegation is made and it is disputed by a dozen other witnesses, or by 20 other witnesses. And it is my hope that, before this process is finished, we will take up the matter in that kind of detail.

When we take a look at the committee report, it is a model of generalization. It is a model of a broad-brush approach. It lacks specificity in any respect. I submit that a fair reading of this report equally leads to the conclusion that John Tower ought to be confirmed, even though in its partisan direction they argumentatively seek to achieve a contrary conclusion.

The report deals with three essential concerns. They deal with the concern about womanizing. They say, at page 14:

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The committee's record on this issue demonstrates no finding of liaisons with female foreign nationals and, hence, no security violations that such activities would entail. Nor does the record support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex.

On the issue involving women, there have been serious charges. But even the partisan majority comes to the conclusion that there is no basis in the record to find any impropriety on female foreign nationals, the lurid story about what allegedly was going on in Geneva. Try to erase that from the mind of the American jury. How many will read this report? And there is nothing to the allegation about exerting sexual pressure on employees and associates of the opposite sex.

Well, then, what does the report say? The report says: "There are, however, a number of examples of personal conduct which the committee found indiscreet." That is a vague, elusive, unsatisfactory definition for the committee to decide anything upon. But, Mr. President, even on their sense of indiscretion, whatever that may be, without any definition, when there is a review of the executive annex, and again I say I hope we get to that point, those indiscretions amount to virtually nothing. They do not amount to any kind of specific misconduct of any sort.

A second ground in the committee report raises the issue of activities as a defense industry consultant. The bulk of this matter speaks very favorably about Senator Tower in their analysis of this issue.

For example, at page 13, it is recited: "The committee has long recognized the importance of a healthy interchange between the public and private sectors, particularly in terms of encouraging people from industry with technical and managerial skills to engage in public service." They support a healthy interchange.

Then they say farther down on page 13: "The committee has no evidence that Senator Tower provided his clients with classified information."

What does the partisan majority finally conclude? They conclude that there is a problem with appearances.

Mr. President, I submit that the reliance upon perception and the reliance on appearances is fundamentally unfair to the nominee and wrong as a matter of fact. If there are no facts, then they raise the question of perception, but it seems to me that we have an obligation to find the facts and not to be beguiled or misled or draw conclusions because of perceptions.

If there is no reality behind the charges, then they talk about appearances. It reminds me very much about the lawyer who does not have the facts and he pounds the table; if he does not have the facts or the law he or she pounds the table.

That is precisely what this report does. There are no facts, there is no reality and there is consistent reliance on perception and what they categorize as appearance.

Pick up with me, if you will, page 14 of this report where the partisan majority quotes questioning by Senator LEVIN who says, addressing Senator Tower: "In that situation, without suggesting any impropriety in actuality, without suggesting in the slightest that you advised them of confidential or privileged information, just the fact that you are advising them, as you put it, on probable outcomes of those talks, do you see an appearance problem there? That is my question."

Senator Tower responds: "I do not see it, Senator, because the question has not been raised until now. Nobody has ever questioned me on that before now, and I have really not seen any press commentary on that. * * *"

Mr. SIMON. Will the Senator yield on that point?

Mr. SPECTER. No. Others have commented that the line is a tough one to draw. The chairman is reported to have said that in the press, but this is a standard which all concede is brand new, tailored, apparently, to meet the facts of the matter at hand and to rely, as the committee does, on this exchange between Senator LEVIN and Senator Tower when the hard facts stated in the question suggest no "impropriety in actuality"—those are Senator LEVIN's words—"without suggesting in the slightest that you advised them of confidential or privileged information," but the entire conclusion is based upon what Senator LEVIN and the partisan majority conclude to be an appearance problem.

I would suggest, Mr. President, that a fair reading of the evidence and even the committee's own conclusions on this issue about being a defense industry consultant simply raise absolutely no substantive argument against Senator Tower.

Senator Tower left the Senate in January 1985 and shortly thereafter, I believe within about 2 weeks, he was asked by the Secretary of State to become the negotiator in Geneva. He put aside his intention to earn money on the outside, to go to work as a negotiator in Geneva at a salary, I believe, equivalent to what he made in the U.S. Senate. Certainly less than $100,000. We make $89,500, as we all know and were reminded of it fairly recently.

There is a question raised about Senator Tower because he earned somewhere in the neighborhood of $750,000 for a year's work. I am not sure if it was gross or if it was net. There were others who left the Senate at that time. One of our colleagues reported reliably in the media to earn as a lawyer in excess of $800,000 at the same time. If someone is in Government and is to leave Government and go out into the private sector, what prohibition is there to stop them from earning money if it is done in a way which is legal, if it is done in a way which does not divulge information?

The report concedes that there was nothing of "impropriety in actuality." The report concedes that there was no disclosure of "confidential or privileged information," and you have this man, Senator Tower, going out and earning a living, as everyone else does and not in excess of the terms of the amount of remuneration.

So, Mr. President, I believe that if you take these issues raised by the committee report on the defense industry consultant issue, you end up, again, with virtually nothing.

Then you come to the question of alcohol abuse. A substantial amount of the partisan committee report relates to matters in the 1970's, and their executive annex, again, does that. I submit, Mr. President, that on this RECORD at this time, the issue of the 1970's is an irrelevancy. There has been a statement by Senator Tower as to a problem at that time, and the issue really is focused on what has happened in the recent decade.

If you take a look there, the committee report talks about serious allegations. Then the committee report says there is also evidence on the other side of this question.

The committee report then refers to Senator Tower's performance as the chief U.S. negotiator at the START talks in Geneva and on the Tower board and concedes that, by all accounts, Senator Tower performed well in these assignments. There are also a large number of testimonials by distinguished Government officials and Members of the Senate.

Then there is later a conclusionary statement in the committee report about substantial evidence that this pattern from the 1970's continues into the 1980's. But, Mr. President, if you take a look at the document behind this one, the executive summary, which relies on certain FBI investigative lines, and without getting into the specifics because, regrettably at this stage, at least we cannot do that, there simply stated is no substantive basis for assertion that John Tower continued with an alcohol problem into the 1980's.

Mr. President, the substantial body of evidence on the record in the U.S. Senate is quite to the contrary. As the minority report noted, John Tower served in this body with 70 Members of the Senate who are here today, 14 members of the Armed Services Committee, aggregating some 650 years of experience with John Tower, the nominee. As the minority report notes, and no one has disputed it, there has never been one single incident calling

into question John Tower's fitness to serve as Secretary of Defense.

Mr. President, on this Senate floor, I got to know John Tower pretty well. All of my own experiences with him were not exactly tranquil. I recall a 1982 summit resolution which I propounded that Senator Tower resisted vehemently, acerbically, testily. Frankly, I did not mind. It seemed to me the Senate floor was not an inappropriate place to have that kind of debate, and I came to see the enormous skill that everyone concedes John Tower has as a defense technician.

I also saw John Tower a great deal after hours, not socially, but on the floor of the U.S. Senate. As some of my colleagues have already commented, there are social annexes to the floor of the U.S. Senate. I went back and asked my staff to make a compendium of the late night votes that we had in the Senate where John Tower came to the floor in the presence of all of his colleagues.

In 1981, Mr. President, we had 47 votes after 9 o'clock at night. We had 11 votes after midnight. During the period from 1981 through 1984, we had 59 votes after midnight.

Some of those sessions went until about 6:30 in the morning. We had 36 votes between 11 o'clock and 12 o'clock. We had 44 votes between 10 and 11, 52 votes between 9 and 10. And John Tower was observed by some 80 or 90 or more of his colleagues on all those occasions, and not one person recollects or has come forward with a statement that John Tower was inebriated, drunk or out of control. I think that is highly significant. I do not recall all of those occasions, and I am sure I did not see John Tower on every one of the votes but I saw him on a lot of the votes. Every time I saw John Tower, even if it was the middle of the night, he looked like he stepped out of GQ with his inimitable style of the pin striped suit, usually a striped shirt, frequently a starched collar. The man was always immaculate. The man was always in control. And I could not attest to whether or not he had a drink, but he certainly was not under the influence of alcohol.

Is it not odd that in this body, with the 70 Members who were here with him during the course of his work in the Senate, no one ever saw this man intoxicated?

We have had statements by those who traveled with him. I was on the floor yesterday when Senator GARN commented about his travels with Senator Tower to the Soviet Union. We have been on those trips and they are long trips and they are late trips and there are cocktail parties on those trips. Senator GARN attested to the fact that John Tower was never inebriated. Senator COHEN commented to me, and perhaps repeated it on the floor, about a trip that he made with Senator Tower to the Mideast after the bombing of the Embassy, and there again it is a tough trip; it is a long trip; there are difficult circumstances. Somebody may have a drink or two. But Senator COHEN says John Tower was never inebriated, never out of control.

With that kind of knowledge, Mr. President, I would submit to you as a finder of fact, where you have 70 live witnesses who have been associated with this man for 650 years in the aggregate, who have seen him all night long on numerous, dozens of occasions, when you compare that to a few skimpy allegations in the FBI report, how can anyone possibly say that the evidence supports a conclusion of intoxication? It is just incomprehensible as a fact finder that this body could come to that conclusion. So why is this body coming to that conclusion? What is really going on in the Senate in this nomination? Is it the fact that John Tower was testy with some of his colleagues from time to time?

Mr. President, I believe that what we have here is really a battle, an intense struggle for primacy between article I officers, Senators, Congressmen, and the article II officer, the President of the United States. And you have seen it in quite a number of contexts. We have seen it in the debate last year on the INF Treaty and our debate on the ABM Treaty, narrow versus broad. We have seen it in our contests on the War Powers Act, we have seen it year before last in the debates on selection of a Supreme Court Justice, and now we see it on the selection of a Cabinet officer.

Mr. President, I believe that the exchange is a good and a healthy one. I believe that it is useful for America to have this difference of opinion on the separation of powers in this country, but on this occasion when we talk about an executive subordinate who can be fired by the President at will, we have simply gone too far—far too far.

I have been on the other end of the question when the Senate has confronted the President on some of these decisions between the article I and the article II officers. I believe that there has to be a different balance struck in the war powers situation on the congressional authority to declare war and the President's power as Commander in Chief, and it is no secret that I have opposed the President on some of his judicial selections. But when you come down to a Cabinet officer, somebody who is an assistant to the President and you have a recently elected President, it is an abomination that this body should interpose itself between George Bush and John Tower and to stop President Bush from having his selection of the man he chooses on the face of this record.

We have a constitutional responsibility under the advise and consent provisions of the Constitution, but we are getting a little too big for our britches when we apply it to a Cabinet officer in the context of this case. Our advise and consent function, Mr. President, applies in three areas—treaties, judicial appointments, and executive branch appointments. When it comes to the question of treaties, there is no doubt that the Senate exercises a policy judgment, and it is up to us to say whether or not we think the President's decision is correct for the national interest. On a treaty it is appropriate to place the Senate on a par with the President in the exercise of that policy judgment. When it comes to a judicial appointment, the Senate also has substantial prerogatives on advise and consent, because in that situation the article II officer the President appoints, the article I officer the Senate confirms, and for a new position on the court, the article III officers, those are lifetime appointments. They serve well beyond the term of the President, and the Senate has a different kind of a responsibility to advise and consent in that line. But when we come to an executive branch subordinate personnel job, Mr. President, the tradition and the scope of the Constitution is plain that the Senate does not pick the President's subordinates in the executive branch.

On only eight occurrences in the history of the United States has the Senate turned down a President's selection of Cabinet level appointment, and at no time at the beginning of a term with a President fresh from the electoral mandate as the circumstances are in the matter which we are debating.

Mr. President, the objection of the Senate is even more curious in light of the very substantial endorsements which John Tower has received from the Members of this body who now oppose his confirmation. This is not a matter of negative evidence that I referred to earlier when 70 of his colleagues saw him on many, many occasions, all not long, in a sober condition, and this is a situation where Members of this body have gone out of their way to make affirmative statements about his qualifications.

These may have been in the record before. But I would suggest to you that they are not insignificant. They may bear some repetition. As the minority report sets forth at pages 23 and 24, Senator Tower has received an endorsement in varying degrees from Senator NUNN, Senator BINGAMAN, Senator BYRD, Senator DECONCINI, Senator EXON, Senator PELL, Senator LEVIN, Senator GORE, Senator SHELBY, Senator DODD, and Senator BENTSEN.

Quite a number of those endorsements who spoke in very positive

terms have now chosen to look the other way. Earlier Senator GLENN was on the floor and responded to a comment by Senator LOTT where Senator LOTT had raised this issue, and I think very cogently and very forcefully. Senator GLENN had made a statement that he learned a lot since.

But I would comment at this time that Senator GLENN's statement about Senator Tower was not a casual or an unsubstantial statement. This is what he said very recently on December 4, on CNN's Sunday Newsmaker: "I worked very closely with John when he was chairman of the Armed Services Committee in the Senate. So I have no doubt he'd make a good Secretary of Defense."

It seems to me that is a very forceful statement from a man who served in the Senate for a decade with John Tower.

I hope we get to the specifics of the FBI report so that Senator GLENN will have an opportunity without violating rule XXIX—he was on the floor yesterday and somebody challenged him to violate it—to tell us, tell the American people, specifically what it is that negates that 10 years of his knowledge and recommendation in positive terms for John Tower to be Secretary of Defense.

Senator NUNN—this has probably been quoted before, but I have not heard it stated, and there may be someone watching on C-SPAN who has not watched the entire proceedings, if there is anyone watching. Senator NUNN said this on June 7, 1984, CONGRESSIONAL RECORD, page 6749, referring to Senator Tower:

> I submit that he has the background, the knowledge that are indispensable in the defense arena. I hope that whatever the future holds when he retires at the end of this session he will continue to involve himself in the defense arena and our foreign policy arena as well as in the overall involvement of every aspect of Government because his talent, wisdom, and experience are indeed national assets.

Mr. President, that is a good place to conclude.

I studied closely the FBI report. I have read the committee report line by line, syllable by syllable. I have looked at the executive annex. And I submit that when we get down to the fine print, the American people will agree with what Senator NUNN said about Senator Tower in 1984, that his talent, wisdom, and experience are indeed national assets and that he ought to involve himself in the defense arena and "every aspect of Government," which would certainly include the position of Secretary of Defense.

If the Senator from Illinois cares to ask me to yield for a question, I would be glad to do so.

Mr. SIMON. I would like to get my own time at this point.

Mr. SPECTER. In that event, I yield the floor, Mr. President.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. GORE). The Senator from Illinois.

Mr. SIMON. I shall be fairly brief here. I think there are several fundamental questions. One is are we in fact exceeding the kind of balances that those who wrote our Constitution contemplated? The reality is 98 percent, 99 percent of the appointments by President Bush will be approved by this body without a dissenting vote. My recollection is in the last 2 days there has only been one dissenting vote on any of the President's nominees. That was from the other side of the aisle.

I do not think we are exceeding our authority. Clearly those who wrote our Constitution—in fact they contemplated the Senate being kind of a small advisory body to the President. Things have changed appreciably since then. But when they talked about advise and consent, it was not consent or nonconsent. It was advise and consent.

Second, I am concerned by this whole revolving door business that is taking place, the conflict of interest kind of situation that we are creating. Let me in fairness to Senator LEVIN who was quoted, and that is what I was going to ask my colleague from Pennsylvania to read—the sentence preceding the one I read—Senator LEVIN said:

> In your situation do you see that there is an appearance problem when the chief negotiator, an ambassador to START talks, then leaves those talks and advises clients who have a very heavy stake in the outcome of those talks?

I think this constant revolving door between consultants consulting with private industry and working for the Federal Government is something we ought to look at beyond the Tower nomination. I note that the Presiding Officer is on the Armed Services Committee, and our colleague, Senator DAVID PRYOR, has done a tremendous service in looking at consultants. But one of the realities is we have consultants right now who work for the Defense Department—I am told, who work for the Defense Department, work for the defense industry and for other countries all three at the same time. I think we ought to be doing something about that.

I do not know what the answer is. But I have great respect for the Presiding Officer, and I suggest that he, Senator PRYOR, and some others take a look at this thing.

But I do not think we ought to have a revolving door here involving the Secretary of Defense. He has in a 2-year period received $1,028,000 from the defense industry. There is a great deal of concern about what honararíums may do to our objectivity in this body. And I have seen editorial references to—the Wall Street Journal I remember specifically—members of the Armed Services Committee receiving $2,000 from a defense industry for making a speech in Phoenix or someplace. I think there are times when this honorarium thing needs to be examined, but there is a vast difference between receiving $2,000 for going out to Phoenix to make a speech and receiving $1,028,000. I think the appearance of impropriety is so strong that we have to look at that carefully.

Then there is the drinking problem. There is no question that he has had a drinking problem. Whether that continues to this day is a question, but we are not determining the guilt or innocence of someone. We are determining whether that person should be the Secretary of Defense. I ask myself, and I would suggest to my colleagues that they ask themselves, looking at that FBI record, and specifically in the matter of drinking, would you employ John Tower as a member of your staff? Well, I would have great hesitancy. If I were a defense contractor, I might employ him as a lobbyist. That is a different thing. And then I ask myself, if I were a colonel in the Army or the Air Force and John Tower were a captain, would I put him in charge of one strategic nuclear warhead installation, just one? Looking at the record, I would have to say, if I were a colonel and he were a captain, I could not put him in charge of one single strategic nuclear warhead. And if I would not put him in charge of one, I certainly should not put him in charge of 12,500 strategic warheads and 15,000 tactical nuclear warheads. I think it is very, very clear.

Then, finally, Mr. President, there is the question raised, Do we have a double standard? The answer is that we do have a double standard and we should have a double standard. I have a different standard for someone who is going to be Secretary of the Interior or Secretary of Transportation. If the Secretary of Transportation—and I want to make clear I have no disrespect to Sam Skinner, a very fine, new Secretary of Transportation, who is doing a great job—but if the Secretary of Transportation some evening has a little bit too much to drink, he is not going to do any great damage to this country. But if the Secretary of Defense has had a little too much to drink and at 2 a.m. he gets a phone call that Syria has invaded Israel or Pakistan has invaded India, what do we do?

I want someone who has that massive power of American lives in his hand to be clear-headed. The doubts that we have ought to be resolved in favor of the American public, and that suggests to me very, very clearly that we should reject this nomination, and

I trust we will do the right thing for the American people and reject the nomination.

I yield back my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. WALLOP. Are we following the rule of alternating, Mr. President?

The PRESIDING OFFICER. The Chair will advise that there is no rule of alternating. The Chair recognized the Senator who first spoke asking for recognition, which was the Senator from Maryland. The Senator from Maryland is recognized.

Mr. WALLOP. Mr. President, a parliamentary inquiry. The Senator from Wyoming understands there is no rule, but there was a decent habit started that we would alternate. Apparently, that decency has now ended, and my inquiry is, Is there anything in the rules of the Senate requiring decency?

The PRESIDING OFFICER. The Chair will advise the Senator from Wyoming that the rules of procedure clearly provide that the Presiding Officer shall recognize that Senator who is first on her feet seeking recognition. The Senator from Maryland was clearly first in seeking recognition.

The Chair is following well-established rules of procedure, which are designed, in part, to guarantee decency and fairness to every Senator, regardless of party.

The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Presiding Officer. I expect my statement will take only a few minutes, but it is one I do wish to make, and certainly the Senator from Wyoming will be able to speak his piece.

Mr. President, the Senate today meets in fulfillment of its constitutional duty to "advise and consent" on Presidential appointments.

The Founders of this country believed that the President should pick his or her own team. Essentially, they gave the U.S. Senate the opportunity to give the President a second opinion. That is what we are doing today and through this process, the nomination process and the confirmation of Cabinet officers. We give the President a second opinion.

Only the most significant policymakers require Senate confirmation—those whose appointment and service will have a direct and immediate impact on the national interest.

The question we address, therefore, is whether the confirmation of John Tower as Secretary of Defense would be in the national interest. When we evaluate the confirmation of John Tower as Secretary of Defense, we have to ask ourselves, what would be in the national interest?

In answering that question, we start with an understanding, shared by those on both sides of the aisle, that the President's nominees for key policymaking positions are entitled to every consideration and courtesy.

Indeed, this body has confirmed every nominee submitted by President Bush to date.

I have voted for all of those nominees, with the exception of one, where I was absent because of illness. With each of those nominations we asked the same questions and applied the same criteria we are applying to the Tower nomination.

The criteria I have used to assess whether the confirmation of John Tower would be in the national interest include the following:

One, does he have the knowledge of programs and policies of the Cabinet office over which he will preside.

No. two, is the nominee fit for duty; that is, sound of health and free of impairment?

Three, does the nominee have the integrity, judgment, and leadership to lead a Cabinet-level position?

Last, but certainly not at all least, in the Secretary of Defense, the question has to be asked, Does he have the ability to command? Most of all, does he have the ability to command respect of the men and women in our military, the respect of our own American people, and the respect of other governments, as he negotiates on behalf of the President and the people of the United States?

Today the Senate is not sitting as a jury, and Senator Tower is not in the dock. I have reviewed the FBI report on Senator Tower. I must tell you, it was a task that was far from pleasant. In reviewing that report, I found that there is no such thing as a smoking gun, no single event anyone can point to as disqualifying. What there is, however, is a pattern of behavior that runs through Senator Tower's activities and raises grave doubts about this nominee's judgment and leadership.

Senator Tower is experienced and well versed on the substantive issues related to the Department of Defense. He is highly intelligent and knows the Pentagon and its programs as well as anyone. On this one point there is unanimity.

My first concern stems from the Senator's entanglement with seven major defense firms. The Secretary of Defense cannot possibly eliminate himself from any decision affecting these companies. Otherwise, he will not be a Secretary of Defense. He will be a part-time, flex time, Secretary of Defense. Given his ties to these firms any decisions he makes become suspect.

I do not mean to imply that the Senator has acted improperly in representing these firms. But I do question his judgment in advising these firms about the very issues entrusted to him as one of our chief arms negotiators.

And I do question whether this nominee, walking so recently through the revolving door as he has, is the right response to a massive defense procurement scandal that has public confidence in the Pentagon at an all-time low.

Now, more than ever, the Pentagon needs a leader of unimpeachable integrity and judgment. Can we expect the public to believe that the hundreds of thousands of dollars Senator Tower received from defense contractors would not skew his judgment? Can anyone so closely allied with the contracting establishment clean out the rotten system of defense procurement?

Those are the questions that we must ask ourselves.

The Senator's personal life also merits concern. All of us as politicians have had our personal lives and our families held up to public scrutiny. That exposure is sometimes painful and often unfair but the public must be able to judge our dependability, work habits, and ethical standards.

The voters make that judgment on us Senators every 6 years and the House Members every 2 years. The Senate has the constitutional responsibility to make the same judment on the President's nominees.

Senator Tower's drinking habits are troublesome. I am not a physician, nor do I have the clinical training to evaluate whether Mr. Tower is an alcoholic.

What has been demonstrated is that the record establishes a clear pattern of alcohol abuse. I believe that anyone who reads the FBI report carefully and with an open mind comes away with some real misgivings, a feeling of uneasiness once one reads that report.

Then in the matter of women: with women playing an increasingly important role in our armed services, we need a Secretary of Defense who clearly respects women as professionals and who will personally uphold the basic standards of today's workplace and the standards we are trying to establish in the military. We are making a lot of progress.

I have spoken with high level military leaders who are providing excellent leadership combating domestic violence and substance abuse within the military and encouraging responsible behavior toward family and country.

As a member of the Board of Visitors of the U.S. Naval Academy, I have seen the outstanding efforts made there to extend fair treatment to women at the Academy and throughout the fleet. This has not been easy, but it has been done because of leadership—credible leadership.

The Secretary of Defense sets the tone of the armed services. A Secretary could seriously undermine the fine work now being done by many military commanders because of his own behavior, particularly if he so clearly demonstrates disrespect for women.

The phrase "conduct unbecoming an officer" is an important concept in the U.S. military tradition. It has been applied over the past 200 years in order to maintain a standard of behavior that inspires respect not only of the military but of us civilians, too. I believe the Senate should apply the same standard to the man who would be second in command in the United States.

Therefore, because I do not believe that this appointment is in the national interest, I will vote against the nomination of John Tower.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. WALLOP. Mr. President, will the Senator yield the floor before he gets into his remarks?

Mr. KASTEN. I am delighted to yield to my friend.

Mr. WALLOP. Mr. President, I wish to ask the Senator from Wisconsin if it is his understanding and his certain knowledge that yesterday on the floor, the two leaders made an understanding and agreement that we would alternate between the parties for the debate on John Tower.

Mr. KASTEN. I was not on the floor, but I was listening, and it is my understanding that there was an arrangement, whether it was formal or informal I do not recall, but there was an arrangement whereby proponents and opponents, Republicans and Democrats, alternate back and forth.

Mr. WALLOP. It is true we did not have a unanimous consent agreement, that I understand, but there was clearly laid down the pattern that was to be.

That was the only thing I sought in the previous recognition.

I thank the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise today in strong support of the nomination of John Tower to be our country's Secetary of Defense.

For the last 3 months, we have been offered a steady diet of innuendo and rumor. We have heard much more than we will ever need from the three A's—accusation, allegation, and appearances. What has been largely missing is the F-word, a 4-letter word that many of us are shying away from as if it were impolite to use in our debate. The word I am referring to is "fact."

All I am asking my colleagues to do is to judge this nominee on the facts. Many of my colleagues in this Chamber are laywers; I am not. But I know enough about our American system of justice to recognize that an accusation is not a piece of evidence. Saying that someone said or did something is not the same as proving that he did, or even giving evidence that he did.

So let us judge this man on the facts. No fewer than 71 of the 100 Senators who will vote on Senator Tower's nomination actually served with him in the U.S. Senate. He is not a stranger whom we have to judge on allegations, hearsay, and third-hand reports. Many of us know him, and we can testify to his qualifications, his intelligence, and the integrity of his character.

As recently as last summer, I worked with Senator Tower on the Republican platform. He was an aggressive, intelligent, responsible, and a hard-working advocate of the defense policies he believed in.

I was cochairman of that Republican Platform Committee. I went head-to-head with John Tower on a number of issues, and I came away with this single conclusion: There is nobody I would rather have representing our country in high pressure negotiations than John Tower. When it comes to the defense of this country, John Tower is as forceful, forthright, and dependable as any public servant I have ever known.

And that is not just my own opinio ı. A public servant who has known John Tower for almost three decades, who has worked closely with him, and who will have to work closely with him once again if he is confirmed as Secretary of Defense, agrees with my own observations and conclusions about Senator Tower.

The public servant to whom I am referring is President George Bush.

As President of the United States, Mr. Bush is entitled to nominate the members of his own Cabinet. Under our constitutional prerogative of advice and consent, we in the Senate may—as we have done on very rare occasions in the past—choose to reject the President's nominee for a Cabinet post.

But in this case, if we were to reject the Tower nomination, we would be doing something worse than merely adding a ninth member to the group of Cabinet nominees rejected by the Senate.

We would be rejecting—based purely on innuendo and rumor—the judgment of a man who knows Senator Tower better than any of us do. We would be rejecting the considered opinion of a man who will have to bear many of the consequences himself, should Senator Tower prove an inadequate and unfit Secretary of Defense.

So, I ask all my colleagues to consult their consciences, and pay attention to what they really know about John Tower—not rumors or unproven allegations, but the facts they know and believe. The prinicple that "where there's smoke, there's fire" is not enough to hang a man in America. And it is certainly insufficient grounds for rejecting a President's nominee to be Secretary of Defense.

President Jack Kennedy was fond of observing that life is unfair. And it is true that not every injustice, every hurtful lie, every slander in the world is set right.

But we in the Senate have a rare opportunity to perform an act of justice, to say that yes, the truth should matter and the truth does matter. John Tower is a prisoner of a Kafkaesque maze of accusations—and it is in our power to free him from it.

Ten years from now, probably much sooner ever than that, this controversy will be forgotten. But in our consciences, each of us will have to live with the question, "Why did I vote the way I did on John Tower?" I want to live with the right choice—and that is a yes vote on John tower.

Mr. President, upstairs in room S-407, there are a number of black looseleaf binders. I have studied these documents for hours, and I agree with the distinguished Senator from Virginia—they are a conglomeration of fact, fiction, and fantasy. I urge all my colleagues to work through those documents and decide for themselves what is true and what is not true.

But much more importantly, in each of us, there is an intellect and a conscience; and I ask—as strongly as I know how—that each of my colleagues consult that conscience before we rush to judgment on Senator TOWER.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I will be brief, but I believe a couple of things have been mentioned on the floor today that merit comment. I am happy to see the able Senator from Maryland here who made note of the fact that no women have come forward endorsing or standing for John Tower.

I believe yesterday Mr. WARNER looked up at this press gallery and read them a letter signed by a number of America's most distinguished women and asked them why they had not printed it. We searched in vain today and they have not printed it. Apparently, the press does not yet care that a letter of this kind is in the public record. Therefore, it is no surprise that the able Senator from Maryland did not know of its existence, because the press has been able to play this in one certain way, too.

But if the Senator will just wait for a moment, I will read it to her. It reads:

DEAR MR. CHAIRMAN: We have known Senator John Tower professionally and personally for a number of years. We are very aware of his 26-year record of outstanding public service to his country.

He served the people of Texas in the United States Senate for 24 years. They endorsed his performance in office by re-electing him three times, in each instance over a well-financed and strong opponent.

After retiring from the Senate where he held important policy and leadership positions, Senator Tower was asked by the President to handle some of the toughest and most delicate problems facing our country. He received public acclaim for his work as Chief Negotiator for the U.S. Strategic Arms talks in Geneva, and for his fairness and candor as Chairman of the President's Special Review Board which studied National Security Council operations in light of the Iran-Contra matter.

We all know the Senator well. Many of us worked as volunteers in his campaigns or as members of his staff. Many of us counseled with him on domestic policy or on sensitive matters of national security and defense. Others of us are simply his friend. But we all are convinced that President Bush has made an excellent choice in nominating Senator Tower as Secretary of Defense.

We urge you to bring his nomination to a prompt vote in the Senate Armed Services Committee and to recommend his confirmation as Secretry of Defense.

This is a letter sent after all of these charges—and I might say they are charges, unsubstantiated, of womanizing, et cetera, et cetera—this letter is dated the 17th of February and it is signed by Honey Alexander, a member of the Corporation for Public Broadcasting, Nashville, TN; Anne Armstrong, former Ambassador to Great Britain; Carol E. Dinkins, former U.S. Deputy Attorney General; Elizabeth Dole, Secretary of Labor; Patricia Hill, member of the Texas House of Representatives; Carla A. Hills, U.S. Trade Representative; Kay Bailey Hutchinson, former Chairman, National Transportation Safety Board; Jeane J. Kirkpatrick, Leavy professor of Government, Georgetown University; Cyndi Taylor Krier, member of the Texas State Senate; Sally F. McKenzie, vice chairman, Texas Women's Commission; Beryl B. Milburn, former chairman, Higher Education Coordinating Board, Austin, TX; Catherine Clark Mosbacher, attorney, Houston, TX; Cynthia Root Moran, former Assistant Secretary for Legislation, Department of Health and Human Services; Anna Mowery, member, Texas House of Representatives; Irene Wischer, president and chief executive officer, Panhandle Producing Co.; Jocelyn L. Straus, member, National Council on the Arts, San Antonio, TX; Greer Garson Fogelson, Dallas, TX; Jessica Catto, builder, Woody Creek, CO; and Nancy Kissinger.

So it is not surprising that the Senator from Maryland did not know this because the press, once again, refused to make this part of the RECORD.

But I ask unanimous consent, Mr. President, that it again be printed in the RECORD.

FEBRUARY 17, 1989.

Hon. SAM NUNN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We have known Senator John Tower professionally and personally for a number of years. We are very aware of his 26-year record of outstanding public service to his country.

He served the people of Texas in the United States Senate for 24 years. They endorsed his performance in office by re-electing him three times, in each instance over a well-financed and strong opponent.

After retiring from the Senate where he held important policy and leadership positions, Senator Tower was asked by the President to handle some of the toughest and most delicate problems facing our country. He received public acclaim for his work as Chief Negotiator for the U.S. Strategic Arms talks in Geneva, and for his fairness and candor as Chairman of the President's Special Review Board which studied National Security Council operations in light of the Iran-Contra matter.

We all know the Senator well. Many of us worked as volunteers in his campaigns or as members of his staff. Many of us counseled with him on domestic policy or on sensitive matters of national security and defense. Others of us are simply his friend. But we all are convinced that President Bush has made an excellent choice in nominating Senator Tower as Secretary of Defense.

We urge you to bring his nomination to a prompt vote in the Senate Armed Services Committee and to recommend his confirmation as Secretary of Defense.

Sincerely,

Honey Alexander, Member, Corporation for Public Broadcasting, Nashville, TN; Carol E. Dinkins, Former U.S. Deputy Attorney General, Houston, TX; Anne Armstrong, Former Ambassador to Great Britain, Armstrong, TX; Elizabeth H. Dole, Secretary of Labor, Washington, DC; Patricia Hill, Member, Texas House of Representatives, Dallas, TX; Kay Bailey Hutchison, Former Chairman, National Transportation Safety Board, Dallas, TX. Cyndi Taylor Krier, Member, Texas State Senate, San Antonio, TX; Beryl B. Milburn, Former Chairman, Higher Education Coordinating Board, Austin, TX; Cynthia Root Moran, Former Assistant Secretary for Legislation (Acting), Department of Health and Human Services, Washington, DC; Jocelyn L. Straus, Member, National Council on the Arts, San Antonio, TX; Carla A. Hills, U.S. Trade Representative, Washington, DC; Jeane J. Kirkpatrick, Leavy Professor of Government, Georgetown University, Washington, DC; Sally F. McKenzie, Vice Chairman, Texas Women's Commission, Dallas, TX; Catherine Clark Mosbacher, Attorney, Houston, TX; Anna Mowery, Member, Texas House of Representatives, Fort Worth, TX; Irene Wischer, President and CEO, Panhandle Producing Co., San Antonio, TX; Greer Garson Fogelson, Dallas TX; Jessica Catto, Builder, Woody Creek, CO; Nancy Kissinger, New York, NY.

(Mr. KERREY assumed the Chair.)

Mr. WALLOP. Mr. President, these are women, both common and uncommon, and they are women who have great presence and stature and reputation in America and they are just plain women of America who know this man. It is very unlikely that they, having known him in the variety of personal and professional situations in the life of Senator Tower, that they would be inclined to endorse a man with a reputation that has been sought to be portrayed in the diatribe that has been going on on the other side.

Let me talk just a minute about the revolving door and the Talmudic standard that the other side seems to wish to apply. They themselves, in their majority report, have found that there is no violation of law and we are now discussing whether one can be judged by an appearance, the criteria for the appearance of which has not been established by anybody.

The majority report in this thing is a matter of really curious dimensions. We are told that Senator Tower's work for defense contractors would represent a conflict of interest with his duties as Secretary of Defense. Did he violate any law? The answer is, no, he did not violate any law. Did he violate any Federal regulation? The answer is, no, he violated no Federal regulation.

What did he do wrong? Well, some regard the mere fact that his company made $1 million in 2½ years working for defense contractors as reason enough to vote against him. They do not draw the same standard against able former Democrats who represent those same people downtown at fees far larger than John Tower ever commanded. And yet they use those people as references to their judgment on the floor today. For instance, there is Mr. Clark Clifford, an able, able man, an honorable, honorable man. He certainly makes well over anything that John Tower has made and nobody, least of all this Senator, is accusing him of any kind of malfeasance. But then, again, he belongs to the other party and a new standard may now have been established for those of us who call ourselves Republicans.

Would they similarly vote against such distinguished Americans of their party as Mr. Harold Brown, the Secretary of Defense in the Carter administration, as well as an official of other administrations that preceded them? Or Mr. Robert McNamara, and many others? Or Mr. Frank Carlucci, who has been cited as a shining example of what a Secretary of Defense ought to be? And I endorse that. But the standard that applies to him is far lesser of a standard than that which they seek to apply to the President's nominee.

Was their objectivity, these gentlemen of whom I have spoken, clouded by their relationship to the defense world? No. Quite the contrary. They have, by those who seek to demean

John Tower, been heaped with praise and bona fides, both in the political world here and in the business world in which they operate.

Indeed, John Tower is one of the few Members of the Senate of his day that did not retire substantially richer than when he came here. The committee's finding is interesting, Mr. President. This is the majority of the committee speaking.

Senator Tower showed poor judgment by placing himself in a situation in which there was such an obvious tension between the information he acquired as an arms control negotiator and his obligations to his consulting clients.

But, it goes on to say:

The committee has no evidence—

Which is a standard that has not troubled them since—

no evidence that Senator Tower provided his clients with classified information. In the committee's judgment, however, this situation created the appearance of using public office for private gain and casts doubt on his ability to command public confidence in the integrity of the defense acquisition system.

Mr. President, a curious question might just be asked of the world examining this. Whose judgment? What standards are we setting? Who has described those standards except to say that those which they have seen, they find at fault with Senator Tower but find it praiseworthy of other Secretaries of Defense. Praiseworthy, I say, because they are cited by Senator HOLLINGS and others as standards by which this nominee should be judged. Standards in the same arena in and under the same circumstances as those of Senator Tower.

So, are we to eliminate totally the point that those who know most about the defense acquisition business are, by definition, the least qualified by our standards to be Secretary of Defense?

Mr. President, that is a mind-boggling absurdity, in which experience, competence, understanding, and judgment are being used as tallies against the Senate's standards for confirmation.

What has been troubling the Department of Defense, Mr. President, is not competence. What has been troubling it is incompetence. And everybody, including this report, talks of John Tower's competence.

The chairman spoke of his competence. The former majority leader spoke of his competence. All kinds of people have chosen to speak of his competence and, as the Senator from Pennsylvania noted, speak of it spontaneously, without urging and without diminution.

But now, put their competence to use in the advice of the country and a mysterious standard says that it creates tension.

Hell, yes, it creates tension. It is tension between Congress, which has less of that competence, and John Tower, who has more of that competence, that is worrying some in the Senate today. And I have no doubt in my mind that that is the tension whereof they speak and not this Talmudic standard that he be held accountable to a reference that we have yet to define on pages yet to be written by people yet to decide.

The Senate is a mystical place sometimes. I have always been very proud to be here. I am trying hard to be proud to be here now, but I must say this process is something that really leaves that in doubt as the American people look at us.

The three most famous leaks among the barrels of leaks by which John Tower has been convicted in the press and in the minds of the majority party are the most absurd. The Senator from South Carolina, the Senator from Maryland, and others have cited the volume of accusations. It is hard to tell whether the volume of which they speak is one of decibels or the volume of number.

But it does not matter that in this volume there is no proof. It is merely volume, repetition. The Senator from South Carolina was talking about a hint, the hint of impropriety.

There, my friends, is a standard to judge. The hint of impropriety. One has but to call a talk show in the middle of the night and hint, and the hint of impropriety has tainted the candidate of the President of the United States for appointment to high office.

One has merely to go down and whisper in the FBI's ear, and the hint has been laid down as a standard.

Let me talk about those three most famous cases. Mr. DeBerg, cited by the Post as an independent businessman with no ax to grind, is a Democratic pollster and consultant, professedly never worked for the other side.

These three marvelous trips to Washington, in which he cites John Tower's drunkenness and disorderliness in the Jefferson Hotel, all took place at a moment in time when John Tower was, one out of the country; one in Dallas, TX; and one in Washington State.

So they called him up and told him that, and he said, "I must be mistaken," and he had a couple of other tries. He could not find a time when John Tower was in town.

But the volume, the repetition, the standard is only that it need be said, not that it need be true, not that it need even to be corroborated.

The Russian ballerina is a story so bizarre that it should not have been investigated in the first place. It was investigated primarily because it was leaked. And, therefore, it became a matter in the public domain and the trial by leak and the trial by transom continued. And after examination—and this has all been said in the public press—after examination we find that the accusation is totally baseless, totally groundless.

How do you get that to become a part of the judgment instead of a just a part of the record? The answer is, apparently, you do not.

Then we have Bob Woodward, that paragon of journalistic virtue and moral content, running with a story yesterday without even bothering to ascertain its validity, front page Washington Post, reported thereafter in all the papers, reported thereafter in the television shows of news worthiness, so they say and say for themselves—so it is spread all over America. The hint of impropriety is made, but the facts that verify the charge are not heard.

The man was not on active duty at the time when the supposed events took place. All those who witnessed John Tower's presence on that air base swear that it did not happen. And we find that this man is a man of some mental incompetence and under care. And I feel sorry for him. But I do not feel so sorry for him that I think that it is a bad idea to have come to John Tower's aid and assistance, trying to set the record straight. By glory this place is disgracing itself by following the path of believing all that is said as fact and all that is fact as immaterial.

What occurred in the Armed Services Committee last week is a travesty of justice. The Senator from South Carolina was saying John Tower could confront his accusers. He does not know who his accusers are. The only response he gets to make is after it has been leaked to the press. Everybody else is either "A" or "T" or anonymous.

He has not seen the report which some are using here to convict him in the minds of the public. "Polls show that John Tower is now not a popular man for this post." Why could they show any different when hints and leaks and charges are out and they take time to investigate, they wallow in the public's mind, they are repeated in the press, in the papers, on the television, and by the time the investigation comes out, it is no news anymore that he is exonerated, that they are without foundation, without corroboration because a new charge has been leaked.

I called this trial by transom, and I meant it was trial by transom.

The committee never should have entertained this succession of things which were prefectly orchestrated as to keep this committee and this Senate and the nominee in some kind of a desperate circumstance of always trying to answer something that just came in while the answer that exonerated him from the previous charge was

messed up and missed because new charges appeared.

So it is, as the Senator said, the volume repeated often enough and it becomes fact, "factoid," like humaniod, those things which take on the appearance of and the standard of fact without ever having been related to the press for the standard that they would apply in other levels of journalism, let alone the standards that the lawyers in the Senate or any fair-minded American would ever apply to a case of law or to a circumstance of fairness. The Senate abandoned fairness and the object of that abandonment is John Tower.

We are seeing now an attempt to end, to finish, a final nail in a coffin of a long and distinguished political career in the service of the country that he loves, a military career, a political career, a diplomatic career, and a professional career—without so much as a look over our shoulders as to what it may be doing to him, his family, his friends, and his colleagues.

The dirt of this process is being spread on innocent people—his family, his associates, some in Geneva—and it is being spread without a concern or a care as the factual relations of it. Not a concern, not a care; nobody is willing to do anything except report the rumors and allegations. Far worse than the attempt of a destruction of a good man's career is the tremendous embarrassment that I feel for the Senate Armed Services Committee and for the Senate of the United States itself.

The nominations process is now a tool of connivance and a tool of raw power. Responsibilities accorded to the Senate by the American Constitution have been grossly distorted. Any pretense at civility is just that, a pretense. Any pretense at responsibility. Is now just that, a pretense. And any pretense at the recognition of the rights of individuals is now just that, a pretense.

Mr. President, I just leave with this. Mark Twain once said a lie is halfway around the world before the truth puts on its shoes. We have seen that repeated time and time again. It is time for the Senate to put a stop to it. It is unfair. It is unfair to the President of the United States; it is unfair to the nominee; it is unfair to his family; it is unfair to his friends, and it unfair to the Senate. We are better people, or have been, than we are being at this moment in time.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, it is my intention that the Senate will continue in session this afternoon for a period beyond the 3 o'clock time which I have previously indicated would be the time for no more votes, since I have already indicated that there will be no more votes today. There will be further debate on the nomination if Senators which to speak this afternoon.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Nebraska.

Mr. EXON. Mr. President, it is extremely rare that I vote against the confirmation of any Presidential nominee. As a former Governor, I understand the need for an executive to have his team in place to assist him. However, despite my original intention before the hearings began, I could not now, in good conscience, support the confirmation of Senator Tower.

There have been many charges and allegations made about the nominee's personal and business behavior. Ninety percent of these are garbage and definitely unfounded, in my view. Nonetheless, there were serious allegations of continued drinking, personal indiscretions, and potential unethical business dealings. The Senate has the constitutional responsibility to review nominees and these serious charges deserved and received thorough and fair investigation.

The most recent FBI report clearly did not clear Senator Tower of these critical charges. Early on, there was not even established a serious drinking problem at all. The evidence is that Senator Tower's admitted drinking problem in the 1970's is not, in fact, behind him. This is very worrisome to me as the Secretary of Defense is the key Cabinet member in the chain of command controlling our nuclear forces. Any member of the Armed Forces with the same apparent problem as Senator Tower would be removed from such a position of responsibility. Is the standard set by the Secretary of Defense in this area important to our men and women in uniform? I think so.

Senator Tower's past business interests with defense industries also raises a troublesome appearance of favoritism and conflict of interest at the very time at which the President and the Congress are both committed to eliminating waste and fraud in the Pentagon.

My decision to vote against the confirmation was personally very difficult. I know Senator Tower well and served under his chairmanship on the Armed Services Committee. I have never seen him in any condition that would disqualify him, but that does not mean that such circumstances never existed. And it is very clear in the FBI report that other responsible individuals have seen otherwise.

I suggest that it is blind man's bluff to follow the argument that has been made contrary by very responsible people to what I personally know and have seen in John Tower.

His contribution to the Nation over the years as well as through the Tower Commission and his Ambassadorship to the arms control talks is great and worthy of thanks and praise. He has the knowledge and the experience to run the Pentagon. Nevertheless, after very careful study of all of the FBI and other reports, numerous meetings with many individuals and personal investigations, I conclude that the President should look elsewhere for a Secretary of Defense.

Many see the committee vote of 11 to 9 along party lines against Senator Tower as a partisan attack upon the President. Nothing could be further from the truth. As an outspoken advocate and leader for a strong national defense, I want a knowledgeable, aggressive, and strong Secretary of Defense, but he or she must have the trust and the faith of the American public which pays for national defense.

We face many challenges, Mr. President, in the area of national security and must deal squarely with them. The Nation must have a 24-hour a day Secretary of Defense. This is certainly not a partisan view. The partisan charges are without foundation. Every independent evaluation that I have seen of the comparative voting records have shown this Senator at the top or near the top of Democrats supporting key initiatives of the Reagan administration. That is also true for many of the other Democrats who have been leading the opposition to this nominee.

I made my choice after careful and fair thought. I do not criticize my colleagues on the Armed Services Committee who felt compelled to vote otherwise. The final decision is up to the full Senate now. However, I do hope that the vote will not be viewed in a partisan manner. After all, the Senate has overwhelmingly confirmed all of the President's other nominees to date. Furthermore, the Armed Services Committee has an outstanding record as a strong advocate of national security. It is a record which I am proud to have helped shape.

Mr. President, I will continue my efforts in this regard and support an individual who I believe is fully capable of leading the Department of Defense in these challenging times, an individual who can, without any question, preside over our national defense establishment and represent the President of the United States around the world in this area.

Mr. President, in conclusion, I would like to read into the RECORD at this time a very brief statement that I made before the Armed Services Committee voted on this matter on Thursday last which I believe better than anything else sums up my position on this matter.

Like all committee Members, this has been for me a painful experience and when the hearings began I fully intended to support the nominee. As the hearings progressed I experienced increasing concerns in a series of areas, but primarily with regard to the drinking problem.

After sweating it out, like all of us have, I finally came to the conclusion, right or wrong, that in the final analysis my conscience would not tolerate a positive vote. I came to the realization that it was my best judgment, while conceding that I might be in error, that the overriding consideration has to be what I thought was best for our national security interests.

Therefore, notwithstanding the significant contributions that John Tower has made to national defense and his considerable expertise in this area and his obvious basic qualifications, we should look elsewhere for a Secretary of Defense.

All other things aside, although the whole picture is important, the drinking problem caused me the most concern.

John Tower testified in open and closed sessions that we could not tolerate a Secretary of Defense who had a drinking problem. The nominee has refuted any and all allegations as untrue with regard to alcohol abuse, conflict of interest and sexual excesses.

In rebuttal to those denials, I would cite the many firsthand reports (as opposed to second or third-hand reports) in the FBI file that are in sharp disagreement with those statements by John Tower. The specific details are available to individual Senators in the classified FBI file.

Let me insert here, Mr. President, that that FBI file is a classified document. It is the property of the President of the United States, and this Senator has never leaked one word of that in any fashion to any unauthorized person.

I am aware of the many sound individuals in the FBI report that maintain John Tower either never had a drinking problem or has it licked.

Indeed, if I had been interviewed before the hearings by certain individuals about this and at that time I said I knew nothing about them and that had I been voting at that time, before the hearing

I would have given John Tower a positive rating.

Like most members of the committee, I have never seen John Tower inebriated, and we may incorrectly assume he is only a "social drinker." It is unwise, I suggest, to maintain that just because a Member of the Senate has not personally seen indiscretions, they do not exist. The system may not always be entirely fair, but it works. As I have said many times in the past two weeks, 90 percent of all of the charges and allegations inside and outside the FBI report were unfair garbage. The remaining 10 percent were major enough to give me concern.

I do not want to be prudish, but I believe there is more than adequate established patterns of serious concern, including a possible alcohol problem and a clear pattern of behavior around women that at best is unbecoming for a Secretary of Defense. All of this is of a very highly questionable nature and certainly is not an example for the Secretary of Defense to set for the professional military personnel under his direction.

The key test is that notwithstanding the White House spin control on the FBI report, John Tower would most likely not qualify for duty at the Strategic Air Command Center in Omaha. He has exceptional talents that could be put to use, but with regrets I must conclude not as the Secretary of Defense.

I hope that we can support this nomination and send it to the floor of the Senate for that purpose but with a negative recommendation.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I want to make two points and I will take just a few moments. I know other Members have been waiting to speak.

First, there has been a lot of discussion here about the revolving door, and I want to start out as I have I hope every other day, not start off with a bad cold but to indicate that it is still my hope we can find a bipartisan majority in this Senate for the nomination. I have spoken to President Bush this afternoon. He has been with Senator Tower today. He went to the Pentagon, had a meeting there.

So every effort is being made by the President, and I have said many times before that Senator Tower is willing to meet any Senator, any time, any place to discuss the nomination.

So I want to urge my colleagues—I have in the past—to see if we cannot find a way to resolve this issue. It is an important issue. It is important to the President of the United States. It is important to the Senate. It is obviously important to John Tower. He may be third in that order.

I heard a number of my colleagues say I am going to vote against him because of the revolving door issue. This is not a new concept to this body. In fact, the Senate has passed and the President signed into law seven different statutes which apply to Government and former Government officials with respect to post-Government employment.

At this point, I ask unanimous consent that a memorandum which identifies and explains each statute be made a part of the RECORD in order that the Senate may refresh its memory on what is and what is not acceptable behavior by these officials and former officials of the U.S. Government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POST-EMPLOYMENT "REVOLVING DOOR" RESTRICTIONS ON DEPARTMENT OF DEFENSE PERSONNEL

Officers and employees of the Department of Defense are subject to a number of post-employment "revolving door" restrictions on employment in the private sector after leaving government or military service. These restrictions fall into three broad categories. First, there are restrictions on contacts with one's former agency or service after an individual leaves government or military service. Second, there are requirements for disqualification of individuals in specified circumstances from participating in activities with respect to a government contractor (e.g. contract negotiations) while that individual is still in government or military service. Third, there are prohibitions against individuals receiving compensation from a contractor in cases in which such individuals, in the two years prior to leaving government or military service, were substantially engaged in procurement functions affecting that contractor. The laws in each of these areas are:

1. RESTRICTIONS ON AN INDIVIDUAL'S CONTACTS WITH HIS FORMER AGENCY OR SERVICE

18 U.S.C. 207

This law applies to all former officers and employees of the Executive Branch. This post-employment conflict-of-interest law generally affects representational or advocacy type of activities of former Executive Branch employees appearing before the Federal government. The law consists of the following series of bans:

A lifetime ban on "switching sides," that is, acting as an agent or attorney, otherwise representing a private party or advocating before the Federal government, or in a court action in which the government is a party or is interested, on any "particular matter involving specific parties" on which the employee had worked "personally and subtantially" while in the government (18 U.S.C. 207(a)).

A two-year ban on "switching sides" on any "particular matter involving specific parties" which had been under the "official responsibilities" of the former employee during the last year of his government service (18 U.S.C. 207(b)(i)).

A two-year ban for senior-level government officials (i.e. those compensated in the Executive Schedule, certain designated GS-17's and above, and military officers compensated at O-9 and above) on "aiding or assisting" private parties with their advocacy or arguments, by way of personal appearance before the government concerning a particular matter on which the former official had worked personally and substantially while with the government (18 U.S.C. 207(b)(ii)).

A one-year ban for senior level government officials on making representational or advocacy contacts on any matter to the agency in which the official had been employed while with the govenment (18 U.S.C. 207(c)).

The penalties for violation of this law are a fine of up to $10,000, imprisonment for not more than two years, or both.

18 U.S.C. 281

This law applies only to retired Regular military officers. Such individuals are prohibited from receiving any compensation for the representation of any person in the sale of anything to the United States through the military department in which the officer was retired. The penalties for violation are a fine (unspecified), up to two years in prison or both. In addition, 18 U.S.C. 281 prohibits retired Regular officers, for a two-year period after retirement, from acting as an agent or attorney for the prosecution of any claim against the United States involving his military department or involving any subject matter with which the retired officer was directly connected while on active

duty. The penalties for violation are a fine, up to one year in prison or both.

37 U.S.C. 801

This law applies only to retired Regular military officers. Such officers are prohibited from "selling or contracting or negotiating to sell supplies or war materials" to any agency of the Department of Defense or Coast Guard for three years after their retirement. The penalty for violating this law is forfeiture of retirement pay for the three-year period after retirement.

2. REQUIREMENTS FOR DISQUALIFICATION OF GOVERNMENT EMPLOYEES FROM PARTICIPATING IN ACTIVITIES WITH RESPECT TO A CONTRACTOR

18 U.S.C. 208

The restrictions in this law apply to all employees and officers of the Executive Branch. It requires that in cases in which an individual begins "negotiating" future employment with a private concern, that employee or officer must disqualify himself from any official government duties, such as recommendations, advice, or decision-making, on any matter which would affect the financial interests of that potential private employer. The penalties for violation are a fine of up to $10,000, not more than two years in prison or both.

10 U.S.C. 2397a

This requirement applies only to DoD civilian employees at GS-11 and above and military officers at grade 0-4 and above. A covered individual who has participated in "a procurement function in connection with a contract award by the Department of Defense" must report any contacts by the contractor regarding future employment and disqualify himself from participating in procurement functions with respect to the contractor during the period of future employment discussions. A covered individual is not required to report and disqualify himself if he terminates discussions about future employment on the first contact. The penalties for violation of this law are a prohibition on the individual accepting employment from the contractor for 10 years and an administrative penalty of up to $10,000.

3. PROHIBITIONS AGAINST RECEIVING ANY COMPENSATION FROM A CONTRACTOR IN CASES WHERE MILITARY OFFICERS OR GOVERNMENT EMPLOYEES WERE ENGAGED IN PROCUREMENT FUNCTIONS INVOLVING THAT CONTRACTOR PRIOR TO LEAVING GOVERNMENT OR MILITARY SERVICE

10 U.S.C. 2397b

This restriction affects DoD civilian and military personnel only. The law provides a two-year ban on specified former DoD employees or military officers receiving compensation of more than $250 from a defense contractor (with over $10 million in annual business with DoD) if these individuals had official procurement duties relating to that contractor during the two-year period prior to leaving government or military service.

The two-year ban applies to former DoD employees at GS-11 and above and military officers at grade 0-4 and above who had performed a procurement function on the majority of their working days at a site or plant of the contractor, or on a major defense system where the duties involved decisionmaking affecting the contractor. For the purposes of this law, a procurement function is defined as:

(A) the negotiation, award, administration, or approval of the contract;

(B) the selection of a contractor;

(C) the approval of changes in the contract;

(D) quality assurance, operational and developmental testing, the approval of payment, or auditing under the contract; or

(E) the management of the procurement program.

Also covered are former employees or officials paid at the rate of a Senior Executive Service position, or former military personnel at grade 0-7 or above, who acted as one of the primary representatives of the government in negotiating contracts or claims of over $10 million affecting the contractor.

The penalties for violation are a civil fine of up to $250,000 for the former employee or officer and a civil fine of up to $500,000 for any contractor who knowingly hires a former DoD officer or employee in violation of the law.

This legislation was effective on April 16, 1987.

10 U.S.C. 2397c

All defense contracts in excess of $100,000 are required to contain a clause stating that the contractor agrees not to compensate anyone in violation of 10 U.S.C. 2397b. In addition all DoD contractors with contracts totalling $10 million or more in any year are required to provide detailed information on all former DoD officers and employees who were provided compensation if that compensation was provided within two years after the former officers or employees left government service. The Secretary of Defense is required to review these reports, which are due no later than April 1 for the preceding year, and refer possible violations of 10 U.S.C. 2397b to the Attorney General.

This legislation was effective on April 16, 1987.

APPLICATION TO SENATOR TOWER

Mr. DOLE. Two, or at least parts of two, of these statutes apply to Senator Tower due to his employment by the Department of State as an arms control negotiator.

The other five statutes apply only to civilian and/or military personnel in the Department of Defense, and clearly do not apply to Senator Tower.

The two which do apply are 18 U.S.C. 207 and 18 U.S.C. 208, which apply to all officers and employees in the executive branch.

The first involves "representing" or "advocating" before the Government on "particular matters involving specific parties." It further imposes a 1-year "cooling off" period for jobs which are listed by the Federal Government. The position held by John Tower was not on this list during his tenure in the Government.

The second involves making specific decisions regarding private concerns after having been approached for employment by the private concern. While this law would cover Senator Tower, no allegation of which I am aware suggests he negotiated for employment prior to leaving Government service. This, then, exempts Senator Tower from the second statute.

STATE DEPARTMENT REGULATION

Mr. President, in his remarks of yesterday, the distinguished chairman of the Armed Services Committee, Senator NUNN, appeared to suggest that his concern over the revolving door was not these statutes but with a Department of State regulation covering the "disclosure of inside information."

To be fair and ensure the record is complete, I would like to complete the partial quotation of the regulation which was used yesterday. This was used yesterday:

Former employees may not disclose to future employers or the public any classified or administratively controlled information or any other "inside" information (including business secrets) acquired in the course of official duties, without the specific prior authorization of the Department.

Mr. President, I believe the chairman is referring to this in his remarks. However, the regulation goes on to say, and immediately following that is this:

Former employees are not required to purge their minds of the experience, understanding, or insight gained during their time with the Government, but must take care not to communicate any confidential information to subsequent employers.

Mr. President, I would suggest that prior to any further suggestion of impropriety on behalf of Senator Tower regarding the revolving door is made, Senators acquaint themselves with the law and regulations, and my review indicates the charges are not well founded. That is the first point.

Mr. President, on March 2, the Chair made serveral statements with regard to the FBI report which I feel deserve further explanation. Let me tell you why. Many of us are trying to make a judgment. Some have already made a judgment based on what they may have found or think they found in the FBI report. We are constrained, I guess almost totally, from making any reference to that report, even maybe where it is located. We have all done that.

It seems to me until we can have a full and complete discussion, we can have a give and take, we can talk about the witnesses and their credibility and how many there were on one side or the other. Nobody can come out here and quote something out of the report and refer to it, and say "I made up my mind based on what I saw in the report." Maybe one person had that particular conclusion in that report, and maybe 10 had another conclusion.

As I have told the majority leader, I am not trying to surprise anybody. I gave these questions I am going to ask to the Parliamentarian. They are just parliamentary inquiries on how far we can go in the report.

I would ask the Parliamentarian—and these are parliamentary inquiries—a series of parliamentary inquiries.

No. 1. Is it permissible to refer to the number of witnesses who were interviewed by the FBI in compiling the report?

The PRESIDING OFFICER. In the opinion of the Chair, it would not be.

Mr. DOLE. Is it permissible to refer to the ratio of favorable to unfavorable witnesses contained in the report?

The PRESIDING OFFICER. In the opinion of the Chair, no.

Mr. DOLE. Can names be cited from the report?

The PRESIDING OFFICER. In the opinion of the Chair, no.

Mr. DOLE. Can references identifying persons by other characterizations than by names be used such as profession, qualifications as a witness, date of interview, date of alleged occurrence?

The PRESIDING OFFICER. In the opinion of the Chair, no. In the opinion of the Chair, in addition, if that Senator demonstrates that information had already been in the public or was in the public domain, an exception could be made.

Mr. DOLE. Can places be referred to such as areas of this country or cities or specific places like the La Colline Restaurant?

The PRESIDING OFFICER. In the opinion of the Chair, no.

Mr. DOLE. Can the nominee John Tower go to S-407 to see this report?

The PRESIDING OFFICER. In the opinion of the Chair, I do not have a basis to make that judgment.

Mr. DOLE. Can a Senator read from notes about the report?

The PRESIDING OFFICER. The Senator cannot read from notes.

Mr. DOLE. Are quotations or phrases allowed?

The PRESIDING OFFICER. Once again, in the opinion of the Chair, no.

Mr. DOLE. Are references to isolated words allowed?

The PRESIDING OFFICER. The same, in the opinion of the Chair, no.

Mr. DOLE. Can you refer to the number of anonymous phone calls which are cited in the report?

The PRESIDING OFFICER. In the opinion of the Chair, no.

Mr. DOLE. Can one refer to anonymous letters in the report?

The PRESIDING OFFICER. Again, no, in the opinion of the Chair.

Mr. DOLE. It is possible to refer to the Senator's interviewed by the FBI?

The PRESIDING OFFICER. The same answer, again with the proviso only to the extent that it is known already in the public domain.

Mr. DOLE. That would apply to others interviewed, Congressmen, Cabinet officers, Ambassadors, service Secretaries, current and former female employees of Senator Tower?

The PRESIDING OFFICER. That would apply.

Mr. DOLE. The Chair stated on yesterday information which has been published in the national media was no longer under the injunction of rule XXIX, specifically that information no longer appeared to be confidential. Is that still the view of the Chair?

The PRESIDING OFFICER. Only to the extent that the Senator can demonstrate the information had already been in the public could the Senator reference it on the floor in the opinion of the Chair. The opinion of the Chair is that no Senator can reveal information that is in the FBI report.

Mr. DOLE. But if I read an article say from the Washington Post, and that article included information which may be contained in the FBI report in S-407, then I have the right. I could read the entire article in the record. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator would not be able to assert the accuracy or deny the accuracy of the report on meaning.

Mr. DOLE. But I can read it as a report?

The PRESIDING OFFICER. In the opinion of the Chair, yes.

Mr. DOLE. I cannot say then that I know this to be true?

The PRESIDING OFFICER. The Senator is correct. In the opinion of the Chair, that is correct.

Mr. DOLE. Neither could I deny that it was not true?

The PRESIDING OFFICER. That is correct, in the opinion of the Chair.

Mr. DOLE. I know that other Senators may have other areas of interest but I think, and again I do not fault the Chair, he is correct. What many of us are trying to do because we understand the importance of fairness to the nominee, and also to our colleagues, only 20 Members of this body are on the committee. The rest of us have read the report, some read it more than once, some may have read parts of it, and there are undecided Senators on both sides of the aisle who are looking for information, facts.

I do not fault the Parliamentarian for the answers to the inquiries, but I do fault the process, which I think is clearly unfair to our former colleague, John Tower, and it would be unfair to anybody else, former colleague or not.

John Tower cannot see the FBI report. I understand that he could do so through the Freedom of Information Act, but that would be 30 days or more.

So we can come out and state our conclusions based upon what we have seen in the report, and everybody says the FBI report is a dominant factor in this whole process. There are only four witnesses. They were not sworn. He could repudiate in a closed session what they said in a public session. No one has cross-examined the people who have given information to the FBI. No one has tested their veracity, tested their credibility. They were simply interviewed for a number of reasons that none of us can refer to, and I think it puts all of us in a bad light, notwithstanding the thorough job done by the committee under the circumstances. I do not quarrel with that. But did we do enough?

Has the nominee, as indicated by a number of commentators, been fairly treated? Nameless accusers are totally unknown to the nominee. Somebody makes a call, and the FBI goes out and writes up a report, and some Senator reads it and decides to vote against Tower on that basis, or maybe to vote for Tower on that basis, even though that Senator may have known Tower for 20 years. They receive those anonymous telephone calls, letters, aliases, and all the rest.

I listened to the distinguished chairman earlier about his difficulty. But what are the alternatives? There are a number of them. Some may be good, some may be bad, and they are all fraught with danger, I assume, in the minds of some.

If I understand the Senate—and I have been here some time—there is not one person in this Chamber now or at any time that I know of who does not want everyone to have a fair shot. We may totally disagree with them, may have no intention of changing our mind or supporting whatever some other Senator may have on his mind; but the one thing we have always prided ourselves on was fairness, due process.

Due process applies not just to the courts but also to individual rights in any event in America, and John Tower is entitled to due process, just as we would like to be entitled to fairness and due process. How do we achieve it, with all the limitations?

According to the Parliamentarian, I would guess that there are a number of us on both sides who violated the spirit of his opinions. I said last week, publicly, how many witnesses have been interviewed. I learn now that I should not say that. I have even indicated that there was a pretty good favorable-to-unfavorable ratio, and I understand that that cannot be discussed.

Other Senators, on both sides, have picked out words. Even earlier today, one Senator was referring to a party in New York, obviously referring to the report.

It makes it very difficult to have a full and complete debate unless we go into a closed session. That is an option that remains. I do not suggest it, but at least it was considered or thought of earlier on by the Senator from Georgia [Mr. NUNN] and the Senator from Virginia [Mr. WARNER]. Senator WARNER talked to me about it. But there are other ways to get at the truth, maybe in a closed session.

Therefore, Mr. President, I am considering asking unanimous consent—I will not do it today—that this body give our former colleague, John

Tower, the opportunity to answer the charges against him. The request would be that John Tower be allowed to come to this Chamber and to stand in this well and to answer his critics, face to face, charge by charge, rumor by rumor, and fact to fact, and to state his case to those Senators who are truly undecided, on both sides of the aisle, and to those who have made up their minds. There might be a change, either way.

If the unanimous-consent request would be objected to, then a motion could be made, following the lead of a former Republican leader some 56 years ago.

On February 3, 1933, Senator James Watson of Indiana made a motion to bring the Sergeant at Arms before the Senate. I quote Senator Watson:

> For the purpose of answering such questions as may be asked of him and to make an explanation he may have in mind on the merits of the proposition.

The Democratic leader at that time was Joseph Robinson of Arkansas. He supported the motion, made a statement in favor of it, and saw that it was adopted.

There is other precedent for that privileged motion.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I have one more paragraph.

On February 9, 1934, another request was made. An officer of Northwest Airways was allowed to make a statement and was questioned by Senators about airmail contracts with the United States.

If we owe Senator Tower anything, whatever may happen in the end, we owe him a right to say, "I have had my day in court." Oh, yes, I know that he has been questioned by members of the Armed Services Committee. As I have said, there are only 20 of us on that committee.

It has been said that six on the majority side were disposed at one time to vote for Senator Tower, and they changed their minds somewhere along the way.

Somebody may have a better idea. Maybe this idea will be rejected. Maybe the motion—and I do not intend to do it today—would be tabled, and maybe the unanimous-consent request would be objected to.

I was asked by a colleague on the other side, a few days ago, "Let's have a high-level debate." I think we all want to do that, and I think that so far we have had a pretty high level, objective debate. Obviously, some people have different views. That is what a debate is all about.

So, Mr. President, those of us who are committed to the confirmation of the nomination of John Tower, having read the FBI report and believe that we can reach only one conclusion—unless we are going to have a double standard for former colleagues and a higher standard than has ever been imposed on any other one in history—believe we ought to consider some way to do this.

There are other things that could be done. We could recommit the nomination back to the committee for witnesses. That is an option.

Again, that was at least floated at one time by the chairman. Maybe it might be necessary.

I hope that however we finally vote and whatever the final outcome may be, we can all walk out of here with our heads high and say that we gave John Tower every opportunity to demonstrate that he was qualified and that we gave the President of the United States, who has a right to nominate, every opportunity.

Maybe there is no precedent for someone seeking Cabinet nomination coming into this Chamber, but there is no precedent I can find in the last 200 years—we just celebrated that yesterday in the House Chamber—of any President in this state of his Presidency being turned down by the Senate on a Cabinet nomination after he has determined the fitness and competency of the nominee. So there may be a lot of history being made.

But what we want to make in the process is a fair judgment. I wanted to make that statement today.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, the distinguished Republican leader has raised a series of questions which are serious and which trouble all Senators.

We all want to give Senator Tower total fairness as we should every nominee and as we should every issue that confronts us.

I know that the distinguished Republican leader did not intend to create any misimpression with respect to the FBI reports.

But I think a person who had not followed the entire debate might not be fully aware just from his statement as to who it is that controls release of the FBI reports.

In his opening remarks, when the nomination first came before the Senate, Senator NUNN placed into the RECORD a series of documents regarding those reports. They were the product of discussions between Senators NUNN and WARNER and the counsel to the President.

I think it important, and I know the distinguished Republican leader and Senator WARNER would agree, that it be clearly understood that as stated in this document signed by the counsel to the President acting in behalf of the President referring to the FBI reports:

> These documents are the property of the executive branch. The counsel to the President has agreed to make available to the Senate Armed Services Committee four copies of the Federal Bureau of Investigations summary of its background investigation of Senator Tower.

So there ought not to be any misunderstanding on any person's part, either any Senator or any person outside the Senate, as to whose property these documents are, as to who controls access to them, as to who controls their release or failure to release.

It is my understanding that the members of the committee deliberated on this matter, that the chairman, Senator NUNN, the ranking member, Senator WARNER, and the President's counsel, discussed the question of releasing these reports, either in original or what was referred to as sanitized form, and that they concluded unanimously, the President's counsel acting in behalf of the President, the distinguished ranking Republican on the committee and the chairman of the committee, all concluded that it could not be done and should not be done.

Now that, of course, presents opponents of the nomination with a serious problem. Those who support the nomination, as the distinguished Republican leader does, understandably and repeatedly asked that specific facts be stated to justify the conclusions of opponents while opponents are prohibited from stating such facts because the President controls the reports and has at least so far refused to permit disclosure of such facts.

There is no obvious or easy answer, and I agree completely with the distinguished Republican leader that we must do all we can to provide fairness in what is admittedly a very difficult and delicate situation.

But in fairness to all, it must be stated repeatedly and understood, that the circumstances in which we now find ourselves are those which I have described, and I know the distinguished Republican leader agrees with me on that. He is aware of these documents and has been present at many discussions that have been held.

I have spent much of my adult life in the system of justice. I have tried many cases, even presided over a few in my brief tenure as a Federal judge.

And I have been profoundly troubled by the difficulties which attend this process.

Our system of justice establishes specific rules and procedures for the introduction of evidence, for the evaluation of witnesses, for the consideration of evidence by the decisionmaker, whether it be the judge or jury.

There is no identical process here and we struggle to find a method by which we can accomplish our task in a manner that is fair to Senator Tower, fair to the President, and fair to those who are entrusted with this important decision.

I hope in the coming hours that we can deliberate further.

We will be happy, of course, to consider any request that the distinguished Republican leader chooses to make, and we will do so immediately and when made and during any further discussions.

I cannot speak for any other Senator, and I do not purport to do so. But I want to say that I have spent a great deal of time studying the record, attempting to determine what process I should use in reaching a decision, what standard I should apply and trying to determine the credibility to be given the information before us.

And I want to emphasize to the distinguished Republican leader that it is not just the FBI report. As he is well aware, there is a great deal of information in the committee records which is not included in the FBI report, which is directly relevant and which bears at least as much relevance as the FBI report on the question before us.

The issue extends not just to the FBI report. Indeed, it can validly be argued that it is the full record before the committee going beyond the FBI report that is itself critical to the decisionmaking process and which we also must struggle with in terms of how to reach a decision.

So I hope it is understood, and I believe it is, that we are all struggling to be fair in a very difficult situation. We all operate under some constraint, and we will attempt in the coming hours to improve the method by which this has occurred, to permit the fullest possible discussion and the greatest possible information for Senators to consider in making this judgment.

Mr. President, I took the occasion to ask the distinguished President pro tempore to permit me to interject these brief remarks because they bore directly on this question, and I wanted to now give him the opportunity. He had actually sought recognition before me and he was gracious enough to permit me to seek recognition and so I wanted to thank him very much for that.

Mr. DOLE. If I could just respond briefly, then I would be happy to yield the floor for whatever the Senator from West Virginia would like.

As I understand the ruling on each of the requests I made—it was based on a Senate rule, rule XXIX; is that correct?

The PRESIDING OFFICER. The Republican leader is correct.

Mr. DOLE. And that is because, as you indicated, that this was transmitted by the White House, the report, maybe not necessarily that letter. But there was an agreement. So I do not quarrel with that.

I may not agree with the distinguished majority leader on whether it is easier for those on one side or the other with all these constraints. We think it is very difficult on the proponents. It seems to me that there ought to be some indication or at least some disposition or some presumption that the nominee would be supported.

But we know for a fact, having read the report, that somebody can refer to one instance—I guess I may be getting into trouble here—but there may be other instances that you cannot talk about. So someone can make up their mind based on one little phrase in that report, maybe from some anonymous source, maybe from somebody else, notwithstanding their long relationship with the nominee himself, and we are not permitted to ask the person, as we are in normal debate, what about other statements, whatever, in any report.

So I think we are both constrained, not just one side, I think both sides. And I think the chairman indicated that this morning in his statement.

Maybe there is a way to make portions of the report public. I think the one concern there that some have on each side would be whether or not it would compromise the Federal Bureau of Investigation in other investigations and reports on nominees. I understand it is transmitted by the President, it is confidential, it is subject to rule XXIX, that we can lift the injunction of secrecy by resolution. That is another thing we could do.

So I raised the question because, as I said, I probably have been guilty myself. I thought surely you could add up the number of witnesses and say, "Well, there were 350 people interviewed." But, apparently, that is not permitted. I thought maybe you could say, "Well, there are so many for and so many against." But even those things are, I think the Parliamentarian properly ruled, not permissible.

Mr. MITCHELL. If I could just interject. The Senator has raised two separate questions. The first one, and the one he has made I think most consistently in his comments, is the ability to engage in full debate and question the rationale of Senators reaching a judgment. That obviously could be cured by a closed session.

The second one, which is related but not identical, is whether or not that should occur in public. Is it somehow unfair to Senator Tower to have that kind of debate in a closed session?

So we ought to understand that there are really two different issues here. The issue with respect to debate by Senators, what led a Senator to reach a certain conclusion, that can be disposed of easily and quickly by simply having a closed session in which there could be that kind of full open debate. Does that in and of itself create another unfairness is really the question.

We are all aware of the truism that the solution to every human problem carries within it the seed of a new problem. And we have to think about that.

I think if that is the Senator's primary concern, then it seems to me that the solution to that is not very difficult to achieve.

Mr. DOLE. I would just add to that, it still does not solve that problem of some who have talked about perceptions. And here I sympathize with the media. If we have a closed session, they still have to rely on leaks. They have been doing pretty well. They have been getting about one a day.

But, again, they would have to rely on somebody to come out and say, "Well, we had a big debate on whatever." And I think, obviously, in a closed session, none of these rules would apply; is that correct?

The PRESIDING OFFICER. The proceedings of a closed session are covered by an injunction of secrecy.

Mr. WARNER. Will the leader yield on a point of history that we once discussed?

Mr. DOLE. I am happy to yield to the Senator from Virginia.

Mr. WARNER. Well, I just point out the discussion that the distinguished Republican leader and I had on this very point. History shows that the Senate did deal in closed session with nominations until it got to the point where the leaks were so ridiculous that it was unfair to the nominee.

Mr. DOLE. 1929.

Mr. WARNER. 1929. And that was the year in which the Senate abandoned the practice of the closed hearing.

Mr. DOLE. I said to the chairman a couple of days ago, when we started this debate, that we were going to have a couple of days here and everybody is going to be positive. I cannot guarantee anything, say, next Tuesday or Wednesday, but so far I think we have had a good debate.

The President of the United States is still convinced that this battle can be won. But he wants a vote. He told me that today. He wants a vote. And we want a vote. We want a favorable vote.

We are searching, as I assume the other side is searching, for some way to make certain that when it is all said and done, the institution is stronger. It is pretty strong right now. Nobody is trying to weaken it.

Some have asked me, "Why shouldn't he withdraw the nomination instead of weaken the institution?"

I do not think so. It seems to me we can take care of this institution. We can find innovative ways to make certain the nominee is properly dealt with, whoever it may be. And if there is a serious question, if we get into closed versus open session, then you have what the Senator from Virginia has raised of who is going to leak the

first to the press; how is the public going to know what happened?

On our side, we think there has been so much leaked against Senator Tower that we need some way to get a lot of this out in the open. I do not think anything else bad about Senator Tower is in the report. It is all out there in the public domain. So we have to even up the score somehow. We want to do it the right way, as I am certain the majority leader does.

So we would be happy to discuss any thoughts that anybody may have on either side of the aisle. And there are a lot of fertile minds in this place. Sometimes they come up with a good idea.

Mr. MITCHELL. There is no limit to the ingenuity of lawyers, accountants, and legislators.

Mr. DOLE. That is right.

Mr. MITCHELL. Could I just make one comment to the distinguished Republican leader?

Mr. DOLE. I am happy to yield the floor.

Mr. MITCHELL. The Republican leader raised a question of a vote. Let me say, I originally intended to bring this nomination to the floor on Wednesday of this week. At the request of the Republican leader, which was a wholly appropriate request, I delayed bringing it up until Thursday to permit time for Senators to review the report. The report had not been available as originally anticipated and, appropriately, the distinguished Republican leader requested delay until Thursday, and we agreed to do that.

My original intention was to bring it up on Wednesday of this week and vote this week. At that time, I thought the report would be available Monday—this was the preceding week—and we would then go to it 48 hours later. The report itself was not fully available in final form until Wednesday morning, although I understand that a copy was delivered to each Senator's office on the previous day, Tuesday. And, as I indicated, appropriately and understandably, the request was made to delay until Thursday, which we did.

It has been my hope when we started yesterday that we might vote today. I want to say to the distinguished Republican leader, I am prepared to proceed to a vote as soon as possible, as soon as you indicate to me that those who support the nominee have had the opportunity to express their views. On numerous occasions in the past 2 months, the President has asked me to expedite the nominations of all of his nominees and I have tried very hard to accommodate that, in consultation and cooperation with the distinguished Republican leader. So I have no quarrel or criticism with what has occurred up until now.

As I said, in terms of the procedure of handling it, the timing of handling it; that my original plan was to have the report ready Monday, bring it up Wednesday, vote on Thursday. The report was not ready until Wednesday, so the Republican leader could have actually asked that it be delayed until today. He then agreed to do it on Thursday. I had hoped we could complete this on 2 days of debate, Thursday and Friday. It is evident now that will not occur. We will come back in on Monday and, at least from my standpoint as majority leader, I am prepared to vote as soon as the Republican leader indicates that he would like to vote.

I just want to make clear, and I know you understand this, there is no desire and intention on our part to delay this. We want to proceed to give everybody full opportunity to say whatever they want, and as soon as that is done, then to proceed to a vote which I very much hope will be early next week.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes, certainly.

Mr. DOLE. I think the leader is correct. We did not delay. In fact, we advanced it 1 day. I heard on the TV last night: Republicans delay the Tower nomination 1 day. The truth of the matter is the report was filed Tuesday night. There is a 48-hour waiting period in the rules. I did not decide it. We waived 1 day of that. We could have, as you said, properly, we could have waited until Friday.

We want to move the debate. That is not a problem. We also want to illuminate or advise or inform the American people about the strength of our nominee, John Tower.

No one in this country is better qualified to be Secretary of Defense. No one knows him better than George Bush, the President of the United States. No one has a greater right to have his nominee confirmed than the President of the United States who won the election last November and we have, with the great cooperation of the other side of the aisle, been able to confirm, I think, a dozen nominees.

Since we started the debate there has not been one quorum call. So I think it speaks well for Senators on both sides who want to debate the nomination. But I do not want to lose sight of my initial purpose.

I asked a series of questions. The Parliamentarian properly responded, based on rule XXIX. We are right back where we were. We may get into closed versus open—but now what I am suggesting, and I appreciate the majority leader's indication he will consider it, having John Tower stand right there, right in the well and let somebody who is undecided or somebody who has a question of John Tower ask John Tower. Let them see John Tower. Maybe they can ask him about force structure; ask about what he has in mind for reform or the Packard Commission. Anything they want. Let him come right here so we can all make up our minds, those who have not made up their minds. If we can do it by consent—if not maybe we can do it by motion.

It would seem to me that it is just an idea. I am certain there may be a lot of better ones floating around, but I would conclude by saying I do not know of any Senator on either side of the aisle who wants this debate to end with people having second thoughts about did we treat this guy fairly? And there are a lot of second thoughts out there right now. Liberals, conservatives, people who did not care 2 weeks ago are suddenly saying, what are all these rumors? One day they are up and the next day they are down. And who in this body has not been subjected to rumors? I have. The majority leader has. We all have, in one way or another.

So, John Tower ought to be given the same standard treatment that we give other nominees; no better, no worse. So far it has not been any better. We look forward to working with the majority and I look forward to working with Senators who still are undecided. This is an important issue for the President of the United States. I voted against one nominee in the Carter administration and I apologized to Griffin Bell later. I made a mistake.

Someone convinced me that he did not have a good record on civil rights. And, without checking carefully enough, I concluded, well, maybe they were right. It was hearsay. Somebody told me something. And I later regretted it and I told him so and I apologized to him. He was a decent, good, Attorney General and a fine man and did not deserve my "no" vote.

So I have learned a little from experience, that we better be pretty careful before we start casting "no" votes around, without the facts.

Obviously, as a Republican leader, I want John Tower confirmed. I cannot force it. But we can provide information. But not much because we cannot say anything except: I conclude after a thorough reading of the report—I cannot tell you how many pages was in it—that he ought to be confirmed or he should not be confirmed. What does that tell anybody? That your judgment is better than my judgment? Or that there are more Democrats here than Republicans? What does that tell the American people about John Tower? Or the kind of Secretary of Defense he would be?

Those of us who have worked with John Tower know he would not win any warm and cuddly title around here. He said that himself. He does not win many popularity contests, but he knows what he is talking about. I think that is the bottom line.

Before the debate is ended, in addition to the revolving door question, we want to put to rest some of the other things being floated around about he could not command a submarine and all these other things that are floating around as if they were fact.

We will refute all those arguments. We will try to do it in the right way at the right level, at a high level. But then sooner or later we have to come to grips with how do we get into the guts of the debate without going into a closed session. Maybe there is not any way and maybe that is what we should do. Maybe we can convince enough colleagues on either side who may be undecided, in a closed session. The ultimate goal is the confirmation of John Tower as Secretary of Defense. And I say again, I talked to the President a couple of hours ago and he said I want a vote.

I said you are going to get a vote, Mr. President.

I thank my colleagues for their patience and I look forward to debating this issue along with others of my colleagues on both sides next week.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. I would like to follow-up a question to the Chair by the Republican leader.

Do I understand that we are not permitted to say, regarding a charge: for every charge against Senator Tower there were three, four rebuttals against that charge? Is that illegal? Improper?

Mr. DOLE. It is not allowed.

The ACTING PRESIDENT pro tempore. In the opinion of the Chair, and apparently previously rendered by a preceding Chair, the Senator would be precluded from revealing any of those disclosures.

Mr. CHAFEE. Well, I have to revise my remarks, then. Is the majority leader seeking the floor?

Mr. MITCHELL. No.

Mr. CHAFEE. Mr. President, yesterday we had a joint meeting of the Senate and House of Representatives which was held to observe the 200th anniversary of the first gathering of the Congress of the United States, in New York City in 1789. A series of excellent speeches were delivered by our leaders, culminating in a superb address by the able historian David McCullough. Through those eight different talks we heard wove a common theme—that the Congress is composed of human beings who are reflective of their varied constituencies. And as a group of human beings they are capable of noble and inspiring actions, and also they are capable of sometimes acting in a petty, meanspirited manner that reflects ill upon themselves and the institution of which they are a part.

Regrettably, Mr. President, in my judgment, we are currently behaving in the latter fashion, and I deeply believe in future days we will reflect on the handling of the Tower nomination and conclude that this was far from our finest hour; that as judgment is delivered on the actions of this 101st Congress, it will be noted that we have treated a fellow human being in a shabby manner.

Let me just briefly review the facts. John Tower served 24 years in this Senate, 20 of them on the Armed Services Committee. Every one of us acknowledges that due to the characteristics of this job, we spend innumerable hours together. Sometimes 24 or more hours. We take trips together. We see one another under convivial circumstances and under unpleasant and acrimonious circumstances. We learn to know one another—the strength and weaknesses. We know who maintains composure and his or her alertness, who fades and leaves decisions to others, who imbibes excessively and who seems as fresh and able at the end as at the beginning.

No one is thrown more open to scrutiny than those committee chairmen and the ranking members who handle complex and contentious legislation, such as the tax bill, such as an armed services defense authorization piece of legislation on this floor.

John Tower was never a contestant for the most popular man in the Senate. He would not even have finished in the middle, but he earned the respect of all in this body for his conduct, not only as a member and later chairman of the Armed Services Committee, but for his subsequent leading role on the strategic arms negotiating team and as a chairman of the Tower Board.

We are talking about a man, Mr. President, with long-time credentials. And these were in the major leagues. These were not in some minor league. During that time, 24 years here, 4 years subsequently, some of it as Tower Board chairman, some of it on the negotiating team, he has always been in a high visibility job. None of us have to rely on any FBI interviews with unnamed witnesses to tell us about John Tower's habits and personal conduct. All of us were here, and we all saw him and we know him. Not a single Senator has stated that he has ever seen John Tower in less than complete control of his facilities and conducting himself in a proper fashion.

The distinguished senior Senator from Nebraska just spoke and said he served on the Armed Services Committee with John Tower for many years; he had never seen John Tower in other than complete control of his facilities.

Despite this personal knowledge that we have and despite our judgments which were formed in the crucible of long association, many here are suddenly beguiled into a complete change of their opinion by a series of reports alleging that John Tower engaged in scandalous conduct here, there, or someplace else. Nearly every one of those allegations has come from unnamed individuals. In every single case, there have been rebuttals. Apparently, I am not permitted to say how many rebuttals, but all I can say is there were many rebuttals. If I go to jail for that, so be it.

Those individuals who did the rebutting were willing to give their names, and they were present the very same instance where the alleged improprieties were said to have occurred. Those individuals said flatly that John Tower's conduct was totally unlike that which was alleged and, indeed, his conduct was respectable in all aspects.

Indeed, anyone who gives a careful reading of the report and the rest of the documents up there reveals that some of those individuals levying the charges subsequently, under questioning from the FBI, substantially backed off from those allegations. They would submit something to the committee—a letter, an interview—and then it was followed up by an FBI interview and the people would reverse course, not 180 degrees all the time, but they would change those allegations.

In other instances, those making the charges were found to be highly dubious characters. Now, what is so incomprehensible to me is how these Senators, many of whom, as I say, have known John Tower intimately, can suddenly set aside what they personally know, what they have seen, what they know to be the weight of the evidence and latch on to testimony of unnamed individuals that in every case is categorically disputed by others present at the occasion referred to.

Opposition to this nomination would be far easier to understand if questions were raised as to Senator Tower's qualifications and his ability to handle the job as Secretary of Defense. But no one—no one—has expressed doubt about Senator Tower's expertise in the defense area.

I am going to quote from the majority view of the report on the Committee on Armed Services:

> Senator Tower has a substantial understanding of national security policy and international security affairs. His 20-year service as a member of the Senate Armed Services Committee, including four years as chairman, his service as chief U.S. negotiator in the strategic arms reduction talks [START], and his chairmanship of the Tower Board have provided Senator Tower with a solid background in national and international security issues. His expertise was evident during the committee's hearings, during which Senator Tower was questioned on a wide range of national and international security policy issues.

That is what the majority report of the Armed Services Committee said. Many of our colleagues who have now announced the intention to vote against this nomination are on record many times over as praising Senator Tower's credentials and his effectiveness. Many of these Senators have said that Senator Tower would be a fine nominee for the Pentagon position for which he is nominated.

I do not intend today to refute all the various charges which have been made against Senator Tower because that has been done by previous speakers. But I would like to deal with two matters that have been raised.

The first, the misleading characterization of Senator Tower's earnings from his consulting job. Those misleading characterizations have contributed to the impression that somehow he is deeply beholden to his prior clients; $1 million in fees flashes all across our newspapers; $1 million is a lot of money to anybody, and it gives us all a jolt because it is so sizable.

What reports fail to tell us is that those moneys were paid over 2½ years, $300,000 of that $1 million never came from defense contractors; it came from an aerospace contract. It was not a defense contract. Finally, these were gross amounts. These were the amounts before expenses. These were not the net. This is not what Senator Tower pocketed, $700,000 from defense contractors. From this amount earned over 2½ years, he had to pay two professional staff, he had to pay four support staff, he had to pay rent and expenses for two offices—one of them in Washington and one in Dallas—and he had to cover his travel.

The dazzling figure of $1 million is used in such a way that it generates suspicion about Senator Tower's past actions, as well as about his objectivity in the future. In truth, his net income from those 2½ years of earnings was not much more than he was earning in this body and a good deal less than Washington lawyers earn.

Now, do we have any proof, any sincere doubts that Senator Tower disclosed either inside or classified information? We do not at all. We have none, nor do we have good reason to think that Senator Tower would be influenced by former clients while serving as Secretary of Defense.

We have to give some credit to the integrity that the man showed in this Chamber for the 24 years he was here. I do not know how we can just wash that aside based on some allegations that appear in the famous FBI report. I think to tell what a man is going to do in the future you have to look to see what his record has been.

Now, this is what the senior Senator from Texas, a Member of this body, had to say about John Tower. "John Tower is not a slave to the Pentagon or to anybody else. When he discovered that an Army attack helicopter was going to be way over budget, John Tower refused to support additional funding for that system. He was too much of a conservative to give a blank check from the U.S. Treasury even if that check purports to pay for defense improvements."

Next I would like to briefly discuss a charge which is practically a self-fulfilling prophecy, and that has been used around here. Listen to it. The allegation is that Senator Tower has been so savaged by these proceedings that if he were confirmed, he would not be able to function effectively as Secretary of Defense.

Now, if we follow this line of reasoning, any nominee would be forced to withdraw if we throw enough mud at him in the process around this place. Regardless of these charges and innuendos and rumors and perceptions, if John Tower is confirmed he will be able to fulfill his duties because he will not only have the authority that goes with being Secretary of Defense but, more importantly, he will speak as President Bush's representative in defense matters.

I have had some experience in the Pentagon. Let me just say that if there is one thing that the military does, when a decision is reached at the top, they fall in line behind it. And so whether John Tower is confirmed 70 to 30 or 51 to 47 or 51 to 49 or whatever it might be, when he goes into that Defense Department, those who are in that department will wheel into line behind him because that is what they do. And I have seen it personally over the years that I had the privilege to be there.

In addition, when he goes abroad to talk with the defense ministers of other nations, it will not be just John Tower that is talking. It is the Secretary of Defense of the United States of America who is speaking on behalf of the administration of this Nation and for the President of the United States.

Thus, I would say to my colleagues, give no credence to those who say he has been grievously wounded or that he should not be selected because the Armed Forces would prefer somebody else.

Mr. President, the hearings, the committee votes, the Senate debate on the nomination of John Tower has been an unhappy experience, it has been an unhappy experience for many and it certainly in my judgment has not reflected great credit on this Senate.

A distinguished American has had his name defiled on the front pages of our newspapers and on nightly television news broadcasts as a result of leaked charges and allegations that do not portray the other side, that have not shown the completely contradictory evidence that is there also in the record.

We apparently have succumbed to the level of stating that one becomes guilty not by the facts but by perception. We have rejected the standard that has always existed in the Senate of giving the benefit of the doubt to the President in Presidential Cabinet appointees, not in judges who serve for life but for Presidential Cabinet appointees who serve only at the pleasure of the President and certainly no longer than 8 years and frequently shorter.

We have said that anyone who bears a grudge or has an interesting story to tell can sully the reputation of a long serving and eminently qualified public servant, and that is what has happened in this case. Mr. President, I believe that is wrong for our country and I think it is wrong for one of our citizens who happens to have the name of John Tower.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, the nomination of John Tower to be Secretary of Defense has been an ordeal for the nominee, the President, the Armed Services Committee and the Senate as a whole.

On almost all occasions, the Senate defers to the President and gives its consent to his nominations for the Cabinet.

The Senate has already approved 14 of President Bush's Cabinet nominees—13 with unanimous votes in both committee and on the floor. This record is a tribute both to the outstanding selections that the President has made and to the bipartisan spirit in which the Senate has acted. It is also a full and adequate answer to the preposterous partisan charges swirling around this debate. No one in the Senate is seeking to undermine the President. No one in the Senate is playing politics with this issue. No one in the Senate is trying to run the Pentagon from Capitol Hill. What is happening here is as clear and as profound as the Constitution of the United States. The Senate has its own solemn constitutional responsibility on nominations, and Senator SAM NUNN, above all others, deserves the credit for insisting that we live up to that responsibility. On rare occasions such as the one before us, the Senate has an obligation to the country to say "no" to the President and ask him to choose again.

Few offices in our Government are more essential to our future and even to our very survival than the position of Secretary of Defense. The Secretary is second behind the President in the chain of command for U.S. mili-

tary forces and nuclear weapons. He oversees the development of military strategy and national security policy. He also must manage a massive organization with a $300 billion budget and 3 million employees, including the members of our Armed Forces.

It is true that Senator Tower has background and experience in national security issues. But as these proceedings have gone on, more and more questions have been raised about his nomination. The questions include serious allegations about alcohol abuse and conflict of interest. And the questions are not answered satisfactorily—not at all—by the FBI report and the committee hearings.

Members of the Armed Services Committee were surprised to learn that Senator Tower had moved so quickly from chief U.S. negotiator in Geneva on strategic nuclear weapons to the role of an industry consultant on how the negotiations would affect the future of our nuclear weapons spending.

As a result of his position as chief negotiator, Senator Tower possessed extremely sensitive information on U.S. bargaining positions, possible fallback positions, and interagency deliberations as well as the specific weapon programs that would be affected by an arms control treaty.

Senator Tower did not avoid discussion of these subjects—subjects on which he possessed privileged information. Instead, he provided his consulting clients with advice of the probable outcomes of the negotiations and how they would affect their product lines.

This conduct reflects a disturbing insensitivity to the need to avoid the appearance of high officials misusing confidential information for private gain.

During the past 2½ years, Senator Tower received over a million dollars for his advice to at least six major defense corporations. As Secretary of Defense, he would inevitably have to make decisions that would affect the business of the same companies. Yet, he cannot recuse himself from actions involving all the firms and still manage the Pentagon effectively.

Perhaps, in spite of his recent financial ties to corporations that make the MX missile, the Midgetman missile, and other major components of our defense, Senator Tower could still make sound decisions about which systems should be reduced or eliminated to meet the budget targets for national defense.

Perhaps, in spite of the appearances of impropriety, Senator Tower could still provide the commitment and leadership necessary to restore integrity to a defense acquisition process that has been rocked by scandal.

Perhaps, in spite of his extraordinarily lucrative financial ties to the country's largest defense contractors, Senator Tower could still bring an open mind to the awesome decisions that lie ahead on our national defense.

But America should not be forced to take this chance.

The Pentagon has been shaken in the past year by serious allegations of fraud—allegations that go to the core of the competitive procurement process. Three years ago, the Packard commission concluded that the entire defense acquisition process is fundamentally flawed.

It is essential that the next Secretary of Defense have the unquestioned ability and commitment to lead the Pentagon out of the procurement wilderness and restore public confidence in the integrity of our national security.

Senator Tower has been a colleague. Many in this body respect his knowledge and service. But I am convinced that a majority of this body can and will conclude that as to Secretary of Defense the job is wrong for him—and he is wrong for the job.

I yield the floor.

The ACTING PRESIDENT pro tempore. Would the Senator care to inquire as to the absence of a quorum?

Mr. KENNEDY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. NUNN. Mr. President, as I said in my remarks yesterday and have said many times, the leaks of confidential information or material from the FBI report over the past week have been unfortunate. These leaks are unfair to the nominee, to other individuals, and those of us who feel strongly about this nomination but who have also respected the confidentiality of the FBI report.

There was a story in the press on Wednesday describing allegations by a Sergeant Jackson about Senator Tower's behavior, alleged behavior, at Bergstrom Air Force Base. I deplored that leak yesterday and I again believe it very unfortunate.

Sergeant Jackson spoke both to the FBI and the committee and a memorandum related to this allegation is in S-407. The memorandum has been updated to reflect the information provided in the last day by the Air Force that was put in the RECORD last night in the form of a letter from the general counsel of the Air Force.

In addition to that letter which is in the public record, there is additional information in S-407 that has been developed by committee staff. I urge my colleagues who have read the original memo to read the supplemental information in room S-407.

I also want to state that this particular incident was not a significant factor in my own thoughts on this nomination. In my view it was not a significant factor in the committee's deliberation. This was just one item which was cumulative of other information about Senator Tower's excessive drinking in 1970's, a point which both the White House and the nominee now acknowledge.

So to me, as I viewed it, if the information was taken to be totally accurate, and I do not make that case, it was cumulative to not only information that was already in the FBI report, but also cumulative to admissions that have already been made.

But I want to make this absolutely clear. I think any Senator who read the original memorandum should read the supplementary material, including the letter that was put in the RECORD yesterday by Senator COHEN, and also including an additional review of the records of Sgt. Malcolm R. Jackson, Jr., which has been prepared by the Air Force Military Personnel Center.

I ask unanimous consent that this document now be printed in the RECORD; and, so all of these items can be read together, that the Air Force general counsel letter placed in the RECORD last evening by Senator COHEN also be placed in the RECORD immediately prior to the document prepared by the Air Force Military Personnel Center.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, March 2, 1989.

Mr. PATRICK A. TUCKER,
Minority Counsel, Senate Armed Services Committee, Senate Russell Office Building, Washington, DC.

DEAR MR. TUCKER: This is in response to your request of this morning for information regarding retired Air Force Technical Sergeant Robert ("Bob") Jackson.

Air Force records, as read to me telephonically this afternoon, reveal the following:

One "Bob" Jackson, DOB 6 May 1934, was assigned to Bergstrom Air Force Base from February 1976 until April 1978.

Sergeant Jackson's first duty day at Bergstrom was 21 February 1976. His last duty day was 16 March 1977. On 21 March 1977 Sergeant Jackson was referred to Wilfred Hall Medical Center for medical supervision and subsequently was placed on the Temporary Disability Retired List following medical and psychological evaluation.

The Physical Evaluation Board which evaluated Sergeant Jackson concluded, inter alia, that Sergeant Jackson exhibited symptoms of a mixed personality disorder with anti-social themes and hysterical features. Air Force records indicate that following 21 March 1977 Sergeant Jackson was unable to perform his duties as an information spe-

cialist. He was retired from the Air Force at the grade of E-6 on 19 April 1978.

Sincerely,

ANNE N. FOREMAN,
General Counsel.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS, AIR FORCE MILITARY PERSONNEL CENTER,
Randolph Air Force Base, TX, March 3, 1989.

Subject: Review of Records—TSgt (Ret) Malcolm R. Jackson, Jr.
To SAF/LLL (Col Moran).

1. This responds to your direction that we review the Personnel and Medical Records of TSgt (Ret) Malcolm R. Jackson, Jr.

2. Malcolm R. (changed to Bob pursuant to a 29 Mar 77 court order) Jackson, Jr., originally enlisted in the Air Force on 9 Oct 50. He was honorably discharged on 15 Oct 53, after serving in Korea and North Africa. Following a break in service, he reenlisted in the Air Force on 2 Nov 61. Thereafter, he served variously as a Weapons Control Systems Mechanic, an Intelligence Operations Specialist, and finally as an Information Office Supervisor. After reenlisting in 1961, he served on active duty continuously (including a year in Vietnam, 70-71) until his retirement in 1978.

3. TSgt Jackson's only operational assignment in the Information career field occurred upon his assignment to the Office of Information, 67th Tactical Reconnaissance Wing, Bergstrom AFB, Texas, on 21 Feb 76. He received this assignment upon his return from a tour of duty at Rhein Main AB, Germany. At Bergstrom AFB, he was NCOIC, Office of Information, with responsibility for supervising five enlisted members of the Information Office staff. He also administered the Community Relations and Public Affairs activities as Chief of that division. Among other things, he was responsible for supervising the base tour program and publicizing special events. TSgt Jackson received his only APR in the information career field on 22 Feb 77, for the period 21 Feb 76-10 Jan 77. Although it was generally a good report, both the rater and the reviewer marked him down one block in the area of "Behavior." In addition, the rater made the following comment under the heading *Recommended Improvements:*

TSgt Jackson's high degree of dedication to his own ideals and those of the Air Force has, on occasion, been interpreted as impatience with superiors and their prerogatives. Without meaning to be disrespectful, TSgt Jackson's idealism can interefere with communicating his first concern, which has always been the effective and fair management of people.

The performance report before that one, while complementing him for the tenacity he displayed indicating a real affinity for the social actions career field, also noted that he was "initially somewhat overzealous in his attempts to insure results." TSgt Jackson's lower rating for "Behavior" on his APR for the period he was an Information Office Supervisor reflects a *pattern* of lowered ratings for "Bearing and Behavior" on his performance reports (nine of eleven APRs extending back to 1970 contain "mark-downs" in that area, although most were only marked him down one block from the highest possible rating).

4. TSgt Jackson had suffered a long history of knee problems before arriving at Bergstrom AFB. In Dec 76, he was initially seen at the Wilford Hall Orthopedic Clinic, WHMC, San Antonio, Texas. After subsequently being evaluated there a number of times, on 24 Mar 77 he entered the hospital for reconstructive surgery on his right knee. The operation was delayed, but was finally performed on 22 Apr 77. During the follow-up to that surgery, TSgt Jackson began to complain of pain in his left knee. He stated he didn't think he was able to perform duty requirements because of his bilateral knee problems. (As a matter of fact, his last full duty day at Bergstrom AFB was 16 Mar 77.) He was admitted to WHMC on 20 Sep 77 for evaluation and possible Medical Evaluation Board (MEB) action. Preliminary to the MEB, on 26 Jan 78 a Narrative Summary was accomplished at WHMC by Major (Dr.) Bernard F. Morrey. The Narrative Summary notes that when TSgt Jackson first entered the hospital in March 77 for knee surgery, he was wearing a beard and claimed he was in the USN. When checking revealed he was not in the Navy, he shaved his beard. The Narrative Summary also points out that in 1963, TSgt Jackson had been admitted to the San Diego Naval Hospital for psychiatric evaluation. In that regard, the Narrative Summary goes on to state:

"He admitted that in Sep 77 WHMC admission, he was admitted because he struck an officer; however, SF 93 states that it was because of an overdose of pills. The 1963 Narrative Summary at the Naval facility indicates he presented to the Dispensary complaining of a temperature which was recorded at 103°; however, it was suspected that he switched thermometers, and when accused of this, the broken thermometer was found in the patient's pocket. He became agitated at this and this eventuated in a hospitalization for psychiatric evaluation. The patient was in the hospital for 18 days, being dismissed with the diagonsis of acute maladjustment situation. He was fit for duty. On 1969, the patient was evaluated by a psychiatrist for reasons which are not clear on the chart. The chart indicated that information had come to the attention of his CO, which necessitated evaluation. On evaluation, the patient was considered to have no psychiatric diagnosis."

5. The 26 Jan 78 Narrative Summary also notes that a Staff Psychiatrist, Dr. Eugene Kircher, evaluated TSgt Jackson at WHMC. Dr. Kircher stated there was:

". . . no strong evidence of functional component for the patient's knee pain. It was concluded that he exhibited some eccentric behavior and this was assessed as being consistent with mixed personality disorder with features of antisocial and hysterical themes. The patient had a tendency to overreact with a low frustration tolerance. It was recommended he have an S1 profile."

We are advised by the medical member of the Formal Physical Evaluation Board (a psychiatrist) that an "S1" profile reflects that an individual either has a mild or no personality disorder with the continuum going to "S4" which would reflect the most severe disorder. The final diagnosis reached by the medical officer who wrote the 26 Jan 78 Narrative Summary included knee impairment, degenerative arthritis, several other purely physical problems and "Personality trait disorder." TSgt Jackson was evaluated by Major (Dr.) Morrey as not qualified for worldwide duty and not retainable. Presentation of the case to a MEB was recommended.

6. TSgt Jackson's MEB convened on 14 Feb 78 at WHMC. One of the three members included a psychiatrist, Lt. Col. G. Hulse Wagner. The MEB established six diagnoses, all but one of which were physical in nature. The sixth was "Mixed personality disorder; antisocial themes and hysterical features." The MEB recommended referral of the case to the Physcial Evaluation Board (PEB). That recommendation was approved on 15 Feb 78.

7. On 23 Feb 78, the Informal PEB considered TSgt Jackson's case. The diagnosis of the Informal PEB was as follows:

"Status post multiple right knee reconstruction surgery; early degenerative arthritis; early degenerative arthritis left knee with chondromaclacia patella and recurrent effusion; functional bowel syndrome mild; prostatosis, mild, not requiring treatment; high frequency hearing loss; mixed personality disorder, antisocial themes and hysterical features. Not unfitting singly or in the aggregate."

The Informal PEB concluded, based on the foregoing diagnosis, that TSgt Jackson was not unfit because of physical disability, and recommended that he be returned to duty. The member nonconcurred, and requested his case be referred to the Formal PEB.

8. At the Formal PEB hearing held on 13 Mar 78, the testimony focused primarily on TSgt Jackson's physical problems—particularly the condition of his knees. There was, however, the following testimony regarding his psychiatric consult:

President: How did you get along with Dr. Kircher?

"Evaluee: Who?

"President: Dr. Kircher, the psychiatrist?

"Evaluee: Oh, not well.

"President: Did you see his consult?

"Evaluee: No, sir. I saw the narrative summary and saw what—

"President: He indicated; the patient was totally ignorant of the claim of the Staff Orthopods in regard to how often he changes his story, not only in regard to the pain and limitations he is experiencing from his knees, but the load of other complaints that he has all of a sudden come up with in preparation for this Medical Evaluation Board. You haven't seen that?

"Evaluee: No, sir.

"President: Where do you think he got that idea? How many yes's did you have checked on the Report of Medical History that they, you know, use with the physicals?

"Evaluee: Oh, a great host.

"President: Do you think maybe that's where he got the idea that you had a load of other medical complaints?

"Evaluee: Well, it could well be, yes, sir. They ask, you know, there are questions on there and—I ask—

"President: If you had any doubts you check yes?

"Evaluee: Yes, sir."

At the conclusion of the Formal PEB hearing, the Board found him physically unfit for worldwide service, and recommended temporary retirement with a compensable rating of 40 percent (30 percent due to the condition of his knees and 10 percent because of tinnitus—a persistent ringing in his ears. Among the other diagnosis was again included "Mixed Personality Disorder," but it was considered by the board as not ratable. Following review by the Physical Review Council (PRC) on 21 Mar 78, TSgt Jackson was placed by SecAF on the Temporary Disability Retired List (TDRL) on 20 Apr 78, with a 40 percent disability rating. He entered the TDRL with 19 years, 5 months and 25 days of active service for retirement. His case was reviewed by the PRC on 14 Jun 79. He was again rated at 40

percent, but this time there was no reference to "personaltiy disorder" in the diagnosis. TSgt Jackson was removed from the TDRL and placed on permanent retired status, effective 18 Jul 79.

SUMMARY

9. According to the Medical Member of the Formal PEB, review of available medical records fails to substantiate the presence of any neurosis or psychosis. There is evidence of a personality disorder marked by uncooperative behavior. Reliability may be a problem. My review of the member's Personnel Records reflects an average NCO who was generally well thought of, but who also had a tendency to be a little too aggressive and somewhat overly idealistic. He also seems to have consistently fallen short in the area of bearing and behavior, in the judgment of his supervisors.

KENNETH G.B. JOYCE,
Colonel, USAF,
Staff Judge Advocate.

COMMENTS OF REPORTING OFFICIAL

Facts and Specific Achievements: Technical Sergeant Jackson, although new to the information career field, actively applied innovative solutions to the most critical problem areas, began an on-the-job training program, and bolstered morale with his sincere approach to people and their problems. His individual efforts resulted in more effective use of the Information Office staff, an increase in the amount of local news and photographs in the base newspaper, and better relationships with local media representatives. He was the only information specialist in the command to win the Tactical Air Command Photojournalist of the Year award. *Strengths:* TSgt Jackson's most outstanding asset is his devotion to the Air Force and it's people. His aggressive pursuit of efficiency is always tempered with a sincere concern for the welfare of those he is responsible to and for. *Recommended improvements:* TSgt Jackson's high degree of dedication to his own ideals and those of the Air Force has, on occassion, been interpreted as impatience with superiors and their prerogatives. Without meaning to be disrespectful, TSgt Jackson's idealism can interfere with communicating his first concern, which has always been the effective and fair management of people. *Other Comments:* TSgt Jackson's membership on the Black Heritage Week committee is just one of the examples of his support of equal opportunity programs. He is an outstanding supervisor, a fair and concerned leader, and an asset to this or any organization. He should be given every opportunity to serve in a leadership or management position.

JOHN C. POPKESS,
Captain, USAF, 67th Tactical Reconnaissance Wing, Chief, Office of Information.
FEBRUARY 22, 1977.

INITIAL INDORSING OFFICIAL

Concur. TSgt Jackson is an aggressive individual in every respect. He is a dynamic worker, and a dedicated supervisor. His talents as a photojournalist are exceptional. His ability to function as NCOIC is not impaired by his devotion and idealism; he should continue to serve as a supervisor to best utilize these talents.

ROBERT L. PEARSON,
Colonel, USAF, 67th Tactical Reconnaissance Wing, Vice-Commander.
FEBRUARY 22, 1977.

Name: Jackson, Bob.
Sex: M.
[redacted] xxx-xx-xxxx.
Date of Birth: May 06, 1934.
Department: Air Force.
Grade: TSGT.
Pay: B-6.
Date of Rank: Jan. 01, 1973.
Selective Service Number: NA.
Selective Service Local Board Number, City, State and Zip Code: NA.
Home of Record at Time of Entry into Active Service: 1415 Ft Armigan Way, Anchorage, AK 99504.
Type of Separation: Retirement.
Station or Installation at which effected: Bergstrom AFB, TX.
Authority and Reason: ARM 35-4 (SPD:SFK).
Effective Date: Apr. 19, 1978.
Character of Service: Honorable.
Type of Certificate Issued: NA.
Reenlistment Code: RE-2Q.
Last duty assignment and major command: 67 TRW (TAC).
Command to which transferred: NA.
Terminal date of reserves and obligation: NA.
Place of entry into current active service: Austin, TX 78743.
Airmans Specialty Number and Title: 20470 Intelligence Operations technician.
Related Civilian Occupation and D.O.T. Number: Investigator 205,368.
Secondary specialty number and title: None.
Related Civilian Occupation and D.O.T. numbers: NA.

Mr. NUNN. Mr. President, by reading this more detailed record, I think anyone interested in this subject would be able to get a more complete view.

I again repeat that I do not believe this particular incident, that is reflected in the memo in S-407, is not and was not a significant part of this overall matter. I think Senator COHEN made that clear in the paper this morning. I have not had a chance to talk to him about it, but he stated, quoting him directly, "It's my understanding that no serious consideration was given to the allegation for lack of credible, corroborating evidence." I went on to say in the paper this morning:

This [Jackson's account] was merely one item which was cumulative of other information about Sen. Tower's excessive drinking in the 1970s, which both the White House and the nominee have now acknowledged. Therefore, this item was not a significant factor in my own thoughts or, I believe, in the committee's deliberations.

So I want to take all of this in context. But again I urge any Members who felt that this was a factor in their own deliberations to take a look at this information as well as the information that is now in S-407.

I believe, Mr. President, by unanimous consent this document, which I will call "Review of Records," has now been admitted in the record, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. I thank the Chair.

Mr. WARNER. Mr. President, this document, entitled "Review of Records" indicates that Technician Sergeant Jackson had a history of personality disorders, but that was not the primary basis for his medical retirement from the Department of the Air Force; that is the history of personality disorder.

This information adds to the information about Technician Sergeant Jackson's psychiatric history, which was entered into the record yesterday. At the same time, this "Review of Records" also establishes that Technician Sergeant Jackson's last duty day at Bergstrom Air Force Base was March 16, 1977, some several months before the date when he claimed to have observed Senator Tower at the base as part of his, Technician Sergeant Jackson's, officials duties.

I also note that a former commander of the 12th Air Force, headquarters at Bergstrom Air Force Base, who was in that position from June 1975 through June 1978, recalls that when Senator Tower was visiting Bergstrom once during that period, and that one visit was on the first Saturday of August 1975, both the then wing commander and the vice wing commander recall that single visit. That visit would have been some 7 months before Technician Sergeant Jackson was assigned to Bergstrom as established by this document entitled "Review of Records."

This document, entitled "Review of Records" was received at the Armed Services Committee, being transmitted from the Department of the Air Force around noon today and shortly thereafter was made available to both the majority and minority staffs.

Mr. President, I would also like to have the record reflect that I did not handle this issue of this debate directly and that I am making these remarks based on representations made to me by Mr. Tucker, the minority staff director and counsel.

Mr. HARKIN. Mr. President, the Senate, in accordance with its constitutional responsibility to provide "advice and consent" on Presidential appointments, has been asked to consider the nomination of John Tower to be Secretary of Defense.

This process is not about protecting the President's prerogative to name who he wants to his Cabinet.

It is not a win-lose battle between the two political parties to see who can gain the upper hand at the start of a new administration.

This process is about choosing the best possible person to head the Pentagon at a time when fiscal responsibility and cost effectiveness must be the watchwords of our armed services.

Unfortunately, for the President who nominated him, the Senate that must reject this nomination, and the American people who must endure this public ordeal, John Tower is not that person.

In all but the rarest of circumstances, it has been the tradition of the Senate to grant the President the right to name his own Cabinet.

The Senate has followed that tradition by approving, unanimously in all but one instance, 14 previous Bush Cabinet nominees.

I might add, however, that given the recent history of a number of Presidential appointees who have either failed to discharage their duties or exited under an ethical cloud, perhaps the Senate should break the rubberstamp mold more often. If the Senate had been more vigilant in exercising its advice and consent role, maybe some of these instances could have been avoided. Indeed, we ought to demand men and women who are the most qualified, not just the least objectionable, to fill high executive posts.

The position of Secretary of Defense, sworn to uphold the constitutional responsibility to "provide for the common defense," is a particularly sensitive and crucial post.

And the words and deeds of John Tower, taken together, present a portrait of a person particularly unfit for this position. I reserved judgment until after reading the FBI reports, but the portrait they offer is devastating. If the American people could see these reports they would be astounded that John Tower was nominated in the first place.

The FBI reports document numerous instances of excessive drinking and philandering, questionable business practices and ties to the defense industry. What is significant, however, are the questions these incidents raise about Senator Tower's judgment, integrity, and fitness to manage the defense of our Nation.

Senator Tower has admitted to a drinking problem in his past, which he says ended in the last decade. And I must say this is one of the reasons I refused to make up my mind on this nomination until after reading the FBI reports.

Alcoholism is a disease that can be overcome. If John Tower has gotten over the drinking problem he clearly had in the 1970's, then I can't hold that against him. But the record indicates he hasn't. And his testimony is riddled with inconsistencies. There are also references in the record in which Senator Tower engaged in questionable and offensive behavior toward female members of the Armed Forces.

One of the most demeaning aspects of this debate have been the suggestions by some that actions of John Tower are nothing out of the ordinary for Members of Congress. That is not true. Of course, Congress has its share of saints and sinners, it is a cross section of the American people. But just like the public it represents, the vast majority of Congress do not drink to excess or run around on their spouses.

So to say that John Tower is just like everyone else, to say he's just doing what everyone else is doing is just not true. Congress has a higher standard than that and I know the American people have a higher standard than that.

The charges being brought against John Tower are not partisan—they were not first brought up by Democrats.

I do not appreciate being accused of partisanship. I have supported all of the President's nominees, including Jack Kemp and Ed Derwinski, both former Congressmen with whom I have had numerous policy differences over the years. But I had no question about voting to confirm them. I do not even know John Tower personally. We have never clashed over a policy difference. So, obviously my disagreement is not partisan.

Concerns with the Tower record are bipartisan, and in fact were first aired by transition advisers to President Bush last November and December. If any body ought to be upset right now, it ought to be George Bush. The President made his decision after seeing only the first volume of the FBI reports. It appears that Sentor Tower was not up front with President Bush about all the information he knew would come out in the complete FBI investigation.

So if this nomination has now become a partisan issue, it is because a few have chosen to make it so.

Tower is a stark example of the revovling door between the regulators and the regulated in the defense industry that many Republican Senators, most notably my distinguished colleague from Iowa, Senator GRASSLEY, have long sought to eliminate.

In 1985, after leaving the Senate and his post as Armed Services Chairman, John Tower headed up the U.S. arms control negotiating team in Geneva. After serving in this position for 13 months, Senator Tower entered into consulting arrangements with defense contractors from mid-1986 until December 1988. Over the course of these 2½ years, he received $750,000 from various defense contractors.

In addition, he received another $265,000 from British Areospace for what he claimed were nondefense activities in 1987. However, in his divorce deposition taken in June 1987, he stated that he gave British Aerospace advice on selling certain systems to the Defense Department.

According to Senator Tower's own testimony, he advised his defense contractor clients on the "implications of INF and other arms control negotiations on * * * future product development," along with the "probable outcomes" of the arms control talks. Obviously, defense contractors have far more than a passing interest in such matters.

Indeed, Senator Tower has promised not to pass back through the revolving door once his term as Secretary of Defense ended.

Unfortunately, we have heard this promise before. When John Tower left the Senate 5 years ago, he said: "One thing I will not be is a lobbyist. You can put that in your pipe and smoke it." In fact, John Tower broke that promise and lobbied Congress on behalf of the C-FIN, an aerial navigation program made by LTV.

Five years and $1 million in fees from defense contractors later, he made the promise on December 17, 1988 that he would "recuse—himself—from contracts or decisions affecting clients—he has—represented as a consultant." If that's the case, Senator Tower will effectively not be able to serve as Defense Secretary. He's going to be recusing himself practically every other minute. His deputies will be making all the crucial decisions.

Given his past associations, Senator Tower could not participate in decisions regarding the B-1 bomber, the B-2 Stealth bomber, the MX missile, the Midgetman missile, advanced cruise missiles, the advanced tactical fighter, the V-22 Osprey, or the Tactic rainbow surface-to-ground missile. And if we include parts of weapons systems built by contractors Tower advised, he would have to recuse himself from decisions regarding the Copperhead missiles, the F-111, the Trident submarine, the M-1 tank, three different Army helicopters, plus the space shuttle and the line of Titan missiles that are essential to our space lift capability, plus the strategic defense initiative.

Senator Tower has since acknowledged that to recuse himself from all contracts he had any involvement with would paralyze Pentagon decisionmaking. And on January 25, he backtracked on his original pledge and said he would only take no role in decisions on suspension or debarment from Government defense work of any contractors who were his clients.

As the Army Times noted in a recent editorial, "No one has claimed Tower acted illegally * * * but the speed and greed with which Tower spun through the revolving door is appalling."

It is no coincidence that the Army, Navy and Air Force Times plus the respected Defense News have all opposed Senator Tower's nomination. These publications can see that with Senator Tower as Defense Secretary a shadow of public mistrust and suspicion will be cast over the uniformed services.

Even if Senator Tower has in fact committed no illegalities, his conduct raises serious ethical questions and the perception of wrong-doing. If indeed,

this nominee is the victim of perceptions, these perceptions are a result of his own poor judgment.

As he himself stated before the Armed Services Committee, "we do have to be concerned about public perceptions because I think the essence of what is required for democracy to succeed is * * * popular confidence in public institutions." The perception, and it closely mirrors the reality, is that the Pentagon is in the hip pocket of the defense industry, that it is rampant with wasteful spending and fraud and that it is sorely in need for reform.

These are problems, that as chairman of the Armed Services Committee, Senator Tower helped to create by presiding over the most massive peacetime military buildup in U.S. history. More significantly, these are problems whose solution require a credibility and reputation for independence from the defense industry that Senator Tower surely lacks.

As Armed Services Chairman, Senator Tower effectively squelched any attempt to reform Pentagon procurement procedures. Not until he left in 1985 did Congress succeed in passing any reform measures. There is no reason to believe this antireform nominee will become the reformer the Pentagon and the Nation now demand.

Over the next 5 years, the Pentagon will be forced to reduce defense spending by aminimum of $300 billion, assuming optimistic Bush administration economic forecasts hold up. Decisions will need to be made about the composition of our force structure, over whether to put limited resources into the MX or the Midgetman missiles, over whether to fund the B-2 Stealth bomber, over what to do with SDI.

Can we expect the person who championed the birth of many of these weapons systems to now make the hard choices that may mean cutting or eliminating some of these weapons? Will Senator Tower be guided by sound defense considerations or past connections to the weapons makers? On the basis of his record, I question whether Senator Tower can exercise the judgment and wisdom necessary to make these hard choices.

Ultimately, our Nation's ability to mount a strong defense depends upon the support and the trust of the American people. Far from mustering support behind the Pentagon at a time it is under attack, Senator Tower if approved to the position of Defense Secretary, would only further weaken the public trust that is so crucial to effectively carrying out the Pentagon's mission.

In the final analysis, John Tower lacks the critical judgment that the next Secretary of Defense must have to face these great challenges. To reject a Presidential Cabinet nominee is an action the Senate should only undertake in the rarest of circumstances. Yet this is clearly what this Senate must do to ensure a strong national defense and a strong America. I urge my colleagues to reject the nomination of John Tower to be Secretary of Defense.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 505. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself and Mr. MOYNIHAN):

S. 506. A bill to authorize the Corps of Engineers to collect and remove floating material wherever it is collecting and removing from New York Harbor debris which is an obstruction to navigation; to the Committee on Environment and Public Works.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. CRANSTON, and Mr. GORE).

S. 507. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; to the Committee on Foreign Relations.

By Mr. COATS:

S. 508. A bill to amend part D of title IV of the Job Training Partnership Act to direct the Secretary of Labor to target $5,000,000 out of funds appropriated for such part for employment training and entrepreneurial activities administered by resident management corporations and tenant organizations at public housing projects; to the Committee on Labor and Human Resources.

S. 509. A bill to amend the United States Housing Act of 1937 to provide for maximum economic rents applicable to all residents of public housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 510. A bill to suspend for a 3-year period the duty on octadecyl isocyanate; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. MATSUNAGA, Mr. BURDICK, Mr. KASTEN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NUNN, Mr. MCCAIN, Mr. WIRTH, Mr. CRANSTON, Mr. BENTSEN, Mr. PELL, Mr. THURMOND, Mr. STEVENS, Mr. EXON, Mr. CHAFEE, and Mr. DOLE);

S. 511. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mrs. KASSEBAUM:

S. 512. A bill to amend the State Dependent Care Development Grants Act to enhance and improve the quality of the child care services provided under such act, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI (for herself, Mr. PELL, and Mr. SIMON):

S. 513. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Ms. MIKULSKI:

S. 514. A bill for the relief of Solange Ohnouna; to the Committee on the Judiciary.

By Mr. HELMS:

S.J. Res. 71. Joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. DOLE, Mr. DANFORTH, and Mrs. KASSEBAUM):

S. Res. 74. Resolution commending Charles H. Price II; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 505. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and in-

demnity compensation; to the Committee on Veterans' Affairs.

SURVIVING SPOUSES OF MILITARY PERSONNEL

Mr. STEVENS. Mr. President, today I introduce legislation to correct an inequity which affects surviving spouses of military pesonnel. Passage of this bill will allow them to remarry at age 55 or older and still retain benefits provided by the Veterans' Administration.

The Dependency and Indemnity Compensation [DIC] Program, administered by the Veterans' Administration, provides monthly benefits to the surviving spouses of those who died in the service of our country, or who died as a result of military service. Under current law, DIC benefits terminate when a surviving spouse remarries.

Public Law 99-661, the National Defense Authorization Act of 1987, provided that military surviving spouses should receive the same considerations as civil service surviving spouses who remarry. As a result, the age at which survivors could remarry without losing their survivor benefit plan annuity, administered by the Department of Defense, was lowered from 60 to 55. My legislation would allow these military surviving spouses to retain their DIC benefits as well.

Mr. President, it is my understanding that this proposal has the support of the Retired Officers Association, the Fleet Reserve Association, the National Association of Uniformed Services, the Air Force Association, the Naval Enlisted Reserve Association, the National Military Family Association, the Naval Reserve Association, the U.S. Warrant Officers, and the Coast Guard CPO Association. I invite my colleagues to join with me in this effort, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(d) of the title 38, United States Code, is amended by adding the following new paragraph after paragraph (3):

"(4) The remarriage after age 55 of a surviving spouse of a veteran shall not bar payment of benefits under section 411 of this title.".

By Mr. LAUTENBERG (for himself and Mr. MOYNIHAN):

S. 506. A bill to authorize the Corps of Engineers to collect and remove all floating material wherever it is collecting and removing from New York Harbor debris which is an obstruction to navigation; to the Committee on Environment and Public Works.

COLLECTION AND REMOVAL OF FLOATING MATERIAL

● Mr. LAUTENBERG. Mr. President, today, Senator MOYNIHAN, the chairman of the Subcommittee on Water Resources, Transportation and Infrastructure, is joining me in introducing legislation designed to help keep garbage off our States' beaches. Our legislation would direct the Army Corps of Engineers to use its existing program to remove floating driftwood in New York Harbor to assist in the cleanup of garbage in the harbor which is winding up on New Jersey and New York beaches.

Two summers ago, beaches along the New Jersey shore were closed because garbage slicks which contained hospital wastes and syringes washed up on the beaches. Last year, garbage washed up on New York beaches and medical wastes were found on beaches from New Jersey to Massachusetts. This garbage and medical waste adversely affects our important tourist industry, an $8 billion industry in New Jersey, and fish and wildlife resources, and ruins summer vacations. Estimates of loss to the New Jersey economy from last summer's pollution incidents range up to $1 billion. The number of people who visited the New Jersey shore dropped from 8.6 million in 1987 to 6.7 million in 1988.

There are numerous sources for the garbage which affect our beaches. According to EPA, one source is the garbage now in New York Harbor which is refloated during storm events through the harbor into ocean waters where it can be washed onto the shore. If this garbage were collected before it washed out into the ocean, we could reduce the amount of garbage which can affect our beaches.

The Corps of Engineers currently operates a program to remove floating drift wood in New York Harbor. Corps' boats operating in the Harbor use nets to collect pieces of driftwood which adversely effects navigation in the harbor.

These nets are not appropriate to capture smaller objects such as garbage. Smaller mesh nets could be used to collect garbage as well as driftwood floating in the harbor. In September, 1987 the corps made temporary nets to capture garbage found in slicks in the ocean prior to the last garbage washup. EPA counts on using the corps to act in an emergency.

Rather than wait for the emergency, it is imperative that the corps act now to stop the problem before it occurs. This can be done by the corps making the small investment necessary for nets which are appropriate to capture garbage as well as driftwood in the harbor. This involves a minimal cost, roughly $6,000-$7,000 per net.

Last May, I wrote to the Assistant Secretary of the Army urging him to use existing funds for this effort. Unfortunately, the Assistant Secretary responded not with action but with excuses, including a lack of authority, for failing to act. I ask unanimous consent that my letter and the response by the Assistant Secretary of the Army be included in the RECORD immediately following my statement.

The legislation we are introducing today will address the recalcitrance of the Department of the Army. It directs the Secretary of the Army to collect and remove all floating material whenever the Secretary is collecting and removing floating logs. It also authorizes such sums as may be necessary to cover the minimal costs of buying new sets and implementing this new responsibility.

I am confident that the corps will be able to work with EPA to identify any additional practices which are necessary to properly handle and dispose of the garbage. I also believe that the corps will be able to work out arrangements with New York and New Jersey for the proper disposal of the garbage.

Coastal tourism is one of New Jersey's most important industries. It, along with the well being of beach goers, is threatened by the continuing garbage washups. The investment that would be necessary to use the corps' existing program to help protect the beaches pales in comparison to the threat posed by garbage washups.

I urge my colleagues to support this legislation and I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.—COLLECTION OF FLOATABLES.—That the New York harbor collection and removal of drift project is further modified to direct the Secretary of the Army to collect and remove all floating material whenever the Secretary is collecting and removing debris which is an obstruction to navigation.

SEC. 2.—AUTHORIZATION.—There are hereby authorized to be appropriated to the Secretary of the Army such sums as may be necessary to carry out this Act.

U.S. SENATE,
Washington, DC, May 23, 1988.

Mr. ROBERT W. PAGE,
Assistant Secretary for Civil Works, Department of the Army, the Pentagon, Washington, DC.

DEAR. MR. PAGE: I am writing to request that the Corps of Engineers' consider expanding its existing program to remove floating drift wood in New York harbor to also include the cleanup of garbage in the Harbor.

Last summer, beaches along the New Jersey shore were closed because garbage slicks which contained hospital wastes and syringes washed up on the beaches. This past weekend, garbage again washed up on New Jersey beaches in Ocean County.

There are numerous sources for the garbage which affect our beaches. According to EPA, one source is garbage floating in the New York harbor which later washes ashore

on New Jersey beaches. If this garbage were collected before it washed out into the ocean, we could significantly reduce the amount of garbage affecting our beaches.

The Corps of Engineers currently operates a program to remove floating drift wood in New York Harbor. Corps' boats operating in the Harbor use nets to collect pieces of drift wood which adversely affects navigation in the Harbor.

I understand that the existing nets are not appropriate to capture smaller objects such as garbage. Nets with a smaller mesh size, however, could be used to collect garbage as well as drift wood floating in the Harbor. Last September, the Corps made temporary nets to capture garbage found in slicks in the ocean prior to the last garbage washup. EPA is counting on using the Corps again this summer to act in an emergency.

Rather than wait for the emergency, I believe that the Corps should act now to try and stop the problem before it occurs. This can be done by the Corps making the small investment necessary for nets which are appropriate to capture garbage as well as drift wood in the Harbor.

I want to know whether the Corps can acquire the appropriate nets and act now to clean up garbage floating in the Harbor. I am requesting a meeting with you at your earliest convenience to discuss this matter further.

Coastal tourism is a billion dollar industry in New Jersey. This industry, along with the physical well-being of beach goers, is threatened by the continuing garbage wash-ups. The investment that would be necessary to use your existing program to help protect the beaches pales in comparison to the threat posed by garbage washups. I urge you to look favorably on using your existing program to remove floating drift wood to assist in preventing garbage from affecting our beaches.

I look forward to meeting with you and to working together in doing all we can to prevent further garbage washups along New Jersey's beaches.

Sincerely,

FRANK R. LAUTENBERG.

DEPARTMENT OF THE ARMY,
Washington, DC, August 17, 1988.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Thank you for your May 23, 1988, letter requesting that the Army Corps of Engineers consider expanding its existing program for drift removal in New York Harbor to include garbage cleanup in the harbor. Your concern for the impact of garbage washing up on New Jersey beaches certainly is understandable. Garbage washups along the area's beaches during recent weeks emphasize the continuing problem you are trying to solve. I certainly would be glad to meet with you to discuss this matter, but for reasons given below, I believe that the Environmental Protection Agency (EPA) should have the lead on any actions to address the garbage problem.

The Corps of Engineers does not have the authority to collect any material in New York Harbor unless it poses a threat to navigation. At the Federal level, the EPA has the jurisdiction and responsibiity to address the floating garbage problem, since the concern here is the pollution of the harbor, ocean, and adjacent land areas. A fact sheet more fully describing the current situation regarding cleanup activities in the harbor is enclosed for your information.

Although I will defer to the EPA for details, I understand that it has prepared a plan to prevent a repeat of garbage washups consisting primarily of a cooperative effort between EPA and agencies of the States of New York and New Jersey. This effort would include monitoring the waters of the harbor with boats and helicopters and requiring responsible sources of the garbage to collect it. In addition, I understand that the city of New York has obtained additional skimmer vessels that are designed to capture and retain floating garbage. These actions appear to be the best approach to minimize the possibility that garbage from New York Harbor will collect on the New Jersey shoreline.

Because the garbage pollution problem falls appropriately under EPA's jurisdiction and is actively being addressed by that agency, I do not support expanding our existing navigation-oriented authority. However, I will be glad to participate in any meeting with EPA to discuss this further. The Corps of Engineers has contacted Mr. Tudor Davies, Director of the Office of Marine and Estuarine Protection at EPA here in Washington, D.C. Mr. Davies will be furnished a copy of this correspondence in order that he may be aware of your proposal and our response.

Your expression of confidence in the Army Corps of Engineers ability to help solve the floating garbage problem is appreciated.

Sincerely,

STEVEN DOLA,
Deputy for Management and Budget.
(Acting for Robert W. Page, Assistant Secretary of the Army (Civil Works)).

Enclosure.

CLEAN UP NEW YORK HARBOR

(1) The Corps of Engineers currently does not have the authority to collect any material in New York Harbor unless it poses a threat to navigation. The Corps has collected and disposed of driftwood since 1915 in New York Harbor.

(2) The EPA has the jurisdiction and responsibility to deal with the problem of floating garbage through the Clean Water Act of 1977 (Public Law 92-217) and the Ocean Dumping Act of 1972. Under the Ocean Dumping Act, Section 107(a), the EPA Administrator can request the services of another Federal agency to help with the enforcement of this act with or without reimbursement. This was done during the emergency of September 3, 1987.

(3) In September 1987, the Corps of Engineers (New York District) was asked to assist EPA in removing floating garbage from the ocean near the New Jersey coastline (8 miles outside the normal drift collection limit). The Corps was not reimbursed by EPA for the time and expense involved in modifying its drift collection nets to retain floating garbage, nor for the actual collection, hand-separation of garbage from burnable drift materials, or disposal of same.

(4) Garbage collected in September 1987 and found again this summer included used hypodermic syringes, sutures, used bandages, contaminated blood supplies, and other hospital wastes, as well as human waste. These materials pose a health threat to the Corps staff that must hand-separate this garbage from the drift material burned at sea under an EPA permit. The Corps is not currently equipped, trained or staffed to separate the two materials.

(5) Corps vessels used for drift collection in New York Harbor are certificated by the U.S. Coast Guard (USCG) for operation on lakes, bays, and sounds. In this area, this limit is defined as a line drawn from East Rockaway Inlet Breakwater light to Sandy Hook light. If the Corps was tasked with ocean garbage cleanup, the vessels would be operating beyond the USCG certification area. Certification of the existing drift collection vessels for ocean use may not be possible. Clogging of collection nets with garbage would reduce overall efficiencies. Garbage clogging sea strainers would cause vessel engines to overheat.

(6) The garbage found in the ocean and on nearby beaches has been identified as windblown refuse from sanitary landfills and barge loading facilities. These are being monitored more closely since last fall.

(7) The EPA published a plan in May 1988 to reduce the possibility of a recurrence of garbage washups. It is primarily a cooperative effort between the EPA and agencies of the States of New York and New Jersey to monitor the waters of the harbor using boats and helicopters. When observed, the source of the garbage would be directed to collect and dispose of it.

(8) The City of New York, Department of Sanitation, has obtained additional skimmer vessels, especially designed and built to capture and retain floating garbage.

(9) The EPA routinely hires consultants, specifically trained and equipped to handle hazardous and toxic wastes, to assist when it lacks the in-house resources to respond itself. EPA has a vessel now that could be used for this purpose.●

● Mr. MOYNIHAN. Mr. President, today I and Senator LAUTENBERG are introducing legislation to direct the Army Corps of Engineers to take a more active role in keeping the New York and New Jersey harbor areas clear of floating trash.

The corps already has substantial operations in the harbor to keep it clear of floating timbers and suchlike. These can be a hazard to shipping, and the corps has done well to keep the shipping lanes clear. These good works are carried out under the authority of the New York Harbor drift removal project.

Perhaps this may sound mundane, but we have the opportunity to make a rather minor modification to work the corps is already doing that could significantly reduce the amount of trash that ends up on our beaches. We would like to see the vessels already patrolling the harbor give some attention to sweeping up floating garbage as well as larger navigational hazards.

I would never intend for such work to interfere with the primary goal of the drift removal project, and I do not see that it would. The two goals are not incompatible. Both are worthy, and both are achievable.

Mr. President, I ask unanimous consent that a copy of the letter I sent today on this subject to Mr. Robert Page, Assistant Secretary of the Army for Civil Works, be included in the RECORD at the end of my remarks. I have asked him to take a look at my bill and the simple idea it contains,

and see about getting on with it with all due speed.

Any effort the Corps of Engineers can make to prevent another summer of closed beaches and floating garbage slicks should be pursued with the utmost vigor, and I intend to see that this happens.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, March 3, 1989.

Hon. ROBERT PAGE,
Department of the Army, the Pentagon, Room 2E570, Washington, DC.

DEAR SECRETARY PAGE: I would like to call your attention to legislation I have introduced to expand the Corps' New York Harbor Drift Removal project.

As you and I have discussed, it is time the Corps started taking a greater interest in areas outside of its traditional mandate, including environmental clean up. This strikes me as a good place to start.

As you are well aware, beaches were closed in New York last summer because of washups of floating garbage, including medical waste. It is my understanding that the Corps presently operates several vessels in New York harbor equipped with nets to remove floating timbers and other material that may interfere with navigation. It would not seem difficult to instruct these very same vessels to collect other types of floating material as it is encountered. Such an effort strikes me simple, cost effective and sensible.

Please investigate the feasibility of implementing such a system before this coming summer season and report back to me. If there are other methods available to the Corps to accomplish the same ends, please make me aware of them. Thank you for your attention to this matter.

Sincerely,

DANIEL PATRICK MOYNIHAN.●

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. CRANSTON, and Mr. GORE):

S. 507. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; to the Committee on Foreign Relations.

ANTI-APARTHEID ACT AMENDMENTS

● Mr. SIMON. Mr. President, today I am introducing with my colleagues Senator KENNEDY, Senator CRANSTON, and Senator GORE the Anti-Apartheid Act Amendments of 1989 calling for comprehensive sanctions against South Africa. This is identical to the bill introduced by Representative RON DELLUMS, H.R. 21. We believe that this measure—which includes a trade embargo and strong disinvestment provisions—continues to represent the most meaningful way of exerting pressure on the South African Government for peaceful change and the emergence of justice in that country.

Just 1 year ago South Africa banned 17 key antiapartheid organizations and significantly restricted the activities of the largest trade union federation, the Congress of South African Trade Unions. During the past year alone more than 30 organizations have been banned.

We have also seen, in the Delmas Trial convictions, a judiciary in South Africa that is willing to convict antiapartheid leaders for their peaceful protest against apartheid. That is something we do not understand here in the United States. And when angry, victimized people cannot even express their views freely, violence becomes more and more inevitable. Even the religious community, which is now the single most important public antiapartheid voice, faces intimidation and threats.

Nelson Mandela and nearly all other political prisoners have yet to be released. The Government continues its efforts to gag and silence the press. And the state of emergency continues. The recent Tripartite Agreement among South Africa, Angola, and Cuba, which will bring independence to Namibia, was a significant step toward peace in that region. I applaud the South African Government for their participation in the agreement. I welcome meaningful efforts for peace in that troubled region and commend all the parties to the agreement for this achievement and for finally opening the way for Namibian independence. But that in no way substitutes for the need to address the central question of how apartheid in South Africa is going to end. We want that change to be peaceful. And both internal and external pressures are critical to bringing the South African Government and the real black leaders together for serious talks on ending apartheid.

I hope that we can develop a greater consensus here in the Senate for an effective and vigorous policy on South Africa and that we can encourage more productive cooperation between Congress and the new administration.

It is essential that this cooperative approach include efforts on the part of the administration to follow through on multilateral measures that may be taken to undermine apartheid. The Comprehensive Anti-Apartheid Act of 1986 anticipated this important component to our own efforts. At the United Nations, we need to introduce our own sanctions and promote them, not vote against them. We need to provide active leadership in the international community for concerted action against apartheid. As chairman of the Senate Foreign Relations Subcommittee on African Affairs, I plan to introduce, in the near future, a resolution to urge the administration to move on the multilateral front, to press South Africa's other major trading partners—Japan, West Germany, the United Kingdom, France, and Italy—to join in our own sanctions and to agree on other measures designed to bring about peaceful change in South Africa.

The community of nations is watching with great interest what steps a new United States administration and a new Congress will take on the question of apartheid in South Africa. We await change in South Africa, and look for hopeful signs, but there are few. But this is clear: The world is today more ready to follow our lead in pressing for peaceful change in South Africa.●

Mr. CRANSTON. Mr. President, today I am pleased to join with my colleagues Senators SIMON and KENNEDY in introducing legislation designed to combat the evils of apartheid in South Africa.

This legislation is necessary because the 1986 comprehensive sanctions bill did not go far enough in pressing for an end to the abhorrent system of apartheid. The South African regime has managed to circumvent several provisions of that law by exploiting loopholes; other provisions have suffered because of weak enforcement by the administration. Additionally, other nations have profited by U.S. sanctions because the President did not pursue a multilateral strategy for opposing apartheid, as Congress recommended.

In the meantime, repression in South Africa has grown worse, although a near total press blackout has concealed much of the ravages of increasing oppression:

Virtually all avenues for peaceful dissent have been foreclosed.

Thousands of apartheid opponents have been detained.

Many hundreds of these have been children. Many have been tortured.

Virtually all organizations, including church and labor groups, who have questioned apartheid, have been banned.

Opponents of the regime are bombed at home and murdered abroad.

We must therefore act. Indeed, we are now obligated by law to take the necessary next step to curb sharply our economic relations with the South African regime. The Comprehensive Anti-Apartheid Act of 1986 called for additional measures if substantial progress was not made within a year. And the situation is far from improved—it has in fact grown considerably worse. This legislation will take that required next step. These measures will close the loopholes, broaden the scope of the sanctions, and require negotiations with other industrialized democracies to ensure a strong, multilateral approach to opposing apartheid.

The choice of whether or not to do business with the racist regime in South Africa is a moral one. We must choose the path that demonstrates

America has an unshakeable commitment to the forces of democracy.

There are important startegic concerns involved as well. We must develop a strong relationship with black leaders who will one day have a strong voice in governing South Africa. And we must try to convince the white minority that we will resume normal relations once progress is achieved, and that we seek to protect their political rights under majority rule. Our commitment must be to human rights, freedom, and democracy for all South Africans, black and white.

Mr. KENNEDY, Mr. President, I am pleased to join Senators SIMON, CRANSTON, and GORE in reintroducing a bill that will once again place the United States in the forefront of efforts to end apartheid in South Africa; the Anti-Apartheid Act Amendments of 1989.

Nearly 2 years have passed since Congress overrode President Reagan's veto and made the Comprehensive Anti-Apartheid Act of 1986 the law of this land. That bill became America's first truly effective step in ending racism in South Africa. Today, with the introduction of this legislation, Congress begins the next step in that worldwide struggle.

When it passed the 1986 sanctions bill, Congress made clear its intention to move forward with additional sanctions if the Government of South Africa failed to make substantial progress toward ending apartheid. Over the last 2 years, the Botha government has abandoned all pretense of reform; it has renewed the state of emergency, it has banned opposition organizations and individuals. It continues its ruthless aggression against its neighbors and shows blatant disregard for human rights and the rule of law. Clearly, the time has now come for additional sanctions.

As the groundbreaking study, uprooting poverty, has demonstrated, black South Africans live in worse conditions than their brothers and sisters in the rest of black Africa. For instance, infant mortality of blacks in South Africa is higher than that in many other African nations, including Botswana, Zimbabwe, Kenya, the Congo, and Zambia. In measuring economic inequality, South Africa has the worst disparity of any of the 57 countries in the world for which data are available. When it comes to economic injustice, South Africa has the most shameful record in the world. Apartheid's pass laws, artificial homelands, the group areas act, and the forced removals make apartheid a daily living nightmare for black men, women, and children in South Africa.

There are those who say that comprehensive sanctions have not worked and will not work, and that they will only harden the resistance to change inside South Africa. But in 40 years of silence, throughout the years of cooperation, maintenance of the status quo, and years of constructive engagement, apartheid has not ended. Our modest sanctions over the last 2½ years have not worked, because they do not go far enough and because there has been no international cooperation in the effort to end apartheid. In fact, the United States has repeatedly vetoed the efforts in the United Nations to isolate the regime in Pretoria.

Apartheid will only be ended with a clear, consistent, and concerted policy of all nations working together to apply the full range of political, diplomatic, and economic pressure against the South African regime.

The American people have always cherished freedom and human dignity. We share a responsibility to protect civil rights and promote the rule of law. Let us hope that, as one of his first steps in foreign policy, President Bush will reverse the drift of complacency regarding South Africa of the past 8 years. I urge the administration to put the United States Government at the forefront of the struggle against apartheid by lending its full support to this legislation.

We are now in a new Congress, in a new administration, and it is time to take new steps against apartheid. I urge my colleagues to put the United States on the right side of history and justice in South Africa by supporting this important legislation.

By Mr. INOUYE (for himself, Mr. MATSUNAGA, Mr. BURDICK, Mr. KASTEN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NUNN, Mr. MCCAIN, Mr. WIRTH, Mr. CRANSTON, Mr. BENTSEN, Mr. PELL, Mr. THURMOND, Mr. STEVENS, Mr. EXON, Mr. CHAFEE, and Mr. DOLE):

S. 511. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

RECOGNITION OF THE NATIONAL ACADEMIES OF PRACTICE

● Mr. INOUYE. Mr. President, today I am introducing legislation which would provide a Federal charter for the National Academies of Practice. This organization represents outstanding practitioners who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, and veterinary medicine. When fully established, each of the 9 academies will possess 100 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

Mr. President, as we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress have systematic access to the recommendations of an interdisciplinary body of health care practitioners.●

By Mrs. KASSEBAUM:

S. 512. A bill to amend the State Dependent Care Development Grants Act to enhance and improve the quality of the child care services provided under such act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD CARE SERVICE ENHANCEMENT AND QUALITY IMPROVEMENT ACT

Mrs. KASSEBAUM. Mr. President, the proportion of childen under 6 with mothers in the work force has increased by nearly 80 percent since the early seventies. In 1988, 51 percent of all children under 6 had working mothers. It is estimated that the continuation of this trend will find two-thirds of all preschool children with mothers in the work force by 1995. That is nearly 15 million children.

While this trend has been all too evident to those parents struggling to balance the needs of career and family, in many ways our society has been slow to accommodate this new reality. It is for this reason that I appreciate the leadership shown by Senators DODD and HATCH in the Children and Family Subcommittee. Their legislation, the hearings they have held, and the many bills sponsored by other Members have played a vital role in bringing much-needed attention to the problems facing working parents. I believe the debate regarding the act for better child care has made all of us more sensitive to the experiences of mothers who, whether they work because of financial necessity or personal choice, cannot work at all unless they find safe, dependable, and nurturing child care that fits their various needs, schedules, and pocketbooks. Appropriately, this debate has also heightened awareness about those mothers who choose to stay at home and make their own sacrifices in terms of careers delayed and incomes forgone.

In following the hearings and debate on child care legislation, in my correspondence and conversations with constituents, and in remembering my own experiences as a mother, I am convinced that parents can use help in assuring that quality child care is both available and affordable. Unfortunately, this is not our society's only need. Already, in the opening weeks of a new Congress, we are discussing billions of dollars of new spending—to address the savings and loan crisis, to

build a superconducting supercollider, to clean up environmental pollution at Federal nuclear facilities, to intensify the battle against drugs, to help the homeless, to repair our Nation's aging transportation infrastructure, to protect families from the unpredictable burden of long-term care for the elderly.

All of these needs are important, and many of them have very direct effects on children and families. So, too, does the issue of deficit spending. An economy that boasts high inflation, high interest rates, and an inability to compete in world markets can have a very serious and negative effect on family life.

For me, then, the question has not been whether there is a need for better child care. The question has been how can we afford to address this need in light of all our other legitimate needs, including the one for spending restraints. I have come to the conclusion that we just cannot afford to establish a Federal child care infrastructure that will require more Federal dollars with each passing year. Nor can we afford to use direct payments or Tax Code adjustments to help with the expenses of all parents with children in day care. The ABC bill will cost $2.5 billion in its first year. Making the current dependent-care tax credit refundable and providing a new tax credit for each child under 4, as recommended by the President, will cost $2.4 billion. I wish we could afford to be this generous, but we cannot.

The legislation I am introducing today, the Child Care Service Enhancement and Quality Improvement Act, attempts to address the need for a high-quality supply of child care options without relying on rigid Federal standards or continued dependence on an expensive Federal bureaucracy. It does so, first, by providing $300 million for State block grants to be used for the planning, development, establishment, or expansion of dependent care services. These funds could be used to increase the supply of child care providers by supporting recruitment programs that encourage individuals to become child care providers; by providing loans, grants, and technical assistance programs that help providers meet State licensing or accreditation standards; and by assisting in the establishment of innovative child care programs that can serve as models for other new providers. The block grant approach requires a 25-percent State match, and it relies heavily on the creativity and flexibility of States and communities, who are in the best position to identify and meet the various needs of their own neighborhoods, families, and work force.

These funds could also be used to promote improved child care quality by supporting training programs for child care workers and regular State inspections of licensed providers. While I doubt that any action would guarantee absolute protection against some of the tragedies that have occurred in day care settings, I appreciate the recommendations that child care researchers have made regarding minimum standards, and my bill requires that States adopt their own accreditation or licensing standards in the areas of staff/child ratios, group size, provider qualifications, health and safety, and parental involvement and access.

A high-quality supply of services is useless, of course, if there is no way for parents to locate them. Thus, the funds provided by this legislation may also be used to establish or expand State and local resources and referral systems that describe licensed providers and match them with varying family needs.

Finally, this legislation requires that the Department of Labor conduct a study of the liability issues related to child care services. If we are to make real progress in increasing the supply of child care options, it is vital that employers play a more active part in providing such services for their employees. The growth of employer-provided child care and child care in general has been restricted by liability insurance concerns.

What is conspicuously absent from this bill is any direct payment or Tax Code subsidization of child care services. After much thought, I have come to believe that any money we spend on child care should focus on the priorities of increasing quality and supply. As we have discovered in the past, tax breaks are self-defeating if, in the end, we have to raise taxes to cover their costs. Additionally, I believe the needs of the lowest income can be better and more economically addressed through Head Start expansion and welfare reform. If other families need financial assistance, we need to look at that as well, but not in the context of a child care initiative.

Mr. President, I recognize that this legislation stops short of the goals that many have set for addressing the child care need. But I see the multiple problems relating to working parents and the care of their children as beyond the scope of one bill. To be fully responsive to the needs of working families, businesses have to be more innovative in offering flex-time, job sharing, part-time employment, and parental leave to their employees who are parents. Cafeteria plans have to become more widespread so that employees have a greater choice of benefits, including child care services. Our economy has to grow stronger, so that we can offer better jobs, a higher minimum wage, and lower tax rates to everyone. Efforts toward teenage pregnancy prevention have to be strengthened and our child support laws must be more responsive and more strictly enforced. The education and training that bring well-paying jobs within a worker's grasp must be supported. We in Congress can pass legislation addressing some of these goals; to address other goals, we can only urge others to assume responsibility.

Child care is a decision that all parents must make on the basis of their financial and career needs, as well as the emotional needs of their children and themselves. Like all choices, there will always be sacrifices involved. No Government program can protect us from that reality, but Government can make an effort to ensure that our choices are as broad as possible. The legislation I propose today makes an effort to do that without ignoring the other looming reality of the Federal budget.

Mr. President, I have given a lot of thought to this issue. I think it is an extremely important one before us in the 101st Congress and I urge my colleagues to take a look at the legislation I am introducing today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Service Enhancement and Quality Improvement Act of 1989".

TITLE I—DEPENDENT CARE BLOCK GRANT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 670A of the State Dependent Care Development Grants Act (42 U.S.C. 9871) is amended by striking out "$20,000,000" and all that follows through "1990" and inserting in lieu thereof "$300,000,000 for each of the fiscal years 1990 and 1991".

SEC. 102. USE OF ALLOTMENTS.

Section 670D of the State Dependent Care Development Grants Act (42 U.S.C. 9874) is amended to read as follows:

"SEC. 670D. USE OF ALLOTMENTS.

"(a) IN GENERAL.—Amounts paid to a State under section 670C may be used for the planning, development, establishment, expansion or improvement by the States, directly or through grants with public or private entities, of dependent care services programs. Such programs may include—

"(1) State and local resource and referral systems to provide information concerning dependent care services offered by licensed providers, including information concerning the availability, types, costs, locations, and hours of such services;

"(2) recruiting programs to encourage individuals to become child care providers;

"(3) training programs for providers of child care services and their employees;

"(4) technical assistance programs to assist individuals in understanding and meeting State licensing or accreditation standards;

"(5) loan or grant programs to assist family-based child care providers in meeting State licensing or accreditation standards;

"(6) loan or grant programs to assist in the establishment or operation of innovative child care service programs, including neighborhood centers, intergenerational programs, and programs serving special populations, and to disseminate information concerning the operation of such programs;

"(7) activities to assure timely State inspections of licensed providers of child care services; and

"(8) any other project or activity that is designed to improve the quality, availability, or accessibility of dependent care services.

"(b) PROHIBITION.—A State shall not use amounts paid to it under this subchapter to—

"(1) make cash payments to intended recipients of dependent care services;

"(2) pay for the costs of construction; or

"(3) satisfy any requirement for the expenditure of non-Federal funds as a condition for receipt of Federal funds.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of any project supported under this subchapter shall be not more than 75 percent.

"(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the allotment of each State under this subchapter may be available for the cost of administration.

"(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this subchapter.".

SEC. 103. APPLICATION.

Section 670E of the State Dependent Care Development Grants Act (42 U.S.C. 9875) is amended to read as follows:

"SEC. 670E APPLICATION.

"(a) SUBMISSION.—

"(1) IN GENERAL.—To receive an allotment under section 670B, each State shall submit an application to the Secretary in such form, containing such information, and by such date as the Secretary may require.

"(2) ASSURANCES.—Each application submitted under paragraph (1) shall contain assurances that the State will meet the requirements of subsection (b).

"(b) CERTIFICATIONS.—The annual application submitted by the chief executive officer of each State under subsection (a) shall—

"(1) certify that the State agrees to use the funds allotted to it under section 670B in accordance with the requirements of this subchapter;

"(2) certify that the State will adopt standards of accreditation or licensing for family-based and group child care providers in the areas of staff/child ratios, group sizes, provider qualifications, health and safety, parental involvement and access, and methods of inspection and certification based on such standards; and

"(3) certify that the State agrees that Federal funds made available under section 670B for any period will be used to supplement and increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"(c) MANNER OF COMPLIANCE.—The Secretary shall not prescribe for a State the manner in which the State complies with the requirements of subsection (b).".

SEC. 104. REPORTS.

Section 670F of the State Dependent Care Development Grants Act (42 U.S.C. 9876) is amended to read as follows:

"SEC. 670F. REPORT.

"(a) ANNUAL REPORT BY STATES.—Each State that receives funds under this subchapter shall submit an annual report to the Secretary that specifies the programs and activities for which such funds are made available.

"(b) ANNUAL REPORT BY THE SECRETARY.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that describes the programs carried out by the States with funds received under this subchapter.".

SEC. 105. DEFINITIONS.

Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) by striking out paragraphs (4), (5), (6), (7), (8), and (11), and

(2) by redesignating paragraphs (9) and (10) as paragraphs (4) and (5), respectively.

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective on the date of the enactment of this Act or on October 1, 1989, whichever occurs later.

TITLE II—STUDY OF LIABILITY ISSUES RELATED TO PROVIDERS OF CHILD CARE SERVICES

SEC. 201. STUDY OF LIABILITY ISSUES RELATED TO PROVIDERS OF CHILD CARE SERVICES.

(a) STUDY.—The Secretary of Labor shall conduct a study of liability issues as such issues pertain to the provision of child care services, including identification of the extent to which liability-related issues constitute a barrier to the provision of child care services by an employer or other individual.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit, to the Committee on Education and Labor of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing—

(1) a summary of the results of the study conducted under subsection (a), and

(2) the recommendations of the Secretary regarding actions to be taken with respect to the liability-related issues identified in the study.

By Ms. MIKULSKI (for herself, Mr. PELL, and Mr. SIMON):

S. 513. A bill to amend chapters 83 and 84 or title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

CIVIL SERVICE RETIREMENT AMENDMENTS

● Ms. MIKULSKI. Mr. President, today I am introducing legislation on behalf of Senators PELL, SIMON, and myself that would extend the early retirement option for Federal employees in hazardous occupations to inspectors of the Customs Service and the Immigration Service, as well as revenue officers in the Internal Revenue Service and Customs Canine Enforcement Officers [CEO's].

Under current law, Federal employees who work 20 years in a "hazardous" occupation are eligible for retirement at age 50. Currently this classification includes, among others, Federal law enforcement officers and firefighters.

The bill I am sponsoring would expand the job categories designated as "hazardous" to include Customs inspectors, IRS revenue officers, INS inspectors, and CEO's. The dedicated men and women in these four categories of Federal employment are faced daily with extremely stressful and sometimes dangerous situations in service of their country. This stress leads to a high turnover rate in these Federal occupations, that in turn lowers the Federal Government's productivity.

Last year I introduced similar legislation, S. 2031, which did not include CEO's. I have included CEO's in this year's bill because they perform duties very similar to those of Customs inspectors, but have additional burden of controlling a highly trained dog.

Offering an "early out" retirement option for Customs and INS inspectors, as well as for IRS revenue officers and CEO's, will help provide an incentive to these employees to stay in their positions for longer periods of time. Therefore, the net result of providing such an early out option is a more productive Federal Government, as well as a lower Federal deficit.

For example, a July 1985 study by the IRS' Assistant Commissioner for Collections, estimated that an early out option for IRS revenue officers would reduce annual training costs by over $2 million and result in increased annual revenue collections by approximately $100 million.

Mr. President, this early out legislation for hazardous occupations would be carefully distinguished from other early out bills that have been introduced to shrink the size of the Federal work force. My legislation is designed solely to reward those whose civil service positions entail significant hazards. Unlike other early out bills, it has no provision which prevents an agency from filling a vacated position for 3 years.

In this era of continued high Federal deficits, the Congress should be taking all steps necessary to improve both our Government's productivity and efficiency. The legislation I am introducing today makes a limited, but serious attempt to meet that goal.●

By Mr. HELMS:

S.J. Res. 71. Joint resolution designating April 16 through 22, 1989, as

"National Ceramic Tile Industry Recognition Week"; to the Committee on the Judiciary.

NATIONAL CERAMIC TILE INDUSTRY RECOGNITION WEEK

Mr. HELMS. Mr. President, today I am offering a joint resolution designating the week of April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

The tile industry, in its various forms, has evolved into a prosperous and rapidly growing business. The industry employs thousands of tradesmen with various skills, from the mining of specific raw materials, to the manufacturing, distribution, and installation of the finished products in homes.

Mr. President, I am proud to announce that just last August, construction began on a new manufacturing facility in Morganton, NC, for Summitville, Inc. This 160,000-square-foot facility, called Summitville Carolina, Inc. is scheduled to be completed in October 1989, and will create as many as 250 new jobs over the next several years.

Among the first of several products this facility will produce will be 21,000 square feet of large-unit glazed floor tile a day. Because of the technological advances experienced by the ceramic tile industry, this new facility will have the capacity through the use of two 1,400-ton presses and a roller-hearth kiln, to produce tiles in less than 1 hour at over 2,000 degrees Fahrenheit.

Mr. President, I hope this resolution will draw well deserved attention to the ceramic tile industry and its great advancements throughout history. I urge all Senators to join with me in supporting this worthy industry.

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the enterprise zone development program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprise zones, and for other purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 100

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 100, a bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 134

At the request of Mr. GLENN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 136

At the request of Mr. ADAMS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from North Carolina [Mr. SANFORD], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 136, a bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections.

S. 302

At the request of Mr. PRYOR, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Montana [Mr. BAUCUS] the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nebraska [Mr. KERREY], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. LOTT], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 302, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 304

At the request of Mr. MOYNIHAN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 304, a bill to promote nondiscrimination in State medical licensure and medical reciprocity standards.

S. 350

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 360

At the request of Mr. NICKLES, the names of the Senator from Montana [Mr. BURNS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 360, a bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base and reducing the assessment rate for deposit insurance.

S. 365

At the request of Mr. DASCHLE, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 365, a bill to provide for the continuation of certain basic services of the Postal Service consistent with postal policies under section 101 of title 39, United States Code, and for other purposes.

S. 378

At the request of Mr. ROCKEFELLER, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 378, a bill to extend the Steel Import Stabilization Act for an additional 5 years.

S. 408

At the request of Ms. MIKULSKI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 408, a bill to establish a corporation to administer a national volunteer service program.

S. 412

At the reqest of Mr. PACKWOOD, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 412, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for expenses with respect to child care for dependent children, to make such credit refundable, to amend the Social Security Act to increase the funds for available child care, and for other purposes.

S. 417

At the request of Mr. HEINZ, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 417, a bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes.

S. 471

At the request of Mr. MURKOWSKI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 471, a bill to amend the Mineral Lands Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production.

S. 488

At the request of Mr. FOWLER, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research development and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the

deduction for health insurance for self-employed individuals.

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. ROTH], the Senator from Ohio [Mr. GLENN], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 10, a joint resolution to designate the month of May, 1989 as "National Foster Care Month."

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 39

At the request of Mr. BRADLEY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate April 6, 1989, as "National Student-Athlete Day."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 44

At the request of Mr. THURMOND, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 44, a joint resolution designating April 9, 1989, as "Crime Victims Week."

SENATE JOINT RESOLUTION 19

At the request of Mr. DIXON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 19, a resolution to express the sense of the Senate to urge the President to recognize and include the Director of National Drug Control Policy as a fully participative member of the President's Cabinet.

SENATE RESOLUTION 74—COMMENDING CHARLES H. PRICE

Mr. BOND (for himself, Mr. DOLE, Mr. DANFORTH, and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 74

Whereas Charles Price has faithfully served the United States as America's senior representative to the Kingdom of Belgium, and the United Kingdom of Great Britain and Northern Ireland for almost eight years; and

Whereas through his diplomacy, Mr. Price contributed significantly to the continuing good relations between the United States and these countries; and

Whereas in that time he has forcefully and effectively promoted the policies of the United States government; and

Whereas in every aspect of his work he has distinguished himself as an individual of the highest competence, integrity and moral standing, and has conducted himself with the utmost courage and poise; and

Whereas Mr. Price is now retiring from his position as Ambassador to the Court of St. James: Now, therefore, be it

Resolved, That the Senate of the 101st Congress commend Ambassador Charles H. Price II for his outstanding service and dedication to the government and the people of the United States of America.

● Mr. BOND. Mr. President, I rise today on behalf of Senators DOLE, KASSEBAUM, DANFORTH, and myself to pay tribute to Charles H. Price II on the occasion of his retirement. Mr. Price has served the United States for the past 8 years as our Ambassador to the Kingdom of Belgium and the United Kingdom of Great Britain.

A native Missourian, Charlie Price served in the U.S. Air Force before becoming a successful businessman. He has contributed significantly to his community, having received the Alumni Award from the University of Missouri School of Business and Public Administration, the Award of Appreciation from the Midwest Research Institute and the Outstanding Achievement Award from the University of Missouri-Kansas City Performance Arts Center.

Through his role as America's senior representative, Charlie Price has worked to ensure the continuing good relations between the United States and the host countries in which he served. Through his example and his work, he has brought credit to himself and to the United States. He has distinguished himself as a gentleman of the highest integrity and moral standing.

It is due to his dedicated work and personal character that I offer this resolution to express to Ambassador Price the best wishes of the Senate on the occasion of his retirement.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, March 3, 1989, at 9:30 a.m., to hold a hearing on immigration reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, March 3, beginning at 9:30 a.m., to conduct a hearing on the fiscal year 1990 budget for the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, March 3, 1989, at 1 p.m. to conduct a hearing on the administration's views on the minimum wage increase.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Friday, March 3, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask that the Select Committee on Indian Affairs be authorized to meet on March 3, 1989, beginning at 9 a.m., in 485 Russell Senate Office Building, on the Alaska Federation of Natives "Alaska Natives at Risk."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be authorized to meet during the session of the Senate on March 3, 1989, at 10 a.m. to hold a hearing to look at the current status of the Medicare Program, how it has evolved, and suggestions for future improvements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OIL PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE

● Mr. JOHNSTON. Mr. President, last year the Committee on Energy and Natural Resources and the House Committee on Merchant Marine and Fisheries requested that the Office of Technology Assessment [OTA] study the technologies needed for Arctic oil production and their effect on future oil production in Alaska. The OTA has now completed its review and has

issued a report, "Oil Production in the Arctic National Wildlife Refuge: The Technology and the Alaskan Oil Content."

Earlier this year, I introduced S. 406, the Arctic Coastal Plain Competitive Oil and Gas Leasing Act. This legislation, which is similar to legislation reported favorably last Congress by the Committee on Energy and Natural Resources, would authorize a phased oil and gas leasing program in the Arctic National Wildlife Refuge [ANWR], with strict environmental safeguards. To better understand all of the issues involved with the development of oil reserves in ANWR, I requested this OTA review.

The OTA report focused on the oil field technology being used to develop the Alaskan North Slope oil resources and the likely configuration of that technology as might be applied in development of the ANWR coastal plain. Additionally, the report examined the prospects for future North Slope oil production.

The report concludes that development of oil reserves on the North Slope of Alaska in an environmentally safe manner is possible, as current production techniques have improved, and will continue to improve, upon the technologies used in the Prudhoe Bay oil fields. The report also states that the geographical nature of the coastal plain and other oil rich areas on the North Slope are similar so that state of the art technologies developed and improved on such North Slope fields as Kuparauk and Endicott could also be applied to development in the coastal plain.

The report also addresses the potential for future North Slope development. A 1987 Department of the Interior [DOI] report estimated there to be a 19-percent probability of finding commercially viable quantities of oil. With regard to this, the OTA report states that "DOI's estimate of the likelihood of finding economically recoverable quantities of oil in ANWR may be conservative."

Finally, the report notes that environmental concerns still exist regarding any development in ANWR. I recognize the controversy surrounding this entire issue, and have taken measures in S. 406 to ensure that such environmental concerns are addressed. I believe that this OTA report supports what we have aleady learned through extensive and thorough hearings, that the environmentally safe development of oil reserves in ANWR is possible.

Mr. President, I ask that a summary of the report be printed in the RECORD.

The summary follows:

OIL PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE: THE TECHNOLOGY AND THE ALASKAN OIL CONTEXT

The coastal plain of the Arctic National Wildlife Refuge (ANWR), in the extreme northeast corner of Alaska, is the focus of a major debate among interest groups asking Congress either to approve or to block leasing, exploration, and development of the area for its suspected oil resources. Those opposing oil development fear that it would seriously damage a unique and invaluable Arctic ecosystem and wilderness area in return for a small chance to put a temporary dent in growing U.S. oil imports. Those favoring development, in contrast, view the coastal plain as the United States' most promising remaining area for finding giant oilfields, and they believe that the oil industry can explore and develop ANWR without significantly compromising its environmental values.

This report focuses on two issues that form a part of Congress' decision about ANWR's future: 1) Oilfield technology. To what extent would ANWR oil development resemble existing development on the North Slope? 2) Potential role in Alaskan oil production. How credible are recent projections of an imminent decline in North Slope oil production—which ANWR oil might eventually replace?

ARCTIC OILFIELD DEVELOPMENT AND TECHNOLOGY

If oil is found, its development would involve building a network of industrial infrastructure on the coastal plain—including pipelines; roads; gravel pads supporting drilling rigs and wells, separation plants and other production facilities, and housing for workers; one or more airfields and docks; graval pits; and other support facilities. The "footprint" of this infrastructure—the land area covered—would be relatively small, less than 1 percent of the area of the coastal plain. On the other hand, the physical coverage would be spread out somewhat like a spiderweb, and some further physical effects, like infiltration of road dust and changes in drainage patterns, will spread out from the land directly impacted. The significance of these effects to the health of the Arctic ecosystem is a source of controversy for existing North Slope oilfield development and is a crucial issue in the debate over ANWR's future.

Development in ANWR is likely to resemble recent North Slope development at the Kuparuk and Endicott fields, even though at least another 10 years could pass before ANWR development could occur. Although considerable changes have occurred in North Slope oil production during the past 10 years, the future rate of change in Arctic technology and practices applicable to ANWR development should be more gradual than in the past. Industry knowledge of how to operate efficiently in the onshore Arctic environment has reached a state of considerable maturity. In addition, physical conditions on the ANWR coastal plain, while not identical to conditions within the current North Slope development area, are similar and do not represent a new challenge to industry technology per se.

There are some pressures for technological change, however. Regulatory pressures could arise from dissatisfaction with current environmental performance at Prudhoe Bay and the other developed North Slope fields, or because State and Federal authorities seek a higher standard of environmental protection at ANWR because of its status as a wildlife refuge. Despite improvements over time in environmental management on the North Slope—in reduced requirements for surface usage and gravel, improved handling of oilfield service operations, and more attention to waste management—critics continue to express concerns about several environmental issues. Their principal concerns include disposal of reserve pit waste and of other solid and liquid wastes, air pollution, fresh water supply, environmental monitoring, and wildlife habitat alteration or destruction. The operators of the North Slope oilfields reject most claims of environmental deterioration.

Changes will also arise from continued improvements in production technologies, especially in directional drilling, which allows large areas of a field to be drained from a single drilling pad, and in enhanced oil recovery (EOR).

NORTH SLOPE OIL PRODUCTION

Today, the Alaskan North Slope provides about 2 million barrels per day of oil to the United States, nearly a quarter of total U.S. crude oil production. North Slope production will likely begin to decline around 1990-91, and fall to half of current levels or below by the year 2000. However, the large uncertainties involved in forecasting future production, recent strides in cutting oilfield costs, and a history of overly pessimistic forecasts of Alaskan and total U.S. oil production preclude ruling out a more gradual decline.

Additional production to slow the expected decline would have to come from either more intensive development of existing fields, development of discovered but currently undeveloped fields, or finding and developing undiscovered resources. None of these prospects are highly promising.

Intensified development of existing fields—including drilling wells on closer spacing, exploiting the less productive margins of fields, and EOR—has added several years to the date of expected production decline, and continues to be pursued with vigor. For example prospects are good for EOR beyond that already in place or scheduled. However, the increments of recovery and production from the available EOR technologies will be small and will accrue over a long period. No readily foreseeable technologies promise to "turn around" expectations of declining production at Prudhoe Bay and other North Slope fields. Similar conclusions hold for future infill drilling and other means of increasing production.

Starting production from the discovered but nonproducing fields also is unlikely to reverse the production decline. These fields do not have large volumes of recoverable resources. One much-discussed field—the West Sak field overlying the producing Kuparuk River field—contains at least 15 billion barrels of in-place oil, but no technologies are available that can economically recover more than a small fraction of this very thick oil contained in a poor reservoir. ARCO, the majority interest-holder, remains optimistic about West Sak production, and has scheduled new recovery experiments for 1989. However, the potential for new advanced-recovery technologies is highly uncertain, with significant technical and cost problems remaining.

Finding and developing undiscovered fields could help stem the decline, but recent exploration on the North Slope and offshore in the Beaufort Sea has been disappointing. Although large discoveries cannot be ruled out, prospects seem to have dimmed considerably.

Both the oil industry and the Department of the Interior (DOI) have represented the development of ANWR oil as the most promising option to offset the projected North Slope decline. Policymakers should understand, however, that all estimates of

the resource potential of ANWR are highly speculative. Also, even with rapid development, ANWR oil could not begin flowing before the year 2000. DOI has concluded that there is a 19 percent chance of finding economically recoverable oil in ANWR, and if it is found, the estimated mean volume is 3.23 billion barrels. The Energy Information Administration, in a review of DOI's assessment, has concluded that the likelihood of finding recoverable oil is virtually a certainty rather than 19 percent. OTA agrees that DOI's 19 percent estimate is too low, but is skeptical that the correct probability is close to 100 percent.

THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE

Comprises 1.5 million acres of the 19-million-acre Arctic National Wildlife Refuge.

Extreme northeast corner of Alaska; western edge 60 miles east of Prudhoe Bay, the Nation's largest oilfield.

Long, extremely cold winters and short, cool summers.

Oil leasing must be authorized by the U.S. Congress.

DOI has recommended orderly oil and gas leasing of the area.

Considered by the oil industry to be the most promising unexplored area in the United States for discovering supergiant oilfields.

DOI estimates a 19 percent chance of finding economically recoverable oil; estimated mean of 3.23 billion barrels (annual U.S. oil consumption is about 6 billion barrels).

Considered by environmentalists to have outstanding wilderness values and to be an especially important habitat for caribou, polar bears, musk oxen, and migrating birds.

Prime calving ground for the approximately 200,000 caribou of the Porcupine caribou herd.●

THE SCHOOL BREAKFAST PROGRAM

● Mr. BOSCHWITZ. Mr. President, March is recognized as National Nutrition Month. In addition, the American School Food Service Association has designated the week of March 5-11 as National School Breakfast Week.

I have assumed the position of ranking Republican on the Nutrition Subcommittee during this Congress. As a member of the subcommittee, I have been a long-time supporter of the school lunch and school breakfast programs. I've visited and eaten at several schools in Minnesota during my time in the Senate.

Over the past couple years we have seen increasing attention focused on the School Breakfast Program. Many school teachers have told me how difficult it is to teach a hungry student who has not had breakfast. A provision I authored to increase reimbursement for school breakfast was included in the Hunger Prevention Act enacted last year.

The federally funded School Breakfast Program has been an excellent investment in preparing today's children to be tomorrow's strong, healthy, and well-educated leaders. However, many school districts have been slow to adopt the program. Objections to starting up a breakfast program, however well-intentioned, affect those least able to bear it—children.

Recently the National Education Association [NEA] released a report about the effects of hunger on children's ability to learn. "The Relationship Between Nutrition and Learning: A School Employee's Guide to Information and Action" is the title of the report that the NEA developed along with the Food Research and Action Center. This report highlights the importance of food and good nutrition to growing children.

The study provides information about the breakfast program and other children nutrition programs and provides suggestions for educators and school employees about how to get a breakfast program started at their school. I ask that articles about the report and the School Breakfast Program from the Washington Post and the New York Times be printed in the RECORD.

The future of our country's children are at stake. As any parent or teacher can attest, we cannot feed a child's mind without first feeding his or her stomach. I would hope that educators or interested parents would ask their schools to look at the breakfast program and consider participation. This is a very important initiative that meets a critical need for our Nation's children.

The articles follow:

[From the New York Times, Feb. 8, 1989]

EATING WELL

EDUCATORS SOUND THE ALARM AS EVIDENCE SHOWS THAT HUNGER CAN IMPEDE LEARNING.

(By Marian Burros)

WASHINGTON, Feb. 7.—Increasing poverty among children in the United States has generated such concern among educators that the National Education Association has released a report documenting the deleterious effects of hunger on a child's ability to learn.

The report, "The Relationship Between Nutrition and Learning: A School Employee's Guide to Information and Action," also provides practical suggestions for parents and school employees interested in attracting more children to the free and reduced-price school lunch and breakfast programs and for improving the quality of the meals.

The report comes at a time when the final Reagan Administration budget recommended a $614.4 million cut in the 1990 school lunch program. Research published in the American Journal of Agricultural Economics in 1975 indicated that for every 10 cents cut from the lunch program there was a 10 percent decline in participation.

Spokesmen for the Bush Administration said there would be no comment on the status of the school lunch program until after the President's budget speech on Thursday evening.

At a news conference here last week, Mary Hatwood Futrell, president of the education association, said the report deserved immediate action. "Today one out of every five American children is poor," she said. "If the trend continues, by 1990, 40 percent of our children will be living in poverty."

For some children, she continued, "school breakfast or lunch may be not only the best meal they get, it may be their only meal, and hungry or undernourished children find it harder to learn."

According to the report, a 1986 survey of emergency food centers in Minnesota, for example, found that 21 percent of 13,176 households with children reported that their children missed meals on a regular basis because there was not enough money to buy food.

The report also mentioned another survey conducted in 1987 by the United States Conference of Mayors. It documented an 18 percent increase in the number of families with children who were seeking emergency food in major cities nationwide.

The education association report also cited recent studies that examined the impact of hunger on learning. The findings indicated that hunger leads to nervousness, irritability and disinterest; that skipping breakfast often causes nausea, dizziness, headache and fatigue in the morning, and that the hungry child is passive, apathetic and timid.

In 1987, for example, researchers at Boston and Tufts Universities investigated the impact of the school breakfast program on children in Lawrence, Mass. They looked at achievement test results of children in the third through sixth grades for the year before and the year after the breakfast program began. They concluded that the school breakfasts were responsible for significant improvements in attendance and in standardized achievement test scores.

The education association's report, prepared by the Food Research and Action Center, a Washington-based nonprofit organization that works on behalf of the disadvantaged, was commissioned because educators were concerned that increasing numbers of children were unable to do their school work because they are hungry or malnourished. Teachers said they had heard more and more children complaining that they hadn't had much to eat or had stomach aches; some teachers reported that students actually fainted in class.

Buttressing their observations was a 1987 report from the Carnegie Foundation for the Advancement of Teaching, which found that more than two-thirds of the 22,000 teachers surveyed nationwide in kindergarten through high school said undernourisment was a problem in their schools.

The school lunch program served 24 million children in 1987 and 1988, half of whom received meals free-of-charge, while the school breakfast program reached 2.7 million. Before budget cuts made by the Reagan Administration in 1981, the school-lunch program served 26 million children, the school breakfast program, 3.8 million.

The National Education Association plans to join other groups in lobbying Congress to block the proposed cuts in the 1990 school-lunch program.

Mrs. Futrell said the Federal Government was not likely to spend as much money on social services, including school lunch and breakfast, as it has in the past. "I think we will be relying more on volunteers, private organizations and the business community to support the programs," she said.

SCHOOL LUNCHES NEED NOT BE FEARED

The National Education Association report recommends that teachers, school officials and other school employees work in their schools to improve participation in lunch and breakfast programs. The report

provides these practical suggestions for improving school programs:

Turn for help to active parents, parent-teacher associations and sympathetic school board members to help start school breakfast programs.

Be prepared to answer questions about costs, cooking equipment and time. The school breakfast program can be run at no cost to the school system, because labor costs, food supplies and services, administration and supervision are eligible for Federal reimbursement.

Bus schedules can be staggered to make it easier to serve children as they arrive at school.

Parents should be aware of the programs available. Many children who are eligible to participate do not, in part because children do not always take home the information. Sometimes families that are not eligible in the beginning of the school year become eligible later.

Program applications should be easy to understand. If there are language barriers, find volunteers to help families fill out the forms.

STUDENTS RESPOND TO VARIETY

Parents asked to verify their eligibility are often afraid to, but research indicates that many of these people are eligible. A trained volunteer could reduce fear and confusion.

Work to remove the stigma attached to programs by making participation attractive to children at all income levels. Make the cafeteria an attractive place to eat, for example, improve the quality of the food and the way it is served.

Provide bag lunches for these who do not want to eat in the cafeteria.

Anonymity of participants is essential. While it is illegal to differentiate in any visible way between children who pay full price for meals and those who do not, there are ways to keep that information more private. Meal payments can be collected in the school secretary's office, for example, or parents can be billed monthly for full and reduced price meals.

On nutritional issues, the report recommended that meals adhere to United States Dietary Guidelines. It said low-fat dairy products, fresh fruits and vegetables, legumes and whole-grain breads should be served frequently. The report suggested that nutrition education be incorporated into the curriculum.

It urged schools to provide variety and flexibility in meals, offering low-calorie foods for weight-conscious students and appropriate meals for ethnic, cultural and religious groups.

If the school has a vending machine the food in it should be nutritious, the report said Current Federal regulations prohibit soda, chewing gum, hard candies and frozen deserts from being sold in food-service areas during meal periods. But they can be sold outside the cafeteria, and before and after meals.

Parents and school officials interested in improving school meals might also review two books. "Fuel for Excellence: FRAC's Guide to School Breakfast Expansion," available for $8.50 by writing to the Food Research and Action Center, 1319 F Street NW, Suite 500, Washington, D.C. 20004, and "Changing the Course: Eating to Reduce Cancer Risk," which can be obtained free by calling the American Cancer Society.

FUEL UP AT BREAKFAST

(By Catherine O'Neill)

Almost every school day, Martin and his mom have a small argument. It goes like this:

"Martin, eat your breakfast."

"I don't want it. I hate oatmeal."

"You need a good breakfast to help you get through the morning at school. No more arguing. Now eat it!"

"Yuck," Martin mutters. But he always eats his morning cereal eventually. He doesn't really hate it—he's just in the habit of fussing about it.

Martin's mother is right about breakfast. A healthful morning meal does help kids do their schoolwork. In fact, good nutrition is esential for learning, according to a report issued by the National Education Association (NEA) last month. Children need plenty of good food at regular meals so that they will be physically and mentally ready to learn every hour of the day.

Martin is lucky. His family has enough money to buy the ingredients for a nutritious breakfast, lunch and dinner every day. Unfortunately, that isn't true for many children. According to U.S. census figures, one in every five American children lives in poverty. For some of these kids, the food they receive at school breakfast and lunch programs is all the nourishment they get in a day. The National Education Association is worried about students who are undernourished. Their health and their ability to learn are threatened because they don't get enough to eat. The NEA is urging the government to support programs to feed school-age children.

"School breakfast and lunch programs are as essential to good education as English, math, and science," says Mary Hatwood Futrell, NEA president.

Here are some of the things that can happen if kids do not eat well over a long period of time. Researchers call such children undernourished. Undernourished children are less physically active and less curious than kids who get plenty of healthful food. They have a harder time paying attention to what the teacher says and concentrating on their own work. They also have more trouble making friends.

Happily, these bad effects usually go away if kids begin to follow the right diet. Then they can catch up quickly. What about kids who usually get enough to eat but are hungry sometimes—for instance, on the mornings when they don't get any breakfast? They run into trouble, too. Hunger causes nervousness and crankiness. A hungry student isn't too interested in what's going on in class.

Going hungry in the morning can also make you feel dizzy and sick to your stomach. You may have felt like that in your morning classes if you got up too late to eat breakfast one day. Studies have shown that skipping breakfast makes it harder to solve problems—something you have to do in school every day.

How did researchers prove that eating breakfast is so important? Scientists who study nutrition have done many experiments that show what happens when kids skip meals. In one study, a researcher tested kids ages 9 to 11. He gave the students reading and arithmetic tests on four different days, one week apart. On two of the days, the kids took the tests after they had eaten a good breakfast. The other two times, they took tests after going without food for 12 hours. The kids made fewer mistakes on the tests on the days they had eaten breakfast.

So you can see that it's important to eat a good breakfast every day. Choose items from the four food groups. They are: 1) Fruits and vegetables. 2) Grains, breads and cereals. 3) Milk products. 4) Beans, nuts, meat and eggs. In general, nutritionists say that kids should have four servings of fruits and vegetables, four servings of grains, three servings of milk products and two servings of beans, nuts, meat or eggs each day. You can get a good start on those requirements at breakfast. Remember to avoid eating too much fat and sugar, and be sure to include some fruit or fruit juice in your morning meal. Once your morning fuel is in your body, you'll be in top condition for learning, playing sports and having fun with your friends.

Even though Martin complains about having to eat breakfast, he feels better each morning after he eats his oatmeal.

TIPS FOR PARENTS

School employees and concerned citizens and parents can help ensure that needy kids get a healthful breakfast on school mornings, according to the National Education Association's new report "The Relationship Between Nutrition and Learning." Among the recommendations:

Start a breakfast program in your school if one does not already exist. Child nutrition programs are available to all public and private nonprofit schools that request them. For information on how to get started, write to the Food Research and Activity Center to order "Fuel for Excellence: FRAC's Guide to School Breakfast Expansion," FRAC, 1319 F St. NW, Suite 500, Washington, D.C. 20004.

Help parents apply for free or reduced-price meals for their children.

Involve students and families in menu planning.

Make sure that the school lunch break is long enough to allow students time to eat.

Make sure that students who receive free or reduced-price meals are not singled out from their peers.

For more information, contact the NEA, 1201 16th St. NW, Washington, D.C. 20036-3290; Telephone 822-7200.●

LOIS BARNES

● Mr. McCONNELL. Mr. President, I rise today to congratulate Kentucky's recipient of the National Endowment for the Humanities Teacher-Scholar Award for 1989, Mrs. Lois Barnes. I first read about Mrs. Barnes' accomplishment in an article in the February 1, 1989 edition of the Lexington Herald-Leader. I would like to insert that article into the RECORD.

The National Endowment for the Humanities and the Reader's Digest sponsored the program which provides grants to 53 teachers. Each teacher will use the grant to do an independent study on a project of their choice during the 1989-90 academic year. This year there were 615 eligible applicants for these grants. According to the National Endowment, applications were examined for intellectual quality, significance of their topics and the relevance of the project to the applicants' teaching responsibilities.

Mrs. Barnes will spend this next year studying the relationship be-

tween the Soviet system of government and Soviet society. She will also work with Prof. Michael Hanum, whose specialty is the Soviet Union, and may travel to the Soviet Union for some first-hand observations next year. Mrs. Barnes' students will also greatly benefit from this award. At the end of her sabbatical, Mrs. Barnes will return to her classroom and share her increased knowledge with her students.

It was no accident that Lois Barnes was selected for this honor. Previously, Mrs. Barnes has participated in the Fulbright summer seminar in India, a study program at the Japan Institute for Social and Economic Affairs and a James Madison fellowship to study the United States Constitution at Indiana University.

I believe that Mrs. Lois Barnes is a fine example of the quality of the teachers in Kentucky and the United States. I encourage my colleagues to read this article and to join me in congratulating this outstanding teacher.

The article follows:

FRANKLIN COUNTY TEACHER WINS PAID SABBATICAL

(By Elaine Walker)

FRANKFORT.—Elementary and secondary school teachers seldom get the opportunity for a paid sabbatical. But as Kentucky's recipient of the National Endowment for the Humanities Teacher-Scholar Award for 1989, Lois Barnes of Versailles will have that chance.

Fifty three teachers—one from each state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands—were announced yesterday as recipients of the grants, which are sponsored by the endowment and Reader's Digest. Each teacher will spend the 1989-90 school year doing an independent study project on a topic of his choice in the humanities.

"This is the kind of thing teachers just don't have the time to do as much as we'd like to," Mrs. Barnes said. "With lesson plans, grading papers and co-curricular activities, it's difficult to keep up with changes in our field."

Mrs. Barnes, who usually teaches history at Western Hills High School in Franklin County, will spend the year studying the relationship of the Soviet system of government to various aspects of Soviet society. She will receive a stipend of $27,500 from the foundation to replace her salary.

The endowment had 615 eligible applicants from the United States and 12 from Kentucky. The applications were judged on intellectual quality, the significance of their topics and the relevance of the project to the applicant's teaching responsibilities, said John McGrath, spokesman for the endowment.

This year, Mrs. Barnes is working as an assistant principal, but after her sabbatical, she will return to the classroom so she can apply her research. Most of her research will be geared toward improving her international relations class and strengthening her teaching, she said.

"I hope to update the materials for my class, discover new readings to share with my students and devise case studies comparing our system and theirs," Mrs. Barnes said.

She will begin her studies with a thorough reading of the Soviet Constitution and interpretations. Her research will include history and current Soviet issues.

"To understand the changes that are happening now, I need more background on what was," Mrs. Barnes said.

Western Hills will receive $500 from the endowment, which Mrs. Barnes can use to upgrade the materials for her international relations course.

While doing her research, Mrs. Barnes will work with Michael Hamm, history professor and department chairman at Centre College in Danville. His specialty is the Soviet Union.

She plans to travel with Hamm and some of his students to the Soviet Union next year if he makes the trip.

This is not the first time Mrs. Barnes has been selected for special programs. She participated in a Fulbright Summer Seminar in India, a study program at the Japan Institute for Social and Economic Affairs and a James Madison Fellowship to study the U.S. Constitution at Indiana University.

Fred Simpson, principal at Western Hills, said he thought the knowledge Mrs. Barnes gained would be put to good use in the chassroom.

"Lois is always looking for ways to improve her class and things to use in class," he said. "Of all the people I would select (she'll probably put this to more use than anyone I could send*"●

MAYOR SUSAN BASS LEVIN, RECIPIENT OF THE B'NAI B'RITH COMMUNITY SERVICE AWARD FROM TEMPLE BETH SHOLOM

● Mr. LAUTENBERG. Mr. President, I rise to honor Susan Bass Levin, mayor of the township of Cherry Hill, JJ. On April 2, 1989, she will receive the B'nai B'rith Community Service Award from Temple Beth Sholom in Cherry Hill.

Mayor Levin is no stranger to hard work and achievement. She graduated from the University of Rochester, as a member of Phi Beta Kappa. A graduate of the George Washington University School of Law, she was a member of the Law Review and received the Order of the Coif.

For the past 12 years, Mayor Levin has practiced law with a partnership in the firm of Levin & Levin. She was a clerk to a Federal judge, an associate with Covington & Burling for 3 years and a professor at the Paralegal Institute of Philadelphia.

In addition to her outstanding legal career, she has devoted considerable time to community endeavors. For many years she has been involved in charitable work and community service. Her efforts include the Allied Jewish Appeal (Budget and Human Resources Committees, Women's Cabinet), the National Council of Jewish Women, Congregation M'Kor Shalom, and Hadassah. She served as State president of the New Jersey Association of Women Business Owners and as southern region president. She is a member of the Cherry Hill Chamber of Commerce, the Cherry Hill Unit of the American Heart Association and founding president in 1987.

She served as vice chairman of the New Jersey Coalition of Small Business Organizations, and on the Cherry Hill Cable TV Advisory Board. She is on the board of trustees of Family Focus of Cherry Hill, a nonprofit organization that helps teenagers. She has been honored by the Camden County Girl Scouts and the New Jersey Association of Women Business Owners.

But despite her deep community and charitable involvement, she wanted to contribute more. In 1985, she began her career in electoral office when she was elected to the township council. In 1986, she was elected president of the council and elected mayor of the township of Cherry Hill in 1987.

The township of Cherry Hill is fortunate to have such a dedicated public servant as its mayor. She is a most deserving recipient of the B'nai B'rith Community Service Award. I extend my heartiest congratulations to her on this occasion and my best wishes to her husband Benjamin and daughters, Lisa and Amy, and wish her continued success and happiness in the future.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 marked the 71st anniversary of the proclamation of Estonian Independence in 1918.

Estonia, once a free and independent nation, recognized by the United States and a member of the United Nations, has been illegally occupied by the Soviet Union since 1940. Only 19 years after Estonia was guaranteed sovereignty by the Soviet Union in the 1920 Treaty of Tartu, its fate was reversed by the secret protocols of the 1939 Molotov-Ribbentrop Pact between Stalinist Russia and Nazi Germany, which allowed for Soviet occupation of the Baltic States. Following the brutal Soviet invasion of 1940, Estonia was stripped of her political, religious, and economic freedoms. Nearly half a century of Soviet occupation, however, has failed to destroy the nationalist spirit of the Estonian people as they persist in clinging to their own unique language, history, and cultural heritage.

During 1988, the challenges facing Soviet authorities from the Estonian people intensified. The political activity of the Estonian people, their demands for reform, democracy, and outright independence, are unprecedented. Fully one-third of the population attended a rally September 17, while 900,000 signed a petition opposing proposed Soviet constitutional changes as undemocratic and harmful to Estonian interests. National and local groups and organizations, representing a variety of approaches but united in their final objective, continue to form.

Perhaps the biggest challenge to Soviet rule in the Estonian Republic was the formation last year of the Estonian National Independence Party—the first independent political party in the Soviet Union, whose purpose is to promote human rights and self-determination in Estonia.

Today, the party is thriving, despite the fact that Soviet authorities have stated that they will not tolerate any show of nationalist sentiment, as demonstrated by the explusion from Estonia last year of two of the party's founders and the imprisonment of top party officials.

On January 21, 1989, the Estonian National Independent Party announced its intent to boycott the elections to the Supreme Soviet on the grounds that the Soviet's indirect process of voting is undemocratic and prevents independent parties and groups from competing with the Communist Party on an equal footing.

The Estonian people have taken other unprecedented steps in recent months. On November 16, 1988, the Estonian Parliament asserted its right to veto Soviet statutes which it opposes. In the spirit of glasnost, Mr. Gorbachev has "recognized" this demand.

Although this is a step in the right direction, the goals of Estonian nationalists will remain unfulfilled until the illegal occupation by the Soviet Union has ended and Estonian sovereignty is restored.

Estonians have been prompted to act by the growing awareness that their very survival as a people is threatened by the continued Soviet occupation and colonization of their homeland. As its Independence Party declared:

> We do not have enough clean air, water or earth to sustain life, let alone freedom. * * * Add to that the danger of becoming a minority in our own ancient land.

The Estonian people yearn once again to control their own economy and natural resources, to decide their own internal affairs, their own destiny. And so, they continue to push peacefully for further reforms and democratization. Counting on continued moral and real support from the free world, Estonians are proceeding with careful, measured steps to move away from Moscow's control and toward true sovereignty. The Estonian people must know that we support them in their struggle for freedom.●

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF THOMAS R. PICKERING TO BE U.S. AMBASSADOR TO THE UNITED NATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, March 7, at 2:15 p.m., the Senate proceed to the nomination of Thomas R. Pickering to be U.S. Ambassador to the United Nations, under a time agreement of 20 minutes equally divided between the Senator from Rhode Island, Mr. PELL, and the Senator from North Carolina, Mr. HELMS, or their designees; provided that no motions be in order, that no call for regular order serve to displace the nomination, and that following the using or yielding back of time, the Senate proceed without any intervening action to a 15-minute vote on the nomination.

Provided further, that upon the disposition of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the confirmation of the nomination, and the Senate return to the nomination of John G. Tower to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the Pickering nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, earlier I propounded and gained approval of a unanimous-consent request regarding the nomination of Thomas Pickering. I now ask unanimous consent that the time to proceed to the nomination of Thomas Pickering be changed from 2:15 p.m. to 4 p.m. on Tuesday, March 7, and that all other aspects of the agreement remain unchanged.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 6, 1989

Mr. MITCHELL. Mr. President, when the Senate completes its business today, it will stand in recess until 12 noon on Monday, March 6. On Monday, there will be a period for morning business until 12:30 p.m., after which the Senate will resume consideration of Senator Tower's nomination. There will be no rollcall votes on Monday, in accordance with the schedule I announced earlier this year, but there will be further debate on Senator Tower's nomination.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Monday, March 6. I further ask unanimous consent that following the time for the two leaders there be a period for morning business until 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Senate go into executive session at 12:30 p.m. on Monday to resume consideration of Senator Tower's nomination to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 6, 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon on Monday, March 6, under the previous order.

There being no objection, the Senate, at 5:17 p.m., recessed until Monday, March 6, 1989, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 3, 1989:

DEPARTMENT OF STATE

LAWRENCE S. EAGLEBURGER, OF FLORIDA, TO BE DEPUTY SECRETARY OF STATE, VICE JOHN C. WHITEHEAD, RESIGNED.

U.S. INFORMATION AGENCY

BRUCE S. GELB, OF NEW YORK, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE CHARLES Z. WICK, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOHN K. READY, [redacted] 1310, U.S. NAVY.

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ARNE J. ANDERSON
LYNN A. BAILEY
LINDA J. BELTRA
RICHARD R. BOSCO
FRANK J. BRENNAN, JR.
JENNIFER A. CECE
JOSEPH F. CHESKY
NANCY G. DIXON
MURRAY S. DONOVAN
FLOYD A. DOUGHTY
DAVID G. ELKINS
LARRY A. EVANS
ATHANASIUS D. GEORGE
GINA R. GUIDRY
TERRANCE A. HACK
MARK G. HOFFMAN
STEPHEN J. HOLMAN
MICHAEL M. JACOBS
PETER A. JOHNSTONE
CHRISTOPHER J. KANE
KERRY K. KNOIZEN
JOHN P. KNUTSON
PENNY C. LANE
YVONNE R. LEE
ANDREW W. LEWIS
MICHAEL H. MAHER
WESLEY L. MARKQUAND
JOEL T. MARTINIQUE
EDWARD A. MAYBURY, JR.
JOSEPH A. MCBREEN
JULIE A. NEELY
ROBERTA L. ROTHEN
THOMAS J. SCHERMERHORN
DAVID F. SITLER
KELLY D. SKANCHY
RONALD S. SONKEN
ADRIAN B. SZWEC
MATTHEW THOMPSON
ELIZABETH E. TIPTON
LYNN E. WELLING
WADE W. WILDE
KRISTEN C. ZELLER

HOUSE OF REPRESENTATIVES—*Monday, March 6, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At the beginning of this new day, O God, with all the potential for failure or success, for losing opportunities or doing the works of justice, may we recall Your promises to sustain us by Your spirit and to share with us Your vision of a new and better way. As we have been the recipients of the gift of time, may we use that gift to serve the people about us, to treat each other with the respect every person is due, and always and everywhere, to be appreciative of the beauty and wonder of this day of life and of grace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LANTOS] kindly lead our colleagues in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 24. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Older Americans Abuse Prevention Week";

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week";

S.J. Res. 39. Joint resolution to designate April 6, 1989, as "National Student-Athlete Day";

S.J. Res. 44. Joint resolution designating the week of April 9, 1989, as "Crime Victims Week";

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week";

S.J. Res. 51. Joint resolution to designate the month of April 1989, as "National Cancer Awareness Month";

S.J. Res. 54. Joint resolution to designate the months of April 1989 and 1990, as "National Child Abuse Prevention Month";

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

S. Con. Res. 15. Concurrent resolution concerning peace and famine relief in Sudan.

The message also announced that pursuant to section 201(a)(2) of Public Law 93-344, the Chair announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, the appointment of Dr. Robert D. Reischauer as Director of the Congressional Budget Office for the term of office beginning on January 3, 1987, to take effect on March 6, 1989.

TIME TO END THE VIOLENCE IN TIBET

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, over the weekend we have witnessed another wave of tragic violence engulfing Lhasa, the capital of Tibet. Scores were killed and hundreds more were wounded as Chinese police, armed with the notorious AK-47 automatic rifle, suppressed yet another effort of Tibetans struggling to preserve their cultural and religious identity.

I call on the Government of China to commence—without delay—direct, face-to-face talks with the Dalai Lama and his representatives in order to resolve this long-festering and escalating issue in a constructive and peaceful fashion.

The Dalai Lama—a man of peace, prudence, and conciliation—is the only person who can diffuse this tragic and explosive situation in a way that will protect the internal autonomy and the human rights of the people of Tibet while recognizing China's security interests in the Tibet region.

COMMITTEE URGED TO VETO EMERGENCY BOARD IN EASTERN AIRLINES LABOR DISPUTE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I understand that tomorrow the House Public Works Committee is planning to take up legislation requiring establishment of an emergency board in the Eastern Airlines labor dispute.

Reporting out such legislation would be the wrong course to take, and I hope the committee will think twice before moving in that direction.

The strike against Eastern, if it is limited to Eastern, is not a national emergency. And I have to applaud organized labor for thus far not engaging in any secondary picketing and boycotts designed to expand the strike and disrupting the Nation's commerce.

If Congress were to mandate an emergency board, it would send a signal at the outset of a new administration that the Federal Government will become an arbitrator of last resort in contract negotiations.

We all know what happens then. Everybody postures to better position themselves for a Government decision, rather than seriously trying to reach an agreement, and Congress gets dragged into the middle of this dispute or that dispute. It is easy to forget, because of the absence of such during the Reagan years, that this was rather commonplace in the sixties and seventies.

If the Eastern strike should spread and involve secondary boycotts—which I sincerely hope it does not—the President has legislation ready to ban such boycotts, and I will be the first to introduce it in the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 3, 1989.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:00 a.m. on Friday, March 3, 1989 the following message from the Secretary of the Senate: That the Senate passed without amendment, H.J. Res. 22.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

□ 1210

APPOINTMENT AS MEMBERS OF NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 1989.

Hon. JIM WRIGHT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 6160, Public Law 100-690, I hereby appoint the gentleman from Pennsylvania (Mr. Gekas) and the gentleman from Mississippi (Mr. Smith) to serve as members of the National Advisory Commission on Law Enforcement on the part of the House.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

The SPEAKER. The Chair desires to announce that the appointments of the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Mississippi [Mr. SMITH] previously made on March 2, 1989, were in fact appointments of the minority leader and shall be reflected as such.

LIMITING FEDERAL DEPOSIT INSURANCE

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, last week I introduced the Federal Deposit Insurance Reform Act of 1989, which will limit Federal deposit insurance to $100,000 on a per person basis or total deposit basis.

Federal deposit insurance has been an important stabilizing aspect of American depository institutions since the financially turbulent days of the Great Depression; however, the current savings and loan crisis and costs coupled with the FDIC's first ever fiscal year loss in 1988 have shed light upon an increasingly flawed and abused aspect of our deposit insurance system. This is the unlimited nature of Federal deposit insurance coverage.

Since deposits are currently insured up to $100,000 on a per account basis, any ceiling on deposit insurance coverage can be easily circumvented by opening additional accounts of $100,000 or less. My bill would curtail this limitless Federal insurance coverage by applying the $100,000 insurance limit on a per person basis.

Such a reform would result in numerous positive developments. It would alter the current deposit insurance system's risk-promoting incentive structure which has substantially contributed to the exorbitant and everincreasing S&L bailout costs. It would prevent the future abuse of the Federal Government's guarantee on deposits by curtailing the practices of individuals and corporations whose total insured deposits greatly exceed $100,000, and it would reduce Government financial liability by limiting the future growth of insurable deposits. Presently, the U.S. Government guarantees approximately 3 trillion dollars' worth of deposits—an astronomical and evergrowing sum.

Clearly, the taxpayers of this country deserve not only financial solutions to the FSLIC crisis, but structural reforms which will insure that such a costly crisis does not recur. The Federal Deposit Insurance Reform Act of 1989 is a major step in the right direction of achieving this goal. Therefore, I urge the support of my colleagues in making this reform a reality.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1037

Mr. ROBERT F. SMITH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1037.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

APPOINTMENT AS MEMBER OF THE FEDERAL COUNCIL ON THE AGING

The SPEAKER pro tempore (Mr. PARKER). Pursuant to section 204 of Public Law 98-459 the Chair, without objection, appoints as a member of the Federal Council on the Aging on the part of the House the following person from the private sector:

Mrs. Josephine K. Oblinger, Springfield, IL.

There was no objection.

CONTINUE THE DIALOG ON UNITED STATES/SOVIET TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I recently submitted several statements into the CONGRESSIONAL RECORD, asking for the beginning of a national dialog on United States/Soviet trade relations. Today, I would like to submit a statement by the National Conference on Soviet Jewry on this issue.

STATEMENT

NEW YORK, January 10, 1989.—The National Conference on Soviet Jewry (NCSJ), and its constituent agencies, as a united community, are currently reviewing and assessing US-Soviet trade policy in acknowledgment of positive changes for Soviet Jews, and most notably the increase in Jewish emigration and steps towards improving the (cultural and religious) rights of the Soviet Jewry minority.

Deliberations will continue by the constituent agencies in their own forums and with the NCSJ with the objective of developing and planning calibrated, united action in the near future.

This statement was adopted at a meeting convened by the National Conference on Soviet Jewry and followed presentations by Mark Talisman, Council of Jewish Federations, Phil Baum, American Jewish Congress, Dr. William Korey, International Council of B'nai B'rith, and Edgar Bronfman, World Jewish Congress.

Agencies present were: American Israel Public Affairs Committee, American Jewish Committee, American Jewish Congress, Anti-Defamation League of B'nai B'rith, B'nai B'rith International, B'nai B'rith Women, Coalition to Free Soviet Jews, Council of Jewish Federations, Conference of Presidents of Major American Jewish Organizations, Free Sons of Israel, Hadassah, Jewish National Fund, National Council of Jewish Women, National Council of Young Israel, National Jewish Community Relations Advisory Council, Rabbinical Council of America, Union of American Hebrew Congregations, Women's American ORT, and World Jewish Congress.

STATEMENT ON UNITED STATES-SOVIET TRADE ADOPTED BY NCSJ'S BOARD OF GOVERNORS

WASHINGTON, DC, February 1, 1989.—At a meeting of the Board of Governors of the National Conference on Soviet Jewry (NCSJ) today, the following statement was unanimously agreed upon:

"The NCSJ will continue its process of assessing our position vis-a-vis U.S.-Soviet trade policy, looking toward a new policy in the near future if emigration, and the climate in which it functions, are sustained."

The NCSJ represents 47 national Jewish organizations and 300 local Jewish federations and community councils.

SOVIET JEWRY AND THE TRADE COMPONENT

HISTORY OF THE JACKSON-VANIK AMENDMENT

Section 402 to the Trade Act of 1974, known as the Jackson-Vanik Amendment, was first proposed by Senator Henry M. Jackson in response to an exorbitant education tax established by the USSR to halt, primarily, the emigration of Jews from that country. It was later co-sponsored by Representative Charles Vanik. After passage by an overwhelming majority of both houses of the Congress, it was signed into law by President Gerald Ford January 3, 1975 as the Freedom of Emigration Amendment to the Trade Reform Act.

The law applies to all communist countries ("non-market" economies), and provides that MFN ("Most-Favored-Nation" tariff status), and US government credits and guarantees, will be withheld from any "non-market" country, until the President determines that the country neither denies its citizens the right or opportunity to emigrate, nor imposes an excessive exit tax to limit (or exploit) emigration. (In East Europe, Hungary, Poland, Romania and Yugoslavia have been granted MFN status, at various times.)

Following extensive negotiations, Secretary of State Henry Kissinger and Senator Jackson exchanged letters on October 18, 1974, outlining assurances on specific liberalized emigration practices, which Kissinger stated he had received from the Soviets. Partially due to these assurances, the amendment was altered to allow an eighteen-month waiver, renewable annually, provided that the President:

(a) certifies to Congress that granting the waiver will promote the objective of free emigration, and

(b) that he has received assurances from the country receiving the waiver that its emigration practices will be substantially liberalized.

A separate amendment to the Export-Import Bank bill introduced by Senator Adlai Stevenson III in December 1974, set a $300 million ceiling on US backed credits to the USSR, over a four-year period. While not part of the Jackson-Vanik Amendment, and not necessarily in accord with the sponsors' goals, it was interpreted by the Administration, and later by Soviet officials, as being tied together.

NCSJ POSITION

The Jewish community view is that many aspects of a US-USSR relationship hold a potential for Jewish emigration activists. Trade links between the two countries, among other bilateral ties, offer special hope to those struggling to be repatriated to Israel, and to rejoin their families. The prevalent view is that future efforts to enlarge trading activity between the US and the Soviet Union should reflect an understanding of the reciprocal obligations involved, including the protection of human rights.

The basic objective of the amendment, as a tangible legislative expression of support for human rights, still has widespread support as long as the USSR desires US credits to purchase American technology, or seeks to expand exports to this country.

According to the original sponsors, and their supporters, the Jackson-Vanik Amendment was not meant to block trade with any country, but to give it a "human dimension." Later, Senator Jackson was to explain that the amendment was "not locked in concrete," since it was designed to facilitate emigration.

The current view is that a sustained and significant increase in emigration, with the positive resolution of the cases of long-term refuseniks, would provide an opportunity for the President to make the required report on emigration to Congress, enabling him to waive the restrictions of the Jackson-Vanik Amendment for the initial eighteen-month period. At the end of that time there would be an assessment to determine continued compliance and eligibility for further annual extensions.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANTOS) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes, today.

Mr. RAHALL, for 30 minutes, on March 8.

Mr. OWENS of New York, for 60 minutes, each day on March 7, 8, and 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. DONALD E. "BUZ" LUKENS.

Mr. CHANDLER.

Mr. FISH.

Mr. CRANE.

(The following Members (at the request of Mr. LANTOS) and to include extraneous matter:)

Mr. DYSON.

Mr. FLORIO.

Mr. MCMILLEN of Maryland.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. STARK in three instances.

Mr. MOODY.

Mr. HOYER.

Mr. EDWARDS of California.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 24. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Older Americans Abuse Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 39. Joint resolution to designate April 6, 1989, as "National Student-Athlete Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 44. Joint resolution designating the week of April 9, 1989, as "Crime Victims Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 51. Joint resolution to designate the month of April 1989, as "National Cancer Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 54. Joint resolution to designate the months of April 1989 and 1990, as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebrating of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week."

ADJOURNMENT

Mr. LANTOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 7, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

696. A letter from the Deputy Secretary of Agriculture, transmitting the third annual report on trade policies and market opportunities for U.S. farm exports, pursuant to 7 U.S.C. 1736x(b); to the Committee on Agriculture.

697. A letter from the Deputy Secretary of Defense, transmitting a report of violations of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

698. A letter from the Deputy Secretary of Defense, transmitting a report of violations of the Anti-Deficiency Act which occurred in the Departments of the Air Force and the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

699. A letter from the Acting President, and Chairman, Export-Import Bank of the United States, transmitting a copy of the statement submitted on March 1, 1989 with respect to a proposed transaction involving U.S. exports to Algeria in excess of $100, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

700. A letter from the Chairperson, Committee on Finance and Revenue, Council of the District of Columbia, transmitting a request for assistance to have the restrictions removed that govern the activities of the District's Lottery Board which prohibit advertising on public transportation, as contained in Public Law 97-91 (95 Stat. 1175); to the Committee on the District of Columbia.

701. A letter from the Chairman, Congressional Award Board, transmitting the 1988 annual report of the activities of the Congressional Award Program, pursuant to 2 U.S.C. 802(e); to the Committee on Education and Labor.

702. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps Program in the Department, fiscal year 1988, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

703. A letter from the Acting Secretary of Energy, transmitting the Department's annual report of the actions taken during calendar year 1988 under the Powerplant and Industrial Fuel Use Act of 1978, pursuant to 42 U.S.C. 8482; to the Committee on Energy and Commerce.

704. A letter from the Chairman, United States Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; to the Committee on Energy and Commerce.

705. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

706. A letter from the Vice President, Corporate Communications, Overseas Private Investment Corporation, transmitting a copy of the Corporation's development report for fiscal year 1988, pursuant to 22 U.S.C. 2200a; to the Committee on Foreign Affairs.

707. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

708. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

709. A letter from the Archivist, National Archives, transmitting the Agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

710. A letter from the Assistant Vice President, National Railroad Passenger Corporation, transmitting the Corporation's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

711. A letter from the Director, National Science Foundation, transmitting the Agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

712. A letter from the Secretary, Railroad Retirement Board, transmitting the Board's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

713. A letter from the Special Counsel, United States Merit Systems Protection Board, transmitting the Board's annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

714. A letter from the Chairman, United States Nuclear Regulatory Commission, transmitting the Commission's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

715. A letter from the Administrator, United States Small Business Administration, transmitting the Agency's annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

716. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1988 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

717. A letter from the Acting Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep up with the cost of living; to the Committee on Veterans' Affairs.

718. A letter from the Acting Secretary of Health and Human Services, transmitting the report of his initial estimate of the applicable percentage increase for fiscal year 1990 that will be recommended for hospitals subject to the Medicare prospective payment system and excluded hospitals, pursuant to SSA, section 1886(e)(3)(B); to the Committee on Ways and Means.

719. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to ensure the proper budgetary treatment of credit transactions of Federal agencies and to improve management of Federal credit programs; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Government Operations, Energy and Commerce, Ways and Means, and Rules.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BYRON:

H.R. 1277. A bill to improve the availability, management, quality, and safety of child care for members of the Armed Forces; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. GONZALEZ (for himself and Mr. WYLIE (both by request), Mr. ANNUNZIO, Mr. LEACH of Iowa, Mr. FAUNTROY, Mr. LAFALCE, Ms. OAKAR, Mr. VENTO, Mr. BARNARD, Mr. SCHUMER, Mr. ERDREICH, Mr. CARPER, Mr. TORRES, Mr. KLECZKA, Mr. NELSON of Florida, Mr. FLAKE, Mr. MFUME, Mr. MCDERMOTT, Mr. SHUMWAY, Mr. PARRIS, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. DREIER of California, Mr. HILER, Mr. RIDGE, Mr. BARTLETT, Mr. ROTH, Mr. SAXTON, Mr. STEARNS, Mr. GILLMOR, and Mr. PAXON):

H.R. 1278. A bill to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORNAN of California (for himself, Mr. LIVINGSTON, Mr. HILER, Mr. HUNTER, Mr. BILIRAKIS, Mr. SOLOMON, Mr. DEWINE, Mr. GALLEGLY, Mr. WALKER, Mr. SENSENBRENNER, Mr. RITTER, Mr. DANNEMEYER, Mr. BLILEY, Mr. MCEWEN, Mr. KYL, Mr. SMITH of Mississippi, and Mrs. VUCANOVICH):

H. Con. Res. 68. Concurrent resolution calling upon the Soviet Union and its allies to withhold military assistance to the Government of Nicaragua; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

27. By the SPEAKER. Memorial of the General Assembly of the Commonwealth of Virginia, relative to the repayment of loans by foreign debtors; to the Committee on Foreign Affairs.

28. Also, memorial of the General Assembly of the State of Colorado, relative to the submission of the issue of Federal salary increases to a vote of the Members of Congress; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22. Mr. RAVENEL, Mr. HERTEL, and Mr. BOEHLERT.

H.R. 91. Mrs. BOXER, Mr. TORRICELLI, Mr. GREEN, Mr. CONYERS, Mr. MORRISON of Connecticut, Mr. BROOMFIELD, Mr. PALLONE, and Mr. MILLER of Ohio.

H.R. 161. Mr. CARPER, Mr. HERTEL, Mr. HOYER, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. PALLONE, Mr. SAXTON, and Mr. FISH.

H.R. 271. Mr. MILLER of Washington.

H.R. 287. Mr. FAUNTROY, Mr. BATES, Mr. MCCURDY, Mr. LEVIN of Michigan, Mrs. MEYERS of Kansas, Mr. THOMAS A. LUKEN, Mr. MCDERMOTT, Mr. WILSON, Mr. DANNEMEYER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. GORDON, Mr. COSTELLO, Mr. PACKARD, Mr. BONIOR, Mr. NEAL of North Carolina, and Mr. FASCELL.

H.R. 403. Mr. JONTZ, Mr. HOCHBRUECKNER, and Ms. SCHNEIDER.

H.R. 525. Mr. MORRISON of Washington, Mr. HAWKINS, Mr. ROYBAL, Mr. HUNTER, Mr. BENNETT, Mr. COYNE, Mr. OWENS of New York, Mr. SHARP, Mr. BERMAN, Mr. PANETTA, Mr. BROWN of California, Mr. BUSTAMANTE, Mr. ACKERMAN, Mrs. BOXER, Mr. HAYES of Illinois, Mr. BLAZ, Mrs. COLLINS, Mr. DE LUGO, Mr. HYDE, Mrs. BENTLEY, Mr. CONYERS, and Mr. LANCASTER.

H.R. 526: Mr. WHEAT, Mr. EVANS, and Mr. LAFALCE.

H.R. 537: Mr. EMERSON, Mr. PRICE, and Mr. MCCURDY.

H.R. 546: Mr. HYDE.

H.R. 554: Mr. BARTON of Texas, Mr. LAGOMARSINO, Mr. DORNAN of California, Mr. MCCRERY, Mr. UPTON, Mr. ROHRABACHER, Mr. BROWN of Colorado, and Mr. DE LUGO.

H.R. 563: Mr. MARKEY, Mr. COELHO, Mr. KOSTMAYER, Mr. ERDREICH, Mr. CALLAHAN,

Mr. DELLUMS, and Mr. JONES of North Carolina.

H.R. 586: Mr. WALSH and Mr. LEVIN of Michigan.

H.R. 634: Mr. KLECZKA, Mr. BORSKI, Mr. NIELSON of Utah, Mr. BLILEY, Mr. HORTON, Mr. WATKINS, Mr. SPENCE, Mr. VOLKMER, Mr. COLEMAN of Texas, Mr. COURTER, Mr. ENGLISH, Mr. MYERS of Indiana, Mr. SWIFT, Mr. MORRISON of Washington, Mr. LEWIS of Florida, Mr. HOPKINS, Mr. COUGHLIN, Mr. LIVINGSTON, and Mr. DEFAZIO.

H.R. 646: Mr. WHITTAKER.

H.R. 726: Mr. BILIRAKIS and Mr. BORSKI.

H.R. 930: Mr. PORTER, Mr. MORRISON of Connecticut, and Mrs. SCHROEDER.

H.R. 940: Mr. LEWIS of Georgia and Mr. TORRICELLI.

H.R. 974: Mr. TORRICELLI and Mr. CROCKETT.

H.R. 1048: Mr. LEVIN of Michigan, Mr. TORRES, Mr. HORTON, Mr. LANTOS, Mr. YATES, Mrs. MARTIN of Illinois, Mr. MARKEY, Mr. TORRICELLI, Mr. BORSKI, Mr. FAZIO, Mr. NEAL of North Carolina, and Mr. WAXMAN.

H.R. 1111: Mr. MILLER of California, Mr. BENNETT, Mr. FAUNTROY, Mr. OWENS of New York, Mr. SMITH of Florida, Mr. AUCOIN, Mr. RANGEL, and Mr. MCCURDY.

H.J. Res. 74: Mr. BILBRAY.

H.J. Res. 80: Mr. JOHNSON of South Dakota, Mr. DE LUGO, Mrs. MARTIN of Illinois, and Mr. DENNY SMITH.

H.J. Res. 130: Mr. SCHUETTE, Mr. MARTINEZ, Mr. PARRIS, Mr. TORRICELLI, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. WALSH, Mr. HYDE, Ms. KAPTUR, Mr. STEARNS, and Mr. JONTZ.

H.J. Res. 131: Mr. DONNELLY, Mr. LAGOMARSINO, Mr. SCHUMER, Mr. WOLPE, Mr. RAVENEL, and Mr. FORD of Michigan.

H. Con. Res. 40: Mr. LEATH of Texas, Mrs. LOWEY of New York, Mr. BROWN of California, Mr. AUCOIN, Mr. PASHAYAN, Mr. SMITH of Mississippi, Mr. TALLON, Mr. VENTO, Mr. TOWNS, Mr. SANGMEISTER, Mr. DELLUMS, Mr. ALEXANDER, Mr. FASCELL, and Mr. STEARNS.

H. Con. Res. 45: Mr. MCGRATH, Mr. KYL, Mr. WELDON, Mr. WALSH, Mr. CLINGER, and Mr. BOEHLERT.

H. Con. Res. 46: Mr. AUCOIN and Mr. ATKINS.

H. Con. Res. 47: Mr. SMITH of Texas and Mr. HERGER.

H. Con. Res. 58: Mr. MFUME, Mr. FRANK, Mr. HOUGHTON, Mr. DIXON, Mr. MCCLOSKEY, Mr. PAYNE of New Jersey, Mr. ENGEL, Mr. BURTON of Indiana, Mr. DYMALLY, Mr. EMERSON, Mr. PENNY, Mr. YATRON, Mr. TOWNS, and Mr. MOODY.

H. Con. Res. 60: Mr. AUCOIN, Mr. FAWELL, Mr. BROWN of Colorado, Mr. JONTZ, and Mr. ARMEY.

H. Res. 76: Mr. DURBIN, Mr. COSTELLO, Mr. SANGMEISTER, Mrs. MARTIN of Illinois, Mr. EVANS, Mr. ANNUNZIO, Mr. RUSSO, Mr. HYDE, Mr. SAVAGE, and Mrs. COLLINS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1037: Mr. ROBERT F. SMITH.

SENATE—*Monday, March 6, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him.—James 1:5.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Eternal God, our Father, mighty in wisdom, power and love, grant to Thy servants, the Senators, a special measure of grace as they approach the lonely moment of decision. Illumine their minds and hearts with the true light that, with cool heads and warm hearts, they will reach the decisive moment. As debate ceases, final counsel is given and each stands alone with his conscience, remind them of Your presence, Your readiness to give wisdom. Establish their thoughts and grant to each the integrity to declare his conviction.

We ask this in the name of truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is now recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following time for the two leaders, there will be a period for morning business not to extend beyond 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each. At 12:30, the Senate will go into executive session to resume debate on the nomination of John Tower to be Secretary of Defense.

As I previously indicated most recently on Friday, there will be no rollcall votes today. I expect that the Senate will continue on the Tower nomination throughout today, and it is my present intention, following consultation with the Republican leader, to return to session tomorrow morning to resume that consideration.

RESERVATION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I also request that the remainder of the Republican leader's time be reserved as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

ABORTION REJECTED, SON LIVES

Mr. HELMS. Mr. President, about a month ago, I received a copy of a letter to the editor written by Karen Kolbinsky, of Hillsborough, NC. The newspaper—the Durham Herald—headed Karen Kolbinsky's letter, "Abortion Rejected, Son Lives."

Like most Senators, I read countless letters to the editor in various papers each year. But, Mr. President, this letter was different. It discussed—in a very personal way—a woman's rejection of abortion.

Mrs. Kolbinsky's story is not unique. She became pregnant at an early age while she was in school. Her father and friends recommended abortion, but after serious consideration she decided to let her baby live.

What was unique about her letter, Mr. President, is the parallel Mrs. Kolbinsky draws between America's current treatment of another minority—the unborn child. Just as the law did not provide full legal protection to native Americans during an earlier era, we are now turning our backs on the most innocent and vulnerable of humanity—the unborn child.

Mr. President, I ask unanimous consent that the text of the letter by Karen Kolbinsky which was printed in the February 6 editions of the Durham Morning Herald be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Durham Morning Herald, Feb. 6, 1989]

ABORTION REJECTED, SON LIVES

Thirteen years ago I faced one of the most difficult decisions of my life. While I was a student in nursing school, I conceived my first child. Carrying the baby to term meant giving up a promising career and facing an uncertain future.

Many people, including my doctor and my father, encouraged me to consider abortion as an alternative to having my baby. The "Roe vs. Wade" decision had made the issue of abortion a legal option for women in my situation only three years earlier. I doubt that any of us would ever have considered that alternative if I had been pregnant in 1972, but it did seem like the quickest and easiest solution to my immediate problem. The pressure I felt from school, realizing I would not be able to support a child if I quit, the constant morning sickness, it was all adding up.

A friend in school suggested that I think carefully about both sides of the abortion issue before making a final decision. The

real question wasn't if it was my right to choose abortion, but, "Is it right?" I had never taken the time to think it through. She didn't want me to make a decision out of desperation.

I had argued that since it was legal, it must be "right." She gently reminded me that slavery had once been legal. "Whatever you decide," she said, "You will have to live with your decision the rest of your life. Just be sure."

I am from Native American ancestry, so I am extra sensitive about things like "human rights". At one time the Constitution of the United States gave white people the legal "right" to shoot and kill any Native Americans that were found outside reservation territory.

The logic behind that (seeing it is an obvious violation of another "right" that entitles all people equally to life, liberty and the pursuit of happiness) was to label Native Americans as "savage", making them "non-Human". That is offensive to me. I am really quite human, and I don't think I am part "savage". It is amazing to me that a civilized nation with educated leaders made such unjust decisions.

It was a question on a test I received at school that prompted me to probe deeper, before I acted thoughtlessly out of mere emotion and comfort for myself. The question was "When does life begin?" I answered "At birth". My instructor marked it wrong. She wrote beside my answer "Life begins at conception."

By some strange twist of fate, we were studying obstetric nursing at that point in school. I studied the photos of growing babies in utero, and I realized how necessary it is for human life to go through the initial growth stages in the protective surrounding of a mother's womb.

Until life begins, there is no growth. It is the life within the fetus that causes her to grow into the next stage of human development, what we call an infant. Without life, the baby stops growing. That is what we commonly call "death". The mother's body casts off the dead body. This is what the medical definition of abortion is. "Premature termination of pregnancy." Abortion stops the life and growth of a baby human. Labeling her a "fetus" is no different than calling a Native American a "savage." It doesn't change the fact. It is the only way a nation that professes itself to be civilized can deal with the reality of the situation, that they are slaughtering innocent human beings. I have had to ask myself a question in light of all of this. "Who are the real savages?"

I chose to keep my baby, to suffer the natural results of my own wrong choices and careless actions, and to experience the wonder and miracle of life growing within me. I had the joy of giving life to a beautiful son.

Today, because I chose to let him go on living and growing naturally, he continues to grow into adolescence and, hopefully, he will survive to reach adulthood. He plans to be a physician and to work in a third world country some day. He has been moved to compassion by seeing pictures of starving and dying children. In school, he has received awards nearly every year since he started as outstanding in both academics and character. My husband and I, and our four other children, love him very much.

He has made a valuable contribution to our family and to society in his short life already.

What a waste it would have been to have robbed our planet of this precious life.

KAREN KOLBINSKY.

HILLSBOROUGH.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair notes that the time for morning business has expired.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will go into executive session to resume consideration of the nomination of John G. Tower to be Secretary of Defense.

Mr. SIMPSON. Mr. President, I thank my colleagues. I do wish to address the issue of the Tower nomination and lend my support to our colleague, John Tower, and to the President.

There has been a great deal of discussion about this one, a great bit of painful dialog, a great bit of pain, in my mind, because we are putting a test on here that we have never put on before. That is very disturbing. It should be disturbing not just to us and those with checkered careers of the past, but to any citizen of the United States. Because John Tower—amid many other things, to all of us who know him—we know there is not a single person in this Chamber who does not know him to be an exceedingly capable individual. He is bright, witty, intelligent, articulate. He may be feared by some here because of his knowledge of defense, because he knows the issue better than most of us who sit here, without question.

It is funny because that part of his talent and ability has all been foreshadowed by this heap of trash that has been shoveled on him. It is disturbing to me because we have not addressed how John Tower would perform as Secretary of Defense with his awesome skills, abilities and knowledge. He has dealt with arms control issues and chaired the Armed Services Committee that our fine friend SAM NUNN now chairs. He knows the game better than anybody in the United States, and we are going to now slip him over the side of the ship with full flag and taps. Boy, that is something to watch.

He has proved his ability time and time again to deal with defense-related issues, in his role in the past administration and in his continued services in the private sector. He knows every facet of the military. He served in the Navy as an enlisted man and a chief petty officer. That experience was valuable to a man who rose to the chairmanship of the Senate Armed Services Committee. He stayed in the Reserves. We have heard all those things.

In 1965, he waded into the defense budget and the defense strategy debate with relish. It should not be ignored that it was John Tower who helped shape the defense policy and defense budget of the United States for 20 years. As to his work in Geneva, in accordance with his own statements and those of Max Kampelman, he was a superb and conciliatory agent of progress on the INF Treaty.

He went off from the Senate and continually demonstrated his competence. Now there are those who want to challenge that aspect of his life with allegations about personal problems and "impaired capability"—a wonderful euphemism.

I said it disturbed me about the ties with the defense establishment in these recent years. John Tower then assured me, as is his wont, that he would recuse himself, remove himself from anything that had to do with those companies that would have to do with suspension and debarment of contracts—more than the statute would have required.

But it is so extraordinary that we see this man in this extremity. His colleagues have never mentioned his lack of competence. Just the opposite. They have detailed his command of the facts, his ability, his eloquence to articulate ideas, his political skill in carrying out the Republican defense agenda. I have seen a number of pitched battles and debates about various Republican nominees. I have witnessed the sharks as they have circled around Jim Watt, Anne Burford, Ed Meese, Robert Bork, others. This is a strange town. I have said it before, it is filled with organizations who are there to protect every living thing—every bird, beast, snail, tree, pine cone, whatever. Give them another human being to gnaw on and they just chew them up and spit them out. And here we go on another one of those.

We have all seen how we feed on each other. We do it. I am involved. I am not saying that I am sitting out of the loop. The Senate, the public and the media are also involved. Right at this minute they are just out there in the hall running around with their pads wondering if they can work up anything or find out anything. I do not blame them. It is the only game in town, and it is a feeding frenzy which often becomes erratic and unfortunate.

But I have never seen the circumstances similar to the current willingness of all my Senate colleagues to base their opinions of John Tower upon such flimsy and easily refutable evidence. It is a curious spectacle we are witnessing, like watching John Tower get pecked to death by ducks.

Some Senators suggest that he should withdraw his name from consideration for the Secretary of Defense. Yet, there is surely something that gnaws on the bosom of all of us on that one and that is this: How do I put my reputation back together? How do I do that when I pick up the paper and my daughters pick up the papers and read about the alleged Russian ballerina dancing on the piano and doing a strip on the side? That is totally phony. It is a fake. It is a fantasy of some guy who decided to put it in there, and tried to get away with anonymity—and, by George, they are getting away with it.

The fellow who put forth that allegation about the ballerina is some fellow who has four aliases and is doing everything possible to remain an anonymous accuser. I think that is cheap. I would love to debate that dude, drag him out wherever he is. Let him sidle up to the bar and put his poke out there. Go up into room 407—many of you cannot—but those of you who could—should and would see for yourself "T-4," "T-3," who are they? I do not know who they are. But I do know one thing, if you think that is good enough for John Tower, think how you would like it for yourself because that is what is next.

These allegations are then most difficult to rebut because the FBI report is classified. Then the FBI goes back and interviews some of those witnesses, and we find they then had a different view of the allegations which they had previously given. They did not like the heat when people came and said, "Did you say that?" "Well, no, I didn't see it but I heard about it," or "I thought I saw it."

Then the one the other day which even the fine chairman of the committee, SAM NUNN, rejected. That was the trash from the man Jackson because it was not corroborated, and there it is on the front page of the Washington Post leaked by none other than a handy dandy staff member who will also remain anonymous and continue to haul his coal around in this place while the rest of us try to do our business one on one.

I learned that one around here, when you have business to do, you have to go find your colleagues or else the staff will just detonate you somewhere along the line and you will not know where the snares are. You go up to your friend on the other side of the aisle and say, "Hey, I thought you were aboard with me on this one?" They say, "I am." And you say, "Not according to your staff."

They are carrying their own agenda. One staff member had his own agenda. He apparently hired an aircraft, paid for by the taxpayers, to fiddle this report on down to our friend, the chairman, who was participating in a charity which I also happened to involve myself in over the years.

What in the hell is wrong with Federal Express? Did that break down? But that goes with the ego of staff. They get in this place and their ego overpowers their brains.

So that is also tedious to watch. The American people ought to start watching that one, too. So what choices do public figures have in America when they are creamed in the press and their reputations are out there on the line? Should they then suddenly drop out? I cannot speak for anyone else, but I tell you, I am a scrapper. Many of us in this Chamber are scrappers or we would not be here. John Tower is a scrapper, too. I would never walk away from this one. I would never walk away from innuendo and petty people and goofy witnesses trying to bring me down—witnesses interviewed by the FBI who change their story. And I respect John Tower for resisting these efforts to sully his reputation.

Sure, the administration made mistakes in these early days of office. Who is seeking perfection? We do not have it in our own lives. Why should we have it here? In fact, the people whose lives are most out of control expect us to do the heavy lifting for them. That is a curious thing, too. I think it was a mistake that they had a White House meeting without having the chairman of the committee there and the other Democrats, but it might have been something they did not think through. It is still possible in the human condition. It does not mean it was contrived and evil. Surely a mistake.

Maybe John Tower's nomination should have been sent to the Senate in a more timely fashion. I can agree. But it is not the administration's fault that certain Members of the Senate have targeted John Tower for destruction because of their own personal whimsey or hidden agendas or partisanship. The credibility of the Senate as a fair and honest institution is what is involved in this debate. That is what is going to suffer if the efforts to undermine John Tower with dubious testimony of the most wretched variety and rumor continue. That would be truly unfortunate.

I practiced law for 18 years in the town of Cody, WY, and I never saw evidence like this that could send a guy to the clink or dispose of him. They would laugh it out of court. On cross-examination they would punch holes in those cats. There would not be anything left of them, these anonymous, marvelous citizens who have come forth.

Some say that Senate Democrats are anxious to deal President Bush a defeat in order to establish early on their dominance over the President. I do not know. I do not believe that. I think it is extreme. It is a surprising thought in light of the fact that President Bush has just expressed his willingness to work closely with the Congress in a spirit of cooperation. Our majority leader, whom I will be backing, I am sure, more times that I will ever be resisting, is setting his whole foundation as leader based on fairness, and he will prevail on that score. GEORGE MITCHELL will be a good majority leader because he is fair. That is his nature. And SAM NUNN is fair. But if the Senate rejects the nomination of John Tower, it is going to be on a party line vote. Sure, one or two who may be from different parties will switch sides. It is going to set a tone. I do not think it will be a long diversion. We will get through it. It may very well set a partisan tone for a time—I hope not—but we will get through that, too. But one day, all should remember, the shoe will be on the other foot.

I think it was my fine friend Senator WALLOP in this debate who said Members of Congress are demanding the privilege of back seat drivers. I think not only are they indulging in back seat driving but they are also trying to reach over the seat and grab the wheel and even run the pedals. That makes for a rather erratic course, an unreasonable and dangerous activity. So those of us on this side of the aisle find that behavior most disturbing and so should the American public.

If John Tower's nomination is defeated by the Senate, there would be losers only, no winners. We will all lose because the standards we are mustering up to judge this nominee are becoming increasingly arbitrary and petty and capricious. The guest column in the New York Times by Anthony Dolan says, "Even those without the usual quotient of compassion seem to sense that once allegations of wild nights in the big city enter the public arena, the wounds are likely to go deep, retaliation will follow and civility will suffer."

I agree. Mr. Dolan also reminds us that individuals who, "while keeping all the rules, also keep track how others are doing," are not without sin themselves. John Tower has already confronted all the allegations made against him, has admitted he did these things in 1970 and then to go back and trot out what happened in 1970 as if it happened last month is unfair and a cheap shot. He said he did maybe "drink a little scotch" in the seventies. Those are things he admitted to, things that happened and they are not so now. It is fascinating to me as to just who are these appointed scorekeepers in society now, and in the Senate. I have learned to handle that quite well. When they ask me a goofy question, I say, "What did you do when you were 20 or 25 or 30?" When we start asking the examiners the

same question they ask the examinees, we will make some progress in the country. Some of the questions you would not even deign to think of answering. And yet if we ask it of them, they say, "Well, I am not a public figure." Then we say, "That is great. Yet people read more about you than they do about us."

So there is a peril coming here that is unseen. It is good to see all these remarkable people surface but I ask you, could they pass the test? I doubt that very sincerely. I know some of them and the way they lead their lives. And so we are going to be asked to deal with this again and again in here. We have never done that before. It has reached a point of true absurdity. And yet we know of instances where our colleagues on both sides of the aisle have been destroyed by this type of overzealousness. Where does it stop? My colleague from Maine and I were talking the other day of the day we were sworn in as Members of this Chamber. BILL COHEN and I were saying that on that occasion one of the Members of this body came into the Chamber best described as drunk, and quickly colleagues on both sides of the aisle gathered around him and ushered him very tenderly from the Chamber. There was no discussion. I remember SAM NUNN was standing there. I remember TED STEVENS and other senior colleagues just gently took him from the Chamber. I remember that very graphically, and that man later went on to generate his own self-esteem to join Alcoholics Anonymous and is still a productive member of society. He was a tremendous Senator, respected throughout the United States and the world.

So where does it stop? In the Senate we have to, obviously, judge others. That is our duty in advise and consent. However, we should never seek out these opportunities in such a public setting where the evidence is so obviously flimsy and fragile and unsupportive of all these various anonymous allegations that have floated around in recent days. I earnestly appeal to all of my colleagues not to fall prey to the temptation to vote against John Tower because it is the "easy thing to do." It would not be an easy thing to explain to his constituents who, after all, have read the tragically incorrect tales of bogus allegations in the local Times or Tribune, and they never get corrected. I strongly urge all of my colleagues to walk a mile in John Tower's shoes before they cast a vote against him based on the testimony I have seen—testimony of some waiter in a local restaurant, some flight attendant on an aircraft, or the fantasies and hysteria of some mystery witness. None of you could pass that test. John Tower has been tried in a court without the rules of evidence. I trust we will overturn the verdict of that court and move as we should and vote as we should in support of President George Bush's selection.

I ask unanimous consent that an editorial from this morning's Washington Post be printed in the RECORD, a powerful piece indeed. I urge the reading of it. I thank the Chair.

There being no objection, the article was ordered printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1989]

THE TOWER DEBATE

Just a few days into the Senate debate on the fitness of John Tower to be secretary of defense—never mind that it already seems like a few years—a couple of things have emerged and some that were already known need restating. Of those that need restating, the first is that Senate Armed Services Committee Chairman Sam Nunn is an honorable and serious man who, in opposing the confirmation of former senator Tower, is acting out of conviction and deserves to be listened to with respect. He well understands the second of the truths that need restating—namely, that there is at least a heavy presumption that a president is entitled to the assistance of the Cabinet members of his choice, unless members of the Senate find truly disqualifying, as distinct from merely disagreeable or politically unsympathetic, behavior on the nominee's part.

Sen. Nunn believes that evidence of such disqualifying behavior has in fact been found, and most, perhaps all, of the Senate's Democrats seem prepared to support him in that finding. The trouble is that they have been unable to make that case except on the basis of 1) untested and unpublished allegations, which defenders of Mr. Tower who are privy to the same information challenge, and 2) an appraisal of Mr. Tower by standards that have not been invoked before. If the Senate is to reject Mr. Tower, it *must* do so on the basis of more solid information and more persuasive logic than it has presented to date. So far the case for rejection has not been made.

There are, of course, some procedural impediments to making it. Sen. Nunn has properly argued against the indiscriminate release of the kind of raw, unsworn and incompletely examined material that is the stuff of the FBI file in question. But where that leaves the rest of us is in the uncomfortable, in fact untenable, position of having to make our own assessment on the basis of which of the serious and generally trustworthy people on both sides of the argument to believe. They all go into fabled room 407 and either study or skim the charges of Mr. Tower's drinking and debauchery and then emerge to give us their assessments. But the public can elicit from them only the most rudimentary, is-it-bigger-than-a-breadbox understanding of the size and shape of the problem.

We have said before in this space that the possibility of a drink-impaired defense secretary is grounds for Senate rejection—no two ways about it, and we don't care what Abe Lincoln once said about General Grant or how many gallons of brandy Winston Churchill is reputed to have downed in a day. It does not shake us in that conviction either to note the absolutely awesome hypocrisy of many of the senators following Sam Nunn's lead, some who themselves have indulged the same appetites and habits that are at issue in the Tower nomination, and some who, while professing themselves unwilling to confirm a defense secretary with a history of heavy drinking, given his nuclear responsibilities, have worked arduously in the no-so-distant past for presidential candidates known to have this very disability.

So to us the alcohol charge is central. But an FBI file, no matter what its usual standing in preliminary White House choices of nominees, is not the right basis for making this decision, especially when straightforward and reliable members of the Senate disagree on its contents and implications. And this is all the more true when, by their own account, members of the Senate set such great store by the FBI file, invoking it as the source of their change of mind about Mr. Tower, whom they knew for years, approved for the arms negotiator job he not long ago held and apparently also for the defense secretary post until they came upon this material.

It is also true, as Mr. Tower's defenders argue, that many credible people in public life who have worked with Mr. Tower are willing to testify that they have not encountered the misconduct with which he is charged, while practically no one with a name is willing to come forward on the other side, despite the full, rich fare of anecdotes that is served up daily in this city by people who claim to know but who won't take public responsibility for the lore they privately share. We understand Mr. Nunn's explanation of why it was so difficult to try to work out a "sanitized" version of the FBI file and accept his account of steps taken to enable Mr. Tower more directly to confront the evidence against him on both "womanizing" and excessive drinking. But we do not think the possibilities have been exhausted for devising some techniques by which those who have been making the charges are made also to take responsibility for them, to come out in the open with their evidence so that it can be inspected and weighed by the public and defended against by Mr. Tower. You don't have to love Mr. Tower to believe that truly important values are at stake here.

One of these values is fairness, and here we come to the other large question, that of Mr. Tower's conduct in selling his insight and information to private defense contractors so immediately upon leaving his job as arms control negotiator in Geneva. We think it was rotten, undignified behavior. We also think it was just about par for the course in these matters. The hypocrisy on this question in fact rises to tidal-wave levels. Comparable things are done all across the board all the time in government, including by those who have just lost or given up a seat in Congress. Mr. Tower has not been accused of compromising classified information. If he had been shown to have done this, the answer would be easy. But rather he is charged with behavior that Congress has condoned in its own and on the part of nominees to the executive branch that it likes. Is there a new rule? Is it fixed? How should it affect other nominees now in line for confirmation in administration jobs? Will it be supported when some who are liked on the Hill but who have a similar history come before the Senate?

Sam Nunn has expressed publicly his own discomfort with some of the limitations of the confirmation process in this case. He must also be aware of the dangers inherent in it—the awful precedents established by such total reliance on the kind of material

found in FBI files and even appearing to adjust the criteria for confirmation of presidential appointees in an arbitrary or political fashion. This is not his style and it is not the style of many of those serious folks in the Senate who are opposing John Tower. They owe it not just to Mr. Tower but to their own reputation to find a way to make the proceedings fairer, the standards clearer and the case—if they can—more credible.

Mr. WARNER. Mr. President, before my distinguished colleague departs, I have not as yet had the opportunity to read the Evans-Novak column here in the Post of today. I did take it upon myself at my own initiative to see Roland Evans and to tell him precisely what occurred, that is, to the extent I had knowledge on the subject, and I will not recount basically what I told Mr. Evans, and then I will later have the opportunity to read it and see if this article in any way reflects the information that I possessed.

Senator NUNN and I were together at this charity event. He was scheduled to leave the event and go on other prescheduled trips, thereby preventing his return to Washington. I was, however, and did return to Washington Monday after the weekend. Now, prior thereto Senator NUNN and I had both expressed to the White House our availability at the earliest possible time to look over the FBI material. We were told that as soon as it was available we would be notified.

Insofar as I know, the first knowledge of its availability came to the chairman while he was with me at this particular event. He pulled me aside out there and said that he had made arrangements for the FBI report to come out. As far as I know, the arrangements were made as is custom by the chief of the staff of the majority. I did not get involved in the details.

The report was brought out, Senator NUNN and I departed from the activities that we were scheduled to be involved in, and spent on Saturday, my rough estimate now is around 2 to 2½ hours looking at it Saturday evening—not late evening. I would somewhere in the area of 5:30 to 8:30 to 9.

We then recognized that we had to do a great deal of additional work. We got up around 7:15 the next morning, regrouped with a member of the White House counsel staff, a military aide, Mr. Punaro, and my chief of staff, Mr. Tucker. In my recollection we must have spent another 2½ to 3½ hours from say 7:30 on Sunday morning working on it.

There were two advantages to having the report being brought to us. A, it enabled us to look over that report and then advise White House counsel where we felt there were areas that required additional research. They took our request and initiated immediately the additional research under the aegis of the FBI.

Mr. NUNN then went on some scheduled trips elsewhere. I returned to Washington, continued to work with both majority and minority staff, then worked by telephone with Mr. NUNN throughout that week until he returned, and shortly after his return we resumed working with the FBI here in the Senate Armed Services Committee spaces.

I have not had an opportunity to read this through. I will, and I may have further comments later.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague from Virginia for the explanation that has just been offered. I would simply caution my good friend and colleague from Wyoming. If you do not believe everything that you read in the FBI report, do not necessarily believe that report is any more authoritative on some matters than the Evans-Novak story in the paper today.

I believe that the Senator from Virginia has highlighted what I was going to say in rebuttal to that charge.

I just say I think it is sad indeed that we feel it necessary to come on to the floor of the U.S. Senate and directly or indirectly impugn the motive of our colleagues. We all know this has been a very, very difficult task for all of us—the majority and the minority.

I just want to make it very clear that the facts of the matter are money was saved from taxpayers' expense in the way this was handled by the chairman of the committee which is customary because on that airplane that went out it was not just SAM NUNN's chief of staff for the committee, but there was the majority staff director, the minority staff director, and the White House lawyer that my friend from Virginia has already referred to who had to go along because it should be understood by now that the White House report is never given to a courier other than someone who has authority to handle the report. That is why the White House lawyer went along. In addition, there was a military escort that has been properly outlined by my colleague from Virginia.

So I think we can have our differences of opinion but how the report was carried out there and whether or not it was a good idea to take a military aircraft is not a valid point concerned. In fact, from that perspective, it has been brought out that was the cheapest way for this to be handled.

Also, as Senator WARNER has very well outlined, time was of the essence. This was on January 7. I remember it very well because I talked on the telephone with Senator NUNN that day in Phoenix or wherever he was. I do not remember where he was. He told me that Senator WARNER was there. I had received some information that I thought that it was critically important that I relate to the chairman. I did so over the telephone. He told me that the report was on its way out at that time, and that they were doing this so we could speed up the process because the record should show we were not scheduled to come back into session until January 20. I know Senator NUNN, and I suspect also that Senator WARNER, felt that the sooner they had the opportunity as the leaders of the committee to address this subject and study the report, get the process going, we would be better prepared when we finally did get back to call the full committee into session to discuss the nomination which we did.

Just one other point. I heard early about the charge of an Eastern-bloc woman and his relationship. I did not believe it at the time. I also heard some time before it broke in the press the episode about the drunken ballerina—supposedly—Soviet, and on top of the piano dancing. I did not believe that either. As it turned out, I think that the FBI report among other things closed an awful lot of loopholes with regard to allegations that were simply not accurate.

If I were the opposition to my position on the Tower nomination, I, too, would use these reports which are unfair, unfair to John Tower, unfair to the process. I too would use them in an attempt to imply that everything that we know about John Tower that possibly would not be shed in the best light follows the irresponsibility of those who made those accusations.

As I have said on many occasions, 90 percent of what I have heard and seen and studied on this matter is sheer garbage. Ten percent at least has given me grave pause for concern. And therefore I think it not accurate to assume that because there were unfortunate stories released to the press. This Senator can say that I have never released one shred of evidence to the press. And I have talked to lots of them. It is unfortunate that these come out. I feel sorry about that. But nevertheless the process has to go forward, and there are other things that cause me enough pause for concern that I am opposed to the nomination.

I yield the door.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Let me share with my colleague from Nebraska, who also came here when I did, that I enjoyed it very much although I know he harbors some deep feelings about lawyers that are very deep in his mind. I checked with him on that many, many times. And perhaps I misspoke. I read the report. Yet, just recently I also was the subject of a column of Evans and Novak where they said, "If Tower has friends like Simpson, who needs enemies?" At least I put in a letter to the editor saying they were about two

tacos short of a combination plate. And I did hear from them. They are delightful people, elfish sometimes, you know; but it is not appropriate here, and I agree. I have done that.

So I did not know anything more than what I read. I appreciate, and I listened to what Senator WARNER has said. I would be very pleased to make an apology to the staff person that was mentioned in the article, and would ask for a report of it so that I might read that to see what the reasons for doing that were. I certainly owe the gentleman an apology. But I still leave in my comments about the generic aspects of staff participation, I will leave that in the RECORD, because sometimes we get overwhelmed by staff, and sometimes they take us to places we do not choose to go, and yet we have to take responsibility for that.

But the Senator from Nebraska is correct. I should at least ask that same thing that I am asking of them, and so I certainly apologize to that person. I would very much like to have a report of what did occur and why that was necessary. I, too, am sorry about what is happening; but even though the Senator from Nebraska and I can both be sorry, it is John Tower who suffers. That is the problem here.

And then to hear a startling statement, which I believe, because I, too, have matched the percentages, is that 90 percent of the material about John Tower is garbage and the other 10 percent might be true, Lord then where are we? How did we get here? Impossible, absolutely impossible.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from Wyoming, and this is just parliamentary garbage or talk. I hold him in very high esteem. An apology is not necessary at all. I think that the remarks he made just had to be corrected and put into proper perspective, and that is what I attempted to do.

I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Missouri.

Mr. COHEN. Mr. President, will the Senator yield for a minute?

Mr. DANFORTH. I am happy to yield.

Mr. COHEN. Mr. President, just to clarify the record, there is no FBI report, as such. "Report" connotes that somehow the FBI has made an analysis of the various allegations and statements. The fact is, it is a compilation of statements made by witnesses to the FBI, but in no way should be construed as a substantive report which demands any sort of sanctity as to its truth or veracity or lack thereof.

Mr. WARNER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DANFORTH. I yield.

Mr. WARNER. Mr. President, I ask unanimous consent that immediately following my remarks relative to the Washington Post column of today, I might have the opportunity to provide some additional material in the form of some memoranda made up by the staff at the time this issue first arose some month or 6 weeks ago. I am not sure where it has been all this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO A QUESTION FROM MR. ROLAND EVANS

In response to a question in mid-January, 1989, from Mr. R. Evans about the use of a military aircraft to bring the FBI material to Senators NUNN and WARNER, the following reply was provided then:

On the evening of January 6, 1989, the White House transition and the Tower transition staff notified the Committee that the FBI materials were now available for review by Senators NUNN and WARNER. Both the White House and Tower transition staffs urged that the Senators review the materials immediately and wanted to fly the material to where the Senators were together in Phoenix.

The Senators would not be back in Washington together for over a week due to the Senate recess. The transition personnel urged that such a delay in reviewing the material be avoided. At approximately 10:00 p.m. on the evening of the 6th, a decision was made to get the materials to Phoenix.

The transition counsel required that the FBI material be brought to the Senators by transition personnel as the material could not be turned over to Committee custody.

One of the transition counsels, Ms. Sherrie Marshall, brought the material to Phoenix on January 7th. Both the Majority and Minority Staff Directors, Mr. Arnold Punaro and Mr. Pat Tucker, were also required by the Committee Leadership to be present. In addition, one person from OSD Legislative Affairs also went on the trip at the request of the Department of Defense.

Based on the Senator's review, there were a number of follow-ups for both the FBI as well as the Committee staff. The follow-up work was begun immediately upon the staff's return on January 8th.

After checking on commercial arrangements the staff made the decision to use military air to meet the schedule constraints and due to the number of travellers.

Mr. DANFORTH. Mr. President, I should like to go back to the basics, what I consider to be the basic question that is before us. Let me first say what I think the basic question is not. I do not think the basic question before the Senate has anything to do about whether or not a staff person for the Armed Services Committee should or should not have flown in a military aircraft.

I do not believe that the basic question before us has anything to do with the chairman of the Armed Services Committee.

Some Senators have raised the question, some columnists have raised the question, it this some known partisan attack that has been made by the other side of the aisle and, particularly, by the Armed Services Committee? I do not believe that for a minute. I do not believe that one morning Senator NUNN woke up and rubbed his hands together and said to himself, "How can I get President Bush?" I do not think that.

I have discussed the nature of some of those comments with various friends of mine on the other side of the aisle, people I have worked with, and people I respect. I have said to them, "In your view, is this some kind of plot?" The assurance, over and over again is, no, it is the farthest thing from some kind of a plot. I do not think that is what is involved before us.

I must say that I also agree with a comment that was made by John Tower on a television talk show yesterday when he said that the issue really is not John Tower. I agree with that. I think there is something more basic that is before the Senate, and I should like to discuss that more basic question. The more basic question is, what is the role of the Senate? What is the role of the Senate in giving its advice and consent to a Presidential nominee? Then, even more generally than that, what is the role of the Senate in its relationship to the executive, to the President of the United States, in conducting matters relating to the foreign policy of this country?

So that is the nature of my remarks today, not so much John Tower, and certainly not SAM NUNN, but, rather, what is the role of the Senate? What should be our view of the role of the Senate, as we approach the question that we are going to vote on sooner or later?

I think the issue is the degree of deference that should be given by the Senate to Presidential nominees. Should we accord great deference to a Presidential nominee, or, instead, should we accord very little deference to a Presidential nominee? Should we, as individual Senators, go to the floor with the view that our position is just as sound as the position of the President of the United States and, therefore, we as Senators should be ready and able to substitute our opinions about Presidential nominations for the opinion of the President of the United States?

Mr. President, my good friend, fellow St. Louis Cardinal fan, and colleague on the Senate Commerce Committee, Senator EXON, is on the floor now. Yesterday, the John McLaughlin television program had a very interesting discussion with Senator WARNER and Senator EXON.

Senator EXON was quite clear in his statement. I should like to read just a short quote from the Senator from Nebraska, which was run yesterday on television, about the Tower nomination. Senator EXON said, "I asked myself, if I were President of the United States, and what I know now about John Tower and his possible shortcomings, with all of the great things that he has done, would I appoint him Secretary of Defense? And I had to conclude, unfortunately, to the contrary." Senator EXON's position as expressed on television yesterday was, whether he, if he were President of the United States, would nominate John Tower for Secretary of Defense.

I submit to the Senate that that is not the standard we should follow, and that that cannot be the standard we can follow, and that that has never been, to my knowledge, the standard the Senate has followed in voting on Presidential nominations for any office.

I should like to quote, in a similar vein, from an appearance on "Good Morning, America," last week, by Senator BREAUX of Louisiana.

Senator BREAUX said:

I mean, we ought to be looking for the very best that we can find in the Nation. The President has a right to go out and find that person, but the Senate has an obligation to determine whether, in fact, this is the best we can find out there in the whole country. It is more than just a question of having to prove a person incompetent. It really should be a question of, is this the most competent person that we can possibly find?

Is this the most competent person in the country that we can possibly find? Looking at the universe of possible nominees in a country of going on a quarter of a billion people now, is this the most competent person we can possibly find? Presumably, if this is to be the standard, then each of us, if we can think of somebody who is more competent, somebody who is better, as a nominee, according to this standard, should vote against the President's nominee.

Then, Mr. President, I was reading with great interest the committee report on the Tower nomination and I was surprised in reading the committee report to find something of a similar vein right on page 1 of the committee report where the Armed Services Committee says:

Although the responsibility for nominations rests primarily with the President, the Senate's constitutional power of advice and consent establishes a responsibility for the Armed Services Committee to ensure that the highest standards are applied in the appointment of the persons entrusted with the national defense.

Then again the committee said, actually it is on page 2 of the report, but it is the first full page of the text:

On November 29, 1988, the Committee held a formal meeting at which the Members considered and endorsed the standards and procedures for use in the review of nominations submitted by the incoming Administration. The meeting specifically focused attention on the role the Committee could play in encouraging the appointment of a defense management team of the highest quality, experience, and integrity by taking a rigorous but fair approach in the confirmation process.

Mr. President, in each of these comments, the comment by Senator EXON on television, the comment by Senator BREAUX on television, and the report from the Committee on Armed Services, a similar approach is taken; that is, that each Senator, the Armed Services Committee, and the Senate itself, should use a standard of perfection in passing on Presidential nominees.

I submit that that is contrary to the standard that has been used by the Senate throughout the history of this country.

We are about to have a vote sooner or later in which Republicans generally will be lined up on one side and Democrats on another side. I think really the question and the difference between the Republicans and the Democrats in this vote is the degree to which we defer to the President's choice of his team to serve in the Cabinet.

The issue is not, in my opinion and in the opinion of the Republicans who are going to be voting, and hopefully the opinion of the Democrats who will be voting, whether each one of us would have nominated John Tower for Secretary of Defense. I am sure that there are some Republicans who would not have nominated John Tower for Secretary of Defense. But in our view that is not the question.

The question is not whether we should substitute our judgment for the judgment of the President of the United States but whether we should give great deference to the President in selection of his own management team for his own administration.

In this connection history strongly supports deference to the President, and this is something that has been pointed out during this debate time and time again.

Last week we celebrated the 200th anniversary of the Congress of the United States. During that 200-year period of time I am told never has the United States failed to confirm the initial nominees of a President of the United States, never in 200 years, not once.

Some people have said in this debate, well, we have had 13 or 14 or 15, or whatever Presidential nominations that we have voted on in the Senate so far in the 101st Congress, and is it not wonderful that for 15 votes in the 101st Congress we have always voted to confirm the President's nominees, usually by unanimous vote? Is that not wonderful?

In the opinion of this Senator it is not particularly wonderful at all. It is simply the tradition.

What is remarkable is not that we voted for 15 times or so for Presidential nominees in the 101st Congress. What is remarkable is to turn the President down even once in the initial selection of his Cabinet. It is remarkable and it is unique. It has never been done before, and it establishes a precedent for a Senate which henceforth is willing to substitute its judgment for the judgment of the President in picking his own nomination.

In fact, only eight times in history has the Senate ever turned down a Presidential nominee at any point in the President's term.

I can imagine that when President Bush considered sending the name of John Tower to the Senate, one thought that might have been in his mind was what is the degree of deference normally accorded by the Senate to a nominee who has been a former U.S. Senator?

I have looked into this, and I am told that one time in the history of this country, one time in the history of the United States and only one time, has the Senate voted not to confirm a nominee who is a former Senator. That was the nomination of Thomas Ewing, a former Senator from Ohio, to be Secretary of War in 1868; 1868 was during the Presidency of Andrew Johnson, the low point in the relationship between the President of the United States and the Congress of the United States.

Surely, we have not reverted to the days of Andrew Johnson in the relationship between the President and the Senate.

The degree of deference accorded to the President determines how a Senator looks at the actual evidence, the information that is available to us in room S-407, the FBI report.

If a Senator is willing to accord deference to the President of the United States, then the Senator is likely to look at that evidence in the light most favorable to the nominee. On the other hand, if a Senator is not willing to accord deference to the choice of the President, then there is no particular presumption in favor of the nominee in looking at that evidence.

Here is what is interesting, Mr. President. What is interesting is if you go up to room S-407 and if you are interested in the alcohol issue, which is probably the most widely debated and widely discussed issue regarding the Tower nomination, if you are interested in the alcohol issue you are given a choice of three books, three ringed notebooks that you can read or you can read all three or two if you want on the question of alcohol. One of the notebooks is prepared by the majority staff of the Armed Services Commit-

tee. It relates the facts on the subject of alcohol in the light most favorable to a finding of alcohol abuse. That is one of the books you could pick.

Then there is a second book that was prepared by the minority staff and it relates the facts on alcohol in the light most favorable to the nominee. And then you can read a third book—and these are each about a half inch or three-quarters of an inch of Xeroxed material—you could read a third book which was jointly prepared by the majority and the minority staffs on the question of alcohol use. The point being simply this: That there are facts available in room S-407 which can be used by those who want to so use the facts to make a case against John Tower on the use of alcohol. Similarly, there are facts available in room S-407 which gives a Senator the ability to make a very strong case that John Tower does not abuse alcohol.

You can pick your book of facts. Or you can read the joint book of facts. There are facts that can be used to prove either side of the case.

So the issue before us, it seems to me, is what is the presumption that a Senator uses when he examines these facts? Do you look at them with a presumption that the nominee is wrong or the nominee is right; that is the nominee is dry or the nominee is wet? What is the presumption that is used by a Senator in examining the facts? And the presumption I believe has to do with the degree of deference, if any, that is given to a Presidential nominee.

I was surprised when I looked at that record to find out how ambiguous the record is. Yes, if I were trying to make a case against Senator Tower I could pick facts and quotes and words out of those volumes of reports and come to the floor of the Senate, if I were allowed to speak about it, and make that kind of argument.

However, I believe that it is accurate to say that every single statement, every single allegation that has been made against Senator Tower in those reports has been controverted by reverse allegations. So how do you judge a statement of fact that is made by one witness weighted against a statement made by another witness?

Even more difficult, let us suppose that there are more witnesses on one side than another side. How do we weigh that, Mr. President? Supposing that there is one person who alleges that he saw Senator X doing such and such and that there is another witness, one witness, who alleges the contrary. Who do we believe under those circumstances? That has to do with presumption.

Now suppose further that there is one witness who says that he saw Senator X do such and such and there are 10 or 12 or 13 witnesses who claim that they were there and they saw the opposite? How do we weigh the one witness against the 13?

I believe that the answer to that question has to do, again, with the degree of deference that we are willing to accord a President. If our rule is one of perfection, if our rule is whether we would have made the nomination, then we might say to ourselves a single statement is enough to poison the well; a single statement is enough to put a cloud over the nominee.

If, on the other hand, we say that we are willing to defer to the President's choice, then it seems to me that we would have to have the overwhelming weight of the evidence against the President's choice. In the opinion of this Senator—and I do not claim to be an expert; I have not spent months poring over that material, I have spent maybe a couple of hours poring over that material—but in the opinion of this Senator, Mr. President, trying to be objective, trying not to have any presumption for or against the nominee, if I were that objective, I would believe that the preponderance of the evidence in room S-407 is in favor of the nominee; that the weight of the evidence is in favor of the nominee. And I believe that it is accurate to say that, for a Senator who goes up there and simply totes up the number of statements made on one side or another, the overwhelming weight of the evidence is that John Tower does not have a problem in abusing alcohol. I believe that that is the case.

Then we have the question: Well, let us suppose that there is evidence on both sides. How do we judge one person's statement from another, one eyewitness account against another eyewitness account? And I would say that one way to judge is on the basis of what rings true to each of us on the basis of our own personal experience. What rings true? What statement of facts accords with our own personal experience, those of us who have worked with John Tower?

It is said that there are 70 Members of the U.S. Senate who served with John Tower. I am one of them. I served with him I think for 8 years. I went on a trip abroad with him. We went to NATO and Brussels and then we went to the Soviet Union on a trip that was led by Senator Baker. That trip lasted perhaps a week or 10 days, I could not remember which. It was in the late 1970's. I was with Senator Tower day and night during that time and never saw him under the influence of alcohol to my recollection.

And then for each one of us who served with him, think back when he was the chairman of the Armed Services Committee or the ranking member and when he stood here at the leader's desk for those complicated bills that were on the floor for weeks, 2 or 3 weeks each. And think back in your own experience and ask yourself: Was he impaired? What did you observe at that time?

I can remember at that time being in my hideaway, turning on the television and wondering at the ability of that man to deal with complicated subject matter for 10, 12, 15, whatever hours a day, day after day after day.

Mr. President, I believe that it is straining to find that John Tower runs the risk of impairment from alcohol. I think that it is contrary to the clear weight of the evidence that has been presented to us. And I think that it flies in the face of our own experience.

Furthermore, to find that alcohol abuse should be a disqualifying factor, we would have to give little or no weight to Senator Tower's pledge that should he be confirmed he is not going to drink anything. How can we come to a conclusion which pays no attention to that pledge, which is contradicted by our personal experience as colleagues in the Senate and which is contradicted by the weight of the evidence in that file unless we approach that evidence saying to ourselves that we have no presumption in favor of the President's nominee at all but that any cloud is sufficient to satisfy us that maybe there is somebody better out there whom the President can send to us?

That, I would suggest, is the wrong standard for us to use and that is the standard that is clearly contrary to 200 years of history, of the relationship between the President of the United States and the U.S. Senate.

Mr. EXON. May I ask a question of my colleague?

Mr. DANFORTH. Certainly.

Mr. EXON. I do not want this to interrupt. I would like to have my comments shown after the talk by the Senator from Missouri. He is entitled to be heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I have a hearing I was supposed to chair 10 minutes ago. I would like a brief reply. I would be glad to wait for a few more minutes. If not, would the Senator let me talk now? I will be glad to wait. How long does the Senator intend to be?

Mr. DANFORTH. Say 15 minutes.

Mr. EXON. Would my colleague object to me taking 15 minutes now to make some reference to the comments he made about this Senator's appearance, so long as they come after the conclusion of the remarks of the Senator from Missouri?

Mr. DANFORTH. No, Mr. President, I would just as soon have the comments come during my remarks as far as they appear in the RECORD.

I would be happy to yield the floor to the Senator from Nebraska if that is what he wishes, provided that after

he finishes his comments I am then recognized.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I thank very much my friend and colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I have been listening very carefully. I have a lot of confidence in him, especially in his advice to the U.S. Senate and especially his knowledge of baseball and which baseball team to support. It becomes a sharp disagreement when it comes to college football, but that is the way the ball bounces.

I do not know that I want to disagree very much with much of what the Senator said, but I do take exception to the emphasis that he is making and, as a matter of fact, to matters that have been covered in his remarks.

First, just let me say with regard to the deferring to the President, I think this Senator has deferred to the President of the United States, and I have served under three here in the Senate. I believe this is the first Cabinet appointment that I will vote against. So I have deferred to the President, and generally agree with the comments made by the Senator from Missouri in that regard.

Could we have order in the Senate, please? Could we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. EXON. But with regard to that, let me just say that I think, by my reputation and my voting record in the Senate, this Senator has been clearly and indelibly stamped as an independent. And that means that myself and others who have been leading the fight against this nomination are those that generally will be independent when we come to deciding matters like this, of significant importance.

So I defer to the President, except when I think he is critically wrong. The statement that the Senator from Missouri quoted, that I made on a television program yesterday, is entirely accurate. Just let me say that while I agree with the context, that we should generally support the President of the United States, I think the Constitution clearly gives us the opportunity, if not the duty, to oppose a nominee if we do disagree very strongly.

When this nomination process started this Senator fully intended to support the nomination of Senator Tower. That is what the confirmation process is all about. In-depth investigation, reading of the various reports and the collecting of information from a whole series of sources. During that process I must tell my friend that I came to the conclusion that I could not support the Tower nomination. Not based on difference of philosophy. Not based on the difference that I do not think John Tower has a great deal of expertise. But, Mr. President, I have decided that I cannot support this nomination because of the personal qualifications of the nominee. I happen to think that is important.

With regard to the 70 Members of this body that know John Tower well, I think that is true. I think I did know John Tower reasonably well, although we did not socialize a great deal. I think it is rather interesting, Mr. President, though, when we hear Senator after Senator making the point that we worked with John Tower, we knew John Tower, and we never saw him in any kind of condition that would cause us concern; yet John Tower himself has now come forth and admitted that he had a serious bout with alcohol in the 1970's. Evidently, unknown to the Senators that served with him at the time, including those who are making statements in that regard on the floor during this debate. Just because we did not know or we did not see anything that would give us pause or concern does not necessarily mean that it did not happen.

I also agree, basically, with the remarks of my colleague from Missouri, about the weight of evidence. Yes, if you just totaled up, I think, in the record that we read, those who support John Tower and those who do not support John Tower; or to put it another way, those who had good things to say, positive to say about John Tower, and there are many and they are well-intentioned—if you measure that, just in total numbers, against those who had outright objection or concerns, the positives will outweigh the negatives. I do not think that type of scorekeeping helps a great deal.

In conclusion, let me say that the comment that I made yesterday on television was partially taken out of context, as it was presented here today, because I do believe that the Senator from Missouri has made an excellent point with regard to the fact that we should generally support nominees. When I said in essence that when I asked myself a question and said that I had to answer that, "if I were President of the United States I would not appoint John Tower," I want to emphasize that that was put strictly in the context of my objection to his personal qualifications, which I feel very strongly about.

I thank my friend and colleague for his usual courtesies and I return the floor to my colleague from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. So, Mr. President, we are left with the following strange situation. An admission that the allegations of alcohol abuse are contradicted by the personal experience, insofar as I know, of every Senator who has served with John Tower and an admission that the weight of the evidence in room S-407 on the question of alcohol abuse is that John Tower has not been observed by all of these people to have the problem.

My question, again, is: If that is the case, if it is contrary to our own experience and contrary to the weight of the evidence, what possible argument or reason could there be for us to vote against his nomination? Unless the standard is not one of equity in weighing the evidence; but the standard, instead, is to indulge every possible presumption against the nominee; that any statement in a record, no matter whether or not it is controverted, no matter whether or not it is controverted several times over, should the basis of voting against a Presidential nominee just because we prefer to have somebody without any cloud at all over him.

I think that that is the wrong standard. I think that that is a standard that radically alters the relationship between the President and the Senate. The fact that it is a standard that has not existed heretofore in the 101st Congress, while true, is less significant than it is contrary to the standard that we have had throughout 200 years of our history. We have never indulged, to my knowledge, that kind of presumption against a Presidential nominee.

Now we have a whole new ball game of saying that we weigh the evidence upstairs against the President's nominee. We have our thumb on the scale despite the fact, as admitted by the Senator from Nebraska, that the weight of the evidence up there on the question of alcohol, certainly, which is the one that I was focusing on, is in favor of the nominee.

I would like now to broaden the subject a little bit on something that is of great interest to me and has been of great interest to a number of Senators on both sides of the aisle, and that is the relationship between the Tower nomination, the subject before us, and the larger issue of the relationship between the President of the United States and the Congress in the conduct of foreign policy, a subject which has really been given the misnomer of a bipartisan foreign policy because it has more to do with the relationship between the Congress and the President than the relationship between the two parties. It has been a matter that has received a lot of attention from a lot of us and, I think, a general agreement by Members of the Senate and the administration on the need to try to pull together in forming a foreign policy for the United States.

Back in 1987, the issue was raised by Senator BOREN and me in an op-ed piece in the Washington Post. What triggered that op-ed piece was that we

had voted some 20 times in 1987 on the question of aid to the Contras without any real resolution. We had voted several times on the status of the War Powers Act in the Persian Gulf, and we had a State Department authorization bill to which 86 different floor amendments were offered dealing with matters of foreign policy.

Some of us, and particularly Senator BOREN and I, felt that having gone through that experience that this was a crazy way to run foreign policy, and that the United States was not being a strong and predictable voice in world affairs when we were forever tinkering with foreign policy. Some people said, and I think we said in that particular op-ed piece, that there were 535 Secretaries of State; that each Member of Congress was operating as a Secretary of State.

So we wrote that op-ed piece, as I recall, in December 1987. We asked the general question at the end of it if anyone is interested in this, let us know. Well, then Secretary of State Shultz did let us know. He was very interested in trying to get some greater sense of coordination and purpose in foreign policy by not having the Congress run off and in constantly different directions from the President.

A number of Senators also expressed their concern. We formed a group of sets—Senator BOREN, Senator BRADLEY, Senator NUNN, Senator BOSCHWITZ, Senator KASSEBAUM, and I, and we had breakfast one day, I remember, at the State Department with Secretary Shultz about just this question of how to try to form a greater consensus on matters of foreign policy.

And then before the 1988 election, the six of us wrote a letter to Vice President Bush and Governor Dukakis. It was written on October 6, 1988. So it was written sometime before the election. We talked about the need for more consultation. Then we had in one paragraph what I think pretty well sums up the letter:

> It is our hope that in return for more real consultation by the executive branch, Congress would agree to accept less congressional intervention and micromanagement of foreign policy.

I bring that up at this time because when the President of the United States selects a Secretary of State, when he selects his National Security Adviser, and when he selects the Secretary of Defense, the President is picking the three key players of his team to manage America's relationship to the rest of the world. That is why we have a Defense Department. We do not have a Defense Department to protect against problems within the country. It has to do with America's projection of its strength and its role in the world.

The President, when he selects members of his Cabinet in these positions, is picking people to execute the President's policy. So the question is, What is the role of the Senate and what is the role of the President in the execution of foreign policy?

President Bush has gone out of his way to say to us that he wants a more bipartisan approach to foreign policy. President Bush has gone out of his way to say that he wants more cohesion, more consultation, more closeness in the relationship between Congress and the President in foreign policy matters. In fact, that was really the thrust of his inaugural address. The great applause line in the President's inaugural address was when he said the American people did not send us here to bicker, and then he turned around to the Congress and he said that he extended his hand to us.

Then in January, the President convened a meeting one morning in the Cabinet Room, and he invited various Members of the House and the Senate to talk about this need to work together in foreign policy. He said that he believed in more consultation, and he instructed the Secretary of State, Jim Baker, to get in touch with the leadership of the House and the Senate to try to work out a way of creating a system so that it was not just a matter of sort of a statement of goodwill, but a structuring of a concept of a greater amount of closeness in foreign policy.

But, Mr. President, as we pointed out in the letter that we wrote to the two Presidential candidates last October, there are basically two elements in creating a bipartisan foreign policy. One element is more consultation by the executive with Congress, and the other element is more forebearance by the Congress and the actual execution of foreign policy. Those are the two elements. That is why we said in this letter,

> It is our hope that in return for more real consultation by the executive branch, Congress would agree to accept less congressional intervention and micromanagement of foreign policy.

That was to be the deal. They consult; we forebear. That was the point that Senator BOREN and I made in two different op-ed pieces, once in late 1987 and once in January of this year. It was a two-way street, not a one-way street—consultation plus forebearance, and the issue before us, I submit, in the Tower nomination is the issue of forebearance—the degree to which the Senate will defer to the President of the United States in the execution of policy, in picking his team in matters relating to America's role in the world.

The heyday of a bipartisan foreign policy was in the years immediately after World War II. Those were the days when Harry Truman was President of the United States. Arthur Vandenberg served in the Senate, was chairman of the Foreign Relations Committee of the Senate, and Senator BOREN, who has been such a leading figure in calling for a closer relationship between Congress and the President, described the bipartisan foreign policy in an article in the SAIS Review. I would like to read a short passage from that article. Senator BOREN said:

> The leadership offered by such postwar figures as the Republican Vandenberg and Democratic Speaker of the House Sam Rayburn during President Eisenhower's tenure are hallmarks of an era of bipartisanship and a successful stewardship of the United States through some of its most crucial foreign policy problems. One of the most significant debates concerned the massive aid packages granted to other democratic governments in the aftermath of World War II. Both Vandenberg and Rayburn were critical players in gaining support for the multibillion dollar Marshall Plan in a nation that traditionally wanted to be as separate as possible from the European powers. An overwhelming majority in Congress supported the Marshall Plan as well as the hotly contested $100 million aid package to Greece and Turkey which was a watershed event for the new, active U.S. role in the world. In a crucial moment of debate over proposed Greek-Turkish aid, Rayburn came to the House floor and delivered a speech that demonstrated his commitment to strong Presidential leadership in foreign affairs.

And then Senator BOREN quotes with approval the following statement on the floor of the House by then Speaker Sam Rayburn.

> I trust that in our consideration here and in the other body this thing called isolationism may not again crawl out of the shadows and defeat the hopes of men and again break the hearts of the world. This Nation has leaders asking for certain action, and whether we like that leadership or not, we have it. It is the voice of America and whether that leadership is followed or spurned will have a tremendous effect upon our position in the world.

Now, Mr. President, I want to just report for emphasis that the final two sentences of that quote from Sam Rayburn.

> This Nation has leaders asking for certain action, and whether we like that leadership or not, we have it. It is the voice of America, and whether that leadership is followed or spurned will have a tremendous effect upon our position in the world.

It does have a profound effect on America's position in the world. Whether we follow the leadership of the President of the United States, and especially whether we are willing to forebear in the execution of policy and deference to a President in choosing his own management team is right at the heart of whether forebearance is going to be present.

I would point out, Mr. President, the timing of this whole unfortunate episode. President Bush had made his first major trip abroad. He had gone to Canada for a day or two. He went to Tokyo for the funeral of Emperor Hirohito. He was there with representatives of 163 countries, probably the largest gathering of its kind in history,

the first trip of the President. When he was there, while he was attending the funeral, word came that the Armed Services Committee of the Senate had voted against his nominee for Secretary of Defense. I do not say that the blame is solely on the Armed Services Committee because I am told that the White House never asked that the vote not take place while the President was in Japan. But the fact is that vote should never have been allowed to take place while the President was abroad. How many times have I noticed in the Senate our great interest in whether the President or the Secretary of State is about ready to make a trip somewhere and should we pass some resolution to shore up the President, to show them that we support him. And here, while the President, 5 weeks into office is on his first major trip abroad, with 163 leaders of the world, the Armed Services Committee says, "No, Mr. President, you can't even name the person you want to be Secretary of Defense."

Cooperation, which is what Senator BOREN and I and others have called for in foreign policy, is a two-way proposition, not a one-way proposition. Cooperation requires a quid pro quo. My fear is that the majority of the Senate rejects that quid pro quo, that the majority in the Senate is perfectly willing to consult with the President—yes, let the President have meetings with us, let the Secretary of State have meetings with us but that the other side of that agreement is something that we reject, and that is the concept that in consideration for that consultation, in consideration for those meetings the Senate exercises forebearance in the actual exercise of policy.

My hope is that in the rejection of John Tower, if he is rejected, and even if he is confirmed, the closeness of the vote and the party line nature of the vote will not constitute a retreat to where we were in 1987 when we conducted 86 votes on amendments that were offered on the floor to a State Department authorization bill, that this is not a statement by the Senate that we are back to the old days of meddling with the President.

Mr. President, the best way to indicate that we are not going back to those old ways would be to give John Tower a solid vote of approval, whether or not we would have nominated him had we been President. That is the best way to indicate we are not going back. And if we are not going to confirm John Tower, then I would submit that the majority in the Senate should tell us whether we really want to pursue the notion of a cooperative foreign policy or whether instead we want to go back to those days of 86 floor amendments to a State Department authorization bill.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I commend the distinguished Senator from Missouri for the excellent set of remarks he made with regard to this nomination and the process pursuant to which this nomination is being considered.

I want to associate myself with his remarks.

Mr. President, I must confess that I have watched the high drama of this Chamber over the last few weeks with some surprise. I had thought that during my 12 years in the Senate I had seen it all, that there was nothing that could occur in this body that was beyond prediction. I thought that after the manipulated mugging of Judge Robert Bork, nothing else would leave me astonished. I was wrong. I certainly was unprepared for the sudden formation of the Senate bed and breath check. A Senate bed and breath check, Mr. President. What is happening? Have we all fallen asleep and awakened in the middle of a Mark Russell satire?

Apparently, some of my colleagues have been swept up in the heady business of public moralizing. So concerned are they with the ethical state of America that they have decided to rewrite our traditional standards of judgment and equity and enforce a new standard—a standard that says that anyone who has been but the subject of rumor or allegations of impropriety is unfit for public office. And, they have decided that those who are merely the subject of cowardly, secretive and untrue whispers of alcohol abuse should forever be barred from the doors of public service unless they publicly confess to their alleged sins, be they imagined or real.

But I would like to suggest to my colleagues that before we get too caught up with this feverish rush of righteousness, that we take a moment to appreciate just what we are doing not only to John Tower but to this remarkable institution. Because it is not an idle observation to note that if we proceed with this temporary fit of morality, the standards by which we pass judgment on others and the standards by which we are judged will never again be the same.

Now, we are told that the assault on Senator John Tower is not political. We are told that this confrontation is not about power in Washington or a struggle between the executive branch and the legislature. We are told that it is an affront even to consider that this debate might have something to do with the future relationship between a Republican President and a Democratic Congress. Instead, we are instructed that the real issue is whether Senator Tower's personal lifestyle and business dealings since leaving the Senate are compatible with the standards we expect of a Secretary of Defense.

I am willing, at this point, to take this assessment at face value. By doing so, however, we have a new and perhaps even more ominous set of questions before us; namely, just what is the standard we have created for Secretaries of Defense, what are the actual standards by which we will consider a person for this position, and finally, does Senator Tower meet these criteria?

According to the report by the Committee on Armed Services, the Secretary of Defense has four principal roles: policymaker, manager, military commander, and leader. He or she must be an acknowledged expert on the military establishment, a skilled and experienced tactician, conversant on all national security issues, and a capable and brilliant commander of our forces in the field.

The report, noting recent crises, also indicates that the Secretary of Defense must be on 24 hour alert, ready at a moment's notice to leap into the fray. The report goes on to say that the Secretary must also be a person of the highest standards of moral conduct and integrity. In other words, the report seems to say that the Secretary of Defense must be a combination of Solomon, Cincinnatus, and Horatio. And we probably ought to throw in Superman and Captain America as well.

Given that standard, it may not be a total surprise to hear that some on the committee found that Senator Tower did not qualify. Arguably, one might wonder just who in the United States could satisfy the committee majority's quest for perfection. I certainly would like to meet this Olympian of human perfection—but I assume that is a debate for another day.

In determining that Senator Tower is unfit to be Secretary of Defense, the majority of the committee acknowledged that he has had a long and distinguished public service career. They concede that he has a number of strong qualifications for the position. However, apparently, these issues were not the determinative factors. What they found troubling, however, were his standards of personal conduct, discretion, and judgment. In other words, the argument seems to be that Senator Tower is qualified for the job, but we just do not like his personal lifestyle and are worried that it might affect his performance at work. On that basis, the majority stands ready to destroy Senator Tower's reputation and career.

This brings us to the second question—what were the standards used by the committee when considering Senator Tower's nomination? For example, the committee majority concluded that Senator Tower has an undefined

problem with alcohol. They state he has engaged in the excessive use of alcohol.

Having read the FBI report on this nomination, as well as the committee report, I was a little surprised to see that this particular condemnation was so unburdened by fact. In fact, it has been particularly interesting to see how many of the alcohol allegations already have been reported and repudiated in the press. There is no damning doctor's report. There is no real documented evidence, except what Senator Tower himself has said. Senator Tower has indicated that he has taken to drink in the past—that he did drink in the past. He has indicated that he now drinks very little, and that he is willing to abstain from alcohol during his tenure or service as Secretary of Defense.

This was not enough for the committee majority. It seems, Mr. President, that we are being asked to judge Senator Tower on the basis of rumors. We are expected to assume that since he allegedly—and I emphasize the word "allegedly"—abused alcohol in the past, he will continue to abuse alcohol in the future. So much for the notion of rehabilitation. Given my own personal lack of knowledge about the consequences of heavy drinking and the considerable expertise of some of my colleagues, I was tempted to take their word for it. But we, too, have a higher standard to follow. We, too, have a responsibility to pass judgment not on personal whim or prejudice but on actual knowledge—actual fact. We have an obligation to set a higher standard for accuracy than the one employed at the National Enquirer.

And the facts, as best as I can tell, are that Senator Tower does not have a drinking problem.

Let met paraphrase for a moment. Mr. President, his critics keep circulating stories about his drunken sprees, and the tales have persisted through the years. He may have had his troubles with the bottle earlier in his life, but he seems to have imbibed no more than that of most officers. He enjoyed his glass, and on rare occasions may have enjoyed one too many, but there is no documentary evidence that he was the chronic drunk his foes made him out to be.

Mr. President, is this preceeding statement I have just made about Senator Tower? No, I simply paraphrased a quotation about General Ulysses S. Grant from Stephen Oates' biography of Abraham Lincoln.

I fear that the critical difference between the two gentlemen in their respective situations is that Abraham Lincoln was willing to judge a man by his actions and not by the rumors of his critics.

One wonders what the committee majority would do if confronted with Winston Churchill, who took great pride in his alcoholic consumption and was prone to start each day with a scotch and soda. We can only assume that he, too, would fall victim to the committee majority's quest for moral perfection.

The committee majority was also appalled by the allegations that Senator Tower has been indiscreet with women. Yet, the report of the committee majority indicates that there is no substance to these rumors. But, then, in perhaps the most underhanded of swipes, they indicate that they have learned of a number of examples where they feel that Senator Tower was indiscreet. Again, there are no examples to substantiate this charge. There are no facts to substantiate this condemnation. There is no explanation of the moral standard the committee chose to impose. Instead, Senator Tower is leveled with generalities.

Mr. President, I find it fascinating to note the evolution of the standard by which we judge our fellow men and women. Jesus of Nazareth cautioned us to let him who is without sin cast the first stone. Next came the judicial cornerstone that a person is innocent until proven guilty.

Now, however, we seem to say, if it is a Presidential nominee, get him before we substantiate the facts.

Apparently, some of my colleagues are understandably uncomfortable with the moralizing that has tainted this particular nomination. Knowing their history, they may feel a little uncomfortable with our periodic fits of morality. So, instead, they point to Senator Tower's apparent conflict of interest as the reason behind their opposition.

Again, according to the committee majority, it has no evidence to show that Senator Tower has provided his clients with classified information. What was his sin, Mr. President? As best I can tell, first, it was because he put himself in a position which, while totally legal, could create an appearance of impropriety. Second, perish the thought, he made too much money. Senator Tower has no remaining financial interests in any firm or entity which does business with the Department of Defense. Consequently, there can be no conflict.

John Tower agreed to existing requirements by promising to recuse himself from any suspension or debarment issues which may involve a previous client. He has gone beyond the letter of the law and agreed to abide by its spirit.

For the committee majority, that is not enough. They have decided to impose a standard which exceeds existing law. To better understand this standard, let me put it in a slightly different context. What if a Senator served on the Finance Committee and retired to a practice of tax law? Would he or she be barred from service in any subsequent administration or from holding any appointed office dealing with tax matters? Is that really where we are heading? These, then, are the standards we are now expected to adopt.

First, in a town where people are paid thousands and thousands of dollars to gossip, if enough people pass on a rumor, it must be treated as the truth, regardless of whether it has actual authenticity.

Second, if a nominee is rumored to have a lifestyle of which others disapprove, that nominee can be rejected. Third, a former Senator cannot stand for appointed office if he or she is hired by a business that has interests before any committee on which the Senator once served.

What person in his or her right mind would want to subject himself or herself to that type of nightmare? It would be better, Mr. President, at least for the 70 of us who knew John Tower and who served with him, to judge him on the basis of personal knowledge. We worked with Senator Tower day and night. We know how he performs in times of ease and in moments of stress. We know the man.

This brings us to the third question. Should we confirm the nomination of John Tower? The answer is easy, in my way of thinking.

Actually, John Tower is a dedicated, proven public servant. He is a master of defense issues. The majority admits that. He knows the military and the military institutions. Whether he or I share similar lifestyles is immaterial. Whether he or I share similar attitudes toward alcohol really does not matter. The real issue is whether Senator Tower is capable of being Secretary of Defense. To that, I say, yes, and more so than many of his present and former peers.

Mr. President, moral crusades inevitably turn inward. If we decide to impose these new standards on John Tower, then eventually they will be, and they should be, imposed on us. We, too, will be judged on the basis of rumor, vague generalities, and gossip. We, too, will be tried on the basis of unsubstantiated allegations, uncorroborated whispers, and factless criticisms. One can only imagine how many of us will survive a similar trial by innuendo. Could anyone?

Mr. President, we should do unto John Tower what we would have done unto us. We know John too well to need to resort to anonymous rumors and allegations. He should be judged on his record. He should be judged on the basis of his career, and on that basis, John Tower should be the next Secretary of Defense.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as a member of the Armed Services Committee, I voted to disapprove the confirmation of John Tower as Secretary of Defense, and I stated that I will stand by that vote, if the issue comes to a vote here on the Senate floor.

It is a very difficult decision, one that I regret having to make. However, the deluge of questions and information that has been raised since the nomination was announced by the President on December 16 has greatly concerned me.

My examination of the reports and records which were compiled by the committee and the reports and records compiled by the executive branch and presented to the committee, persuade me that this country would be better served with a different individual in that key position.

Responsibilities and the demands of the Secretary of Defense are, in some ways, greater than those imposed on other members of the Cabinet, in two respects: First, the Secretary of Defense is in the chain of command, and orders to send this country's troops into combat are sometimes initiated by, and always arrived at with, the direct involvement of the Secretary of Defense.

Second, the men and women in our military are held to very demanding standards of personal conduct, and I believe that tradition is one of the great strengths of our Armed Forces. The Secretary of Defense needs to exemplify that same tradition.

One area of question and concern and information that has greatly concerned me is that which suggests the longstanding habit of excessive drinking. Those allegations and that information did not come from one or even from a few sources, Mr. President. It came from a great many unconnected sources, and the allegations and the information and questions are not limited to any particular time period. They span several decades.

The other area of great concern relates to the issue of the revolving door and conflict of interest. There, I think, the committee's report, the majority of the committee, in their report, I believe, summarized the problems or concerns very well. That report makes it clear that from mid-1986 until December of 1988, Senator Tower provided consulting services to a number of defense and aerospace firms, and in the 13 months immediately prior to his employment as a defense consultant, he served as the chief U.S. negotiator for the strategic arms reduction talks in Geneva.

The committee's conclusion was that the rapid shift from status as a negotiator to status as a consultant giving advice on the probable outcomes on ongoing negotiations created the appearance of using inside information for private gain.

The committee also concluded, "Senator Tower's decision to provide consulting services on arms control matters so soon after serving as an arms control negotiator crossed the line with regard to the revolving door which is of great concern to the committee." I am quoting from the committee report.

Mr. President, I would like to address also three procedural issues that I think have been discussed at length by others on the Senate floor but I think need some additional comment since they have been raised again today.

The first of those is the timing of the vote in committee. It is true that the vote did occur in committee when the President was away, was in Tokyo, attending the funeral of Emperor Hirohito.

The Senator from Missouri made the point that the White House did not in fact ask for a delay in the vote. I think the issue, in my understanding of that vote as it came up, was not that the White House failed to ask for a delay, but in fact there was an affirmative effort to move to a vote by the administration and the committee was complying with that request and went ahead and voted when it did.

The second procedural matter is the question of making materials available to the public. The decision on how to vote on this nomination is extremely difficult under the best of circumstances. Unfortunately, the difficulty is compounded by the fact that the information that has been presented to the Senate has been presented to the Senate primarily in a form which we are not permitted to reveal.

The correspondence between the counsel for the President, Mr. Gray, and the chairman of the Armed Services Committee, makes it very clear that it was the intention of the White House and the clear understanding of the White House when that material was provided that that material was not to be made public, that the contents of the FBI report was not to be made public. The letter from Mr. Gray to Chairman NUNN says very clearly:

> The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interest of Senator Tower and others, the confidentiality of FBI sources, FBI availability to conduct background investigations and our ability to recruit qualified candidates for positions of governmental service.

In order that those materials be provided to the committee for their consideration, both Senator NUNN and Senator WARNER, the chairman and the ranking minority member of the committee, were required to sign essentially a contract with the counsel for the President where they agreed that access to those documents would be limited to Senators on the Senate Armed Services Committee and to six designated staff members.

So clearly there has been a major problem here in being able to adequately discuss this for the public's understanding, but that is a problem imposed by the materials and the conditions imposed on those materials by the White House.

That point has been made. I know it has been made very strongly by Senator NUNN, but I feel it needs to be repeated so that everyone can understand that the materials in question here are not the province of the Senate to reveal; they are materials that were protected by the executive at the request of the executive, and that is how they remain today.

The final procedural point I make is that we should go on and vote. In the contacts I have had with people in my State, some are in favor of Senator Tower's nomination; some are opposed to Senator Tower's nomination. But without exception, I have found nobody in my State who can understand why this matter is being delayed and why we have not gone to a vote before now.

I, myself, have great difficulty explaining to them why this matter is not called for a vote, and I understand that the majority leader has stated his intention to go ahead and bring this matter to a vote as soon as all Senators have completed their statements.

I am persuaded that no votes will be changed as a result of further debate. This is a subjective judgment. It is one that each Senator needs to make based on his or her reading of the records that have been presented and the conversations with Senator Tower, and I know many here have had those conversations.

But I feel very strongly, as Representative MO UDALL at the Democratic Convention, who made a point which I thought was very insightful. "After 2 or 3 days of speeches," he said, "everything has been said. It is just that everybody has not said it."

Here we have the same situation. These issues have been discussed and discussed and debated and counterdebated, and I believe very strongly it is time to vote.

I hope very much that my colleagues will conclude this discussion and that we can go to a vote at the conclusion of this debate in the very near future.

I regret that in spite of the numerous questions that have arisen and new information that has been presented since December 16 when this nomination was made by the President, the President has chosen to go forward and require the Senate to vote on this nomination. In my view those questions have not been adequately put to rest and the cumulative weight of the information provided to the

Senate leads me to conclude that we should go forward and request the President to send another nominee to the Senate.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Colorado, Senator WIRTH.

Mr. WIRTH. Thank you, Mr. President.

I know that the distinguished Senator from Arizona has been waiting. Very briefly, on behalf of the committee majority, I would like to clarify three quick points, and answer some of the allegations made a little bit earlier.

One was made on the timing of the vote, discussed briefly by the Senator from New Mexico.

The allegation was made that somehow the timing of the vote a week ago Thursday was meant to compromise the President, or perhaps, as was suggested, was a violation of some spirit of bipartisan cooperation that we ought to be pursuing.

This could not be further from the truth.

In the committee, the agreement was made on Wednesday, February 22, to go ahead with that vote. The minority had been particularly adamant about going ahead with the vote frustrated as they and we were by the delay that was requested on the 7th of February by the administration because another report had come up from the FBI. That report arrived at the committee on February 20. All the members of the committee had a chance to read that and all the committee members agreed on Wednesday, February 22, to go to a vote the following day.

We met again the following day, on Thursday, and had a long meeting throughout the afternoon. There was a caucus requested by the minority. They spent a good deal of time discussing what their strategy was. I do not know what went on there because I was not in that caucus. But there was at that point no request from the minority that we delay the vote. There was absolute agreement on both sides that there would be a vote on Thursday, the 23d, and it occurred on Thursday, the 23d.

So for anyone to suggest that somehow this was a partisan attempt to embarrass the President or that this was a violation of some kind of bipartisan spirit is simply not the case.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. WIRTH. I am happy to yield.

Mr. WARNER. The Senator is correct. I was the focal point of many of those discussions. There was never any occasion on the minority side or the majority side to have the vote delayed, and no communication as far as this Senator knows from anyone down at the White House. I do not know how this issue has arisen, but in my judgment it is a nonissue in terms of what transpired here in the Senate.

Mr. WIRTH. I thank the distinguished ranking Republican member of the committee for his comments. I think we can set that issue aside and I hope that does not come up again.

Second, suggestions have been made about the truthfulness of the allegation concerning Senator Tower's consumption of alcohol. The suggestion was made that since Senators who have served here with Senator Tower had not stood up and said they had seen him overimbibing or having misjudged his capacity, or whatever, that this must not have occurred. References were also made to "Anyone who is the subject of rumor," as if all these allegations were rumor, and that "these are cowardly, secret and untrue allegations of alcohol abuse and undefined problem with alcohol, surprised to see this condemnation unburdened by fact."

Wait just a minute here. Let us just look at what Senator Tower himself has said. Senator Tower has said—and he said this on television Sunday—"I have admitted to excessive drinking in the 1970's."

So to suggest that there is no evidence, that all of this is rumor or cowardly in secret and so on is simply not the case.

Mr. McCAIN. Will the Senator yield?

Mr. WIRTH. Senator Tower has also suggested this.

The PRESIDING OFFICER. Will the Senator yield?

Mr. WIRTH. I will be happy to yield when I finish.

The remaining issue that we have to look at is not whether this existed but what the current behavior or interpretation of Senator Tower's behavior is. And it seems to me we should get that straight and on the record. We are not talking about rumor or cowardly and untrue allegations. The Senator himself, Senator Tower himself, says, "I have admitted to excessive drinking in the 1970's."

I am happy to yield to the distinguished Senator from Arizona.

Mr. McCAIN. I thank the Senator. I am sure that he is aware that there is a significant difference between heavy drinking or even excessive drinking and alcohol "abuse," which is what I intend to address when I have my time on the floor. It is one thing for someone to occasionally indulge in excessive drinking. Many, many people have. There is a great difference, however, between excessive drinking and the "abuse" of alcohol, which manifests itself in behavior patterns which impair one's ability to do one's work.

So let us not put anything to rest, I say to my friend from Colorado, that Senator Tower ever did anything because of excessive drinking came under the notice or attention of 70 Members of the Senate who served with him. Alcohol abuse, however, manifests itself in irrational behavior. None of that was exhibited by John Tower in his 24 years as a Member of the U.S. Senate. So let us not put these allegations to rest, because nothing that John Tower ever did ever impaired or impeded his ability to serve for 24 years as a U.S. Senator, 4 years as chairman of the Senate Armed Services Committee, head of the Tower Commission and as an arms negotiator in Geneva.

I thank the Senator for yielding.

Mr. WIRTH. I thank the distinguished Senator. I look forward to the clear distinction made between excessive drinking and alcohol abuse. I am sure there is a distinction. I am not trying to make that distinction in my remarks. I am only trying to suggest that those who say there is no evidence at all of excessive drinking by Senator Tower simply have not read Senator Tower's own statement.

Third, the subject of womanizing has been brought up today, as well. I think it is important to again point out what the record says.

It is absolutely untrue that there was "dancing on the piano." That did come to the committee by some source. We sent it to the FBI for them to review. It was proved to be untrue. We never suggested there was anything in that. Where that all got out in the public, I do not know.

The Geneva involvement with an East-bloc woman, that also proved to be absolutely untrue. In fact, when the media was going to run with that story, they were warned off of that by the committee. The committee said to them, when they called up and said, "What about this?" we said "It is not true. Don't go with that story. There is nothing to it. Don't run it." And everybody ran it that night. It is very unfortunate, but that is the case. That is the kind of thing, I suppose, that perhaps sells soap or whatever on the evening news, but it certainly was not fair, not correct, not accurate, and certainly not fair to former Senator Tower.

But, on this subject, do not let it be said that there is nothing to substantiate any charges in terms of this sort of personal behavior. There are clearly in the record troubling examples specifically identified by specifically identified individuals as to Senator Tower's own behavior in this area.

Now, we all have to make a judgment as to how serious that is. My purpose here is not to pass that judgment, but rather to say that the committee clearly understands there were a number of allegations that were absolutely untrue, false, off the wall in every way. But the FBI record and the

committee record also contained a variety of very specific examples.

I thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. Let me follow up the remarks of the Senator from Colorado about the issue of Senator Tower's use of alcohol. The way this issue is being handled is very unpleasant and it really grows worrisome. The FBI report is filled with allegations, many of which have been in the media. The fact is that there is no substance to those allegations. Every time such an allegation has surfaced in the media and been tracked down, if it has not been made by some unnamed person who cannot be traced, we have found that it is false.

Anonymous accusations cannot be refuted, but they also have no credibility. I do not know how in the world you deprive someone of the ability to confront their accuser, which is a basic American right, or how you can even begin to provide them with that capability if you do not even know who the accuser is. And, as we all know who have read these FBI reports, there are many of them that are designated as T-2, or T-13 or T something else. There are so many that it is really a distasteful thing to read what is basically gossip and innuendo.

It should also be of some interest to my friend from Colorado, and to the Members of the Senate, that all the allegations that have been ventilated in the media, and can be traced to specific people and events, have all been found to be false. Is that not an interesting coincidence, that the stories about Geneva, once investigated, turned out to be false; that the stories about the sergeant in Texas turned out to be false; and that all the other such stories that have been printed in the media have all turned out to be false?

In the estimate of my friend from Colorado, however, there are new standards in determining guilt or innocence. The issue is no longer the accuracy of such charges. If there are a sufficient number of cartridges strewn around, then that is sufficient evidence to determine one's guilt. Further, the charges that are credible and believable are the ones in the report that somehow have not been made public.

As to making the report public, the White House faces exactly the same problem that the committee does. My friend from Virginia remembers very well a couple of discussions that were held in the committee about an attempt to sanitize the FBI report so that it could be made open to the American public. I proudly admit that I was one of the first that said that the kind of craziness in the report should be exposed to the American people. The people have to see the kind of accusations that are in this report and what is being done to this person. This request was considered by the chairman and ranking member of the committee, who finally said it is impossible to sanitize this report.

That is the same problem the White House faces today: We cannot seem to find a way to provide this report to the American people without implicating individuals who have made the allegations in it under the cloak of anonymity and with the guarantee of anonymity.

I hope we can sanitize the report. I hope we can bring it out, because there is no doubt in my mind that if the American people ever saw what was being done they would find these charges both bizarre and patently unfair.

Mr. President, I am not going to talk today for a long period of time. I see my friend from Alaska is here. In fact, I would be glad to yield to him for a few minutes.

Mr. STEVENS. Mr. President, I do have just some brief remarks. If the Senator would allow me to do that, I will be happy to keep them brief.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, I ask unanimous consent that I may yield to my friend from Alaska without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I do thank my friend. I made some comments last week. Several people made the same remark to me that my good friend and colleague from Vermont just made, and that is, why do I not smile a little bit while I am out here on the floor on this subject.

I am reminded that an old Alaskan friend of mine says, "Show me someone that smiles when everything appears to be wrong and I'll show you an idiot."

I am not an idiot, and things appear to be going wrong for my friend. That is why I am back out here again today, and I will be back out here again tomorrow trying to ask the Senate to come to its senses.

Along that line, Mr. President, I would like to have the privilege of offering a resolution. It is probably not totally in order in executive session, but I ask unanimous consent that I be permitted to submit it and have it printed in the RECORD at a place in the RECORD where we are not in executive session.

Mr. WIRTH. Reserving the right to object. May we have a sense of what is in the resolution?

Mr. STEVENS. I will be happy to read it, as a matter of fact. It reads:

To provide procedural due process to individuals nominated by the President to be the principal officer of an Executive Department during consideration of such nominee by committees of the Senate.

Resolved, That paragraph 1 of rule XXXI of the Standing Rules of the Senate is amended by—

(1) inserting "(a)" after "1."; and

(2) adding at the end thereof the following:

"(b) Any individual nominated by the President to be the principal officer of an Executive Department shall be entitled to the following procedural due process rights during the consideration of such nominee by a committee:

"(1) All witnesses before the committee shall be sworn and subject to cross examination by the nominee or counsel for the nominee.

"(2) The nominee may call before the committee and examine (through counsel if the nominee requests) any witness presenting evidence relevant to the nomination.

"(3) The committee may not consider or make part of the record any evidence based upon nonattributed hearsay or information received from any unidentified or unavailable witness.

"(4) Notwithstanding paragraph 5(b) of rule XXVI, all meetings of the committee shall be open unless matters to be discussed or testimony to be taken at a meeting will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.".

The PRESIDING OFFICER. Without objection——

Mr. WIRTH. Further reserving the right to object, the Senator from Alaska is only submitting it at this point?

Mr. STEVENS. That is correct. It will be referred to the Rules Committee where I am the ranking member and I think we will get some consideration.

Mr. WIRTH. I wanted to make sure there is no immediate action going on. I have no objection.

The PRESIDING OFFICER. Without objection, the resolution will be received and appropriately referred.

Mr. STEVENS. Mr. President, I was delighted to wake up this morning and find that I am in agreement with a comment made in the Washington Post. That does give me pause for a smile because that is not often. And I do appreciate it when I can find myself in agreement with the Post, because I think it is a great newspaper, of the greatest capital in the world. It is nice to find this comment and I would ask the whole editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1989]

THE TOWER DEBATE

Just a few days into the Senate debate on the fitness of John Tower to be secretary of defense—never mind that it already seems like a few years—a couple of things have emerged and some that were already known

need restating. Of those that need restating, the first is that Senate Armed Services Committee Chairman Sam Nunn is an honorable and serious man who, in opposing the confirmation of former senator Tower, is acting out of conviction and deserves to be listened to with respect. He well understands the second of the truths that need restating—namely, that there is at least a heavy presumption that a president is entitled to the assistance of the Cabinet members of his choice, unless members of the Senate find truly disqualifying, as distinct from merely disagreeable or politically unsympathetic, behavior on the nominee's part.

Sen. Nunn believes that evidence of such disqualifying behavior has in fact been found, and most, perhaps all, of the Senate's Democrats seem prepared to support him in that finding. The trouble is that they have been unable to make that case except on the basis of 1) untested and unpublished allegations, which defenders of Mr. Tower who are privy to the same information challenge, and 2) an appraisal of Mr. Tower by standards that have not been invoked before. If the Senate is to reject Mr. Tower, it *must* do so on the basis of more solid information and more persuasive logic than it has presented to date. So far the case for rejection has not been made.

There are, of course, some procedural impediments to making it. Sen. Nunn has properly argued against the indiscriminate release of the kind of raw, unsworn and incompletely examined material that is the stuff of the FBI file in question. But where that leaves the rest of us is in the uncomfortable, in fact untenable, position of having to make our own assessment on the basis of which of the serious and generally trustworthy people on both sides of the argument to believe. They all go into fabled room 407 and either study or skim the charges of Mr. Tower's drinking and debauchery and then emerge to give us their assessments. But the public can elicit from them only the most rudimentary, is-it-bigger-than-a-breadbox understanding of the size and shape of the problem.

We have said before in this space that the possibility of a drink-impaired defense secretary is grounds for Senate rejection—no two ways about it, and we don't care what Abe Lincoln once said about General Grant or how many gallons of brandy Winston Churchill is reputed to have downed in a day. It does not shake us in that conviction either to note the absolutely awesome hypocrisy of many of the senators following Sam Nunn's lead, some who themselves have indulged the same appetites and habits that are at issue in the Tower nomination, and some who, while professing themselves unwilling to confirm a defense secretary with a history of heavy drinking, given his nuclear responsibilities, have worked arduously in the not-so-distant past for presidential candidates known to have this very disability.

So to us the alcohol charge is central. But an FBI file, no matter what its usual standing in preliminary White House choices of nominees, is not the right basis for making this decision, especially when straightforward and reliable members of the Senate disagree on its contents and implications. And this is all the more true when, by their own account, members of the Senate set such great store by the FBI file, invoking it as the source of their change of mind about Mr. Tower, whom they knew for years, approved for the arms negotiator job he not long ago held and apparently also for the defense secretary post until they came upon this material.

It is also true, as Mr. Tower's defenders argue, that many credible people in public life who have worked with Mr. Tower are willing to testify that they have not encountered the misconduct with which he is charged, while practically no one with a name is willing to come forward on the other side, despite the full, rich fare of anecdotes that is served up daily in this city by people who claim to know but who won't take public responsibility for the lore they privately share. We understand Mr. Nunn's explanation of why it was so difficult to try to work out a "sanitized" version of the FBI file and accept his account of steps taken to enable Mr. Tower more directly to confront the evidence against him on both "womanizing" and excessive drinking. But we do not think the possibilities have been exhausted for devising some technique by which those who have been making the charges are made also to take responsibility for them, to come out in the open with their evidence so that it can be inspected and weighed by the public and defended against by Mr. Tower. You don't have to love Mr. Tower to believe that truly important values are at stake here.

One of these values is fairness, and here we come to the other large question, that of Mr. Tower's conduct in selling his insight and information to private defense contractors so immediately upon leaving his job as arms control negotiator in Geneva. We think it was rotten, undignified behavior. We also think it was just about par for the course in these matters. The hypocrisy on this question in fact rises to tidal-wave levels. Comparable things are done all across the board all the time in government, including by those who have just lost or given up a seat in Congress. Mr. Tower has not been accused of compromising classified information. If he had been shown to have done this, the answer would be easy. But rather he is charged with behavior that Congress has condoned in its own and on the part of nominees to the executive branch that it likes. Is there a new rule? Is it fixed? How should it affect other nominees now in line for confirmation in administration jobs? Will it be supported when some who are liked on the Hill but who have similary history come before the Senate?

Sam Nunn has expressly publicly his own discomfort with some of the limitations of the confirmation process in this case. He must also be aware of the dangers inherent in it—the awful precedents established by such total reliance on the kind of material found in FBI files and even appearing to adjust the criteria for confirmation of presidential appointees in an arbitrary or political fashion. This is not his style and it is not the style of many of those serious folks in the Senate who are opposing John Tower. They owe it not just to Mr. Tower but to their own reputation to find a way to make the proceedings fairer, the standards clearer and the case—if they can—more credible.

Mr. STEVENS. This is the comment.

If the Senate is to reject Mr. Tower it must do so—

And the word "must" was in italic—

it must do so on the basis of more solid information and more persuasive logic than it has been presented to date.

So far, the case for rejection has not been made.

Mr. President, I am wont to write little notes to myself. I am reminded that, in recent years Senator Nick Brady became the Secretary of Treasury; Senator Edmund Muskie became Secretary of State; Senator Richard Schweiker became Secretary of Health and Human Services; Senator William Saxbe became the Attorney General. There may be others but I just thought of those. And I thought of those times and I particularly remembered the nomination of Senator Muskie. So I called upon our very capable computer, which spewed out some facts about my good friend and former neighbor. He is a good friend. He was an excellent Secretary of State and I do not want anyone to misunderstand what I am saying.

I am just saying to the Senate we ought to think about the scenario and realize that, if the Senate does what I think it may do, this could never take place.

Senator Muskie was asked to replace Cyrus Vance, as he left the Secretary of State position in the Carter administration. That quickly drew the praise of Members of the Senate and I have the AP story of April 29, 1980. The then leader and my good friend, ROBERT BYRD of West Virginia, called Muskie a "rock of reason." He was "the right man for the right job at the right time."

The Republican leader at the time, our leader, said, "I think it is a great appointment and the President is to be congratulated," said Senate Republican leader Howard Baker.

But one of our colleagues, Senator ROTH, suggested that the Senate insist on using this confirmation process as a forum for a top-to-bottom review of American foreign policy because "the position is more important than the person."

We found it necessary to change the law so that Senator Muskie could be nominated for this job and within a matter of days, President Carter had signed into law a bill that cuts the salary of the Secretary of State, cut it, clearing the way for Senator Muskie to be formally nominated to the job. We all recall that was the case, to reduce the salary to its 1977 level because Senator Muskie voted on a pay raise.

Then there were predictions on May 7 that Senator Muskie would face close examination on foreign policy issues, admissions that he has little foreign policy experience. And, in a Reuters article, one of a whole series of 65 stories on that day concerning Senator Muskie, was this statement:

He has been one of the least active members of the Foreign Relations Committee. His Senate reputation was linked mainly to environmental issues and his work as chairman of the Budget Committee.

As a Senator, I was pleased to support Senator Muskie. He was called before the Senate Foreign Relations Committee on May 7. After 3 hours of hearings the committee recommended his confirmaiton by a vote of 12 to 1. And the same afternoon, the Senate voted his confirmation by a vote of 94 to 2.

I have no doubt that if John Tower had been nominated by President Reagan last fall while we were in session, following the resignation of a Secretary of Defense, a similar proposition would have taken place. A similar thing would have happened.

I do not know what has happened to the Senate since these days, a day of true bipartisanship. Members on both sides of the aisle witnessed to the fact that they knew Ed Muskie, without regard to whether he had foreign policy experience or not. He is a good man, he had served in the Senate well, and he made a good Secretary of State. We were right.

The precedent that is about to be set here is a precedent that will live with the Republic. It is a precedent that I think ought to be examined deeply before we establish it. And, Mr. President, I intend to be here on the floor again and again to make sure the Senate does examine it. I am not going to filibuster, and I am ready to vote whenever anyone says it is time to vote. But until that time I want the Senate to think.

For instance, John Tower was selected to be an arms control negotiator on January 18, 1985. He was nominated on February 25, 1985. He was confirmed by the Senate on February 28, 1985; 3 days later. This President knew that. This President knew that his colleagues, working with him in Geneva, overwhelmingly supported his efforts there. This President had 13 leading citizens of Washington, including at least 6 Senators on the majority side, tell the FBI, before he agreed to nominate John Tower, that John Tower was eminently qualified to serve as Secretary of Defense.

I hear statements out here on the floor that John Tower has had an alcohol problem. I have heard the phrase "alcohol abuse." As one that has worked in the area of alcohol and drug abuse because of some terrible statistics in my own State, I want to say to the Senate: Those are words of art. They connote someone who needs treatment. They connote someone who, his friends would tell him, "you have a problem."

Mr. President, there is nothing in this record at all to conclude that abuse exists. No friend of John Tower ever told him he had an alcohol problem. There is no record here that any medical person ever told him he had suffered from drug or alcohol abuse.

As a matter of fact, the FBI report is directly to the contrary. When inquired of, his doctor said, there is absolutely no evidence of any drug or alcohol abuse, as far as this man is concerned. Those of us who have been his friends for years have come forward as character witnesses to state to the Senate he has no alcohol problem. He has said himself that he drank a lot at times, but John Tower has never said he has had an alcohol problem.

I hope that some of us would start being specific if we are going to say John Tower has an alcohol problem. Where does that come from? I read the FBI report. That is not in the FBI report. That is not fair to my friend to tell the American public that John Tower has an alcohol problem.

As a matter of fact, as I told the Senate last week, he could not have an alcohol problem. He has lost a considerable portion of his colon and anyone is going to tell you he is not going to drink again very much in his life and live long. He is smart enough to know that.

I am indebted to my friend. I am not going to take forever.

One of the other things that came to my mind over the weekend was this. John Tower's record in Geneva as an arms negotiator for our country is outstanding. The other Ambassadors who were there with him attest to that fact.

I am looking for the letter written by Max Kampelman that appeared in one of the local papers. If I find it, I will ask it be printed in the RECORD tomorrow. I know it was a fact because I was there. I sat in John Tower's office one night fairly late and had a glass of wine with Ambassador Karpov. He has now been elevated in the Soviet Union and runs the arms control agency. The people who negotiated for the Soviet Union, Ambassadors Mastakoff, Habakoff, Karpov, were extraordinary people, and we had a group of extraordinary people at Geneva. The two countries succeeded in coming together with an historic agreement that we have ratified. It is the INF agreement, we all know.

My last point to the Senate is this: What is the reaction going to be in the Soviet Union. Here for the first time is the nominee to be Secretary of Defense who was a Member of our Senate for many years. He is known to be capable in the field of defense, went to Geneva at the request of the last President and led a groups seeking to reduce strategic weapons, to reduce the number in the inventory of both of the superpowers. He had been unanimously confirmed by the Senate and sent to Geneva. He returned victoriously with his colleagues with a good agreement.

And now this President has selected him to be the Secretary of Defense in a period of time that we are trying to tell the world we are willing to try and maintain our defense at least cost; we are willing to reduce strategic weapons; we want to have negotiations on reducing conventional weapons. And here is the one man who has had experience in the Senate and as a negotiator. Now, we are saying, that on the basis of events that took place before the time when he was confirmed unanimously by the Senate in 1985, he is disqualified from serving the United States as Secretary of Defense.

If people want to talk about fairness, let us talk about fairness in terms of when these charges came up. I was in the committee. I went upstairs Monday morning, 2 weeks ago, to read the FBI report. That same day in came an allegation. I think it was from Arizona. It told me this person was a man who had no ax to grind, none at all, and he had a statement concerning activities of Senator Tower that just had to be examined, had to be checked.

At great cost to the taxpayer, we checked and found they were false. They were false. Every time we are just about ready to consider John Tower, another group of rumors come in, and, as the Senator from Arizona says, every one of them has been false since that first time that the members of the committee say they are almost ready to vote and confirm him.

The question has to be asked, What has happened to the procedure of the U.S. Senate? Does anyone on the majority side think an Ed Muskie is going to be confirmed in 3 hours after being reported out of a committee with 3 hours' hearing by a majority of the same party that has the Presidency again? If John Tower is not confirmed, do you really think that? Do you think that we are not setting a precedent?

This will be the first time that we have done this except in the case of squabbles following the war between the States, which I think cannot be viewed as a precedent at all. I beg your pardon, the recent unpleasantness between the sovereign States. I stand corrected with the occupant of the chair and my colleagues standing both within striking distance.

Mr. President, the precedents of the Senate led this President to believe that his good friend, who he knows is qualified, could be confirmed by the Senate. He is President of the United States. He has the right, in my opinion, to the assistance of people who he trusts. We have the duty and obligation to give our advice and consent, and if we find that his nominee is not qualified for that office, we should turn him down.

Mr. President, I have seen no evidence in all of the evidence presented to this Senate that anybody could assert disqualifies this man to be Secretary of Defense. On the contrary, I state again that if you wanted to find a person to send word to the Soviets

that we are sincere about arms control, even to the point of putting in charge of our total defense establishment a man who negotiated with them for 2 years to reduce strategic weapons, that is a significant message to send to the Soviets.

John Tower, arms control negotiator, in the strategic area is going to run the Department of Defense. It is almost a scenario that you would pray for, and yet John Tower's friends have to come before you and pray that some of you will come to your senses.

I looked up also—I am not going to belabor it—the number of committees that John Tower had served on, the number of people who are here now who served with him, and I had a whole series of thoughts about what would happen if any of my friends on that side of the aisle were nominated by a Democratic President and some of my people on my side of the aisle would challenge them. I cannot think of the number of times I have traveled either to my State or to NATO or into the Far East or through the Iron Curtain countries with many Senators on that side of the aisle. I have gotten to know many of my Democratic colleagues to the point of being a character witness—having witnessed them and how they handled foreign people, how they dealt with staff, how they conducted themselves in difficult circumstances. Mr. President, my sadness as a Member of the Senate right now is that the people here who do not know John Tower are unwilling to accept as a character witness those of us who do know him. And even those who do know him on that side are unwilling to put aside partisanship, put aside impressions made on the basis of rumors or unsubstantiated statements of unidentified informants in the FBI report and listen to those of us who know John Tower.

I will speak again tomorrow on this, Mr. President. But, in my judgment, there can be no other answer than that John Tower is qualified, and if he does not become Secretary of Defense, it will be to the great sadness of this Senate in the long run.

The PRESIDING OFFICER. The Senator from Arizona still has the floor.

Mr. STEVENS. Will the Senator yield once more?

The PRESIDING OFFICER. Will the Senator yield?

Mr. STEVENS. I now have the Kampelman letter. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1989]

THE TOWER FIGHT: MAX KAMPELMAN REPLIES

A brief innocuous paragraph at the end of a story [Feb. 23], an abbreviated and distorted leak, and suddenly two fine ladies, hard-working government secretaries, have a cloud hanging over their head. John Tower's two secretaries, to the best of my knowledge, have served our country well. I know of no reason to question that judgment or their character.

Furthermore, without intending to influence or intrude on the prerogatives of the Senate, I will add that I have never seen John Tower intoxicated, out of control or behave in an ungentlemanly manner. We worked closely together in Geneva for 14 months, during which he was at all times a professional in the best sense of that word and a negotiator of skill and sensitivity.

During the past four years of the Nuclear and Space Arms Talks in Geneva, more than 100 Americans have served their country, under my direction, with zeal, dedication, competence and patriotism. The American people, Congress and the press should not permit rumors and innuendo to distort the extraordinarily fine service performed by these men and women. I am proud of them, and so should we all be proud of them.

MAX M. KAMPELMAN.

WASHINGTON.

(The writer has served as chief of the U.S. delegation to the Nuclear and Space Arms Talks in Geneva.)

Mr. McCAIN. Mr. President, my friend from Alabama has been very patient. I understand he has a relatively short statement to make.

Mr. President, I ask unanimous consent to yield to him without yielding my right to the floor.

The PRESIDING OFFICER. Without objection, the floor is yielded for the purpose of the statement of the Senator from Alabama.

Mr. HEFLIN. I thank my distinguished friend from Arizona for yielding time. We all have time problems, and my statement is short.

Mr. President, I wish I had been able to enjoy the privilege of reading the FBI reports at one or two sittings, but other duties have required that my review of these reports occur over a number of days. Today I finished that task. I also have spent considerable time talking with and listening to members of the Armed Services Committee, reading and rereading the committee report, reading commentaries, and listening to the debates on the confirmation of former Senator John Tower to be Secretary of Defense.

I do not believe I have heard anyone question his qualifications for the position of Secretary of Defense. Universally, it has been proclaimed that he is qualified from the standpoint of experience, knowledge, and intelligence to be an outstanding head of our Defense Department.

This is not like a judicial appointment. Judicial nominees are with us for life and serve in a coequal branch of Government. Cabinet members are usually with us during the term of the President or for a period of time which the President determines, and serve in his branch of Government. We hold the President accountable for the conduct of the members of his Cabinet. It is the President's Cabinet, not Congress' Cabinet.

However, the position of Secretary of Defense is different from other Cabinet positions because the security of this Nation rests on his shoulders more so than any other Cabinet member.

In reviewing all of the charges, I have concluded that his conduct in many areas is not applaudable and not without justifiable criticisms, but, on the other hand, not disqualifying. Because of the sensitivity of the position as Chief Deputy Commander in Chief of the Armed Services of the United States, I do have concerns about whether such a position should be entrusted to a person who has a drinking problem.

I have served in the U.S. Senate with John Tower for 6 years. If he had a drinking problem during the period of 1979–84, I did not know it. I never saw him under the influence of alcoholic beverages; and, frankly, do not remember ever hearing any gossip that he had such a problem. Service in the U.S. Senate is extremely stressful. Long hours, sometimes all night sessions, periods of elation and periods of depression—moments of victory and moments of defeat. Such stressful life is conducive to drinking, and overindulgence. While he, like all of us, has faults, I never heard that John Tower had a drinking problem or never saw anything to give me concern during the time I served with him in the Senate. I might say in passing that my observation convinces me that the vast majority—and I mean almost unanimously—of the Members of the Senate do not have a drinking problem.

I have reviewed the FBI reports very carefully. Such reports are not conclusive as to whether he had a drinking problem in the 1980's that impaired his judgment on issues in his official governmental capacities. Reasonable people can read the reports and come to different views as to the correctness of the charges. Even if convinced that he exhibited a drinking problem on occasions, reasonable persons can differ on the effect that it might have had on his duties or the potential that it might have on his responsibilities as Secretary of Defense.

He has made a pledge that he will not drink any alcoholic beverage of any kind during his tenure as Secretary of Defense, if confirmed. He said that if he breaks that pledge he will immediately resign. Should the Senate accept such a pledge? Some say his past conduct is such that his pledge should not be accepted. But on the other hand, he says his pledge is tantamount to his oath to defend and support the Constitution of the United States.

I believe the issue comes down to two questions. First, if he were to

break his pledge, are there safeguards which would protect the United States of America against abuses that could occur relative to the security of this Nation? And, second, should the Senate rely on his pledge?

The primary safeguard against abuse or the breaking of his pledge is the President himself. I don't believe President George Bush would allow a person to serve as Secretary of Defense whose conduct was a danger to national security. Further, I do not believe that President Bush would allow John Tower to continue to serve as his Chief Deputy Commander in Chief of the Armed Services of the United States if he broke his pledge. What individuals stand to lose the most if John Tower breaks the pledge? Obviously, it is the President and John Tower.

I do not believe a President, whether he be a Democrat or Republican or whether he be Lyndon Johnson, Jimmy Carter, Ronald Reagan, or George Bush, would have allowed or will allow a Secretary of Defense to serve or to continue to serve in that capacity if he had or has a drinking problem or broke or breaks such a pledge to the American people.

There are other safeguards. John Tower, if confirmed, will live in a glass bowl. No one will be more closely watched in the future. He will be watched by everyone. Congressional oversight hearings will serve as watchdogs. But the most persistent watchdog will be America's media.

Because of my personal observations, his background, qualifications and intelligence, the uncertain state of the evidence, his pledge and the safegards, I am willing to rely on his pledge and give him a chance to prove himself. Giving one a chance to prove himself or herself is one of the great redeeming values of the American way of life.

I will vote for confirmation.

I have no greater respect for any one in the U.S. Senate than the distinguished Senator from Georgia, SAM NUNN. His nonpartisan approach to our national security, in my judgment, is one of the primary and major reasons America is strong today, one of the major reasons that the tensions between the United States and Russia have eased considerably, and one of the major reasons that we have been successful in negotiating reasonable, verifiable, and fair arms reduction agreements. He approached this nomination with an open mind and continued his nonpartisan approach throughout, and I compliment Senator JOHN WARNER for cooperating with him and likewise taking a nonpartisan approach and carrying out that nonpartisan approach throughout the entire nomination process.

I rely on Senator NUNN's leadership relative to our armed services. I agree with him that the position of Secretary of Defense is an extremely sensitive one, and one that requires sobriety 24 hours a day. I only part company with him in evaluating the individual, in evaluating his pledge, and in evaluating certain safeguards. It could be that my observations and his may have been different but nevertheless Senator SAM NUNN is to be greatly commended along with Senator JOHN WARNER and others for the way that they have fairly and judiciously conducted the confirmation hearings and, have conducted themselves during and throughout this entire debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

In behalf of many people who favor the confirmation of Senator Tower, I extend our deep appreciation to the Senator from Alabama for what is obviously a very courageous move in announcing his intention to support the nomination of John Tower to be Secretary of Defense.

I think it is appropriate, Mr. President, that we discuss in some detail an allegation made in a statement made at the time of the vote last Thursday night during the debate on the confirmation by the Senate Armed Services Committee of John Tower's nomination to be Secretary of Defense. That was an allegation, Mr. President, that Senator Tower was not qualified to serve in the military in a position of responsibility, whether as commander of a SAC wing or a nuclear submarine, wing commander, or various other sensitive positions of command, because of his lack of reliability due to alcohol abuse.

First of all, Mr. President, I think it is important to understand that the Department of Defense directive concerning the Personnel Reliability Program. For those who are not familiar with the military, I would like to provide some background. The Personnel Reliability Program was a program instituted to make sure that men and women in the armed services have the prerequisite standards of conduct in order to serve in positions of responsibility, whether that be in handling of a nuclear weapon on the flight deck of an aircraft carrier or at an air base, or any other such position of command.

This program was instituted a number of years ago, and I think it is a good program. It is one that has allowed us to compile a very outstanding record in selecting the men and women that we have put in positions of responsibility. The Department of Defense directive I refer to is the one which is adhered to when selecting people to these positions, and sets forth certain criteria which are part and parcel of the Personnel Reliability Program.

As was pointed out by the distinguished chairman of the committee, and the Senator from Nebraska, and my friend the Senator from Ohio, Senator GLENN, the first item mentioned for disqualification under this program is that of alcohol abuse. I think that is logical, I think we would not want anyone in positions of responsibility who abused alcohol.

I want to point out to my friend from Colorado, however, that John Tower has never said that he abused alcohol. I also hope that the chairman of the Armed Services Committee would not again construe Senator Tower's remarks about heavy drinking and interpret them as an admission that John Tower ever abused alcohol, because he did not. There is no record of such abuse. It is unfair to the candidate, the nominee, to accuse him of such abuse, and it's particularly unfair to say that he has made such an admission.

The important thing here, Mr. President, is to understand what the military uses as their criteria to define alcohol abuse. Everybody may have their own definition clearly of alcohol abuse. Some, according to my friend from Colorado, find mere charges to be enough. Others may accept unproved statements which are relatively vague in nature.

Clearly the military cannot operate using such unfair standards. The military has to have a viable definition and it describes alcohol abuse as follows:

> Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships.

Mr. President, I want to repeat this point. The definition of alcohol abuse used by the military—and remember, three members of the Senate Armed Services Committee said that John Tower was guilty of such abuse—is:

> Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships.

Mr. President, there is no record of any action or activity, or of anything that John Tower has ever done which fits into this description of alcohol abuse.

Mr. President, has John Tower ever been guilty of any misconduct? Not that I know of. There is no misconduct that has been brought before the public record. There has been vague discussion as to what is in the FBI file, as we all know. Unacceptable social behavior? If John Tower had indulged in some unacceptable social behavior, I think it would have been brought to the attention of the American people

and the media. Has his work performance been impaired? Not when people like the distinguished chairman of the Armed Services Committee said—and this is a quote from a statement by Senator NUNN, the chairman of the Senate Armed Services Committee at the time John Tower left the Senate:

He will leave his own legend. John Tower is recognized as one of the most knowledgeable, articulate and effective leaders for a strong national defense that has ever served in the U.S. Senate. John Tower has never lost site of the fact that our men and women in uniform are our most important national security asset. During the Vietnam War John Tower made nine trips to Southeast Asia to visit the troops and review conditions firsthand, more than any other Senator. All of us can attest to his skill, his leadership, and his success in guiding a strong defense program. Senator Tower's success on national security issues can in part be attributed to his remarkable understanding of foreign policy. Not only does he know the issues—he also knows well the foreign officials who know them. This combination has been a tremendous asset to the work of this committee and the Senate as a whole.

Mr. President, that statement was made by Senator SAM NUNN. If John Tower had been irresponsibly using an alcoholic beverage that caused misconduct or unacceptable social behavior, or impaired his work performance, physical or mental health, or financial responsibility, or personal relationships, could the chairman of the committee, SAM NUNN, have made a comment like that? I do not believe so, or we would have to question, very frankly, the credibility of the person who would make such a statement about Senator Tower.

Mr. President, the reliability standards that are used in determining people for positions of responsibility, whether they be in the use of nuclear weapons or command of submarines, are:

Qualifying physical competence, mental alertness, and technical proficiency, commensurate with job or duty requirements, evidence of dependability in accepting responsibilities, and effectively performing in an approved manner, flexibility in adjusting to changes in working environment, evidence of good social adjustment and emotional stability, and ability to exercise sound judgment in emergency situations, positive attitude toward nuclear weapons duty, including the personal reliability program.

Mr. President, it appears to me that for 24 years, as a U.S. Senator, John Tower met all those criteria. In fact, his physical competence, mental alertness, technical proficiency as has been attested to in a statement by the current chairman of the Senate Armed Services Committee.

"Dependability in accepting responsibilities and effectively performing in an approved manner, flexibility in adjusting to changes in working environment." Mr. President, John Tower showed his flexibility when he was asked to head the Tower Commission and investigate the terrible trauma that afflicted this Nation called Iran-Contra. He showed his flexibility and capability when he served 2 years as a U.S. arms negotiator in Geneva.

Mr. President, what is it that since 1984 has brought not the distinguished chairman of the Senate Armed Service Committee and also many other Members to change their perception as to whether John Tower is indeed qualified to serve in command of one of these organizations. Senator BINGAMAN, my friend from the neighboring State of New Mexico, said in 1984 that John Tower was an excellent chairman to initiate a freshman. "John Tower exhibited those qualities of toughness and fairness, tenacity and conciliation, determination and resolve, that have made my hours at the committee table lessons in management."

Mr. President, how in the world does this jibe with his present criticism? Does this praise, in any way, coincide with the present charges that somehow a man was abusing alcohol? How could John Tower have carried out his duties in the fashion which was so widely praised such a short time ago, and failed to meet the criteria for command in ways that escaped their attention?

My colleague from Arizona, Senator DECONCINI, also praised John Tower. He has stated that "he has maintained a loyal, hard-working, responsible demeanor throughout his terms. John Tower's knowledge and understanding of military preparedness is unsurpassed. John Tower is an American patriot."

In contrast, Mr. President, on page 11 of the report of the Senate Armed Services Committee, considering the Honorable John G. Tower to be Secretary of Defense, the majority goes on to say, with regard to the selection for an assignment to command positions, senior military commanders indicated there is no tolerance for alcohol abuse. Mr. President, I would like to hear from the majority what military commanders were consulted? Under what circumstances were they given access to the FBI file? What set of facts were they operating on when they gave that opinion to the majority of the Senate Armed Services Committee? I hope we will have an answer to that before we cast a vote on this issue, since I think you will find that if you ask most senior military officials, both active and retired, they are incredulous and outraged at the allegations against John Tower. They worked with John Tower for years and years.

I recommend to my friend from Colorado, that there are many, many retired senior Air Force officers living in Colorado Springs and other areas, that he could consult. They are people who knew John Tower in their service in the military. I think he will get an answer that may surprise him, if he has not talked to them, because of the high esteem and regard in which Senator Tower is held by senior military officers, and by those who actually held positions of great command and responsibility. He should learn how they feel this process has affected a man who they admire and respect.

Mr. President, I will be talking at length about this issue of fitness for command before we take a vote. I think it is of the utmost importance that we establish a clear record of what is being done to a good and decent man by this incredible process of allegations, and indeed, what is being done in the way of standards to be set for future nominees and to the traditional relationship between the executive and legislative branches.

In summary, Mr. President, I should like to say that the allegation that John Tower, because of alcohol abuse, is unqualified to serve as a SAC wing commander, as a commander of a Trident submarine, or other conditions of responsibility are patently and absolutely false according to the definition used by the military for alcohol abuse. In no way is there a scintilla of evidence that indicates that John Tower is guilty of alcohol abuse, according to the criteria set up by the military in their personnel reliability program. He may be guilty of alcohol abuse in the eyes of certain individual Senators, and they are entitled to that opinion, and to make their judgments on that opinion in voting on his nomination. But to say that, according to military standards, John Tower is not qualified to command, is absolutely and patently false, and I hope that this will clear up the record. I hope never again on the floor of the Senate will we hear false allegations concerning the qualifications of John Tower or anyone else, using a statement or the two words, "alcohol abuse" when they apply to the standards set by the military, as a criterion for service as Secretary of Defense or any other position.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Virginia.

Mr. WARNER. Mr. President, I came to the U.S. Senate 10 years ago, plus a few months or so, and one of my classmates was the distinguished Senator from Alabama, Senator HEFLIN. Those of us who have had the opportunity to be with him throughout this decade and those who have joined in that period of time cannot help to stand in awe of this giant of a man. He is, indeed, a free spirit, an independent thinker, loyal to his party—and we recognize that—and a great supporter of the institution of the Presidency.

If you enjoy a joke now and then, I guarantee that those of us who share a little behind-the-scenes visitation

with the former chief justice of the Alabama Supreme Court will remember the stories always. He also served in the Marine Corps in World War II with great distinction, decorated, a company commander, and he saw a good deal of action in the Pacific. He never talks about it. He is a man of enormous humility. I cannot help but think that his remarks will stand out as a jewel amidst this debate, not just because he is going to cast his vote for John Tower, but also, as we listened, his thoughts were carefully reasoned, predicated on a bedrock of tradition and precedent. Therefore, I think the whole Senate salutes him for his contribution to this debate.

I certainly know I do, and I thank him for his remarks on behalf of the distinguished chairman of the Armed Services Committee, Mr. NUNN, who incidentally is trapped midst foul weather, and myself as the ranking member. We both appreciate his insightfulness and thoughtful comments with respect to the matter in which we labor to produce this record for the Senate in a bipartisan way.

Mr. President, it is my understanding that the leadership have indicated that the Senate should consider closing the day now because of the weather and the need for persons who have to travel a long distance to get home safely to their families and loved ones.

So I yield to my distinguished colleague here from Colorado to take the initiative.

Mr. WIRTH. I thank the distinguished Senator from Virginia.

We are at this moment awaiting the majority leader to come to the floor.

I thank the distinguished Senator for his very kind remarks about the whole debate and the temper with which he has done this. As issues of fact have come up, the Senator from Virginia has been more than willing to jump in and say "Wait a minute, that is not the way it was. This is the way it happened."

I think that that kind of forthcoming factual record and his personal intervention has been very, very good for us all.

We have all, as you all know, the potential here of ending up on some very dangerous shores and maybe foundering on some heavy rocks over the next few days.

I think that the approach taken by the distinguished Senator from Virginia has been extraordinarily helpful on the floor as it was during the committee, and I just wanted to say that in this moment of commendation. I agree with him about the record of Senator HEFLIN, but I just wanted to add my own comments about the way that the Senator from Virginia has handled this which has certainly generated support from me and many others on our side.

We thank the Senator very much.

Mr. WARNER. Mr. President, I thank my good friend from Colorado. We enjoy a strong and warm friendship, and we serve together on the Armed Services Committee which committee has to pick up the work the day after this debate is over and go right forward as we have in the past. Once again I think we will garner the reputation as the most nonpartisan committee in the U.S. Senate. I hope that will be the case because that is in the best interest of our foreign policy and our national security policy, and, we, the members of that committee, work hard to achieve that.

I thank my friend.

Mr. WIRTH. I thank the Senator from Virginia.

Mr. WARNER. Mr. President, I see our colleague from the State of Washington is here. We are awaiting the arrival of the majority leader.

Mr. WIRTH. If I have the floor, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this Senator has just had the pleasure of watching and listening to the remarks of the distinguished Senator from Alabama, Mr. HEFLIN. As befits someone who is a part of high drama, the Senator from Alabama left us somewhat uncertain of his conclusion through most of the remarks which he made before he shared with us his decision to vote in favor of this nomination.

Those remarks, of course, are an important part of this debate.

They are perhaps the most important single set of remarks since the debate on this nomination began.

I wanted to take this opportunity to express both my admiration and my thanks to that distinguished Senator for the courage, the thoughtfulness, and the wisdom of his comments on this nomination.

When I addressed myself to the Tower nomination last Thursday, I pleaded with my colleagues on the majority side to consider as carefully as they possibly could the consequences for the President, for Mr. Tower himself, and for this institution, of a strictly partisan vote to reject for the first time in the history of the Republic a nomination to a Cabinet position by a President who is just taking office.

I spoke, as have a number of other Members here on the floor, of the flawed nature of some of the process and of the evidence on which a number of Members were making their decision.

Since the opening of that debate, a number of commentators on matters political in the United States, some conservative, some moderate, and some liberal, have joined in questioning the grounds upon which this nomination might possibly be rejected. Many of those comments have centered on the justice or more precisely the injustice of making judgments of this importance, first on the basis of unsubstantiated and uncross-examined testimony by persons, many of whom are anonymous and few, if any, of whom could have their allegations checked out, as well as the twin disqualifications brought up by others, which amount to after-the-fact judgments on the conduct of the nominee after he ceased his Government service, even though none of that conduct has been asserted by any Member or anyone else to the best of my knowledge to have violated any law, or regulation, or rule of the Senate.

To have the distinguished Senator from Alabama join in those remarks, to have his judgment of what he found in the FBI report to confirm what a number of us have said but from the other side of the aisle is particularly important in the course of this debate. It is important partly, of course, because the Senator from Alabama is reluctant and rightly reluctant to dispute the judgment, even when it is narrowly focused, with respect to this nominee, with the very distinguished chairman of the Committee on Armed Services. It is perhaps even more important because of the background of the Senator from Alabama, as a justice of the Supreme Court of the State of Alabama, perhaps as the former chief justice of that court, though I do not remember his biography well enough to be certain of that characterization. This simply indicates to a greater extent than is true with many of us. He comes from a long career of attempting to deal justly with individuals as well as with ideas.

His remarks on the separation of powers and the fact that a President of the United States in choosing a member of his Cabinet, even so important a member of his Cabinet, is making a choice which is quite different from that which he makes when he picks a Justice of, let us say, the Supreme Court of the United States, a position which is held for life, which go to the center of this debate.

As he did his remarks not only on the background of the nominee, but on the consequences of the nominee's failure to live up to his pledges, the Senator from Alabama is correct, of course, in saying that the failure on the part of Mr. Tower to live up to those pledges would reflect discreditably not only on him but on the President who nominated him.

The risk, therefore, in confirming Senator Tower lies disproportionately on the President, on the administration, and on Mr. Tower himself. That is a risk which the President is not only willing to take, but it is one which he welcomes. He has stuck consistently with his nomination through-

out the course of this debate. He has not backed away from it in any respect whatsoever.

This nomination is one of the three most important to the President with repect to our foreign policy and to our national security.

It is, therefore, particularly important that we have the support of an individual so respected by his judicious nature, for his careful evaluation of the evidence, and for his respect for constitutional principles.

I fervently hope, Mr. President, that he will soon be joined by other members on the majority side of the aisle. I hope that we may be able to conclude this debate during the course of this week and that the President's Cabinet can go forward so that decisions with respect to the national security can go forward and no longer stand in limbo.

Mr. President, I continue to believe that this is not only an acceptable nomination, an acceptable candidate, but a particularly outstanding one, a man whose background in this body and working on behalf of the last President has been distinguished and thoughtful and has given him a peculiar command over the issues with which the Department of Defense will be faced in the course of the next several years.

I believe that even his background, short as it is, in the private sector, will have given him an insight in the defense contracting community which will serve him, the Department of Defense and the United States in good stead; that going into that position with the knowledge that the nominee has within it and with the strength of character he has shown in the past is more likely to give us a Department of Defense which can deal with the new and peculiar problems of the budget for defense, that this nominee can carry out those difficulties perhaps better than anyone else who might be substituted for him.

For that reason, Mr. President, I once again wish to thank the distinguished Senator from Alabama and all others who have been willing to support this nominee even when some of the press particularly, and some public opinion has seemed to be against him.

This debate at least is beginning to take on the lineaments of a debate in the finest tradition of the Senate. I hope that it is able to end this week with the confirmation of this nominee.

Mr. PRYOR. Mr. President, this afternoon I heard one of the most respected and admired Members of the U.S. Senate, Senator HOWELL HEFLIN, of Alabama, in his very eloquent and very persuasive statement regarding the nomination of John Tower to become the Secretary of Defense.

I would like say, Mr. President, that there is no man in the Senate that I admire more than HOWELL HEFLIN. We came to this body exactly one decade ago together. He is someone whose judgment I know is held in great esteem in this body by colleagues on both sides of the aisle.

But, Mr. President, if I might, in all due respect to my colleague from Alabama, draw to the attention of our colleagues that the issues that, as we call him, "The Judge"—that Judge HEFLIN, Senator HEFLIN discussed were basically issues in one subject area. And that subject area which Senator HEFLIN so eloquently addressed involved the issues of personal life alleged to have been associated with the present nominee for the Department of Defense Secretary, Senator John Tower.

Let me say, Mr. President—and I can concur with Judge HEFLIN on this—after 6 years of serving with John Tower, I have never seen him out of control. In fact, Mr. President, I have never known him to be, in my personal dealings with John Tower as a Senator and as a private citizen, anything but a gentleman. I think he has this country's interests at heart. I believe John Tower has many, many qualifications that might qualify him to be the Secretary of Defense.

But my argument this afternoon, Mr. President, does not deal with the personal life of John Tower. In fact, I am one of those few Senators who has not gone to the fourth floor of this Capitol. I have not reviewed the FBI files. I have not inquired of my colleagues or anyone else in my realm of association as to the personal life, rumors or innuendos or stories about John Tower. Even though there are some in this body who find that issue, that of his personal life, to be the most relevant of concerns, Mr. President, to me that is not the most relevant of concerns when we consider this nomination for the Secretary of the Department of Defense.

I believe, too, as Judge HEFLIN believes, that were he to be confirmed as Secretary of Defense, Senator Tower would keep and honor the particular pledge that he took Sunday 1 week ago.

But, Mr. President, I would like to address another issue for a few moments—an issue that has been discussed for days in this Chamber. The issues that I think needs a little further illumination is whether or not the President should have his man.

Mr. President, this is not an easy question. When we have questions that are not easy and, more importantly, questions that are troublesome in this body, generally we go back to the foundation of what this system is all about. That foundation, of course, is written in the Constitution by the framers.

If we go to article II, Mr. President, section 3 of that great document, we see very clearly that the Senate and the Senators are involved not only in the nomination process but also in the advise and consent process. And in my reading of article II, section 3, there is not even the slightest hint, Mr. President, that we have to find a reason, be it good or be it bad, to support or to oppose a nominee from the executive.

In fact, the Founding Fathers who wrote this particular article and section evidently anticipated a day, much like today, when we would be faced with making difficult choices regarding such a very, very important issue. Mr. President, I would humbly submit that there is nothing, absolutely nothing, in this Constitution that requires us to use any particular value judgment system in coming to a conclusion. Our people of the 50 States elected us, gave to us that unique and awesome responsibility to make tough decisions in the advise and consent process. Those Founding Fathers certainly anticipated that from time to time, from generation to generation, we would find it necessary to come to a conclusion on our own, whether it be based on information relative to a personal life, or conflict of interest, or whatever it might be. They saw that ultimately our conclusions would belong to us and to us alone.

I go back just a few years, Mr. President, and remember when former President Reagan named James Watt to become our Secretary of the Interior. If my memory serves me correctly, it was 8 years ago, I think, Mr. President, that I wanted to oppose James Watt but I could not find the reason why I should oppose him. So I voted for him.

Frankly, I think that was a bad vote on my part.

A little while later, Mr. President, then President Reagan sent us the name of Edwin Meese to become the Attorney General. I could not find a specific reason to oppose Edwin Meese, but, for some reason, I did not think he was the man for the job at the time and I voted in opposition to his nomination. People back in my home State said: Wait a minute; Why did you not vote for Ed Meese, the President's choice to be his Attorney General? And I replied that it was simply because of an instinct. And maybe, Mr. President, instinct, our own human instinct that our people sent us here to exercise, is enough; it is enough to properly exercise in this awesome challenge in the advise and consent process.

Oh, yes, Mr. President, how many times during these last weeks; how many occasions on this floor and especially in the national media, on the talk shows, have we heard certain of our colleagues get up and tell us that we owe to the President the right to have his own man? Let me, if I might, quote from the CONGRESSIONAL RECORD, March 9, 1977. This is from the debate regarding whether Paul

Warnke would become our chief SALT negotiator. I quote:

The suggestion has been made that the people should trust the President to make the right appointment. I think that ordinarily we do around here. But after all, the Constitution has vested in us the responsibility for advise and consent, and it is one that we should exercise.

The quote goes further, Mr. President:

There is too much at stake here to impute dishonest motives or irrational motives to one side or the other in this debate.

Mr. President, do you know who made that statement? His name was John Tower. He was a seated colleague of ours, in 1977, on March 9, during that nominating process for Mr. Warnke. And that, today, is the same man that is arguing that the President should get his man.

Yes, we have heard other discussions on the talk shows and in the media, and in this Chamber. We have heard discussions from other Members of this body who say that this is a political situation. Mr. President, let me quote, once again. March 4, 1977:

The nominations have been given the close scrutiny which is justified by their significance in determining the defense capabilities of this Nation.

Continuing the quote:

At this time, the Senate confronts its responsibility either to confirm or deny these nominations based on our judgment of Mr. Warnke's personal qualifications to fill these positions. It is neither a simple nor an insignificant responsibility.

Does the Chair know who made that statement on March 4, 1977? It was my good friend and our good friend, the very distinguished Republican leader from Kansas, Senator ROBERT DOLE, speaking relative to the nomination process.

On March 8, 1977, Mr. President, let me recite another quote from the CONGRESSIONAL RECORD:

Under the advise and consent powers provided in the Constitution, the Senate has a well-defined responsibility to approve or disapprove the nominations of the President.

Continuation of quote:

In those instances, the Senate has an equal responsibility to oppose such nominations. And the history of the Senate is replete with just such examples, where a President has been denied his choice under the advise and consent powers provided in the Constitution.

That statement, Mr. President, was given by a much beloved Member of this body. He is my friend, a distinguished colleague, the distinguished Senator from South Carolina, Senator STROM THURMOND.

On that final rollcall vote on Mr. Warnke, Mr. President, we saw that that nomination was opposed by our then-colleague Senator John Tower. It was also opposed by the distinguished Republican leader and my friend Senator DOLE.

Mr. President, all I am attempting to do is make the air a little purer around here and talk about some of the things that we should talk about, hopefully to end this debate and to vote up or down on John Tower.

It is time to do it. We have a huge Federal debt hanging over our heads, a savings and loan crisis that is going unattended, and yet day after day, night after night we stand here and dissect every little minuscule bit of this man's life. No one is winning. The President is not winning. John Tower is not winning. John Tower's family is not winning. The Senate is not winning. The Democrats are not winning. The Republicans are not winning. And, at the same time, the Department of Defense, which is the largest business in the world today, does not have a leader.

If we continue this debate in the fashion that it has been conducted during the past several weeks, this body should apologize to the American people. We should be ashamed of ourselves, ashamed that we are not ready to take this nomination and have the clerk start to call the roll so that we can get on with the business of America.

I have a very simple test, Mr. President, as I have said. I have not gone to S. 407 in the Capitol to read the reports on John Tower's personal life, nor do I plan to. My test for this nomination is very simple: Is this man going to be someone in the Department of Defense who is going to create problems or solve problems? Mr. President, I fear that he will create more than he solves. I say that with all due respect to this man who is our friend and was our colleague.

This has been a flawed and troublesome nomination from the beginning. We in politics, those of us in public service and, in public life, sometimes may not have a lot of sense. Sometimes we may do things that do not add up. But there is one thing—one piece of good sense—that we do have. We have a pretty good nose for when there is trouble out there. We can smell it. We can feel it, even though we sometimes cannot describe it or pinpoint it. And from the very beginning of Senator Tower's nomination, that has been the case and it has been trouble.

Let me go back a few months. Since he was elected I have supported every nomination that President Bush has sent to this floor. I hope to support every other nominee that he sends to this floor. But I would note that our President delayed announcing John Tower's nomination for a long period of time after he was elected. This body, probably including Members on both sides of the aisle, began to wonder whether, to discuss, and to sense that something was wrong. We thought maybe the President had read something that was not favorable. Maybe the President knew something that we did not know.

For whatever reason, there was a very long and extended period of delay and more delay. I felt sorry for John Tower during that time, Mr. President. I sympathized with him because he was twisting in the wind. He probably knew no more at that time about his future than he knows today. My point is that this has been a flawed nomination.

I think of those contractors that Senator Tower represented in the last few years. Had I been one of those contractors and had I been able to afford to hire John Tower, I probably would have chosen to hire John Tower. He had just left Geneva. He had just left the negotiations, and who else better to advise these huge companies on what to do to prepare themselves for weapons procurements in the coming years. So they hired him.

Is there anyone in this body, Mr. President, who believes that if John Tower becomes our Secretary of Defense, and if any or all of those contractors receives a DOD contract, that the second paragraph written about the contract is going to be about a potential conflict of interest?

Mr. President, these are fine companies and on the other side, or wearing the other shoe, if these same companies that had employed John Tower do not get the contracts from the Department of Defense, they are going to come in and perhaps justifiably allege that the reason they were denied a contract was that they had retained John Tower as a consultant.

So you have a no-win situation. The situation is damned if he does and damned if he does not, and that is not a very pleasant or efficient way to do business.

In conclusion, Mr. President, this is not a very happy time for the Senate. It is not a time of celebration. It is not a time during which any of us, I say, should be slapping ourselves on the back. This is one of those times that is very hard; very difficult; and frankly not much fun.

Mr. President, the issue is not John Tower. The issue is not George Bush. The issue is not what is good for the Republicans or what is good for the Democrats. The issue, Mr. President, is very clear. The real issue is what is best for the national security interest of this Nation. I will not support the nomination of John Tower, and I say that with great regret.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, several years ago before I knew or heard of DAVID PRYOR, I served at that time as

Governor of Nebraska and along came DAVID PRYOR, the new Governor of Arkansas. Since that time, we have been very close friends, and of all of my colleagues in the U.S. Senate, there is none that I am fonder of or have more respect for their integrity, their thought processes and the overall balance that they have expressed both as a Governor and here in the U.S. Senate.

I believe the talk I just listened to is very typical of the man, the Governor and the U.S. Senator who I referred to. I congratulate DAVID PRYOR for a well-thought-out speech that was delivered and will provoke a lot of thought.

I know like many of us, this has been quite an ordeal for him. All should understand that it has been an ordeal for all of us. I thank him for his explanation and excellent remarks. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to respond to a couple of comments made by my friend from Arkansas. He has asked for an immediate vote. I would tell him that, given the fire storm of allegations, the disparagement, the excoriation of a good man, and the destruction of a reputation he had for 24 years in this body, that he deserves to be defended.

Those on this side of the aisle, I say to my friend, we will defend him until we feel that there is a correct record of response to the scurrilous, unfounded allegations that have been made against him. I would hope in his sense of fairness he would agree that those of us who are his defenders would have ample time to do so.

As far as the delayed nomination is concerned, I think it is clear that in retrospect it would have been far better for the nomination to have been sent to the Senate as rapidly as possible. I also believe that it is important to remember if any nomination were ever again sent to this body without a thorough and complete background investigation, if some information came to light after that nomination was confirmed by the Senate, the responsibility justifiably would rest on the administration, and they would be guilty almost of dereliction of duty.

Obviously, with a man who has served in public life for as many years as John Tower had who admittedly was a man of some controversy, there were bound to be allegations and information that needed to be obtained. It was indeed unfortunate that there was a delay in submission of John Tower's nomination, but I am not sure that there was any other way that this procedure could have been carried out.

I agree with my friend from Arkansas that the issue here is the national security of the United States. The responsibility for the national security of the United States, however, rests with the President of the United States. I am sure that my friend from Arkansas, like me, like 98 others in this body, had the opportunity to seek the Presidency if we had chosen to want to make that gargantuan effort in order to do so.

But, it was George Bush that made that effort. George Bush ran for the Presidency, was elected President of the United States, and he is constitutionally in charge of security of this country with the advice and consent of the Senate of the United States, as far as his nominees are concerned.

The fact is that for the first time in history, we are now exacting new standards for the nominee for Secretary of Defense. We are not making up these standards for all nominees as my friend from Nebraska says. He says that if John Tower were a nominee for Secretary of Interior, we would not be asking these same questions. I say why not? It is important to be Secretary of Interior or Secretary of Commerce or any other job, and all of them, I believe, deserve scrutiny and examination.

The issue is whether we should set new standards for our approval of a nominee for any Cabinet post, the likes of which we have never used at any time in our 200-year history.

In 1968, when Richard Nixon came to the Presidency of the United States, all of his nominees were approved by the Senate in a matter of hours. Now, I think, things are changing rather dramatically. I think will be important after this is over for all of us to examine with great care whether this is good for the process of Cabinet selection, or whether it is bad for the process we should examine whether we are helping national security, as my friend from Arkansas so aptly pointed out, or whether we are endangering national security by watching a process being dragged out for weeks and months, when so many critical issues affecting the security of this country are being held in abeyance while we go through this unhappy ordeal.

I hope, I say to my friend from Arkansas, that we on this side can in the next couple of days clearly defend the record of John Tower and make our case and make our decision and move forward.

Then if John Tower's nomination is ratified by the Senate, we will have to find out how damaged is he and how difficult will it be for him to carry out his responsibilities. If John Tower's nomination is turned back, we must ask whether we should then go through a 6-, 8-, 10-, 12-week long process while we throughly investigate the background of the new nominee or should give whoever the next nominee will be a very short period of time for investigation and approval of his nomination because of the compelling reasons of national security. I am not sure that we are fair to the people of this country and to the process if we use speed as a reason to use a different process in dealing with the next nominee in case this nominee is turned down by the Senate.

I have great respect and affection for my friend from Arkansas. I think he raises some very valid points. I respect his opinion and views of this issue as I do on most issues. But at the same time I hope that we will be able to keep on with this debate—and I hope we will be able to keep debate on this issue at the level and the tone which has been articulated by the Senator from Arkansas.

I yield the floor.

Mr. WIRTH. Mr. President, I join with my colleagues in commending the distinguished Senator from Arkansas. Those of us who have watched DAVID PRYOR know that something is going to happen when he comes to the floor and he kind of moves around, watching what is happening. You watch that look on his face and you know that he has been thinking in a Pryoresque fashion—he begins to vector in on the point he wants to make and stands up and starts, in his quiet way, to explode some great myth that has been perpetrated on the floor and does a wonderful job in bringing us all back to Earth. It is terrific and we thank the Senator very much.

We had one great myth exploded, and that is that somehow we do not have a right to suggest to the President that his choice may be the wrong one. It seems to me that effectively another way of putting this, as Senator PRYOR pointed out to those making this specious argument, is you cannot have it both ways. You cannot come in here in 1989 and say to all of us you have to let the President have his way; you have to let him go; it is injurious to the executive branch; it is a constitutional challenge; it is not a Senate prerogative to suggest that maybe the President made a mistake; you cannot let them do that. I will admit it was a long time ago and we have not had a President in some time, but let us go back to 1977 when we were in a similar situation and Paul Warnke was nominated to be the head of the arms control operation and some of the very same people who are saying we do not have the right to make any kind of a judgment were making precisely that same judgment 12 years ago.

You cannot have it both ways. We thank the distinguished Senator from Arkansas for coming in and making that argument and in his characteristic fashion exploding that myth.

I hope that we do get on with a vote, Mr. President. I was delighted to hear the suggestion that we might have this done in 2 more days. I can hardly

wait for this to be finished, and if 2 days is adequate, great. I would like to have it done tonight or tomorrow morning. But at least we are through one more day of this agony. We had one very distinguished Democratic Senator come out for Senator Tower. We had another very distinguished Democratic Senator tell us he could not vote for Senator Tower. We have had a good wash of a day and we ought to retreat, go home, and maybe we can come back and finish this tomorrow.

The papers are replete with stories of paralysis in Washington, and part of that paralysis certainly appears to be downtown at the State Department without a lot of people being nominated; at the Interior Department we only have a Secretary, no Under Secretary, or anybody else; at the Department of Energy because of the length of the Tower FBI clearance, we did not get the very distinguished Secretary, Admiral Watkins, confirmed until last week and he has not had a chance to bring in his people. The Defense Department is on hold or adrift or whatever. Enough is enough. If we can get this done in 2 more days, terrific. I think people are tired of this. I am tired of it. All of us are tired of it. Let us get on with it.

I am very pleased, Mr. President, that the suggestion was made to be done in a couple days, and I think that is first rate. The last 6 weeks has been replete with problems. We have Tower, and before that we had the absolute delight of doing the pay raise. That was another wonderful thing. We have been delinquent in our duties, so let us move ahead.

In any case, Mr. President, I wanted to add my words of comment and thanks to the distinguished Senator from Arkansas who in his characteristic fashion has been very helpful, very thoughtful, and, I hope we can all agree to move on quite rapidly, get this done, let us finish it this week so we can get on with the Nation's business. I thank the Chair very much. I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). Does a Senator desire to be recognized?

Mr. CRANSTON. Mr. President, the nomination of John G. Tower for Secretary of Defense has caused a great deal of consternation in this body.

Clearly, the responsibility this nomination presents to Senators to evaluate John Tower for this assignment is not one we welcome.

Yet it is our duty—an important duty—as Senators to vote for or against the nominations to key posts in our Government. And in the case of the nomination of John Tower to be Secretary of Defense the decision for me is not a close call.

I believe the nominee clearly is unfit for this crucial post for several reasons.

The principal reason I shall vote against the Tower nomination is because I believe it would be extremely imprudent to place in the National Command Authority an individual who has a demonstrated record of alcohol abuse. The Secretary of Defense is the No. 2 person in the National Command Authority, second only to the President in his ability to move troops, to order offensive military actions, to launch nuclear weapons. In the nuclear age, our Nation cannot afford to place in this chain of command an individual who is prone to alcohol abuse, who might be unable to make a thoughtful, prompt decision in a time of crisis. As Senator NUNN, Senator GLENN, and others have noted, John Tower's record of alcohol abuse—a longstanding pattern continuing in recent years without any clear interruption—would disqualify him from any position of authority in the uniformed military services. He would not be allowed to command a division, a bomber squadron, or a missile force. I believe it is eminently clear that the nominee should be disqualified from a top position in the National Command Authority for the very same reasons. This, it seems to me, is not a close call; it is the obligation of the U.S. Senate to prevent the elevation of such an individual to such a responsibility.

An additional reason I shall oppose the Tower nomination is that I believe the nominee has displayed a pattern of extraordinarily poor judgment in his attitude toward the handling of sensitive information and his approach to conflict of interest, revolving door questions. The Pentagon sorely needs a leader to restore public confidence in the integrity of the defense procurement process. It needs a leader to preside over the difficult decisions we are facing in setting defense spending priorities. But in John Tower we have a nominee who has displayed no sensitivity to these important requirements.

John Tower presided over our Geneva START negotiations, then promptly went to work for the very companies who had so much at stake in these sensitive negotiations.

John Tower received enormous sums from major U.S. arms manufacturers—more than $700,000—at the very time he was positioning himself on the Bush team for the Defense Secretariat—and then told Congress he did not even see an appearance of a conflict of interest problem. This utter insensitivity—stretching over several years—to what the Pentagon needs and what the public expects constitutes, in my mind, a pattern of behavior also sufficient to disqualify John Tower from consideration for the top defense post.

Mr. President, the decisions Senators make on nominations require highly subjective judgments. Yet, in 20 years in the Senate, I have always given the President the benefit of the doubt on nominations. I have opposed nominees only when I felt that their views of their responsibilities were so out of the mainstream, or their personal behavior was so unacceptable that I could not in good conscience support them. I have voted for every single one of the Bush administration's nominees which have thus far come before the Senate—even in cases like the Derwinski nomination, where I expressed some reservations. But I do not believe the Tower nomination is even a close call.

I oppose the Tower nomination in the strongest terms, and I urge all my colleagues—Democrat and Republican—to do likewise.

Mr. President, before closing I want to pay tribute to the work of the Armed Services Committee on this contentious nomination. My colleagues on the Armed Services Committee have been very careful in reviewing this nomination. Their investigation has been painstaking. So serious was the committee that it began work last summer to consider the standard which should be applied to civilian appointees in the Defense Department. Before the Presidential election, Senators NUNN and WARNER wrote to both Michael Dukakis and George Bush to outline the criteria that would guide the committee's consideration of nominees for civilian defense positions. The committee subsequently worked on strengthening the procedures for its review and its confirmation hearings.

The committee has gone about its work fairly and diligently. Regrettably, the effort by the White House to rally GOP loyalists behind their embattled nominee has injected partisanship into this very important debate. I know of several Republican Senators who do not believe John Tower is the right man for the Defense post, but who may walk the plank with the nominee because of White House pressure.

The White House's insistence on a rollcall will force the issue in the days ahead. I hope that once this vote is taken, we can resume efforts to restore confidence in the Pentagon's defense procurement efforts, and to work together in a bipartisan fashion to address the pressing national security question confronting our Nation.

UNANIMOUS CONSENT AGREEMENT

ARGUMENTS ON MOTIONS FILED BY JUDGE ALCEE L. HASTINGS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order

29-059 O-90-24 (Pt. 3)

entered by the Senate on February 22 with respect to the Senate hearing arguments on and disposing of the motions filed by Judge Alcee L. Hastings to dismiss articles 1 through 15 and article 17 of the articles of impeachment be modified so that proceedings that were scheduled to occur on March 8 and 9 be postponed to occur on Wednesday, March 15 and Thursday, March 16. This request has been cleared and approved by the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 12:42 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week."

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. LIEBERMAN].

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolution were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WALLOP:

S. 515. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

S. 516. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 517. A bill to provide Federal court authority to enforce rights secured by the Indian Civil Rights Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 518. A bill to provide for the establishment of White Haven National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself, Mr. DECONCINI, Mr. LEVIN, Mr. METZENBAUM, Mr. HOLLINGS, Mr. KERRY, Mr. D'AMATO, Mr. HEFLIN, Mr. BIDEN, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. GARN, Mr. BUMPERS, Mr. HEINZ, Mr. THURMOND, Mr. BURDICK, Mr. PRYOR, Mr. DOLE, Mr. COATS, and Mr. MACK):

S.J. Res. 72. Joint resolution to designate the period commencing May 7, 1989, and ending May 13, 1989, as "National Correctional Officers Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Res. 75. Resolution to provide procedural due process to individuals nominated by the President to be the principal officer of an Executive Department during consideration of such nominee by committees of the Senate; to the Committee on Rules and Administration.

By Mr. SIMPSON (for Mr. BOND) (for himself, Mr. DOLE, Mr. DANFORTH, and Mrs. KASSEBAUM):

S. Res. 76. Resolution commending Charles Price II; considered and agreed to.

By Mr. WALLOP (for himself and Mr. BOSCHWITZ):

S. Con. Res. 17. Concurrent resolution to provide that each committee of the Congress that reports employee benefit legislation shall secure an objective analysis of the impact of such legislation on employment and international competitiveness, and include such analysis in the committee report; to the Committee on Rules and Administration.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WALLOP:

S. 515. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

S. 516. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

LABOR REFORM LEGISLATION

● Mr. WALLOP. Mr. President, today I am reintroducing legislation which I had sponsored in several previous Congresses. Unfortunately, even good ideas can take a long time from conception to enactment as a public law. In this instance, I have two good ideas provided by my constituents in Wyoming.

Both bills involve labor issues. Since the Labor Committee has been reluctant to move these bills, I do look forward to offering them as amendments to appropriation bills in the Senate. In fact, I understand that the minimum wage bill will soon be sent to the Senate. This would be a perfect vehicle for one of my bills since both my bill and the minimum wage legislation amend the Fair Labor Standards Act.

The first bill, amending the FLSA, was brought to my attention by a company in Cheyenne, WY. It is a business with strong seasonal fluctuations. During the peaks, the employees would work well over the normal 40-hour work week, but in the troughs, their hours were well below that standard. Both the employer and employees decided that one solution to ensuring steady wages throughout the year was to utilize a compensatory time-off program.

During the busy seasons, employees would earn credit for extra hours worked. They could then take time off, with pay, during the slow season. Since many of the employees are women, they were able to spend more time with their children, particularly during summer vacations. The compensatory time concept is one many salaried professionals use.

Since the employees are paid on an hourly basis, they could not use the comp time proposal because of the requirements of the FLSA. My bill simply amends the act to allow voluntary comp time programs. We discussed this issue when the Senate considered legislation dealing with comp time for public employees. This matter will again be debated when we take up the minimum wage bill.

The second bill involves one of the most serious problems facing this country. With the aging of the population, we are entering a period of shortage for many skilled workers. One way to provide such workers is through apprenticeship programs approved by the U.S. Department of Labor. However, these programs have age requirements. If you are above a certain age, you cannot participate. The age limit is quite low, and rather shortsighted. One of my constituents was denied retraining because he just missed the age cutoff. This is a stupid waste of human resources. My bill is simple. It removes age limitations for apprenticeship programs. This is a small, but important contribution to our future

employment training needs. I would ask that both bills be printed in the RECORD at the conclusion of my remarks.

There being no objections, the bills were ordered to be printed in the RECORD, as follows:

S. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(o) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employment under subsection (a) if, pursuant to a contract made between the employer and the employee individually or an agreement made as a result of collective bargaining by representatives of employees entered into prior to the performance of the work, the employer at a written request of the employee grants the employee compensatory time off with pay in a subsequent workweek in lieu of payment of the number or hours worked in such current workweek in excess of the maximum workweek applicable to such employee under subsection (a). For purposes of determining the maximum workweek applicable to such employee under subsection (a), and the rate of pay due to the employee, compensatory time used by the employee shall be considered hours actually worked during the subsequent workweek in which actually used.".

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Apprenticeship Programs Act".

SEC. 2. The first section of the Act of August 16, 1937 (29 U.S.C. 50), popularly known as the National Apprenticeship Act, is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) In promoting labor standards for the welfare of apprentices under subsection (a) of this section the Secretary shall assure that no program of apprenticeship discriminates against any individual because of his age in admission to, or employment in, any such program of apprenticeship.

"(2) For the purpose of this subsection, the prohibition contained in paragraph (1) of this subsection shall be limited to individuals who are at least eighteen years of age but less than forty-five years of age.".●

By Mr. HATCH:

S. 517. A bill to provide Federal court authority to enforce rights secured by the Indian Civil Rights Act of 1968, and for other purposes; to the Committee on the Judiciary.

INDIAN CIVIL RIGHTS ACT AMENDMENTS

Mr. HATCH. Mr. President, I rise today to introduce the Indian Civil Rights Act Amendments of 1989

TRIBAL GOVERNMENTS AND SOVEREIGNTY

In the 1800's, Congress began establishing Indian reservations on which Indian tribal governments could continue to exercise their sovereign powers. Native Americans, who are members of those tribal governments as well as U.S. and State citizens, are unique among racial minorities. Their actions may be restricted by tribal as well as State and Federal authority.

In that capacity, tribal governments exercise broad criminal and civil jurisdiction over both their members and their territory. They retain all of the powers not specifically denied them and which are consistent with their status as quasi-sovereign governments. While criminal jurisdiction is limited to tribal members, and perhaps nonmember Indians, tribes exercise broad civil, regulatory, and taxing authority over both Indians and non-Indians who reside within the reservations or who do business with tribal organizations.

While the decisions of these tribal governments reflect the history, culture, religious convictions, and shared values of the tribal leaders and members, the process of tribal government is largely based on a constitutional model. Most tribes, for example, are constitutional in nature and organized pursuant to the Indian Reorganization Act—Wheeler-Howard Act—of 1934. Very few, the Southwest Pueblos are the notable exception, have religious or other traditional forms of Indian governments.

Constitutionally, tribal governments differ from most State and Federal governments. Some of the fundamental checks and balances existing within the Federal and State constitutional framework, for example, are not present at the tribal level. Real power in many tribal governments rests with the tribal council or legislative branch. Tribal councils pass the ordinances, resolutions, and other processes which create tribal law. Through standing committees in such areas as social welfare, law enforcement, or the judiciary, tribal councils then perform executive, management, and implementation functions as well. The tribal councils often micromanage tribal programs, and their function is substantially different from the more general oversight role performed by non-Indian legislative bodies.

Separation of powers into coequal branches of government in order that one may check the potential abuse of another is not a concept well-established in tribal governments. As a result, tribal governments may lack pluralism, respond more to majority concerns, and ignore minority interests.

In that context, tribal courts exist in only about one-half of the tribal governments. Where courts do exist, they are often a creation of the tribal council and, therefore, subject to and dependent on the council. Rarely do tribal courts exist constitutionally as a separate coequal branch of the tribal government. As a consequence, tribal courts may lack the powers to review tribal council actions, may be otherwise limited jurisdictionally, and may lack independence from the tribal council or tribal chairman.

Tribal governments, because they are neither Federal nor State instruments and because they predate the Constitution, are not restricted by Federal or State constitutional authority. Similarly, tribal governments are not bound by many Federal civil rights statutes including, for example, civil actions for deprivations of statutory or constitutional rights, 42 U.S.C. section 1983, the Voting Rights Act, 42 U.S.C. 1973, and laws prohibiting discrimination in employment, 42 U.S.C. 2000e-1.

THE 1968 INDIAN CIVIL RIGHTS ACT

However, Congress has plenary power over Indian matters. This exceptionally broad congressional authority is found in article I, section 8, clause 3 of the Constitution, which gives Congress the power to "regulate commerce * * * with Indian tribes." In an exercise of its plenary power, the Senate Judiciary Subcommittee on Civil and Constitutional Rights heard complaints of civil rights violations by tribal governments. The subcommittees held hearings from 1960-67 and documented widespread civil rights abuses on the part of tribal governments generally.

This record of civil rights abuses by tribes led to the enactment, over objection by tribes, of the Indian Civil Rights Act, as title II of the Civil Rights Act of 1968. The act applies substantial portions of the Constitution's Bill of Rights and the 14th amendment to tribal government in much the same way that the Federal Bill of Rights restricts the Federal Government. As set out in title II, section 202 of the Indian Civil Rights Act:

No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) taken any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punish-

ments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

In deference to Indian tribal values, however, certain constitutional provisions, including the first amendment's prohibition against establishing religions, were omitted. Other concessions were made to Indian tribal governments and values. Tribes, for example, need not provide indigent criminal defendants with counsel. Much of the concern, and the ultimate concessions, centered on the financial impact of granting broad rights to individuals who come in contact with tribal governments.

EARLY ENFORCEMENT

For 10 years, from 1968 to 1978, the Indian Civil Rights Act was routinely enforced in both tribal and Federal courts. Each Federal appellate court which considered the Indian Civil Rights Act; that is, the Fourth, Eighth, Ninth, and Tenth Circuit Courts, found the act within Congress' power and inferred a private right of action in Federal court to enforce the act's provisions.

The number of reported Federal district court cases between 1968 and 1978 was substantially less than 100 or roughly 10 per year nationwide. One way to read such a statistic is to see the positive impact or value that possible Federal civil rights enforcement has on encouraging tribal compliance with the act. Certainly the tribal exhaustion requirement which Federal courts routinely read into the act tended to resolve many issues at the tribal level without the need for Federal court action.

To be sure, there is little, if any, evidence that between 1968 and 1978 tribal governments suffered substantially as a result of the limited Federal court Indian Civil Rights Act enforcement. For example, there is no evidence that any tribe was forced to terminate its tribal government functions or became insolvent as a result of the act. In fact, there is some evidence that the act had a salutary effect on tribal government by, among other things, checking tribal abuse, providing for a more pluralistic tribal government, and encouraging nonreservation capital investment.

For the most part, pre-1978 Indian Civil Rights Act decisions enforced the act within the context or framework of existing tribal traditions, customs, and values. In due process cases, for example, Federal courts looked to tribal law or customs for a definition of what process was due. Tribal defense in equal protection litigation often relied on tribal "rational basis"; that is tribal law or custom, not available to non-Indian governments.

TERMINATION OF FEDERAL COURT REVIEW OF INDIAN CIVIL RIGHTS ACT ABUSES

Federal court review came to an end in 1978 with the Supreme Court's decision in *Santa Clara Pueblo* v. *Martinez*, 436 U.S. 49 (1978). There, the Supreme Court said the Indian Civil Rights Act does not provide for a waiver of sovereign immunity and, further, the act fails to provide a private right of action for individuals in Federal court. The Court found two distinct and "competing" purposes in the act: First, to protect individuals from tribal abuse of power; and second, to promote Indian self-government. Although the Court found that Congress has the power to provide a Federal forum, it said to do so may limit tribal court power and, thereby, lessen or infringe on tribal sovereignty or self-government. Accordingly, the Court refused to read in the Indian Civil Rights Act a right of action in Federal court which was not explicitly contained in the act. The Court went on to warn the tribes, however, that if they were deficient in applying and enforcing the act, Congress may in the future provide for Federal relief.

CRITICISM OF THE LACK OF FEDERAL COURT REVIEW

Over the last few years, substantial criticism has been raised over the burden often placed on plaintiffs by the Santa Clara Pueblo decision. While some tribal governments have gone to great lengths to ensure enforcement of the Indian Civil Rights Act guarantees, such is not the case with all tribes. In a 1984 report by the Presidential Commission on Indian Reservation Economies, the Commission attacked the fairness of some tribal government proceedings. In its report, the Commission states:

[F]ailure to adhere to a constitutional principle separating executive, legislative and judicial powers has had a detrimental effect on governmental functioning. For example, the failure to establish a clear separation of powers between the tribal council and the tribal judiciary has resulted in political interference with tribal courts, weakening their independence, and raising doubts about fairness and the rule of law. * * * Both Indians and non-Indians complain of political discrimination against them by tribal governments and tribal courts which are arms of tribal governments. Access to tribal physical resources, to the benefits of tribally managed programs, and to tribal employment is considered to be unfair by many Indians. Decisions rendered by tribal courts, which are controlled by tribal councils, are also perceived to be unfair by Indians and non-Indians.

Similar criticism has also been raised by the Federal courts. In the case of *Shortbull* v. *Looking Elk*, 677, F.2d 645 (8th Cir. 1982), the 8th Circuit Court of Appeals reviewed a case in which the plaintiff claimed that he was wrongfully refused permission to run for tribal office by an action of the tribal council. In addressing the lack of protection for the plaintiff's rights under the Indian Civil Rights Act, the court stated:

We must, however, express serious concern that Shortbull's rights under [Sec.] 1302 of the Indian Civil Rights Act (ICRA) may never be vindicated. Shortbull alleges that the tribal court, Chief Judge Red Shirt, ruled that he was entitled to run in the primary election because of the Tribal Council's January 24 resolution. It appears that because of this ruling, Judge Red Shirt was removed from office and was replaced by a judge more sympathetic to the Tribal Executive Committee, who quashed Judge Red Shirt's orders. Such actions raise serious questions under the Indian Civil Rights Act, but because the Supreme Court determined in *Santa Clara Pueblo* that there is no private right of action under the IRCA, Shortbull has no remedy. * * *

We are thus presented with a situation in which Shortbull has no remedy within the tribal machinery nor with the tribal officials in whose election he cannot participate [citations omitted], unless and until Congress provides otherwise. [Citing *Santa Clara Pueblo.*] We question whether such a result is justified on the grounds of maintaining tribal autonomy and self-government: it frustrates the ICRA's purpose of "protect[ing] individual Indians from the arbitrary and unjust actions of tribal governments," and in this case it renders the rights provided by ICRA meaningless.

The Tenth Circuit Court of Appeals also attacked the current enforcement situation in the case of *Dry Creek Lodge, Inc.* v. *Arapahoe and Shoshone Tribes*, 623 F.2d 682 (10th Cir. 1980). In one of the few non-habeas corpus Indian Civil Rights Act cases to provide a federal forum by narrowly construing the Santa Clara Pueblo decision, the court provides some useful insights with reference to the facts and the resulting lack of fairness in that case:

Plaintiffs Cook, who are non-Indians, had owned the 160-acre tract for about ten years and had lived there. They decided to build a guest lodge for hunting, and consulted the superintendent of the reservation about the matter. He advised them that projects of this type were encouraged to provide employment. He also stated that there would be no access problem. A license to plaintiffs Cooks was issued for the business. The individuals then formed Dry Creek Lodge, Inc. to build the facilities. This was done with an SBA loan. The lodge was completed and opened, but the next day the Tribes closed the road at the request of a nearby Indian family, . . .

The [tribal Joint Business] Council directed that access to the Dry Creek Lodge be prevented by the federal officers, and the [Indian family] were apparently to erect the barricade. With the road blocked the persons on the Dry Creek land could not get out and were for all practical purposes confined there until a federal court issued a temporary restraining order. Thereafter the

plaintiffs sought a remedy with the tribal court, but were refused access to it. The judge indicated he could not incur the displeasure of the Council and that consent of the Council would be needed. 25 C.F.R. Sec. 11.22. The consent was not given. The state court cases were removed to the federal court. In the federal court the defendants urged that there was no remedy—no jurisdiction. * * * The Tribal Business Council, according to the minutes, directed that the differences between the [Indian] family and the plaintiffs be settled by self-help, and this was done. The plaintiffs, however, did not respond the same way. The defendants argue here, as they did in the trial court, that the plaintiffs have no remedy. There is no forum where the dispute can be resolved and the personal property rights asserted by plaintiffs be considered. * * *

The plaintiffs alleged that their personal and property rights under the Constitution had been violated by the defendants. A jury so found and awarded damages. There must exist a remedy for parties in the position of plaintiffs to have the dispute resolved in an orderly manner. To hold that they have access to no court is to hold that they have constitutional rights but have no remedy. The self-help which was suggested to shut down plaintiffs' "business," according to the Council minutes, and which was carried out with the help of the federal police, does not appear to be a suitable device to determine constitutional rights.

In that case, even the dissenting judge acknowledged that dilemma when he stated:

To me this is a most disturbing case because of the result I feel compelled to reach. The jury found a violation of the plaintiffs' civil rights recognized by [section] 1302 of the Indian Civil Rights Act, under the most distressing circumstances. And yet it seems we must say that the doors are closed against any orderly redress for the wrongs. State and federal courts are barred by the immunity doctrine from hearing the claims and access was denied to the tribal court, as the majority opinion points out. * * *

[T]hese damage claims are * * * barred * * * unless and until Congress provides otherwise.

Only recently, this criticism by the Federal courts of the status quo was reaffirmed by the U.S. District Court for the District of Montana in the case of Little Horn State Bank versus Crow Tribal Court. After a lengthy review of the facts in which the plaintiff was repeatedly denied his rights by the defendant, the Judge went on to state.

This Court is well aware of the continued promotion of tribal self-government and self-determination. In National Farmers Union Ins. Co. v. Crow Tribe [citation omitted], the Supreme Court directed the federal district court to give tribal legal institutions the "proper respect" by staying its hand in order to allow the Tribal Court a "full opportunity to consider the issues before them." [Citation omitted.] This Court, in keeping with its obligation to uphold the law, will honor that directive.

However, it has become extremely difficult to do so in the face of such decidedly egregious facts as are presented herein. Plaintiff has recognized the sovereignty of the Tribe and has valiantly tried to operate within the Tribal Court system, seeking its approval of a valid judgment entered in the courts of the State of Montana, and assistance in enforcing the same. The Crow Tribal Court, acting as a sort of "kangaroo court", has made no pretense of due process or judicial integrity. Plaintiff was met not only with bias and uncooperativeness, but with a blatantly arbitrary denial of any semblance of due process. The tribal judge's conduct makes a mockery of any orderly system of justice, and renders any attempt to deal with the Tribe in a professional and competent manner a farce. The Court seriously questions whether the conduct of the Tribal Court is befitting the title of a sovereign, and the respect and deference customarily accorded along with that status.

It would appear that the Crow Tribal government changes judges at a whim, to the detriment of non-Indian litigants, and of the Tribe. As a result, the Tribal Court lacks any continuity and uniform precedent which is the foundation of our judicial system. While the tribal members enjoy the protection of their rights under both the United States Constitution and the ICRA, depending on the forum, it appears that non-Indians are not granted the same privilege of dual citizenship in Tribal Court. If the Crow Tribe wishes to earn the respect and cooperation of its non-Indian neighbors, it must do more to engender that respect and cooperation, not abuse those neighbors who attempt to work within its system.

Let me reiterate that these abuses that are cited by the courts are not necessarily occurring in all or even a majority of the tribal governments. Nevertheless, the situation was serious enough to warrant congressional action in 1968, and it appears that at least with some tribes such is still the case.

THE NEED FOR LEGISLATION

The concerns of the courts that I have been quoting are further supported by an extensive record of the lack of Indian Civil Rights Act enforcement that is currently being compiled by the U.S. Civil Rights Commission. For the last couple of years, the Commission has been holding a series of hearings on this issue. While the Commission's report is not yet complete, the transcripts and hearing records contain many statements that further support the allegations of failure by some tribal governments to adequately enforce the civil rights guaranteed to both tribal and nontribal reservation residents alike.

Because of the enforcement problems that have occurred since the Santa Clara Pueblo case, the time has now come to follow the Supreme Court's dictum and legislate a Federal court remedy. A review of post-Santa Clara Pueblo Federal and tribal caselaw, existing Federal studies, news reports, and other available information, makes clear that rights secured by the Indian Civil Rights Act have been less than fully enforced.

In earlier testimony before the U.S. Civil Rights Commission, the Department of Justice provided some interesting statistics and background with respect to its involvement and monitoring of Indian Civil Rights Act enforcement. I would like to share some of that testimony with my colleagues at this point:

In the 7 years prior to Santa Clara, the Department of Justice received about 280 complaints of ICRA violations on the part of tribal governments. ICRA complaints during this period accounted for just over 18% of all civil rights complaints involving Indians. Several of these matters were settled by informal discussion between the Department and the affected tribes. Others were not pursued because of non-ICRA commitments on [the part of the Department]. The Department did, however, participate in 6 federal civil lawsuits which raised ICRA issues, including 2 brought solely on ICRA claims. No cases have been brought subsequent to Santa Clara. Most complaints brought to the Department's attention pre-Santa Clara involved allegations of tribal election irregularities. Other alleged violations occurred in the area of tribal employment, law enforcement, i.e. police and court irregularities, and housing assignment policies.

Since the Court's 1978 decision in Santa Clara, the Justice Department has received about 45 ICRA complaints alleging violations of the civil rights of Indians by tribal governments. No action has been taken on any complaint and no effort has been made, post Santa Clara, to invoke the jurisdiction of the federal courts. Seventeen complaints allege tribal court irregularities including a failure to allow retained attorneys to appear in tribal court, a failure to permit defendants an opportunity to be heard and the failure to afford criminal defendants a trial by jury. Thirteen complaints allege flaws in the tribal election process including improper interference by the tribal council, fraud and malapportioned election districts. Six complaints allege improper tribal hiring practices including political interference and nepotism. Four complaints allege housing violations including noncompliance with tribal housing assignment policies, favoritism and improper interference by the tribal council. The remaining miscellaneous complaints range from an alleged failure to provide tribal benefits equally to all members (similar to the Santa Clara facts) to an allegation of unsanitary and inadequate tribal jail conditions.

The following incidents are representative of the more serious complaints received by the Department since Santa Clara and, to our knowledge, which have gone unreviewed by federal courts. On March 13, 1979 a tribal member was arrested for disorderly conduct by tribal officials. An investigation of the circumstances surrounding his arrest, trial and punishment revealed the following information. The victim was held without bail in pretrial confinement for 5 days. On March 18, 1979 he was transported from the jail and taken to a room containing tribal officials. All other persons were removed from the room. The victim was forced to kneel in front of the tribal officials. He was told that he was charged with disorderly conduct and asked several questions concerning his arrest on March 13th. He was never informed of the statutory rights set out in the ICRA. After a time, a tribal official asked that a rawhide whip about 2 feet long be brought in the room. When it arrived, the official instructed a subordinate to whip the victim four times, which was done. The victim was sentenced to 30 additional days in jail and returned to jail without medical attention. Other information confirms that the victim's account is an ac-

curate description of how trials are conducted at the tribe. Non-public proceedings, no representation by counsel, no notification of procedural rights and whipping are all customary in criminal proceedings.

A Southwest tribe is districted into several separate council districts. Federal courts have held that the due process clause of the ICRA requires that tribal council districts comply with one person, one vote requirements. However, the 1982 election districts exceed the maximum permissible derivation by approximately 200-400% depending upon population base used. A recent redistricting has reduced that deviation to approximately 70%.

In a 1982 complaint, an attorney wrote [the Department] alleging that a tribe refused to permit him to represent his client. The attorney alleged that his client was required to present a case in tribal court while the attorney was present "but only as an observer". According to the attorney's account, when he spoke up on behalf of his client, members of the tribal council tried to have him "removed from the courtroom altogether." He concludes his letter with the observation that "[t]he tribal court system is a total mockery of justice at best and more realistically a fraud" on the tribal members. Subsequently the attorney was "removed" from the reservation by tribal law enforcement authorities. In a February 20, 1985 letter, a tribal member wrote to complain that she and others "have been cheated in tribal elections". She also complained that tribal members are "coerced into compliance thru [sic] fear of losing their jobs and our civil rights have been flagrantly violated." She told [the Department] that she "cannot be identified for fear of job reprisal". Finally, [the Department] received a September 6, 1985 letter from an Indian who requested our "help in protecting [tribal members] from our government". Following the submission of a recall petition, the tribal council went through the signatures systematically "giving people the choice of being suspended from employment or publicly apologizing for signing the Petition". The letter continues with the allegation that the "Council is threatening us * * * All we want is the right to vote and elect our leaders. We understand this is supposed to be a real right, but so far there is no avenue for enforcement.

In a recent letter from the Justice Department to the U.S. Commission on Civil Rights, the Department provides a summary of complaints it has received since the Santa Clara Pueblo decision. Mr. President, I ask unanimous consent that a copy of that letter and the incident summary be included in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, while abuse of rights by individual tribal officials has surfaced since Santa Clara Pueblo; for example, allegations that tribal judges fail to insist on proper standards prior to issuing search warrants, structural problems are also present and, arguably, more important.

Examples of structural Indian Civil Rights Act problems include the failure of tribal governments to insist on independent judicial review or an equally effective Indian Civil Rights Act compliance procedure. Some tribal governments fail to create tribal courts or, where they do exist, extend to them the power of judicial review.

For example, recent news reports out of my home State of Utah indicate that last year a tribal judge on the Ute Indian Reservation was dismissed from his position by the reservation Business Committee when the judge found the committee in contempt of court for failure to pay more than $500 million in back dividends to new tribal members. While the news articles are not detailed as to all of the specific facts of that case, they do point out that the tribal government has passed a new law prohibiting legal action against the tribe in tribal court. If that is the case, and I believe that it is, then given the Supreme Court ruling in Santa Clara Pueblo that Indian civil rights actions may not be brought in Federal courts, it would appear that at least on the Ute Reservation there is no possibility of enforcing the 1968 Indian Civil Rights Act in cases involving the tribal government.

This situation and other complaints regarding lack of enforcement of the Indian Civil Rights Act warrant serious congressional action in the form of hearings. We must determine the scope of the problem and take corrective action in the form of legislation to ensure that individuals will have their civil rights enforced.

Efforts have been made to increase Federal funding and provide effective training programs for tribal court systems. However, while appropriate funding and training levels are important, they will not resolve the Indian Civil Rights Act enforcement problems that do exist. The remedy lies with Federal court enforcement. Federal court enforcement, coupled with a requirement of exhaustion of tribal remedies and limited to equitable relief, will achieve the goal to providing an effective Indian Civil Rights Act compliance program without unnecessarily limiting other legitimate tribal goals.

The bill that I am introducing today does just that. It provides for Federal court review and enforcement after an individual has exhausted his or her tribal remedies. The bill will also prohibit the defense of sovereign immunity in civil rights cases. It is a fair and balanced solution to ensure that all citizens, both Indian and non-Indian, enjoy basic civil rights.

At this point, I would like to explain each section of the bill

SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 1 provides that the act may be cited as the "Indian Civil Rights Act Amendments of 1989."

Section 2 adds a new compliance section of the Indian Civil Rights Act, section 204, following the existing three sections: section 201 [25 U.S.C. 1301], "Definitions"; section 202 [section 1302], "Constitutional rights"; and section 203 [section 1303], "Habeas corpus".

Section 204(a) grants Federal district courts jurisdiction of civil actions alleging a denial of rights enumerated in section 202 of the act. The subsection also prohibits the defense of sovereign immunity in civil actions brought to enforce compliance with section 202.

Subsection 204(b) provides an individual, or the Attorney General, with a right of action in the Federal district courts for declaratory, injunctive or other equitable relief if a tribe fails to comply with the individual's civil rights provided by the act. This subsection requires, as a prerequisite to an aggrieved individual's filing suit, the exhaustion of tribal remedies. The tribal remedies, however, must be timely and reasonable under the circumstances so that an individual is protected from dilatory governmental decisionmaking. The Attorney General is not subject to the exhaustion requirement of this subsection.

Relief is strictly limited by subsection 204(b), whether the plaintiff is an aggrieved individual or the Attorney General, to equitable relief, such as a declaratory judgment, an injunction, or other nonmonetary equitable remedies. The equitable relief may be granted against an Indian tribe, tribal organization, or tribal official.

Subsection 204(c) compels Federal district courts to adopt the findings of fact of tribal courts when such findings have been made, unless the Federal district court makes a determination that one of eight listed irregularities occurred respecting the tribal court's procedures. Only in the event of one of the following irregularities, will the Federal court conduct a de novo review of the case:

(1) "The tribal court was not fully independent from the tribal legislative or executive authority." As used in subsection 204(c)(1), "fully independent from the tribal legislative or executive authority" means a separate and autonomous tribal judiciary which (as in the case of the federal and state governments) is free from the control of other branches of government. In deciding questions of judicial independence, the language quoted above is meant to apply standards no more rigorous than those applicable to state court judges. For example see American Bar Association, Code of Judicial Conduct, Canon 1 ("A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved."). Nothing in this subsection is meant to restrict the appropriate discipline of judges who violate established canons of judicial ethics or published standards of judicial conduct. Evidence of judicial misconduct, such as improper ex-parte communications with counsel for a litigating party, may under appropriate circumstances also serve as the basis for a finding of a lack of judicial independence.

(2) "The tribal court was not authorized to or did not finally determine matters of law and fact." As used in subsection 204(c)(2), "authorized" refers to authorization by tribal constitution, statute, or ordinance.

(3) The tribe or those subject to the Act are allowed to interpose a defense of immunity.

(4) The merits of the factual dispute have not been resolved.

(5) The factfinding procedure employed did not adequately afford a full and fair hearing.

(6) The material facts are not adequately developed.

(7) A full, fair, and adequate hearing was not provided.

(8) The factual findings are not fairly supported by the record.

Subsection 204(d) required the Federal courts to accord due deference to the interpretation of the tribal court of tribal laws and customs whenever a question of tribal law is at issue.

Mr. President, the bill that I am introducing today strikes a legitimate balance between the interests of the tribal governments in exercising their powers of self-government and the rights which Congress extended to individuals through the 1968 Indian Civil Rights Act. It was endorsed by the administration last year and I am reintroducing it in the same form. I would encourage my colleagues to carefully examine this issue and support this effort to protect the rights of all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Civil Rights Act Amendments of 1989".

SEC. 2. Title II of the Civil Rights Act of 1968 (Public Law 90-284, 25 U.S.C. 1301 et seq.), commonly called the Indian Civil Rights Act or the Indian Bill of Rights, is amended by adding at the end thereof the following new section:

"CIVIL ACTIONS

"SEC. 204. (a) Compliance With Section 202.—Federal district courts shall have jurisdiction of civil rights actions alleging a failure to comply with rights secured by this Act. Sovereign immunity shall not constitute a defense to such an action.

"(b) Any aggrieved individual, following the exhaustion of such tribal remedies as may be both timely and reasonable under the circumstances, or the Attorney General on behalf of the United States, may initiate an action in Federal district court for declaratory, injunctive or other equitable relief against an Indian tribe, tribal organization, or official thereof, alleging a failure to comply with rights secured by this Act.

"(c) In any civil action brought by an aggrieved individual, or by the Attorney General, the Federal district court shall adopt the findings of fact of the tribal court, if such findings have been made, unless the district court determines that:

"(1) the tribal court was not fully independent from the tribal legislative or executive authority;

"(2) the tribal court was not authorized to or did not finally determine matters of law and fact;

"(3) the tribal court permitted those subject to the Act, on issues of declaratory, injunctive or other equitable relief, to interpose a defense of immunity;

"(4) The tribal court failed to resolve the merits of the factual dispute;

"(5) the tribal court employed a factfinding procedure not adequate to afford a full and fair hearing;

"(6) the tribal court did not adequately develop material facts;

"(7) the tribal court failed to provide a full, fair, and adequate hearing; or

"(8) the factual determinations of the tribal court are not fairly supported by the record,

in which event the district court shall conduct a de novo review of the allegations contained in the complaint.

"(d) In any civil actions brought under this Act the Federal court shall, whenever a question of tribal law is at issue, accord due deference to the interpretation of the tribal court of tribal laws and customs.".

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
Washington, DC, January 24, 1989.

Re: Allegations of ICRA Violations Post Santa Clara Pueblo versus Martinez

Mr. WILLIAM HOWARD,
General Counsel, U.S. Commission on Civil Rights, Washington, DC.

DEAR BILL: As requested, I have enclosed a summary of alleged ICRA violations contained in our files. The summary includes only those matters or allegations brought to our attention subsequent to *Santa Clara Pueblo* v. *Martinez,* 436 U.S. 49 (1978). I have not included other claims of ICRA violations from sources such as the Indian Law Reporter, litigated federal cases or the available literature. I did, however, include matters reported in the news media and note that certain matters outlined below may also have been made available to the Civil Rights Commission. In addition, because we are no longer engaged in ICRA enforcement activity, the allegations contained in the summary remain unverified.

The 71 separate complaints listed below allege a total of 98 violations of the ICRA. The complaints name 32 different Indian tribes located in 12 states. Areas with the heaviest complaint activity include tribes located in South Dakota with 25 complaints, Arizona with 15 complaints and Minnesota with 10 complaints. One tribe is the subject of 14 separate complaints, some of which allege more than one ICRA violation, and 3 other tribes are the subject of 10, 7 and 6 complaints respectively. The remaining 28 tribes are named in one or two ICRA complaints.

The 98 alleged ICRA violations may be categorized as follows:

Alleged violations	*Number of allegations*
1. Tribal court practices	28
2. Voting or election complaints	25
3. Hiring or employment irregularities	12
4. Tribal council activity generally	11
5. Free press infringements	5
6. Housing assignment policies	4
7. Right to counsel allegations	3
8. Taking of private property without compensation	2
9. Vague criminal statutes	1
10. Child custody procedures	1
11. Jail conditions	1
12. Membership practices	1
13. Cruel and unusual punishment	1
14. Improper removal from the reservation	1
15. Arrest and search procedures	1
16. Racial discrimination	1
Total	98

By year, the 712 complaints of ICRA violations can be broken down as follows:

Year	*Number of complaints*
1978	4
1979	6
1980	2
1981	1
1982	4
1083	2
1984	1
1985	6
1986	13
1987	11
1988	21

I hope you find this information useful. If you should have any questions, please call the undersigned on 633-4701.

Sincerely,

JAMES P. TURNER,
Acting Assistant Attorney General, Civil Rights Division.
JAMES M. SCHERMERHORN,
Special Litigation Counsel.

U.S. DEPARTMENT OF JUSTICE—IRCA COMPLAINTS POST SANTA CLARA PUEBLO VERSUS MARTINEZ

Date of incident	ICRA section	Alleged violation	Summary of incident
1982	1302(8)	Due process (threats and intimidation)	Tribal authorities allegedly attempted to force the complainant to leave the tribe because she complained of improper treatment of her child in the tribal day care center.
1979	1302(8)	Due process (vague criminal statutes)	Allegation that tribal "disorderly conduct" and "contributing to the delinquency of a minor" statutes are vague and, accordingly, violate due process guarantees codified in the ICRA.
1982	1302(8)	Due process (child custody)	Allegation that the complainant was unfairly treated in a child custody proceeding.
1985	1302(8)	Due process (jail conditions)	Allegation that tribal jail conditions violate due process and cruel and unusual punishment provisions of the ICRA. Specifically, the complaint alleges unhealthy, unsanitary and unsafe jail conditions.
1981	1302(8)	Due process (exparte tribal court proceedings)	Allegation that children were taken from parents in child custody proceedings without notice pursuant to an ex parte court order allegedly in violation of the due process provisions of the ICRA.
1982	1302(8)	Equal protection (voting/elections)	Malapportioned tribal council election districts allegedly violate the one person/one vote equal protection standard.
1985	1302(8)	Due process (voting/elections)	Allegation of malapportioned tribal council election districts in violation of the one person/one vote equal protection standard.

U.S. DEPARTMENT OF JUSTICE—IRCA COMPLAINTS POST SANTA CLARA PUEBLO VERSUS MARTINEZ—Continued

Date of incident	ICRA section	Alleged violation	Summary of incident
1988	1302(8)	Due process (voting/election)	Allegation that a denial of the right to vote in a tribal election was motivated by a fear that the complainant may vote for a candidate not approved of by an election official.
1988	1302(8)	Equal protection (voting/elections)	Off reservation members of the tribe claim discrimination in voting in tribal elections. Allegedly only members of the tribe who live on the reservation can participate in tribal elections.
1985	1302(8)	Due process (voting/elections)	Allegation that the tribal council is unlawfully conducting business without a quorum in violation of the tribal constitution and ICRA.
1984	1302(8)	Due process (voting/elections)	Allegation that a tribal ordinance "forever barr[ing]" individuals from running for tribal office violates the ICRA.
1985	1302(8)	Due process (interference with a tribal court order)	Tribal council allegedly voted to "wipe away and overrule the [tribal] appellate court's decision . . .".
1983	1302(8)	Due process (voting/elections)	Allegation that a tribal council referendum to "correct" the election district apportionment set by the federal court in Brown versus United States is "invalid because it is contrary to the Indian Civil Rights Acts".
1980	1302(8)	Due process (voting/elections)	Tribal resolution declaring a tribal election null and void was allegedly "enacted without notice or hearing or other requirements of due process, and the winners of several individual election contests were possibly denied rights in disregard of due process required by the Indian Civil Rights Act."
1986	1302(8)	Due process (improper tribal hiring)	Allegation raises "instances wherein it appeared to me that due process and civil rights of individuals and groups were denied at the tribal level." The complaint alleging, among other things, that nonmerit hiring by the tribe constituted "nepotism" and "cronyism".
1979	1302(8)	Due process (removal from employment)	Letter alleging ICRA violations regarding the firing of a tribal employee by the tribe. Also alleged is the noncompliance with Rule 6 of the tribal code indicating a preference for the issuance of a criminal summons instead of an arrest warrant.
1979	1302(8)	Due process (abuse of tribal court authority)	Allegation that because he sought a divorce in the state court rather than the tribal court, the tribal judge awarded the complainant's property to his former wife and, acting in excess of tribal authority, threatened the complainant's welfare.
1981	1302(8)	Due process (housing assignment policies)	Allegation of improper tribal interference in a housing project assignment policies and that the tribal court process was used to silence dissent. Favoritism alleged in a housing assignment including discrimination on the basis of sex.
1978	1302(4) 1302(6)	No assistance of counsel, failure to permit confrontation of witnesses, no compulsory process, and the failure to advise defendants of the right not to be compelled to provide evidence against themselves..	Allegation that the tribe fails to advise criminal defendants of their right to assistance of counsel at no expense to the tribe, their right to confront witnesses who may appear against them, their right to compulsory process and their right not to be compelled to provide evidence against themselves.
1978	1302(8)	Equal Protection (voting/elections)	Allegation that malapportioned tribal council election districts violate one person, one vote equal protection standards.
1978	1302(8)	Due process (lack of notice)	Allegation that the tribe improperly interfered with complainant's ownership of certain property and failed to notify them of court action.
1988	1302(8)	Due process (Tribal court procedure)	General allegation that the tribal court failed to follow tribal law and violated the tribal constitution.
1988	1302(8)	Due process (employment)	Allegation that the complainant was fired from his tribal job in violation of the tribal merit employment code.
1986	1302(8)	Due process (voting/elections)	Allegation that the tribal election board denied the complainant the opportunity to run for public office.
1986	1302(8)	Due process (voting/elections)	Alleged due process violations in a tribal recall election including the failure to follow tribal constitutional mandates.
1988	1302(8)	Due process (voting/elections)	Allegation that a tribal faction complied with the tribal code in pressing a recall election but the tribal council and tribal court ignored the recall petitions.
1979	1302(8)	Due process (tribal employment practices)	Allegation that the clerk of the tribal court and the tribal prosecutor were fired without cause. The new chairman allegedly appointed family members to the vacant positions.
1986	1302(8)	Due process (employment)	Alleged favoritism and nepotism by tribal council in tribal hiring and employment practices. "Neoptism is bad on our res[ervation] . . .".
1979	1302(5) 1302(6) 1302(7) 1302(8)	Due process (criminal procedure, cruel and unusual punishment)	Complainant alleges he was illegally arrested, detained for 5 days without bond, provided no opportunity to defend himself at a hearing, and whipped by tribal authorities.
1979	1302(8)	Due process (tribal court procedure)	Victim alleges that he was mistreated by the tribal court, specifically that he was denied an appeal and given an excessive sentence as a result of improper influence by tribal officials on the tribal judge.
1978	1302(6)	Right to counsel	Allegation that the tribe refused to allow attorneys to practice in tribal court.
1980	1302(1)	Freedom of the press	Allegedly a tribal resolution "barred and restricted" the news media from the reservation.
1979	1302(1)	Freedom of speech, freedom of assembly, Bill of Attainder	Allegation that the tribe removed the treasurer under circumstance which "were in the nature of a bill of attainder" and "so mixed with unlawful provisions so as to evidence on their face the inadequacy of the tribal council as a forum for resolving at least this particular type of dispute. The Tribal Council's resolutions seek to restrain the Treasurer's right to freedom of speech and freedom of assembly and to punish her for the exercise of those basic freedoms contrary to the provision of the Indian Civil Rights Act."
1982	1302(8)	Due process (voting/elections)	Allegation of considerable controversy "surrounding the handling of absentee ballots' and other election problems.
1988	1302(8)	Due process (voting/elections)	Allegations of "internal strife"and "unqualified" tribal office candidates resulted in an "illegally held" election.
1986	1302(8)	Due process (removal from reservation)	Allegation that the tribal council and tribal court acted to remove or exclude a nonmember of the tribe from the reservation, allegedly without the opportunity to be heard.
1985	1302(8)	Due process (voting/elections)	Newspaper editorial (and accompanying cartoon) alleges that tribal councils have passed resolutions "forbidding certain individuals to run for office."
1987	1302(8)	Due process (limiting tribal court jurisdiction)	Allegations that a tribal resolution "specially denies jurisdiction to the . . . CFR court over any litigation that may be construed as 'internal tribal conflict' and, as a result, precludes ICRA challenges in tribal court."
1985	1302(8)	Due process (Tribal council interference with the tribal court)	Allegation of interference by tribal council in the work of the tribal court. Tribal council allegedly ordered a tribal judge to hear a case in which the judge had disqualified himself on conflict of interest grounds.
1986	1302(8)	Due process (tribal court procedures)	Allegation that "our Indian Civil Rights have been violated by the tribal courts . . ." Specially, the complainant alleges that the tribal court "didn't give us notice nor subpoenas to our witnesses" for a court hearing.
1986	1302(5) 1302(8)	Due process (taking of property)	Allegation of a denial of "human rights" by the former tribal council in exercising the tribe's right of eminent domain. Allegation that those who refused to sell land for a new road were "arrested or assaulted."
1988	1302(8)	Due process (employment and elections)	Allegation that the former chief judge of the tribal court "was replaced without cause and probable in violation of the tribal code." The complaint describes the tribal court system as one ". . . which [does not] presently inspire confidence." The complainant describes past tribal elections as having "an element of threat of personal harm . . .".
1986	1302(8)	Due process/equal protection (voting/elections)	The tribal council, acting as an appellate court, allegedly overturned the decision of the tribal court and denied a women tribal member the opportunity to run for tribal office. According to the complaint, the tribal council believes the tribal ". . . constitution expressly denies women the right to hold office."
1987	1302(8)	Due process (employment)	Complaint alleges that the tribal council overruled both the tribal court and the tribal appellate court's finding that the plaintiff was illegally terminated from her position as the tribe's higher education director.
1986	1302(8)	Due process (employment)	Complaint alleges that educated Indians are "politically . . . black-listed" and "discriminated against by our officials" in employment.
1986	1302(8)	Due process (tribal court procedure)	Complaint alleges a denial of due process in tribal court. Specifically, the complaint alleges faulty extradition procedures and the failure of the tribal court to uniformly apply the tribal code.
1987	1302(8) 1302(7)	Due process (illegal consecutive sentencing)	Allegation that a defendant was convicted of 15 criminal charges and sentenced to serve 10 consecutive sentences of 6 months each for a total sentence of 5 years in jail which exceeds the ICRA's one (1) year maximum sentence provision.
1987	1302(8) 1302(7)	Due process (illegal consecutive sentencing)	Allegation that a tribal inmate is serving a 6 year prison sentence which exceeds the ICRA's one (1) year maximum sentence provision.
1986	1302(8)	Due process (Favoritism by tribal court)	Allegation that a tribal court advocate's client was treated unfairly by a tribal judge in a divorce proceeding. Specifically, the victim was forced to accept much of the financial liability resulting from the marriage with very little of the assets. Allegedly this occurred because the tribal judge was a school acquaintance of the successful party in the divorce proceeding and was biased against her client.
1979	1302(8)	Due process (voting/elections)	Complaint alleges that "[f]or 73 years [t]he tribe has been denied the right to a fair election" because of existing tribal elections procedures.
1986	1302(8) 1302(2)	Due process (illegal arrest and warrantless search procedures)	Allegation that tribal police chief violates proper arrest and search procedures. Complaint asks "[h]ow much more must our civil rights be violated before he is stopped or before anyone comes to our aide."
1986	[1] 1302(8)	Due process	Complainant summarizes 10 alleged ICRA violations occurring on two reservations in the southwest.
1987	1302(1)	Freedom of the press	Allegation that a newspaper reporter was denied access to a public tribal council meeting.
1983	1302(8)	Due process (voting/elections)	Allegation that black "freedman" tribal members are not permitted to vote or run for tribal office elections.
1988	1302(8)	Due process (tribal council procedures)	Allegation that "tribal officials, including tribal police, have been ignoring restraining orders" issued by [a] tribal judge.
1988	1302(8)	Due process	Allegations of civil rights abuse by tribal officials. Specifically, Indians complain of "[t]he abusive use of authorities and the usurping of powers . . . by common and non-elected tribal officials . . .".
1988	1302(1)	Free press	Newspaper allegation of tribal interference with the editorial content of a newspaper serving the Indian and non-Indian community. According to the article, many Indian operated newspapers "suffer from censorship, tribal nepotism . . ." and other problems. The article references similar problems elsewhere in Indian country.
1986	1302(8)	Due process (voting/elections)	Allegations include that it is ". . . common knowledge that the election process was abused and that large scale Absentee Ballots were bought and paid for by the incumbent". Complaint concludes by stating that most reservation residents "feel that their civil rights have been violated under the Indian Civil Rights Act".
1987	1302(8)	Due process equal protection (employment and housing)	Allegation that a tribe discriminates on the basis of national origin in housing and employment.
1987	1302(8)	Due process (voting and election)	Allegation that an individual was improperly removed as tribal chairman of the Shakopee Sioux Community.

U.S. DEPARTMENT OF JUSTICE—IRCA COMPLAINTS POST SANTA CLARA PUEBLO VERSUS MARTINEZ—Continued

Date of incident	ICRA section	Alleged violation	Summary of incident
1988	1302(1)	Freedom of the press	Newspaper notes that "[f]reedom of the press on Indian reservations is such a rare thing it is nearly non-existent." The article goes on to say, among other things, that "incoming tribal chairman may engage in wholesale firings of the editor and staff, budget cuts that force the newspaper out of business or demands for total editorial control over the newspaper. Only 10 of 306 Indian newspapers are "independently owned".
1988	1302(8)	Due process (employment)	News article concering tribal employment practices noting that no tribal employees are in merit positions but are rather "political appointees" who can be fired by the tribal chairman without cause.
1988	1302(8)	Due process (tribal court procedure)	Allegation that a tribal court judge refused to set a hearing date in violation of tribal law and impermissibly confiscated the collateral of a party of a tribal court proceeding.
1988	1302(8)	Due process (tribal council interference with tribal court)	Recommendation concerning changes in tribal law so the "Chief Judge cannot be fired by the tribal council for upholding the law of our tribe." Alleges a need by the tribe to have "separation of powers." According to the material," right now the tribal council serves as judge, jury and executioner".
1988	1302(8)	Due process equal protection (housing)	Allegation that tribal representatives, "discriminate against their own people [. . . . T]he Full Bloods are treated differently and that their basic needs such as decent housing are not met."
1988	1302(8)	Due process (hiring practices)	A tribal council representative complains that he has observed "injustices committed against our people by tribal council members, program directors, supervisors, tribal court and tribal court personnel." Among other problems are nonmerit hiring practices by the tribal council.
1988	1302(8)	Due process (land lease) equal protection (voting and elections)	Allegation of several ICRA violations including the failure to permit the complainant the opportunity to run for tribal office and a violation of Indian preference provisions in the lease of Indian lands.
1987	1302(8)	Due process (employment practices)	A former tribal judge complains that he was suspended without pay by the tribal council a matter of days after he made an unpopular ruling permitting a finance company to repossess a car located on the reservation.
1987	1302(8)	Due process (criminal sentencing procedures)	Allegation that an individual convicted on several tribal charges was sentenced to a 390 day jail term or 25 days in excess of the ICRA one (1) year maximum sentence.
1987	1302(8)	Due process (tribal court procedures)	Attorney that alleges "my client was restrained of liberty," when the tribal court issued an order without allowing her an opportunity to be heard in a child custody matter.
1988	1302(8)	Due process	Allegation of a "mass violation of people's rights" on an Indian reservation and that a "majority of the people affected are helpless because the tribal courts cannot take civil cases that involve a tribal organization".
1988	1302(8)	Equal protection (racial discrimination)	Allegation of a non-Indian attorney that a tribal official took action against him in tribal court "because I am caucasian" and in an effort "to retaliate" for a previous complaint filed by the victim against the subject with the tribal Bar's Disciplinary Committee.
1988	1302(8)	Due proocess equal protection (tribal court procedures)	Allegation that a tribal court child custody action constituted "interference in civil rights due to conspiracy and class based animas".
1987	1302(8)	Equal protection	Allegation that because of the complainant's challenge to how the tribe was conducting its affairs, she was the subject of verbal and physical threats and denied protection from the reservation criminal justice system.

[1] Miscellaneous other ICRA provisions.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 518. A bill to provide for the establishment of White Haven National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

WHITE HAVEN NATIONAL HISTORIC SITE

Mr. BOND. Mr. President, I am pleased to introduce legislation today with my colleague from Missouri, Senator DANFORTH, which will preserve President Ulysses S. Grant's home, known as White Haven, in Grantwood Village, MO. President Grant is the only President whose home is not preserved by the Federal Government. Our legislation would correct that oversight by authorizing the Secretary of the Interior to accept the donation of White Haven by its current owner, St. Louis County, and designate it as a national historic site. The National Park Service would administer the property.

White Haven was the childhood home of President Grant's wife, Julia Dent Grant. Grant and his wife lived at White Haven from 1854 to 1860, farming the land and raising a family. Although they moved away in 1860, they maintained ownership of White Haven and visited it often. St. Louis County currently owns the property, which consists of 10 acres of land, the 180-year-old main house and several smaller buildings.

This legislation deserves support for several reasons. First, as I mentioned earlier, Grant is the only President not represented in our National Park System. Every other President is represented by one or more sites of personal or historical significance to them. Given his place in our national history, it is important that this omission be corrected. Second, the State of Missouri and St. Louis County have shown a strong commitment to White Haven by funding the aquisition cost. They saved it from demolition in 1986 by purchsing it from a private group for $510,000. The only costs to the Federal Government would be modest amounts for staffing and maintenance. Finally, the National Park Service would like to add this historical property to our National Park System but cannot do so without congressional approval.

Prof. John Simon, executive director of the Ulysses S. Grant Association located at Southern Illinois University, has prepared an excellent summary of the history of White Haven. I ask unanimous consent that a copy of this summary be placed in the RECORD at the end of my statement.

Mr. President, this legislation would ensure the preservation of an important historical site and I urge my colleagues' support for it.

I ask unanimous consent that a copy of this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF WHITE HAVEN NATIONAL HISTORIC SITE.

In order to preserve in public ownership for the benefit and inspiration of all Americans the key property associated with the personal lives of General and President Ulysses S. Grant and First Lady Julia Dent Grant, knowledge of which is essential to understanding his meteoric rise to greatness as well as his heroic deeds and public service and her partnership in them, there is hereby established the White Haven National Historic Site near St. Louis, Missouri.

SEC. 2. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary of the Interior is authorized to acquire by donation the property and improvements thereon known as White Haven in the unincorporated portion of St. Louis County known as Grantwood Village within the area generally depicted on the map entitled "Boundary Map, White Haven National Historic Site," numbered WHHA-00, 000 and dated July, 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) PERSONAL PROPERTY.—The Secretary is authorized to acquire by donation or purchase with donated or appropriated funds personal property directly associated with White Haven or General or Mrs. Grant for the purposes of the national historic site.

SEC. 3. ADMINISTRATION OF HISTORIC SITE.

The property acquired pursuant to the section 1 shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the Act of August 21, 1935 (49 Stat. 666).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

THE ULYSSES S. GRANT ASSOCIATION,
Carbondale, IL, February 1, 1989.

Senator CHRISTOPHER S. BOND,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: I am grateful for this opportunity to write briefly about the importance of White Haven in the life of Ulysses S. Grant in order to further the establishment of the property as a National Historic Site.

In 1965, I first visited White Haven and have revisited it several times, once as a weekend guest, never failing to be impressed by the lingering presence of Grant or to be

reminded by the structure itself of the unusual nature of his career.

To understand Grant is to appreciate his reluctance to serve as an army officer, a pattern that extends from his original appointment to the U.S. Military Academy through his commissioning as general. He resigned from the army in 1854 intending to become a farmer on his father-in-law's White Haven estate, rejoining his wife and two children, one of whom he had never seen, after a two-year absence on the Pacific Coast. The family first lived at White Haven, where Grant had courted his future wife, then moved to the nearby house of Lewis Dent, before occupying the log house, ironically named Hardscrabble, that Grant had built himself. Hardscrabble, as restored, now stands across the road from White Haven, a poignant reminder that in the century of log cabins, only one future president himself built one for his family to live in, and the contrast between Hardscrabble and White Haven indicates the difficulty that Grant faced in pursuing a new career. The Grants lived in Hardscrabble for approximately four months before moving back to White Haven, following the death of Mrs. Grant's mother. Further financial reverses took Grant from White Haven to downtown St. Louis and eventually to Galena, but his fondness for his wife's home influenced him during the Civil War to begin to buy portions of this estate as his postwar home.

White Haven also evokes Grant through its southern architecture, serving as a reminder that Grant married into a slaveholding family, had as many friends in the South as in the North, and that the bonds sundered in 1861 had repercussions within his own family.

Presented with a large and handsome house in Galena soon after the end of the Civil War, Grant did not even revisit it for some three years, then stayed in Galena during the presidential campaign in 1868 largely to avoid all participation in politics. Once the votes were in, Grant left Galena to return only for the briefest of visits thereafter. Although Galena was his immediate prewar home, he preferred St. Louis County.

The poignancy of the Grant story emerges in Grant's second loss of White Haven near the close of his life, when a Wall Street swindle forced him to give up everything. Since then, White Haven has had a checkered career, and I still remember my own surprise in 1965 to discover that the house was still standing and to learn that it was lovingly maintained with due regard for historic authenticity by the Wenzlick family. Delbert Wenzlick told me that he had deliberately avoided publicity in the years following his occupation of White Haven; after all, it was a family home to him, not an historic landmark. Yet he never neglected its historic heritage while making arrangements for modern living.

Because of this desire for privacy, White Haven received little attention in St. Louis prior to recent years, and the development of local support for its preservation was frustratingly slow. The large membership of the local White Haven support group now attests to how much momentum this effort has acquired. In the future, St. Louisans must pay attention to White Haven as the most important historic building within a one hundred mile radius.

On a national level, White Haven remains something of a secret treasure, although it should not be. No house that Grant ever lived in possesses as much historic resonance as White Haven. After all, everyone has to be born somewhere, everyone needs a roof over his head later in life, but Grant's choice of the White Haven estate as a residence tells even the most casual visiter something about the career of this unmilitary general and unpolitical president. In essence, it is already a National Historic Site, lacking only official recognition as such.

Sincerely,

JOHN Y. SIMON.

By Mr. RIEGLE (for himself, Mr. DECONCINI, Mr. LEVIN, Mr. METZENBAUM, Mr. HOLLINGS, Mr. KERRY, Mr. D'AMATO, Mr. HEFLIN, Mr. BIDEN, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. GARN, Mr. BUMPERS, Mr. HEINZ, Mr. THURMOND, Mr. BURDICK, Mr. PRYOR, Mr. DOLE, Mr. COATS, and Mr. MACK):

S.J. Res. 72. Joint resolution to designate the period commencing May 7, 1989, and ending May 13, 1989, as "National Correctional Officers Week"; to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

Mr. RIEGLE. Mr. President, I rise today to introduce a joint resolution designating the week of May 7, 1989, as "National Correctional Officers Week."

This resolution is similar to legislation I have sponsored in the last two Congresses and serves to honor our correctional officers around the country for their tireless commitment of staffing the nation's correctional facilities.

Our Nation's correctional officers work under highly stressful conditions, where exposure to risky or dangerous situations is a daily part of their jobs. Presently, these officers are responsible for the safety and welfare of over 600,000 inmates in the country, and are also integral to the protection of surrounding communities.

I feel strongly that National Correctional Officers Week is a way to show our support for these dedicated men and women. I urge my colleagues to support and to cosponsor this resolution.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD directly following my remarks. Thank you.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Whereas American correctional officers who work in our jails and prisons are currently responsible for the containment and control of over six hundred thousand prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance requires correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals in order to have their actions appreciated and accepted by the public at large;

Whereas correctional officers had been similarly honored by many States and localities;

Whereas correctional officers had been similarly honored by a joint resolution of the Senate and House of Representatives of the United States in Congress assembled in 1984, 1985, and 1987; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing May 7, 1979, and ending May 13, 1989, hereby is designated "National Correctional Officers Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 136

At the request of Mr. ADAMS, the names of the Senator from Idaho [Mr. MCCLURE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 136, a bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Montana [Mr. BURNS], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 223

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 223, a bill to establish a grant program for research, treatment and public education with respect to Lyme disease.

S. 326

At the request of Mr. SHELBY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mr. CRANSTON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 326, a bill to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 358

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

S. 366

At the request of Mr. BAUCUS, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 366, a bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes.

S. 416

At the request of Mr. DOMENICI, the names of the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 436

At the request of Mr. METZENBAUM, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 436, a bill to strengthen the protections available to employees against reprisals for disclosing information, to protect the public health and safety, and for other purposes.

S. 459

At the request of Mr. GORE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 459, a bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space.

S. 469

At the request of Mr. REID, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 469, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 485

At the request of Mr. GORE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 485, a bill to authorize a White House Conference on Homelessness.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficient technologies, and for other purposes.

SENATE JOINT RESOLUTION 56

At the request of Mr. GARN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week."

SENATE RESOLUTION 16

At the request of Mr. LAUTENBERG, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Resolution 16, a resolution to express the sense of the Senate regarding future funding of the municipal sewage treatment program under the Clean Water Act.

SENATE CONCURRENT RESOLUTION 17—REQUIRING A COST ANALYSIS OF EMPLOYEE BENEFIT LEGISLATION

Mr. WALLOP (for himself and Mr. BOSCHWITZ) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that each committee of the Congress that reports legislation that requires employers to provide new employee benefits shall secure an objective analysis of the impact of the legislation on employment and international competitiveness and include an analysis of the impact in the report of the committee on the legislation.

● Mr. WALLOP. Mr. President, I rise to submit a concurrent resolution expressing the sense of the Congress that committees reporting legislation that would require employers to provide new employee benefits must secure an objective analysis of the impact that legislation will have on employment and international competitiveness. These analyses would be included in the committee's report on the legislation.

The purpose of this concurrent resolution is to give us the opportunity to consider the employment and competitive impacts of proposed increases in labor costs when bills requiring new employee benefits are reported to the floor of both Chambers. Given the broad array of bills which mandate new benefits such as the Family and Medical Leave Act, and mandated health benefits which have been introduced in this Congress, it is vital that we have a chance to assess the impact of these bills on employment and competitiveness, particularly as regards small business. I regret that we didn't have this information before us when we were debating the high risk disease notification legislation during the last Congress.

While I am not arguing with the perceived intentions of family and medical leave and mandated health benefits, my major concern is the potential cost of these bills to employers. Under this legislation, employees would have a right to leave under certain circumstances without pay, but the employer would suffer through the trials and tribulations of having to train another employee to replace that person temporarily. Training new employees costs time and money. Everyone knows that increases in employer costs result in lower employment. At a time when our unemployment rate is the lowest it has been in decades, that is not something we want to see as a result of legislation we enact that doesn't cost the Federal Government anything but could cost small businesses a great deal.

Recent estimates show that the cost of this mandated benefit to employers having 20 or more workers would be approximately $194 million annually. Currently, employers are voluntarily spending an average of 39.3 percent of their payroll for benefits, or $10,283 per year per employee. Voluntary annual expenditures by employers on benefits have risen from $190 billion in 1973 to $742 billion in 1986. I think the small businesses of our Nation can ill afford this additional cost at a time when we are attempting to foster their growth and make them more competitive.

The purpose of my resolution is to see to it that we have an opportunity to review the ramifications of this type of legislation before it becomes law. I believe this should become an essential focus of our legislative process. Small business is the backbone of our Nation's economy and they are extremely sensitive not only to benefit mandates—indeed many states already

have them—but to increases in labor costs which in turn affect their ability to compete in today's market.

I urge my colleagues to join me in cosponsoring this concurrent resolution so that we might have a better opportunity to assess the impact of mandated benefits on our Nation's economy.●

SENATE RESOLUTION 75—RELATING TO PROCEDURAL DUE PROCESS RIGHTS FOR PRESIDENTIAL NOMINEE'S

Mr. STEVENS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 75

Resolved, That paragraph 1 of rule XXXI of the Standing Rules of the Senate is amended by—

(1) inserting "(a)" after "1."; and

(2) adding at the end thereof the following:

"(b) Any individual nominated by the President to be the principal officer of an Executive Department shall be entitled to the following procedural due process rights during the consideration of such nominee by a committee:

"(1) All witnesses before the committee shall be sworn and subject to cross examination by the nominee or counsel for the nominee.

"(2) The nominee may call before the committee and examine (through counsel if the nominee requests) any witness presenting evidence relevant to the nomination.

"(3) The committee may not consider or make part of the record any evidence based upon nonattributed hearsay or information received from any unidentified or unavailable witness.

"(4) Notwithstanding paragraph 5(b) of rule XXVI, all meetings of the committee shall be open unless matters to be discussed or testimony to be taken at a meeting will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.".

SENATE RESOLUTION 76—COMMENDING CHARLES H. PRICE

Mr. BOND (for himself, Mr. DOLE, Mr. DANFORTH, and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas Charles Price has faithfully served the United States as America's senior representative to the Kingdom of Belgium, and the United Kingdom of Great Britain and Northern Ireland for almost eight years; and

Whereas through his diplomacy, Mr. Price contributed significantly to the continuing good relations between the United States and these countries; and

Whereas in that time he has forcefully and effectively promoted the policies of the United States Government; and

Whereas in every aspect of his work he has distinguished himself as an individual of the highest competence, integrity and moral standing, and has conducted himself with the utmost courage and poise; and

Whereas Mr. Price is now retiring from his position as Ambassador to the Court of St. James's: Now, therefore, be it

Resolved, That the Senate of the 101st Congress commend Ambassador Charles H. Price II for his outstanding service and dedication to the Government and the people of the United States of America.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, AND RESEARCH AND DEVELOPMENT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, and Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Monday, March 6, beginning at 10 a.m., to conduct a hearing to consider the use of toxic materials in the aerospace industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on 9:30 a.m., March 6, 1989. Hearing, to receive testimony on S. 406, a bill to authorize competitive oil and gas leasing and development on the coastal plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes; and three amendments to the bill, numbers 3, 4, and 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the veterans' program budget on Monday, March 6, 1989, at 12:30 p.m., in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Monday, March 6, 1989, at 2 p.m., in closed session to receive testimony on Defense Nuclear Agency's nuclear weapons effects testing in review of the fiscal years 1990 and 1991 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PAT PATTERSON

● Mr. LEAHY. Mr. President, many Senators on the Agriculture Committee know Pat Patterson, a very good friend of this Senator, and a dedicated, hard working farmer from North Danville, VT.

There are times our committee gets bogged down in USDA directives and regulations and the bureaucratic maze that our lawyers create, and then collect exorbitant fees to guide us through.

When times call for good sense rather than more paper work, I get on the phone to Vermont and ask Pat if he has a few minutes to advise the chairman of the Senate Agriculture Committee.

Pat and his family milk 100 cows twice a day on his farm, and he still finds time to serve as president of the Cabot Farmers' Cooperative Creamery, and other committees and corporations that are related to the dairy industry.

Despite all these activities, Pat always finds time to help me with dairy issues that only a lifetime on the farm can teach you.

And he has come to Washington on occasion to share that knowledge at hearings before the entire committee. The Senators have a great deal of respect for his views on the future of dairy farming in New England, and often ask me to invite him back.

But Pat is too busy keeping his farm going to spend all his time helping out the committee, or its chairman, understand in simple language what today's farmer is up against.

Today, farmers like Pat not only produce milk, but they must become active in the marketing and pricing of their product to survive.

The complex life of a modern day dairy farmer like Pat Patterson was captured in an article in the Boston Globe of February 26, 1989, written by Douglas Wilhelm.

I am having copies made for all the members of my committee, Mr. President, but would ask that the article be reprinted in its entirety so that other Senators, especially those from farm States, can get a better appreciation of what Pat Patterson means to the State of Vermont, and to me personally.

The article follows:

[From the Boston Globe, Feb. 26, 1989]

COWS TO MILK, COMMITTEES TO MEET—MODERN FARMER'S LIFE IS NO LONGER SIMPLE

(By Douglas Wilhelm)

DANVILLE, VT.—No matter how you approach Lloyd Patterson's dairy farm, you've got to go the last several miles on back roads. It's a beautiful drive, up and over the hills that rise around North Danville village. Patterson's place is on a crest, where the

open-pastured view of northeastern Vermont drops away in nearly every direction. You can think this is one place where life must be fairly simple—where a farmer just stays, and farms.

No.

With his family, Patterson, known as Pat, milks 100 cows twice a day. He is also a director, treasurer, board chairman, national delegate to or president of eight organizations that process milk, market milk products, promote milk products, lobby for dairy farmers or work on farm pricing, farm economics or the science of breeding cows.

The broad-faced farmer greeted a visitor cordially at a table in his den. He was dressed in a plaid shirt, work pants and blue suspenders. He paid close attention and was very careful with his words. His son Roy was in and out with blackened hands, trying to fix a blocked fuel filter on a tractor outside. There is always something, the farmer said.

"I probably won't say this right. I probably can't even express how I feel," Patterson said. "But I think it's very necessary that every farmer understand the complexities. . . . It's pretty easy to sit back at home and say, . . . 'It should be this way'—but if you dig into it a little bit, there's always a reason why the obvious solution isn't obtainable."

Many dairy farmers just produce milk and ship it. Patterson did that for 10 years, until 1960, when he was asked onto the board of Cabot Farmers' Cooperative Creamery. He has been Cabot's president or chairman since 1965.

He also is milk promotion director, executive committeeman and treasurer of Milk Promotion Services, Inc., delegate to United Dairy Industry Association, president of a group of dairy cooperatives that works on economic issues, president of the Legislative Committee of Northeast Cooperatives, treasurer of the Regional Cooperative Marketing Association, director of National Milk Producers Federation, and director of Eastern Artificial Insemination Corp.

"I never volunteered for anything," the farmer said.

All this takes, by his estimate, 10 days a month, and "It's almost safe to say 10 nights a month, too."

"Certainly farms are having problems today," he said. "We've had them in the past, and we're going to have them in the future. But I still believe it's a pretty good life. . . . Polly and I started 38 years ago with nothing. We still got it, only we got more of it."

Pat Patterson stood up and shook the visitor's hand.

"I do have kind of a busy afternoon planned," he said.—Douglas Wilhelm●

TRIBUTE TO MARGARET M. KEANE

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Margaret M. Keane, the grand marshal of the Bergen County St. Patrick's Day Parade. She is the first woman to be named grand marshal of the parade which has been sponsored by the Bergen County Council of Irish Associations for the past 8 years. This year the parade will be held Sunday, March 12 in Bergenfield.

Mrs. Keane has been a leader in the local Irish community for 19 years. Her parents were originally from County Sligo, Ireland. In 1969, her family moved to Dumont, NJ. She has been active in local Irish organizations ever since. Mrs. Keane was a member of the Gaelic League Choir and has organized many fund-raising dances for needy Irish-American families.

A retired nurse and mother of four, Mrs. Keane has brought her enthusiasm and leadership to many local Irish organizations. I applaud Mrs. Keane for her enthusiasm and spirit which help keep Irish traditions alive, and I congratulate her for unanimously being elected grand marshal of the Bergen County St. Patrick's Parade.●

"THE UNFINISHED AGENDA OF THE JEWISH COMMUNITY": AN ADDRESS BY MICHAEL A. PELAVIN, CHAIRMAN, NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL

Mr. MOYNIHAN. Mr. President, the National Jewish Community Relations Advisory Council [NJCRAC] held its plenary session in Washington, DC, during the Presidents' Day weekend. The distinguished Senator from Delaware [Mr. BIDEN] and the distinguished Senator from Oregon [Mr. PACKWOOD], delivered thoughtful addresses at the plenum's keynote session.

In February 1944, during the darkest days of the Second World War, four national Jewish agencies and 14 local community relations councils came together to found the NJCRAC. The new body was charged with the coordination of policy and planning for the Jewish community.

The NJCRAC brought together for the first time both national agencies and local Jewish community relations boards, with equal status given to all its member agencies. This new organization provided the vehicle for community agencies to influence national issues by creating an arena for national and local organizations to exchange views and forge consensus.

In the intervening 45 years, the NJCRAC partnership has grown to 114 local and 11 national constituent members representing over 4½ million American Jews.

I would like to call the Senate's attention to a most thoughtful address delivered by Michael A. Pelavin, chairman of the NJCRAC, at this year's closing plenum luncheon. Mr. President, I ask that the full text of Mr. Pelavin's address, entitled "To Build a Better America: The Unfinished Agenda of the Jewish Community" be printed in the RECORD in its entirety at the conclusion of my remarks.

The address follows:

TO BUILD A BETTER AMERICA; THE UNFINISHED AGENDA OF THE JEWISH COMMUNITY

(Address by Michael A. Pelavin)

In his moving acceptance speech at the Republican National Convention last August, George Bush told us that he's a quiet man, but "one who hears the quiet people others don't." What a wonderful aspiration for a President! And how difficult a task!

I want to take a moment at the outset of my remarks to help give voice to some of those quiet people, to some of our fellow citizens whose voices are not being heard.

Listen to the voice of Shamal Jackson who lived only eight months. By the time he died in New York City from low birth weight, poor nutrition, and viral infection, Shamal had never slept in an apartment or house. He had slept in shelters with strangers, in hospitals, in welfare hotels, in the welfare office and in subways which he and his mother rode late at night when there was no place else to go.

Listen to the voice of Terri from Redwood City, California. The mother of two, Terri has donated blood to get a little extra money to buy food for her children. Without a job or an apartment, Terri once went four days without food while searching for shelter for herself and her children.

Hear the voice of Betty Stevens, an only child, solely responsible for her chronically-ill elderly parents. Ms. Stevens cared for her mother and father for eight years until their deteriorating conditions forced her to place them in a nursing home. As the expenses continued to mount, Ms. Stevens had no choice but to sell her parents' home of 51 years to meet these costs. "To find myself hoping they do not survive beyond the time their funds can cover their expenses is devastating."

Listen also to the voice of Phillip Williams, a Jewish man, homeless, living on the streets of Baltimore. "Sometimes," he says, "I feel like the Jewish community of this city is willing to pump money for causes such as the homeless, and that's fine. But," Mr. Williams asks, "how many have been willing to take the time to know anyone who is homeless?"

These are not isolated stories. They are simply four voices, voices which need to be heard. And if we—the Jewish Community Relations field—do not hear them, who will? If we, in effect, will not be their voice, who will?

II

The challenge facing the community relations field today—and tomorrow—is to discover whether we as a community are ready once again to assume the responsibility for arousing what is best in the American people: their compassion, their understanding, their commitment to justice and equality for all people. Are we ready to renew America's commitment to eliminating the inequities that still exist in this land of plenty?

There is still a domestic community relations agenda, a pressing, demanding, seemingly intractable series of issues and claims that confront our nation—and our own community—with its most serious challenge. Crucial battles for legal equality have been won, but the facts of social inequality remain.

With all the hoop-la about America's "economic recovery," the gap between rich and poor is now wider than at any time since the Census Bureau began collecting such data. The United States is increasingly becoming

two societies—one rich, one poor. What does that say for our hopes about the health of American democracy? Nearly 32,000,000 Americans live at or near the poverty line. More than 20% of all children, and half of all black and Hispanic youngsters—some 13,000,000 young people—live in poverty. Two to 3,000,000 Americans are homeless altogether. Thirty-seven million Americans have no health insurance. More than half the babies born to teenagers are born out of wedlock. Seventeen percent of white families and 56% of black families are headed by single women.

Last month, the U.S. Conference of Mayors released the findings of a study on hunger and homelessness in 27 American cities. Among its conclusions, the report found that, requests for emergency food assistance increased in nearly 90% of the survey cities, by an average of about 20%. More than three out of five persons seeking emergency food assistance in the survey cities are members of families—both children and parents.

With the decline in federally-assisted housing programs, none of the survey cities expect to meet the housing needs of low income households for the foreseeable future. Shelters in two out of three of the survey cities must turn away homeless families because of lack of resources. In nearly three-fourths of these cities, emergency shelters must turn away other homeless people because of lack of resources.

And the plague of drugs, with attendant crime and other social pathologies, bespeaks the alienation, anger, and despair that coldly embrace growing numbers of the so-called underclass. Do we not have an obligation to help these men, women and children—our fellow Americans—overcome this legacy of need and achieve self-sufficiency?

The Jewish community itself is not immune from serious domestic problems. Jews are threatened with falling through gaping holes in the "safety net." The city of Chicago has identified 36,000 Jews as "economically vulnerable." Philadelphia's population study found over 1,000 Jewish households receiving some form or another of public assistance. The median age of the Jewish community—at 39, about 20% higher than society at large—suggests that we need to confront the frightfully costly problem of long-term home and health care for the elderly. It is estimated that the cost of keeping an individual in a nursing home in America is approaching $30,000 a year. How many among us can afford to care for our parents at that price? Yet who among us is prepared to see our parents not receive the best possible care regardless of price?

Recent studies reveal that the Jewish community shares with society at large growing instances of drug abuse, child abuse, and developmental disabilities. And CJF reports that federal cutbacks in meeting a variety of direct needs has led many federations to respond by restoring cash assistance lines to their budgets. In meeting these needs, however, other requests for communal support must go unheeded.

III

The American Jewish Community has always been in the forefront of the struggle for social justice. It is not *hubris* on our part to recall the role of the Jewish community relations field as the conscience of two communities—our own and the broader one in which we live. But why is the Jewish community there? Why has the Jewish community continued to be counted in that fight?

Answers to these questions are as many and varied as the people in this room today. But I am sure that we would agree to certain things. First, about history. Our immigrant forebears found in America not a golden land, but a golden opportunity. In America, it seemed, everyone was from somewhere else. The land bubbled with excitement and possibility. With faith in oneself, one might succeed.

I am a product of that migration. My father came to this country in 1922 from White Russia; my mother arrived from Budapest in 1912. One of my grandfathers peddled milk from a horse-drawn wagon, and my father sold newspapers in his effort to help the family. By the time they died, their families had joined them, their children were educated, and the dreams that they had shaped for themselves here in America had come into being and their hopes were fulfilled.

But my parents and yours brought something else, seeds that took root in American ground though not native to it: our collective Jewish consciousness—a history and an ethic—that to this day enables us to understand what is truly important to our security, to our sense of self and our sense of place. We have been imprinted with the mark of history. We are heirs of the Holocaust, the persecuted of the pogroms, the ancient scapegoats of alien lands. The tragedies and glories of our past unite us, and with the creation of the State of Israel we know that we never again shall depend on the kindness of strangers to secure our future, for we now have our own land. And because Israel plays that role for us, we will never compromise on the central issue of her right to exist as a creative, viable, democratic society and on her unsparing efforts to apply her strength in the search for a just and enduring peace.

Strengthened by our hopes for America and tempered by the lessons of our group history, the Jewish community has largely succeeded in this country. Among all American religious groups, Jews have the highest level of family income and educational attainment. We are leaders in the learned professions, academic, and the arts. We are prominent in public affairs.

Our material success and our political behavior are puzzling to many. Why is it, we are asked, that Jews vote more like disadvantaged minorities than like our socio-economic peers? Some, including some Jews, wonder if Jewish interest would not be better served if we "voted our pocketbooks."

I disagree. Such a view is shortsighted; it misreads our understanding of what is required to assure our continuing security in American society. When Ronald Reagan asked and George Bush echoed, "Are you better off today than you were eight years ago," the Jewish community answered not individually but collectively. While many of us may indeed be better off financially today than in 1980, we dispute the premise of the question. We ask instead, "What is the state of America today as compared to eight years ago? What assistance has been offered to the poor, the homeless and the unemployed among us? What is being done to meet the needs of the vast majority of American citizens in health care, child care, and housing?"

It ought not be surprising that a community whose central questions are these should continue to vote for candidates who share its view that assisting the needy is a principal function of government. We vote not out of a personal history stretching back ten or twenty years, but out of 2,000 years of Jewish experience which has ingrained in us an understanding that conditions threatening to the fundamental right of any individual in society jeopardize the rights of all. We remember the words of Rabbi Stephen Wise, who taught us that "only in a land where the rights of all are secure are the rights of Jews secure." And we remember that the freedoms embodied in the Bill of Rights—of speech, assembly, press, worship, and the right to petition the government—must always be protected, for they are the very bedrock of the society in which we have flourished.

We have consistently applied these principles in our practice. Early on, the Jewish community understood that coalition building is the soundest strategy for a minority—any minority, including our own—to achieve its political objectives. With workers from around the world, our forebears struggled with labor unions to bring justice and equity to the work place. With blacks in Alabama, grape growers in California, wherever injustice cried out for witness, the Jewish community stood shoulder to shoulder with other "weak clients" seeking redress of grievances. And from these common, pragmatic efforts came the relationships that have been translated not only into a shared, general vision of America but also into broad support for our particular concerns: Israel's survival and the rights of Soviet Jews to rejoin their people in freedom.

We acknowledged that commitment to common cause nearly fifty years ago in creating NJCRAC as the institutional framework for arriving at and articulating our communal goals and pursuing them on behalf of the common good. The NJCRAC process, I believe, has the flexibility and dynamism to shape the response of the Jewish community relations field to our new challenges. Polls tell us that a vast majority of Jews share the outlook and positions of NJCRAC as reflected in the Joint Program Plan. Too many of these Jews, however, are unindentified with the community. Many are like I was before my involvement in my local federation, a young lawyer involved in organizations like the ACLU who did not fully realize that these efforts on behalf of the broader community actually reflected a Jewish sensibility. The field needs to consciously reach out to these young men and women, recognizing the Jewish community relations provides an important, yet underutilized channel for bringing people into the Jewish community.

Secondly, we must acknowledge that our strategic practice has frequently fallen short of our rhetoric. How many communities are actively, consciously involved in coalition-building? Are we uncovering common agendas with the Blacks, Hispanics, and Asian Americans who are our neighbors and organizing effective coalitions to achieve our shared goals. The automatic liberal coalition of the thirties, forties, fifties, and sixties no longer exists. The challenge for us, then is to construct functional coalitions of limited duration, designed to achieve specific goals. We see such coalitions coming together frequently in Washington, suggesting models that can be utilized by the field at the local level.

Thirdly, we must acknowledge our own shortcomings. How many of our communities actually confront issues of domestic concern on a day-to-day priority basis? In my view, too many of us have bought the argument that the Jewish community simply cannot afford the resources required to do

community relations well. Part of the task ahead is to make it clear that active involvement in the public affairs agenda is a central Jewish enterprise—it protects and preserves American democracy and it builds active strongly-identified Jews. If for no other reason, community relations should be seen as a major community priority.

The JTA Community News Reporter for December 9, 1988 tells of the permanent residence facility operating in Adas Israel Congregation here in Washington, D.C. Housing five women between the ages of 30 and 50, the project was conceived by the synagogue as a model effort to involve the religious community in finding a permanent answer to the problem of homelessness. According to the synagogue's social action chairman, the "potential for expansion is largely in getting other congregations and other organizations to pursue similar programs." The facility is called the Anne Frank House, a name that evokes in us all the realization that the struggle for justice is an unceasing one whose outcome is by no means assured.

This striking example of Jewish involvement in the problem of homelessness stands in sharp contrast to the general absence of such creative programming in the community. To me, it only underscores the existing evidence that we have neglected our relationships. Growing public recognition of tension between Jews and blacks, the pending judicial assault on the principle of reproductive choice embodied in the Supreme Court's 1973 decision in *Roe* v. *Wade*, the spectacle of pro-Israel supporters heckled and booed at the Democratic National Convention are all stark reminders that the work of building bridges to other groups in society must be an ongoing enterprise within the field of Jewish community relations. If we do not involve ourselves in the full range of American life, is it likely that other Americans will care about what is important to us? If we do not fight against the injustices affecting others, will they fight the injustices affecting us? While ongoing relationships are no guarantee that our viewpoint will prevail, the absence of strong bridges is a guarantee that our position will be vulnerable.

IV

Hubert Humphrey, certainly an ally whose friendship, loyalty and compassion are revered by everyone in this room, once said that the moral test of a society is how it treats those at the dawn of life, children who are helpless; those in the midday, the healthy who need employment and housing; and those within the shadows, the handicapped, the needy, the other helpless. I would add that the Jewish community ought to be in the forefront of efforts to devise and enact comprehensive programs to break the cycle of generational poverty.

How do we do that? Emergency housing and food programs must be fully funded, not cut; rent subsidies must be restored, not phased out; the minimum wage must be increased; quality child care must be available to all Americans; sound family policy must include the right of people to care for newborn or ill children and dependent elderly parents without risk of job loss; Americans must be able to aspire to home ownership, quality education, a rewarding job, affordable health care. In short, the American dream must be restored as a reality to each American household. And each American must have a household in which to cherish that dream.

Yet these goals cost money, and our country faces a severe deficit. How do we balance the two? I would suggest to you that Gramm-Rudman-Hollings is not social policy. While we must recognize that federal deficits are a serious problem, spending cuts in the domestic arena are not the only way to reduce those deficits. There are other options. We can—read my lips!—raise revenue. Opinion polls show that a majority of Americans not only believe that President Bush and the Congress will have to raise taxes, but they also are not averse to tax increases to cope with the deficit. And of course, I believe that the defense budget should be scrutinized with the same rigor with which the domestic budget has been pared. Whatever approach ultimately followed, the Jewish community relations field has an obligation to debate the issues—as we have at this plenum—and insist that the government address these problems, rather than hide behind ideology masquerading as economic policy.

What is Jewish about that debate and that agenda, we are asked? Everything. As Leonard Fein observes in his recent book, "Where Are We?" public affairs allows the Jewish community to enact our particular ethical values. It requires us to test the prophetic vision of our faith against the facts of our society's shortcomings. Responding to injustice is central to our integrity as a people. By fighting for justice we can reaffirm our past and redeem our future. Separation of church and state is a justice and a Jewish issue. Civil rights is a justice issue and Jewish issue. Persecution of blacks in South Africa is a justice issue and a Jewish issue. The rights of children, the needs of the elderly, the survival of our cities and farms, these are all justice issues. They must all be Jewish issues as well. If we want pluralism in our society, then we cannot be singular in our concerns.

At the end of the day after all is said and done, that is at the heart of Jewish community relations. That is what Jewish community relations should be saying clearly and unequivocally. If it cannot say at least that much, then I fear it has nothing Jewish to say at all, because our ethical and moral credo tells us that we must be involved in all these issues as Jews and as Americans. That is our obligation.

Remaining engaged in the affairs of our community is a community relations imperative. As Americans and as Jews, we have no moral or pragmatic choice but to move ahead and re-invest our community with the impulse to confront the incomplete domestic agenda. The need to do so is rooted not only in altruism but also in the knowledge that what is good for America is good for the Jewish community and that the strength of the Jewish community and its ability to survive in freedom bears a direct relationship to the quality of life of those around us. But just as the Jewish community has been concerned for the health of American democracy, the health of American democracy allows us to be concerned about the Jewish community. There is a symbiotic relationship between our community and our country that assures the well-being of each.

Thus, the mission of the community relations field—to safeguard the rights of Jews and assure the strength of American democracy—supports our resolve to work to build a better and more just America. Drawing upon the words of our sages, we may not complete the work, but we may not desist from the effort.●

COMMENDING CHARLES H. PRICE II

Mr. SIMPSON. Mr. President, I send the enclosed resolution to the desk on behalf of Senators BOND, DOLE, DANFORTH, KASSEBAUM, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 76) commending Charles H. Price II.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER.

The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 76

Whereas Charles Price has faithfully served the United States as America's senior representative to the Kingdom of Belgium, and the United Kingdom of Great Britain and Northern Ireland for almost eight years; and

Whereas through his diplomacy, Mr. Price contributed significantly to the continuing good relations between the United States and these countries; and

Whereas in that time he has forcefully and effectively promoted the policies of the United States Government; and

Whereas in every aspect of his work he has distinguished himself as an individual of the highest competence, integrity and moral standing, and has conducted himself with the utmost courage and poise; and

Whereas Mr. Price is now retiring from his position as Ambassador to the Court of St. James's: Now, therefore, be it

Resolved, That the Senate of the 101st Congress commend Ambassador Charles H. Price II for his outstanding service and dedication to the Government and the people of the United States of America.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT—S. 401

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 401, a bill to exclude the Social Security trust funds from deficit calculations, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPLY TO JUDGE HASTINGS TO THE HOUSE OF REPRESENTATIVES

The PRESIDING OFFICER. The Chair has.

The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the reply of Judge Hastings to the response by the managers of the House of Representatives to motions to dismiss several of the articles of impeachment against Judge Hastings, which reply was received by the Secretary of the Senate on March 6, 1989.

The reply follows:

TERENCE J. ANDERSON,
THE UNIVERSITY OF MIAMI SCHOOL OF LAW,
Coral Gables, FL, March 3, 1989.

Hon. WALTER STEWART,
Secretary of the Senate, of the United States, the Capitol, S-208, Washington, DC.

DEAR MR. STEWART: I enclose an executed original of *Judge Hastings' Reply to the Responses of the House of Representatives to Respondent's Motions To Dismiss Articles I Through XV and Article XVII* for the Senate's records. Copies have been previously transmitted by telefacsimile to Senate Legal Counsel. Copies are being dispatched with this letter to the Managers for the House of Representatives and their staff.

Sincerely,

TERENCE J. ANDERSON.

[In the Senate of the United States Sitting for the Trial of an Impeachment]

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, PLAINTIFF, V. THE HONORABLE ALCEE L. HASTINGS, A JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, RESPONDENT

JUDGE HASTING'S REPLY TO THE RESPONSES OF THE HOUSE OF REPRESENTATIVES TO RESPONDENT'S MOTIONS TO DISMISS ARTICLES I THROUGH XV AND ARTICLE XVII

The House asks the Senate to conduct a trial in this case that would be without precedent in this or any nation in the common law world. Never before has impeachment been used to re-examine issues that had been determined by a jury in favor of the accused. We submit that the House's unprecedented request is unjust and unjustified. We ask that the Senate reject it.

Seven years ago, the government accused the respondent of conspiring to solicit a bribe. The government, not the respondent, chose the forum where the accusation would be tried. The government, not the respondent, decided that portions of the available evidence should be presented to persuade the jury of respondent's guilt. Respondent confronted the government and its evidence in the forum chosen by his accusers. Respondent took the stand. He testified, and he was cross-examined fully.

The government claimed that respondent's testimony was false and produced so much additional evidence as it thought bore upon that point. The government submitted its accusations to the jurors. Respondent, as required, committed his honor and fate to their discretion. Respondent prevailed. The jury rejected the accusations decisively.[1]

Six years after the fact, the House asks the Senate to hold that those proceedings counted for nought. The House says the Senate should not be concerned because there is no difference between an acquittal and a conviction. We say the House is wrong. The House says the Senate should not give weight or deference to the jury's verdict. We say the House is wrong. The House says the Senate should not consider facts such as the death of witnesses or the destruction of records and memories in deciding whether it can conduct a trial that is fair to the respondent. We say the House is wrong. The House says it should not matter that the government has expended more than two million dollars in re-examining the evidence against the accused without providing any money to enable the respondent to gather or preserve evidence for his defense. We say the House is wrong. The House says it should not matter that the six years of post-acquittal investigations produced no evidence that was not available to the prosecutors at the first trial. We say the House is wrong.

We say the House is wrong in principle. We say the Senate should be concerned, very much concerned. We say the Senate should rebuff the House's unprecedented attempt to impeach a jury's verdict of acquittal and impose the burdens of a second trial on the Senate and the respondent six years after the fact in the circumstances present here. We submit this reply so the Senate may fully appreciate the wrongness of the views the House presses upon it.

A.

The Senate must resolve two questions:

1. What deference should the Senate give the jury's verdict acquitting the respondent of the accusations realleged in the challenged articles of impeachment?

2. Is it feasible, at this late date, that a trial on the merits could satisfy the essential requirements of fairness to the respondent?

The House contends that there is no difference between an acquittal and a conviction and that the Constitution requires that the Senate give little or no weight to the jury's verdict rejecting the accusations it renews here. Respondent contends that a final determination made by a constitutional body in a coordinate branch of government is entitled to great deference by officers in all three branches. In this view, the Senate can properly decline to assume the burden of redetermining issues that have been determined by a jury *in favor of the accused*, and the Senate should invariably decline that burden unless confronted with subsequently discovered "smoking gun" evidence or other comparably exceptional circumstances. We submit that, if there are circumstances that might justify the Senate's undertaking such a second trial, they are not present in this case.

The House contends that the Senate may not properly consider whether the passage of time has created a situation that may make it impracticable and probably impossible for the Senate to conduct a second trial on the merits that comports with the requirements of fundamental fairness. In our view, this must be wrong. The Senate can and must consider the general requirements of fundamental fairness the Constitution established to protect the rights of all accused citizens. We submit that the passage of time has created circumstances in which it is no longer feasible for the Senate to conduct a trial that comports with those requirements in this case. Too many witnesses have died and too many records have been destroyed. What remains is only the testimony of witnesses whose testimony has been too often rehearsed or witnesses whose recollection must necessarily have dimmed beyond repair.

The House does not indicate what weight, if any, the Senate should give the special requirements of secure tenure and compensation that the Constitution established to protect the necessary independence of every judge appointed to exercise the federal judicial power. In our view, that is an omission the Senate may not properly overlook. That omission bears upon the House's further contention that the Senate would establish a troubling precedent if it granted these motions to dismiss. That contention ignores the fact that the questions presented by these motions are related. In our view, the fact that the accused is an Article III judge and the combination of extraordinary circumstances present in this case make it clear that the Senate may properly dismiss these articles without any concern that the precedent established would restrict the House in bringing proper cases of impeachement in the future.

The circumstances that support this view are far more extensive than the House has acknowledged. It is not just the fact that a jury rejected the accusations the House asks the Senate to retry. It is also the fact (i) that there is no new evidence that was not available to the prosecutors at the time of trial, (ii) that the House's case remains today as the prosecutor's case was then—circumstantial, and (iii) that a second trial would merely afford the House a chance to second-guess the strategy the prosecutors adopted and required the respondent to confront before the jury. It is not just the fact that more than seven years have passed since the principal accusation was first made and more than six since the challenged accusations were rejected by a jury. It is also the fact that witnesses have died, records have been lost and destroyed, and recollections have become impaired or diminished beyond repair. It is not just the fact that the six years of post-acquittal investigations have undermined the security and diminished the compensation of the respondent. It is also the fact that his accusers have enjoyed substantially unlimited resources to pursue their post-acquittal investigations while no resources have been made available to enable the judge to pursue the additional post-acquittal investigations that would have been necessary to enable him to gather and preserve the additional evidence necessary for a fair defense.

We submit that the Senate should dismiss the challenged articles to assure that these circumstances can never again come before it in a case of impeachment. The precedent established would be narrow and healthy and would not prevent the House from initiating and the Senate from considering any case in which the circumstances warranted a determination on the merits.

B.

The tortured analysis of the framers' intent and contemporary constitutional doctrine developed by the House ignores the basic plan the framers intended and the subsequent developments that have made it necessary for the Senate to decide the questions presented here. The founding fathers clearly did not envisage that judges might be criminally prosecuted by the executive and tried in the courts *before* they had been impeached by the House and tried by the Senate. The Constitution and its history clearly support the view that the framers saw impeachment proceedings as being, in most important respects, criminal in nature. For that reason, the framers included explicit exceptions to accommodate the differences in procedure they foresaw as necessary.

They foresaw the potential need for and explicitly provided an exception that authorized a second trial before the courts on accusations that had resulted in a *convic-*

tion by the Senate. By implication, they excluded the possibility of a second prosecution and trial before the courts after an *acquittal* by the Senate in case of impeachment. Indeed, could anyone seriously contend that a judge who had been acquitted by the Senate would remain liable to prosecution by the executive and trial by the courts on the very accusations that the Senate had rejected?

The framers did not envisage the day when the judicial business would require the service of more than 700 federal judges. This unanticipated circumstance has established the conditions under which criminal prosecution by the executive and trial before the courts have been permitted to *precede* impeachment by the House and trial before the Senate. That development has undermined, in some degree, the protections accorded judges. Far from warranting further departures from the principles the framers established, however, that development has enhanced the need for their careful application.

The sequence of the proceedings should not affect the principles or their application. A *conviction* in either forum justifies and may require a second trial in the other. It was necessary that the Senate independently re-examine the accusations and evidence after Judge Claiborne had been tried and convicted in the courts in order to provide him with the *protections* the framers intended when they authorized a *second trial* for those *convicted* in cases of impeachment. Moreover, the circumstances that have led to the adoption of a sequence that differs from that envisaged by the framers has enhanced the need for independent examination by the House and the Senate to assure that executive and judicial officers have not exercised their discretionary powers improperly to undermine the security of a disfavored judge. It is also clear that both the House and Senate accorded the jury's verdict considerable weight in the *Claiborne* impeachment.

An *acquittal* in either forum is entitled great respect in the other, and the Senate should accord a judgment of acquittal in the courts the same deference it would expect the courts to accord a judgment of acquittal by the Senate. It is a grave matter to go behind the verdict of a jury. It undermines the constitutional position of the jury in our system of government. It violates, in our view, and undermines, in any view, fundamental protections guaranteed every accused under our constitutional plan. When the accused is a judge, it undermines the protections conferred to assure the people an independent judiciary. The Senate may leave for another day a determination whether there are any circumstances that would justify the Senate in taking such a course, for surely there are no circumstances that would warrant such a departure from established principal in this case.[2]

C.

The House's analysis also fails to take account of the changed situation that the Senate must confront. The fact that criminal prosecutions by the executive and trials by the court have been permitted to precede impeachment by the House and trial by the Senate reflects a further point. The Senate can no longer devote the time necessary to conduct extended trials with all the guarantees and procedures necessary to assure that the trial is fair to the accused and that the Senate can "preserve unawed and uninfluenced the necessary impartiality between an *individual* accused and the *representatives of the people, his accusers.*" [3]

The present case of impeachment illustrates the problems in their most extreme form. It required the undivided and undistracted attention of a judge and twelve jurors for more than two weeks for the trial that was necessary to enable the prosecutors to present so much of the available evidence as they thought necessary and to enable the accused to respond. The House now estimates that it would take take twelve to fifteen *full* trial days just for it to represent that evidence and such additional evidence as it believes material to the case. Counsel for the accused have estimated that time needed for response cannot be less. If the House inquiry is any guide, the documents submitted will be voluminous.

This is not the kind of enterprise which the Senate should encourage or undertake, absent compelling necessity. Where a jury has unanimously rejected accusations against a judge following a trial that afforded his accusers a full and fair opportunity to present so much of the available evidence as they thought bore upon his guilt, the House should be neither encouraged nor permitted to impose the burdens of a belated second trial on the Senate merely to permit it to have a second chance to see if a more extensive presentation of the same evidence might be marshalled to produce a different result.[4]

The plan envisaged by the farmers has been altered to accommodate the necessites of the present situation. The executive has, *de facto,* assumed in large measure the House's role of investigating and prosecuting accusations charging a judge with serious offenses. The courts and juries have been, *de facto,* substituted for the Senate as the adjudicators of a judge's innocence or guilt. Congres has assigned the judiciary the powers necessary to enable it to inquire into lesser charges of misconduct and to investigate and bring to the House's attention serious allegations that the executive may have overlooked or may have determined did not constitute offenses under the criminal laws.

Under this altered plan, the Senate retains an important role that still must tax its capacity. The Senate must conduct the second trial contemplated by Constitution for judges who are convicted in the courts. That trial must be sufficient to enable the Senate to satisfy itself that the judge was not improperly abused in the process. The Senate may yet have to conduct full trials on accusations certified to the House by the judiciary or developed by the House itself that have not previously been submitted to the courts.

The procedures available today establish precautions greater than those contemplated by the framers to assure the responsibility of federal judges. Neither principle nor contemporary need provide any support for the further departure the House seeks in this case of impeachment. Nor do they support the House's view that the Senate should assume burdens greater than those it must execute to serve its intended function.

Principle and common sense suggest that the better practice would be to require that the judiciary, the executive, or the House find other accusations if they believe an acquitted judge has corrupted his office and should be removed. The House has produced one such new accusation in this case, the improper disclosure accusation made in Article XVI.[5] That accusation should suffice to provide it the opportunity it seeks. That accusation, but only that accusation, may properly be tried on the merits, if the House persists in the view that the evidence warrants such further proceedings.

D.

The arguments advanced by the House rest upon a fundamental misconception on the nature of the proceedings. The House contends that the framers intended impeachment proceedings to be purely remedial with none of the characteristics of cases that are criminal in nature. The House's arguments ignore the plain meaning of the language and other established principles of construction. The point is adequately developed in our opening memorandum; the flaws in the House's response may be illustrated here by considering six questions it left unsatisfactorily answered:

1. If the framers intended to create merely a remedial process for the removal of public officers, why did they adopt the label "impeachment," a label that only applied to cases that were viewed as criminal in nature?

2. Why did the framers reject proposals that the standard include "maladministration" and "neglect of duty" and borrow instead the English criminal standard for defining offenses against the state, "Treason, Bribery, and other high Crimes and Misdemeanors," if they intended to establish a remedial proceeding that was not to have any of the attributes of proceedings that were criminal in nature?

3. Why did the framers include the exception to the general rule, "the Trial of all Crimes, except in cases of impeachment, shall be by the jury," unless they understood that the general rule would apply to cases of impeachment as well as to other criminal cases in the absence of an exception?

4. If impeachment is merely a remedial proceeding to remove an unfit officer from office, why did the framers confer upon the Senate the discretion to impose the additional sanction of "disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States"—as Hamilton saw it, the "awful discretion . . . to doom . . . to infamy" and the power to sentence the offender "to a perpetual ostracism from the esteem and confidence and honors and enrichments of his country"?

5. If the cases of impeachment were not to be criminal in nature and the sanction of permanent disqualification was not intended as punishment, why did the framers find it necessary to include an express exception to the power that authorizes the President "to grant Reprieves and Pardons for offenses against the United States, except in cases of impeachment"?

6. If cases of impeachment were not to be criminal in nature, why did the framers conclude that an express exception to the general rule was necessary to assure that a "Party convicted [in a case of impeachment] shall nevertheless by liable and subject to Indictment, Trial, Judgment and Punishment, according to Law"?

The extraordinary nature of the premise the House asks the Senate to accept is also apparent in contemporary practice. For example, where should a lawyer, a judge, or a Senator look for an authoritative definition of a legal term? For almost 100 years, the nigh universal answer has been *Black's Law Dictionary.* Throughout that period, the definition of "impeachement" has remained essentially unchanged:

"Impeachment. A criminal proceeding against a public officer, before a *quasi* polit-

ical court, instituted by a written accusation called "articles of impeachment"; for example, a written accusation by the House of Representatives of the United States to the Senate of the United States against the President, Vice President, or an officer of the United States. Such federal power of impeachment is provided for in Art. II. § 4 of the Constitution. Under Art. I, § 2, cl. 5, the House of Representatives "shall have the sole Power of Impeachment", and under § 3, cl. 6, "The Senate shall have the sole Power to try all Impeachments".

"Articles of impeachment. The formal written allegation of the causes for an impeachment, answering the same purpose as an indictment in an ordinary criminal proceeding.[6]"

The House concedes that in 1787, "impeachment," as a term describing the procedure for the trial of a public officer, had only one meaning. It does not, however, explain the alchemy by which it contends that the plain meaning of that term was transformed in the minds of the framers or why this transformation has passed unnoticed by those responsible for recording such matters.[7]

This flawed premise has led the House to claim here powers that are truly unprecedented. Never in the history of the common law nations has a constitutionally tenured judge been impeached on accusations after he had been tried and acquitted on the same accusations in a court of law. Indeed, in the only significant modern precedent, the proceedings against Associate Justice Lionel Murphy of the High Court of Australia, the statute authorizing the impeachment inquiry prohibited any further inquiry into the accusations on which Justice Murphy had been criminally tried and acquitted in the courts.[8] That the principle has been observed for almost 300 years without departure should caution the Senate from breaking with that tradition here.

E.

The House does not suggest what protections, if any, must be accorded a respondent in a case of impeachment. This seeming disdain for the rights of the accused also stems from its flawed view that such cases are merely remedial proceedings in which the rights of the accused are matters of small moment. In this, the House must be wrong. Whatever the full scope of the specific protections required, the fact that the proceedings are, in important respects, criminal in nature and that they threaten the accused with loss of fundamental rights establishes that the basic protections mandated by the due process clause must be fully and strictly observed in cases of impeachment.[9]

The House's failure to recognize the extent to which due process requirements must be observed in cases of impeachment extends to its defense of Article XVII. The framers rejected joint address as a method of removal. They insisted instead that the House plead and prove specific offenses. Article XVII does not satisfy the standard prescribed or the requirements of due process. It is too late in the constitutional day to claim that the standards of fairness that must be observed in proceedings such as these permit the accumulation of multiple accusations in a single article in a manner that deprives the accused of the right to avoid conviction unless two-thirds of the Senators join in concluding he is guilty of the same offense.

The Senate tacitly recognized the unfairness in the *Ritter*, case after it was too late to reconsider the issue. The issue is again before the Senate in this case in a far more extreme form. Unless restrained here, there will be nothing to prevent the House from presenting multiple trivial grievances as separate articles in the expectation that the very quantity of the accusations will persuade two-thirds of the Senators to agree to a "catch-all" conviction on the ground that somewhere behind all that smoke there must be some fire. That is neither fair nor sound practice.

F.

The Senate should dismiss Articles I through XV and Article XVII. The result will be therapeutic. It will end the seven year ordeal of Judge Hastings, an ordeal that should have ended at least six years ago. The remaining article will afford the House a fair opportunity to persuade the Senate, if the House elects to pursue the matter. The burdens that such a trial would impose upon the Senate and Judge Hastings will have been reduced to manageable proportions.

The result will also be therapeutic for the future. The Senate cannot try cases such as the one that the House seeks to present here. In all probability, the Senate should no longer serve as the forum in which federal judges are tried. But unless and until the Constitution is amended, it must execute that function in a manner consistent with the constitutional plan. We submit that plan does not require or permit what the House seeks to achieve here. The House and officials in the executive and judicial branches should be so advised. The message should be sent now. The motions should be granted.

Respectfully submitted,

Terence J. Anderson.

c/o The University of Miami School of Law.

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FEDERAL EXPRESS.—AIRBILL

Package Tracking Number 1783884270.

March 3, 1989.

From—Professor Terence J. Anderson, University of Miami School of Law, 1311 Miller Drive, Room 426, Coral Gables, FL. 33146. (305) 284-2971.

To Hon. Walter Stewart, Secretary of the U.S. Senate, The Capitol, S-208, Washington, DC, 20510.

FOOTNOTES

[1] As one juror recalled it, it was not even close:

"We came to a decision, and we were a very good jury. We were sequestered. We did not have anything to do, except think about this case. . . . We did everything by the book. . . .

"[W]e did, kind of, pick over his [the judge's] testimony quite a lot. . . . [I]f you can catch somebody in one lie, you can assume they are lying through the whole thing. We picked it apart, and we could not find anything that proved to us. . . . And we finally came to the conclusion that this was not enough evidence to convict anybody of anything. . . .

"I mean, we are not even talking reasonable doubt, we are talking a lot of doubt. . . .

"[The government's case was] [c]ircumstantial evidence that was shaky at best and an investigation that did not finish. . . ."

S. Rep. No. 1, 101st Cong., 1st Sess. 108-110 (transcript of video presentation submitted to Committee on Rules and Administration including views of Ms. Debi McMullen, one of the original jurors).

[2] The House does not suggest that any principled distinction may be drawn to save its false testimony accusations from dismissal, if principle precludes a second trial, and it is clear that there is no basis for such a distinction. The federal courts have long recognized that the principle of collateral estoppel bars the government from reprosecuting an individual for perjury where the charge merely alleges that the testimony given at a prior trial denying his guilt of the substantive offense was false. *See United States v. Bulter*, 38 F. 498 (E.D. Mich. 1889); *Chitwood v. United States*, 178 F. 442 (8th Cir. 1919); *Allen v. United States*, 194 F. 664 (4th Cir. 1912); *Ehrlich v. United States*, 145 F.2d 693 (5th Cir. 1944). The Supreme Court has determined that this principle is so fundamental a corollary to the general prohibition against a second trial that it is a constitutional requirement mandated by the due process clause. *Ashe v. Sevenson*, 397 U.S. 436 (1970). The more recent federal decisions on the point have gone further, noting expressly that "the institution of perjury charges against [a defendant] after he had been acquitted of the initial charges" presents " 'a realistic likelihood of vindictiveness.' " *United States v. Eddy*, 737 F.2d 564, 571 (6th Cir. 1984), *quoting United States v. Andrews*, 633 F.2d 449, 453 (6th Cir. 1980) (*en banc*), *cert. denied*, 450 U.S. 927 (1981).

[3] *The Federalist No. 65* at 441 (Hamilton) (Cook ed. 1961) (emphasis in original).

[4] The House's claim that separation of powers analysis justifies such a second trial is also flawed. The present case pits the powers of the government against an accused individual. The individual's protection against governmental overreaching comes from the principles embodied in due process. Under those principles, the test that determines whether a second prosecution and trial are precluded is whether the second attempt is made by the "same sovereign" that initiated the first. The fact that the second proceeding is initiated by a different department or agency of that sovereign does not avoid the bar. *See, e.g., Waller v. Florida*, 397 U.S. 387 (1970).

[5] The judge has instructed counsel not to challenge that article, for he agrees that a judge who made disclosures such as those alleged should be removed from office, notwithstanding the Justice Department's and his own counsels' doubts that the accusations properly allege an offense.

[6] *Black's Law Dictionary* 678 (rev. 5th ed. 1979); *compare* "impeachment," *Black's Law Dictionary* 593 (1891) (first edition).

[7] The contemporary commentary upon which the House relies was provoked by a diffferent concern. The central issue concerned the scope of conduct that may properly be included in the standard, "Treason, Bribery, or other high Crimes and Misdemeanors." That literature and prior practice has established that the standard permits conviction and punishment by the Senate for offenses against the state that are not offenses under federal statute. The framers understood that the breadth of the Senate's power would necessarily deny the accused the protections against *ex post facto* laws and bills of attainder that would be available in ordinary criminal cases. That was the principle justification for limiting the Senate's jurisdiction and the extent of the punishment it might pose. *See The Federalist No. 84* at 575-76 (Hamilton).

That literature has no proper application in the context presented by this case. The framers recognized that impeachments were an extraordinary form of criminal jurisprudence in which the accused must necessarily be deprived of some of the protections enjoyed by those called to account in ordinary criminal cases before the court. They considered and specified the exceptions. By so doing they confirmed the applicability of the general rule and of those protections for which they did not specify exceptions.

[8] *See* Parliamentary Commission of Inquiry Act of 1986, Austl. Acts. P. No. 9 of 1986. Section 5(4) of that act provided:

(4) The Commission [established to conduct the inquiry] *shall not consider*—

(a) The issues dealt with in the trials leading the *acquittal* of the Honorable Lionel Keith Murphy of

certain criminal charges on 5 July 1985 and 28 April 1986 and, *in particular*, the issue of the Honorable Lionel Keith Murphy's guilt or innocence of those charges; or

(b) whether the conduct to which those charges related was such as to constitute proved misbehavior within the meaning of section 72 of the Constitution,

except to the extent that the Commission considers necessary for the proper examination of other issues arising in the course of the Commission's inquiry. (Emphasis supplied.)

[9] In the views of one constitutional scholar, which were provided at the request of the House subcommittee responsible for the inquiry, the nature of cases of impeachment required the application of due process principles which, in and of themselves, would require that the challenged articles be dismissed. *See* "Specific Proffer Regarding Fundamental Fairness Questions" (expressing the views of Professor Thomas G. Krattenmaker of the Georgetown University Law Center), *reproduced as* Addendum B to *Memorandum in Support of Motion to Dismiss Articles I Through XV Without Trial Based Upon 1983 Jury Verdict and Lapse of Time.*

ORDERS FOR TOMORROW

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Tuesday, March 7, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 11:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TOWER NOMINATION

Mr. MITCHELL. I further ask unanimous consent that at 11:30 a.m. the Senate go into executive session to resume debate on the nomination of John Tower to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR PARTY CAUCUSES

Mr. MITCHELL. Mr. President, I further ask unanimous consent that between the hours of 12:30 p.m. and 2:15 p.m. tomorrow the Senate stand in recess to accommodate the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, does the Chair have an announcement?

PROGRAM

Mr. MITCHELL. Mr. President, on tomorrow the Senate will come in at 11 a.m. After time for the two leaders there will be a period for morning business not to exceed 30 minutes, with Senators permitted to speak therein for up to 5 minutes each. The Senate will be in recess between the hours of 12:30 and 2:15 to accommodate the party conference lunches. At 2:15 the Senate will return to the Tower nomination.

Under a prior unanimous consent agreement, at 4 p.m., the Senate will lay aside the Tower nomination to proceed to the nomination of Thomas Pickering to be U.N. Ambassador with a rollcall vote occurring shortly thereafter on that nomination.

For the information of my colleagues, other rollcall votes are possible during Tuesday's session.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)–276(g) as amended, appoints the Senator from North Dakota [Mr. CONRAD], as the Chairman of the Senate delegation to the Canada-United States Interparliamentary group during the 101st Congress.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess until 11 a.m. on Tuesday, March 7, under the previous order.

Mr. SIMPSON. Mr. President, we have no further business on this side of the aisle. I thank the majority leader.

There being no objection, the Senate, at 5:07 p.m., recessed until tomorrow, Tuesday, March 7, 1989, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1989:

DEPARTMENT OF STATE

DONALD PHINNEY GREGG, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF VETERANS' AFFAIRS

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF VETERANS' AFFAIRS. (NEW POSITION)

DEPARTMENT OF JUSTICE

WILLIAM PELHAM BARR, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DOUGLAS W. KMIEC, RESIGNED.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. JOSEPH H. BROOKS, xxx-xx-xxxx
BRIG. GEN. JAMES W. HOLSINGER, JR., xxx-xx-xxxx
BRIG. GEN. HOMER A. JOHNSON, JR., xxx-xx-xxxx
BRIG. GEN. JAMES R. LAND, xxx-xx-xxxx
BRIG. GEN. JOHN R. MCWATERS, xxx-xx-xxxx
BRIG. GEN. EUGENE J. YONNON, xxx-xx-xxxx

To be brigadier general

COL. WILLIAM J. COLLINS, JR., xxx-xx-xxxx
COL. EDGARDO A. GONZALEZ, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

NURSE CORPS

To be major

LINDA L. BOYLE, xxx-xx-xxxx
KATHLEEN A. FITZGERALD, xxx-xx-xxxx
MARILYN K. RHODES, xxx-xx-xxxx
SHARON K. ZIMPHER, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be major

CHARLES F. BETHELL, xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

NURSE CORPS

KATHLEEN A. FITZGERALD, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS.

CHARLES F. BETHELL, xxx-xx-xxxx

EXTENSIONS OF REMARKS

FEDERAL DEFICITS: HOW WE GOT INTO THIS MESS AND WHAT IT MEANS FOR OUR CHILDREN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. STARK. Mr. Speaker, during the Ways and Means Committee's February hearings on the budget, I was most impressed by the statement of Dr. Rudolph Penner of the Urban Institute.

He has done an exceptional job of broadly explaining how we got into this mess, what it means for our children, and some of the ways we can get back on course so that our children have a better life. And he says, the debate on the budget trends,

All boils down to the question of what sort of country we wish to leave to our descendents and fundamentally, this is a moral question. I find it very difficult to come up with a moral rationale for doing much less for our descendents than our ancestors did for us.

The full text of his statement follows:

ECONOMIC AND BUDGET ISSUES

(Statement of Rudolph G. Penner,* Senior Fellow, The Urban Institute)

Mr. Chairman and members of the committee, I would like to thank you for this opportunity to testify on economic and budget issues.

THE ECONOMY

Since reaching its deepest post-World War II trough in 1982, the economy has performed admirably. We are beginning the seventh year of an extremely healthy recovery, manifested by the fact that inflationary pressures are still moderate. There are no obvious imbalances that signal that a recession is imminent, although it must be admitted that recessions are seldom recognized until after they begin.

The economy is, however, operating near, if not at, full capacity, and demand is expanding too rapidly by a very small margin. Chairman Greenspan has emphasized his concern about present rates of inflation and the Federal Reserve System is gradually tightening monetary policy. It is an environment that leaves little room for error. Too little tightness and inflation could accelerate to the point that it will be very painful to cure. Too much, and an economy that is not extremely strong could sink into recession. Under the circumstances, I believe that the Federal Reserve is doing as skillful a job as is possible.

I would like to see the Fed aim for about 6 percent nominal GNP growth over the next two years. That would maintain slight downward pressure on inflation. The Fed is not explicit about its goals, but it seems to me that current policy is, in very rough terms, consistent with this nominal GNP goal. If I am right, that is likely to allow much less real growth than is assumed by the administration in its budget projections and a bit less growth than is assumed by CBO. That would put actual attainment of the Gramm-Rudman targets beyond reach politically, but it will be much easier to reach them on paper using administration assumptions. With any good luck economically, that should still be true next August.

Any deficit reduction that can be enacted would be very helpful to the Federal Reserve. The same target for demand growth could then be achieved with lower short-term interest rates.

THE BUDGET DEFICIT

It has suddenly become stylish to argue that budget deficits do not matter much. I believe that that is far from the truth, but it is easy to understand how such a belief could arise.

Those who warned that some sort of economic catastrophe would result from the deficit are said to have been proved wrong, because the economy has behaved so well. I would provide another interpretation. Those previously crying doom and gloom may or may not have been wrong analytically, but I would argue that we shall never know. Partly in response to worries about the budget policies of the early 1980s, policy was changed significantly. A steady series of tax increases since the middle of 1982 is providing extra revenue equivalent to almost 3 percent of the GNP. Spending restraint has been impressive both in the entitlement and discretionary civilian budget categories. And most important quantitatively for spending, budget authority for defense began to be cut in real terms by roughly 2 percent per year starting in fiscal 1986.

As a result of such actions and the prolonged, healthy economic recovery, the budget deficit has fallen, relative to GNP, for a high of 6.3 percent in fiscal 1983 to 3.2 percent in fiscal 1988. I, for one, am not nearly as concerned as I was in the mid-1980s after the interest bill on the debt rose 24 percent between 1983 and 1984, and the problem threatened to explode. More recently, the interest bill has been rising at less than half that rate and has a good chance of now stabilizing relative to GNP. The probability that an exploding interest bill will eventually force us to monetize the debt and cause a hyper-inflation has become miniscule.

Another fear of many is that the dependence on foreign capital inflows engendered by the budget deficit creates inherent instability in foreign exchange markets that could lead to a foreign exchange crisis. This possibility still exists, but my own worries about it have waned considerably since early 1988 when it became clear that we had satisfactorily weathered the storm caused by the October 1987 crash. I was also reassured when private foreign investors, who had greatly reduced lending to the United States during 1987, returned in 1988. Moreover, the trade and current account deficits improved considerably in 1988.

We are still, however, expecting foreign investors to add significantly to their balances of dollar assets in percentage terms this year and there are some signs that the improvement in our external balances in ending. Consequently, the probability of a foreign exchange crisis is greater than zero, but I believe that it is considerably lower than it was only one year ago.

However, saying that the budget deficit is unlikely to cause an economic crisis is far from saying that it is not harmful. It is, in fact, having highly undesirable effects, but they are occurring slowly rather than all at once. In fiscal 1988, the Federal deficit absorbed more than 60 percent of the nation's net private saving. This extraordinary ratio is a reflection both of the large relative size of the Federal deficit compared to those of past history and the unusually small amount of net private saving.

The low level of net private saving combined with the high level of the Federal deficit implies that the nation's stock of net wealth is growing very slowly and that our generation is leaving our descendants with much less capacity to improve their standard of living than our predecessors left us.

Moreover, our descendants will face the burden that we largely escaped. After the first decade of the 21st century, the ratio of the retired to working population will rise rapidly. Therefore, if the United States remains a low saving, high deficit society, income growth will be lower than it would be otherwise and a greater portion of the income growth will have to be transferred from the working to the retired population. Nevertheless, with any luck at all, future workers should still be better off than current workers. It is just that the rate of improvement from generation to generation will be much lower than the United States has been accustomed to in past history. The size of the American economy will decline more rapidly relative to the size of other economies and this is likely to weaken our long-run military influence and our international bargaining power in trade policy and other matters.

It all boils down to the question of what sort of country we wish to leave to our descendants and fundamentally, this is a moral question. I find it very difficult to come up with a moral rationale for doing much less for our descendants than our ancestors did for us.

THINKING ABOUT THE BUDGET STRATEGICALLY

Deficit reduction has been very difficult for two reasons. First, the pain involved is immediate in the form of program cuts or higher taxes while the gains take a very long time to accrue and are fairly nebulous. Second, the issues are extraordinarily complex and difficult to explain. That is because we are not only debating the effects of the deficit per se, but we are simultaneously debating the proper role of the Federal government in our society. Those who wish to solve the bulk of the deficit problem through spending cuts clearly want a smaller government that both provides few benefits and interferes with our lives very little. Those who want to solve the problem pri-

* The views expressed are those of the author and do not necessarily reflect the views of the trustees, executives, or staff of the Urban Institute.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

marily by raising taxes are saying that they are satisfied with government's role the way it is, and some would expand spending further to provide new social benefits.

In debating the role of the Federal government, it is crucial to recognize that it has only three functions that cost a lot of money. It defends the country; it provides social insurance for the elderly and disabled; and it pays interest on the national debt. Total spending on these activities will account for over 75 percent of net outlays in fiscal 1989. Defense constitutes 26 percent of net outlays, and interest, 15 percent. Social security, military and civil service pensions, and medicare account for 34 percent of net spending. In addition, a considerable portion of the medicaid, housing subsidies and nutritional assistance goes to the elderly.

None of the above is meant to imply that budget functions other than defense and caring for the elderly are unimportant. It is just that none of the multitude of programs in the rest of the budget costs very much individually, and therefore, cuts in such programs, however radical, cannot play a large role in deficit reduction. Other programs should still be scrutinized, but it is impossible to think of major changes in the future path of total spending that do not involve defense or payments to the elderly and disabled.

Indeed, much of the fiscal history of the last 20 years can be thought of as a struggle to fulfill four mutually incompatible goals. They are maintaining a strong defense, keeping the promises to the elderly inherent in various entitlement laws, and keeping budget deficits and tax burdens from rising much above the levels of the early 1960s. Oversimplifying that history considerably, it can be said that the beginnings of the conflict can be found in the late 1960s and early 1970s. It was in that era that medicare was invented and began to grow rapidly. Simultaneously, a series of real benefit increases converted the social security program from a minimal pension system to one large enough to be significant in the retirement planning of more affluent Americans. At first, the rapid growth in the cost of promises to the elderly was largely financed by the famous peace dividend as Vietnam defense spending was cut, and by a slight increase in the deficit. Payroll taxes were raised, but income taxes cut, and the total tax burden relative to GNP actually feel considerably between 1969 and 1974, partly as a result of ending the Vietnam surtax. Thus, we made the mistake of financing a quasi-permanent set of very expensive promises to the elderly largely with a source, defense cuts, that had to be temporary.

When the need to increase defense again became apparent in the late 1970s, the tax burden was allowed to rise for a time as the result of inflation, but public hostility to increasing Federal, state, and local tax burdens soared and we elected an anti-tax president. In 1981, the total Federal tax burden was cut back to levels only slightly higher than in the early 1960s and the defense buildup was accelerated. Although, a bit later, social security and the medicare payments system were reformed, the immediate outlay effect was small, the promises to the elderly remained virtually intact, and the deficit soared. Now, we are responding to the deficit problem, in part, by again cutting defense, something that cannot go on forever.

In other words, we have gone on for 20 years without explicitly admitting that we are pursuing inconsistent goals and that something important has to give. If the American people are truly resistant to any increase in the Federal tax burden above, say, 20 percent of the GNP, and if they want something approaching a balanced budget, then eventually, either our role in the world must be reexamined, so that defense can be cut significantly, or our promises to the elderly have to be reexamined, or both. Certainly, new major roles for the government in areas such as child care or long-term health care cannot be contemplated. Conversely, if the nation wishes to remain strong militarily and to maintain benefits to the elderly, as defined by current law, and if large new social programs are contemplated, then increases in the Federal tax burden to record levels must be contemplated in the longer run.

While I would like to see an explicit national debate on such issues, it is, unfortunately, easy to avoid. Eventually, the fundamental issues will have to be faced, but eventually can be a very long time away.

It is even possible to make considerable progress in reducing the deficit in the next ten years without explicitly facing these fundamental issues, but it will not be possible 20 years from now. Delay is now possible because of fortuitous circumstances, and because of the very long time horizon that has to be used in analyzing budget policy.

The most important fortuitous event is a slowing, through 2005, in the rate of growth of the elderly population because of the birth trough during the Great Depression. This eases budget pressures somewhat for the next 15 years. Ideally, this respite should be used to get our fiscal house in order and to make some fundamental decisions about policy changes for the period after 2005. Unfortunately, the respite also makes it possible to delay such decisions.

Another fortuitous event has not yet come to fruition and, at this point, it is not certain that it will occur, but if Gorbachev really reduces the intensity with which the Soviet Union pursues the military competition between the superpowers, considerable savings in defense should be possible. Even absent a fundamental change in military strategy, defense growth can be curbed for a good long while.

In a number of budget areas, I am always impressed at how long spending can be cut without undertaking a fundamental change in policy. Defense provides an excellent example of this phenomenon. Between 1980 and 1985 real defense outlays rose 7 percent per year. Now they are beginning to decline in real terms because of a lagged response to real cuts in budget authority beginning in fiscal 1986. However, it is difficult to perceive any significant difference in foreign policy or military strategy, or even military tactics, between the early 1980s and the late 1980s, even though spending policy changed radically. There would seem to be something wrong with the phenomenon, and indeed, there is. Investment has been cut disproportionately—it always seems easy to cut investment in both the military and civilian budgets—but few weapons systems have been eliminated. Purchases are being stretched out and some weapons are being produced at uneconomic rates. The military are basing long-term planning on the assumption that there will be real growth in budget authority when that seems highly unlikely. It is possible that we shall end up with unbalanced forces or return to the deplorable state of readiness existing the the late 1970s. It is to be hoped that same major changes in defense budget policy will be forthcoming from the Bush Administration, because recent approaches do not seem viable for the very long run.

A similar situation exists in medicare. Spending growth has been slowed significantly without major changes in the basic structure of the program. Considerable, justifiable savings have recently resulted from squeezing down payments to hospitals, and somewhat less successful attempts have been made to curb the growth of payments to physicians. However meritorious such reforms may be, they can only be successful in the short run. There are obvious limits to how much suppliers can be squeezed. And every time the squeeze is halted, the fundamental structure of the program reveals itself and outlays will again begin to grow at a real rate approximating 8 percent per year. Clearly, in the very long run, the basic structure of the program will have to be significantly reformed or Americans must be prepared to see their HI taxes steadily raised.

If, in the interest of keeping tax burdens relatively constant and maintaining a strong military establishment, significant changes in payments to the elderly were enacted, it is important to phase them in slowly, so that people have time to adjust their retirement plans and private savings. That, of course, means that not must immediate deficit reduction can result from such reforms. But if the rate of growth of payments to the elderly is slowed in the very long run, immediate deficit reduction becomes less urgent because the burdens faced by future workers will be lessened.

For an example of a significant reform, suppose that, for the period following 2009, the Congress decided to increase the normal retirement age under social security somewhat more rapidly than in contemplated in current law and to eventually raise it to age 70. Suppose, at the same time, the eligibility age for medicare was increased along with the normal retirement age. Nothing would be saved in the short run, but the current present value of future savings would be substantial. It is unfortunate that our current budget process cannot give a "deficit reduction" credit currently for that sort of reform. I would not advocate a formal process reform that would do that, because it would be too complicated and our process is already far too complicated. But it would certainly be legitimate, having enacted long-run savings, to adjust the deficit target upward as it currently measured. Moreover, it would be important to actually enact such a change quickly, so that current workers would get plenty of warning about a change in the rules of the game.

Reasonable increases in the retirement age combined with an increased eligibility age for medicare would not be sufficient to, say, hold social security plus medicare to a constant share of GNP through the middle of the next century, and many other significant reforms would be necessary. It is simply not possible to maintain current tax burdens in the long run without accepting some very fundamental changes in what the Federal government does now and has promised for the future.

Conversely, it is impossible to continue into the long run fulfilling all of our promises and balancing the budget without raising taxes significantly. If this is to be our long-run approach, it is probably time to start thinking about developing a new source of revenues. Without a new revenue source, payroll and/or income tax rates will

have to be raised substantially. That will increase the distortions created by these taxes and make them more difficult to administer. A new, broad based consumption tax would have considerable appeal as a substitute for such rate increases.

In between these two extreme strategies, one can contemplate lowering the growth rate of payments to the elderly less radically, reducing the size of our defense commitments, and raising taxes less dramatically. Past records for tax burdens would have to be breeched, but the needed revenues could probably be obtained within the current structure of the tax system without necessitating a brand new tax.

In accomplishing this goal, most economists would like to keep marginal tax rates as low as possible while broadening the tax base as much as possible, because it is the marginal tax burden on the last bit of private saving or work effort that creates disincentives and imposes efficiency costs. In broadening the base, I would also prefer to do so in a way that discourages consumption rather than saving. Some excise tax rate increases would also be required under this strategy.

This committee is well acquainted with the available excise tax and base broadening options, and I shall not discuss them in detail. There were essentially three potential tax bases left relatively unscathed by tax reform—owner occupied housing, fringe benefits, and untaxed government benefits. All have large potential revenue yields.

CONCLUSION

I have, in this testimony, attempted to focus on some very fundamental issues that should dominate the debate over the Federal budget over the next decade. Unfortunately, that does not provide very specific guidance about what to do during this difficult budget year.

I would like to see a debate about the fundamentals begin, but the administration and the Congress are likely to adopt highly optimistic economic and other assumptions that suggest that there is not a fundamental problem. No economist can argue with certainty that these optimistic goals will not be attained in the long run, but no one would argue that a corporation should make its long run plans on the assumption that everything will work out just right. I do not think that the Congress should either. Unfortunately, Gramm-Rudman creates strong incentives for assuming the problem away. This is its most undesirable feature, but I am realistic enough to realize that it is extremely difficult to change this soon enough to affect fiscal 1990. I also hesitate to suggest that the president casually yield on his "no tax" promise, because it was so firmly made to the American people. But if these constraints are accepted, progress on the deficit, that I believe is so urgently needed, will be modest.

I do believe that some is possible, however. The new administration seems willing to take a hard look at defense tactics, and perhaps, the cuts from current policy can be somewhat more efficient than those of the recent past. A bit more can probably be squeezed from medicare, and some of the program eliminations suggested by President Reagan should be examined carefully. It may also be possible to find some revenue increases that are too small to quack especially in the user fee area.

In total, however, the constraints are formidable and they severely limit what can be accomplished this year. Looking forward, however, it seems clear that some of the constraints will have to be broken as we move toward fiscal 1991. If I am right about the economy and the limits on deficit reduction this year, the 1991 Gramm-Rudman target will be far from reach. It would be useful for the Congress to undertake a reexamination of this law early. The modifications undertaken because of the Supreme Court decision placed enormous power in the hands of the executive branch. This year, come August, the OMB has the power to assume that whatever the Congress does is consistent with the target or it can assume that it is a bit short of the target, thus forcing additional action to avoid a sequester. Or it can be sure that a sequester occurs.

It may be a good time to look at the entire budget process. In a recent book, "Broken Purse Strings," Alan Abramson and I suggested that the process be modified in a way that formalizes recent summit arrangements that have been responsible for considerable deficit progress in the recent past. This would involve somewhat increasing the power of the president and the Congressional leadership in the budget process. However, the power of the president would be enhanced much less than is inherent in the current version of Gramm Rudman.

Perhaps, a deal is possible. One of the reasons that there is so much opposition to a tax increase is the worry that it will not go to deficit reduction, but that it will all be spent. Giving the president a bit more power to limit spending may dampen opposition to a tax increase. I am, of course, assuming that if we had the fundamental debate on what government does, as described above, the public and even the administration would opt for some tax increase to avoid the significant reduction in the government's current role and promises for the future that will be necessary if tax increases are ruled out for the long run.

TRIBUTE TO JOHN H. MARTENS, SR.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. DYSON. Mr. Speaker, I rise to pay my respects to John H. Martens, Sr., who passed away January 23, 1989. I join with his family, friends, and fellow veterans in paying tribute to this fine man.

John Martens was a hero and patriot, having been awarded 38 different medals while serving in the Asian and European Theaters during World War II. Mr. Martens was Maryland's most honored soldier, and was, at one time, the fourth most decorated man in the Nation. He received the Distinguished Service Cross, three Bronze Stars, three Purple Hearts, two Silver Stars, and a variety of medals from the Phillipines, Belgium, the Netherlands, and France.

Mr. Martens entered the U.S. Army at the age of 18. He witnessed some of the fiercest early fighting in the Phillipines. After recuperating from wounds, he was sent to Germany, He served in Korea. His valor and courage in defense of this great Nation is unsurpassed. He retired as a master sergeant in 1966, and had lived for the past several years on Maryland's Eastern Shore, in Salisbury.

John Martens was a hero, a gentleman, and an American patriot. I join all my colleagues in extending my deepest sympathy to his widow, Helen, and to his six children.

DUE PROCESS FOR GOVERNMENT EMPLOYEES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. EDWARDS of California. Mr. Speaker, the denial of a security clearance can mean the denial of a job for millions of Americans who work for the Department of Defense and for defense contractors. It is important that the decision to grant or deny a clearance be based on accurate information and that an individual have the opportunity to respond to charges that may result in a clearance denial. The recent controversy over the nomination of John Tower to be Secretary of Defense has generated charges of unfairness. Well, the President has on his desk a draft executive order that would deny basic due process to applicants for security clearances. In an op-ed piece in yesterday's New York Times, Adam Yarmolinsky compellingly outlined the issues at stake.

The article follows:

[From the New York Times, Mar. 5, 1989]

SHADES OF MCCARTHYISM

(By Adam Yarmolinsky)

CATONSVILLE, MD.—George Bush now has on his desk a little noticed executive order that threatens to revive one of the excesses of the McCarthy era. The order, prepared in the final days of the Reagan Administration, would scrap the appeals process for Federal security clearances. This, in turn, would allow the Government to deny clearances to Federal workers or to the employees of Government contractors, without any explanation.

As a young lawyer in the early 1950's, representing individual and corporate clients whose security clearances were challenged, I learned the importance of minimum standards of fairness in an area where judgments are necessarily subjective. And I saw what harm was done by timid, narrow-minded or bigoted administrators before there was any machinery to review their decisions.

We've long forgotten about cases like that of the young man who suggested that his landlady try the community chest to help her find a buyer for her large rooming house. "Community chest" sounded like "Communism" to the landlady, and the lodger's career in public service might have ended right there, had there been no avenue of appeal.

Or there was the incident, documented in a collection of case studies I put together in 1955, involving an employee of the Government Printing Office who was denied a security clearance after his security officer heard "left-wing talk" from him. The officer said the worker had been heard to describe himself (a black man) "as a second-class citizen." In a hearing, it emerged that the employee actually had said he would "rather be a second-class citizen in Mississippi than a first-class citizen in Russia."

Then there was the case of the man who was charged with having read "literature of

a subversive nature," which apparently covered Karl Marx's "Das Kapital," Thorstein Veblen's "Theory of the Leisure Class," and Oswald Spengler's "Decline of the West," and having "belittled" the capitalist system. The man was later cleared, but it is still worth remembering that the system generated charges of this kind, and they reverberated through the ranks of the civil service and the defense industry.

Of course, no one has a right to a security clearance. That's not the issue. But millions of people in Government and the defense industry need clearances to do their jobs. Unless there is some entity to review executive decisions, groundless suspicion will tend to replace reasonable judgment about security risks. In the end, independent thought and expression may be curbed by fear of retaliation.

Appeals boards are no guarantee of fairness. Some of the more outrageous decisions in my collection of cases were made by appeals boards. But at least they offer a chance for review by people who owe no fealty to the supervisors who made the original judgment.

On balance, appeals boards have proven their value. They discourage officials from using the security system as a pretext for pursuing dissenters, nonconformists and oddballs, or as another way around cumbersome civil service dismissal procedures.

This, in turn, makes it more likely that the Government will pursue genuine security risks. As the former John F. Kennedy adviser, McGeorge Bundy, once observed before a Congressional committee: "If we guard our toothbrushes and diamonds with equal zeal, we will lose fewer toothbrushes and more diamonds."

It is ironic that in a time when the Russians seem to be reining in their runaway security apparatus, the United States is proposing to remove one of the basic controls over our security system. President Bush should reject this artifact of the Reagan Administration.

CONGRESSIONAL AWARD

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. WRIGHT. Mr. Speaker, I submit for the information of Members the 1988 Report from the Chairman of the Board of the Congressional Award to the Congress of the United States, March 1, 1989:

1988 REPORT FROM THE CHAIRMAN OF THE BOARD

I am pleased to present to you, The Members of Congress, the 1988 Annual Report of the Congressional Award as required by PL 96-114, the Congressional Award Act.

During the summer of 1988, reauthorization hearings were held by the House Select Education Committee. The testimony recognized problems that needed mending. The GAO report also pointed to problems that needed a remedy.

In response to the constructive criticism, the Board has taken decisive action to begin a process of remediation. A plan of action was developed; and from September 1, 1989 through December 31, 1989, the plan has been operationalized. Because of the renewed credibility demonstrated by the Board, the reauthorization was passed in both Houses of Congress and PL 100-674 was signed by President Reagan on November 17, 1988. Some of the highlights of the year follow. Most of these accomplishments have taken place after September 1, 1989.

The Board has been reorganized with the elections of new officers and the establishment of a new committee structure. The officers are Merlin E. Dewing, Chairman; Frank H. Arlinghaus Jr., Vice Chairman for Program; William Plough, Vice Chairman for Administration; Kevin Campbell, Treasurer; and Stuart MacIntire, Secretary.

A new National Director, Joseph J. Gouthro, has been appointed. Mr. Gouthro, a member of the National Board, has agreed to serve as National Director to stabilize the National Office, in its relations with Congress, to ensure an orderly development of the program across the country, and to oversee appropriate and adequate fundraising.

New fundraising initiatives have been developed under the Finance Committee chaired by Mr. Plough. The National Director has been charged to develop grant proposals for a number of foundations and corporations who have expressed an interest in youth. Other ideas for fundraising are being developed. Mr. W. Clement Stone, to whom we owe much, has forgiven the major debt of the Foundation in the amount of $306,000.00.

Since the nonrenewable lease had expired at the United Way Building in Alexandria, and the conservation of funds was essential, the new Director was able to secure free space within two blocks of the United Way Building. This space is available until August 1989. We owe our gratitude to Mr. Androus, owner of the building, the United Food and Commercial Workers of America who pay the rent and the National Office of the American Red Cross, who in fact made the building available to the National Office of the Congressional Award.

The American Red Cross, who also use some of the building space, pay the heat and utilities. This generous gift represents an in-kind donation of approximately $22,000.00 for the length of time the space is available.

The staff has been reduced to three positions: a National Director, a Director of Operations and an Administrative Assistant/Secretary. Both the National Director and the Director of Operations spend a great deal of their time in providing field services across the country, mainly by phone and correspondence with some limited travel.

The National Director, with the help of Dr. Arlinghaus, a Vice Chairman of the Board and Chairman of the Government Relations Committee, has been able to successfully meet the needs of Congress. They have begun to make Members and their staff aware of the Congressional Award as an instrument of Congress to motivate towards, and recognize, the achievement of young people (age 14 through 23) in voluntary public service, personal development and physical fitness with the presentation of a Bronze, Silver or Gold Congressional Award Medal. They have successfully reestablished relations with the Leadership to ensure that Congressional Award matters are handled appropriately at that level.

The field services work, together with the congressional relations work, resulted in the development of many new Councils and Advisory Boards. The process for developing a Congressional Award in a district has been greatly simplified. At the same time, a true role has been found for the Members of the U.S. Senate who do not traditionally relate to their constituents by district, but by state.

We have reinstituted Gold Congressional Award Ceremonies held in the Capitol and presided over by a Member of the Leadership. The first of these Ceremonies was held on September 28, 1988 in the Senate Caucus Room, Russell Senate Office Building. Two ceremonies a year will be scheduled.

In all, the steps we have taken to stabilize and develop the Congressional Award, have begun to bear fruit. The upward trend in the level of interest among Members of Congress has been gratifying. While much remains to be done, we believe that, as we approach the Tenth Anniversary of the Congressional Award on November 16, 1989, we will have brought the Congressional Award to its highest level yet as a force of motivation and recognition for the valuable contributions of the young people of America in voluntary public service, personal development and physical fitness.

We thank the leadership and the Members of Congress for an increased level of support and cooperation. As we look to the future, we expect to build on our gains of this past year to make the tenth year of the Congressional Award the best ever.

Respectfully submitted,

MERLIN E. DEWING,
Chairman of the Board.

ETHNIC AMERICANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to address a recent political and journalistic tendency which I find bothersome—the rampant, uninformed use of the term "ethnic."

The term "ethnic" has become a trendy statement—being defined by too many people, who have too little real knowledge to ever use it accurately.

Anne Keegan's recent story in the Chicago Tribune entitled "Has the term white ethnic lost its value," is a case in point.

Fortunately, ethnics have been around a lot longer than the political consultants, pollsters and political writers who think they invented ethnics and are now trying to define them.

The term "ethnic" when properly used means first, someone who is Catholic. Second, someone who is middle or working class of one or a mixture of the following backgrounds: Lithuanian, Italian, Polish, Irish, German, Croatian, Ukranian, Armenian, Bohemian, and other Eastern and Southern European descents. And, third and finally, people with a more conservative set of values and a shared cultural upbringing.

People who believe in God and prayer and feel that there should be room for both in our daily lives and in our schools. People who believe in family, our country, patriotism, and hard work. People who respect the flag, the laws, and who pay their taxes. People who actually feel emotion when they sing our national anthem.

Ethnics are not just found in large cities. They are in suburbs and small towns as well, but in large communities or small—enough must be in the same geographical area so as

to maintain a shared cultural set of values and experiences.

Ethnic neighborhoods are easily recognizable by the clean sidewalks and well-cared lawns. By parishes that are filled on Sunday, VFW halls that are used for gatherings, a lot of bakeries, and homes that fly the American flag on holidays. It is a set of values and a lifestyle.

Ethnic therefore is a real term with a real definition. That is far different from the term "white ethnic," which people involved in politics have used with increasing frequency in the last few years. A term that was coined mostly out of frustration by pollsters and reporters to cover wrong political predictions. It was and is a nice way of explaining racial voting patterns. That's what's wrong. It's too broad, too simplistic, and lumps together too many people who have little else in common.

These same political types who have made the term fashionable have, at the same time, tried to make it unfashionable to exhibit many beliefs that real ethnics hold, implying that it's immoral to oppose all abortions, racist to support capital punishment, and so forth. They have dismissed ethnics as generally racist, ignoring the facts that ethnics have slated, supported, and voted for blacks and Hispanics for many elected offices.

As the founder and cochairman of the Democratic National Committee's Council on Ethnic Americans, and as someone of Polish descent, who serves in Congress representing a district that is 75 percent ethnic, not white ethnic, I feel qualified to speak on this issue.

Has the term "white ethnic" lost its value? I hope so, since it never had any real value in the first place. The term "ethnic," however, when properly used, has not lost its value, and ethnics will not lose their values. And we certainly will not let some political pollster take them or our identity away. They did not invent us, and they cannot uninvent us, as they try to do in Ann Keegan's article. America's ethnics have been ignored and taken for granted for too long already.

ESTONIAN INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. HOYER. Mr. Speaker, February 24 marked Estonian Independence Day, a day of particular importance for Estonians around the world and here in America. This year, in stark contrast to the past, the Soviet authorities permitted the public celebration of the founding of the pre-Soviet Estonian state in 1918. In this important, if symbolic, way the Soviet Government has shown a more liberal stance toward history and national traditions.

This past year was a remarkable one for Estonia. During the course of 1988, the Estonian people displayed unity, determination, and respect for the law in their campaign for democracy and national sovereignty. The Estonian liberal intelligentsia played a leading role in starting this process when they organized informal groups to discuss perestroika. An important role was also played by recently released prominent Estonian political prisoners, suchas Enn Tarto and Mart Niklus.

Two significant new political groups were founded in Estonia last year. The first organization is the Estonian National Independence Party [ENIP], established on August 20, 1988, which advocates the withdrawal of Soviet troops from Estonia as the first step toward the establishment of an independent Estonian state. In September, the ENIP sent an eight-page memorandum to the United Nations, describing Soviet violations for international law. The second group is the Estonian Popular Front [EFP]—the first such organization in the Baltic States or the Soviet Union—which held its founding congress in October 1988. The EFP has some 250,000 members, bringing together Estonian intellectuals, workers, along with party and nonparty members. The EFP sets forth a complex program, focussing on legal reform of the major aspects of Estonian public life. The aim of this program is to increase Estonian control over all aspects of Estonian society, while remaining part of the Soviet Union.

As a result of Estonian concerns that a series of proposed amendments to the Soviet Constitution would further reduce the rights of republics vis-a-vis Moscow, in November the Estonian Supreme Soviet voted to make Estonian laws take precedence over Soviet laws on Estonian territory. This unprecedented action—rejected by Moscow—by an official government body, showed how far Estonia had come along the path of real popular expression.

Despite the Kremlin rebuff of Estonian legal protests, Estonian public opinion shows no signs of giving up. In January 1989, ENIP and the Independent Information Center held a public discussion on "How to Restore Estonian Independence," attended by 500 people, at Tartu University. The EFP also continues its activities, including backing certain candidates for the March elections to the national Supreme Soviet.

February 24, then, as Estonians everywhere celebrated their Independence Day, they also should take pride in the knowledge that Estonia is blazing new trails in its peaceful mass campaign for legal rights, as it struggles for real national sovereignty.

RICHMOND CRINKLEY, EDUCATOR PRODUCER

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. SISISKY. Mr. Speaker, I am sad to say that last month the Fourth Congressional District of Virginia lost one of its most accomplished native sons. Richmond Crinkley, born in Blackstone, VA, died at the Medical College of Virginia in Richmond on January 29. He was buried in Blackstone on February 1.

Richmond Crinkley received bachelor's, master's, and doctoral degrees from the University of Virginia and was then a Fulbright fellow at Oxford University in England from 1965 to 1976. After that he taught for 2 years at the University of North Carolina.

He achieved his great distinction in the theater, where he had a long and successful career as a producer. Its pinnacle was perhaps his productions of "The Elephant Man," a play he first produced off Broadway in New York, and then on Broadway, where it earned him the Tony Award for best play of 1980, and numerous other awards, including the Drama Critics Circle, Drama Desk, Outer Critics, Obie and Los Angeles Drama Critics Circle Awards.

Crinkley also produced other successful and important shows, including "Tintypes" and "Passions" on Broadway, and numerous television productions for PBS and ABC, including "Macbeth" and "Diary of a Madman."

Much of his theatrical career was here in Washington, DC, where he founded the Folger Theatre Group—forerunner of today's Folger Shakespeare Theatre—and was its producer from 1969 to 1973. He then became assistant to the chairman of the Kennedy Center, serving from 1973 to 1976, where he oversaw such productions as "Long Day's Journey Into Night," "Sweet Bird of Youth," and "The Skin of Our Teeth." In 1976, he returned to New York to serve as director of, first the American National Theatre and Academy, and then the Vivian Beaumont Theatre of the Lincoln Center, where he produced "Elephant Man."

Even though he achieved about as much worldly success as most people dream of, he never lost touch with his roots in Blackstone, VA. He remained very close to his family and visited them frequently. There, he also kept in touch with many boyhood friends, who still knew him as "Rich" Crinkley, always having time to stop and chat with them on the streets of the town.

Richmond Crinkley was not only a successful man but also a public-spirited one. When the tragic AIDS epidemic began to take its terrible toll in the theatrical community, Crinkley was moved to action. He approached public officials with whom he served on various theatre boards and advocated funding for public programs to fight and, hopefully, cure this disease. One result of his efforts was a special appropriation to help pay the enormous cost of AZT, the first drug licensed to treat AIDS, for those who otherwise could not afford it.

Richmond Crinkley was then struck down in the prime of his life by another incurable disease, multiple myeloma. Characteristically, he spent the last year of his life energetically seeking to participate in medical research that would benefit, if not him, then others who suffered from the same condition. Sadly, he lost this fight at the age of 49.

Dr. Samuel Broder, Director of the National Cancer Institute, paid tribute in this way. "There's a saying that no one is irreplaceable. In Richmond Crinkley's case that is not true. We will not be able to replace him * * * He was an exceptional person, fine intellect * * * a strong friend of the Cancer Institute."

I have told you a little of what we all lost with Richmond Crinkley. I also want to offer my condolences to his family in their very personal loss—his parents, Sarah and James Epes Crinkley of Blackstone, and his brother, James E. Crinkley, Jr., of Colonial Heights. Let me just tell them that I am proud to represent here the family and the community that gave

Richmond Crinkley to the world, and I am sure that his contributions to the happiness of his contemporaries will long be remembered.

EASTERN AIRLINES STRIKE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. DIXON. Mr. Speaker, I rise today to express my strong support for the International Association of Machinists and pilots at Eastern Airlines in their confrontation with Eastern management. I also join the International Association of Machinists, the AFL-CIO and the National Mediation Board in urging President Bush to take decisive action to facilitate a settlement by appointing an emergency board to mediate this dispute.

Throughout the last 2 years of negotiations, management has pursued shortsighted counterproductive labor policies which have created a crippling duel which could have far reaching ramifications for air travel in this country. Eastern management has been attempting to bust the unions by its intransigent negotiating posture and has been systematically dismantling Eastern by selling its most profitable assets and siphoning off profits from Eastern to Texas Air and Continental.

This current impasse has created chaos in the Nation's air transportation network and a quick resolution is critical, not only to the future of Eastern, but to the quality of air service in major markets such as Los Angeles. A good faith collective bargaining effort on the part of management and labor is now vital to avert a fatal blow to Eastern Airlines and to avoid the prospects of prolonged massive service disruptions.

I am disappointed that the President did not follow the advice of the National Mediation Board to appoint an emergency mediation panel to avoid the strike. Now that the strike has commenced, it is in the best interest of the employees, management and the travelling public that the Congress send a clear signal of its willingness to protect the Nation's transportation network.

There can be no winners in this crippling strike. A prolonged dispute could be a fatal blow to Eastern and could send shock waves throughout the industry. Reporting legislation requiring the appointment of an emergency mediation panel is the prudent course of action to help resolve this impasse.

AMERICAN HIKING SOCIETY'S VOLUNTEER VACATIONS PROGRAM IN THE VIRGIN ISLANDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. DE LUGO. Mr. Speaker, it gives me great pleasure to share with the Members of Congress an article, written by William H. Wilcox and published in the October 1988 issue of Courier magazine, regarding the outstanding contribution that the volunteers of the "American Hiking Society Volunteer Vacations Organization" gave to the National Park Service in their efforts to spruce up the Virgin Islands National Park lands on St. John.

[From the Courier magazine, October 1988]

(By William H. Wilcox)

HARD AT WORK IN THE VIRGIN ISLES

"All AHS work groups have consistently exceeded my expectations," exclaimed gleeful Park Ranger Barney Stoffel one day last February.

It was the day a seven-person volunteer trail crew completed his two-year hiking trail restoration project in the eastern part of Virgin Islands NP. The crew was there as part of the American Hiking Society's Volunteer Vacations Program, which sends such crews to parks and forests around the country to perform needed trail work.

This 11-square-mile national park on St. Johns covers more than 50% of the island and a major portion of the surrounding waters. Barney Stoffel's district covers the eastern end of the island and a major portion of the north shore. A member of the AHS, Barney has been a ranger in Everglades NP and Gulf Island NS.

Barney's wife, Dee, once an environmental education instructor, handled the menu planning for our backcountry trail maintenance project on the remote northeastern coast of the park. All food and fresh water had to be brought to us by Park Service boat or packed in. Dee was a volunteer like us, devoting many hours to planning a balanced diet for our group. She even baked us a delicious cheesecake that Barney packed into our campsite.

One of the great satisfactions of this "hard labor" ten-day vacation in the tropic heat was the fact that much of our time was spent opening up the Brown Bay trail to park hikers who now can visit remote ruins of an old cemetery, two Great Houses, and a slaughter house that is the only one of its kind on St. John. In the quiet of the thorny, tangled dry scrub forest among the ruins you can, if you stop a moment, imagine the plantation activities of an earlier century: the tensions as the slaves struggled for freedom, plus the daily efforts to grow sugar cane, cotton, and, later in the island's history, raise cattle.

The last few days of our vacation on St. John we bunked at the Virgin Islands Ecological Research Station. Here energetic college students earned credits in such subjects as marine biology, cultural ecology, and resources management.

Nearby, on the Bordeaux Trail, we built stone waterbars to retard trail erosion on a former ox track. The work was strenuous but rewarding as we exclaimed over the skill of our work and debated which pair of volunteers had constructed the most efficient water diversion. The vacation was completed with the opening of trailside vistas on the steep, sunny hillsides. The resulting views of Lameshur Bay, the surrounding hills, and St. Croix, 40 miles in the distance, seemed to justify the territory's autotag designation, "Virgin Islands, American Paradise."

Now that Barney's ambitious two-year project is finished, the product of more than 1,000 hours of work on the trails by 40 volunteers, I asked him what is next. Behind his dark glasses I imagined I saw eyes light up. "Why, the Brown Bay Trail needs to be stablized. Other trails need to be maintained." He even confided his private dream; a hiking trail running the length of St. John with his backcountry campsites.

If, as Emerson said, every good idea is the lengthened shadow of a single man, perhaps Barney's dream may come true.

In the meantime, volunteers of the American Hiking Society are pleased to have contributed their labor to making Virgin Islands National Park more usable to hikers and to historians, who can now reach the striking ruins from the island's plantation era in order to prevent further deterioration as part of the park's historic preservation program.

H.R. 1149

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. CRANE. Mr. Speaker, with appreciation for the support of the gentlewoman from Louisiana, Mrs. BOGGS, and the gentleman from Michigan, Mr. WILLIAM FORD, I have introduced legislation, H.R. 1149, that relates to a subject that should be on the mind of every Member, the Bicentennial of the Congress of the United States.

As we all know, the Constitution was drafted and signed in Philadelphia in 1787, and nearly 2 years passed before the process of ratification was completed leading to the first congressional elections in the fall of 1788. In March 1789, the First Congress convened in New York City, followed by the inauguration of our first President, George Washington, in April, and the Government of the United States under the Constitution began to function.

Two centuries later we are not only celebrating the 200th birthday of our Constitution, but even more remarkable, we honor the oldest continuing system of national government under a written charter in existence in the world.

Plans are well along to commemorate the Bicentennial of the Congress with a number of special programs and projects that will take place here at the Capitol and elsewhere in Washington, DC. I would like to commend to all Members' attention the excellent work being done by the respective Bicentennial Commissions of the Senate and House. I especially wish to acknowledge LINDY BOGGS for her work as the chairman of the House Commission, and to express my pleasure for the opportunity to serve with her as the two Representatives of the House appointed to the National Commission on the Bicentennial of the U.S. Constitution.

LINDY has brought great experience and knowledge to her current assignments having previously served with distinction as a leader in the commemoration of the American Revolution Bicentennial in 1976. Not only has LINDY devoted great effort to helping the National Constitution Bicentennial Commission achieve some of its most ambitious and noteworthy programs, closer to home she has worked carefully with the House leadership to give substance and direction to the projects being undertaken by the House Bicentennial Office and its staff headed by Dr. Ray Smock. Final preparations are being made for numerous programs, exhibits, and publications hon-

oring the Bicentennial of the Congress that will be offered this year.

Although Members and visitors to our Nation's Capital, as well as academicians working on specific projects, will be fully cognizant of the congressional bicentennial, much of what is being planned will have its greatest impact on audiences who are inside the Washington Beltway. I believe that since the Congress is the branch of the Federal Government closest to the American people, its bicentennial should be commemorated not only on Constitution and Independence Avenues, but also on the Main Streets across America.

We have an opportunity to share this special occasion with our constituents in a way that will achieve the further benefit of increasing citizen knowledge of the very bedrock of our Government, the U.S. Constitution.

We are proposing that a special commemorative pocket-size version of the Constitution honoring the Bicentennial of the Congress be printed through contributions of the private sector, and then be given to Members for distribution as a postal patron mailing that has the potential to reach every household in the United States.

These Constitutions will be attractively designed to make them worthy of being saved by citizens as a memento of an important event in American history. Each copy would contain in addition to the text of the Constitution a listing of major donors, a subject index, the names of the members of the National Constitution Bicentennial Commission, and a printed letter from the Member to his or her constituents.

LINDY BOGGS is joining me in a "Dear Colleague" letter to all House Members which will include along with information about the legislation we are sponsoring a preliminary sample of how these Constitutions might look. We are also enclosing a questionnaire about this project and are inviting comments and suggestions from all Members.

The bill being introduced today is designed to provide a one-time waiver of the franking statutes to allow Members to distribute these Constitutions as one of the six postal patron mailings permitted each year. We are especially grateful to Congressman BILL FORD, chairman of the House Committee on Post Office and Civil Service for his full cooperation and expert guidance that helped greatly in drafting this bill, and for his support of this project as an original cosponsor of this legislation.

This project has the potential to be a win-win situation. The public wins by receiving an educational commemorative keepsake having historical value and significance, the Congress wins by achieving broad public recognition of its bicentennial, the Constitution wins by gaining increased citizen awareness of its provisions—including civic rights as well as responsibilities, Members win by having the opportunity to communicate with constituents on behalf of a worthy project whose production cost will be underwritten by donated funds and whose distribution will be achieved through mailing privileges already available, and the private sector wins by achieving good will and name recognition through participation in an official congressional publication which has the potential of reaching 100 million residences throughout the United States.

This unique opportunity is made possible because the Congress created the National Commission on the Bicentennial of the U.S. Constitution, which as a Federal agency is empowered to receive contributions from the private sector to support constitutional commemorative programs, and which, in turn, can work with the Congress in helping produce and make these booklets available to Members for their use. The legislation being introduced today takes care of the only remaining issue by allowing these Constitutions to be mailed under the frank through a one-time special waiver in recognition of the Bicentennial of the U.S. Congress.

I would like to invite all Members from both sides of the aisle to join in this special, historic, and nonpartisan effort. You can do so by joining as a cosposor of our legislation being introduced today, and by completing the questionnaire offering your views and suggestions about this project. We also encourage you to bring this project to the attention of major corporations, associations, civic groups, educational organizations, and even individuals who you feel might be interested in participating as a private sponsor.

I invite corporations and others who might wish to be associated with this project to contact my office for information. The goals we are setting are both ambitious and noble. I hope we can act to take advantage of an opportunity that will come but once in our lifetimes.

THE BUDGET REFORM ACT OF 1989

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. PENNY. Mr. Speaker, since the 1974 Budget Act went into effect, the Congress has managed to pass all 13 regular appropriation bills in only 2 fiscal years. As a result, in most years, we rolled most Federal spending into one continuing resolution and then passed it after the new fiscal year had already begun. And despite the fact that the budget process established by the Budget Act was intended to force Congress to reconcile spending with revenues—in other words keep a balanced budget—the Federal budget has grown, and large budget deficits continue to pose a threat to the long-term economic well-being of the Nation. I think you will agree, Mr. Speaker, that it's time to clean up our budget process. That is why today, along with a bipartisan group of our colleagues, I am introducing the Budget Reform Act of 1989.

Under the provisions of this legislation, the Federal budget would be put on a pay-as-you-go [PAYGO] basis. In addition, this bill requires biennial appropriations and gives the President a line-item veto, subject to a simple majority override by the Congress.

Pay-as-you-go budgeting requires the Congress to find funding for the programs it passes. If spending is increased for one program, a corresponding cut would be required in the budget of another program. This approach is no different than the one that a majority of States and cities must follow in adopting their own budget plans.

Like PAYGO, biennial budgeting is a process that many States and localities use in their own budgeting. Unlike single-year appropriations however, biennial budgeting provides the time necessary to plan and implement a budget. Under my proposal, the first year of the budget cycle would be set aside for more thorough oversight by congressional committees than is currently possible. In the second year, all appropriations decisions would be completed.

A line-item veto with a simple majority override would give the President the ability to veto "lines" of an appropriations bill just as he now has the power to veto the whole measure. Because the Congress passes omnibus continuing resolutions, the traditional veto "check and balance" of the President has been effectively removed. The Budget Reform Act of 1989 returns to the President the ability to review the spending decisions made by the Congress. The Congress, though, would have the power to override a line-item veto by a simple majority vote.

Mr. Speaker, I invite you and my other colleagues to join me in establishing a budget process that is workable and will put us on the road to significant deficit reduction.

PERRY JOHNSON, A UAW LEADER

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. HERTEL. Mr. Speaker, on March 10 in Sterling Heights, MI, there will be a testimonial dinner for a good friend of mine who has been an active member of the UAW since the 1940's. Perry Johnson, the director of UAW region 1 and a member of the UAW's international executive board, will be retiring at the union's triennial convention in Anaheim, CA, in June of this year.

In addition to his union responsibilities, Perry Johnson is a highly respected and dedicated community leader in southeast Michigan. He is a lifetime member of the NAACP as well as an active Democrat. His participation in the UAW Community Services Program has won him recognition for his services to the poor, the disabled, and the needy.

Perry Johnson has been active in the union since he went to work at the Ford Motor Co.'s Sterling plant in Sterling Heights, MI, in 1948. Since them, he has served in a number of leadership positions, starting with his election as a local union committeeman 1951, as a member of the local's bargaining committee and finally as vice president of UAW Local 228.

After 4 years in that position, Perry was appointed to the UAW's organizing staff in 1969. He served there until 1975 when he was named to the staff of region 1.

Two years later, in 1977, he was appointed assistant director of the region by then region 1 director Steve Yokich. Perry Johnson was

elected regional director to succeed Yokich at UAW's 1980 convention.

The region, which has its headquarters in Warren covers a substantial portion of southeast Michigan, including Macomb and St. Clair Counties and a small part of Detroit bordering on Macomb County.

Perry Johnson, 66, was born in Georgia but lived in Florida from the age of 2 months until he joined the Army in 1942. He served 3 years in Europe during World War II, and moved to Michigan in 1945 following his military service.

Active in Democratic politics, Perry Johnson also has had a leadership role in UAW's Community Action Program in the southeast Michigan area.

Perry Johnson and his wife, Thomasina, reside in Detroit. They are the parents of a daughter, Mrs. Jacqueline McNeil, a teacher in the Highland Park, MI school system.

Mr. Speaker, these biographical facts cannot begin to convey the many contributions of Perry Johnson to his union, the working men and women he has represented and, in the larger sense, the people of southeastern Michigan through his involvement in political, economic, and social activities. His contributions have been many. It is my pleasure to join his many friends in southeastern Michigan in wishing Perry Johnson the very best as he prepares to begin his well-deserved retirement.

IN HONOR OF LEROY J. THORPE, JR.

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. FISH. Mr. Speaker, it is with pride that I rise to honor Leroy J. Thorpe, Jr., who has been elected as an advisory neighborhood commissioner in the District of Columbia.

Mr. Thorpe and his family are well-known to me and my office. He was born in Beacon, in my congressional district of New York and graduated from Beacon High School in 1975. His mother, Margaret Thorpe, lives in Glenham, NY.

The advisory neighborhood commission serves as a line of communication between the residents and the government of the District of Columbia on issues including safety, zoning, and sanitation. Mr. Thorpe has started a 2-year term on the commission representing the Shaw Community—area 2C07. He has been actively involved in efforts to combat drug abuse.

He works in the D.C. Department of Human Services and serves as a board member on the Shaw Project Area Committee and as a member of the First District Police Citizens Advisory Council.

Mr. Speaker, I wish Mr. Thorpe well in his endeavors.

FLORIO HAILS 75TH ANNIVERSARY OF TRENTON BUSINESS AND PROFESSIONAL WOMEN'S CLUB

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. FLORIO. Mr. Speaker, on February 15, 1989, the birthday of suffragette Susan B. Anthony, I took the opportunity to call for passage of Federal legislation that would advance the interests of women and their families by setting minimum standards for day care centers, provide incentives for expanded child care services, and improve parental and medical leave policies. Today, I continue in this effort by bringing to the attention of my colleagues an organization in New Jersey, the Trenton Business and Professional Women's Club, that has been in the forefront of the issues facing women in the work force since its founding in 1914.

In April 1916, the Trenton BPW adopted its constitution and 3 years later assisted in the formation of the first State federation in the country. Throughout the first decade and beyond, the club committed itself to an increased awareness of legislation—at all levels of government—that affected women and the family. From the outset, it was the express purpose of the club to impact upon the societal standards, laws, and opinions in a positive manner for businesswomen. Most notable among the many accomplishments the club has witnessed is that of its founder, Emma Dillion, whose efforts were successful in having a clause inserted into the 1947 State constitution which prohibited discrimination between the sexes.

Our Nation has certainly come a long way since the early battles and struggles of Emma Dillion and the Trenton Business and Professional Women's Club. Yet, we still face many difficult challenges in the years ahead as the economic landscape changes. More and more women are moving into the work force—in the last 30 years, the number of women in the work force grew by 178 percent—and more than half of these individuals are working mothers.

Therefore, Mr. Speaker, the many initiatives of the Trenton BPW not only show compassion and understanding of the issues, they also display good economic sense. I look forward, with great enthusiasm, to working with this organization in the times ahead so as to ensure the Nation takes the needed steps to boost the productivity of its work force. I ask that my colleagues join me in extending congratulations as the Trenton BPW celebrates its 75th anniversary.

TRIBUTE TO HILLSBORO HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. McEWEN. Mr. Speaker, it is indeed an honor to inform my colleagues of the success of the Hillsboro High School Boys Basketball Team. While perfection is something for which we all strive, it has been achieved in my hometown. The Indians have finished the regular season with an unblemished record of 20 wins and no defeats, thus winning the South Central Ohio League Championship and for the first time in their history the coveted Gold Basketball Award for a perfect season.

Mr. Speaker, I urge my colleagues in the Congress to join with me in saluting the parents, teachers, students, and most notably the members and staff of the Hillsboro basketball team who through hard work, commitment, and shear desire have achieved the ultimate reward, pefection.

It is with great pleasure, I enclose the names of the young men who have done so much in instilling pride and community spirit to the great city of Hillsboro, OH:

Joe B. Stewart, Head Coach; Sam Snyder, Assistant Coach; Pat Gilliland, Rodney Donley, Dwaine Cumberland, Scott Cumberland, Tom Stanforth, Mike Nartker, Shawn Adkins, Jeff Parry, Brett Horton, Kevin Gale, Jason Johnson, and Rhett Snyder.

TRIBUTE TO MILWAUKEE CHAPTER OF THE NATIONAL ORGANIZATION FOR WOMEN

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. MOODY. Mr. Speaker, I am privileged to honor the Milwaukee chapter for the National Organization of Women on the justly celebrated occasion of their 20th anniversary.

The Milwaukee chapter of NOW has distinguished itself through its dedication to the advancement and acknowledgment of women's rights. Its goals have remained consistent through the years, including support of the equal rights amendment, support of a woman's right to choose, and the goal of electing more women to office. It is a fitting tribute to NOW's work that many of the early radical issues of the movement have become realities today, firmly integrated into society, and taken for granted.

NOW, both locally and nationally, was founded by a group of visionary women. Wisconsin has a strong feminist history, and is proud to include local and national NOW founders Catherine Conroy and Kathryn Clarenbach among the ranks of its famous daughters. Catherine Conroy's involvement ranged from women and labor concerns, to reproductive freedom, education, and politics. In 1976 she was named the Milwaukee NOW's first "Woman of the Year." While Catherine Con-

roy's recent death is sorely grieved, her vast accomplishments and indefatigable spirit are celebrated, and will live on in the women's movement.

The Milwaukee chapter of NOW has been instrumental in affecting many of the historic changes in our Milwaukee community. Their efforts have helped integrate clubs, schools, and restaurants. Milwaukee NOW has been instrumental in the formation of women's support groups, such as the Women's Crisis Line, Sexual Assault Treatment Center, and the Women's Study Program at the University of Wisconsin-Milwaukee.

Task forces, the backbone of Milwaukee NOW's organization, continue to significantly contribute to the legislative processes affecting women's lives. Their research and work continues to provide both voters and legislators with necessary information on specific issues.

Mr. Speaker, I am proud to honor the Milwaukee chapter of the National Organization for Women on their 20th anniversary.

BULGARIAN INDEPENDENCE DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, today marks the 111th anniversary of Bulgarian Independence Day. On March 3, 1878, the Treaty of San Stefano granted Bulgaria her long-awaited independence from the Ottoman empire.

From the 14th century Bulgaria had been under Turkish domination. A Bulgarian national resistance movement was responsible for a series of uprisings which eventually led to national independence. Russia aided Bulgaria in obtaining her freedom from the Ottoman empire.

Under this long-awaited freedom Bulgaria thrived as an independent nation. Bulgarians were free for the first time in centuries to express their individuality as a nation and as a people. However, their taste of freedom was short-lived. Sixty-five years later, in September 1941, the country that once helped them obtain freedom, Russia brutally took it away.

The Soviet Union incorporated Bulgaria into its colonial empire at the end of World War II. As a result of Russian repression Bulgarian resistance movements sprung up all over the country in desperate attempts to regain their freedom. Once again, thousands of Bulgarians lost their lives and were imprisoned in their struggle for freedom and independence.

Today Bulgaria is still governed under a repressive Communist government. Bulgarians are still deprived of all their rights. They are spiritually impoverished and morally degraded. The economy is bankrupt. The system is not working. Total failure of the system seems to be the only hope the Bulgarian resistance movement has. Bulgarians all over the world long to see the day when their small but glorious nation will once again return to a land of freedom and liberty.

Let us not forget their struggle for the precious rights and freedoms we hold so dear. Bulgarians all over the world must know that we support them and recognize their right for independence.

"WASHINGTON TO WASHINGTON" WOMAN'S ART EXHIBIT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. CHANDLER. Mr. Speaker, at a time in our Nation's history when the enormous talents and achievements of women in politics, science, business, and in literature are receiving much deserved recognition, I would like to call the attention of my colleagues to the opening of a fine arts exhibition which features Washington State women artists. "Washington to Washington, Women in Art Today" will preview March 6–30, 1989, at the Art Museum of Washington State University and then continue on to Washington, DC, to be displayed at the prestigious, new National Museum of Women in the Arts from May 30–July 9. I encourage my colleagues to visit this exhibition.

A group of 15 of the most extraordinarily gifted female artists currently living and working in the State of Washington were selected to offer samples of their work to be shown in the "Washington to Washington" exhibit.

These women have made remarkable contributions in a wide variety of fine art fields from glass blowing by Sonja Blomdahl and tapestry by Inge Norgaard to computer-produced graphic art by Lorna Pauley Jordan. Many of these artists have had their work exhibited abroad in Europe, Japan, the Soviet Union, and Mexico in addition to exhibitions in several United States cities including New York, Chicago, and Philadelphia.

I would like to express my great appreciation for the contributions made by the artists whose work is to be shown in the "Washington to Washington" exhibit. I offer my sincere congratulations to each of the 15 talented artists.

PLASTICS IN THE WASTE STREAM

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to address the subject of plastics in the waste stream and how the Federal Government can work with industry to resolve our Nation's garbage crisis.

THE CRISIS

Make no mistake about it, the United States faces a serious garbage crisis. The primary method of solid waste management in the United States, landfilling, will soon be unavailable in some areas of the country. This is painfully apparent in coastal and urban communities. Over 3,000 municipal landfills in the United States have closed since 1983 and by 1993, one-third of those that remain will be closed as well, according to estimates by the Environmental Protection Agency. The prospects for siting new landfills are not good, considering the rising costs of environmental compliance and the growing "not-in-my-backyard" attitude toward new dumps. Clearly, we as a nation are running out of places to hide our waste.

This problem is particularly acute in my area of Long Island. Under New York State law, all public landfills on Long Island must close permanently next year. That law was enacted in order to protect our ground water aquifer—the sole source of drinking water for the 2.7 million people of Nassau and Suffolk Counties. In order to comply with the looming 1990 landfill moratorium, my constituents are experimenting with a host of solid waste technologies including waste reduction, recycling, and composting.

Exporting garbage to other States has been New York State's least risky solid waste disposal solution. Last year, 1.1 million tons of trash from New York were trucked to Midwestern landfills, a 44-percent increase over the amount of trash the State exported in 1986. While perhaps effective in the short term, this pass-the-buck approach to waste management is becoming prohibitively expensive due to sky-rocketing "tipping fees" charged by garbage carters. It is also being met by a growing tide of resistance in America's heartland.

Plastics have been identified in the public's mind as a key culprit in the garbage crisis. Plastic wastes are more visible than some other materials, especially on our roadsides and beaches. While plastic wastes make up about 7 percent of the municipal waste stream by weight, they contribute a significantly greater proportion by volume. And the contribution of nonbiodegradable wastes to the municipal solid waste stream is growing all the time.

An environmental problem that has received congressional attention is plastic wastes adrift at sea. These wastes cause the death by entanglement of hundreds of thousands of seabirds and many marine mammals each year. To attack this problem, Congress enacted the Plastic Pollution Research and Control Act. This measure, signed by President Reagan in December 1987, outlaws ocean dumping of plastic garbage anywhere in the world by American ships, and by foreign vessels within 200 miles of our coasts. Clearly, plastic was a key constituent of the wastes washing up on Long Island beaches last summer.

RESOURCE RECOVERY

Before my election to Congress, I chaired the Resource Recovery Subcommittee of the New York State Assembly for 8 years while representing the 4th Assembly District. My research at the State level showed that a program combining recycling, composting, and waste-to-energy technologies offers the best comprehensive solution to the garbage crisis. Manufacturers using glass, paper, metal, and plastics recognize the great benefits of recycling in terms of lower material costs, smaller energy inputs and fewer environmental impacts. The chief obstacle to expanded industry recycling efforts appears to be the uncertainty of economic markets for recyclable materials. I believe that as more investments are made by industry and government into pro-

moting recycling, however, prices for recycled materials will become more competitive with prices for virgin materials.

One public misconception is that plastic wastes are intrinsically nonrecyclable. Frankly, I believe that perception exists because the plastics industry and government agencies have not done enough to prove otherwise. Industry and government must invest more into both implementing plastics recycling technologies and educating the public about the recyclability of plastics.

BIODEGRADABILITY AND LITTER

The persistence of plastics in the environment is a legitimate concern for government and industry when one considers the litter problem—magnified by last summer's beach washups—together with declining landfill capacity. While efforts to ban plastics may be unrealistic, there is growing interest in requiring degradability of plastics. Several Members of Congress—notably Senator JOHN GLENN, of Ohio—have sponsored bills requiring that many new products be wrapped in biodegradable or photodegradable packaging. I believe that, if degradation technologies can be demonstrated to work, and if they do not contaminate the environment, we ought to consider advancing these technologies in order to deal with the most uncontrollable segment of the waste stream, namely litter.

RECYCLING VERSUS DEGRADABILITY

A major issue that needs to be resolved centers on the appropriate management techniques for individual plastic items in the waste stream. That issue is recyclability versus degradability. I believe that, for each individual consumer product packaged in plastic, consideration should be given as to whether it is feasible to reuse or recycle that packaging into something else, or whether it cannot be recycled and ought to be programmed to decay in the environment over a reasonable period of time.

Of course, the quality that has made plastic so desirable in consumer product packaging is its durability. Plastic packaging does not become soggy and fall apart when wet, like paper. It doesn't become rusty when wet as do some metals, or rotten as does untreated wood. And of course, a plastic container doesn't shatter when it is dropped. Clearly, the plastics industry's point of view is that manufacturers would like to continue producing durable plastic consumer products in the future. Therefore, in my judgment, reuse and recyling should be the key to the industry's strategy. Of course, pursuing such a strategy will require greater investment of resources by the industry into product designs, marketing analyses, and technologies that will advance recycling and reuse.

A COMPREHENSIVE FEDERAL SOLUTION

Last year I introduced the Recyclable Materials Science and Technology Development Act, the first comprehensive recycling bill ever offered at the Federal level. On January 4, I reintroduced this legislation as H.R. 500. The bill launches a coordinated public-private sector effort to open markets across the Nation for recycled materials and assist industry in developing innovative recycling technologies for most nondurable consumer products. The bill requires that, after 5 years of federally sponsored research and development, most nondurable consumer goods must be recycled. Products for which a recycling program is infeasible must be sold in packaging that will decay naturally and safely in the environment over a relatively short time period.

First of all, following the enactment of H.R. 500, the U.S. Commerce Department is directed to establish an Office of Recycling Research and Information. This office will make grants to support development of innovative recycling techniques for all types of consumer product packaging and distribute information to industry about state-of-the-art recycling technologies. Since plastics recycling does not have the history of implementation that exists for paper, glass, and metal recycling, the Office of Recycling Research and Information should be of benefit to the plastics industry. This office will also provide information to public schools, State and local governments, and the general public regarding the garbage crisis and the benefits of instituting recycling programs. This kind of public education campaign will be essential to persuading people to cooperate with recycling efforts.

Within 6 months after enactment, the U.S. Department of Agriculture is required to establish a pilot project to demonstrate the viability of composting municipal solid wastes and sewage sludge. Composting is an age-old technology that could have valuable applications in confronting the garbage crisis. Traditional plastics and other nonbiodegradable wastes can be separated from compost during the process, and this noncompostable waste can subsequently be recycled into plastic lumber for fence posts, docking, et cetera. An initial report to Congress by the Agriculture Department on the composting pilot project is due 1 year after enactment.

H.R. 500 directs that, within 2 years after enactment, the Commerce Department and the Environmental Protection Agency will recommend to Congress the following:

First, how to ensure the development of technologies for recycling nondurable consumer product packaging;

Second, how to expand marketing of products made of recycled materials;

Third, how to encourage the development of certain consumer products that are biodegradable; and

Fourth, whether nonrecyclable goods should bear warning labels to remind consumers about the garbage crisis.

The legislation also requires that after 2 years, plastic six-pack rings, shopping bags and fast-food packaging must be degradable. Since I originally wrote the bill, the six-pack ring requirement has been mandated by Congress under a separate law. A major concern with six-pack rings is entanglement of wildlife.

While reuse of bags should be encouraged, plastic shopping bags will be difficult to recover from trash for a recycling program. Therefore, my bill requires that these bags be biodegradable. In the best of all possible worlds, shoppers would stop using disposable bags altogether and use string bags or some other reusable product. However, that change would be difficult to institute nationwide.

Fast-food packaging presents a litter problem due to the prevalence of drive-thru service and roadside dining. Therefore, the legislation requires biodegradability or photodegradability in this packaging. It may be, however, that recycling efforts could capture some of the waste from fast food franchises. That question needs further study, and I know McDonalds Corp. is working to recycle waste from several of its New York outlets. I look forward to reviewing their findings.

Also to be received by Congress 2 years after enactment of H.R. 500 is an analysis by the Secretary of Health and Human Services of the feasibility of recycling or using biodegradable materials in medical supplies. It may be that plastic hospital wastes can be sanitized and recycled into new items, rather than incinerated. On the other hand, it might be possible to manufacture a plastic syringe that will decay in sea water—before it gets a chance to wash up on Long Island's beaches.

And one final anaylsis is to be transmitted to Congress within 2 years. The Secretary of Defense will report on the Pentagon's waste management practices, and comment as to whether a waste recycling program could be instituted for Defense Department facilities—such as cafeterias or aircraft carriers.

Within 4 years after enactment of H.R. 500, the Commerce Secretary and the EPA Administrator will divide nondurable consumer goods into two categories: First, those for which a recycling program is feasible; and second, those which will be exempt from any recycling requirement due to the infeasibility of recycling. Products identified as exempt from the recycling requirement must after 5 years be composed of biodegradable materials.

The two lists generated by EPA and Commerce—one of recyclables and the other of degradables—are by no means coequal. Recycling is the central focus of this legislation, and we can expect that most of the nondurable consumer product waste stream would fall into the mandatory recycling category. Certain items, however, that are found to be either too small to easily separate from trash—cellophane wrap, for example, might fall into this category—or too objectionable to sort by hand—diapers, for example. These items will have to be composed of biodegradable materials after 5 years.

Effective 5 years after enactment, H.R. 500 requires that those products identified by the Commerce Secretary as recyclable must be recycled. Furthermore, the bill requires that these items be recycled at a rate of 75 percent of production. Clearly, that is a high rate. By comparison, the State of New York has set a goal of 50 percent recycling, which is the rate claimed to have already been achieved by Japan. The Federal EPA has set a goal of 25 percent recycling nationwide, and President Bush has pledged to try to exceed that goal. While a rate of 75 percent may be described by some as impossible to achieve, I don't think it hurts to set our sites high. Indeed, manufacturers of some aluminum products have a goal of achieving total recycling.

In order to ensure compliance, H.R. 500 assigns civil and criminal penalties for violators of the act, with fines to be levied by the Administrator of EPA. This is similar to the arrangement under the Federal pesticide law.

Civil penalties would be $5,000 maximum, and a criminal violation could result in a $25,000 fine, a year in jail, or both. Thus, the bill has "teeth" that are designed to guarantee compliance nationwide.

To review the basic schedule for actions required under this legislation, I offer the following abbreviated timetable:

H.R. 500 PROGRAM SCHEDULE

Enactment by month 6: Commerce opens office of recycling research and info ($10 million in grants). USDA starts composting project.

Enactment by year 1: USDA reports on composting.

Enactment by year 2: Commerce reports on: recycling, degradables, and product warning labels. Commerce requires degradability in 6-pack rings, shopping bags and fast food packaging. HHS reports on medical supplies. Defense reports on DOD waste management.

Enactment by year 4: Commerce/EPA issue regulations on recyclables and degradables.

Enactment by year 5: Commerce/EPA identify list of mandatory recyclables and degradables. EPA imposes penalties for noncompliance.

I am pleased that Senator ALBERT GORE, the chairman of the Senate Subcommittee on Science, Technology, and Space, has introduced companion legislation to H.R. 500 in the Senate (S. 201). The backing of Senator GORE and his cosponsors increases the likelihood of action on comprehensive recycling legislation. In the House, H.R. 500 enjoys the bipartisan support of 75 cosponsors.

A ROLE FOR THE PLASTICS INDUSTRY

I have urged the plastics industry to address the question of degradability versus recyclability. There is no doubt in my mind that—unless EPA discovers significant environmental problems created by degradable plastics—there will continue to be great interest in promoting degradables. I prefer a strategy that emphasizes recycling for plastics and all other materials, with biodegradability required selectively to help cope with litter. I have asked the plastics industry to investigate options for postconsumer separation of degradable plastics from nondegradable plastics. Given the claim that the presence of degradable plastics contaminates a batch of plastics destined for recycling, development of separation methods is very important.

Successfully recycling our Nation's waste will require a much greater investment by industry into product design modifications and potential new lines of remanufactured products. It also will require greater investment by Government into innovative programs for recovering waste and into efforts to change consumers' attitudes and behavior patterns. We're all in this mess together, and we will need to work together to get out of it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 7, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the Mission to Planet Earth program, focusing on activities to define, organize, and implement the proposed mission.
SR-253

Energy and Natural Resources
Business meeting, to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1990 with a view towards making its recommendations to the Committee on the Budget, and to consider S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge, Alaska.
SD-366

Rules and Administration
To hold oversight hearings on the operations of the Office of the Senate Sergeant at Arms and the Office of the Architect of the Capitol.
SR-301

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of Public Debt, U.S. Mint, Office of the Inspector General, and the U.S. Savings Bond Division.
SD-116

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on the Department of Health and Human Services.
SD-608

Finance
To continue hearings on proposed legislation authorizing funds for fiscal year 1990 for the Office of the U.S. Trade Representative, and the International Trade Commission.
SD-215

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings to review foreign terrorists' threats relating to attempts to prevent publication and distribution of the Satanic Verses in the United States.
SD-419

Labor and Human Resources
Business meeting, to consider S. 4, to restore the minimum wage to a fair and equitable rate, and pending nominations.
SD-430

1:30 p.m.

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on the Medicare program.
SD-608

4:30 p.m.

Veterans' Affairs
Business meeting, to consider the Veterans Administration proposed budget request for fiscal year 1990.
SR-418

MARCH 9

9:30 a.m.

Labor and Human Resources
To hold hearings on proposals to establish a corporation to administer a program of voluntary national service, and to provide for the education and training of participants in such Corps, including S. 3, S. 408, S. 322, and S. 382.
SD-430

Special on Aging
To hold joint hearings with the House Select Committee on Aging's Subcommittee on Health and Long-Term Care and the Subcommittee on Housing and Consumer Interests on residential board and care facilities.
SD-628

10:00 a.m.

Appropriations
To resume hearings on the President's proposed budget for fiscal year 1990.
SD-192

Banking, Housing, and Urban Affairs
To contnue oversight hearings to examine the problems in the savings and loan industry.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on science, technology, and strategic economic policy.
SD-608

Finance
To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

Judiciary
Business meeting, to consider the nomination of William J. Bennett, of North

Carolina, to be Director of National Drug Control Policy, S. 419, to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation, and S. 431, to authorize funding for the Martin Luther King, Jr. Federal Holiday.
SD-226

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
To resume hearings on exchange trading practices in the commodity futures markets.
SR-332

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on the implications of the FS-X Aircraft Agreement between the United States and Japan.
SR-253

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on proposed legislation to extend employment and training programs for adults and youth.
SD-430

Select on Intelligence
To hold closed hearings on proposed legislation authorizing funds for the intelligence community.
SH-219

3:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Labor.
SD-116

MARCH 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for ACTION, Federal Mediation and Conciliation Services, National Mediation Board, Railroad Retirement Board, Federal Mine Safety and Health Review Commission, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for February.
2359 Rayburn Building

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Internal Revenue Service and the U.S. Postal Service.
SD-116

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the state and capabilities of the Marine Corps for special operations and low intensity conflict.
SR-222

10:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agreements and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Energy Information Administration, Economic Regulatory Administration, Office of Hearings and Appeals, and Emergency Preparedness, all of the Department of Energy.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Air Force and Defense Agencies military construction programs.
SD-192

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the National Credit Union Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 341, to prohibit discrimination against blind individuals in air travel.
SR-253

Energy and Natural Resources
To hold hearings on energy efficiency and renewable energy technologies as they relate to S. 324, National Energy Policy Act of 1989.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Indian Health Service of the Department of Health and Human Services, and Indian education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To resume hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

Judiciary
Technology and the Law Subcommittee
To hold hearings on computer viruses.
SD-226

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on aviation security issues.
SD-192

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the proposed Fairness in Broadcasting Act of 1989.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the Office of the Inspector General, General Services Administration.
SD-116

Energy and Natural Resources
Business meeting, to resume consideration of S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska, and other pending calendar business.
SD-366

Governmental Affairs
To hold hearings on the proposed Federal Advisory Committee Act Amendments of 1989.
SD-342

10:00 a.m.
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215
Judiciary
Constitution Subcommittee
To hold hearings on DNA identification.
SD-266

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253
Veterans' Affairs
To hold oversight hearings on veterans' health care issues.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-124
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215
Foreign Relations
To hold hearings to review the international environmental agenda for the 101st Congress.
SD-419

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for development assistance programs.
SD-138
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physician Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

10:00 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To resume hearings to examine the current and future status of the Medicare program, focusing on physicians payments.
SD-215

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
SD-126, Capitol
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-124
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.
SR-253

APRIL 6

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on

the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.

SD-124

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.

SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.

SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.

SD-116

Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the U.S. and Canada.

SD-215

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.

S-128, Capitol

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.

SD-116

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection agency.

SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.

SD-192

APRIL 11

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and applications programs.

SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.

SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.

SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.

SD-116

APRIL 13

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.

SD-124

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.

SD-138

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.

SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.

SD-138

APRIL 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.

SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.

SD-116

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the importance of scenic byways to national tourism.

SR-253

APRIL 17

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space transportation budget and policy.

SR-253

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.

S-128, Capitol

1:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.

SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse, and Mental Health Administration and the Health Resources and Services Administration.

SD-116

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Commodity Credit Corporation, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-192

APRIL 19

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.
S-128, Capitol

MAY 3

9:30 a.m.
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs on the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 15

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

CANCELLATIONS

MARCH 7

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for nuclear energy research and development programs.
SD-366

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear-reactor technologies.
SD-366

MARCH 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation to establish an Indian Development Finance Corporation.
SR-485

HOUSE OF REPRESENTATIVES—*Tuesday, March 7, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In this our prayer, gracious God, we remember our colleagues, our friends, our families, and we pray that Your blessing will be upon them. May Your good spirit of renewal touch the lives of all who have any special need, give solace to those who suffer any hurt, give courage to those who are alone, grant forgiveness to all who have missed the mark, and allow Your peace to touch each of us in the depths, of our hearts and souls. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Oklahoma [Mr. INHOFE] kindly lead our colleagues in the Pledge of Allegiance.

Mr. INHOFE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

TWO BLACK HEROES FROM WORLD WAR I AND WORLD WAR II HONORED POSTHUMOUSLY

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, recently, my colleagues Mr. LELAND and Mr. HUNTER joined with me in introducing a resolution calling for long delayed recognition of two deceased war heroes, Henry Johnson and Dorrie Miller. It is our hope that the Departments of the Army and the Navy will recognize the valor of these gentlemen and will award each a posthumous Congressional Medal of Honor.

Sergeant Johnson and Seaman Miller were black veterans in World War I and World War II respectively. Sergeant Johnson served in the 369th Infantry in France during World War I and was a native of Albany, NY. Seaman Miller was a mess steward in the Navy and was from Waco, TX.

During World War I, Sergeant Johnson was stationed in France. One night, while at an observation post, he and a companion were attacked by 12 Germans. Despite severe wounds, Sergeant Johnson killed four of the enemy, captured a stockpile of enemy munitions, and rescued his wounded comrade. For his actions, the French awarded him the Croix De Guerre, citing his "magnificent example of courage and energy."

Sergeant Johnson never fully recovered from the injuries he sustained in the attack. He died in 1929.

Seaman Miller survived the Japanese attack at Pearl Harbor, where he helped remove his mortally wounded captain from the ship's bridge. Despite not having received combat training.

He returned to the U.S.S. *West Virginia,* where he manned a machinegun against the attackers. He later perished in the Pacific theater during a 1943 torpedo attack. An American warship was later named in his honor.

Mr. Speaker, we are asking that the respective services waive the time limitations on the issuance of the Congressional Medal of Honor for these most deserving individuals.

What is at issue here is racial discrimination. Out of the 3,413 recipients of the medal, only 76, or 2.2 percent, are black. Sadder still is the fact that during both world wars, not one black service man or woman received the Medal of Honor for their actions.

Surely, this is no mere coincidence. Former Secretary of Defense Carlucci has stated that:

It is clear that unjust discrimination existed during World Wars I and II that could well have extended to individual decisions leading to the awarding of medals in recognition of heroic actions.

I urge my colleagues to support our efforts to award the Congressional Medal of Honor to these two American heroes.

PROPOSED LEGISLATION WOULD ELIMINATE ALL TAXATION ON SALE OF A RESIDENCE

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, as the debate over capital gains taxation rages in many corners of America, including the Congress, its committees and outside these hallowed Halls, one voice must not be forgotten—the voice of the American homeowner.

The saying that a person's home is his castle is true in our Nation today. Tax policy, however, does not fully recognize the sacrifices one makes to maintain that castle. Hard work, many repairs and home improvements are typical investments Americans make in their property. Investments in stability, savings and, yes, retirement. In many cases though, when we sell our homes, inflation and taxes take much of this work and investment away.

Mr. Speaker, today I am introducing legislation to simplify and correct the flaws in taxing the sale of a principal residence. My bill would eliminate all taxation on the sale of a residence and reward the best investment American families make in their lives—buying a home to live in.

RAIL LINE WORK STOPPAGE WOULD ADD TO NATION'S TRANSPORTATION WOES

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, the Nation's transportation network is in jeopardy.

The Eastern Airlines strike has already inconvenienced thousands of air travelers. But a much more serious disruption of our transportation network may be only hours away.

At 3 p.m. tomorrow, a temporary restraining order preventing a disruption of service on New York's commuter rail lines will expire. When the restraining order expires, rail lines serving 365,000 New York area residents will grind to a halt, creating utter chaos for commuters. Other major metropolitan areas around the Nation face a similar plight.

President Bush has thus far refused to appoint an emergency board to help resolve the dispute. I call on him to reverse that decision now so commuters in Westchester County and elsewhere are not left stranded for their homebound commutes tomorrow evening. If the President refuses to cooperate, I believe that Congress must act to mandate that he appoint an emergency board. I have joined as a cosponsor of legislation to accomplish this, and I urge my colleagues to do likewise.

We cannot stand by as hundreds of thousands of commuters are threatened by the administration's inaction.

H.R. 373, THE DECEPTIVE MAILINGS PREVENTION ACT OF 1989

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I rise today to express my concerns about the disturbing problem of deceptive and misleading direct mail.

Often, mail solicitations are blatant attempts to resemble official Government correspondence. They may offer, for a fee, assistance in obtaining Government benefits, Social Security cards, records, or other information and services that are provided free through Federal Government agencies.

Senior citizens in particular are frequent targets of such schemes. For them the implied government affiliation can be all too compelling. By taking advantage of seniors' fears and anxieties about the security of their retirement benefits, direct mail companies have reaped huge profits in exchange for unnecessary services.

For this reason I urge your support of H.R. 373, the Deceptive Mailings Prevention Act, introduced by my colleagues OLYMPIA SNOWE, this bill prohibits sending such misleading mail without clear statements disclaiming government affiliation.

The 101st Congress must crack down on these deceptive practices. The proposed disclaimer will be an effective step and should be enacted without delay. I urge those who have not already cosponsored H.R. 373 to lend their support to this needed legislation.

□ 1210

NAACP OPPOSES GAS TAX FOR DEFICIT REDUCTION

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, I recently received a letter from the National Association for the Advancement of Colored People in support of House Resolution 41. This resolution, which has more than 165 cosponsors, expresses the sense of the House of Representatives that Federal excise taxes on gasoline and diesel fuels not be increased for deficit reduction purposes. The NAACP letter makes many persuasive points, especially the fact that such an increase would hit hardest the poor, those with large families and those living in rural and suburban areas.

Mr. Speaker, I submit for the CONGRESSIONAL RECORD the NAACP letter, as well as the current list of cosponsors for House Resolution 41.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
Baltimore, MD, February 16, 1989.

Hon. GLENN M. ANDERSON,
Chairman, Public Works and Transportation, U.S. House of Representatives, Rayburn Building, Washington, DC.

DEAR CHAIRMAN ANDERSON: I am writing to express my support for the recent House Resolution 41, expressing the sense of the House that the Federal excise taxes on gasoline diesel fuel should not be increased to reduce the Federal deficit.

The NAACP is concerned about recent proposals to increase the federal gasoline tax in an attempt to help balance the federal budget deficit. It is my hope that you will consider the following concerns and work against the passage of this very regressive tax.

The NAACP opposes the recent proposals to raise the gasoline tax because of both its direct and indirect adverse impacts upon the poor. A gasoline tax would have a disproportionately adverse impact on the poor, especially those living in rural areas. Those with lower incomes spend a significantly greater percentage of their income on motor fuel taxes than those with higher incomes. For example, a recent study by the Congressional Budget Office points out that gasoline expenditures as a fraction of income fall sharply as income rises. The study shows that the lowest income group, under $5,000, currently pays more than 7 times as much as does the highest income group, above $50,000.

In addition, raising the gasoline tax for general government programs rather than as a user charge would be particularly unfair to individuals and families living in less densely populated areas where people must drive longer distances to work, church and to meet their other needs. Similarly, larger families consistently spend a higher proportion of their income on gasoline than do smaller families. In short, increasing the gasoline tax would hit hardest the poor, large families and those living in rural and suburban areas.

Finally, to the extent that a gasoline tax will negatively impact car sales, that will lead to a corresponding negative impact on jobs. Many of those job losses could impact members of the minority community.

Once again I want to express our support for House Resolution 41 and, to encourage you to continue to oppose this regressive tax.

Sincerely,

BENJAMIN L. HOOKS,
Executive Director.

H. RES. 41—GASOLINE AND DIESEL FUELS TAX RESOLUTION, 168 COSPONSORS AS OF MARCH 7, 1989

The Honorable Glenn M. Anderson (CA).
The Honorable Bob Roe (NJ).
The Honorable Norm Mineta (CA).
The Honorable Jim Oberstar (MN).
The Honorable Henry Nowak (NY).
The Honorable Nick Joe Rahall II (WV).
The Honorable Douglas Applegate (OH).
The Honorable Ron de Lugo (VI).
The Honorable Gus Savage (IL).
The Honorable Doug Bosco (CA).
The Honorable Robert A. Borski (PA).
The Honorable Joe Kolter (PA).
The Honorable Tim Valentine (NC).
The Honorable Edolphus Towns (NY).
The Honorable Bill Lipinski (IL).
The Honorable Peter Visclosky (IN).
The Honorable James Traficant (OH).
The Honorable Louise Slaughter (NY).
The Honorable John Lewis (GA).
The Honorable Peter DeFazio (OR).
The Honorable Bill Grant (FL).
The Honorable Jimmy Hayes (LA).
The Honorable Bob Clement (TN).
The Honorable Lewis Payne (VA).
The Honorable Jerry Costello (IL).
The Honorable Frank Pallone, Jr. (NJ).
The Honorable Greg Laughlin (TX).
The Honorable John Paul Hammerschmidt (AR).
The Honorable Bud Shuster (PA).
The Honorable Arlan Stangeland (MN).
The Honorable Newt Gingrich (GA).
The Honorable Bill Clinger (PA).
The Honorable Bob McEwen (OH).
The Honorable Thomas E. Petri (WI).
The Honorable Ron Packard (CA).
The Honorable Jim Lightfoot (IA).
The Honorable J. Dennis Hastert (IL).
The Honorable James Inhofe (OK).
The Honorable Fred Upton (MI).
The Honorable Bill Emerson (MO).
The Honorable Larry Craig (ID).
The Honorable John Duncan, Jr. (TN).
The Honorable Mel Hancock (MO).
The Honorable Chris Cox (CA).
The Honorable Tony Coelho (CA).
The Honorable Matthew Martinez (CA).
The Honorable James H. Bilbray (NV).
The Honorable Harold Volkmer (MO).
The Honorable Dan Akaka (HI).
The Honorable Ron Coleman (TX).
The Honorable Mervyn Dymally (CA).
The Honorable Glenn English (OK).
The Honorable Bart Gordon (TN).
The Honorable Charles Hayes (IL).
The Honorable Bill Hefner (NC).
The Honorable Tim Johnson (SD).
The Honorable Walter Jones (NC).
The Honorable Jim Jontz (IN).
The Honorable Carl Perkins (KY).
The Honorable Martin Lancaster (NC).
The Honorable Charles Hatcher (GA).
The Honorable Mike Andrews (TX).
The Honorable Dan Glickman (KS).
The Honorable Lane Evans (IL).
The Honorable Jamie Clarke (NC).
The Honorable Frank McCloskey (IN).
The Honorable Robin Tallon (SC).
The Honorable Tommy Robinson (AR).
The Honorable Richard Stallings (ID).
The Honorable Jim Chapman (TX).
The Honorable George Hochbrueckner (NY).
The Honorable Carroll Hubbard (KY).
The Honorable Bill Sarpalius (TX).
The Honorable John Tanner (TN).
The Honorable Bob Traxler (MI).
The Honorable San Gejdenson (CT).
The Honorable Beryl Anthony (AR).
The Honorable Walter Fauntroy (DC).
The Honorable David Bonior (MI).
The Honorable Ben Erdreich (AL).
The Honorable Mary Rose Oakar (OH).
The Honorable Bill Alexander (AR).
The Honorable Beverly Byron (MD).
The Honorable Gus Hawkins (CA).
The Honorable Albert Bustamante (TX).
The Honorable Bob Carr (MI).
The Honorable Glenn Poshard (IL).
The Honorable Butler Derrick (SC).
The Honorable Doug Barnard (GA).
The Honorable Robert Lindsay Thomas (GA).
The Honorable Tom Bevill (AL).
The Honorable Roy Rowland (GA).
The Honorable David Price (NC).
The Honorable Wes Watkins (OK).
The Honorable Harley Staggers (WV).
The Honorable Earl Hutto (FL).
The Honorable Jim Slattery (KS).
The Honorable William Clay (MO).
The Honorable Dean Gallo (NJ).

The Honorable Virginia Smith (NE).
The Honorable Sonny Callahan (AL).
The Honorable Robert Lagomarsino (CA).
The Honorable Joe Barton (TX).
The Honorable Robert Dornan (CA).
The Honorable Elton Gallegly (CA).
The Honorable Norman Shumway (CA).
The Honorable Barbara Vucanovich (NV).
The Honorable Frank Horton (NY).
The Honorable Chuck Douglas (NH).
The Honorable Dave Martin (NY).
The Honorable Jim Courter (NJ).
The Honorable Tom DeLay (TX).
The Honorable William Broomfield (MI).
The Honorable Gerald Solomon (NY).
The Honorable Larry Combest (TX).
The Honorable Arthur Ravenel, Jr. (SC).
The Honorable Robert C. Smith (NH).
The Honorable Buz Lukens (OH).
The Honorable Thomas Bliley, Jr. (VA).
The Honorable Jack Buechner (MO).
The Honorable Pat Roberts (KS).
The Honorable David Dreier (CA).
The Honorable Matthew Rinaldo (NJ).
The Honorable Bob Livingston (LA).
The Honorable Helen Delich Bentley (MD).
The Honorable William Dannemeyer (CA).
The Honorable Dan Burton (IN).
The Honorable James H. Quillen (TN).
The Honorable John G. Rowland (CT).
The Honorable Lamar Smith (TX).
The Honorable Bob Stump (AZ).
The Honorable Thomas Tauke (IA).
The Honorable Porter Goss (FL).
The Honorable John Hiler (IN).
The Honorable Dana Rohrabacher (CA).
The Honorable Bill Paxon (NY).
The Honorable Bob Whittaker (KS).
The Honorable Jack Fields (TX).
The Honorable Howard Coble (NC).
The Honorable John Myers (IN).
The Honorable James Sensenbrenner (WI).
The Honorable Phil Crane (IL).
The Honorable Paul Gillmor (OH).
The Honorable Richard Armey (TX).
The Honorable Richard Baker (LA).
The Honorable Mickey Edwards (OK).
The Honorable Robert Walker (PA).
The Honorable Don Ritter (PA).
The Honorable Peter Smith (VT).
The Honorable Fred Grandy (IA).
The Honorable John Rhodes (AZ).
The Honorable Toby Roth (WI).
The Honorable Jan Meyers (KS).
The Honorable Chalmers Wylie (OH).
The Honorable Vin Weber (MN).
The Honorable Don Young (AK).
The Honorable Floyd Spence (SC).
The Honorable Larkin Smith (MS).
The Honorable Dan Schaefer (CO).
The Honorable Ron Marlenee (MT).
The Honorable Michael Bilirakis (FL).
The Honorable Edward Madigan (IL).
The Honorable Jim Saxton (NJ).
The Honorable Charles Pashayan (CA).
The Honorable Michael Oxley (OH).
The Honorable Don Sundquist (TN).
The Honorable Bill McCollum (FL).
The Honorable Thomas Ridge (PA).

ADVANTAGES OF EARNED INCOME TAX CREDIT REFORM OVER MINIMUM WAGE INCREASE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, nobody seems to be talking about the totally predictable budget effects of raising the minimum wage. But last year the Council of Economic Advisers estimated that raising the minimum wage to $4.65 per hour would add $2 to $6 billion per year to the Federal budget deficit.

The cost to American business would be somewhere between $20 and $70 billion per year.

There's a better way to help the working poor: Reform the earned income tax credit and vary it for family size.

This is what I have proposed through my Family Living Wage Act.

By supplementing the incomes of the working poor, we can target the aid directly to those who need it.

My proposal would increase the current EITC by $7 billion. Of this, $4 billion would be financed by repealing the dependent care credit, which goes mainly to higher income families and is unfair to those who do not pay other people to take care of their children.

By helping people to get off welfare through EITC reform, my proposal's real cost would be well below $3 billion.

It is a good deal, Mr. Speaker.

My Family Living Wage Act provides more help for those who need it without the inflation and destruction of jobs which would come with a hike in the minimum wage.

LEGISLATION TO GIVE PERMANENT RESIDENT STATUS TO ALIEN MEMBERS OF U.S. ARMED FORCES

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, today I am introducing legislation to make it easier for members of our Armed Forces who are not U.S. citizens to gain permanent resident status in order to become U.S. citizens. Aliens who served in our Armed Forces prior to October 15, 1978, were given this special status by Executive order in recognition of their honorable service on active duty.

Although they can still enlist, alien service members have, since 1978, found it more difficult to become U.S. citizens and to advance into military positions requiring U.S. citizenship.

My bill would correct this. It would grant permanent resident status to alien service members who serve honorably on active duty for 12 years, or who serve honorably on active duty for 6 years and reenlist for 6 additional years. These criteria were suggested by the Department of the Navy.

In this century, thousands of Filipinos and other foreign nationals have, as members of our Armed Forces, fought heroically, side by side with Americans, to defend freedom, and they continue to make valuable contributions in our Armed Forces today. This legislation will make it a little easier for these alien service members to become U.S. citizens. It is a fair bill. It is good for our national defense, and I urge my colleagues to join me in sponsoring it.

UTE INDIAN WATER SETTLEMENT ACT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, on behalf of myself, Mr. HANSEN, and Mr. OWENS of Utah, I would like to introduce the Ute Indian Water Settlement Act. This legislation would attempt to settle all water issues with the Ute Tribe of the Uintah and Quray Reservation of Utah and meet the obligations of the deferral agreement of 1965.

In this agreement the Ute Tribe was promised future water delivery and mitigation in exchange for deferring to the central Utah project, their water rights as affirmed by the Winters doctrine. January 1, 2005, was set as the target date to have completed projects that would satisfy Ute Indian water rights. It is now March 7, 1989, and the tribe is still waiting for some sign of these promises being kept. Last year I introduced legislation to keep these commitments as did my colleague, Mr. OWENS. This year we have combined efforts and are united behind this piece of legislation.

In the past 2 years, there has been a lot of progress made in the relations between the Indians and non-Indians of Utah's Uintah Basin. Passage of a bill meeting the commitments made to the Ute Tribe, in a way that's agreeable to non-Indian water interests as well, would go a long way to furthering this cooperation between them. We have had numerous meetings locally to receive input from both Indians and non-Indians. They are supportive of this bill and hope to see Congress act on it.

I feel that through careful consideration of this legislation and the commitments made to the tribe, we as legislators can pass a bill that will meet the guidelines of Congress and the needs of the people. The direction of the deferral agreement and previous law is clear, all Indian water rights must be satisfied in a timely manner.

There comes a time when promises must move from mere words to decisive action. We believe that this time has come. We hope that Congress will act on the commitment made years ago and show the people of the Ute

Tribe that the Government can be relied on by passing this piece of legislation as quickly as possible.

BUSH BUDGET PROPOSES UNACCEPTABLE REDUCTION IN MEDICARE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the recently released Bush 1990 budget proposal proposes a $5.5 billion reduction in Medicare. In my view, and in the view of many of my colleagues, a reduction of this size is totally unacceptable. Many of the hospitals in my district and across the country are operating at a loss. Specifically, hospital operating margins have fallen from a high of 15 percent in 1983 to zero percent in 1988 and they are expected to continue to drop.

Hospitals have already made substantial contributions to reducing the deficit—Medicare hospital payments have declined from 73 percent of total Medicare spending in 1980 to 65 percent in 1988—by achieving increased efficiencies. A cut of this amount could force hospitals both in rural and urban areas to close. Before we make any further cuts to Medicare we must be absolutely certain that it will not adversely affect the quality of patient care our health care system is delivering to the people of this Nation. For this reason, I support a House resolution stating that Medicare payments to hospitals should not be reduced below levels provided for in current law.

Another case in point are the proposed regulations reducing reimbursement rates for kidney dialysis treatment under Medicare's end stage renal disease program. A reduction in dialysis reimbursement could do great harm to the many ESRD patients in my State of New Mexico and across the country. Dialysis providers have already absorbed two major reimbursement reductions since 1983 without adjustments for inflation.

Since then dialysis patient mortality rates have steadily increased. It is quite probable that reimbursement reductions are affecting the quality of care patients are receiving. These statistics are serious enough that Congress mandated a study to determine the relationship between reimbursement and quality of patient care due in December 1990. We must oppose any further reductions in reimbursement rates for dialysis treatment until this study has been completed and Congress can evaluate it and determine any future steps that may be necessary.

VIOLENCE IN TIBET RAISES QUESTIONS ABOUT ARMS DEALS WITH CHINA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the violence in Tibet has reached an unprecedented level. During a peaceful and constructive demonstration last weekend, Chinese police opened fire on the demonstrators, including unarmed Tibetan monks and nuns. After the deaths of at least eleven persons with hundreds more injured, Chinese authorities imposed martial law in the Tibetan capital.

Scores of peaceful Tibetans have been arrested and brutally tortured over the years. In addition, journalists, independent human rights monitoring groups, and congressional staff have repeatedly been denied entry into Tibet.

Two weeks ago, China stopped Fang Lizhi, a leading Chinese dissident, from meeting with our President. This week's actions once again demonstrate that China continues to blatantly ignore United States concern for the fundamental freedoms of all people, including Tibetans.

Mr. Speaker, in light of the treatment of Dr. Fang, the violence in Lhasa, and the failure of the Chinese to negotiate in good faith with the Dalai Lama, perhaps we should rethink the United States-People's Republic of China F-8 fighter and artillery arms deals we have concluded with the Chinese and suspend any future arms deals until the Chinese take human rights seriously.

□ 1220

WORKERS, PUBLIC, INDUSTRY ALL HURT BY EASTERN AIRLINES LABOR DISPUTE

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, the standoff between Eastern Airlines and its workers is now entering its 4th day.

Last week, President Bush could have moved to postpone the strike and provide a 60-day cooling-off period. But he didn't. Now, 25,000 employees are out of work, Eastern is losing $1 million a day, and millions of travelers are suffering.

I hope that we do not use this unfortunate event as an opportunity to bash the unions. We should look instead at Eastern's past dealings with its workers. In 1986, Frank Lorenzo bought Eastern airlines and promised to make it whole again. Instead, he squeezed Eastern workers for severe wage concessions.

Lorenzo proposed nearly a half billion dollars in labor cost cuts, sending 3,500 mechanics and ground crew out the door. Mr. Lorenzo's track record is clear. In 1983, he broke the unions at Continental Airlines by forcing the company into bankruptcy. Now he is doing the same at Eastern.

Mr. Speaker, the Eastern workers have done their share in the past. In 1983, they took deep wage cuts in return for promises of future profits. Management never made good on these promises. Who can blame the union now for expecting concrete proof that Lorenzo is not merely planning to strip the airline of all assets in order to make a quick buck?

Mr. Speaker, 20 years ago another President from Texas failed to act as a 6-week strike paralyzed the airline industry. President Bush should learn from President Johnson's mistake and step in to stop this strike. The Eastern workers and the American public deserve this much.

ACCESS DEMONSTRATION PROGRAMS CORRECTION

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 678) to make a correction in the Education and Training for a Competitive America Act of 1988.

The Clerk read as follows:

H.R. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6142(b) of the Education and Training for a Competitive America Act of 1988 is amended by striking "fiscal year 1988" and inserting "fiscal year 1989 and such sums as may be necessary for fiscal years 1990, 1991, and 1992".

The SPEAKER pro tempore (Mr. DARDEN). Under the rule, a second is not required on this motion.

The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to support H.R. 678.

This is a very simple bill. It merely makes a technical correction to the trade bill that Congress enacted last year.

The conference agreement on the trade bill provided an authorization through fiscal year 1992 for the Access Demonstration Program. This program is designed to expand opportunities for rural high school students whose communities are experiencing significant economic and social changes by providing in service education for teachers, counselors, and school administrators to enable these

individuals to give their students better advice concerning education and career choices. When the conference report on the trade bill was finally drafted, this program was authorized for fiscal year 1988 only. H.R. 678 restores the authorization through fiscal year 1992 thereby fulfilling the original intent of the Congress.

This is a noncontroversial bill that I have cosponsored with my colleague from Missouri, TOM COLEMAN, who is also the ranking minority member of the Postsecondary Education Subcommittee. This is a very simple measure needed to correct an error in the trade bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering under suspension of the rules H.R. 678, a bill which makes a correction in the Education and Training for a Competitive America Act of 1988. Identical legislation was passed by the House during the final weeks of the 100th Congress but was not considered by the Senate. This bill has bipartisan support on the Education and Labor Committee. I particularly appreciate the cooperation of Chairman HAWKINS and Mr. WILLIAMS, chairman of the Postsecondary Subcommittee, who also cosponsored H.R. 678, in getting an early resolution of this unfinished legislative business of the last Congress.

H.R. 678 corrects a technical error made in writing the conference report on the Omnibus Trade and Competitiveness Act of 1988. In the report, the Access Demonstration Programs were inadvertently authorized for only 1 year, fiscal year 1988, rather than for the 4-year period of authorization, beginning in fiscal year 1989 and ending in fiscal year 1992, which was agreed to by both House and Senate conferees.

This bill makes a simple, purely technical change, correcting the drafting error and providing for the full, 4 years of authorization for the Access Demonstration Program which was originally intended.

Access is a vitally needed program which is designed to expand the college, vocational, and career opportunities of rural high school students attending schools in agricultural communities which are encountering fundamental economic and social changes.

Access, now a pilot project in northwestern Missouri, provides in-school support services for counselors, teachers, and school administrators, targeting those rural schools with the greatest need, particularly those serving low-income, disadvantaged students. Access has been successful in involving parents, business, and community leaders, and the resources of the State universities in providing counseling and educational programs for rural high school students.

Again, this legislation is noncontroversial, making only a technical correction to an unintended drafting error. H.R. 678 restores the originally agreed upon 4 years of authorization for this important rural educational program. I urge my colleagues to support this legislation.

Mr. RAHALL. Mr. Speaker, I am pleased to rise in support of H.R. 678, the Access Demonstration Programs, the enactment of which will correct a technical error made in the writing of the conference report on Omnibus Trade and Competitiveness Act of 1988. This bill authorizes the program for 4 years instead of only 1 year, as was agreed to by the House and Senate conferees in the last Congress.

These programs, Mr. Speaker, are designed to expand the college, vocational, and career opportunities for students attending rural high schools in agricultural communities that are experiencing fundamental economic and social changes. Access targets those schools in greatest need, particularly those which serve disadvantaged students.

I can think of no better way to initiate my new membership on the Education and Labor Committee, under the able chairmanship of my colleague from California, Mr. HAWKINS, than to commit my full support to a bill that not only helps foster competitiveness through education, but one which pays special attention to the needs of rural areas. Representing a district, as I do, that is located in one of the most rural States in the Union, nothing could be more appropriate nor more welcome as an opportunity to further the education of high school youths throughout America.

I commend my colleagues, Mr. PAT WILLIAMS of Montana, the chairman of the Subcommittee on Postsecondary Education, and its ranking minority member THOMAS COLEMAN of Missouri, for taking the initiative and making the technical correction necessary to allow the program to be funded, and to begin to serve the areas and the students intended to be served when Public Law 100–418 was enacted.

I thank the managers of the bill for allowing me this time to speak on behalf of enactment of H.R. 678, and urge my colleages in the House to support its passage today.

Mr. COLEMAN of Missouri. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I have no additional requests for time, and I likewise yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 678.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

WOMEN'S HISTORY MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 148) designating March 1989 as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I take this time in order to give my friend and colleague, the gentlewoman from California [Ms. PELOSI], who is the chief cosponsor of House Joint Resolution 148, designating March 1989 as "Women's History Month," an opportunity to express her thoughts on this legislation to the Chamber.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, today the House will consider House Joint Resolution 148, which I introduced along with my distinguished colleague, Representative OLYMPIA SNOWE. This resolution would proclaim the month of March 1989 as Women's History Month.

Legislation proclaiming Women's History Month has been passed by Congress each session since 1980. This year, Mr. SAWYER, chairman of the Subcommittee on Census and Population, will offer a technical amendment to designate the month of March in both 1989 and 1990 as Women's History Month.

Commemorating Women's History Month provides an opportunity for teachers, historians, administrators, and Members of Congress to educate our children about the contributions women have made to our society: In law, in politics, in sports, in entertainment, in art, in science, and in many other fields. We want to honor and recognize these many accomplishments during Women's History Month.

The theme of this year's Women's History Month is, "Heritage of Strength and Vision." This theme will assist us in bringing attention to the lives of women such as Harriet

Tubman and her work as a courageous leader in the underground railroad movement, her dedication to helping black people in her community—and Susan B. Anthony, who led women to the voting polls in 1872—and Clara Barton, who tended our wounded soldiers in the Civil War and then founded the American Red Cross—and Sally Ride, the first American woman astronaut—we are all empowered through their courage, strength, and tenacity.

As a mother of four daughters, I am working to ensure that all doors of opportunity are open to them. The historical struggle for freedom and for women's rights is a source of inspiration and determination for women in the present and in the future.

I ask my distinguished colleagues to join me in celebrating Women's History Month by supporting House Joint Resolution 148.

□ 1230

Mr. RIDGE. Further reserving my right to object, Mr. Speaker, I know that my colleague and friend, the gentlewoman from Maine [Ms. SNOWE], wanted to be here on the floor to express her thoughts. She was also involved in getting March 1989 designated as Women's History Month. I am sure that she will include a statement for the RECORD.

Ms. SNOWE. Mr. Speaker, I rise in support of House Joint Resolution 148, a bill to proclaim March 1989 as National Women's History Month. I take great pleasure in using this opportunity to offer my endorsement for this legislation, enacted by Congress each year since 1980.

This bill has provided a tradition of honoring the women in our Nation who have gone before us. These women lived out patterns and expectations we have come to know only through the more recent efforts in history and literature to examine their lives.

Significantly, what we as Americans learn about those in our past, the women as well as the men, affects the way we perceive our lives today. The past strengths of American women in their families and communities, the achievements of women in the fields of social outreach, health, education, government, science, and industry, and the expressions of women in the arts and literature have become for us a vital part of our heritage.

The voices of Harriet Tubman, Elizabeth Cady Stanton, Sojourner Truth, Mary MacLeod Bethune, Clare Booth Luce, Eleanor Roosevelt, and Margaret Chase Smith provide us with inspiration, direction, and insight for the decisions we make today.

This bill provides histories, teachers, librarians, writers, and Members of Congress a national forum for recognizing the valuable influence the women in our nation's history have had on us all.

I urge my colleagues to join me in support of March 1989 as Women's History Month.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1989 is designated as "Women's History Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

AMENDMENTS OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. SAWYER: Page 2, line 3, strike out "is" and insert in lieu thereof "and March 1990 are both".

Page 3, line 2, insert "for each of those months" after "proclamation".

Page 3, line 3, strike out "that month" and insert in lieu thereof "those months".

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Ohio [Mr. SAWYER].

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read "Joint Resolution designating the month of March in both 1989 and 1990 as 'Women's History Month'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE JAMAICAN GENERAL ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member wishes to congratulate the people of Jamaica and their leaders for holding free, fair, and generally nonviolent general elections on February 9, 1989. These elections resulted in the sweeping victory of the People's National Party headed by Michael Manley. This Member extends his best wishes for success to Prime Minister Manley and his new government.

This Member also extends his high regards to former Prime Minister Edward Seaga, who guided Jamaica through major economic reforms during the 1980's.

This year's peaceful elections in Jamaica stand in stark contrast to the last contested general elections in 1980 when violence claimed the lives of over 750 people during the 9-month campaign. At that time, street violence was common, and many voters were intimidated or attacked.

Last year, in an effort to prevent a repeat of 1980, political leaders signed a code of conduct aimed at reducing violence. Although there were a few outbreaks of violence resulting in the deaths of 13 people and some charges of election fraud, observers agree that the candidates and their supporters largely adhered to the code of conduct. The outcome of this election clearly represents the will of the people. All parties are to be commended for taking this unprecedented step to support democracy and freedom in Jamaica.

Although these elections represent a milestone in Jamaican political life, this is not a time for complacency. Under Prime Minister Manley's turbulent leadership from 1972 to 1980, Jamaica established strong diplomatic relations with Cuba, repudiated the country's foreign debt, ended Jamaica's relationship with the International Monetary Fund [IMF] and took a

number of hard-left, anti-American stands, both on domestic and international issues. During that time, Prime Minister Manley's policies brought the country to the brink of economic collapse. Not surprisingly, these policies severely strained relations with the United States.

For the past several years, Prime Minister Manley has enunciated a new and more moderate set of policies and has acknowledged that he made mistakes in the past. He said he had learned from his experiences in the 1970's: "The world has evolved, I have evolved." he said.

The reformed Prime Minister Manley said during his campaign that he will honor Jamaica's debt obligations, now amounting to $4 billion, and will seek the most constructive possible relations with the United States. He indicated that he will seek to invigorate the parliamentary process and wishes to work with the opposition Jamaica Labor Party in a bipartisan way.

The most disturbing policy advocated by Prime Minister Manley is the reestablishment of diplomatic relations with Cuba. These links were formally broken by the former Prime Minister Seaga in 1982. In an effort to reassure American policymakers, the Prime Minister contended that these ties should not stand in the way of a solid relationship with the United States.

With the exception of reestablishing relations with Cuba, which would seem to be neither necessary nor productive for Jamaica, the essence of Prime Minister Manley's campaign promises and statements is most welcome and would seem to bode well for our future bilateral relationship. It is encouraging that the Prime Minister has pledged that there will be no upheaval in the local economy and that he will strengthen Jamaica's relations with CARICOM—the Caribbean Community.

President Bush sent a congratulatory message to Prime Minister Manley wishing prosperity and progress to Jamaica and expressed the hope that Jamaica and the United States would cooperate on matters of mutual interest, including economic development, mutual security, and combating the scourge of international drug trafficking. The State Department has officially indicated that the United States looks forward to friendly and cooperative relations with Mr. Manley's government. Those were commendatory actions which we in the Congress should recognize.

The United States has much at stake in economic, social, and democratic progress in Jamaica and the other nations of the Caribbean. America has provided $980 million in bilateral assistance to Jamaica since 1980 to foster political stability, economic growth, and respect for democratic values, and Jamaica has substantially benefited from the Caribbean Basin Initiative.

Since 1980, under former Prime Minister Seaga, the Jamaican Government has restored ties to the IMF, reestablished its private sector, encouraged foreign investment and generally adopted sound and sustainable free-market policies. This course of action has been difficult, with economic and hurricane-related setbacks, but it is no secret that Jamaica is a far stronger and more open economy in 1989 than it was just 8 years ago. I know my colleagues in Congress compliment Prime Minister Seaga and Jamaicans on that progress accomplished during a period of tough international economic times; we hope that progress can continue in Jamaica.

Despite Prime Minister Manley's greater professed sympathy to free-market economics in the past few years, I wish to take this opportunity to say that this Member will be watching his performance with great interest. It is important to Jamaicans and Americans that Jamaica does not slip back into the political and economic morass of the 1970's. I am especially concerned that Jamaica's relationship with Cuba does not result, as it did in the seventies, in a close collaboration between Michael Manley's government and Fidel Castro to the detriment of the interests of the United States and our Caribbean friends.

Again, I wish Prime Minister Manley a successful term of office for Jamaica. This Member hopes that relations between our two Governments will continue on their present positive course. In the future, however, Members of Congress must not hesitate to speak out and examine conditions if the situation in Jamaica begins to deteriorate. Prime Minister Manley invited such scrutiny when he said to his skeptics "Watch what I say and watch what I do." America will watch and try to be a supportive and helpful neighbor for a democratic Jamaica.

□ 1240

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

[Mr. KYL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

[Mr. DELAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. PARKER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. BEREUTER.

Mr. FRENZEL.

Mrs. MARTIN of Illinois.

Mr. LOWERY of California in three instances.

Mr. BILIRAKIS.

Mr. GILMAN.

Mr. SHUMWAY.

Mr. WELDON.

Mr. BAKER.

(The following Members (at the request of Mr. PARKER) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. LEHMAN of Florida.
Mr. DONNELLY.
Mr. COLEMAN of Texas.
Mr. HOYER in three instances.

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 8, 1989, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

720. A communication from the Comptroller General of the United States, transmitting a review of the six proposed rescissions of budget authority reported by the President in his third special impoundment message for fiscal year 1989, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-34); to the Committee on Appropriations and ordered to be printed.

721. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by John D. Negroponte, of New York, Ambassador Extraordinary and Plenipotentiary-designate to Mexico, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

722. A letter from the Associate Director (Office of Management and Budget), Action, transmitting the agency's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

723. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

724. A letter from the Assistant Secretary for Administration, Department of Commerce; transmitting the Department's 1988 annual report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

725. A letter from the Assistant Secretary (Management and Administration), Department of Energy, transmitting the Department's activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

726. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting the fourth annual report of actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

727. A letter from the Federal Election Commission, transmitting the Commission's activities under the Freedom of Information Act during 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

728. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

729. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

730. A letter from the Federal Retirement Thrift Investment Board, transmitting a report on the Boards activities under the Freedom of Information Act during the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

731. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting a copy of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

732. A letter from the Chairman, National Critical Materials Council, transmitting a copy of the Council's program and policy for advanced materials research and technology, pursuant to 30 U.S.C. 1804(a)(1); jointly, to the Committees on Science, Space, and Technology and Armed Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN (for himself, Mr. MARLENEE, Mr. KOLTER, Mr. SOLOMON, Mr. WOLF, Mr. SISISKY, Mr. ROE, Mr. OLIN, Mr. PICKETT, Mr. MCCURDY, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. DYSON, Mr. HUGHES, and Mr. FAZIO):

H.R. 1279. A bill to amend the Internal Revenue Code of 1986 to restore the 3-year basis recovery rule for computing the income tax on an employee annuity, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. ACKERMAN, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. CROCKETT, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DURBIN, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. GREEN, Mr. HALL of Ohio, Mr. HAYES of Illinois, Mr. HOYER, Mr. KASTENMEIER, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATSUI, Mr. MAZZOLI, Mr. MCHUGH, Mr. MINETA, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Mr. PANETTA, Mr. PEASE, Mr. PELOSI, Mr. ROYBAL, Mr. SAWYER, Mr. SHAYS, Mr. STARK, Mr. STUDDS, Mr. SYNAR, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mr. WEISS, Mr. YATES, and Mr. WAXMAN):

H.R. 1280. A bill to amend the Immigration and Nationality Act with respect to grounds for exclusion and deportation of aliens; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. SHAYS, Mr. MORRISON of Connecticut, Mr. ROWLAND of Connecticut, Mr. RITTER, Mr. GIBBONS, Mr. LAGOMARSINO, Ms. KAPTUR, Mr. SMITH of Florida, Mr. LEHMAN of California, and Mrs. KENNELLY):

H.R. 1281. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize seizures and forfeitures of vessels used to violate title I of such act; to the Committee on Merchant Marine and Fisheries

By Mr. GILMAN:

H.R. 1282. A bill to amend the Internal Revenue Code of 1986 to make the credit for dependent care services necessary for gainful employment a refundable credit and to allow an investment tax credit for dependent care center property; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 1283. A bill to require Presidential general election candidates who receive amounts from the Presidential Election Campaign Fund to make public presentations of their views on policy issues of national importance; to the Committee on House Administration.

By Mr. MCNULTY:

H.R. 1284. A bill for the relief of the city of Albany, NY; to the Committee on Ways and Means.

By Mr. NIELSON of Utah (for himself, Mr. HANSEN, and Mr. OWENS of Utah):

H.R. 1285. A bill to settle issues relating to Ute Indian water rights, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PICKETT:

H.R. 1286. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably—or are enlisted to serve—in the Armed Forces of the United States for at least 12 years; to the Committee on the Judiciary.

By Mr. SCHULZE (for himself, Mr. FLIPPO, Mr. DUNCAN, Mr. STENHOLM, Mr. MCEWEN, Mr. KOLTER, Mr. ROWLAND of Connecticut, Mr. LIPINSKI, Mr. DONALD E. LUKENS, Mr. DANNEMEYER, and Mr. DE LUGO):

H.R. 1287. A bill to amend the Internal Revenue Code of 1986 to repeal the age and dollar limitations on the one-time exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 1288. A bill to amend title XXVI of the Public Health Service Act with respect to standards for certification of long-term care insurance policies; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 1289. A bill to prohibit parking fees at Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. MICHEL (for himself and Mr. FOLEY):

H.J. Res. 173. Joint resolution to designate April 16, 1989, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H. Res. 103. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the first session of the 101st Con-

gress; to the Committee on House Administration.

By Mr. GREEN:

H. Res. 104. Resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the House of Representatives; to the Committee on House Administration.

By Mr. SOLOMON (for himself, Mr. SCHULZE, Mr. HOPKINS, Mr. DORNAN of California, and Mr. ARMEY):

H. Res. 105. Resolution amending the rules of the House to establish a Classified Information Security Office; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

29. By the SPEAKER: Memorial of the Legislature of the State of Utah, relative to a permanent Federal Highway Trust Fund; to the Committee on Public Works and Transportation.

30. Also, memorial of the Legislature of the State of Idaho, relative to funding for improvement of key north-south highways; to the Committee on Public Works and Transportation.

31. Also, memorial of the Legislature of the State of Utah, relative to Federal fuels taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. WELDON introduced a bill (H.R. 1290) for the relief of the family of Sgt. George Crawford Platt; which was introduced to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BROOKS, Mr. CLINGER, Mr. SPRATT, and Mr. TORRES.

H.R. 22: Mr. FISH, Ms. OAKAR, and Mr. FUSTER.

H.R. 37: Mr. CAMPBELL of California, Mr. UPTON, Mr. CHAPMAN, Mr. SPRATT, Mr. LEVINE of California, Mr. ECKART, Mr. KOSTMAYER, Mr. MURTHA, Mr. DELLUMS, Mr. SAXTON, Mr. CONYERS, Mr. NEAL of North Carolina, Mr. WOLPE, and Mrs. LOWEY of New York.

H.R. 40: Mr. LANCASTER and Mr. RINALDO.

H.R. 41: Mr. GILMAN and Mr. TRAFICANT.

H.R. 109: Mr. LEWIS of Georgia.

H.R. 112: Mr. STENHOLM and Mr. ANTHONY.

H.R. 118: Mr. PRICE, Mr. DOWNEY, Mr. STUMP, Mr. WAXMAN, Mrs. BENTLEY, and Mrs. VUCANOVICH.

H.R. 218: Mr. MINETA, Mr. FROST, Mrs. BENTLEY, and Mr. GORDON.

H.R. 219: Mr. LANCASTER and Mr. MFUME.

H.R. 237: Mr. OWENS of Utah, Mr. CONTE, Mr. OWENS of New York, Mr. EVANS, Mr. BENNETT, Mr. STARK, Mr. FRANK, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. LEVIN of Michigan, Mrs. BOXER, Mr. MORRISON of Connecticut, Mr. CARDIN, Mr. THOMAS A. LUKEN, and Mr. SENSENBRENNER.

H.R. 238: Mr. WHEAT.

H.R. 290: Mr. DYMALLY.

H.R. 293: Mr. STUDDS, Mr. FAZIO, and Mr. DONNELLY.

H.R. 373: Mr. SMITH of Texas, Mr. BOUCHER, Mr. RINALDO, Mr. MORRISON of Connecticut, and Mr. FOGLIETTA.

H.R. 403: Mr. BENNETT, Mrs. MARTIN of Illinois, Mr. COURTER, Mr. LAGOMARSINO, Mr. FOGLIETTA, Mr. DWYER of New Jersey, Mr. MCDERMOTT, and Mr. ENGEL.

H.R. 425: Mr. RUSSO, Mr. MILLER of Ohio, Mr. ATKINS, and Mr. SAXTON.

H.R. 567: Mr. MILLER of Ohio, Mr. MCMILLEN of Maryland, Mr. ALEXANDER, Mr. MCCLOSKEY, Mr. QUILLEN, Mr. DYMALLY, Mr. LANTOS, and Mr. DORGAN of North Dakota.

H.R. 596: Mr. NEAL of Massachusetts and Mr. SENSENBRENNER.

H.R. 641: Mr. ECKART.

H.R. 658: Mr. LELAND, Mr. HAYES of Louisiana, and Mr. LIVINGSTON.

H.R. 668: Mr. VENTO.

H.R. 670: Mrs. BOXER, Mrs. COLLINS, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. SMITH of Florida, and Mr. BORSKI.

H.R. 725: Mrs. BENTLEY and Mr. BUSTAMANTE.

H.R. 794: Mr. BORSKI.

H.R. 856: Mrs. MORELLA, Mr. PARRIS, Mr. KILDEE, Mr. BENNETT, Mrs. BENTLEY, Mr. GUNDERSON, Mr. HUGHES, Mr. BOEHLERT, Mr. DYMALLY, Mr. GARCIA, Mr. BONIOR, Mr. WILLIAMS, Mr. RIDGE, and Mr. FAZIO.

H.R. 866: Mr. COYNE, Mr. TRAFICANT, Ms. OAKAR, Mr. DYMALLY, Mrs. COLLINS, Mr. BATES, Mr. STARK, Mr. MANTON, Mr. RANGEL, Mr. KOLTER, Mr. FLORIO, Ms. KAPTUR, Mr. DEFAZIO, Mr. OWENS of New York, Mr. BORSKI, and Mr. BROWN of California.

H.R. 867: Mr. COYNE, Mr. TRAFICANT, Ms. OAKAR, Mr. DYMALLY, Mrs. COLLINS, Mr. BATES, Mr. STARK, Mr. MANTON, Mr. RANGEL, Mr. KOLTER, Mr. FLORIO, Ms. KAPTUR, Mr. OWENS of New York, Mr. BORSKI, and Mr. BROWN of California.

H.R. 868: Mr. COYNE, Mr. TRAFICANT, Ms. OAKAR, Mr. DYMALLY, Mrs. COLLINS, Mr. BATES, Mr. STARK, Mr. MANTON, Mr. RANGEL, Mr. KOLTER, Mr. FLORIO, Ms. KAPTUR, Mr. OWENS of New York, Mr. BORSKI, and Mr. BROWN of California.

H.R. 900: Mr. MCEWEN, Mr. TRAFICANT, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. OBERSTAR, Mr. TOWNS, Mr. GUARINI, Mr. DYMALLY, Ms. PELOSI, Mr. FUSTER, Mr. CLAY, and Mr. FAZIO.

H.R. 915: Ms. OAKAR, Mr. BLAZ, Mr. YOUNG of Alaska, Mr. SCHUETTE, Mr. OWENS of New York, Mr. TOWNS, Mr. OLIN, Mr. ROE, Mr. LIGHTFOOT, Mr. FISH, and Mr. LEHMAN of California.

H.R. 1008: Mr. STARK, Mr. ROBINSON, Mr. ACKERMAN, Mr. DE LUGO, Mr. FAUNTROY, Mr. YATES, Ms. PELOSI, Mr. DEFAZIO, Mr. MILLER of California, Mr. BROWN of California, Mr. GARCIA, Mr. OWENS of New York, Mr. DYMALLY, Mr. UDALL, Mr. CHAPMAN, Mrs. BENTLEY, Mr. ENGEL, Mr. ROSE, Mrs. BOXER, Mr. EVANS, Mr. ATKINS, Mr. LEHMAN of Florida, Mr. BEREUTER, Mr. DWYER of New Jersey, Mr. LIPINSKI, Mr. BILBRAY, Mr. HORTON, Mr. LANTOS, Mr. MRAZEK, and Mr. FAZIO.

H.R. 1030: Mr. ECKART.

H.R. 1059: Mr. KOLTER, Mr. ENGEL, Mr. BEVILL, Mr. GILMAN, Mr. LEWIS of Georgia, Mr. EVANS, Mr. PANETTA, Mr. PALLONE, Ms. PELOSI, Mrs. BENTLEY, Mr. BORSKI, Mr. MILLER of Washington, and Mr. FAZIO.

H.R. 1095: Mr. KOLBE and Mr. SOLOMON.

H.R. 1108: Mr. PALLONE and Mr. KENNEDY.

H.R. 1112: Mr. DYMALLY, Mr. DELLUMS, Mr. RAVENEL, Mr. CLAY, Mr. SHAYS, Mr. MCDERMOTT, and Mr. WEISS.

H.R. 1131: Mr. BERMAN.

H.R. 1262: Mr. UPTON.

H.J. Res. 21: Mr. EVANS, Mr. OWENS of New York, Ms. PELOSI, Mr. FROST, and Mrs. BENTLEY.

H.J. Res. 77: Mrs. VUCANOVICH and Mr. FOGLIETTA.

H.J. Res. 124: Mrs. BENTLEY, Mrs. BOXER, Mr. CONYERS, Mr. DINGELL, Mr. GILLMOR, Mr. HANCOCK, Mr. HEFNER, Mr. HILER, Mr. LEHMAN of California, Mrs. MARTIN of Illinois, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MURTHA, Mrs. PATTERSON, Mr. PURSELL, Mr. THOMAS of Georgia, and Mr. WEBER.

H.J. Res. 135: Mr. BEVILL, Mr. BLILEY, Mr. BONIOR, Mrs. BOXER, Mr. CARR, Mr. CLINGER, Mrs. COLLINS, Mr. CONYERS, Mr. COSTELLO, Mr. DAVIS, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FASCELL, Mr. FAZIO, Mr. FISH, Mr. GILMAN, Mr. GREEN, Mr. HATCHER, Mr. HERTEL, Mr. HORTON, Mr. LANCASTER, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. MCMILLEN of Maryland, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MRAZEK, Mr. OWENS of New York, Mr. PAXON, Mr. PETRI, Mr. RANGEL, Mr. ROE, Mr. SMITH of Florida, Mr. TRAFICANT, and Mr. WAXMAN.

H.J. Res. 148: Mr. GEKAS, Mr. LEACH of Iowa, Mr. LOWERY of California, Mr. MCEWEN, Mrs. BOGGS, Mr. LANTOS, Mr. SMITH of Florida, Mr. MORRISON of Washington, Mr. ORTIZ, Mr. PEPPER, Mr. PRICE, Mr. WEISS, Mr. DEFAZIO, Mr. FISH, Mr. GUARINI, Mrs. JOHNSON of Connecticut, Mr. LEHMAN of Florida, Mr. WHEAT, Mr. ANDREWS, Mr. WAXMAN, and Mr. SISISKY.

H.J. Res. 169: Mr. RHODES, Mr. NEAL of Massachusetts, Mr. BUSTAMANTE, Mr. DE LUGO, Mr. KASTENMEIER, Mr. RANGEL, Mr. ROE, Mr. LEWIS of Georgia, Mr. LELAND, Ms. KAPTUR, Mr. HUGHES, Mr. LEVIN of Michigan, and Mrs. COLLINS.

H. Con. Res. 30: Mr. DIXON, Mr. SARPALIUS, Mr. GILMAN, and Mr. LOWERY of California.

H. Con. Res. 34: Mr. LELAND.

H. Con. Res. 40: Mr. SLAUGHTER of Virginia, Mr. WATKINS, Mr. SCHUETTE, Mr. JAMES, Mr. JONES of North Carolina, and Mr. PEPPER.

H. Res. 41: Mr. CLAY, Mr. HUTTO, Mr. MCCOLLUM, Mr. OXLEY, Mr. PASHAYAN, Mr. RIDGE, Mr. SAXTON, Mr. SLATTERY, Mr. STAGGERS, Mr. SUNDQUIST, and Mr. WATKINS.

SENATE—*Tuesday, March 7, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. LIEBERMAN].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hast thou not known? Hast thou not heard, that the everlasting God, the Lord, the Creator of the ends of the Earth, fainteth not, neither is weary? There is no searching of His understanding. He giveth power to the faint; and to them that have no might He increaseth strength.—Isaiah 40:28,29.

Gracious God, our loving, Heavenly Father, in this great Senate family we have much for which to be thankful, and we have many needs known and unknown. We thank Thee for the return of Ruby Paone and for the gift of a baby girl to her and Marty, for the return of Henry Turner after his hospitalization, for all of the others unknown to us who have recovered from illness. Thank Thee, Father, for the faithful men and women who labor tirelessly, day in, day out, supporting the Senators in their leadership responsibilities.

We pray for the Senate wives who travel in India: Annie Glenn, Mary Johnston, Louise McClure, Nancy Murkowski, Colleen Nunn, and Barbara Pryor. Protect them in their journey and bring them safely home.

We pray for Pat Sarcone's Uncle Nick. We remember Justice O'Connor and pray for her total recovery, and for any others, Father, in our large family who are in need; cover them with Your gracious, loving care.

Be with each Senator at this critical time and grant to each a special measure of grace. In His name who is love incarnate, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Chair recognizes the Senate majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11:30, the Senate will go into executive session to resume deliberations on the nomination of John Tower to be Secretary of Defense.

The Senate will recess between the hours of 12:30 and 2:15 for the party conference luncheons.

At 2:15, the Senate will return to the Tower nomination. I remind my colleagues that at 4 p.m. today, the Senate will lay aside the Tower nomination to proceed to the nomination of Thomas Pickering to be Ambassador to the United Nations. The Pickering nomination will be considered under a time agreement of 20 minutes, equally divided between the chairman of the Foreign Relations Committee, Mr. PELL, and the ranking Republican member, Mr. HELMS.

A rollcall vote will occur on the Pickering nomination. Other rollcall votes are possible during today's session.

It is also my hope that the Senate will be able to proceed to the Bennett nomination this week. I am advised that the committee expects to act on that nomination on Thursday. Therefore, if my distinguished colleague, the Republican leader, agrees, we would try to move to it as promptly following the committee's action as possible, consistent with my commitment to the President to act as swiftly and expeditiously as possible on his nominees.

Mr. President, I reserve the remainder of my time, and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

NOMINATION OF JOHN G. TOWER

Mr. DOLE. Mr. President, I certainly agree with the majority leader with respect to disposing of the nominations as quickly as we can. I think when the Bennett nomination is completed, that will complete all action, except for the Secretary of Defense.

Insofar as that nomination is concerned, obviously those of us who support the nomination are still trying to determine how we can achieve a majority on the Tower nomination. We believe that the mood is changing. I can tell from my own phone calls. They were running 2- or 3-to-1 against Tower, and now 2- or 3-to-1 in favor of John Tower to be Secretary of Defense.

I do not know of any orchestrated campaign to telephone me. There is no need to, in this instance. So I hope that we can continue. With one or two exceptions, we have had a fairly high-level debate. I think we do have the problem of the FBI report. We can, of course, remove the injunction of secrecy by resolution in the Senate, even though the President would not release it. So we can take action on our own on that, if it is deemed that we should release all or a portion of that report.

As I have said, I am seriously considering a motion—and I have given to the majority leader a copy of the unanimous-consent request and a copy of the motion—to bring Senator Tower into this Chamber, let him state his case, and submit to questions.

There are some new Members who have never met Senator Tower, who do not know Senator Tower, who have not had an opportunity to ask a tough question or to see how he reacts or to size him up. He served in this body for 24 years, and many of us know him well. We have a number of new Members, some Members who arrived since Senator Tower departed.

I must say that I am a little disturbed when I hear today that the Permanent Subcommittee on Investigations' staff is still out investigating Senator Tower. Chairman NUNN is the chairman of that subcommittee and also chairman of the Armed Services Committee. Here we are in the debate, leading up to a vote on the nomination, and we learned this morning on our side that Senator NUNN notified Senator ROTH yesterday that he is going to send some more investigators out on Senator Tower. I do not understand that. Either we have a record or we do not have a record.

What are they investigating? Is it for the Armed Services Committee, or is it for something else? Has there ever been any detail from that subcommittee—I know they detail a lot of people

to other committees—for the purpose of investigating a nominee? I think this is something of first blush. Is not the FBI record adequate? We have had a lot of people on that side say the FBI record is good enough. I do not know how to deal with it.

When does this investigation stop? We are told it is not personal. We are told on our side not to make it personal. We talked about the nominee, but when do we stop investigating Senator Tower, and who are the investigators? Are they there to try to help Senator Tower? I doubt it. Are they trying to find evidence that would support Senator Tower's position? I doubt it. What kind of evidence are these investigators looking for in Dallas, TX? Are we going to be told; is it confidential?

So it just seems to me that this is a very strange move—if it is accurate, and I think it is—on the part of the distinguished chairman of the Armed Services Committee, to have a subcommittee which he controls send people out who are not on the Armed Services Committee staff to investigate further the nominee, John Tower.

It makes it very difficult, I must say, for those of us on this side to make our case. I think there is some partisanship. I think we are all somewhat partisan in the right way, but this is very troubling.

Why would we still be investigating John Tower? It is on the Senate floor. The committee has voted. We have all kinds of documents up in S-407. And we learn today that they are still investigating Tower. They are still trying to put that last nail in his coffin. Is that fair? Is it fair to continue the investigation up to the time of the vote? What is the purpose of it? Does it help John Tower or do him more damage?

It is unprecedented, I will say that, if it is accurate.

I would hope that sometime today we would have the details of why it is necessary to continue the investigation and if any Republicans on the Senate Armed Services Committee could have been notified. Are there any Republicans accompanying the other staff people in this investigation?

I understand they may have been checking the Admiralty Club in Dallas and things of that kind.

I do think the basic issue in this case is fairness—fairness. This man has been investigated more than anyone else in history, this nominee, and we are still at it. As I understand it, we are still investigating him today.

So I would hope that we could have some resolution that we are going to end the investigation, release the report, and bring Senator Tower to the Chamber, because I think he is entitled to speak for himself, too.

I know some say, "Well, it is only one nominee. We will not know the difference in 3 or 4 weeks." He will know the difference and his family will know the difference and the President will know the difference, and in our hearts we will know the difference if he was treated unfairly.

So I would hope, if there is, we call off any more investigations unless we are all notified and unless we know what the purpose is, because it is troubling.

I do not know why it is necessary for a subcommittee of another committee to investigate a nominee on another committee that has jurisdiction.

I never heard of it before.

So I would hope that before the day is out we will have some explanation. Maybe they are down there trying to help Senator Tower—maybe.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, with respect to the FBI files, first, it ought to be clear that what we are talking about here is not just an FBI report. There are also committee records which contain a great deal of information that is directly relevant to this nomination. So if there is to be release of any information that is not now public, it ought to include everything. We ought not to be saying here that we just want the FBI file out but not the full committee record if we are going to have full disclosure, and we ought to have full disclosure.

The second point, the FBI files are the property of the executive branch, explicitly stated in writing by the counsel to the President, who before turning them over to the Senate for access by Senators required and received an explicit written commitment from the chairman and ranking Republican member of the committee acknowledging that the reports were the property of the President and agreeing at the request of the President not to permit any publication of that material beyond the terms of the agreement which was limited access to Members of the Senate.

Now there is a certain irony in the suggestion by those whose entire argument on the nomination itself is that we should accede to the President's wishes to now suggest that we should make public a report in direct opposition to the President's wishes.

This the President's report. He has provided it only on the explicit written condition that the Senate in writing acknowledged that it is his report and agreed in writing that it cannot be made public.

I note the ranking Republican member here. He is the person who signed the agreement and if I have in any way misstated the facts with respect to that I invite him to stand and correct me.

Mr. WARNER. Mr. President, if the majority leader will yield, as far as I know the majority leader made an accurate rendition.

Mr. MITCHELL. I thank the Senator.

In that circumstance, a decision must be made. Now, if the distinguished Republican leader or any Member of the Senate wishes to make a motion that the FBI records and all of the other relevant material should be made public, each Senator is free to do so, and we will deal with that request at the time it is made.

But it ought to be stated that no one has made such a motion yet despite repeated discussion of it. The President has not come forward to ask that the terms of the written agreement be altered and indeed it is my understanding that the President's counsel, the chairman of the committee, and the ranking Republican member of the committee, three men, two of them Republicans, one Democrat, met, discussed the matter at some length and agreed unanimously that the reports should not be made public, and I believe that was reaffirmed by the President's spokesman as recently as yesterday afternoon.

Now, no one is required to make a motion. I simply say that if someone wishes to make a motion he is free to do so, and we will, of course, deal with that at that time. The distinguished Republican leader is free to make that motion.

In my view, if that is to be done, we ought certainly to solicit the view of the President to determine if the President's view is still what it had been consistently throughout this process, that the report should not be made public.

I see the Republican leader. Does he wish to respond? I am glad to yield.

Mr. DOLE. Mr. President, I add: Does the majority leader think we still should be investigating the nominee yesterday and today, that we ought to have Senator NUNN's investigators out checking on Senator Tower yesterday and today? Is that going to be made public?

Mr. MITCHELL. I would prefer to consult with Senator NUNN before responding to that because I do not know the full details myself.

Mr. DOLE. Just as a matter of fairness, should we still be investigating the nominee?

Mr. MITCHELL. As I said I believe I will be prepared to respond to that when I have had a chance for full consultation. I would simply note, when the Republican leader asked rhetorically are they there to help Senator Tower, I have not understood any investigator to conduct an investigation for the benefit or detriment of the nominee. It is my understanding that the investigations are conducted to es-

tablish the facts to enable the recipients of the report to make a suitable judgment.

In any event on that score, I will defer response until I am in possession of all the information, which I am not now.

Mr. DOLE. Let me indicate on the report itself, it is almost accurate. I just happened to run into an FBI agency yesterday. He was not investigating me or anybody else. We just happened to be in the same building. He said, "I have been listening to that debate, and I have been listening to all the Senators talk about the FBI report." He said, "It is not a report."

The majority leader correctly said it is a file you put everything in.

Mr. MITCHELL. That is exactly right.

Mr. DOLE. It is not a report. They do not make any judgment.

He said, "We take down everything people tell us. We put it all in a file."

I think I have said the same—we have an FBI report. We have not a report. They did not make any judgment. They did not draw any conclusions. They put every little bit of information they could find in that file, and the file is up in S-407, or parts of it. I guess they summarized some of it.

So I wanted to underscore what the majority leader said. It is not a report. It is not a judgment by anybody in the FBI.

We have to make our judgment based upon reading the file, and I think that is significant because I felt just watching on C-SPAN I guess we were getting carried away with all this FBI business. He said, "If you interviewed as many witnesses as I have over the years, you might have a little different attitude. But it is a file."

But I think there is a larger question now. We have a file upstairs, all kinds of files, majority file, minority file, the real file. And now we find we still have people out investigating Senator Tower on another committee; not staff of the Armed Services Committee, but staff of another committee.

I just ask: When does it stop? Is it fair? Are they out there trying to help Senator Tower? I would doubt it. Because we know if we are going to get enough votes on this side we have to underscore the fact that the nominee has not been treated fairly, and we want to do that in a way not to offend anybody who is still undecided. But it is pretty difficult to do if we do not know the rules of the game.

I hope that when we conclude here, as I said the other day, regardless of the outcome, everybody can say, "Well, at least Senator Tower was accorded fair treatment." That is the least he can expect as a nominee and as a former Member. I hope there is still some way to resolve how that can be done.

I know the White House is looking right now at dividing that FBI file. According to the counsel for the President, sections 5 through 9 of that file were initiated by the Senate. So they argue it may not be the same confidentiality. Maybe that part could be released. Maybe we could go up and take notes and rely on those and come to the floor and debate it. Then chapters I through IV, I guess, were initiated by the President. They feel that has a little different classification.

But the majority leader is right. We have not yet resolved how to release it without releasing a lot of names that might embarrass people who are perfectly innocent on either side.

Mr. MITCHELL. Mr. President, if I may respond. I have tried to stress in all of my comments, both public and private, that there has developed a widespread misconception about the nature of the documents that exist in this case. I said that I believe Senators who went to S-407 in the expectation that there existed a single document or series of documents that would resolve this matter for them, that would in effect eliminate the need for their exercise of individual judgment, any such Senators in my view were mistaken.

The distinguished Republican leader is correct. It is merely a file. It is one of many documents which exist. And no matter how many documents exist, no matter how many reports are made, the ultimate decision will rest with each individual Senator in the exercise of his or her judgment.

The President has said that he opposes the release of this FBI file to date for sound policy reasons; that is, if this is made public a lot of people will be embarrassed in this case and it will be difficult for the FBI to conduct any such inquiries in the future and the President needs and relies upon these documents and these reports and these files in his own determination of nominees; not just this one, but virtually all nominees. It is a requirement for the President. It is important to him.

So I think we have to evaluate carefully how we handle that. If and when such a request or motion is made in the Senate, we will obviously deal with it at that time.

I simply say one thing: There is much disagreement on this, but I think there is a growing agreement that it has gone on long enough. It is my hope that we will be able to bring this matter to a conclusion as soon as possible, as soon as there has been a full debate, and certainly this week.

We are now entering the fourth, we are now in, in this leader time, the fourth full day of debate. There have been extensive discussion, extensive deliberation and consideration. It is my hope that we can now bring it to a conclusion and move on to other things and hopefully in a manner that will not impair our ability to deal effectively with the business, the other important business, that is before us.

I do not want to create any impression of unfairness. I have tried very hard to be fair and accommodating with respect to this debate. I do not want to prevent any Senator from having the fullest opportunity to express his or her opinions, to engage in as much debate as he or she chooses.

But at some point, as we all know, the full debate has occurred and delay begins. I do not think we have reached that point. I hope we do not reach that point. I hope that soon the distinguished Republican leader will agree and, in consultation with his colleagues, indicate that we want to proceed to a vote. It seems to me that we are at that point. We have listened, we have debated, we have evaluated, we have discussed, we have read, and I believe the time has come to vote. I hope we will do so soon.

I thank the Chair.

Mr. EXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, I have listened——

The ACTING PRESIDENT pro tempore. If the Senator will withhold one moment. We are approaching the end of the time that was to be allowed for morning business, then to return in 2 or 3 minutes to the consideration of the nomination of Senator Tower.

Mr. EXON. I thank the Chair for that observation. I am not sure it is in order since we are still in the approved time. But I appreciate the advice that has been given by the Chair.

Has the Chair recognized the Senator from Nebraska?

The ACTING PRESIDENT pro tempore. The Chair indicated that simply to say that we are now in the conclusion of morning business and obviously a request to extend that——

Mr. EXON. As I understand it, we have until 11:30, is that right, or am I wrong?

Mr. MITCHELL. Will the Senator yield?

Mr. EXON. I am happy to yield.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended for 10 minutes to permit Senators REID and ROCKEFELLER, each of whom have requested the opportunity to address the Senate on a matter unrelated to the nomination, to speak in morning business for 5 minutes each.

Mr. WARNER. Mr. President, if the leader will yield, at some point in time, if the distinguished chairman desires

to clarify some of the procedural aspects relating to what is going on in the Governmental Affairs Committee, I would simply recount a conversation that we had had on Sunday morning just before I went to church and comment on the FBI report.

Mr. EXON. A point of order, Mr. President. Who has the floor?

Mr. WARNER. That need not take place now.

The ACTING PRESIDENT pro tempore. The Senate majority leader has the floor at this time.

Mr. MITCHELL. I yield to the Senator from Nebraska, who has graciously yielded to me. I think what Senator WARNER has suggested can occur once we get into the debate. I think that is the appropriate time for it.

Mr. EXON. Mr. President, the problem we have in this body is we set time limits and other Senators take all the time up. We all have an equal opportunity here when it goes beyond the majority leader and minority leader.

I have listened to the debate that has been going on between the majority and minority leaders and I just wish to make a few clarifiying statements.

Senator NUNN is now on the floor and can speak for himself. I would simply emphasize that all through this procedure there has been no one that has been more fair and objective than SAM NUNN, the chairman of the committee. Also, I would include in that JOHN WARNER, the ranking member of the Armed Services Committee. Both of them have been outstanding.

I think it is fair to assume that if we all want to be fair we should not place SAM NUNN or JOHN WARNER on trial. JOHN WARNER is a counterpart of SAM NUNN on the Armed Services Committee, but he does not need to be placed on trial, nor do I think he should be. I think he has carried out his responsibilities very well as, I suggest, has the chairman of the committee.

As far as fairness is concerned, I think it is important that we continue the investigations of matters that are brought to the attention of the committee through whatever source. The Armed Services Committee is not an investigative committee. If it is the desire of Senator NUNN to do some additional investigation on charges that have arisen because Members both on that side of the aisle and this one who have not made up their minds may want some of the latest information, I think it is grossly unfair and does not do any good to the process if we are going to continue this proposition of one side accusing the other of being in bad faith.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished majority leader had made a motion that the time for morning business, which has now arrived, be extended for 10 minutes.

The Chair recognizes again the Senate majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I amend my request to ask that Senator NUNN be permitted to address the Senate for 2 minutes, or such time as he needs.

Mr. NUNN. A couple of minutes.

Mr. MITCHELL. And following that, Senators REID and ROCKEFELLER at 5 minutes each and then go into executive session.

The ACTING PRESIDENT pro tempore. Without objection, that is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business as indicated by the majority leader, and the Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, I understand the distinguished minority leader has raised questions about the Subcommittee on Investigations of the Governmental Affairs Committee and what they are doing involving themselves in this Tower business. Let me just explain to the minority leader. I think it is a perfectly legitimate question, and I will be glad to answer it.

No. 1, we continue to get in allegations against John Tower. I, frankly, wish we had not had any for the last 6 weeks, but they continue to come in. We have gotten three or four new allegations from people who give their names, give their addresses, give their phone numbers, give the particular situation that they allege they have observed.

The question is, to the committee, do we say: "No, we are sorry, we have cut off all investigations"? It is hard for me to be able to say that. Perhaps the Senate would like to say that to us, do not investigate anything else. But at the same time we are told by the minority leader that this may go on this week. I heard him say the other day it may go next week. I heard him talk about the possibility of additional hearings.

So I do not know where we cut if off. I think perhaps the Senate and leadership should tell us. I am perfectly willing to abide by whatever the leadership says on that score. But as long as we get in allegations and as long as we are not told that our duties as far as checking these allegations are not terminated by the Senate, I think we have a duty to investigate them.

The question then arises how do we investigate them? I have been told, I do not have it in writing, but I have been told the FBI has been pulled out of this matter now, that they are no longer involved, and the White House does not want them to pursue anything further. That may or may not be accurate, but that is what I have been told. So I have felt, being told that, that it was not proper to continue to send matters down to the White House and ask them to get the FBI to observe and to check those.

Again, if that is erroneous, I would be prepared to revert to the procedure we have used all along and send the request to the White House, the allegation, and let them have the FBI go out and check it and so forth.

Again, I will await the instructions of the Senate and, indeed, the instructions of the White House. If they want to have the FBI continue, then I will be glad to proceed in that fashion after consulting with Senator WARNER and the members of the committee.

At this stage, we have a policy staff. There are not investigators. They are not trained in that mode. We have never gotten our investigative staff involved in this. We have only had policy people on both sides of the aisle, the reason being we have relied on the White House and the FBI to check into every allegation that has been a serious allegation. Then it comes to the question, if the FBI is not involved and if the Senate does, indeed, intend for us to proceed, we have no choice but to get some investigators in that are trained.

I have a former district attorney who is involved. I have a couple of investigators on the investigators subcommittee. They, at my request, on late Saturday afternoon received a couple of allegations and I told them to get started on Sunday subject to me calling three people. First, Senator GLENN, the chairman of the Committee on Governmental Affairs. I called Senator GLENN and got his permission. The second, Senator WARNER, the ranking Republican on the Armed Services Committee. I wanted him to be fully informed. Third, Senator ROTH, who is the ranking Republican on the Governmental Affairs Committee as well as the ranking Republican on the Permanent Subcommittee on Investigations. I called all three of them. I got Senator GLENN's permission. I got Senator WARNER's at least acknowledgment. I will let him describe his own view on it but he was informed, fully informed. And Senator ROTH was fully informed.

So I feel that we have proceeded in good faith. I think we proceeded in accordance with the circumstances we were in.

We are not initiating these matters. We are not out just roaming around and checking things. We are checking only allegations that are brought to the attention of the committee in due course and we are doing it only to

follow up on those allegations and to corroborate them if they prove to be valid.

So, that is the story. I feel that we have followed the normal procedure here and we have checked with all the people we need to check with.

But, again, if the Senate of the United States wants to tell us, "Look, this is over, no more investigations, no more checking on allegations," then that is the Senate's prerogative and we will abide by that as the committee of jurisdiction.

The ACTING PRESIDENT pro tempore. Without objection, the Senate Republican leader is recognized.

Mr. DOLE. May I proceed for 2 minutes?

First of all, as far as I know the FBI has not been cut out. I do not know when they were cut out and by whom. And I do not know of any precedent. I know the Permanent Subcommittee on Investigations' staff is detailed to a lot of other committees, but I do not know they have ever been tracking down allegations on nominees. Maybe there is precedent for that.

I think it is fair to say that Senator ROTH was advised; not consulted. The chairman did not indicate any other thing.

I do not think the minority was ever told anything about allegations, what the allegations were, as far as I know. We have no knowledge yet as to what the allegations were. So it is sort of a unilateral investigation. I am not certain any of the minority staff members were present during the investigation; what the investigation is about; what the allegations were. It seems to me highly unusual, highly unprecedented.

I thought we have all taken so much pride in this FBI file. We have been talking about the FBI file and how we are going to release that. Now we have another group out investigating Senator Tower on the very eve of or during the debate.

I do not know precedent for that. I guess we can make the case we are going to investigate until the last vote is cast. Maybe somebody will run it right before somebody votes aye or no, and say hold it, I just got something, I got it over the transom. We will go out and investigate that.

I know Senator Tower heard about it. He was puzzled by it. He could not believe it. They were down at the Admiralty Club at American Airlines I think in Dallas or somewhere, checking out his drinking habits. I understand they came out quite well.

Who knows what else they are checking out. But if we are going to have this investigation, then those on this side and those who may support Senator Tower ought to be apprised of what the investigation is all about. Not just some notice. Again, we are making our case of fairness. And unfairness. I do not see anything fair to Senator Tower in this effort.

Normally we go to the FBI. I do not know, they have not called me to tell me they are out of this case. I assume if they get some direction from the committee as they have in the past they will investigate it. There are five chapters of that file up there that have been initiated by the committee, where the FBI has gone out and made very exhaustive searches.

So I would hope that at least those of us on this side and those who support Senator Tower know the nature of the allegations, how many people are out there, what are they doing, who they are doing it for, does it help Senator Tower or is it to get Senator Tower?

It seems in fairness they ought to be a full disclosure to everybody; not just notice to a couple of members and chairmen of the committee. We would be happy to cooperate if there is some serious allegation. But this is without precedent.

The ACTING PRESIDENT pro tempore. The Senator from Georgia still has the floor.

Mr. NUNN. I would just say to the minority leader that I did orally inform Senator WARNER of the nature of the allegations. I did that on Sunday morning. And I will be perfectly delighted to share anything with the minority, as we have all along in this whole process.

I will be glad to do that today. I will be glad to do it in the next hour. It was my opinion that the minority did not want to participate in any further investigations of this at this time. But that may be erroneous.

If that is the case we will stand corrected and be glad to share fully on a timely basis all the information.

But I did believe that I have made our views known to the Senator from Virginia, and acquainted him orally with the nature of the allegation.

The ACTING PRESIDENT pro tempore. Does the Senator yield to the Senator from Virginia?

Mr. NUNN. I will be glad to yield the floor.

Mr. WARNER. I wonder if I might just engage the chairman in a colloquy, help me refresh my recollection.

Up until the Thursday night vote we have worked together in a totally cooperative method, spirit, as it has been characterized here on the floor by the two of us and some others. But once we made the independent judgments and came to the fork in the road and you elected to go your course and I elected to go my course—up until that time I think both of us had kept an open mind so that we could, in fairness, perform our work.

History will record the advisability of that course of action. But since that time, our staffs essentially have gone their independent way in servicing the respective memberships.

I have just consulted with my staff director. There has been no animosity, there has been no iron curtain that has dropped down, but there has not been this ever-present, 24-hour-a-day exchange of information and cooperative effort on behalf of the two staffs, and that is understandable, considering the framework of this debate now in the Senate.

Mr. NUNN. I will say to my friend, that has worked on both sides. We had that clear understanding, and the staff had that understanding because, for instance, in the Sergeant Jackson matter, the minority staff pursued that matter without notifying us. I thought it was perfectly appropriate for them to pursue it. They worked for Senator MCCAIN, they worked for the Air Force, and they got a letter from the Air Force. A letter from the Air Force was printed in the RECORD. We knew none of that until such time we came on the floor.

The Senator from Virginia is correct. We had an understanding through Thursday night. Since then, we had an understanding we would handle it as necessary on an ad hoc basis.

Mr. WARNER. The chairman is correct. As such time as the committee requested certain documents from the Department of Air Force, it was last Friday evening when it was brought to my attention; last Friday afternoon. I tried to locate one of the three Senators on our side who has been actively involved in the Air Force sergeant's case. All had left Washington. So with the assistance of counsel here, who had been actively working with the other three Senators, we acknowledged in a brief colloquy on the floor that the material was printed.

The one other area we have worked in is the area of communications with the Attorney General. Early on in this case, at my initiative, indeed if not at my insistence, the chairman and I addressed certain letters to the Attorney General about matters under his cognizance which could have had some application to this nomination. We felt it necessary to follow up another letter to the Attorney General.

So with the exception of the sergeant and the Attorney General, I know of no other efforts where we, by necessity, have not come together.

Sunday morning, roughly at 10:30—I remember it very well because I was in a rush to get to church and I was late—the chairman called me and said that he felt it necessary for the chairman, utilizing the Governmental Affairs, to do such additional inquiry and verification, corroboration, so forth, of information that had come to his attention. I said, "Well, since our committee had discharged this nomination to the floor, really I have no longer an

involvement in it." He said that he had taken the matter up—I cannot remember the exact phraseology—with Senator ROTH.

I did inquire, just as a matter of courtesy, if this material looks to be troublesome, or something to that effect. The chairman said pretty much more the same. It is an allegation about an airline and people making observations on an airline. That is the extent, I believe.

Mr. NUNN. I related one other allegation to you on the telephone of a different nature. But the Senator is generally correct. It was an oral description of the allegation.

Mr. WARNER. It had been my intention, as we have worked all along together, to consult with the chairman yesterday as soon as we arrived here at the Senate. When I arrived, I was told the chairman was stranded in New York because of bad weather, and I followed his movements through the day. I do not know what time he got back. I think it was about 5 or 6 o'clock. Anyway, the business of the Senate closed down, and the Republican leader and I and others were engaged in something. I did not take it upon myself to find the chairman and follow up, but I had planned to do so this morning.

I believe that is the extent of the knowledge I have, other than to say there has been frequent reference about the FBI here. I think the Republican leader quite accurately said this is not a report. It is simply a collection of information, but I say in fairness to the FBI, it is the manner in which they handled all these cases.

This case has been no different than the others, except for the volume and extraordinary thoroughness of their investigation. I think those two points auger well for the nominee because no other case in the history of America before the Senate, as far as I can determine in my research, has been as carefully investigated by the FBI and the information collected and passed on in the form that it is traditionally done.

Mr. DOLE. I think there is a little difference, though, in the FBI investigating and somebody who was hired by the chairman, members of his staff, under his control. The FBI is paid by all the taxpayers, not hired by anybody in this body.

I just suggest, again, in fairness, if we send a staff investigator who is hired by BOB DOLE or someone else, they work for me. They are down there investigating for me. I think that is a far cry from the FBI out there working, hopefully, for the American people.

That is why I think this is so unusual and without precedent. We have some committee staff of another committee out checking a nominee addressed by another committee when the matter is already on the Senate floor. When it reaches the floor, the leader ought to have some notice of what is going on.

Mr. NUNN. I will be glad to follow the dictates of the Senate. If the Senate wants us to cut off all further investigations, if the leadership decides that collectively, or the Senate, I will be glad to do that. If the White House says the FBI is still in business and they check the allegations and the minority leader prefers to go that route, I will be glad to go that way.

We are really now in a situation where it is up to the Senate itself. I say to the minority staff, I think they were perfectly within their rights to do this. They conducted their own rebuttal examination on the Sergeant Jackson matter the other day.

Mr. DOLE. That was a leak.

Mr. NUNN. Well, what is the difference? We were not informed until the matter came to the Senate. I am not complaining about it. I am just asking the minority leader what the difference is. We will follow whatever the leadership wants to do.

I will say, our PSI subcommittee has been loaned to other committees on at least a couple of occasions that I am personally familiar with to help check nominations. So this is not unprecedented. Again, we will do whatever the Senate would like to do. I will defer to the Senate leadership.

Mr. WARNER. Can I ask the Senator one additional question?

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Going back to our brief conversation, it is my recollection you said whatever work was being done by the Governmental Affairs Committee was in response to information that had either come to you personally or to Governmental Affairs, but that you were not out trying to find——

Mr. NUNN. Absolutely not. We were not out investigating ad hoc. It was only in response to allegations coming that people say they wanted to talk to someone in the committee, they wanted to make certain information known. At that instance, we either have two choices: Call them up and say we do not want any more information or have somebody check it.

If the FBI is off the case, as I have been told, then we have no choice but to do it through some other resource.

Mr. WARNER. Mr. President, two clarifications. I think that helps the word "investigations." That might be construed either way.

Will the Senator be in position to advise us of his information that the FBI is no longer involved in this matter?

Mr. NUNN. That came from the FBI.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I believe this is a matter that should not be discussed among the leadership of the Senate and the committee. It is, obviously, a very difficult circumstance. I think we have to be very careful about what we suggest here.

One implication from this exchange is that once a matter reaches the Senate floor, that the Senate ought to be impervious to any information presented to it that has not previously been presented; that any allegation, no matter how serious, no matter from what source, no matter how well corroborated, ought to be disregarded. I think we have to be very careful about that.

I do not prejudge the issue. I just think that there are a lot of implications that go beyond this particular matter or incident that we have to consider. It is my hope and intention that we can do so carefully and produce a decision that is the most fair and appropriate under the circumstances.

Mr. SPECTER. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I do not think anyone is suggesting that there ought not to be a thorough investigation on any facts of the matter. The question which comes to my mind is the propriety of going to another subcommittee, the Permanent Subcommittee on Investigations, and dispatching resources from that subcommittee on a matter which is pending on the Senate floor, having been reported out of another committee, the Armed Services Committee.

Now, there has been a very expansive investigation made by the FBI. There is a file. It may or may not be the FBI file is closed but any FBI file is subject to being reopened at any time. This Senator has a real question about the propriety of having another subcommittee going into a matter which is really outside the jurisdiction of that subcommittee. I think that the American people have a right to know as well as Senator Tower why another subcommittee has been called upon to investigate him. It is obviously a matter of some concern when the Senator from Georgia has initiated that investigation on the subcommittee when he is the chairman of the committee which has conducted an exhaustive investigation, held hearings, and filed a committee report. There also has been a question as to motivation here as to really what is going on.

The question is of the majority leader—perhaps the Senator from

Georgia wants to respond—why does another subcommittee conduct an investigation in the context of this matter when you have the issue within the jurisdiction of the Senate as a whole with the matter having been turned over by the Armed Services Committee?

Mr. MITCHELL. If I may respond—is this a question?

Mr. SPECTER. This is a question.

Mr. MITCHELL. He already answered the question. He just answered it in a statement on the Senate floor and I am sure he will be pleased to do so again. But he responded to the inquiry which the distinguished Republican leader has already made in terms similar to those that the Senator has just asked.

My point now is that we have to make—Senator NUNN has indicated that he will be agreeable to the dictates of the Senate in this regard, and it is my hope to discuss it with the distinguished Republican leader and others to determine what the best way to proceed is. I am very pleased that the Senator from Pennsylvania has indicated he is not suggesting that allegations should be disregarded but, rather, they should be investigated, and that is something we will look into. But my point is that the question has been asked and answered.

Mr. SPECTER. I just consulted with the Republican leader as to the answer. It may have been answered but perhaps not satisfactorily answered. Might I ask—occasionally we engage in some repetition on this floor. Might I ask for a repeat of the answer?

Mr. MITCHELL. I just want to say this. I am prepared to accede to this, but we are not going to get in a position here where one, two, three, four, five, six, seven people come over here and ask the same question and the Senator has to give the same answer over again. We talk about doing this in a rational manner. Whether the answer is unsatisfactory is a wholly subjective matter. One may listen to an answer once, twice, 100 times and still not be satisfied.

So I will yield to the Senator from Georgia if he wishes to respond again to the question, but I hope that following this response we could get on with the suggestion which all involved have now made; that is, we discuss this matter and see if there is some fair and appropriate method for resolving how we proceed from here. With that I will yield to the Senator.

Mr. NUNN. I would say in response to my friend from Pennsylvania, No. 1, I have been told the FBI is no longer involved in this so sending the matter down to the White House and asking the FBI to investigate it anew would be an exercise in futility at this stage. Again, if I am wrong on that, the White House can let us know. If the FBI is still in business, then obviously that is the preferred way to proceed. I am a little bit perplexed this morning though to find that those on that side of the aisle who have been so critical of relying on the FBI report now would like for us to get back into the FBI checking all the allegations because that was not my understanding of what we have been hearing here for 2 or 3 days.

Mr. STEVENS. Will the Senator yield right there?

Mr. NUNN. Let me just finish my observation and then I will yield. No. 2, we did have a firm understanding, the Senator from Virginia and I have all along, that we were working on this problem together right up to the vote last Thursday and the Senator said after that we split, we go our own ways. We have a majority report on the floor. We have a majority report in S-407. We have a minority report on the floor. We have a minority report up there. The minority checked out the Air Force, got an Air Force letter without us being told.

Again, I say that was absolutely appropriate. I have no complaint about it whatsoever. They have been doing their business since Thursday night of the committee vote. We have been doing ours.

No. 3, we continued to get allegations. Now, if the Senate wants to cut it off and say no more allegations, we are not going to investigate anymore, that is fine.

No. 4, I do not have, nor have I ever had, an investigative staff working on this. The Armed Services staff is not investigative. They are not equipped to investigate. They do not have the background to investigate. They are policy. We have done all the investigation through the White House and the FBI. That is where all the investigations have come from. If someone wants to change that procedure in the future, we are going to have to have an investigative staff.

So the final determination that I made this weekend was that we had to do something with these new allegations. Do we check them? If so, who checks them? We have used the PSI subcommittee staff before because they are probably the best investigators on Capitol Hill, at least on this side of the Capitol, and we have actually loaned them to other committees on at least two or three occasions since I have been chairman, to investigate the same thing, nominations.

And so I felt it was appropriate to ask them to go out and check these allegations. But I informed Senator WARNER and let him know about that. I informed Senator ROTH and let him know about that. I know nothing else that we could have done. But again I will be perfectly happy to go back to the procedure where the FBI checks these. I am not the one who thinks the FBI botched this whole thing. I am not one of those. I am willing to go back to that procedure. I am willing to go back to the procedure we had before the Thursday night vote and have the two staffs work together and send everything down jointly. I am willing to do that. I am willing to abide by the minority leader and majority leader if they decide we are not going to investigate anything else while this is pending. But you have to understand we have been told that this matter may go on this week and next week. I have heard the minority leader himself say that it may be good to go back and have some hearings or something of that nature. We still hear some people saying that the FBI report should come out in toto.

So I do not know where we are in this procedure. I do not know when we are going to vote. I do not know quite what our duties are as a committee. Certainly as chairman—and I am certain other members will feel this way—I will abide by what the Senate as a whole wants us to do.

Mr. SPECTER. What was the jurisdiction of the subcommittee—this was a very interesting response to another question, but what is the jurisdiction of the Permanent Investigations Subcommittee?

Mr. NUNN. It is very, very broad, I would say to the Senator. It has investigative powers over almost any activity of Government and it basically follows the lead of the chairman of the subcommittee and ranking minority member. The chairman of the committee and the ranking minority member of the committee, all of those people have been checked with on this.

Senator GLENN was the first person I called, the chairman of the full committee. The second person I called, I believe, was Senator WARNER to inform him. The third person I called was Senator ROTH, who is the ranking member on both the subcommittee and on the full Government Affairs Committee. So before any activities were undertaken, these people were checked with. That is the procedure that we have normally followed for years.

Mr. WARNER. Will the Senator yield for a correction of fact?

The ACTING PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. NUNN. I yield.

Mr. WARNER. In our conversation, the Senator from Georgia said he had spoken to Senator GLENN and Senator ROTH and was advising me.

Mr. NUNN. I had that wrong. I talked to Senator ROTH. I stand corrected.

Mr. SPECTER. Aside from the fact that it has been done in the past and the fact the Senator from Georgia may have informed some people, is the

Senator from Georgia asserting that the Permanent Investigations Subcommittee has plenary, full, jurisdiction to investigate any matter, even one which is pending on the Senate floor, with the report having been filed, and the relevant committee, the Armed Services Committee, having finished its work?

Mr. NUNN. I would say, if the chairman of the committee and the ranking member of the committee and the others involved, the chairman of the full committee, have no objection, and no one objected whatsoever, that there would be no problem whatsoever for the subcommittee to get into this. These were new matters, not matters that were up in S-407. These were not matters the FBI checked; these were not witnesses that had ever come forward; these were new matters, new allegations that came up.

There was no other way to check them. The Subcommittee on Investigations has that authority, yes; the answer is "yes."

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT (Mr. ADAMS). The Chair wishes to remind the Senate that under the previous order, the Senator from Nevada and the Senator from West Virginia were to be recognized for 5 minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak for 2 minutes on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the matters which are before the Senate at the moment are somewhat novel. I have listened to the explanation by the Senator from Georgia, and, speaking for myself, I find the explanation unsatisfactory. When a matter is before the U.S. Senate and under consideration on the basis of a report having been filed by the relevant committee, it seems to me highly questionable, if not inappropriate, for the matter to go back to the subcommittee to conduct a collateral investigation, with notice only on the basis of notice being given by the chairman of that committee.

When the matter is before the full Senate, even the relevant committee cannot take the matter up again, does not have jurisdiction, unless there is a motion to recommit. The Republican leader has commented about this matter, that the leadership was not informed. The proceedings on the investigation of Senator Tower are a matter of enormous concern to the country. It seems to this Senator that, as a matter of obvious coincidence, when the chairman of the Armed Services Committee has filed a report taking a very, very strong position, and the matter is on the Senate floor and then the subcommittee which he chairs, as I understand it, certainly is in a dominant position, conducts this kind of collateral investigation—true, it is known to some Members on this side of the aisle—but in the context of this case, it seems to this Senator inappropriate, and I think it has to be pursued to see where it leads us.

I, for one—and I know the Republican leader concurs in this—want all of the facts. We want all of the facts to be before the Senate, before the American people, but there is an orderly way to proceed. I do not think it is by referral to the subcommittee in this context.

Mr. NUNN. Will the Senator give us the orderly way that he advocates now? When we get an allegation, are we supposed to send it to the White House when we have been told that the FBI is off the case? Are we supposed to try to reestablish a joint procedure here? What would the Senator suggest that we do with new allegations? He says he wants to pursue them.

We are being badgered every day by not having evidence. We are saying we do not have the evidence. The evidence is in S-407, and we signed a contract with the President of the United States and his counsel, Mr. Gray, to reveal that. Yet, we are asked "Where is your evidence?" It is up in S-407, but we are pledged not to reveal it. Now we are told that if we have new allegations in, we should not investigate them, I suppose. What is the orderly procedure the Senator is advocating?

Mr. SPECTER. I will gladly respond to that question. The comments about the material being in S-407 and not disclosable on the Senate floor, have no relevancy at all, as to who is to undertake the next line of investigation. While this debate was in process, Boyden Gray, counsel to the President, has sent this message: "Both the White House and the FBI have said that they would be glad to follow up on any new allegations, if asked to do so."

No one has asked either Boyden Gray or the FBI to follow up on any new allegations. The concerns that this Senator has turn on the unusual nature of having the subcommittee undertake this investigation, where the chairman of the Armed Services Committee is also the chairman of that subcommittee. You the FBI having conducted the investigation——

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. Has the time of the Senator from Georgia expired?

The PRESIDING OFFICER. All time has expired, under the previous agreement.

Mr. NUNN. I ask unanimous consent for 1 minute, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. The Senator from Pennsylvania told me something here I did not know today, because I have been told by the FBI that the White House told them they were not to pursue anything further. If that is not the case and the FBI is still in business, and the Senate decides that is the way to proceed, I will be the first to say, "Let us move back." But I am interested now in getting the perspective that this procedure, which we have been hearing all week is so unfair, with the FBI having done the check, is now what we want to go back to.

Mr. SPECTER. Boyden Gray commented that no one asked the FBI to continue with any followup investigation. Has the Senator from Georgia made such a request?

Mr. NUNN. No, but I was told before the allegations came in, by the FBI themselves, they have been basically taken off the case.

Mr. SPECTER. I think we have an agreement. The answer to the question of the Senator from Georgia is, it ought to go to the FBI for followup investigation.

Mr. ROCKEFELLER. Mr. President, a parliamentary inquiry. Has the time of the Senator from Pennsylvania expired, that time having been 2 minutes?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania and the Senator from Georgia has expired.

Mr. ROCKEFELLER. May the junior Senator from West Virginia proceed?

The PRESIDING OFFICER. The Senator from West Virginia is recognized and may proceed.

JAPAN AND THE FSX FIGHTER AIRCRAFT

Mr. ROCKEFELLER. Mr. President, I would like to talk about the proposed agreement with Japan on the development of their new fighter aircraft the FSX. This is the result of many years of discussion among the Department of Defense, various American defense contractors, and the Japanese Government. On January 12, the United States reached agreement with Japan to share the $1.2 billion development and production work on this aircraft. General Dynamics would be the main American company involved, receiving 35 to 45 percent of the work in the development stage. At a later date, a memorandum of understanding would be negotiated about sharing the production work. Because the project involves sensitive technology, the executive branch must give General Dynamics an export license which must be submitted to the Congress. If we take

on action within 30 days, the license is approved.

I am extremely distressed by the process that the negotiations have followed. Between 1951 and 1984, Japan spent $17 billion on 42,000 contracts for the importation of technology from abroad. Much of this technology came from the United States, and, without it, the much-admired Japanese miracle could never have occurred. Industry after industry in the United States sold its technology, sold its so-called crown jewels, with the expectation that they had such a technological lead that Japan could never catch up. Well, they have all been proven wrong, as Japan has caught up and has become our most determined economic competitor. Now we are about to transfer advanced military technology, and I am worried that we have not given very much thought to the competitive implications of that.

In January, I urged the Department of Defense, the Department of State, and the National Security Council to delay notification of Congress that would start the 30-day clock ticking. I thought then, and I believe even more now, that we must have a full interagency review of this arrangement. I am very disturbed that the Department of Commerce, the U.S. Trade Representative, and the White House Science Adviser were not fully consulted during the bilateral negotiations. I do not want to use our security relationship with Japan as leverage on trade issues, and, in fact, I do not think this could be done even if we wanted to. But I am unwilling to see those who manage our defense relationship run roughshod over America's competitive future.

I was pleased that the executive branch agreed to an interagency review. I have noted reports over the weekend of a possible refinement in the bilateral agreement to assure that key American technologies would be protected. This appears to be movement in the right direction. This is a very complex subject, and I am not totally convinced that the March 10 deadline for the interagency group to make its recommendations provides enough time for the completion of an adequate review. I hope that we will not allow artificial deadlines to establish our national agenda.

In the meantime, I will make no judgment whether the FSX agreement damages our competitive capabilities in the aerospace sector. I look forward to seeing the results of a thorough interagency review process that will look closely at this country's economic and trade interests.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes under the previous order.

TOXIC MATERIALS IN THE AEROSPACE INDUSTRY

Mr. REID. Mr. President, yesterday the subcommittee that I chair and the ranking member, Senator WARNER, heard testimony, I think, that would be disturbing to all of us. I chaired a hearing on worker exposure to toxic materials in the aerospace industry. American citizens who were exposed to toxic composite materials relayed the daily pain that now dominates their lives.

The five women who testified represent hundreds of people who have been made sick as a result of their work in the aerospace industry. These people used to be hardworking American citizens. They are no longer hardworking because the ability to work has been taken away from them.

After exposure to chemical composites that are relatively new to the aerospace and defense workplace, these people suffer from extreme skin rashes, memory loss, and lung irritations, as one doctor testified, brain poisoning, and other maladies. Some, though, do not suffer anymore. They are dead.

As an example of one of the injuries, a young woman who worked for Lockheed for 10 years appeared as a witness. She was wearing very dark glasses and gloves covering her hands to protect against the sensitivity and pain. She experienced on a frequent basis seizures. She wore the gloves because here fingers bled constantly and she was losing all the nails on her hands.

Not only did we have workers testify from Boeing and Lockheed, but we also had a woman who was standing on a streetcorner in Van Nuys, CA, next to a UPS truck when suddenly something the truck was carrying started steaming and smoking. She has been unable to work since then. The chemicals that were in this truck made her very, very ill.

So how do we respond to these people whose lives have been irreparably damaged? What do we say to the 44-year-old former Boeing employee who frequently cannot remember even how old her children are and sometimes their names?

The purpose of yesterday's hearing was to find out how such an unacceptable situation could develop.

Mr. President, the testimony yesterday determined that there are 65,000 chemicals in use in our country today; 2,000 new chemicals every year are introduced into the American workplace. We do not have sufficient testing of these chemicals before they are used; before they are placed into the hands of employees, and yes, customers. Congress has to address these inadequate controls over these new chemical introductions.

The applicable agency, the Environmental Protection Agency, said that the division that does the testing of these chemicals in the past 8 years has been taken from $40 million to less than $20 million, down around $17 million. It has been cut more than in half and left without the ability to adequately test the chemicals that are coming into the workplace every day. There are 65,000 chemicals, and only a few hundred have been tested, Mr. President.

Although the hearing focused on the threatening situation that confronts aerospace industry employees, companies are merely using a chemical or a combination thereof that the Government has approved for production.

The burden of proof under the present law is on the Government to demonstrate that a chemical is dangerous.

I indicated that the Environmental Protection Agency, Mr. President, has only tested a few hundred of these chemicals. They have not tested any of them in combination. They only test them singularly. So with the few hundred they have tested out of 65,000, they find that chemical is OK, there is nothing to indicate what would happen when it is mixed with another.

Current laws are written to protect the chemical manufacturer more than people. I think it is time we reassess the present law, because once the chemicals are approved for production, there is still an opportunity to shield people from danger.

We can investigate the effect of those chemicals on the employees that have contact with them. The Occupational Safety and Health Administration [OSHA] has responsibility for such efforts.

OSHA representatives testified yesterday that they have visited only 2½ percent of all the manufacturing companies in this country last year, 2½ percent. So 97½ percent were not examined.

The composite chemicals at the center of our concerns represent a step forward in new technology and scientific breakthroughs, and we have to recognize that. That is because they are lighter and stronger. These composites are expected in the near future to replace much of the metal used in automobiles and aircraft. So I think we should all be proud that our country can boast of these achievements.

I wholeheartedly support the continued nurturing of American technology and invention. Such advances help our economy and, yes, strengthen our defense. However, we cannot tolerate stone age protection for space age dangers.

In the coming weeks, I will be meeting with Government regulators to discuss yesterday's findings. The question is not, whose fault is this? The question is, how can we eliminate the cir-

cumstances that caused these tragedies to happen? The employees of the aerospace industry work hard to protect our country. I think we owe it to them to work hard to protect their health and their life.

Thank you, Mr. President.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

TV-MARTI

Mr. HOLLINGS. Mr. President, last month I introduced S. 375, to provide for television broadcasting of accurate information to the people of Cuba. Joining me in introducing S. 375 were the Senators from Florida, Mr. GRAHAM and Mr. MACK, as well as the junior Senator from New Jersey, Mr. LAUTENBERG, the senior Senator from Wisconsin, Mr. KASTEN, and the junior Senator from Connecticut, Mr. LIEBERMAN.

Mr. President, I ask that the senior Senator from South Dakota, Mr. PRESSLER, both of the Senators from Nevada, Mr. REID and Mr. BRYAN, the senior Senator from Texas, Mr. BENTSEN, the junior Senator from Delaware, Mr. BIDEN, the junior Senator from Oklahoma, Mr. NICKLES, the junior Senator from Illinois, Mr. SIMON, the junior Senator from Idaho, Mr. SYMMS, and the junior Senator from Kentucky, Mr. MCCONNELL, be added as cosponsors of Senate S. 375.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time under morning business has expired.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of the nomination of John G. Tower to be Secretary of Defense.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Goodwin Tower, of Texas, to be Secretary of Defense.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. The Senator from Alaska.

Mr STEVENS. Mr. President, I raised yesterday and I want to raise again today the question of what are we doing. What are we really doing here?

Let me tell the Senate that I had the former Senators who have become Cabinet officers researched for this century, starting in 1909 with Phlander Knox, down to John Tower in 1989.

Think of this history: Knox, Secretary of State, 1909, nominated on the 5th of March, confirmed on the 5th of March; Fall, Interior Secretary, 1921, nominated the 4th of March, confirmed the 4th of March; Weeks for War in 1921, nominated on the 4th of March, confirmed on the 4th of March; New at the Post Office, 1923, nominated February 27, confirmed February 27; Kellogg, Secretary of State, 1925, nominated February 14, confirmed February 16; Cordell Hull, Secretary of State, 1933, nominated March 4, confirmed March 4; Claude Swanson, Navy Department, 1933, nominated March 4, confirmed March 4; James F. Byrnes, Secretary of State, nominated July 2, confirmed July 2; Schwellenbach, Labor Secretary, 1945, nominated May 24, confirmed May 31; McGrath, Attorney General, 1949, nominated August 2, confirmed August 18; John Foster Dulles, Secretary of State, 1953, nominated January 20, confirmed January 21; Fred Seaton, my old boss, Interior Secretary, 1956, nominated May 28, confirmed June 6; William Saxbe, Attorney General, 1973, nominated December 14, confirmed December 19; Ed Muskie, as I mentioned yesterday, Secretary of State, 1980, nominated May 5, confirmed May 7, Richard Schweiker, HHS Secretary, 1981, nominated January 20, confirmed January 21; Bill Brock, Labor Secretary, 1985, nominated April 17, confirmed April 26; Nick Brady, Secretary of Treasury, nominated 1988, August 10, confirmed September 14. There was a recess in that period.

Now John Tower, Defense Secretary, nominated January ,20, it is now March 7, and we are still going along.

For the first time in history, we have strung out the confirmation of a person we served with and knew well.

Mr. President, some people say that it is because of the investigations that are going on. I heard the Senator from Georgia. I have not been one critical of the FBI investigation, but my attention has been called to the Wall Street Journal of this morning, an article entitled "Really, FBI: I have No Dirt on Tower," by Karen Elliott House, who talks about being asked to have an FBI interview concerning a rumor that John Tower propositioned her 17 years ago.

Listen to this. This is a quote from her article, I call this to the attention of Senators because they ought to read it.

> For one thing, a process of rumors begetting rumors offers anyone with the slightest shred of gossip to pass it on through official channels, to instigate additional FBI inquiries and to widen further the web of innuendo in which the senator is snared.

She mentions another lady. Had either she "or I sought to play a mischievious role in the nomination process, we had ample opportunity—indeed an FBI invitation—to do."

> Nothing in this process safeguards the subject of the inquiry from distortions and outright lies except the possibility that such lies might be leaked to the press, causing the accuser's word to be put on record. The irony, of course, is that it would be only the unethical leaking of lies that could expose lies. If the system works in its intended furtive fashion, the word of the liar is protected and the character of the subject may be destroyed.

Mr. President, I said time and time gain that I read that FBI report. I have not been critical of the file, as they now say it should be called. It was a background review of a series of allegations. It takes someone with the ability of having dealt with those files to read through 1 day's series of allegations and interviews and go to 2 or 3 days or a month later to find that that subject has been covered by another series of witnesses and totally rebutted.

I want to talk today slightly about the problem that has been raised by some people concerning drug abuse, as I indicated yesterday.

Parenthetically, I might say that one of our colleagues said that there is no smoking gun but there are a lot of empty shells on the ground. I guess that could happen. My mind turned last night to the picture of a photographer taking pictures of ducks and having a game warden come up and finding a bunch of empty shells on the ground and a dead duck out there. That is this case.

Mr. President, the problem is that the Senate is jumping to conclusions based upon a series of reports that it does not understand.

For instance, Mr. President, I challenge anyone to find an interview with a professional dealing with alcohol abuse in this record. So I decided, as I indicated yesterday, to go back and look at this question about nuclear weapon personnel reliability and what does it mean in terms of this record.

Alcohol abuse in the directive of the Department of Defense, Directive No. 5210, says this: "Any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior or impairing work performance, physical or mental health, financial responsibility or personal relationships."

I challenge anyone again to go to the FBI report and find any indication of any of those things that have been established by items in those files concerning John Tower. There is no evidence of alcohol abuse in this file.

There is a lot of talk about people having seen John Tower having had too much to drink.

One of my young assistants last night spoke with the executive director of the Alcohol and Drug Problems Association of North America. She reported to me this morning that this person stated he does not know how anyone could diagnose drug and alcohol problems without being a qualified personnel who conducted an evaluative interview with the cooperation of the patient.

There has been a lot of loose talk out here about alcohol abuse, about John Tower's alcohol abuse, about John Tower's having an alcohol problem.

Let me tell you this person said he was astounded that no Member of Congress, having spent some 24 years around John Tower, having worked with him, using this person's words, "cheek to jowls, so to speak," no one can come up with any anecdotal information on John Tower.

I was a witness, in effect, for John Tower on the floor. This person heard me make my statements these last few days. He sent word to me that I was correct, that those who know a person who is alcohol dependent would observe a change in behavior, a change in the pattern or the efficiency of the individual.

Mr. President, my mind went back again to some Senators I have known here in the Senate who have been impaired. I saved one Senator one day who almost fell in the path of a subway, he was so intoxicated. I have spent time in the steam room with Senators who were intoxicated. One of my great friends from the past, who is now deceased, the first day I was in the Senate, he was so intoxicated he had to lean on my shoulder to walk over to the other building, to the Senate Office Building.

Now what this person is telling us is we could not have lived with John Tower as we did without having seen some evidence of alcohol dependency if he has a problem.

And then I got back to just the inference here is that a man that drinks alcoholic beverages ought to be disqualified from being Secretary of Defense. And somehow or other, the impression has been given that the Department of Defense directives would take anyone who has had too much to drink on an occasion or so and eject that person from the program. That is not the program, Mr. President. And people are coming out here and making statements that are not corroborated by the facts.

I think I know a little bit about alcohol, too. It is a changing society. When I went overseas to China, Mr. President, in World War II, we were given monthly PX supplies, a ration, so to speak. And in those rations were at least two bottles of whiskey a month. Now we have some indication that if a person drinks on occasion, he ought not to be considered a Cabinet officer.

Mr. President, when I came back from those combat missions—and all my colleagues did at the time, my fellow pilots—we were entitled to 2 or 3 ounces of whiskey after every combat flight. We did not take it. The flight surgeon was smart. He said, "If you all save this up, we could have a real squadron party once in a while and everybody can enjoy this whiskey we get, not just you pilots." And we had some really wing-bang parties in China.

I wonder how those would look on my FBI report now. If I were nominated, would they go back and ask the guys that flew with me in World War II, "Did you ever see that guy get drunk?" It is just the same as going back and asking this young woman if, 17 years ago, John Tower propositioned her.

Incidentally, Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD, along with the list that I read of the Senators who have been confirmed by the Senate and the time it has taken to confirm them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 7, 1989]

REALLY, FBI: I HAVE NO DIRT ON TOWER

(By Karen Elliott House)

I was a source for the Federal Bureau of Investigation's probe of Sen. John Tower. And, if my experience is in any way typical of the 500 or more interviews conducted by FBI agents in compiling the secret dossier on Sen. Tower's career and character, the U.S. Senate is pursuing its debate on the basis of rumor, gossip and innuendo that any American citizen clearly would consider character assassination. This secret FBI report, of course, is the eye of the hurricane engulfing Sen. Tower's nomination to be secretary of defense in the Bush administration.

Since not one of 100 senators, many of whom have served, worked and traveled with John Tower for decades, has testified to any firsthand knowledge of his alleged drinking and skirt-chasing, it is the FBI report that is being wielded as the murder weapon to destroy not only his nomination but his name. Thus, it seems instructive to senators and citizens to recount one FBI interview, how it originated, what it produced and most important, how easy it would have been to pile additional innuendo on the bonfire around which the Senator is gleefully dancing.

A 17-YEAR-OLD RUMOR

My interview began with a call one afternoon a few weeks ago from a polite FBI agent, requesting a meeting. I guessed the topic was John Tower. Two days earlier I had received a call from the Los Angeles Times correspondent in Houston requesting a copy of a newspaper article that he had been told contained an account of John Tower propositioning me 17 years ago when I was a young Washington correspondent for The Dallas Morning News. I had indeed written a lengthy profile of Sen. Tower during his re-election campaign in 1972 in which I queried him on rumors of his frequent appearances with women other than his wife and on several auto accidents in which he was involved. It might have been a better story if Sen. Tower had propositioned me, but he didn't.

The only offer I ever had from Sen. Tower was a polite and public invitation to me and by inference a table of Dallas Morning News colleagues to join him for "jazz and scrambled eggs" after a White House correspondents' dinner 17 years ago—an invitation I declined and which seems as innocuous in retrospect as it did at the time. But the rumor mill was obviously grinding away.

Within hours of the FBI phone call, two polite but persistent young agents, one male, one female, showed up at my New York office for what turned out to be a half-hour interview. They quickly explained they had received an anonymous letter saying that if they wanted "derogatory information on John Tower," to contact me or my then-roommate, Sally Shelton, at the time a legislative assistant to Sen. Lloyd Bentsen (D., Texas).

Having passed on the anonymous charge, the FBI agents then graciously offered me anonymity to confirm and expand on it or on any other information I might have about misconduct by Sen. Tower. I declined the offer of anonymity. I also explained that not only did I have no firsthand experience with any misconduct by Sen. Tower, in my reporting efforts 17 years ago to track down similar rumors, I'd been unable to substantiate gossip about Sen. Tower's "womanizing."

So, we now had the odd situation of a reporter who had been unable to confirm rumors about John Tower and other women at that time now being asked by the FBI to anonymously confirm rumors about John Tower propositioning her. With this trail clearly leading nowhere, the agents politely pressed for any other information I might have—or any rumors I might have heard. All I could do was acknowledge that rumors of Sen. Tower's interest in women have abounded in Washington for many years. I suggested that Ms. Shelton, who had worked on Capitol Hill for five years, might be in a better position to speak factually.

The FBI, indeed, did contact Ms. Shelton. In her case, she says, the agents focused their questions on rumors of "sexual harassment" by Sen. Tower of another of her roommates who worked in the Senate. Ms. Shelton, now a retired ambassador, says she was startled to be queried about events so distant and distorted. She says she explained to the FBI that she had heard rumors of the senator's "womanizing," but nothing about Sen. Tower sexually harassing women staffers on Capitol Hill.

Ms. Shelton is as perplexed as I am by the rumor process that has led us to be even peripherally involved in the Tower investigation. The experience also leads to some other reflections. For one thing, a process of rumors begetting rumors offers anyone with the slightest shred of gossip to pass it on through official channels, to instigate additional FBI inquiries and to widen further the web of innuendo in which the senator is snared. Had either Ms. Shelton or I sought to play a mischievous role in the nomination process, we had ample opportunity—indeed an FBI invitation—to do so.

Nothing in this process safeguards the subject of the inquiry from distortions and outright lies except the possibility that such lies might be leaked to the press, causing the accuser's word to be put on record. The irony, of course, is that it would be only the unethical leaking of lies that could expose lies. If the system works in its intended furtive fashion, the word of the liar is protected and the character of the subject may be destroyed.

SAFEGUARDS OF JOURNALISM

Journalism also relies to some extent on confidential interviews and anonymous information. But there are critical differences. Good journalism encourages people to speak on the record and offers confidentiality only as a last resort. Good journalism requires double- and triple-sourcing for publication of any controversial information. Good journalism requires that the target of criticism be presented with the specific charges and that a response be included in the original article. Finally, the most important, the article lands in the public domain where the reporter's reputation is on the line for the veracity of sources. None of these protections are available to Sen. Tower in the FBI's investigatory process.

Beyond all this is the substantive issue of what possible difference it can make to the Senate or the American citizenry whether Sen. Tower did or did not pursue or proposition a woman 17 years ago—or for that matter 17 weeks ago. There may indeed be substantive issues at stake in this nomination and those might include current or recent alcohol abuse or illegal conflict of interest as a consultant to defense corporations.

But so far there is no evidence of any laws or rules being broken during Mr. Tower's period as a defense consultant. As for alcohol abuse, the conclusive proof that he isn't an alcoholic would seem to rest with his fellow senators themselves—none of whom has stood up to say that in decades of working with Mr. Tower in all sorts of places at all kinds of hours, he has ever seen the former senator drunk. It begs credulity that any alcoholic could hide his addiction for that long from that many colleagues. Perhaps it is for this reason that so much of the current debate is focusing on the alleged character flaw of a weakness for women.

And, to the extent that my involvement in the womanizing issue is one small strand in the pattern under debate, the tapestry of John Tower being woven for and by the Senate is a tapestry of rumor, gossip and innuendo.

CONFIRMATIONS

Name, position, year, and time from appointment to confirmation:

Philander Knox, Secretary of State, 1909, March 5-March 5.

Albert B. Fall, Interior Secretary, 1921, March 4-March 4.

John W. Weeks, War, 1921, March 4-March 4.

Harry S. New, Post Office, 1923, February 27-February 27.

Frank B. Kellog, Secretary of State, 1925, February 14-February 16.

Cordell Hull, Secretary of State, 1933, March 4-March 4.

Claude Swanson, Navy, 1933, March 4-March 4.

James F. Byrnes, Secretary of State, 1945, July 2-July 2.

L.B. Schwellenbach, Labor Secretary, 1945, May 24-May 31.

James McGrath, Attorney General, 1949, August 2-August 18.

John Foster Dulles, Secretary of State, 1953, January 20-January 21.

Sinclair Weeks, Commerce, 1953, January 20-January 21.

Frederick Seaton, Interior Secretary, 1956, May 28-June 6.

William Saxbe, Attorney General, 1973, December 14-December 19.

Edmund Muskie, Secretary of State, 1980, May 5-May 7.

Richard Schweiker, HHS Secretary, 1981, January 20-January 21.

William T. Brock, Labor Secretary, 1985, April 17-April 26.

Nicholas Brady, Treasury Secretary, 1988, August 10-September 14.

John Tower, Defense Secretary, 1989, January 20-?

Mr. STEVENS. Mr. President, my friend is not an alcoholic. My friend John Tower does not have an alcohol problem. My friend John Tower, in the record that is upstairs in S-407 that everyone is talking about, if anyone reads it thoroughly, has not had any instance reported to us where he had been the subject of alcohol abuse.

Is it time to recess, Mr. President?

The PRESIDING OFFICER. Yes, it is.

RECESS

The PRESIDING OFFICER. The time of 12:30 p.m. having arrived, under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BINGAMAN].

Mr. FOWLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, may I ask the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, just before the recess, I was speaking—and I will not speak very much longer—and I just wanted to complete those thoughts if I may. First, however, let me tell the Members of the Senate, I assume everyone has this letter from my good friend P.X. Kelley, retired general and former Commandant of the U.S. Marine Corps. Mr. President, I was called last evening by a friend, who is a long way away, who said, "What is all this stuff you are putting in the RECORD?" The comment was made that "people who read that RECORD may know what you are putting in there, but I don't follow what you are putting in. What are you putting in there?"

Let me read this letter if I may from P.X. Kelley. It will not take but a minute.

Last Wednesday, 19 retired Generals and Admirals from the Army, Navy, Air Force, and Marine Corps, all of whom have known the Honorable John Tower for many years, forwarded a telegram to the Commander-in-Chief of the Armed Forces, strongly supporting the nomination for Secretary of Defense of this exceptional American. I believe that this act is unprecedented in the history of our Country, and have attached a copy of the text for your examination.

I have known Senator Tower professionaly, socially, and personally for over a decade, and one of my sincerest regrets is that I retired before having an opportunity to serve under him while he is our Secretary of Defense. It is my strong conviction that history will identify him as one of the greatest patriots and statesmen of our generation.

I urge you to judge Senator Tower on his unique professional qualification to lead our defense establishment. The young men and women who today are serving in the uniform of their Country deserve to have John Tower at the helm.

I am sending this same letter to all members of the United States Senate.

With warmest best wishes, I am,

Most respectfully,

P.X. KELLEY.

The attachment is the telegram to the President:

We have served as General and Flag Officers in the Armed Forces of the United States.

We commanded the military forces upon whose successful performance the security of the American people depends.

We know John Tower well, and have known him for many years.

In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

We strongly support your nomination of this exceptional American.

Signed by:

Gen. Robert H. Barrow, USMC (Ret.), former Commandant of the Marine Corps.

Gen. Richard E. Cavazos, USA (Ret.), former Commanding General, Forces Command.

Gen. Bennie L. Davis, USAF (Ret.), former Commander-in-Chief, Strategic Air Command.

Gen. Raymond G. Davis, USMC (Ret.), former Assistant Commandant of the Marine Corps and Medal of Honor recipient.

Gen. Charles A. Gabriel, USAF (Ret.), former Chief of Staff of the Air Force.

Adm. Thomas B. Hayward, USN (Ret.), former Chief of Naval Operations.

Lt. Gen. James F. Hollingsworth, USA (Ret.), former Commanding General, I Corps, Korea.

Adm. James L. Holloway, III, USN (Ret.), former Chief of Naval Operations.

Gen. Samuel Jaskilka, USMC (Ret.), former Assistant Commandant of the Marine Corps.

Gen. Paul X. Kelley, USMC (Ret.), former Commandant of the Marine Corps.

Adm. George E.R. Kinnear, II, USN (Ret.), former U.S. Representative, NATO Military Committee.

Gen. William A. Knowlton, USA (Ret.), former U.S. Representative, NATO Military Committee.

Adm. Wesley L. McDonald, USN (Ret.), former Supreme Allied Commander Atlantic and Commander-in-Chief Atlantic.

Gen. Bryce Poe, USAF (Ret.), former Commander, Air Force Logistics Command.

Gen. John Roberts, USAF (Ret.), former Commander, Air Training Command.

Lt. Gen. Thomas R. Stafford, USAF (Ret.), former Astronaut.

Gen. William C. Westmoreland, USA (Ret.), former Chief of Staff of the Army.

Gen. Louis H. Wilson, USMC (Ret.), former Commandant of the Marine Corps and Medal of Honor recipient.

Adm. Elmo R. Zumwalt, Jr., USN (Ret.), former Chief of Naval Operations.

Mr. President, I ask that the full text be printed in the RECORD.

Mr. BINGAMAN addressed the Chair.

Mr. COHEN. Will the Senator yield.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 6, 1989.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: Last Wednesday, 19 retired Generals and Admirals from the Army, Navy, Air Force, and Marine Corps, all of whom have known the Honorable John Tower for many years, forwarded a telegram to the Commander-in-Chief of the Armed Forces, strongly supporting the nomination for Secretary of Defense of this exceptional American. I believe that this act is unprecedented in the history of our Country, and have attached a copy of the text for your examination.

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I urge you to judge Senator Tower on his unique professional qualification to lead our defense establishment. The young men and women who today are serving in the uniform of their Country deserve to have John Tower at the helm.

I am sending this same letter to all members of the United States Senate.

With warmest best wishes, I am,

Most respectfully,

P.X. KELLEY,
General, U.S. Marine Corps (Ret.), 28th Commandant of the Marine Corps.

ATTACHMENT

Text of a telegram sent to the Commander-in-Chief of the Armed Forces by 19 retired senior officers on March 1, 1989, in support of the Honorable John Tower for Secretary of Defense:

To the President:

We have served as General and Flag Officers in the Armed Forces of the United States.

We commanded the military forces upon whose successful performance the security of the American people depends.

We know John Tower well, and have known him for many years.

In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

We strongly support your nomination of this exceptional American.

Signed:

Gen. Rober H. Barrow, USMC (Ret.), former Commandant of the Marine Corps.

Gen. Richard E. Cavazos, USA (Ret.), former Commanding General, Forces Command.

Gen. Bennie L. Davis, USAF (Ret.), former Commander-in-Chief, Strategic Air Command.

Gen. Raymond G. Davis, USMC (Ret.), former Assistant Commandant of the Marine Corps and Medal of Honor recipient.

Gen. Charles A. Gabriel, USAF (Ret.), former Chief of Staff of the Air Force.

Adm. Thomas B. Hayward, USN (Ret.), former Chief of Naval Operations.

Lt. Gen. James F. Hollingsworth, USA (Ret.), former Commanding General, I Corps, Korea.

Adm. James L. Holloway, III, USN (Ret.), former Chief of Naval Operations.

Gen. Samuel Jaskilka, USMC (Ret.), former Assistant Commandant of the Marine Corps.

Gen. Paul X. Kelley, USMC (Ret.), former Commandant of the Marine Corps.

Adm. George E.R. Kinnear, II, USN (Ret.), former U.S. Representative, NATO Military Committee.

Gen. William A. Knowlton, USA (Ret.), former U.S. Representative, NATO Military Committee.

Adm. Wesley L. McDonald, USN (Ret.), former Supreme Allied Commander Atlantic and Commander-in-Chief Atlantic.

Gen. Bryce Poe, USAF (Ret.), former Commander, Air Force Logistics Command.

Gen. John Roberts, USAF (Ret.), former Commander, Air Training Command.

Lt. Gen. Thomas R. Stafford, USAF (Ret.), former Astronaut.

Gen. William C. Westmoreland, USA (Ret.), former Chief of Staff of the Army.

Gen. Louis H. Wilson, USMC (Ret.), former Commandant of the Marine Corps and Medal of Honor recipient.

Adm. Elmo R. Zumwalt, Jr., USN (Ret.), former Chief of the Naval Operations.

Mr. STEVENS. May I just complete the statement I want to make?

Mr. FOWLER. Reserving the right to object, I shall not object.

The PRESIDING OFFICER. The Senator shall state his objection.

Mr. FOWLER. But has the Senator concluded his remarks or had he not?

Mr. STEVENS. No, I have not completed them.

Mr. FOWLER. I am just asking for information.

I will not object. The Senator has the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not understand the interception of the Senator from Georgia. I think I have the floor.

Mr. FOWLER. The Senator has the floor.

The PRESIDING OFFICER. The Senator from Alaska retains the floor.

Mr. COHEN. Will the Senator yield for a question.

Mr. STEVENS. I do want to finish this, if I may.

Mr. COHEN. Will the Senator yield for a question.

Mr. STEVENS. One quick question.

Mr. COHEN. Does the Senator's statement or letters contain a transcript of the press conference held by General Kelley and General Davis and Admiral Holloway?

Mr. STEVENS. No, it does not.

Mr. COHEN. I ask whether or not he would be willing to include at the conclusion of his remarks a copy of the transcript of these gentlemen?

Mr. STEVENS. Mr. President, I ask unanimous consent that that be added in addition to the letter that I just put in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT

General P.X. KELLEY. Good afternoon ladies and gentlemen. First, I would like to thank you very much for being here on such short notice. I'm P.X. Kelley, former Commandant of the United States Marine Corps. With me are Admiral James Holloway, former Chief of Naval Operations and was also a member of the very prestigious Packard Commission and General Bennie Davis, former Commander in Chief, Strategic Air Command and who I have officially known over two decades.

First, I'd like to read a telegram that was sent to our Commander in Chief, the President, this past Wednesday—copies of which I have given you.

"To the President:

"We have served as Generals and Flag Officers in the Armed Forces of the United States.

"We commanded the military forces upon whose successful performance the security of the American people depends.

"We know John Tower well, and have known him for many years.

"In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

"We strongly support your nomination of this exceptional American."

This telegram was signed by 19 retired Generals and Admirals, and I'd just like to quickly run through their names to give you a flavor of just who they were.

General Robert H. Barrow, USMC (Ret.). My predecessor as Commandant of the Marine Corps, an exceptional combat hero in three wars.

General Richard E. Cavasos, USA (Ret.). A very, very well respected member of the Hispanic community.

General Bennie L. Davis, USAF (Ret.). Standing to my left who I have mentioned as former Commander in Chief of our Strategic Air Command.

General Raymond G. Davis, USMC (Ret.). Assistant Commandant of the Marine

Corps, a resident of the State of Georgia, and Medal of Honor winner from Korea.

I've known John Tower since 1974, and I would keep the same elaborations that appeared regularly before the Armed Services Committee to testify. And from that time I was impressed with John Tower's ability as a member of that Armed Services Committee. After my retirement, I maintained an association with John Tower. I consider myself a good friend, and my respect for his abilities, his leadership, has grown as I have observed him as Chairman of the Armed Services Committee. As a matter of fact, I've supported John Tower for the position of Secretary of Defense ever since we asked the Republican Administration as a possibility. I supported him because of his intellect, his intelligence, integrity, his experience, and his toughness.

I was delighted when President Bush nominated him for the position of Secretary of Defense. I have to say that I've become shocked and disillusioned and outraged at the slanderous allegations that have jeopardized his nomination. I've never seen John Tower under the influence of liquor, I've never seen John Tower conduct himself with impropriety toward a woman. I'm absolutely convinced he is in every respect, the best qualified person today to serve as our secretary of defense. And I'm here right now to offer my full support on John Tower's behalf because I frankly consider it to be my public duty. Thank you.

Gen. DAVIS. I too have known John Tower for many, many years. I first encountered John Tower back in 1968 when I was flying combat in southeast Asia. John Tower, who I am sure most of you know, made one of his many trips to southeast Asia to provide that [inaudible] presence among the troops who were then deployed and in combat. I have known John Tower for over more than 20 years, very closely, when I headed Air Force Personnel and John Tower as a Senator provided the necessary support for all of our people programs. He was one of the first spokesman to increase the use of women in the service, and in particularly the United States Air Force. At the Air Force Training Command, which is headquartered in Texas, San Antonio Texas, and its base structure is in Texas across the south east, John Tower made many, many visits to my bases. I have never seen John Tower inebriated. I have never seen John Tower on anything but on his best behavior. John Tower is an example, an example that should be followed by all of us. When I was Commander in Chief of the Strategic Air Command, John Tower was mightily interested in the strategic nuclear deterrence of this nation. I can say without reservation, it would be my pleasure to serve in a command chain that had John Tower in it. I don't think there's any question about his superb intellect, in what he brings to the job, with his great knowledge of foreign affairs, with his great knowledge of nuclear matters, and with his great knowledge of alliances throughout the world. I am shocked to read some of the allegations, because in my over 20 years of intimate, knowledge of John Tower's behavior I consider John Tower a moral man, a man of great integrity, and certainly the finest candidate to be secretary of defense of any person that I've know over the last 35 years.

Thank you very much.

Gen. KELLEY. We'd be very happy right now to take any questions that you would like to ask of any of us.

Q. What effect do you think the delay and controversy is having on the Pentagon now, and what lingering damage?

Adm. HOLLOWAY. I don't believe that. As a matter of fact, I don't believe that because as we all know, he is participating in policy discussions, in budget discussions, and full discussions with the Pentagon and laying out the policies that have been enunciated by the President.

Q. Do any of you feel that even if he wins this battle and is confirmed, the Pentagon's budget fight [inaudible] victims would be damaged because they would have a wounded Secretary of Defense.

Gen. KELLEY. Absolutely not, John Tower is not wounded by anybody or anything. John Tower is a very strong, very tough individual, and John Tower will lead the Department of Defense with leadership that will be unparalleled.

Q. Let me just add that there seems to be a feeling that this would be John Tower's budget?

Gen. KELLEY. This is the President's budget. This is the President's program, John Tower as secretary of defense is responsible for enunciating that program to the Congress and he already is aware of the President's positions, his priorities, and is well prepared to carry that message forward.

Q. Gen. Kelley, it appears that by organizing this news conference that you talked to either John Tower or the White House and coordinated in some way what you're doing, and with what they're doing in support of Tower.

Gen. KELLEY. The only three people I talked to to put together this news conference, with the exception of calling the Associated Press and UPI, the only three people I talked to are the two gentleman who are up here with me, and Julie who reserved the room for me, which by the way, all three of us are paying for.

Gen. DAVIS. I think that there is some indication that we had no prior coordination is the fact that the President's Press Secretary is speaking at the same time.

Q. Gentleman, how do you view the current Chairman of the Senate Armed Services Committee's position that Tower is unfit to serve in a chain of command?

Gen. DAVIS. Well, we certainly disagree with that position, but everybody is entitled to their own views, and we all know and respect Senator Nunn. I've known Senator Nunn for at least ten years, and have appeared before him many, many times in hearings, but we disagree on that point. We think that John Tower is the best qualified person that we know of to be Secretary of Defense.

Adm. HOLLOWAY. Let me point out that we're coming before you as experienced military leaders. I, for example, during the period that I was head of the Navy, served under three Secretaries of Defense. I believe that I have an appreciation for the requirements of that job, and I also consider that I have an understanding of what it takes to make that job effective. From the perspective of the military, I think we are saying we have quite a different view than the present Chairman of the Senate Armed Services Committee and we're up here to tell you that, that we think our view is important and that you should hear it.

Q. Gentleman, I got here late, but if in fact you believe that some of the allegations about Mr. Tower, including his excessive drinking in the 70's and 80's, was solid enough, would you then have questions about him being in a position of—a chain of command—in terms of the nuclear aspect.

Gen. KELLEY: You're asking a real hypothetical question. What we have said, and you did indeed come in late, we said we have 19 General Officers and Admirals who have never seen John Tower under the influence of alcohol.

Q. You still didn't answer the question sir, would someone with an alcoholic problem, or is shown to have one, be unfit based on what you know the military code to be, to be in a position—chain of command—dealing with nuclear weapons?

Gen. DAVIS. I probably had the most direct experience with nuclear weapons over 14 years, four of those as Commander in Chief Strategic Air Command. We had said, and we reiterate, we have no problem with John Tower in a leadership position, no problem with John Tower in the chain of command. John Tower is a man of great integrity, great morals, great honesty and we think he is the best man for the job.

That's it. That's all.

Gen. KELLEY: Thank you all very much.

Mr. STEVENS. Mr. President, I had but a few points to make before we recessed. One is to make sure again we know what we are talking about, about John Tower's relationship to alcohol. John Tower does not have an alcohol dependence. No one has ever stated that he did.

I think we must be specific in what we are talking about. Those people who are saying that John Tower has an alcohol problem are stating a problem in their mind, not a medical problem as defined by anyone in this record. There is no evidence in this record that John Tower has an alcohol dependence; but as I have stated in the past, I want to try to ask the Senate to be careful.

As I stated this morning, I am from the generation of World War II. When we were overseas, we received our PX rations, which included whiskey. Everybody I knew drank whiskey overseas. As I said, we were even entitled to a flight allowance after we finished a combat mission.

We have come through two wars since then. The last one, in Vietnam, involved another substance. It involved drugs, particularly marijuana. We are now setting a standard here that this man should not be a Cabinet officer because he has been reported to have used too much alcohol at times. I think I have said that precisely. He, himself, said, "I drank too much at times."

Mr. President, the military regulations pertaining to drug use are very rigid, any single use of marijuana disqualifies a person from continuing to serve in the military. I call attention specifically, for instance, to Navy instruction 5350. That regulation specifies that the first incident of any drug use disqualifies any officer or senior enlisted personnel from further service.

With respect to those people who have served our country in Vietnam: Some Members of this body have said that they used marijuana at one time. Is that a disqualification? Where are

we going with these new standards here? Some Senators have mentioned the Department of Defense nuclear weapon personnel reliability regulations, and say that John Tower could not qualify to serve on a nuclear submarine, in their judgment, because in their judgment he has an alcohol problem. The regulations do not support that.

As I read the regulation this morning, "any irresponsible use of an alcoholic beverage that leads to misconduct, unacceptable social behavior, impairing work performance, physical or mental health problems, financial irresponsibility, personnel relationship problems" are definitions of alcohol abuse—disqualification comes under a different category.

I believe that the Senate—at least some Members of the Senate—is setting standards now that are based upon rumor and innuendo, statements that, in my judgment, by the record, have been totally contradicted, to the point that, in my judgment, I do not see how anyone can reach the conclusion that John Tower has any alcohol problem, as such.

It is my feeling that we ought not set a new standard. It is unique, Mr. President, that with respect to a former Senator, we can stand before the Senate and state here, as Senators, that we have known this man for over 24 years, and none of us, no one person, pro or con, can say that he ever saw John Tower inebriated or out of control, or that he knows of his own knowledge that he had a drinking problem. To the contrary, those of us who knew him very well stated he had none.

Again, let me point out that one of the circumstances that led some people to conclude that John Tower ought not be confirmed were reports concerning Geneva. This is the letter that was specifically objected to by my friend when he called.

Yesterday, I put in the RECORD this letter, and this will be my last comment. I think that Max Kampelman is one of the great Americans of our age. He has dedicated himself, at severe strain to his own health, to be our ambassador in negotiations on many occasions. He was the chief of the U.S. delegation to the nuclear and space arms talks in Geneva. He wrote this letter on March 1. It is in the Washington Post for March 1.

A brief innocuous paragraph at the end of a story [Feb. 23], an abbreviated and distorted leak, and suddenly two fine ladies, hard-working government secretaries, have a cloud hanging over their head. John Tower's two secretaries, to the best of my knowledge, have served our country well. I know of no reason to question that judgment or their character.

Furthermore, without intending to influence or intrude on the prerogatives of the Senate, I will add that I have never seen John Tower intoxicated, out of control or behave in an ungentlemanly manner. We worked closely together in Geneva for 14 months, during which he was at all times a professional in the best sense of that word and a negotiator of skill and sensitivity.

During the past four years of the Nuclear and Space Arms Talks in Geneva, more than 100 Americans have served their country, under my direction, with zeal, dedication, competence and patriotism. The American people, Congress and the press should not permit rumors and innuendo to distort the extraordinarily fine service performed by these men and women. I am proud of them, and so should we all be proud of them.

MAX M. KAMPELMAN.

WASHINGTON.

Mr. President, there is another man who served in a unique relationship to John Tower: 14 months, long meetings with the Soviets, long staff meetings afterward. I have been at meetings in their office at 7 in the morning, and I have been with them until 11 or 12 o'clock at night. No one will ever really comprehend the dedication of these people. If there ever was a time when anyone had a chance, even better than those of us who served with him for so long, to know John Tower, Max Kampelman knows John Tower. I am really proud to have this letter from that fine American to put in the RECORD once again.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I intend to spend just a few minutes explaining some of my views on the Tower nomination at this time.

First, I want to just point to the FBI report with respect to certain allegations. Some say that it is more than an allegation, and I believe the report refutes what the Senator from Alaska just said about Mr. Tower and the "drinking problem." The committee report states on page 10:

The record of the FBI report and the committee's own review show a clear pattern of excessive drinking and alcohol abuse by Senator Tower during the 1970's.

It goes on:

Senator Tower and his close associates and friends have conceded that Senator Tower had a drinking problem in the 1970's. Even the administration has acknowledged that the nominee had a pattern of excessive drinking during this period. There is substantial evidence that this pattern continued in the 1980's.

So it is a little bit of an exaggeration to leave the record stating that nobody can show that Senator Tower had any drinking problem ever. Senator Tower, himself, says that he did, and that is to his credit. As anybody knows who has dealt with people who have a drinking problem, or other abuse problems, the first step to solving it is to admit it. Senator Tower has done that.

Let me point out, also, Mr. President, in reference to retired military people an organization known as High Frontier. The director is Lt. Gen. Daniel O. Graham. He was critical of Mr. Tower because of his failure to be strong enough, as the nominee for the Secretary of Defense, on the strategic defense initiative. He also had some other reservations.

I want to read a letter that he wrote to Jack Rosenthal, the editor of the New York Times, dated February 20, 1989. This letter indicates that there are a few retired officers from the military who have some real qualms here. The letter reads:

DEAR SIR: Your story on the John Tower confirmation issue (18 Feb. 1989) left the impression that while I am concerned with Tower's lukewarm position on SDI, I have no problem with his personal reputation. That is not the case.

I am very much concerned with Mr. Tower's reputation for drinking and womanizing. No officer in any of the military services would expect to be promoted if he had such a reputation. Any ranking officer that acquired such a reputation could expect to be asked to resign.

Senators should consult some retired military leaders on this matter before they vote on Mr. Tower's confirmation. Every retired officer with whom I have discussed this matter agrees with me that Tower's confirmation as Secretary of Defense would be a serious detriment to the morale of the officer corps of the Army, Navy, Air Force and Marines.

This is not to say that all military leaders are sober and chaste. Far from it. But the officer corps has yet to lower its standards to the point where Mr. Tower's reputation would be tolerated.

President Bush has certainly proven his loyalty to a political ally—it is time that ally proved his loyalty to Mr. Bush by withdrawing. Mr. Tower should realize that the sensationalist sector of the press will never let the issue of his personal reputation die, a fact that will severely damage his effectiveness as Secretary of Defense.

Sincerely,

DANIEL O. GRAHAM,
Lieutenant General, USA (Ret.)

Mr. President, there are always two sides to every story and certainly that is what this debate is all about. This debate should insure that all sides are exposed, all questions are asked, and all information made available.

Mr. President, when the Senate votes on the nomination of John Tower to be Secretary of Defense, I am going to vote against the nominee. After careful deliberation and consulting with President Bush, I cannot in good conscience or without serious reservations, support this nominee.

In the context of deciding on this vote, one standard that we should consider is the importance of the position of Secretary of Defense and Senator Tower's suitability for this post. The responsibilities of a Secretary of Defense are highly unique and vastly different from any other Cabinet post. We should seek, and the American people deserve, a candidate who is highly qualified, morally and ethically

sound, and capable of leading the armed services of this great Nation.

Reasonable people might disagree on this vote. I understand that. But in regard to Senator Tower's personal conduct, discretion, and judgment, we should carefully review the substantial and corroborated evidence on the nominee's character and attitude toward the use of alcohol and the treatment of individuals. This is a highly sensitive and extremely important post. We must not have doubts, hesitations, or reservations. We cannot take a chance on this vote.

There are three basic reasons why I believe Senator Tower is not the proper person for this sensitive position in these critical times. It is the cumulative influence of all three factors that preclude me from supporting this nominee. I will expand more on these reasons throughout the statement.

First, I am deeply concerned about the appearance of a conflict of interest and the ethical propriety of Senator Tower moving quickly from U.S. arms negotiator to defense consultant for numerous corporations. In testimony before the Armed Services Committee, Senator Tower said he provided "information on the implications of our arms control negotiations on future product development." This is from the report. This perception erodes needed public confidence in the integrity of Government service. I have a judgment to make—I think this is wrong. Americans deserve better in a Secretary of Defense.

Second, we are faced with a defense procurement scandal, Project Ill Wind, sweeping through the Pentagon right now. We need reform in acquisition and placement strategy. The American public will not support a Defense Department which participates in highly suspect procurement practices. Also, we may have to vote for some prudent cuts in defense spending, especially on programs which do not show promise for the future. This demands public confidence and support. As this nomination has dragged on over 3 months, Senator Tower is not the right person to lead the Defense Department through these difficult times in my judgment.

Third, I believe that Senator Tower has not exhibited the prudent judgment and sound decisionmaking demanded of a Secretary of Defense. His general demeanor has demonstrated a lack of respect for individuals. This can be pronounced when it is combined with an abuse of alcohol. His attitude toward alcohol would erode morale and leadership, critical ingredients for the role of Secretary of Defense, as pointed out by Lieutenant General Graham.

The responsibilities of this post are unlike those of any other Cabinet official. The Secretary oversees the largest budget of any department, directs our Armed Forces, and manages our national security. We should apply stringent standards to any and all nominees to this post. Let me cite an example of the Secretary's responsibility under the law as contained in title X of the United States Code, section 113:

> The Secretary is the principal assistant to the President on all matters related to the Department of Defense and is subject to the direction of the President. He has authority, direction, and control over the Department of Defense.

In section 162 goes on and says:

> In regard to the chain of command, unless otherwise directed by the President, the chain of command to a unified or Combatant command runs—(1) from the President to the Secretary of Defense, and (2) from the Secretary of Defense to the Combatant command."

Mr. President, day or night, 365 days per year, we are relying on the prudent and sound judgment of this Secretary to advise a President on a potential crisis. This could be a situation similar to the bombing of the Marine barracks in Beirut, the invasion of Grenada, or a scenario involving nuclear confrontation with terrorists or a Third World country.

The Secretary, in addition to exemplary qualifications, judgment, and personal conduct, must set the highest examples in leadership for the men and women of the Armed Forces. Let me cite an example of the enlisted requirements for the Army, under the direction of the Secretary. According to Army regulation 40-501, Standards of Medical Fitness, chapter 1, section 2-35:

> The causes for rejection for appointment, enlistment, and induction are—drug abuse characterized by—
>
> Alcohol abuse—Repeated use of alcoholic beverages which leads to misconduct, unacceptable social behavior, poor work or academic performance, impaired physical or mental health, lack of financial responsibility, or a disrupted personal relationship within 1 year of examination.

These are stringent and demanding criteria. I am sure that the Marines, Navy, and Air Force requirements are equally as vigorous as the one I just read. In demanding our recruits to excel, we must be equally demanding of our leaders. These are not capricious and arbitrary standards that have been set up. These are specific and enforced Army regulations.

These are not double standards practiced by Congress. Members of Congress are often defeated for reelection for some of these very reasons. We are scrutinized, evaluated, and judged in political campaigns.

We have to answer these questions, and we do it every 2 years or every 6 years as the case may be.

Senators should rely on their firsthand knowledge of Senator Tower as well as the FBI report to evaluate his activities and character. The White House has said that the report shoots down allegations against Senator Tower. The ranking Republican on the Armed Services Committee, the distinguished Senator from Virginia, Senator WARNER, said that reasonable people can draw different conclusions from that report. He is absolutely correct, and I agree with the Senator from Virginia.

We should be able to make determinations based upon the entire record. The American people should be able to read a sanitized version of this report and decide whether Senator Tower meets the criteria for Secretary of Defense.

I feel certain that if this report were made available, the public would be outraged that this Senate is considering confirming him as Secretary of Defense.

I think that if this report were released—and I hope the President, the minority leader and Mr. Tower will agree to release it—that many who so bravely come to defend Tower's nomination would back down. I believe they would be ashamed to defend such a report.

Make no mistake, Mr. President, the FBI report and the majority and minority reports contain specific corroborated evidence of wrongdoing and poor judgment by the nominee. It is there and it is in black and white. Yes, there is a lot of other material to be read. But I challenge anybody to let that record be shown here in its entirety. Only then can we see how strong or weak the support is in favor of this nominee.

If anyone wants to overlook such evidence, that is their judgment. I respect that. We all have to make subjective decisions. But no one who has read these reports can say that there is no substantiated evidence relating to John Tower's conduct.

That report covers a massive sort of different allegations, some substantiated and some not, and some very positive things about Senator Tower. These include statements from relatives, former relations that he has had with men and women in the military and out of the military that are very positive. It also has some very strong statements from some political people on the same side of the aisle as Senator Tower that will just shock you if you take the time to read it. If then, you conclude that this man should be Secretary of Defense, I will strongly disagree.

This is why I challenge the supporters of Senator Tower to request President Bush and Senator Tower to authorize the release of that report today. We must inform the public of what has been said. We must allow the public to judge with us now because, as we have all seen the last few days, everybody wants to point the finger at

the report whenever they do not like what is in it. They also point at it if they do like what it is in it. And we are all paralyzed here because that report is locked up under executive privilege.

The President asked the chairman of the Senate Armed Services Committee and the ranking member to agree that it would not be released. They agreed. Now it is up to the President to ask them to let it be released. That is what is going to make the difference here. And that is what is going to change, in my judgment, what the people think of this nomination.

Mr. STEVENS. Will the Senator yield?

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may yield without losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Does the Senator know I have introduced a resolution to establish a bill of rights for nominees? We would refer this nomination back to the Armed Services Committee and then we would have a conference. Every witness you would want to hear, you call. Every witness that Tower wants to hear, he will call. We will have some cross-examination, and we will get it out on the record.

I do not believe in violating the concept of releasing FBI reports or files. It never has been done; never been done, to my knowledge. And the President has a reason for asking us to not release it, because the people that come forward to give comments to the FBI do it on a confidential basis.

It is up to each one of us to judge what is in that file. But I think in this instance we have established a new norm and we should take this back to committee and let us have what you want, let us put it out on the record, every one you want to come in and tell the public that John Tower did something wrong and have it be subject to cross-examination and I will be pleased to help with the cross-examination.

Mr. DECONCINI. I thank the Senator for that. I think that is a good idea. I also would be glad to participate in the cross-examination. Because in my judgment the only reason I think the case demands that we release that report is because we are constantly cited with that report. They say that there is nothing there. That it shoots down everything. And those on the other side know it does not.

The report is not in total opposition to Senator Tower, either. As I said, I read all the positive and negative things and I made my judgment that there is enough corroborating evidence. For somebody to stand here and say there is nothing in that report that is corroborated, there is nothing in there that is substantiated, is just not the case. And if we cannot have the report, how are we going to make a judgment outside of this body?

So it is time we stop using the report. We have the Senate report that is made available, a public report. You can read that, as I just read. Testimony in that, even from Senator Tower, indicated that he himself says he had a problem with alcohol in the 1970's.

Mr. SPECTER. Will the Senator yield for a question?

Mr. DECONCINI. I will yield, reserving the right to the floor.

The PRESIDING OFFICER. Without objection, the Senator yields for a question.

Mr. SPECTER. As the distinguished Senator from Arizona characterizes his view of the report, which is totally different from mine, you paint a very dark, really black picture. How can you say, then, that reasonable minds could differ on an interpretation of that report the way the Senator has characterized it?

Mr. DECONCINI. I will be glad to answer that. If you read that report as I read it and you find a host of information there of interviews that are very positive toward the former Senator from Texas, including his former wife, his first wife, including a number of admirals and the military people, including some business people. You have to take that and weigh that as I weighed it, and I think we all did. You also then have some allegations that are not substantiated.

I have read a lot of criminal reports and a lot of FBI reports as a prosecutor and as a Member of this body and you get what you can weigh and what you can throw out. It is not difficult to determine whether or not there is a witness or whether or not you should rely on this confidential witness. And you can even find out in some instances who they are if you want to go ask the White House, as some Members have.

Then you read the ones that are substantiated and you make your judgment. Different people can come to different conclusions. I came to a conclusion that there is substantiated evidence there, there is unsubstantiated evidence, and there is positive evidence. To me there is too much there to take a risk on this appointment.

Mr. SPECTER. I would ask this as a followup, if I may. The distinguished Senator from Arizona comments about how Senators ought to use their own knowledge, and on that I agree with him. I read that FBI file very differently than did the Senator from Arizona. My reading is that each one of the allegations really disintegrates on close analysis, just as the three examples have disintegrated when they have been brought onto this floor after newspaper leaks—the so-called ballerina, Sergeant Jackson, and the businessman from Arizona.

But the question that I have for the Senator from Arizona turns on our own experiences, the experience of the Senator from Arizona as well as the experience of the Senator from Pennsylvania, on seeing Senator Tower on the floor of the U.S. Senate on so many occasions.

The Senator from Arizona came here after the 1976 election. This Senator came after the 1980 election. I have tabulated the late night votes where Senator Tower was on the floor. From 1981 through 1984, there were 59 votes after midnight. There were 36 votes between 11 p.m. and 12 p.m., 44 votes between 10 and 11, 52 votes between 9 and 10.

To particularize them to a slight extent, on May 14, 1982, Senator Tower managed the Department of Defense authorization bill where there were votes at 1:11 a.m., 1:39 a.m., 3:04 a.m., 4:55 a.m., and 5:12 a.m.

On July 23, 1982, we had the tax bill. There were votes on that day at 12:43 a.m., 1:29 a.m., 2:07 a.m., 2:34 a.m., 3:02 a.m., 3:31 a.m., 4:10 a.m., 4:30 a.m.

I could repeat these times at great length.

I know that Senator Tower was on the floor on all of those occasions, as was I. And noting the excellent voting record of the Senator from Arizona, I believe he was on the floor at the same time, although I have not checked the Senator's attendance.

My question is this: In the light of these hundreds and hundreds of votes in the late evening hours or through the night, in the presence of the Senator from Arizona and in the presence of some 70, 80, 90 of our colleagues, is not the fact that not one Member of this body ever noticed Senator Tower under the influence of alcohol much more persuasive than even the characterization of the FBI file by the Senator from Arizona?

Mr. DECONCINI. Let me answer that question. That is the first time that question has been posed that I know of, whether or not he was under the influence or whether or not he was inebriated.

I have seen Senator Tower under the influence of alcohol, and under control, as I have seen other Members of this body.

So, if my colleague wants to know have I seen him under the influence of alcohol, the answer is "yes." I cannot give my colleague the date, but I have seen him right here as I have seen other Members.

Was he inebriated to the point he could not operate? The answer is no. But let me read, from the committee report in response to what the Senator asked. This is what the committee said regarding what Senator Tower said before the Armed Services Committee:

Senator Tower, and close associates and friends, have conceded Senator Tower had a drinking problem in the 1970's

He was in the Senate in the 1970's. I was not, but he was serving in the Senate. Well, I was in the Senate in the last part of the 1970's.

He himself admits that he had a drinking problem. As the Senator understands alcoholism, and I know he does, many people who have drinking problems do not admit it or carry it around with them in public for good reason.

Mr. SPECTER. Is the Senator representing——

Mr. DECONCINI. Please let me just finish. The FBI report goes further and cites some instances where he was reported after coming off the floor, and the Senator has to make his own judgment whether he thought those were substantiated or not. I concluded that some instances were and some were not.

Mr. SPECTER. Is the Senator from Arizona representing he has seen Senator Tower, either inebriated or under the influence of alcohol on the floor of the Senate—let me finish the question—so that he was impaired from performing his duties as a U.S. Senator?

Mr. DECONCINI. I just made it very clear and I will make it very clear again. This Senator has seen Senator Tower under the influence of alcohol, as he was seen by other Members. I have not seen him inebriated to the extent he could not perform his duties. I have said that for the second time for the Senator from Pennsylvania so that this is very clear.

Mr. SPECTER. Well, I think that is the critical factor.

Mr. DECONCINI. Mr. President, we must let the people decide, in my judgment, on this matter. The only way they are going to decide overwhelmingly, through their elected representatives, is if the FBI report is sanitized and made available to the public. Because this will turn the tide, in my judgment, without a question.

Why do so many fear the release of this report? I will tell you why. Because they know, as I do, what it contains. It is easy to defend or attack reports that are not available to be seen by all of the Senate or all of the public. We must accept the task of answering all the questions that the public now wants to know.

It has been brought out time and time again that the report contains nothing. The President said it shoots everything down. That is just not accurate.

Mr. President, I would like to comment in further detail on my reasons for opposing Senator Tower's nomination. First, I have reservations regarding his intimate connection with the defense contractors. Senator Tower was an arms negotiator for 13 months, participating in some of the most sensitive and delicate policy decisions. These decisions can directly affect military strategies, mobility, deterrence, and future arms control directives.

For example, with respect to mobility, defense contractors are extremely interested in decisions influencing the MX rail garrison and the Midgetman missiles. Advising these companies on probable outcomes of negotiations potentially influence various defense systems entailing millions of dollars. So we are not just talking about appearances. We are talking about reality, what Senator Tower told them.

The publisher of the Phoenix Gazette, Pat Murphy, wrote this article on March 2, 1989. I ask unanimous consent that these articles that I read here, along with General Graham's letter, be printed in the RECORD.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DECONCINI. The publisher of the Phoenix Gazette, Pat Murphy, wrote on March 2, 1989:

Can the U.S. taxpayer, plagued by defense contractor scandals and cost overruns, afford to have as the military procurement system's chief custodian a man who sold himself as a consultant for fees totaling more than $1 million?

Senator Tower received $102,860 from LTV Aerospace and Defense Co. in 1988 for monitoring developments on the C-FIN Program. He has completely recused himself from procurement matters and suspension matters on this program. He received $10,000 from Jeffords-McManus in 1988 to monitor developments on the McDonnell Douglas AV-8-B Harrier.

He has recused himself on suspension or debarment proceedings. He received $92,000 in 1988 from Martin-Marietta for his views on the implications of the INF Treaty and current START talks. He has recused himself from any disbarment or suspension proceedings. He has worked for Rockwell, Textron, and British Aerospace for thousands of dollars and recused himself on disbarment or suspension proceedings.

While members of the Armed Services Committee found that Senator Tower did not provide clients with classified information, they did conclude that this situation creates the appearance of using public office for private gain and casts doubt on his ability to command public confidence in the integrity of the Pentagon acquisition process.

This relates to my second concern: The confidence of the public and the confidence of people who work in the Pentagon. I have asked unanimous consent that the following editorials from the Defense News, Army Times, Navy Times, and Air Force Times, commentary in the Navy Times, editorial in the Washington Times, commentary on NBC News, editorial in the Arizona Republic, and article in the Phoenix Gazette be printed in the RECORD. I think they have already been introduced but I want to be sure they appear at the conclusion of my remarks. These articles, generally regarded as highly professional which are read and respected by the Pentagon, all call for Tower to step down. The Defense News wrote:

The principal task of the next Defense Secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent.

The Army Times wrote:

Though the charges against Tower may be unproven, they undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed, he is almost a caricature of how most people see the Defense Department, a kind of Mr. Military Industrial Complex.

The Navy Times wrote:

* * * the Senate has an obligation to vote down a nominee when sufficient questions of character are raised.

The Air Force Times put it simply:

John G. Tower is the wrong man for the job.

I ask unanimous consent to have printed in the RECORD at the end of my remarks a letter from Lt. Gen. Daniel Graham—retired.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DECONCINI. He wrote:

Every retired officer with whom I have discussed this matter agrees with me that Tower's confirmation as Secretary of Defense would be a serious detriment to the morale of the officer corps of the Navy, Army, Air Force, and Marines.

In testimony before the Senate Armed Services Committee, Mr. Paul Weyrich, a leading conservative Republican, said that Senator Tower should not be confirmed due to his lack of moral behavior and standards that we expect of a Secretary of Defense. These editorials, letters, and opinions are not partisan publications or representatives from the Democratic Party. This is not a political issue. It appears that politics and partisanship are being used to confuse this issue.

The fact that 11 Democrats on the Senate Armed Services Committee voted not to confirm him, that is political? The fact that nine Republicans voted to confirm him; that is not political? You cannot have it both ways.

If we are going to have a political fight here, then fine, we will have it. This Senator did not make his judgment upon the politics or partisanship.

Mr. President, the Senate, in its constitutional role of giving advice and consent on Presidential nominations, has not abused this task. Only eight

times since our country was founded has a Cabinet nominee been rejected by the Senate.

This is not abusing the privilege. My own record, for instance, on judicial nominees reflects overwhelming support for the President's nominations. During the first 7 years of the Reagan administration, the U.S. Senate voted on 249 judicial nominees under article 3. I voted for the President's choice 99.14 percent of the time. This Senator generally does not decide on political considerations.

We must oppose the President's nominee, and I think most Members here oppose it for some of the same reasons.

The American people are concerned about this particular problem. They are concerned about ethics in Government.

The Reagan administration had scores of officials leaving office under a cloud of ethical problems. Some were indicted, some convicted of felonies, some even served time; most were put on probation. President Bush declared a new time, a new era for ethics in Government.

At this time, 13 of the President's Cabinet nominees have been unanimously approved in the Senate. The only vote against Bush's nominee has been cast by a Republican.

I truly believe that President Bush is sincere about a new era for ethics, and I hope that he leads by example of his performance in public office. We should continue to seek to attract and recruit people for Government service who are not questioned, who are highly qualified, who exhibit moral and ethical leadership, who show judgment in decisionmaking and deserve the trust of the American people. We must not lower our standards. We cannot compromise our expectations. We should apply these qualities and expectations to the most sensitive of all positions in the Defense Department.

Mr. President, I want to rise for another reason here. I rise to commend both Senators, the chairman and the ranking member on the Armed Services Committee. These things are not enjoyable for anybody when you get into these ethical battles that we are proceeding with today. I think Senator WARNER, the ranking member, has conducted himself fairly. He has restrained from any innuendos or inferences toward the chairman, off the floor and on the floor. He deserves congratulations from this Senator.

Likewise, I commend the Senator from Georgia, the chairman of the Armed Services Committee. This man did not start out to sink anybody. He did not start out with anything but a proclivity to support the President's nominee. He did not go seeking to find out how he could undermine this nominee or this new administration. There were allegations, there were witnesses, there was testimony brought to his attention, and he had to face it. He had to face them as anybody in this body should, in an objective manner, consulting with his ranking member, and he finally had to make a judgment based on his conscience. I respect his judgment. I respect the ranking member's judgment also. I know they both have struggled with this issue for a long period of time in coming to their conclusions.

We will all get over this. We have been through these things before. Some people say, "Oh, my goodness, what is happening to the U.S. Senate? Are we ever going to get over this burden that we are thrusting upon ourselves?" Yes, we will because we understand what this body is all about. We understand life goes on in and out of the Senate, and we will continue.

I commend Senator NUNN for his leadership and the integrity he has exhibited as chairman of the Armed Services Committee during these proceedings and to this date. This nomination has dominated his schedule for the past 3 months and he has shown patience; he has shown fairness; and he has shown careful deliberation. My colleague from Arizona was quoted as saying he is a very moral man. Indeed, he is. Due to his force of intellect and his attention to detail, he has delayed votes in the committee in order to assure that all the members had all the facts before making a decision on Senator Tower's qualifications.

Some may disagree with Senator NUNN's final decision on President Bush's nominee. Some may debate the Senate's institutional role in considering Cabinet officials, whether or not we should rely on FBI reports, whether or not we should do our own internal investigations and exclude the FBI. Others may editorialize that the standard of conduct for Cabinet nominees has become purely a partisan political struggle, as the Washington Post speculated.

However, recently, the Wall Street Journal reprinted an article from a December 4, 1972, edition of the Atlanta Journal. This article recounted a traffic accident Senator NUNN experienced on October 31, 1964. This accident occurred 25 years ago, and no one was hurt. It involved a car driven by a young lawyer by the name of SAM NUNN and a parked car. The Wall Street Journal went on to write an editorial which directly implied that Chairman NUNN has double standards and says, "Washington has developed a new gutter standard when considering Cabinet appointees." That is hogwash, and we all know it. I believe the Wall Street Journal descended to the tabloid-type journalism with this type of unwarranted attack on Senator NUNN's judgment and character. This incident is not relevant to the Tower nomination, nor is it relevant to what a fair and thorough paper like the Wall Street Journal ought to report.

The columnists in the Washington Post analyzed and rationalized reasons for the Armed Services Committee vote. The Wall Street Journal dug up a 25-year-old traffic fine. Even candidates running against Senator NUNN in Georgia did not bring this incident up because it was not worthy of mention.

Mr. President, Senator NUNN has performed magnificently. Some might say; "Wait a minute," or maybe they will not say this. I hope they will not. I should not speculate on things out here that would not normally come. Some may say we can certainly question Senator NUNN about 25 years ago if we are going to take a witness who said they saw Senator Tower in certain conditions 17 years ago, and I say we are not here debating Senator NUNN. But I would be more than happy to match his character against that of the nominee, Mr. Tower, anytime, anyplace, FBI report or not, because they are two different people.

We have a record of criticism here of a former Senator. I take that seriously. I understand the rules here. I understand what we do and try to do for each other, and I have no problem with that in the general sense. We do our level best to be objective with our colleagues presently serving and those who have left.

On occasion, when a Member has been criminally under siege here, I think we have acted responsibly. Maybe the Member who is no longer serving with us has not. I believe we have. The Ethics Committee takes seriously the questions they ask. Though they are criticized now and then from the press that this is an internal operation to protect its Members it is not. The Ethics Committee consists of people who did not volunteer for the job. The Senator from New Hampshire is one of those standing on the floor right now. They take it very seriously and sometimes each Senator can hold different views. It is up to each individual Senator to decide.

That is the issue in this case. Each Member individually has to reach a judgment here. I respect those who come down on the other side. I am not going to argue a case after this is finished why they did that or why they did this. But this Senator searched hard and considered all the information. This Senator would have liked to have supported the President's nominee here. I talked to him about it at some length.

I always begin with the presumption that the President is entitled to his nominee and that there must be substantive evidence, there must be compelling reasons to come to a conclusion

that the President ought not to have his nominee. As a lawyer, I understand this presumption and I think I understand the burden of proof. I would only reiterate, the burden of proof is in the FBI file. It is overwhelming. It ought to be made public and, I dare say, if it is made public, there will be little more debate on the issue. I thank the Chair.

EXHIBIT 1

[From the Defense News, Feb. 6, 1989]

TOWER SHOULD STEP ASIDE

Mr. John Tower should withdraw his name from consideration to be defense secretary of the United States. It would be a service to the country and to the president. Withdrawal would be the act of a seasoned politician who understands that the best interest of the nation sometimes require personal sacrifice by those who would help lead it.

Withdrawal is necessary because the record of Mr. Tower's professional life raises substantive doubt that he can perform with utmost effectiveness at a time when defense priorities and the Defense Department each are undergoing periods of vital, but delicate, change.

The nation's ability to mount a robust defense depends, over the long term, on the support of the American people. Support for defense spending is declining. The public is raising legitimate questions about the relationship between the Defense Department and the defense industry. Further, defense no longer is the nation's top priority as was the case in 1981 when President Reagan accelerated the defense buildup begun by his predecessor. Today, defense is one of a number of national priorities, which include reduction of the federal deficit and improvement of the nation's trade balances.

What is needed is a defense secretary with the political skills to raise public confidence in the Pentagon and the acquisition process. He should have the vision to unite NATO's quarrelsome allies and address their changing and diverging defense priorities in light of Soviet leader Mikhail Gorbachev's entreaties. The new secretary must possess the diplomatic and leadership skills to build an international consensus for the president's defense agenda.

While in the Senate, Mr. Tower earned a reputation as a tough, abrasive deal maker. Even his allies do not characterize him as one much interested in the opposing views of others. He demonstrated little interest in improving the acquisition system or in balancing the appetites of former Defense Secretary Caspar Weinberger with other, equally important, needs of the nation.

But it is his job since 1986 as a defense consultant that is most troubling. In about two years, Mr. Tower earned $1 million as a consultant for Rockwell International, Martin Marietta, LTV, Textron, British Aerospace, Astrotech and Hicks and Associates, a consulting firm that advises, among others, the Northrop Corp. These firms are makers of the B-1 and B-2 bombers, the MX and Midgetman missiles, and a wide array of the Pentagon's most important conventional weapons.

Sen. Sam Nunn, chairman of the Armed Services Committee, summarized the issue this way: "Frankly, the difficulty here is not the fact that you have worked for a defense contractor or been a consultant" but that Mr. Tower represented "five or six or seven of the major corporations . . . If you were to [excuse] yourself from [Pentagon discussions involving] all of them, you couldn't be secretary of defense . . . We have a perception problem. The question of conflict is one that usually relates to continuing financial interests. The other is perception . . . I know you to be an honest person. But I do worry about the perception."

The senator worries because he knows that today's public perception is tomorrow's political reality. That is why President Bush established ethics in government as a priority of his administration. After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself.

The principle task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

[From the Army Times, Feb. 13, 1989]

TOWER SHOULD GO

John Tower should withdraw his nomination to be the next secretary of defense.

Out of concern for the military, which the former Texas senator clearly loves, he should step aside. Tower's public position has been so compromised by the agonizing process by which he was nominated and is being confirmed—as of this writing the Senate Armed Services Committee has postponed its vote on the matter—that he cannot be the strong spokesman the Defense Department needs now.

We are reluctant to pass judgment on Tower's character per se. It takes a judge with more moral clarity than we would claim to reach a definitive verdict on the charges of womanizing and high living that have surfaced along Tower's troubled road to the Pentagon post. Edward Kennedy has survived much more serious charges to serve a long term in the Senate. Are the standards for a defense secretary so much higher than for a senator?

More troubling and more at issue is Tower's position as a consultant to defense contractors. No one has claimed Tower acted illegally in receiving big fees from defense firms in return for what, by Tower's own description, was precious little real information. But the speed and greed which spun through the revolving door is appalling.

Though the charges against Tower may be unproven, they undeniably create the impression of a man much too cozy with the Pentagon's worst ways of doing business. Indeed, he is almost a caricature of how most people see the Defense Department, a kind of Mr. Military-Industrial Complex.

Balancing this is the "Nixon-goes-to-China" argument. That is, Tower will be able to tame the Pentagon's wasteful ways and make reforms stick because he is a such a long-term supporter of the military. In his confirmation hearings, Tower said, "I understand we must live within constraints. I am not such a mindless hawk that I would come to you and ask you for a substantial increase in defense expenditure when I know it is not going to happen."

Tower recognized that he would be viewed with suspicion in asking for defense increases. But how then can he credibly support the current defense budget, which calls for a 2 percent real increase in spending? And how can he make the argument—which needs desperately to be made by someone—that national security may be more important than this year's Gramm-Rudman number? The United States is about to enter the two most important arms negotiations in history and needs to stick to its guns to reach a successful conclusion.

And to maintain a national consensus on military spending, the Pentagon badly needs to have its image resurrected from the Gologotha where spare parts scandals and Operation III Wind and pique at our allies and many other problems have marooned it. Is John Tower the man to do that?

Alas, no.

It seems cruel to deprive a man with the skills to do a job he desperately wants to do of the opportunity to make good. And we may be making a moot point, as the Senate seems intent on confirming Tower come hell or high water.

But George Bush, who says he cares deeply about ethics in government, might want to reconsider. The president's sense of loyalty may be too strong.

Or Tower may summon personal courage of his own—it would take uncommon courage to refuse now the job he wants so much—to step aside. It might be the best help he can give to his friends in the military.

[From the Navy Times, Mar. 6, 1989]

THE TOWER VOTE

President Bush gambled and apparently lost on the nomination of former Sen. John Tower to be secretary of Defense. The Senate Armed Service Committee sent the nomination to the Senate floor with a recommendation not to confirm.

The vote split along party lines—11 Democrats against Tower, nine Republicans voting in favor of their former colleague. If the partisan pattern holds, the nomination will be defeated in the Senate where Democrats hold a 55-45 majority.

Critics of committee chairman Sam Nunn, D-Ga., say with some bitterness that he allowed rumor and innuendo about Tower's social life to rule the day. They suggest that Nunn had his way with Defense when Frank C. Carlucci was secretary, and now he bristles at the thought of so formidable an adversary as Tower taking over that post.

Those charges themselves seem the fruit of politics and bruised egos. As *Navy Times* went to press, no version of the FBI investigation into Tower's personal habits had been released. The public has no way to assess the material that swayed Democratic conservatives like Nunn and Sen. John Glenn, D-Ohio, to vote against the nomination. But Sen. John Warner's observation that reasonable men can disagree on the implications of the FBI reports is no ringing denunciation of Nunn's leadership on this issue.

Both Nunn and Tower care deeply about national security and those serving in the armed forces. Tower served with distinction in the Senate for 24 years. He's been a strong supporter of the Sea Services. As a master chief in the Naval Reserve, he holds a special affection for the Navy.

But the Senate has an obligation to vote down a nomination when sufficient questions of character are raised. All those investigations were opportunities to allay the Democrats' concerns. They did not.

The vote in committee came down to two issues. The first is whether Tower is a good choice to handle the tough decisions ahead for defense. He has the brains and background to handle the job.

The second, however, involves leadership, and that includes personal habits. "Will we demand less of our secretary of Defense than we do of our people in uniform?," Glenn asked.

We shouldn't. And military people need to know we won't. The Defense secretary should be, and should be known to be, a man of upstanding character. President Bush should nominate another to lead the Defense Department.

If he does not, the full Senate should reject the nomination.

[From the Air Force Times, Feb. 20, 1989]

NOT TOWER

The armed forces are under great pressure. They are being forced to find ways to hold down spending without endangering the nation, and they must rebuild public trust in the flawed procurement system. To do this, they need a strong, widely respected leader.

John G. Tower is the wrong man for the job.

Let's set aside for the moment the questions that have been raised about his drinking habits and his relationships with women. And let's even assume that the most recent FBI investigation into his financial affairs yields no evidence of illegality. There are other, compelling reasons Tower should not be secretary of defense.

It is clear that defense spending will be constrained and that the secretary of defense will have to engage in intricate and delicate negotiations with Congress and within the executive branch. To assure that the resources devoted to defense are adequate, but not excessive, the nation needs a Pentagon leader who is credible.

Tower is not. He has accepted more than three-quarters of a million dollars in payments from U.S. defense contractors for various consulting services he has rendered to them since he retired from the Senate.

In testimony before his former colleagues, he has offered to "recuse" himself—that is, not be involved in—certain decisions involving projects with which he was directly associated. But that is not a feasible solution. It would mean, in effect, that every time such a project required a decision by the secretary of defense, he would have to leave the room. That's no way to run the Pentagon, especially now, when excruciatingly difficult decisions must be made. There is too much at stake to allow vital decisions to be handled by underlings because the secretary of defense's chair is empty.

Unfortunately, Tower's lack of credibility is not limited to issues on which he worked as a consultant, and that is the most significant problem.

Tower is so closely associated with the defense industry that many people will question virtually any statement he makes on defense issues. His supporters argue that Tower knows defense issues and he knows Congress. That is true. But this knowledge is worthless if it is perceived to be tainted by bias.

Why should the people of the United States accept as the leader of their defenses a man whose effectiveness has been impaired by his past? Surely there is one person among the 250 million Americans who is both qualified to be secretary of defense and unfettered by ties to the defense industry?

Tower's nomination shows poor judgment by President Bush. It should be withdrawn. Failing that, it should be rejected.

[From the Navy Times, Feb. 20, 1989]

TOWER APPOINTMENT WOULD SET WORST POSSIBLE EXAMPLE

(By Harry G. Summers, Jr.)

"How can I justify my title of Honest Old Abe with the appointment of a man like Cameron?" lamented President Abraham Lincoln of his secretary of War, Simon Cameron, a Pennsylvania politician who was so splendidly and notoriously corrupt that even Congress took notice and voted him a formal record of censure.

"Honest Old George" Bush may well find himself asking the same question if the Senate Armed Services Committee votes to confirm former Sen. John Tower as secretary of Defense and the full Senate concurs in that nomination. Unlike Simon Cameron, John Tower has yet to be accused of selling diseased horses to the cavalry (perhaps because there's no horse cavalry around anymore), but "Jumpin' John" Tower has been publicly accused of being a drunkard, an adulterer and an influence peddler to the tune of three quarters of a million dollars from various and sundry defense contractors.

Whatever the fire underneath all the smoke that has been raised over the Tower nomination (and some flames—the specifics of the alleged influence peddling, for example—have emerged already) he is a strange candidate for a president who ostensibly "sought out individuals of the highest integrity" to serve in his Cabinet, and who has insisted that he would tolerate "not even a perception of wrongdoing" in his administration. Nowhere are such moral standards more important than for the secretary of Defense.

For one thing, along with the vice president and the secretary of State, the Defense secretary is a statutory member of the National Security Council, which Bush has pledged to revitalize as the nation's power center on matters of war and peace. Here, where the survival of the world may well hang in the balance, a clear head unfogged by alcohol or excess is essential.

For another, the secretary of Defense manages a multibillion-dollar budget already under attack on charges of fraud, mismanagement and corruption. In Tower's case, that aspect of his duties has already been compromised to some degree by the $763,777 he raked in as "consultant" for defense contractors while he was out of office.

Whatever the legality—and Washington's "sleazoid" lawyers can prove anything legal if the fee is right—the ethics of the matter are odious enough to call into question Tower's credibility as an "honest broker" when it comes to matters of Defense Department procurement and acquisition. But that's not the main reason his appointment is so wrong.

The worst aspect of this appointment is the message it would sent to the men and women of our armed forces. It is not generally recognized that, thanks to the ill-conceived restructuring of our defense establishment after World War II, the secretary of Defense is not only the equivalent of the former Cabinet-level secretary of War and secretary of the Navy, he is also the operational commander of the armed forces, in effect the general-in-chief and admiral-in-chief of the Army, Navy, Air Force and Marine Corps. As with any military commander, the secretary of Defense sets the moral standards for those subordinate leaders under his command.

There is an abominable irony in the fact that the Senate would even consider for the post of "general/admiral-in-chief" an individual who—if guilty of the behavior alleged to Tower—would be rejected outright (in fact, not even considered) were he a serving military officer in the zone for promotion. The truth of the matter is that if Tower were a colonel, he might long ago have been cashiered.

While drunkenness and womanizing are no more unknown in the military than they are in civilian society, in the military they are far less condoned when brought to official attention. Over the years any number of generals, admirals and other senior officers have been quietly called on the carpet for such misbehavior and told to retire or face a military court-martial. Especially in recent years there has been a severe crackdown on alcohol abuse and sexual harassment throughout the services.

To appoint as secretary of Defense one accused on national television of chasing his secretary around the desk and tugging at her skirt, allegedly in a drunken stupor, while serving in Geneva as the arms control representative of the United States, not only makes a mockery of such crackdowns, it sets the worst possible example for the leaders of America's sons and daughters now serving in our armed forces.

As a father and a grandfather, and especially as America's commander in chief, President Bush ought to be ashamed of himself for nominating such an individual in the first place, and so should the members of the United States Senate if they allow this nomination to be confirmed.

[From the Washington Times, Mar. 1, 1989]

TAKING THE PLEDGE, WITH A LIMITED WARRANTY?

(By Harry Summers)

Looking right into the camera on ABC television's "This Week With David Brinkley" last Sunday and keeping a straight face the whole time, former Sen. John Tower took the pledge to abstain from alcohol and backed it up by swearing, "I've never broken a pledge in my life." Sure.

If one of his former wives and those who served with him in Geneva are to be believed, he obviously was not talking about the solemn pledge of fidelity he made during his wedding ceremony. And he could not have meant to include his earlier pledge not to peddle his influence as chairman of the Senate Armed Services Committee to defense contractors once he was out of office.

This seems to be strictly a limited warranty pledge, and a pathetic one at that. Here was a man aspiring to operational command of America's armed forces throwing his dignity to the winds and swearing to a nationwide audience that he would give up "demon rum" for the duration. Even Carry Nation's credulity would have been strained, for the performance had all the sincerity of a sinner anxious for a handout taking the pledge at a temperance rally. All that was needed was Sam Donaldson laying on hands and a Salvation Army band in the background belting out "Put a Nickel on the Drum, Save Another Drunken Bum . . ."

It was only a month ago that Mr. Tower was pledging that one of his "overarching objectives" was "to restore public confi-

dence in the Department of Defense." Instead, what he has succeeded in doing is undermining public confidence not so much in the Pentagon but in the White House and Capitol Hill.

Mr. Tower has certainly done President Bush no favors. Like Abraham Lincoln, who appointed Pennsylvania politician Simon Cameron as secretary of war to pay off a campaign debt, Mr. Bush understandably nominated Mr. Tower to be secretary of defense. But unlike Mr. Lincoln, who shipped Mr. Cameron off as ambassador to Russia once his true character was revealed, Mr. Bush has stood by his man. White House toadies no doubt have convinced Mr. Bush that he's demonstrating loyalty, in contrast to President Carter, who ran for cover whenever any of his appointees got into trouble.

But what Mr. Bush is really doing is convincing the American people that he doesn't have enough backbone to enforce his own pledge to "seek out individuals of the highest integrity" to serve in his Cabinet. Today those fine words are seen as just so much political hogwash.

By this time common sense should have told Mr. Bush that when it comes to a floor fight to confirm Mr. Tower, even if he wins, he loses; for if Mr. Bush wins he'll be stuck with what many perceive to be a moral degenerate in his Cabinet. No matter how many pledges Mr. Tower makes, one thing he will never be able to do now is "restore public confidence in the Department of Defense."

And by continuing to support Mr. Tower, Mr. Bush has done Senate Republicans no favors, either. By making the nomination a test of party loyalty, Mr. Bush has not only compromised his own integrity, he has forced Republicans in the Senate to compromise their integrity as well. One might suppose it would be liberal Democrats like Ted Kennedy defending Mr. Tower's "swinger's rights," while conservative Republicans like John McCain fought for a restoration of moral standards—but instead the arguments have to be reversed.

When the best argument the Republicans can muster in support of the Tower nomination is that one shouldn't "undermine the presidency," it should be clear to all concerned that Sen. Sam Nunn not only has the votes on his side, he and his fellow Democrats occupy the moral high ground as well.

One reason this point is not as plain as it might be is that some in the media have denied that a moral high ground exists. According to them, morals and character have no place in determining fitness for public office. Citing past presidential peccadilloes as evidence (peccadilloes that some of these "reporters" helped hide from the American people), they deny any connection between private and public behavior. Such attitudes merely confirm the American public's suspicions that the media are so jaded and debauched that they have lost the commonsense ability to tell right from wrong.

But if the issue is properly addressed, telling right from wrong is not difficult. Military officers traditionally use a simple test to judge the fitness and suitability of superior officers, a test that could cut through all the double-talk and hypocrisy that now surrounds the Tower nomination. The question is not "Could I serve in his unit?"—for most believe they could take care of themselves in the worst of circumstances. Instead they would ask the much tougher question, "Would I want my son or daughter to serve under his command?"

If you want to know whether John Tower, pledges and all, should be confirmed, imagine your son or daughter is assigned to the office of the secretary of defense. The answer will be apparent.

JOHN CHANCELLOR NBC NEWS "COMMENTARY" RE: TOWER NOMINATION, MARCH 1, 1989

It's an old and honorable tradition in America that the military doesn't get involved in politics. So we've heard nothing about John Tower from the people who may have to work for him in the Pentagon and the armed forces. But if these men and women can't get into the Tower debate, there is a chain of newspapers that speaks to them and sometimes for them: the *Army Times*, the *Navy Times*, the *Air Force Times*, and *Defense News*, four influential publications read throughout the military, each with its own editorial policy. All are opposed to the nomination of John Tower.

The editorial in *Defense News* says that Tower should withdraw because of his work as a consultant to some of the biggest defense contractors, companies that produce, among other things, the B-1 bomber, the B-2 bomber, the MX missile and the proposed Midgetman missile. Senator Tower says that when contracts involving his former employers come up, he may take himself out of the bargaining. *Defense News* says if he takes himself out, he can't be a full-time Secretary. If he is involved in the bargaining, there will be questions about conflict of interest. Either way, Tower has a problem just when the Pentagon needs a boss who will be popular and persuasive with the Congress and the country.

Publications serving the Defense Department, the Army, Navy and Air Force should know more than most about who should be Secretary of Defense, and when they *all* come out against John Tower, you've got to pay close attention.

[From the Phoenix Gazette, Mar. 2, 1989]

TOWER DOESN'T DESERVE PENTAGON POST, BUSH'S LOYALTY

(By Pat Murphy)

Were he capable of shame, John Tower would be mortified by the burden he's creating for President Bush, for the U.S. military and for the perception of the United States among our friends.

Tower, however, is a man whose ambition clouds his judgment. It was obvious again when he literally groveled on national television with his pledge to practice total alcoholic abstinence. It was apparent he would do anything, promise anything to become secretary of defense.

But confirmation seems in doubt.

And why not?

The former U.S. senator from Texas seems to lose ground each day by contributing to the perception that he's a man of practiced slipperiness and guile.

For example, recall what he said Sunday, in vowing to never allow beverages with spirits to cross his lips.

He did not say he absolutley would forgo drink.

What he said was this:

"I hereby swear and undertake that if confirmed, during the course of my tenure as secretary of defense, I will not consume beverage alcohol of any type or form, including wine, beer or spirits of any kind."

Tower's qualifier—"if confirmed"—was his way of trying to make a deal for the job, while maintaining an out to return to old habits if he is not confirmed.

Pledges of abstinence notwithstanding, can the free world's most powerful military establishment afford to have at its helm a man who admits to drinking himself into drunkenness as recently as a decade ago, and who even at this hour places conditions on his abstinence?

Can the U.S. taxpayer, plagued by defense contractor scandals and cost overruns, afford to have as the military procurement system's chief custodian a man who sold himself as a consultant to defense contractors for fees totaling more than $1 million?

If he becomes defense secretary, would Tower excuse himself from passing judgment on any procurement matters involving industrial clients he served as a consultant, thus turning over some of his principal responsibilities as defense secretary to subordinates?

And what of the service men and women in the field, serving under the command of a defense secretary whose drinking habits have been an issue? Could any force of workers, civilian or military, be expected to function with any pride in the service of a principal executive whose sobriety and judgment is in doubt?

President Bush's loyalty to Tower is rooted in mystery. John Tower does not necessarily tower over all others as an expert in defense matters. The controversy broiling around him, and the causes of the controversy, point to weaknesses of character that raise questions about whether he could bring clarity of thought, uncluttered vision and unquestioned discipline of character required of this important post.

Barely a month into his administration, President Bush finds himself stubbornly defying by example the very excellence he said he would seek in his White House years.

And what would lie ahead were Tower in the Cabinet, and the man in charge of deploying military force to danger zones of the world?

His personal life, his sobriety and his potential conflicts of interests with defense contractors who formerly bought his services would be a focus of continuing public concern and discussion.

President Bush has vowed to go down fighting for Tower's confirmation. That is a sizable statement of confidence in Tower that might well return to haunt the president.

Aides, however, would serve their president and the interests of his administration (which are the shared interests of the country) if they could persuade Tower to withdraw.

It would end an exhausting fight that has brought ruin to the bipartisanship the president insists is important to his goals, and it would clear the way for a defense secretary choice who could instill unquestioned pride and esteem in the huge military establishment that requires excellence in character.

Indeed, simply exhausting the opponents into submission might win President Bush the confirmation battle, but ultimately cost him victory in large engagements.

[From the Arizona Republic, Feb. 26, 1989]

THE TOWER MESS: BUSH HONEYMOON ENDS

Doggedly loyal to the last, George Bush vows to take the fight for John Tower to the floor of the Senate, where Democrats outnumber Republicans 55 to 45. His kinder, gentler relations with Congress, it appears likely, shortly may come to an end.

If this were a partisan split, as might be inferred from the party-line vote on the Armed Services Committee, the president might be excused an obdurate defense of his choice for secretary of defense. But the partisan analysis, so study in appearance, crumbles at the touch.

Sen. John Warner, a Republican known to doubt Mr. Tower's fitness, bowed to White House pressure. The same probably is true of other Republican loyalists, lobbied intensely by the White House. Moreover, the motives of Sens. Sam Nunn and Albert Gore, boll-weevil Democrats committed to bipartisanship, are hardly to be questioned.

Early in the week, after the FBI had filed its report on Mr. Tower, President Bush asserted that the nominee had been exonerated. Others, including a few Republican members of the Senate, saw things differently.

The womanizing charge had not been nailed down with anything like specificity. Even the drinking allegations seemed shopworn, dating from the '70s when Mr. Tower's marriage was fast disintegrating.

But even when the charges of carousing were set aside, a sizable residue of doubt remained. These related mostly to Mr. Tower's close and puzzling relationship with defense contractors, from whom he had derived a high six-figure income for services that, despite close questioning of the nominee, remained obscure.

Sen. Carl M. Levin summarized the nagging doubts about Mr. Tower's scruples, recalling that the nominee had been an arms negotiator in Geneva in 1985 and 1986, at which time he was intimately familiar with the nation's most highly classified weapon systems.

"He left those ongoing talks," Mr. Levin remarked, "and became a consultant to companies involved in producing those same systems, and part of his job description included advice on the probable outcome of those talks. Sen. Tower said he saw no bad appearance in the type of activity he undertook. I do."

So do a good many others. President Bush has laid down the most stringent ethics guidelines for members of his Cabinet, requiring them to avoid both the conflict of interests and the appearance of impropriety. Several Cabinet members—Labor Secretary Dole, Secretary of State Baker, Treasury Secretary Brady—have had to sell stock or establish blind trusts. Yet the Senate was asked to close its eyes to Mr. Tower's quick shift from arms negotiator to arms consultant.

No one can question Mr. Tower's indefatigable efforts on behalf of the Bush-Quayle ticket in Texas and elsewhere. Such services deserve to be rewarded. But the cold, stark reality is that, as the nominee for secretary of defense, John Tower is a serious liability whose likelihood of being confirmed grows increasingly remote.

He should withdraw his name from consideration; and if he will not withdraw, he should be dumped.

EXHIBIT 2

HIGH FRONTIER,
Arlington, VA, February 20, 1989.

Senator DENNIS DECONCINI,
The U.S. Capitol, Washington, DC.

DEAR SENATOR: Please take a moment to read this brief letter to the editors of The New York Times on the matter of the Tower confirmation.

Sincerely,

DANIEL O. GRAHAM,
Lieutenant General, USA (Ret.)

HIGH FRONTIER,
Arlington, VA, February 20, 1989.

Mr. JACK ROSENTHAL,
Editorial Page Editor, the New York Times, New York, NY.

DEAR SIR: Your story on the John Tower confirmation issue (18 Feb. 1989) left the impression that while I am concerned with Tower's lukewarm position on SDI, I have no problem with his personal reputation. That is not the case.

I am very *much* concerned with Mr. Tower's reputation for drinking and womanizing. No officer in any of the military services would expect to be promoted if he had such a reputation. Any ranking officer that acquired such a reputation could expect to be asked to resign.

Senators should consult some retired military leaders on this matter before they vote on Mr. Tower's confirmation. Every retired officer with whom I have discussed this matter agrees with me that Tower's confirmation as Secretary of Defense would be a serious detriment to the morale of the officer corps of the Army, Navy, Air Force and Marines.

This is not to say that all military leaders are sober and chaste. Far from it. But the officer corps has yet to lower its standards to the point where Mr. Tower's reputation would be tolerated.

President Bush has certainly proven his loyalty to a political ally—it is time that ally proved his loyalty to Mr. Bush by withdrawing. Mr. Tower should realize that the sensationalist sector of the press will never let the issue of his personal reputation die, a fact that will severely damage his effectiveness as Secretary of Defense.

Sincerely,

DANIEL O. GRAHAM,
Lieutenant General, USA (Ret.)

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, since the Senator from Arizona is still on the floor, I want to ask if he would permit me to ask him a question about his comment. I did not have time to go out to the stenographers' room to check the record.

Am I correct in saying that the Senator from Arizona stated, among his other remarks, that there was "evidence of wrongdoing on the part of Senator Tower in the report?"

Mr. DECONCINI. Will the Senator repeat the question?

Mr. RUDMAN. The statement I believe the Senator made was "there is evidence of wrongdoing in the files."

Mr. DECONCINI. I said, I think—and I have to look at the record—in my judgment there is evidence of wrongdoing. If that is not correct in the RECORD, I ask that it be corrected. In my judgment there is evidence of wrongdoing.

Mr. RUDMAN. I submit to the Senator, and I would like him to respond, that there was absolutely not a single bit of evidence of wrongdoing in the legal sense in that report or anywhere else, wrongdoing in the way we Americans use the term.

Mr. DECONCINI. I say to the Senator, I am an American, too, and the way I use the term Senator Tower not only made a mistake, he did some wrong things. That is why we are here debating that. Not because of appearance. I think he did make a mistake and did some wrong things. Are they criminal? No, I have never said they were criminal. To me they are wrong. If the Senator does not think they are wrong, he is entitled to his opinion. This Senator certainly is entitled to his opinion of what is wrong. It is wrong. My conscience is very clear.

Mr. RUDMAN. I would say to the Senator from Arizona that if he says a person used poor personal judgment, was guilty of a moral lapse, used less than impeccable standards in his personal life, that is one thing—But to say that there is evidence of wrongdoing is something else entirely. I think the Senator really ought to state that he does not mean that there is evidence of wrongdoing anywhere in a legal or civil sense. There may be evidence, rebutted or unrebutted, of poor judgment but not of wrongdoing.

Mr. DECONCINI. If the Senator will yield, in my judgment it is wrong. OK?

Mr. RUDMAN. Fine.

Mr. DECONCINI. Now, the Senator from New Hampshire may feel it is not wrong in those citations and those allegations, that they are merely bad judgments; they are merely misjudgments; they are nothing more than a difference of opinion as to a weight of what is right and what is wrong. In my judgment, I know what is wrong and when I had to come down on the report they are wrong. They are wrongdoings in my judgment. I have never said they are criminal wrongdoings, and if they are that it is not for me to decide or to pass judgment on, quite frankly.

Mr. RUDMAN. I thank the Senator for his candid answer, and I think in his answer we find much of the problem that is confusing us in this debate. I will begin by simply saying that I agree with the Senator from Arizona, that as the months go by the wounds of this battle will undoubtedly heal and we will be friends and will continue to do the peoples' business. I likewise have no doubt that there is a watershed being established in the Senate at this time which I never thought would be aired in a Chamber as august as this. We are reaching a very thin line on confusing private morality with public ethics. When we start examining private morality in terms of public ethics, I dare say that those of us in public life had better start wearing very heavily armored vests.

Mr. President, I intend today—and I do not wish to take a lot of time—to talk about the record that we have before us; that is, the record now on the desk of every Member of the Senate entitled, "A Report of the Majority of the Senate Armed Services Committee."

Before I do that, I want to say that I am not one who shares the view of some in this Chamber that anyone started out in this endeavor to "get" John Tower. I do not believe for a moment the chairman of the Armed Services Committee, my friend, SAM NUNN, decided that the committee would find a way to bury John Tower. As a matter of fact, I can tell you in all candor that in discussions, private discussions with friends on the other side of the aisle over the last 48 hours, it is becoming very obvious to me that there is a high discomfort level with many who have already publicly stated how they will vote. And that, Mr. President, is because it seems very clear that what happened is that this entire matter truly got out of control. It got out of control, in my view, because of the number of repetitive, sometimes vicious, public reports, be they leaks by members of the committee or leaks by people outside of the Senate, to the press. These stories were trumpeted across the country, so that by the time the nominee testified at his confirmation hearing, his character already was besmirched. In America you cannot endure that kind of a media assault and come out in one piece. In my view, it is impossible to repair that kind of damage, and that was the setting, the backdrop against which this committee had the tough assignment of conducting hearings.

As far as I am concerned, it got totally out of control. Every major allegation we heard prior to the hearing was literally blown out of the water—ludicrous stories, such as dancing with ballerinas in Houston, or visiting Bergstrom Air Force Base in a drunken state. The overwhelming evidence—now is that the person who made the accusations was not even there. Statements were made by a businessman from Arizona against the nominee when it turns out that the nominee was not even at the place cited in the allegation. And now we come to the point where we have to cast a public vote based on a public record which in my view says that the candidate is qualified but on which his nomination is in great jeopardy because of an FBI report.

I think it is important for the people of this country to understand that that is not an FBI report. It is a compilation of testimony—unsworn, unconfirmed, uncorroborated. It is raw intelligence. In many cases the witnesses are anonymous; in others they are clearly mentally deranged or, from my reading of the evidence, personally vindictive. They were not subject to any kind of cross-examination. Nor in the great majority of cases were polygraphs used. And yet it is on that kind of uncorroborated, unsworn, unchallenged, uncross-examined junk in most cases that John Tower will probably see his nomination go down to defeat.

I do not think anyone intended it to be this way—not SAM NUNN, not JOHN WARNER, not our new majority leader, GEORGE MITCHELL, not BOB DOLE. Nobody intended for it to get out of hand, but we are now in this box. The problem with the suggestion of the Senator from Arizona is that to simply release the FBI report with names sanitized amplifies the irresponsibility of that document.

The only way in a perfect world to assess the weight of that evidence is to subject each of the affiants to that evidence to cross-examination and rebuttal by others who were there at the same time who saw things differently. That is the only way. I doubt if we are going to do that. Maybe we should.

Someone in the press said to me yesterday, "Why are you all keeping up this fight? It is hurting the President." I am not sure it is or is not, but that is what some people are writing—"The Senate cannot do its other important business."

I am going to tell you why I am standing. Because with all due respect to the President, to this institution, and to this country, the single element that makes America different from any other place in the world is that we believe in due process and the rights of the individual.

How many times do we hear of our State Department traveling around the world fighting for human rights? What about John Tower's human rights? In all of my years in public service—and I was attorney general of my State—I tried scores, indeed, hundreds of cases. Yet I have never seen anyone trashed on such flimsy evidence in my entire life: One witness, who publicly applied his personal moral standards to John Tower's ethics. One.

Up to now, we have not been able to take those FBI reports out of there, but I have read them very carefully. I have read a lot of FBI reports in my life as well as a lot of other reports. I have committed a lot of it to memory. The rules say that you cannot divulge what is in the report. I will not do that. But I can say what is not in the report. I challenge anyone here today on either side of the aisle to rebut what I am going to say about what is not in that report.

I want to deal with three issues: First, the so-called conflict-of-interest issue; second, the drinking issue; third, the womanizing issue, whatever that word means. I am not sure.

John Tower has complied with every statute in the United States Code and every ethics rule relating to the executive or legislative branch to a "T."

Senator NUNN, in his statement the night of the vote, said, "This is not a classic conflict of interest issue that can be resolved by reference to the rules governing divestiture and recusal." That is a pretty flatout statement. He then says: "It reflects a fundamental policy judgment as to whether an individual can command public confidence, which is required, if he is to lead the efforts to devise and implement significant reforms in the Department of Defense."

Whatever happened to due process? I was taught in civics class, as well as in law school, that laws and ethics codes are rules to control one's actions in society. If you conform with the rules, then you are living within the purview of societal approval. But John Tower has a different standard.

Let us look at the report. The majority report notes on page 14:

> The State Department has issued guidance governing postemployment activities which cautions against disclosure of inside information, as well as classified and administratively controlled information. Former employees are advised to take care not to communicate any confidential information of subsequent reports.

I thought of that hook in the report, and I thought to myself: "The fellow who wrote that is really clever, because there is not one iota of evidence that any such thing occurred." In fact, there is no evidence to the contrary.

The only evidence is John Tower's statement that he never divulged any classified information of any kind to any client.

Then the committee, in this very artful report which, with all due respect to all in the Chamber, is worthy of the kind of indictment one would find in a people's court in the Soviet Union goes on to say: "The committee has no evidence that Senator Tower provided his clients with classified information. In the committee's judgment, however, this situation created the appearance of using public office for private gain and casts doubt on his ability to command public confidence in the integrity of the system."

Well, I will say something to my colleagues. I was chairman of the Senate Ethics Committee for 2 years, and am now vice chairman. My great friend from Alabama, Senator HEFLIN, and I have a number of cases pending. I would like to see the treatment accorded Senator HEFLIN and myself if the following were to happen: We would come to the floor with a recommendation of censure of Senator X, and Senator HEFLIN or I would stand up and say, "Now, Senator X complied with the ethics code to the letter." That is what this report says. "He obeyed the law. There is no violation of our rules. However, it is our view that the appearance of this transaction, although

within the code, is so outrageous that we wish you to censure him or her anyway." I will tell you what would happen. Senator HEFLIN and Senator RUDMAN would be off the Ethics Committee by sundown.

You cannot have a shifting standard of conduct. What did we really expect Senator Tower to do after he gave up an additional 14 months of his life? He spent all that time on the Tower Commission, and he left. Was he to write poetry, like my colleague from Maine? Run a dairy farm? Maybe he could run the carryout in the Dirksen basement. Of course, Senator Tower did something related to defense. That is where he spent his life.

This report says he did not violate one law, one rule, one code. But Senators say, "Oh, well, we are talmudic scholars. We are going to apply our own standard." So beware, nominees: If you ever served in the Government, do not just look at the ethics codes and the statutes. Get into the heads of everybody on the committee and everybody in the Senate, because it is their personal judgment that will determine whether you rise or fall.

If that is fairness, I do not understand the word. So much for the defense industry.

Let us move on to his drinking problem. First, let us correct the record. I believe I am correct in saying that Senator Tower has never said he had a drinking problem. He never said that. He said that in the period of the 1970's, he was a heavy social drinker, and he probably was. In the period of the 1960's and 1970's, a lot of people were. Social conduct and social mores have changed. But the accusation is fascinating. Let me just read the accusation: "The committee determined that Senator Tower's excessive use of alcohol would disqualify him from being assigned to many sensitive positions in the Department of Defense."

Well, that is interesting. Now, let us look at how they define the standard, because, at least in my view, you cannot apply a standard unless you know what you apply it to. How do you define it? Let me read that:

> Alcohol abuse is defined in the DOD directive as "any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior or impairing work performance, physical or mental health, financial responsibility, or personal relationships."

That is the standard.

Senator HEFLIN sat on the Supreme Court of Alabama. He is a wise man and a very good judge. I listened to him yesterday. He said something that makes incredibly good sense. We all know people who have had drinking problems. They are generally called alcoholics. Lucky, indeed, is the family in America today that does not have a member who has not had a problem of that kind.

It is pervasive.

We have people we work with who have had problems that were in fact alcoholic in nature.

I want someone to tell me in good conscience that they have known a person who is an alcoholic and who, over a 24-year period, not as a milkman, not as a factory worker, but as a U.S. Senator and arms negotiator, a representative of the President of the United States, was not once found to have had anything happen in the public eye. Not an accident, not a public embarrassment, no plunging into the Tidal Basin or other such asinine antisocial conduct. Nothing.

I dare say that what you see is what you get. When someone is in public life for 24 years with that kind of a record, it is pretty hard for anyone in this body to say he is unfit because of alcohol.

Senator Tower said he drank heavily in the 1970's. That is what the RECORD indicates.

Again, I will tell you what is not in the report. Let anyone challenge it. There is not one iota, not one scintilla, not one grain of evidence in that report of any kind of misconduct or impairment while Senator Tower was officially engaged in his duties. As a matter of fact, there is not very much of that type of conduct in his private life. There are several instances which are captioned, instances which I dare say have probably not been unusual in the lives of many who passed the age of 60.

I think it is a pretty bum rap to tell the American people that George Bush, the newly elected President of the United States, is about to nominate or did nominate a man as a Secretary of Defense who has an alcohol problem.

Does anyone seriously believe that George Bush would not have known that? Does anybody believe that the President of the United States would nominate a man to this position who has a problem? No.

What we have here is a group of people reading reports who do not know what they are reading.

I can tell you unequivocally that that report indicates no evidence of what we classically call alcoholism or an alcohol problem. It indicates a man that was probably a heavier-than-normal social drinker in the 1970's and who, since the early 1980's, has not engaged in such drinking. Moreover, he has given a pledge which to me is worth something. No one that I know ever challenged John Tower's honor, no one. His word was good on this floor.

Finally, womanizing. It is almost impossible to make sense of this particular allegation. You would assume that the committee would lead with its best evidence. So let me read you the official document which will be memorialized forever as a report of the committee on the Tower nomination. Listen to this because this is incredible. I mean, if I were trying to do a number on somebody and one of my staff wrote this, I would fire him. I mean, it is inept. I assume it is inept because it is the best they had. Listen to it:

> The Committee examined a number of allegations concerning the nominee's behavior toward women. The Committee's record on this issue demonstrates no finding of liaisons with female foreign nationals and, hence, no security violations that such activities would entail.

None.

> Nor does the record support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex.

Well, there are the two charges, fraternizing with foreign agents who were female and bringing pressure to bear in a sexual way on employees. There are the two charges. The majority says they're not true. But would you like to see a little character assassination at work, the old knife slipped between the ribs. Catch this one:

> There are, however, a number of examples of personal conduct which the Committee found indiscreet and which called into question Senator Tower's judgment. These examples add to the cumulative body of concern the Committee has about this nomination.

If this were a courtoom, they would throw the paper, the lawyer, and the witnesses out of court.

That is absurd. First, you make a finding that there were no liaisons with foreign agents, or pressure on female employees, and then you talk about indiscretions. They could not have been too indiscreet because we do not know what they are. Nobody read about them in the Washington Post. There was never a public incident regarding this sort of thing.

There are allegations, to be sure, in that report. They are also rebutted, I might add, in three cases—I think there were only three cases of that type. In these three people give contrary testimony, including one of the women who is alleged to have been victimized and who said it was absolutely false.

That, my friends, is the case against John Tower, a case built on standards of conduct in the conflict of interest area that are not only new, they are nonexistent. They are standards that each Senator wants to put in his own mind. I guess we have the right to do that. We have the right to do almost anything. We do not have to tell people why we vote the way we vote. We can just vote.

But it seems to me that basic fairness and due process would say to someone that if we have a body of law and you obey that body of law, then we are not going to hang a new one

around you when you are nominated for a new job.

That is what the committee has done, individually, shifting standards. You do not like the way it looks, do not like the inference, do not like the appearance, obey the law. But everybody has his own standard.

It is a great way to be judged by 99 separate moralities, mixing up again private morality with public ethics.

I will say nothing else about drinking, the record is clear. John Tower is not an alcoholic. He has no drinking problem.

It is a shame this man gets pilloried this way after the kind of service he rendered this country. It is a shame that this is what it comes to, particularly in this body where I would think we would have been more careful of the treatment of people and their reputations.

I'll tell you what I think. This will not happen. The Republican leader is on the floor. I know the Presidency is important, but I think George Bush will do just fine. The Government is going to move ahead. We are going to get a budget. We will do all sorts of things.

I would like to see this thing recommitted. That is what I would like. I would like these anonymous witnesses to come forward.

The basic history of American jurisprudence in the smallest criminal case is that you have the right to confront your accuser, not just read what he said, but confront him or her and bring other witnesses in. Then let the finder of fact find the facts, not through anonymous characterization. Oh, yes, it will take time. It will tie us up for some more time. It will take more out of this body, I am sure, but I will make an observation to you. There is nothing more important that we do here than worry about the individual rights of one person. By our procedures, we have put John Tower in this position. He has a right to be heard or he has a right to be confirmed, one or the other.

Back in 1976, Mr. President, I was nominated by Gerald Ford, to be Chairman of the Interstate Commerce Commission. I could not get a hearing. As an attorney general of New Hampshire with a record of absolute integrity from that day to this, I was simply told by committee staff—I could not even get to see the Senators, except for a couple—that there was something in a file that was pretty damaging. I said, "Let me see it."

"Oh, no, we can't let you see it."

Five months later I withdrew. I never took the position, never had a hearing.

The second day I was here I went to BOB PACKWOOD, then chairman of the Commerce Committee. I said, "Senator PACKWOOD, I want to see the report on my nomination."

He said, "I would be glad to."

He sent it down to me. I opened it up. The report from the witness, the incident that they were investigating, came out of the mouth of a certified con man, a convicted felon, a liar extraordinaire. Three years after the event, that individual was convicted and put in Federal prison for another game that he was playing. Why he was playing this game, nobody ever knew.

That is the kind of thing this Senate can do accidentally. I do not think anybody did it intentionally. But nobody bothered or had the good sense to follow up to find out who this guy was. It is a long story and I will not bore the Senate with it. But I am sensitive to the way nominees are treated around here after that experience and this nominee has not been treated fairly.

Senator HOLLINGS gave a speech the other day in which he had some strong feelings. He is entitled to them. But knowing him as I do, I know he would not object to letting those people who made the statements come up and be examined, let them be cross-examined. And maybe I will believe them, but maybe I will not. We want human rights in the world. Let us have human rights in the U.S. Senate for John Tower.

I thank the Chair.

Mr. GORTON. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. RUDMAN. Yes.

Mr. GORTON. I have listened with great interest to the remarks of my distinguished friend from New Hampshire. As I remember them, he covered three of the reasons which have been given, publicly and on this floor, to justify a rejection of John Tower as Secretary of Defense. He went through, first, accusations of some kind of conflict of interest. I must say I believe the Senator from New Hampshire more than successfully demolished those charges because not even the committee majority can assert that any law, regulation or ethical rule of this Senate was violated by any of the actions of John Tower.

But, as I think the Senator from New Hampshire knows, only a relatively small number of Senators who oppose this nomination have based their opposition on that ground.

The Senator from New Hampshire went briefly into accusations of womanizing, but to the best of my knowledge, no single Senator who has opposed this nomination publicly has used that ground as a reason for opposition.

The Senator from New Hampshire went through the various allegations about drinking behavior which again have clearly moved at least some Members who have opposed this nomination, but I believe fewer than half of them.

I wonder if the Senator from New Hampshire would complete his remarks by commenting on what has seemed to me to be perhaps the least justifiable of all of the reasons advanced for rejecting John Tower as nominee for Secretary of Defense. And that was one which was brought up by I believe more than half of the members of the Armed Services Committee at the time at which we voted on this nomination. One after another, members would say:

> The case against John Tower with respect to alcoholism or alcohol abuse has not been proven. The case with respect to womanizing has not been proven. It is clear that no conflict of interest laws or rules were violated. But the collection of these allegations is so thick that it gives a perception that there was some wrongdoing at some level of another. And because of leaks which have gotten out from the FBI report into the newspapers and on the television, there is a perception on the part of many of the American people that something is wrong and therefore we must reject John Tower's nomination as Secretary of Defense.

I wonder if my good friend and distinguished colleague who has shared not only a Senate experience with this Senator but experience as an attorney general would comment on the fairness or the appropriateness of rejecting this nomination on the basis of perceptions which are not even asserted by those who use that as a reason to be true.

Mr. RUDMAN. Well, I will answer it this way to my good friend from Washington. We served together as attorneys general of our States for close to 7 years.

The thing about this that bothers me more than anything else is what I referred to at the very beginning of my remarks; namely, that this matter is out of control. Nobody really wanted to end up here.

I believe that what has happened here is the cumulative effect of a great many accusations, the majority of which, by Senator EXON's own standards, as he noted on television this weekend, was garbage. The remainder—he did not characterize but I would characterize it as in some doubt. Somehow we have taken the full 100 percent, and the public perception is if there is that much smoke about somebody there must be something wrong.

That would be the most unjust way to judge a human being. I suppose on that basis that I might be able to stand here with the immunity of this floor and make a series of totally false accusations about someone with great fervor. And I suppose that after making enough of them people would start to think that some of them might be true.

The only thing that I can figure out is that as this snowball started to go

down the hill and build up speed and momentum, it built up a life of its own. Essentially, a great many stories which were absolutely false were nonetheless made believable by those who may have had a shred of truth to them.

I am not sure that says there is nothing in that report that indicates bad judgment on occasion by John Tower. But I suppose it is bad judgment that many used back in the sixties and seventies, because many people during that period, including, I am sure, some in this body, used alcohol more than was probably good for their health.

But the fact is there was nothing in John Tower's official conduct that will reflect that. And that is the problem I have.

Mr. COHEN. Will the Senator yield?

Mr. RUDMAN. I am happy to yield.

Mr. COHEN. First, I want to commend the Senator from New Hampshire for an extraordinary statement. I think that he has addressed key issues involved in this matter in one of the most powerful and persuasive ways that I have witnessed in the history of this Chamber.

I was particularly interested in what he had to say about the FBI report. We have heard that word used over and over and over again. I want to thank the Senator from New Hampshire for clarifying that we are not talking about an FBI report, but about FBI files, raw information, data collected by the FBI which is not subjected to cross-examination or to any other major test of credibility, except on occasion.

I was wondering if the Senator from New Hampshire had an opportunity to read the piece that appears in the Wall Street Journal today, written by Karen Elliott House.

Mr. RUDMAN. I have.

Mr. COHEN. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 7, 1989]

REALLY, FBI: I HAVE NO DIRT ON TOWER

(By Karen Elliott House)

I was a source for the Federal Bureau of Investigation's probe of Sen. John Tower. And, if my experience is in any way typical of the 500 or more interviews conducted by FBI agents in compiling the secret dossier on Sen. Tower's career and character, the U.S. Senate is pursuing its debate on the basis of rumor, gossip and innuendo that any American citizen clearly would consider character assassination. This secret FBI report, of course, is the eye of the hurricane engulfing Sen. Tower's nomination to be secretary of defense in the Bush administration.

Since not one of 100 senators, many of whom have served, worked and traveled with John Tower for decades, has testified to any firsthand knowledge of his alleged drinking and skirt-chasing, it is the FBI report that is being wielded as the murder weapon to destroy not only his nomination but his name. Thus, it seems instructive to senators and citizens to recount one FBI interview, how it originated, what it produced and most important, how easy it would have been to pile additional innuendo on the bonfire around which the Senate is gleefully dancing.

A 17-YEAR-OLD RUMOR

My interview began with a call one afternoon a few weeks ago from a polite FBI agent, requesting a meeting. I guessed the topic was John Tower. Two days earlier I had received a call from the Los Angeles Times correspondent in Houston requesting a copy of a newspaper article that he had been told contained an account of John Tower propositioning me 17 years ago when I was a young Washington correspondent for The Dallas Morning News. I had indeed written a lengthy profile of Sen. Tower during his re-election campaign in 1972 in which I queried him on rumors of his frequent appearances with women other than his wife and on several auto accidents in which he was involved. It might have been a better story if Sen. Tower had propositioned me, but he didn't.

The only offer I ever had from Sen. Tower was a polite and public invitation to me and by inference a table of Dallas Morning News colleagues to join him for "jazz and scrambled eggs" after a White House correspondents' dinner 17 years ago—an invitation I declined and which seems as innocuous in retrospect as it did at the time. But the rumor mill was obviously grinding away.

Within hours of the FBI phone call, two polite but persistent young agents, one male, one female, showed up at my New York office for what turned out to be a half-hour interview. They quickly explained they had received an anonymous letter saying that if they wanted "derogatory information on John Tower," to contact me or my then-roommate, Sally Shelton, at the time a legislative assistant to Sen. Lloyd Bentsen (D., Texas).

Having passed on the anonymous charge, the FBI agents then graciously offered me anonymity to confirm and expand on it or on any other information I might have about misconduct by Sen. Tower. I declined the offer of anonymity. I also explained that not only did I have no firsthand experience with any misconduct by Sen. Tower, in my reporting efforts 17 years ago to track down similar rumors, I'd been unable to substantiate gossip about Sen. Tower's "womanizing."

So, we now had the odd situation of a reporter who had been unable to confirm rumors about John Tower and other women at that time now being asked by the FBI to anonymously confirm rumors about John Tower propositioning her. With this trail clearly leading nowhere, the agents politely pressed for any other information I might have—or any rumors I might have heard. All I could do was acknowledge that rumors of Sen. Tower's interest in women have abounded in Washington for many years. I suggested that Ms. Shelton, who had worked on Capitol Hill for five years, might be in a better position to speak factually.

The FBI, indeed, did contact Ms. Shelton. In her case, she says, the agents focused their questions on rumors of "sexual harassment" by Sen. Tower of another of her roommates who worked in the Senate. Ms. Shelton, now a retired ambassador, says she was startled to be queried about events so distant and distorted. She says she explained to the FBI that she had heard rumors of the senator's "womanizing," but nothing about Sen. Tower sexually harassing women staffers on Capitol Hill.

Ms. Shelton is as perplexed as I am by the rumor process that has led us to be even peripherally involved in the Tower investigation. The experience also leads to some other reflections. For one thing, a process of rumors begetting rumors offers anyone with the slightest shred of gossip to pass it on through official channels, to instigate additional FBI inquiries and to widen further the web of innuendo in which the senator is snared. Had either Ms. Shelton or I sought to play a mischievous role in the nomination process, we had ample opportunity—indeed an FBI invitation—to do so.

Nothing in this process safeguards the subject of the inquiry from distortions and outright lies except the possibility that such lies might be leaked to the press, causing the accuser's word to be put on record. The irony, of course, is that it would be only the unethical leaking of lies that could expose lies. If the system works in its intended furtive fashion, the word of the liar is protected and the character of the subject may be destroyed.

SAFEGUARDS OF JOURNALISM

Journalism also relies to some extent on confidential interviews and anonymous information. But there are critical differences. Good journalism encourages people to speak on the record and offers confidentiality only as a last resort. Good journalism requires double- and triple-sourcing for publication of any controversial information. Good journalism requires that the target of criticism be presented with the specific charges and that a response be included in the original article. Finally, and most important, the article lands in the public domain where the reporter's reputation is on the line for the veracity of sources. None of these protections are available to Sen. Tower in the FBI's investigatory process.

Beyond all this is the substantive issue of what possible difference it can make to the Senate or the American citizenry whether Sen. Tower did or did not pursue or proposition a woman 17 years ago—or for that matter 17 weeks ago. There may indeed be substantive issues at stake in this nomination and those might include current or recent alcohol abuse or illegal conflict of interest as a consultant to defense corporations.

But so far there is no evidence of any laws or rules being broken during Mr. Tower's period as a defense consultant. As for alcohol abuse, the conclusive proof that he isn't an alcoholic would seem to rest with his fellow senators themselves—none of whom has stood up to say that in decades of working with Mr. Tower in all sorts of places at all kinds of hours, he has ever seen the former senator drunk. It begs credulity that any alcoholic could hide his addiction for that long from that many colleagues. Perhaps it is for this reason that so much of the current debate is focusing on the alleged character flaw of a weakness for women.

And, to the extent that my involvement in the womanizing issue is one small strand in the pattern under debate, the tapestry of John Tower being woven for and by the Senate is a tapestry of rumor, gossip and innuendo.

Mr. COHEN. Mr. President, here is a story of a very prominent journalist

who was the subject of a rumor, a 17-year-old rumor based upon the fact that John Tower, 17 years ago, at the end of a White House dinner, invited her and the other members of her table to jazz and eggs following the meeting. And, on the basis of that rumor that persisted over 17 years, she was interviewed by the FBI.

They came to her and they said they had an anonymous source that indicated that she might have some derogatory information to pass on about John Tower and that she could remain anonymous herself. She declined.

In today's Wall Street Journal, she writes:

Having passed on the anonymous charge, the FBI agents then graciously offered me anonymity to confirm and expand on it or on any other information I might have about misconduct by Sen. Tower.

She went on to conclude:

The experience also leads to some other reflections. For one thing, a process of rumors begetting rumors offers anyone with the slightest shred of gossip to pass it on through official channels, to instigate additional FBI inquiries and to widen further the web of innuendo in which the senator is snared.

She says:

Had either Ms. Shelton or I sought to play a mischievous role in the nomination process, we had ample opportunity—indeed an FBI invitation—to do so.

And she concludes this particular piece by saying:

And, to the extent that my involvement in the womanizing issue is one small strand in the pattern under debate, the tapestry of John Tower being woven for and by the Senate is a tapestry of rumor, gossip and innuendo.

Here is an example of a respected journalist, a 17-year-old rumor, an innocent statement then being used as basis for investigation, interrogation, and offers she remain anonymous if she chose to do so, only to further this web of great accusation.

I think it is a great example of the kind of process that is involved in an FBI investigation.

Mr. RUDMAN. Let me just conclude by stating that the Senator from Washington and the Senator from Maine hit on very key points. The Senator from Arizona mentioned a while ago that he would like to have the FBI report sanitized and made public. I do not have a problem with that except I know that the chairman of the Armed Services Committee himself, in conversations we have had, has agonized over the fact that we are dealing with anonymous sources and uncorroborated testimony. That is not his fault. That is the system, and that is the way it came here.

But this is so extraordinary. It just seems to me that to vote this man down based on evidence that well could be furnished by people who are lying, who are fabricating, who are uncorroborated, and uncross-examined, sets a very troubling precedent.

I do not know what the solution is. I see my good friend from South Carolina is on the floor. I have worked with Senator HOLLINGS for a long, long time. I would have great confidence if Senator HOLLINGS and the Senator from New Mexico and the Senator from the State of Washington, just three Senators I know have a lot of legal experience, could sit down with some of these witnesses and examine them even without John Tower present. I think we would find out whether they were reliable or not.

I am talking about reliability, about basic decency to a human being so that he can at least have his accusers called to account for themselves.

Mr. President, I thank the Chair for this courtesy, and I yield the floor.

UNITED NATIONS

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Thomas R. Pickering, of New Jersey, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER. The time for debate on the nomination is limited to 20 minutes to be equally divided and controlled by the Senator from Rhode Island. Senator PELL, and the Senator from North Carolina, Senator HELMS, or their designees.

The Chair recognizes the Senator from Rhode Island, Senator PELL.

Mr. PELL. Mr. President, I am very pleased to support the nomination of Thomas R. Pickering to be the next American Ambassador to the United Nations. The Foreign Relations Committee unanimously approved his nomination on February 28.

Ambassador Pickering has served in the Foreign Service with great distinction. He is one of only five Foreign Service Officers to currently hold the rank of Career Ambassador and only 32 others have been so honored since the rank was established in the mid-1950's. I believe it is a sign of the high esteem in which he is held that President Bush nominated him to be our Ambassador at the United Nations—a post that has usually been reserved for a political appointee.

Ambassador Pickering is fortunate to have been nominated for this post at a time when public faith in the United Nations is being restored. Over the last year—in Afghanistan, the Persian Gulf, and southern Africa—the United Nations has demonstrated that it has a valuable role to play in helping to bring stability and peace to the troubled regions of the world.

These successes, together with an improvement in the management practices at the United Nations, even moved the Reagan administration to drop its harsh anti-U.N. rhetoric and request full funding for the United Nations and its affiliated agencies. The Reagan budget also requests funds to begin to repay the large arrearages we have accumulated over the past 8 years. I was very pleased to learn from Ambassador Pickering that the Bush administration has adopted these funding requests as its own.

I believe the time has come for the United States to regain lost ground in the United Nations. President Gorbachev's new activism in the United Nations marks an important shift in the Soviet approach to international organizations. The United States cannot afford to stand idly by. We must use our influence to lead the United Nations to new triumphs, rather than take it to the brink of bankruptcy. I believe Ambassador Pickering is the right man for the job.

My only regret is that Ambassador Pickering has not been accorded Cabinet status as was his predecessor.

One final note. Ambassador Pickering's nomination to the United Nations—a spot usually reserved for political appointees—generated high hopes throughout the State Department that the Bush administration would harness the experience and talent of our professional Foreign Service. Since then there have been growing signs that the Foreign Service is being locked out of the policymaking process. I hope this development can be attributed to the disorganization that accompanies Presidential transitions, rather than any deliberate design. As the career of Ambassador Pickering has demonstrated, the professional Foreign Service can provide invaluable advice and support to any administration.

Mr. HELMS. Mr. President, during the nomination hearings before the Foreign Relations Committee, and prior to that, this Senator had personal conversations with Mr. Pickering. He knows that I wish him well, for he is wading into a real quagmire when he goes to the United Nations.

If Mr. Pickering can improve any of the aspects of anti-Americanism and pro-Communist bias within the United Nations, he would have performed his job well.

Mr. President, the challenges faced by the United States at the United Nations are obviously significant. Indeed, the United States remains under almost constant assault in that body. At the same time, the United Nations itself faces challenges of its own to establish itself as a relevant forum for addressing international issues.

For far too long the United Nations has relegated itself to serving as little more than a platform for disgruntled Third World and Communist-bloc nations that have used every possible opportunity to criticize the United States, our allies, the free enterprise system, and democracy. Indeed, last year the U.N. General Assembly sided with the United States positions only 16.6 percent of the time and sided with the Soviet Union an overwhelming 95.9 percent of the time.

The United Nations has displayed itself sympathy for terrorist organizations through its funding and support, through the PLO, SWAPO, and ANC. It has defended the indefensible, the regime of Qadhafi and continues even this past week with its crusade against Israel, one of our most consistent allies.

Now, Mr. President, I am going to summarize my statement and I ask unanimous consent first that the full statement be printed in the RECORD and second that it be placed just after the remarks by the distinguished chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, the United Nations spends an extraordinary amount of time on the Arab-Israeli conflict. The so-called debate on this issue within the U.N. tends to be largely an exercise in trashing Israel. As a recent American Ambassador to Israel, Mr. Pickering has an opportunity to present the facts with respect to this conflict and to do so with unique credibility. For an example, many in the major news media in our own country have done all they can to legitimize Yasser Arafat and the PLO. The media has presented the uprisings in Israel as spontaneous eruptions of frustration. However, as Tom Pickering knows and as all Senators should know, these demonstrations are often orchestrated events with participation forced upon many rioters. And as part of America Ambassador Pickering's confirmation process I submitted the following written question:

> I have read a number of reports which indicate that the PLO has used intimidation tactics to force residents of the so-called West Bank to participate in strikes and riots. In fact since the start of the uprising, at least 66 moderate West Bank Arabs have been murdered by radical Palestinians. Has the PLO used intimidation tactics or is participation in strikes and riots entirely voluntary?

To this question, the Ambassador responded:

> I believe the PLO has used intimidation tactics to encourage some individuals to participate in strikes and riots in the West Bank and Gaza.

During discussions at the United Nations on the situation in Israel, I hope Ambassador Pickering will make it very clear that the uprising is not so spontaneous as is being portrayed by the major media or by the Third Worlders and Communists who dominate the United Nations.

The latest examples of U.N. basis can be seen in southern Africa. We have a situation in which the U.N.-appointed general in charge of monitoring the Cuban troop wtihdrawal from Angola reveals his blatant bias in favor of the Communist Angolans and Cubans by stating, "We will trust the information given by both countries [that is, Cuba and Angola]", he said. "There is no reason to mistrust them", he said. He is apparently not very well versed in history.

So the United Nations plans to send less than 100 people to verify the Cuban troop withdrawal—with a bias of trust for Communists by the lead general in charge. Meanwhile in Namibia, the United Nations plans to send thousands of civilian and military personnel to oversee elections in that country and the withdrawal of South African troops. The imbalance—less than 100 versus thousands—is evident.

In perhaps one of the greatest examples of irony, the United Nations plans to send soldiers from Communist and other one-party totalitarian countries to monitor the elections in Namibia and the initiation of democracy in that country. Yet these folks have never had an election in their own countries, but they are supposed to be in charge of overseeing one in Namibia. It would be laughable were it not so serious.

Mr. President, Ambassador Pickering clarified a number of points about the Angola/Namibia agreements, and the United Nations role in their implementation, in the course of his confirmation hearing on February 23. Additionally, I submitted written questions on other aspects of the agreements. I ask unanimous consent, Mr. President, that the questions to Mr. Pickering with respect to the agreements, and his answers thereto, be printed at the conclusion of my remarks.

Of course, the United Nations faces challenges within its own organization. The United Nations continues to hire Soviets—one suspects KGB agents—to staff the United Nations. Indeed, to some appearances, the United Nations has become merely an extension of Soviet foreign policy. U.N. expenses continue to be exorbitant, and of course, despite all the ranting and raving against the United States, when it comes to money, they expect Uncle Sam to pick up the tab.

The United States has withdrawn from several U.N. agencies in protest of their policies and practices. We've withheld U.S. contributions in other cases—in hopes of forcing reforms. Yet we seem to be getting only reformed rhetoric from U.N. officials—trying to portray cosmetic changes as real reform.

Meanwhile the Soviets have intensified their strategy for forging world opinion through the United Nations.

Mr. President, I ask unanimous consent that excerpts from written questions submitted to Ambassador Pickering, and his responses thereto, be printed at the conclusion of my remarks.

Mr. Pickering has been the subject of some criticism for his involvement in assisting the freedom fighters in Nicaragua during his tenure as United States Ambassador to El Salvador. Frankly, having examined the record, I find no fault with Mr. Pickering's judgment or activities in this regard.

For instance, we discussed at his confirmation hearing the fact that many people misunderstood, and even still misunderstand, the so-called Boland amendment. There was nothing in that amendment—actually any of the five separate Boland amendments—which prohibited private assistance by groups outside the U.S. Government to the freedom fighters in Nicaragua. Thus, Mr. Pickering's assistance in arranging a secret donation of $1 million of military equipment to the Contras was in no way a violation of the Boland amendment.

Indeed, the prohibition did not restrict the President, his ambassadors—including Mr. Pickering—or officials of the National Security Council from considering ways to get non-U.S. Government funds to help the Contras.

I do have concerns about Mr. Pickering's involvement, while he served in El Salvador, in internal political affairs. In 1984, it was reported that the CIA channeled $2 million into El Salvador to assist political parties opposed to the ARENA party. Written questions on his involvement were submitted for the record, as well as questions dealing with his more recent tenure in Israel and other U.N.-related issues. Mr. President, I ask unanimous consent that excerpts from the questions submitted to Mr. Pickering, and his answers thereto, be printed at the conclusion of my remarks.

Specifically, Mr. President, I remain troubled by Mr. Pickering's role in opposing the ARENA party and some of its members during his tenure in El Salvador. I am also troubled by Mr. Pickering's conflicting comments regarding a list of names he submitted to the Salvadoran Government in 1983 in light of their connections or presumed connections with death squads and other illegal military activities.

During his confirmation hearing to be Ambassador to Israel, on June 20, 1985, Mr. Pickering acknowledged having transmitted a list of military officers—who—should be asked to leave the country in light of their connections or presumed connections with death squads and other illegal military activities.

He further stated in 1985:

The list included a number of military names who were subject to Salvadoran Government control which we asked be exiled or assigned overseas for a period of time, and a number of civilians that we asked the Government to interview to ask to leave the country if they were willing, if not, to have the Government make clear to those individuals that the Government was investigating and reviewing their activities on an intensive basis.

In 1985, Mr. Pickering also stated that there was no other reason for names being on the list than alleged death squad connections. In 1989, however, Mr. Pickering claims, "The criteria used for compiling this list of Salvadoran officers did not include connections with death squads." While he used the term "exiled" in 1985, he now describes the individuals as having been reassigned overseas.

Mr. President, I ask unanimous consent that the relevant excerpts from the 1985 hearing be printed at this point in the RECORD followed by the series of questions submitted this year, and Mr. Pickering's answers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM JUNE 20, 1985, CONFIRMATION HEARING OF THOMAS R. PICKERING

Senator HELMS. While you were ambassador to El Salvador, did the United States government ever give you a list of names, either in writing or verbally, or did they give such a list to the Salvadoran government, asking recommending, whatever, that the people on the list be sent out of the country?

Ambassador PICKERING. Yes. In connection with Vice President Bush's visit on December 11 or 12, 1983, one of the points that Vice President Bush made to the Salvadorans with whom he met, including the top leadership of the army, some 20 military commanders, that a certain number of Salvadoran military officers should be asked to leave the country in light of their connections or presumed connections with death squads and other illegal military activities. I transmitted that list to the Salvadoran government in connection with his visit and his request.

Senator HELMS. Did it include any civilian names?

Ambassador PICKERING. The list included a number of military names who were subject to Salvadoran government control which we asked be exiled or assigned overseas for a period of time, and a number of civilians that we asked the government to interview to ask to leave the country if they were willing, if not, to have the government make clear to those individuals that the government was investigating and reviewing their activities on an intensive basis.

Senator HELMS. You mentioned alleged death squad connections, whatever. Was there any other reason for the names being on the list?

Ambassador PICKERING. To the best of my knowledge, no, sir.

Senator HELMS. Did the Salvadoran government resist attempts to exile these people?

Ambassador PICKERING. No, sir.

Senator HELMS. Were they in fact exiled?

Ambassador PICKERING. They were sent overseas, yes, sir.

Senator HELMS. All of them?

Ambassador PICKERING. Yes, sir, all of the military.

Senator HELMS. But no civilians?

Ambassador PICKERING. The civilians were not subject to government control, and none of those civilians to my knowledge chose to go overseas.

Senator HELMS. Did the Salvadoran government present any proof or hold any trials before these people were exiled?

Ambassador PICKERING. They did not, or not to my knowledge.

Senator HELMS. What do you think about that?

Ambassador PICKERING. I think it was a measure required under the circumstances. It is a measure that at least in terms of what happened afterward may have had a salubrious effect on the situation.

Senator HELMS. Well, I guess the natural question was did our government present any proof that these persons were in fact involved in criminal activities?

Ambassador PICKERING. Our government presented such information as it had available which could continue at the same time to permit us to protect intelligence sources and methods.

Senator HELMS. Was any information collected by our intelligence——

Ambassador PICKERING. No, it presented such information as was available to the United States government but in a fashion which would continue to permit us to protect intelligence sources and methods.

Senator HELMS. Well, where did the information come from if it did not come from our own intelligence capabilities?

Ambassador PICKERING. I wanted to make certain you understood what I had said earlier.

Senator HELMS. I understood what you said.

Ambassador PICKERING. I would say the bulk, if not all, but I cannot speak—I am trying to cast my mind back almost two years—the bulk if not all of that information did come from intelligence sources. It was presented in a fashion that would not betray intelligence sources and methods, to protect intelligence sources and methods.

Senator HELMS. Any of it hearsay?

Ambassador PICKERING. To the best of my knowledge, and I am not a lawyer, or a very good share, if it was firsthand testimony. I am not a lawyer.

Senator HELMS. That is fair enough. Neither am I, and I am glad of it. * * *

QUESTIONS AND ANSWERS FOLLOWING FEBRUARY 23, 1989, CONFIRMATION HEARING OF THOMAS R. PICKERING

ARBITRARY EXILE

1. Q. My understanding is that the United States considers arbitrary arrest, detention, or exile to be human rights abuses, and analyzes each country's respect for human rights on that basis in the annual human rights report to Congress. Is that accurate?

A. We do consider arbitrary arrest, deportation, and other arbitrary actions to be human rights abuses.

2. Q. For instance, the 1988 Human Rights Report reports that in Israel,

"Thirty six Palestinians were deported in 1988, compared to nine in 1987. These deportations contravene the Fourth Geneva Convention in the view of the United States. The Israel Supreme Court has disagreed in a formal decision."

But I'm curious about the U.S. position on forced or arbitrary exile in Israel, where you served, compared to that in El Salvador, when you served there. In your previous confirmation hearing, in 1985, you acknowledged that in 1983 you had participated in conveying to the government of El Salvador a list of military officers and civilians that the U.S. recommended be exiled from El Salvador. You described the reason for this request as due to "their connections or presumed connections with death squads and other illegal military activities".

A. The provision of the list to the government of El Salvador with respect to investigating possible abuses of authority and the prosecution or reassignment of military officers if abuses occurred was not tied to any request by the U.S. Government to deport those officers. In my recollection the U.S. did not specifically request that the government of El Salvador deport military officers. The military officers and civilians in El Salvador concerned were, to the extent that they were sent abroad, subject to the authority and orders of the government.

Israel views deportation of Palestinian civilians from the West Bank and Gaza as a necessary and effective security measure. We do not share this view. If Israel believes persons have violated security regulations, they should be charged, tried, and, if found guilty, sentenced in the course of an open legal process, which permits them to defend themselves properly. Deportations stir up Palestinian resentment, inhibiting the return of an atmosphere of calm in the occupied territories. Also in the U.S. view, deportation contravenes the Fourth Geneva Convention for the protection of civilians.

Q. (a) How many military officers were sent into exile?

A. The officers on this list were relieved of command and re-assigned, some were sent overseas as military attaches. In no way were these individuals deported; they were sent abroad to represent the government of El Salvador.

Q. (b) Do all of these individuals remain in exile today?

A. Not applicable (See above.)

Q. (c) Where are they in exile?

A. Not applicable (See above.)

Q. (d) Did you participate in the decision to ask for these individuals to be exiled?

A. I did not participate in making the decision, although I was asked for my ideas and recommendations in this regard. I supported the decision, which was made in Washington, to seek the reassignment of the military officers insofar as the government of El Salvador found that there was some cause to suggest that abuses occurred under their command.

Q. (e) Has it been U.S. policy to exclude these individuals from entering the United States?

A. I do not know just who put the list together in Washington, but I do know that the White House requested that such a list be drawn up and that it be transmitted to the government in El Salvador in connection with then Vice President Bush's visit to El Salvador. I believe that some of these officers were subsequently placed on the visa lookout list.

Q. (f) What was the basis of the inclusion of names on the list presented to the Salvadoran government?

A. The basis for inclusion of the names on the list presented to El Salvador government was the available information in the files of the United States government on their activities.

2. Q. Your 1985 description was of "connections or presumed connections" to death squads and other illegal military activities. Was the basis of inclusion on the list proven connection to death squads or merely "presumed connection"?

A. The criteria used for compiling this list of Salvadoran officers did not include connections with death squads. These related to the full range of reports of abuses of authority and human rights violations committed either directly by these officers or carried out by individuals under their command. Our efforts then (as I believe they still are now) were designed to assist the government of El Salvador and the military high command in holding officers accountable for their actions and those of their subordinates as they relate to repeated instances of human rights abuses.

3. Q. Did the United States provide evidence to the government of El Salvador to support its accusations?

A. The criteria used for compiling this list of Salvadoran officers did not include connections with death squads. These related to the full range of reports of abuses of authority and human rights violations committed either directly by these officers or carried out by individuals under their command. Our efforts then (as I believe they still are now) were designed to assist the government of El Salvador and the military high command in holding officers accountable for their actions and those of their subordinates as they relate to repeated instances of human rights abuses. Our concern about the links of these officers with repeated abuses of authority were well known to the military high command and the government as they were the subject of an on-going dialogue between us.

4. Q. Is it my understanding that the United States has long pressed the government of El Salvador to expedite the judicial process in connection with the killing of Archbishop Romero, the nuns, the others. Has that been the position?

A. The answer is yes.

5. Q. Why would the United States support taking unilateral actions against Salvadoran citizens—military or civilian—without benefit of charge, evidence, trial, or other proper opportunity to defend themselves against these accusations?

A. The U.S. Government is not engaged in taking unilateral actions against Salvadoran citizens. Rather, we support the efforts of the Government of El Salvador to revamp their justice system to make it more responsive to the needs of the Salvadoran people.

The U.S. has long maintained that all Salvadorans must be held accountable for their actions under an impartial rule of law. U.S. government support to the country's judicial system seeks to bring about an impartial and efficient system of law as the only real lasting guarantee against the actions of extremists from both the left and the right.

6. Q. Who prepared the list that was presented to the government of El Salvador?

A. I do not know who prepared the list; however, I do know that the list was prepared at the direction of the White House and that it was to be delivered to the Salvadorans in conjunction with the visit of then Vice President Bush. The U.S. Government to my knowledge has never demanded that Salvadoran citizens be exiled.

7. Q. Has the United States ever demanded, verbally or in writing, that other Salvadorans be exiled based on their connection to death squads or other illegal activities in El Salvador?

A. Other than this particular case the answer is, to the best of my knowledge, no. However, the word "exiled" is misplaced. We asked for reassignment for the individuals overseas and for the government to persuade those not subject to its control to leave for a period of time.

8. Q. Has the United States ever demanded, verbally or in writing, that other Salvadorans be exiled based on their connection to Marxist terrorist organizations in El Salvador, such as the FMLN?

A. Since individuals who participate in Marxist terrorist organizations in El Salvador are subject to prison terms within the country, we have not sought their removal from the country.

9. Q. Has the United States ever demanded of any other country that it exile members of its military, or civilians—for any reason?

A. To the best of my knowledge, no.

10. Q. What would be the position of the United States if another country demanded that the U.S. Government exile any members of our military, or station them abroad?

A. This is a hypothetical question. I presume that we would look at it, under the circumstances and in the light of the conditions in which such a proposal was made, which is exactly what the government of El Salvador did.

Mr. HELMS. Mr. President, I take the time to outline this issue with some specificity because I believe it represents one of the most disappointing examples of supposed U.S. diplomacy. The United States, a great beacon of liberty and democracy, conveys to a small Central American neighbor—a country also struggling for democracy—that it should exile some of its military personnel because of U.S. allegations of death squad activities. Yet proof for these allegations is never presented, no opportunity to address the charges is given to the Salvadorans, no trial, no process whatsoever.

It is shabby treatment for any country and especially for a friend and ally that respects our country. While Mr. Pickering does not answer some of the questions, I am informed that in fact all of those forcibly exiled at United States request remain outside of El Salvador and that the United States has prevented their entry, even on a visiting basis, into the United States—including at least one request based on the need to visit a sick relative.

FUNDING FOR THE PLO AND SWAPO

Question. Section 114(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, requires a reduction in U.S. assessed contributions to the United Nations and its affiliated agencies for projects providing benefits to the Palestine Liberation Organization (or entities associated with it) or to the South West Africa People's Organization.

Please provide a list of all occasions on which the U.S. withheld contributions because the UN's projects benefited (1) the PLO and (2) SWAPO, as well as the amounts withheld.

Answer. The U.S. began withholding its share of the amount budgeted by the UN for certain activities benefiting the PLO in FY 1980. U.S. withholdings for SWAPO activities began in FY 1984. Through FY 1989, cumulative U.S. withholdings for PLO/SWAPO activities from the UN regular budget total approximately $9.37 million.

Question. Are these withheld contributions considered, by the UN or the U.S., as part of the "arrearages" which the U.S. owes to the United Nations?

Answer. The UN considers these withholdings—indeed, any unpaid assessment to the regular budget—to be an arrearage if it is not paid during the year in which the amount was assessed. These withheld contributions are not considered part of the arrearages which the U.S. plans to repay the United Nations.

Question. Please provide a summary of the amounts spent by the UN and its affiliated agencies during the past 7 fiscal years on behalf of the PLO and SWAPO.

Answer. Based on UN data which we request for withholding purposes, the UN has identified approximately $41.8 million in expenditures for PLO/SWAPO activities for the past 7 years (note: includes early estimates for CY 1988; actual amounts are pending final reconciliations of accounts by the UN). Regarding the affiliated agencies, the U.S. requires agency certification that regular budget funds are not being spent on behalf of the PLO and SWAPO before appropriated amounts can be paid to the agencies. In accord with responses received from the affiliated agencies, we have not withheld funds from the agencies for either PLO or SWAPO activities.

Question. For the PLO, please include, individually, for each fiscal year, amounts spent through the Committee on the Exercise for the Inalienable Rights of the Palestinian People, the Special Unit on Palestinian Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and the Second Decade to Combat Racism and Racial Discrimination, as well as any other entity which is considered to provide support to the PLO.

Answer. Based on available UN data, the following is a yearly breakdown of UN expenditures on PLO/Palestinian activities and the Second Decade to Combat Racism. The 1988 (FY 1989) figures are estimates pending final reconciliation of accounts.

AMOUNTS BY YEAR

[In thousands of dollars]

1982 FY83	1983 FY84	1984 FY85	1985 FY86	1986 FY87	1987 FY88	1988 FY89
5,277.8	6,912	5,365.6	5,849.1	5,394.7	5,369.1	5,394.6

Question. For SWAPO, please include, individually, for each fiscal year, amounts spent through the United Nations Council for Namibia, the United Nations Fund for Namibia, the United Nations Institute for Namibia, the Nationhood Programme for Namibia, and the Office of the United Nations Commissioner for Namibia.

Answer. Two factors should be noted concerning expenditure data for the above activities: (1) the UN Fund for Namibia and the UN Institute for Namibia are individual trust funds of the UN and, consequently, are funded from voluntary (not assessed) contributions; (2) although the UN Council for Namibia, the Nationhood Program for Namibia and the Office of the UN Commissioner for Namibia are included in the UN regular budget, the budget does not provide

a breakdown of amounts earmarked specifically for SWAPO activities. This is a significant distinction since these three regular budget items entail funding of a cross-section of Namibian activities which go well beyond support of just SWAPO.

However, because we withhold a share of our assessed contribution for SWAPO activities, the UN, at our request, provides us with annual estimates of regular budget SWAPO expenditures. The amounts thus provided are as follows (note: regular budget withholdings began in CY 84/FY 85; CY 88/FY 89 amounts are estimates pending final reconciliation of UN accounts):

AMOUNTS BY YEAR

[In thousands of dollars]

1984 FY85	1985 FY86	1986 FY87	1987 FY88	1988 FY89
479.6	646.2	704.6	619.8	719.6

WALVIS BAY

Senator HELMS. Follow-up: Is it clearly understood and recognized by the United Nations that Walvis Bay is not a part of Namibia and will remain sovereign territory of South Africa?

Answer. The status of Walvis Bay is addressed in Security Council Resolution 432 of 27 June 1978 and in the formal statement by Secretary Vance of the same date on behalf of the five Contact Group members. (Copies are attached.) Resolution 432 calls for the re-integration of Walvis Bay into Namibia. It remains the U.S. position that all aspects of the question of Walvis Bay must be subject to discussion between the South African Government and the elected Government of Namibia following independence.

Senator HELMS. Follow-up: What, if any, participation in the Namibian elections will individuals have who (1) live in Walvis Bay, but were born in Namibia, and (2) live in Namibia, but were born in Walvis Bay?

Answer. The July 27, 1978, statement by Secretary of State Vance on behalf of the Western Contact Group quoted an earlier statement by a Contact Group spokesman as follows: "We have obtained assurances (from South Africa) that . . . Namibians in Walvis Bay will be able to participate in the political life of the territory during the transitional period, including voting in the elections." Precisely who will be able to vote will probably hinge on how the definition of a "Namibian" is ultimately arrived at with respect to such persons, i.e., whether persons born in Walvis Bay are in fact legally deemed to be Namibians or may choose to be so deemed.

Senator HELMS. Follow-up: Some have alleged that the South African military presence has been increased in Walvis Bay since the December 22, 1988, signing of the agreement. Is that the case? Has SWAPO threatened to disavow, or disrupt, implementation of UN Resolution 435 if South Africa withdraws some of its troops to Walvis Bay?

Answer. On January 27, SADF Chief of Staff Geldenhuys announced that South Africa would not increase its garrison in Walvis Bay during the independence process. Although we have seen reported rumors that South Africa has increased its military presence in Walvis Bay in the past two months, we have seen no evidence that this has occurred. We believe that all parties involved in the process of achieving independence in Namibia are committed to its successful conclusion and that UNTAG will faithfully carry out its mission of resolving disputes.

ANC CAMPS

Senator HELMS. Follow-up: As I understand it, the agreement will result in the removal from Angola of training camps for the African National Congress. Where will these camps be relocated?

Answer. ANC officials have said that several African countries have offered facilities to replace those that the ANC is leaving in Angola. The ANC has not indicated which offer(s) it plans to accept.

Senator HELMS. Follow-up: Who will arrange for the transportation to the new location(s)?

Answer: The ANC stated that it will handle arrangements for the resettlement of ANC personnel in Angola.

Senator HELMS. Follow-up: There have been several reports, including one by the Committee staff, that the ANC maintains "detainees" in association with its camps. Who will ensure that those associated with the ANC who are relocated are not being held against their will by the ANC?

Answer: To our knowledge, no formal arrangements have been made for any group to exercise a monitoring function over the process of relocating persons in ANC camps in Angola to other countries.

POLITICAL PRISONERS

Senator HELMS. Follow-up: How many political prisoners or political detainees are held in Namibia?

Answer: No definitive number or list of political prisoners and detainees in Namibia is available. Many persons are in detention for a short period and are released without being charged. On December 12, 1988, the Namibia Communications Centre (London) released a list of 38 persons "in detention for political reasons in Namibia."

Senator HELMS. Follow-up: Does the U.S. recognize, and does the U.N. acknowledge, that individuals charged with, or convicted of, indiscriminate acts of killing and terrorism against civilians in Namibia are not "political prisoners or political detainees" within the meaning of U.N. Resolution 435, and thus are not required to be released prior to the beginning of the election campaign?

Answer. We are not aware whether individuals currently serving prison sentences or being tried for recent bombings in Namibia are regarded as "political prisoners or political detainees" by the United Nations Special Representative. Clearly, any case of this sort must be carefully evaluated on an individual basis.

Senator HELMS. Follow-up: Who is the "jurist of international standing" that has been designated to assist the U.N.'s Special Representative?

Answer. The U.N. intends to appoint three jurists to assist the Secretary-General's Special Representative during the Namibian transition to independence. Two of these persons have already been nominated:

Prof. Karl Aage Norgaard, of Denmark, President of the European Human Rights Commission.

Andrew Grotrian, Esq., of Scotland, a former member of the European Human Rights Commission. The third member will be nominated before implementation of Resolution 435 begins on April 1.

Senator HELMS. Follow-up: How many Americans have been killed as a result of terrorism in Namibia? Please detail.

Answer. We have no information that American citizens have been killed by acts of terrorism in Namibia. Since UNSCR 435 was passed, two Americans have been killed by violence in Namibia, Foreign Service Officer Dennis Keogh and U.S. Army Lt. Col. Kenneth Crabtree. They were killed in a bomb blast at a gas station in Ovamboland, northern Namibia, on April 15, 1984. No organization has claimed responsibility for this incident and we have never been able to identify the perpetrators.

ADDENDA TO UN RESOLUTION 435

Senator HELMS. Follow-up: Please provide a description, and when applicable the text, of all modifications, understanding, and interpretations—verbal and written—on the implementation of U.N. Resolution 435 since its adoption by the U.N. in 1978 which will govern the implementation of that resolution.

Answer. The following subsequent understandings and agreements are expressly noted in the further report of the Secretary General, dated 23 January 1989 (UN Document S/20412, attached), concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia:

(a) The agreement reached in 1982 that UNTAG, with the cooperation of host Governments and in the context of implementation of Security Council resolution 435 (1978), would monitor SWAPO bases in Angola and Zambia (contained in UN Document S/15776, attached);

(b) Informal understandings reached in 1982 on the question of impartiality (discussed in paragraph 36 of the Secretary General's "further report"; the text of this so-called "impartiality package" has not yet been circulated as a UN document or otherwise officially made public);

(c) The text of the Principles concerning the Constitutent Assembly and the Constitution of an indpendent Namibia which was transmitted to the Secretary General on 12 July 1982 (UN Document S/15287, attached); and

(d) The agreement reached in November 1985 (UN Document 17658, attached) on the system of proportional representation for the elections envisaged in Security Council Resolution 435 (1978).

In addition to the Secretary General's "further report" noted above, the following recent UN resolutions and reports (a, b, and c attached) are of direct importance to the implementation of Resolution 435:

(a) UN Security Council Resolution 629 of 16 January 1989 (which, inter alia, requested the Secretary General to prepare a report on the implementation of Resolution 435 taking into account all relevant development since the adoption of that resolution);

(b) The Secretary General's explanatory statement of 9 February 1989 (S/20457);

(c) Security Council Resolution 632 of 16 February 1989 (approving the Secretary General's further report and explanatory statement); and

(d) General Assembly Resolution of 1 March 1989 approving the UN Transition Assistance Group budget (text not yet available).

In addition to the above documents, other understanding have been reached during the course of the past ten years, in conversations which are considered confidential by the participating parties. A briefing on these additional elements of implementation can be provided according to the normal procedures covering classified materials.

SECONDMENT

Question. 1. The UN Reform Law calls for "progress towards a 50 percent limitation" on the practice of so-called "secondment"—that is, the Soviet practice of detailing Soviet government employees—most of them KGB agents—to the UN bureaucary. I understand that only 3 of these spies out of a total of 184 seconded employees have been dismissed.

(a) Is that "progress"? What would you consider progress?

(b) Isn't this a UN problem rather than a Soviet or U.S. one?

(c) Will you press the Secretary-General to reduce the number of seconded employees from any one country to no more than 50%?

He has the authority to do this by simply not renewing any short-term contracts until the number of those on genuine career status is equal to 50% of the total number of employees from that country.

Answer. 1. (a) We believe the commitment of the Soviet Union in principle to move from their long-established policy of seconding all of their nationals to a policy of permitting the permanent assignment of employees to the UN Secretariat is a step in the right direction. The fact that three of over 184 seconded employees have been shifted to a more permanent basis can be viewed as a beginning step. We will put very high priority on continuing to work on this issue to achieve greater progress.

(b) Action on this issue is mostly in the hands of the UN and the Soviets, and thus it is largely their problem rather than ours. As the host country and a state fully committed to the United Nations Charter, we would want to see Soviets assigned to the United Nations Secretariat as independent international civil servants. The Soviet practice of seconding all of their nationals is contrary to the spirit of an independent civil service, but it should be noted that there are no specific UN rules or resolutions that prohibit the practice.

(c) We are continuing to press the Secretary-General to reduce the number of seconded employees from any one member state to no more than 50%. This is the United States policy and, of course, I fully agree with it. We agree that the Secretary-General's capacity to work in this area is based on his readiness to strongly urge a reduction of short-term contracts for seconded Soviet employees. In implementing the reduction of seconded employees, we are mindful of the need for exceptions for small developing countries that are unable to spare their experienced diplomats for permanent assignments to the UN.

UN HOUSING

Question. 1. I believe we all have a responsibility to see that Federal dollars are spent wisely. In FY-88 the U.S. Mission to the UN had an operating budget of some $4 million per year and one-half of the budget—$2 million—was used to provide housing for some 44 employees. What justification is there for such an extraordinary amount of money?

Answer. My predecessor at the United Nations has already undertaken significant steps to reduce the amount of our budget and devote it to the housing program. Last year the housing program was reduced from a permitted 45 leases to about half the size—18 leases for Foreign Service Officers, 2 for political appointees, and leases for the other USUN Ambassadors. In addition, the State Department is completing negotiations now to release 10 of our highest-cost leases in that regard.

Question. 2. Are other Federal employees serving in the New York metropolitan area afforded housing benefits.

Answer. The FBI has a new program whereby its agents are given a 25 percent salary increase for serving in New York City, as well as a $20,000 bonus.

Question. 3. (a) To your knowledge, does the American taxpayer subsidize the housing for the Ambassador to the Organization of American States (OAS)?

(b) Would you agree that the OAS is an international organization like the UN that resides in the United States?

Answer. (a) Not to my knowledge.

(b) Yes.

Question. 4. What justification can you give the American taxpayer for the substantial housing allowances that are given to UN employees but not given to other Federal employees, including the heads of other international organizations?

Answer. The justification for housing allowances or benefits which are given to employees of the United States Mission to the United Nations are home-based on the fact that Foreign Service employees serve very short tours of duty in New York, and it is not possible for them to acquire housing on the same basis as those who are permanently assigned. The purpose of the allowance structure should be to provide for financial equivalence on an average basis so that Foreign Service personnel can be recruited and assigned to serve in New York without a financial penalty over what their average costs would be in Washington.

Question. 5. In your view, is it necessary for the American taxpayer to subsidize housing for the Deputy Permanent Representative, which in 1987 amounted to $85,000?

Answer. On the thesis above, it is necessary, in one fashion or another, for the United States to meet the additional costs of living and working in New York. We attempt to do so at costs which are as effective and as low as possible.

Question. 6. Do you think that the maintenance of living quarters for the Deputy Permanent Representative should include a maid costing the taxpayers $20,000 and a collection of rented furniture costing the taxpayers another $18,000?

Answer. It is noteworthy, I believe, that the legislation enacted by Congress last year, which substantially reduced the housing program, specifically provides for the Deputy Permanent Representative to receive living quarters expenses similar to those authorized for Foreign Service personnel serving abroad.

POPULATION

MEXICO CITY POLICY

Question. 1. As you know, at the July 1984 Conference on Population in Mexico City, the U.S. delegation enunciated what has since been called, "The Mexico City Policy" which states that no U.S. population assistance funds would go to private organizations which "perform or actively promote abortion as a method of family planning in other nations."

Answer. I support the 1984 policy.

UNFPA

Question. 1. I am sure you are familiar with communist China's one-child-per-couple policy. In a document issued in May 1988, the U.S. Census Bureau reported that the Chinese government condones coercive abortion and sterilization as a means to meet the yearly birth quota.

(a) Do you support forcing or coercing women to kill their unborn children as a means to control the birth rate in a country?

Answer. No.

Question. (b) Do you support coercing or forcing women to use contraceptives as a means to control the birth rate in a country?

Answer. No.

Question. (c) Do you support mandatory or coerced sterilization as a means to control the birth rate in a country?

Answer. No.

Question. 2. The United Nations Fund for Population Affairs contributes funds to the China population program. Under U.S. Law no federal tax dollars can be used to pay for or coerce an individual to obtain an abortion or undergo sterilization. In 1985, the government reduced its funding to UNFPA and since 1986 the government has not funded the program at all.

(a) Do you support U.S. policy?

Answer. Yes.

Question. 3. According to a January 3, Christian Science Monitor article, in the next few months, the United Nations will consider changes in the UNFPA program. The UNFPA will not participate in China's population census-taking and analysis. Rather, it will concentrate on three areas:

(1) Maternal and child health planning in rural areas;

(2) Contraceptive production and research;

(3) Training demographers to conduct projects to address the needs of China's aging population and to help rural women become more economically self-reliant.

Would these proposed changes be sufficient to warrant renewed U.S. support for UNFPA.

Answer. The United States would have to study not only the aspects of the program which the UNFPA undertakes, but also what is happening with respect to Chinese policy on the issues of coercive abortion and forced sterilization and how and in what way the UNFPA program specifically relates to these activities. It would be premature therefore to give an answer to the question without further and fuller study.

The PRESIDING OFFICER. The senior Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in support of the nomination by President Bush of Ambassador Thomas R. Pickering to be the U.S. Representative to the United Nations. Ambassador Pickering has served in the Foreign Service for 30 years and is uniquely qualified for this position.

In 1953, Ambassador Pickering, a native of New Jersey, graduated from Bowdoin College in Maine and went on to earn two masters degrees—one from the Fletcher School of Law and Diplomacy and the other from the University of Melbourne in Australia. Upon completion of his education, Ambassador Pickering dutifully served his country in the U.S. Navy for 3 years.

Ambassador Pickering joined the Foreign Service in 1959 as an intelligence research specialist and subsequently held several different posi-

tions in the State Department including political officer in Geneva on detail to the Arms Control and Disarmament Agency. He received intensive Swahili language training prior to serving as the principal officer to Zanzibar. After 2 years as Deputy Chief of Mission in Dar Es Salaam, Tanzania and 4 years as Deputy Director of Political Military Affairs at the State Department, he became Special Assistant to the Secretary of State and Executive Secretary of the Department of State.

Ambassador Pickering was last named to an ambassadorship in 1974 when he became Ambassador to the Hashemite Kingdom of Jordan. Following that first diplomatic position, he served as Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs at the Department of State. In 1981, he was named Ambassador to the Federal Republic of Nigeria and served in that capacity for 2 years. He became Ambassador to El Salvador in 1983 and was named Ambassador to Israel in 1985 in which position he is currently serving.

Ambassador Pickering's experience and expertise in the Foreign Service make him an excellent candidate for the position of U.S. Representative to the United Nations. His diplomatic talents have served him well in many sensitive positions and he has represented the United States abroad with honor and integrity.

In closing, President Bush has made an excellent choice of Ambassador Pickering. Clearly, he has the ability and the qualifications to ably represent our country at the United Nations.

I suggest to my colleagues that they swiftly approve his nomination.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

The Senator from Rhode Island?

Mr. PELL. How much time do I have?

The PRESIDING OFFICER. Six minutes, forty-two seconds.

Mr. PELL. I yield 3 minutes to the Senator from New York [Mr. MOYNIHAN.]

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman of the Committee on Foreign Relations for finding time for these remarks.

Mr. President, I rise to congratulate President Bush on his nomination of Ambassador Pickering. It is surely the case that there has never been an American President better qualified to choose a Permanent Representative to the United Nations, having himself served in that role.

In 1971, I had the great honor to serve on the U.S. delegation to the General Assembly of that year with then-Ambassador Bush, now President Bush. I watched his performance then with great respect and admiration. President Bush's nomination of Ambassador Pickering has earned him still more respect and admiration from this Senator.

This is a moment, Mr. President, of renewed hope and, indeed, I might even say expectations for the United Nations system. We have seen the United Nation's great potential for peacekeeping. Where the world and the principal adversaries want a measure of peace, the United Nations can witness that the peace is being kept. We look forward to a role of the United Nations in Afghanistan. It will be a tormented and difficult transition from civil war to something like a stable civil regime.

For our part, Mr. President, I think it would be agreed that in the context of these new expectations, the United States needs to get itself into a good working relationship again with the United Nations. We must pay our dues, which is an elemental responsibility. I can only note the others have come along and paid theirs. We are in an awkward position and an undesirable one.

We should also reconsider, as the distinguished chairman of our Committee on Foreign Relations is prepared to do, our decision to leave Unesco. Unesco has responded to our having left, and in that context, the Committee on Foreign Relations will hold hearings. We will see what the judgment of persons with views on this matter may be, and we will decide in an open way whether we should rejoin. When we left the International Labor Organization in 1977, we said we did not mean to leave but would stay out until the organization changed its ways. It did, and we rejoined. Perhaps the time has come for Unesco.

In closing, though the distinguished senior Senator from South Carolina has mentioned this, I, too, would like to note Mr. Pickering is a graduate of the Fletcher School of Law and Diplomacy.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to commend the President of the United States for selecting Mr. Pickering to become our Ambassador——

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. WARNER. I am perfectly willing to yield the floor. I did not realize we are under a time agreement.

Mr. HELMS. How about 2 minutes?

The PRESIDING OFFICER. The Senator from North Carolina controls 7 minutes.

Mr. HELMS. I thank the Chair.

Mr. WARNER. Mr. President, I will be very brief because there may well be other Senators who would like to speak.

I have had the privilege of having a personal relationship of some several years with the nominee to become Ambassador to the United Nations. At a time when the United Nations is playing an increasingly critical role in achieving peace in the world, whether it be in Angola, Afghanistan, or the Persian Gulf, the United States must be represented by a person with a wealth of knowledge and diplomatic experience. Ambassador Pickering is such a person.

Tom Pickering joined the Foreign Service in 1959. During the 1960's he served in Geneva, Zanzibar, and Tanzania before returning to Washington to become Deputy Director of the Bureau of Political-Military Affairs and later, Special Assistant to the Secretary of State and Executive Secretary of the Department.

In 1974, Tom Pickering began a series of appointments as United States Ambassador—to the Kingdom of Jordan from 1974 to 1978; to Nigeria from 1981 to 1983; to El Salvador from 1983 to 1985; and to Israel from 1985 to 1988.

Throughout his career in the Foreign Service, Ambassador Pickering has performed in a manner that has earned him praise and respect. I am proud to support his nomination as U.N. Ambassador and honored that he will be representating the United States in this important international organization.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I inquire how much time remains on this side?

The PRESIDING OFFICER. Six minutes, twenty-three seconds.

Mr. PELL. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Three minutes, fourteen seconds.

Mr. PELL. I yield 2 minutes to the Senator from Maine.

Mr. MITCHELL. Mr. President, Thomas Pickering is an outstanding choice to represent the United States at the United Nations.

I can think of no one better qualified for this important post, no one in whom we could have more confidence, and no one who would more surely serve with distinction.

I commend President Bush for his decision to nominate Thomas Pickering to be the Representative of the United States to the United Nations.

Mr. Pickering has dedicated 30 years of his life to the Foreign Service. In so doing, he has become one of a handful of individuals to have gained the personal rank of Career Ambassador, a truly notable honor.

His wide-ranging experience includes service as Ambassador to Jordan, Nigeria, El Salvador, and most recently Israel. In each of these positions, he

has been a thoughtful and effective American representative. The regard in which he is held overseas is equaled by the respect accorded him at home.

I am particularly pleased that Mr. Pickering will be at the United Nations during this exciting period in the organization's history.

The United Nations has become increasingly active in the past year in a number of important international issues and in the mediation of regional conflicts. The 1988 Nobel Peace Prize awarded to U.N. peacekeeping forces is testimony to the valuable contribution of the United Nations to global stability.

Thomas Pickering can bring to the United Nations a unique perspective and impressive breadth of experience and knowledge. He is well prepared to expertly represent our country in this important body and contribute to the positive work of the United Nations.

I am pleased to have the honor to vote this afternoon to confirm Thomas Pickering to be the U.S. Representative to the United Nations.

I thank the distinguished chairman.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you very much, Mr. President.

Mr. President, no amount of time would allow me sufficient time to put into the RECORD the confidence that I feel in the nominee for an important post. The spokesman for the United States at the United Nations is himself a symbol of the kind of America that we wish to project not only to the free world, but to those who would choose to be free.

Ambassador Pickering has had already a most distinguished career. He has been tested, sorely tested by being posted to some of the most difficult and challenging posts that are available to test the metal of a career Foreign Service officer. He has distinguished himself repeatedly.

He is a man of integrity, a man of considerable diplomatic skills, but perhaps most of all, a man of character and courage, a man who will be able to articulate with conviction the policies of the United States in a forum in which all too often the United States has been castigated, has been ignored, has been put down.

There are some who, as a result of the inequity of the treatment given us in that forum, have been inclined to think that the importance of that post has been minimized; that, indeed, the ideals which prompted so many of us to rejoice in its formation have been abandoned so frequently in the conduct of its affairs that it has hauled into question the very utility of that body.

But I think most of us understand this world is a shrinking neighborhood, that there is a requirement that we conduct ourselves even with our enemies in a way that leaves no doubt as to our purpose and leaves no doubt as to the genuineness of our commitment to the ideals that prompted formation of that body.

Mr. President, I will conclude simply by stating that I think the President is to be congratulated on a superb choice, one I am sure will enjoy widespread, perhaps unanimous bipartisan support.

Mr. HELMS. Mr. President, may I inquire how much more time I have?

The PRESIDING OFFICER. Three minutes and forty seconds.

Mr. LAUTENBERG. Mr. President, I rise in support of the nomination of Ambassador Thomas R. Pickering for the position of Ambassador to the United Nations.

I cannot imagine a better choice for this critical and extremely sensitive post, and not only because he is from New Jersey. Ambassador Pickering has diplomatic experience on three continents and is held in high regard in the diplomatic community. His background and performance in the foreign service, including his service as Ambassador to Jordan, El Salvador, and Israel, clearly demonstrate his qualifications for the job.

Ambassador Pickering's credentials are outstanding and well known. I would like to speak more personally, for a moment, about those intangible qualities that make Ambassador Pickering a truly outstanding diplomat. I first met Tom Pickering as Ambassador to El Salvador when I consulted with him at length about the murder of Ita Ford, one of the four churchwomen brutally slain in El Salvador.

Ita Ford was from New Jersey. At the time I dealt with Tom Pickering on this issue, the murder of the churchwomen had not yet been resolved and ensuring that the murderers were brought to justice in El Salvador was a matter of great concern to me and to the Congress. The Congress had voted to impose conditions on aid to El Salvador pending a verdict in the case and El Salvador was in the midst of a Presidential campaign.

In these difficult circumstances, Tom Pickering was most helpful in conveying my concern and that of William Ford, Ita's brother, to the State Department and the Salvadoran Government. He went out of his way to keep me informed of developments in the case, ever mindful of the constraints imposed by his position as Ambassador.

His insight and deep understanding of the political dynamics of El Salvador were apparent when I visited that country in 1984, and he willingly shared his knowledge with me. He brought to his difficult assignment a finely tuned sense of how to balance national security concerns, domestic concerns, and the Senate's desire to be involved in the foreign policy process. Throughout my dealings with Tom Pickering, I have been impressed with his integrity, his wisdom, and his ability to handle difficult situations with sensitivity. His tenure as Ambassador to Israel has only confirmed this judgment in my mind.

I have great confidence in Ambassador Pickering's ability to represent our country at the United Nations at a time when the role of the United Nations in resolving world conflicts is on the rise, and when the Soviet Union has shown new interest in participating in that forum. America must respond to the new and difficult challenges posed by President Gorbachev's new initiatives with skillful and creative diplomacy of our own, on the world stage and especially at the United Nations.

In my mind, there is no doubt Ambassador Pickering is the man to help us do so at the United Nations. I urge my colleagues to support this nomination.

Mr. DOLE. Mr. President, I am pleased to join the other distinguished Senators who have spoken, in commending to the Senate the nomination of Ambassador Thomas Pickering as our Ambassador to the United Nations.

Tom Pickering has been one of our most distinguished career diplomats, and one of our most experienced. He has served as Ambassador to four countries where the United States has important interests—Jordan, Nigeria, El Salvador, and most recently, Israel. At each of those posts, and throughout his diplomatic career, he has served this country with integrity, skill, initiative, and good common sense.

Now he goes to the United Nations. He is the right man, at the right time, for that tough job.

At long last, and thanks to the steady pressure of the Reagan administration and the outstanding work of Ambassadors like Jeane Kirkpatrick and Vernon Walters, the United Nations is on the right track. But it still has a very long way to go on that track.

"America bashing," though somewhat reduced, remains the rule rather than the exception. "Israel bashing," often in virulent terms, remains the rule, almost without exception.

Despite improvements in its administration, inefficiency, and waste of money—a lot of it American taxpayers' money—are still all too common.

The treatment of subjects like human rights, though done in a somewhat more even-handed way than

before, remains badly skewed; in effect, the United Nations through its investigations and reports has deemed that human rights violations of many Communist states are usually none of its business, while violations in many other countries are "fair game" for the most critical kinds of treatment.

The list could go on and on.

The United Nations is on the right track. It is doing some highly useful things—for example, through its reporting on events in Afghanistan, and some of its peackeeping operations.

But there is a long way to go.

Tom Pickering is the right Ambassador to keep the pressure on, for the United Nations to keep moving in the right direction, and hopefully at an accelerated pace. I am pleased to commend his nomination to the Senate, and I look forward to his unanimous confirmation.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of Thomas R. Pickering as U.S. Ambassador to the United Nations and I am pleased to express my support and vote for confirmation today.

Thomas Pickering is well qualified for the position of U.N. Ambassador as reflected in his impressive list of accomplishments and experiences. A distinguished member of the Foreign Service since 1959, Thomas Pickering has served as Ambassador to Jordan, Nigeria, El Salvador, and most recently Israel.

His impressive career has included extensive work in the State Department as: Special Assistant to the Secretary of State and Executive Secretary, Deputy Director of the Bureau of Political-Military Affairs, and Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Thomas Pickering is a 1984 and 1987 recipient of the Distinguished Presidential Award, and a member of Phi Beta Kappa, the International Institute of Strategic Studies, and the Council on Foreign Relations in New York. This appointment as U.N. Ambassador is consistent with his lifelong service to his country in the realm of foreign relations.

I came to know Tom Pickering personally when he was assigned as Ambassador to El Salvador. I visited him there in the early 1980's at a time of great turbulence in that country. He acquitted himself in that post with great distinction.

I also visited Ambassador Pickering during the time he was assigned to head the Embassy in Israel. Again, his performance was outstanding.

I support the nomination of Thomas Pickering to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has other positions in the past.

Mr. BIDEN. Mr. President, over 40 years ago, in the wake of the Second World War, the United Nations was formed. Like the League of Nations before it, the United Nations was based on a simple ideal: That the nations of the world should cooperate to prevent armed conflict and to promote harmony among mankind.

Unfortunately, for the last four and a half decades, the United Nations has, more often than not, served as an ideological battleground of the cold war. The U.N. Security Council has been the front line of the battleground, as the superpowers took turns denouncing the other in times of crisis. And who can forget the sight of Nikita Khrushchev banging his shoe on the podium at the U.N. General Assembly, warning of the impending Soviet domination of the world?

As we enter the 1990's, however, the United Nations is enjoying a revitalization, and is finally starting to play the role envisioned by the delegates in San Francisco—as an honest broker for peace. The U.N. Secretary General, Mr. Perez De Cuellar, has worked tirelessly to resolve many conflicts around the globe, and his efforts are finally bearing fruit. The blue helmets of the United Nations peacekeeping forces have become a welcome and familiar sight, monitoring recent cease-fire agreements in Southwest Asia, in the Middle East, and in Southern Africa. For this historic advancement of peace, the United Nations peacekeeping force deservedly received the 1988 Nobel Peace Prize.

Another encouraging development is that the superpowers are discovering that the United Nations can serve as a forum for solving global problems. Last fall, both President Reagan and General Secretary Gorbachev went to New York to sing the praises of the United Nations. Indeed, Mr. Gorbachev chose that moment to make a stunning offer for troop reductions in Europe as well as new cooperation on problems such as the environment and world debt.

The new U.S. Ambassador, therefore, will have an important task: helping to maintain the momentum in the United Nations for the resolution of conflict, and using the United Nations as an arena for discussion of global problems which do not recognize boundaries.

President Bush's designee, Thomas Pickering, is well suited to serve in this role. Ambassador Pickering is one of the finest officers in the Foreign Service, and his experience in a wide variety of posts abroad gives him a strong background to serve at the United Nations. His selection is a signal that the President—a former U.N. Ambassador himself—plans to give great weight to our effort at the United Nations.

However, our efforts there will be hampered unless we pay our debts. The United States is over $400 million in arrears to the United Nations; unless we make a good faith effort to pay this debt, our effective voice in that body will be diminished. Ambassador Pickering made a firm pledge to the Foreign Relations Committee that the administration is committed to paying our arrearages, and I look forward to working with him toward this end.

Mr. President, the United States is entering an exciting new era in foreign policy. Dramatic changes are occurring around the world that call into question many of the assumptions upon which American foreign policy has been based. Similarly, the United Nations has been resurrected from the dustbin of diplomacy, and is poised to enter a new golden age, in which the nations of the world may finally utilize its structures for settling conflict and for promoting global cooperation.

I am pleased to support the nomination of Tom Pickering to be Ambassador to the United Nations. I am confident that he will serve the country well as the United Nations enters this period, and I wish him every success as he takes up this new challenge.

Mr. SIMON. Mr. President, I am proud to vote today to confirm Ambassador Thomas Pickering, the President's nominee for the critical post of U.S. Ambassador to the United Nations.

I take pleasure in supporting this nomination.

Ambassador Pickering brings great knowledge and experience to the job. One of the stars of his generation in our career Foreign Service, Tom Pickering has served previously in high positions in Washington and as ambassador in Jordan, El Savador, and Israel. He possesses professional level fluency in French, Spanish, and Swahili. Throughout his long career he has won the respect of his colleagues, foreign leaders—such as King Hussein, who called him the best envoy our country has sent to Jordan—and Members of Congress.

I have to add that it is encouraging to see such a mature professional chosen to represent us at the United Nations at a time when that organizations is taking on a much greater role in international diplomacy and peacekeeping. We will need his tough and enlightened professionalism in New York in the next several years, and I salute the President and Secretary Baker for their solid good judgment in sending us this appointment.

Finally, Mr. President, voting for confirmation for this nominee allows us to make an important point about the confirmation process at this particular moment. Many bitter words have been exchanged over the course of the last few days about the inability of the executive and Congress to work

together to dipose their constitutional responsibilities. But this confirmation—along with others the Senate has executed in foreign affairs—illustrates that cooperation is the rule rather than the exception in these matters. And, for this Senator, it will continue to be.

Mr. President, when the executive sends the Senate nominations for high office of this caliber, with this kind of experience, knowledge, and professionalism, it is a pleasure to vote for the President's nominee.

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HELMS. Have the yeas and nays been ordered on this nomination?

The PRESIDING OFFICER. Yes, they have been.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senator advise and consent to the nomination of Thomas R. Pickering to be Representative of the United States to the United Nations. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—99

Adams	Garn	McClure
Armstrong	Glenn	McConnell
Baucus	Gore	Metzenbaum
Bentsen	Gorton	Mikulski
Biden	Graham	Mitchell
Bingaman	Gramm	Moynihan
Bond	Grassley	Murkowski
Boren	Harkin	Nickles
Boschwitz	Hatch	Nunn
Bradley	Hatfield	Packwood
Breaux	Heflin	Pell
Bryan	Heinz	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kasten	Sanford
Cranston	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Symms
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Warner
Ford	Matsunaga	Wilson
Fowler	McCain	Wirth

NAY—0

NOT VOTING—1

Burdick

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider the vote is tabled, the President is immediately notified of the nomination, and the Senate will resume consideration on the Tower nomination.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, may we have order?

Mr. FORD. Mr. President, point of order. The Senate is not in order.

Mr. MITCHELL. May we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, many of whom have inquired about the schedule for the remainder of the day and the week, it is my intention to continue the debate on the Tower nomination through this evening. There may be votes should the distinguished Republican leader determine to proceed with the motion which he has previously indicated he is considering and has, of course, the option to do so at any time. Should that occur, there may be votes this evening.

It is my intention that the Senate will remain in session through this evening to continue the debate and continue all day tomorrow and on Thursday for so long as is necessary to permit that full debate to occur.

Mr. President, I now yield to the distinguished manager of the nomination.

Mr. NUNN. Mr. President, I have a statement I would like to make tonight, but on the other hand, the Senator from Florida has been waiting over here for about 3 hours. So I would be glad to yield to him for his statement and then I will follow or whatever happens on the other side on recognition.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLINGS. Mr. President, will the distinguished Senator from Florida yield?

Mr. GRAHAM. I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I wonder if the distinguished Senator from Florida would mind yielding, and I ask consent that when I get through with my comments he be recognized.

Mr. GRAHAM. I yield.

Mr. HOLLINGS. I ask consent for that. Would someone object to it?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, first let me thank the distinguished Senator from Florida. He has been waiting here for quite awhile, but he has been wonderfully courteous to allow me to speak because I have been compelled to speak out. In that light, let me commend the majority leader for his judicious and rigorously fair handling of this debate.

We have had 15 or 16 Bush appointments, confirmed by 99 votes on both sides. There might have been a dissent on the other side of the aisle, I think on a couple of these nominations.

But my point is that here we are trying our best to conscientiously consider a nomination. The administration urges us to review the FBI files, and when we take them up on it and come to a different conclusion, the administration says, "You are partisan. It is only innuendo. It is rumor." They can characterize, but we cannot describe.

I use words of description with caution. I tried to adhere to the rules, and I have.

But how else can you do it when they say "none," "not one," "not one iota," and then pursue a scorched earth strategy here on the floor. If you come out against John Tower, you are attacked politically on national TV. And I quote specifically from the Brinkley show of last Sunday.

Senator DOLE—

And I am quoting what he said on national TV—

what we don't need are these vicious personal attacks like we had from Senator Hollings from South Carolina. If we want to destroy the institution, then we go out and make vicious personal attacks. We are trying to preserve the institution, avoid criticism of each other.

Can you imagine that? "We are trying to avoid criticism of each other," but I am not. I must say he has gone over the line.

Mr. DONALDSON. May I ask what is the penalty for this? Are you going to try to censure him?

Senator DOLE. Oh, no, not that. What I mean, he has read from the report. He has alluded to the report. He had made vicious attacks on a former colleague, which is fine, I guess, if that is the way he wants to play.

I challenge and request respectfully that the distinguished Senator from Kansas substantiate that charge. Where has any statement of mine been vicious and where has it been an attack? These things have been personal with respect to Senator Tower's record. There is no question about that, and no avoiding that.

But point out to me the vicious attack I allegedly made in the RECORD. I would be delighted to respond to you as a man and a fellow Member of this particular body.

Mr. DOLE. I do not want to interfere with the time of the Senator from Florida.

Mr. HOLLINGS. I do. I wanted to because I cannot appreciate this when you go and try to do a conscientious job and you get all involved. I happen to have stayed off that Brinkley show. I was invited to that show and many others. I declined all offers. But I have stayed off that TV because I did not seek a high profile in this debate. I had already announced to the media that all who had not made up their minds were being harassed. I described my conversations with Vice President QUAYLE, with the distinguished Secretary of the Navy, Will Ball and with Mr. Fred McClure at the White House staff.

I told Senator NUNN that I had every intent of voting for John Tower until I studied the FBI record. The White House requested that we look at the record, and so I went over and looked at the record and went public with a conclusion, not an attack. I came down with the conclusion that I am not voting for Mr. Tower.

Where is the attack or vicious attack that would warrant an accusation on national TV, because you get unfairly characterized by such accusations? You are not allowed to maintain your integrity unless you agree with Mr. Tower's partisans.

I think therein, in all candor, is the attack on my integrity. There is a vicious attack on me personally when you do that kind of a thing.

Senator DOLE and I have been on the floor together for 20 years. We worked on the same side on many issues. But when you characterize my remarks as an attack on John Tower, that is wrong. John Tower made this record, not FRITZ HOLLINGS. I am sorry for him. I am trying to do the President the best favor ever done him.

I would love one thing. With names and confidential identities masked as appropriate, by all means let the White House make public the FBI reports.

This debate would be brought to a close within the hour. It would be all over. Let the White House call HOLLINGS' bluff.

I dare the President, on the one hand, to make the FBI reports public, or, on the other hand, let us go ahead and vote.

Let us give the President a vote on his nominee. I am trying to help the country, and I am interested in the national defense. As a practical matter, this fellow is totally useless with a majority of the Armed Services Committee against him. We are going to be trying his case from now on.

But, no, you folks insist, insist, insist. And I repeat my challenge to point to any instance in the RECORD where I have been vicious or have attacked the gentleman, when in truth, I have come down as best I can in a deliberate and cautious fashion.

I could see they are looking at the record. I will move on, if the Senator wants me to.

Mr. DOLE. Well, I want to quote the exact thing. "Mr. Alcohol Abuser."

Mr. HOLLINGS. Yes, I said only that he abuses alcohol.

Mr. DOLE. Is that not a vicious personal attack on a former colleague?

Mr. HOLLINGS. No, the record is he is an alcohol abuser.

Mr. DOLE. That is not the record. You know that is not the record.

Mr. HOLLINGS. Why do you not reveal the record? That is no personal attack. I have concluded that from the record. You say there is "not one iota" of evidence.

Mr. DOLE. You served with the Senator from Texas for a long time. You observed him. You were in an exchange the other day with the Senator from Wyoming and you said, "Drunk is enough for me."

And I have been on this floor when the Senator from South Carolina has attacked other Senators by name.

Mr. HOLLINGS. Oh, now, we have attacked other Senators. Let us stick to Mr. Tower.

Mr. DOLE. Let us recall each attack one at a time.

Mr. HOLLINGS. One at a time; namely, Tower.

Mr. DOLE. I recall a comment made about the Senator from Ohio, Senator METZENBAUM; and a comment about the Senator from Texas, "the Senator from Texaco." These are the words I recall the Senator from South Carolina saying.

When you stand on this floor and you talk about Mr. Alcohol Abuser, you are talking about John Tower. And there is no evidence in that record that he is an alcohol abuser.

Mr. HOLLINGS. There absolutely is, Mr. President, and he knows it.

Mr. DOLE. You would not speak to anybody else that way.

Mr. BYRD. Mr. President, I ask for the regular order, that Senators not address other Senators in the second person and that they make their questions through the Chair.

The PRESIDING OFFICER. Senators should not address each other and should address their remarks through the Chair.

Mr. HOLLINGS. Mr. President, with respect to Mr. Tower's alcohol abuse—and I will go down the different ones here, where they said "not one iota" and "all rumor" and "all innuendo" and then the gentleman brought up a 17-year-old case. I said on the floor that I would give you the odds. I repeat the offer. I have since been three additional times to review the FBI record. Not the record of 17 years ago, but I will show you facts, not rumors, of alcohol abuse within the last 6 years.

I said I will take at least 10 instances of abuse and show them to you. And all unrelated, I would add. That is what impressed me most. It was not just here, there, or a bunch in one particular place, but all unrelated. And I said, when you said "not one," I said I got 10 on the record. We are trying to adhere to the rules of the Senate. I said I will give you 10 in the last 6 years. Let the White House hush me up by revealing the record. Go ahead and sanitize it, take out the names—that is all we have to do, maintain the confidentiality of the individuals—but let's not sanitize the facts. Let us see whether my facts are true or your facts are true.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I would yield for a question or an answer to that question. In all fairness, I do not think anybody is going to call the rule on us.

Mr. DOLE. The comments of the Senator from West Virginia are correct and appropriate.

Mr. President, I would have to go back and check the record in the 20-some years I have been here, but I do not think I have ever made any reference to any other nominee or any colleague with some characterization.

I just happened to be on the floor when the comment was made about Senator Tower, being Mr. Alcohol Abuser. And I happened to be on the floor when there was a colloquy between, or a debate between, the Senator from Wyoming and the Senator from South Carolina. The Senator from Wyoming knows precisely what was said. It no longer appears in the RECORD, I understand. But it was said on the floor with reference to Senator Tower. It was demeaning. It was a critical assault unwarranted on a former colleague, or anybody else for that matter.

There is no evidence, nobody has any proof, that John Tower is an alcohol abuser. But that was stated by the Senator from South Carolina as a fact. That was the reason for my statement.

I think John Tower is entitled to a little fairness in this body. We could all make spectacular statements. The Senator from South Carolina one day took about 10 words out of the FBI report—crocked, sloshed—and made a nice statement which got a big headline. Those words were taken out of the FBI report. He made reference to Senator Tower in that way without any proof, but simply taking someone's unverified statement.

Now, where is the fairness in all this, whether we are Republicans or Democrats? Who is going to be next? Maybe next time it will be a Democrat. Where is the fairness? Where is the press demanding rights for Senator Tower? What about due process? Has he had notice that there was going to be an attack by the Senator from South Carolina? Has he had a right to cross

examine a witness? Has he had a fair and impartial tribunal? Where is the due process guaranteed by the Constitution?

I am not backing off from what I said. I never said anything to characterize anyone in this Senate or any nominee in all the time I have been here. There is such a thing as fairness. And when somebody wants to ride roughshod over a man who has given 24 years to this body, honorable service, honorable service to his country then I am going to defend him.

And if that offends the Senator from South Carolina, I regret it and I apologize.

Mr. HOLLINGS. Mr. President, I will say it again, because that is the record, alcohol abuser.

I noticed with interest, again on Sunday, incidentally, I say to the Senator from Kansas, that Mr. Tower while on the CBS' "Face the Nation" made a distinction between "excessive drinking" and "alcohol abuse." I fail to find that distinction. I do not find that distinction. Excessive drinking and alcohol abuse are one and the same. Let's not play on words.

I said here we have a standard in the military, and I read it in the RECORD and we will read it in again, both generally speaking with respect to a command or specifically speaking with respect to our nuclear weapons program. With respect to the general idea of alcohol abuse, it is read into the RECORD and I will refer to it. I said between the years 1984 and 1988, during that 5-year period, there were over 13,000 discipline cases and separation from the services on account of alcohol abuse. I said that is under the directive of the Secretary of Defense. I said how could I, in good conscience, discipline those people, separate them, put them out of the service for alcohol abuse and then appoint an alcohol abuser as the Secretary. I could not do it in good conscience.

That is what has us tied up on the FBI record. The White House can hush me in a second if they would only make it public. They can sanitize that record in 10 seconds. There is no national security question here.

And in this unusual case, since it has gotten here, we would just sanitize it. No confidences are breached, but the substance is there and the American public could make up its mind and this case would be over in an hour's time. That would end this particular confirmation.

Now, where does that put me? He calls that a vicious, personal attack. It is not a personal attack. It is a fact.

Yes, those words did appear. Now they do not appear in the Senate RECORD.

Incidentally, Senator, I notice you said in one question to the Parliamentarian, all on the same page of the RECORD, did we not do so and so and refer to it how many times. He said no, and then the next minute you said four witnesses. That appears right on page 2136 of the RECORD. "There are only four witnesses." You see, when you say how many witnesses, I have to say how many witnesses.

Mr. DOLE. Will the Senator yield to me?

Mr. HOLLINGS. Yes.

Mr. DOLE. I was talking about the public hearings. There were four witnesses.

Mr. HOLLINGS. Well, you meant the public hearings?

Mr. DOLE. Right. John Tower, Mr. Jackson, and Paul Weyrich, and there was someone else.

Mr. MITCHELL. Will the Senator yield to permit me to pose a question to the Chair?

Mr. HOLLINGS. Yes, I always yield to the leader.

Mr. MITCHELL. Mr. President, it was my understanding that in response to a series of inquiries posed to the Chair that the Chair indicated that references to or use of information contained within the FBI files is not permitted at this time; am I correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. I would simply then caution all Senators that we are operating under extraordinary and very difficult circumstances. The President has made available to the Senate the file developed by the FBI in connection with this matter.

He has reasserted, in an explicit written document, that these files are the possession and the property of the executive branch and they are not to be used by the Senate except in accordance with the agreement under which they were transmitted.

The Chair has indicated that those cricumstances now preclude Senators from using information contained in those files in this debate. As recently as this afternoon, in response to a question, the President reaffirmed his position of not wishing these files to be made public.

This is very difficult for all concerned. It is very difficult for the President, exceedingly difficult for the nominee, and difficult for all here. But I ask that we honor our commitment to the President unless and until the President or the Senate makes a contrary determination and that we attempt, as best we can in these tense circumstances, to conduct the debate in the highest possible manner and consistent with our obligations to the President as they have been recorded in a specific document.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I will hasten along, I say to the Senator from Florida. I apologize to you, but we have to get this clear.

May I get the attention of the majority leader, please? I wish the majority leader, if we are going to do it and play by that rule, let us play by that rule for both sides. Because the leader has really sort of given me lockjaw.

There is Senator RUDMAN, "Not one iota, shred of evidence." That is his expression, "not one iota, shred of evidence," I will remind people that my name is linked with Rudman, Gramm-Rudman-Hollings, and I have the highest esteem and respect and affection for WARREN RUDMAN. But the Senator says, "Not one iota."; then you get, from a Senator I respect also, the Senator from Kansas hollering, "a vicious, personal attack." Then the Senator from New Hampshire comes on the floor and says, "not a shred of evidence, not one iota," and also a little later on, "Find any evidence," if you find "any evidence"—"any" is the word used.

You know, we lawyers, when you charge a jury, if there is any evidence, then it is a justifiable controversy and is referred to the jury. But the Senator says, "find any evidence." They do not know what they are reading. My colleague says, "Nothing." This is again Senator RUDMAN, "Nothing in John Tower's official conduct." Again, the distinguished Senator from New Hampshire saying, "We are dealing here with fabricated, uncorroborated testimony."

When he characterizes it as not corroborated, I am not allowed to say that it is? When he says "no evidence," or "no times," am I able to say my number of times?

I want the leader to sit here and listen to this thing. Because we are being hounded for trying to do a conscientious job.

I left this thing alone. I went back to my office. Some of my staff had suggested I better get back. I said, no, I am not going to try John's case. I know what the score is. I have made up my mind because I can read and I am sorry. I think I am doing our natural defense and the President and the country the best job I can as Senator from South Carolina. And, if I get into it, it is going to be partisan. It is nonpartisan to me.

But then when they say all of these things here and I am not allowed, under the rule now—how do you respond? Other than pray for the President to please sanitize the record and let the record speak? Let the people decide.

Mr. MITCHELL. May I respond, if the Senator will yield?

Mr. HOLLINGS. Yes, sir. What am I to do?

Mr. MITCHELL. I wish to make clear that my remarks were not directed at the Senator from South Caroli-

na. The fact of the matter is that several Senators have made statements which involve information in the report. Indeed, I specifically recollect that when the distinguished Republican leader posed the inquiries to the Chair and received the responses from the Chair, he stated that he had inadvertently made statements, including such information, without knowledge that they were prohibited under the rulings of the Chair—which of course had not been made.

Is my recollection correct?

Mr. DOLE. The Senator is correct.

Mr. MITCHELL. Yes. So, I want to make clear I am not directing my remarks to the Senator from South Carolina. I have tried to point out and I point out again that we are in a very difficult circumstance.

Mr. HOLLINGS. I know that. I am the one suffering from the difficulty.

I hear Senator RUDMAN. WARREN, I admire you greatly, but here is what you said, "Witnesses not cross examined, not subject to any other test."

You know I can tell you about one witness they tested pretty good.

Mr. RUDMAN. Will whoever has the floor yield for a quick question or comment?

Mr. HOLLINGS. I will yield to the Senator from New Hampshire.

Mr. RUDMAN. I will say to my friend, we are all operating under very labored circumstances and I tried very hard to make that point in some remarks I made just an hour ago. But let me make an observation as one who read rule XXIX, read its history, looked through the ethics files as to what it stands for and what it does not stand for. Maybe this will be some guidance.

I do not believe under rule XXIX that you can characterize testimony by quoting it. I do not think you can pull out words or descriptions. And I think other Senators have, and I am sure inadvertently, with no intention to violate the rule.

But I do believe that it is perfectly proper to state on this floor general characterizations of testimony in terms of the kind of testimony it is and most particularly I will say with all due respect to my friend that you certainly can say on this floor what is not in the FBI report. That you can say.

Anybody who wants to examine my remarks this afternoon will find that I assiduously follow the rule of only characterizing generally the kind of testimony, without mentioning name, place or even the type of allegation. And certainly when I referred to the fact that the evidence was not there to support certain conclusions I am entitled to say that.

Let me say to my friend from South Carolina, I do not think he has done violence to rule XXIX.

Mr. HOLLINGS. I appreciate the Senator from New Hampshire, and I appreciate his courtesy and understanding here.

The Senator says now, "Not one iota or shred of evidence," and I want to complete it, because I find lawyer talk here. "Not one shred of evidence or iota that he is impaired on the job."

Now, the lawyer talk is "on the job." I think those proposing the confirmation of Senator Tower are saying: "Tell me when you saw him drunk on the job."

I am using, yes, a different test. He himself has put himself to it. He has asked to be the Secretary of Defense.

Well, "on the job," on the base, on-duty hours and off-duty hours, with respect to orderly or disorderly conduct, with respect to alcohol or alcohol abuse, pertains. And this is particularly true of the job.

If he is seen late in the evening or off the job, as they say, not sitting as a negotiator, not sitting as a Senator—we did not see that. But I saw enough otherwise, where I would be embarrassed to have a Secretary of Defense in that condition. Not on the job. Let me just put it as briefly as I can. If my colleague sees the point I am making?

Mr. RUDMAN. I see the Senator's point. If he will yield for one moment, if my colleague wants to read the committee document that is before us, the committee document spends a good deal of time on setting up standards for the Secretary of Defense as they relate to other military officers in sensitive commands. And had the Senator heard my remarks earlier, he would have noted that I very carefully delineated that that military standard applies to the conduct of one's duties in about five specified areas.

I am not arguing with the Senator's conjecture carrying beyond that. He has every right. But I repeat what I said. There is not one iota, one shred, one scrap of evidence, even rank hearsay evidence, in this entire report that would indicate that the nominee at any time as a Senator, as an arms negotiator, as a commissioner, was observed by anyone impaired by the use of alcohol. That is all I said to my friend from South Carolina. That is not lawyer talk. That is plain talk.

If the Senator wants to impose a greater standard that is his privilege. That was a fair commentary on the evidence, and no one is able to rebut that.

Mr. MITCHELL addressed the Chair.

Mr. DOLE. Will the Senator yield to me?

The PRESIDING OFFICER (Mr. FOWLER). The Senator from South Carolina has the floor.

Mr. HOLLINGS. I yield to the majority leader.

Mr. MITCHELL. I was just going to say in response to that by my good friend, that is an opinion, pure opinion. That is not a fact as you have stated it.

Mr. RUDMAN. Does the majority leader indicate that I read that report and was able to read that entire report and not observe a fact that would have rebutted my presumption?

Mr. MITCHELL. I very strongly disagree with that description of what is in that report. You are perfectly entitled to you opinion. You are perfectly entitled to characterize it as you see fit. But it cannot be permitted to stand as though that were an undisputed fact. That is certainly what the debate is about, and people are able to draw their own judgment.

Mr. RUDMAN. The majority leader is entitled to his opinion. I would make an offer to any Senator on this floor to join me now, this minute to go up to room S-407. I will go through the report line by line with any Senator from either side of the aisle, trained lawyer, judge, investigator, whatever, read every line of that report and, Mr. Majority Leader, my dear friend from Maine, I stand on that statement because it is correct. Because one thing I learned in 24 years of praticing law is I know how to read evidence, and I know how to state it and I know how not to misstate it.

Mr. MITCHELL. I think I know how to do that just as well as you do.

Mr. RUDMAN. I am sure.

Mr. MITCHELL. And I think that we can read the same report and draw different conclusions, and we can characterize what is in the report in a different way, but opinion is not fact. It is a subjective judgment by each person making his or her own judgment. That is the point I think has to be made.

I have read the report, and I reach a sharply different conclusion as to what the Senator does. I have the greatest respect for the Senator's judgment, but that is my opinion. I do not present my opinion to the Senate as fact. I present it as opinion, which it is; subjective judgment.

Mr. RUDMAN. Do I understand the majority leader to say his opinion is the opposite of mine on that point?

Mr. MITCHELL. On the point that you made regarding——

Mr. RUDMAN. In other words, the majority leader is saying that from his reading of the evidence, and I greatly respect his ability to read, that the majority leader is saying that there is evidence in his mind that might reach the conclusion that the nominee was, in fact, observed impaired during the official conduct of his duty?

Mr. MITCHELL. You did not use those words when you just made the categorical statement.

Mr. RUDMAN. I thought I did.

Mr. MITCHELL. No, you did not.

Mr. RUDMAN. The majority leader can state what he thought I said.

Mr. MITCHELL. You are placing a qualification on your prior statement which did not exist in the prior statement. You said impaired, period. You ended the sentence there in your prior characterization.

Mr. RUDMAN. Mr. Majority Leader, I am not going to get into a long debate on this. I will state simply my reading of that record, and I think it is fair to comment within the purview of rule XXIX what is and—not what is in the report but what is not in the report. I come to the conclusion reading that report that I could find no evidence that indicated that the nominee was impaired by the use of alcohol during the conduct of his official duties. That is the full extent of my statement. If I stated it some other way, I did not intend to, but I think that is a fair statement.

Mr. DOLE. Will the Senator yield?

Mr. HOLLINGS. Yes, sir.

Mr. DOLE. The majority leader just touched on something. The Senator from South Carolina said this is a fact that he is a known alcohol abuser. That is not a fact. That is his opinion.

Mr. HOLLINGS. On the facts.

Mr. DOLE. There are no facts in the FBI file to support it, but that can be your opinion.

What I want to do is go back and check the cleaned-up RECORD against the video of floor proceedings before I respond fully to the Senator from South Carolina because I think the RECORD has been cleaned up a little since his strong words on the floor last week.

You may be having a lot of fun kicking our friend all over the place. He is our friend. We have known him for 24 years. It was not some stranger you were kicking around over there. He was a man we served in the Senate with. You may have gotten a lot of kicks out of saying "crocked," and all those words right out of the report, and then coming in and saying John Tower is a known alcohol abuser. That is an opinion, just as much as the majority leader gets a little testy because the Senator from New Hampshire has an opinion.

We are still trying to figure out some way to get this nominee confirmed, and I do not believe those kinds of statements about John Tower.

I say to my friend from South Carolina, I will be glad to discuss this with him privately, or maybe he wants to go out and make that statement when not protected by speaking from the Senate floor.

Mr. HOLLINGS. I have.

Mr. DOLE. Go out and call him in public an alcohol abuser.

Mr. HOLLINGS. I will. I will make talks all over South Carolina and justify my vote. I would be delighted to do so. Do not worry about that. If I can get the floor back.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DOLE. That is an opinion. I think the majority leader will agree that is an opinion.

Mr. HOLLINGS. I am not changing my record right now. I am saying as a matter of record alcohol abuse, and I mean it because I have seen those words from different witnesses totally unrelated, all coming together, and I said just to bring it into focus so it is not back there where you are trying cases 17 years ago, back in the seventies and everything else, bring it right on up from 1983 right on up to today. Six—well, less than 7 years, right at 6 years. I will point out in the RECORD as fact that he was seen crocked, that he was seen comatose and all of those other words that we use, and I did use it off the floor. I have the record right here, a news conference, so I have stated that. I have the record to substantiate it.

Now, Mr. President, you get into this dancing around the bush, and I refer particularly to March 5, Sunday, the interview on "Face the Nation" with Leslie Stahl. On page 7, Ms. Stahl, to Senator Tower:

"You've admitted to alcohol abuse yourself."

"Senator Tower: I've admitted to excessive drinking in the 1970's."

"Ms. Stahl: Well, this says alcohol abuse. It doesn't say dependence. It says alcohol abuse."

"Senator Tower: What says alcohol abuse?"

"Ms. Stahl: The guideline in the military."

"Senator Tower: Yes, but I've said excessive drinking, not alcohol abuse. There's a difference."

And Ms. Stahl says: Oh, Senator, but pardon me; how are you doing? What in the world are we talking about here? I don't find that difference. I don't find that difference at all.

My friend from Florida has been more than generous and considerate of me. He has tried to clear this particular record. I have pointed to those times. I can go into other things, but I apologize for taking that much time. It is quite obvious to me when they say—just a minute ago—there is no fact to support that opinion. You can believe 1 witness against 12, or 12 witnesses against 1. The jury is allowed to do that and they are charged with the duty of doing that as to who are the credible witnesses.

I find a witness is credible, I find him corroborated, I find him categorical, and that is why I use those words, because they are pretty categorical when you say you are bombed and you are comatose. That tells me there is alcohol abuse. And when I look at the military generally, I know the gentleman could not serve in command. When I look at it specifically, having just been under the nuclear Navy, not just as an officer, but an enlisted man, since we are defending enlisted men, he could not serve on the crew of the U.S.S. *Tennessee.* I am being specific. I have just gotten off it last month. That gentleman, if he is not qualified in this man's mind to serve on the crew of the U.S.S. *Tennessee,* heavens above, do not ask me to confirm him as Secretary of Defense.

I yield the floor, by the unanimous consent agreement, back to the Senator from Florida.

Mr. DOLE. Will the Senator from Florida yield 2 minutes? Again, I apologize.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 minutes.

Mr. DOLE. We have just had more expressions right out of the FBI file—not report—from the Senator from South Carolina, repeating words that have already been spoken on this floor. Maybe, according to the Chair's opinion, that is fair game, once they are in the public domain. But I just make the same plea I have made before. If we want to go and just assassinate somebody's character, we can do it right here on the floor and we can all be protected. It does not make any difference who it is but this happens to be someone we served with. Seventy-one of us are still here.

I would like to know what we are trying to do to John Tower. What has he ever done to us to deserve this kind of treatment, that he deserves these kinds of statements on the Senate floor? "Alcoholic abuser"? That may be someone's opinion but it is not supported by the evidence. And how far is it going to go if this debate gets bitter? So far it has been fairly tame. We are prepared to go the rest of this week and into next week because we want this nomination confirmed. We want to convince Senators on this floor that John Tower is qualified, that his fitness and competency has been determined by the President of the United States, and that there is no reason, at least no legitimate reason, not to vote for his confirmation.

Now, if you do not like John Tower, as I said, that is one thing. But I do not know why John Tower deserves outbursts from the Senator from South Carolina. I am going to work with the Senator from South Carolina to try to get some of this report released. As he said on the floor, "Just take 1 hour and it will all be over." I do not think so. In 1 hour, it might be over—we might be voting for confirmation. We are not going to sell John Tower short because we know him and the Senator from South Carolina knows him. He said on this floor, "I never saw the Senator from Texas, Senator Tower, inebriated."

And he served with him 21 years, or 24 years but he will take something out of some report, some unknown witness, some alias, and believe that. This cannot be explained unless, perhaps, one just does not want him to be Secretary of Defense. And I think we can do better than that in the Senate.

Mr. MITCHELL addressed the Chair.

Mr. HOLLINGS. Mr. President, will the Senator from Florida yield?

Mr. MITCHELL. Will the Senator yield to me for a moment? I would like to make a couple of points in response to this.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. MITCHELL. Will the Senator yield to me?

Mr. GRAHAM. I yield to the Senator from Maine.

Mr. MITCHELL. Over and over again, we have heard the plea, "You served with Senator Tower. You never saw him inebriated. Why is not that evidence that he didn't have a problem?"

"During the time when Senator Tower and the White House were denying that he ever had a problem, that was a valid argument. But Senator Tower has now publicly acknowledged that he had a problem of excessive drinking through the 1970's. What does that say about the fact that several Senators have said, "I never saw him ever inebriated or under the influence of alcohol"? A person who has now publicly acknowledged repeatedly that he had a problem of excessive drinking during that period. Was the vision of all Senators impaired or was it not the reality that the problem simply did not manifest itself in circumstances that were observable by Senators in the normal course of their duties. Several Senators have described in great detail how they traveled with Senator Tower, how they attended late night sessions with him, how they attend conferences with him, all during the period which he now acknowledges he had a problem of excessive drinking.

Mr. DOLE. He never said problem. He never said he had a problem. He said——

Mr. MITCHELL. I believe he used the words "excessive drinking."

Mr. DOLE. Yes.

Mr. MITCHELL. We say problem of excessive drinking.

Mr. DOLE. We could probably name others who had a problem with that.

Mr. MITCHELL. I am not disputing that. All I am saying is that the argument that you did not see him in this condition ought to be dispositive is completely undermined by the fact that he himself has acknowledged that—I do not know how to characterize it but to use his own word—he engaged in excessive drinking during that period. And finally, if I could just say——

Mr. DOLE. What does that tell us?

Mr. MITCHELL. It tells us that the fact that a single or several Senators did not see him in that condition is not and ought not to be dispositive of this question.

If I could just make one final point, there is one way to end this and that is to vote on the nomination. That is what the Constitution mandates us to do. That is what our obligation is. That is the only ultimate function that we have in this matter, and that is what we should do. Let us vote on the nomination. Let us bring it up, call it to a vote, call the roll and let Senators say how they vote on this. The longer we drag it out, the longer it is extended, the more likely we are to get involved in this kind of discussion, which I believe is not beneficial to anyone, surely not the Senate, surely not the individuals involved, surely not Senator Tower.

Mr. COHEN. Will the Senator yield?

Mr. MITCHELL. If I could just finish. I have said previously I would like to see us vote on this as soon as possible. I now ask my colleagues, why not a vote tomorrow? Why not a vote Thursday? Why will not the proponents of the nomination, who want to see him confirmed, agree to permit a vote so we can dispose of this matter, up or down, one way or the other, as we are supposed to do. That is the only way this is going to end, the only way.

Mr. DOLE. I do not quarrel with the majority leader about voting, but there was a series of leaks that almost buried Senator Tower. They were all bad. Nobody complained about them when they were bad. Then the White House put out a couple of positive leaks, and "oh, we are going to have more hearings if we don't stop these leaks." Nobody said a word about all the bad leaks and all the rumors and innuendoes. So, of course, public opinion, when you took a poll, was 3 to 1 against Tower. But now it is beginning to change. People are beginning to understand that John Tower is being hurt by leaks and innuendoes. This man has not been dealt with fairly. He has not had due process. We are still trying to convince some undecided Senators to take a look at the fairness issue, to take a look at his qualifications, and then we are going to vote. We are going to vote, but we are going to make a case because this nomination may set a precedent that we do not think, if it defeats John Tower, should ever be followed again, for any nominee, Republican or Democrat. We have had a solid 4 days of debate, and there are a lot of Members on each side who still want to get into it. When we start dragging our feet and putting in a lot of quorum calls, then we can be accused of delay.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield just 1 minute?

Mr. GRAHAM. I yield.

Mr. HOLLINGS. When the Senator from Kansas uses the word "outbursts" as he did—the RECORD will show it—"outbursts from the Senator from South Carolina," you see that is the kind of characterization that I resent and resist. When he says, when I comment on the fact in the RECORD, it is a vicious attack, I resent and resist that. And what you are having here is the character of the Senator is being assassinated on account of the determination politically—it cannot be otherwise motivated—on the minority side. There is no question in my mind SAM NUNN wanted him as Secretary of Defense, recommended him to the FBI, but had to change his mind. FRITZ HOLLINGS of South Carolina wanted him to be Secretary of Defense. I made talks during the Christmas period because there was doubt in the President's mind, and I used the same approach about the capability, and I knew he knew the budget and those kinds of things. But when I saw the record, I came down with a different conclusion.

So don't talk about outburst and vicious attacks and we are assassinating Tower. Tower and that crowd is assassinating the Senate, demeaning this body with this kind of stretch out and characterization and innuendo and rumor when we know it is fact in that record.

I thank the distinguished Senator.

Mr. NUNN. Will the Senator from Florida yield for 1 minute. I promise it will not be any longer that that.

Mr. GRAHAM. I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, we had a dialog earlier this morning about the investigative subcommittee checking out allegations that had come to us on the Armed Services Committee.

I mentioned this morning that I had informed both the Republican leader on the Armed Services Committee as well as the Republican leader on the Governmental Affairs Committee, Senator WARNER and Senator ROTH, as well as Senator GLENN, that this procedure was being undertaken and did not start until Sunday. We have now been informed that the White House has basically taken a different position than what I understood they took last week, and that is that the FBI, when we do have legitimate allegations, will now check them out.

Last week I was informed that the FBI had been taken off this case. Now we are informed, and I talked to Mr. Gray myself, that they will undergo a legitimate inquiry on the matters that the committee requests.

We are still going to screen them. We have several allegations, and we

are trying to screen them; we are trying to make sure we do not send anything down that is not, at least on its face, legitimate inquiry. As I have said over and over again, we have had something like 60 different allegations come before our committee. Out of these 60, we have now sent down to the FBI approximately 10. The rest of them, we have felt, did not deserve attention and have been dropped. So we have gone back to the regular procedure. I have talked to Senator WARNER about this, and we have consulted.

Mr. WARNER. Mr. President——

Mr. NUNN. I do not have the floor. I thank the Senator from Florida for yielding.

The PRESIDING OFFICER. The Chair must insist, only because of the number seeking recognition, that the rules be followed, that any request to speak or yield be directed through the Chair.

I will remind Senators that the Senator from Florida [Mr. GRAHAM] has the floor.

Mr. WARNER. Mr. President, I wonder if the Senator from Florida will allow me just for a minute or two to address the statements by the distinguished chairman.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. The chairman and I had a colloquy this morning about what transpired since Thursday night when the chairman and I ceased to work, and not in an unfriendly way, but pragmatically, recognized that he was going to go one way and I another. So at that point, the respective staffs of the Armed Services Committee were responsible solely to the majority, to the chairman, to the minority, to myself, and other members of the committee, like my distinguished colleague from Arizona, who worked with the staff, I think, Thursday and Friday on some other matters.

I was not aware that the FBI at any time had indicated that they were no longer, except by way of reference from anyone in the Senate, not necessarily the Senate Armed Services Committee, to be involved with this new information. Am I not correct on that, I ask the chairman?

Mr. NUNN. I believe that is correct. Until Sunday morning. I believe I did inform the Senator from Virginia of that Sunday morning.

Mr. WARNER. Sunday morning was the first time.

Mr. NUNN. I am not sure of the day I was informed of that. It was either Thursday or Friday of last week, and I cannot tell the Senator which day I was informed. He and I did not discuss it until Sunday morning.

Mr. WARNER. During the Sunday morning discussion, it was our hope to get together early Monday morning, but the chairman was precluded from returning to Washington because of the weather.

Mr. NUNN. Monday afternoon.

Mr. WARNER. While I have the chairman and the attention of the leadership, the Armed Services Committee has not sent to the floor its recommendation that this nominee not be accepted by the Senate. My understanding is that our committee no longer has jurisdiction. When the distinguished chairman says we should check this out or that, could he explain who the "we" is and how we go about settling this, because I more or less had indicated to my leader that the matter was in his hands now, together with the majority leader.

Mr. NUNN. I believe the Senator makes a good point here. This is not a matter of the Armed Services Committee any more. However, we have been involved all along. We are the ones to whom the allegations come, not to the majority or minority leader.

So we have, I think, a duty to be guided by the Senate itself in this matter, and I believe that we both will accept that. If the majority leader and minority leader decide they would like us to continue to work in this vein, that is fine with me. If they decide they ought to make the decision about which allegations go down or do not go down to the FBI, that is also fine with me. So it is a matter for the Senate to determine.

Mr. WARNER. I thank the distinguished chairman. Any future involvement by the Senator from Virginia would be at the direction of the Republican leader and those members of the committee. At this point in time, I am just learning of the fact that there are new allegations.

Mr. McCAIN. Will the distinguished Senator from Florida yield for a further question on this issue, so we can put it to rest, as to what procedures are being used?

Mr. GRAHAM. I yield to the Senator from Arizona.

Mr. McCAIN. I ask the distinguished chairman if this means there will no longer be further investigations by the staff of his subcommittee into allegations that have been sent to the U.S. Senate, or will that practice continue without this member, at least, being informed of what was going on?

Mr. NUNN. Well, I say to the Senator that if the FBI is back in business, we will not need to have any investigative team out there from the Armed Services Committee or the Governmental Affairs Subcommittee. We never had Armed Services people doing investigations. What we have had them doing is preliminary screening, and I think that preliminary screening should continue, but that, again, will be the question of the majority and minority leaders. By preliminary screening, I am not taking allegations that should not ever be brought to the attention of the FBI, should not take up their time and analyzing them enough, making a phone call or two to determine whether they ought to be put in the bottom drawer. We put about 50 of them in the bottom drawer.

I say to the Senator that we would plan, depending on the guidance we get from the leadership. I want to do whatever the Senate would like to do on that.

Mr. McCAIN. Am I to interpret the response of the distinguished chairman that the Government Operations Subcommittee, which he chairs, will no longer have their staff out investigating allegations?

Mr. NUNN. The Senator is correct on that. We have no plans or no need for that. It was only because I was informed that the FBI had been pulled off this matter that that need ever came up.

I have to say this: Over and over again, there has been frustration about the fact that the evidence in this case is up in S-407. When you bring an allegation to the FBI, it is going to go back to 407. It is not going to be public on the floor. It is not going to be something the public will know about. That is the impediment of dealing with the FBI that we all have to understand. I understand we are being encouraged to move in that direction by that side of the aisle. That has been the procedure we followed all along. I do not think people ought to complain, though, that something comes back in S-407, and we cannot talk about it on the floor.

Mr. McCAIN. Will the chairman also be good enough to tell this Member who informed him that the FBI would no longer be involved?

Mr. NUNN. I could give you the name later. I do not recall the name right now. It was last week in a conversation. It was the people who were directly involved in the investigating team down at the FBI. I will be glad to furnish that later.

Mr. McCAIN. I am astonished that the person whose name the Senator cannot remember, would provide him with that information, rather than get corroboration with the White House and a number of people that would be available to provide that information.

I am glad that the unfair, incredible, and unprecedented practice of using a committee that has nothing to do with the nomination of the Secretary of Defense is no longer part of this operation. I am glad to know that.

I thank my friend from Florida for allowing me this opportunity to clarify the procedures that are going to be used in the future.

Mr. NUNN. I wish to respond to the last comment.

First of all, Mr. Gray did tell the FBI and, in fact, he mentioned to me

today on the telephone, that he told the FBI that they were not involved in this matter anymore.

Now, it is true that we did not ask them to check into an allegation, and they turned it down. We did not have that allegation when we talked. It does not matter who the FBI agent is. I can get that for him in a few minutes, but it matters that the White House acknowledges that themselves. He can check and find out.

Also, I would add that this is not unprecedented. This is the best subcommittee investigative team in the Senate. We have loaned our people to other committees time after time after time, for various inquiries. We continue to do that. That is a matter of discretion with the chairman and ranking member.

It is a normal procedure when we do it, and that is done by the minority, too. I also say, and Senator ROTH will verify this, that the minority starts off on preliminary inquiries all the time without basically having to get the consent of the whole committee. We just have a dialog between the chairman and ranking member.

I will be glad to yield.

Mr. McCAIN. I would be glad to check out the history of the situation. But I do not believe, according to the information I have, that the majority staff has been used to conduct an investigation and no investigation has been conducted by a committee that has nothing to do with any oversight of the candidacy or nominee for any office, other than that under the direct supervision of that committee.

Mr. NUNN. I have been the chairman of that subcommittee now for several years, and I was vice chairman for years before that when Senator Jackson headed it up. I have been on it for 16 years. There are numerous occasions that the majority staff has moved out on a preliminary inquiry itself. There are numerous occasions where the minority staff has moved out on a preliminary inquiry by themselves.

Mr. McCAIN. On a nominee?

Mr. NUNN. This happened over and over again.

This is an unprecedented situation here. The whole nomination we are in is unprecedented. If I thought it was going to be the pattern in the future, I think all of us would have a second thought about serving in this body.

This is the exception. It is unique.

I yield.

Mr. COHEN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Mr. President, I realize the large gathering of colleagues and the audience is here to hear the remarks that I prepared for delivery.

I am going to yield to one more Senator before I fulfill their expectation.

The PRESIDING OFFICER. The Senator from Maine, Mr. COHEN.

Mr. COHEN. I thank the Senator from Florida for his Job-like patience under the circumstances.

The Senator from Georgia raises a good point when he said that all the information that comes from the FBI goes up to room S-407.

One of the concerns that I have had frankly is where does the information go that is conducted by the preliminary inquiry or preliminary investigation through the Permanent Subcommittee on Investigations. Under what guidelines do they operate? Who has the body of information that is accumulated by the committee? Does it go to Armed Services? Does it come to the Governmental Affairs Committee? Does it come before the Senate?

What are the rules of confidentiality? Are those to be disclosed to the public in debate before the Chamber? What are the rights of Senator Tower to be notified such as interviews the FBI conducts when they have their examination? What are his rights in confronting witnesses?

I think all of those questions were of serious concern to us when we really did not know about it other than through a report today.

So I think that is the reason for the concern as to who is in charge, under what circumstances, what are the guidelines, and what is the process going to be?

Mr. NUNN. I would say to the Senator it is now really a moot question because the FBI being back in the business the total report that we get will be from the FBI so there will not be any report from the investigating subcommittee.

It was my thought all along that they were working under the Armed Service Committee and would go back through our regular procedure so that it would be handled just like an executive session or anything else. They wanted it to be confidential, the particular witnesses; if they wanted it to be public, then that would be another matter, and we would have to get the committee together to decide that, but it is now a moot question because we are going to go back to the regular procedure under the guidance of the majority and minority leaders and the Senate itself.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Will the Senator from Florida yield for one final question?

Mr. GRAHAM. I would like to yield to the Senator from Pennsylvania but I would even more like to give my relatively brief and I think contributory statement at this time.

The PRESIDING OFFICER. (Mr. CONRAD). The Senator from Florida.

Mr. GRAHAM. Mr. President, this week we are celebrating the 200th anniversary of the first convening of the U.S. Senate. It was no doubt a session that was surrounded with excitement, the turmoil, the lack of precision of any new institution in its first days. It must have been sufficiently in tumult that it was unable to secure a quorum until almost 6 weeks after that first session.

But in the 200 years since that first session this Chamber has witnessed many hours like the one that we have just participated in. They are hours which are dominated by the fact that this is a very human institution. We are all men and women who bring to this Chamber our backgrounds, our own experience, our own views of life.

We have just heard an extraordinary series of exchanges. I believe that the time has come to bring this issue to a conclusion for the benefit of the Nation, and I believe that the most significant way in which we can accomplish that objective is by individually arriving and announcing our judgments on this matter.

At such time as a majority of the Members of this body have indicated their intention the issue will be resolved, and it will then just be a matter of taking the formal vote in order to solemnize the conclusion that we have individually reached.

To contribute, therefore, to that objective which I think would be so much in the Nation's interest, I announce that it is my intention to vote against the confirmation of John Tower to be Secretary of Defense.

The argument has been made that the President of the United States should be able to seat, establish, to name his own Cabinet.

As a former chief executive, I support the principle of a strong presumption regarding the President's Cabinet selections.

Like many of my colleagues, I began my analysis of this Presidential nomination with a presumption of correctness.

But, the Chief Executive's right of appointment is not absolute.

The Founding Fathers did not intend the appointment process to be absolute.

Rather, it was to be shared, and they encompassed this concept of a shared responsibility with the advice and consent of the U.S. Senate.

If we were to automatically accept nominations of the President, without the serious attention which this debate indicates we are in fact giving to that nomination, we would render the advice and consent function a nullity.

The nominee before us now, Mr. John Tower, a former Member of this body who has reviewed many Presidential nominations, shares this view that I have just expressed.

On two occasions as U.S. Senator, John Tower did not support the Presi-

dent's nomination: Once for a Secretary of Labor, and once for an arms-control negotiator.

I am confident that Senator Tower made those judgments in good faith, and that his patriotism was not questioned because he exercised his responsibility as a Senator to give advice and consent on those Presidential nominations.

Mr. President, before us today is the nomination for the Secretary of Defense—one of the most vital positions in our Government and chain of command, of our Nation's security.

In addition to the high standards which we would apply to all Cabinet appointments, we must examine two additional criteria regarding the Secretary of Defense:

First, the Defense Secretary is a role model. Leadership by example is an essential element of our military tradition and our future military success.

Second, the Defense Secretary, to a degree unknown to other Cabinet officers, has operational responsibilities in time of crisis.

Many Americans have recently reviewed the events of 25 years ago when we came closest in our postwar history to nuclear confrontation between the United States and the Soviet Union. We can all recall the scenes of the then Secretary of Defense, Robert McNamara, as he dealt in an extremely crisis-laden atmosphere with the most delicate judgments that were necessary in order to both preserve our Nation's security but move the world away from destruction.

When I examined these two criteria—leadership by example and the vital operational responsibilities—I found I could not support the nomination of John Tower for Secretary of Defense, because I found a pattern of questionable judgment in the seventies and in this decade that eroded the presumption which I give the correctness of a Presidential nomination.

Restricting myself in these comments to those things that are on the public record, we have a pattern of bad judgment during the 1970's in excessive use of alcohol. In this decade we have bad judgment in accepting large sums from the defense industry, the very industry that he had previously been legislating about, previously as arms negotiator has been making decisions which would affect in the most fundamental way its future, and now as Secretary of Defense would be dealing with in terms of a private-public relationship for our national security.

Mr. President, my concern about this nomination was heightened during the middle of last month after I spent a day working with the young sailors at the Jacksonville Naval Air Station. These sailors, some of them just out of high school, had a very clear understanding of our military's policy against drug and alcohol abuse. These youngest members of the Navy who represented the full diversity of our Nation, male and female, black and white, names from Rodriguez to Weaver to Albertson, to the full nationality, these youngest members of the Navy can state without equivocation the rules of the military.

The youngest sailors on the docks or in the hangars at Jacksonville knew that our military has no tolerance for substance abuse. Sanctions for violations are strict, as they should be. Those who cannot meet the standards are dismissed from the military. Strict enforcement of those standards has achieved a marked reduction in substance abuse.

Mr. President, I am concerned that the nominee for the top defense position in this Nation has in the past set a personal standard that is less than the standards the military has set for its youngest sailors, soldiers, and airmen. Therefore, I am prepared to vote against this nomination and ask that the President move quickly to submit another nominee so that we can get on with the vital business of defending America.

Mr. President, I ask unanimous consent to have printed in the RECORD a news clipping from the Washington Post of February 7 on the progress which the U.S. military has made in restraining substance abuse among members of the military.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUG USE IN MILITARY DECLINES SHARPLY

The illicit use of drugs in the U.S. armed forces has declined even more than expected, the Pentagon said yesterday.

Use of marijuana declined from 6.5 percent in 1985 to 2.9 percent last year, while use of other illicit drugs dropped from 5.8 percent in 1985 to 3.1 percent in 1988, the Defense Department said in a statement.

The overall figure for the use of any drug dropped from 9 percent in 1985 to 4.8 percent in 1988, the Pentagon said.

Cigarette smoking and heavy alcohol use also declined, and the survey "found that almost 80 percent of military personnel took some action within the past year to improve their nutrition," the Pentagon added.

The 1988 survey is the fourth conducted since 1980, when the Pentagon began attacking a drug problem within the ranks that was almost out of control. That year, more than a quarter of all military personnel—27.6 percent—admitted using drugs.

The Pentagon responded with tougher disciplinary sanctions, including dismissal from the service and random urine testing.

Mr. SARBANES. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. SARBANES. Mr. President, I want to commend the Senator from Florida for a very fine statement and say that it was certainly worth staying through the previous exchange in order to hear it. I am very grateful that the Senator from Florida remained patient in order to deliver his statement.

I particularly want to underscore one thing the Senator said. I think there are unique responsibilities that the Secretary of Defense has, given that he is in the chain of command, the national command authority.

The Secretary of one of the other Departments can make a decision this evening. He can go to the office tomorrow morning in the cold light of day and reverse the decision. The Secretary of Interior could decide to permit drilling in Yellowstone National Park, realize the next day that is a not a very wise decision, and pull it back and nothing will have happened.

The Secretary of Defense, unlike most other Cabinet officials, makes decisions that are not retrievable. They cannot be. They are irreversible, once made. Shortly thereafter, action may flow from the decision and the Nation has to live with its consequences.

I think a particularly important point in considering a nominee for this office is the nature of the role of the Secretary of Defense, as others have referred, as virtually the deputy commander in chief of our Nation and the fact that, as such, he will be called upon to make decisions which, once made, are not reversible. They cannot, the following day, be recalled and the consequences obviated.

I thank the Senator for his very strong statement.

Mr. DODD and Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I shall be very brief, I might say to my friend from Connecticut.

This relates to my effort to propound a question to the chairman of the Armed Services Committee. I hoped that he would be present. I would like to make a very short statement about the procedures which we had discussed earlier today regarding the investigation by the Permanent Subcommittee on Investigations.

Mr. President, I remain concerned about the investigation initiated by that subcommittee and some of the later statements by the chairman of that subcommittee, who is also the chairman of the Armed Services Committee, with respect to the possibility that that subcommittee might be reactivated if it meets with the approval of the leadership. If that includes the Republican leadership, which I conclude that it does, then the reality is that it will not be reinitiated.

It seems to this Senator that an investigation by that subcommittee is inappropriate and outside of the rules of the Senate. The jurisdiction of the Committee on Governmental Affairs is specified in rule XXV(k)(1). I shall not

read all of the jurisdiction of the committee, but will only note that it does not include any matter related to the issue, in any conceivable form, on the nomination of Senator Tower.

In addition rule XXVI provides that each such committee may make investigations into any matter within its jurisdiction. So that while there may be precedents for that subcommittee conducting other investigations, it seems to this Senator that those precedents fall in the face of the specific provisions of these rules.

When we recently passed Senate Resolution 66, Mr. President, in the 101st Congress, there was a direct reference again to expenditure of funds only in accordance with the provisions of rule XXV and rule XXVI.

There are subcommittee rules, Mr. President, which further impede this kind of inquiry, in my opinion, because the subcommittee rules permit investigations only with the approval of the chairman of the subcommittee and the ranking minority member. That same rule permits preliminary inquiries upon the approval of the chairman and notice to the ranking member.

I believe that it is reasonably clear that sending investigators to Texas does not consitute a preliminary inquiry but, in fact, does constitute an investigation. So that it would be necessary that there be the approval of the ranking member as well as the chairman.

When the chairman of the subcommittee, who is also the chairman of the Armed Services Committee, had commented earlier this morning, he noted on the RECORD that he had notified the ranking member, Senator ROTH, but did not say that he had sought approval. I have since talked to Senator ROTH, who states that he was notified, but he did not give his approval. He was not asked for his approval and did not give his approval.

Senator ROTH did say to this Senator that he personally does not regard the action of Senator NUNN as being in violation of the rule because of the informal procedures that they work under. Senator ROTH raised with this Senator the interpretation that what was done could fall under the preliminary inquiry provision of this rule. Senator ROTH concludes that that is a fair interpretation.

I disagree with that, and I believe that a fair reading of this rule would specify that sending investigators to Texas constitutes an investigation. I am undertaking some additional analogous research on this issue. But I believe, on the face of this subcommittee rule, that this was an investigation and, as such, required the affirmative approval of the ranking member, which was not obtained.

Whatever may be the import of the subcommittee rule, however, Mr. President, I think it is plain that under the Standing Rules of the Senate, XXV and XXVI, that the Permanent Subcommittee on Investigations does not have the jurisdiction to undertake such an investigation. I would hope that following this incident, which has caused some substantial consternation in this Chamber, that there would be a further inquiry and analysis by that subcommittee as to the appropriate scope of its investigations.

I thank my colleague from Connecticut. I thank the Chair and yield the floor.

Mr. DODD. Mr. President, it is with a sense of sadness that I rise to speak on the nomination of John Tower to be our Secretary of Defense. I say sadness, Mr. President, not just because of what this debate may do to the reputation of the nominee—much of which, I might add, he has brought on himself—nor because of what this debate may do to the effectiveness of this new President to lead our Nation. John Tower and George Bush will survive.

What saddens me, Mr. President, is that at the very moment we gather to celebrate this institution's 200th year of uninterrupted contribution to the building of a great nation, we find ourselves locked in a pitiful 2-week debate over the personal conduct of a potential Cabinet member.

I do not minimize, Mr. President, the importance of the matter before us. But I am saddened when I take note that during my more than 8 years of service in the Senate we have not spent anything approaching the time spent on this question debating the economic, health care, or housing crises that threaten our Nation's security.

If on occasion we would examine the threat of nuclear war, the plight of the impoverished children, the deterioration of our environment, the burden of our staggering national debt, and the nightmares of homelessness and AIDS with the same intensity and attention to detail we have focused on this matter these past 2 weeks, I would fear less for the future of our country.

Rather than occupy the Senate's time debating the great issues of our day, we seem to many average Americans preoccupied with ourselves.

I suspect that at the conclusion of this fiasco various tallies will be offered identifying winners and losers. I will predict, regretfully and sadly, that in the eyes of most Americans this debate has produced no winners.

Saddened though I may be, Mr. President, the Constitution requires that this Senate decide and each Member vote on the matter before us. I would urge that we move to that vote quickly; further delay is in no one's interest, not the President's, not the Senate's, and assuredly not the public's.

Prior to stating my own conclusion, Mr. President, I would like to make some brief comments.

The question before us is a simple one: Should John Tower be confirmed as our Secretary of Defense?

The issue is not the members of the Armed Services Committee, the leadership of the Senate, or any other individual Members of this body. To those who defend John Tower or support his nomination by raising questions about the integrity or honesty of their colleagues, I say: Shame. You not only do a disservice to the nominee, you discredit yourself as a U.S. Senator and you undermine this institution and its constitutional role of advise and consent on Presidential nominations.

The majority leader has stated and restated that this decision is a personal one which each Member must make on his or her own. I agree. Reasonable and honorable Senators have reached and will reach different conclusions.

What would have been a little noted and long forgotten footnote to history has heightened the personal dimensions of my vote. Twenty-two years ago John Tower was one of five Senators to vote against the censure of my father.

I and my family will be eternally grateful to John Tower for that decison. Not surprisingly, I believe he cast the right vote.

Mr. President, I owe John Tower; I owe John Tower the same fairness and careful judgment he used 22 years ago. I do not owe John Tower my vote.

As in the case of my colleagues, I have spent many hours reading the various files, transcripts, and news accounts regarding John Tower's nomination. I have spoken with many of you, my colleagues, and our former colleagues. I have consulted with friends in the military, in the defense industry, in the legal and academic communities. I have listened to the veterans' organizations in my State, and the phone calls and letters to my office. Now the hour has arrived to make a decision.

In weighing the nomination of John Tower as Secretary of Defense, the burden of proof rests not on the President, but on those who would deny the President his choice. The question is not whether John Tower would be my choice for Secretary of Defense, or whether he is the best man in America for this difficult and important job, but whether—by reason of inexperience or inexcusable behavior—he is unqualified to carry out the responsibilities the President wishes to invest in him.

I respect John Tower's knowledge of defense issues and his commitment to public service. However, on key issues

of policy, I have respectfully disagreed with him. For reasons that have more to do with defense positions he advocated as a Member of this body than any of the factors that have been raised in the current debate, John Tower would not be my choice for Secretary of Defense, were it my choice to make.

John Tower's capabilities and knowledge of defense and national security matters have not raised a single note of disagreement. John Tower is a recognized expert in matters relating to nuclear deterrence, the deployment of conventional forces, and the costs and strengths of the various weapons programs. If his nomination were to be decided on this issue alone, he would have been confirmed weeks ago.

The charges against the nominee are that he has been indiscreet and even more offensive in his personal conduct—his sometimes heavy drinking and his relations with women—and that he displayed poor judgment, and perhaps even compromised national security, when he established a lucrative defense consulting business immediately after stepping down as U.S. Ambassador to the Strategic Arms Reduction Talks in Geneva. Either set of charges, if proven, would be sufficiently damning to disqualify a nominee from so sensitive a position as Defense Secretary.

For every account of indiscreet behavior in the FBI files I have examined on this nominee, there are other accounts—at least as reliable, in some cases far more reliable—that tell a different, and steadier tale. There are people who claim to have seen John Tower in compromising positions who, on cross-checking, don't appear to have been in the same room, or even in the same city, as the nominee.

And there is other evidence on John Tower: it is in the memory of those of us who served beside him during part or all of his 24 years in the Senate, and of those who worked beside him in Geneva or on the Commission he chaired on the Iran-Contra inquiry. No one who has watched and worked with John Tower throughout his career in Government has stepped forward to accuse him of misconduct or impaired judgment, or to corroborate any of the allegations of misconduct that have appeared in the press.

I do not in any way mean to minimize the fact that John Tower drank excessively during the 1970's, as he himself has acknowledged. It has been suggested here in recent days that confirming a nominee with such a history will send a message to our men and women in uniform that excessive drinking is forgivable. That argument has some merit. However, I would caution that in our determination to send one message, we not also send another—a negative one. I am just as concerned that we not send a message of rebuke and condemnation to those who acknowledge a past drinking problem, correct it, and make a commitment to lead a better life.

Mr. President, from my reading of the FBI and committee materials, I find the proof is simply not there to deny John Tower this nomination on the charges relating to his personal conduct.

In arriving at this conclusion, I recall the words of William Butler Yeats in his poem, "The People":

The daily spite of this unmannerly town,
Where who has served the most is most defamed,
The reputation of his lifetime lost
Between the night and morning.

The conflict of interest question that relates to this nominee is another matter. It is really two questions:

Did John Tower compromise national security in his post-START consulting work, offering confidential information on negotiating positions and fallback positions to contractors who could profit from such knowledge? Mr. President, there is no testimony, evidence or even allegation that he did.

Should John Tower be disqualified from serving as Secretary of Defense because he profited in the private sector from his status and experience in the public sector? According to the evidence, John Tower has done nothing that dozens of other former administration officials and Members of Congress have not done for years: hung out a shingle and sought to capitalize on his name and reputation. I do not like the practice. I have sponsored legislation that would stop the revolving door, and I hope the current debate will prod my colleagues to revive proposals that would bar high officials in the executive and legislative branches from immediately profiting from their Government service—and I hope the President, unlike his predecessor, will see fit to sign such legislation.

Mr. President, we cannot hold John Tower to rules that have not yet been made. We cannot argue that there ought to be a law prohibiting John Tower from doing what he did, and hold him to account, until we pass such a law. That strikes me as unfair.

In fairness, Mr. President, I have weighed the facts, and I have come to the belief that John Tower is qualified to serve as Secretary of Defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SARBANES). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today to announce my decision on the nomination of Senator John Tower to be Secretary of Defense. I must say I share the same sense of sadness as my colleague from Connecticut. As the Senate is bogged down day after day in debate on this issue, I am saddened because I see a different set of priorities for our country. I believe we ought to be taking the valuable time of this body to debate the question of the economic vulnerability of our country. But instead, Mr. President, we must first dispose of the matter of the nomination of Senator John Tower.

This week, like many of my fellow Senators, I have spent considerable time reading the FBI reports, the summary of material on Senator Tower, as well as both the minority and the majority views of the members of the committee. Mr. President, I have formed the conclusion that Mr. Tower should not be confirmed as Secretary of Defense. I have formed that conclusion because I believe firmly and sincerely that there is a pattern of excessive drinking that extends not only through the 1970's, but on into the 1980's as well.

Mr. President, when I started this process, I hoped that I would be able to support the nomination of Senator Tower. I have supported each and every one of the nominations that this President has sent to this body. Each and every time this Senator has voted in favor of the nominations of this President without exception.

Mr. President, on this occasion, this Senator will vote no. Some say we owe it to the President to endorse his nomination. I believe that we owe this President every consideration, but I also believe that our Founding Fathers felt that this body ought to have a review, and in exceptional circumstances, exercise our judgment to prevent a mistake from being made for this country.

Mr. President, I have watched Senator NUNN day after day go through this process. Senator NUNN has the office next to mine. Day after day, I hae traveled to the Senate in the subway or walked the halls with him, and day after day, I have watched him agonize. He was not agonizing for his party. He was not agonizing about his political future. He was agonizing about his country. He was agonizing because Senator NUNN was convinced this nominee had a serious problem. And let us be blunt; that problem was excessive drinking, pure and simple.

Now what is the evidence? This nominee himself acknowledges now that he had a problem of excessive drinking in the 1970's. The White House confirms it. The record is clear. I watched him on "Face the Nation." I watched him say he drank excessively in the 1970's, and then he said, but he did not abuse alcohol.

Mr. President, this is not just a matter of words. This is a matter of putting a person in the line of command, in the chain of command of the forces of the United States. Some would say we are using a double standard. Mr. President, a double standard

is when you have two standards for the same job. This is a different standard for a different job. Secretary of Defense is not like being a U.S. Senator. No Senator can put our nuclear forces on alert. No Senator can send our bombers on the way to the Soviet Union. The Secretary of Defense can do that and, yes, there is a different standard. There should be a different standard.

Mr. President, we have heard repeatedly colleagues who served with Senator Tower say, "I have never seen John Tower inebriated." I respect those statements. I believe those observations. But no one could reach the conclusion from those statements that Senator Tower did not have or does not have a serious drinking problem. Again, I point to his own words, his own acknowledgment of a serious drinking problem.

Let us be frank. This is not a man who drinks a glass of wine too much. This is not a man who has a couple of beers too much. This is a man who the record shows when he ties one on, drinks so much that he is out of control, that he can barely walk, that he is not in a state that would allow him to discharge the awesome responsibility of the Secretary of Defense of the United States.

I think the record is clear, Mr. President, on the question of the 1970's, and friendship, partisanship, brinksmanship should not cloud our logic or our judgment on that question. We must ask ourselves, did this pattern of excessive drinking end in the 1970's? I believe the record is clear. The problem did not end in the 1970's. Unfortunately, over and over in the 1980's, we have specific instances with specific individuals making specific allegations that Senator Tower drank to excess. I believe that makes a difference.

There are many who have said the FBI report is full of rumor and innuendo, absolutely; that the report is chock full of rumor and innuendo and absolute junk; that is without question. Mr. President, it is also clear to me that that record is filled with incidents of specific individuals, substantial individuals, named individuals who have talked about specific incidents in the 1980's.

Our job is to make sure this country does not make a serious mistake. That is our obligation, and if we are to discharge that obligation, then I think we have to put partisanship aside; I think we have to study the facts, and then we have to make an individual judgment.

I note that Senator Tower did that when he served in this body. When President Carter sent up the name of Ray Marshall to be Secretary of Labor, did John Tower rubberstamp that name? Did he say, "I differ, but it's OK?" No. John Tower voted no, and now he says on the talk shows that we are supposed to rubberstamp any nomination sent us by the President or we are challenging the President's authority. Apparently his view is changed.

Mr. President, I have more to say on the subject, but I note there are other colleagues who are seeking recognition and a chance to speak.

In summary, I have concluded that I cannot support the nomination of John Tower to be Secretary of Defense.

I regret that. As I indicated earlier, I would very much like to have concluded that I could support John Tower. But as I read the reports, page after page, incident after incident, I am convinced, sincerely, firmly convinced he has a drinking problem—had it in the 1970's. I believe he continues to have it, and I believe his inability, frankly, to confront it, to recognize it, to identify it, is only a further indication of the depth of the problem. Any man who indicates that he drank excessively in the 1970's, many incidents related in the 1970's, who says he drank excessively but did not abuse alcohol has not faced up to the problem. And if this were some other job, some other Cabinet position—Secretary of Commerce, Secretary of Labor—I for one would be quick to overlook these questions. But this job is not Secretary of the Interior, Secretary of Labor, Secretary of Commerce. This job is Secretary of Defense. In that position I do not believe it is prudent or wise to place a man when there are serious questions as to his drinking behavior.

With that I yield the floor.

Mr. McCAIN. Mr. President, I say to my friend and colleague from North Dakota that I regret his decision. Obviously, I am in disagreement. I respect his decision, however, and I hope that in the future we can avoid the kind of acrimony that we have seen on the floor today. I hope we can get this issue resolved by the weekend and that we can return to the atmosphere which usually permeates this body, an atmosphere of mutual respect and collegiality, without which I think this body would find it very difficult to function.

Mr. President, in what I hope is a final attempt to set the record straight, I would like to discuss the story contained in the Washington Post last week in which a retired Air Force sergeant allegedly said he observed improper conduct by Senator Tower at Bergstrom Air Force Base, TX, while the sergeant was serving on active duty at that base in the summer of 1977 and early 1978. I ask unanimous consent a letter from Col. Francis Moran, Chief, Legislation Division, Office of Legislative Liaison be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, March 7, 1989.

Mr. PATRICK A. TUCKER,
Minority Staff Director, Senate Armed Services Committee, Washington, DC.

Dear Mr. TUCKER: Pursuant to your March 6, 1989, request to Anne Foreman, Air Force General Counsel, for the Air Force to attempt to confirm whether then Senator John Tower visited Bergstrom's Air Force Base, Texas, in the time frame 1976 to 1979, the following information is provided.

Although there is no one record system which would record such an event, a review of available records for this time frame indicates that there is no mention of such a visit by Senator Tower. The Base History and all base newspapers at Bergstrom Air Force Base covering this period were reviewed and there was no mention of a visit by Tower. Additionally, a check with the Public Affairs and History Officers at 12th Air Force and Headquarters Tactical Air Command indicate no mention of such a visit. A review of records for Air Force escorts for Members of Congress indicate two trips with Senator Tower in this time frame, but none to Bergstrom Air Force Base.

In view of the above, we contacted all of the past wing commanders for the period October 1974 to March 1, 1979. Col. George Sauls (Ret.) was Wing Commander from October 1974 to April 1976. Major General Davis Rohr (Ret.) was Vice Wing Commander from August 1975 to April 1976, and Wing Commander from April 1976 to August 1977. Col. Robert Pearson (Ret.) was Vice Wing Commander from July 1976 to August 1977, and Wing Commander from September 1977 to March 1979. General Rohr and Col. Sauls recall Senator Tower visiting the base during an Open House in 1975. With the exception of this one visit, all of the above wing commanders indicate that Tower was never on the base. They assert that, in their positions as Wing Commander or Vice Wing Commander, they have no doubt that if Senator Tower arrived on the base, either for a visit or simply transiting the base, they would have known and would have remembered.

Additionally, contact was made with the two Base Information Officers assigned to Bergstrom during the time in question. Major John C. Popkes (Ret.) was assigned in this position from May 1976 to December 1976. Lt. Col. Robert Russell (Ret.) was assigned in this position from December 1976 to March 1979. Neither recalls any visit by Senator Tower and both feel they would have known of such a visit.

Should you have any further questions, please feel free to call me at 697-5322.

Sincerely,

FRANCIS S. MORAN, Jr.,
Colonel, USAF, Chief, Legislation Division, Office of Legislative Liaison.

Mr. McCAIN. This letter states that a diligent search of available relevant Air Force records reveals that there were no visits to that base by Senator Tower during the period from 1976 through 1979. When this letter is considered with the evidence previously entered in the record showing that the sergeant's last duty day at Bergstrom was several months before he allegedly observed Senator Tower at the base, it is clear from the evidence that there is no substance to any charge that Senator Tower was even at the base,

much less guilty of the conduct which was alleged by the retired sergeant and carried later in the national media.

Mr. President, just to avoid any misunderstanding, the document I just entered into the RECORD was furnished to the majority staff of the Armed Services Committee at the same time I received it. This was done by the Air Force Legislative Liaison Office because of the majority staff director's request that the Air Force provide no information to the minority of the committee without the same information being provided to the majority of the committee.

Mr. President, I would like to make a couple of comments the allegations concerning Senator Tower's visit, or actually nonvisit to Bergstrom Air Force Base.

First of all, the surfacing of these allegations was a terribly unfortunate example of a leak from the FBI files in S-407 to the media. I do not accuse any member of the media of exhibiting bias in this case. The media obviously feels it has an obligation to print the information which they receive, so I place no responsiblity for this unfortunate incident on the media. I do feel, however, that a case could be made that in this, and other cases, the kind of corroboration should have been sought that I have provided for the RECORD before printing such information.

At the same time, I understand that they may have felt compelled to. Second, the fact that this information was leaked to the media, and printed, as so many other unproven allegations have been indeed tragic. It has caused a false impression to be created in the minds of the American people. Like me, they have to find any allegation to be deeply disturbing that charges a U.S. Senator would make sexual advances to a member of the Armed Forces. That is why, when I read this allegation, I was terribly concerned and upset that such charge could possibly be published. The distinguished chairman of the committee has said that this allegation was largely disregarded in the deliberations that he and many other members of the committee made because it had no corroboration. Nevertheless, it appeared in print, and then in the visual media as well, I became alarmed at the damage it was doing, but there was very little that I could do about it until I received a phone call from Major General Rhor who happened to be the wing commander at the time of the alleged incident.

He was understandably upset because he was present at the base during this period of time and saw no incident as alleged. In fact, he remembered with great clarity the one visit in 1975 that Senator Tower made, and he remembered incidents such as the weather conditions which caused a curtailment of the Air Force Thunderbird performance that day. Indeed he, General Hughes, and General Hughes' wife escorted Senator Tower during his entire visit to the base. When I received that information, I thought we ought to follow up. I called over the transition team and told them that they should contact other people who had served at Bergstrom to see if we could find out exactly what took place, and if there was any evidence that would either substantiate the allegation—and I emphasize the very damaging allegation—that it appeared in the Washington Post, or find information which would refute it.

I became steadily more concerned during the course of the day when I was informed that one of the major networks was going to run an interview with the retired sergeant who made the allegation on the evening news. I felt that if indeed the allegation was false, as I believed that it was, and an interview was run on the evening news, this would seriously further damage the credibility and reputation of John Tower.

I would like to yield, Mr. President, to the distinguished majority leader at this time.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. I thank the Senator from Arizona.

For the benefit of our colleagues, I have just spoken with the distinguished Republican leader and want to announce that there will be no votes tonight. It is my expectation that we should continue until approximately 7 p.m. Would that be acceptable to the Senator from Arizona in terms of completing his remarks?

Mr. McCAIN. I would say to the distinguished majority leader that I think 5 more minutes would be sufficient to complete my remarks.

Mr. MITCHELL. Then what I would suggest is that we continue until the hour of 7 p.m. and that we come back in tomorrow morning.

I will return just prior to 7 after the Senators remaining complete what remarks they wish and I have the opportunity to give the distinguished Republican leader the opportunity to come to the floor for the wrapup.

So Senators may be aware, I repeat, there will be no more rollcall votes this evening, and we will be remaining in session for at the most approximately 25 minutes. I will have an announcement regarding tomorrow's schedule between now and 7 p.m.

I thank the Senator very much for yielding to me to make that announcement and for the benefit of our colleagues.

Mr. McCAIN. I thank the distinguished majority leader.

Mr. President, as I was saying, I was then presented with the information on Sergeant Jackson which had been requested by the minority. The request for this information was perfectly within the rules of the Senate and the laws of the United States. It was provided by the Department of the Air Force general counsel. The information was read over the phone at the time I said we needed to have the information in writing. The hour was late, however, and it was about 4:30 in the afternoon. The evening news was being prepared for presentation within the hour to the American people. At that time I had to make a decision as to whether to come to the floor of the Senate, and give the information that I had received. That information was first, that the previous wing commanders had all stated unequivocally that John Tower had not visited the base except in 1975. It was second, that the retired sergeant had certain psychiatric problems as a member of the Air Force, and while he was stationed at Bergstrom Air Force Base.

I am fully aware of every citizen's right to privacy. I respect and cherish that right. But I believe when a citizen not only came forward and made allegations to the FBI, but again confirmed and rearticulated those charges, once those allegations were leaked to the public, and appeared in the Washington Post, I felt that individual had forfeited his right. He was making what I was convinced were false allegations against a person who did not deserve such treatment.

So, in keeping with my rights as a U.S. Senator, I repeated the information that was transmitted by the general counsel, of the Department of the Air Force, to Mr. Pat Rucker, the minority staff director.

Now, if the majority was not informed properly of how the data evolved, I hope they will accept my apologies. We on the minority side have been extremely sensitive at times when we have believed either rightly or wrongly we were not fully informed of what was happening. My excuse to the majority is that the time elements involved, and the fact that an interview with this individual was going to be shown on the evening news, prevented me from taking the time to provide the information to the majority. I will make every effort in the future to make sure that all information that we receive is shared immediately upon receipt.

Mr. President, more information was relayed to us by the general counsel of the Air Force on Friday, and then again on Monday. I will not again go through this information, Mr. President. It is all part of the record. But the fact is that it clearly shows that this witness was not reliable. Coupled with the information that I have just

provided concerning the testimony of the previous wing commanders, and base commanders, the 12th Air Force commander, and indeed the master sergeant of the U.S. Air Force who at that time was serving as the master sergeant of the 12th Air Force, it is clear that serious damage was done to Senator Tower's reputation, that all the evidence indicates was based on false allegations.

Mr. President, I hope we can put this issue behind us at this time. I think it is a sad commentary, that we have reached the point where we are now in the business of hearing allegations in the media, which have been leaked from the confidential documents. That we are then required to provide a rebuttal. We then have to deal with allegations of fairness, of unfairness, and we then have to provide further substantiation. Frankly, I am sure that the Department of the Air Force has better things to do than spend untold hours locating and interviewing former base commanders and wing commanders from Bergstrom Air Force Base in Austin, TX.

I think this whole episode is a compelling argument that we must change our current procedures, if we have changed the standards for nominees, which I believe we have, then the procedures must be changed, as well.

I am not sure that the recommendation of the distinguished Senator from Alaska is appropriate, but I am convinced that there will always be leaks of confidential information to the media. This is simply a reality of the environment in which we live.

Mr. President, I think we have to recognize that at least segments of the information which is declared confidential will not be confidential. Accordingly, we must give a nominee the same rights that every citizen has, and these rights include the right to face one's accuser. An accuser cannot be allowed to hide behind the cloak of anonymity, which, as the Presiding Officer, Mr. CONRAD well knows, is the cloak worn by most of those who fill the FBI files on John Tower. Indeed, if a person is going to make an allegation, that person must be willing to come forward and testify in some kind of formal arrangement. We must be sure that there is both validity to the charges that are being made, and responsibility for the charges being made.

Mr. President, I would like to repeat that I did not enjoy, and I will always regret, having been forced to divulge information about an individual's medical past. At the same time, the only option to withholding that information was to allow false allegation to be spread across this Nation. Despite my deep regret, what I did was necessary to see that justice was done in this case.

I am hopeful, Mr. President, that we can return to the kind of collegiality and close-knit relationship which has characterized this body for over 200 years after this vote is completed. I am also hopeful that we can recognize that there are pressing issues of national security which face the Senate Armed Services Committee and that we will be able to work together in a fashion which has characterized the performance of the Senate Armed Services Committee, perhaps more so than any other committee in the Senate. We are compelled to work together for the good of this Nation and its security. There is no other way that we can adequately address these issues without doing so. But, we must devise ways to ensure to the American people that the nominees for any office and any position in this country are fairly treated.

Mr. President, with that, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me extend my appreciation to my friend from Arizona for his statement and for the clarification which he provided to the Senate. I think everybody in the Senate appreciated what he had to say and the tone that he brought to it. That tone is essentially one that, after this matter is over, we all look forward to a return to normalcy, and everybody in the Senate will join him in that wish. The leak was unfortunate. All leaks of confidential information are unfortunate.

As my friend from Arizona pointed out, after it did hit the newspaper, Senator NUNN indicated that the item was a fact in his consideration and his knowledge and the consideration of the committee, and I believe Senator COHEN joined in a similar statement. If there is any redeeming feature in the whole incident, it would be that that particular allegation was not a factor in the committee's consideration. That does not undo the damage of the leak, as my friend from Arizona has pointed out. We appreciate the Senator's statement.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank my friend from Michigan for his kind remarks. I serve on several subcommittees, perhaps too many, with my friend from Michigan. I look forward to the opportunity of working with him as soon as possible, as we address the important issues that affect national security, and, particularly, those areas in which he has become so well known, in the areas of maintaining the readiness of our Nation's Armed Forces to perform whatever duties they may be called upon to perform.

I yield the floor, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, while we are waiting for the majority leader, I would like to touch on one point I intended to make today. I was going to ask the distinguished Senator from New Hampshire, Senator RUDMAN, to respond to a question.

Mr. President, much has been made of the unfounded view that John Tower pocketed $1 million from defense contractors. I want to set the record straight.

First, I want to recall what many—on both sides of this question—I have said all along. John Tower broke no laws, rules or regulations.

As for the money he legally earned, I believe it is important to note the following.

Six companies with defense interests paid Tower and associates $764,000—and that is a rounded figure—over 2½ years. Some have tried to stretch that three-quarters of a million dollars into $1 million by adding in a contract with British Aerospace, Inc., a Delaware corporation.

In fact, John's work for British Aerospace, Inc., was helping sell purely commercial aircraft. So the defense-related figure is $764,000.

That $764,000 is just a top line. Tower had overhead to pay—about 60 cents on the dollar. He paid his staff, office rent, business travel, other expenses and, of course, taxes.

Thus, in 1987 John Tower netted just over $100,000—not as much as the Senator who earns, in addition to his salary, $35,000 in honoraria—and in 1988 a bit over $150,000 from defense-related contracts.

John also had income from his Federal pension, from lecturing at Southern Methodist University, and from a number of contracts unrelated to defense.

Three things are clear. First, John Tower made a very comfortable living, but he was never—and is not now—a rich man. Second, in his 2½ years as a consultant, he was never dependent on the defense industry. Third, his defense-related income never approached $1 million.

I cite as sources for these figures two Dallas Morning News articles. Naturally, these figures are unaudited, but I have checked with Senator Tower's office, and I am told they are reasonably accurate.

Mr. President, I ask unanimous consent to have these two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News, Jan. 25, 1989]

CONSULTANT TOWER EARNED $665,277

(By Richard Whittle)

WASHINGTON.—Former Texas Sen. John Tower, President Bush's choice for defense secretary, last year earned $665,277 in consulting and director fees—mainly from defense firms—and $74,000 for giving speeches, his financial disclosure report shows.

He also got $50,000 for lecturing at Southern Methodist University in Dallas, $48,743 in federal pensions, plus other income for reported earnings in 1988 of at least $842,476.

But Tower—whose confirmation hearings begin Wednesday before the Senate Armed Services Committee—reports that he owns no real estate. Since his 1987 divorce from his second wife, Lilla, he has lived in a Dallas apartment and a Washington hotel suite.

He owns no securities, except for an option to buy 5,000 shares in Micronyx, a Richardson computer firm. His disclosure statement says he received the stock option as a consulting fee; the stock value is estimated at $3 a share.

Tower's only assets, according to his disclosure report, are a checking account of less than $5,000, an Individual Retirement Account valued at $5,001 to $15,000, and a NOW account containing $15,001 to $50,000.

Aides to Tower, a Republican and former chairman of the Senate Armed Services Committee, acknowledged in December that defense consulting fees accounted for much of his income after he resigned as a U.S. arms-control negotiator in 1986.

But the disclosure statement, required of all Cabinet appointees, reveals specifics that Tower's aides and some of his defense clients refused to divulge before Bush chose Tower for the Pentagon job on Dec. 16.

Some critics had argued that Tower was too closely tied to the defense industry to handle the cuts necessary to match declining budgets mandated by Congress. Some also have argued that Tower could have conflicts of interest as defense secretary.

Tower has refused to give interviews since his nomination. But a spokesman, speaking on condition of anonymity, said Tower had given the Armed Services Committee a more detailed statement on his consulting contracts, all of which have been terminated.

"And there's no deferred compensation, no pension plans, nothing," the spokesman added.

Officials in the U.S. Office of Government Ethics formally determined in reviewing Tower's statement that the report disclosed "no conflict of interest under applicable laws and regulations."

The disclosure form states that all of the consulting fees were paid under personal contracts with Tower. The services were performed by his company, Tower & Associates, which had offices in Dallas and Washington and was staffed by two defense specialists, Richard Bilmire and Michelle Markoff.

Tower, who is expected to face questioning from the Senate panel on the conflict-of-interest issue, listed consulting or director fees in 1988 from these defense-related firms:

$102,860 from LTV Aerospace & Defense Co. of Dallas.

$92,000 from Martin-Marietta Information Systems Group, a subsidiary of the defense firm Martin-Marietta Corp.

$79,167 from Hicks & Associates, a Pentagon consulting firm headed by Donald Hicks, who was undersecretary of defense for research from 1985 to 1986.

$70,000 from Textron Inc., parent company of Bell Helicopter Textron of Fort Worth, whose products include Army helicopters.

$30,250 from Rockwell International Inc. of El Segundo, Calif., a major military contractor.

$16,000 from Astrotech International Corp., a Pittsburgh based company. While Tower was a director, the firm's products included special metals used in fighter jet engines.

$10,000 from Jeford-McManns International Inc., a Washington defense consulting firm.

Tower also received $104,166 from the U.S. subsidiary of British Aerospace PLC, which builds the Harrier fighter jet and other weapons systems. But company spokesman George Dahlman said the U.S. subsidiary primarily markets commercial aircraft and "I don't think he (Tower) did much as far as military stuff goes."

Tower's largest consulting fee was the $153,334 he reported from Maxwell Communication Corporation PLC of London, the publishing conglomerate headed by Robert Maxwell, a flamboyant tycoon featured last fall on CBS-TV's *60 Minutes*.

Tower, who was a college professor in Texas before he began his Senate career in 1961, also made substantial amounts of money—$220,702.40 in 1987 and $74,000 in 1988—for speaking to college audiences and business concerns.

Efforts to determine the nature of Tower's consulting work for several of the firms were unsuccessful.

But Hicks, the former undersecretary of defense who hired Tower as a consultant to his own consulting firm said Tower advised some of his corporate clients on whether Congress might approve and fund defense programs they were interested in bidding on.

"The people over here (in Hicks' office) know a lot about defense," Hicks said. "You also have to know what the hell Congress is going to be doing. What we've used Tower's people for and Tower himself is to give us some insight into whether a program would go or would not go (in Congress)."

[From the Dallas Morning News, Feb. 18, 1989]

TOWER MADE $1.65 MILLION IN 1987-88; $547,700 WAS LEFT AFTER BUSINESS, TAXES, ALIMONY

(By Richard Whittle)

WASHINGTON.—Defense Secretary-designate John Tower earned $1.65 million during the last two years, and was left with $547,700 after business expenses, taxes and alimony, according to a summary of the former Texas senator's finances obtained Friday.

The summary shows that Tower's earnings as head of Tower & Associates, the consulting firm he formed after resigning as a U.S. arms-control negotiator in April 1986, were largely spent on staff salaries, two offices, travel, taxes, and alimony he must pay to his former wife, Lilla Cummings Tower.

The Towers were divorced in 1987. Tower paid his ex-wife $25,100 in alimony in 1987 and $67,100 in 1988, according to previously undisclosed information in the summary obtained by The Dallas Morning News.

He also paid legal fees in the case, in which Mrs. Tower accused him of "marital misconduct," of $30,00 in 1988, the summary reveals.

Tower's finances have been among the key issues in his drawn-out struggle to win Senate confirmation as secretary of defense. In addition to concern over allegations of heavy drinking and womanizing, Armed Services Committee members have expressed doubts about whether a man who received lucrative fees from defense contractors should serve as secretary of defense.

The financial summary states that Tower paid $154,300 in taxes in 1987 and expects to pay $92,200 for 1988. Before taxes, his business expenses were $331,600 in 1987 and $402,200 last year, according to the summary.

A source close to Tower said the figures were reliable, but they could not be independently verified.

Though Tower's take-home pay for 1987-88 was more than $500,000, the source confirmed that the former senator's current assets were only about $100,000. The source, who insisted on anonymity, said Tower spent large sums on buying and furnishing a Dallas condominium and on investments that paid no return, including a failed attempt with several partners to buy the former First Republic Bank of Dallas.

Tower also is known for living well, as reflected in his tastes for tailored English suits, expensive British cigarettes and living when he is in Washington at one of the city's most elegant hotels.

If the Senate confirms him, Tower's salary would be $99,500—a sharp reduction from his income of the previous two years. The source said Tower's alimony payments would be reduced in 1989, but the precise figure was unavailable.

President Bush said Friday during a visit to St. Louis that he was confident Tower would be confirmed. "I'm not worried," he said, brushing off new criticism of Tower by Kenneth Adelman, former director of the Arms Control and Disarmament Agency. Adelman said Tower had engaged in "indiscretions" in Geneva as a member of the U.S. arms negotiating delegation that were "troublesome."

Assistant FBI Director Milt Ahlerich, meanwhile, said the agency was "in the latter stages of winding up" a report for the Armed Services Committee on recent allegations about Tower's personal and business affairs.

And Sen. John Warner of Virginia, the committee's ranking Republican, said at an impromptu news conference that the panel had received new material on Tower and given it to the White House. Warner said the material consisted of "several letters" but refused to elaborate.

Committee chairman Sam Nunn, D-Ga., has said the panel could vote on Tower's nomination next week if it receives the FBI report.

According to Nunn, Tower provided to the committee detailed financial statements and copies of his tax returns for 1985, 1986 and 1987.

In his confirmation hearings, Tower testified that he had cut all ties to his consulting clients as of Dec. 1, had no conflicts of interest and would scrupulously avoid any favoritism toward his former clients.

But some senators questioned the size of the fees Tower received from defense companies as a consultant after leaving the Senate and the U.S. arms-control negotiating team in Geneva, where he was chief negotiator on long-range arms.

The summary shows that defense consulting fees accounted for $271,500, or 34 percent of his total 1987 income of $805,200

and $384,300, or 45 percent of his total 1988 income of $845,000. A source close to Tower said he earned $108,200 from defense consulting in 1986.

Tower's closest associates said they were dismayed that comments by some Senators and reports at Tower's income from government financial disclosure forms suggested that the former Armed Services chairman had become rich by cashing in on his Senate and arms-control experience. The disclosure reports provide no details on how an official's income is spent.

His financial disclosure statements for 1985 and 1986, when Tower was an arms-control negotiator, and for 1988, required after Bush nominated him as defense secretary, show that the 63-year-old Senate veteran accumulated no investment property or securities over the years.

The 1988 form showed that his only cash assets were a checking account of less than $5,000, an Individual Retirement Account of $5,001 to $15,000, and a NOW, account containing $15,001 to $50,000.

Tower bought his condominium in Dallas in 1987 with a mortgage of $170,000, payable over 15 years to the then Republic Bank Dallas, according to deeds on file in Dallas. In Washington, he lives in a single room at the Jefferson Hotel, for which he pays about $100 a night, a close associate said.

Under Texas law, there is no requirement to record the purchase price of real estate nor are there tax stamps to indicate the sale price, but a source close to Tower estimated that the nominate paid $200,000 for the Dallas condo.

"He went into the Senate having no money and he came out and he had no money and the financial records show that," said Paul W. Eggers, a longtime Tower friend and attorney.

"He came out (of the Senate) and he had a job teaching," Eggers said, referring to a $50,000-a-year position Tower had as a lecturer at Southern Methodist University after he left the Senate.

"But with the alimony payments he was stuck with, he had to make money somewhere. And when he paid taxes made those alimony payments and all, it took a good part of the money he was making (as consultant)."

A Pentagon official, speaking on condition of anonymity, said that Tower had been working without pay on Defense Department matters since he canceled his consulting contracts on Dec. 1.

Tower also receives federal pensions that amounted to $48,743 in 1988, his government disclosure statement shows. But under federal law, his pension would halt when he took office as defense secretary and resume only after he had left that job.

As a consultant, Tower was retained by four major defense contractors, one other firm and two companies with defense interests, the commercial arm of Britain Aerospace PLC, which makes defense items, and by Maxwell Communication Corporation PLC of London, a publishing conglomerate.

His major defense-contractor clients were LTV Aerospace & Defense Co., Martin-Marietta Information Systems, Rockwell International Inc. and Taxtron Inc., parent company of Bell Helicopter Textron of Fort Worth. Tower's fees for those and his other clients ranged from $10,000 to $153,334, according to his 1988 financial disclosure statement.

Unlike other consultants who bill their clients for expenses, Tower paid all his business expenses out of his fees, according to those close to him.

Those expenses, according to the financial summary, included salaries for five employees of Tower & Associates, the cost of maintaining offices in Dallas and Washington, plus business and travel expenses for Tower and his aides.

"He was John Tower doing business as Tower & Associates," said one Tower ally, speaking on condition of anonymity. "It's like a mom-and-pop proprietorship. The checks go to him, then he makes out the checks to his employees.

The financial summary lists Tower's staff expenses for 1987 as $190,000 and for 1988 as $268,700.

Tower employed Michelle Markoff, an arms-control expert, and Richard Billmine, an economist, as professional aides. To do secretarial, accounting, scheduling and other work, he employed Kim Sariven, Martha Kirkendall and Marian Tower, one of his three adult daughters.

The summary shows that Tower paid $75,900 in 1987 and $61,700 in 1988 for office rent and expenses and $65,700 in 1987 and $71,800 in 1988 for travel for himself and his aides. Tower maintained offices in Dallas and Washington, and he frequently traveled around the United States and overseas.

	1987	1988
Total income	$805,200	$845,000
Expenses:		
Staff	190,000	268,700
Office rent and expenses	75,900	61,700
Business travel and expenses	65,700	71,800
Taxes	154,300	92,200
Attorney	25,100	67,100
Legal fees for divorce		30,000
Total expenses	511,000	591,500
Net receipts	294,200	253,500

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that on the matter of two resolutions they be handled as though in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING WILLIAM D. MOHR, SENIOR REPORTER, OFFICIAL REPORTERS OF DEBATE, ON THE OCCASION OF HIS RETIREMENT

Mr. MITCHELL. Mr. President on behalf of Mr. DOLE and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 77) relating to the retirement of William D. Mohr.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, today the Senate takes a moment to recognize and commend William D. Mohr, Senior Reporter, Official Reporters of Debates, upon the completion of almost 23 years of outstanding service to this body.

Early in 1942, Mr. Mohr displayed a natural aptitude as a Pittman reporter by passing the New Jersey Certified Shorthand Reporter examination, and began his career in New Jersey as an official court reporter.

He became a member of the staff of the Official Reporters of Debates, U.S. Senate, in April of 1966. His responsibilities, of course, are focused on the production of the Senate portion of the CONGRESSIONAL RECORD.

During his tenure in this office, Mr. Mohr also passed the Merit Examination given by the National Shorthand Reporters Association, truly a strong indicator of his excellent abilities.

For almost the last 15 years, Mr. Mohr has taken on an additional task, one which further serves the Senate and will perpetually continue to serve the Senate in the future. He has been the mentor of each of the present Debate Reporters, including the present Chief Reporter. His instruction, his dedication to accuracy, his constant endeavor to present the proceedings of the Senate in a manner truly depicting that which it is—a historical document reflecting the history of this body—will be continued by those who have been the beneficiaries of Mr. Mohr's expertise and guidance.

Now Bill and his wife Lynne will begin a new era in their lives as he enters upon retirement. We all wish them well, and know that the U.S. Senate and his associates in the Office of the Official Reporters of Debates alike will long remember and value his efforts in their behalf. He will most assuredly be missed.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 77

Whereas, on March 31, 1989, William D. Mohr will retire from service as Senior Official Reporter of Debates after 23 years;

Whereas, "Bill" has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on April 18, 1966;

Whereas, he has devoted 15 years to instilling his expertise in the exactitude demanded in the daily preparation of the Congressional Record in new staff members;

Whereas, since the inception of the Record the daily proceedings of the United States Senate have been reported using pen shorthand, and with the retirement of William D. Mohr, as the United States Senate's last pen shorthand reporter, comes the end of an era; and

Whereas, William D. Mohr has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of impeccable service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and grati-

tude to William D. Mohr for his years of faithful and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to William D. Mohr.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING LEE H. (JIM) TIMBERLAKE, EDITOR OF THE DAILY DIGEST, ON THE OCCASION OF HIS RETIREMENT

Mr. MITCHELL. Mr. President, on behalf of Mr. DOLE and myself, I send another resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 78) relating to the retirement of Lee H. (Jim) Timberlake.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, Jim, as most of us know him, is officially retiring on March 15 after more than 27 years of dedicated service under the direction of seven different Secretaries of the Senate. His Senate service began in 1961 as an Expert Transcriber in the office of the Official Reporters of Debates. For the next 19 years, he served in that office in various capacities, including Assistant to Chief Reporter where his duties were to assist in the editing and pagination in compiling the CONGRESSIONAL RECORD, and Assistant Reporter where he was responsible for the morning business section of the RECORD. In 1980, Jim was appointed Editor of the Senate Daily Digest where he has served to date and has been responsible for rendering an accounting in concise language of all official actions of the Senate. During that time as Editor, Jim greatly contributed to the establishment of legislative applications to enhance the legis computer capabilities used by the legislative branch.

As a personal note, Jim was born and educated in my State of Maine. He graduated from Leavitt Academy in Turner, and attended Bates College in Lewiston. He came to Washington, DC, in 1957 and became a court reporter, at which time he met Charlotte Wick, also a court reporter, and they were married in 1958. They have two children, a son Chris and a daughter Claire, and a granddaughter Nicole.

Upon his departure from the Senate, Jim plans to remain active and is considering several interesting and rewarding pursuits. With the talent he has shown in all his endeavors, we know that further success lies ahead for him. We know, too, that Jim will not be far from the Senate in spirit, and we look forward to continuing our close and longstanding friendship with him.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 78

Whereas, Lee H. "Jim" Timberlake has faithfully served the United States Senate as Editor of the Daily Digest of the Congressional Record during the past 8 years;

Whereas, prior to that Jim rendered exemplary service in the Office of the Official Reporters of Debates of the United States Senate for 19 years;

Whereas, during this 27-year period, he has at all times discharged the difficult duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and

Whereas, Jim Timberlake's service to the Senate has been marked by his personal commitment to the highest standards of excellence: Now, therefore, be it

Resolved, That Lee H. "Jim" Timberlake be and hereby is commended for his outstanding service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Lee H. Timberlake.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:31 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 1, Public Law 94-371, as amended, the Speaker appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House: Mr. PEPPER, Mr. SCHEUER, Mr. FISH, and Mr. GREEN.

The message also announced that pursuant to section 6160(b) of Public Law 100-690, the Speaker appoints to the National Advisory Commission on Law Enforcement the following Members on the part of the House: Mr. EDWARDS of California and Mr. HUGHES.

The message further announced that pursuant to section 6160, Public Law 100-690, the Minority Leader appoints to the National Advisory Commission on Law Enforcement the following Members on the part of the House: Mr. GEKAS and Mr. SMITH of Mississippi.

The message also announced that pursuant to section 204 of Public Law 98-459, the Speaker appoints from private life Mrs. Josephine K. Oblinger, Springfield, IL, as a member of the Federal Council on the Aging on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-659. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special impoundment message for fiscal year 1989; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on the Judiciary, and the Committee on Labor and Human Resources.

EC-660. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals for February 1989; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Labor and Human Resources, and the Committee on the Judiciary.

EC-661. A communication from the Assistant Secretary of the Air Force (Acquisition) and the Under Secretary of the Navy, transmitting jointly, pursuant to law, notification of the establishment of a Joint Air-To-Air Missile Office; to the Committee on Armed Services.

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EC-662. A communication from the Chairman of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; to the Committee on Banking, Housing, and Urban Affairs.

EC-663. A communication from the Co-Chairmen of the National Economic Commission, transmitting, pursuant to law, the report of the Commission dated March 1, 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-664. A communication from the Deputy Associate Director for Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-665. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps program in the Department of the Interior for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-666. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the annual report under the Powerplant and Industrial Fuel Use Act for calendar year 1988; to the Committee on Energy and Natural Resources.

EC-667. A communication from the United States Trade Representative, transmitting a draft of proposed legislation to authorize appropriations for the Office of the United States Trade Representative for fiscal years 1990 and 1991; to the Committee on Finance.

EC-668. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, an estimate on the completion of a report on medicare prospective payments and appropriate levels; to the Committee on Finance.

EC-669. A communication from the Acting Secretary of Health and Human Services, transmitting a draft of proposed legislation to reduce costs in the Medicare program, and for other purposes; to the Committee on Finance.

EC-670. A communication from the Vice President for Corporate Communications, Overseas Private Investment Corporation, transmitting, pursuant to law, the Development Report of the Corporation for fiscal year 1988; to the Committee on Foreign Relations.

EC-671. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on environmental reform of the multilateral development banks; to the Committee on Foreign Relations.

EC-672. A communication from the Director of the Human Resources Directorate, Army Community and Family Support Center, Department of the Army, transmitting, pursuant to law, the report on the U.S. Army Nonappropriated Fund Employee Retirement Plan for the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-673. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the number of appeals submitted to the Board, the number processed to completion, and the number not completed by the originally announced date for fiscal year 1988; to the Committee on Governmental Affairs.

EC-674. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-675. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-676. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-677. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-678. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-679. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report of the Small Business Administration under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-680. A communication from the Assistant Vice President (Government and Public Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-681. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-682. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving U.S. exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-683. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the waiver of certain grounds of inadmissibility of admission of certain aliens; to the Committee on the Judiciary.

EC-684. A communication from the Secretary of Education, transmitting, pursuant to law, notification of the approval of a request by the United States Military Academy; to the Committee on Labor and Human Resources.

EC-685. A communication from the Director of the ACTION Agency, transmitting a draft of proposed legislation to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act"), and for other purposes; to the Committee on Labor and Human Resources.

EC-686. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the 1988/89 annual report of the Presidential Advisory Committee on Small and Minority Business Ownership; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-27. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 163

"Whereas, the Commonwealth of Virginia, like most states, has several cities which have combined sanitary sewerage and stormwater systems that, on occasion, result in the direct discharge of untreated sanitary sewage and stormwater into rivers and streams during and immediately following rainfall; and

"Whereas, these combined sewer overflow ("CSO") problems are a long-standing condition of many older cities that have resulted from combined sewer construction practices which were, in many cases, state-of-the-art at the time of installation, but which, with today's wastewater treatment technologies, are now the source of CSOs; and

"Whereas, the correction of significant CSO problems such as those faced by hundreds of cities across the United States is a matter of great technical complexity and cost many millions of dollars in excess of those costs normally associated with the treatment of wastewater from separate sanitary sewer systems; and

"Whereas, the cities in the Commonwealth with significant CSO problems have already spent many millions of dollars in local funds to address their CSO problems; and

"Whereas, many cities across the United States, including those cities in the Commonwealth with significant CSO problems, have either developed or are in the process of developing plans for additional controls on their CSOs; and

"Whereas, the total cost of implementing these CSO control plans nationwide is estimated to be in the billions of dollars; and

"Whereas, federal funds are currently unavailable for CSO control; and

"Whereas, the cost of CSO control is so great that, even with state grant funding, the control centers have the potential for imposing very serious financial burdens on those cities with significant CSO problems; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to provide substantial grant funding for the implementation of CSO control when it next reauthorizes the Clean Water Act and to make that grant funding available to those localities with CSO control plans whose costs of implementation exceed their financial capability; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia Delegation to the

United States Congress that they may be apprised of the sense of the General Assembly in this matter."

POM-28. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION No. 75

"Whereas, Article VI of the Constitution of the United States provides in part that the "* * * Constitution * * * and all treaties made * * * under the authority of the United States * * * shall be the supreme law of the land * * *"; and

"Whereas, Virginians join with other Americans in the strongly held conviction that, whatever its possible imperfections, they would not trade their form of government and its blessings of individual liberty and personal freedom for any other on earth; and

"Whereas, the Constitution of the United States vests the President of the United States, subject to the advice and consent of the United States Senate, with the power to make treaties with foreign governments; and

"Whereas, treaties so made become a part of "the supreme law of the land"; and

"Whereas, in recent years the President, with the advice and consent of the Senate, has entered into several far-reaching multilateral treaties on human rights, arms control, and other subjects dealt with in the Constitution itself, particularly the first ten amendments thereto known collectively as the Bill of Rights; and

"Whereas, it is highly desirable that, in endeavoring aggressively to promote and defend for the inhabitants of other countries the human rights and personal dignity we hold so dear, the federal government take every conceivable precaution that custody over our liberties is not surrendered to foreign powers or any international organization;

"Whereas, the tenth amendment to the Constitution provides that powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people; now, therefore, be it

"Resolved, by the Senate, the House of Delegates concurring, That the Congress of the United States is hereby memorialized vigilantly to guard against the abridgement or erosion, through the treaty-making process, of the freedoms guaranteed to all Americans through the Bill of Rights contained in the Constitution of the United States; and, be it

"Resolved further, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States, the President of the United States Senate, and the members of the Virginia delegation to the United States Congress in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-29. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Financing.

"SENATE JOINT RESOLUTION No. 122

"Whereas, the Commonwealth of Virginia and all other states are prohibited from requiring out-of-state mail order vendors and other direct marketers to collect state and local sales taxes on goods sold in the states, as a result of the U.S. Supreme Court decision in National Bellas Hess v. Illinois Department of Revenue, 386 U.S. 753 (1967); and

"Whereas, recently there has been substantial growth in mail order sales in the Commonwealth, and it is estimated that the Commonwealth loses approximately $54 million in tax revenues annually because mail order houses cannot be compelled to collect sales tax; and

"Whereas, this limitation on state taxing authority undermines the equity and fairness of state and local tax systems, and places other retail merchants at a competitive disadvantage with mail order vendors and other direct marketers because most retail merchants are required to collect sales tax from their customers; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia by this resolution memorializes the Congress of the United States to enact legislation authorizing the states to require out-of-state order vendors to collect sales taxes from their customers to facilitate tax equity in the Commonwealth of Virginia; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives; the President of the Senate of the United States; the chairmen of the House Judiciary Committee, the House Ways and Means Committee and the Senate Finance Committee; and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-30. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 167

"Whereas, the national debt stands at $2.7 trillion with no hope of retiring the debt quickly; and

"Whereas, during World War I, the United States lent Great Britain, France and Japan $10 billion; and

"Whereas, during World War II, the United States lent $100 billion to European nations to finance the defeat of Nazi Germany; and

"Whereas, during the Korean War, the United States again, out of kindness, lent another $10 billion; and

"Whereas, the figures, after annual interest at a rate of six percent, amount to in excess of $2 trillion, 320 billion, nearly enough to eliminate the national debt; now, therefore, be it.

"*Resolved* by the Senate, the House of Delegates concurring, That the Congress of the United States is memorialized to demand that these foreign borrowers repay their loans with interest; and, be it

"*Resolved further,* That while the United States is a kind, compassionate and generous nation, foreign borrowers should not abuse such generosity; and, be it

"*Resolved finally,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States and the members of the Virginia Delegation to the United States Congress, that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-31. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Commerce, Science, and Transportation.

"HOUSE JOINT MEMORIAL No. 3

"Whereas, the Congress adopted and the President signed the Medicare Catastrophic Coverage Act of 1988; and

"Whereas, the burden of financing the Act falls primarily upon the elderly citizens who are living on fixed, limited incomes; and

"Whereas, the Act constitutes the greatest expansion of Medicare benefits in the twenty-three year history of the program, and the costs of the expansion have yet to be fully determined; and

"Whereas, the Act imposed increased taxes upon recipients which were described by its sponsors as a premium for insurance, but the Act in reality subverts free choice and is not an optional insurance program; and

"Whereas, the Act greatly expands coverage with untold fiscal consequences, but fails to address the costs of long term care in nursing homes which may actually be the most catastrophic cost to the elderly; and

"Whereas, vastly expanded services are designed to be available to only a limited number of beneficiaries, and as a consequence the Act will inevitably pressure the system to expand eligibility and coverage levels, with the result that the program will be overtaxed and significantly underfunded; and

"Whereas, senior citizens in Idaho and the nation do not deserve to be saddled with the costs of a health care program which most of them will never qualify to use and which many have already contracted with private insurers to provide. Now, therefore, be it

"Resolved, by the members of the First Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to immediately address the issues raised by implementation of the Medicare Catastrophic Coverage Act of 1988, and substantially revise the Act to modify the impact upon individual senior citizens. If a need exists for a program of this scope, the method of funding must be reversed in order to protect the limited resources of the elderly from an unwarranted assault by the federal government. The Act was adopted amid confusion and uncertainty and the issues which have been raised since the enactment warrant thorough study and comprehensive amendment; and, be it further

"Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-32. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"HOUSE JOINT MEMORIAL No. 8

"Whereas, the Union Pacific Railroad Company has initiated proceedings with the Interstate Commerce Commission to abandon 30.8 miles of branch line known as the Teton Valley Branch in Fremont and Teton Counties, Idaho; and

"Whereas, the abandonment of rail lines and the discontinuance of rail services is governed by federal law; and

"Whereas, the Interstate Commerce Commission is the federal agency vested with

the authority to authorize the abandonment or discontinuance of rail service; and

"Whereas, Section 62-424, Idaho Code, vests the Idaho Public Utilities Commission with the authority to represent the people of the State of Idaho before the Interstate Commerce Commission; and

"Whereas, the Union Pacific Railroad Company had embargoed and discontinued service on the Teton Valley Branch during 1988; and

"Whereas, the Union Pacific Railroad Company had not participated in a state proceeding to determine whether the abandonment of this branch line would have an adverse impact upon Idaho communities and their access to vital goods and services; and

"Whereas, the Idaho Public Utilities Commission will protest the abandonment of the Teton Valley Branch on the basis of the record developed before it at hearing in the affected area that realistic potential exists for rail shipments if the line can be preserved; and

"Whereas, the Idaho Public Utilities Commission will therefore request that the Interstate Commerce Commission institute an investigation into the proposed abandonment. Now, therefore, be it

Resolved by the members of the First Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, that we petition the Interstate Commerce Commission to investigate the abandonment of the Teton Valley Branch through oral hearing conducted at a location in close proximity to the affected rail line; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Interstate Commerce Commission, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-33. A joint resolution adopted by the Legislature of the State of Utah; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 4

"Whereas large scale rehabilitation, repair, and capacity improvements are ongoing necessities of the national highway transportation system;

"Whereas the highway transportation system is the most critical component of the physical infrastructure of the United States of America;

"Whereas there is a growing and concentrated national consensus for a program to serve the country's highway transportation needs through the year 2020;

"Whereas high quality highways are critical to the ability of manufacturers to build and deliver products, and to the ability of states and communities to attract new industry and to sustain economic growth;

"Whereas the competitive position of states and the nation in international trade is directly related to the quality of access to the interstate highway system and the physical condition of interstate and primary highways;

"Whereas current national policy makes no provision for continuing the Federal-Aid Highway Program into the future; and

"Whereas in all recent federal-aid highway acts, Congress had to include provisions for extending the Highway Trust Fund and the taxes which drive it. Now, therefore, be it

"Resolved, That the Legislature of the state of Utah, as a member of the Multistate Highway Transportation Agreement, encourages the President of the United States and the Congress of the United States to make permanent the Highway Trust Fund and the user fees accruing to it, so that a reliable funding source is available for constructing, rehabilitating, and otherwise improving the highways and bridges which are so essential to the economic vigor of both Utah and the nation. Be it further

"Resolved, That the Highway Trust Fund be protected from predatory proposals to divert highway user revenues to programs entirely unrelated to the transportation purposes for which the Highway Trust Fund was established; and be it further

"Resolved, That a copy of this resolution be forwarded to the President of the United States, the Congress of the United States, and the Utah congressional delegation."

POM-34. A joint resolution adopted by the Legislature of the State of Utah; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 5

"Whereas the United States Congress is seeking some effective means of reducing the federal budget deficit in the immediate future;

"Whereas several proposals being considered for budget reduction purposes would increase the existing federal fuel taxes by various sizable increments;

"Whereas the United States Department of Energy has stated that "a motor fuel tax will create an economic loss which is of far greater magnitude than the possible benefits. . .";

"Whereas a gasoline tax for deficit reduction would be a regressive tax affecting the poor to a greater extent than other income levels;

"Whereas states would receive no direct revenue benefits, while incurring substantial increases in their public assistance costs;

"Whereas residents of the West pay more fuel taxes because they must travel greater distances by personal vehicles than residents of other regions and therefore, would bear a disproportionate burden of deficit reduction;

"Whereas since a great need continues to exist to rehabilitate and reconstruct the nation's transportation infrastructure, motor fuel taxes should continue to be dedicated to transportation purposes;

"Whereas the tourism industry, one of the most important employers in many states, would be adversely affected by a diversion of highway transportation funds;

"Whereas the GNP, Consumer Price Index, and employment all would be severely and negatively affected by such action; and

"Whereas raising the fuel excise tax for deficit reduction purposes would not only undermine the highway trust fund, but would also fail to get to the root of the problem. Now, therefore, be it

"Resolved, That Utah as a member of the Multistate Highway Transportation Agreement, through its Legislature, opposes the use of federal fuels taxes to reduce the federal deficit; and be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Congress of the United States, the Utah congressional delegation, and to the National Economic Commission."

POM-35. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION NO. 22

"Whereas, The Texas Legislature is proud to add its support for congressional legislation providing that the Congressional Medal of Honor be awarded posthumously to Doris "Dorrie" Miller for exceptional acts of bravery during World War II; and

"Whereas, On December 7, 1941, Mr. Miller, a black man, was stationed at Pearl Harbor aboard the U.S.S. *West Virginia* when the ship came under attack by Japanese aircraft; a native of Waco, Texas, the young seaman was enlisted as a mess steward, the only duty then available to blacks in the Navy; and

"Whereas, With his ship's captain severely wounded, Seaman Miller risked his own life to drag the injured officer to a safer location where he could continue to receive reports and issue commands; when the captain eventually lost consciousness, Miller bravely manned one of the ship's machine guns; and

"Whereas, Although he had no prior training in machine gun operation, the courageous young seaman managed to down two Japanese planes before he was ordered to abandon the sinking vessel; and

"Whereas, In 1943, Doris Miller was killed along with 700 of his crewmen when a Japanese torpedo sank the light aircraft carrier on which he was serving; and

"Whereas, Although Seaman Miller's actions were undeniably heroic, the racial climate of the era prevented his heroism from being fully recognized; although a total of 167,000 blacks served in the Navy during World War II, by the end of the war fully 90 percent were still serving as mess stewards; moreover, no black soldier was awarded the Congressional Medal of Honor, our nation's highest accolade, during either World War I or II; and

"Whereas, In Seaman Miller's case, his remarkable actions were not disclosed until weeks after the attack and were initially acknowledged with only a letter of commendation; in May 1942, Admiral Chester W. Nimitz personally upgraded the award to a Navy Cross, the service's second highest honor; 40 years later, Doris Miller received belated recognition when a Knox-class frigate was named in his honor; and

"Whereas, The Congressional Medal of Honor may be rightfully awarded to any military person who ". . . distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life, above and beyond the call of duty . . ."; although nearly half a century has passed since the attack, Seaman Miller's courageous actions at Pearl Harbor endure in the hearts of many citizens, both black and white; his exceptional heroism on that day indeed merits our nation's highest honor: Now, therefore, be it

"Resolved, That the 71st Legislature of the State of Texas hereby honor the life and heroism of Seaman Doris "Dorrie" Miller and request the Congress of the United States to enact legislation permitting him to be awarded posthumously the Congressional Medal of Honor; and, be it further

"Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the Congress,

with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-36. A joint resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

"JOINT RESOLUTION

"Whereas, extension of the steel Voluntary Restraint Arrangements will provide America's steel industry with a necessary, yet measured, defense against conditions abroad that have not changed much since the Voluntarily Restraint Arrangements program was first instituted in 1984; and

"Whereas, foreign producers still receive massive subsidies from their governments, foreign steel markets are still tightly restricted to imports, foreign producers still engage in pervasive "dumping" of steel, and there is still a serious structural imbalance between world steel supply and demand on the order of at least 100 million tons; and

"Whereas, a five-year extension will give the United States Government the time it needs to negotiate an end of these ongoing trade-distorting conditions abroad, and the United States cannot "unilaterally disarm" in steel by terminating the Voluntary Restraint Arrangements until such negotiations have been successfuly concluded; and

"Whereas, Voluntary Restraint Arrangements have enabled domestic steel producers to take significant steps to improve their international competitiveness—costs are down 35% since 1982, labor productivity is up 40% and quality has been greatly improved; and

"Whereas, despite these competitiveness gains, additional time is needed, because (1) the domestic steel industry still lags behind other major steel-producing countries in such key areas as product yield, energy efficiency and continuous casting rate, and (2) continued restructuring and modernization will be extremely expensive and (3) the industry's underlying economic condition still is fragile because of the enormous losses ($12 billion) sustained in 1982-1986; and

"Whereas, unlike most of its major foreign competition, which is subsidized, the United States steel industry must depend on continued profitability for meeting its future restructuring and modernization goals, and the domestic steel industry's continued profitability will be severely threatened if surges of unfairly traded imports are allowed to resume, in fact, such surges at this time could halt current or future modernization plans in their tracks; and

"Whereas, Voluntary Restraint Arrangements extension will continue to require annual cash flow commitments from major United States steel producers to assure ongoing worker retraining, reinvestment in new plant and equipment, and modernization of operations, which are critical to the domestic economy in general and United States steel consumers in particular; and

"Whereas, the domestic steel industry, and its continued self-help efforts to regain full international competitiveness, are uniquely important to America's national security, industiral base and infrastructure; and

"Whereas, there is no viable alternative to Voluntary Restraint Arrangements, because the only other alternative—a return to massive, and very costly, trade litigation—would cause considerable market disruption that would not be in the best interest of the industry, its domestic customers, the United States Government or our trading partners, many of whom would face imposition of huge penalty duties, therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress and the President of the United States to take prompt action to extend the steel Voluntary Restraint Arrangements for an additional five years; and be it further

"Resolved, That copies of this resolution be transmitted to the Presiding Officers of each House of Congress and to each Member of Congress from Pennsylvania and to the President of the United States."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. GLENN):

S. 519. A bill to prohibit smoking on any scheduled airline flight in intrastate, interstate, or overseas air transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 520. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 521. A bill to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HELMS:

S. 522. A bill to repeal South African Sanctions; to the Committee on Foreign Relations.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 523. A bill to direct the Secretary of the Army to release a reversionary interest in certain lands in the Port of Benton, Washington, which were previously conveyed to the Port of Benton; to the Committee on Armed Services.

By Mr. BRADLEY (for himself and Mr. HEINZ):

S. 524. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. SHELBY:

S. 525. A bill to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, AL); to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA:

S. 526. A bill for the relief of Hee Man Cheng; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 527. A bill to amend title XVIII of the Social Security Act to reclassify certain hospitals as sole community hospitals, and for other purposes; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 528. A bill for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father; to the Committee on the Judiciary.

S. 529. A bill for the relief of Dr. Samuel J. Wong and Mrs. Agnes J. Wong, husband and wife; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. CRANSTON, and Mr. GARN):

S. 530. A bill to enhance competition in the financial services sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 77. Resolution relating to the retirement of William D. Mohr; considered and agreed to.

S. Res. 78. Resolution relating to the retirement of Lee H. "Jim" Timberlake; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. GLENN):

S. 519. A bill to prohibit smoking on any scheduled airline flight in intrastate, interstate, or overseas air transportation; to the Committee on Commerce, Science, and Transportation.

SMOKING BAN ON SCHEDULED AIRLINES

● Mr. LAUTENBERG. Mr. President, today I rise to introduce a bill to ban smoking on all domestic commercial airline flights. I'm pleased to be joined in offering this bill by my distinguished colleagues, Senators HATCH, KENNEDY, and GLENN.

Mr. President, by introducing this bill today, we're saying enough is enough.

We're saying that the continued assault on the health of nonsmokers should no longer be tolerated in airplanes. We're saying that the risks of passive smoking in the closed cabins of airplanes are too great to allow it to continue.

In February, Surgeon General C. Everett Koop issued a strong, new warning. Citing new evidence of the dangers of passive smoking in airplane cabins, the Surgeon General called for a total ban of smoking on commercial airline flights. Mr. President, I ask unanimous consent that the full text of the National Cancer Institute statement, including Dr. Koop's remarks, be included in the RECORD at the conclusion of my remarks.

Mr. President, that warning should give us all cause to pause. It is not some idle recommendation. It is an action that the Surgeon General earlier today called long overdue.

Dr. Koop's statements in February were in response to a new study, published in the current edition of the Journal of the American Medical Asso-

ciation. This study looked specifically at the exposure to nicotine of those passengers seated in the nonsmoking sections of commercial airplanes.

The findings build on a body of evidence compiled over the years. The study found that nonsmoking passengers and flight attendants were exposed to significant levels of airborne nicotine. High enough levels, in fact, for its byproducts to be found in the individual's urine 72 hours after the exposure.

The problem is worsening as modern planes utilize more and more recirculated air. By 1990, the percentage of flying hours spent in planes with recirculated air systems is expected to grow by 33 percent from 1985.

In 1987, Congress passed a law banning smoking on domestic flights of two hours or less. I was pleased to have been the Senate sponsor of that provision. The ban has now been in place for almost a year. And it's been a success. As a frequent flyer, and as Chairman of the Transportation Appropriations Subcommittee, I have the opportunity to talk to people at all levels of the airline industry; from the CEO's to the flight attendants to the passengers.

In those discussions, the response to the ban has been overwhelming It's good, and it's working. The only problem is that it doesn't apply to all flights.

The fact is, Mr. President, that as long as anyone is smoking in an airplane, everyone is suffering. That's not a situation this Senator can tolerate. The evidence is in. Try as one might, one can hardly dispute the solid and overwhelming body of evidence that says that smoking is dangerous.

Smoking is responsible for one of every six deaths in this country. Every Surgeon General since 1964 has taken steps to alert us to the dangers. Yet, we continue to see 390,000 preventable deaths each year.

Mr. President, with enactment of this legislation, we can take a small step forward in our efforts to reduce this terrible death count. Enough is enough.

Mr. President, it's time to get on the bandwagon. I urge my colleagues to join me as cosponsors. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 404(d)(1)(A) of the Federal Aviation Act of 1958 (49 U.S.C. 1374(d)(1)(A)) is amended by deleting ", if such flight is scheduled for 2 hours or less in duration".

(b) Section 404(d)(1)(C) of the Federal Aviation Act of 1934 (49 U.S.C. 1374(d)(1)(C)) is repealed.

SEC. 2. The first section of this Act shall take effect upon the date of the expiration of the 90 day period following the date of the enactment of this Act.

[From the U.S. Department of Health and Human Services, Feb. 8, 1989]

NATIONAL CANCER INSTITUTE STATEMENT

Airline passengers sitting in nonsmoking sections of aircraft are exposed to the cigarette smoke of passengers in the smoking section, according to a new study headed by scientists at the National Cancer Institute and the Environmental Protection Agency. Some passengers in the nonsmoking section were exposed to nicotine levels comparable to levels experienced by passengers in the smoking section of the aircraft, the study showed.

Commenting on the study, Surgeon General C. Everett Koop, M.D., said, "Separating cigarette smokers from nonsmokers on airline flights does not necessarily prevent nonsmoking passengers from absorbing carcinogens and other toxic substances found in tobacco smoke." Instead, he urged that "cigarette smoking be banned on all commercial flights."

The study is published in the Feb. 10 issue of the Journal of the American Medical Association.

Exposure to tobacco smoke was higher in newer aircraft, probably because of ventilation systems that recycle air, Koop said. Other planes with 100 percent fresh air had significantly less nocotine in the cabin air than those with 50 percent fresh air and 50 percent recirculating air, the study showed.

Koop said, "Passengers and attendants may be exposed to higher levels of environmental tobacco smoke in the next decades as the percentage of flying hours on airplanes with recirculation systems increases from 30 percent in 1985 to an estimated 40 percent in 1990."

The study, headed by Margaret E. Mattson, Ph.D., of NCI and Joellen Lewtas, Ph.D., of EPA, was conducted by a team of scientists from NCI, EPA, the American Health Foundation and the University of Massachusetts Medical School.

Nine passengers and flight attendants were studied during four flights (each flight was approximately four hours long) for a total of 36 observations. All subjects were nonsmokers, not regularly exposed to smoke, and were free from chronic respiratory disorders such as asthma, bronchitis or emphysema.

Each of the nine subjects wore monitoring devices to measure the level of nicotine exposure to the tobacco smoke in the cabin air. Urine samples were collected for three days after each flight. The urine samples were then analyzed for cotinine, a metabolite of nicotine found in the body after exposure to tobacco.

Measurable exposure to environmental tobacco smoke occurred for all subjects on all four flights. According to Dr. Mattson, "Passengers who experienced the greatest smoke exposure had the highest levels of urinary cotinine." Furthermore, passengers and attendants with the highest levels of cotinine were more likely to suffer from annoying consequences of eye and nose irritation. The authors also discussed the possibility that flight attendants assigned to nonsmoking sections may inhale more cigarette smoke than the passengers themselves. Flight attendants are repeatedly exposed over time, and they engage in greater physical activity during the flight and consequently have increased inspiratory rates.

In 1986, the adverse effects of cigarette smoking on previously healthy nonsmokers were well documented. Surgeon General Koop issued a report, the Health Consequences of Involuntary Smoking, which concluded that environmental tobacco smoke was a cause not only of lung cancer in nonsmokers, and of respiratory diseases, particularly among children, but also the cause of acute irritant effects in general. Furthermore, the National Academy of Sciences, after reviewing data on passive smoking aboard commercial aircraft, recommended a ban on smoking on all domestic commercial flights. The NAS cited four specific reasons: to minimize irritation; to reduce health risks; to reduce fire hazards aboard planes; and to bring cabin air quality in line with standards for other closed environments.

Since publication of these reports, public opinion by smokers and nonsmokers alike has been increasingly in favor of restricting smoking in public places and on airline flights.

The authors of the JAMA study are: Margaret E. Mattson, Ph.D., Gayle Boyd, Ph.D., David Byar, M.D., Charles Brown, Ph.D., James F. Callahan, D.P.A., Donald Corle, M.S., and Joseph W. Cullen, Ph.D., of the National Cancer Institute; Janet Greenbelt of Prospect Associate; Nancy J. Haley, Ph.D., of the American Health Foundation; S. Katharine Hammond, Ph.D., of the University of Massachusetts Medical School; Joellen Lewtas, Ph.D., of the Environmental Protection Agency; and Warren Reaves of Air Canada.●

By Mr. DECONCINI:

S. 520. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

VOLUNTEER PROTECTION ACT

● Mr. DECONCINI. Mr. President, today I introduce legislation that encourages States to grant volunteers of nonprofit organizations immunity from civil liability when they are acting in good faith and within the scope of their official functions. The Volunteer Protection Act of 1989 will help to stem the decline in volunteers that has occurred in recent years due to the perception of volunteers that they may be held personally liable for their actions.

From town councils and charitable organizations to little league baseball teams and scout troops, America depends on volunteers. In 1987, 80 million adults volunteered 19.5 billion hours of their time which would have cost $150 billion in public employee salaries.

All branches of government are growing increasingly aware of the importance of volunteers as we attempt to reduce the Federal budget deficit. President Bush's call for a "thousand points of light," and the proposal by Senators MIKULSKI and NUNN for creation of a civil service program are two examples of the renewed emphasis on volunteerism. Yet before we increase

our reliance on volunteers we must face the reality that the percentage of people volunteering has actually declined over the last several years.

What is the cause of the decline in volunteers? One factor is a perception among volunteers that they can be sued and potentially lose their homes, farms, and personal assets. In a 1988 Gallup survey, 1 in 6 volunteers reported withholding their services due to fear of liability. Eight percent of the nonprofit organizations surveyed reported that volunteers have resigned over liability concerns.

A related problem growing out of the liability crisis is the drastic increase in insurance premiums for nonprofit organizations. The potential liability of volunteers drives up the cost of insurance even for those organizations that have not been sued. In the 1988 Gallup survey, nonprofit organizations reported an average increase in insurance premiums of 155 percent since 1984. With the tight budgets of most nonprofit organizations, increase of this size can severely restrict the amount of services these organizations can provide. By providing incentives for States to grant immunity to volunteers, the Volunteer Protection Act will help to stabilize insurance costs for nonprofit organizations.

The Volunteer Protection Act protects volunteers who are acting in good faith and within the scope of their duties as volunteers by encouraging States to grant them immunity from civil liability. The act does not prevent those who have been harmed from obtaining redress through civil suits because they can still sue the organization. Additionally, the act does not require States to protect volunteers that act in a willful or wanton manner in order to qualify for the bill's incentives.

Although 36 States currently have some type of volunteer protection legislation the degree of protection varies widely. This bill would promote uniformity by encouraging all States to pass legislation, by fiscal year 1991, which contains the provisions of the Volunteer Protection Act. The bill provides States an incentive to act by granting a 1-percent increase in social service block grant funds for those States that enact volunteer protection legislation. An identical bill, H.R. 911, was introduced in the House of Representatives by Congressman PORTER on February 7, 1989.

As Congress searches for ways to reduce the Federal deficit the call for volunteers grows louder. If we expect people to answer the call then we must extend the basic protections for volunteers embodied in the Volunteer Protection Act.

Mr. President, I ask unanimous consent that the bill and the results of the Gallup survey be printed in the RECORD as follows:

There being no objection, the material was ordered to be printed in the RECORD, a follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating; and

(4) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—It is the purpose of this Act to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions by encouraging reasonable reform of State laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 3. NO PREEMPTION OF STATE TORT LAW.

Nothing in this Act shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity; and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 5. CERTIFICATION REQUIREMENT AND ADJUSTMENT OF SOCIAL SERVICES BLOCK GRANT ALLOTMENTS.

(a) CERTIFICATION AND BLOCK GRANT ALLOTMENTS.—In the case of any State which certifies, not later than 2 years after the date of the enactment of this Act, to the Secretary of Health and Human Services that it has enacted, adopted, or otherwise has in effect State law which substantially complies with section 4(a), the Secretary shall increase by 1 percent the fiscal year allotment which would otherwise be made to such State to carry out the Social Services Block Grant Program under title XX of the Social Security Act.

(b) CONTINUATION OF INCREASE.—Any increase made under subsection (a) in an allotment to a State shall remain in effect only if the State makes a certification to the Secretary of Health and Human Services, not later than the end of each 1-year period occurring successively after the end of the 2-year period described in subsection (a), that it has in effect State law which substantially complies with section 4(a).

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

[Prepared by the Gallup Organization, Inc., January 1988 for the Foundation of the American Society of Association Executives]

THE LIABILITY CRISIS AND THE USE OF VOLUNTEERS BY NONPROFIT ASSOCIATIONS

INTRODUCTION

This report has been prepared by The Gallup Organization, Inc. for the Foundation of the ASAE. The report summarizes the findings of a survey of non-profit organization executives and volunteer board members concerning liability risk. The survey covered the following areas:

Survey of association executives:

1. Incidence of carrying director and officers liability insurance coverage.
2. Change in cost of liability coverage since 1984.
3. Changes resulting from concern for exposure to liability risk.
4. Practices used by non-profit organizations to minimize liability risks.
5. Incidence of suits over liability issues.
6. Effect of liability coverage on relations with association chapters.
7. Indemnification of directors or volunteers.
8. Perceived effect of liability exposure on volunteers.

Survey of board members:

1. Effect of liability crisis on participation in not-for-profit organizations.
2. Extent to which volunteers inquire into liability coverage and issues prior to accepting board membership.
3. Perceived effect of liability crisis on volunteers.
4. Incidence of refusing to serve due to fear of liability.
5. Experience with lawsuits.
6. Extent of insurance coverage.

SAMPLE DESIGN

The samples for this survey were drawn from two separate databases, one consisting of associations represented by ASAE members, and the other of associations represented by ASAE prospects (6,581 and 12,426 records respectively). Each organization record contained the name of an executive officer. A proportionate stratified random sample was drawn from each database, and proportionate interviewing quotas for executive officers were set for member and prospect organizations, in order that the survey results could be used to represent the opinions of executive officers in the total combined population of members and prospects.

In addition to the sample of executive officers, a sample of board members was interviewed. Since the names of board members were not available in the databases used as a sampling frame for the executive officer component of this study, interviewers took advantage of their executive officer contacts to generate a sample for the board member component.

Specifically, at the end of the interview, interviewers requested the names and telephone numbers of (1) the board chairperson, and (2) the most recently admitted board member. The rationale behind this purposive selection method was that it would provide a full range of opinion on the liability issues upon which the questionnaire focused, by representing the endpoints of the continuum of ingrained self-identification with the interests of the organization. This procedure possessed the additional advantage of not requiring the executive officers to provide a full (and sometimes extensive) list of board members. As with the executive officer component of the study, proportionate interviewing quotas were set for board members among ASAE member and prospect organizations.

Each prospective respondent was sent a letter of notification in advance of the telephone interview. All interviews were conducted by Gallup's own staff of interviewers in Princeton, NJ. A total of 265 executives and 359 volunteer board members were interviewed during the period from October 26 through November 24, 1987.

SUMMARY OF FINDINGS

Given the concern for liability it is somewhat surprising that only about two-thirds of the organizations report carrying director and officer liability insurance. However, it may be noted that seven in ten board members report they are insured either by their company or by a personal liability policy. Volunteer board members are also likely to report the biggest effect of the liability situation is a concern for insurance coverage.

Most voluntary organizations report the cost of liability insurance has increased. In fact, the average reported increase in the past three years is 155%, and one in eight organizations report an increase of over 300%, roughly the equivalent of a 100% increase over 1984 rates per year.

The risk of being sued or being held liable has lead organizations, in some instances, to make changes. About one in twenty report changing the structure of their board of directors, and as many eliminated committees due to the potential exposure to liability risk. A larger proportion (14%) have eliminated programs they believed would expose the organization to risk.

From the volunteer board member's perspective the fear of exposure to liability is seen as resulting in fewer individuals willing to serve as volunteers. About half of the active board members report a decline in volunteers in the past few years. In fact, 16% of the board members report they have withheld their services to an organization out of fear of liability. More common, seven in ten report volunteers are more careful in what they do or say as board members. Related to the greater caution expressed by board members, organizations report establishing policies concerning volunteer activities. Eight in ten organizations have a policy regarding who may speak for the organization and nine in ten give their committees and boards specific charges and authorization and monitor compliance.

While there is a great deal of concern for the risk of liability, only one in twenty organizations report being sued on a directors and officers liability questions in the past five years. However, the response says nothing about the organizations which may have adopted more cautious policies to avoid such situations nor does it indicate the extent to which potential suits may have been averted before filing with the courts. It is of note that almost as many board members as organizations report being sued. It may also be noted that while only about 5% were sued within the past five years, one in four organizations have been sued at some time in the past.

Thus, while the number of organizations reporting problems with liability risk is not great, concern for liability is common. Organizations have taken steps to alter their operations or activities to minimize liability in the face of ever increasing insurance rates and potential risk. Volunteer board members approach the request to serve on an organization's board with caution, investigating the organization's history of lawsuits and its' potential for liability risk. Finally, volunteers are more likely than organization executives to express concern and see a problem affecting the number and quality of volunteers resulting from the liability crisis.

The following is a summary of the findings of interviews with association executives:

CARRYING OF DIRECTOR AND OFFICER LIABILITY INSURANCE

The Questions: To begin, does your organization currently carry director and officer liability insurance coverage?

Does your coverage include exclusions for any of the following? Ethics committee, Standards committee, Peer review, Employee discrimination. When were these exclusions added?

Approximately two-thirds (64%) of all associations surveyed report carrying D&O liability insurance coverage. Among those with liability coverage one in eight (13%) report their insurance has exclusions for ethics or standards committee, peer review or employee discrimination. Typically such exclusions appear to have been imposed on the association's coverage since 1985.

All executives

[In percent]

Carry D&O liability insurance coverage:	
Yes	64
No	35
No answer	1
Total	100
Number of interviews	265

All with D&O insurance

[In percent]

Exclusions:	
Coverage has exclusions (net)	13
Peer review	10
Standards committee	6
Ethics committee	6
Employee discrimination	4
None of the above	87
Total	100
Number of interviews	171

EXTENT TO WHICH COSTS FOR LIABILITY COVERAGE HAVE INCREASED

The Question: Compared with the cost of liability coverage in 1984, by what percentage, if any, have your premiums gone up?

Most associations with D & O coverage report an increase in their premium since 1984. On average, the reported increase is 155%, and the median increase is 54%. Among associations carrying D & O liability insurance about one in four (26%) report their premiums have increased by 100% or more since 1984. Another one in four (23%)

have seen their premiums rise by twenty to eighty percent in the past three years. Only one in seven (14%) report no increase. A large percentage of executives could not estimate the extent of change in the cost of their insurance premiums.

All with D&O insurance

[In percent]

Percent increase on premiums since 1984:	
Over 300 percent	12
Over 200 to 300 percent	5
Over 100 to 200 percent	5
100 percent	4
80 to 99 percent	0
70 to 79 percent	2
60 to 69 percent	4
50 to 59 percent	7
40 to 49 percent	2
30 to 39 percent	4
20 to 29 percent	4
10 to 19 percent	6
1 to 9 percent	4
No increase	14
Can't say	27
Total	100

Number of interviews: 171
Median: 54 percent
Mean: 155 percent.

CHANGES RESULTING FROM CONCERN WITH LIABILITY RISK

The Questions: Has concern for problems with liability caused your organization to make changes in the structure of your board of directors?

Has your organization eliminated any programs due to potential exposure to liability risk?

Has your organization eliminated any committees due to potential exposure to liability risk?

Relatively few associations (5%) report making changes in the structure of their board of directors as a result of concern for problems of liability. However, a larger proportion (14%) have eliminated programs due to potential exposure to liability risk. The elimination of committee is less common, only 5% report potential exposure to liability risk has lead to the elimination of committees.

While the number of executives reporting liability issues have affected the organization's leadership is relatively small it is noteworthy that such organizations are more likely than others to report changes in board structure or elimination of programs or committees.

[In percent]

	All executives	Liability effected leadership	
		Yes [1]	No
Made changes on structure of board:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213
Eliminated programs:			
Yes	14	25	11
No	86	75	89
Total	100	100	100
Number of interviews	265	52	213
Eliminated committees:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213

[1] Executives who answered "yes" to at least one of the following questions are categorized as yes to this item. Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure? Have any volunteer leaders resigned due to concern over the liability situation? Has the number of volunteers actively participating in the leadership of your organization declined as a result of the liability situation in the past three years?

REVIEW OF ORGANIZATION DOCUMENTS

The Question: Are the governing documents of your organization periodically reviewed to make them current and consistent with present interpretation of association law?

Almost all (88%) association executives report they periodically review the organization's governing documents to keep them current with interpretation of association law.

All executives

[In percent]

Governing documents reviewed:	
Yes	88
No	11
No answer	1
Total	100
Number of interviews	265

POLICIES CONCERNING VOLUNTEERS

The Questions: Is there an established policy as to who among the volunteers and staff is specifically authorized to communicate outside, the association's views, comments and positions?

Are volunteers prohibited from using association letterhead except when authorized for a specific task, project or purpose?

Do committees and boards have specific charges and authorizations and are they monitored to insure compliance?

A large majority of organizations (80%) have policies concerning communication of the association's views outside the organization. The same proportions report prohibitions on the use of official letterhead except for authorized use.

Nine in ten association executives (90%) also report committees and boards have specific charges and authorizations and are monitored for compliance.

All executives

[In percent]

Established policy regarding communication:	
Yes	80
No	19
No answer	1
Total	100
Number of interviews	265
Prohibitions against using letterhead:	
Yes	80
No	18
No answer	2
Total	100
Number of interviews	265
Committees/Boards have specific changes/authorization:	
Yes	90
No	8
No answer	2
Total	100
Number of interviews	265

EXPERIENCE WITH LAW SUITS

The Questions: Has your association been sued on a directors and officers liability question in the past five years?

How many times?

When was the last time your organization was sued?

How many suits, if any, have you settled out court within the past five years?

How many suits, if any, have you successfully defended in the past 5 years?

How seriously has your liability coverage been affected by these suits?

Approximately one association in twenty (5 percent) has been sued, within the past five years, on a directors and officers liability question. The majority of organizations have been sued once, but one in four have experienced multiple suits. In addition, it may be noted that about one in four organizations have been sued for some reason at some point in time, including 6 percent who were sued within the past five years for some reason other than D&O liability.

The numbers reporting any involvement in suits is too small to base definite conclusions upon; however, it would appear that about half the suits are settled out of court and most are successfully defended.

[In percent]

	All Executives	Carries D&O Insurance	
		Yes	No
Sued on D&O question:			
Yes	5	6	1
Once	3	4	1
Twice	1	1	0
Five or more	1	1	0
No	95	93	99
No answer	(1)	1	0
Total	100	100	100
Number of interviews	265	171	92

[1] Less than one-half of one percent.

[In percent]

	All executives	Carried D&O insurance	
		Yes	No
Last time organization was sued:			
Within past year	4	5	2
1 to 2 years ago	3	5	0
3 to 4 years ago	3	5	1
5 years ago	(1)	0	1
More than 5 years ago	12	14	8
Never	74	67	87
No answer	4	4	1
Total	100	100	100
Number of interviews	265	171	92

[1] Less than one-half of one percent.

Of those sued for any reason in the past five years 18% report their liability coverage has been very or fairly seriously affected by these suits.

Organization sued in past 5 years

[In percent]

Liability coverage affected:	
Very seriously	11
Fairly seriously	7
No too seriously	50
Not at all seriously	50
Don't know	11
Total	100
Number of interviews	28

BIAS ON UNDERWRITERS

The Question: Have you incurred a bias on underwriters due in part to the technical nature of your profession. Those who report the liability situation has had an effect on leadership are more likely than the norm to report incurring an underwriters bias.

[In percent]

	All executives	Liability effected leadership	
		Yes	No
Incurred bias on underwriters:			
Yes	23	46	18
No	69	50	73
Don't know	8	4	9
Total	100	100	100
Number of interviews	265	52	213

EFFECT OF LIABILITY ON RELATIONS WITH CHAPTERS

The Question: Have changes in liability coverage changed relations with chapters of your association?

If yes, in what ways?

Are you able to secure coverage for your chapters?

One in ten (10%) report that changes in liability coverage have changed relations with association chapters. While the number is small it may be of value to look at the changes reported. A third report initiating programs or monitoring to reduce the risk of liability. Others report discontinuing chapters, requiring chapters to pay for their own insurance or increased financial management.

[In percent]

Changed relations with chapters	All Executives	Liability effected leadership	
		Yes	No
Yes	10	19	7
Programs to reduce risks: Have gotten much more conscientious watching all levels of chapter activities; started a risk management program; made chapters more sensitive to liability	3	6	3
Provide liability insurance: Incorporated liability insurance for chapters under national policy; got them liability insurance; are required to cover chapters, independent D&O coverage in effect	2	4	1
No longer part of national insurance: Had to distance from the chapters because of this; cut them loose and they are on their own; are not part of us anymore, they had to establish a new structure	2	6	
Increased financial management: Are starting to write guidelines for them concerning financial matters; increased financial management; greater audit and fiscal control	2	0	2
Chapters pay own insurance: Require they carry their own liability coverage when conducting an activity using the organization's name or under our umbrella; they have had to pay more of their share of directors and officers insurance	1	2	
Strengthen relationship: Because of group plan had had strengthening of relationship; have strengthened affiliation agreement	1	0	1
Strained relationship: Strained relationship by raising concern at the chapter level which is very difficult; caused some hard feelings	1	2	
Tax laws: Had to change membership requirements for the tax laws; has to do with tax laws	1	2	
No	70	62	72
Don't know	20	19	21
Total	100	100	100
Number of interviews	265	52	213

Less than half (36%) of the association executives report they are able to secure coverage for their chapters; however, a large portion (46%) could not answer the question.

All executives

[In percent]

Able to secure coverage for chapters:	
Yes	36
No	18
No answer	46
Total	100
Number of interviews:	265

INDEMNIFICATION OF DIRECTORS AND VOLUNTEERS

The Question: Do you indemnify your board of directors in the Bylaws? Do you indemnify your volunteers as well?

A majority of associations (58%) indemnify their board of directors. However, less than half (32%) indemnify volunteers. Organizations with D&O insurance are more likely than others to indemnify board members and volunteers. Those reporting the liability crisis has affected leadership also are more likely to indemnify board members.

[In percent]

	All executives	Carries D&O Insurance		Liability effected leadership	
		Yes	No	Yes	No
Indemnify board of directors:					
Yes	58	64	48	65	56
No	35	29	43	25	37
No answer	7	7	9	10	7
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213
Indemnity volunteers					
Yes	32	37	25	35	32
No	59	54	66	59	58
No answer	9	9	9	6	10
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

EFFECT OF LIABILITY EXPOSURE ON VOLUNTEER LEADERS

The Question: Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure?

Have any volunteer leaders resigned due to concern over the liability situation?

Has the number of volunteers actively particpating in the leadership of your organization declined as a result of the liability situation in the past three years?

Association executives were asked a series of questions concerning the possible effects of the liability crisis on volunteer leaders. About one in five executives (20%) perceive some change as a result of the potential exposure to liability. The most common effect is the withholding of services to the association. Eighteen percent report that, due to concern over liability exposure, potential leaders withheld their services to the organization. A little less than one in ten (8%) report resignations as a result of concern over liability issues. Related to the reported resignation six percent have seen a decline in the number of volunteers in the past three years related to the liability situation. Finally, seven percent believe the quality of volunteers in their organization has suffered due to liability questions.

All executives

[In percent]

Potential volunteer leaders have:	
Withheld services	18
Resigned	8
Declined in number	6
None of the above	80
Number of interviews	265

EFFECT OF LIABILITY EXPOSURE IN OTHER VOLUNTEERS

The Questions: Has the number of individuals volunteering time for service roles in your organization declined as a result of the liability situation in the past three years?

Has the quality of volunteer leaders in your organization suffered due to liability questions?

As one might anticipate, organizations reporting the liability crisis has affected leadership are more likely than others to report a decline in volunteers and relatedly, a decline in the quality of volunteer workers.

[In percent]

	All executives	Carries D&O insurance		Liability effected leadership	
		Yes	No	Yes	No
Individual volunteers declined:					
Yes	6	4	10	29	(1)
No	91	93	87	67	97
Can't say	3	3	3	4	3
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213
Quality suffered:					
Yes	7	5	10	31	1
No	91	93	88	65	98
Can't say	2	2	2	4	1
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

[1] One-half of 1 percent.

Summary of Findings Based on Interviews With Volunteer Board Members

EFFECT OF LIABILITY CRISIS

The Question: Overall, how would you say the liability crisis has affected your participation in not-for-profit organizations?

One in five board members (21%) report the liability situation facing voluntary organizations has made them more concerned about serving on boards of directors. One in ten (10%) either carry insurance or verify that the organization carries liability insurance. A small proportion (3%) have become more selective in their participation and 2% have resigned or refused to serve on a board as a consequence of their concern. However, seven in ten (69%) report no negative effect.

Liability crisis effect

[In percent]

More concerned (net)	2
Cause for concern/more cautious (have to be more cautious; has not stopped volunteering; has not affected actions, but has generated a sense of concern)	18
Hesitancy in joining (reluctant to join new boards; tougher to get people to work for non-profit organizations; leery of volunteering)	3
Fear being sued (concerned for individual suits; look into risk liability; felt personal exposure)	2
References to insurance (net)	10
Must have insurance coverage (refusal to serve if proper insurance not available; will serve on boards that have coverage; make sure directors are covered)	5
Increased cost of insurance (costing more money for insurance; premiums have escalated; created financial problems)	3
Carry insurance	3
More selective (net)	3
Seek legal counsel (go to an attorney before making statements; talk with attorney before serving)	6
Check on organization/board member (check before joining; check everything out; find out how they operate; ask about policies before joining)	3
Resigned/will not participate	2

Other	3
No negative effect	69
Can't say	2
Number of interviews	359

INQUIRIES CONCERNING LIABILITY COVERAGE

The Questions: When asked to volunteer as a board member, do you inquire into the organization's liability coverage before making a decision to serve? Do you research the organization's history of lawsuits before volunteering?

Nearly half (48%) the board members question the organization's liability coverage before making a decision to sit on a board. Perhaps because of their greater experience, or greater potential exposure to suits, those who have been board members for a long period of time or have membership on more than one board are more likely to raise questions about liability before accepting a seat on the board.

Approximately one in four directors (23%) report researching the organization's history of lawsuits prior to volunteering. Again, it is the volunteer with more years of experience or multiple board membership who is most likely to look into the organization's past history.

INQUIRIES CONCERNING LIABILITY COVERAGE

[In percent]

	Total	Length of board membership			Number of organizations [1]		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Inquire into liability coverage:							
Yes	48	42	47	56	34	53	54
No	51	57	53	41	65	46	43
Don't know	1	1	.....	3	1	1	3
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

[1] Number of organizations for which respondent is a board number.

RESEARCH ORGANIZATION'S HISTORY OF LAWSUITS

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
History of lawsuits:							
Yes	23	17	26	26	17	26	23
No	76	83	71	74	81	73	77
Don't know	1	.....	3	.....	2	1	.....
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

CRITERIA USED IN RESEARCH OF ORGANIZATION'S HISTORY

The Question: What criteria do you use in your research of an organization's history?

Among those who look into the organization's history the most common approach, taken by about one in four, is to consult with other board members. Almost as many consider the stability of the organization (22%). Slightly less than one in five (17%) consider the quality of the current board members and as many consider the organization's current insurance coverage. The full distribution of factors considered are shown in the table below.

Criteria used in research of organization's history

[In percent]

Criteria used	*Total*
Consultation with members (for example, check with administration staff)	27
Stability of organization (for example, how long established; the organization itself)	22
Quality of board member (for example, quality of people on board now and in the past; knowing about the leaders of the organization)	17
Insurance coverage (for example, whether or not they are insured; if they carry liability; consult insurance representative)	16
General reputation/word of mouth (for example, asking around in community; word of mouth; ask community leaders)	11
Type of service/activity provided (for example, if they do good work; look at what they have to offer; primary purpose)	9
Organization records (for example, go to records; minutes of meetings)	7
Legal counsel (for example, check with legal counsel; our lawyers follow through the liability clause; state courts)	7
Financial background (for example, ask to look at financials for 3 years; financial status; auditors reports)	6
Media (for example, check newspaper stories)	3
Other involvement (for example, usually on a committee so I can research well)	1
Potential for lawsuits (for example, area of risks; probability of exposure of liability)	6
Number of interviews	81

PERCEIVED CHANGES IN VOLUNTEER BOARD MEMBERS

The Questions: In the past few years have you noticed any of the following regarding volunteer board members . . . fewer willing to volunteer or serve? Volunteers are more cautious about what they do or say?

About half the volunteer board members (49%) report that they see fewer willing to volunteer to serve on boards of directors. A much larger proportion (72%) report volunteers are more cautious in what they do or say.

FEWER WILLING TO VOLUNTEER OR SERVE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Yes	49	47	48	52	49	47	53
No	49	50	51	46	47	52	46
Don't know	2	3	1	2	4	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

VOLUNTEERS MORE CAUTIOUS ABOUT WHAT THEY SAY OR DO

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Yes	72	69	74	74	67	77	70
No	27	28	26	26	31	22	29
Don't know	1	3	.....	.....	2	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

WITHHOLDING OF VOLUNTEER SERVICES

The Question: Have you ever withheld your volunteer services due to fear of liability?

One in six board members (16%) report withholding their services due to fear of liability. Those who serve on several boards, as one might expect, are more likely to report such an experience. It should also be noted that since the survey is of currently active board members there is no measure of the proportion of board members who have completely withdrawn from volunteer activity due to concern for liability.

WITHHOLDING OF VOLUNTEER SERVICES

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Yes	16	16	13	20	14	17	19
No	84	84	87	80	86	83	81
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

EXPERIENCE WITH LAWSUITS

The Question: Have you ever been sued as a volunteer of a not-for-profit organization?

Relatively few board members (2%) report having been sued as a volunteer for a not-for-profit organization. As one might anticipate, board members who have served a long time or who serve on several boards are more likely than the less experienced to report being sued.

EXPERIENCE WITH LAWSUITS

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Ever been sued:							
Yes	2	1	1	4	0	2	4
No	98	99	99	96	100	98	96
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

CURRENT LIABILITY COVERAGE

The Question: Does your employer provide liability coverage for your volunteer service? Do you carry personal coverage for liability?

Seven in ten board members (72%) carry some type of liability coverage. Slightly more than one in four volunteer board members (27%) report their employer provides liability coverage for their volunteer

service. This is particularly true of volunteers who serve on several boards or who have served for a long period of time.

Many more volunteers (62%) report carrying personal liability coverage.

CURRENT LIABILITY COVERAGE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3–6 yr	7+ yr	Only 1	2–3	4+
Net liability coverage	72	62	78	76	63	73	79
Personal coverage	62	51	72	66	54	65	66
Employer provides coverage	27	20	30	33	23	22	41
None	28	38	22	24	37	27	21
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 percent of the time, assuming the same sampling procedures, the same interviewers, and the same questionnaire.

The first table shows how much allowance should be made for the sampling error of a percentage:

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF A PERCENTAGE

[In percentage points (at 95 in 100 confidence level) [1]]

	Sample size						
	350	250	125	100	75	50	25
Percentages near 10	3	4	5	6	7	8	12
Percentages near 20	4	5	7	8	9	11	16
Percentages near 30	5	6	8	9	10	13	18
Percentages near 40	5	6	9	10	11	14	19
Percentages near 50	5	6	9	10	11	14	20
Percentages near 60	5	6	9	10	11	14	19
Percentages near 70	5	6	8	9	10	13	18
Percentages near 80	4	5	7	8	9	11	16
Percentages near 90	3	4	5	6	7	8	12

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 350 respondents. Then we go to row "percentages near 30" in the table and go across to the column headed "350". The number at this point is 5, which means that the 33 percent obtained in the sample is subject to a sampling error of plus or minus 5 points. Another way of saying it is that very probably (95 chances of 100) the true figure would be somewhere between 28 and 38, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as, for example, men and women, the question arises as to how large a difference between them must be before one can be reasonably sure that it reflects a real difference. In the tables below, the number of points which must be allowed for in such comparisons is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between those shown in the two tables.

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

[In percentage points (at 95 in 100 confidence level) [1]]

Size of sample	175	125	100	75	50	25
	Percentages near 20 or 80					
Table A:						
175	8					
125	9	10				
100	10	11	11			
75	11	11	12	13		
50	12	13	14	14	16	
25	17	17	18	18	19	22
Table B:						
175	10					
125	11	12				
100	12	13	14			
75	14	14	15	16		
50	16	16	17	18	20	
25	21	21	22	23	24	28

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

Here is an example of how the tables would be used: Let us say that 55 percent of men responded a certain way and 40 percent of women respond that way also, for a difference of 15 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? Let us consider a sample which contains approximately 125 men and 125 women.

Since the percentages are near 50, we consult Table B, and since the two samples are 125 persons each, we look for the number 12 here. This means that the allowance for error should be 12 points, and that in concluding that the percentage among men is somewhere between 3 and 27 points higher than the percentage among women we should be wrong only about 5 percent of the time. In other words, we can conclude with considerable confidence that a difference exists in the direction observed and that it amounts to at least 3 percentage points.

If, in another case, men's responses amount to 22 percent, say, and women's 24 percent, we consult Table A because these percentages are near 20. We look for the number in the column headed "125" which is also in the row designated "125" and see that the number is 10. Obviously, then, the two-point difference is inconclusive.●

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 521. A bill to provide for restoration of the Federal trust relationship with, and assistance to the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes; to the Select Committee on Indian Affairs.

FEDERAL RECOGNITION OF COQUILLE TRIBE

● Mr. HATFIELD. Mr. President, today Senator PACKWOOD and I are introducing a bill to extend Federal recognition to the Coquille Tribe of Indians.

The Coquilles were one of 63 Western Oregon tribes to have Federal recognition of their tribal status revoked by operation of the Termination Act of 1954. The tribe is originally from the southern Oregon coast. Despite both termination and the earlier forced relocation of the tribe to the Siletz Indian Reservation some 100 miles away, many of the Coquilles' 527 members still reside in Oregon's southern coastal area.

As quickly became apparent, the Termination Act was a mistake of immense proportions that did serious damage to those tribes affected. At the very time these tribes were struggling to integrate themselves into this country's developing economic system, tribal members were stripped of needed health services and educational benefits. In addition, many lost their land because they were not able to pay the property taxes for which they were suddenly liable.

The Coquilles were no exception. Despite the adversity, however, they have managed to remain a cohesive group and to preserve the customs, tradition, and language of their ancestors. Their unity in the face of tremendous obstacles is nothing short of inspirational. I am happy to report that this bill will complete the process of reinstating Federal recognition to the terminated tribes of Oregon. The Oregon tribes' progress in this area reflects a larger move in our country toward the recognition of three sovereigns in the United States: the Federal Government, State Governments, and Indian nations. It should be noted that this bill not only reestablishes basic program services for the tribe but also will help to restore the tribe's cultural identity—and to give back to the Coquille's the sense of dignity and respect they deserve as an Indian nation.

Mr. President, tremendous support for this measure exists in my State. Oregon Governor Neil Goldschmidt, the State of Oregon Commission on Indian Services, Ecumenical Ministries of Oregon, the Coos County Commissioners, and the Curry County Commissioners all have endorsed this bill. Additional support comes from the tribe's Oregon State Senators, Bill Bradbury and Peg Jolin, numerous churches, the Coos Bay City Council, the Bandon City Council, the Port of Coos Bay, the Port of Bandon, the City of Coquille, and the other Oregon tribes.

The bill Senator PACKWOOD and I are introducing today is identical to legislation introduced in the House of Representatives by Congressman PETER DEFAZIO, and it enjoys the support of the entire Oregon delegation. It is my hope that the House will soon approve the Coquille Recognition Act and that

Senate introduction of this bill today will hasten the passage of this long-overdue measure into law.●

● Mr. PACKWOOD. Mr. President, I am pleased to join with Senator HATFIELD today in introducing the Coquille Restoration Act. Passage of this bill will be a long overdue act of justice.

The Coquille Tribe is the last to seek restoration of the numerous Oregon tribes terminated by the U.S. Government by two acts of Congress in 1954. Oregon Indians suffered disproportionately under the Termination Acts of 1954. Sixty percent of all the tribes terminated nationwide were Oregon tribes. Sixty-three percent of the Indian land base affected was in Oregon. The consequences of termination were disastrous. The Western Oregon Termination Act ended Federal service to tribal members and led to the removal from trust and eventual sale of all Coquille land.

We now have an opportunity to right this wrong by once again federally recognizing the Coquille Tribe, thereby reinstating Indian health and education services now denied the Coquilles as terminated Indians. Economic development opportunities available to federally recognized Indians would be opened to the Coquilles and make way for development of tribal enterprises. These could provide employment to tribal members and non-Indians and contribute to the overall economy of the region.

The Coquille restoration effort enjoys broad support. All members of the Oregon congressional delegation support the restoration, as does the Governor of the State. The effort is supported by national Indian groups as well as local government, tribes, and businesses.

Mr. President, I hope we can move quickly now to federally recognize the Coquille Tribe so that we can provide its members the opportunity to overcome the adverse effects of 34 years of termination and enjoy the fruits of a government-to government relationship with the United States, a strengthened tribal identity, and economic self-sufficiency.●

By Mr. HELMS:

S. 522. A bill to repeal South African sanctions; to the Committee on Foreign Relations.

REPEAL OF SOUTH AFRICAN SANCTIONS

Mr. HELMS. Mr. President, I am today introducing legislation to repeal the Comprehensive Anti-Apartheid Act of 1986, Public Law 99-440, because the administration of President Bush is entitled to adequate time to formulate its own new approach to an effective and coordinated policy toward South Africa.

The 1986 sanctions legislation was one of the most volatile foreign policy issues during the Reagan Presidency. It was enacted over the President's veto with proponents contending that legislatively-mandated economic sanctions were necessary to persuade South Africa to end its apartheid practices of racial segregation.

The proponents were wrong. Their sanctions did much harm, and no good, for the very people the sanctions were supposed to help. Indeed, more than 2 years of experience make clear that sanctions have been a dismal failure—plainly highly counterproductive—to the stated objectives of sanctions supporters.

Mr. President, with regard to the economy, those who have been most adversely affected by sanctions are the very blacks most Senators and the major news media so piously stated they wished to help. In reality, black workers are now experiencing greater difficulty in finding jobs in what had been a vibrant South African economy—especially in those areas such as agriculture, mining, and textiles that were targetted by the sanctions legislation.

The growth of the black middle class—which is especially evident in certain urban areas around Johannesburg, Pretoria, and Capetown—is being stifled.

These economic setbacks are significant since, in South Africa as elsewhere, economic advances often precede political advance. That had been the historical pattern in South Africa until sanctions were imposed. Indeed, the irony of United States sanctions is that the primary supporters of sanctions within South Africa are those whose avowed desire is to elevate the level of misery in order to promote a revolutionary atmosphere conducive to a Communist takeover.

Similarly, Mr. President, the economic constraint is also reducing the government's ability to maintain or expand its programs to assist blacks. Contrary to the impressions created in the United States, the government of P.W. Botha is regarded in South Africa as the most progressive in its history, providing increasing economic and political gains for black South Africans. Specifically, the government has undertaken an unprecedented program of building and/or subsidizing housing, building new schools and roads. However, all of these are presently constrained as a result of sanctions. Again, the revolutionary elements within South Africa cheer: if progress in improving black conditions can be slowed or stopped, the better for their radical program.

Politically, too, the sanctions legislation has provoked a counterproductive response not anticipated by its supporters. Within South Africa, advocates of maintaining strict apartheid laws have strengthened their political hand at both the national and local levels.

Indeed, the Conservative Party within South Africa—which defends strict apartheid—advanced to become the official opposition, displacing the more liberal Progessive Federal Party which opposes apartheid.

The government's reform program is under assault as providing too many benefits to black areas with not enough concentration on new schools or housing assistance in white areas.

Mr. President, for all these reasons, and others, it is time to recognize the failure of the sanctions approach against South Africa. United States policy should promote equal rights and a peaceful transition to a more representative constitutional form of government for all South Africans. The 1986 sanctions imposed by the U.S. Congress have been a stark contradiction of such policy.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 523. A bill to direct the Secretary of the Army to release a reversionary interest in certain lands in the Port of Benton, WA, which were previously conveyed to the Port of Benton; to the Committee on Armed Services.

RELEASING A REVERSIONARY INTEREST IN CERTAIN LANDS IN THE PORT OF BENTON, WASHINGTON

● Mr. ADAMS. Mr. President, today I am introducing legislation which will remove an obstacle impeding the construction of a Washington State University branch campus in the Tri-Cities area. I would also like to express my appreciation to Senator GORTON for his cosponsoring of this bill.

In 1964, the U.S. Army Corp of Engineers gave the Port of Benton a piece of land. The agreement stipulated that the port only use the land for industrial purposes. Today, the community is planning a 175-acre branch university campus in the area and would like to include a portion of the corp land. This bill will release the port from the original deed restriction and allow the port to donate the land to Washington State University.

The Tri-Cities campus is one of several branch campuses which are planned for construction in Washington State during the future. These campuses will provide access to upper class and graduate university programs for students throughout the State. Currently, Washington has more students enrolled in the first two years of college than most other States. That total drops to below average during the last 2 years of undergraduate school and in graduate programs. There is a strong possibility that the geographical distribution of the universities may be partially responsible for this situation. The construction of branch campuses is one step toward solving that problem. In addition, development of regional

branches is expected to encourage economic development in these areas.

Mr. President, passage of this bill is an important start toward expanding the university facility in the Tri-Cities. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVERSIONARY INTEREST.

(a) RELEASE.—Subject to the provisions of this section, the Secretary of the Army shall release to the Port of Benton, Washington, the reversionary interest of the United States over approximately 22 acres of land conveyed in the deed described in subsection (c).

(b) CONDITION OF RELEASE.—The Secretary of the Army shall release the reversionary interest over the approximately 22 acres of land described in subsection (a) on the condition that the Port of Benton donates the land to the Washington State University for the construction of a branch campus. If at any time the Secretary determines that the land is not being used for such purposes, title to such land shall revert to the United States and the United States shall have the immediate right of entry thereon. In the event of any such reversion, title to all improvements made on the land shall vest in the United States without compensation for such improvements.

(c) DEED DESCRIPTION.—The deed referred to in subsection (a) is the quit-claim deed dated June 1, 1964, by which the United States conveyed to the Port of Benton, Washington, approximately 290 acres of land pursuant to section 108 of the River and Harbor Act of 1960 (74 Stat. 486–478).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the land over which the reversionary interest is to be released under this section shall be determined by surveys which are satisfactory to the Secretary of the Army. The cost of any such surveys shall be borne by the Port of Benton. Such land is bordered by the Columbia River to the east, First Street to the north, the Tri-Cities University Center to the south, and the Port of Benton property, which sits east of George Washington Way, to the west.

(e) ADDITIONAL TERMS AND CONDITIONS.—In carrying out the release under this section, the Secretary of the Army may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2. DEED AMENDMENT.

The Secretary of the Army is authorized to execute and file an amended deed to reflect the actions carried out under this Act.

● Mr. GORTON. Mr. President, today I join with my colleague from the State of Washington, Senator ADAMS, in introducing legislation which will allow the land for a Washington State University branch campus in the Tri-Cities area to be released by the U.S. Army Corp of Engineers to the Port of Benton.

To date, the port is confined to using the land for industrial development as stipulated by the U.S. Army Corps of Engineers' original agreement. Only Congress can alter the deed restriction in a way to make this transfer possible.

The release of land will enable the city of Richland and Washington State University officials to progress with their plans to build a 175-acre campus in the region.

This legislation is important on two counts: First, like other Western States, Washington has great distances between some key population centers. As a result, the delivery of higher education services has, until now, been uneven among communities.

Second, due to decisions made by the Federal Government regarding the Hanford Nuclear Reservation, the Tri-Cities now must confront with great urgency the need to further diversify its economy. And since the Tri-Cities hosts a highly trained work force dependent heavily on a single industry, new educational services are essential to offering hope and opportunity to this work force and their future employers.

The Washington State University branch campus will ensure that the opportunity for higher education, and the benefits that opportunity provides, are available to the Tri-Cities community well into the future.

It is my hope that all my colleagues in the Senate will recognize the importance of this transaction and enable the Tri-Cities and Washington State University officials to move forward with this branch campus in a timely manner.

While this legislation has the support of the entire Washington State delegation, I would like to express special thanks to my good friend, Congressman SID MORRISON, in whose district this new campus will be built, for his work on this important educational initiative.●

By Mr. BRADLEY (for himself and Mr. HEINZ):

S. 524. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes; to the Committee on Finance.

ADULT DAY HEALTH CARE

● Mr. BRADLEY. Mr. President, I rise to introduce legislation to help families care for chronically ill relatives at home by providing access to adult day services. Specifically, my legislation would provide up to 100 days of adult day health care each year under the Medicare Part B Program to chronically ill elderly Americans. Joining me in introducing the legislation is the Senator from Pennsylvania [Mr. HEINZ]. Similar legislation has been introduced in the House by Congressman PANETTA.

Adult day health care is a community-based program designed to meet the needs of functionally impaired adults. It is a comprehensive program that provides a variety of health, social, and related support services in a protective group setting on a less than 24 hour basis. As such, adult day care is a very real alternative to placement in a nursing home. A multidisciplinary group of professionals provides a wide range of health and health-related services in adult day care centers. These include health monitoring, personal care, meals, nutrition counseling and often physical, speech, and occupational therapy.

Across the Nation, adult day health care programs are gaining increasing popularity as a cost-effective and humane alternative to institutionalization. It is time that Medicare recipients be allowed to share in the benefits of these programs.

Like so many innovative health programs, adult day health care has developed and flourished largely at the grassroots level. The success of these programs has stimulated a rapid growth in the number of day care centers across the United States, from less than a dozen in the early 1970's to about 1,400 centers today. Long waiting lists for nursing homes and large numbers of inappropriate institutional placements provided the impetus in New Jersey for the creation of 70 such centers since 1977. In just 10 years, adult day health care programs have grown in scope and stature across the Nation, providing high quality services to the frail elderly.

Only the lack of a solid funding base limits the growth of adult day health care. The average day care center director must deal with a patchwork quilt of funds, from Medicaid waivers to foundation and corporate grants, in order to support a single program. Yet, Medicare, fearing that any move toward community-based care may increase short-run costs, refuses to recognize adult day health care as a viable, reimbursable service.

Mr. President, this attitude is shortsighted and unwise. Adult day health care can prevent more costly admissions to nursing homes. When day care services are directed to those most at risk of institutionalization, public agencies have actually saved tax dollars.

Besides its cost, nursing home care can be traumatic and disruptive to family relationships and to elderly independence. In fact, whenever I ask elderly citizens in New Jersey and around the country where they want to be cared for, the overwhelming response I get is that they prefer the dignity of independent living in their own communities, as long as that is possible.

Mr. President, some people fear that an expansion in adult day health care will discourage family caregiving. But we know that families always have been and will remain the primary caregivers for the elderly, regardless of other sources of care. Unfortunately, some family members have been forced to give up their jobs and other family responsibilities in order to assume this caregiving role. This may simply not be possible for families that need two incomes to make ends meet. Adult day health care can make that possible. It can help avoid placing loved ones in an institution when care during working hours could avoid it. In these cases, day care can actually help preserve the American tradition of family caregiving by acting as a complement, rather than a replacement to family support.

There are also significant numbers of elderly with no family, friends, or caregivers to turn to, whose basic needs simply go unmet. The GAO recently estimated that nearly 1.5 million elderly citizens do without the help they need to get out of bed, to bathe, and to perform other basic daily activities.

Clearly, many senior citizens are forced to rely on nursing homes simply because it is the only option available. A recent study concluded that a majority of nursing home residents are institutionalized not for medical reasons, but because their families no longer have the energy or resources to care for them. There must be alternatives; stable funding is needed to allow an expansion in community-based services, like adult day health care. Medicare should be at the forefront of the movement to encourage the growth of these alternative services.

Mr. President, the bill that I am introducing today provides up to 100 days each year of adult day health care under Medicare for functionally impaired elderly who would normally require institutional care. Beneficiaries would be subject to a $5 daily copayment. To ensure that these services are appropriate, day care would have to be authorized in advance by an independent screening team of health professionals on a case-by-case basis. Further, a multidisciplinary team within each center would assess the continuing need for particular services.

Because we wish to assure the highest quality of care in these centers, our bill requires that all adult day health care centers that receive Medicare reimbursement under this program be certified and inspected. As part of the certification process, programs would have to demonstrate that they are equipped to meet the health and health-related needs of all participants. In addition, Medicare would conduct annual, unannounced inspections of certified centers to assess on ongoing basis the quality of services provided.

Mr. President, adult day health care can help bridge the widening gap between independence and long-term institutionalization. It is time that Medicare formally recognizes this important service. Elderly Americans need and deserve every opportunity to stay independent as long as possible. I urge my colleagues to join me in supporting this bill.●

By Mr. BAUCUS:

S. 527. A bill to amend title XVIII of the Social Security Act to reclassify certain hospitals as sole community hospitals, and for other purposes; to the Committee on Finance.

SOLE COMMUNITY HOSPITAL PRESERVATION ACT

● Mr. BAUCUS. Mr. President, today I am introducing the Sole Community Hospital Preservation Act of 1989, a bill that guarantees adequate access to health care to rural Americans.

We cannot wait to provide this guarantee. The financial pressures on access critical hospitals are building, and corrective action is needed during the 101st Congress to avert a human and economic disaster in rural America.

To understand how we have come to this precipice, it is important to remember that the Medicare Prospective Payment System [PPS] was designed to increase hospital efficiency and reduce costs, not improve, or maintain, access to health care. With this in mind, let's examine the consequences, both good and bad, that have taken place as a result of the move from Medicare cost-based reimbursement to prospective payment.

Considering its goals, PPS has been exceedingly successful. Indeed, a recent report in the New England Journal of Medicine by Dr. Alice Rivlin of Rutgers University, estimates that in 1990 PPS will reduce hospital insurance trust fund payments by $18 billion. This represents a significant contribution to our important job of cutting the Federal budget deficit.

PPS has accomplished this efficiency by careful peer review to reduce hospital admissions, and by providing an averaged per-case payment that allows Congress to establish Medicare's annual expenditure for hospitals in advance. However, for this averaged payment to be equitable, for example, to average reimbursement losers and winners, a hospital must maintain an adequate patient volume. When volume is low a few high-cost cases make hospitals lose money. They are inefficient.

In a competitive health care environment, particularly when 50 percent or more of a hospital's discharges are paid for by Medicare, the consequences of inefficiency can be harsh. These consequences include progressive reduction of capital reserves, inability to acquire new technology, physician dissatisfaction with services leading to a further reduction of admissions, and ultimately, bankruptcy and closure.

Over the past 4 years 233 hospitals have closed nationwide, more than half in rural areas.

When we are told that there may be 300,000 excess hospital beds in this country, is the closure of a hospital a bad thing? Well, we need to define what we mean by bad.

Let's say the hospital is in Chicago, a city with a population of about 3,010,000 and a metropolitan area of 228 square miles. Chicago has 47 hospitals or about one hospital for every 5 square miles. If a hospital closes in Chicago, patients can just go down the street to another facility. Their staff will be hired by other hospitals. The biggest transportation block to access is the crosstown traffic.

Now if this is an inner city hospital, and the patients are without health insurance, there could be problems; or, if the hospital is investor-owned, the investors will lose money. In general, however, access to care will not be jeopardized.

But let's say the hospital is in Montana. My State has about 809,000 residents spread out over 145,392 square miles. There are 60 acute care hospitals or 1 hospital for every 2,423 square miles.

Of these 60 hospitals, 54 are the sole provider in the town. The average bed size for these 54 hospitals is 36. If the 41-bed hospital in Lewistown, MT closed, folks in Fergus County might have to go upwards of 100 miles to the next nearest hospital. The staff can't be reemployed, so they move away. When people move away, the economy of the town atrophies.

Access critical hospitals are not unique to Montana. Most States have at least one. It's just that most hospitals in Montana qualify as access critical or frontier hospitals. Mr. President, Congress needs to recognize the price of efficiency to the people who live in towns like Circle, MT. When these hospitals close, the problem is not that investors lose money. The problem is that people lose access to care, and, perhaps, people die.

Now the folks living in rural America are good people who generally don't like to complain. Many would just as soon be left alone by government to work out their own problems. As long as they're getting an even shake. But they aren't.

I have looked long and hard at the Medicare laws. Nowhere can I find any suggestion in the law that a senior, who diligently contributes to the Medicare trust fund but who happens to live in rural America, is to be penalized by less adequate access to health care

than a fellow American who lives in a city. I believe that these little hospitals have become a rounding error in the Medicare budget, a budget asterisk that is too easy for some in government to ignore.

But I and many of my colleagues are not going to let rural health care be ignored any longer.

I am pleased to be a cosponsor of the Equity for Rural Hospitals Act of 1989. This important piece of legislation, introduced earlier this year, aims to correct the historical inequities in Medicare reimbursement of urban and rural hospitals. This is long overdue, but will require several years to accomplish. During this transition period, the bill tries to protect rural hospitals with less than 100 beds, but with very high—70 percent—Medicare utilization, against losses. Although it's a good start, I don't believe it goes far enough to identify or preserve rural sole community—access critical—hospitals.

The definition of sole community hospital that is now used in Medicare is, I believe, too restrictive, and as a consequence many hospitals that are critical for access are not being identified. The two most commonly used inclusion criteria demand a 50-mile distance from the next closest facility or a 25-mile distance and a 75 percent Medicare market share. Few hospitals fulfill these criteria. The regulations are not sensitive to the limitations on travel by the sick elderly, many who need rapid access during poor weather conditions.

A recent study for PROPAC by SysteMertrics demonstrated the difficulty that many access critical hospitals have in fulfilling the current definitions. The study found that modestly reducing the distance and market share requirements could increase the number of eligible hospitals to 506 from the current 318. I have incorporated these changes into the Sole Community Preservation Act of 1989.

Simply incorporating more access critical hospitals into the definition of sole community hospitals, however, is not enough. In making the judgment that access to these hospitals is critical, the Federal Government must fulfill its obligation to Medicare beneficiaries. This obligation can only be fulfilled if the Medicare payment system itself does not foster the downhill slide to bankruptcy. Therefore, for these hospitals, my bill would mandate that Medicare pay all reasonable costs for hospitals that are losing money under the current system.

Will this protection against loss solve all the problems of small hospitals?

The bill won't bring a doctor to an isolated community, and without a doctor these hospitals close. But we will be working in other ways to foster change in the Medicare physician reimbursement system that will provide greater incentives for physicians to provide primary care in rural America. That reform will help rural hospitals and the people they serve.

The bill won't start new businesses to expand the population base of rural America so that the low hospital census will improve. Again, I will be working my hardest to improve the economic base that hospitals ultimately need to survive.

What the bill does is level the playing field, so that Medicare isn't actively accelerating the demise of these critical access facilities. That is a significant step in the right direction, a step to ensure access to health care for rural communities.

I urge my colleagues to review this legislation carefully and to join me in supporting these needed changes.

Mr. President, I ask unanimous consent that the text of the Sole Community Hospital Preservation Act of 1989 be printed following my statement. I would also like to include an article from the Great Falls Tribune: "Medicare's Set Fees Create Moral, Fiscal Dilemma."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sole Community Hospital Preservation Act of 1989".

SEC. 2. CLASSIFICATION OF SOLE COMMUNITY HOSPITALS.

(a) CRITERIA FOR CLASSIFICATION.—Section 1886(d)(5)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(C)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by redesignating the last sentence of clause (ii) as clause (iii) and realigning it accordingly;

(3) in clauses (iii), as redesignated, by striking "this subparagraph" and inserting in lieu thereof "clause (ii)";

(4) by inserting "(I)" after the designation of clause (iii), as redesignated; and

(5) by adding at the end of clause (iii), as redesignated, the following:

"(II) In making determinations pursuant to subclause (i), the Secretary shall treat a subsection (d) hospital as a sole community hospital if the hospital is located more than 35 miles from other hospitals furnishing short-term, acute care.

"(III) In making determinations pursuant to subclause (I), the Secretary shall treat a subsection (d) hospital as a sole community hospital if the hospital is located at least 25 miles (but not more than 35 miles) from other hospitals furnishing short-term, acute care and not more than 50 percent of the individuals entitled to benefits under part A who become hospital inpatients in the service area of the hospital are admitted to other hospitals furnishing such care within a 35-mile radius of the hospital, or if the service area of the hospital is larger, within the service area of the hospital. For purposes of the preceding sentence, a hospital with fewer than 50 beds shall be treated as meeting the requirement relating to the percentage of individuals becoming inpatients of other hospitals if the appropriate agency or organization with an agreement under section 1816 certifies that the hospital would have met the requirement were it not for the fact that some individuals were forced to seek care outside the service area of the hospital due to the unavailability of necessary specialty services at the hospital.

"(IV) In making determinations pursuant to subclause (I), the Secretary shall treat a subsection (d) hospital as a sole community hospital if the hospital is located at least 25 miles (but not more than 35 miles) from other hospitals furnishing short-term, acute care and such other hospitals are inaccessible for at least one month each year because of local topography or severe weather conditions.".

(b) DURATION OF CLASSIFICATION.—For purposes of section 1886(d)(5)(C)(ii)), any hospital that is classified as a sole community hospital on the date of the enactment of this Act shall continue to be so classified until—

(1) there is a change in the circumstances under which the classification was approved, or

(2) the hospital requests cancellation of such classification and such cancellation becomes effective.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications submitted on or after the date of the enactment of this Act.

SEC. 3. PAYMENTS TO SOLE COMMUNITY HOSPITALS.

Section 1886(d)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(C)(ii)), as amended by section 2(a) of this Act is further amended by inserting after the first sentence the following: "For cost reporting periods beginning on or after October 1, 1989, the Secretary shall provide for an appropriate adjustment to ensure that the total amount paid to a sole community hospital for the operating costs of inpatient hospital services for inpatient hospital discharges in that cost reporting period are not less than the reasonable costs incurred by the hospital in furnishing such services (determined without regard to the limits imposed by subsections (a) and (b)).".

SEC. 4. TECHNICALS AMENDMENTS.

Section 1886(d)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(C)(ii)), as amended by sections 2(a) and 3 of this Act, is further amended—

(1) by inserting "(I)" after "(ii)"; and

(2) by redesignating the third, fourth, and fifth sentences as subclauses (II), (III), and (IV), respectively, and indenting and realigning each such subclause accordingly.

[From the Great Falls Tribune]

MEDICARE'S SET FEES CREATE MORAL, FISCAL DILEMMA

SHELBY—Last summer, Grace Luebke spent her last 40 days in the Toole County Hospital, enduring the fierce pain of a cancer that was slowly killing her.

Her physician determined that because of her unusual condition and the constant care and medication Luebke needed, the 71-year-old could not be sent home to die.

After her death, the hospital totaled her bills and submitted a claim of $15,592 to Medicare, which was the only means Luebke had of paying for her health care. But Medicare sent the hospital only $3,247 on the grounds that most people who have Luebke's type of pancreatic cancer are in

the hospital an average of six days before they die, according to Warren Bartelson, Shelby hospital administrator.

"We couldn't kick her out; she was dying and needed care," Bartelson said. "But she was a Medicare patient and that meant we'd have to take the loss."

Bartelson said hospital administrators are put "in a real uncomfortable position" when they keep patients longer than Medicare's set average stay. He said even though the patient needs the care, the hospital will "most certainly" lose money.

The Montana Hospital Association reports that hospitals in the state lost more than $18 million in 1987 for uncompensated care, much of it from insufficient Medicare reimbursements.

"I don't think it's an exaggeration to say that we have a crisis here and that Medicare has a role in it," said Jim Ahrens, executive director of the MHA.

Established by the federal government in 1965 to cover the medical costs of people over age 65 and for some others who receive Social Security disability benefits, Medicare is the only source of health insurance for a growing number of older Americans.

Reacting to skyrocketing health costs in 1983, Medicare began standardizing the amount it would reimburse doctors and hospitals for different types of medical procedures and care. It also established separate rates for rural and urban hospitals, paying 14 to 40 percent less to smaller facilities than what it pays larger facilities for the same care.

Hospital administrators say the problem is twofold: Reimbursement rates have not kept pace with actual costs and the rural differential is placing an unfair burden on small hospitals.

Medicare accounts for about 45 percent of the patients in the Shelby hospital, which is about average in Montana, according to the MHA. Last year, Medicare payments to Shelby were $170,000 less than the actual costs for Medicare patients, Bartelson said.

"You accept what Medicare pays, period," he said. "That $170,000 was an out-of-pocket loss for us, I'd say the major reason this hospital lost money last year was because of Medicare."

Les Urvand, administrator of the Phillips County Hospital in Malta, added that the problem is made worse by all the paperwork demanded by Medicare.

"When you are reimbursed a dollar, it's not a real dollar because 15 or 20 cents of it is spent on paperwork proving you're spending the money right," said Urvand, whose hospital costs were more than $100,000 above Medicare reimbursements last year.

Urvand and Bartelson both said most hospitals have been forced to hire additional staff merely to process the paperwork required by Medicare.

A recent study by the U.S. Senate Special Committee on Aging bears out those contentions, concluding that "Medicare's reimbursement policies have contributed to eroding the financial viability of rural hospitals."

The study said the level of insurance coverage in rural areas has traditionally been low. That, combined with low occupancy rates, gives rural hospitals less ability to subsidize losses from Medicare patients with revenue from private pay patients.

The study recommends immediate elimination of the rural-urban differential. It said that although some hospitals may be forced to close or change their services "those decisions * * * are appropriately made by the rural community itself. They should not result from discriminatory, inappropriate or misguided Medicare reimbursement policies."

In a more far-reaching proposal, the study suggests that when a hospital is the sole health facility in a community, it be reimbursed for actual costs.

The report also suggests Congress establish a clearinghouse for rural health service research, and it recommends the National Center for Health Services Research get $10 million to research rural health.

The issue may be resolved in court before Congress has a chance to make changes. Late last year, the National Rural Health Association filed suit in Washington, D.C., challenging "the unreasonably low Medicare reimbursement to rural hospitals."

According to Robert Van Hook, executive director of the organization, the lawsuit was filed as "a sign of our commitment to solving a problem that may force up to 600 hospitals to close their doors in the next few years."

In Montana, it is unknown how many hospitals face the prospect of closure because of Medicare shortages, says Ahrens of the MHA. But he said the issue is a "hot one" with financially strapped hospital administrators.

"We haven't got much time to revitalize the system," Ahrens said. "Many hospitals in this state are in trouble and not all of them will survive."●

By Mr. D'AMATO (for himself, Mr. CRANSTON, and Mr. GARN):

S. 530. A bill to enhance competition in the financial services sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTION AFFILIATION ACT

● Mr. D'AMATO. Mr. President, dramatic changes in both the domestic and international financial environments have brought us to the point where it is no longer relevant to discuss whether we should undertake major reform of the legal structure of the financial services industry. These changes make reform imperative. The question is how do we go about it.

In introducing the Depository Institution Affiliation Act, Senator CRANSTON and I reaffirm our commitment to comprehensive, fair, forward-thinking reform of the law governing the financial services industry. We propose a new order that will improve the safety and soundness of the Nation's financial system and increase the availability of innovative financial products and services for consumers, business, and government at the lowest possible cost.

The system of finance established in the 1930's and strengthened in 1956 by the Bank Holding Company Act was designed to restrict competition among the various sectors of the industry and enhance the safety of the financial instruments. Financial services, therefore, were compartmentalized and separated to achieve the twin goals of insulation and stability.

Today, however, due to unforeseen technological advances and the primacy of history over reason in the formation of our current bank regulatory system, today's patchwork of financial law is inherently unstable and anticompetitive. Furthermore, the existing protection for local industries have served to undermine the efficient delivery of services and the competitive position of U.S. financial institutions in the world market.

The time has come for a broader debate, one focused upon clear national priorities: stability, domestic competition, and foreign competitiveness. More specifically, the time has come for an alternative legal and regulatory structure that permits the free market rather than governmental inertia to determine whether any type of business is compatible with ownership of a depository institution. It is time for the efficient, rationally integrated American financial services companies to compete in the global financial services industry.

The Cranston-D'Amato banking bill would create a new holding company structure which will: (1) Permit diversification of strong financial services companies into related businesses; (2) open up new sources of capital for the banking and thrift industries; (3) strengthen and rationalize regulation; (4) insulate depository institutions from the risks of their subsidiaries; (5) promote the interest of consumers through promoting cross-marketing of financial services; and (6) enhance public confidence in the financial services industry.

Mr. President, this is an idea whose time has come. Those of us who have been involved in this issue over the past decade have witnessed a regrettable inability to achieve a consensus because the Congress and past officials of the Treasury Department have lacked the vision to proceed to the comprehensive approach embodied in this bill. We have witnessed, and participated, in debate focused on banking deregulation, expanded bank powers and expanded range of bank products. This debate has pitted the banks against securities companies, against insurance agents and against real estate brokers. It has been an unproductive discussion: the result of talking about small issues.

Through this bill Senator CRANSTON and I seek to focus the debate on the larger and increasingly pressing issues of international competitiveness, consumer benefit, and efficient use of financial resources.

An additional and important aspect of this legislation is the breadth of support behind it. Many types of companies from many parts of the country are part of a forward-looking, global-minded coalition which supports this legislation. Still more significant is the support of the bill's first original cosponsor. And I now ask unanimous consent for the addition of my distin-

guished colleague from Utah, Senator JAKE GARN as an original cosponsor of the Depository Institution, Affiliation Act. Senator GARN, the ranking Republican Member of the Banking Committee and former chairman of that committee, has participated over long years in the debate over banking reform. His cosponsorship of this bill is a bellwether event in the progress toward genuine and comprehensive reform of the financial services industry.

Mr. President, I look forward to the day when we are again on the floor to take up comprehensive financial reform legislation and I solicit the support of all my colleagues to that end.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DEPOSITORY INSTITUTION AFFILIATION ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short Title.

Section 1 provides that this Act be cited as the "Depository Institution Affiliation Act".

Section 2: Findings and Purpose.

Congress finds that current laws and regulations restrain efficiency, competition and innovation in the design and delivery of financial services to the disadvantage of consumers. Congress also finds that restrictions on ownership of depository institutions and affiliations with other business organizations interferes with their ability to attract and retain capital and managerial resources. In addition, Congress finds that the vulnerability of the financial system and its discrete components is increased and effective monitoring, supervision and coordination of actions during periods of stress is impeded by fragmented and disparate regulation. Finally, Congress finds that current laws inhibit the ability of domestic financial markets and intermediaries to respond to the serious competitive challenges presented by foreign intermediaries and the globalization of markets.

The purpose of this Act is to promote the safety and soundness of the nation's financial system, enhance the quality of regulation and supervision of financial intermediaries and achieve a more efficient market and effective regulatory structure. To accomplish this objective, the Act would establish an alternative and comprehensive legislative framework for the creation and regulation of depository institution holding companies. The Act would increase the capital adequacy of commercial banks, brokers and dealers, and savings and loan associations and other financial companies by eliminating restrictions on common ownership and affiliation within a depository institution holding company. The Act would permit affiliates to engage in any activity subject to functional and equal regulation by the appropriate state or federal regulator. In addition, the Act insulates and protects insured depository institutions through higher capital requirements, expanded restrictions on relationships with affiliates, broader examination and enforcement authority and severe civil and criminal penalties. Finally, the Act permits the efficient marketing and distribution of financial services to consumers subject to safeguards against coercive tie-ins and other unfair and abusive practices and establishes the National Financial Services Committee to oversee the evolution and supervision of the financial services industry and to report to Congress.

TITLE I—CREATION AND CONTROL OF DEPOSITORY INSTITUTION HOLDING COMPANIES

Section 101. This section creates a new type of financial company, a depository institution holding company (DIHC), and sets out the terms and conditions under which such a company can be established and must be operated.

Subsection (a) Definitions. This subsection defines terms used in this section.

Paragraph (a)(1) defines a DIHC to be any company that files a notice with the National Financial Services Committee (see Title II of this Act) that it intends to comply with the provisions of this section, and controls an insured bank or insured institution, or, either (i) has, within the preceding 12 months filed a notice under subsection (b) of this section to establish or acquire control of a federally insured bank or thrift or a company owning such a bank or thrift, or (ii) controls a company which, within the preceding 12 months, has filed an application for FDIC or FSLIC deposit insurance, provided that such notice or application has not been disapproved by the appropriate Federal regulatory agency or withdrawn. Any bank holding company that elects to become a depository institution holding company, and which does not control any banks that are not FDIC insured, will lose its status as a bank holding company immediately upon filing the notice of its election to become a DIHC. Similarly, a savings and loan holding company that elects to become a DIHC will lose that status upon filing the notice of its election to become a DIHC. To assure that each bank controlled by a DIHC would be subject to regulation and supervision by an appropriate federal regulatory agency, owners of uninsured banks would not be able to avail themselves of the opportunity to become a DIHC, unless they agreed to convert such uninsured banks into insured banks or insured institutions.

Paragraph (a)(2) gives the term "bank holding company" the meaning given to it in Section 2(a) of the Bank Holding Company Act of 1956, as amended.

Paragraph (a)(3) gives the term "savings and loan holding company" the meaning given to it in section 408(a) of the National Housing Act.

Paragraph (a)(4) defines for this section, except paragraph (5) of subsection (f), the term "affiliate" of a company as any company which controls, is controlled by, or is under common control with such a company.

Paragraph (a)(5) defines the term "appropriate Federal regulatory agency" (AFRA). For national banks and for District banks the AFRA is the Comptroller of the Currency. For state-chartered member banks the AFRA is the Board of Governors of the Federal Reserve System. For state-chartered, non-member banks (except District banks) the AFRA is the Board of Directors of the FDIC. For insured institutions the AFRA is the Federal Home Loan Bank Board.

Paragraph (a)(6) gives the term "insured bank" the meaning given to it in section 3(h) of the Federal Deposit Insurance Act.

Paragraph (a)(7) gives the term "State" the meaning given to it in section 3(a) of the Federal Deposit Insurance Act.

Paragraph (a)(8) defines the term "insured institution" to be a Federal savings and loan association, a Federal savings bank, a building and loan, savings and loan or homestead association or a cooperative bank, the accounts of which are insured by the FSLIC. In addition, the term "insured institution" also includes an FDIC-insured federal savings bank and any savings bank deemed by the FSLIC to be an insured institution under section 408(n) of the National Housing Act.

Paragraph (a)(9) defines the term "company" to mean any corporation, partnership, business trust, association or similar organization. However, corporations that are majority owned by the United States or any State are excluded from the definition of company.

Paragraph (a)(10) defines control by one company over another. For purposes of this section, the term "control" means the power, directly or indirectly, to direct the management or policies of a company, or to vote 25% or more of any class of voting securities of a company.

There are three exceptions from the definition of control. These pertain to ownership of voting securities acquired or held:

1. as agent, trustee or in some other fiduciary capacity;

2. as underwriter for such a period of time as will permit the sale of these securities on a reasonable basis; or in connection with or incidental to market making, dealing, trading, brokerage or other securities-related activities, provided that such shares are not acquired with a view toward acquiring, exercising or transferred control of the management or policies of the company;

3. for the purpose of securing or collecting a prior debt until two years after the date of the acquisition; and

In addition, no company formed for the sole purpose of proxy solicitation shall be deemed to be in control of another company by virtue of its acquisition of the voting rights of the other company's securities.

Paragraph (a)(11) defines the term "minimum required capital" to be the amount of capital that is required for an insured bank or insured institution, as applicable, under Federal law or regulation.

Subsection (b): Changes in Control of Insured Banks and Insured Institutions. This subsection provides that any DIHC wishing to acquire control of an insured bank or company owning such bank must comply with the requirements of the Change in Bank Control Act, and that any DIHC wishing to acquire an insured institution or company owning such institution must comply with the requirements of the Change in Savings and Loan Control Act. Failure to comply with these requirements will subject the relevant DIHC to the penalties and procedures provided in subsections (i) through (m) of this section, in addition to otherwise applicable penalties.

Subsection (c): Affiliate Transactions. This subsection authorized supplemental regulation of the transactions of insured banks and insured institutions controlled by DIHCs with their affiliates. These regulations would be in addition to the restrictions on interaffiliate transactions provided for under sections 23A or 23B of the Federal Reserve Act and section 415 of the National Housing Act (see Title III of this Act). This subsection gives each AFRA the flexibility to promulgate and adapt rules and regulations in response to changing market conditions so that the AFRA has at all times the capability to prevent insured banks and insured institutions under its supervision that are controlled bh DIHCs from engaging in transactions that would compromise the

safety and soundness of such insured banks or insured institutions or that would jeopardize the deposit insurance funds. In addition, this subsection would provide specific interaffiliate transactions as follows:

1. The bank cannot lend to its securities affiliate (except to make fully secured intraday loans for the purpose of clearing government securities).

2. The bank cannot make loans or guarantees to a company in order to enhance the marketability of the company's securities that are being underwritten by the bank's securities affiliate.

3. The bank cannot make a loan to a company for the purpose of repaying the principal or interest on securities underwritten by its securities affiliate.

4. The securities affiliate cannot sell securities to the bank or its trust accounts during the underwriting period or for 30 days thereafter.

Moreover, other provisions of this Act assure that the AFRA will have the capability to enforce these regulations vigorously (subsection (i) of this section) and that any violations of these regulations will be more severely punished than violations of regulations applicable to insured banks and insured institutions that are not controlled by DIHCs (subsections (i), (j), (k), and (l) of this section).

Subparagraph (c)(1)(A) empowers the AFRA to develop rules and regulations to prevent insured banks and insured institutions under its supervision that are also controlled by a DIHC from engaging in unsafe or unsound practices involving the DIHC or any of its affiliates, including unsafe and unsound practices that may arise in connection with transactions covered by sections 23A and 23B of the Federal Reserve Act.

Subparagraph (c)(1)(B) empowers the AFRA to create certain exceptions to the provisions of the preceding subparagraph, if the AFRA deems that such exceptions are reasonable and in the public interest and not inconsistent with the purposes of this Act. These exemptions may relate to certain institutions or classes or institutions, or to certain transactions or classes of transactions, including transactions covered under section 23A or 23B of the Federal Reserve Act.

Paragraph (c)(2) provides that any rules adopted under subparagraph (c)(2)(A) shall be issued in accordance with normal rulemaking procedures and shall afford interested parties the opportunity to comment in writing and orally on any proposed rule.

Paragraph (c)(3) grandfathers interaffiliate transactions approved by a Federal regulatory agency prior to the enactment of this Act, exempting them from rules and regulations promulgated under subparagraph (c)(2)(A).

Paragraph (c)(4) makes it clear that sections 23A and 23B of the Federal Reserve Act will apply to every insured bank and insured institution controlled by a depository institution holding company.

Subsection (d): Capitalization. This subsection regulates the capitalization of insured banks and insured institutions that are controlled by a DIHC.

Paragraph (d)(1) provides a higher capital requirement for insured banks and institutions that are part of a depository institution holding company. It provides further that if the AFRA finds that an insured bank or insured institution subsidiary of a DIHC does not meet the minimum capital requirements applicable to it, the DIHC shall have thirty days to reach an agreement with the AFRA concerning how and according to what schedule the insured bank or insured institution will bring its minimum capital back into conformance with requirements. During that time the insured bank or insured institution shall operate under the close supervision of the AFRA.

In the event that the DIHC does not reach an agreement within thirty days with the AFRA on how and according to what schedule the capital of the insured bank or insured institution will be replenished, the DIHC will be required to divest the insured bank or insured institution in an orderly manner within a period of six months, or such additional period of time as the AFRA may determine is reasonably required in order to effect such divestiture.

In view of the enhanced regulatory control over insured banks and insured institutions controlled by DIHCs, paragraph (d)(2) states that no AFRA may regulate the capital of the DIHC. Thus, no AFRA may require the DIHC to enter into any other agreement regarding the maintenance of capital in its insured bank or insured institution affiliates. The capital of the DIHC would, however, be regulated by any other agency having jurisdiction over it. For example, if the DIHC were also a registered broker/dealer, it would have to conform to the minimum capital requirements mandated by the SEC.

Subsection (e): Interstate Acquisitions of Insured Banks and Insured Institutions. This subsection subjects interstate acquisitions of an insured bank by a DIHC to the same restrictions as those applicable to bank holding companies under section 3(d) of the Bank Holding Company act of 1956, as amended, and it subjects interstate acquisitions of an insured institution by a DIHC to the same restrictions as those applicable to savings and loan holding companies.

Subsection (f): Differential Treatment Prohibition; Laws Inconsistent With This Act. This subsection does two things. First, it prohibits adversely differential treatment of DIHCs and their affiliates, including their insured bank and insured institution affiliates except as this Act specifically provides. Second, this subsection ensures that state and federal initiatives do not undermine achievement of the purposes of this Act. Whether couched as affiliation, licensing or agency restrictions or as constraints on access to state courts, such laws effectively perpetuate market barriers and deny consumers the opportunity to choose between different financial products and services.

Notwithstanding any other federal law, Paragraph (f)(1) prohibits states from enacting laws that discriminate against DIHCs or against their affiliates, including their insured bank and insured institution affiliates. This paragraph also prohibits, notwithstanding any other federal law, federal and state regulatory agencies from discriminating by rule, regulation, order or any other means against DIHCs or against their affiliates, including their insured bank or insured institution affiliates except as this Act specifically provides. This is intended to assure that the primary purpose of this Act—the enhancement of competition in the depository institution sector—will be fulfilled.

Paragraph (f)(2) finds that certain State affiliation and licensing laws restrain legitimate competition in interstate commerce, deny consumers freedom of choice in selecting a depository institution and threaten the long-term safety and soundness of insured banks and insured institutions by denying them access to capital. Often based in whole or part on prior articulations of federal law, conflicting state laws take a variety of forms. Some prohibit an insurance company affiliated with an insured bank or insured institution from obtaining a license to do business in the state. See, e.g., Pa. State. Ann. titl. 40 Sec. 281(b) (Purdon Supp. 1986) (denying admittance or licensing of such affiliates except for certain limited credit and title insurance activities). Others deny licenses to employees and agents representing insurance companies affiliated with insured banks and insured institutions. See e.g., Fla. Stat. Sec. 626.988(c)(2) (1985) (except for certain credit insurance activities). Still others prohibit a life insurance company from organizing or acquiring a bank, thrift or finance company subsidiary. N.Y. Ins. Sec. 1701 (McKinney Sup. 1987). If DIHCs are actually to meet the array of diverse consumer financial needs, and if the procompetitive policies and priorities espoused by this Act are to be made applicable on a nationwide basis, such state market barriers must necessarily yield.

Accordingly, this paragraph preempts any provision of federal or state law, rule, regulation or order that is expressly or impliedly inconsistent with the purposes of this section. The preempted statutes include without limitation, state banking, savings and loan, insurance, real estate, securities, finance company, retail or other laws which restrict the affiliation of insured banks and insured institutions or their owners, agents, principals, brokers, directors, officers, employees or other representatives with other firms. Similarly, laws prohibiting cross marketing of products and services are preempted insofar as such cross marketing activities are conducted by DIHCs, their affiliates or by any agent, principal, broker, director, officer, employee or other representative. By contrast, nondiscriminatory state approval, examination, supervisory, regulatory, reporting, licensing, and similar requirements are not affected.

Paragraph (f)(3) removes a common uncertainty under state licensing and qualification to do business statutes, which leaves an out-of-state insured bank's or insured institution's access to another state's courts unresolved. Under this provision, so long as such a bank or insured institution limits its activities to those which do not constitute the establishment or operation of a "domestic branch" of an insured bank in that other state, it can qualify to maintain or defend in that state's court any action which could be maintained or defended by a company which is not an insured bank or insured institution and is not located in that state, subject to the same filing, fee and other conditions as may be imposed on such a company. This paragraph is not intended to grant states any power that they do not currently have to regulate the activities of out-of-state insured banks or insured institutions.

Paragraph (f)(4) makes clear that a state may not impede or prevent any insured bank or insured institution affiliated with a DIHC or any DIHC or affiliate thereof from marketing products and services in that state by utilizing and compensating its agents, solicitors, brokers, employees and other persons located in that state and representing such a bank, institution, company, or affiliate. However, to the extent such persons are performing loan origination, deposit solicitation or other activities in which an insured bank or insured institution may

engage, those activities cannot constitute the establishment or operation of a "domestic branch" at any location other than the main or branch offices of the insured bank or insured institution.

Paragraph (f)(5) contains a special definition of "affiliate" and "control" for purposes of paragraphs (2) through (4) this subsection only. Control is deemed to occur where a person or entity owns or has the power to vote 10% of the voting securities of another entity or where a person or entity directly or indirectly determines the management or policies of another entity or person. Unlike the definition of affiliate set forth in paragraph (4) of subsection (a), this definition encompasses not only corporate affiliations but affiliations between corporations and individuals.

Subsection (g): Securities, Insurance and Real Estate Activities of Insured Banks and Insured Institutions. In order to facilitate functional regulation of the activities of DIHCs this section prohibits insured banks and insured institutions controlled by DIHCs from conducting certain securities, insurance and real estate activities currently permissible for some insured banks and insured institutions.

Paragraph (g)(1)(A) provides that no insured bank or insured institution controlled by a DIHC shall directly engage in dealing in or underwriting securities, or purchasing or selling securities as agent, except to the extent such activities are performed only with regard to obligations of the United States or are the type of activities that could be performed by a national bank's trust department (12 U.S.C. 92a).

Paragraph (g)(1)(B) provides that no insured bank or insured institution controlled by a DIHC shall directly engage in insurance underwriting.

Paragraph (g)(1)(C) provides that no insured bank or insured institution controlled by a DIHC shall directly engage in real estate investment or development except insofar as these activities are incidental to the insured bank's or insured institution's investment in or operation of its own premises, result from foreclosure on collateral securing a loan, or are the type of activities that could be performed by a national bank's trust department.

Paragraph (g)(2) clarifies that nothing in this subsection shall be construed (A) to prohibit or impede a DIHC or any of its affiliates (other than an insured bank or insured institution) from engaging in any of the activities set forth in paragraph (g)(1), or (B) to prohibit an employee of an insured bank or insured institution that is an affiliate of a DIHC from promoting or advertising products or services of an affiliate of such an insured bank or institution.

Paragraph (g)(3) provides that nothing in this subsection will require the breach of a contract entered into prior to enactment of this Act. For example, a savings bank which underwrites insurance under state law would not be required to breach its contracts with any existing policyholders.

Paragraph (h): Tying And Insider Lending Provisions.

This section subjects DIHCs to the tying provisions of section 106 of the Bank Holding Company Act Amendments of 1970 and to the insider lending prohibitions of section 22(h) of the Federal Reserve Act. These sections prohibit tying between products and services offered by insured banks or insured institutions and products and services offered by the DIHC itself or by any of its other affiliates. Note, however, that these tying provisions do not apply to products and services that do not involve an insured bank or insured institution. The insider lending provisions severely limit loans by a depository institution to officers and directors of the depository institution. For purposes of both provisions, the AFRA will exercise the rulemaking authority vested in the Federal Reserve with regard to these limitations.

Subsection (i): Examination and Enforcement. This provision would state emphatically the plain intent of Congress that Federal deposit insurance funds shall not be used to benefit or protect the depository holding company or an affiliate thereof other than an insured bank or insured institution. This subsection provides that the AFRA shall use its examination and supervision authority to enforce the provisions of this section, including any rules and regulations promulgated under subsection (c). In particular, it is intended that each AFRA should structure its examination process so as to uncover possible violations of the provisions of this section and that the agency should not hestitate to make full use of its cease-and-desist powers or to impose as warranted the special penalties discussed below, if it believes that an insured bank or insured institution under its supervision that is controlled by a DIHC is in violation of any of the provisions of this section.

This subsection also grants the AFRA authority to examine any other affiliate of the DIHC as well as the DIHC itself in order to ensure compliance with the limitations of this section or other provisions of law made applicable by this section such as sections 23A and 23B of the Federal Reserve Act.

In addition, this subsection grants each AFRA the right to apply to the appropriate district court of the United States for a temporary or permanent injunction or a restraining order to enjoin any person or company from violating the provisions of this section or any regulation prescribed under this section. The AFRA may seek such an injunction or restraining order whenever it considers that an insured bank or insured institution under its supervision or any DIHC controlling such an insured bank or insured institution is violating, has violated or is about to violate any provision of this section or any regulation prescribed under this section. In seeking such an injunction or restraining order the AFRA may also request such equitable relief as may be necessary to prevent the violation in question. This relief may include a requirement that the DIHC divest itself of control of the insured bank or insured institution, if this is the only way in which the violation can be prevented.

This injunctive power will enable the AFRA to move speedily to stop practices that it believes endanger the safety and soundness of an insured bank or insured institution under its supervision that is controlled by a DIHC. If necessary to protect the depositors and safeguard the deposit insurance funds, the AFRA may request that the injunction proceedings be held in camera, so as not to provoke a run on the insured bank or insured institution.

Subsection (j): Divestiture. This subsection states that an AFRA may require a DIHC to divest itself of an insured bank or insured institution, if the agency finds that the insured bank or insured institution is engaging in a continuing course of action involving the DIHC or any of its affiliates that would endanger the safety and soundness of that insured bank or insured institution.

Although the DIHC would have the right to a hearing and to judicial review and have one year in which to divest the insured bank or insured institution, it should be emphasized that the insured bank or insured institution would operate under the close supervision of the AFRA from the date of the initial order until the date the divestiture is completed. This is intended to safeguard the insured bank or insured institution in question, its depositors and the deposit insurance funds.

Subsection (k): Criminal Penalties. This subsection provides for criminal penalties for knowing and willful violations of the provisions of this section, even if these violations do not result in an initial or final order requiring divestiture of the insured bank or insured institution. For companies found to be in violation of the provisions of this section the maximum penalty for each violation shall be the greater of (a) $250,000 per day for each day that the violation continues or (b) one one-hundredth of one percent of the minimum required capital of the insured bank or insured institution per day for each day that the violation continues, up to a maximum of 1% of the minimum capital of the insured bank or insured institution—a fine that could amount to tens of millions of dollars for a large insured bank or insured institution. Such a fine is designed to be large enough to deter even large insured banks or insured institutions from violating the provisions of this section.

For individuals found to be in violation of the provisions of this section the penalty shall be a fine and/or a prison term. The maximum fine for each violation shall be the greater of (a) $250,000 or (b) twice the individual's annual rate of total compensation at the time the violation occurred. The maximum prison sentence shall be one year. In addition, individuals violating the provisions of this section will also be subject to the penalties provided for in Section 1005 of Title 18 for false entries in any book, report or statement to the extent that the violation included such false entries.

Subsection (l): Civil Money Penalties. This subsection provides for civil money penalties for any company or person that violates the provisions of this section, and grants the AFRA the power to impose such penalties after providing the company or person accused of such violation the opportunity to object in writing to its finding.

For companies found to be in violation of this section, the maximum penalty for each violation shall be the greater of (a) $250,000 per day for each day that the violation continues, or (b) one one-hundredth of one percent of the minimum required capital of the insured bank or insured institution per day for each day that the violation continues, up to a maximum of 1% of the minimum capital of the insured bank or insured institution. For individuals found to be in violation of the provisions of this section, the maximum penalty shall be the greater of (a) $250,000 or (b) twice the individual's annual rate of total compensation at the time the violation occurred. The actual amount of the penalty imposed on companies and individuals shall depend on the gravity of the violation, the size of the company's or person's resources and other relevant factors.

Subsection (m): Judicial Review. This subsection provides for judicial review of decisions reached by an AFRA under the provisions of this section. This right to review includes a right of judicial review of statutes, rules, regulations, orders and other actions

that would discriminate against DIHCs or affiliates controlled by such companies.

Section 102: Amendment to the Bank Holding Company Act of 1956

This section contains a conforming amendment to the definition of the term "bank" in the Bank Holding Company Act to ensure that a DIHC owning an insured bank will be regulated under this Act rather than the Bank Holding Company Act.

Section 103: Amendments to the Federal Reserve Act.

This section clarifies the application of Section 23A of the Federal Reserve Act to certain loans and extensions of credit to persons who are not affiliated with a member bank. Section 23A contains a provision that was intended to prevent the use of "straw man" intermediaries to evade section 23A's limitations on loans and extensions of credit to affiliates. Contrary to its original purpose, the provision may also be literally read to restrict a *bona fide* loan or extension of credit to a third party who happens to use the proceeds to purchase goods or services from an affiliate of the bank; such a loan could occur, for example, if a customer happened to use a credit card issued by a bank to buy an item sold by the bank's affiliate. This section clarifies that such loans and extensions of credit are not covered by section 23A as long as (i) the bank approves them in accordance with substantially the same standards and procedures and on substantially the same terms that it applies to similar loans or extensions of credit that do not involve the payment of the proceeds to an affiliate, and (ii) the loans or extensions of credit are not made for the purpose of evading any requirement of section 23A.

Section 104: Amendments to the Banking Act of 1933.

Subsection (a) amends section 20 of the Glass-Steagall Act so that it does not apply to member banks that are controlled by DIHCs.

Subsection (b) amends section 32 of the Glass-Steagall Act so that it does not apply to officers, directors and employees of affiliates of a single depository institution holding company.

Section 105: Amendment to the Federal Deposit Insurance Act.

This section amends the Change in Bank Control Act to provide that an acquisition of a DIHC controlling an insured bank may only be accomplished after complying with that Act's procedures. It also modifies the definition of "control" in the Change in Bank Control Act to conform it to the definition in section 101(a)(10) of this Act.

Section 106: Amendments to the Securities Exchange Act of 1934.

This section amends the Securities Exchange Act of 1934 to provide for the registration and regulation of broker dealers.

Section 107: Amendment to the National Housing Act.

This section amends the Change in Savings and Loan Control Act to provide that an acquisition of a DIHC controlling an insured institution may only be accomplished after complying with that Act's procedures. It also modifies the definition of "control" in the Change in Savings and Loan Control Act to conform it to the definition in section 101(a)(10) of this Act.

Section 108: Amendment to the Community Reinvestment Act.

This section amends the Community Reinvestment Act to make it applicable to acquisitions of insured banks and insured institutions by DIHCs.

TITLE II—SUPERVISORY IMPROVEMENTS

Section 201: National Financial Services Committee.

This section establishes a standing committee, the National Financial Services Committee (Committee), in order to provide a forum in which federal and state regulators can reach a consensus regarding how the regulation of depository institutions should evolve in response to changing market conditions. In addition, the Committee also provides a mechanism through which various federal regulatory agencies could coordinate their responses to a financial crisis, if such a crisis were to occur. The Committee comprises all federal agencies responsible for regulating financial institutions or financial activities, and it is structured to allow state regulators to participate in its deliberations. The Committee would be empowered to make recommendations to Congress to strengthen the protections surrounding the insured institutions as well as the restrictions on interaffiliate transactions in order to protect the integrity of the deposit insurance funds.

The Committee is directed to report to Congress within one year of enactment of this Act on proposed legislative or regulatory actions that will improve the examination process to permit better oversight of all banks and thrifts. In this regard, it must consider whether the number of or compensation for examiners should be increased. It is also directed to establish uniform principles and standards for examinations.

TITLE III—THRIFT IMPROVEMENTS

Section 301: Amendments to the National Housing Act.

In order to bring much needed capital into the thrift industry and thereby improve the situation of the FSLIC, this section increases the value of the thrift franchise by removing certain onerous restrictions on insured institutions and their parent savings and loan holding companies. In addition, this section takes measures to make the status of unitary thrift holding companies comparable to that of DIHCs.

Subsection (a) exempts an insured institution controlled by a DIHC from the definition of insured institution for purposes of the Savings and Loan Holding Company Act. A DIHC that controls one or more insured institutions will therefore not be deemed to be a savings and loan holding company.

Subsection (b) subjects savings and loan holding companies' insured institution subsidiaries which meet the qualified thrift lender test (i.e., primarily engaged in real estate lending and other related activities) to the restrictions upon affiliate transactions applicable to all insured institutions as set forth in subsection (f) below.

Subsection (c) substantially conforms the criteria for control of an insured institution to the standards set forth in Section 101 of this Act regarding the control of an insured institution by a DIHC.

Subsection (d) provides that savings and loan holding companies and their subsidiaries will not be subject to debt approval requirements, if each of their insured institution subsidiaries has met the qualified thrift lender requirements throughout two of the three preceding fiscal quarters.

Subsection (e) deletes the Savings and Loan Holding Company Act management interlock prohibitions, thereby eliminating the redundancy of applying two sets of management interlocks regulations to savings and loan holding companies. Savings and loan holding company management officials will therefore be subject only to the provisions of the Depository Institution Management Interlocks Act.

Subsection (f) sets forth a new set of affiliate transaction standards applicable to insured institutions. All insured institutions are specifically subject to the affiliate transaction provisions of section 23A of the Federal Reserve Act. The FSLIC will administer section 23A as it applies to insured institutions and will have the same power as the Federal Reserve Board to implement rules and regulations regarding section 23A as the Federal Reserve Board does in applying section 23A to member banks. For example, the FSLIC could determine by regulation that subsidiaries of insured institutions are affiliates of such institutions for the purposes of section 23A. The FSLIC may waive (except in the case of an insured institution controlled by a DIHC) the provisions of section 23A if it determines that such a waiver would not be detrimental to the interests of the institution's savings account holders or to the insurance risk of the FSLIC. In addition, subsection (f) imposes certain provisions of section 22 (g) and (h) of the Federal Reserve Act, relating to extensions of credit to executive officers and directors of banks, to insured institutions and their holding companies.

Subsection (g) provides that the laws, rules and regulation preempted with respect to DIHCs and their affiliates by Section 101(f) are also preempted with respect to savings and loan holding companies.

Subsection (h) exempts savings and loan holding companies, each of whose insured institution subsidiaries meet the qualified thrift lender requirement, from restrictions contained in Section 408(r) of the National Housing Act on affiliation with institutions engaged in the underwriting and distribution of securities.

Subsection (i) exempts savings and loan holding companies, each of whose insured institution subsidiaries meet the qualified thrift lender requirement, from restrictions on cross marketing contained in Section 408(p) of the National Housing Act.

Section 302: Amendments to the Depository Institutions Management Interlocks Act

This section amends the Depository Institutions Management Interlocks Act to permit management interlocks between savings and loan holding companies whose insured institution subsidiaries satisfy the qualified thrift lender requirement and nonaffiliated depository institutions or holding companies, unless the Federal Home Loan Bank Board determines that such an interlock would result in a monopoly or tend to lessen competition, and the Board further determines that prohibiting the interlock is the only way to prevent these anti-competitive effects.

Section 302: Effective Date

The Act will become effective upon enactment.●

● Mr. GARN. Mr. President, I would like to add my name as cosponsor to the legislation that Senators CRANSTON and D'AMATO are introducing today, the Depository Institutions Affiliation Act. Let me provide a few brief remarks as to why I am doing so.

A few weeks ago, I cosponsored legislation, S. 305, with Senator DIXON and others that would repeal key elements of the Glass-Steagall Act—legislation that is virtually identical to the Proxmire Financial Modernization Act of

1988 that passed the Senate by an overwhelming margin last year, only to die in the House of Representatives. I think that legislation represented a solid, workable compromise that a consensus of Members obviously could support in this difficult area of financial services competition. If enacted, it clearly would have been a great step forward toward making our financial services industry more competitive both domestically and internationally.

S. 305 also adopted the holding company structure as the vehicle for allowing affiliations among differing types of financial institutions. I continue to support that structure as a way to enhance competition, to isolate institutions benefiting from deposit insurance from inappropriate risks, and to protect against unfair competition.

But as I said recently when S. 305 was introduced, I do not support every aspect of the legislation. There were concepts that I agreed last year to drop or compromise as the final legislative product was hammered out. Some of those concepts may need to be revisited, especially in light of the changes that have occurred in the financial services marketplace just since last year's compromises were agreed upon.

Today I am cosponsoring the Depository Institutions Affiliations Act because I believe it raises issues that must now be addressed if we are to proceed responsibly in the area of financial structure reform.

As an example, the legislation fashioned by Senators CRANSTON and D'AMATO raises the issue of how best to provide the vast amounts of capital that will be needed by our financial services industry. The Cranston/D'Amato bill would open the option of allowing that capital to be raised through investments by corporations that are not today allowed to invest in certain segments of our financial services industry.

The Cranston/D'Amato bill also directly raises the issue of how best to assure the competitive viability of America's financial services providers in the face of intensified international competition that will result from developments like the competitive structure being put in place for in Europe 1992.

In brief, Mr. President, while I do not endorse all of the elements of the Depository Institution Affiliation Act, I am cosponsoring this bill because I believe that it raises important issues that Congress must soon address if we are to assure the health and competitiveness of America's financial services providers both at home and in the increasingly important international financial services marketplace.●

ADDITIONAL COSPONSORS

S. 30

At the request of Mr. WIRTH, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 30, a bill to require for certain requirements relating to the convention of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes.

S. 120

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New York [Mr. MOYNIHAN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from California [Mr. WILSON], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 329

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 329, a bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security.

S. 375

At the request of Mr. HOLLINGS, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Nevada [Mr. REID], the Senator from Nevada [Mr. BRYAN], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 375, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 382

At the request of Mr. GRAHAM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 382, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 435

At the request of Mr. REID, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 441

At the request of Mr. GRAHAM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 441, a bill to amend the Immigration and Nationality Act to make available funds to reimburse localities which are impacted by substantial increases in aliens applying for political asylum.

S. 458

At the request of Mr. DECONCINI, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 458, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 51

At the request of Mr. WILSON, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the month of April 1989, as "National Cancer Awareness Month."

SENATE JOINT RESOLUTION 62

At the request of Mr. ARMSTRONG, the names of the Senator from Missouri [Mr. BOND], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from California [Mr. WILSON], and

the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 62, a joint resolution designating May 1989 as "National Stroke Awareness Month."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare program.

SENATE RESOLUTION 61

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 61, a resolution expressing the sense of the Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX codevelopment fighter program.

SENATE RESOLUTION 63

At the request of Mr. SYMMS, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Resolution 63, a resolution expressing the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel shall not be increased to reduce the Federal deficit.

SENATE RESOLUTION 77—RELATING TO THE RETIREMENT OF WILLIAM D. MOHR

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, on March 31, 1989, William D. Mohr will retire from service as Senior Official Reporter of Debates after 23 years;

Whereas, "Bill" has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on April 18, 1966;

Whereas, he has devoted 15 years to instilling his expertise in the exactitude demanded in the daily preparation of the Congressional Record in new staff members;

Whereas, since the inception of the Record the daily proceedings of the United States Senate have been reported using pen shorthand, and with the retirement of William D. Mohr, as the United States Senate's last pen shorthand reporter, comes the end of an era; and

Whereas, William D. Mohr has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of impeccable service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to William D. Mohr for his years of faithful and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to William D. Mohr.

SENATE RESOLUTION 78—RELATING TO THE RETIREMENT OF LEE H. "JIM" TIMBERLAKE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas, Lee H. "Jim" Timberlake has faithfully served the United States Senate as Editor of the Daily Digest of the Congressional Record during the past 8 years;

Whereas, prior to that Jim rendered exemplary service in the Office of the Official Reporters of Debates of the United States Senate for 19 years;

Whereas, during this 27-year period, he has at all times discharged the difficult duties and responsibilities of his office with extraordinary efficiency aplomb, and devotion; and

Whereas, Jim Timberlake's service to the Senate has been marked by his personal commitment to the highest standards of excellence: Now, therefore, be it

Resolved, That Lee H. "Jim" Timberlake be and hereby is commended for his outstanding service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Lee H. Timberlake.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Tuesday, March 7, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. FOWLER. Mr. President, I ask unanimous consent that the Subcommittee on Labor, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, March 7, 1989, at 9:30 a.m. to conduct a hearing on the Employee Health and Safety Whistleblower Protection Act, S. 436.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FOWLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 7, 1989, at 10:30 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN SUPPORT OF U.N. HUMAN RIGHTS COMMISSION INVESTIGATION OF ROMANIA

● Mr. LAUTENBERG. Mr. President, I rise to bring to my colleagues' attention that on March 3 at the U.N. Commission on Human Rights' annual meeting in Geneva, the Swedish Government introduced a resolution which called for the appointment of a special rapporteur to investigate Romanian human rights practices.

I commend Sweden for introducing this resolution, and Austria, Australia, France, England, Hungary, and Portugal for cosponsoring it. It is my understanding that the United States has been lobbying for the Swedish resolution and informally supporting it since it was circulated in draft form in the beginning of February. The United States did not cosponsor this resolution because Sweden did not want our cosponsorship. We believed that our support was more helpful when given informally.

It is especially noteworthy that not only did Hungary, Romania's ally in the Warsaw Pact, cosponsor this resolution, but prior to its introduction, the Hungarian State Secretary for Foreign Affairs, Mr. Gyula Horn, actually called Romania to account for its serious human rights violations against the 2½ million ethnic Hungarians in Romania, and demanded a U.N. investigation of human rights abuses in that country. It is the first time one Warsaw Pact country has either denounced another in front of the Human Rights Commission or demanded a formal inquiry.

Horn specifically denounced the repression of the Hungarian ethnic minority in Romania and the wholesale destruction of villages to facilitate a forced industrialization program ordered by Romanian leader Ceausescu. He also criticized the denial of religious freedom and the forced assimilation of minorities. These policies, he asserted, have caused some 15,000 Romanians to seek asylum in Hungary.

Mr. President, this issue is nothing new for those of us who have followed Romania's sorry human rights record, and in particular, its abuse of the ethic Hungarian minority. Indeed, the Senate has already expressed its condemnation of Romania human rights practices through its support for revocation of Romania's most-favored-nation status, and its passage of a resolution condemning President Ceausescu's plans to destroy ethnic Hungarian villages.

Last year, I introduced Senate Resolution 461, which put the Senate on record in opposition to President Ceausescu's plans to destroy more than half of Romania's traditonal folk

villages, greatly damaging the Hungarian and German minorities who largely populate them. President Ceausescu's actions violate the human rights, minority cultural rights, and property rights of the affected Romanians, and also dilute the cultural identity of the two major ethnic minorities in Romania—Hungarians and Germans.

The resolution, which passed the Senate unanimously, took note of Romania's continuing abysmal record on human rights in general, and urged the President and the Secretary of State to continue to press the Romanian Government for meaningful reforms.

Unfortunately, President Ceausescu's razing of Romania's villages is not surprising in Ceausescu's Romania, which already suppresses the study and teaching of the Hungarian language, limits Hungarian language publications, and has institutionalized widespread discrimination against ethnic Hungarians, all in violation of its obligations under the Helsinki accords and other international human rights agreements.

His razing of these villages is only one part of an overall pattern in which the Romanian Government continues to violate the human rights of its citizens. It has a sad history of denying ethnic minorities, among them 2.5 million Hungarians, Germans, Serbs, Croatians, Saxons, and Ukrainians, the right to preserve their unique cultural heritage and native language, and the right of their children to be educated in their native tongue.

The Romanian Government also continues to interfere with freedom of religion, harassing intimidating, and arresting religious believers for as little as possession of Bibles, and destroying places of worship. Romania's human rights policies have not shown improvement despite congressional votes 2 years ago to strip Romania of its most-favored-nation trading status.

The consequences of Ceausescu's actions have been increased emigration from Romania and a deterioration of relations between its closest neighbor and Warsaw Pact ally, Hungary. Because of President Ceausescu's actions in this matter, and because of his other abuses of the Hungarian minority, more than 30,000 Romanian citizens, roughly 10 percent of whom are reportedly ethnic Romanians, have fled that country and sought refuge in neighboring Hungary since last summer. This is an exodus of unprecedented magnitude.

It is high time that Romania's miserable human rights record be subjected to the international scrutiny that results from an investigation by the U.N. Commission on Human Rights, and I am proud that the United States is supporting that action.

I ask that a copy of the statement by Ambassador Jan Romare, head of the Swedish delegation to the U.N. Commission on Human Rights, a copy of the Swedish resolution, be included in the RECORD following my remarks.

The statement follows:

STATEMENT BY THE HEAD OF THE SWEDISH DELEGATION, AMBASSADOR JAN ROMARE, ON MARCH 3, 1989

Mr. Chairman, in his statement to the Commission last week, the Swedish Minister for Foreign Affairs made clear the importance the Swedish Government attaches to the machinery of rapporteurs, representatives or working groups to observe developments either in specific countries or with regard to specific violations of human rights, wherever they occur. He also underlined that the credibility of this Commission requires that attention and scrutiny be directed at all situations of serious human rights violations and that in doing so, the Commission is not primarily concerned with condemning a government for its performance. Our purpose must be to help the victims of human rights violations.

Mr. Chairman, human rights and fundamental freedoms are violated in all parts of the world, also on my own continent, Europe.

Europe today is a continent in the process of great and significant change, developments which, not least, involve a renewed consciousness, and strengthening of the respect of human rights. It is a cause for great satisfaction and expectation.

However, Romania is a country which remains aloof to these developments.

Many speakers have commented on the human rights situation in Romania before the Commission at this session.

In general terms that situation can be described as one of massive repression, where everyone, except for a few at the top, is denied his or her most fundamental freedoms such as those of opinion, expression and conscience, by a huge apparatus that probes into the privacy of individuals.

In Romania you need official permission to have a typewriter because a typewriter can make copies of words that may displease the Government.

In Romania you need special permission to travel abroad. Your application for such permission may be turned down and you will be marked down as politically unreliable for having applied. Harassments usually follow.

Romania is not a rich country. It is poor, although with the resources of rich agriculture. It is not so poor, however, that it should have to keep its population near starvation. But that is the effect of an economic policy which no one in the country may question.

The Romanian Government has presented a programme for village systematization which would include the destruction of thousands of villages, hence also the destruction of cultural values and long-standing traditions, and the enforced relocation of their inhabitants. The Government has stayed its hand, partly, it seems, under the pressure of international opinion. International opinion, therefore, must continue to make itself felt for we believe that the programme has by no means been abandoned.

The rights of individuals belonging to national minorities in Romania are increasingly being curtailed.

Mr. Chairman, in Romania there is no civil unrest to explain why the authorities see fit to employ their repressive apparatus. The widespread misery has not caused major demonstrations, not because people are contented but simply because demonstrations of this kind are not allowed. Such expressions of discontent as have occurred were silenced by strong violence.

The human rights violations in Romania are the wilful act of its Government. Other governments have tried to reason with the Romanian Government, but that government will not listen.

For these various reasons, Mr. Chairman, my delegation has the honour to introduce a draft resolution on the human rights situation in Romania, contained in document no L.76. This draft resolution is introduced on behalf of the delegations of Australia, Austria, France, Hungary, Portugal, the United Kingdom of Great Britain and Northern Ireland, as well as the delegation of Sweden.

The draft resolution refers to some general points I have made. It refers also to the fact that Romania is a party to the two International Convenants on human rights. Finally, the Commission would, according to this draft resolution, decide "to request its Chairman, after consultation with the Bureau, to appoint a Special Rapporteur of the Commission with the mandate to examine the human rights situation in Romania."

Thank you, Mr. Chairman.

AGENDA ITEM 12

HUMAN RIGHTS SITUATION IN ROMANIA

THE COMMISSION ON HUMAN RIGHTS

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligations they have undertaken under the relevant international instruments,

Concerned at the allegations of serious violations of human rights and fundamental freedoms in Romania,

Noting that Romania is a party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights,

Reaffirming the essential task of the United Nations to ensure the observance, promotion and strengthening of human rights among Member States,

1. *Expresses its concern* at the allegations of serious violations of human rights and fundamental freedoms in Romania,

2. *Notes* that the Romanian Government's policy of rural systematization, which involves forcible resettlement and affects long-standing traditions, would, if implemented, lead to a further violation of the human rights of large sectors of the population,

3. *Notes further* that widespread expressions of international concern have contributed to a change of presentation of this policy;

4. *Expresses its concern* at the imposition of increasingly severe obstacles for Romania's national minorities to maintain their cultural identity;

5. *Notes* with concern that nationals of Romania have sought and continue to seek protection and refuge in neighboring countries for reasons related to the serious violations of their human righs;

6. *Urges*, the Romanian Government to abide by its international obligations under the Covenants;

7. *Decides* to request its Chairman, after consultation with the Bureau, to appoint a Special Rapporteur of the Commission with the mandate to examine the human rights situation in Romania;

8. *Authorizes* the Special Rapporteur to seek relevant information from the Government of Romania, specialized agencies, inter-governmental and non-governmental organizations:

9. *Requests* the Special Rapporteur to report to the forty-sixth session of the Commission;

10. *Urges* the Government of Romania to extend its co-operation to the Commission and its Special Rapporteur;

11. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

12. *Decides* to continue its consideration of the human rights situation in Romania at its forty-sixth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world".●

CONGRESSIONAL DELEGATION TO EMPEROR'S FUNERAL

● Mr. MURKOWSKI. Mr. President, during the week of February 20, I was absent from the Senate because of my participation as a member of the congressional delegation to the funeral of Emperor Hirohito of Japan. I considered it a great honor to be asked by the distinguished majority and minority leaders to represent the Congress at this important event, along with my colleagues Senator CRANSTON, House Majority Leader TOM FOLEY, and Congresswoman PATRICIA SAIKI.

It was extremely significant that President Bush, so early in his administration, decided that he would personally lead the official U.S. delegation to the funeral. His decision served to underscore the significant role United States relations with Japan will have in the Bush administration. I might add that the citizens of my home State of Alaska were happy to welcome the President and the First Lady during their brief stopover while enroute to Japan.

The United States congressional delegation's participation in the funeral ceremonies was also warmly received by the Japanese people as a signal that the Congress too, places a high priority on strengthening our ties with Japan.

As a Member of this body who has had a longstanding interest and association with Japan, it was a great honor for me to represent the Senate at this juncture in Japan's history.●

ANTI-APARTHEID ACT AMENDMENTS OF 1989

● Mr. SIMON. Mr. President, last Friday, March 3, I introduced S. 507, the Anti-Apartheid Act Amendments of 1989. Due to an oversight, the text of S. 507 did not appear in the March 3 RECORD. I ask that the full text of S. 507 with accompanying statements by me, Senator CRANSTON, and Senator KENNEDY be inserted in the RECORD.

The material follows:

ANTI-APARTHEID ACT AMENDMENTS OF 1989

● Mr. SIMON. Mr. President, today I am introducing with my colleagues Senator KENNEDY, Senator CRANSTON, and Senator GORE the Anti-Apartheid Act Amendments of 1989 calling for comprehensive sanctions against South Africa. This is identical to the bill introduced by Representative RON DELLUMS, H.R. 21. We believe that this measure—which includes a trade embargo and strong disinvestment provisions—continues to represent the most meaningful way of exerting pressure on the South African Government for peaceful change and the emergence of justice in that country.

Just 1 year ago South Africa banned 17 key antiapartheid organizations and significantly restricted the activities of the largest trade union federation, the Congress of South African Trade Unions. During the past year alone more than 30 organizations have been banned.

We have also seen, in the Delmas Trial convictions, a judiciary in South Africa that is willing to convict antiapartheid leaders for their peaceful protest against apartheid. That is something we do not understand here in the United States. And when angry, victimized people cannot even express their views freely, violence becomes more and more inevitable. Even the religious community, which is now the single most important public antiapartheid voice, faces intimidation and threats.

Nelson Mandela and nearly all other political prisoners have yet to be released. The Government continues its efforts to gag and silence the press. And the state of emergency continues. The recent Tripartite Agreement among South Africa, Angola, and Cuba, which will bring independence to Namibia, was a significant step toward peace in that region. I applaud the South African Government for their participation in the agreement. I welcome meaningful efforts for peace in that troubled region and commend all the parties to the agreement for this achievement and for finally opening the way for Namibian independence. But that in no way substitutes for the need to address the central question of how apartheid in South Africa is going to end. We want that change to be peaceful. And both internal and external pressures are critical to bringing the South African Government and the real black leaders together for serious talks on ending apartheid.

I hope that we can develop a greater consensus here in the Senate for an effective and vigorous policy on South Africa and that we can encourage more productive cooperation between Congress and the new administration.

It is essential that this cooperative approach include efforts on the part of the administration to follow through on multilateral measures that may be taken to undermine apartheid. The Comprehensive Anti-Apartheid Act of 1986 anticipated this important component to our own efforts. At the United Nations, we need to introduce our own sanctions and promote them, not vote against them. We need to provide active leadership in the international community for concerted action against apartheid. As chairman of the Senate Foreign Relations Subcommittee on African Affairs, I plan to introduce, in the near future, a resolution to urge the administration to move on the multilateral front, to press South Africa's other major trading partners—Japan, West Germany, the United Kingdom, France, and Italy—to join in our own sanctions and to agree on other measures designed to bring about peaceful change in South Africa.

The community of nations is watching with great interest what steps a new United States administration and a new Congress will take on the question of apartheid in South Africa. We await change in South Africa, and look for hopeful signs, but there are few. But this is clear: The world is today more ready to follow our lead in pressing for peaceful change in South Africa.●

Mr. CRANSTON. Mr. President, today I am pleased to join with my colleagues Senators SIMON and KENNEDY in introducing legislation designed to combat the evils of apartheid in South Africa.

This legislation is necessary because the 1986 comprehensive sanctions bill did not go far enough in pressing for an end to the abhorrent system of apartheid. The South African regime has managed to circumvent several provisions of that law by exploiting loopholes; other provisions have suffered because of weak enforcement by the administration. Additionally, other nations have profited by U.S. sanctions because the President did not pursue a multilateral strategy for opposing apartheid, as Congress recommended.

In the meantime, repression in South Africa has grown worse, although a near total press blackout has concealed much of the ravages of increasing oppression:

Virtually all avenues for peaceful dissent have been foreclosed.

Thousands of apartheid opponents have been detained.

Many hundreds of these have been children. Many have been tortured.

Virtually all organizations, including church and labor groups, who have

questioned apartheid, have been banned.

Opponents of the regime are bombed at home and murdered abroad.

We must therefore act. Indeed, we are now obligated by law to take the necessary next step to curb sharply our economic relations with the South African regime. The Comprehensive Anti-Apartheid Act of 1986 called for additional measures if substantial progress was not made within a year. And the situation is far from improved—it has in fact grown considerably worse. This legislation will take that required next step. These measures will close the loopholes, broaden the scope of the sanctions, and require negotiations with other industrialized democracies to ensure a strong, multilateral approach to opposing apartheid.

The choice of whether or not to do business with the racist regime in South Africa is a moral one. We must choose the path that demonstrates America has an unshakable commitment to the forces of democracy.

There are important strategic concerns involved as well. We must develop a strong relationship with black leaders who will one day have a strong voice in governing South Africa. And we must try to convince the white minority that we will resume normal relations once progress is achieved, and that we seek to protect their political rights under majority rule. Our commitment must be to human rights, freedom, and democracy for all South Africans, black and white.

Mr. KENNEDY. Mr. President, I am pleased to join Senators SIMON, CRANSTON, and GORE in reintroducing a bill that will once again place the United States in the forefront of efforts to end apartheid in South Africa; the Anti-Apartheid Act Amendments of 1989.

Nearly 2 years have passed since Congress overrode President Reagan's veto and made the Comprehensive Anti-Apartheid Act of 1986 the law of this land. That bill became America's first truly effective step in ending racism in South Africa. Today, with the introduction of this legislation, Congress begins the next step in that worldwide struggle.

When it passed the 1986 sanctions bill, Congress made clear its intention to move forward with additional sanctions if the Government of South Africa failed to make substantial progress toward ending apartheid. Over the last 2 years, the Botha government has abandoned all pretense of reform; it has renewed the state of emergency, it has banned opposition organizations and individuals. It continues its ruthless aggression against its neighbors and shows blatant disregard for human rights and the rule of law. Clearly, the time has now come for additional sanctions.

As the groundbreaking study, uprooting poverty, has demonstrated, black South Africans live in worse conditions than their brothers and sisters in the rest of black Africa. For instance, infant mortality of blacks in South Africa is higher than that in many other African nations, including Botswana, Zimbabwe, Kenya, the Congo, and Zambia. In measuring economic inequality, South Africa has the worst disparity of any of the 57 countries in the world for which data are available. When it comes to economic injustice, South Africa has the most shameful record in the world. Apartheid's pass laws, artificial homelands, the group areas act, and the forced removals make apartheid a daily living nightmare for black men, women, and children in South Africa.

There are those who say that comprehensive sanctions have not worked and will not work, and that they will only harden the resistance to change inside South Africa. But in 40 years of silence, throughout the years of cooperation, maintenance of the status quo, and years of constructive engagement, apartheid has not ended. Our modest sanctions over the last 2½ years have not worked, because they do not go far enough and because there has been no international cooperation in the effort to end apartheid. In fact, the United States has repeatedly vetoed the efforts in the United Nations to isolate the regime in Pretoria.

Apartheid will only be ended with a clear, consistent, and concerted policy of all nations working together to apply the full range of political, diplomatic, and economic pressure against the South African regime.

The American people have always cherished freedom and human dignity. We share a responsibility to protect civil rights and promote the rule of law. Let us hope that, as one of his first steps in foreign policy, President Bush will reverse the drift of complacency regarding South Africa of the past 8 years. I urge the administration to put the United States Government at the forefront of the struggle against apartheid by lending its full support to this legislation.

We are now in a new Congress, in a new administration, and it is time to take new steps against apartheid. I urge my colleagues to put the United States on the right side of history and justice in South Africa by supporting this important legislation.

The text of S. 507, the Anti-Apartheid Act Amendments of 1989, is as follows:

S. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Anti-Apartheid Act Amendments of 1989".

(b) REFERENCES.—References in this Act to "the Act" are to the Comprehensive Anti-Apartheid Act of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—SANCTIONS AGAINST INVESTMENT IN, AND EXPORT TO, SOUTH AFRICA AND OTHER MEASURES (EXCEPT IMPORT RESTRICTIONS) TO END APARTHEID

PART A—AMENDMENTS TO THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986 AND OTHER LAWS

Sec. 101. Prohibitions on investment in South Africa.
Sec. 102. Prohibition on exports to South Africa.
Sec. 103. Repeal of certain provisions of the Act; Definitions.
Sec. 104. Prohibition on United States intelligence and military cooperation with South Africa.
Sec. 105. Prohibition on nuclear assistance to South Africa.
Sec. 106. Independence of Namibia.
Sec. 107. Penalties.
Sec. 108. Coordinator of South Africa sanctions; inter-agency coordinating committee on South Africa.
Sec. 109. Measures to assist victims of apartheid.
Sec. 110. Assistance for disadvantaged South Africans.
Sec. 111. Restrictions regarding involvement in the South African energy sector.

PART B—POLICY STATEMENTS; REPORTS; STUDIES; AND OTHER MISCELLANEOUS PROVISIONS

Sec. 121. Sense of Congress regarding antitrust investigation of South African diamond cartel, study of diamond origins, and enforcement of prohibition on importation of South African diamonds into the United States.
Sec. 122. Sense of Congress regarding South African consulates and approval of visas.
Sec. 123. Study of measures to reduce South Africa's foreign exchange earnings from gold.
Sec. 124. Report on South Africa's involvement in international terrorism.

TITLE II—SANCTIONS AGAINST SOUTH AFRICAN IMPORTS INTO THE UNITED STATES

Sec. 201. Prohibitions on imports from South Africa.
Sec. 202. Multilateral measures, including import restrictions, to dismantle apartheid.
Sec. 203. Referral in the House of joint resolutions pertaining to import restrictions.
Sec. 204. Reports on United States imports from member states of the Council for Mutual Economic Assistance.
Sec. 205. Program to reduce dependence upon importation of strategic minerals from South Africa.
Sec. 206. Preventing circumvention of United States import restrictions.

TITLE III—GENERAL PROVISIONS
Sec. 301. Technical and Conforming Amendments.
Sec. 302. Effective date.
TITLE I—SANCTIONS AGAINST INVESTMENT IN, AND EXPORTS TO, SOUTH AFRICA AND OTHER MEASURES (EXCEPT IMPORT RESTRICTIONS) TO END APARTHEID
PART A—AMENDMENTS TO THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986 AND OTHER LAWS
SEC. 101. PROHIBITIONS ON INVESTMENT IN SOUTH AFRICA.
(a) PROHIBITIONS ON INVESTMENT.—Effective 180 days after the date of the enactment of this Act, section 301 of the Comprehensive Anti-Apartheid Act of 1986 (hereafter in this Act referred to as "the Act") is amended to read as follows:
"PROHIBITION ON INVESTMENT IN SOUTH AFRICA
"SEC. 301. (a) Subject to subsections (b) and (c), a United States person may not purchase, acquire, own, or hold any investment in South Africa.
"(b) The prohibition under subsection (a) shall not apply to any investment in a business enterprise owned and controlled by South Africans economically and politically disadvantaged by apartheid where such business enterprise is and continues to be not less than 90 percent owned by, and under the control of, South Africans economically and politically disadvantaged by apartheid.
"(c)(1) Notwithstanding subsection (a), any individual described in paragraph (2), may continue to own and hold investments in South Africa during any period and to the extent that such investments are considered South African emigrant non-resident assets and subject to restrictions on their transfer or disposition under the exchange control regulations of the Government of South Africa (promulgated pursuant to the Currency and Exchange Act of 1933 and as in effect on June 2, 1988) which limit the ability of such an individual to comply with the prohibitions under subsection (a).
"(2) An individual, for purposes of paragraph (1), is an individual who, on the date of the enactment of the Anti-Apartheid Act Amendments of 1989, is—
"(A) a former citizen or resident of South Africa; and
"(B)(i) a citizen of the United States; or
"(ii) an alien lawfully admitted for permanent residence in the United States.".
(b) WAIVER.—A person affected by the prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)) may apply to the President for a one-time waiver of the prohibition. With respect to any applicant, the President may waive the application of section 301 for not more than 180 days after such section takes effect. Such waiver may be granted only for good cause. During any period of waiver under this subsection, the provisions of the Comprehensive Anti-Apartheid Act of 1986 as in effect before the date of the enactment of the Anti-Apartheid Act Amendments of 1989 shall apply and the President may not waive any such provision.
(c) NEGOTIATIONS WITH EMPLOYEE ORGANIZATIONS REGARDING TERMINATION OF INVESTMENT.—(1) A controlled South African entity, subject to the investment prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)), that employs more than 24 South Africans economically and politically disadvantaged by apartheid—
(A) shall notify all such South African employees and their employee organizations of a termination of investment not less than 90 days prior to such termination; and
(B) shall enter into good faith negotiations with trade unions representing such disadvantaged South Africans (or with other representative worker organizations if there are no such unions) regarding the terms of a termination.
(2) Negotiations under paragraph (1)(B) shall include discussions and agreements concerning pension benefits; relocation of employees; continuation of existing union recognition agreements; severance pay; and acquisition of the terminated business or the business assets by entities representing South Africans economically and politically disadvantaged by apartheid including trade unions, union-sponsored workers' trusts, other representative worker organizations, and employees.
SEC. 102. PROHIBITION ON EXPORTS TO SOUTH AFRICA.
Effective 180 days after the date of the enactment of this Act, section 303 of the Act is amended to read as follows:
"PROHIBITION OF EXPORTS TO SOUTH AFRICA FROM THE UNITED STATES
"SEC. 303. (a) No goods or technology subject to the jurisdiction of the United States may be exported, or re-exported, to South Africa. No goods or technology may be exported, or re-exported, to South Africa by any person subject to the jurisdiction of the United States.
"(b) The prohibitions under subsection (a) shall not apply to—
"(1) publications, including books, newspapers, magazines, films, television programming, phonograph records, video and audio tape recordings, photographs, microfilm, microfiche, posters, and similar materials;
"(2) donations of articles intended to relieve human suffering, such as food, clothing, and medicine and medical supplies intended strictly for medical purposes;
"(3) commercial sales of agricultural commodities and products; and
"(4) goods and technology for use in the gathering or dissemination of information by news media organizations subject to the jurisdiction of the United States which provide an assurance to the Secretary of State that such goods and technology will not be used, leased, sold, or transferred to any South African entity.
"(c) The prohibitions under subsection (a) shall not apply to any goods that are the direct product of technology of United States origin under a written agreement entered into on or before April 20, 1988, and that are exported prior to the date which is one year after the date of the enactment of the Anti-Apartheid Act Amendments of 1989.
"(d) The prohibitions under subsection (a) shall not apply to—
"(1) economic assistance or human rights programs for disadvantaged South Africans, South African blacks or other nonwhite South Africans, or victims of apartheid in South Africa pursuant to the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any other provision of law authorizing economic or human rights assistance programs; and
"(2) contributions to charitable organizations engaged in social welfare, public health, religious, educational, and emergency relief activities in South Africa.".
SEC. 103. REPEAL OF CERTAIN PROVISIONS OF THE ACT; DEFINITIONS.
"(a) REPEAL OF CERTAIN PROVISIONS OF THE ACT.—Effective 180 days after the date of the enactment of this Act, the Comprehensive Anti-Apartheid Act of 1986 is amended—
(1) in title I by striking section 110;
(2) in title II—
(A) by striking sections 207 and 212; and
(B) by redesignating section 211 as section 207;
(3) in title III—
(A) by striking sections 304, 309, 310, 317, 318, 319, 320, 321, and 323;
(B) by redesignating section 315 as section 309; and
(C) by redesignating section 316 as section 310.
(b) DEFINITIONS.—
(1) Paragraphs (3) and (4) of section 3 of the Act are amended to read as follows:
"(3) the term 'investment in South Africa' means—
"(A) a commitment of funds or other assets (in order to earn a financial return) to a South African entity, including—
"(i) a loan or other extension of credit made to a South African entity, or security given for the debts of an entity;
"(ii) the beneficial ownership or control of a share or interest in a South African entity, or of a bond or other debt instrument issued by such an entity; or
"(iii) capital contributions in money or other assets to a South African entity; or
"(B) the control of a South African entity in cases in which subparagraph (A) does not apply;
"(4) the term 'loan'—
"(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—
"(i) overdrafts;
"(ii) currency swaps;
"(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act;
"(iv) the purchase of a loan made by another person;
"(v) the sale of financial assets subject to an agreement to repurchase;
"(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity;
"(vii) short-term trade financing, as by letters of credit or similar trade credits;
"(viii) sales on open account in cases where such sales are normal business practice; and
"(ix) rescheduling of existing loans; and
"(B) does not include, a loan for which an agreement was entered into before April 20, 1988, so long as such a loan is maintained under the terms in effect on such date;".
(2) Section 3 of the Act is further amended by—
(A) striking "and" after the semicolon in paragraph (8)(B);
(B) striking the period at the end of paragraph (9) and inserting a semicolon; and
(C) adding at the end of such section the following:
"(10) the terms 'United States person' and 'person subject to the jurisdiction of the United States' mean—
"(A) any person, wherever located, who is a citizen or resident of the United States;
"(B) any person actually within the United States;

"(C) any entity organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

"(D) any partnership, association, corporation, or other organization, wherever organized or doing business, that is owned or controlled by persons specified in subparagraphs (A), (B), or (C) of this paragraph;

"(11) the terms 'goods' and 'technology' have the meanings given such terms by section 16 of the Export Administration Act of 1979;

"(12) the term 'goods subject to the jurisdiction of the United States' includes goods that are the direct product of technology of United States origin; and

"(13) the term 'foreign person'—

"(A) means any person who is not a United States person or subject to the jurisdiction of the United States, and

"(B) does not include any government or any agency or other entity or instrumentality thereof (including a government-sponsored agency) unless any such agency, entity, or instrumentality is a business enterprise.".

"(3) The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

SEC. 104. PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA.

(a) AMENDMENT TO COMPREHENSIVE ANTI-APARTHEID ACT OF 1986.—The Act is amended by striking section 322 and adding after section 303 the following new section:

"PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA

"SEC. 304. (a)(1) No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of South Africa (specifically including the authorities administering Namibia so long as Namibia is illegally occupied).

"(2) The prohibition under paragraph (1) may not be construed to affect the collection of intelligence under any circumstances which do not involve any form of cooperation, direct or indirect, with the Government of South Africa.

"(b) No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa.

"(c) The prohibitions of this section shall not apply to the conduct of diplomatic activities or to intelligence information concerning the military activities or equipment in southern Africa of Cuban military forces or of another Communist country acting in concert with Cuban military forces.

"(d) Funds authorized to be appropriated or otherwise made available by the Congress (including funds specified in a classified schedule of authorizations or appropriations) may not be obligated or expended by any agency or entity of the United States for any expenses related to any cooperation prohibited by this section.

"(e) Consistent with the objections of this section it is the sense of the Congress that the President should not—

"(1) assign or detail any member of the United States Armed Forces to serve as, or otherwise perform the functions of, a defense (or military) attache in South Africa; or

"(2) accredit any individual to serve as, or otherwise perform the functions of, a defense (or military) attache at a South African diplomatic mission in the United States.".

"(b) AMENDMENT TO INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1987.—Section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569) is hereby repealed.

SEC. 105. PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA.

Section 307 of the Act is amended to read as follows:

"PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA

"Sec. 307. Notwithstanding any other provision of law, the Secretary of Energy shall not, under section 57b. (2) of the Atomic Energy Act of 1954, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa.".

SEC. 106. INDEPENDENCE OF NAMIBIA.

(a) ADDITIONAL MEASURE FOR TERMINATION OF CERTAIN PROVISIONS OF THE ACT.—Section 311 of the Act is amended—

(1) in subsection (a)—

(A) by inserting "402(a)," before "501(c)" in the matter preceding paragraph (1),

(B) in paragraph (4) by striking "and" after the semicolon,

(C) in paragraph (5) by striking the period and inserting "; and", and

(D) by adding after paragraph (5) the following new paragraph:

"(6) ends the illegal occupation of Namibia and implements United Nations Resolution 435 which calls for the independence of Namibia."; and

(2) in subsection (b)—

(A) by inserting "402(a)," before "501(c)", and

(B) by amending paragraph (2) to read as follows:

"(2) taken four of the five actions listed in paragraphs (2) through (6) of subsection (a), and".

(b) POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA.—Section 101(b) is amended—

(1) in paragraph (5) by striking "and" after the semicolon;

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding after paragraph (6) the following new paragraph (7):

"(7) end South Africa's illegal occupation of Namibia and implement United Nations Resolution 435 which calls for the establishment of an independent Namibia.".

SEC. 107. PENALTIES.

(a) GENERAL PROVISION.—Section 603(b) of the Act is amended to read as follows:

"(b) Except as otherwise provided in this section—

"(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of $50,000;

"(2)(A) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000;

"(B) any person, other than an individual, that knowingly violates the provisions of this Act, or any regulations, license, or order issued to carry out this Act shall be fined in accordance with title 18, United States Code;

"(3)(A) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both;

"(B) any individual who knowingly violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be imprisoned not more than 5 years, fined in accordance with title 18, United States Code, or both; and

"(4) any individual who violates section 302(d)(1) or any regulations issued to carry out that section shall be fined in accordance with title 18, United States Code.".

(b) OTHER PENALTIES.—Section 603(c) of the Act is amended—

(1) in paragraph (1) by striking "not more than $10,000," and inserting "in accordance with title 18, United States Code,"; and

(2) in paragraph (2) by striking "section 301(a)" and inserting "section 302(d)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 108. COORDINATOR OF SOUTH AFRICA SANCTIONS; INTERAGENCY COORDINATING COMMITTEE ON SOUTH AFRICA.

The Act is amended by adding after section 606 the following new sections:

"COORDINATOR OF SOUTH AFRICA SANCTIONS

"Sec. 607. (a) There is established within the Department of State a coordinator of South Africa sanctions who shall be responsible to the Secretary of State for matters pertaining to the implementation of sanctions against South Africa, in accordance with the provisions of this section.

"(b) The Secretary of State, through the coordinator of South Africa sanctions, shall—

"(1) lead and coordinate all executive agency activities concerning monitoring of compliance with, and enforcement of, this Act;

"(2) lead and coordinate monitoring by appropriate executive agencies of other countries' trade and financial flows with South Africa (including economic relations which may undermine the effect of United States sanctions);

"(3) assist the Department of Commerce, the Department of the Treasury, and appropriate intelligence and other agencies in carrying out the functions of such agencies under paragraphs (1) and (2); and

"(4) annually prepare and submit, on February 1 of each year after 1990, a comprehensive report to the Congress which—

"(A) describes specific actions taken during the preceding year by each affected executive agency to monitor compliance with, and enforce, the provisions of this Act;

"(B) describes the trade and financial flows (by commodity, activity, total volume, and value) during the preceding year between South Africa and each of its trading and financial partners, including economic relations which may be subject to penalties under section 402;

"(C) includes the information required under section 402(b)(3);

"(D) describes the resolution utilized by the coordinator, the Department of State, and other executive agencies in carrying out their functions under this Act in the preceding year, including an evaluation of whether such resources were adequate; and

"(E) provides any recommendations of the Secretary of State for improving the effectiveness of the coordinator.

"(c) In carrying out the functions under subsection (b), the coordinator shall place particular emphasis on activities related to strategically important trade in oil, coal, computers, specialized machinery and arms, and to financial credits.

"INTERAGENCY COORDINATING COMMITTEE ON SOUTH AFRICA

"SEC. 608. (a) There is established an Interagency Coordinating Committee on South Africa. The Committee shall coordinate and monitor implementation of the Act.

"(b) The committee shall be composed of—

"(1) the Secretary of State,

"(2) the Secretary of the Treasury,

"(3) the Secretary of Defense,

"(4) the Secretary of Commerce,

"(5) the Secretary of Agriculture,

"(6) the Attorney General,

"(7) the United States Trade Representative, and

"(8) such other heads of executive agencies with functions under this Act as the President considers appropriate.

The Secretary of State shall be the chairperson of the Committee.".

SEC. 109. MEASURES TO ASSIST VICTIMS OF APARTHEID.

(a) EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY.—Section 203 of the Act is amended—

(1) by striking subsection (b);

(2) in subsection (c) by striking "50" and inserting "90"; and

(3) by redesignating subsection (c) as subsection "(b)".

(b) EXPORT-IMPORT BANK OF UNITED STATES.—Effective October 1, 1990, section 2(b)(9)(B) of the Export Import Bank Act of 1945 is amended by striking "majority owned" both places it appears and inserting "90 percent owned and controlled".

(c) CODE OF CONDUCT.—

(1) Section 208 of the Act is amended—

(A) by striking subsections (b), (c), (d), and (e);

(B) by striking "(a)" after the section designation; and

(C) by striking "sections 203, 205, 207, and 603" and inserting "section 205".

(2) Section 603 of the Act is amended by striking subsection (d).

(d) EFFECTIVE DATE.—The provisions of this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 110. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 535(a) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (1) to read as follows:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter and any other economic development assistance activities under the Foreign Assistance Act of 1961, for the fiscal year 1990 and each fiscal year thereafter, shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on nonracial principles. Such activities may include scholarships (including scholarships for study in the health care professions and the health sciences), assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs, and training and other assistance (including legal aid in challenging government media restrictions) for South African journalists.".

(2) in paragraph (2) by striking "programs for South Africa's trade unionists." and inserting "and other support programs (including legal assistance) for trade unions in South Africa and Namibia, including COSATU (Congress of South African Trade Unions), NACTU (National Council of Trade Unions), and NUNW (National Union of Namibian Workers), their affiliates, and other viable unions in order to develop a balanced assistance program which is representative of the trade union movement."; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) Not less than $4,000,000 of the amounts provided for each fiscal year pursuant to this subsection shall be available for programs of refugee education and assistance for South Africans and Namibians.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1989.

SEC. 111. RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR.

(a) RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR.—The Act is amended by adding after section 314 the following new section 315:

"RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR

"SEC. 315. (a) A United States person may not, directly or through an affiliate, provide transport to South Africa of a commercial quantity of crude oil or refined petroleum products. The prohibition under this subsection includes transport on a vessel of United States registry and transport on a vessel owned, directly or indirectly, by a United States person.

"(b)(1) Effective 180 days after the date of the enactment of this subsection, the Secretary of the Interior may not issue any lease pursuant to the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, the Outer Continental Shelf Lands Act, or the Geothermal Steam Act of 1970 to any national of the United States which is controlled by, or under common control with, any foreign person who—

"(A) purchases, acquires, owns, or holds any investment in South Africa; or

"(B) exports to South Africa, directly or indirectly, any crude oil or refined petroleum products.

"(2) Prior to issuing any lease referred to in paragraph (1), the Secretary of the Interior shall require an applicant for such a lease to certify that the applicant is not subject to the provisions of paragraph (1).".

(b) WAIVER OF PROHIBITION ON ISSUANCE OF LEASES.—A person affected by the prohibition under section 315(b) of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)) may apply to the President for a one-time waiver of the prohibition. With respect to any applicant, the President may waive the application of section 315(b) for not more than 180 days after such subsection takes effect. Such waiver may be granted only for good cause.

PART B—POLICY STATEMENTS; REPORTS; STUDIES; AND OTHER MISCELLANEOUS PROVISIONS

SEC. 121. SENSE OF CONGRESS REGARDING ANTITRUST INVESTIGATION OF SOUTH AFRICAN DIAMOND CARTEL, STUDY OF DIAMOND ORIGINS, AND ENFORCEMENT OF PROHIBITION ON IMPORTATION OF SOUTH AFRICAN DIAMONDS INTO THE UNITED STATES.

It is the sense of the Congress that—

(1) the President should direct the Attorney General of the United States to conduct an investigation of the South African-controlled international diamond cartel in order to ascertain if any enforcement action is appropriate under the antitrust laws of the United States;

(2) the President should direct the Secretary of Commerce and the Commissioner of Customs to conduct a study to determine the feasibility of identifying at port of entry, without harm to producers and processors of diamonds outside of South Africa, the national origin of diamonds entering the United States; and

(3) the President should—

(A) ensure effective and rigorous enforcement of a prohibition on the importation into the United States of uncut diamonds of South African origin by—

(i) applying direct pressure on the Central Selling Organization in London to identify and segregate diamonds by country of origin and encouraging other nations (including diamond-producing nations) to take appropriate measures to achieve that result; and

(ii) entering into negotiations for agreements with the principal exporting nations of uncut diamonds to the United States (particularly the United Kingdom and Switzerland) to ensure that uncut South African diamonds will not be exported to the United States;

(B) pursue effective enforcement and undertake appropriate actions to obtain the identification and segregation of uncut diamonds of South African origin, provided, such enforcement and other action do not interfere with the ability of United States importers to import uncut diamonds of other countries of origin despite any unknowing importation of unidentified uncut South African diamonds which may occur; and

(C) direct the Secretary of the Treasury to submit a report on the status of the effort to identify and segregate uncut South African diamonds to the Speaker of the House of Representatives and the President of the Senate 180 days after the date of the enactment of this Act and every 180 days thereafter.

SEC. 122. SENSE OF CONGRESS REGARDING SOUTH AFRICAN CONSULATES AND APPROVAL OF VISAS.

It is the sense of the Congress that—

(1) South Africa has effectively banned 19 major anti-apartheid organizations, forbade the major trade union federation, COSATU, from engaging in political activities, and denied permission for travel to the United States to numerous South Africans;

(2) the repression by South Africa of domestic and foreign media has prevented the free flow of information essential to the advance of any national dialogue between the government and the nonwhite majority which actively opposes apartheid, and has restricted the ability of the foreign press to report developments in South Africa;

(3) the President should immediately close two of South Africa's consulates general, eliminate all honorary consuls which South Africa has in the United States, and forbid South Africa to expand the staffing of its embassy beyond the level of January 1, 1988; and

(4) approval of temporary United States visas, especially to South African government personnel, should be granted on a case-by-case basis only after close scrutiny of the South African Government's record of allowing South African citizens, particularly those who are members of anti-apart-

heid organizations, to travel to the United States.

SEC. 123. STUDY OF MEASURES TO REDUCE SOUTH AFRICA'S FOREIGN EXCHANGE EARNINGS FROM GOLD.

(a) STUDY.—In consultation with other industrialized nations and international financial institutions, the President shall conduct a study of possible actions by the United States to reduce the foreign exchange earnings of South Africa which accrue through sales of gold. The President shall consider possible international and domestic consequences of any course of action and shall evaluate mechanisms to avoid or minimize any adverse effects on the United States gold mining industry.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report of the findings of such study.

SEC. 124. REPORT ON SOUTH AFRICA'S INVOLVEMENT IN INTERNATIONAL TERRORISM.

Not less than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit a detailed report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate concerning the extent to which the Government of South Africa has been involved in or has provided support for acts of international terrorism.

TITLE II—SANCTIONS AGAINST SOUTH AFRICAN IMPORTS INTO THE UNITED STATES

SEC. 201. PROHIBITIONS ON IMPORTS FROM SOUTH AFRICA.

(a) PROHIBITION ON IMPORTS.—Effective 180 days after the date of the enactment of this Act, section 302 of the Act is amended to read as follows:

"PROHIBITION ON IMPORTS INTO THE UNITED STATES FROM SOUTH AFRICA

"SEC. 302. (a) No article which is grown, produced, extracted, or manufactured in South Africa may be imported into the United States.

"(b) The prohibition of subsection (a) shall not apply to the import of—

"(1) any strategic mineral (including any ferroalloy thereof) with respect to which the President certifies to the Congress for purposes of this Act that the quantities of such mineral which are essential for the economy, public health, or defense of the United States are not available from alternative reliable suppliers; and

"(2) publications, including books, newspapers, magazines, films, television programming, phonograph records, video and audio tape recordings, photographs, microfilm, microfiche, posters, and similar materials.

"(c) The prohibition under subsection (a) shall not apply to imports from business enterprises in South Africa that are wholly-owned by persons economically and politically disadvantaged by apartheid.

"(d) The prohibition under subsection (a) includes—

"(1) South African krugerrands or any other gold coin minted in South Africa or offered for sale by the Government of South Africa;

"(2) uranium hexafluoride that has been manufactured from South African uranium or uranium oxide; and

"(3) fish or seafood—

"(A) purchased from a ship owned by a South African or of South African registry,

"(B) purchased from a South African,

"(C) processed in whole or part by a South African ship or person, or

"(D) stored in or shipped from South Africa.".

(b) CERTIFICATION.—The certification of the President with respect to any strategic mineral under section 303(a)(2) of the Comprehensive Anti-Apartheid Act of 1986 (as in effect prior to the date of the enactment of this Act) shall be effective for purposes of section 302(b)(1) of such Act as amended by this Act, unless the President rescinds or modifies such a certification.

SEC. 202. MULTILATERAL MEASURES, INCLUDING IMPORT RESTRICTIONS, TO DISMANTLE APARTHEID.

(a) NEGOTIATING AUTHORITY.—Section 401(b) of the Act is amended to read as follows:

"(b)(1) The President, or at his direction, the Secretary of State (in consultation with the United States Trade Representative), shall, consistent with the policy under subsection (a), confer with the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

"(2) Before the 180th day after the date of the enactment of the Anti-Apartheid Act Amendments of 1989, the President shall submit a report to the Congress containing—

"(A) a description of United States efforts under paragraph (1) to implement multilateral measures to bring about the complete dismantling of apartheid;

"(B) his evaluation regarding whether the efforts described in subparagraph (A) have been successful in achieving multilateral measures to bring about the complete dismantling of apartheid; and

"(C) if the efforts described in subparagraph (A) have been successful, a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.".

(b) UNITED NATIONS SANCTIONS.—Section 401(e) of the Act is amended by striking "It is the sense of the Congress that the President should" and inserting "The President shall".

(c) LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS.—Section 402 of the Act is amended to read as follows:

"LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS

"SEC. 402. (a)(1) Subject to subsection (b), effective on and after the 180th day after the date of the enactment of the Anti-Apartheid Act Amendments of 1989 (or the 360th day after such date if the evaluation of the President under section 401(b)(2)(B) is affirmative), to the extent that a foreign person takes significant commercial advantage of any sanction or prohibition imposed by or under this Act, the President shall impose not less than one of the penalties under paragraph (2).

"(2) The President may impose one or both of the following penalties under paragraph (1):

"(A) Limit the importation into the United States of any product or service of the foreign person.

"(B) Restrict the foreign person from contracting with departments, agencies, and instrumentalities of the United States Government.

"(3) For purposes of applying this subsection—

"(A) the European Community shall be treated as being a single industrialized democracy; and

"(B) any limitation imposed under paragraph (2)(A) shall, to the extent possible, offset the value of the significant commercial advantage obtained by the foreign person.

"(b)(1) The President may waive the application of subsection (a) with respect to foreign persons of an industrialized democracy that is party to an agreement that has entered into force with respect to the United States under section 401.

"(2) The President shall revoke, for such time and subject to such conditions as he considers appropriate, a waiver made under paragraph (1) if the President finds that the industrialized democracy that is party to the agreement in force under section 401 is not adequately enforcing the measures provided for under the agreement.

"(3) The annual report required under section 607(b)(4) shall include, with respect to the period covered by the report—

"(A) an evaluation of the extent to which the import restrictions, if any, provided for under each agreement in force under section 401 are being enforced by the industrialized democracy concerned and the effect of such enforcement; and

"(B) the reasons for each waiver and revocation made under paragraphs (1) and (2).".

SEC. 203. REFERRAL IN THE HOUSE OF JOINT RESOLUTIONS PERTAINING TO IMPORT RESTRICTIONS.

Section 602(a)(2) of the Act is amended to read as follows:

"(2)(A) A joint resolution, other than a joint resolution referred to in subparagraph (B), shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

"(B) A joint resolution under—

"(i) section 311(b), if the joint resolution suspends or modifies any import restriction in effect under title III, section 402(a), 501(c), or 504(b);

"(ii) section 401(d), if the joint resolution approves an agreement encompassing any import restriction measure; or

"(iii) section 501(d), if the joint resolution would enact any import restriction under section 501(c)

shall, upon introduction, be jointly referred to the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.".

SEC. 204. REPORTS ON UNITED STATES IMPORTS FROM MEMBER STATES OF THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE.

Section 502 of the Act is amended to read as follows:

"REPORTS ON UNITED STATES IMPORTS FROM MEMBER STATES OF THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

"SEC. 502. Beginning 30 days after the date of the enactment of the Anti-Apartheid Act Amendments of 1989, and every 30 days thereafter, the President, through the Secretary of Commerce, shall prepare and transmit to the Congress a report setting forth the average amounts of imports of coal or any strategic and critical material entering the United States from each member country and observer country of the Council for Mutual Economic Assistance (C.M.E.A.).".

SEC. 205. PROGRAM TO REDUCE DEPENDENCE UPON IMPORTATION OF STRATEGIC MINERALS FROM SOUTH AFRICA.

Section 504(b) of the Act is amended to read as follows:

"(b)(1) The President shall develop a program to reduce the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a). In the development of such program, the President shall determine (in consultation with knowledgeable individuals in industry, government, and academia) whether, to what extent, and in what time period, adequate quantities of such materials could reasonably be obtained from (A) alternative reliable domestic and foreign sources, and (B) improved and effective methods of manufacturing, substitution, conservation, recovery, and recycling. Such determination shall include consideration of the quality and cost of such materials.

"(2) Not more than 270 days after the date of the enactment of the Anti-Apartheid Act Amendments of 1989, the President shall submit a report to the Congress concerning the program under paragraph (1), particularly the respective roles in the implementation of such program of the Federal Government, users of such materials, and other affected persons. On February 1, 1991, and on February 1 of each subsequent year until the termination of sanctions under this Act, the President shall submit a report to the Congress concerning progress in implementing such program.".

SEC. 206. PREVENTING CIRCUMVENTION OF UNITED STATES IMPORT RESTRICTIONS.

Within 180 days after the date of the enactment of this Act and at such times thereafter as are appropriate, the President, or the designee of the President, shall confer with the governments of the African "frontline" states regarding the content and implementation of appropriate measures to prevent the circumvention by South Africa of the import restrictions on South African products placed in effect by the United States under the authority of this Act.

TITLE III—GENERAL PROVISIONS

SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TABLE OF CONTENTS.—

(1) Section 2 of the Act relating to the table of contents for title III is amended to read as follows:

"TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

"Sec. 301. Prohibition on investment in South Africa.
"Sec. 302. Prohibition on imports into the United States from South Africa.
"Sec. 303. Prohibition of exports of South Africa from the United States.
"Sec. 304. Prohibition on United States intelligence and military cooperation with South Africa.
"Sec. 305. Prohibition on loans to the Government of South Africa.
"Sec. 306. Prohibition on air transportation with South Africa.
"Sec. 307. Prohibition on nuclear assistance to South Africa.
"Sec. 308. Government of South Africa bank accounts.
"Sec. 309. Prohibition on the promotion of United States tourism in South Africa.
"Sec. 310. Prohibition on United States Government assistance to, involvement in, or subsidy for trade with, South Africa.
"Sec. 311. Termination of certain provisions.
"Sec. 312. Policy toward violence or terrorism.
"Sec. 313. Termination of tax treaty and protocol.
"Sec. 314. Prohibition of United States Government procurement from South Africa.
"Sec. 315. Restrictions regarding involvement in the South African energy sector.".

(2) The table of contents in section 2 of the Act is further amended—

(A) by amending the item relating to section 207 to read as follows:

"Sec. 207. Prohibition on assistance to any person or group engaging in 'necklacing'.".

(B) by striking the item relating to section 212;

(C) by amending the items relating to sections 402 and 502, respectively, to read as follows:

"Sec. 402. Limitation on imports from and contracting with certain foreign persons.
"Sec. 502. Reports on United States imports from member states of the Council for Mutual Economic Assistance."; and

(D) by adding after the item relating to section 606 the following items:

"Sec. 607. Coordinator of South Africa sanctions.
"Sec. 608. Interagency coordinating committee on South Africa.".

(b) CONFORMING AMENDMENTS TO THE ACT.—

(1) Section 602(a)(1) and 602(b)(1) of the Act are amended by striking "318(b),".

(2) Section 602(c) is amended by striking paragraph (2) and redesignating paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)", respectively.

(3) Section 501(c) of the Act is amended—

(A) by inserting "or other measures" after "additional measures"; and

(B)(i) by striking paragraph (2) and (4);

(ii) by inserting "and" at the end of paragraph (1);

(iii) by striking "; and" and inserting in lieu thereof a period at the end of paragraph (3); and

(iv) by redesignating paragraph (3) as paragraph "(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 302. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

ADULT DAY HEALTH CARE LEGISLATION

● Mr. HEINZ. Mr. President, I rise today to commend Senator BRADLEY for his foresight in sponsoring the Medicare Adult Day Health Care Amendments of 1989. I am pleased to cosponsor this legislation, which would establish Medicare coverage for up to 100 days each year of health and rehabilitative day care for Medicare eligible persons over the age of 18.

Throughout our consideration of legislation to protect older Americans from catastrophic health costs, we heard repeatedly that the greatest financial risk borne by the elderly is long-term care. We also know from many years of hearings and countless studies that the aged and disabled strongly prefer any form of long-term care that will allow them to stay at home, rather than be institutionalized. Adult day health care is one of several essential community-based long-term care services, such as home health and home supportive services, which are responsive to these needs and preferences of the elderly.

We have taken some significant steps toward improved coverage with the catastrophic care legislation signed by the President on July 1 of last year. In that legislation, we improved the short-term home health and skilled nursing facility benefits provided by Medicare. Nonetheless, like Hercules in his struggle against Hydra, Congress faces a monster with more than one head. Providing for short-term acute care costs still leaves American families facing the more common financial catastrophe of a long term, chronic illness.

Mr. President, the typical recipient of adult day health care services is a woman over 73 years of age with an income of less than $500 each month, who relies upon her children to care for her around the clock. Adult day health care centers offer critical daily services which help family caregivers to support their disabled loved ones at home, by freeing them to work and attend to other business away from home during the daytime. Without this assistance, thousands of families simply wear down and can no longer maintain their aged relatives at home. When family caregiving structures collapse, research shows that families must seek more expensive institutional care for their impaired loved ones.

Mr. President, this legislation could save Medicare money, by diverting people from nursing home care costing $50 to $60 a day, to less expensive day health care at a cost of $35 a day. Adult day health care can in fact meet the health and rehabilitative needs of many persons who would otherwise require care in a skilled nursing facility, however, I think we should be careful in drawing any conclusions about cost savings from this benefit. I say this because of the very high occupancy rates that characterize most States' nursing homes, and because of the long queues of beneficiaries awaiting entry to those nursing homes. The fact is, we have done such a poor job of financing long term care services that new benefits are needed simply to meet unmet

needs—and may not produce measurable financial savings.

Yet, for thousands of elderly and disabled persons and their families, adult day health can make a tremendous difference in the quality of their lives. I believe it is wise public policy to target scarce Medicare resources to support unpaid family caregivers who now assume the great bulk of long-term care responsibilities in the United States.

I urge my colleagues to study and consider this thoughtful legislation, and to join me in a commitment to find a solution to the problem of long-term care costs in the near future.●

QUICK ACTION NEEDED ON REFUGEE LEGISLATION

● Mr. PELL. Mr. President, I am pleased to express my sponsorship and support for S. 489, introduced March 1, for the purpose of relieving the plight of refugees who are arriving in much larger numbers from the Soviet Union. This is a goal we have pressed toward for years. Now that it is in sight, it is essential that the United States hold up its end by providing the needed opportunities for refugees to enter the United States, without undue delays.

Senators KENNEDY and KASTEN have taken the lead in formulating this timely and needed legislation. It is a bipartisan effort. It provides not just for an increase in refugee admission numbers, but also for the funds needed to bring the additional refugees to the United States during the current year. It would do so by drawing on funds already appropriated to the State legalization assistance grants that have been subject to a proposed rescission by the administration.

This bill provides an excellent way to address the backlog in processing Soviet refugees without hampering the refugee situation in other countries and without reversing longstanding refugee policy. In my view, it will offer a much needed breathing space to give us the opportunity to establish an appropriate, long-term refugee strategy.

Mr. President, this issue is one of tremendous concern to those who recognize the foreign policy implications that it holds for the United States. It also is an issue that calls for the involvement and direction of the administration if we are to find a long-term solution. I have written to President George Bush and to Secretary of State James Baker to let them know of my concerns and to enlist their support for an appropriate solution. I sincerely hope that we can count on the administration to work closely with the Congress on this issue, and I strongly urge the support of my colleagues for this legislation. I commend Senator KASTEN and Senator KENNEDY for their leadership and their hard work on this bill. I ask that my letters on this subject to President Bush and Secretary of State Baker be printed in the RECORD at this point.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 10, 1989.

The PRESIDENT,
The White House,

DEAR MR. PRESIDENT: I am writing to express my concern about the new practice of denying refugee status to some of the Soviet Jews arriving in Rome. I believe our refugee criteria should continue to recognize the history of persecution that is the compelling motivation for Jews and other minorities to leave the Soviet Union.

It seems especially unfortunate that these changes come at the very time we appear close to the goal of freer migration from the Soviet Union. There is danger that this victory for our policies and efforts will be undermined by these disruptions in our own refugee processing. If additional numbers are needed, they should be sought in consultation with the Congress, rather than denying refugee status to some or transferring numbers away from others whose needs are equally urgent.

America's commitment to refugees is one of our most honored traditions. I hope you will reaffirm our policy that this humanitarian commitment will be maintained.

With every good wish.

Ever sincerely,

CLAIBORNE PELL.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 10, 1989.

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: As you know from our discussions during your confirmation hearings, I am concerned about recent developments in our refugee policies related to the increased arrivals of Soviet Jews in Rome. I know some of these actions took place before your confirmation, and I hope you will give the situation your urgent attention.

There are two aspects to the problem. One is the question of admissions numbers.

Here I believe the Congress would be responsive to increasing the numbers to take care of those now able to leave the Soviet Union, without transferring numbers away from the Indochinese whose needs are also urgent. I hope you will move quickly, in cooperation with the Attorney General and the Department of Health and Human Services, to consult with the Congress on the need for additional numbers keyed to the emergent situation of increased arrivals in Rome. Funding will also be needed, but with some belt-tightening I believe we can meet our obligations to all these refugees without reducing our commitment to any of those who are of special humanitarian concern to our country.

Related to this is the recent practice of denying refugee status to some Soviet Jews in Rome. This action seems particularly unfortunate, since it comes at the very time Gorbachev is allowing increased numbers to depart—a major human rights achievement for our policy which should not be undermined by disruptions in our own processing. Our refugee criteria should continue to recognize the history of persecution that is the compelling motivation for Jews and other minorities to leave the Soviet Union.

With every good wish.

Ever sincerely,

CLAIBORNE PELL.[1]

AN AMERICAN OPPORTUNITY

● Mr. SIMON. Mr. President, today I am inserting in the RECORD a thought-provoking article by Mary Hatwood Futrell, president of the National Education Association, that recently appeared in the Washington Post. The article clearly demonstrates the need for bilingual education programs. America is currently experiencing the second largest wave of immigration in its history. In the last 8 years over 14 million immigrants have entered the United States, 90 percent of whom are from Third World nations. This is quite a drastic change from just 100 years ago when 90 percent of all immigrants entering our Nation were Europeans.

America's public schools are greatly affected by this dramatic increase of Third World immigrants. Over the last decade, the number of public school students with limited proficiency in English has risen by more than 250 percent. Today, nearly 3 million immigrant children are in our Nation's classrooms, and it is not unusual to find students with a single school district speaking anywhere from 50 to 115 different native languages.

Mr. President, these children face tremendous barriers to learning. Bilingual education programs are very helpful to these immigrant children who are not proficient in English. As the article points out, these programs teach children English while allowing them to maintain ties to family traditions and customs, without resulting in any embarrassment.

Mr. President, I believe that we must have successful bilingual programs which build bridges of understanding between America and foreign countries. Unfortunately, as this article states, bilingual programs are extremely understaffed. The shortage of teachers in these programs is an embarrassment to our Nation, especially with the ever-growing importance of knowing more than one language in today's global society.

Immigration does present some problems, but with proper educational programs, the latest wave of immigrants can create an opportunity to make America a more diverse and knowledgeable Nation.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 26, 1989]

AN AMERICAN OPPORTUNITY

(By Mary Hatwood Futrell)

America is currently experiencing the second largest wave of immigration in our nation's history. Over 14 million men, women, and children from other countries

have entered the United States over the last eight years.

Just 100 years ago, 90 percent of all immigrants entering the United States were Europeans. Today, 90 percent are from Third World nations. In 1986, Asians accounted for nearly half the immigration into the U.S., Latin Americans 40 percent, and Europeans 5 percent.

Obviously, this has implications for America's public schools. Over the last 10 years alone, the number of public school students with limited proficiency in English has risen more than 250 percent. Today, it's not at all unusual to find students within a single school district speaking anywhere from 50 to 115 different native languages.

In all, nearly three million immigrant children are in America's classrooms today. They are there to learn English, math, science, geography, and history. Equally important, they are there to learn about the United States, our society, our way of life.

But these children face unique barriers to learning. In addition to language, they are particularly disadvantaged by standardized tests and the grouping of students by "ability"—two widely used educational practices that reflected language proficiency more than learning potential.

Clearly, immigrant students must rapidly become English proficient—and not solely for academic work. They need English to participate fully in extracurricular activities and social events. These interactions are an important part of the larger experience of school, and ultimately of American life.

For students who are not English proficient, bilingual education programs can play a very important role. These programs help students learn academic subjects in their native language at the same time they're learning English.

Bilingual programs offer youngsters who have suffered discrimination for looking or speaking differently the opportunity to learn English without embarrassment. And they allow immigrant children to maintain ties with family customs and traditions, while adapting to their new country.

Unfortunately, bilingual programs remain notoriously understaffed. The severe shortage of bilingual teachers is a national shame, especially given the importance of knowing more than one language in today's tightly interwoven global economy.

There are those who see America's increasingly polyglot student population as an obstacle to educational quality. I see such student diversity as a wonderful opportunity. Let's take advantage of this opportunity to make our nation richer, more vibrant, and more dynamic than ever before.●

WHEN U.S. WELLS GO DRY

● Mr. SIMON. Mr. President, the New York Times recently had an article by John Sawhill, who has served under the Ford, Nixon, and Carter administrations in the area of energy.

He points out that our supplies of natural gas are somewhat limited.

I mention this because we will soon be considering acid rain legislation and trying to make a determination of what should be done to pay for applying modern technology on the use of coal, to reduce the emission of sulfurdioxide and nitrogenoxide.

For a variety of reasons, my own feeling is that the base of payment should not simply be utilities that use coal.

The Sawhill observations should be taken seriously by any of us who look beyond the next few years.

We should not be tilting utilities in the direction of more and more use of natural gas, and yet that is precisely what we will be doing if we put a tax on coal, our most abundant resource, and not on the use of oil and gas.

I ask to insert the article in the RECORD at this point, and I urge my colleagues to read the article.

The article follows:

[From the New York Times, Feb. 26, 1989]

WHEN U.S. WELLS GO DRY DON'T COUNT ON "COOKING WITH GAS"

(By John Sawhill)

Is the United States vulnerable to another bout of natural gas shortages like the one we experienced in the 1970's? The answer is "Yes." And if we had not had such a warm winter this year, the Northeast and the Middle Atlantic States probably would have been hit hard.

What is especially ironic about this situation is that natural gas is being touted by many as a cure-all fuel—one that can remedy not only energy problems, but environmental ones as well. The difficulty is that even if there are—as some estimates suggest—20 to 50 years worth of natural gas in the ground, it is not being explored for, found and hooked up at a rate that is sufficient to sustain even current levels of demand.

Thus, the amount of deliverable gas is dropping by 7 to 8 percent a year. And some reports indicate that reserve additions in 1988 are likely to fall to their lowest level in more than 40 years. Deliverability is declining most rapidly in the Gulf Coast area, which supplies the Northeast and Middle Atlantic States.

The increasing use of gas to heat residential and commercial structures is adding to overall demand. And new gas-fired cogeneration equipment and electric-utility capacity are springing up nationwide.

This means we may not adjust to gas shortages any better than we did in the past. For one thing, the traditional relationships between suppliers and customers have all but broken down. Many gas distribution companies refuse to make long-term commitments to buy from pipelines. Therefore not only are pipelines and producers unwilling to make investments in long-term supplies, pipelines are even shedding their current supplies to minimize take-or-pay exposure. Yet the distribution companies persist in thinking that the pipelines will have supplies available for them in a crunch.

Other distribution companies and end-users believe that the brokers and marketers that have been supplying them for the last several years will help them through a shortage. But many broker/marketers are offering the same gas packages to several customers—figuring that they can cover any over-commitment in the spot market or simply walk away from the deal. We expect the supply of gas in the spot market to diminish next winter by as much as 40 to 50 percent as nervous pipelines begin to recall supplies.

In the 1970's, the shortage was eased by gas users who switched to other fuels. But our surveys and discussions indicate that except for the 10 to 15 percent of the winter market that switches on a fairly regular basis or maintains an ongoing readiness to switch, most users have been lulled by low gas prices and reports of adequate supplies into not maintaining switching capability.

Suppliers and customers must get back together, and those customers that need supply assurance (the distribution companies and non-switchable end-users) will have to offer a price that creates or holds supplies for them. State regulations that limit distributor purchases to "least cost" sources without regard to longer-term supply security need to be modified, and distributors must begin to distinguish, if they have not already, between those customers willing to pay for long-term security and those unwilling.

The pipelines and distributors, in particular, need to break their current gridlock. If distributors are not going to extend contracts and commit to take gas, then the pipelines should be able to end any remaining service obligations (and the Federal Energy Regulatory Commission will need to make this clear). In all likelihood, the distributors will commit to a certain level of purchases if forced to go it alone.

In a tight market, it will be important to build additional pipeline capacity to relieve transportation bottlenecks. While changes in regulations to improve access to existing capacity will help, the Federal Energy Regulatory Commission will also need to act more expeditiously on new pipeline construction applications. And producers should be given the opportunity to contract directly with pipelines and customers without fear of regulatory interference in the form of price controls or non-contractual service obligations.

We have all benefited from cheaper, more plentiful gas. But it must soon begin to reflect its true value in the market, based on its replacement cost.

The gas industry is likely to shrink, at least until new high-cost sources of supply like Canadian frontier gas and Alaskan North Slope gas come on line. Unfortunately, these projects require gas prices higher than are likely to be reached at today's crude prices and have very long lead times.

Those presenting gas as a panacea would be well advised to reconsider. We expect that gas will be no panacea at all, but an early problem for the new Administration to address.●

A SALUTE TO TEENS

● Mr. SIMON. Mr. President, in Illinois this week, we pause to recognize our youth. The Bethany Home based in Moline, IL, has designated the week of March 6 as "Salute to Teens Week." The salute to teens celebration is an attempt to acknowledge the positive contributions teens are making in our society.

The Bethany Home has been celebrating teen week for the past 4 years, and uses this as an opportunity to raise teen self-esteem and encourage positive communications between teens and adults. This is an effort to ensure that teens grow up with a positive attitude and learn good decision-making skills necessary to reduce the incidents of teen pregnancy and substance abuse.

I commend the Bethany Home on the continued effort to provide coun-

seling and education to young men and women, and ask my colleagues to join me in a salute to teens.●

MAKE ALLIES SHARE DEFENSE

● Mr. FOWLER. Mr. President, I would like to insert into the RECORD an article written by the chairman of the Senate Energy and Natural Resources Committee, Senator J. BENNETT JOHNSTON, which was printed on January 8, 1989, in the New York Times. The article titled, "Make Allies Share Defense: Put More Into Civilian R&D" is an important statement which should be seriously reviewed.

The United States is drifting behind many of our international competitors in basic and applied research and development. Due to poor R&D priorities over the last 8 years, the United States may find itself unable to maintain our markets both domestically and overseas.

Senator JOHNSTON points out in his article that the administration's narrow ideological constraints on commercialization of technology may have permitted Japan to lead in the commercialization of ceramics, fuel cells, and photovoltaics. The 1988 fiscal year was the first time that both the Japanese and German Governments have surpassed the United States in photovoltaics research and development, a technology which was created by the United States Space Program in the 1960's. By the 1980's, the United States had developed a domestic energy industry with over $100 million in annual sales, with over 65 percent of the technology manufactured exported overseas.

The Federal photovoltaics R&D program is a microcosm of the problems confronting the United States in all high technology areas. First, Federal R&D support dropped from $151 million in fiscal year 1989. Second, our industrial competitors, sensing a lack of U.S. resolve, increased their own Federal photovoltaics R&D programs. The result is that the potential multibillion dollar world markets that might have been dominated by the United States, may become controlled by our international competitors.

I believe the United States needs to invest in our future, and, on March 1, 1989, I introduced S. 488, which promotes multiyear research and development and joint ventures for solar and renewable energy R&D. Increasing domestic research and development both by the Federal Government and the private sector is essential. If we do not, the United States may fall irrevocably behind, and that is unacceptable. The article by Senator JOHNSTON deserves serious consideration.

The article follows:

[From the New York Times, Jan. 8, 1989]

MAKE ALLIES SHARE DEFENSE

(By Bennett Johnston)

WASHINGTON.—The 101st Congress will likely challenge the Bush administration to spend less overseas to defend our allies and more to defend our own economic future. The alternative is to witness a continued erosion not only in commercial competitiveness but in our military-industrial base as well.

The problem is this: We are allocating an ever larger share of Federal research and development to defense—defense of our trading partners along with ourselves. This enables our partners to plow proportionately more money into civilian research and development.

Unquestionably, Washington pays more than its fair share of the costs of defending the free world. Defense Department figures show we spend $1,164 per capita on the military, while West Germany spends $454 and Japan only $163. We still pay to keep an overseas force of one million, the majority being civilians and dependents, not troops.

The adverse impact of this burden is becoming increasingly evident. Since 1981, Federal spending for civilian research and development has dropped 27 percent in real terms, compared with a 78 percent rise for the military. In the previous 15 years, R&D was split about equally between civilian and military purposes. Today, we spend about half as much on civilian research and development (including NASA) as on military.

Specifically, 69 percent of Federal R&D is now devoted to defense. The corresponding figure for Japan is only 4.5 percent and for West Germany 12.5 percent, according to the National Science Foundation. Moreover, as a percentage of gross national product, Japan and West Germany each spend half again as much as the United States on civilian technology public and private.

In the past, military technologies spun off a host of civilian products, such as computers, semiconductors and commercial jetliners. But today the spinoff has reversed direction. Commercial technology is now driving military innovation.

Finally, the huge increase in military R&D in the Reagan years went far more into development than into research. Funding for the development of specific weapons increased in real terms by 73 percent between 1981 and 1987. But spending for military research known as "technology base" rose in real terms by a minute 0.3 percent in that period.

How did we reach this point? First, in the budget squeeze on civilian agencies, research and development was an early victim.

Second, Administration spending on R&D has been driven by a narrow ideology of leaving commercial decisions to the marketplace. Generally, if Government-supported research produces a technology with some commercial potential, Administration ideology dictates a cutback. As a result, we tend to produce ideas that other nations, particularly Japan, then develop into such new products as advanced ceramics, fuel cells and photovoltaics. The Bush administration should temper this rigid ideology with common sense.

Perhaps worst of all, a commercial sector that becomes uncompetitive eventually withers away and is unavailable as a military-industrial base. Thus, ironically enough, the Defense Science Board just released a report urging the Defense Department to take a larger lead in rejuvenating the civilian technical base.

While the problem is clear, solutions are more difficult to discern. Without new revenues the Government, especially the Defense Department, can little afford to boost civilian R&D; tax credits to spur corporate research and development have proved difficult to target on vital technologies. And a more militarized Japan is suspect.

However, our trading partners can compensate us more for the defense we provide them. That compensation might help relieve budgetary pressure and enable us to fund civilian R&D at the higher levels, as a percentage of the gross national product that prevailed in the past.

The new administration must restore a balance between civilian and military R&D and more equitably share our defense burden with trading partners whose future competitiveness we now subsidize. Not only trade but our future national security is at stake.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 11:30 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. on Wednesday, March 8, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 11:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBATE ON TOWER NOMINATION

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 11:30 a.m. the Senate go into executive session to continue debate on the Tower nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will convene at 11 a.m. on tomorrow, Wednesday, March 8. Following time for the two leaders, there will be a period for morning business, not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each

At 11:30 a.m., the Senate will go into executive session to continue debate on the Tower nomination.

Mr. President, I think it prudent to remind my colleagues that rollcall votes are possible during tomorrow's session, and my colleagues should be aware that there could be more than one vote tomorrow depending upon if and when motions are presented for consideration.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. MITCHELL. Mr. President, if the Republican leader has no further business and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess until 11 a.m. tomorrow, Wednesday, March 8, under the previous order.

There being no objection, the Senate, at 6:53 p.m., recessed until tomorrow, Wednesday, March 8, 1989, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 1989:

AMBASSADOR

JOSEPH VERNER REED, OF CONNECTICUT, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

IN THE NAVY

THE FOLLOWING-NAMED FORMER U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

MICHAEL J. EPSTEIN
ANDREW F. GREENE
JACOB S. ISRAEL
JEROME A. LOGAN
CARL L. WILLIAMS

THE FOLLOWING FORMER U.S. AIR FORCE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

JAMES A. EHLERS
HOWARD W. MARKER

THE FOLLOWING FORMER U.S. ARMY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

CARL F. ASSEFF
BENJAMIN T. PO

IN THE NAVY

THE FOLLOWING-NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KELLY N. ALVEY
JAMES E. BARROWS
DANIEL A. BRITTON
BRYAN L. CLARK
RICKY D. DAVIS
STEVEN P. DOUGLAS
JEFFREY W. GILLETTE
THOMAS A. JAMES
JOEL D. KENNEDY
JOHN L. KING
TIMOTHY F. MAKER
CHRISTOPHER A. MCCOY
JAMES R. STOGDILL
JOSEPH M. THOMPSON

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CLIFFORD S. BARNEY
CHRISTOPHER J. CORMIER
SCOTT W. FANCHER
BRIAN W. FRAZIER
JOHN E. FRY
DARRYL J. LANDRENEAU
JEFFERY W. LUNSFORD
ADRIAN J. MARENGO-ROWE
KEIRON G. O'CONNOR
SERGIO M. RIVES
DAREN R. SCHAULS
JAMES W. SIGLER
KENNETH G. STORY
JOHN M. WALLACH

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ERIC E. GEISER
ALEXANDER W. WHITAKER IV

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

KEITH R. GABRIEL
DAVID B. HURST

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

JOSE AGUIRRE, xxx-xx-xxxx
JOHN H. BEASLEY, xxx-xx-xxxx
MICHAEL C. CHAPMAN, xxx-xx-xxxx
CRAIG S. CLARKE, xxx-xx-xxxx
KENNETH H. CLEVENGER, xxx-xx-xxxx
TIMOTHY R. CORK, xxx-xx-xxxx
ROGER W. CORNELIUS, xxx-xx-xxxx
DANIEL J. DELLORTO, xxx-xx-xxxx
VINCENT J. FAGGIOLI, xxx-xx-xxxx
THOMAS C. GRIFFIN, xxx-xx-xxxx
JEFFREY S. GUILFORD, xxx-xx-xxxx
HENRY L. HAMILTON, xxx-xx-xxxx
FRANKIE D. HOSKEY, xxx-xx-xxxx
JON W. JEPPERSON, xxx-xx-xxxx
WENDELL G. JEWELL, xxx-xx-xxxx
PAUL L. JOHNSTON, xxx-xx-xxxx
PHILLIP L. KENNERLY, xxx-xx-xxxx
PHILIP E. LOWER, xxx-xx-xxxx
JOHN H. NOLAN, III, xxx-xx-xxxx
JOHN POPESCU, xxx-xx-xxxx
THOMAS J. ROMIG, xxx-xx-xxxx
JULIUS ROTHLEIN, xxx-xx-xxxx
JOHN T. RUCKER, xxx-xx-xxxx
JAN W. SERENE, xxx-xx-xxxx
GARY W. SMITH, xxx-xx-xxxx
CHARLES E. TRANT, xxx-xx-xxxx
JAMES H. WEISE, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

MARSHA L. *. ABERCROMBIE, xxx-xx-xxxx
CHARLES M. *. ADAMS, xxx-xx-xxxx
KRISTI A. *. AGUIRRE, xxx-xx-xxxx
THOMAE L. *. AKAMATSU, xxx-xx-xxxx
DENISE J. ANDERSON, xxx-xx-xxxx
HESHMAT *. ANSARI, xxx-xx-xxxx
HENERY L. *. ARDIS, xxx-xx-xxxx
GEORGE F. *. BAKER, III, xxx-xx-xxxx
BERTON B. *. BARRETT, xxx-xx-xxxx
STEVEN A. BENHAM, xxx-xx-xxxx
STEPHEN B. *. BERTE, xxx-xx-xxxx
BARBARA A. BIGGERSTAFF, xxx-xx-xxxx
RICHARD L. BOND, xxx-xx-xxxx
BURTON F. *. BRIGGS, xxx-xx-xxxx
THOMAS A. BROWN, xxx-xx-xxxx
WILLIAM D. *. BROWN, xxx-xx-xxxx
DEBORAH A. *. BRUNGER, xxx-xx-xxxx
TERRY L. *. BUCHANAN, xxx-xx-xxxx
DONALD R. *. BUCHWALD, xxx-xx-xxxx
BARCLAY P. *. BUTLER, xxx-xx-xxxx
MARY J. *. BZDULA, xxx-xx-xxxx
MICHAEL A. *. CARLISLE, xxx-xx-xxxx
PAUL J. CHECK, xxx-xx-xxxx
BRENDA CHEWNING, xxx-xx-xxxx
JAY M. *. CLARK, xxx-xx-xxxx
CONRAD A. *. CLYBURN, xxx-xx-xxxx
DAVID A. *. COKER, xxx-xx-xxxx
DENNIS E. *. COKER, xxx-xx-xxxx
JAMES A. *. CROMARTIE, xxx-xx-xxxx
DAVID D. CROWELL, xxx-xx-xxxx
THOMAS D. DARNLEY, xxx-xx-xxxx
CHRISTINE R. *. DENNIS, xxx-xx-xxxx
GARY S. DRABCZUK, xxx-xx-xxxx
CLARK R. *. DUCHARME, xxx-xx-xxxx
DOUGLAS R. DUDEVOIR, xxx-xx-xxxx
KARI *. EKWURZEL, xxx-xx-xxxx
RICHARD S. *. ELLENBERGER, xxx-xx-xxxx
FLORENCE M. *. ELLEVAN, xxx-xx-xxxx
JILL C. *. FASSINGER, xxx-xx-xxxx
JOHN R. FORNEY, xxx-xx-xxxx
JOHN J. *. FRASSO, xxx-xx-xxxx
TRACY P. *. FREEMAN, xxx-xx-xxxx
KEITH W. *. GALLAGHER, xxx-xx-xxxx
PETER M. *. GARIBALDI, xxx-xx-xxxx
JOHNNY C. *. GARNETT, xxx-xx-xxxx
WILLIAM C. *. GATES, xxx-xx-xxxx
MICHAEL J. *. GERRITY, xxx-xx-xxxx
PRADEEP G. *. GIDWANI, xxx-xx-xxxx
RAY L. *. GINN, xxx-xx-xxxx
MICHAEL D. *. GOLDING, xxx-xx-xxxx
NEIL E. *. GOODRICH, III, xxx-xx-xxxx
MICHAEL P. *. GOODWIN, xxx-xx-xxxx
MATHEW S. *. GRANGER, xxx-xx-xxxx
EARL GRANT, JR, xxx-xx-xxxx
MARK T. *. GREEN, xxx-xx-xxxx
VAUN F. *. GUNNELL, xxx-xx-xxxx
HERBERT M. *. GUPTON, xxx-xx-xxxx
DAVID A. HABIB, xxx-xx-xxxx
JEFFREY E. *. HANSEN, xxx-xx-xxxx
RUSSELL F. HANSON, xxx-xx-xxxx
DONALD L. HARRISON, xxx-xx-xxxx
LINCOLN B. *. HAWKES, xxx-xx-xxxx
BILLY W. *. HAYDON, xxx-xx-xxxx
JOSEPH P. HELLMAN, JR, xxx-xx-xxxx
BRENDA A. *. HILBUNWIGGER, xxx-xx-xxxx
BRIAN J. *. HILL, xxx-xx-xxxx
KEITH H. HOLMES, xxx-xx-xxxx
EVERETTE J. *. HORNE, xxx-xx-xxxx
ALAN E. JONES, xxx-xx-xxxx
DAVID E. *. JONES, xxx-xx-xxxx
WARREN M. KAHUE, xxx-xx-xxxx
MICHAEL S. KAMINSKI, xxx-xx-xxxx
DEBORAH K. KNICKERBOCKER, xxx-xx-xxxx
JOHN C. *. KUBINA, xxx-xx-xxxx
THOMAS D. *. KURMEL, xxx-xx-xxxx
JOHN E. LAPHAM, xxx-xx-xxxx
ARTHUR P. *. LEE, xxx-xx-xxxx
ROBERT J. *. LEE, xxx-xx-xxxx
GORDON A. *. LEWIS, xxx-xx-xxxx
VASEAL M. *. LEWIS, xxx-xx-xxxx
LARRY A. *. LINK, xxx-xx-xxxx
ROBERT J. *. LIPNICK, xxx-xx-xxxx
ROGER M. LISK, xxx-xx-xxxx
JOHN C. *. LUDWIG, xxx-xx-xxxx
MARK A. *. LYFORD, xxx-xx-xxxx
MARY L. *. LYFORD, xxx-xx-xxxx
WILLIAM R. *. LYNN, xxx-xx-xxxx
LEWIS R. *. MACKEY, xxx-xx-xxxx
SUZANNE D. MARTIN, xxx-xx-xxxx
JAMES F. *. MASON, xxx-xx-xxxx
BRIAN E. *. MAVES, xxx-xx-xxxx
DENISE M. *. MCCOLLUM, xxx-xx-xxxx
STEPHEN L. MICKEL, xxx-xx-xxxx
SUSAN G. MICKLE, xxx-xx-xxxx
ROBERT E. *. MILLER, xxx-xx-xxxx
ROGER E. *. MILLER, JR, xxx-xx-xxxx
JAMES N. *. MITCHELL, xxx-xx-xxxx
HAROLD E. *. MODROW, III, xxx-xx-xxxx
MICHAEL J. *. MONTGOMERY, xxx-xx-xxxx
MARGARINE T. *. MUNGIN, xxx-xx-xxxx
EARL MURNAHAN, xxx-xx-xxxx
CINDY K. MUSSELL, xxx-xx-xxxx
ERNESTO *. NEGRON, JR, xxx-xx-xxxx
ELIAS G. *. NIMMER, xxx-xx-xxxx
GARY C. *. NORRIS, xxx-xx-xxxx
WILLIAM R. *. NOVAK, II, xxx-xx-xxxx
JOHN V. OLMSTEAD, xxx-xx-xxxx
KEITH B. *. PARKER, xxx-xx-xxxx
DONALD G. *. PATTERSON, xxx-xx-xxxx
DEBORAH J. *. PEDERSON, xxx-xx-xxxx
DAVID B. *. PEDUTO, xxx-xx-xxxx
JEROME F. *. PIERSON, xxx-xx-xxxx
JAMES O. *. PITTMAN, JR, xxx-xx-xxxx
WESLEY D. *. POTTER, xxx-xx-xxxx
MARSHA A. *. PRESCOTT, xxx-xx-xxxx
MICHAEL J. *. REDMOND, xxx-xx-xxxx
TIM O. *. REUTTER, xxx-xx-xxxx
PATRICK E. *. RILEY, xxx-xx-xxxx
CARMEN L. *. RINEHART, xxx-xx-xxxx
JOSE I. *. RIVERA, xxx-xx-xxxx
KENNETH A. RUDD, xxx-xx-xxxx
STEFAN A. *. RUSSAKOW, xxx-xx-xxxx
KENNETH E. RUSSELL, xxx-xx-xxxx
PAULETTE E. *. SAFFLE, xxx-xx-xxxx
PHILLIP G. SANDERS, xxx-xx-xxxx
EDWARD J. SANFORD, III, xxx-xx-xxxx
MICHAEL C. SAWYERS, xxx-xx-xxxx
JEFFREY A. SCHMIDT, xxx-xx-xxxx
BEVERLY A. *. SCHWENKGODWIN, xxx-xx-xxxx
RALPH H. *. SEES, xxx-xx-xxxx
JOYCE H. *. SHAMBLEY, xxx-xx-xxxx
CHARLES D. SHAW, xxx-xx-xxxx
ALAN W. SHEAFFER, xxx-xx-xxxx
PATRICIA A. *. SHEHAN, xxx-xx-xxxx
RUTHANN M. *. SMEJKAL, xxx-xx-xxxx
MICHAEL A. SMITH, xxx-xx-xxxx
SHAREE M. *. SMITH, xxx-xx-xxxx
PAUL D. *. STAHLEY, xxx-xx-xxxx
LARRY D. *. STALLINGS, xxx-xx-xxxx
MICHAEL A. *. STANTON, xxx-xx-xxxx
JAMES A. *. STARCHER, xxx-xx-xxxx
MARK *. STILING, xxx-xx-xxxx
VIKKI L. *. STOCKER, xxx-xx-xxxx
THEODORE *. TAYLOR, JR, xxx-xx-xxxx
LEWIS E. *. THOMAS, xxx-xx-xxxx
MICHAEL W. *. TOENNIS, xxx-xx-xxxx
DAVID K. *. TURGEON, xxx-xx-xxxx
BETTY E. TURNER, xxx-xx-xxxx
WILLIAM B. UROSEVICH, xxx-xx-xxxx
JOHN E. *. VANHAMONT, xxx-xx-xxxx
CARON M. VERY, xxx-xx-xxxx
JESSE M. *. VILLAGRAN, JR, xxx-xx-xxxx
CHARLES F. *. WAINRIGHT, xxx-xx-xxxx
JUNIUS T. *. WATSON, JR, xxx-xx-xxxx
RICKE J. *. WEICKUM, xxx-xx-xxxx
JAMES P. WHITCOMB, xxx-xx-xxxx
RUEL D. *. WILEY, xxx-xx-xxxx
NANCY K. *. WILLCOCKSON, xxx-xx-xxxx
DORLYN E. *. WILLIAMS, xxx-xx-xxxx
THOMAS J. *. WILLIAMS, xxx-xx-xxxx
THOMAS E. WITTMAN, xxx-xx-xxxx
JEFFREY S. WRIGHT, xxx-xx-xxxx
MICHAEL L. WYATT, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, LIEUTENANT COMMANDER

To be lieutenant commander, line, USN, permanent

JOHN B. ANDERSON
EDWARD P. MESSMER
MICHAEL DENNIS PEPPARD

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, LIEUTENANT

To be lieutenant, line, USN, permanent

HOLLY ANN ADAMS
SCOTT DOUGLAS ANDERSON
JOHN D. ASHE
STEVEN SOLOMON ASLAN
EDWARD ELLIOT BALABAN
KEVIN M. BALDERSON

RORY KEN BANKS
HUGH BONNER BARKER, III
PAUL EUGENE BARNEY, III
HOWARD R. BAUMAN
ERROL FREDERIC BECKER
DANIEL S. BEHNKE
DAVID MELSON BENTZ
WILLIAM S. BLAIR
VELLA MARIKA BLOOM
NORMAN ROSS BOND
GERALD JOSEPH BOZANT, JR
THOMAS EDWIN BRANDT
KENNETH BRANHAM
WILLIAM ANTHONY BRANSOM
MICHAEL DON BRIMBERRY
JOHN BURTON BROOMFIELD
CHRISTINE MARIE BRZOZOWSKI
DAVID BARTON CAMPBELL
SCOTT DAVID CAMPBELL
DIANA THERESE CANGELOSI
DAVID JOHN CARMODY
THOMAS CARROLL
BENJAMIN ANDREW CATHEY
DAVID LEE CHRISTENSON
RAE LEIMOMI CHUNG
KATHRYN MARGARET CLARKE
ROBERT LEE COBB
BARRY WAYNE COCEANO
DARRELL CLIFFORD COOK
JOHN EDWARD COSTER, JR
RICHARD J. COSTON
JAMES ERIC DALBERG, JR
JEFFREY S. DALE
JEFFREY ROGER DANSHAW
DALE L. DEAN
THOMAS JOHN DEKORNFELD
THOMAS FREDERICK DENIO, JR
AUBREY DAN DENNIS, JR
JACKLYN WANDA DEWARE
PAUL HARRY DOOLITTLE
MICHAEL ALLAN DUNN
RICHARD K. ELEY
JOE GLEN ESTILL
DENNIS LEE EVERETT
DANIEL A. EYTCHISON
ROBERT S. FALLON
RODNEY KIRK FANN
WILBUR EUGENE FAUS, JR
PATRICK JOSEPH FELTS
JOHN P. FLETCHER, JR
JUDITH L. FRAINIER
MARK TUCKER FRANCIS
DAVID L. FREGOE
HANS M. FROSLEE
CHARLES RAYMOND FULLER
ORMAN K. FULLER
BRUCE DAVIS GAMBLE
CHARLES MCALISTER GAOUETTE
GUSTAVO GIERBER
ALBERT K. GIVEN
LEONARD PAUL GMOCH
GARY M. GOMEZ
ORESTES DEVINO GOODEN
BRENDA KAY GOODPASTURE
JAMES GREGORSKI
PHILLIP JOSEPH GUZINSKI
GUERRY HALL HAGINS, JR
ROBERT EDWIN HARRISON, JR
DEVIN LAFAYETTE HART
MICHAEL GORMAN HAYES
JAMES RICHARD HELM
GARY EUGENE HENDRICKSON
WALTER RUSSELL HEWITT
STEPHEN ROBERT HIGGINS
JOSEPH MERCER HINSON, JR
LISA JANE HOLLIDAY
DON ALLAN HONE
WALTER TRAVIS HUNT
CHRISTOPHER JOSEPH HURLEY
GLENN MICHAEL IRVINE
COLLINS JACOBS
DANIEL PAUL KELLER
HEATH RICHARD KEMMAN
RICHARD DAVID KEYS
JEONG HUN KIM
MARK FREDERICK KINSLER
JEFFERY CAGLE KNIGHT
TIMOTHY L. KNIGHT
STEVEN W. KNOTT
JON WILLIAM KRAUS
JAMES KENDEL KUHN
JEFFREY DEAN KUIPERS
LEIF ERIK LAGERGREN
SCOTT LEON LARKIN
YONG H. LEE
IVY LIUHAWKINS
FREDRIC WALTER LONGENECKER
GEORGE ALBERT MARIN
STEVEN COLE MARTIN
BRADLEY NUELL MASON
CHRISTOPHER GRANT MATTHEWS
ROBERT DEWITT MATTHEWS
DANIEL CHRISTOPHER MCATEER
MICHAEL FRANCIS MCCARTHY
CHARLES CLIFTON J. MCGLOTHIN
PAUL EDWARD MCGREEVY
MICHAEL E. MCLAUGHLIN
DAVID HUNTINGTON MESMER
ALEXANDER CARLOS MICLAT
STEPHEN ANTHONY MODZELEWSKI
DEANE DIEGO KRES MUHLENBERG
CLIFFORD P. MUZZIO
JOEL D. NAHARI
JEANNE MARIE NAZIMEK
MARY TAYLOR NEES
RICHARD LOTHAR NIKOLEY
PAUL DAVID OPGRAND
GEORGE FREDERICK ORTHEY, III
JAMIE ALBERT OSWALD
RICHARD KENNETH PACKER
CHARLES ALLEN PATTERSON
THOMAS JEFFREY PAYNE
JEFFREY RICHARD PENFIELD
ERIC KEMP PETIPRIN
KENNETH J. PISCHEL
REED M. POTECHA
JOYCE LOVETTE PRICE
MARIONETTE DENISE PRIDE
GLENN DOUGLAS QUINN
DOUGLAS STEPHENS RANDLETT
RICKI JEANNE RASH
WALTER B. REEP
SHAWN VERNON REGIER
RANDY ROBERT RIDLEY
WILLIAM DAVID RILING
BLANCHARD PIZARRO ROBERSON
ROBERT DALE ROBERTSON
RAUL DE JESUS RODRIGUEZ
MARTIN KARL ROPER
PAUL EDWARD ROWE
DAVID P. RUSSELL
MICHAEL S. SASSCER
ALAN OTIS SHEALY
GARY LEE SHIPLE
JOHN ALEXANDER SLAY
DEBRA KAY SMITH
JAY MARTIN SMITH
ROBERT FOLEY SMITH, III
JACK LESTER SOTHERLAND, III
RANDY SOUZA
NANCY ANN SPOTTS
WAYNE PAUL STAMPER
JOHN LEWIS STEINBERGER
MARK DENNIS TATE
DEBORAH SUGGS TENNANT
BRAD LOUIS THOMPSON
GARY HOUSTON THOMPSON
HENRY MARTIN THOMPSON, JR
STEPHEN FOSTER TOOLE
WILLIAM HARVEY TRAYLOR, II
WILLIAM C. TURNER
RICHARD EDWARD VANDENHEUVEL
DAVID D. VANDERLIKE
RICHARD L. VANDERWERF
THOMAS PAHLS VANLEUNEN, JR
HARRY EARL WAIDELICH
RICHARD D. WALLACE
CURT ROBERT WALTHER
JAMES EDWIN WARD
JAMES D. WELKE
WILLIAM MICHAEL WHALEN, JR
MICHAEL STEPHEN WHITE
NORMAN R. WHITE, JR
RANDY GEORGE WIETMAN
JOHN LAMONT WILCOX, JR
PAMELA J. WILLIAMS
JEFFREY JON WILLIS
JAMES A. WILSON, III
TERRY L. WILSON
JACQUELINE CHRISTINE YOST
STEVEN CARLSON ZARICOR

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), line, USN, permanent

MARGARET VOIGT ABRASHOFF
MARK WILLIAM ALLEN
DAVIS ALLEN BARNES
MICHAEL BYRON BARTLETT
VALERIE GILL BEAVER
JAMES ROBERT BLOUNT
BRYAN MCDONALD BOWEN
EDWARD BERTEL BOWMAN, JR
MARK DOUGLAS BRACCO
WILLIAM JAY BRADFORD
GERALD HIRAM BRIGGS, JR
RANDALL GENE BURCH
THOM WALTER BURKE
RONALD KENNETH BURROUGHS
WILLIAM GLEN BYRD, III
EUGENIA LOUISE CAIRNS
DAVID LEE CAMPBELL
STEVEN ROGER CARROLL
CHRISTOPHER C. CHUN
DAVID WAYNE CLEMENS
ANNE E. CLINE
KIMBERLY ANN COCHRAN
DEBORAH ANN COMFORT
MARK STEPHEN CORDEIRO
DONALD EUGENE COWLES
STEVEN EDWARD CROCKER
JAMES F. CROWLEY
ANDREW FREDERICK CULLY
KARL KONDUCT DAMON, JR
ELIZABETH ANN DAVIDSON
BARBARA JEAN DAVIS
SALLY DEGOZZALDI
ROBERT BRUCE DONEGAN, JR
MICHAEL SMITH DOWNS
PAUL NICHOLAS DRAGOS
NANCY ANNETTE ERB
DALE J. FENNELL
DANIEL HENRY FILLION
NORMAN LYNN FINNELL
PHILIP J. FLESCH
THOMAS VICTOR FONTANA
MARK HENRY GEDDES
MATTHEW WAYNE GILL
CHRISTIAN W. HAGENLOCHER
ALEXANDER E. HALLIDAY
PATRICIA ANN HANDY
MARK JEFFREY HARDING
EDWARD L. HASELL
MARK ALLEN HENNING
DAVID JAY HERMAN
SUZAN PATRICIA HERNANDEZ
WILLIAM SCOTT HICKS, III
HEIDI HELEN HOLFERT
MARK WARREN HOLLISTER
JEFFREY DALE HOOD
DONALD GAYLE HORNBECK
PAUL HRISHO
MARK ALLEN HUBBARD
STEPHAN JOSEPH HUME
EDWARD NEIL INGLES
JOSEPH JAMES IZZO
HENRY MICHAEL JACKSON
JEFFREY SCOTT JACKSON
LISA P. JAGOE
SUZANNE KAYE JAROSZ
DAVID SCOTT JOBB
GREGORY JAY JOHNSTON
ELIZABETH ANN JONES
SYNTHIA STANTON JONES
KATHRYN LOUISE KEAY
CHRISTOPHER KEVIN KING
STEVEN ANDREW KIRK
GLEN ALAN KNAUST
LEE JOHN LACROIX
JOE WHEELER LEDBETTER, JR
LOGAN SCOTT LEDBETTER
LORI ANN LEE
JANIE LYNN LEO
ROBERT GLENN LINEBERRY, JR
RENA MARJORIE LOESCH
PETER RICHARD LORENZ
ROBERT STEVEN LOVEJOY
THEODORE JOSEPH LUCAS
MARK FREDERICK LULING
ARNIE MARTINS LUSIS
HELEN REGINA MAGEE
MARK GILBERT MARTIN
MARY LYNN MARTIN
RICK ALAN MAY
TERRYSTEPHEN MCCOY
JOHN WAYNE MCKINSTRY
DARREN MICHAEL MEDEIROS
MARK EDWARD MLIKAN
WILLIAM SCOTT MOYER
CHRISTOPHER JOSEPH MURRAY
ROSS ALLEN MYERS
THOMAS MARTIN NEGUS
ERIC JAMES NEWHOUSE
HARRY STEPHEN NEWTON
THOMAS EDWARD NOSENZO
PAUL LESLIE NYERGES
CHRISTOPHER CONRAD NYSTROM
JEFFREY W. PARKS
DEAN ANSON PATRICK
SUSAN MARIE PECORARO
WILLIAM JAMES PENNINGTON, JR
PRISCA JEAN PERRAULT
BRIAN DAVID PETERSEN
ROY N. PETERSON
HAROLD EVERETTE PITTMAN
LARRY ALAN PUGH
TIMOTHY WAYNE REED
JOHN ROBERT REITER
SCOTT LEITH RETTIE
DONOVAN ROSS RHEAD
RAYMOND JOHN ROBERGE
THOMAS MICHAEL ROBINSON
ROBERT DEAN ROTE, JR
VICKY DARNELL SEALEY
BRIAN JOSEPH SHANAHAN
PAUL MATTHEW SHEETS
RODGER THOMAS SHEPKO
MARTIN RAY SHERMAN
DONNIE LEE SHIRKEY, JR
CAROL ANN SIMMONS
MARIBEL F. SISNEY
DEBORAH ANNE STARK
WILLIAM BOWEN STEWART
DAMIAN DONALD SUTTON
DAVID MARK TAYLOR
DONALD KEATH THOMAS
KWOK BO TSE
BRADLEY ALFRED TURNER
DAVID CARLTON VANDERLIP
KELLY ALLEN VANDEVER
RAFAEL ANGEL VEGA
CRYSTAL LEIGH VELLA
MICHAEL EDWARD VOIGT
PHILLIP DONALD WEST
KENNETH LEWIS WILLIAMS
DONALD EDWARD WILLIAMSON
KRIS WINTER
JEFFREY DAVID WONCH
CHARLES WILLIAM WYDLER
ANTHONY JOHN ZALEWSKI
WILLIAM LEE ZUPPINGER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, ENSIGN

To be ensign, line, USN, permanent

SCOTTFRANCIS ADAMS
BARRY W. ANDERSON
KEITH M. ARMISTEAD
PERRY C. BROCKMAN
WALTER L. BROWN, JR
ANDERW J. BURCH
JOHN P. CARTER
FLETCHER S. COLE
WILLIAM R. CONNELL, III
LON ANDREW DAWSON
STEPHEN P. DENMARK
MICHAEL B. DULAS
JOHN P. DUNHAM
FRANK J. EHRHARDT
MICHAEL S. EKLUND
JACK P. EVANS, JR
JAMES A. FORD
JEFFREY M. FOX
KURT A. GERINGER
JERRY A. GRAY, JR
STEPHEN PAUL GRZESZCZAK, III
DON E. HAGGARD
TIMOTHY W. HANNA
ROBERT F. HARTLEY, JR
ADAM T. HARVEY
JAMES C. HEIL
PHILIP R. HERRINGTON
JOHN K. HICKS
NEDLIN B. JOHNSON
REX ALAN JOHNSON
WOODROW C. JORDAN
MARK B. KARSTETTER
ROBERT L. KINNEY
KENNETH E. KNIGHTON
PETER R. LANDO
SAMUEL Y. LEE
THEODORE G. LIGHT
PHILIP R. MARKWART
MARK J. MCGIVERN
DAVID C. MIELKE
JAMES B. MILLARD
DEAN T. NILSEN
ANTHONY J. PAULI
KEVIN W. POORT
TERRY E. PRIESTLEY
BRYAN L. PRUITT
JAMES M. REED
BRENT A. RENDEL
MARK A. RISER
JON F. SALOMONSEN
ANTHONY SCHERSCHEL
WALTER R. SCHUBERT, JR
JOSEPH G. SHAUF
DAVID B. SHEDLOCK
MARK K. SHOEMAKER
WILLIAM B. SMITH
ALAN T. SMUDZ
JAY M. SOKOLOWSKI
JEFFREY A. STAGGS
JOSEPH R. STREIT
JOHN J. SULLIVAN
RICHARD M. SULLIVAN
GARY W. SWEANY
SCOTT C. SWEHLA
JAMES P. TRUNCALE
MICHAEL S. WARD
MYRON C. WEAVER
MICHAEL S. WHITE
ERIC W. WON
PAUL R. WYNN

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, CAPTAIN

To be captain, Medical Corps, USN, permanent

ROBERT K. DANIELS, JR

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, COMMANDER

To be commander, Medical Corps, USN, permanent

DANIEL J. CALLAN
DAVID F. RACICOT

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Medical Corps, USN, permanent

DEBORAH ANN AGLES
WALTER LOWELL CLEMENTS
CURTIS ELLIOT CUMMINGS
MARK STEPHEN DAUNIS
RICHARD CALVIN EDWARDS
MICHAEL STAN FINDLEY
THOMAS ARTHUR NEWTON
RUSSELL J. OLSON
CARL ALLEN POWELL
GABRIEL A. RODRIGUEZ
DAVID G. SOUTHERLAND
ALTON L. STOCKS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, LIEUTENANT

To be lieutenant, Medical Corps, USN, permanent

FREDERICK J. COLE
GREGG J. COLLE
TIMOTHY JOHN CRAIG
BRIAN CHARLES CUSICK
STEPHAN OSCAR GERLACH
RICHARD KEITH HACKER
TIMOTHY PAUL HODGES
JOHN FREDERICK KAISER
JEFFREY LEE KELLOGG
SCOTT FORREST LIMPERT
STEPHEN ERNEST MANDIA
NICHOLAS K. K. MATO

STEPHEN MATTIESHAYDEN
THOMAS J. OBRIEN, IV
DAVID GEORGE ODAY
RALPH CHARLES PENE, JR
GLENN ROSS
GERALD STEPHEN SCHOLL
JOHN WILLIAM TYSON
GLEN LEE WATKINS

THE FOLLOWING-NAMED LINE OFFICER, U.S. NAVAL RESERVE, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, LIEUTENANT

To be lieutenant, Supply Corps

GARY ALLAN BROADWELL

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, SUPPLY CORPS, LIEUTENANT

To be lieutenant, Supply Corps, USN, permanent

JAMES MICHAEL BARNARD
JAMES ANDREW COLE
PETER ERIC DAHL
JAMES DREW GEORGE
JOHN ALAN HAYWARD
JACK BRIAN HOUSLEY
DAVID PALMER LARSEN
ROBERT ALEXANDER LITTLE
JAMES EDWARD METZ
JEFFREY WILLIAM PRITCHARD
JOSE PUBILLONES
BENJAMIN AMOS ROYSTON
GADSDEN EDWARD RULE
LOUIS JOHN SCHAFFER
PATRICK JOHN STANSFIELD
CHARLES IRVIN WILLIS

THE FOLLOWING-NAMED LINE OFFICERS, U.S. NAVAL RESERVE, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Supply Corps

CRAIG LESLIE HERRICK
DEBORAH ANN SHROYER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, SUPPLY CORPS, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Supply Corps, USN, permanent

DAVID CLARK ACKERMAN, JR
ROGER TAYLOR BEAUBIEN
KIMBERLEY ANN BEESON
MITCHELL ELLIOTT BLEVINS
DEAN ANTHONY BOSNAK
JOHN WARREN CAMUSO
PHILIP JAMES CANDREVA
JOSEPH JACK CIPOLLA
LAWRENCE JOHN COFFEY
KENNETH EARL CUYLER
ROBERT EARL DAVIS
LANT CHARLES DIMLER
KEVIN MICHAEL DIMUZIO
JAMES DAVID FLOWERS
JOHN LOUIS GONZALEZ
CASEY J. GOODALL
RANDALL LEE GRAU
JOHN STEPHEN GRAY
JAMES MARK HANSEL
DAVID LAWRENCE HARDING
DAVID HARRY HELLMAN
ROBERT COLGROVE HILL, JR
ROBERT LYMAN HULTS
MICHAEL JAMES ITTEL
JOHN DAVID JUNG
ERIC DAVID LANMAN
BRADLEY ALAN LEWIS
MICHAEL KEVIN LUCAS
VITO VINCENT MANNINO
ROBERT LEE MOBERLY, JR
GRAYDON EDWARD MYHRE
RICHARD MICHAEL NASH
THEODORE CHARLES OLSON
DAVID ALAN PETERS
JAMES RUFUS RANSBURG
MICHAEL RANDELL RAYNER
SCOTT MICHAEL RETZLER
STEPHEN GREGORY SKINNER
GARY STEPHEN SMITH
WALTER PALIN SMITH
BRION SCOTT SNYDER
MARK EDWIN STANLEY
GREGORY FRANCIS STROH
STEPHEN JOSEPH TERRELL
FREDERICK MARK VANLUIT
TIMOTHY SCOTT VARVEL
CRAIG LEROY WARD
THOMAS WIGGINS
TIMOTHY HARRELL WILKINS
JEFFERY SCOTT WOLFE
ALAN MICHAEL WROBEL

THE FOLLOWING-NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, ENSIGN

To be ensign, Supply Corps

BRETT ANTHONY STURKEN

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CHAPLAIN CORPS, LIEUTENANT

To be lieutenant, Chaplain Corps, USN, permanent

JONATHAN MATTHEW FRUSTI

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Civil Engineer Corps, USN, permanent

TIMOTHY J. BOND

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, LIEUTENANT

To be lieutenant, Civil Engineer Corps

MICHAEL LIPSKI
ANTHONY DOMINIC PALMA
JOHN PHILIP WILTENMUTH, III
MARK HENRY YEHLEN

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS, LIEUTENANT

To be lieutenant, Civil Engineer Corps, USN, permanent

MICHAEL KENNETH ABATE
JOHN TIMOTHY BAKER
MANUEL DELGADORUIZ
HENRY VANESS DOBSON, JR
STEVEN RAY DUPES
DAVID PHILIP FAULK
CHRISTOPHER VAN OLIVE FLORO
JAY ANTHONY GRAVEN
JUAN MANUEL GUERRA, JR
ROBERT PAUL HYMEL
DANIEL P. KING
JOSEPH GERARD ORLOWSKY
WILLIAM ANTHONY OSTER
MICHAEL WILLIAM PETERSON
HANS PROBST, JR
THOMAS JAMES RODINA
ROLAND HAYES ROYSTER, JR
KELLY ROBERT SNOOK

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Civil Engineer Corps

CHRISTOPHER NEIL HARRIS
DEWAYNE EDDY ROBY
JOHN JOSEPH TIERNEY, III
ANDREW PATRICK TROTTA

THE FOLLOWING-NAMED LINE OFFICERS, U.S. NAVAL RESERVE, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Civil Engineer Corps

SPIRO C. COLAITIS
ROBERT OWEN FETTER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Civil Engineer Corps, USN, permanent

JEFFREY ROBERT BAKER
IRENE KAY LEE
THOMAS CHARLES REEVES
MARK LOUIS SAYGER
TIMOTHYJAMES TWOMEY

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, ENSIGN

To be ensign, Civil Engineer Corps

GREGORY FORD HANBY
JOHN WILLIAM KORKA

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, JUDGE ADVOCATE GENERAL'S CORPS, LIEUTENANT

To be lieutenant, Judge Advocate General's Corps, USN, permanent

DENNIS JAMES ARGALL
ERICK LARSON ARMSTRONG
PATRICIA JEANNE BATTIN
JOHN ALAN BEALL
FRANK HOUGH CARBER, JR
JOHN RICHARD CHEMA
SUSAN L. R. CHEMA
LINDA M. CHRISTENSEN
PAUL MORTON DELANEY, JR
JANET LYNN FISHER
DOUGLAS ARTHUR HESS
DELORA L. KENNEBREW
JAY JEFFREY KESSLER
BRENDA JO LYLES
BRUCE W. MACKENZIE
MICHAELEEN MASON
DANIEL EDWARD OTOOLE
RAUL A. F. PEDROZO
STEPHEN M. RODGERS
WILLIAM F. ROOS, JR
LISA RAWL STALLINGS
RUTH GLADYS THOMPSON
DAWN MARIE TOMPKINS
BURTON JAY WALTMAN
BRIAN G. YONISH
RICHARD DAVID ZEIGLER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS, LIEUTENANT COMMANDER

To be lieuteannt commander, Dental Corps, USN, permanent

JOHN C. KUEHNE

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS, LIEUTENANT

To be lieuteant, Dental Corps, USN, permanent

PETER J. ADAMS
EVAN ATWOOD APPLEQUIST
CURT W. BEACH
GREGORY STEVEN BENSON
JAMES ALLEN BLUSTEIN
CRAIG EMBERTSON BUNDY
DANA MATHANY CUFF
PETER B. DODSON
BRADLEY W. HUNT
GLEN M. IMAMURA
DALE MICHAEL KING
PHILIP JOSEPH KING
GREGORY B. KJELLBERG
WILLIAM MARTIN KOHS
MARTIN JOHN KOOP
RANDALL WILLIAM KULNIS
GAYLE ANN LAUGHLIN
THOMAS M. LEIENDECKER
CLARA YANITSA LLODRA
DENNIS MORRIS MAHAN
STEVEN MARK MARINELLI
DANIEL JAY NEUMANN
WANG SIK OHM
MATTHEW OSMAK
JAMES ROLAND OXFORD, JR
THOMAS BARRY PADGETT
STEPHEN MICHAEL PARKER
SCOTT B. PETERS
WILLIAM PATRICK RIEGER
MICHAEL L. RUDOLPH
DAVID D. RUTHERFORD
DAVID DENNE RUTHERFORD
TIMOTHY M. RYBA
DUANE ROBERT SCHAFER
BRUCE JAMES THOMAS
THOMAS MARK THOMPSON
ALLEN D. TODD
MICHAEL DALE TURCK
JOHN M. VININGS
MARK SPANGLER WALLACE
TIMOTHY RYAN WALTERS
DALE VICKERS J. WATKINS
TERRY SHELTON WEST
DAVID KENNETH WHITE
DAVID ROSS WILLIAMS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Medical Service Corps, USN, permanent

DENISE C. BERRY
MICHAEL J. WENDLING

THE FOLLOWING-NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 5582(B):

LINE, LIEUTENANT

To be lieutenant, Medical Service Corps

STEPHEN A. TALMADGE, JR

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS, LIEUTENANT

To be lieutenant, Medical Service Corps, USN, permanent

TIMOTHY GEORGE ALBERT
ANDREW VERNON BATES
STEPHEN GENE BERK
RANDELL RAY BRATSVEN
JOAN THERESA CHRZAN
JOSE RAFAEL CINTRON
ROBERT W. CLIPPER
MICHELE M. DALESANDRO
WILLIAM HUNTER DEES
JON MARSHALL ETHEREDGE
ARTHUR DAVID FERREIRA
EILEEN DIANE FRANKE
THOMAS A. GERONTONIS
MICHAEL T. GILLSON
RANDOLPH SCOTT GIRVEN
NANCY NICOL GODFREY
SUSANNE MARIE HILAND
ALBERT T. HONEYCUTT
THOMAS EUGENE HULL
PAMELA ONEITA JINKS
SARAH K. KIRTLAND
KATHERINE E. MACHOL
MICHAEL MATHIEU
JAMES M. MCKIVIGAN
LEIGH ANN MEAD
ROBERT P. MEINERTZHAGEN
REGINA JURATE MILKUS
MICHAEL C. RADOIU
MARY CHARLENE REYNOLDS
CHARLES BLAKE RHODES
DANIEL JAMES RYAN
ELIZABETH ANN SPERNOW
CRAIG S. STAAB
GREGORY ARTHUR TROSSET
SALLY ELLEN VEASEY
HENRY B. VILLAREAL
DANIEL OBRIEN WALKER
FRANCIS PAUL WARD, JR

THE FOLLOWING-NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 5582(B):

LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Medical Service Corps

WILSON J. WASHINGTON

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Medical Service Corps, USN, permanent

CECIL CARLTON ABELS, II
TAMERA JANE ELLIOTT
GARY WAYNE IVEY
JAMES JOSEPH KING
RITA LEE MCCARTHY
EDWIN GONZALES MONTOYA
STEPHEN JAMES PIRAINO
CAROLYN MARIE ROPER
MICHAEL A. SOKOLOWSKI
WILLIAM LEROY STOREY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Nurse Corps, USN, permanent

THOMAS E. WAREHAM, JR

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS, LIEUTENANT

To be lieutenant, Nurse Corps, USN, permanent

SUSAN MARIE ANDERSON
CHARLES DODDS BEVIS
LISA GAIL BRACE
AMY S. COLLINS
CATHERINE L. COSTIN
THOMAS JOSEPH DELANEY
JANIS KAY DENNIS
DOROTHY EDNA ENGLER
JOHN HUDSON FILLMORE
DENNIS LEE JEPSEN
KAREN MARIE KREUTZBERG
BARBARA BAKER LONG
MARY ELIZABETH MARTIN
DENISE ANNE MCLEMORE
MARY M. H. MEDINA
SHELA LYNETTE NORMAN
JULIA LYNN PALMER
CHARLES A. SHEELEY II
PATRICIA G. STADTMULLER
DIANE MARIE STRENN
PATRICK C. VERVILLE
MICHAEL LEON WATKINS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), Nurse Corps, USN, permanent

MARIE ANNE AUBIN
CHERIE LYNN BARE
HEATHER LEE BAYLESS
DONNA TERESE BERRY
LINDA KAY BUMBALOUGH
DINETA C. CARTER
CLINT STEVEN CHAIN
MELANIE B. B. CRYSLER
LATANYA D. DAVIDSON
EDIE HELEN DOZSA
JERALD W. DRISKELL
KEVIN NEAL FLOWERS
JAN FRANCES GRIMES
CHRISTINE ANN GROVER
LINDA LEE HARTT
SUSAN LOUISE HAYWARD
DEBORAH LEE HILL
DEBORAH N. HILL
DARLENE ANN HOUTZ
CELIA JAY KALTENBACH
JOHN WEIMAN KELLER III
JEAN ELIZABETH KREMLER
WAYNE DENNIS PRITCHARD
NANCY ELLEN ROGERS
LISA M. ROYBALBISHOP
CHERYL TURNER
ALBERT LOUIS TWOCROW

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS, ENSIGN

To be ensign, Nurse Corps, USN, permanent

BRAD ALLEN ARMSTRONG
LORI JO BRUEHLER
CLIFFORD W. CRAWFORD
KEVIN DONALD LAUER
KATHALEEN M. LOVELAND
JOAN ELIZABETH MCGRATH
GEORGE FRANCIS MCMAHON
FRED KENNETH WILKERSON

THE FOLLOWING-NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT AS REGULAR OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, LINE, LIEUTENANT

To be lieutenant, line, USN, permanent

TERRY LEE GOWEN
RICHARD CORWIN NICHOLS
TIMOTHY L. REYNOLDS
DAVID DONALD YACKEL

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIMITED DUTY OFFICER, LINE, LIEUTENANT

To be lieutenant, line, USN, permanent

FREDERICK F. MARTIN

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIMITED DUTY OFFICER, LINE, LIEUTENANT (JUNIOR GRADE)

To be lieutenant (junior grade), line, USN, permanent

MICHAEL JAMES BURR
TERRY KEY DAVIS
SCOTT CHRISTOPHER RIVARD
JERRY LEE ZUMBRO

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be captain

BRUCE CHARLES ADAMS
JACK WESTON ANDERSON
WARD REYNOLDS ANDERSON
GLENN MELVIN ASHE
RAYMOND BABIJ
DONALD LEO BACH
LAWRENCE MICHAEL BADER
PAUL M. BADER
RALPH NORBERT BAKER
ANTHONY CHARLES BASILIO, JR
JAMES BRUCE BATTLES
FRANK GEORGE BAUER
JOHN RUSSELL BECK
RONALD L. BEELEY
EDWARD JOSEPH BENDER, JR
BRUCE ALAN BERLIN
DAVID ROCKWOOD BERRY
GEORGE WASHINGTON BIRK
ROBERT GLENWOOD BLACK, JR
WILLIAM N. BLAIR
PETER EDWARD BLESSING
NELSON ADRIAN BLISH
JOHN FREDERICK BOWERS, JR
MARSHALL DEAN BOYD
RICHARD ALLEN BOYD
FRANK LESLIE BRADFIELD, JR
STEPHEN SCOTT BRAINERD
JAMES PATRICK BRENNAN
CHARLES ELLIS BRIGMAN
KEVIN BOWEN BROOKS
GREGORY WILLIAM BROSE
JAMES WILLARD BROWN
STEPHEN GARY BROWN
THOMAS JEFFERY BROWN, JR
WALTER ARTHUR BRUEHS
DENNIS MICHAEL BUDZIK
NICHOLAS BUHAY
JAMES FRANKLIN BURGER
DANIEL MORGAN BURTON
ROBERT OTTO BUSCHMANN, JR
LEONARD JOSEPH CALLAN
LESLIE BARTON CANNON
THOMAS PAUL CARMAN
THOMAS RICHARD CARPER
LAWRENCE PATRICK CARR
JAMES FRANCIS CASEY, JR
THOMAS JOSEPH CASPER
WILLIAM MARSHALL CASTLE
LAWRENCE JOSEPH CAVAIOLA
WILLIAM THOMAS CIOCE
RICHARD WALLACE CLARKE
CASEY WILLIAMS COANE
WENDELL STUART COLBY
ELLERBE POWE COLE
HENRY CARL COLLINS, JR
PETER MICHAEL COLLINS
JON CHARLES CONGER
JOHN YELDELL COX
HAROLD ALLEN CRAIG
ERIC MICHAEL CRAYON
WILLIAM EDWARD CUMMINS, JR
JOHN JOSEPH DALY
LAWRENCE DOUGLAS DAMRON
JOHN WOODYARD DAVIDSON
THEODORE EDGAR DAVIS
DANIEL FIELDING DAWSON
JOHN HOWEL DAWSON
HARRY LEE DEAS III
RUSSELL W. DESSERICH, JR
HENRY NICHOLAS DIDIER
AUSTIN LOWELL DOOLEY
JAMES ROBERT DORE
CHARLES TIMOTHY DOUGLAS
FRANCIS JOHN DRDEK
CHARLES EUGENE DRISCOLL
CRAIG DROSSEL
ARTHUR RAYMOND DUNN, JR
HAROLD LEE DUNN, JR
DENNIS VINCENT DYCKMAN
JAMES NORFLEET EAGLE II
JAMES WAYNE EASTWOOD
DAVID C. ECKSTROM
RONALD STANLEY EGUT
RICHARD CLARK ERICKSON
JOHN FREDERICK FARR, JR
FRANK JOHN FARRELL
JOSEPH FEENEY, JR
WILLIAM TABER FERRIS III
ARTHUR GALLAGHER FIELD
WILLIAM CRAIG FILLMAN
ROBERT ALBERT FINK
CLAUDE MICHAEL FISCHER
LAWRENCE ALLEN FISCHER
HARRY STEPHEN FISH
DANIEL FRANKLIN FISHER
MARK ENDICOTT FLANDREAU
JOHN MICHAEL FLYNN
DAVID CALVIN FOOTE
CAROLYN SUE FORD
GRAHAM BRUCE FORSYTH
JAMES HENLEY FROST
GLENN MICHAEL FULKERSON
WILLIAM PIERCE GALVANI
MICHAEL KIRK GANN
HENRY JOSEPH GARDNER
DIETWALD A. L. GERSTNER
STEPHEN BROWN GERTH
RICHARD EDWARD GERTSCH
GEORGE STEPHEN GETMAN
KENNETH JOHN GIACIN
EDMUND HARRISON GIBSON
STEVEN E. GIBSON
CARROLL HUNTER GILPATRICK
MARK THOMAS GILSDORF
HAROLD WALTON, JR GOFORTH
HARRY GEORGE GOODING III
WALTER MCINNIS GORDON
ROBERT GEORGE GOTTSCHALK
BRIAN EDWARD GRANT
JONATHAN LEWIS GREEN
WAYNE KING GREENLEAF
JOSEPH GEOFFREY GROVHOUG
HARRY PEALE HALDT, III
JOHN IVAR HALLQUIST
HOOD COLBERT HAMPTON III
JOSEPH EDWARD HANDLEY
CHARLES HANSON
LARRY JAMES HANSON
HARRY LEFTWICH HARGROVE, III
JAMES DOUGLAS HARRIS
THOMAS EDWARD HART
MILEVA MARIA HARTMAN
WALTER RAY HARVEY
THOMAS WILLIAM HEARN
GORDON RAY HEDRICK
CYRUS EUGENE HENDREN
DONALD ANDREW HERSHBERGER
JOHN EARL HICKMAN, JR
DOUGLAS GORDON HOECKER
JAMES HERBERT HOENER
THOMAS JARDINE HOLLEMAN
JOHN LAWRENCE HOLLOW
JOEL ARTHUR HORSLEY
ERIC JOSEPH HOUIN
RICHARD CHARLES HOWELL
GEORGE HUTCHINSON
CHARLES ANTHONY JACKSON, JR
DAVID WILLIAM JACOBS
GEORGE ROBERT JACOBSEN
KENNETH RAY JACROUX
MARTIN EDWARD JANCZAK
TAPPAN HORNOR JENNINGS
MICHAEL SHEA JEROME
RICHARD METZGER JOHNSTON
JAMES MARION JONES
JOHN ROBERT JONES
DANIEL KALASHIAN
HENRY EMANUEL KEIL
STUART JOHN KEILLER
DAVID MARTIN KELLY
JAMES PATRICK KELLY, JR
RICHARD ELLSWORTH KELLY
RALPH LEE KENDRICK
MICHAEL SPEER KENNEDY
JAMES MARTIN KENNEY
JOHN MICHAEL KIRBY
PAUL JOSEPH KLOTE
JOHN CHARLES KNAPP
JOHN KARL KOSCHAK III
DAN VICTOR KRAL
EDWARD WILLIAM KRATOVIL
CHARLES WILLIAM KRAUSE
JAMES THOMAS KROLL
DEAN HARRY KRUSE
JAMES HAWTHORNE LANT
ALEXANDER EMMANUEL LARDIS
THOMAS JOSEPH LAVERY
DANIEL BARRETT LEAR
JACQUES WADE LEGETTE
JAMES WINDFIELD LEWIS
JOHN MICHAEL LEWIS II
CRAIG MICHAEL LIEBLER
MARC EVAN LIEBMAN
MICHAEL ALEXANDER LILLY
JOHN THOMAS LITTLE
OSBORNE MORGAN LITTLE, JR
HENRY HOPKINS LIVINGSTON, JR
GARY STEPHEN LOPEZ
EDWARD ARMSTRONG LYONS
JOHN DOUGLAS MAGEE
JOHN HAROLD MALONE
GENE ALLEN MAREK
JOHN REX MARSHALL
PETER STEPHEN MARTIN
STEPHEN JAMES MARTIN
WILLIAM HENRY MARTIN III
GREGORY RICHARD MASTERS

MICHAEL GARY MATETICH
DONALD CAMERON MATHESON
BUELL RICHARD MAUNE
CALVIN PERRY MCCLAIN, JR
JOHN PATRICK MCCLURG
JAMES JOSEPH MCCULLOUGH
WILLIE ELDRIDGE MCGEE, JR
DENNIS MICHAEL MCHUGH
KENNETH JAMES MCNAMARA
DWIGHT WILLIAM MCNEACE
DWIGHT HAINES MERRIAM
CHARLES RICHARD MEYER
STEPHEN CARL MIDDENDORFF
JOHN THEODORE MISUREK, JR
HOWARD GROMEL MONTGOMERY
WILLIAM FENTON MOODY
CARL FERRELL MOON
RICHARD WILLIAM MORGAN
HODGES CARTER MORRIS
EDWARD MICHAEL MULHERN
ALDEN FOSTER MULLINS, JR
RICHARD JOSEPH MURRAY
HARRIET HATSUNO NAKASONE
JOHN WILLIAM NEWTON
JAMES WILBUR NIXON, JR
RICHARD PAUL NOCETI
JULIUS LYNN NOLAND
MICHAEL THOMAS NORDIN
EDWARD DENNIS NORTON
MICHAEL RILEY OBANNON
FRANCIS DONAL OBRIEN
JOSEPH VINCENT OBRIEN, JR
RICHARD CARL LEROY OLSON
CHRISTOPHER STEPHEN OTT
JAMES ROBERT PADDOCK
RICHARD THOMAS PARRETTE, JR
PAT HARVEY PATTISON
RICHARD PEREZ
GARY LOUIS PETERSEN
JON PALMER PETERSON
LEE DAVIS PETTY, JR
DAVID ROBERT PIERCE
JOHN CHARLES PITNEY
BILLY JAMES POTEET
NORMAN PETER POURCIAU, JR
ROBERT LEE PUHLMAN
STEPHEN MICHAEL QUENNOZ
BARRY THOMAS RANDALL
NICHOLAS ROBERTS RASMUSSEN
RICHARD WHITSON REDDITT
ROGER WILLIAM REGAL
PAUL FORREST REYNOLDS
CALVIN BROWN RIDENHOUR
JOHN FRANCIS RISHER
JOHN WILLIAM RISINGER
GERALD EDWARD ROGERS
ROBERT RICHARD ROHRBACH
CARL WARREN ROSENGRANT
JOSEPH RAYMOND ROULEAU
EDWIN I. RUDD, JR
EDWARD DEAN RUNK
PHILIP MICHAEL RUTH
DENNIS FRANCIS RUTLEDGE
ROBERT HENRY RYDLAND
FLOYD TAMERLANE SAMMS, JR
NED RICHARD SANDS II
PHILLIP HARWOOD SAVAGE, JR
GARRETH EDWARDS SCHNEIDER
GERALD JUDSON SCOTT, JR
MICHAEL DELL SESSIONS
JEFFRY BRUCE SHERMAN
DONALD GENE SHERRILL
RAYMOND HOWARD SHIPLEY, JR
CONRAD JOSEPH SIMON, JR
MERLIN DAVID SIMONSON
FRANK SLABY
MICHAEL LAURENCE SLAGLE
THOMAS WYNDHAM SOUTHWORTH
WILLIAM CLAYTON SPARROW, JR
JAMES CHARLES SPILLMAN
GEORGE THOMAS SPINK, JR
CHARLES A. STAEBLER III
FRANCES ILENE STAGG
MARK EDWARD STANGE
ROBERT HUGH STANLEY II
WALTER KARL STEINER, JR
MICHAEL VINCENT STIMAC
WILLIAM FRANCIS STOEHS
JAMES HANNON SUDDETH, JR
THOMAS MICHAEL TAIMI
JANICE MCGALIN TAYLOR
MARCUS GENE TAYLOR
WILLIAM GILBERT TEATER
CLIFFORD ANTHONY THEISS
RICHARD LEO THOMAS
THOMAS MICHAEL TOLLISON
RICHARD DUANE TORGERSON
WAYNE ROBERT TRACY
JOHN EDGAR TRUMBAUER
WILLIAM ALBERT TRYON
KURT OTTO ERICH TSCHAEPE
EDWARD JOHN TURK, JR
ARTHUR LEE TWOMBLY
ROBERT GRATTAN TYRRELL
DAVID JULIUS VANOSS
THOMAS HOWARD VANSLYKE
JAMES PATRICK VICKERY
JAMES PAUL VIRTUE
KENNETH LAWRENCE VOLKER
JAMES JOSEPH WALKER
STEPHEN JAMISON WALKER
DAVID FRANCIS WARD
NEIL DOYLE WARE
FERN MARTHA WATKINS
BRIAN EARLE WEINKLE
RICHARD ARLIN WHEELER
THOMAS PATRICK WHITAKER
CHARLES HENRY WHITE
DONALD LEE WHITE
JAMES GUY WHITE II
ROGER NEWELL WHITEWAY
VICTOR PAUL WICKMAN
EDWARD CAMERON WILLIAMS, JR
RONALD CHARLES WITT
WILLIAM RICHARD WOLVEN
LARRY PAUL YARHAM
GEORGE MICHAEL YOPP

UNRESTRICTED LINE OFFICERS (TAR)

To be captain

STEPHEN DARRYL BARRETT
DOUGLAS RAYMOND BIRR
NED ANTHONY BROYLES
DWIGHT ALLEN BUTLER
RICHARD H. DEVAULT
ALAN BRUCE DUNN
ROD FAINO
ROBERT RICHARD HATHAWAY
PAUL W. KINNEBERG
RONALD RAYMOND LUSTMAN
MICHAEL ROBERT MATT
ROGER C. METZ, JR
WILLIAM THOMAS RICE
DENNIS KAYE ROACH
ROBERT FREDERICK SANDWEG
EDWARD CHARLES SCANLON, JR
DAVID A. SCRIBNER
JAMES EDWARD TURNER, JR
DONALD R. VEAL

ENGINEERING DUTY OFFICERS

To be captain

JAMES WHITFIELD COAKER
JACK KENNETH EDGAR
ROBERT MOYER ELLIOTT
HENRY AMOS HARPER, JR
JOSEPH JOHN HOMER, JR
BRUCE CARROLL HOWIE
STEPHEN SEABROOK ISRAEL
ROBERT DAWSON KERN
ROBERT LEE KINGSBURY
ALBERT MITCHELL MANGIN
RICHARD NORMAN NELSON
ROBERT GEORGE PAVLISIN
MICHAEL ALLAN PAYNE
ERVIN TOWNSEND POWERS, JR
ROBERT THORNTON RICH
PETER STONE ROBINSON
GARY THOMAS SATTERFIELD
RICHARD FRANK SILLOWAY
RICHARD ALAN SMITH
MITCHELL S. TIBSHRANY, JR
JOHN CHARLES VELOTTA
JEFFREY JOHN WARNOCK
CHARLES DAVID WHITE

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be captain

CHARLES THOMAS BURBAGE
ANTHONY MICHAEL FORTINO
EDWARD WESLEY KENKELEN
WILLIAM STUART MCMURRY
LAWRENCE EDWARD PARYZ
GERALD THOMAS WITOWSKI

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be captain

LEROY HOWARD ABERCROMBIE
MARVIN FREDDIE HOUGH
STUART NORTON LAWRENCE
HAROLD ROBERT LONERGAN, JR
JOHN ALBERT PADDENBURG, JR

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be captain

JOHN VERNON BUTZ
CARL VICTOR MALLETT
JOSEPH LAWRENCE STONE

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

WILLIAM CHARLES BUSHNELL
ROBERT NEWMAN COLEMAN
JAMES LESLIE GOLDEN
JOHN JAMES HAWLEY
RICHARD NEIL JAEGER
DOUGLAS BRENT WADSWORTH

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

GEORGE ERNEST ALBRIGHT III
MICHAEL CHARLES ALIN
JOHN THOMAS AMBROSE
WILLIAM DEAL ANDERSON III
CARL THOMAS BAUER
FRANCIS VERNE BENNETT
RONALD ROBERT BLUE
MICHAEL BEN BOGGESS
DOUGLAS BRAIDWOOD
RONALD ANTHONY BRONZETTI
DAVID LEIGH CARROLL
WILLIAM TERRY CHAMBERS
LEE ROSS CURTIS
RICHARD ANTHONY DAREZZO
DONALD FRANK DOERR
RICHARD ARMAND DUCHATEAU
DAVID MAXIMILIAN EPSTEIN
JOHN CHARLES FRITZ
FREDERICK FERDINAND FURTEK
ROBERT JAMES GERACE
RICHARD EDWARD GODFREY
THOMAS RICHARD HAMILTON
ROBERT JOHN HANEY
DAVID ARTHUR HINMAN
TIMOTHY WILLIAM HUELSMAN
JOHN PAUL JONES, JR
TERRY MAC KALTENBACH
MARGARET FRANCES KEATING
FLOYD DANIEL KENNEDY, JR
JAMON HUSTON KENT
WALTER WINBURNE KING III
VERLIN BERG KOMPELIEN
WILLIAM FREDERICK KRACKE
HENRY DARYL KRESS
DALE VINCENT LALLY, JR
RICHARD DALE LARSON
ERIC ROBERT LAUSTEN
PETER HUME LAWRIE
KENNETH DUDLEY MACOMBER
ELVIN ARMAND MARNE
EDWARD CARL MARTIN
ROBERT PREUITT MASTERSON, JR
JOHN LINDBERG MILLER
ERNEST CHARLES MILNER
JOHN BARTON MITCHAM
PHILIP EDWARD MOHRHARDT
RICHARD LORING NIELSEN
MICHAEL JOHN PACKARD
VICTOR JOSEPH PALMUCCI
CLARENCE GREER PAUTZKE
WILLIAM RICHARD PHELPS II
EDWIN STEVENS POTTS
FRANK M. PRINCE
DOUGLAS PAUL RANDALL
EDWARD CHURCHILL REILLY
RAPHAEL ROSS III
LYNN NEWTON RUFFIN
KEITH GARY SHAVER
LARRY DEAN SILVEY
NORMAN MICHAEL SMALTZ
RONALD ALLEN SPARLING
MICHAEL HUNT STUDLEY
GARY MARSHAL SULLIVAN, JR
JACK EDWIN THURMAN, JR
ANDREW JAY WALLACH

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be captain

JAMES EDWARD GOLDSMITH, JR

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

MICHAEL JAMES ALLAN
KENNETH CLARKE BEACHLER
JAMES CLAYTON BERDAHL
WILLIAM HANFORD BRUBAKER
GEORGE EARL DEVAULT, JR
BRENT ARCHIE HOFFMAN
PHILLIP CARL KAZANJIAN
JOHN GEORGE MCCANDLESS
RONALD RAYMOND MUELLER

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

GEORGE WASHINGTON HEBURN

CONFIRMATION

Executive nomination confirmed by the Senate March 7, 1989:

UNITED NATIONS

THOMAS R. PICKERING, OF NEW JERSEY, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

GAO REPORT REVEALS FAILURES IN NAVY TRAINING

HON. TOBY ROTH
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. ROTH. Mr. Speaker, 1 year ago, a 19-year-old Navy recruit died while undergoing training at the Navy Rescue Swimmer School at Pensacola, FL. His name was Lee Mirecki, a young man like many thousands who join our Armed Forces with enthusiasm, idealism and a commitment to their country.

Today, I released the results of an extensive GAO investigation of Lee Mirecki's death. The report reveals that Lee Mirecki died because of serious safety problems, and not in a freak accident, as the Navy claimed. A summary of the GAO report follows my remarks.

The GAO also found that safety problems contributed to at least 5 of the 16 other Navy training deaths which occurred during 1986 through 1988.

In addition, the GAO found defects in Navy investigation procedures that impede the Navy's ability to correct safety problems.

Finally, the GAO determined that, contrary to the Navy's claim that safety has been restored, in fact much more has to be done to improve safety in high risk training.

The bottom line is that Navy instructors still are not trained to conduct high risk training and that students still are not screened to make sure they can handle the dangers.

After months of Navy stonewalling, last June I turned to the GAO to find out why Lee Mirecki and the other Navy men had died. Specifically, I wanted to know whether safety was a problem and whether the Navy was properly managing its training. The entire Wisconsin congressional delegation endorsed my request.

From GAO's report, I conclude that Lee Mirecki's death was a tragedy waiting to happen. He was not qualified for this dangerous course, and was confronted with instructors who were not properly trained or effectively supervised. He was coerced into this high risk training because the Navy had a shortage of rescue swimmers.

The Navy brass had ignored safety problems at Pensacola for months before Lee Mirecki arrived. They swept reports of problems under the rug, and did not properly review the course of training.

This GAO report is a catalog of failures by the Navy—which led to Lee Mirecki's death and others. Today I am transmitting copies of this report to the Navy, with a demand that the GAO's findings be implemented without delay. I am also asking that the Navy contact the families of those who have died in training to tell them what really happened.

I am also transmitting this report to the chairmen of the Armed Services Committees, with my strong recommendation that they exercise strict oversight to make sure the Navy complies.

In a free society, our Military Establishment depends on public trust. In this case, the Navy failed Lee Mirecki and failed the American people. it is now up to the Navy command to restore that trust, so that every American family whose son or daughter serves in the Navy has confidence that they are told the truth when a loved one dies—whether in combat or in training.

The GAO has done a superb job in this investigation. Their commitment to excellence is a shining light for all who serve in Government and I thank them for their hard work.

[GAO report to congressional requesters, March 1989]

NAVY TRAINING—SAFETY HAS BEEN IMPROVED, BUT MORE STILL NEEDS TO BE DONE

PURPOSE

On March 2, 1988, Airman Recruit Lee Mirecki died while undergoing training at the Navy's Rescue Swimmer School in Pensacola, Florida. Since January 1986, 16 other Navy personnel have died while involved in training activities. Annually, about 800,000 Navy personnel receive formal training.

The Wisconsin congressional delegation requested that GAO answer the following questions:

How and why did the Mirecki incident occur?

Has the Navy done enough to see that such an incident cannot reoccur?

How adequately was the Mirecki incident investigated?

Were safety problems present in the other Navy training deaths?

BACKGROUND

Lee Mirecki entered the Navy under a program that guaranteed him training as an aviation anti-submarine warfare operator. When he arrived at Aircrew Candidate School after recruit training, he was informed that he had to complete the Rescue Swimmer School.

After panicking during a lifesaving exercise, Mirecki decided to withdraw from the school. He then underwent some medical reviews to determine his fitness to continue the training. Although a flight surgeon determined that he was unfit to continue because of a water-related fear, he was re-enrolled in the course.

During the same lifesaving exercise, Mirecki again panicked. This time, the instructors forced him to continue. He became unconscious, and the instructors removed him from the water and began resuscitation efforts. Subsequent medical treatment failed to revive him.

The cause of death was diagnosed as heart failure brought on by extreme fright, fatigue, and lack of air. This incident led to a series of investigations and resulted in a variety of disciplinary actions against 10 individuals.

RESULTS IN BRIEF

An intimidating, nonvolunteer atmosphere and inadequate internal controls at the school and its superior commands contributed to Mirecki's death. In addition, the initial investigations were flawed, although subsequent investigations produced information that allowed action to be taken against those involved. Two later training reviews helped to improve training safety, but weaknesses remain.

Safety concerns were involved in several of the other 16 training-related deaths. The Navy did not always perform the required investigations into these deaths.

GAO'S ANALYSIS

An intimidating atmosphere existed at the rescue swimmer school

Because of command pressure to produce more graduates, the Rescue Swimmer School became less selective of the students it enrolled and increased the importance of discouraging voluntary attrition. These factors helped to create an intimidating, nonvolunteer atmosphere at the school. As a result, it enrolled students who had little chance of success and then intimidated them into remaining in the course by reminding students of the negative career consequences that would result if they withdrew.

A lack of effective internal controls

The atmosphere at the school combined with inadequate internal controls allowed a series of events to occur that led to the death of Lee Mirecki.

First, Mirecki was not a good candidate for rescue swimmer training. He did not volunteer, did not receive any psychological screening for duty as a rescue swimmer, and was not a strong swimmer. In addition, he was not informed that rescue swimmer training was required until he arrived at the Aircrew Candidate School. Second, Mirecki was pressured into remaining in the Rescue Swimmer School after he panicked in his first class. Third, he was allowed to re-enroll after a flight surgeon had determined that he was not physically qualified. Fourth, the instructors forced Mirecki to continue the training exercise, despite his pleas to quit.

Those events occurred because the school did not effectively manage its operations and staff. For example, the school did not adequately supervise and train instructors, had an inadequate student feedback system, inadequately screened students, and did not have a system for alerting instructors to special student problems.

The lack of effective internal controls at the school was compounded by inadequate command oversight. Higher level commands did not (1) pay sufficient attention to high attrition and rollback rates, (2) follow up on injury and medical incidents, (3) establish safety audit/inspection responsibilities, and (4) provide adequate curriculum review.

Initial investigations into the Mirecki incident were inadequate

The Mirecki incident triggered a number of investigations. The Chief of Naval Air Training convened a Judge Advocate General Manual investigation. This initial investigation was hastily done and narrowly focused and did not thoroughly analyze the circumstances of Mirecki's death.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A Naval Investigative Service investigation began after a tip was received alleging that the death may have been caused by instructor misconduct and the Navy was attempting to cover it up. GAO found that the investigation did not sufficiently address the issue of an alleged cover-up and contained numerous flaws.

Navy officials found both investigations to be inadequate and directed a supplemental Judge Advocate General Manual investigation and reopened the Naval Investigative Service investigation. The results of these later investigations were used as the basis for disciplinary charges and actions against those involved.

Command actions have improved safety, but more needs to be done

The actions resulting from the Rescue Swimmer School review and the command-wide review contributed to improving training safety. However, GAO concluded that additional changes are still needed to clarify policies, eliminate coercion, improve instructor selection and training, and improve internal controls.

Death investigations need to be improved

Navy regulations call for up to three independent investigations of a death to determine whether safety issues were involved and identify needed corrective actions, determine accountability, and ensure that the death is not due to criminal action. GAO found that these investigations were not always performed as required. Also, the ability of these investigations, as presently conducted, to identify and address safety issues is questionable. In addition, the system for disseminating information learned from death investigations needs improvement.

RECOMMENDATIONS

GAO recommends that the Chief of Naval Education and Training take several specific steps to address the issues raised in this report.

GAO also recommends that the Secretary of the Navy review the regulations and procedures applicable to death investigations to clarify under what circumstances investigations should be performed, who should perform them, what their focus should be, and how the results should be disseminated.

BALBOA NAVAL HOSPITAL

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. LOWERY of California. Mr. Speaker, in times of many troubled health care systems. I would like to bring your attention to a medical success story in the San Diego area. I would also like to commend the fine staff of Balboa Naval Hospital, and their commanding officer, Capt. Carl Wesolowski. Given the status of military health care, Balboa stands as a role model for the entire military health care system. I would like to share with my colleagues excerpts from this article which describes in further detail the first anniversary of the new Balboa Naval Hospital. This article by Mr. Robert Dietrich, appeared in the San Diego Tribune on January 31, 1989.

NEW NAVAL HOSPITAL CELEBRATES FIRST ANNIVERSARY, PATIENT "BOOM"

(By Robert Dietrich)

Capt. Carl Wesolowski, who commands the nation's largest naval medical center, served hamburgers to some of the 3,000-member staff of San Diego Naval Hospital yesterday as they celebrated the first anniversary of the institution's new $260 million facility.

"It wouldn't have worked without them," the captain said, "and we are doing things we weren't doing a year ago—we're increasing access to medical care."

The new hospital, in Balboa Park's Florida Canyon, has a daily patient load of 2,000—twice the number that were treated at the facility it replaced. The original Naval Hospital in Balboa Park was begun in the 1920s and most of its buildings are now being razed. The site was transferred to the city in a land-swap negotiation.

Wesolowski acknowledged that the hospital could not begin to meet the medical needs of all the estimated 400,000 San Diego County military personnel, retired personnel and dependents entitled to care there. But he said breakthroughs in medical administration have allowed him to expand patient loads

"We expanded our (in-hospital) primary-care clinic by adding civilian doctors to the staff," he said. "In June 1987, we were seeing 50 primary-care patients a day. Now we are seeing 200—and that is seven days a week."

Primary-care clinics in Tierrasanta and the South Bay each see an additional 200 to 300 patients a day, he added.

"Our specialty clinics have raised the daily patient load from 1,000 a day to 2,000," he said. "We recently reached an in-patient population of 427—and that includes retirees and their dependents."

Wesolowski also gave the Navy's civilian physician partnership program—authorized in 1987—high marks in expanding care for military beneficiaries.

THANKS TO GREGORY M. GILL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. HOYER. Mr. Speaker, it is all to infrequent that we stop to thank the staff of those people who make this institution run. I would like to do just that today, to recognize and say thanks to a member of my staff, Gregory M. Gill, who is leaving us to take up a great challenge as drug policy coordinator for Prince George's County, MD.

Greg joined my staff more than 5 years ago, after working for the Maryland State Senate for 3 years. He has served in all his time with me as an associate staff member for the Appropriations Committee, with special concentration on two Subcommittees: Labor, Health and Human Services, Education and District of Columbia.

Every one who has met Greg and worked with him has been impressed with his commitment, his humor and with the breadth of knowledge he has developed about Government programs ranging from AIDS research to Head Start. He has made an important contribution to our country's domestic agenda. Like most staff members, however, that contribution is known only to a few. Greg has been an invaluable advisor, right arm and friend to me.

Now he faces even greater challenges. The drug epidemic is the most serious problem affecting our region. Greg has been asked by our country executive to coordinate all phases of our local fight against drugs. The future of so many young people depend on his efforts.

I know he is up to this new challenge, and I hope all my colleagues will join me in thanking Greg Gill for his contributions and wishing him Godspeed.

END OF COMMUNISM IN EUROPE?

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. LEWIS of Florida. Mr. Speaker, I insert the enclosed article, "End of Communism in Eastern Europe?" by my constituent, Mr. Arthur Burck, in Extensions of Remarks:

[From the Palm (FL) Beach Post, Oct. 23, 1988]

END OF COMMUNISM IN EASTERN EUROPE?

(By Arthur Burck)

In touring the six nations on the Danube River during recent weeks, my wife and I observed conditions that could portend the beginning of the end of communism in Eastern Europe.

It is coincidental that just after the end of World War II in 1945, I visited these very same nations at a time when I concluded that it was inevitable that the Soviet occupation forces would bring lasting communism to five of these nations—Hungary, Rumania, Yugoslavia, Czechoslovakia and Bulgaria—thereby slamming shut an Iron Curtain.

Our trip just happened to be at a time when, as a possible consequence of Mikhail Gorbachev's perestroika, the troubled economies of Yugoslavia, Hungary and Czechoslovakia were in ferment, leading to turmoil among the communist leaders that in time could undermine communism in the Eastern Bloc, especially since despotic Rumania and Bulgaria also are ripe for similar turmoil.

When World War II ended, the major obstacle to a lasting peace was the question whether the six nations in the Danube basin would lose their independence by becoming communist satellites of the Soviet Union. (Austria slipped out of the Soviet noose in 1955 and today is a thriving showplace of capitalistic democracy.) In October 1945, Sen. Claude Pepper, then a leader in the Senate Foreign Relations Committee, embarked on a five-week investigative tour of these nations, and the U.S. Army ordered me, an Army captain stationed in Rome awaiting return to my civilian position as a Wall Street lawyer, to assist Sen. Pepper as special aide.

We spent days in intensive conversations with communist leaders—Marshal Josip Broz Tito, as house guests in his Belgrade palace, Field Marshal Ivan S. Koniev in Viennta, Austria, Field Marshal Klementiy Voroshilov in Budapest, Hungary, as well as countless Soviet officials of lesser stature.

One fact emerged crystal clear. It was that nothing could dissuade the U.S.S.R. from

dominating these nations. Invariably they explained their belief that their hold over these nations was indispensible to Soviet security: Since time immemorial Russia has been invaded through these states by the Swedes, Poles, Napoleon, the Kaiser and Hitler, leaving the U.S.S.R. with 20 million dead in World War II alone.

Our recent trip to these very same countries was under vastly different circumstances—aboard a luxury Soviet riverboat, the M.S. Ukraina, that my wife Rutilia and I boarded on Sept. 28 at the Russian port of Ixmail near the mouth of the Danube River. We then proceeded upstream, stopping at all of these countries, until we arrived at Vienna after 1,645 miles on the incredibly beautiful Danube.

COMMUNISM VS. CULTURE

My first shock came at Bucharest, Rumania. Untouched by the war, Bucharest in 1945 was renowned as the "Paris of East Europe." Today it is unbelievably dreary, run-down, filthy and unkept, with scarcities in quality consumer goods that, in comparision, make Moscow shops seem like Worth Avenue. Most of the charming "old town" has been bulldozed and replaced by sprawling, huge office buildings for the communist bureaucracy. It is a damning indictment of what happens when communism takes over a mature, sophisticated city of beauty and culture.

Then in Yugoslavia were found an economy near collapse: inflation over 200 percent, unemployment 15 percent, $21 billion in foreign debt. By comparision, even foundering Argentina looks good. Riots and strikes were cropping up in some areas as Communist political leaders jockeyed to improve their position.

On the surface beautiful Budapest, fully recovered from the war damage that destroyed 60 percent, seems happy, relaxed, ebullient and communism's entrepreneur capital of capitalism that once gave it the reputation for an "economic miracle."

COMMUNIST LEADERS ON EDGE

But behind the facade is widespread poverty. A third of Hungarians survive on negligible or substandard income of less than $100 per month while inflation and unemployment soar.

Struggling to find solutions, Communist leaders are considering shutting down the inefficient state-owned heavy industries and returning workers to farms that were taken away from them when state-owned farms were the "in" thing in the early days of socialist takeover. Others talk of selling a third of businesses to Western capitalists and other capitalistic moves that might reinvigorate the economy. In the meantime there are strikes, riots and other disturbances that keep Communist leaders on edge.

For similar reasons, Czechoslovakia is like a quiescent volcano that may erupt at any time. It was just 20 years ago that Czech reformers took the lead with their own programs of perestroika, but they paid the price for being ahead of the times when Soviet tanks rolled in and replaced reformers with hard-liners who in recent turbulence were replaced by other hardliners.

It was a pleasure to end the trip in Vienna. In 1945, Vienna was one of the grubbiest of cities—40 percent damaged and with its defeated population spiritless and impoverished. Today it is hard to find a more beautiful and prosperous city. If one needs to be convinced concerning the total superiority over communism of democracy and a free-enterprise economy, the comparison is startling when one weighs the postwar progress made by Vienna compared with the communist capitals.

Since Vienna is so close to the borders of Hungary, Czechoslovakia and Yugoslavia, undoubtedly it serves as a beacon for dissident communists to come there to compare.

THE WALDHEIM VIEW

I discussed this with Kurt Waldheim, president of the Republic of Austria, in an extensive meeting Rutilia and I had with him in the Hofburg palace, and he assured that Vienna and Austria would not ignore what is happening elsewhere in Eastern Europe. He emphasized that America must play a more active role, reminding us that "both World Wars had their start in Central Europe, and yet most Americans pay little attention to what is happening here; they focus on the more populous nations."

The transition from communism will be no easy task. In every country there are entrenched bureaucrats who will fight to preserve the status quo. Moreover, the concept that socialism-communism is no longer the wave of the future is still not fully comprehended by most people.

In this fast-changing world so filled with immediate problems, it is easy to overlook what historians may eventually assess as the most significant development of our times. It is that on the economic front there has been complete and total victory over socialism and its offshoot, communism.

It was not always clear that victory would be ours. Those of us who grew up in the Great Depression remember the arguments from a surprisingly large and varied section of American life that communism-socialism was the wave of the future.

FRANCE'S SOCIALIST FLING

Indeed, as recent as the early 1980s socialism was still on the move. The socialist government of France then took over 95 percent of the banking industry and many giant industrial firms, so that government was in control of most of the 20 largest corporations.

Moreover, 17 of the 50 largest industrials in Western Europe—and of course everything in Eastern Europe—were government-owned, including eight of the top 10 in Italy and basic industries in leading democracies such as Britain, Sweden and Austria.

In recent years the tide has turned. France, Britain and other nations have been busy returning many of these big companies to private ownership—"privatization." Why? Experience confirmed the fact that big businesses, already burdened by huge and inflexible bureaucracies, became even more stagnant under the heavy hand of government bureaucrats.

The industrial units of communist nations, of course, remain shackled to massive government bureaucracies. Nevertheless, in the first several decades of the postwar period, the vigor of the Soviet economy surprised many Western economists.

But gradually over the past decade the Soviet economic engine has been malfunctioning.

Today, the Achilles heel of the U.S.S.R. is its stagnating economy.

Mr. Gorbachev therefore faces the mind-boggling task of implementing a thorough reorganization of Soviet industry, a job of unprecedented difficulty and seemingly insuperable challenges. If Mr. Gorbachev fails, freedom is unlikely to come to the Balkan satellites. What happened to Czechoslovakia in 1968 and Hungary in 1955 when Soviet tanks brutally moved in to quell freedom is again the likely scenario if Mr. Gorbachev loses.

GLASNOST AND THE REFUSENIKS

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. SIKORSKI. Mr. Speaker, with so much attention focused on the processing and absorption of the increased rate of Soviet emigration and refugee application to the United States as well as the perception that glasnost has produced a society where Soviet citizens are now accorded human rights, it is easy to overlook the many refuseniks who remain waiting in an atmosphere of ever increasing hostility and anti-Semitism. While glasnost has loosened many of the restrictions in Soviet society, including the right to emigrate, most visa applications are granted to those who have recently applied. This leaves the refuseniks, who have been denied many times over for a host of poor reasons, as political pawns to be used as concessions when negotiating with the West. Additionally, glasnost has allowed the spawning of anti-Semitic groups like Pamyat making the need for emigration all the more urgent. We must continue to press the Soviet Union to go beyond superficial concessions and make true human rights advances as agreed upon in the recent concluding document of the Vienna Conference on Security and Cooperation in Europe.

I rise today, International Women's Day, in order to make our community aware of the actions of a select group of women who are in desperate need of our help. For the next 3 days, the Jewish Women Against Refusal [JEWAR] will be conducting their third annual hunger strike in protest of the Soviet Union's continued refusal to grant them exit visas. Many of these women, who have been refuseniks for more than a decade, are waiting to be reunited with their families. I am compelled to insert the statement of these women, on the eve of their hunger strike, into the RECORD because it will reinvigorate us all to continue the fight.

STATEMENT BY REFUSENIK WOMEN ON THE EVE OF THEIR HUNGER STRIKE

As in the past two years, refusenik women declare a three day hunger strike on March 8, International Women's Day.

There have been certain improvements in the problem of emigration throughout 1987 and 1988. However, there is still no legal mechanism for solving the problem. This accordingly affects the fate of people tragically. Repeated promises by Soviet authorities to line the problem up with their international commitments remain empty words.

The Soviet authorities have now divided the problem of emigration into two spheres: one is for people who apply to emigrate for the first time and the other is the release of refuseniks. Thousands of people who first apply are allowed to go rather quickly, while refuseniks remain an object of endless political bargaining at international negotiations and harassments by bureaucrats at home.

Lawlessness and arbitrary rule reign towards refuseniks detained for reasons of "state security." In most cases, they have been held beyond all reasonable time limits. Their problem is not resolved. In many cases refusal of permission for them to emigrate is confirmed, their term of waiting being extended monstrously. More and more "security" refuseniks appear, receiving refusals as hitherto without any lawful grounds.

Another big group of refuseniks are the poor relatives. Their situation is vivid testimony that the Soviet authorities refuse to comply with their own legislation. As a result, hundreds of people, including many women and children, are denied defense under law and are doomed to wage an endless overwhelming struggle against cruelty and inhuman treatment.

As a whole, the refusenik situation today exposes the old absence of legal foundation for solving the human rights problem in the Soviet Union. Accordingly, we again appeal to the Soviet and foreign public to support our just fight for observance of the right to emigrate, both for those who have been waiting for years, and for those who hope to use the right but cannot do so because there are no reliable assurances.

The right to emigrate, including essential assurance that it will be observed, has just been confirmed by the Vienna Conference on Security and Cooperation in Europe. The conference confirmed that right on January 19 and its decision was published in the Soviet Press.

Will the Soviet Union once again refuse to honor its commitments, so that we will again remain deceived victims of lawlessness and arbitrary rule?

PUERTO RICO MOVING TO DECIDE ITS FUTURE RELATIONSHIP WITH THE UNITED STATES

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. FUSTER. Mr. Speaker, my colleagues have no doubt noticed the recent surge of interest in the matter of Puerto Rico's political status, a matter placed on the national agenda when President Bush elaborated on it in his February 9 address to a joint session of Congress which was nationally televised. For the further interest of my colleagues in this matter, I would like now to give all Members of Congress a brief background on this important issue that will have important implications for both the United States and Puerto Rico.

In his speech, President Bush called for a referendum in Puerto Rico to allow Puerto Ricans "to determine their own political future," adding that "personally, I strongly favor statehood." Mr. Bush has long been an advocate of statehood. I favor the existing Commonwealth status, with improvements, as does our Governor, Rafael Hernandez Colon, who proposed in January a political status plebiscite for Puerto Rico.

Gov. Hernandez Colon was later joined by the leaders of the prostatehood and proindependence parties in Puerto Rico, who agreed to seek a commitment from the United States for a final solution to the issue of the island's relationship with the United States. The Federal Government has supported Puerto Rico's right to self-determination since the days of President Harry Truman. Self-determination for Puerto Rico has been the continuing and commendable policy of the United States.

President Bush's advocacy of statehood comes despite the fact the only a minority of Puerto Ricans have expressed themselves for statehood. For example, in last November's elections, Gov. Hernandez Colon, the incumbent, pro-Commonwealth supporter, won 48.7 percent of the vote, while the prostatehood candidate won 45.8 percent. The proindependence candidate received 5.5 percent. The last time Puerto Ricans formally expressed themselves on this matter in a plebiscite held in 1967, Commonwealth predominated with 60.4 percent of the vote, while statehood received 38.9 percent, and independence, 0.6 percent.

Although President Bush came out for statehood in his February 9 speech, Gov. Hernandez Colon the next day praised the President's recognition of Puerto Rico's right to self-determination. But the Governor added that this right includes the right of the Puerto Rican people to conduct their political affairs without outside interference, without pressure from anyone in the Government of the United States making official statements concerning preferences for the political status of Puerto Rico.

The facts are that the Commonwealth of Puerto Rico, which came into being in 1952 through a compact between Puerto Rico and the United States, has provided the basic underpinnings for Puerto Rico's extraordinary and much admired economic and social growth, which has seen the island's per capita income soar from $121 in 1940 to over $5,000 today. Economically, the island's semiautonomous status has allowed Puerto Rico to create a thriving industrial sector of over 2,000 industrial plants, which are the mainspring of an economy whose gross domestic product [GDP] is now about $19 billion, which allows Puerto Rico to have the highest standards of living in Latin America. Puerto Rico last year bought some $7.3 billion worth of products from the United States mainland, more than that of Brazil, Argentina, Colombia, and Chile combined.

Despite the obvious economic advantages of Commonwealth status, a growing number of Puerto Ricans have come to prefer statehood in recent years. Yet, many of them somehow believe, as is maintained by local prostatehood leaders, that they can have statehood without paying Federal taxes, or somehow have Federal taxes phased in over a 20-year transition period. These leaders also maintain that Puerto Ricans need not give up Spanish as their official langauge—as it has been for nearly 500 years—or need not give up Puerto Rico's current international personality. They also claim that Congress will assume Puerto Rico's external debt of over $12 billion.

These questionable contentions should be subject to close scrutiny by Congress. The people of Puerto Rico have a right to know whether statehood will in fact be granted with such unusual conditions.

Puerto Ricans have great respect for the institution of statehood. But the majority at present feels that statehood would not be in the interest of the United States or Puerto Rico, and could plunge the now-thriving economy into deep depression if the island's special economic arrangements under Commonwealth status were eliminated, as they would be under statehood. From an island which is now an asset to the United States—and called the keystone of the Caribbean Basin initiative—Puerto Rico as a State could become heavily dependent upon U.S. taxpayers as its industrial sector atrophies without its present tax advantages.

It behooves Congress to examine these issues closely as it comes to consider President Bush's request and to help Puerto Ricans understand what it would be willing to agree to regarding each of the options to be selected by Puerto Rico through a referendum. It is also vital that Congress expedite the legislative process concerning this referendum, thereby expediting Puerto Rico's continuing right to self-determination.

JUST SAY NO TO BIG STEEL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. FRENZEL. Mr. Speaker, the February 20 edition of the Minneapolis Star Tribune contained an excellent editorial opposing an extension of voluntary restraints for the U.S. steel industry. I hope my colleagues will review the arguments opposing the extension contained in the article before making any decision on the issue. The article follows.

JUST SAY NO TO BIG STEEL

The U.S. steel industry is a junkie. It's addicted to protection from foreign competition. The industry has grown so dependent that it focuses obsessively on ensuring that its habit will continue to be fed. Another fix is due later this year. Big Steel's dealers—Congress and the White House—seem intent on providing it. That's the way addictions become perpetual—one fix at a time. The solution is to quit cold turkey. Congress and the White House should cut off the supply. If they won't do it, Big Steel's foreign competitors should.

The U.S. steel industry has enjoyed protection from foreign competitors in some form since 1969. Despite the help, the industry failed to modernize, and cost-conscious foreign competitors still captured one-quarter of the U.S. market by the early 1980s. In 1984, with Big Steel apparently on its death bed and with an election-conscious Congress clamoring to impose harsh import controls, President Reagan asked Congress to let him negotiate voluntary restrictions instead. The restrictions would last five years, giving the U.S. steel industry a chance to rebound. Congress agreed, and foreign producers went along for fear that failure to oblige would bring even more severe restrictions on their U.S. sales.

Now the "voluntary" quotas are about to expire. Surprise: Big Steel says it just can't get along without them—even though its profits are extraordinarily healthy, its mills are running at near capacity, and the de-

cline in the dollar has made American steel among the cheapest to produce. U.S. politicians seem determined to keep the industry wrapped in dependency. During last fall's campaign, George Bush pledged his support for a continuation of the controls, and Congress seems similar inclined.

Steel-using manufacturers are incredulous at this official acquiescence to continued protectionism. They suffer the consequences: highly inflated steel prices and shortages or delayed deliveries of some steel products. Because they must pay more for steel than their foreign counterparts, U.S. manufacturers are at a competitive disadvantage both at home and abroad. Some, like Caterpiller, Inc., are fighting back by building new manufacturing plants abroad—at the expense of U.S. communities. All together, steel-users estimate that import restrictions have cost the United States significantly more manufacturing jobs than they have saved in the steel industry.

That's the flaw in protectionism. It helps some Americans but hurts others even more. For five years, steel-using manufacturers and American consumers have carried Big Steel. Now it is time for the industry to compete fairly with foreign producers or get out of the business. Congress should refuse to allow an extension of the voluntary import restrictions and President Bush should decline to negotiate one. If Bush and Congress cave in, as seems likely, foreign producers should refuse to go along.

SEA WORLD CELEBRATES ITS 25TH ANNIVERSARY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. LOWERY of California. Mr. Speaker, it is with admiration that I rise today to pay tribute to Sea World of California as it celebrates its 25th anniversary year. Founded in 1964 on a small plot of land on Mission Bay in San Diego, Sea World with its sister parks in Cleveland, Orlando, and San Antonio—is one of the largest and most respected marine zoological parks in the world.

The history of Sea World is one of dedicated people guided by a simple philosophy and spurred by the energy common to dreamers and visionaries. In addition to presenting premier entertainment for the family, Sea World is renowned for its significant contributions to marine education and research.

Sea World's education programs have served more than 1.5 million students and teachers, offering them a unique opportunity to visit the park to study and learn first-hand about the wonders of the marine world. And, through its award-winning outreach program, Sea World has taken the mysteries of the sea to school assemblies, classrooms, libraries, and clubhouses across the western United States.

Since its founding, Sea World has sponsored an extensive stranded animal program, annually treating at its own expense as many as 650 orphaned, ill, and injured animals found on southern California beaches.

Sea World also serves as the host and major benefactor of the independent Sea World Research Institute, a nonprofit operating foundation known worldwide for its research in the areas of conservation, resource management, marine life ecology, and mariculture. Much of the institute's significant contribution to the scientific literature is attributable to the opportunity its scientists have to utilize Sea World's state-of-the-art veterinary laboratories and the park's vast collection of marine animals.

Mr. Speaker, Sea World plays a significant role in the economic health of San Diego, providing jobs to thousands of young people and students and contributing greatly to the growth and maintenance of the tourism industry. With its parent company, Harcourt Brace Jovanovich, Inc., Sea World and its employees represent a considerable resource not only to the community of San Diego but to the families, students, and scientists of the Nation.

I am proud to extend my congratulations to president Robert K. Gault, Jr., and his staff and associates on the occasion of the 25th anniversary of Sea World of California.

A TRIBUTE TO BONNIE JOHNS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. HOYER. Mr. Speaker, on November 16, 1988, Prince Georges County lost one of its most respected citizens when Bonnie Johns passed away.

For more than 20 years, Mrs. Johns served the people of our county in a variety of posts, both as a professional and as a civic activist. She was a person of great ability and compassion. In her private and public careers, she combined her training in teaching and counseling with her interest in the welfare of children.

In Prince Georges County in the 1960's, Mrs. Johns served as executive director of the United Communities Against Poverty [UCAP], an agency created during the Great Society years of the Johnson administration to combat poverty in the inner-beltway area. UCAP continues its mission today with the same commitment which Bonnie Johns first brought to it.

Bonnie Johns became most well known in Prince Georges County and throughout the Washington area for her service to the schools. In the early 1970's, she was a member of the citizens advisory committee of the county school board. In 1977, County Executive Winfield Kelly appointed Mrs. Johns to a vacancy on the board. In 1980 she was elected to that post in her own right.

During her tenure of the board, Prince Georges County was under court order and was moving toward integration of the schools. As the only black member of the school board, Mrs. Johns' profile was high and her role was difficult. Hers was always a voice of reason, often a lonely one. She engendered such respect that in her last year on the board she was elected to be the Chair.

Mrs. Johns chose not to run when she was up for reelection to the board in 1984. She wanted to devote her spare time to the pursuit of other interests. Certainly after years of night meetings, she had earned a rest. However, she was not out of the public eye for long.

For many years, Mrs. Johns was the director of consultation and education for the Prince Georges County Comprehensive Community Mental Health Center. In 1984, County Executive Parris Glendening chose her to be the first executive director of the Commission on Children and Youth. She served in that post for 2 years.

In the last two decades in my county, whenever a board or commission was being formed, Bonnie Johns came to mind as a person who would be sure to meet any task with intelligence and integrity. She gave of her time and talents generously, and the lives of thousands of children in our county are the better for it.

I remember Bonnie Johns fondly as a friend and with great admiration as a public servant. I know we were blessed in Prince George's County during some difficult years to have a leader of Bonnie Johns' wisdom.

I ask the Members of the House to join me in extending our condolences to Bonnie Johns' husband Anthony and to their children and grandchildren.

REMARKS ON BASE CLOSING REPORT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. BRUCE. Mr. Speaker, on February 22, 1989, I testified before the House Armed Services Subcommittee on Military Installations where I expressed my concern about the base closure Commission's report.

Closing and realigning obsolete military bases was one of the cost-saving recommendations of the Grace Commission and an initiative proposed by the congressional Grace caucus, of which I am a cochair.

The act's primary intention was honorable: To save the taxpayers billions of dollars and to make better use of our Nation's defense resources.

I voted against the authorization of the Commission under the act. I agreed with the bill's cost-saving intentions but I believed that its mandate was too narrow and the time frame to evaluate the bases was too short.

More importantly, I was concerned about the sweeping delegation of legislative authority to an outside agency without allowing full congressional oversight.

The enactment of the bill left too great a margin for error. What if national defense were weakened by proposed closures? What if no significant cost savings were achieved? What if mistakes had been made by the Commission? How are these mistakes to be corrected?

Since the release of the base closure report, it is my observation that mistakes have been made by the Commission. Doubts linger in my mind over the legislation's intended savings estimated at $2 to $5 billion a year, and the Commission's proposal which projected a modest savings of $700 million. The Commission seemed to cast aside its mandate of cost reduction, which was the foundation of its charter.

But the Commission's report contains many more serious flaws, specifically with regard to Chanute. I recently toured Chanute Air Force Base in eastern Illinois with Congressman ED MADIGAN. The Commission's report seriously underestimated the facilities at Chanute, the cost of closing the base, and the impact on the surrounding community. The Commission relied on outdated information about the base; and it did not even bother with an onsite inspection.

Since 1981, Congress has appropriated about $150 million for training facilities, permanent buildings, housing, and other support activities. The quality of work in Rantoul and the improvement in Chanute's facilities in recent years, has made the base an essential component of our national security program.

The Commission claims that Chanute was slated for closure "primarily due to reduced mission effectiveness caused by lower quality and limited availability of facilities." In reality, major modern facilities exist throughout the base including a new liquid fuels training facility, $1.9 million; a new weather training facility, $7.5 million; an addition to the aircraft engine training facility, $1.7 million; a new 500-man dormitory, $10.8 million; new steam lines, $16.9 million; a new regional waste water treatment facility, $11.9 million; a new unaccompanied office personnel housing facility, $4.6 million; and a new cold storage facility, $2.9 million. All construction on these projects occured within the last 6 years, with a price-tag of over $66 million. This construction would have to be duplicated at the receiving bases should Chanute be closed. At the receiving bases, there is already a 2-year wait for housing. I don't have to tell you that there is not much incentive for servicemen to reenlist without adequate housing.

As you can see, although Chanute's location represents the Air Force's oldest technical training center, only its location is old—its facilities are new or renovated.

The Commission's contention that Chanute lacks space for administration and training purposes is ludicrous. The base's largest facility, Whitehall, is only surpassed in administrative space by one building in the Department of Defense: The Pentagon. And there is no shortage of buildings for training.

I am concerned about the loss of surge capability should Chanute be closed. Each base has an unused capacity in the case that a mobilization should occur. By closing one of the Air Force's technical training centers, the amount of surge that a base can accommodate would be severely limited.

Fifty-one training courses are offered at Chanute, and none are offered at any other technical training center. Chanute's weather training school teaches weather forecasting to all four branches of the armed services and the Coast Guard. The fire training school instructs all Air Force and Army firefighters. The fuels training school offers courses to test and evaluate aircraft fuels, and safety courses. Everything would have to be redone: Classrooms, equipment, facilities. They all must be placed somewhere since Chanute functions are vital to our defense.

There is great confusion on how the projected cost savings will be achieved. Neither the report nor the working papers confirm or deny a cost savings as a result of the proposed closure. The Commission estimates that the closure of Chanute will save $68.7 million annually. But this figure seems to mirror the cost of operating expenses at the Air Force base each year.

The figure must be based on some other savings since we know that Chanute's functions will be realigned to other facilities; and, according to the Air Force, the realignment of Chanute's functions would require $243 million in construction at the four receiving bases. Others have placed estimates much higher.

We do not know whether they considered all possible costs including: Realignment of functions to the receiving bases; termination of existing contracts with the private sector; cleanup of hazardous wastes; cost of home buyout; legal suits against the Government for damages; large lump sum payments to laid-off tenured teachers in the school district; and defaulted loans and other financial damages caused by the closure.

It is my belief that closing Chanute Air Force Base and realigning its functions elsewhere will actually end up costing the taxpayers money. And we will be compromising our national defense readiness in the process.

As a Member of Congress, it is my obligation to act responsibly in reviewing the Commission's report. The documentation requested from the Commission is absolutely necessary for Congress to make a fair judgment on the base closing recommendations.

A GAO study is now underway which will either confirm the Commission's findings or disapprove them by offering information the Commission had overlooked in its efforts. I urge my colleagues to remain patient until all the facts are in on this matter.

CHILD CARE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation making child care more widely available to families of all incomes. My legislation makes the current dependent care tax credit refundable and provides incentives to businesses to provide onsite child care facilities for their employees.

The lack of affordable and quality child care is the greatest obstacle confronting women today as they balance their careers, economic livelihoods, and their family's needs. In 1986, some 60 percent of the mothers of 3- to-5-year-olds were working, most because of economic necessity. And the problem is not diminishing. Three-fourths of all school age children and two-thirds of all preschool children will have mothers in the work force by 1995. And a significant number of these children will be in self-care or in the care of other children if this problem is not addressed.

The legislation I am reintroducing would make the dependent-care tax credit refundable. As many of my colleagues are aware, our Tax Code provides for a tax credit for costs associated with dependent care for only those individuals or families who can apply that credit against an existing tax liability. For the 6 million children in poverty, and the 6 million households eliminated from the Federal tax rolls by the 1986 Tax Reform Act, the tax credit is virtually useless. Thus, while the maximum credit in theory is $720 for one child and $1,440 for two or more children, in reality no one can currently claim those amounts since they are higher than the maximum tax liability for the applicable income levels. By making the dependent-care tax credit refundable, families of all income levels will be able to take equal advantage of the tax credit.

A second feature of my bill addresses the day care supply problem by providing incentives to businesses to provide dependent care facilities as a business or as a benefit for their employees. Currently, there is no special tax incentives which would make it more attractive for employers to spend money on day care for its employees than to provide some other kind of fringe benefit. By bill grants a 10-percent tax credit for any investment now eligible for the normal investment tax credit and used for a dependent care facility. I would also establish a new 5-percent investment tax credit for any structural expenses associated with building a dependent care facility, now not eligible for credits of any type.

Mr. Speaker, there have been many child care bills introduced thus far in this Congress, including ones that take advantage of the dependent-care tax credit. Unlike many of those, my legislation does not expand the scope of the Tax Code, but only addresses those families who are already entitled to the dependent-care tax credit. Accordingly, I urge my colleagues to support my initiative.

I request that the full text of my bill be inserted at this point in the RECORD:

H.R. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFUNDABLE CREDIT FOR EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT.

(a) SECTION MOVED TO APPROPRIATE PLACE IN SUBPART C OF PART III OF SUBCHAPTER A OF CHAPTER 1 OF THE INTERNAL REVENUE CODE OF 1986.—

(1) DESIGNATION.—Section 21 of the Internal Revenue Code of 1986 is henceforth to be designated as section 34A of such Code.

(2) PLACED IN SUBPART C.—The section for which paragraph (1) provides a new section number is hereby moved to the appropriate place in subpart C of part III of subchapter A of chapter 1 of such Code.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 129(e) of such Code (relating to definition of dependent care assistance) is amended by striking out "section 21(b)(2)" and inserting in lieu thereof "section 34A(b)(2)".

(2) Subsection (e) of section 213 of such Code (relating to exclusion of amounts allowed for care of certain dependents) is amended by striking out "21" and inserting in lieu thereof "34A".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part III of subchapter A of chapter 1 of such Code is amended by striking out the first item.

(2) The table of sections for subpart C of part III of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Expenses for household and dependent care services necessary for gainful employment."

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to taxable years beginning after December 31, 1989.

SEC. 2. ADDITIONAL INVESTMENT TAX CREDIT FOR DEPENDENT CARE CENTER PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 46 of the Internal Revenue Code of 1986 (relating to amount of credit for investment in certain depreciable property) is amended—

(1) by adding at the end thereof the following new paragraph:

"(4) in the case of dependent care center property, the dependent care percentage.",

(2) by striking out "and" at the end of paragraph (2), and

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and".

(b) DEPENDENT CARE PERCENTAGE.—Subsection (b) of section 46 of such Code (relating to determination of percentages) is amended by adding at the end thereof the following new paragraph:

"(5) DEPENDENT CARE PERCENTAGE.—

"(A) IN GENERAL.—The dependent care percentage is—

"(i) 10 percent, in the case of dependent care center property not described in clause (ii), or

"(ii) 5 percent, in the case of dependent care center property which (but for section 48(s)(1)) would not be section 38 property.

"(B) REGULAR PERCENTAGE NOT TO APPLY TO PROPERTY NOT OTHERWISE SECTION 38 PROPERTY.—The regular percentage shall not to apply to any dependent care center property to which subparagraph (A)(ii) applies."

(c) DEPENDENT CARE CENTER PROPERTY DEFINED.—Section 48 of such Code (relating to definitions; special rules) is amended by redesignating subsection (t) as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) DEPENDENT CARE CENTER PROPERTY.—For purposes of this subpart—

"(1) TREATMENT AS SECTION 38 PROPERTY.—For the period beginning after December 31, 1989, dependent care center property shall be treated as meeting the requirements of paragraph (1) of subsection (a) (other than the penultimate sentence of such paragraph).

"(2) DEPENDENT CARE CENTER PROPERTY DEFINED.—The term 'dependent care center property' means property for use by a dependent care center if—

"(A) such center meets the requirements of subparagraphs (C) and (D) of section 34A(b)(2), and

"(B) more than 90 percent of the gross revenue of such center is from 1 or more of the following sources:

"(i) Payments which are employment-related expenses (within the meaning of section 34A(b)(2)) for the care of qualifying individual (within the meaning of section 34A(b)(1)) outside the taxpayer's household.

"(ii) Amounts paid or incurred by an employer which are excludable from the gross income of an employee under section 129 (relating to dependent care assistance programs).

"(iii) Grants received from a State or political subdivision thereof, the District of Columbia, or an organization described in section 501(c) which is exempt from tax under section 501(a)."

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to the period after December 31, 1989 (under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986) in taxable years ending after such date.

MICHAEL GIPSON AND ERNEST RODRIGUEZ HONORED AS YOUNG SCHOLAR-ATHLETES

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. SHUMWAY. Mr. Speaker, today I ask that my colleagues join with me in paying tribute to the outstanding young scholar-athletes who are about to be honored by the Sacramento Valley Chapter of the National Football Foundation and Hall of Fame at the organization's annual awards banquet.

Each year, the chapter honors outstanding high school and college scholar-athletes. Each recipient must have maintained a minimum grade point average of 3.2, and exhibit outstanding academic application and performance on and off the football field. Superior school leadership and good citizenship are also requisites.

This year's event will also honor high school students Michael Morris Gipson (Hirm Johnson) and Ernest Rodriguez (Live Oak). Each of these boys played football against overwhelming odds: Michael lost a leg to cancer at the age of 4, while Ernie suffered a similar loss following an accident. Michael and Ernie will receive the Gene Sosnick Award for their courage and determination.

Other high school scholar-athletes to be honored include: Robert Blair (Davis), Chris Campbell (Jesuit), David DeMarco (Woodland), Mark Eddy (Delta), Greg Harcos (Jesuit), Jason Hartsfield (San Juan), Kris Johnson (Bear River), Khari Jones (Center), Mike McCarn (Lincoln), Woon Park (Fairfield), Mark Parsons (Bella Vista), Robert Perry (Bella Vista), Greg Quilici (Jesuit), Bryon Rockwell (Davis), Laurence Taylor (Rio Americano), and Allen Woods (Rio Americano).

Three college scholar-athletes were similarly honored: Mark Krieger (University of California, Davis), Rick Pembrook (University of the Pacific), and Ken Stinnett (California State University, Sacramento).

Congratulations to this year's recipients for exemplary performance, and also to the Sacramento Valley Chapter for undertaking this program to promote and encourage sportsmanship and excellence.

LANCE A MISSILE: LANCE A CHIP

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. BEREUTER. Mr. Speaker, during Secretary of State Baker's recent visit to all NATO capitals, the Lance modernization issue dominated the news. Naysayers portrayed West German Chancellor Kohl's announcement on the eve of the visit to postpone the decision on replacing the aging, short-range Lance missile as a major setback for the new Bush administration.

The Lance missile is scheduled to be replaced by 1995 when it nears the end of its useful life. NATO has yet to agree upon a successor missile, which under the terms of the Intermediate Nuclear Forces Agreement could have a range up to 300 miles. It had been expected that the Allies would reach agreement on the Lance follow-on sometime this spring. Now Chancellor Kohl wants to delay the decision until after the West German national elections in 1990.

This Member does not believe Chancellor Kohl's request for a postponement of the Lance decision represents the death knell for the missile or NATO unity as some have said. Rather there is a bipartisan group of Members who believe that early development funding of the Lance follow-on is essential in the context of the ongoing Montebello process to modernize and restructure NATO's nuclear forces in Europe. Moreover, modernization of NATO's European forces serves to keep the pressure on the Warsaw Pact as the conventional stability talks are just getting underway.

In this Member's view, agreement by our European Allies, including West Germany, to produce and deploy the Lance follow-on is not necessary this year in order to receive congressional funding for a successor missile. In fact, it would be foolish to foreclose our options prematurely by requiring that kind of European assurance at this time.

The February 23 New York Times made this same point in a thoughtful editorial, "Lance as Missile, Lance as Chip." My only disagreement with the Times' editorial is its suggestion to include short-range nuclear missiles like the Lance in the conventional stability talks. I believe that adding this category of missiles to the agenda would unnecessarily complicate the talks and would undermine the current NATO consensus on this issue. Having noted that exception, I urge my colleagues to read this excellent editorial and support continued funding of the Lance follow-on.

[From the New York Times, Feb. 23, 1989]

LANCE AS MISSILE, LANCE AS CHIP

Secretary of State Baker has returned from his tour of NATO capitals having learned how hard it is to hold a nuclear umbrella over Europe when many Europeans fear the risks and some doubt the need.

Even before Mr. Baker left Washington, Chancellor Helmut Kohl of West Germany announced he would postpone deciding whether to accept new short-range American missiles on German soil. That imposes on Mr. Baker a diplomatic task of exceptional complexity: to help Mr. Kohl accept modernized nuclear missiles while responding to Mikhail Gorbachev's highly successful anti-nuclear peace offensive.

The Bush Administration has developed half an answer. It has decided to begin production of the new Lance missiles so they'll be ready for deployment at an appropriate time. Now the Administration has to produce the other half—a viable arms control proposal.

Even success throws NATO into crisis. The recent Euromissile treaty, which bans intermediate range nuclear rockets, will leave the nuclear defense of Europe much more dependent on short-range weapons like nuclear artillery shells and the 80-mile Lance missile. Since these weapons would explode mostly on German soil, West Germans regard them with limited enthusiasm.

To resist the German anti-nuclear tide and maintain the principle of nuclear deterrence, the Pentagon plans to replace existing Lance missiles, which are expected to be obsolete by 1995, with new Lances with a 280-mile range. This is just under the limit set by the Euromissile treaty.

It was anticipated that Mr. Kohl would accede to deployment of the new missiles. But Mikhail Gorbachev's peace offensives make many West Germans want to wait. Mr. Kohl, facing elections in 1990 and under attack from both left and extreme right, put off the decision until 1991.

Providing that Congress is willing to build the new missiles without a formal acceptance from West Germany, Mr. Kohl's desire to postpone a decision on deployment won't hurt. The new weapons could still be available for deployment by 1995.

But NATO has to anticipate opposition to deployment even after the next West German election. The way to deal with that opposition is to tie deployments to arms control, as was done during negotiations on Euromissiles. In this case, short-range nuclear weapons—not now under negotiation—could be added to the agenda of the Conventional Stability Talks to begin in Vienna March 10.

Germans who seek unilateral disarmament can plausibly be urged not to scrap a bargaining chip under active negotiation. Meanwhile, brisk production of the new missiles would give Moscow an incentive for agreement before they are deployed.

The Warsaw Pact has about 1,400 short-range launchers, compared with NATO's 88 Lance missile launchers. It would be useful to remove this disparity—but not as long as the East maintains its advantages in conventional weapons.

Mr. Gorbachev has already told the United Nations he would reduce his vast tank armies in Europe. Will he now agree to accept equality of conventional and nuclear forces at much lower levels? The best way to find out is to produce the new Lance missiles, and negotiate.

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. LOWERY of California. Mr. Speaker, in commemoration of one of our Nation's most inspiring civil rights leaders, I would like to submit written testimony in honor of Dr. Martin Luther King, Jr., prepared by Mr. Daniel A. Young, Sr., a constituent in my district.

Dr. Martin Luther King, Jr., though tired and weary afoot from his travels, heavy burdened with his caring for the plight of the poor, the needs of the homeless, concern for the unemployed, were he here among us today he would say, "The road for equality stretches before me, I haven't got time to sleep."

Dr. King's registration campaign through Selma is over, the march on the Nation's Capitol for jobs and freedom has ended, but the winding road for equality continues and looms ahead—still full of pot holes, still in need of constant repair.

Yes, Mr. King sleeps, but we can make his dream a reality by maintaining the constant vigil for equality and civil rights, in our schools, in our jobs, for the ill among us and in our concern for the homeless.

As conscientious Americans, black or white, rich or poor, we can no longer accept the placement of detours and road blocks in the road for equality and civil rights.

Yes, we can keep the dream he dreamed alive by making his vision for equality our very own.

When we help to educate, when we extend a hand or offer a word of kindness or give the opportunity to try, we continue to honor the name and memory of the late Reverend Dr. Martin Luther King, Jr.

A TRIBUTE TO W. STANLEY MACHEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. HOYER. Mr. Speaker, last month, on January 3, Prince Georges County lost one of its most civically active citizens, and one of our best Democrats, with the death of Stanley Machen.

He was not only a lifelong Democrat, but a lifelong Prince Georgian. Born in Hyattsville, Stanley Machen served our country in the Navy in World War II. He graduated from George Washington University, and began his business in 1946.

Mr. Machen was a successful businessman, having operated his own engineering and surveying firm for four decades. In addition to his political activities, he participated in many business organizations, including the Prince Georges Kiwanis Club and the Chamber of Commerce. He also was a member of the Prince Georges and Montgomery County Engineering Society.

For more than 25 years I have been involved in politics, I knew Stanley Machen as the guiding force behind the Young Men's Democratic Club, one of the most active organizations of its kind in our county. He had served as its president, and on his death was treasurer of the club.

The Machens are a politically active family. Some of you were colleagues of Stanley Machen's brother, former Congressman Hervey Machen, when he served in this House in the 1960's.

As we all know, those of us who hold public office owe a lot to the people behind the scenes who give of their time and ability to make our political parties great. In Prince Georges County we have always had a debt to a true "Mr. Democrat," Stanley Machen. We will all miss him greatly.

Mr. Speaker, I ask my colleagues to join me in expressing our continued sympathy and condolences to Stanley Machen's family; his wife, Pauline, his brother Hervey, and his sister, Mrs. Theo Patterson.

INTRODUCTION OF ILLEGAL DUMPING PREVENTION ACT OF 1989

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. GEJDENSON. Mr. Speaker, I rise today to reintroduce the Illegal Dumping Prevention Act of 1989. This legislation would give the Environmental Protection Agency [EPA] and the U.S. Attorney General the power to seize boats and other vessels of waste transporters found guilty of illegally dumping medical waste, hazardous waste, and municipal solid waste into the oceans and waterways in violation of EPA permits.

As you may recall, at the end of the 100th Congress, legislation was passed and signed into law that bans the future dumping of sewage sludge. It also sets together penalties for those caught dumping medical waste. However, the Illegal Dumping Prevention Act gives the agencies that enforce the ocean dumping laws the additional muscle they need to effectively stop the illegal dumping of not only medical waste, but also hazardous waste and municipal solid waste. The Illegal Dumping Prevention Act of 1989 will offer an additional sentencing option providing a strong incentive for waste disposers to comply with the laws that are currently on the books. Dumpers will know in advance that when they illegally dump any waste, they will lose their boats.

The issue of illegal dumping caught the public's attention last summer because many beaches were forced to be closed, and swimmers were fewer because of the waste washing up on shore. However, illegal dumping has broader economic and environmental effects that go far beyond just closed beaches.

As many may remember, from November 1987 through January 1988, more than 21 dead whales washed up on our shores. Many of the pollutants being dumped into the oceans are being eaten by fish, dolphins, and seals. In addition, the dumped waste adds nutrients to the water, overloading the ecosystem and exacerbating existing environmental problems like the low oxygen levels that we have seen in the Long Island Sound in the summers.

Because of these problems, our fishermen who depend on oceans and waterways for their livelihood have been experiencing smaller catches and catching fish with fin rot and other diseases that make them unmarketable. Many areas which were once breeding grounds for oysters and other shellfish are no longer fishable because the catch is contaminated, dead, or simply too small to be worth harvesting.

Though vessels would be seized only from those convicted in court of illegally dumping, this bill sends a strong message to illegal dumpers that their actions will no longer be tolerated. The Illegal Dumping Prevention Act of 1989 provides a tough sentencing option to use against those who profit from polluting our

oceans. It makes it clear that we are serious about protecting our oceans and beaches for our children, grandchildren, and even for our use today.

It is time that polluters stop using our oceans and waterways as sewers. Illegal dumping in the oceans threatens a vital economic and environmental resource on which our entire Nation depends. I urge my colleagues to join me in sending a strong message to potential dumpers that we are serious about protecting our oceans and waterways.

AN ADDITIONAL OBSERVANCE OF ST. PATRICK'S DAY AS IT RELATES TO THE REVOLUTIONARY WAR

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. DONNELLY. Mr. Speaker, I would like to take this opportunity to share an account of U.S. history, regarding the Revolutionary War. The story of this event bears particular coincidence to our traditional recognition of St. Patrick's Day. This rendition was researched and written by Kevin Doherty, Amanda Gorman, India Henshaw, and Pierre Royer, from Mr. Paul Gibbons, fifth grade class at the Charles H. Taylor Elementary School, in Boston. As a former graduate of the Taylor School, I am proud to to share this historical event as it was prepared by these students.

A MASSACHUSETTS HISTORICAL EVENT

An important event during the Revolutionary War was the evacuation of the British Army from Boston.

Here's how it happened: Fort Ticonderoga is located on Lake Champlain in New York State. It was an important stronghold during the Revolutionary War. When the hostilities began the Province of Connecticut ordered Ethan Allen to seize the fort, taking it from the British generals. On May tenth, 1775, Ethan Allen and Benedict Arnold led "The Green Mountain Boys" (of Vermont) in a surprise attack. Ethan Allen yelled "come on out you rat" to the commanding officer. Getting the weapons to Boston was a herculean task. General Henry Knox was made the leader by George Washington. Washington greeted him for this auspicious honor, and jokingly asked, "But where are the weapons?"

It was agreed that Washington had an appalling lack of weapons. Whereupon the resourceful Gen. Knox made an inquiry into the hauling of British cannons (captured earlier by Ethan Allen at Fort Ticonderoga in New York) to the capital city of Boston. Washington fell in with this ingenious idea. Henry Knox and his brother William set out after the desperately needed equipment.

The time was mid-November 1775. Knox estimated the 300 mile trip would take two or three weeks. But Knox did not bargain for blinding snowstorms, freezing gales and hampering thaws that plagued his men, his boats, horses and sleighs. The group did not reach their destination until late January, 1776.

Knox brought the cannons across Massachusetts and around to the southern part of the city right near our school. Then, the Americans were ready to attack the British ships in the harbor. The British General saw his ships could be attacked by the cannons on Dorchester Heights and decided to leave Boston harbor.

This day is celebrated on March 17th as Evacuation Day. The password that day, General Knox said, was "St. Patrick." The day the British left was March 17, now St. Patrick's Day, so Boston celebrates two events that day.

With the departure of the British, Boston ceased to be a battleground.

Her sons of Liberty took a glorious part in the fighting in other places, but the town itself was not again in the conflict.

VA SUPPLEMENTAL AN URGENT MATTER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. MONTGOMERY. Mr. Speaker, when President Bush spoke to the Veterans of Foreign Wars yesterday morning, he told them he was aware of funding problems in veterans health care and he promised to work with the Congress in solving the problems.

Many of my colleagues and veterans from across the country have contacted me in recent weeks concerning the dire funding situation now faced by all of our veterans' hospitals.

Hospital beds are being closed; programs and services are being terminated; positions for health care professionals remain unfilled; equipment and maintenance money is being diverted to pay salaries; in many instances, prescriptions are not being filled; and scores of low-income veterans are being denied medical treatment. The problem is lack of money.

This is the most serious situation VA hospitals have encountered in many years.

As you are probably aware, both the Veterans' Affairs Committee and the Secretary-designate of the Department of Veterans Affairs have requested emergency supplemental funding for the VA this fiscal year. We have also requested reasonable increases over administration proposals for VA spending in fiscal year 1990.

As a result of this funding crisis, Richard Darman, Director of the White House Office of Management and Budget, agreed to meet with me and other members of the House and Senate Veterans' Affairs Committees as well as members of the Appropriations Committee.

We had a very constructive meeting with Mr. Darman last Wednesday during which we explained to him the severity of the VA medical funding shortfall. Though he made no firm commitment on the level of funding that will be required to get through this fiscal year, Mr. Darman recognizes that something must be done.

At the conclusion of this meeting, Mr. Darman expressed his desire to work closely with the Congress to resolve this matter. He expects to send the President a recommendation regarding a supplemental later this week.

I want to applaud Mr. Darman's willingness to work with us on this funding problem.

I also want to thank my good friend from Michigan, BOB TRAXLER, the new chairman of the VA/HUD-Independent Agencies Appropriations Subcommittee. The gentleman has seen firsthand the hardships this funding crisis is causing in our veterans' hospitals and is very involved in helping us find the proper solutions. The first hearing he held upon assuming the leadership of the subcommittee was on the VA medical care supplemental. He is a strong veterans' advocate, and he will work to send a bill to the floor without delay. I applaud the efforts of the distinguished chairman from Michigan.

Mr. Speaker, the VA needs supplemental funding now. I urge my colleagues to throw their full support behind this effort.

HONORING PLANNED PARENTHOOD ASSOCIATION OF BUCKS COUNTY, PA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. KOSTMAYER. Mr. Speaker, 1989 is a major anniversary year for an important organization in my congressional district, the Planned Parenthood Association of Bucks County [PPABC].

For 25 years, PPABC has worked energetically and effectively to achieve its goal: "Every child a wanted child." PPABC has earned its reputation as a leader in the health and human services field in southeastern Pennsylvania. The agency has consistently received superior commendation for its delivery of the highest quality medical family planning services, for its expertise in sexuality education for all ages, and for its effective advocacy of family planning services and reproductive freedom for Pennsylvanians.

PPABC has distinguished itself not only by the duration, by also by the scope and quality of its services. The organization, frequently in coalition with other groups, has provided able leadership and positive direction in dealing with some of the critical health, educational, and advocacy concerns of our time, concerns that have a profound effect on individuals and the community as a whole. The accomplishments of the agency, in addition to serving over 10,000 contraceptive patients annually, include establishing a community task force and a comprehensive program to prevent teenage pregnancy, initiating a community AIDS network and promoting and providing AIDS education, expanding medical service to offer important health screening tests to low-income seniors, helping parents and children to communicate about sexuality, and working with teachers, counselors, mental health professionals, agency personnel, and the clergy to help them to be more effective in assisting others with sexuality concerns.

Mr. Speaker, I commend Bertha Bates Cole, Elise F. Jones, Dr. Herbert K. Speers, Samuel Snipes, John C. Haas, and Charles Meredith, all of whom played a significant role in the early years—when birth control was not considered an appropriate topic for public debate in many communities—and who remain staunch supporters of Planned Parenthood to this day.

Over the past 25 years many Bucks Countians have served unselfishly as president of this fine organization: Elise F. Jones, Gordon Wallace, Mary Bull, Lucy Leigh, Rev. George E. Hollingshead, Jr., Zayde E. McLean, Francine Harbert, C.E. Denoon, Jr., Alice Bentley, Nancy Morrill, Laura Jackson, and Penny Wood.

The Planned Parenthood Auxiliary, founded in 1977, deserves special mention for its important support, thanks to presidents Mary Bierman, Mary Bull, Vickie Fischer, Bertha Conyne, Mary Ann Hemingway, and Monica Cook.

Finally, I want to congratulate Ruth Laibstain, executive director, who for more than 20 years has guided the agency forward, often in the face of adversity. She works with a fine staff who share her dedication: Margaret Fuller, Charlotte Dorko, and Ellen Raphael, nurse practitioners; Hazel Miles, LPN, operations manager; Sally McCormick, director of education; Sandra Storch, RN, director of patient services; Maggie Groff, director of public affairs; Joyce Pfeiffer, social services coordinator Phyllis Morabito, counselor; and Sylvia Cucchiaro, office manager.

Special thanks also to Joan Stack, chair of the 25th Anniversary Committee, and the entire committee for organizing a year of celebration. Mr. Speaker, I ask my colleagues to join me in wishing Planned Parenthood of Bucks County another successful 25 years.

FAIRNESS FOR ADOPTING FAMILIES ACT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. LEHMAN of Florida. Mr. Speaker, for several Congresses I have introduced legislation to amend the Internal Revenue Code of 1986 to provide a deduction for adoption expenses. I recently introduced H.R. 1205, the "Fairness for Adopting Families Act" along with my colleagues Congressman CHARLES RANGEL, Congresswoman PATRICIA SCHROEDER, and Congressman FRANK WOLF. A companion bill in the Senate, S. 479, has been introduced by Senators ORRIN HATCH and PAUL SIMON as well.

I believe that we should refocus our priorities and take a special interest in representing our Nation's children with emphasis on their needs and rights. One change in this direction was signaled by President Bush's announcement during his State of the Union Address. He promised to take steps to create a tax deduction for adoption expenses. I have worked for a bipartisan approach to this issue in the past, and I welcome working with the Bush administration on this important issue.

We neglectfully forget that there are many children who do not live in permanent homes with loving, nurturing parents. Just as each child has a right to a home, I believe that people who are eager to become parents should not be barred only because they cannot afford the high costs associated with adoption. For those who chose this option, and it is a magnificent way to form families, we should better address today's needs and heecessary obstacles that prevent successful adoption in this country.

We have not done very much to encourage the development of healthy families, despite a lot of lip service to this ideal. Children still languish in the foster care system much too long, their best interests being lost in legal mire. Many prospective parents are ready and able to parent older, hard-to-place, and handicapped children as well as infants.

When enacted, this legislation will alleviate much suffering by American taxpayers who desperately want to parent but simply do not have the savings or income necessary to meet the increasing costs of adoption. Let us help children and would-be parents by allowing a little relief that is already being allowed to taxpayers that are covered by medical insurance and are allowed a tax deduction for childbirth expenses. It would also help families who are, more and more, choosing to expand their own families through adoption.

Tax reform enacted during 1986 has abandoned the needs of children and prospective adoptive parents by leaving this issue to the States. Yet research has shown most States have neither the funds nor sufficient interest to initiate adoption assistance programs.

The legislation being introduced in the House today would provide a tax deduction for reasonable and necessary adoption of a child by a taxpayer. These fees include agency fees, court costs, attorney fees, and other expenses directly related to the legal adoption of a child. It does not allow expenses incurred in the adoption by an individual of the spouse's child since such a child would already be a member of a family. The amount allowable shall not exceed $5,000 and in the case of an international adoption, $7,000. The deduction would not be allowed for anyone whose taxable income exceeds $60,000. And to encourage more companies to join those who already provide employee reimbursement for adoption expenses, the bill allows for business expenses.

One of the primary barriers to adoption for the mainstream of American citizens who wish to adopt is the cost associated with adoption. I know from the many letters I have received over the years and from my long involvement in adoption issues that the expenses prohibit many deserving people from adopting infants or older children. It is a myth that those who adopt can afford to do so. And it is unfair for only those who can afford to adopt to become parents. It is unfair to the children who I believe have a right to be nurtured in loving homes. And it is short-sighted if we do not help prospective adoptive parents to realize their dream.

Our children are our future, and we have a responsibility as legislators to represent their needs. It is time for adoption as a mode of family formation to receive more support, and I urge my colleagues to consponsor this legislation and work for its early passage.

The text of the "Fairness for Adopting Families Act" follows:

H.R. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222 and by inserting after section 220 the following new section:

"SEC. 221. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount allowable as a deduction under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed $5,000 ($7,000 in the case of an international adoption).

"(2) INCOME LIMITATION.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's adjusted gross income (determined without regard to this section and section 136) exceeds $60,000, bears to

"(B) $10,000.

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, or local program.

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption.

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—The term 'child' shall include any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(2) 2 PERCENT FLOOR NOT TO APPLY.—Subsection (b) of section 67 of such Code (relating to 2-percent floor on miscellaneous itemized deductions) is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(14) the deduction under section 221 (relating to adoption expenses)."

(3) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 221. Adoption expenses.

"Sec. 222. Cross reference."

(b) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount excludable from gross income under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed the excess (of any) of $5,000 ($7,000 in the case of an international adoption) over the amount allowable as a deduction under section 220 with respect to such adoption.

"(2) INCOME LIMITATION.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's adjusted gross income (determined without regard to this section) exceeds $60,000, bears to

"(B) $10,000.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan of an employer—

"(1) under which the employer provides employees with adoption assistance, and

"(2) which meets—

"(A) the requirements of section 89(k), and

"(B) requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 221(c)."

(2) TECHNICAL AMENDMENT.—Paragraph (2) of section 89(i) of such Code (defining statutory employee benefit plan) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) An adoption assistance program (within the meaning of section 136(c))."

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 136. Adoption assistance programs.

"Sec. 137. Cross reference to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

CORRECTION OF RECORD

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, last Tuesday, February 28, during House debate on House Resolution 84, creating three select committees, I discussed an amendment I had intended to offer, directing the Rules Committee to report back its recommendations on reconstituting the Select Committee on Narcotics Abuse and Control as a permanent committee.

Although I was not permitted under the procedure to offer the amendment, the chairman of the Rules Committee [Mr. PEPPER] graciously promised that the Rules Committee would hold a hearing on the matter at an early date and, in his words, "report back to the House * * * with respect to whether or not the Select Committee on Narcotics should be reconstituted as a standing legislative committee of the House." (p. H406)

While I read directly from my amendment during my remarks, the text the reporters of debates placed in the RECORD at page H405 was an earlier version that appeared in the Rules Committee report. For that reason, I am not only correcting the permanent RECORD, but including at this point the text of the amendment to which I was referring. The amendment follows:

AN AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS TO HOUSE RESOLUTION 84

In Title III, add the following new section:

"SEC. 307. The Committee on Rules shall report back to the House at the earliest practicable date its recommendations on reconstituting the Select Committee on Narcotics Abuse and Control as a permanent, standing committee of the House with legislative authority.".

OLDER AMERICANS MONTH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. BILIRAKIS. Mr. Speaker, once again, legislation has been introduced this year to recognize a very special group of individuals—our older Americans. I am a proud cosponsor of House Joint Resolution 60, legislation that would designate May 1989 as Older Americans Month.

Older Americans Month is a time when we can look to the valuable contributions that senior citizens make to each of our communities. Older individuals are the fastest growing segment of our population. It is estimated that one out of nine Americans are elderly. As more Americans live longer, I believe we should take special note of their vital contributions to our society and listen to their input. We should learn from the matured wisdom that older Americans possess because that is a valuable resource we cannot afford to ignore.

In the Ninth District of Florida, seniors are particularly aware of Federal, State, and local activities that affect the elderly. Many older Americans have taken an active role in their communities, and thus, continue to make constructive contributions to their fellow citizens. Senior citizens now provide invaluable services to health care organizations, small business development, and child care.

Working with the senior community has been one of my most rewarding jobs as a Federal Representative and I will continue to protect the well-being of our older population. Our seniors are entitled to be recognized for their contributions to our society and I am pleased to be a cosponsor of a bill that will express gratitude for their accomplishments.

INTRODUCTION OF BILL TO EXTEND FEDERAL CIVIL SERVICE CREDIT FOR CERTAIN NATIONAL GUARD TECHNICIANS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mrs. MORELLA. Mr. Speaker, I am introducing legislation today to correct an inequity affecting a small number of former civilian employees of the National Guard.

National Guard technicians are full-time, civilian employees of the Army and Air National Guard. They provide the day-to-day support necessary to make the Guard an effective military reserve force: They maintain the military equipment assigned to the Guard, recruit new members for the Guard, maintain all necessary records, and represent the Guard in the community. These employees perform a vital service to the National Guard and are an important link in the defense capabilities of our Nation.

Twenty years ago, the 90th Congress recognized the importance of the National Guard technicians by enacting the National Guard Technicians Act of 1968. Public Law 90-486 brought this class of employees into the Civil Service Retirement System and clarified their status as Federal employees. Unfortunately, Congress did not grant full credit for prior service, though this was standard practice. They were granted only 55 percent credit for annuity computation purposes. The effective date imposed by the law was January 1, 1969, which denied credit to those technicians who had moved to other Federal employment prior to that date. In many instances, the former National Guard technicians had simply moved to a similar position with the Army or Air Force Reserve.

The 94th Congress became aware of this inequity and took some corrective action, though lack of vital demographic information precluded complete resolution at that time. However, the Committee on Post Office and

Civil Service did recognize the inequity and House Report No. 94-461 stated:

To the committee's knowledge, no other group of employees brought under the civil service retirement system has been penalized in this manner.

Despite attempts in each intervening Congress, no further action was taken until the 99th Congress. Public Law 99-661 contained a provision granting credit for pre-1969 National Guard technician service to those who were employed under the Civil Service Retirement System at the time of application. It did not extend the same benefit to those former technicians who had previously retired, or separated, from Federal service.

There are about 100 pre-1969 National Guard technicians who had retired from Federal service prior to enactment of Public Law 99-661. Most of these individuals are World War II and Korean conflict veterans: Their average age is 65. They average 6.77 years of civilian service in the National Guard—their service ranges from a few months to as many as 20 years and they were denied the opportunity of applying for retirement credit. There are a few surviving spouses of deceased former National Guard technicians who have been denied benefits as a result of this inequity.

Mr. Speaker, the intent of my bill is to correct this 20-year-old inequity by allowing Federal retirement credit for all prior service as a National Guard technician. It would ensure fair and equal treatment for all those men and women who have served their country as technicians in the National Guard and guarantee them retirement compensation for work they have performed for the Government and that has been paid for entirely by Federal funds.

The bill does not provide for the Federal Government to pay back any amount due to recomputation, but applies only to monthly payments accruing after the enactment of this bill. Furthermore, because of the age and financial ability of most of these former National Guard technicians, the requirement of a "pay back" deposit is made optional—this is normal civil service practice.

Mr. Speaker, I urge my colleagues to cosponsor this bill to assist these public servants who deserve to receive credit for their work as civilian employees of the National Guard.

ORIGINAL COSPONSORS

Montgomery, Tallon, Penny, Robinson, Shumway, Bevill, Walgren, Young (Alaska), Henry, Hiler, Bentley, Goodling, Mfume, Hayes (La.), Quillen, Bustamante, Dymally, Miller (Wash.), Myers (Ind.), Petri, Hughes, Lagomarsino, McCurdy, Hunter, Rhodes, Thomas (Calif.), Kanjorski, Bliley, Burton, Smith (Ore.), Morrison (Wash.), Chapman, Ravenel, Gonzales, Ballenger, Rahall, Fazio, Meyers (Kan.), Gingrich, Harris, Evans, Pickett, Kostmayer, Buechner, Tanner, Wyden, Grandy, Ortiz, Clay, Barnard, DeWine, Smith (N.J.), Chandler, Oberstar, Weldon, Gaydos, Bilirakis, Walker, Lloyd, Rose, Horton, McCollum, Yatron, Davis, Volkmer, Lowery, Ray, Leath, Byron, Darden, Johnson (S. Dak.),

VOLUNTEERS OF AMERICA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. BAKER. Mr. Speaker, the week of March 5-12, 1989, is recognized as Volunteers of America Week. This important national organization has its headquarters in the State of Louisiana.

Throughout its history Volunteers of America has been forming partnerships to meet community needs. These partnerships exist in more than 175 communities across the United States. The cumulative success of this organization is surpassed only by the differences made in millions of individuals' lives.

Volunteers of America is recognized for cost effective and creative services for those in need. The organization professionalism is surpassed only by the dedication of its volunteers and staff. This dedication has resulted in an outstanding history of nearly a century of services in the true spirit of American philanthropy.

With a unique ability for timely response to human needs, Volunteers of America will continue in a leadership role in solving community problems. New services are being added at a dramatic pace. But more importantly, Volunteers of America is developing new kinds of partnerships that multiply and focus resources on community problems.

Today, there is a need for volunteer organizations to give aid to those who are homeless, unemployed, or otherwise need help. Our society has always relied upon the private sector and volunteer organizations to help the less fortunate. Volunteers of America has been in the forefront of this effort. It is only appropriate that we take this opportunity to recognize the important contributions that Volunteers of America have made to our country during this special week.

Fortunately for all of us, Volunteers of America displays the vision and leadership to be among the thousand points of light that are so important now and that will be so important in the years to come.

MEDAL OF HONOR TO PLATT FAMILY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. WELDON. Mr. Speaker, today I am introducing legislation to give a Congressional Medal of Honor to the Platt family of Philadelphia, PA. In 1896, Sgt. George Crawford Platt was awarded the Medal of Honor for his heroic feats during the Civil War. George C. Platt is well known in the Philadelphia area for his courage. Indeed, a major bridge in Philadelphia was named after him and is a tribute to his efforts on behalf of the U.S. Cavalry.

Unfortunately, Sergeant Platt's medal was destroyed in a fire at the family's house in 1968. I have tried to work with the U.S. Army to have a new medal issued to the family. However, the Army has informed me that it is against its policy to reissue Medals of Honor unless the original recipient is alive. My legislation would simply give the Platt family a new Medal of Honor free of charge. I know the Platt family would deeply appreciate having a new medal.

THE PASSING OF MR. MILTON MOORE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. COLEMAN of Texas. Mr. Speaker, I would like to note with sadness the passing of a distinguished citizen of my district, Mr. Milton Moore, national commander of the American Ex-Prisoners of War. Mr. Moore died in El Paso, TX, on March 6, 1989, at the age of 68.

Mr. Moore was a native of East Marion, NY, and joined the Army in 1939. After humble beginnings shoeing mules for the cavalry, he advanced to the rank of captain. He participated in the invasion of Normandy on June 6th, 1944, where he was later taken prisoner by the German forces. Only 23 years old, he spent 9 months in several POW camps in Poland. After a stint in solitary confinement he escaped but was recaptured. Two tries later, in February of 1945, he was successful.

Mr. Speaker, Mr. Moore will be remembered for who he was as well as for what he did. He displayed uncommon courage on the battlefield, and, as his three attempts at escape testify, he never in his heart surrendered. He was a loving father and husband. He believed in all the things that make America great, such as love of country, hard work, sacrifice, and dedication. I realize that in this day and age these concepts may seem alien, especially to many of our young people. But I would hope and pray that should our Nation ever face another such test, young Americans would follow the sterling example set by Milton Moore and his generation.

After retiring from the Army in 1966, Mr. Moore served in the El Paso and Texas chapters of the American Ex-Prisoners of War where he served four terms as national director. In October 1988, he was elected national commander of the organization.

Only a week ago, on February 28, 1989, Commander Moore presented the American Ex-Prisoners of War legislative agenda before a joint session of the House and Senate Veterans' Affairs Committees. Commander Moore dedicated much of his time to veterans' issues and was an excellent spokesman for this important cause. He was a key supporter in my efforts to address veterans' issues in my district and it is with great sadness that I record these words. I would like to extend my condolences to his wife Eva, his four children, and to the membership of the American Ex-Prisoners of War.

WELL-DESERVED HONORS FOR ROBERT AND DONNA DEJONGH

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1989

Mr. DE LUGO. Mr. Speaker, it gives me great pleasure to ask Congress to take note of two outstanding young architects from the U.S. Virgin Islands, Robert and Donna deJongh, who have earned a prestigious national award for their outstanding work in the field of architecture.

The deJonghs' firm on St. Thomas, DeJongh & Associates, has received the Young Firm Award from the Howard University School of Architecture and Planning, which conducted a nationwide search for outstanding achievement by black architects before giving the top award to the deJonghs. DeJongh & Associates is the very first firm to receive the Young Firm Award, which was recently presented at a ceremony here in Washington marking the 78th anniversary of architectural studies at Howard University. The award recognizes the exceptional quality of the deJonghs' work throughout their 15-year career and is part of the university's effort to honor black architects, whose tradition of excellence has gone unrecognized.

In making the award, Howard University had this to say about the deJonghs' achievements:

During the life of your firm, the quality of your design statements has been sensitive to their vernacular environments. Throughout the range of your commissions, you have maintained an allegiance to a particular Virgin Islands design parti and scale.

DeJongh Associates, the importance of your work in contributing to a historically recognizable architecture for the Virgin Islands is commendable.

I would like to strongly endorse the judgment of the architectural judges in this case. The deJonghs' work is highly creative and sensitive to the tropical environment of the Virgin Islands. Every facet of their work—which is evident in many of our most prominent public buildings, resorts, business establishments, and historic structures—reflects their concern for the historical and cultural heritage of our islands. They have envisioned and designed some of our most successful historical renovations in the islands. In every case, their designs reflect the scale, delicacy, and vivid colors of our tropical environment. They have brought a special vision to their work that, as Howard University says, is helping to establish a distinctive Virgin Islands style of architecture. This reward is most appropriate because it recognizes the quality of their work over their entire career, serving a host of different clients and finding creative solutions to a variety of problems.

Robert and Donna deJongh started their firm in the Virgin Islands in 1974, just 4 years after they graduated from the Howard University School of Architecture and Planning. Their young firm has blossomed from a two-person practice to a humming enterprise that employs 32 people in architectural design, engineering, urban planning, and related fields.

Robert, a graduate of Sts. Peter and Paul High School on St. Thomas, and Donna Criner deJongh, a graduate of Jack Yates Senior High School in Houston, both have given tremendously to their community and their profession. Robert has just finished a term as president of the St. Thomas-St. John Chamber of Commerce and he has served on the St. Thomas-St. John Planning Board. He and Donna have both served as president of the Virgin Islands Chapter of the American Institute of Architects, as well as on national architectural boards that set the standards for their profession.

Mr. Speaker, I am proud to add my tribute to Robert and Donna deJongh, who are doing so much to enhance the beauty of the Virgin Islands and encourage all Virgin Islanders to aspire to excellence.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 1989*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O merciful God, that Your glory will transcend all the ordinary concerns that we face and cause us to lift our eyes to the ultimate purposes of life. May not the pressures and problems of each day keep our sights only to that which is close to us, but may Your Spirit give the purpose, direction, and indeed the joy that comes from Your Word of hope and of truth. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Kansas [Mr. GLICKMAN] kindly lead us in the Pledge of Allegiance.

Mr. GLICKMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the order entered by the Senate on February 22, with respect to the Senate hearing arguments on and disposing of the motions filed by Judge Alcee L. Hastings to dismiss articles 1 through 15 and article 17 of the articles of impeachment be modified so that proceedings that were scheduled to occur on March 8 and 9 be postponed to occur on Wednesday, March 15 and Thursday, March 16.

The message also announced that pursuant to sections 276d–276g, title 22, of the United States Code, as amended, the Chair on behalf of the Vice President, appoints Mr. CONRAD as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress.

DO NOT TREAD ON THE AMERICAN FLAG

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the American flag does not belong on the floor. Despite this very fundamental American belief, it is reported that an art institute in Chicago has chosen to display our grand symbol in this degrading manner.

There have been significant repercussions resulting from this decision, several of which have been prominently reported by the Nation's newspapers and wire services. Veterans of some of our national service organizations have publicly protested the display; approximately 600 people in a Sunday demonstration marched on the institute. It has been reported that an Alexandria, VA, art teacher was arrested on a felony flag desecration charge after she stepped on the flag as it lay spread across the floor. Other news accounts state that an Illinois State senator has vowed to have the museum official in charge of exhibitions arrested on charges of desecrating the American flag. And I'm sure there will be more to come in this controversy.

I believe that the manner in which we treat the American flag reveals much about how we regard ourselves as a free and independent society. In a Supreme Court decision in 1907, Justice Harlan said:

The flag is the symbol of the Nation's power, the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

In a Flag Day speech, President Woodrow Wilson expressed his sentiments about the American flag as follows:

I know of nothing more difficult than to render an adequate tribute to the emblem of our nation. For those of us who have shared that nation's life and felt the beat of its pulse it must be considered a matter of impossibility to express the great things which that emblem embodies.

Mr. Speaker, the Stars and Stripes is the bloodshed of nine wars and countless conflicts to preserve freedom and democracy. It is the spirit and determination of a society that cares for its people. It is the history of struggle and the record of success. It is power, glory, and honor. It is adversity and peace. It is the grandest sight in a foreign land. It is hope. It is home.

Unfurled on battlefields around the globe, rolling and flapping in the coliseum breeze, draped over the coffins of those who have fought for her honor, and shining in the silent stillness of the Moon, the Stars and Stripes is our belief in ourselves and our dreams of what we can become.

In his historic speech to a joint session of Congress on September 9, 1971, Col. James B. Irwin, one of the Apollo 15 astronauts who landed on the Moon, said:

The proudest moment of my life was when I saluted our American flag that we had planted on the plain at Hadley-Apennine.

Mr. Speaker, today the flag flies over the Nation's Capitol and the U.S. Supreme Court. It flies over all our national cemeteries throughout the world. We affectionately refer to our flag as "Old Glory" and citizens throughout our country desire that it be treated with great respect.

Still, there are those few who have no feelings for our Nation's symbol and we have had to enact a criminal statute to address their shortcomings. On July 5, 1968, President Johnson signed into law a provision that whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

Today, I am introducing a bill that would amend the law by providing that the same penalty be imposed upon anyone who knowingly displays the flag of the United States on the ground or on the floor, as was the case at the aforementioned art display.

Yes, Mr. Speaker, it is true that freedom of expression is also a basic American principle, but it can and should coexist with a sense of reverence for the flag and all that it means to Americans. I urge my colleagues to join me in cosponsoring this legislation.

THE 1990'S, "THE DECADE OF THE BRAIN"

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, while last month we celebrated the birthday of George Washington, the Father of

Our Country, it also marked the birth of a founding father of another sort—160 years ago, Silas Mitchell, the "Founder of Neurology," was born.

If Silas were alive today, he would marvel at our advances in the study, care, and treatment of brain-related disorders. But he would also realize that we have much more to learn, and that the next decade could bring the most amazing improvements yet in the study of the brain.

To recognize and support the advances our scientists are making in the treatment of brain disorders, today I am introducing, with 84 of my colleagues, a resolution to declare the 1990's the "decade of the brain."

I ask all my colleagues to join me in commemorating these advances by cosponsoring my resolution.

The decade of the brain. Think about it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1087

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1087.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SOME OF THE REAGAN CUTS ARE UNCONSCIONABLE AND OUGHT TO BE CORRECTED

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, when I was home in Jacksonville, FL, last weekend, a widow of a Navy officer told me that her allotment from her husband's pension that was set aside in a contract between the Navy and her husband, which allotted her so much money, has now been reduced because she also gets Social Security. This was an attack upon entitlements which she could not understand.

I cannot understand it either.

When I realize the tremendous cuts that were made in taxes at the beginning of the last administration and that we are now catching up that kind of money out of the hides of little people and out of the contracts we have had with people for entitlements, which they have earned under contract, I think it is unconscionable and ought to be corrected.

To selectively impose such financial loss on the retired serviceman who has served his country long and loyally—and on the widows of such retirees—is bureaucracy at its worst, and is plainly unjust.

If there must be sacrifices for budget balancing, then let the burden fall equally across all comparable programs. Our Nation must not selectively penalize those who have given the prime years of their lives to the Nation's defense.

TARGETING THE WASTE IN OUR FEDERAL BUDGET

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, this past weekend I was invited by the Warrenville, IL, Kiwanis Club to come to their weekly meeting and accept a check for $100—a small amount as budget discussions go on this floor. But the check is for an important cause.

The check is made out to the U.S. Treasury and is earmarked for reduction of the national debt. It comes from the 55 members of the Warrenville Kiwanis Club and is an indication of the urgency that some of us view our fiscal situation. The Kiwanis members have decided they cannot sit back and wait for someone else to take care of this problem. And they have challenged the 9,000 other Kiwanis Clubs to match their contribution.

Mr. Speaker, we should heed an important message from America's heartland—Warrenville is a community of less than 10,000. Our foremost priority this session should be to make reasoned decisions targeting the waste that we all know exists in our Federal programs. It is also time to pass the balanced budget amendment and line item veto.

This check is an important reminder that our constituents want us to make those difficult decisions and they are willing to join us in their own unique way. Warrenville and America will be watching to see how we accept our challenge. I hope we remember it in the weeks and months ahead.

APPOINTMENT AS MAJORITY MEMBERS OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER. Pursuant to the provisions of section 303, House Resolution 84, 101st Congress, the Chair appoints as majority members of the Select Committee on Narcotics Abuse and Control, the following Members of the House:

Mr. RANGEL of New York, chairman;
Mr. BROOKS of Texas;
Mr. STARK of California;
Mr. SCHEUER of New York;
Mrs. COLLINS of Illinois;
Mr. AKAKA of Hawaii;
Mr. GUARINI of New Jersey;
Mr. FASCELL of Florida;
Mr. FAUNTROY of the District of Columbia;
Mr. HUGHES of New Jersey;
Mr. LEVINE of California;
Mr. ORTIZ of Texas;
Mr. SMITH of Florida;
Mr. TOWNS of New York;
Mr. TRAFICANT of Ohio;
Mr. MFUME of Maryland;
Mr. BRENNAN of Maine; and
Mrs. LOWEY of New York.

APPOINTMENT OF MAJORITY MEMBERS OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to the provisions of section 203, House Resolution 84, 101st Congress, the Chair appoints as majority members of the Select Committee on Children, Youth, and Families the following Members of the House:

Mr. MILLER of California, chairman;
Mr. LEHMAN of Florida;
Mrs. SCHROEDER of Colorado;
Mrs. BOGGS of Louisiana;
Mr. MCHUGH of New York;
Mr. WEISS of New York;
Mr. ANTHONY of Arkansas;
Mrs. BOXER of California;
Mr. LEVIN of Michigan;
Mr. MORRISON of Connecticut;
Mr. ROWLAND of Georgia;
Mr. SIKORSKI of Minnesota;
Mr. WHEAT of Missouri;
Mr. MARTINEZ of California;
Mr. EVANS of Illinois;
Mr. DURBIN of Illinois;
Mr. SKAGGS of Colorado; and
Mr. SARPALIUS of Texas.

APPOINTMENT OF MAJORITY MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103, House Resolution 84, 101st Congress, the Chair appoints as majority members of the Select Committee on Hunger the following Members of the House:

Mr. LELAND of Texas, chairman;
Mr. HALL of Ohio;
Mr. PANETTA of California;
Mr. FAZIO of California;
Mr. KOSTMAYER of Pennsylvania;
Mr. DORGAN of North Dakota;
Mr. CARR of Michigan;
Mr. PENNY of Minnesota;
Mr. ACKERMAN of New York;
Mr. ESPY of Mississippi;
Mr. FLAKE of New York;
Mrs. PATTERSON of South Carolina;
Mr. FOGLIETTA of Pennsylvania;
Mr. BUSTAMANTE of Texas; and
Mr. MCNULTY of New York.

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APPOINTMENT AS MAJORITY MEMBERS OF THE SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to the provisions of clauses 6 (f) and (i) of rule X, the Chair appoints as majority members of the Select Committee on

Aging the following Members of the House:

Mr. ROYBAL of California, chairman;
Mr. PEPPER of Florida;
Mr. DOWNEY of New York;
Mr. FLORIO of New Jersey;
Mr. FORD of Tennessee;
Mr. HUGHES of New Jersey;
Mrs. LLOYD of Tennessee;
Mrs. OAKAR of Ohio;
Mr. THOMAS A. LUKEN of Ohio;
Mrs. BYRON of Maryland;
Mr. WAXMAN of California;
Mr. SYNAR of Oklahoma;
Mr. DERRICK of South Carolina;
Mr. VENTO of Minnesota;
Mr. FRANK of Massachusetts;
Mr. LANTOS of California;
Mr. WYDEN of Oregon;
Mr. CROCKETT of Michigan;
Mr. SKELTON of Missouri;
Mr. HERTEL of Michigan;
Mr. BORSKI of Pennsylvania;
Mr. ERDREICH of Alabama;
Mr. SISISKY of Virginia;
Mr. WISE of West Virginia;
Mr. RICHARDSON of New Mexico;
Mr. VOLKMER of Missouri;
Mr. GORDON of Tennessee;
Mr. MANTON of New York;
Mr. ROBINSON of Arkansas;
Mr. STALLINGS of Idaho;
Mr. CLARKE of North Carolina;
Mr. KENNEDY of Massachusetts;
Ms. SLAUGHTER of New York;
Mr. BILBRAY of Nevada;
Mr. JONTZ of Indiana;
Mr. COSTELLO of Illinois;
Mr. STAGGERS of West Virginia;
Mr. PALLONE of New Jersey; and
Mrs. UNSOELD of Washington.

RELIEF FOR SMALL AIRPLANE MANUFACTURERS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today I have introduced the General Aviation Standards Act of 1989. An identical bill passed the Public Works Committee unanimously last year and had the support of over 200 cosponsors.

The need for this legislation remains critical. The American general aviation industry has been brought to its knees and is currently threatened by foreign manufacturers; not because of an inability to compete, but because an unfair system of product liability laws is forcing U.S. general aviation manufacturers out of business.

The bill contains modest and reasonable changes in liability laws that apply to general aviation accidents, but contains no caps on awards or limitations on attorney's fees. It is supported by the entire general aviation community: manufacturers, consumers, and pilots.

I ask for my colleagues support for passage of this important legislation in the 101st Congress.

UNITED STATES SHOULD RESPECT POWER OF FREE ELECTIONS IN EL SALVADOR

(Mr. PACKARD asked and was given permission to address the House for 1 minute.)

Mr. PACKARD. Mr. Speaker, I want to address the House today about the upcoming election in El Salvador. Some critics are calling for reduction in aid should certain parties win. I believe that this message hurts the democratic process by encouraging Salvadorans to vote out of fear. Democracy in Central America is fragile and should not be tampered with in this manner.

Therefore, I call on both Congress and President Bush to respect the election results. We cannot impose our own prejudices upon this critical vote. The people will have spoken in a fair and legal manner. Our job in this Congress is not to impede free elections, but to encourage them. Some Members forget this goal. Many of us have, and will work here in the Congress to see that the results of a fair election are supported.

Morton Kondracke recently stated in the New Republic that "the last thing the problem-ridden country of El Salvador needs is for the support of the United States to be in doubt." Mr. Speaker, our Government has a history of allowing democracies to perish. For once, let us respect the power of free elections and listen to the voters in El Salvador.

REFUSENIK WOMEN HUNGER STRIKE

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRANK. Mr. Speaker, today begins a 3-day hunger strike in the Soviet Union by a group known as Jewish Women Against Refusal. They are a group of enormously brave and steadfast women who are protesting against the absolutely unjustified refusal of the Soviet Union to allow them and their families to emigrate. There have been in the past months and year improvement in the situation in the Soviet Union. It makes it all the more puzzling to us why people like these women and their families continue to be victimized and denied the most basic of human rights.

There is a very mixed picture right now and we appeal to the Soviet Union to understand that it is not only morally compelled, but in fact, it would be in their own interests to resolve these conflicts, simply to allow these people the basic rights that any human being ought to be able to exercise, and that is to leave a country when he or she is unhappy there.

The fact that so many of these women feel compelled to go on a hunger strike is an example of the depth of misery that they feel. It is a mark of the despair that they undergo. It simply is not worthy of any nation that wants to consider itself a great nation, to subject innocent people to this sort of punishment. I hope that Mikhail Gorbachev will heed the letters that I and others have written, that he will heed the pleas of these women and that he will, in fact, do what elementary human decency requires, allowing them to emigrate.

Mr. Speaker, I include in the RECORD my letter to him and a statement from the National Conference on Soviet Jewry, including a statement from these women.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 1989.

His Excellency MIKHAIL GORBACHEV,
Chairman of The Presidium of The Supreme Soviet, The Kremlin, Moscow 103132, R.S.F.S.R. USSR.

DEAR MR. CHAIRMAN: I write to you to express my continued support for family reunification, for the freedom of movement by registering my strong support for a group of women who today are starting a hunger strike to protest the continued refusals by the authorities to grant those women and their families permission to emigrate.

First, the women I want to note in particular are:

From Moscow: Inna Uspensky, Evgenia Berenfeld, Ludmila Fridman, Tatyana Futoryanskaya, Olga Goldfarb, Elena Golovina-Lokshina, Polena Golub, Tamara Gurfink, Galina Livshitz, Alla Varshavskaya, Marina Gorelic-Salganic, Judith Lurie, Natalya Magazanik, Rimma Mushinskaya, Mela Novik, Elena Rappaport, Marina Shulman, Irene Sterkina, Natalya Stonova, Irene Tyomkina, Ludmila Yakhontova.

From Leningrad: Sofia Wander, Sheyla Alexandrovsky, Olga Gersheles-Dinkins, Olga Komsitskaya, Irene Pisarevskaya, Lilia Rabinovich, Sofa Wanda-Benenson, Olga Kagan, Lidia Axelrod, Olga Kelman, Olga Osrivskaya, Tamara Pliss, Marina Shmidt.

From Kiev: Oxana Kotlyer, Lubov Rozenberg, Larisa Kitovskaya.

From Vilnius: Karmela Raiz.

From Irkutsk: Ala Stomatova.

From Kharkov: Irina Ichkina.

From Dneprodzerzhinsk: Anna Markova.

As you know, many members of this group have waited for more than a decade for permission to be re-united with family in Israel and elsewhere. The decision to deny permission to emigrate often has been on the basis of "state secrets." That decision often seems arbitrary and in conflict with your own public statements about the life-span of any such "state secrets."

The Soviet Union has made some important steps in the past year, and I have been very pleased by the significant increase in the number of exit visas granted. At the same time, I remain disturbed by the harassment subjected to those who have tried and tried again over the years to obtain permission to emigrate. The campaign to in-

timidate these women and their families remains. My concern for these brave individuals and their families also remains, and that concern is very strong.

On January 19, 1989, as you now, the Vienna Conference on Security and Cooperation in Europe confirmed the right to emigrate, including the essential assurance that that right would be observed. The Soviet Union, as you know, committed itself to this, and acknowledged its commitment within the Soviet press.

In the spirit of the very positive steps which the Soviet Union has made in the area of human rights, I ask for another positive gesture—the granting of exist visas for these women and their families.

Your prompt consideration will be appreciated, and I look forward to your response.

BARNEY FRANK.

NATIONAL CONFERENCE ON SOVIET JEWRY, STATEMENT BY REFUSENIK WOMEN ON THE EVE OF THEIR HUNGER STRIKE MARCH 8-10, 1989

As in the past two years, refusenik women declare a three day hunger strike on March 8, International Women's Day.

There have been certain improvements in the problem of emigration throughout 1987 and 1988. However, there is still no legal mechanism for solving the problem. This accordingly affects the fate of people tragically. Repeated promises by Soviet authorities to line the problem up with their international commitments remain empty words.

The Soviet authorities have now divided the problem of emigration into two spheres: one is for people who apply to emigrate for the first time and the other is the release of refuseniks. Thousands of people who first apply are allowed to go rather quickly, while refuseniks remain an object of endless political bargaining at international negotiations and harassments by bureaucrats at home.

Lawlessness and arbitrary rule reign towards refuseniks detained for reasons of "state security." In most cases, they have been held beyond all reasonable time limits. Their problem is not resolved. In many cases refusal of permission for them to emigrate is confirmed, their term of waiting being extended monstrously. More and more "security" refuseniks appear, receiving refusals as hitherto without any lawful grounds.

Another big group of refuseniks are the poor relatives. Their situation is vivid testimony that the Soviet authorities refuse to comply with their own legislation. As a result, hundreds of people, including many women and children, are denied defense under law and are doomed to wage an endless overwhelming struggle against cruelty and inhuman treatment.

As a whole, the refusenik situation today exposes the old absence of legal foundation for solving the human rights problem in the Soviet Union. Accordingly, we again appeal to the Soviet and foreign public to support our just fight for observance of the right to emigrate, both for those who have been waiting for years, and for those who hope to use the right but cannot do so because there are no reliable assurances.

The right to emigrate, including essential assurance that it will be observed, has just been confirmed by the Vienna Conference on Security and Cooperation in Europe. The conference confirmed that right on January 19 and its decision was published in the Soviet Press.

Will the Soviet Union once again refuse to honor its commitments, so that we will again remain deceived victims of lawlessness and arbitrary rule?

NATIONAL DAY OF CONCERN FOR THE SUDAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, people in Sudan are dying everyday. During the last 5 years, over 1 million people have died in the brutal civil war that ravages that country. Last year alone, between 250,000 and 500,000 people starved to death in Sudan.

I traveled to Sudan last January and in the camps I visited, I found many of the same images that haunted millions of Americans during the Ethiopian famine in 1985. We cannot just stand by as people are dying.

This week OXFAM America is sponsoring a National Day of Concern for the Sudan on Sunday, March 12. Americans are being asked to pray in their churches and synagogues and to undertake educational activities about the tragedy in Sudan.

OXFAM America is also urging people to congratulate President Bush for his quick initiatives to bring peace to Sudan and urge further positive actions.

Together, we can build momentum for peace in Sudan. I urge my colleagues and the American public to join with OXFAM America this Sunday in the National Day of Concern for the Sudan and to work for peace in that troubled land.

INTRODUCTION OF BILL PROHIBITING USER FEES FOR OUTPATIENT CARE AT MILITARY FACILITIES

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, today I am introducing legislation which will prohibit charging user fees for outpatient care in military treatment facilities.

Although active duty military dependents and retired military personnel and their dependents are currently entitled to medical care in military facilities at no cost, President Bush's budget request for fiscal year 1990 includes a proposal to impose user fees for such care. The budget proposal does not expand or improve the medical coverage of military retirees, it just charges them a fee for coverage they are already entitled to. This is nothing more than a new tax levied on active duty dependents and military retirees and their dependents.

The military services use the medical care entitlement as a recruiting incentive because it attracts people to join the military service for professional careers. Imposing a fee after promising free medical care to millions of service members constitutes a breach of faith by the Government. If implemented, the proposal would have a negative impact on recruitment, retention and, ultimately, on readiness. As a result instead of saving the Government money, the proposal will require more spending to maintain our readiness.

Mr. Speaker, I invite my colleagues' support for this legislation which will keep our commitment to military service members and avoid expensive remedies to maintain our readiness in the future.

A VOTE ON BASE CLOSURE BEFORE GAO REPORT WOULD BE UNCONSCIONABLE

(Mr. PORTER asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, under the base closing commission legislation, Congress has 45 legislative days to reject the Commission's report.

A joint resolution rejecting the Commission's work was introduced last week. Under the law, the resolution could be brought to the floor for a vote within the next 2 weeks.

But Mr. Speaker, under no circumstances should the House consider the Commission's report without having the information on which it was based and an analysis of that information by the GAO.

For 7 weeks the Defense Department stonewalled us and provided little information so we could determine if the Commission's project cost savings are real. Now they are more cooperative, but the information we have seen to date raises serious questions about how the Commission came to its conclusions.

The GAO is preparing an independent analysis of the recommendations and the assumptions the Commission used. Given the complex nature of the report and the wide-ranging effects the closures may have, it is essential that we have GAO's analysis before any vote.

GAO knows how urgently their report is needed. In light of the hundreds of communities that may be adversely affected by a closure, a vote in the House before GAO's report is available would simply be unconscionable.

□ 1420

OUR DEBT POLICIES AS THEY RELATE TO THE THIRD WORLD

(Mr. JONTZ asked and was given permission to address the House for 1

minute, and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, newspaper headlines the last couple of days have reported that the Bush administration is growing concerned about developments in Latin America and is rethinking our Nation's Third World debt policies.

This rethinking is long overdue. The effect of our debt policies has been to lower the standard of living for millions of people in South America and Central America, to create economic and political instability in that region, and here at home to cut off foreign markets for American farm products at a time when exports are increasingly critical to American agriculture.

The simple fact is that in order to raise cash to send to the banks, Brazil and Argentina have increased agricultural production, have reduced internal consumption, and have undercut the United States in world oilseed and grain markets.

Mr. Speaker, as the Treasury Department considers our Government's approach to the debt crisis, the opportunities for increasing farm exports by relieving these nations of the necessity of raising so much cash to make debt payments should be kept in mind. It is not that we ought to ask that the concerns of American agriculture be the only interest of the Treasury Department in developing our debt policies, but they certainly ought to be one concern.

AUTHORIZING TELEVISION BROADCASTS TO CUBA

The SPEAKER pro tempore (Mr. BORSKI). Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Speaker, today I am introducing a bill which would authorize the United States Information Agency to begin television broadcasts to Cuba.

For fiscal year 1989, $7.5 million was appropriated for the purchase, rent, construction, improvement, and equipping of facilities for TV Marti. The appropriation included funds for startup operations and a 90-day operational test which is not due to be completed until sometime in fiscal year 1990.

My bill would authorize $12 million for the remainder of fiscal year 1990 and a full $16 million for fiscal year 1991. I understand these amounts conform with the administration's plans for funding TV Marti and I further understand that a formal administration request for fiscal year 1990 funding at the $12 million level may soon be presented to Congress.

There could be no more opportune time than now to develop TV Marti. Last month, the Human Rights Committee of the United Nations released its report on the state of freedom in Cuba. The report made it clear that Fidel Castro continues to prevent the Cuban people from enjoying the same liberties and personal rights that are enjoyed by the people of many other countries in the Western Hemisphere.

Over the years, we have found that people are willing to risk quite a bit to learn the truth. All over Eastern Europe and the Soviet Union, people have huddled long into the night to listen to such bearers of accurate, objective, and comprehensive news as the Voice of America, the BBC, Radio Liberty, and Radio Free Europe.

We now know that listeners in Cuba have been just as eager to hear the truth. A new survey shows that among recent Cuban arrivals to Panama, Madrid, and Miami, Radio Marti had been the "most listened to" radio station by 72 percent of the respondents and "listened to" by 86 percent of the sample. Only 44 percent reported "listening to" the most popular Cuban-operated station.

I believe those statistics are important. I remember the development of Radio Marti several years ago. Opponents of the station, groping for arguments, suggested that no one in Cuba would care, that they would view it as just another outlet for "Yankee propaganda." I believe these listener statistics should put those arguments to rest.

Today, Jorge Mas, the Chairman of the President's Advisory Board for Radio Broadcasting to Cuba, testified to the Subcommittee on International Operations. In his testimony, he makes a good point. Should Congress approve this bill, it will be the first time in more than 30 years that the Cuban people will be able to see pictures of the free world.

They say that a picture is worth a thousand words. I suspect that pictures of their neighbors in the Western Hemisphere would be worth a lot more to the Cuban people, who for an entire generation have been denied an opportunity to compare their lot with that of their neighbors. The contracts should be striking. For once, the Cuban people will get a graphic demonstration of the failures of the Castro revolution.

Mr. Speaker, it is clear that broadcasts behind the Iron Curtain have been instrumental in forcing the Kremlin to concede certain freedoms to the people of the Soviet Union and Eastern Europe. So far, Fidel Castro has resisted making similar concessions. I believe TV Marti would be an excellent way to show the Cuban people what they too might accomplish with democratic political institutions and free markets.

PRIVATE LONG-TERM CARE INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am introducing legislation to provide for Federal and State standards for private long-term care policies.

As the Nation's elderly population grows the number of those requiring long-term care as well as the costs of what care will grow. As a result more and more individuals will seek to buy private long-term care insurance. It makes sense to develop the standards for regulating the sale of these policies while the long-term care insurance industry is still in its infancy.

Abuse of the public's trust has already been reported. Consumers Union, for example, reported in the May 1988 issue of Consumer Reports, that benefits and restrictions under current long-term care policies are at best difficult to understand. Because of the restrictions included in some policies, consumers who purchased these policies would receive virtually no protection against the costs of long-term care.

Federal and State standards are needed for long-term care insurance protection to prevent the same abuses which led the Congress to establish standards for Medicare supplemental insurance (MediGap) policies in 1980. As the Congress learned in the early days of the development of MediGap insurance, the elderly are vulnerable and can be frightened into buying useless or duplicative policies.

Long-term care insurance policies, unknown a few years ago, are now widely available. Currently some 70 companies have entered the field and are insuring approximately 500,000 individuals.

Unlike MediGap policies, which are regulated by Federal and State statutes, long-term care insurance policies are presently regulated in less than 20 States.

Finding ways to pay for long-term care is a serious problem today which will become even more problematic in the years to come. Currently about 2 million of the Nation's elderly are living in a nursing home. Thirty years from now that number will nearly double. Equal numbers of the elderly will also require long-term home- and community-based care. Nursing home care now costs an average $25,000 per year and as much as $40,000 in New York and California. By the year 2018, it will cost about $55,000 if inflation stays at the moderate rates experienced recently.

Medicare pays for about 2 percent of nursing home expenditures while Medicaid, the Federal program that finances health services for the indigent, pays half of the $38 billion presently expended for nursing home care. The other half of the $38 billion represents the out-of-pocket cost borne by nursing home residents or their children.

The bill I am introducing establishes standards and consumer protections for long-term care insurance policies along the lines developed to regulate MediGap policies. These standards are commonly referred to as the Baucus standards after Senator MAX BAUCUS, the chief sponsor of the legislation.

The General Accounting Office, in its report of October 1986, found that passage of the Baucus standards has encouraged States to adopt standards at least as stringent as the Federal standards. They also found that the Federal law had "resulted in more uniform regulation of MediGap insurance and increased protection for the elderly against substandard and overpriced policies."

The legislation I am introducing today is similar in design to the Baucus standards statute and should create similar impetus for states to establish minimum standards and consumer protections for the sale of long-term care insurance.

The bill is an updated version of H.R. 5085, which I introduced July 14, 1988. I have revised the legislation to take into account the

following amendments the National Association of Insurance Commissioners [NAIC] added to their Long-Term Care Insurance Model Act and Model Regulations on December 16, 1988.

The NAIC Long-Term Care Insurance Model Act now contains a provision which prohibits long-term care insurance policies from conditioning eligibility for any benefits on a prior hospitalization requirement. This is a very significant change because, as Consumers Union points out, a majority of patients enter a nursing home without first being hospitalized. In short, eliminating the prior hospitalization requirement will mean that many more policyholders will be able to actually receive benefits under their policies.

The amended NAIC Model Act also prohibits conditioning eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care. This will again significantly expand the potential for receiving benefits under long-term care insurance policies as the elderly will be able to receive custodial care in a nursing home without first having to qualify for skilled nursing care.

The Model Act, as my legislation, now prohibits home health benefits from being conditioned upon the receipt of benefits in a prior institutional setting. Unfortunately, the NAIC did not go as far as my bill, and still allows policies under certain circumstances to condition eligibility of noninstitutional benefits on the prior receipt of institutional care. I am concerned that this provision will prevent too many elderly from receiving home health benefits under their policies and so have prohibited such conditioning of home health benefits in my bill.

I am also pleased to see the NAIC Model Act has been amended to improve the disclosure requirements so that it will be much easier to understand what the benefits and limitations in policies are. This will make it easier to compare one policy with another.

The NAIC Model Regulation has been amended to provide very important continuation and conversion rights for individuals who have bought group long-term care insurance policies and for various reasons lose eligibility to remain in the group.

The bill I am introducing today includes the disclosure and continuation and conversion amendments.

Further, in anticipation of action the NAIC is planning to take this summer, my legislation will require extended care insurance policies, that offer at least 6 months of long-term care, to be required to meet the standards contained in this bill. Currently, only those policies which offer at least 24 months of long-term care are regulated by the legislation.

The important features of the bill include:

MINIMUM STANDARDS

The bill establishes standards for long-term care policies requiring that they provide at least a minimum level of benefits, described below, and minimum expected loss ratios of 60 percent.

Like the MediGap amendment which incorporated the NAIC MediGap Model Act, the legislation incorporates most of the long-term care insurance model act and regulations developed by the NAIC and sets forth the same two procedures for determining whether policies meet the Federal standards.

The NAIC model and the additional provisions of the proposed bill would require that policies:

First, include a guaranteed renewal;

Second, include a 30-day return policy;

Third, limit preexisting condition clauses to 6 months for conditions for which medical treatment was recommended by a physician or received preceding or following the effective date of coverage;

Fourth, not condition benefits on prior hospitalization or institutional requirements or limit benefits based on prior receipt of higher levels of services;

Fifth, not limit coverage to skilled nursing care nor provide significantly more coverage for skilled care in a facility than coverage for lower levels of care in a facility;

Sixth, limit eligibility for benefits to services (in facilities or otherwise) licensed in the State;

Seventh, contain a statement of the availability of, and limitations upon, long-term care benefits under Medicare;

Eighth, provide continuation and conversion rights for group policyholders;

Ninth, provide to each policyholder the telephone number of the commissioner or superintendent of insurance of the State in which the policy is issued; and

Tenth, provide at the time of solicitation a uniform disclosure statement.

Administration: The bill relies primarily on the States to enforce these standards.

Federal responsibilities involve determining whether State laws and regulations are equivalent to the Federal standards and certifying policies on a voluntary basis in States that do not have equivalent laws and regulations.

The bill provides that if a State has adopted standards that are at least as stringent as the Federal standards, policies regulated by the State are deemed to meet the Federal requirements.

The bill also establishes a voluntary certification program under which insurance companies could market policies as long-term care insurance in States that do not have laws and regulations equivalent to the NAIC model and the additional requirements.

Insurers can submit policies and supporting documents to the Secretary of Health and Human Services. If the Secretary determines that a submitted policy meets Federal requirements, it is certified and can be marketed as a long-term care insurance policy.

The bill establishes a Long Term Care Insurance Panel, consisting of the Secretary, three State commissioners of insurance and three individuals chosen from among Medicare beneficiaries and representatives of employers and labor. The panel is responsible for reviewing each State's insurance regulatory program and certifying those that meet the minimum standards contained in this bill. In States that do not obtain panel certification, as indicated above, the insurers may submit their policies to the Secretary of HHS for approval.

Penalties: The bill also establishes Federal sanctions, consisting of fines and/or imprisonment, for: (1) false statements or misrepresentation of a policy, and (2) mailing, advertising, soliciting, or offering to sell a policy that has not been approved by the Secretary or the State.

Other Requirements: To further protect policyholders, the Secretary would also be required to provide information to each Medicare beneficiary to aid in evaluating the value of long-term care policies and the relationship of any policy to Medicare benefits. Such information would include the addresses and phone numbers of State and Federal agencies which could provide additional information and assistance regarding long-term care policies.

The Secretary would also be required to inform Medicare beneficiaries of actions which are illegal and provide a toll free number and information on reporting suspected violations.

Mr. Speaker, senior citizens must be protected from abusive and misleading advertising and worthless long-term care policies. For MediGap policies this only occurred after passage of the Baucus amendment. My bill provides the Federal leadership required to assure reasonable and necessary regulation of the sale of long-term care insurance. I hope my colleagues will join me in speedy passage of this important legislation.

LEGISLATION TO PROVIDE REASON IN SMALL AIRCRAFT LIABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I have introduced the General Aviation Standards Act of 1989. This bill passed the Public Works Committee unanimously last year and had the support of over 200 cosponsors.

The need for this legislation remains critical. The American general aviation industry—consisting mostly of small planes and helicopters—has traditionally dominated the international marketplace. However, this once great industry has been decimated and is currently threatened by foreign manufacturers, not because of an inability to compete, but because an unfair system of product liability laws is forcing U.S. general aviation manufacturers out of business. As a result, Socata, Grob, Porsche, Rushmeyer, Sammi, and Agusta soon could replace the household names of Beech, Cessna, and Piper as the world's leading manufacturers of general aviation aircraft.

Liability costs for American manufacturers have skyrocketed—from $24 million in 1977 to $210 million in 1988, despite a steady improvement in safety. Liability costs are now the largest single cost component in the manufacture of an airplane, pushing the price of new aircraft beyond the reach of many consumers. The direct result is a drop in new aircraft sales from 18,000 units in 1978 to only 1,085 in 1987. As many as 70 percent of the jobs in the industry have been lost since 1980.

Foreign manufacturers, not encumbered by the high liability costs of American manufacturers, are moving rapidly to fill the void. At a time when we are all concerned about the competitiveness of American manufacturers, we are witnessing the demise of a high-tech-

nology industry that historically has contributed greatly to the domestic economy and the balance of trade. Congress has a special responsibility, by virtue of the pervasive Federal regulation of this industry, to act to resolve this crisis by enacting uniform Federal standards of liability. The bill contains modest and reasonable changes in liability laws but contains no caps on awards or limitations on attorney's fees. It is supported by the entire general aviation community: manufacturers, consumers, and pilots.

I hope you share my concern for this important American industry and the thousands of jobs involved and I ask for my colleagues support in the 101st Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

E.B. LEON'S PASSING A LOSS TO ALL EL PASO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. COLEMAN] is recognized for 5 minutes.

Mr. COLEMAN of Texas. Mr. Speaker, I wanted to take this opportunity to note with great sadness but with equally great admiration the passing of one of the most outstanding citizens of El Paso, TX, Mr. Eucebio Beltran Leon, known affectionately to all as E.B. Leon. More than anything else, his story is one of unsurpassable individual courage and persistence against the most daunting odds. It is a saga that began with the heroic way in which he first came to the United States and ended with a rich legacy of individual, family, and civic accomplishments that his loved ones, friends, and fellow El Pasoans will continue to cherish with fond memory and stirring inspiration.

E.B. Leon can only be characterized as the classic American success story. He was born in 1912 in Durango, Mexico, where he lived until the age of three, when Pancho Villa raided Durango, killed Mr. Leon's father and confiscated the family ranch. The surviving members of the family then began a 2-year, 672-mile trek on foot that ended in El Paso, TX. They were penniless upon arrival, and for some time the family lived in a tent at Seventh and Oregon Sts.

E.B. grew up in El Paso and enlisted in the U.S. Navy in World War II, where he won 13 Bronze Stars in the capture and occupation of Saipan, Guam, the southern Palau Islands, Leyte, Luzon, Iwo Jima, and Okinawa. He was honorably discharged and took on a variety of jobs until he became an independent businessman in El Paso in 1954, an occupation he held for 27 years.

But he was concerned for far more than his immediate financial welfare. By the time of his death, he had dedicated 51 years of service to the League of United Latin American Citizens [LULAC]. He first joined LULAC in 1937 when he joined Council No. 34 in Albuquerque, NM. An organizer and community leader in his own right, he helped organize LULAC Council No. 8 in El Paso in 1945 and has since won a host of awards from and on behalf of the organization. From 1956 to 1958, Mr. Leon was the National Assistant Expansion Cochairman. His contributions were so great and his leadership so compelling that in 1958 he was recognized as "The Hardest Working Organizer in the State of Texas." In June 1987, he was honored as the longest living active founding father at the LULAC National Convention.

As amazing as it may sound, E.B. Leon didn't stop there. His boundless energy and enthusiasm for helping others carried over to other important interests as well. He was a member of the YMCA, the Veterans of Foreign Wars, the Toastmasters International and the Council on Aging, where after his retirement from business he worked as a trained alcoholism counselor. Until recently, he served as an Advisory Board Member on the El Paso City Council's "Retired Senior Volunteer Program."

Mr. Speaker, the lifetime of accomplishment left behind by E.B. Leon is testimony to the heartfelt power of the American dream. In a shallow day and age marked by the worship of money, machines, and technology, the intensely human drama of a lifetime of service to others stands in awesome contrast. The life of E.B. Leon represents to me the traditional values of earlier generations that revered family, neighborhood, duty, country, sacrifice, hard work, and dedication.

E.B. Leon dreamed big dreams and he never lost faith in the special dream he called America. He acknowledged the country's flaws, particularly the state of race relations in the Southwest, but he worked for change and indeed, he saw things change in his own lifetime as the result of his efforts and hundreds of thousands who shared his dreams for this country.

Mr. Speaker, we will all miss E.B. Leon. But his legacy lives on just as his dreams for America live on, and his life will serve as a sterling example for those he left behind. It sends the needed message to an all too complacent generation that the American dream is still the most powerful vision this world has to offer. And, on a more personal level, it means that I will miss him very much. He was a supporter, a hard worker, and most of all, he was my friend. I shall miss him dearly, and I know that the people of the 16th Congressional District of Texas extend their sympathies and best wishes to his family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

[Mr. KYL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE SATANIC VERSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KOSTMAYER] is recognized for 60 minutes.

Mr. KOSTMAYER. Mr. Speaker, the gentleman from Illinois [Mr. HYDE] and I take this time this afternoon to discuss an issue which should be of concern to everyone who cares about the right of public expression in this country and around the world. I want to speak just a very few minutes about my concerns about this issue and then yield to my colleague, the gentleman from Illinois, and to others who may want to be heard on this matter.

Mr. Speaker, there are certain fundamental human values that set the United States apart as a people and as a society. These are fundamental values which have characterized our history. The most important value in my own view is the diversity and the pluralism which have always characterized American life. Specifically, this value is seen in the first amendment to the Constitution which says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

There are unhappily, Mr. Speaker, values which all people do not share. The majesty of the first amendment, this right of public expression, is a fundamental. It is easily accepted when we are dealing with noncontroversial issues. Every American endorses it when we deal with easy issues or noncontroversial issues.

No one objects to the Girls Scouts being heard, no one objects to the PTA being heard, no one objects to the local debating society. But the first amendment is tested when the words written and the words spoken are controversial. That is the case with the book entitled "The Satanic Verses," written by a man called Salman Rushdie.

While other countries may accept the Ayatollah's death threat against the author of this book, we in this country do not accept it; we reject it. Yet last week, Mr. Speaker, and the week before, we say a number of examples around the country where the Ayatollah's edict was accepted. We saw demonstrations and marches here, in the United States endorsing the Ayatollah's death sentence. There were attacks on Walden Books and on a bookstore in Berkeley, CA, called Cody's Books. There was the firebombing of the Riverside Press in New York City which a week earlier had published an editorial in defense of the book's publication. There are bookstores throughout the United States refusing to sell the book out of fear for the safety of their employees and their customers. There are libraries in the country refusing to carry the book.

In Britain the foreign secretary nearly apologized for the book. We heard former President Carter charac-

terizing the book as "insulting." Both the British foreign minister and the former President of the United States missed the point. The point is now whether we like the book or do not like it. I suspect I would find it deeply offensive.

That is not the issue. The issue is the right of expression, the right to write a book, the right to read a book.

So this edict is having some effect throughout the United States. We see the cold hand of the Ayatollah, the cold hand of tyranny, being felt here in the sweet land of liberty.

These are always terribly painful and controversial issues. As I said, they are issues which are difficult and controversial. I remember some of them throughout my career here in the Congress. Should members of the American Nazi Party be permitted to march in Skokie, IL, home to so many Holocaust survivors? Should an artist's rendering which includes the desecration of the American flag in Chicago be closed by the courts? Should a Klansman elected in a free and fair election in Louisiana be seated in the Louisiana Legislature?

These are the tough questions that truly test whether or not we are sincere in our dedication to the first amendment to the Constitution of the United States. And when it comes to freedom of speech, there is no need to discuss the noncontroversial issues, only the ones that pain us and divide us.

But surely, Mr. Speaker, these are the cases that truly test whether or not we are sincere about our commitment to human freedom in the United States, no matter how offensive, no matter how repulsive, no matter how unpopular. Surely, Mr. Speaker, they test the strength of our system; they test the brilliance of our Constitution. Indeed they test the very meaning of American.

So, Mr. Speaker, I raise these issues here today in this place where controversy and debate are no strangers. If we can tolerate the most repugnant and the most repulsive ideas, then we can tolerate all ideas, and that is a good thing.

□ 1430

Mr. Speaker, I do not believe that words written or spoken threaten free men and free women anywhere in the world, and, if we in this country do not speak out, who will?

Mr. Speaker, we gather here this afternoon to speak out and to reaffirm the right of free expression as it once again comes under attack.

It seems to me that this is a special and sometimes lonely obligation of the United States since we are the largest and the most powerful democracy on the planet. This task, therefore, falls to us and in many ways to us alone.

Finally, Mr. Speaker, thousands of our countrymen from Valley Forge, to Gettysburg, to the Argonne, to Hamburger Hill have died face down in the mud so that we could read and write what we want to read and write. We do not intend to dishonor their service by being silent on this subject today.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I want to congratulate the gentleman from Pennsylvania [Mr. KOSTMAYER] on a superb statement. I wish to associate myself with every word of it. I think he has expressed succinctly and effectively the thoughts of many of us who are troubled by the letting of a contract out by the spiritual leader of an important nation against an author who has written something that they have found highly offensive.

Mr. Speaker, we all see things and read things that are highly offensive and insulting to ideas and concepts and institutions that are near and dear to us. The movie, "The Last Temptation of Christ," is analogous. It traduced the focal point of Christianity. It was an insult, but I think the appropriate way to deal with those things is to express your opinion, express your freedom of speech in contradiction, in condemnation, even of something that one finds highly offensive about something that is sacred.

However, Mr. Speaker, at the same time to physically inhibit, whether by threats or in person, the exercise of first amendment rights is absolutely contrary to any civilized understanding of what freedom of speech really means. It means the right to say things that other people reject and do not like and condemn, but, so long as one is not yelling "fire" in a crowded theater, so long as there is not a clear and present danger, this right of a freedom of speech is one of the important, significant and, I am sorry to say, sometimes unique aspects of this ongong experiment we call American democracy.

I might add, Mr. Speaker, that one of the lessons that we ought to dwell on from this unfortunate and ongoing occurrence is how often freedom of speech is violated, not by Ayatollahs, but sometimes by people from whom we have a right to expect better. I think of the occupation of the university.

Now universities are particularly citadels of free speech, libraries, thought, and ideas. These are the sum, the substance, the grist, of universities, of education, of learning, and, when things are said and taught, or thought to be said, or attempted to be taught that a group of students do not approve of, I think there ought to be other ways, and there are other ways, to demonstrate one's disapproval without physically making it impossible for the person who wishes to assert or speak the idea that others do not agree with. There are ways to express oneself.

Mr. Speaker, I think what happened at Howard University, no matter how one disagrees with Mr. Atwater's nomination as a director or a member of the board, the forbidding by physical violence of Mr. Cosby to even make his commencement address, the demonstrations—I am for demonstrating, but not when they involve the physical taking over of buildings and denying other people their right.

Now this has happened again and again on university campuses. Jeane Kirkpatrick was victimized in several universities, and I simply say this: This abhorrent Salman Rushdie series of events where the Ayatollah has threatened death, and has made it a holy cause and offered a reward for anyone that will assassinate someone for exercising their freedom of speech, which really is not just an American right; it is a natural right for every member of the human race; I just think we ought to learn that this extreme is not unknown in terms of the substance in America where freedom of speech is not quite tolerated as much as we think it ought to be, as I think it ought to be.

So, Mr. Speaker, let us look at this extreme example of intolerance, and let us try to speak out against all intolerance wherever it happens because the consequences of tolerating a little intimidation on free speech sometimes are manifest in this extreme fashion.

What is happening to this author is tragic. That anybody can defend it is even more tragic. It seems to me, despite the abhorrence in which one holds the demeaning or insulting of a religion, that ought to be an easy enough price to pay for the blessed right to express yourself.

So I congratulate the gentleman from Pennsylvania [Mr. KOSTMAYER] for bringing this to the attention of the House, for taking this time, and I hope that we can all dwell on how precious and how fragile the right of freedom of expression is. All of us must dedicate ourselves to advancing that right wherever it is threatened.

Mr. KOSTMAYER. Mr. Speaker, I thank the gentleman from Illinois [Mr. HYDE] for sharing this time with me, and I am honored to be associated with him on this matter.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I congratulate the gentleman from Pennsylvania [Mr. KOSTMAYER] and the gentleman from Illinois [Mr. HYDE] for in a bipartisan fashion giving us a chance to express how important a

basic principle is here under attack. I thought that the gentleman from Illinois [Mr. HYDE] was quite eloquent when he pointed out that we are talking here about people's rights to be offensive.

Mr. Speaker, yes, there are books written and movies made that have offended Islam, and Judaism and Christianity, and none of us believe that that is the correct thing to do, but we believe that it is in a free society a legally permissible thing to do, and the response is, as the gentleman from Illinois [Mr. HYDE] said, the response is a very vigorous counterattack.

In fact, Mr. Speaker, if one really believes that their religion is one with some force, then these thoughts of attack ought simply to inspire them, and the many who believe with them, to fight back. They have a right, as individuals and organizations, to boycott. No one has an obligation to buy. Private citizens who think that a particular form of expression is abhorrent should not pay the money for it. That is part of a free market that goes along with the freedom of expression that we have here.

But the notion that one has a right to prevent people from saying it is absolutely untenable, and what bothers me is people who write and say, "Well, but freedom of speech must be balanced by respect for other people's sensitivities. Freedom of speech can't be absolute in that it must not insult others."

Mr. Speaker, people do not understand one very clear thing. Freedom of expression only comes up when we are talking about opinions that are obnoxious and offensive to some people. If we are talking about opinions with which everybody agrees, freedom does not become an issue. Even Stalin thought that Molotov was free to agree with him. Hitler had no problem when Goebbels said things he liked. Freedom as a concept only comes into play when people have in fact said things with which one vehemently disagrees, and that is what we have to vindicate.

Now we have new horrifying degree of assault on freedom when the man who runs a country, the Ayatollah Khomeini, orders people to go and murder someone. It is bad enough when he prevents people from reading things in his own country, but when he announces that he has got a world right to censor what everybody reads and, in fact, to commit violence against the publisher or the author, that is an outrage, and when others fail strongly to condemn that, that is an equal outrage.

Mr. Speaker, I think we have to focus on the failure of many others who have some responsibility here to talk about what a disaster this is. The sad spectacle of the Ayatollah and his abhorrent version of his religion being so prominent and with so few others willing to be critical is a very sad one. That is not an accurate representation of Islam, and it ought to be made clearer by other believers in that religion itself.

□ 1440

There has to be an absolute insistence that people's rights to speak and publish cannot be trammeled by this sort of activity. I think it is incumbent on the Government of the United States and on the Government of Great Britain and other countries, none of us want to see money spent unwisely, but the only way to deal with this sort of threat is for all of us to pledge that resources will be put at the disposal of Mr. Rushdie, of bookstores, of publishers. If we have to spend more money to protect people, then we better do that, because if this threat succeeds in diminishing sales, et cetera, then know that it will become a model for many, many others to follows.

So it is absolutely essential that we make it clear not only that this is outrageous, but also that the right position is not halfway between. It is not to say, well, yes, they should not have threatened to kill him, but they should not have published the book, either.

It is not that, well, the Ayatollah went a litte too far, but Mr. Rushdie had no right to do that.

Mr. Rushdie has written a book which he had a right to write and he has an absolute right to be protected in its dissemination and it is an obligation of all countries.

People ought to understand, I have been involved in controversies that others have had here, we have Louis Farrakhan, a man who says on a regular basis some of the most despicable things I have ever heard. I have been asked by groups to help prevent him from having access to public forums.

I have said no, that is not appropriate. What is appropriate is to refute him. Do not patronize him. I do think it is legitimate to object to public funds being used to subsidize him, but if he wants to hire a hall and be available to people who want to hear him, then the only answer is to dispute him.

I am particularly troubled that some of the people who thought it was good when I defended the right of Louis Farrakhan to be hateful now write to me and say, "Oh, but this is a different story here, because Mr. Rushdie is being offensive."

People ought to understand that a commitment to freedom is not a tap they can turn on and off. If you are going to deny the right to be offensive and controversial to people with whom you disagree, you ought not to expect that right to be there when you yourself is the advocate of those kind of views.

I hope that people will pay attention to it. There is a broad specter of opinion of a bipartisan sort in this House and I hope that our Government and other governments at the State and local level will be encouraged to provide to people who are engaged in the sale and promotion of that book absolutely every protection that they can get.

Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, I thank the gentleman from Massachusetts for participating here.

Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania [Mr. KOSTMAYER], for yielding this time to me and for having taken this special order. I want to express and associate myself with the two previous speakers, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] for their very eloquent statements.

I think it is right and appropriate that we stand here today condemning the actions of the Ayatollah Khomeini in connection with the book "The Satanic Verses" by Salman Rushdie.

It is imperative that, as a free society, we speak out when one of our important values, in this case freedom of expression, is threatened. Writers across the country and indeed the world have banded together to protest the death threats against Mr. Rushdie, his publishers, and booksellers who display the book. The United States must stand in solidarity with Mr. Rushdie and the international writing community against this brutal attack on freedom of expression.

While the Government of Iran has been engaged in various acts of extreme behavior for many years, until now it has not attempted to patrol the expression of the international artistic community through death threats and intimidation. All cultures and all freedom-loving people have an interest in stopping this most recent example of Iran's disrespect for the norms of international behavior.

Mr. Speaker, I have joined with a goodly number of our colleagues in writing to President Bush, urging him to put the Government of Iran on public notice that it is the United States' intention to postpone indefinitely any possibility of normalized trade or diplomatic relations until the threats have been rescinded and the safety of the author, publishers, and sellers of "The Satanic Verses" has been assured. Freedom of expression must not be silenced by intimidation, and that message must be sent to the Government of Iran.

The safety of Mr. Rushdie and of the principle of freedom of expression is clearly an American interest as well as a world interest. Let the Government of the United States join the many members of the international community who have spoken out to protect these interests and preserve artistic freedom.

Mr. KOSTMAYER. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank my distinguished colleague, the gentleman from Pennsylvania, for yielding to me and for giving me this opportunity by taking this special order.

Mr. Speaker, before I give my statement, I would like to read into the RECORD a statement which just came across the Associated Press wire a couple of hours ago, because I think it underscores the seriousness which we are discussing here today:

BEIRUT, LEBANON.—The following is the text of a statement issued Wednesday by the Revolutionary Justice Organization, which holds American hostages in Lebanon. The Arabic-language statement was translated by The Associated Press in Beirut.

"In the name of the Almighty.

"After a thorough reading of The Satanic Verses book and its contents that insult Islam and the Arab prophet, and after examining the study of the so-called Salman Rushdie, the Revolutionary Justice Organization declares that it has completed its preparations to execute the just sentence issued by the esteemed cleric and the great struggler Ayatollah Khomeini against Salman Rushdie. Hence, it puts forward the following evidence for carrying out the sentence:

"1. Insulting Islam and the Arab prophet is an insult to the latest and greatest human civilization represented by revolutionary Islam.

"2. Salman Rushdie's record indicates that he was a branch member of the Freemasons' movement in England. Immediately after the publication of his Satanic Verses book, he was promoted to full official membership of the Freemasons' highest council in England (or the church of organized atheism) which combats divine religions, especially christianity and Islam and their great prophets.

"3. Imam Ayatollah Khomeini, with his acute awareness of the grave consequences against the future of the divine religions emanating from this Freemasonic and Zionist attack, has handed down his verdict when the Arabs and those who claim to be the protectors of Islam and speak for all the Moslems remained in tight silence.

"The Revolutionary Justice Organization also declares that before taking any measures, it will find itself compelled to attack British police posts assigned to protect Salman Rushdie in order to get to him to carry out the sentence. We hold the British government responsible in advance for the human and material losses among the British police and their posts that could result from the attacks on them. This warning applies to all countries that are currently negotiating with the British government to extend asylum and protection to Rushdie.

"Victory to the oppressed

"Glory and immortality to the martyrs

"The Revolutionary Justice Organization."

Mr. Speaker, the recent death threats by the Ayatollah Khomeini and others on the life of British writer Salman Rushdie demand the strongest possible condemnation by those who love our precious liberties.

Putting a price on Rushdie's head puts a price on the head of free men and women everywhere. We must not stand for it—we must stand united against it—and let the Ayatollah and his fanatical followers know unequivocally that if Rushdie is harmed, those responsible will suffer the gravest possible consequences.

When I was a very small boy, Mr. Speaker, the world was at war.

We lived then by a freight yard on the docks of Hampton Roads—overhead Navy dirigibles flew along the Atlantic coast, searching the depths for German submarines.

On the short wave of our old battery radio came the voices of Franklin Roosevelt, Winston Churchill, and Adolph Hitler. At night, during the blackouts, my mother prayed quietly for an Allied victory over the forces of darkness.

Nearby was a naval hospital. When Taps was played, I was told, it meant that a serviceman had died. In my child's imagination, I would wonder who it was that had given his life for me. I would create a life for them even as they left this world—I would give them names and hometowns, places taken from the sides of the boxcars in the freight yard.

So, as Taps drifted across the tidal waters, I would imagine the soul of someone, perhaps named "Joe" from Rock Island, rising on the coastal breeze.

The forces of darkness were defeated. But Taps played often.

Mr. Speaker, when the quislings of corporate cowardice removed Salman Rushdie's "The Satanic Verses" from their shelves because of fear, we lost precious moments of freedom that can never be regained. These are moments that were purchased at the greatest price, by the ultimate sacrifice of men and women whose courage enables us to speak freely here in this Chamber today.

"Eternal vigilance," as Mr. Jefferson said, "is the price of liberty."

We must be vigilant, we must be unafraid, and we must be unequivocal when dealing with those who would forever silence the voices of dissent and disagreement, and take from us our right to think as a truly free people.

It is our duty to send an old-fashioned plain and simple message to the so-called religious fanatics who seek to forever silence Salman Rushdie.

We need also to remind those merchants of appeasement in the United States that although they have the right to remove a book out of fear, they have the moral responsibility to not give in to the bullies of intellectual intimidation and spiritual terrorism.

They owe that to those who have gone before—people like "Joe from Rock Island" for whom Taps was played when I was a little boy.

I thank you, Mr. Speaker, and I thank my distinguished colleagues for these special orders.

□ 1450

Mr. KOSTMAYER. Mr. Speaker, I yield to my good friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman from Pennsylvania [Mr. KOSTMAYER], for arranging this special order enabling us to speak out on this important issue concerning the freedom of expression.

Mr. Speaker, I rise in strong support of the resolution introduced by the gentleman from California [Mr. MILLER] expressing the sense of Congress condemning the death sentence issued against British author Salman Rushdie by the Ayatollah Ruhollah Khomeini of Iran, and to call for its immediate repudiation.

One of the basic tenets of a democratic society is freedom of expression. When that freedom is impugned through censorship, repression, or the threat of physical violence, it is incumbent upon the Members of this legislative body to express our outrage and indignation.

The recent death sentence decreed against British author Salman Rushdie is the latest manifestation of the bizarre, irresponsible behavior which has been the trademark of the Iranian leadership over the last decade.

With the recent cease-fire in the Iran-Iraq war, Iran should take advantage of the opportunity for rapprochement with the West. This recent episode, however, speaks against any hope for moderation in that troubled state. The death sentence against Salman Rushdie merely adds another chapter to the catalog of outrageous acts perpetrated by Khomeini, and must be condemned by those of us throughout the world who value freedom in all of its forms.

Accordingly, Mr. Speaker, I urge my colleagues to adopt this resolution.

Ms. PELOSI. Mr. Speaker, I thank my colleagues, Mr. KOSTMAYER and Mr. HYDE for calling this special order to allow us the opportunity to express concern about the international incident resulting from the publication of Salman Rushdie's book, "Satanic Verses." This affair has tested the very principles on which our Government is based, freedom of speech and freedom of expression. I believe that it is important for us to challenge the decisions to restrict access to this publication, regardless of its contents.

The Ayatollah Khomeini's orders for the immediate execution of Mr. Rushdie and all of those involved in the publishing of this work cannot be tolerated. The American system is nourished by freedom of expression. While I may not agree with Mr. Rushdie's opinions, I respect his right to hold his own views. The suppression of the thoughts of others leads to oppression.

In the San Francisco Bay area, bookstore owners and managers are risking their own lives to ensure that "Satanic Verses" continues to be available to the general public. Last week alone, two bay area bookstores were fire-bombed in an apparent attempt to intimidate owners into pulling the book from their shelves. Despite these attacks, the two stores remain firmly committed to the rights of the book-buying public. I commend the owners, managers, and employees of these bookstores for their steadfast commitment to freedom of expression. It is important that we not allow these terrorist actions to injure or restrict the freedom that America cherishes.

I commend those members of the international community who have refused to be intimidated by the Ayatollah's threats. The free world must stand together in our responsibility to defend the free flow of thoughts and ideas. We must never allow any one person or group to forcibly impose their own values and ideas on the world community.

The uproar caused by the publication of "Satanic Verses" is damaging to the institution of American democracy. We must demonstrate our dedication to the values and principles which have helped to shape our Government by refusing to allow the Ayatollah Khomeini to dictate our domestic policy. Our Government must work to uphold the right of every American to have access to books representing varying viewpoints.

I urge our Justice Department to take an active role in pursuing those who have issued threats against retailers who offer their patrons the opportunity to purchase "Satanic Verses." We cannot tolerate these direct attacks on the freedom on which we pride ourselves.

Again, I thank my colleagues for calling this important special order, and I look forward to working with them to ensure the protection of freedom of expression.

GENERAL LEAVE

Mr. KOSTMAYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with this special order.

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO SENATOR JENNINGS RANDOLPH, OF WEST VIRGINIA, ON HIS 87TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 30 minutes.

Mr. RAHALL. Mr. Speaker, few Members of either the House of Representatives or the U.S. Senate ever attain legendary status. Fewer still attain that status while they are still alive. But we are today honoring one of that rare group, my friend and long-time mentor Jennings Randolph.

Fifty-six years ago, in 1933, Jennings Randolph was sworn in as a Member of Congress. Fifty-six years ago, he began to work diligently to improve the way in which Government worked to overcome problems, to make America great. His service to this Nation, while a Member of the House of Representatives from 1933 to 1947, and in the U.S. Senate from 1958 to 1984, spanned one-quarter of the life of this Republic.

I had the honor to work closely with Jennings Randolph from my first day as a Member of the House more than 12 years ago, and before that as an employee of the U.S. Senate in the Democratic Cloakroom under Senator ROBERT C. BYRD. The experience has been among the most rewarding aspects of my service in Congress, and I'm proud to say, I still work closely with this great American.

On this, the occasion of his 87th birthday, I am pleased to pay tribute to this most senior and most beloved public servant from the great State of West Virginia. As he would say and did say when I last talked to him just 2 days ago, and as I would wholeheartedly agree, Jennings Randolph is today 87 years young.

In the Senate, a body where perhaps no one is more conscious of its unique code of activity, nor where the rule of courtesy is so zealously enforced, Jennings Randolph made it unnecessary for freshman Senators to search for a printed book of etiquette that could instruct them in the management of relations between Members. No such publication exists, because the rule of courtesy and the forms of civility in that Chamber were learned by example only—and Jennings Randolph instructed by personal example in the subtle ways of representative government.

During his service in the House of Representatives, Jennings Randolph began to search for a way to establish a national energy policy; he introduced legislation in 1942 known as the Synthetic Liquid Fuels Act that would have created ways in which to transform coal and its products into other useful energy forms. For example, in the early 1940's he copiloted a plane flown from Morgantown, WV, to Washington, DC, using fuel made from coal.

One of his last acts as a U.S. Senator was to see the creation of a peace arm of the Government, the U.S. Institute of Peace, the culmination of an effort Jennings Randolph began in 1945 as a Member of the House of Representatives. The U.S. Institute of Peace has been operating for the past 5 years, thanks to the efforts Jennings Randolph made way back before 1948, when we still had a Cabinet level Department of War.

In 1933, Roosevelt and Randolph were the New Deal twins, and there have been few Members of Congress in either body who stood more clearly for the enduring values of hope and human progress for which Franklin Roosevelt stood than Jennings Randolph did throughout his long and distinguished career. And today, he could tell us as clearly as if it were yesterday about the first 100 days of Franklin Roosevelt's Presidency.

Senator Jennings Randolph grasps better than most men the latent, untapped talents, and abilities that lie in almost everyone. And he has lent and to this day is still lending his efforts and his time to what they might never have become without his help and concern.

Some examples of his golden opportunities for others for which he worked throughout his career include the students he taught at Davis and Elkins College, at Salem College his own beloved alma mater, and at Southeastern University in Washington, DC. He is known for always challenging the young, among them participants in the National Youth Science Camp, the YMCA, the Metropolitan Police Boys and Girls Club, the National Youth Governors Conference—all of whom have benefited from his experience and dedication.

Across America today, blind people and other handicapped men and women and children owe a debt to Senator Randolph. Through the Randolph-Sheppard Act for the Blind, and the Education for all Handicapped Children and Adults Act, Jennings Randolph created futures for the blind and handicapped—futures that included the ability to earn a living, and to become proud and productive people. He established and chaired the first Subcommittee on the Handicapped under the parent Committee on Labor and Human Resources until the Senate gained a Republican majority in 1981. Jennings Randolph quite literally reduced the obstacles that would have imprisoned physically and mentally disabled people, bringing light into the lives of those who could not see, and a smooth path for those who might have stumbled.

Through his efforts as chairman of the Public Works and Environment

Committee in the Senate, which he ably chaired for 14 years, Jennings Randolph authored the original Appalachian Regional Commission, and the Economic Development Administration, which brought roads, bridges, health care facilities, better schools, and many jobs to West Virginia and the rest of the Nation, but particularly to the 13 Appalachian States. It was during this time that he fought with the Corps of Engineers—and won—to call their dams and reservoirs "lakes." There are now eight of them in West Virginia, and so naming them has meant a great deal to the tourism industry that has been carefully crafted in our State for many years.

It was in his Senate years that he created what is now known as the Interstate Highway System, which now serves our State and the Nation, setting the stage for a better life for millions now living, and for generations to come.

During his tenure in the Senate, he came to be known as America's environmental architect in the legislative arena. His pace never slackened, and his work brought forth the Clean Air and Clean Water Acts, the Superfund Program to clean up toxic waste, and solid waste disposal.

Serving as the ranking Democrat on the Senate Labor and Human Resources Committee Jennings Randolph brought into being the Black Lung Compensation Act for those, who due to their work deep in the coal mines of West Virginia and other coalmining States, were dying of that progressive disease known technically as pneumoconiosis.

Jennings Randolph is the author of the 26th amendment to the Constitution of the United States which gives 18- to 20-year-olds the right to vote, a franchise he believes they deserve because, as he says, if an 18-year-old is mature enough to be expected to fight and perhaps die for his or her country, and is old enough to be considered a responsible adult under our laws, they should be allowed to vote.

Jennings Randolph introduced and guided to enactment the first Airport Authority Act which resulted in the building, extension, or renovation of airports throughout the country, enabling the people in America to enjoy the ease and speed of those new-fangled jet airplanes, and a much expanded airline industry. Later, he was one of only nine Members of the Senate to vote against airline deregulation. He did so because he believed the improved and increased service to such small rural States such as West Virginia would be seriously impaired by deregulation, and that such impairment could lead to an economic downtrend in the efforts being made by his State and its representatives to attract and keep new business and industry and the jobs they brought with them.

He introduced legislation, so early on that it was first named the National Aeronautics Museum, but which took so long to guide to enactment that its name had to be changed to the Air and Space Museum, because by that time men had walked on the Moon. Such was the vision of this courageous man.

He is a leader, who leads through the whispered confidence, the silent gesture, the humorous anecdote, the gentle rebuke, the welcome plaudit, and all of the characteristic wit and wisdom of a gentleman. He embodies the finest traditions of the House of Representatives and the U.S. Senate, and of our great country.

In conclusion, Mr. Speaker, I would like to recall that many years ago they asked the great physicist, Lord Rutherford, how he always happened to be riding the crest of the wave. And he replied, "Well, I made the wave didn't I?" And that is how we think of Jennings Randolph today—he helped make the waves and then found realistic solutions that have made the difference in quality of life for not just West Virginians, but all Americans.

William Shakespeare might have been talking about Jennings Randolph when he said: "Age cannot wither him nor custom stale his infinite variety." Throughout his brilliant career and to this day his vision never dims, and his convictions never waver—and because of that we have a national transportation system, safer workplaces, a cleaner environment, the right to a decent education and decent health care, and the hope of a better life for all.

From all of West Virginia, happy birthday, Senator Jennings Randolph and God willing, may you have many, many more. Our thoughts and our prayers are with you.

□ 1500

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to my colleague, the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, fourscore and eight years ago a man was born in West Virginia. He was born to a family in north-central West Virginia that nurtured an appreciation of service to his fellow man. He served 14 years in this House and 26 years in the U.S. Senate. That man is a legend to those of us who know him. That kind and gentle public servant is Jennings Randolph.

Senator Randolph is a hero to millions of people in this country. He was a tireless advocate for people who worked hard for their livelihood and championed legislation that helped those who needed a helping hand.

He was the last of the Roosevelt "New Dealers" to leave Congress at the end of the 98th Congress. Winning his election in 1932, he came to Washington inspired to make a difference, and he did.

He championed legislation for clean water, clean air, mine safety, black lung programs, the Air and Space Museum, the Appalachian Regional Commission, National Labor Relations Act, the Randolph-Sheppard Act, education, and for the handicapped. He is the father of modern commercial aviation, however; he is most proud of his original sponsorship giving 18-year-olds the right to vote. Many of us here in this Chamber were first able to vote due to this man's efforts.

He first proposed that a Cabinet-level Department for Peace be formed. We are still working on the scaled-down version of his vision, and many people from his old district would welcome the Peace Academy.

He was at a reception for me nearly a year ago. He was and always will be a perceptive thinker. He dislikes the title "Congressman" and was letting all know that we are U.S. Representatives, servants of the people who elect us to this position of high public trust.

He was, up until he retired over 4 years ago, the only Member of the U.S. Senate with a listed telephone number in the District of Columbia. It was not unusual for people from West Virginia to call his home in the evening or on a weekend if their car broke down while visiting our Nation's Capital.

Senator Randolph said, "I had an overriding desire to help people, to upgrade, to benefit our people." That is why my family, the people of his district, and I are pleased to honor one of America's best. Jennings Randolph served the people of the Second Congressional District of West Virginia and later the entire State of West Virginia as Senator. He is the portrait of what a representative of the people should be.

I am pleased and honored to join my colleagues in wishing our dear friend my best wishes on this, his 87th birthday.

Mr. RAHALL. Mr. Speaker, I thank my colleague from West Virginia.

Mr. WISE. Mr. Speaker, it is with great pride, honor, and admiration that I rise today on the occasion of the 87th birthday of Senator Jennings Randolph.

Senator Randolph has set the finest of examples by both his deeds and his conduct. This is perhaps best illustrated by the fact that he earned enormous respect on both sides of the Senate aisle for his mastery of the art of legislative compromise and the tenacity with which he pursued his goals.

Senator Randolph's contribution to our State of West Virginia is equally enormous. The work he has done on infrastructure development and the Interstate Highway System will provide opportunities for many generations. Legislation such as the National Energy Security Act has served to keep mining alive

and a tradition for West Virginia's economy, security, and heritage.

Mr. Speaker, it is impossible to be raised in West Virginia and not be inspired by this man. Excellence is synonymous with Jennings Randolph. Many do not realize that his legacy as an athlete is as rich as that of a statesman. He has greatly influenced both athletic and academic programs at Davis and Elkins College and Salem College, two of West Virginia's small, independent colleges.

Senator Randolph always took time to work on projects to benefit the young. From his early days as the athletic director of Davis and Elkins College in his hometown of Elkins, WV, to the fight he led to grant 18-year-olds the right to vote, he has exerted a positive and priceless influence on our Nation's youth.

Mr. Speaker, West Virginia has produced many great leaders, heroes, and statesmen. I can think of none who better exemplifies these traits than Senator Jennings Randolph. We are all greatly indebted and enriched for having worked with him.

Mr. MOLLOHAN. Mr. Speaker, the opportunity to pay tribute to a man who is known as a true legend is very rare. Today, we have that rare opportunity—the 87th birthday of our friend, former U.S. Senator Jennings Randolph.

Senator Randolph's name has a magic ring to it in West Virginia. From the steelmills of the northern panhandle to the coalfields of the south and from the river towns along the Ohio to the apple orchards near Harpers Ferry—Jennings Randolph is remembered fondly as a champion of Mountain State causes and friend to all who sought his wisdom and leadership.

He came to Congress in good company, taking his oath of office in 1933—the same year that Franklin Delano Roosevelt took the Presidency and proceeded to guide America through the perils of depression recovery. Randolph worked his early years in the House to support FDR's recovery initiatives. For seven straight terms, Senator Randolph represented his beloved fellow West Virginians in this Chamber. During that time he also became West Virginia's congressional champion of coal.

There are few West Virginians over 50 who do not remember or have not heard about the Senator's dramatic demonstration of the value and abilities of synthetic fuels derived from coal. In November 1943, during a world war in which fuel had become a most prized commodity, Senator Randolph boarded a small single-engine airplane in Morgantown, WV, and flew to Washington, DC. It doesn't sound so unusual until you consider that the fuel that powered the prop wasn't a conventional oil derivative. Coal was the power supply for that promising flight of 1943. Senator Randolph hoped that it would show a fuel-hungry America that West Virginia coal has the answer to fuel problems and oil shortages. Along with Senator Joseph O'Mahoney of Wyoming, then-Congressman Randolph introduced the Synthetic Fuels Act that was to provide funding and encouragement for the further development of liquid fuels from coal.

But, America's war victory and postwar progress led to the gradual lessening of the need for a synthetic fuels effort and the program eventually became dormant. It was most frustrating to Senator Randolph who was powerless to save the program. The 1946 election swept 156 incumbents from the U.S. House of Representatives including Randolph.

The late Representative from Kentucky, Carl Perkins, wrote that if government and industry had followed Senator Randolph's advice on synthetic fuels development, America would have been spared the postwar mining slump, the shock of the oil crises of the 1970's, and our dangerous dependence upon foreign energy. His synthetic fuels dream was not to be. In 1983, when he sought to recreate his historic 1943 flight, Senator Randolph could secure no more than 1 pint of synthetic fuel.

When he returned to Washington in 1958, he returned as a U.S. Senator and a new legacy of innovation and progress began under his stewardship. The Randolph-Sheppard Act that gave blind people the opportunity to operate vending stands in Government buildings; the 26th amendment to the Constitution which gave 18-year-olds the right to vote; measures that led to the National System of Interstate Highways that link America's great and small cities with efficient highways; legislation creating the National Air and Space Museum which millions of people visit in Washington; environmental protection initiatives; economic assistance programs to bring jobs and business opportunity to lagging areas of America; legislation to create a Peace Academy, the Economic Development Administration, and the Appalachian Regional Commission—they were all authored or influenced by Senator Jennings Randolph and have become part of the Randolph legend.

He served as chairman of the Senate Environment and Public Works Committee and a host of other respected and influential boards, caucuses, and committees. In spite of that impressive list of accomplishments and activities, Senator Randolph always had time for his people—whether it was the small boy at a West Virginia function who desired an autograph or the senior citizen who wanted the Senator to know of a personal difficulty, Senator Randolph always had the time to be West Virginia's friend in the U.S. Senate.

His retirement in 1985 was met with many mixed emotions—his fellow West Virginians were saddened over his departure, but all wished him well in his search for new challenges and activities. Now, we are celebrating Senator Randolph's 87th birthday with fond memories and warmest regards for his service and friendship of so many years.

He is fond of remarking how his political career really began as he sat on his father's knee at the Democratic National Convention of 1912 and absorbed the color, excitement, and passion of politics when Woodrow Wilson was nominated for his first term as President. That was a fateful convention for West Virginians because it sparked a 10-year-old boy's imagination and interest in politics—an interest that was to guide him for the next 70 years and inspire him to accomplish great deeds for his State and Nation.

Mr. Speaker, it is with great pride, pleasure, and honor that I join my colleagues in wishing our dear Senator Jennings Randolph warmest wishes for a happy 87th birthday. He has forever left a mark of hard work and accomplishment upon Congress, West Virginia, and America.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CELEBRATING THE LIFE OF DIDI DANIELS PETERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LELAND] is recognized for 60 minutes.

Mr. LELAND. Mr. Speaker, I rise this afternoon to celebrate the life of Didi Daniels Peters—a truly beautiful woman who succumbed to a long illness on Saturday, February 25, 1989. She will be missed by all of us who were blessed to have known her.

I first had the pleasure of meeting Didi with her husband Brock the world-renowned actor, singer, and producer, in their home in Hollywood. That meeting had a profound impact on my congressional career.

I had been invited to Brock and Didi's home by my colleague JULIAN DIXON. He was meeting with the Peters's and other renowned African-American actors, writers, and producers—who had come together as the National Alliance for Black Advancement in Communications—to discuss the absence of positive African-American images in film and television. I had not intended to participate in the meeting at all, I merely was going to audit the conversation.

But their concerns were so compelling I could not maintain my passive posture. That first meeting with Didi and the others caused me to join the Telecommunications and Finance Subcommittee of the Energy and Commerce Committee so that I could do my part to help change the images our children see.

In subsequent years Didi and Brock helped to focus Congress' attention on the shameful absence of positive African-American images in film and television. Brock and Didi were a uniquely creative husband and wife power-

house—their collective legacy will be with us always.

Didi was a pioneer—a modern-day heroine. She dedicated her life to the arts and as a result she enriched our lives as well as this Nation's cultural heritage.

Didi was among the first African-American women to break the gender and color barriers in television production with her "Jazz Party" series—the first regular television series on jazz. Her love for jazz led her to own WNCN in New York, the first all jazz radio station in the United States.

She also became one of the first women executives in the recording industry when she became an assistant publicity director for United Artists records.

Didi's creativity knew no bounds. When she was the national funding director of the NAACP, she created the national "Bank of Stars," a year of concert tours in major cities which featured starts of music, poetry, and literature.

Before moving to the west coast, Didi founded the Dance Theater of Harlem Advisory Board and Guild and was a founding board member of the Museum of African American Art.

My love for Didi is deeply grounded in my sincere appreciation for her labor of love—Maga Link, Inc. Didi was quick to say that the creation of Maga Link was her proudest professional achievement.

Maga Link, which was founded by Brock and Didi, spawned Communications Bridge Institute, the first institution of its kind dedicated to the professional career training of low-income, minorities, and women in videotape technology.

Brock and Didi began this training program because, as Didi stated in 1983:

> It's very hard for minorities and disadvantaged people to get training. They can't afford it. And the school system doesn't concentrate on the media. * * * We didn't want these students to be locked out of the future.

Future generations owe a debt of gratitude to Didi for her vision and foresight.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I am glad to yield to my colleague, the gentleman from the great State of Maryland.

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Mr. MFUME. I certainly want to commend the gentleman from Texas for taking time under this special order to commemorate the life and the legacy and the work of Didi Peters.

Many of us who admired her from afar, who had the opportunity, once, twice, or just casually to meet her, who were really the beneficiaries of her works in the area of communications and broadcasting, certainly hold a deep debt of gratitude and a great deal of respect for all she did to make things better for those of us who came through that same door; but more importantly for those who still yet come behind us.

I think the gentleman is certainly right in suggesting with a great deal of emphasis that Didi Peters was really a heroine in her own time, a trailblazer in many respects for the causes of the furtherance of the arts, particularly as they affect African-ancestored Americans.

Her work with the Dance Theater of Harlem, with Maga Link, with the NAACP Arts Program, are just a few of the many examples that we could take time on this floor, through this special order, to cite.

But perhaps most of all I think her legacy and her impact will probably be measured like the impact and the legacy of the teacher, and that is that it goes on generation after generation, and that generational effect and that generational impact really means that Didi Peters will live long beyond this day, and her work and all that she stood for, and in many instances sweated for, will live on also.

So I join with the gentleman from Texas in taking a moment to express my gratitude for all of her work, as one who benefited in the area of broadcast communications. I know I speak for all people in the performing arts as it relates to their ability now to take advantage of situations that had not previously existed, but more importantly for having someone such as her not just to go up to the door and knock, but really to push the door wide open.

She served as a bridge, in many respects, that we might run across and get to the film industry, get to the broadcast industry.

So my condolences to the Peters family; my thanks also to the Peters family for letting this Nation share with them the beauty of Didi Peters and I thank the gentleman for yielding.

Mr. LELAND. If the gentleman will remain for just a minute, I would like to, in just some conversation with him, acknowledge the fact that their daughter, Lisa, is bound to carry on that legacy, too. She, too, is a link to the future for Brock and Didi.

I am very proud of the association that I have had with that family, especially through a very personal relationship between myself and Brock and Didi.

I am also very excited about the legacy that Didi has left because in fact if you look at the television prime time soap operas, you will see Diahann Carroll playing on "Dynasty." I will tell you that Diahann Carroll did not get there by herself. It was the hard work of people, people led by Didi, Brock, Robert Hooks, George Standford Brown, and many others who have come together to put leverage on the industry in Hollywood, the independent producers, the TV network owners, and all of them coming before Congress and appearing before my subcommittee on two different occasions, one in Hollywood, and on the other occasion in Washington when in fact they impressed the leadership of those stations, those institutions enough to at least give them some illustration, or illumination, if you will, that African-Americans were not present in positive roles to the extent that they should be; they were not following the objectivity of where other folks were, given the vacuum that was created by blacks only participating, in front of the cameras at least, as far as their roles, playing comedians and so forth.

So when we look at the credits as they roll after the movies that we see on television and in the movies, when we realize those black names and Hispanic names and women playing greater leading roles, we will remember Didi Peters, because she was in the forefront, the avant-garde, if you will, in getting those folks there.

As many skills as those credits might represent today, at least some advancement was realized.

Mr. MFUME. Well, a great deal of advancement certainly is being realized even though—and I am sure Mrs. Peters would be the first to admit—that there are many more hurdles to overcome. In thinking, really, about her contribution to this industry and to African-ancestored Americans and in doing so to America, I am reminded of the old gray-haired builder who, at the end of his own life, was still building yet another bridge. There were those who mocked and jeered and questioned the merit of this activity so late in his own life. When asked, he responded, he said, "Good friend, in the past I have come, traveling after this road, there is a youth who must pass this way. And that chasm that has been not for me, for that wide-eyed eager, anxious, ambivalent, sometimes abused young person, that may be a pitfall be." He said, "They too must cross in the twilight dim. So I stand here today and build this bridge for him."

Mr. Speaker, I thank Didi Peters for all the bridges she took time to build, even in the twilight of her own life. Again, as I said earlier, so that we might use them to run across and to get into positions that would make this a more equitable and fair society in terms of the arts and would move more importantly to better shape the images that are so readily ingested by the American people.

Mr. LELAND. What a most eloquent statement for a most beautiful woman.

Let me say that that bridge she is indeed today, as I have alluded to. I am reminded also that Didi built many other kinds of bridges.

By the way, when I was talking, she did not talk about blacks or African-Americans, if you will, and other ethnic minorities, in just appearing before the cameras. She also fought so that she had a strong and positive campaign which she led to make sure that blacks were also writing scripts, other ethnic minorities were producing and doing all of the things that needed to be done to make the screen presentations whole.

She was an unyielding, very eloquent spokesperson for that effort and for that we will indeed be forever thankful.

I am so very grateful to the gentleman from Maryland for adding his great praises to this great woman. I do appreciate all that he has said.

I might add that there are other Members of Congress who just could not be here, who want to be here, but who will submit their statements in writing.

Mr. DELLUMS. Mr. Speaker, I rise to honor the life and accomplishments of a good friend and a pioneer in the arts, Ms. Didi Daniels Peters, well-known producer, publicist, and community activist, and wife of world-renowned actor/singer and producer Brock Peters, died in Los Angeles on Saturday, February 25, 1989, after an extended illness. She was 59 years old.

The Philadelphia, PA, native was cofounder, with her husband Brock, of Maga Link, Inc., which created Communications Bridge Institute, the first institution in the Nation for the professional career training in videotape technology of low-incomed minorities, and women. Maga Link, Inc., was recently named by the Corporation for Public Broadcasting as the CPB Consortium for Black Programming to the Public Broadcasting System for the development, production, and distribution of programming to stations nationally and to PBS educational and cultural institutions.

Ms. Peters was one of the first black women television producers in the country. One of her productions, "Jazz Party," the first regular television series on jazz, earned her an Emmy Award nomination. As assistant publicity director for United Artists Records, she became one of the first female executives within the record industry.

She was founder of the Dance Theater of Harlem Advisory Board and Guild and founding board member of the Museum of African American Art. Ms. Peters was also one of the founders of the Media Forum, an organization consisting of a group of eminent media personalities who produce seminars, forums, and concerts designed to inform the public about media imagemaking. This group's television special, "Voices of our People," won ten Emmy awards in 1984. She also served as a trustee of the Bella Lewitzky Dance Foundation and of the Dance Gallery, a group which constructed the first theater ever built for dance in the history of the art form. This facility is located in downtown Los Angeles.

The jazz lover was once the owner/producer of WNCN in New York, the first all-jazz radio station in the United States. This station, which set the precedent for such stations which followed, featured major musicians and critics as regular disc jockeys. Included were "Cannonball" Adderly, Duke Ellington, Horace Silver, Leonard Feather, Nat Hentoff, and others. She later became the national funding director of the NAACP for which she created the national "Bank of Stars," a year of concert tours in major cities which featured stars of music, poetry, and literature. As a tribute to this project, Max Roach wrote his groundbreaking "Freedom Now Suite."

Having become highly discontent with the quality of black-oriented films of the late 1960's and the early 1970's, Ms. Peters and her husband started a production company, Delbro Enterprises. This company produced such award-winning projects as the PBS–TV special "This Far by Faith" and the feature film, "Five on the Black Hand Side," a family comedy which broke the "blaxploitation" trend of this period.

This uniquely creative husband and wife team also produced numerous internationally acclaimed benefit events for the issues and organizations to which they were both committed. Included are the "Harlem Homecoming" series for the Dance Theater of Harlem; "Hallelujah" at the Forum; "Soul Food at the Waldorf" for the Free Southern Theater; "The American Tap Show" for the Dance Gallery, and the Olympics Arts Festival.

Ms. Peters earned here M.A. degree in political science and administration with honors under a fellowship at Howard University. She later studied at the University in Copenhagen, as a fellow of the Scandinavian American Foundation. Her works have also been cited into the U.S. CONGRESSIONAL RECORD on three occasions. Her awards include the NAACP National Humanitarian Image Award; the Delta Sigma Theta Fortitude Award; was named as one of the 10 most distinguished black women in 1984 by the NAACP Legal Defense Fund; the Rosa Parks Award of the U.S.C. Black Woman's Caucus in 1982. She has also been the recipient of many citations from mayors, Governors, State, and national legislators, and leaders for her outstanding professional and community activities.

During a recent interview, the legendary achiever was asked about that in her career of which she was most proud. "That's an easy one," she readily responded. "I am proudest of my part in creating Maga Link, Inc., which now trains over 35 percent women for 'behind the camera' jobs and the Dance Theater of Harlem which destroyed the stereotypical view that blacks didn't have the 'arch' for ballet." She continued, "But I am filled with both pride and joy as I look back over the 27-year 'Brock and Didi' partnership. There have been a lot of liberal and sensitive men who opened those 'first' doors for me. I was lucky enough to marry one who has understood what the word 'partner' really means."

Mrs. COLLINS. Mr. Speaker, it is with a deep sense of sorrow that I join the distinguished Member from Texas, Congressman MICKEY LELAND, the Congressional Black Caucus, and the thousands of voices today that are resounding as one to speak on the life and legacy of Didi Daniels Peters—an accomplished producer, publicist, and community activists. But even more fondly to remember, she is the wife of world-renowned artist Brock Peters.

Mr. Speaker, as I take his moment to reflect on the life of one of history's most powerful black women, I cannot help but to enunciate those words that the founder of the National Council of Negro Women, Mary McCloud Bethune, has bestowed upon women of color as a guiding light on the road to success. She stated, "when the door of opportunity opens be ready to put your foot in."

Venturing into a field that was heavily dominated by men and equally nonminorities, Didi Daniels Peters premiered in the television industry as one of the first black women television producers in the country. Turning to the recording industry, she is acknowledged, in her capacity as an assistant publicity director for United Artists Records, as one of the first female executives in the record business.

The Dance Theater of Harlem, which many of us in the Congress have enjoyed over the years, could not have realized its importance or diversified potential without the insight of Didi who recognized the need to set up the Dance Theater of Harlem advisory board. And the list of her many achievements goes on and on.

But Mr. Speaker, there is one important element in her memoirs that captures the essence of Didi Daniels Peters. Is it not a beautiful testimony of life when a man and woman can come together in a "partnership." Responding to the question of the most proud moment in her career she stated, "But I am filled with both pride and joy as I look back over the 27-years 'Brock and Didi' partnership. There have been a lot of liberal and sensitive men who opened those 'first' doors for me. I was lucky enough to marry one who has understood what the word 'partner' really means."

Mr. Speaker, it is always a moment of sadness to learn of the passing of one who has contributed so greatly to the social, political, and cultural development of this Nation. So as we speak about Didi Daniels Peters today—reflect in silence on her today—let us remember her as a gift of love which we were given to learn from and to enjoy.

Mr. DIXON. Mr. Speaker, it is with deep sadness that I rise today to pay my respects to a dedicated and motivated woman, Mrs. Didi Daniels Peters. Didi, a long-time, personal friend passed away on Saturday, February 25, 1989, after struggling with an extended illness. Didi will be remembered not only as a wonderfully caring individual, but also as a shining star of the black community who contributed to the enlightenment of our society. Didi was a well respected producer, publicist, and community activist and will truly be missed by those of us who were privileged enough to know her. She was a true inspiration to us all. Together with her husband, Brock Peters, a world-renowned actor, singer, and producer, they worked to improve miniority participation and portrayal in film and television, as well as greatly enhanced our cultural involvement in the arts.

Didi's accomplishments and contributions can best be appreciated when reflecting upon the description of a young black man's search for his identity in Ralph Ellison's 1952 novel, "The Invisible Man." Tragically, this novel opens with the statement, "I am an invisible man." His was not a life of recognition for individual accomplishment, but rather one of bombarding prejudices and unfulfilled expections that he was unable to surpass.

Didi Peters' personal accomplishments stand out for all to see. She, unlike the invisible man, truly gained personal recognition in her community and actually went beyond the personal level to help other minorities break longstanding stereotypes and barriers. Not only was Didi one of the first black female television producers in the country, but through her development of Maga Link, Inc., she opened the door for many blacks and other minorities to become involved in the major media avenues of our society. Maga Link, Inc., is the first institution in the Nation to train low-income minorities and women for professional careers in videotape technology. I have had the opportunity to visit Maga Link, Inc., many times, and I have been continuously impressed by the projects in this workshop. Maga Link, Inc., was recently recognized by the Corporation for Public Broadcasting System for its nationwide program development, production, and distribution.

While dance and jazz music have long been integral parts of the black community, Didi succeeded in promoting these passions in mainstream society. Of this endeavor the invisible man could only dream. Didi was a founder of the Dance Theater of Harlem Advisory Board and Guild which unquestionably has helped to promote black expression within the grand, dance expression of ballet. The Dance Theater of Harlem has enjoyed worldwide recognition for its beautiful productions. Didi initiated several other important art and dance projects including the Museum of African American Art, the Bella Lewitzky Dance Foundation, and a group called the Dance Gallory which constructed the first theater ever built for dance in the history of the art form. This is located in downtown Los Angeles.

Another organization founded by Didi, The Media Forum, received 10 Emmy awards in 1984 for its television special "Voices of Our People." Didi concentrated on refocusing the entertainment industry's attention of blacks and minorities in a more positive light.

Didi and Brock's creation of the production company, Delbro Enterprises, for instance, upholds this policy and exposes the public to quality black-oriented productions. Delbro produced such award-winning projects as the PBS–TV special "This Far By Faith," and the feature film, "Five on the Black Hand Side." The frustrated character in "The Invisible Man" could not penetrate society's tough barriers and defenses, and he had no hope for changing public misconceptions or prejudices. Didi and Brock have affected public awareness and in awareness we find understanding, which is the path to acceptance and advancement. Didi's own activities, along with her joint ventures with Brock, will remain with us for many years to come. Acceptance and understanding will be found somehow, someday, and surely Didi's actions will be a key link in the chain of understanding.

With public exposure as a recognized force, Didi became the national funding director of the NAACP in which she created the national "Bank of Stars," a year of concert tours in major cities which featured stars of music, poetry, and literature. People of all races, religions, and backgrounds can share the pleasure in these mediums. Didi's love for jazz music also inspired her to develop and produce the first all jazz radio station in the United States, WNCN in New York.

Didi received many awards and honors over the years including the NAACP National Humanitarian Image Award, the Delta Sigma Theta Fortitude Award, the honor of being named one of the Ten Most Distinguished Black Women in 1984 by the NAACP legal defense fund, and the Rosa Parks Award of the USC Black Woman's Caucus in 1982. Didi also was the recipient of many citations from mayors, Governors, State, and national legislators for her outstanding professional and community service.

I want to extend my sincere condolences to Didi's loving husband, Brock, her daughter Lise Jo Peters, her sister Marie Daniels Baxter, her cousin Albert Popwell, and a host of other relatives and friends who will deeply miss such a generous and insightful woman.

Mr. DYMALLY. Mr. Speaker, I would like to express my deepest sympathy to the family of Ms. Didi Daniels Peters, the well-known producer, publicist, and community activist who died on February 25 after an extended illness.

As one of the first black women television producers in the country, Ms. Peters made successful inroads within the public broadcasting industry, later paving the way for greater opportunities for minorities and women. As assistant publicity director for United Artists Records, she became one of the first female executives within the recording industry.

She was founder of the Dance Theatre of the Harlem Advisory Board and Guild and founding board member of the Museum of African American Art. As founder of Media Forum, Ms. Peters worked with eminent media personalities to produce seminar forums and concerts designed to inform the public about media imagemaking.

Didi's strides in media imagemaking culminated in a joint venture with her husband, Mr. Brock Peters, to build a production company, Delbro Enterprises, as a means to break the blaxploitation of stereotypical black-oriented films. The uniquely creative husband and wife team also produced numerous internationally acclaimed benefit events for the social issues and organizations to which they were both committed.

In addition, she and her husband, of Maga Link, Inc., created the Communications Bridge Institute, the first institution in the Nation to provide for the professional career training in videotape technology of low-income, minorities and women. Recently, Maga Link, Inc., was named by the Corporation for Public Broadcasting as the CPB Consortium for Black Programming to the Public Broadcasting System for the development, production, and distribution of programming to stations nationally and to PBS educational and cultural institutions.

During a recent interview, this legendary achiever was asked about that in her career of which was was most proud of. Many of us were touched by her response. She readily responded, "I am proudest of my part in creating Maga Link, Inc., which now trains over 35 percent women for behind the camera jobs and of the Dance Theatre of Harlem which destroyed the stereotypical view that blacks did not have the arch for ballet." She continued, "But I am filled with both pride and joy as I look back over the 27 year Brock and Didi partnership. There have been a lot of liberal and sensitive men who opened those first doors for me. I was lucky enough to marry one who has understood what the word partner really means."

Mr. Speaker, although Didi will be sorely missed by family and friends alike, her vivacity for life will remain with us in spirit, and as a model, for many years to come.

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from Texas?

There was no objection.

"THE SATANIC VERSES"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, I rise with my colleagues to reaffirm the human right to free expression. The threats of death and violence issued by Ayatollah Khomeini against Salman Rushdie and those assoticiated with his book, "The Satanic Verses," are wholly unacceptable.

Salman Rushdie and his belief in intellectual questioning run an obvious collision course with the world of Islam and its defense of the Holy Scriptures and the prophet Mohammed. We recognize that his book has caused genuine offense, and we do not condone the demeaning of anyone's religious beliefs.

Nor is this protest brought simply because it was the Ayatollah who issued the threats. Such threats of assassination must be denounced no matter who the perpetrator.

Some argue it would have been better that Rushdie not write a book that is offensive to Moslems. They argue that had it been written about ideas held sacred in our own culture, it would not have been well received, let alone become a best seller. Perhaps. But that is not the question.

No one is guaranteed a good review or respectable sales; but we, and the preponderance of nations do believe that there is a fundamental guarantee

of the right to disseminate your ideas, no matter how noxious, heinous, or reprehensible they may be. Ultimately, it is the power of the reader, not of the state, that must determine the legitimacy of intellectual thoughts.

The threat against Rushdie and his associates is a threat against the very freedom of expression itself. The United States, which wishes this freedom to be respected in countries throughout the world, would be hypocritical not to express its anger and opposition at the attack levied by the Ayatollah. The Senate has passed a resolution condemning the death threats. I have introduced a similar resolution in the House, which has been cosponsored by over 100 of our colleagues. I would urge again that my colleagues vote for this resolution of condemnation so that both Houses of the U.S. Congress will be on record firmly in support of our most basic freedom, the one we use every day right here, the freedom of speech.

I applaud the actions of our allies, the European Community, in withdrawing their diplomatic chiefs from Iran and for discussing economic sanctions against Iran.

I applaud the librarians and the booksellers that have resisted intimidation and continue to offer the book to their patrons.

And I applaud the many authors here and abroad that have tirelessly protested the Ayatollah's threats and come to the defense of their colleague, Mr. Rushdie.

And I offer my sympathy to the stores that have already suffered attacks, presumably related to the book. To Cody's Bookstore, a landmark in Berkeley, and to the Riverdale Press, a weekly newspaper in the Bronx that has always defended the right to speak freely.

Finally, as we condemn these death threats, we should not be naive. Khomeini is not one known to back down, particularly not when it is the United States that is doing the asking. The United States has no diplomatic or trade relations, economic or military aid—outside of some humanitarian aid—to use as leverage against Iran and the Ayatollah.

But it would be wrong not to speak out just because we thought the Ayatollah might not heed our words. Our words in this case are our principles—that we stand firmly behind the right to speak, to write, to read, to distribute information, and to freely protest the works of others. We believe in the ability of people to decide for themselves the merits of a writer's words.

We have enough experience with book burnings in its many forms to know that it has no justification whatsoever.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HOUGHTON) to revise and extend his remarks and include extraneous material:)

Mr. BROOMFIELD, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LELAND, for 60 minutes, today.

Mrs. SCHROEDER, for 60 minutes, on March 15.

(The following Member (at the request of Mr. MFUME) to revise and extend his remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOUGHTON) and to include extraneous matter:)

Mr. STUMP.

Mr. COX.

Mr. GILMAN in two instances.

Mr. DONALD E. "BUZ" LUKENS in two instances.

Mr. RIDGE.

Mr. MOORHEAD in two instances.

Mr. SCHUETTE.

Mr. YOUNG of Alaska.

Ms. SCHNEIDER.

Mr. SCHULZE.

Mr. TAUKE.

Mr. RHODES.

Mr. CRAIG in three instances.

Mrs. MEYERS of Kansas.

Mr. LAGOMARSINO.

Mr. YOUNG of Florida.

Mr. REGULA.

Mrs. ROUKEMA in three instances.

(The following Members (at the request of Mr. JONES of Georgia) and to include extraneous matter:)

Mr. PENNY.

Mr. LAFALCE.

Mr. FLORIO.

Mr. OWENS of New York.

Mr. HAMILTON.

Mr. BEILENSON.

Mr. LANTOS in two instances.

Mr. OWENS of Utah.

Mr. RANGEL.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week."

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 1989, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

733. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Donald P. Gregg, of Maryland, Ambassador Extraordinary Plenipotentiary-designate to the Republic of Korea, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

734. A letter from the (FOIA) Officer, Federal Home Loan Mortgage Corporation, transmitting the Corporation's 1988 annual report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

735. A letter from the Chairman, Federal Reserve System, transmitting a copy of the annual report of the Board's compliance with the Government in the Sunshine Act, calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

736. A letter from the Acting Chairman, International Trade Commission, transmitting the Commission's 1988 annual report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

737. A letter from the Acting Chairman, International Trade Commission, transmitting a copy of the annual report of the Commission's compliance with the Government in the Sunshine Act, calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

738. A letter from the Managing Director, Interstate Commerce Commission; transmitting the Commission's 1988 annual report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

739. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of activities under the Freedom of Information Act during calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

740. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to ensure the equitable application of a General Schedule alternative plan or other pay limitation to certain other Federal employees, and for other

purposes; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON (for himself and Mrs. KENNELLY):

H.R. 1291. A bill entitled, the "Intelligence Officer's Technical Tax Correction Act of 1989"; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 1292. A bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans; to the Committee on Public Works and Transportation.

By Mr. BOEHLERT (for himself, Mr. WALGREN, and Mrs. MORELLA):

H.R. 1293. A bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time; to the Committee on Science, Space, and Technology.

By Mr. BROOMFIELD (for himself, Mr. FASCELL, Mr. GOSS, and Mr. SMITH of Florida):

H.R. 1294. A bill to provide for television broadcasting of accurate information to the people of Cuba, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. APPLEGATE, Mr. SOLOMON, Mr. HARRIS, Mr. ROWLAND of Connecticut, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. PARKER, Mr. BUSTAMANTE, and Mr. HASTERT):

H.R. 1295. A bill to amend title 18, United States Code, to forbid the display of the flag of the United States on the floor or ground; to the Committee on the Judiciary.

By Mr. BUSTAMANTE:

H.R. 1296. A bill to amend title 10, United States Code, to prohibit the imposition of a charge for the receipt of outpatient medical or dental care in a facility of any uniformed service; to the Committee on Armed Services.

By Mr. CHANDLER (for himself, Mr. UDALL, and Mr. DYMALLY):

H.R. 1297. A bill to provide that sick leave may be granted to a Federal employee for the purpose of allowing that employee to assist an immediate relative having a physical or mental disability to seek medical attention; to the Committee on Post Office and Civil Service.

By Mr. CLEMENT:

H.R. 1298. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977—and related beneficiaries—and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. CRAIG:

H.R. 1299. A bill to provide that Pocatello and Chubbuck, ID, be designated as a single metropolitan statistical area; to the Committee on Post Office and Civil Service.

By Mr. KILDEE:

H.R. 1300. A bill to amend the Head Start Act to increase the amount authorized to be appropriated for fiscal year 1990; to the Committee on Education and Labor.

By Mr. CRAIG:

H.R. 1301. A bill to amend the Social Security Act to place the Office of Rural Health Policy directly under the Office of the Assistant Secretary for Health; to the Committee on Ways and Means.

H.R. 1302. A bill to provide for the off-budget treatment of the Federal hospital insurance trust fund under the Social Security Act made effective with fiscal year 1990; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. DEWINE:

H.R. 1303. A bill entitled, the "Federal Victim's Services and Protections Compliance Act"; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 1304. A bill to amend the Communications Act of 1934 with respect to the regulation of service tiers provided by cable television systems; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself, Mr. HUGHES, and Mr. PAYNE of New Jersey):

H.R. 1305. A bill to amend the Controlled Substances Act to strengthen minimum imprisonment provisions for employing persons under 18 years of age in drug operations; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GILMAN (for himself, Mr. SOLOMON, and Mr. MANTON):

H.R. 1306. A bill to authorize the original enlistment of certain aliens in the Armed Forces of the United States and the militias of the several States, to provide temporary and permanent resident status to such enlisted members, and for other purposes; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. GLICKMAN (for himself, Mr. ANDERSON, Mr. MINETA, Mr. FISH, Mr. GINGRICH, Mr. LEHMAN of Florida, Mr. CARR, Mr. FRANK, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BOUCHER, Mr. BROWN of California, Mrs. BYRON, Mr. CLINGER, Mr. COBLE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DAVIS, Mr. DE LUGO, Mr. DERRICK, Mr. DICKINSON, Mr. DYMALLY, Mr. FASCELL, Mr. FRENZEL, Mr. GEKAS, Mr. HAYES of Illinois, Mr. DORGAN of North Dakota, Mr. HEFLEY, Mr. HEFNER, Mr. HENRY, Mr. HOUGHTON, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KOLTER, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MCCANDLESS, Mr. MCCURDY, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. PARRIS, Mr. PEASE, Mr. PENNY, Mr. PETRI, Mr. RHODES, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Ms. SCHNEIDER, Mr. SKEEN, Mr. SLATTERY, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of New Hampshire, Mr. SPRATT, Mr. STANGELAND, Mr. STUMP, Mr. SWIFT, Mr. TAUKE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WHITTAKER, Mr. CHANDLER, Mr. NIELSON of Utah, Mr. STENHOLM, Mr. GALLEGLY, and Mr. HAYES of Louisiana):

H.R. 1307. A bill to amend the Federal Aviation Act of 1958 relating to general aviation accidents; jointly, to the Committees on Public Works and Transportation, the Judiciary, and Energy and Commerce.

By Mr. HOLLOWAY (for himself, Mrs. BOGGS, Mr. LIVINGSTON, Mr. HUCKABY, Mr. TAUZIN, Mr. BAKER, Mr. HAYES of Louisiana, and Mr. MCCRERY):

H.R. 1308. A bill to authorize the Administrator of Veterans' Affairs to establish a national cemetery in the central geographic area of Louisiana; to the Committee on Veterans' Affairs.

By Mr. HOPKINS:

H.R. 1309. A bill to amend title 10, United States Code, and certain other defense-related laws to repeal legislative veto provisions and to amend the War Powers Resolution to provide expedited procedures for legislation regarding the engagement of U.S. Armed Forces in hostilities, and for other purposes; jointly, to the Committees on Armed Services, Foreign Affairs, and Rules.

By Mrs. MORELLA (for herself, Mrs. BYRON, and Mr. FAUNTROY):

H.R. 1310. A bill to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway"; to the Committee on Interior and Insular Affairs.

By Mr. NELSON of Florida (for himself and Mr. FASCELL):

H.R. 1311. A bill to provide for television broadcasting of accurate information to the people of Cuba, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H.R 1312. A bill to amend the Domestic Volunteer Service Act to extend through the fiscal year 1992 certain authorities contained in such act relating to national volunteer antipoverty programs; to the Committee on Education and Labor.

H.R. 1313. A bill to amend the Immigration and Nationality Act to permit the entry as immediate relatives of spouses, children, and parents of persons who died a service-connected death while on active duty in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 1314. A bill to equalize the retired pay of persons who served during World War II as Philippine scouts with the retired pay of other members of the Armed Forces of the United States of corresponding grades and length of service; to the Committee on Armed Services.

By Mr. PERKINS (for himself, Mr. RAHALL, Mr. ROGERS, Mr. MOLLOHAN, Mr. STAGGERS, and Mr. WISE):

H.R. 1315. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to facilitate the use of abandoned mine reclamation fund moneys to replace certain water supplies adversely affected by coal mining practices; to the Committee on Interior and Insular Affairs.

By Mr. ROTH:

H.R. 1316. A bill to amend the Export Administration Act of 1979 and the Federal Deposit Insurance Act to authorize controls on the export of capital from the United States, to control exports supporting terrorism, to prohibit ownership of United States banks by controlled countries, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. SCHULZE (for himself, Mr. GIBBONS, Mr. THOMAS of California, Mr. GUARINI, Mr. ARCHER, Mr. YOUNG of Alaska, Mr. DE LUGO, and Mr. LAGOMARSINO):

H.R. 1317. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1318. A bill to amend the Immigration and Nationality Act to make the use of the employment verification paperwork system voluntary for recruiters and referrers; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 1319. A bill to amend section 620(f) of the Foreign Assistance Act of 1961—relating to the prohibition on assistance to Communist countries—and to require certain reports with respect to Communist countries receiving United States humanitarian disaster relief assistance; to the Committee on Foreign Affairs.

By Mr. SPRATT:

H.R. 1320. A bill to suspend for a 5-year period the duty on certain blue and green dyes; to the Committee on Ways and Means.

H.R. 1321. A bill to suspend for a 5-year period the duty on vat red 10 dye; to the Committee on Ways and Means.

H.R. 1322. A bill to suspend for a 5-year period the duty on certain brown, orange, and violet dyes; to the Committee on Ways and Means.

H.R. 1323. A bill to suspend for a 5-year period the duty on certain dyes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1324. A bill to provide that certain provisions of the Internal Revenue Code of 1986 providing special rules for financially troubled financial institutions shall not remain in effect after the enactment of financial institution reform legislation; to the Committee on Ways and Means.

H.R. 1325. A bill to amend title XVIII of the Social Security Act to provide for the application of certain standards to the certification of long-term care insurance policies, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SWIFT:

H.R. 1326. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1990, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. DAVIS, Mr. JONES of North Carolina, Mr. VANDER JAGT, and Mr. TAUZIN):

H.R. 1327. A bill entitled the "Coast Guard Environmental Compliance Act"; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE (for himself, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCHUGH, Mr. MARTINEZ, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MINETA, Mr. MOAKLEY, Mr. NATCHER, Ms. OAKAR, Ms. PELOSI, Mr. PORTER, Mr. QUILLEN, Mr. RAVENEL, Mr. RHODES, Mr. ROBINSON, Mr. ROE, Mr. ROYBAL, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. STOKES, Mr. STUDDS, Mr. WALGREN, Mr. WEBER, Mr. WOLF, Mr. EVANS, Mr. MOORHEAD, Mr. SCHAEFER, Mr. CLINGER, Mr. AKAKA, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ATKINS, Mr. BATES, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mrs. BOGGS, Mr. BORSKI, Mr. BOSCO, Mr. BROWN of California, Mr. CARDIN, Mr. CLARKE, Mr. COELHO, Mrs. COLLINS, Mr. COYNE, Mr. DEFAZIO, Mr. DE LUGO, Mr. DICKS, Mr. DONNELLY, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. FAUNTROY, Mr. FLIPPO, Mr. FOGLIETTA, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HYDE, Mr. INHOFE, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mr. KOSTMAYER Mr. FAZIO, Mr. EARLY, Mrs. JOHNSON of Connecticut, and Mr. MRAZEK):

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain"; to the Committee on Post Office and Civil Service.

By Mr. DE LUGO (for himself, Mr. LAGOMARSINO, Mr. UDALL, Mr. YOUNG of Alaska, Mr. LEACH of Iowa, Mr. MILLER of California, Mr. DARDEN, Mr. FUSTER, Mr. CLARKE, Mr. LEWIS of Georgia, Mr. FALEOMAVAEGA, Mr. BLAZ, Mr. GALLEGLY, Mr. MARKEY, Mr. MURPHY, Mr. VENTO, Mr. WILLIAMS, Mr. LEHMAN of California, Mr. RICHARDSON, Mr. LEVINE of California, Mr. OWENS of Utah, Mr. DEFAZIO, Mr. CRAIG, Mr. HANSEN, Mrs. VUCANOVICH, Mr. RHODES, Mr. DYMALLY, Mr. BERMAN, Mr. TRAXLER, Mr. MCHUGH, Mr. SABO, Mr. DIXON, Mr. FAZIO, Mr. AKAKA, Mr. MRAZEK, Mr. MCDADE, Mr. BENNETT, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. FORD of Michigan, Mr. BROWN of California, Mr. DELLUMS, Mrs. COLLINS, Mr. DERRICK, Mr. BARNARD, Mr. BONIOR, Mr. KILDEE, Ms. OAKAR, Mr. MATSUI, Mr. PASHAYAN, Mr. DORGAN of North Dakota, Mr. EMERSON, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. BOEHLERT, Mr. BOSCO, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. OWENS of New York, Mr. TORRES, Mr. BUSTAMANTE, Mr. STALLINGS, Ms. PELOSI, and Mr. ESPY):

H.J. Res. 175. Joint resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

By Mr. GUARINI:

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single six-year term for President and Vice President, and to repeal the twenty-second article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KOLTER:

H.J. Res. 177. Joint resolution designating October 8 through 14, 1989, as "National School Lunch Week"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. SOLARZ, Mr. GILMAN, and Mr. CLARKE):

H.J. Res. 178. Joint resolution designating September 15, 1989, as "National POW/MIA Recognition Day, and recognizing the national League of Families POW/MIA flag; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 179. Joint resolution to provide for the designation of the week commencing on March 12, 1989, as "National Minority Financial Institutions Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. SMITH of Florida, Mr. COELHO, Mr. MARTINEZ, Mr. EMERSON, Mrs. BOXER, Mr. LEWIS of California, Mr. STENHOLM, Mr. KOSTMAYER, Mr. MCDADE, and Mr. TALLON):

H.J. Res. 180. Joint resolution designating the square dance as the national folk dance of the United States for 1990; to the Committee on Post Office and Civil Service.

By Mr. STUMP:

H.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States allowing the President to veto any item of appropriation or any provision in any Act or joint resolution containing an item of appropriation; to the Committee on the Judiciary.

By Ms. SCHNEIDER (for herself, Mr. JONES of North Carolina, Mr. DAVIS, Mr. FOGLIETTA and Mr. LENT):

H. Con. Res. 69. Concurrent resolution to urge the development and implementation of a comprehensive United States oceans and Great Lakes policy; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

32. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to illegal drugs; which was referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 1328. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel ¾ *Time*; to the Committee on Merchant Marine and Fisheries.

By Mr. GEKAS:

H.R. 1329. A bill for the relief of Gerald L. Clarke; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 1330. A bill to transfer a parcel of land located in the Los Padres National Forest, California; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY:

H.R. 1331. A bill for the relief of Granham N. Brown and Barbara Brown (wife); to the Committee on the Judiciary.

By Mr. WEISS:

H.R. 1332. A bill for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. ROGERS, Mr. TOWNS, Mr. BEVILL, Mr. ROE, Mr. DYMALLY, and Mr. EVANS.

H.R. 46: Mr. BORSKI and Mr. ECKART.

H.R. 48: Mr. DELLUMS, Mr. EDWARDS of California, Ms. PELOSI, and Mr. BERMAN.

H.R. 76: Mr. HUTTO, Mr. JAMES, Mr. PEPPER, and Mr. SMITH of Florida.

H.R. 84: Mr. MANTON.

H.R. 85: Mr. NEAL of North Carolina.

H.R. 88: Mr. ANDREWS, Mr. DELLUMS, Mr. DYMALLY, Mr. LANCASTER, Mr. PAYNE of Vir-

ginia, Mr. PICKETT, Mr. SKEEN, and Mr. SOLOMON.

H.R. 91: Mr. SMITH of Florida, Mr. SENSENBRENNER, Mr. CAMPBELL of Colorado, Mr. VENTO, Mr. SOLOMON, Mr. GRANT, and Mr. HERTEL.

H.R. 100: Mr. ARMEY and Mr. SENSENBRENNER.

H.R. 145: Mr. ANTHONY, Mr. CARPER, Mr. PANETTA, Ms. KAPTUR, Mr. AUCOIN, Mr. TALLON, Mr. MARKEY, Mr. HERTEL, Mr. EDWARDS of Oklahoma, Mr. WELDON, Mrs. SCHROEDER, Mr. WILLIAMS, Mr. MAVROULES, Mr. CONTE, Mr. DYSON, Mr. MCDADE, Mr. BATES, and Mr. HEFLEY.

H.R. 150: Mr. NEAL of North Carolina.

H.R. 152: Mr. SHAYS.

H.R. 154: Mr. FAUNTROY.

H.R. 155: Mr. MARKEY.

H.R. 156: Mr. WEISS and Mr. VENTO.

H.R. 210: Mr. SISISKY and Mr. FOGLIETTA.

H.R. 211: Mr. FOGLIETTA, Mr. MILLER of Washington, Mr. SISISKY, and Mr. BARNARD.

H.R. 212: Mr. BORSKI and Mr. SISISKY.

H.R. 213: Mr. MINETA.

H.R. 214: Mr. FOGLIETTA, Mr. MCDADE, and Mr. SISISKY.

H.R. 215: Mr. FRANK and Mr. WOLF.

H.R. 216: Mr. SISISKY, Mr. CONYERS, and Mr. ROYBAL.

H.R. 240: Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. OWENS of New York, and Mr. RANGEL.

H.R. 242: Mr. CHAPMAN, Mr. DYMALLY, and Mr. FAWELL.

H.R. 243: Mrs. BENTLEY and Mr. ECKART.

H.R. 245: Mr. GALLEGLY, Mr. HERGER, Mr. CAMPBELL of California, Mr. DELLUMS, Mr. COELHO, Mr. BATES, Mr. BERMAN, Mr. PANETTA, and Mr. WAXMAN.

H.R. 283: Mr. SKAGGS, Mrs. MORELLA, Mr. FORD of Michigan, Mr. MCMILLEN of Maryland, Mr. BARTLETT, Mr. FISH, and Mr. LANCASTER.

H.R. 286: Mrs. VUCANOVICH.

H.R. 303: Mr. HERTEL, Mr. KENNEDY, Mr. SANGMEISTER, Mr. DELLUMS, Mrs. UNSOELD, Mr. BORSKI, Mr. MARLENEE, Mr. MACHTLEY, Mr. MCCRERY, Mrs. SMITH of Nebraska, and Mr. WOLPE.

H.R. 309: Mrs. LLOYD.

H.R. 360: Mr. ESPY, Mrs. BENTLEY, Mr. CROCKETT, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, Mr. KENNEDY, Mr. BORSKI, and Mr. NEAL of North Carolina.

H.R. 361: Mr. ESPY, Mrs. BENTLEY, Mr. CROCKETT, Mr. LEWIS of Georgia, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, Mr. KENNEDY, Mr. MFUME, Mr. BORSKI, and Mr. NEAL of North Carolina.

H.R. 371: Mr. DONALD E. LUKENS, Mr. PETRI, Mr. SARPALIUS, Mr. DORGAN of North Dakota, Mr. COLEMAN of Missouri, Mr. GUNDERSON, Mr. KOLTER, Mr. VANDER JAGT, Mr. GEKAS, Mr. CLINGER, Mr. SHUMWAY, Mr. HASTERT, Mr. UPTON, Ms. KAPTUR, Mr. SLATTERY, and Mr. MCDADE.

H.R. 401: Mr. BILBRAY and Mr. WOLF.

H.R. 418: Mr. DELLUMS and Mr. FAZIO.

H.R. 437: Mr. COSTELLO, Mr. COBLE, Mr. HORTON, Mr. DONNELLY, Mr. WOLF, Mr. WILSON, Mr. MONTGOMERY, Mr. MCCURDY, Mr. DONALD E. LUKENS, Mr. FUSTER, Mr. BONIOR, Mrs. COLLINS, Mr. FOGLIETTA, Mr. PICKLE, Mr. RANGEL, Mr. CONTE, Mr. PAXON, Mr. QUILLEN, Mr. OWENS of New York, Mr. SPENCE, Mr. BUSTAMANTE, Mr. RITTER, and Mr. BLAZ.

H.R. 442: Mr. GAYDOS, Mr. BENNETT, Mr. LAGOMARSINO, and Mr. CHAPMAN.

H.R. 443: Mr. BENNETT, Mr. EMERSON, Mr. STANGELAND, and Mr. BARTON of Texas.

H.R. 500: Mr. SCHUMER, Mr. DYMALLY, Mr. SENSENBRENNER, Mr. SIKORSKI, and Mr. GORDON.

H.R. 525: Mr. WAXMAN, Mr. MILLER of California, Mr. FAZIO, Mr. MATSUI, Mr. ANDERSON, Ms. PELOSI, Mr. BOSCO, and Mr. BATES.

H.R. 526: Mr. HOYER and Mr. FOGLIETTA.

H.R. 529: Mr. GILMAN.

H.R. 530: Mr. GILMAN.

H.R. 532: Mr. FAUNTROY, Mr. DENNY SMITH, Mrs. COLLINS, Mr. FOGLIETTA, Mr. ARMEY, Mr. SENSENBRENNER, and Mr. EMERSON.

H.R. 534: Mr. KOLTER, Mr. AKAKA, Mr. PALLONE, Mr. TORRES, Mr. TALLON, Mr. DYMALLY, Mr. GEJDENSON, Mr. GILMAN, Mr. DELLUMS, Mr. MACHTLEY, Mr. SHAYS, Mr. LEWIS of Georgia, and Mr. ENGEL.

H.R. 557: Mr. DANNEMEYER.

H.R. 598: Mrs. BOXER, Mr. WHEAT, Mr. DEFAZIO, and Mr. FAUNTROY.

H.R. 615: Mr. EVANS and Mr. LANCASTER.

H.R. 665: Mrs. BOXER, Mr. ANDREWS, Mr. GIBBONS, Mr. EVANS, Mr. SOLARZ, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. KILDEE, Mr. TORRICELLI, Mr. LIPINSKI, Mr. BILBRAY, and Mr. LEHMAN of Florida.

H.R. 669: Mr. BATES, Mr. FOGLIETTA, and Mr. ENGEL.

H.R. 673: Mr. WELDON, Mr. TAUZIN, Mr. SISISKY, Mr. DERRICK, Mr. EVANS, Mrs. MORELLA, Mr. MCGRATH, Mr. HATCHER, Mr. COBLE, Mr. CALLAHAN, Mr. CLARKE, Mr. HEFNER, and Mr. TALLON.

H.R. 718: Mr. GARCIA, Mr. UDALL, Mr. CROCKETT, and Mr. DE LUGO.

H.R. 742: Mr. BATES, Mr. BONIOR, Mrs. BOXER, Mr. BROWN of California, Mr. DE LUGO, Mr. FAUNTROY, Mr. FRANK, Mr. JONES of Georgia, Mr. KENNEDY, Mr. KILDEE, Mr. LANCASTER, Mr. MCNULTY, Mr. MINETA, Mr. MONTGOMERY, Mr. PAXON, and Mr. WALSH.

H.R. 743: Mr. LEVIN of Michigan.

H.R. 773: Mr. STENHOLM.

H.R. 783: Mr. CONTE.

H.R. 829: Mr. JOHNSON of South Dakota and Mr. MARLENEE.

H.R. 841: Mr. DORNAN of California, Mr. KOLTER, Mr. YOUNG of Alaska, and Mr. HUNTER.

H.R. 909: Mr. CHANDLER, Mr. FUSTER, Mr. MARLENEE, Mr. SAVAGE, Mr. DYMALLY, Mr. NEAL of Massachusetts, Mr. FAUNTROY, Mr. REGULA, Mr. CRAIG, Mr. KOLBE, Mr. GARCIA, Mr. EVANS, Mr. BILIRAKIS, Mr. HYDE, Mr. FOGLIETTA, and Mr. LEWIS of Florida.

H.R. 917: Mr. SMITH of New Jersey, Mr. DICKINSON, Mr. GEJDENSON, Mr. GORDON, Mr. PERKINS, Mr. BILBRAY, and Mr. GONZALEZ.

H.R. 933: Mr. LAGOMARSINO, Mr. YATES, Mr. GRANDY, Mr. CHAPMAN, Mr. HORTON, Mr. ACKERMAN, Mr. JOHNSON of South Dakota, Mr. PETRI, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. EVANS, Mr. RAHALL, Mr. ROWLAND of Connecticut, Mr. LIPINSKI, Ms. SCHNEIDER, Mrs. BOXER, Mr. TORRES, and Mr. MORRISON of Connecticut.

H.R. 985: Mr. ECKART, Mr. FISH, and Mr. BARTON of Texas.

H.R. 1045: Mr. WOLPE, Mr. WYDEN, Mr. BONIOR, Mr. MATSUI, and Mr. FLORIO.

H.R. 1074: Mr. FEIGHAN, Mr. RAY, Mr. ENGLISH, Ms. PELOSI, Mr. BOEHLERT, Mr. BORSKI, Mr. JAMES, Mr. HOYER, Mr. STARK, Mr. GONZALEZ, Mr. JONES of North Carolina, Mr. HORTON, Mr. DWYER of New Jersey, Mr. KANJORKSI, Mr. LEWIS of Florida, Mr. FISH, Mr. RANGEL, Mr. FRANK, Mr. RAVENEL, Mr. RINALDO, Mr. GAYDOS, Mr. DICKS, Mr. HALL of Ohio, Mr. YATRON, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. FOGLIETTA, Mr. THOMAS of Georgia, Mr. WATKINS, Mr. BONIOR, Mr. GEJDENSON, Mr. HUGHES, Mrs. LLOYD, Mr. DERRICK, and Mr. MCDADE.

H.R. 1078: Mr. YATES, Mr. ENGEL, Mr. MCDERMOTT, Mr. BRYANT, Mr. HAYES of Illinois, Mr. DIXON, Mr. DONNELLY, and Mr. LEWIS of Georgia.

H.R. 1079: Mr. BROWN of Colorado, Mr. COLEMAN of Texas, Mr. COSTELLO, Mr. EMERSON, Mr. ERDREICH, Mr. FOGLIETTA, Mr. GORDON, Mr. HARRIS, Mr. HEFNER, Mr. HORTON, and Mr. HUCKABY.

H.R. 1083: Mr. MRAZEK, Mr. CLARKE, Mr. HOCHBRUECKNER, Mr. HENRY, Mr. DYMALLY, Mr. BUSTAMANTE, Mr. TRAFICANT, Mr. EVANS, Mr. RAVENEL, Mr. OWENS of New York, Mr. ROE, Ms. KAPTUR, Mr. FLIPPO, Mr. FLORIO, Mr. ENGEL, Mr. FAUNTROY, Mr. COLEMAN of Texas, Mr. MCDERMOTT, Mr. FLAKE, and Mr. DWYER of New Jersey.

H.R. 1085: Mr. FAUNTROY, Mr. FLORIO, Mr. SMITH of Florida, and Mr. BORSKI.

H.R. 1087: Mr. AUCOIN, Mr. PENNY, Mr. HARRIS , Mr. FAUNTROY, and Mr. DURBIN.

H.R. 1090: Mrs. BENTLEY, Mr. HUTTO, Mr. MACHTLEY, Mr. NELSON of Florida, and Mr. SMITH of Florida.

H.R. 1133: Mr. BRYANT.

H.R. 1142: Mrs. VUCANOVICH.

H.R. 1153: Mr. KOLBE, Mr. PARRIS, Mr. SENSENBRENNER, and Mr. WHITTAKER.

H.R. 1155: Mr. MAZZOLI and Mr. COX.

H.R. 1172: Mr. RAVENEL and Mr. FLIPPO.

H.R. 1173: Mr. LEWIS of Florida and Mr. GOSS.

H.R. 1199: Mr. FUSTER, Mr. STARK, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. FAUNTROY, Mr. SHAYS, Mr. DYMALLY, and Mrs. KENNELLY.

H.R. 1200: Mr. HEFNER, Ms. SCHNEIDER, Mr. PALLONE, Mr. JONES of North Carolina, Mr. NEAL of North Carolina, Mr. MONTGOMERY, Mr. MOAKLEY, Mr. SHAYS, Mr. ERDREICH, Mr. HARRIS, Mr. BARNARD, Mrs. MORELLA, Mr. CAMPBELL of Colorado, Mr. SCHUETTE, Mr. MAZZOLI, Mr. ENGLISH, Mr. ANTHONY, Mr. ROBINSON, Mr. HEFLEY, Mr. COSTELLO, Mr. FROST, Mr. RINALDO, Mr. NEAL of Massachusetts, Mr. NOWAK, Ms. PELOSI, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Ms. SLAUGHTER of Virginia, and Mr. GEJDENSON.

H.R. 1237: Mr. FOGLIETTA and Mr. EMERSON.

H.J. Res. 1: Mr. ANDERSON, Mr. CAMPBELL of Colorado, Mr. CAMPBELL of California, Mr. DELLUMS, Mr. DOWNEY, Mr. ECKART, Mr. JACOBS, Mr. LELAND, Mr. MAVROULES, Mr. OWENS of Utah, Mr. PICKETT, Mr. PRICE, Mr. WALSH, and Mr. WISE.

H.J. Res. 3: Mr. ARMEY, Mr. SENSENBRENNER, and Mr. GRANT.

H.J. Res. 19: Mr. MARTINEZ, Mr. DYMALLY, Mr. EVANS, Mr. SARPALIUS, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. HORTON, Mr. QUILLEN, and Mr. GREEN.

H.J. Res. 74: Ms. OAKAR.

H.J. Res. 121: Mr. HUGHES, Mr. DYMALLY, Mr. FAUNTROY, Mrs. MEYERS of Kansas, Mr. DE LUGO, Mr. EVANS, Mr. MARTINEZ, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mrs. BOXER, and Mr. LEWIS of Georgia.

H.J. Res. 124: Mr. AKAKA, Mr. BROWN of Colorado, Mr. COSTELLO, Mr. HOLLOWAY, Mr. LANCASTER, Mr. LEVIN of Michigan, Mr. SKEEN, Mr. SPRATT, Mr. SUNDQUIST, Mr. UPTON, and Mr. WATKINS.

H.J. Res. 125: Mrs. MEYERS of Kansas.

H.J. Res. 132: Mr. ROE, Mr. MCMILLEN of Maryland, Mr. LANTOS, and Mr. HUGHES.

H.J. Res. 136: Mr. ANNUNZIO, Mr. BEVILL, Mr. BONIOR, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. FAZIO, Mr. FRANK, Mr. GUNDERSON, Mr. HORTON, Mr. LANCASTER, Mr. LANTOS, Mr.

LELAND, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. MARKEY, Mr. MARTINEZ, Mr. NOWAK, Mr. OLIN, Mr. RANGEL, Mr. WALSH, Mr. WEISS, and Mr. WOLPE.

H.J. Res. 145: Mr. MCHUGH, Mr. PALLONE, Mr. MARTIN of New York, Mr. FEIGHAN, Mr. GEKAS, Mr. NEAL of Massachusetts, Mr. DYMALLY, Mr. BENNETT, Mr. CLAY, Mr. FAZIO, Mr. ERDREICH, Mr. WOLF, Mr. MANTON, Mr. TALLON, Mr. COYNE, Mr. PORTER, Mr. ROE, Mr. FAUNTROY, Mr. DICKS, Mr. DWYER of New Jersey, Mr. GREEN, Mr. WOLPE, Mr. CONTE, Mr. WYLIE, Mr. OWENS of New York, Mr. MURPHY, Mrs. MORELLA, Ms. PELOSI, Mr. LANTOS, Mr. JONES of North Carolina, Mr. BLILEY, Mr. LAGOMARSINO, Mr. YOUNG of Florida, Mr. HEFNER, Mr. PEPPER, Ms. SNOWE, Mr. KANJORSKI, Mr. SCHEUER, Mr. NIELSON of Utah, Mr. ANNUNZIO, Mr. PURSELL, Mr. THOMAS of Georgia, Mr. JONTZ, Mr. CARPER, Mr. QUILLEN, Mr. BERMAN, Mr. LELAND, Mr. KOLTER, Mr. FORD of Michigan, Mr. DELLUMS, Mr. PICKETT, Mr. BROOMFIELD, Mr. YATRON, Mr. BONIOR, Mr. RINALDO, Mr. BATEMAN, Mr. MAVROULES, Mr. WYDEN, Mr. HORTON, Ms. KAPTUR, Mr. GEJDENSON, Mr. MCMILLEN of Maryland, Mr. SOLARZ, Mrs. KENNELLY, Mr. BUECHNER, Mr. CRANE, Mr. FUSTER, Mrs. BENTLEY, Mr. ACKERMAN, Mr. WEISS, Mr. MOLLOHAN, Mr. CARDIN, Mrs. PATTERSON, Mr. OWENS of Utah, Mr. COELHO, Mr. BATES, Mr. MATSUI, Mr. THOMAS A. LUKEN, Mr. TORRICELLI, Mr. FOLEY, Mr. FAWELL, Mr. MCDADE, Mr. CLARKE, Mr. MCGRATH, Mr. HARRIS, Mr. BUSTAMANTE, Mr. HAMILTON, Mr. DONALD E. LUKENS, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. KOSTMAYER, Mrs. BOXER, Mr. TRAFICANT, Mr. MRAZEK, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. WELDON, Mr. SMITH of Iowa, Mr. ENGEL, Mr. FLORIO, Mr. HUGHES, Mr. LEWIS of Georgia, Mr. ROWLAND of Connecticut, Mr. AUCOIN, Mr. COURTER, Mr. MCDERMOTT, Mr. JONES of Georgia, Mr. MINETA, Mr. SHAW, Ms. OAKAR, Mr. RAHALL, Mrs. COLLINS, Mr. STOKES, Mr. MARTINEZ, and Mr. FRANK.

H.J. Res. 147: Mr. MCNULTY, Mr. SOLOMON, Mr. FAZIO, Mr. MARTINEZ, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ROE, Mr. FAUNTROY, Mr. FUSTER, Mr. ANNUNZIO, Mr. BUSTAMANTE, Mr. HORTON, Mr. SOLARZ, Mr. FRANK, and Mr. RANGEL.

H.J. Res. 158: Mr. COSTELLO, Mr. BLILEY, Mr. ERDREICH, Mr. ROE, Mr. BEVILL, Mr. HEFNER, Mr. HORTON, Mr. SARPALIUS, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. DWYER of New Jersey, Mr. TRAFICANT, Mr. OWENS of New York, Mr. MCCLOSKEY, Mr. MONTGOMERY, Mr. ENGLISH, Mr. DYMALLY, Mr. RANGEL, Mr. LANCASTER, Mr. VALENTINE, Mr. MARTINEZ, Mr. PICKETT, Mr. HATCHER, Mr. CARDIN, and Mrs. COLLINS.

H. Con. Res. 39: Mr. MCGRATH, Mr. WILSON, Mr. GALLEGLY, Mr. BOEHLERT, Mr. PACKARD, Mr. STENHOLM, Mr. SMITH of Florida, Mr. ORTIZ, Mr. RANGEL, Mr. HARRIS, Mr. OWENS of New York, Mr. CLINGER, Mr. ARMEY, Mr. RAY, Mr. TALLON, Mr. FIELDS, Mr. DE LA GARZA, Mr. CHAPMAN, Mr. BARTLETT, and Mr. MCCLOSKEY.

H. Con. Res. 40: Mr. GOSS, and Mr. COBLE.

H. Con. Res. 46: Mrs. MEYERS of Kansas, Ms. KAPTUR, Mr. PARRIS, Mr. CHAPMAN, Mr. HORTON, Mr. LEVIN of Michigan, Mr. BERMAN, Mr. ARMEY, Mr. BROOMFIELD, Mr. MCMILLAN of North Carolina, Mr. SENSENBRENNER, Mr. KYL, Mr. DYMALLY, Mr. MCCURDY, and Mr. DORNAN of California.

H. Con. Res. 48: Mr. FUSTER, Mr. SYNAR, Mr. MCMILLEN of Maryland, Mr. DIXON, Mr. ANNUNZIO, Mr. WEISS, Mr. POSHARD, Mr. SHAYS, Ms. OAKAR, Mr. CARPER, Mr. NEAL of Massachusetts, Mr. BORSKI, Mr. ROYBAL, and Mr. HOCHBRUECKNER.

H. Con. Res. 51: Mr. AKAKA, Mr. BATES, Mr. BENNETT, Mr. BORSKI, Mr. CLAY, Mr. DARDEN, Mr. DELLUMS, Mr. DYMALLY, Mr. FAUNTROY, Mr. FLORIO, Mr. FUSTER, Mr. GUARINI, Mr. HOCHBRUECKNER, Mr. DONALD E. LUKENS, Mr. MANTON, Mr. MAZZOLI, Mr. MARKEY, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. OWENS of New York, Mr. PAXON, Mr. PENNY, Mr. ROBINSON, Mr. SMITH of Mississippi, Mr. SOLARZ, Mr. ENGEL, Mr. STARK, Mr. KENNEDY, Mr. FOGLIETTA, Mr. LEWIS of Georgia, and Mr. BONIOR.

H. Res. 102: Mr. MCMILLEN of Maryland, Mr. KANJORSKI, Mr. BERMAN, Mr. COYNE, Ms. SNOWE, Mr. WEISS, Mr. COUGHLIN, Mr. BRYANT, Mr. DEFAZIO, Mr. CAMPBELL of Colorado, Mr. AKAKA, Mr. VENTO, Mr. KENNEDY, Mr. FORD of Michigan, Mr. MCDERMOTT, Mr. LEVIN of Michigan, Mr. LANTOS, Mr. MARKEY, Mr. BATES, Mr. FUSTER, Mr. RAHALL, Mr. CONTE, Mr. SABO, Mr. LOWERY of California, Mr. FRANK, Mr. HOYER, Mr. MAVROULES, Mr. PENNY, Mr. ROWLAND of Connecticut, Mr. MRAZEK, Mr. LELAND, Mr. THOMAS A. LUKEN, Mr. TORRES, Mr. FOGLIETTA, Mr. HENRY, Mr. FAUNTROY, Mr. SCHAEFER, Mr. BEREUTER, Mr. GEJDENSON, Mr. FLAKE, Mr. FEIGHAN, Mr. PANETTA, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. WILLIAMS, and Mr. OWENS of Utah.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1087: Mr. RAHALL.

SENATE—*Wednesday, March 8, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11 a.m., on the expiration of the recess and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5:9.

God of peace, the western wall of the Dirksen Building reminds us that, "The Senate is the living symbol of the union of States." We accept controversy as endemic in our political system. We are grateful for the God-given freedom that made it so. But save us, Lord, from conflict that violates the law of love, breeds enmity, acrimony, divisiveness, and destroys unity of which the Senate is the symbol.

Thank Thee, Father, for strong convictions, the courage which those convictions generate and the will to exercise them.

May the words spoken here be under the control of an enlightened conscience, warm hearts infused with good will and cool heads committed to truth.

We ask Your blessing upon John Tower and his family in this difficult time.

In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, after a period of time for the two leaders, there will be 30 minutes for routine morning business with Senators permitted to speak therein for up to 5 minutes each. At 11:30, the Senate will go into executive session to continue debate on the nomination of former Senator Tower.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, during my closing statement on the Senate floor yesterday, I indicated to my colleagues that there could be rollcall votes during today's session. We are ready to go to a final vote on the Tower nomination as soon as the distinguished Republican leader indicates his assent to do so.

As all of my colleagues know, last Friday the distinguished Republican leader stated here in the Senate publicly that he was considering offering a motion or motions in relation to the Tower nomination. In the event such motions are made—and he is of course free to make them at any time—there may well be rollcall votes on those motions and Senators should be aware and available for such votes should they occur.

So I repeat, rollcall votes are possible during today's session and it is my expectation that today's debate will continue through the day and into the evening.

I note the distinguished Republican leader now on the floor and would merely repeat what I have stated to him privately and publicly. It is my hope that we could complete action on this matter this week. I believe that a fair and appropriate time would be to vote sometime tomorrow. I suggest that to the distinguished leader for his consideration. We are now entering the fifth full day of debate. Tomorrow will be the sixth day of debate.

At least from my standpoint, the message I am receiving from my constituents—and I do not represent this as anything other than it is—the views of my constituents are that this matter has gone on long enough; it ought to be brought to a conclusion. And, as the Constitution mandates, that conclusion is for the Senate to vote on the nomination up or down, each Senator casting his vote consistently with his or her own conscience.

So that is my hope, Mr. President, and my distinguished colleague and friend. With that, I will yield the floor.

I reserve the remainder of my time and yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the order.

Mr. DOLE. I thank the President pro tempore and my friend, the Senator from Maine, the distinguished majority leader.

We have discussed when to vote. It is going to be a very close vote. The majority leader has indicated he thinks he has the votes. We are not certain. We do not question the majority leader.

Our effort is to do what we can to attract as many Republicans and Democrats to support the Tower nomination. Frankly, it is a bit like walking on eggshells. You want to be sure you do not offend anyone. At the same time, you have to defend not only the nominee but to support the President in this very important nomination process.

I just left from visiting with the President. We did discuss the Tower nomination. He fully supports his nominee. He said it was not just an act of loyalty or friendship. He has known John Tower in many, many rolls, including his role in the Senate, his role on the Tower Commission, and his role as an arms negotiator. He feels that he is eminently qualified and the most qualified person he could find to head that very important agency with a budget of over $300 billion.

I know the debate has been longer than it has been on most nominees, but this is unprecedented. The hearings were unprecedented. Due process, I think, means what some of us who are lawyers or have been lawyers, at least went to law school, understand it to mean: fairness, notice, right to cross-examine, impartial tribunal, a lot of things that we believe have not been accorded to John Tower, who walked this Chamber for 24 years with honor.

So we do not want to prolong the debate. We want to win, just as some on the other side want to win.

I hope there is no hostility to John Tower in this Chamber, not just because he was a former colleague, but because I think he is a well-qualified nominee.

So I certainly will work with the majority leader and, at the same time, work with my colleagues who may be undecided or, if not undecided, undeclared. And that is another distinction. Some are decided but undeclared. If those that have decided would declare it would make my job easier and certainly the job of the majority leader. Because once one or the other side has a majority—and I do not quarrel with

the majority leader, it is time to vote. But as of now there seems to be a number in the undeclared category, maybe not undecided, but undeclared category.

So I will be consulting with the majority leader throughout the day and hopefully we can come to some agreement.

I believe we have a number of speakers on this side who want to discuss the merits of the nominee. I think it will be a pretty solid debate today.

Mr. MITCHELL. I thank the distinguished leader for his comments. It is my hope that the debate will be of the character and nature which all of us expect of the Senate and that it will be such as to enlighten all concerned. I look forward to that, as does the distinguished Republican leader.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

Mr. MITCHELL. I reserve the remainder of my time.

The PRESIDENT pro tempore. Both leaders reserve the balance of their times.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask to proceed as if in morning business.

The PRESIDENT pro tempore. Under the order, a period for the transaction of morning business will now commence. Senators will be recognized for not to exceed 5 minutes each.

The senior Senator from Nevada, Mr. REID, is recognized for 5 minutes.

(The remarks of Mr. REID pertaining to the introduction of legislation are located later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The junior Senator from New York is recognized for 4 minutes.

Mr. D'AMATO. Mr. President, over the past weekend, reports were published in the New York Times, the Washington Post, and other newspapers stating that the administration is ready to proceed with the FSX fighter plane codevelopment deal with Japan. Mr. President, I remain opposed to this deal. I intend to do everything in my power to see that it does not go through.

Why? Why would I oppose it? Mr. President, to put it simply, it is a bad bargain. It is neither in our national security nor economic interest. It will seriously risk the future of one of the few remaining industries in which America is preeminent—aviation, in particular as it relates to the military aspects.

The Japanese are strong and deeply valued allies, and it is clearly in our mutual interest that they bear a larger share of their defense burden, much of which is being paid for by the American taxpayers. Their interest in this deal, however, is more about increasing their already formidable economic power than their defense capabilities and their fair share. The Japanese objective is clearly to do in aviation what they have done in automobiles, electronics, and other areas of industrial production.

Mr. President, despite a $54 billion trade surplus in the United States last year, and certainly one bound to be that much this year, the Japanese refuse to purchase our lower cost, high-performance aircraft. We hear about free trade. We hear about fairness. Here is an opportunity for the Japanese to demonstrate some of that.

Mr. President, Japan could purchase F-16 fighters from the United States for about $18 million per aircraft, roughly one-third of what the pending arrangement will cost them. In other words, they can buy a plane ready to fly that will meet their needs at $18 million, but they are ready to pay almost $60 million. Why? Well, it is certainly not for defense purposes. They are interested in acquiring U.S. aviation technology to support the development of their own industrial base.

If the Japanese objectives were to upgrade their military in the most cost efficient way and to pick up a greater share of their own defense, they would buy American, they would buy the American F-16. If the Japanese objectives were to lessen friction caused by the huge imbalances in Japanese-United States trade, they would buy American.

The true objective, however, is the long-term development and promotion of their domestic aviation industry and it is shortsighted of us to assist them in their drive to surpass another American industry and to dominate another world market.

More broadly, the FSX agreement is yet another demonstration of what is wrong with our decision making process. Let us look at what has happened in the last 2 weeks. A number of Senators, including this one, voiced substantial concerns about the agreement and wrote to the President asking him to look at it again.

An interagency review was promised. A deal apparently was negotiated between the agencies and they are prepared to say, "Well, now it is OK, we will take care of it all." The problem, Mr. President, is that the Japanese have not agreed to a thing and all available evidence is that they will not change one word. We are sitting around negotiating with ourselves and we are calling it a deal.

According to the New York Times story, Japanese officials said they would not renegotiate the memorandum of understanding but American officials said protocol could be written into the agreement between General Dynamics and Mitsubishi. Japanese officials said they had "no comment" on this aspect. So once again we start by——

EXTENSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The time of the junior Senator from New York has expired.

Mr. D'AMATO. Mr. President, I understand that we are to return to another matter at 11:30.

The PRESIDENT pro tempore. The Senator is correct.

Mr. D'AMATO. If those parties are ready to go, then I would ask that the remainder of my text be placed in the RECORD as if read in its entirety. If they are not, I would ask for an additional 5 minutes.

Mr. EXON. Mr. President, reserving the right to object—and I shall not object—I do not object to giving the Senator 5 minutes. I would like to ask for unanimous consent that I be allowed no more than 2 minutes for the purpose of introducing a piece of legislation as if in morning business.

The PRESIDING OFFICER. Is there objection to an additional 5 minutes being given to the Senator from New York, Mr. D'AMATO, and 2 minutes to the senior Senator from Nebraska, Mr. EXON, with the order for the Senate going into executive session being delayed accordingly 7 minutes?

The Chair hears no objection. The junior Senator from New York is recognized for 5 minutes.

Mr. D'AMATO. I thank the chair.

So once again, Mr. President, we start by accepting the other side's negotiating position. That is simply Japan says we will not renegotiate.

A little common sense and a look at history is called for, Mr. President. Let us think back to how this issue of technology transfer was handled in the F-15 coproduction agreement. It seems that we did not want certain sensitive technology transferred as

part of that program either, and we wrote a restriction into the agreement. But later the Japanese came back and said, "How can we repair these planes if we do not have the technology?" And so you know what happened? We gave them that technology. So what is to stop the same thing from happening, and I would suggest it will take place again, or as it appears Secretary Baker has received a flat "No" from the Japanese when he sought even a guarantee about the 40 percent U.S. share of subsequent FSX production. So let us see where we stand. Let us analyze.

We cut a deal to codevelop the FSX after accepting the flat Japanese refusal to buy F-16's off the shelf that can be produced at one-third of the cost of their plane. After questions are raised about the fairness of the deal, a giveaway of $7 billion in United States technology for something that would approximate between $420 million and $430 million, our share of the development phase of the program, we accept the Japanese refusal to renegotiate and go back to negotiate with ourselves.

After negotiating with ourselves, we come up with the idea of amending the draft license and technical assistance agreement, which is the company-to-company agreement implementing the order to restrict the flow of technology to the Japanese—we come up with this idea knowing it has failed in the past and obviously it is going to fail in the future.

Finally, we accept the flat refusal of the Japanese to talk to us about a guaranteed share of FSX production. Now State and Defense Departments tell us they cut the best deal they could. Mr. President, it is a bad deal. It should not go through. It is vital to our national security to proceed with this program, they say. Well, some of us think it is vital to our national security that we not proceed with this program.

This Senator, for one, has no faith that the wonderfully flexible folks in State and Defense will not give in at some later time after Congress has allowed this program to begin.

Once that happens, if you ever find out that it has happened, it is a dead issue. Then there will be some other issue on the front burner and the American people will not care and the Japanese will get advanced aerospace technology for a song.

Mr. President, I predict, if that continues, what we will see take place is a sacrificing of American jobs which should not be sacrificed because we can build that plane better, cheaper, more cost efficient, more cost effective. I say it is about time that we begin to see what is good for America, what is important for America, instead of trying to find ways to justify this incredible agreement, an agreement that in my opinion does grievous damage to America, its interest economically and particularly as it relates to technological know-how and production capacity in the future.

I predict a decade from now we will have the Defense Department saying we have got to buy this Japanese plane because they can now produce it better and cheaper than we can in the United States. I predict that the markets that we have and the surpluses as related to the sale of military aircraft in Europe—and that is one of pluses we have—will be lost to the Japanese. We will be buying Japanese planes and Japanese technology that we have helped supply with 7 billion dollars' worth of American taxpayers' money. If we cannot stand up to this issue, then I suggest to you it seems to me that things are going to get worse, trade imbalances are going to grow deeper, that we may have won the battle but it certainly appears to this Senator that we have lost the war as it relates to protecting America, the rights of people to work, and certainly our productive capacity. I thank the Chair.

The PRESIDING OFFICER (Mr. ROBB). Under the unanimous-consent agreement, the Chair recognizes the Senator from Nebraska, Mr. EXON, for 2 minutes.

(The remarks of Mr. EXON pertaining to the introduction of legislation are located later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPOSITORY INSTITUTION AFFILIATION ACT

Mr. CRANSTON. Mr. President, Senator D'AMATO and I are jointly reintroducing the Depository Institution Affiliation Act. This legislation provides for a new regulatory structure to govern our Nation's financial services industry. The Depository Institution Affiliation Act permits different financial services functions to be offered in separately capitalized subsidiaries under an umbrella holding company. It contains strong and effective safeguards to protect insured institutions, while affording all companies equal opportunities to become integrated providers of financial services.

Thus, both financial and nonfinancial organizations would be allowed to own, or be affiliated with, banks and other depository institutions. This will encourage the creation of diversified financial services companies that have the financial and managerial resources needed to inject new capital and vitality into an American industry whose preeminence has consistently been eroding over the last decade.

Under this proposal, separate subsidiaries of the holding company will have their activities regulated along functional lines without regard to ownership or affiliation. At the same time, this revitalized regulatory structure will provide adequate safeguards to insulate insured depository institutions from their nonbanking affiliates.

This insulation will not, however, prohibit cross-marketing or act to impose other artificial, anticompetitive restrictions that inhibit the synergy which would benefit the American consumer. The advantages of this type of structural reform program are significant and particularly timely. Take, for example, the present FSLIC debate. In many respects the very nature of today's FSLIC crisis is but a microcosm of the systemic problems facing our entire financial sector. Stated another way, the thrifts are the first victims of an antiquated and inefficient regulatory scheme. As we work toward what will almost certainly be the most massive Federal bailout in our history, we must also consider long-term measures that will prevent the problems from reoccurring or spreading to the commercial banking industry and the FDIC.

While it is still too early to predict the outcome of the debate, one fact should be clear. If all depository institutions, banks and thrifts alike, were given the opportunity to affiliate with any and all other firms, they would benefit from being part of a dynamic group with new and diversified sources of income and capital.

For years now, the financial industry has demonstrated that diversification lends stability to the system. And this premise has served us well. For example, savings and loans that are experiencing the greatest difficulties are not those affiliated with diversified unitary holding companies like Ford Motor Financial Services or Household International. Quite the contrary. Those in trouble are the specialists and the undercapitalized firms which serve only a narrow market segment. Whether you are talking about the thrift segment, the banking segment, the securities segment or the insurance segment, it is necessary to attract more highly capitalized, publicly oriented companies to a broadly defined financial services industry. That is the only way for financial institutions to provide a wide variety of services, enhance the capital of the system as a whole, and ensure a safe and sound financial industry. The maxim bears repeating—diversification means stability. The more diversified the parent company, the greater the strengthen of the underlying subsidiaries, and the less likely any one sector of the industry is to suffer a debilitating loss.

Of course, appropriate firewalls must be placed between depository and nondepository institutions, and they must be policed carefully. And if the depository institutions subsidiary

should fall below minimum capital requirements, it should be subject to mandatory recapitalization or divestiture. This will protect depositors and the deposit insurance funds against the risk of loss. Measures such as these might prevent the FSLIC disaster from coming back to haunt us. Perhaps most importantly, structural reform will benefit consumers. The increased competition will lead to better pricing structures, a resurgence of service, and the safety and soundness consumers need in these volatile times.

It is hoped that our bill will serve as a response to section 203 of the Competitive Equality Banking Act which declares that it is the intend of the Banking, Housing and Urban Affairs Committee to conduct a comprehensive review of banking and financial laws and the need for financial restructuring legislation before the expiration of the moratorium on thrifts exiting the Federal savings and loan insurance fund. The moratorium will probably be extended because of the long-term nature of the FSLIC fund crisis that the banking committee is presently considering.

However, I think that the restructuring inherent in the FSLIC resolution proposal will set the stage for overall restructuring of the financial industry. We are at the crossroads of opportunity. We can continue to sit back and watch while the world changes without our input, or we can take control and be sure that change takes place in a rational, legal structure, that meets the policy goals we have established in light of the expanding global financial system around us.

IMPLEMENTATION OF CLEARINGHOUSE ON STATE AND LOCAL COMPETITIVENESS INITIATIVES

Mr. BUMPERS. Mr. President, I am delighted to find that the Council on Competitiveness has recommended that the Bush administration "fully implement the provision of the omnibus trade bill to create a clearinghouse for State and local technology initiatives."

As my colleagues may know, the Council on Competitiveness was founded in 1986 as an outgrowth of the Young Commission. It is chaired by John A. Young, CEO of Hewlett Packard, and its membership includes leading executives from industry, organized labor, and higher education. Its overriding objective is to improve the ability of American companies and workers to compete in world markets.

The council report that endorses the clearinghouse is entitled "governing America: A competitiveness Policy Agenda for the New Administration" and it was issued earlier this year.

The report explains its recommendation as follows:

State technology programs fill a niche that the Federal Government cannot: small-scale, grassroots efforts involving local businesses, universities and governments. The clearinghouse should collect and disseminate information on State programs, develop methods to evaluate these programs and provide technical assistance and advice. At the very least, the Federal Government should make sure that its programs do not duplicate or compete with those established at the State level. (Report at page 22.)

I was the author of the provision of the trade bill that created the clearinghouse.

The clearinghouse provides us all with an opportunity to learn from the initiatives of State and local governments. They are taking the lead in fashioning a competitiveness strategy for the country. They are experimenting with new policies, new programs, and new approaches.

I have confidence that the administration will fully implement the clearinghouse and I expect to be working closely with the administration to see that this occurs.

THIRD INTERNATIONAL CONFERENCE ON ORAL REHYDRATION THERAPY [ICORT III]

Mr. KASTEN. Mr. President, in December of last year here in Washington, DC, over 400 people, most of them from developing countries, met under the auspices of the Agency for International Development [AID] to discuss oral rehydration therapy [ORT] and what it would take to sustain ORT programs in the 1990's. Oral rehydration therapy uses a simple solution of water, sugar, and mineral salts which quickly corrects the chemical imbalance created by diarrhea. It also involves continued breastfeeding, appropriate supplemental foods, and referral of severe cases. Diarrheal diseases currently kill an estimated 5 million children in the developing world every year, and experts at AID and the World Health Organization estimate that more than half of these deaths could be averted through the use of ORT.

Ten years ago, ORT was virtually unknown. Today, 96 developing countries have diarrheal disease control programs; approximately 60 percent of LDC populations have access to ORT; and ORT is used in almost one quarter of all cases of diarrhea. The Agency for International Development has played a major role in the promotion of this simple therapy internationally. It sponsored the first conference on ORT-ICORT I—in June 1983 to publicize information about this lifesaving therapy. In December 1985 AID sponsored ICORT II, which brought together over 1,000 health professionals to share their experiences in implementing ORT programs. And thus it was fitting, as AID began to look at development assistance programs and priorities in the 1990's, that it convened a third conference—ICORT III—to draw attention to sustainability of ORT programs in the years ahead.

From all reports, ICORT III was a remarkable success, and I ask unanimous consent to include in the RECORD the address which Ambassador Alan Woods, Administrator of AID, made to the participants on December 16, 1988.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CLOSING ADDRESS BY AMBASSADOR ALAN WOODS, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Good Morning, ladies and gentlemen—we have come to the close of a remarkable three days. I'm pleased that our discussions during this conference have been candid and creative.

We have heard some remarkable examples of program challenges and—we have solid evidence of program success.

Dr. Magda Mohamed Ali from Sudan and Dr. Mkerenga from Tanzania told us about important work that is being done of health worker training.

Dr. Mota and Dr. Gabr shared with us their experiences in Mexico and Egypt—where they achieved successful collaboration between the government and the private sector.

Dr. Ahmed—reflecting on Pakistan's experience—reminded us of the importance of marketing and communications. Speaking broadly—Dr. Bengston warned us of three formidable obstacles to sustainability: Ignorance, Prejudice, Poverty.

Over the past three days we have heard oral rehydration therapy described as everything—from a "ten cent cure"—to a "social movement."

But what is more important—we have heard of dramatic successes—in Egypt—Indonesia—Malawi—Haiti—and elsewhere.

That success is measured in terms of:

Increasing knowledge and use of oral rehydration therapy;

Fewer hospitalizations for dehydration;

Lower costs for government programs—and,

Lower family health expenditures.

Most important—success means that more children will be saved.

We have also heard some very practical recommendations:

First—bring oral rehydration therapy into the hospitals: We will see pay-off in the way mothers and medical professionals view ORT—and in reduced medical care costs.

Second—work through existing communications and distribution channels—even informal and traditional channels—where this is the best way of reaching people;

Next—at every step of the way—maximize, self-reliance—on the part of the mother—the family—and the community; and

Finally—we must build bridges to other elements of the society and economy—do not ignore the role that educational, religious, and commercial organizations can play.

Ladies and gentlemen—we know oral rehydration therapy works. It is a simple, cost-effective, life-saving therapy.

I strongly agree with Dr. Bengston's observation—that the control of diarrheal diseases is not only a major objective in its own

right—but also a means to revitalize—strengthen—and energize the entire health system.

Let me repeat his observation that: "We have taken the opportunity to do battle against diarrhea as also an opportunity to combat inefficiency, laziness, corruption, and a host of problems not unique to the health sector—but particularly dangerous because of the human lives that are involved."

Oral rehydration therapy works. Yet, the more we have learned, the more we have appreciated the complexity of the problem that sustainability poses for all of us.

There are, indeed, challenges to sustainability.

Sustainability requires commitment, patience, and time: Time to plan, time to influence health behavior, time to reach beyond the public health infrastructure to encourage a much more active role for private service providers.

Unfortunately, time is not necessarily on our side. In countries that are failing economically, the situation is going to get worse—no matter how many campaigns we mount to combat specific diseases.

If we look beyond the year 2000—we see demographic trends that will magnify every health problem developing countries face.

The world's population continues to explode.

We are now five billion strong, and we are growing exponentially.

Most of the growth is coming from the developing world: Where basic systems—such as health, education, and water—are already strained to the limit.

Finding sustainable solutions to health care problems is the central challenge we face as we move forward.

We need to examine what steps can be taken by families and by private businesses in developing countries to address health care needs.

Now I don't want to suggest that there is no role for ministries of health and public health care providers—because there certainly is.

But if we focus only on what the public sector can do to improve health standards in developing countries, we will not succeed.

I believe that if we want health care improvements in developing countries to become permanent, we need to focus on several things:

First, general economic growth—the creation of the domestic means to finance health care services.

Second, more pluralistic health care systems. Countries need to strive for a better balance between private care and government programs.

Third, families must be encouraged to become more involved in their own health care.

We know that even the poorest households are spending some money on health care.

In fact, the resources families spend are already much greater than public expenditures on health.

We need to think about how we might help families get more for the money they spend on health care.

So—we must recognize that health programs have to wear a new face in the 1990s. They must reflect rapidly changing economic, political, and demographic trends.

We must be prepared to learn, and to change. New problems arise, as do new opportunities.

The family itself is changing. More mothers are working outside the home.

Older girls who traditionally helped their mothers with child care and household chores are now in school. We need more of this.

Isolated rural households now have access to radio and in many cases television—and they know that life can be different for them and their children.

The world is changing—but it seems to me that what must be preserved at all costs is the ability of a family to act in its own self-interest. There is ample evidence that where health services, schools, and jobs are available, families will make extraordinary sacrifices to take advantage of these opportunities.

It is fair to say we've only begun to tap the potential of oral rehydration therapy.

ORT represents a life-saving therapy;

ORT is a method that has energized a wide range of institutions—both public and private—in the fight for better child health, and

ORT is a program that has paved the way for the introduction of new health technologies.

Thus, it is an extremely cost-effective child health technology. It is also a model that opens the door to new approaches to child health.

We share an ambitious goal—to make oral rehydration therapy and immunizations available to virtually every child in the countries where we work.

We share a similar determination—that children should not die from dehydration or from diseases that could easily be prevented.

Finally, we share a high regard for human life. As parents—we believe that every child born into this world deserves the chance to live without pain and suffering.

In 1985 we set important goals for ourselves. And there is ample evidence that these goals are now being achieved. We will not abandon our commitment.

With that in mind, let's take this opportunity to rededicate ourselves to our child survival goals.

We must work to maintain our enthusiasm and concern—while planning for the future.

We must work to sustain—and add to—the remarkable accomplishments we have achieved to date.

We must use the methods we now have—recognizing that new tools will be needed as well.

I believe this investment will pay off: For countries, for communities, for families, and most important of all—for children—they are our future.

Thank you.

WILLIAM E. JACKSON

Mr. CRANSTON. Mr. President, at one point in the course of the Tower nomination proceedings, the reliability of William E. Jackson—a senior fellow at the Fulbright Institute at the University of Arkansas—was called into question by a Senator.

I have known Bill Jackson for 15 years, 3 of which he served as a senior legislative aide and foreign policy expert on my staff.

I want to state for the record that I have always found Mr. Jackson to be a most knowledgeable person, and a man of truthfulness and integrity.

I doubt that he would ever deliberately mislead or misinform a Senate committee.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Are we on the Tower nomination?

The PRESIDING OFFICER. We are to begin, yes.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of the nomination of John G. Tower to be Secretary of Defense.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Goodwin Tower, of Texas, to be Secretary of Defense.

Mr. DOLE. Mr. President, I just take a minute at this time to again indicate, as I did in my earlier remarks, that this is going to be a very close vote. On this side, we want to make certain we do not offend anybody on the other side who has not yet decided. There is a difference between undecided and undeclared because I still believe the nomination will be confirmed and should be confirmed. But I would ask the question as I did yesterday—I happened to watch NBC News do a little hatchet job on John Tower last night. They had all the information about this latest strike force that went down to Texas.

But the minority does not have the information yet. NBC was able to get it but we are not able to get it. This is the PSI Subcommittee staff. Nobody else has the information. How did NBC get it? It is not available to the Republicans. It is not available to John Tower. It is not fair. We hear last night on a major network all this story about some stewardess and some other thing that nobody knows anything about except the people who investigated it, and the PSI Subcommittee, the Permanent Subcommittee on Investigations.

We have been saying from the start this is a question of fairness. I think if we are looking at things from certain people, people ought to say, go back and have more hearings. We ought to have more witnesses—along with this bad stuff that is coming. That is apparently OK.

I would just again make the plea. Let us treat John Tower fairly. What is wrong with John Tower? Why all the hostility toward John Tower? What has he done to deserve it except

serve in this body with honor for 24 years? Twenty-four years is a long time.

He served on the Tower Commission with honor. He was arms negotiator with honor. He is smart, and was one smart Senator when he was here. He is a good arms negotiator, and would be a good Secretary of Defense. But every time he makes a step forward, there is another leak out there and people start talking about new allegations. Then they go on to tell you about them. They have not told us about them. They have not told John Tower about it. They have not told the White House about them. They tell NBC about them.

Maybe that is the way it has to be. But I have to believe there are enough fairminded men and women in this Chamber, and will continue to be long after this debate on both sides, who are going to say that is not fair to start leaking new allegations that have not even been made available to Members of the Senate, with no chance for cross-examination, anybody's motives, there they are right out in public, right out in print. I must say I do not know how you stop it. Due process is important—fairness, right to cross-examine, impartial tribunal, all the things that make up due process I think ought to be accorded to the nominee. It is not a trial. It was not supposed to be a trial. But it has sort of been a trial by leak and innuendo. I think we have had enough.

But I would say, as I said to the majority leader, we want to vote. We are not delaying the vote. That was also part of the NBC's coverage—the Republicans delaying the vote. We are not delaying the vote. We have to overcome all of these leaks that are going out early on, garbage after garbage dumped on John Tower. It takes a while for the American people to understand that this man has not been treated fairly. The fact that he was a former Senator does not mean that he ought to be treated any differently. He ought to be treated fairly.

So I hope we can vote this week. We are not delaying for any reason. We want to convince, yes, Senators and change the minds of the American people. We want to do what we can to make certain that the President has a right to nominate and determine the fitness and competency of nominees. I think that is what the Founding Fathers had in mind. Never in history has a President been turned down on a nominee at this stage of his Presidency.

Has anybody risen to this floor and said Senator Tower is incompetent, John Tower does not understand defense, John Tower does not understand the Senate or the Congress, or understand the budget? No. Not one. It has all been these tangential issues that somebody read a report somewhere and it said he was drinking excessively. He said it himself in the early seventies.

Someone said he made too much money or he is too tied to defense contractors. I put in the RECORD last night what he made in 2 years. One year he made $100,000, less than Senators make when they add up their honoraria. Last year he made $160,000. It was not just John Tower. It was Tower & Associates.

So I just suggest that we are going to continue to debate this nomination, hopefully at a high level. We are going to correct the record wherever we need to correct the record. We are not going to let anybody on either side trample on the rights of John Tower, and we are not going to let them trample on the rights of anyone else—not let someone stand up and read some outlandish conclusion. I think that is an obligation we all have.

So we are going to continue the debate. I must say there have not been many delays, and there have not been many quorum calls. It has been solid debate. We are prepared today, as I understand, with a number of speakers, I am advised by the ranking Republican on the Armed Services Committee. So we will be trying to meet the majority leader's wish, and stay in this evening. If we can figure out a way to vote tomorrow, we will do it. We are not trying to prolong it. But we are trying to make certain that when the verdict is in, whatever the verdict is, at least the American people will say he was treated with some fairness, someone stood up for his rights, others trampled them, but some stood up for his rights. That is what is important—not John Tower's rights necessarily, but the next nominee or the next nominee or 10 years from now or 20 years from now. Maybe it will be a Democrat and maybe a Republican. Then those of us who stood up here and defended John Tower are going to have to stand up and defend that person for the same reasons, if the same reasons are applicable then.

So I hope we will have a good discussion of John Tower's merits on this side as to why he should be the Defense Secretary. Is he qualified? Does he understand? I think if we can focus on that for a while instead of on who can make the most extreme statement, then we might get this debate back into focus. That is our responsibility. George Bush is a Republican. So we have a special responsibility to keep this debate at a high level. If we veer from that, I am sure someone on the other side will call us to task.

We are prepared at the majority leader's request to debate it today. I told him I would be in touch with him later today or tomorrow, as soon as I can find out when we can vote so Members can be here. It probably will not be Friday. So it cannot be tomorrow. It will be next week. But I know Members on both sides who cannot be here Friday, not that they do not want to be. We have one with a death in the family on this side who cannot be here on Friday, and I am certain there may be other constraints on the other side.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, in his remarks, the distinguished Republican leader alluded to establishing a precedent for the future with respect to this nomination. That, of course, raises a question of the past. There appeared today in the Washington Post an interesting article entitled "How Tower Used His No Vote," which recounted the record of Senator Tower in opposing many nominees of the other Presidents.

We have been told repeatedly in the debate here by Senator Tower's supporters that he should be approved because the President should have his own man. The distinguished Republican leader said over and over again the President won the last election, and therefore he is entitled to have his own man. But if one views the record and looks at Senator Tower's own record on nominees, one can only conclude that his supporters now want the Senate to apply to Senator Tower's nomination a standard different from that which Senator Tower himself applied to Presidential nominees when he was a Senator.

He voted against Paul Warnke to be head of the Arms Control and Disarmament Agency. He voted against Ray Marshall to be Secretary of Labor. He voted against William Usury to be Secretary of Labor. He voted against Paul Nitze to be Secretary of the Navy. In every one of those instances, he did so simply because he disagreed with some of their policy positions. He did not challenge their suitability. He did not challenge their experience. He did not challenge their ability. He did not challenge their effectiveness. He simply said he disagreed with their views, and, therefore, he was voting against them, a position far more extreme as to the relative powers of the Senate and the President than any opponent of Senator Tower has advocated in this debate.

Many of the statements we have heard here by Senator Tower's proponents sparked my interest in the views of some of these Senators when the President was a Democrat and the nominee was a Democrat. If any Senator would like to engage in some interesting reading of history, he or she ought to go back and take the statements made in 1977 when President Carter sent Cabinet nominations up to the Hill and contrast them with the

statements being made during this debate by the very same Senators.

Every one of us, if we stay in the Senate long enough and make enough speeches, will inevitably contradict ourselves. We will meet ourselves coming around the corner on some issue. But nowhere have I seen a more dramatic reversal in position than the statements made by many of the Republican Members of the Senate in 1977, when they were considering the nomination of a Democratic President, when they were telling us how expansive the powers of the Senate were, how Senators ought to vote against nominees simply for disagreeing with them on a policy position.

There was no talk then about the President having his own way. There was no talk then about the President winning the last election. There was no talk then about the future of the confirmation process. There was no talk then about the fairness of the process. Over and over again, Republican Senators, many of whom are still in the Senate, many of whom have made speeches this past week, saying the President ought to have his own way, and we are somehow threatening the future of the presidency by not confirming this nomination, took exactly the opposite position when the President was a Democrat and the nominee was a Democrat.

Indeed, if one were looking to compile an analysis of the opposing points of view on the proper constitutional powers of the Senate in confirmation, one need only compile the speeches of Republican Senators in 1977, put them on one side of the page, and then take the speeches by the very same Senators in 1989 and put them on the other side of the page. You would have exactly opposite arguments on what are the proper roles of the President and the Senate in the confirmation process.

Mr. President, I am having these statements compiled and will be placing them in the RECORD later for the ready reference of all Senators. It will not take very long for the Senators on the other side to conduct similar research and find that the same thing is true of many Democratic Senators.

I am going to yield to the Senator from Rhode Island in just a moment, because I know he has a tight schedule; but I will just close this moment by making the point that I wanted to make. Let us refrain from self-righteousness. Let us refrain from dire predictions about the future of the Presidency and relations between the President and Congress. Let us not inflate the importance of our own words and views. Let us all recognize, as I said earlier, that if we stay here long enough and make enough speeches, we are going to find ourselves on opposite sides of the same issue.

On this one, Mr. President, many of my colleagues on the Republican side have made the most dramatic reversals of positions imaginable on this issue, and I predict to them that if and when there ever again is a Democratic President, a proposition of which there is much doubt among many people, they will be back on the other side of the issue, where they were in 1977. Do not get too locked into your present views; you may be holding another one very soon.

Mr. WARNER. Mr. President, will the distinguished leader yield to accept one question, a brief question?

Mr. MITCHELL. I yield.

Mr. WARNER. I thank the Senator.

As we look at these windows of history, depending on whether there is a Democrat or a Republican in the White House, indeed we can come up with statistics as the majority leader represents, but let us take the big window, 200 years in which we have had 540—I will correct the record to be exact—nominations by a President for members to serve in the Cabinet. Yet, only eight have been rejected by the U.S. Senate. What is it about this case that elevates or lowers it, whichever way one wishes to go, to the category that he would be the ninth?

Mr. MITCHELL. The case against is stronger than the case against was when you opposed Democratic nominees.

I thank the Senator, and yield the floor to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Rhode Island is recognized.

Mr. PELL. I thank the majority leader for his courtesy.

Mr. President, the decision on the nomination of Senator Tower is a very difficult one for me because the arguments pro and con are so evenly balanced.

On the one hand, he is the choice of our President, and he is unquestionably competent and highly experienced in matters of defense and arms control.

On the other hand, however, his relationship with the defense industry has clearly compromised his position and reflected adversely on his judgment; not only has he realized substantial personal gain on the basis of his prior Government service, but he has established business connections with such a broad range of defense contractors, that it would be difficult for him to perform as Secretary without at least an appearance of conflict of interest.

I also fear that the fallout of protracted debate over this and other problems would deprive Senator Tower, were he to become Secretary of Defense, of the respect and regard that the men and women of our armed services should accord to that office.

I very much regret that this debate has become so partisan in nature. While I fully honor the desire of our colleagues on the other side of the aisle to support their President's nomination, I do feel that many of us on this side have genuine doubts on the matter that should transcend any considerations of partisanship.

In this regard, I take note of the restraint and sensitivity with which Senator NUNN has comported himself as has the majority leader, Senator MITCHELL, and indeed as has the President, our President, I would add, of all of us.

On balance, while I would normally vote for the President's choice, particularly when that individual is an old colleague and friend, in this case I do believe it is in our Nation's best interest for the President to make another choice and should the nomination come to a vote, it is my intention to vote "no."

I thank the Chair.

The PRESIDING OFFICER. The acting Republican leader.

Mr. WARNER. Mr. President, I wonder if our distinguished colleague would stand for just a question. I have had the privilege for a decade here now of serving with the distinguished chairman of the Foreign Relations Committee. We have made many trips together and we have debated the history of this institution. We have covered many subjects together.

But was I correct in taking a note down in the Senator's opening comment he felt that the pros and cons of this case were evenly balanced? Was I correct in that note?

Mr. PELL. I hope the Senator was not. What I meant to say was it was so evenly balanced.

Mr. WARNER. I beg the Senator's pardon.

Mr. PELL. It was so evenly balanced.

Mr. WARNER. Depict the scales there.

Mr. PELL. Depict them like this and on balance I think I come out negatively.

Mr. WARNER. I judged that from the Senator's conclusion but the question——

Mr. PELL. It was to keep you guessing.

Mr. WARNER. The question that I would ask my distinguished colleague is, if history reflects that only eight times this institution has seen fit to veto the judgment of a President of the United States over the course of these 200 years, I think you can infer from that that it takes just more than a degree or two off the scales, but indeed it has a heavy burden, a heavy burden of factual evidence, and yet as I listened to my distinguished colleague, I heard the refrain it was evenly balanced.

Mr. PELL. So evenly balanced.

Mr. WARNER. That even strengthens my case. It was so evenly balanced.

Wherein was that burden that took the scales down to that level to equate this case to become No. 9 in the history of the United States?

Mr. PELL. My recollection is I voted in the past once, maybe twice, against nominees for the Cabinet and, as I said, on balance, and with an inadequate computer, which is my mind, I come out against the nomination.

Mr. MITCHELL. Mr. President, will the Senator yield?

Mr. WARNER. I thank my distinguished colleague.

Mr. PELL. I yield.

Mr. MITCHELL. The fact that it has only been eight or nine times is not for lack of trying by Republicans during Democratic administrations to defeat Democratic nominees. You were not successful but you tried very hard.

So, that is the central issue in this debate. It is not the result. It is the effort. It is the standard that was applied by the very same people who are today saying the President should have his way but who when the President was a Democrat said the President should not have his way even if the nominee is qualified, even if the nominee is experienced, even if the nominee is capable just because we disagree with one of his positions.

So, the central issue is not the result. It is the effort that was made and the standard that was applied by the very people who are today applying exactly the opposite standard. That is the central question.

Mr. WARNER. Mr. President, at a later time I will respond.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. No. I yield.

Mr. WARNER. At a later time I will respond to the majority leader because I have taken up more than my allocation of time. But I shall come back with a body of statistics, because he is here saying it is just a political decision at this point which troubles me greatly, if we simply recite times when the Republican side simply went after the Democratic President and his choice.

Mr. MITCHELL. No. The Senator misunderstands me. I said exactly the opposite in my remarks here. I said that it would be very easy and take but a short time for the Senator from Virginia or any other Republican Senator to go back and research the record on this side and find many Democrats whose views have undergone an identical although reverse transformation, and I do not dispute that for a moment, and I am certain that you can find that.

Mr. WARNER. I thank the majority leader.

We will do that research.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I hope the majority leader will remain on the floor to carry forward on the discussion that he initiated for a few moments.

Mr. MITCHELL. I have a whole line of people waiting in my office. I will be back on the floor in a while and I will be glad to engage in any discussion with the Senator from Pennsylvania at that time.

Mr. SPECTER. I understand the majority leader has a busy schedule.

I raise two distinctions with what the Senator from Maine has contended here.

It is not really a matter of what individual Senators may say as they seek to advance their particular cause but it is really the judgment of the Senate which is critical, and the judgment of the Senate is embodied in the fact that on only eight occasions in the history of this country has the President's choice for an executive branch subordinate official have been rejected.

As the Senator from Maine, the distinguished majority leader, has pointed out, you can find statements of principle on both sides as it may be argued on one occasion by Republicans that the President ought to have great latitude in selecting his Cabinet officers and denied by the Democrats and then the shoe may be on the other foot in 1977 as the majority leader has argued.

But the critical aspect I submit is not what individual Senators argue as they may want to advance their own particular cause at a particular point in time but rather it is the judgment of the Senate which has been articulated in the conclusion that on only eight occasions we have come to the result that the President's nominee for a Cabinet officer has been rejected.

So you may have a partisan point of view or a specific point of view by a Democrat or a Republican on one occasion or another.

But it is not those views that establish the precedents. The precedents are established by what the Senate has done, and on all of the occasions when Senators have risen, including Senator John Tower, to oppose a nominee, when Senator Tower rises to oppose the nomination of a variety of individuals, and on some of those I would candidly disagree with him as he did on Mr. Nitze, for example, but it is not what John Tower, the Senator, did which is the precedent which the Senate ought to follow; it is what the Senate has done.

I would make one additional very important distinction from the generalizations of the majority leader to the facts of this case because so many of the Senators on the other side of the aisle who now oppose Senator Tower have been specific in their praise of Senator Tower, and I am sorry that Senator PELL had to leave the floor, and I know everybody has busy schedules, because I would have welcomed an opportunity for Senator PELL to have dealt with his previous evaluation of Senator Tower.

Back in 1984, on October 11, there were quite a number of comments made by Senators near the occasion of Senator Tower's retirement, and it may be that Senators were somewhat more profuse in their congratulatory message on that particular occasion. But however that may be, the fact is that Senators did speak about this man.

Senator PELL has come back to the floor. If I may have his attention, I was just about to make a reference to a comment which he had made about Senator Tower in the past. I do not pose this in the form of a question, but it may be that the Senator would care to make some response, and if so, I will be glad to yield for him to do so.

I had said that, in commenting on the argument made by the majority leader, I thought there were two sharp distinctions from his contention. One was that it was not what individual Senators had said which may differ from one occasion to another, depending on what result they seek to achieve, but rather it is the judgment of the Senate which on only eight occasions in the history of our country rejected a President's choice for a Cabinet appointment.

And then the second major distinction which I cited was the fact that as to this nominee, aside from the generalizations as to what range of discretion the President ought to have, quite a number of Senators had been effusive in their praise of John Tower which made this case very different. I was about to quote a comment which Senator PELL had made as it appeared in the CONGRESSIONAL RECORD on October 11, 1984, to the following effect:

> It has been my pleasure to know John personally since he came to this body in a special election in the spring of 1961 just a few months after my first election to the Senate.

I might interject here that I think Senator PELL has had the opportunity to know more about Senator Tower than perhaps virtually anyone in the Senate today, perhaps with the exception of Senator BYRD, maybe Senator THURMOND, and perhaps a few others.

Then Senator PELL's comment goes on to this effect:

> I have always been profoundly impressed by his knowledge of government and the way he approaches all the problems with a keen analytical mind. In his four terms here, he has won the respect and admiration of all who have served with him.

Now, as I said before, it may be that there is some greater occasion for complimentary statements, but that is a forceful statement, that is a strong statement in support of this man, which I think suggests that the generalizations on the President's latitude that the majority leader had cited do not really quite fit this case where so many people have spoken so forcefully in support of Senator Tower.

I note my colleague looking at his watch. If he would care to make a comment, I would be glad to yield to him for that purpose provided that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. The Senator is right. Senator Tower and I were friends over a period of many years. In fact, early in his time as a Senator, he came up and visited me once in Rhode Island. When I made the remarks that you mentioned, it was just as he was winding up his tour of duty in the Senate before he had moved into the Defense Department matrix, which really is one of the principal reasons, as I mentioned and said in my statement. One of the principal reasons why I found myself coming out opposed to him is the, to my mind, the lack of judgment or taste or whatever you want to call it where he moved into the defense industry and then moved back. And I think that revolving door was carried a bit to an extreme.

I must agree with you that the main advantage he has in the imperfect computer that is my mind is the fact that the President nominated him, his choice. But I also recall voting at least once before against another Cabinet choice of the President's and I think you have to weigh what is the greater good of our Nation, more than any other single consideration. That is why it is pretty evenly balanced, but I had to come or did come out negatively.

I thank the Senator for this imposition.

Mr. SPECTER. I thank the Senator for his comment. Just by way of a very brief reply, I had made a compilation of some 100 Senators who have left this Chamber in recent times. And they have gone to a variety of professions, but they were all seeking to utilize skills which they have acquired during the course of their tenure in the Senate.

There has been great concern expressed about how much money John Tower earned as a consultant. Senator DOLE, I think, has corrected the record by pointing out that, after expenses and after associates, it was really not so much. As he said on the floor earlier today, about $100,000 then.

I recall when our distinguished colleague, Senator Baker, the majority leader, left the Senate at exactly the same time that Senator Tower left the Senate. Senator Baker was reported to have earned in excess of $800,000 in the first year that he left. And there must have been skills which he learned in this body. Other Senators have gone to law firms, other Senators have undertaken a variety of activities. So that it seems to this Senator that there is nothing so unusual when Senator Tower becomes a defense consultant.

The issue is not really what he did by way of using his specific talents, but the issue is: Did he do anything wrong? Did he divulge classified information? Did he violate any law? Did he violate any ethical rules? Did he violate any code? And the record is plain, as conceded by the majority report, that Senator Tower did nothing improper. But they only come down on the issue of the appearance of impropriety.

I would say that when you talk about appearances that is really a retreat position when there are no facts to criticize a person on. And that it is really fundamentally unfair to have a shifting standard for confirmation which is tailored especially to John Tower.

The Armed Services Committee has articulated a new standard which has never been applied before to any other nominee. There has been extensive comment about the uniqueness, or peculiarity, or some have said unfairness, in structuring a new standard for John Tower. Why should John Tower be gauged by a standard which has not been applied in the past? There are rules, there are laws, there are ethical standards. No one can point to a single violation by John Tower of any of those rules. The majority report quotes extensively from questioning by Senator LEVIN and it comes down to the conclusion only on the question of appearance, not as to anything specifically having been done wrong.

When you talk about the role that Senator Tower played on the strategic arms reduction talks, it seems to this Senator, having participated in the events at Geneva and having participated on the Intelligence Committee on the ratification of the INF, that there is really precious little that John Tower could say, even if he wanted to. And I think that we know John Tower well enough to know that he would not disclose confidential information. The committee report concluded that he had not.

But the strategic arms reduction talks were very much in midstream. They could not be concluded because of the very difficult issues of verification. Those issues still confront the strategic arms reduction talks. They could not achieve significant progress until there was some resolution of the issue of defense in space and what would happen with the Strategic Defense Initiative.

At the time that John Tower was a negotiator in Geneva, President Reagan was very forcefully pursuing the strategic defense initiative. So that until that was cleared up the Soviets were not about to make concessions on strategic arms reduction and that whole negotiation was in a state of flux. So that there is a strong reason to conclude that there was not anything special that John Tower had to impart to the people with whom he consulted.

But, Mr. President, it seems to this Senator, as a matter of basic fairness, if he did something wrong he ought to be out. But if he did something wrong, it ought to be proved. And this Armed Services Committee report does not assert any wrongful conduct on the part of John Tower, only the appearance of wrongful conduct.

Mr. President, returning for just a moment or two—and I see my colleague, Senator WILSON, has come to the floor so I shall speak at much greater length—but returning for just a moment to the distinction that I had raised with the majority leader on why this matter differs from the generalizations that he was articulating, it is because so many Senators have spoken so forcefully about Senator Tower's qualifications.

I had a brief exchange yesterday with Senator DECONCINI on the floor. Senator DECONCINI had made some comments in 1984, and I am not going to pursue those at this time. I am going to await an occasion when Senator DECONCINI is on the floor and pursue that subject.

There have been very forceful statements made by quite a number of Senators and I think it most appropriate to wait until those Senators are on the floor before going into them in any detail. I do welcome an opportunity to pursue this discussion with the majority leader when he has occasion to return to the floor later today.

Perhaps it might be appropriate, if I could attract the attention of Senator EXON on this subject, because he is on the floor, to refer to the comments which Senator EXON had made. And I am not asking for any response, but perhaps the distinguished Senator from Nebraska would care to make a response in the context of my argument that this case is different from the generalizations asserted by the majority leader.

Senator EXON made the following statement, Mr. President, on October 10, 1984, and again it is in the context of Senator Tower's departure, so it ought to be fairly evaluated in that specific context, perhaps more effusive praise than otherwise might be in order. But this is what Senator EXON is reported to have said, quoting page S13996 of the CONGRESSIONAL RECORD:

While there have been times when he and I disagreed on some specific issues as we worked toward our mutual goal of insuring a strong national defense. I have always found Senator Tower to be an admirable colleague. As the chairman of the Senate Armed Services Committee, he has been extremely effective in insuring a proper and comprehensive addressal of those critical issues related to our Nation's security. His knowledge of defense issues is impressive and has been instrumental to the continuing influence and effectiveness of the Armed Services Committee. Senator Tower's ability to comprehend and relate so many complex issues is a rare and admirable skill. Displaying firm but fair leadership, he has guided the committee through many difficult times and has always striven to act in the best interests of our great Nation.

Mr. President, I would submit that Senator EXON's statement comes to grips with Senator Tower's integrity, where Senator EXON refers to Senator Tower's efforts to strive "to act in the best interests of our great Nation," and that his comments go to Senator Tower's overall ability to perform the job. And that, in the context of this discussion where so many Senators—Senator GLENN and Senator GORE and Senator NUNN and Senator BYRD and Senator DECONCINI and Senator KENNEDY and Senator BINGAMAN, Senator PELL, and Senator INOUYE—have all spoken out in glowing terms of Senator Tower, and that these facts sharply distinguished this confirmation proceeding from any other, on the generalizations which the majority leader had articulated.

I note my colleague from Nebraska has risen. I would be glad to yield to him if he would care to make a comment at this time if I may do so, Mr. President, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank my colleague and friend from Pennsylvania. I would simply say, Mr. President, that the conclusion that the Senator from Pennsylvania has reached by searching the file on my comments about Senator Tower, which are accurate—but the conclusion that he reaches from those statements is just as erroneous as his pronunciation of my name. We served together for better than 10 years here, Senator SPECTER and myself.

So, Senator SPECTER, I just simply say that you were incorrect in your assumption. I think the question can be very simply answered. Everything that I said about John Tower at that time was absolutely accurate from what I knew. And I think probably from what I know now about John Tower, I would not have changed, essentially, what I said at that time. Although, I reserve the right to read what I said.

What you are doing is not serving the cause that you espouse. I have said on repeated occasions that when we began the confirmation process, as the second-ranking Democrat on the Armed Services Committee I fully intended to support John Tower because of my previous knowledge of him. I have had no question about his knowledge of the subjects of national defense. I have had no question whatsoever about his dedication to providing an adequate national defense. I consider him one of the experts in that area.

But when I began taking part in those proceedings, while I fully intended to support the nominee, the confirmation process worked. I came to the conclusion, after hearing all of the witnesses and reviewing the FBI report, that I could not in good conscience support this nominee.

There were things that significantly happened after the time that the statement that I made which has been cited by the Senator from Pennsylvania; things that happened and things that John Tower did that I feel now makes him not qualified for this position. I thank my friend for interrupting his remarks to give me a chance to respond. I would just conclude with a reference to the statement that the Senator from Pennsylvania made a few moments ago:

This FBI report contains no reports of wrongful conduct on the part of Senator Tower.

That is what I believe I heard the Senator from Pennsylvania say. If he means to say that, then he had not studied the report or else he comes to a significantly different conclusion than I have. I would simply say that I think making statements like that on the floor of the Senate does not contribute——

Mr. WILSON. Will the Senator yield for a question?

Mr. EXON. May I finish my statement? I would simply say I do not think that contributes much.

Once again I would appeal to the President of the United States, since there is so much question today on what that report contains, that the President of the United States who is the only entity who can release that report, do so and we will let the others make the decision.

I thank my friend for his giving me a chance to respond.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I do not object to the comments of my colleague from California as long as I do not lose my right to the floor and as long as Senator EXON does not leave the floor.

Mr. EXON. Mr. President, I object to that because we have tried to work back and forth on this. As soon as Senator SPECTER has finished, and he has the floor, I know that my colleague from California has been waiting. I would object to anyone getting into the debate further at this time.

Mr. WILSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Objection is heard. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, where the Senator from Nebraska makes the comment that I had said that the FBI report does not contain any evidence of wrongful conduct on the part of Senator Tower, I did not say that. If I may have the attention of the Senator from Nebraska? I believe I now have the attention of the Senator from Nebraska.

The Senator from Nebraska said that I said the FBI report contained no evidence of wrongful conduct on the part of Senator Tower. I did not say that.

What I said was in discussing the issue of Senator Tower's activities as a consultant to the defense industry, that the Armed Services Committee report did not say that Senator Tower was guilty of any wrongful conduct. But the Armed Services report had in fact said that he had not divulged confidential information and the Armed Services Committee based its conclusion on appearances as opposed to any conclusion that there was any misconduct on the part of Senator Tower.

I do not use the term "FBI report" because there is no FBI report. What there is is an FBI file. I hope, and I join the Senator from Nebraska in urging, that we will have some form of a limited waiver so that we can get into the facts of the FBI file.

If, as, and when that occurs, it is the judgment of this Senator, having read the FBI file closely, that I could make the statement erroneously attributed to me by the Senator from Nebraska that the FBI file contains no evidence of wrongful conduct on the part of John Tower.

I label that as a conclusion, my conclusion, after having read the FBI file. And this Senator is convinced that, if we get down to the fine print and to the details and confront the allegations in the FBI file, that the opposition will crumble.

We have a curious rule at work in this body that we are permitted to comment on the Senate floor about what has been in the media, but we are not permitted to comment on the Senate floor as to what is in the FBI file.

There are three instances which have come to the attention of Senators on the floor which have been reprinted in the media. One involves the so-called Russian ballerina incident which totally disintegrated, total fiction, once it was subjected to analysis. The charges made by the Arizona businessman about seeing Senator Tower at the Jefferson Hotel totally

disintegrated in the face of documentary evidence that Senator Tower was not there on the occassions when the Arizona businessman was at the Jefferson Hotel. On one occasion, Senator Tower was in Pakistan. On one occasion, he was in Seattle, and on a third occasion he was on a plane enroute to Dallas. Then the celebrated case of Sergeant Jackson where those allegations have been totally disintegrated.

Mr. President, I hope we come to the time when we get down to the fine print and concern ourselves with the facts as opposed to a Senator's particular form of pronunciation which might have some greater relevancy to the issue before this body.

But I, for one, believe that the comments by the Senator from Nebraska in evaluating John Tower on October 10, 1984, before it became a partisan issue, have great strength in the ultimate conclusion here, when the Senator from Nebraska referred to Senator Tower as being extremely effective, when the Senator from Nebraska referred to Senator Tower's "ability to comprehend and relate to so many complex issues is a rare and admirable skill."

Before this matter became a partisan issue, there were many Senators, and I hope to have an opportunity to discuss with each of these Senators when they are on the floor—Senator GLENN, Senator GORE, Senator BYRD, Senator DECONCINI, Senator KENNEDY, Senator BINGAMAN, Senator INOUYE—the statements which they have made in praising Senator Tower as a man of great capability.

I think these statements, Mr. President, aside from what we all know to be true—well, let me retract from what we all know to be true. That is subject to varying interpretations. These statements made by these colleagues of Senator Tower make the case very different than the generalization of the majority leader, and I hope to have an opportunity to discuss that with him later today when he returns to the floor. I thank the Chair and yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. CRANSTON. Mr. President, I will vote against John Tower to be Secretary of Defense. That statement should really suffice without my going into further detail on the Senate floor. My reasons are much the same as those already presented in considerable detail by many Senators who have preceded me.

I visited S-407, I have studied the documents, I followed the debate with care. My repeating the case against Tower at this late stage could only further inflame an already overheated and damaging controversy, a controversy replete with personal incriminations and attacks on the Senate itself. It is really time to call a halt.

The odds are heavily against John Tower's confirmation. I see no rational purpose in prolonging the agony in the remote hope that enough votes might be changed so John Tower could squeak by a single vote, especially if it turns out to be a single vote margin and nothing more and that single vote is cast by the Vice President, who himself is not a Senator.

Imposing a Secretary of Defense on an unwilling Senate and a skeptical nation could be a very serious mistake. John Tower is a sorely wounded nominee. Wounded, I would point out, by his own hand. At best, he would go into office, if confirmed, too weak to carry the heavy burden that a Secretary of Defense must shoulder. He would not bring to the office the stature and respect someone should have who is to assume duties and responsibilities second only to the President of the United States in the military chain of command. Who can foresee the damage, I ask, to the Nation this could bring about? Surely it could, and I believe would, harm our national defense.

The people have just elected a new President who deserves to get off to a good start. I am not a member of the President's party, but for the sake of the Nation, I wish him well. I can attest that this is also the feeling of other Senate Democrats. I am quite confident it is the feeling of all Senate Democrats.

Two Democrats have announced their support for Tower. This should dispel charges of party line partisanship directed toward this side of the aisle. By contrast, not a single Republican has broken ranks and announced opposition to Tower. Where is a Republican willing to exercise judgment, talk about partisanship, talk about discipline? This is a fight thrust upon us by a nomination that never should have been made or, once made, should have been withdrawn before now.

It is time to bring this issue to a vote. It is time for the Senate to decide yes or no on John Tower and get on with the Nation's business.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mr. WILSON].

Mr. WILSON. Mr. President, I do not anticipate that this nomination will come quickly to a vote because it should not. We should take the time that is necessary to try to cure the manifest unfairness of the process to date. And this discussion of John Tower and all of its unpleasant particulars has become a referendum on the process itself, a referendum on the fairness of the process or, more accurately, the lack of fairness.

At the time that the vote was taken by the Armed Services Committee resulting in a straight party line vote—although members of the majority on that committee had been heard by reporters shortly before the vote as indicating no difficulty in supporting Senator Tower—the result proved otherwise. But at the time that vote was taken, there were expressions by the majority that, fair or not, factual or not, a perception had been created about Senator Tower that made it impossible for him to do the job, and that however regretfully they might feel about it, members of the majority were, therefore, compelled to vote against his confirmation.

This is the argument that has stirred such outrage on the part of those not necessarily friends of John Tower, but those who are concerned about fairness. A commentator has recently written: You do not have to love John Tower to be very concerned about the process of fairness in his treatment. And, indeed, what is at stake here is more important even than fairness to this nominee who, in my judgment, is without doubt the smartest, toughest, most knowledgeable, most experienced, best prepared nominee to handle the awesome responsibilities of the Secretary of Defense in the history of this Nation.

But what is more important than John Tower, more important even than, according to a President, his right to his nominee, and never in the history of this Nation have we denied a new President his nominee, what is more important is that we care not just about the process for its own sake, but care enough to cure it of the distortion and the contamination that has infected it. Because what is at stake here is the deception of the American people. They should not be permitted to deal in the kind of misconception that has been foisted upon them by the process to date.

Several polls have indicated that the American people disapprove of Senator Tower. Well, how, Mr. President, could it be otherwise? How could they think anything else than that he is a drunk and a womanizer and someone eager to engage in the lining of his pockets, because that has been what they have heard on the network evening news.

They have read fanciful stories on the front pages of America's major newspapers, stories which, in the due course of time, have proved to be false, and have been dealt with not by retractions exactly, but by presumptively curative stories a couple of days later, not on the front page, but buried in the back of the paper.

Mr. President, it is this syllogism that there is a perception, and that perceptions must govern, that is so pernicious to the process and to the

American people because it is a self-fulfilling prophecy, not in the sense that those who are relying on it necessarily created the false perception, although there have been some very careless statements that clearly have contributed to it, but what we do know is that anonymous allegations representing, in my judgment, the worst kind of moral cowardice, the worst kind of treachery, have resulted in the trashing of a good man's reputation, in a public process that offers him virtually no opportunity for rebuttal.

The American people have heard allegations, and they are not, I think, to be expected to go through the process of trying to test allegations which in fact they cannot test. They can no more cross-examine allegations from witnesses not under oath, not even identified by their real names, than can those of us who have read summaries of the FBI files.

But there is a very grave concern, Mr. President, and it is not shared just by the friends of John Tower. Let me read from a Wall Street Journal editorial of March 6 appropriately entitled "Character Assassination." In the editorial concern is expressed by one of America's leading liberal commentators, a man who in the best traditions of American liberalism is concerned about the fairness of process and clearly from his words concerned about the destruction of reputations by innuendo. The distinguished writer, Anthony Lewis, writing in the New York Times, which was subsequently quoted by the Wall Street Journal said:

> Reliance on untested accusations evokes one of the nastiest periods in our national life, the McCarthy era. Those evil days may sound like ancient history. But the case of John Tower is by no means the only indication that destruction by uncorroborated charges still goes on.

I think he said it with characteristic eloquence, "destruction by uncorroborated charges."

So I would say to my friend from California, my senior colleague, that I disagree, respectfully, with his comment just now that really there need be no more said than that he disapproves of the nomination. To the contrary, with all due respect, I urge that not only he but other Senators be specific, that they state the fact or facts upon which they rely upon in casting a "no" vote on confirmation, because they owe it, if not to Senator Tower and if not to the President, to their constituents, to the American people, because this process has been contaminated and hijacked. It has been corrupted.

To say, as Senators have, in committee and on this floor, that whether fair or not or factual or not, a perception has been created, that appearances have been created, just is not good enough. That is not what we were elected to do. It is not courage. It is not leadership. It is not justice. But it is however a self-fulfilling prophecy. It is an abdication of the responsibility to pursue and seek the truth. And in addition to that it is nonsense.

The idea that because someone has been trashed unfairly they cannot give the kind of leadership—which in fact Senator Tower is daily giving as he goes to the Pentagon and shapes policy, shapes the budget—is absolute nonsense. The fact is, what you need is someone of competence, someone wise enough, experienced enough, tough enough to make decisions that inevitably will have to be made because this administration and this Congress, faced with the responsibility for deficit reduction, will have to cut defense spending. You can do it wisely or unwisely, and John Tower not only knows how to do it wisely; he has the guts to do it. And that is why many people are afraid of him. It is not because he is not good enough; it is because perhaps they think he is too good, including, I am pained to say, some upon this floor.

John Tower was not always Mr. Cordiality, Mr. Congeniality. That is a fact. He rubbed some people the wrong way. He is smart and he is tough. He does not suffer fools gladly. He did not lose many fights on this floor or in committee or in conference. And I have no doubt he left some bruised feelings. Indeed, Members here have been candid enough to so state, and I commend them for their candor. I commend them even more when, like Senator GORTON, who made his feelings very clear, they found that that was no basis on which to cast a vote against confirmation perhaps because they felt, as did Charles Krauthammer, writing in the Washington Post, when he said, "The Defense Secretary's job is not to be a role model for an ensign. It is to keep the ensign armed, trained, and out of war. For that the Secretary of Defense needs to be shrewd, tough, and experienced."

Mr. President, Krauthammer adds, I think, a wise admonition: "The role model theory of government is inane. A country that cannot draw on its reservoir of tough little bastards to fight its battles is a country impoverished." Now, however offensive that may be to some, it is true.

Returning to the quality of the allegations, to the quality of the record that has been assembled in this case, we will understand why the American people disapprove of John Tower. You have already heard, most recently in the last 20 minutes from Senator SPECTER but repeatedly on this floor, about the quality of evidence, about the airline steward who professed to see, as a flight attendant on a flight on which Senator Tower was a passenger, the spectacle of Senator Tower supposedly consuming a fifth of vodka and great quantities of champagne. There is one problem with that story. The man was lying. He flunked a lie detector test on the question of whether or not he had ever observed Senator Tower drink any vodka on that flight.

You have heard about the pathetic tale of the retired Air Force sergeant who was not even on the base at the time that Senator Tower visited it, the fanciful story in which he alleged Senator Tower was so inebriated that in fact he engaged in the fondling of a female crew chief in a formation, in front of some 300 witnesses.

Well, not only does that story not check out, not only is it contradicted by the official records at Bergstrom Air Force Base and by the testimony of other witnesses at the time, it appears that this gentleman has a problem. He spent the last year-plus of his time in the Air Force under medical treatment for what is termed a mixed personality disorder featuring hysterical episode.

It is this kind of fanciful allegation that we have heard about in addition to the absolutely cockamamie story about the Soviet ballerina that was offered by someone who is presumably a plastic surgeon in California, who upon being pressed by the FBI did not want to talk to them. That story ran three nights on the network news. While the plastic surgeon did not want to talk to the FBI, his neighbors did talk and could not give strong character references to the credibility of that source, nor could anybody in the community in Houston wherein this perfectly preposterous episode was alleged by many to have taken place.

Mr. EXON. Point of order, Mr. President. I would just caution my friend from California, and I have been listening very carefully. Some of the things he has said have been publicly printed, and I have no quarrel with that. I would just caution him though on several remarks that he has made that could be in the FBI report but I am not going to attest to it.

I would just like to ask that he be awfully careful not to reveal that report by bits and pieces which I am confident is not the intention of the Senator from California.

Mr. WILSON. Mr. President, in fact, it is my intention to make the whole thing public.

Mr. EXON. The Senator does not have that authority.

Mr. WILSON. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. WILSON. I say to my friend from Nebraska that I intend to continue, as I have from the outset of this dirty process, to try to achieve by persuasion or through other committee action, the revelation of all of the record because it is the only way that

I am convinced John Tower can get fair treatment that he is entitled to, and the only way the American people can get fair treatment.

I might say that the gentle admonition is, I think, one the Senator had better address to Members on both sides of the aisle. But frankly it comes much too late.

There has been a total airing of the dirty linen, the unsubstantiated allegations. To say that we are not going to challenge them, I will tell the Senator, is nonsense. We are under a duty to do so. And I intend to follow that duty.

I must say that these and other fantasies have been communicated to the American people ad nauseam. The rebuttal has not. And the argument that we may not identify specific facts or facts upon which to base a vote without contravening the sanctity of FBI records frankly is one that makes me uneasy. I will tell you, Mr. President, we must strip away the cover of confidentiality because it is too easy for Senators to rely upon it, too easy for them to generalize, too easy to engage in the kind of conduct that contributes to the unfairness of this process, and the reliance upon "perception and appearances." But we had better strip away those appearances. We had better strip away the perception and show them for what they are, which is fiction, malicious fiction, and vicious and unsubstantiated rumor. And if we have to characterize these by indirection, and that is the best we can do, then it will take a very long time. But, believe me, we will do it because fairness demands it.

Another example of the kind of quality of evidence we have seen was furnished just the other day by Karen Elliott House writing in the Wall Street Journal, recounting her experience having been questioned by an FBI agent on a story that was 17 years old. She was asked, she writes in the Wall Street Journal, to confirm whether or not she had ever been propositioned by Senator Tower.

She said for the record that she had not, and in fact, she noted the irony of her situation: A reporter who had been unable 17 years earlier to confirm similar rumors was now being asked by the FBI to anonymously confirm rumors about Senator Tower. And it led her to make the following observation, that what she observed in the compilation by the FBI of all these anonymous, unsworn statements to which these anonymous witnesses were not subject to cross-examination, was a process that she described in this fashion:

> A process of rumors begetting rumors offers anyone with the slightest shred of gossip to pass it on through official channels, to instigate additional FBI inquiries and to widen further the web of innuendo in which the Senator is snared.

She observed that she and an associate, Ms. Shelton, had either of them sought to "play a mischievous role" in the nomination process, were afforded ample opportunity to do so, and indeed an FBI invitation to do so. Quoting further from her statement:

> Nothing in this process safeguards the subject of the inquiry from distortions and outright lies except for the possibility that such lies might be leaked to the press, causing the accuser's word to be put on record.

The only thing wrong with her analysis is that that would work where those who are making the allegations are in fact identified. But this is not the case. They are identified only by code names like T-1 or 3, or he/she. That is a license to engage, not just in fabrication, but in the kind of vicious character assassination that has prompted the outrage of an Anthony Lewis, as well as a Karen House, by the concern editorially expressed by the Washington Post, and as well by the Wall Street Journal. And indeed it should. It should concern us all very deeply.

What we have is the leakage of allegations. Too many times I have heard my colleagues on the opposite side remark that there is enough in the record so that reasonable men can differ, enough so that regretfully they are compelled to vote against the nominee's confirmation.

Well, the quality I think we saw yesterday is suspect, the quality of the FBI files. Senator RUDMAN told this body of his own experience as a nominee for confirmation. What he found was that he was opposed by something in an FBI report. It was not until coming to this body, after being elected to it some years later, that he was afforded the opportunity to examine the file against him, and he found that what had prevented his confirmation was the false witness of someone who subsequently was revealed to be a convicted felon, and a habitual liar and a con man. I think those are the words that were used by the Senator.

The FBI report is not critically sifted information. It is not sworn testimony. It is not subject to examination, to cross-examination. Instead it is exactly the process of rumor begetting rumor, affording the opportunity, ample opportunity, for mischief to be done by those who are not identified, that has been described by Karen House in her op-ed article.

So when we come to examine the evidence, Mr. President, it is woefully inadequate. To his great credit, Chairman NUNN, commenting on one of the charges that has resulted in such titillation, that of womanizing, found that there was no reliable evidence of security breaches through sexual liaisons with Soviet ballerinas in Houston or with foreign nationals in Geneva. He found that there was no reliable evidence of sexual harassment of females, either those who are employees or others. And very clearly, I might add, there was a wealth of evidence to the contrary, provided by former employees of Senator Tower, who had served him for years. Not only had they failed to experience it personally; they had failed to observe it, for the reason that it had not taken place.

The only things that the chairman thought with respect to womanizing were that there were some examples of what he termed "indiscreet" behavior. But he found them "not decisive." Perhaps we should simply dismiss those allegations and get on to the real issue, because what has been repeatedly brought to bear in this confirmation process has been the charge that, however brilliant, however experienced, however knowledgeable to articulate American policy and to set forth priorities for the defense of this Nation in the free world, Senator Tower is somehow not to be trusted, because you cannot call him at 2 in the morning and be certain that he will be clearheaded. This is based upon another interesting syllogism. A sort of metamorphosis from butterfly to moth.

Senator Tower has acknowledged that, in the seventies, there were occasions when he drank too much. I dare say he is not alone in being able to make such a statement, among Members or former Members of this body. The question is, rather, does that lead to what has been, in effect, a charge of incapacity, or unreliability?

I want to say that there has not been, until yesterday, a single Member of this body, or anyone else, who has ever charged that they had observed or known of any instance when Senator Tower was, in any way, impaired in the performance of his duty. To the contrary, the testimonials are ringing endorsements of his performance to his Nation.

So what we have by way of evidence that this man has an alcohol problem, is the extrapolation from first having had too much to drink on occasion in the seventies, to a drinking problem, to abuse of alcohol, to a virtual allegation of alcoholism. What we have is the kind of evidence that I will tell you would not last 10 seconds in a court of law. It would be ruled inadmissible. The material might be admitted, but it would be impeached, like the attendant who flunked the lie detector test, like the sergeant who was not present at the time that he alleges Senator Tower engaged in this absurd behavior, like so many other instances which are contradicted by the weight of the evidence.

In the little colloquy between Senator EXON and Senator SPECTER, there was evidently a misunderstanding about what had actually been said. It is not that there are not allegations

against Senator Tower. It is that allegation by the 1 and 13, and he/she, are not just contradicted by the overwhelming weight of evidence, by people who are willing to be identified and people who did not see him once in the bar at the Jefferson, but by people who have known him closely and observed him extensively for years and years, as well as the factual impeachment of those witnesses who, unwilling to be identified, or in some cases were there, have been found, to use Mr. Lewis' words, to have engaged in destruction by uncorroborated evidence.

If you look at the evidence, the most serious arises from, again, the admission, which Senator Tower made in advance of any other public revelation of it, that he did have too much to drink at times in the seventies. A young man on his staff, who traveled with him, has told Senators that he observed Senator Tower in a condition of inebriation. When the FBI asked him about it, he suggested that, yes, that probably did impair his judgment.

Well, I am prepared to stipulate that a drunk is impaired in many ways, that his decisionmaking ability at that moment is certainly suspect, not someone you would want to rely upon for a decision, even as to which toothbrush he will choose. But the fact of the matter is, the observation, uncontested, that someone witnessed Senator Tower inebriated twice during a period of 8 years, more than 10 years ago, is not the portrayal of someone with a drinking problem, someone who abuses alcohol, someone who in fact is not reliable, who cannot be relied upon when called at 2 o'clock in the morning in a moment of crisis. That is not true. It is not fair.

What we do know is that those who have had the opportunity to work with this man and who have observed him closely—not just in the seventies, at a time before he gave up drinking scotch, but since then, from individuals who have seen him under pressure, working the longest hours—have a very different view of him. I am not going to go through all the Senators on both sides of the aisle who have given tributes to John Tower. I am not talking just about their rating of his quality of performance. I am talking about the fact that six members of the Armed Services Committee, Democratic members, had no problem in terms of the Senator having an alcohol problem, when they were interviewed by the FBI. I will not enumerate all of the Senators. But there is a Senator whom we all know, a former Senator, one for whom we have tremendous regard, and his name is Howard Baker. Howard Baker spent the better part of two decades serving alongside John Tower. Howard Baker is renowned within this Chamber and outside it, celebrated for his unquestioned fairness and integrity. His public pronouncement has been that to suggest that John Tower has a drinking problem or an alcohol problem is ludicrous. The ringing endorsement given by Max Kampelman, who had the opportunity to work for Senator Tower for 14 months that he served as the chief negotiator for the U.S. START talks in Geneva, totally rebuts allegations that Senator Tower abused alcohol during that period.

In fact, there are really only three alleged percipient witnesses to Senator Tower's abuse of alcohol during the period of the eighties. There is no contradiction of his having given up scotch. It is well known that when he married Lila Tower, his life changed, that he was persuaded to greatly alter his drinking habits.

There were three witnesses who claim that they have observed firsthand his abuse of alcohol during the 1980's. First was Mr. Weyrich, whose statements upon review I think really invite cross-examination; It would seem that he did nothing else on those occasions but spend the entire evening observing Senator Tower. But let us assume for the sake of argument that there is one witness who thinks that from his table across the room, he was able to observe something. Second there is the other man who has been talked of this morning by Senator SPECTER who furnished three specific dates in which he claimed he saw Senator Tower inebriated in the bar of the Jefferson and, of course, the Senator was not within the city on those three dates. And finally there is the discredited airline steward who cannot pass the lie detector test.

Against these individuals you have the testimony of Howard Baker. You have the testimony of Max Kampelman. And you have literally dozens and dozens and dozens of Americans of both parties, as indeed Howard Baker and Max Kampelman are respectively Republican and Democrat, who give not just an endorsement to this nomination, but specifically rebut the charges that John Tower cannot be relied upon.

Yesterday a dear friend of mine and a colleague took the floor to announce with regret that he could not support Senator Tower. And in the course of his remarks he used the phrase "under the influence of alcohol." My friend, the senior Senator from Arizona, used that phrase. He said that he had observed Senator Tower on this floor under the influence of alcohol, which stirred some resentment in Senator RUDMAN, Senator SPECTER, and I confess, in me, observing it on closed-circuit television.

I was shocked to hear my usually careful and precise friend use a phrase which is very clearly imprecise. The phrase, I just say, was most ill advised because it is imprecise when fairness demands that Senators not imply but state clearly the facts upon which they will base this most important and serious vote for or against confirmation.

What did the Senator mean by his use of the phrase "under the influence?" Is he saying that he has seen Senator Tower on the floor inebriated, incapacitated, unable to participate rationally in debate or to cast a sober and careful vote?

I hope that is not what he meant, and I do not believe that it is because in fact I do not think that he or anyone else can even begin to make that statement because it is not true.

If he has information to the contrary, I challenge him or any other Senator to come to this floor and recite the date, the vote, and the facts upon which that charge is leveled.

But I do not think that is what he meant. If what he meant was simply that he has come to this floor and seen Senator Tower participate in the work of this body after he has had a glass of wine, I am prepared to accept that because it is probably true of about 85 percent of his colleagues. There are some teetotalers among us.

But how many times, I ask my friends, have we witnessed the return to this floor of a whole gaggle of Senators coming back in black tie from one of those innumerable black tie dinners that are endemic to this city, where they have been participating in one good cause or another when they have seen colleagues who have had a glass of wine with dinner, perhaps two, or perhaps a cocktail before? And do these Senators upon the return, do they refrain from voting on these occasions? And indeed should they? It is a proper question.

Now you may say, this is not the same as dealing with an international security crisis at 2 o'clock in the morning. Well, no, it is not. But I assume that every Member of this body takes very seriously the vote he casts on any substantive matter. And I will tell you that some of the most serious votes we have cast, some of the most important, have been cast late at night or early in the morning, and during this time I have never seen a Senator disqualify himself nor herself nor did another Senator seek to disqualify a colleague because he or she had had a glass of wine off the floor. It happens virtually every afternoon that there is some worthy organization holding a cocktail reception within steps of this Chamber, and this has been true in Republican and Democratic majorities. We have not forbidden the serving of alcohol in this building. To the contrary, almost every afternoon Senators attend such receptions being honored by some group or another. They are served alcohol, not to excess. And they return to this floor and cast votes. And

I do not think that I have seen anybody that I though should not have done so. But I will tell you this: I have never ever seen John Tower come to this floor when he was not at the top of this game, able to give better than he got in debate, able to conduct articulate, well-reasoned, forceful arguments, perhaps too forceful. The fact of the matter is no one has seen that because it has never happened.

So the question is not whether or not someone is under the influence, if that is your definition of having a glass of wine at a reception or at a dinner and then having returned to vote. The question is: Were you impaired? And John Tower never has been, not on this floor, not in a conference at 2 or 3 in the morning with the House of Representatives Armed Services Committee. No one has seen him in that condition.

And that is the proper focus of this investigation. And to say that someone who in a moment of relaxation has had too much to drink more than 10 years ago twice over a period of 8 years is thereby disqualified as having a drinking problem, that makes him unreliable, that is nonsense on its face. It is palpably unfair.

Mr. President, if it seems to you and others that you have heard anger in the tone of this Senator and others on this floor, you are correct. What you heard is outrage at the trashing of not just a good and decent man, one who may have rubbed some colleagues the wrong way on occasion—have we not all?—but what you have heard is outrage and fear at the prospect of setting a very ugly and dangerous precedent.

The precedent is that a false perception is created by the leakage of allegations anonymously and in cowardly fashion to assassinate the character of a nominee and then Senators rely upon that very perception as their excuse for voting against his confirmation.

Mr. President, the American people expect better of us. They are entitled to it.

What we are focused upon is the fitness or this candidate, and it has come down to a single question as it relates to the so-called alcohol problem.

Can he be relied upon in a moment of crisis? It is right to ask. It is right to say and legitimate to require that he be ready at any moment, because the Secretary of Defense is never off duty. It is for that reason, then legitimate, for Senator Tower to have undertaken an extraordinary step, one that goes far beyond clearly anything that we impose on ourselves in this body. He has made certain that he will be able to discharge his responsibilities at any hour of the day or night by taking a vow of total abstinence. He will not drink during the period for which he serves as Secretary of Defense.

Can he be relied upon to keep that pledge? There have been a number of snide innuendos that you cannot trust a drunk.

Well, I am going to conclude, Mr. President, with a statement that I think bears directly and with great relevance upon that precise question. Before I read this letter, let me explain why I am introducing it into the RECORD. It comes from someone who had an opportunity to observe Senator Tower perhaps more closely than anyone else over a longer period, a member of his staff who served him in one capacity or another for over two decades with the exception of the period of 3 years that he served in the Army in Vietnam.

Philip A. Charles has special testimony to which Senators should pay special attention. He has had the courage to come forward and put in writing, authorizing me to put his letter into the RECORD, an extraordinary statement. Philip Charles is a recovering alcoholic. He is recovering because John Tower insisted that he had a problem, insisted that he seek treatment. And Philip Charles today thanks God that John Tower had the moral courage to insist that he do so.

This is the statement from Philip Charles:

DEAR SENATOR WILSON: As a staff member for Senator Tower from 1964 until his retirement in 1985, I am moved by the tone and direction of the ongoing Senate debate to lend my opinion as to his fitness to become Secretary of Defense.

I will not iterate the considerable skills and qualifications which make Senator Tower eminently suitable for this critical post; those criteria were established early on in the confirmation process. Rather, as an individual who had a longer and closer relationship with him of any of the staff, both as a legislative assistant and principal travel aide, I feel competent in addressing the notion of alcohol abuse which has figured so prominent in the debate over Senator Tower's fitness to serve.

Without belaboring the point, I state simply that I am unaware of any instance when Senator Tower's judgment or ability to render reasonable and cogent decisions on matters of import was impaired owing to alcohol abuse or dependency.

And listen, my friends, closely to this next sentence:

My observations in that regard are from the perspective of a recovering alcoholic who sought treatment for my alcoholism in 1979 at the insistence of Senator Tower and who has maintained sobriety since that time. In my view, Senator Tower does not now, nor did he in the past, manifest those characteristics of dependency which typify the alcoholic.

While, for obvious reason, I seek to avoid the notoriety which has attended the confirmation proceedings, I have no reservations in your identifying me as the author of these comments to your colleagues.

Mr. President, I admire Philip Charles because, like most Members on this floor, I admire courage—physical courage, moral courage. I think he has demonstrated both, first, in seeking the very difficult treatment that led to his ability to abandon alcohol. Second, I admire him for coming forward with his statement. He did not have to do so. He felt a moral compulsion to do so. And while he is not a licensed medical practitioner expert in problems of alcoholism, he does bear a certain amount of credibility and the expertise of one who has had to deal with the problem of alcoholism himself, who understands what dependency is, who recognizes it in others.

Most former, or I should say most alcoholics, those recovering and those recovered, are quite adept in finding the traits in others. And I repeat that in the judgment, in the observation of this witness, who was with John Tower for two decades other than his service in Vietnam, who traveled with him more than anyone else, that John Tower does not now nor did he in the past manifest those characteristics of dependency which typify the alcoholic.

Mr. President, it has become necessary to say these things. It has also become necessary for Senators to be honest with themselves and their constituents to say what evidence they find reliable as a basis for denying confirmation to a man whom they almost without exception have lauded as a man of extraordinary capabilities and who has the preparation for the responsibility as Secretary of Defense. If he has all that going for him, it seems that they have this terrible desperate regret that they cannot support him because they cannot call him at 2 o'clock in the morning and be certain that he will be clearheaded.

What is the evidence, Mr. President, that that is true? We have been through the evidence, and what has been presented would not hold up in a court of law. It should not hold up in the court of public opinion. But public opinion has been so completely contaminated by the leakage of allegations that we can hardly expect the American people to understand the truth because it has not been presented to them.

It is our responsibility on this floor because we have access to the materials that the public does not have to see to it that we cure the defects in this contaminated process. However Chairman NUNN may have sought, through the rigors of a systematic examination of evidence, to protect against that contamination, someone, someone, Mr. President, has succeeded in corrupting the process. And Senators dare not succumb to the temptation for whatever reason to ignore the truth, whether it be in the form of the inadequacy of testimony of witnesses who have been impeached or discredited or found to be lying. We cannot say of those who make these anonymous

allegations that they have no known motive to lie when we find them lying.

The best cure for the defects of this contaminated process would be the release of the full record. And I think perhaps I was the first Member on this floor to call for that.

I will tell you that I do not think we should ever go through another confirmation for this post at least for Secretary of Defense without swearing witnesses and affording the opportunity for cross-examination. If Senator RUDMAN had been afforded such an opportunity, he may have been in this city, perhaps not as a Senator, but in an appointive capacity far earlier. To deny the American people the truth is to corrupt this process and to create a dangerous and ugly precedent.

I personally think we ought to reopen the hearings. I think we ought to call witnesses and swear them and cross-examine them. But I will tell you this, Mr. President, I doubt that T-1 or 13 or he/she would be willing to come forward and subject themselves to that process.

I do not think they would have the guts because I think there is reason to suspect that they are not telling the truth.

Mr. President, one of the things this body had better do very soon is address the problem—and that understates it considerably—the very, very serious problem of the kind of leakage that has, in fact, contaminated this process. It will be more than dangerous if this body finds that it cannot engage in what have been time-honored and traditionally respected processes because, in fact, those processes are undermined. We will destroy truth, Mr. President. And in what is supposed to be the world's most exclusive club, the world's greatest deliberative body, at the very least we and our constituents should be able to expect that each Member will set his or her word as his or her bond, and treasure that above all else.

Mr. President, this has been an ugly business. No one has enjoyed it. No one is really enjoying the prolongation of it. But it is necessary to take what time shall be required in order to set the record straight. This record simply does not allow the conclusion that John Tower is not fit to be Secretary of Defense. To the contrary, it bellows that the detractors have no legitimate evidence upon which to base that contention and we will do the most serious disservice if we allow this process to remain contaminated and corrupt.

I would hope, Mr. President, that this body values the integrity of this Nation above all partisan considerations. I would hope that would be true. Perhaps, if we can make plain what is contained in this record and the American people have an opportunity to learn the truth, perhaps then John Tower will be vindicated as, in fact, he deserves to be vindicated. But what is more important, again, than John Tower or than the President's right to his nominee, is that this process be cleansed. It is not at this moment a clean process. It has been contaminated by forces presumably outside this body. But it is possible for this body to correct that deficiency and I plead with my colleagues, with great respect and affection for each, that they will do so.

Mr. STEVENS. Mr. President, will the Senator yield just for a request?

Mr. WILSON. I yield. I am happy to yield without losing my right to the floor.

Mr. STEVENS. Mr. President, yesterday I referred to some statistics that were provided to me from the Library of Congress. I have now received the complete statistics.

I ask unanimous consent that the memorandum to me and the enclosures from Rogelio Garcia of the Government Operations and Management Section of the Government Division of the Library of Congress be printed in the RECORD without interrupting the Senator's speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 7, 1989.

To: Hon. Ted Stevens. Attn: Michelle Stone.

From: Rogelio Garcia, Analyst in American National Government, Government Operations and Management Section, Government Division.

Subject: Senators Who Later Served in Cabinet Positions.

This memorandum is sent in response to your inquiry and our subsequent telephone conversation for a list of all U.S. Senators who later served in Cabinet positions.

Since the beginning of Federal Government, eighty-four Senators subsequent to their service in the Senate have served in Cabinet positions (sixty-six in the 19th Century and eighteen in the 20th Century).

Nearly all the nominations were confirmed either on the same day as or within a few days of their nomination date. Approximately ten percent of the nominations, however, have taken longer than ten days to be confirmed. In the 19th Century they included: Louis McLane to be Secretary of the Treasury (thirty-seven days), Edward Livingston to be Secretary of State (twenty-six days), Return J. Meigs to be Postmaster General (twenty-three days), Albert Gallatin to be Secretary of the Treasury (twenty days) and Levi Woodbury to be Secretary of the Navy (twenty days). In the 20th century they included: Nicholas F. Brady to be Secretary of the Treasury (thirty-five days) and James H. McGrath to be Attorney General (sixteen days).

The names of the Senators, their cabinet positions and the years involved was provided by the Senate Historical Office. The dates the Senators were nominated and confirmed for the Cabinet positions were compiled from the *Journal of the Executive Proceedings of the United States Senate*, vols. 1-128. Assisting in compiling the nomination and confirmation data were the following members of the Government Division: Kevin J. Coleman, Gary Galemore, Denis S. Rutkus, and James V. Saturno. Gregory Harness of the Senate Library also provided data on confirmations and nominations.

The data are provided below. Listed first are Senators who served as Cabinet Members in the 19th Century, followed by those with Cabinet service in the 20th century. If I can be of further assistance, please call me at 707-8687.

SENATORS WHO HAVE SERVED AS CABINET MEMBERS

Senator	Senate years	Department	Date—	
			Nominated	Confirmed
19th Century:				
Adams, John Q	1803-08	State	03/05/1817	03/05/1817
Armstrong, John	1800-02			
	1803-04	War	01/08/1813	01/12/1813
Barbour, James	1815-25	War	03/05/1825	03/07/1825
Barry, William T	1814-16	Post Office	03/09/1829	03/09/1829
Bayard, T.F., Sr	1869-85	State	03/05/1885	03/05/1885
Berrien, John M	1825-29	Justice	03/09/1829	03/09/1829
Bibb, George M	1811-14	Treasury	06/15/1844	06/15/1844
Blaine, James G	1876-81	State	03/05/1881	03/05/1881
		State	03/05/1889	03/05/1889
Branch, John	1823-29	Navy	03/09/1829	03/09/1829
Breckinridge, John	1801-05	Justice	12/20/1805	12/20/1805
Browning, Orville H	1861-63	Interior	07/27/1866	07/27/1866
Buchanan, James	1834-45	State	02/26/1845	03/05/1885
Calhoun, John C	1832-43	State	03/05/1844	03/06/1844
Cameron, Simon	1845-49			
	1857-61	War	03/05/1861	03/05/1861
Campbell, George W	1811-14	Treasury	02/08/1814	02/08/1814
Carlisle, John G	1890-93	Treasury	03/06/1893	03/06/1893
Cass, Lewis	1845-48	State	03/06/1857	03/06/1857
Chandler, Zacharian	1857-75	Interior	12/09/1875	12/09/1875

SENATORS WHO HAVE SERVED AS CABINET MEMBERS—Continued

Senator	Senate years	Department	Date— Nominated	Confirmed
Chase, Salmon P	1849–55	Treasury	03/05/1861	03/05/1861
Clayton, John M	1829–36	State	03/05/1849	03/06/1849
Conrad, Charles M	1842–43	War	08/15/1850	08/15/1850
Corwin, Thomas	1845–50	Treasury	07/20/1850	07/20/1850
Crawford, William H	1807–13	War	03/02/1815	03/02/1815
		Treasury	03/05/1817	03/05/1817
Creswell, John A.J	1865–67	Post Office	03/05/1869	03/05/1869
Crittenden, John J	1817–19			
	1835–41	Justice	07/20/1850	07/20/1850
Davis, Jefferson	1847–51	War	03/07/1853	03/07/1853
Dexter, Samuel	1799–1800	War	05/12/1800	05/13/1800
		Treasury	12/30/1800	12/31/1800
Dickerson, Mahlon	1817–29			
	1829–33	Navy	06/28/1834	06/30/1834
Dix, John A	1845–49	Treasury	01/09/1861	01/11/1861
Eaton, John H	1818–29	War	03/09/1829	03/09/1829
Ewing, Thomas	1831–37	Treasury	03/05/1841	03/05/1841
		Interior	03/06/1849	03/07/1849
Fessenden, William	1854–64	Treasury	07/01/1864	07/01/1864
Fish, Hamilton	1851–57	State	03/11/1869	03/11/1869
Forsyth, John	1818–19			
	1823–27	State	06/27/1834	06/27/1834
Frelinghuysen, F.T	1866–69			
	1871–77	State	12/12/1881	12/12/1881
Gallatin, Albert	1793–94	Treasury	01/06/1802	01/26/1802
Garland, Augustus H	1877–85	Justice	03/05/1885	03/06/1885
Graham, William A	1840–43	Navy	07/20/1850	07/20/1850
Grundy, Felix	1829–38	Justice	06/30/1838	07/05/1838
Harlan, James	1855–57			
	1857–65	Interior	03/09/1865	03/09/1865
Howe, Timothy O	1861–79	Post Office	12/20/1881	12/20/1881
Johnson, Reverdy	1845–49	Justice	03/06/1849	03/07/1849
Key, David M	1875–77	Post Office	03/07/1877	03/10/1877
Kirkwood, Samuel J	1866–67			
	1877–81	Interior	03/05/1881	03/05/1881
Lamar, Lucius Q.C	1877–85	Interior	03/05/1885	03/06/1885
Livingston, Edward	1829–31	State	12/07/1831	01/02/1832
McLane, Louis	1827–29	Treasury	12/07/1831	01/13/1832
		State [1]	1833	
Marcy, William L	1831–33	War	03/05/1845	03/05/1845
		State	03/07/1853	03/07/1853
Meigs, Return J	1808–10	Post Office	02/25/1814	03/17/1814
Monroe, James	1790–94	State	11/13/1811	11/25/1811
		War	02/26/1814	02/25/1814
		State	02/27/1815	02/28/1815
Morrill, Lot M	1861–69			
	1869–76	Treasury	06/21/1876	06/21/1876
Niles, John M	1835–39	Post Office	05/18/1840	05/18/1840
Ramsey, Alexander	1863–75	War	12/10/1879	12/10/1879
Schurz, Carl	1869–75	Interior	03/07/1877	03/10/1877
Seward, William H	1849–61	State	03/05/1861	03/05/1861
Sherman, John	1861–77	Treasury	03/07/1877	03/08/1877
	1881–97	State	03/05/1897	03/05/1897
Southard, Samuel L	1821–23	Navy	12/08/1823	12/09/1823
		War [2]	1824	
		Treasury [2]	1825	
Teller, Henry M	1876–82	Interior	04/05/1882	04/06/1882
Toucey, Isaac	1852–57	Navy	03/06/1857	03/06/1857
Van Buren, Martin	1821–28	State	03/06/1829	03/06/1829
Walker, Robert J	1835–45	Treasury	02/26/1845	03/05/1845
Webster, Daniel	1827–41	State	03/05/1841	03/05/1841
Wilkins, William	1831–34	War	02/15/1844	02/15/1844
Williams, G. Henry	1865–71	Justice	12/14/1871	12/14/1871
Windom, William	1870–71			
	1871–81	Treasury	05/05/1881	05/05/1881
	1881–83	Treasury	03/05/1889	05/05/1889
Woodbury, Levi	1825–31	Navy	12/07/1831	12/27/1831
		Treasury	06/27/1834	06/27/1831
20th Century:				
Brock, William E	1971–77	Labor	04/17/1985	04/26/1985
Byrnes, James F	1931–41	State	07/02/1945	07/02/1945
Brady, Nicholas F	1982	Treasury	08/10/1988	09/14/1988
Dulles, John Foster	1949	State	01/20/1953	01/21/1953
Fall, Albert B	1912–21	Interior	03/04/1921	03/04/1921
Hull, Cordell	1931–33	State	03/04/1933	03/04/1933
Kellog, Frank B	1917–23	State	02/14/1923	02/16/1923
Knox, Philander C	1904–09	State	03/05/1909	03/05/1909
McGrath, James H	1947–49	Justice	08/02/1949	08/18/1949
Muskie, Edmund S	1959–80	State	05/05/1980	05/07/1980
New, Harry S	1917–23	Post Office	02/27/1923	02/27/1923
Saxbe, William	1969–73	Justice	12/14/1973	12/19/1973
Schweiker, Richard	1969–81	HHS	01/20/1981	01/21/1981
Schwellenbach, L. B	1935–40	Labor	05/24/1945	05/31/1945
Seaton, Frederick A	1951–52	Interior	05/28/1956	06/06/1956
Swanson, Claude	1910–33	Navy	03/04/1933	03/04/1933
Weeks, John W	1913–19	War	03/04/1921	03/04/1921
Weeks, Sinclair	1944–44	Commerce	01/20/1953	01/21/1953

[1] Although appointed Secretary of State, there is no record in the Journal of the Executive Proceedings of the Senate of Senator McLane's nomination or confirmation to the position.
[2] Served in an ad interim (temporary) category and was not nominated for the position.

CABINET AND OTHER HIGH LEVEL NOMINATIONS THAT FAILED TO BE CONFIRMED, 1789-1988

(By Rogelio Garcia, Analyst in American National Government, Government Division, March 3, 1989)

SUMMARY

When considering a Presidential nomination, the Senate is sometimes placed in a difficult position if it finds serious fault with the nominee. It is expected to ensure the quality, competence and integrity of the nominee, but it is also expected to respect the President's prerogative to choose his advisers. Occasionally, the expectations clash and a struggle ensues between the Senate and the President. The end result may be, and sometimes is, a nomination which fails to receive Senate confirmation.

This report provides a brief historical overview of failed nominations to the Cabinet and, where Senate opposition was discernible, to positions in charge of independent agencies and agencies within Executive Departments. Background information is provided on eight Cabinet nominations that were rejected on the floor of the Senate, four that were withdrawn, and two that died in committee. Comparable information is provided on four nominations to head independent agencies and two nominations to head agencies located within Executive Departments. Not included in this report are failed nominations to the Federal Judiciary, to regulatory and other multi-bodied boards and commissions, and to part-time positions.

Finally, the report includes a section listing the reported reasons for the rejection or withdrawal of each of the nominations.

THE ADVICE AND CONSENT ROLE OF THE SENATE

Under Article 2, Section 2 of the Constitution, the President is given the power to appoint, with the Advice and Consent of the Senate, "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . . ." The Constitution does not impose any requirement on the President to justify why he makes a particular nomination nor on the Senate to justify why it refuses to confirm a nomination. Practical political concerns, however, generally prompt spirited justifications from both the President and Members of the Senate in defense of their actions.

In *"The Politics of Presidential Appointments,"* G. Calvin Mackenzie states that the set of public expectations under which the Senate operates are "diverse and often contradictory."

"On the one hand, the Senate is expected to exercise vigilance in ensuring the quality, competence, and integrity of presidential appointees. On the other hand it is expected to defer to the President's right to select his own subordinates in order that he may be held accountable for the operation of the executive branch."[1]

Historically, in fulfilling its advice and consent function, the Senate generally has accepted the view that the President should have the subordinates he wants to advise him. This deference has limits, however, and no President can assume that all nominations will be regularly or routinely confirmed.

Through the years public concerns have led to the development of a set of criteria by which the Senate attempts to determine the acceptability of Presidential nominees. These criteria focus on four factors—conflicts of interest, character and integrity, professional competence and relevant experience, and impact on public policy.

While a consensus exists on the need for honest, competent, experienced, and conflict-free nominees, "there has rarely been much agreement on what those terms mean or on the stringency with which they should be applied." [2]

Moreover, a nominee's possible "impact on public policy" is primarily a political determination. Consequently—

"Policy and constituency considerations dominate the confirmation process because they are the dominant concerns of the Senate and because the confirmation process provides useful and often unique opportunities for expressing and implementing those concerns."[3]

Periodically, the Senate has refused to confirm a nomination. Failure to confirm may take one of several forms. Rejection of a nomination on the floor of the Senate is the most visible, but the least common way to defeat a nomination. Generally, a nomination is defeated in committee, either by committee vote or by committee inaction. In that situation the nomination has usually been withdrawn by the President or returned to him when the Senate takes a long recess or adjourns at the end of the session. Finally, the political context, expected policy consequences, or other factors such as perceived or voiced Senate opposition can block a nomination even before it is submitted.

The nominations discussed below cover the period 1789-1988. Included are all of the Cabinet nominations that were rejected on the floor of the Senate, that were withdrawn and that died in committee. Also included, in a separate section, are failed nominations to head an independent agency or an agency within a department; identified here is one nomination that was rejected on the Senate floor and several others which were withdrawn because of Senate opposition. Nominations that might have been withdrawn or returned because of opposition within the Senate are not included where CRS was unable to find readily available evidence to confirm that opposition. Nor does this report examine failed nominations to the Federal Judiciary, to regulatory and other multi-bodied boards and commissions, and to part-time positions.

The data were compiled from the following sources: "Journal of the Executive Proceedings of the Senate," "Congressional Quarterly Almanac," "Congressional Quarterly Weekly Report," "National Journal," "The Politics of Presidential Appointments" by G. Calvin Mackenzie, "The Advice and Consent of the Senate" by Joseph P. Harris, and various newspapers (primarily the Washington Post), and the writings of various Presidents, historians and legal scholars (all cited hereinafter).

CABINET NOMINATIONS THAT FAILED TO BE CONFIRMED

Since 1789, fourteen Cabinet nominations have failed to be confirmed. Eight have been rejected on the floor of the Senate, four have been withdrawn, and two have died in committee. One of these was a former Senator, Thomas Ewing, Sr., whose nomination to be Secretary of War died in committee. Of note, in 1945 the nomination of former Vice President Henry Wallace to be Secretary of Commerce was defeated in the Commerce Committee but confirmed on the Senate floor. The names of the nominees and the reasons they were not confirmed are found in the final section of this report. The Departments involved were Commerce, Housing and Urban Development, Justice, and Treasury, and Navy and War. (The last two were merged into the newly established Department of Defense in 1947).

Of the eight Cabinet nominations disapproved, six were rejected in the 19th Century (one three times on the same day), and two have been rejected in this century (one twice within one week). Six of the rejections resulted primarily from conflicts between the Senate and the President, one from a perceived conflict of interest, and one from a variety of factors including congressional-executive comity and personality conflicts. (Table 1)

TABLE 1.—CABINET NOMINEES REJECTED ON FLOOR OF THE SENATE

Nominee	Department	Date rejected	Vote	President
Roger B. Taney.	Treasury	June 24, 1834	18–28	Jackson (1829–1837).
Caleb Cushing.	do	March 3, 1843	19–27	Tyler (1841–45).
Caleb Cushing.	do	March 3, 1843	10–27	Tyler (1841–45).
Caleb Cushing.	do	March 3, 1843	02–29	Tyler (1841–45).
David Henshaw.	Navy	January 15, 1844	08–34	Tyler (1841–45).
James M. Porter.	War	January 30, 1844	03–38	Tyler (1841–45).
James S. Green.	Treasury	June 15, 1844	[1]nr	Tyler (1841–45).
Henry Stanbery.	Justice	June 2, 1868	11–29	Johnson (1865–69).
Charles B. Warren.	do	March 10, 1925	39–41	Coolidge (1923–29).
Charles B. Warren.	do	March 16, 1925	39–46	Coolidge (1923–29).
Lewis B. Strauss.	Commerce	June 19, 1959	46–49	Eisenhower (1953–61).

[1] No recorded vote was taken.

Four Cabinet nominations have been withdrawn (all in the 19th Century). Of the four, one nomination was withdrawn because of opposition in the Senate, two were withdrawn because the nominee did not want the position, and the fourth was withdrawn because the nominee did not wish to leave his ill mother. (Table 2)

TABLE 2.—CABINET NOMINATIONS WITHDRAWN

Nominee	Department	Date nominated	Date withdrawn	President
Lucius H. Stockton.	War	Jan. 13, 1901	Jan. 16, 1901	Adams (1797–1801).
Henry Dearborn.	War	Mar. 1, 1915	Mar. 2, 1915	Madison (1809–17).
Edwin D. Morgan.	Treasury	Feb. 13, 1965	Feb. 13, 1965	Lincoln (1861–65).
Benjamin H. Bristow. [1]	Justice	Dec. 1, 1973	Jan. 8, 1974	Grant (1869–77).

[1] Nominated to be Secretary of the Treasury on June 1, 1974, and confirmed on June 1, 1974.

Two Cabinet nominations have died in committee, one in the 19th and the other in the 20th century. A conflict between the Senate and the President killed the first nomination; the fact that less than two weeks remained in the President's term helped to kill the second. (Table 3)

[1] Mackenzie, G. Calvin. The Politics of Presidential Appointments. New York, The Free Press. 1981. P. 186.

[2] Ibid., p. 187.

[3] Ibid., p. 188.

TABLE 3.—CABINET NOMINATIONS THAT DIED IN COMMITTEE

Nominee	Department	Date nominated	President
Thomas Ewing, Sr.	War	Feb. 22, 1868	A. Johnson (1865–69).
Robert C. Wood.[2]	HUD	Jan. 9, 1969	L.B. Johnson (1963–69).

[2] Nominee serving as Secretary of Housing and Urban Development under recess appointment; Administration's term expired Jan. 20, 1969.

NOMINATIONS OF HEAD OF INDEPENDENT AGENCIES OR AGENCIES WITHIN DEPARTMENTS THAT FAILED TO BE CONFIRMED

At least four nominees to head Federal independent agencies have failed to be confirmed. All four nominations were withdrawn (two were never formally submitted) after it became apparent that they would face considerable opposition on the floor of the Senate. One of the three, never officially sent to the Senate, was withdrawn on the first day of the hearings. Two of the nominees were opposed because of questionable action they had taken while in office; a third was opposed over a question of conflict of interest; the fourth was opposed because of his personal views and inexperience.

At least two nominees to head a Federal agency within a department have failed to be confirmed. One nomination was rejected, and the other was withdrawn after questions were raised regarding actions the nominee had taken while serving as head of the agency under a recess appointment.

TABLE 4.—NOMINATIONS OF HEADS OF INDEPENDENT AGENCIES AND AGENCIES WITHIN DEPARTMENTS THAT FAILED TO BE CONFIRMED

Nominee and Agency	Date nominated	Date withdrawn or rejected
Independent Agencies		
Andrew E. Gibson, Federal Energy Administration		[1]
Theodore Sorenson, Central Intelligence		[2]
Donald J. Devine, Office of Personnel Management	Mar. 8, 1985	July 24, 1985.
Robert Gates, Central Intelligence	Feb. 3, 1987	Feb. 10, 1987.
Agencies Within Departments		
Aubrey W. Williams, Rural Electrification Administration	Jan. 22, 1945	[3] Mar. 23, 1945.
Patrick L. Grey III, Federal Bureau of Investigation	Feb. 21, 1973	Apr. 17, 1973

[1] Nomination announced on Nov. 2, 1974, but never formally submitted to Senate; on Nov. 12, 1974, President announced that nomination was being withdrawn.

[2] Nomination announced on Dec. 23, 1976, but never formally submitted to Senate; at first day of hearings on Jan. 17, 1977, the nominee announced that he had asked President to withdraw his nomination.

[3] Nomination rejected by vote on Senate floor.

REPORTED REASONS FOR FAILURE TO CONFIRM

Cabinet Nominees

Caleb Cushing—rejected in 1843 to be Secretary of the Treasury because of some Senators' personal dislike for the nominee and the struggle between the Senate and President Tyler over a national bank and other issues. (Louis C. James. Senatorial Rejections of Presidential Nominations To The Cabinet: A Study In Constitutional Custom. Arizona Law Review. V. 3, Winter 1961, p. 248. Hereafter cited as James.)

Benjamin H. Bristow—nomination in 1874 to be Attorney General was withdrawn after nominee wrote to President Grant asking that the nomination be withdrawn. Bristow was later nominated and confirmed to be Secretary of the Treasury. (Letter from Bristow to President Grant dated December 22, 1873. Copy of letter in possession of Professor Ross A. Webb, author of Benjamin H. Bristow, Border State Politician. Lexington, University of Kansas Press, 1969.)

Henry Dearborn—nomination in 1815 to be Secretary of War was withdrawn one day after it was submitted because of opposition based on the nominee's perceived incompetence as a military commander in the War of 1812. In a letter to Dearborn, President Madison noted that he had withdrawn the nomination because of opposition in the Senate. (Letter from President Madison to Dearborn dated March 4, 1815. A copy of the letter is found in Gaillard Hunt, ed. The Writings of James Madison. 9 Vols. New York, G. P. Putnam's Sons, 1908. V. 8, pp. 331–332.

Thomas Ewing, Sr.—nomination to be Secretary of War died in committee in 1868 because of the struggle over Reconstruction between the Senate and President Johnson and the former's opposition to the removal of Edwin M. Stanton as Secretary of War. Ewing was a former Senator (Whig-Ohio) who served in the Senate from 1831 to 1837 and from 1850 to 1851. (Impeachment and the U.S. Congress. Washington, Congressional Quarterly, March 1974. pp. 3–4.)

James S. Green—rejected in 1844 to be Secretary of the Treasury because of some Senators' personal dislike for the nominee and the struggle between the Senate and President Tyler over a national bank and other issues. (James, p. 248.)

David Henshaw—rejected in 1844 to be Secretary of the Navy because of some Senators' dislike for the nominee and the struggle between the Senate and President Tyler over a national bank and other issues. (James, p. 248.)

Edwin D. Morgan—nomination in 1865 to be Secretary of the Treasury was withdrawn on the same day it was submitted because nominee, who was in the Senate, did not want the position. (Autobiography of Thurlow Weed. Edited by Harriet A. Weed. Boston, Houghton-Mifflin, 1883. p. 620–22.)

James M. Porter—rejected in 1844 to be Secretary of War because of some Senators' dislike for the nominee and the struggle between the Senate and President Tyler over a national bank and other issues. (James, p. 248.)

Henry Stanbery—rejected in 1868 to be Attorney General because of the struggle over Reconstruction between the Senate and President Andrew Johnson as well as a dislike for the nominee, who had earlier resigned the position to help President Johnson in his fight against impeachment. (James, p. 253.)

Lucius H. Stockton—nomination in 1801 to be Secretary of War was withdrawn at the nominee's request three days after it was submitted to the Senate. In a letter to President John Adams, Stockton stated that he had to decline the position because of his mother's illness and for other "cogent" reasons, which he did not explain. (Letter from Stockton to President Adams dated January 20, 1801. Letter is with Adams Papers at the Massachusetts Historical Society.)

Lewis L. Strauss—rejected in 1959 to be Secretary of Commerce because of his policy views, his personality, and perceptions of his disdain for the Senate, and evasiveness during the confirmation hearings. (Congressional Quarterly Almanac: 84th Congress, 1st Session . . . 1955. p. 553.)

Roger B. Taney—rejected in 1834 to be Secretary of the Treasury because of the disagreement between the Senate and President Andrew Jackson over the fate of the Bank of the United States. In 1836 Taney was nominated by President Jackson to be Chief Justice of the Supreme Court and he was confirmed. (James, p. 239.)

Charles B. Warren—rejected in 1925 to be Attorney General because of the perception following the scandals of the Harding Administration that his close association with the Sugar Trust would prevent him from impartially enforcing the antitrust laws. (James, p. 261.)

Robert C. Wood—nomination in 1969 to be Secretary of Housing and Urban Development died in committee apparently because it was submitted to Congress on January 9, only eleven days before the end of President Johnson's Administration. Yet, Joseph W. Barr was nominated to be Secretary to the Treasury also on January 9 and he was confirmed on the same day. (Journal of the Executive Proceedings of the Senate. Vol. 111, Washington, U.S. Govt. Print. Off. 1969. pp. 19 and 21.)

Nominations To Head Independent Agency and Agencies Within Departments

Donald J. Devine—renomination to a second term as Director of the Office of Personnel Management was withdrawn on July 24, 1985 during hearings because of disclosure that before his first term expired he had delegated to himself authority to run the agency while he served as Executive Assistant, pending his confirmation, to the Acting Director. (Devine Drops Out. Congressional Quarterly Weekly Report, V. 43, June 8, 1985, p. 1135.)

Robert Gates—nomination to be Director of Central Intelligence was withdrawn on March 10, 1987 during committee hearings because of questions about his role in the Iran-Contra affair while he was serving as Deputy Director of Central Intelligence. (John Felton. Gates Nomination to Head CIA Withdrawn. Congressional Quarterly Weekly Report, V. 45, March 7, 1987. p. 418 and 420)

Andrew E. Gibson—nomination, which had not officially been submitted to Senate, was withdrawn on November 12, 1974 following a report that nominee had been promised $880,000 in severance pay from his former employer, an oil shipping company with whose activities he would have to monitor. (Congressional Quarterly Almanac 93rd Congress, 1st Session . . . 1974. V. 30. Washington, Congressional Quarterly, 1975. p. 953)

L. Patrick Grey III—nomination to be Director of the Federal Bureau of Investigation in the Department of Justice was withdrawn on April 17, 1973 during hearings because of his concerns regarding his lack of independence from White House pressure and his actions as Acting Director during the Watergate investigation. (Congressional Quarterly Almanac 93rd Congress, 1st Session . . . 1973. V. 29. Washington, Congressional Quarterly, 1974. 376).

Robert A. Rowland—nomination to be Administrator of the Occupational Safety and Health Administration in the Department of Labor was withdrawn on May 31, 1985 because of opposition to his policy decisions while serving as Administrator under a recess appointment, and questions about his financial holdings. (Robert A. Rowland. National Journal, V. 17, June 1, 1985, p. 1316.)

Theodore C. Sorenson—nomination to be Director of Central Intelligence which had not officially been submitted to Senate, was withdrawn on January 1, 1977, the first day of confirmation hearings, because of opposition to his "inexperience in foreign affairs, his allegedly casual attitude toward the use

of classified material and his request in 1948 for draft classification as a non-combatant." Congressional Quarterly Almanac 95th Congress, 1st Session . . . 1977. V. 33. Washington, Congressional Quarterly, 1977. p. 48-A)

Aubrey W. Williams—rejected in 1945 to be Administrator of the Rural Electrification Administration in the Department of Agriculture, because of questions about his experience for the position and attacks upon his political and religious views. (Congress and the Nation 1945-1964, Washington, Congressional Quarterly Service, 1965, p. 751.)

Mr. STEVENS. I thank the Senator for yielding to me.

Mr. WILSON. I thank my friend for the valuable contribution. I am pleased to yield to him so he may supplement the material he has already offered.

Mr. President, I will have more to say on specific points, but at this time I yield the floor.

(During the preceding remarks by Mr. WILSON, Mr. BYRD assumed the chair.)

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. GORE] is recognized.

Mr. McCONNELL. Would the Senator from Tennessee yield just for a question? Is it his intention to speak at this point?

Mr. GORE. Mr. President, I do intend to speak. It is my intention to speak. It is not intended to be a lengthy address, for the planning of the Senator from Kentucky. I would simply say I would not expect to go more than 15 or 20 minutes.

Mr. McCONNELL. I thank the Senator from Tennessee. I was just curious as to what the procedure was. I would ask the Chair. Will we rotate from side to side?

The PRESIDENT pro tempore. The procedure is we follow rule XIX which requires the Chair to recognize the first Senator who seeks recognition.

Mr. McCONNELL. I thank the Chair.

Mr. GORE. Mr. President, we just heard a speech which referred, in part, to a contamination of the process and leakage by forces, presumably outside the Senate. Let us be clear about what has happened. I wish to refer to an article in the New York Times of Sunday, February 26; the Sunday before this debate began. The article says, in part, "White House officials * * * outlined their plan to draft a 6- or 7-page summary of the secret 300-page FBI report," et cetera. "The—White House—official went on to describe 7 of the 12 allegations."

This article then goes on to provide a lengthy summary, including voluminous details taken directly from the FBI report, presented by a person who identified himself to this newspaper reporter, Bernard Weinraub, as a White House official.

We are all familiar with the fact that the White House first presented the FBI report in a partisan forum to Republican members of the committee in a meeting to which Democratic Senators were not invited and of which they were not made aware. It is not my purpose in stating these facts to express anger about those events, which have long since been analyzed and discussed thoroughly on the floor of this body.

But I offer that incident again as a counter to the implication on the part of some of my colleagues that this process has somehow been contaminated by the committee itself or by the majority in this body.

Mr. President, there are a lot of issues that need discussion in this debate. They have all been discussed. This Senator is ready to vote. I believe this body is ready to vote. I believe the country is ready for us to vote.

This has gone on too long. But, since our colleagues on the Republican side of the aisle continue to serve notice that they want to drag this out and have even more time devoted to it, I will discuss the issues as I see them.

First of all, the issue involving the charge of partisanship. Others have noted the record, but let me refer to it briefly. We have had 21 nominations sent to the U.S. Senate by President Bush. Twenty of them have been voted upon. All 20 of the nominations have been approved in committee by a unanimous vote of every single Democratic Senator. All 20 of them have been approved on the floor by unanimous vote of every single Democratic Senator.

One of the nominations had one abstention in committee, when a Republican member of the committee abstained. One of the nominations had one opposing vote on the floor of the Senate when a Republican Senator voted against the nomination.

Most all have been by votes of 100 to nothing, or 99 to nothing. It is not, Mr. President, a record of partisanship. For anyone to suggest that we have dealt with the nominations of this President in a partisan fashion is for that person to simply ignore the record, which is overpowering on that point.

Why is it that the nomination of John Tower is being treated differently from all of the other 20 nominations that have been sent to us? I would answer that question, Mr. President, with another question. Why is it that President Bush himself treated this nomination differently from all of the other nominations that he has sent to the U.S. Senate?

President Bush has known John Tower probably longer than anyone in this body. He has been a close personal friend and political ally of John Tower for a long period of time, dating, I am told, back to the late 1950's. In spite of that friendship and political alliance, Mr. President, President Bush was evidently wracked by doubts as to whether or not it was wise for him to nominate John Tower. If the merits of this nomination are so crystal clear, as our Republican colleagues and some of our Democratic colleagues would have us believe, why then did President Bush require as much time to consider the nomination as the Armed Services Committee required to consider whether or not to give its assent to the confirmation?

We all know the answer. He was uncertain about whether this was the correct nominee. And, Mr. President, when he finally rejected the advice of many in his circle of advisors who said, "Don't nominate John Tower; he's not the man for the job," when President Bush finally decided to reject their advice, finally decided to discard his own doubts, finally decided to resolve the matter in favor of his longtime personal friend and political ally, he had, at that point, seen only the first of the seven volumes of information that were later presented to the Armed Services Committee.

So, Mr. President, when I hear some of our colleagues express amazement that anyone could consider opposing this nomination, or anyone could look at the record and find some legitimate basis for doubt, I am moved to wonder what in the world was going on in President Bush's mind all that time when he was trying to figure out whether or not he could go forward with the nomination of his close friend.

Nevertheless, after President Bush finally resolved his doubts and sent the nomination to the committee, it was clear that Democrats on the committee anticipated a favorable vote to confirm this nomination. Some have pointed to the laudatory statements on the opening day of the proceedings that most every member of the committee made. I made such a statement, and, Mr. President, I fully anticipated supporting the confirmation of Mr. Tower. I entered the process supporting him, liking him personally, believing that he had all the requisite experience and skill to be highly effective. That was before any of the evidence had been presented.

When did things start to change? Mr. President, I, along with some other members of the committee, was genuinely surprised and then concerned at the scope of the business arrangements to which Senator Tower testified in the early part of the proceedings. I was surprised and then concerned at the rapid sequence of Government service, followed by employment as a consultant for the defense industry, to be quickly followed again by Government service in the highest possible capacity relating to defense.

A confirmation hearing is not a court of law. Members of the Senate do not function as a judge and jury when they give advice and consent to important nominations. They are exercising political judgment, often under very uncertain conditions. That is true of Senators in both parties.

I heard our distinguished President pro tempore describe a statement made by a Senator 200 years ago when the very first nomination was sent by President George Washington to the Senate. This Senator 200 years ago was troubled by the effect that his vote would have on his relationship to the new President. A member of President Washington's political alliance proposed that the vote be held by secret ballot because, he said, a Senator who casts a vote against the wishes of the new President would be deprived of the Presidential sunshine. A wonderful phrase, Mr. President, 200 years old and yet more descriptive of a basic political motivation than any phrase that I have heard in this debate 200 years later.

A new President taking office, about to make hundreds of appointments; indeed, thousands of appointments when one looks at State administrators of the Farmers Home Administration, regional heads of the Department of Housing and Urban Development, is a member of that President's own political party going to place some value on deprivation of Presidential sunshine in such circumstances? If one casts a vote on that basis, is it a partisan vote?

One of our colleagues on the other side of the aisle was quoted on the front page of one of the Nation's leading newspapers as saying in response to the question, "Why are you supporting the Tower nomination?" said, "Because I'm a good Republican." Mr. President, is that a partisan motivation?

Let ms just describe my own motivation because I have detected during this debate, and it is not my purpose, believe me, Mr. President, to in any way add to the friction which has emerged in the Senate during this debate, but I have detected occasionally a feeling that it is inconceivable that a Member of the Senate on this side of the aisle might find any legitimate basis for opposing this nomination and that a no vote is just obviously partisan in character, while a vote in his favor is noble and dedicated to the public interest.

Mr. President, is any Member of this body not concerned about the perception by the American people of what has been going on in the Department of Defense? How many of us have been at a town hall meeting or an open meeting or a Rotary Club meeting when someone has stood up and asked a question about the unhealthy relationship between defense contractors and the Defense Department? How many of us in response, on both sides of the aisle, have said, "We're going to stop those $600 toilet seats. We're going to have reforms in the Pentagon. We're going to get somebody in there who can really do the job, who will get tough with those who have abused the contracting process."

Mr. President, we are right now in the midst, with the ill-wind investigation, of the biggest scandal in the history of the Department of Defense. This scandal has been caused in large part by the so-called revolving door. One of the central figures in this case, Melvin Paisley, went through that revolving door. He was nominated by the President. The nomination was sent to the committee when Senator Tower was the chairman of the committee. Maybe he should have read the FBI report. He did not. It is not my purpose to indict him on that basis. My purpose is to show that these imperfect investigations can sometimes shed some light on the merits of a particular nomination. If Senator Tower at that time had bothered to read the correspondence to the committee, he would have found clear warnings from people who wrote in and said, "This guy's crook," saying in effect if you confirm him, he will steal the public blind in the Department of Defense.

Well, the nomination was confirmed. Democrats as well as Republicans now readily acknowledge being remiss in not taking the confirmation process as seriously at that time as it has been taken in this case.

Mr. President, I will just say as one Senator, I have had it up to here with this revolving door in the Pentagon, and I believe it it time to straighten out the mess in the Pentagon.

How can we do that with a Secretary of Defense who left one day as our chief arms control negotiator, went immediately to work for one of the biggest defense contractors, received more than a million dollars in approximately 2 years, and then immediately went back into Government service pledging publicly in the confirmation hearings that he would not recuse himself when matters affecting his former clients and employers came before the office of the Secretary of Defense? Is that a prescription for restoring public confidence? Is that a prescription for straightening out this process which is so in need of reform? What about the American men and women who come to meetings in our home States and ask us what we are going to do to straighten out this mess? What should we tell them? "Oh, well, Senator Tower, after all, was a member of the club. He ought to be confirmed in spite of this appearance and in a spite of this conflict."

Mr. President, it was common knowledge within the defense industry during the 2 years preceding the Presidential election that there was a high likelihood, if George Bush became President Bush, John Tower would become, or seek to become Secretary Tower—common knowledge. Every one of us knows it. During that period of time, they lined up to give him lucrative contracts in return for which he agreed to answer their telephone calls and provide them analysis from time to time. The committee asked for documentation of exactly what kind of services were performed just so that we could get a better sense of exactly what his role was in connection with these companies. The response was that no such documentation existed at all—an occasional conversation from time to time and a steady willingness to remain near a telephone so that when advice was needed, it could be provided.

The normal practice is for someone who has served in the defense industry to be regarded as having special experience and valuable knowledge which could be brought to bear in Government service after his or her appointment, but the normal practice also is that that person recuses himself when matters affecting his principal employer or client come before his office for judgment and for decision.

Senator Tower has stated that he felt such an arrangement, though traditional, could not be employed in his case because the companies which have employed him are the major contractors, and there are several of them, so that most of the Pentagon's business would be ruled off limits.

It is true that he is not required by law to recuse himself in such instances, but it is equally true, Mr. President, that the American public is fed up with the way the Pentagon is being run and are rightfully demanding that we reform these procedures, insisting that we find someone who is capable of harnessing and focusing their legitimate outrage in a constructive manner so as to straighten out these problems.

What are we to tell them? "Oh, overlook the fact that he is speeding through the revolving door in record time. Overlook the fact that he is not even planning to employ the traditional and standard protection of recusing himself when matters affecting a former employer or client come up." He has said that he would recuse himself if there was a disciplinary action, a narrow case.

I understand the distinction between a disciplinary action and a contract award, but if any Member of this body was in a similar situation, if two companies were competing for a billion dollar contract and one of them had been the employer and had paid hundreds of thousands of dollars, and the other company seeking the same contract had not, would there not be a de-

cision to recuse? Of course there would, but Senator Tower is saying that he does not intend to take that approach.

Mr. President, I think that we need another nominee. Most of the discussion here has been on the conflict issue. I think it is the most important issue by far. And I think that we need someone in the Defense Department who can straighten out the Defense Department.

Even though turning to the issues that have received the most debate, even though we may feel that personal issues such as reported difficulties with alcohol ought to be kept out of consideration, unless brought into play by conclusive and overwhelming evidence, these issues have nevertheless made their mark.

Mr. President, one thing above all is apparent to me. The country requires that the next Secretary of Defense restore public confidence in the management of the Department. Senator Tower, if confirmed, might eventually do that but he would begin with an enormous burden of proof having to do not with defense issues but with himself. It is genuinely unfortunate but in the end I believe another candidate is needed and I hope this body will soon come to a vote and reach that same conclusion.

This is not a time for our country to be having the political equivalent of a high school food fight. We just do not have the luxury especially in the field of defense, especially given the need, the urgent need, for clear thinking and leadership. In the Soviet Union today, we face an adversary undergoing change in ways and at a rate no serious student would have thought possible.

There is not one single thing we can say with absolute certainty regarding the future of the Soviet Union in the midterm. No one can say how the upwelling of the nationalism in the Soviet Republics will be addressed. No one can say how far the Soviet experiment with openness and public debate will take them from their old certitudes about the future and their own Messianic beliefs in a single destiny. No one can say whether economic restructuring will work. No one can say how Soviet economic and security relationships with Eastern Europe are going to develop.

In terms of the military threat, the announced retention of Soviet conventional forces are clearly big enough to affect our calculations about security. But no one can say where the Soviets will be when they complete the announced restructuring of their forces in accordance with the doctrines of defensive defenses and sufficiency. Our allies want to know how we are analyzing these questions of such historic import.

I just returned yesterday from England and a meeting on the global environment. But during that time, I had an opportunity to meet with the British leaders. The Minister of Defense in England has just canceled his visit to the United States to consult on these and other questions. Why? Because the Department of Defense is leaderless, rudderless, directionless. The longer this debate is dragged out, the longer our allies will have to wait for meaningful consultations.

In the Federal Republic of Germany changes are taking place, and the allies do not know how to approach the question of short-range nuclear forces. The Department of Defense has no voice in the interagency deliberations, nor in the dialog with Ministers of Defense in our allied nations.

Historic talks just began on Monday in Vienna on conventional force reductions. In the preparation of the U.S. position in those talks, the Department of Defense had no powerful, coherent voice. During the latter part of the second Reagan administration, the Soviet behavior in arms control already amounted to one surprise after another as they stormed and occupied the high ground which used to be ours on reductions and even on issues of verification.

In the face of this onslaught, our Government and the governments of our allies have been made to look as though they are opposed to progress or even fearful of it. Right now, what worries me more than anything else is that the indecision which flows from this dilemma is badly eroding, and I speak of the dilemma of how we confront the Soviets. This dilemma is badly eroding the legitimacy of Western policies in the eyes of Western voters. It is not that Western proposals lack intellectual merit, but rather that they lack flair and lack clarity.

Above all, Western governments have made too little effort to explain the fundamental terms of the security debate to their own people.

We might be able to handle all these uncertainties on the Soviet side of the equation given enough effort. But the level of complexity is compounded by our own collision with the budget deficit. And some Senators have come to the conclusion that the single most likely outcome of the developing impasse on the budget may be a sequester. That sequester would have its greatest impact on the Department of Defense. How is the Department of Defense planning to deal with that? Again, it has no leadership—no one who speaks for the Department with the Congress.

There is no question that during this period we will have to negotiate among ourselves to some extent but we should be looking for some equilibrium between what the traffic will bear in defense costs and what the country peering at the future through all this fog thinks it needs for defense. It is true that the administration has come in with a defense budget set at zero real growth but that represents an increase over last year when the pressure of the deficit forced agreement to cut by minus 1 percent in real terms.

The difference between a curve drawn flat and a curve going up at 2 percent a year can be very profound on scale with the defense budget. It is the difference between thinking you can scrape through until better times by handing a handful of sacrificial cuts and a view which says the hard times are here for a long time and long-term adaptations must be made.

We need a Secretary of Defense while these matters are being considered. We can adapt to life with a rapidly changing Soviet Union. We can maintain coherence and solidarity with our allies. We can even deal with the budget. But we have to get serious. We have to have a confirmed Secretary of Defense.

It has been clear for quite some time there was substantial doubt about the outcome of this matter. It is not for this individual Senator to advise President Bush or Senator Tower about the better course of action. But the country's policy is suffering the longer this matter is dragged out.

If the President has reason to believe that the outcome is nearly certain, he would be best advised to get on with it and ask those who are helping him in this debate to allow us to vote to get this matter behind us.

The administration is doing no more than desk doodling on major issues of policy. And in the area of national defense, with all of the matters that I have just described and many others as well, we cannot afford desk doodling. We need to get on with it.

Meanwhile, President Bush's most important asset is being squandered. There was, despite the misgivings on the part of some about the last campaign, a readiness to suspend disbelief and to hope for an era of genuine bipartisan effort on critical issues facing the Nation. We can still have it. This entire process is putting it at risk, unfortunately.

Mr. President, in conclusion, we need to get on with the Nation's business. But in order to do so, we need some help from the President of the United States, who can now do the country two big favors. The first is to cool the rhetoric in and around John Tower's nomination by every means at his disposal. I do not simply mean his rhetoric. I mean the rhetoric of those who are speaking for him. The second: If the Tower nomination does not survive in the Senate, it is for the President to accept that loss gracefully and get down to working along with us.

The Nation needs it; Democratic Members of the Senate are ready for it; the country is ready for it. This debate ought to end; we ought to vote, whatever the outcome, and get on with it.

I yield the floor, Mr. President.

Mr. McCONNELL and Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. McCONNELL].

Mr. WARNER. Mr. President, will the Senator yield for a moment?

Mr. McCONNELL. I yield briefly, without losing my right to the floor.

Mr. WARNER. For a question to my distinguished colleague.

The PRESIDENT pro tempore. Without objection, the Senator will retain his right to the floor.

Mr. WARNER. I thank the distinguished Senator.

Mr. President, we tend to become emotional about our rhetoric here, and I just want to ask my good friend a question, because he is a distinguished and valued member of the Senate Armed Services Committee, and he stood here and he said that "the Department of Defense"—and I quote him back because I paid good attention—"is rudderless and leaderless."

Now, put yourself in the suit of a U.S. naval person in the Arabian Sea or the Persian Gulf, or put yourself in the uniform of a soldier in the Polar Cap. Those men and those women are taking risks today, and they might well see on tonight's television a member of the Armed Services Committee say that this Department is leaderless and rudderless.

I say to my good friend that I believe what he intended was the long-range policy decisions, the budgetary decisions, which quite naturally await the confirmation by the Senate, hopefully, of John Tower to be Secretary of Defense. But in terms of the day-to-day management, we have a thoroughly trained and sound individual, William Taft, as the Deputy Secretary. We have a Chairman of the Joint Chiefs of Staff, Admiral Crowe, who is respected by every single Member of this Chamber, so far as I know, in the years he has been there. We have service chiefs with proven capability.

Mr. President, I think that perhaps my good friend would like to clarify his statement that the Department is rudderless, in terms of the day-to-day operations and the ability of these young men and women to look back at the Nation's Capital and know and have a sense of security that the risks they are taking are risks that are being watched over night and day by careful and competent hands, beginning with the Commander in Chief of the United States, President George Bush.

Mr. GORE. Mr. President, I ask unanimous consent that I might be able to respond, without the Senator from Kentucky losing the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORE. I wonder if the Senator from Virginia can speculate as to why he believes the Minister of Defense of Great Britain has just canceled his visit for consultation to the United States. It is my understanding that the reason is that we have no Secretary of Defense; that, while there is a very great difference between answering the telephone and saying, "Acting Secretary," and saying "We need some more stationery," or, "We need some more ammunition," on the one hand, and making decisions on policy on the other hand, it is on the decisions of policy that the Department of Defense will have to make its bed for these budget problems, for the challenges that we are confronting with the Soviet Union, with the stresses and strains in the alliance.

Yes, there are individuals who can make the day-to-day, small, routine decisions. But the more important questions of the kind that must be addressed are not being addressed. In that sense, I repeat, Mr. President, my belief is that the Department of Defense is leaderless and rudderless and directionless, and we share in the responsibility for it by dragging out this debate and by not going forthwith to a vote on this nomination. I am ready to vote right now. It is at the insistence of Senators on the Republican side of the aisle that we drag it out and continue talking, continue delaying, continue discussing one thing after another—the conduct of the process, conduct of the debate, this issue and that issue. The American people want us to get on with a vote, largely because we need a Secretary of Defense to provide leadership in the Department.

I thank my colleague for yielding.

Mr. WARNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky continue to yield?

Mr. McCONNELL. Mr. President I will be happy to yield for 30 more seconds, having waited patiently for an hour.

Mr. WARNER. I think my question was answered.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I listened with a good deal of interest to the observations of the Senator from Tennessee.

I might say, at the outset of my remarks, that our European allies surely must understand that justice is sometimes not a speedy process. We could speed the process and trample the rights of an individual, but the Western World is quite concerned about the rights of every single individual in the free world. Let me give an example.

Right now, the Western World is united to stand behind the rights of one individual, Salman Rushdie, to publish a book. One person, one book out of all the many books that are published every year, and it has the Western World in an uproar. Why? Because of the right of one person to express himself. Diplomatic relations are being broken off with Iran, and the Western World is in an uproar.

I say to my friend from Tennessee, as he leaves the Chamber, that I expect that our allies can tolerate a delay of a little while longer while we try to get fairness for one individual.

Salman Rushdie is entitled to be protected in his right to express himself, and certainly we are entitled to see to it that there are two sides to the story of John Tower.

That is the only observation I would make in regard to this rudderless, leaderless observation. I think our allies can wait for a few days while we determine the fate of this fine man.

Mr. President, yesterday, my mother called me up. She said: "Son, this John Tower sounds like a terrible person, sounds like a perfectly terrible person. Where did you find him?"

I said: "Mom, it's no wonder that you think that, because all you're seeing on television and reading in the newspaper are all these unsubstantiated leaks of an FBI file about a man who served in the Senate for 24 years with distinction; and I'm not surprised that you may feel that way, because you have not heard both sides of the story."

Mr. President, with all due respect to everyone in this body, I say that is what this debate is all about: fairness for one of our over 200 million Americans, the opportunity to have both sides of the story told.

Last Saturday, I was in Hazard, KY, which is in the mountains of eastern Kentucky, to speak to a sportsmen's group. The sportsmen's group was not exactly preoccupied with the Tower nomination. As a matter of fact, almost no one outside of Washington is.

I covered the issues that I thought were of concern to them. I said I think there is something else going on that is important to America and I want to talk to you about it, and most of you may disagree with me. And I proceed to tell them what I wish to say to the Senate today about the Tower nomination.

Unfortunately, our body is awash with hypocrisy and it is frustrating to see us make up a standard and apply it retroactively to a good and decent man in order to deny the President an opportunity to pick his own Secretary of Defense. I think it is really an unfor-

tunate episode in the history of the Senate.

I do not know John Tower very well. I did not serve with him. He left the Senate just as I was coming here. I am also not a member of the Armed Services Committee. But I have followed this debate with a great deal of interest. I typically do not turn up the sound on the television monitor in my office and listen to Senate floor debate because frankly I have better things to do on behalf of my people at home, but frequently during the course of this debate I have listened to the observations of Senators on both sides of the aisle because what we are in the midst of here is a truly historic event in the life of the Senate.

There is an effort being made on the part of some of us to try to bring to bear some fairness and balance on this issue. I am not one of those who think that Senators ought to weigh the mail to decide how to vote, but I think there is an interesting trend that some of us are experiencing for those few of our constitutents who are following this issue. I had my office compile letters and communications that we had received on the Tower nomination by periods. It is interesting that in the period prior to February 24, the ratio of communications on this issue from Kentucky was 12 to 1 against Senator Tower. It was a period during which my mother no doubt reached her initial conclusion about this issue. Then in the period after that up until yesterday, the ratio dropped to 2 to 1 still against but from 12 to 1 down to 2 to 1.

So what is going on here I think is important. We are trying to provide an opportunity for the American people to understand the other side of the story or as Paul Harvey would say, we would like to go to page 2 and give people an opportunity to see both sides of this most important story.

We may not prevail. I really do not know. I have not been involved in the head counting on this. But this is a terribly important issue. It says a lot about ourselves. As we all know, most of us could not meet the standard that has been made up for John Tower. Many members on the Armed Service Committee and off accept honoraria from defense contractors, accept PAC contributions from defense contractors. I wager that a good many Members of this body at one time or another maybe even as recently as the seventies may have gotten drunk once or twice. I suspect that probably more than 50 percent of this body could not pass the new standard that we set up for Senator Tower. I guess there are some of us who are just hoping that maybe there will be some pause for thought before we go this far.

Is this really what we ought to do? Is this the kind of precedent we want to set?

I say that in the most respectful way. I am not here to cast stones at anyone, but rather to hope that maybe we will pause and reflect upon what we are about to do here.

Will those who served with Senator Tower take their own observations over a period of years and give them less credence than unsubstantiated allegations in an FBI file? Does that make sense?

How many of us would like it if we had been the nominee and we made an enemy or two along the way and when the FBI guy came around they thought, "Gee, this is an opportunity to get a clean shot. I don't have to be cross-examined. I don't even have to give my name. I can nail this guy."

Politics is sort of a combat sport. We get into a lot of fights. We make a lot of enemies, make them whether we try to or not, just trying to do our job.

How many of us if given the opportunity to be Secretary of Defense could run this new gauntlet?

Mr. President, I suspect that we are making a big mistake and I must say a number of Members on the other side, some of whom have already announced their positions, said to me privately they are extremely uncomfortable with this. They are not at all sure it was the right thing to do.

The debate has gotten almost to the point of being ruckus, and I think that is unfortunate.

But I think the reason the passions are so high is because what we are dealing with here, unlike most issues that come before us, we are dealing with someone's reputation. Normally in this body when we have disagreements and frustrations it is over policy. Should we have SDI or not? Should we aid the Contras or not?

It has not been this kind of thing that has divided us in recent years, at least not since I have been here, but this has been intensely personal in a country which evaluates the rights of every single individual, a country which preaches that we should not rely on unsubstantiated accounts of an individual's behavior. We have, I fear, gone right down that road.

I do not know—it would be up to the leadership obviously when we will vote on Senator Tower. But as for myself, I hope we will take the time to adequately express to the American people the other side of the issue.

I have only been around Senator Tower a few times. Frankly, I do not recall that he treated me very nicely, so I have no particular personal allegiance to him and do not know him very well.

But even if we had a complete stranger before us, even if we had someone before us who had not been a Member of the Senate, he would be entitled to fairness.

This process has gone, I guess, about as far as it can go with Senator Tower, but I think we ought to take a good, hard look at where we go from here in the future. How much should we rely on FBI reports? Should we require the witnesses to be sworn and an opportunity for cross-examination if they are going to say something truly devastating about a nominee? I think fundamental fairness in our society dictates that.

So I think we ought to, once this is behind us, decide whether this is going to be an aberration or whether it is going to be the norm, because if it is the norm, an awful lot of well-qualified Americans both in and out of Congress are not going to be able to be part of our Government.

Without questioning the motivation of anyone involved in this debate on either side, I honestly and sincerely feel this is an unfortunate precedent. I hope that there will be some effort on behalf of those who are also concerned on both sides of the aisle to begin to structure some way that we can look at future nominations in a manner that any reasonable person could conclude was a fair and equitable manner.

I must say I do not think that passions that have come forth in the course of this debate would have come forth had there been a widespread feeling that the process had indeed been fair. There are many on this side of the aisle who do not feel it has been fair. I suspect there are a great many on the other side who have not felt it has been fair and have not said that.

It is difficult for an inherently political body such as the Senate to rise above partisan fanfare and reach a fair, impartial, and sound decision on Presidential nominees. The difficulty is compounded by the Democrats' control of Congress, squaring off with a Republican administration. However, it is an essential test of our statesmanship and measure of our commitment to the constitutional principle and responsibilities of advice and consent that we rise above partisan politics and pass judgment on the President's choice to be Secretary of Defense.

The decision we make about the President's choice should reflect our view of the nominee's qualifications, the demands of the job, and respect for the President's constitutional right to select a Secretary of Defense.

This debate will decide more than the fate of one man: It speaks to the President's determination of who is qualified to lead the Defense Department, advise him on American defense policy and priorities, and guarantee this Nation's security.

The President's nominee should be judged on performance—past, present, and future—not politics.

JOHN TOWER'S PERFORMANCE AND QUALIFICATIONS

Let's begin at the beginning: John Goodwin Tower is the son and grand-

son of Methodist ministers, no ordinary moral starting point from my perspective.

His patriotism and commitment to this Nation emerged at the early age of 17 when he enlisted and served on a Navy gunboat in the Pacific during World War II.

He continues to wear the Badge of Service with honor as a master chief petty officer in the U.S. Naval Reserve.

Many Members have called into question John Tower's ability to serve as a model for our service men and women. I think the fact that he's been one, that he understands the grueling stress and demands of combat from firsthand experience, and has risen through the enlisted ranks will be an inspiration to every young recruit.

What more could a young person hope for than to believe in the dream that just like a kid from east Texas, an enlisted guy, that someday he too might run the Defense Department.

Senator Tower's record of achievement and commitment to this Nation is also reflected in 24 distinguished years of Senate service. When he left the Senate, it was with critical acclaim and praise few have enjoyed.

Senator KENNEDY said, "his knowledge of the myriad, complex defense issues * * * is unsurpassed."

Senator DECONCINI said, "he has maintained a loyal, hard-working responsible demeanor. * * *"

Senator JOHNSTON claimed, "Senator Tower served * * * with distinction and dedication * * * devotion and wisdom. * * *"

Senator EXON noted "Senator Tower's ability to comprehend * * * complex issues is a rare and admirable skill."

As recently as December, Senator GORE thought John Tower did an "outstanding job" as the U.S. START negotiator and viewed his performance as "exemplary in every way."

Finally, Senator NUNN expressed the hope in 1984 that Senator Tower would "continue to involve himself in the defense arena * * * [because] he has the background and knowledge that are indispensable. * * *"

It is my view that John Tower's service in the Senate was not only a reflection of his dedication to country and state but also provided the substantial education and experience that he will bring to bear on his job as Secretary of Defense.

As a Member, then chairman, of the Armed Services Committee, Senator Tower made tough decisions, exercised leadership and strengthened the foundation of our Nation's security.

In 24 years of Senate service not one person ever questioned his integrity, judgment, impartiality, and expertise while he held a job of sensitivity and enormous demand; in fact, a job vital to the health of our national security.

Senator Tower left the Senate and continued to serve at the President's call as his strategic nuclear arms negotiator, another crucial, demanding position. He held the rank of Ambassador and was confirmed in that position—without contest or question—by the Foreign Relations Committee and the Senate.

In sum, Senator Tower has served his fellow Texans, his State, his Nation, several Presidents, his countrymen, and the Senate with dedication, seasoned judgment, and skill—as every one of his former colleagues has at some point noted.

No one has ever challenged his knowledge, competence, self-discipline or commitment as he has proceeded and succeeded in his career in public service.

The charges he now faces in this confirmation process are not based on a fair assessment of the man's strong qualifications and accomplishments.

In fact, Members have chosen not only to disregard his record, but also the high praise and tribute they have paid to Senator Tower.

This can only lead to the conclusion that some Members of the Senate have chosen once again to unfairly politicize a Presidential decision and appointment—at constitutional and national peril.

Let's examine some of the charges levied against the President's choice as Secretary of Defense.

CONFLICT OF INTEREST

Some say, John Tower's professional judgment will be clouded by the fact that he was paid consulting fees by defense contractors.

Virtually every Member of the Democratic majority on the Senate Armed Services Committee has either received fees or political contributions from defense contractors: No one has questioned their integrity and independent voice on defense issues.

I would rather not proceed Member by Member, noting contributions from defense contractors and asking whether their professional judgment or independence in voting was compromised by taking money.

I would rather not point out who has taken advantage of defense contractors' hospitality in Hawaii, Florida, or dozens of other resort spots.

I doubt one Senator was influenced by any fee, contribution, or paid vacation, but let's not impose a double standard.

John Tower's ability to maintain his impartiality and integrity is no more an issue for him than it is for every member of the Senate Armed Services Committee Democratic majority: There is no issue.

A few Members have moved the target a little and questions the amount of money involved.

This reminds me of the story about the fellow who asked a young woman if she would spend the evening with him for $1 million dollars. She said certainly. "Well," he said, "how about for $5?" She was indignant, "Absolutely not, what do you think I am?" He said, "Madam, we have already established what you are, we are now simply quibbling over price."

Senator Tower was paid fees as a consultant after he left public office; Members accept contributions while they are deeply engaged in the process of debate, decision, and voting on major defense issues.

Again, I caution my colleagues against a double standard.

DRINKING

Senator Tower has done everything short of having an autopsy done to address allegations about his personal attitude toward and use of alcohol.

He has said he will talk to anyone at any time about any concern they may have or be aware of.

He has submitted a doctor's clean bill of health.

And, in an unprecedented step, he has sworn off any consumption of alcohol during his service as Secretary of Defense.

What more can he possibly do? There appear to be no answers to this question, which once again raises the question: Is this just politics?

Everyone has read a recent story in the Wall Street Journal cataloging discrepancies in the accounting of an unfortunate 1964 accident involving a Member of the Senate. It is painfully easy to see how innocent differences of opinion over small details can be blown out of proportion and misrepresented to appear sinister, deliberately deceitful and self-protecting.

John Tower should not be subjected to such smear tactics.

Senator Tower has been the victim of a squalid campaign of rumor and whispers: As hard as he has tried to answer each question, there is always one more story, one more piece of uncorroborated gossip.

This is not an afternoon tea party. The Nation's leadership and security are at stake.

Judgment of a Presidential nominee should not be based on idle, unconfirmed gossip. The nominee deserves better, the President deserves better and it has always been my opinion that the Senate is better than that.

CONCLUSION

Senator Tower has capably served this Nation with distinction and skill as repeatedly noted by his former Senate colleagues upon his departure.

At no time during his career in public service did a colleague or anyone else question his judgment, integrity, discipline, or honor.

He has been a leader in the Senate as well as been confirmed by the Senate.

He should not be victimized by idle, uncorroborated gossip, nor a double standard of ethics.

The President's nominee should be judged on his competence and qualifications, which are unparalled.

We should also be mindful of the President's constitutional prerogative to form his Government and select his Cabinet.

It is my view that if the Senate lives up to its constitutional obligation to provide impartial and objective advice regarding Senator John Goodwin Tower's outstanding qualifications, that we will consent and confirm him as Secretary of Defense.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I have had an opportunity to very carefully follow the debate on this nomination. My own understanding of the issues has been crystalized by all the arguments made by my colleagues here on the floor. This debate helped me formulate what I believe to be neutral principles, which transformed a very troubling question into a confident solution.

As much as any Member of this body, I have had my policy differences with Senator Tower. Of course, that is no secret. Whether the issue was the size of the defense budget or acquisition reform, our positions were often irreconcilable. Our public debates are indelibly recorded in the CONGRESSIONAL RECORD for all to see. Our private debates were equally sharp.

Notwithstanding our incompatibility on the issues, I found John Tower a formidable opponent, and a knowledgeable and capable expert on defense matters. I think few, if any, would contest that.

As I considered John Tower's fitness to serve as Defense Secretary, two issues rose above all others: defense reform and personal conduct.

I would like to address these two issues, Mr. President, and how I came to resolve them in my own mind.

First, the issue of reform. On this issue, Mr. Tower and I have been on opposite sides of the fence. That was some years ago. More recently, John Tower has pledged to clean up the Pentagon management problems. Perhaps only a John Tower can clean up the Pentagon. Or, as President Bush has said, only an ardent foe of communism like Richard Nixon could open relations with China. I will work with John Tower to achieve real defense reform.

But more important than John Tower's pledge to reform the Pentagon is the President's own repeated commitment on this issue. He promised it to the American people during the campaign, then again when he nominated John Tower, again when he spoke before the joint session of Congress, and most recently through senior aides with whom I met recently to discuss these matters.

The relevant point here, Mr. President, is that defense reform is too important a goal, and the Pentagon is too large a monster for any Secretary of Defense to handle by himself. Rather, defense reform will occur solely through the commitment and actions of the President of the United States. I draw the line on this issue not with Secretary-designate Tower, but rather with the Commander in Chief—the very top of the chain-of-command. Only he can keep the Pentagon's feet to the fire.

Once the President has left no doubt about his commitment to defense reform, the question remains: Who is the President's choice to lead the reform of the Pentagon? That man is John Tower.

Mr. President, although I have placed significant weight with the President's own commitment, I do not consider John Tower-the-person with any less significance.

John Tower-the-person is important in another context, in my view. And that context is related to the allegations of personal misconduct found in the FBI report. It is to this second important issue that I now turn.

I have long abhorred the actions and consequences of alcoholism. And I strongly disapprove of "womanizing" and sexual harrassment of women employees. As I anticipated reading the FBI report, I braced myself for a shock to my sensibilities, having been conditioned by numerous and dramatic news accounts.

And then I read the report.

Mr. President, I must say in all candor that I truly was shocked.

But just beneath the veneer of the sensational, I found the FBI report remarkable for its ambiguity, and lacking in the kind of evidence required for any fair-minded Senator to oppose Mr. Tower.

My view of the report is consistent with the statement made on this floor last week by a Democratic colleague, who said there is no smoking gun in the FBI report, just a lot of smoke. The FBI report is indeed little more than a receptacle for unsubstantiated and uncorroborated, multiple hearsay. It is raw data and focuses on "appearances," "perceptions," and vague rumors. In no way does it represent evidence consistent with American traditions of justice. Indeed, more questions are raised in this report than are answered.

History is replete, of course, with examples of man's failures to honestly question the integrity of allegations—sometimes with tragic consequences. Consider the trial of Socrates by the citizens of Athens in 399 B.C. As Plato recounts in his dialog "The Apology," one of Socrates' accusers concludes there must be guilt, given all the smoke. Let me quote from "The Apology":

The accuser says to Socrates: "What has given rise to these prejudices against you? You must have been doing something out of the ordinary. All these rumors and reports of you would never have arisen if you had not been doing something different from other men."

Athens wrongly convicted and sentenced Socrates based on false allegations. This miscarriage of justice was an act of self-indictment by the city-state of Athens. Inasmuch as John Tower is "on trial" here, I submit that the Senate is equally "on trial." To wrongly condemn Senator Tower is actually self-condemnation by this body.

Even Socrates had the right to face his accusers. Thus, Mr. President, I would, as have a lot of my colleagues, urge that Senator Tower be allowed to represent himself here on the Senate floor so he is not merely "sparring with shadows" in his defense. Traditional standards of justice and fairness demand he be allowed to face his accusers and respond to their charges.

Mr. President, I have no right to impose my own strict code of private morality on other public servants. I am not equipped with the wisdom of Solomon to decide which sinners shall pass. Nor do I have the right to arrogate for myself the President's constitutional prerogative to select his own nominee.

I particularly want to commend my two colleagues from the other side of the aisle for their display of courage and conscience. It can be lonely when you openly oppose your President and your party. I know. I have done it for eight years on a variety of issues. But, Mr. President, we are sent here to be leaders, not followers.

As the Des Moines Register from my home State recently editorialized, the people have entrusted us to use independent judgment—not to succumb to the exercise of raw politics.

I have searched my conscience and the record with this principle in mind, Mr. President—accordingly, I intend to vote for John Tower. And I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The senior Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, I did not intend to speak at this point, but I was listening to the distinguished Senator from Iowa and I must say, first of all, there is not a trial taking place in the Senate. The reference to Socrates was interesting, but the penalty that Socrates suffered was death. We are talking about whether a nominee by the President ought to be confirmed as a member of the Cabinet.

Such nominees in the past have not been confirmed by the Senate.

There is no entitlement to be a member of the Cabinet. The Constitution framers, when they devised this system, gave to the Senate a major role to play in providing advice and consent. It is our responsibility, as Members of the Senate, our constitutional responsibility, to exercise our best judgment in considering the President's nominees.

I subscribe to the proposition that a President, when he is choosing people to serve in the executive branch, ought to receive from the Senate some degree of accommodation in the sense that these are the people he wants to help him run the executive branch of the Government. In fact, I, in my own thinking, make a distinction between the executive branch and the judicial branch.

In the judiciary, where you are dealing with a third, independent branch of Government, it seems to me that the President's nomination is the vehicle that places the name before the Senate. It represents the President's judgment about who should go on the court and that obviously should be taken into account. But then the Members of the Senate have to consider whether, in our best view, this person should receive a lifetime appointment to serve on the Federal bench.

When it comes to executive branch appointments, I am prepared to defer further than that toward the President, in the sense of recognizing that he is trying to put together his executive branch team, and we need to provide some accommodation for that. But that accommodation does not mean that we forgo our judgment or evaluation. Otherwise, the provision in the Constitution that we should pass on such nominees becomes meaningless. It becomes meaningless under those circumstances.

The charges against former Senator Tower were not made by the Members of this body. We are evaluating the record. The charges have been made by many others. If, in fact, it is felt that Tower should be heard from, all of these witnesses should be heard from. If that is the kind of hearing that people want, that is the nature of what that hearing should be.

The Constitution does not prescribe the specifics that Members of the Senate should consider on passing on a nomination. It is interesting, as was observed yesterday by some of my colleagues, that Senator Tower himself, when he was a Member of this body, voted against a Cabinet nominee of the President. So, obviously, he himself in exercising his responsibilities as a Senator did not accept the proposition that the Senate should simply rubberstamp or approve any Cabinet nominee submitted to it by the President. Otherwise, why did he himself vote against such a Cabinet nominee?

So, by his own exercise of his responsibilities when he was a Member of this body he clearly took the position that a President's nomination to the Cabinet is not automatically to be approved by the Members of this body. Each of us has to reach our own evaluation. No one pretends this is an easy decision. These decisions are never easy and it is made more difficult in this instance by the fact that John Tower was a Member of this body for many years. In fact I would submit to you, had he not been a Member of this body for many years, this debate would have ended much sooner than now. The decision would have been rendered. And the President would now be in the process of finding another nominee to submit to the Senate.

It seems to me we should think carefully about that, in terms of that observation, because I fail to understand why a Member, former Member, of this body or current Member, ought to have some presumption over and above someone else submitted to the Senate for confirmation.

I know there is a lot of talk in the country about "the club," and so forth and so on. But in the end we are called upon to make an evaluation and render a judgment. I do not think that judgment has been made lightly by anyone who has registered their opinion. I took that responsibility very seriously before I publicly indicated that I would not support John Tower to be Secretary of Defense. I have worked carefully through the record. I have read more than once the report of the committee, both the majority and the minority report of the committee. I listened to some of the debate on the floor before announcing a decision. Not all of it, because I announced the view a few days ago.

It is my view that, given the nature of this position and its importance, I cannot conclude that I should cast my vote to confirm John Tower.

Let me say just a few words about the nature of the position and its importance. The Secretary of Defense is in the national command authority. He is in the chain of command with the use of American military force. In fact, some on this floor have referred to him as the deputy commander in chief. And that is not an inapt description, in my view.

In that position he has responsibilities which are different from, in significant measure, those held by any of the other Cabinet secretaries.

Most, if not all of the decisions of the other Cabinet secretaries, have a margin of error. They have a timeframe in which they work that permits the decision to be recalled or reversed.

If, for example, just to use an illustration, a Secretary of the Interior some evening, not fully thinking things through and clearly perceiving them, should sign an order that there should be drilling of oil in the middle of Yellowstone National Park, he can go to the office the next morning in the cold light of day and he can retrieve that decision. He can reverse that decision. It is a retrievable, reversible decision.

The Secretary of Defense is, on occasion, called upon to make a decision, and within minutes after it is made, things happen; actions are taken; consequences flow from that. And that decision cannot be retrieved. It cannot be reversed. It becomes an irreversible decision. I think it is very important to keep that in mind as we consider this nomination.

Second, it is very clear that one of the major responsibilities of the new Secretary of Defense is going to be to address the procurement problems which have plagued the Department of Defense, which raise serious questions about the operation of the Department and casts a pall over the services. It, in fact, unfortunately in many respects, has cast a pall over the private sector that interrelates with the armed services, unfairly to many people in that sector. Nevertheless, that is the case.

Here we have an instance on the record, on the public record of a classic revolving-door problem. It is the public testimony and the clear factual statement on the record. I do not have to get into any debate now of this FBI file.

We are talking about what is right out on the public record that former Senator Tower, within weeks of completing his role as a very sensitive negotiator in the arms talks, became a consultant. In the course of the questioning before the committee, it was indicated that he consulted with those companies on the very issues, amongst others, that had been the subject of his work as a strategic arms negotiator.

Senator Tower was very explicit in saying that what he provided in that consultative arrangement was his informed judgment, his informed opinion, and that at no point did he reveal any classified information. I accept that statement, but it is not the revealing of classified information that is at the base of the concern. Even revealing an informed opinion, an informed judgment after just having held that position, it seems to me, raises very serious concerns about the nominee and, in my mind, contributed to my own thinking with respect to reaching the decision that he ought not to be confirmed.

We have been on this subject now for a number of days. I would hope

that we could go to a vote sometime in the near future. I know that is not in control of the majority, and I know that the minority leader has indicated, apparently, his intention to continue to carry this thing along. In fact, some have even said for weeks and weeks. It is hard for me to understand how that benefits the country, how it benefits Senator Tower or the President or the national interest of the United States. It would seem to me that in very short order we ought to go to a vote on this matter and decide it up or down, one way or the other. I think most Members are prepared to do that, and I would hope that at some point in the near future we could have an indication from the minority leader that he is prepared to do so as well.

In an effort to get John Tower across the line, there has developed what I have perceived over the last few days this attack or assault on the Senate itself. It is not quite clear to me what purpose that is intended to serve. The Senate is charged by the Constitution with a certain responsibility, and Senators are trying to discharge that responsibility as best they can.

I, in fact, want to commend Senator NUNN and the Armed Services Committee for their efforts in this regard. Well before we were ever presented with the name of a nominee for Secretary of Defense, namely in the fall of last year, well before, in fact, we even knew who the next President of the United States would be, Senator NUNN and Senator WARNER, the chairman and ranking minority member of the Armed Services Committee, had already focused their attention and the attention of the committee on the need, in effect, to try to provide a higher standard within the Department of Defense as to the nominees who would be coming from the next President.

If I am not mistaken, and I will ask the distinguished chairman of the committee, it is my recollection that a communication was sent both to then Vice President Bush and to Governor Dukakis, who were the two candidates for the Presidency, before the election expressing the concern which had motivated the actions of committee members in this regard and, in effect, indicating the necessity to approach the Department of Defense, given some of our recent problems, with a different attitude than had perhaps prevailed in the past. I yield to the chairman to respond to that.

Mr. NUNN. The Senator from Maryland is entirely correct. Senator WARNER and I did join together, and we did send that letter to both Governor Dukakis and Vice President Bush. I believe it was in early October 1988.

The letter set forth the standards that we felt should be applied not only to Secretary of Defense, but to the whole array of defense officials. We confirm some 46 defense officials in our committee after the President takes office.

So the Senator is absolutely correct, we did set down a list of criteria because we felt, and still feel, that we have to turn around the perception, to some extent the reality, that the Department of Defense is not being appropriately managed. That perception and, again, I think there is too much reality to it, does undermine the public confidence in the Department of Defense and the willingness of the taxpayers to sustain a strong Department of Defense and a strong defense for the Nation. So the Senator is exactly right.

Mr. SARBANES. Mr. President, I think it is important to recognize that that was a concern that was on the record which was being acted upon before not only did we not know who the nominee for Secretary of Defense would be, we did not even know who the President would be who would nominate him.

It is my own perception that the committee struggled with this. I think it is fairly obvious that at the outset when Senator Tower's name was sent, the assumption on the part of most was that it would be approved. It is only over time as the process unfolded that more and more doubts grew up about this, grew around this nomination and moved more and more Members finally to the conclusion that he ought not to be confirmed as the Secretary of Defense.

But I simply want to close by commending the committee and its chairman for really carrying out the work in a very responsible and conscientious fashion. There have been charges on this floor of approaching this in a partisan manner. There has been no appeal on this side of the aisle to try and decide it on a partisan basis. In fact, the majority leader, the distinguished Senator from Maine, was very explicit in his own public statement and in communications with his fellow Democrats, that each person ought to make their own judgment as individuals and, in fact, that has obviously happened on this side.

There has been nothing comparable to a broadside appeal to stick together on a party basis or to stick together simply to support the President. I think the framework in which it has been cast by the majority leader is the appropriate framework in which he said each Member has to weigh and consider the matter carefully and responsibly and reach their own judgment. I want to commend the majority leader for taking that view.

Mr. President, I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Texas [Mr. BENTSEN] is recognized.

Mr. BENTSEN. Mr. President, 6 weeks ago I introduced John Tower before the Armed Services Committee and said he was qualified to be Secretary of Defense. Since then, I, along with almost every other Senator, have gone up to room S-407 in the Capitol to examine in detail the FBI reports on the personal life of John Tower. We had a lot more to do than just read. We had to scrutinize the detail of that report.

John Tower and I served together in the Senate from the same State for 14 years, but sometimes you have to set aside questions of personal friendship when you are talking about the nomination of a person to a position that can affect the national security of our country.

I have made my decision, but before I announce that decision I would like to speak on a few issues in this case that have given me some concern. First, on this issue of partisanship, that the distinguished Senator, my friend from Maryland, has been discussing. This has been a rancorous few weeks, and when you look at the Armed Services Committee vote and the bitterness of some of the debate, you can be pardoned for thinking that it is a debate that is shaped by politics. Has politics spilled over into our discussion, influenced some of the votes on both sides? Probably. But I am convinced that the conclusions reached by this body have been overwhelmingly on the merits of the issue. They have been formed by different perspectives, different backgrounds, by different Members as they read those FBI reports and tried to interpret them in light of their own experiences. I have had too many discussions with Senators on the floor of this Senate, in the cloakroom, personal discussions with them apart from rhetoric, apart from politics, to think anything else.

I think a lot of credit goes to our majority leader, the distinguished Senator from Maine. I think he has shown extraordinary patience as he has dealt with this issue, and I think he deserves a good measure of what civility has been able to be retained in this debate.

A great deal of credit goes to my friend, the Senator from Georgia, the chairman of the committee. I have worked closely with the Senator from Georgia. I know of no person more patriotic in public life today. There is no way that he would let partisan politics interfere with his passionate desire to serve this country. He would react no other way. His concern is evident to any person who has set down and talked with him about it.

These are simply issues on which well-meaning men and women can arrive at different conclusions. They are not trivial issues. The question of alcoholism is particularly troublesome. After all, the job of the Secretary of

Defense is not 9 to 5. He has to be ready to make decisions that can affect thousands of lives and he may be called upon to make those decisions when he is called out of a banquet, awakened at 2 o'clock in the morning out of a dead sleep.

Does such thorough investigation of every aspect of one's personal life worry me? You bet it does.

Some have argued that disqualifying public servants because of their public lives is wrong, as wrong as refusing to look at a painting by Gauguin because he was a man that went off and left his family. Furthermore, the tradition of respect for the privacy of an individual is important in American life, and I think at some point we go far too far in the exploration of every peccadillo in the private lives of public figures.

We expect a lot from public servants, though. For me, as long as we examine only the private conduct that affects public policy we are acting correctly. And character is important. It is a legitimate issue.

The areas examined in this debate, alcohol, propriety of defense consulting, those are important issues and they have to be examined and resolved. The personal issues raised by the Senator from Georgia, the chairman of the Armed Services Committee, needed evaluation and needed study, and so did the President's prerogative. The President, in my opinion, deserves the benefit of the close calls when it comes to picking those people for his Cabinet to run his administration, but not even John Tower has voted for every Presidential nominee. I can recall his voting against a Presidential nominee from Texas in the past. So why should we act any differently? The Senate has the right to advise and consent, and that has to be protected.

Now, having said that, I found the allegations about John Tower's personal life without enough basis to deny the President his choice. They were contradictory. I found myself comparing the John Tower in the FBI reports to the John Tower I have known for years and worked with on Texas projects in this Senate. They were not the same man. I also found myself reassured by John Tower's pledge of abstinence, and furthermore I doubt he could get by with breaking it.

I have been in public life for a long time. Last fall I learned first hand what it means to have reporters go back into your hometown, go back 60 years, talking to your friends about everything that you might have done that you would not be too proud of today. And even asking you what you had for breakfast that morning. I doubt that John Tower could get by with putting an olive in a glass of milk without it being observed. I think the scrutiny of John Tower, if he becomes Secretary of Defense, will be intense and perhaps sometimes at a point where he will wonder why he wanted the job. I believe him when he says he will not touch a drop of alcohol and that if he does he will resign from the job. I also believe the President should and would demand it.

So why do I differ from many of my colleagues on my side of the aisle on this particular issue? Possibly because few in this body have had an opportunity to get to know John Tower as well and no one has had to view him through the special lens of another homestate Senator.

In the 14 years that John Tower and I have worked together to represent our State and this Nation, we have developed an excellent working relationship, especially when it came to those issues important to our State. Sure, we came from different political parties, moved in different social circles, with different voting records, but we worked together in a spirit of cooperation, and that was enhanced over the years. It was what I learned about John Tower during those years that made me willing to present him before the Senate Armed Services Committee: what I knew about him and his intellect, his experience, his knowledge of defense issues and his unquestioned patriotism.

This event, so painful to John Tower and his family, has been difficult for me as well.

In the passion of debate, pundits writing editorials in the isolation of their offices, writing speeches, sometimes have a tendency to forget that public officials have personal feelings also. We have seen witnesses have their sanity, their integrity impugned as they try to reach back to try to remember facts in the record of things that happened years ago. And we have seen every imperfection in an essentially good man dragged into the pitiless glare of television while his lovely daughters sit there and were subjected to it. It has been a high price to pay for public service.

I will support this nomination. I will vote for John Tower's confirmation. And I hope that the next time when I get a chance to talk to John Tower about how important it is to keep the defense of this country strong, I will be talking to him in his office in the Pentagon.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the senior Senator from Texas how pleased I am to find myself on the floor at this time. Many Senators on both sides have literally taken 10 times as long to express themselves as he did, and I believe few have done it as well. I think in his own way he has disposed of this issue in a way that should have a significant impact on those who may yet be undecided.

Mr. President, I came down here today thinking that I would talk a while about what was most disturbing about this whole 2½-month history. I hope I do not talk too long. But let me just talk about a few things that have become important to me as I look at this.

First, I am sure there are some people who are wondering why, with all of the information that has come out in whatever manner, verified or unverified, did the President nominate Senator Tower. I hope everyone remembers what the President knew when he made this nomination, which was supported by many members of the Armed Services Committee who recommended that he appoint him. They said he was qualified and that he would be a good Secretary of Defense. I am not going to go into a lot of that history. But I think it is important that we remember that a number of distinguished Senators, some of whom have spoken here including the Chairman, my good friend, SAM NUNN, they told the President before the President completed that act of sending Senator Tower's name up here that he would be a good Secretary of Defense, that he was qualified. So I think clearly we start with that.

Second, the way we relate with the people of this country, either in our States or in this Nation, the way we expect to respond to the people in our States and in the country is very important. Some would say that the vote here on this issue should not be affected by what people think. But I submit that if the overwhelming numbers of the American people favor John Tower—some might think differently. I am not suggesting that should be a test. But I want to make a point.

I remember at least one distinguished Senator indicated that a constituent in the home State had almost assaulted him in saying, "Don't you approve John Tower."

Mr. President, if there is anything I am certain of is this: If again the U.S. Senate is going to look at the behavior of a candidate, the personal conduct of a candidate, I am certain that we will never again do it this way. We may not confirm John Tower and we might. But I am certain that a good lesson was learned.

Senator Tower's nomination is here. The Armed Services Committee has voted. The Senate has been debating. Just last night, one of the major networks, indicated that there are new charges, then outlined what they probably are. You see, Mr. President, that constituent is getting an image of John Tower from that event last

night, from at least five like it, one even more severe. And the real problem with this process is that we are not going to be able to assure the American people, one way or the other, that those allegations they have heard and they have read about are true or not. That is not good. I have heard it spoken here as due process.

I heard my friend from New Hampshire speaking of the civility, of the American system with its individual rights. It just seems to me simply common decency that you do not build that kind of momentum against someone when most of it is untrue. And I do not want to violate our ethical commitment to the FBI files, which are just a series of questions to people, no affirmation, no verification, no cross-examination. One will say "A," and then five will say "B." And you read them all. Who are you supposed to believe? I can tell you it is unique, at least for this Senator, to try to find out how I am going to vote, go up to room 407, and almost have to take an oath that even if I write any notes about what is there I must leave those notes there. If we even use a word from the reports we are violating some kind of rule.

Mr. President, how is anybody going to know what was right and what was wrong? How is anybody to know how much evidence that is credible is on the side of the excessive use of alcohol, which is the principal accusation here. I assume it would impair him from accomplishing the duties of the Secretary of Defense. How is anybody going to know that there is not enough evidence?

I heard the distinguished Senator from Texas say it very nicely. Most of us down here talk lawyer talk. We said the President deserves a presumption. What the Senator from Texas said was much easier to understand. He said he read it all, much of it contradictory I would add that some of the allegations that were out there in the United States, already heard by millions of Americans, are absolutely disapproved in the report. I am not going to burden the RECORD with a list of them.

I only wish we could to back and have an equal presentation of those to the American people from the ballerina, to the Office Secretary, and so on—now unequivocally disproved in that record.

It seems to me he said it right—the Senator from Texas. He said, you read it and it is a close call. I guess that means there is some evidence both ways. But do you know what he said? He said, "I know him." Is that not something? "I know him," he said. The President knew him, too. Max Kampelman knew him, too. He wrote us a letter. When did the impairment we are worried about start? I mean, the chief arms negotiator was over there with him in Geneva for month after month. Those meetings lasted more than 15 or 20 minutes a day.

There is evidence that everybody socialized while they were there and, yet, his letter says—I am paraphrasing—Senator Tower never seemed impaired to him, and Senator Tower did an exceptionally fine job as negotiator. That is another person who knew him in a very difficult arena.

So, Mr. President, as I look at this, with no aspersions on any Member of the Senate—and Senator NUNN from Georgia knows it is not directed at him, because I have had occasion to speak with him privately about this procedure—but I want to repeat that I hope that if this epidode means anything and stands for anything, it stands for the proposition that we are not going to do this kind of scrutiny again. We may do the same kind, but we will not do it this way.

We cannot again look into the personal life of a nominee and have only one witness in public say, "He drinks too much," and from that, build a file.

Anyone can stand up here and say they read that file, with hundreds of pages of FBI agents interrogating a witness, as I have indicated, and many have, unsworn, no cross-examination. You can find a statement to support either side. If you want to stand up here and say, "I saw enough in there," somebody else can get up and say that is not the case. But there is very little evidence that he has ever been impaired in his official duties.

Then we have a Senator who worked with him for 14 years come here and say, "I knew him."

That is why we should not go through a process of this type again, I have said my share. I read the file. I was amazed, to tell the truth, because I started looking for those episodes which had been dramatized on American television and on the front pages of the papers, and I found them, with a little effort. I am very sorry that I cannot bring them down here. They are disposed of. They are not even questioned, when you finish up the report.

In one case, you have somebody known as a habitual liar, another one known to be mentally ill, incompetent. They were disposed of quickly. Then I read questions and answers, and somebody says it this way, and five others say it the other way. So I am left in much the same position as the distinguished senior Senator from Texas; I do not think there is any question but that, based upon his performance, whenever he was called upon to perform an official duty or function for the United States, be it Senator, be it negotiator, be it commissioner, he did it well, and that there is no evidence of impairment.

Second, I think it is unequivocal that he is capable, qualified, knows plenty about the Defense Department and America's defenses, and would have the capability in that regard to be as good as any we have had.

So I come down on his side. I have even heard some Senators say, personally, they would have chosen someone else, or they would look for somebody with a different perspective. I do not believe anyone in this Chamber really thinks that is an issue. If that were an issue, we would never get anybody confirmed. We could not get enough votes for anyone's nominee, because we all think we know how to do it better, or we think somebody is better.

That is why the President makes recommendations, and that is why, over the scope of history, far more times than not, his candidates are approved. That is why, in the scheme of history, almost every U.S. Senator who has been recommended has been approved—not all, but almost all. The distinguished President pro tempore is in the chair at this time. He gave us a history lesson on that at one of our sessions.

From the last century to this, any Senator who was recommended was confirmed, many of them rather quickly, I think. I do not think that necessarily is conclusive, but I do believe that there has been a great deal of evidence out there for the American people to pass judgment on, to help their political leadership pass judgment, and they have an influence. I really believe that most of it, when it comes to the issue of his character with reference to the use of alcohol, for the most part—that which became very dramatic for our people—has been disproved. There is no question in my mind that if you use the presumption, or if you use what Senator BENTSEN did, you can find some evidence both ways, but why do you not decide based upon what you know? I really do not understand how we, 71 of us, do not know. Senator BENTSEN said he worked with him intimately as a fellow Senator for 14 years. There are some Senators who worked with him his entire time here, on committees with him, observed him. I do not know that anybody has said they saw him impaired.

So, Mr. President, it is with real regret that I must say our process did not work this time. It worked to injure a family. It worked in a very unfair way, albeit unintentional, and a sense it permitted almost anyone to say that they found some evidence on whatever side they wanted to come down on.

I really do not think we ought to be doing business that way when we are dealing with a matter as serious as this one. I will vote for him, and I hope the Senate will confirm him. I hope, because I really have grown to love this institution and its precedents and procedures, its history and its relevancy

in the life of this great Nation, I hope we never do this again.

Mr. FOWLER addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the junior Senator from Georgia.

Mr. FOWLER. Mr. President, I rise to commend the senior Senator from Texas on his statement, the manner in which it was made, the thought that went into it, and the judgment that is behind it.

In the midst of what has been an emotional and rigorous debate, Senator BENTSEN's statement today reflected the finest tradition of not only civility and political judgment, but also should be an example for all of us as to how thoughtful judgment and decisions must be arrived at, if we are to uphold our constitutional obligations in the highest traditions of debate in this Chamber.

I do not agree with Senator BENTSEN's judgment, but I not only respect that judgment, I do not quarrel with the soundness of the opinion that went into making that judgment.

I think admist these cries of partisanship, in our judgment, when you see one of the two standard bearers for the Democratic Party, a man who does not look for Democratic solutions or Republican solutions, but the best solutions to the problems that face our country, make the kind of thoughtful, opinionated—yes, there is no way to separate opinion from judgment—rationally developed judgment that he has made, I hope it will be a hallmark for the way we conduct our decisions and our debate in the future.

I also commend Senator BENTSEN for the words that he said about our new majority leader, the Senator from Maine [Mr. MITCHELL], and my senior colleague from Georgia, the chairman of the Armed Services Committee [Mr. NUNN], both of whom, amidst all of the emotion and supercharged opinions of this debate, have also retained their calm, their dignity, and have never let their emotions control the calmness and the rationality of their debate on this most important issue.

We have a constitutional obligation to make our individual decisions as to whether or not Senator John Tower should be entrusted with one of the highest constitutional responsibilities affecting the lives of thousands and thousands of men and women in the Armed Forces of the United States.

There is no easy way, there is no one way for us to render that informed judgment except to try to look at the facts with a dispassionate eye, to put party and politics behind us, to not be seduced by the power of our own oratory, and to give every Member of this body the credit that they will look at each one of our colleagues with respect, that they will put America and Americans in the Armed Forces first when they render this decision.

Though I cannot name every name of my colleagues on both sides of the aisle who have done this, unquestionably GEORGE MITCHELL, SAM NUNN, and LLOYD BENTSEN are at the top of the list even though they reached contrary decisions. I hope we will remember that after this matter has been decided, however it is decided.

They have set the example for informed and rational debate, informed and rational judgment, and the Senate of the United States and its traditions is the richer for their contributions.

Thank you, Mr. President.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. FOWLER. I am glad to yield to my colleague.

The PRESIDENT pro tempore. The Senator from Georgia yields to the Senator from Vermont.

Does the Senator from Georgia yield the floor?

Mr. FOWLER. I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

Mr. President, I wish to concur in the comments made by the distinguished Senator from Georgia [Mr. FOWLER].

I have spent a considerable amount of time during this debate on the floor or in my office watching the debate on television. Much of the debate that has really reflected what is best in the Senate has been Senators on both sides of the aisle expressing strongly held views based on material they have read and reviewed, coming to different conclusions.

I think in many ways it would have been instructive of the country to have seen all the debate here, the debates that have taken place in the Cloakrooms, the Senators' dining room, in the Senators' gym, and certainly along the Halls and corridors.

I serve on three major committees, Appropriations, Agriculture, and Judiciary. In every single meeting Senators have discussed the same issue.

I do not think that this debate has just broken down to a partisan fight, a fight between the President and the distinguished chairman of the committee, or between one group of Senators on one side of the aisle and the other. It has been an issue where Senators have been deeply troubled, where they have in many, many instances started out intending to vote one way at the beginning of the whole episode and after careful reflection and study, deciding to vote another way.

I say that in the best possible way because they have done it based on the evidence that they have seen and discussed.

I, of course, respect and admire all 99 of my distinguished colleagues. I hold to myself the ability to differential among levels of respect, and even the level of distinguishment of my distinguished colleagues.

I must say that among those with whom I am most proud to serve in this Chamber is the distinguished Senator from Texas, Mr. BENTSEN. I campaigned all over this country for Senator BENTSEN during this past fall. I had the privilege to see parts of the country that I had never visited before while there on his behalf. I did it with a great deal of pride and a great deal of respect.

If I were called upon to go and campaign again for him tomorrow, I would do it with an equal degree of pride and equal degree of respect.

He and I happen to differ on this vote, and in my 15 years there have been a lot of votes on which we agreed, and on other votes we disagreed.

My respect for the Senator from Texas has not waivered one iota during that time.

But I think he has demonstrated probably as well as anyone can here today that each Senator has to make up his or her mind on this issue based on the facts as they read them, as they know them, as they understand them.

I think Senators on both sides of the aisle have done that probably with more thoroughness than I have ever seen on an issue.

I have seen Senator after Senator up in room S-407 reading all the reports the times I have. Others have gone back and read and reread and reread, just as we have discussed it among ourselves on and off the floor.

I would hope people would listen carefully to what is being said. There might be momentary flareups on either side of the aisle, and those look very good on the evening news.

Those people in my State and every other State who stayed home and watched carefully this whole debate probably have a good understanding of what we are discussing here. I only wish they could watch the debate as it continues off the floor because it would show Senators who hold first and foremost their oath of office and to uphold the Constitution, which, after all, speaks of advice and consent.

In my 15 years here there have been very, very rare instances where the advice-and-consent procedure has been so deeply held and so carefully considered and so adequately debated as in this issue.

Mr. President, I just wanted to make that comment. I do not know if there are others seeking the floor. I do not intend to hold it longer.

I see the distinguished Senator from Alaska on the floor and so I will yield the floor.

The PRESIDENT pro tempore. The junior Senator from Alaska, Mr. MURKOWSKI, is recognized.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I rise on the issue of the nomination of John Tower to be Secretary of Defense.

I came to the U.S. Senate having been elected by my constituents in Alaska in the year 1980. I did not know John Tower well. To me John Tower was the senior Member of this body, the chairman of a committee and a rather cold, aloof individual who seemed to be managing very well with his expertise in matters of defense and his seniority in this body.

But I had an opportunity to observe John Tower during the time he was a Member of this body and there was nothing during that time that this Senator observed that would make him unfit for the nomination to head up our Nation's Department of Defense.

Now I have, as my colleagues, gone into room S-407 and read at great length the material there concerning Senator Tower.

Mr. President, as ranking member of the Veterans' Affairs Committee, I also had the obligation to review extensive reports on our President's nominee for the first Secretary of Veterans' Affairs, Mr. Ed Derwinski.

Perhaps myself and the senior Senator from California, Senator CRANSTON, are a few of the Members who have had that obligation in that we have had more than just the nomination of Senator Tower but again another nominee who was a former Member and an issue that involved extensive FBI reports and examination.

First of all, Mr. President, it is perhaps inappropriate to reflect on what might have been. But this process that we go through is terribly unrealistic and terribly unfair. I have seen instances time and time again, in reviewing the reports in S-407, referencing interviews made by the FBI and those interviews were later transcribed by the FBI agent or representative. And the individual being interviewed did not sign off on that transcription, did not see that transcription and that individual does not have the right to the information in that file.

So we, as Members of this body, may go up there and paw through it, but we cannot debate it on the floor. That issue has been well covered in this debate. We do not have the opportunity to quesion the individual nominee, Senator Tower. So we are left with a one-way communication.

As I indicated in the debate that occurred here on the floor concerning the nomination of Mr. Derwinski to be Secretary of Veterans' Affairs, anybody that is subject to deposition would be very, very foolish not to have a tape recording of what was said so he would have, he or she, some record in order to defend themselves if they are ever in a precarious position like this. Now I think there is a parallel, Mr. President, because in that sense, it is very unfair.

Now the material in the reports, in a general nature, at least this Senator from Alaska is satisfied, are hearsay. Firsthand evidence is noticeably lacking. And I could go on at great length and add to the extensive statements from both sides and what is in that report.

But I think that you can construe the report whichever way you wish. If you want to condemn John Tower as being unfit for the nomination to be the Secretary of Defense, that can be easily done. On the other hand, if you want to justify that John Tower meets the requirements for the office to which the President has appointed him, why that as well can be done.

Let us make no mistake about it, Mr. President. This is a political body. We are good friends, but seniority and numbers control the agenda, control the committee function, and of course, that is as it should be.

I am not going to belabor the point on the issue of politics involved in this nomination, but I think it is fair to recognize that there is a rather close count currently; it may be in the area of 47 votes on one side and 50 on the other, with a few left undecided. So we are down to a critical area of two or three votes. I do not know what the leadership is going to decide with regard to the timeframe, how much longer we are going to reflect on the issue, how much more arm-twisting is involved, how many more times the President is going to contact individuals.

But I think we have learned something from this experience, I certainly hope so, in my short tenure. We have not allowed, each side, for a graceful way out. You know, there is a custom in Asia that is to save face. There is no save face left on this issue for the majority or the minority, in the opinion of the junior Senator from Alaska.

I hope that from this we have learned to allow the dignity, before things get too far out of hand, to ensure that both sides have an alternative for a compromise. Because since I have come to this body, Mr. President, I have been advised time after time that this is a body of compromise. We adjudicate in a spirit of compromise. Well, we do not adjudicate, but that for all practical purposes is what we are doing now.

So that boils down to how you evaluate the responsibility that we have as Members on the nominee John Tower. Well, as I have indicated the material is there. You can interpret it any way you want. You can go back, as my senior colleague has done, Senator STEVENS, and reflect on the years that he has worked with John Tower. And I think it is fair to say that TED STEVENS and John Tower have not always seen eye to eye. But, nevertheless, the senior Senator has indicated his support based on his own evaluation.

I have not been around here that long, but I know something about management, Mr. President, and the principles of management. And I am making my decision on the basis of the principle that we have a chief executive officer, the President of the United States. The President should have the right to name his specific designees in his Cabinet. It is an historic right.

The Senate has its duties, too. I know my friends can interpret that if we feel that there is a lack of qualification, we have the obligation to override the President. But I think that is a narrow line that we individually have to interpret. And I am interpreting my position in support of John Tower on the basis that you hold the Chief Executive Officer responsible for the activities of his policymakers. That is the premise that the Senator from Alaska is coming down on.

I hold the President of the United States responsible for selecting John Tower as his Secretary of Defense. If John Tower does not do the job, I hold the President of the United States responsible.

So, as we look across the board at the various reasons for our actions here, I want the record to state that in the conventional management style that I am familiar with—and not just familiar with, Mr. President, a management style that is not just conventional but a management style that works—that is the basis of our capitalistic system.

So for that reason, Mr. President, the junior Senator from Alaska supports our President and hence supports the nomination of John Tower for Secretary of Defense.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the junior Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I rise to deliver my maiden speech. The subject, I must point out, falls far short of my expectations.

I expected to be standing here before this body ready to launch into a full scale attack on one of America's great problems. I expected to be waxing poetic about our national security, fiscal or trade deficits, the status of our farms and ranches, the quality of our health care system, or the emergency which exists in our schools.

Like all occassionally immodest individuals, I hyped my expectations with great imaginings. I imagined that I would weave in moving, personal anecdotes. I imagined that I would stun my colleagues with the accumulation of an impressive array of facts and the recitation of quotes from previous

masters of public speaking or thought. I imagined that people throughout Capitol Hill would be rushing to their television sets to witness history in the making.

But, Mr. President, not in my wildest imaginings did I dream I would be standing here to announce my opposition to Presidential Cabinet nomination. Such matters have never made it onto the list of preferred topics upon which I could stand and deliver.

But I am here to declare what I have stated now for some time: The evidence of the FBI report and the previously generated comments have caused me to conclude that John Tower should not be confirmed as Secretary of Defense.

A central issue for me in alcohol use—past, present, and future—and the potential that it could impair the judgment of one who assumes command responsibilities like Secretary of Defense. It is the potential—based not only upon witnesses in the FBI report but upon the witness given by John Tower himself—that concerns me. In the end I conclude the risk to be too great.

I have heard many distinguished Senators, including the distinguished minority leader—who I admire a great deal—say they have never seen John Tower impaired by alcohol. I have heard them declare that they have traveled with him on important missions and have seen him perform admirably and without impairment.

I respect my senior colleagues and do not challenge their motivations. However, Mr. President, I have also heard John Tower himself—not the FBI report, not secondary witnesses, not the hot breath of the rumor mill—but John Tower himself declare that he had a drinking problem in 1970's at precisely the same time that many of my colleagues now declare that they did not see a drinking problem.

Mr. President, the safeguards which have been mentioned by President Bush—namely the 26,000 employees of the Department of Defense—are not sufficient. And with all due respect, this proposed safeguard would fail most private sector tests of sufficiency as well.

I do not choose to belabor the point. It pains me enough that I am in many ways wasting my first speech on this topic, but I would like to comment on the uniqueness of this nomination.

Mr. Tower is the only nominee of 20 so far to receive any negative votes by Senators of the majority party. He will not—if he is not confirmed, as has been pointed out—be unique in American history.

However, also I must respectfully suggests that John Tower is unique in that the origin of the doubts about his qualifications do not lie with Senator NUNN, as has been suggested. In fact, 2 weeks ago Senator NUNN was being criticized for making no public judgments at all.

No, Mr. President, the source of doubt is President Bush himself who from the time that it was clear that John Tower would be the nominee until his name was sent to this body, indicated that he intended to select some good management people to fill key under secretary slots. The negative editorial comment began before John Tower's name arrived before the Armed Services Committee.

John Tower was the only nominee where such advance doubt was created by the President himself. He was also the only nominee about whom a mountain of tales and stories about drinking were generated.

Let me also declare my hope that we vote soon and that we put this matter behind us quickly. I believe that the ill feelings this debate has generated will make this exceptionally difficult. However, Mr. President, I believe it is time for us to stop the noble effort of standing by our man and take up again the more noble effort of standing by our Nation.

The PRESIDENT pro tempore. The senior Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I would like to congratulate my colleague from Nebraska. I am somewhat saddened by the fact that his maiden speech on the floor was on a subject that he probably would not have preferred to talk about, as he expressed very well. But we saw in BOB KERREY for the first time on the Senate floor what has made him particularly attractive to Nebraskans; how we have revered him as a Vietnam Medal of Honor winner; how we revered him as an outstanding Governor. And I want to compliment him for his well put remarks on the matter at hand.

I yield the floor.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, it would be my hope that in the closing hours of this debate, as those few remaining Senators indicate their disposition on this critical matter, that the tenor of this debate, the balance of this debate can remain as established by this historic speech given by the senior Senator of Texas. Irrespective of how we may feel individually on this matter, that in my judgment will go down as one of the greatest speeches that I have heard in this Chamber. Not just because it perhaps favors the position as the Senator from Virginia has espoused, but the manner in which it was delivered, the intensity and uniqueness of the circumstances.

Mr. President, I would like to speak on issues which could be similarly addressed by many of my colleagues in the Senate today. Seventy Members of this body served with John Tower, many for much longer than I served with him. Those of my colleagues know full well the dedicated service of our former colleague, our friend, the U.S. Senator from Texas, to this body and to the Nation.

Let me recount John Tower's outstanding record of accomplishment during the 6 years I served with him on the Armed Services Committee. In 1979, when I came to the Senate, I joined the committee under John Tower's able leadership as its ranking minority member. That year, Senator Tower led the Congress in granting a sizable increase to the Defense budget at a time when our Armed Forces were underfunded and seriously deficient in training and readiness. Senator Tower was, and remains, a strong and effective advocate for adequate levels of Defense spending. Through his leadership in dealing with both the administration and with his congressional colleagues, Senator Tower helped to fashion spending compromises that allowed real growth in Defense spending levels, to permit our Armed Forces to emerge from the so-called decade of neglect with the prospect of a modern, fully ready force. The vastly improved effectiveness, readiness, and spirit of our men and women in uniform today is due in no small part to Senator Tower's leadership of the Committee on Armed Services during a critical period of national recovery.

In 1980, then ranking minority member Tower led a bipartisan group of members of the Senate Armed Services Committee in insisting that the committee examine the important military and security issues raised by the SALT II Treaty. The committee's report revealed serious causes for concern relative to the treaty and showed that the treaty would allow the Soviets to continue their military buildup while at the same time making it difficult for the United States to maintain a balance. The report went on to remind us of the importance of viewing arms control from a national security point of view and, as such, was a turning point in terms of raising the standards for future arms control agreements. Senator Tower's leadership in the SALT II debate is responsible in large measure for effecting this change, that we experienced.

In 1981, when Republicans gained a majority in the Senate, Senator Tower undertook a number of initiatives as chairman of the Armed Services Committee. As a first step, he reorganized the subcommittee structure of the Armed Services Committee to implement review of Defense budget and policy issues oriented along mission requirements rather than budget categories.

Through Senator Tower's chairmanship, the five-part strategic modernization program proposed by the Reagan

administration in October 1981, received the strong and continuing support of the Congress. Today, our deterrent is stronger as a result, and we are engaged in arms reduction talks at the very moment we are here in this Chamber debating his nomination, now from a position of strength due in large measure, to the leadership of our former chairman.

Senator Tower was critical of one aspect of President Reagan's strategic modernization program, and that was its failure to provide for a survivable ICBM. He supported measures to provide survivable basing for ICBM's, and as Secretary of Defense-designate, he has expressed a continued willingness to consider all options to provide such survivability.

Senator Tower supported development of the Complementary Expendable Launch Vehicle, known as CELV, at a time when many of his colleagues were committed to sole reliance on the shuttle for our Nation's access to space. The Challenger disaster has proven the wisdom of Senator Tower's support for a complement to the shuttle. The CELV, now Titan IV, will be flying soon, years before it would otherwise have been available, to place critical military space payloads into orbit, another hallmark of Chairman Tower's foresight.

Senator Tower had strong views on the role of Congress in the conduct of foreign policy. Consistent with these views, Senator Tower, as chairman of the Committee on Armed Services, successfully led the fight to keep a large number of unilateral constraints on the U.S. negotiating positions from becoming law. The wisdom of his views has become apparent with the signing of the INF treaty, and the progress that has been made in START and in other arms control arenas because the United States has been able to negotiate from a position of strength. John Tower recognized as a Senator, and saw firsthand as a negotiator, that United States interest are not served at the negotiating table if the Soviets can obtain through legislation what they are unable to secure through negotiation.

While chairman of the committee, Senator Tower also proposed several initiatives in the area of acquisition reform. In 1981, Senator Tower led the fight to give the Department of Defense the authority to enter into major multiyear defense contracts. This contracting technique has provided necessary funding stability for selected major programs since 1982. Secretary of Defense Carlucci reported in January of this year that multiyear contracting will have saved the taxpayers over $9 billion from fiscal year 1982 through the end of fiscal 1989.

And in 1983, responding to the results of internal DOD investigations on abuses in spare parts procurement, Chairman Tower inaugurated a series of investigative hearings on Defense Department procurement practices. In 1984, he authorized the creation of the Senate Armed Services Committee Task Force on Select Defense Procurement Matters chaired by Senator Quayle, now Vice President of the United States. The task force reviewed a large number of legislative initiatives for improving DOD buying practices for spare parts and other items. These initiatives have resulted in increased competiton in defense procurement and billions of dollars of savings to the American taxpayer.

Under John Tower's leadership, the business of the Armed Services Committee was conducted in a timely and effective manner. I submit for the RECORD a brief summary of major legislation and other actions undertaken by the committee during Senator Tower's 4 years as chairman. Mr. President, I ask unanimous consent that this brief summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE SENATE ARMED SERVICES COMMITTEE (SASC) UNDER THE CHAIRMANSHIP OF SENATOR JOHN TOWER

A. THE 97TH CONGRESS (1981-1982)

1. Legislation Reported and Enacted Into Public Law

During the 97th Congress, the SASC reported and enacted into public law the following 15 pieces of legislation:

Authorization of Supplemental Appropriations for Fiscal Year 1982

Authorization of Appropriations for Fiscal Year 1982

Authorization of Appropriations for Fiscal Year 1983

To Amend the Titles 10 and 37 of the U.S. Code to increase the pay and allowances and benefits of members of the uniformed services

Authorization for Military Construction for Fiscal Year 1983

To Amend Title 10 of the U.S. Code to provide standards for determining the amount of space to be programmed for military retirees and their dependents in medical facilities

Authorization of Appropriations for the Department of Energy for National Security Programs for Fiscal Year 1982

Authorization of Appropriations for the Intelligence Community and their Activities for Fiscal Year 1982

Authorization for Military Construction for Fiscal Year 1982

To make technical corrections to the Defense Officer Personnel Management Act

Authorization for the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II

To Amend Title 10 of the U.S. Code to improve the Military Justice System

Authorization for Appropriations for the Intelligence Community and their Activities for Fiscal Year 1983

To Revise and codify the provisions of law relating to Military Construction and Military Family Housing

Authorization to transfer certain excess naval vessels to foreign countries

2. Annual Authorization Bills for Fiscal Years 1982 and 1983

a. During 1981: 44 hearings held in Committee; 3 days spent on Senate floor debate; 16 amendments considered on the floor.

b. During 1982: 59 hearings held in Committee; 7 days spent in Senate floor debate; 47 amendments considered on the floor.

3. Nominations

The SASC acted on 29 statutory nominations in 1981 and 15 such nominations in 1982.

In addition, the Committee considered nominations for promotions in the armed services. In 1981, the Committee considered 101,583 such nominations. In 1982, 76,218 nominations were considered.

B. THE 98TH CONGRESS (1983-1984)

1. Legislation Reported and Enacted Into Public Law

During the 98th Congress, the SASC reported and enacted into public law the following 12 pieces of legislation:

Authorization of Appropriations for the Department of Defense for Fiscal Year 1984

Authorization of Appropriations for the Department of Defense for Fiscal Year 1985

Foundation for the Advancement of Military Medicine

Military Construction Authorization Act for Fiscal year 1984

Military Justice Act of 1983

Authorization of Intelligence Activities for Fiscal Year 1984

Transfer of the U.S.S. Albacore

Use of Proxies by the Board of the Panama Canal Commission

Competition in Contracting Act of 1984

Military Construction Authorization for Fiscal Year 1985

Small Business and Federal Procurement Competition Enhancement Act of 1984

Authorization of Intelligence Activities for Fiscal Year 1985

2. Annual Authorization Bills for Fiscal Years 1984 and 1985

a. During 1983: 47 hearings held in Committee; 13 days spent in Senate floor debate; 65 amendments considered on the floor.

b. During 1984: 64 hearings held in Committee; 10 days spent in Senate floor debate; 99 amendments considered on the floor.

3. Nominations

The SASC considers all nominations for the Department of Defense positions requiring the advice and consent of the Senate. The SASC acted on 12 statutory nominations in 1983 and 17 such nominations in 1984.

In addition, the Committee considered nominations for promotions in the armed services. In 1983, the Committee considered 52,587 such nominations. In 1984, 37,725 nominations were considered.

4. Department of Defense Organization

In 1983, Senator Tower initiated a comprehensive review of the organizational relationships and decision-making procedures of the Department of Defense. As part of this project, the Committee held a series of 12 hearings in which it took testimomy from 31 witnesses. In addition, Senator Tower directed the staff to prepare an objective evaluation of the structure and functions of the Department of Defense.

This effort, begun under Senator Tower's direction, resulted in the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

Mr. WARNER. Mr. President, over the past 30 years, I have gained a deep admiration for John Tower's dedication to his country and for his outstanding service to his country. John Tower has devoted virtually his entire adult life to the service of his country, beginning with his enlistment in the U.S. Navy at the age of 17 during World War II, as an enlisted Naval reservist until February of this year, as a U.S. Senator from 1961–85, as U.S. negotiator to the START talks in 1985–86, and as Chairman of the Special Review Board on the Iran-Contra Commission. John Tower's understanding of national strategy and the issues and problems facing our military today is unparalleled.

The bottom line is this—Senator Tower has the knowledge, the experience, the intelligence, and the dedication to be an effective and, indeed, excellent Secretary of Defense. I urge my colleagues once again to consider your personal experience with Senator Tower, and I urge you to review his record of 24 years of dedicated service as a member of this body. In the course of my association and service with John Tower, I have observed him under a wide variety of circumstances, here in the Senate, at public and private functions in Washington, and on trips to military installations in the United States and abroad. Not once have I seen John Tower indulge in any way in terms of his personal habits that would reflect anything but the highest honor and credit upon the U.S. Senate and the country that he loves so dearly and has served so long.

That is my personal observation. I have talked with every single Senator who served with him in this institution and who is here today, as well as many of those who have gone on to retirement and other ventures. Not one single U.S. Senator—not one—who served with John Tower has recalled a single instance when any of his personal habits ever interfered with the performance of his duties to this Nation.

I especially urge my colleagues to consider the more far-reaching implications of this debate. At stake is not only John Tower's confirmation as Secretary of Defense, but also his personal and professional reputation and judgment. Unfounded statements and uncorroborated allegations from anonymous or confidential sources have been dragged into the public view which impugn the character and reputation of a fine American. Whether or not he is confirmed by the Senate, John Tower's public and private career and his personal life—including that of his family and friends—have been irreparably harmed. I, for one, deeply regret that result.

I will vote for confirmation of John Tower's nomination to be Secretary of Defense. By doing so, I will make it clear to my colleagues and to the American public that the public villification of John Tower over the past months was unfounded and unfair. I will make it clear that I have the utmost confidence in John Tower's ability, his dedication, and his integrity—and his ultimate qualification to serve as our President's and our Nation's Secretary of Defense.

Mr. CHAFEE. I wonder if the Senator from Virginia might yield for a question?

Mr. WARNER. Yes.

Mr. CHAFEE. I listened to the comments here on the floor of several Senators who have said that John Tower himself said he had a drinking problem. Am I not correct that the statement that Senator Tower made was, "I drank to excess"; he never once said anything about a drinking problem; am I not correct in that?

Mr. WARNER. The Senator raises a question which would require a response from documents which at this time are now in S–407.

Mr. CHAFEE. It has been said on the floor several times here that Senator Tower himself said he had a drinking problem. I never read anything like that.

Mr. WARNER. To the best of this Senator's recollection, having examined the entire record, both in S–407 and listening carefully to statements made on this floor referring to that and other sources of information, I know of no instance in which the Senator from Texas, Mr. Tower, said that he had a drinking problem. He characterized his use with alcohol during the periods of the seventies in other ways.

Mr. CHAFEE. That is right.

Mr. WARNER. Never can I recall, and I think I have seen everything that has been stated, read and I cannot recall, and I will go back, but I cannot recall ever the use of that term by the Senator from Texas.

Mr. CHAFEE. I agree with that. He said something to the effect he drank to excess. There is a world of difference. One is a subjective view. One is an individual stating about his own consumption, as he saw it. It is like somebody saying, "I eat too much," or "I'm overweight." That is a subjective view. It may be to the outside world that that individual is not overweight at all or has not eaten too much. But from his disciplined point of view, he characterized it as he drank to excess. There is a world of difference between that and any statement that somebody had a drinking problem.

This is not hair splitting. I believe this is important because I have heard several Senators get up on this floor, as recently as just a few minutes ago, and say one of the reasons they are voting against Senator Tower is because he himself admitted he had a drinking problem, which is absolutely untrue. And thus they go on to say that demolishes the entire argument that all the Senators who have known him for 24 year did not realize what he himself realized.

The point is that he did not have a drinking problem. The people who served here, such as you did, I have, and the distinguished majority leader and everybody on the floor at present who saw Senator Tower in all those years, a good portion of them never saw him incapacitated or unable to function in a perfectly normal and satisfactory fashion, meeting all his responsibilities. Am I not correct in that appraisal?

Mr. WARNER. Mr. President, the Senator from Rhode Island is correct. I would reply that not only is the point well taken, but it would be my view that any Senator who wishes to predicate his or her decision in part or in all on that part of the record should not seize upon just a word here and there like "alcohol abuse" or "drinking problem." but go back and reexamine what the Senator from Texas actually said, and then look at the circumstances around which those statements were made. Again, it will reveal the fact, as you have said, now the Senate knows him, the distinguished Senator from Texas momentarily stated and we cannot find that record which can substantiate a basis on which to reject this distinguished American by a virture of alcohol.

Mr. CHAFEE. I want to say to the distinguished ranking member of the Armed Services Committee, that it is absolutely beyond me how Senators can stand on this floor and say, "I saw Senator Tower all those years, and in every instance he conducted himself in a very sober, precise manner and bringing credit always on himself and the position he held, but because there is some report somewhere in the legendary room 407 that somebody said something, based on that, I am going to jettison all I personally know and change my views that have been made over many, many years and vote against the individual."

Now, to me it makes no sense and it is terribly unfair to a man who we have served with for many, many years in this Chamber.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I want to follow on that line briefly. I know the Sentor from Arkansas is waiting to speak and I will just take a minute or two. But I picked up the Daily News today. It said, "I saw Tower drunk in the Senate." A picture of our colleague, the Senator from Arizona, Senator DECONCINI, and there is a bigger story inside, and then "DeConcini: Tower tipsy in Senate."

And then I went back to recall what Senator DECONCINI said last Sunday

on the Brinkley show. He said, "I have seen John Tower with a few drinks under his belt but not inebriated." That was Sunday. Yesterday he said, "I have seen Senator Tower under the influence of alcohol. If my colleague wants to know have I seen him under the influcence of alcohol? The answer is yes."

Which is it? Which is it? Is there a difference between inebriated and under the influence? I think most people would think so. Is there no decency in the Senate? When do we stop the character assassination? He went on to say that there were others, too. Maybe he is going to name the others. Maybe he is going to name the date. Maybe he is going to give the year. Maybe he is going to give us all the information. Maybe he will give us all the information on 2 consecutive days.

My view is we have been a little out of hand here. I do not know where it is going to end. John Tower is our friend. He has many friends on the other side of the aisle. I heard a statement today by a colleague of mine, Senator BENTSEN of Texas, that brought tears to your eyes because he knows John Tower.

I remember I was in a little trouble with some of my Republican friends when Senator BENTSEN was put on the ticket. I said, "There is a good man. There is a good choice. There is a man who would make a good President." But I was right, and he demonstrated it again today.

As he said on this floor, he has read the file, but he relied on his relationship with John Tower like some of the rest of us ought to do. He has worked with him on the floor, worked with him on Texas projects. He is relying on his judgment.

As I said earlier today, we walk a fine line on this side because we want to attract support on both sides of the aisle. We do not want to lose any on this side.

Some would say, "Well, that is party line if you do not lose any Republican." I say no, that is not party line. That is a recognition that George Bush was elected last November. He won the election and with that election came the right, his right, to name his Cabinet, unless there is some overwhelming reason to do otherwise—some overwhelming reason to do otherwise. I have not detected it.

I met with the President twice today. I am going to see him a little later today. I think it is fair to say he feels rather strongly about this nomination. I think it is fair to say, as he told us this morning, he did not pick John Tower because he was from Texas or because he knew him well. Those were factors. But the important thing is that John Tower is qualified by experience and in every other way to do the job. George Bush promised when he ran for President he was going to have the best people he could find in Government.

It is troubling. I know some of the Tower family has been listening in the gallery to this debate today. Somebody stands up and says, "Well, he's got a drinking problem." Who said he had a drinking problem?

That is another thing that made me proud of Senator BENTSEN. He said this man has a family. He has three daughters. When they read this or they watch the NBC hatchet job last night, what do they think?

So we are still hopeful and we are still optimistic. We still believe the American people are changing their minds. We believe they are beginning to understand that this is an exceptional standard we have raised for John Tower in the face of the fact he has taken a pledge, and I have always found John Tower's word to be good. I think everybody has. I do not know anybody here who would say, "Well, he gave me his word and he reneged." He said he would treat that sobriety pledge as he would treat the pledge to uphold the office according to the Constitution.

But it is hard to combat it when somebody walks on the floor, having said on Sunday, "I have never seen him inebriated," on Tuesday and says, "I have seen him under the influence." Which story got the play? The one yesterday. That got the play. That got the headlines. That made all the evening news.

Again, I plead with my colleagues for fair play. Is it too much to ask to give a former colleague who served for 24 years with honor and distinction fair play? I do not think so. I urge my colleagues who have made a tentative judgment to give us a chance to make our case. If we do not make our case, that is one thing. And we are trying to make our case.

I am proud of the people who have spoken today in the right way. Nobody is out here attacking anyone. We are going to correct the record. We are not going to be trampled on. We are going to deal with statements that we do not believe are true. And we will agree that you can read the record and different people can have different opinions and reach different conclusions.

As I have indicated, some will say, "Well, John Tower is just one person. Who cares about one nominee. You will get another one. It will all be forgotten." Maybe by us, but what about John Tower? What about his three daughters and what about his friends? I think we lose in the process, too, because we will have lost an opportunity to have an outstanding Secretary of Defense.

So we are hoping that we are having some impact. I am glad the Senator from Virginia put in the record what John Tower did as chairman of the Armed Services Committee. We have not had much debate on whether he is fit or competent. Everybody understands he is. But it seems to me the drinking thing now is the big focal point. Some say, "Well, he was too cozy with defense contractors." I put in the RECORD yesterday some information that said in 1987 he made $100,000 net, Tower and Associates. It was not just John Tower. He had rent to pay and other things. In 1988 about $160,000. That is $260,000 in 2 years. That is not as much as Senators in this body earn when they make honoraria of $35,000.

So I hope we could continue to be positive in our approach to this nomination. We are willing to and will do the best we can to make certain when it is ended the American people, if they want to read the CONGRESSIONAL RECORD, will know that it is fair, balanced. We have only rose to defend John Tower when we found some inaccuracy. We do not think he needs somebody to defend him. He needs somebody to make the case that he is qualified, he is fit, and he is competent, and George Bush made that nomination as he had a right to do. Understand, never in 200 years has a nominee in a President's first term at this stage been rejected by the Senate, not in 200 years, and there have been thousands of nominations.

Now, if somebody in this body had gone back and studied every one of those nominations and said, well, it is different than this nomination or that nomination—I have not heard any of that—it is different, all right. We have raised the standard so high that this Senator is not certain we can achieve it, if we want to start spending as much time as we have spent with the FBI and other investigating efforts, on any nominee.

So I just say to my colleagues keep in mind that John Tower is a human being. Keep in mind that John Tower has feelings. Keep in mind that John Tower would not like it, does not like it any more than we would like it if we had this harangue all day long about "his drinking problem." If you are on the other end watching this on television, wherever you may be, and somebody was attacking one of us, I think you would not feel very kindly toward the person who was speaking. That does not mean we could not state the truth, nor state the facts. That does not mean we have to rally around John Tower because he is a former colleague. We have already demonstrated that is not the case.

But we do not have to try to make a record of how deep we are going to bury the man either. Two more votes will give us a Secretary of Defense, maybe this week, someone who can work with the chairman, someone who can work with the ranking Republican, somebody who understands the

committee, the Congress, the Pentagon, the defense industry, somebody who knows we are going to have to make spending restraints in the defense budget like everything else.

He is ready to go to work, and he has been at work.

We want to win not because we are Republicans and he is a Republican. We want to win because we believe we are right. We believe the President made the right decision. So if there is anything we have left unturned, if we have offended anybody, we apologize to everybody all at once.

If you want to talk with John Tower man to man, he will be here. If you want him to come to the well of the Senate, he will be here. If you want him to call you on the telephone, he will do that. If you want to see the President, the President is available. He will even buy your lunch or dinner.

So we are serious about this. I appreciate the fact that three colleagues on the other side have indicated a willingness to support Senator Tower for the right reasons. I hope others will follow.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to yield to the senior Senator from Nebraska for 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, in my remarks I indicated that John Tower by his own statement has a drinking problem, and I accepted it. The Senator from Iowa pointed out that John Tower never said that.

Mr. President, I do not wish to focus undue attention upon Senator Tower's drinking. I had indicated in fact in my remarks that the doubt of the President of the United States was the original seed that grew in me. That doubt was reinforced by reading the FBI report. I reached the judgment not to vote to confirm. It does not delight me that I am examining the life of another human being, and I feel indeed an invasion of privacy that I do not relish.

But I tried in fact in my statement to be kinder, and not to say exactly what it was that John Tower said. I converted a statement that said "I drank to excess" in the 1970's to "I had a drinking problem" in the 1970's. I would be glad to amend the record to show that he said "I drank to excess" instead of a "drinking problem."

Mr. President, perhaps drinking to excess was not a problem in the 1970's. But in the 1980's, it is. Mr. President, to observe someone drinking to excess is not always to observe an impairment of judgment immediately. And I find myself ending at that point because I do not wish to go further in examination as to Mr. Tower's life because I am aware that he and his family are watching. I am aware that they do not take kindly to these kinds of remarks, but I do not expect that.

I have reached a judgment not to vote to confirm, and I put confidence in that judgment. I am not confident that this has been a good process or has been good for Senator Tower.

I would be glad to answer any other questions about this matter. I believe that I was treating the matter kindly by referring to it as a problem rather than saying drinking to excess.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. EXON. Will the Senator yield for 10 seconds for an insertion in the RECORD?

Mr. BUMPERS. I would be happy to.

Mr. EXON. Mr. President, the majority leader today referred to a Washington Post article on "How Tower Used His 'No' Vote." I ask unanimous consent that, along with a related article, "Placing a 'Check' on the President; Framers Believed the Senate Should Share Appointments," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 8, 1989]

HOW TOWER USED HIS "NO" VOTE

EX-SENATOR NEVER SHIED AWAY FROM SCRAPS OVER NOMINEES

(By Dan Balz)

"The suggestion has been made that the people should trust the president to make the right appointment," the senator said during floor debate over a controversial national security nomination early in a new president's first term. "I think that ordinarily we do around here. But after all, the Constitution has vested in us the responsibility for advice and consent, and it is one that we should exercise."

The man who spoke those words, then-Sen. John G. Tower (R-Tex.), never shied away from exercising that responsibility—or from questioning the wisdom of presidents' appointments. He got into a number of scraps over Cabinet and sub-Cabinet nominations during his 24 years in the Senate—although none was as bitter as his own nomination to be secretary of defense has become.

Tower made his comments about the Senate's role 12 years ago during debate over President Jimmy Carter's nomination of Paul C. Warnke to become head of the Arms Control and Disarmament Agency and chief SALT negotiator.

Tower opposed that nomination unsuccessfully—as he had done in several other cases. In January 1977, he opposed Carter's nomination of fellow-Texan Ray Marshall to be secretary of labor. During the Ford administration, he opposed the nomination of William J. Usery to be secretary of labor. And in 1963, he opposed the nomination of Paul H. Nitze to be secretary of the Navy.

Two factors generally guided Tower in his decision to oppose these various nominations: his belief that the Senate should use its own judgment—and ideology.

In Warnke's case, Tower thought the nominee was too liberal. He accused Warnke of "grievous errors in judgment" on U.S. weapons systems, and he said he feared Warnke would be even more mistaken in his judgments about Soviet weapon systems as a negotiator.

His opposition to Nitze in November 1963 was for similar reasons. Nitze was nominated by President John F. Kennedy and immediately ran into opposition on the Senate Armed Services Committee for views expressed in a 1960 California speech and the product of a 1958 conference in Cleveland. The battle is described by author Strobe Talbott in his book on Nitze, "The Master of the Game."

In the California speech, Nitze had suggested that the Strategic Air Command be put under the control of NATO and that the United Nations be given control over the use of nuclear weapons. Nitze attempted to explain his views to the committee, but was clearly on the defensive.

After Kennedy's assassination, President Lyndon B. Johnson pressed committee Chairman Richard Russell (D-Ga.) to bring the nomination to a vote. Tower was one of a handful of senators (including Republican Sen. Milward Simpson of Wyoming, the father of Senate Republican Whip Alan Simpson of Wyoming) who opposed Nitze.

Invoking his own service in the Navy, Tower said he opposed Nitze "because of his views on disarmament, his views on our military posture and his views on the disposition of the military forces."

Tower and Nitze eventually ended up on the same team, as part of President Ronald Reagan's arms control negotiation team in 1985-86.

Tower's longtime fight with organized labor led him to oppose Marshall in 1977 and Usery the year before. In Marshall's case, he spoke at length on the Senate floor about labor's influence in public policy and his fear that Marshall would simply be a rubber-stamp for its views.

"I hope to have a labor secretary who can view those issues more objectively and not from the official union point of view: who could advise the president in a more objective way," he said.

For a man now accused by some of his critics of being too close to the defense industry, that opposition to Marshall has a ring of irony.

PLACING A "CHECK" ON THE PRESIDENT

FRAMERS BELIEVED THE SENATE SHOULD SHARE APPOINTMENTS

(By Al Kamen)

It probably would not happen very often, Alexander Hamilton wrote 200 years ago, but it would happen every now and again that the Senate would reject a presidential nominee. That was not a bad thing, Hamilton said.

In fact, "it would be an excellent check upon a spirit of favoritism in the president," Hamilton wrote in Federalist 76, "and would tend greatly to preventing the appointment of unfit characters . . . ."

Hamilton was not referring to the president's Cabinet because no idea of a Cabinet is in the Constitution. He was explaining the provision that gives the president the power to nominate officers of the government with the "advice and consent" of the Senate.

That provision in Article II of the Constitution, a compromise brokered 202 years ago, is at the heart of the controversy over

former senator John G. Tower's embattled nomination to be secretary of defense.

Some of Tower's supporters have argued that the Senate has some sort of constitutional obligation to approve presidential nominees. But that view is based on tradition, rather than the Constitution or the debates involved in its ratification, according to experts.

Delegates to the Constitutional Convention in Philadelphia believed strongly that certain powers should be shared by the Senate and the president, especially the appointment power. Throughout most of the convention, delegates held that the authority to appoint many high officials, including Supreme Court justices and ambassadors, should be retained exclusively by the Senate.

Late in the debates, those powers and the power to name "officers" was given to the president, but with the condition that they be subject to the advice and consent of the Senate. The delegates made no exception for Cabinet officers; neither did they establish up any criteria or offer any guidance for when a nominee should be rejected. Nothing in the original language would prevent the Senate from rejecting a nominee for any reason or no reason.

The notion of the Senate having appointment power may seem strange now, but many of the states apportioned authority that way at the time—the Virginia legislature still appoints judges—and the drafters drew on their experiences back home.

That "advice and consent" provision was not found in every draft of the Constitution and was not included in an earlier subcommittee report.

But after the language was later added, James Wilson, a delegate from Pennsylvania, tried on Sept. 7, 1787, to have the advice-and-consent clause removed, giving the president sole appointing authority across the board. Wilson said that the presidential responsibility for appointments would be "destroyed" by letting the Senate have a role.

But he was voted down. "As the president was to nominate, there would be responsibility," said Gouverneur Morris, "and as the Senate is to concur, there would be security." Morris, also from Pennsylvania, meant that the Senate would act as a check to ensure nominees were qualified.

The contours of the Tower battle are determined by politics, not by the Constitution, experts on both sides agree.

"Whenever I see a member of the Senate solemnly intone that there is a serious constitutional question involved here I have to laugh," said Duke Law School Prof. Walter Dellinger, a former adviser to Democrats on the Senate Judiciary Committee. "There is not a serious constitutional question that they may reject the president's choice. This is a question of prudence and policy."

Dellinger said that, as a policy matter, the Senate may consider both political philosophy and fitness when it reviews judicial nominees, but that, "as a practical matter, the president should have the final choice as to the political philosophy of his [Cabinet] appointees."

Gary McDowell, vice president of the conservative National Legal Center for the Public Interest, agreed that "a senator has a right to consider anything he wants" in assessing a nominee. "It is not inappropriate for the Senate to consider personal traits," he said.

Still, Hamilton was right in his prediction that it was "not very probable that [a president's] nomination would often be overruled"; the Senate has rejected only eight Cabinet nominees and only about a dozen Supreme Court nominees.

Mr. BUMPERS. Mr. President, I had intended not even to speak on this nomination and certainly no minds are being made up. A lot of eloquent things have been said, a lot of acrimony on the floor, and certainly it is my firm belief right now that John Tower is not going to be confirmed. And I think the minds are made up.

As I say, one of the reasons that I had decided not to speak was because I am a trial lawyer, and I have always believed as I was taught in law school that everybody is innocent until proven guilty. When you are dealing with a man's life such as John Tower, as has been alluded to by the minority leader, it is always painful. I served with John Tower for 10 years. I never had any kind of a personal relationship with him. And we never saw each other socially. I never paid much attention to him on the floor except when we were engaged in debate.

It gives me no pleasure to talk about the problems of anybody that has a family. As a trial lawyer, I used to point to some poor defendant and say to the jury, "There, but for the grace of God, go you." It was a great trial technique. It worked.

But in this debate I hope most of the acrimony is over. Today I must say the comments have been much more civil in the attitudes by Senators on both sides of the aisle, and I think it reflects more credit on the Senate when we conduct ourselves in an open and honest way, not in a way impugning each other's motives constantly. But I will tell you this debate sounds to me like that old story about the politician who said, "They are telling a bunch of lies on me. What is worse, they are proving them."

You have one side saying that this report is just filled with unfounded rumors, unsubstantiated allegations and everything has been repudated. On this side of the aisle we say no, that is not true. They are not unfounded. They have not all been repudiated.

I will come back to that in just a moment. I want to start off by saying I have certainly supported every single nomination the President has sent over here, except this one, and I fully anticipate supporting a whole host more.

But I want to start by making a statement, not a defense of the distinguished chairman of the Armed Services Committee, the senior Senator from Georgia, Senator NUNN.

I started to have my staff go back and review the record and pick out all of the encomiums that have been delivered about this fine man since he has been in the Senate. He came 2 years before I did.

I believe that I can say almost from memory that in my 14 years in the Senate, every person on both sides of the aisle, at some time or another, has said that SAM NUNN is the most knowledgeable, he is the most purely motivated, he is the person without rancor, and he is the most knowledgeable man on defense issues and, above all, he is a man of absolutely unimpeachable integrity.

Now, what has changed? There has been plenty of character assassination around here, and it has not all been John Tower. Some of the unkindest cuts of all have been directed at the motivations—not the integrity, really, not the knowledge of the Senator from Georgia, but his motivation in opposing this nomination.

I will tell you what changed; two things: SAM NUNN's mind, during the course of the hearings, and, number two, his vote against John Tower in committee, which evoked all of this sudden outcry about a man from Georgia who before, and for 16 years in the Senate, was considered a man without peer in this body.

I know for a fact that SAM NUNN was strongly predisposed to vote for John Tower when his nomination was sent over here. Nobody has disagreed in this body with SAM NUNN, I believe, more than I have. I have argued with him privately in the Cloakroom, and I have debated with him on the floor of the Senate about what I saw as an unsustainable buildup of our defenses, to an unsustainable level. He knows that. We have honest differences on that. But as this committee began to do its work, these allegations started pouring in, especially about John Tower's drinking. It is my firm belief that this came as something of a surprise to the chairman of the committee, and the allegations just kept coming and kept coming.

Finally, it seems to me, John Tower had never made a conscious decision to stop what he called "excessive drinking." He made a conscious pledge to himself to do that and live with it, and he told the committee that he did drink to excess in the seventies, and yet many of the allegations did not just include the seventies; many of the allegations included the eighties. So, finally, the chairman, Senator NUNN, said that he could not vote for him. Probably like me, he might have been willing to roll the dice, if this were for Secretary of Labor or some other much less critical position which does not go right to the heart of the security of America.

So, Mr. President, I say to my colleagues, before they chastise Senator NUNN or impugn his motives again, let me ask them this question: Read the FBI report again, and then ask yourself, if you had had the responsibility of the chairmanship of that commit-

tee, and all those allegations were out there—not all of them repudiated, not all of them unfounded rumors, and some of them, indeed, very serious—if you had been in the chairman's responsibility, what would you have done, knowing tht if you voted for the nominee, he was probably going to come through here with about 20 or 25 no votes at most, but also knowing that most of those allegations over the next few months would almost certainly surface in the press and the evening news?

Ask yourself, if you were chairman of the committee, how you would feel, having put your stamp of approval on something as awesome as that nomination, and knowing that those allegations were going to make it into the public domain, and ask yourself even further, if you were chairman of that committee, what you would have done, knowing that these allegations were out there, with no really significant evidence that the problem we were talking about had been resolved. Ask yourself what you would have done, knowing that 3, 4, 5, 6 months down the pike there is going to be an attack in the Persian Gulf, an innocent airline shot down, or at 2 o'clock in the morning, a call, "Our computers show the Soviets have launched," and it might be false, or that the Libyans have attacked an American warship in the Mediterranean, and minds were not clear when that happened. Just ask yourself.

The minority leader asked us to put ourselves in the position of John Tower. I ask you to put yourself in the position of the chairman of the Armed Services Committee, SAM NUNN, under the scenario that I just gave you. As I said, I think John Tower, being in the nuclear chair of command, was a paramount consideration.

The Senator from Rhode Island, I think, put a very fine point on excessive drinking by saying, "It is like excessive eating." I do not see it that way.

I read the same report he did, and I came to a different conclusion from the one he reached. On the floor of the Senate, he says, "Excessive drinking is not an alcohol problem. It is just like excessive eating." I do not see it what way, Mr. President.

Here are the statements; here is a chronology on that point.

February 1, open session, Armed Services Committee. Senator NUNN: "Do you have a drinking problem?"

"I have none, Senator. I am a man of some discipline."

February 26, "This Week With David Brinkley":

> Twelve years ago, I gave up spirits. I used to be a pretty good scotch drinker, and I gave that up. I haven't tasted scotch in 12 years, and after that I had only wine and perhaps an occasional martini, occasionally a little vodka with smoked salmon or caviar, something like that, but that was just occasionally. I really, essentially, have been a wine drinker, and now my only consumption is wine at meals. I don't drink unless I am eating.

"Face the Nation," March 5: "I am not alcohol dependent. I have admitted to excessive drinking in the 1970's, yes * * *" In response to Leslie Stahl's question: "Yes, but I have said excessive drinking, not alcohol abuse." Incidentally, that is another fine point. Leslie Stahl: "The story I have heard is that you promised your second wife you wouldn't drink anything but wine anymore. Then they asked you if you had kept that promise, and you said, 'Only when she was present.' Is that an accurate story?" Senator Tower: "No, it is not entirely accurate. I did, for the most part, express my intent to her, and I did, and since that time, I have been essentially a wine drinker, not a spirits drinker, only occasionally drinking of spirits. But I think that this sort of thing between man and wife is a two-way street."

No. 2, is the President entitled to his man? I promise you, Alexander Hamilton would be whirling in his grave if he heard some of the statements made on this floor about the President being entitled to his man. SAM NUNN did not believe that, and he voted against Paul Warnke. The minority leader, Senator DOLE, does not believe that. He voted against Paul Warnke. John Tower does not believe that. He voted against Paul Warnke, as well as a host of others.

I do not want this to sound self-serving, but I am proud of it: I do not give the President an awful lot of weight on his nominees. All things being equal, if a man is qualified, sure. James Watt came to see me in my office, and I visited with him about 10 or 15 minutes, and that is just how long it took me to make up my mind that I was not going to vote for him.

I led the charge, incidentally—and I want that on my epitaph—against James Watts' nomination and got 11 big votes, and the argument that defeated me so overwhelmingly was that the President is entitled to his man.

If we had taken the same vote on James Watt 2 years later, he would not have gotten 11 yes votes.

This is an awesome responsibility, I say to my colleagues, that our Founding Fathers put on us.

You go back and read the Federalist Papers. Here is what Hamilton said:

> There is nothing so apt to agitate the passions of mankind as personal considerations, whether they relate to ourselves or to others who are to be the objects of our choice or preference.

And in Federalist Paper No. 76, Hamilton said:

> The rejection of a Presidential nominee "would be an excellent check upon a spirit of favoritism in the President. It would be an efficacious source of stability in the administration.

The Senate has denied the President his choice thousands of times in the last 20 years, usually not by a vote of rejection but by inaction, just refusing to act on it.

Where were the "President-should-have-his-man" people on those nominees? There were over 13,000 nominations which died during Jimmy Carter's administration alone. And so many times someone says, "We can't bring that nomination up because Senator so-and-so has a hold on it."

But the point I want to make is the Founding Fathers debated this issue extensively when they put the advise-and-consent clause in the Constitution. If you can find in there where it says the President is entitled to his man, I will vote for John Tower and everyone else the President sends over here.

Every word in that Constitution is sacred to this Senator and, if you read the Federalist Papers and Madison's history of the Constitutional Convention, you will see that those words on the Senate's advise and consent role were put in there after great deliberation and debate, and I take that responsibility very seriously.

Third, that infamous FBI report—it takes hours to read and I must say most of it is dull, boring stuff, repetitious. It belongs to President Bush. It is his property. I can see both sides of the argument on this. The Republicans say he is unfairly accused. Senator after Senator said, "I want justice for my friend; I want fairness for my friend."

We have to stand here and say, "We are giving him justice."

"You are? Then tell us why you are opposed to him."

"Well, we can't." You cannot, even as one Senator said, take notes in S-407 and walk out with those notes.

It is unfair to John Tower in a sense but it is also my understanding that the chairman of the Armed Services Committee asked Senator Tower, "Do you want to confront your accusers? We will bring them in." John Tower said that he did not care to do that.

Those who say they know others who oppose this nomination must remain silent on why they oppose him.

I try to be as judicious and circumspect as I can even in private conversation about this because I so strongly believe in the rights of every individual. The thing that makes our Constitution stand out, the thing that makes us the greatest living democracy, is that document. If you are going to sum up in one sentence what the Constitution says, it would be, "Each one of us counts."

Madison wanted to provide the maximum individual liberty to people in this country commensurate with making sure the majority did not run roughshod over the minority. Some-

times you have to chuckle when people say: "Well, I don't understand. A democracy means a majority rules."

That is not what a democracy means. A majority of the people in my beloved South, 95 percent, thought slavery was fine. And for almost 100 years after the Civil War we thought it was fine for black children to go to separate schools. That was never right. It was never fair.

As I said a moment ago, I was a trial lawyer for 18 years before I got into politics and I have tried some, and you know it is an interesting thing talking about some of the personal attacks across this aisle. We used to stand there and scream at each other in front of the jury and go out and have lunch together, and everybody thought some kind of deal was being cut. We were advocates. We were advocates for our clients and what we did in front of our jury did not bother our personal relationships one whit. And I suspect all these wounds will heal. They were unnecessary, but they will heal.

But in the 18 years I tried lawsuits, I learned to evaluate testimony, too. I used to read deposition after deposition without seeing the person who was being deposed and, when you get all that experience under your belt, you evaluate it and you can pretty well tell who is telling the truth and who is not. I never tried a lawsuit that did not have two sides to it. That is what lawsuits are about—one person standing up solemnly swearing to tell the truth and telling it and someone else who took the same oath telling a 180-degree different story.

All I am saying is I have had a little experience in evaluating testimony, weighing it, determining people's credibility. And when people say to me as I read that report that it is nothing but unfounded rumors and unsubstantiated allegations, and every one of them have been shot down, I want to say that you did not read the same report I read. And even if you did, I have a right to my conclusions just as anyone else in this body does. They are my own. I did not ask another Senator for his advice or his thoughts about it. I read the report for myself and I reached my own conclusions, and every Senator in this body not only has a right but a duty to do the same thing, and he has the right not to have his motives impugned once he has honestly done that.

As I started to say a moment ago, I just simply cannot hope and pray that if this man is confirmed, that all minds will be clear in case of a crisis. I am not willing to roll the dice. I have absolutely no personal animosity for or unkind feelings toward John Tower. But I do not really believe he has been treated all that unfairly.

I think some of the acrimony here has been unfair. Every statement, it seems to me, for the past 2 weeks has been to evoke some kind of sharp ad hominem personal attack on somebody else.

Mr. President, for those reasons and others which I will not belabor, I intend to vote "no" on John Tower's nomination.

The minority leader said, it is not just getting another name. Yet it is. If we reject John Tower, the President has to send another name, and I promise you that some of these arguments here and personal attacks will be forgotten. I regret and I am sincerely sorry for the scars that will be left on John Tower either way. But that is the way it is, and I hope that they will heal with time and I hope because there are no minds yet to be made up that we can vote on this nomination and get it over with.

Mr. President, I yield the floor.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Chair will have to recognize the acting Republican leader, the Senator from Maine.

Mr. COHEN. I thank the Chair.

Mr. President, there is a time for deliberation and there is a time for debate. And there is also a time for decision, and whether it be fair or unjust or whether it is based on files rather than facts, on the weight of allegations rather than on the weight of evidence, on loyalty to a party or to a President rather than loyalty to due process, whether it is based on polls or perceptions rather than the unwritten but well known principle of fair play, there is a time to decide, and I believe that time is very near if not quite here at this point.

There should be no confusion about what the Republicans are seeking to do. We are looking for what I would call five tough pieces, five members of the Democratic Party who are willing to say that the President is entitled to have his Cabinet choice confirmed unless there is clear convincing evidence that the nominee is unqualified, unworthy, or unfit to hold that office. Three have declared their intent to support John Tower. We are looking for two more.

It should come as no surprise that there may be some Democratic Members who would look to support President Bush and John Tower provided he loses, enabling them to gain the good will of the White House while engendering no ill will with their colleagues. And there may be some Republican Members who would like to vote with John Tower provided he wins and vote no if it is clear he is going to lose. That is nothing new to any of us. Each of us is constantly called upon to weigh loyalty to party, to Presidents, to friendship, to constituents, to principle in reaching our decisions.

Now, two of the five Democrats that the Republicans hope will support the President and his nominee are freshmen. They have been here only 2 months and it is not going to be an easy decision for them.

While they are troubled by the process involved in the judging of John Tower, they are also under pressure from their constituents, who have read no evidence but hold very strong opinions. They are under pressure generated by the thought of cutting against the grain of the majority of their own party—the majority leader, the former majority leader, the distinguished chairman of the Senate Armed Services Committee, who holds the respect of all of us. They are necessarily concerned with their future within their party if they vote for President Bush's nominee.

I can only say to those Senators that I have been there before. It is not a pleasant experience. There are doubts that always flutter inside during those solitary moments. It requires you to ask why you came here, what you hope to accomplish, what you hope to do, and who you hope to remain.

It has been said that all mirrors are magical because they never reveal ourselves. And while the mirror may distort and flatter, there is a voice inside that no one else can hear that whispers to us the truth about ourselves. There is that "small circle of pain within the skull that must tramp and tread one endless round of thought to justify our actions to ourselves."

I have been there before and I have known that small circle of pain. I cannot offer any comfort to those freshmen Members, other than saying that you were not sent here to make easy decisions, because anyone can do that. You were not sent here to put a wet finger in the wind to determine the direction of public opinion, because anyone can do that. You were sent to search for the truth, to exercise judgment, to answer to the voice inside, the voice that no one else can hear.

Now, that is not going to be easy for those who still hold doubts about the fairness of the process, about the weight of the allegations and, indeed, the weightlessness of the evidence.

Last week, Senator Tower gave a sterling performance before the National Press Club, discussing substance, exhibiting style. And yet the headline in one of my papers back home read "Tower Admits Infidelity" in bold print. And inside it, in slightly smaller print, it said: "Cohen Supports Tower."

And I could see the political opponents sharpening the long knives on the whetstone of a nasty headline. And I have had reporters come down from Maine this week, as a matter of fact several are in town, asking why

am I defending John Tower; why risk my reputation for a man who carries so much heavy baggage and, besides, is he not going to lose?

Well, it is possible. John Tower may lose this fight. I hope not. But the Senate can claim no victory; no laurel wreaths can be worn if he should.

But why, do I risk my reputation for him? Well, because I know him; because I admire what he has done and tried to do for his country; because I think he has much to offer, just as he has offered much; because I am offended by the way in which he has been mugged by those who purport to be disinterested, who claim to have no motive to lie but, in fact, have lied.

Now, the majority of the committee made much of the fact that the FBI file—and I stress the word "file" and not "report"—contains allegations of misconduct by those who have no known motive to lie. How do we know about motives? How do we judge motives? Many of those witnesses whose statements are contained in the FBI files are still unidentified. How do we determine motivation?

There are a number of witnesses who are identified who give specific times, and places and dates of alleged misconduct. In several instances their names were reported in the newspapers. We had in the Washington Post the name of a man involved in that so-called Russian ballerina story; we had the name of a man who claimed that Tower was inebriated during a visit to a base in Texas; we had the name of an Arizona businessman who claimed that Tower made three phantom visits to the Jefferson Hotel. All of those stories were leaked to members of the press.

The question I have to ask is: Why did not those who engaged in this insidious tactic ever disclose the background of those making those charges? Why was that never disclosed or reported in the press? Why was it not disclosed to the American people that the so-called disinterested Arizona businessman was a Democratic pollster or, should I say, a pollster for the Democrats?

Just because a person has a political bias, it does not necessarily mean that he was not telling the truth or that he was not mistaken. But would it not have at least raised some concern of objectivity, of disinterestedness? Would it not have been an important factor for Democrats to know if a well-known Republican pollster made allegations against a member of their party? Would they have not raised questions? Yet, nothing was said about that.

Now, much has been said about appearances—the appearance of damaging statements by those who "appeared" to be disinterested. Shelley once said that poets are the true legislators of the world. Of course, Shelley had a conflict of interest, or, I should say, by today's standard, the appearance of a conflict of interest.

Last week, I quoted from "Murder in the Cathedral." I was hoping there might be something in there that I could cite that would help us in the discovery of truth about ourselves. Archbishop Thomas Beckett had angered the king and the king's knights went off to chase him down and they murdered him in a cathedral. I went through and reread that again because it contained a wonderful summation by the four knights who committed the act of murder.

The third knight in justifying his act, said the following:

* * * I might as well say it at once. It is this: in what we have done, and whatever you may think of it, we have been perfectly disinterested. [The other KNIGHTS: 'Hear! Hear! '.] We are not getting anything out of this. We have much more to lose than to gain. We are four plain Englishmen who put our country first.

And it goes on to say: "When you come to the point, it does go against the grain to kill an archbishop."—call it a Cabinet nominee, instead—"especially when you have been brought up in good church" or "Senate"—"traditions."

I am awfully sorry about it. We realized this was our duty but all the same we had to work ourselves up to it. * * * King Henry—God bless him—will have to say, for reasons of state, that he never meant this to happen; and there is going to be an awful row; * * * I had a tremendous admiration for him—you must have noticed what a good show he put up at the end—they won't give us any glory. No, we have done for ourselves, there's no mistake about that. So, as I said at the beginning, please give us at least the credit for being completely disinterested in this business. I think that is about all I have to say.

The fourth knight went on.

Mr. JOHNSTON addressed the Chair.

Mr. COHEN. I do not intend to go into the fourth knight of the evening, but it will take me about another 15 or 20 minutes.

The fourth knight replied:

He—

Thomas Beckett—

He used every means of provocation; from his conduct, step by step, there can be no inference except that he had determined upon a death by martyrdom. Even at the last, he could have given us reason: you have seen how he evaded our questions. And when he had deliberately exasperated us beyond human endurance, he could still have easily escaped; he could have kept himself from us long enough to allow our righteous anger to cool. That was just what he did not wish to happen; he insisted, while we were still inflamed with wrath, that the doors should be opened. Need I say more? I think, with these facts before you, you will unhesitatingly render a verdict of Suicide while Unsound Mind. It is the only charitable verdict you can give, upon one who was, after all, a great man.

Well, John Tower could have withdrawn. He could have barred the doors of the Senate. He could have saved himself from the wrath of those disinterested knights who had done him in. He could have barred those doors. But, even knowing how angry the Senate was, he insisted upon a vote and does insist upon a vote, refusing to submit to a process that is so, in my judgment, palpably unfair.

Last night, following the deliberations, the debate, Senator RUDMAN and I went down to the Monocle Restaurant, I must say with great trepidation. That restaurant has nearly achieved the prominence of the Watergate Hotel. Business appeared to be up last night. Maybe they were hoping to see what activity might take place at that restaurant.

There was a table of about a dozen men and, as I recall, one woman. Their voices were loud. There was a great deal of laughter, some of it boisterous. Cocktails were being served. They were having a good time.

Mr. President, they were also quite sober. I might point out that they happened to be, coincidentally, from Maine and New Hampshire, unbeknownst to Senator RUDMAN and myself at the time. But I thought about the situation. I thought, suppose someone in that restaurant was offended by loud laughter or a group of people enjoying cocktails before their meal. They could say that in their judgment these people were under the influence of alcohol or were engaging in conduct that was unbecoming.

And what if a Member of the U.S. Senate happened to be sitting at the table at that time? Could the same charge not be made?

I thought about my own appearance. I had three drinks in less than 15 minutes. Ice water. Three glasses of ice water. And the thought occurred to me, suppose someone sitting at a distant table watched me swallow three glasses of water and they concluded that it may have been gin or vodka instead of Perrier or Poland Spring Water, preferably, from Maine.

And some haloed soul, who was sitting over at that distant table who only enters the Monocle to eat and observe other people, came to that conclusion. And, if I laughed too loud at one of Senator RUDMAN'S stories or jokes or appeared off balance, as I struggled to get from the table that was fairly tight, how should I presume? How should I presume that my conduct would be construed at a later time?

Would I one day find Rumor, that ancient bird with an eye under every feather, had recorded by condition; saved it up for 15 years and 1 day in a moral frenzy, declared that I saw Senator COHEN, I saw Senator RUDMAN,

under the influence of alcohol at the Monocle? I saw them touch the Devil.

Hypothetically preposterous? Is this the product of deliberately induced paranoia?

Karen Elliott House—remember her name, Mr. President. A rumor persisted for 17 years because John Tower invited her and her colleagues for jazz and eggs, following a banquet 17 years ago. And her article appeared in yesterday's Wall Street Journal. It was entered in the RECORD. I will not take the time to do it at this point.

She was asked to respond anonymously to an anonymous rumor. She was invited to provide damaging information under the security blanket of secrecy.

It this what the Senate has come to? Is this what Justinian meant about giving every man his due?

Yesterday the senior Senator from Arizona cited a retired general who opposed John Tower. I believe it was General Graham. Fair enough. Fair enough. But let us weigh it. Let us weigh General Graham's opinion of John Tower against the weight of Gen. P.X. Kelley. He was cited yesterday; Gen. Bennie Davis, Admiral Holloway. Let me read to you what they had to say about John Tower. We have heard that John Tower simply cannot serve as a role model for the men and women in our military.

At a press conference General Kelley, Admiral Holloway, and Admiral Davis all appeared and this is what they had to say:

As a matter of fact, I've supported John Tower for the position of Secretary of Defense ever since we asked the Republican Administration as a possibility. I supported him because of his intellect, his intelligence, integrity, his experience, and his toughness.

I was delighted when President Bush nominated him for the position of Secretary of Defense. I have to say that I've become shocked and disillusioned and outraged at the slanderous allegations that have jeopardized his nomination. I've never seen John Tower under the influence of liquor, I've never seen John Tower conduct himself with impropriety toward a woman. I'm absolutely convinced he is in every respect, the best qualified person today to serve as our secretary of defense. And I'm here right now to offer my full support on John Tower's behalf because I frankly consider it to be my public duty. Thank you.

That is the former commandant of the Marine Corps.

General Davis, said at this press conference:

I am shocked to read some of the allegations, I am shocked to hear of those allegations, because in my over 20 years of intimate, knowledge of John Tower's behavior I consider John Tower a moral man, a man of great integrity, and certainly the finest candidate to be secretary of defense of any person that I've know over the last 35 years.

That is General Davis.

A question was put to General Kelley by the press:

Q. General Kelley, it appears that by organizing this news conference that you talked to either John Tower or the White House and coordinated in some way what you're doing, and with that they're doing in support of Tower.

General KELLEY. The only three people I talked to to put together this news conference, with the exception of calling the Associated Press and UPI, the only three people I talked to are the two gentleman who are up here with me, and Julie who reserved the room for me, which by the way, all three of us are paying for.

Finally, Admiral Holloway:

From the perspective of the military, I think we are saying we have quite a different view than the present Chairman of the Senate Armed Services Committee and we're up here to tell you that, that we think our view is important and that you should hear it.

My colleague and good friend from Maine wants to know if I am engaging in filibuster. I want to assure him that I am not. I was so inspired by Senator BUMPERS' eloquence that I felt that I should say a few words on behalf of Senator Tower.

I, furthermore, have been so inspired by my colleague's energized activity in the last day or so that I felt that in fairness, I should at least offer some balance to the debate.

So I ask, Mr. President, that the comments by General Kelley, Admiral Halloway, and General Davis be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

General P.X. KELLEY. Good afternoon ladies and gentlemen. First, I would like to thank you very much for being here on such short notice. I'm P.X. Kelley, former Commandant of the United States Marine Corps. With me are Admiral James Holloway, former Chief of Naval Operations and was also a member of the very prestigious Packard Commission and General Bennie Davis, former Commander in Chief, Strategic Air Command and who I have officially known over two decades.

First, I'd like to read a telegram that was sent to our Commander in Chief, the President, this past Wednesday—copies of which I have given you.

To the President:

We have served as Generals and Flag Officers in the Armed Forces of the United States.

We commanded the military forces upon whose successful performance the security of the American people depends.

We know John Tower well, and have known him for many years.

In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

We strongly support your nomination of this exceptional American.

This telegram was signed by 19 retired Generals and Admirals, and I'd just like to quickly run through their names to give you a flavor of just who they were.

General Robert H. Barrow, USMC (Ret.). My predecessor as Commandant of the Marine Corps, an exceptional combat hero in three wars.

General Richard E. Cavasos, USA (Ret.). A very, very well respected member of the Hispanic community.

General Bennie L. Davis, USAF (Ret.). Standing to my left who I have mentioned as former Commander in Chief of our Strategic Air Command.

General Raymond G. Davis, USMC (Ret.). Assistant Commandant of the Marine Corps, a resident of the State of Georgia, and Medal of Honor winner from Korea.

I've known John Tower since 1974, and I would keep the same elaborations that appeared regularly before the Armed Services Committee to testify. And from that time I was impressed with John Tower's ability as a member of that Armed Services Committee. After my retirement, I maintained an association with John Tower. I consider myself a good friend, and my respect for his abilities, his leadership, has grown as I have observed him as Chairman of the Armed Services Committee. As a matter of fact, I've supported John Tower for the position of Secretary of Defense ever since we asked the Republican Administration as a possibility. I supported him because of his intellect, his intelligence, integrity, his experience, and his toughness. I was delighted when President Bush nominated him for the position of Secretary of Defense. I have to say that I've become shocked and disillusioned and outraged at the slanderous allegations that have jeopardized his nomination. I've never seen John Tower under the influence of liquor, I've never seen John Tower conduct himself with impropriety toward a woman. I'm absolutely convinced he is in every respect, the best qualified person today to serve as our secretary of defense. And I'm here right now to offer my full support on John Tower's behalf because I frankly consider it to be my public duty. Thank you.

General DAVIS. I too have known John Tower for many, many years. I first encountered John Tower back in 1968 when I was flying combat in southeast Asia. John Tower, who I am sure most of you know, made one of his many trips to southeast Asia to provide that [inaudible] presence among the troops who were then deployed and in combat. I have known John Tower for over more than 20 years, very closely, when I headed Air Force Personnel and John Tower as a Senator provided the necessary support for all of our people programs. He was one of the first spokesman to increase the use of women in the service, and in particularly the United States Air Force. At the Air Force Training Command, which is headquartered in Texas, San Antonio, Texas, and its base structure is in Texas across the southeast, John Tower made many, many visits to my bases. I have never seen John Tower inebriated. I have never seen John Tower on anything but on his best behavior. John Tower is an example, an example that should be followed by all of us. When I was Commander in Chief of the Strategic Air Command, John Tower was mightily interested in the strategic nuclear deterrence of this nation. I can say without reservation, it would be my pleasure to serve in a command chain that had John Tower in it. I don't think there's any question about his superb intellect, in what he brings to the job, with his great knowledge of foreign affairs, with his great knowledge of nuclear matters, and with his great knowledge

of alliances throughout the world. I am shocked to read some of the allegations, I am shocked to hear of those allegations, because in my over 20 years of intimate, knowledge of John Tower's behavior I consider John Tower a moral man, a man of great integrity, and certainly the finest candidate to be secretary of defense of any person that I've known over the last 35 years.

Thank you very much.

General KELLEY. We'd be very happy right now to take any questions that you would like to ask of any of us.

Q. What effect do you think the delay and controversy is having on the Pentagon now, and what lingering damage?

Admiral HOLLOWAY. I don't believe that. As a matter of fact, I don't believe that because as we all know, he is participating in policy discussions, in budget discussions, and full discussions with the Pentagon and laying out the policies that have been enunciated by the President.

Q. Do any of you feel that even if he wins this battle and is confirmed, the Pentagon's budget fight [inaudible] victims would be damaged because they would have a wounded Secretary of Defense

General KELLEY. Absolutely not, John Tower is not wounded by anybody or anything. John Tower is a very strong, very tough individual, and John Tower will lead the Department of Defense with leadership that will be unparalleled.

Q. Let me just add that there seems to be a feeling that this would be John Tower's budget?

General KELLEY. This is the President's budget. This is the President's program. John Tower as Secretary of Defense is responsible for enunciating that program to the Congress and he already is aware of the President's positions, his priorities, and is well prepared to carry that message forward.

Q. General Kelley, it appears that by organizing this news conference that you talked to either John Tower or the White House and coordinated in some way what you're doing, and with what they're doing in support of Tower.

General KELLEY. The only three people I talked to, to put together this news conference, with the exception of calling the Associated Press and UPI, the only three people I talked to are the two gentlemen who are up here with me, and Julie who reserved the room for me, which by the way, all three of us are paying for.

General DAVIS. I think that there is some indication that we had no prior coordination is the fact that the President's Press Secretary is speaking at the same time.

Q. Gentlemen, how do you view the current Chairman of the Senate Armed Services Committee's position that John Tower is unfit to serve in a chain of command?

General DAVIS. Well, we certainly disagree with that position, but everybody is entitled to their own views, and we all know and respect Senator Nunn. I've known Senator Nunn for at least ten years, and have appeared before him many, many times in hearings, but we disagree on that point. We think that John Tower is the best qualified person that we know of to be secretary of defense.

Admiral HOLLOWAY. Let me point out that we're coming before you as experienced military leaders. I, for example, during the period that I was head of the Navy, served under three secretaries of defense. I believe that I have an appreciation for the requirements of that job, and I also consider that I have an understanding of what it takes to make that job effective. From the perspective of the military, I think we are saying we have quite a different view than the present Chairman of the Senate Armed Services Committee and we're up here to tell you that, that we think our view is important and that you should hear it.

Q. Gentlemen, I got here late, but if in fact you believe that some of the allegations against Mr. Tower, including his excessive drinking in the 70's and 80's, was solid enough, would you then have questions about him being in a position of—a chain of command—in terms of the nuclear aspect.

General KELLEY. You're asking a real hypothetical question. What we have said, and you did indeed come in late, we said we have 19 General Officers and Admirals who have never seen John Tower under the influence of alcohol.

Q. You still didn't answer the question sir, would someone with an alcoholic problem, or is shown to have one, be unfit based on what you know the military code to be, to be in a position—chain of command—dealing with nuclear weapons?

General DAVIS. I probably had the most direct experience with nuclear weapons over 14 years, four of those as Commander in Chief Strategic Air Command. We had said, and we reiterate, we have no problem with John Tower in a leadership position, no problem with John Tower in the chain of command. John Tower is a man of great integrity, great morals, great honesty and we think he is the best man for the job.

That's it. That's all.

General KELLEY. Thank you all very much.

MARCH 6, 1989.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COHEN: Last Wednesday, 19 retired Generals and Admirals from the Army, Navy, Air Forces, and Marine Corps, all of whom have known the Honorable John Tower for many years, forwarded a telegram to the Commander-in-Chief of the Armed Forces, strongly supporting the nomination for Secretary of Defense of this exceptional American. I believe that this act is unprecedented in the history of our Country, and have attached a copy of the text for your examination.

I have known Senator Tower professionally, socially, and personally for over a decade, and one of my sincerest regrets is that I retired before having an opportunity to serve under him while he is our Secretary of Defense. It is my strong conviction that history will identify him as one of the greatest patriots and statesmen of our generation.

I urge you to judge Senator Tower on his unique professional qualification to lead our defense establishment. The young men and women who today are serving in the uniform of their Country deserve to have John Tower at the helm.

I am sending this same letter to all members of the United States Senate.

With warmest best wishes, I am.

Most respectfully,

P.X. KELLEY,
General, U.S. Marine Corps (Ret.) 28th Commandant of the Marine Corps.

ATTACHMENT

Text of a telegram sent to the Commander-in-Chief of the Armed Forces by 19 retired senior officers on March 1, 1989, in support of the Honorable John Tower for Secretary of Defense.

"To the President:

"We have served as General and Flag Officers in the Armed Forces of the United States.

"We commanded the military forces upon whose successful performance the security of the American people depends.

"We know John Tower well, and have known him for many years.

"In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

"We strongly support your nomination of this exceptional American."

Signed:

General Robert H. Barrow, USMC (Ret.), former Commandant of the Marine Corps.

General Richard E. Cavazos, USA (Ret.), former Commanding General, Forces Command.

General Bennie L. Davis, USAF (Ret.), former Commander-in-Chief, Strategic Air Command.

General Raymond G. Davis, USMC (Ret.), former Assistant Commandant of the Marine Corps and Medal of Honor recipient.

General Charles A. Gabriel, USAF (Ret.), Chief of Staff of the Air Force.

Admiral Thomas B. Hayward, USN (Ret.), former Chief of Naval Operations.

Lt. Gen. James F. Hollingsworth, USA (Ret.), former Commanding General, 1 Corps, Korea.

Admiral James L. Holloway III, USN (Ret.), former Chief of Naval Operations.

General Samuel Jaskilka, USMC (Ret.), former Assistant Commandant of the Marine Corps.

General Paul X. Kelley, USMC (Ret.), former Commandant of the Marine Corps.

Admiral George E.R. Kinnear II, USN (Ret.), former U.S. Representative, NATO Military Committee.

General William A. Knowlton, USA (Ret.), former U.S. Representative, NATO Military Committee.

Admiral Wesley L. McDonald, USN (Ret.), former Supreme Allied Commander, Atlantic and Commander-in-Chief, Atlantic.

General Bryce Poe, USAF (Ret.), former Commander, Air Force Logistics Command.

General John Roberts USAF (Ret.), former Commander, Air Training Command.

Lt. General Thomas R. Stafford, USAF (Ret.), former Astronaut.

General William C. Westmoreland, USA (Ret.), former Chief of Staff of the Army.

General Louis H. Wilson, USMC (Ret.), former Commandant of the Marine Corps and Medal of Honor recipient.

Admiral Elmo R. Zumwalt, Jr., USN (Ret.), former Chief of Naval Operations.

Mr. COHEN. The Democratic majority cites not one shred of evidence, and I say this to my colleague, a former judge, not one shred of evidence that John Tower has ever discriminated against or in any way abused any staff member. There is not a shred of evidence in any record, any file, any report to that effect.

Yet the committee report concludes that the Members are concerned that he would not treat women in the military fairly.

I want to weigh the total absence of evidence, admittedly the total absence of evidence, against a letter that I am now going to offer in the RECORD. It is dated March 7 and I will read it. Not all the names, just the letter.

DEAR SENATOR: We are staff members who have worked for Senator John Tower during his 30 years of public service. We have had unequalled opportunities to observe his personal and professional conduct, and we believe our experiences with him are relevant to the current debate. We know John Tower very well.

John Tower is a man of honor, integrity, discipline and courage. The son and grandson of Methodist ministers, he is a principled man of uncommon talents and extraordinary character. He is a workaholic—not an alcoholic.

Three times in the past four years John Tower has answered the call of Presidents to serve his country. Though he ended his distinguished Senate career with modest financial resources, he was willing twice to leave his private firm to further serve our nation. John Tower's entire career has exemplified a willingness to place public service above financial gain.

We write to you out of respect and affection for John Tower. In deciding how you will vote on his nomination we encourage you to ask: Could the man described by his critics as an abuser of alcohol, a "womanizer" and an unprincipled businessman retain the loyalty, admiration and respect of so many of his former employees—so many who know him so well?

John Tower is eminently qualified in all respects to serve as Secretary of Defense. We urge you to permit John Tower to continue to serve his country.

It is signed, I would guess, by at least 150 past members of his staff.

I ask unanimous consent it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 7, 1989.

DEAR SENATOR: We are staff members who have worked for Senator John Tower during his 30 years of public service. We have had unequalled opportunities to observe his personal and professional conduct, and we believe our experiences with him are relevant to the current debate. We know John Tower very well.

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John Tower is eminently qualified in all respects to serve as Secretary of Defense. We urge you to permit John Tower to continue to serve his country.

Respectfully,

J. Patten Abshire, Lawrence A. Adams, David S. Addington, Dick Agnich, Louise Albin, Mrs. Lamar Alexander, Scott P. Anger, L. Wayne Arny III, Carolyn Bacon, Joan B. Baldwin (Jodi), William L. Ball III, James L. Bayless, Jr., Richard D. Billmire, Jeffrey M. Hudson, Theresa Vasquez Irwin, Elizabeth Vogelpohl Jacobson, Marcia Jennison, Georgia Jones, Jeffrey M. Judson, Alton G. Keel, Jr., Lou Philpot Kendrick, Nancy Kennedy, Martha Kirkendall, Tom Kowolski, Sven Kraemer, and Keneth J. Krieg.

Allen Blakemore, Rinelda G. Bliss, Bonnie Brewer, Thomas Brooks, Susie Brown, Boone Boies Bullington, Mike Burns, C. Mike Butler, Herbert L. Butrum, Ken Carroll, Phillip A. Charles, William M. Christian, Tony Cluff, Tom Cole, Larry Combest, M.C., John Craddock, Gregory A. Daniels, John Daniels, Robert J. Daugherty, Diane Dawson, Rhett B. Dawson, Dottie de la Garza, John de la Garza, Norma Delgado, Rob Dixon, Michael B. Donley, Walter Droskie, and Robert J. Einhorn.

Bob Estrada, Joleen Evans, Rosemary Fahey, Tom Fahey, Zack Fisher, Max L. Friedersdorf, Jerry W. Friedheim, Frank J. Gaffney, Jr., Joe Gardner, Jr., Kimberly A. Garven, Susan Gifford, Pam Gillespie, Jill Harbaugh Goss, Briana M. Gowing, Doug R. Graham, Patricia M. Gray, Bill Gribbin, Stephen J. Hadley, Stephen R. Hanmer, Drew A. Harker, Deborah K. Harnesberger, William J. Haynes, Monica Hearn, Linden Heck, Sallie Griffis Helms, J. Michael Hemphill, J. French Hill, Linda Hill, and Brenda K. Hudson.

Belinda Burkhart Lake, Ronald F. Lehman II, Tom Loeffler, Karen A. Love, Patricia Mahan, Michele Markoff, Carolyn Poteet Martin, David Martinez, Jose Martinez, Fred McClure, Harriet McClure, Robert C. "Bud" McFarlane, James F. McGovern, Mattie Mae McKee, Cynthia Root Moran, Mary Pat Mueller, Mary F. Nugent, Jackie O'Grady, Mike O'Grady, Patricia O'Keefe, Kelly O'Shieles, Richard Parker, Karen Pettigrew, Theresa Pugh, Molly Pryor, Shan Pickard Rankin, Gordon G. Riggle, and Amanda Rose.

Lindy Russell, Sylvia Santos, Inga B. Schoonover, Becky Shaw, Victor A. Sherlock, Joyce Thompson Sibley, Win Skiles, Carl M. Smith, W. Lamar Smith, Margaret Spearman, Joseph Staley, Christian A. Steed, Joseph R. Straus III, Priscilla B. Thompson, Richard K. Thompson, Kitty Vetter, Terry Ware, Jessica Buhler Weillan, Elizabeth Stroup Welch, Kristi White, Toni White, Suzanne E. Williams, Betty Williamson, Joe Winkleman, Ann Winniford, Elva Wood, Gary Wood, Joan M. Wright, and Alan Yuspeh.

Mr. COHEN. Mr. President, some Members of the majority cite public opinion polls as evidence that John Tower does not hold the confidence of the American people. To that I can only say, if you dump garbage on a man for 2 months and then take a poll asking people whether they are offended by the odor, it should come as no surprise that 56 percent of the people say they are. But that is exactly what has taken place during the past 2 months with leak after leak after leak.

The majority leader this morning cited this article that has been printed in the RECORD that appeared in today's Washington Post how John Tower has voted no in the past against several nominees for positions in an administration. The majority leader is now saying John Tower is asking for a different standard to be applied to him than he applied to others.

That is not how I read this article. That is not how I interpret what John Tower did. John Tower voted no on two or three occasions based on deep philosophical opposition to the nominees. On one occasion, Mr. President, he joined not a partisan onslaught against Mr. Warnke; he joined Scoop Jackson. It was Scoop Jackson, a Democratic leader, who led the effort against Paul Warnke. It was based on a deep philosophical opposition to the positions adopted by Mr. Warnke and others.

That is consistent with what Anthony Lewis wrote about in the New York Times last week. That is consistent with what the chairman of the Judiciary Committee has stated, JOSEPH BIDEN, who is offended by the process by which we rely upon FBI files in order to reach our judgment.

If you are going to oppose him on philosophy, say so, but let us not do it on the basis of unconfirmed, uncorroborated unexamined, uncross-examined statements to the FBI.

What we have is opinion, not based on facts, based on files, raw, unevaluated, uncross-examined statements. We cannot point to the weight of the evidence; we can only point to the weight of the allegations.

I listened with great interest to my colleague from Arkansas. He is a distinguished Member of the Senate, a gifted orator, a gifted trial lawyer by all accounts, and he said he had tried cases for 18 years, many times basing his judgment just on reading depositions. Well, I have to ask a question, Mr. President, another student of the law: Why is it that a court of appeals never reverses on a finding of fact but only on a point of law? Why is it the courts never reverse on a factual finding, only on a point of law? Because the jury observed the witnesses. You cannot tell from a printed page whether someone is lying or mistaken or ma-

licious or mad. With all due respect to my colleague from Arkansas, a great trial lawyer, I have read another great trial lawyer, Louis Nizer, one of the best in this century.

Louis Nizer had a chapter in the book worth reading, "How To Tell A Liar." You have to observe a witness, that is what Mr. Nizer says. You have to look at body language when you observe that witness as to whether he appears to be truthful, forthcoming and candid, or whether he is uncomfortable in the chair, and whether that discomfort is due to just nervousness or whether he is trying to conceal something, hide something, or distort something. Body language.

The eyes, Mr. President, are said to be the windows into the soul. They can be the site of confusion or dishonesty or candor. We have to look at the eyes.

And how about speech? Is it halting? Is it calculating? Is it just nervousness?

Finally, about sincerity. Nizer says, looking at the totality of the body language, the eyes, the speech, the mannerisms, sincerity. He says that character is the letter of credit written on the face. Character is the letter of credit written on the face. That is how we determine whether someone is telling the truth or lying or is simply wrong.

We had two witnesses—two witnesses—against John Tower appear before us in public. None of the others appeared before the full committee. None. Maybe we were lax and did not press hard enough. I must tell you, at the conclusion of Mr. Weyrich's and Mr. Jackson's testimony, I heard my colleagues say to the press, "I haven't heard anything here that will stand up in a court of law," and I agreed. Of course, now we are told we are not a court of law, we are just the U.S. Senate. So maybe we were lax in not pressing further.

Mr. President, I am defending John Tower for all the reasons I have cited in the past few moments, but more than John Tower, I am defending something called due process, that intangible concept that embodies the very soul of the American way, that unwritten but unmistakable rule of fair play.

I am defending the right of any individual, each one of us, anyone who wants to come into public service, not to be stabbed in the dark by hooded men and women who wish to leave no fingerprints.

I am defending us against a process which minimizes our personal experiences and observations and gives great weight to the unsworn, the unidentified, the uncross-examined.

I am defending against a moving ecclesiastical finger that points in every direction but our own.

Mr. President, one of our Members has stated that if John Tower is rejected, he will amount to little more than a footnote in our history books. Maybe so. Few of us will be more than footnotes in the long tally of time, but the manner by which we have conducted his confirmation proceedings and charged him with being unfit for high office I believe will remain an indelible stain upon the pages of the Senate's Journal. It is my fervent hope we will not commit this injustice. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Chair recognizes the senior Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, I do not recommend that my colleagues wait late in the process of a confirmation to declare their opinions. I have done so only because I have been, up until now, undecided. Frankly, I hoped that like Saul on the road to Damascus a shaft of light might come down on this case and make it clear. I hoped to find vivid hues of black and white from the evidence which would convince me beyond a reasonable doubt. I had hoped to gain the same kind of convictions that some of my colleagues on both sides of the aisle have about this case—to be able to get out with great feeling and argue one way or the other on this case. I thought perhaps that would happen to me.

It has not, Mr. President. I see this case in dull hues of gray where the evidence is not clear, where the evidence is troubling, but not shocking. Indeed, I think even the White House found it troubling. It took them a month to resolve their own concerns about this nomination. They made their decision, but, nevertheless, Mr. President, it is a troubling case.

There are three bases for challenging Senator Tower. First, ethics. Frankly, Mr. President, the ethics part is troubling to me, but Senator Tower did nothing illegal. Indeed, it does not violate any existing ethical standard and ethical considerations have been very much on the mind of this Congress. With all our attention on ethics, if Senator Tower's behavior violated no ethical standard then it seems to me we should not deny him the position of Secretary of Defense on that basis. Perhaps this year we will articulate a more clear, more discernible, a more consistent standard to which we can all adhere.

There has been a charge of womanizing, Mr. President. I think the committee, as I read their report, did not take that seriously. At least they did not take that as the basis for their judgment. Indeed, the word I found was "indiscretions."

I tend to take the same attitude toward that that the committee did, Mr. President, believing that Senator Tower's actions constitute indiscretions. I would personally not deny Senator Tower an appointment based upon those indiscretions. I think they are relevant, though, Mr. President, from the standpoint of what they say about his ability to handle alcohol. It is on the alcohol issue that I find serious question.

There are three things about the evidence. I guess we would call it the evidence. Certainly it is not legal evidence. It was not adduced in a court of law. It was not subject to cross-examination. It was not there to be judged by a judge nor subject to legal objections. But, Mr. President, it is nevertheless a formidable body of evidence. Some evidence is not even in the record—phone calls that come in. Indeed, just yesterday in my office a phone call came in, from a person who claimed to have personally observed two incidents involving Senator Tower. And I realize it is somewhat unfair to even say that, and I would not do so on the floor if the die was not cast on this issue. But it has influenced me because I talked to the person who described two separate events.

With respect to the alcohol, the formidable body of evidence shows this. First, frequency in the use of alcohol. Second, consumption of great quantities of alcohol—that is, drunkenness as opposed to simply regular drinking. And third, and most important, Mr. President, is a change in conduct when using alcohol or when abusing alcohol.

Now, by that I mean, Mr. President, the evidence indicates that a personality change occurs in Senator Tower when he abuses alcohol. This personality change manifests itself in a certain social recklessness.

Now, Mr. President, many people can drink alcohol, and we have heard many descriptions of Churchill. I just finished reading three books on Winston Churchill. I know that he would get up in the morning and start with Johnny Walker Red and he would have wine and sometimes champagne with lunch and maybe a brandy after lunch and maybe another after his nap. He would have a great dinner party and would finish off the evening with brandy. About 11 o'clock he would begin dictating until 3 o'clock in the morning and do so with great clarity of mind. I must say I admire many qualities of Churchill, that included.

Nevertheless, some who use alcohol do suffer from a change in conduct, a loss of judgment, a recklessness, and such behavior is unmistakably present in this evidence. It is clearly there, Mr. President. I would like to say it is not, but it is there. I will not quote from the evidence—I know that all of my colleagues know. One of the incredible aspects of this affair is that Senators have not witnessed that change of behavior. They say that based on the John Tower they know, the John

Tower I know, such behavior is inconsistent with his character. The John Tower we know would never do these kinds of reckless things—social abuse of people or abusive language. These actions are not a crime and do not of themselves constitute reason to reject a nomination. But evidence of an alcohol abuse problem which, in his case, alters his judgment, is reason to do so.

Now, there is no doubt that there exists a problem, Mr. President. It has been admitted by Senator Tower himself. He has admitted that, I think, before the committee. He has stated it on public talk shows. There is just no doubt that there is that problem. And in my view there is no doubt that when the problem asserts itself there is this change in judgment.

Nonetheless, this is a very troubling case, Mr. President. Let's address the question of fairness. Is this fair? No, it is not fair. Several things are not fair about it. Senator Tower does not deserve this. After 24 years of public service, he just does not deserve it. The FBI report is not credible evidence in the sense of legal evidence. It is not subject to cross-examination, in some instances it is based upon hearsay, and is based upon unreliable statements in many respects.

My colleague from Maine talked about the need to see a witness and hear him testify. That is important. Every trial lawyer knows that. But one cannot ignore the weight of evidence, the number of instances cited; the amount of evidence here simply cannot be ignored and cannot be denied.

We are told there is a double standard, that we Senators come to the floor with grape and grain on the breath. There is no doubt, Mr. President, that the use of alcohol is not infrequent in this town. Republican administrations, Democratic administrations, and the White House itself use alcohol. I have observed Presidents who drank wine in the White House. That is no revelation to anyone, of course.

The PRESIDENT pro tempore. The galleries will be in order.

Mr. JOHNSTON. We have all observed wide ranges of people using alcohol in this town. I will say, Mr. President, that I think Senators are as careful and controlled and responsible in their use of alcohol as any group I have seen. If there is abuse in this body, I do not know about it. But that does not mean it does not exist because, frankly, I did not know about the abuse by Senator Tower.

Nevertheless, there is the question of a double standard. I do not believe there is a double standard involved because it is not a question of a double standard. It is a question of a different standard. We Senators have shared responsibility. The Secretary of Defense has sole responsibility. I heard former Secretary McNamara on television the other night talking about the Cuban missile crisis and he was talking about the troops under "my" command. He was describing the whole Armed Forces of the United States. He then corrected himself and said "under the President's command." But the fact is under the national command authority it goes from the Commander in Chief, the President, to the Secretary of Defense, who is really the operative commander in the field of all the forces. He is the sole commander. We in the Senate share authority.

But the second difference between Senators and the Secretary of Defense is that we are a group who bears responsibility on only a part-time basis and he is always on call. By "sometimes" I mean when the Senate is in session, or when we are in committees, when we are on official duties. At those times our judgment is to be exercised for the United States. But if we are at home with our families, basically our time is our own. No one is going to call us at 3 a.m. and say "come make a decision about whether to respond to the firing of a Libyan rocket." But the Secretary of Defense is subject to that call. It is a different standard. Even if there was clear evidence of abuse of alcohol in this body, which I deny, we could not escape our responsibility for making a judgment about the nominee for Secretary of Defense. We must determine the qualifications of a person who must be consistently and unerringly responsible in his judgment.

Mr. President, finally, there is this question of the no-drink pledge. That, too, is troubling. On a moral level I believe in the right of redemption. I believe Senator Tower is a man of integrity. So when he makes a pledge, it is important evidence. But the fact is he has not yet demonstrated his ability to exercise that unerring judgment; that is to say, he has not demonstrated that he can be alcohol free.

We know enough about the abuse of alcohol that if abusers have one drink they frequently cannot control their appetite for others. Does that mean I think Senator Tower is an alcoholic? I do not mean to use that word because I do not know. I know he is an abuser. I think he speaks of it in terms of being an excessive user at one time.

But, Mr. President, they tell me it is characteristic of the problem that you do not solve an alcohol problem until you admit that you have an alcohol problem—facing up squarely to that problem, not by deflecting it, not by saying I am a disciplined man, I can use it or take it or leave it, but by saying I have a problem. Senator Tower has not done that. Am I certain that he has to do that? Nothing is certain in this record. As I say, there are dull hues of gray all over this record. But I come finally to the conclusion that we have a burden of proof problem here. If this were a criminal trial, I would be the first to say not guilty. If this were a civil trial, I would be the first to say judgment for Senator Tower because the plaintiff has not proven his case by a preponderance of the evidence. But this is neither of those, neither a criminal nor a civil trial, Mr. President.

It is a judgment of the most serious position or one of the most serious positions in this whole land; the person who can determine the very future of the world, whose unerringly consistent judgment is of more vital concern than that of the pilot of the airplane we will next catch. It is not only our future, but the future of the whole world which is at stake. And the burden of proof, when there is a problem unquestionably presented, ought to be on the nominee or on the administration. They must prove that the man is able, without question and at all times, to adequately discharge the duties of his office.

Does this mean that John Tower is not a good man? Not at all; that he is not a loyal American? Not at all; that his service for 24 years in this body was not of a very high standard? Not at all. Does it mean that he is not a very able man on defense, able to give great advice, great judgments, be a great administrator? It does not even mean that. It does not even mean that his character is not of the highest level. All it means, and this is the vital, important and crucial test to me, is that in the nuclear age we cannot afford to take a chance on the man who holds in his hand the future of the world.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we go through phases in our national politics. I can remember when it was usual to ask, How will it play in Peoria? I suppose if you are the President now, it is nice to know, Will they like it in Lubbock? In my personal case, I like to test it in Tupelo, and all across the State of Mississippi, to see what the reaction of the people is to a particular problem or issue.

In that connection, I had a call from someone in Mississipppi who asked me, "Thad, what in the world is going on up there?" And I said, "Well, I think it is a lot like mud wrestling." I have never seen mud wrestling but I have heard about it. Inevitably, the people involved on both sides end up getting dirtied up or muddy. When it is over, it is hard to tell who has won and who has lost.

As a matter of fact, sometimes it is hard to find a place to stop. It just keeps going until the participants are worn out. It seems to me, Mr. Presi-

dent, that this situation does resemble mud wrestling in some ways. It is a time in the life of the Senate when we have abandoned our rules of fair play with a President, and our credibility is being eroded by the way in which this nomination is being handled by the Senate.

I have not been privy to all the conversations between the White House and the Armed Services Committee concerning this nomination. I have been in the Senate long enough, however, to understand the confirmation process well enough to know the ingredients in a President's decision to nominate a person for a very important position in the judiciary or in the executive branch. The Senate is consulted. That is what the Constitution requires the President to do. The advise and consent power of the Senate has the word advise preceding consent. The Senate shall advise and consent. Well, in the exercise of that power in this instance, Mr. President, I submit that the Senate did not play fairly with the advice that it gave the President when he was considering this nomination.

While I was not privy to the conversations between the President and Members of the Senate in advance of the decision to nominate John Tower for Secretary of Defense, I know from my own personal experience that the President consults. He seeks the advice of those in key positions in the Senate to determine whether or not the President's potential nominee is likely to be confirmed.

The initial manifestation of that advice was the testimony at the hearings of the distinguished senior Senator from Texas, Mr. Bentsen, along with the presentation that was made by the other distinguished Senator from Texas, Mr. GRAMM, both of whom, without any reservation, gave a clear and convincing endorsement of the President's nomination of John Tower to be Secretary of Defense.

At that time I assumed—if I am incorrect in this assumption, I am sure Senators will point out that I am incorrect—that Senators on the Armed Services Committee, including the chairman of the committee and the ranking Republican Senator, the distinguished Senator from Virginia, Mr. WARNER, had been consulted concerning their reaction to the nomination of John Tower to be Secretary of Defense.

I am assuming that the President, as he is bound to do under the Constitution, solicited the advice of these key Senators to see what their reaction would be to his nomination of John Tower.

I do not know what those Senators told the President. I have not asked the President if he has had those conversations.

I have not asked Senators if they have spoken with the President. Those conversations, I am sure, are best left to the knowledge and control of the Senators who were party to those conversations. I assume, however, knowing the procedure that is followed and knowing the constitutional requirements that are imposed upon a President in this instance, that the President was convinced by the reactions he received from these distinguished Senators, who had worked with Senator Tower for years, who had observed him in many situations, both in the Senate and outside the Senate, who knew his record as a negotiator on behalf of our country in Geneva, in the arms talks with the Soviet Union, and as chairman of the Tower Commission that John Tower would be approved by the Armed Services Committee.

The Senate had confirmed Senator Tower before, as a matter of fact, and had approved him as a person well qualified to represent our country in these sensitive negotiations with the greatest military power in the world other than the United States.

It is not as if the Senators were engaging in some sort of guessing game when they gave their reaction to the President of the United States with respect to this nomination. If the Senate is to have credibility as an institution or if individual Senators are to have credibility in this process of advise and consent, it is important for us to be reliable. It is important for the President to be able to rely upon the statements made by Senators in reaction to an intended nomination of a person to a position of this importance.

I am assuming that the President was convinced, because of things that he heard from Senators, that his nomination of John Tower would be acceptable to the Senate and that he would be confirmed. While I do not know that of my personal knowledge, knowing the process as I do, and as any Senator who has served here for any length of time must know it, I believe the President was convinced by statements made to him by customarily reliable Senators that this nomination would be well received by the Senate and that John Tower would be confirmed.

It was mystifying to observe that after the development of the hearing record, the vote on the resolution to recommend on this confirmation was 11 to 9. All 11 who voted against John Tower were on the majority side of that committee, and all 9 who voted for him were on the Republican side of the committee. The vote was interesting to me because we all know these Senators to be very intelligent. It was puzzling to see them all view the same evidence, hear the same witnesses, read the same reports, know the same individual nominee, and still disagree so sharply along party lines.

We have heard Senators explain the reasons for their decisions and how they came to reach their conclusions. It is mystifying that educated and well-intentioned Senators could follow the same process and come to different conclusions, as they did, along strict party lines, and then say that these decisions were based on considerations other than party affiliation. It is mystifying.

Now we are at the point where we have to answer whether the Senate is going to continue to be a credible partner with the executive in the process of filling important executive and judicial positions in the future. I hope this is an aberration in the Senate's exercise of responsibility under the advise and consent power of the Constitution.

I could understand it better and would be less aggravated by the way the process has developed if the nominee had been someone unknown to the Senate. If this nominee were someone who had occupied some lesser position in the Government, and the committee staff had perfunctorily checked out the prospective nominee and advised Senators about his background, his competence, his habits, his public and private conduct, and the Senators had misunderstood or not delved deeply enough and said, "Mr. President, that nominee sounds fine to me, we recommend you submit his name to the Senate," I could understand the way this process has developed. But that is not the way it happened.

I am assuming that the President was led to believe this nominee would be acceptable to the Senate. I am just as confident as I can be that is the fact. To see the Senate now throw up its hands collectively in holy horror and say, "Oh, no, you cannot have this nominee confirmed, look what we have found out about him," is incredible. It is truly incredible.

It think the rules of fairness have been set aside, Mr. President, not just in the treatment of the nominee. Others have talked about that. I was not a party to that process in the committee. I did not observe it from close enough range to draw conclusions about the choice of witnesses and the procedures followed.

I do know, however, that there is no question whatsoever about the competence of this nominee, about his knowledge, his expertise, his tenacity, his ability to be a very formidable adversary, to be combative in behalf of the principles and convictions that he holds. He is a man of conviction. He feels very strongly that the United States should be a very capable military power. He feels that very strongly, and some do not like that.

As Secretary of Defense there is no question that he would be in charge of the management of the Department of Defense and would yield to no one in the prerogatives of leadership in the defense of our country, and some do not like that.

There is no question that he would be a combative adversary in the Halls of Congress when dealing with matters relating to the defense budget, and he would know a great deal more than almost everyone in Congress about the budget, the weapon systems, the details of our defense establishment, and some do not like that.

I know there are other things that some do not like about the qualities of this nominee for Secretary of Defense. But, Mr. President, I am convinced from my personal observation of him over the period I have served in the Senate and in the other body, and in following his work as chairman of the Tower Commission and as a negotiator in Geneva, that the nominee is unequaled in his ability to deal with these complicated subjects and to deal with them in an effective way.

I am hoping, that before the Senate completes its consideration of this nomination it will carefully consider the implications of the actions that may be taken here, of the way this nomination process has developed. Mr. President, the rules of fairness ought to be reinstituted—it is not late—to ensure the fairness this institution owes to this President on this nomination and the fairness it owes to the nominee.

When I came to the Senate this afternoon to make these remarks, I saw on my desk a letter written by a number of John Tower's former staff members concerning his qualifications and their opinions of him as a person. I am told that it has been put in the RECORD.

I urge those who have not made a decision on this nomination to take a look at this letter.

Mr. President, I am prepared to yield the floor at this time and simply request the Senate to reinstitute our rules of fairness to this President and to this nominee and to vote for the confirmation of John Tower.

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I have mentioned a time or two the right of due process as embodied in the fifth amendment to the Constitution which tells us that no person shall be deprived of life, liberty, or property without due process of law, and since John Tower will not be deprived of life, liberty, or property if the Senate does reject his nomination, he is not as a technical matter probably entitled to the due process protections in any event.

Nonetheless, the spirit of procedural due process, a principle that lies at the heart of this Nation's concept of fairness, has certainly been violated by the Senate and the Armed Services Committee treatment of John Tower.

The accepted requirements of procedural due process are as follows: notice, No. 1; an opportunity for hearing, No. 2; impartial tribunal, No. 3; the opportunity for confrontation and cross-examination of witnesses, No. 4; the discovery of evidence, No. 5; and the decision on the record, No. 6.

It seems to me that notwithstanding the best efforts of the committee, John Tower has been denied due process.

I just heard a Senator on the floor, the Senator from Louisiana said he has not proved beyond a reasonable doubt. I did not know we had a criminal trial going here, beyond a reasonable doubt, and I have heard other Senators say beyond a reasonable doubt.

But to satisfy procedural due process, a person must normally receive advanced notice of a charge against him. If we are talking about beyond a resonable doubt, we get into the area where I think we ought to take a look.

There must be notice to enable the person to determine what is being proposed and what he must do to prevent the deprivation of his interest.

Of course, John Tower had not received any advanced notice, has not had access to the FBI file, does not know the nature of the allegations that were gathered over the weekend. He has learned a lot of the charges through television, newspapers, radio. So I think it is fair to say he has not had notice.

And, of course, someone said this is not a trial, but then we hear the words, well, beyond a reasonable doubt, the weight of the evidence. I never was a very good lawyer, but those words used to be used by lawyers that I knew.

And notwithstanding again the best efforts of the Armed Services Committee, there were four witnesses called. None were sworn. As I understand, two more or less repudiated what they said in open session once they were in closed session.

One witness was Paul Weyrich, who sent me a handwritten note last Saturday saying he is still opposed to the Tower nomination but when he was in closed session he asked that John Tower be brought into that room so he could face his accuser, and that right was denied and he does not think that is very fair.

So John Tower does not know today the extent of the charges, and even a common criminal is entitled to know the precise nature of the charges made against him and to respond to these charges in a proper forum.

It has just been suggested by the distinguished Senator from Mississippi maybe the Armed Services Committee vote did not represent an impartial tribunal and again as many in this body know better than I, many are former judges, attorneys general, learned in the practice of law, but one of the most prominent Supreme Court decisions, Goldberg versus Kelley touches on procedural due process and describes the cross-examination requirement as follows:

> In almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.

Did John Tower have the right to do that? No, we have an FBI file. In fact, we have several files—the majority file, which contains a Jackson story, which was later blown out of the water, in it, among other things. Allegations, innuendo, with John Tower given no right, or anybody else for that matter given any right, to cross-examine the witnesses to see what their motives might be. Maybe their memory was faulty. Maybe they perjured themselves. Maybe they were motivated by malice or vindictiveness or prejudice or jealously or politics.

And the accused—and he is the accused—at least ought to have the right of confrontation and cross-examination.

It has already been demonstrated that many of the allegations were based on faulty memories. The allegations of drunkenness by an Arizona businessman, an Arizona pollster, I believe, are prime examples.

And some of the statements may be fact. No one is certain of that. But, notwithstanding that, John Tower has not had one single opportunity, not one, to confront and cross-examaine persons who have challenged his integrity. The Supreme Court has suggested that an individual must be given the opportunity to engage in discovery of the evidence that is used against him. Since he does not have access to the contents of the FBI file, he obviously cannot engage in discovery of the evidence that has been used so brutally to defame his character.

So it seems to me that, though the chairman has said, and I do not quarrel with him, this is not a trial nor can the Senate conduct its review as if it were, I think many Senators who have spoken on this floor have used standards that are normally used in a trial, a criminal trial, beyond any reasonable doubt, as though he were standing charged with some criminal activity, a felony. So somebody who goes up in S-407 and they leaf through all this file, not a report, a file, nobody made a judgment; they put everything in there but the kitchen sink. As the FBI agent told me yesterday, "We don't report, we file, and you get the file."

Now I still believe in fairness, and I think most Senators do, and I am not questioning anyone's motives. But I do not believe any objective observer, any

objective observer who may have watched, say, C-SPAN for the last 5 days will tell you that John Tower has received a fair shake.

I saw a letter today from a former outstanding reporter now retired, who had been watching C-SPAN. I never talked to him much when he was here. He was pretty liberal. He reported for the New York Times. But in that letter, he made some observations. He said he had been watching the debate and he believed that, among the people who were looking at this objectively, not as some partisan on one side or the other, John Tower was a clear winner.

I know the numbers in this body. It is 55 to 45. It takes a miracle at this point for John Tower to be confirmed. Frankly, my responsibility to my President and to my party is to do the best I can to see that he is confirmed. I have tried to use my persuasive powers with my own colleagues and with anybody else who would listen.

I will admit my bias, because I am a friend of John Tower, and because I have worked together with John Tower. I was never close to John Tower; not many people were. That may be one of the problems. But I knew him to be a man of his word, a man of integrity, honesty, diligence, and a good Senator.

I suggested last week the one way to resolve this—you know there are Members of this body who have never seen John Tower except on televison. They never met him, never shaken his hand, never looked him in the eyes, never asked him a question, never heard him speak, never saw him in person. So I have suggested maybe one way to remedy that is to bring him to the Senate; let him stand here in the well; let him make a statement on why he thinks he should be confirmed by some of his former colleagues and some new faces in the Senate; let him make a statement about how he sees the defense picture and what his role would be as Secretary of Defense; let him respond to questions, even though he has not seen the FBI file, in public session.

It has been done before in the U.S. Senate. As I recited last week, it was done by motion, but it can also be done by unanimous consent.

I do not treat that lightly. I think it has been done maybe 6 times, maybe more—the Presiding Officer would know precisely, and probably the dates.

But it has been done. There is precedent for it. It should be done in this case before some make final judgment.

Keep in mind only 20 are on the Armed Services Committee. Eighty Senators are not. Keep in mind 71 Senators served with John Tower; 29 have not. We are talking about 50 votes, 51 votes, hopefully more than that 55, 60.

I have discussed this with John Tower before I suggested it. I would not try to embarrass John Tower or my colleagues or myself. He said he was willing, not only willing to come here, but willing to come to your office, willing to talk to you on the telephone. I think some have been kind enough to talk to him on both sides.

Mr. President, I notified the majority leader on Friday and gave copies to the majority leader on Monday. I learned from the distinguished Presiding Officer—and we worked together—two leaders have to get along, notwithstanding what happens in this Chamber.

But, you do not surprise each other if you are going to be around here a long time. One surprise party could end the relationship.

So I gave copies of the unanimous-consent request to the distinguished majority leader and I would like to propound that unanimous-consent request now.

I have only made one change in the copy I gave the majority leader and he will see what that is. It is just the time agreed upon by the two leaders.

So, Mr. President, I ask unanimous consent that the former Senator from Texas, Mr. Tower, be brought before the Senate at a time agreed upon by the majority and minority leaders for the purpose of answering such questions that may be asked him or to make any explanation he may have in mind on the merits of the proposition before the Senate.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader reserves the right to object?

Mr. MITCHELL. Mr. President, last Friday the distinguished Republican leader said that he was considering asking unanimous consent that Senator Tower be allowed to personally appear in the Senate to state his case. On Monday, he provided me with a copy of the request that he was considering.

I told Senator DOLE on Friday and on Monday that I would consider the matter and would respond to the request when made. I have considered it. He has now made the request.

For the reasons I will now set forth, I intend to object to the request.

The deliberations over the nomination of John Tower as Secretary of Defense have been going on for a long time. The subject has been discussed at length at the White House and here in the Senate. We are now in the fifth full day of debate on the Senate floor. There has been more than ample opportunity for Senators to consider the nomination, to examine the information available to them, to talk with Senator Tower, and to determine how they will vote. In fact, almost every Senator has already decided and announced how they will vote.

Speculation on Senator Tower as Secretary of Defense began in 1980, in connection with the first Reagan cabinet. It resumed the day he announced his retirement from the Senate in August 1983. It continued throughout President Reagan's second term. It rose sharply after the election last November.

That lengthy speculation was confirmed on December 16, when President Bush announced his intention to nominate Senator Tower as Secretary of Defense. The Senate formally received the nomination on January 20, 1989.

The Armed Services Committee held both public hearings and closed meetings with Senator Tower on January 25, 26, 31, and on February 1, and with outside witnesses on January 31. At those meetings, Senator Tower was afforded the opportunity to make statements and to answer any questions put to him by members of the committee.

In addition, Senator Tower has had personal meetings with each of the Senators on the Armed Services Committee as well as with a number of other Senators, including the leadership, and numerous meetings with the chairman and ranking member of the committee. He has talked by telephone with many other Senators. At each of these meetings, and in each of these conversations, the Senators were free to ask any questions of the nominee and he was free to answer them.

Senator Tower has also conducted a vigorous public campaign for his nomination with interviews in national newspapers and on network television shows and public appearances.

The material compiled by the Federal Bureau of Investigation has been available to all Senators on the Armed Services Committee beginning February 14 and to all Members of the Senate since February 27. Copies of the committee's majority report have been available for review by all Senators since February 27, the minority report since March 1.

The FBI afforded Senator Tower the opportunity to respond to each of the allegations made against him and Senators have been able to read those responses, along with other materials contained in the FBI files.

Senator Tower was also given the opportunity to personally rebut the testimony of the outside witnesses who testified before the committee and to call outside rebuttal witnesses in his defense. He turned down both offers.

Furthermore, copies of the transcripts of the Armed Services Committee's closed sessions, in which Senator Tower was questioned about the allegations made against him, have been

available for review by Senators since early last week.

I know of no Member of the Senate who has been handicapped by a lack of information in forming a judgment on the suitability of Senator Tower to be Secretary of Defense.

I know of no Senator who has not been available to Senator Tower. Recently, up to and including late yesterday, several Senators told me they had received telephone calls from and had talked with Senator Tower.

In summary, there is no indication whatever of an absence of opportunity for Senator Tower to make his case or for Senators to consider his case.

What, then, is the purpose of the request?

In his remarks on Friday Senator DOLE said it would be made so Senator Tower could, in Senator DOLE's, "stand in this well and * * * answer his critics." But of course his critics are those who presented evidence to the Armed Services Committee. Should those persons also be invited to come to the Senate floor to answer questions?

We should also ask ourselves: What kind of precedent would we be setting for consideration of future Cabinet nominees?

Where would we stop?

Would only nominees who had previously served in the Senate be asked to appear?

If a nominee who had not previously served in the Senate received an unfavorable committee recommendation and then asked to appear before the Senate and we say no, could he fairly claim that we gave Senator Tower preferential treatment just because he had been a Senator?

We only ask controversial nominees to appear?

What would constitute controversy?

Would we put the nominee under oath?

If persons other than the nominee were asked to appear, would they be put under oath?

Could a nominee ask to appear?

Could persons other than a nominee ask to appear?

On what grounds would we refuse such requests?

There is also the question of whether such a session would be open or closed. Because it almost certainly will deal with matters in the FBI files that the President refuses to make public, and that in response to the Republican leader's request, cannot be discussed in open session, how could the inquiry be conducted in open session? Or, would the session have to be closed?

These are some of the questions which come immediately to mind. There are, I am sure, many others which could be posed by other Senators. But these few are enough to demonstrate just how unnecessary and unworkable such a process would be.

There is another consideration which the Republican leader and the nominee ought to take into account.

There is no precedent for this request on behalf of a Cabinet nominee, or indeed any nominee. In fact, there have been according to the research of my staff, only five instances in which individuals have been brought before the Senate for questioning, including the two referred to by the Republican leader on Friday. Four of them involved allegations of contempt of the Senate and one involved the disciplining of a Senate employee.

No one has made contempt or disciplinary charges against Senator Tower. Therefore, I believe that it would be inappropriate, and unfair to the nominee, to have Senator Tower come before the Senate based upon these historical precedents.

Our responsibity is to vote on his nomination to be Secretary of Defense. I very much hope that we can do that soon.

Mr. President, for the reasons I have stated, I object to the unanimous-consent request.

The PRESIDENT pro tempore. Objection is heard.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, I listened carefully to the distinguished majority leader as he reserves the right to object, and he did object. He expresses concern over precedent, but I would assume the Senate sets precedents from time to time. In fact, we might set one here if Senator Tower is defeated.

As far as I can determine, there has never been a nominee rejected at this point in a new President's term. That is without precedent. That is why it seems to me that the procedure I outlined is relevant in this instance. The fact of the matter is, outsiders have been brought before this Senate to answer questions, or explain what they may have on their mind. I have not gone back to read the questions asked of those five individuals. And there would be some details we must work out—a person brought before the Senate should be sworn, or how he is going to be interrogated, those are all details we can discuss.

It is all right with me if he is sworn. I assume the two leaders or their designees would do the interrogation or perhaps if there is someone who has been wanting to ask a question and never had the opportunity to ask Senator Tower directly—that Senator could pose the questions directly.

No, I did not make the request because John Tower was a former colleague. It seems he has demonstrated if you are a former colleague around here, you are going to get kicked all over the place. I made the request because this nominee has been hurt. There have been phone calls. There are pages and pages and pages of FBI files, some favorable, some unfavorable. I want one more chance to set the record straight.

But I made the request because the basic issue in this instance is fairness. Somebody said today, "Well, this was troubling nomination for President Bush." It was troubling only in the sense that a lot of questions had been raised, and the President wanted to check them out very carefully before he made a nomination. A lot of rumors and a lot of stories motivated by nobody knows what were all over the country, and the President succeeded in trying to check them out, as he should. That takes time. But he was satisfied when he sent the nomination to us, and he is still satisfied as recently as an hour or two ago that John Tower is the best qualified man in America for the job.

It was President Bush in his inaugural speech who extended his hand of friendship and bipartisanship to all of us. But through a systematic, or at least a series of leaks to the press, and wild unsubstantiated stories, John Tower lost a lot of ground—a lot of ground. The polls showed he was down 2 or 3 to 1, that nobody wanted him to be Secretary of Defense. Why would they? If they believe half the stuff that was in print, they would not want him around anywhere.

Whether we debate 5 days or 50 days, this is important. It is not how many days we debate, but how and why we debate.

We are here to debate the merits of this nomination. The Secretary of Defense has a budget of $300 billion. But we have not spent much time on the Pentagon or Packard Commission reforms. The Secretary of Defense oversees America's defense. But we have not spent much time on our men and women in uniform or on force structure. We spent more time on whether John Tower drank excessively which he said he did do at times in the seventies.

There is no doubt in my mind, when it is all said and done, the one issue that bothers Senators is that John may have a drinking problem. He does not have a drinking problem.

I have heard Senator after Senator stand up and say, "I am concerned about allegations and innuendos about drinking." That is what bothers the chairman. It is a matter of concern to others, and I do not dismiss that it is a matter of concern to others.

Those who have known John Tower, and traveled with John Tower, and worked with John Tower in this Chamber for 20 some years, with one exception, have never seen John Tower under the influence of alcohol or inebriated.

So in addition to the unanimous-consent request, I have another option. That would be to move that the former Senator from Texas, Mr. Tower, be brought before the Senate at a time agreed upon by the majority and minority leaders for the purpose of answering such questions that may be asked him or to make any explanation he may have in mind on the merits of the proposition before the Senate. I have indicated to the majority leader I will not make that motion this evening.

Another option would be to move to recommit the nomination to the Senate Armed Services Committee, following up on a suggestion made by the chairman a couple of weeks ago. The committee could then call more witnesses. This time it could call in some witnesses favorable to Tower.

But I am going to suggest something now that I think will be a challenge to all of us. I have listened to a lot of the debate, and I know some of it has been based on serious concerns, and I do not dismiss anything that anyone says lightly. I have listened to, I think, almost every minute, either I do it on the floor or I catch it in my office, or watch it on C-SPAN later in the evening. I refuse to believe that there is hostility toward John Tower in this Chamber. I refuse to believe that there are some in this Chamber who think he is not qualified.

I refuse to believe that the President of the United States should not have his nominee confirmed. He did win the election last November. He did promise us he would send us top-flight nominees, and he has. The majority leader, I might add, has been most cooperative in making certain they were brought to the floor as soon as they were reported by the committee.

(Mr. CONRAD assumed the chair.)

Mr. DOLE. Some have said, "Oh, well, every nominee has been adopted with the exception of one." I am not certain that is relevant. The nomination in front of us now is the nomination of John G. Tower, and it is John Tower who has been treated so unfairly.

I talked with John Tower this afternoon. I told Senator Tower that it does not look good. I told him, as I viewed it, we did not have the votes. I told him, as I viewed it, that the one basic concern expressed by Members whom I respect was drinking, and if that were gone he would be confirmed, not unanimously but with a heavy vote. And I said to Senator Tower, I am going to the floor and make one last suggestion because I believe in you and I believe in the President. And I am going to need your cooperation when I do it. And he said go ahead.

I am going to accept the concerns which people have about drinking. I am going to rely on the good faith of those who have stated that because I have respect for my colleagues. We get carried away sometimes, but we generally get back to Earth in 24 hours.

I told Senator Tower I would go to the Senate floor, and I would tell my colleagues OK, this drinking concern has caused a problem for Senator Tower and for some Senators who would like to vote for him, and for others, who have not made up their mind. I suggest that Senator Tower give President Bush a letter of resignation dated October 1, 1989—in 6 months—and that for 6 months he has a trial period as Secretary of Defense. Then he would come back for reconfirmation.

I understand that Members I respect—and I have had private meetings with some who have raised this issue, and I will not name their names. They are Members on the other side of the aisle in whom I have confidence. We would confirm John Tower. I would hold up a letter of resignation addressed to the President effective October 1. That is 6 months and 2 weeks from now. The President said the Pentagon is going to enforce the sobriety test. Most of us do not believe there is going to be any problem. But it gives this Senate, that I am very proud of, a second opportunity. It addresses the concerns raised by the chairman and by the majority leader and by others. At the same time it gives President Bush under this restraint his choice for Secretary of Defense.

Now, obviously, to make this work some Members have to agree that this man, this nominee, this former colleague, this former arms negotiator, this chairman of the Tower Commission, this chief petty officer, this father—two of his daughters were in the gallery today—deserves that chance.

I have been around for awhile, and I have seen people fail. I have seen people make mistakes, and I have seen people drink excessively. I have found most people, men or women, Republicans, Democrats or independents, were willing to give anyone that second chance.

I have heard speaker after speaker come to this floor and say this is a close call. I heard the eloquent statement of Senator BENSTEN today. I have heard others who came down the other way. But to everyone it is a close call. To some who have not yet spoken I know it is a close call.

If we are concerned about that problem and the chain of command and all the other arguments that have been made, OK let us address it. Let us put the burden on the nominee. I hope that my colleagues on the other side of the aisle would accept what I have said in the spirit it was offered.

I know where the votes are. I know this should not be partisan. We have probably been a bit partisan; the other side has been a bit partisan too. But the bottom line is that John Tower should be confirmed. Someone told me, "He might be there 4 or 8 years." Under my plan he will be there only 6 months, and then he will come back to this body, and the chairman and the ranking Republican and others on the Armed Services Committee, and everyone else who works with the Pentagon, will have ample opportunity to determine his fitness, his competence and anything else about John Tower.

I can also state that I have mentioned this to the President of the United States. I have discussed it with the Chief of Staff of the White House. I have not discussed it with a single colleague on this side. Some may not agree with what I have said, but it seems to me that before a vote is taken we at least ought to give it serious consideration.

If we say under no conditions will John Tower ever be Secretary of Defense, not 1 day, not 1 month, not 1 week, not 6 months, well, we can say that. The majority has the votes. But it would seen to me that this addresses the concerns expressed by many Members of this body, as I said permits the President to have someone in whom he has total faith.

What could be fairer?

Do you all know somebody to whom you have given a second chance in your office or in your home or in your family? Maybe they had a problem. Maybe they were broke. But did you just kick them out and say, "Well, no way"? No, you did not. A lot of us have had second chances because of somebody else, somebody's generosity. And that is what makes America different. If somebody asked me, "Is there any decency left in the Senate?" I would say yes.

After our battles and after all the discussion—and sometimes tempers flare and sometimes people overstate their cases—there is a lot of decency in the Senate.

So I make that suggestion in a spirit of decency and fairness, not because John Tower used to work here, but because John Tower deserves that kind of treatment, so I just leave it to my colleagues. I hope that we might consider it overnight, think about it. I can have the letter here by sometime tomorrow. I encourage my colleagues in every way that I can to give this most serious consideration.

That addresses the primary concern. For those concerned about defense contractors, I think the record is fairly clear that John Tower received about $764,000 gross receipts from defense-related contracts. Tower and Associates received that much, not John Tower. About 60 cents of every dollar went for overhead, rent, and salaries. In 1987, he made about $100,000 from

defense-related contracts, less than most Senators who take honoraria. In 1988 he made $160,000. In 2 years he made $260,000, about the same that he would have made in the Senate with his salary plus honoraria. He is not a wealthy man. He also lectured at Southern Methodist University, had a retirement program, and he had some other income from contracts unrelated to defense. I do not believe that anyone else believes anybody bought John Tower.

One thing that has not been stressed is he did not ask to go to Geneva as an arms negotiator. When he left the Senate, he was prepared to go out in the private sector. But he went at the request of the Secretary of State, George Shultz. He volunteered for 14 more months of public service. Now he is criticized for having done that and then returning to the business he had planned to pursue, working for certain defense contractors.

It has even been hinted by some that he might have divulged secret information. The State Department regulation covers that. It says you do not have to purge your mind of your experience, but you do have to use your good judgment. You do not give away any confidential information. I do not think any record has been made that he did.

I think those are the two key areas, but primarily it gets back to drinking. I have heard colleague after colleague, story after story, leak after leak. It all gets back to drinking. I have listened to statements on the floor all day today.

So for those of us who know John Tower, and know his capabilities, his diligence, his intelligence, and his patriotism, I think we owe it to him to give him that second chance that many of us have had; I have had. I bet others have had second chances too.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, our respect for the distinguished Republican leader is such that we should and will give this request, as we should and will give all of his requests, serious consideration. I had not, prior to his speaking the words here, been aware that he was to make this proposal. I will immediately consult with as many of my colleagues as I can to determine what the reaction of other Senators is.

I must say that, as the distinguished Republican leader was speaking, my reaction immediately is to say that the national interest requires that we move promptly with the business of naming a permanent Secretary of Defense. The arguments made in behalf of this nominee have focused to a significant degree upon that need. There is to my knowledge no precedent for a 6-month—what appears to be—probationary period for a Cabinet official. I know the distinguished Republican leader thought about the effect this would have on the Department of Defense and the President, and the Secretary and the manner in which he would or would not be able to conduct the business of that important Department.

But as I have indicated, I do have great personal respect and affection for the distinguished Republican leader, and therefore take seriously whatever proposal he will make now or in the future, and—nothwithstanding my immediate serious concerns about the proposal, and I state that merely because I want to candidly indicate what my immediate reaction is—that I will contact as many of my colleagues as I can, and as the Republican leader suggested, overnight.

But I must say that this has been a very long, contentious process. I believe all but two or three Senators have already publicly announced how they will vote. Those, I believe, will do so very shortly. And my strong reaction prior to the moment when the distinguished Republican leader spoke was that we ought to complete action on this matter, that we ought to vote, that we ought to end it one way or the other, that the deliberation has been very long, very difficult for all concerned, and that at some point a decision must be made.

I will, however, in good faith and good spirit, notwithstanding what my strong feelings were immediately prior to his remarks, consult with some of my colleagues—some are here; they may wish to express their immediate reactions; that is entirely up to them—and discuss it further with the distinguished Republican leader.

Mr. DOLE. Could I say one more word?

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I apologize to the majority leader and my colleagues for not addressing the very question he raised. I failed to do that. Six months and 2 weeks would be the end of the fiscal year. That would permit the Secretary of Defense to continue the work that he has been doing at the Pentagon, the Department of Defense, to get to work on the budget, to get to work on other issues that are pending in the Pentagon and demonstrate that for those, whether they made up their mind or not—a lot of times we make up our minds, but then there is a changed circumstance. And this would be a changed circumstance. This would not be a 6-month confirmation. He would be confirmed, the President would have a letter, and he would have to send him back up here again in October.

So before anybody said well, this thing about stability, think about it. If we do not have this nominee confirmed, who has been on the job, who understands it, it is going to be in a couple more months probably before we have a Secretary of Defense. But even more importantly, I am appealing to the institution, the U.S. Senate not to destroy someone, because of the concerns that have been expressed. If they are real, this is an opportunity to underscore our concerns, the Senate's concerns. It is a higher standard, and we mean business to the extent that it is going to be a short leash. It is going to indicate to the President that notwithstanding his right to nominate, we are going to have a right to review.

So I would hope that it would be seriously considered. I offered it in that spirit, and I had a very frank discussion with Senator Tower. I did not have good news for him. He was disappointed, but he is an adult, and he understands that we do make decisions sometimes people disagree with. I thank the majority leader for that indication.

Mr. MITCHELL. I just make one additional comment, which I neglected to make, that I do not want anyone to—and I know that the distinguished Republican leader does not—underestimate the other factors involved in this process. It is true that many of the statements have discussed the issue of excessive drinking, and if you read the newspaper reports, it is largely focused on that. But if you read the statements made by Senators, there is a great deal of concern on the conflict of interest.

I went back and read the statements of all of the Armed Services Committee members, when they voted, and have read almost every statement made on the floor which I have not heard, and I have watched the coverage of those statements. Almost invariably, a Senator who expressed concern on both of those issues was reported, either exclusively or principally, as being concerned with the issue of excessive drinking.

What I am saying is that the focus of attention and the fulcrum of decision for many Senators was largely the conflict issue, which, of course, this would not resolve. Of course, the other aspect of it is that the very feature which makes it attractive from the standpoint of the distinguished Republican leader would make it unattractive for most Members of the Senate, and the only thing worse than having to go through this once would be to have to go through it twice. I think that is something we have to bear in mind, but I want very much to approach this earnestly and in good faith, and I commit myself to do that to the Republican leader.

As I said, I will instantly, upon leaving the floor, begin to contact as many of my colleagues as I can to discuss it,

to consider it, to get reaction, and will then get back to him as soon as I can.

Mr. DOLE. If the Senator will yield for one comment, I do not think it will be a matter of going over it again. Either during that 6-month period Senator Tower would have persuaded his colleagues—demonstrated, not just persuaded—that he was the right person to be in that office, or he probably would not have a nomination to come up here. If he demonstrated during that period that he had all the talent that the President has suggested, as have many of us, there would not be any problem in the nomination. If he failed, he probably would not be the nominee. But it seems to me that—and we have been at this nomination now for a couple of months—it is not a perfect solution. To some, it may not be a solution at all. I did note in my comment that some did have questions about conflict of interest—the Senator from Michigan, for example.

As I listened to the speeches and listened to the comments, the primary concern was the drinking. The former majority leader, the Senator from West Viriginia, had a problem with conflict of interest, he told me.

He did not get into other things, but he would still have a problem. He probably would not vote for that proposal. But as to those whose primary concern was drinking, if that were addressed in that fashion, there would be a clear majority for John Tower, and that was the thrust of my suggestion.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am the junior member of the Armed Services Committee. I have not had very much to say about the nomination. I have listened carefully, however, to what others have said, and I have read the committee reports of the majority and the minority, and the independent and separate views.

My concerns are not just with one area. My concerns include the conflict of interest question. I think this is an effort on the part of the Republican leader, as a valued leader and supporter of his President, and I cannot fault Senator DOLE for that. He has done everything that he could do in support of the nominee, and he is still doing so. I cannot agree with everything that he has said, but he is certainly to be given high marks for following his President, upholding his President, and defending the nominee.

I have had a long friendship with BOB DOLE, and I have a good working relationship with him. That friendship still exists. So what I have to say is difficult, but this has not been easy for any of us. It has not been easy for me to listen to those who speak of the nominee's family. I feel for that family. I feel for Senator Tower's daughters. I feel for the nominee.

Yet, Mr. President, there have been other nominees who have had families. Roger Taney was rejected for Secretary of Treasury in 1843, having been nominated by Jackson. I am not sure that he had a family, but I am sure that if he did have, they were disappointed.

Caleb Cushing was nominated by John Tyler three times on the same day, and was rejected three times on the same day, the last day of the session on March 3, 1843. If he had a family, I am sure they, too, were hurt. He was rejected three times for Secretary of the Treasury.

Charles Warner was named by Calvin Coolidge to be Attorney General, and he was rejected twice within a 6-day period. I am sure that it was painful for him, his family, his relatives.

So we all have to understand that people who are rejected are going to be hurt. All of us have been through campaigns, election campaigns, in which we have been vilified and excoriated. I went through the same thing in 1982 and in 1988.

And there is no balm for the wounds that we carry when the Republican National Committee turns out information that is distorted, misleading, and wrong, and puts it into the hands of our opponents.

I have children. I have grandchildren likewise. And so I know the pain that they are caused by vilification, abuse, and vindictiveness.

But, Mr. President, we Senators asked for this job. We ran for the Senate and we took an oath standing before our colleagues in this Chamber and before the audience in the gallery and before the television audience all over this country to support and defend the Constitution of the United States to the best of our ability, against all enemies foreign and domestic, "so help me God."

That Constitution places a responsibility on us that someone else wrote into that document in 1787. Our forefathers in this body shouldered that responsibility.

It was difficult for William Maclay, the junior Senator from Pennsylvania, in the First Congress, to stand before his colleagues when George Washington sent up to the name of William Short to be Minister to France—it was difficult for Maclay to stand and say that the nomination ought to be decided by secret ballot.

Oliver Ellsworth took the opposite position. Maclay said that the decision ought to be by secret ballot because a Senator would fear that he would lose his place in the Presidential sunshine if he openly opposed the nomination, and conversely, he might vote against his own conscience in order to earn the President's warmth. The motion was debated, and Maclay won. They voted by secret ballot and William Short was confirmed.

These matters were conducted in executive session until 1929 when that requirement was stricken from the rules.

Mr. President, what I am saying is this: It is not an easy task to sit in judgment on a nominee, especially a former colleague. This Senate has already approved a former Senator during this session. We have heard it said in this debate that the Senate is kicking John Tower, a former colleague, around. But Nicholas Brady is a former Senator, and he has already been confirmed by this Senate without a dissenting vote for Secretary of the Treasury.

I think it is our duty not to be swayed from what we know our proper course to be. If we go down this road—I have heard a lot of talk about precedents—this will indeed, be a new precedent and a bad one. We are going to give try-out periods to nominees. Which nominee? Those only who are former Senators? Would that be fair to others?

Mr. President, this proposal is pregnant with all kinds of problems for us and for those Senators who will serve after us. There is no guarantee beyond the 6-month period. What then happens? Once Mr. Tower is confirmed, what recourse does the Senate have? None.

What about those of us who have other legitimate concerns as well as the one concern that has been mentioned here most frequently? What assurance do we have? Who is to be the judge?

Mr. President, if we go down this road, we are going to meet this precedent again in our own time, and those who serve after us will rue the day that we chose to follow this course.

The Constitution says that the President shall—it does not say he may—it says he shall—the President "shall nominate and, by and with the advice and consent of the Senate shall appoint * * *." The President, and only he, has the power to nominate. But there are three phases in the appointment process: the nomination by the President, the assent by the Senate, and the presentation by the President of the commission of appointment.

So the Senate has an equal voice in the appointment. If the Senate does not give its consent, the appointment never goes forward.

Mr. President, there has been much said about fairness. Mr. Tower has had ample opportunities to make his case and we listened. He made his case before the committee in public and in executive session. He has been on the airwaves. He has been on television,

and he has commanded the center of attention in the print media.

I am in my office. If he wants to come and see me, he can come. He has access to every Senator here, and there is no Senator who would turn him away from the door.

But this is a desperation move, and as one Senator, I am not going to go along with it. It is our responsibility to make a decision. We have had ample time to do that, and I think we ought to do it and get on with other business.

So, Mr. President, as far as I am concerned, the majority leader will do what he says he will, he will consider it, and he will talk with other Senators.

The Constitution does not say that any nominee is to be given a trial period. That Constitution does not say that we Senators even have to vote on a nomination.

There have been nominations that have never been voted on and, therefore, never confirmed. There have been some that have been withdrawn. There has been at least one, the nomination of James Green, under President Tyler, for Secretary of the Treasury, where the nominee was rejected but the vote was not recorded.

So we are not mandated to vote. But we owe this nominee a vote. We owe this President a vote. We owe the American people a vote. And we owe ourselves a vote.

We ought to cut it clean. We ought not leave some hazy never-never land out there and leave this thing hanging in the balance for 6 months. And who knows what will happen thereafter.

So, Mr. President, I think the time has come to cast our vote and I would urge all Senators who are on this side of the aisle and who will be contacted by the majority leader and other Senators, if there be Senators on the other side of the aisle who have not made up their minds, I would urge them to take a stand now.

Let us vote this nominee up or vote the nominee down. Let us cut it clean and the President can send up another nominee. There are other potential nominees who are just as able and who do not carry the burdens that this nomination has carried. There are individuals who are preeminently able to carry out the functions and responsibilities of the Secretary of Defense, some of them have already been confirmed by the Senate in years past. It is not that this is the one and only nominee sui generis for the Secretary of Defense.

So, Mr. President, I say the time has come to make a decision, and we ought not further to dawdle, hem and haw, and fool away much additional time in bringing this matter to a conclusion.

Now, I close as I began. I have great respect for Senator BOB DOLE as an individual. I am sorry to have to take this position in opposition to his proposal, but we have been over that course before also. I think the Senate will be making a terrible mistake if it goes for this ostensibly attractive suggestion. I hope we do not go for it, and that we vote tomorrow up or down on the nomination.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the benefit of our colleagues, after consultation with the distinguished Republican leader, I can announce that there will be no rollcall votes this evening.

It is my intention that we will continue in session until approximately 8 p.m.; that we will return to session tomorrow morning at 9:30, and following the time for leaders and a period for morning business until 10 p.m., we will then return to debate on the Tower nomination. I will be consulting with the distinguished Republican leader with respect further to tomorrow's schedule this evening and tomorrow morning, and hope to announce further plans with respect to the schedule in the morning.

Mr. BYRD. Mr. President, will the majority leader yield very briefly so I might correct the RECORD?

Mr. MITCHELL. Yes.

Mr. BYRD. Roger Taney was rejected in 1834, rather than 1843. I got my figures crossed.

Mr. NUNN. Mr. President, I am delighted to inform the majority leader and our good friend from West Virginia who made that correction, I was about to correct him on that. [Laughter.]

Mr. MITCHELL. Will the Senator yield so I may make a correction?

Mr. NUNN. I am glad to yield.

Mr. MITCHELL. I am just advised that I said 10 p.m. tomorrow. Maybe the number of errors is probably a pretty good indication that we ought to end shortly.

I intended, of course, to say 10 o'clock a.m. tomorrow morning that we would return to consideration of this matter, half hour for the leaders and morning business, and then at 10 o'clock in the morning, back on this.

I thank the Senator for yielding.

Mr. NUNN. Mr. President, I will just take a moment. I know Senator LIEBERMAN has been waiting for a long time.

But, I, too, have great respect for the minority leader. Any proposal he puts forth deserves our serious consideration, so I agree with the majority leader's assessment.

I will sleep on this proposal and come to a conclusion tomorrow about my reaction to it. But I do think that there are serious questions that I will be asking and I think others should also ask, and that is that we are, in effect, being asked to put the Secretary of Defense on a 6-month probation period.

The question I have is how destabilizing this would be to our Department of Defense, to the men and women in the military, and to the people the Secretary of Defense will be dealing with.

The second question I would have is whether we should have a person in the national command authority next to the President, in effect, on probation.

I also would ask the question whether anyone can assure that we are not going to have any kind of a crisis in the next 6 months. Are we going to be given assurance that there is no problem that is going to come up during that period of time? I do not think anyone can do that.

Finally, what will the standing of the Secretary of Defense and, indeed, the Department of Defense be in the international community during that period of time?

So there are a lot of things to consider, but these will be those that I will be focusing on overnight.

Mr. LIEBERMAN. Mr. President, this is the first occasion on which I have had the honor to rise and speak on the floor of this great lawmaking body, the U.S. Senate. I must say to you, Mr. President, that I had hoped that my first speech would be on a less difficult and less controversial issue, but that was not to be.

So I rise today, after much deliberation, to indicate that I have reached a decision on the nomination of John G. Tower to be Secretary of Defense. For me, this has been an extremely difficult and, yes, close call. I have spent many hours reviewing the report and the record of the Senate Armed Services Committee, reading the FBI files and Senator Tower's detailed responses in those files, and observing the Senate's deliberations to date. I have spoken with many of my colleagues, both Democrats and Republicans, as well as with President Bush and Senator Tower. I am deeply grateful for their availability, their thoughtfulness, and their counsel. I must say that I have also listened to my constituents in Connecticut who have offered me advice and letters and phone calls over these last several weeks.

In coming to this decision, Mr. President, I have also studied the historical role of the Senate in the confirmation process. The Constitution, as you know, establishes a clear role for the Senate but does not define the standards for us to apply in exercising that role. Nor has the Senate historically, on the occasions when it has exercised that role, applied a single, clear set of standards. Given the highly charged atmosphere surrounding Senator Tower's nomination and the fact that

I am at the very beginning of my time as a Member of this body, I want to articulate what this Senator, at least, sees as his role under the advice and consent power and the standards that I believe should apply in evaluating a Cabinet nominee.

REVIEW OF THE ADVICE AND CONSENT POWER

The history of the advice and consent power exercised by the Senate is complex. At the Constitutional Convention, Alexander Hamilton and James Wilson expounded the view that a strong and independent executive branch vested with the appointment power was critical to the effectiveness of the new government. Hamilton asserted that, "energy in the executive is the leading character in the definition of good government."

John Rutledge argued the opposing view, that placing the appointment power solely in the President would unduly concentrate power in the executive branch: "The people will think we are leaning too much toward Monarchy."

Luther Martin and Roger Sherman of my own State of Connecticut even argued for placing the appointment power solely in the Senate; no involvement by the President. But, as was often the case at the Constitutional Convention, the two perspectives on the appointment power were compromised in the final weeks. Article II, section 2 thus provides that while the power to "nominate" rests with the President, it is subject to the "Advice and Consent" of the Senate.

Hamilton, in the subsequent Federalist Papers, best summarized the meaning of the compromise. He thought it unlikely that the Senate would refuse to consent to Presidential appointments, except when there were "special and strong reasons for the refusal." He also noted that the confirmation power provided a "powerful" yet "silent" limit on Presidential power. He stated that it "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters." He emphasized the benefit of this limited sharing of the appointment power between the legislative and executive branches: "The possibility of rejection would be [a] strong motive to care [by the President] in proposing."

Thus, the "Advice and Consent" power is part of the network of checks and balances that control the exercise of power in our system of government. I believe in a strong President, vested with authority and accountability, and clearly the President is entitled to the benefit of the doubt in his appointments. But the appointment power is in the end a shared power with the Senate. In the very apt words of another convention delegate, Governor Morris, "As the President was to nominate, there would be responsibility, and as the Senate is to concur, there would be security."

Consistent with the constitutional intent, the "Advice and Consent" power has been rarely exercised against Cabinet appointments. Fourteen Cabinet nominees failed to be confirmed between 1789 and 1988. Eight of these nominees were rejected on the Senate floor (six of these in the 19th century), four were withdrawn, and two were not voted out of committee. While actual rejections have been few, in the words of historian George Haynes, "in a sense the Senate's negative on appointments, like the President's veto on legislation, has often been most effective where not actually used: the consciousness of an imminent rejection or veto acts as an ever-present restraint."

THE PROPER STANDARDS FOR THE SENATE

Given this history, I believe that a number of considerations should govern the Senate's review of Cabinet nominations.

First, deference must be given to the President's selection of nominees for Cabinet positions. The standard is not whether an individual Senator would have selected someone else if he or she were the President, or whether in the Senate's collective judgment there is a better person for the job. No, rather, the proper question is whether the Senate can, consistent with its constitutional responsibility to provide advice and consent, find the President's choice acceptable.

Greater deference is due to Cabinet nominees than to any other Presidential appointments. These are the men and women the President selects to work directly with him on the most important issues of the day, and the President is held accountable for their conduct and performance. Judicial nominees, by contrast, are constitutionally buffered from the political processes, serving lifetime appointments that can be terminated only by impeachment.

However, as one distinguished majority leader, Senator MITCHELL, has stated, the President's prerogative to select his own Cabinet "does not mean * * * that the Senate's role in the confirmation process is automatically to approve each presidential nominee." In reviewing Cabinet nominations, the standard applied by the Senate should be based on Hamilton's concept of fitness for the position involved. To determine a nominee's fitness, I believe the Senate must consider the following: First, the knowledge, experience, and qualifications of the nominee for the position; second, the nominee's judgment, as evidenced by his conduct and decisions, as well as his personal behavior; and third, the nominee's ethics, including current or prior conflicts of interest. In unusual circumstances, the Senate might also cautiously consider fundamental and potentially irreconcilable policy differences with the nominee, although that situation is not presented in this case.

It is important to understand that these factors cannot constitute a rigid, clear-cut test that can be uniformly applied to nominees for every Cabinet position. In evaluating a nominee, the Senate must focus on the particular office he will assume and the kinds of problems that he is likely to face. So, in this case, for example, the Senate cannot tailor its standard of review to fit Senator Tower personally. It must tailor its review to focus on the specific responsibilities and problems that the Secretary of Defense will face during this administration.

Finally, we should remember that the test in reviewing Cabinet nominations is not whether the law has been violated by the nominee. If the Senate could only apply a test of whether the law has been violated, there would be effectively nothing left of the power to advise and consent. Nor must the Senate apply criminal evidentiary standards and procedures. We are not bound to prove or disprove criminal conduct.

We must in our best personal judgment determine whether the nominee is acceptable for the position for which he has been nominated. In doing that, of course, the Senate must apply a test of fundamental fairness. We must be fair not only to the President but to the nominee—by giving him an opportunity to present his case. I believe the Armed Services Committee has given Senator Tower that opportunity, as both Senator NUNN and Senator WARNER have previously stated. Senator Tower has been heard at length on the issues during the Committee hearings and since the close of the Committee's proceedings. He has availed himself of the opportunity to comment on each of the specific allegations in the FBI reports. He has also presented his case personally to several Members of the Senate.

EVALUATION OF SENATOR TOWER'S NOMINATION

According to these standards, and based on my review of all of the information available to the Senate, I have decided to vote against confirmation of John G. Tower for Secretary of Defense. As I noted at the outset, this has been an extremely difficult decision for me. I recognize that reasonable people reviewing the same information may disagree, but I am confident that I have reached the right personal conclusion.

The Secretary of Defense today has two great and overriding responsibilities and they relate to my evaluation of this nominee. One is to provide for the security of our Nation in a hostile world. The second is to manage the budget of America's most expensive agency of government.

In the final analysis, I have too many unresolved doubts about Senator Tower's fitness for the position of Secretary of Defense in both of these areas of overriding responsibility for that position. While I do not believe that the evidence concerning Senator Tower's drinking is sufficient to conclude that he is an alcohol-dependent person; nonetheless, the evidence does leave me with too many doubts about whether Senator Tower has the self-discipline and consistently sound judgment that we have a right to expect in our Secretary of Defense. The Secretary of Defense is number two in the chain of command of the United States military operations, including our nuclear arsenal. He may be called upon at a moment's notice, to make split-second decisions that affect our national security. History has shown that international incidents that may require a military response can occur without warning, at any time of the day or night. Tens of thousands of lives may hang in the balance on his judgment.

On the second point, in the management of this great department, in his farewell address, President Dwight D. Eisenhower warned that, "in the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

I have tried to apply that warning by President Eisenhower, and the standard implicit in it, to my review of the facts in this case. I conclude that Senator Tower's passage through the revolving door from Senator and arms control negotiator to consultant to the defense industries leaves me with too much doubt about his judgment and his ability to be the detached and demanding Secretary of Defense we urgently need at this moment in our history. The Defense Department, as we all know, has an annual budget of $300 billion. As we struggle with our enormous national budget deficits, few things could be more important than the ability of the Defense Department to improve its efficiency and save millions of dollars in procurement costs. Because of wasteful spending and procurement scandals the people have lost confidence in the management of the Department of Defense. We simply cannot have a Secretary whose independence and judgment are subject to question.

I have tried to give the President and Senator Tower the benefit of the doubt, but in the end, there are simply too many doubts about this nominee for this critical position at this difficult moment in our history. And so with the greatest regret I conclude that, in order to satisfy my Constitutional obligation in the confirmation process, I must cast my vote against Senator John G. Tower to be Secretary of Defense. Thank you, Mr. President.

Mr. NUNN. addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I note the Senator from Connecticut has studied this matter long and hard both in terms of the evidence in the case before us but even more fundamentally in terms of his scholarly approach to the whole question of what is the Senate's role on advise and consent.

I also recognize this is one of his first speeches on the floor of the Senate. Of course, I am pleased he came to the same conclusion that the committee came to, but I am even more impressed with the way he went about it because I know it has been a difficult decision for all. He made his decision based on both the evidence and a scholarly research of the Senate's historical role in advise and consent.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I join with my colleague, the distinguished Senator from Connecticut, in apologizing for the lateness of the hour and the difficulty that this particular situation brings. I, too, would like to address the question of the nomination of Senator Tower to be Secretary of Defense.

Mr. President, neither the Constitution nor any other document has established precedent that gives us a great deal of definitive guidance on standards on the exercise of our duties to advise and consent on executive department appointments.

Absent guidance from the Constitution or history, each Senator, obviously, must establish personal standards based on his or her own values, conscience and beliefs.

My conscience tells me that this body owes a nominee the duty of fairness. We owe that duty to nominees who enjoy broad support in this body, just as we owe it to nominees with whom we disagree.

I believe the distinguished chairman of the Armed Services Committee, my distinguished colleague and friend, the senior Senator from Virginia, and the distinguished majority leader, in concert with the Republican leader and many others, have done everything humanly possible to make this proceeding fair to Senator Tower.

Unfortunately, in spite of their efforts and the efforts of most of the Members of this body, matters which should have been kept private have reached the public domain, and this has resulted in what, in my judgment, has been fundamental unfairness to Senator Tower.

As someone with a special understanding of how rumor and untruth can take on a life of their own, I genuinely regret the pain that Senator Tower and his family have had to endure.

Mr. President, I hold dearly the conviction that a chief executive has a right to select his subordinates. We hold the President responsible for his advisers, and at the end of the day, history will judge the President at least in part on the basis of the caliber of his appointments.

But this body, as has been frequently mentioned, has a responsibility under the Constitution as well to advise and consent. The advice of the Senate has been unmistakable.

The President, cognizant of the Senate's advice, and presumably, hopefully in possession of all of the information that Senators have based their advice on and more, has persisted in the nomination.

While I have great respect for our President personally, and while I admire the President's steadfast loyalty to a friend, I regret that by stretching out this question, this nomination has taken on some partisan aspects which were clearly not present at the time the Armed Services Committee voted.

Because, Mr. President, when I am presented with a choice between a very substantial deference that I believe is owed to a President and a very firmly held conviction on the part of the chairman of the Armed Services Committee, I must cast my vote with my long time friend and now colleague, the chairman of that committee.

Mr. President, there are two aspects of the record that give me trouble with respect to this nomination of Senator Tower. There is ample evidence of the excessive use of alcohol, not dependency which I believe would be immediately disqualifying, but excessive use.

Senator Tower has pledged absolutely to refrain from alcohol consumption during his tenure, and it troubles me to have a man nominated for the office of Secretary of Defense feel compelled to take such a pledge.

Were it only for the question of alcohol, I would be inclined to decide with the President on this question because of the certainty and the verifiability of that pledge.

But in the area of his professional activities since leaving his post as chief negotiator for the START talks, I find matters which we question his nomination to lead the Pentagon at this crucial juncture in our history.

While there is nothing on the record indicating that Senator Tower did anything illegal or violated any code of ethics, I am concerned that his professional contacts, after leaving his

post as chief negotiator for the START talks in Geneva, will continue to dog him if he is confirmed, and the necessity of frequent recusal, coupled with repeated questions of conflict of interest no matter what decision is made, would unnecessarily hamper a Secretary of Defense whose hands-on leadership at this particular time in our history is absolutely essential.

Mr. President, as has been noted frequently, this is not just any Cabinet position. The operational control of the Armed Forces of the Untied States, the ability to make decisions putting the lives of our men and women in uniform at stake, and in the case of nuclear weapons, conceivably the fate of the Earth is at stake, in my opinion, demand a higher standard.

Although I regret the ordeal that Senator Tower and his family have had to endure, for that matter the ordeal that this body has had to endure, and while I have been genuinely impressed by the eloquence and commitment of the Senators who have defended him, as well as those who have made the difficult choice to vote against confirmation, when I ask myself if John Tower is the right person at this particular point in our history to manage the Pentagon to restore public consensus for strong and effective defense, I regret that I cannot answer that question in the affirmative.

Mr. President, for the good of the country, it seems to me that the time has come to end this debate which has so distracted this body and much of the executive branch for too long. This nation has many pressing problems—the crisis with the savings and loans institution and the budget to name just two. I hope very much that tomorrow we will be able to conclude the chapter on this particular nomination and get on with the Nation's business. Thank you, Mr. President.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, having discussed this matter with the Senator from Virginia, Senator ROBB, on several occasions, I can say without any doubt that I do not think anyone in this body has thought in more depth, not only about the Senate's advice and consent role, but about the evidence in question.

I know that he has had a great deal of struggle in his own mind as to what the right answer has been. I know that he has approached it with a great deal of diligence and with a conscientious effort to be fair to the nominee and to the President.

I also know that he was a strong chief executive of the State of Virginia, and being a strong chief executive he believes, as he said this evening, that the Chief Executive should be defered to in any cases of doubt in terms of the choice of his own people.

So I know how difficult this has been for the Senator from Virginia, and I must say because of my profound respect for him I not only understand the difficulty but it makes me also understand the importance of his decision in his own mind for his own reasons and in terms of his representation of his State.

I also want to say that I agree with him in his assessment of fairness. There have been stories out that should not have been out. In the process here, perhaps it has been unavoidable, but every time one has come out it has given me almost as much pain as it has, I am sure, the nominee—not quite but almost. I hope that we will be able to find better ways to handle this process in the future. The senior Senator from Virginia and I have struggled and struggled. We have asked ourselves over and over again what can we do to make it better, what can we do to make it fair, what can we do to prevent matters from coming out that should not. I think under the circumstances we have done our best, but that does not mean that we ought to be satisfied. It does not mean that we should not look back and determine whether we could have done things differently. It does not mean we cannot learn lessons from this one for the future. I hope we do not have another situation like this in the future. This one has been unique.

But let me close by saying the junior Senator from Virginia has struggled with this one. I know he has. From the point of view of my respect for him, I am gratified that he ended up agreeing with the position of the committee, not simply because his vote is important in this situation but because of the tremendous respect that I have for him and because I know how conscientiously he has approached this decision.

I thank the chair.

The PRESIDING OFFICER. The acting Republican leader is recognized.

Mr. WARNER. Mr. President, I say to my good friend, indeed, it was a vote of conscience, and when a Senator makes a vote of conscience it is accepted. We shall continue our service to our State despite our differences on this most historic of votes in the Senate.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, there were two articles that appeared today in the Washington Post which I am in just a moment going to ask unanimous consent to have placed in the RECORD. One is entitled "Placing a 'Check' On the President. Framers Believed the Senate Should Share Appointments." It discusses the advise and consent clauses as it appears in the Constitution on the basis of the work done by the delegates at the Constitutional Convention. I think it is very important in considering that power, particularly the placing of its function in the checks and balances, that the impact of that power on the nominating process is not reflected solely in the number of times in which a President's nominee has been turned down. The fact that the power exists, that the Senate will exercise this examination constitutes a very effective influence before the nomination is ever made. I think that needs to be recognized. Therefore, a reassertion of standards is important in that regard.

The other article is entitled "How Tower Used His 'No' Vote. Ex-Senator Never Shied Away From Scraps Over Nominees." It then discusses the fact that during his service in the Senate on occasion Senator Tower opposed nominees of the President of the United States including nominations to the Cabinet, and in fact in 1977 in opposing Ray Marshall to be Secretary of Labor, he took issue with that nomination on the basis of Marshall's closeness to the labor unions and undue influence by them over our policy. He said, and I quote him—this is Senator Tower then speaking—"I hope to have a Labor Secretary who can view those issues more objectively and not from the official union point of view: who could advise the President in a more objective way."

Mr. President, if you simply changed a few words in that statement, it would be equally applicable here today. You could change it to read, "I hope to have a Defense Secretary who can view those issues more objectively and not from the defense contractors' point of view: who could advise the President in a more objective way."

I think it is very important that the Members of the Senate have the benefit of these two articles, and I ask unanimous consent they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PLACING A "CHECK" ON THE PRESIDENT: FRAMERS BELIEVED THE SENATE SHOULD SHARE APPOINTMENTS

(By Al Kamen)

It probably would not happen very often, Alexander Hamilton wrote 200 years ago, but it would happen every now and again that the Senate would reject a presidential nominee. That was not a bad thing, Hamilton said.

In fact, "it would be an excellent check upon a spirit of favoritism in the president," Hamilton wrote in Federalist 76, "and would tend greatly to preventing the appointment of unfit characters. . . ."

Hamilton was not referring to the president's Cabinet because no idea of a Cabinet is in the Constitution. He was explaining the provision that gives the president the power to nominate officers of the govern-

ment with the "advice and consent" of the Senate.

That provision in Article II of the Constitution, a compromise brokered 202 years ago, is at the heart of the controversy over former senator John G. Tower's embattled nomination to be secretary of defense.

Some of Tower's supporters have argued that the Senate has some sort of constitutional obligation to approve presidential nominees. But that view is based on tradition, rather than the Constitution or the debates involved in its ratification, according to experts.

Delegates to the Constitutional Convention in Philadelphia believed strongly that certain powers should be shared by the Senate and the president, especially the appointment power. Throughout most of the convention, delegates held that the authority to appoint many high officials, including Supreme Court justices and ambassadors, should be retained exclusively by the Senate.

Late in the debates, those powers and the power to name "officers" was given to the president, but with the condition that they be subject to the advice and consent of the Senate. The delegates made no exception for Cabinet officers; neither did they establish up any criteria or offer any guidance for when a nominee should be rejected. Nothing in the original language would prevent the Senate from rejecting a nominee for any reason or no reason.

The notion of the Senate having appointment power may seem strange now, but many of the states apportioned authority that way at the time—the Virginia legislature still appoints judges—and the drafters drew on their experiences back home.

That "advice and consent" provision was not found in every draft of the Constitution and was not included in an earlier subcommittee report.

But after the language was later added, James Wilson, a delegate from Pennsylvania, tried on Sept. 7, 1787, to have the advice-and-consent clause removed, giving the president sole appointing authority across the board. Wilson said that the presidential responsibility for appointments would be "destroyed" by letting the Senate have a role.

But he was voted down. "As the president was to nominate, there would be responsibility," said Gouverneur Morris, "and as the Senate is to concur, there would be security." Morris also from Pennsylvania, meant that the Senate would act as a check to ensure nominees were qualified.

The contours of the Tower battle are determined by politics, not by the Constitution, experts on both sides agree.

"Whenever I see a member of the Senate solemnly intone that there is a serious constitutional question involved here I have to laugh," said Duke Law School Prof. Walter Dellinger, a former adviser to Democrats on the Senate Judiciary Committee. "There is not a serious constitutional question that they may reject the president's choice. This is a question of prudence and policy."

Dellinger said that, as a policy matter, the Senate may consider both political philosophy and fitness when it reviews judicial nominees, but that, "as a practical matter, the president should have the final choice as to the political philosophy of his [Cabinet] appointees."

Gary McDowell, vice president of the conservative National Legal Center for the Public Interest, agreed that "a senator has a right to consider anything he wants" in assessing a nominee. "It is not inappropriate for the Senate to consider personal traits," he said.

Still, Hamilton was right in his prediction that it was not very probable that [a president's] nomination would often be overruled", the Senate has rejected only eight Cabinet nominees and only about a dozen Supreme Court nominees.

HOW TOWER USED HIS "NO" VOTE: EX-SENATOR NEVER SHIED AWAY FROM SCRAPS OVER NOMINEES

(By Dan Balz)

"The suggestion has been made that the people should trust the president to make the right appointment," the senator said during floor debate over a controversial national security nomination early in a new president's first term. "I think that ordinarily we do around here. But after all, the Constitution has vested in us the responsibility for advice and consent, and it is one that we should exercise."

The man who spoke those words, then-Sen. John G. Tower (R-Tex.) never shied away from exercising that responsibility—or from questioning the wisdom of president's appointments. He got into a number of scraps over Cabinet and sub-Cabinet nominations during his 24 years in the Senate—although none was as bitter as his own nomination to be Secretary of Defense has become.

Tower made his comments about the Senate's role 12 years ago during debate over President Jimmy Carter's nomination of Paul C. Warnke to become head of the Arms Control and Disarmament Agency and chief SALT negotiator.

Tower opposed that nomination unsuccessfully—as he had done in several other cases. In January 1977, he opposed Carter's nomination of fellow-Texan Ray Marshall to be secretary of labor. During the Ford administration, he opposed the nomination of William J. Usery to be secretary of labor. And in 1963, he opposed the nomination of Paul H. Nitze to be secretary of the Navy.

Two factors generally guided Tower in his decision to oppose these various nominations: his belief that the Senate should use its own judgment—and ideology.

In Warnke's case, Tower thought the nominee was too liberal. He accused Warnke of "grievous errors in judgment" on U.S. weapons systems, and he said he feared Warnke would be even more mistaken in his judgments about Soviet weapon systems as a negotiator.

His opposition to Nitze in November 1963 was for similar reasons. Nitze was nominated by President John F. Kennedy and immediately ran into opposition on the Senate Armed Services Committee for views expressed in a 1960 California speech and the product of a 1958 conference in Cleveland. The battle is described by author Strobe Talbott in his book on Nitze, "The Master of the Game."

In the California speech, Nitze had suggested that the Strategic Air Command be put under the control of NATO and that the United Nations be given control over the use of nuclear weapons. Nitze attempted to explain his views to the committee, but was clearly on the defensive.

After Kennedy's assassination, President Lyndon B. Johnson pressed committee Chairman Richard Russell (D-Ga.) to bring the nomination to a vote. Tower was one of a handful of senators (including Republican Sen. Milward Simpson of Wyoming, the father of Senate Republican Whip Alan Simpson of Wyoming) who opposed Nitze.

Involving his own service in the Navy, Tower said he opposed Nitze "because of his views on disarmament, his views on our military posture and his views on the disposition of the military forces."

Tower and Nitze eventually ended up on the same team, as part of President Ronald Reagan's arms control negotiation team in 1985-86.

Tower's longtime fight with organized labor led him to oppose Marshall in 1977 and Usery the year before. In Marshall's case, he spoke at length on the Senate floor about labor's influence in public policy and his fear that Marshall would simply be a rubberstamp for its views.

"I hope to have a labor secretary who can view those issues more objectively and not from the official union point of view: who could advise the president in a more objective way," he said.

For a man now accused by some of his critics of being too close to the defense industry, that opposition to Marshall has a ring of irony—

(Staff researchers Michelle Hall and Colette T. Rhoney contributed to this report.)

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Finance.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 148. Joint resolution designating the month of March in both 1989 and 1990 as "Women's History Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I report favorably a nomination list in the Public Health Service which was printed in full in the CONGRESSIONAL RECORD of January 3, 1989, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 531. A bill to temporarily suspend the duty on mesalamine; to the Committee on Finance.

By Mr. EXON (for himself, Mr. COCHRAN, Mr. SHELBY, and Mr. HEFLIN):

S. 532. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports the other committee has 30 days of continuous session to report or be discharged.

By Mr. REID:

S. 533. A bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. GRASSLEY, and Mr. DECONCINI):

S. 534. A bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. LEVIN):

S. 535. A bill to increase civil monetary penalties based on the effect of inflation; to the Committee on Governmental Affairs.

By Mr. GARN (for himself and Mr. HATCH):

S. 536. A bill to settle issues relating to Ute Indian water rights and for other purposes; to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs, jointly, by unanimous consent.

By Mr. RIEGLE (for himself and Mr. SIMON):

S. 537. A bill to require that any calculation of the Federal deficit made as a part of the Federal budget process include a calculation of the Federal deficit minus the Social Security reserves; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. DURENBERGER:

S. 538. A bill to provide that certain provisions of the Internal Revenue Code of 1986 providing special rules for financially troubled financial institutions shall not remain in effect after the enactment of financial institution reform legislation; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. CONRAD, Mr. INOUYE, and Mr. STEVENS):

S. 539. A bill to amend the direct and guaranteed student loan programs under the Higher Education Act of 1965 to publicize the current loan deferral program for full-time volunteers with the Peace Corps, VISTA, and tax-exempt organizations and for other purposes; to the Committee on Labor and Human Resources.

S. 540. A bill to amend the direct student loan program under the Higher Education Act of 1965 to provide for partial loan cancellation for full-time volunteer service with a tax-exempt organization, and for other purposes; to the Committee on Labor and Human Resources.

S. 541. A bill to amend part B of title IV of the Higher Education Act of 1965 to forgive guaranteed student loans for student borrowers who volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as volunteers with a tax-exempt organization; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG:

S. 542. A bill to adjust the maximum level of civil penalties under the Consumer Product Safety Act to account for inflation; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. KENNEDY, and Ms. MIKULSKI):

S. 543. A bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM:

S. 544. A bill to limit the modification of collective bargaining agreements subject to the Railway Labor Act; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 545. A bill to amend the Agricultural Act of 1949 to permit procedures to produce alfalfa on permitted acres for the 1990 crop, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER (for Mr. WILSON):

S. 546. A bill to permit the Oakwood Child Development Center, Inc., to use funds received under a grant made under the Community Services Block Grant for certain services for senior citizens, and for other purposes.

By Mr. BOSCHWITZ (for himself, Mr. STEVENS, Mr. CONRAD, Mr. SHELBY, Mr. DIXON, Mr. WARNER, Mr. LUGAR, Mr. HATCH, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. PELL, Mr. DOMENICI, Mr. D'AMATO, Mr. COCHRAN, Mr. THURMOND, and Mr. CRANSTON):

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week"; to the Committee on the Judiciary.

By Mr. GORE:

S.J. Res. 74. Joint resolution to designate the month of May 1989 as "National Digestive Disease Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Con. Res. 18. Concurrent resolution expressing the sense of Congress that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON (for himself, Mr. COCHRAN, Mr. SHELBY, and Mr. HEFLIN):

S. 532. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

DEBT CEILING REFORM ACT

Mr. EXON. Mr. President, I rise to introduce the Debt Ceiling Reform Act of 1989.

Although I have come to this floor many times to introduce and support legislation to restore fiscal responsibility to the Federal Government, I have been one of the leading skeptics of the Gramm-Rudman law.

In my opinion, there were two fatal flaws in the current budget process. First, the Gramm-Rudman law devised a formula for deficit reduction which is so filled with exemptions and special rules that well over half of the Federal budget is exempt from formula reduction.

The second and most serious flaw and false promise of the budget process as amended by the Gramm-Rudman law is the total reliance on arbitrary economic projections as benchmarks of progress toward the much promised balanced budget of 1993. Under the current budget process and Gramm-Rudman plan, economic forecasts are made for a period into the future, and all attention is focused on making the forecasts meet the deficit target for a single fiscal year.

In such a legislative environment, no holds are barred to make the future target year look as good as possible regardless of the long-term effects of the chosen action. This invites manipulations and procrastination.

My skepticism was again confirmed when President Reagan's 1990 budget proposal revealed that the deficit for 1989 will likely exceed $161 billion, $25 billion above the level mandated by the Gramm-Rudman law.

This revelation came only a couple of months after the President's Office of Management and Budget certified the deficit to be within the Gramm-Rudman targets in the current system, there is no continuous enforcement mechanism to assure that economic estimates are correct or that deficit reduction efforts are sufficient.

In essence, the Gramm-Rudman law does not work to reduce deficits, it works to reduce deficit projections. It should be recognized that there is a difference. The more difficult the target is to meet, the more creative the political branches of Government will be in their search to painlessly reduce the deficit.

The problem is that the Gramm-Rudman process ignores the total debt of the United States. The temporary shifting or spending for a day or so, from one fiscal year into another as the Congress and President have done in the past, may appear to reduce the deficit in a given year, but it has no beneficial effect on total Government spending or the accumulated national debt.

If the Congress and the President are serious about reducing the deficit, we had better focus our attention on both the desired declining annual deficits and on the accumulated national debt.

The debt ceiling reform I introduce today would essentially cap the statutory debt ceiling to match the deficit targets of the congressional budget resolution.

Under recent practice, the House of Representatives has passed its initial debt ceiling legislation under a rule which ties the debt ceiling to the passage of the annual congressional budget, thereby avoiding at least one record vote on a "stand alone" debt ceiling bill. The Senate, of course, more often than not, has engaged in the high debt ceiling politics. The debt ceiling is often a legislative lightning rod.

Historians should note that the search for votes to push the statutory debt ceiling above the landmark $2 trillion level in 1986 was the driving force behind the creation of the Gramm-Rudman law. One can only imagine what new gimmick will be created to push in the debt ceiling over the $3 trillion mark.

Mr. President, prior to the adjournment of the 99th Congress, the Senate broke with tradition and the debt ceiling was incorporated into the annual budget reconciliation bill. The reconciliation bill is the deficit reduction legislation which enforces the terms of the congressional budget resolution. I believe that it made a great deal of sense to link the debt ceiling to the reconciliation process.

If Congress is to approve an increase in the statutory debt ceiling, it should also be required to approve deficit reduction measures to assure that the Congress, at a minimum, keeps its deficit reduction commitments.

The legislation which I introduce today would put debt ceiling legislation into the budget cycle; require that the borrowing aspect of the budget be subject to reconciliation instructions; and require that annual legislation to increase the debt ceiling be included in the annual reconciliation package. The debt ceiling would then be subject to the limited debate rules of reconciliation and prevent the debt ceiling from becoming a magnet for all types of amendments.

In addition, under my proposal a three-fifths vote would be necessary to increase the debt ceiling to beyond the level contemplated by the congressional budget resolution.

Such a procedure would institute continuous enforcement of the deficit targets contained in each year's budget. If Congress sticks to its annual budget and corrects it for changing economic conditions, debt ceiling legislation would be handled in a routine manner under the limited debate procedures of reconciliation.

If the Federal Government borrows funds at a rate faster than contemplated by the annual budget, the Congress would need a three-fifths vote to increase the debt ceiling. Other measures to deal with a budget shortfall, such as reducing spending and/or raising revenue would only require a simple majority. No longer would increasing the national debt be the easiest way for Congress to satisfy its spending appetite.

This procedure would also make it much more difficult for the Congress or the President to employ smoke and mirrors instead of serious deficit reduction. Commitment to deficit reduction would be measured by the national debt in addition to the arbitrary Gramm-Rudman snapshot of the projected deficit for the coming fiscal year. Accounting gimmicks would be discouraged because the accumulated national debt would grow when spending is shifted rather than reduced.

What I propose here is a very tough but workable solution to the faulty budget enforcement mechanism.

Under the legislation I introduce today, the debt ceiling could only be raised beyond the level contemplated by the congressional budget with a three-fifths vote, the same margin required to waive certain Gramm-Rudman points of order. However, only a simple majority is necessary to alter spending and revenue policies to keep the budget on track.

If the Congress and the President could not come to an agreement, the Government would be on a short tether in that Federal spending authority would begin to wind down. If borrowing authority is not extended, we could spend only incoming revenues.

This procedure would require continuous congressional attention to the actual levels of spending rather than annual projected levels.

The reform I propose today, would force Congress and the President to be careful and honest. In addition, it proposed a built-in safety valve for any unforeseen future problems by providing a waiver by a three-fifths vote.

Mr. President, our runaway spending habits will cripple our Nation. We can no longer pass along our bills to our children and grandchildren. Our generation must be willing to pay its way. We need truth, not sleight of hand in the Federal budget.

Mr. President, the Congress must face the fiscal facts and work to reduce deficit spending rather than hide it. I invite my colleagues to support this important budget reform initiative, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECONCILIATION DIRECTIVES TO INCLUDE DIRECTIVE WITH RESPECT TO INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

(a) IN GENERAL.—Section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by adding at the end thereof the following new subsection:

"(h) RECONCILIATION DIRECTIVES WITH RESPECT TO PUBLIC DEBT LIMIT.—

"(1) Any concurrent resolution on the budget for a fiscal year that contains directives of the type described in paragraph (1) or (2) of subsection (a) for such fiscal year shall also include a directive of the type described in paragraph (3) of such subsection for such fiscal year.

"(2) Any change in the statutory limit on the public debt that is recommended pursuant to a directive of the type described in paragraph (3) of subsection (a) shall be included in the reconciliation legislation reported pursuant to subsection (b) for such fiscal year.".

(b) CONFORMING CHANGE.—Section 310(d)(2) of such Act is amended by inserting "(other than a provision reported pursuant to a directive of the type described in subsection (a)(3))" after "motion to strike a provision".

SEC. 2. POINT OF ORDER.

(a) IN GENERAL.—Notwithstanding the Standing Rules of the Senate, except as provided in subsection (b), it shall not be in order in the Senate to consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for such fiscal year in the concurrent resolution on the budget for such fiscal year agreed to under section 301 of the Congressional Budget Act of 1974.

(b) EXCEPTION.—Subsection (a) shall not apply to any reconciliation bill or reconcilia-

tion resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(1) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of such Act, and

(2) becomes effective on or after the first day of the following fiscal year.

(c) WAIVERS.—Subsection (a) may be waived or suspended in the Senate by a vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—If the ruling of the presiding officer sustains a point of order raised pursuant to paragraph (1), a vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of any such point of order is not subject to a motion to table.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act.

SEC. 4. EXERCISE OF RULEMAKING POWERS.

This Act and the amendments made by this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

By Mr. REID:

S. 533. A bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children; to the Committee on the Judiciary.

FEDERAL VICTIM'S SERVICES AND PROTECTIONS COMPLIANCE ACT

Mr. REID. Mr. President, as adults, we are entrusted by children to help them grow and flourish, to protect their innocence, and to keep them from harm. After all, the children today are our hope for the future. I have some serious reservations as to how well we are cultivating that hope. As one parent says, "Children are our future, but we are their salvation."

Today I am introducing legislation to protect victims of crime and to establish a child victims' bill of rights.

The need to respond to our Nation's children has never been stronger. Nightly newscasts are filled with stories of children seized from drug-infested homes and negligent parents. Cases like that of 6-year-old Lisa Steinberg and her baby brother exposed us to atrocities committed against children that are nearly incomprehensible.

A new concept of "high risk children" has been introduced into our daily vocabulary. Frankly, I am not proud about this addition to our dictionary.

My bill responds to a conclusion reached by the 1987 President's Child Safety Partnership. Their report states, "Crimes against children are rarely treated as crimes against adults. The age of the victim should not lessen society's response to crime. Unfortunately, and incomprehensibly, it does."

The child victims' bill of rights requires certain professionals to identify children who they suspect are victims of abuse or neglect. Sometimes we need to listen to children with our eyes. Otherwise, there is too much that goes unsaid. An estimated 2.2 million cases of child abuse and neglect were reported in 1986—how many more went unreported?

Nevada's Governor, Bob Miller, has helped draw attention to child victims' rights. As district attorney of Clark County 10 years ago, he formed the Citizens Committee on Victim Rights.

In 1982, Bob Miller was appointed to the Presidential Task Force on Victims of Crime. This task force found that, when we do listen to children—when we do encourage them to talk about what happened—it is in the context of a courtroom, a large, foreboding room with rows of faceless spectators and attorneys who question and cajole with rhetoric well beyond the vocabularly comprehension of a child. Consider the example of the 8-year-old girl who had to testify after being raped. The courtroom audience laughed when the young girl didn't understand the attorney's questions about the male attacker's anatomy. My bill contains numerous provisions designed to make the courtroom experience much less traumatic for children.

The legislation also calls for allowing children to testify outside the courtroom and by way of recorded deposition. The child's identity will be kept confidential, and the number of interviews to which the child is subject will be kept to a minimum. I will explain, in greater detail, the need for these provisions and others contained in my legislation in the days and weeks ahead. Congress must follow the State governments' lead in listening to our children. At least 12 States have enacted a child victims' bill of rights. Up to 41 States have enacted some type of child-related legislation.

The pressing importance of this issue must be recognized at the Federal level. We need to assume a greater role in developing our children—our hope for the future. By all accounts, sexually abused children have an above-normal incidence of becoming abusers themselves. Neglected children fall by the wayside into the netherworld of drugs, unemployment, and violence. We must help these child victims before they are scarred for life.

I recently spoke to students at a vocational education school in Nevada. These kids who pursue occupations rather than go to college are referred to time and again as the "forgotten half" of young people in this country. Victims of crime are often referred to as the "forgotten people" of our justice system.

What has happened to our memory? How many more will we categorize under the label of "forgotten"? I will continue presenting my colleagues with the necessity for a child victims' bill of rights, and additional protections for all victims of crime. Without action, our hope for the future will steadily, inevitably, wither to despair.

By Mr. THURMOND (for himself, Mr. GRASSLEY, and Mr. DECONCINI):

S. 534. A bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes; to the Committee on the Judiciary.

PENALTIES FOR MAILING OF UNSOLICITED SEXUALLY ORIENTED ADVERTISEMENTS

Mr. THURMOND. Mr. President, I rise today to introduce legislation which will protect Americans from the continued invasion of sexually oriented advertisements. I recently received a letter from a constituent informing me of the fact that he had been mailed unsolicited sexually explicit advertisements. After researching this matter, I found that mailing of unsolicited, graphic sexually oriented advertising is occurring on a daily basis throughout this country. What is even more disgusting is that much of this material is addressed to young children. In addition, parents with young, impressionable children are being forced to confront and discuss sensitive, private subjects such as sex, pornography, and obscenity with their young children well before they deem it appropriate. The fact that children and adults go to their mail boxes and have such unsolicited material forced upon them is simply not acceptable.

Under current law, anyone who does not want to receive such material can request that the Post Office add his or her name to a list which would prohibit mailing such advertisements to them. The addressee must go to the Post Office and fill out a form in order to be put on the list. Those who mail sexually oriented advertisements would only then be subject to criminal prosecution.

Regarding the current procedures, they simply do not work. The postal service is having serious trouble keeping up with the thousands of people requesting that their names and addresses be put on this list. Not only is

this an unreasonable burden on the Post Office, it is an unreasonable burden on the citizens. Why should the burden be on every American to request that he or she be taken off these pornography merchants mailing lists? According to U.S. Postal Service officials, there are currently over 465,000 people on this list and over 130,000 of them are children. In addition, despite the efforts of an addressee to have himself put on the list, he or she may still receive such material for 30 days after the form has been filed with the Post Office. Furthermore, these "smut pushers" often change single letters in the spelling of names or simply address the material to "resident" to avoid prosecution.

This legislation being introduced today would ban the mailing of any unsolicited sexually oriented advertisements or any unsolicited obscene matter to any individual at their place of residence or business. Any person who does so will be subject to a term of imprisonment of up to 5 years, a fine of up to $100,000, or both. In addition, this bill will give the Attorney General the authority to bring a civil action and recover up to $100,000 from those who violate the restriction. Regarding the restrictions, all materials and products may be advertised so long as the advertisement itself is not sexually oriented. Only the manner of advertising to the unsolicited postal patron is addressed. No concerns should exist over what constitutes sexually oriented material since this bill uses the narrowly drafted definition already in current law.

The constitutionality of this legislation is an issue which has been raised in the past. I am confident that this bill stands up to constitutional scrutiny.

Since the Supreme Court case of Miller versus California, it is clear that obscenity is not protected speech under the first amendment of the Constitution. Based upon this decision and others, Congress has passed legislation to prohibit the production and proliferation of obscene material. Recently, Congress continued this effort when it passed The Child Protection and Obscenity Enforcement Act of 1988, legislation I introduced.

Obscenity is not the only form of speech which may be regulated. Speech is regulated everyday. The most obvious and most noted example is the common prohibition against yelling "Fire!" in a crowded movie theater. Indecent speech, like many other forms of nonobscene speech, may be regulated. The Supreme Court has consistently allowed the regulation of indecent nonobscene speech based upon subject matter and context. An example is the Court's decision in Rowan versus United States Post Office Department in which the current law banning the mailing of sexually oriented materials at the request of the postal patron was upheld. Other examples are Young versus American Mini Theaters where the Court upheld zoning restrictions on adult theaters and Bethel School District No. 403 versus Fraser where the Court upheld a restriction on indecent sexually suggestive language in a political speech by a high school student.

The Court in the Rowan case found that a mail sender's right to communicate is not absolute. The right of the addressee must be considered. The Court stated that " * * * the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate." The Court went on to note that nothing in the Constitution compels people to listen to or to view any unwanted communication, despite its merit.

In numerous cases, the Supreme Court has ruled that the Constitution accords less protection to commercial speech than to other protected forms of speech. The protection available for this form of expression depends upon the nature of the expression and the governmental interest served by the regulation of the expression. The regulation must be found to directly advance this governmental interest without being more extensive than necessary. This test was applied in Bolger versus Youngs Drug Products Corp. when the Supreme Court found a Federal statute prohibiting the unsolicited mailing of advertisements for contraceptives to be unconstitutional. Although the advertisements were arguably offensive to some addressees and the prohibition itself may have aided parents' efforts to control the manner in which the children were educated on the subject of birth control, the Court found the statute to be an unconstitutional infringement upon the rights of contraceptive manufacturers. This was because the proscribed information was related to the important decision of whether to have children which amounted to a restriction on the free flow of truthful information.

At this point, I would like to point out the key differences between the statute which was struck down in the Bolger case and this bill. In Bolger, the statute prohibited the unsolicited mailing of all commercial materials dealing with contraception. Relevant ideas, viewpoints, and education were not allowed to be communicated through the mail. This bill, however, would allow a manufacturer to advertise the same materials, unsolicited, so long as the initial, unsolicited advertisement itself was not sexually oriented. The form or manner of the advertisement to an unsuspecting addressee is the subject of the proposed legislation, rather than the material or product advertised. The proposed restriction is far less excessive than the restriction in Bolger. This restriction is not a complete restriction on advertising for those companies which sell sexually oriented materials. The company may still reach the general population so long as the advertisement in and of itself is not "sexually oriented."

In summary, this legislation will protect the right of all Americans to receive mail which is not repulsive and disgusting. It will prevent sexually oriented material from being forced upon those who have no desire to receive it, thereby protecting the legitimate right to be left alone. It will protect our children from those who do not care that they will be exposed to this smut. Finally, it will aid parental efforts to maintain control over the manner in which their children are educated about important and sensitive subjects relating to private matters. This legislation directly advances these important interests without being more restrictive than necessary.

In closing, enactment of this legislation is overdue. I strongly urge each of my colleagues to consider this measure carefully. Its adoption is important and I urge swift consideration.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF UNSOLICITED SEXUALLY ORIENTED ADVERTISEMENTS AND OTHER MATTERS.

Chapter 83 of title 18, United States Code, is amended by adding the following section:

"§ 1735A. Prohibition of unsolicited sexually oriented advertisements and other matter

"(a) Any person who—

"(1) for himself, or by his agents or assigns, knowingly uses the mails for the mailing, carriage in the mails or delivery of—

"(A) any unsolicited sexually oriented advertisement; or

"(B) any unsolicited obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance;

to any individual or group of individuals; or

"(2) violates any regulation of the postal service issued pursuant to subsection (e),

shall be imprisoned not more than 5 years, or fined not more than $100,000, or both, for the first offense, and shall be imprisoned not more than 10 years, or fined not more than $200,000, or both, for any second or subsequent offense.

"(b) Whenever, on the basis of any information available to it, the Postal Service believes that a violation of this section has occurred, the Postal Service shall inform the Attorney General. The Attorney General may commence a civil action to recover a civil penalty not to exceed $100,000. Any such action shall be brought in the district court of the United States within the jurisdiction of which the advertisement or other mail matter involved shall have been sent or received.

"(c) All criminal fines or civil penalties collected under this section shall be paid into the Treasury of the United States.

"(d) For purposes of this section, 'sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"(e) The Postal Service shall prescribe such regulations as may be necessary to carry out this section.".

SEC. 2. AMENDMENT TO RICO.

Paragraph (1) of section 1961 of title 18, United States Code, is amended by inserting after "section 1513 (relating to retaliating against a witness, victim, or an informant)" the following: ", section 1735A (relating to mailing of obscene matter or sexually oriented advertising)".

By Mr. LAUTENBERG (for himself and Mr. LEVIN):

S. 535. A bill to increase civil monetary penalties based on the effect of inflation; to the Committee on Governmental Affairs.

FEDERAL CIVIL PENALTIES INFLATION ADJUSTMENT ACT

● Mr. LAUTENBERG. Mr. President, today, on behalf of Senator LEVIN and myself, I am introducing legislation, the Federal Civil Penalties Inflation Adjustment Act of 1989, to establish a mechanism for periodically increasing civil penalties to account for inflation.

Mr. President, this bill is identical to legislation I introduced in the 100th Congress, S. 1014, as favorably reported by the Government Affairs Subcommittee on Oversight of Government Management. The bill would require the President to prepare a comprehensive list of civil penalties and the levels to which each penalty should be increased to account for inflation. These lists would be prepared every 5 years. In addition, the bill calls for improved reporting of the number and amounts of civil penalties assessed and collected.

Mr. President, we in Congress like to talk tough when we set penalties for violating laws. But all too often, once we enact penalties, we forget about them. They get lost in the thick volumes of the United States Code, never to be seen or heard from again.

Many of these penalties are designed to meet important public needs: To protect the environment, to ensure a safe workplace, to provide for transportation safety, and to ensure that consumers are protected from unsafe products.

The problem is that as these penalties sit on the shelf, inflation dramatically erodes their deterrent effect.

Because of inflation, for example, the penalties for violating worker safety and consumer product safety standards have been reduced by about two-thirds since they were last set in the early 1970's.

If it were presented for a vote, would the Senate approve a two-thirds cut in OSHA penalties, when workplace hazards persist? Would the Senate approve a similar cut in consumer product safety penalties, when thousands of children are injured by dangerous products each year? The answer, I think, is no. Yet inaction gives us the same result.

These are not isolated cases. According to a survey of the agricultural laws by the Congressional Research Service, 40 percent of the penalty provisions were over 20 years old. Another 30 percent were over 10 years old.

In fact, many civil penalties are much older than 20 years. Some date back to as early as 1793.

It just doesn't make sense that consumers must cope with price hikes in everything from food to medical care. But those who violate the law do not.

Maintaining the deterrent value of civil penalties will mean safer products, safer travel, safer workplaces and a cleaner environment. It also will ensure that honest businesses will be treated more fairly.

After all, meeting the legal requirements for a safe workplace or for waste control often involves a substantial investment. And honest businesses are making that investment. Sometimes, though, their competitors aren't. And with weak sanctions, they're getting away with it.

As a society, we owe an obligation to the honest, law-abiding business. An obligation to make sure that its competitors can't exploit weakened sanctions to gain an unfair competitive advantage. This bill will help us meet that obligation.

The consumer, the worker, and the honest businessperson—all will benefit by this bill. But there's one more major beneficiary: the taxpayer.

Although civil penalties are designed primarily to deter unlawful conduct, they also help reduce the deficit by producing hundreds of millions of dollars for the Government each year. Periodically adjusting penalties would increase receipts. As then-Deputy OMB Director Joseph Wright testified, the impact on Government revenues would be significant.

Unfortunately, the OMB maintains no detailed central account that tracks penalty assessments and collections and matches them with the laws under which they are imposed. There is no accounting of which laws need updating the most. Apparently, hundreds of millions of dollars is seen as small change that is not worth watching more closely.

This bill requires OMB to maintain a central accounting of agencies' performance and collections. That way, Congress and the public would know whether the laws are being enforced and how much money is being raised from each penalty.

Mr. President, when this bill was the subject of hearings in the Governmental Affairs Committee last year, it attracted support from a variety of groups representing consumers, environmentalists, and organized labor, among others. The Department of Justice also stated that it had no objections to the bill. Unfortunately, due to time constraints, the legislation did not get to the Senate floor. I am hopeful that it will receive timely consideration in the 101st Congress.

I also want to take this opportunity to thank Senator LEVIN and the excellent staff of the Subcommittee on Oversight of Government Management for all their help with this bill in the last Congress. They have spent much time on this legislation, and I greatly appreciate it.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Civil Penalties Inflation Adjustment Act of 1989".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the power of Federal agencies to impose civil monetary penalties for violations of Federal law and regulations plays an important role in deterring violations and furthering the policy goals embodied in such laws and regulations;

(2) the impact of many civil monetary penalties has been and is diminished due to the effect of inflation;

(3) by reducing the impact of civil monetary penalties, inflation has weakened the deterrent effect of such penalties; and

(4) the Federal Government does not maintain comprehensive, detailed accounting of the efforts of Federal agencies to assess and collect civil monetary penalties.

(b) PURPOSE.—The purpose of this Act is to establish a mechanism that shall—

(1) allow for regular adjustment for inflation of civil monetary penalties;

(2) maintain the deterrent effect of civil monetary penalties and promote compliance with the law; and

(3) improve the collection by the Federal Government of civil monetary penalties.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and includes the United States Postal Service;

(2) "civil monetary penalty" means any penalty, fine, or other sanction that—

(A)(i) is for a specific monetary amount as provided by Federal law; or

(ii) has a maximum amount provided for by Federal law; and

(B) is assessed or enforced by an agency pursuant to Federal law; and

(C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts; and

(3) "Consumer Price Index" means the Consumer Price Index for all-urban consumers published by the Department of Labor.

CIVIL MONETARY PENALTY INFLATION ADJUSTMENT REPORTS

SEC. 4. Within 6 months after the date of the enactment of this Act, and on January 1 of each fifth calendar year thereafter, the President shall submit a report on civil monetary penalty inflation adjustment to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. Such report shall include—

(1) each civil monetary penalty as defined under section 3(2);

(2) the date each civil monetary penalty was most recently set pursuant to law;

(3) the maximum amount of each civil monetary penalty or, if applicable, the range of the minimum and maximum amounts of each civil monetary penalty in effect on the date of the submission of such report;

(4) the amount of each civil monetary penalty described under paragraph (3) other than any such penalty for which inflation adjustment is provided by law, if each such penalty is increased by the adjustment described under section 5; and

(5) a listing of the modifications to Federal law that would be required to—

(A) increase each penalty described in paragraph (1) by the adjustments described under section 5, excluding any penalty for which inflation adjustment is provided by law or that has been increased within the 5-year period immediately preceding the date of the submission of such report; and

(B) provide that any increase in any civil monetary penalty shall apply only to violations which occur after the date any such increase takes effect.

COST-OF-LIVING ADJUSTMENTS OF CIVIL MONETARY PENALTIES

SEC. 5. (a) ADJUSTMENT.—The adjustment described under paragraphs (4) and (5)(A) of section 4 shall be determined by increasing the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this subsection shall be rounded to the nearest—

(1) multiple of $10 in the case of penalties less than or equal to $100;

(2) multiple of $100 in the case of penalties greater than $100 but less than or equal to $1,000;

(3) multiple of $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000;

(4) multiple of $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000;

(5) multiple of $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and

(6) multiple of $25,000 in the case of penalties greater than $200,000.

(b) DEFINITION.—For purposes of subsection (a), the term "cost-of-living adjustment" means the percentage (if any) for each civil monetary penalty by which—

(1) the Consumer Price Index for the month of June of the calendar year preceding the adjustment, exceeds

(2) the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.

ANNUAL REPORT

SEC. 6. No later than January 1 of each year, the President shall submit a report on civil monetary penalties to the Congress which shall include—

(1) to the extent possible, the number and amount of civil monetary penalties imposed pursuant to each provision of law providing for such civil monetary penalties, during the complete fiscal year preceding the submission of such report;

(2) to the extent possible, the number and amount of such civil penalties collected during such fiscal year; and

(3) any recommendations that the President determines appropriate to—

(A) eliminate obsolete civil monetary penalties;

(B) modify the amount of any civil monetary penalty; or

(C) make any other legislative modifications concerning civil monetary penalties.●

● Mr. LEVIN. Mr. President, I am pleased to join my colleague, Senator LAUTENBERG, in sponsoring the Federal Civil Penalties Inflation Adjustment Act of 1989.

Civil monetary penalties [CMP's] are fines assessed by Federal agencies to deter violations of Federal laws and regulations. Thanks to Senator LAUTENBERG's efforts, we have learned that many of these penalties have not been adjusted in a decade, 20 years, or in some cases even a century. The result is that the deterrent effect of many CMP's has been weakened by years of inflation.

Last year, the Senate Subcommittee on Oversight of Government Management, which I chair, held hearings on Senator LAUTENBERG's bill. We learned that CMP's are so numerous that it is difficult even to list them all. It appears that many CMP's are redundant or obsolete. Others have been so eroded by inflation that they no longer have any significant deterrent effect.

Statistics provided to the subcommittee by the President's Council on Integrity and Efficiency indicate that inflation has eroded CMP's set as recently as 1976 by over 100 percent and CMP's set prior to 1970 by more than 200 percent. These same statistics show that 60 percent of all CMP's were last adjusted before 1981 and 30 percent were last adjusted before 1961. These statistics indicate that the problem identified by Senator LAUTENBERG is a significant one.

This bill would address the problem by requiring the administration to provide Congress with a complete list of all statutorily authorized civil monetary penalties, a calculation of the adjustment that would be required for each penalty to keep pace with inflation, and a list of the statutory changes that would be necessary to make these adjustments.

The bill would not provide for any automatic adjustment of the CMP's covered—separate legislation would be required for each change. However, the bill would provide the Congress with a benchmark against which to measure CMP's and ensure that appropriate adjustments are made. In addition, the listing of CMP's should help facilitate the consolidation and elimination of redundant and obsolete penalties by bringing such problems to our attention.

Senator LAUTENBERG's bill promises to make a significant contribution by ensuring that civil monetary penalties are realistic and continue to serve their purpose of deterring violations of Federal law. I commend Senator LAUTENBERG for his efforts and will work for prompt consideration of this bill by the Governmental Affairs Committee.●

By Mr. GARN (for himself and Mr. HATCH):

S. 336. A bill to settle issues relating to Ute Indian water rights, and for other purposes; by unanimous consent, referred jointly to the Select Committee on Indian Affairs and the Committee on Energy and Natural Resources.

UTE INDIAN WATER SETTLEMENT ACT

● Mr. GARN. Mr. President, I am pleased again to join my colleague, Senator HATCH to introduce another important bill relating to natural resources in Utah.

Specifically, today we are introducing the Ute Indian Water Settlement Act which will make the Federal Government keep its word to the Ute people. It will fairly compensate the tribe and honor the Government's legal commitment.

I should make it clear that Senator HATCH and I are introducing this bill upon the request of the tribe and do not agree with every provision contained in it. Neither has the administration or OMB approved of this measure as written. We fully expect a rigorous debate over its contents and cost will occur before final passage. This is as it should be. The process should be allowed to work.

I intend to help steer that debate so that the end result is both fair to the tribe and to the taxpaying public. It is possible to do both, but I imagine it will take a considerable amount of effort before we are through. I urge the Senate to act promptly on this proposal.●

● Mr. HATCH. Mr. President, the introduction of this legislation today is to fulfill a commitment made to the Ute Indian Tribe made by the Federal Government, relating to their water rights. This is an important piece of legislation, and I am pleased to introduce it today along with my colleague,

Senator GARN. As the senior Senator pointed out, this legislation is being introduced in anticipation of a great deal of discussion as it goes through the committee process.

Nevertheless, it is legislation whose subject matter and intent we are committed to and which addresses a matter that is essential to the Ute Indian Tribe and to the State of Utah. As always, I look forward to working with Senator GARN and the appropriate committees on this important issue.●

By Mr. RIEGLE (for himself and Mr. SIMON):

S. 537. A bill to require that any calculation of the Federal deficit made as a part of the Federal budget process include a calculation of the Federal deficit minus the Social Security reserves; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

CALCULATION OF FEDERAL DEFICIT

● Mr. RIEGLE. Mr. President, today I am introducing a bill to help move us toward a more truthful accounting of the Federal budget deficit.

This bill requires that wherever an estimate of the actual Federal deficit appears in any Federal document, an estimate of the deficit without the Social Security reserves must be displayed with equal prominence to other calculations.

Mr. President, I am very concerned that, while we have been focusing a great deal of attention on the Federal budget deficit, the true magnitude of that deficit has been hidden behind the buildup in the Social Security trust funds.

As my colleagues know, Social Security is financed through a dedicated payroll tax. These funds are to be used to pay only for Social Security benefits.

My colleagues are also aware that the number of beneficiaries of the program is increasing. This is in large part a reflection of the aging of our society, a trend which is predicted to increase through the early part of the next century as the baby boom generation retires.

In 1983, the Social Security program faced a financing crisis. At that time, we adopted legislation to build up reserves in the Social Security program to make sure that money would be available for future beneficiaries. Those reserves are now starting to accumulate. In fact, at the end of the current fiscal year, the trust funds will have a balance of $154.6 billion. CBO projects that the Social Security program will add another $68 billion to its reserves in fiscal year 1990.

The problem we face is that, although we took Social Security out of the unified Federal budget in 1985, Gramm-Rudman-Hollings requires the combined on- and off-budget deficits be used as the measure of the budget deficit. This distorts the true picture of the budget deficits. Most projections utilizing this method of calculating the deficit show it decreasing, when, in actuality, if the Social Security reserves are removed, the deficit is increasing. In other words, the reserves mask the true size of the Federal deficit, and even distorts the progress—or lack thereof—we have made toward its elimination. This will continue to be the case at an increasing rate as the reserves continue to grow dramatically over the next several decades.

The practical result of the current accounting method is that the Government borrows the trust fund reserves to finance the deficit operation of the Government. I am concerned about this, because, just as we are building up these reserves, they're being spent. How long can we continue to do this?

If this practice continues, the people who are paying into the Social Security system today, who believe that the money will be there when they are eligible for benefits, will one day be asked to pay into the system again when the time comes to repay the IOU's that are currently sitting in the trust fund from the Treasury. I do not believe we should continue to allow this to happen.

Mr. President, I have heard a number of my colleagues express concern about the decline of savings in this country over the last decade. They argue that if we were to bring the Federal operating budget into balance, while continuing to build up reserves in the Social Security system, the national savings rate would increase. We are all concerned about the implications of this for investment and productivity now and in the future.

I have asked a number of leading economic leaders, including the current Chairman of the Federal Reserve Alan Greenspan and former Chairman Paul Volcker, as well as the new head of the Office of Management and Budget Richard Darman, what they think of this practice. While they differ on how to treat the accounting of the Social Security trust fund reserves, they all agree that we must find a way to increase savings in this country, and that the reserves represent a tremendous source of savings well into the next century.

Mr. President, this bill would help bring about more honest accounting in the budget process, accounting which acknowledges the buildup of Social Security reserves. It also represents a much-needed first step toward reducing Federal deficits, which is essential if we are to increase national savings rates, improve productivity, and secure a high standard of living for future generations.

Mr. President, I ask unanimous consent that the full text of S. 537 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The Social Security trust funds were removed from the Federal budget by section 710(a) of the Social Security Act as part of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The Social Security trust funds are self-financed, through a payroll tax which is earmarked specifically and exclusively for the Social Security program.

(3) The 1983 Social Security Amendments secured the solvency of the Social Security systems by building up reserves in order to provide future benefits for those who earn them. By the end of fiscal year 1989, the balance in the fund is expected to be $154.6 billion and is projected to reach $11.8 trillion by the year 2030.

(4) The Balanced Budget and Emergency Deficit Control Act of 1985 requires that budget documents report the combined on and off budget deficit as the primary measure of the budget deficit. As a result, the statutory removal of Social Security from the budget has been largely ignored in public discussion. Focusing only on the total deficit leads to the erroneous conclusion that budget problems are being solved. In fact, when the Social Security reserves are removed, the deficit is increasing. The reserves are used to mask the true size and course of the Federal operating budget deficit.

(5) The purpose of building up reserves in the Social Security trust funds is to make sure that the Federal Government will be able to meet its obligations to future beneficiaries. If these funds continue to be used to finance deficit spending in general government activities, the Federal government may be forced to increase taxes in the future in order to meet its obligations to beneficiaries. In effect, this would mean requiring workers and beneficiaries to pay twice for these benefits.

(6) Current low savings rates in the United States discourage national productivity and investment, and put the nation at a competitive disadvantage with other major industrial countries that have higher savings rates. Not including the Social Security reserves in our annual deficit calculation will help us reach the goal of an honest balanced budget (creating a true balance between spending and revenue). Only with a clear picture of the true Federal budget deficit will we be able to build up the Social Security reserves, and bring the Federal budget into balance. Taking these steps will help increase national savings rates, leading to higher productivity and economic growth, and securing a high standard of living for future generations.

SEC. 2. INCLUSION OF FEDERAL DEFICIT MINUS THE SOCIAL SECURITY SURPLUS.

Whenever—

(1) the President;

(2) the Director of the Office of Management and Budget;

(3) the Director of the Congressional Budget Office;

(4) the Committee on the Budget of the House of Representatives;

(5) the Committee on the Budget of the Senate; and

(6) any other entity of the Government,

calculates the deficit for purposes of comparison with the maximum deficit amount (as defined in section 3(7) of the Congressional Budget Act of 1974) under the Balanced Budget and Emergency Deficit Control Act of 1985 or calculates the excess deficit for purposes of sections 251 and 252 of such Act for any fiscal year (as provided in section 3(6) of the Congressional Budget Act of 1974), they shall include with such calculation, and give equal prominence to, a calculation of the deficit without including—

(A) the receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for such fiscal year and the taxes payable under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1986 during such fiscal year in total revenues for such fiscal year; and

(B) the disbursements of each such Trust Fund for such fiscal year in total budget outlays for such fiscal year.●

By Mr. DURENBERGER:

S. 538. A bill to provide that certain provisions of the Internal Revenue Code of 1986 providing special rules for financially troubled financial institutions shall not remain in effect after the enactment of financial institution reform legislation; to the Committee on Finance.

REPEAL OF SPECIAL RULES FOR FINANCIAL INSTITUTIONS

● Mr. DURENBERGER. Mr. President, today I am introducing legislation that would repeal several tax rules that affect financially troubled savings and loan institutions and banks prior to the December 31, 1989, date they are scheduled to expire. I am pleased that a companion bill is being introduced today in the House by Representative FORTNEY PETE STARK.

Mr. President, the dimensions of the financial crisis confronting the savings and loan industry are staggering. By one estimate, if we adopt President Bush's S&L financing proposal or a modified version of that plan, the ultimate cost of the bailout is likely to exceed $157 billion. And the longer we delay action on developing an S&L financing package, the greater the likelihood that the cost of this crisis will continue to escalate.

I believe President Bush is to be commended for addressing this issue so early in his new administration. Yet, despite assurances from the administration and the industry's regulators that the public's insured deposits are safe, there are clear signs that the public's confidence in the integrity of the S&L industry continues to erode. While the net outflow of desposits from S&L's has recently slowed from the record $8.1 billion in December, withdrawals are still far outpacing deposits. If this trend continues, the entire industry could be jeopardized and the cost of saving the industry could go much higher.

Mr. President, not only do we have a responsibility to resolve this crisis as quickly as possible, but we must also make certain that any S&L financing package minimizes the costs to the American taxpayer and insures the future health and integrity of that part of the industry that survives. It is with these principles in mind that I am today introducing legislation that would repeal the special financial institution tax rules on the date of enactment of financial institution reform legislation.

The current tax law contains several provisions that have been specially crafted to take into account the problems confronting financially troubled financial institutions. Among the most important of these provisions are rules that: First, exclude from income payments made to financially troubled institutions by the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Deposit Insurance Corporation [FDIC]; second, provide that most reorganizations of troubled financial institutions tax free; and third, relax loss carryover rules. These special provisions are scheduled to expire at the end of this year.

In the past, these special rules may have facilitated the transfer and merger of failed savings and loans institutions, especially when Federal regulators had insufficient direct capital to complete some of these transactions. But after the spate of transactions that took place in December, wherein FSLIC may have transferred more than $8 billion in tax losses, I believe it is incumbent on Congress to reconsider the wisdom of allowing these tax provisions to remain in effect until the end of this year.

From what I have learned about some of the financing packages negotiated by the FSLIC at the end of 1988, it appears that the long-term costs to the Treasury of these provisions may be far higher than was originally anticipated. Moreover, the inclusion of these special tax provisions in S&L financing packages undermines the integrity of our tax base by allowing companies to, in effect, traffic in tax losses in a manner similar to what we witnessed earlier in this decade when safe harbor leasing was the vehicle of choice for zeroing out corporate tax liabilities.

What is even more troubling about transactions involving these tax provisions is that in some instances it appears that FSLIC may have actually transferred failing S&L's to investors whose cash investments were lower than the tax savings involved in the transaction. In such instances, there is little, if any, risk incurred by investors.

And by including the benefit of these special provisions in S&L financing packages, it appears that the regulators may unwittingly be serving to discourage the new S&L owners from operating the merged facility in the most-efficient and cost-effective manner and may undermine the long-term health of the entire industry. As was recently noted in a Congressional Budget Office staff memorandum:

> The tax-exempt status of the portion of the FSLIC assistance provided in the form of yield maintenance agreements can weaken incentives for acquirers to increase the performance of assets covered by such agreements. . . . The tax benefits can also give rise to perverse incentives that may work to the detriment of the thrift industry as a whole. For example, it would be desirable for insolvent thrifts to be acquired by those parties who are likely to operate them most efficiently. Yet, rules that facilitate the use of tax-deductible net operating losses and built-in losses could have the unintended effect of awarding the insolvent thrift to the wrong bidder.

Mr. President, FSLIC currently does not have sufficient capital to continue merging failing thrifts. Before Congress enacts a new recapitalization package for the financial industry's Federal insurance system, I think it is incumbent on us to reconsider what role, if any, these special tax provisions should play in such arrangements. I think these tax provisions have outlived whatever utility they had in the past.

Finally, I would note that when these provisions are repealed we will have to clarify certain rules regarding the tax treatment of payments made by Federal financial insurers in several situations, including those cases where the deposit insurer takes some form of equity interest in the new institution. I look forward to working with the administration in clarifying the technical details in such situations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SPECIAL RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Each of the following provisions are amended by inserting "(or, if earlier, the date of the enactment of an Act to preform, recapitalize, and consolidate the Federal deposit insurance system)" after "December 31, 1989":

(1) Paragraphs (1) and (2) of section 904(c) of the Tax Reform Act of 1986.

(2) The last sentence of section 382(1)(5)(F) of the Internal Revenue Code of 1986.

(b) APPLICATION OF SECTION 265 TO PAYMENTS UNDER SECTION 297.—

(1) IN GENERAL.—Subparagraph (B) of section 904(c)(2) of the Tax Reform Act of

1986 (as amended by section 4012(c)(2) of the Technical and Miscellaneous Revenue Act of 1988) is hereby repealed.

(2) EFFECTIVE DATE.—The amendment by this subsection shall apply to transfers after December 31, 1989 (or, if earlier, the date of the enactment of an Act to reform, recapitalize, and consolidate the Federal deposit insurance system), except that such amendment shall not apply to transfers after such date pursuant to an acquisition occurring on or before such date.●

By Mr. BUMPERS (for himself, Mr. CONRAD, Mr. INOUYE, and Mr. STEVENS):

S. 539. A bill to amend and direct guaranteed student loan programs under the Higher Education Act of 1965 to publicize the current loan deferral program for full-time volunteers with the Peace Corps, VISTA, and tax-exempt organizations, and for other purposes; to the Committee on Labor and Human Resources.

S. 540. A bill to amend the direct student loan program under the Higher Education Act of 1965 to provide for partial loan cancellation for full-time volunteer service with a tax-exempt organization, and for other purposes; to the Committee on Labor and Human Resources.

S. 541. A bill to amend part B of title IV of the Higher Education Act of 1865 to forgive guaranteed student loans for student borrowers who volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization; to the Committee on Labor and Human Resources.

STUDENT COMMUNITY SERVICE LEGISLATION

● Mr. BUMPERS. Mr. President, today I am introducing three bills that will provide opportunities for the young of our country to volunteer service to their community and to the Nation.

The legislation reduces the pressure of student loan debt when they provide full-time, low-paid voluntary service to their community as employees of nonprofit community service organizations.

THE NEXT GENERATION

There are many who are wringing their hands about the next generation, worried about what the "world is coming to."

We have even coined a new word for some of the young people in our country—yuppies. And there is a negative stereotype that we assign to yuppies—earnest young people concerned only with their salaries and their possessions.

But, the premise of the legislation I am introducing is that many young do not fit the yuppies stereotype.

I am not one of those who is worried about the next generation. I take every opportunity to meet with young people, and I am impressed with them and with their values.

I believe they want to serve their community as volunteers.

I believe they have a social conscience.

I believe they know that government services are not enough to alleviate the plight of the poor, the sick and the disadvantaged.

They care about the others and they have a charitable spirit.

STUDENT LOAN INDEBTEDNESS

They are willing to devote themselves to serving these needs, but many of our students are saddled with enormous debts upon graduation and believe that they must avoid low-paying jobs. Community service is not a realistic option for them.

We should commend this sense of responsibility for repaying debts and encourage it. But the problem is that once a student takes a high-paying job, he or she has lost a major opportunity to provide services to the community.

PEACE CORPS MODEL

The legislation I am introducing today is based on the model of service provided by the Peace Corps and VISTA.

As I will explain later, we already have a deferment plan and a repayment of student loans plan for students who take full-time low-paid positions with a nonprofit community service organization.

To qualify for the deferment, the service with the nonprofit organizations must be comparable to the service of a Peace Corps or VISTA volunteer. My legislation is an extension of these program concepts into the private sector.

It does not compete with the Peace Corps or VISTA. Some of the other national service proposals provide such generous benefits to young people that they will put competitive pressure on the Peace Corps and VISTA.

IMPLEMENTATION OF DEFERMENT

The first bill I am introducing simply directs the Department of Education to publicize the current deferment for service with a nonprofit organization, just as the Peace Corps and VISTA publicize the same deferment available for their volunteers.

Few students know that when they serve in low-paid, full-time positions with community service organizations they already can defer repayment of all of their Government student loans.

As with Peace Corps and VISTA volunteers, the deferment applies to direct, guaranteed and plus loans. It is available for full-time service for at least a year. All a student has to do to obtain the deferment is fill out a simple one page form certifying that he or she qualifies.

The problem is that the Department of Education has systematically refused to publicize the existence of the deferment or even inform students of the requirements for claiming it. The Department refuses to collect data on how many students are claiming this deferment, so we do not know how many students are using it. We suspect that about 1,000 students are now using this deferment. I have asked the Department to begin collecting data on the utilization of the deferment, and it has refused to do so.

The Department also refuses to provide information—even to me—on exactly which students qualify for the deferment.

I have now written five letters to the Secretary of Education, starting with a letter on March 24, 1987, asking questions about who can claim the deferment.

I even included a directive to the Department in its appropriations bill directing it to provide information about the deferment, and it has ignored the directive.

Finally, on September 1, 1988, the Department did supply me with answers to a series of questions I raised about the deferment, but to this day the Department continues to refuse to tell me or anyone else exactly what the maximum level of compensation a young person can receive under the deferment.

The compensation issue is one on which we need guidance. The legislative history of the current deferment states that the compensation of the student must be comparable to that of a Peace Corps or VISTA volunteer. We need guidance from the Department on exactly what this means in dollars and cents. The refusal of the Department to clarify this issue for students means that they do not know how much they can earn and still qualify for the deferment.

On April 20, 1988, I wrote to the Department requesting its guidance on this issue. In this letter I provided the Department with an extended analysis of the compensation and benefits of Peace Corps and VISTA volunteers and concluded that the Department could set the Federal minimum wage as the maximum compensation level. It could set the level at higher than the minimum wage, but I suggested that it set it at no less than the minimum wage in order to avoid a catch-22 in which the tax-exempt organization might not feel it could employ a student volunteer at less than the minimum wage.

I have yet to receive a response from the Department on the maximum compensation issue.

The refusal of the Department to implement the current deferment program is not due to the potential cost of the program. According to the De-

partment the current deferment costs only $80 per $1,000 of the student's loans per year. This is an incredibly cheap program given the fact that it encourages young people to devote a year or more of their lives to community service.

Its refusal also does not arise from any church-State issues. It has been clear from the beginning that the deferment is available for church-affiliated, tax-exempt organizations as long as the student, "as part of his or her duties, does not give religious instruction, engage in religious proselytizing, or engage in fundraising to support religious activities." (Department regulations.)

The only explanation for the Department's refusal to implement the current deferment is its indifference—or perhaps its hostility—to students who are willing to devote a year or two of their lives to serving the community.

PARTIAL CANCELLATION, DIRECT LOANS

Under current law the direct student loans—Perkins, NDSL loans—of Peace Corps and VISTA volunteers may be partially canceled—up to 70 percent cancellation over 4 years. So the second bill I am introducing would extend this partial loan cancellation to students with loan indebtedness who perform comparable service with the same kind of tax-exempt community organizations.

The partial cancellation provision provides that 15 percent of a volunteer's direct loans will be canceled for each of the first 2 years of service and an additional 20 percent will be canceled for each of the next 2 years of service as a volunteer. This means that a total of 70 percent of a student's direct loans may be canceled.

The partial cancellation provision applies only to new loans taken out by students just beginning their college education. It is not retroactive to loans or students who have previously taken out direct loans. It is an incentive only, with no windfall for students who already are in school. So there is no budget impact until 1993.

The partial cancellation applies on top of the deferment. In other words, the student who serves as a volunteer will not be obligated to begin repaying his or her loans during the term of service as a volunteer and then when he or she does begin to repay the loans, he or she will not have to repay the full amount of the loans.

So, we first had a deferment for Peace Corps and VISTA service. Then we had a deferment for comparable service with tax-exempt community service organizations. Then we had partial cancellation of direct student loans for Peace Corps and VISTA volunteers. Now, I am proposing that we extend this same provision to students who serve with tax-exempt community service organizations.

Each year the Federal Government makes approximately 800,000 direct loans. These direct loans go to students with substantial financial need. They are much more likely to need this partial cancellation to be able to provide the community service.

Extending the partial cancellation provision to students who serve full time in low-paid positions with tax-exempt community service organizations is a simple matter of equity.

PARTIAL CANCELLATION, GUARANTEED LOANS

The current partial cancellation provisions for Peace Corps and VISTA volunteers only apply to direct NDSL loans, so the third bill I am introducing will provide for partial cancellation of guaranteed loans—Stafford, GSL—for Peace Corps and VISTA volunteers and for students who perform comparable service with tax-exempt community service organizations. This loan cancellation applies to both undergraduate and graduate students with GSL loans. GSL loans constitute the bulk of the Federal student financial assistance.

But, there are a great number of students with guaranteed loans who might be inclined to join the Peace Corps or VISTA or take full-time, low-paid positions with tax-exempt organizations if their guaranteed loans were partially canceled. There are over 3 million students with guaranteed student loans, nearly four times as many as have direct loans.

Accordingly, my third bill would provide a partial cancellation of a student's guaranteed loans when he or she joins the Peace Corps or VISTA or serves with a tax-exempt community service organization. This partial cancellation applies to any student with GSL loans.

I am aware that proposing partial cancellation of guaranteed loans raises more complicated technical and policy issues than cancellation of direct loans. With direct loans the Government puts up the capital, but with guaranteed loans private banks supply the capital. To cancel guaranteed loans the Government must repay part of the loan rather than simply writing down part of the loan on its own account.

COST OF THE LEGISLATION

Even though the Government would be obligated to pay a portion of a GSL, these three bills encourage and promote community service at an incredibly low cost.

The current deferment costs only $80 per $1,000 of student loans deferred per year. The average loan balance for students is approximately $5,000, so the current deferment costs approximately $500 for each student who performs service. This is an incredibly low cost for the benefits that these students are providing to the community.

The cost of extending the partial cancellation of direct loans to students serving with tax-exempt organizations is minimal. According to an October 3, 1988, letter from the Congressional Budget Office, the cost of this proposal is $500,000 and the cost does not begin until fiscal 1993. This budget impact does not start until then as the provision applies only to new students and they will only then begin to graduate and to complete their terms of service with the tax-exempt organizations.

It will be more costly to partially cancel GSL loans of Peace Corps and VISTA volunteers and of students who perform comparable service with tax-exempt organizations. A preliminary estimate is that this third bill would cost less than $5 milllion per year. But again, this cost does not begin to be felt until fiscal 1993 because the benefits apply only to new loans taken out by new students.

POLITICAL REALITY

These bills are effective and, equally important, they are politically realistic.

These bills do not involve the Federal Government in organizing the community service. The Government does not secure placements for the students, subsidize their living expenses, pay for fringe benefits, or supervise their conduct.

Student loan indebtedness is the most frequently cited reason why students are unwilling to perform community service upon graduation.

The bills do not require service, directly or indirectly.

The bills do not involve the Federal Government in organizing the service itself or even in placing students in service positions.

The bills do not create any new government agency or bureaucracy. They are directed solely at the private sector.

The bills involve hardly any paperwork. All a student must do to qualify is to sign a simple form certifying that he or she qualifies for the deferment or partial cancellation.

To qualify for these benefits, the students must make a sacrifice. The position must be a low-paid one, meaning that the pay must not exceed the Federal minimum wage. This makes the service with a tax-exempt organization comparable to that of a Peace Corps or VISTA volunteer. It they make the sacrifice, they deserve a break on their student loans.

The bills build on the Peace Corps and VISTA model. They are proven programs and we do not need to experiment with untried service corps models. And, above all, we should do nothing that adversely affects the Peace Corps and VISTA.

The bills do nothing to undermine the availability of Federal financial as-

sistance to students who choose not to serve.

There already exist 50 State and local youth service corps and these bills do not duplicate or conflict with these programs.

Publicizing the current deferment requires no new legislation or appropriations. It can be done now, without any delay by the administration and by Congress. Members' offices can do this with mailings to the universities, colleges, and tax-exempt organizations in their States.

The three bills I have introduced are realistic, effective, and timely.

I ask unanimous consent that the text of the three bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Student Loan Deferment and Community Service Act of 1989".

INFORMATION FOR STUDENTS

SEC. 2. (a) Section 485(a)(1) of the Act is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or for comparable full-time service as a volunteer for a tax-exempt organization, and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973.".

(b) Section 487(a)(7) of the Act is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

EXIT COUNSELING FOR BORROWERS

SEC. 3. Section 485(b) of the Act is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (2):

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer for a tax-exempt organization.".

DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS

SEC. 4. Section 485(d) of the Act is amended by inserting the following before the last full sentence: "The Secretary shall provide information on the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for service under the Peace Corps Act and Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowance which a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid emloyee of a tax-exempt organization.".

DATA ON DEFERMENTS AND CANCELLATIONS

SEC. 5. Section 485B(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially cancelled or in deferment for service under the Peace Corps Act, for service under the Domestic Volunteer Service Act of 1973, and for comparable full-time service as a volunteer for a tax-exempt organization.".

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Perkins Loan Forgiveness and Community Service Act of 1989".

LOAN CANCELLATION AUTHORIZED

SEC. 2. (a) Section 465(a)(2) of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "or" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986.".

(b) Section 465(a)(3)(A) of the Act is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service.".

TECHNICAL AMENDMENT

SEC. 3. (a) Section 464(a)(2)(A)(v) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(b) Section 465(a)(5) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

EFFECTIVE DATE

SEC. 4. The amendments made by section 2 of this Act shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after thirty days after the date of enactment of this Act to individuals who are new borrowers on that date.

S. 541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Stafford Loan Forgiveness and Community Service Act of 1989".

SEC. 2. (a)(1) Section 427(a)(2)(B)(ii) of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(2) Section 427(a)(2) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (G);

(B) redesignating subparagraph (H) as subparagraph (I); and

(C) inserting after subparagraph (G) the following new subparagraph (H):

"(H) provides (subject to section 432(f) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax exempt organization for the payment by the United States of the percent of the amount of loans specified in section 432(f), and".

(b)(1) Section 428(b)(1)(D) of the Act is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(2) Section 428(b)(1) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (T);

(B) striking out the period at the end of subparagraph (U) and by inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(V) provides (subject to section 432(f)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to serve as a volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization for the payment by the United States of the percent of the amount of loans specified in section 4r32(f).".

(c) Section 432 of the Act is amended by adding at the end thereof the following new subsection:

"(j) PARTIAL CANCELLATION AUTHORITY.—(1) The Secretary shall enter into any agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower agrees to serve as a volunteer under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization.

"(2) The agreement under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) The Secretary shall waive or suspend any obligation of service or payment of any, or any part of, the loan to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5)(A) The percent of a loan which shall be paid by the United States under paragraph (2)(A) of this subsection is 15 percent for the first or second year of service and 20 percent for the third or fourth year of service described in paragraph (1).

"(B) If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Nothing in this subsection shall be construed to authorize refunding of any repayment on the loan.".

EFFECTIVE DATE

SEC. 3. The amendments made by section 2 of this Act shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after thirty days after the date of enactment of this Act to individuals who are new borrowers on that date.●

● Mr. CONRAD. Mr. President, I am pleased today to join my good friend and colleague, Senator BUMPERS, in introducing this important community service legislation.

There is a growing desire in this country to find ways to enhance the interest and ability of our Nation's youth to serve both their communities and their country. It instills in them a value for public service and pride in their country. It helps them gain an understanding for the interworkings of their communities and government.

The bills we are introducing today will help encourage America's youth to participate in community service. They also eliminate barriers to student participation. Among the most important of these barriers is student indebtedness.

Many of today's youth want to serve their communities, but enormous student loan debts often prevent them from doing so. Just yesterday I spoke with a group of students concerned about how difficult it has become for them, and many of their friends, to pay for a college education. Once they graduate, they are saddled with a debt burden that forces them to concentrate all their energies on repayment. Indebtedness prevents these students from taking lower-paid jobs in fields like community service—and deprives society of the benefits of this work.

Community service promises to receive a great deal of attention during the 101st Congress. We will witness the introduction of a variety of proposals for both mandatory and voluntary service.

The strength of the proposals we are introducing is that for a relatively low cost, they provide opportunities for young Americans to serve their communities without worrying about their college debts. They provide community organizations with a valuable resource and students with valuable learning opportunities.

The first bill directs the Department of Education to publicize a policy that is already on the books. Many are unaware that students who accept low-paid positions with tax-exempt community service organizations may presently have repayment of their loans deferred. It's about time they knew.

Current law also allows for the cancellation of up to 75 percent of students' debt incurred from direct student loans if they participate in the Peace Corps or VISTA. The second bill would make students who perform comparable service with tax-exempt organizations eligible for the same treatment at an annual cost of only about $500,000.

And finally, the third bill will extend the present partial cancellation provisions to guaranteed student loans.

These bills do nothing to change the availability of Federal financial assistance to students who do not wish to participate. They do not involve the Federal Government in the organization of community service, create a new bureaucracy, or duplicate existing state and local service corps programs.

There are many who argue that today's youth have lost their interest in serving our country. I disagree. I have to believe that the escalation of tuition costs and the mounting burden of student indebtedness are important factors.

At the same time, we need national leadership in this area. We must show that as a nation we value the skills and creativity of our younger citizens. We can do this by recognizing that if students choose to serve, they deserve to be rewarded.●

By Mr. LAUTENBERG:

S. 542. A bill to adjust the maximum level of civil penalties under the Consumer Product Safety Act to account for inflation; to the Committee on Commerce, Science, and Transportation.

CONSUMER PRODUCT SAFETY ENFORCEMENT ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Consumer Product Safety Enforcement Act of 1989, to triple civil penalties for violations of the Consumer Product Safety Act and to establish a mechanism for periodically adjusting these penalties to account for inflation.

Mr. President, under current law, any person who knowingly violates provisions of the Consumer Product Safety Act is subject to a civil penalty not to exceed $2,000 per violation, except that the maximum civil penalty for any related series of violations may not exceed $500,000.

Under the bill, the $2,000 civil penalty would be raised to $6,000 and the $500,000 maximum total would be raised to $1,500,000. These increases would restore these penalties to levels close to their real values when they were first established by Congress.

In addition, the legislation establishes a mechanism for periodic adjustments of these penalty levels to account for inflation in the future. Under that mechanism, penalty levels would be adjusted every 5 years based on increases in the Consumer Price Index. Adjusted penalty amounts would be published in the Federal Register at least 1 month before becoming effective.

Mr. President, CPSA penalty amounts originally were set back in 1972. Since then, consumer prices have increased by about 185 percent—that is, almost tripled. Yet penalty levels have remained the same. As a result, lawbreakers are enjoying a needless windfall, the deterrent effect of these sanctions is shrinking, and the Government is losing revenue.

The Senate, back in 1972, already determined that a $2,000 maximum civil penalty for violating consumer product standards was not sufficient. In fact, at that time, the Senate overwhelmingly passed a version of the Consumer Product Safety Act that included a maximum civil penalty of $10,000. The bill enjoyed strong bipartisan support and passed by a vote of 69 to 10. However, the $10,000 penalty was reduced to $2,000 in conference with the House.

Mr. President, the Consumer Product Safety Act is designed to protect the public from unreasonable risks of injury posed by consumer products. Yet the act cannot adequately protect the public if its sanctions are weakened by inflation.

Consumers are not the only beneficiaries of effective product safety standards. Honest businesses also stand to gain. After all, complying with CPSA standards may require significant investments of money. Honest businesses are making these investments. But sometimes their competitors are not. And with weakened sanctions, they are getting away with it.

Mr. President, as a society, we have an obligation to the honest business. An obligation to make sure that its competitors can't exploit weakened sanctions to gain an unfair competitive advantage. This bill will help us meet that obligation.

I also want to emphasize the importance of establishing a mechanism for periodic inflation adjustments of maximum penalty amounts. Although inflation has remained at moderate levels in recent years, there are indications that price increases may be accelerating again—the January increase in the Consumer Price Index was equivalent to an annual increase of over 7 percent. And even that is only about half the 13.5-percent inflation rate we experienced in 1980.

I am hopeful that inflation can be kept under control this year. But even moderate annual price increases quickly translate into substantial reductions in real penalty values in only a few years. An inflation rate of 6 percent—less than the January increase—translates into a 50-percent reduction in real penalty values over only about 7 years.

Mr. President, history has shown that Congress often goes many years without adjusting penalty levels—even when important public goals are at stake. CPSA penalties have been on the books for about 17 years. OSHA penalties have remained untouched for about 19 years. Other penalties on the books have not been adjusted in almost 200 years.

Nor is there any reason to rely on future Congresses to do a better job of updating penalty values. Congress has enough to do without having to act repeatedly merely to reaffirm existing policy and maintain the value of penalties. Each year we struggle to adopt a budget and pass the necessary appropriations bills. Also, even if the congressional leadership makes adjustment of fine levels a priority, a small minority in the Congress—or the President—can effectively block legislation. Why should we allow the amounts of penalties to deteriorate, along with their deterrent values and revenue-generating potential, simply because of congressional inattention or because remedial legislation gets blocked in the political process?

Some may argue that indexing puts the level of consumer safety sanctions on "automatic pilot." Yet this misses the key point: penalties are already on automatic pilot—an arbitrary, unpredictable pilot called inflation. This bill will take policy off this unstable automatic pilot and keep it on the course set by Congress.

Mr. President, several groups have been very helpful in my efforts to index consumer product safety and other civil penalties. In particular, I want to acknowledge the Consumer Federation of America and U.S. PIRG, who last year produced a useful and enlightening study that documented the need for inflation adjustments, entitled "The Deterrence Gap: How Inflation Has Taken the Bite Out of Health and Safety Penalties." The AFL-CIO and Public Citizen, which both testified in favor of indexing civil penalties at hearings last year, have also been helpful. I appreciate the effects of all these groups and look forward to working with them to see this bill, and other legislation to index civil penalties, enacted into law.

Mr. President, it is vitally important that consumer products are manufactured and distributed in ways that do not jeopardize public safety and health. To ensure safe products, we must deter those who would violate safety standards.

The Consumer Product Safety Enforcement Act of 1989 will restore the strength of existing consumer safety penalties and ensure the continued effectiveness of these sanctions in the future. If enacted, I am convinced the bill will help prevent many serious injuries and save many lives.

I urge my colleagues to support the legislation and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Consumer Product Safety Enforcement Act of 1989".

CIVIL PENALTIES

SEC. 2. Section 20(a) of the Consumer Product Safety Enforcement Act (15 U.S.C. 2069(a)) is amended—

(1) by striking out "$2,000" and inserting in lieu thereof "$6,000"; and

(2) by striking out "500,000" each place it appears and inserting in lieu thereof "$1,500,000".

SEC. 3. Section 20(a) of the Consumer Product Safety Enforcement Act of 1989 (15 U.S.C. 2069(a)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The maximum penalty amounts authorized in paragraph (1) shall be adjusted for inflation as provided in this paragraph.

"(B) Not later than December 1, 1994, and December 1 of each fifth calendar year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication.

"(C) The schedule of maximum authorized penalties shall be prescribed by increasing each of the amounts referred to in paragraph (1) by the cost-of-living adjustment for the preceding 5 years. Any increase determined under the preceding sentence shall be rounded to—

"(i) in the case of penalties greater than $1,000 but less than or equal to $10,000, the nearest multiple of $1,000;

"(ii) in the case of penalties greater than $10,000 but less than or equal to $100,000, the nearest multiple of $5,000;

"(iii) in the case of penalties greater than $100,000 but less than or equal to $200,000, the nearest multiple of $10,000;

"(iv) in the case of penalties greater than $200,000, the nearest multiple of $25,000.

"(D) For purpose of this subsection:

"(i) the term 'Consumer Price Index' means the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(ii) The term 'cost-of-living adjustment for the preceding 5 years' means the percentage by which—

"(I) the Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

"(II) the Consumer Price Index for the month of June preceding the date on which the maximum authorized penalty was last adjusted." ●

By Mr. SIMON (for himself, Mr. KENNEDY, and Ms. MIKULSKI):

S. 543. A bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that act, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING PARTNERSHIP ACT YOUTH EMPLOYMENT AMENDMENT

● Mr. SIMON. Mr. President, today I am introducing a bill to amend the Job Training Partnership Act [JTPA] to strengthen employment and training assistance programs and to improve the targeting of services to economically disadvantaged adults and youth, particularly those served under title IIA and IIB. I want to thank my good friends and colleagues, Senators KENNEDY and MIKULSKI for cosponsoring this bill. I also want to express my appreciation to Chairman HAWKINS, of the House Education and Labor Committee, who was instrumental in authoring the original act. I know he is planning to introduce a bill and I look forward to working with him.

I am introducing this bill because our Nation today is facing the one enemy no peace-time economy has defeated—unemployment. Achieving full employment is the next logical step for a humane society and a society that intends to squarely confront the issues of competitiveness and productivity. We cannot be competitive or productive when 10 million Americans are out of work and represent a debit, rather than a credit or asset to society. We must meet the challenge to put America back to work for a simple reason. We have two opinions—to pay people who are out of work for doing something, or to pay then for doing nothing. I prefer to pay them for doing something.

America's economy is facing two human resource trend lines—the supply of unskilled (and often unedu-

cated) labor is going up and the demand for unskilled labor is declining. Between now and the year 2000, employment in professional and managerial jobs will increase by 5.2 million, while operative and laborer positions will grow by only 1.3 million. Only 10 percent of the new jobs created by 1995 will be in manufacturing, the rest will be in the service sector. Minorities, especially black Americans and Hispanics, dominate this pool of unwanted and increasingly unused labor.

THE PROBLEM

If one thing is clear, it is that the problem can be defined by these startling statistics:

In 1986, of 4 million young adults who were high school drop outs, one in four was unemployed, and many have never even entered the labor force.

Today, 14 percent of all adults in the United States—and 20 percent of all youth under 17—are members of minority groups, and by the year 2000, one-third of all school age children will be black Americans, Hispanic Americans or Asian Americans.

The situation is not always rosy for those who do complete inner city and rurally-isolated high schools. Former Labor Secretary Bill Brock told the Nation in 1986 that 700,000 high school graduates could not even read their own diplomas.

Another 36 million Americans have some form of disabling condition. Two-thirds of those are unemployed and two-third's are trying to find jobs. For black Americans with disabilities the unemployment rate is 83 percent.

On the average, a low-income student can count on receiving about $5,000 per year over 4 years in Federal student assistance to help pay the cost of a college education. That same young man or young woman—if he or she chooses not to attend college—will be eligible for only $1,800 for 4 months of job training and educational assistance under JTPA.

In 1987, New York Telephone Co. had to test 60,000 applicants, many of whom were minorities, in order to hire 3,000 entry-level personnel.

There are now more black college-age young men in America's prisons than in our colleges and universities! Even as the number of black high school graduates grows, the percentage of blacks entering college is declining. Young black males are the hardest hit.

The Pennsylvania State University has estimated that the cost of not educating and training disadvantaged young men and women for employment costs Americans $225 billion each year—in lost productivity and in welfare payments, expenses related to crime prevention and the criminal justice system.

During the past 8 years, both the Reagan and Bush administrations have prided themselves on their efforts to lower unemployment—and it has been reduced—however, at the same time we are seeing alarming increases in the number of homeless, especially among families and those simply discouraged and no longer seeking work. We are seeing an increasing percentage of children born into poverty each year, and rapidly escalating crime and murder rates in our inner cities. I wonder how many of our unemployed are discouraged workers or young males or teen-parents who have never entered the labor force and would be rescued from welfare or incarceration if a meaningful job was in their future?

THE CRITICISMS OF JTPA

The way the JTPA is currently structured, it will not be able to meet the goal of providing a productive and skilled workforce by the year 2000. A program that enrolls 37 percent of its participants in short term training programs, (and a majority of the rest of enrollees are in on-the-job-training and job service programs), will not be able to significantly improve the skilled labor shortage. A program will not succeed in training the "hard to serve" if the program does not provide incentives to serve those participants most in need of training and provide them more comprehensive training services.

CETA was plagued with low placement rates and high cost per placement. In addition, CETA had weak private sector involvement in planning the local training activity. JTPA has attempted to correct the concerns with CETA by providing greater decision-making power at the State and local level and increasing the role of the private sector.

JTPA has accomplished its goals of increased participation in the private sector, higher placement rates and lower costs per placement. Why then is anyone complaining about a program that has achieved such good results? It is because JTPA is failing in its mission of providing job training opportunities for the "most in need" and in meeting the country's needs in keeping America competitive in world markets. There are a number of reasons for this:

The national cost per placement of $4,700 is too low to provide training in most trade and technical programs and longer term basic skills training.

Training programs are increasingly shorter. In 1985, the average training program was less than 12 weeks; under CETA it was 20 weeks.

The emphasis on high placement rates has resulted in concentrating JTPA activity on participants who may have little need of training.

A SIMON SOLUTION

Mr. President, there are five major components to this bill: First, a formula change to improve the targeting of funds to the economically disadvantaged; second, the creation of separate parts under this Title for programs to serve only adults over the age of 24 in title IIA and to serve youth aged 16 through 24 in year-round programs—for youth who also need remedial education services—and summer employment programs in title IIB; third, modification to the present composition of the Private Industry Councils [PIC's], while retaining the requirement that the PIC chair be a representative of the private sector; fourth, the creation of the new "Fair Chance: Youth Opportunity Challenge Grant" program serving youth; and fifth, an increase of $150 million in title IIA funds—excluding those funds now spent on youth that are being transferred to the II youth part—and $150 million in title IIB funds over current appropriations and IIA youth funds transferred into IIB.

In this bill I emphasize education as the foundation for providing training and employment opportunities. Educating America's future work force reaches beyond the classroom. I fully recognize that it is not the responsibility of the JTPA Program to educate our workforce—we spend hundred's of billions of dollars on an education system that, in many cases, and in many areas, is failing. We are not addressing the reform of our education system here, nor am I going to address it in my bill. But, we must still address the problems of the workforce that we have now. It is an unfortunate necessity, but it is one that the JTPA Program cannot ignore.

FUNDING FORMULA CHANGE

One of the major components of this bill is to improve the targeting of limited Federal resources on the "truly disadvantaged," the long-term, hard-core unemployed, and our youth who have never entered the labor force and have no means to do so without the direct intervention of this program. There are studies over the last few years that have documented various shortcomings in the existing program and made various recommendations for strengthening the program and targeting limited Federal resources on the disadvantaged.

Some of these studies include: the ABT study "an assessment of funding allocation under the Job Training Partnership Act;" the National Commission for Employment Policy report "who is served in JTPA programs: patterns of participation and intergroup equity;" the GAO report "Job Training Partnership Act—Summer Youth Programs increase emphasis on education;" the U.S. Department of Labor Office of Audit's "JTPA participant training and services" (Report I—participant training and employment); the Hudson Institute's "Workforce 2000—work and workers for the

twenty-first century"; the Commission on Work Family and Citizenship's report "the Forgotten Half: Non-College Youth in America;" and the Commission on Minority Participation in Education and American Life's "One-Third of a Nation."

The title II program formula does a poor job of targeting funds where large concentrations of eligible, low-income people reside and where small pockets of concentrated poverty exist. To use my own State as an example, I want to better target funding so that we serve more than the 15,000 youth now being served out of the 200,000 income-eligible in the city of Chicago. I also want to hit those pockets of severe poverty in such places as East St. Louis in downstate Illinois.

Presently, both title IIA, the Block Grant Program, and title IIB, the Summer Youth Employment and Training Program, use the same formula for the distribution of funds. The current formula is based on the following numbers—two-thirds on unemployment figures, and one-third on the number of economically disadvantaged individuals. While both programs are designed to serve economically disadvantaged youth and adults, only one-third of the formula is based on the number of economically disadvantaged persons.

This bill would create separate funding formulas for title IIA and IIB and would change the factors on which funds are allotted or redistribute the percentage amounts for each of the existing categories listed below. The State formula will have a 100 percent hold-harmless, based on fiscal year 1989 dollars, in both programs—the within State formula will retain its 90 percent hold-harmless. In title IIA, the State and within State formula is identical and is based on the following factors:

Fifty percent of the amount shall be allotted on the basis of the relative excess number of unemployed adults (raised from 33⅓ percent in current law); and

Fifty percent of the amount shall be allotted on the number of economically disadvantaged adults (raised from 33⅓ percent).

Deletes the 33⅓ percent factor currently allotted for areas of substantial numbers of unemployed.

In title IIB the State and within-State formula is two-tiered and based on different formula factors. The State formula will have a 100 percent hold harmless, based on fiscal year 1989 dollars, and is as follows:

Fifty percent of the amount shall be allotted on the basis of the number of economically disadvantaged youth in the State (raised from 33⅓ percent in current law);

Twenty-five percent of the amount shall be allotted on the basis of the relative number of unemployed youth (lowered from 33⅓ percent); and

Twenty-five percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged youth residing in "areas with substantial numbers of economically disadvantaged youth" in each State as compared to the total number of youth in all such areas in all States. (The term "areas of substantial numbers" means any area with sufficient size and scope to sustain a program in Title IIB and in which the percentage of economically disadvantaged youth population aged 16 through 24 is at least 20 percent. This factor is based on the "areas of substantial unemployment" concept used in the current formula.)

The within-State or service delivery area [SDA] formula in IIB is as follows:

Fifty percent of the amount shall be allotted on the basis of the number of economically disadvantaged youth in the SDA compared to the total number of economically disadvantaged youth in the State (raised from 33⅓ percent in current law); and

Fifty percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged youth residing in "areas with substantial numbers of economically disadvantaged youth" in each SDA as compared to the total number of youth in all such SDAs in the State. (The term "areas of substantial numbers" means any area with sufficient size and scope to sustain a program in Title IIB and in which the percentage of economically disadvantaged youth in the population of youth aged 16 through 24 is at least 20 percent. Also, this factor is based on the "areas of substantial unemployment" concept used in the current formula.)

The two factors based upon unemployment data are deleted from this formula.

PIC MODIFICATION

Another major proposal in this bill is a modification in the composition of the Private Industry Council [PIC]. We must broaden the representation of the PIC if we are going to expect any community-based organization or education, public assistance, economic development, labor, and vocational rehabilitation programs to work more closely with the private sector and the JTPA program at the local level. We also need to ensure that these groups are represented on the PIC in order to improve coordination with the agencies who will be working to implement programs such as Welfare Reform and Vocational Education.

There is also one other reason for expanding the membership and broadening the representation on local Private Industry Councils. The appropriation levels for Titles IIA and IIB have been stagnant for the past 8 years. We will never meet the Nation's training needs if we serve only 4 percent of the JTPA eligibles. Clearly, without more money we cannot reach the "hard-to-serve" nor all of those who could benefit from JTPA. We must have a broader representation of community groups and agencies if we are going to ensure we have more groups fighting for funding for this needed program.

Under current law the PIC must be composed of a "majority" of private sector representatives and the Chair is selected from the private sector. This bill retains this language.

The modification to require a minimum representation of other groups on the PIC is as follows: a minimum of 17 percent of the PIC be representatives from organized labor and community-based organizations, (with a stipulation added that when labor cannot adequately meet the labor representation on the PIC then individuals from unorganized labor may be included on the council to complete the labor representation); and, that a minimum of 25 percent of the PIC be comprised of representatives of all education agencies, rehabilitation agencies, public service and assistance agencies, economic development agencies, and public employment service agencies.

CHALLENGE GRANT

The creation of a new "Fair Chance: Youth Opportunities Challenge Grant" program is based on a proposal described in a William T. Grant Foundation report, "The Forgotten Half: Pathways to Success for America's Youth and Young Families." This program is designed to stimulate the development of an integrated approach for the education, training, and service needs for all youth. The program would fund one to two demonstration programs in each state to target non-college bound youth and offer the services necessary to enable youth to readily access post-secondary education and training opportunities. Each program would be designed to include the following:

A cooperative agreement among youth-serving agencies and public and private agencies to ensure coordination of resources and to avoid duplication;

Outreach and recruitment efforts to target "harder-to-serve" youth;

A case management system to assure each participant the ongoing assessment, mentors and counseling, placement, follow-up, and advocacy needed for success; and

A thorough, independent evaluation of the various program approaches taken to measure their respective costs and effectiveness.

This new "Challenge Grant" program shall be administered by the Secretary of Labor and authorized at $100 million in fiscal year 1990. Under this program, the Secretary would pay 50

percent of the costs of each program on a matching grant basis. The remaining 50-percent match may include funds from other Federal, State, and local sources, including private sector contributions.

ADDITIONAL CHANGES

There are a number of other changes included in this bill. The first of these is an additional "window" of eligibility for services to those who are noneconomically disadvanged in the IIB program. This "window" may also be increased in both programs from the present 10 percent to 15 percent with State approval. This provision would allow noneconomically disadvantaged individuals to receive title IIA and IIB services if they face multiple barriers to employment.

Second, the State set-aside in the IIA program is reduced from 22 percent of funds to 20 percent primarily by decreasing from 8 percent to 5 percent the set-aside for education programs—the remaining 3 percent would be passed on to the SDA level for long-term training, basic skills, and educational services. In addition, 10 percent of funds in title IIA may be reserved, at the SDA's option, for experimental programs to provide services to "hard-to-serve" populations and would be exempt from performance standards.

Finally, some of the performance standards have been amended to emphasize the need for improving basic skills and to emphasize longer term placements in unsubsidized employment. Also, the Secretary will be required to develop separate performance standards for in-school and out-of-school youth assisted under title IIB. Additionally, SDA's will have the option of raising the present 15-percent cap on funds for supportive services to a total of 25 percent with State approval.

CLOSING

I want to work to ensure that this bill will accomplish the employment and training goals on a scale originally intended for this program and I want to do what is right to make sure we are using our scarce Federal resources to properly serve and target those who are jobless and on the verge or hopelessness. I am also pleased to note that the Department of Labor's White Paper Advisory Committee is considering making recommendations to the Secretary for changes to JTPA that are somewhat similar to those in my own bill. These include: better targeting of limited Federal funds; seaprate programs for adults and youth; and a stronger emphasis on education and basic skills.

The Reverend Dr. Martin Luther King, Jr., once said, "In our society, it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist." The Nation's highest commitment—our most important national goal—must be to provide a job opportunity for everyone who wants to work.

An opportunity to work gives people self-esteem, something we all need. When self-esteem disappears, alternatives that are not good for society emerge. People without self-esteem cannot convey self-esteem to their children; people without hope cannot give hope to others. After more than three decades of public life and working with people who have every variety of problem, I have learned that the great division in our society is not between black and white, Anglo and Hispanic, Jew and Gentile, or rich and poor. The great division is between those who have hope and those who have given up. There is nothing like a job to raise self-esteem, to feel you are contributing something to society and to your family. For too many in our society, hopelessness and joblessness are one and the same.

If we want people to work, then we must provide the education and training that makes employment and a living wage a reality in their lives. Unemployment is an expensive alternative to providing basic skills, education, and training for our Nation's unemployed youth and adults. Full employment will come only when basic skills, education, and training are available to all.

Mr. President, I ask unanimous consent that this bill be inserted in the RECORD in the full text in addition to the section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training Partnership Act Youth Employment Amendments of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR ADULT AND YOUTH PROGRAMS.—Section 3(a)(1) of the Job Training Partnership Act (hereinafter referred to as the "Act") is amended by—

(1) inserting "(A)" after the paragraph designation;

(2) striking "There" and inserting in lieu thereof "Except as provided in subparagraph (B), there"; and

(3) inserting the following new subparagraph:

"(B) There are authorized to be appropriated $1,223,000,000 for fiscal year 1990 to carry out the provisions of part A of title II and title IV (other than part B of such title) of this Act.".

(b) AUTHORIZATION FOR YOUTH PROGRAMS.—(1) Section 3(b) of the Act is amended by—

(A) inserting "(1)" after the subsection designation;

(B) striking "There" and inserting "Except as provided in paragraph (2), there"; and

(C) inserting the following new paragraph:

"(2) There are authorized to be appropriated $1,574,000,000 for fiscal year 1990 to carry out the provisions of part B of title II of this Act.".

(2) Section 3 of the Act is amended by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(3) by inserting the following new subsection after subsection (b);

"(c)(1) Not withstanding any other provision of this Act, the total amount allotted to each State under parts A and B of title II shall equal or exceed the amount allotted to such State under such parts for fiscal year 1989.

"(2) If the amounts appropriated under subsections (a) and (b) of this section for any fiscal year are insufficient to meet the requirements of paragraph (1), the total amount allotted under parts A and B of title II shall be ratably reduced.".

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Act is amended—

(1) in clause (F) of paragraph (8) by inserting "or youth" after "adult"; and

(2) by adding the following new paragraph after paragraph (29):

"(30) The term 'long term recipient' means an individual who has received—

"(A) cash payments made pursuant to part A of title IV of the Social Security Act (relating to the aid to families with dependent children program);

"(B) general welfare assistance to Indians, as provided pursuant to the Act of November 2, 1921 (25 U.S.C. (13)), commonly referred to as the Snyder Act;

"(C) cash assistance and medical assistance for refugees made available pursuant to section 412(e) of the Immigration and Nationality Act; or

"(D) benefits offered pursuant to title XVI of the Social Security Act (relating to supplemental security income programs) and title II of such Act (relating to Social Security Disability Insurance);

for 24 months during the 28-month period immediately preceding application for programs offered under this title.".

(b) TECHNICAL AMENDMENT.—Section 502 of the Act is amended by—

(1) striking paragraph (3); and

(2) redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 4. PRIVATE INDUSTRY COUNCILS.

(a) COMPOSITION AMENDMENTS.—(1) Section 102(a) of the Act is amended—

(A) by striking "and" at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) representatives of organized labor, and representatives of community based organizations who shall constitute not less than 17 percent of the membership of the council; and

"(3) representatives of all educational agencies in the service delivery area, including representatives of institutions of higher education (including private career schools), and public service agencies (including employment service agencies, public assistance agencies, and economic development agencies) who shall constitute not less than 25 percent of the membership of the council.

At least one member of the private industry council appointed pursuant to paragraph (3) shall be a representative of a program or agency providing vocational rehabilitation to people with disabilities.".

(2) Section 102(c)(2) of the Act is amended to read as follows:

"(2) Education representatives on the council shall be selected from among individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education (including private career schools) or general organizations of such schools and institutions within the service delivery area.".

(3) Section 102(c)(3) of the Act is amended to read as follows:

"(3) The labor representation on the council shall be selected from individuals recommended by recognized State and local labor organizations. If the State or local labor organization cannot adequately meet the labor representation on the private industry council then individuals from unorganized labor may be included on the council to complete the labor representation.

"(4) The remaining members of the council shall include additional representatives from all sectors represented on the council.".

(b) EFFECTIVE DATE.—No private industry council shall be considered to be in violation of the amendments made by subsection (a) of this section until 3 years after the date of enactment of this Act.

SEC. 5. PERFORMANCE STANDARDS.

(a) PERFORMANCE STANDARDS.—The first sentence of section 106(b)(1) of the Act is amended by inserting "the acquisition of basic educational competency and" after "title II is".

(b) MEASUREMENT OF PERFORMANCE STANDARDS.—The second sentence of section 106(b)(1) is amended to read as follows: "In order to determine whether these basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include—

"(1) acquisition of basic skills and workplace competencies including raising the grade level of reading, writing, and computational skills, as well as acquisition of a high school diploma or a general equivalency diploma;

"(2) placement in unsubsidized employment;

"(3) retention in unsubsidized employment for more than 6 months;

"(4) increase in earnings, including hourly wages; and

"(5) reduction in the number of individuals and families receiving cash welfare payments and the amounts of such payments.".

(c) SEPARATE PERFORMANCE STANDARDS.—Section 106(b)(4) of the Act is amended by—

(1) inserting "(A)" after the paragraph designation;

(2) inserting the following new sentence at the end of paragraph (4)(A) (as redesignated in paragraph (1) of this subsection): "The Secretary shall develop one set of performance standards for hard-to-serve individuals, (including handicapped individuals), and one set of performance standards for all other individuals receiving assistance under this Act. Performance standards for hard-to-serve individuals should not emphasize cost efficiency if such emphasis would impair the effectiveness of programs assisted under this Act."; and

(3) inserting the following new subparagraph at the end thereof:

"(B) The Secretary shall also develop separate performance standards for in-school and out-of-school youth programs assisted under part B of title II of this Act. Such performance standards shall emphasize the development of appropriate outcomes for in-school and out-of-school youth, such as improving basic skills and long term job placement and retention.".

(d) SUPPORTIVE SERVICES.—Section 106(b) is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary shall not prescribe performance standards which penalize service delivery areas for using funds provided for support services pursuant to section 108(b)(2)(A)(iii).".

(e) ADDITIONAL FUNDING FOR SUPPORT SERVICES.—Section 108 of the Act is amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by adding the following new subsection after subsection (b):

"(c) In addition to the funds available pursuant to subsection (b)(2)(A)(iii), an additional 10 percent of the funds available to a service delivery area for programs under part A of title II may be expended for support services if—

"(1) such additional support services funds are spent providing eligible individuals with long term services;

"(2) the request for such additional support service funds is justified in the job-training-plan required under section 104; and

"(3) the request for such additional support service funds is approved by the Governor pursuant to subsection 105.".

(f) SERVICE DELIVERY AREA TRANSFER AND CONTRACT.—Part A of title I of the Act is amended by adding the following new sections at the end thereof:

"SERVICE DELIVERY AREA TRANSFER AND CONTRACT

"SEC. 109. (a) Any service delivery area may enter into a contract with another service delivery area to share the cost of educating, training, and placement of individuals participating in programs assisted under this Act, including the provision of supportive services. Such contract shall include all of the terms and conditions of the agreement between the service delivery areas and shall be approved by an individual representing each private industry council providing guidance to a contracting service delivery area.

"(b) Each contracting service delivery area shall be equally rewarded under the appropriate performance standards.

"CARRYOVER AND REALLOCATION

"SEC. 110. (a) CARRYOVER.—

"(1) In any fiscal year the amount of funds allocated to a service delivery area which can be carried over to the fiscal year following the fiscal year for which the determination is made may not exceed 10 percent of the amount of funds allocated to such service delivery area for the year for which such determination is made.

"(2) The total amount of funds allocated to a service delivery area which can be carried forward to the fiscal year following the fiscal year for which the determination is made may not exceed 20 percent of the amount of funds allocated to such service delivery area for the year for which such determination is made.

"(3) In each fiscal year the Governor shall deduct the amount of funds carried over by a service delivery area in excess of the limitations imposed by paragraphs (1) and (2) from the allocation for such service delivery area for the fiscal year for which the determination is made. Any funds deducted pursuant to this paragraph shall be available for reallocation.

"(b) SERVICE DELIVERY AREA REALLOCATION.—The Governor shall reallot funds available under subsection (a) of this section for reallocation to those service delivery areas that have expended at least 90 percent of the total funds available to such service delivery area. The method the Governor shall use in making such reallocation shall be the same method that was originally used to allocate the funds among service delivery areas within the State.

"(c) STATE REALLOTMENT.—For program years beginning July 1, 1989, and thereafter, the Secretary shall, in accordance with the requirements of this section, reallot to eligible States the funds allotted to States from funds appropriated for such program year that are available for reallotment.

"(d) AMOUNT AVAILABLE FOR REALLOTMENT.—The amount available for reallotment is equal to—

"(1) the amount by which the unexpended balance of the State allotment at the end of the program year prior to the program year for which the determination under this section is made exceeds 20 percent of such allotment for that prior program year; plus

"(2) the unexpended balance of the State allotment from any program year prior to the program year in which there is such excess.

"(e) METHOD OF REALLOTMENT.—(1) The Secretary shall determine the amount that would be allotted to each eligible State by using the same method that was originally used to allocate among eligible States the amount available pursuant to subsection (b) of this section.

"(2) The Secretary shall, by using the same method that was originally used, allot to eligible States the amount available that remains after the allotment required by paragraph (1) of this subsection.

"(f) DEFINITION.—For purposes of this section, an eligible State means a State which has expended at least 80 percent of its allotment for the program year prior to the program year for which the determination under this section is made.".

(g) TECHNICAL AMENDMENT.—The table of contents of the Act is amended by adding after "Sec. 108. Limitation on certain cost." the following:

"Sec. 109. Service delivery area transfer and contract.

"Sec. 110. Carryover and reallocation.".

SEC. 6. ALLOTMENT AND WITHIN STATE ALLOCATION.

(a) ALLOTMENT.—(1) Section 201(b)(1) of the Act is amended—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(C) by striking out "33⅓" in subparagraph (A) (as redesignated in subparagraph (B)) and inserting in lieu thereof "50";

(D) by inserting "and" at the end of subparagraph (A) (as redesignated in subparagraph (B)); and

(E) by striking out "33⅓" in subparagraph (B) (as redesignated in subparagraph (B)) and inserting in lieu thereof "50".

(2) Section 201(b)(2)(B) of the Act is amended by striking the first sentence and inserting in lieu thereof the following new sentence: "No State shall be allotted more than 110 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made unless the Secretary waives the limitation imposed by this subparagraph based on a determination that such waiver will result in the ef-

fective utilization of funds and enhance the achievement of the objectives of the program.".

(3) Section 201(b)(3)(B) of the Act is amended by—

(A) inserting after the word "individual" the following: "who has attained 25 years of age but not 73 years of age and"; and

(B) inserting at the end thereof the following new sentence: The Secretary shall to the extent practicable, exclude college students and members of the Armed Services from the member of economically disadvantaged individuals.

(b) WITHIN STATE ALLOCATION.—(1) Section 202(a)(1) of the Act is amended by striking "78" and inserting in lieu thereof "80".

(2) Section 202(a)(2) of the Act is amended—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(C) by striking out "33⅓" in subparagraph (A) (as redesignated in subparagraph (B)) and inserting in lieu thereof "50";

(D) by inserting "and" at the end of subparagraph (A) (as redesignated in subparagraph (B)); and

(E) by striking out "33⅓" in subparagraph (B) (as redesignated in subparagraph (B)) and inserting in lieu thereof "50".

(3) Section 202(a)(2) of the Act is further amended by adding at the end thereof the following flush sentence:

"The private industry council in each service delivery area may reserve not more than 10 percent of the funds received under this part for experimental programming for groups with special needs to serve hard-to-serve eligible individuals (such as long-term recipients under the Aid to Families with Dependent Children program). Such funds shall be exempt from performance standards. The Comptroller General shall conduct a study to review and assess such experimental programs and shall submit the findings to the appropriate committees of Congress within 2 years of the date of enactment of this Act.".

(4) Section 202(a)(3) is amended by inserting after the first sentence the following new sentence: "No service delivery area shall be allocated more than 110 percent of its allocation for the fiscal year preceding the fiscal year for which the determination is made unless the Governor waives the limitation imposed by this subparagraph based on a determination that such waiver will result in the effective utilization of funds and enhance the achievement of the objectives of the program.".

(5) Section 202(a)(3)(B) of the Act is amended by—

(A) inserting after the word "individual" the following: "who has attained 25 years of age but not 73 years of age and"; and

(B) by inserting at the end thereof the following new sentence: "For the purpose of this subparagraph, and to the extent practicable, the Secretary shall exclude college students and members of the armed forces from the number of economically disadvantaged individuals.".

(6) Section 202(b) of the Act is amended—

(A) in paragraph (1) by striking "Eight percent" and inserting in lieu thereof "Five percent";

(B) in paragraph (1) by inserting the following new sentence at the end thereof: "A State may expend funds provided pursuant to this paragraph only to the extent that an equal amount is expended by other Federal, State, local or private sources to carry out such services.";

(C) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4) and (5) respectively; and

(D) by inserting the following new paragraph after paragraph (1):

"(2)(A) Three percent of the allotment of each State for each fiscal year shall be forwarded to service delivery areas to carry out long term training, basic skills, and educational services.

"(B) Out of the funds reserved for the service delivery areas pursuant to this paragraph, the Secretary shall provide for an independent evaluation of services provided under this paragraph and the effectiveness of services provided under this paragraph within one year of the date of enactment of this Act.";

(E) in paragraph (3) (as redesignated in subparagraph (C)) by striking "Three" and inserting "Two";

(F) in paragraph (4)(A) (as redesignated in subparagraph (C)) by striking "Six" and inserting in lieu thereof "Eight"; and

(G) in paragraph (4)(B) (as redesignated in subparagraph (C)) by—

(i) inserting "(i)" after the subparagraph designation; and

(ii) adding the following new clause:

"(ii) The Governor may only award incentive grants to service delivery areas which provide long term training or exceed performance standards relating to—

"(I) raising basic skills competencies;

"(II) serving hard to serve adults; and

"(III) providing long term job placement. For the purpose of this subparagraph the term 'long term job placement' means employment for a period of at least 9 months.".

SEC. 7. ELIGIBILITY FOR SERVICES.

(a) IN GENERAL.—Section 203(a)(1) is amended by—

(1) striking "Except as provided in paragraph (2), an" and inserting "An"; and

(2) by adding the following at the end thereof: "In providing services under this title a service delivery area shall give special emphasis to hard-to-serve populations or individuals most-in-need of basic skills and employment training services. A service delivery area shall test a participant's reading and math skills, and review an applicant's employment history in order to encourage the inclusion rather than the exclusion of those most in need of assistance. A service delivery area is not required to test a participant's reading and math skills if the results of a standardized test administered to individuals within 1 year of application of such individual for services under this part for reading and math are made available to the service delivery area for review.".

(b) SPECIAL RULE.—Section 203(a)(2) of the Act is amended to read as follows:

"(2)(A) Up to 10 percent of all participants in all programs in a service delivery area receiving assistance under this part may be individuals who are not economically disadvantaged if such individuals are in 2 or more of the classes of individuals described in subparagraph (B)(i).

"(B) In addition to the individuals described in subparagraph (A), an additional 5 percent of all participants in all programs in a service delivery area receiving assistance under this part may be individuals who are not economically disadvantaged if—

"(i) such individuals are included in 2 or more of the following categories:

"(I) limited English proficient individuals;

"(II) displaced homemakers;

"(III) school dropouts;

"(IV) teenage parents;

"(V) handicapped individuals;

"(VI) older workers;

"(VII) veterans;

"(VIII) offenders;

"(IX) alcoholics;

"(X) addicts; or

"(XI) homeless individuals; and

"(ii) the plan for inclusion of such individuals has been set forth in the job training plan pursuant to section 104 and has been approved by the Governor pursuant to section 105.".

(c) TRANSFER PROVISIONS.—Section 203(b) is amended—

(1) in the first sentence of paragraph (1) by striking out "Funds" and inserting "Except as provided in paragraph (2), funds";

(2) in the first sentence of paragraph (1) by striking "youth and";

(3) by striking the second sentence of paragraph (1); and

(4) by amending paragraph (2) to read as follows:

"(2) A service delivery area may transfer funds provided under this part to part B of this title for youth programs if a description of such transfer is included in the job training plan pursuant to section 104 and the Governor approves the transfer pursuant to section 105.".

(d) DEFINITION OF ADULT.—Section 203(c) of the Act is amended to read as follows:

"(c) For the purposes of this title, the term 'adult' means an individual who is 25 years of age or older.".

(e) TECHNICAL AMENDMENTS.—(1) Section 104(b) of the Act is amended—

(A) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(B) by inserting the following new paragraph after paragraph (8):

"(9) the amount of funds transferred pursuant to section 203(b)(2) and the reasons for such transfer;".

(2) The first sentence of section 204 of the Act is amended by striking "youth and";

SEC. 8. PLACEMENT STUDY.

(a) IN GENERAL.—Section 205 is amended to read as follows:

"PLACEMENT STUDY

"SEC. 205. The Comptroller General of the United States shall conduct a study to determine how many and what percentage of adults assisted under this part remain in a job in which they were placed through programs assisted under this part for at least 9 months. The Comptroller General shall submit the findings to the appropriate committees of Congress within 2 years of the date of enactment of this Act.".

(b) TECHNICAL AMENDMENT.—(1) The table of contents of the Act is amended—

(A) by striking "AND YOUTH" in the heading for part A of title II of the Act.

(B) in the item relating to section 205 by striking "Exemplary youth programs" and inserting in lieu thereof "Placement study";

(2) The heading for part A of title II of the Act is amended by striking "AND YOUTH".

SEC. 9. YOUTH EMPLOYMENT AND TRAINING PROGRAM ALLOTMENT.

(a) TITLE.—Part B of title II of the Act is amended by striking out "SUMMER" in the heading of such part.

(b) Section 252(b) of the Act is amended to read as follows:

"(b) Subject to the provisions of subsections (c) and (d), of the remainder of the

amount available for this part for each fiscal year—

"(1) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State compared to the total number of economically disadvantaged youth in all States;

"(2) 25 percent shall be allotted on the basis of the relative number of unemployed youth who reside in each State compared to the total number of unemployed youth in all the States; and

"(3) 25 percent shall be allotted on the basis of the relative number of the economically disadvantaged youth residing in areas with substantial numbers of economically disadvantaged youth in each State as compared to the total number of such economically disadvantaged youth in all such areas in all States.

"(c) No State shall be allotted less than 100 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(d) No State shall be allotted more than 110 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made unless the Secretary waives the limitation imposed by this subsection based on a determination that such waiver will result in the effective utilization of funds and enhance the achievement of the objectives of the program.

"(e) For the purposes of subsection (b)—

"(1) the term 'economically disadvantaged youth' means an individual who is aged 16 through 24 and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of the poverty level as issued by the Office of Management and Budget or 70 percent of the lower living standard income level. The term 'economically disadvantaged youth' excludes college students and members of the armed forces, as appropriate, and to the extent practical, as determined by the Secretary; and

"(2) the term 'area with substantial numbers of economical disadvantaged youth' means an area of sufficient size and scope to sustain a program under part B of title II of this Act and in which the percentage of economically disadvantaged youth in the population of youth aged 16 through 24 is at least 20 percent.

"(f)(1) The Governor shall, in accordance with section 162, allocate the allotment of the State (under section 252(b)) for such fiscal year among service delivery areas within the State in accordance with paragraph (2).

"(2) Subject to the provisions of paragraph (3), of the amount available for this part for each fiscal year—

"(A) 50 percent shall be allocated on the basis of the relative number of economically disadvantaged youth within each service delivery area compared to the total number of economically disadvantaged youth in the State; and

"(B) 50 percent shall be allocated on the basis of the number of economically disadvantaged youth residing in areas with substantial numbers of economically disadvantaged youth in each service delivery area compared to the total number of such economically disadvantaged youth in such areas in all service delivery areas in the State.

"(3) For fiscal years beginning after September 30, 1989, no service delivery area within any State shall be allocated an amount equal to less than 90 percent of the average of its allocation percentage for fiscal year 1989. The allocation percentage for a service delivery area is the percentage which the service delivery area received of the total amount allocated pursuant to this subsection to all service delivery areas within the State for each such preceding fiscal year. If the amounts appropriated pursuant to section 3 (a) and (b) of the Act are not sufficient to provide an amount equal to at least 90 percent of such allocation percentages to each such area, the amounts allocated to each area shall be ratably reduced.

"(4) No service delivery area shall be allotted more than 110 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made unless the Governor of the State waives the limitation imposed by this subparagraph based on a determination that such waiver will result in the effective utilization of funds and enhance the achievement of the objectives of the program.

"(5) For purposes of paragraph (2)—

"(A) the term 'economically disadvantaged youth' means an individual who is aged 16 through 24 and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of the poverty level as issued by the Office of Management and Budget or 70 percent of the lower living standard income level. The term 'economically disadvantaged youth' excludes college students and members of the armed forces as appropriate and to the extent practical as determined by the Secretary; and

"(B) the term 'area with substantial numbers of economically disadvantaged youth' has the same meaning given that term in subsection (e)(3).".

SEC. 10. USE OF FUNDS.

(a) IN GENERAL.—Section 253(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) adding at the end thereof the following:

"(3) needs-based payments necessary to participate in the program in accordance with a locally developed formula or procedure; and

"(4) compensation in the form of work experience wages.".

(b) ADDITIONAL SERVICES.—Section 253 of the Act is amended by adding at the end thereof the following new subsections:

"(c)(1) In addition to the services set forth in section 255(2) funds available for this part may be used, where appropriate, to provide the following services to in school, dropout prone youth:

"(A) combined basic and life skills instruction, and work experience during the summer months;

"(B) enriched basic skills and study skills training, including tutoring, during the school year;

"(C) supplemental school year activities such as individual and group counseling, mentoring, career awareness, and social group and educational activities;

"(D) preemployment and socialization skills and behavior training; and

"(E) supportive services necessary to enable individuals to participate in the program.

"(2) For the purposes of this subsection the term 'dropout prone youth' is a youth who—

"(A) is at risk of academic failure or of dropping out of school;

"(B) has high absentee rates in addition to poor grades;

"(C) has disciplinary or school suspension problems;

"(D) is a teen parent;

"(E) is of limited English proficiency;

"(F) is a juvenile offender; or

"(G) is educationally and economically disadvantaged.

"(d) In addition to the services set forth in section 255(2) funds available for this part may be used, where appropriate, to provide the following services to school dropouts and out-of-school youth:

"(1) specialized outreach arrangements;

"(2) basic skills training, including tutoring;

"(3) occupational skills training, work experience, limited internships in the private-for-profit sector, and job development and placement assistance;

"(4) work readiness and life skills training, counseling, mentoring, parenting education, and post-program follow-up services; and

"(5) supportive services necessary to enable individuals to participate in the program.

"(e) Programs under this part may be conducted during the summer months or on a year-round, full-time basis, provided no more than 40 percent of the funds available for this part shall be used for summer youth programs.".

SEC. 11. LIMITATIONS.

(a) IN GENERAL.—Section 254(a) is amended to read as follows:

"(a) Programs under this part may be conducted on a year-round, full-time basis or during the summer months.".

(b) SPECIAL CONSIDERATION.—Section 254(b) of the Act is amended by—

(1) inserting "(1)" after the subsection designation;

(2) striking "Except as provided in subsection (c) individuals" and inserting in lieu thereof "Individuals"; and

(3) inserting the following new paragraphs after paragraph (1) (as redesignated in paragraph (1)):

"(2) Special consideration shall be given to economically disadvantaged youth who experience severe disadvantages, such as—

"(A) school dropouts;

"(B) students with poor academic and attendance records;

"(C) students who are eligible for or receive services under the National School Lunch Act or chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965;

"(D) pregnant or parenting teens;

"(E) handicapped youth;

"(F) limited-English proficient students;

"(G) recipients or members of families who are receiving public assistance; or

"(H) juvenile and other youth offenders.

"(3)(A) Up to 10 percent of all participants in the programs assisted under this part may be individuals who are not economically disadvantaged if such individuals are in 2 or more of the classes of individuals described in paragraph (2).

"(B) In addition to the individuals described in subparagraph (A), an additional 5 percent of all participants in the programs assisted under this part may be individuals who are not economically disadvantaged if—

"(i) such individuals are in 2 or more of the classes of individuals described in paragraph (2); and

"(ii) the plan for inclusion of such individuals has been set forth in the job training plan pursuant to section 104 and has been approved by the Governor pursuant to section 105.".

(c) YEAR-ROUND ELIGIBILITY.—Section 254(c) of the Act is amended by—

(1) inserting "(1)" after the subsection designation;

(2) striking "summer", and inserting after "part" a comma and "with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school"; and

(3) inserting the following paragraph after paragraph (1) (as redesignated in paragraph (1)):

"(2) Individuals eligible to participate in year-round programs under this part are—

"(A) youth who are aged 16 through 24;

"(B) economically disadvantaged youth; and

"(C) youth who are deficient in basic skills.".

SEC. 12. REQUIREMENTS FOR YEAR-ROUND PROGRAMS.

(a) IN GENERAL.—Title II of the Act is amended—

(1) by redesignating section 255 as section 256; and

(2) by adding after section 254 the following new section:

"REQUIREMENTS FOR YEAR-ROUND PROGRAMS

"SEC. 255. (a) A service delivery area operating a year-round program under this part shall—

"(1) include in the job training plan a description of the year-round program including—

"(A) goals and objectives to be attained,

"(B) activities and services to be provided,

"(C) linkages established with other local agencies to provide services under the year-round program, and

"(D) service strategies of demonstrated effectiveness on which the provision of services will be based or, where new strategies are undertaken, the design of the program that will allow for rigorous and objective evaluation of the new strategies;

"(2) provide to each participant—

"(A) the development of a service strategy; and

"(B) basic skills assistance; and

"(3) establish linkages with local educational agencies that include, but are not limited to—

"(A) arrangements to ensure that the program assisted under this section supplements existing programs provided by local education agencies to in-school youth;

"(B) arrangements to ensure that the program assisted under this section utilizes existing services provided by local education agencies to out-of-school youth to the extent possible;

"(C) agreements providing that, where feasible, the local educational agencies shall notify the program assisted under this section when a youth drops out of the school system;

"(D) arrangements for obtaining information relating to the literacy levels of participants; and

"(E) other appropriate linkages which enhance the provision of services assisted under this section.

The private industry council in each service delivery area operating a year-round program under this part may establish linkages with local service agencies, community organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment, and social service programs, including programs conducted under part A of title II.

"(b) LIMITATION.—Not more than 15 percent of the funds available for year-round programs assisted under this part may be used to pay the costs of administration.".

(b) TECHNICAL AMENDMENT.—The table of contents in part B of title II of the Act is amended—

(1) by redesignating the item relating to section 255 as section 256; and

(2) by adding the following after section 254:

"Sec. 255. Requirements for year-round programs.".

SEC. 13. EXEMPLARY YOUTH PROGRAMS.

Part B of title II of the Act is amended by inserting the following new section after section 256 (as amended in section 12(a)(1) of this Act):

"EXEMPLARY YOUTH PROGRAMS

"SEC. 257. (a) In addition to the services for youth which may be available in accordance with this part, the job training plan may, at the option of those responsible for its preparation, elect to include one or more of the exemplary youth programs described in subsections (b) through (e) of this section, each of which may be modified by the plan to accommodate local conditions.

"(b)(1) The job training plan may provide for the conduct of a 'basic skills for employment program' for eligible youth who have not attained a high school diploma or who have basic skills deficiencies despite the attainment of a diploma, with priority given to high school dropouts.

"(2) The basic skills for employment programs may provide for the maintenance of a network of learning centers offering individualized or group instruction in convenient locations, such as schools, neighborhood organizations, libraries, and other sites, including mobile vans in rural areas.

"(3) The curricula provided by such network shall be designed to prepare the student to meet State and locally determined general education diploma and basic skills competency requirements.

"(4) For purposes of this section, priority shall be given in the selection of service providers to previously funded in-school and community based organization projects which are both cost-effective and of demonstrated success, and which otherwise meet the criteria of this Act.

"(c)(1) The job training plan may provide for the conduct of a 'preemployment skills training program' for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

"(2) The preemployment skill training program may provide youth up to 200 hours of instruction and activities.

"(3) The instruction and activities may include—

"(A) assessment, testing, and counseling;

"(B) occupational career and vocational exploration;

"(C) job search assistance;

"(D) job holding and survival skills training;

"(E) basic life skills training;

"(F) remedial education;

"(G) labor market information; and

"(H) job-seeking skills training.

"(d)(1) The job training plan may provide for the conduct of an 'entry employment experience program' for youth who—

"(A) have completed preemployment skills training or its equivalent;

"(B) have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

"(C) are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term,

with priority given to youth who do not plan to continue on to postsecondary education.

"(2) Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

"(3) Entry employment experiences may be one of the following types:

"(A) Full-time employment opportunities in public and private nonprofit agencies during the summer and on a part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

"(B) Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

"(C) Cooperative education programs to coordinate educational programs with work in the private sector.

"(e)(1) The job training plan may provide for the conduct of a 'school-to-work transition assistance program' for youth who are—

"(A) high school seniors who plan to enter the full-time labor market upon graduation, with priority to seniors in high schools having a predominance of students from families with incomes below 70 percent of the lower living standard income level; and

"(B) dropouts, with followup as immediately as possible after leaving school.

"(2) Transition services include—

"(A) provision of occupational information;

"(B) short-duration job search assistance;

"(C) job clubs;

"(D) placement and job development; and

"(E) followup.

"(3) Seniors and dropouts who are eligible for and in need of training activities may be provided information and, were appropriate, referred to—

"(A) preemployment skills training, entry employment experience, and remedial education and basic skills training;

"(B) adult training activities; and

"(C) the Job Corps.".

(c) TECHNICAL AMENDMENT.—The table of contents in part B of title II of the Act is amended by adding the following after section 256 of the Act (as amended by section 12(b)):

"Sec. 257. Exemplary youth programs.".

SEC. 258. REPLICATION OF SUCCESSFUL PROGRAMS.

(a) IN GENERAL.—Part B of title II of the Act is amended by inserting the following new section after section 257 of the Act (as amended by section 13(b)):

"(a) REPLICATION PROGRAM AUTHORIZED.—From funds appropriated pursuant to section 3(b) of the Act, the Secretary shall, in consultation with the expert review panel appointed pursuant to subsection (c), make grants to national or regional public or private nonprofit organizations which meet the requirements of this section for the provision of technical assistance, and to States and service delivery areas for costs associated with the development and operation of model programs approved by the Secretary in accordance with the provisions of this section.

"(b) APPROPRIATIONS FORMULA.—(1) If the amount appropriated under section 3(b) for any fiscal year exceeds $1,424,000,000 but does not exceed $1,524,000,000 then the lesser of—

"(A) the amount of such excess, or

"(B) $10,000,000,

shall be used for the demonstration programs authorized by this part.

"(2) If the amount appropriated in any fiscal year exceeds $1,524,000,000 then the lesser of—

"(A) the amount of such excess, or

"(B) $20,000,000,

shall be used for the demonstration programs authorized by this part.

"(3) This paragraph shall apply notwithstanding any other provision of law enacted after the date of enactment of this Act, including any appropriations Act, unless this subsection is specifically cited in such provision of law.

"(c) REVIEW PANEL.—(1) The Secretary shall appoint a review panel of recognized experts in the evaluation of employment and training programs for economically disadvantaged youth. Such panel shall select and designate model programs pursuant to the provisions of this section. The review panel shall meet at least once each year to carry out the responsibilities described in this section. No member of such panel shall have a direct financial interest in or affiliation with a potential recipient of funds under the program authorized by this section.

"(2) The review panel shall select and designate model programs and make recommendations to the Secretary regarding those programs the review panel deems likely to be successful in improving the employment prospects of economically disadvantaged youth and which are replicable on a large scale. In selecting such programs the review panel shall consider—

"(A) the size and scope of the program;

"(B) the length of time the program has been operating;

"(C) the nature and reliability of measurable outcomes for the program;

"(D) the capacity of the sponsoring national or regional organization to provide the technical assistance necessary for States and local communities to replicate the program; and

"(E) the likelihood the program will be successful in diverse economic, geographic, and cultural environments.

"(3) Each member of the review panel who is not an officer or employee of the United States shall be compensated at a rate established by the review panel not to exceed the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the review panel. Each member of the review panel who is an officer or employee of the United States shall receive no additional compensation.

"(d) SPECIAL CONSIDERATION.—The review board shall give special consideration to programs that have the demonstrated ability to integrate or coordinate services through collaborative efforts with other service providers in the areas of basic skills instruction, occupational, and pre-employment and work maturity training programs.

"(e) CRITERIA FOR MODEL PROGRAMS.—The review panel shall consider any program for designation as a model program if such program—

"(1) is designed to improve the employment prospects of economically disadvantaged youth;

"(2) is sponsored or operated by a national or regional public or private nonprofit organization with the capacity to provide the technical assistance necessary to enable States and local communities to implement the program;

"(3) has demonstrated reasonable evidence of success, as reflected in measurable outcomes related to stated program goals and objectives; and

"(4) has operated on a scale sufficient to demonstrate that the program has the potential to be replicated across a wide range of sites and successfully serve large numbers of economically disadvantaged youth.

"(f) APPLICATIONS.—Each public or private nonprofit organization, State, or service delivery area desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) describe the activities and services for which assistance is sought; and

"(2) contain such information and assurances as the Secretary may require to ensure compliance with the provisions of this Act.

"(g) GRANT LIMITATIONS.—(1) In any 3-year period the Secretary shall not approve grants for the same replication activities in more than 10 States or communities. During this 3-year period, the results of such limited replication efforts shall be carefully evaluated and examined by the review panel, which shall submit recommendations to the Secretary regarding the advisability of replicating the model program in more than 10 States or communities or for longer than 3 years. On the basis of such recommendations, the Secretary shall have authority to replicate such programs in more than 10 communities or for longer than 3 years.

"(2) Notwithstanding the provisions of paragraph (2), the Secretary may, upon recommendation of the review panel, waive the limitation set forth in paragraph (1) if immediate replication efforts on a larger scale is warranted by extensive evaluation of the program prior to its designation as a model program pursuant to the provisions of this paragraph.".

(b) TECHNICAL AMENDMENT.—The table of contents in part B of the Act is amended by adding the following after section 257 (as amended in section 13(c)(2)):

"Sec. 258. Replication of successful programs.".

SEC. 14. FAIR CHANCE YOUTH EMPLOYMENT AND TRAINING CHALLENGE GRANT.

(a) IN GENERAL.—Title IV of the Act is amended by adding at the end thereof the following new part H:

"PART H—FAIR CHANCE YOUTH OPPORTUNITY CHALLENGE GRANT

"STATE ALLOTMENT

"SEC. 491. (a)(1) The Secretary shall allot for each fiscal year to each State which has submitted a plan under section 493 a portion of the funds appropriated under the authority of section 499 for such fiscal year that bears the same relationship to the total amount of such funds as the youth population of such State bears to the total youth population of the United States.

"(2)(A) Except as provided in subparagraph (B), the amount allotted to each State under paragraph (1) for each fiscal year shall equal or exceed $250,000.

"(B) The amount allotted under paragraph (1) for each fiscal year to each of the following shall equal or exceed $125,000: the United States Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau.

"(b)(1) In any fiscal year the amount of funds allotted to a State which can be carried over to the fiscal year following the fiscal year for which the determination is made may not exceed 10 percent of the amount of funds allotted to such State for the year for which such determination is made.

"(2) The total amount of funds allotted to a State which can be carried forward to the fiscal year following the fiscal year for which the determination is made may not exceed 20 percent of the amount of funds allotted to such State for the year for which such determination is made.

"(3) In each fiscal year the Governor shall deduct the amount of funds carried over by a State in excess of the limitations imposed by paragraphs (1) and (2) from the allotment for such State for the fiscal year for which the determination is made. Any funds deducted pursuant to this paragraph shall be available for reallocation.

"(4) The Secretary shall reallot any funds appropriated for a fiscal year under the authority of section 499 that have not been obligated before July 1 of the succeeding fiscal year among those States that have obligated before such date all of such funds allotted to those States. The portion of such funds reallotted to each of such States shall bear the same relationship to the total amount of such funds as the youth population of such State bears to the youth population of such States.

"(c) In awarding grants under this part the State agency shall give priority to consortia serving demonstration target areas with high proportions of—

"(1) economically disadvantaged youth;

"(2) school dropouts;

"(3) students who are eligible for school lunch or breakfast or education services under chapter 1 of title 1 of the Elementary and Secondary Act of 1965;

"(4) limited-English proficient students; or

"(5) juvenile and other youth offenders.

"(d) The Secretary shall provide for the active consultation and participation of the Secretary of Education in the promulgation of regulations necessary to carry out the provisions of this part.

"GRANTS

"SEC. 492. The funds allotted to each State under section 491 shall be used by the State agency to provide grants to eligible consortium in the State to pay not more than 50 percent of the costs incurred by such consortium in providing comprehensive education, training, and support services and programs in demonstration target areas to youth living within such demonstration target areas who seek such opportunities.

"STATE PLAN

"SEC. 493. The Governor of each State shall submit a 5-year plan to the Secretary for carrying out the provisions of this part. Each such plan shall—

"(1) designate the State agency responsible for supervising the preparation and administration of the plan;

"(2) provide for the appointment of an advisory group by the Governor (or the designation of an existing State coordinating body which is broadly representative of the education and training resources of the State, including, but not limited to, the State Job Training Coordinating Council) to participate in the development and review of the State's plan, including State officials for education, vocational-technical education, employment and training, and social services, as well as representatives of business, industry, labor, and community-based agencies offering alternative education or training programs;

"(3) provide for the designation of eligible demonstration target areas within each State which are characterized by chronically low levels of economic activity or a deteriorating economic base which has caused such adverse effects as—

"(A) a concentration of unemployed youth which substantially exceeds the average rate of unemployment among youth in the State, or

"(B) a large concentration of low-income youth and families;

"(4) provide assurances that the size and scope of the demonstration target area to be served as part of any approved application is calculated to provide access to education, training, and support services to youth living in such target area who seeks such opportunities;

"(5) provide assurance that funds provided under this part will be used to supplement, and not supplant, funding from other local, State, and Federal sources available to youth in demonstration target areas;

"(6) provide assurances that program activities funded under this part are coordinated with programs in the State operated under the Carl D. Perkins Vocational Education Act, the Adult Education Act, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, the Rehabilitation Services Act of 1973, the Job Training Partnership Act, the Family Support Act, and with any other relevant employment, training, and education programs available in the State;

"(7) provide assurances of an opportunity for review and comment of any application under this part by the State Job Training Coordinating Council or the local private industry council(s) serving the demonstration target area prior to approval by the State;

"(8) provide for the evaluation of the Fair Chance Youth Opportunity Challenge Grant program to determine whether—

"(A) the increased education, training, counseling, career development, and other support services guaranteed to youth living in demonstration target areas result in increased rates of enrollment, retention, and completion, and

"(B) the extent to which current programs available to youth in the demonstration target areas are of sufficient number, variety, and quality to meet demand; and

"(9) provide such information in such form as the Secretary may reasonably require to enable the Secretary to aggregate and analyze data necessary for the completion of the national evaluation of programs funded under this part pursuant to section 497.

"ELIGIBLE CONSORTIA

"SEC. 494. (a)(1) Eligible consortia applying for demonstration grants under this part must be broadly representative of the education and training providers of their community. Each such eligible consortia shall consist of—

"(A) representatives of business, industry, and labor;

"(B) community-based organizations, including youth-serving organizations;

"(C) State and local education agencies, including area vocational schools;

"(D) State and local employment and training agencies;

"(E) institutions of postsecondary education, including community colleges and vocational-technical education institutes; and

"(F) residents of demonstration target areas who are typical of youth to be served under this part.

"(2) An eligible consortia may consist of any existing entity including any community organization or group which meets the representation requirements of subparagraphs (A) through (F) of paragraph (1). Such existing entities may include—

"(A) local education entities, districts, or area-wide councils;

"(B) community education districts;

"(C) private industry councils;

"(D) youth coordinating councils;

"(E) county or regional economic development authorities; or

"(F) other appropriate entities which are broadly representative of the public and private education and training resources of the entire community and demonstrate the capacity to carry out the provisions of this part.

"(b) The State agency designated by the Governor pursuant to section 493(a) shall award at least 1 and not more than 2 eligible consortia assistance under this Act.

"(c) Eligible consortia that already have programs designed to integrate services available to youth and increase access to programs for youth consistent with the provisions of this part are encouraged to apply to the State agency for assistance under this Act in order to strengthen, enhance, expand, and evaluate such programs and services to both college-bound and non-college-bound youth.

"(d) States shall encourage consortia to make use of the resources, expertise, and commitment of both formal institutions of education, such as colleges, universities, vocational and technical schools and institutes, and community colleges, as well as such service providers as—

"(1) community-based organizations providing vocational skills, literacy, remedial education, and general equivalency preparation, including those serving youth with limited English proficiency;

"(2) youth conservation and human service corps;

"(3) Job Corps centers;

"(4) apprenticeship programs; and

"(5) projects and programs funded under the Job Training Partnership Act.

"APPLICATION

"SEC. 495. (a) Any eligible consortium desiring to receive a demonstration grant under this part shall submit an application to the State agency at such time, in such manner, and containing or accompanied by such information as the State agency may reasonably require. Each such application shall—

"(1) contain a five-year plan for the development and implementation of activities under this part;

"(2) demonstrate a means to ensure that all youth in a demonstration target area have access to a comprehensive range of education and training opportunities;

"(3) containing a description of resources available in a demonstration target area from private, local government, State, and Federal sources which will be used in the demonstration program;

"(4) provide an estimate of the expected number of youth to be served and the total cost thereof;

"(5) include an estimate of funds required to ensure access to appropriate education, training, and support services for all youth who seek such opportunities;

"(6) provide outreach, recruitment, and motivational mechanisms to encourage youth within the demonstration target area to pursue appropriate education and training;

"(7) provide a case management and career development system to ensure each youth a well-trained and committed career counselor who offers continuous assessment, career information, counseling, placement, follow-up, and advocacy assistance to all participating youth;

"(8) include a cooperative agreement among youth-serving organizations and public and private agencies within the consortium designed to ensure coordination, pool resources, avoid duplication, and, where feasible, tap the energies and talents of community volunteers of all ages, including adult mentors and students;

"(9) provide for the maintenance of such information as may be required by the State and Secretary, including data necessary for the national evaluation described in section 497, to ensure that such State and its demonstration grant recipients are complying with the requirements of this part;

"(10) demonstrate that varied sources of funding will be fully utilized and effectively coordinated within the demonstration target area;

"(11) where appropriate, provide for the sharing of facilities, equipment, and resource materials among consortia members;

"(12) establish outcomes for participating youth and specify accountability measures for assessing such outcomes; and

"(13) demonstrate the capability to establish a coordinated and comprehensive program which serves the broadest possible range of youth interests and needs, and simultaneously mobilizes the diverse range of

education and training providers in the geographic area.

"(b) Any application approved by the State agency for the purposes of this part shall be broad enough to support vocational and technical education, skills training, academic remediation, work experience, counseling, career development, and other support services, and shall seek to encourage and increase enrollment in both two- and four-year colleges leading to an associate or baccalaureate degree.

"USE OF FUNDS, NON-FEDERAL SHARE

"SEC. 496. (a)(1) No funds provided under this part shall be used by local education agencies to provide educational services to youth enrolled in secondary schools during regular school hours.

"(2) No funds under this part shall be used for student financial assistance, except to the extent permitted by regulations promulgated by the Secretary. Any such regulations shall require documentation of a finding that the lack of such funds prohibits access to needed education or training and that existing Federal, State, and local student financial aid available to youth within the demonstration target area has been fully utilized.

"(b) The portion of the costs described in section 492(a) that are not paid by a grant provided under that section shall be paid in cash and may include funds from other Federal, State, or local sources including private sector contributions.

"(c) Not more than 5 percent of funds allotted to each State in any fiscal year under this section 491 may be expended for administrative costs incurred by the State in carrying out the program established under this part.

"EVALUATION

"SEC. 497. (a) The Secretary shall provide a thorough, independent evaluation of the various approaches taken by the States in different demonstration programs to assess the outcomes of youth participating in such programs. Evaluation measures may include—

"(1) enrollment, retention, and completion rates;

"(2) high school graduation rates;

"(3) avoidance of anti-social behavior and self-destructive behavior;

"(4) subsequent employment;

"(5) continued pursuit of advanced education and training;

"(6) admission into four-year colleges and universities; or

"(7) admission into the armed forces, and similar measures.

"(b) The Secretary shall develop a report detailing the results of the independent evaluation and submit such report to the President and the Congress no later than December 31, 1994, along with an analysis of expenditures made, results achieved, and problems in the operations and coordination of programs funded under this part. Such report should summarize findings concerning—

"(1) whether, if a combination of education, training, career guidance, counseling, and other support services were made to youth living in designated geographic target areas, the rates of student enrollment, retention, and completion would increase;

"(2) the extent to which current programs are sufficient in number, variety, and quality to meet demand; and

"(3) the feasibility of extending access to comprehensive education, training and support services and programs required under this part to all areas of the nation, including possible approaches to the incremental extension of such access over time.

"DEFINITIONS

"SEC. 498. As used in this part:

"(1) The term 'demonstration target area' means a geographic area described in section 493 (3) and (4) that is designated under a plan submitted under section 493.

"(2) The term 'State agency' means the State agency designated by the Governor of each State responsible for supervising and the preparation and administration of the State plan.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 499. There are authorized to be appropriated to carry out the provisions of this Act—

"(1) $100,000,000 for fiscal year 1990,

"(2) $150,000,000 for fiscal year 1991,

"(3) $200,000,000 for fiscal year 1992,

"(4) $250,000,000 for fiscal year 1993, and

"(5) such sums as may be necessary for fiscal year 1994.".

(b) TECHNICAL AMENDMENT.—Section 3(a)(1)(B) of the Act (as amended by section 2 of this Act) is further amended by adding "and part H" after "part B".

(c) TABLE OF CONTENTS.—The table of contents of the Act is amended by adding after "Sec. 481. Affirmative action." the following:

"PART H—YOUTH OPPORTUNITY DEMONSTRATION GRANT

"Sec. 491. State allotment.
"Sec. 492. Grants.
"Sec. 493. State plan.
"Sec. 494. Eligible consortia.
"Sec. 495. Application.
"Sec. 496. Use of funds; non-Federal share.
"Sec. 497. Evaluation.
"Sec. 498. Definitions.
"Sec. 499. Authorization of appropriations.".

SEC. 15. NATIONAL COMMISSION FOR EMPLOYMENT POLICY.

(a) NATIONAL COMMISSION FOR EMPLOYMENT POLICY.—Title IV of the Act is amended by striking part F.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 3(a)(2) of the Act is amended by striking "(E), (F), and (G)" and inserting in lieu thereof "(E) and (G)".

(2) Section 3(a)(3) of the Act is amended to read as follows:

"(3) Of the amounts so reserved under paragraph (2), 5 percent shall be available for part C of title IV.".

(c) TECHNICAL AMENDMENT.—The table of contents of the Act is amended by striking part F and all that follows through item relating to section 475.

SECTION-BY-SECTION SUMMARY OF THE JOB TRAINING PARTNERSHIP ACT—A BILL TO AMEND TITLE II

Section 1.—Short Title: Job Training Partnership Act (JTPA) Youth Employment Amendment of 1989.

Section 2.—Authorization of Appropriations—

Amends Sec. 102 of the Act by deducting 40% of IIA funds mandated in current law for services to eligible youth and transfering that amount to Title IIB. (a) After transfering 40% of funds from IIA to IIB, an increase of an additional $150 million is authorized over the remaining appropriations for a total authorization of $1.223 billion.

(b) Authorizes in FY 1990 an increase of $150 million, in addition to the 40% of funds from IIA, for a total authorization of $1.574 billion.

(c)(1) Insert new language that the total amount allotted to each State under IIA and IIB shall equal or exceed the amount allotted to such State for FY 1989.

(c)(2) Insert new language so that if the amounts appropriated under (a) and (b) above for any fiscal year are insufficient to meet the requirements of paragraph (1), the total amount allotted under IIA and IIB shall be ratably reduced.

Section 3.—Definitions.

Section 4.—Private Industry Councils (PICs)—

1. Amends Sec. 102 of JTPA by inserting the word "majority" instead of 51% for the private sector composition of a PIC and requires that the remaining members of the PIC be composed of a 17% minimum of organized labor and community-based organizations (CBOs); and not less than 25% of the PIC membership shall consist of representatives of all education industries in the service delivery areas (SDAs), including representatives of institutions higher education, at least one representative of a program or agency providing vocational rehabilitation to people with disabilities, and representatives of public service agencies, including employment service, public assistance and economic development.

2. The Chairman of the council shall be selected from among members of the council who are representatives of the private sector.

3. Education representatives shall be selected when nominated by regional educational agencies, vocational education and higher education institutions, including private career schools, or general organizations of such schools and institutions within the SDA.

4. Labor representatives on PIC shall be selected when recommended by recognized State and local labor organizations. Unorganized labor may be included if adequate labor representation cannot be met.

5. The remaining members of the council shall include additional representatives from all sectors represented on the council.

6. Phases in PIC change so that no PIC will be in violation of this amendment until 3 years after enactment of this Act.

Section 5.—Performance Standards—

1. Sec. 106(b)(1) ia amended by inserting language after "title II" so that the basic measure of performance for adult training programs under title II is also "the aquisition of basic educational competency". The section is further amended by prescribing standards on the basis of factors which may include:

(A) acquiring basic skills and workplace competencies including raising the grade level of reading, writing and computational skills, as well as the aquisition of a high school diploma or a general equivalency diploma;

(B) retention in unsubsidized employment would be defined as a period greater than 6 months. The section retains additional factors such as placement in unsubsidized employment, an increase in earnings, and AFDC reductions.

2. Sec. 106(b)(4). Requires the Secretary to add new performance standards for:

(A) hard-to-serve individuals (including handicapped individuals), which should not emphasize cost efficiency if it impairs the effectiveness of programs under JTPA, and one set of performance standards for all other individuals receiving JTPA assistance; and

(B) for in-school and out-school youth programs assisted under Title IIB.

3. Sec. 106(b). Adds language that the Secretary shall not prescribe standards which penalize SDAs for using funds provided for support services pursuant to Sec. 108(b)(2)(A)(iii).

4. Sec. 108 Additional Funding for Support Services.—Redesignates subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and adds new language in (c).

(c) In addition to the 15% funds available under Sec. 108(b)(2)(A)(iii), an additional 10% of the funds available to SDA under Title IIA may be expended for support services if such additional support funds are spent providing eligible individuals with long term services, and the request is justified under the job training plan pursuant to Sec. 104, and is approved by the Governor.

5. Sec. 109. Service Delivery Area Transfer and Contract.—Adds section that allows SDAs to enter into contracts with one another to share the cost of educating, training and placement of individuals in programs assisted under JTPA including the "support services" provision. Each SDA shall be equally rewarded under the appropriate standards.

6. Sec. 110. Carryover and Reallocation.—Add the following section:

(a) Carryover.—(1) In any Fiscal Year the amount of funds allocated to a SDA which can be carried over to the following FY may not exceed 10% of the funds allocated to the SDA for that previous FY; (2) and the total cumulative amount of funds which may be carried over each year by an SDA may not exceed 20%.

(b) Service Delivery Area Reallocation.—The Governor may reallot funds to SDAs which have expended 90% of its funds by the original method used to allocate funds among SDAs within the State.

(c) State Reallotment.—The Secretary shall reallot funds from state carry-over funds exceeding 20% of such allotment for that prior program year to eligible states that are available for reallotment by using the same method that was originally used to allocate among eligible States pursuant to subsection (b) of this section.

Section 6—Title—Part A of Title II of the Act is amended to read "Adult Program."

Allotment and Within State Allocation.—

1. Amends Sec. 201(b)(1) by striking part (A) of the formula and redesignating subparagraphs (B) and (C) as (A) and (B). (A) This changes the 33⅓% allotted on the basis of the relative excess number of unemployed individuals in each state compared to the total excess number of unemployment individuals in all states to 50%; and

(B) changes the 33⅓% allotted on the basis of the number of economically disadvantaged individuals within the state compared to the total number of economically disadvantaged in all states to 50%.

2. Sec. 201(b)(2)(B) is amended by adding language that no State shall be allotted more than 110% of its previous year allotment percentage unless waived by the Secretary.

3. Sec. 201(b)(3)(B). Amends the definition of "individual" for use only on the formula in counting the number of economically disadvantaged from all age groups to only those who are at least 25 but not 73 years of age, and to the extent practicable, the Secretary shall exclude college students and members of the armed services from the number of economically disadvantaged individuals.

4. Sec. 202(a)(1). Changes the state set-asides from 22% to 20% and passes 80% of funds to the SDAs as described in Sec. 202(b) below.

5. Within State Allocations.—Amends Sec. 202(a)(2) by changing the percentages of the formula for allocations to the SDAs within each state to match the proposed formula used to distribute state funds in Sec. 201(b)(1). The section is further amended by adding that the PIC in each SDA may reserve an optional 10% of funds for experimental programing for serving hard-to-serve eligible individuals. These funds will be exempt from performance standards. GAO will do an assessment 2 years after enactment.

6. Sec. 202(a)(3). Adds language that no SDA shall be allocated more than 110% of its allocation for the FY preceeding the FY for which the determination is made unless waived by the Governor; and retains the 90% hold-harmless for the SDAs as in Sec. 252(f)(3).

7. Sec. 202(a)(3). Amends the definition of "individual" for purposes of the formula in counting the number of economically disadvantaged to those who are at least 25 but not 73 years of age. Adds language to exclude, to the extent practicable, college students and members of the armed services from the number of economically disadvantaged.

8. Sec. 202(b). Changes the 8% set-aside for education at the state level to a 5% set-aside and passes the remaining 3% set-aside directly to the SDAs, however the SDAs must spend this funding on long-term training, basic skills and educational services. An independent evaluation will follow 1 year later. Out of the funds reserved for the state, the grants awarded by the states must be matched with other federal, state, local and private funds.

9. Sec. 202(b)(2)(B). Increases from 6 to 8% the amount of funds the Governor may award in incentive grants to SDAs, but adds language that the funds will be awarded on long term training or exceed performance standards relating to: raising basic skills competencies; serving hard-to-serve adults; and providing long term job placement. Also, the amount of funds spent on older individuals is decreased from 3 to 2%.

Sec. 7. Eligibility for Services.—

1. Amends 203(a)(1) to direct SDAs to give special emphasis in providing services to the hard-to-serve populations or individuals "most-in-need" of basic skills and employment training services. Also requires SDAs to test participant's reading and math skills and review employment history. No test is required if standardized test was administered within previous year.

2. Sec. 203(a)(2). Special Emphasis. Retain language in Sec. 203(a)(2) and increase the "window" of eligibility for non-economically disadvantaged from 10% to 15% with state approval if the individual is in 2 or more of the classes listed in this section.

3. Sec. 203(b). Transfer Provision.—Amended by:

(1) striking out "youth and" in Sec. 203(b)(1), so that funds shall be used to provide services to disadvantaged adults only;

(2) striking out second sentence of 203(b)(1) regarding the 40 percent of funds available for youth and transfers it to IIB;

(3) adding language in Sec. 203(b)(2) so that SDA may transfer additional funds under this part to Title IIB for youth programs as long as it is included in state plans.

(4) defining in Sec. 203(c) "adult" as an individual who is aged 25 or older instead of 22.

(5) striking out in Sec. 204 "youth and" so that services under this section will be available to adults only.

Sec. 8—Placement Study.—Amend Sec. 205. GAO shall conduct a study to determine how many and what percentage of adults remain in a job which they were placed through programs assisted under this part for at least 9 months. Replaces "Exemplary Youth Programs" title with "Placement Study" in the table of contents, and transfers Sec. 205 in current law to Sec. 257.

Sec. 9—Youth Employment and Training Program—Title IIB

1. Sec. 252(b) Allotment and State Allocations.—Amends this section by creating a separate formula in Title IIB:

(A) Allots 50 percent of the formula on the basis of the relative number of economically disadvantaged youth within the State compared to the total number of economically disadvantaged youth in all states;

(B) Allots 25 percent of the formula on the basis of the relative number of unemployed youth in each State compared to the total number of unemployed youth in all States;

(C) Allots 25 percent of the formula on the basis the relative number of the economically disadvantaged youth residing in areas with substantial numbers of economically disadvantaged youth in each State as compared to the total number of such economically disadvantaged youth in all such areas in all States.

2. Sec. 252(d). Adds language that no state shall be allotted more than 110 percent of its allotment percentage than in the preceding fiscal year, unless waived by the Secretary.

3. Sec. 252(e)(1). For this part (Title IIB) the term "economically disadvantaged youth" means an individual who is aged 16 through 24 and who has, or whose family's income falls within the poverty level. The number of economically disadvantaged youth shall exclude, to the extent practical, college students and members of the armed forces; and

(2) The term "area of substantial numbers of economically disadvantaged youth" means any area with sufficient size and scope to sustain a program under IIB and in which the percentage of economically disadvantaged youth between the age of 16 and 24 is at least 20 percent.

4. Within State Allocations.—Sec. 252(f)(1). Changes the formula factors for allocations to the SDAs within each State:

(A) Allots 50 percent on the basis of the relative number of economically disadvantaged youth within each SDA compared to the total number of economically disadvantaged youth in the State;

(B) Allots 50 percent on the basis of the relative number of economically disadvantaged youth residing in "areas with substantial numbers of economically disadvantaged youth" in each SDA compared to the total number of such economically disadvantaged youth in all such *SDAs* in the State.

5. Sec. 252(f)(3). Retains the 90 percent and 110 percent hold-harmless in each SDA.

Sec. 10—Use of Funds.—

1. Sec. 253(a)(3). Additional services may include needs-based payments necessary to participate in the program, and compensation for work experience.

2. Sec. 253(c) Additional Services.—(1) In addition to the services set forth in Sec. 255(a), funds available for the year-round program may be used to provide for in-school, dropout prone youth:

(A) Combined basic and life skills instruction and summer work experience;
(B) Enriched basic skills and study skills training;
(C) Supplemental school year activities;
(D) Pre-employment, socialization and behavior skills training; and
(E) Supportive services.

Sec. 253(c)(2). The term "dropout prone youth" is defined as a youth who:
(A) is "at risk" of academic failure or of dropping out of school;
(B) has high absenteeism in addition to poor grades;
(C) has disciplinary problems;
(D) is a teen parent;
(E) is of limited English proficiency;
(F) is a juvenile offender; or
(G) is educationally and economically disadvantaged.

Sec. 253(d). The following services may be provided to school dropouts and out-of-school youth:
(1) Specialized outreach;
(2) Basic skills training;
(3) Occupational skills training, job development and placement assistance;
(4) Work readiness and life skills training, and post-program follow-up; and
(5) Supportive services.

Sec. 253(e). These programs may be conducted during the summer or on a year-round, full-time basis, provided the summer youth program receives no more than 40% of funds available for this part.

Sec. 11 Limitations.—

1. Sec. 254(a). Amended in order that programs under this part may be conducted on a year-round, full-time basis or during the summer.

2. Sec. 254(b)(2) Special Consideration.—Among all of the economically disadvantaged youth served under the IIB programs, special consideration shall be given to serving youth who experience severe disadvantages, such as:
(A) School dropouts;
(B) Students with poor academic and attendance records;
(C) Students who are eligible to receive School Lunch or Chapter 1 services;
(D) Pregnant or parenting teens;
(E) Handicapped youth;
(F) Limited-English proficient students;
(G) Recipients of public assistance; or
(H) Juvenile and other youth offenders.

3. Amends Sec. 254(b)(3)(A). Up to 10% of all participants in the IIB program may be individuals who are not economically disadvantaged if such individuals are in 2 or more of the classes of individuals described in (b)(2) above.

4. Sec. 254(b)(3)(B). An additional 5% over the 10% of all participants may be individuals who are not economically disadvantaged if the individuals: (i) qualify in 2 of more classes described in (b)(2) above and; (ii) the plan for inclusion of this additional 5% is in the plan pursuant to section 104 and has been approved by the Governor.

5. Sec. 254(c)(2) Year-Round Eligibility.—Individuals aged 14-15 are eligible for youth programs with priority given to those who fail to meet academic levels and who plan to enter the full-time labor market upon leaving school.

6. Sec. 254(c)(2). Amends the Act by requiring that individuals eligible to participate in the year-round program are:
(A) youth who are aged 16 through 24 (optional services for 14 and 15 year olds);
(B) economically disadvantaged youth; and
(C) youth who are deficient in basic skills.

Sec. 12 Requirements for year-round programs.—Redesignates Sec. 255 to Sec. 256 and adding the following new section after Sec. 254:

1. Sec. 255(1). SDAs operating year-round programs under this section shall include in their plans a description of the program, including:
(A) goals and objectives;
(B) activities and services;
(C) linkages established with other local agencies; and
(D) services strategies of demonstrated effectiveness and the design of the program.

2. Sec. 255(2). Adds language to provide each participant:
(A) development of a service strategy; and
(B) basic skills assistance.

3. Sec. 255(3). In year-round programs, a SDA shall establish linkages with local educational agencies (LEAs) to ensure that programs assisted supplement existing programs, utilize existing services, obtain, where feasible, notification when a youth drops out of the school system; and obtains information on the literacy level of participants. Additionally, the PIC in each SDA shall establish with a variety of private, non-profit and public service agencies and volunteer organizations, including programs conducted under Title IIA.

4. Not more than 15% of the funds available for programs assisted under this part may be used for the costs of administration.

Sec. 13. Exemplary Youth Programs.—Title IIB is amended by inserting Sec. 257 after Sec. 256. Section 205 is transfered to Sec. 257 deleting the reference to Sec. 204 in the first sentence. In Section 257(b)(1), (b)(2), and (b)(3) strike "education" and insert "basic skills".

Sec. 258. Replication of Successful Programs.—Creates the following new section after Sec. 257:

1. Sec. 258(a). From funds appropriated pursuant to section 3(b) of the Act the Secretary shall, in consultation with the expert review panel pursuant to subsection (c), make grants to national or regional public or private nonprofit organizations if they meet the technical assistance requirements, and to States and SDAs for costs associated with the development of model programs approved by the Secretary.

2. Appropriations Formula.—Sec. 258(b)(1). If the amount appropriated under section 3(b) for any FY exceeds $1.424 billion but does not exceed $1.524 billion, then $10 million shall be used for this demonstration program.

(2) If the amount appropriated in any FY exceeds $1.524 billion, then a total of $20 million, shall be used for demonstration projects.

3. Review Panel. Sec. 258(c)(1). The Secretary shall appoint a review panel of experts to evaluate employment and training programs for the economically disadvantaged youth, and select and designate model programs.

(2) In selecting such programs the panel shall consider a variety of objectives related to the potential for success of the applicant's program to replicate model programs on a national or regional scale.

4. Sec. 258(d) Special Consideration.—The panel shall give special consideration to programs that have the demonstrated ability to integrate or coordinate services with other service producers in the areas of basic skills instruction, occupational, and preemployment and work maturity training programs.

5. Sec. 258(e) Criteria for Model Programs.—The panel shall consider any program for designation as a model program if such program:
(1) is designed to improve the employment prospects of economically disadvantaged youth;
(2) is sponsored or operated by a national or regional public or private nonprofit organization with the capacity to provide the technical assistance necessary to enable states and local communities to implement the program;
(3) has demonstrated reasonable evidence of success;
(4) has demonstrated its potential to be replicated across a wide range of sites and may serve large numbers of economically disadvantaged youth.

6. Sec. 258(f) Applications.—Each public or private non-profit organization, State, or SDA desiring to receive a grant shall submit an application describing assistance sought and assurances of compliance with provisions of this Act.

7. Sec. 258(g) Grant Limitations.—(1) In any 3 year period the Secretary, recommended by the panel, shall not approve grants for the same replication activities in more than 10 states or communities. During this period, the results of such limited replication efforts shall be evaluated and examined by the review panel, which shall submit recommendations to the Secretary regarding the advisability of replicating the model program in more than 10 states or communities for longer than 3 years (The Secretary shall then have authority to replicate such programs).

(2) The Secretary, upon the review panel's recommendation, may waive the limitation if immediate replication on a larger scale is warranted.

Sec. 14.—Youth Employment and Training Challenge.—Amends Title IV by adding a new section in Part H of Title IV to authorize a Fair Chance: Youth Opportunity Challenge Grant.

1. Sec. 491(a)(1) State Allotment.—Secretary shall allot for each FY, to each State submitting a plan under Sec. 493, a portion of the funds under Sec. 499 for such FY that bears the same relationship to the total amount of such funds as the youth population of such State bears to the total youth population in the U.S.

2. Sec. 491(a)(2). The amount allotted to each State shall equal or exceed $250,000 and shall equal or exceed $125,000 to U.S. territories.

3. Sec. 491(b)(1). In any FY the amount of funds allocated to a State which can be carried over to the following FY may not exceed 10% of the funds allocated to the State for that previous FY; (1) and the total cumulative amount of funds which may be carried over each year by an SDA may not exceed 20%.

4. Sec. 491(c). State agencies shall award grants by giving priority to programs:
(1) located in areas with a high number of economically disadvantaged youth;
(2) serving high proportions or numbers of school dropouts;
(3) serving students who are eligible for School Lunch or Chapter 1 services;
(4) serving limited-English proficient students; and
(5) serving juvenile and other youth offenders.

5. Sec. 492 Grants.—The funds allotted to each State shall be used by the State Agency to provide grants to eligible consortium in the State to pay more than 50% of the costs from comprehensive education, training, and support services and programs

in demonstration target areas to youth living within such target areas.

6. Sec. 493 State Plan.—The Governor of each State shall submit a 5-year plan to the Secretary which shall:

(a) designate the state agency responsible for supervising the preparation and administration of the plan;

(b) provide for the appointment of an advisory group by the Governor, (or the designation of an existing State body which is representative of the education and training resources of the State, including, but not limited to, the State Job Training Coordinating Council) to participate in the development and review of the State's plan, including State officials for education, vocational-technical education, employment and training, social services, and representatives of business, industry, labor, and community-based agencies offering alternative education or training programs;

(c) provide for the designation of eligible demonstration target areas which have chronically low levels of economic activity or a deteriorating economic base causing such adverse effects as—a high concentration of unemployed youth which substantially exceeds the average rate of unemployment among youth in the State, or a large concentration of low-income yourth families;

(d) provide assurances that the size and scope of the demonstration target area is calculated to provide access to education, training, and support services to youth living in such target areas;

(e) provide assurance that funds will supplement and not supplant funding from other local, state, and Federal sources available to youth in demonstration target areas;

(f) provide assurances that program activities funded under this part are coordinated with relevant employment, training, and education programs available in the State.

(g) provide assurances of review and comment of any application by the state Job Training Coordinating Council or local PICs.

(h) provide for the evaluation of this program to determine whether the increased education, training and other support services guaranteed education, training and other support services guaranteed to youth result in increased rates of enrollment, retention and completion, and whether there are a sufficient number, variety and quality of current programs available to youth to meet demand; and

(i) provide other reasonable information needed by the Secretary.

4. Sec. 494(a)(1). Eligible Consortia.—Eligible consortia applying for demonstration grants must be broadly representative of the education and training providers of their community and shall consist of:

(A) representatives of business, industry and labor;

(B) CBOs, including youth-serving organizations;

(C) State and local education agencies, including area vocational schools;

(D) State and local employment training agencies;

(E) institutions of postsecondary education, including community colleges and vocational-technical education institutes: and

(F) residents of demonstration target areas who are typical of youth to be served under this part.

5. Sec. 494(a)(2). Any eligible consortia may consist of any existing entity including any community organization or group which meets the representation requirements of (A) through (F) of paragraph (1) above. Such existing entities may include:

(A) local education entities, districts or area-wide councils;

(B) community education districts;

(C) PICs;

(D) youth coordinating councils;

(E) county or regional economic development authorities; or

(F) other appropriate entities which are broadly representative of education and training resources of the community.

6. Sec. 494(b). The state agency designated by the Governor shall award at least 1 and not more than 2 eligible consortia under this part.

7. Sec. 494(c). Eligible consortia are encouraged to apply to the State agency in order to strengthen, enhance, expand and evaluate such programs and services to both college bound and non-college bound youth.

8. Sec. 494(d). States shall encourage consortia to make use of resources, expertise and commitment of both formal institutions of education as well as:

(a) CBOs;

(b) youth conservation and human service corps;

(c) Job Corps centers;

(d) apprenticeship programs; and

(e) projects and programs funded under the JTPA.

9. Application. Sec. 495(a).—Any eligible consortium desiring to receive a demostration grant for the demonstration target area shall submit an application to the State agency as the agency may reasonably require. Each application shall:

(i) contain a 5-year plan for development and implementation of activities;

(ii) demonstrate that all youth in the program have access to a comprehensive range of education and training opportunities;

(iii) contain a description of resources available from private, local government, State and Federal sources;

(iv) estimate the expected number of youth to be served and its total cost;

(v) estimate the funds required to ensure access to appropriate education, training and support services for all youth;

(vi) encourage youth to pursue appropriate education and training through outreach, recruitment, and motivational mechanisms;

(vii) provide a case management and career development system to ensure each youth a well-trained and committed career counselor;

(viii) include a cooperative agreement among youth-serving organizations and agencies within the consortium designed to ensure coordination;

(ix) provide for the maintenance of such information as may be required by the State and Secretary, including data described in section 497;

(x) demonstrate that varied sources of funding will be fully utilized and effectively coordinated;

(xi) where appropriate, share facilities, equipment and resource materials;

(xii) establish outcomes and specify accountability measures for such outcomes; and

(xiii) demonstrate the capability to establish a coordinated and comprehensive program which serves the broadest possible range of youth interest and needs, and mobilize the diverse range of education and training providers.

10. Use of Funds, Non-Federal Share. Sec. 496(a)(1).—No funds shall be used by local education agencies to provide educational services to youth enrolled in secondary schools during regular school hours; and

(a)(2) No funds shall be used for student financial assistance, unless permitted by regulations promulgated by the Secretary.

(b) Costs from Sec. 492(a) not paid by grant may be paid in cash.

(c) For any FY not more than 5% of funds may be expended for administration costs.

11. Evaluation. Sec. 497(a).—The Secretary shall provide an independent evaluation of the various State approaches in different demonstration programs. Evaluation measures may include:

(1) enrollment, retention and completion rates;

(2) high school graduation rates;

(3) avoidance of anti-social and destructive behavior;

(4) subsequent employment;

(5) continued pursuit of advanced education and training;

(6) admission into 4-year colleges and universities; or

(7) admission into the armed forces.

(b) The Secretary shall submit a report detailing the evaluation results to the President and the Congress no later than December 31, 1994.

12. Definitions. Sec. 498(a).—

(a) "demonstration target area" means an area described in Sec. 493 (3) and (4) that is designated under a plan submitted under Sec. 493.

(b) "youth" means individuals who are at least 16 and not more than 24 years of age. Other than Sec. 491, the term "youth" may include, at the election of State agencies, individuals who are 14 or 15 years of age.

13. Authorization of Appropriations. Sec. 499(a).—There are authorized to be appropriated:

(i) $100 million for FY 1990.

(ii) $150 million for FY 1991,

(iii) $200 million for FY 1992,

(iv) $250 million for FY 1993, and

(v) such sums as may be necessary for FY 1994.

Sec. 15.—National Commission for Employment Policy.—Title IV of the Act is amended by striking part F, resulting in the elimination of the National Commission for Employment Policy.●

● Mr. KENNEDY. Mr. President, I commend my colleague Senator SIMON for his leadership in seeking improvements in title II of the Job Training Partnership Act, the portion of the act dealing with training for disadvantaged adults and youth. I am pleased to cosponsor this legislation, and I intend to make improvements in the Job Training Partnership Act one of the top priorities of the Committee on Labor and Human Resources.

The Job Training Partnership Act [JTPA] received a great deal of attention during last year's Presidential campaign. I welcomed this opportunity for the Nation to evaluate the successes and shortcomings of the program. This national debate gave new emphasis to a number of problems identified by the Labor and Human Resources Committee, and the Simon bill addresses these problems.

The first and most obvious problem is funding. Currently, JTPA title II-A serves less than 5 percent of the eligible recipients. When Secretary Dole

appeared before the Labor Committee last week, she stressed the need for increased and improved job training to give those who live in poverty a fair chance in the job market. I agree wholeheartedly. We do need more and better training. Yet despite its rhetoric, the administration has recommended no increases in JTPA. In fact, the President's budget did not even mention it, which suggests that President Bush will adhere to the frozen level of funding in the Reagan 1990 budget—a freeze that means cuts in real terms. The Simon bill addresses this problem by authorizing additional funding above current funding levels: $150 million of additional funds for title II-A and $150 million of additional funds for title II-B.

A second problem is that JTPA is not serving the people who truly need the help of an employment and training program. In an era of scarce Federal resources, it is all the more important that we not spent Government funds to place people in jobs for which they would be hired in any event. Last year I introduced legislation known as the Jobs for Employable Dependent Individuals [JEDI] Act. This legislation, signed by the President at the end of the last Congress, will provide incentive bonuses to States and organizations that make real progress in training and employing long-term welfare recipients. The JEDI legislation is a first step toward a better-targeted program. The legislation we are introducing today will build on those efforts.

A third issue which we addressed in last year's JEDI legislation, but which was not included in the final conference report, is the need to expand summer job programs to become quality year-round training programs for the Nation's disadvantaged youth. The Simon bill addresses this issue by separating the programs for adults and youth and enabling States to use youth funds for year-round programming.

A fourth problem with the implementation of JTPA in some areas has been an underemphasis on providing program participants with the basic skills necessary to hold better jobs in the future. We face serious problems in dealing with reading and math illiteracy in this country. It is essential to ensure that people have these skills as we send them out into the workplace.

In the last Congress, the Labor Committee rewrote the dislocated worker provisions in title III of JTPA. I am pleased that our new program was included in the trade bill that was signed into law. In this Congress we are committed to amending the other two major parts of JTPA, contained in titles II-A and II-B. When we have finished, we will have preserved what is good in the JTPA system—the involvement of the private businesses that will provide jobs—and we will have modified those parts of the program that experience has taught us need changing. We will then be a step closer to the goal of an integrated, nationwide employment and training system to meet the labor market needs of the next century.

The measures proposed by Senator SIMON will spur the Senate's efforts to address these problems and improve the Nation's largest job training program. I am pleased to join in sponsoring this legislation, and I look forward to working closely with my colleagues as this bill moves through our committee and the Senate. It is time to amend JTPA so that it will provide more realistic opportunities for the millions of Americans who want to work, but who lack the skills to obtain a decent job.●

By Mr. METZENBAUM:

S. 544. A bill to limit the modification of collective bargaining agreements subject to the Railway Labor Act; to the Committee on the Judiciary.

BANKRUPTCY CODE AMENDMENTS

● Mr. METZENBAUM. Mr. President, I rise to introduce a bill to amend the Bankruptcy Code. This bill clarifies that an airline in bankruptcy should be treated the same way as a railroad in bankruptcy.

Under current section 1167 of the Bankruptcy Code, the trustee in a railroad reorganization may not alter employee wages or working conditions except in accordance with section 6 of the Railway Labor Act. It makes no sense to single out railroads for special treatment. The Railway Labor Act controls resolution of disputes involving wages and working conditions for employees in both the railroad and airlines industries. My bill amends section 1167 of the Bankruptcy Code to cover air carriers in bankruptcy in the same way that railroads in bankruptcy are now covered.

My bill also amends section 109 of the Bankruptcy Code to allow creditors to reach the assets of a bankruptcy air carrier's parent holding companies or related entities. Creditors should not be left holding the bag when an air carrier files for bankruptcy after its assets and cash reserves have been drained by holding companies and other related entities. Under my bill, if the air carrier files for bankruptcy, then the air carrier's "controlled group," including parent holding companies and related subsidiaries also must enter bankruptcy.

Controlled groups are recognized under ERISA for pension liability purposes. Relying on controlled group assets furthers the reorganization of troubled, complex entities and ensures fair treatment for creditors. This bill recognizes the realities of modern airline corporate structure and protects creditors from being abused by that structure.

It is important to note that this bill becomes effective as of the date of introduction—March 8, 1989. Making a bill effective as of the date of introduction is a common practice in the tax area. This is done to prevent parties involved in or considering transactions from changing their behavior in contemplation of pending legislation being enacted.

We are all aware that Eastern Airlines is contemplating a filing in bankruptcy. This bill will affect Eastern Airlines, its parent holding companies and related entities, the creditors of Eastern and Eastern's employees. All those parties and all other air carriers contemplating bankruptcy are hereby put on notice that the bankruptcy law changes proposed in this bill will, if enacted, be effective March 8, 1989.●

By Mr. PRESSLER:

S. 545. A bill to amend the Agricultural Act of 1949 to permit producers to produce alfalfa on permitted acres for the 1990 crop, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PERMITTING PRODUCERS TO PRODUCE ALFALFA ON CERTAIN ACRES

● Mr. PRESSLER. Mr. President, today I am introducing legislation that would allow alfalfa to be considered as a farm program crop for base history compliance purposes.

I recently completed a 16-town tour of public listening meetings where I received valuable input on the 1990 farm bill and other agricultural issues from my fellow South Dakotans. During that tour, I was able to gather many valuable ideas regarding the future direction of farm policy. One of those ideas was the basis for the legislation I am introducing today.

Perhaps the most frequent suggestion for farm program changes expressed by South Dakotans concerns alfalfa. The current farm program requires a farmer to plant a farm program crop in 2 of the last 3 years to maintain a production base. This requirement discourages the planting of alfalfa, which is an expensive crop that usually remains in the ground 3 or more years in a row. Because alfalfa adds nitrogen to the soil and helps mitigate wind erosion, many farmers like to alternate their program crops with alfalfa. This is wise stewardship of the soil and should be encouraged.

In South Dakota, as in other areas of the United States, the wind severely damages the precious few inches of topsoil available to our food producers. Farm program changes that help prevent the destruction of this natural resource, which is so vital to our future, are appropriate and necessary. I hope my distinguished colleagues will view this bill as an effort to assist farmers

in soil conservation methods, and will support this legislation.

Let me conclude by emphasizing that this change would not result in increased farm program costs. Alfalfa would only be considered a program crop for the specific purpose of maintaining a production base. Alfalfa would not be a program crop in the sense that it has a target price and would involve deficiency payments, marketing loans, et cetera. This legislation would allow a farmer to conserve soil resources without being penalized for doing so by losing his production base history. As such I believe it is worthy of Congressional approval.●

By Mr. BOSCHWITZ (for himself, Mr. STEVENS, Mr. CONRAD, Mr. SHELBY, Mr. DIXON, Mr. WARNER, Mr. LUGAR, Mr. HATCH, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. PELL, Mr. DOMENICI, Mr. D'AMATO, Mr. COCHRAN, Mr. THURMOND, and Mr. CRANSTON):

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week"; to the Committee on the Judiciary.

GAUCHER'S DISEASE AWARENESS WEEK

Mr. BOSCHWITZ. Mr. President, today, I am introducing a joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week." Fifteen Senators have already joined me in cosponsoring this resolution and I would like to thank them for their support. I would also encourage my colleagues who have not joined me in support of this resolution to do so.

Gaucher's disease is a rare hereditary condition that attacks living cells and affects their metabolic functions. The deficiency caused by Gaucher's disease results in the enlargement of the spleen, damage to the liver, skin discoloration, pink eye, and bone lesions. It is a debilitating and chronic disease most common among those of Jewish heritage. My resolution recognizes the important contributions made by the National Gaucher's Disease Foundation, and the need to further research into the cause and the development of a cure for this disease.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 73

Whereas Gaucher's disease is caused by the failure of the body to produce an essential enzyme;

Whereas the absence of such enzyme causes the body to store abnormal quantities of lipids in the liver and spleen and frequently has an adverse effect on tissues in the body, particularly bone tissue;

Whereas among Jewish persons, Gaucher's disease is the most common inherited disorder affecting the metabolism of lipids, which are one of the principal structural components of living cells;

Whereas there is no known cure for Gaucher's disease and no successful treatment of the symptoms of the disease;

Whereas the increased awareness and understanding of Gaucher's disease by the people of the United States can aid in the development of a treatment and cure for the disease;

Whereas the National Gaucher's Disease Foundation provides funds for research in the United States with respect to the disease; and

Whereas research and clinical programs with respect to Gaucher's disease should be increased: Now, therefore, be it, *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning October 29, 1989, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. GORE:

S.J. Res. 74. Joint resolution to designate the month of May 1989 as "National Digestive Disease Awareness Month"; to the Committee on the Judiciary.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

● Mr. GORE. Mr. President, I rise today, for the fifth consecutive year, to introduce legislation to recognize the terrible hardship of digestive diseases. This joint resolution, which will designate May 1989 "National Digestive Disease Awareness Month," is an important part of our continuing, successful effort to raise the awareness of the American people, the Congress, and the administration to this very serious problem that too often doesn't get the attention it deserves.

Digestive diseases are more widespread than many imagine. More than 20 million Americans suffer from chronic diseases of the digestive system. Over 14 million cases of acute digestive diseases are treated in this country annually, and one-third of all malignancies are digestive related.

Digestive diseases rank third among illnesses in total cost in the United States. Digestive diseases necessitate 25 percent of all surgical operations. These illnesses represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality.

The cost of digestive diseases is estimated at $17 billion per year in direct health care costs alone, and if you figure in the working hours lost and other losses, the total annual economic burden for digestive disease is a staggering $50 billion. Of course, probably its biggest toll is in human suffering that cannot be measured in dollars.

The joint resolution I am introducing today calls for a unified national effort to increase public awareness and to combat digestive disease.

I urge my colleagues to join me in cosponsoring this initiative, as so many have done in the past.

Mr. President, I now ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality;

Whereas 20 million Americans suffer from chronic digestive diseases;

Whereas more than 14 million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized with digestive diseases than with any other type of disease;

Whereas digestive diseases necessitate 25 percent of all surgical operations;

Whereas digestive diseases are one of the most prevalent causes of disability in the work force;

Whereas in the United States, digestive diseases cause yearly expenditures of over $17 billion in direct health care costs and a total annual economic burden of nearly $50 billion;

Whereas more than 100 different digestive diseases, and other disorders of the gastrointestinal tract, cause more than 200,000 deaths every year;

Whereas there has been interest on the part of the research community in the causes, cures, prevention, and clinical treatment of digestive diseases and related nutritional problems;

Whereas the people of the United States should recognize prevention and treatment of digestive diseases as a major health priority;

Whereas national organizations such as the Digestive Disease National Coalition are committed to increasing awareness and understanding of digestive diseases in the health care community and among members of the general public;

Whereas the National Institutes of Health, through the National Digestive Disease Information Clearinghouse and the National Digestive Diseases Advisory Board, is committed to encouraging and coordinating such educational efforts;

Whereas the National Digestive Disease Education Program is a coordinated effort to educate the public and the health care community on the seriousness of digestive diseases and to provide information relative to the treatment, prevention, and control of digestive diseases; and

Whereas May 1989 marks the seventh anniversary of the National Digestive Disease Education Program: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Digestive Disease

Awareness Month", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe that month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 136

At the request of Mr. ADAMS, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 136, a bill to amend title 3, United States Code, to estabish a single poll closing time in the Continental United States for Presidential general elections.

S. 273

At the request of Mr. HEINZ, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 273, a bill to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes.

S. 334

At the request of Mr. BINGAMAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 334, a bill to promote statewide health promotion campaigns, and for other purposes.

S. 370

At the request of Mr. CHAFEE, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 370, a bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 419

At the request of Mr. SIMON, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. DIXON], the Senator from North Dakota [Mr. CONRAD], and the Senator from Pennsylvania [Mr. HEINZ] were added as consponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 466

At the request of Mr. BIDEN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 466, a bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steroids.

S. 489

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 489, a bill to transfer certain lands available for State legalization assistance grants to programs to assist refugees.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

SENATE JOINT RESOLUTION 28

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 28, a joint resolution proposing an amendment to the Constitution of the United States limiting Federal taxation of State and local obligations.

SENATE JOINT RESOLUTION 67

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System.

SENATE RESOLUTION 61

At the request of Mr. DIXON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Resolution 61, a resolution expressing the sense of Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX Codevelopment Fighter Program.

SENATE CONCURRENT RESOLUTION 18—RELATING TO TAXATION OF STATE AND LOCAL GOVERNMENT BONDS

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 18

Whereas, in South Carolina v. Baker, the Supreme Court of the United States ruled that Congress may tax interest on State and local government bonds;

Whereas, these bonds are an important source of revenue for State and local governments in order to finance public projects, such as new roads, bridges, and schools;

Whereas, the taxation of interest on State and local government bonds would severely impair the ability of these governments to finance such projects; and

Whereas, historically, Congress has respected the important role of these bonds in funding public projects by refraining from taxing the interest on such bonds: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), that it is the sense of Congress that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues.

● Mr. ROTH. Mr. President, I rise today to submit a concurrent resolution to express the sense of the Congress that we should refrain from making further changes in the tax treatment of State and local bonds for the purpose of increasing Federal revenues.

An identical resolution, House Concurrent Resolution 39, was introduced in the House on January 31 by Congressman COMBEST. Our legislation is identical to that which we proposed in the last session of Congress following the Supreme Court decision on April 20 in South Carolina versus Baker in which the Court ruled that Congress could tax interest on State and local government bonds.

The ruling in South Carolina versus Baker went well beyond the issue before the Court, which was the much narrower question of whether or not the Federal Government could impose a registration requirement on State and local bond issues, and has left State and local governments at the mercy of the political processes of Congress.

Our partners in government are justifiably concerned that their ability to finance essential public services in the future could be jeopardized by this situation in the endless search for Federal revenue.

Our network of State and local governments is an enormous enterprise raising in excess of $600 billion in annual revenues, administering more than $100 billion in Federal programs and employing nearly 14 million people.

We expect and demand that our State and local governments will provide us with an educational system to

provide opportunities for all of our citizens and we impose mandates from clean air and water to quality control in the delivery of our social service programs.

Public finance and specifically the ability to issue tax exempt bonds to finance public projects has been and is an important tool for our State and local governments to meet the demands placed upon them without unduly burdening the citizens who derive benefits from these essential services.

This concurrent resolution simply states that the taxation of State and local bonds should not be changed in order to increase Federal revenues. It does not address the larger and important question of the issue of reciprocal immunity. To address that problem, I have proposed a constitutional amendment, Senate Joint Resolution 28, to overturn last year's Supreme Court decision in South Carolina versus Baker.

At present, I would hope that the majority of my colleagues would join with me in cosponsoring the concurrent resolution as an indication of their support for the premise that the integrity of the system of public finance for State and local governments should be preserved, as should be the balance between our system of Federal, State, and local governments which we have valued for 200 years.●

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a field hearing on Monday, March 13, 1989, to review the Minnesota Small Business Development Center Program and Cooperative Agreement. The hearing will be held at the Hennepin County Government Center, located at 300 South Sixth Street in Minneapolis, MN, and will commence at 1:30 p.m. For further information, please call Pete Coyle, minority staff director for the committee at 224-2130.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. GORE. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8 at 10 a.m. to hold a hearing on foreign terrorists' threats to first amendment freedoms: attempts to prevent publication and distribution of the "Satanic Verses" in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GORE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 8, 1989, at 9:30 a.m., to hold an oversight hearing on the operations of the Office of the Senate Sergeant at Arms and the Office of the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GORE. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the veterans' programs budget on Wednesday, March 8, 1989, at 1:30 p.m. in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 8, 1989, 9:30 a.m. in SD-366 to conduct a business meeting, to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1990 with a view toward making its recommendations to the Committee on the Budget, and to consider S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge, Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SCIENCE, COMMERCE, AND TRANSPORTATION

Mr. GORE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 8, 1989, at 9:30 a.m. to hold a hearing on the proposed mission to planet Earth.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 8, 1989, at 10 a.m. to hold a hearing on Budget Authorizations for the Customs Service, U.S. Trade Representative, and the International Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GORE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, March 8, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MULTILATERAL DEVELOPMENT BANKS

● Mr. INOUYE. Mr. President, it has been my great pleasure over the last 5 years to work with my colleague BOB KASTEN to reform the lending policies of the multilateral development banks. Making these banks pay attention to the needs of the environment ought to be a key objective of U.S. foreign policy—and BOB has helped make it that.

The story of what BOB accomplished in this regard is an important one, and of interest to anyone who cares about the future of the global environment. BOB told this exciting story in a recent speech at the University of Wisconsin—Madison.

I recommend this speech to all my colleagues, and ask that it be included in the RECORD.

The remarks follow:

REMARKS OF U.S. SENATOR ROBERT W. KASTEN, JR.

Let me begin by thanking you for including me in your spring colloquium series. I understand that most of the participants in this series are scientists.

I'm not a scientist—I'm a legislator, a politician. And there has been a tendency in our century to divide the interests of politics from those which concern men and women of science. The British essayist C.P. Snow warned of the creation of "two cultures" dividing the mind of society.

I think it profoundly ironic that we should have what amounts to an intellectual "separation of powers" just when the world stands most in need of cooperation between those in government and those with scientific expertise.

Politics is concerned with the public good—the pursuit of the good life for men and women brought together by a human society. It is thus concerned with the fundamental truth about man. Science, on the other hand, is concerned with the pursuit of truth about the physical universe.

At a time when the mass media are full of reports about the greenhouse effect, the continued proliferation of nuclear and chemical-warfare technology, and the unprecedented threat posed by toxic wastes, there can be no doubt that the spheres of science and legislation must learn to pay attention to each other. If the quality of life on this planet is to be preserved and improved, it can only be as a result of a new and stronger cooperation between these two groups.

We can succeed in making the world more livable—but only if we remember that we share common goals, and work toward them with vigor.

I would like to tell you the story of one instance where our cooperation has made a difference. It is the story of the halting,

painful, yet steadily continuing reform of the multilateral development banks.

This story involves nothing less than the environmental fate of the whole planet. It involves, in particular, crucial decisions about the future of the Third World—its natural resource base, the health of its people, and its social and economic development.

Since the end of the Second World War, the United States has been the largest financial backer of the multilateral development banks, known as MDBs. These MDBs financial aid to Third World countries seeking to industrialize and otherwise develop their economies.

Problems have arisen because the MDBs tend to measure their success in terms of the quantity of dollars lent, as opposed to the quality of the loan portfolios. Changing this institutional bias has been a five-year battle.

It should come as no surprise to this audience that there is such a thing as "bad development"—unsustainable economic development that erodes a country's resource base while simultaneously wreaking havoc on traditional national lifestyles.

But, surprising as this may sound, the prevailing attitude at the MDBs has been to pay lip service to concerns about the environment. The MDBs have, as a rule, paid very little attention to doubts which have been raised about the long-term sustainability of the practices they have introduced to the Third World.

As Chairman of the Senate Subcommittee on Foreign Operations, and later as ranking Republican member of that Subcommittee, I have waged a protracted—and continuing—struggle to reform the development lending policies of the international banks.

The Foreign Operations Subcommittee controls the level of American contributions to the MDBs, and I have therefore been in a position to exercise some influence over the banks' environmental policies.

My attention was first drawn to this issue in the spring of 1984, when I held a public hearing on the environmental effect of development lending. The environmentally destructive practices that came to light in that hearing—abuses largely paid for by the generosity of U.S. taxpayers—convinced me that the banks had been given a free ride for too long. It was essential that we start using America's influence to stop the worst outrages against the environment.

In that year's bill funding America's foreign operations, I included a provision calling on the U.S. Treasury Department to undertake an investigation of the environmental abuses supported by the banks.

That investigation was under way in January of 1985, when a group of concerned environmental scientists contacted me about one of the most devastating projects ever financed by the MDBs.

The program they were worried about—known as the Polonoroeste Project—was at that time causing environmental destruction on a monumental scale in Brazil. Some remote-sensing material provided by NASA indicated that an area in the Amazon Basin approximately the size of the whole of Wisconsin had been deforested. This single World Bank-financed project—Polonoroeste—was responsible for the destruction of all that tropical forest.

The environmentalists had written the World Bank about their concerns. They received in return what in politeness we could call a brush-off—what I would more accurately term an insult.

I intervened at that point to ask the World Bank to call off the project. A few weeks later, the project was suspended.

It was too late to try to turn back the social and environmental destruction wrought by Polonoroeste. But the rain forests that had been eradicated, and the indigenous tribesmen who had been displaced by that World Bank fiasco, gave me a new resolve in dealing with the MDBs.

Polonoroeste should never have been approved by the World Bank, much less subsidized by American taxpayers. And it was far from an isolated instance. Examples of MDB-funded environmental damage range from Brazil to Togo, from Botswana to Indonesia. Our investigation uncovered an international pattern of MDB callousness and outright indifference to environmental concerns.

What the MDBs needed was thoroughgoing reform—a process I began to call for at the time of the Polonoroeste Project, and which continues today.

In the Fiscal Year 1986 Appropriations Bill, our subcommittee included several measures reforming the banks. We enacted ten new requirements for the development lending process.

We asked the banks to add professionally trained environmentalists to their staffs—men and women who could institutionalize environmental concern in the banks' decision-making process. We required that they increase lending to projects that have environmental management as their chief objective.

We directed the State Department and the Treasury Department to follow through on the requirements we had imposed—to keep closer tabs on the banks, and apply that knowledge through the banks' Boards of Directors.

We also, in Fiscal Year 1987, asked other developed nations who sponsor the banks to join us in the reform effort.

On April 30, 1986, the American Executive Director of the World Bank used the Bank's annual budget meeting as a platform to call on the Bank to undertake the environmental reforms we had recommended. In a historic departure, no fewer than nine other executive directors joined the American delegate in calling for the reforms.

It was a big step forward. Even so, the process had barely begun. Two months after that meeting, the U.S. Executive Director votes against a major $500 million dollar loan to Brazil's Electric Power Sector—the first time in history that the U.S. has opposed a loan for environmental reasons.

Despite the strong U.S. opposition, the Bank went ahead with the loan. After the American Executive Director's speech, several board members expressed private support for the U.S. position—but confessed that their hands were tied by instructions from their governments.

It was in response to this setback that the Appropriations Committee insisted on the development of an "early warning system" for potentially environmentally destructive projects. Our development experts can predict with some degree of accuracy which kinds of projects are the most likely to cause lasting damage to fragile ecosystems—projects like large-scale damming of rivers, and road-building in relatively undeveloped areas. Our early-warning requirement helps us make use of this expertise to stop some of the problem loans before they actually happen.

The U.S. Agency for International Development currently conducts a biannual survey of projects being considered for MDB loans, with the object of forewarning us of potential environmental problems. This early warning system has three important functions. It helps the U.S. decide how to vote on loans; it helps the banks reform the loans; and it helps inform other nations of the issues involved in the individual loans.

In every year since we first proposed the reforms, we have added further language to the Foreign Operations Appropriations Bill to strengthen the reform effort. We've met with setbacks, but we've also made some visible progress.

In 1987, Senator Daniel Inouye and I had to intervene personally with the President of the Inter-American Development Bank—or IDB—to halt a $58.5 billion-dollar Brazilian road-building project. This was an extension of the Polonoroeste road, and it was about to repeat the very same environmental mistakes that had made Polonoroeste such a disaster.

The project's ground rules included stringent environmental-safety requirements—that was the good news. Those safeguards were ignored by the bank—that was the bad news, and that's why we had to get involved.

The project was halted, but not before millions of dollars had been used to displace indigenous tribes and disturb the ecosystem—all for a minimal, marginal and unsustainable economic benefit.

Not long after our successful confrontation with the IDB came what has so far been the most significant milestone of the reform effort. In May of 1987, World Bank President Barber Conable unveiled a series of reforms that corresponded very closely to the legislation I had developed.

Barber and I had been friends for a long time—we served in the House of Representatives together back in the 1970s. And I had hoped that he would be receptive to the environmental concerns raised by some of his old friends.

His reform package included the creation of an entire new Environmental department at the Bank; assignment of new environmental responsibilities to each of the Bank's four regional offices; revision of the internal review process to push environmental concerns into the forefront—right up there next to the economic concerns that had long been treated as paramount; and increased lending for environmental protection and energy conservation projects.

The Conable reforms were an important victory for the pro-environment forces. They marked a fundamental change in the approach of the banks to development lending. The World Bank, the biggest of the MDBs, had signed on to the idea of sustainable, environment-conscious development. The Bank would now have its own environmental staff to raise the red flag on environmental abuses.

The elevation of environmental concerns at the World Bank inaugurated a new stage in the reform process. From now on, the main force of our efforts must be brought to bear not on changing these institutions from the outside, but on making sure they follow their own environmental rules on the inside.

Of course, there are other MDBs which have not instituted World Bank-style reforms. We have to keep the heat on these banks to follow the World Bank's lead. But our tone must gradually shift from "us-versus-the-banks" to a new cooperation in the pursuit of what the banks themselves must agree is their highest duty.

The purpose of the MDBs is to help lift the nations of the Third World toward industrial prosperity. Through the banks, the Third World can benefit from the centuries of environmental experience we have gained here in America and in the other industrialized countries. Right here in Wisconsin, we've learned some hard lessons about the abuse of forests. It would be a moral outrage if we were to subsidize the repetition of our own mistakes in some of the world's poorest countries.

To be effective in lifting the Third World out of poverty, we have to encourage economic development that is sustainable—economic growth that will build a country, not tear down its natural resources and reap a whirlwind of irreversible devastation and untold human suffering.

The MDBs should therefore be in the forefront of the environmental movement—not fighting us. We're going to have to continue our very close supervision of the banks to see that they give us performance—not just promises.

As I mentioned, we've had setbacks. The World Bank has failed to implement some of its own reforms. Third World economic opposition to the reforms has resulted in numerous evasions of the law, and even outright murder--as in the case of the assassination of my good friend, the prominent Brazilian environmentalist Chico Mendes.

We have our work cut out for us. There's a whole world out there that has to be preserved from human short-sightedness. But I am confident that as long as the scientific community stands on its rights—and insists on making the truth heard about the consequences of environmental folly—we can succeed.

The more knowledge you in the scientific community carry to the American people, the more they will insist that we in Congress take effective action. And make no mistake—an informed electorate is an irresistible force. They'll keep us true to our deepest principles, and with their help we will succeed.

I look forward to the effort. We'll lose some more battles before we're through—but this is a war we've got to win.

And now, I'd be glad to take any questions you might have.●

PENNSYLVANIA STATE SENATE SUPPORTS VRA EXTENSION

● Mr. HEINZ. Mr. President, just recently I received notice of an action taken by the legislature of my home State which I believe is particularly noteworthy. The Senate of the Commonwealth of Pennsylvania has adopted a resolution which urges the Congress of the United States and the President of the United States to extend voluntary restraint agreements [VRA] for an additional 5 years.

As many of you know, I am a firm proponent of the VRA program. The VRA program's announced intention was to secure the future vitality of the American steel industry. They have surprised many observers by actually working. Unfortunately, it is the very success of the VRA system which is threatening their extension.

As the Pennsylvania resolution points out, domestic steel manufacturers have taken significant steps to improve their own internal health and their worldwide competitiveness. Production costs are down 35 percent since 1982, labor productivity has increased by 40 percent, quality has measurably improved, and finished steel has actually decreased in real dollar price since 1981.

Yet this success has VRA opponents clamoring for its demise. They believe that since the steel industry has begun to regain its balance, it should face current international competition, fair or unfair. I agree, but only when foreign producers abide by market principles. If VRA's expire now, state-supported steel firms will simply pick up where they left off in 1984 before VRA's began. Although American steel companies are far more rationalized and competitive when they were in 1981, they simply should not have to compete against subsidized and dumped steel. Foreign steel firms can operate at irrational prices because their nations will subsidize their operation, meanwhile American companies, relying solely on their own means, will be driven 6 feet under.

In this matter, the people of Pennsylvania have spoken loud and clear. It is now our time to listen to them and to push for the extension of VRA's.

Mr. President, I ask that the resolution of the Senate of Pennsylvania be printed at this point in the RECORD.

The resolution follows:

SENATE RESOLUTION 15, SENATE OF PENNSYLVANIA, FEBRUARY 8, 1989

Whereas, Extension of the steel Voluntary Restraint Arrangements will provide America's steel industry with a necessary, yet measured, defense against conditions abroad that have not changed much since the Voluntary Restraint Arrangements program was first instituted in 1984; and

Whereas, Foreign producers still receive massive subsidies from their governments, foreign steel markets are still tightly restricted to imports, foreign producers still engage in pervasive "dumping" of steel, and there is still a serious structural imbalance between world steel supply and demand on the order of at least 100 million tons; and

Whereas, A five-year extension will give the United States Government the time it needs to negotiate an end to these ongoing trade-distorting conditions abroad, and the United States cannot "unilaterally disarm" in steel by terminating the Voluntary Restraint Arrangements until such negotiations have been successfully concluded; and

Whereas, Voluntary Restraint Arrangements have enabled domestic steel producers to take significant steps to improve their international competitiveness—costs are down 35% since 1982, labor productivity is up 40% and quality has been greatly improved; and

Whereas, Despite these competitiveness gains, additional time is needed, because (1) the domestic steel industry still lags behind other major steel-producing countries in such key areas as product yield, energy efficiency and continuous casting rate, (2) continued restructuring and modernization will be extremely expensive and (3) the industry's underlying economic condition still is fragile because of the enormous losses ($12 billion) sustained in 1982-1986; and

Whereas, Unlike most of its major foreign competition, which is subsidized, the United States steel industry must depend on continued profitability for meeting its future restructing and modernization goals, and the domestic steel industry's continued profitability will be severely threatened if surges of unfairly traded imports are allowed to resume; in fact, such surges at this time, could halt current or future modernization plans in their tracks; and

Whereas, Voluntary Restraint Arrangements extension will continue to require annual cash flow commitments from major United States steel producers to assure ongoing worker retraining, reinvestment in new plant and equipment, and modernization of operations, which are critical to the domestic economy in general and United States steel consumers in particular; and

Whereas, The domestic steel industry, and its continued self-help efforts to regain full international competitiveness, are uniquely important to America's national security, industrial base and infrastructure; and

Whereas, There is no viable alternative to Voluntary Restraint Arrangements, because the only other alternative—a return to massive, and very costly, trade litigation—would cause considerable market disruption that would not be in the best interest of the industry, its domestic customers, the United States Government or our trading partners, many of whom would face imposition of huge penalty duties, therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress and the President of the United States to take prompt action to extend the steel Voluntary Restraint Arrangements for an additional five years; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania and to the President of the United States.●

FABRIC OF LIFE WORN THREADBARE

● Mr. BUMPERS. Mr. President, the Arkansas Gazette recently published an article on the environment by Dr. David W. Orr which I would like to share with my colleagues. Dr. Orr is the founder and director of the Meadowcreek project in Stone County, AR. Meadowcreek is a nonprofit organization established in 1979 for education and research in applied ecology, agriculture, renewable energy systems, forestry, wildlife and the ethical, social, economic, and political aspects of sustainability. Long before Earth was designated the "planet of the year" and the American public became concerned about our global environment, the Meadowcreek Farm and related facilities have been a living laboratory for the so-called sustainable economy. Dr. Orr's article does a fine job of describing the environmental problems which concern us all and the alternative of a sustainable economy. As we search for the answer to the question of how mankind can continue to prosper on the Earth without de-

stroying it, projects like Meadowcreek can help to lead the way.

I ask that the article be printed in the RECORD.

The article follows:

FABRIC OF LIFE WORN THREADBARE WITH OUR WASTE AND GREED

(By David Orr)

FOX.—If today is a typical day on planet Earth, humans will:

(1) Destroy 116.3 square miles of tropical rain forest; (2) turn another 63 square miles into permanent desert; (3) add 15 million tons of carbon to the atmosphere; (4) drive between 4 and 40 other species into extinction; (5) erode 71 million tons of topsoil; (6) increase population by another 216,000, and (7) spend $2.6 billion on weapons to kill each other.

Tonight the planet will be a little warmer, the rain more acidic, the ozone layer a little thinner, and the fabric of life a little more threadbare.

These trends are striking because they are happening much faster than anyone predicted. Earlier estimates gave us a century or more to resolve environmental problems. Most of these studies concentrated on the potential scarcity of basic resources, but we now know waste disposal is our most serious challenge.

Instead of a century we have perhaps several decades. Management of toxic and radioactive wastes is a growing problem. New Yorkers propose to dump their solid waste in Arkansas. Other cities send theirs to Africa or Central America.

Acid rain has severely affected much of the eastern third of the United States and an area in Europe the size of West Germany. Global warming, once thought to be a remote possibility, has now begun. Its primary cause is the three billion to five billion ton imbalance in the global carbon cycle from the combustion of fossil fuels and deforestation.

The depletion of atmospheric ozone, a forgotten issue of the 1970s, reemerged on the public agenda in 1985 when NASA satellites discovered "holes" the size of the U.S. in the ozone over the Antarctic, and later a general thinning in the middle latitudes. Ozone levels may decline by 5 to 7 percent in the next 30 years, resulting in thousands of cases of skin cancer and lower agricultural productivity.

Environmental deterioration has occurred in large part because of a bookkeeping error; we do not account for the full costs of our actions.

If we fail to act wisely, the list of potential victims will include our children and theirs, who will inherit our waste dumps, an environment saturated with the chemicals we used and discarded carelessly, a hotter, dryer and less stable climate and a less attractive and productive world. They will inherit a huge national debt and an even larger one to nature. Both will cripple their prospects.

To a great extent environmental debts represent profligacy and bad management caused by economic incentives that reward short-term destructive behavior at the cost of long-term well-being. Every addict knows the symptoms. The result is that we have become a remarkable wasteful society for what are often trivial gains. We are no better informed for having our daily paper wrapped in plastic, nor are we better fed for having our hamburgers entombed in polystyrene.

Because of these and other excesses we discard two tons of solid and toxic waste per person each year, resulting in higher taxes, land degradation, and serious threats to public health. Waste also lowers our ability to compete economically. The Japanese spend only 4 percent of their GNP on energy while we spend more than 10 percent. Europeans have a higher standard of living than Americans but use only half as much energy per person.

The outlines of a more permanent economy are clear. Its foundation is the principle that prices must include all costs, including those to the environment. A sustainable economy will use energy, materials and water with much greater efficiency than we presently do. It will limit population size. It will be powered largely by the sun. It will close organic waste loops and recycle its wastes. It will reward good farming and stewardship.

For the most part these are things we already know how to do. Resource-efficient technologies are being developed rapidly. We now have lightbulbs that provide 75 watts of lighting power but use only 17 watts of electricity, saving three-fifths of a barrel of oil each year.

Toyota has tested a passenger car that gets 98 miles to the gallon. The Office of Technology Assessment reports that revolutions in materials science can reduce resource use by 40-60 percent. Biological waste treatment can produce cleaner water at a fraction of present costs. We are learning how to farm profitably using fewer chemicals and fossil fuels.

The real test, however, is not to our technological ingenuity, but to our foresight and wisdom. The crisis of permanence is a test of civic, academic, business, and public leadership at all levels.

The well-being of our children and theirs depends less on our cleverness, and more on our vision, courage, intelligence and moral stamina. The steps toward permanence to which these qualities lead and which now seem so difficult, will appear to them to be merely obvious.●

HATE CRIMES STATISTICS ACT

● Mr. SIMON. Mr. President, on February 22, 1989, I, along with 30 of my colleagues, introduced the Hate Crimes Statistics Act, S. 419. This bill is a simple measure which directs the Attorney General to collect data about crimes motivated by prejudice based on race, religion, sexual orientation, or ethnicity.

The purpose of this legislation is to let Congress and law enforcement officials know whether hate crimes are in fact on the rise. Having this information is critical if both policymakers and law enforcement officials hope to devise effective strategies to combat bigotry and racism.

I would like to share with you a very informative article written by Jess N. Hordes, Washington representative of the Anti-Defamation League of B'nai B'rith, and Michael Lieberman, ADL's Washington counsel, for the editorial/opinion page of the March 2, 1989, Washington Jewish Week which eloquently describes the problem of hate crimes and the Hate Crimes Statistics Act. In the article, Mr. Hordes and Mr. Lieberman stressed the need for legislators to act in order to bring about greater knowledge of the incidence of hate crimes. Hate crimes "exacerbate racial, religious, and ethnic tensions and * * * can damage the fabric of our society and fragment communities." The article explains that we will be able to effectively address the hate crime problem only when we have accurate data with which to understand the extent of the problem.

I share this important and informative article with my colleagues and hope that it will encourage them to support this important bill. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Jewish Week, Mar. 2, 1989]

TIME TO TARGET HATE CRIMES

(By Jess N. Hordes and Michael Lieberman)

Prejudice and anti-Semitism cannot be legislated out of existence. But there is a growing awareness that government can do more to address the implications of crimes prompted by hatred. Earlier this week, the Hate Crime Statistics Act of 1989 was introduced under the leadership of Sens. Paul Simon (D-Ill.) and Orrin Hatch (R-Utah), and Reps. Barbara Kennelly (D-Conn.) and John Conyers (D-Mich.). This legislation directs the U.S. attorney general to acquire data about crimes "that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. . . ." In addition, the bill would require the attorney general to publish an annual summary of his findings.

Law enforcement officials and government and community leaders will be in a position to confront bias-related crimes in the most effective fashion only when the scope of the problem is known. To date, both local and national responses to hate crimes have been impeded by a lack of comprehensive, comparative statistical data concerning the number, location, and types of such crimes.

Anti-Semitic incidents and other hate crimes deserve a special response from law enforcement officials and civic leaders. Hate crimes can have a unique emotional and psychological impact on the victim and the community. They exacerbate racial, religious and ethnic tensions and lead to reprisals that create the potential for escalating violence. By making members of targeted communities fearful, angry and suspicious of other groups—and of the power structure that is supposed to protect them—these incidents can damage the fabric of our society and fragment communities.

Yet, because most of these crimes are not always violent, victims have too frequently not received special attention or assistance. Unfortunately, police sometimes dismiss these acts as "pranks" or ordinary cases of vandalism, assault or arson.

The Anti-Defamation League (ADL) has been closely tracking one type of hate crime—anti-Semitic vandalism—since 1960. In 1979, ADL began publishing an annual "Audit of Anti-Semitic Incidents" based on data reported to its regional offices around the country. In 1985, anti-Semitic incidents" reached their highest levels in five years—a 21 percent increase over 1957. Almost ten percent of these incidents were linked to an external political event—the Palestinian uprising in the West Bank and Gaza. The

number of serious crimes more than doubled from 1987. More incidents were carried out by organized hate groups (including, notably, neo-Nazi skinheads), and a sharp jump in the number of incidents on college campuses was recorded.

The publication of the annual ADL Audit has helped to focus nationwide attention on hate crimes and on legislative initiative designed to address the problem. Last year, Congress passed a religious vandalism statute, making it a federal crime to vandalize, damage or destroy a house of worship, cemetary or religious school. There has also been considerable attention devoted to the hate-crimes issue at the state and local levels.

Thirty-three states now have some form of institutional vandalism statute, which provides for increased penalties for defacing or damaging places used for religious worship or other religious purposes. In addition, 31 states have enacted intimidation or harrassment statutes, which increase the penalties for crimes already punishable under the criminal code if they are motivated by prejudice or bigotry. Many of these statutes are modeled after legislation originally drafted by the ADL in 1981.

THE HATE CRIME STATISTICS

We recognize that even the stiffest criminal penalties, the most thoughtful law enforcement agency guidelines, and the best-trained officers and prosecutors will not eliminate criminal activity motivated by prejudice. The ADL's experience, however, is that stricter law enforcement and heightened public awareness of hate crimes have been effective in reducing the number of incidents. The findings of our 1988 Audit further underline the ongoing need for effective efforts by legislators, community leaders, and law enforcement officials to counteract hate crimes.

Of course, the long-term solution to racism, bigotry and anti-Semitism is education and prejudice-reduction programming—leading to better understanding and acceptance of diversity in our society. Statutes that severely punish hate-motivated criminal conduct and reporting systems that produce a more accurate and comprehensive measurement of the extent of this activity are important building blocks in a long-range approach.●

PRESS SOUTH AFRICA TO END OPPRESSION

● Mr. SIMON. Mr. President, USA Today had an editorial that speaks for millions of Americans entitled, "Press South Africa to End Oppression."

The editorial eloquently spells out why pressure must be continued in South Africa.

At one point in the editorial they say,

South Africans struggling for democracy should know they have friends and allies—people across the USA trying to send the message that they care. That's why college students from Charlottesville, VA, to Hanover, NH, are marching against apartheid. That's why labor unions from Detroit to Boston are protesting investments in South Africa. That's why dozens of big companies like General Electric and Kodak and IBM are pulling business out. That's why the U.S. Government maintains an arms embargo and economic sanction against South Africa. And that's why those sanctions should be made stronger.

I ask that the editorial be printed in the RECORD at this point.

The editorial follows:

[From USA Today, Feb. 15, 1989]

PRESS SOUTH AFRICA TO END OPPRESSION

In South Africa today, people are starving for freedom. Nearly 300 men and women who have been imprisoned without charges under that country's emergency political decrees are refusing to eat.

Some have already gone without food for three weeks, and at least 21 have been hospitalized. Two who broke the fast were released Tuesday, but the government says it is dangerous to release hunger strikers "because they might go out and fill themselves up and they could die."

The strikers are just a fraction of the tens and thousands of others—including hundreds of children—who have been swept up by the South African government over the past three years. Some have been tortured and killed.

Most of those prisoners aren't criminals. They want a chance to be heard in the courtroom. They want to end the legally enforced separation of races. They want the 80% of the population who are black to be allowed to vote in national elections. They want the kind of open society we take for granted in the USA.

The South African government thinks that by throwing people in prison without charging them, shutting down newspapers and smashing television cameras, it can keep the truth away from the rest of the world.

It kept news of the hunger strike quiet for weeks. But it was eager to let the world know that Winnie Mandela, wife of imprisoned black leader Nelson Mandela, is being investigated in the alleged beatings of four black youths who attended a school run by white Methodists. One of them may have been killed.

Those charges should be investigated. But alleged brutality by a few individuals does not justify proven brutality by an entire government.

A government that decides where people can live, where people can work, based on the color of their skin. A government that dictates what people can say or write. A government that throws thousands in prison, tortures them and sometimes kills them for the crime of fighting for freedom.

Some people, like the columnist on the other side of this page, are easily fooled by South African propaganda. They think the prisoners are communist terrorists.

That's nonsense. South Africans struggling for democracy should know that they have friends and allies—people across the USA trying to send the message that they care.

That's why college students from Charlottesville, Va., to Hanover, N.H., are marching against apartheid.

That's why labor unions from Detroit to Boston are protesting investments in South Africa.

That's why dozens of big companies like General Electric and Kodak and IBM are pulling business out.

That's why the U.S. government maintains an arms embargo and economic sanctions against South Africa. And that's why those sanctions should be made stronger.

This month, Black History Month, the USA is celebrating a dream. A dream that someday people will be judged not by the color of their skin but by the content of their character.

That's a dream we should share with the world.●

WOMEN REFUSENIKS' HUNGER STRIKE

● Mr. LUGAR. Mr. President, for the third time in as many years, refusenik women in the Soviet Union will begin a 3-day hunger strike today, on the occasion of International Women's Day. They are protesting a right that many Americans, who themselves are immigrants, or descendants of immigrants, take for granted: the right to emigrate. They are protesting the refusal by the Soviet Union to allow hundreds of men, women, and children to emigrate, in many cases to escape persecution, to practice their religion freely, to join their families. Further, they are protesting the refusal of the Soviet Union to honor their international commitments. The right to emigrate was confirmed as recently as January 19 by the Vienna Conference on Security and Cooperation in Europe, of which the Soviet Union is a member.

On this day that celebrates the significance of women in a myriad of cultures and roles internationally, let us pledge to continue our efforts for these women and their families; for Inna Uspensky, for Judith Lurie, Evgenia Berenfeld, Ludmila Fridman, and Tatyana Futoryanskaya, of Moscow, for Sofia Wander and Lilia Rabinovich of Leningrad, Oxana Kotlyer of Kiev, Karmela Raiz of Vilnius, Ala Stomatova of Irkutsk, and others.

Inna Uspensky, her husband Igor, and son Slava have been refused permission to emigrate due to the work of Inna's brother, mathematician Prof. Aleksandr Ioffe. Professor Ioffe, a refusenik for years, was finally permitted to emigrate to Israel with his family in January 1988. Inna and Igor have not been permitted to join Professor Ioffe and other family members. Both Inna and Igor are biologists who specialize in entomology. They were both fired from the Institute of Medical Parisitology and Tropical Medicine at the Soviet Ministry of Health, where they had worked for more than 20 years, soon after applying to emigrate to Israel in 1979. Inna now has occasional translation work while her husband works as an elevator operator. Their 20-year-old son has also been denied permission to emigrate, based on the "secrecy" prohibitions of his parents.

I would like to add my voice to the voices of the members of Jewish Women Against Refusal who are beginning their hunger strike today to call attention to the Uspensky family and others who are denied the right to emigrate from the Soviet Union. I urge my colleagues to join me and

others in Congress and the administration to apply pressure on the Soviet Government until those who wish to emigrate from that country are allowed to do so.●

SECTION-BY-SECTION ANALYSIS—S. 413

● Mr. GARN. Mr. President, I rise today on behalf of myself and Senator RIEGLE to submit for the RECORD a section-by-section analysis of the administration's savings and loan bill, S. 413. This analysis was prepared by the Department of the Treasury and was forwarded to the Banking Committee today.

The material follows:

FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT OF 1989 SECTION-BY-SECTION ANALYSIS

Section 101. Purposes.—Section 101 provides that the purposes of this Act are: to promote a safe and stable system of affordable housing finance through regulatory reform; to improve supervision by strengthening capital, accounting, and other supervisory standards; to establish a relationship by the Treasury Department over the Federal Home Loan Bank System similar to that of the Office of the Comptroller of the Currency; to establish an independent insurance agency to provide deposit insurance for savers; to put the federal deposit insurance system on a sound financial basis for the future; to create a new corporation to contain, manage and resolve failed thrift institutions; to provide the necessary private and public financing to resolve failed institutions in an expeditious manner; to provide for improved supervision and enhanced enforcement powers; to increase criminal and civil money penalties for crimes of fraud against financial institutions and depositors; and for other purposes.

TITLE II—FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITIES AND RESPONSIBLITIES.

Section 201. Financial Institutions.—Section 201 generally replaces "bank" with "financial institution"—a term that includes both banks and savings associations (thrifts)—throughout the Federal Deposit Insurance Act (FDI Act). It also replaces "Federal Home Loan Bank Board" with "Chairman of the Federal Home Loan Bank System" (FHLBS).

Section 202. Duties of the Federal Deposit Insurance Corporation.—Section 202 authorizes the FDIC to insure savings associations in addition to banks.

Section 203. FDIC Board Members.—Section 203 increases the membership of the FDIC's Board of Directors from three members to five. The comptroller of the Currency and the Chairman of FHLBS are ex officio members. The other three are appointive members, no more than two of which may be from the same political party. As under current law, the appointive members have fixed six-year terms. The President may designate one appointive member as the Chairman and one as the Vice Chairman of the FDIC. Under current law, Board members may not serve as officer or director of any insured bank or of a Federal Reserve bank, and may not hold stock in any insured bank. Section 203 provides that, in addition, Board members may not serve as directors or officers of any insured thrifts or of any Federal Home Loan Bank, and may not invest in any insured thrift, or in any bank holding company or savings and loan holding company. The Board members serving on the date of enactment are to complete their terms of office, and the Chairman is to continue to serve as Chairman until his successor has been appointed and qualified.

Section 204. Definitions.—Section 204 amends some of the existing definitions in Section 3 of the FDI Act, and also provides several new definitions.

The term "insured bank" is retained.

Section 3(j) of th FDI Act, which defines "receiver", is clarified to provide that "conserving assets" is one of the functions of a "receiver", and includes "savings associations" among the institutions for which a receiver may act.

Section 3(l), which defines "deposit", is amended to include obligations of savings associations, and to specify that foreign currencies and obligations expressed in foreign currencies, do not qualify as "deposits." The Chairman of the FHLBS is added to the list of bank regulators with which the FDIC Board must consult in any decision on whether to treat other obligations as deposits.

Section 3(m), which defines "insured deposit", is amended to accommodate deposits held by thrifts and makes allowance for any differences that might currently exist between an "insured deposit" under the FDI Act and an "insured account" under the National Housing Act. Section 204 specifies that any liability that was an "insured account" under the FSLIC's rules, but that would not otherwise qualify as an FDIC-insured deposit, will continue to be insured for six months after the effective date of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRRE Act), or (in the case of a fixed-maturity time deposit) until its earliest maturity date occurring after the expiration of six months from enactment of the amendments.

Section 3(q), which defines the term "appropriate Federal banking agency", adds the Chairman of the FHLBS as the appropriate Federal banking agency with respect to a savings association or a savings and loan holding company.

Section 204 adds a new definition for the term "savings association". This term includes thrifts that are insured by the FSLIC on the effective date of the FIRRE Act, any Federal savings and loan association or Federal savings bank, and any State-chartered savings and loan. "Savings association" also includes any corporation that the FDIC considers to be operating substantially in the same manner as a savings and loan association.

Section 204 also adds definitions for "default" and "danger of default", which are generally defined to be determinations by a public authority for appointment of a conservator or receiver. These concepts are taken from the National Housing Act, and are used throughout the FDI Act in lieu of current references to "closed" banks and banks in "danger of closing".

Finally, Section 204 defines various other terms—e.g., "bank," "financial institution" (which includes "banks" and "savings associations"), and "financial institution holding company" (which includes bank holding companies and savings and loan holding companies).

Section 205. Insured Savings Associations.—Section 205 provides that all FDIC-insured banks and all FSLIC-insured institutions continue to be insured by the FDIC without application or approval. In addition, this section states that whenever a financial institution files an application with another Federal banking agency that would result in granting insurance to the institution—*e.g.*, an application for a national bank charter—the other agency must provide the application to the FDIC for comment (such comment to be made in a reasonable time) and the agency must take the FDIC's comment into account in deciding whether to grant the application.

Section 206. Application Process; Insurance Fees.—Section 206 requires State savings associations to apply to the FDIC for deposit insurance. Federal savings associations may apply to the FHLBS, but must also submit an application to the FDIC together with a certificate from the FHLBS. The FDIC Board must consider the first five factors specified in Section 6 of the FDI Act when evaluating the application. The FDIC Board (which may not delegate denial authority in the case of such Federal associations) may, after reviewing the application and the certificate, decline to insure the applicant and must provide specific written reasons to the Chairman of FHLBS for any such denial. Section 206 provides that any financial institution that becomes insured must pay any entrance fee prescribed by FDIC regulations. The fee is paid into the particular fund, the Bank Insurance Fund (BIF) or the Savings Association Insurance Fund (SAIF), depending upon which Fund it joins. The same rules generally apply to conversions. When a bank that is already a member of the BIF converts into a SAIF member, the bank must pay an entrance fee to the SAIF. When a savings association converts into a BIF member, the savings association must pay an entrance fee to the BIF. The fee in each case must be enough to prevent the dilution of the reserves of the Fund to be joined by the institution.

FDIC must approve any conversion transaction. There is a five-year moratorium on such conversions although the FDIC may permit a conversion during the moratorium with respect to a de minimis transaction (such as minor branch sales) or in cases where the FDIC and the Oversight Board of the Resolution Trust Corporation agree that the conversion transaction is in the best interests of both BIF and SAIF.

In a conversion transaction, the institution must also pay an exit fee as determined by the Secretary of the Treasury to be paid to the Resolution Trust Corporation (RTC) or such agency as determined by the Secretary.

Finally, Section 206 provides for "cross-guarantees" by insured financial institutions that are commonly controlled. Each such financial institution must reimburse FDIC, as requested, for any loss the FDIC may incur in connection with the failure of, or assistance to, another commonly owned insured financial institution. However, for the first five years after the effective date of the FIRRE Act, BIF members do not have to reimburse the FDIC for losses in connection with SAIF members, and vice versa.

The cross-guarantees are subordinate in right of payment to deposits (except those owed to commonly controlled institutions), to secured obligations, and generally to other liabilities except as specified. The cross-guarantees are superior, however, to obligations owed to other commonly-controlled companies or to shareholders, to debts and obligations that are subordinated

to depositors and other general creditors, and to contingent claims.

The FDIC may specify how much of the overall loss will be borne by any given institution, but must consult with the Federal supervisor of any such institution for the purpose of setting the procedures and schedules of any program of reimbursement.

The FDIC must promulgate regulations to implement an administrative review procedure, and to provide a hearing to any commonly-controlled financial institution that is required to reimburse the FDIC. When courts review the FDIC's determinations regarding the amount of the liability, and regarding procedures and schedules for reimbursement, the courts must sustain the FDIC's determinations unless they are found to be arbitrary or capricious.

The Bank Holding Company Act definitions of "control" and "company" are adopted for this purpose.

Section 207. Insurability Factors.—Section 207 adds, as a new factor for agencies to consider when evaluating applications that result in deposit insurance, the risk presented to the BIF, to the SAIF, and to the overall Deposit Insurance Fund as a whole.

Section 208. Assessments.—Section 208 provides that the FDIC, after reaching agreement with the other three Federal banking agencies, may require insured financial institutions to file additional reports for insurance purposes.

Section 208 also sets insurance assessment rates for BIF members (generally banks) on one hand and for the SAIF members (generally savings associations) on the other. BIF members must pay the current rate (1/12 of 1 percent) unitl the end of the current year. For the year 1990, the rate is 12/100 of 1 percent. After 1990, the rate remains at 15/100 of 1 percent. SAIF members must likewise pay their current rate (20.8/100 of 1 percent) until December 31, 1990. From January 1, 1991, through December 31, 1993, they pay 23/100 of 1 percent. Finally, on January 1, 1994, this rate becomes 18/100 of 1 percent, where it remains.

The FDIC may raise these rates for the BIF Fund or the SAIF fund if the FDIC makes any of the following findings about the Fund in question:

That the Fund has experienced a net loss in any of the prior three years;

That the Fund's "reserve ratio"—the ratio of its net worth to its insurance liabilities—is less than 1.20 percent; or

That extraordinary circumstances exist that raise a reasonable risk of serious future losses to the Fund in question.

The FDIC may not raise the rates more than 50 percent over the prior year's rate, and, in any event, the maximum rate for either Fund is 35/100 of 1 percent.

The FDIC may also lower the rates below the statutory minimums. The FDIC may set a lower rate for a Fund if the FDIC determines that the ratio of the Fund's net worth to its insurance liabilities exceeds 1.25 percent, and if the FDIC believes that the ratio is not likely to decrease for the next five years.

Finally, every financial institution must pay a minimum annual assessment of $500 or such greater amount as is necessary to cover the direct costs related to assessment and processing.

Section 208 clarifies that amounts of premiums paid to the Financing Corporation (FICO) and the Resolution Funding Corporation (REFCORP) under their respective authorities to assess, are to be subtracted from the amounts assessed under this section to be paid to SAIF. This ensures that institutions are not double or triple assessed.

Section 208 also provides for assessment credits. When the reserve ratio of a Fund exceeds 1.25 percent (or such higher level as determined by the FDIC), the FDIC may rebate to the Fund's members some of the assessments they have paid in the prior year. The rebate would be the lesser of the amount necessary to reduce the Fund's reserve ratio to 1.25 percent (or to the level determined by the FDIC) or 60 percent of the net assessment income the Fund members have paid in during the prior year. This section, as all the others dealing with assessments, is Fund specific. The FDIC must deduct any amount that an institution owes the FDIC from any rebate to be credited to that institution. Furthermore, the FDIC may not rebate any amounts to SAIF members so long as the Financing Corporation is authorized to assess the SAIF members for Financing Corporation interest obligations.

Finally, Section 208 extends the scope of the Change in Bank Control Act to reach savings associations as well as banks. Elsewhere the FIRRE Act repeals Title IV of the National Housing Act, which contains the provisions of the equivalent law currently applicable to savings and loan associations.

Section 209. FDIC Corporate Powers.—Section 209 makes technical and conforming amendments to Section 9 of the FDI Act, which generally sets forth the basic corporate powers of the FDIC. Section 209 also clarifies the FDIC's authority to define any terms used in the FDI Act that are not specifically defined, and to interpret definitions that are defined; provided that the FDIC definitions are not binding on other Federal banking agencies.

Section 210. Administration of the FDIC.—Section 210 gives the FDIC the same authority to examine insured thrifts as it has now with respect to insured banks.

Section 211. Insurance Funds; FDIC Powers as Receiver.—Section 211 amends Section 11 of the FDI Act to provide for two separate insurance funds, which are not to be commingled. BIF is essentially a continuation of the FDIC's existing fund, which until the passage of the FIRRE Act has been known as the Permanent Insurance Fund. All the assets, debts, obligations, contracts, and other liabilities of the existing FDIC fund are transferred to the BIF. All assessments paid by BIF members (generally banks) are to be paid into this Fund, and the assets of the Fund are to be used in connection with BIF members. The other Fund is the SAIF. All assessments paid by SAIF members (generally thrifts) (which are not otherwise committed to the Financing Corporation or Resolution Trust Corporation) are to be paid into the Fund, and the assets of the Fund are to be used in connection with SAIF members. In addition, the Treasury is to make the following contributions to the SAIF, subject to available appropriations:

[In billions of dollars]

Fiscal year:	
1991	2.0
1992	3.4
1993	4.6
1994	3.9
1995	4.0
1996	4.0
1997	4.0
1998	4.0
1999	3.0

In the event that case resolution costs run higher than estimated over the period from 1992 through 1999, then Treasury (subject to available appropriations) will contribute additional funds to SAIF that may exceed the levels in the above table so as to cover resolution costs that do not come from other income sources and keep the fund at a minimum level. The minimum level of the fund for each of the years 1992 through 1999 is as follows:

[In billions of dollars]

Fiscal year beginning October 1:	
1992	1.0
1993	2.1
1994	3.2
1995	4.3
1996	5.4
1997	6.5
1998	7.6
1999	8.8

Treasury will provide funds to keep SAIF at the above minimum levels until the earlier of 1999, or the first fiscal year that SAIF's reserve ratio is at least 1.25 per centum.

Finally, the FDIC is authorized to borrow from the Federal Home Loan Banks, with concurrence of the Chairman of the System, such funds as the FDIC deems necessary for the use of the SAIF, subject to the cap on borrowing specified in Section 216. This borrowing authority was authorized for FSLIC prior to enactment of this Act. Any borrowings under this section become a specific liability of SAIF.

Section 211 defines the FDIC's authorities and duties as receiver or conservator. The authorities essentially parallel those heretofore exercised by the FSLIC and the FDIC, and are designed to give the FDIC power to take all actions necessary to resolve the problems posed by a financial institution in default. Section 211 specifies that the authority includes the power to conduct business, including taking deposits, and performing all functions of the financial institution in its own name; to take necessary action to put the institution in sound and solvent condition; to merge the institution with another insured financial institution; to organize a Federal savings association to take over assets and liabilities from a failed thrift, or to organize a bridge bank or a new national bank to take over assets and liabilities of any insured financial institution; to transfer assets or liabilities of the financial institution, including those associated with any trust business carried on by the institution, without any further approvals; to place the financial institution in liquidation; to determine claims; and to exercise all powers and authorities granted by the Act or incidental thereto.

Section 211 of FIRRE Act establishes a claims procedure, with specific deadlines both for creditors and for the FDIC, to be followed in cases where the FDIC has been appointed receiver. Section 211 enables the FDIC, when acting as receiver, to request a stay of litigation or other similar proceeding for a period of up to 90 days after its appointment. The appointment of a receiver or conservator can often change the character of litigation. The stay gives the FDIC a chance to analyze pending matters and decide how best to proceed.

Section 211 also codifies the common-law right of a receiver or conservator to disaffirm or repudiate contracts. The need to exercise this right generally occurs when a failed institution has entered into a long-term lease or long-term service contract

shortly before going into default. Without the common-law right of disaffirmance or repudiation, the lessor or contractor could reap a windfall for a service or lease that was clearly not necessary. (Section 211 provides, however, that a lessor is entitled to the contractual rent for the period the receiver occupies the premises.)

In order to repudiate or disaffirm a contract the FDIC, as receiver, must determine that the contract would be burdensome to the estate of the failed institution or that the disaffirmance would promote the orderly administration of the financial institution's affairs. If the FDIC disaffirms or repudiates the contract within ninety (90) days from the date the FDIC is appointed receiver or discovers the existence of the contract or lease, there will be no resulting damages for the disaffirmance against either the FDIC or the estate of the financial institution in default.

Conversely, Section 211 allows the FDIC as receiver to enforce contractual terms that the FDIC deems necessary for the orderly execution of its duties as receiver. Contracts often have a provision specifying that the contract is automatically in default on the appointment of a receiver or conservator, or similar event. Such provisions are generally held void and section 211 merely codifies the common-law rule.

Section 211 requires the FDIC to keep and maintain a full accounting with respect to the affairs of the financial institution in default and specifies that the accounting shall be available to the institution's shareholders and other regulatory agencies. Section 211 also provides that the FDIC may destroy records of a Federal financial institution default after five years from its appointment as receiver.

Section 211 specifies that, when a receiver or conservator is appointed for an insured Federal financial institution (or for an insured District bank or District savings and loan association) for the purpose of liquidating it or winding up its affairs, the FDIC must be appointed as such receiver or conservator. Section 211 authorizes, but does not require, the FDIC to accept appointment as receiver in other circumstances, if appointment is offered: namely, to serve as conservator for an insured Federal or District financial institution for the purpose of operating the institution, or to serve as conservator or receiver for State institutions either for operating or for liquidation purposes. When the FDIC serves as conservator or receiver for a State institution, it has all the rights, powers and privileges granted to receivers of State financial institutions under State law in addition to, and not in derogation of, the powers conferred by the FDIC Act.

Section 211 provides that the FDIC as conservator or receiver shall not be subject to the direction or supervision of any other agency or Department in the exercise of its duties (except as may otherwise be provided in the FIRRE Act). The only exception to the rule is where the FDIC has been appointed conservator for a Federal financial institution by that institution's primary regulator, and the institution continues to operate in conservatorship. In such cases, the FDIC shall be subject to the supervision of that primary regulator.

In addition, Section 211 gives the FDIC the power currently available to the FSLIC to appoint itself as sole conservator or receiver of an insured State financial institution under certain conditions. The FDIC may not exercise this power unless it makes each of two findings.

First, either (1) that a conservator, receiver or other legal custodian has been appointed for an insured State financial institution, that the appointment has been outstanding for at least 15 consecutive days, and that one or more depositors is unable to obtain withdrawal of his or her deposit, in whole or in part, or (2) that a State financial institution has been closed by or under the laws of any State. Second, that any of the following grounds exist: (1) insolvency in that the assets of the institution are less than its obligations to its creditors and others, including depositors; (2) substantial dissipation of assets or earnings due to any violation or violations of law, rules, or regulations, or to any unsafe or unsound practice or practices; (3) an unsafe or unsound condition to transact business; (4) willful violation of a cease-and-desist order which has become final; or (5) concealment of books, papers, records, or assets of the institution or refusal to submit books, papers, records, or affairs of the institution for inspection to any examiner or to any lawful agent of the FDIC.

Section 211 specifies that payments made on account of a BIF member may only be made from the BIF, and that payments on account of a SAIF member may only be made from the SAIF. The FDIC may require proof of claims and may determine claims, subject to review by the Court of Appeals for the District of Columbia Circuit or for the circuit where the financial institution is located. The court must sustain the FDIC's determination unless the court finds the determination to be arbitrary or capricious.

Section 211 provides that, when the FDIC pays insurance to a depositor, the FDIC is automatically subrogated to the depositor's claim against the institution. The automatic right of subrogation now applies only to national banks; Section 211(g) extends it to all insured financial institutions.

Section 211 allows the FDIC to use its Deposit Insurance National Bank powers in the case of failed thrifts as well as in the case of failed banks, but does not otherwise change the role or powers of Deposit Insurance National Banks.

Section 211 makes technical changes in the bridge bank statute. The changes clear up some of the statute's ambiguities and streamline bridge bank operations. For example, Section 211 allows the FDIC to use bridge banks in the case of savings associations as well as banks. Section 211 also specifies that while a person who serves in any capacity with respect to a bridge bank does not thereby become an officer or employee of the United States for purposes of Title 5 of the United States Code, a Federal employee who serves in some capacity with respect to a bridge bank does not thereby lose any such status under Title 5; but Federal employees may not receive additional compensation apart from their Federal compensation. In addition, Section 211 provides that a bridge bank may be treated as a financial institution in default. Treating a bridge bank as being "in default" makes it clear that the bridge bank is eligible for the provisions applicable to failed and failing institutions (*e.g.*, acquisition by interstate holding companies). Section 211 also gives a bridge bank three one-year extensions of corporate life, not just one such extension as is the case now.

Section 211 clarifies the principle that people with claims against the estate of a failed financial institution are only entitled to their share of the institution's estate: *i.e.*, that the value of a claim is the amount that claimant would have received had the FDIC liquidated the estate. Section 211 makes it explicit that the value of any such claim is not affected by the procedure that the FDIC may choose to adopt in dealing with a failed institution, even if the procedure results in making some creditors whole (*e.g.*, a purchase-and-assumption transaction in which all deposits, both insured and uninsured, are transferred to an acquiring institution but other claims are not transferred). Section 211 permits the FDIC to make additional payments to, or for the benefit of, particular creditors or categories of creditors out of its own resources without becoming obligated to make similar payments to any other claimant or category of claimant. The FDIC may only use the resources of the Fund to which the failed institution belonged in making any such payments.

Under this procedure, no creditor ever receives any less than the fair value of his claim against the estate. But at the same time, the FDIC is free to take action that is to the benefit of the institution and the public without being subject to the constraint of making all creditors whole if even one creditor is made whole.

Section 211 also provides that, where the FDIC elects to operate an institution in default for a period of time before beginning to wind up its affairs, the FDIC would incur no liability to any claimant should the estate of the institution be diminished during such period of operation, absent a finding of bad faith on the part of the FDIC.

Section 211 authorizes the FDIC to make rules and regulations for the conduct of conservatorships and receiverships, and enables the FDIC to adjudicate claims. The power to adjudicate may be exercised only if the FDIC has first issued regulations governing the processing of claims. Claims determinations made by agency adjudication are subject to appellate court review, and must be upheld unless found to be arbitrary or capricious. In the absence of FDIC regulations governing claims resolution, the Federal district courts (or State or local courts) would have jurisdiction to hear such cases.

Finally, Section 211 bars courts, to the same extent as the Home Owners' Loan Act does now under existing law, from restraining or affecting the exercise of the powers or functions of the FDIC as receiver or conservator, except at the request of the Board of Directors.

Section 212. FSLIC Resolution Fund.—Section 212 creates the FSLIC Resolution Fund. Consistent with the provisions of Title IV of this Act, this Fund is the successor to the existing reserves and assets, debts, obligations, contracts and other liabilities of the FSLIC, and is required to be held separately and not commingled with BIF or SAIF.

The FSLIC Resolution Fund is funded from the following sources in the listed priority: (1) the income generated on the assets transferred to it; (2) the proceeds of the resolution of insolvent thrift institutions which became insolvent prior to December 31, 1988 (to the extent such funds are not required by the Resolution Funding Corporation); (3) the proceeds from borrowings by the Financing Corporation; and (4) until 1992, from the assessments levied on SAIF members and not required by the Financing Corporation or the Resolution Trust Corporation. Section 212 also provides for additional funding by the Secretary of the Treasury from appropriated funds, if needed.

Any judgment resulting from any civil action or proceeding to which the FSLIC was a party prior to its dissolution in any action or which is initiated against the FDIC based upon FSLIC actions is limited to the assets of the FSLIC Resolution Fund.

The FSLIC Resolution Fund will be dissolved when its debts and liabilities have been satisfied and all its assets have been sold, with remaining funds being covered into Treasury because of Treasury funds having been injected into the FSLIC Resolution Fund over the years. Only minimal offices and office supplies are to be transferred to SAIF.

Section 213. Amendments to Section 12.—This section makes conforming technical changes to Section 12 of the FDI Act, which deals with paying insurance to depositors, the appointment of agents to assist the FDIC in conducting receiverships, and other matters.

Section 214. Amendments to Section 13.—Section 214 specifies that the funds held in each of the specific funds administered by the FDIC must be invested separately, and may not be commingled. Section 214 allows the FDIC to stay legal proceedings involving asset purchases for up to 90 days. Section 214 also amends the "cost test" for FDIC assistance. Under current law, the FDIC may not provide assistance in excess of that amount which the FDIC determines to be reasonably necessary to save the cost of liquidating (unless continued operation is necessary to provide essential banking services). Section 214 would additionally require FDIC to consider the immediate and long-term obligations of the FDIC with respect to the assistance, and also the Federal tax revenues foregone by the Government as a result of specific tax benefits granted to acquirers of financial institutions in default or in danger of default.

Section 214 provides that transfers of assets or liabilities associated with any trust business may be effected by FDIC in connection with any asset purchase transaction without any further State or Federal approval.

Section 214 eliminates the requirement for approval by the appropriate State authority and by a court for sales of assets of pledges of assets to secure loans by conservators, receivers or liquidators to the FDIC.

Section 214 clarifies the provision invalidating certain secret agreements against interests of the FDIC. Section 214 makes it clear that these provisions apply to assets that the FDIC acquires as receiver as well as to assets that it acquires in its corporate capacity.

Section 214 specifies that the Board of Directors of the FDIC must act by a 75 percent vote (rather than the present unanimous vote) in order to override State objection to an assisted interstate acquisition of an insured financial institution in default having $500,000,000 or more in assets.

Section 214 retains the current rules governing interstate acquisitions of banks, and keeps them separate from those that govern thrifts. It tightens the rules by providing that such acquisitions would be prohibited if they threaten the safety or soundness of the acquirer or would not result in the future viability of the resulting institution.

Section 214 transfers the parallel interstate-acquisition provisions relating to thrifts, which now appear at section 406(m) of the National Housing Act, to subsection 13(k) of the FDI Act (with technical and conforming amendments). These rules continue to apply only to savings institutions and are *not* extended to banks. The current law allows an override of the laws or constitution of any State, or any Federal law, that constitutes a material impediment to supervisory acquisitions and provides for consultation with State authorities. In addition, as amended, in exercising this override authority, the FDIC must obtain this prior concurrence of the Chairman of the Federal Home Loan Bank System in all respects other than section 10(e)(3) of the Home Owners' Loan Act, and the prior concurrence of the Federal Reserve Board for the override of the Bank Holding Company Act or Federal Reserve Act.

Section 215. Borrowing Authority.—Section 215 increases the borrowing authority of FDIC from $3,000,000,000 to $5,000,000,000, and also specifically states that the Secretary of the Treasury must approve any use of the credit line.

Section 216. Limitation on Borrowing.

Section 216 clarifies the existing provisions specifying that the only kind of non-Federal tax to which the FDIC, in its corporate capacity or as receiver, is subject is a tax on real property.

Section 216 further specifies that if an insured institution fails to pay a tax, the FDIC's only obligation as receiver or conservator for the institution is to pay the prorata claim for the tax—the FDIC will not be subject to any special penalties or forfeitures that might otherwise apply (*e.g.*, loss of a secured interest in the property.)

Finally, Section 216 sets a cap on the notes, debentures, bonds, and similar obligations, including estimated losses for guarantees and other liabilities of the BIF and of the SAIF, respectively. Each cap is set independently. In each case, the Fund may not incur such obligations in an amount exceeding 50 percent of the Fund's adjusted net worth, including reserves for losses and similar reserves or $10,000,000,000, whichever is less. These obligation caps apply to borrowings by the Funds, and do not affect or apply to the FDIC's power to draw upon its credit line of $5,000,000,000 from the Treasury.

Section 217. Reports.—Section 217 requires the FDIC to report to Congress annually on its operations, activities, budget, receipts and expenditures. Current law specifies only the FDIC's operations as subject to reporting requirements. Section 217 also requires the FDIC to make quarterly reports to the Secretary of the Treasury and to the Director of the Office of Management and Budget with respect to the FDIC's financial operating plans and forecasts (including estimates of actual and future spending, and estimates of future non-cash obligations) taking into account the FDIC's financial commitments, guarantees and other contingent liabilities.

Section 218. Regulations Governing Insured Financial Institutions.—Section 218 specifies that FDIC signs displayed by insured financial institutions shall represent whether an institution is a BIF member or a SAIF member. Section 218 subjects all insured financial institutions to the Bank Merger Act. The Chairman of FHLBS is the responsible agency with respect to mergers where the acquiring, assuming or resulting institution is to be a savings association. Section 218 provides that all insured State financial institutions, other than State member banks or District banks, would be subject to the requirement of prior FDIC consent to the reduction of capital.

Section 218 sets out new rules governing subsidiaries of insured savings associations. Whenever an insured savings association establishes or acquires control of a company, or elects to conduct any new activity through a company that the association controls, the savings association must notify the FDIC and the Chairman of FHLBS. The savings association must deduct its entire investment in and loans to the company from its own capital for purposes of determining capital adequacy if the company is engaged in activities not permissible for a national bank. In any event, mortgage banking activities need not be deducted.

The Chairman of FHLBS is given rulemaking authority over subsidiaries' activities. The Chairman of FHLBS may order a thrift to divert itself of a subsidiary if the company constitutes a serious risk to the thrift's financial safety. Both the FDIC and the Chairman of FHLBS are given the same powers with respect to a savings association's subsidiary as they have with respect to the savings association itself pursuant to this section 218 or section 8 of the FDI Act.

Section 218 states that the FDIC may determine by regulation, with respect to all State-chartered SAIF members (after consultation with the Chairman of the FHLBS) that any specific activity (other than any activity permitted to a Federal savings and loan association) poses a serious threat to the SAIF, and may prohibit any such activity. Once the FDIC issues such a regulation, it may order that no SAIF member may engage directly in that activity. Section 218 further specifies that a SAIF member may not be held liable indirectly for any obligation arising out of the activity of the subsidiary unless the obligation is in writing, is executed by the SAIF member and the party to whom the obligation is owed, is approved by the SAIF member's board of directors or an official committee of the association, and the liability or obligation has been continuously maintained as an official document of the SAIF member.

Section 219. Nondiscrimination.—This section specifies that the FDI Act is not intended to discriminate against State nonmember banks or against State-chartered thrifts. It also eliminates the provision requiring nondiscrimination on account of having capital stock less than the amount required for Federal Reserve membership.

TITLE III—SAVINGS ASSOCIATION SUPERVISION IMPROVEMENTS

Section 301. Definitions.—This section revises the definitional section of the Home Owners Loan Act of 1933 ("HOLA") to incorporate the new terms used in the FIRRE Act.

Section 301(1) defines the term "Chairman" as the Chairman of the Federal Home Loan Bank System created under the FIRRE Act.

Section 301(2) defines the term "System" as the Federal Home Loan Bank System.

Section 301(3) defines the term "savings association" to include: (1) all institutions currently supervised by the Federal Savings and Loan Insurance Corporation; (2) all federally chartered savings and loan associations and savings banks; (3) all state-chartered building and loan, savings and loan, and homestead associations and cooperative banks; and (4) those state savings banks that will be members of the Savings Association Insurance Fund.

Section 301(4) defines the term "federal association" to include all federal savings and loan associations and federal savings banks chartered pursuant to section 5 of the HOLA.

Section 301(5) defines the term "federal banking agencies" as the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

Section 302. Supervision of Savings Associations.—This section creates a new section 3 of the HOLA setting forth new provisions applicable to the Chairman's responsibilities as primary federal supervisor and regulator of both federally and state-chartered savings associations. It also incorporates into the HOLA certain provisions of the National Housing Act ("NHA").

Section 302(a) establishes the scope of the Chairman's overall responsibilities for the supervision and regulation of savings associations. It clarifies that the HOLA's purpose of encouraging credit for housing is coupled with the purpose of establishing a safe and sound system to provide such credit. The Chairman is given the power to examine state associations and is granted broad rulemaking authority to carry out his responsibilities to supervise and regulate savings associations in accordance with both the HOLA and all other applicable laws. The rulemaking authority includes the ability to issue rules governing safety and soundness. Uniform accounting and disclosure standards are to be prescribed for all savings associations. These standards are to be coordinated with capital standards established by the Chairman. Savings associations are to be in full compliance with these uniform accounting standards by no later than December 31, 1993. This carries forward the uniform accounting provisions adopted in the Competitive Equality Banking Act of 1987. Those rules, regulations, and policies established by the Chairman that govern the safe and sound operation of savings associations are to be no less stringent than those established by the Office of the Comptroller of the Currency. The section also transfers into new section 3(d) of the HOLA the existing authority to set geographical lending limits generally within an area one hundred miles from the location of the savings association's principal office (currently found in section 403(b) of the NHA).

Section 302(b) preserves, with minor technical changes, former Section 409 of the NHA by transferring this section to new Section 3(e) of the HOLA. As modified, this section provides that insured savings accounts and share accounts held by FDIC-insured savings associations are lawful investments and may be accepted as security for specified public funds of the United States and funds of corporations organized under United States laws notwithstanding limitations upon the investment of, or upon the acceptance of security for the investment or deposit of, such funds.

Section 302(c) transfers former Section 410 of the NHA pertaining to participation in lotteries to new section 3(f) of the HOLA with conforming amendments. This section prohibits a savings association from dealing in lottery tickets, dealing in bets used as a means of participating in a lottery, announcing, advertising, or publicizing the existence of a lottery or participant/winner of a lottery, or using its offices for such prohibited activities. Savings associations are not prohibited from accepting funds from, or performing any lawful services for, a State operating a lottery.

Section 302(d) preserves former section 413 of the NHA relating to disclosures of beneficiaries with respect to federally related mortgage loans, by transferring this section to new section 3(g) of the HOLA with conforming amendments. Under this provision, savings associations are prohibited from making a federally related mortgage loan to any agent, trustee, nominee, or other person acting in a fiduciary capacity without the prior condition that the identity of the person receiving the beneficial interest of the loan shall at all times be revealed to the association. With respect to such loans, the Chairman of the Federal Home Loan Bank system may request the identity of such person and the nature and amount of the loan.

Section 302(e) preserves former section 414 of the NHA by transferring this section to new section 3(h) of the HOLA and makes conforming amendments. This section provides that a savings association may take, receive, reserve, or charge on any loan, note, bill of exchange, or other evidence of debt, interest at the greater of (1) a rate not more than one per centum in excess of the discount rate on ninety-day commercial paper in the specified Federal Reserve Bank where the institution is located, or (2) the rate allowed by the laws of the state where such institution is located. If the former rate exceeds the rate that would be permitted in the absence of this section, such rate may be employed notwithstanding any state constitution or statute, which is thus preempted. This section also prescribes penalties for knowingly charging a rate in excess of the "greater" rate permitted in subsecton (a) of the provision.

Section 302(f) provides that no savings association may issue securities which guarantee a definite maturity except with the specific approval of the Chairman, nor issue any securities the form of which has not been approved by the Chairman. This section is intended to preserve, as section (3)(i) of the HOLA, a similar provision of former section 403(b) of the NHA.

Section 303. Applicability.—This section applies to all savings associations those provisions of the HOLA that either authorize examination by the Chairman of the Federal Home Loan Bank System or proscribe or limit certain association activities, where such prohibitions or limitations are equally appropriate for federally chartered and state-chartered institutions. Speicfically, those provisions deal with the HOLA territorial application (section 7); the Bank System's general supervisory authority (section 3) and enforcement authority (section 5(d)—including the authority to recoup the cost of its examinations (section 9); set capital standards for associations (section 5(s) and (t)); restrict transactions with affiliates, loans to insiders (section 11), tying arrangements (section 5(q)), and certain advertising practices (section 12); supervision of savings association holding companies (section 10); rules requiring membership by all savings associations in a Federal Home Loan Bank (section 5(f)); and rules covering conversions from a state to a Federal charter (section 5(i)), from a state savings bank to a Federal savings bank (section 5(o)) and from a mutual savings association to a stock savings association (section 5(p)).

This section would apply to Federal savings associations only those provisions of the HOLA that are relevant to the holders of Federal charters, such as rules authorizing various types of accounts (HOLA section 5(b); investment authority (section 5(c)); qualifications for individuals seeking a Federal charter (section 5(e)); subscriptions of preferred stock and full-paid income shares by the United States (section 5(g) and (j)); exemption from state taxation (section 5(h)); trust powers (section 5(1) and (n)); out of state branches (section 5(r)) and District of Columbia savings associations (section 5(m) and 8). These Federal-charter only delineations are intended to maintain the distinctions between Federal and state-chartered associations that exist under current law.

Section 304. Conforming Name Changes.—This section makes terminology changes to existing law to conform to the treatment used in this legislation.

Section 304(1) would replace the terms "association," "Federal association," or "Federal savings and loan association" in the HOLA where they refer only to federally chartered associations with the term "Federal savings association." By doing so, this subsection would be merely adopting terminology consistent with the overall treatment of such associations in this legislation.

Section 304(2) would replace references to "association" in the HOLA with "savings association" where the term refers to state-chartered institutions under the supervision of the Federal Home Loan Bank System. Thus, this subsection will ensure that these relevant provisions of the HOLA apply to the latter body of associations, consistent with the overall treatment of such associations in this legislation.

Section 304(3) would exempt certain sections of the HOLA from the name change of section 304 (1) and (2). These exceptions generally deal with situations where the original HOLA language was somewhat different from language found in other HOLA provisions or where, as in the conversion statutes, the distinction is still relevant. Moreover, references to the government-sponsored associations in HOLA sections 5(c)(1) (D) and (F) and "domestic building and loan associations" in HOLA section 5(r)(1) would remain unchanged because those terms have meaning independent of their inclusion in the HOLA.

Section 305. Safety and Soundness.—This section amends section 1464(a) of the HOLA, which sets forth the purpose of that statute, by adding language emphasizing the importance of the safe and sound operations of the nation's savings associations to the statute's purpose of providing credit for home financing.

Section 306. Deposits.—This section would amend current subsection 5(c)(1)(G) of the HOLA to clarify that federal savings associations may invest in deposits of any type in any financial institution whose deposits are insured by the Federal Deposit Insurance Corporation.

Section 307. Supervisory Revisions.—Section 307(a) would delete the majority of the enforcement provisions currently in the HOLA with regard to federally chartered savings associations. These provisions are subsumed in the enforcement provisions of section 8 of the Federal Deposit Insurance Act, as amended, with regard to all institutions for which the Chairman of the Federal Home Loan Bank System is the appropriate federal banking agency.

Section 307(b) would preserve without change the existing general enforcement and related authorities currently contained in section 5(d)(1) of the HOLA and would redesignate 5(d)(1) as 5(d)(1)(A).

Section 307(c) would transfer the provisions of section 407(m) of the NHA, with conforming amendments, into section 5(d)(1)(B) of the HOLA. Section 407(m) of

the NHA provides for routine examination of institutions supervised by the Chairman of the Federal Home Loan Bank System and their affiliates. In addition, this section preserves the powers of the Chairman in formal examination procedures including subpoena power and the ability to take and preserve testimony under oath. Finally, it authorizes an administrative law judge to conduct hearings in enforcement actions.

Section 308. Receiverships.—This section amends the current provisions of the HOLA on the appointment of conservators and receivers (Section 5(d)(6) redesignated as (d)(2) to provide for the Chairman's appointment of the Federal Deposit Insurance Corporation rather than the Federal Savings and Loan Insurance Corporation as conservator or receiver for both federally and state-chartered savings associations. It incorporates provisions currently located in section 406 of the NHA setting forth the procedures to be followed in the case of state savings associations, without substantive change except with regard to the time for approval of state officials. In that regard, it would cut back from 90 to 30 days the amount of time that must elapse before the Chairman could act in the event that notice of grounds for the appointment of a conservator or receiver for a state savings association has been provided to the appropriate state official and no response has been received.

Section 309. Technical Amendment.—This section would renumber section 5(d)(11) of the HOLA, dealing with the Chairman of the Federal Home Loan Bank System's ability to issue rules and regulations on conservatorships and receiverships, as section 5(d)(3). This renumbering would be necessary because of the deletion of preceding paragraphs. The renumbered section would also be amended by section 304 of the FIRRE Act to apply to all savings associations.

Section 310. Technical Amendment.—This section would preserve and renumber sections 5(d)(12) (B) and (C) of the HOLA, dealing with penalties that would attach to criminal conduct by employees or agents of savings associations and failure to comply with demands of conservators and receivers, as section 5(d)(4). This renumbering would be necessary because of the deletion of preceding paragraphs. The renumbered section would also be amended by section 304 of the FIRRE Act to apply to all savings associations.

Section 311. Amendment to Section 5.—This section is a technical amendment that would renumber section 5(d)(14) of the HOLA, which provides definitions dealing with the ability of the Chairman of the Federal Home Loan Bank System to enforce compliance with applicable law and regulations, as section 5(d)(5). This numbering is necessary because of the deletion of preceding subparts. This section would also amend that HOLA provision to state that the enforcement powers of the Chairman of the Federal Home Loan Bank System would remain in effect against a savings association even when that association had its insured status terminated by the Federal Deposit Insurance Corporation, so long as the association retained deposits insured by the FDIC.

Section 312. Technical Amendment.—This section would renumber section 5(d)(16) of the HOLA, dealing with compliance with monetary transaction recordkeeping and report requirements by savings associations, as section 5(d)(6). This renumbering would be necessary because of the deletion of preceding paragraphs. The renumbered section would also be amended by section 304 of the FIRREA to apply to all savings associations.

Section 313. Conversions.—This section would expand the existing provisions of section 5(i) of the HOLA regarding the authority of the Chairman of FHLBS to oversee and approve mutual-to-stock conversions to include state-chartered savings associations. This amendment is required due to the proposed repeal of the NHA and the resulting need to incorporate this authority with respect to mutual to stock conversions of state-chartered savings associations into the HOLA. In addition it incorporates the grievance procedures for the NHA with regard to conversion decisions.

Section 314. Capital Standards.—This section requires the Chairman of the FHLBS to establish for all savings associations capital standards that are no less stringent than those applied to national banks. Such standards are to be promulgated within 90 days of the enactment of the Act and are to be fully implemented by June 1, 1991. The section establishes certain differences from standards currently applicable to national banks in the areas of goodwill and the treatment of certain subsidiaries and provides that the Chairman's standards may have minor differences from those currently applicable to national banks so long as the Chairman's standards would not result in materially lower capital standards. With respect to goodwill, capital may include such goodwill existing on the date of enactment of FIRRE Act, but it must be amortized over a ten-year period (or such shorter period as determined by the Chairman of FHLBS with the concurrence of the Secretary of the Treasury). With respect to investments in subsidiaries engaged in activities not permissible for national banks, such investment and loans to the subsidiary must be deducted from capital (in any event, the investment in and loan to a subsidiary engaged solely in mortgage banking activities are not to be deducted). The Chairman is also permitted to take into account differences in powers and in asset and liability composition between savings associations and national banks, so long as the resulting capital standards are not materially lower than the capital standards applicable to national banks. The section further provides that the Chairman may, until June 1, 1991, restrict the asset growth of savings associations not in compliance with these capital standards. After that date, asset growth by such associations would be prohibited. The Chairman could restrict the asset growth of any savings association, regardless of its capital level, that he determined was taking excessive risks or paying excessive rates for deposits.

Section 315. Technical Amendment.—This section would replace all references to "association" in section 8 of the HOLA, which deals with District of Columbia savings associations, with "savings association" and all references to "Federal savings and loan association" with "Federal savings association." By so doing, this section would be merely adopting terminology consistent with the overall treatment of such associations in this legislation.

Section 316. Repeal.—This section would repeal section 9 of the HOLA, which deals with accounting principles and other standards and requirements. These requirements would be covered elsewhere in the HOLA as amended by this legislation.

Section 317. Recovery Regulations Repealed.—This section repeals section 10 of the HOLA and section 416 of the NHA. Those sections permitted the Federal Home Loan Bank Board to provide capital forbearance to certain federal associations and insured institutions. Section 317 provides that associations and institutions operating under capital plans previously approved pursuant to those sections may continue to operate under such plans so long as they remain in compliance with the terms of such plans and continue to supply to the Chairman of the System regular and complete reports on their progress in meeting goals under the plans.

Section 318. Cost of Examination and Reports.—Section 318 adds a new section to the HOLA preserving authority from the NHA to assess the costs of examining savings associations (or affiliates) upon the savings associations (or affiliates) in proportion to their assets or resources. This section also addresses remedies available to the Chairman when an affiliate refuses to pay examination costs or refuses to permit examination or provide required information. This section addresses the deposit of funds derived from assessments, the Chairman's authority to issue regulations governing the computation and assessment of examination expenses, the authority to assess for the examination of an associations fiduciary activities, and the obligation of savings associations and affiliates to provide the Chairman with access to information and reports regarding examinations by other public regulatory authorities. These provisions are intended to be comparable to those governing the Office of the Comptroller of the Currency.

Section 319. Savings and Loan Holding Companies.—This section transfers the provisions of the Savings and Loan Holding Company Act from the NHA to the HOLA. In addition, this section deletes current NHA sections 408(d), (p) and (t), which pertain to transactions with affiliates, and replaces those provisions with a new subsection 10(d) in the Home Owners' Loan Act, which refers to new section 11 of the HOLA (Section 320 below), which establishes a uniform approach to regulation of transactions with affiliates based on sections 23A and 23B and section 22(h) of the Federal Reserve Act. This section also deletes current section 408(g) of the NHA, which imposed debt approval requirements on certain types of savings and loan holding companies. The debt control provisions of the Savings and Loan Holding Company Act have generally been viewed as an obstacle to acquisitions, overly burdensome to administer, and producing limited supervisory benefits not commensurate with the burden associated with the approval requirements involved. This section also removes current section 408(m) of the NHA, which is moved to Section 13(k) of the Federal Deposit Insurance Act.

This section also makes changes to the qualified thrift lender test, currently contained at section 408(o) of the NHA, to provide new sanctions for failure to satisfy the qualified thrift lender requirements. Under the new qualified thrift lender rule, a thrift that fails to maintain its status as a qualified thrift lender, must, within 3 years of the date it loses such status, convert its charter to a bank charter unless it requalifies as a qualified thrift lender within the one-year period after losing such status and maintains its status as a qualified thrift lender thereafter. Also under the new rule, three years after losing qualified thrift lender status, a thrift will be prohibited from obtaining advances from its Federal

Home Loan Bank and engaging in any activities not permitted either for a national bank or a bank chartered in the state in which the thrift resides. Effective immediately upon losing its status as a qualified thrift lender, the thrift would also be prohibited from expanding its activities, or opening any additional branch offices. Any company that controls a thrift that loses its qualified thrift lender status shall, beginning three years after the thrift has lost its status as a qualified thrift lender, be, subject to restrictions on its activities, regulated as if it were a bank holding company. Any bank chartered as a result of these requirements for failure to maintain qualified thrift lender status will continue to pay savings association assessments until December 31, 1993 (or such later date if it loses its status after that date), and would also be assessed the exit fees and entrance fees applicable to conversion.

Section 320. Transactions With Affiliates.—This section adds new section 11 to the HOLA, which establishes a uniform approach to regulation of transactions with affiliates based on Sections 23A, 23B and 22(h) of the Federal Reserve Act. The Chairman of the Federal Home Loan Bank System would also retain the right to determine for reasons of safety and soundness to impose additional restrictions on transactions with affiliates and insiders of savings associations.

Section 321. Advertising.—This section provides that no savings association shall carry on any sale, plan, or practices, or any advertising, in violation of regulations promulgated by the Chairman. Ths section would preserve a similar provision found in former Section 403(b) of the NHA.

TITLE IV. DISSOLUTION AND TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION.

Section 401. Dissolution.—This section provides for the dissolution of FSLIC within 60 days of enactment of this legislation. It also provides for all insurance and receivership functions of FSLIC to be performed by the FDIC or the RTC after enactment.

Section 402. Continuation of rules.—This section provides that all rules and regulations of the FSLIC or the Board in effect on the date of enactment which relate to insurance of accounts, administration of the insurance fund or conduct of conservatorships or receiverships shall remain in effect and be enforced by the FDIC or the RTC. All other rules and regulations of the FSLIC shall remain effective and enforceable by the FHLBS. The Chairman of FDIC and the Chairman of FHLBS are required to identify the rules and regulations referred to in this section within 60 days of enactment and to publish notice thereof in the Federal Register. The FDIC is vested with authority to promulgate and enforce rules to prevent actions by savings associations which could pose a serious threat to the Savings Association Insurance Fund or the Bank Insurance Fund.

Section 403. Personnel.—Subsection (a) requires the Chairman of the FHLBS and the Chairman of the FDIC to identify employees of FSLIC and the Board whose functions will be transferred to FDIC under the Act.

Paragraph (a)(1) provides certain rights for employees who elect to transfer to FDIC. All employees so identified shall be offered a position with FDIC. Employees are to be transferred to FDIC within 60 days of enactment. This transfer is deemed a transfer of function under applicable RIF regulations. All employees transferred will be placed in a competitive area separate from those already in existence at FDIC. In placing transferred employees under RIF procedures, FDIC may assign excepted service employees to competitive service positions and may convert transferred positions from the excepted service to the competitive service. Any transferred employee placed by FDIC in a competitive service position shall be given career or career-conditional status. Transferred employees shall be given their RIF notices within 90 days after transfer. Such employees will be accorded pay and grade retention under the principles reflected in applicable OPM regulations.

Paragraph (a)(2) provides certain rights to employees who decline to transfer. Such employees will be given severance pay under applicable regulations. FHLBS will pay for severance pay. Such employees will also be granted placement assistance by OPM for 120 days.

Paragraph (a)(3) also provides certain rights for employees who transfer to FDIC but then decline an offer of employment. Such employees are provided severance pay like that provided to employees who decline to transfer. Such employees are also eligible for early out retirement as long as they do not decline a reasonable offer of employment. This paragraph also permits FDIC to offer early out retirement to employees if it has a reorganization of the combined workforces within one year after completion of the transfer.

Paragraph (a)(4) permits all transferred employees to retain any benefit or membership which the employee had at the date of enrollment provided the FHLBS continues the benefit or program for its employees. The FHLBS will pay any difference between the cost of such benefits and the cost to FDIC of providing such benefits.

Section 404. Division of Property and Personnel.—This section provides that the Chairman of FHLBS with the Chairman of FDIC shall divide all personnel and property of FSLIC between their organizations within 60 days of enactment. Any dispute will be settled by the Office of Management and Budget.

Section 405. Repeals.—This section repeals sections 401, 402, 403, 404, 405, 406, 407, 411, 415, and 416 of the National Housing Act. The foregoing does not effect provisions of such sections that have been transferred to other surviving statutory provisions.

Section 406. Report.—This section requires FSLIC, prior to its dissolution, to provide a written report to Treasury, the Office of Management and Budget and Congress.

TITLE V—FINANCING FOR THRIFT RESOLUTIONS.

Subtitle A—Resolution Trust Corporation

Sec. 501. Resolution Trust Corporation Established.—Section 501 provides for the establishment of the Resolution Trust Corporation (the "Corporation") and describes its powers and authorities. The Oversight Board of the Corporation and the Corporation itself are stated to not be "agencies" or "executive agencies" under Title 5 of the United States Code.

Section 501 provides that the purpose of the Corporation is to carry out a program, under the direction of the Oversight Board, to manage and resolve all cases involving institutions, the accounts of which were insured by the Federal Savings and Loan Insurance Corporation, prior to enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, for which a receiver or liquidating conservator had been appointed since January 1, 1989, or is appointed within the three-year period following the date of the enactment of that Act, to manage the assets of the Federal Asset Disposition Association; and to perform other authorized functions. In its resolution activities, the Resolution Trust Corporation is authorized to take warrants, voting and nonvoting equity, or other participation interests in resolved institutions or assets or properties acquired in connection with resolution. In carrying out its obligations, the Corporation is provided with all of the case resolution and financial assistance rights and powers provided to the Federal Deposit Insurance Corporation, provided that in resolving an institution, the Corporation must not provide assistance in excess of the amount determined to be reasonably necessary to save the cost of liquidating.

Section 501 further provides that the membership of the Oversight Board of the Resolution Trust Corporation shall consist of the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Attorney General of the United States, or their respective designees, with the Chairman being the Secretary of the Treasury. The term of each member of the Oversight Board will expire when the Corporation is terminated and vacancies on the Oversight Board will be filled in the same manner as the vacant position was previously filled. Members of the Oversight Board are permitted to receive reasonable allowance for necessary expenses of travel, lodging, and subsistence incurred in attending meetings and other activities of the Oversight Board, consistent with maximum travel expense limitations provided in title 5 of the United States Code. The duty of the Oversight Board is to review and have overall responsibility over the work, progress, management and activities of the Corporation and may disapprove, in its discretion, any and all regulations, policies, procedures, guidelines, statements, contracts, and other actions of the Corporation. It is further required to approve or disapprove, in its discretion, any and all agreements for the purchase of assets and assumption of liabilities, any and all agreements for the acquisition, consolidation or merger, or any other transaction proposed by the Corporation. All decisions of the Board require an affirmative vote of at least a majority of the members voting. The Oversight Board is authorized to employ necessary staff, which shall be subject to the terms and conditions of employment applicable to the Corporation, provided that the Oversight Board should utilize to the extent practicable the personnel of the agencies of three members of the Oversight Board, without additional compensation to carry out the Oversight Board's staff functions. Finally, the Oversight Board should adopt necessary rules and keep permanent and accurate records of its acts and proceedings.

Section 501 also provides that a chief executive officer of the Corporation must be selected by the Oversight Board to serve at the pleasure of the Board.

Section 501 provides the corporate powers of the Corporation under the direction of the Oversight Board to be as follows: to have a corporate seal; to issue capital certificates; to provide for officers, employees and agents; subject to the approval of the Oversight Board, to hire, promote, compensate, and discharge officers and employees of the Corporation, without regard to title 5, United States Code, provided that compen-

sation and benefits of such employees shall be consistent with those of the Federal Deposit Insurance Corporation; to prescribe by the Oversight Board its bylaws; with the consent of any executive department or agency, to use the information, services, staff, and facilities of such in carrying out this title; to enter into contracts and make advances, progress, or other payments with respect to such contracts; to acquire, hold, lease, mortgage, or dispose of, at public or private sale, real and personal property, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to its operations; to obtain insurance against loss; to modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this title; to deposit its securities and its current funds under the terms and conditions applicable to the Federal Deposit Insurance Corporation under Section 13(b) of the Federal Deposit insurance Act and pay fees therefor and receive interest thereon as may be agreed; and to exercise such other powers as set forth in this title, and such incidental powers as are necessary to carry out its powers, duties and functions in accordance with this title.

In addition, section 501 provides that the Resolution Trust Corporation has special powers as follows:

1. To enter into contracts with the Federal Deposit Insurance Corporation (which is required to be the primary manager that will manage assets and institutions unless otherwise specifically provided by the Oversight Board) and with such other persons or entities, public and private, as it deems advisable and necessary in order to manage the institutions for which it is responsible and their assets. All contracts with persons or entities other than the Federal Deposit Insurance Corporation are required to be subject to a competitive bid process.

2. To set the policy on credit standards to be used by an institution for which it is responsible.

3. To require a merger or consolidation of an institution for which it is responsible.

4. To organize one or more Federal mutual savings associations, which must be chartered by the Federal Home Loan Bank System and insured by the Federal Deposit Insurance Corporation through the Savings Association Insurance Fund.

5. To review and analyze all insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation since January 1, 1988, through the date of enactment of this Act, and to actively review all means by which it can reduce costs under existing Federal Savings and Loan Insurance Corporation agreements, including through the exercise of rights to restructure such agreements, subject only to the monitoring of the Oversight Board. The Corporation is required to report to the Oversight Board the results and conclusions of its examination, and thereafter the Corporation, as permitted by the terms of any resolution agreement and upon the express concurrence of the Oversight Board, may restructure such agreements where savings would be realized therefrom, the costs of which restructuring shall be a liability of the Corporation.

6. To exercise all resolution powers and activities authorized to be exercised by the Federal Deposit Insurance Corporation and the former Federal Savings and Loan Insurance Corporation, including but not limited to the powers and authorities with respect to receiverships or conservatorships, to engage in assistance transactions, to collect indebtedness, to enforce liabilites and obligations, and to exercise relevant incidental powers.

7. To exercise such other incidental powers that the Corporation determines to be necessary to carry out its purposes.

With respect to institutions managed by the Corporation (those organized as federal mutuals by the Corporation) Section 501 provides that they are subject to conditions and limitations imposed by the Corporation on the following: growth of assets; lending activities; asset acquisitions (except as necessary to serve its existing customer base with residential mortgages or consumer loans); use of brokered deposits; and payment of deposit rates. It is further provided that all such savings associations are subject to all laws, rules, and regulations otherwise applicable to them as insured savings associations, and to their appropriate regulators.

Section 501 requires the Corporation to convert the Federal Asset Disposition Association ("FADA") to a corporation or other business entity and sell it, wind it down, or dissolve it, no later than 180 days after enactment of this law. If FADA is sold, no contract rights to manage savings association resolutions would be transferred.

Section 501 authorizes the Corporation to issue nonvoting capital certificates to the Resolution Funding Corporation in an amount equal to the aggregate amount of funds provided to it by the Resolution Funding Corporation. The Corporation may not pay dividends on its capital certificates. The Corporation, the capital, reserves, and surplus thereof, and the income derived therefrom, are exempt from Federal, State, municipal, and local taxation except taxes on real estate held by the Corporation, according to its value as other similar property held by other persons is taxed. Finally, the Corporation is required to terminate five years after this law is enacted. Simultaneously with the termination of the Corporation, all its assets and liabilities must be transferred to the FSLIC Resolution Fund to be managed by the Federal Deposit Insurance Corporation with the proceeds of the net assets being provided to the Resolution Funding Corporation to pay interest costs.

Section 501 provides for jurisdiction of law suits in which the Corporation is a party.

Section 501 further provides that guarantees issued by the Federal Savings and Loan Insurance Corporation after January 1, 1989, and before the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, made in connection with liquidity advances made to savings associations by the Federal Reserve Banks and Federal Home Loan Banks (the "Lenders") and guaranteed by the Federal Savings and Loan Insurance Corporation during such period, become by operation of law obligations of the Corporation. These obligations under the guarantees to the Lenders are required to be paid by the Corporation one year after the date of enactment of this law (to the extent that the loans have not previously been paid) using any funds or other assets available to the Corporation, including resources available to it through borrowing by the Resolution Funding Corporation.

Section 501 authorizes the Corporation to issue such regulations, policies, procedures, guidelines, or statements as that Corporation considers necessary or appropriate to carry out its functions.

Finally, Section 501 provides the Corporation with an emergency line of credit from the Treasury, and authorizes and directs the Secretary of the Treasury to loan to the Corporation on such terms as may be fixed by the Secretary of the Treasury amounts not exceeding in the aggregate $5,000,000,000 outstanding at any one time.

Subtitle B—Resolution Funding Corporation

Section 502. Resolution Funding Corporation Established.—Section 502 amends the Federal Home Loan Bank Act to add a new section 21b that establishes a corporation to be known as the Resolution Funding Corporation (hereinafter referred to as the "Funding Corporation") to provide funds to the Resolution Trust Corporation ("RTC") through the issuance of debt obligations to the public. New section 21b requires the Federal Home Loan Banks ("FHLBanks" or "Banks") to invest in the newly created Funding Corporation, which, in turn, will be required to invest in the RTC. Under subsection (b) of new section 21b, the Chairman of the Federal Home Loan Bank System ("Chairman") is required to charter the Funding Corporation no later than five days after the enactment of this title V of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Subsection (c) of new section 21b provides for a Directorate that will manage the Funding Corporation. The Directorate will be composed of three members, one of whom will be the Director of the Office of Finance of the FHLBanks or his successor, and two of whom will be selected by the Oversight Board of the Resolution Trust Corporation ("Oversight Board") from among the presidents of the FHLBanks. Each of the two FHLBanks presidents will serve for a term of three years. With respect to the initial terms of the two presidents, one such president will be appointed for a term of two years and one will be appointed for a term of three years, and thereafter, each member will be appointed for a term of three years. No president of a FHLBank will be selected to serve an additional term on the Directorate unless each of the FHLBank presidents had already served at least as many terms as the president being selected to serve the additional term. The Oversight Board will select a chairperson of the Directorate from among the three members. Paragraph (9) of subsection (c) provides that members of the Directorate will not receive any compensation from the Funding Corporation for their service on the Directorate.

Paragraph (6) of subsection (c) of new section 21b provides that the Funding Corporation will have no paid employees, and that the Directorate, with the approval of the Chairman, can authorize the officers, employees, or agents of the FHLBanks to act for and on behalf of the Funding Corporation to carry out the functions of the Funding Corporation.

Paragraph (7) of subsection (c) provides that all administrative expenses, issuance costs and custodian fees will be paid by the FHLBanks. The amount each FHLBank will pay will be determined by the Oversight Board with the Bank paying a pro rata amount based upon its required capital stock investment in the Funding Corporation. Administrative expenses of the Funding Corporation do not include the interest on its obligations. The terms "issuance costs" and "custodian fees" are defined under subsection (k) of this new section 21b.

Subsection (d) of new section 21b provides for the corporate powers of the Funding

Corporation. The Funding Corporation, subject to the other provisions of this section and to the regulations, orders and directions as may be prescribed by the Oversight Board, will have the corporate powers necessary and appropriate for its operations as a specialized corporate entity. Such corporate powers include the power to issue nonvoting capital stock to the FHLBanks; to purchase capital certificates issued by the RTC; to borrow from the capital markets by issuing debt, the proceeds of which will be invested in the RTC, or used to refund obligations whose proceeds were so invested, under terms and conditions approved by the Oversight Board; and other powers which are customary and usual for corporations generally.

The Funding Corporation will be owned by the FHLBanks and will be used as a means of purchasing capital certificates issued by the RTC. Paragraph (1) of subsection (e) of new section 21b requires each FHLBank to invest in the nonvoting capital stock of the Funding Corporation at such time and in such amounts as prescribed by the Oversight Board. The stock issued by the Funding Corporation to the FHLBanks will have a par value determined by the Oversight Board and will be transferable only among the FHLBanks as prescribed by the Oversight Board at not less than par. The Banks' investment will be lawful, notwithstanding limitation found elsewhere in the Federal Home Loan Bank Act.

Paragraph (3) of subsection (e) of new section 21b limits the cumulative investment for capitalization of the Funding Corporation by each FHLBank to the aggregate of its legal reserves plus "undivided profits" minus amounts the Banks will have used to invest in the capital stock of the Financing Corporation. This limitation will be calculated by adding each Bank's legal reserves on December 31, 1988, plus "undivided profits" on such date, minus amounts invested in the Financing Corporation as of such date, and by adding, for the period December 31, 1988 through December 31, 1991, or such later date as necessary to fund the Funding Corporation Principal Fund, legal reserves plus "undivided profits" minus amounts required to be used to invest in the Financing Corporation. For purposes of the Banks' investment in the Funding Corporation, the language referring to "legal reserves" and "undivided profits" will include all retained earnings of the FHLBanks except for those amounts held in the "dividend stabilization reserve" as of December 31, 1985, and amounts required to be used by the FHLBanks to purchase capital stock in the Financing Corporation.

The "dividend stabilization reserve" will be excluded from investment in the Funding Corporation because it includes funds, above the legal reserves, that had been determined not to be paid as dividends in the year earned, so as to create a possible supplement to future years' dividends. To ensure that only amounts held in the "dividend stabilization reserve" as of December 31, 1985, are excluded from the amounts that may be invested in the Funding Corporation, the legislation cross-references the table set forth in section 21(a)(7) of the Federal Home Loan Bank Act, which table specifically lists the amounts held by each FHLBank in its "dividend stabilization reserve" as of December 31, 1985. For purposes of this section, "undivided profits" includes retained earnings other than legal reserves and amounts held in the "dividend stabilization reserve" as of December 31, 1985. "Legal reserves" refers to the amount each FHLBank has and is required to carry to a reserve account pursuant to the first two sentences of Section 16(a) of the Federal Home Loan Bank Act.

Under paragraph (4) of subsection (e) of new section 21b, each FHLBank is required to purchase a specified percentage of the first $1 billion of stock in the Funding Corporation. The percentage of the first $1 billion that each bank is required to invest in nonvoting capital stock of the Funding Corporation is derived from a formula taking into account each Bank's individual share of total FHLBank System retained earnings (minus their "dividend stabilization reserves" and amounts used to invest in the capital stock of the Financing Corporation) and the share of deposits insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") immediately prior to the enactment of this Act held by each Bank's member savings associations. By taking into account the shares of such FSLIC-insured deposits held by a Banks' member savings associations, the formula accommodates Banks' member savings associations that were insured by the Federal Deposit Insurance Corporation ("FDIC") immediately prior to the enactment of this Act.

Under paragraph (5) of subsection (e), allocation of the remaining stock purchases is based on the percentage of total assets of members insured by FSLIC immediately prior to the enactment of this Act represented at each Bank; however, no Bank is required to exceed the limitation set forth in paragraph (3) of subsection (e). The aggregate amount of Funding Corporation stock that must be purchased by all of the FHLBanks is not reduced because of the limitation in that paragraph. Therefore, paragraph (6) of subsection (e), described below, provides for a reallocation of stock purchases among Banks that have not reached their limits.

Paragraph (6) of subsection (e) of new section 21b provides that if a FHLBank cannot purchase the full amount of stock in the Funding Corporation because that amount exceeded its legal reserves plus undivided profits minus the amount the Bank used to invest in the Financing Corporation, the amount that the Bank cannot purchase will be prorated for investment among the remaining FHLBanks based on their stock holdings in the Funding Corporation, as long as the cumulative amount of funds required to be invested by the remaining Banks did not exceed their legal reserves plus undivided profits minus the amounts used to invest in the Financing Corporation.

Any FHLBank that did not purchase the full amount of Funding Corporation capital stock as required under the formula in paragraph (5) will be required to purchase, annually at the issuance price, from those Banks to which such stock was reallocated, the stock originally allocated to it under such paragraph. The amount of such stock repurchases will be determined by the Oversight Board by prorating among the FHLBanks, based upon the amount allocated to and purchased and held by such Banks, the amount available for such purchases. The "amount available" includes all retained earnings of the Bank on whose behalf an investment has been made under subparagraph (A)(i), less certain amounts. The "amount available" does not include the Bank's special dividend stabilization reserve (as of December 31, 1985), nor an amount of retained earnings equal to the amount of Funding Corporation and Financing Corporation capital stock already purchased by the Bank. Until the restricted Bank has fulfilled this repurchase obligation, it is prohibited from paying dividends in excess of one-quarter of its net earnings available for dividends. Such funds are paid out in dividends are to be placed in a reserve account required by the Oversight Board and will not be available for dividends.

Paragraph (7) of subsection (e) of new section 21b provides for additional sources of funds for the Funding Corporation Principal Fund in the event that each FHLBank has exhausted the investment amount applicable with respect to such Bank under paragraph (3) (and paragraph (9), described below), as calculated under paragraphs (4), (5) and (6) of subsection (e). Subparagraph (A) of paragraph (7) provides that, first, the Funding Corporation, with the approval of the Board of Directors of the FDIC, will assess each Savings Association Insurance Fund member an assessment as if such assessment was assessed by the FDIC with respect to Savings Association Insurance Fund members pursuant to section 7 of the Federal Deposit Insurance Act, as amended. The maximum amount of the aggregate amount assessed, however, will be the amount of additional funds necessary to fund the Funding Corporation Principal Fund; provided that the amount assessed under this subparagraph (A) and the amount assessed by the Financing Corporation under section 21 of the Federal Home Loan Bank Act will not exceed the amount authorized to be assessed pursuant to section 7 noted above. The Financing Corporation will have first priority to make such assessments. All such amounts assessed under this subparagraph (A) will be subtracted from the amounts authorized to be assessed by the FDIC pursuant to section 7 noted above.

To the extent funds available pursuant to subparagraph (A) are insufficient to capitalize the Funding Corporation so as to provide funds for the Funding Corporation Principal Fund, then the FDIC will transfer to the Funding Corporation from the receivership proceeds of the FSLIC Resolution Fund the remaining amount of funds necessary for such purpose.

Paragraph (9) of subsection (e) of new section 21b provides that notwithstanding any other limiting provisions in sections 21, 21a and 21b of the Federal Home Loan Bank Act, the aggregate annual amount that will be contributed by the FHLBanks from their annual earnings under subsections (e)(3)(B) and (f)(2)(B) of this section (for the period from the date of enactment of this Act, until such time as the Funding Corporation has no more liabilities) for Funding Corporation principal and interest payments and Financing Corporation principal payments under section 21 of the Federal Home Loan Bank Act, for any given year, will be $300,000,000; provided, however, that such aggregate annual amount will be such lesser number equal to all the amounts needed for the purposes of subsection (e), as determined by the Oversight Board, if such total amounts will be less than $300,000,000. This amount will be in addition to the approximately $2,000,000,000 by the FHLBanks to be contributed from their retained earnings as of December 31, 1988, which are not needed by the existing Financing Corporation.

Paragraph (1) of subsection (f) of new section 21b authorizes the Funding Corporation, subject to the direction of the RTC, to issue up to $50,000,000,000 in debt obligations. Paragraph (2) of subsection (f) pro-

vides for the payment of interest on such obligations. The Funding Corporation will pay the interest due on (and any redemption premium with respect to) Funding Corporation obligations from funds obtained for such interest payments from certain specified sources described below.

Subparagraph (A) requires the RTC to pay to the Funding Corporation the net proceeds received by the RTC from the liquidation of institutions under its management, pursuant to new section 21a of the Federal Home Loan Bank Act, to the extent they are determined by the Oversight Board to be in excess of funds necessary for resolution costs in the near future, and any proceeds from warrants and participations of the RTC.

Subparagraph (B) provides that to the extent the funds available from the RTC pursuant to subparagraph (A) are insufficient to cover the amount of interest payments on the obligations, then the FHLBanks will pay to the Funding Corporation the aggregate annual amount of $300,000,000, minus the amounts needed by the Financing Corporation pursuant to section 21 of the Federal Home Loan Bank Act and for the purchase of Funding Corporation capital certificates, with each Bank's individual share to be determined pursuant to the formulation and limitations of paragraphs (3) through (6) of subsection (e).

Subparagraph (C) provides that the proceeds of all net assets of the RTC, upon its dissolution, will be transferred to the Funding Corporation to be used for interest payments before any Treasury funds are used.

Finally, subparagraph (D) provides that, to the extent that the Directorate determines after consultation with and approval of the Secretary of the Treasury that the Funding Corporation is unable to pay the interest on any obligation issued under this subsection from the sources of funds under (A), (B), and (C), the Secretary of the Treasury will pay to the Funding Corporation the additional amount due which will be used by the Funding Corporation to pay such interest. In each case where the Secretary of the Treasury is required to make a payment under this paragraph to the Funding Corporation, the amount of the payment will be a liability of the Funding Corporation that will be repaid to the Secretary of the Treasury upon dissolution of the Funding Corporation to the extent that the Funding Corporation may have any remaining assets. There is authorized to be appropriated to the Secretary of the Treasury, for fiscal year 1989 and each fiscal year thereafter, such sums as may be necessary to carry out this paragraph.

Paragraph (3) of subsection (f) provides that on maturity of an obligation issued by the Funding Corporation under this subsection, the obligation will be repaid by the Funding Corporation from the liquidation of noninterest bearing instruments held in the Funding Corporation Principal Fund. The Funding Corporation will obtain funds for such Principal Fund from the sources of funds obtained pursuant to subsection (e). All of such funds will be invested in noninterest bearing instruments which are described in paragraph (1) of subsection (g) of this new section 21b.

Paragraph (4) of subsection (f) provides that, subject to the terms and conditions as approved by the Oversight Board, the gross proceeds of any obligation issued by the Funding Corporation will be used to purchase capital certificates issued by the RTC or to refund any previously issued obligation the proceeds of which were invested in the capital certificates of the RTC.

Under paragraph (5) of subsection (f) of new section 21b, obligations of the Funding Corporation with the approval of the Oversight Board, like FHLBank obligations, will be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which will be under the authority or control of the United States or any officer thereof.

Under paragraph (6) of subsection (f) of new section 21b, obligations of the Funding Corporation will be treated in the same manner as FHLBank obligations for purposes of investment, sale, underwriting, purchase, use as collateral, and dealing by financial institutions such as banks, thrifts, and credit unions.

Under paragraph (7) of subsection (f) of new section 21b, obligations issued by the Funding Corporation will have the same tax status as obligations of the FHLBanks. Thus, interest earned on those obligations will be taxable as income at the Federal, but not the State level.

Under paragraph (8) of subsection (f) of new section 21b, obligations issued by the Funding Corporation will be exempt securities under the provisions of the Federal securities laws administered by the Securities and Exchange Commission.

Paragraph (9) of subsection (f) of new section 21b, requires the Oversight Board and the Directorate to ensure that minority owned or controlled commercial banks, investment banking firms, underwriters, and bond counsels throughout the United States have an opportunity to participate to a significant degree in any public offering of obligations issued by the Funding Corporation under this section.

Under paragraph (10) of subsection (f) of new section 21b, the Funding Corporation's obligations will not be obligations of or guaranteed as to principal by the Chairman of the Federal Home Loan Bank System, the FHLBanks, the United States, or the RTC. The Secretary of the Treasury will pay interest on such obligations as required by subsection (f) of this section.

Subsection (g) of new section 21b sets forth the use and disposition of assets of the Funding Corporation not required to be invested in the RTC, not required for current interest payments, and not required for the Funding Corporation Principal Fund. Paragraph (1) provides that, subject to the regulations, restrictions, and limitations prescribed by the Oversight Board, such assets will be invested in the instruments described in subparagraphs (A), (B), (C) and (D), which are the same instruments FHLBanks are permitted to invest their resources under section 16 of the Federal Home Loan Bank Act.

Paragraph (2) of subsection (g) requires the Funding Corporation to invest in and hold in a segregated account, zero coupon instruments, Treasury STRIPS or other noninterest bearing instruments, as described in paragraph (1) of that subsection, of which the total principal payable at maturity will approximately be equal to the aggregate amount of principal on the Funding Corporation's obligations. The purpose of this segregated account is to assure the repayment of principal on the Funding Corporation's obligations.

Under paragraph (1) of subsection (h) of new section 21b, the Funding Corporation will have the same tax status as the FHLBanks. In addition under paragraph (1), the Secretary of the Treasury is authorized to prepare the necessary forms of stock, debentures, and bonds, as approved by the Oversight Board, pursuant to section 23 of the Federal Home Loan Bank Act, for obligations of the Funding Corporation, as the Secretary of the Treasury is also so authorized for obligations of the FHLBanks.

Paragraph (2) of subsection (h) of new section 21b provides that the Federal Reserve banks are authorized to act as depositories for or fiscal agents or custodians of the Funding Corporation.

Paragraph (3) of subsection (h) of new section 21b accords the Funding Corporation, although the Corporation will have no Government capital invested in it, the same coverage under the Government Corporations Control Act as the FHLBanks are accorded under that Act pursuant to section 11(j) of the Federal Home Loan Bank Act (12 U.S.C. 1431(j)). Thus, audits of the Funding Corporation will be conducted by the General Accounting Office. In addition, the Secretary of the Treasury, a Federal Reserve Bank, or a bank designated as a depository or fiscal agent of the United States Government has the authority to keep Funding Corporation accounts (although the Secretary of the Treasury can waive the provision regarding accounts). Furthermore, before the Funding Corporation can issue obligations and offer them to the public, the Secretary of the Treasury will prescribe the various conditions to which the obligations will be subject (including the form, denomination, maturity, and interest rate), the way and time the obligations will be issued, and the price for which the obligations will be sold. This procedure is currently in place for the issuers who are subject to section 9108(a) of title 31, United States Code (part of the Government Corporations Control Act) and in practice the Treasury generally approves terms and conditions on obligations as proposed by these issuers. Finally, before the Funding Corporation could buy or sell a direct obligation of the United States Government, or an obligation on which the principal, interest, or both, is guaranteed, of more than $100,000, the Secretary of Treasury will have to approve the purchase or sale, although the Secretary can waive this requirement. All of these authorities also pertain to the FHLBanks' issuance of debt.

Paragraph (4) of subsection (h) of new section 21b provides that any civil action, suit or proceeding to which the Funding Corporation is a party, will be deemed to arise under the laws of the United States, and the U.S. District Court for the District of Columbia will have original jurisdiction over any such action, suit or proceeding. The Funding Corporation is authorized, without bond or security, to remove any such action, suit or proceeding from a State court to the U.S. District Court for the District of Columbia.

Subsection (i) of new section 21b provides for the termination of the Funding Corporation. The Funding Corporation will be dissolved, as soon as practicable, after the date by which all the RTC capital certificates purchased by the Funding Corporation have been retired. On the effective date of the Funding Corporation's dissolution, the Oversight Board will be authorized to exercise any power of the Funding Corporation in order to conclude its affairs. Upon termination, the remaining funds will be transferred to the Treasury to the extent of funds provided to the Funding Corporation over the years and interest thereon, with

any remainder to the FHLBanks in retiring the capital stock.

Subsection (j) of new section 21b provides that the Oversight Board will be authorized to prescribe such regulations as may be necessary to carry out the provisions of new section 21b including issuing regulations to define the terms used in the section.

Subsection (k) of new section 21b defines certain terms that are used in the section. Paragraph (1) defines "insured savings association" to mean a savings association as such term is defined by section 3(u) of the Federal Deposit Insurance Act and which was insured by FSLIC immediately prior to the date of enactment of this Act. Paragraph (2) defines the "Oversight Board" to mean the Oversight Board of the RTC, and after termination of the RTC to mean the Secretary of the Treasury, the Chairman of the Federal Reserve Board and the Attorney General of the United States. Paragraph (4) defines "issuance costs" to mean issuance fees and commissions incurred by the Funding Corporation in connection with the issuance or servicing of any of the Funding Corporation's obligations, and includes legal and accounting expenses, trustee and fiscal paying agent charges, costs incurred in connection with preparing and printing offering materials, and advertising expenses to the extent these costs is incurred in connection with issuing any obligation. Paragraph (5) defines "custodian fees" to mean any fee incurred by the Funding Corporation in connection with the transfer of or maintenance of any security in the segregated account established under subsection (g), and any other expense incurred in connection with the establishment and maintenance of the segregated account.

Section 503. Financing Corporation.—This section amends section 21 of the Federal Home Loan Bank Act which established the Financing Corporation. Subsections (1), (2), (3), and (4) of this section 503 provide for technical amendments to section 21. These amendments essentially provide that after the enactment of this Act the Financing Corporation, if necessary, will purchase capital certificates or capital stock issued by the FSLIC Resolution Fund, which will be the successor to the Federal Savings and Loan Insurance Corporation ("FSLIC"). These certificates and stock will not pay dividends, and any payment on them to the Financing Corporation upon termination of the FSLIC Resolution Fund will be subordinate to any liability to Treasury for the monies it has provided to that Fund.

Section 503 also replaces, with a new provision, the existing subsection (f) of section 21 which authorized the Financing Corporation to assess FSLIC insured institutions for amounts necessary to obtain interest payments for Financing Corporation obligations. The new provisions identify the sources of funds for interest payments to be as follows:

Paragraph (1) includes the Financing Corporation assessments which were assessed on insured institutions pursuant to subsection (f) of this section prior to the enactment of this Act.

Paragraph (2) provides that the Financing Corporation, with the approval of the Board of Directors of the Federal Deposit Insurance Corporation, will assess on each insured Savings Association Insurance Fund member an assessment as if such assessment was assessed by the Federal Deposit Insurance Corporation with respect to Savings Association Insurance Fund members pursuant to section 7 of the Federal Deposit Insurance Act. The amount assessed hereunder, however, and the amount assessed by the Funding Corporation under section 21b of the Federal Home Loan Bank Act will not exceed the amount authorized to be assessed under section 7 of the Federal Deposit Insurance Act, and that the Financing Corporation will have first priority to make such assessments. In addition, all assessments made by the Financing Corporation under section (2) and the Funding Corporation under section 21b of the Federal Home Loan Bank Act will be subtracted from the amounts authorized to be assessed by the Federal Deposit Insurance Corporation under section 7 of the Federal Deposit Insurance Act.

Paragraph (3) provides that to the extent the funds available pursuant to paragraphs (1) and (2) are insufficient to cover the amount of interest payments on the obligations, then the Federal Deposit Insurance Corporation will transfer to the Financing Corporation from the proceeds of the FSLIC Resolution Fund the remaining amount of funds necessary for the Financing Corporation to make interest payments only to the extent the funds are not required by the Resolution Funding Corporation for the Funding Corporation Principal Fund under section 21b of the Federal Home Loan Bank Act.

Section 503 also defines "insured savings association" to mean a savings association as such term is defined by section 3(U) of the Federal Deposit Insurance Act and which was insured by the Federal Savings and Loan Insurance Corporation immediately prior to the date of enactment of this Act.

Section 504. Section 504 is a technical amendment to add the Funding Corporation to the list of "mixed ownership" government corporations under the Government Corporations Control Act. Although there will be no government capital invested in the Funding Corporation, this category of "mixed ownership" has been accorded to the Funding Corporation to provide it with parallel legal status to that of the FHLBanks.

TITLE VI—THRIFT ACQUISITION ENHANCEMENT PROVISIONS

Section 601. Acquisition of Thrifts by Banks Holding Companies.—Section 601 amends the Bank Holding Company Act effective two years after the date of enactment, to specifically permit the Federal Reserve Board to allow bank holding companies to acquire any savings association, not only failed or failing ones as the Board currently permits. The section also specifies that effective immediately the Board shall not impose restrictions on transactions between the savings association and its holding company affiliates other than those imposed generally by the affiliate transactions statutes as sections 23A and 23B of the Federal Reserve Act or other applicable statutes. This section is intended to direct the Board not to impose its so-called "tandem operations" restrictions on bank holding companies that acquire thrift institutions.

Section 602. Investments by Savings and Loan Holding Companies in Unaffiliated Thrift Institutions.—Section 602 amends the provisions governing savings and loan holding companies (section 408 of the National Housing Act, 12 U.S.C. 1730a, in current law; to be transferred into the Home Owners' Loan Act) to allow a savings and loan holding company to hold up to 5 percent of the voting shares of an unaffiliated savings association or savings and loan holding company. This provision also permits multiple savings and loan holding companies to acquire up to 5 percent of the voting shares of any company. Current law prohibits any such ownership in savings associations other than a controlling ownership. This revised treatment is intended to mirror the ability of bank holding companies to acquire up to 5 percent of the voting shares of unaffiliated banks.

Section 603. Technical Amendment to the Bank Holding Company Act.—Section 603 amends the Bank Holding Company Act (12 U.S.C. 1841) to define the terms "insured institution" and "savings association." The definition used incorporates the definition in the Home Owners' Loan Act, as amended.

TITLE VII—FEDERAL HOME LOAN BANK SYSTEM REFORMS

Subtitle A.—Federal Home Loan Bank Act Amendments

Section 701. Definitions.—Section 701(a) would add a definition for "savings association" to the Federal Home Loan Bank Act. The definition conforms to the definition of that term in the amendments of the Home Owner's Loan Act found in Title III of this Act.

Section 701(b) creates a new paragraph (11) to Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) to state that the term "Chairman" used in the Federal Home Loan Bank Act, as amended, refers to the Chairman of the Federal Home Loan Bank System.

Section 701(c) is a technical amendment to the Federal Home Loan Bank Act, the Home Owner's Loan Act, as well as any other Federal law in which a term thereof names the Federal Home Loan Bank Board. This section makes clear that the Chairman of the Federal Home Loan Bank System succeeds to all Federal statutory provisions affecting the Federal Home Loan Bank Board, including all prerogatives granted it by such laws except those expressly repealed or amended by this Act. Although this Act expressly amends selected references in several Federal statutes to the Federal Home Loan Bank Board to read, Chairman of the Federal Home Loan Bank System, this section is intended to amend all other existing references to the Federal Home Loan Bank Board to read Chairman of the Federal Home Loan Bank System.

Section 702. Federal Home Loan Bank System Chairman.—This section amends Section 17 of the Federal Home Loan Bank Act (12 U.S.C. 1437) as follows:

Subsection (a) is amended by abolishing the Federal Home Loan Bank Board and vesting the powers and duties of the Federal Home Loan Bank Board and of its Chairman in the Chairman of the Federal Home Loan Bank System, who will continue to supervise and regulate the Federal Home Loan Banks. The Chairman of the Federal Home Loan Bank System will be subject to the general directions of the Secretary of the Treasury. This latter provision is similar to one for the Comptroller of the Currency and is intended to provide the Secretary with the same oversight authority over the Chairman of FHLBS as he currently has with respect to the Comptroller. The Chairman of the System will implement the Federal Home Loan Bank Act, the Home Owners Loan Act and other laws. The Chairman of the System will have rulemaking authority to implement those laws.

Subsection (b) is amended to provide that the Chairman of the System must be a citizen of the United States. He would be ap-

pointed by the President for a five year term with the consent of the Senate. The President would be able to remove the Chairman. The President would be required to communicate the reasons for removal to the appropriate committee of the Senate. The Chairman would continue to serve until a successor is appointed.

Subsection (c) provides that subject to the approval of the Secretary of the Treasury, the Chairman of the System is empowered to employ and fix the salaries of such employees, attorneys, and agents. The Chairman would have the authority to appoint agents as necessary to carry out his duties. The Chairman would be authorized to designate who will act in the Chairman's absence. The Chairman would have the authority to continue or establish collective offices or administrative units of the Federal Home Loan Banks and to appoint the heads of such entities after consulting the Federal Home Loan Banks. The Chairman would be authorized to delegate to an agent any power (except rulemaking).

Subsection (d) provides that the Chairman of the System has the authority to suspend or remove any director, officer, employee, or agent of any Federal Home Loan Bank or any joint office or administrative unit of such bank and is revised only to require that the fact of suspension or removal be communicated to that person.

Subsection (e) provides that the salaries of the Chairman and other agents and employees will be paid from assessments levied on the Federal Home Loan Banks and that such assessments, like those imposed by the Comptroller of the Currency on national banks under 12 U.S.C. 481, shall not be construed as Government funds or appropriated monies. Compensation, other than that of the Chairman would be paid (as in the Comptroller's Office) without regard to other laws applicable to officers or employees of the United States.

Subsection (f) provides that the Chairman shall not have a financial interest in a member of a Federal Home Loan Bank.

Subsection (g) restates existing provisions of Section 17 to preserve authority exercised by the Board when it was a constituent agency of the Housing and Home Finance Agency.

Subsection (h) is amended to provide that the Chairman will make an annual report to Congress.

Section 703. Election of Bank Directors.—This section would change the law by changing the manner of the selection of the directors of the Federal Home Loan Banks. It would establish three classes of directors, with three directors chosen for each class. The Class A directors would represent the stockholding members of the bank and be chosen by the stockholding members. Class C directors would represent the public and would be chosen by the Chairman of the Federal Home Loan Bank System. The Class B directors would be chosen by the Class A directors and the Class C directors to represent the housing industry and the financial services industry. The Chairman of the Federal Home Loan Bank System would appoint one of the Class C directors as the chairman of the board of directors of each Federal Home Loan Bank and one Class C Director as deputy chairman, who would serve in the absence of the chairman. The third Class C director would serve in the absence of the chairman and deputy chairman.

The provisions regarding the election of directors are, in large part, based on similar provisions governing the directors of Federal Reserve banks.

Section 704. Federal Home Loan Bank Lending.—Section 704 authorizes the Federal Home Loan Banks to make loans to the Federal Deposit Insurance Corporation, subject to the concurrence of the Chairman of the Federal Home Loan Bank System, for the use of the Savings Association Insurance Fund and provides that such loans to the Corporation shall be a direct liability on that insurance fund. This provision is substituted for the current law provision, under which the Federal Home Loan Banks are authorized to make such loans to the Federal Savings and Loan Insurance Corporation.

Section 705. Chief Supervisory Officer.—Section 705(a) requires the senior supervisory employee of each Federal Home Loan Bank to report to the chief supervisory official of the Chairman of the Federal Home Loan Bank System. This section authorizes the Chairman of the Federal Home Loan Bank System to remove the senior supervisory employee of each Bank for cause. This section retains the title, established by the Federal Home Loan Bank Board through regulation, of Principal Supervisory Agent for the senior supervisory employee of each Bank. It is the intent of this section that the President of the district bank will no longer be responsible for the supervisory role of the district bank.

Section 705(b) amends the heading of section 19 of the Federal Home Loan Bank Act to reflect the substantive changes made in that section.

Section 706. Thrift Advisory Council.—Section 706 (1) amends section 8a of the Federal Home Loan Bank Act to change the name of the Federal Savings and Loan Advisory Council to the Thrift Advisory Council.

Section 706 (2) and (3) amend section 8a of the Federal Home Loan Bank Act to delete obsolete references to the Board of Trustees of the Federal Savings and Loan Insurance Corporation itself.

Section 707. Federal Savings and Loan Insurance Corporation Industry Advisory Committee.—This section abolishes the Federal Savings and Loan Insurance Corporation Industry Advisory Committee.

Section 708. Rate of Interest.—This section repeals section 5b of the Federal Home Loan Bank Act as that provision is obsolete.

Section 709. Liquidity Requirements.—Section 709 (1) makes a technical change to section 5A of the Federal Home Loan Bank Act.

Section 709 (2) amends Section 5A by substituting at subsection (d) the Federal Deposit Insurance Corporation for the Federal Savings and Loan Insurance Corporation which would allow a penalty assessment for deficiency in compliance with the section's liquidity requirements made against a savings association to be paid to the Federal Deposit Insurance Corporation if the offending savings association is not a member of a Federal Home Loan Bank. It is intended that any penalty paid to the Federal Deposit Insurance Corporation under authority of section 5A of the Federal Home Loan Bank Act, as amended, will be for the use of Savings Association Insurance Fund.

Section 709(3) makes a technical amendment to subsection (f) of section 5A of the Federal Home Loan Bank Act.

Section 709(4) would allow the Chairman of the Federal Home Loan Bank System to classify, by regulation, as a liquid asset such other assets as the Chairman of the System may determine comports with the purposes of subsection (a) of Section 5a, as amended.

Section 710. Advances.—Section 710(a) substitutes "savings association" for "insured institution" at subsection (e) of section 10 of the Federal Home Loan Bank Act.

Section 710(b) substitutes "Section 1467a" for "Section 1730a(a)(1)(A)" at paragraph (3)(A) of subsection (e) of section 10 of the Federal Home Loan Bank Act.

Section 710(c) substitutes "Section 1467a" for "Section 1730a (o) in paragraph (3)(B) of subsection (e) of section 10 of the Federal Home Loan Bank Act.

Section 710(d) substitutes "Section 1467a" for "Section 1730a(o)(5)(A) at paragraph (3)(C) of subsection (e) of section 10 of the Federal Home Loan Bank Act.

Section 711. Conforming Federal Home Loan Bank Act Amendments.—Section 711(a) deletes a portion of section 1438(c)(5) of Title 12, United States Code, regarding the receipts from the sale of the Board's old building and receipts from a special assessment to build the current Board Building.

Section 711(b) deletes a portion of section 1438(c)(6) of Title 12, United States Code, regarding the submission of a budget for the current Board building.

Section 711(c) repeals section 1438a of Title 12, United States Code as obsolete. It will no longer be necessary to differentiate between administrative and nonadministrative expenses of the Chairman of the Federal Home Loan Bank System.

Section 711(d) deletes the last sentence of section 1439 of Title 12, United States Code, which refers to obsolete reference to nonadministrative expenses.

Section 711(e) deletes a portion of section 101 of Title I of the Act of June 16, 1943 (12 U.S.C. 1439a) which refers to a provision repealed by section 713 of this Act to conform with section 713 of this Act.

Section 711(f) amends section 111 of Title I of Public Law No. 93-495 to delete the term "the Federal Home Loan Bank Board."

Subtitle B.—Conforming Amendments

Section 712. Federal Home Loan Mortgage Corporation Act Amendments.—Section 712(1) changes the composition of the three member board of directors of the Federal Home Loan Mortgage Corporation to include, ex officio, the Chairman of the Federal Home Loan Bank System, who shall be chairman of the board of directors, the Secretary of the Treasury (or his designee), and the Secretary of Housing and Urban Development (or his designee), and provides that the board of directors may elect a Vice-Chairman.

Section 712(2) substitutes the Resolution Trust Corporation for the Federal Savings and Loan Insurance Corporation in section 305 of the Federal Home Loan Mortgage Corporation Act, and also substitutes the term "Chairman" for the term "Board" in the last sentence of subsection (a)(2) of said section 305.

Section 713. Repeal of Limitation of obligation for Administrative Expenses.—This section amends subsection (b) of section 7 of the First Deficiency Appropriation Act of 1936 to delete the terms "Federal Home Loan Bank Board", "Home Owner's Loan Corporation", and "Federal Savings and Loan Insurance Corporation."

The reference to the Home Owner's Loan Corporation is deleted because that instrumentality, once a component of the Federal Home Loan Bank Board, was dissolved in 1951.

Section 714. Amendment of Additional Powers of Chairman.—Section 714(A) makes a technical amendment to subsection (c) of

section 502 of the Housing Act of 1948, as amended, to strike out obsolete terms and substitute therefor the term, "Chairman of the Federal Home Loan Bank System."

Section 714(B) amends subsection (1) of subsection (c) of said section 502 by inserting the term "Federal" between the terms "of any" and "State or". This amendment will authorize the Chairman of the Federal Home Loan Bank System to accept or contract for services with another Federal agency.

Section 715. Amendment of Title 5, United States Code.—Section 715(A) makes a technical amendment to Section 5314 of Title 5, United States Code regarding the salary of the Chairman of the Federal Home Loan Bank System.

Section 715(B) adds a reference to sections 17a of the Federal Home Loan Bank Act (12 U.S.C. 1437) and section 19 of the Federal Home Loan Bank Act (12 U.S.C. 1439) to section 5373 of Title 5, United States Code in order to make that provision consistent with the mandate of section 702 of this Act that decisions regarding the salaries and administration of staff personnel employed by the Chairman of the Federal Home Loan Bank System are made by the Chairman, subject to approval by the Secretary of Treasury, without regard to any other laws regarding employees of the Federal Government.

Section 716. Amendments of Title 31, United States Code.—Section 716(A) creates a new section 307a of Title 31, United States Code to reflect the fact that the Chairman of the Federal Home Loan Bank System is subject to the general direction of the Secretary of the Treasury.

Section 716(B) adds a new paragraph (3) to subsection (c) of section 321, Title 31, United States Code in order to clarify the relationship between the Chairman of the Federal Home Loan Bank System and the Secretary of the Treasury.

Section 716(C) adds the term "Office of the Chairman of the Federal Home Loan Bank System" to subsection (a) of section 714, Title 31, United States Code, in order to authorize audits by the Comptroller General.

Section 716(D) deletes a reference to the Federal Savings and Loan Insurance Corporation.

Section 717. Amendment of Balanced Budget and Emergency Deficit Control Act Provisions.—Section 717(A) makes technical changes to subsection (1)(A) of subsection (g) of section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 to substitute the Chairman of the Federal Home Loan Bank System and Resolution Trust Corporation for the Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corporation.

Section 717(B)(1) makes technical changes to subsection (4) of subsection (b) of said section 256 to substitute the Chairman of the Federal Home Loan Bank System and Resolution Trust Corporation for the Federal Home Loan Bank Board.

Section 717(B)(2) deletes a reference to the Federal Savings and Loan Insurance Corporation in said provision.

Section 718. Amendment of Title 18, United States Code.—Section 718(A) repeals sections 1008 and 1009 of Title 5, United States Code as obsolete.

Section 718(B)(1) strikes a reference in said section to the Federal Home Loan Bank Board and Home Owner's Loan Corporation and adds a reference to a Federal savings bank.

Section 718(B) (2) and (3) make technical changes in said section to reflect amendments made by this Act.

Section 718(B)(4) strikes a reference to the Federal Savings and Loan Insurance Corporation.

TITLE VIII—BANK CONSERVATION ACT AMENDMENTS

Section 801. Definition.—Section 801 amends section 202 of the Act of March 9, 1933 title II of which is the Bank Conservation Act ("Act"). The amendment defines the term "bank" to include federally-chartered financial institutions, other than national banks, that are supervised by the Comptroller (hereinafter referred to as "bank"). This added provision would permit the Comptroller to place into conservatorship institutions such as federal branches of foreign banks.

Section 802. Appointment of Conservator.—Section 802 amends section 203 of the Act to give the Comptroller exclusive authority to appoint either the FDIC or another person as conservator for a bank and sets out a number of conditions under which the Comptroller may make such an appointment. These conditions are similar to the grounds for appointment of a conservator or receiver for federal savings and loan associations under current law. *See* 12 U.S.C. 1464(d)(6)(A). These circumstances generally exist in foundering banks, i.e., banks that are in an unstable condition as a result of mismanagement, insider abuse, or a downturn in the segment of the economy in which the bank is most involved. Existing section 203 does not establish explicit standards for appointing a conservator. To provide a measure of the flexibility that exists currently, the amendment would authorize the Comptroller to identify other circumstances in which the appointment of a conservator is justified. The Comptroller could use a conservator to return an unstable bank to stability or, at a minimum, maintain the status quo to provide a more saleable bank.

The current provisions regarding the appointment of a conservator do not address judicial review. The proposed bill, in accord with other statutes authorizing the appointment of a conservator by federal financial regulatory agencies, would permit an affected bank to bring an action within 10 days of the appointment. The action would be in the nature of an injunction to terminate the Comptroller's decision to appoint a conservator. This process would permit an expeditious resolution of the Comptroller's decision to appoint a conservator. Any other judicial action pending against the bank would be stayed until the conservatorship matter is resolved. Judicial review would not be available in cases where the bank has consented to the imposition of a conservator or where its insurance has been terminated (an action that already provides adequate administrative and judicial review).

Section 803. Examinations.—Section 803 amends section 204 of the Act by deleting the existing provision authorizing the Comptroller to conduct such examinations as are necessary to inform him of the condition of the bank. This provision is no longer necessary. Because a bank under conservatorship remains a national bank, the Comptroller may continue to conduct such examinations pursuant to the general examination authority. *See* 12 U.S.C. 481. New section 803 requires the Comptroller to consult with the FDIC when examining and supervising an ongoing bank for which the FDIC has been appointed conservator.

Section 804. Termination of Conservatorship.—Section 804 amends section 205 of the Act regarding the termination of the conservatorship. Under the proposed amendment, the conservatorship may be terminated as the result of a sale, merger or consolidation of the bank, or by the bank being placed in receivership by a declaration of insolvency, or by the bank being permitted to resume its business in the same form as previously, although most likely under new management or directorate. When the FDIC has been appointed conservator, the Comptroller must seek the approval of the FDIC to terminate the conservatorship. The FDIC would wind up the affairs of such a conservatorship. If the bank is sold, provision is made for an interpleader action whereby shareholders and nondepositor claimants may request that the district court equitably distribute the net proceeds of such sale. This provision is included as a protection for the shareholders and nondepositor claimants because they are otherwise precluded from suing the conservator for actions taken (except where gross negligence can be shown). See proposed 12 U.S.C. 203(b)(3) and 209.

Section 805. Conservator; Powers and Duties.—Section 805 replaces the existing provisions of section 206 of the Act with provisions that specify, in general terms, the powers and responsibilities of the conservator. The current Act does not establish with sufficient clarity that the conservator has the full range of powers possessed by bank management. Proposed section 206 resolves this situation by stating that the conservator will be given the authority and responsibility of the shareholders, officers and board of directors. It is anticipated that regulations will be written regarding the specific powers and duties of the conservator. Proposed section 206 also provides that the conservator, except to the extent waived or modified by the Comptroller, shall be subject to the laws applicable to officers, directors and employees of a national bank. The provisions of this section are intended to establish that the conservator has sufficient flexibility and authority to operate the bank in an attempt to restore it to a stable and/or profitable operation and to give the conservator the authority to sell the bank.

In addition, proposed section 206 authorizes the Comptroller to pay the conservator at rates in excess of rates paid to federal employees performing similar work in certain situations. This provision will enable the Comptroller to recruit competent personnel from outside the agency to act as conservators as the need arises by allowing the Comptroller to compensate such individuals in a manner commensurate with similar positions in private industry.

Section 806. Liability Protection.—Section 806 replaces the existing provisions of section 209 of the Act with new language. The current section makes the conservator subject to the provision of, and to the penalties prescribed by, specific criminal and banking statutes. A specific listing is no longer required since proposed section 206 subjects the conservator to all the laws, including those enumerated in current section 209, applicable to national bank officers, directors and emplyees.

Under proposed section 209, the conservator would be protected from personal liability for actions taken by him as a conservator except for those actions which are grossly negligent. Because the conservator would be making difficult decisions regarding a

troubled bank, proof of "gross negligence" would require that the conservators' decision was an extreme and obvious departure from prudent banking practices resulting in significant damage to the bank.

In additon, section 209(b) adds a provision that will allow the Comptroller to indemnify the conservator out of available funds, other than those specified in 31 U.S.C. 1304.

Section 807. Rules and Regulations.—Section 807 amends section 211 of the Act. Section 211 currently provides that the Comptroller may promulgate rules and regulations to carry out the conservatorship statutes. Proposed section 211 would maintain the Comptrollers' rulemaking authority.

Section 808. Repeals.—Section 808 repeals section 207 (reorganization; consent of depositors and creditors) and section 208 (provisions as to segregation of deposits inapplicable after termination of conservatorship, notice of termination) of the Act. These provisons are no longer necessary under the proposed conservatorship legislation. In addition, the existing provisions of section 206 and 208 that require segregated deposits are considered a major impediment in the current conservatorship statute.

Section 809. Conforming Amendment.—Section 809 would add conservators appointed under 12 U.S.C. 203 to the list of persons that may be appointed by the Comptroller of the Currency without regard to the otherwise applicable limitation contained in 5 U.S.C. 5373 (which generally prohibits an agency head from fixing the compensation of a position or employee at no more than the maximum rate for GS-18).

TITLE IX—ENFORCEMENT POWERS IMPROVEMENT ACT OF 1989

Overview

Title IX approaches the concept of enforcement both from a civil and criminal perspective. The goal of this title is to assure that both regulators and prosecutors have a full arsenal of weapons available to take swift corrective measures and to facilitate both punishment and restitution, wherever appropriate. The provisions recognize that unsafe or unsound practices and fraud and other financial crimes have both victims and societal costs and must be dealt with accordingly.

Subtitle A—Regulation of Financial Institutions

This subtitle improves the enforcement powers of the financial institution regulatory agencies such as by adding additional civil penalty provisions and by greatly augmenting the existing penalty provisions to a maximum of $1,000,000 a day, in some cases. Variations of many of the provisions in Subtitle A are contained in H.R. 32 and were passed by the Senate during the last session of Congress as part of S. 1886.

Section 902. Section 8 of the Federal Deposit Insurance Act.—Section 902(a) makes amendments to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818). These enforcement powers will now apply equally with respect to savings associations and to the Chairman of the Federal Home Loan Bank System (FHLBS) by operation of the definitional change from "insured bank" to "insured financial institution" throughout this Act. Accordingly, many of these authorities that previously were set forth for the Federal Home Loan Bank Board in section 5(d) of the Home Owners' Loan Act (12 U.S.C. 1464(d)) are repealed in section 307, as discussed above.

Section 902(a)(1) replaces terms such as "director, officer, employee, agent, or other persons participating in the conduct of the affairs" of financial institutions throughout section 8 of the Federal Deposit Insurance Act with the new term "institution-related" party. This change must be read in conjunction with the new definitions of "institution-related party" and "controlling shareholder" in section (a)(17). Institution-related party includes not only directors, officers, employees and agents of a financial institution, but also controlling shareholders, independent contractors, and other persons participating in the conduct of the affairs of an insured financial institution or a subsidiary thereof (*e.g.*, a service corporation subsidiary of a savings association) or a person required to file a change-in-control notice. Under appropriate circumstances, an attorney, accountant or appraiser could be an independent contractor or person participating in the affairs of an institution.

Section 902(a)(2) amends the insurance termination procedures in section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) in three respects: First, in section (a)(2)(A), the current maximum statutory notice the FDIC gives to primary regulators of intention to terminate insurance is reduced from not more than 120 to not more than 60 days. Second, in section (a)(2)(B) the Federal Deposit Insurance Corporation (FDIC) is given the discretion to shorten the current two-year period that all deposits are insured after termination of insurance to a minimum period of six months.

Third, in section 902(a)(2)(C), a new temporary order of termination of insurance authority is introduced for extreme situations where an institution is found to be virtually without capital. This procedure could be invoked by the FDIC after consultation with the primary regulator for the institution. The termination would go into effect ten days after issuance unless enjoined by the financial institution through an action in Federal district court. After the effective date of the order, deposits will continue to be insured for not less than six months or more than two years, at the discretion of the FDIC, and the institution can proceed with the regular administrative hearing process on the termination issue provided in the normal termination process.

Decisions by the Board of Directors to issue a notice of intention to terminate insurance or to issue temporary or final orders terminating insurance under section 8(a) may not be delegated, as discussed with reference to section (a)(18), below.

Section (a)(3) clarifies that cease and desist authority to order affirmative action to correct violations or practices in section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) includes the authority to order "reimbursement, restitution, indemnification, recision, the disposal of loans or assets, prohibitions or restrictions on growth, guarantees against loss, or other appropriate action". The authority to order restitution was put in question by the decision in the case of *Larimore* v. *Conover*,, 789 F.2d 1244 (7th Cir. 1986). In that case, the court held that the cease and desist authority of section 8 did not authorize the Comptroller of the Currency to order a director of a national bank to make restitution for losses resulting from violating lending limit provisions of the National Bank Act. The court held that the Comptroller would have to seek reimbursement in a district court action under 12 U.S.C. 93. Under the proposal in this bill, restitution could be ordered without respect to whether the practice or violation giving rise to the restitution involved unjust enrichment or reckless disregard for the law.

This amendment also specifies that the cease and desist authority extends to placement of limitations on the activities or functions of not only the financial institution, but any institution-related party necessary to correct conditions that exist because of an unsafe or unsound practice or violation of law.

The amendments in section (a)(4) and (5) are necessary to reflect that the Chairman of the Federal Home Loan Bank System may exercise cease and desist authority with respect to savings and loan holding companies, all service corporations and all subsidiaries of service corporations under section 8(b) (12 U.S.C. 1818(b)).

Current law does not permit Federal Home Loan Bank Board (FHLBB) enforcement actions against other than "affiliate" service corporations which has the result that service corporations owned by many savings associations can escape enforcement actions. A recent example was the FHLBB's inability to issue enforcement orders against SISCORP, a state-wide service corporation in Oklahoma that is now insolvent. This service corporation made bad real estate loans that produced serious losses to its parent savings associations.

Section (a)(4) is necessary to specify that the Chairman of the FHLBS may take action with respect to a savings and loan holding company even if it is also a bank holding company.

Sections 902(a) (6) and (7) amend the temporary cease and desist authority of section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)). Sections (a) (6) and (7) would eliminate the need for the appropriate banking agency to determine as a condition to issuance of a temporary cease and desist order that a violation or unsafe or unsound practice would be likely to cause "substantial" dissipation of assets or will "seriously" weaken the condition of the financial institution. It will be enough to determine that there would be a likely dissipation or weakening. In addition section (a)(6) will allow a temporary cease and desist order to place limitations on the activities or functions of the financial institution or restrictions on its growth.

Section (a)(3)(7) provides that the temporary cease and desist order authority may be used when a financial institution's records are so "incomplete or inaccurate" that the appropriate banking agency cannot determine the financial condition of the institution or can only determine the condition with great difficulty. The temporary cease and desist order may include a direction to take affirmative action to restore the records to a complete and accurate state.

In recent years, the need for this authority has been demonstrated to be acute. Although somewhat extreme, examples of the need for this power that the FDIC has recently encountered include the following situations: (1) an FDIC-insured institution maintaining all its books and records in plastic garbage bags, and (2) an FDIC-insured institution operating without an employee capable of making postings on the banks' ledgers, thereby making it impossible for the institution to determine its own financial condition. Another example of the need for this authority is the case of Empire Savings and Loan Association, Mesquite, Texas.

Sections 902(a) (8), (9), and (10) set forth amendments to the provisions dealing with

the grounds and procedures for removal or prohibition from participation in the affairs of a financial institution by institution-related parties. At present, the statute provides for a three-part test, the second part of which requires either a showing of "substantial" financial loss or that the interests of depositors are "seriously" jeopardized. The appropriate banking agency will no longer have to reach the conclusion prior to removal that the institution has or will suffer substantial financial loss or the interest of the depositors could be seriously jeopardized by the continued actions of the party. It will be enough to determine there will be probable loss or jeopardy to the interests of depositors.

Section 902(a)(10) for the first time establishes that a person removed, suspended or prohibited from participating in the affairs of an insured financial institution will be under an industry-wide bar. This means unless the person has received prior written approval from the appropriate regulatory agency, he will not be able to participate in the conduct of the affairs of any other insured financial institution, Edge corporation, bank or savings and loan holding company, any service corporation or other savings association subsidiary, any federally insured credit union or institution chartered under the Farm Credit Act.

Participation would include acting as an officer, director, employee, agent, controlling shareholder (other than a holding company), independent contractor or, under appropriate circumstances, acting as an attorney, accountant or appraiser.

Section (a)(16), discussed below, addresses the separate, but related, criminal penalty for participation in an insured institution following certain criminal convictions.

Section 902(a)(11) is a technical amendment to section 8(f) (12 U.S.C. 1818(f)), the provision dealing with judicial stays of suspension and removal orders. This amendment is necessary because of the changes to section 8(e), described above.

Section 902(a)(12) clarifies that all enforcement actions under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), including industry-wide removal orders, may be brought against former institution-related parties after termination, resignation or other separation. An institution-related party cannot frustrate an administrative action against him and take up employment with another financial institution by merely resigning before an action is taken, nor will the closing of an institution affect the agency's jurisdiction. The need for this amendment was highlighted by the recent decision of the Court of Appeals for the District of Columbia in the case of *Stoddard* v. *Board of Governors of the Federal Reserve System* (No. 88-1148, March 3, 1989).

Sections 902(a)(13) and (14) amend the civil penalty authority provisions of section (8)(i) (12 U.S.C. 1818(i)). In section (a)(13), the current maximum $1,000 per day penalty for violations of cease and desist orders or orders relating to Bank Secrecy Act compliance procedures is raised to a maximum of $25,000 per day for each day during which violations continue. In addition, if an order is violated with reckless disregard for the safety and soundness of a financial institution, a maximum penalty of $1,000,000 per day may be applied.

Section (a)(14) makes a significant enforcement authority improvement. New section 8(i)(4) (12 U.S.C. 1818(i)(4)) provides the appropriate federal banking agency with general civil penalty authority against any institution or institution-related party who has violated any law or regulation relating to financial institutions or any condition imposed in writing by a regulatory agency. It also allows a civil money penalty to be issued against an institution-related party who has breached a fiduciary duty or engaged in an unsafe or unsound practice resulting in loss to the institution or gain to the individual. This authority would be available where no other civil penalty authority currently exists and even, under certain circumstances, where it does. For instance, if there was a criminal conviction for a crime such as misapplication (18 U.S.C. 656 or 657) and for whatever reason the Justice Department did not impose a civil penalty under the new authority set forth in section 915 of this bill, the appropriate federal banking agency could proceed to assess a penalty under section 8(i)(4). However, pursuant to section 8(i)(4)(c), a civil money penalty could not be assessed twice against the same party for the same violation. For instance, the appropriate federal banking agency could not assess an additional penalty under this section after the Department of Treasury assessed a civil penalty under the Bank Secrecy Act (31 U.S.C. 5321) based on the same violations.

It is anticipated generally that use of this authority by a federal banking agency would not be appropriate if there was a civil penalty authority under a more specific civil penalty statute such as 31 U.S.C. 5321.

Again, civil penalty amounts are set at a maximum of $25,000 for day for each day the violation continues or a maximum of $1,000,000 for violations made with reckless disregard.

Section (a)(15) merely clarifies that banking agencies have the authority to define by regulation terms not otherwise defined in section 8 (12 U.S.C. 1818).

Section 902(a)(16) raises the criminal penalty in section 8(j) (12 U.S.C. 1818(j)) for institution-related parties who participate in the conduct of the affairs of any insured financial institution despite a removal, suspension or non-participation order by an appropriate federal regulatory agency. The criminal fine is raised from a maximum of $5,000 to a maximum of $1,000,000 and the violation is raised from a misdemeanor to a felony, carrying a maximum sentence of five years.

Section (a)(17) revises the definitions section, section 8(k) (12 U.S.C. 1818(k)). The main change is the addition of a definition of "institution-related party" and "controlling shareholder" as that term is used in the definition of institution-related party. This change is discussed above with reference to section (a)(1) of this Act.

Section 902(a)(18) adds five new subsections to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818). First, new subsection 8(t) (12 U.S.C. 1818(t)) gives appropriate federal banking agencies the authority to pay informants awards to financial institution employees and other persons who provide original information that leads to recovery of a criminal fine or victim restitution, or forfeiture relating to enumerated criminal offenses, or of a civil penalty under section 8. This is similar to the authority of the Internal Revenue Service and other law enforcement agencies, such as the United States Customs Service. This authority only would apply to recoveries over $50,000 and would be limited to 25% of the recovery or $100,000, whichever is less.

Payment of awards would be totally discretionary. A decision to pay or not to pay a reward would not be reviewable by any court or be subject to any administrative review other than any that may be afforded to claimants by the appropriate federal banking agency.

An appropriate federal banking agency would notify and seek the concurrence of the Attorney General before paying or promising to pay a reward under this section to assure against adversely affecting ongoing investigations or prosecutions.

Second, new subsection 8(u) (12 U.S.C. 1818(u)) provides protection to an employee of an insured financial institution who gives information to a regulatory agency regarding a possible violation of law or regulation or to the Department of Justice relating to a possible violation of a criminal law. The employee would have a civil cause of action in Federal district court if he is discharged or discriminated against because of his assistance to the government. Similar to other employee protection statutes covering reporting of information on health and safety violations, such as 42 U.S.C. 5851 (relating to nuclear safety), recovery would be limited to reinstatement with compensatory damages, such as back pay and lost employment benefits.

Third, a new subsection 8(v) (12 U.S.C. 1818(v)) allows the Board of Directors of the Federal Deposit Insurance Corporation to request the Chairman of the Federal Home Loan Bank System to take any enforcement action authorized by section 8 with respect to a savings association. If the FHLBS does not take the recommended action within 60 days of receipt of the formal recommendation from the FDIC, the Board of Directors may order the FDIC to take the action itself. In "exigent circumstances" the sixty-day period may be waived by the FDIC. The definition of exigent circumstances will be the subject of a memorandum of understanding between the Chairman of the FHLBS and the Board of Directors of the FDIC.

Fourth, a new subsection (8)(w) (12 U.S.C. 1818(w)) makes clear that the enforcement authority granted in section 8 of the Federal Deposit Insurance Act is in addition to, and not limited by, any other statutory grant of authority, as provided by either Federal or State law. Thus, it modifies, in part, the *Larimore* decision with respect to the use of district court proceedings in lieu of administrative action under section 8.

Finally, a subsection 8(x) (12 U.S.C. 1818(x)) is added to set forth the only four actions under section 8 that cannot be delegated by the Board of Directors of the FDIC. Three relate to termination of insurance under section 8(a), and the fourth to the authority in new subsection 8(v) to initiate an enforcement action against a savings association.

Section 902(b) raises the criminal penalty of section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) for financial institutions that allow participation in the conduct of the affairs of a financial institution or service as an institution-related party by a person who has been convicted of a criminal offense involving dishonesty or breach of trust, without prior approval from the FDIC. The penalty also applies to the person who acts as an institution-related party or participates in the affairs of a financial institution after such a conviction, without prior approval.

In the same section, the standard is changed from "willful" to "knowing." The penalty is raised from a maximum $100 a day for each day the prohibition is violated,

to a maximum of $1,000,000 for each day the prohibition is violated. The penalty is also raised from a misdemeanor to a felony, carrying a maximum prison term or five years. Currently, the FDIC may recover penalties collected under this provision "for its own use." Because of the great increase in the dollar amount of the penalty, the FDIC only will be able to recover the costs of penalty assessment and collection.

Section 903. Parallel Increases in Civil Penalty Provisions.—This section amends several other civil penalty provisions in all cases to increase the current maximum daily penalty amounts to $25,000 for each day a violation continues, and in cases of violations made with reckless disregard for the safety or soundness of an institution, to a maximum of $1,000,000 for each day a violation continues.

Section 903(a) similarly raises the civil penalty in section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a)) for a number of violations of the Federal Reserve Act. The current maximum penalty is $1,000 per day.

Section 903(b)(1) raises the criminal penalty in section 8 of the Bank Holding Company Act of 1956 (12 U.S.C. 1847(a)) for violations of the Bank Holding Company Act. The criminal fine for willful violations is raised from a maximum of $10,000 per day to a maximum of $1,000,000 per day and the violation is raised from a misdemeanor to a felony, with a maximum term of imprisonment of five years.

The current criminal penalty in section 1847(a) (for false entries in the books of a holding company) has been eliminated from that section and incorporated into 18 U.S.C. 1005. *See* section 915(e) below.

Section 903(b)(2) raises the civil penalty for violations under section 8 of the Bank Holding Company Act (12 U.S.C. 1847(b)(1)) from the current maximum of $1,000 per day. It also is clarified that civil and criminal penalties for violations of the Bank Holding Company Act are cumulative.

Section 903(c) raises the civil penalty for violations of the prohibition against typing arrangements in section 106(b)(2)(F)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)(i)). The current penalty is a maximum of $1000 per day for each day the violation continues.

Section 903(d) raises the general civil penalty authority of the Comptroller of the Currency in section 5239 of the Revised Statutes (12 U.S.C. 93) and section 902(e) raises the civil penalty in section 5240 of the Revised Statutes (12 U.S.C. 481) for refusal to permit examination of a national bank or affiliate. The current maximum penalties under those provisions are $1,000 per day.

Section 904. Penalty for Violation of "Change in Bank Control Act."—Section 904 makes several improvements to the penalty provision or the Change in Bank Control Act, section 7(j)(16) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(16)). First, the current scienter standard of "willful" is eliminated and the penalty amount for violations is raised from a maximum $10,000 per day to a maximum of $25,000 for each day during which the violation continues. For violations made with reckless disregard for the safety or soundness of a financial institution, the penalty is raised to a maximum of $1,000,000 for each day during which the violation continues.

Also, the penalty procedures for assessment and collections are made comparable to those for other federal banking agencies civil penalties, with penalty assessments reviewed through administrative hearings and appeal to the Court of Appeals. Currently, Change in Bank Control Act penalties are subject to a trial de novo in Federal district court.

The deletion of the "willful" standard will afford the regulatory agencies the opportunity to move more easily against individuals who take control of a financial institution, without ever having filed a change in bank control application, and force the institution to buy worthless or near-worthless assets from them.

These amendments will apply equally to changes in savings association control pursuant to section 7 of this Act.

Section 905. Reports.—Section 905(a) eliminates a provision in the Bank Protection Act requiring insured financial institutions to submit reports with respect to security devices and procedures. Section (b) eliminates an obsolete requirement relating to reports to the Comptroller of the Currency.

Sections (c), (d), (e), and (f) make parallel improvements to four civil penalty provisions relating to call report violations for national banks, State nonmember banks, and federal reserve member banks, and reporting violations for holding companies, respectively. The provisions make clear that not only failure to submit any late submissions are subject to penalty, but also false, misleading and incomplete submissions or publications. The maximum penalty is raised to $25,000 per each day a report is not submitted or a false, misleading or incomplete report is not corrected. In the case of violations made with reckless disregard for the safety and soundness of an institution, the maximum penalty is raised to $1,000,000 per day. The current penalty under all four penalty provisions is a maximum daily penalty of $1,000.

One of the first and foremost indicators of the financial condition of an institution is the call report, the report on condition and income that must be regularly filed with appropriate federal banking agencies. If, in its call report, an institution deliberately has failed to charge off loans classified loss, or failed to provide for a loan loss reserve, it has inflated its overall condition, thereby lulling the depositors and shareholders into a false sense of security by implying that the institution is in a stronger financial condition than it actually is. The increased civil money penalty for submission of false or misleading call reports provided in the bill will provide a much needed incentive to encourage financial institutions to file accurate call reports, and prevent distortion of an institution's financial condition.

Experience has shown that the current penalties are inadequate to encourage compliance. For instance, on March 21, 1988, the FDIC issued a bank letter requesting that all FDIC-insured banks submit their call reports on time. Despite this Bank Letter, which was by no means the first request for timely submissions, thousands of banks failed to submit their reports on time. The increased civil money penalty proposed in this bill will encourage compliance. The higher penalties are meant to be directed at chronic late-filers or those who deliberately delay in order to postpone the release of adverse financial information.

Subtitle B—Regulation by the Chairman of the Federal Home Loan Bank System

Section 906. Examination Authority.—This section is being eliminated in technical corrections to this Act, as these provisions are repeated in sections 307 and 311, above.

Section 907. Reports of Condition and Penalties.—This section adds a new subsection (u) to the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(u)) providing for submission of call reports by savings associations and a new penalty for failure to report or for submitting or publishing false, misleading or incomplete information. This is comparable to the existing requirement for such reports for federally insured banks. The penalty provisions also are parallel to those discussed above in section 905 for banks and holding companies.

Section 908. Savings and Loan Holding Companies.—Section 908(a) increases the civil and criminal penalties for violations of the Savings and Loan Holding Company Act to conform with the penalty for Bank Holding Company Act violations in section 903(b). Criminal and civil penalties are cumulative.

Section (b) adds a new civil penalty for reporting violations by savings and loan holding companies parallel to the reporting provision and penalty for bank holding companies. See section 905(f).

Section 909. Continuity of Authority for Ongoing Litigation.—Section 909 affirms that ongoing litigation in the name of the FHLBB or the FSLIC will be continued, as appropriate, under this Act.

Section 910. Temporary Extension of Authority.—Section 910 states that any action initiated or taken by the FHLBB or FSLIC under one of the enforcement authorities in section 5 of the Home Owners' Loan Act or under section 407 of the National Housing Act, repealed by this Act, may be carried on by the Chairman of the FHLBS as if those provisions were still in effect.

Subtitle C—Credit Unions

Sections 911, 912, and 913. Amendments to 206, 205 and 202. The amendments made in this section to the enforcement powers in the Federal Credit Union Act (12 U.S.C. 1782, 1785, 1786) conform to the improved enforcement authorities and increased penalties of other federal financial institution regulatory agencies under this Act. Parallel amendments are found in Subtitle A for almost every provision in Subtitle C. The explanation for the comparable provisions in Subtitle A should be consulted.

Subtitle D—Right of Financial Privacy Act

Section 914. Amendments to the Right to Financial Privacy Act.—There are a number of exceptions to the general requirement of the Right to Financial Privacy Act of 1978 ("RFPA"), (Title XI of Pub. L. 95-630, 12 U.S.C. 3401 et seq.) that there be notice to a financial institution customer prior to disclosure of his records to a federal authority. One exception made to facilitate smooth functioning of the examination process is the exception in section 1113(b) (12 U.S.C. 3913(b)) which provides that the RFPA does not apply to supervisory agencies in the exercise of their supervisory, regulatory or monetary functions.

The amendment in section 914 (a) and (b)(1) merely makes explicit that this exception from the RFPA for supervisory agencies with respect to financial institutions, extends to both bank and savings and loan holding companies and subsidiaries of financial institutions or holding companies, as well as to officers, directors, employees, agents and other persons participating in the affairs of a financial institution, holding company or subsidiary. The amendment in (b)(1) also specifies that this exemption applies to a supervisory agency in the exercise

of its conservatorship or receivership functions.

Section 914(b)(2) adds two new exceptions to section 1113(b) of the RFPA (12 U.S.C. 3413(b)). First, a new subsection 1113(m) makes explicit that the RFPA does not apply to examination or disclosures by the Federal Reserve System in the exercise of its authority to extend credit to depository institutions and others.

Second, a new subsection 1113(n) is added to cover disclosures to the Resolution Trust Corporation.

In section (c) a new provision is added to section 1120 of the RFPA (12 U.S.C. 3420) to prohibit financial institutions from notifying customers or other persons of the existence of a grand jury subpoena relating to violations of certain enumerated major crimes in title 18, United States Code, against financial institutions or regulatory agencies—section 215 (financial institution bribery), sections 656 and 657 (financial institution misapplication and embezzlement), sections 1005 and 1006 (false entries), sections 1007 and 1008, (fraud against deposit insurer), section 1014 (false statement or overvaluation), and section 1344 (financial institution fraud).

With respect to restricting notice of grand jury subpoenas involving grand jury investigations of other crimes, the Department of Justice still would have to seek an ex parte court order pursuant to section 1109 (12 U.S.C. 3409), as provided in section 1113(i) (12 U.S.C. 3413(i)).

In criminal investigations involving serious financial institution crimes, there is a compelling need that financial institution insiders and those acting in concert with them are not advised prematurely of the existence of criminal investigations or the parameters of the investigations. Notification could cause serious damage to investigations and could lead to possible flight, destruction of evidence, and removal of assets. This prohibition should be automatic and not depend on the existing delayed notice procedures.

Congress recently recognized the need for special treatment under the RFPA for those involved in crimes against financial institutions and supervisory agencies. In section 6186(c) of the Anti-Drug Abuse Act of 1988, Pub. L. 100-690 (Nov. 18, 1988), a new exception from the customer notice provisions was added to allow a financial institution to provide records of a financial institution insider if there is reason to believe the records are relevant to a possible crime against the institution or supervisory agency by an insider. This amendment prohibiting notification of grand jury subpoenas enhances the effectiveness of section 6186(c) by assuring that its purpose is not frustrated.

A related change is made in section 916(h), below, to provide a new criminal obstruction of justice penalty against a financial institution officer, director, or employee who notifies a customer or other party despite this RFPA prohibition.

Subtitle E—Criminal Enhancements

Section 915. Increased Criminal Penalties and Civil Penalties for Certain Financial Institution Offenses.—Section 915 increases the criminal sanctions for several major financial institution crimes in title 18, United States Code, under which those who jeopardize the safety or soundness of insured financial institutions, either from the inside or from without, are prosecuted. The crimes covered are: section 215 (financial institution bribery), sections 656 and 657 (financial institution misapplication and embezzlement), sections 1005 and 1006 (false entries on the books of financial institutions), sections 1007 and 1008, now consolidated as section 1007, (fraud on deposit insurer), section 1014 (false statement or overvaluation), and section 1344 (financial institution fraud). The penalties proposed are purposely the most stringent for any white collar crime. The severity of the penalty can be compared to the penalties for money laundering under 18 U.S.C. 1956 and 1957.

The criminal sanctions are raised generally to a maximum criminal fine of $1,000,000 for each day the violation continues or $5,000,000, or twice the amount authorized by section 3571(d) of title 18, whichever is greater. This means that, depending on which is greater, a maximum daily fine of $1,000,000 can be imposed, or if a violation does not lend itself to a daily penalty or occurs on only a few days, the $5,000,000 maximum would be available. As a third alternative, if the result would be an even higher fine, a court could use the measure of twice the fine set forth in section 3517(d). Twice the amount of the criminal fine in section 3571(d) would be four times the amount of pecuniary gain to the defendant or loss to the affected financial institution, whichever is greater.

In addition, in section 915, for the first time, the Civil Division of the Justice Department and the U.S. Attorney's Offices are given civil penalty authority for violations of these sections. All criminal and civil sanctions are cumulative. This means that Justice may elect whether to proceed civilly or criminally upon a referral from a bank regulatory agency or may develop cases civilly or criminally without a referral, for instance on the basis of an informant's information. It may also proceed with a civil penalty at the conclusion of a criminal case or impose a civil penalty in conjunction with a criminal plea arrangement. Nevertheless, it is intended that the Department of Justice continue to work closely with the regulatory agencies on these matters. This authority is intended to provide an additional means of assessing penalties and is not intended to limit or restrict those penalties that may otherwise be assessed by the regulatory agencies pursuant to their authority.

The major difference between the civil and criminal violation will be the lower standard of proof in civil cases and the method of developing the basis for the violation. If, following assessment of a civil penalty, payment is not made, the Attorney General may recover the penalty through an action in Federal district court. The standard of proof for a civil penalty case will be a preponderance of the evidence. The civil case will be developed through a new civil summons authority comparable to the civil summons authority of numerous other agencies with civil penalty authority. See, e.g., 31 U.S.C. 5318(a) (summons authority of the Secretary of the Treasury under the Bank Secrecy Act). Standard summons enforcement provisions, including contempt authority, is included.

The civil penalties, like the criminal penalties, will be the largest civil money penalties available under any civil penalty authority. Generally, the maximum penalty is $1,000,000 for each day the violation continues, the amount of the pecuniary gain to the individual attributable to the violation, or $5,000,000, whichever is greater.

In addition to increased penalties and civil penalty authority in section 915, the following changes are made in sections (a) through (i):

In section (a)(2), the references to "bank" insured by the FDIC are changed to "an institution" and the reference to institutions insured by the FSLIC is deleted.

The amendment in (d)(1) sets forth that section 1005 (false entries) applies to officers, directors, agents and employees of bank and savings and loan holding companies. The current mirror image criminal provisions in the Bank Holding Company and Savings and Loan Holding Company Acts are eliminated. This is discussed in reference to section 903(b), above.

In section (d)(2), a "participation" offense is added to section 1005 (false entry on the books of a bank) which is comparable to the participation offense currently in section 1006 (credit union and savings and loan false entries).

The amendments in sections (f) and (g) consolidate current sections 1007 (fraud on the FDIC) and section 1008 (fraud on FSLIC) into a new section 1007.

Section (j) adds a new statute of limitations provision, section 3293 of title 18, United States Code, which extends the statute of limitations for the crimes discussed in section 915 (sections 215, 656, 657, 1003, 1006, 1007, 1008, 1014, and 1344 of title 18) to ten years. Currently, the general five-year statute of limitations for all crimes listed in 18 U.S.C. 3282 applies. This extension to ten years recognizes both the complexity of many of the investigations under these provisions and the volume of such investigations pending and anticipated in the near future. The limitations period is comparable to that for certain national security violations under 18 U.S.C. 792.

The increased period shall apply to any offense committed before the effective date of this Act as long as the five year statute has not run as of this date. It is well established that the application of a new statute of limitations to violations for which the old statute has not run does not violate the constitutional prohibition on ex post facto laws. See, e.g., *United States* v. *Richardson*, 512 F.2d 105 (3rd Cir. 1975).

Since October 1987, in accordance with sentencing reform provisions of the Comprehensive Crime Authority Control Act of 1984, federal judges must sentence in accordance with guidelines promulgated by the United States Sentencing Commission. A statutory increase in a maximum imprisonment terms such as those made in section (a) through (i) of this section will probably, but not necessarily, cause the Sentencing Commission to readjust upward the recommended penalty for such a violation when it next submits guideline amendments to Congress. Section (k) is a direction to the Commission to increase the sentencing guideline for violations of the financial institution crimes treated in section 915 where the violation "substantially" jeopardizes the safety and soundness of a financial institution.

This section directs an increase in the guideline level to at least level "24" in such situations. This will mean, in effect, that there will be a mandatory minimum sentence for such violations by first offenders of at least fifty-one months of imprisonment. It is anticipated that courts will rely on the judgment of federal financial institution regulatory agencies in determining whether there has been substantial jeopardy to the safety and soundness of an institution.

Section 916. Miscellaneous Revisions to Title 18.—This section 916(a) merely replaces the term "Federal Home Loan Bank Board" with the term "Federal Home Loan

Bank System" in title 18, consistent with this Act.

Section 915 (b) and (c) amends sections 212 and 213 of title 18 (relating to gratuities and loans to bank examiners) to specify that these provisions apply to examiners of the FHLBS and changes the reference to "banks" insured by the FDIC to "institutions," consistent with this Act.

Section (d) repeals 18 U.S.C. 1009, an obsolete and unused provision making it a crime to circulate rumors about the FSLIC.

Sections 915 (e), (f), (g), and (i) merely make technical revisions to four criminal provisions to make changes necessitated by the Act, such as removing references to FSLIC.

Section (h) adds a new provision in the obstruction of justice statute, 18 U.S.C. 1510, making it a crime for a financial institution, officer, director, partner, or employee to notify a customer or any other party, including another financial institution insider, of the existence or contents of a grand jury subpoena relating to one of the financial institution crimes discussed in section 915, (sections 215, 656, 657, 1007, 1008, 1014, or 1344 of title 18). A related FRPA amendment is discussed in section 914(c), above.

Section (j) adds sections 656 and 657, financial institution misapplication and embezzlement, and 1344, financial institution fraud, to the predicates for violations of the RICO (Racketeer Influenced and Corrupt Organizations) statute, 18 U.S.C. 1961-1968. This will, in effect, provide prosecutors with another tool against those who steal from financial institutions from within and without and seek to profit further from their crimes through investment in other businesses.

Section 917. Civil and Criminal Forfeiture Section.—Again in section 917, weapons have been borrowed from the Administration's war against drugs and money laundering by adding civil (new section 983) and criminal (new section 984) forfeiture authority in connection with violations of the financial provisions discussed in section 915. Similar forfeiture authority was added for money laundering and domestic Bank Secrecy Act violations in 1986, as sections 981 and 982 of title 18.

Civil forfeiture will allow the Department of Justice to move immediately against the property which is the proceeds of the violation or against property traceable to that property as soon as it has probable cause for the violation. As in money laundering cases, time will often be of the essence because perpetrators of these offenses attempt to move and conceal their assets as investigations develop.

Because of the nature of the crimes and the victims, forfeited amounts will be applied, after deduction for the costs of forfeiture, differently than amounts forfeited under other provisions of law. Under section 983(e)(3), in the case of insolvent institutions, proceeds will be applied to the Treasury General Fund, and, in the case of ongoing institutions to the General Fund, or at the option of the appropriate federal financial institution regulatory agency, may be made available as restitution to the institution.

As with other victim restitution, under 18 U.S.C. 3523, the amount received from the forfeiture would be deducted from other amounts received as restitution in other civil actions or through cease and desist orders.

Criminal forfeiture would apply following a conviction. The court would be required to order forfeiture, unlike orders for victim restitution, which are discretionary. The proceeds of a criminal forfeiture would be applied in the same way as civil forfeiture proceeds.

Section 918: Grand Jury Amendments: Section 918(a) amends Rule 6(e) of the Federal Rules of Criminal Procedure to overcome impediments to the government's civil enforcement efforts caused by two decisions of the United States Supreme Court. On June 30, 1983, the Court ruled in *United States* v. *Sells Engineering, Inc.*, 463 U.S. 418 (1983), that Department of Justice attorneys handling civil cases are not "attorneys for the government" for the purposes of Rule 6(e). Therefore they may not obtain grand jury materials that pertain to their civil cases without a court order, and such an order may be granted only upon a showing of "particularized need." The Court stated that the "particularized need" standard of Rule 6(e) was not satisfied only by a showing that non-disclosure would cause lengthy delays in litigation or would require substantial duplication of effort.

In a companion case, *United States* v. *Baggot*, 463 U.S. 476 (1983), the Court further limited federal law enforcement abilities by narrowly defining the purpose for which disclosures may be made. It held that agency proceedings such as civil tax audits are not "preliminary to a judicial proceeding," and thus, no court order may be secured in such cases, no matter how compelling the need.

Civil enforcement initiatives have been frustrated by the inability to share grand jury materials with Department of Justice (DOJ) civil attorneys or with agencies, such as federal financial institution regulatory agencies, that contemplate using those materials in administrative or regulatory proceedings such as cease or desist or removal proceedings or civil penalty assessments. The prosecutor is limited in his ability to advise civil attorneys or agency authorities of activities that may also violate civil laws which should be investigated, sometimes preventing timely pursuit of meritorious civil cases. Then, if the civil attorneys or agencies do learn of the grand jury investigation, they must duplicate virtually the entire criminal investigation—an effort which may not be feasible or, at best, will cause substantial delays and require needless expenditure of effort, time and money.

The amendments will (1) permit prosecutors to make automatic disclosure of grand jury materials to Department of Justice civil attorneys for civil purposes without a court order; (2) expand the types of proceedings for which other executive departments and agencies may gain court-authorized disclosure to include not only "judicial proceedings," but also other matters within their jurisdiction, such as adjudicative and administrative proceedings; and (3) reduce the "particularized need" standard for court-authorized disclosure to a lesser standard of "substantial need" in certain circumstances. The amendments also codify a legal issue unanswered by *Sells*, but recently resolved affirmatively by the Supreme Court in *United States* v. *John Doe, Inc. I*, 481 U.S. 102 (1987): whether the same criminal prosecutor who conducted the grand jury investigation is authorized to present the companion civil case.

In 6(e)(3)(A)(i), disclosure may be made to any government attorney, i.e., Department of Justice attorney, "to enforce federal civil law." This term is to be read broadly; it includes civil enforcement in all non-criminal actions in which the United States is a party, such as admiralty, immigration, customs and damage suits. In the terms of this Act, it would include disclosure to Department of Justice civil attorneys for the purpose of assessment of new civil penalties discussed in section 915. Disclosure is not limited by the term "judicial proceeding," but can be made for the sole purpose of an initial review of potential civil liability or to facilitate global dispositions of cases, thus eliminating the barrier to settlements caused by the inability to provide sufficient information for the DOJ civil attorney to evaluate the merits of proposed settlements.

This amendment covers disclosure only to attorneys and their support staff such as secretaries and paralegals. If further disclosures to non-attorney personnel such as examiners, auditors or agents are necessary to assist in the civil case, a court order must be sought.

The addition of the words "civil law" in (6)(e)(3)(B) will permit personnel to whom disclosure had been made for criminal purposes pursuant to subparagraph (A)(ii), to utilize that material to assist any attorney for the government in enforcing civil law. It will allow DOJ civil attorneys to discuss the evidence not only with the criminal prosecutor, but also with the agents, auditors or examiners who worked on the grand jury investigation without court order.

The proposal recognizes that the primary purpose of a grand jury is, and must remain, to enforce federal criminal laws and in no way alters that well-founded policy. It is therefore the intent of the Department of Justice to issue policy guidelines that restate existing practices and the current case law that a grand jury may not be improperly used to gather evidence for civil purposes. To make the criminal priority explicit, the guidelines will state that the criminal prosecutor has the discretion to decide whether and when to disclose materials to civil attorneys, and further, to decide what materials should be disclosed. Disclosures will be limited to only those materials relevant to the civil case.

Section 6(e)(3)(i) is amended by the addition of the words "particularized need" to reflect the existing standard for court-authorized disclosures made preliminary to or in connection with a judicial proceeding. While not changing current law, the addition of the term "particularized need" is intended to demonstrate the contrast between this higher standard and the lesser standard of "substantial need" that is required in new section (C)(v), applicable when government agencies seek disclosure with the concurrence of the Department of Justice. This provision will provide the only available method of disclosure for private parties. It can also be used by government agencies with independent litigating authority when the Justice Department exercises its discretion and declines to request disclosure under new section (C)(v).

Section 6(e)(3)(C)(v) is the entirely new section authorizing prosecutors to seek court approval to release grand jury information to government agencies for use in matters within that jurisdiction. This is intended to cure the *Baggot* problems by eliminating the requirement that court-authorized disclosure must be for use in a "judicial proceeding," and also to overrule *Sells* by reducing the "particularized need" standard to a "substantial need" standard.

Under the substantial need standard, a court could consider a number of factors, including but not limited to, any of the follow-

ing: (1) the public interest—particularly the protection of the public health or safety or the safety or soundness of a federally insured financial institution—served by disclosure; (2) the burden or cost of duplicating the grand jury investigation; (3) the potential unavailability of witnesses; (4) the fact that the department or agency already has a legitimate independent right to the materials; (5) the avoidance of unnecessary inefficiency or waste of resources; (6) the need to prevent ongoing violations of law; and (7) the expiration of an applicable statute of limitations. In weighing these considerations, consistent with the Supreme Court's decision in *John Doe, Inc. I*, a court would not be able to deny disclosure merely because the agency for whom disclosure is sought may have alternative discovery tools available to it.

On the other hand, the "substantial need" test does not contemplate that a court would become simply a "rubber stamp" for the government's request for disclosure. Review under this standard should require a Justice Department attorney to make more than a showing of mere convenience or simple relevance to matters within the jurisdiction of the agency.

The words "for use in a matter within the jurisdiction of an agency" makes clear that an agency's administrative, enforcement and other non-judicial proceedings are included. Since the phrase "matters within the jurisdiction of an agency" has already been broadly interpreted in cases involving 18 U.S.C. § 1001, it was selected to avoid listing every conceivable agency proceeding. In the context of financial institution administrative and enforcement actions, it could include use in licensing, examination, corporate application involving change in control or ownership, removal actions, cease and desist orders, termination of insurance, receivership actions, or penalty assessments.

Effective control would be exercised by the court in permitting disclosure only when the agency had a substantial need, and by delineating in its order the specific purposes for which disclosure is authorized. Disclosures will not be sought by Department of Justice attorneys without careful consideration of all factors and a determination that there is a strong public interest for each disclosure. Agency personnel who receive court-authorized disclosures of grand jury materials under this subparagraph will be authorized to use the material only for the purpose for which the court order was granted.

Section 918(b) amends the Fair Credit Reporting Act to permit access to consumer credit report records pursuant to a subpoena issued by a grand jury. Presently, 15 U.S.C. 1681b forbids a credit reporting agency from furnishing such records except in a few restricted instances. One of these is "in response to the order of a court". Although some district courts have held that a Federal grand jury subpoena is such an order, the predominant judicial view is that a grand jury subpoena does not qualify. See, e.g., *Matter of Application to Quash Grand Jury Subpoena*, 526 F. Supp. 1253 (D. Md. 1981).

Consumer credit report records are useful in pursuing many kinds of fraud, including fraud involving financial institutions. The current requirement for a court order poses a burdensome hurdle to the effective investigation of fraud by Federal grand juries. Although the privacy interests sought to be protected under the Act warrant placing restrictions on access, a Federal grand jury subpoena carries with it significant safeguards under Rule 6(e) of the Federal Rules of Criminal Procedure. In a comparable context, disclosure of customer records of financial institutions themselves are protected by the Right to Financial Privacy Act ("RFPA") (12 U.S.C. 3401 et seq.). "Nevertheless, section 1113(i) of the RFPA (12 U.S.C. 3413(i)) contains an express exception for any subpoena issued in connection with proceedings before a grand jury." This leads to the anomalous result that records in the possession of a financial institution may be disclosed pursuant to a grand jury subpoena, but the very same records in the possession of a consumer reporting agency may not be able to be disclosed.

Section 919. Litigation Authority.—This section merely affirms that the changes made to this Act to the responsibilities of financial institution regulatory and insurance agencies may not be construed as impairing or diminishing the authority of the Attorney General under section 18 U.S.C. 516, to conduct and coordinate litigation on behalf of the United States Government.

Section 920. Department of Justice Appropriation.—This section provides authorization of appropriations of $50 million annually, for fiscal years 1989 through 1991, to investigate and prosecute financial institution crimes. It is critical that additional resources be made available to identify, investigate and bring to justice those who undermine the safety and soundness of financial institutions.

This independent authorization is intended to supplement that included in the annual Department of Justice appropriations authorizations for this purpose. Beginning with fiscal year 1992, the need for authorization of continuing appropriations for this purpose will be addressed within the context of the annual appropriations authorizations request.

This additional funding is authorized to be appropriated to the Attorney General. It is intended that these funds may supplement any appropriations under the control of the Attorney General. The Attorney General would have the flexibility to adjust the funding among the organizations involved in investigating and prosecuting financial institution fraud, such as the Federal Bureau of Investigation, the U.S. Attorneys, and the Criminal and Tax Divisions, to achieve the objectives of this authorization.

TITLE X—STUDY OF FEDERAL DEPOSIT INSURANCE AND BANKING REGULATION

Section 1001. Study.—Section 1001 requires the Secretary of the Treasury, in consultation with the bank and thrift Federal regulators and the Director of the Office of Management and Budget to conduct a study of the Federal deposit insurance, system, including an appropriate structure for the offering of competitive products and services to consumers consistent with standards of safety and soundness.

Section 1002. Topics.—Section 1002 lists the topics to be included in the above study as follows;

Risk and rate structure for deposit insurance; incentives for market discipline; the scope of deposit insurance coverage and its impact on the liability of the insurance fund; the feasibility of market value accounting, assessments on foreign deposits, limitations on brokered deposits, the addition of collateralized borrowings to the deposit insurance base, and multiple insured accounts; policies to be followed with respect to the recapitalization or closure of insured depositories whose capital is depleted to or near the point of, insolvency; and the efficiency of housing subsidies through the Federal Home Loan Bank System.

Section 1003. Final Report.—Section 1003 requires the Secretary to submit to Congress within eighteen months from the date of enactment of this Act, a final report which shall contain a detailed statement of findings and conclusions, including recommendations for advisable administrative and legislative action.

TITLE XI—MISCELLANEOUS PROVISIONS

Section 1101. Amendments to Section 202 of the Federal Credit Union Act.—Section 202 of the Federal Credit Union Act (FCU Act) establishes the method by which federally-insured credit unions provide funding to the National Credit Union Share Insurance Fund. Currently, each federally-insured credit union maintains a capitalization deposit of 1 percent of its insured shares. This amendment would phase out the capitalization deposit over eight years and revert to a premium method of funding.

The NCUA Board would be authorized to issue regulations necessary to implement this change, including the authority to assess insurance premiums during the phase out period if necessary to maintain the equity level of the insurance fund.

Section 1102. Amendment to Section 203 of the Federal Credit Union Act.—This is a conforming amendment to Section 203 of the FCU Act, removing a reference to the capitalization deposit.

Section 1103. Amendment to Section 5240 of the Revised Statutes.—Section 1103 amends Section 5240 of the Revised Statutes. As amended, the section authorizes the Comptroller of the Currency, subject to the approval of the Secretary of the Treasury, to fix the compensation of employees of the OCC and to make a report thereof to Congress. In setting and adjusting compensation, the Comptroller is directed to seek to maintain comparability with compensation paid by the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the Chairman of the Federal Home Loan Bank System. The amendment provides that such compensation shall be determined by the Comptroller without regard to the provisions of any other law, including any provision of Title 5 of the United States Code.●

REREFERRAL OF S. 523

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 523, a bill introduced yesterday, which directs the Secretary of the Army to release a reversionary interest in certain lands in the port of Benton, WA, be discharged from the Armed Services Committee and referred to the Environment and Public Works Committee.

The PRESIDING OFFICER. Is there objection.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judi-

ciary Committee be discharged from further consideration of Senate Joint Resolution 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 43) designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. Mr. President, I rise to speak in support of a joint resolution to designate April 9, 1989, as "National Former Prisoners of War Recognition Day." I was pleased to be an original co-sponsor on this important legislation. I know my colleagues join me today in honoring the almost 80,000 remaining former members of the armed services of the United States who were held captive, and often subjected to brutal and inhumane treatment, by the enemy during a time of war, as well as to the memory of those who have died.

We cannot erase the memories these individuals carry of the time they spent in captivity, nor can we give them back the time they suffered from malnutrition and mistreatment. However, we can show them that they were not forgotten. We can, as U.S. representatives of the American people, show that, as a people and a Government, we sympathize with them, even if we cannot fully understand, the terrible conditions which they endured.

It was through sheer determination, and dedication to this great Nation, that these members of the armed services survived the POW experience. Many lived under severe emotional stress for extended periods of time, often in fear of torture or execution. Ninety percent of Pacific theater POW's during World War II received some form of direct physical punishment from their captors. Although the scars from these experiences may have faded, their memories remain just as painful as when they were newly inflicted.

Many watched their comrades die from a myriad of diseases, as well as starvation. Medical treatment was primitive at best, and medicines were usually not available. During the infamous Bataan "Death March," prisoners were forced to march miles each day, usually without food or water, and they were often brutalized along the way. Clothing and shelter were often inadequate, prisoners were often forced to survive extended periods of rain, or harsh cold, without sufficient protection from the elements of nature.

It is for these reasons that we set aside this special day to honor and pay tribute to those veterans who endured the arduous conditions of prison camps, and who helped to instill in the minds of all U.S. citizens that this Nation is strong and free because of the loyalty and commitment of these fine soldiers, sailors, airmen and marines. We commemorate their demonstration that this country is worth fighting for, and worth enduring the harrowing experiences of prison life, to ensure that we remain the greatest nation on Earth.

Mr. President, I know of no better way to pay tribute to these former prisoners of war and their families other than to acknowledge the national recognition they earned. I urge my colleagues to join me in supporting this important legislation.

The joint resolution (S.J. Res. 43) was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 43) and its preamble are as follows:

S.J. RES. 43

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners of war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices by former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1989, is designated as "National Former Prisoners of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 536

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 536, a bill introduced earlier today by Senators GARN and HATCH relating to the water rights for the Ute Indian tribe, be jointly referred to the Select Committee on Indian Affairs and the Committee on Energy and Natural resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL READ THE FIRST TIME (S. 546)

Mr. WARNER. Mr. President, I send a bill to the desk, on behalf of the Senator from California, Mr. WILSON, and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 546) to permit the Oakwood Child Development Center, Incorporated, to use funds received under a grant made under the community services block grant for certain services for senior citizens, and for other purposes.

Mr. WILSON. Mr. President, today I am introducing a bill that simply expands the use of funds already granted to the Oakwood Child Development Center of Los Angeles to cover services to senior citizens in addition to children. There is no added cost to the Federal Government.

In February 1987, the Oakwood Center received a grant from the Office of Community Services for $1.8 million. The grant was for the purchase of land and the development of architectural drawings for a unique program involving services to children. It was the initial phase of a project including matching funds from private donations.

The project has been delayed somewhat, but the project sponsors are more than ready to proceed to the next phase which will involve a further grant application to OCS. That application, of course, will be judged competitively along with other applications in the appropriate cycle.

In the meantime, the Oakwood directors have decided to expand their design of the project to include seniors as well as children.

By enactment of this bill, the Congress will affirm that the funds of the 1987 grant, already expended for the purchase of the land, will not be deemed to have been incorrectly spent simply because the scope of the program will have expanded after the original expenditure. The same land will be used for both children and seniors; no new acreage is necessary.

Mr. President, I am anxious to assist the efforts of the Oakwood sponsors because their concept is so innovative—an imaginative public-private partnership serving an area of Los Angeles with a demonstrated need for social services for the very young and the elderly. The Oakwood concept involves building housing for the staff of the center as well as the center itself.

The staff will all be students majoring in social services at nearby colleges and universities. They will provide staff support for the center under the supervision of professional personnel and their professors in exchange for rent-free housing. All of the operating costs of the center are to be covered by private sources.

In this design everybody wins.

Taxpayers win because these needed services will be provided at far less cost than direct government programs.

The colleges and universities win because Oakwood will become a laboratory for their students at no cost.

The students win because they receive on-the-job training at the center while a major part of the living costs are subsidized.

And the children and the seniors of the area win because they will receive quality services from an enthusiastic staff whose work will be financially supported by the very community where they live.

Clearly, this concept brings together mutually supporting elements of the same community into a large family as diverse and dynamic as the people who comprise this growing urban area. I want to encourage the Oakwood project and, with this bill, smooth the way for the future success of what could become a model for others to follow.

I will ask my colleagues to join me in this effort by supporting enactment of this legislation.

Mr. WARNER. I now ask for the second reading, and I understand the leader has an objection.

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk pending the next legislative day.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if the acting Republican leader has no further business, I understand that the distinguished President pro tempore wishes to address the Senate.

I ask unanimous consent that following the completion of Senator BYRD's remarks, the Senate stand in recess until 9:30 a.m. on Thursday, March 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. SARBANES. Is it expected that we will be permitted tomorrow to go to a vote on the Tower nomination?

Mr. MITCHELL. That is a subject which I have discussed with the distinguished Republican leader, and will continue discussions in the morning. I will be happy to discuss this further with the Senator.

Mr. SARBANES. As I understand it, the position of the majority leader now for at least some days, at least a couple of days, has been that we should go to a vote on the nomination, up or down, and make the decision.

Mr. MITCHELL. That is correct.

Mr. SARBANES. As I understand it, the fact that we have not been able to do so is because the distinguished Republican leader, Senator DOLE, has not been willing to go to a vote. Is that correct?

Mr. MITCHELL. That is correct. We are continuing our discussions in that regard. It is my hope we will be able to go to a vote tomorrow. But I would like to discuss this further with the Senator, and, hopefully, have an announcement.

Mr. WARNER. Mr. President, if the distinguished leader and the Senator from Maryland will yield for a moment, I think the colloquy between the majority leader and the Republican leader reflected very clearly that the majority leader would consult with his colleagues and others concerning a proposal that the Republican leader stated. So I am not sure that in view of that there could be any conclusion that we are trying to be dilatory and delay here. I understood the majority leader to accept the representations in good faith of the Republican leader.

Mr. MITCHELL. Yes.

Mr. SARBANES. I did not hear that colloquy and, therefore, I spoke without knowledge of it. But I have become increasingly concerned about the necessity of getting to a vote on this matter up or down, and then either there will be enough votes or there will not be enough votes.

Mr. MITCHELL. I thank the Senator. As Senator WARNER indicated, Senator DOLE made a proposal this evening which I indicated to him that I would discuss with some of my colleagues. I am in the process of doing that. Concurrently, throughout the day we have been discussing the possibility of voting, and I will be glad to discuss this in further detail privately following the completion of the Senate session.

Mr. SARBANES. I very much hope that colloquy and the subsequent discussions that are taking place will lead to such an agreement so that we will be able to go to a vote on this matter.

Mr. MITCHELL. I thank the Senator.

Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request is agreed to.

Mr. MITCHELL. I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished President pro tempore.

Mr. BYRD. I thank the distinguished majority leader, and I also thank the distinguished acting Republican leader, Senator WARNER, for their courtesy and kindness that have been extended to me in this regard.

SENATOR NUNN

Mr. BYRD. Mr. President, I want to call to the Senate's attention a singular honor awarded last night by the National Convention of the Veterans of Foreign Wars to one of our distinguished colleagues.

At the Sheraton Washington Hotel, before a banquet assembly of several hundred people, including many of our colleagues and other honored guests, the Veterans of Foreign Wars named the distinguished senior Senator from Georgia, the Honorable SAM NUNN, this year's recipient of the VFW's Congressional Award.

Stating in their letter of invitation that they were recognizing Senator NUNN "For his outstanding service to our Nation," the Veterans of Foreign Wars continued: "The influence of Mr. NUNN stems from his reputation for intelligence and expertise. He is, without question, one of the hardest-working Members in Congress who, as you know, has always conducted himself with utmost dignity and, in our opinion, has added much prestige to the deliberations of the U.S. Senate."

I commend the Veterans of Foreign Wars for their wisdom in making this superlative choice for this year's Congressional Award, and I congratulate Senator NUNN on receiving this honor from the Veterans of Foreign Wars. I can think of no Senator more deserving of such a recognition than is Senator NUNN.

SAM NUNN was elected to this body in 1972. In the years since, Senator NUNN has earned for himself national and international reputations as one of our Nation's, and one of our world's most authoritative experts on military and defense concerns. Senator NUNN is also recognized by his colleagues and by the general public as being one of the most respected Members of the Senate.

Again, Mr. President, I congratulate Senator NUNN on receiving the acknowledgment of the Veterans of Foreign Wars last night, and I know that our colleagues join me in that commendation.

Mr. President, I yield the floor.

ORDERS FOR TOMORROW

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that once the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, March 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TOWER NOMINATION

Mr. MITCHELL. Mr. President, I further ask unanimous consent that, at 10 a.m., the Senate go into executive session to resume consideration of the Tower nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, as I indicated a few minutes ago, it is my intention to have the Senate come in at 9:30 a.m. tomorrow. After the time for the two leaders, there will be a period for morning business not to extend beyond 10 o'clock a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m., the Senate will go into executive session to resume debate on the Tower nomination.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9:30 tomorrow morning.

Thereupon, the Senate, at 7:56 p.m., recessed until tomorrow, Thursday, March 9, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1989:

DEPARTMENT OF THE TREASURY

DAVID CAMPBELL MULFORD, OF ILLINOIS, TO BE AN UNDER SECRETARY OF THE TREASURY. (NEW POSITION)

CHARLES H. DALLARA, OF SOUTH CAROLINA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE DAVID CAMPBELL MULFORD.

DAVID W. MULLINS, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE CHARLES O. SETHNESS, RESIGNED.

EXTENSIONS OF REMARKS

A FORMULA FOR A COMPREHENSIVE PEACE IN MIDEAST

HON. WAYNE OWENS
OF UTAH
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. OWENS of Utah. Mr. Speaker, there is no shortage of people proposing solutions to the conflict in the Middle East. There is, however, a shortage of new ideas which weigh the emotionally charged demands of both sides and strive for balance. Dan Gordon, a good friend of mine, is a Jewish American who lived in Israel as a Kibbutznik for 9 years, and served in the Israeli Defense Forces. During that time, he cultivated a profound sensitivity to the region's problems based on his own personal experience.

Mr. Gordon is now a well-known screenwriter and an active community leader in southern California. His vision of a tripartite confederacy as the basis for a political settlement is reminiscent of David Ben Gurion's thinking, and contains a wealth of valuable insight. I therefore urge my colleagues in the Congress to consider Mr. Gordon's proposal, "A Formula for a Comprehensive Peace in the Mideast":

A FORMULA FOR A COMPREHENSIVE PEACE AGREEMENT IN THE MIDEAST

The goal of negotiations from the outset would neither be to exchange a piece of land for a piece of Peace, nor to create an Independent Palestinian State in the West Bank and Gaza that would be the potential adversary of both Israel and Jordan. The goal of negotiations would be to create a new entity known as the Federated States of the Near East. That entity or loose Federation would be made up of the State of Israel, whose borders with minor adjustments on both sides of the "Green Line" would be those of pre Six Day War Israel, with the exception of Jerusalem, which would be the undivided capital of the State of Israel; the Hashemite Kingdom of Jordan, whose Western border would be the Jordan River; and the Independent State of Palestine, made up of the West Bank and Gaza Strip. That Palestinian state would be constitutionally barred from having a military force, much like Japan after W.W. II or Costa Rica. It would have a Gendarmarie with light arms only, its own flag and parliament that would govern its daily affairs. The price for Palestinian independence would however be the inability to wage war against either Israel or Jordan and its security would be guaranteed by the armies of those two members of the Federation. Any citizen of any of the three member states would have the right to buy land and settle in any of the member states. A Californian who travels to New York is sovereign in New York as an American. But he has no right to elect the governor of New York or its legislators or mayors and he is subject to the laws of that State. But as an American he can say this is my country too, even when he is in New York or Wyoming or anywhere else in the Union. In the same fashion a Palestinian traveling to Haifa can say I am home. If there is a Jew or an Arab who will sell him land there, he may live there and choose to either become an Israeli citizen or retain his Palestinian citizenship and ability to vote in Palestinian elections, while subject to the laws of the city and the state in which he resides. By the same token no Israeli settlement in the West Bank would be taken down. Rather, those Israelis who choose to live there, for economic, religious, or whatever reasons, would continue to be Israeli citizens, whose residences would be in the state of Palestine. There would be mutual covenants in each state constitution prohibiting laws discriminating in any way against citizens of any of the member states residing within the border of any other member state. Thus those Jews wishing to live in any of the West Bank settlements would be free to do so, provided they abide by the laws of that state like any other resident. Each member state would fly two flags. The topmost flag would be that of each member state. Alongside that flag would be the flag of the Federated States of the Near East made up of the national emblems of each member state. Thus the Israeli who lived in Amman could look up and see the Star of David flying, the fulfillment of the greatest Jabotinsky ideal, Jewish sovereignty on both banks of the Jordan. The Palestinian living in Acre could equally say that the long struggle had brought him Palestinian sovereignty in all of Palestine. Like Jewish residents of the West Bank, Gaza or Jordan, who choose to remain Israeli citizens, those Israeli Arabs who for reasons of nationalistic identity wished to be Palestinian citizens could do so while continuing to live in Israel. Even the question of Jerusalem would be able to find a satisfactory solution. It would at one and the same time be the undivided capital of the State of Israel and the seat of Government for the Federated States of the Near East, with all three member flags flying over that house of government. The Arabs could say, rightly so, that they had returned to Jerusalem. The Jews could say they never left. A system of cantons could govern the municipality with Arab sectors and Jewish sectors operating with a degree of ethnic identity and authority. As a carrot to help convince the various entities that such a co-operative venture was not only theoretically possible but mutually beneficial in concrete terms, the U.S. alone, or in concert with others including the Soviet Union, could undertake a kind of marshal plan to pump aid into the Federation in such a way to insure its economic viability.

Israel of course would be expected to have fears that if she pulled out her troops, dissident Palestinian elements might use the West Bank as a staging area for terrorist acts. The residents of the West Bank and Gaza as well would have fears of a situation in which their security was guaranteed by the armies of Israel and Jordan, neither one being a much loved institution in the territories. Therefore there would be a transitional period, a set number of years, during which there would be immediate self government but perhaps joint military patrols made up of Israeli, Jordanian and Palestinian elements. Such co-operation is not unheard of, not even in the Middle East.

What does each side have to gain and what does each side have to lose in such a Federation?

For Israel, the prime military objective has always been to prevent any hostile army from being on the West Bank of the Jordan. That would be accomplished. During the twenty years that Israel has administered the territories it has had the ability to maintain its security forces in those territories and they have been remarkably effective in preventing acts of terrorism. However, since December of 1987, they, with all their might and total freedom of action have not been able to stamp out the Intifada despite a staggering cost in both economic and military terms. There are a few within Israel who think that a return to the status quo is possible. Therefore, Israel's effective control of the territories has already been undermined in a very real degree. The threat posed to Israel of a continuing and intensifying uprising as time goes by in the territories is a very real one. At best it may be Belfast, at worst, Beirut. Should Syria choose, as it may do, to launch an attack in the Golan, Israel will face one and a half million hostile Arabs in the territories who to a great extent have lost their fear of her army. In addition, Israel faces continued erosion on the international front if the Intifada continues without resolution. Those Israelis who remember how quickly Israel's military stores were depleted in the early days of the Yom Kippur War know only too well how important American resupply was to her in that conflict. Should the Palestinians move to declare independence and a government in exile, and should Israel's support in this country diminish as a result, any benefits Israel derives from total freedom of military action in the territories would be offset by the burden of maintaining forces in the territories during hostilities with Syria and the possibility of supplies being less forthcoming as a result of perceived Israeli intransigence. On the other hand, should Israel agree to such a Federation, the long standing Palestinian question would be put to rest, Israel's settlements in the West Bank and Gaza would remain in place, with continued rights of Jews to settle anywhere within the Biblical land of Israel and in Jordan. Israel would have attained her military objectives of no hostile armed force West of the Jordan and Jerusalem would remain her undivided capital. In addition, she would no longer either have to rule one and a half million hostile Arabs whose rights would be less than those of Israelis, or incorporate one and a half million Arabs into her body politic which would ignite the demographic time bomb which would mean the end of Israel as a Jewish State. In short she would not have to choose between giving up either her democratic or Jewish nature, and yet she would still be sovereign not only in Israel and the territories but in Jordan as well, as sovereign as a Californian in New York. She would still have a work force from the terri-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tories and a market for her goods, not only there but in Jordan as well. All she would lose would be freedom of military action in the territories and with the Intifada in its ninth month it is difficult to call that much an asset.

For the Palestinians the Federated States of the Near East would mean a nation of their own at last, with full rights and privileges short of making war against her neighbors. She would also finally have the right to have her people return and live anywhere they could afford the price of land. Moreover as part of the founding of such a Federation there would be mutual reparations. There is a thing called a "Sulcha" in the Near East. It is a forgiving of enemies. Reparations are made and the conflict is settled once and for all. Such a sulcha would have to take place here as well. Arab residents of what is now Israel who fled or were moved off their land would receive reparations from the government of the State of Israel. Likewise, those Jews or their descendants who were expelled from Jerusalem, Hebron, Gush Etzion, etc. would receive reparations from the State of Palestine and/or the Jordanian government. The hatchet would be buried, the wound closed instead of left to fester. The Palestinian would be master in his own house at last with the knowledge that in Jaffa and Haifa and Acre and in Galilee he had the right to visit or settle and if he had been moved forcibly from the land, the right of reparations, and the obligation to do the same for those Jews who were similarly displaced. In such a Federation goods could be moved from the West Bank to a Palestinian port on the Mediterranean in Gaza as well as a Federated States of the Near East port in Haifa. Similarly their goods, agricultural and industrial, would be able to move freely to Jordan and through her to the rest of the Arab Gulf States. Her people would have what they say they have longed for, a home, a nation, and sovereignty not just in the territories but in Israel and Jordan as well.

As for Jordan the difference between her present situation of no ties to the West Bank, no peace with Israel and the possibility of a Syrian ally against her on her Western border, and what she could have as the Eastern most state in the Federated States of the Near East, are self evident.

And to all three peoples, if the U.S. either alone or in conjunction with other great powers, were to undertake a Marshal plan to the Federated States of the Near East, the cost involved would be more than offset by the reality of stability in that part of the world. It is not so much a question of what it would cost to do such a thing as it is a question of what it will cost if nothing is done.

The Palestinians will not push the Jews into the Sea. The Jews will not push them into the desert. One way or the other there will be a Jewish State on one side of a border and an Arab State on the other. If a way can be found to solve the conflict that has erupted into war every decade for the last forty years that area can become a showplace of peace. If not it may very well provide the spark that sets the entire temple of mankind aflame.

IT'S TIME TO HELP OUR RURAL HOSPITALS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. CRAIG. Mr. Speaker, over the past several years, Congress has ignored the blatant warning signs of imminent financial danger to rural hospitals. In Idaho alone, three hospitals have been forced out of business due to inequitable reimbursement from Medicare. That number may not sound so terrible until you consider how many people the facilities served and the distance they are now forced to travel in order to receive even basic health care.

Right now, seven Idaho hospitals are struggling to survive, holding on to the hope that Congress or the administration will hear their voices and somehow correct HCFA's Medicare inequities.

Mr. Speaker, I want to make their voices heard. I've introduced numerous pieces of legislation to correct the reimbursement inequities. But, I want to ensure that rural health care providers have a permanent say in government health policies. That's why I'm introducing legislation which will remove the Office of Rural Health Policy from the sub-sub-basements of the Department of Health and Human Services hierarchy and make it report directly to the Assistant Secretary for Public Health Service.

I urge my colleagues to pay more than lip service to our rural health care providers and the Medicare patients they serve. Give them a voice.

FIGHTING BACK: AN INITIATIVE IN THE BATTLE AGAINST DRUG AND ALCOHOL ABUSE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RANGEL. Mr. Speaker, as everyone in this House recognizes, one of the greatest challenges facing our country is in the words of President George Bush, the "scourge" of drug abuse.

As chairman of the House Select Committee on Drug Abuse, I have a particular interest in this terrible problem. Therefore, I am very pleased to advise my colleagues of a significant advance in coping with substance abuse.

At a news conference at New York University on February 6, 1989, the Nation's largest health care philanthropy—the Robert Wood Johnson Foundation—announced the biggest single commitment of private funds ever to be applied to the problem of drug and alcohol abuse. Through a program entitled "Fighting Back", the foundation will dedicate $26.4 million to help medium-sized communities, those with populations of 100,000 to 250,000, reduce the demand for illegal drugs and alcohol.

Mr. Speaker, I am particularly pleased that our distinguished former colleague in the House of Representatives, Dr. John Brademas, now president of New York University, will serve as chairman of the national advisory committee for Fighting Back. The committee will assist the foundation in reviewing grant proposals and in selecting those to be recommended to the foundation's staff and board of trustees. I should note that as a Member of Congress, Dr. Brademas sponsored the Drug Abuse Education Act of 1970 which, for the first time, provided Federal funds for drug abuse education programs in schools and other settings.

The Robert Wood Johnson Foundation and its president Leighton M. Cluff, M.D., are greatly to be commended on this pioneering effort to address the demand side of the drug and alcohol abuse problem.

Mr. Speaker, at this point in the RECORD, I insert the text of the remarks made at the news conference at which Fighting Back was announced:

REMARKS OF LEIGHTON M. CLUFF, M.D., PRESIDENT OF THE ROBERT WOOD JOHNSON FOUNDATION

As President of the Robert Wood Johnson Foundation, I'm pleased to announce that the Foundation will commit $26.4 million dollars to a new national initiative designed to reduce the demand for illegal drugs and alcohol.

The name of the program is "Fighting Back," and it's intended to help communities do just that—fight back against one of the nation's most devastating public health problems.

It's also one of the most frustrating problems communities must face—and one that has been addressed in a fragmented manner thus far.

The Robert Wood Johnson Foundation is the nation's largest health care philanthropy, and from that vantage point, we've seen first hand that substance abuse directly affects all the work we have done to improve the health care of the nation's homeless, the mentally ill, adolescents and children, people with AIDS, the uninsured, and many others.

THE MAGNITUDE OF THE DRUG PROBLEM

In the course of that work, we've been reminded again and again of the magnitude of this issue:

One in eight Americans over the age of eleven has used an illegal drug at least once in the past month;

One out of every ten adults—some eighteen million Americans—has symptoms of alcohol dependence or significant problems linked to alcohol consumption;

In Florida alone, the number of cocaine-addicted babies born in the state has increased fivefold in the last year to include one in every seventeen babies born there.

It's clear that substance abuse is undermining the future of our young people, weakening our families, and destroying our communities.

REDUCING THE DEMAND

We've spent more than two years studying this issue and consulting with a wide range of people involved in the fight against drug and alcohol abuse: policymakers, researchers, physicians, nurses, law enforcement officials, school principals, mayors, corporate executives, parents and students, among many others.

Most recently, President Bush's new advisor on drug abuse, William Bennett con-

firmed our thinking that law enforcement efforts to control the supply of illegal drugs and alcohol must be complemented with a strong effort to reduce the demand for those substances.

Two weeks ago, President Bush called for the private sector's help in reducing the demand for drugs and alcohol, and we're pleased that this $26.4 million initiative—the largest commitment of private funds in the area of substance abuse to date—is now ready, after years of development, to help communities fight back with positive programs of education, prevention and effective treatment.

To give you more information about this new initiative, I'd like to introduce the people who are responsible for carrying out this important effort:

Dr. Anderson Spickard, Professor of Medicine at Vanderbilt University in Nashville, Tennessee—and an expert on substance abuse and addictive behaviour—who will serve as the program's director.

Our host for today's news conference, Dr. John Brademas, President of New York University and Chairman of the National Advisory Committee for the Program. During the course of this initiative, the Foundation will draw on Dr. Brademas's experience as a leading educator and as the former Congressman who authored the Federal Drug Abuse Education Act.

Dr. Ruby Hearn, Vice-President of the Robert Wood Johnson Foundation, who will oversee the program.

REMARKS OF DR. RUBY P. HEARN, VICE PRESIDENT OF THE ROBERT WOOD JOHNSON FOUNDATION

As you know, many communities have been trying to fight back against drug and alcohol abuse.

Their most common response to date has been to focus on reducing the supply and sales of illegal drugs, through law enforcement.

Much less has been done to try to reduce the demand for illegal drugs and alcohol through preventive education and expanded treatment.

Efforts to attack the demand side of the problem have typically been short-term, fragmented, and disappointing.

The growing seriousness of this problem, despite everything that has been done so far, has led to a sense of helplessness and despair.

A GREAT OBSTACLE TO FIGHTING DRUG ABUSE

That sense of helplessness—of feeling that nothing can be done—is in our minds, the greatest obstacle to progress.

That's why we developed this initiative with an important—and challenging—goal: to show that communities can, over time, substantially reduce the demand for illegal drugs and alcohol if they consolidate their resources to create a single, community wide system for fighting back against the problem.

After more than two years of studying the problem of substance abuse, the Foundation feels strongly that this goal can only be reached through a broad and comprehensive approach—one that encompasses: prevention, early identification, treatment, relapse prevention, aftercare, and education to change community attitudes and to create a climate in which change can occur.

COMMUNITY WIDE EFFORTS TO FIGHT BACK AGAINST DRUG ABUSE

We feel that all of those components of this program complement and reinforce the law enforcement efforts that must continue to work on reducing the supply of illegal drugs.

At the same time, we recognize how complex these issues are to address at the local level.

Creating a community-wide consensus on how to fight the demand for drugs and alcohol is essential—and in some communities, impossible.

To make that effort manageable and possible, the foundation will focus its funding on moderately-sized communities with serious substance abuse problems.

We seek applications from communities not only with a serious problem, but with the commitment and track record that will enable them to fight back.

Eligible communities will have populations of one hundred thousand to two hundred fifty thousand, and may be medium-sized cities, counties, parts of larger cities, or multi-county regions—as long as they have the capacity and authority to make and carry out the policy changes needed to reach the program's goals.

Twelve such communities will be selected to receive one- or two-year planning grants of up to $100,000 per year.

During the planning phase, those twelve communities will be expected to: Further document their substance abuse problems, assess their existing resources, reach a community-wide consensus on the strategies they wish to pursue, and develop a detailed workplan.

From those communities, we will select eight communities to receive grants of up to $3 million each to carry out their plans.

At a minimum, we expect these communities to develop a strategy that includes: A highly visible public awareness campaign to generate broad-based community support for efforts to reduce the demand for illegal drugs and alcohol; a prevention effort targeted especially at children, adolescents and young adults; well-defined policies and procedures for early identification, assessment and referral into treatment of people with drug or alcohol problems; and a broad range of accessible options for treatment and relapse prevention.

Our role will be to do much more than simply infuse new funds into these communities. We will provide them with the technical assistance and expert help they will need to plan and pull together their strategies—and to share what they've learned with other communities as their efforts progress.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

As President of New York University, I am delighted to welcome you all to our campus for the announcement of this important initiative in the fight against drug and alcohol abuse.

I extend a particular greeting to the President and Vice President of the Robert Wood Johnson Foundation, Dr. Leighton Cluff and Dr. Ruby Hearn, under whose able leadership the Foundation has flourished and continues to address, with intelligence and imagination, the most pressing problems that face the American people.

For over a decade and a half, the Robert Wood Johnson Foundation has been at the forefront of private philanthropies dedicated to improving the health and health care of Americans.

The projects supported by the Foundation embrace a bold and sweeping landscape: infant and child care; chronic illness and disability; AIDS; mental illness; the delivery and quality of health services; critical issues in patient care; the impact of medical advances.

To this impressive list, the Foundation now adds alcohol and drug abuse. As you have just heard, with its new programs, "Fighting Back," the Robert Wood Johnson Foundation is devoting over $26 million in grants to support intensive, community-wide initiatives across the nation to reduce the demand for illegal drugs and alcohol.

ADDRESSING THE DEMAND SIDE OF DRUG ABUSE

Let me explain why I am pleased and honored to be part of this effort.

First, as you may know, before coming to New York University I served for 22 years in the United States House of Representatives and while in Congress helped write most major legislation in support of education at every level as well as services for the elderly and handicapped.

One of the measures I sponsored in which I continue to take great pride was the Drug Abuse Education Act of 1970 which, for the first time, provided Federal funds for special drug abuse education programs in elementary and secondary schools and in adult and community education programs. Four years later, in 1974, Congress broadened the program to include alcohol abuse education.

DRUG ABUSE EDUCATION ACT OF 1970

The severity—and intractability—of the problem of substance abuse were underscored for me recently when I went back to the congressional hearings on that legislation and came across the following passage:

That so substantial a number of members of the House of both political parties should have introduced this measure indicates, I think, the widespread interest . . . in helping develop a remedy to . . . the whole spectrum of problems created by the use of drugs and narcotics in the United States.

Indeed, the chair would observe that one can hardly pick up a newspaper or magazine these days without finding another article or comment on the devastating effects of the use of drugs. . . .

We must now move to shape programs for education on the dangers of using drugs.

Well, these words were my own, spoken in my capacity as chairman of the Subcommittee on Select Education of the Education and Labor Committee on July 9, 1969—nearly 20 years ago.

So as one who two decades ago sought to begin to grapple with the subject, I am deeply gratified to be part of this new effort.

With its strong emphasis on preventive education and treatment—the "demand" side of the drug equation—"Fighting Back" echoes many of the themes we in Congress tried to implement in the 1970s with the alcohol and drug abuse education legislation.

The second reason I am glad to take part in this initiative stems from my responsibility at New York University. After all, we who lead the nation's colleges and universities feel a special obligation to the students who attend them. If the men and women who study on our campuses are to benefit from their experience, they must be alert, energetic and clear-thinking.

Moreover, for universities like NYU, located in the heart of a major urban center, we feel an added responsibility to lend our resources to help meet the problems that affect the communities in which we are located. The motto of NYU is "a private university in the public service."

Finally, as a human being, I am deeply disturbed at the prospect of the American society, especially our young people, entering the 21st century in the thrall of drugs, alcohol and other harmful substances.

ROLE OF THE NATIONAL ADVISORY COMMITTEE

For all these reasons, then, I am very pleased to serve as chairman of the National Advisory Committee for the Robert Wood Johnson Foundation's "Fighting Back" program.

Our committee's task is to assist the Foundation in reviewing grant proposals submitted by communities and in making recommendations for grant awards.

In addition, as the programs develops, we shall provide ongoing advice and counsel to the Foundation, including monitoring the progress of selected grantees.

In carrying out these duties, I shall be assisted by the Chancellor and Executive Vice President for Academic Affairs of New York University—my friend and close colleague—Dr. L. Jay Oliva, who will serve as vice chair of the National Advisory Committee.

Dr. Oliva, you may be interested to know, is already concerned with this problem. Last year, at President Reagan's request, he served on The White House Conference for a Drug Free America.

Both Dr. Oliva and I are eager to begin work with our colleagues on the National Advisory Committee. You will find a complete listing of the members of the committee, who constitute a distinguished body of experts, in your press packets.

In closing, let me reiterate that we at New York University are most gratified to be part of this important initiative.

REMARKS OF DR. ANDERSON SPICKARD, PROFESSOR OF MEDICINE AT VANDERBILT UNIVERSITY SCHOOL OF MEDICINE AND NATIONAL PROGRAM DIRECTOR FOR "FIGHTING BACK"

As the National Program Director for Fighting Back, one of my first tasks will be to guide eligible communities through the application process for these highly competitive grants.

We will announce the first grants under this initiative about one year from now—in February 1990. But communities interested in applying for the funds must submit a letter of intent to apply by May 1 of this year, and must file a completed application with the foundation by September 1, of 1989.

APPLYING FOR FUNDS FROM "FIGHTING BACK"

Now I'd like to outline briefly some of the steps in that process:

As Dr. Hearn noted, the goal of this initiative is to establish community-wide systems of prevention, treatment and aftercare.

Therefore, no more than one project will be funded in each community—and communities interested in applying must identify a single organization to serve as the applicant on their behalf.

The applicant should be either a public agency or a tax-exempt organization, and should have a record of community leadership and experience in coordinating many service providers in that community, including those in the area of health care delivery.

During the application process, each community must establish:

A broadly representative citizen's task force on drug and alcohol abuse to oversee, guide and support the initiative; and

A community-wide consortium of all the organizations and agencies needed to carry out the proposed effort.

The Citizens' Task Forces are absolutely central to this program.

With their help, each initiative will truly belong to the community—and each will have the broad-based input and support it needs in order to be sustained.

HOW "FIGHTING BACK" GRANTS CAN BE USED

Applicants also need to know how these grants can be used.

Communities can use the grant funds as flexible start-up resources for systems planning, development, coordination and initial efforts to carry out their strategies.

In other words, grants can be used for salaries and project administration, the public awareness campaign, and the start up of prevention, early identification, treatment and aftercare service programs.

However, foundation funds cannot be used to pay for direct client services for which reimbursement is available under public or private insurance.

We will issue a national solicitation of proposals this month to community agencies and organizations around the U.S.

That solicitation will include more detailed guidelines for communities interested in applying for these grants.

I'd like to say again that our goal is to help communities find the opportunities, resources and expert help they need to fight drugs and alcohol—and assembling a broad, strong base of community support in order to apply for these grants is the first step toward that goal.

ELIMINATE SPECIAL TAX TREATMENT FOR FINANCIALLY TROUBLED BANKS AND THRIFTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. STARK. Mr. Speaker, today I am introducing a bill to repeal the special tax benefits available to financially troubled banks and thrifts. I am pleased that Senator DURENBERGER is introducing a companion bill in the Senate today.

I believe that repeal of these tax benefits before the scheduled expiration date of December 31, 1989, is appropriate for the following reasons: First, the tax benefits have caused a far greater drain on the Treasury than was estimated at the time the provisions were considered in the Technical and Miscellaneous Revenue Act of 1988; second, the tax benefits are inefficient since they have not been offset by comparable reductions in direct outlays by the FSLIC; and third, the tax benefits have created a perverse disincentive for merged financial institutions to wean themselves from further FSLIC assistance. In light of these problems, it is inappropriate to include these tax benefits in a financial institutions reform package and unwise to expand their use to the FDIC.

The tax benefits that are available to financially troubled thrifts provide that FSLIC assistance payments are not subject to the regular corporate income tax. FSLIC assistance has been provided in many forms, including cash notes, yield maintenance agreements, capital loss guarantees, and guarantees or reimbursements of the cost of certain expenses related to acquired assets. The FDIC, which has only recently been covered by the tax-free assistance rule as a result of the Technical and Miscellaneous Revenue Act of 1988, has provided assistance in the form of negotiated cash payments.

Also, special rules for nontaxable reorganization apply to insolvent thrifts and banks which may allow the net operating losses of an insolvent thrift or bank from prior years to be used to reduce current or future tax obligations of the acquirer. Built-in losses may be used to offset income of the acquirer, even though these losses have been reimbursed on a tax-free basis by FSLIC or FDIC.

These tax benefits had been used by the thrift industry since the Economic Recovery Tax Act of 1981. The Tax Reform Act of 1986 provided that the tax benefits for the thrift industry would expire December 31, 1988. The Technical and Miscellaneous Revenue Act of 1988 extended the use of the provisions through December 31, 1989, broadened the use of the benefits to banks and provided for a reduction in tax benefits equal to 50 percent of the assistance. The 1-year extension in the 1988 act and the expansion to banks was estimated by the staff of the Joint Committee on Taxation CBO to lose $300 million—over a 3-year period—which included an offset estimated by the CBO for outlay reductions by the FSLIC and FDIC.

The staff of the Joint Tax Committee on Taxation estimates that the value of tax benefits from 1988 FSLIC assisted transactions is $7.2 billion over the 1988–98 period. This amount represents the present value of the stream of lost revenue to the Treasury unreduced by outlay reductions which extends 10 years beyond the actual 1988 transaction. Clearly, a revenue drain of this magnitude was never contemplated by Congress.

FSLIC determines either to merge a troubled thrift or liquidate it based on which option has the lowest estimated cost. But instead of looking at the cost of each option to the Federal Government, FSLIC is only required to look to the cost to FSLIC. Losses to the Federal Treasury are not required to be part of the calculation.

Furthermore, it is unlikely that FSLIC negotiated an adequate reduction in direct FSLIC assistance in return for the tax benefits. The value of tax benefits to another entity is very difficult to measure during a negotiating process. The bidder knows far better how he can make use of the tax benefits, in light of his particular tax planning capability, than the FDIC or the FSLIC can determine in the negotiation process. Without an accurate sense of the value of the tax benefits to the bidder, it is impossible to show that the tax benefit equals or even approximates a corresponding savings in assistance payments.

My concern is not limited to the revenue implications of the tax benefits for financial institutions. I am afraid that, instead of addressing the thrift crisis with tax benefits, we are compounding the problem. According to a staff memorandum prepared for the Committee on Ways and Means by the Congressional Budget Office entitled "The Savings and Loan Problem: A Discussion of the Issues," the

thrift has little incentive to control the cost of its assistance from the FSLIC:

Specifically, through the use of yield maintenance agreements and capital loss guarantees, FSLIC has guaranteed the performance of a specified group of assets. The primary reason for the use of these provisions is that neither the Bank Board or potential acquirers have been able to evaluate adequately the assets at these thrifts.

The reason these agreements have perverse incentives is straightforward. Under a yield maintenance agreement, any income generated by a covered asset will lead to a reduction in payments from FSLIC. Under some agreements, the institution will receive the same revenues whether or not scheduled payments under outstanding loans are made. In such cases, the government receives the benefit of any payments made on the asset. The title, however, remains with someone who has a smaller interest in whether these payments are actually made. A capital loss guarantee similarly distorts the assisted thrifts incentives with respect to the sale of assets. In fact, a capital loss agreement can actually encourage fraudulent behavior—a capital loss agreement can reduce the cost of selling an asset to a friend or colleague at a price below market value.

Yield maintenance agreements reward the acquirer with tax-free assistance when the yield is low. As the yield increases, the tax-free income is replaced with taxable income. The tax averse acquirer has an incentive to maximize the tax-free assistance rather than increase the performance of their assets.

I conclude with one last concern about addressing the thrift crisis with tax incentives. A bidding process with tax benefits will attract bidders who value the use of NOL's and built-in losses most highly. I would rather have a system which is designed to attract those who could operate the thrift most efficiently instead of those who can make the best use of the tax benefits.

The legislation which I introduce today removes these tax benefits now available to banks and thrifts upon the enactment of financial reform legislation. Now that we have been informed of the deletorious effect of these tax preferences, both in cost to the Treasury and effect on the solvency of financial institutions, it would be unthinkable to allow them to continue throughout the year.

The text of the bill is as follows:

H.R. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SPECIAL RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Each of the following provisions are amended by inserting "(or, if earlier, the date of the enactment of an Act to reform, recapitalize, and consolidate the Federal deposit insurance system)" after "December 31, 1989";

(1) Paragraphs (1) and (2) of section 904(c) of the Tax Reform Act of 1986.

(2) The last sentence of section 382(1)(5)(F) of the Internal Revenue Code of 1986.

(b) APPLICATION OF SECTION 265 TO PAYMENTS UNDER SECTION 297.—

(1) IN GENERAL.—Subparagraph (B) of section 904(c)(2) of the Tax Reform Act of 1986 (as amended by section 4012(c)(2) of the Technical and Miscellaneous Revenue Act of 1988) is hereby repealed.

(2) EFFECTIVE DATE.—The amendment by this subsection shall apply to transfers after December 31, 1989 (or, if earlier, the date of the enactment of an Act to reform, recapitalize, and consolidate the Federal deposit insurance system), except that such amendment shall not apply to transfers after such date pursuant to an acquisition occurring on or before such date.

NEW JERSEY CELEBRATES ST. PATRICK'S DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. FLORIO. Mr. Speaker, March 17 is the only day in the year when everyone can be Irish. Celebrations will be held around the country commemorating St. Patrick's Day and remembering the valuable contributions the Irish have made to our society.

In my own State of New Jersey, 17 cities will host St. Patrick's Day parades during the next few days. The St. Patrick's Day parade has been a tradition in New Jersey since 1780 when George Washington joined the marchers. As an Irishman myself, I will be proud to join in marching in several of these parades.

I would like to take this opportunity to call the attention of my colleagues to not only this day when the world turns green but also to the many accomplishments and contributions the Irish community has made to our Nation and to New Jersey. In particular, I would like to single out that marshalls of the 17 parades that will take place in New Jersey. They are: John J. Mooney of Atlantic City; Barry J. Dugan of Bayonne; Mrs. Margaret M. Keane of Bergenfield; William Tarrant of Jersey City; Mike Fullen of Seaside; Thomas Mooney of Hoboken; Fred Cooper of Sussex and Franklin; John McKeever of Trenton; Thomas Powers and Nooreen McCormack of Belmar; George Aston of Woodbridge; Thomas McLaughlin of West Hudson; Steve Greeg of Bridgewater and Raritan; Edward Wallace of South Amboy; James Hunter and Grace Cunningham of Newark; John G. Mooney of Nutley and Joseph Keany of West Orange. In addition, the city of Wharton will also be hosting a parade.

As a member of the Ad Hoc Congressional Committee on Irish Affairs, I will take great pleasure in joining in these festivities. May the "luck of the Irish" always be a part of the lives of the marshalls and all those who will be participating in the celebrations.

MIDDIES CAPTURE DISTRICT HOOP TITLE

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to congratulate Middletown High School for their recent basketball victory. The Middies defeated Col. White High School to capture the District Championship and move on to the regionals.

Douglas MacArthur once said that "In war there is no substitute for victory." I would like to add that in basketball there is no substitute for an overtime victory.

I would like to insert the following article into the CONGRESSIONAL RECORD.

MIDDIES CAPTURE DISTRICT HOOP TITLE

DAYTON.—Middletown survived a late Col. White rally to win the Ohio High School Dayton District Championship in overtime Saturday night.

The Middies defeated the Cougars, 89-80, in an extra period at University of Dayton Arena to move on to the regionals Wednesday night at Hara Arena in Dayton, where they will face Woodward.

Center Jim Raliff paced a well-balanced Middies attack with 25 points and 16 rebounds, while Gregg Darbyshire had 19 points, 14 rebounds and eight assists, Ken Chapman 18 points, Derrick Gates 15 points (including 11 of 12 free throws) and Jeff Cothran 12 points.

Col. White's Ivan Patterson topped all scorers with 34 points (including 19 out of 20 from the charity stripe), followed by Dwaine Chastain with 15 and Louis Caldwell and Jeff Elder with 11 apiece.

Middletown, now 18-6, led at halftime, 28-23, and moved nine points in front, 51-42, after three quarters. But the Cougars scored 34 points in the final period, with Patterson's two free throws in the final three seconds of play deadlocking the game at 76-76.

The Middies outscored Col. White, 13-4, in the three-minute OT to hand the Cougars their sixth loss in 23 starts.

VALLEY FUNERAL HOME RECEIVES PURSUIT OF EXCELLENCE EAGLE AWARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. MOORHEAD. Mr. Speaker, one of the best ways to promote excellence is to recognize it.

In the selection of the Valley Funeral Home of Burbank, CA, by the National Funeral Directors Association for the 1988 Pursuit of Excellence Eagle Award, excellence has been properly recognized.

The Pursuit of Excellence Award is the highest honor and tribute in the industry. It is given annually to funeral homes judged to have the finest and most innovative programming and community support activities.

Chosen from more than 17,000 member funeral homes, this recommendation marks the first time a California organization has been so honored by the NFDA.

In presenting the honor, the association made special mention of the Valley Funeral Home's Learning Resource Center and Bereavement Support Program. This program, which was created to help families adjust after the death of a loved one, offers a comprehensive outreach, education, and referral network, as well as monthly grief education meetings.

The award also underscores a vital part of the legacy of funeral directors in serving the public under traumatic circumstances and that

is the need for significant community involvement.

Mr. Speaker, I appreciate this opportunity to express my congratulations to the Valley Funeral Home and to Fred and Michael Kubasak for receiving this fine honor.

TRIBUTE TO PETER W. McBRIDE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mrs. ROUKEMA. Mr. Speaker, it is with great personal pleasure that I pay tribute to one of northern New Jersey's most distinguished citizens. Peter W. McBride will be honored by the Ramapo College Foundation on March 11 at seventh annual Distinguished Citizens Awards dinner. I would like to join the foundation and the entire Bergen and Passaic County community in recognizing the achievement and service of Peter McBride.

Without a doubt, Peter has added new dimensions to the development of commercial and residential properties in northern New Jersey. He is currently president of McBride Enterprises, Inc., a real estate development company active in creating office and industrial parks in northern New Jersey. He also serves as president of Urban Farms, Inc., a residential development company.

Yet, the true measure of Peter McBride lies not in his business success but in the tremendous contributions he has made to his community and his State. He plays a major role in many local and civic organizations and has undertaken numerous charitable endeavors, always looking to help those who are less fortunate. And his service has always been tireless.

He is past president and board member of the Franklin Lakes Chamber of Commerce. Peter is a member of the Franklin Lakes Lions Club and a member of Franklin Lakes Park Planning Committee. He now occupies the chairman's seat of the Foundation of Ramapo College and sits on the board of St. Joseph's Hospital. In addition, he is a director of the Urban National Bank and heavily involved in the Ramapo District and the Passaic Valley Council of the Boy Scouts of America.

With the support of his wife, Pamela and his three children, Meredith, Peter, and Annalise, Peter McBride has made important contributions to our northern New Jersey community. For his work, the lives of many of our neighbors have been enhanced.

I urge my colleagues to join me in saluting one of this year's Ramapo College Foundation's Distinguished Citizens Award honorees, Peter McBride.

ARTHUR C. HOLLERMAN HONORED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. KOLTER. Mr. Speaker, today, I rise to honor Mr. Arthur C. Hollerman, 330 Pittsburgh Street Extension, Zelienople, PA, for his many accomplishments and his outstanding dedication and service to the Veterans of Western Pennsylvania for more than 43 years. He was also honored as the Butler County Veteran of the Year, 1987, at a special recognition dinner from the Butler County War Veterans Committee.

Mr. Hollerman has been active with the American Legion, for over 43 years. He served in the U.S. Army as a combat infantry soldier during World War II, and at that time he participated in four major campaigns and was awarded the Bronze Star Medal for valor.

Mr. Hollerman's service to his country did not end with his distinguished active duty record. He has continued to demonstrate his dedication to our country through his multifarious participation in the American Legion. He has served as post, county, and district commander, for 10 years as the Pennsylvania State Assistant sergeant-at-arms.

Committee assignments have been a favorite pastime for this tireless veteran. The limitations of this brief communication prohibit the inclusion of his committee accomplishments. However, it does seem appropriate to report his service as vice-chairman of the Hospital Committee for the American Legion, Department of Pennsylvania, the Vietnam Scholarship Committee, and the Butler County War Veterans Committee.

He is a member of La Societe des 40 Hommes et 8 Chavaus (40/8) Voiture 5 and 836. He played a major role in the reorganization and rechartering of Voiture 836, Butler County. His leadership was invaluable.

In closing, I would like to say that this outstanding Legionnaire is highly deserving of this recognition. In the past, Mr. Hollerman was selected as Butler County Legionnaire of the Year.

To Mr. Arthur C. Hollerman, I extend a sincere word of thanks and a wish that his exemplory service will be further recognized through the CONGRESSIONAL RECORD. America will survive and flourish because of the continued works of citizens such as he.

THE SQUARE DANCE: THE NATIONAL FOLK DANCE FOR 1990

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce a bill that would designate the square dance as the "National Folk Dance of the United States for 1990." In the 97th Congress, a resolution (Public Law 97-188) was adopted designating the square dance as the National Folk Dance for 1982 and 1983. Two hundred sixty-five Members of Congress supported that legislation. I am pleased to be joined today in introducing this resolution by Representatives LARRY SMITH, TONY COELHO, BILL EMERSON and seven other Members.

There are many historical and other reasons that square dancing deserves permanent recognition by Congress. This form of dancing has been a popular tradition in this country since the earliest part of our colonial history, and has attained a lofty status as a significant part of our country's folklore. As a traditional, wholesome form of family recreation in which people of all ages can take part, square dancing is an activity that symbolizes one of this country's basic strengths: the unit of the family. It also epitomizes the egalitarian spirit that is at the heart of our democracy because it pays no attention to arbitrary social or other distinctions—people from all walks of life equally enjoy square dancing. In addition, square dancing is an activity in which the elderly, as well as the physically and mentally handicapped, can fully participate, thereby greatly enriching their lives.

This bill would give permanent recognition to a great American tradition. Today, there are almost 8,000 square dance clubs throughout the United States with over 1 million active dancers spanning two generations. All of these are nonprofit, self-supporting groups, none of which seeks or receives financial support from Congress or any other branch of Government. In addition, 8 million other adults know how to square dance, and millions of school children regularly participate in this activity in their schools. Square dancing is therefore a grassroots activity in the purest sense, and all of those speaking in favor of the bill today, who come from many walks of life, are appearing in their capacity as unpaid nonprofessionals who participate in square dancing solely for their love and enjoyment of it.

In addition, it should be pointed out that the term, square dancing, also includes a number of other folk dances that are popular in many parts of this country. Round dancing, contra dancing, clogging, line dancing, and the Virginia reel have all been designated as square dancing by State and national square dance conventions. Therefore, square dancing includes much more than the traditional, familiar arrangement of sets of fours forming squares.

Mr. Speaker, this Nation is basically a broad cross section of the world that has been brought together into one great country. We have great diversity, but we also have a number of symbols that give us unity. These of course include our flag, our national anthem, and our national bird, the eagle. Recently, two other specific designations were made: of the rose as the American flower, and earlier in this Congress, of "The Stars and Stripes" by John Philip Sousa as the "National March." Square dancing, which, as I mentioned, incorporates a variety of dance forms, deserves national recognition as much as these other symbols. It is truly, I feel, symbolic of the vitality, diversity, and wholesomeness of this country. I thank my colleagues for their support of previous square dance resolutions, and urge you to continue and extend this support by sponsoring the bill before you today.

For the convenience of my colleagues, the text of the resolution follows:

H.J. RES. 180

Whereas square dancing has been a popular tradition in America since early colonial days;

Whereas square dancing has attained a revered status as part of the folklore of this country;

Whereas square dancing is a joyful expression of the vibrant spirit of the people of the United States;

Whereas the people of the United States value the display of etiquette among men and women which is a major element of square dancing;

Whereas square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely, the unity of the family;

Whereas square dancing epitomizes democracy because it dissolves arbitrary social distinctions;

Whereas square dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, contras, clogging, line, and heritage dances; and

Whereas it is fitting that the square dance be added to the array of symbols of our national character and pride: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the square dance is designated as the national folk dance of the United States of America for 1990.

IMPROVEMENT IN SOVIET'S HUMAN RIGHTS

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. McNULTY. Mr. Speaker, I submit for insertion into the RECORD the text of a letter I sent to President Gorbachev:

MIKHAIL S. GORBACHEV,
President, The Kremlin,
Moscow, RSFSR, USSR.

DEAR MR. PRESIDENT: As a newly elected Member of Congress, I am pleased to see that the Soviet Union has made some important improvements in the areas of immigration and human rights. Last year, 19,000 people were permitted to emigrate from your country. It is my hope that this figure will be surpassed in 1989.

I am concerned, however, that several thousand Soviet Jews are still being denied permission to emigrate—that they are being kept separated from their loved ones. I must call your attention to the desperation expressed by the Jewish women Refusniks, who plan to conduct a three day hunger strike to protest your Government's refusal to facilitate their emigration. Many of these women have been waiting for more than ten years for permission to emigrate, so that they may be reunited with their families.

Mr. President, I urge you to take the necessary steps to institutionalize immigration policies that are fair and just and consistent with the Helsinki Accords. As you know, the right to emigrate has been confirmed as recently as January 19, 1989, by the Vienna Conference on Security and Cooperation in Europe. And that decision was publicized in the Soviet press.

I am confident that under your leadership, the Soviet Union will honor its commitments.

Sincerely,

MICHAEL R. MCNULTY,
Member of Congress.

TRIBUTE TO PROJECT "HOPE"—A SUCCESSFUL HOME ORIENTED PRESCHOOL EDUCATION PROGRAM IN WEST VIRGINIA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RAHALL. Mr. Speaker, I am very proud to bring you the story of HOPE, a Home Oriented Preschool Education Program, developed and conducted by the Appalachian Regional Laboratory [AEL] in Charleston, WV.

The evaluations of HOPE have added another pound of credibility to the idea that preschool education and parent involvement may be two of our most potent solutions to the academic and social problems that many children face, according to the author John Hollifield, who made that statement in a recent article appearing in the R&D Preview of the best emerging educational R&D outcomes.

While there is a general belief among many researchers that genetic variables explain low academic achievement, and while that theory may never die, it does get discredited regularly. It particularly gets beaten up when you look at the correlation between socioeconomic status and low achievement, even when we accept that theory as a given, because the research on HOPE takes the socioeconomic status out of the given realm and makes it a variable we can do something about. HOPE research found, among other things, that home environment variables were as effective as socioeconomic status in predicting children's achievement and ability. This supports previous research that measures of home environment may be better predictors of children's intellectual competence and achievement than are traditional measures of social class.

There were a number of other variables that came into play in the research done through the HOPE project. I will not detail them here but rather, Mr. Speaker, ask unanimous consent that the article entitled "HOPE Pays Off for Preschoolers in Appalachia", describing the HOPE Research Project which appeared in the R&D Preview be reprinted hereafter in the RECORD in its entirety.

As a new member of the Education and Labor Committee, Mr. Speaker, I am coming to terms with the challenges, the successes, and the crises being experienced by educators throughout the country. In my State, where the current dropout rate is 17.4 percent, I am more than pleased to note that the findings of this HOPE research shows higher rates of high school graduation. For example, out of Project HOPE's group, 52 participants were predicted to drop out, but the actual number was only 23. Results also showed that the HOPE group showed better emotional and social adjustment, less personal disorganization, fewer symptoms of depression, and exhibited more coping behaviors—being responsible, cooperative, and so on.

One of the major factors in the positive outcomes of this research is that of parental involvement. When that can happen in schools and homes in the heart of Appalachia, where home environment and parental involvement are found to be more effective in childrens' learning careers from preschool through high school than just consideration of their socioeconomic status, then it is a victory of untold proportions. Why? Because no where more than in Appalachia will you find more children from families with low socioeconomic status. I am prouder still to be associated with the Education and Labor Committee, which brought to America's children such programs as chapter 1, Head Start, and Even Start, to name only a few directed at increasing the involvement of home and parents in the learning process of children, all of which have done so with proven success for more than 20 years.

HOPE PAYS OFF FOR PRESCHOOLERS IN APPALACHIA

(By John Hollifield)

This is a story of HOPE—the Home Oriented Preschool Education program—and continuing evaluations of its effects by the Appalachia Educational Laboratory (AEL). The evaluations of HOPE have added another pound of credibility to the idea that preschool education and parent involvement may be two of our most potent solutions to the academic and social problems that many children face.

The HOPE research also extends findings about the positive effects of preschool experience into rural settings and into the home, and points to the possibility of actually doing more than just "controlling" for the effects of socio-economic status.

AEL researchers tested three combinations of preschool interventions in the initial three-year experiment (1968-1971). The first combination brought daily television lessons into the homes of preschool children (TV only). The second combination used daily television plus printed lesson guides for parents plus weekly visits to the home by a local, trained paraprofessional (TV-Home Visit). The third combination used television plus materials plus visits plus a weekly half-day group experience for the child in a mobile classroom (TV-Home Visit-Group Experience). During the home-visit portion of the latter two interventions, parents were instructed and assisted in working with their children.

These interventions were compared with one another and with a control group to determine their effects on student behaviors and learning. Each of the initial three years of research (1968-1971) produced similar results for measures of cognition—preschool kids who participated in the whole HOPE program did significantly better than the other groups; preschoolers who got only the television and home visit portions did significantly better than both those who got the TV portion only and the control groups, and sometimes as well as the kids who had the whole HOPE; kids who got TV only did better than control kids who got nothing. Positive effects of HOPE were also found on measures of curiosity and social development during the 1970-1971 year. In short, HOPE was an effective preschool program with benefits for children's academic achievement up into the second grade.

But with HOPE, as with most preschool programs, the experimental group's achievement leveled off in the third grade. AEL then asked: "What effects of preschool can be found on later performance and behavior?" This second series of evaluations was more stringent, using the initial TV-only children as controls and comparing them

with the children who had received home visits.

One significant finding for HOPE children, then in junior-high school, was less retention in grade. Only about 5 percent of HOPE children, compared to 25 percent of non-HOPE children, were held back a year in grades one through nine.

Ed Gotts, coordinator of the HOPE program at AEL and now director of psychology at Madison State Hospital in Indiana, notes that the rural schools in this study seldom had special education programs, so retention in grade was the dominant way of dealing with underachieving students. In effect, finding that fewer students were retained in grade is similar to saying that fewer students were "placed" in special education.

As junior high schoolers, HOPE children also showed better emotional and social adjustment. They demonstrated less personal disorganization, showed fewer symptoms of depression, and exhibited more coping behaviors—being responsible, cooperative, and so on.

All of the above suggests good later results—especially higher rates of high school graduation, since retention in grade is such a strong predictor of dropping out of school. The most recent evalution of these "children" took place when they were 19–23 years old.

The study gathered data on 78 control group students and 185 HOPE students. Out of the control group 19 were projected to drop out. The number that did so was 20. Out of the HOPE group, 52 of whom were projected to drop out the actual number of dropouts was 23. In short, Gotts notes, the dropout rate among HOPE students was cut by 50 percent. Extrapolating this rate to the 504 students who took part in HOPE, Gotts projects that the experience prevented 79 students from dropping out of high school. Citing a figure of $107,500 as the calculated "cost" of lost earnings to society of each dropout, Gotts winds up with a tidy total savings of $8.5 million—a conservative estimate that doesn't even get into lost tax revenues or costs saved in social services.

But the research on HOPE shows something else as well. This has to do with two often-made generalizations that chill the bones of everyone who seeks children's academic growth and cognitive development. The first is that the problem is, you know, genetic. The second is that it's, well social class.

The genetic explanation for low academic achievement may never die, but at least it gets beaten up and discredited regularly. We look at the correlation between socio-economic status and low achievement, however, and accept it as a given. The research on HOPE takes socio-economic status out of the "given" realm and makes it a variable we can do something about.

Gotts looked at social class with the idea that higher socio-economic status children achieve better not just because they're from higher social class families, but because of what those families do for their children. Based on the previous work of several researchers, he set out to learn exactly what families do to help their children become better acheivers in school. Gotts found that the 18 variables on his Home Environment Scale were as effective as socio-economic status in predicting children's achievement and ability. This supported previous research that measures of home environment may be better predictors of children's intellectual competence and achievement than are traditional measures of social class.

Gotts also measured Academic Orientation—family beliefs and attitudes about their child's performance in school. His preliminary findings: Academic Orentiation was much more important than socio-economic status for children's achievement.

Finally, Gotts measured family "generativity"—the ability of families to foster trust, autonomy, initiative, and identity in their children. The incidence and effects of generativity are still being analyzed to see what influences what.

Now let's put all this together. Socio-economic status, home environment, academic orientation, and generativity are related concepts. Home environment accounts for as much or more variation in children's achievement as social class. Preliminary analyses find that academic orientation is much more important than social class. Similar results are expected for generativity.

But unlike social class, home environment, academic orientation, and generativity are susceptible to experimental change through interventions such as HOPE. Ten years after HOPE, the parents who experienced HOPE, compared to control group parents, demonstrated higher level of supportive home environments, academic orientation, and generativity, even though the social class of the two groups remained comparable. What we have, then, is a way to do something about the influence of socio-economic status instead of simply accepting the idea that lower social class children will not perform as well as higher social class children.

In the long run, this could be one of the best hopes we've found for educational improvement.

BIENNIAL BUDGET ACT OF 1989

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. HUCKABY. Mr. Speaker, I will shortly be introducing the Biennial Budget Act, legislation which will move the Federal budget to a 2-year cycle.

I am convinced that moving to a biennial budget will provide the Congress and the executive branch with a useful management tool for addressing our soaring Federal deficit. Congress needs a more thoughtful approach to making responsible, tough budget decisions.

The following is a section-by-section summary of the bill. I urge my colleagues to join me in sponsoring this much-needed legislation.

THE BIENNIAL BUDGET ACT SECTION SUMMARY

Section 1 states the title of the legislation—the "Biennial Budget Act".

Section 2 sets forth the findings and purposes of the legislation.

The findings are that the Federal budget process allows insufficient time for (a) the fulfillment by the Congress of its legislative and oversight responsibilities; (b) the review and consideration of authorizing legislation, budget resolutions, and appropriations bills; (c) the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and (d) for agencies and State and local governments to plan for the implementation of programs.

The purposes are (a) to establish a biennial budget process; (b) to improve congressional control over the budget process; (c) to improve legislative and budget processes by providing additional time for oversight and other vital activities; and (d) to provide stability and coherence for recipients of Federal funds.

Section 3 revises the Congressional Budget and Impoundment Control Act of 1974 (Budget Act) to reestablish a timetable for the biennial budget cycle, as follows:

FIRST SESSION

First Monday after January 3: President submits budget recommendations.

February 15: Congressional Budget Office submits report to Budget Committees.

February 25: Committees submit views and estimates to Budget Committees.

March 31: House Budget Committee reports concurrent resolution on the biennial budget.

April 15: Congress completes action on concurrent resolution on the biennial budget.

May 15: Biennial appropriation bills may be considered in the House.

June 10: House Appropriations Committee reports last biennial appropriation bill.

September 30: Congress completes action on reconciliation legislation.

September 30: Congress completes action on biennial appropriation bills.

October 1: Biennium begins.

SECOND SESSION

On or before May 15: Congressional Budget Office submits report to Budget Committees.

The last day of the session: Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium period.

Section 4 amends the Budget Act by: (a) establishing the term "biennium" and defining it as the period of 2 consecutive fiscal years beginning October 1 of any odd numbered year; (b) creating a biennial concurrent resolution on the budget; and (c) conforming points of order to each fiscal year within the biennium.

Section 5 amends Title 31, United States Code by: (a) requiring that the President consult with the Budget, Appropriations, and Authorizing Committees before making changes in the table of accounts in the budget submission; (b) requiring the President to submit a two-fiscal-year budget on or before the first Monday after January 3 of each odd-numbered year; (c) requiring the President's two-fiscal-year period to comply with maximum deficit amounts in Gramm-Rudman for each year.

Section 6 amends Title 1, United States Code regarding the title and style of appropriation acts.

Section 7 provides increased authority for the chairmen and ranking members of standing committees to request information, analyses, studies, and other assistance from Federal agencies to assist in the budget formation, appropriations, authorization, and program oversight processes.

Section 8 makes conforming changes in the Rules of the House of Representatives with regard to biennial budget timetable set forth in Section 3.

Section 9 sets out the effective dates of the Act. The provisions of the Act are effective January 1, 1990. The first biennial budget begins October 1, 1991, for fiscal years 1992 and 1993. The current authoriz-

ing, budget, and appropriations processes will continue to operate for the 101st Congress.

A DOOR OF HOPE IN WILLIAMSBURG

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SOLARZ. Mr. Speaker, the Williamsburg section in Brooklyn is one of those remarkable communities which are studies in contrasts. It is at once rich in its spiritual strength, but far from wealthy in material possessions. The 50,000 Hassidim of Williamsburg treasure and protect their unique heritage which has, through the centuries, remained their bulwark against adversity.

This community has experienced its share of tsuris but has also earned its share of triumphs. One of Williamsburg's most extraordinary accomplishments has been the opening of Pesach Tikvah, an organization whose name literally means a "door of hope." Pesach Tikvah serves the needs of those with serious developmental disabilities. Under the guiding hand of Rabbi Chaim M. Stauber, Pesach Tikvah must tackle not only the educational and psychological problems of these families but also must do so in a way which respects the religious traditions and cultural concerns of the Hassidim.

I am honored to be able to represent this vital and inspiring community. Rabbi Stauber, and the staff at Pesach Tikvah, share a vision of a better future, a future which emanates from a respect for the ageless traditions which have helped the Jewish people endure countless tribulations.

I would like to commend to my colleagues a profile of Rabbi Stauber and Pesach Tikvah that was written by Douglas Martin and appeared in the "About New York" column of today's New York Times.

IN WILLIAMSBURG, HASIDIM FIND A DOOR OF HOPE

(By Douglas Martin)

The man had the long beard, sidecurls and dark clothing of a Hasid. Pulling a small boy by the hand, he entered briskly through a side door and then gave the child a push in the general direction of a roomful of children. Then the man vanished.

The child is seriously developmentally disabled. The father had brought him to what is said to be one of the few mental health clinics whose principal clients are Hasidim. It is called Pesach Tikvah, Hebrew for Door of Hope.

The staff explained that the man was likely in such a hurry because of shame over venturing beyond the time-honored ways the Hasidim deal with mental afflictions. In the Williamsburg section of Brooklyn, where some 50,000 Hasidim live, these afflictions carry such stigma that Rabbi Chaim M. Stauber—who founded the clinic five years ago and serves as executive director—says parents can be seen walking with retarded children late at night to avoid detection.

The most obvious reason is the deliberate distance separating the Hasidim from the modern world. No television, movies or theater—and traditionally no contamination by such modern concepts as psychotherapy. Moreover, mental impairments are linked to sin. There is also the high regard that Hasidim hold for biblical study and the finely tuned mind.

And one other thing. "Marriages are arranged," said Rabbi Stauber, arranger of many himself. "It isn't boy meets girl and they fall in love."

The result, the rabbi says, is that parents keep the developmentally disabled in the closet so as not to send out a negative advertisement about their other children. The average number of children per family, he says, is 75.

"The problem people might have sought solutions for in other communities are often just disregarded," said Harriet Stein, a social worker at Pesach Tikvah, at 18 Middleton Street. "Coming out in the community is very hard," agreed the mother of two developmentally disabled children. "There is a long period of denial." But ever so slowly, that appears to be changing. For five years, Pesach Tikvah has tried to address needs ranging from retardation to psychoses. Yiddish is spoken, food is kosher, sexes are separate. But modern psychology is used in treating 38 people living in two residences, as well as 40 participants in a workshop who do such rudimentary things as assemble pencils. Some 400 outpatients are counseled monthly. Although some of the client families pay, most money comes from city and state programs now threatened by budget shortfalls.

Pesach Tikvah is clearly playing a catch-up game. "We seem to be re-inventing the wheel at a time everybody else is in modern automobiles," Rabbi Stauber said.

No one suggests that Hasidim are sicker than other Americans. In fact, the Pesach Tikvah staff believe the community's incidence of mental problems is likely lower than the general society's 1-in-5 rate.

And the majority of the problems are the same as everybody else's. With some differences. Holocaust survivors and their children suffer particular traumas. And there is the practice of arranging marriages between those suffering similar afflictions, say schizophrenia. For psychiatrists, this can create both a fascinating laboratory and a stiff challenge.

Other differences arise from the gulf separating Hasidim from the rest of society—men's broad-brimmed hats, women's wigs, huge families, the fact that virtually no one goes to college. "We have created our own little ghetto," Rabbi Stauber said.

Economic pressures also tear at Williamsburg. As families multiply, the housing stock has shrunk. "The community is overwhelming poor," Rabbi Stauber said.

Moreover, "this is a very demanding life style," he said. At the age of 3, boy's hair is cut to create payes, or sidecurls, and he begins to study Hebrew. Girls are taught to be good wives and mothers. By 18, most Hasidim are married. "There is no such thing in our life as fun for the sake of fun," Rabbi Stauber said.

But there is a profound sense of community, of a social cocoon whose only American parallel is Pennsylvania's Amish. There are volunteer ambulance services, community patrols, a host of charitable endeavors. There is the certainty of living one's life in strict adherence to 613 mitzvahs, or commandments.

But change is unavoidable, even for those who least welcome it. Recently, a young Hasid died of a drug overdose, the first in Williamsburg. Rabbi Stauber delivered the funeral oration. He shocked them by directly addressing the cause of death and calling for compassion, introspection. Anonymous caller after anonymous caller, he says, termed his remarks "very distasteful."

ABBA EBAN ON ISRAEL'S OPTIONS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. OWENS of Utah. Mr. Speaker, as we all know, Israel has been going through a difficult period of introspection and reevaluation during this past year. For this reason, Israel's friends in Congress will want to consider this article written by Abba Eban in the January 2, 1989, edition of the New York Times. Having served as the former Israeli Foreign Minister and Representative to the United Nations, Mr. Eban is universally respected and admired as a statesman, and his views on Israel's options at this point in history are particularly lucid.

Having recently returned from the Middle East, I believe there is a unique opportunity to make progress on the Arab-Israeli conflict, which has been at loggerheads for the past 22 years. Formerly hostile countries such as Jordan and Saudi Arabia have adopted a far more moderate posture, and have tacitly recognized Israel's permanance in the region.

In his article, Mr. Eban argues that Israel remains a formidable military power in the Middle East, and must be willing to take a calculated risk in the interest of peace.

The article follows:

[From the New York Times, Jan. 2, 1989]

ISRAEL, HARDLY THE MONACO OF THE MIDDLE EAST

(By Abba Eban)

The recent definitions of Palestinian attitudes will not "solve" the Middle Eastern crisis or bring a negotiation with Israel into early view. But all attempts in Israel and the United States to portray them as worthless or fraudulent have incurred total failure. Moreover, it is absurd to suggest, as many of Israel's friends have, that the Americans decision to talk to the Palestine Liberation Organization threatens Israel's very survival.

The evolution in Palestinian thinking toward "realistic and pragmatic positions on the key issues," as President Reagan has said, is either real or illusory. If it is real it would be reckless not to probe it in its full scope and depth. If it is all a hoax and a fraud, it is important to expose it. In either case, it was absolutely right for Secretary of State George P. Shulz to inaugurate an exploratory dialogue.

The reasons for believing that the Palestine leadership is on a new course are too strong for out-of-hand rejection. First, there is the impressive unanimity of belief among all the statesman who have ever shown respect for Israel's rights. It would be absurd for Israelis to assume that Reagan, Thatcher, Mitterrand, American Jewish leaders and Israel's other supporters in Europe, Latin America and the rest of the world are gullible dupes.

Perhaps more sensational even than this consensus was a recent survey revealing

that 55 percent of Israel's Jewish population now supports negotiations with the P.L.O. if the promises of its chairman, Yasir Arafat, are kept.

Nevertheless, when it was announced that an American ambassador would have a talk with a P.L.O. official in Tunis, friendly American columnists sounded all the alarms. A.M. Rosenthal of The New York Times reflected on "a risk to Israel's existence." George Will say the Reagan Administration and its officers, together with the "gullible West," as the insidious enemies of Israel's future. Norman Podhoretz in The New York Post described a "Palestine ministate on the West Bank and Gaza" as part of a macabre scenario "with battles raging 15 miles from Israel's population centers and with the Palestinians flanking Jerusalem on three sides and Tel Aviv on two, and attacking along a line nine miles from the sea . . . Israeli casualties could reach as high as 100,000."

The dark vision of another New York Times columnist, William Safire, is not of mere peril but of "extermination." He awards a gold medal for endangering Israel to Shimon Peres, with Yasir Arafat and the United States as candidates for a silver and a bronze. In his Christmas dream, John Tower, as Defense Secretary, and Moshe Arens, Israel's Defense Minister, roam the Middle East bombing Arab weapons systems. This alluring prospect is called "surgical non-proliferation." It must be a long time since a responsible journalist published an incitement to two governments to initiate what could become a nuclear exchange.

Common to all these views is the notion that Israel is a demilitarized land like Iceland or Monaco, Lichtenstein or Costa Rica. The P.L.O. forces, by contrast, are depicted as the lineal descendant of Alexander the Great, Genghis Khan, Napoleon and the Hitler and Stalin dictatorships, able to exterminate Israel. There is not a single word to indicate either that Israel has any military power or that the P.L.O. has any military limitations.

This is drastically opposed to the reality. The Israeli defense system is one of the wonders of the world. Never in history has so small a community been able—and ready—to wield such vast capacity of defense, deterrence and reprisal.

The "Middle East Military Balance" published by the Israeli Center of Strategic Studies at Tel Aviv University shows Israel with a mobilizable manpower of 540,000, some 3,800 tanks, 682 aircraft with awesome bomb capacity, thousands of artillery pieces and missiles and an imposing electronic capacity. The P.L.O. has, according to the same survey, 8,000 men in scattered places, zero tanks and aircraft, a few guns and no missiles, but a variety of hand grenades, mortars, stones and bottles. It takes a great effort of imagination to envision this array of forces flanking our cities from five sides and the sea while inflicting 100,000 casualties.

If there were to be an Arab-ruled entity in a large part of the West Bank and Gaza, either as a separate state, or, preferably, as part of a confederation with Jordan, it would be the weakest military entity on earth. If there were a demilitarization as part of a settlement, it would be possible to enforce it owing to the vigilant proximity of Israel and Jordan. With the exception of a relatively minor rejectionist front (Libya, Syria and South Yemen), the Arab world is pressing the Palestinians for realism, not for adventurism.

There would be security problems in an Arab sovereignty in the West Bank and Gaza, as there are in greater intensity with Israeli occupation of those areas. But to call such an entity a threat to Israel's survival is preposterous. It is the survival of a Palestinian nation that could be threatened by irredentism.

Finally, it is unlikely that the Arab states would accede to a request from the P.L.O. to make war against Israel on their behalf. The position now is that they are not even being invited to do so. Israelis and Americans should be celebrating a success, not bemoaning the dangers.

The harm done to Israel by the rhetoric of weakness is far-reaching. The aim of our defense system is deterrence, with victory as the fall-back aim. If friends say that we are virtually impotent, this effect is lost. There is also damage to credibility. Talk of Israel's extermination is nowhere taken seriously by those who know the power balance; it is interpreted as justification for immobilism or pre-emptive aggression.

The semantic of extermination is also a historic insult to Zionism. If after a century of Zionist effort and 40 years of statehood, replete with victories in the battlefield and crowned by an alliance with a superpower, Israel's 3.5 million Jews were the only Jewish community anywhere faced with plausible danger of "destruction," the Zionist enterprise, dedicated to Jewish security, would be seen to have failed.

Friendship is to be judged by consequence, not by intention. The friends of Israel should avoid creating a false myth of Israeli weakness. Israel's return to Security Council Resolution 242 and the principle of "territory for peace" is now an indispensable condition for any further movement—a step that Israel is strong enough to take.

POCATELLO AND CHUBBUCK, ID, SHARE UNIQUE PROBLEM

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. CRAIG. Mr. Speaker, Pocatello and Chubbuck, ID, are neighboring communities. Actually, neighboring probably doesn't accurately describe their relationship. You see, the two cities are separated by about 100 feet of road. Although they contract with each other to provide various services—fire, trash collection, and so forth, each has its own city government and is fiercely autonomous.

When working in tandem, they resemble any midsize urban community—they have the same conveniences and the same problems. Their combined population is roughly 54,000—well over the census requirement for designation as a standard metropolitan statistical area.

However, the Federal Government refuses to recognize the proximity of these two cities. On paper, Pocatello and Chubbuck might as well be on opposite sides of the country. But, in reality, they are both part of one metropolitan area and deserve to be treated as such.

These two communities ought to be entitled to the same benefits available to other urban centers—increased hospital reimbursement, indigent care and the whole range of Federal urban assistance—without being required to surrender their autonomy.

I hope my colleagues will join me in helping Pocatello and Chubbuck secure that which is rightfully theirs by cosponsoring the legislation I am introducing today.

THE DRUG DEALERS SEND ANOTHER HORRIBLE MESSAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RANGEL. Mr. Speaker, it seems that every few months or so I find myself in the unfortunate position of having to bring to the attention of my colleagues some brutal news from the drug jungles in our cities. In this case, it again comes from New York.

About this time last year, I remember the deep sense of loss and the sadness felt by the family, friends, and law enforcement colleagues of rookie New York Policeman Edward Byrne, who was gunned down while protecting an important witness in a drug case. The drug dealers sent a message, and Edward Byrne was the unfortunate messenger.

Today, it is Everett Hatcher. Mr. Hatcher was a 16-year veteran of the Drug Enforcement Administration. He was a husband and the father of two children. He had laid his life on the line every hour of every day for our drug-infested communities for nearly two decades, until they took it all away from him in a hail of bullets on the evening of Tuesday, February 28, while Agent Hatcher worked undercover on Staten Island.

This, sadly, reminds us all too well of the commitment that we in the Congress must keep to support our law enforcement officers in the continuing battle to regain our neighborhoods, our streets, and our souls and hearts from the drug traffickers. These pirates of peace and prosperity are bent on making a profit at the expense of destroying all that is good about America.

I cannot help but think, Mr. Speaker, about the horrible price that we will continue to pay to fight the growing incursion of the drug traffic in our great country. It is a depressing thought to know that Everett Hatcher will not be the last one. It is disturbing to know that until we firmly grip this problem as tight as we can, that we will continue to suffer periodically from the loss of some our greatest, most selfless warriors.

But it is not just the police officers who are being mowed down like blades of grass by the modern-day mafia that runs the drug trade.

It could be the uninvolved citizen who, at the wrong place at the wrong time, say, at a traffic light, catches the spray from machine-gun fire as traffickers turn otherwise safe streets into a temporary battleground over territory.

I could be the unsuspecting victim of robbery or attack from a crazed dope fiend desperate for money to purchase a fix. Death does not have to come directly at the hands of the drug lords or their agents.

We just passed our second comprehensive antidrug package in the Congress. We had much trouble getting the previous administration to see the necessity of stepping up our commitment to the drug war—especially to law enforcement officers at all levels—but maybe that attitude is changing with our current administration. I remain hopeful that there will be a new attitude and a renewed sense of commitment at 1600 Pennsylvania Avenue when it comes to ridding America of the drug trade.

I hope that all of you will join with me in sending our deepest condolences to the family of Agent Everett Hatcher.

Let us also, Mr. Speaker, send condolences to and pledge our continued support for the brethren of Everett Hatcher.

Whereas Edward Byrne's death drew attention to the contributions of our State and local police officers in the streets, the cold, callous, animal-like assassination of Everett Hatcher brings to mind the enormous sacrifices of our Federal Drug Enforcement agents.

Our Drug Enforcement Administration agents are a tremendously small number considering the magnitude of the problem. They have a modest amount of resources to work with. Their territory, really, is the world, yet we have barely given them enough to cover the country adequately. But they have kept up the good fight without giving up. Like Everett Hatcher, they, too refuse to be intimidated by the drug lords.

Everett Hatcher was all that the Drug Enforcement Administration stood for in its agents. Up to the task, fearless, and assured of the purpose of duty.

How many more will it take, Mr. Speaker, before we realize the real threat the drug trade poses? How many more will it take, Mr. Speaker, before we come to the realization that our national security is at stake? How many more will it take, Mr. Speaker, before we conclude that we have to increase our arsenal to effectively fight and win the war on drugs?

When are we going to be up to the task, fearless and assured of the sense and purpose of duty in the war on drugs like Everett Hatcher was when he was gunned down last week?

SUPPORT FOR H.R. 939, THE ETHICS IN PATIENT REFERRAL ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. STARK. Mr. Speaker, I would like to include at this point in the RECORD two editorials in support of my bill, H.R. 939, the Ethics in Patient Referral Act.

These editorials explain why we need to enact legislation in this area, as soon as possible.

Failure to act will mean more and more referrals for profit—and that will build billions and billions of dollars of overutilization and unnecessary medical treatments into the health care system.

Everyone who is concerned about inflation in the health sector should support this legislation.

Following are the editorials from the Los Angeles Times of February 22, 1989, and Newsday of February 27, 1989:

[From the Los Angeles Times, Feb. 22, 1989]

HIPPOCRATIC HYPROCRISY

A new move to limit investments by medical doctors in diagnostic and treatment facilities is being made in Congress, an appropriate response to the conflict of interest inherent in many of these arrangements. As a report of the Institute of Medicine affirmed earlier, "It should be regarded as unethical and unacceptable for physicians to have ownership interests in health-care facilities to which they make referrals or to receive payments for making referrals."

Under legislation introduced by Rep. Pete Stark (D-Oakland), physicians would be prohibited from referring Medicare patients to any service, clinic or facility in which the physician has a financial interest or from which the physician receives compensation. Exceptions would be made to protect the traditional physician-hospital relationship and to assure adequate investments in remote areas where doctors might be the sole source of investment for diagnostic and special treatment centers.

The objectives of the legislation have wide-spread support from such diverse organizations as the Washington Business Group on Health, the American Society of Clinical Pathologists and the American College of Radiology. But not yet the American Medical Assn., whose policy-makers have indicated opposition to any across-the-board barrier to doctor investment in health-care facilities. One medical association policymaker has argued that financial involvement is likely to ensure better-quality care and service—a concept that raises some profound questions concerning the meaning of the Hippocratic oath.

There is nothing imaginary or theoretical in the risks of abuse. A Blue Cross study in Michigan five years ago showed that the average cost and frequency of use of doctor-owned laboratories was double that of the other labs. Times reporter Claire Spiegel reported charges from a radiology facility in Orange County that it was being frozen out of referrals by a newer facility owned by the physicians themselves. Dr. Arnold Relman, editor of the New England Journal of Medicine, branding the practice "wrong" and "unethical" and "not in the public interest," estimates that more than 50,000 physicians nationwide have a financial stake in ancillary medical services. The AMA estimate is 10 percent of all doctors.

The controversy goes beyond commercial enterprises seeking to lock physicians into their enterprises with often highly profitable investments. It includes commercial arrangements being apparently forced on nonprofit hospitals as well to create joint ventures for outpatient surgery centers, imaging facilities and even prescription pharmacies as a means of assuring the loyalty of staff doctors by sharing the profits from these operations.

The legislation that is now on the books in states like California, requiring doctors to reveal their financial interest when making referrals, is not adequate protection. Stark's broader legislation on Ethics in Patient Referral, with its specific prohibitions for Medicare, would be a welcome additional safeguard.

[From Newsday, Feb. 27, 1989]

THE GROWING COSTS OF PHYSICIAN-OWNED CLINICS

It's one of the newest epidemics sweeping the country and it needs to be checked: Doctors are making big money by referring patients to medical facilities in which the physicians have financial stakes. The more referrals, the larger the profits—and the more questionable the ethics and the legality.

The hottest properties for such investments are X-ray clinics that provide costly magnetic resonance imaging. Other favorites are facilities for physical therapy, sports medicine, dialysis and blood testing.

To be sure, most of these arrangements are legitimate; their organizers say they provide the latest in sophisticated techniques and technology. Still, there's evidence of unnecessary testing, inflated bills and unconscionably high profits at the expense of patients and their insurance carriers. One study, for example, found that fees and services in physician-owned labs were nearly double those in facilities not owned by doctors.

Typically, shares in such ventures are offered only to doctors who can send business their way. But economic inducements to make referrals come dangerously close to being a kickback scheme, something outside the pale of medical ethics and federal law.

Besides, it's not hard to imagine that some physicians are tempted to order unnecessary studies or expensive treatment. And since doctors control patient referrals, they can lock up the market and drive independent providers out of business.

All this should have attracted close scrutiny long ago. That's starting to happen now. Both New York State and the U.S. Department of Health and Human Services have begun investigating, and hearings are planned this spring on a bill by Rep. Fortney Stark (D-Calif.) to bar physicians from referring Medicare patients to clinics they own.

Rampant entrepreneurship among physicians is a malady that requires strong medicine. It's an axiom of health care that patients trust their doctors to refer them to the best, most economical and most convenient clinic available. Indeed, trust is at the very core of medical treatment. No matter what advances modern medical technology may bring, that shouldn't change.

FLORIO HAILS BROTHER ANDREW O'GARA AS IRISHMAN OF THE YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. FLORIO. Mr. Speaker, your predecessor, the Honorable Thomas P. "Tip" O'Neill, throughout his tenure as Speaker of the House, demonstrated the unique wisdom and good nature that an individual's Irish heritage can signifiy when involved in public service. In much the same way, Brother Andrew O'Gara has displayed a thoughtful and responsible manner as a student, a teacher, and a friend to those fortunate enough to know him.

As president of Christian Brother's Academy in Lincroft, NJ, Brother O'Gara has brought an unwavering dedication to the principles of a

fine education. Coupled with his gift of wit and his unwavering devotion to the ideals of Christian living, he has had an immeasurable impact upon the lives of the academy's students and their families. Indeed, it is by no accident that the academy was recently named as one of the top 60 preparatory schools by the Council for Private Education.

Prior to joining the staff at Christian Brother's Academy, Brother O'Gara studied at Catholic University and Manhattan College where he found his interest in education and his chosen vocation. Additionally, he was superior and principal of St. Raymond's High School in Parkchester for more than a decade. It is quite evident that the distinguished curriculum and notable achievements of the student body at the academy are largely the result of the tireless efforts and guidance of Brother O'Gara.

The award of the Friendly Sons of St. Patrick is in recognition of an individual who has shown his dedication to the principles of our constitution and his Irish heritage. Mr. Speaker, Brother Andrew embodies these ideals and I ask that my colleagues join with me in paying tribute to a man whose endeavor continues to be the attainment of the best education for the students and, thus, the betterment of the entire community.

GOOD LUCK TO A GREAT PUBLIC OFFICIAL

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to salute a committed public servant. It is rare that a public official can claim the admiration and appreciation of friends and supporters from both political parties. Hamilton, Ohio's City Manager Jack Becker has earned that distinction by his many years of loyal public service.

Jack Becker is a close friend who dedicated his life to serving the citizens of Hamilton with a commonsense approach that has greatly benefited his constituents.

I wish only the best for Jack and his family.

I would also like to insert the following articles from the Hamilton Journal News.

400 BID FOND FAREWELL TO BECKER: COMMON SENSE CARRIED RETIRING MANAGER TO HAMILTON'S TOP JOB

(By Karen Minnelli)

HAMILTON.—Friends and colleagues bade farewell Tuesday to a man who "just tried to use good common sense" during his 31 years of service to the City of Hamilton.

In the final hours of his last day before retirement, City Manager Jack Becker was honored with a dinner, accolades and gifts to improve his golf game.

"I think we did a good job for the city," said Becker, the city's top administrator since 1984. "It's been four years of a lot of fun. It has been hard work, but I enjoyed it.

During Becker's tenure as city manager, Hamilton has seen more construction projects than in any other single year in its history, the purchase of the Greenup Hydroelectric Plant, the implementation of a 911 emergency communications system for police and fire services, and more.

"I just tried to use good common sense," Becker said.

More than 400 people attended the city manager's farewell dinner at the Metropolitan Rooms where he was presented with gifts and proclamations.

Becker, a Hamilton native and Citizen of the Year for 1988, began his career as an accountant with the city and moved up during the past three decades.

"It didn't make any difference how much of a load you put on Jack Becker; he always did his job," said Charlie Ruppert, the city administrator who hired Becker 31 years ago.

Becker started out with "a mediocre job" and "reached the top," Ruppert said.

"The dignity that he treats people with, I think that's been Jack's forte," said former City Manager Jack Kirsch.

Becker's oldest son, Doug Becker, remembered the days when his father came home for supper and then went back to work.

And when his dad's back went out, Doug Becker said, he and his brothers and sisters had to carry him up the steps of the city building to his office.

"Being in a leadership position doesn't necessarily make you a leader," said Rick Harbrecht, president of the local Fraternal Order of Police chapter. "Honesty, common sense and good judgment make you a leader. Jack Becker certainly has this."

Steve Timmer, president of the local chapter of the International Association of Firefighters, lauded Becker for his "common sense approach to management."

Becker turned over the city's reigns Tuesday to Assistant City Manager Hal Shepherd, who will be acting city manager until a permanent replacement is found.

BECKER LEAVES LASTING LEGACY

Common sense is a quality that shouldn't be—but often is—in short supply in government. A lot of people in government have common sense however, putting it to use is another matter.

Let's hope the retirement of Jack Becker as Hamilton's city manager doesn't measurably shorten the supply of common sense in city government.

Becker retired Feb. 28, bringing to a close a 31-year career as a civil servant. From the day in 1958 when he first joined the city's staff until last Tuesday, Becker typified common sense in government.

Moving through a succession of city jobs—from accountant to tax collector to city treasurer and finally city manager—Becker approached each with one primary concern, using common sense to get the job done.

His philosophy paid off. Becker's years were busy ones, momentous one, for his city, the city where he was born and went to school, the city that has been his only employer during his working life.

Becker was there, if not presiding over the action, when the city turned around from a declining to a growing metropolitan area. He started out slowly, cautiously, but finished up at a dead run.

Since he took office in 1984, an enterprise zone was established to make the area more attractive to commercial interests, and a public image campaign was started to boost the city's reputation throughout the region, state and nation.

Construction of the High Street railroad underpass finally cured an age-old problem of uninterrupted access to the city's downtown from its eastern reaches. Then, to the delight and amazement of many, The Hamilton hotel was built as another big step in rejuvenating the city's downtown.

Becker's last full year on the job, 1988, is exemplary of the job he did for his city. During that year, construction projects totaling more than $200 million—which created some 333 new jobs and retaining 359 more—were announced or begun.

Now Jack Becker has left the employ of the city of his birth with expressed intentions of playing a lot of golf. If he plays golf like he manages a city, don't get in a "skins" game with Jack Becker.

Now the Hamilton City Council must choose a new city manager—a successor, yes, but a replacement, no. There is no way of replacing a man like Jack Becker.

Good luck, Jack.

THIRTIETH ANNIVERSARY OF THE CALIFORNIA COURIER

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. MOORHEAD. Mr. Speaker, the California Courier, the oldest English-Language newspaper serving the Armenian community in the Nation, is celebrating its 30th anniversary on March 10.

The Courier, published weekly in Glendale, CA, will be honoring its founding publishers, George Mason and Reese Cleghorn, dean of the School of Journalism at the University of Maryland, at a gala celebration at the St. Bonaventure Hotel in Los Angeles.

The keynote speaker will be Gov. George Deukmejian with Kenneth Khachigian as master of ceremonies.

Mr. Speaker, for 30 years, the Courier has been an accurate, objective reporter of the social, cultural, political, and spiritual events within the Armenian community.

The Courier has provided the Armenian community with focus and perspective, education and enlightenment. It has been a continuing source of pride; it has been a guide; it has been a fundamental element in the daily activities of many of my constituents.

My friend Harut Sassounian is the Courier's current publisher and editor. He continues the fine tradition of leadership at the newspaper.

Mr. Speaker, I appreciate this opportunity to bring to the attention of my colleagues in the U.S. House of Representatives the 30th anniversary of the California Courier and to congratulate the publisher and his staff for a job well done.

A TRIBUTE TO A.M. COPPENRATH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mrs. ROUKEMA. Mr. Speaker, I rise today to pay tribute to one of northern New Jersey's finest citizens. On March 11, the Ramapo College Foundation will hold its seventh annual Distinguished Citizens Awards dinner. This year the foundation will honor Robert A.M. Coppenrath, president and chief executive officer of Agfa-Gevaert, Inc., of Ridgefield Park,

NJ, for his outstanding professional and community service.

A native of Antwerp, Belgium, Mr. Coppenrath earned his BBA and MBA from the University of Antwerp. Robert continued his education with postgraduate studies in marketing at the University of Waterloo, Ontario, Canada.

Robert Coppenrath joined Agfa-Gevaert, Inc., in August 1969 and quickly became its president and CEO in March 1970. Prior to joining Agfa-Gevaert, Inc., he spent 11 years in Canada with Photo Importing Agencies, Ltd., a company he founded and served as president and general manager. In 1964, this firm became the exclusive agent for the distribution of Agfa-Gevaert products throughout Canada and prior to that for the Gevaert products.

Mr. Coppenrath has a sterling record of international service to industry in the private sector and to the citizens throughout the United States, Canada, and Europe. He plays a major role in many civic organizations. Robert is a director and member of the Belgium-American Chamber of Commerce in the United States. He is a trustee of the Aviation Hall of Fame of New Jersey, a member of the President's Council of the International Center of Photography and a trustee of the Photographic Art and Science Foundation, Inc.

Robert Coppenrath has made significant contributions to many citizens around the world. I urge my colleagues to join me in saluting one of this year's Ramapo College Foundation's Distinguished Citizens Award honorees, Robert Coppenrath.

JOHN M. SCHULTZ HONORED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. KOLTER. Mr. Speaker, today I rise to honor Mr. John M. Schultz, 133 Fourth Avenue, Butler, PA, 16001, for the "Butler County Veteran of the Year, 1988," as he will be receiving this award at a special recognition dinner from the the Butler County War Veterans' Committee, at the Vagabond Center, Lyndora, PA, for his outstanding dedication and service to the veterans for 43 years.

Mr. Schultz is very worthy of this prestigious award, as an honorably discharged veteran who served in both the European-African Middle Eastern campaign, and the Asiatic-Pacific campaign with the U.S. Army for 5 years.

He was involved with the Joseph T. Black Veterans' of Foreign Wars Post 249, Butler, PA, over 43 years serving as post commander, county commander, and district commander; and received nine national aide-de-camp awards.

He is an active member of Michael Kosar American Legion Post 778, Lyndora, PA; served on the Butler County War Veterans Committee; and played an active role for the Memorial Day and Veterans Day observances in the city of Butler, PA.

He chaired the Loyalty Day Committee, 25th District; participated in the VFW Voice of Democracy Program, the Butler Veterans' Administration Medical Center's lawn parties and Christmas parties, the poppy sales, the placing of flags on the veterans' graves, and light-a-bike program in the city of Butler.

He has retired from Armco, Butler, PA, after 33 years of loyal and dedicated service.

He and his wife, Helen are members of St. Pauls Roman Catholic church. They have three children and five grandchildren.

For all these unselfish hours of giving and the many hours of service that he will give in the future, I am proud to honor this distinguished veteran and respected man, by informing my colleagues of his untiring efforts.

A BILL TO ADJUST RETIREMENT BENEFITS FOR PHILIPPINE SCOUTS AND THEIR SURVIVORS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to redress a longstanding inequity in our treatment of a very special group whose vital services to our Nation have passed virtually unacknowledged. This bill would equalize retirement pay for equal risk for former World War II-era Philippine Scouts who fought so bravely as part of the United States Army and their survivors.

As you may know, the Philippine Scouts were not foreign soldiers; they were an integral part of the United States Army. Created in 1901, the Scouts were an elite organization with a "high esprit de corps" in which membership was considered an honor by Filipinos, and the strictest standards were followed in their selection. Never numbering more than 12,000 men, the Scouts were to serve a pivotal role in the valiant defense of the Bataan Peninsula. General MacArthur described them as, "excellent troops, completely professional, loyal, and devoted."

In recruiting the Scouts, General MacArthur pledged, and I quote:

War is the great equalizer of men. Every member of my command shall receive equal pay and allowances based on the United States Army pay scale, regardless of nationality.

At the onslaught of war in the Pacific, when the Japanese attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became the key to our entire South Pacific strategy. Against overwhelming odds, faced with superiority in numbers and equipment, devoid of air cover against constant bombings by the Japanese, ravaged by malaria with little medicine to fight it and beri-beri brought on by a diet of polished rice and a few canned goods a day, these men helped hold the Bataan Peninsula for 98 days. Over 1,000 of them went on to fight another 5-weeks in Corregidor. This determined resistance denied the Japanese an essential base for the projected thrust into the South Pacific. The enemy was also forced to retain a large army and naval force in the Philippines, which otherwise could have been employed against Allied shipping of men and materials to Australia and New Caledonia from the United States and the Middle East.

Despite the valiant services of the Philippine Scouts who fought and sacrificed side by side with American soldiers and despite the fact that the Scouts were a fully incorporated unit of the United States Army, the Philippine Scouts received only a fraction of the regular pay received by their American counterparts. In fact, while an American private was earning $30 a month during the war, a Philippine Scout with comparable rank and length of service received only $9 for his exposure to the same hardships and dangers.

Mr. Speaker, I believe that the time has come for Congress to redress this longstanding inequity in our Nation's treatment of this very special group of World War II veterans. The legislation I am introducing today authorizes the adjustment of retirement benefits paid to former Scouts or their survivors to reflect equalized pay with their American counterparts of the same grade and length of service. In a recently completed study the Department of the Army estimated the cost of adjusting retirement benefits for the 364 remaining living Philippine Scouts who presently receive benefits would be $724,000 per year. I think you would agree that it is a small price to pay for a commitment ignored for over 40 years.

While the budgetary impact of these pay equalization measures is small their symbolic value is immense. Congressional authorization of adjusted retirement benefits would provide a meaningful demonstration of our gratitude for their faithful and gallant service during World War II. I again urge my colleagues to support this worthwhile measure.

Following is the text of the bill:

H.R. 1314

A bill to equalize the retired pay of persons who served during World War II as Philippine Scouts with the retired pay of other members of the Armed Forces of the United States of corresponding grades and length of service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Philippine Scout Retirement Pay Equity Act".

SEC. 2. PHILIPPINE SCOUT RETIRED PAY EQUALIZATION.

The Secretary of the Army shall redetermine the retired pay of each person entitled to retired pay from the Department of Defense for service as a Philippine Scout during the period beginning on December 7, 1941, and ending on December 31, 1946, as if the rate of basic pay payable to such person at the time of retirement had been the rate of basic pay payable to any other member of the United States Army in the same grade and with the same length of service as such person. The redetermination of retired pay shall apply only for retired pay payable for months beginning on or after the effective date of this Act.

SEC. 3. PHILIPPINE SCOUT SURVIVOR BENEFIT ADJUSTMENT.

The Secretary of the Army shall adjust the base amount used to calculate survivor benefits under subchapter II of chapter 73 of title 10, United States Code, for each person entitled to survivor benefits as the survivor of a Philippine Scout who served

during the period beginning on December 7, 1941, and ending on December 31, 1946, to reflect the redeterminations of retired pay made for such Philippine Scout under section 2. The adjustment of survivor benefits shall apply only for survivor benefits payable for months beginning on or after the effective date of this Act.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

THE PALAU COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. DE LUGO. Mr. Speaker, 63 other Members and I introduced legislation today to authorize a compact of free association with the western Pacific islands of Palau to be put into effect. The resolution would help make this possible by providing Palau with help it needs to tackle serious problems. These problems have hindered approval of the compact to date.

This legislation is identical to legislation agreed upon just minutes too late to be enacted in the 100th Congress.

Under that agreement, the executive branch would fulfill all of the requirements of the House version of the legislation, House Joint Resolution 597, without being required to do so by statute. The Congress, in turn, would approve a Senate substitute with one mutually agreed upon amendment.

The United States became fully responsible for the governing of Palau and other Micronesian islands under a 1947 trusteeship agreement with the United Nations. Palau is the last part of the trust territory to determine its future political status.

The compact would grant Palau self-governing authority in all matters not affecting national security, and $460 million, adjusted for inflation, over 15 years. It would also secure vital base rights for the United States for 50 years and secure U.S. military control over a strategic area of the western Pacific in perpetuity.

Public Law 99-658 conditionally approved the compact but did not authorize it to be implemented because the people of Palau had not approved the compact in spite of several votes on it.

Palau's leaders said last year that the House version of House Joint Resolution 597 offered the only real chance of enabling the compact to be approved for their people. This is because it required actions needed to help Palau address serious problems, including corruption; drug trafficking; crippling debts; and critical health care, prison, and other needs.

I hope that they will reach the same conclusion this year because the agreement on this legislation will only hold up if it remains a compromise between all parties. And this is as it should be because free association should be a mutually agreed upon balance between the interests of sovereign states.

The improvements to the compact that this agreement would bring about are about the best that I believe we can make through compact implementation legislation. Any other necessary improvements will probably have to be brought about through other legislation.

This itself is a part of the compromise. I intend to meet with Palau's leaders, administration officials, and concerned colleagues on this point.

The ranking Republican of the Insular and International Affairs Subcommittee, BOB LAGOMARSINO, and I have reintroduced this legislation because there are now indications that the new administration will honor the compromise worked out with the last administration, which Palau's leaders supported.

It is unfortunate that the last administration did not take the actions it could to implement last October's agreement so that compact approval could move faster than it has this year. But I am encouraged by recent indications that the new administration will do what it can to implement the agreement.

The most recent of these indications is a response by the new Secretary of the Interior, MANUEL LUJAN, to a question I asked of him in the Committee on Interior and Insular Affairs today. He made it clear that taking these actions to help Palau with some of the problems which have hindered the Compact's approval which are required by the agreement are among his highest priorities.

Consequently, I plan to seek approval of this legislation as soon as the new administration takes the actions it can take at this time to fulfill the requirements of the agreement. These requirements are as follows:

REQUIREMENTS OF THE AGREEMENT ON H.J. RES. 597—IN ADDITION TO REQUIREMENTS SPECIFIED IN THE SENATE AMENDMENT

The Compact will be implemented when a) it is approved by the percentage of votes in Palau required by Palau's constitution *and* b) the President has negotiated agreements with Palau in consultation with the Congress that will provide for required assistance for law enforcement, Palau's special prosecutor and public auditor, medical and prison facilities, and a referendum on the Compact.

The President will negotiate an agreement which will commit the U.S. to provide Palau in FY '90 with the amount up to $5 million matched by Palau for improvement of medical facilities to be spent according to a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services.

The President will negotiate an agreement which will commit the U.S. to settle the outstanding debts of Palau, the Federated States of Micronesia, and the Marshall Islands to U.S. medical institutions incurred during the trusteeship.

The U.S. will recognize that Palau is required to provide fair payment for private land the U.S. might require Palau to provide for military purposes under the Compact.

The President will enter into agreements regarding financial assistance for this purpose based on fair value if Palau determines it needs such assistance.

The U.S. will recognize that the President may extend the 60 days Palau has to make land available to the U.S. if an extension is needed to acquire privately-held land.

The President will negotiate an agreement which will commit the U.S. to assist Palau in enforcing narcotics and other laws and in preventing and treating narcotics and other substance abuse.

The agreement will specifically describe the assistance to be provided for law enforcement.

It will also commit the U.S. to provide Palau with $400,000 annually in years two through six of the Compact for these purposes.

Finally, it will provide that Palau authorizes U.S. law enforcement officers to investigate U.S. laws applying in Palau in cooperation with Palauan officials.

The President will negotiate an agreement which will provide that the U.S. will assist Palau in implementing its special prosecutor and public auditor laws.

The agreement will provide that Palau will spend not less than $100,000 annually for each of the offices in years one through five of the Compact.

It will also commit the U.S. to providing nonreimbursable technical assistance to the two offices, including an attorney or investigator and an auditor or accountant, in years one through five of the Compact at the request of the government of Palau or the prosecutor or auditor.

Additionally, it will commit the U.S. to provide Palau with $300,000 annually in years one through five of the Compact for the offices.

If Palau does not maintain the offices, the President will take the matter up under the conference and dispute resolution procedures of the Compact. If Palau does not comply with an arbitration decision under these procedures within 180 days, the President will either withhold assistance to Palau or suspend the guarantee of assistance the Compact would provide Palau.

The President will consult with the Congress in negotiating the required agreement on implementation of U.S. audit recommendations. The agreement will provide that the Secretary of the Interior will assist Palau in implementing such recommendations.

The President will negotiate an agreement which will provide that Palau will provide information describing private sector projects to be financed with Compact assistance and outlining how current Palauan national and state capital project debts will be paid.

PALAU COMPACT IMPLEMENTATION LEGISLATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. LAGOMARSINO. Mr. Speaker, in the final hours of the 100th Congress the House, Senate, and the administration reached an agreement on implementing legislation for the Palau Compact of Free Association. The agreement was to enact the legislation previously passed by the Senate on October 7, 1988, (S15272-S15275) with one additional provision on power generation facilities and the support of the administration for certain supplemental matters.

Although the Palau legislation had been scheduled for consideration by the Congress, the House leadership notified Members that no further votes would take place and the House would soon finally adjourn with the Senate. The Democratic leadership was the

first to state that no additional legislation would be considered as Members had already been notified. The Republican floor leaders confirmed the House decision but did not object to the legislation, which was supported by the White House.

At the beginning of the 101st Congress, a bipartisan agreement was reached to enact the same legislation that should have passed the Congress on October 22, 1988, with the same degree of support from the administration. It is on this basis that the legislation is being introduced to provide for the implementation of the Palau compact.

When the Congress passed and the President signed Public Law 99-658 on November 14, 1986, the compact was formally approved by the United States. The title of the joint resolution was "to approve the 'compact of free association' between the United States and the government of Palau, and for other purposes." (underscoring added). Title I of the law is "approval of compact." Section 101(a) of title I states "(a) approval. The compact of free association set forth in title II of this joint resolution between the United States and the government of Palau is hereby approved,". The reason for the unequivocal statements regarding the approval of the compact by the Congress was to send a clear message to Palau that a comprehensive and definitive position had been taken by the United States. This would permit the people of Palau to know what provisions were provided for under the compact.

When I traveled with a congressional delegation to Palau in 1987, we reiterated our position that the compact stood as enacted. The leaders of Palau raised various projects and programs which they wanted to see included in the compact. Our unified response was that those issues and any other matter would be considered by the compact under the free association relationship. One of the major programs which the Palauan leaders wanted to see included in the compact dealt with postsecondary education funding. This issue was of equal concern in the Marshall Islands and the Federated States of Micronesia, who were seeking assistance from the United States on this matter, but within the free association relationship as they had already approved their compacts. The United States has since extended college education assistance to the Micronesian freely associated states as well as a number of other provisions of considerable monetary value. The Congress has deemed the extra-compact provisions to be necessary and appropriate and to the mutual benefit of the freely associated states and the United States. Therefore, it is in the same context that the extra-compact assistance has been extended to the freely associated states, that the additional provisions have been addressed in the implementing legislation. The people of Palau only have to look at the demonstrated record of the United States to know that serious and careful consideration will be given to requests of the Micronesian freely associated states. Likewise, in this association which has been freely entered into, serious and careful consideration of U.S. requests should be given by the freely associated states.

It has been this spirit of mutual cooperation which has been reflected in the new free association relationship between the United States and the Marshall Islands and the Federated States of Micronesia. The enactment of the implementing legislation for Palau will allow a special relationship to begin once the people of Palau agree. With the self-determination process complete, the trusteeship terminated, the United States and Palau can interact and develop the relationship to their mutual benefit.

RAY FARABEE DAY

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SARPALIUS. Mr. Speaker, every so often in public life, you have a chance to work with a person who in every sense of the word is a true public servant. I would like to take a moment to talk about such a man—Ray Farabee.

Ray Farabee represented the north Texas' 30th District in the Texas Senate from 1975 until his retirement from senatorial politics last year, and he represented that district with a distinction rarely equaled in Texas history. It was often said that Senator Farabee defined what a Texas senator should be, and I certainly would have to agree with that statement.

Whenever the Texas Senate was at an impasse over a controversial issue, whenever there was uncertainty over which direction was best, the senate turned to Ray Farabee for guidance. When an individual senator was unsure about a bill or an issue, it often was Senator Farabee's counsel he sought. He was one of those rare people who enjoyed the universal respect of his colleagues, no matter what their political persuasion, and we in the senate knew we were fortunate to have him among us.

Ray Farabee began his Senate career in 1974, when the people of the 30th District overwhelmingly chose him to succeed Jack Hightower when Mr. Hightower decided to become a Member of this body. It didn't take long for Senator Farabee's unique leadership qualities to become evident to his new colleagues in the Texas Senate.

By 1977, he had been appointed to the powerful Legislative Budget Board, which in Texas is responsible for writing the State budget. In 1981, he was named chairman of the Senate State Affairs Committee, a committee that hears better than half of all legislation considered by the Senate in a given session. He also served on the Senate Finance Committee, the Senate Criminal Justice Committee, the Senate Administration Committee, the Joint Select Committee on Fiscal Policy and many, many other important legislative committees.

During his tenure in the senate, he also was an aggressive and effective legislator. He passed nearly 400 pieces of legislation, often on the most important issues facing the State. For his efforts, he was rewarded five times by being recognized by Texas Monthly magazine as one of the 10 best legislators and also by being named, along with his wife, "Texan of the Year" by Texas Business magazine.

Senator Farabee also was passionate about making Texas government understandable and accessible to all Texans. He is the author of more than a dozen articles that helped explain in detail various aspects of State government.

Last year, Senator Farabee decided to retire from the senate to accept an appointment as vice chancellor and general counsel of the University of Texas System. His absence is deeply felt in the senate, but we all know how fortunate the University of Texas system is to have his services.

Mr. Speaker, I know you share my admiration of Senator Farabee, and I'm sure you will be pleased to learn that this Saturday, March 11, his many friends in the 30th Senatorial District will honor him with Ray Farabee Appreciation Day. Mr. Speaker, I served for 8 years with Ray Farabee. I saw first hand his commitment to outstanding public service and to the people of his district. I know no single event could adequately repay Senator Farabee for all we in Texas owe him, but I'm sure you would agree that we here in the U.S. House of Representatives should do all we can to honor this fine man.

EXCERPTS OF GEN. DWIGHT D. EISENHOWER'S FAREWELL ADDRESS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RICHARDSON. Mr. Speaker, in light of the exhaustive debate now underway in the upper Chamber concerning John Tower, President Bush's nominee to be his Secretary of Defense, I would like to bring to the attention of my colleagues in the Senate and in this body, an insightful analysis by my hometown newspaper of the nominee's qualifications.

The New Mexican, published in Santa Fe, and the West's oldest newspaper chooses not to dwell on Senator Tower's alleged womanizing and drinking habits. Rather, Editor-in-Chief Robert McKinney wisely examines only Senator Tower's decision to serve as a defense industry consultant.

And to back up its claim that Senator Tower is too much a part of the military-industrial complex to become the Nation's chief contracting officer for arms procurement, the New Mexican quotes a Republican President. This past Sunday, along with its editorial, the New Mexican published excerpts from President Dwight D. Eisenhower's farewell address to the American people delivered January 17, 1961.

Specifically, President Eisenhower said:

> In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. We must never let the weight of this combination endanger our liberties or democratic process.

Mr. Speaker, I believe Members of both bodies would be well served if they read the

New Mexican's editorial and President Eisenhower's speech.

Mr. Speaker, I ask that these two documents be inserted in the RECORD:

IF PRESIDENT BUSH WINS, HE STILL LOSES

As members of the United States Senate prepare themselves to vote this coming week on the nomination of John G. Tower as Secretary of Defense, it is proper that they take into account personal character and conduct.

Regardless of whether his character and conduct are with or without stain or blot, something else is more important. That is, whether John G. Tower is, or is not, too much a part of the military-industrial complex to accomplish the sweeping, rigorous restructuring that the Department of Defense needs.

No matter how modern our individual weapons systems may be, the U.S. defense establishment is clearly obsolete in relation to our national debt, our federal deficit and the rapidly changing nature of economic, political and military power on the world scene.

A good perspective from which to view Mr. Tower's qualifications is the famed 1961 Farewell Address of President Dwight D. Eisenhower.

In this memorable speech, the victor of World War II warned against "the conjunction of an immense military establishment and a large arms industry."

For fees in excess of $1 million, Mr. Tower has recently consulted with seven defense and aerospace firms. What made Mr. Tower's advice valuable was not any special ability in weapons design or manufacture; rather, it was that, as recent chief United States negotiator in the strategic-arms reduction talks in Geneva, and also, former chairman of the Senate Armed Services Committee, he was in a position to advise his clients on what products to make and how to sell them.

In our view, Mr. Tower is, indeed, too much a part of the military-industrial complex to become the nation's chief contracting officer for arms procurement. We question where Mr. Tower might seek employment when his term as defense secretary would end.

The patriotic course for Mr. Tower to take would be to withdraw his candidacy, Were only one-third of the Senate to vote against confirming him, it would still reflect too much opposition for the kind of cooperation that a defense secretary needs with the Congress. And far too much opposition to permit the "kinder, gentler" relations President Bush will need with Congress, if his minority administration is to be as successful as we all hope that it will be.

The time will surely come when the executive and legislative branches of government are sharply divided on issues more important to the Bush administration. Then the president will need to do all in his power to keep his minority supporters in line and win over opponents from the majority. Until that contingency arises President Bush should keep his powder dry.

In the Tower affair, even if the president wins, he loses.

WHAT EISENHOWER SAID ABOUT THE DEFENSE ESTABLISHMENT

(The following remarks have been excerpted, verbatim, from President Dwight D. Eisenhower's Farewell Address to the American People, delivered Jan. 17, 1961. We have printed in italics those passages which in our opinion, deal specifically with the issues which should concern the members of the United States Senate—and the American people—during the debate this coming week on the confirmation or rejection of John G. Tower as Secretary of Defense.)

Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Our people expect their president and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the nation.

America today is the strongest, the most influential and the most productive nation in the world. Understandably proud of this preeminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches amd military strength, but on how we use our power in the interests of world peace and human betterment. . . .

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and public economy, balance between cost and hoped-for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind and degree, constantly arise. I mention only two.

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any other predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; *we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.*

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every statehouse, every office in the federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic process. We should take nothing for granted. *Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.*

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex and costly. A steadily increasing share is conducted for, by, or at the direction of, the federal government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by federal employment, project allocations, and the power of money is ever present—and gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society. . . .

Down the long lane of the history yet to be written, America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect. . . .

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent, I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ulti-

mate goal has been made. But so much remains to be done.

We must never let the weight of (the military-industrial complex) endanger our liberties or democratic process. . . . Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.—Dwight D. Eisenhower

BUDGETING PROCESS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. CRAIG. Mr. Speaker, today, I am introducing legislation which would take a step toward restoring honesty to the Federal Government's budgeting process.

Ever since Congress implemented the unified budget concept, we have seen a steady rise in our national spending habits. The unified budget creates an illusion of financial solvency which does not accurately reflect dollars spent versus revenue actually available. Essentially, it allows pork-barreling politicians to emplopy a smoke and mirrors budget process which hides their fiscal irresponsibility and big spending habits.

Meanwhile, the deficit escalates to epic proportions and the programs and services whose dedicated funds are being used to disguise bloated budgets suffer from severe financial constraints. One such example is the Federal hospital insurance trust fund—Medicare.

At a time when Medicare reimbursement to hospitals is so low the health facilities are being forced out of business or no longer serve the poor and elderly, pork projects have surged ahead with full funding. I just hope the budget fat has been worth turning our backs on health care access for millions of Americans.

I am introducing a bill which will remove the Medicare trust fund from the unified budget and exempt it from Gramm-Rudman deficit calculations.

I hope my colleagues will agree that the spending sprees must end. The hide-and-seek funding measures must end. And we must restore accountability to the Federal budgeting process. Please join me as a cosponsor of this important legislation.

TRIBUTE TO SGT. MAJ. ABIE ABRAHAM

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. KOLTER. Mr. Speaker, today I rise to honor Sgt. Maj. Abie Abraham, U.S. Army, retired, known as "The Ghost of Bataan," who is to be honored and inducted into the Michael Kosar American Legion Post 778 Military Hall of Fame, on March 18, 1989. Sergeant Major Abraham entered the U.S. Army in 1932, serving in Hawaii and Panama, and then assigned to the 15th Infantry at Tientsin, China. He departed China and was sent to Manila and assigned to the 31st Infantry. This was the only American regiment in the Far East. This unit was wiped out in defense of Bataan. He served over 3 years in the Japanese Prisoner of War Camp, and was liberated by the 6th American Rangers Battalion in the Battle of the Philippines.

He was personally asked by General MacArthur to remain in the Philippines to locate graves on the "Death March" and other areas in the Philippines. After serving 9 years in the Philippines, Sergeant Abraham was assigned to recruiting duty in Butler, PA. His decorations and awards consist of 24 medals, not including the China Medal and 6 medals from the Philippine Government. He was awarded the Purple Heart Medal for wounds received in the defense of Bataan.

To date, he had been mentioned in 22 books and countless magazines and newspapers. His book, "Ghost of Bataan Speaks," is in the War Museum, London, England; General MacArthur Memorial; and many other military and historical museums.

When records were lost of those who died at Camp O'Donnell, Philippines, Sergeant Abraham spent many months compiling names, serial numbers, date of death and cause of death for the War Department. Col. John Olson, U.S. Army, retired, gave Abraham credit for this in his book entitled, "O'Donnell Andersonville." When the ex-POW's and the next of kin were awarded the POW Medal, Sergeant Abraham, who had been in contact with thousands of next of kin, sent application forms to apply for the medal. Sergeant Abraham was consulted by many Government agencies, including the U.S. Air Force to submit a certificate to them stating that these persons had died as prisoners of war. Several hundred POW members were awarded the medals as a result of his efforts.

Sergeant Abraham's proudest accomplishment was to swear his grandson, Thomas C. Pugh, into the military service during the Vietnam war. Col. Thomas Pugh is a highly decorated officer and now is the commander of the 2d Brigade, Pennsylvania Army National Guard. His continuation of the military tradition of the family was a great tribute to his grandfather.

It is my great honor to present to Sgt. Maj. Abie Abraham, a Certificate of Special Congressional Recognition, and telling my colleagues in Congress of this dedicated service to this Nation.

TRIBUTE TO WILLIAM R. GILES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mrs. ROUKEMA. Mr. Speaker, I urge my colleagues to join me in recognizing one of northern New Jersey's outstanding citizens. On March 11, the Ramapo College Foundation will hold its seventh annual distinguished citizens awards dinner. This year they will honor William R. Giles, founder and chairman of E.P.C. International, Inc., of East Orange, NJ, for his professional and community service.

E.P.C is an advertising specialty and premium firm serving major corporations nationwide. In recent years, E.P.C. has been honored by the National Minority Business Council as the outstanding minority business in the Nation. Without doubt, E.P.C. has reached such heights through the dynamic leadership of William Giles.

But Ramapo College is not recognizing Bill Giles exclusively for his business prowess. He has an unsurpassed record of service to his community, his State, and the Nation. He plays a major role in many local and civic organizations and has undertaken numerous charitable endeavors, always looking to help those who are less fortunate.

He is chairman of the building fund of the New Hope Baptist Church of East Orange and a member of the board of directors of the East Orange General Hospital. On this list of Who's Who Among Black Americans, Mr. Giles is president of the 100 Black Men of New Jersey. Through his annual "evening of elegance," Bill Giles is a supporter and major fundraiser for the United Negro College Fund.

In addition, Mr. Giles is a member of the board of directors of Enterprising Twenty, Lions Club, Specialty Advertising Association of Greater New York and a member of the board of trustees of Benedict College in Columbia, SC. Bill holds membership in the Kiwanis Club, the Greater Newark Chamber of Commerce, Specialty Advertising Association International, Advertising Specialty Institute, East Orange Chamber of Commerce, NAACP, and the National Urban League.

A family man, Bill has made important contributions to many New Jersey citizens. It is with pleasure that I call the attention of my colleagues to distinguished service of William Giles, one of New Jersey's finest.

SITUATION IN EL SALVADOR

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. MARLENEE. Mr. Speaker, I like to take this opportunity to let my colleagues know that I will support whoever is selected in a free and fair election as President of El Salvador. With the March 19 elections quickly approaching, I believe it is critical that the people of El Salvador not be blackmailed by anyone—either the Marxist FMLN rebels, the State Department, or the United States Congress—in their choice for President.

Over the past 8 years, we can be thankful that former President Reagan stood up to communism in El Salvador and supported freedom in Central America. I also salute the courage of many Salvadorans who braved violence from leftists and rightists to stand in line to vote time and time again.

Now, we've got to let the people of El Salvador make this choice again. I would strongly oppose efforts by many liberals in Congress to defund El Salvador just because the people might elect a President from the ARENA party. This political organization has severed

all ties to people thought to be associated with "right-wing" death squads that were abolished in the early 1980's. Its new leader, Alfredo Cristiani, is a respected businessman with solid conservative credentials with no connections to "right-wing" death squads.

Unfortunately, our liberal friends can't appeal to the humanity of the Marxist FMLN to stop its "left-wing" death squads. It appears that we're in for another repeat of Nicaragua, and we've forgotten the valuable lessions of over a decade ago where we permitted the Communist Sandinistas to take over Nicaragua in exchange for vague promises for democracy and pluralism.

Mr. Speaker the liberals have defunded the Nicaraguan freedom fighters under the guise of supporting the Arias peace plan. We all see that this plan has miserably failed. Now that the Contras are without United States support, the liberals' next target is El Salvador.

No liberal talks about ways to encourage the East bloc to defund the Sandinistas or the FMLN guerillas. Mr. Speaker, it makes you wonder who the real friends of peace and freedom are in the world. Peace without the essential ingredient of freedom is nothing more than slavery. I will not stand for a growing Soviet empire in Central America, and I will support whoever is fairly elected President of El Salvador on March 19.

RESOLUTION TO DECLARE A "DECADE OF THE BRAIN"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. CONTE. Mr. Speaker, I am proud to reintroduce today my resolution declaring the decade beginning January 1, 1990, as the "Decade of the Brain."

I have introduced this resolution—more than once—because I am absolutely convinced that we are on the threshold of tremendous breakthroughs in understanding, preventing, and treating the devastating disorders that disable the human brain. These behavioral and biological diseases and disorders are the most frightening and the most dreaded of all causes of human suffering. Yet, finally, we have arrived at a peak in the progress of biomedical research—a peak from which we can look out toward a new horizon, one which holds freedom from these diseases which destroy the brain.

How can this revolutionary progress be documented? Simple—those doctors who are established in medical practice or in research careers today have found that their old textbooks on neuroscience have been totally rewritten. Fully 95 percent of what scientists now know about the brain has been learned in the past 10 years.

Recent advances in neuroscience have brought us to a threshold as important and as promising as the first launch into space—but this threshold involves a delicate step inside the human brain. Through technological developments, it is now possible to "look inside the human brain"—without surgery—and to see exactly what is happening in the brain of a schizophrenic person, or a Alzheimer's patient. It is literally possible to watch on a computerized screen as a patient is given a mental task to perform, and to see where in his brain the electrical or biochemical activity is not as it should be.

At last year's appropriations hearings we learned from the National Institute of Mental Health that "as we approach the 21st century * * * we will be able to prevent such devastating diseases as schizophrenia, depression, anxiety, and manic-depressive disorders. Through neuroscience research, we can realistically anticipate a time in the near future when we will fully understand our brains—how they function and dysfunction."

The fact that we are now standing on the threshold of so great an opportunity to end human suffering has been confirmed in a report by the Advisory Committee to the National Institute on Neurological Disorders and Strokes, one of the National Institutes of Health.

Ten years ago, in 1979, the NINDS began studying a large family affected with Huntington's disease. Directly as a result of this work, in 1984, scientists at the Massachusetts General Hospital—supported in part by the NINDS—were able find the chromosome which holds the Huntington's disease gene. The specific identity of the gene remains unknown—so far. In effect, "we know the street that the gene is on, but not the house number." Scientists are working hard to locate the gene which will provide clues to the cause and possible treatment of this devastating disease, and other diseases, including Parkinson's Dystonia, Neurofibromatosis, Duchenne muscular dystrophy, Gaucher disease, and so many others.

The brain also holds an important key to success in our fight against substance abuse. Recent discoveries have led to fundamental insights as to why people abuse drugs, how abused drugs affect brain function leading to addiction, and how some of these drugs cause permanent brain damage. Continued studies of the brain will contribute to the development of new treatments that will curtail the craving for drugs, break the addictive effects of drugs, prevent the brain-mediated "high" caused by certain abused drugs, and lessen the damage done to the developing minds of babies, who are the innocent victims of drug abuse.

Research into the neurosciences also will help us deal with those people who have suffered a head injury. Dr. Murray Goldstein, Director of NINDS, will soon be presenting to my Appropriations Subcommittee a report prepared by the task force he chaired on head injury. I believe that Dr. Goldstein's report will reveal that this problem affects many more people, in far more devastating ways, than most of us could have suspected. Neuroscience research has already told us that victims of traumatic brain injury can be helped, that certain parts of the injured brain "shut down" for several hours after the injury, but that they can be reviewed and rehabilitated. So we have discovered that there is reason for hope. Now is the time to turn that hope into treatment, prevention of secondary injuries, and rehabilitation.

Senator RIEGLE will soon be introducing a companion resolution, as he did last year. But, here in the House, we can and should take the lead. Last year, 161 of you joined me as cosponsors of this resolution. This year, we can make it our priority to help the millions of Americans suffering from brain-related diseases, disorders, and disabilities by declaring a "Decade of the Brain."

At the end of my statement, I will include several letters I have received from health-related organizations supporting this resolution. Many other medical organizations and patient advocacy groups have been helpful as well—the National Alliance for the Mentally Ill was critical in getting a Senate companion introduced last year. And the Dystonia Medical Research Foundation is collecting signatures on a petition supporting this resolution—the count is already over 10,000.

I urge you to listen most closely to the parents, families, and patients in your own districts who are coping with brain-related disease. With this resolution, you can help bring treatment and health closer to them by declaring our commitment to crossing this research threshold.

In order to cosponsor the resolution, please contact Gary Bresnehan at 5-5335.

THE STRUGGLE FOR FREEDOM IN POLAND

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. COX. Mr. Speaker, on March 2 I had the opportunity to meet with Marian Jurczyk, the leader of activists within Solidarity who are concerned that the Jaruzelski government is attempting to co-opt the union. I was able to introduce him to President Bush's new head of the United States Information Agency and several White House officials who will help shape United States policy toward Poland.

My colleagues here, who will also be making decisions that will affect our foreign policy toward Poland and other nations struggling for freedom, will find his point of view just as useful and interesting as those in the executive branch, so allow me to briefly summarize the situation in Poland from Mr. Jurczyk's point of view.

Recently, Solidarity leader Lech Walesa was seriously embarrassed when bands of youths—declaring support for the Union and its leader, but rejecting any talks with the Communists—took to the streets in several Polish cities.

Students, church-goers, and workers battled police units in Cracow, Gdansk, and Lodz. The Communist government has now put the police on a heightened state of alert.

The aroused Polish public are the very same workers who carried out the strikes last spring and summer that led to the current so-called "round table" talks with the Communist government. Mr. Walesa knows that his perceived cooperation with the Jaruzelski government is putting at risk the support of his most loyal and effective constituency.

Eight years ago, when Mr. Walesa was an electrician who climbed over the Lenin shipyard's fence to join a strike against the government, he was chosen by other shipyard workers to argue their case. At the National Solidarity Conference, he defeated long-time activist Marian Jurczyk by 200 votes for chairman of the newly created Solidarity Union.

Mr. Jurczyk is 53, a shipworker born near Lodz in central Poland to a peasant family. His dignified bearing and business attire befit a member of the National Solidarity Conference, but his eyes and his hands serve as a reminder that he began working before he was 16.

Shortly after the birth of Solidarity, he was arrested in December 1981 and was imprisoned by the Polish Communist authorities. For 3 years, he remained in jail, cut off from his family. During his imprisonment, his only son, age 23, along with his daughter-in-law, age 20, were killed in circumstances still not clarified.

Despite the tragic death of his family and his extended imprisonment, Mr. Jurczyk continued his commitment and activism in behalf of the Solidarity union and a free and independent Poland.

Mr. Speaker, during our meeting, Mr. Jurczyk talked with me about the difficulty of life in Poland. Infant mortality is incredibly high: in some regions, such as Silesia, children are born deformed because of concentrations of lead in their lungs. Cancer and heart disease are increasing even among persons in their most productive years. Thousands of Poles meet early deaths, and life expectancy, according to official Government figures, continues to fall.

Polish forests are dying. In many areas, Mr. Jurczyk told me, the earth is so poisoned that it should not be used for the growing of food. Many lakes and rivers are so polluted that all biological life may soon be eliminated.

"Our life's work of several generations is being destroyed," he told me. "The inheritance from the work of our ancestors is being eliminated."

I asked Marian Jurczyk what the U.S. Congress can do to help. "The ultimate goal is a free and sovereign nation," he said, "and the first step is that Solidarity must be legalized." To that end, Mr. Jurczyk wants America to use the Polish language broadcast services of Radio Free Europe and Voice of America to keep strong political pressure on the Communists.

A statement by Mr. Jurczyk continues:

The current discussions around the so called "round table" do not resolve Polish problems for a number of reasons. In the first place, I don't believe in the sincerity of the government of the Polish Peoples Republic [PRL], which to this time has never kept its word. One cannot trust Communists.

In the second place, full representation of the nation is lacking at the round table, in spite of what is said. When the fate of the nation, not only that of Solidarity is being weighed, persons of all political orientations must have a voice.

Polish problems can be resolved when the nation attains independence. Independence is not granted by anyone as a gift. It is not attained at any table. one must fight for independence.

I would simply add, Mr. Speaker, that we in this body can pursue policies that will keep pressure on the Communists. We will face many issues in the 101st Congress that will touch upon the concerns raised by Mr. Jurczyk. When we do, we should remember the facts of the situation in countries such as Poland. We should not be blinded by smiling East Bloc faces.

Mr. Speaker, I would like to thank Solidarity California, a group of dedicated men and women seeking to help bring freedom to Poland, for introducing me to Mr. Jurczyk and for all the hard work they have done on behalf of the Polish people and other victims of Communist tyranny. As long as we continue to work hard for democracy on both sides of the ocean, we'll get twice as much done.

ENERGY EFFICIENCY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 8, 1989 into the CONGRESSIONAL RECORD:

ENERGY EFFICIENCY

In the thirteen years following the 1973 Arab oil embargo, the United States made major improvements in its energy efficiency—increasing its output of goods and services by 40% while holding energy use close to 1973 levels. But recently the improvement has stopped. As lawmakers consider several national economic, environmental, and security issues, boosting America's energy efficiency is assuming an increasingly important role in the debate.

Improving energy efficiency means reducing the amount of energy used to produce the same or higher levels of goods and services. It is not simply saving resources, but doing more with less. Everything that uses energy—industrial equipment and processes, planes and automobiles, buildings, homes and appliances—helps determine national energy efficiency. More efficient use of resources since the 1970s has cut the nation's annual fuel bill for oil, gas, coal, and nuclear power by an estimated $160 billion.

There are several important benefits of using energy more efficiently. Cutting energy use and costs in manufacturing allows U.S. companies to produce goods more cheaply, making them more competitive in world markets. Efficient use of energy resources also helps reduce the U.S. trade deficit and dependence on foreign oil, as oil imports now account for one-quarter of the U.S. trade deficit and 40% of U.S. oil consumption. Energy efficiency also helps protect the environment, by reducing industrial and vehicle emissions which contribute to urban smog, acid rain, and global warming.

Since 1973, private industry has led the way in increasing energy efficiency. In 1986, industrial energy use in the U.S. was 17% lower than in 1973, while production in the same period increased 17%. These gains were triggered by the growth of industries that consume less energy in production—for example, computer electronics and software instead of steel and cement—and by the development of more efficient equipment and processes in energy-intensive industries such as oil refining and chemicals. In transportation, efficiency improvements were due to factors such as the doubling since 1973 of the government's average fuel economy standards for new cars and structural changes in jet airplanes which greatly reduced fuel needs. Better insulation of buildings and homes, as well as energy savings in heating and lighting systems, has also contributed to efficiency gains since 1973.

Yet, after increasing 24% between 1976 and 1986, energy efficiency in the U.S. stopped growing in 1987 and declined in 1988. Despite the strides made since the 1970s, the U.S. remains one of the world's least energy-efficient industrial countries. Japan and West Germany, for example, use only half as much energy to produce a unit of goods and services as does the U.S. The decline in U.S. efficiency in recent years is largely due to the collapse of oil prices in 1986, which has yielded cheap, plentiful supplies and reduced the incentive to save energy. Other factors include government spending cuts during the 1980s in energy conservation programs. For example, federal energy efficiency programs were reduced by 70% and renewable energy research and development programs were cut by 80%.

The success of Japan and European nations in achieving greater energy efficiency than the U.S. indicates that American efficiency levels can be significantly improved. In the U.S., as much energy leaks through windows every year as flows through the Alaskan pipeline. Energy-efficient options include better insulation, fluorescent lighting, and sensor systems which reduce wasted energy in buildings. Foreign auto makers—now producing some cars that get over 50 miles per gallon (mpg) and developing prototypes that average over 70 mpg—are leading efforts to redesign engines and transmissions and to increase use of lighter-weight aluminum, steel alloys, and plastics. In manufacturing, innovative energy-efficient technologies—such as continuous steel casting which molds steel directly into shape to save energy—are becoming more widely available. Some utilities are now using "least-cost" services to meet energy demands, installing highly efficient electrical equipment for their customers instead of investing in new generating plants.

Yet, given the collapse in oil prices, it is likely that efficiency improvements will continue to slacken without government encouragement. The federal government should renew its commitment to research and development programs which have produced energy efficient technologies and applications yielding an estimated $500 million in industrial savings. Especially promising is research into more efficient fuel combustion, high-temperature alloys and ceramics for engines and boilers, and recovery of waste heat from furnaces, engines, and manufacturing processes.

Other steps could be taken to promote conservation and efficiency. The Congress should consider toughening energy performance standards for cars, trucks, and buildings; stimulating the production of ultra-efficient cars by purchasing them for government fleets; increasing energy taxes and imposing a tax on gas guzzling cars; improving energy efficiency in federal buildings and federally assisted housing; taxing fossil fuel emissions; expanding federal assistance to states for home weatherization programs; boosting commercialization of promising

federal energy research; and creating an acid rain control program which would place caps on state emissions and encourage emissions reductions through conservation.

Saving energy does not require sacrifice, and should not be pursued as an end in itself. Energy efficiency serves three national priorities—competitiveness, environmental quality, and energy security. Potential gains from increased efficiency demand that the U.S. reorient its policies to promote better stewardship of energy resource use. Government efforts help address problems that the market cannot solve completely by itself. Public and private sector commitment, as well as the involvement of individuals, is central to securing these gains.

LAND PARCEL TRANSFER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. LAGOMARSINO. Mr. Speaker, I am introducing legislation requiring the Forest Service to reconvey title to a 40-acre parcel of land in Los Padres National Forest to Mrs. Florence F. Brown of Goleta, CA.

This land parcel is affected by the July 6, 1960, Sisk Act (P.L. 86-596). As you may know, the Sisk Act was enacted by Congress to resolve land ownership problems resulting from an 1897 law (30 Stat. 36) which permitted landowners within forest reserves to deed their lands to the United States for equal acreage in lieu thereof on vacant public lands. Unfortunately, many parties did not successfully complete the selection and receipt of the in-lieu lands. For such cases, the Sisk Act provided the right for appropriate payment from the United States to qualified parties for 1 year after date of enactment. However, many landowners were unaware their property was affected, and did not act to meet the deadline for seeking payment. My constituent, Mrs. Florence Brown, is included within this group.

Mrs. Brown currently owns a ranch located within the boundaries of Los Padres National Forest. One of her parcels was originally granted to Andres Ruiz by the Homestead Act of 1862. Mr. Ruiz deeded this parcel to the United States in 1905 in lieu of other lands as provided under the 1897 law. However, the in-lieu selection and receipt of the lands was never completed. In 1920, the United States issued a disclaimer letter concerning all rights, title or interests to or in the land parcel. Mrs. Brown acquired the property in 1945 and has since occupied in good faith, improved and paid property taxes on the 40-acre parcel. Unfortunately, the Sisk Act presents a cloud on the title to this property.

The Forest Service, after reviewing this matter, has indicated that reconveyance of this parcel to Mrs. Brown is appropriate. In addition, Mrs. Brown has occupied and been a good steward of the land for over 40 years. Therefore, I believe equitable relief, as provided in my bill, is a just and proper resolution to this problem.

I urge all of my colleagues to join with me in supporting this legislation and requesting expeditious action by Congress.

THE HOWARD UNIVERSITY PROTEST

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. OWENS of New York. Mr. Speaker, I rise in support of the students at Howard University in Washington, DC, who have mounted massive protests on campus to denounce the appointment of Republican National Committee Chairman Lee Atwater to the university's board of trustees.

While it is preferred that the students attend classes and not disrupt day-to-day campus operations, I understand their outrage. For Lee Atwater was the architect of the infamous Willie Horton strategy that catapulted President Bush to the White House by manipulating and expoliting fears and racial resentments that too many white American voters unfortunately harbor toward African-Americans. Atwater's sensationalized televison commercials managed to equate furloughed African-American prisoner Willie Horton with all African-Americans, particularly African-American males. Horton victimized a white American couple in Maryland while he was out of prison. The none-too-subtle message of these campaign commercials was not only that Democratic Presidential candidate Michael Dukakis believed in coddling criminals—Horton was furloughed from a Massachusetts' prison during one of Dukakis' terms as Governor of the State—but that most African-Americans may be perceived as dangerous brutes like Willie Horton. If Dukakis and the Democratic Party were supportive of civil rights and affirmative action for African-Americans, then, they were supportive of these wild, uncontrollable, savage and menacing African-Americans, most of whom are like Horton.

Atwater's strategy was but a continuation of 8 years of Reagan administration rollbacks in civil rights and affirmative action gains, based on the administration's premise that these reparations for 250 years of slavery and another 100 years of victimization and continued discrimination were excessive and unnecessary.

Such attitudes signaled to the American public that racial intolerance was once again permissible. In the 8 years of the Reagan administration, we have witnessed an increase in Ku Klux Klan membership and activity, and the growth of white hate groups in the Pacific Northwest and Western States. There have been increases of racially motivated violence on predominantly white college campuses. And in New York City, there was the Howard Beach incident in which some white youth attacked some African-American males for having the temerity to walk the streets of their neighborhood. More recently, a Ku Klux Klan leader and white supremacist, David Duke, was elected to the Louisiana State Legislature as a Republican candidate. While Atwater and other GOP leaders and spokespersons have expressed shock and dismay at this turn of events, they should not be surprised: The last 8 years, as well as the "Hortonizing" of the Presidential election, paved the way for Duke's victory.

It has been said that Atwater was selected for his position on Howard University's Board of Trustees in hopes that he would attract more funds for Howard, given the relative wealth of the GOP. I am reminded of a line from Lorraine Hansberry's famous play, "A Raisin in the Sun," in which the adult son in the play's African-American family considers taking payoff money from a representative of a white citizens' council in a segregated Chicago suburb where his family had just purchased a house, to see the family through a sudden economic crisis. The mother in the play tells her son that the family came from generations of proud African-American people who would never think of accepting money from those who felt they were not fit to walk the Earth.

Historically black colleges and universities are in constant struggle to keep their doors open and fulfill their mission to educate generations of African-Americans. But as the placard of one Howard University student protester read, "How low must Howard sink for a dollar?"

Mr. Speaker, like the protesting Howard University students and countless others around the Nation who share their concern, I sincerely hope that the Howard University Board of Trustees reconsiders its appointment of Lee Atwater to its board, given his role in fanning the flames of racial hatred.

TRIBUTE TO RABBI SAMUEL I. PORRATH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. LaFALCE. Mr. Speaker, I rise to pay tribute to a truly outstanding citizen and public servant whom I proudly represent in Congress, Dr. Samuel I. Porrath.

Rabbi Porrath is retiring from his more than 50 years in the Rabbinate, including serving as Rabbi of Temple Beth Israel of Niagara Falls, NY and Temple Beth El of Greater Buffalo, NY. He will be honored at a retirement ceremony and reception on March 12, 1989 at Temple Beth El. I ask my colleagues today to join me in honoring this most respected member of our community.

Rabbi Porrath is well deserving of the praise and love which will be bestowed upon him during this retirement event for he has had a distinguished career and a significant impact upon the lives of so many, both through his religious and secular teachings and writings. The words of the prophet Jeremiah have special meaning when applied to Rabbi Porrath: "He shall be as a tree planted by the water, and that spreadeth out her roots by the River."

Rabbi Porrath was born in Jerusalem and is a 16th generation rabbi. He is proud of his heritage and delights in sharing stories about his rabbi family with his congregants. They are stories about his roots that have influenced the thinking and activities of many in our community and throughout the Nation.

Mr. Speaker, Rabbi Porrath possesses a special warmth and vitality. Throughout his 50

years as a rabbi, as a Hebrew and Bible teacher, he has shared that vitality from the pulpit, from the lecturn, in writing, and through travel. His congregants are honoring him because he has so positively influenced their lives, by spreading out his roots and because they are so proud of his accomplishments in the rabbinate.

Mr. Speaker, all of us have reason to be proud of Rabbi Porrath. He is one of those individuals who seeks new horizons and creative involvement to better serve society.

He is a founder and former trustee of Niagara County Community College as well as the founder of the innovative Institute of Transportation Travel and Tourism at Niagara University. His curriculum for a career program in executive and managerial skills has been copied in many colleges and universities throughout the country.

Rabbi Porrath has been a motivating force in numerous local and national organizations and is the recipient of many awards and citations for his civic work, including the Niagara Falls Rainbow Award. He has been a leader in the community for furthering interfaith and interracial relationships and, as such, has been the recipient of the B'nai B'rith Interfaith Award.

Mr. Speaker, I know my colleagues join me in extending appreciation to Rabbi Porrath on this special occasion. Rabbi Porrath has led the way for so many. He is an inspiration to all of us.

Again, quoting Jeremiah, "Stand ye in the ways, and see, and ask for the old paths, where is the good way, and walk therein." Rabbi Porrath brings us the treasures of the "old paths," has pointed so many to the "good way," and has influenced all he has met to "walk therein."

ST. PATRICK'S DAY 1989

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. GILMAN. Mr. Speaker, I rise again this year to call to the attention of our colleagues the fact that St. Patrick's Day is again upon us. This feast is not only the national holiday of the Republic of Ireland, but is also a very special day for the Irish and for the Irish at heart throughout the world.

It is now 1,500 years since St. Patrick drove the snakes from the Emerald Isle and coverted that land to Christianity. It is altogether fitting and proper that St. Patrick be remembered until this day, for he has served as a constant inspiration for the past 15 centuries.

It is altogether benefiting that the Irish people have retained their faith in God, despite all the trials and tribulations that they have endured throughout the centuries—and most particularly during the past 20 years—which would try the patience of Job. And yet, the Irish people persevere. Those hardships seem to only strengthen the spirit and the determination of the Irish people.

Perhaps the most recent outrage against human decency in Northern Ireland, although far from being the only recent outrage, was the brutal murder of Patrick Finucane in the presence of his family. Patrick was a civil rights lawyer who defended the rights of both Catholic and Protestant. A Protestant vigilante group, that was apparently inspired by an ill-timed, ill-informed verbal attack on Finucane by a British official, claims responsibility for the murder.

We condemn all forms of violence whether civilian or official in nature. It is the primary obstacle to the desired goal of peace with justice for Northern Ireland. Patrick Finucane lived in pursuit of that goal and died as a martyr to this still unfulfilled dream.

For 200 years or more, Irish immigrants have contributed significantly to forging our American culture. Irish-Americans have partaken in every conceivable facet of American life, from baseball to Broadway, from politics to high finance, from medicine to the law.

Despite the many worthy contributions of the Irish to American society, our immigration laws since 1965 seem especially restrictive against the Irish.

Accordingly, I am introducing legislation that will allow nonpermanent residents to enlist in the regular Armed Forces, the National Guard, or the State militias. This legislation will alleviate the manpower crisis our Armed Forces are suffering, while at the same time providing a new avenue for worthy Irish and other potential immigrants to enter our Nation.

Under this proposal, nonpermanent residents who enter our Armed Forces in this manner will automatically be eligible for permanent resident status after 3 years, with the opportunity to become full U.S. citizens after 5 years.

Mr. Speaker, let us take advantage of this St. Patrick's Day to reflect on the contributions of the Irish to our Nation and to the world, and to pray for a just and lasting peace in that too long-embattled island.

I insert the full text of my legislation at this point in the RECORD and I invite my colleagues to join in support of this bill:

H.R. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENLISTMENT OF CERTAIN ALIENS IN THE ARMED FORCES AND STATE MILITIAS.

(a) ENLISTMENT OF CERTAIN ALIENS IN THE ARMED FORCES.—(1) Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 520c. Enlistment of certain aliens

"(a)(1) During the first three quarters of any fiscal year, each Secretary concerned may accept for original enlistment aliens described in subsection (b). The numbers of such enlistments accepted during such period may not exceed the following:

"(A) In the Regular Army (or the reserve component thereof) 6,000.

"(B) In the Regular Navy (or the reserve component thereof) 5,000.

"(C) In the Regular Air Force (or the reserve component thereof) 3,000.

"(D) In the Regular Marine Corps (or the reserve component thereof) 2,000.

"(E) In the Regular Coast Guard (or the reserve component thereof) 1,500.

"(2) During the fourth quarter of any fiscal year, each Secretary concerned may provide for the enlistment of other qualified aliens to the extent that enlistments enumerated under paragraph (1) remain unused at the end of the third quarter of such year.

"(b)(1) Aliens who may enlist in the armed forces in the manner described in subsection (a) are the following classes of aliens:

"(A) Aliens not already admitted to the United States for permanent residence who are foreign nationals present in any State, territory, or possession of the United States, whether or not in the United States on a valid, unexpired visa.

"(B) Aliens not already admitted to the United States for permanent residence who are abroad but who apply for enlistment through the United States diplomatic mission to a country or to any other appropriate United States military or diplomatic personnel designated for such purpose by the Secretary concerned.

"(2) To qualify for enlistment the alien must also satisfy any other enlistment qualifications prescribed by the Secretary concerned.

"(c) If, within 60 days after the commencement of war or an emergency declared by the Congress, the Congress fails to increase the numbers authorized under subsection (a), the President may set such number.

"(d) Any alien enlisting in the armed forces under this section shall, in addition to taking the oath prescribed under section 502 of this title, declare an intention to become a citizen of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding after section 520b the following new item:

"520c. Enlistment of certain aliens.".

(b) ENLISTMENT OF CERTAIN ALIENS IN THE ORGANIZED MILITIA.—(1) Chapter 13 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 313. Enlistment of certain aliens in the organized militia

"(a)(1) The chief executive officer of any State, territory, or possession of the United States may provide for the enlistment of aliens described in subsection (b) in the organized militia.

"(2) The number of aliens enlisted under this subsection by any chief executive officer may not exceed 3,000 during any fiscal year. The apportionment of such enlisted members shall be determined by such officer, except that at least two-thirds of such enlisted members shall be reserved for the Army National Guard.

"(3) The term of any enlistment provided under this subsection may not be less than 3 years.

"(b)(1) Aliens who may enlist in the organized militia of any State, territory, or possession of the United States in the manner described in subsection (a) are aliens not already admitted to the United States for permanent residence who are foreign nationals present in any State, territory, or possession of the United States, whether or not in the United States on a valid, unexpired visa.

"(2) To qualify for enlistment the alien must also satisfy any other enlistment qualifications prescribed by the appropriate chief executive officer.

"(c) If, within 60 days after the commencement of a war or emergency declared by the Congress, the Congress fails to increase the authorized number under subsection (a), the President may set such number.

"(d) Any alien enlisting in the militia under this section shall, in addition to taking the oath prescribed under section 502

of this title, declare an intention to become a citizen of the United States and shall take any oath applicable to the State, territory, or possession.".

(2) The table of sections at the beginning of such chapter is amended by adding after section 312 the following new item:

"313. Enlistment of certain aliens in the organized militia."

SEC. 2. LEGALIZATION OF STATUS OF ALIEN ENLISTED MEMBERS AND THEIR FAMILIES.

(a) PROVIDING FOR LEGALIZATION.—Chapter 5 of title II of the Immigration and Nationality Act is amended by inserting after section 245A (8 U.S.C. 1255A) the following new section:

ADJUSTMENT OF STATUS OF CERTAIN ALIENS ENLISTED IN THE ARMED FORCES OR THE ORGANIZED MILITIA

"SEC. 245b (a) TEMPORARY RESIDENT STATUS.—(1) The Attorney General, in consultation with the Secretary concerned (as defined in section 101(8) of title 10, United States Code) or the appropriate chief executive officer of the pertinent State, territory, or possession, shall adjust the status of an alien (and any spouse or child following or accompanying to join such alien) if the alien satisifes the following requirements:

"(A) The alien is an enlisted member of the armed forces or the militia, as described in sections 520c(a) and 313(a) of title 10, United States Code, respectively.)

"(B) The alien establishes that he or she is otherwise admissible to the United States as an immigrant.

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(2) The spouse or child of any alien described in subparagraph (A) of paragraph (1) must satisfy the requirements under subparagraph (B) through (D) of such paragraph to be eligible for an adjustment of status under this subsection.

"(b) ADJUSTMENT TO PERMANENT RESIDENCE.—(1) The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) If the alien is described in subsection (a)(1)(A), the alien serves not less than 3 years of honorable service in the armed force or militia and is not released or discharged from the armed force or militia under any condition other than honorable.

"(B) The alien applies for such adjustment of status to the Secretary concerned, or to the chief executive officer, not more than 3 months following the conclusion of such service.

"(C) The Secretary concerned or the chief executive officer approves such application and forwards it to the Attorney General.

"(D) The alien is admissible as an immigrant, as provided under subsection (a).

"(2) Upon the petition of the Secretary concerned or the chief exeuctive officer, the Attorney General shall waive the 3-year honorable service requirement under subparagraph (A) armed forces or the organized Militia.".

"(A) for any alien if the alien was wounded in action or held in captive status (as defined under section 559 of title 37, United States Code), or

"(B) with respect to the spouse or child of any alien described in subparagraph (A) or any alien who was killed in action or otherwise died while in the line of duty.

"(c) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations of sections 201 and 202 shall not apply with respect to aliens covered under this section.

"(d) SUSPENSION OF DEPORTATION.—The Attorney General shall not deport, detain, or take other adverse action against any alien who has submitted an application to enlist in the armed forces, under section 520c of title 10, United States Code, or in the organized militia under section 313 of such title, pending determination as to the enlistment of such alien, nor shall such application for enlistment constitute the original and only cause for the initiation of deportation proceedings.".

(b) CLERICAL AMENDMENT.—The table of contents of chapter 5 of title II of the Immigration and Nationality Act is amended by inserting after section 245A the following new item:

"SEC. 245B. Adjustment of status of aliens enlisted in the armed forces or the organized militia.".

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall apply to fiscal years beginning after September 30, 1989.

NUCLEAR DECOMMISSIONING RESERVE FUND ACT OF 1989 REDUCES UTILITY RATES AND PROVIDES AN ADDITIONAL MARKET FOR U.S. TREASURY OBLIGATIONS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation which will have the dual benefit of lowering electric utility rates for consumers while increasing tax revenues from existing qualified nuclear decommissioning reserve funds. The Nuclear Decommissioning Reserve Fund Act of 1989 will achieve these results by lowering the applicable tax rate on the income of such funds and removing the current investment restrictions on such funds.

Generally, owners of nuclear powerplants must decommission, or close down and dismantle, such plants at the end of their useful lives. Decommissioning involves major expenditures because of residual radiation and generally will occur many years after a plant first becomes operable. A utility company which owns a nuclear power plant usually collects a portion of the estimated future cost of decommissioning the plant each year from customers as a cost of service.

Section 468A of the Internal Revenue Code of 1986 allows a utility to deduct contributions to a qualified nuclear decommissioning reserve fund, subject to certain limitations. A qualified nuclear decommissioning reserve fund is a segregated fund to be used exclusively for the payment of nuclear decommissioning costs and other related expenses.

The qualified fund constitutes a separate taxable entity and is subject to tax at the maximum corporate income tax rate—currently 34 percent. The assets of a qualified nuclear decommissioning reserve fund, like those of a tax-exempt black lung disability trust fund, may be invested only in Federal, State, or local government obligations or certain bank or credit union deposits.

Although establishment of a qualified fund for decommissioning carries certain tax advantages for utilities, the current restrictions so limit the investment alternatives as to make an election under Code section 468A of limited value. Utilities which establish such a fund generally limit their investments to tax-exempt securities due to the fact that the maximum corporate income tax rate is applied to taxable income of the fund. As a result, the U.S. Treasury is denied significant tax revenue from the qualified funds. The current investment limitations, although well-suited to a tax-exempt black lung trust, are inappropriate when applied to a taxable entity such as a qualified nuclear decommissioning reserve fund.

The Nuclear Decommissioning Reserve Fund Act of 1988 would correct these problems and make establishment of a qualified nuclear decommissioning reserve fund more attractive, by lowering the tax rate on income of such a fund from 34 to 15 percent and eliminating the current restrictions on fund investments. These modifications would encourage utility companies with qualified funds to invest in taxable securities such as U.S. Treasury obligations rather than tax-exempt securities. This revised investment program would benefit utility customers and increase tax revenues from existing qualified funds.

This legislation would reduce the annual amount of decommissioning costs charged to customers. Based on a Price-Waterhouse study, completed in February of last year, if the tax rate were lowered to 15 percent and the current investment restrictions were eliminated, the annual decommissioning collections in calendar years 1989 to 2004 from customers of utilities which already have established qualified funds would drop to approximately $394 million—from approximately $425.8 million under current law—saving nearly $32 million annually and directly benefiting customers by lowering the electricity rates they otherwise would be charged.

Furthermore, based on the same study, if the income tax rate were decreased to 15 percent and the current investment limitations were removed, it is estimated that total tax revenues from existing qualified funds would escalate to nearly $43 million for calendar years 1988 through 1990. This represents an estimated increase of more than $31 million in Federal tax revenue from existing qualified funds over current law.

The Nuclear Decommissioning Reserve Fund Act of 1989 represents an opportunity to create a substantial market for U.S. Treasury obligations and increase tax revenue from existing qualified funds. In addition, the bill would benefit customers through lower utility rates. I am hopeful that my colleagues, recognizing the merits of this legislation, will support this bill.

NUCLEAR DECOMMISSIONING-RESERVE FUND ACT OF 1989

To amend section 468A of the Internal Revenue Code of 1986 with respect to de-

ductions for decommissioning costs of nuclear power plants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Decommissioning Reserve Fund Act of 1988."

SEC. 2. NUCLEAR DECOMMISSIONING RESERVE FUND.

Section 468A(e) of the Internal Revenue Code of 1986 is amended as follows:

a. Paragraph (2)(A) is amended by deleting "equal to the highest rate of tax specified in section 11(b)" and inserting in lieu thereof "of 15 percent", and

b. Paragraph (4) is amended by adding "and" at the end of subparagraph (A), by deleting ", and" and inserting in lieu thereof a period at the end of subparagraph (B), and by deleting subparagraph (C).

SECTION 3. EFFECTIVE DATE.

The amendments to Code section 468A which are made by this bill shall be effective with respect to taxable years beginning after December 31, 1988.

GEICO HONORS RITA CALKINS OF SEMINOLE, FL, FOR SPECIAL WORK IN PHYSICAL REHABILITATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. YOUNG of Florida. Mr. Speaker, the GEICO Insurance Co. yesterday honored Rita Calkins, a constituent from Seminole, FL, with one of its five annual Public Service Awards for her work in the field of physical rehabilitation.

Rita Calkins is a special woman who has overcome great odds to make a significant contribution to a number of local, State, and national civic causes. She is a retired secretary from the Bay Pines Veterans Administration Medical Center who was severely disabled by a cerebral hemorrhage in 1947. Following her stroke, she was confined to a bed for an extended period of time, to a wheelchair for a year, and then was able to walk using leg braces for 6 years.

Although Rita is still considered totally disabled for employment purposes, she has been an active volunteer throughout Pinellas County, FL, for the past 12 years. She was a pioneer in developing and raising funds for the Alzheimer's Disease Fund and was the key to her local chapter's lead in the Florida Federation fund drive. She also donates to the Alzheimer's Fund the proceeds from her famous "10 bean soup mix", which she prepares in packets and sells at the National Association of Retired Federal Employees meetings. Her efforts have inspired the association to make major contributions to the fund.

In addition to her work in support of Alzheimer's Disease, Rita also volunteers her time at the Free Clinics in St. Petersburg and Clearwater. She prepares and serves meals to the indigent as a volunteer at the St. Vincent DePaul soup kitchen in Clearwater, she provides home economics training to the needy through the Pinellas County Extension Homemakers Service, and she is active in her church and church related organizations, particularly outreach ministries to the needy.

GEICO annually honors four civilian Federal employees and one retired Federal employee for their outstanding achievements in the fields of alcoholism prevention and treatment, fire prevention and safety, physical rehabilitation, and traffic safety and accident prevention. This year's awards were presented to Rita Calkins and the other four recipients during a ceremony yesterday at the Botanic Garden.

Mr. Speaker, the purpose of these awards is to recognize outstanding personal contributions to our communities by Federal employees and retirees. This year's presentation to Rita Calkins also recognizes the twin qualities that she exhibits. First, that she is willing to overcome the obstacle of physical disability to serve our Nation's veterans, and in retirement, serve the needy in our community. Second, she exhibits the great American spirit of volunteerism in which she gives back to our community and our Nation so much time and energy to contribute to many worthwhile causes. GEICO is to be commended for recognizing her achievements because they can be an inspiration to all Americans.

THE COMMUNITY EDUCATION CENTER—A MODEL SCHOOL PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. LANTOS. Mr. Speaker, in 1964, a group of women from Redwood City banded together to form their Spanish-speaking neighborhood's first bilingual nursery school, the Community Education Center [CEC] at the Community Congregational Church. This year, the CEC celebrates its 25th season of service to the Redwood City community.

From its humble beginnings as a twice-a-week nursery school, the center has expanded to care for nearly 50 preschool children 5 days a week, is conducting classes for new mothers, and holds evening English lessons for the neighborhood's adult Spanish-speaking newcomers. In spite of seemingly endless challenges threatening its financing and facilities, the CEC has always managed to meet the need for greater and more varied services.

The greatest praise one can bestow upon the work of the CEC comes in the feedback of both children and parents which, I am delighted to say, has been uniformly positive. Parents' anecdotal stories tell it all: Following their participation in CEC, the children look forward to going to school, they are filled with enthusiasm for doing their homework, and they become quite upset when they can't go to school, even when ill.

The CEC attributes much of the success to its overarching philosophy. The center strives to develop the whole person. In its day school, the social, emotional, intellectual, and physical development of the child takes place in the belief that school should be a fun experience, shared by the entire family. Parents actively participate in the education of their children.

Evidence for the center's success comes from traditional sources as well. Testing has repeatedly shown that children involved in the CEC are well above average. It is no wonder the center's enrollment is always full and the waiting list is nearly as long as the list of those admitted.

The growth of the CEC has been made possible through the generosity of individuals, local businesses, service clubs, charitable foundations, and especially through the dedication of the center's staff, volunteer and professional. The center, however, cannot grow to meet the increasing demand for its services if its current financial needs go unmet.

The CEC's four major funding sources are now demanding greater self-sufficiency. They have limited the CEC's dependence upon any one source to 20 percent and have cut back on future contributions. In response to this new threat to the CEC's activities, the center's parents and children have become involved in a major fundraising effort to maintain the operation. The cost of providing such an outstanding educational experience, however, remains a very difficult challenge.

Mr. Speaker, I commend the staff and parents of the center, which has given thousands of children a solid start in their education and thousands of adults the English language skills necessary to participate fully as Americans.

I commend the small group of inspired women in Redwood City who founded the CEC 25 years ago and took responsibility for their own education and for the education of their children.

I congratulate the Community Education Center on its 25th anniversary, and wish it at least another 25 years of success.

COAST GUARD ENVIRONMENTAL COMPLIANCE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. YOUNG of Alaska. Mr. Speaker, the legislation that I am introducing today is the same bill as H.R. 5089 from the 100th Congress. This legislation will respond to the critical problem of hazardous substance contamination at present and former Coast Guard facilities around the country. The program of compliance with environmental laws mandated for Coast Guard facilities by this bill is modeled after the existing Defense Environmental Restoration Program. This program provides for centralized program management for the cleanup of Department of Defense hazardous waste sites, consistent with provisions of the Comprehensive Environmental Response Compensation, and Liability Act [CERCLA], the Superfund Amendments and Reauthorization Act of 1986 [SARA], and the National Contingency Plan [NCP]. The goals of the Environmental Compliance Program established in this bill are identical to the goals of the DOD program:

First, to identify, investigate, and clean up contaminants from hazardous substances, pollutants, and contaminants;

Second, to correct the environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

Third, to demolish and remove unsafe buildings and structures, including buildings and structures at sites formerly used by or under the jurisdiction of the Secretary of Transportation.

The Secretary of Transportation has identified Coast Guard facilities at four locations as contamination cleanup priorities: Kodiak, AK; Traverse City, MI; Elizabeth City, NC; and Otis Air Force Base, MA. I am pleased that the Representatives of the congressional districts in which these Coast Guard facilities are located and the distinguished chairman of the Coast Guard Subcommittee have joined me as cosponsors of this bill.

In particular, I am concerned that a high level of PCB contamination exists at the Coast Guard Support Center at Kodiak, AK, and at facilities presently owned by the Kodiak Electric Association that were formerly under Coast Guard jurisdiction. The Environmental Protection Agency has been concerned about the level of PCB contamination at these facilities for over 3 years, and discussions on the cleanup of the contamination are presently underway. The EPA has confirmed that the situation that exists in Kodiak is urgent, and that a cleanup program should be developed immediately.

This bill would set up a centralized program to deal with the Kodiak contamination problem and other Coast Guard facility contamination problems across the country. These situations deserve immediate attention, and my cosponsors and I look forward to early action on this bill.

THE NEED TO ESTABLISH A COMPREHENSIVE U.S. OCEANS AND GREAT LAKES POLICY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Ms. SCHNEIDER. Mr. Speaker, I rise today to introduce a concurrent resolution to establish a comprehensive national oceans and Great Lakes policy. The oceans and the Great Lakes of this Nation are in trouble, and it is time for the Congress and the President to address those troubles. The National Oceanic and Atmospheric Administration's [NOAA] recent budget submission to Congress states:

> The degradation of coastal resources is reaching crisis proportions: fisheries are highly variable and may be declining due to human activities; pollution in major estuaries has led to wide-spread prohibitions of fishing and swimming and restriction of the sale of fish and shellfish; and severe storms and other natural hazards are increasingly endangering lives and destroying valuable coastal property.

The first step in defining and eventually coming to terms with any problem is to set an agenda. The United States, however, has not had an oceans agenda since 1969 when the Stratton Commission issued its report. The Stratton Commission recommendations led to landmark legislation in the 1970's, such as the creation of NOAA; the Clean Water Act; the Coastal Zone Management Act; the Ocean Dumping Act; the Fishery Conservation and Management Act; and the Marine Mammal Protection Act.

The 1980's saw new challenges facing our oceans, but the United States never developed a coordinated national agenda to address them. The challenges facing the oceans during the 1980's have been exacerbated by soaring budget deficits, but have also included the proclamation of a 200-mile exclusive economic zone and the newly declared 24-mile territorial sea; dramatically increased degradation caused by coastal and estuarine pollution; the depletion of our fishery resources; and our failure to ratify the Law of the Sea Treaty.

The United States lacks a coordinated comprehensive approach to the oceans by the various Federal agencies which have jurisdiction—there is repetition overlap, and gaps in research, all of which squander precious resources.

An example of this overlap and repetition is perfectly illustrated by the Federal Government's approach to estuaries. If a scientist wanted to collect data on estuarine areas in order to make a model of ecosystem interactions, they would find that there is no single source from which to acquire such data. The scientist would have to obtain similar data from the EPA's Office of Marine and Estuarine Protection; the NOAA Status and Trends Office; the U.S. Geological Survey; the Department of the Interior's Mineral Management Service; and various sea grant programs.

In the next decade the United States must have a comprehensive and coordinated agenda for the proper management and utilization of one of this Nation's most important natural resources—the oceans and Great Lakes. This concurrent resolution does just that—it directs the President to work with the Congress in formulating a national oceans and Great Lakes policy for the 1990's. The United States needs such a policy, and it should be based on a close examination of our past efforts, our current trends, and our future needs and expectations. Now is the time to examine the progress and status of this Nation's coastal and marine initiatives and programs which were developed in response to the Stratton Commission report 20 years ago. I urge all of my colleagues to support this important concurrent resolution which will enable the United States to establish a national oceans and Great Lakes policy to bring us into the next century.

SUPPORT OF VETERANS' PROGRAMS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. HOPKINS. Mr. Speaker, since coming to Congress 10 years ago, ensuring opportunities and benefits for our Nation's veterans has been one of my top priorities.

America's veterans have served faithfully during periods of conflict and peace, placing national duty and commitment above personal safety and convenience. I have been proud to play a part in the Congress in fighting to protect, and when necessary, enhance the ability of the Government to provide the benefits our veterans fully deserve.

With this in mind, I want to share with my colleagues a recent letter I received from my constituent expressing his heartfelt gratitude to the American people and to Congress for the benefits he received under the Veterans' Educational Assistance Act of 1984 after retiring from the Navy.

Text of Mr. Dau's letter follows:

> DEAR MR. HOPKINS: I graduated from Eastern Kentucky University on the 19th of December with a B.S. in Agriculture. I enrolled at EKU after retiring from the Navy and was able to fulfill a desire that otherwise would not have been possible. The people of the United States, through the offices of the Veterans' Administration GI bill, put me through school.
>
> I am grateful for the opportunity to complete a college education and would appreciate your expressing my gratitude to your colleagues in the Congress.
>
> Very sincerely,
>
> MICHAEL F. DAU,
> *Richmond, KY.*

So you see our support of veterans' programs does not go unnoticed and I invite you to join me in continuing to support this worthwhile investment.

THE 125TH ANNIVERSARY OF THE KNIGHTS OF PYTHIAS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. BORSKI. Mr. Speaker, I rise today to honor the Knights of Pythias on the occasion of the 125th anniversary of their founding.

Mr. Speaker, the Order Knights of Pythias was founded by Justus H. Rathbone in Washington, DC, in 1864. Established during the Civil War, its founder hoped it might help to heal the wounds and allay the hatred of the war's conflict.

The Knights are dedicated to the cause of universal peace and are pledged to promoting the concept of good will among men as the surest means of attaining that peace.

The order is based on a philosophical triad: friendship, charity, and benevolence. Today that triad is carried out through blood banks, support of local hospitals, promotion of research into heart disease and cystic fibrosis and many youth programs.

The Order Knights of Pythias strives to gather into one international fraternity, men who appreciate the true meaning of friendship and who are cautious in word and act. Knights of Pythias endeavor to prevent injustice and promote truth at all times. Their loyalty to principle, family, friends, and their country is well known.

Mr. Speaker, I join Area 1 Knights of Pythias, comprising all Knights in eastern Pennsylvania, in celebrating the 125th anniversary of the order.

FAMILY LIVING WAGE ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. PENNY. Mr. Speaker, a few days ago, I joined Congressman TOM PETRI and a bipartisan group of our colleagues in sponsoring the Family Living Wage Act. This measure is designed to help low-income, low-skilled people support families by working rather than through welfare. I encourage my colleagues to join me in support of this important legislation.

As introduced, the Family Living Wage Act expands the earned-income tax credit [EITC] and adjusts the benefits of that credit to reflect family income and family size. Specifically, this bill combines the existing EITC and dependent care credit [DCC], creating one comprehensive program to help families and children. Under the provisions of the bill, in 1991, the current EITC credit would be adjusted by $700 for each preschool child and $350 for each each school age child, up to four children. The credit for preschool children is higher in order to assist families with child care needs, while the supplement for school age children will help all families with the costs associated with raising children.

The Family Living Wage Act also establishes a minimum EITC benefit that doesn't phase out until family income reaches $40,000. The costs associated with a minimum EITC benefit are the same as the current dependent care credit, but the benefits are spread among all families.

Because the EITC is available to low-income families and is refundable to recipients through their paychecks, it is an equitable way to assist families in coping with the expenses that result from raising a family. Because the EITC is targeted to those most in need of a wage supplement, it is the preferable alternative to a large boost in the minimum wage.

A hike in the minimum wage will increase the buying power of the working poor, but since the working poor constitute less than 20 percent of minimum wage workers, a minimum wage increase will result in a wage hike for a lot of workers—primarily teenagers—least in need. Economists agree on one thing: An increase in the minimum wage will produce displacement of current workers, fewer opportunities for new job seekers, and inflation. An enhanced EITC, on the other hand, will benefit the working poor without the economic consequences of a hike in the minimum wage.

Mr. Speaker, I urge you and my other colleagues to support this important legislation to help America's working poor.

NATIONAL ALZHEIMER'S DISEASE MONTH

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. LOWERY of California. Mr. Speaker, today Mr. DERRICK of South Carolina and I are again honored to submit a resolution designating the month of November as "National Alzheimer's Disease Month."

Alzheimer's disease is a debilitating neurological disorder that affects at least 2.5 million American adults. It is characterized by a deterioration of basic cognitive functions such as memory, thought, language, and judgment. The course of the disease is progressive and irreversible, beginning with simple forgetfulness followed gradually by noticeable and increasingly severe changes in memory and personality. Eventually, the Alzheimer's victim cannot care for himself, and life expectancy is reduced. This disease first destroys the mind and then robs its victims of their dignity and finally, of their life.

Estimates indicate that Alzheimer's disease costs our Nation more than $80 billion annually. As the fourth leading cause of death among older Americans, it accounts for 100,000 deaths each year. Sadly, as our population ages, the number of Americans afflicted with this disorder will only increase and the costs of caring for them will grow dramatically. Within the next 10 years, one out of every three families will be touched by the infirmity.

Recent research has uncovered many important clues about the cause of Alzheimer's disease, but the disorder is still difficult to diagnose and nearly impossible to treat. Science has made many miracles happen in the field of medicine during this century. Let us hope that Alzheimer's disease will someday be listed as one of them.

By declaring November 1989 as "National Alzheimer's Disease Month," we draw attention to the anguish and pain this disorder inflicts on its victims and their families. In addition, we appropriately honor institutions like the Alzheimer's Disease and Related Disorders Association and the American Health Assistance Foundation which have given so much in treating and researching this tragic illness.

Many of our colleagues have joined me in the past 6 years in cosponsoring a similar resolution. On each occasion, the President has signed it into law. I hope that the House of Representatives will again offer an open pledge of support to understanding and eliminating this horrible affliction.

MINORITY FINANCIAL INSTITUTIONS WEEK

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. MFUME. Mr. Speaker, today, I am introducing a joint resolution to designate March 13 through March 17, 1989, as "Minority Financial Institutions Week." This resolution simply seeks to commemorate the rich history and the significant role of minority owned and operated financial institutions in the United States.

Minority-owned financial institutions in this country date back to 1888, when the Capital Savings Bank of Washington, DC, and the Savings Bank of the Grant Fountain United Order of True Reformers, of Richmond, VA, were chartered. From 1888 to 1934, African-Americans organized approximately 134 financial institutions, including credit unions, industrial loan associations, and building and loan societies. The first Asian-owned bank, Cathay Bank of Los Angeles, was organized in 1962. In 1969, Centinel Bank of Taos, NM, became the first of the Hispanic-owned banks. Native Americans established their first bank, Lumbee Bank, of Pembroke, NC, in 1971.

These early institutions arose to meet the financial need that the majority-owned financial institutions either would not or could not satisfy. Within the last decade, rapid changes in economic and demographic patterns coupled with technological advances have created a highly competitive and sophisticated market for financial services. This competition has also intensified the pressure on financial intermediaries to increase profit margins which creates incentive for many institutions to close their less profitable operations in low-income neighborhoods, often comprised primarily of ethnic minority groups. While increased competition often stimulates financial innovation, the ultimate result in minority neighborhoods is that hundreds of thousands of low- and moderate-income Americans are being deprived of access to basic financial services.

Examples of the critical need for financial institutions to meet the credit demands of inner-city, low-income, and predominately minority neighborhoods are indeed numerous. As recently as last year, a major effort was mounted to enhance enforcement of the Community Reinvestment Act [CRA], an act which substantiates the affirmative obligation of lending institutions to help meet the credit needs of their communities. CRA, originally enacted some 10 years ago, sought to address longstanding practices by financial institutions of reducing the level of lending or imposing less favorable credit criteria in certain areas often identified with high percentages of low- and moderate-income residents or areas distinguished by certain racial or ethnic minority populations. The evidence gathered during hearings on this issue demonstrates a real connection between the decline in financial services in the inner-city and urban deterioration.

In recognition of the special role of minority-owned financial institutions in their inner-city communities and particularly in the development of minority business enterprise, President Richard M. Nixon, in 1970, issued an Executive order from which the Minority Bank Deposit Program [MBDP] was established. MBDP requires Government agencies to include minority- or female-owned financial institutions in the selection pool of financial intermediaries to provide banking services to Federal agencies.

More recently, section 412 of Public Law 100-86, the Competitive Equality Banking Act, was enacted to require the Department of the Treasury, in conjunction with other regulatory agencies, to develop procedures for increasing the use of underutilized minority-owned thrift institutions. Treasury, acting within its regulatory authority, expanded the scope to include all minority financial institutions—banks, thrift institutions, and credit unions—that participate in the MBDP. In a letter from Treasury to management officials at 22 Feder-

al agencies and departments encouraging their participation in the MBDP, an observation was made that "[t]he nation's minority banks and thrift institutions, through their lending and other activities within the communities they serve, provide an ideal vehicle through which the economic and business needs of these communities can be met."

Technology advances, demographic movements, and increased competition notwithstanding, minority owned and operated financial institutions have maintained their commitment to providing needed services to their communities which have been and continue to be abandoned by majority-owned institutions.

In an effort to publicly recognize the unique role that minority-owned financial institutions have assumed in their communities by providing employment opportunities, business capital for minority entrepreneurs, and urban development, I am introducing a joint resolution to designate March 13 through March 17, 1989, as "Minority Financial Institutions Week." Again, this resolution seeks to acknowledge the fortitude and commitment of minority financial institutions in providing economic stability to underserved communities, particularly low-income, inner-city minority neighborhoods, and further commemorates their unprecedented accomplishments.

LINE ITEM VETO

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. STUMP. Mr. Speaker, the propensity of Congress in recent years to present the President with huge take-it-or-leave-it omnibus continuing resolutions has caused a breakdown in the budget process. The President has been effectively shut out of the process, subverting our constitutional system of checks and balances.

For the Federal budget system to work, balance between the executive and legislative branches must be restored. To achieve this balance, we need to enact line-item veto legislation.

Such a proposal is not as radical as many would make it out to be. Between 1789 and 1974, the President had an effective impoundment power. Every President from George Washington to Richard Nixon reduced or eliminated spending for many programs, subject to few constraints. In fact, President Washington regularly transferred funds between departments without the express consent of Congress, and President Franklin Roosevelt routinely reduced or deleted appropriations ranging from $1.6 million to $95 million.

Enactment of the 1974 Budget and Impoundment Control Act, which greatly reduced the ability of the President to impound appropriations, essentially deprived the President of powers similar to line-item veto authority. The results have been staggering. The budget deficit has grown from $6 billion in 1974 to more than $155 billion last year, and the public debt is now in excess of $2.7 trillion.

In stark contrast, State governments have been able to maintain fiscal balance. In 1987, the States had an aggregate surplus of $4.7 billion, and the estimated 1988 surplus is $4.4 billion. This is not surprising; 43 governors have among their fiscal control powers line-item veto authority.

Mr. Speaker, it is time we ended our pork-laden largesse. The bill that I am introducing today will enable us to do just that. This constitutional amendment will:

1. Allow the President to veto any item in any bill making any appropriation. Not only will this provision allow the President to veto appropriations, it will also allow him to veto authorizations if they are attached to appropriation measures, providing an enforcement mechanism to current prohibitions against combining authorizations with appropriations;

2. Allow the President to return the line-item vetoed provisions separately or grouped in any combination he deems to be appropriate. This provision will prevent Congress from considering an omnibus line-item veto override, which might have a greater chance of obtaining the necessary two-thirds vote. This provision would further force legislation to stand on its own merits.

Mr. Speaker, I urge serious and timely consideration of this proposal.

FREE ELECTIONS IN EL SALVADOR

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RHODES. Mr. Speaker, I rise today to reaffirm the concerns of this body that the continuation of democracy in El Salvador be a strong and overwhelming objective for all of the nation. Yet even as we consider the prospects of a renewal of national elections, a potential threat to this process is evident.

Here in this country, Congress worries openly over the chances for defeat of the Christian Democrats and the victory of the ARENA party. Though it is undeniably our responsibility to point out human rights abuses from both the right and left, we cannot let ourselves be in the position of dictating, tacitly or otherwise, who should be the eventual winner of the upcoming election. Though we may have strong opinions about who we feel is the best candidate, our threatening sanctions against a possible winner amounts to de facto undermining of the entire process of democracy and could be construed as attempting to interfere in the internal affairs of a sovereign nation.

It is unquestionably our collective responsibility not to threaten to withhold aid to El Salvador by placing it contingent on the proper outcome of the elections. Credibility dictates that we allow the true functioning of democracy by respecting the outcome, basing our future aid decisions not on the party in charge, but on the actions of the leaders themselves.

Anything else places us in the position of attempting to direct the young democratic tradition, replacing the full will of the people, and denying them the right to decide on their own the future of their nation by reminding them their vote may determine whether they continue receiving aid from the United States.

Mr. Speaker, I ask that this body strongly consider these words and those of my colleagues. The goal should not be to predetermine a leader, but rather to support a truly free and democratic election and respect its outcome. Let us respect democracy.

TRIBUTE TO PETER AGRIS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. FEIGHAN. Mr. Speaker, it is with deep sadness that we mourn the passing of Peter Agris. His devotion to his family, his friends, and to his life's work on the Hellenic Chronicle are a testament to the gifts Peter Agris brought to this world, and they measure how much we now miss him.

Opening the pages of the Hellenic Chronicle was often more gratifying than reading my hometown Cleveland newspaper. Peter Agris, through the force of his convictions and his commitment to seeing justice done, was one reason why this Irish Congressman took an early interest in speaking out on Greek-American concerns and for justice on Cyprus. Day after day, week after week, no other publisher kept the issue of Cyprus alive—not only in the Greek-American community, but within the policy community in Washington.

His efforts served to lift my spirits when all others said it was time to quit. He said fight on when colleagues said "Let's put Cyprus on a back-burner." He said speak out when others said that Greek-United States relations were not important to United States foreign policy.

Peter Agris was a loyal friend, a valued counselor and a man whose life's work embodied the love of freedom and our democratic system. I know I can speak for my colleagues when I say that we will all dearly miss Peter Agris. At this time, I offer my own personal condolences to Peter's wife, Ann, and his children, Peter and Nancy.

IN RECOGNITION OF JUNIOR ACHIEVEMENT OF MIDLAND, MICHIGAN, INC.

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to pay tribute to a very special organization and a young man who I would like to recognize for outstanding achievement. Junior Achievement of Midland, MI, is an association dedicated to providing students of the Midland public schools, Meridian public schools, Coleman public schools, and Bullock Creek public schools with an opportunity to learn about our free enterprise system through actual work experience. During the 1988–89 year, 17 companies were formed to design, manufacture, and market a variety of products. The student

chosen as the "Outstanding President" for 1988–89, Batoc Phung, of Herbert Henry Dow High School, will be honored with the "Schuette Award" given in memory of my late father. Each year since 1963, my family has had the privilege of recognizing an outstanding young man or woman for this award.

Batoc is president of Achievers in the Making [AIM], a company which manufactured and marketed recycled boxes and note pads. I am sure that the success of this project was clearly enhanced by the fine leadership that Batoc provided.

Batoc is the son of Son Phung, of Midland, and he is currently a junior at H.H. Dow High School. 1988–89 was Batoc's second year in the junior achievement program.

Programs such as junior achievement, will provide our country with business leaders of the future who will continue to lead the United States in economic development and a vigorous and expanding economy based on the free enterprise system.

A TRIBUTE TO SGT. DAVID ELINE, NEVADA MEDAL OF VALOR RECIPIENT

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to honor Sgt. David Eline, a hero in the true sense of the word. Sergeant Eline, was honored at the U.S. Air Force Tactical Fighter Weapons Center Honors Ceremony on Thursday, February 16, 1989, at Nellis Air Force Base. He was awarded the first Medal of Valor ever presented by the Nevada Highway Patrol for saving the life of a highway patrolman on September 28, 1986. Mr. Speaker, Sergeant Eline's heroic act is truly deserving of this recognition.

Sgt. David Eline, the 25-year-old former member of the Marine Corps, has been in the Air Force since 1985. The Gettysburg, PA native was stationed at the 554th Combat Support Squadron at Indian Springs Auxiliary Air Field when he saved the life of a State trooper. This action lead to the arrest and conviction of two men, both of whom had outstanding warrants for their arrest.

Sergeant Eline and the State trooper both stopped to help two men who had been in a traffic accident on U.S. Route 95 in Indian Springs. One of the men tried to fire a pistol at the officer's head. The gun failed to fire, and Sergeant Eline grabbed the pistol when the patrolman and the attacker started struggling. "I was there so I helped," reflects Sergeant Eline on the incident.

Mr. Speaker, Sergeant Eline's actions in risking his own life to save the State trooper earned him the Highway Patrol's Medal of Valor, keeping with the highest tradition of the U.S. Air Force. This act of true heroism and brevity deserves the praise and recognition of all Nevadans. Sergeant Eline's act of rare valor is an inspiration for us all to the spirit of faith and pride characteristic in our country's real heroes. I urge my colleagues to join me in honoring Sgt. David Eline for his outstanding character and this heroic act.

RESEARCH PAPER ON FEDERAL PAY RAISES

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. TAUKE. Mr. Speaker, I wish to call to the attention of my colleagues a major research paper prepared by the Library of Congress entitled, "Federal Executive, Legislative, and Judicial Compensation: The Situation and Choices for the 101st Congress."

The author of this outstanding work is James P. McGrath, an analyst within the Library's Congressional Research Service [CRS] Government Division, who has served as Congress' resident expert on Federal personnel and pay questions for nearly 15 years. This study by Mr. McGrath is an important contribution of the highest quality, and I commend him and the Congressional Research Service for their invaluable input into this debate. We are indeed fortunate to have someone of his caliber working for us.

NEW DISTILLERY

HON. PETER SMITH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SMITH of Vermont. Mr. Speaker, I rise today to call the U.S. House of Representatives attention to the fact that Vermont has, once again, offered a leader and leading concept to the country. I speak of the Vermont distillers who have recently opened the first distillery ever in the State of Vermont and the first in the United States of America since 1970.

Not only do these individuals exemplify the well-known virtues of entrepreneurship and initiative that we all admire, but they have added a vital new ingredient to the mix: corporate responsibility. The Vermont distillers products will carry on the label a warning and admonition to the purchaser to drink responsibly as well as a visual symbol which says don't drink and drive. They are looking beyond current practice in a very competitive market to a vision of how business should be done in the 21st century and breaking their own path. I can only hope that larger, more established distillers around America will follow their most courageous, innovative, and responsible lead in terms of labeling, the drinkers responsibility, and drunk driving.

Certainly if a small, new distillery in an economically precarious position can take this step some of the more established giants in the field can follow along. I am very proud that this group of Vermonters has taken this step in business and in responsible behavior as I am to offer their example to you and to the Members of this distinguished body.

KILDEE HONORS UAW LOCAL 659

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. KILDEE. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House of Representatives, and my fellow citizens throughout the Nation, an event that commemorates an historic achievement 50 years ago in my hometown of Flint, MI.

It was on March 18, 1939, that workers at Chevrolet-Flint Plant 9 united in solidarity and won the right to bargain collectively as United Auto Workers Local 659. That event of 50 years ago will be remembered and celebrated during founding day ceremonies at local 659 on March 19, 1989. Those in the vanguard of today's labor movement, together with those of us who have benefited from that continuing effort, will be there to honor the proud past and dynamic present of a UAW local whose roots were formed and character fashioned during the famous Sitdown Strike of 1937.

From that hard-fought victory emerged a union whose workers charted a path toward growth, independence and maturity and the creation of Chevrolet Local 659. Once part of Amalgamated Local 156, Chevrolet workers sought a stronger union and petitioned for a separate charter covering Chevrolet-Flint workers only under the progressive banner of the UAW–CIO. Although they are no longer with us, the 18 Chevrolet workers who petitioned for UAW–CIO affiliation will be remembered during this historic golden anniversary as courageous visionaries. They are: William McCartney, Chalmar Hearod, Terrell Thompson, Dow Kehler, Ed Cronk, Maurice Steinhardt, Kermit Johnson, Roy Davison, Carl Bibber, Gilbert Rose, Wynford Haynes, John Hutchinson, Tom Kelley, William Roy, Walter Metzgar, Jess Moss, William Freeman and Cecil McNeese. One of the original 18 pioneers, Terrell Thompson, went on to become the first in a long line of great presidents of local 659 that include its current leader, President Billy W. Bradshaw.

Mr. Speaker, as a result of the great efforts of these workers, and others like them, the UAW has been a stabilizing force in our national economy and a bulwark of our democratic society. Their legacy lives in the spirit of a vital organization of dedicated workers led by strong, thoughtful men and women who are guided by respect for the dignity of every individual. On this historic golden anniversary celebration, I ask my colleagues in the U.S. House of Representatives to join me in paying tribute to UAW Local 659 and the men and women whose tireless efforts have improved the quality of life for all Americans everywhere.

TRIBUTE TO STAN ZICKLIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. BERMAN. Mr. Speaker, it is a pleasure to ask my colleagues to join me in saluting a respected and popular member of the community, Mr. Stan Zicklin, who has been chosen by Temple Beth Shalom as Man of the Year. Mr. Zicklin is being honored because of his enduring interest in social issues, his many contributions to the Jewish community, his charitable work for seriously ill children, and his commitment to the welfare of humanity.

Stan Zicklin symbolizes the spirit, energy, and future of the San Fernando Valley. He is currently senior vice president/financial consultant with Shearson Lehman Brothers, where his leadership has led to great successes in the business world. His pleasant personality and willingness to be helpful has endeared him to both his colleagues in the financial consulting business and the public he has served so well.

Stan's compassion has enhanced the lives of many seriously ill children and is responsible for hospital and home visits to brighten the spirits of these children. His many charitable contributions include his long-time participation in the Kidney Foundation of Southern California. He raised funds for the purchase of dialysis machines and set up hemodialysis centers and hospitals throughout southern California. He also worked with patients at Children's Hospital projects. As a result of his hard work and excellent performance, he enjoys respect and support throughout the San Fernando Valley.

Throughout his career, Stan has always shown a willingness and desire to give freely of his valuable time to aid organizations and causes important to this community. He served on the board of directors of the Kidney Foundation of Southern California, and presently is membership chairman, Ways and Means chairman and president of San Fernando Valley Chapter of Kidney Foundation of Southern California. In 1987, Stan was chairman of the convention of Shearson Lehman Brothers Brokers.

Stan Zicklin has selflessly served the Jewish and secular communities locally for many years and has always shown a willingness to aid organizations important to Judaism. He has been very active with Valley Beth Shalom Synagogue since 1974, and has served as vice president of ways and means, financial vice president, youth vice president, chairman of the board of directors and president, Presently, he is the building fund campaign manager. He is also the recipient of the prestigious University of Judaism Merit Award for community service.

Stan Zicklin is a native of Brooklyn, NY. He graduated from Bernard Baruch School of the City College of New York in 1959 with a degree in business accounting. He has been married to Arlene (Bogert) for 27 years and is the proud father of three sons, Andy, Steve, and Scott.

Few people have given of their time and energy as selflessly as Stan. It is my distinct honor to ask my colleagues to join me in honoring Stan Zicklin, an invaluable member of the community.

INTRODUCTION OF LEGISLATION ON CABLE TELEVISION DEREGULATION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to repeal a provision of the 1984 Cable Communications Policy Act—Public Law 98-549—the cable television deregulation legislation—which has caused enormous problems for several local communities across the country.

The provision to which I refer, Mr. Speaker, is apparently being interpreted as allowing cable companies to abrogate the terms of contracts which the companies had executed with communities prior to enactment of the 1984 act. Specifically, section 625(d) of the act provides that cable companies operating in communities whose rates are deregulated are permitted to "rearrange a particular service from one service tier to another, or otherwise offer the service * * *." cable companies evidently take the position that this subsection gives them nearly an unrestricted ability to delete service tiers or restrict the ability of homeowners to subscribe to certain service tiers—in direct contravention of contracts which they have executed with local communities.

Quite frankly, Mr. Speaker, this is an outrageous abuse of the deregulation legislation. When Congress passed the legislation in 1984, I believed that we were deregulating rates—no more, no less. We were not giving carte blanche authority to cable companies to do what they felt like doing. To the extent that cable rates were previously set in contract negotiations, the 1984 act impaired those existing contracts—something that States are proscribed from doing under article I of the Constitution. Although the Federal Government may apparently impair the obligation of contracts, it is a step taken cautiously and with deliberation. And I do not believe that Congress should have gone further than rate deregulation in 1984. My bill therefore conforms the 1984 act to what I believe the intent should have been.

My legislation is effective as of the date of enactment. It is my understanding that there may be some litigation outstanding that may be affected by my legislation. No inference should be drawn, by the introduction of this bill, as to the proper interpretation of section 625(d) of the act. In addition, I recognize that this effective date may have to be further clarified in the legislative process. I plan to work with the authorizing committees toward that end as my bill moves through the legislative process.

PLIGHT OF LURIE FAMILY STILL UNRESOLVED

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. BEILENSON. Mr. Speaker, today I would like to take a few minutes to draw my colleagues' attention to the plight of Emmanuel and Judit Lurie, and their daughter, Bella.

Emmanuel and Judit first applied to emigrate from the Soviet Union in 1979, and were initially granted permission to emigrate in December of that year. However, on February 4, 1980, the deputy head of OVIR advised Emmanuel that, after reviewing his application, it was discovered that he had been exposed to classified information during his employment as a chemical researcher 17 years earlier. The family's exit visa was revoked, and only Judit's mother was allowed to emigrate to Israel, until last November when the Luries' oldest daughter, Anna, was allowed to emigrate to Israel with her son. Since the family's initial refusal, Emmanuel has been unable to return to his post as a researcher at the Moscow Institute of Organic Compounds, and has been forced to settle for a job with requirements far below his level of training and expertise.

I urge the Soviet Union to honor its international commitments as outlined in the Helsinki Final Act, of which they are a cosignatory, and allow the Luries to join their family in Israel. Such action would be a positive example of the continued success of the glasnost campaign and would help further amicable relations between our two great nations. I look forward to a day when pleas like this one will no longer be necessary.

CYPRUS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SHUMWAY. Mr. Speaker, once again I rise in support of the peace talks currently underway between the Turkish Cypriots and the Greek Cypriots. Since August, U.N. Secretary General Perez de Cuellar and his representative on the island, Oscar Camillion, have hosted numerous meetings between the leaders of both communities in an effort to encourage constructive discussions regarding the establishment of a bizonal federal republic on the island.

These discussions are particularly timely since other nations with histories of deeply rooted problems and intercommunal disputes are working toward peace settlements. I commend U.N. Secretary General Perez de Cuellar for his leadership in addressing some of these difficult global problems. With regard to the Cyprus dispute, he has shown genuine comprehension of the historical differences and problems between the two communities including the tragic events of the 1960's and 1970's.

I commend Rauf Denktash, elected by the Turkish Cypriots as their President, for demonstrating his steadfast willingness to negotiate a peace settlement with the various Greek Cypriot leaders. Mr. Denktash's efforts focus on reaching an agreement ensuring the Turkish Cypriots of security and political equality so that intercommunal strife will never again plague the island.

As recently as 1985 and 1986, Mr. Dentash accepted U.N. Secretary General Perez de Cuellar's draft framework agreement which set forth plans to resolve issues of disagreement between the two peoples of Cyprus, including one of the most controversial issues—the withdrawal of non-Cypriot troops from the island.

In the context of their talks under U.N. auspices, on November 22, Mr. Denktash presented a document to the Greek Cypriots which addressed issues of greatest concern to both communities. Greek Cypriot President George Vassiliou reciprocated by submitting his proposals to the Turkish Cypriots on January 30. I view this exchange of documents as an encouraging sign that the two leaders are committed to the negotiation process. Further discussions between the two leaders are scheduled to take place during the next 2 months. Timely progress on the key substantive issues would indeed be a welcome development.

A peaceful resolution to the Cyprus dispute is of great importance to its citizens and the world. Therefore, I urge the United States Congress and administration to join me in supporting and encouraging the Turkish Cypriots and Greek Cypriots during this important period.

RECOGNITION OF NAIA DIVISION II NATIONAL CHAMPIONS WESTMINSTER COLLEGE

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. RIDGE. Mr. Speaker, I rise today to speak of a championship football team. The national champion of which I speak has as proud and memorable tradition as either the Super Bowl Champions, the San Francisco 49'ers, or the Division I collegiate champion, Notre Dame.

I am pleased to recognize the student athletes at Westminster College, a small liberal arts school in New Wilmington, PA. The Westminster Titans, led by head coach Joe Fusco, won the NAIA [National Association of Intercollegiate Athletics] Division II championship on December 10, 1988. This title is an unprecedented fourth national championship for Westminster. The Titans were victorious over the University of Wisconsin Lacrosse, by the score of 21–14. Westminster scored the winning touchdown with 7 seconds left in the game, a fitting and final reminder of the maturity, ability and poise of the young athletes of this team. Top individual performances that sparked the 1988 winning season belonged to quarterback Joe Micchia, who was 136 for 276 in passing and scored 28 touchdowns, including all three in the NAIA championship game. NAIA Division II All-America tailback Brad Tokar, NAIA Division II All-America defensive tackle Dave Blazer, NAIA Division II All-America and Kodak, NAIA and Academic All-American linebacker Kevin Meyers.

These men and the entire team of 95 young men enjoyed a spectacular season. The No. 1 ranking came long before the cold Saturday in December, when Westminster won the actual championship. During the sixth week of the season they were named No. 1 and they held that position for the rest of the year. The Titans rightly deserved this top ranking considering their 14–0 record, which was the best of any college football team in the country.

I would like to join the many friends, family, and supporters of the Westminster football team in congratulating them on this exceptional year and this great honor they have achieved. This championship is an experience these players will remember as they continue to succeed in life both on and off the field. Their competitive spirit, winning attitude, and commitment to succeed and to one another is worthy of this special recognition as "National Champions."

TRIBUTE TO THE ADRIAN JOURNAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. SKELTON. Mr. Speaker, I take this opportunity today to pay tribute to the Adrian Journal, a community newspaper which recently celebrated its 100th anniversary. The Adrian Journal is the oldest continuous business in Adrian, and the long and impressive record of this newspaper testifies to many years of dedicated service to the people of Adrian and the Adrian community.

The Journal began its many years of service to the Adrian community in 1889 when the paper was established by Hutchinson and McBride. The Journal was struggling to survive in 1890, and the local bank asked John E. Dowell, Sr., to take over the operation of the paper. Mr. Dowell was publisher of the Journal from 1890 to 1935. For nearly 20 years, Mr. Dowell also served as mayor of Adrian, and served concurrently as police and judge. Upon his death, his son, John Dowell, Jr., took over the operation of the newspaper and served as publisher until 1947.

When John Dowell, Jr., died in 1947, his widow Alyeene Moore Dowell and his son Emery B. Dowell assumed operation of the paper. Emery (Soap) Dowell became a third generation publisher of the newspaper and the Journal continued as a family operation until 1950. Sixty-one years of family management came to an end when the Dowells leased the Journal to Bill and Shirley Vick of Kansas City. The Vicks operated the Journal for 1 year, and then turned over the newspaper once again to the Dowells. Emery returned to the Journal and operated it for 1 more year before selling it to Jack and Elaine Curtis of Worland, WY.

Jack and Elaine Curtis operated the Journal for 4 years and then sold the paper to Bob and Lila Gunn, who assumed management of the Journal on October 1, 1956. Mr. Gunn had been employed by the Journal for 6 years before becoming the owner. The Gunns were sole managers of the Journal until April 1982, when the Journal was incorporated and Steve and Linda (Gunn) Oldfield became coowners of the newspaper. In addition to the Journal, the Oldfields publish the Archie News and the Star Lite Shoppers Guide. They also operate a commercial printing department and have a rubber stamp and trophy business.

On January 21, 1989, a centennial celebration was held by the current owners of the Journal, the Gunns and the Oldfields. The centennial was also attended by former owner Emery (Soap) Dowell, currently of Sacramento, CA. I would like to extend my warmest congratulations to the Adrian Journal for their many years of dedicated service to the Adrian community. I sincerely hope that their current anniversary celebrations mark the first of such happy events, and that the Adrian Journal continues to prosper as it enters its second century.

CONGRATULATIONS TO DELBERT R. DUNBAR, FULTON COUNTY, OH "CITIZEN OF THE YEAR"

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Ms. KAPTUR. Mr. Speaker, if, as the ancient philosopher Seneca once said, "all art is but imitation of nature," Ohio's Ninth District can claim as its own a true master in the art of cultivating Earth's natural beauty. The city of Delta in Fulton County, OH, has been gifted within the determination of one gentleman to make the world a little more beautiful beginning right in his own backyard. This Saturday evening, I will join the citizens of Delta in honoring Mr. Delbert R. Dunbar as "Citizen of the Year" for his enthusiastic efforts to beautify his community's landscape for over 30 years.

Mr. Dunbar's first efforts were inspired by his idea to transform an area of his newly purchased property, previously not much more than a litter-strewn slope, into a horticultral showpiece visited by hundreds each year. More than 3,000 individual flowers are planted by Mr. Dunbar and his wife Dorothy annually, including 10 varieties of petunias, 7 varieties of marigolds, 300 rose bushes, wax leaf begonias, impatiens, and colosia. For his efforts he has been recognized by countless organizations such as: the Fulton County Garden Club, the Central Great Lakes Region of MGCA, and the Royal Horticulture Society of Great Britain, just to name a few.

In addition to the notoriety gained for his "green thumb," Mr. Dunbar has left his imprint on a variety of his community's business and cultural organizations. He is a former vice president of Dunbar Drilling, Inc., a company engaged in water well drilling and related work for municipalities, industries, and agriculture. With his brother, Glenn, he established Dunbar Manufacturing, Inc., a company dealing with hydraulic cranes and related equip-

ment and later served as secretary of the Ohio Water Well Contractors & Equipment Association. He has served as president of the Toledo Rose Society and is a life member of the American Rose Society. He is past president of the Fulton County Men's Garden Club; past president of the Men's Garden Club; past president of the Men's Garden Club of America; past president of the Delta Rotary Club; past president of the Delta Industrial Development Association; and is currently president of the Fulton County Community Improvement Corp. and a member of the Fulton County Board of Elections. One has to wonder how Mr. Dunbar has found the time even to weed his garden, much less cultivate it into a floral masterpiece.

Mr. Speaker, it's a pleasure to offer Mr. Delbert Dunbar our heartfelt congratulations on receiving the "Citizen of the Year" award for his dedicated efforts to enhance the beauty of our community in Fulton County, OH. May his creativity and deep appreciation for nature's unparalleled beauty inspire each of us to do our part in keeping "America the Beautiful" for generations to come.

TRIBUTE TO PERRY JOHNSON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a good friend of mine, Perry Johnson. Perry is retiring this year from his position as region 1 director of the international union, United Automobile, Aerospace and Agricultural Implement Workers of America [UAW].

Region 1 of the UAW covers a large part of southeastern Michigan, including most of the area I represent in Congress. It has been an honor to know and work with Perry over the years. He has been an outstanding director and a strong voice for fairness in the workplace. His influence and stature throughout the State and Nation reflect his dedication to bettering the community and to furthering the UAW and its goals.

Having served for 20 years on the UAW staff, Perry is finally taking some time to relax and take life easy. I am pleased to honor him today and to wish him the best in his retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 9, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for ACTION, Federal Mediation and Conciliation Services, National Mediation Board, Railroad Retirement Board, Federal Mine Safety and Health Review Commission, National Labor Relations Board, and the Occupational Safety and Health Review Commission
SD-192

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for February.
2359 Rayburn Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Indian Affairs, Office of Construction Management, and the National Indian Gaming Commission.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Internal Revenue Service and the U.S. Postal Service.
SD-116

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the state and capabilities of the Marine Corps for special operations and low intensity conflict.
SR-222

10:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to examine the problems in the savings and loan industry.
SD-538

MARCH 13

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the relationship between bilateral trade agreements and the General Agreement on Tariffs and Trade, and the potential for bilateral arrangements to address U.S. trade problems.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Energy Information Administration, Economic Regulatory Administration, Office of Hearings and Appeals, and Emergency Preparedness, all of the Department of Energy.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Air Force and Defense Agencies military construction programs.
SD-192

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the National Credit Union Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 341, to prohibit discrimination against blind individuals in air travel.
SR-253

Energy and Natural Resources
To hold hearings on energy efficiency and renewable energy technologies as they relate to S. 324, National Energy Policy Act of 1989.
SD-366

Labor and Human Resources
To resume hearings on proposals to establish a corporation to administer a program of voluntary national service, and to provide for the education and training of participants in such Corps, including S. 3, S. 408, S. 322, and S. 382.
SD-430

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for enlisted personnel programs.
SD-192

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Indian Health Service of the Department of Health and Human Services, and Indian education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine the problems in the savings and loan industry.
SD-538

Finance
To resume hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

Judiciary
Technology and the Law Subcommittee
To hold hearings on computer viruses.
SD-226

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on aviation security issues.
SD-192

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on environmental priorities for U.S. nuclear weapons facilities.
SR-222

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the proposed Fairness in Broadcasting Act of 1989.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the Office of the Inspector General, General Services Administration.
SD-116

Energy and Natural Resources
Business meeting, to resume consideration of S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska, and other pending calendar business.
SD-366

Governmental Affairs
To hold hearings on the proposed Federal Advisory Committee Act Amendments of 1989.
SD-342

10:00 a.m.
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings on the use of DNA "fingerprinting" as a courtroom tool.
SD-226

Labor and Human Resources
Business meeting, to consider S. 5, to provide for a Federal program for the improvement of child care.
SD-430

MARCH 16

9:00 a.m.
Veterans' Affairs
To hear and consider the nomination of Anthony J. Principi, of California, to be Deputy Secretary of Veterans' Affairs.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253

Veterans' Affairs
To hold oversight hearings on veterans' health care issues.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Research and Special Programs Administration and the National Highway Traffic Safety Administration.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings to discuss the future of naval forces and the enabling research and development, focusing on electric drive.
SR-222

Foreign Relations
To hold hearings to review the international environmental agenda for the 101st Congress.
SD-419

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for development assistance programs.
SD-138

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on environmental priorities for U.S. nuclear weapons facilities.
SR-222

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physician Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care, Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

10:00 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To resume hearings to examine the current and future status of the Medicare program, focusing on physicians payments.
SD-215

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (in-

cludes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
S-126, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.
SR-253

10:00 a.m.
Joint Taxation
To hold an organizational business meeting.
H-208, Capitol

APRIL 6

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-124

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.
SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.
SD-116

Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the U.S. and Canada.
SD-215

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.
S-128, Capitol

10:30 a.m.
Governmental Affairs
To hold hearings on quality assurance at the Department of Defense.
SD-342

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 11

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and applications programs.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.
SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.
SD-116

APRIL 13

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

Governmental Affairs
To hold hearings on S. 253, establishing a coordinated National Nutrition Monitoring and Related Research Program.
SD-342

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.
SD-138

APRIL 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.
SD-116

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the importance of scenic byways to national tourism.
SR-253

APRIL 17

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space transportation budget and policy.
SR-253

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.
S-128, Capitol

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, Administration and the Health Resources and Services Administration.
SD-116

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Commodity Credit Corporation, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans Affairs.
SD-192

APRIL 19

9:30 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116

Governmental Affairs
To hold hearings on trade and technology issues.
SD-342

10:00 a.m.
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.
S-128, Capitol

MAY 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of

Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 15

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

CANCELLATIONS

MARCH 9

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy budget request for fiscal year 1990 for advanced nuclear reactor technologies.
SD-366

MARCH 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation to establish an Indian Development Finance Corporation.
SR-485

MARCH 16

10:00 a.m.
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

POSTPONEMENTS

MARCH 16

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, March 9, 1989*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we walk the steps of life with its trials and achievements, its tears and moments of great joy, we are grateful, O God, for the heros of other days who have pointed the way to truth and wisdom. For those whose words and actions were formed in the trials and conflicts of their time and are today beacons of justice and decency and honesty, we offer our enduring thanksgiving and praise. Help us to remember, gracious God, the prophets of days past so that inspired by their courage we will inherit the vision of tomorrow. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico [Mr. SCHIFF] please come forward and lead our colleagues in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

THE SITUATION IN TIBET IS DETERIORATING BY THE HOUR

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the situation in Tibet is deteriorating by the hour. The Chinese authorities have just called for the forced evacuation of all Western tourists and all Western media representatives.

The purpose of this is clear: They want to do their brutal suppression of the Tibetan people without anybody from the outside watching and reporting on it.

This can no longer be tolerated. Tibetan people are entitled to live their lives in dignity. They have no political action committees, they have no voting blocs, they have no economic power, but they have the right to live as men and women, faithful to their traditions and culture and religion.

Mr. Speaker, I call on the government in Beijing to meet with the Dalai Lama, the only person who can bring about a reasonably peaceful reconciliation of a bloody, brutal, and unnecessary crisis.

Suppressing the Tibetan people on the 30th anniversary of China's bloodbath in Tibet in 1959 will not be tolerated by free men and women anywhere in the world.

CEREMONY INVOLVING DISPLAY OF POW/MIA FLAG IN THE ROTUNDA TODAY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I just wanted to take this time to remind the Members of the ceremonies taking place at 3 p.m. today in the rotunda involving the display of the POW/MIA flag in the rotunda.

The Speaker will be joining Senators DOLE and MITCHELL and myself in a bipartisan ceremony designed to remind us all of the plight of our servicemen still missing in action in Southeast Asia and of our need to diligently pursue a full accounting of those brave citizens. The display of the POW/MIA flag in the rotunda will serve as a continuing reminder, and I hope everyone will make it a point to attend the ceremonies at 3 p.m.

I ASK YOU: WHO IS BEING PARTISAN?

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today the Senate will be voting on the confirmation of former Senator Tower to become Secretary of Defense.

I have been following the debate in the Senate quite extensively, and it appears to me that some of the Republican Members, minority Members, seem to feel that the Democratic Members are being partisan. I think it should be noted that the Democratic leadership in the Senate has advised its Democratic Senators to review the FBI report, to review the facts, and then make up their own minds and vote however they think is proper.

As a result, three Democratic Senators have announced that they will vote for Senator Tower's confirmation.

□ 1110

SOVIET JEWS MUST NOT BE FORGOTTEN

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, recent events in the Soviet Union have led many in this country to conclude that Soviet Communist Party General Secretary Mikhail Gorbachev is making sweeping changes in Soviet policy. The Soviets have now withdrawn from Afghanistan and their empire seems to be on the defensive. However, looks can be deceiving.

One only needs to examine the continuing plight of Jews attempting to emigrate from the Soviet Union to see that the situation there has not changed dramatically.

Jews still face daily discrimination in Soviet society and from the Soviet Government itself. The ERA of glasnost, or openness, has effectively masked the festering problems of the Soviet society.

I applaud the Gorbachev regime for its release of prominent political prisoners such as Andrei Sakharov and Elena Bonner. But, I remain skeptical that these prisoners may have been released only to placate the United States and other Western governments.

I have taken a personal interest in the situation of Inna Usepensky, who is a member of Jewish Women Against Refusal, a group of women refuseniks who are conducting a hunger strike from March 8 to 10 to protest the Soviet authorities' continued refusal to grant them permission to emigrate. Her case has recently been brought to my attention by concerned citizens in my district, and I have sent an urgent appeal on behalf of Inna Usepensky and her family to General Secretary Gorbachev.

The Usepensky family is but one example, Mr. Speaker, of the many thousands of refuseniks who currently suffer religious and political persecution in the U.S.S.R. It is my belief that Jewish emigration must not be forgotten in the rush to accept Mr. Gorbachev as a genuine reformer.

INTRODUCTION OF NEW IMMIGRATION LEGISLATION

(Mr. MAZZOLI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today the distinguished gentleman from New York [Mr. FISH] and I are introducing legislation to fill a gap in our Nation's immigration laws.

Current law addresses the situation faced by a person who is the victim of persecution in his or her own country—persecution based on race, religion, nationality, political thinking or social class. That person may enter the United States or remain here if already in the country, is entitled to be called a refugee or asylee, and is entitled to become an American citizen.

The law today also addresses the situation faced by a person who is not persecuted in the home country but wants a better life in the United States. The law says you cannot remain if you have entered without documents, but you are entitled to enter as an immigrant.

But, the law does not address the situation faced by persons—including many who have left their homes because of temporary but dangerous or life-threatening conditions and who need a safe haven until the threatening conditions—war, environmental disaster, economic collapse—have eased.

This latter situation is what our bill addresses.

This situation is sometimes addressed by the application of extended voluntary departure [EVD] status. But, EVD is without sound, statutory basis, depends on the general parole authority of the executive, and is granted and withdrawn arbitrarily—the bill we are introducing today does the job better than EVD.

Mr. Speaker, the temporary safe haven bill is no stranger to this Chamber. On October 5, 1988, this bill passed by unanimous voice vote. Unfortunately, the bill was not taken up by the other body in the closing moments of the 100th Congress. Therefore, I would urge my colleagues once again to support this legislation, to make America a safe haven for law-abiding people whose home countries are wracked with turmoil.

Mr. Speaker, the following is a summary of the Temporary Safe Haven Act of 1989:

SUMMARY OF TEMPORARY SAFE HAVEN ACT OF 1989

Authorizes the Attorney General to allow aliens from any country (or part thereof) who are in the United States, to remain temporarily if the Attorney General finds that:

(1) An ongoing armed conflict within the aliens' home country would pose a threat to the safety of returning aliens; or

(2) An environmental disaster has occurred in the aliens' home country, substantially disrupting living conditions, and the country has officially asked the United States to provide temporary safe haven to its nationals; or

(3) Other temporary, extraordinary conditions exist in the aliens' home country such that to return aliens to that country would not be in the national interest of the United States based on humanitarian, immigration, and international concerns.

(4) Prohibits future use of "Extended Voluntary Departure" or other administrative action as a substitute for safe haven;

(5) Requires the Attorney General to publish notice and a statement of findings whenever safe haven is granted, extended or terminated;

(6) Requires eligible aliens to show continuous physical presence in the United States since the date safe haven is granted, but allows for brief, casual, and innocent departures;

(7) Permits no judicial review of safe haven determinations of the Attorney General;

(8) Requires eligible aliens to register, and reregister annually;

(9) Denies safe haven to criminals, drug offenders, and subversives;

(10) Disqualifies safe haven grantees from federal programs of public assistance;

(11) Requires the Attorney General to report yearly on why each country's nationals were, or were not, made eligible for safe haven.

OPPOSE THE MANDATED EMPLOYEE LEAVE BILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, yesterday the Committee on Education and Labor marked up H.R. 770, mandated employee leave bill. This is not a new bill, in fact, it is the same legislation approved by the committee in the last Congress.

What has not changed is the central problem raised by the bill—should the Federal Government adopt a policy that mandates benefits for private employers?

Prescribing a one-size-fits-all policy for all businesses, both small and large, ignores the fact that employee needs differ from one business to another. Mandating one particular benefit limits the ability of employers to offer other benefits that appeal to their work force.

Leave for employees for the care of a child or sick parent is a good policy to pursue. I hope employers would offer their employees this option. It is, however, bad policy for the Federal Government to require companies to offer these benefits.

I urge my colleagues to oppose H.R. 770.

PROPOSED MIDDLE EAST DEVELOPMENT BANK

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I rise today to salute the 10th anniversary, on March 26, of the historical peace between Israel and Egypt, which paved the first road to a normalization of relations between Israel and its Arab neighbors. That event was one of the most significant foreign policy achievements of this decade, and a true cause for celebration.

To commemorate that important event, I will shortly introduce legislation which would direct the creation of a Middle East Development Bank. Such an economic development program, funding local projects, through foreign assistance, public and private, and in cooperation with local financial institutions and industries, has been successful in Asia and in South America. It is my assumption that the different countries of the Middle East would welcome a similar type of funding source.

Last December, under the auspices of the House Foreign Affairs Committee, I traveled to six countries during a dynamic period in the region. I was in Saudi Arabia the day Arafat was getting last minute advice from King Fahd before his Geneva speech; I was in Jordan the day King Hussein reorganized his Cabinet to lessen government ties with West Bank Palestinians; and I was in Israel the day it finalized its coalition government. In addition, I traveled to Egypt, Iraq, and Syria.

As a member of the Foreign Affairs Subcommittee on Europe and the Middle East, I have become active in trying to understand the problems which seem to preclude peace in that troubled area of the world.

Today, though, I rise to discuss a different subject, but one which is directly related to the peace process: regional economic cooperation.

One of the recurring themes during my December trip and my two earlier official visits last year, was the role that regional economic cooperation must play to help build a foundation for peace. It is known that Israel and Egypt have many joint economic and scientific activities. But I learned that, at times, notwithstanding very real conflicts, some other Middle Eastern countries have put aside political differences with Israel out of economic necessity. For example, Jordan, despite the fact that it does not have any peace treaty or normalized relations with Israel, has entered into a number of cooperative agreements with Israel concerning water issues and other areas of mutual interest. They jointly operate the Allenby Bridge between their two countries. In fact, there has even been talk recently about the possibility of building an entry bridge between Aqaba and Eilat to help promote tourism between those two countries.

The cooperative exchanges between Egypt and Israel have played a useful role in warming and developing their

relations following the peace treaty which is now 10 years old. It is encouraging to learn about some of the positive aspects of Israeli/Egyptian relations; the cooperative programs and the tourism; the Israeli Academic Center in Cairo; and the joint desalination and irrigation projects.

Despite Egypt's initial isolation in the Arab world after its peace with Israel, it is about to be formally accepted back into the Arab League—a tacit recognition that it is possible in the Arab world to make peace with Israel. The fact that Foreign Ministers of 19 Arab countries accompanied Arafat to Geneva last December while he made his speech recognizing Israel's right to exist effectively indicated support for that major concession.

But the peace between Egypt and Israel remains cool at best. And still most of the Arab world refuses to officially recognize Israel. While they deal with the reality of Israel's existence, and its preeminent military presence, the elaborate pretense that Israel has no permanence nor right to be there, still dominates the official Arab diplomacy.

In 1979, there was a lot of hope concerning the potential for cooperation between Israel and Egypt. The two countries signed some 20 to 30 bilateral agreements ranging from scientific to cultural exchanges. Over the past 10 years, there have been a number of scientific and economic exchanges. Former Prime Minister Mustafa Khalil deserves great credit for the foresight in seeing the potential for Israeli/Egyptian exchanges and his efforts in promoting such exchanges.

With the 10-year anniversary of such an historic event quickly approaching, it was with dismay that I learned last week in hearings before the Europe and the Middle East Subcommittee that the State Department has not even formally contacted Egypt and Israel about ways to mark this anniversary. Such an event offers a great opportunity to not only celebrate peace, but to encourage warmer relations through additional cooperative exchanges.

The United States, thanks to the efforts of many Members of Congress, led, I believe by Representative HENRY WAXMAN, has been facilitating economic cooperation between Israel and Egypt through the Agency for International Development's Regional Cooperative Program. This $5 million program has been successful, not only in bringing Egyptians and Israelis together in a spirit of friendship and cooperation, but has also been quite successful in terms of economic production and scientific advancement for these two countries.

Representative WAXMAN recently proposed to turn this program gradually over to the private sector. In fact, last month, I helped organize, with prominent New York businessman S. Daniel Abraham, a nonprofit organization, the Center for Middle East Peace and Economic Cooperation, to help further the cause of peace as the name indicates, but also to facilitate economic cooperation between Israel and her Arab and Palestinian neighbors. A concerted private sector effort would not only offer new resources to supplement those which the United States Government and others might provide but would also offer opportunities to expand informal activities between Israel and other Arab countries until such time as a peace settlement permits open and formal joint economic activities.

The legislation which I will introduce in the near future will direct that a Middle East Development Bank be created to pursue, among others, the following objectives:

A. To further understanding of participant countries and peoples through economic cooperation with each other;

B. Fund joint venture projects in the economic zone;

C. Protect American interest in the zone;

D. Provide an enhancement and an alternative to local financing;

E. Foster a working relationship among the business communities of the zone;

F. To provide an informal forum to exchange technology, culture, and trade;

G. To allow a theoretical recognition of sovereignty of each zone member by official recognition of the union, by virtue of membership in the bank;

H. To provide passive constructive aid through economic assistance;

I. To prepare for formal joint economic enterprises at such time as peace negotiations permit such developments.

Many of the ideas for this project come from S. Daniel Abraham, New York City businessman, David Jan Mitchell, an investment banker in New York, Dr. Joyce Starr, Senior Associate of the Center for Strategic and International Studies, Congressmen LEE HAMILTON, HENRY WAXMAN, and MEL LEVINE, and many others who have been working on these issues for years before I became interested including many individuals in Israel and Egypt, and I express my appreciation to all of them. To their ideas, I have added my own; therefore, the product here proposed is my sole responsibility.

Interestingly, during my most recent trip to the Middle East, I was approached by such diverse people as liberal Palestinians and conservative Likud members seeking my support for United States assistance for economic development in the West Bank and Gaza Strip. At the same time, I have been warned by others that regional cooperation cannot happen without first a political solution to the Palestinian issue.

It is my belief that the very nature of the Middle East region dictates that there be regional cooperation, and that such regional cooperation, even on a very small scale, can lay the foundation for peace and stability in the region. Such cooperation is by no means a substitute for a political solution, but an important complement to the peace process.

A number of people, including the late Israeli leader, David Ben-Gurion, have discussed the idea that, one day, there must be a Middle East Economic Common Market. The stage was perhaps prepared last month for such an eventuality when Iraq, Egypt, Jordan, and Yemen created an economic cooperative council. The inclusion of Israelis and Palestinians must await a political solution to the current situation but much can be done informally in the interim. Moving in that direction is the purpose for the proposed Middle East Development Bank.

REINTRODUCTION OF TRANSPORTATION TRUST FUND LEGISLATION

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, I rise today to reintroduce legislation which will help reform the Federal budget process and release the transportation trust funds after years of false imprisonment.

This bill removes the transportation trust funds from the general revenue budget and adjusts the Gramm-Rudman deficit targets accordingly.

The health of our entire national transportation infrastructure has been sacrificed in an attempt to manipulate budget numbers and deceive the American people as to the true extent of the budget deficit. Over $20 billion remains in these trust funds.

You know the law: This money can only be spent for transportation purposes. But as transportation infrastructure continues its dangerous decline, Congress continues its deceitful practice of using these funds to mask a portion of our true deficit.

Thus, the American people are deceived not once, but twice; in misapplying designated funds, and in hiding the truth about our budget deficit.

The time has come to restore the trust to the transportation trust funds.

FAITH IN SAVINGS AND LOAN INSTITUTIONS

(Mr. GEKAS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, we cannot overstate in this forum or anywhere else that the savings and loan situation as perceived by the public is one where the full faith and credit of the United States will assure every single depositor anywhere in the United States that those deposits will remain safe and will not be eroded in the process of trying to save the savings and loan situation.

We must recognize that what has become troublesome in some areas in the savings and loan industry does not obtain nationwide. Several are in distress. Several institutions are in distress because of an oil economy in some places that has turned down, because of fraud and some misguided actions on the part of some of the executives, but generally the savings and loan industry is in good shape, and we ought to continue to have faith in it.

The mortgage and building and community development of every locale in the United States depends on a strong savings and loan institution, and we here in the Congress have the duty and we will discharge that duty as doing whatever is necessary in formulating some part of the Bush administration initiatives in that regard, with some modifications, to make sure that each savings and loan institution as we know it in every locale will remain strong.

RECOGNITION OF NATIONAL FALLEN FIREFIGHTERS' MEMORIAL AT EMMITSBURG, MARYLAND

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, today I am introducing a resolution to recognize the National Fallen Firefighters' Memorial on the campus of the National Fire Academy in Emmitsburg, MD, as the official national memorial to career and volunteer firefighters who have died in the line of duty. Constructed in 1981 with over $50,000 in Federal funds, the monument has become a national symbol to members of the fire service and their families.

The Modest Bronze Maltese Cross, just 2 feet high and 2 feet wide, symbolizes the courage and dedication of the hundreds of fallen firefighters who willingly gave their lives to protect the lives and property of others. It also celebrates current and future firefighters committed to protecting our communities.

By officially recognizing this memorial, we are telling the colleagues and families of the hundreds of fallen firefighters that we appreciate their acts of ultimate bravery and truly value the service that they willingly provide to our families and communities. Their actions will not and should not be forgotten.

I would appreciate your sponsorship of this legislation.

DESECRATION OF THE FLAG AT CHICAGO'S ART INSTITUTE

(Mr. HASTERT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, as Members of this House and of this Congress are provided the opportunity today to honor our flag for those people who fought in Southeast Asia, there is another flag being displayed today on the floor in Chicago. The Art Institute of Chicago insists on insulting the American people by continuing to exhibit the American flag on the floor.

Hundreds of veterans who saw their brothers fall in battle defending the flag have now come to Chicago to demonstrate that they are still willing to defend the dignity of that flag here at home.

Although officials at the art institute would not return my phone calls, I have found out that within the last month the School of the Art Institute received $500,000 from the American taxpayer. Can you imagine that? In the last month alone, it has been feeding out of the public trough to the tune of a half million dollars, and yet they sneer at patriotic Americans who came to protest the desecration of the Stars and Stripes.

The directors of the Art Institute have a great responsibility to our community. They are the stewards for collecting and exhibiting art which reflects human dignity, hope, and idealism. But in this charge, they have failed.

If the Art Institute of Chicago insists on breaking Federal law to desecrate the flag for alleged art, then it's time that Congress makes sure that taxpayer's hard earned dollars are not used to subsidize exhibits that attack the symbol of our heritage.

NATIONAL CHILD CARE AWARENESS WEEK

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, should the Federal Government be in the business of telling parents the type of child care they must choose for their children? Of course not.

Many families in my district back home in Missouri, and across the country, don't want such Government intervention into what is truly a family matter. What parents do want, however, is the freedom to choose the kind of child care they believe is best for their family.

It's hard to conceive that this great Nation of ours—after several years of discussion—cannot develop a means that will give parents choices in child care, instead of a "one size fits all" policy.

Today, parents are demanding this right—be it parental care itself, care by a nearby relative or neighbor, services offered by centers managed by churches or synagogues, or private child care centers. The point is that parents are the best judges on the kind of child care for their family, not the Federal Government.

Mr. Speaker, Congress must focus its efforts to responding to the child care needs of American families by giving them this right of choice. To start this progress, I am introducing the National Child Care Awareness Week legislation which will designate the first week of April as a time to increase public awareness of this important family issue. I call upon my colleagues to join me in sponsoring this legislation to ensure our commitment to the growth and security of the American family will continue.

DO NOT VOTE TO ACCEPT BASE CLOSURE COMMISSION'S WORK UNTIL GAO REPORT RECEIVED

(Mr. PORTER asked and was given permisson to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the General Accounting Office has teams at nine military installations listed by the Base Closure Commission. Closure of these nine bases—including Fort Sheridan in my district—comprise 80 percent of the total savings projected by the Commission, and GAO is attempting to discover whether the savings are real.

GAO's work will take some time to complete. Meanwhile, a resolution rejecting the Commission's list is on a fast track in Congress. Without evidence that the Commission has not done a good, equitable job, such a resolution would undoubtedly fail overwhelmingly.

The primary reason to close domestic military installations is to save taxpayers' dollars and spend them more efficiently. If the Congress does not have an impartial analysis of the Commission's work, how can it vote intelligently on the resolution?

It would be unfair to have the resolution considered before receiving the GAO's report and I would ask Members to search their consciences before considering any such tactic.

29-059 O-90-34 (Pt. 3)

TIBETANS STILL TARGETS OF CHINESE OPPRESSION

(Mr. DOUGLAS asked and was given permisson to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, I rise today to remind the Members that 30 years ago tomorrow the Chinese Army began to destroy the independent nation of Tibet. On March 10, 1959, the peaceful and nonaligned people of that nation rose up to drive out their Communist oppressors.

The events of this week are a stark reminder that the occupying army of China will shoot to kill any monk or citizen of that nation who dares to exercise their God-given rights. Our State Department seems more concerned about selling soft drinks in China than with working to make sure that human rights are protected there.

Two hundred years ago Thomas Paine went to France to assist in that nation's struggle because, as he said, "Wherever there is a struggle for freedom, America should be there."

Mr. Speaker, in a small way, by passing House Concurrent Resolution 63, sponsored by the gentleman from North Carolina [Mr. ROSE], the gentleman from New York [Mr. GILMAN], and myself, we can show that America is there for the Tibetan people. We must do more than that, but that at least we should do.

FOREIGN COMPANIES CHOSEN FOR SUPERCOLLIDER CONTRACTS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, in a January issue of Metalworking News, there is a story reporting "Global Magnet Producers Vie for Supercollider" which explains that:

> At least 12 companies and team members of the 16 companies and teams selected by the Department of Energy to participate in Phase I of the supercollider program, which will get under way this month at three national laboratories, are foreign-owned.

This clipping was sent to me by Mr. Clee Worden, Jr., an irate constituent from Glen Arm, MD, and I am in debt to him for the information.

Incredible to me, and I hope to you, also. Facing a budget crisis—borrowing money from all over the world to service our debt—that we would then be spending it on foreign contractors who will reap the benefits of the technology breakthroughs absolutely dumbfounds me.

I have not investigated this, but I will. If I think of any reasonable explanation—it could only be that there are not enough companies left in business in this country to do the job.

Whatever—it is a sad commentary on either our national capabilities or our international myopia as a country. And, something better change.

[From the Metalworking News, Jan. 9, 1989]

GLOBAL MAGNET PRODUCERS VIE FOR SUPERCOLLIDER

(By Robert Irving)

WASHINGTON.—Foreign-owned companies might receive a windfall of magnet production business as a result of their selection for participation in the first phase technical orientation for the Superconducting Super Collider.

At least 12 companies and team members of the 16 companies and teams selected by the Department of Energy to participate in Phase I of the supercollider program, which will get under way this month at three national laboratories, are foreign-owned.

The program will aid in establishing an industrial capability to produce the nearly 10,000 super-conducting magnets needed for the Super Collider. Phase II, tooling and preproduction, is expected to start later this year. The third phase of the program will involve magnet production.

Energy Department officials have said the supercollider program could lead to about $1 billion in contracts for production of magnets (MN, Aug. 1). The plan is to have numerous companies build the magnets. The 53-mile-long supercollider is expected to be built in Waxahachie, Texas, (MN, Nov. 14) with a scheduled completion date of 1992.

The 16 companies and teams selected for this first phase are Alsthom, Belfort, France; Asea Brown Boveri Technology Co., North Brunswick, N.J.; Babcock and Wilcox, Lynchburg, Va., a unit of McDermott Inc.; Elin Union, Vienna, Austria; Fuji Electric Co. Ltd., Tokyo; a team from General Atomics, San Diego, and Kawaski Heavy Industries Ltd., Tokyo; General Dynamics Corp.s' Space Systems division, San Diego; General Electric Co.'s Space Systems division; General Motors Corp.'s Electro-Motive division, La Grange, Ill.; a team of Grumman Corp.'s Space Systems division, Bethpage, N.Y., and Ansaldo, Genoa, Italy; a team of Hitachi Ltd. and Mitsubishi Electric, both headquartered in Tokyo; a West German team of Interatom, Bergisch Cladbach and Siemens AG, Mulheim; Intermagnetics General Corp., Guilderland, N.Y.; Kobe Steel Ltd., Tokyo; Noell, Wurzburg, West Germany; and Westinghouse Electric Corp., Orlando, Fla.

A MOVE TO RESTORE FULL TAX DEDUCTIONS FOR IRA CONTRIBUTIONS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, next week I will introduce legislation to restore the full tax break for IRA tax contributions. As it existed under previous law, this tax break was one that was very popular with middle income Americans and middle income taxpayers.

□ 1130

Mr. Speaker, it also encouraged a great deal of savings into the savings and loan associations and banks of this Nation. I think, if the full tax deduction was restored to the way it was prior to the 1986 tax reform law, this would do a great deal to help out marginal savings and loan associations without adding the marginal associations to the already huge bailout that is going to be required.

Also, many of the things that we do through this Congress help in a small way the very poor, and in a large way, by indirection, the very rich. However, Mr. Speaker, we do very little for the 85 to 90 percent of American people that fall in the middle.

Mr. Speaker, I would encourage my colleagues to join me in supporting legislation to restore the full tax deduction for individual retirement accounts to the way it existed prior to the 1986 tax reform law.

ADJOURNMENT TO MONDAY, MARCH 13, 1989

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GONZALEZ. I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 15, 1989.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

[Mr. KYL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will

appear hereafter in the Extensions of Remarks.]

IMPROVING COAST GUARD OPERATIONS AND MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DAVIS] is recognized for 10 minutes.

Mr. DAVIS. Mr. Speaker, today I am introducing five bills to enhance the Coast Guard's ability to meet its responsibilities in many areas, including environmental protection, military readiness, polar icebreaking, law enforcement, and boating safety. This package of legislation would also increase the internal effectiveness of the Coast Guard by reorganizing and consolidating the Federal maritime programs, including the Coast Guard, in the Department of Transportation and by providing certain technical personnel management changes to streamline Coast Guard personnel practices. Finally, one of the bills I am introducing establishes a definition of "United States vessel" for the United States Code, and makes other technical changes in the Code to conform existing statutory language to the new definition.

FEDERAL MARITIME REORGANIZATION AND CONSOLIDATION ACT

First, I am introducing a bill to provide for a new Federal Maritime Administration within the Department of Transportation. I have become increasingly concerned that the defense readiness mission of the Department of Transportation is not getting the attention it deserves within the Department of Transportation. I am also concerned that the Department of Defense is not sensitive to the important defense role that is played by the Department of Transportation. Finally, I believe that certain governmental functions related to water transportation should be reorganized. A reorganization and consolidation of functions would save money and improve the effectiveness of the maritime agencies.

Under this bill, the Federal Maritime Administration would be headed by an Under Secretary for Maritime Affairs and Readiness, who would be appointed by the President, with the advice and consent of the Senate. The Under Secretary would serve as the Secretary of Transportation's chief adviser on maritime matters, and as the primary liaison to the Department of Defense for maritime readiness matters related to the Department of Transportation without reorganization of the current relationship of the transportation modes in the same manner as was done for the Under Secretary for Oceans and Atmosphere in the Department of Commerce.

The Federal Maritime Service would consist of the U.S. Coast Guard and the National Maritime Service. The U.S. Coast Guard would consist of the present Coast Guard organization, and certain other functions transferred to that organization from the National Ocean Service and the National Weather Service of the National Oceanic and Atmospheric Administration in the Department of Commerce. The Commissioned Officer Corps and all vessels of the National Oceanic and Atmospheric Administration would be transferred to the Coast Guard, subject, of course, to the continuing need for ship time of the Department of Commerce.

The bill also provides for recommendations from the Secretary of Transportation and the new Under Secretary concerning further governmental reorganization that should be accomplished to consolidate maritime functions in the Federal Government.

Recently, others have proposed to create a new executive department solely for the Coast Guard. These proposals are intended to alleviate the Coast Guard's budgetary problems, but in fact, many only require greater Federal expenditures to create a separate department. I believe that the approach I have outlined in this bill is fiscally sound and would benefit all maritime agencies, including the Coast Guard.

COAST GUARD ENVIRONMENTAL COMPLIANCE ACCOUNT AUTHORIZATION

Mr. Speaker, the second bill I am introducing complements a bill recently introduced by my colleague from Alaska, DON YOUNG. That bill responds to the critical problem of hazardous substance contamination at present and former Coast Guard facilities around the country. The program of compliance with environmental laws mandated for Coast Guard facilities by that bill is modeled after the existing Defense Environmental Restoration Program. This program provides for centralized program management for the cleanup of Department of Defense hazardous waste sites, consistent with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], the Superfund Amendments and Reauthorization Act of 1986 [SARA], and the National Contingency Plan [NCP]. The goals of the Environmental Compliance Program established in the bill are identical to the goals of the DOD Program;

(1) To identify, investigate, and clean up contaminants from hazardous substances, pollutants, and contaminants;

(2) To correct the environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

(3) To demolish and remove unsafe buildings and structures, including buildings and structures at sites formerly used by or under the jurisdiction of the Secretary of Transportation.

I wholeheartedly support this bill because I believe the time has come for all Federal agencies, including the Coast Guard, to realistically address the environmental contamination at their facilities. This approach will require the Coast Guard to approach its environmental problems in the manner employed by the Department of Defense in its Defense Environmental Restoration Program. That program has been successful in highlighting and correctly DOD facility environmental problems. The Coast Guard must begin to clean up the environmental problems at its facilities for the good of the public and the personnel employed at the sites.

The bill I am introducing today establishes the Coast Guard Environmental Compliance Account among those Coast Guard budgetary accounts that are authorized annually. This will require the Coast Guard and Congress to fund this account separately in the Coast Guard budget, giving environmental compliance at Coast Guard facilities the attention and funding it deserves. The bill also addresses the problem of indemnification of response action contractors, and requires the Coast Guard to indemnify response action contractors against the reasonable, potential long-term liability associated with the cleanup of hazardous waste sites. The Coast Guard may require the contractors to purchase insurance that is available at a fair and reasonable price. Normally, a response action contractor would obtain insurance to cover the liabilities associated with hazardous waste sites and the cost of the premiums would be reimbursed as a contract item. Recent GAO reports have concluded, however, that pollution insurance is not generally available in adequate amounts and for reasonable durations, and that the prospects for development of the insurance in the future are uncertain. For this reason, the Coast Guard should indemnify response action contractors for these costs to ensure that a ready, qualified pool of contractors continues to exist in numbers sufficient to ensure competition for the contracts.

COAST GUARD SELECTED RESERVE ACT OF 1989

Mr. Speaker, my colleagues and I who serve as members of both the Armed Services and Merchant Marine and Fisheries Committees have become increasingly concerned that the Coast Guard is not prepared to meet its wartime personnel requirements.

The other four armed forces have a level of preparedness equal to approximately 95 percent of their personnel requirement for wartime mobilization. The Coast Guard, on the other hand, has a level of preparedness of less than 45 percent of its mobilization requirement. I believe that it is critical that this situation be changed and that the fifth armed force, the Coast Guard, be prepared for wartime at a level comparable to that of the other armed forces. The augmentation of the active duty forces of the Coast Guard with selected reserve personnel will also serve vital peacetime functions, aiding the coastal defense and drug interdiction efforts of the Coast Guard.

Because of the great concern of the members of the Armed Services Committee over this situation, the Secretary of Transportation was required by the 1988 and 1989 Department of Defense Authorization Act to submit a plan to Congress to bring the Coast Guard Reserve up to the level of the other armed services. That plan requires a reasonable buildup to the year 1998, when the Coast Guard should have 95 percent of its reserve manpower mobilization requirements, or 26,125 selected reservists.

This bill would begin the 9-year personnel buildup to 1998, adding the necessary increment of reservists from today's level of 12,000 personnel to the necessary 1998 level of 26,125 reservists. The serious personnel shortfall that exists in the Coast Guard Reserve threatens our national security, and I look forward to working with my colleagues on the Armed Services Committee to correct the problem.

COAST GUARD MANAGEMENT AND LAW ENFORCEMENT ACT OF 1989

The Coast Guard Management and Law Enforcement Act consists of five titles dealing with Coast Guard icebreaking, law enforcement, personnel management, general man-

agement and administration, and boating safety responsibilities. This bill will improve the overall effectiveness of the Coast Guard in these areas and benefit the members of the public who depend upon Coast Guard services.

TITLE I—ICEBREAKING REQUIREMENTS

The first section of this bill ensures that the Coast Guard maintains the capability to break ice on the Great Lakes and keep the shipping lanes open. Icebreaking on the Great Lakes is an essential Coast Guard service, and we must not allow the Coast Guard budgetary problems to jeopardize that service. The Coast Guard Cutter *Mackinaw* is in need of renovation and modernization to extend her useful life. The Coast Guard estimates that $5 million is needed to extend *Mackinaw's* life for 10 to 20 years. I believe that this is a modest sum compared to the vital service that this vessel delivers on the Great Lakes.

Section 102 of this bill would authorize the Secretary of Transportation to charter an icebreaking vessel on a long-term basis. This section would not require the Secretary to acquire an icebreaker by charter, but it would give the Secretary the option to charter the vessel rather than purchasing it. The administration has proposed this authority for the Secretary, to give the Secretary an acquisition option in the replacement of the Coast Guard's icebreaker fleet.

The administration requested budget authority of $244 million in its fiscal year 1990 budget, and an additional $18 million in fiscal year 1991, for acquisition of a polar icebreaker. Although budgetary "scoring" requirements may require that amount of budgetary authority, a charter arrangement would drastically reduce the actual amount needed in outlays from year to year.

The Secretary of Transportation should have the charter acquisition option, as does the Secretary of the Navy. Budgetary constraints require that we consider all the options reasonably available to meet the acquisition needs of Federal agencies.

TITLE II—LAW ENFORCEMENT

The first section in this bill complements a clarification in Coast Guard law enforcement authority in the 1988 Coast Guard Authorization Act. Section 17 of that act clarifies that the Coast Guard has the authority to enforce U.S. law over, as well as on and under, the high seas and waters subject to the jurisdiction of the United States. Section 201 of this bill would amend the basic Coast Guard law enforcement authority to allow the Coast Guard to exercise law enforcement authority over aircraft, as well as vessels. This is needed to stem the increasing flow of illegal drugs into this country by air. We have dramatically increased the air surveillance capability of the Federal drug enforcement agencies, but have done little to give them actual enforcement authority in the air. This section would give the Coast Guard a missing tool to use in the war on drugs.

Section 202 of this bill requires the Secretary of Transportation, in consultation with the Attorney General, to submit a report to Congress with recommendations on which laws currently enforced by the Coast Guard in the territorial seas should be extended in application to the new 12-mile territorial sea limit established by Presidential proclamation last December. This report is necessary to enable Congress to thoroughly review the U.S. laws applicable in the territorial seas and make decisions on which should be extended in application to 12 nautical miles.

TITLE III—PERSONNEL

This title contains four sections to improve Coast Guard personnel management practices. Sections 301 and 302 were proposed by the administration. Section 301 would ensure that an officer holding the rank of vice admiral would not be financially disadvantaged by a termination of appointment in order to appoint the officer to another position as a vice admiral or admiral. Section 302 would remove the requirement for Senate approval of appointments of officers to the grades of lieutenant (junior grade) or lieutenant, in line with the current practice for appointments to those grades in the other armed services.

Section 303 of this bill would give the Secretary of Transportation the authority to adjust the appointment date of a Reserve officer if there is a delay in finding the officer physically fit for promotion and the delay is beyond the control of the officer. This would be appropriate if, for example, the evidence of an officer's physical examination is misplaced by the Coast Guard. The Secretary would also have the authority to vary Reserve officer appointment dates for other equitable reasons.

Section 304 would ensure that a Reserve officer is allowed to serve at least 1 year in grade before the officer is required to compete for retention in the Coast Guard Reserve. This would allow officers a fair chance to gain experience in grade before they compete against other, more senior officers for retention.

TITLE IV—MANAGEMENT AND ADMINISTRATION

Section 401 of this bill requires that Coast Guard contracts in States with unemployment rates above the national average be performed with local State residents. Local residents include residents of the particular State, and also individuals who commute daily to the State. Individuals who are temporary residents of a State only for the purpose of fulfilling a Coast Guard contract do not qualify as local resident under this section.

Section 402 would establish a Merchant Marine Reserve within the Coast Guard Reserve. It is critical to maintain qualified, available merchant mariners to man the merchant fleet during war or national emergency. Recent studies have predicted a shortfall of certain merchant marine personnel in the near future. To avoid this shortfall, we must develop a pool of merchant marine reservists ready to serve when needed.

Section 403 clarifies that the Secretary of Transportation would retain the authority to execute the functions of the Secretary under title 46, United States Code, even if the Coast Guard is transferred to the Navy in time of war or national emergency. The functions of the Secretary under title 46 are peacetime functions, and it would not be appropriate to transfer them to the Secretary of the Navy along with Coast Guard military functions in time of war or national emergency.

Finally, section 404 would allow the Secretary of Transportation to pay special pay to eligible Public Health Service doctors serving with the Coast Guard.

TITLE V—MARITIME AND BOATING SAFETY

Section 501 of this bill would allow the States to authorize the use of the traditional divers flag to promote maritime and diving safety. To exercise this authority, the States must prohibit interference with commercial vessel traffic, unless the diving activity is permitted with adequate notice to mariners. The State regulations under this section are in addition to, and not a substitute for, the requirements of the rules of the road.

Section 502 of this bill would require sailing vessels to be numbered under chapter 123 of title 46, United States Code. Under the present law, only undocumented vessels equipped with propulsion machinery are required to be numbered. This section should close the existing gap between self-propelled and nonself-propelled vessels, and encourage a greater safety awareness in the sailing community.

UNIFORM U.S. VESSEL DEFINITION ACT

The last bill I am introducing today is a continuation of the work begun in the recently enacted Ship Mortgage Act codification, Public Law 100-710. In that act, for the purposes of chapter 313 of title 46, United States Code, a vessel of the United States was defined to include vessels titled under the law of a State, in addition to vessels documented or numbered under the laws of the United States. This bill includes this definition among those applicable to the entire United States Code, and changes the defined term from "vessel of the United States" to the more manageable "United States vessel." Section 3 of the bill makes the conforming changes necessary throughout the code.

Mr. Speaker, these five bills make many short-term and long-term improvements in Coast Guard operations and the laws they administer. I look forward to working with my colleagues on the Merchant Marine and Fisheries and Armed Services Committees to enact the important provisions of these bills.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1989. This is the first report of the 101st Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1989—House Concurrent Resolution 268—adopted on June 6, 1988.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1989, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 268 were printed in House Report 100-662, June 1, 1988.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumption in place at the time of the adoption of the budget resolution, House Concurrent Resolution 268, on June 1988. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumption concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittee of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 8, 1989.

HON. JAMES C. WRIGHT, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 268, the Concurrent Resolution on the Budget for Fiscal Year 1989.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to Section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 268 were printed in H. Rept. 100-662 (June 1, 1988).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1989 budget resolution, H. Con. Res. 268.

The Energy and Commerce Committee and the Ways and Means Committee have exceeded their targets for new entitlement authority because of the enactment of P.L. 100-360, the Medicare Catastrophic Coverage Act and P.L. 100-485, the Family Welfare Reform Act. The Concurrent Resolution on the Budget for Fiscal Year 1989 assumed enactment of both pieces of legislation but made no allocations for them. The House report on the Budget Resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the Resolution's Section 302 allocations or spending aggregates.

Revenues exceed the revenue floor established by the Concurrent Resolution on the Budget for Fiscal Year 1989 because of enactment of P.L. 100-360, the Medicare Catastrophic Coverage Act and P.L. 100-485, the Family Welfare Reform Act. Passage of this legislation was assumed in the Budget Resolution but not reflected in the revenue floor. The Budget Resolution assumed deficit-neutral catastrophic health and welfare reform legislation, but not a specific dollar amount. As explained in the House report on the Budget Resolution, the revenue increases in P.L. 100-360 and P.L. 100-485 were intended to offset and make deficit neutral the multiyear spending in those bills. Therefore, it would not be consistent with the assumptions in the Budget Resolution to enact any additional revenue-losing legislation beyond P.L. 100-418, the Omnibus Trade Act and P.L. 100-449, the Canada-U.S. Free Trade Agreement.

Sincerely,

LEON E. PANETTA,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1989 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 268

REFLECTING COMPLETED ACTION AS OF MAR. 7, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,231,700	1,099,700	964,400
Current level	1,232,634	1,100,101	964,780
Amount under ceilings			
Amount over ceilings	934	401	
Amount under floor			
Amount over floor			34

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate of budget authority for fiscal year 1989, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 268 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate of outlays for fiscal 1989, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 268 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and that exceeds $34 million in revenues for fiscal year 1989, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 268.

FISCAL YEAR 1989 DISCRETIONARY ACTION BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority
House committee	
Agriculture	+412
Appropriations [1]	+293
Armed Services	
Banking, Finance, and Urban Affairs	
District of Columbia	
Education and Labor	
Energy and Commerce	
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	
Judiciary	
Merchant Marine and Fisheries	
Post Office and Civil Service	
Public Works and Transportation	
Science and Technology	
Small Business	
Veterans' Affairs	−4
Ways and Means	−79

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1989 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations subcommittee subdivisions:			
Commerce, State, Justice	+309	−3	
Defense	−224		
District of Columbia	−6		
Energy and Water	−47	+3	
Foreign Operations		−3,632	
Interior			
Labor, HHS, Education	+164	−33	
Legislative Branch	−41		
Military Construction			
Rural Development and Agriculture	+14	−243	+6
Transportation	+98		
Treasury, Postal Service	+26		
VA/HUD/Independent Agencies			
Total	+293	−3,908	+6

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1989 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over (+) under (−) allocation
Agriculture		+611	+542	+542
Armed Services		+2,234	+2,234	+2,234
Energy and Commerce		+75	+55	+55
Interior and Insular Affairs		+35	+16	+16
Judiciary		+39	+14	+14
Veterans' Affairs	+408	+395	+389	−19
Ways and Means		+1,624	+1,461	+1,461
Undistributed to committees	+125			

[1] These figures are used for 401(b)(2) of the Budget Act.
[2] These figures are used for 302(f) points of order.

Note.—The Energy and Commerce and the Ways and Means Committees have exceeded their targets because of the enactment of Public Law 100–360, the Medicare Catastrophic Act, and Public Law 100–48, the Family Welfare Reform Act. The fiscal year 1989 budget resolution assumed enactment of such legislation but made no allocations for it. The House report on the budget resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the resolution's sec. 302 allocations or spending aggregates. Further, Public Law 100–418, the Omnibus Trade and Competitiveness Act, provided $111,000,000 of NEA that is scored in the "enacted" column against the Ways and Means Committee allocation. This amount can be counted against the undistributed $125,000,000 in NEA that was assumed by the budget conferees to be available for programs in functions 500, 550, and 600.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 8, 1989.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1989 budget (H. Con. Res. 268). This report for fiscal year 1989 is tabulated as of close of business March 7, 1989. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 268	Current level +/− resolution
Budget authority	1,232,634	1,231,700	934
Outlays	1,100,101	1,099,700	401
Revenues	964,434	964,400	34
Direct loan obligations	24,370	28,300	−3,930
Guaranteed loan commitments	110,956	110,950	6

This is my first report for the first session of the 101st Congress.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG. 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS MAR. 7, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	855,280	708,311	
Other appropriations	594,475	609,315	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,231,420	1,099,291	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	1,214	810	
Total current level as of Mar. 7, 1989	1,232,634	1,100,101	964,434
1989 budget resolution H. Con. Res. 268	1,231,700	1,099,700	964,400
Amount remaining:			
Over budget resolution	934	401	34
Under budget resolution			

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 45 minutes.

[Mrs. MARTIN of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. BATES). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I have from the very beginning of last month come forth and reported for the benefit of my colleagues, particularly those that are not serving on the Committee on Banking, Finance and Urban Affairs, the course of activities because I realized, when we convened on January 3, and, given the blizzard of announcements in December that aroused the Nation and aroused great concern when the blizzard of announcements from the Home Loan Bank Board, the Federal Home Loan Bank Board, was announcing these deals and chartering new entities that were supposed to resolve some of the more serious problems of savings and loan institutions throughout the country.

The nature of the announcements and the gist of the content of those announcements were enough to alarm in some cases and certainly disturb the peace of mind in most of the cases, the announcement that individuals and companies with no established record of experience in the savings and loan business with a venture of relatively small amounts of cash were able to acquire tremendous resources in the way of assets of some of these defunct savings and loan institutions. It was most alarming.

Mr. Speaker, alarming and unknown to most of the membership was the fact that all the committee had ever gotten, and even up to that time, from the Federal Home Loan Bank Board were the same releases to the newspapers and the media in general that they had given out generally no prior factual presentation, no documentation, no nothing, to the committees, either the Senate Banking Committee or the U.S. House of Representatives' Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, I have long thought that was atrocious, but it was not until I was elected chairman that I felt we had to respond and represent the proper interests of the U.S. House of Representatives in that respect. In fact, it had been most demoralizing to have shouted; in fact, I came to the floor time after time and was the first to announce to the membership here on the House floor as long ago as 5 years ago the questionable developments in that industry, particularly as I saw it and witnessed it in my area in the State of Texas.

Mr. Speaker, it was the first time, but certainly none of my colleagues, nor any non-Member of the Congress, can say that there were not voices here expressing themselves as forceably as it was humanly possible to do so.

However, since becoming chairman, I think that the utterances and the statements I make do receive considerable attention. That is the difference, and of course that can be and good and profitable if that voice now heard is raised in behalf of the greatest interest of the greatest number.

Mr. Speaker, I have said from the beginning, even before I came to the Congress, that I was and had been chairman of the State Senate of Texas Banking Committee, and I said there what I am saying here and have said, that the Congress is not here for the convenience and comfort of any particular industry, be it banking, be it related financial institutions, or any other given special interest. However, Mr. Speaker, the way the Congress has acted and, as a matter of fact, the way the State Senate of Texas acted at times, it seemed as if we were there for the convenience of these special interests.

I want to remind my colleagues that is still my feeling. Too often we hear, even now after the debacle, that whatever proposed reform, which incidentally I consider it a prerequisite to any kind of allocation of resources to the insurance fund, that there has been great misconceptions that the whole purpose, and I think those misconceptions were formed because of the thrust of the activities of the Home Loan Bank Board in particular, all during last year particularly, but even before that.

Mr. Speaker, I am speaking of the feeling that the whole idea was to rescue, bail out somebody. Well, that is of course the last thing I would ever advocate.

I have said, even though what I have said has been distorted at times, that the main problem, the real issue, is whether or not we salvage or maintan what we call the insurance fund system for America.

Mr. Speaker, once I was elected chairman, I discovered, as I said the last time I was here, to my disappointment that the committee has lost practically $300,000 in its funding. That was because of the October 1 and the beginning of the present fiscal year the committee's funding was rescinded in that amount in view of the fact that it was almost that amount that the predecessor chairman had turned back, though frankly I was not aware of it even though I was a senior of the ranking member of the committee.

□ 1140

What was more disturbing, and I did not know, that six of the key staff positions had not been filled, so we lost those, and given the peculiarities of the funding involved in committee funding, which I will not bother the RECORD to go into, because it is complicated, confusing and inexplicable in some ways, you have two different funding sources or allocations. One comes directly from the Appropriations Committee and the other, of course, from the House Administration Committee that has the jurisdiction on the funding and budgeting for the committees of the House of Representatives.

In any event, I want to thank my colleagues on the House Administration Committee. I think particularly in view of the fact that the chairman of that committee is also the ranking or senior member of the Committee on Banking, the gentleman from Illinois [Mr. ANNUNZIO]; so that it looks like after we present our case, we will be able to obtain at least the minimal resources that this committee must have at a time when it faces critical issues, the like of which it or the country or the Congress have not faced in 50 years.

So that happily I want to announce to my colleagues that thanks to the tremendous cooperative spirit, most particularly, though not exclusively, to the majority members of the House Administration Committee who are very sympathetic, but not exclusively so. I am happy to announce, as I said before, that my whole intent and purpose to proceed as chairman must be and as much as it is humanly possible to do so on a bipartisan basis. I cannot see any other expeditious, efficacious way of proceeding, other than as far as we can obtain a consent approach.

Our committee is a large one. It has a total of 51 members. When I first came aboard this committee, and I have been on it since I first came to the Congress 28 years ago, it was about half this size. The complexity may seem to be impossible there, but it is not; mostly because I think my colleagues know the sense of respect that I have for every one of my colleagues.

I have always worked with them, I would say, in the 28 years that I have been there. It is well over close to 6,000 different human beings, individuals, male and female, Ph.D.'s, retired business executives, you name them, atomic submarine commanders. I have worked with these marvelous, marvelous representatives coming from the midst of our people, so that I have nothing but the utmost confidence, and thus far nothing to indicate other-

wise, that as meddlesome as these problems will be, we will confront and overcome them together with our colleagues in the Senate, where we have also a brand new chairman of the Senate Banking Committee who has been a long-time friend, I might say, and who is a very, very effective member of that body, we will work in as close and harmonious way as I think in the history of these two bodies.

So that I am optimistic, even though I do not want to underestimate the size of the problem. That is just one problem.

Unfortunately, we have a conjunction of historical events that are joining forces to complicate the situation as our country sees the conditions of its general financial institutions, not just exclusively the savings and loans.

The restructuring of the world in that respect, the collapse of the systems that have been created in the last year of the war and immediately following the war and those systems that have been in place in our country internally, some of them like the S&L industry since 1933 or 1934.

It was bound to happen. I will refer my colleagues who are interested to a history where I have spoken in anticipation of some of the issues we are in the midst of as far and as long ago as 25 years ago. They are all in the RECORD. It is not what I am saying now.

Regardless, there is one issue that today I want to report that we gave precedence to the moment even before the committee was organized and we could not even technically call these sessions hearings, but we did 24 hours after the 101st Congress met for the first time. We had hearings on that day, January 4, and the following day, January 5, in order to look into the question of the lesser developed countries' debt situation as it impacted on the safety and soundness of our financial institutions in the United States.

Recently the newspapers have been reporting very troubling events happening in such great countries as Venezuela where the newly installed president had said at the very outset at the time he took his oath of office that one of the biggest problems they were confronting was in trying to meet their debt servicing obligations which we were impacting detrimentally on their domestic social services, such as health and welfare and other broad aspects of their society.

So with great regret we read recently of the riots in every one of the principal cities of Venezuela, with considerable loss of life and directly attributable at the time to the onerous burdens announced by the new president in respect to economic restrictions and controls in order to be able to meet the minimal requirements of the debt servicing program.

On January 4, we had testimony of a broad range from several witnesses. The most impressive and the most dramatic witness was the gentleman representing the UNICEF of the United Nations who was also a distinguished member from Great Britain. His presentation I will be glad to provide my colleagues on request. I will be glad to give them a copy. It was most dramatic. He pinpointed and brought down to the realm of reality what the net cost had been in every one of these internationally debt ridden countries, with a net total deficiency in the world's population of more than half a million children who because of deprivation of the minimal health care in those particular countries which had been drastically reduced, mostly in order to have the necessary finances with which to meet the debt servicing, that this was a condition prevalent in almost every country that was saddled for whatever reason with heavy indebtedness.

Now, I spoke out first in 1979 on this House floor warning about the dangerous overhang of the incremental exponential increase in the principal banks of our country's extending loans to countries that have variously been called Third World countries. I detest that phrase. There is no such thing as a Third World country any more than there is a third grade citizen in our country. They are all members of the human race. They all share the destiny of our globe with us. They may be lesser developed, which is a more appropriate term, but so were we at one time in our developmental history.

I think the beautiful thing about it is that just like our country emerged from a lesser developed country to a leader in the world, the example set by some of the countries that just 20 years ago, India, for example—and I might say by way of parenthesis I had the great honor of hosting the very distinguished, the very unique Ambassador from India to the United States this morning for breakfast here in the House of Representatives.

□ 1150

It was a thrill to hear the report of how this Nation has risen from dependency to self-subsistency in the question of, say, agricultural products or food, how it has literally emerged from a lesser development status to one of a progressive nation, one that in so many respects is, frankly, a lot more democratic than what we like to consider is the case even in our own country, despite a tremendous diversity in ethnic, religious, racial differences. I think this is the great hope.

Mr. SPEAKER, I can recall more than 20 years ago and the emphasis that President Kennedy and his wife placed on our relations with India, which I think were a tremendous contribution that has yet to be recorded here in our country. At that time India was considered a dependent nation, and we were actually involved in offering and extending the help such as our country was able to do at that time, which I think, to the everlasting glory and credit of our country, was substantial and should also be recognized today.

In 1979, having been chairman of the Subcommittee on International Finance, I was well-versed with the economic and financial structure of these lesser developed countries then, mostly in Latin America, and I knew that the overhang that rose in less than 1½ years from $3 billion to over $45 billion was one that would place in jeopardy the ability of those nations to pay back. I wish I had been wrong, but I had enough reason and enough factual information to raise my voice here on the House floor. There was not attention paid to it except, to his everlasting credit, the late chairman of the Federal Reserve Board, Arthur Burns, may his soul rest in peace, because he has passed on since then. He must have read my speech, because he called me the very next day and asked me to have breakfast with him.

The history I reported here several times, but he, too, expressed his concern then. The only thing that aroused my greater concern was his telling me that he did not think there was much he could do. I have felt all along that there was a great deal the Chairman of the Federal Reserve could do, could have done, and should be doing, and in any event, we recognize the seriousness of that for that reason.

I have had visitors, as yesterday, from mostly very laudable church groups, one known as the Interfaith Group, that works in African countries as well as Latin American countries, and I might say, as I have said all during the time, I was highly critical of President Reagan and his policies or lack of policies in Central America, particularly when I was asked, "Well, if you are so smart, what would you do?" I said, "If I had it in my power, I would bring back every soldier we have there, and, instead, send the ministers, the priests, the rabbis, the church groups; instead of tanks, I would send them water tanks, I would send them doctors, I would send them nurses," because this is what Fidel Castro has been doing. They are not more enamored in those countries of Fidel Castro then we are, but the difference is that those leaders have had a more realistic perception of what that world is like than what we have had unfortunately.

Mr. Speaker, that was my complaint for 8 years that I sustained without cessation, and I think the results clearly show that. I wish I had been wrong there, too, but it was obvious that with this tie-in, eventually our principal fi-

nancial institutions would be faced with a dangerous overhang, and given the extraordinary amount to which they have been willing to lend in view of their capitalization structure, that was the main reason I spoke out as I continue to.

In the meanwhile, though, things have happened. We had as witnesses on that day, January 4, spokesmen such as this United Nations spokesman, but we also had very able witnesses from the private banking sector. We had a gentleman who reported what the private banking sector in the last 2 years has fully recognized and attempted to do something about such as restructuring their reserves, writing off, in effect, by being able to allocate those reserves, a substantial amount of that debt. However, a lot remains to be done.

I am happy to say that in my first meeting with the Secretary of the Treasury, Mr. Brady, on November 23, I expressed my concern with respect to that as much as I did with respect to the S&L crisis. I think it still is an area, especially with the developments and the fast pace in such countries as Venezuela and in other countries, and particularly in Africa.

I had a very distinguished African church leader visit yesterday in company with representatives from the interfaith groups or committees. They are really an inspired and great group. These are Americans who have gone way beyond just the common challenge and ordinary duties. The expression I heard from this gentleman was one of distress, so we are communicating with the Treasury. I wrote the Secretary of the Treasury about 3 weeks ago or more right on the eve of the group of seven countries meeting, their finance ministers. I pled and asked, and I am going to renew that plea, that the Secretary take the lead and get the group of seven, with American leadership.

Our problem has been that for 8 years particularly of Reaganism we have retreated to that isolationism that led us to so much mischief before and unilateral action. I will ask my colleagues of what avail was it for the President to have exceeded his constitutional rights in an attempt to knock off Qadhafi. Qadhafi is still around, and Reagan is not. How did that resolve anything? Of what avail was it for us to have poured over $4 billion and untold resources and military help, the loss of some of our military personnel in Central America? We are not any closer to a happy solution there than we were in 1981. In fact, we are worse off.

That is a terrible option to start off with unilateral, with retrogression, to the Calvin Coolidge year of gunboat diplomacy and marines which was calamitous and will continue to exact a price yet undetermined of us.

Mr. Speaker, I am very hopeful that President Bush, although he might have been the Vice President of Reagan, he is now on his own, and I happen to have high respect for President Bush. I am hopeful that with his basic instincts, humanitarian, and I believe him when he says that his desire is a kinder and gentler type of world and approach. I sincerely believe him. I know he is sincere, and I am appealing to that. I am directing another plea to the Secretary of the Treasury.

Incidentally, today's newspapers revealed that they are seriously working on some plan that will emanate from the Treasury of our country over and above whatever was considered to be the so-called Secretary Baker plan. The Secretary Baker plan did give for that time some creative attempt. Whether it is true, as the critics say, that it never really took off or it did not, the main thing is that for that time and during that period, it served a good purpose. It indicated that the United States is concerned. It wants to do something about the problem. I am very satisfied that Secretary Brady and the Department of the Treasury will come out with something viable that I hope I will be able to report.

As far as the committee is concerned, now that we have the subcommittees formed, it is my hope and intention to see how we can proceed on the basis of the Subcommittee on International Financial Questions which we merged. We had two separate committees on international matters, international trade, international financial institutions, and we merged those when we organized the committee in the last week of January.

□ 1200

With that, Mr. Speaker, I include in the RECORD at this point a succinct summary of this issue of the Third World or the lesser developed country debt situation and problem, essentially prepared by one of our very able staff members whom I have designated to take care of this particular subject matter, Mr. Dennis Kane.

The article referred is as follows:

RECENT UPRISING IN VENEZUELA THE TIP OF THE ICEBERG?

Last week between 250 and 500 civilians were killed in violent street riots that broke out in virtually all major cities of Venezuela after President Carlos Andres Perez announced tough economic reforms aimed at fulfilling portions of a new IMF structural adjustment program. Steep rises in the price of oil, and bus fares led to the rioting. Venezuela President Perez was quoted as saying, "the three days of violent street protests should teach world leaders about the importance of third world debt." Mr. Perez also stated that Venezuela's debt payments had reached as much as 70% of export earnings.

The recent riots are discouraging because Venezuela is Latin America's richest country and has enjoyed the continent's most stable democracy. But the riots do not come as a great surprise when you consider the human suffering that continues to occur as a result of the crisis. As the new Chairman of the House Banking Committee, the first set of hearings I called dealt with the status of third world debt crisis. At those hearings, held in early January, witness after witness testified that the Third World debt crisis had deteriorated further over recent months as unemployment increased, economic growth continued to decline and per capita income levels were reduced to levels experienced during the 1970's. "Tensions are high," the witnesses repeated, it was only a matter of time before the pent-up frustrations of the people of the developing world were unleashed in an incident such as the one in Venezuela.

The Administration's LDC debt initiative—the Baker Plan—has at best provided very limited results in solving the debt crisis. During the 1980's, nation after nation has renegotiated its external debt, and recent evidence shows that while commercial banks are relatively safe from LDC exposure, in Mexico, Central America, South America and Sub-Saharan Africa social and economic progress are on the decline and the volatility of the situation is rapidly escalating, as the impoverished, their children and the elderly are bearing the brunt of the economic reform packages espoused by the IMF and reluctantly promoted by the leaders of those nations. Most important, testimony before the Banking Committee revealed that children and the poor are suffering the most as heavily indebted governments, trying to cut federal government budget deficits, often reduce nutrition, education and medical care support programs designed to aid children and the poor.

The developing country debt crisis has reached a critical juncture. The U.S. financial system, the deposit insurance fund, and individual commercial banks are no longer in financial jeopardy because of the debt crisis, and the same can be said of other industrialized nations. Policy makers in the industrialized countries are slowly beginning to realize that the human suffering caused by the debt crisis is multiplying, and that the problem is growing in magnitude, not shrinking. The U.S. and other industrialized nations must make an immediate concerted effort to deal with the crisis before the democratic governments of the third world are displaced.

Future U.S. relations with many of the fragile democracies of the developing nations are dependent on a compassionate and viable resolution of the crisis. It is essential that the U.S. take a leadership role in ensuring such an outcome. The future of the debtor countries is theirs to decide, and hundreds of millions of lives are at stake. Any assistance the U.S. can provide to secure our future friendly relationship with those nations is worth the cost. The World is anxiously awaiting the Bush Administration's new debt initiative.

BACKGROUND

Despite nearly a decade of costly adjustments, Lesser Developed Countries (LDC's) remain mired in the debt crisis. Social conditions have deteriorated as unemployment mounts, investment is notoriously weak, and per capita output persists substantially lower than at the beginning of the decade.

Massive and largely unforeseen swings in interest rates, commodities prices, exchange rates, and capital flows were key causes of the current crisis along with protracted fiscal laxity and economic mismanagement. While negative financial transfers, lower

export prices, reduced domestic output, employment, and investment have troubled LDC's since the early 1980's, the social costs have been harsh as economic tensions in Latin America and Sub-Saharan Africa have put threatening strains on the new and fragile democracies of those regions.

BAKER PLAN

The Baker Plan of 1985 emphasized that a combination of economic growth, structural macroeconomic reforms, and new lending from the International Monetary Fund (IMF), commercial banks and multilateral development banks (MDB's) could safeguard existing debt-service arrangements and eventually restore creditworthiness in the LDC's. The Baker Plan strategy has been modified somewhat by encouraging creditors to adopt a "menu" of market-based options when rescheduling LDC debt. One reason the Baker Plan has been ineffective in resolving the crisis has been the reluctance of commercial banks to provide new funds to the LDC's. Without new funds to spur captial investment, economic growth remains stagnant and in some cases has declined.

Another provision of the Baker Plan called for the LDC's to reduce capital flight as a condition of new loans. The Morgan Guaranty Trust Company conservatively estimates that Latin American countries have lost $100 billion dollars to capital flight in recent years. If the LDC's are to experience sustainable economic growth, not only must new loans be provided, but funds lost to capital flight must be repatriated to ensure adequate levels of capital expenditure. Since 1985 debtor countries have made progress with adjustment measures, although that progress has been uneven. Many LDC's have privatized many public enterprises, increased nontraditional exports, and lowered federal budget deficits. But this is not enough, LDC's must regain the confidence of their domestic savers in order to restore capital investment to adequate levels.

While the Baker Plan was ineffective in solving the debt crisis and needs to be replaced, it did afford commercial banks worldwide time to reserve against their LDC exposure.

STATUS OF DEBT CRISIS IN 1989

World Bank staff estimate that the total debt of developing countries at year-end 1988 will reach $1.3 trillion, or roughly 50% of their combined GNP. This is an increase of $39 billion, or 3% over the debt outstanding at year-end 1987, and represents a much slower nominal growth rate than the previous year which saw an 11% increase in debt outstanding. The slower debt buildup can be attributed to three main factors:

(1) Commercial bank lending dropped from $29 billion in 1982, to negative $1.6 billion in 1986 and then grew to a positive $7.5 billion in 1987 ($5.2 billion of that amount went to Brazil to pay interest on their debt);

(2) There was a growth in voluntary debt reduction by commercial banks led by a dramatic growth in debt-for-equity swaps ($8.8 billion during first half of 1988, an increase of 88% over all of 1987) particularly in Brazil, Chile and Mexico;

(3) Favorable exchange rate changes caused a slowdown in the rate of debt accumulation.

ECONOMIC AND SOCIAL PROGRESS THWARTED

Per Capita Income among LDC's, particularly in Africa and Latin America have largely decreased, or at best remained static since 1980. Children have suffered severely as capital investment in medical care, sanitation and education facilities have been delayed in order to pay interest and principal on foreign obligations. Unemployment has made finding good jobs at decent wages progressively difficult. After a 17-year period (1964-1980) of uninterrupted economic expansion (average growth of 6%), Latin America has not once in the past seven years managed to expand by even 4%.

POLITICAL STABILITY THREATENED

Venezuela is not the only nation experiencing social turmoil as a result of the debt crisis. The recent Mexican Presidential election is proof of the political shakiness associated with the debt crisis as the ruling party nearly lost the general election because of domestic discontent with social conditions caused in large part by the debt crisis. Argentine President Alfonsin weathered a coup attempt in December, and with general elections scheduled for May, a top level economic advisor to the leading presidential candidate has been quoted as saying "interest payments on foreign debt are unnecessary and unproductive expenses". Reacting to untenable debt situations, Venezuela, Argentina, Colombia, Ecuador, and Mexico each entered rescheduling during 1988. In addition, finance ministers of seven leading Latin American nations met recently and drafted a proposal to be presented to U.S. officials on ways to reduce foreign debt.

SAFETY OF U.S. FINANCIAL SYSTEM NOT THREATENED BY THE DEBT CRISIS

Testifying before the House Banking Committee the Comptroller of the Currency, Robert L. Clarke stated, "while the LDC debt exposure continues to be a concern to banks and bank regulators, the vulnerability of the U.S. banking system to LDC debt performance has lessened significantly." Concurrently, L. William Seidman, Chairman of the Federal Deposit Insurance Corporation, stated, "It is the FDIC's conclusion that the LDC debt situation, in and of itself, poses no discernible threat to the financial condition of the FDIC. While large LDC debt exposure by some major banks will be with us for some years to come, at this time FDIC cannot foresee any bank failures resulting from LDC debt exposure alone."

U.S. commercial banks, led by Citicorp wrote-off over $10 billion in LDC debt in 1987 and 1988. The money center banks reduced their exposure to highly indebted countries (HIC's) from an average of over 125% of equity in 1983 to 70% of equity at year-end 1988. At present, the top 20 U.S. commercial banks hold 90% of outstanding private U.S. loans to HIC's. Regional Banks have sold their LDC loans and apparently plan no further lending to most LDC's. While the threat to the U.S. financial system has abated, the outlook for new commercial bank lending to LDC's is far from pleasant.

HOW THE DEBT CRISIS AFFECTS US DOMESTICALLY

The debt crisis does more than affect our future political and economic relations with the Third World. Several major domestic social problems—the trade deficit, the drug problem, and environmental concerns—can be linked to the LDC debt crisis. Resolution of the debt crisis, can assist in resolving these national concerns.

THE DRUG PROBLEM

The developing nations are the largest producers of illegal drugs consumed in our country. The debt crisis is part of the reason. Economic growth among the developing nations is at best stagnant, and since unemployment is so high in legal sectors of these societies, there is often little alternative for farmers and laborers but to work in production of drug-related crops. In testimony before the House Banking Committee in January, Reverend Bryan Hehir, Counselor to the Department of Social Development and World Peace, U.S. Catholic Conference told a story about Tom Burns, a Maryknoll missionary working in Peru. Reverend Hehir recalled Mr. Burns saying, "people in the village I lived in, the young people, had basically three choices. They could become thieves, they could work in the drug trade, or they could join the communist-backed rebel group, the "Shining Path." The Reverend Hehir went on to say, "those three choices are not defined by the debt problem, but the debt problem has a lot to do with the possibility of those kids escaping such a dim future."

Needless to say, drug abuse is a cancer to our society. It increases crime and causes our society to divert a substantial portion of its resources to fighting drug related criminal activities. Drug abuse has a significant affect on worker productivity, and generally is responsible for weakening the very social fabric that for generations made us proud to call ourselves "Americans." While solving the debt crisis will not solve our nation's drug problem, it can help reduce the source of drugs by alleviating the causes that make people in developing nations turn to drug production as a source of their livelihood.

TRADE PROBLEM

The debt crisis in developing countries has definitely harmed U.S. trade. Developing countries must increase their exports if they are to generate revenue sufficient to retire their external debts and to import U.S. agricultural and other products. In order to continue servicing their external goods, and drastically reduced capital investment in domestic industries that produce goods for exports. The result of this dilemma is to further reduce income within the group of LDC's while also reducing income in the U.S. because we would have exported more agricultural and other goods to those nations. In his recent book, "Latin American Debt," Pedro-Pablo Kuczynski, Chairman of First Boston International states that U.S. exporters—especially farm and machinery exporters—have lost at least $75 billion in exports to Latin America since 1982. Volume of this magnitude would certainly help bring down the U.S. trade deficit. A Department of Agriculture report succinctly summed up the trade portion part of the problem by saying, "the developing countries will be unable to afford new credit or to stimulate economic growth because most of their export earnings will be required to service existing debt."

Finding a viable resolution to the debt crisis will not only advance social and economic progress in the developing countries, it will also increase U.S. exports and help reduce our trade deficit.

GLOBAL ENVIRONMENTAL PROBLEM

Last year's dismal drought and torrid temperatures once again focused the Nation's attention on the environment and the alarming trend towards global warming and severe climatic change often referred to as the "greenhouse effect". A recent New York Times article by Philip Shabecoff stated, "Current climate models predict that average global temperatures will rise by several degrees Fahrenheit in the next century. The warming is expected to cause major changes in climate patterns as well as a rise

in sea level as heat causes the oceans to expand and glaciers to melt." Brazil provides a vivid example of how the debt crisis is partially responsible for accelerating the so-called greenhouse effect.

After giving up hope of finding a decent job in Rio de Janeiro or Sao Paulo, many Brazilians have headed west on highways and roads financed by World Bank and Inter-American Development Bank to burn tropical rain forest in order to clear the way for farming, development and the hope of a new life. The burning of the rain forest, which can be seen from space, adds excessive carbon dioxide and other gasses into the atmosphere, preventing infrared radiation from escaping, thus heating up the earth. Some scientists estimate that as much as 10% of the particle matter responsible for trapping the infrared radiation within the atmosphere is due to the burning rain forests of Brazil.

The danger of ozone depletion, caused in large part by the chlorofluorocarbons used as coolants in refrigerators and air conditioners, for making plastic foams, and as cleaning solvents for microcomputer circuitry, is also a grave concern of world scientists. At a recent 124 nation conference on this critical problem, many Third World nations expressed the view that they would delay joining a ban on chemicals harmful to the atmosphere's protective ozone shield until industrialized nations committed themselves to financial and technological aid. A nation that cannot adequately employ, feed, and provide proper education and medical care for its population, cannot be expected to devote precious resources to environmental concerns.

Solving the debt crisis will not stop environmental decay. But assistance to LDC's can be accompanied by recommendations for improved natural resource management. The LDC's should improve the methods by which they integrate environmental concerns into development programs. The U.S. should take a leading role in promoting the integration of environmental concerns into development programs.

CONCLUSION

Pedro-Pablo Kuczynski of First Boston International, in testifying before the Banking Committee said, "No debt relief plan by itself will solve the debt problem: Domestic reform and capital inflows are the key ingredients. Debt relief, however, is an important adjunct that could, on a case-by-case basis, speed both." I would like to expand upon Mr. Kuczynski's thoughts by saying that the IMF, the multilateral development banks, and the creditor nations themselves should continue to encourage domestic economic reforms within the debtor countries and should ensure that the environmental protection and drug enforcement policies of those nations are improved. Most importantly, the creditor governments and international agencies should, hand-in-hand with structural adjustment programs, provide aid, through direct appropriation if necessary, to ensure adequate levels of nutrition, health care, and education for the children and impoverished of the debtor nations. Human capital as portrayed by the lives of the children and impoverished inhabitants of those countries is clearly the most precious resource the debtor nations cannot afford to squander. The future of the debtor countries is theirs to decide. Any assistance the U.S. can provide to resolve the debt crisis will be a very wise investment in that it will help secure our future friendly relationship with those democratic nations.

The Banking Committee eagerly awaits the Bush Administration's debt proposal. Upon proper examination of the plan, we will react appropriately to ensure the safety and soundness of our financial system while at the same time advancing future friendly relations with the heavily indebted nations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS, for 10 minutes, today.

Mrs. MARTIN of Illinois, for 45 minutes, today.

Mrs. BENTLEY, for 60 minutes, on March 14.

Mrs. BENTLEY, for 60 minutes, on March 15.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, on March 13.

Mr. GONZALEZ, for 60 minutes, on March 14.

Mr. GONZALEZ, for 60 minutes, on March 15.

Mr. GONZALEZ, for 60 minutes, on March 16.

Mrs. BOXER, for 60 minutes, on March 14.

Mr. ECKART, for 60 minutes, on March 14.

Mr. SMITH of Florida, for 60 minutes, on March 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. COUGLIN.

Mr. MILLER of Washington.

Mr. MARTIN of Illinois.

Mr. LEWIS of Florida.

Mrs. MEYERS of Kansas.

Mr. CRANE in two instances.

Mr. SKEEN.

Mr. ROBERT F. SMITH.

Mrs. BENTLEY in five instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. TRAXLER.

Mr. STARK.

Mr. OWENS of Utah.

Mr. LEVIN of Michigan.

Mr. BOGGS.

Mr. LELAND.

Mr. FASCELL.

Mr. FRANK.

Mr. VALENTINE.

SENATE CONCURRENT RESOLUTION

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 15. Concurrent resolution concerning peace and famine relief in Sudan; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, March 13, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

741. A letter from the Chairperson, Retirement Trust, Navy Resale and Services Support Office, Department of the Navy, transmitting the annual report on the Navy Resale and Services Support Office retirement plan for the 1987 plan year, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

742. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the use of excess currency required by the Conference Report 100-983 on appropriations for the foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989; jointly, to the Committees on Appropriations and Foreign Affairs.

743. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the report on worker rights reporting, pursuant to Public Law 100-418, section 2207; jointly, to the Committees on Foreign Affairs and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota (for himself, Mr. BRYANT, Ms. KAPTUR, Mr. WOLPE, and Mr. BILBRAY):

H.R. 1333. A bill to amend the Foreign Agents Registration Act of 1938 to strengthen the registration and enforcement requirements of that act; to the Committee on the Judiciary.

By Mr. APPLEGATE:

H.R. 1334. A bill to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Veterans' Administration on a long-term basis; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, Mr. MONTGOMERY, Mr. STUMP, Mr. SANGMEISTER, Mr. WYLIE, Mr. PARKER, Mr. BILIRAKIS, Mr. EVANS, Mr. PENNY, and Mr. JONES of Georgia):

H.R. 1335. A bill to amend title 38, United States Code, to increase rates of compensation and disability and dependency compensation for veterans with service-connected disabilities and survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 1336. A bill to amend title 38, United States Code, to reduce from 2 years to 1 year the period of time that a surviving spouse must have been married to a veteran who dies while in receipt of compensation for a service-connected disability in order for the surviving spouse to be eligible for dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H.R. 1337. A bill to provide for a calendar and detailed schedule of events in the B-2 Advanced Technology Bomber Program for the purpose of advising Congress in a timely fashion of pertinent unclassified data about the program, consistent with the national security of the United States; to the Committee on Armed Services.

By Mr. BLAZ (for himself, Mr. YOUNG of Alaska, Mr. DE LUGO, and Mr. LAGOMARSINO):

H.R. 1338. A bill to provide for the disposition of excess Federal land located on Guam, and for other purposes; jointly, to the Committees on Armed Services, Government Operations, and Interior and Insular Affairs.

By Mr. COURTER (for himself and Mr. GALLO):

H.R. 1339. A bill to roll back the expanded east coast plan issued by the Administrator of the Federal Aviation Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DAVIS:

H.R. 1340. A bill to establish within the Department of Transportation a new Federal Maritime Administration, to consolidate within that Administration certain functions of the Federal Government relating to maritime transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1341. A bill to authorize the Coast Guard environmental compliance account, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1342. A bill to provide for the end strength for the Coast Guard Selected Reserve for fiscal years 1988 and 1989, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1343. A bill to improve the administration, management, and law enforcement capabilities of the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1344. A bill to provide a uniform definition for the term United States vessel, and for other purposes; to the Committee on the Judiciary.

By Mr. DE LUGO:

H.R. 1345. A bill entitled, "The Virgin Islands Reunification Act"; to the Committee on Interior and Insular Affairs.

By Mr. DONNELLY:

H.R. 1346. A bill to amend the Internal Revenue Code of 1986 to provide certain restrictions on the use of tax-exempt bonds issued to provide offices related to sewage management; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 1347. A bill to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1348. A bill to make certain technical changes to the Panama Canal Compensation Fund Act of 1988; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANK:

H.R. 1349. A bill to amend the definition of who may be a debtor under chapter 11 of the Bankruptcy Code; to the Committee on the Judiciary.

H.R. 1350. A bill to limit the modification of all collective bargaining agreements subject to the Railway Labor Act; to the Committee on the Judiciary.

By Mr. HOLLOWAY (for himself, Mr. DORNAN of California, Mr. STENHOLM, Mr. HYDE, Mr. BONIOR, Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. STANGELAND, Mr. HUNTER, Mr. SMITH of New Hampshire, Mr. DANNEMEYER, Mr. ARMEY, Mr. BLILEY, Mr. PETRI, and Mr. MCCOLLUM):

H.R. 1351. A bill to amend the Public Health Service Act to establish a certain prohibition against the use of fetal tissue obtained pursuant to induced abortions; to the Committee on Energy and Commerce.

By Mr. HOPKINS (for himself, Mr. BILIRAKIS, Mr. BLILEY, Mrs. BOXER, Mr. BROOMFIELD, Mr. CLINGER, Mr. DORNAN of California, Mr. FAWELL, Mr. FISH, Mr. HENRY, Mr. IRELAND, Mr. LIGHTFOOT, Mr. NIELSON of Utah, Mr. SHUMWAY, Mr. SLAUGHTER of Virginia, Mr. DENNY SMITH, Mr. STUMP, Mr. TALLON, Mrs. VUCANOVICH, and Mr. WHITTAKER):

H.R. 1352. A bill to provide that receipts and disbursements of the highway trust fund, the airport and airway trust fund, and the inland waterways trust fund will not be included in the totals of the congressional budget or the budget of the U.S. Government as submitted by the President, and to adjust the maximum deficit amounts prescribed by the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the change in budget calculations; jointly, to the Committees on Public Works and Transportation, Government Operations, and Rules.

By Mr. LEVIN of Michigan (for himself and Mr. MOODY):

H.R. 1353. A bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the Old-Age, Survivors, and Disability Insurance Program and the Supplemental Security Income Program; to the Committee on Ways and Means.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. BATES, Mr. RINALDO, Mr. ECKART, Mr. TAUKE, Mr. FLORIO, Mr. MANTON, Mr. SIKORSKI, Mr. SLATTERY, and Mr. SWIFT):

H.R. 1354. A bill to strengthen the authority of the Federal Trade Commission respecting fraud committed in connection with sales made with a telephone; to the Committee on Energy and Commerce.

By Mr. MAZZOLI (for himself and Mr. FISH):

H.R. 1355. A bill to amend the Immigration and Nationality Act to provide to aliens who are nationals of certain foreign states in crises authorization to remain temporarily in the United States; to the Committee on the Judiciary.

By Mr. MRAZEK (for himself, Mr. BATES, Mr. ROYBAL, Mr. STARK, Mr. JACOBS, Mr. HARRIS, Mr. SMITH of Florida, Mr. SIKORSKI, Mr. BEILENSON, Mr. DARDEN, Mr. SHAYS, Mr. DELLUMS, Mr. ATKINS, Mr. GOODLING, Mr. WALGREN, Mrs. BOXER, Mr. RAVENEL, Mr. KASTENMEIER, Mr. WILSON, Mr. MANTON, Mr. OWENS of New York, Mr. FOGLIETTA, Mr. DEFAZIO, Mr. EDWARDS of California, Mr. LANTOS, Mr. VENTO, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. SCHNEIDER):

H.R. 1356. A bill to prohibit the importation into the United States of Australian kangaroos and products made therefrom; to the Committee on Merchant Marine and Fisheries.

By Mr. PANETTA:

H.R. 1357. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PENNY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, Mr. STUMP, Mr. EVANS, Mr. ROBINSON, and Mr. DORNAN of California):

H.R. 1358. A bill to amend title 38, United States Code, with respect to the Montgomery GI bill, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. PEPPER:

H.R. 1359. A bill to amend title IV of the Medicare Catastrophic Coverage Act of 1988 with respect to the U.S. Bipartisan Commission on Comprehensive Health Care; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RICHARDSON:

H.R. 1360. A bill to revitalize trade between the United States and Mexico and to stimulate the international competitiveness of both countries; jointly, to the Committees on Ways and Means and Rules.

By Mr. RUSSO:

H.R. 1361. A bill to amend title 18, United States Code, with respect to firearms; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. FAUNTROY, Mr. YATRON, Mr. DE LUGO, Ms. PELOSI, Mr. SMITH of Florida, Mr. ROE, Mr. CAMPBELL of Colorado, Mr. MARTINEZ, Mr. MURPHY, Mr. KOLTER, Mrs. LLOYD, Ms. KAPTUR, Mr. TRAFICANT, Mrs. BYRON, Mr. FOGLIETTA, Mrs. COLLINS, Mr. DEFAZIO, Mr. GARCIA, Mr. OWENS of New York, Mr. DYMALLY, Mr. RANGEL, Mr. GORDON, Mr. TOWNS, Mr. WEISS, and Mr. DAVIS):

H.R. 1362. A bill to amend the Internal Revenue Code of 1986 to afford tax relief to real estate developers, builders, and individuals who take measures to prevent radon from entering their buildings or homes, and to reimburse Federal employees for the cost of such measures when made incident to a transfer; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. SENSENBRENNER:

H.R. 1363. A bill to amend the Internal Revenue Code of 1986 to afford tax relief to real estate developers, builders, and individ-

uals who take measures to prevent radon from entering their buildings or homes, and to reimburse Federal employees for the cost of such measures when made incident to a transfer; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. SKEEN:

H.R. 1364. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. DENNY SMITH:

H.R. 1365. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the purchase and installation of locks and other security devices on residences; to the Committee on Ways and Means.

By Mr. STALLINGS:

H.R. 1366. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of silver bullion; to the Committee on Ways and Means.

By Mr. TANNER:

H.R. 1367. A bill to apply, under the Medicare prospective payment program, the area wage factor for Shelby County, TN, to Jackson-Madison County General Hospital in Jackson, TN; to the Committee on Ways and Means.

By Mr. VOLKMER (for himself and Mr. MORRISON of Washington):

H.R. 1368. A bill to amend the joint resolution entitled a "Joint resolution to authorize the Secretary of Agriculture to sell timber within the Tongass National Forest," and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. WILLIAMS (for himself and Mr. GOODLING):

H.R. 1369. A bill to authorize funds for international business studies in honor of the public services of Maureen and Mike Mansfield, and for other purposes; to the Committee on Education and Labor.

By Mr. BUECHNER:

H.J. Res. 182. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

By Mrs. BYRON:

H.J. Res. 183. Joint resolution recognizing the National Fallen Firefighters' Memorial at the National Fire Academy in Emmitsburg, MD, as the official national memorial to volunteer and career firefighters who die in the line of duty; to the Committee on House Administration.

By Mr. HERTEL (for himself and Mr. RITTER):

H.J. Res. 184. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. LOWERY of California (for himself and Mr. DERRICK):

H.J. Res. 185. Joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself and Mr. GINGRICH):

H.J. Res. 186. Joint resolution designating April 28, 1989, as "Flight Attendant Safety Professionals' Day"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. GILMAN, and Mr. PORTER):

H. Con. Res. 70. Concurrent resolution expressing grave concern over the rapidly deteriorating condition of ethnic Albanians living in the Socialist Federal Republic of Yugoslavia; to the Committee on Foreign Affairs.

By Mrs. MARTIN of Illinois (for herself, Mr. MICHEL, Mr. LEWIS of California, Mr. HUNTER, and Mr. SOLOMON):

H. Res. 106. Resolution to amend the Rules of the House of Representatives to restore the committee system to its rightful role in the legislative process; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. HORTON introduced a bill (H.R. 1370) for the relief of Chi Chia Long; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. VENTO, Mr. THOMAS A. LUKEN, and Mr. GLICKMAN.

H.R. 22: Mrs. BYRON, Mr. WOLPE, and Mr. HEFNER.

H.R. 118: Mr. LEHMAN of California, Mr. THOMAS of California, and Mr. STANGELAND.

H.R. 140: Mr. FAUNTROY, Mr. KOLTER, Mr. RAHALL, Mr. DE LUGO, Mr. MRAZEK, Mr. HAWKINS, Mr. WAXMAN, Mr. AUCOIN, Ms. OAKAR, Mr. RAVENEL, Mr. FLORIO, Mr. MFUME, Mr. MARKEY, Mr. OBERSTAR, Mr. LEWIS of Georgia, Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Ms. KAPTUR, Mr. WILLIAMS, Mr. ENGEL, Mr. FASCELL, Mr. MOAKLEY, Mrs. BOXER, Mr. WHEAT, Mrs. MORELLA, and Mr. WILSON.

H.R. 235: Mr. PACKARD.

H.R. 239: Mr. HARRIS, Mrs. BOXER, Mr. RICHARDSON, Mr. DYMALLY, Mr. FLORIO, Mr. HUCKABY, Mr. BARNARD, Mr. LANCASTER, Mr. DORNAN of California, Mr. KOLTER, and Mr. PICKETT.

H.R. 267: Mr. NIELSON of Utah.

H.R. 402: Mr. FRANK, Mr. COELHO, Mr. GALLO, Mr. DWYER of New Jersey, Mr. AKAKA, Mr. HANSEN, Mr. DORNAN of California, Mr. ARCHER, Mr. LIPINSKI, Mr. JONES of North Carolina, Mr. LELAND, Ms. PELOSI, Mr. MAVROULES, Mr. MFUME, Mr. ROWLAND of Connecticut, Mr. BOSCO, Mrs. SAIKI, Mr. FASCELL, Mr. BARTON of Texas, Mr. LAGOMARSINO, Mr. GIBBONS, Mr. MCCURDY, Mr. BORSKI, Mr. DOWNEY, Mr. HAYES of Louisiana, Mr. BROWN of Colorado, Mr. YOUNG of Alaska, Mr. MORRISON of Washington, Mr. BLAZ, Mr. PICKLE, Mr. ENGLISH, Mr. ANDREWS, Mr. DE LUGO, Mr. HUCKABY, Mr. STENHOLM, Mr. ARMEY, Mr. WALGREN, Mr. DONNELLY, Mr. WILSON, Mr. IRELAND, Mr. FOGLIETTA, Mr. HOLLOWAY, Mr. HUTTO, Mr. TAUZIN, Mr. CAMPBELL of California, Mr. KENNEDY, Mr. BROOKS, Mr. PORTER, Mr. GARCIA, Ms. SLAUGHTER of New York, Mr. SYNAR, Mr. TOWNS, Mr. COURTER, Mr. SMITH of Florida, Mr. PANETTA, and Mr. GINGRICH.

H.R. 461: Mr. DANNEMEYER.

H.R. 463: Mrs. VUCANOVICH.

H.R. 467: Mr. MAVROULES, Mr. COUGHLIN, Mr. MOAKLEY, Mr. TORRES, Mr. ROYBAL, Mrs. BOXER, Mr. OWENS of New York, Ms. KAPTUR, Mr. CARPER, Mr. MINETA, Mr. MCDERMOTT, Mr. COURTER, Mrs. KENNELLY, Mr. RANGEL, Mr. LEHMAN of Florida, Mr. PANETTA, Mr. BOSCO, Mr. STUDDS, Mr. THOMAS A. LUKEN, Mr. GUARINI, Mr. MILLER of Washington, Mr. EVANS, Mr. BORSKI, Mr. BENNETT, Mr. RUSSO, Mr. DWYER of New Jersey, and Mr. LAFALCE.

H.R. 518: Mr. HASTERT, Mr. HERGER, Mr. BARTON of Texas, Mr. PACKARD, Mr. DORNAN of California, Mr. BILIRAKIS, Mr. HOPKINS, Mr. LIVINGSTON, and Mr. TAUZIN.

H.R. 546: Mr. FAZIO.

H.R. 563: Mr. MOLLOHAN, Mr. FISH, Mr. JONTZ, Mr. GILMAN, and Mr. SOLARZ.

H.R. 575: Mr. MADIGAN, Mr. PACKARD, Mr. VANDER JAGT, Mrs. VUCANOVICH, and Mr. WALSH.

H.R. 583: Mr. PEASE and Mr. EDWARDS of California.

H.R. 631: Mr. BOEHLERT and Mrs. BENTLEY.

H.R. 634: Mr. RINALDO, Mr. WYLIE, Mr. NAGLE, Mrs. BYRON, Mr. LEWIS of California, Mr. HAYES of Louisiana, Mr. JONES of North Carolina, Mr. LAUGHLIN, Mr. DORNAN of California, Mr. MINETA, Mr. NEAL of Massachusetts, Mr. TRAFICANT, and Mr. TAUZIN.

H.R. 669: Mr. MAZZOLI.

H.R. 707: Mr. COURTER.

H.R. 750: Mr. HENRY and Mr. TORRES.

H.R. 762: Mr. COSTELLO, Mr. KOLTER, Mr. DERRICK, Mr. HEFNER, and Mr. WISE.

H.R. 844: Mr. DANNEMEYER.

H.R. 845: Mr. DANNEMEYER.

H.R. 848: Mr. MACHTLEY, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. DANNEMEYER, and Mr. DORNAN of California.

H.R. 876: Mr. DICKS, Mr. ORTIZ, Mr. RINALDO, Mr. LEHMAN of California, Mr. BORSKI, Mr. ALEXANDER, Mr. BRENNAN, Mr. ECKART, Mr. FEIGHAN, Mrs. LOWEY of New York, Mr. CARR, Mr. MCCRERY, Mr. WILLIAMS, Mrs. JOHNSON of Connecticut, and Mr. DEWINE.

H.R. 904: Mr. MARKEY, Mr. LEVIN of Michigan, Mr. MCEWEN, Mr. PAYNE of Virginia, Mr. TORRICELLI, Mr. MONTGOMERY, Mr. BATEMAN, Mr. HOPKINS, Ms. PELOSI, Mrs. LLOYD, Mr. VOLKMER, Mr. WALSH, Mr. MCNULTY, Mr. DEWINE, Mr. DELLUMS, Mr. DOWNEY, Mr. RAY, Mr. HORTON, Mr. PALLONE, Mr. MFUME, Mr. ANTHONY, Mr. WELDON, Mr. PORTER, Mr. EMERSON, and Mr. ROGERS.

H.R. 951: Mr. APPLEGATE, Mr. BOEHLERT, Mr. BORSKI, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. CROCKETT, Mr. DURBIN, Mr. ENGEL, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. GREEN, Mr. HORTON, Mr. JONTZ, Mr. KENNEDY, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MARTIN of Illinois, Mr. MURPHY, Ms. OAKAR, Mr. PEASE, Mr. RAHALL, Mr. ROSE, Mrs. SAIKI, Mr. SCHEUER, Mr. SMITH of Florida, Mr. STAGGERS, Mr. SYNAR, Mr. TRAXLER, Mrs. UNSOELD, Mr. VENTO, and Mr. WEISS.

H.R. 982: Mr. QUILLEN, Mr. GEPHARDT, Mr. OWENS of New York, Mr. DWYER of New Jersey, Mr. WISE, Mr. MCMILLEN of Maryland, Mr. ATKINS, Mr. BOEHLERT, Mr. PAYNE of Virginia, Mr. DYSON, Mr. NIELSON of Utah, Mr. MADIGAN, Mr. SCHAEFER, Mr. ENGEL, Mr. MCGRATH, Mr. BARNARD, Mr. SCHEUER, Mr. BORSKI, Mr. SHAYS, Mr. WHITTAKER, Mr. FLAKE, Mr. ANNUNZIO, Mr. KILDEE, Mr. DORGAN of North Dakota, Mr. MILLER of Washington, Mr. WYDEN, Mr. BEVILL, Mr. PETRI, Mr. CRAIG, Mr. CLINGER, Mr. GRANT, Mr. BONIOR, Ms. KAPTUR, Mr. BROWN of California, Mr. MCNULTY, Mr. GONZALEZ, Mr. EVANS, Mr. DE LA GARZA, Mr. LAGOMARSINO, Mr. FORD of Tennessee, Mr. WELDON, Mr. POSHARD, Mr. WAXMAN, Mr. BATES, Mr. JONES of North Carolina, Mr. BILBRAY, Mr. INHOFE, Mr. MCDERMOTT, Mr. KOSTMAYER, Mr. COELHO, Mr. HARRIS, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr.

GALLO, Mr. BATEMAN, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. BRUCE, Mr. WATKINS, Mr. BROWN of Colorado, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. HAWKINS, Mr. LEVIN of Michigan, Mr. JONTZ, Mr. LEHMAN of California, Mrs. SAIKI, Mr. KENNEDY, and Mr. UPTON.

H.R. 1091: Mrs. JOHNSON of Connecticut and Mr. SHAYS.

H.R. 1208: Mr. SHAYS.

H.R. 1244: Mr. GUARINI.

H.R. 1295: Mr. DOUGLAS, Mr. ROWLAND of Georgia, Mr. STENHOLM, Mr. THOMAS of Georgia, Mr. SKELTON, Mr. TALLON, Mr. VALENTINE, Mr. OLIN, Mr. STALLINGS, Mrs. PATTERSON, Mr. BURTON of Indiana, and Mr. HUTTO.

H.R. 1311: Mr. JOHNSTON of Florida.

H.J. Res. 31: Ms. OAKAR, Mr. PANETTA, Mr. LAGOMARSINO, Mr. GRAY, Mrs. MORELLA, Mr. MCGRATH, Mr. BOEHLERT, Mr. LEVIN of Michigan, Mr. TORRES, Mr. RINALDO, Mr. MCMILLEN of Maryland, Mr. TRAFICANT, Mrs. SAIKI, Mr. GEJDENSON, Mr. LEVINE of California, Mr. HOCHBRUECKNER, Mr. POSHARD, Mr. SHARP, Mr. WELDON, Mr. SMITH of New Jersey, Mr. MAVROULES, Mr. CHANDLER, Mr. TOWNS, Mr. OBERSTAR, Mr. OWENS of New York, Mr. CROCKETT, Mr. COOPER, Mr. MARKEY, Mr. LAFALCE, Mr. RAVENEL, Mr. PEPPER, Mr. BILBRAY, Ms. KAPTUR, Mr. PALLONE, Mr. RAHALL, Mr. WILLIAMS, Mr. TORRICELLI, Mr. FASCELL, Mr. BORSKI, Mr. FISH, Mr. NEAL of North Carolina, Mrs. LOWEY of New York, Mr. MCNULTY, Mr. JOHNSON of South Dakota, Mr. TAUZIN, Mr. BATES, Mr. THOMAS A. LUKEN, and Mr. BOUCHER.

H.J. Res. 94: Mr. BARNARD, Mr. DARDEN, Mr. DUNCAN, Mr. HANCOCK, Mr. JONTZ, Mr. KANJORSKI, Mr. KENNEDY, Mr. MCGRATH, Mr. MCNULTY, Mr. MARTINEZ, Ms. OAKAR, Mr. RINALDO, Mr. SCHAEFER, Mr. SCHIFF, Mr. SHAYS, Mr. SHUMWAY, Mr. SOLARZ, Mr. STENHOLM, and Mr. TORRICELLI.

H.J. Res. 117: Mr. FOLEY, Mr. COELHO, Mr. AKAKA, Mr. ANNUNZIO, Mr. ANTHONY, Mr. BAKER, Mr. BATEMAN, Mr. BENNETT, Mr. BEREUTER, Mr. BEVILL, Mr. BOEHLERT, Mr. BONIOR, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CARPER, Mr. CHAPMAN, Mr. CLARKE, Mr. CLEMENT, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. COMBEST, Mr. COOPER, Mr. COSTELLO, Mr. CRAIG, Mr. CROCKETT, Mr. DE LUGO, Mr. DERRICK, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DUNCAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FROST, Mr. FUSTER, Mr. GALLEGLY, Mr. GEKAS, Mr. GEPHARDT, Mr. GINGRICH, Mr. GONZALEZ, Mr. GOODLING, Mr. GRANDY, Mr. GRANT, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERGER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LAUGHLIN, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. THOMAS A LUKEN, Mr. DONALD E. LUKENS, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NAGLE, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. OLIN, Mr. OWENS of New York, Mr. PANETTA, Mr. PARKER, Mr. PASHAYAN, Mr. PAXON, Mr. PICKETT, Mr. PICKLE, Mr. POSHARD, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. RAY, Mr. ROBERTS, Mr. ROE, Mr. ROGERS, Mr. ROTH, Mr. ROWLAND of Georgia, Mr. SARPALIUS, Mr. SCHEUER, Mr. SCHUETTE, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mrs. SMITH of Nebraska, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STENHOLM, Mr. TALLON, Mr. TANNER, Mr. TAUKE, Mr. TAUZIN, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WALSH, Mr. WATKINS, Mr. WEBER, Mr. WEISS, Mr. WHITTAKER, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, and Mr. YATRON.

H.J. Res. 124: Mr. BURTON of Indiana, Mr. CHENEY, Mr. COURTER, Mr. FORD of Michigan, Mr. NATCHER, and Mr. VANDER JAGT.

H.J. Res. 169: Mr. DIXON and Mr. THOMAS A. LUKEN.

H. Res. 61: Mr. MADIGAN and Mrs. VUCANOVICH.

H. Res. 102: Mr. APPLEGATE, Mr. KOSTMAYER, Mr. FAZIO, Mr. FRENZEL, Mr. SIKORSKI, Mr. FISH, Mr. BILBRAY, and Mr. SKAGGS.

SENATE—*Thursday, March 9, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the poor in spirit: for theirs is the Kingdom of Heaven. Blessed are they that mourn: for they shall be comforted. Blessed are the meek: for they shall inherit the Earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled. Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5:3-9.

Gracious God, lead us in the way of blessedness that we may be a blessing to each other, our families and the people. In the blessed name of Jesus, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following time for the two leaders under the existing order, there is to be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10 o'clock, under the order, the Senate will go into executive session to resume deliberations on the Tower nomination.

I ask unanimous consent that the period for morning business be extended to 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each. This has been cleared with the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Therefore, Mr. President, under the order now in effect, the Senate will go into executive session to resume deliberations on the Tower nomination at 10:15 a.m.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:15 with Senators permitted to speak therein for 5 minutes each.

FOREIGN POLICY

Mr. DANFORTH. Mr. President, I noticed the majority leader on the floor. I would like to put a question to him. We have discussed this matter privately, and I wanted to inquire about it on the floor of the Senate.

The issue is, What is the meaning of the defeat of John Tower and what does this do to the initiatives that some of us have been putting forth concerning the establishment of a more cohesive foreign policy for this country?

Mr. President, beginning about a year and a half ago, right after a very contentious debate in the Senate on a State Department authorization bill in which 86 floor amendments were offered dealing with foreign policy, Senator BOREN and I wrote an op-ed piece to the Washington Post related to the need to establish greater cohesiveness between the executive branch and the Congress on matters of foreign policy.

As a result of that op-ed piece, a number of Senators began meeting. We have had communications with both the Reagan administration and now the Bush administration. There has been a meeting at the White House with President Bush. I think it is fair to say that the approach of the President has been very favorable in reaching out toward the Congress to try to create a greater unity in our foreign policy, to try to reestablish the concept of post-World War II of a bipartisan foreign policy.

The theory that we were talking about is that the President and the administration would do a better job of consulting with Congress in the formation of policy. At the same time, the Congress would be more ready to exercise forbearance in dealing with the President in the actual execution of policy.

The President in his inaugural address spoke of this initiative; in his first press conference he spoke of this initiative. And, in turn, the majority leader, in his initial speech to the Senate on becoming majority leader, talked about the need to establish bipartisanship.

My concern is that the vote on the Tower nomination and the debate that has led up to the vote on the Tower nomination constitutes a repudiation of this effort, a rejection of this effort; that what we are saying in the Senate is that the Senate is not going to defer to a President, that the President is not even going to be allowed to pick his own team and that, while we are always willing to consult with the President or consult with the Secretary of State, we are not willing to defer to a President in the execution of policy.

So my questions to the majority leader are: Where do we go from here, if anywhere? What do we do from this

point on, if anything? Is this the first battle in the long and bloody war between the Senate and the President on matters relating to foreign affairs and the team that is supposed to exercise foreign affairs, or is this really an anomaly? What, if anything, can be done now by us, by the Senate, to reach back to the President to try to reestablish the cohesiveness that we have been talking about for the last year and a half?

Mr. MITCHELL. Mr. President, I commend the distinguished Senator from Missouri and his colleague in this effort, the distinguished Senator from Oklahoma, Senator BOREN, for the thought and effort that they have made in seeking to reestablish a bipartisan foreign policy.

Senator DANFORTH referred to my remarks on that subject in my first speech to the Senate in January. My thoughts and some of my words were drawn directly from the initiative which he and Senator BOREN have undertaken in what I hope will be a successful effort.

I cannot control what others say and write of this controversy over the nomination, but I know what is in my mind and in my heart. I can say to the Senator with no hesitation or equivocation whatsoever that this involved a specific person nominated for a particular and, in my judgment, uniquely important position and represents no effort to be harmful to the President or to disrupt what I hope will be a good working relationship.

The Senate will meet its constitutional obligations. The President initiated the process, as the Constitution contemplates, by submitting the nomination. The Senate will meet its obligation to advise and consent or to withhold such advice and consent as the Constitution mandates it to. But there is no larger implication in negative terms in my intention.

Just this Monday, the President invited me and a bipartisan group of the congressional leadership to the White House to receive a report from him, a personal report, on his recent visit to Japan and China. For nearly 40 minutes, the President briefed us in some detail on his meetings with other leaders and, to a person, the leaders on both sides expressed gratitude to the President for his taking the time to do that. Their feelings were one of being deeply impressed by not only the President's willingness to do it but the detail in which he personally involved himself.

On the Friday prior to that—that is, a week ago tomorrow—in my office, I met, with other Senators, with Secretary of State Baker to discuss the formulation of policy in Central America. It was a very positive and productive meeting. Each of the Senators commented directly to Secretary Baker and subsequently privately among themselves after he left as to how impressed we were at his willingness to seek genuine consultation.

And so I want to conclude as I began by commending the Senator, by saying it is very much my hope that we can continue to work together to meet the important challenges the country faces.

And the point he has made so effectively, the exchange of genuine meaningful consultation on foreign policy matters by the executive is a two-way street; all of us know the difference between meaningful consultation and notification and we expect it to be meaningful consultation. I must say to date it surely has been that.

In exchange for that we in the Congress must be prepared to forego the temptation to micromanage foreign policy. The Senator has described a large number of resolutions and amendments on foreign policy matters last year. That was on just one bill, I might add. I think, if the Senator went back and compiled them and others, there would be many, many more.

That is our hope and intention and I look forward to continue to work with the Senator in that regard.

Mr. DANFORTH. Mr. President, I very much appreciate the reassurance by the Senator from Maine and I am sure that is an accurate expression of what is on his mind and in his heart. I am from the "Show Me" State. I do want to be shown.

I think, really, now that the Senate is about to reject the choice of the President for Secretary of Defense we now have to go to the table with the President; we now have to reach out to him; we now have to show that we are willing to pull our weight in formulating a more bipartisan approach to foreign policy.

So my hope is that the consultation will be there on the part of the administration. I am sure it will be. And that the forbearance will be there on the part of the Senate.

I thank the majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. BOSCHWITZ. I would ask the attention of the majority leader for a moment. I am also a member of the group that Senator DANFORTH and Senator BOREN brought together with respect to foreign policy. There are six of us. I have not yet spoken on the floor with respect to Senator Tower's nomination. I will do so during the course of the morning.

I hope, I will say to my friend from Missouri, that I can in some way be more optimistic than I am at the moment about the possibility of rejoining in a bipartisan manner. This, to me, has been the harshest battle that I have experienced, the most personal battle that I have experienced in my 10 years in the U.S. Senate. I think, very frankly, as I indicated to the majority leader about 2 weeks ago when I went to his office, that it is going to be hard to pull the pieces back together. It certainly will not be automatic. As I measure the feelings on this side of the aisle—and I must say, Mr. Leader, I include myself among those who had the feeling—we feel abused and hurt. And that this is a harshly partisan battle.

When people tell me well, all of you are voting one way and is that not as partisan, I think it is reasonable to expect that Republicans will vote for the nominee of the Republican President. And, indeed, in the past as has been indicated by most of the nominations that have come before us, it is even reasonable to expect that on both sides of the aisle. So part of my speech will be that has been the most harshly partisan battle that I have experienced. And it is going to take some real doing on the part of the majority leader, on the part of the President, on the part of the others, to draw the Chamber back together; to draw the spirit of bipartisanship back together. And it has to be done. But whether it can be done in the short term—in the long term, of course it can be done, in my judgment. But we are going to suffer because of this battle and that is a very unfortunate aspect.

As I will say in my speech, what I said to the majority leader, we look forward to new and better times in the Senate. Not that I have harsh words to say about the former majority leader but he was just leader for so long that you have to say no to the position of leadership. So that when you are in the saddle long enough you, indeed, raise a lot of objections to the conduct of the Senate over a period of years. But it is going to be difficult and there are very strong feelings on this side, which I share, that we have been had. We do not like it. So it is going to take some efforts on the part of one and all.

Mr. MITCHELL. May I now respond?

Mr. BOSCHWITZ. Certainly. I yield.

Mr. MITCHELL. I would make two points acknowledging what the Senator has already said. If he has not already done so, I strongly recommend to the Senator that he go back and read, as I have read, the debates on nominations made by President Carter 12 years ago this month before he expresses himself too strongly on the question of partisanship in opposition to nominations of the President.

Mr. BOSCHWITZ. Were any of them rejected?

Mr. MITCHELL. No, but it was not for lack of trying by the Republicans in the Senate. It was not the result that matters. It was the standard that was applied.

Second, if I could just say, I think you are correct about the difficulty which will ensue as a result of this. I would simply say that the more harsh words that are spoken, and many words remain unsaid, the greater the difficulty and the more effort is required to return to the kind of spirit that we all hope exists. I hope the Senator will also bear that in mind.

I mean not in any way to suggest that anyone ought to not say whatever they want. But the fact of the matter is, if the predicate for the remarks of the Senator is that harsh words make it more difficult to come together, then of course it follows logically that the more harsh words that are spoken, the more difficult it becomes to come together.

But I tried very hard to establish a positive working relationship both with the distinguished Republican leader—who I might say is waiting for me in my office right now, so I have to go. I do not mean to cut this off, but he is waiting for me. I do want to talk with him, and my colleagues. And I hope very much we will be able to continue that.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has the floor.

Mr. DANFORTH. Would the Senator yield for about 15 seconds?

Mr. BOSCHWITZ. Yes.

Mr. DANFORTH. I would just like to say to the majority leader that I would hope that whatever happened to President Carter, no matter who was to blame for it, is not repeated with respect to President Bush. That is exactly the issue. For one reason or another, the Carter administration did become unglued and I just do not want that to happen to President Bush, especially on foreign policy. That is why I appreciate the reassurance of the leader.

Mr. BOSCHWITZ. I would say to my friend from Maine that this is a different type of a battle. This is a personal type of battle. And I presume that that did not occur with respect to President Carter's nominees; that they did not run through the FBI files, anonymous tips of stewardesses on planes, before they could even get to the FBI, were already in the press. It is the nature of this battle that is difficult.

I do not intend to use harsh words, Mr. Leader. Not at all. I just will state the facts or the positions that the Senate finds itself in, as I find it, a little bit later.

Mr. MITCHELL. I simply would say to the Senator that I would argue, and I believe there is substantial basis for the argument, that the position taken in 1977 that disagreement on policy alone is a sufficient basis to reject a Presidential nominee—which was the position taken by the Republicans in the Senate at the time—is a far more expansive reading of the role of the Senate in the confirmation process than that which has been advanced during this debate. And, in my judgment, that position was plainly wrong. I have voted for many nominees of a Republican President with whom I have strong policy disagreements because I did not feel that was the proper role.

So if you look at the bases upon which the respective views have been held as to congressional power, in my judgment, the position taken here is far more limited in terms of senatorial power, far more deferential to Presidential prerogative than that which was previously taken by Republican Senators when the situation was first presented.

I want to make this clear, as I said to Senator WARNER on the floor. A reading of the RECORDS, 1977 and 1989, make one thing very obvious; that is, the positions taken in the Senate with respect to the relative powers of the President and the Senate are, to a significant degree, based upon the party affiliation of the President and the party affiliation of the Senate.

In 1977, Democrats argued for a broad Presidential prerogative; Republicans argued for a narrow Presidential prerogative. In the intervening 12 years, they have each undergone a migration to the opposite point of view. We all understand that. That is a reality with which we must deal.

My point is that the basis of the arguments advanced by Republicans in 1977 to senatorial prerogative were far more expansive, far greater, a much larger invasion of Presidential prerogative than has occurred as a result of this debate. I think that must be kept in mind. I really do have to leave.

Mr. BOSCHWITZ. I will say to the leader, we are used to having policy debates on the floor of the Senate. That goes on all the time. It is the nature of this debate that happens to be different, and it is the nature of the debate that is causing the problem. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. GORE). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. MITCHELL. Will the Senator yield?

Mr. NICKLES. Certainly.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. We originally scheduled morning business until 10:15, but it has now been consumed by the colloquy among myself, Senator DANFORTH, and Senator BOSCHWITZ. Mr. President, I ask unanimous consent that the period for morning business be extended to 10:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FEDERAL RESERVE BOARD

Mr. NICKLES. Mr. President, I rise today to express some concerns about some of the actions that the Federal Reserve Board has taken throughout this past year. Since March 1988, as most of my colleagues are probably aware, the Fed has been making a change in monetary policy to cool the economy in an effort to fight inflation. I share their concern about inflation, but I do not agree on the results.

They have constricted monetary supply, they have raised interest rates, and we have seen the result with the prime rate which has now increased 3 percentage points from March of last year, 1988, 8.5 percent. In March 1989, it is 11.5 percent. I am concerned what that will do to the economy. I am concerned what it will do to the budget.

The interest rate that we pay for Government money on short-term T-bills has risen by 3.5 percentage points from March of last year to March of this year. I am concerned what that does for the budget this year, and I am concerned what it will do for the budget next year.

I really have a concern as a Budget Committee member, and also as a taxpayer. As much as all of us would like to see the deficit reduced, I am afraid the actions the Federal Reserve Board has taken have really torpedoed the budget. I am afraid they have already taken actions that are going to make it difficult, if not impossible, to meet our budget targets unless they instill some moderation in monetary policy.

What did they do for the budget this year, the budget that we are in right now in fiscal year 1989? Last October, it was estimated we would have a budget deficit of $146 billion. That has recently been revised. The February estimate said, well, that will not be $146 billion, it will be $163 billion. So I asked the Budget Committee, "Could you give me a sheet and give me a breakdown of the differences? How did it increase by $17 billion?"

I found out that $11 billion of the increase was increased interest expense; also an $11 billion increase in estimates for FSLIC, and then they estimate the revenues will increase by $5 billion. So we have an increase in the deficit for the year that we are in right now, fiscal year 1989, from $146 to $163 billion, most of it interest-related. Because as interest costs increase, not only does the deficit increase because of the cost the Government pays for the money, but it is also the cost of fixing the S&L problem. The S&L problem will continue to es-

calate if the Federal Reserve continues to increase the price of money making that much more difficult, again, for the Government and for taxpayers and for ratepayers.

I think all of us should be concerned about that. I know that every Member in this body wants to see the deficit come down. The administration has assumed an interest rate assumption of 5.5 percent in short-term rates for next year. Today those rates are at 9 percent, a little bit less than 9 percent today.

So they are almost 3.5 percentage points off. That means we are going to be spending billions of dollars more for interest. That is not money for NASA, that is not money for research, that is not money for education, that is not money for health, that is not money for housing; that is money for interest. That is not because of congressional action, that is because of action by the Federal Reserve Board.

They are really torpedoing the budget. They are blowing it out of the water, and people should be aware of it because the actions the Fed is taking today are certainly going to have an impact on the budget tomorrow. I bring this to my colleagues' attention because I think we should all be aware of it. That does not mean we should disregard inflation, that does not mean we should look the other way, it does not mean we should endorse a hyperinflation economy, but I look at the actions the Federal Reserve took when we did have a high inflation, and you might say they "cured" inflation with high interest rates back in 1979, 1980, 1981, and 1982, but what they really did was put us into a heck of a recession.

Yes, they increased interest rates. My colleagues will remember we had prime interest rates of 21.5 percent. That did put this country into a recession. That was not helpful. We did see deficits increase from about $60 to $200 billion primarily because of the recession caused by the Federal Reserve.

In 1982, they had a real change of philosophy and they greatly reduced interest rates. Then we saw the economy begin to grow. I just do not want the Fed to overcorrect or overract in their efforts to fight inflation. I am afraid that they may be doing that by this very significant increase in interest rates of 3.5 points in the last year. I hope that they will take these points in mind. I have made them to Chairman Greenspan. I have also made them to the President of the United States. I would be hopeful that other colleagues would join me in a letter to the President stating these similar concerns.

Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, first of all, I want to commend the Senator from Oklahoma for his leadership in raising this important issue to the Senate and to the American public.

Mr. President, no one in this body can accuse the Senator from Wisconsin of being a "Chicken Little" about our Nation's economic future. Over the last 8 years, I have repeatedly pointed to the smashing successes of supply-side/market-oriented economic policies—and I remain optimistic about our economy's potential to create more jobs and more opportunity for all.

Unfortunately, this economic potential is being threatened by Federal Reserve Board's recent tightening of the money supply. In my opinion, if the Fed persists in tightening credit and raising interest rates, our economy may be headed for a recession.

Mr. President, it certainly is not the intention of the Fed to throw the economy into a tailspin and put hard working Americans out of work. Indeed, the Fed correctly asserts that price stability is essential to economic growth.

I share this view. I don't deny that inflation has to be controlled. What I do deny is that it is presently out of control. Many economists believe that 0.6 percent January increase in the Consumer Price Index is just a short-term uptick. Commodity price indexes, which many believe to be the most sensitive indicator of future inflation, have actually declined over the last 12 months. Another historic indicator has been the price of gold—and today the price of gold is cheaper than it was a year ago.

Why then is the Fed tightening credit? I have no doubt that the Fed weighs a number of important economic factors in its decision to raise or lower interest rates. And I don't want to in any way imply that the Fed governors are unaware of the economic fallout of their current policy.

I do believe, however, that the Fed's actions point to a bias against rapid economic growth. Indeed, Fed Chairman Alan Greenspan recently stated the economy cannot grow above 2.5 percent without reigniting inflation.

Mr. President, this is where I disagree with the Fed—and I believe history is on my side. In this expansion, real growth averaged 4 percent and inflation plunged from double-digit rates to about 4 percent today. Since 1948—a period including eight recessions—real economic growth averaged 3.25 percent.

Mr. President, the Fed should admit once and for all that "Growth is Good." Putting more people back to work does not cause higher inflation. In this decade, we've seen the abolition of the Phillips Curve trade-off between inflation and unemployment. We can look at the evidence in other countries: Japan and Switzerland have less than 2 percent unemployment and 2-percent inflation. Low unemployment does not cause inflation.

The Fed's attitude on this subject only serves to prop up short-term interest rates—making it even more difficult to bring down the Federal budget deficit. If the Fed continues raising interest rates, it will jeopardize our efforts to reach a bipartisan agreement on the deficit. According to the Congressional Budget Office, a 1-percentage point higher interest rate will increase the fiscal year 1990 deficit by $11 billion and a 1-percentage point lower real GNP growth will increase the deficit by $24 billion.

Comments by Fed officials to the effect that interest rates cannot come down until Congress brings down the deficit has been interpreted by some in the financial markets as a tax-increase ultimatum.

Mr. President, unless the Fed halts its policy of encouraging the rise of short-term interest rates, we may be in danger of recession. In fact, some supply-side economists—many of whom have been accused of being pollyanish in the past—fear that a recession may already be baked in the cake. I can't stress this strongly enough. I'm optimistic about the economy and its overall strength and resiliency—but believe me, there won't be much left if the Fed keeps tightening credit.

The fight against inflation should be a shared responsibility between the Fed, and the President and the Congress. Fiscal policy can enhance the Nation's productivity and thus reduce inflationary pressures. We should cut the capital gains tax to increase capital formation. We should reduce the growth of Federal spending to release economic resources for private sector use.

Mr. President, I urge the administration to stay firm in impressing upon the Fed, the markets, and the American people that economic growth is the source of our national well-being. The President, the Secretary of the Treasury and the Director of the Office of Management and Budget must stress the importance of economic growth in the timely reduction of the budget deficit.

Mr. President, I ask unanimous consent that an article by Warren Brookes and an article by Paul Craig Roberts on this subject be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 2, 1989]

TAKING A "RANDOM WALK" TO RUIN?

FORECAST FAULTS FED

(By Warren Brookes)

In July 1981, the consensus forecast was for 3.2 percent growth in gross national product for 1982. Only one major private forecaster, H.C. Wainwright, said the economy would plunge by 2 percent. It did.

Last week, H.C. Wainwright warned clients that its forecasting model, "for the first time since the spring of 1981, has issued a clear warning of economic recession."

Since the Wainwright model is based on short-term interest rate futures, its recession prediction is entirely the result of the Federal Reserve's 12 months of credit tightening.

Over the last 12 months, the basic money measure, M-1, has risen only 3.2 percent and short-term rates have shot up by 350 basis points. The dollar has also stabilized, causing Wainwright to predict a 4-point drop in wholesale inflation by year end.

"This recession, like all others, will be the direct result of Federal Reserve Board excesses," said David Ranson, president of Wainwright. "The Fed has apparently fully reverted to a policy of trying to fine-tune the economy month-by-month, a sure recipe for an unnecessary and undesirable recession."

Wainwirght warned its clients, "If the Fed permits interest rates to move even higher than they already have, the expected recession will be deeper and more prolonged."

The same alarms were rising at last week's Cato Monetary Conference in Washington: "The Fed has slid down the slippery slope of fine-tuning," U.S. Chamber of Commerce Chief Economist Richard Rahn told us, "and now the market is driving it. If the Fed doesn't react the way the market now expects, it could risk even more serious temporary consequences."

Even as he spoke, Fed Chairman Alan Greenspan was "ratifying" the 0.6 January uptick in the Consumer Price Index by sending the Federal Funds Rate up still higher, to the 9.8 percent range, pulling T-Bills toward 9.2 percent, up from February 1988's 5.7 percent.

Since the total movement in year-over-year inflation in that period was less than 1 percentage point (from 3.9 percent to 4.7 percent), while gold has fallen 9 percent, and long bond yields have been flat, the Fed clearly seems to have been overreacting, traveling down its own short-term discretionary course, reacting to every economic indicator, instead of following rules.

As Nobelist economist James Buchanan told the Cato Conference, "There exists no monetary constitution in the United States in 1989. What does exist is an institutionally established authority [Federal Reserve Board] charged with an ill-defined responsibility to 'do good' as determined by its own evaluation.

"We would have no difficulty in classifying an analogously directed military junta in a Latin American setting, as non-constitutional, by which we would mean quite properly that it operates in accordance with no predictable rules of behavior.

"Viewed in this perspective, it becomes difficult if not impossible to mount intellectually respectable defense for the continuation of the monetary institutions that are in being."

Professor David Fand of Wayne State, Mr. Buchanan's collaborator on a forthcoming book on the need for a monetary constitution instead of the Fed's "discretionary fine-tuning," argued that Fed policies amount to "a random-walk monetary standard."

"Unfortunately, the Federal Reserve's Open Market Committee—the policy-making arm of the Central Bank—does not have a monetary policy. What the FOMC is doing, in effect, is responding to the fires that rage each month. The FOMC members may have an idea of how they would respond to a typical fire, but they do not know which fires will be burning next month, three months from now or nine months from now. Under this random-walk monetary standard, the uncertainty about monetary policy grows exponentially as we look to the future."

The result of this uncertain, month-by-month "tinkering" is to make the whole economy less efficient, as more and more capital market activity is spent hedging against the "random walk" of the Federal Reserve and its resulting instabilities.

As one economist put it, "The Fed is like Mr. Magoo cheerily moving from one disaster to the next, leaving behind a wake of destruction, happily oblivious to its own calamitous course."

Unfortunately, Mr. Fand argues, the reason is not personal but institutional: "For the Fed to follow a stable and predictable monetary rule is to give up its tremendous powers and it is hardly likely that an institution with the extraordinary powers and influence of the Fed will voluntarily commit suicide."

In short, "Unless we can agree on a monetary constitution and rules, we will continue to have politicized central banking operating in a random-walk monetary standard."

Right now we appear to be on "a random walk" to potential ruin.

IS FEDERAL RESERVE OVER-TIGHTENING?

	Feb. 1988	Feb. 1989	Percent change
Monetary aggregates (In billions):			
M-1	$759.5	$784.0	3.2
M-2	2,946.2	3,066.9	4.1
Interest rates (percent)			
Fed Funds Rate	6.58	9.75	48.1
T-Bill Rates	5.69	9.15	60.8
10-Year Treasuries	8.21	9.20	12.1
Latest year-year inflation indicators (percent)			
PPI	2.1	4.4	
CPI	4.0	4.7	
GNP Price Index	3.4	3.4	
Commodity Index (CRB)	8.9	7.7	
Gold Prices	6.1	(9.8)	

Sources: Bureau of Labor Statistics, Bureau of Economic Analysis and Federal Reserve.

DUBIOUS ATTACK ON INFLATION

(By Paul Craig Roberts)

It is hard to know for certain whether Federal Reserve Chairman Alan Greenspan is trying to do a good job of managing the economy or whether power has gone to his head, causing him to take on President George Bush the way his predecessor, Paul Volcker, took on President Ronald Reagan.

To many people, the Fed's increase in the discount rate seems like a strong response to a one-month upward blip in inflation. A little mist doesn't a monsoon make. Moreover, if inflation is picking up speed, it is not a monetary inflation.

The Fed has not been feeding the economy with easy money and low interest rates. Instead, it has been continually tightening for two years, with money supply growth slowing and interest rates rising.

Since the Fed has not been inflating the economy, its anti-inflationary monetary policy will take a toll in terms of reduced real output (fewer goods to buy), less tax revenues and a larger deficit.

If Mr. Greenspan really believes the deficit is at the root of our problems, why does he pursue a policy that can only increase the deficit?

Some economists believe in "cost-push" inflation, which is inflation that is independent of the Fed's monetary policy. In this view, the only way the Fed can combat "cost-push" inflation is to shut down the economy and force up the unemployment rate.

In that event, the deficit could rise to $300 billion and set in motion a panic that could lead to a tax increase. That could push the economy from a recession to depression and spell the end of the worldwide capitalist revival during the 1980s.

Monetary policy cannot deal with "cost-push" inflation at an acceptable cost. If costs are rising, that is a problem for fiscal policy, and here we do not mean the size of the budget deficit.

Fiscal policy impacts the economy in much more important ways than the state of the budget, whether it is in deficit, balance or surplus. Through taxes, fiscal policy directly affects the cost of labor and capital.

A Social Security payroll tax increase is scheduled for January 1990, and Congress, with Mr. Bush's support, is planning to increase the minimum wage.

If the Fed is right that tightness in labor markets is beginning to push up wages, this is hardly the time to be increasing the cost of labor.

If it true that the economy is encountering capacity constraints that push up the cost of production, then this brings out the shortcomings of the 1986 tax reform bill. In this bill, lowering the cost of capital took a backseat to the taking away of investment tax breaks for business and individuals. Consequently, the cost of capital rose.

When businesses hear the Federal Reserve predict higher inflation, they have two responses, both of which work to curtail investment:

Their depreciation allowances are not indexed for inflation. Therefore, higher inflation means a decline in their real capital recovery allowances or cash flow.

Businessmen also know that the Fed's anti-inflationary policy means higher interest rates and perhaps a recession. They don't want to be caught with investments in new plants and equipment just in time to lay off their workers.

Therefore, the more the Fed shows its lack of support for economic growth, the less our productive capacity expands, making "capacity restraints" a self-fulfilling prophecy.

The intelligent way to fight "cost-push" inflation is not to tighten monetary policy, but to loosen fiscal policy in the sense of reducing taxes and curtailing legislation that drives up the cost of production.

Some may object that that would make the deficit bigger. Perhaps, but a lot less big than the Fed will make it by causing a recession.

The serious problem with Mr. Greenspan, the Federal Reserve and too many economic advisers and columnists is that they still think of fiscal policy in terms of the size of the deficit. This old way of thinking is setting us up for a "cost-push" inflation driven by taxes and legislation, while the Fed tries to fight these costs by closing down the economy with monetary policy.

It should strike fear in our hearts when we hear Mr. Greenspan say: "Give me a smaller deficit and I'll give you easier money and lower interest rates." That is the path back to the stagflation of the 1970s.

If a smaller deficit means higher taxes, the costs of labor and capital will rise, slowing investment. Easy money then fuels

demand, driving up prices. It was exactly this foolish policy mix from which supply-side economics rescued us. If President Bush allows Mr. Greenspan or anyone else to resurrect this policy mix, he will deservedly go down in infamy.

(The remarks of Mr. REID pertaining to the introduction of legislation are located later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REMARKS ON THE CONGRESSIONAL RECORD

Mr. DECONCINI. Mr. President, I would like to comment on the diligence and dedication of the personnel in the Office of the Official Reporters of Debates for the CONGRESSIONAL RECORD. They work long hours, perform their work in a conscientious manner, and are very meticulous about the English language. I am certain I speak for all the Members of the Senate when I salute their efforts.

This RECORD is very important, Mr. President. It is vital for reasons of history and posterity. It is crucial as a reference and point of dialog. And it is critical for accuracy. The minority leader, Senator DOLE, yesterday said that I was not clear on my remarks regarding Senator Tower's nomination as Secretary of Defense as they related to a question from Senator SPECTER. Let me quote from Senator DOLE's remarks:

I went back to recall what Senator DECONCINI said on the Brinkley show. He said, "I have seen John Tower with a few drinks under his belt but not inebriated." That was Sunday. Yesterday he said, "I have seen Senator Tower under the influence of alcohol." Which is it? Is there a difference between being inebriated and under the influence? Which is it? Isn't there any decency left in the Senate?

The Senator from Kansas was elected in 1968. He is familiar with the CONGRESSIONAL RECORD. He knows where to find it. He should carefully read the March 7, 1989, CONGRESSIONAL RECORD and refer to page S2219. In reference to Senator SPECTER's question, I answered precisely what Senator DOLE has asked to clarify. It is very clear and precise. It is also very clear and consistent with what I said on the Brinkley show. I ask unanimous consent that the following articles be reprinted at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From "This Week With David Brinkley," Mar. 5, 1989]

Mr. DONALDSON. Have you ever seen him inebriated?

Senator EXON. I have never seen him inebriated.

Mr. DONALDSON. Have you, Senator DeConcini?

Senator DECONCINI. I have seen John Tower with a few drinks under his belt, but not inebriated. And I've seen other Members on the Senate floor.

[From the CONGRESSIONAL RECORD, Mar. 7, 1989, p. S2219]

My question is this: In the light of these hundreds and hundreds of votes in the late evening hours or through the night, in the presence of the Senator from Arizona and in the presence of some 70, 80, 90 of our colleagues, is not the fact that not one Member of this body ever noticed Senator Tower under the influence of alcohol much more persuasive than even the characterization of the FBI file by the Senator from Arizona?

Mr. DECONCINI. Let me answer that question. That is the first time that question has been posed that I know of, whether or not he was under the influence or whether or not he was inebriated.

I have seen Senator Tower under the influence of alcohol, and under control, as I have seen other Members of this body.

So, if my colleague wants to know have I seen him under the influence of alcohol, the answer is "Yes." I cannot give my colleague the date, but I have seen him right here as I have seen other Members.

Was he inebriated to the point he could not operate? The answer is no. But let me read, from the committee report in response to what the Senator asked. This is what the committee said regarding what Senator Tower said before the Armed Services Committee:

"Senator Tower, and close associates and friends, have conceded Senator Tower had a drinking problem in the 1970's."

He was in the Senate in the 1970's. I was not, but he was serving in the Senate. Well, I was in the Senate in the last part of the 1970's.

He himself admits that he had a drinking problem. As the Senator understands alcoholism, and I know he does, many people who have drinking problems do not admit it or carry it around with them in public for good reason.

Mr. SPECTER. Is the Senator representing——

Mr. DECONCINI. Please let me just finish. The FBI report goes further and cites some instances where he was reported after coming off the floor, and the Senator has to make his own judgment whether he thought those were substantiated or not. I concluded that some instances were and some were not.

Mr. SPECTER. Is the Senator from Arizona representing he has seen Senator Tower, either inebriated or under the influence of alcohol on the floor of the Senate—let me finish the question—so that he was impaired from performing his duties as a U.S. Senator?

Mr. DECONCINI. I just made it very clear and I will make it very clear again. This Senator has seen Senator Tower under the influence of alcohol, as he has seen other members. I have not seen him inebriated to the extent he could not perform his duties. I have said that for the second time for the Senator from Pennsylvania so that this is very clear.

WARNINGS OF WEST GERMAN INVOLVEMENT IN LIBYA'S POISON GAS COMPLEX

Mr. HELMS. Mr. President, last week the West German Embassy delivered to each Senate office a copy of the West German Government's report to Parliament identifying German firm involvement in the Libyan poison gas complex at Rabta. The report addresses the questions, what did they know and when did they know it?

The easy answer is, they knew a lot and they knew it early. As early as April 22, 1980, the West German equivalent of the CIA, called the BND, reported that "with the help of West German experts, Libya is developing a plant for the manufacture of chemical warfare agents as well as a system for using them."

Mr. President, the German report contains a chronological accounting of the information which was received and what action, if any, was taken in response. According to the chronology, the BND sent in 24 positive reports on Libyan chemical weapons activity between April 22, 1980, and January 1, 1989, when the issue became a page 1 story in the New York Times. During the same period there were at least five positive reports from West German embassies in Moscow or Tripoli and one report from German Customs.

In March 1984 the United States began a diplomatic offensive designed to encourage the German Government to take action. The chronology lists seven increasingly urgent diplomatic notes and six reports on Libya to the BND from "an allied intelligence service," presumably the CIA. Finally, the United States held three intelligence briefings, one of which was by the Director of the CIA. All of these efforts failed.

Many of these reports by American and German entities identified German companies by name. For example, as early as July 1984 the West German Embassy at Moscow, reporting from "non-Eastern sources" identified Imhausen, and detected its plans to ship chemical weapons equipment to Libya using Hong Kong as a cover. The Embassy knew and reported that a West German Government-owned firm was involved. We now know that the Government-owned firm, Salzgitter AG, assigned 45 engineers to actually design the poison gas plant and that this was an open secret.

Mr. President, perhaps as much as anything, the chronology reveals a massive failure on the part of the German Government to respond to the information it was receiving. The issue goes beyond mere incompetence. It is clear that German bureaucrats knew that higher ranking officials did not want to hear accusations against German exporters.

For example, the United States gave the German Foreign Ministry a diplomatic note on May 18 of last year. The note expressed "concern over the participation of companies from the Federal Republic of Germany in the supply of chemical facilities to Libya and the reequipping of Libyan C-130 aircraft to give them mid-air refueling

capability." Foreign Minister Genscher was allegedly not informed of the American note until January 16 of this year—nearly 8 months later and at a time when the German Government was under a blizzard of criticism on this issue. No one at the German Foreign Ministry has been censured for this delay, making it fairly obvious that the bureaucrats at the Foreign Ministry were carrying out their orders. One German magazine called this policy, "Death For Sale. Export at any Price." Who can quarrel with that description?

While the German report is revealing, it raises a number of questions and issues. It is designed as a damage-limitation exercise and covers only Libya. it does not mention information which the German Government may have received about German firm involvement in Iraq, Syria, or Iran. For example, we have recently been told that the State Department sent a diplomatic note to the German Government on German firms supplying chemical weapons equipment to Iraq in November 1983.

Mr. President, I ask unanimous consent that a chronology on German firm involvement in the Rabta, Libya, poison gas complex be printed in the RECORD at the conclusion of my remarks. The chronology is a condensed version of the report submitted by the Government of the Federal Republic of Germany to the German Parliament on February 15, 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RABTA WARNINGS

22 April 1980—"The BND [West German equivalent of the States Central Intelligence Agency] reports that, with the help of unnamed East and West German experts, Libya is developing a plant for the manufacture of chemical warfare agents as well as a system for using them".

12 February 1981—"The BND reports that Libya intends to import chemical warfare agents which can be used with long range artillery, helicopters and high-speed aircraft as well as with medium-range missiles. The chemicals needed for the production of chemical warfare agents are reportedly to be purchased in Western Europe (Great Britain, Italy and Germany). It is thought that, in view of the growing amount of evidence, there can be no doubt about the seriousness of Libyan efforts".

22 July 1981—"The BND reports that Libya is attempting to purchase precursor chemicals in Italy and Spain.

15 December 1981—The BND reports that Libya may already have the ability to use chemical warfare agents on a small scale.

13 December 1982—The BND reports that it is "highly probable" that a production facility for nerve gas already exists in Libya, though it is more likely to be under construction.

22 July 1983—"The BND reports that Libya has its own plant for the manufacture of mustard gas which attacks the skin. The plant is said to have started production at the end of 1981. Its location is presumed to be near Abu Khammash."

July 1984—The BND reports that a former employee of a German company had gone to Libya for one year and earned a great deal of money. The BND presumes that he had built a plant for the production of mustard gas next to the Abu Khammash chemicals complex. The BND reports that this complex contains a chloride electrolysis facility built by a German company according to a standard design and operating on the basis of sea-salt and that it could produce one of the precursors needed for mustard gas.

5 December 1984—"The BND reports that a production facility for nerve gases may exist in Libya, though it is thought more likely to be still under construction."

5 July 1984—The West German embassy in Moscow reporting on information from a "non-Eastern source" indicates that the Imhausen Company has contracted in Hong Kong to provide supplies for a pharmaceutical project. Because of the secrecy surrounding the project and the special design of the plan ("glass instead of steel pipes, which implies the production of poison gas") there is suspicion that it may be for Libya. A German government owned firm is also involved.

15 January 1986—The BND again reports that a production facility for nerve gasses may exist in Libya.

28 January 1986—"The BND reports that the plant for the manufacture of mustard gas in Libya is said to have been constructed under the management of a member of a German company identified by name. The plant is presumed to be on the site of the Tajura nuclear research center".

7 February 1986—"The BND reports on news from an allied intelligence service according to which 100 tons of sodium fluoride may have been shipped from Zeebrugge [Belgium] to Libya on the Panamanian freighter "Capira" at the beginning of October 1985. This is said to involve a German shipping company identified by name".

18 February 1986—The BND reports that Libya possesses chemical warfare agents including mustard gas and possibly the nerve gas sarin. The location of the factory is thought to be in or near the Tajura nuclear research center.

17 March 1986—"The BND reports that the recipient of the 100 tons of sodium fluoride is the Tajura nuclear research center where, in the opinion of the allied intelligence service, research work is also carried out on chemical warfare agents. Should this be true, the sodium fluroide purchased by the center is believed to be intended for the manufacture of nerve gas".

25 March 1986—The United States Embassy Bonn passes a "nonpaper" [informal diplomatic note] stating that a company was thought to be negotiating with Libya on the sale of nuclear, biological and chemical defense equipment.

28 October 1986—An "allied intelligence service" requests information on the IBI [Ihsa Barbouti International] operation in Frankfort in light of its belief that IBI had been commissioned to set up a microbiological research center in Libya.

Late October 1986—The United States hands over an unofficial paper indicating that Libya is attempting to procure protective equipment against chemical weapons.

22 June 1987—"According to information from an allied intelligence service, a [chemical] warfare agents factory is about to be completed near Rabta with a production capacity estimated at 1 to 3 tons of sarin [nerve gas] per day".

2 July 1987—"The BND reports that production is expected to begin at Rabta in September 1987".

3 August 1987—"The BND confirms from its own intelligence (SPOT satellite pictures) that the new industrial plant near Rabta is most likely the new [chemical] warfare agents factory". Inquiry regarding Barbouti International in Frankfort.

27 August 1987—The BND reports that "Libya possesses specially trained units for chemical warfare and nuclear, biological and chemical defense".

28 October 1987—A German businessman in Libya reports to the West German embassy Tripoli that preparations are being made by the Libyans "with the assistance of Western companies" to produce poison gas.

7 January 1988—The West German embassy Tripoli reports that there is thought to be a Libyan military research facility northwest of Rabta "presumably for research work and the manufacture of nuclear, ballistic and chemical weapons".

26 January 1988—The German embassy in Tripoli reports "that the military research center for the production of chemical warfare agents is probably already capable of operating. German companies are also involved".

27 January 1988—"The BND confirms that its own intelligence and the opinion of allied intelligence services indicate that the object identified near Rabta is a plant for the production of warfare agents and possibly for ammunition".

15 March 1988—West German Customs discovers that IBI (Barbouti) "may be involved in the illegal transfer of technology".

18 May 1988—The United States Embassy Bonn delivers an unofficial diplomatic note expressing "concern over the participation of companies from the Federal Republic of Germany in the supply of chemical facilities to Libya and the re-equiping of Libyan C-130 aircraft to give them mid-air refueling capability". Imhausen was named as was the firm Technical Trade and Logistics Society Limited.

15 July 1988—"The BND receives information from an allied intelligence service concerning possible supplies from German companies for the construction of a poison gas production plant in Rabta. The firms named are IBI, Pen Tsao and Imhausen".

12 September 1988—BND "intelligence work reveals the possible involvement of individual citizens of the Federal Republic [of Germany]" in the Rabta complex.

21 September 1988—West German State Secretary and BND inform parliamentary control commission of chemical weapon capabilities in the Middle East and the possible involvement of Germans in Libya.

21 September 1988—The American Embassy Bonn hands an unofficial paper to the German Government "according to which Libya has developed a chemical weapons production capability with outside help, including Western European companies, and is about to begin mass production. The U.S. Administration appeals for a stop to any assistance to Libya for the development of its own capability to manufacture and use chemical weapons".

30 September 1988—The BND reports that according to an allied intelligence service "Germans are to be found among those working on the [Rabta project]." The BND also reports that "even before the project began Imhausen had been delivering unspecified precursors".

11 October 1988—The BND holds "a meeting with foreign experts. These mention IBI

and three other German firms involved in work at Rabta".

13 October 1988—The BND issues an extensive report on Rabta and concludes that German firms, among others, are extensively involved. The BND suspects that one German firm "(identified by name)" had been supplying precursors as early as 1985.

14 October 1988—An allied intelligence service reports to the BND on the involvement of the Imhausen firm in "putting the alleged [chemical] warfare agents plant into operation and possibly the repair of damage to the production facilities, too".

20 October 1988—Chancellor Kohl is briefed for the first time on the information gathered by the German intelligence services in relation to Libyan efforts to establish a chemical weapons factory. The Chancellor is informed that German firms may be involved, particularly Imhausen.

25 October 1988—"The BND President presents an account of Libya's [chemical] warfare agents program and the information he holds on the contribution of German companies".

11 November 1988—Secretary Shultz sends a letter to Foreign Minister Genscher indicating concern in the U.S. administration over Libyan chemical weapons capability. The Secretary offers an "intelligence briefing" during Chancellor Kohl's visit.

15 November 1988—Secretary of State Shultz and CIA Director Webster inform Foreign Minister Genscher and Chancellor Kohl "of the involvement of German companies, including Imhausen and IBI".

18 November 1988—The BND reports to the German Federal Chancellery extensively on Rabta noting that the State-owned firm of Salzgitter AG had supplied a plan of the plant and Imhausen Chemie had supplied components and chemicals. "Deliveries are said to have been made by, among others, two major companies identified by name". The BND also reports that Imhausen "had removed documents to a neighboring country in spring 1988 in response to a report published in the New York Times on 24 December 1987 on the production of chemical weapons in Libya".

21 November 1988—The German embassy in Washington reports that the U.S. Department of Defense has "confirmed intelligence" on the chemical weapons plant.

24 November 1988—The BND delivers to Chancellor Kohl a report similar to its report of November 18.

5 December 1988—The U.S. Ambassador to West Germany hands to the German Foreign Ministry a paper concerning the technology center and the chemical factory at Rabta. "The paper contains references to the production of mustard gas and sarin [nerve gas] as well as to the participation of the Imhausen and IBI companies".

15 December 1988—The U.S. Embassy Bonn hands over an unofficial note to the German Foreign Minister with an appeal to counter Libyan efforts to acquire a chemical weapons capability.

22 December 1988—U.S. delegation presents photographic material on the Rabta plant to their German colleagues".

A RESERVOIR OF UNTAPPED IDEALISM

Mr. PRESSLER. Mr. President, we have heard many times that children are our greatest natural resource. We need their intellectual talents and technical skills to compete in this increasingly competitive and technologically sophisticated world. Stephen Trachtenberg, president of George Washington University, wrote an interesting article on this issue which I would like to bring to our colleagues' attention. I ask unanimous consent that a copy of "A Reservoir of Untapped Idealism" from the Washington Times be placed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 1, 1989]

A RESERVOIR OF UNTAPPED IDEALISM

(By Stephen Trachtenberg)

A presidential administration is taking shape and form—but is still in a stage of flexibility, still open to positive influence.

This is the right moment to ask ourselves, therefore, whether there are any policy options for the American future that are truly fresh and new, that can strengthen our economy and our international competitiveness, and that the Bush administration ought to be taking seriously.

Right now, it seems to me we're all agreed on exactly one point: *We'd like to feel proud of American workmanship once again.*

Whether we turn out a tangible product or an essential service, whether we are providing transportation or medical care or an education, we'd like to re-experience the conviction that "Made in America" is a guarantee no other "Made in" can match.

If the very idea of that happening seems funny to you, actually makes you smile, then that's one sign of how discouraged we have become about ourselves as a nation. That we as Americans can actually pull ourselves together, actually regain our sense of individual and collective control, seems absurd in an age of passive spectatorism, when the forces *beyond* our control are the ones we pay attention to—be they economic or ecological or military or criminal or the global combination of all of these.

What we seem to have gotten best at is *waiting*—waiting to be told about the latest model, the latest international crisis, the latest cultural trend, the latest ecological disaster, the latest emergency measure. "There's nothing I can personally do" has become, for most Americans, the hidden motto on the national flag.

Well, as the recently installed and not-yet-inaugurated president of a sizable American university located a few blocks from the White House, who has done a lot of thinking about where this country is headed, my conclusion is that we're in fact passing through a phase. It's a painful phase. It feels as if it will go on forever. But it has its limits, and those limits will put in their appearance when we actively decide it's time for them to do so.

I'm convinced that we have a reservoir of untapped dedication and idealism in these United States that is just begging to be released so that we can proceed, once again, to amaze the world with our grassroots vigor and inventiveness.

What we need if we are going to unleash our deadlocked, stalemated energies is, I believe, a compass that works: a cause in which most of us believe, a policy direction each one of us can help to further, an economic and political program that is connected (1) with the very idea of America, and (2) with America's ability to compete in the international marketplace that is now the arena of success and failure for all of the world's people.

That compass, that cause, that policy direction is the old American value known as our children.

As early as the 18th century, European visitors to the American colonies noticed that American children were more active, outspoken and inventive than their British or continental counterparts. American kids were actually allowed to take part in family discussions at a time when children in Northern Europe were seldom seen in adult surroundings and even more seldom heard.

In an age of powdered wigs and minuets, those relatively active, relatively outspoken, relatively explorative American kids, encouraged by parents who valued their growing independence, went on to form America itself—a land recognized for the past two centuries as a world center for creative thinking. To this day, professors in European universities whose classes include American graduate students often comment on how active and participative the latter are compared to those who are "native to the country," be it England or West Germany or France.

Right now we are in the middle of America's worst "kid crisis" since the founding of the Republic. From affluent suburbs to inner-city ghettoes, the percentage of kids on drugs and out of hope, lacking in parental supportiveness, alienated and self-destructive, seem to rise by the month. The bleak inner lives of so many of our children is one major reason Japanese and West European executives tend to be skeptical about our future as an industrial power. They see our growing inability to reach our kids, and to prepare many of them (especially minority children) for careers as skilled workers and managers, as setting iron limits around our ability to compete.

For the sake of our own survival and status as a nation, therefore, we would be wise to put our children and their well-being at the very top of our national agenda. We would be wise to see to it that the first question we ask about any national policy, existing or proposed, is: "How will it affect those upon whom we will soon be dependent for our personal and national well-being?" Above all, we would be wise to ask ourselves whether what our children are seeing in the media and reflecting on in class discussions of current events is moving them toward hope and away from despair—or vice versa.

We need to reach into the lives of our infants, children and adolescents, and to say to each one of them, in effect.

"You are the child of your parents. By deciding to have you, they also took upon themselves the responsibility for your growth and development into a productive, civic-minded person who in turn is responsible for himself or herself and for any children he or she chooses to have.

"But we do not expect you to be a miracle worker. Where your parents fall short, where they experience difficulty in doing their duty on your behalf, we will give them and you all the help we can. And we will do that not solely because it is the right and moral thing to do, and not solely because children have always played such a unique role in American society, but because our own economic future, our own economic self-interest, now demands that we do it."

And just to reinforce the notion that *all* of us must join together to make the 1990s into a true Decade of the Child, I will say that much of our higher education system, including my own university, stands ready

to take part in this most important of all national efforts—the struggle to make *ourselves* a future by making a future for the next generation of Americans.

BANKRUPTCY CODE AMENDMENTS

Mr. METZENBAUM. Mr. President, on March 8, 1989, I submitted S. 544, a bill to limit the modification of collective bargaining agreements subject to the Railway Labor Act. The text of the bill inadvertently did not appear in the RECORD.

I ask unanimous consent that the text of S. 544 as well as my entire statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

By Mr. METZENBAUM:

S. 544. A bill to limit the modification of collective bargaining agreements subject to the Railway Labor Act; to the Committee on the Judiciary.

BANKRUPTCY CODE AMENDMENTS

● Mr. METZENBAUM. Mr. President, I rise to introduce a bill to amend the Bankruptcy Code. This bill clarifies that an airline in bankruptcy should be treated the same way as a railroad in bankruptcy.

Under current section 1167 of the Bankruptcy Code, the trustee in a railroad reorganization may not alter employee wages or working conditions except in accordance with section 6 of the Railway Labor Act. It makes no sense to single out railroads for special treatment. The Railway Labor Act controls resolution of disputes involving wages and working conditions for employees in both the railroad and airlines industries. My bill amends section 1167 of the Bankruptcy Code to cover air carriers in bankruptcy in the same way that railroads in bankruptcy are now covered.

My bill also amends section 109 of the Bankruptcy Code to allow creditors to reach the assets of a bankruptcy air carrier's parent holding companies or related entities. Creditors should not be left holding the bag when an air carrier files for bankruptcy after its assets and cash reserves have been drained by holding companies and other related entities. Under my bill, if the air carrier files for bankruptcy, then the air carriers' "controlled group," including parent holding companies and related subsidiaries also must enter bankruptcy.

Controlled groups are recognized under ERISA for pension liability purposes. Relying on controlled group assets furthers the reorganization of troubled, complex entities and ensures fair treatment for creditors. This bill recognizes the realities of modern airline corporate structure and protects creditors from being abused by that structure.

It is important to note that this bill becomes effective as of the date of introduction—March 8, 1989. Making a bill effective as of the date of introduction is a common practice in the tax area. This is done to prevent parties involved in or considering transactions from changing their behavior in contemplation of pending legislation being enacted.

We are all aware that Eastern Airlines is contemplating a filing in bankruptcy. This bill will affect Eastern Airlines, its parent holding companies and related entities, the creditors of Eastern and Eastern's employees. All those parties and all other air carriers contemplating bankruptcy are hereby put on notice that the bankruptcy law changes proposed in this bill will, if enacted, be effective March 8, 1989.●

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(g) of title 11, United States Code, is amended by inserting before the period the following: ", except for section 1167, which shall apply to any collective bargaining agreement subject to the Railway Labor Act (45 U.S.C. 151 et seq.)".

SEC. 2. Section 1113(a) of title 11, United States Code, is amended by striking out "other than a trustee in a case covered by subchapter IV of this chapter and by title I of" and insert in lieu thereof "other than a debtor in possession or trustee in a case covered by".

SEC. 3. Section 1167 of title 11, United States Code, is amended by striking out "neither the court" and insert in lieu thereof "neither the court the debtor in possession,".

SEC. 4. Section 109(d) of title 11, United States Code, is amended by—

(1) redesignating subsection (d) as subsection (d)(1); and

(2) inserting the following at the end thereof:

"(2) A common carrier by air engaged in interstate or foreign commerce as described in section 181, First of the Railway Labor Act (45 U.S.C. 181) shall be a debtor under chapter 11 of this title only if every member of such carrier's controlled group of corporations simultaneously becomes a debtor under chaplter 11 of this title. Such carrier and the members of its controlled group shall be deemed substantively consolidated upon the commencement of the chapter 11 cases. A carrier's controlled group of corporations shall be defined by section 1563(a) of the Internal Revenue Code of 1986, except that the term '30 percent' shall be substituted for the term '80 percent' in such section.".

"SEC. 5. This Act and the amendments made by this Act shall be effective on March 8, 1989, and shall apply to any case or proceeding filed on or after such date."

PLANET OF THE YEAR

Mr. SYMMS. Mr. President, I rise today to bring to my colleagues' attention Time magazine's "Planet of the Year" issue of January 2, 1989. Although the issue is devoted to problems that endanger the planet Earth, an article entitled "Nuclear Power Plots a Comeback" examines a new nuclear reactor design which could go far in providing our Nation with a reliable source of tritium—a product vital to our national security—as well as providing the world with increasing amounts of cheaper, safer nuclear power.

This article by Philip Elmer-DeWitt tells us about a new nuclear facility the Department of Energy intends to build at the Idaho Nuclear Engineering Laboratory [INEL] which utilizes a design many experts have said is a fail-safe technology. Called the modular high temperature gas-cooled reactor [MHTGR], the design involves four separate units which use fuel in such small quantities that it cannot melt down under any circumstances. The design does not require human-controlled backup pipes, valves, or generators. According to Prof. Lawrence Lidsky of the Massachusetts Institute of Technology, this gas-cooled reactor design relies on the laws of nature, rather than human intervention, to prevent major accidents.

Currently, we are obviously having problems with our old reactors. Many are not on line for various reasons, and we need to upgrade them. However, it is just as important that we are able to start building new and better reactors with this safer, more advanced original design.

I am pleased that our national security and environmental needs can be met with this new technology and that Idaho will play an important role in this effort. By installing this new reactor at the INEL facility in Idaho Falls, we are not only benefitting Idaho, but also our Nation and our world. Along with the advancement of nuclear technology comes a reduced dependence on fossil fuels which may be damaging planet Earth.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR POWER PLOTS A COMEBACK

(By Philip Elmer-Dewitt)

The primary purpose of the $3.6 billion nuclear plant that the U.S. Department of Energy wants to build in Idaho Falls, Idaho, is to help replenish America's dwindling supply of tritium, a vital component in atom bombs. But if approved by Congress, the Idaho facility could play an even more important role in the civilian use of nuclear power. For it is based on what proponents claim is a fail-safe technology, one that virtually eliminates the danger of meltdown.

Nuclear power plants have the potential of providing abundant supplies of electricity without spewing pollutants into the atmosphere. But the nuclear-power industry has failed to deliver on that promise, at least in the U.S. Even before the accident at Three Mile Island in 1979, the costs of making atomic power safe were spiraling out of control. Since that episode, the industry has been at a standstill.

What makes the failure all the more disturbing is that it was unnecessary. Engineers have the know-how to build reactors that are demonstrably safer than those now in operation. Moreover, that basic technology has been available for more than 20 years. It was largely ignored in favor of a technology—the water-cooled reactor—that had already been proved in nuclear submarines. But water-cooled reactors are particularly susceptible to the rapid loss of coolant, which led to the accidents at both Chernobyl and Three Mile Island.

All nuclear reactors work by splitting large atoms into smaller pieces, thus releasing heat. The challenge is to keep the core of nuclear fuel from overheating and melt-

ing into an uncontrollable mass that can breach containment walls and release radioactivity. One way to prevent a meltdown is to make sure the fuel is always surrounded with circulating coolant—ordinary water in most commercial reactors. To guard against mechanical failures that could interrupt the transfer of heat, most reactors employ multiple backup systems, a strategy known as "defense in depth."

The problem with defense in depth is that no matter how many layers of safety are built into a conventional reactor, it can never be 100% safe against a meltdown. At its Idaho plant, the Energy Department wants to try a different strategy. Rather than construct a giant atomic pile that requires the cooling of large quantities of concentrated fuel, designers propose to build a series of four small-scale, modular reactors that use fuel in such small quantities that their cores could not achieve meltdown temperatures under any circumstances. The fuel would be packed inside tiny heat-resistant ceramic spheres and cooled by inert helium gas. Then the whole apparatus would be buried belowground. Lawrence Lidsky, an M.I.T. professor of nuclear engineering, calls this an "inherently safe" approach: it relies on the laws of nature, rather than human intervention, to prevent a major accident.

The main problem is that the modest electrical output of smaller units makes them less economical, at least initially. But proponents argue that inherently safe plants should prove more cost-effective in the long run. Not only would expensive safety systems no longer be needed, but the units could be built on an assembly line and put into operation one module at a time, enabling utility companies to match operating capacity with demand for power.

Critics are quick to point out that no nuclear reactor, either water-cooled or gas-cooled, is totally safe as long as it produces radioactive waste. The U.S. alone has generated thousands of metric tons of "hot" debris, including enough spent fuel to cover a football field to a height of three feet. Said Sir Crispin Tickell, British Permanent Representative to the United Nations: "The fact that every year there is waste being produced that will take the next three ice ages and beyond to become harmless is something that has deeply impressed the imagination."

There are ways to cope with the waste problem. The French have pioneered a process called vitrification that involves mixing radioactive wastes with molten glass. Over time, the hot mass should cool into a stable, if highly radioactive, solid that can be buried deep underground. The U.S. is also pursuing a strategy of deep burial, but the process has become ensnared in regional politics. Some sites that might have been suitable for an underground storage facility—the granite mountains of New Hampshire, for example—were quickly ruled out because of opposition from nearby residents. The one site now being considered, a remote mountain in southern Nevada, still faces formidable political hurdles.

It is a problem that can, and must, be solved. Third World countries do not have the technical or managerial expertise to deal with the complexities of nuclear power. They will be forced, at least for the foreseeable future, to rely primarily on environmentally harmful fossil fuels. That is going to put pressure on the developed world to produce increasing amounts of cheaper, safer nuclear power.

NATIONAL ACADEMIES OF PRACTICE

Mr. INOUYE. Mr. President, on March 3, 1989, I introduced S. 511, a bill to recognize the organization known as the "National Academies of Practice."

Inadvertently the text of the bill was not printed and I have attached a copy herewith to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The National Academies of Practice (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in these professions by disseminating information about new techniques and procedures.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers, and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(64) National Academies of Practice.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall terminate.

UNITED STATES-CANADA RELATIONSHIP

Mr. KENNEDY. Mr. President, when Sunny Davis, the waitress turned protocol officer in the Goldie Hawn comedy about diplomacy, is asked about her foreign travels, she replies that she hasn't been outside this country but questioningly adds "I was in Canada once but that doesn't count 'cause it's like attached." During their recent national elections, Canadians reminded us that it does count and that we're not the only "Americans" north of the Rio Grande.

The November election of Brian Mulroney's Progressive Conservative Party enabled the historic free trade agreement between Canada and the United States to go into effect. I welcome this agreement, which I believe will bring greater prosperity to both countries.

While Americans know little about Canada and even less about the free trade agreement, Canadians know much about us and more about the agreement—it was the No. 1 issue in their election campaign, fueled by a real concern of Canadians that the agreement would result in their country being placed at an economic disadvantage with the United States.

Canada is often taken for granted by the United States—probably because we are similar in so many ways and because our few disagreements seem never to be insurmountable. Our relationship is so intertwined that it usually goes unnoticed. We share a common language and also elements of a common culture. Canadians eat at Kentucky Fried Chicken, shop at Sears, and watch American television. Americans drink Molsons and Seagrams and shop at Canadian-owned Macy's. A large number of tourists flocking to Florida's beaches are Canadian. Hockey and baseball spectators of both nations sing the words to each other's national anthem, and Montreal sports fans are just as enthusiastic about the Canadians and the Expos, as Boston fans are about the Bruins and the Red Sox.

Yet there are many differences as well—differences that date back to our early history, when our colonists sought independence from England while our northern neighbors did not. In fact, a significant increase in the English population of Canada occurred during the American Revolution, when British loyalists rejected the move for independence and instead chose to move to Canada.

Canada also has the rich tradition of the French language and culture dating back to the days of the great explorer Cartier in the late 16th century and the settlement of New France by Champlain in the 17th century. Canadians today put special value on their sense of community, which is evident in Canada's social services network, including universal medical care, and a recently announced multibillion-dollar daycare program. This emphasis is enshrined in the Canadian Constitution, which calls for "peace, order and good government."

I hope that the new free trade agreement will foster a greater understanding of our northern neighbor. Canada is our largest trading partner, buying twice as much from us as the Japanese. This $170 billion annual trade is the single largest trading relationship in the world. Canada is the No. 1 host country for United States foreign investment and the United States is the No. 1 host country for Canadian investment.

Canada also serves on the U.N. Security Council, and the Canadian contribution of more than 80,000 troops to 16 different U.N. peacekeeping forces has been a substantial factor in the success of those forces and their receipt of the Nobel Peace Prize for 1988.

Most important, Canada is a trusted and valued ally of the United States and a partner in the defense of North America. We are proud of this relationship, and we must work hard to make it even stronger, to the mutual benefit of both our nations.

Mr. President, last month Derek H. Burney became the new Ambassador of Canada to the United States. I believe that his remarks on that occasion will be of interest to all of us in the Senate. Mr. President, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE AMBASSADOR OF CANADA DEREK H. BURNEY UPON THE OCCASION OF THE PRESENTATION OF HIS LETTER OF CREDENCE FEBRUARY 7, 1989

I have the honour to present to you a letter from the Governor-General of Canada, Jeanne Sauvé, accrediting me as Ambassador of Canada to the United States.

Mr. President, to a world in which ignorance and hunger still too often mock human values and in which hostility and conflict still too often impoverish affairs between nations, the relationship between Canada and the United States is a source of inspiration. Shared ideals and democratic institutions are its foundation. The friendship and kinship of millions of Americans and Canadians are its strength.

Canada and the United States are at an exciting stage in the evolution of this model relationship. Our historic free trade agreement is now coming into effect and we have a shared interest in making it work.

The agreement holds the promise of substantial economic benefits for millions of Canadians and Americans. For our consumers, it means lower prices. For our businesses, it increases confidence and predictability. For our economies, it means enhanced competitiveness and better jobs. For our two governments, it reduces friction and misunderstanding.

As well, the agreement signals to the international community that, as partners in the world's most important bilateral trading relationship, Canada and the United States are determined to roll back protectionism and to open new avenues of international commerce.

Mr. President, the essence of being Canadian springs from the forests and lakes and plains and oceans of our vast country. The natural environment is the mystical source of our nationhood and of our pride as Canadians.

Your comments during the past few months on the need to address environmental issues have been warmly greeted in Canada. Canada and the United States have a long and constructive history of working together to preserve our shared environment, starting with the visionary Boundary Waters Treaty of 1909. We have set an impressive standard of international cooperation.

Acid rain is the one anomaly in our otherwise remarkable record. An important part of my instructions from the Prime Minister is to elicit effective action by the United States to bring about specific reductions of transborder flows of acid rain pollutants within a fixed time. A firm priority objective for Canada is a joint commitment to that end enshrined in a bilateral accord.

Our cooperative defense relationship is basic to the security of our two countries. We have fought side by side in two world wars and Korea. Together, through NORAD and other arrangements, we defend North America. Together, through NATO, we help to defend Europe.

The Canadian Government has embarked on an extensive defense modernization program designed to upgrade the capabilities of the Canadian armed forces to carry our fair share of the NATO burden. Canadian industry, too, through bilateral agreements renewed by our two governments in 1985, is contributing to the viability of the North American industrial base.

Mr. President, the global landscape proffers challenges to both our countries: the Soviet Union's search for new solutions to its worsening economic problems offers the prospect of a more enduring peace; the integration of the economies of our Western European allies will have consequences for both our countries; the strong economies of Japan and our other Asian trading partners present us with a competitive challenge, as well as substantial opportunities.

Meanwhile, other countries, many in this hemisphere, are struggling under enormous debt burdens. And around the world, people still live in poverty and despair.

My government believes that, as two distinct and democratic societies in North America, we have a boundless capacity to work with one another and to contribute to world peace and prosperity.

In pursuit of these objectives, Prime Minister Mulroney looks forward to welcoming you to Canada in the very near future. The Secretary of State for External Affairs, Mr. Clark, warmly anticipates regular and fruitful exchanges with Secretary Baker.

As Ambassador, I take up my duties in a climate of confidence and at a time when our respective governments have strong, new mandates. I welcome the opportunity to stimulate our unique relationship. I will do my utmost to fulfill the expectations of my government, I ask for the full support of your Administration.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will now go into executive session to resume consideration of the nomination of John G. Tower to be Secretary of Defense, which the clerk will report.

The assistant legislative clerk read the nomination of John Goodwin Tower, of Texas, to be Secretary of Defense.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I thank the distinguished majority leader. Early last evening, I proposed a number of things: First of all, a unanimous-consent request that Senator Tower be permitted to come to the Senate to respond to questions and make a statement, whatever. The majority leader, for reasons he felt were adequate, objected to that. I do not quarrel with that. It is certainly within his right.

That could be followed up with a privileged motion, but, as I said last evening, one thing I have learned to do around here is to count. It seems to me that would not be productive. It would not give Senator Tower the right we hope he might have.

I then proposed what some have referred to as sort of a 6-month trial period after talking with Senator Tower, after at least advising the President, and advising the chief of staff, John Sununu, at the White House.

It was our hope that that good faith effort might convince some that this man is certainly deserving of that chance, and that it would be another indication of good faith on the part of the nominee and on the part of the President—that coupled with Senator Tower's pledge on national television, sobriety pledge, which he said he considers the same as his oath under the Constitution to carry out his duties. The majority leader was kind enough to say that he would consider it. The chairman of the Armed Services Committee said he would sleep on it. I have now had an opportunity to visit with the majority leader, and also briefly with the chairman of the Armed Services Committee.

The bottom line in this place is how many votes do you have? How many votes can you change? Can you change any?

I think it is fairly clear, notwithstanding what was a good faith shot, it is not going to change any votes. The majority leader was kind enough to check with a number of Democrats. I think it is his view that—he has not checked with anyone—there is probably no change.

But I would say, as I said last evening, the bottom line in our view is—it is our view, and from the start has been fairness to this nominee, not because he is a former colleague or just because he is a nominee but rather than spend the day debating 6 months versus whatever—it is not going to change any vote. I think it is best that we spend the rest of the day debating the merits on this side of John Tower to be Secretary of Defense.

I had a discussion with Senator Tower this morning. He appreciated the effort but indicated that it was not going to change any votes. He would rather we spent this last day debating the nomination, period, rather than get off on some side track of why it would not work—some problems, whatever, some would raise might be valid.

So I am authorized at Senator Tower's request to withdraw that proposal. And I do so, so that we may spend—hopefully until around 4 or 4:30, when we agreed to vote at that time—the balance of the day. We have a request for time of about 3 hours on this side, and it will not all be used, but about 3 hours.

I believe I know what the result will be. But there is still a number of my colleagues who want to make statements, and want to make statements for the Record. There are certain things that have been stated on the floor that we want to clarify for the Record because in the final analysis this debate, sometimes with acrimony, may be important later on. It may be important to Senator Tower. He may not become Secretary of Defense but I think he wants the Record to reflect the facts as much as we can. It is pretty difficult on both sides, and much material is under a rule of secrecy.

So I think it is best since no votes will change that we spend our time doing that today. Senator Tower did ask me to convey his thanks to everyone. I believe Senator Tower knows, whether we are willing to admit it or not, that this has sort of become a partisan issue. It is essentially going to be a party line. I guess for someone who has been in politics for 24 years that is probably easier to accept than if we were debating some fine issue that fell one way or the other by a very close vote.

Obviously, he is disappointed; not bitter, but disappointed. Obviously, we hope something might happen today to change a couple of minds, maybe three. But that is probably doubtful.

So we are prepared, I say to the majority leader, to enter into a time agreement and to continue the debate, hopefully at the same high level it has been, or maybe even higher, and then vote at some convenient time this afternoon.

Mr. MITCHELL. I thank the distinguished Republican leader very much. We discussed this privately just prior to his remarks. It is my understanding that staffs on both sides are now soliciting the consent of membership on both sides to proceed. I, on behalf of the Democrats, would be prepared to propound a unanimous-consent request.

Mr. DOLE. We are ready.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I propound a unanimous-consent request, that the Senate, at 10:30 this morning, having resumed debate on the nomination of John Tower to be Secretary of Defense, there now be a time agreement for a total of 5½ hours of debate, with 2½ hours under the control of the Senator from Georgia [Mr. NUNN] and 3 hours under the control of the Senator from Virginia [Mr. WARNER], or their designees; provided that no motions be in order, and that at 4 o'clock this afternoon, the Senate proceed, without any intervening business, to a 15-minute rollcall vote on the nomination; provided, further, that upon the disposition of the nomination, a motion to reconsider be laid upon the table and the President be immediately notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that it be in order to request the yeas and nays on the Tower nomination at this time.

The PRESIDING OFFICER. The nomination is before the body. It is in order to request the yeas and nays.

Mr. MITCHELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM BENNETT

Mr. MITCHELL. Mr President, I inquire of the Republican leader whether he is prepared to proceed to a unanimous-consent agreement on the nomination of William Bennett.

Mr. DOLE. We are.

Mr. MITCHELL. Mr. President, I ask unanimous consent that if the Committee on the Judiciary reports the nomination of William Bennett to be the Director of National Drug Policy, the Senate, today, immediately following the vote on the nomination of John G. Tower, proceed to the nomination of William Bennett to be Director of National Drug Policy, under a time agreement of 30 minutes, equally divided between the Senator from Delaware [Mr. BIDEN] and the Senator from South Carolina [Mr. THURMOND]

or their designees; provided that no motions be in order, and that following the use or yielding back of time, the Senate proceed, without any intervening business, to a 15-minute rollcall vote on the nomination; provided, further, that upon the disposition of the nomination, a motion to reconsider be laid upon the table, the President be immediately notified, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to request the yeas and nays on the Bennett nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the Bennett nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOSCHWITZ addressed the Chair.

Mr. MITCHELL. Mr. President, I have just been advised that a Republican Senator has lodged an objection to any committees meeting today. I merely say that if that objection continues, the Judiciary Committee will not be able to meet to report Mr. Bennett's nomination, and of course we would not act on it today. I leave that up to the distinguished Republican leader.

We are prepared to proceed to the nomination, if the committee can meet and report it. If one of the Members objects, obviously, we cannot do so, and we would take it up some time next week.

Mr. DOLE. I think it may be just one committee to which the objection relates, not the committee with jurisdiction of the nomination.

Mr. MITCHELL. Then, I suggest that we permit the Senator from Minnesota to proceed with his remarks, and we can then determine whether or not the committee will be able to meet today.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Who yields time? The time is now controlled, under the unanimous-consent agreement.

Mr. WARNER. Mr. President, I yield the distinguished Senator from Minnesota such time as he may require.

Mr. BOSCHWITZ. Mr. President, I say to the majority leader that I have not read the debate with respect to the nominations of 1977 that President Carter brought to the Senate, but I notice that there were 12 votes. Nine of them did not require rollcall votes, so presumably on nine there was little or no debate, and it was fairly quick. On three, there were rollcall votes.

On one, Secretary Califano, it was 95 to 1. Senator PACKWOOD voted no, and I do not know why. He is a reasonable fellow.

On the Marshall nomination, to which I think the majority leader alluded, the vote was 74 to 20, and there were Democrats and Republicans alike who voted against him. I was not here, so I do not know what the debate was on or the reasons for the vote.

On the Bell nomination, it was 75 to 1, apparently a different core of Democrats. Some Democrats apparently felt that he was too conservative; and for some Democrats, Marshall was too liberal, I gather. There were 15 or 16 Republicans who voted against each.

I will take a look at those nominations and the procedures. I know that the majority leader made quite a point of that in his debate, but I point out to him that of the 12 Cabinet positions, 9 did not even require a rollcall vote, and on the 3 that did, I do not know how long the debate went on, but the debate seems to have been on issues on substance. The nature of the debate was certainly not the nature of the debate that has occurred here in the past 10 days or so, and I presume that it was not particularly divisive, because it was just a debate on substance, a debate on issues.

I yield to the majority leader.

Mr. MITCHELL. Mr. President, I have no further comment, except to note that there was also very extensive debate on the position of chief arms control negotiator, which, while not a Cabinet position, I think the Senator will agree was very important. I do not know whether he referred to that in his remarks, because I was distracted on another matter while he was talking. The Senator might wish to take a look at my remarks of yesterday.

Mr. BOSCHWITZ. I have that before me. I know that he was confirmed for two positions—the chief negotiator of SALT, which, as the majority leader has pointed out, was not a Cabinet position, and the Director of ACTA, which is not a Cabinet position.

It is interesting that the votes were different. Twelve Democrats and twenty-eight Republicans voted against him for SALT negotiator. But that clearly was on the basis of what he stood for. This debate has not been about what Senator Tower stands for.

On the ACTA nomination, there were 5 Democrats and 24 Republicans, including Senator Tower, in both instances. But that again was substantive debate.

Regretfully, this has not been a substantive debate, and that, of course, is what has been so damaging with respect to him.

Mr. MITCHELL. And I accept that.

I just, at the risk of redundancy, make the point that what the Senator calls substantive debate represents the point of view that Senators are entitled to reject Presidential Cabinet nominations solely on the grounds of policy disagreement, which is a much more expansive view of Senate authority than Senators who now oppose the Tower nomination are advancing.

Second, I was not here at that time, but I understand there was a lot of personal debate about President Carter's nominee to the Central Intelligence Agency which nomination was subsequently withdrawn prior to a vote.

I think we could go back and forth all day. But I think the Senator makes a good point and I appreciate it.

(Mr. SHELBY assumed the chair.)

Mr. BOSCHWITZ. He should not have withdrawn that nomination, and interestingly, that nomination with respect to the CIA withdrawal by the President did considerable injury to the Presidency at an early date, as I recall it, and which is one of the reasons it was not done in this case, I believe.

Mr. President, prior to coming to the U.S. Senate I was a businessman, and this has been quite an adjustment coming to the Senate. Even though I have been here 10 years, the adjustment is still under way.

I was used to getting things done. I was used to running my own show.

Lawmaking moves very glacially, as a matter of fact. Compromises are made on just about every comma and every dot and every cross of a t.

I once told my friend Senator SIMPSON that the trouble with this place is that there are 99 other people who want the final word, the last word, when I should have it, and I was accustomed to having it in my business career and I was accustomed to moving rather rapidly and quickly. The transition to this glacial process here in the Senate has not been an easy one.

That is the real problem in my judgment with the Tower nomination. It is deeply partisan in nature, as I have pointed out before in my discussions with the majority leader, really deeply partisan, in my judgment. It will heighten distrust among the Members and it has heightened distrust in a way that I had not seen before here in the Senate. The lines have been drawn in this matter and the suspicions have been considerably deepened. It is unfortunate.

My problem is, yes, it appears that Senator Tower is not going to make it but the present glacial progress of the Senate on legislation is going to be slowed even more, and it is going to be harder to function here, at least for quite some time.

Yes, it is reparable, I suppose, over some time, but some of the hurt of this entire debate is not going to go away, and the glacial progress is going to become even slower, and that is too bad for the country and certainly, for a businessman like me, it will require a further adjustment.

I saw the distinguished Senator from Nebraska, Senator EXON, and Senator DECONCINI, on TV this past Sunday, and they said it will pass; this is just another fight in the Senate; that we are all professionals, and indeed we are; that things will return to normal, and you cannot argue with that, over a long, long-term view. But things are going to be slow in returning to normal because a battle of this nature has not before been fought on the floor of the Senate, at least in the 10 years that I have been here.

So I do not share the belief because it overlooks the absolutely extraordinary nature of this battle. This battle has been extraordinary in many ways, but it is extraordinary because no incoming President, rejected, none, zero, in the 200-year history of the Republic.

The nominee is a former Member of the Senate, for 24 years no less. Seventy Members of the U.S. Senate, as many of my colleagues have said, have served with him and none, not a single one, has seen him inebriated or in conduct unbecoming the office.

In addition, one and all agree, everybody agrees that Senator Tower is enormously well qualified. In fact, we confirmed him for another post by voice vote in recent years, and presumably there was an FBI report and some of these things came out, but yet we confirmed him without opposition by voice vote, just as I pointed out we confirmed prior to my arriving here nine members of the Cabinet in 1977 by voice vote. There were only votes on three members of the Carter Cabinet, and not long ago when the Iran-Contra affair just consumed the Senate and consumed the Nation for many, many months, who was called upon to lead a Commission to investigate the activities of the White House? John Tower. The Commission became named the Tower Commission. And it was a hardhitting report that he put out, a much-lauded report.

Some on our side wondered why he was so tough on the President but indeed he was widely lauded, and when we needed someone to take a tough look at a very difficult situation John Tower was called upon and as he was called upon by a number of Presidents over a period of years.

Now, some of the Senators say that he should be rejected but not at all on the basis of philosophy, and I see that yesterday in the paper it was pointed out that John Tower voted "no on several confirmations." None of those votes, however, were on anything other than philosophy. They were not on the kind of stuff we have seen in the so-called FBI report to which I will allude in a few minutes.

So I say to my friends and my Democratic colleagues, pardon me if I reached a conclusion that this is a partisan battle. In fact, I believe it is a harshly partisan battle, a battle that is going to leave some deep and some very lasting scars, particularly with respect to some Senators, a battle that is going to slow the work of the Congress even from its present glacial pace so that the whole Nation is going to suffer because of it.

I say to my friends, do not expect things to simply return to normal after this battle concludes—eventually, sure. I mean, time I suppose heals most every blow. But it is going to be a time, and I think some aspects of this battle, particularly with respect to some of our colleagues, are not going to heal entirely.

Because I feared this whole scenario developing, about 2 weeks ago I sought out the distinguished majority leader and I went to his office and we sat and we talked about 20 minutes about what was developing at that point.

I went to him because frankly our side was full of hope. There were two new Georges on the scene, I said, and each is on a honeymoon, and both honeymoons were about to end. We were hopeful of better and smoother, less partisan days in the U.S. Senate because both Georges were reaching out. The inauguration of the President and the election of a new majority leader could truly allow a new and less strained relationship in not only the executive, but in the Senate as well.

The majority leader, Senator MITCHELL, was holding extended meetings with small groups from this side of the aisle, and I compliment him for it. I presume that those kinds of meetings have now ended. In this atmosphere, they would hardly be truthful. I hope that he picks them up again, because they can lessen some of the tension that has now developed here in the Senate.

The President was having bipartisan groups over to the White House. I went over to a couple of such meetings, one on our foreign affairs, and one where the President just held out his hand in friendship to approximately 2 dozen or 30 of the more senior Members of the Senate and the Senate leadership. One regarding bipartisan foreign policy had Members of the House and Members of the Senate there, the group that Senator DANFORTH alluded to before, a group that includes Senator DANFORTH and myself and Senator KASSEBAUM on this side of the aisle, and a group that includes Senator BOREN, Senator BRADLEY, and Senator NUNN on the other side of the aisle. And we went there, with the exception of Senator NUNN who was occupied perhaps in these matters, and talked about bipartisanship in foreign policy. One evening the President had us over, about 30 of us, and he included a tour of the second floor of the White House, the living quarters, where few of us had never been before. Indeed, Senator KENNEDY who was along that evening noted that he had not been up to the living quarters of the White House since 1963.

So, indeed, this was reaching out not only by the President but this was also reaching out by the new majority leader and better times seemed to be ahead.

But this debate has ended that and, indeed, there will be an unfortunately higher level of partisanship, higher level of suspicion than had existed before. Clearly, George Bush and GEORGE MITCHELL were reaching out. I told the majority leader what a shame it is that this new beginning should all be lost, but apparently that must now occur.

Let me talk for a moment, if I may, about the FBI report. My colleagues tell me it should not be called a report because there is no evaluation in it. It is just a collection of statements, of tips, of other things. So let me talk about the FBI record that I read and that was voluminous indeed.

And I talk about it, frankly, as a newcomer. I have never been a prosecuting attorney. I have never been an attorney general. I am a businessman, as I said at the beginning of this, and so I did not have occasion to read FBI reports.

Frankly, after reading them, I was shocked. I did not know that those kind of things were collected, that kind of stuff was put into writing.

I thought the guys in the FBI really knew something, and I do not mean to say they do not. But in this report, it was just really the biggest collection of trivia that I have ever seen. It was the biggest collection of anonymous tips. I mean, somebody calls up and says, "I saw John Tower do this and this on such and such a day." Or, in that time period; they were not even specific about the day. And they say, "What is your name?" "Oh, I can't tell you my name." But all of it is put into the report, even when it comes in in that way about a man who has served his Nation for 30 years and a man who has indeed achieved so much for the United States.

Then there were items of total hearsay—"I heard so and so say this," and even some of those were not identified. Anonymous heresay on top of everything else. And here in this country, with our freedoms, in our democracy, that kind of material goes into a report about someone who is going to become or could have become the Secretary of Defense. It was the biggest

collection of junk that I have ever seen. It was demeaning.

As a matter of fact, I was shaken after I read it, truly shaken. I did not know that that kind of material was put in writing by an agency of Government in the United States.

And on that kind of stuff, that kind of stuff, we are making a decision. It is that kind of stuff that my friends on the other side rely upon and say, "Well, the man has a drinking problem." No one has gotten up and said, "I disagree"—well, I guess I have heard some of my colleagues say, "I disagree with him, but that is not the reason for my objection."

The reason for the objection is this trivia, these unproved allegations. And, indeed, that is a sad day for the Senate of the United States and it is no wonder that this whole debate is driving a wedge into the Senate that has not existed before.

This kind of stuff is not the material on which we should make a decision. This kind of stuff is the stuff that you use to ruin people's reputation if you are that kind of a person. And that is a plural, because not only John Tower is named but a number of other people are named in this report. And it would be a shame, frankly, if the report were printed and still more people hurt by its publication.

I must tell you again, Mr. President, I really did become quite emotional upon reading this. I am just a man who is accustomed to reading facts and figures and numbers, not innuendo or anonymous reports or partisan shots, or some things that have turned out to be outright lies, as we have seen reported in the report. Unfortunately, they get reported in the press even before they get put into the FBI report. Like the stewardess who was reported yesterday or the day before. Before we even looked into who she was or whether or not there was any substance to it, it was splattered all over the front page of every newspaper and every 10 o'clock news show in the country.

That is how John Tower has been tried. That is how he has been evaluated. That is why Senators on our side of the aisle say that his rights have not been properly protected, that his rights have not been cherished as we do cherish rights here in the United States.

But I must listen to my Democratic colleagues, some of whom I deeply respect, talk about rejecting John Tower on the basis of this perception. They have talked about perceptions, perceptions raised by hearsay, by anonymous tips, by anonymous hearsay tips, of all things; about a man that 70 of us have served with in the U.S. Senate; about a man that none of us have ever seen do the kind of things that he is accused of.

And, Mr. President, we live in fairly close quarters here. We live in fairly close quarters here in the Senate. It is not the kind of relationship that might be found in a more normal type of setting. We travel together. We are here sometimes around the clock together. And in the event that these kind of aberrations in character were to occur, we would see them sometimes of one another.

Senator COHEN told me about a book that he wrote shortly after coming to the Senate; that one of his first impressions was seeing, as a matter of fact, the Senator from Georgia helping one of his colleagues who was clearly unable to help himself because of an inebriated state.

Yet I am asked, after looking at all of this and seeing the FBI report and listening to some of the other debate, yet I am asked to believe that this is not a partisan fight. It is partisan, Mr. President, and it is harshly partisan, unfortunately. That is why this battle is not going to be just over and behind us, but it is going to linger and it is going to linger for a long time.

"Well," I am told, "what about you Republicans? You are all voting for him. Isn't that equally as partisan?" As though my friends on the other side expect we Republicans to vote against the nominee of their own President. It certainly should not be a surprise that Republican Senators will support the nominees of a Republican President. So those who tell me on the other side of the aisle that this is proof of partisanship, then indeed I say to them it is not proof of partisanship at all that we vote for the nominee of a Republican President.

Then they say, "Well, look at this, 100 to zip on all of these other nominees that came before us. Doesn't that show that we are indeed bipartisan in spirit?"

Well, since the majority leader brought up the 1977 confirmations, I say once again that nine of those confirmations took place on voice vote; that this is not unusual that the nominees of a President should be accepted unanimously. And, indeed, in 1977, the period to which the majority leader has alluded so often in his comments, 9 of the 12 appointees to the Cabinet were not even voted on on a rollcall vote. They were just accepted by unanimous consent by a voice vote. So that there was no opposition from this side at all on 9 of the 12 nominees during the Carter period. It is not unusual.

This is a partisan battle, a harshly partisan battle, unfortunately, and it is going to leave some scars.

As I said, Mr. President, now for the first time we stand close to the precipice of rejecting a man who has been nominated by a new President for the Cabinet. That is a first in the history of the Republic. It is a first in the history of our Republic that we will reject a former Member of this body. I am not saying that a former Member of this body should be automatically accepted. It is the first time I believe that we are rejecting a man not on the basis of principle, not on the basis of principle of his beliefs, but rather on a bunch of junk in the report that says, mostly unproven, that he has acted, in personal matters, in a manner not befitting the job that he is now seeking to assume.

So it is a shame, Mr. President. We are not improving the standing of the U.S. Senate, either among ourselves or, in my judgment, for the Nation as a whole.

We all agree that John Tower is competent. We all agree that none of the 70 of us who have served with John Tower in the U.S. Senate, some for more than two decades, that none of us have seen him do any of the things that he is accused of doing. He is a man who served in the U.S. Senate for 24 years, a man who, in making a living upon leaving public service did no more, perhaps even less, than we do in accepting spending honorariums from those who seek to influence us.

I respectfully point out, Mr. President, that in a single year members of the Armed Services Committee took a half million dollars in such honoraria.

So, it is with considerable regret that I must say that as we are now in the concluding hours of this battle, that the Senate in my judgment has hit a new low and that we will take some time to recover from it; that this new beginning that we had an opportunity to achieve, both with a new President and with a new majority leader, is regretfully going to have to be laid aside.

It is with sincere regret, Mr. President, that I see my friend John Tower going down to defeat. It looks like that is going to happen. Of course, there are a few hours left and perhaps some minds will still change. But what it has done to the Senate and what it has done to the Nation are unfortunate and I hope for better days ahead in the U.S. Senate.

I yield the floor.

Mr. NUNN. Mr. President, we have had several days of vigorous debate on the nomination of John Tower to be Secretary of Defense. It has been a difficult debate, not only because the main body of information cannot be discussed in open session, but also because it involves a former colleague who worked closely with many of us over a long period of years.

But the unpleasant nature of our task does not diminish our responsibilities to the people who elected us—and one of the primary duties of Senators under the Constitution is the responsibility for advice-and-consent on the nominations made by the President.

Today, I would like to briefly place the debate on Senator Tower's nomination in the context of our constitutional duties.

The constitutional scholar Edward Corwin has called the separation of powers of our system of Government one of the "great structural principles of the American constitutional system * * *. Corwin underscored the importance of this doctrine to our most basic rights by emphasizing the influence on the framers of writers such as Montesquieu, who had written that "[w]hen the legislative and Executive powers are united in the same person, or in the same body of magistrates, there can be no liberty * * *."

Louis Fisher, a leading authority on the Constitution, has recently noted that the doctrine of separated powers embodied in our Constitution is not based simply on notions of divided power, but rather reflects the manner in which the framers sought to avoid "a political system so fragmented in structure, so divided in authority, that Government could not function." As Supreme Court Justice Robert Jackson observed in the Steel Seizure case in 1952: "While the Constitution diffuses power the better to secure liberty, it also contemplates that the practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

The Senate's advice-and-consent role in the appointment process reflects two competing views at the Constitutional Convention. One group favored placing the entire power of appointment in the Executive in order to establish accountability and avoid diffusion of power. A second group sought to place this power in the legislature in order to avoid undesirable concentrations of power and ensure broader consideration of possible candidates.

Near the end of the convention, a compromise was reached. This compromise resulted in the language that has governed the appointment process for over 200 years: Article II, section 2 of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for * * *.

As we have heard often during this debate, there have been only eight Cabinet-level nominees rejected by the Senate in 201 years under the Constitution. Although this figure fails to take into account the number of rejections for judgeships and executive branch positions other than Cabinet posts, the fact is that the Senate does not frequently reject the nominations of the President. So far this year, the Senate has confirmed 15 nominations by President Bush with only 1 negative vote—and that 1 negative vote came from the Republican side of the aisle. In my 16 years in the Senate, I have voted for 64 Presidential Cabinet-level nominees, and have opposed only 2. In so doing, I have always taken seriously the Hamiltonian concept of a strong Executive—but even Hamilton recognized that there would be cases involving "special and strong reasons for disapproval."

Mr. President, I think we should remember that the fact that only eight Cabinet-level nominees have been formally rejected does not reflect the number who withdrew—or were not even nominated—because they could not be confirmed.

Simply because a nominee does not withdraw does not mean that the Senate must accede to the President's desires. As our former colleague from Maryland, Senator Mathias, noted during the 1977 debate on the nomination of Griffin Bell to be Attorney General:

> What does it mean that the Senate is going to give its advice and consent to the nomination of Griffin Bell to be Attorney General? Does it simply mean that after the President of the United States has had an opportunity to exercise the broad and plenary power to choose from among 215 million Americans, that we then merely have to ascertain whether his choice is a convicted felon or a committed lunatic, and if we find that that is not the case, we then have to automatically grant confirmation?
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> Well, I would say certainly not * * *. It seems to me that we have a responsibility under article II of the Constitution to take part in what is, in effect, a two-pronged appointment process in which the power of appointment is clearly divided, one part being the power of nomination, which is assigned to the President, and the other part being confirmation, which is assigned to the Senate.

Mr. President, Members should remember that the debate over this nomination is not a debate over a normal Cabinet position. It is a debate over whether the Senate should give its advice and consent for the nominee to serve as Secretary of Defense—a position with unique and very critical responsibilities in the executive branch.

There are some who have said in the past weeks that the President has a right to appoint whomever he wants to serve in his Cabinet, and the Senate should go along with the President's wishes. Senator DANFORTH spoke very eloquently earlier in this debate about the extent to which the Senate should defer to the wishes of the President to choose his Cabinet.

Much has been made of the fact that the Senate has failed to give its advice and consent for only a small number of Cabinet nominees in the past. President Bush said yesterday that this debate involves the right of the President to have who he wants in his administration. Senator Tower seemed to forget his own record in the Senate of opposing Presidential nominations when he said over the weekend that the question of his nomination has become whether or not the President, when he selects people of professional competence, can be permitted to have his own choice of people to serve under his administration in key policymaking and administrative positions.

I am very mindful of the prerogatives of a President to choose his own advisers. But I don't agree at all that with the apparent view of some that the Senate's advice and consent role should be little more than a rubberstamp. I don't think most Members of the Senate agree with this view either.

Twelve years ago, the Senate was in much the same position that it finds itself in today: a newly elected President had submitted his nominee to the Senate for an important and sensitive national security position. The Senate had a vigorous debate over President Jimmy Carter's nomination of Mr. Paul Warnke to be the Director of the Arms Control and Disarmament Agency and chief negotiator at the strategic arms limitation talks in Geneva.

The Senate conducted separate votes on Mr. Warnke's nomination to be Director of the Arms Control and Disarmament Agency and to be the chief negotiator at the strategic arms limitation talks. Although I voted in favor of Mr. Warnke's nomination to be Director of the Arms Control and Disarmament Agency, I voted against his nomination to be our chief SALT negotiator. I do not remember being called partisan or power grabbing at the time I cast that vote against the nominee of a newly elected President from my own State and my own party to a sensitive national security position.

As a matter of fact, there were some very persuasive statements made by Senators during that debate on Mr. Warnke's nomination on the Senate's role of advise and consent, particularly with respect to Presidential nominees for national security positions. Some of that debate 12 years ago has a direct bearing on our debate today.

During that debate, Senator THURMOND reminded the Senate that:

> Under the advice and consent powers provided in the Constitution the Senate has a well-defined responsibility to approve or disapprove the nominations of the President. It has been my long-held view that a President is entitled to have as his advisors in the executive branch those individuals he chooses. This position should apply, except in those extraordinary cases where the Senate finds, in exercise of its advise and consent powers, that the individual is especially unsuitable for the duties chosen.
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> In those instances, the Senate has an equal responsibility to oppose such nominations and the history of the Senate is replete with just such examples where a Presi-

dent has been denied his choice under the advice and consent powers provided in the Constitution.

The nominee himself, Senator Tower, was one of the leaders of the opposition in the Senate to Mr. Warnke's nomination. During the debate Senator Tower pointed out that:

The suggestion has been made that the people should trust the President to make the right appointment. I think that ordinarily we do around here. But, after all, the Constitution has vested in us the responsibility for advice and consent, and it is one that we should exercise.

Senator Tower went on to say that:

There is too much at stake here to impute dishonest motives or irrational motives to one side or the other in this debate.

At another point in the debate, Senator Clark of Iowa questioned how some Senators who opposed Mr. Warnke could, at the same time, claim they supported newly elected President Carter. Senator HATCH responded to this argument by saying:

I might also add, with regard to Mr. Clark's comment of whether we are supporting President Carter, you bet we support President Carter. One of the best ways to support President Carter is to try to discourage him from putting people into office and putting people into positions of power and leadership where they do not belong.

We have an obligation to do that in the Senate, and I can tell you right now I stand behind the President.

Finally, the distinguished Republican leader Senator DOLE had some comments on Mr. Warnke's nomination 12 years ago. Senator DOLE said:

In conclusion, I feel that the decision on confirmation of Paul Warnke as chief U.S. negotiator will bear a significant impact upon the status of the American defense capability in the years to come. Even more than a single decision by this body on a specific budget request for a strategic weapon, this decision will have a lasting imprint upon the full aspect of the American defense posture for years to come. The issue goes beyond any simplistic arguments about sparing the administration embarrassment over a nominee, and beyond accusations of partisan politics. We are contemplating the appointment of a high-level official to represent our interests against Soviet designs on our Nation's security. The Senate must weigh this decision in that light, and act with the sobriety and wisdom which the decision deserves.

Senator DOLE's statement of 12 years ago applies almost exactly to this debate. The only difference between our debate today and the one we had 12 years ago is that President Bush has nominated John Tower for a position that is far more critical and sensitive to our Nation's security than the position to which President Carter nominated Paul Warnke in 1977.

Today we are debating John Tower's ability to serve second only to the President in the chain of command for all of our nuclear and conventional military forces.

Today we are debating John Tower's ability to set the highest example of leadership for our men and women in uniform.

Today we are debating John Tower's ability to serve as the senior official in the Department of Defense for the Uniform Code of Military Justice and all of the other rules and regulations governing professional behavior and standards of conduct.

Today we are debating John Tower's ability to restore the public's confidence in the fairness, equity, efficiency and integrity of the Pentagon's acquisition system.

I have said before in this debate that there is much in John Tower's record to commend. I believe John Tower is a loyal, patriotic American who has a solid record of public service. I know that he is dedicated to our Nation's security.

After my own review of the record, however, I have concluded that John Tower should not be confirmed as Secretary of Defense. This is a highly personal conclusion for me. I recognize that people of good will can reasonably come to an opposite judgment.

I do believe, however, that if Senators weigh the evidence of this case with objectivity and dispassion, they will conclude that President Bush would be best advised to find another nominee. In three areas—use of alcohol, behavior toward women, and conflict of interest—John Tower falls short of the high standards which must be demanded to those who would bear the awesome responsibilities of Secretary of Defense.

Mr. President, I ask unanimous consent that two articles from today's Washington Post be included in the RECORD at this point.

The first, entitled "Placing a 'Check' on the President," discusses the historical context of the Senate's role in the advice and consent process.

The second, entitled "How Tower Used His 'No' Vote," discusses Senator Tower's record with respect to the confirmation of Presidential nominees while he was in the Senate, including several instances where Senator Tower opposed Cabinet-level and other Presidential nominations in the Senate.

HOW TOWER USED HIS "NO" VOTE: EX-SENATOR NEVER SHIED AWAY FROM SCRAPS OVER NOMINEES

(By Dan Balz)

"The suggestion has been made that the people should trust the president to make the right appointment," the senator said during floor debate over a controversial national security nomination early in a new president's first term. "I think that ordinarily we do around here. But after all, the Constitution has vested in us the responsibility for advice and consent, and it is one that we should exercise."

The man who spoke those words, then-Sen. John G. Tower (R-Tex.), never shied away from exercising that responsibility—or from questioning the wisdom of president's appointments. He got into a number of scraps over Cabinet and sub-Cabinet nominations during his 24 years in the Senate—although none was as bitter as his own nomination to be secretary of defense has become.

Tower made his comments about the Senate's role 12 years ago during debate over President Jimmy Carter's nomination of Paul C. Warnke to become head of the Arms Controlse and Disarmament Agency and chief SALT negotiator.

Tower opposed that nomination unsuccessfully—as he had done in several other cases. In January 1977, he opposed Carter's nomination of fellow-Texan Ray Marshall to be secretary of labor. During the Ford administration, he opposed the nomination of William J. Usery to be secretary of labor. And in 1963, he opposed the nomination of Paul H. Nitze to be secretary of the Navy.

Two factors generally guided Tower in his decision to oppose these various nominations his belief that the Senate should use its own judgment—and ideology.

In Warnke's case, Tower thought the nominee was too liberal. He accused Warnke of "grievous errors in judgment" on U.S. weapons sytems, and he said he feared Warnke would be even more mistaken in his judgments about Soviet weapon systems as a negotiator.

His opposition to Nitze in November 1963 was for similar reasons. Nitze was nominated by President John F. Kennedy and immediately ran into opposition on the Senate Armed Services Committee for views expressed in a 1960 California speech and the product of a 1958 conference in Cleveland. The battle is described by author Strobe Talbott in his book on Nitze, "The Master of the Game."

In the California speech, Nitze had suggested that the Strategic Air Command be put under the control of NATO and that the United Nations be given control over the use of nuclear weapons. Nitze attempted to explain his views to the committee, but was clearly on the defensive.

After Kennedy's assassination, President Lyndon B. Johnson pressed committee Chairman Richard Russell (D-Ga.) to bring the nomination to a vote. Tower was one of a handful of senators (including Republican Sen. Milward Simpson of Wyoming, the father of Senate Republican Whip Alan Simpson of Wyoming) who opposed Nitze.

Invoking his own service in the Navy, Tower said he opposed Nitze "because of his views on disarmament, his views on our military posture and his views on the disposition of the military forces."

Tower and Nitze eventually ended up on the same team; as part of President Ronald Reagan's arms control negotiation team in 1985–86.

Tower's longtime fight with organized labor led him to oppose Marshall in 1977 and Usery the year before. In Marshall's case, he spoke at length on the Senate floor about labor's influence in public policy and his fear that Marshall would simply be a rubber-stamp for its views.

"I hope to have a labor secretary who can view those issues more objectively and not from the official union point of view: who could advise the president in a more objective way," he said.

For a man now accused by some of his critics of being too close to the defense industry, that opposition to Marshall has a ring of irony.

Staff researchers Michelle Hall and Colette T. Rhoney contributed to this report.

PLACING A "CHECK" ON THE PRESIDENT: FRAMERS BELIEVED THE SENATE SHOULD SHARE APPOINTMENTS

(By Al Kamen)

It probably would not happen very often, Alexander Hamilton wrote 200 years ago, but it would happen every now and again that the Senate would reject a presidential nominee. That was not a bad thing, Hamilton said.

In fact, "It would be an excellent check upon a spirit of favoritism in the president," Hamilton wrote in Federalist 76, "and would tend greatly to preventing the appointment of unfit characters. . . ."

Hamilton was not referring to the president's Cabinet because no idea of a Cabinet is in the Constitution. He was explaining the provision that gives the president the power to nominate officers of the government with the "advice and consent" of the Senate.

That provision in Article II of the Constitution, a compromise brokered 202 years ago, is at the heart of the controversy over former Senator John G. Tower's embattled nomination to be secretary of defense.

Some of Tower's supporters have argued that the Senate has some sort of constitutional obligation to approve presidential nominees. But that view is based on tradition, rather than the Constitution or the debates involved in its ratification, according to experts.

Delegates to the Constitutional Convention in Philadelphia believed strongly that certain powers should be shared by the Senate and the president, especially the appointment power. Throughout most of the convention, delegates held that the authority to appoint many high officials, including Supreme Court justices and ambassadors, should be retained exclusively by the Senate.

Late in the debates, those powers and the power to name "officers" was given to the president, but with the condition that they be subject to the advice and consent of the Senate. The delegates made no exception for Cabinet officers; neither did they establish any criteria or offer any guidance for when a nominee should be rejected. Nothing in the original language would prevent the Senate from rejecting a nominee for any reason or no reason.

The notion of the Senate having appointment power may seem strange now, but many of the states apportioned authority away at the time—the Virginia legislature still appoints judges—and the drafters drew on their experiences back home.

That "advice and consent" provision was not found in every draft of the Constitution and was not included in an earlier subcommittee report.

But after the language was later added, James Wilson, a delegate from Pennsylvania, tried on Sept. 7, 1787, to have the advice-and-consent clause removed, giving the president sole appointing authority across the board. Wilson said that the presidential responsibility for appointments would be "destroyed" by letting the Senate have a role.

But he was voted down. "As the president was to nominate, there would be responsibility," said Gouverneur Morris, "and as the Senate is to concur, there would be security." Morris, also from Pennsylvania, meant that the Senate would act as a check to ensure nominees were qualified.

The contours of the Tower battle are determined by politics, not by the Constitution, experts on both sides agree.

"Whenever I see a member of the Senate solemnly intone that there is a serious constitutional question involved here I have to laugh," said Duke Law School Prof. Walter Dellinger, a former adviser to Democrats on the Senate Judiciary Committee. "There is not a serious constitutional question that they may reject the president's choice. This is a question of prudence and policy."

Dellinger said that, as a policy matter, the Senate may consider both political philosophy and fitness when it reviews judicial nominees, but that, "as a practical matter, the president should have the final choice as to the political philosophy of his [Cabinet] appointees."

Gary McDowell, vice president of the conservative National Legal Center for the Public Interest, agreed that "a senator has a right to consider anything he wants" in assessing a nominee. "It is not inappropriate for the Senate to consider personal traits," he said.

Still, Hamilton was right in his prediction that it was "not very probable that [a president's] nomination would often be overruled"; the Senate has rejected only eight Cabinet nominees and only about a dozen Supreme Court nominees.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, more than 12 years ago during debate over a new President, Jimmy Carter's nomination of Griffin Bell to be Attorney General, a Senator rose to the floor to make remarks, which I believe to be very wise and profound. This Senator told his colleagues that:

Much has been said, and more has been thought, about the deference that may be due the wishes of the new administration. But what we owe the President is not our loyalty—but our judgment seasoned, critical, concerned above all with the well-being of the Nation. In the long run, I am convinced that we will do the President the greatest service when we give him the benefit of our most critical judgment, not when we go along to serve our convenience or his. Our duty in a case such as this is to search out facts, possibly unknown to the President when he made his initial decision, and cast our votes as those facts require. We have an obligation to the President and to the American people to maintain the vigor and independence of the Congress so that the natural competition and disagreements between ourselves and the executive branch will increase ingenuity and thoroughness of all concerned.

Mr. President, in the past week I have not heard a better argument on this floor for the Senate exercising its constitutional duty of advice and consent on the nomination of John Tower as Secretary of Defense. I wish I had conceived and written those words, but I did not. In fact, that speech was made by the current Republican leader, the Senator from Kansas, when he opposed at that time the newly elected President's nomination of Griffin Bell to be Attorney General.

Later that year, when the Senate was considering the President's nomination of Paul Warnke as head of the Arms Control and Disarmament Agency, the same Senator's voice was heard in opposition to his confirmation. In that speech on March 9, the Senator from Kansas said:

At this time, the Senate confronts its responsibility either to confirm or deny the nominations based on our judgment of Mr. Warnke's personal qualifications to fill these positions. It is neither a simple or insignificant responsibility.

Mr. President, I could not agree more with those remarks. I wish I had said that. But I did not. The Republican leader, made those remarks.

Furthermore, Mr. President, during that same debate, over Mr. Warnke's nomination, another Senator delivered a speech in opposition to the new President's nominee, which I believe rivals that of the Senator from Kansas for its intelligence and its persuasiveness. In that speech, that Senator said:

The suggestion has been made that the people should trust the President to make the right appointment. I think that ordinarily we do around here. But after all, the Constitution has vested in us the responsibility for advice and consent and it is one that we should exercise.

I wish I had uttered those words, but I did not. In fact, it surprised me to learn that they were spoken by the man whose nomination we are currently considering, the former Senator from Texas, John Tower.

Mr. President, I am greatly disturbed by the statements that 9 votes against John Tower's nomination as Secretary of Defense is to embarrass the President who we all admire and respect. I want him to be successful. But when I listen to the debate and hear the arguments offered by my colleagues who are supporting this nomination, I wonder how they could have so conveniently forgotten the arguments they made in the past. They say that President Bush is a new President and he should not be crippled and disgraced during his first months in office. That, they cry, is unfair and is partisan. If my memory serves me, the nominations of Mr. Bell and Mr. Warnke were made in the early days of President Carter's Presidency. Why would their rejections have been any less an embarrassment to that President than the rejection of John Tower to this President? More importantly, why would their very compelling arguments on behalf of the Senate's right to reject a nominee be any less compelling during this debate? The truth is that if this nomination is not approved I expect the President to very promptly send us someone who I would expect us to also promptly approve. We need a conservative Secretary of Defense, one who is willing to defend the defense interests of the United States of America.

I know that there are very well-qualified individuals who would be willing to serve who meet those standards and qualifications.

For the past week, I have listened as Senator after Senator has taken the floor to argue that the President has a right to his nominee, that the President should not be denied the man he wants in that position. If that is the case, then why have many of those Senators been more than willing to exercise their constitutional duty of advice and consent in the past and vote against other nominees? Research reveals that since the 96th Congress, in just 8 years, Republican members of the Senate have voted against the President's nominees to various Cabinet positions 122 times. Given the record, it seems to me that to charge those who now oppose John Tower's nomination with partisanship is most unfair and is in fact partisanship in its own right.

We have now approved in this Congress by this Senate 19 of President Bush's nominees with only one dissenting vote, and that one dissenting vote was a Member of the Republican party.

Mr. President, when Senators take our oath of office we all pledge to uphold the Constitution of the United States and to fulfill each and every duty prescribed by the Constitution as U.S. Senators. Mr. President, the Constitution in atricle II, section 2, says that the President shall nominate "Officers of the United States" with the "advice and consent" of the Senate.

When our Founding Fathers met to write the Constitution, they determined that, contrary to what we have been hearing the President should not have the right to form his government unilaterally. They were firm in their belief that the President and the Senate should share the power to appoint the heads of the executive branch departments. If they had believed, that the President had the right to appoint his cabinet without the consent of the Senate, they would not have written the Constitution as they did. As Alexander Hamilton wrote in Federalist 76, the Senate's rejection of a nominee "would be an excellent check upon a spirit of favoritism in the President and would tend greatly to preventing the appointment of unfit characters."

Mr. President, after much thoughtful consideration, after reading the report of the Armed Services Committee and the FBI report, after listening to hours to Senate debate and after talking with the President on two different occasions, I have determined that I will vote against confirmation of this nominee. Given the body of evidence amassed by the FBI and the committee, which led one investigating official to comment that Tower would not be qualified to serve as an FBI agent, I cannot support his confirmation.

There is one major factor which has led me to this conclusion. Senator Tower has admitted that he had a drinking problem in the 1970's and the committee found evidence that indicated that this problem continued into the 1980's. He has never sought professional help for his condition and has changed his story about the extent of his drinking problem all during the confirmation process. This is simply too important a position in our nuclear age to trust to one who may have a problem with alcohol. The future of our Nation and the world may rest in the hands of the man who occupies the office of Secretary of Defense. This moninee represents a risk I cannot in good conscience take.

It has been said on the Senate floor that no one has seen him drunk and we have served with him.

Mr. President, one of the classic examples of a person who has an alcohol problem is that we do not see them drinking in public. We do not see them drunk at work. We do not see them abusing alcohol where other witnesses are available.

Mr. President, I have had personal experiences with people who have had serious drinking problems; who, in fact, have been alcoholic; who have since taken the responsibility of seeking professional help and care and, in fact, treatment.

I have known this person for many years. I have never seen him drunk. He drank quietly; he drank by himself, he drank late at night; he drank under cover, and no one knew he had the serious drinking problem that he, in fact, had.

So to say none of us who have served in the Senate have seen him drunk is not evidence of him not having a drinking problem. He has admitted that himself. That is one of the classic examples of a person who, in fact, has a very serious problem.

Mr. President, I have heard he pledged not to drink, and I congratulate him for taking that pledge. That is exactly what someone who has a drinking problem should, in fact, do. I think Americans think this is a step in the right direction, and I applaud him for taking it.

I would like to conclude my remarks again quoting the Senator from Kansas whose remarks on this matter 2 years ago are very astute. In that speech, September 25, 1987, the Senator said:

> Drugs and alcohol also exact costs which have little to do with money. The U.S. Armed Forces have a mission to perform, and it is simply incompatible with drug and alcohol abuse. Individual mistakes and poor performance decreases the effectiveness and the readiness of our forces. Drugs and alcohol cause their abusers to let down every member of their unit.

I cannot agree more, Mr. President. The fact that John Tower's excessive drinking would disqualify him from being assigned to many sensitive positions at the Department of Defense leads me to my decision that he should not head the Department of Defense. Should not these same strict standards of sobriety be applied to the highest, most sensitive post in that Department to a person who is, indeed, on call 24 hours a day, as are applied to the enlisted men and women in the field? I believe that they should. Should not the person in charge of the Pentagon be a person who has the same high standards as the men and women who, in fact, he is in charge of? I believe that he should.

Mr. President, John Tower does not meet these fundamental and basic standards that we normally apply to the enlisted man in sensitive positions. It pains me to vote against a nomination sent by a President whom I greatly admire and personally respect as much as George Bush, and a person who I want to succeed, not because he is a member of the opposite party or despite the fact he is a member of the opposite party, but because it is in the interest of all of us as Americans. However, my esteem for the President will never overshadow my commitment honoring the oath of office as U.S. Senator. That commitment leads me no choice but to vote before this nomination that is before us at this time. It is now time, Mr. President, to move on to other pending business.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, we would normally follow the protocol of alternating, but at this time, I see two colleagues on the floor. First, the Senator from Idaho seeks 10 minutes from the control of the time of the Senator from Virginia to be followed by the Senator from Pennsylvania who desires up to 20 minutes, but not to exceed 20 minutes. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, if this nomination is not confirmed, it will indeed be a very sad day for the U.S. Senate and the United States of America. There is no question that this nomination has been costly, Mr. President. Its effects, as our colleague from Minnesota correctly stated, are going to be felt in this Chamber for quite some time.

Moreover, the conflict has doubtlessly hurt Senator Tower personally and professionally. And, it hurts the very man an overwhelming majority of Americans voted to be President of the United States, George Bush. You simply cannot have the President nominate a man with this high degree of qualifications and have him turned

down. It grieves me to hear the remarks that were given by my dear friend from Louisiana, whom I have been in the Congress with for 16 years now, in the House of Representatives and here. We have come to different conclusions on this nomination.

The message this sends to the world, is not just the vote against the nomination of John Tower. What it tells the world is that George Bush, who was elected President of the United States, really still has to kowtow to a Congress made up of a much philosophically different point of view.

President Bush was elected on one of the most conservative platforms that anyone has run for President on in my lifetime, and elected by a strong majority of the American people. Yet, the President is not going to be able to effectively carry out his own defense strategy and policy without knuckling under to Congress.

There are divergent signals here. The signals it sends are not helpful. It does not help the country. To have some opposition would be one thing, but to vote the nomination down, as I fear may happen, is another thing.

The Senate, in my opinion, has never once touched upon the real issues, the constitutional prerogatives of advise and consent. I have yet to hear one relevant question asked of Senator Tower regarding his opinions on defense and national security needs.

Senator WALLOP put it best in his separate views, and I invite my colleagues to review:

> The American people elect and pay their Senators to make choices about the substance of policy and to take responsibility. Instead, the Armed Services Committee and the full Senate has hidden its struggles over military policy behind a pseudo debate on morality.

Mr. President, I think that is a very strong indictment of this process of the Senate. It is not a good day, in my opinion, for the U.S. Senate.

The confirmation process has become a trial. The Senate's role of providing advice and consent has turned into the Senate being the judge, the jury, and the executioner of Senator Tower. We have yet to debate the qualifications of Senator Tower to be Secretary of Defense. We have only spoken of allegations, innuendoes, or "factoids" as Senator WALLOP has called them.

If Senator Tower is not confirmed, Mr. President, where do we go from here? In what manner and what method are we going to approach the needs of this Nation and the security of the world?

As we look at $308 billion defense budget, it will be necessary for the Secretary to ensure that it is not all spent on providing the same amount of defense. Are the Ready Reserves as much a part of the defense as the Fleet Marine Force or light infantry divisions in the Army? Where are we going to spend out dollars? Will we actually get to the strategy?

It seems to me that John Tower is the man who is eminently qualified to fulfill these needs. He is capable and qualified to give us sound advice and good guidance on where we should be allocating the taxpayers' dollars that provides for the preservation of peace and freedom in this world.

I have a great deal of confidence in Senator John Tower and I believe he would make a great Secretary of Defense.

I am still hopeful that some of my colleagues on the other side of the aisle will see the tragedy of what is happening here, not only to Senator John Tower the person, but what is happening to the perception the United States will have throughout the world. What will our adversaries think of us, and how are they going to perceive the ability and strength of President Bush.

We have heard all kinds of talk in this Chamber, Mr. President, about the perception of whether someone drank too much whiskey or whether they did this or did that. However, we have not talked very much about what is the perception of the United States of America.

Are we going to have a strong, free will, to preserve peace and freedom? Are we going to continue to try to have a strong economy and a strong military that can preserve that peace and freedom? What is the response going to be when the markets finally realize what has happened, to the absolute shock to many of us that this could have happened? If we had an unqualified person up for the Secretary of Defense, someone with no experience in defense, and the Congress turned him down, I would understand that. But we have seen the chairman of the Armed Services Committee, the ranking member of the Armed Services Committee and others heap praise upon praise upon priase on John Tower over the years.

We have watched this man go from a distinguished member of the Armed Services Committee, to a distinguished chairman of the Armed Services Committee, to chairman of the Tower commission, to chief negotiator on the START talks in Geneva for President Reagan. He obviously has been trained. If anyone was prepared for this job to step in and hit the ground running, it is John Tower.

Are we going to have a strategy where we have the ability to go into a brushfire situation and have troops that can sustain battle for 50 days or 60 days or however long the requirement might be?

If we had someone who had no experience in the military, no experience, no background and it appeared it was just a close, chummy friend of President Bush and he wanted to put him in that spot, that would be a time when I could understand my colleagues taking this position. But when you are turning down a person with the obvious capabilities of John Tower, I cannot see any other response from the rest of the world to say partisan politics has become more important in the United States of America than the United States of America standing together at the water's edge with a bipartisan foreign, military, and defense policy.

This is indeed, Mr. President, a very, very sad day. The question is going to be asked of Senators when they go out and start running, "What is in your FBI file?" We have made such a big deal of an FBI file. I think it will be interesting how long it will be before a Senator seeking reelection will have the media saying, "Senator, what is in your FBI file?" Would you like to report that to the media to see what the FBI file says about each of us? I would not be surprised but what most Senators here do not have an FBI file somewhere.

Can we really live up to the standards that have been set? I think this is indeed, Mr. President, a very, very sad day.

I want to call to the attention of my colleagues a letter that Senator STEVENS mentioned on the floor the other day, the letter from General Kelley, former Commandant of the Marine Corps, where it is signed by:

Gen. Robert H. Barrow, USMC (ret.), former Commandant of the Marine Corps;

Gen. Richard E. Cavazos, USA (ret.), former Commanding General, Forces Command;

Gen. Bennie L. Davis, USAF (ret.), former Commander-in-Chief, Strategic Air Command;

Gen. Raymond G. Davis, USMC (ret.), former Assistant Commandant of the Marine Corps and Medal of Honor recipient;

Gen. Charles A. Gabriel, USAF (ret.), former Chief of Staff of the Air Force;

Adm. Thomas B. Hayward, USN (ret.), former Chief of Naval Operations;

Lt. Gen. James F. Hollingsworth, USA (ret.), former Commanding General, I Corps, Korea;

Adm. James L. Holloway III, USN (ret.), former Chief of Naval Operations;

Gen. Samuel Jaskilka, USMC (ret.), former assistant Commandant of the Marine Corps;

Gen. Paul X. Kelley, (ret.), former Commandant of the Marine Corps;

Adm. George E.R. Kinnear II, USN (ret.), former U.S. Representative, NATO Military Committee;

Gen. William A. Knowlton, USA (ret.), former U.S. Representative, NATO Military Committee;

Adm. Wesley L. McDonald, USN (ret.), former Supreme Allied Commander Atlantic and Commander-in-Chief Atlantic;

Gen. Bryce Poe, USAF (ret.), former Commander, Air Force Logistics Command;

Gen. John Roberts, USAF (ret.), former Commander, Air Training Command;

Lt. Gen. Thomas R. Stafford, USAF (ret.), former astronaut;

Gen. William C. Westmoreland, USA (ret.), former Chief of Staff of the Army,

Gen. Louis H. Wilson, USMC (ret.), former Commandant of the Marine Corps and Medal of Honor recipient; and

Adm. Elmo Z. Zumwalt, Jr., USN (ret.), former Chief of Naval Operations.

That is just a few supporters of Senator Tower, Mr. President. Just a few. But those few represent careers with experience that I think Members of the Senate should at least pay some more respect and attention to.

What we are doing here? What is happening here? The American people are going to be asking those questions. Have we allowed partisan politics to interfere with the sound operation of the defense capability and strategy of the United States of America?

Mr. President, I ask unanimous consent to insert in the RECORD the additional views of Senator MALCOLM WALLOP that are in the committee report.

I have three or four other articles from various newspapers that I also ask unanimous consent to insert in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

MARCH 6, 1989.

Hon. STEVEN D. SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Last Wednesday, 19 retired Generals and Admirals from the Army, Navy, Air Force, and Marine Corps, all of whom have known the Honorable John Tower for many years, forwarded a telegram to the Commander-in-Chief of the Armed Forces, strongly supporting the nomination for Secretary of Defense of this exceptional American. I believe that this act is unprecedented in the history of our Country, and have attached a copy of the text for your examination.

I have known Senator Tower professionally, socially, and personally for over a decade, and one of my sincerest regrets is that I retired before having an opportunity to serve under him while he is our Secretary of Defense. It is my strong conviction that history will identify him as one of the greatest patriots and statesmen of our generation.

I urge you to judge Senator Tower on his unique professional qualification to lead our defense establishment. The young men and women who today are serving in the uniform of their Country deserve to have John Tower at the helm.

I am sending this same letter to all members of the United States Senate.

With warmest best wishes, I am

Most respectfully,

P.X. KELLEY,
General, U.S. Marine Corps (Ret.), 28th Commandant of the Marine Corps.

ATTACHMENT

Text of a telegram sent to the Commander-in-Chief of the Armed Forces by 19 retired senior officers on March 1, 1989, in support of the Honorable John Tower for Secretary of Defense.

"To the President:

"We have served as General and Flag Officers in the Armed Forces of the United States.

"We commanded the military forces upon whose successful performance the security of the American people depends.

"We know John Tower well, and have known him for many years.

"In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

"We strongly support your nomination of this exceptional American."

Signed,

General Robert H. Barrow, USMC (Ret.), former Commandant of the Marine Corps.

General Richard E. Cavazos, USA (Ret.), former Commanding General, Forces Command.

General Bennie L. Davis, USAF (Ret.), former Commander-in-Chief, Strategic Air Command.

General Raymond G. Davis, USMC (Ret.), former Assistant Commandant of the Marine Corps and Medal of Honor recipient.

General Charles A. Gabriel, USAF (Ret.), former Chief of Staff of the Air Force.

Admiral Thomas B. Hayward, USN (Ret.), former Chief of Naval Operations.

Lt. Gen. James F. Hollingsworth, USA (Ret.), former Commanding General, I Corps, Korea.

Admiral James L. Holloway, III, USN (Ret.), former Chief of Naval Operations.

General Samuel Jaskilka, USMC (Ret.), former Assistant Commandant of the Marine Corps.

General Paul X. Kelley, USMC (Ret.), former Commandant of the Marine Corps.

Admiral George E. R. Kinnear, II, USN (Ret.), former U.S. Representative, NATO Military Committee.

General William A. Knowlton, USA (Ret.), former U.S. Representative NATO Military Committee.

Admiral Wesley L. McDonald, USN (Ret.) former Supreme Allied Commander Atlantic and Commander-in-Chief Atlantic.

General Bryce Poe, USAF (Ret.), former Commander, Air Training Command.

General John Roberts, USAF (Ret.), former Commander, Air Training Command.

Lt. Gen. Thomas R. Stafford, USAF (Ret.), former Astronaut.

General William C. Westmoreland, USA (Ret.), former Chief of Staff of the Army.

General Louis H. Wilson, USMC (Ret.), former Commandant of the Marine Corps and Medal of Honor recipient.

Admiral Elmo R. Zumwalt, Jr., USN (Ret.), former Chief of Naval Operations.

ADDITIONAL VIEWS OF SENATOR MALCOLM WALLOP

This is not the Senate's finest hour. The Armed Services Committee should be ashamed for indulging prurient interests while neglecting our country's many, serious military problems. The American people elect and pay their Senators to make choices about the substance of policy, and to take responsibility. Instead the Armed Services Committee has hidden its struggles over military policy behind a pseudo-debate on morality.

If this country did not have serious military problems perhaps this behavior would be less reprehensible than it is. But we do have such problems. A decade ago the Soviet Union put into the field enough counterforce missiles to threaten a substantially disarming strike against our armed forces. So long have we been dithering over what to do about this fixed threat that now we see the Soviets deploying mobile missiles for their reserve forces. I wish the partisan leadership of the Armed Services Committee would tell us why they chose to focus on John Tower while continuing to dither on this. Perhaps the leadership is satisfied with the plans we have for using the roughly 2500 warheads that would be left to us after a Soviet disarming strike. If so I wish they would tell me, because I don't know of any such plan that would do the American people any good.

Perhaps the partisan leadership of the Armed Services Committee is so satisfied with the safety of our troops in Europe that they feel justified in taking two months to dangle John Tower in the wind. But how can they be satisfied when estimates of how long it would take for Soviet troops to reach the English Channel range from one to three weeks? And what would we do then? The leadership of the Armed Services Committee must have good answers since they have chosen to spend their time this way. But I wish they would tell us their plan for saving American troops in Europe.

They are also obviously satisfied with the way the Pentagon does business. Never mind that twenty five years ago it used to take from 28 months to four years to take big missiles from ideas to operational status, and now it takes fifteen years. Never mind that the Soviets do it in five years, and they can react faster than we. Never mind that thanks to the procedures worked out over the years in cooperation with the Armed Services Committee the Pentagon research, development, and acquisition process is so inefficient that it is disarming America. But evidently the leadership is satisfied with the half-billion-dollar-per-copy bomber that their process has produced. Never mind that while Soviet factories turn out antimissile equipment there are no plans at all for protecting the American people in case of war. The leadership of the Armed Services Committee wants to talk about sex, booze and money.

Far be it from me to say that personal behavior counts for nothing in public office. In fact, it counts for nearly everything. But anyone who knows the Senate even a little bit knows how much misbehavior Senators tolerate when they want to. And such sit in judgment on John Tower.

Where is the Senate's moral compass? Why has it been turned on John Tower? Suppose for a moment that John Tower were every bit as bad as the innuendo sug-

gests. Note well that a large majority of the Armed Services Committee served with John Tower. The *Congressional Record* is full of their praises for him. Indeed upon his retirement Senator Sam Nunn praised him in terms that no one who is sincere about moral matters would use about someone he thought was morally suspect. Either Senator Nunn was not serious then, or he is not serious now. I believe he is serious but not about personal uprightness. If he were really worried about drinking on the job, why does he not simply accept John Tower's promise that he will not. Not to accept that at face value is to deny that he can credibly promise to "defend the Constitution of the United States." But there is zero basis for that doubt. So there must be something else. It is strictly business: who gets over national defense. This is not a morality play. It is play clothed in see-through veils.

Far be it from me to suggest that it is illegitimate for politicians to struggle for power. Quite the contrary is true. But, in a democracy, politicians are supposed to struggle for power by convincing the voters at election time—not by putting innuendo over substance during the process of Senate confirmation. In a democracy, politicians are supposed to struggle for power by describing as accurately as possible what they propose to do, so that the sovereign people can choose between substantive alternatives. But the struggle for power over defense is taking place very differently from the model.

We just had an election, in which the American people chose the Commander-in-Chief of the Armed Forces, the President. The Constitution does not name the Secretary of Defense or any other military official. They are all mere extensions of the President. The Supreme Court has held that the President may dismiss any or all of them at any time for any reason or for none at all. The reason for that is simple: the President alone is accountable to the sovereign voters.

Now, recall what happened—and what didn't happen—during the recent national election. The polls showed—as they have for some years—that the American people believe that the Republican party is the best qualified to take care of this country's military defenses. Of course there is not unanimity among Republicans on military matters. But by and large Republicans want more defense, and they want it more energetically than do Democrats. Indeed during the 1988 campaign Republican candidates in general and President Bush in particular were eager to talk about defense. But the Democrats in general and candidate Michael Dukakis in particular avoided talking about defense. This is not to say that all Democrats are anti-defense. But those Democrats who have proposals to make about defense are acutely conscious of two things: First, most of today's Democratic party neither likes nor understands military defense. That is why no one who is perceived as pro-defense stands much of a chance to get through Democratic primaries or Democratic conventions. In the House, the Democratic caucus has even trampled the seniority system to make sure that the Chairman of the Armed Services Committee not favor the MX missile, aid to the Contras, anti-missile defense, and a host of other military measures. Second, Democrats are acutely conscious that their Party's inclinations on military matters are unpalatable to the American people. So officials elected with the Democratic party label realize that talking substantively about defense will get them in trouble either with the majority in their party or with the electorate. Not surprisingly, those Democrats who choose to act with regard to military matters have been very circumspect. This has worked against Democratic presidential candidates. The voters know that national defense is the irreducible responsibility of the President. Thus the voters judge that any presidential candidate who is not forthright about military matters is not trustworthy.

Candidates for the House and Senate have had it easier. They can always say that the President bears ultimate responsibility, but that they are partners in the process. A candidate for the Senate or House can look good on military matters talking about the process. Of course Congressmen and Senators learn quickly that mastery of the process gives us formidable power over substance. By not acting, by finding pretexts, by raising questions, even just by frowning, those of us who must approve budgets and nominees send powerful signals to the executive branch. And the colonels, and Assistant Secretaries, the Undersecretaries, the Secretaries, and the Presidents know that the price to be paid for getting along with Congress is negotiation—sharing the power to decide about substance.

Now let us be clear. It is perfectly proper for a member of Congress to challenge the President—to withhold his cooperation, or to defeat a Presidential proposal or a nominee—if he tells the voters that the President's policy is wrong, and if he proposes an alternative policy for the voters to consider. If the alternative policies prove popular, the President will heed public opinion. If he does not, the Senator can feel confident in running for President.

But it is quite something else for a member of Congress to demand the privilege of back-seat driving, of second-guessing presidential policies or nominees without ever laying out for the public what he proposes. Such a member of Congress does not enrich public opinion with alternatives. He uses public opinion to destroy the President's capacity to govern. He gains power for purposes he has not told the public about, and which he may not have fully articulated in his own mind. And since he exercises that power through others, he avoids responsibility for the events he brings about. In this case we see a Democratic party that has been kicked out of power through the front door of substantive policy, trying to grab power through the back door of the process. This is an end-run on the American people. This is evidently a corruption of the role of Congress.

This corruption can exist only so long as Presidents allow it. The President can make specific proposals on military policy and demand that Senators vote them up or down. Then he can hold them responsible. The President can send up each of his nominees together with a set of policy proposals. Then, when the voters come, it will be clear which Senator has voted for and against what. And then the voters can decide whether the Senator or the President deserves re-election. Failing any of these means to bring responsibility to the Democratic Party's exercise of the power of the process, the President could appoint Senator Nunn as Secretary of Defense. Then, at least, *he* would be overtly responsible. We would be entitled to demand that *he* tell the country what *he* and the Democratic party propose to do about this country's military problem.

I hereby promise that if Senator Nunn were nominated to be Secretary of Defense I would ask him no questions about his personal life. Rather, I would ask him the questions he should have asked of John Tower.

But since uncontested mastery of the process has already given the Committee and its Chairman much power over the Defense Department, regardless of who is Secretary, I think the responsible thing to do is to ask those questions anyway. Perhaps during the floor debate on Senator Tower we might be so rash as to discuss the nation's defense needs. Perhaps the Chairman could bring his Committee majority to respond.

QUESTIONS THE COMMITTEE NEVER SOUGHT ANSWERS TO

I. Military budgets and the safety of the American people.

(1) The American people agree to spend a lot of money on the military because they believe that it buys forces that can deter war and that, if war comes, will protect our lives and homes. Eight years ago there was a consensus that the Soviet Union's achievement of the capacity to destroy nearly all our ICBMs, most of our bombers, and that half of our submarines that are in port at any given time had created a "window of vulnerability" that required new money and major changes in the U.S. military. The consensus went from President Carter's P.D. 59 to the Republican platform of 1980. So the money came. But not everyone shared in the consensus. *The New York Times* editorial page said that, nothing we could do would change what it claims is our perpetual vulnerability. The Pentagon bureaucracy, for its part, took the money. But its cumbersome process spent it on more of the same.

Do *you* think that the American people are getting what they expect from all the money they spend on the military?

Are you going to formulate and impose on the Pentagon's bureaucracy a military program as a result of which American taxpayers' lives will be protected to the utmost of our technical capacity? Will you submit such a program to the Congress and force us to take publicly responsible votes on it? Or will you follow your predecessors' leads in this matter?

(2) Public opinion polls have shown consistently that a large majority of the American people believe that a substantial part of our military budget already goes for protecting our lives and homes against missiles and bombers. Most would be willing to spend more. As you know, however, our military leaders are comfortable with the fact that we have almost no anti-aircraft units for homeland defense and no anti-missile units at all.

As Secretary of Defense, will you follow the budgetary priorities of the Joint Chiefs of Staff or those of the American people?

II. Competitiveness in Technical Systems:

(1) I know you are painfully aware that the time and money required to translate technology into systems have grown dramatically in the U.S. Whereas thirty years ago it took twenty-eight months to develop and deploy the Thor IRBM, the MX has taken over fifteen years. The Soviet Union's development times have remained nearly constant over the past thirty years. This means that much American military technology lies around unused. You are aware I assume, that, sometimes the Soviets steal it and use it before we do.

When will you give this committee your plan for making the Pentagon's R&D and

procurement process as efficient as that of the Soviet Union? I'm not asking you to get us back to the best U.S. standards—just to Soviet ones. When can we do that?

(2) Bureaucracy, Reform, and Leadership.

Several books have appeared in recent years that I think explain why the Pentagon has become so bureaucratized that major reforms are needed. I am referring to Mancur Olson's *The Rise and Decline of Nations* (Yale University Press), to Edward Luttwak's *The Pentagon and the Art of War* and to Walter MacDougall's *The Heavens and the Earth* (Pulitzer Prize). These explanations fit the experiences I had with the U.S. intelligence community. Do you agree with them? If not, how do you explain the phenomenon?

The last major reform of the Pentagon took place a generation ago while Robert MacNamara was Secretary of Defense. No one has undone what he did. Every Secretary of Defense since then has built on what he did. Do you plan to do the same, or are you dissatisfied enough with the Pentagon to build somethng else? If so, when will we see your plans?

III. What the Soviets Can Do to Us and What We Can Do For Ourselves:

(1) I wonder if you would tell us what meaning Soviet military power has for us, if any. As you know many people now believe that military force—especially strategic forces—are no longer useful—passe.

Specifically, if you were in charge of the Soviet military machine and your political masters were to order you to destroy the American and allied armed forces, while protecting the Soviet homeland to the best of your ability, how would you use the assets under your command? What could you do to the West if you really tried?

(2) Having outlined what the Soviets could do to disarm us if they really tried, could you now tell us what the forces under the Secretary of Defense of the United States could do to protect themselves against the best that the Soviets could throw at them, while also protecting the American people from the collateral effects of the war? In other words, the American people pay for the armed forces both to deter war and to make sure that if it happens we will minimize damage to ourselves and ultimately win. We would like to know what you think is the best our armed forces can do in this regard.

(3) Given present Soviet and American procurement programs, how will the outcome four years from now differ from the outcome today?

(4) What do you think the outcome should be?

(5) What will you propose as Committee Chairman and Secretary of Defense to alter these unfavorable projected outcomes? If your proposals are finally implemented, what difference will they make?

IV. Soviet Anti-Missile Defenses:

(1) During the 1980s the Soviet Defense Council has elevated the P.V.O., the military service in charge of air, missile, and space defense, to the second-ranking position in the Soviet armed forces, right behind the Red Army. The P.V.O. seems to be getting the lion's share of special construction funds and is in the course of expansion. We now see six Hen House radar complexes, nine Pechora class radar complexes, production lines for all elements of dedicated ABM systems, including the very high-tech SH-11, production of the dual-use SA-10 and SA-12 systems, and construction of a great quantity of anti-missile related facilities, the precise use for which we do not understand. In sum, we know that the Soviet anti-missile effort is huge, and that it is not primarily research, but rather primarily production.

I want to ask you what you think all this effort means for the Soviet Union's military posture. What does the production of so many anti-missile weapons mean given the Soviet's already large capacity to destroy American missiles before they are ever launched?

Let me just ask you about one part of this problem. Specifically, what will the Soviet Union's deployment of 1,000 units of the mobile SA-12 defensive system do to our plans for a retaliatory strike? Suppose that the U.S. can count on having 2,500 warheads left after a Soviet first strike. How would we target them given the unpredictable presence of 1,000 SA-12 units around the country? In other words, what does the expected production of 1,000 SA-12 units do to the credibility of our threat to retaliate?

(2) Would you now discuss the military implications of the rest of the Soviet defensive expansion? What do you suppose would be the effect of the Moscow ABM system upon the U.S. weapons heading into the Moscow area in a retaliatory strike if the 100 launchers in that system were—as we believe they are—loaded for multiple, rapid firing? How does this affect the credibility of our deterrent?

(3) What do you suppose would be the effect on a U.S. retaliatory strike of 50 rapidly erected ABM sites consisting of Flat-Twin radars, SH-11 high altitude interceptors, and SH-8 low-altitude interceptors? What do you think the chances are that the Soviet Union may have already produced and stored the equipment for those sites?

(4) What do you suppose will be the effect on the credibility of the U.S. second-strike when the Soviet Union becomes the first nation in the world to test a laser weapon in space? As you know, given the asymmetry between U.S. and Soviet programs, that event is likely. If that event happens during your tenure as Secretary of Defense, how would you rate its importance?

V. The annual reports of your two predecessors have sounded an ominous tone about the evolution of the offensive and defensive strategic balance. They have noted that the Soviet Union's ability to destroy our strategic forces on the ground has continued to increase. They have noted that the Soviet Union's defensive programs are progressively reducing that country's vulnerability to American retaliation. Your immediate predecessor has said that "left unchallenged," these trends are eroding the credibility of our deterrent. The latest proposals for START make this problem worse rather than better.

Your predecessors have also indicated that there is really only one military way out of this predicament—an American anti-missile defense. But for a variety of reasons they have not proposed actually building one. So they have not challenged these serious trends in a meaningful way.

Will you recommend to the Congress that we build an American anti-missile defense?

If you do not, or you delay, will you recommend programs that would challenge these fearsome trends as decisively as an anti-missile defense would?

Can this country afford to put off these choices?

These are the areas a competent committee would have focused upon. Sex and whisky may divert the press and the public, but it will not divert the Soviet Union in its pursuit of even greater margins of superiority.

Can we hold NATO together, Mr. Chairman, or do you and the committee majority care more about defamation? This has not been a hearing about the Secretary of Defense and his President's policies. Perhaps during the year we can get to these questions and do what Americans expect of us. To date we have not.

[U.S. Senate Republican Policy Committee]

DEMOCRATS ON TOWER

Senator Glenn (D-OH); December 4, 1988; CNN's "Newsmaker Sunday"—from the transcript: "I worked very closely with John when he was in—when he was chairman of the Armed Services Committee in the Senate, and so I have no doubt he'd make a good Secretary of Defense but you know, it's not up to me. That's up to George Bush."

Senator Bentsen (D-TX); January 25, 1989; Hearing of the Senate Armed Services Committee—from the transcript: "When I first considered the matter of appearing before this committee, I thought John Tower really didn't have to be introduced, having been its distinguished chairman from 1981 to 1984. But, in checking on this committee, I find that approximately a third of the committee came to the Senate after John left the United States Senate. So, to each of you, I want to show you that I feel John Tower is strongly qualified to be Secretary of Defense."

Senator Gore (D-TN); December 11, 1988; CBS's "Face the Nation"—from the transcript: "Let me say that as our START negotiator in Geneva, he [Senator Tower] did an outstanding job. And I thought his performance was exemplary in every way."

Senator Nunn (D-GA); June 7, 1984; Congressional Record; page 15296: "I note that this is Chairman Tower's final authorization bill that he will be presenting to the Senate, at least on this side of the river. What the future may hold for him, I do not know, but I submit that he has the background and knowledge that are indispensable in the defense arena. I hope that, whatever the future holds when he retires, at the end of this session, he will continue to involve himself in the defense arena and our foreign policy arena as well as in the overall involvement of every aspect of government, because his talent, wisdom, and experience are indeed national assets."

Senator Exon (D-NE); October 10, 1984, Congressional Record; page 31136: "While there have been times when he and I disagreed on some specific issues as we worked toward our mutual goal of insuring a strong national defense, I have always found Senator Tower to be an admirable colleague. As the chairman of the Senate Armed Services Committee, he has been extremely effective in insuring a proper and comprehensive addressal of those critical issues related to our Nation's security. His knowledge of defense issues is impressive and has been instrumental to the continuing influence and effectiveness of the Armed Services Committee. Senator Tower's ability to comprehend and relate to so many complex issues is a rare and admirable skill. Displaying firm but fair leadership, he has guided the committee through many difficult times and has always striven to act in the best interest of our great Nation."

Senator Byrd (D-WV); October 12, 1984; Congressional Record; pages 32505: "It is a

privilege for me to take these moments to express my regard for John Tower. The Senate will miss his talents and tenacity in pursuing with great energy the causes close to his heart. The Senate exercises no more vital duty than the vigorous and responsible protection of our Nation's basic security—her military prowess, her alliances with friends, the deterrence of her adversaries. John Tower has, as chairman of the Armed Services Committee these last 4 years, executed that duty with great diligence.

". . . I may not have always agreed with John's particular point of view on a given subject, but I could never accuse him of failing to make it crystal clear how and why he took a particular position.

". . . The range of John Tower's knowledge of defense matters and the hard-working way he has mastered the very complicated legislation which funds our defense programs deserve our thanks. I am certain that Senator Tower will bring those same talents and energy into all of his future enterprises, and I wish him well."

Senator DeConcini (D-AZ); November 14, 1984; Congressional Record; page 32456: "Next, I would like to say a few words about the distinguished Senator from Texas, John Tower. John has given of himself for nearly 24 years in this arena. He has maintained a loyal, hard-working, responsible demeanor throughout his terms, while remaining strongly consistent in his support of our country's national defense. As chairman of the Senate Armed Services Committee, Senator Tower's knowledge and understanding of military preparedness is unsurpassed. He has been a true leader of the Senate in this area of concern. In describing John Tower, one word comes to mind which, although desired by many, is applicable to very few. John Tower is an American patriot. A patriot that shall be missed as we continually struggle to preserve a way of life so dear to us all."

Senator Kennedy (D-MA); November 14, 1984; Congressional Record; page 32477: "John Tower and I have had our differences over the years, but I have come to know him as a tireless and forceful advocate for America's national defense. His knowledge of the myriad, complex defense issues facing the country is unsurpassed.

". . . In my own service in the Senate over the past two decades, I was impressed every year by his mastery of the issues and his skill in presenting them on the Senate floor. And since I joined the Armed Services Committee 2 years ago, I have been equally impressed by his skillful leadership in handling the challenging business of our committee.

"Though we have disagreed on many things, one vital area of fundamental agreement stands out; John Tower's unyielding commitment to the security of America, to the strength of our Armed Forces; and to the well-being of the dedicated men and women who serve in those forces. They are the true backbone of our national security and for 24 productive years, they have had a magnificent champion in Senator John Tower."

Senator Johnston (D-LA); October 12, 1984; Congressional Record; page 32429: ". . . John Tower has served his State, his nation, and this body not only with distinction and dedication, but also with devotion and wisdom of the highest possible order. He is recognized as one of the leading authorities on defense matters, not only in this country but throughout the world, a reputation he richly deserves."

Senator Bentsen (D-TX); October 11, 1984; Congressional Record; page 31987: "During his tenure in the Senate, John Tower has established a solid and indisputable record as one of the cornerstones of this great institution. His work has always been noted for its thoroughness, and his recent tenure as chairman of the Armed Services Committee has only served to reinforce the esteem with which we regard him."

Senator Bingaman (D-NM); October 11, 1984; Congressional Record; page 31781: "He [Tower] is an excellent chairman to initiate a freshman. At the end of that long committee table, a new Senator gets a good sense of what it takes to hold the spot at the head of the table. He is to be commended for his leadership. John Tower has exhibited those qualities of toughness and fairness; tenacity and conciliation; determination and resolve which have made my hours at the table lessons in committee management. He is a formidable chairman whose strong voice, firm conviction, and steady counsel will be missed."

Senator Pell (D-RI); October 11, 1984; Congressional Record; page 31821: "It has been my pleasure to know John personally since he came to this body in a special election in the spring of 1961, just a few months after my first election to the Senate. I have always been profoundly impressed by his knowledge of government and the way he approaches all problems with a keen, analytical mind. In his four terms here, he has won the respect and admiration of all who served with him."

Senator Inouye (D-HI); October 5, 1984; Congressional Record; page 30554: "As chairman of the Armed Services Committee for the past two Congresses, Senator Tower has devoted substantial time and enormous energy to strengthening our Nation's military defenses. Under his leadership the role of this committee in influencing national defense policy has grown, and with it the voice of the Senate. His dedication to this task and attention to detail has been unsurpassed. None of us could ask more of a chairman."

Senator Nunn (D-GA); October 5, 1984; Congressional Record; page 30482: "To try and get a sense of what Senator Tower has accomplished in his 19 years on the Armed Services Committee, I went back and took a look at the FY 1966 Defense Authorization Bill, which was the first one passed after Senator Tower joined this committee. Comparing the FY 1966 and FY 1985 Defense Authorization Bills proved to be very revealing.

"The FY 1966 Defense Authorization Bill passed the Senate in a single day, April 2, 1965 by a unanimous vote. There were no floor amendments.

"The Conference Committee met once; the Conference Report was 8 pages long; and the actual Public Law was 2 pages long. It authorized $15 billion in defense procurement.

"The FY 1985 Defense Authorization Bill is a very different story.

"We spent 10 unforgettable days and nights on the floor, and debated 107 amendments.

"Conference began on June 22 and stretched out until September 26. We met on 10 different days, the last one a marathon session notable for the violence that the diet of M&M's and C-rations did to our digestion . . ."

[Note: As mentioned above by Senator Nunn, The FY 1985 Defense Authorization Bill, managed on the Senate floor by Senators Tower and Nunn, was considered for 10 days. The last day went past 3:30 in the morning. In total, there were approximately 88 hours of consideration with 39 roll call votes.]

[From the Boston Globe, Mar. 5, 1989]

"To Weep or To Rage"

(By H.D.S. Greenway)

The sordid spectacle of the John Tower nomination will mercifully soon be over. But the process, or lack of it, says something disturbing about the way this country treats its public servants. It's a question of fairness.

Under our system of government, the president has the right to choose his Cabinet, and the Senate has the right to withhold confirmation. But withholding confirmation should be based on clear evidence of wrongdoing or lack of qualifications for the job. Senate confirmation proceedings should not be based upon blatant power politics dressed up in pious hypocrisies.

Honest men and women can have differing opinions, even when examining the same material. But none of the Democrats on the Armed Services Committee claimed they had found a smoking gun. They claimed, as Sen. Alan Dixon (D-Ill.) put it, only that there was a great deal of smoke. Is smoke really enough to deny the president the right to choose his team?

Has it come to pass that a repeated charge, even if it is never substantiated, can become accepted as truth if it is repeated often enough?

Since all the Democrats on the Armed Services Committee voted against Tower, and all the Republicans for him, the claim of either party that the vote was one of conscience and was nonpartisan is simply an insult to the intelligence of the American people.

There is no question that the Bush administration, either through inexperience or ineptitude, bungled Tower's nomination in a way that insulted key Democrats. But can we afford government by pique on the part of senators who have not been sufficiently kowtowed to?

The FBI investigation was one of the largest in history, and the way its agents were sent out again and again to chase down more rumors when earlier reports did not produce sufficient dirt smacks of a witch hunt.

The report has not been made public, so we have no way to judge its entirety. But we have been told there were many disputed accounts. A businessman claimed to have seen Tower drunk in Washington on three occasions, but Tower was not in the city on those occasions. A waiter at Washington's Monocle Restaurant said he saw Tower drunk, but the other waiters denied it.

"Factoids," is what Sen. Malcolm Wallop (R-Wyo.) called these allegations bearing the same relationship to facts as science fiction humanoids do to humans.

The Democratic committee members' majority report admitted that there was no evidence of illegality or wrongdoing in Tower's record as a military consultant, but it said he showed "poor judgment by placing himself in a situation in which there was such an obvious tension between" his former Senate job and his consulting work. The "revolving door" syndrome by which people go from government into the defense industry is indeed a problem, and Congress should enact stricter laws to prohibit it. But

it hasn't, and no one claims that Tower acted improperly under the present rules.

The Democrats also admitted that there was nothing to substantiate allegations that he behaved improperly with women in a manner that posed a security risk, nor was there any evidence that he "exerted sexual pressure" on employees and associates.

As for alcohol, Tower said that he had a problem with drinking in the 1970s when his marriage was on the rocks, but that he was not an alcoholic. If it would make people more comfortable, he said, he would give up drinking.

But that won't silence his critics because this is really about power, not alcohol.

Regardless of whether Tower is suitable for the job or not, a pattern of unfairness—never mind hypocrisy—has taken over these proceedings. It is not the first time. No matter what one thought of Judge Robert Bork's qualifications for the Supreme Court, the below-the-belt personal and political beating he received at the hands of the Senate last year was sickening.

When the committee voted not to recommend the nomination of Tower last week, Sen. Wallop said: "We have established a standard of trial by transom and trial by leak, and I don't know whether to weep or to rage."

Mr. SYMMS. In closing, Mr. President, I appeal to my colleagues that there are two or three or four who between now and the hour of 4 p.m. today will rethink their position and cast a vote for common sense, for peace and freedom, and for John Tower.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the question I see before the Senate at this time is where do we go from here? I would be hopeful, as Senator DOLE has said earlier and as Senator SYMMS has just said, that some Senators would reconsider and John Tower might yet be confirmed as Secretary of Defense. But that is, realistically viewed, a highly unlikely prospect. My question posed today is, with the outcome of this vote being a virtual certainty, where do we go from here?

Mr. President, I have already spoken at some length on the Senate floor about my reasons for supporting Senator Tower for Secretary of Defense. I believe he is well qualified, and I believe that there is no reason why he should not be confirmed on analysis of the committee report which takes up questions of alcoholism, relationships with women, and work as a contractor.

So for myself, I have already addressed those issues.

Where do we go from here is really a critical matter in terms of the impact of this proceeding on the institution of the Senate, the impact on the relationship between the President and the Senate on Cabinet appointments, and the impact on the use of FBI files.

Mr. President, many have spoken on this floor about the fundamental unfairness of the way Senator Tower has been treated because the judgment of the Senate has turned on the use of FBI files with raw information and without a process to have any basic guarantee of reliability.

I think, Mr. President, that there is a wide misunderstanding as to what is in an FBI file. It is frequently referred to as a report, but it is not a report as such. It does not contain any conclusion by the FBI. The FBI stays away from any conclusion or any judgment. But what is contained in an FBI file is any allegation, however unsubstantiated, however wild that anyone may wish to tell the FBI. That is what is in an FBI file.

Mr. President, when we make an effort to determine what the facts are in a court of law, which is the ultimate determination as to what facts are, there is an affidavit taken by the witness. There is an opportunity for cross-examination of the witness to see what were the opportunities for that witness to observe. Does the witness have some reason to be biased, to try to get at what the facts really are?

On this Senate floor, we have had an unprecedented exchange of emotional outbursts on differences of what the facts are in the FBI file. Studious Senators learned in the law have asserted that there is not one shred of evidence against Senator Tower. Other Senators equally learned in the law have asserted with equal vehemence that the FBI file is conclusive in establishing proof about the disqualification of Senator Tower.

Mr. President, I suggest today that we can change the procedures for confirmation, come to grips with this problem, and solve it. What we should do for the future is to see to it that the materials in the FBI file are scrutinized by the committee so that there is a record made testing the allegations in the FBI report. The procedures have long been established that when such an issue is raised the inquiry be conducted in a closed session. One witness appeared before the committee and made the initial charge of drinking, and perhaps surprised the committee. That, too, could be avoided by adherence to the rule that statements are to be submitted in advance of the hearing so that the committee knows what a witness will say. In addition, if there is to be an attack on character or an attack on personal habits that might be heard in a closed session.

Moving into the closed session, then, Mr. President, the allegations of the FBI report should be examined. This FBI report mostly contains identities of people who have had something to say about the nominee. Those individuals should be called in. They should be placed under oath. They should be questioned, and they should be cross-questioned or cross-examined.

If there are some witnesses who insist on confidentiality, then their evidence, I submit, should be very closely scrutinized. The FBI ought to go back to those witnesses who have asked for anonymity, and those witnesses ought to be asked to step forward into a closed committee room to identify themselves, take an affidavit, and subject themselves to cross-examination. If some informants to the FBI wish to retain anonymity in that context, so be it. That is a procedure that the FBI follows. In some cases, the leads which such witnesses may provide can be corroborated in other ways so they can be pursued in other lines.

But I suggest that anonymous witnesses, T-1 and T-2, ought to be entitled to very little weight, especially in the context of a Cabinet nomination where they are asked to come forward and identify themselves and testify—have whatever they have to say subjected to appropriate scrutiny.

Mr. President, had we had that kind of a process on the Tower nomination we would not have had the vitriolic outbursts which occurred on the floor of this Chamber.

There is a vast body of commentary on writing as to what is a fact and what is an opinion. One man says another is drunk. Is that a fact? Is that an opinion? It may appear so to the declarant that another party is drunk or it may be only his conclusion. We have had distinguished lawyers on the floor of the Senate have heated discussions, debates, charges and countercharges about who knows more about how to read an FBI file and interpret legal conclusions as to whether they are facts or opinions. It may be that there are more than two or three Members of this body who have some background or skill at such an evaluation.

We had a very heated exchange between two Senators on opposite sides of the aisle on the issue of an alcohol abuser. One Senator says the nominee is an alcohol abuser and asserts it is a fact. Another says that is a misstatement, vilification, and an inappropriate tact.

I say had we followed a procedure where the contents of the FBI file were examined in a closed session, and we got down into the details and the fine print, that would have provided a basis for reasonable men to see more than a blanket assertion and perhaps to come to some agreement, or provide an opportunity for Senators on this floor to deal with and perhaps in a closed session hear that more of a record to come to a basic judgment on this issue.

Mr. President, a great concern of this Senator is what will be the long-range impact of the Tower nomination on the traditional advice and consent function of the U.S. Senate. Advice

and consent is rendered in three categories: Treaties, judicial appointments, and executive subordinates. When it comes to the issue of treaties, the generally accepted principle is that the Senate has equal standing on a matter of policy to agree or disagree with the President as we did on the INF Treaty last year. When it comes to an issue of judicial appointments, especially Supreme Court appointments, there you have a lifetime process, a lifetime appointment, where the article 2 officer, the President, makes the appointment, the article 1 officer is the Senate, confirms or not, to create the article 3 officers, the judiciary.

The judges, the Supreme Court Justices, have terms for life which go beyond many Presidencies. When you come to the third category of executive subordinates, Mr. President, there has been a traditional standard that the President has broad, broad latitude.

Yesterday the majority leader took the floor and made an argument that it depends on whose ox is being gored, in effect that when it comes to the nomination of Paul Warnke by President Carter the Republicans say the Senate has standing to evaluate a Presidential appointee on broad grounds and to reject if they disagree with his ideology or his policy. However, when it comes to an appointment of John Tower, the Republicans say that the President has broad discretion, and the Senate's inquiry and scope is more limited. Then the majority leader added you can go find exactly the opposite, depending on who wants to articulate the principle.

Mr. President, I submit that the real test is not who argues what approach when they have a specific point in mind or a specific nominee who they want to see confirmed, but the real issue is what has been the judgment of the Senate. What has the institution had to say? The institution has said that the Senate has a very narrow scope of appropriate inquiry on the confirmation of a Cabinet officer because only eight times in the 200-year history of the United States, at least until 4 o'clock today and never in the circumstance at the start of a Presidential administration, has the Senate rejected a Cabinet appointee, and executive subordinate, who the President can fire at any time.

Mr. President, it is my hope that the Tower confirmation proceedings will be regarded as sui generis, a famous Latin phrase which means one of a kind. It really should not be a precedent. It should not be a precedent in the relationship between the President and the Senate because this case is so different since it turns on such a dispute on the facts.

One we adopt the procedure where we can come to an orderly, systematic way of determining the facts, and I think we can do it through the hearing process, the closed hearings with oath, cross-examination, and a careful evaluation of those who remain anonymous, I think we can jump that hurdle.

The Tower proceeding ought not be a precedent for the future which so sharply curtails the authority of a President to pick his subordinates.

The final concern, Mr. President, as to where we go from here, is the impact on the institution of the Senate. This has been a raucous debate. This has been an unusual process of charge and countercharge of which those who have been here for more than two decades say they have never seen the likes.

I believe that if we change our procedures on how we find the facts, if we have those disagreements perhaps behind closed doors, where witnesses are examined, witnesses are cross-examined, we get down to the details as to who saw what, we do not have the broad generalizations on the Senate floor, we will eliminate the kernel which has led to so much dissension in the Senate on the Tower confirmation process.

Mr. President, it is my view that the Senate will recover and will recover promptly. After the Tower nomination, I believe that Senators will return to this institution, to this Chamber, and we will be prepared to go forward with the business of the country. We have long since learned that one day, one Senator opposes another; the next day, on another issue, or later on the same day, those two Senators agree on an issue.

We have had the charge of partisanship and the question of challenging motives, which is a part of the political process. I do not think we have ever reached the level where any Senator has charged any other Senator with bad faith. Nobody has said that there is any malicious intent or bad faith on the part of anybody else in this body, although there are some deep-seated disagreements. I believe there is a distinct possibility that we will improve our procedures as a result of what has occurred today.

I should like to make a brief reference to the continuing discussion which the chairman of the Armed Services Committee, who is on the floor at the moment, and I have had as to the import of the rules of the Senate on investigations by the Permanent Subcommittee on Investigations, which Senator NUNN chairs as well as the Armed Services Committee. We have discussed this before. The issue was raised by the Republican leader, Senator DOLE, and I was asked to pursue it from the legal aspects and did; and Senator NUNN and I have had some continuing discussions.

Some say that there was a challenge as to the motivation of Senator NUNN in using the subcommittee. That really is not so. There was a question raised as to how the facts ought to be ascertained. Senator NUNN was notified Senator ROTH, the ranking member. Senator NUNN was willing to have the FBI proceed, once it was determined that the FBI would carry forward that investigation, where Senator NUNN had been told 2 days earlier that they would not.

Out of these inquiries and out of the Tower nomination process, we will go forward into what the appropriate rules of the Senate are: whether the Subcommittee on Investigations is limited by rule XXV of the standing rules, (k)(1), on the jurisdiction of the Committee on Governmental Affairs, and rule XXVI which limits each such committee to make investigations of any matter within its jurisdiction; or whether there is some broadening of that authority under Senate Resolution 66, as provided on page 20, where there is some reference to present national security—my own view is that when you have the Armed Services Committee, that is the appropriate jurisdiction; or whether you can have an investigation under the rules of the subcommittee, where the chairman makes the decision only by notifying the ranking Republican, or whether the ranking Republican has to give express approval. That turns on whether it is a primary inquiry or whether it is an investigation.

I do not go into these issues at any depth because others are waiting. I point out that from this kind of controversy, we will make a close examination of the rules of this body.

Rules are important, because they establish the principles by which we operate in a dispassionate context where there is no particular controversy at hand. Once a controversy arises, people take sides, read the rules, and, quite appropriately, seek to interpret the rules in a way which will permit them to legitimately accomplish their objectives. But the rules are made at a time when we are trying to prescribe general standards and principles as to how we operate, without respect to a particular case. If the rulemakers have a specific case in mind that they want to influence one way or another, they might make the rules differently. Those rules are important because they establish the standards of conduct.

The heat of the Tower nomination proceeding, I suggest, will provide some additional light as we review the events of this very difficult, really traumatic proceeding, to try to improve the institutions of the Senate for the future.

Mr. President, in conclusion, I regret that John Tower will not become Secretary of Defense, and I say that because I came to know him personally

and well while we served together in the Senate. I saw him under difficult circumstances. I am convinced that John Tower would be an able Secretary of Defense and that there is no reasonable likelihood that he would be impaired by drink. If I were to be wrong, if President Bush were to be wrong, and the President has submitted his nomination, and I vote for Senator Tower, if mistakes were made, they could be corrected instantly, because the Secretary of Defense would be subject to being discharged by the President any time the facts warranted.

Looking beyond, I hope that we, as an institution, learn from this process and improve our procedures for the future.

Mr. President, I have been asked, as the acting Republican manager, in the absence of anyone else, to yield time to the Senator from Florida.

I have just been called upon to do this, so I have to get the order in mind. Then, 10 minutes to the Senator from Idaho.

I thank the real leader for giving me the cue cards.

[Laughter.]

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I thank the Senator for yielding time.

Mr. President, many questions have been posed to me over the last several weeks, and I have had the opportunity to review this issue with people from my State.

My colleagues have raised many questions, and I would classify them into three areas.

Basically, what is driving the debate? People back home do not understand. They are wondering why this has been dragging on, why it has been so intense, how much politics is being played, how partisan it is, what is driving it. The second question asks me to respond to the allegations made against Senator Tower. Third, obviously, how I am going to vote and what is my response to the question of voting for Senator Tower.

I think what we are experiencing, frankly, is a continuation of a trend that began several decades ago. That trend indicates that, primarily, the Democrats control the legislative branch, whereas the Republicans have been controlling the executive branch. So what we are seeing here, basically, is a struggle over power between the legislative branch and the executive branch. The bottom line of the struggle is really over who is going to control the agenda of Government.

So, while the Senator from Pennsylvania a few moments ago indicated that he hoped this was not going to impact the institution for years to come, I suggest that the old standard of partisan politics is no longer the same, so thats what we are beginning to recognize, unfortunately, is that this is the beginning, the indicator, of things to come—the struggle between the legislative and executive branches over the agenda of Government.

With respect to the responses to the allegations that have been raised against Senator Tower, I, unlike most of my colleagues in the Senate, cannot draw on personal experience. I do not have a reservoir of knowledge to draw on because my knowledge and personal relationship with Senator Tower is quite limited.

But I do notice, though, and have determined as I have made my way around during the last few weeks, my first weeks in the Senate, that there is a sense of dislike for the man and as the allegations, the wave of allegations began to flow in, there was a wave of momentum that was added to that personal dislike for Senator Tower that caused us all concern. And frankly, that wave of allegations was of concern to me, so I, like again many of my colleagues, went up to review the reports, to review the file. The first thing that I read was the committee majority report, and frankly I was stunned. But you know I learned a long time ago that when you read something the first time you read it you are hit by the emotion of the words, and so I have learned that it is important to go back and read for a second or a third time.

So I went back the next day and I read the reports, this time for the purpose of trying to determine what was fact and what was illusion.

And my conclusion after reading the reports and looking through the file the second time was that there really was not a situation where the evidence was clear. In my opinion the allegations have been blown totally out of control. There was not one shred of evidence that indicated that there was any time in which Senator Tower failed to carry out his obligations or his responsibilities.

Let me make one other point with respect to the allegations. While the disease of alcoholism may be complicated and difficult, the definition of alcoholism is relatively simple.

An alcoholic is an individual who has lost control of his life to alcohol, and I would make the argument that an individual in that condition would not be able to hide that fact because that individual would have lost the ability to carry out the obligations and the responsibilities and we would have known that.

So I would say again there is no evidence in that file that indicates that John Tower ever failed to carry out his obligations or his responsibilities.

So I, for one, will be voting for Senator Tower, and I will be voting for him because of his experience, knowledge, dedication, and determination, 24 years in the U.S. Senate, the years that he served as chairman of the committee, the time that he spent as one of our chief negotiators in Geneva, and also because the President of the United States, who has known Senator Tower for some 30 years, has placed his faith and his confidence based on the same information that you and I have seen. So I draw a completely different conclusion than a number of my colleagues in the Senate. I plan to vote for and support John Tower.

Thank you, Mr. President.

Mr. NUNN. Mr. President, I wanted to take a few minutes to respond to some of the points raised by Senator SPECTER earlier this week on the authority of the Permanent Subcommittee on Investigations to conduct an inquiry regarding the nomination of Senator Tower. Specifically, Senator SPECTER has questioned both the jurisdiction of the subcommittee in this matter and also the subcommittee's compliance with its own rules of procedure in beginning this inquiry. As to both those points, I believe the inquiry was clearly a proper and legitimate one, given the subcommittee's jurisdiction and rules of procedure.

As to jurisdiction, Senator SPECTER has cited rule XXV(k)(1) of the Standing Rules of the Senate as inadequate to support the subcommittee's jurisdiction in this area. That rule sets forth, in general terms, those matters which shall be referred to the subcommittee's parent committee, the Committee on Governmental Affairs. I would point out that rule XXV(k)(1) includes a general directive that the Committee on Governmental Affairs shall have the duty of "studying the efficiency, economy, and effectiveness of all agencies and departments of the Government," a directive which, in my view, is clearly broad enough to encompass the inquiry under discussion.

Moreover, the specific jurisdiction of the subcommittee is more clearly defined in Senate Resolution 66, which includes the current funding resolution for the Governmental Affairs Committee and which passed the Senate on February 28, 1989. Under that resolution, any subcommittee on the Governmental Affairs Committee is authorized to "study or investigate" a broad range of topics which, in a nutshell, encompass: Oversight of any government agency or department, including all regulatory programs, and in all areas, including fraud, waste, mismanagement, and conflicts of interest; criminal activity in the labor-management area; organized crime; any other criminal activity; and specific authority for oversight of Government operations in the national security and energy areas.

Specifically, the resolution includes the following grants of authority of particular relevance to this inquiry:

(A) the efficiency and economy of operations of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditures of Government funds in transactions, contracts and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public; and

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

Senator SPECTER has also argued that since this was an "investigation" and not a "preliminary inquiry" we have violated subcommittee rules in going ahead without Senator ROTH's approval. I understand that Senator ROTH, as ranking minority member of the subcommittee, has told Senator SPECTER that he disagreed with him on that point.

Rule 1 of the PSI Rules of Procedure states that "investigations may be undertaken upon the approval of the chairman of the subcommittee and the ranking minority member with notice of such approval to all members." The same rule provides that "preliminary inquiries may be undertaken by the majority staff upon the approval of the chairman and notice of such approval to the ranking minority Member or the minority counsel."

In this case, I gave the required notice to Senator ROTH and the subcommittee staff director, at my direction, also fully advised the minority chief counsel of the initiation of the inquiry. Since this was only a preliminary inquiry, we fully complied with the subcommittee rule.

Senator SPECTER has argued that this was an investigation, not a preliminry inquiry. Preliminary inquiry is not defined in our rule, but we routinely do such inquiries when we begin any project to determine the scope of an issue and to see whether allegations merit a full investigation; that is, subpoenas, depositions, hearings, etcetera). This was clearly an inquiry, not an investigation: we had not yet even gotten to the point where we could have determined the merits of any allegations, no subpoenas were issues, no depositions scheduled, no hearings scheduled.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes now the Senator from Idaho.

Mr. McCLURE. Mr. President, I think under the procedure we have established on this side of the aisle, I am to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct. The Chair recognizes the Senator for 10 minutes.

Mr. McCLURE. I thank the Chair.

Mr. President, I regret that after days of study and agonizing over this, that I am limited to not more than 10 minutes because it is impossible to sum up the case in 10 minutes. But then I recognize, too, the Senate is going to vote this afternoon and there is a limited amount of time available for those of us who wish to speak today.

I have not spoken before on this matter because I wanted to listen to all of the debate and I have listened to almost all of it. I missed a few this morning because I was downtown at the swearing in of the Secretary of the Department of Energy.

I commend my friend, the Senator from Florida, for the statement that he just made. I believe he summed it up well when he said that we know what the real issue is here; it is a struggle for power, a struggle between the Democratic majority versus a Republican President.

Does anyone here really doubt that if a Democratic President had sent up John Tower as a nominee, he would have been confirmed weeks ago? Does anyone really believe otherwise? Can anybody look at the way the Armed Services Committee voted, in party-line goose-step, and doubt that this is a partisan, political battle aimed at weakening the President and his Secretary of Defense? The fact that three Democratic Senators have broken from their party cannot change or disguise the basic nature of this conflict.

What is ironic is that despite all the talk about our responsibility to the men and women in the military, I suspect that if John Tower lost, the majority would be so anxious to cover its tracks, that it would confirm Jack the Ripper if that is who the President sent up next.

Mr. President, I have sat in my office and listened to these proceedings since they began. I have listened intently to the statements of my colleagues on both sides of the aisle. I have read every word of the FBI report. I am aware, I think, of all of the many allegations that have been made against our former colleague. Most importantly, I have known John Tower for some 20 years. And I can only come to one conclusion: There is nothing there. The Washington Post said it: Senators who believe John Tower is unfit for the job, the Post wrote this week, "have been unable to make that case except on the basis of untested and unpublished allegations. * * *"

The only thing, the only solid fact that has emerged from these proceedings, has been the overwhelming competence, the unchallenged depth, and breadth of knowledge on matters of national security of the former Senator from Texas. And I cannot help but note how our colleagues in the majority have backtracked on this question. When John Tower retired from the Senate, the senior Senator from Massachusetts, a member of the committee, said John Tower's "knowledge of the myriad, complex, defense issues facing the country is unsurpassed." Now the committee has brought its enthusiasm under control. Senator Tower, the committee report states with a sizable degree of understatement, "has a substantial understanding of national security policy and international security affairs."

So let us examine the charges that have been made. "Excessive use of alcohol." First, I would like to add my name to the names of the many other Senators who served with John Tower and swear they never saw him under the influence of alcohol.

Can I say he had never had a drink? No. Who in this room, perhaps with the exception of two or three, could say that?

Let us instead look at the facts.

I know—this has been pointed out by several on the majority side—that Senator Tower has acknowledged excessive drinking during some of the time he served in this body. That fact is used to question our judgment, since we say we never saw him drunk. But what that really proves is that even then John Tower never let alcohol impair his ability to carry out his official duties. And judging by the praise my colleagues on the other side of the aisle heaped on John Tower when he retired, judging by his unanimous confirmation to the sensitive post of chief START negotiator, they never saw him unable to carry out his duties either.

Where is the evidence for the charge that John Tower continues to drink excessively? The committee claims to have seen it.

But I have read the FBI report, and the evidence is simply not there. What is there? Allegations. Anonymous, unsworn testimony. This information has been leaked to the press and appeared in the major newspapers and the networks as if it were real news, real facts. For example, there have been reports in the Washington Post and the New York Times of drunken behavior on an airliner and at the Monocle Restaurant. Never mind that the source of the first allegation, who has

been promised anonymity, flunked a lie detector test. Never mind that four other people who supposedly witnessed the incident reported they saw no such thing. Never mind that a dozen other people at the Monocle deny ever seeing John Tower drunk. What about the guy who saw John Tower drunk three different times in Washington when John Tower was in Dallas, Seattle, and Pakistan? This is not evidence; these are hallucinations.

What do we know? We know that John Tower has admitted to drinking excessively in the 1970's. We also know he testified that he has never been dependent on alcohol or an alcoholic, and has presented medical evidence supporting this statement. And we know that he has pledged that if confirmed, he will not drink, not even wine with dinner. Finally we know, from the evidence of our own years in the Senate, that even in the years in which he has acknowledged excessive drinking, he never let this affect his ability to carry out his official duties, and to carry them out well.

Should there not be a presumption of innocence here, or at least a presumption of fair play? Would you not think we would want some real proof before tormenting and humiliating a former colleague? Why are my colleagues on the other side of the aisle willing to let the allegations of people who can't pass a polygraph test, who are contradicted by every other witness we can find, overcome their own judgment based on years of contact with Senator Tower?

I would also like to challenge my colleagues who have pounced on John Tower's pledge to stop drinking alcohol, if confirmed, as proof that he drinks too much now. All it proves is that John Tower is prepared to go the extra mile and then some, to allay any concerns about his fitness for the role of Secretary of Defense.

It was Gov. Jerry Brown that said, "a politician can do anything as long as he can manipulate the right symbols."

What about womanizing, or as the committee put it, "indiscreet behavior toward women." There have been reports in the press of Russian ballerinas and shenanigans in Geneva involving Senator Tower. There was the famous leak in the Washington Post about Senator Tower's alleged indiscretions at Bergstrom Air Force Base, which has since been completely discredited. But where is the evidence? I have read the FBI report, and there is not any credible evidence.

What about the more serious questions of possible liaisons with female foreign nationals—relationships which could pose a security risk? What about sexual harrassment of female employees. Nothing. No evidence, no findings, no record. The Committee majority admits as much. Has the nominee ever been involved in any illegal or improper relationship with a member of the opposite sex? The evidence just is not there.

What about conflict of interest? This is one area we can talk about a little more since most of the information is in the public domain. Here is what the Armed Services Committee majority wrote: "The rapid shift from status as a negotiator to status as a consultant * * * created the appearance of using inside information for private gain. * * * Senator Tower's decision to provide consulting services on arms control matters so soon after serving as an arms control negotiator crossed a line regarding the revolving door. * * * Senator Tower showed poor judgment * * * created the appearance of using public office for private gain * * *."

Does it strike anybody that something is missing? Where is the beef, Mr. President? Conflict of interest is a strong charge. Where is the evidence? There is none. Just perceptions and appearances. The SASC Senate Armed Services Committee Majority states that there is "no evidence" that Senator Tower gave his clients classified information. But the chairman of the Armed Services Committee says, "It looks like he might have, and what kind of example does that set?" Well this Senator says that this whole process has the appearance of a lynching, and what kind of example, what kind of precedent does that set?

John Tower has stated—and the committee majority has not challenged it—that he never told his clients "anything that wasn't already in the public domain."

Does John Tower have any current conflict of interest? What financial interests would John Tower be in a position to favor if he is confirmed as Secretary of Defense? None. The nominee has no legal or actual conflict between his personal interests and the financial interests he would represent as Secretary of Defense.

Let me repeat: John Tower has no financial interest in any business doing business with the Defense Department. There is not one thing John Tower can do in his capacity of Secretary of Defense that will make John Tower rich. He can pick the MX. Or he can pick the Midgetman. He won't make a cent either way.

Has the nominee complied with the law? Yes, and he has walked the extra mile to demonstrate his good faith. He has fully complied with the relevant law, the Ethics in Government Act of 1978, with all relevant executive branch regulations, and all previously announced standards of the Senate Armed Services Committee.

The nominee has also taken the extraordinary step of going beyond the requirements of the law and of the committee, and volunteering to recuse himself from suspension or debarment issues which may arise involving any of his previous consulting clients. He has also offered to recuse himself from any procurement decisions involving the C-FIN, the only program for which he might be considered to have acted as an advocate.

Let me make this point again: The Ethics in Government Act requires officials to recuse themselves from decisions involving companies in which they have a financial interest. The Armed Services Committee imposes a stricter requirement: It requires officials to sever any ties with defense companies in which they have a financial interest. John Tower has done that. And he has taken the additional step of recusing himself from disbarment or suspension proceedings involving companies with which he has no longer even any financial ties. So where is even the "appearance" of a conflict of interest?

There is nothing in any law to prohibit a person from working in or with the defense industry after working as an arms control negotiator. In fact, the so-called revolving door law specifically states that it is "not intended to discourage the movement of skilled professionals in Government to and from positions in industry * * *" The Armed Services Committee majority itself, in its report, says it has "long recognized the importance of a healthy interchange between the public and the private sectors. * * *"

This is not the only example of Government-industry cross-pollination in the defense field. In the Pentagon, the Defense Science Board and the various service science boards all bring in active defense industry personnel to advise the Secretary of Defense, the Joint Chiefs, and the Under Secretary for Acquisition. Current members include representatives of Northrop, TRW, Raytheon, Rockwell, Lockheed, Martin Marietta, and interestingly, Hicks & Associates, one of the firms for which John Tower did consulting work. In the field of arms control, the members of the General Advisory Commission on Arms Control, including consultants and defense industry employees, have access to all kinds of information about U.S. arms control policy.

So just what standard is John Tower being held to? The Washington Post wrote on Monday that Senator Tower's accusers reject his nomination based on "an appraisal of Mr. Tower by standards that have not been invoked before. * * * He is charged with behavior that the Congress has condoned in its own and on the part of nominees to the executive branch that it likes." Note those last words: "that it likes." Since John Tower does not pass some new "warm-and-fuzzy" test, he's unfit to be Secretary of Defense."

The Post goes on to ask: "Is there a new rule? Is it fixed?" The Armed Services Committee majority charges that John Tower "crossed the line on the revolving door." Just where is that line? What is the committee and the Senate's new standard?

Is it sufficient that a nominee be a superbly qualified public servant who has served his country for virtually his entire adult life? Not if you are John Tower.

Is it sufficient that a nominee has served 24 years in the U.S. Senate, including 4 years as chairman of the Senate Armed Services Committee? Not if you are John Tower.

Is it sufficient that a nominee has been unanimously approved by the Senate Foreign Relations Committee and by voice vote by the entire Senate for the sensitive post of chief strategic arms negotiator? Not if you are John Tower?

Has there never been a Defense Secretary who had worked previously for defense contractors? What about Robert NcNamara? What about Charles E. Wilson? Ah, but they were not John Tower.

Has there never been a Defense Secretary who had previously worked in the defense industry after working in a sensitive post in Government? The senior Senator from Nebraska has suggested that Brent Scowcroft be appointed as Secretary of Defense instead of John Tower. Is he aware that General Scowcroft has served as a consultant whose clients reportedly included the main contractors for the Midgetman missile, which General Scowcroft strongly supports. Is he aware that General Scowcroft became a consultant after serving as a senior Air Force officer and National Security Adviser? But of course, General Scowcroft is not John Tower.

What the chairman of the Armed Services Committee and his colleagues seem to be suggesting is this:

If you have served your country in peace and war.

If you have, in the words of the chairman of the Armed Services Committee, "background and knowledge that are indispensable in the defense arena."

If you have served in the Senate for 24 years, including 20 years on the Armed Services Committee and 4 years as its chairman:

Then you are welcome to be Secretary of any other department.

You are welcome to be a member of the Migratory Bird Conservation Commission, or the Joint Board for the Enrollment of Actuaries.

But you cannot be Secretary of Defense.

Mr. President, it is clear that John Tower has no conflict of interest. The Armed Services majority admits it has no evidence to the contrary. But they say the "appearance" or "perception" of conflict of interest is enough to disqualify John Tower from the job. What if we apply those same standards to those Senators themselves?

Let us be clear at the start that there is no evidence whatsoever that any member of the Armed Services Committee has any conflict of interest, or has behaved in any way improperly. Nor do I intend to imply that. But what are Americans to think when they consider that:

According to figures from the Federal Election Commission, the chairman of the Senate Armed Services Committee received $56,859 in PAC contributions from major defense contractors in the 2 years preceding his reelection. These contractors went on to receive $54.212 billion in defense contracts in fiscal year 1988 according to the Defense Department.

The second-ranking member of the Armed Services Committee received $42,972 in defense PAC money in the last cycle before his reelection. Companies making these contributions proceeded to garner $35.159 billion in contracts in fiscal year 1988.

Another member of the committee who has been particularly vociferous in his criticisms of Senator Tower received $79,228 in defense PAC contributions in the 2 years before his reelection. These contributors did $54.173 billion in defense contracts in fiscal year 1988.

I don't want to go through the whole list. Suffice it to say that another five members of the committee who voted against Senator Tower received an average of over $48,000 in defense PAC contributions for their most recent campaigns. The remaining members are freshmen and have never campaigned as members of the Senate Armed Services Committee.

Now I know that many of my colleagues will protest that PAC contributions are not the same as consulting fees. And they are right. But I don't think anyone would argue that campaign contributions are not important to Senators. This money does not go into our pockets, but it does help us get reelected, which is something near and dear to most of our hearts.

And some of the Senators who opposed John Tower also received honoraria from these same defense contractors. In 1985, Senator NUNN received $8,000 in honoraria from defense contractors. In 1986, he received $6,000. In 1987, Senator NUNN became chairman of the Armed Services Committee. Did anyone then say he was unfit for that post?

In fact, if you take the PAC contributions and the honoraria members of the committee who voted against Senator Tower made, they add up to a lot more than John Tower ever made from his consulting business.

And what about free travel at contractor expense? According to the Wall Street Journal, the chairman of the Armed Services Committee and his wife went to Honolulu courtesy of a company with contracts to carry U.S. military supplies to Europe. Another member of the committee who has criticized Senator Tower for creating "the appearance of impropriety," spent 3 days in Palm Beach at the expense of a major jet engine contractor. Did these men forfeit their good judgment because they accepted these trips. No. But what about the appearance of impropriety?

And what about the fact that Members of the U.S. Senate grant ourselves the right to own stock in companies which do business with the departments that we oversee? In fact, we even have the perfect right to advocate, in the Senate, programs which would benefit these same companies. That is because in the Standing Rules of the Senate, and in all the laws we make governing everybody else, we have exempted ourselves. And what kind of experience does that create?

Much has been made out of the fact that Senator Tower's clients are involved in some of our most important and most expensive defense systems: The MX, the Midgetman, SDI, the B-1B, and others.

So let's take a look at the list of contractors from whom members of the Armed Services Committee have accepted PAC money, honoraria, or trips, and see what they produce:

All of the systems that Senator Tower's clients produce, because these are the same companies who are Senator Tower's clients; the B-2 Stealth bomber; all of our frigates, destroyers, cruisers, and aircraft carriers; all of our submarines;

All of our cruise missiles; the F-18, F-15, F-16, and Stealth fighters; all of our satellites; all of our jet engines; virtually all of our air-to-air and air-to-ground missiles; virtually all of our antitank missiles; virtually all of our helicopters; and in other words, just about every major system in the U.S. inventory.

What does all this prove? Nothing. And that's the whole point. I am not suggesting, and I would challenge anyone who would suggest, that any of the Senators who accepted these contributions have acted improperly. The chairman of the committee and the other members of the committee majority are upstanding men. They are honest, solid, public servants. I do not believe that they have been in the slightest bit improperly influenced by accepting large sums of money to help them get reelected.

Is there any "quid pro quo" in the behavior of Senators who accept PAC contributions and honoraria from companies, and then go on to support programs that provide these compa-

nies with billions of dollars in contracts? Of course not.

But if you're worried about "perceptions" of conflict of interest, if you're serious in your concern for "appearances," how do you think that looks? How can you oppose John Tower based on his 2½ years as a consultant—and then turn around and say defense PAC money and honoraria do not create an equally damaging perception?

I am sure my colleagues on the committee who opposed John Tower are confident of their ability, as decent, principled, public servants, to distinguish between the national interest and the own political or personal interest. I share their confidence. So why do they not extend the same confidence to a former chairman of the committee?

Mr. President it was Field Marshal Bernard Montgomery who said, "War is a very rough game, but I think politics is worse."

There is nothing more dangerous to our system of reverence for individual rights than the tyranny of the majority—the new exercise of political power. This is injustice. Clarence Darrow once said, "true patriotism hates injustice in its own land more than anywhere else."

Mr. President, this is not the Senate's finest hour.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, might I respectfully forewarn my Republican colleagues that the time remaining under the control of the Senator from Virginia is far less than what has been requested. So my first request to my colleagues is to come forward as quickly as we can and be prompt, those who have already indicated a desire to speak, and the balance I would hope that they might find it possible to make their remarks somewhat briefer than anticipated, because we are all desirous of allowing sufficient time for the distinguished Republican leader to conclude the debate on this side of the aisle.

Mr. NUNN. Will the Senator yield briefly?

Mr. WARNER. Yes.

Mr. NUNN. Mr. President, we normally rotate back and forth. We have had several on the Republican side of the aisle, but we have not had others here, so there is no problem on that. But I would like to make some remarks after the next speaker. I know the Senator has been on the floor for awhile and I would like to make some of my own remarks after he concludes.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield up to 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont for up to 10 minutes.

Mr. JEFFORDS. Mr. President, not knowing Senator Tower and not serving on the Armed Services Committee, I had not intended to participate in the floor debate on this nomination. However, the course this debate has taken compels me to speak. I am concerned that we are about to establish a dangerous precedent based on ill-defined standards, precarious evidence and unfair procedures, creating a dangerous threat to the already limited private lives of public servants.

While I am new to this body, I believe that my colleagues in the other body would support my statement that I try on all occasions to make my judgements based on the merits of a situation, and not on partisan considerations. I try to use as my guide the proud tradition of independent Vermont statesmen, such as Senators Ralph Flanders, George D. Aiken, and Robert T. Stafford.

I have spent a considerable amount of time reviewing the Senate's obligations and duties under the Constitution and historical precedent in such circumstances. The Constitution provides that the President "shall nominate, by and with the advice and consent of the Senate "officers of the United States. The choice of cabinet officials clearly lies with the President. And the authority to reject a nominee is clearly given to the Senate. Both have broad latitude in their decisions.

Historically, only on rare occasions has the Senate refused to confirm a nominee, even though the Senate has frequently disagreed with the nominee or the President on certain aspects of policy or personality. Custom indicates a general feeling that the President has the right to name his own staff. Only eight nominations for Cabinet positions have been rejected by a vote of the Senate since 1789. Senate opposition also killed one nomination in committee and forced one name to be withdrawn. All but two of these instances occurred to 1870.

Upon reviewing the Senate rejections of Cabinet nominations, it is clear that the reasons for rejection have been varied. In a majority of instances, a basic disagreement with the administration over policy or prerogative was at the heart of the Senate's action, even though dislike of the nominee was often cited as a reason. Five such disagreements were over the issue of a national bank. In three other cases, objection to the nominee personally was the reason for rejection, and in one instance, the Senate rejected a nominee for Attorney General because of concern over a potential conflict of interest. Frequently, however, the Senate's stated justifications for its actions have not accurately reflected the real reasons for rejection.

The most recent Senate rejection of a Cabinet nominee is worth reviewing. Richard Allan Baker of the Senate Historical Office wrote an excellent and interesting analysis of the 1959 rejection of President Eisenhower's choice for Secretary of Commerce, Lewis B. Strauss. From my reading of the secondary sources on the Strauss affair, although the reasons given by Senators for rejecting the nominee were his policy positions and his unwillingness to cooperate with the Senate's confirmation process, it appears the answers lay elsewhere. The long-standing and bitter dispute between Admiral Strauss and Chairman Anderson was one element in Strauss' rejection. Although an FBI background check had been done, Mr. Baker makes no mention of its use by the committee. Senator Anderson made a reference to problems of character but did not follow them up. The committee also allowed Admiral Strauss to cross-examine witnesses.

In the final analysis, the primary reason for rejecting Strauss appears to have been the urge of the Democratic Senate to assert its will in a struggle of power with the President. The Democrats had gone from a 49-47 majority the previous year to a 30 seat advantage in January 1959. According to Mr. Baker, the "greatest significance of the Strauss affair lay in its reminder of * * * the Senate' capacity for obstruction and for constructive change."

Senators are expected to consider vague and even unstated criteria and digest voluminous information, both public and classified, when making their decisions. In the case of the nomination of John Tower to be Secretary of Defense, I have listened carefully to the opinions of many Vermonters, my colleagues who have served with John Tower, the administration, and to Senator Tower himself. I have waded through committee reports, FBI material, and news accounts. Yet, there is little framework or precedent around which to organize and properly use the information being relied upon here. This in part may account for the vastly differing conclusions drawn by Members analyzing the same material.

I have been frustrated by many aspects of this debate, including the frequent use of key terms that are not defined.

The media has been filled with charges that Senator Tower has had, and continues to have, a drinking problem. Yet, few people have attempted to define that term, and it appears that people have wildly different conceptions of what constitutes a drinking problem. There are few, if any, agreed upon definitions of a drinking problem. Some people say

that anyone who has a couple drinks on any given day has a drinking problem. Others would say that drinking is not a serious problem unless it develops into alcoholism.

A relevant standard for judging Senator Tower's use of alcohol would be to measure his performance against the generally accepted standard for public officials including Members of Congress. That standard, as I have observed it, is that use of alcohol must not impair a member's ability to do his or her job whenever he or she is called upon to do so. It is also assumed that consumption of alcohol is a problem if one publicly embarrasses oneself, one's constituents or one's institution. Outside of these, criteria, what one does in private is not relevant to one's fitness for office.

Because references have been made to holding the Secretary of Defense to a higher standard, it is instructive to review the Defense Department's own standards on use of alcohol. Abuse of alcohol is defined in DOD Directive 5210.42 as "any irresponsible use of an alcoholic beverage causing misconduct or unacceptable social behavior, or impairing work performance, physical or mental health, financial responsibility, or personal relationships." This is the standard applied to SAC commanders, trident submarine commanders, and other personnel who work in sensitive positions. Few people agree that a nominee who did not meet this criteria would be unfit for the job of Secretary.

As an aside, it is instructive to note that Federal law, sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), prevents discrimination against an individual who has a drinking problem, so long as it does not interfere with his or her job performance or pose a threat to the safety and health of coworkers.

John Tower has admitted that he drank excessively in the 1970's but insists that he has corrected this behavior. Fortunately, we need not rely solely upon his word that this is the case. The FBI investigation exhaustively researched this matter, following up all allegations and tips that would indicate to the contrary. Tower's Senate colleagues, both those who support him and those who oppose him, insist they have never seen him impaired by alcohol.

After a thorough reading of the FBI report, I must conclude that there is no credible evidence that Senator Tower's conduct throughout the 1980's violates either the DOD standard or the standard by which we are judged.

Charges that Senator Tower violated conflict of interest law, or the spirit of those statutes, have been raised repeatedly. The variety of the charges seems to indicate that people have greatly varying definitions of what constitutes a conflict of interest. There have been statements made that any individual who has been associated with defense contractors at any time should be ineligible for service in the Defense Department. However, I would argue that the appropriate definitions of conflict of interest for the purpose of judging Senator Tower's qualifications are the laws which apply to him—the Ethics in Government Act of 1978 and State Department guidelines for senior officials.

The FBI extensively researched all allegations surrounding Senator Tower's time as Senator, chief U.S. negotiator for the START talks in Geneva and then as a consultant to several major defense contractors. His Senate finances, official and campaign, were reviewed with a fine tooth comb, bearing out Senator Tower's claim that he used great care to prevent even an appearance of impropriety in his relations with defense manufacturers, PACs, and interest groups.

The FBI found no evidence that Senator Tower violated any statute, and the Armed Services Committee majority report supports this conclusion. The report instead expresses concern with the speed in which Senator Tower moved into his consulting role after serving in Geneva.

I understand this concern, and believe that it has some merit. I have supported legislation to tighten the restrictions on postemployment practices of Government employees and Members of Congress, and would have preferred that Senator Tower had exercised greater restraint when moving into private sector consulting. However, I consider it overreaching to reject a nominee who has carefully abided by the law just because Congress is considering enacting stricter standards.

The third category of allegations concern Senator Tower's personal conduct. A new standard of morality for public officials seems to be emerging, as evidenced by the reaction to the Gary Hart incident. Behavior that would have gone unnoticed in past years is now considered unacceptable.

In view of recent events and public reaction to them, I have attempted to distill a definition of acceptable conduct for public officials. As I see it, the private life of public and elected officials, with the possible exception of the President, should be off limits so long as it does not impair their ability to do their jobs nor embarrass their constituents or their office.

However, if one creates the impression of a morality that is different from one's actual conduct, and even challenges the media to prove it as Gary Hart did, then one's behavior is a legitimate subject for scrutiny because it reflects on the individual's integrity and veracity. In fact, the press almost has a duty to check out such a challenge to avoid becoming a coconspirator in sustaining a false image.

John Tower has been frank with the FBI, the committee, and the public about his personal life. Charges of consorting with a Russian ballerina, of womanizing and of inappropriate behavior while a U.S. Senator and the chief U.S. START negotiator have been thoroughly investigated by the FBI and the committee. Many of these claims have been refuted and the remaining accusations thrown into serious question. After reviewing all the documentation on the charges about his conduct, I concluded that there is insufficient evidence of improper conduct, under the standards set forth, or otherwise, to warrant a judgment that the Senator is unfit to be Secretary of Defense.

I think we are all in general agreement that we have a right to expect high standards from members of the cabinet. For instance, it was essential that Secretary Bennett give up smoking and overcome his addiction to nicotine before being confirmed as Drug Czar. It would have been hypocritical not to do so.

As Secretary of Defense, Senator Tower must also set an example of leadership for his department. However, I find some of the claims about the Secretary's role to be somewhat inflated. From my experience in the U.S. Navy and as a captain in the Naval Reserves, the people who set the examples in morality for the troops are the secretaries of each branch of service and the superior officers. They are the chief moral leaders for our servicemen and women. The Secretary of Defense is the work horse at the Pentagon and inside the beltway.

I feel compelled to comment on the process that has gone on here. The public has been barraged with accusations about all aspects of Senator Tower's life. The committee heard testimony from only three witnesses, none of whom were sworn, and one of whom later recanted his charges when questioned in closed session. The majority of the alleged facts on Senator Tower's conduct are contained in a classified report that few people can see and the details of which cannot be discussed publicly. The Senator has been given no opportunity to defend himself against these charges or to crossexamine his accusors, many of whom are anonymous.

While FBI background checks have been run on all cabinet and subcabinet level nominees since 1952, they are provided primarily for internal White House use. They have been made available to Members of the Senate on occasion, but rarely have all Members had access to the FBI data.

This is the first time, to my knowledge, that material in an FBI report has been a focus of Senate debate and

an alleged reason for rejection of a nominee. Senate rule 29, understandable in its conception, has caused confusion. This rule prevents the release of any privileged communication between the White House and the Senate. Leaks to the press by proponents and opponents have made a mockery of any acceptable process involving the FBI reports.

In short, all aspects of due process, or rather fairness, have been absent or destroyed. We appear to be setting a new standard for public officials regarding private conduct and establishing a process that does not contain any clear rules of evidence, defined standards or guarantees of fairness to the individual.

I understand that the Nation is morally troubled and is looking for better conduct and leadership from its public officials. But while we need temperance in personal conduct, we also need temperance in our methods. Running rough-shod over individuals rights will be more destructive than helpful. If we sanction rumors of private conduct as appropriate grounds for rejection of a nominee, does it not then become appropriate, if not the duty of the press, to report all allegations about a nominee's private conduct. Are we not then giving it license, even the obligation, to probe into the private lives of all other public officials? Could not this be construed as sanctioning the scandal sheet methodology?

Mr. President, I also am concerned that we are creating a double standard here—one set of rules and standards apply to Members of Congress, and a new, unwritten and intrusive standard is being applied to Cabinet officials.

Earlier this year, we perpetuated another double standard—levels of pay. Congress refused to raise the pay of senior executive officials, while allowing Congress to continue receiving 30 to 40 percent additional in honoraria not allowed our counterparts in the administration.

We are already asking executive branch officials for sacrifices in earning power as compared to Members of Congress and the private sector. Now we seem about to sanction the examination of all aspects of a nominee's private life.

I am concerned that we are creating a double boomerang, that these double standards will severely discourage qualified people from entering executive branch service. In addition, I think it is naive to think, that if we create this new standard making private lives subject to ill-defined and unfair examination, that the same standards and scrutiny will not be brought to bear on us.

I have just finished reading a book by David Holmes entitled "Stalking the Academic Communist." It relates the story of Dr. Alex Novikoff, a professor and biochemist at the University of Vermont who in 1953 was called to testify before the Senate internal security subcommittee about his association with Communists during his student days in the 1930's at Brooklyn College.

Dr. Novikoff realized that he would be denied his rights to due process and subject his friends to persecution, so he refused to testify and refused to give the committee people's names. The public outcry against him, based on press reports of charges against him, was overwhelming, and he was fired by the university. Thirty years later, the university atoned for its mistake by awarding Dr. Novikoff an honorary degree and the press has now apologized for its role.

We will have no such opportunity to atone if we so wrong Senator Tower. I urge my colleagues to vote to confirm John Tower.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, this is the sixth day of debate on this nomination and the full Senate has now been debating, by my count, something like 60 hours. The Armed Services Committee has been working on this nomination for a much longer time.

The process started in the executive branch in early December and, of course, the process continued after that until January 6, when the Senate was given, through its Armed Services Committee chairman and ranking member, was given the first three parts of the FBI report.

We got this nomination on January 20, and of course here we are today, hopefully concluding with it one way or the other.

It has been a difficult debate, not only because the main body of information could not be discussed in open session but also because it involved a former colleague who worked closely with many of us over a long period of years.

But the unpleasant nature of our task does not diminish our responsibilities. One of the primary duties of Senators under the U.S. Constitution is the responsibility for advice and consent on the nominations made by the President.

As the debate on this nomination comes to a close, there are several points I want to make. There have been some allegations in the last couple of days that the process we have used in the Senate to consider this nomination has not been fair.

The Senate's review of this nomination has not been perfect. I do not think you could ever have perfection in a matter this complicated and involving this many allegations.

This has been a unique case. If every nomination were like this, we would have to invent totally new procedures in handling it. But I do not believe there is a basis—and I believe my colleague from Virginia will concur in this, it is up to him—I do not believe there is a basis for saying this has not been handled fairly.

There has been a glitch or two along the way, yes. But I think we strived for fairness and I believe we achieved it in the Armed Services Committee. The Senator from Virginia has said that on several occasions. In fact, I do not have the exact quote, but the Senator from Virginia on one occasion quoted Senator Tower himself as saying something very similar to that.

As a matter of fact, the distinguished Republican leader, Senator DOLE, said on the Senate floor on February 23, and this was just a couple of hours before the committee vote on this nomination, and I am quoting from Senator DOLE's remarks: "They have had a very thorough, a very exhaustive, and a very fair hearing in the Armed Services Committee."

Again, let me read the words right in the CONGRESSIONAL RECORD of Senator DOLE. "They have had a very thorough, a very exhaustive, and a very fair hearing in the Armed Services Committee."

Apparently, the process only became unfair in the minds of some after a majority of the committee reached the conclusion, based on this—quoting from Senator DOLE, "thorough, very exhaustive, and very fair hearing," that the nominee should not be confirmed.

It seems to me what is being protested here is not the process, but rather the result. My definition of due process is procedural. Due process does not guarantee the result that one may desire. It is a procedural view of matters. Again, the minority leader said—and this is the day of the vote of the committee which was 2 weeks ago today, February 23d: "They have had a very thorough, a very exhaustive, and a very fair hearing in the Armed Services Committee."

When did all of that change, and why did it change? Why do we have one Member after another coming out and saying this procedure was unfair; we have not had due process. When did they change their mind? It seems to me they changed their mind after a majority of the committee decided to vote against Senator Tower. Up to that point in time, there had not been a single motion in committee to have a single additional witness; not one. There had not been any complaints about the FBI report and the way it was handled. There had been no motion for us to subpoena witnesses, no motion for us to take depositions. All of this concern came after a major-

ity decided to say no on this nomination.

The Senate has been criticized for not making public specific material from the FBI summary supporting the committee's conclusions on alcohol use and indiscretions.

I think the only things that will satisfy some people who have written on this subject is for me personally to come out on the floor of the Senate and open up the FBI report for everyone to look at. I will not do that. I gave my word. Senator WARNER gave his word. We have a written agreement with the White House which we both signed saying that we were going to handle this FBI report with great caution.

Again, I do not know whether people have absorbed this thought in the country, but this is a letter from the counsel to the President to me and a copy to Senator WARNER.

Quoting from that letter dated February 14—and this is the agreement we had on the way we would handle the FBI report. This is a written pledge. Boyden Gray says to us in this letter: "The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations, and our ability to recruit qualified candidates for positions of governmental service."

That is what we are talking about here. We are not talking about one case. We are talking about the ability of the President of the United States, this President, the next one, and the next one to help his own judgment in selecting people for the highest offices in Government. That is what we are talking about.

This is the agreement that we signed. I will not read the whole agreement, but it was signed on February 14 by myself as chairman of the Armed Services Committee, Senator WARNER as ranking member and Boyden Gray, counsel to the President.

Just reading one sentence in this document which has been made public before: "Since these documents are the property of the executive branch and involve extremely sensitive information, they will be made available only through the Office of Senate Security located at room S-407, U.S. Capitol."

Mr. President, if the White House wants to release this summary—which apparently President Bush does not want to do, and I must say I understand his position on this one—then all of these allegations would be out there for the public to debate. But that judgment is not for me to make or the Senate to make. The judgment rests with the President and his advisors in this matter—the Attorney General and Director of the FBI.

Other people have criticized the committee and the Senate for allegedly relying solely on anonymous and unfounded allegations in reaching the decision to oppose this nomination. Mr. President, let me again make something very clear. Both in the FBI summaries and executive files of the committee, there are sources who agreed to give their names on the record, as well as those who requested confidentiality. I would also note that while it is true the FBI summaries often contain conflicting information, Presidents have, on many occasions, refrained from nominating someone based on the FBI report. Time after time Democratic and Republican Presidents have refrained from making nominations because of what is in the FBI report.

I pose this question to my colleagues: If it is fair for the President to use FBI information to deny people positions in the Government, is it unfair for the U.S. Senate to use FBI material in conjunction with other material and in conjunction with hearings and in conjunction with hearing from the nominee also as a basis for our consideration? If it is unfair for us to do it, why is it fair for the President to do it? If we want to get rid of FBI reports altogether, then fine. If we want the President to have sworn witnesses in his deliberations, cross-examination, subpoenas to determine who he puts in office, fine. This is not a trial. This is not an impeachment. This is advise and consent. The President does not try people. There is no constitutional right to be in the Cabinet. There is no violation of someone's due process if they are not chosen for one of the top positions in the U.S. Government.

Where is that coming from? I am hearing things out here on the floor as if we are having an impeachment trial. Somebody better read the Constitution and understand that this is advise and consent. It is a different procedure.

There are some who have argued the Senate should dispense with the traditional methods of reviewing nominations which include consideration of the FBI material used by the executive branch and go to a more formal trial-type hearing involving sworn testimony and cross-examination of witnesses.

Mr. President, since I served as vice chairman of the Permanent Subcommittee on Investigations under the late Scoop Jackson in the late 1970's—1975, 1976, 1977—I think I probably had as many investigations, chaired as many as anybody in the Congress since then, at least in the Senate. I know something about due process. I know something about fairness. I chaired hearings on organized crime, on drug running, on gun running, on guns and drugs, on all sorts of things, and I know something about what it takes to prepare for that kind of investigative-type hearing.

In our investigative subcommittee, we swear in all witnesses, all of them. Since I have been in the Armed Services Committee, we have never sworn in a single witness. We have not had investigative staff working on this matter. We made a deliberate decision we were going to use policy staff. We have not had trained investigators. That is why we relied on the FBI. We did not view this as an adversarial proceeding or a trial or investigative hearing. Perhaps we should. Some of our colleagues are saying now we should have. Where were they when the hearings were going on? Where were these people who now say we should have had a trial and should have had cross-examination? Not one of the members of the committee ever mentioned that during the hearings. There was no motion made, nobody said that. The only time we started hearing that was after the vote. Mr. President, that is not a complaint about process or procedure, that is a complaint about outcome. Outcome.

The Senate may in the future want to move in a different direction. Committees are the agents of the Senate. That is all. We are trustees for the Senate. We do not make determinations. The Constitution makes it clear only the Senate makes these determinations, not the committee. I will abide, and I know Senator WARNER will abide, by whatever the Senate tells us after this, and I am sure other committee chairmen will do the same.

I think it will be a mistake, though, to view this case as being the general rule. By any standard, this has been a unique matter. By any standard, there have been more allegations in this matter than any, I believe in my lifetime, nomination coming before the Senate. This is not a usual matter, and certainly if we were to say this is the usual rule, we may want to reexamine everything.

Let us just mention a few questions, though, that we would have to raise if we turned this into an adversarial courtroom type procedure, as some of our colleagues are asking for.

The first question: Would the Senate rely on the FBI to conduct background investigations of nominees, or would the Senate conduct independent investigations for every nomination?

The second question is: Can we realistically expect the FBI to undertake full-scale investigations, including service of subpoenas and hearing preparation, for every nomination? Is that what we want the FBI to do, or do we want our own staff to do that? At what point do we cross over from a normal procedure into a trial-like procedure? Who makes that judgment?

What are the criteria for making that judgment? If we decide to conduct independent Senate investigations, will we expand the staff of every committee of jurisdictions over nominations to include an investigative staff, or will we create an independent Senate investigative staff to investigate all nominations?

Mr. President, I know the Senator from Virginia recognizes this. We have 46 nominations to come before the Armed Services Committee on the Department of Defense civilians alone. Forty-six of them. If you want the kind of proceedings that I have heard people talk about out here where we swear witnesses, where we bring them in, where we have subpoenas and we all cross-examine every adverse witness, if you want that for the next 46, somebody better go to the Rules Committee and come up with $5 or $6 million to pay a staff. If you do not want the FBI doing this anymore, somebody better go to the Rules Committee and say we are going to have our own FBI. I do not think that is what the Senate wants, but that is what some people are saying implicitly.

Next question: What will happen when witnesses request to testify in closed session? Are we going to accept those requests, or are we going to compel their testimony in open session through subpoenas? Are we going to allow people to have privacy in what they tell us, or are we going to say, "No, we are going public, we are going to cross-examine you. If you come up here and say anything bad about this nominee, we are going to put you under cross-examination."

We are going to get all the TV cameras in there and we are going to cross-examine you. What kind of message is that in terms of possible witnesses who may have something they want to share? Are we going to accept requests for confidentiality or not? If we have our own investigations, we are going to face some of the same problems the FBI faces. Who is going to make those decisions? Are we going to end up with some committees compelling testimony in open session and some compelling closed hearings on the nomination? If so, how do we justify the difference in procedures? Can we use testimony from closed sessions in public debate on these nominations?

People are acting as if, had we done all of this in the committee, we would not have any problem with confidentiality. Not true. Not true. Under our normal rules in the committee, matters that are personal in nature are handled in executive session. Executive session testimony has the same degree of confidentiality as the FBI report. So are our colleagues who are complaining suggesting we do everything in open session, do away with executive session, they better think through that one.

The next question: How are we going to fairly limit the length of these nomination proceedings and investigations? We do not limit them. Will we not be criticized for holding up nominations, and as a result, Government operations in all of these departments? And if we do limit them, will we not be criticized for being unfair to the nominees by limiting their right to call witnesses?

The next question: If the Senate subpoenas witnesses for these hearings, will the nominee also be entitled to subpoena witnesses of his or her choice if they refuse to appear voluntarily? In a trial, both sides subpoena witnesses. Are we going to have a situation where a majority of the committee—and that is the way you have to decide things in the committee, not unanimous consent. It is the majority. The majority of the committee decides which way this is to go. Then the nominee says, "Well, I want the following witnesses." Does the majority have the right to overrule that? Are we going to say the nominee has all the witnesses he wants?

The next question: Will the nominee or his attorney be entitled to question the witnesses called by the committee? Are we going to have an attorney there? And if we do not, is it due process?

Mr. President, these are just a few of the questions. I have not visualized all of them. These are just a few. I hear a lot of people talking about things that I do not think they have thought through. I do not think they have contemplated the result of their proposals.

Mr. President, the Permanent Subcommittee on Investigations normally takes 2 to 3 months to prepare for even routine type investigative hearings. And in complicated matters, far less complicated than this one, a couple of former prosecuting attorneys and two or three full-time investigators have taken as long as 6 or 8 months to prepare for that kind of hearing. Is that what people are talking about? Is that what they want?

All of these questions deserve careful consideration before the Senate makes a decision to go down a road that had been advocated here on the floor over and over and over and over again by people of good will who are frustrated with a unique case. I am frustrated with it, too, and I am sure that Senator WARNER is frustrated. But when you start talking about where we are going in the future, there better be some careful thought given here.

People have said that Senator Tower should have had an opportunity to respond to the charges and allegations that have been made against him. Elementary. I agree with that.

Mr. President, Senator Tower has had this opportunity. Everyone who has read the FBI report summary knows very well that in the case of every serious specific allegation investigated by the FBI, the FBI followed up with an interview with Senator Tower in which he was given the opportunity to rebut the charges.

Mr. President, this is not an FBI out trying to make a case or prosecute someone. This is an FBI that has given the President one report on which he made his decision and then added reports to it. This is an FBI working under the direction of White House counsel, not working under our direction. Every single allegation they checked first had to go to the White House counsel. They have to approve it. The FBI has the White House counsel as their client. From what you would hear here on the floor you would think we had our own FBI.

It is true that the White House counsel directs the FBI. Anyone doubting that, they can call the White House and ask. The simple answer would be yes, we do direct the FBI. It is also true that the White House counsel has generally been cooperative. When the committee requested a matter be looked into after a complaint, generally speaking, with a couple of exceptions, White House counsel has been cooperative in this matter.

I also want to make clear that there are a number of allegations including concerns raised by the committee which were resolved in Senator Tower's favor in the FBI summary. If we had not used the FBI, we would have been on this nomination for 6 or 8 months.

Just a few of the allegations that were resolved in his favor: The so-called Ill-Wind procurement matter, resolved in his favor; the allegation of improper conduct with foreign nationals in Geneva by the nominee, resolved in his favor; the allegation of improper lobbying for the C-FIN Program, resolved in the nominee's favor—nothing to it, but it took some checking; questions about the manner in which Senator Tower disposed of nearly half a million dollars that he raised in his 1984 campaign before he decided not to run for reelection—a very lengthy investigation on that subject, resolved in his favor, properly so in my view; the conduct of the nomination proceedings of Melvyn Paisley, a name that is familiar and may be more familiar as the months go by, to be an Assistant Secretary of the Navy in 1981 when Senator Tower was chairman of the Armed Services Committee, resolved in his favor; whether Senator Tower was involved in a last-minute, unexplained insertion of a provision in the fiscal year 1985 authorization bill that had the effect of directing a sole-source procurement of a new 120-millimeter mortar for the

Army from a foreign contractor, resolved in his favor by the FBI report; whether Senator Tower was aware of an approach to the 1980 Reagan-Bush campaign, through his staff, by an alleged emissary from Iran who was talking at that time about making a deal with the campaign for release of the hostages after the election, a very big part of it deals with that, considerable man-hours went into that, resolved in his favor, and I believe properly so.

The committee could have called witnesses; we could have taken sworn testimony on these matters for weeks, months and months and months and months. It would have taken us, with about five investigators and two or three former trial lawyers or prosecutors, at least 6 months to investigate these allegations here that were resolved in his favor.

The FBI has unique capabilities. They were able to do it much more effectively and efficiently. The committee could have called witnesses; we could have had sworn testimony on each of these matters. We could have had cross-examination and, believe me, these matters here were as keen in terms of interest to Senators on the committee as anything we have talked about on the floor for the last 2 weeks—more so. These matters were of great concern, but they were all resolved in the nominee's favor.

Should we have had examination, cross-examination, rebuttal on all of these? We did not do that.

I think we made the right decision in not doing it. We relied instead on the FBI report and our own informal inquiries for our determination that Senator Tower was not involved in these matters or was not engaged in any improper activities regarding these matters.

Were we supposed to only accept in instances where the FBI refutes an allegation and ignore those allegations in the FBI summary that are corroborated and not refuted? Are we supposed to ignore those which require us to make a judgment based on the weight of the evidence that is conflicting? Is that what our message is here on the floor of the Senate, that we basically should pay attention to the FBI report as long as it clears up a matter but not if it leaves it where we have to make our own judgment based on the weight of the evidence? Is that what we are saying, use the FBI report when it exonerates but do not pay any attention to it any other time? That seems to me what I am hearing. That is what I am hearing by implication.

The committee also gave the nominee the opportunity to make his case in public and in private. For example, the committee offered Senator Tower the opportunity to personally rebut in public the witnesses who testified against him. The committee also gave Senator Tower the opportunity to have other witnesses testify in his favor after the outside witnesses testified against him. The nominee turned down both of these offers.

The nominee was questioned carefully by the committee in executive session on a number of issues, and the transcript of these executive sessions were available for all Senators to review in S-407. There is material in S-407 that is not FBI material. It came from our committee executive sessions and what I do not seem to able to penetrate in terms of people's minds that are concerned about this matter in many cases is that even if we did not have the FBI report, if we had handled these matters of a personal nature in our committee, unless we changed our committee's precedents and rules and procedures, it would have been done in executive session. Executive session material is also confidential. It is awkward. But I would like for someone to suggest other procedures.

I hear a lot of complaints, but I do not hear many people talking about the alternatives.

I also personally made an informed offer to White House Counsel C. Boyden Gray, and Senator WARNER was there that evening, to have a panel of medical experts selected by both the White House and the committee, or at least by the two sides of the aisle, so we could get an agreement to review Senator Tower's medical record as well as the information in the FBI summary on the whole question of alcohol abuse.

We offered this. We offered to do it in a quiet way, to get the advice of professional medical help. That offer was strongly objected to. So the matter was not pursued. The reason it was objected to, I should say, was because there was an objection to giving doctors access to the FBI material. In my view, the offer was made through a White House official in the pages of the New York Times—I never got it any other way—to have other doctors appointed to talk to Senator Tower's doctor, and then give us an evaluation based on that conversation. First of all, that did not make any sense to me at all. I do not think it made any sense to anybody on the committee, because Senator Tower's doctors had not done a review based on alcoholism or any charge of alcohol abuse. They did a casual observation based on the other medical problems.

The second thing is without a case history, without knowing more than simply a casual observation from another doctor, these doctors will not have been able to tell us anything. So the only thing that would have done any good would be for the doctors certainly to talk to Senator Tower's doctor, but also to review the examples in the FBI report as well as talk to the nominee himself. But that was turned down. So it was not pursued.

Finally, the nominee met with most, if not all, of the members of the committee individually. Senator WARNER and I also met jointly with the nominee on several occasions to go into specific allegations. The relevant details of Senator WARNER's and my lengthy meeting with the nominee were also available for Senators to read in S-407. During the entire committee review of this nomination, Senator WARNER and I and our staffs worked together as a team, a fact which Senator WARNER has himself noted on many occasions during this debate.

Whatever the acrimony, whatever the problems, that we have now, my view of it is if we had not worked together as a team and had the staff working together as a team, we could multiply this problem that we have had by about a thousand percent; about a thousand percent would have been my rough estimate.

So again I pay tribute to Senator WARNER for his honorable, for his, I think, effective leadership, and for his willingness to work together on a very difficult series of allegations.

Mr. President, I want to repeat—there were never charges of no due process prior to the committee's action on this nomination. There was not one single member who ever made a motion in committee to bring a witness up. There was not one single member that ever said, let us swear him in, cross-examine him. Where was the concern then? Where was the concern then? The FBI summary was made available to every member of the committee. I do not recall one member, not one member, who said let us not rely on this material, or let us get the witnesses up here and have a hearing. We talked a couple of times about whether to bring a witness or two in. There was discussion back and forth. But there was never a motion made, there was never a serious suggestion, and there was never a call for a vote ever to bring a witness in.

Every member of the committee knew that there were serious deeply-held concerns by committee members about the matters in the FBI summary, yet not one member moved at any time to reopen the hearings and call additional witnesses. Even the day we voted, February 23, I knew the President was out of the country. The White House also knew that we had been planning to vote for 2 weeks as soon as we got back and got the FBI report based on the financial allegation—and the White House itself asked us to hold up for about 10 days on that basis.

I had a committee meeting. We had a meeting and we discussed whether to hold up or whether to go forward. This was not a partisan question about

when we were going to vote. Not one single member said let us hold up. As I recall, the Republicans had their own caucus. We had a little caucus on our side, separate, come back in—I said, "when does the committee want to vote?" It was Thursday afternoon, February 23. The Republicans came back in and said, "We are ready to vote." We selected the time. It was 6:30 that evening.

Mr. President, I want to also point out that I privately and personally expressed my reservations after we got pretty far down into this process, about halfway; I personally and privately expressed my reservations about the nomination and the things we were running into in terms of evidence, facts, and allegations to President Bush on three separate occasions during the course of our committee's work on this matter.

Senator WARNER was there on one of those occasions, and I had two private meetings with the President. There was no secret of my concern. This was not something that slipped up on anyone at the White House. The outcome of the vote might have slipped up on them, but not the concerns.

Mr. President, I can understand the frustration and disappointment of those who have supported this nomination. But I do believe that those who now allege unfairness had some duty and obligation to make these concerns known to the chairman of the committee, and to the ranking Republican during the course of the committee's deliberations.

When it comes to fairness, I think there is an element of fairness to the chairman and to the other members of the committee in making known one's concern prior to the decisions being made. There is a fairness there too. I think almost every member of the committee will agree that as chairman I may not always agree with the members, but I have never in any way prevented a member from bringing up a matter, getting a vote, having a motion, or making a point on procedure.

I can assure everyone that had anyone made a motion that we go to an adversarial type trial procedure, it would have been given serious consideration. It was never done.

One aspect of the debate where I think all of us will agree it has been unfair has been the discussion of what I believe should have been confidential information in the news media that has taken place over not the last several weeks but the last several months. It started late November and early December, before the committee had anything to do with this nomination.

In some cases these discussions originated with witnesses who claimed to have personal knowledge of the nominee's behavior. People forget that the committee does not control the witnesses. In fact, we did not interview the witnesses, except in a few cases. The FBI did. Once those witnesses give testimony, they are not locked up and put in jail, wrapped up and muzzled. They still have the right to speak to the news media. We cannot control them anymore than the FBI can.

In some cases, these discussions were clearly leaks—unfortunate, regrettable leaks—some by the White House, some by advisers to the nominee himself, others by Members of the Senate. I regret all of them, wherever they came from. Leaks are basically unfair to the nominee and to the process. In some cases, the leaks involved allegations that had already been discredited or refuted.

I think most of the news media who have been covering this will realize that on at least three occasions, I urged great caution on the media handling of allegations concerning activities in Geneva. The reason was that we were not able to verify the accuracy of those accounts; and I felt that if they were put in the news media—and some were—it would be unfair to the nominee, and, regrettably, it was unfair. But I would say that leaks were unfair, wherever they came from, for those of us who tried to conscientiously abide by the rules of confidentiality under which we in the Senate were given access to the FBI summary.

Mr. President, it is time to bring this long debate to a close today.

Today, the Senate will decide whether John Tower will serve second only to the President in chain of command for all our nuclear and conventional military forces.

Today, the Senate will decide whether John Tower will serve in the position that sets the highest example of leadership for our men and women in uniform.

Today, the Senate will decide whether John Tower will serve as the senior official in the Department of Defense responsible for the Uniform Code of Military Justice and all the other rules and regulations governing professional behavior and standards of conduct.

Today, the Senate will decide whether John Tower is able to restore the public's confidence in the fairness, equity, efficiency, and integrity of the Pentagon's acquisition system.

I have said before in this debate that there is much in John Tower's record to commend. I believe that John Tower is a loyal, patriotic American, and I believe he has a solid record of public service. I know from personal experience that he is absolutely dedicated to this Nation's security.

My own review of the record, however, has led me to the firm conclusion that in three areas—the use of alcohol; the provision of consulting services to defense contractors on the probable outcomes of ongoing, confidential arms control negotiations shortly after serving as an arms control negotiator; as well as instances of indiscreet behavior toward women—John Tower falls short of the high standards which must be demanded of those who would bear the awesome responsibilities of Secretary of Defense.

Mr. President, this has been a highly personal, very painful judgment and conclusion for me to make. I now recognize full well that people of good will can reasonably come to a different conclusion. I hope that a majority of my colleagues will accept the recommendation of the Armed Services Committee and vote against the confirmation of this nomination.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my friend of some 20 years for his comments today. I return those sentiments. As I have stated before, we embarked together to prepare a record not only for the Senate Armed Services Committee, but also for the Senate as a whole, as best we knew how, in a manner which we believed was a nonpartisan, constructive, fair, and objective approach. On Thursday night, the 23d of February, we parted.

Subsequent to that Thursday night, when we reached that fork in the road and he had to pursue his duty, as he viewed it, and I accepted the challenge to pursue my goal, which was to bring out in this Chamber the truth, and fairness as reflected by facts we had, and to unswervingly support the nomination of John Tower. And further, to support the constitutional right of the President to select those individuals whom he believes, in his judgment, are best qualified to advise him. We then fulfilled our respective roles.

I believe only history will be able to resolve the aftermath from that Thursday night, through and including the termination of this debate at or about 4 o'clock today.

Mr. President, I had the rare privilege to step off the floor a few minutes ago to take a call from John Tower, another man I have known for 20 years. As a matter of fact, we first met at the same time I met the distinguished chairman, some 20 years ago.

I am pleased to tell my colleagues that his head is high, his voice is strong. He will make his views known following the vote.

I say to John Tower that I appreciate his expression to me personally, and he asked me to convey the same, in his language, to the "troops" that rallied to his defense, and I do so on his behalf now.

Mr. President, I will have further remarks as the day goes on, but there are other colleagues who have not had

the opportunity to speak, as I have had, over these many days.

First, I yield to the distinguished Senator from North Carolina [Mr. HELMS], and I ask if his remarks can be concluded within 5 to 7 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Virginia.

Mr. President, I have not participated in this debate heretofore. In the 5-minute limitation, I will do the best I can.

Mr. President, in the earlier days of the Senate, it became necessary for a time to forbid Senators from bringing their walking canes onto the Senate floor. That was at a time when it was fashionable for gentlemen—and all Senators were presumed to be gentlemen—to carry canes. But a problem developed one day. The debate became so heated that one Senator cracked another Senator over the head.

That was a far departure from the civility that is supposed to prevail in this body, and which in fact does prevail most of the time. I must say, however, that there have been moments during the past couple of weeks when I found myself relieved that Senators no longer carry canes except in cases of genuine need.

As for the nomination of John Tower, it has created a division in this Senate which, in terms of volatility, I have not seen in my more than 16 years as a Senator. I do hope that there will be no lasting division, and I do not believe there will be. I hope that we can agree to disagree agreeably.

As for the John Tower nomination, I was concerned at the outset about where this would lead us. Since that time, I have been intrigued by the wide-swinging pendulum of attitudes and positions of Senators.

I remember in particular that Paul Weyrich, when he appeared before the Armed Service Committee, experienced a substantial amount of hostility, both in public and in closed session. I happen to know that Mr. Weyrich was motivated by a sense of genuine concern, agree with him or not. He had an opinion regarding the nomination that was not shared by many, if any, of the Senators on the Armed Services Committee at the time he appeared. He felt that he had a duty to express his concern, and I feel that he was, and is, owed a recognition that it required courage on his part to step forward.

Be that as it may, as the hearings progressed, and the attitude of Senators began to change, I began to ask myself a few questions. I had served in the Senate with John Tower from January 3, 1973, until he retired. Had I ever seen him drunk? No, I had not. Had I ever seen him take a drink? No, I had not. Had I ever seen, or heard of, an occasion when he was under the influence of alcohol? No, I had not.

What I had seen, throughout the time I served with him, was a thoroughly competent and dedicated Senator which is acknowledged here today by the distinguished Senator from Georgia. Perhaps John Tower is a bit abrasive on occasion, but never with me. He was a man who knows more about national defense than anybody else I have seen in this Chamber or outside of it.

Then, Mr. President, the notion began to creep into my consciousness that perhaps some of the critics of John Tower may unwittingly or intentionally be engaging in a vendetta. I read the undocumented stories day afer day in the newspapers. I saw John Tower pilloried night after night on the television news. But it was all hearsay, or it was contrived, and far too often it was absolutely false.

Then I began to hear sarcasm on this floor and charges and countercharges, and I though of the walking canes of years ago, many decades ago when that Senator from South Carolina, as I recall the story, parted the hair or maybe the wig, of someone else on the Senate floor with whom he disagreed.

I was mighty glad the other afternoon that we had no canes on the floor.

Then came the FBI files, raw files, not an FBI report—these were raw files. I spent my share of the time on the fourth floor of the Capitol going over these files, line-by-line, precept-by-precept. I found not one scintilla of evidence that would stand up in any court in the land. Charge by charge was made—and, as I read the FBI report, credible witnesses over whelmingly refuted every charge against Senator Tower. So what goes on here, Mr. President?

It was then that the question arose in my mind: What has happened to fairness. Meanwhile, the major news media were busily chasing down every Senator in sight. "How are you going to vote? How are you going to vote?"

And my response was that I was not going to participate in a head count exercise, that I wanted to be fair, first of all to the American people, but also fair to John Tower.

I have voted against some nominees during my 16 years in the Senate. But I have never voted against one without stating why, clearly and absolutely documented, and putting in the RECORD my reasons for voting as I did. More often than not, I emphasized that I hoped I would be proved wrong in my vote. I did precisely that the other day when the nomination of Dr. Sullivan came up in the Senate.

I have voted for nominees with whom I disagreed because I wanted to give them the benefit of the doubt. But I see no benefit of the doubt here being offered to John Tower.

But I hope it can be said that whatever my vote, on various nominees in the past I cast it in good faith—and that I cast in fulfillment of my duty, as I see it, under the advise and consent provision of the Constitution.

Mr. President, I suppose the rejection of the nomination of John Tower to be Secretary of Defense is what they call a "done deal" around this place. But I would hope that there may be some Senators who, while they have announced their opposition to the nomination, will nonetheless acknowledge in public what they have said in private—that John Tower has not been treated fairly by the news media, nor perhaps by others who oppose John Tower.

In cases of that sort, I will say to my Senator friends, there is a perfectly honorable, absolutely justifiable way to proceed. The vote of "present" is not a novelty in this Senate. Casting a vote of "present" could be in fact a vote for fair-play.

Whatever happens when the vote is taken, by overriding concern is that we do no harm to the meaning or, the traditions of the Senate. Warts and all, the Senate of the United States is still the greatest legislative institution in the world. Anybody who forgets that, anybody who thinks only of winning, may indeed win—but in the long run it will be an empty victory.

I shall vote to confirm John Tower, and I will do so because I am convinced that he is a highly qualified man for the job. My sentiments in that regard by the way are consistent with statements made by Senators when the conformation hearings began in the Armed Services Committee, but that was before the volatility erupted and the partisanship began to show its head.

I do not fault any Senator who disagrees with me, but I will say this:

My father was a man of limited education and great wisdom. To this day, I am guided by counsel that he gave me from the time I was a little boy growing up during the Depression in a small town in North Carolina.

On one occasion he said to me: "Son, there's no right way to do a wrong thing."

I have come to the conclusion, with no reservation whatsoever, that it is the right thing for me to vote to confirm John Tower.

And that is the way I shall vote.

I thank the Senator from Virginia.

Mr. WARNER. Mr. President, we thank the distinguished colleague from North Carolina.

Now, Mr. President, the Senator from Virginia would like to allocate to the distinguished Senator from South Carolina, the senior Republican on the Armed Services Committee, such time

as he may desire, but I would hope that there will come a point in his remarks where I could once again look at the time and then if it is agreeable I would like to have the Senator from South Dakota, Mr. PRESSLER, follow the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to say in the beginning, and I have great respect for the chairman of the Armed Services Committee and I have great respect for the members of the committee, in my opinion they have reached the wrong decision on a matter of great importance.

John Tower, in my opinion, has the expertise, he has had the military experience, and he has the integrity, he has the competency, to make a fine Secretary of Defense.

He is tough; yes, he is tough, and that is the kind of man we need to be Secretary of Defense. He is aggressive; yes, we need an aggressive man to be Secretary of Defense. We are living in critical times, and we ought to get the best possible man we can get for that position, and I know of no one who is better qualified than John Tower.

I want to say this: he has had dedicated public service for years and years. Why has it just come to light now he is not qualified for something? He served in the Navy in World War II. No one questioned his patriotism, questioned his service, questioned his performance. He did a magnificent job.

He served in this Senate with us for 24 years, 24 long years. Very few serve here over 6 years or 12 years. And we respected him.

He may not have been the most popular man in the Senate, because he is not a backslapper and he does not chew the fat. He is rather reserved.

But it is not popularity that counts. It should not be popularity that counts. What counts is respect. He had the respect of the Members of this body and they know it. I do not believe there is a Member here who can say that John Tower did not have their respect. And then only 4 years ago he was named as arms control negotiator in Geneva, in 1985, I believe. What happened then in the Senate? We knew him then, we know him now. What is the difference between then and what is the difference between now? We confirmed him then. Why should we not confirm him now?

Then he was asked to investigate the White House and investigate the role of the Iran-Contra affair. He brought out a report and he even criticized the President of the United States. But he had courage, he had honor, he did what he thought was right. And that is the position he has always taken as long as I have known him.

Now, there have been various allegations made, various charges made, various rumors, much gossip, much innuendo. But I want to say, of the charges that have come out in the media—and I am not at liberty to discuss those that have not come out in the media that are brought out by the FBI or the investigations—the first charge was that Tower was with a Russian ballerina in Texas, climbed on a table, and all that stuff. It turns out it is completely false. Not a word of truth in it.

Another charge was that he was with a KGB agent in Geneva. The record shows that he was never with a KGB agent in Geneva. That is false.

Another charge was that he was drunk at Bergstrom Air Force Base, that his accuser happened to be there, and he was retired from the Air Force. He was a person who was suffering psychiatric problems. The general and his wife entertained Tower there. They said his conduct was not out of order in any way.

Another was that he was drunk repeatedly in the Jefferson Hotel. The record shows he was not even in Washington at that time. On three different days, they claim he was at the Jefferson Hotel drunk. The record shows that on one day he was in Pakistan. He was not even in this country. Another day, he was in Dallas. He was not in this city. Another day, he was in Washington State. He was not even in this city. And yet, those charges were made.

When such false charges are made, we better look behind who is making those charges and why they are made. There has been an attempt here to harm this man from the beginning. Why? Because he is tough. He is a strong anti-Communist and he stands for what is best for America. He will take every step necessary to protect this country.

Yes, charge after charge. I was in South Carolina the week before last. The first thing when I woke up in the morning, I heard another charge against John Tower. During the middle of the day, another charge against John Tower. At night, on the news media, over and over and over again, another charge against John Tower. And not a single time did I hear the news media come out and say there was no merit found in that; of all these charges, no merit found in them. Why did they not bring it out?

And that deceived the people. That is why public opinion at that time turned against him. But now that the truth is coming out, public opinion is turning in his favor, thank goodness.

When there is no evidence to support those charges, it is unfair not to confirm this man who sat here for 24 years. We know him. I do not believe there is a Member in this Senate who can say he has ever seen him involved in any misbehavior here around this Senate. This is rumor and gossip and innuendo. We shoud not go on gossip and innuendo. We should go on facts. If we do not have the facts, we should not make the charge. It is not right to treat a man like that, or anyone like that.

It is perception that has turned this thing. They have gotten the perception of him as being a man who is not fit, as being a man whose behavior is not right to be Secretary of Defense. It is perception. What we ought to get is the truth, not go by perception. Only eight people, I believe, in all of history, have been turned down by the Senate when they have been nominated.

On the Armed Servi es Committee, six members on the majority side were contacted before the President nominated him. The President took a long time to nominate him because there was some talk about some charges and he took more time than usual. The President of the United States investigated the situation and found there was no merit in them. He went on and nominated him. During those allegations, six members of the Armed Services Committee on the majority side were contacted. My information is every one of them recommended him.

Now, is it fair to the President now, after he has been recommended by people on both sides, to turn around and say he is not qualified here?

They say he has a conflict of interest; he has represented some of the defense contractors. He did represent some of the defense contractors at some time. They said that he made $1 million. He had a big staff to support out of that. After all, he probably did not clear near as much money as anyone thought.

But he knows those defense contractors. There has been fraud and corruption in the Pentagon. He knows where to go after it. He knows their weaknesses and he knows what to do. And we need to clear up this fraud and corruption. We need to get to the bottom of it. Who is better qualified, who understands them better than John Tower? Who can do a good job and clean house, if necessary, in order to have clean government in this country?

That was an appearance. There is an appearance there because he once represented these defense contractors. I doubt if there is a Member of this Senate, or very few, who has not taken campaign contributions from some defense contractor over and above board. What is wrong with that? What is wrong with representing a defense contractor as a matter of a profession? Anybody can. And is he not in a better position to know what to do to clear house and clear this matter up?

From the standpoint of the President of the United States—and this is important—the Constitution gives him the prerogative to name his Cabinet. Unless there is something terribly wrong, we ought to give him that prerogative. We ought to stand by him. It has been the precedent here for 200 years that Presidents can name their Cabinet. The President is accountable to the voters. This man has been elected President. He carried all but just a few States in the election. We should not destroy his ability to govern. Are we not questioning his ability to govern here when we will not let him name his own Cabinet?

Here is one of the most important Cabinet members we have, Secretary of Defense. He has to take the steps to keep this country strong. The only way we can have our freedom is to keep this country strong from a defense standpoint. I say we should do it.

Mr. Bush knows what he is doing. Mr. Bush has known Tower longer than you have or I have or any Member of this Senate. And he picked him above all people as the man he wanted to be Secretary of Defense.

Now, is this not going to be a partisan embarrassment to the President of the United States over the world? What is Mrs. Thatcher of Great Britain going to think about this? What is Mr. Mitterand of France going to think about it? What is Mr. Kohl of Germany going to think about it? What is Mr. Gorbachev of the Soviet Union going to think about it? That here the leader of the free world cannot even get a member of his Cabinet confirmed. I think it weakens him in the eyes of the world. Have we thought about what effect that is going to have on our new President who is just going into office?

Mr. President, I commend Senator HEFLIN for going along on this nomination, although he is in the minority, and any others who have gone along here with him. Mr. HEFLIN says, "I am going to give him the benefit of the doubt." That is what he is doing. Why should others not give him the benefit of the doubt if they have a doubt? There should not be any doubt here, but if they should have it, why not give him the benefit of the doubt?

In closing, Mr. President, I wish to say that if I did not have anything else to say in behalf of John Tower, this letter right here ought to convince the Members of this Senate to confirm him. I received this letter and I believe other Members received it. It was written March 6. This letter is from P.X. Kelley. The letter reads:

Last Wednesday, 19 retired Generals and Admirals from the Army, Navy, Air Force, and Marine Corps, all of whom have known the Honorable John Tower for many years, forwarded a telegram to the Commander-in-Chief of the Armed Forces, strongly supporting the nomination for Secretary of Defense of this exceptional American. I believe that this act is unprecedented in the history of our Country, and have attached a copy of the text for your examination.

Now, this is John Kelley speaking.

I have known Senator Tower professionally, socially, and personally for over a decade, and one of my sincerest regrets is that I retired before having an opportunity to serve under him while he is our Secretary of Defense. It is my strong conviction that history will identify him as one of the greatest patriots and statesmen of our generation.

I urge you to judge Senator Tower on his unique professional qualification to lead our defense establishment. The young men and women who today are serving in the uniform of their Country deserve to have John Tower at the helm.

I am sending this same letter to all members of the United States Senate.

This letter was sent to President Bush by these retired people. All of them are four-star admirals and generals except two, and they are three-star people. They know John Tower. They would not put out a letter and take any part in a political matter here if they did not feel it was very urgent. They would not subject themselves to criticism and any action that they might be threatened with because they are doing this. Here is what they say:

To the President:

We have served as General and Flag Officers in the Armed Forces of the United States.

We commanded the military forces upon whose successful performance the security of the American people depends.

We know John Tower well, and have known him for many years.

In our relationships with John Tower, we have found him to be superbly qualified in every respect, both professionally and personally, to serve the Nation as Secretary of Defense and in the chain-of-command. We would be honored to serve under him, and the uniformed men and women of our country would unquestionably benefit from his leadership.

We strongly support your nomination of this exceptional American.

That is signed by: Gen. Robert H. Barrow, USMC (ret.), former Commandant of the Marine Corps; Gen. Richard E. Cavazos, USA (ret.), former Commanding General, Forces Command; Gen. Bennie L. Davis, USAF (ret.), former Commander in Chief, Strategic Air Command; and, Gen. Raymond G. Davis, USMC (ret.) former Assistant Commandant of the Marine Corps and Medal of Honor recipient.

I just want to pause there for a minute. There are two of those in here, two Medal of Honor recipients. Do my colleagues think they would come out just to endorse Tower unless they were convinced he was the man this country needed to become Secretary of Defense? These are men who went over and beyond the call of duty and risked their lives for the country. Here are these people endorsing John Tower:

Gen. Charles A. Gabriel, USAF (ret.), former Chief of Staff of the Air Force; Adm. Thomas B. Hayward, USN (ret.), former Chief of Naval Operations; Lt. Gen. James F. Hollingsworth, USA (ret.), former Commanding General, I Corps, Korea; Adm. James L. Holloway III, USN (ret.) former Chief of Naval Operations; Gen. Samuel Jaskilka, USMC (ret.), former Assistant Commandant of the Marine Corps; Gen. Paul X. Kelley, USMC (ret.), former Commandant of the Marine Corps; Adm. George E.R. Kinnear II, USN (ret.), former U.S. Representative, NATO Military Committee; Gen. William A. Knowlton, USA (ret.), former U.S. Representative, NATO Military Committee; Adm. Wesley L. McDonald, USN (ret.), former Supreme Allied Commander Atlantic and Commander in Chief Atlantic; Gen. Bryce Poe, USAF (ret.), former Commander, Air Force Logistics Command; Gen. John Roberts, USAF (ret.), former Commander, Air Training Command; Lt. Gen. Thomas R. Stafford, USAF (ret.), former Astronaut; Gen. William C. Westmoreland, USA (ret.), former Chief of Staff of the Army; Gen. Louis H. Wilson, USMC (ret.), former Commandant of the Marine Corps and Medal of Honor recipient; Adm. Elmo R. Zumwalt, Jr., USN (ret.), former Chief of Naval Operations.

These are people who have no ax to grind, none in the world. They are retired. Nobody can hurt them because of taking this stand. If they had been on active duty they could not take this stand. They are retired now.

Why would they have voluntarily come in and sent this letter to the President unless they felt very strongly that John Tower was the outstanding man to be the Secretary of Defense?

I hope my colleagues will think over this matter. I hope they will give it attention. They may have said they will go one way or the other. I hope they will pray over this matter and I hope they will reconsider their position and determine, after thinking it over very well, in considering all of these charges and innuendoes and gossip and the perception that has gone out, and vote for John Tower.

He is the man to be Secretary of Defense. The President has appointed him, the Commander in Chief. The Senate should confirm him. There is no reason not to confirm him. And I say to you who cast a vote against him today I believe someday you are going to live to regret that vote.

Again, I think we ought to confirm him promptly, put him to work. He knows this business. We need him in defense. Our country needs him and I hope we will stand by the President in his prerogative to appoint the man he

wants to serve as Secretary of Defense.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, we are trying to alternate back and forth on each side and I am going to yield for a very short statement, as I understand it, from my friend from New Mexico. It can be charged to our time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as in legislative session, I would like to make a brief announcement. This afternoon, the Defense Industry and Technology Subcommittees of the Senate Armed Services Committee was planning to hold a hearing on the implications of the proposed FSX fighter agreement between the United States and Japan.

I believe that is a very important subject. The House Energy and Commerce Committee has already held a hearing on it. We had planned to have a very thorough discussion of the proposed FSX agreement with six witnesses. Three of the witnesses, including former Secretary of Defense Frank Carlucci, are in favor of the agreement as it stands. Three, including Clyde Prestowitz, former Counselor for Japan Affairs to the Secretary of Commerce, will express strong reservations about the agreement. I was expecting very good attendance at the hearing from Members on both sides of the aisle. This is not a partisan issue. Indeed, the administration itself is divided on the merits of the proposed agreement and Members from both sides of the aisle have expressed reservations regarding it.

Unfortunately, a member of the minority has objected to holding this hearing. That is his right under Senate rules. I have, therefore, rescheduled the hearing for 9:30 tomorrow morning in a room to be announced later in the afternoon. I regret the inconvenience to the witnesses, to those Members who were planning to attend, and to all others who were planning to sit in on the hearing. I hope that those interested will still be able to come to the rescheduled hearing tomorrow morning.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, if I could be indulged by my friend and colleague for just a 2-minute statement to comment on the remarks made by the distinguished Senator from South Carolina?

Mr. WARNER. Mr. President, I wonder if the distinguished Senator from Nebraska would forego to allow the Senator from Wyoming to engage in colloquy with the Senator who just spoke?

Mr. EXON. Equal time on both sides? Is that what my colleague had in mind? It would be perfectly all right with me.

Mr. WARNER. Mr. President, I think Senator BINGAMAN had spoken. I now ask Senator WALLOP on my time be given such time as he desires.

Mr. EXON. Certainly. No problem.

Mr. WALLOP. Mr. President, let me begin by saying that I regret that the Senator from New Mexico seems, in a way, to have taken this personally. Nothing personal was intended. But this is an important debate on the nomination of John Tower. The vote is to be held this afternoon. I have a deep-felt responsibility to be a part of that debate. There is no time urgency on the FSX matter. The administration itself does not yet have its policy laid down.

I spoke to the Senator earlier about the possibility of delaying it until after this week and the John Tower nomination in hopes and in anticipation that the administration would have their position established so that we could comment on the reality of something instead of the wraith or speculation about something.

I am sorry that we are going to have it tomorrow because the administration will not be able to present its side of the story. I will certainly be there. But it seems to me it is still premature. But no affront was meant or intended to the Senator from New Mexico.

DEPARTMENT OF DEFENSE

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. EXON. Mr. President, I am going to be very brief. I just wanted to make a comment after listening to the excellent remarks by the Senator from South Carolina. The Senator from South Carolina and I worked very closely together on national defense matters and have for a long time. There is no one in this body that I have more respect for than Senator THURMOND.

I just wanted to point out that I join with him in expressing the regrets that I think we all have at a few totally ridiculous, unfounded charges that somehow leaked to the press. That was most unfair to John Tower. I have said this publicly before, and I say it again here now. We feel as badly as the supporters of John Tower about matters that were alluded to, and correctly alluded to, by my colleague from South Carolina. That is an unfortunate part of the process.

I just want to say, speaking for this one Senator, that as bad as those things were, they had nothing whatsoever to do with the determination that this Senator made to oppose the Tower nomination. I just wanted to try to place that in somewhat of a context. There were other things that fortunately have not leaked from the FBI report, or other sources, I might add, that were most unfortunate, in some cases. But there are many things that were not leaked on which this Senator, and I suspect many others, based their eventual decision. I yield the floor.

Mr. McCAIN. Will the Senator yield for a question? I guess not.

Mr. WARNER. Mr. President, I am not certain the Senator from Nebraska heard the request of the Senator from Arizona.

Mr. McCAIN. I asked if the Senator from Nebraska would y eld for a question before he yielded t ıe floor?

Mr. EXON. If we split the time.

Mr. McCAIN. I thank the Senator from Nebraska.

Mr. WARNER. Mr. President, I am happy to give the Senator from Arizona what time he requires for the purpose of the colloquy.

Mr. McCAIN. I will respond to my distinguished friend from Virginia that there is very limited time. I will not take that time. It is clear on the other side there is ample time. I regret the Senator from Nebraska would not respond to a question, but I do not choose to take time from the many speakers who are here on this side of the aisle. I thank my friend from Virginia.

Mr. EXON. I am sorry, we have calls on our time. That is why I am extremely brief. If you have time, I will be glad to sneak in time from our side. Otherwise, let us proceed on the basis to which we agreed.

Mr. WARNER. The Senator from Virginia yields 5 minutes to the Senator from South Dakota.

Mr. PRESSLER. Will my friend make it 10 minutes?

Mr. WARNER. Mr. President, I strongly urge my friend to do the best he can to continue to condense his remarks in a period less than 10 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, for some time I have been very concerned about the B-1B bomber. It is an issue in my State that is very much in the news. A B-1B bomber crashed near Rapid City, SD recently. I think the B-1B is a good aircraft, but there is a strong feeling among experts that it must be fixed.

I had discussions this week with a number of administration officials. I talked with Brent Scowcroft 2 days ago and he assured me that the administration is committed to fixing the electronic system in the B-1B bomber. This is the type of issue I had tried to

bring to the forefront of this debate—defense procurement reform.

This is the third time I've spoken during these proceedings. I made it clear in my second speech that I had read the FBI file, I had looked into the allegations, and I felt that John Tower was being treated unfairly in that area. The personal allegations are not my main concern. My main concern has been defense procurement reform so we can avoid in the future the type of problems illustrated by the B-1B bomber.

I want the B-1B to be a good plane. Of the 100 planes produced, three of them have crashed. There is much controversy over this. I have met with the B-1B pilots and with citizens' groups who are concerned about these problems. The most important issue in defense today is reforming the Pentagon—putting a different culture in place.

I have talked to many over the past week, including John Tower and Brent Scowcroft. The process of a Senator making a decision involves a lot of thought, but it is also an opportunity to have meetings with literally anybody in the Government. My interests have been centered on the implementation of the reforms proposed by the Packard Commission and other reports. Congress itself has to implement some reforms through legislation.

Last weekend I had the opportunity to visit the Air Force Academy and met with many of the cadets. They marveled at the fact that there was very little discussion of strategic planning in this debate. It all seemed to be centered on the FBI report. I explained that I was trying to have a debate on contractor reform. But the Senate has chosen instead to focus its attention almost entirely on the FBI report.

I had a meeting this week with Brent Scowcroft, who I think speaks for the administration in depth on some of these procurement reform issues more than any other person. His job as National Security Adviser and his background give him the knowledge to really get into detail. I have the highest regard for him. That discussion went a long way in convincing me that the administration's current management review and Pentagon reform process will produce some meaningful results.

After that meeting and follow-up discussions with the White House, I believe that we are going to see some real Pentagon reforms, whether Senator Tower or some other Bush appointee becomes Secretary of Defense. General Scowcroft also assured me that the administration is committed to fixing the problems of the B-1B bomber. This program is just one example of what happens when the Pentagon does not exercise responsible management over the procurement process. The problems we have had with the electronic countermeasures on the B-1B are important to me since one-third of the B-1B force is stationed in South Dakota.

Mr. President, I think that in the process of this decisionmaking, I have accomplished something. That is to let the administration and my colleagues know how strongly the people in my State feel about the issue of contractor reform. Unfortunately, that is not what this debate on the floor of the Senate has been about. This debate has not been on any military issue. Instead, it has boiled down to an FBI report. That is what we are talking about here. That is what the country has heard. So the question is, the FBI report on John Tower accurate? I went into it with an open mind and, as many others found, one after another of the allegations in that report were discredited. Some of the toughest things in that report proved not to be true.

The various meetings and discussions that I have had this week indicate my wish to work closely with this administration. I want George Bush to have a good start. While I would have preferred to have a different nominee, and I have said so, I am now convinced the vote we are casting is not on the merits or issues surrounding that office. The question has boiled down to the validity of an FBI report. In that specific area, I am convinced John Tower has been treated unfairly. As I checked out allegation after allegation, they proved to be wrong. Mr. President, for that reason I will be casting a vote—Yea.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received this morning from National Security Adviser Brent Scowcroft.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 9, 1989.

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR LARRY: In view of your concerns regarding the implementation of meaningful reforms in the defense procurement process, I would like to take this opportunity to reiterate the President's commitment to such reforms and to encourage Congressional participation in the reform process.

A defense management review is currently under way and will report its findings this spring. None of the efforts in this area will be cursory. I agree with you that it is important Congress and the American people understand and believe that we are serious about reform. I am sure we also agree that Congress and the Administration must work together to achieve this goal.

The President appreciates your commitment to establishing greater accountability in the defense procurement system. We look forward to working with you in pursuant of this common goal.

Sincerely,

BRENT SCOWCROFT.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I wish to compliment the minority leader, Senator DOLE, in this effort, and also Senator WARNER, for their efforts. I see my friend Senator WALLOP and Senator STEVENS have been here as well. Senator MCCAIN, Senator COHEN, Senator RUDMAN—there have been several Senators who have done yeoman work in trying to get the public record out. I think they have done a good job.

I think they have done a good job in exploiting the unfairness of a lot of this confirmation process for John Tower. I started to say for our friend John Tower. A lot of times we use that word rather loosely in the Senate. We usually apply it to all colleagues. I do not think John Tower is being treated as a friend. As a matter of fact, I think he has been treated unfairly.

Throughout this entire confirmation process I think it has been unfair. There have been allegations made. Those allegations would show up on the front pages of the newspapers and they would be on the nightly news. It turns out they would not be substantiated. We would have extensive FBI examinations, and we find out those allegations would not be substantiated, but really they were not refuted. When they were not substantiated, that was not on the front page of the newspaper. When they were not substantiated, that was not on the nightly news. It happened time and time again.

It is really a case of character assassination. Maybe some of it from committees, some of it from leaks, some of it from speculation, some of it from unsubstantiated reports and anonymous phone calls, et cetera. That is very unfortunate because I think John Tower could be an outstanding Secretary of Defense. I wish that he would be confirmed today, although that is not likely.

I happen to have known John Tower for several years, and so I was concerned and maybe somewhat surprised about the statements that were made. So I went to the intelligence room, and I read the report. I read almost all the pages, hundreds of pages, and spent quite a bit of time. I was amazed that every time I would find an allegation, when you studied it far enough, there was no substance to the allegation, time and time again, allegation after allegation. When I read the report, I really am surprised that the Armed Services Committee voted as they did. Surprised and I also say disappointed. I happen to have known John Tower not only from the FBI report but I

have known him, really, I guess fairly well, since 1980, and served several years with him in the U.S. Senate. I have never ever seen John Tower in any type of capacity that would embarrass the Senate. I have known John Tower since he was working and confirmed as one of our arms control negotiators in Geneva. I visited him many times, as did many of my colleagues, and I never saw him in any capacity that would be embarrassing to the Senate or to our Government. As a matter of fact, it was just the opposite. When you would see John Tower walk into the room and meet with Soviet negotiators, there was a great deal of respect shown. People knew that he knew his subject, people on both sides, I am talking about in the United States and the Soviet Union. He commanded respect.

We are not showing that respect today. I think that is unfortunate. He commanded respect when he was chairman of the Armed Services Committee because of his knowledge. He would not make the faulty mistakes that we have made in the last couple of years, in my opinion, in the Armed Services Committee and therefore on the floor of the Senate in unilateral concessions on the ABM Treaty. He would not agree to a strict interpretation of the ABM Treaty unless the Soviet Union would do likewise. They have not been doing likewise but yet the Armed Services Committee put that mandate in, in the last Congress.

The same with the INF Treaty. He would not agree to making unilateral concessions, yet we put a statement in the INF Treaty that said, well, if that statement was made to the U.S. Senate, we are going to abide by it even if the Soviet Union does not agree to it.

John Tower would try to make sure in any of our negotiations that any treaty provision would apply to the Soviet Union as well as to the United States. He would be very forceful, very knowledgeable. I do not think we have heard anyone contest that in any respect.

I am very disappointed and disillusioned by the action this Senate has taken in the confirmation process. I think it has been unfair. I think we have done damage to a person who has served this country quite well in the last 24 years. I will vote for John Tower and I hope the majority of my colleagues will do likewise.

Mr. WARNER. Mr. President, I express appreciation on behalf of Senator Tower to the sentiments expressed by the Senator from Oklahoma.

Mr. President, I wish to advise my Republican colleagues that the time remaining under the control of the Senator from Virginia is less than 40 minutes. I am prepared to forgo the time that I have reserved for myself so that others may speak. I will, however, reserve at least 12 minutes for the Republican leader. So I ask each Senator, recognizing that, to speak in such order as they may wish for periods not to exceed 3 minutes. I yield to the Senator from Maine, Mr. COHEN.

Mr. COHEN. What was the request?

Mr. WARNER. I ask for the time being if Senators might speak for 3 to 5 minutes at maximum.

Mr. COHEN. I thank the Senator for yielding. I will try to be very brief.

Yesterday, my good friend from Maine in a very light moment suggested perhaps I was engaged in a filibuster. I had a lot to say. Unfortunately, I do not have much more time to say it this afternoon. All of us I think are consumed by headlines and editorials and I received my share of negative ones. But one suggested that I was trying to close the door on alcoholism in the Senate. The writer of that particular editorial, of course, is entitled to his opinion but not to his facts.

What I have been trying to do is to open the doors of this Senate Chamber to due process, to fair play, to a sense of decency. Some have suggested I am acting out of pure loyalty to the President and my party. I find it strange that when I oppose a Republican President, it is a matter of principle. But when I support him, it is a matter of party. I am standing here to support a matter of fundamental principle.

I received a letter from a man, responsible individual, who said, "You can tell John Tower is an alcoholic. Just look at his puffy face and, by the way, he chain-smokes cigarettes in the back of his limousine going to the White House."

I am trying to open the doors of this Chamber so we can stand in opposition to that kind of standard of judgment. It reminds me of the story of the stranger who was convicted of first-degree murder rather than manslaughter. Why? Because the jurors were told that he smoked cigarettes at his mother's funeral, that he did not weep and that he drank coffee in the anteroom waiting for the funeral services to go forward. Anyone who could do that must have murder in his heart. Appearances dictated judgment.

What have we here? Some kind of existential stranger walking through our midst for the past 24 years? Most of us never knew him? Many never liked him? And a majority are now going to repudiate him?

I am objecting to a report, Mr. President, which I find to be an exercise in sophistry, that says that we are concerned about fairness, about treatment of women in our military. We are all concerned about that. Why was that raised in the report? Not a single shred of evidence was offered that John Tower has ever acted unfairly or with bias toward women in his employment and yet the implication was we are concerned that he will not carry out his duties with fairness and impartiality to women in the military.

That ignores a letter signed by 140 or 150 past members of his staff who testify to the contrary. I am objecting to a report which says that he could serve as no role model for the men and women in our military and yet ignores the statements by some of our most distinguished military leaders just to the contrary. I am offended by a report which states that the committee has no evidence that John Tower ever gave classified information to his defense clients. No evidence. That is a false statement.

John Tower's uncontradicted testimony said he never gave any classified or confidential information to any of the defense firms that hired him. Uncontradicted testimony. But then the report concludes, well, he has the appearance, however, that he may have compromised that confidential information and that is what now disqualifies him.

Well, how does that standard apply to the members who serve on the Armed Services Committee, the Finance Committee, the Agriculture Committee, the various committees that solicit political contributions from various organizations?

If I may have 1 additional minute.

Mr. WARNER. Mr. President, I ask such additional time as the Senator may require.

Mr. COHEN. Do those Members now maintain well, those contributions are just too minor, too meager to have any influence upon my judgment? I hope they will tell that to the political action committees the next time they solicit moneys in the heat of their next campaigns. We do not have the weight of the evidence, but weight of the allegations. We have public opinion polls that conclude John Tower should be rejected. We have one public witness. The rest are found in FBI files. They are unidentified and uncross-examined. Is there a single Member in this Chamber who would have himself or herself judged in a public body before a national audience, indeed an international audience, on an FBI file? Is that the weight of the evidence that is so reliable and credible? Mr. President, there is a softness in our record, a softness, I say, Mr. President. No minds are going to be changed. The votes are in. I would only conclude by quoting from Reverend Hale. He said, "This is a strange time, Mister. No man may longer doubt the powers of the dark are gathered in monstrous attack upon this village. There is too much evidence now to deny it."

I thank the Chair for his indulgence.

Mr. WARNER. Mr. President, does the Senator from Arizona desire time at this point?

Mr. McCAIN. Yes, I do.

Mr. WARNER. To be followed by the Senator from Washington, to be followed by the Senator from Wyoming.

Mr. President, I yield such time as the Senator may require, hoping that he will limit his remarks to less than 5 minutes.

Mr. McCAIN. Mr. President, I thank my friend from Virginia, and I appreciate the excellent work and hard work he has done in this very bitter and unfortunate struggle.

I also would like to express my deep admiration for Senator DOLE, our leader, who has fought with tenacity, courage and dedication against obviously odds that were not in his favor.

I would also like to say a word about President Bush. Many people will criticize President Bush for not having cut loose John Tower earlier in this debacle. I would suggest that George Bush's loyalty to his friend of longstanding will stand in testimony to the nature of the man and his belief in loyalty to his friends, which is a scarce commodity in this town as we have seen by this process.

Mr. President, if there is ever living embodiment of Harry Truman's words, "If you want to have a friend in Washington, go out and buy a dog," is this process that we have observed where erstwhile friends who lauded and praised Senator John Tower for many years now have turned against him with spite and malice.

Mr. President, Ernest Hemingway defined courage as grace under pressure. No Cabinet nominee has ever faced as much pressure as John Tower has faced, pressure which has been ill-founded, ill-conceived, perhaps ill-intentioned and unfair. No man has ever handled such unfairness, such personal attacks, such pressure with as much grace as John Tower.

John Tower is a courageous man. He is a great man that would have been a superb Secretary of Defense. Today, this institution is making a grave mistake, and we are all, along with the Nation, suffering an enormous loss. President Bush has lost the man he wanted to help lead this Nation's defense policies into the next decade.

The country has lost the service of a man without peer in his ability to perform that job and make this Nation more secure in a physically sound manner. The Senate has also lost. It has lost its fairness, its respect for propriety, and its bipartisanship on defense issues. It has lost its sense of historical precedent, and it has lost its institutional humility, confusing the issue of whether it has the power to veto a nominee and whether it should exercise that power.

Mr. President, Senator Tower has lost his nomination but he still has his integrity. The majority here has won the political battle but they have lost the moral and ethical war. History will certainly judge this as one of the Senate's least proud moments, and this nomination will soon be history. But Americans today and tomorrow should reflect on John Tower's "grace under pressure," and his "courage," for, as President John Kennedy stated:

> A nation which has forgotten the quality of courage which in the past has been brought to public life is not as likely to insist upon or reward that quality in its chosen leaders today—and in fact we have forgotten.

Mr. President, oh, we have forgotten far too much.

Now the burden is on all of us—all of us losers in this fight—to realize there were no winners here today and to move forward together in a constructive bipartisan way. A house divided falls. None of us should want to promote that fall, so we must promote the alternative, a return to bipartisan respect for cooperation by partners in national security.

Mr. President, in closing, I would like to relate one personal anecdote concerning my relationship with John Tower. As many may know, I have known and traveled with John Tower on numerous occasions over the past 12 years. We have met with kings, princes, sultans, and prime ministers throughout the world. At all times John Tower was treated with respect, and he handled himself with dignity.

John Tower always included me in whatever meeting it was, no matter who it was with—I will never forget that—except when John Tower was visiting a naval installation. And when we would do that, John Tower invariably would go down and visit with the chief petty officer of whatever naval command or ship in which we were visiting.

One day in 1981, we went to a naval installation and John Tower went down to meet with the chief petty officers, and the admiration and respect which the chief petty officers in the Navy had for the man, the only Member of Congress, who was a chief petty officer, enlisted man, was literally without bounds.

After a couple of hours I went down to the chief petty officers' mess to get John Tower because we had another engagement. As I did so, we were leaving the room, and a very large chief petty officer, barrel chested, about twice the size of John Tower, with his chest covered with medals, and tatoos up and down his arms, came over and put his arm around John Tower, and said: "God bless you, John Tower. You are a damned fine sailor."

John Tower, is defeated today, but he is not bowed. He comes out of this terrible experience a greater and better man, and a man who I hope someday will be able to continue the magnificent services that he has made to his country in the past. I hope he will have that capability in the future.

To John Tower, all of us who have known and loved him, we say, "God bless you, John Tower. You are a damned fine sailor."

Mr. WARNER. Mr. President, we thank the Senator from Arizona. I particularly thank him for the remarks on behalf of the Senator from Virginia.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the outcome of this debate regrettably is now set. It becomes in these last statements, a time for reflection.

I want to join my friend, the Senator from Arizona, in pointing out to the Members of this body, to the people of this country, that in this debate there have been many losers and few if any winners. First and foremost, our country is a loser. It has lost a uniquely qualified candidate for Secretary of Defense, perhaps the single individual best able to deal with the new challenges of the late eighties and nineties, different relations with the Soviet Union, declining defense budgets, and challenges of defense contracting.

To have had the experience John Tower has and now to give that up for someone who will have less experience and less decisiveness will be a true loss to this country.

The President, in one narrow sense, not the sense spoken of in the newspapers, is also a loser, has lost time with respect to his Department of Defense, and he has lost the desired counsel of a wise and valued friend.

The chairman of the Armed Services Committee, who will be victorious in his vote later this afternoon, is also a loser, having lost much of his reputation for thoughtful and nonpartisan leadership in defense issues, and will have lost some of the collegiality for which the Armed Services Committee has so long been noted.

The distinguished new majority leader will be a loser, having lost much of the good will with which he began his stint as majority leader on both sides of the aisle, and perhaps some of his ability to deal with some of the issues which will come before us in the coming months by reason of whatever residual bitterness is left over after this debate.

Many Members of the majority party are losers, Members who particularly wanted privately to vote for John Tower but who are constrained by party discipline not to do so against their better judgment.

The Senate as a whole is a loser in this battle, having misused the confirmation process, using FBI files not as cause for a face-to-face investigation and confrontation with various accusa-

tions, but as a substitute for the truth without any significant check.

The Senate is a loser for setting after-the-fact rules of conduct both personal and professional, and the Senate is a loser by reason of the increased partisanship resulting from this battle.

John Tower, of course, personally is a loser, and an unjustified loser after 26 to 28 years in the service to this country. One hopes after all of these losses, however, Mr. President, that there will be some lessons regained in this body, lessons of the necessity for civility, for fairness and fair treatment, and for due process.

This was not an intentional course of action but it is one which requires us to rethink the entire process by which we deal with issues of this nature.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, it is lost on the majority that an election took place, an election in which one man in America was elected at large. Many men in America have been elected by a significantly narrower constituency, but only one man is elected by us all.

In this process, the Senate has lost its sense of responsibility—it has long since been lost in the majority—which now seeks to capture to itself a role for which it was never designed and cannot take responsibility, to say nothing of accountability. Only one man in America is going to be judged on the success or failure of the defense policy of America, and it is not going to be the chairman of the Armed Services Committee. It is going to be the President of the United States.

Try as he will, Senator NUNN cannot be accountable for the successes or failures of America's defense, challenges in NATO, and America's challenges by the Soviet Union, and America's role in keeping peace at home and abroad.

The Senate seeks to capture a role, as I said, for which it was never designed. The proof of that is, Mr. President, that this Senate has spent no time talking about defense. Everybody sees John Tower's expertise in defense, but nobody cares about defense. They care about power, and power is being sought, and power is being won.

No, Mr. President, this has not been a debate about America's defense needs and whether the nominee whom the President has chosen to address them in his behalf understands them and can address them. The debate has avoided such issues because it is less concerned about fear of John Tower's incompetence than fear of John Tower's competence. As my friend from Washington said, the President and the country are the losers.

Senator HEFLIN, the distinguished Senator from Alabama, who made the point very clearly, having reviewed the record and finding nothing disabling in John Tower's past, said that, while he may not have chosen him, this is the President's Cabinet, not the Congress' Cabinet.

Make no mistake about it: Only the President is going to be held accountable in the eyes of history and in the eyes of Americans. So, shielded from any responsibility or accountability, this Senate majority seeks to take the power of the Secretary of Defense away from the President unto itself.

I do not know how we got into this position. I do not know how, in conscience, people could take the life of a good man, who has served his country for over a third of a century, and sully it and toss it like a rag into the garbage in the street. I do not know how it is possible to do that without even a tossed look of remorse over the shoulder.

All we heard is pain: "This hurts me more than most." But it has not been difficult to arrive at this partisan moment, as was witnessed the night in which the committee cast its vote. I said then I do not know whether to weep or rage. I say again today, I rage today, and I will weep tomorrow for a man who is a friend; but I have to rage at a Senate that has lost its sense of responsibility, its sense of fairness, and certainly will never willingly shoulder accountability.

The last thing this body wants is to be held accountable. It hides under the cloak of majority votes, the roles of each one of us, and in this single instance, the role of one man has been supreme to the will of the majority, and the will of the President of the United States.

As the Senator from Idaho said, this has not been the Senate's finest hour. Those of us who are friends to John Tower will remain that, but I hope those who see a career ruined will, at some moment in the night, turn over in bed and wonder what it is and whether it was necessary to do that to the President of the United States and to a man who stood in this body as friend to many of us. I think he now knows exactly who those friends may be.

Mr. President, what has occurred in the Senate over the last month is a travesty of justice. It was an attempt—apparently successful—to end a long and distinguished political career—and for what? Totally empty allegations made by incompetents repeated often enough that they become what I call factoids: facts without substance. But far worse than the destruction of a good man's career, this is unquestionably a tremendous embarrassment for the Armed Services Committee and the Senate as a whole. The nominations process is now a tool of intrigue, of connivance, of arrogance, and of raw political power. The rights and responsibilities accorded to the Senate by the American Constitution have been grossly distorted.

And why? Is this limited to the man, John Tower himself, as the chairman of the Armed Services Committee has said? Clearly not. Beneath the scurrilous debate over drinking and womanizing, and conjured up conflict of interest, lies a more fundamental debate over American defense policy. What is at issue here, Mr. President, is not whether John Tower may have had one too many on occasion, but how many and what kinds of weapons we will equip our Armed Forces with. What is at stake today is not whether John Tower may have handled some woman in a restaurant that cannot be remembered on a date that cannot be recalled by people who won't be named. No, sir. It is who will handle the Department of Defense, the newly elected President, or the Congress?

What is at issue is not whether we will set higher standards for the Secretary of Defense than we will for ourselves. But whether we will establish a wholly new set of standards hitherto unknown in the advice and consent process. What is at issue here is not whether perception is reality in politics, but whether this Senate will abandon 200 years of precedent and distinguished history and decide that we are unfit to distinguish between fact and fiction.

This is not a dispute over John Tower's supposed personal failings and indiscretions, or conflict of interest, but a struggle between those who would control the Pentagon for their own purposes, and the President, recently elected by the American people because he, not his Democratic opponent, best represented their views on defense.

What has happened here is that the Democrats, led by the chairman of the Armed Services Committee, have forgotten who won the national election. This is the President's nominee. It is not for the Democrats to decide who will or will not be the Secretary of Defense. The Senate's role is confined to determining if there are any overriding reasons why this man, or any man, should not take the office the President nominated him for.

So what are the overriding reasons? Where are the allegations that concern the Senators that voted against him? What proof is there for these allegations? Have they been corroborated by outside witnesses? Of what caliber?

Anyone who has read the FBI report can come to only one conclusion: that it is filled with allegations—and let's be clear what that word means. Webster's defines an allegation as, "a statement offered without proof, as an

excuse or plea; mere assertion. An assertion made by a party which must be proved or supported with evidence." The FBI report is filled with these allegations, but the evidence to support them is not there. They are in large part groundless. Those who have made them either have ulterior motives or lack the credibility to be taken seriously. None, and I repeat, none, of the allegations can be corroborated.

And what of those who have testified to the qualification of Senator Tower? Why have they been so carefully ignored in this process? Why have some of the most respected members of the American policy been overlooked in favor of the words of a few who have little or no credibility? I have a letter here from 19 distinguished members of the political community, all of whom have impeccable reputations, and all of whom have known and worked with John Tower throughout much of his 26 years of public service. All of them just happen to be women. They include Ambassador Anne Armstrong, Secretary of Labor Elizabeth Dole, U.S. Trade Representative Carla Hills, Ambassador Jeane Kirkpatrick, former Assistant Secretary of Health and Human Services Cynthia Root Moran, and Mrs. Nancy Kissinger, among others.

Why is the credibility of these professional women, many who have made it to the top in their professions, held below that of so-called unnamed sources who refuse to be identified? What about the credibility of the distinguished Senator from Texas, Mr. BENTSEN, the Democrats' nominee for Vice President. He introduced Senator Tower in the most confident and complimentary terms. Are we to give equal weight, nay, greater weight, to those who want to remain anonymous than to these distinguished Americans. What can we say about the credibility of these sources? Might they not have political scores to settle with Senator Tower?

It is clear from the majority report that they never intended to treat John Tower fairly. Let me just quote from a few of the findings of the report. On page 10 the report states, "the committee searched in vain for a point in time when the nominee himself acknowledged this problem and dealt with it decisively. The nominee made it very clear that he has never sought medical assistance for his drinking problem." In a court of law, any good judge would sustain an objection against his statement. Why? Because the committee never established that John Tower has a drinking problem. We know that he drinks. So do I. So does the Senator from Maine. So does the Senator from Nebraska, and the Senator from Massachusetts.

As the Senator from Maine, Mr. COHEN, stated earlier, I am sure if Mr. Tower had admitted a drinking problem the majority would have noted that in their report and determined that he did not deal with it "decisively."

In fact, this is obvious that since Mr. Tower pledged not to drink during his tenure as Secretary of Defense, certain Members of the majority party claimed that he had finally admitted his problem because anyone who would say that must have one. Hogwash! Senator Tower's pledge was aimed at the perception that the majority and the media have created of him, not the reality of the situation. He has no drinking problem and never in his 24 years of service in the Senate or as an Ambassador overseas was there even one time when he was unable to execute his responsibilities, and I might note, with considerable skill.

On conflict of interest, we are told that Senator Tower's work for defense contractors represents a conflict of interest with his current duties. Did John Tower violate any laws? No. Did he violate any Federal regulations? No. What did he do wrong? Well some regard the mere fact that his company made $1 million in 2½ years working for defense contractors as reason enough to vote for him. Would they similarly vote against such distinguished Americans as Harold Brown, Robert McNamara, and many others who have worked for or represented defense contractors in the past? Was their objectivity clouded by their relationship with the defense world? No, we heaped praise on them as having bona fides in both the political and business worlds.

Indeed, John Tower is one of the few Members of the Senate of his day that did not retire substantially richer than when he came here. The committee's finding on this issue was, Senator Tower showed poor judgment by placing himself in a situation in which there was such an obvious tension between the information he acquired as an arms control negotiator and his obligation to his consulting clients.

But it goes on to say, the committee has no evidence that Senator Tower provided his clients with classified information. In the committee judgment, however, this situation created the appearance of using public office for private gain and casts doubt on his ability to command public office confidence in the integrity of the defense acquisition process. Whose judgment? What standards are we setting here? Are we to totally eliminate the possibility that those who know the most about the defense acquisition business are, by definition, the least qualified by our standards to be Secretary of Defense? What an absurdity?

Finally, the charges in the majority's report on so-called womanizing are fatuous. The report states that there are no findings of liaisons with female foreign nationals and, hence, no security violations that such activities would entail. Nor does the record support the allegation that the nominee exerted sexual pressure on employees and associates of the opposite sex. Well the majority has been hiding behind that statement for the last week. But based on groundless allegation and innuendo, they felt comfortable in the very next sentence to state: There are, however, a number of examples of personal conduct which the committee found indiscreet and which call into question Senator Tower's judgment. These examples add to the cumulative body of concern the committee has about this information. Well that's just fine.

We can't find anything that John Tower did wrong, but we find his actions—actions that not one Member of the Senate has seen with his own eyes despite over 650 man-years of contact with the nominee—to be indiscreet. Indiscreet? What is one man's indiscretion is another's joke or jibe. Shall we deny the President his choice for Secretary of Defense because a few Members of the Senate have decided that uncorroborated allegations represent an indiscretion? Are we not grasping at straws here to find any excuse other than the real ones to vote against the President's nominee?

No, Mr. President, the real reasons are painfully obvious, and they are becoming more and more obvious to the American people as time goes on. John Tower is unacceptable to the majority because he is good at what he does: Because he is knowledgeable and courageous, and will stand up to a Congress that has run amok in its meddling in the Defense Establishment; because he strongly supports the development of weapons systems, like the MX missile and a strategic defense, which the American people voted for in President Bush, and which his Democratic opposition vigorously opposed.

The mood is very somber in this town today. The rules of the game have been changed forever. No longer is there a presumption of innocence behind the Senate's investigation of a nominee. No longer is the credibility of evidence to be taken into account.

You are now guilty as you stand before us, and anyone who cares to make an accusation against you, no matter how mean or unsubstantiated, will have the undivided attention of this body. It is un-American to be guilty until proven innocent, but that is what has happened to John Tower. The mere repetition of allegations without substance, such that they take on a life of their own, is enough to indict, try, and pronounce guilt. As George Will said so poignantly in a column in the Washington Post, not smoking guns but empty cartridges are

the perfect ammunition for character assassinations, in the tradition of former Senators McCarthy and Jenner and others.

Mr. President, the rules have changed forever. We have no need of smoking guns to ruin a man's career anymore, just enough smoke to cover the vicious, partisan intentions of those who would seek to run the executive branch from Capitol Hill.

Mr. President, at the vote in the Armed Services Committee I said that I didn't know whether to weep or to rage at how my good friend, and a great American, former Senator John G. Tower has been treated.

Last night, Mr. President, when it became clear that the Democratic leadership had successfully twisted a sufficient number of arms to get the votes to deny Senator Tower the position in President Bush's administration he is uniquely qualified to fill, I felt like raging. But today, Mr. President, after further reflection last night, I overwhelmingly feel sadness.

Sadness at the unfair and partisan sullying of a great American, John Tower. Sadness at how a new President, recently elected by the American people by an overwhelming electoral victory, can be manhandled by a Senate majority party bent on wresting control of the Department of Defense from the executive. Sadness at how the Senate's distinguished history can be so tarnished in this year of the 200th anniversary of the Constitution.

Mr. WARNER. Mr. President, I yield 3 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank my friend from Virginia.

Mr. President, 3 minutes does not allow anyone to say what they would of John Tower and his courage. He has come to this nomination, better prepared to serve as Secretary of Defense than any other man or woman in the history of this Nation, and, yet, he will be the first in the history of this Nation to be rejected as the nominee of a first-term President, a new President, elected by the people of the United States.

We are busy on this floor, so we tend to miss what our colleagues do from time to time. I missed the speech of the Senator from Georgia, the chairman of the committee. I am told that he asked a rhetorical question: "Where were Senators who now complain of a lack of fairness in this process? We heard nothing of it before the night of the vote."

He evidently was busy and missed the complaints that many of us were airing long before that. A good week before that, this Senator, on a national program, "Nightline," and another, "Night Watch," complained bitterly, and with ample justification, of the lack of fairness. This has been a confirmation process corrupted, contaminated, hijacked by character assassination, by the cowardly leakage of unsubstantiated allegations.

We have said so repeatedly. This is not a fresh or new complaint, but this instance is a fresh, new, and an evil, ugly and dangerous precedent for the United States. The victim is not just John Tower, as the Senate has heard, not just George Bush, but also the American people, who have been deprived of this candidate, who is more qualified, smarter, tougher, more experienced than any other in our history.

Mr. President, to create or permit the creation of a false perception, as has occurred in this instance, and then to cite that false perception as the reason or, more accurately, the rationalization for a vote against confirmation, is not to exercise the leadership the American people elected us to exercise. It is not the exercise of courage to accept false perception, rather than to pursue truth. It is not justice. It is a failure of justice, as it is a failure of leadership and courage to do so.

By our vote this afternoon, the Senate will stand condemned of those failures. But two have shown courage. Two have shown remarkable courage and, as my friend from Arizona stated, grace under fire: John Tower and George Bush, the President of the United States, who nominated him, and who has stuck by his nominee through this long, dark night of character assassination. They have shown the world what moral courage means. Yes, it would have been very easy for either to withdraw from this fight, but they have stood, instead, and made the fight. It may be that John Tower will be the loser in his last fight in the U.S. Senate because he won so many before and lost so few. Apparently, the bruises have not yet healed.

Mr. President, I ask 1 minute more, by unanimous consent.

More important than any of this—and obviously we have great feeling about this man—this process has been the victim, and it must be cured. The Senator from Arizona has evidently introduced legislation that would change the process. In the instance of confirmation of the nomination of the President of the United States for the post of Secretary of Defense, I believe that in the future we cannot rely on the past. We must rely upon sworn witnesses, who can be cross-examined, because we must get the truth and not some perception, some appearance, created by a process that is untruthful.

That, Mr. President, is unfinished business that we cannot allow to go unaddressed.

Mr. WARNER. The Senator from Virginia inquires as to the balance of the time remaining?

The PRESIDING OFFICER. Eighteen minutes, forty seconds.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

Mr. President, it has been argued that opponents of this nomination are creating a new standard for this nomination.

The history of the Senate confirmations show otherwise. Throughout the years, Senators, including Senator Tower, have voted against Presidential nominees, based on their conscientious judgment that a nominee could not effectively lead the Department to which he or she had been nominated.

I want to just share with you just one example from history.

Charles Warren was narrowly rejected by the Senate in 1925 to be President Coolidge's Attorney General because of the appearance that his close association with the Sugar Trust would prevent him from impartially enforcing the antitrust laws.

Warren, it so happens, was from Michigan. He was a lawyer who, by the time his name was sent to the Senate for confirmation as Attorney General, had twice been confirmed by the Senate for Ambassadorships and was reported to have served with distinction.

Prior to that, however, he had been involved in the Sugar Trust of the early 1900's, and it was that involvement—the appearance created by his connection with the Sugar Trust although he had violated no law—that was the principal basis for the Senate's rejection.

The public and political reaction to the tactics and purposes of the corporate trusts had resulted in tougher antitrust laws. But that was only after major economic damage had already been done.

Warren's chief supporter in the Senate, Senator Cummins, from Iowa, pointed out that Warren's actions on behalf of the Sugar Trust in the early 1900's were not illegal at the time and that he should not be judged by what Senator Cummins said was the new standard of the 1920's.

The majority of the Senate disagreed. They determined that the public would not have confidence that Warren would be an effective enforcer of the antitrust laws as Attorney General and, therefore, should not be confirmed.

Mr. President, that is not dissimilar from the position, I have taken with regard to Senator Tower.

One of the reasons that I have decided to vote against his confirmation is that I am not satisfied he could effectively restore public confidence in the procurement practices of the Department of Defense.

The arguments in support of Mr. Warren back in 1925, also sound familiar. Here is a description of Senator Cummins' defense of Mr. Warren from a 1961 Arizona Law Review article by Louis C. James:

Senator Cummins, Republican of Iowa, was Warren's leading proponent. He had known the nominee for more than twenty years and had found him a capable and moral citizen. Warren had previously been confirmed by the Senate as ambassador to Japan and to Mexico, in which positions he had rendered meritorious service. These confirmations had been made since the Sugar Trust dissolution suit of 1910 * * * Cummins stated that * * * (t)he real issue involved would amuse any man. It was that some time in the future a case "might" arise that "might" call for Warren's prosecution and he "might" not perform his duty because of former connections. Warren had conducted himself well on every occasion of his employment by the Government (Cummins said). Facts and not hypothecations should govern the minds of men.

That was the argument of the proponents of Charles Warren and that surely sounds familiar to the arguments of the proponents of Senator Tower here in this confirmation proceeding.

The Warren confirmation is enlightening as an example in which the Senate asserted its constitutional responsibility to defeat a cabinet nominee because it did not have confidence that he would be effective in running his department.

As it happens, both of Michigan's Senators opposed the nomination of Charles Warren although he was from Michigan, Senator Couzens' statement is not dissimilar from my own feelings about the nomination before us.

Senator Couzens said:

Mr. President, in view of the fact that Mr. Charles Beecher Warren is from my home State, and I have been personally and intimately acquainted with him for 20 years, nothing would give me greater pleasure than to be able to stand upon this floor and urge with all of my power his confirmation. * * * I would rather stand upon the floor of the Senate and talk for somebody and for something than to stand here and talk against anybody or anything.

He went on:

But, Mr. President, on this question I feel so keenly that I am convinced I should not let the matter come to a vote without expressing not only my personal feelings, but I am sure I am expressing the feelings of my colleague from Michigan (Mr. Ferris). * * * We do not believe that Charles Warren would elicit public confidence, and if there is any one thing the Government needs at this particular time it is that the great masses of the people should have confidence in their Government.

Senator Couzens went on:

I would not hesitate particularly to put Mr. Warren in the Department of Justice if I were going to have the right to watch him and follow him. I would not hesitate to declare that he might under those circumstances do his duty. But we have 110,000,000 citizens who must have confidence that the laws are going to be enforced, and I want to say that the American public will not have confidence if Mr. Warren is placed at the head of the Department of Justice.

Mr. President, that statement was made on the floor of the Senate in 1925. We now have 250 million citizens in these United States, but the principle is the same. To paraphrase my predecessor from Michigan, if there is any one thing the Pentagon needs at this particular time it is that the great mass of Americans regain confidence in Pentagon procurement practices. One of the reasons for lack of public confidence in procurement at the Pentagon is the way Pentagon officials go through the revolving door with inside information about Pentagon plans and programs and promptly hire themselves out as consultants to or employees of contractors who could use that information. Further paraphrasing my predecessor, Senator Couzens, I do not believe the American people will have adequate confidence if Mr. Tower is placed at the head of the Department of Defense.

A critically important job for the next Secretary of Defense is restoring the public's and Congress' confidence in the procurement operations of the Pentagon. Given the Senate Armed Services Committee's hearing record and given John Tower's background of working as a consultant to some of our biggest defense contractors, promptly after whirling through the revolving door with great speed right after he departed as our lead negotiator at the START talks, his acknowledgment that he advised these companies specifically on their future product development as it was linked to his predicted outcome of the START talks—given that, Mr. President, I do not believe Senator Tower can effectively restore public confidence in procurement practices at the Pentagon at this time.

It has also been said that Senator Tower did what lots of others do. The Washington Post editorial put it more cynically when it said that Senator Tower's hiring out to private defense contractors so immediately upon leaving his job as a arms control negotiator in Geneva was undignified and rotten behavior but, the Post quickly added, it was just about par for the course in these matters. In other words, lots of others do what Senator Tower did, the Post said.

I do not believe it was par for the course. There were a number of distinctive aspects to what Senator Tower did when he went through the revolving door.

First was the type of information he brought with him. Second was the type of advice he gave to his clients. Third was the fact that he hired on as a key assistant on arms control matters at Tower Associates a former key employee at the START talks who remained on the rolls as a consultant to the delegation in Geneva. Fourth was the fact that Senator Tower does not see the poor appearance that was created. Fifth is the fact that if confirmed as Secretary of Defense, he would be put in charge of addressing the very appearance problem that he does not see. Sixth, he considers the propriety of providing an opinion to private clients based on confidential information as a grey area.

Let me elaborate on each of these points.

First, as our chief negotiator at the START talks, Senator Tower was privy to the most confidential information regarding our negotiating position on the very same weapons systems on which he later advised his clients.

Second, he described the nature of his advice to these clients—leading defense contractors on these critical weapon systems—as enlightened advice on product development—that is, the effect of his predicted outcome of the ongoing confidential START talks on the very same products being developed by those contractors.

Third, Senator Tower told the Senate Armed Services Committee that he "wasn't privy to the negotiations after (he) departed"——

The PRESIDING OFFICER. The Senator should note that he has spoken for 10 minutes.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LEVIN. Mr. President, as I indicated, Senator Tower told the Senate Armed Services Committee that he was not privy to the negotiations after he departed and that "the only information he had available to him was in the public domain."

It turns out, a year after he left the START talks, he brought on the staff of Tower Associates the executive secretary to the U.S. START delegation, Michelle G. Markhoff. She was privy to the negotiations during the time period after Senator Tower left the talks and before she came to Tower Associates. She also remained listed as a consultant to the State Department on those negotiations after she left the negotiations to join Tower Associates.

Fourth, Senator Tower says he does not see an appearance problem in his consulting role. I not only see an appearance problem, I see a problem with Senator Tower's inability to see the appearance problem inherent in advising private clients on the likely outcome of confidential talks as they affect their product line, when he is privy to confidential material of value

to those clients but wasn't supposed to share it with them.

Do appearances count in restoring credibility to Pentagon procurement practices? Well, there has been a lot about "Do appearances count?" The answer is, they do count.

Executive Order 11222 directs all Federal employees to "avoid any action, whether or not specifically prohibited [by the order] which might result in, or create the appearance of using public office for private gain."

And President Bush said:

> The guiding principle [of his Administration] will be simply to act in accordance with what is right and to avoid even the appearance of what is wrong.

Fifth, Senator Tower is now being proposed as the person to clean up the Pentagon's procurement practices, part of which clean-up must include addressing the revolving door problem that continues to undermine public confidence in those practices. Without awareness of the ongoing revolving door problem, there is less chance of restoring credibility to the procurement process.

Sixth, Senator Tower believes that whether or not one can properly provide advice to ones clients based on confidential information is "a grey area," providing the confidential information itself is not disclosed.

I disagree.

I believe such advice must be based on nonconfidential information. Certainly it is true that proving the basis of the advice may be difficult, but I believe the basis of the advice to a client cannot be confidential information obtained while in Government service. This may be a theoretical difference with Senator Tower since he says his advice was based on publicly known information. But it is an important difference nonetheless.

Some have urged in counterargument that Senator Tower did not violate a law, and I have said I am certainly willing to assume that. In fact, I assume all the nominees that a President sends to the Senate have not engaged in illegal behavior or else he would not be nominating them. But our function in determining the fitness of a particular person to effectively lead an agency is surely not limited to assuring ourselves that the nominee has not violated the law.

I voted against Ed Meese for Attorney General, even though an investigation by Independent Counsel had just found him unindictable, because I believed that there was sufficient doubt raised as to his sensitivity to ethical issues and because he was evasive on a number of questions which had been presented to him.

I voted against James Watt to be Secretary of the Interior not because he had broken a law, but because I did not believe he could effectively lead the Department.

Senator Tower himself voted against a nominee because he believed the nominee "exercised poor judgment," even though the President who submitted the nomination had confidence in the judgment of the nominee. He voted against another nominee—Dr. Ray Marshall to be Secretary of Labor—whom he described as an "intelligent, able, educated man," because he did not believe he could effectively lead that Department.

So, Mr. President, there have been many votes by both Republicans and Democrats against Presidential Cabinet nominees before. Opposition to Senator Tower's nomination is clearly within the Senate's historical approach to its advice and consent responsibility. More important, perhaps, opposition to this nomination is based on the same depth of conscience as is the support for this nomination.

As we heal the wounds in this body—and they will be healed because we are all people of goodwill in this body—we should all remember that the people who stand in opposition to this nominee do so with the same depth of conscience as those who stand in support of this nominee.

Senator Walsh of Montana, in his opening statement on the floor of the Senate against the nomination of Charles Warren, summed up the role of the Senate as follows:

> Mr. President, the founders of our Government, the framers of our Constitution, deemed it unwise to trust unrestrictedly to any one man the appointment of any of the principal officers of the Government, and accordingly provided that in the case of all nominations made by the President of the United States confirmation by the Senate should be necessary, except in the case of such inferior officers as Congress might provide should be appointed by the President alone, by the courts, or by the heads of the departments. The responsibility, accordingly, for the appointment of all the Federal officers where confirmation is necessary rests upon this body jointly with the President of the United States. Whether equally or in lesser degree it is unnecessary to canvass. It is indisputable that we share that responsibility and that we must assume it, at least in part. * * *

Another former colleague of ours made the following observations on the confirmation process:

> It seems to me that we have a responsibility under Article II of the Constitution to take part in what is, in effect, a two-pronged appointment process, a process in which the power of appointment is clearly divided, one part being the power of nomination, which is assigned to the President, and the other part being confirmation, which is assigned to the Senate.
>
> We are not given this power just as a matter of show, of exhibition; we are not given this power just so that we have something to do to fill in these days. This is a serious responsibility, and it is one I think we have to discharge in a serious way.
>
> I know the question will be raised here today, as it has been in the press today and in the last few days on the subject of comity with the Executive, of what we owe to a President to accede to his wishes, to give him officers to carry out his administration with whom he is comfortable and in whom he has particular personal confidence.
>
> Of course, this argument is made very strongly when we are in a honeymoon and, I think, it is not without some force. But on the other hand, I think we have to remind ourselves it is not the President's qualifications that are under review here today; it is the qualifications of his nominee.

What was said years ago is true today. The responsibility we have to reach the best judgment we can on the acceptability of a nominee, whatever our own flaws and however imperfect the process, is as unshakeable today as it was then. As long as article II, section 2 of the Constitution stands unamended, our responsibility will stand. We cannot duck it by undue deference to the President. We owe the President leeway but not obeisance, and not the leeway required by this nomination for this position at this time.

Mr. President, I ask unanimous consent that a letter from the State Department to Senator NUNN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, March 7, 1989.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: I am responding on behalf of Secretary Baker to your letter of March 3. Enclosed please find answers prepared by the Department in response to the questions contained within your letter.

I hope this information will be of use to you.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

Enclosure: As stated.

Q1. Did Ms. Markoff retain her security clearance after she resigned her position as Executive Secretary for the U.S. START delegation in Geneva and went to work for Senator Tower's consulting firm? If so, why was it not terminated by the State Department?

A. Yes—Ms. Markoff retained her security clearances after resigning. Ms. Markoff was retained on the Department rolls as a consultant with continued security clearance at the request of Ambassador Lehman in order to have her available as needed to provide for a smooth transition with the new Executive Secretary, which might have required Ms. Markoff to consult with the Negotiating Group members and the new Executive Secretary on administrative matters, and to have continued access to her technical expertise on an as needed basis. However, our records indicate that she never worked for the Department under this appointment.

Q2. Was Ms. Markoff maintained on the rolls of the State Department as a consultant—paid or otherwise—after she left the Delegation in 1987?

A. Yes—Ms. Markoff was maintained on the rolls as a Consultant, Without Compensation (WOC), although our records indicate that she never worked under this appointment.

Q3. If so, what was her job description? If it included responsibilities in the area of arms control, did the State Department know that Ms. Markoff was working for a consulting firm which provided them with advice on how probable arms control outcomes would affect their product lines?

A. A copy of Ms. Markoff's position description as a consultant is attached. Ms. Markoff's prospective employment with the John Tower Associates, Inc. Consulting Firm was fully disclosed to the Department when it retained Ms. Markoff as a consultant. Ms. Markoff was maintained on the rolls subject to the requirement that she not participate as a Department consultant in any particular matter in which any firm in which she owned stock or with which she was affiliated had a financial interest.

As a consultant to the START Negotiating Group, Ms. Michele G. Markoff will advise the Ambassador and Members of the negotiating group on matters involving the negotiations with the Soviet Union on strategic offensive nuclear arms. This includes, but is not limited to, the political and security implications of U.S. and Soviet arms control proposals, the relationship of the START negotiations with those on Intermediate Range Nuclear Weapons (INF) and Defense and Space (D&S) and the historical perspective concerning previous negotiations. Additionally, Ms. Markoff will advise the Executive Secretary of the Start Negotiating Group concerning the administration of the Group. This includes, but is not limited to, format and scheduling of official meetings with the Soviet Negotiating Group, proper utilization of administrative support and personnel, record keeping, creation and transmission of cables, and the format and scheduling of formal and informal social engagements.

Q4. What do State Department policies and regulations stipulate with regard to possible conflicts of interest involving consultants.

A. A consultant is subject to the ethical responsibilities of a special government employee. Department regulations (22 CFR Section 10.735-301 and following) define the ethical requirements applicable to special government employees while serving the government. A copy of these regulations is attached for your reference:

SUBPART C—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF SPECIAL GOVERNMENT EMPLOYEES

§ 10.735-301 Conflicts of interest.

Special Government employees are subject to the conflicts of interest statutes (18 U.S.C. 202). An explanation of these conflicts of interest statutes their effects upon special Government employees and guidelines for obtaining and utilizing the services of special Government employees are in Appendix C of Chapter 735 of the Federal Personnel Manual. A special Government employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with Government duties and responsibilities.

§ 10.735-302 Use of Government employment.

A special Government employee shall not use Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for the employee or another person, particularly one with whom the employee has family, business, or financial ties.

§ 10.735-303 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of Government employment for private gain for the employee or another person either by direct action on the employee's part or by counsel, recommendation, or suggestion to another person, particularly one with whom the employee has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may engage in teaching, lecturing, or writing that is not prohibited by law, Executive Order 11222 or the restrictions in this part; however, a special Government employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available, or when the head of the agency gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. A special Government employee who wishes to request the agency head to authorize the use of nonpublic information should submit such request through the Counselor. The request should contain complete information concerning the nonpublic information which the employee wishes to disclose and should contain in addition an indication of the intended use of such information and how disclosure of it would be in the public interest.

§ 10.735-304 Coercion.

A special Government employee shall not use Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to the employee or another person, particularly one with whom the employee has family, business, or financial ties.

§ 10.735-305 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with Government employment, shall not receive or solicit from a person having business with the employee's agency anything of value as a gift, gratuity, loan, entertainment, or favor for the employee or another person, particularly one with whom the employee has family, business or financial ties.

(b) The exceptions to the prohibition against the acceptance of gifts which have been granted to employees in § 10.735-202 (b), (c), and (d) are also applicable to special Government employees.

(c) A special Government employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342, and the regulations promulgated thereunder pursuant to E.O. 11320; 31 FR 15789. These regulations are set forth in Part 3 of this title (as added, 32 FR 6569, April 28, 1967), and in 3 FAM 621.

(d) A special Government employee shall avoid any action, whether or not specifically prohibited by these sections on special Government employees, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 10.735-306. Miscellaneous statutory provisions.

Each special Government employee shall become acquainted with each statute that relates to the employee's ethical and other conduct as a special Government employee of an agency and of the Government. The attention of special Government employees is directed to the statutes listed in § 10.735-216.

Q5. What, if any, was the nature of Ms. Markoff's involvement with the State Department after she left the START Delegation? For example, did she attend classified or unclassified seminars, submit any work products, or participate in task forces or group reviews of specific issues of policies?

A. As previously explained, while she agreed to serve as a Department consultant without pay if needed, our records indicate that her services were never used. She, therefore, did not attend classified or unclassified seminars, did not submit work products, and did not participate in task forces or group reviews. However, it is important to note that many experts, who currently work outside of government, are carried as unpaid consultants so their security clearance can be kept current. This procedure provides needed flexibility to complete special projects, staff task forces, etc., by retaining the availability of these individuals without incurring additional cost or lengthy delays to complete required security clearance procedures once their services were needed. It must be understood that having a security clearance does not automatically provide access to classified material. In all cases access is to be granted on a strict need-to-know basis.

Q6. What was the date of Ms. Markoff's visit in 1987 to the U.S. Delegation in Geneva? Were there any other visits by her between the time she left the Delegation and the end of 1988

A. We understand that Ms. Markoff visited Geneva from June 8 to June 13, 1987. She came to Geneva for a vacation, to pick up some personal belongings, and to discuss research on a book concerning Executive-Legislative relations. We are aware of no other visit to Geneva between the time she left the Negotiating Group and the end of 1988.

Q7. Was the visit arranged directly between Ms. Markoff and friends and former colleagues on the Delegation, or was a request for support and assistance in Geneva made by the State Department on behalf of Ms. Markoff? If so, are copies of any relevant cable traffic retained in State Department files?

A. Ms. Markoff personally arranged her visit. No formal request for support was made on her behalf.

Q8. Was Ms. Markoff assigned a "control officer" or point of contact for her visit to Geneva, or where all appointments arranged by her directly?

A. Ms. Markoff arranged her own appointments and was not assigned a control officer.

Q9. Was Ms. Markoff afforded any logistics support in Geneva? For example, did the U.S. Mission obtain hotel accommodations for her at the "embassy rate?" Did she have access to and privileges in the embassy convenience store? Were Mission vehicles made available for her use?

A. The Negotiating Group did not provide logistical support for Ms. Markoff in

Geneva, either to obtain hotel accommodations or to provide Mission cars for her use. It cannot be ascertained if she used the Mission convenience store during her visit.

Q10. Which Members on the Delegations were involved in Ms. Markoff's discussions?

A. During her visit, Ms. Markoff met with the Chief INF Negotiator, Ambassador Maynard Glitman; the then Chief START Negotiator, Ambassador Ronald Lehman; the then Deputy START Negotiator, Ambassador S. Read Hanmer; and the then START Executive Secretary, Patrick Moon. She also had social meetings with members of Ambassador Lehman's staff.

Q11. Did Senator Tower retain his security clearance after he resigned his position as Chief START Negotiator? If so, what duties required his retention of a clearance?

A. Senator Tower did not retain his Department of State security clearance after he resigned. His security clearance terminated on April 1, 1986.

Q12. Did Senator Tower visit Geneva in May 1986 or at any other time subsequent to his service as Chief START Negotiator?

A. Senator Tower was in Geneva from May 23 to May 26, 1986. He met socially with members of the START Delegation at that time. He made no other visits to Geneva.

Q13. Was the visit arranged directly between Senator Tower and friends and former colleagues on the Delegation, or was a request for support and assistance in Geneva made by the State Department on behalf of Senator Tower? If so, are copies of any relevant cable traffic retained in State Department files?

A. Senator Tower arranged his visit directly. No formal request for support was made.

Q14. Was Senator Tower assigned a "control officer" or point of contact for his visit to Geneva, or were all appointments arranged by him directly?

A. Senator Tower was not assigned a control officer. He met socially with friends who were assigned to the START Negotiating Group. No formal appointments were made.

Q15. Did Senator Tower conduct any discussions with members of the Delegation in Geneva in the delegation buildings? If so, did any occur in the secure rooms in the building?

A. Senator Tower did not visit any U.S. Government facilities while he was in Geneva. He had unclassified conversations with Ambassadors Lehman and Hanmer and other individuals on the START Negotiating Group at social engagements during his visit.

Q16. Which Members on the Delegations were involved in Senator Tower's discussions?

A. Senator Tower spoke with Ambassadors Lehman and Hanmer and some other individuals on the START Negotiating Group.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I am happy to yield 5 minutes to my friend from Vermont. Let me say I am grateful to him for his understanding that I be allowed to finish.

Mr. LEAHY. Mr. President, I appreciate the comments of the Senator from Michigan. I am in no particular hurry, but it just seemed like a good time to step in.

Mr. President, the nomination of Senator John Tower to be Secretary of Defense has become the first major controversy of the Bush administration. Charges and countercharges of partisanship, hypocrisy, and bad faith are being hurled from the White House to Capitol Hill and back again.

The debate in the Senate has been as personal and acrimonious as any I can remember in my 14 years in this body.

And while things may get worse before they get better—and I am confident they will get better—it is important that we have this debate.

Mr. President, I will vote against the nomination of Senator Tower to be Secretary of Defense.

It is not easy to vote against a man with whom I served for many years in the U.S. Senate. I do so only after long hours of reflection and study of the record.

Before I explain why I can not vote to confirm John Tower to be the next Secretary of Defense, I want to talk for a few minutes about what this debate is not about.

Contrary to what many are claiming, this debate is not about partisanship. The Senate Armed Services Committee has conducted itself in a professional, thorough, and objective manner, as is its responsibility under the Constitution. A failure to exhaustively examine Senator Tower's record—both public and private—would have done a disservice to all Senators who do not sit on the Armed Services Committee, and, quite frankly, to the American people.

Controversy has dogged the Tower nomination almost since his name first surfaced as a probable nominee for Defense shortly after election day. For well over a month before President-elect Bush announced Tower's nomination, rumors swirled from within his inner circle that such a decision could turn into a problem.

Let us remember that it was conservative activist Paul Weyrich—not Armed Services Committee Democrats—who publicly raised questions about Senator Tower's private life.

And it wasn't Democratic committee members who brought forth allegations about Senator Tower's financial affairs to the Justice Department and Boyden Gray—charges that were serious enough to delay completion of the final FBI report on Senator Tower.

No. There has been no partisan witch hunt. Democrats on the Senate Armed Services Committee simply did not allow themselves to be stampeded into taking precipitous action on such an important nomination.

This debate is about Senator Tower's fitness for office, and the Senate's duty to fulfill its advice and consent obligations as outlined in the Constitution.

Much has been made about Senator Tower's drinking habits—and how they have changed, or not changed over the years. I agree with Senator NUNN and others who contributed to the report of the Senate Armed Services Committee: there has been a disturbing pattern to reports that Senator Tower has misused alcohol for years, including in the recent past.

Senator Tower and his doctors say there is no problem. Senator Tower has even gone so far as to promise not to have another drink so long as he serves as Defense Secretary, and that is commendable and I have no reason not to believe him.

But sobriety is not the only prerequisite for the job of Secretary of Defense.

The next Secretary of Defense must have personal and professional rectitude worthy of an office whose occupant is in the military chain of command. He must have the trust not only of the President and his colleagues in the Cabinet. He must have the trust of the 1,000,000 civilian and over 2,000,000 active military personnel of the Department of Defense. He must have the trust of the American people.

Mr. President, I do not believe Senator Tower is the right person for this job.

Public trust in the Pentagon may be at its nadir when one heaps the ill-wind procurement scandal on top of the pile of overpriced toilet seats and coffee pots. Today the perception exists—quite rightly, I believe—that the American taxpayers have not received a dollar's worth of defense for every tax dollar they pay.

Far from it. Images abound of mismanagement inside the Pentagon and rapacious defense contractors. This threatens the bipartisan consensus necessary for us to buy the weapons we need and the necessary equipment and supplies for our men and women in uniform.

And that is not all. I am just as concerned with morale in the Pentagon as I am about my public consensus that exists today. Mr. President, you and I know that for every greedy weapons contractor or defense official, there are literally thousands of Americans working to defend our country who are motivated by pride, patriotism and a sense of obligation to protect our democracy. I fear that morale in the Pentagon has hit rock bottom.

This brings me to Senator John Tower. I served with Senator Tower on the Armed Services Committee for a number of years. Few people know the defense business better than he does. I have respected him as a competent professional who has served his country with distinction on a number of occasions.

What concerns me the most about the Tower nomination was the so-called revolving door issue, whereby Pentagon employees frequently leave their jobs for careers in industry, and

make small fortunes with troubling alacrity.

Senator Tower's case is particularly troubling. By going to work immediately after leaving the START delegation for defense industries with a direct interest in the outcome of the Geneva arms talks, Senator Tower, in my mind, crossed a line into improper—though not illegal—behavior. By making nearly $1,000,000 in 2 years, knowing all the while that returning to the Federal Government was more than a possibility, Senator Tower showed a fundamental lapse in judgment.

In the words of the report of the Senate Armed Services Committee: "His post-START consulting employment reflected insensitivity to the appearance that he had used inside information for private gain. His activities would weaken public confidence that defense acquisition decisions will be based solely on the public interest."

For this reason in particular, but not alone, I will vote against Senator Tower. President Bush should move surely and swiftly on a nominee who will restore strong management to the Pentagon, and have the trust of the American people.

One final note: I want to personally thank Senator NUNN for his thoughtful, deliberate, and decisive way he handled this nomination. As sometimes happens in this body, when one side comes up short on the merits of an issue, motives begin to be questioned and names are called. Partisan criticism aside, Sentor NUNN has done a great service to this country. The U.S. Senate is immeasurably enhanced by his presence.

Mr. President, we all know how the voting is going to go today, but I also hear a lot of discussions about what else this vote means. I would like to speak about a few things this vote does not mean.

I do not believe the pundits who say that any shred of bipartisanship will break down in this body after this vote.

I would just point to two items just today or my own experience. On one committee on which I serve, the President's nominee, a person who started out being very controversial as a nominee, was voted by the committee virtually unanimously. Not only that, unanimous consent has been granted by Democrats and Republicans alike to bring this nominee to the floor of the U.S. Senate later today. If there are 100 of us here, he will probably get 96, 97, 98 percent of the vote. That is bipartisanship.

I chaired a meeting on a very important issue to the country involving the commodity futures markets of this country. One of the things we tend to overlook is that in the rest of the Government, business goes on; in the rest of the Senate and House, business goes on. Now we stand in this debate.

This is something involving markets that handle hundreds of billions of dollars in a relatively short period of time each year here in the United States. I watched Republican and Democratic Senators reaching many of the same conclusions in an effort to make sure those markets are protected and that the administration's oversight of the CFDC continues to work and that the Democrats and Republicans in this great body send a message of support for the best way to make that work.

Again, bipartisanship. Nonpartisanship, in one sense; to make sure that the Government continues.

I have heard it discussed that the President should be automatically entitled to a nominee. Well, that is not what the Constitution says, nor is it what Senator Tower said on the floor of this Senate on occasion, or Senator THURMOND, or Senator NUNN, all of whom voted against Presidential nominees in the past.

When former Senator Muskie, a Member of this body, was up for confirmation to be Secretary of State, it was then private citizen George Bush who said that we should vote against Edmund Muskie because of policy differences. Not because he disagreed that he was a fine man. In fact, he went out of his way to praise him as such. But on policy differences.

Also, the President's defense policy is not going to be judged by this. The President's defense policy is going to be judged by the President's defense policy. It is as simple as that. The Secretary of Defense will carry out the policy of the President of the United States. The President of the United States will enunciate his policy. His next appointee, if confirmed, will then be sent there to carry that out and at the end of the year President Bush will not be judged on this battle. President Bush will be judged, at the end of the year, at the end of his term, on what was ultimately his defense policy and what were the talents and philosophy brought to that defense policy by his confirmed appointee, the Secretary of Defense.

Last, I might ask, will the President and the Congress now agree or disagree for the rest of the year? The answer is "yes." In some areas we will agree, as we will on one nomination this afternoon. We will disagree on another. But, like the whole sense of advice and consent, that is also part of the Constitution. It is part of the checks and balances which made this country the oldest existing democracy today.

So those are points that I think are perhaps self-evident but seem to have been lost in the debate and in some of the coverage of the debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. WALLOP. I would observe that President Bush's defense policy will be judged whether or not he has the opportunity to articulate one. It will be his, whether the Senate Armed Services Committee is the defense policy expert or the President is.

This has not been a debate about America's defense needs and whether the nominee whom the President has chosen to address them in his behalf understands them and can address them.

The debate has avoided such issues principally because it is less concerned about fears of John Tower's incompetence than fear of John Tower's competence.

I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to have heard the last two statements. My comment is short, but I want the Senate to know that whether there is bipartisanship here depends upon the majority. It is not a responsibility of the minority. The majority sets the tone in the Senate.

I just had a call from a friend of many years, and in the course of the conversation he said to me: you just do not know what you are doing. Where are you going to get people to take jobs like this? You are about ready to turn down a person who served 24 years in the Senate, and the majority says it is not political. If it were political, people would understand it. If it is substantive, what in the world could lead to the judgment that a man who served here 24 years, who is a renowned expert in defense should not be the Secretary of Defense, based on what is in that file upstairs?.

Mr. President, I find that argument to be a good one, and I hope the majority knows what it is doing. For the first time in 200 years an incoming President will not get the Cabinet of his choice. On January 20, 1969, we stood here and watched every Cabinet officer confirmed within minutes after the President was sworn in, except one, and that was my Governor, and he was sworn in about 6 weeks later.

This is the first time in the history of the Republic that the Senate has turned down a former Senator, except for the one time in the period coming out of the War Between the States.

I think that, really, what we have to do is find a way to convince people it is political. They would understand it then. And I wish the majority would admit it. Because it is political to me.

I think the Senate should know that bipartisanship is not automatically going to be restored. Unless the major-

ity wants it restored. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, the majority has the principal time remaining. I ask unanimous consent that the time remaining on the minority side be reserved for the minority leader and that without regard to any quorum call.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object. My good friend from Wyoming knows I was off the floor and just got volunteered to sit here in the Chair so I am not sure just what the procedure was before. As I understand it there is a vote scheduled for 4 o'clock; is that correct?

Mr. WALLOP. That is correct. The vote is locked in.

Mr. LEAHY. I am not going to object. I just do not know the agreement.

Mr. WALLOP. I am clearly not trying to get it past the vote at 4 o'clock but the minority leader has been articulate and graceful in this.

Mr. LEAHY. I have no objection. My friend from Wyoming knows I just stepped in. I am not a member of the committee. I just want to make sure I know what is going on.

I have no objection to it. Certainly both the minority and the majority leaders, I am sure, would want to be able to have a final word in this.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, parliamentary inquiry, if a quorum call now would be judged to be charged to the majority? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. How much time is remaining to the majority?

The PRESIDING OFFICER. Fifty-nine minutes and twenty-six seconds.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the distinguished Senator from Wyoming had made in his unanimous-consent request that the time be reserved for the distinguished Republican leader. I ask unanimous consent that an equal amount of our time be reserved for the distinguished Democratic leader.

Mr. WALLOP. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand now we still have about 50 some-odd minutes?

The PRESIDING OFFICER. Fifty-four minutes, including that reserved for the leaders.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask if the distinguished representative of the majority will yield me 4 minutes.

Mr. LEVIN. I will, indeed. I will be happy to.

Mr. CHAFEE. Mr. President, as we near the end of the Tower confirmation debate, I certainly hope we will not rise and proclaim that this has shown the Senate at its best, that we vigorously debated and came to a conclusion in a difficult and contentious issue. In my judgment, this has not been the Senate at its best. It has been the Senate at close to its worst. Everyone has lost. If anyone can name a winner in the process over the last couple weeks, I do not know who it is. Certainly John Tower has lost, having his name plastered across front pages all cross the Nation as guilty of, as in this Washington Post, "drunkenness and harassment of women."

The President has lost, having had taken from him the person he felt was best qualified to run the Department of Defense. The Senate has lost. We have shown an inability to protect the nominee from calumny and trashing. Partisanship is clearly heavy in this debate and the prospective vote, despite the fact that Senator Tower served here for 24 years, was confirmed as an Ambassador to the arms negotiations, headed the Tower Commission, was highly praised for his conduct in all of these positions; despite the fact that everyone concedes that in a nomination such as this the benefit of the doubt goes to the nominee; despite the fact that every single charge against Senator Tower was either demonstrated to be highly unlikely to have occurred, or was rebutted by several witnesses present at the same occasion; despite all this, and I certainly recognize there are grounds for difference of opinion, that individuals can come to different conclusions, to have 52 out of 55 Democrats as it appears now who have come to the conclusion he is unfit to be confirmed is certainly unusual and strange. It seems to me, for reasons unknown, the Democrats have decided that as Democrats they will deny this nomination.

Now, the defense to all of this is, well, if there is partisanship, how about all the Republicans being for Senator Tower. That argument falls on its face. All agree that we should give the benefit of the doubt to the President's nominee. The heavy tilt as I say is for the nominee. The unusual action is to deny the nomination. The tilt is for, not against, the nominee.

In this affair, and I can call it a sad affair, the press has failed miserably, with the Washington Post running this article on its front page a week ago in the middle of the Senate's consideration of this matter: "Incidents at Defense Base Cited. Drunkenness, Harassment of Women Alleged"—totally disproved. It turns out it was highly unlikely that the individual who made these charges was even at the base at the time Senator Tower was suggested to have made the visits there. It seems to me this type of journalism belongs at the checkout counter of the Safeway next to the National Enquirer headline: "87-Year-Old Woman Marries 14-Year-Old Boy.".

However, life goes on. There will be other debates and other disagreements. It is my sincere hope, Mr. President, that the Senate will acquit itself in the future in a far better fashion than it has in this affair. I thank the Chair and I thank the distinguished Senator from Michigan for yielding me this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. WALLOP. Mr. President, I believe there is a unanimous-consent agreement controlling time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the time for the quorum call come off of this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the proceedings of the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask the distinguished manager if I might have 7 minutes.

Mr. LEVIN. I am happy to yield the Senator from Massachusetts 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, the nomination of John Tower to be Secretary of Defense has now consumed the energy, psychic, and political intellect of this body for weeks now, and it has so consumed the energy of the

President of the United States, indeed of the country. I think probably everything that can be said has been said. We all know where the votes are, as the minority leader has said on a number of occasions.

Mr. President, I would like to observe that in carrying out its responsibility for advise and consent under article II of the Constitution we have been consumed now in an increasingly ugly debate over the merits of John Tower for this job, and as we have descended into this maelstrom, work on vital issues to this country has been delayed, and sadly the spirit of bipartisan cooperation that the Congress and the President promised one another such a short time ago has been at least partially, and we hope only temporarily, dissipated in a cloud of bitterness.

I want to emphaize that this is not the course that most of us would have preferred not is it a course that is dictated by good politics of any kind. It is clear to me the majority on the Senate Armed Services Committee would have preferred to have been able to vote for this nominee. I know from talking to members of the committee that they would have approached and approached the initial deliberations with a mind to recommending the nominee to the Senate. That was the preferred outcome as we began the process. And to have been able to do so would have avoided what all of us have come to feel is an unseemly agony and acrimony.

But instead, after careful consideration of the public and private record, the majority of the committee chose to vote against him.

It is neither pleasant nor easy to vote against a former colleague. Perhaps more particularly a former distinguished chairman, and for lots of reasons, some of them obvious, some of them not so obvious.

I believe that this vote has been a vote not of partisanship, but a vote of conscience. I believe that the chairman of the Armed Services Committee, the distinguished Senator from Georgia, Senator NUNN, deserves respect, not vilification, for having carefully and judiciously proceeded to try to guarantee that there was an allowance for conscience to be able to speak in the U.S. Senate.

As I have announced previously, I share the belief that Senator Tower is not the right man for this job at this time. Unlike some of my colleagues, though, I do not base that belief on the FBI report, at least not principally. Senator Tower has taken a significant or earned a significant amount of money within a very small space of time from too many military contractors whom he now seeks to come back to be the chief regulator of. The appearance of conflict and the real conflict are simply too strong. This is particularly true when confronted with the fact that he refuses to recuse himself from matters that involve those people. At a time when the Pentagon is screaming for the toughest kind of judgments and leadership with respect to the procurement process, I simply believe this nomination is fatally flawed for that reason alone.

Only once before has my conscience dictated that I vote against a nominee for Cabinet of the President of the United States, and that was among my first votes as a Senator. That was to vote against the nomination of Ed Meese as Attorney General. I did so for reasons very similar to those that cause me to vote against Senator Tower. In the case of Mr. Meese, as we remember, many of us felt he had demonstrated a blindness to obvious conflicts of interest which should have disqualified him from that position. Subsequent events, including unprecedented criticism from members of the Justice Department, validated our judgment that he was unfit for that job. In the same fashion, Mr. President, I believe that the committee report has summarized this problem well. It said:

> Service as an arms control negotiator was followed soon thereafter by establishment of a consulting service in which he provided some of the Nation's largest defense contractors with advice about the probable outcomes of ongoing confidential arms control negotiations and the implications of such outcomes on future product development. Such activities reflect questionable judgment and weakened confidence in his commitment to the public interest.

The committee found that Senator Tower's decision to provide consulting services on arms control matters so soon after serving as an arms control negotiator crossed a line with regard to the revolving door. The committee found that Senator Tower "created the appearance of using public office for private gain."

Mr. President, others in Government have left public service and gone on to provide services for those they once regulated. But others are not seeking to go back yet again through the revolving door in order to return to become the regulator again. It seems to me that the decision once made is a decision that ought to be adhered to. I believe Senator Tower cannot credibly regulate at a time when he has shown that particular conflict.

The Secretary of Defense is supposed to provide leadership in cleaning up what is known as the ill-wind that has blown through the Pentagon. This nominee on the other hand spent 2 years between top Government national security positions leading military contractors to where the money was in effect showing them which way the wind was blowing.

The nomination of John Tower therefore unfortunately represents business as usual at a time when we cannot afford it.

The PRESIDING OFFICER. The Chair reminds the Senator from Massachusetts that his 7 minutes have expired.

Mr. KERRY. I do not know what the time is. Is there additional time?

Mr. NUNN. Can I give 1 more minute? We are going to run out of time.

Mr. KERRY. I do not want that to happen. I know the distinguished President pro tempore wants to speak. Let me just wrap up.

Mr. BYRD. Take an additional minute out of mine.

Mr. KERRY. I thank the distinguished President pro tempore.

Mr. President, as a former prosecutor, I was deeply troubled by the FBI report and by this process. That is one of the reasons why I chose to look mostly at the public record and make a judgment in this case. That is not to say that we should not or cannot make a judgment based on that report, and to a certain degree, I did. But I think the Senate would be well cautioned in the future to find ways in which we can avoid the kind of contentiousness that has arisen over this process.

I would also call to mind that I have heard my colleagues on the other side of the aisle talking about due process and beyond a reasonable doubt, and other standards of law. None of those are standards which apply here. This is not a court of law. We are not operating under rules of evidence. We have been elected by the people of this country to make a judgment of conscience and of rationality.

It is our job to use all the input in making that judgment—hearsay, uncorroborated reports, corroborated reports, evidence that is uncontested, and evidence that is contested.

I have tried to do that in this matter. I agree that John Tower has been somewhat the victim of that process. I think it is only fair for us on both sides of the aisle in order to guarantee the future integrity of this process to admit that, and to move on.

Finally, Mr. President, I would like to pay tribute to the distinguished ranking minority leader, Senator WARNER, to Senator NUNN whose leadership I have already mentioned, and to the majority leader, Senator MITCHELL, who has cut his teeth on the first significant issue in the Senate this year, with the kind of distinction that many of us who voted for him felt he should be the leader, would exhibit. I think the Senate has been well served by that leadership.

Mr. President, I will take no pleasure in voting against Senator Tower for the reasons I have enunciated. I believe the President is entitled to great deference in the selection of a Cabinet nominee.

I regret that in good conscience I cannot vote in favor of his choice.

But the record is clear—the charge by some that this rejection is a partisan move by the Democrats is a phony.

From the first, this nomination has been controversial. While Secretary of State Baker was nominated the day after the election of President Bush, the Tower nomination was held up for weeks last fall while the President waited for the FBI to complete its initial investigations. By early December, the press was asking whether the President was allowing John Tower to "twist in the wind." A typical article was one in Newsweek's issue of December 12, 1988, which stated "one question was whether Tower has already been damaged beyond repair."

When Newsweek was asking whether John Tower had already been damaged beyond repair, not a single Democrat had uttered a word of criticism of John Tower. The damage that had been done had been accomplished by the President's own delays in making the nomination, and by the information that had already been made public by those in the executive branch.

Now, 2½ months later, John Tower continues to twist in the wind as a result of information contained in a series of FBI reports, as a result of his documented acceptance of more than a million dollars from those he would not regulate, as a result of opposition of prominent Republican political activists.

If anyone is being partisan, it is those who suggest that the Democrats somehow chose this fight. We didn't choose Tower, and we didn't choose Tower's conflicts of interest. Senator Tower's own behavior has placed us in the position of having in good conscience to reject him. If the President's prestige suffers for this rejection, the blame, if any, should fall on Senator Tower for not withdrawing his name from consideration.

I am also certain the claimed defeat of the President has been exaggerated. I have no doubt that the President will swiftly be able to find another nominee with the appropriate experience to enable us to having the Nation's full confidence as a manager of our national defense.

We have many issues of importance before this body and this administration. We need to move forward with initiatives on arms control—conventional, chemical, and nuclear. We need to move forward with solving our defense procurement problems. We need to move forward with making choices among our current array of military systems, to keep the defense spending within the budget that has been allocated to it.

I do not believe John Tower can credibly do this, and I will vote against him.

I yield whatever time I have.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield 10 minutes to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Armed Services Committee. The Senate is about to vote on the Tower nomination. Whatever the outcome, I will be glad for an end to this. We continue to hear dire predictions of the end of bipartisanship, continuing acrimony in the Senate, and scars that will not heal for a long, long time.

Mr. President, I do not accept those predictions. I have heard them before, many times. Tomorrow, a week from tomorrow, a month from tomorrow, this Senate will be faced with new and difficult and controversial problems. So we will move on. History repeats itself. We heard the same things said at the time the Bork nomination was before the Senate. But the Senate moved on. So let us put it into focus, and cease the acrimony. Today's outcome need not end the spirit of bipartisanship.

Senators have a responsibility to be bigger than that. We all have a responsibility to be bigger than that. Senators have an obligation to see that such predictions do not come true. I have an obligation to do whatever I can to see that they do not come true. We all carry that responsibility. President Bush said in his address to the Congress, "The American people do not send us here to bicker." I believe the President was right. We all have to rise above the fallout from this nomination.

Let us not permit it to cloud our vision of the future and the knowledge of our responsibility to work together on behalf of the American people in the future.

In my view, there are no winners or losers in this battle, save the Constitution. The Constitution is the winner in this battle.

Article II, section 2, clause 2 of the Constitution says that the President "shall nominate, and by and with the advice and consent of the Senate," shall appoint.

I have heard it said that the rejection of this nomination is going to set a new precedent, that for the first time, the Senate will have rejected a nominee of a new President.

Mr. President, the constitutional clause which I have just quoted does not say that the President shall nominate, and, with the advice and consent of the Senate, except when there is a new President, shall appoint. It attaches no such condition on that responsibility that is placed upon the Senate. It does not excuse the Senate from bringing to bear its best judgment, and utilizing its courage and acting in what it views to be the best interest of the American people in the case of a newly elected President. It does not say that there is to be any relaxation of that responsibility on the part of the Senate when there is a new President.

A new President's nominee should be viewed with the same probing, careful, meticulous scrutiny, as should the nominee of a President who has served 2 years, 3 years, 4 years, or well into a second term.

So let the harsh charges and words recede and become a part of history. We have serious work to do, and we must move on. There is something to be learned from this experience. It is that we ought to be very reticent in questioning the motives of other Senators. We have heard charges, maledictions, predictions, contradictions, and countercharges. We have heard the charge of partisanship thrown around quite carelessly.

Mr. President, I respect every Member of this body. I respect every Member's exercise of his own judgment. I do not question his conscience in a matter of this kind. No one could have been more fair to the nominee than Senator NUNN. No one could have been more fair in dealing with this nomination than our majority leader has been.

I think that every member of the Armed Services Committee who voted as he did, every Member of this Senate who will vote as he or she will vote on this nominee, exercised and will exercise, an honest judgment. Who am I to say that it was a partisan judgment? The Constitution does not lay down any specific qualifications or standards for nominees. One may vote for or against a nominee on the basis of this or that or some other circumstance. He does not have to state his reasons. We all ought to show respect for each other's integrity.

We talk about being fair to the nominee; and we ought to be fair with the nominee. But we ought also to be fair with one another. We have to live together. We have to work together. Charity begins at home.

There are serious concerns about the nominee for the position, which have nothing to do with any desire to damage this new President, concerns that have nothing to do with partisan politics. The charge of partisanship could just as easily be made, pointing the finger in the other direction. But should not be done either. So the harsh words should stop. We must not rub salt into the wounds that have been opened. Let us act like men and women, adults, not like warring children in a sandlot football game.

I wish John Tower and his family well. I wish this new President well, and I hope for a speedy confirmation of the President's new nominee for Secretary of Defense. The minority leader will remain my respected

friend. We have been in many battles, and we have bound up many wounds.

So let us all turn our attention to approving the rest of the President's nominees and to doing the business of the Nation. Let us not look back. Scripture says that, "no man having put his hand to the plough, and looking back, is fit for the Kingdom of God."

We have a duty to look forward and to leave the dust of the battle here. Let it settle. Let bygones be bygones and attribute to each Member the benefit of the doubt. We have heard a lot said about giving this nominee the benefit of doubts. I say, let us give the benefit of the doubt to the Senators who are going to vote against the nominee. It took a great deal of courage for the chairman of the Armed Services Committee, to take the position he has taken.

I congratulate the ranking member, Mr. WARNER, likewise, for standing up for his beliefs, but let us not question each other's motives. That is all too easy to do. Each of us reacts indignantly when his own motives are questioned. Then let us not point the finger at others any longer. Let us prove that we are worthy of serving in this body.

The people who sent us here deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. NUNN. Mr. President, what is the remaining time?

The PRESIDING OFFICER. Sixteen minutes and fifty-six seconds.

Mr. NUNN. Mr. President, the vote we are about to cast brings to an end a difficult and unpleasant chapter in the history of the Senate's advice and consent process.

When the tally is announced there will be no winners, other than our system of Government and the United States Constitution. There will be no celebrations, no backslapping, no cries of victory. If the Senate rejects this nomination there will be deep personal disappointment for the nominee and his family. For those who have supported him with such loyalty and conviction, there will be profound sorrow. And for those of us who reluctantly came to oppose this nomination, there will be the lasting knowledge that we came to a different conclusion from that reached by colleagues for whom we have such respect and high regard.

But if we in the Senate are to heal these wounds and rededicate ourselves to the accomplishment of those tasks for which the people dispatched us to this great institution, we must begin by understanding that we did our duty under the Constitution and we did it to the best of our abilities.

When the tally is announced, I do not believe the result will accurately reflect the struggle so many Members underwent in arriving at their vote. This decision has been very difficult for Senators on both sides of the aisle. There were Republicans who agonized over their vote, and came down "yes." There were Democrats who agonized over their vote, and came down "no."

I would hope that those across this land who watched these proceedings or followed them would not be swayed by simplistic characterizations of the outcome. Rather, I would hope that they would believe their own eyes and their own ears. Anyone who watched as Senator after Senator announced his or her position on this vote and listened to the care with which those speeches were delivered knows that these were deeply personal convictions.

Nor, despite reports and rhetoric to the contrary, is this a referendum on the new Bush administration. This was a unique case, a unique situation. I do not believe that we will have another nomination with this number of allegations and this degree of controversy in my lifetime.

With the passage of time, there will be an opportunity for calm reflection on the lessons of this experience. But that must await a time when the sound and fury of this long and wrenching struggle have subsided.

What matters now is that with the courtesy, comity, and cooperation that have for 200 years been the hallmarks of the U.S. Senate, we return after this vote to address the serious challenges facing our Nation at home and abroad.

The PRESIDING OFFICER. All remaining time is now equally divided between the two leaders.

Mr. NUNN. I thank the Chair.

I stand ready and indeed look forward to working with President Bush and my Republican colleagues and my Democratic colleagues on these issues.

Mr. President, John Tower is a patriot. He has made important contributions to building a strong defense and a strong America. He will, I am sure, make many, many more.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

If time is not yielded it will be charged equally between the two leaders.

Mr. NUNN. Mr. President, I have certain information to put in the RECORD relating to a Wall Street Journal editorial. I ask unanimous consent this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

USE OF MILITARY AIRCRAFT AND FBI REPORT, MARCH 9, 1989

The Wall Street Journal has an editorial today which, among other things, suggests an improper action on the part of my staff in terms of flying on military aircraft.

Despite the fact that an earlier incorrect article by Evans and Novak related to the use of Armed Services Committee staff of a military aircraft had already been corrected on March 6th by Senator Warner, Senator Exon and Senator Simpson, the Wall Street Journal repeated the earlier error.

I ask unanimous consent that a March 6th colloquy between Senator Warner, Senator Exon, and Senator Simpson on this subject be inserted in the record following my remarks.

I also ask unanimous consent that a statement inserted by Senator Warner on March 6th explaining this matter be inserted in the record following my remarks.

I also ask unanimous consent that a letter dated March 8, 1989 by Acting Air Force Secretary James McGovern to the Washington Post correcting the Evans and Novak article be inserted in the record. I would insert the letter at this point.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, March 8, 1989.

MS. MEG GREENFIELD,
Washington Post,
Editorial Page Editor,
Washington, DC.

DEAR MS. GREENFIELD: I frequently read and have great respect for the Evans and Novak column. However, their March 6th article, "Sam Nunn's Agenda," left an erroneous impression of how Air Force aircraft are used to support the Congress. I would like to set the record straight regarding Mr. Punaro's use of an Air Force C-21 on January 7, 1989.

The article referred to Mr. Punaro as "commandeering" the aircraft. The implication in using this term is that use of an Air Force aircraft was improper. This is simply not the case. The fact of the matter is both the Administration and members of the Senate Armed Services Committee were attempting to schedule confirmation hearings on Senator Tower in a timely manner. Before such hearings could be scheduled however, it was essential that the Chairman and Ranking Minority Member of the Senate Armed Services Committee review the FBI file.

It was, therefore, in the best interest of the Administration and the Congress that the FBI report be delivered promptly to Senators Nunn and Warner in order to facilitate an expeditious review of the materials. This would then insure that a confirmation hearing could take place as early as possible.

On a matter as important and time sensitive as this review of the FBI report, use of a government aircraft was prudent and practical. All actions taken by Mr. Punaro were in accordance with existing regulation and policy.

Sincerely,

JAMES F. MCGOVERN,
Acting Secretary of the Air Force.

Mr. WARNER. Mr. President, before my distinguished colleague departs, I have not as yet had the opportunity to read the Evans-Novak column here in the Post of today. I did take it upon myself at my own initiative to see Roland Evans and to tell him precisely what occurred, that is, to the extent I had knowledge on the subject, and I will not recount basically what I told Mr. Evans, and then I will later have the opportunity to read it and see if

this article in any way reflects the information that I possessed.

Senator NUNN and I were together at this charity event. He was scheduled to leave the event and go on other prescheduled trips, thereby preventing his return to Washington. I was, however, and did return to Washington Monday after the weekend. Now, prior thereto Senator NUNN and I had both expressed to the White House our availability at the earliest possible time to look over the FBI material. We were told that as soon as it was available we would be notified.

Insofar as I know, the first knowledge of its availability came to the chairman while he was with me at this particular event. He pulled me aside out there and said that he had made arrangements for the FBI report to come out. As far as I know, the arrangements were made as is custom by the chief of the staff of the majority. I did not get involved in the details.

The report was brought out, Senator NUNN and I departed from the activities that we were scheduled to be involved in, and spent on Saturday, my rough estimate now is around 2 to 2½ hours looking at it Saturday evening—not late evening. I would somewhere in the area of 5:30 to 8:30 to 9.

We then recognized that we had to do a great deal of additional work. We got up around 7:15 the next morning, regrouped with a member of the White House counsel staff, a military aide, Mr. Punaro, and my chief of staff, Mr. Tucker. In my recollection we must have spent another 2½ to 3½ hours from say 7:30 on Sunday morning working on it.

There were two advantages to having the report being brought to us. A, it enabled us to look over that report and then advise White House counsel where we felt there were areas that required additional research. They took our request and initiated immediately the additional research under the aegis of the FBI.

Mr. NUNN then went on some scheduled trips elsewhere. I returned to Washington, continued to work with both majority and minority staff, then worked by telephone with Mr. NUNN throughout that week until he returned, and shortly after his return we resumed working with the FBI here in the Senate Armed Services Committee spaces.

I have not had an opportunity to read this through. I will, and I may have further comments later.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague from Virginia for the explanation that has just been offered. I would simply caution my good friend and colleague from Wyoming. If you do not believe everything that you read in the FBI report, do not necessarily believe that report is any more authoritative on some matters than the Evans-Novak story in the paper today.

I believe that the Senator from Virginia has highlighted what I was going to say in rebuttal to that charge.

I just say I think it is sad indeed that we feel it necessary to come on to the floor of the U.S. Senate and directly or indirectly impugn the motive of our colleagues. We all know this has been a very, very difficult task for all of us—the majority and the minority.

I just want to make it very clear that the facts of the matter are, money was saved from taxpayers' expense in the way this was handled by the chairman of the committee which is customary because on that airplane that went out it was not just SAM NUNN's chief of staff for the committee, but there was the majority staff director, the minority staff director, and the White House lawyer that my friend from Virginia has already referred to who had to go along because it should be understood by now that the White House report is never given to a courier other than someone who has authority to handle the report. That is why the White House lawyer went along. In addition, there was a military escort that has been properly outlined by my colleague from Virginia.

So I think we can have our differences of opinion but how the report was carried out there and whether or not it was a good idea to take a military aircraft is not a valid point of concern. In fact, from that perspective, it has been brought out that was the cheapest way for this to be handled.

Also, as Senator WARNER has very well outlined, time was of the essence. This was on January 7. I remember it very well because I talked on the telephone with Senator NUNN that day in Phoenix or wherever he was. I do not remember where he was. He told me that Senator WARNER was there. I had received some information that I thought was critically important that I relate to the chairman. I did so over the telephone. He told me that the report was on its way out at that time, and that they were doing this so we could speed up the process because the record should show we were not scheduled to come back into session until January 20. I know Senator NUNN, and I suspect also that Senator WARNER felt that the sooner they had the opportunity as the leaders of the committee to address this subject and study the report, get the process going, we would be better prepared when we finally did get back to call the full committee into session to discuss the nomination which we did.

Just one other point. I heard early about the charge of an Eastern-bloc woman and his relationship. I did not believe it at the time. I also heard some time before it broke in the press the episode about the drunken ballerina—supposedly—Soviet, and on top of the piano dancing. I did not believe that either. As it turned out, I think that the FBI report among other things closed an awful lot of loopholes with regard to allegations that were simply not accurate.

If I were the opposition to my position on the Tower nomination, I, too, would use these reports which are unfair, unfair to John Tower, unfair to the process. I too would use them in an attempt to imply that everything that we know about John Tower that possibly would not be shed in the best light follows the irresponsibility of those who made those accusations.

As I have said on many occasions, 90 percent of what I have heard and seen and studied on this matter is sheer garbage. Ten percent at least has given me grave pause for concern. And therefore I think it not accurate to assume that because there were unfortunate stories released to the press. This Senator can say that I have never released one shred of evidence to the press. And I have talked to lots of them. It is unfortunate that these come out. I feel sorry about that. But nevertheless the process has to go forward, and there are other things that cause me enough pause for concern that I am opposed to the nomination.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Let me share with my colleague from Nebraska, who also came here when I did, that I enjoyed it very much although I know he harbors some deep feelings about lawyers that are very deep in his mind. I checked with him on that many, many times. And perhaps I misspoke. I read the report. Yet, just recently I also was the subject of a column of Evans and Novak where they said, "If Tower has friends like Simpson, who needs enemies?" At least I put in a letter to the editor saying they were about two tacos short of a combination plate. And I did hear from them. They are delightful people, selfish sometimes, you know; but it is not appropriate here, and I agree. I have done that.

So I did not know anything more than what I read. I appreciate, and I listened to what Senator WARNER has said. I would be very pleased to make an apology to the staff person that was mentioned in the article, and would ask for a report of it so that I might read that to see what the reasons for doing that were. I certainly owe the gentleman an apology. But I still leave in my comments about the generic aspects of staff participation, I will leave that in the RECORD, because sometimes we get overwhelmed by staff, and sometimes they take us to places we do not choose to go, and yet we have to take responsibility for that.

But the Senator from Nebraska is correct. I should at least ask that same thing that I am asking of them, and so I certainly apologize to that person. I would very much like to have a report of what did occur and why that was necessary. I, too, am sorry about what is happening; but even though the Senator from Nebraska and I can both be sorry, it is John Tower who suffers. That is the problem here.

And then to hear a startling statement, which I believe, because I, too, have matched the percentages, is that 90 percent of the material about John Tower is garbage and the other 10 percent might be true, Lord then where are we? How did we get here? Impossible, absolutely impossible.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from Wyoming, and this is just parliamentary garbage or talk. I hold him in very high esteem. An apology is not necessary at all. I think that the remarks he made just had to be corrected and put into proper perspective, and that is what I attempted to do.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that immediately following my remarks relative to the Washington Post column of today, I might have the opportunity to provide some additional material in the form of some memoranda made up by the staff at the time this issue first arose some month or 6 weeks ago. I am not sure where it has been all this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO A QUESTION FROM MR. ROLAND EVANS

In response to a question in mid-January, 1989, from Mr. R. Evans about the use of a military aircraft to bring the FBI material to Senators Nunn and Warner, the following reply was provided then:

On the evening of January 6, 1989, the White House transition and the Tower transition staff notified the Committee that the FBI materials were now available for review by Senators Nunn and Warner. Both the White House and Tower transition staffs urged that the Senators review the material immediately and wanted to fly the material to where the Senators were together in Phoenix.

The Senators would not be back in Washington together for over a week due to the Senate recess. The transition personnel urged that such a delay in reviewing the material be avoided. At approximately 10:00 p.m. on the evening of the 6th, a decision was made to get the materials to Phoenix.

The transition counsel required that the FBI material be brought to the Senators by transition personnel as the material could not be turned over to Committee custody.

One of the transition counsels, Ms. Sherrie Marshall, brought the material to Phoenix on January 7th. Both the Majority and Minority Staff Directors, Mr. Arnold Punaro and Mr. Pat Tucker, were also required by the Committee Leadership to be present. In addition, one person from OSD Legislative Affairs also went on the trip at the request of the Department of Defense.

Based on the Senator's review, there were a number of follow-ups for both the FBI as well as the Committee staff. The follow-up work was begun immediately upon the staff's return on January 8th.

After checking on commercial arrangements the staff made the decision to use military air to meet the schedule constraints and due to the number of travellers.

The PRESIDING OFFICER. Who yields to the Senator from Virginia?

Mr. WARNER. Mr. President, I will just yield to myself I presume from the time allocated.

The PRESIDING OFFICER. Does the Republican leader yield time?

Mr. WARNER. I will act as the Republican leader for the moment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there is a quotation that has meant a great deal to me throughout my life. Like all of us I have won a few and I have lost a few, but Grantland Rice once said, "When the Great Scorer comes to write against your name, he marks not that you won or you lost, but how you played the game."

From this moment forward it would be my fervent hope that we let the historians record against each of our names our respective scores, whatever they may be, and that we return to our concilliatory way of doing the Nation's business.

I will accept, and accept with humble pride, the best efforts that I could put forward to defend what I believe were the prerogatives under the Constitution of our President and the rights of a nominee before this body.

I did my best to bring forward truth and fairness and objectivity, but I shall accept my score whatever it may be. If the Senate erred in its procedures, then I accept part of the responsibility.

But now, Mr. President, I am privileged to yield to the Republican leader, and it has been a special privilege for me to stand beside him throughout this proceeding. I remember full well having made a speech on his behalf when the Republicans were seeking their leader, and I repeat that now because I feel the sentiments that I expressed, they are appropriate for this moment.

He fought this battle with the same intrepid courage, the same unselfishness as he displayed in leading his troops in World War II. I yield the floor to the Republican leader, Mr. DOLE.

I thank the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I thank my colleague from Virginia and I thank all of my colleagues on both sides of the aisle.

Today I am standing with my President, and I am standing proudly with John Tower. He is still the right man for the job.

Let me first save all the analysts and pundits a lot of time. The President of the United States did not lose. The U.S. Senate did. And, make no mistake about it, John Tower did not lose either.

Maybe we should have demonstrated the kind of courage that John Tower and his family showed during this cruel ordeal.

We have witnessed a confirmation process gone reckless. We have seen the Senate, the so-called world's most deliberative body, become a pipeline for gossip and smear, a peddler of rumors and leaks, a partisan hotbed of character assassination.

What have we come to here? What happened to decency? What happened to justice and fair play?

We are Senators here, not snoops. And I think the U.S. Senate is a few moments away from setting a dangerous precedent. a continuing body, what we do today will directly affect tomorrow, and I believe what we are about to do is bad news for the U.S. Senate.

An historic precedent included in our constitutional debates and reaffirmed in the Federalist Papers is that the President of the United States has an almost unfettered right to appoint the members of his own administration, and the last time I checked George Bush was President of the United States.

He won the election. The American people gave him a mandate, and that mandate includes the right to pick the men and women who will help follow through on his campaign commitments.

Oh, yes, the Senate has a role, a critical role. It has the opportunity to advise and consent to Presidential nominations, to monitor these important decisions. Although under the Articles of Confederation the Congress made all nominations, when the Constitution established a separate executive branch, it divided responsibility for nominations between the President and the Senate.

And article II, section 2, clause 2 contains the Presidential power to nominate, "by and with the advice and consent of the Senate * * *" officers of the United States.

I think you can fairly state that writers of the Constitution envisioned the role of the two powers involved to be one of Presidential power, which was checked almost as an afterthought by reference to the Senate, very late in the proceedings.

For the Senate to involve itself in this Presidential prerogative, our Founding Fathers said, would make it "too indulgent judges of conduct."

Therefore, the Senate will look only to the "appearance of merit" and require "proofs of the want of it" to withhold consent.

I do not suggest for a moment that the U.S. Senate is a rubber stamp for any President or any nominee, whether that nominee served in this body or not, or for any future President.

I do suggest that the Constitution and 200 years of precedent dictate the presumption that the President should have his chosen Cabinet.

I am reminded that earlier this morning one of my colleagues was saying, "Well, Senator DOLE voted against Paul Warnke and voted against Griffin Bell." And I did and I said I apologized to Griffin Bell, for that. I made a mistake. I listened to people who did not have facts.

And, with reference to the vote against Paul Warnke to be our arms negotiator, I was in good company with Senator NUNN, Senator Jackson, and others, because that vote was on SALT II, not on Mr. Warnke. So there was a host of Democrats and a number of Republicans, a total of 40, who voted against that nomination.

I happen to believe the case against John Tower is very thin. I think it is unfortunate, but if John Tower and I have anything in common, it is the ability to count votes. The fact is that a number of Senators, Senators whom I respect, on both sides of the aisle, have expressed concerns about drinking which I believe are genuine, even though I do not share them.

Well, John Tower walked the extra mile, and then some. But what did it get him? It looks like, from the start, he has been walking the gangplank.

On February 26, John made a dramatic pledge not to touch any alcoholic beverage while he is Secretary of Defense. The distinguished Senator from Alabama, Senator HEFLIN, had it right. President Bush, Tower's Pentagon colleagues, the press, the Congress and the American people would be watching John Tower every waking moment. I do not think John needed to do this but he offered it as a reassurance in the spirit of good will. This pledge has some impact, but not enough. But it was important to Senator HEFLIN. It was important to Senator BENTSEN.

Then I proposed John Tower be given his day in court. We have had all these charges that he had not proven his case beyond a reasonable doubt. Since when did proving the negative become the standard for nominee? Reasonable doubt of what? Of some leak or some innuendo? What does he have to prove?

So I said, "Bring him into this Senate; bring him into this well. Let him answer his critics. Let him ask some Senators where the leaks came from, and let him make his statement."

That offer was rejected.

And when I learned there were two undecided or undeclared, I guess, Democrats, it occurred to me there was just one other opportunity, and that was to come to the floor and suggest, as I did last night, that we could have a second shot at John Tower within 6 months.

And John agreed to walk that extra mile yet again. He was prepared to sign a letter of resignation effective October 1 that would have the U.S. Senate a review of his pledge, his performance, and, yes, even his defense policies.

But it became apparent that this pledge, too, was going to have no impact. This has been a pitched partisan battle and has been for weeks.

Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOLE. Mr. President, we spent precious little time on SDI, strategic modernization, the 600-ship Navy, troop strength, alliance burden-sharing, or arms control. Rather, votes have been decided by tabloid versions of John Tower's personal life. Faceless people, known only as he/she, or T-13 have woven fanciful tales of wine, women, and song. A doctor who is not a doctor but who uses many names has hurled a nonexistent Russian ballerina onto the front pages. Nonexistent. A sergeant with a faulty memory conjured up a racy encounter with a female Air Force crew chief. And a lone flight attendant's tale of superhuman vodka and champagne consumption could not stand up to polygraph.

They all made the evening news; but we never saw the retractions. One can only guess who dug up this motley crew of witnesses, why, and how their bizarre tales landed on the front pages.

But two things are certain: First, a series of leaks savaged the reputation, family and, finally, the nomination of one Senator John G. Tower of Texas.

Second, John G. Tower broke no law, rule, or regulation with regard to conflict of interest. Speaker after speaker has reaffirmed this point, although some have left the implication that he may have even illegally passed classified information on to defense contractors.

John Tower left the Senate and planned to go into defense consulting. He was asked by the Secretary of State to go to Geneva to be an arms negotiator. So he put his business plans aside for more public service after 24 years in the Senate. I think he provided a lot of good expertise and made a big difference in the arms control talks.

Then he did provide insight and judgment to companies with an interest in the direction of arms control.

And we have had the State Department regulation quoted here many times but never all of it, just the misleading part. The State Department regulation governing such activity explicitly states that former employees are not expected to purge their minds of experience, insight and understanding. It is not a vacuum up there. They must take care not to divulge any confidential information. I think John Tower followed that in the spirit and letter of the law.

So I am obviously disappointed. I agree with others who have spoken. We have other work to do and we will get it done. This is not going to leave a permanent scar.

And I agree with the chairman who just said there should not be any cheering or applauding after this vote. After what we have done to this good man, maybe we ought to hang our heads.

It seems to me that if the drinking thing were answered, then another charge was raised. And if that were answered, then another charge was raised.

I know we have had some spirited debate. I want to thank Members of both sides, staff on both sides, and all the people that have been here. I want to thank John Tower. I talked to him a couple of times today. He knows this is politics, so he can accept it. He knows that he is being shot down because he is a Republican and there are more Democrats than Republicans. That is not much solace, but I guess, having been in politics for 24 years, he can understand that.

We are not fighting over some fine point. The fact is that some never wanted John Tower to be Secretary of Defense and they are going to get their wish. I think this is unfortunate.

And so I just say to my colleagues, as I said yesterday, I think we are making a mistake. We did our best.

I wish to thank particularly Senators HEFLIN, DODD, and BENTSEN, because I know the pressure was terrific daily, minute by minute, on the other side to line up everybody against John Tower. I know it took a lot of courage.

So John Tower will be gone. We will be here. Whatever John Tower does, I wish him the best. I am certain we all do, in one way or another.

America has lost a good public servant. The President won because he stood by his man.

Finally, Mr. President, win or lose, effective floor action in a protracted debate such as the one we have just had on John Tower, depends on long hours of high-quality work by all our staffs. I would just like to take a moment to thank some of those people who have worked so hard for Senator Tower's confirmation.

First, we owe a special thanks to the minority staff director of the Armed

Services Committee, Mr. Pat Tucker. Pat has been on this issue from day one. He has distinguished himself as thoughtful, diligent and very cooperative. It has been a pleasure to work with him.

I would also like to thank Les Brownlee, Ann Sauer, Brian Dailey, Judy Freedman, and Ken Johnson, all of the Armed Services Committee staff, for pitching in to help us all.

Then, as the nomination reached the Senate floor, more good staffers stood ready to help. I would like to thank J.D. Crouch, Mike Converse, Peter Flory, Jim Morhard, and Rob Soofer for all their help.

I want to emphasize that all these people went out of their way to help all of us in addition to their normal duties supporting their own Senators.

Finally, I would like to thank Heather Brown and David Wilson, two young people from my staff who did so much of the support work for us during this process.

The VICE PRESIDENT. The majority leader is recognized.

Mr. MITCHELL. Mr. President, we have come to the end of the long and difficult debate over the nomination of John Tower to be Secretary of Defense. Supporters and opponents of the nomination have spent 6 days on the Senate floor debating this nomination, constitutional principle, and Presidential prerogative.

Last week I quoted from a book by Prof. Calvin MacKenzie, "The Politics of Presidential Appointments," concerning the standards applied to nominations. I repeat some of those words today. I believe they provide a useful perspective on the debate of the past 6 days. Professor MacKenzie wrote:

> The most elementary of the purposes for which the confirmation process is used is that of examining and passing judgment on the character and competence of the President's nominees. Evaluating nominees is not, however, a simple matter. For one thing, most of the individuals nominated by the President are intelligent and accomplished members of the political, economic, or academic communities. In recent times, at least, most nominees would satisfy even the most stringent minimum qualifications for public service. And yet the question that must be asked by the Senate is not whether these are "good" men or "good" women, but whether a particular individual possesses the necessary and appropriate qualifications to serve in a particular position. * * *
>
> The task of nominee evaluation is further complicated by the fact that there is not now, nor has there ever been, any universally accepted qualifying standard for public service, any consistent set of criteria for judging fitness.
>
> The difficulty occurs in those hazy areas where the standards are not set in the concrete of tradition or law. When judgment must be passed on an individual's past performance, his personal and financial integrity, the level of his competence, and his political acumen, the Senators have to make decisions for which there are few exact precedents and even fewer useful guidelines. * * *
>
> In spite of persistent inconsistency, however, the task of evaluating nominees is marked by several recurring themes. Most of the expressed concerns * * * fall into three broad areas: conflict of interest, character and integrity, and professional competence or experience.

Mr. President, conflict of interest, character and integrity, professional competence and experience.

We have heard a lot in this debate, right up to and including today, that the President should have his way. I was not in the Senate in 1977 when a new Democratic President sent nominations to the Senate, so this week I went back and read the debates that took place in this very Senate 12 years ago this month.

Well, you talk about night and day. You talk about making both sides of the argument. The position then advanced consistently by Republican Senators can be summarized in the words of one who said:

> No, sir, Mr. President. I cannot accept the thesis that the President is entitled to have whomever he wishes for positions which require the advice and consent of the United States Senate. If we are not supposed to exercise our judgment about the best interests of our country then we need to take that provision out of the Constitution.

That was the almost universally expressed view of the limits of Presidential prerogative and the role of the Senate in the confirmation processes by Republican Senators when the President and the nominee were Democrats.

In the case of Senator Tower, competence and experience are not at issue. He understands the Department of Defense and the issues which the Secretary of Defense must address. He is experienced and knowledgeable.

With regard to the other two concerns, however, serious problems exist. Senator Tower's financial relationships with the number of defense contractors immediately after his service as chief arms control negotiator raises serious and troubling questions about his ability to distinguish private and public interests. It is simply not true, as some have argued, that the Senate has frequently condoned such behavior. There is in fact no similar case in which a Government official has participated at the highest levels of Government in key decisions which could affect the financial interests of numerous defense-related companies, then has moved immediately to advise some of these same companies on the potential impact of those Government policies on the programs of those companies, receiving very high fees for his advice, all at a time when he was widely and publicly believed to be a likely nominee for Secretary of Defense. And that public expectation has now been realized. The same individual is not in fact nominated to move directly back into Government as Secretary of Defense, with vast power over the same companies.

The Senate has not condoned such behavior frequently. Indeed, it has never condoned such behavior. Nor should it.

On the question of character, much has been spoken on the floor of the Senate. I will not attempt now to summarize or characterize that debate. I will say that for me, as one individual Senator, it is sufficient to say that concern about Senator Tower's past excessive drinking, which even he now acknowledges, and the absence of convincing evidence that such excesses no longer continue, have proven an insurmountable obstacle to confirmation.

This has not been an enjoyable experience for anyone of us. The Chairman and ranking member of the Armed Services Committee, Senator NUNN and Senator WARNER, have labored for months on this nomination, in a conscientious and fair-minded effort. I commend them for the manner in which they have conducted themselves. There is no more fair, no more able, no more respected Member of the U.S. Senate than SAM NUNN of Georgia.

I also commend the Republican leader. He has argued his case vigorously and with conviction. He has done well by Senator Tower.

The debate on this nomination has been complicated by the fact that some relevant information cannot be discussed in an open session of the Senate: The FBI files on its background investigation, and other material in the records of the Armed Services Committee, all of it bearing on the suitability of Senator Tower to be Secretary of Defense.

The President's decision not to permit the background material to be made public has constrained the open debate. But it did not prevent Senator Tower from receiving full and fair consideration in the Senate.

The restrictions on public discussion of some information have been frustrating to everyone concerned. Supporters and opponents of the nomination would prefer to argue their case openly and fully before the public, just as the press and public would like to know all of the details. These frustrations are understandable. But they should not be allowed to obscure the fact that the background material has been examined thoroughly and evaluated by those who have the constitutional responsibility to provide their advice and consent on the nomination: the Members of the Senate.

As many Senators have pointed out, reasonable persons can and do disagree on the meaning of some of this information. Fairness to the nominee and the President required that these issues be fully explored prior to a final

vote. This has occurred, as the vigor of the lengthy debate attests.

The nomination has been considered carefully. Full opportunity has been afforded those who support or oppose the nomination to make their arguments. The standards applied in this matter are the same standards applied to the other nominees confirmed by the Senate in this and in previous years. And that is simply, is the nominee suited for the job to which he has been nominated and would he be able to serve effectively?

Senator Tower has had ample opportunity to respond to the allegations against him. The FBI advised him of the allegations in its files and his responses to those allegations were incorporated into the record available to all Senators. Senator Tower was given the opportunity to rebut the testimony of outside witnesses who testified before the Armed Services Committee and to call outside witnesses in his own behalf. He declined each offer.

Senator Tower met personally with many Senators. He made his case on national television and in public appearances. The President made his case in public and in private. His supporters in the Senate waged a vigorous, spirited campaign on his behalf. He received a full and fair hearing.

The time has now come for the Senate to exercise its role under the Constitution to vote on the nomination.

No universally accepted criteria for judging fitness for public office exist. No standards were established by law or are contained within the Constitution to guide Senators. Ultimately, the decision is subjective, an individual Senator's judgment of the qualifications and suitability of the nominee. Difficult though that may be for us, it is clearly what the framers of the Constitution intended.

I emphasize my strongly held belief that this vote is not and should not be interpreted as a vote to harm the President. That conclusion will be reached by some, and, indeed, it already has.

I cannot control what others may write or say, but I do know what is in my mind and in my heart. This is a vote on a specific person for a particular, uniquely important position. I hope and intend that this will not injure the relationship between this President and this Congress in any permanent, or even long-lasting, way.

Similarly, I hope there will be no long-term adverse effects within the Senate. Hard words have been spoken. Feelings have been hurt. I know it is difficult now, in the heat and anger of the moment, to look beyond this controversy to the many other challenges facing our Nation, to which we can respond effectively only by working together. But that is precisely what I ask of my colleagues.

We face this unpleasant task because the Constitution requires us to do so. We must work together in the future because the national interest compels us to do so.

I conclude by asking only one thing of each Senator. Cast your vote on the basis of your view of the proper role of the Senate in the confirmation process, your evaluation of all of the relevant information about the nominee, and, finally, on the dictates of your conscience.

The VICE PRESIDENT. The minority leader does have 3 minutes remaining.

Mr. DOLE. Mr. President, I just say I want to thank the majority leader for his statement. I share that last request with him.

Mr. BIDEN. Mr. President, for me the central issue in whether to confirm John Tower to be Secretary of Defense are not matters pertaining to his personal character. For me the real question is whether John Tower is the right person for the job of Secretary of Defense at this time in our history. Notwithstanding President Bush's protestations about Senator Tower's qualification, this is the position I've been taking for 3 weeks.

The Congress, the President and especially the next Secretary of Defense will face difficult choices with respect to our defense budget. We will look to the next Secretary for guidance on this very difficult terrain. How can we protect the national security goals of our Nation in an era of diminishing Federal resources?

In the words of a respected columnist in the New York Times:

> The time has come when painful long-delayed choices will have to be made. There will be angry fights among the services about where inevitable cuts in spending plans must come. Some reasonable consensus will have to be reached with Congress or there will be no chance of rationalizing the mindless jumble at the Pentagon.

There are three threshold qualities necessary in the next Secretary of Defense:

First, to understand defense strategy.

Second, to have the management skills, and the will to undertake these cuts or in the columnist's words "to rationalize this mindless jumble" consistent with the goals of our defense strategy.

Third, to have a record of commitment to strengthening the integrity of the procurement process.

While I have little doubt about Senator Tower's ability on the first matter—his understanding of defense strategy. It is the latter two which give me pause.

John Tower has had a long and distinguished career as a public servant, most notably as chairman of the Armed Services. Senator Tower was chairman during the period of the greatest peacetime military buildup in our history. As Chairman of the committee he oversaw the defense authorization process at a time when defense spending increased by nearly 40 percent—after inflation.

As the current chairman of the Armed Services Committee has stated with greater eloquence and expertise than I can muster this helter skelter increase in our defense budget did not provide a commensurate increase in our national security. It was undertaken without coherent strategy or goals. In short, we often simply responded to the then Secretary of Defense Weinberger's thesis: "We want more of everything."

To my knowledge Senator Tower supported every major weapons system requested during the first Reagan administration. He certainly led no effort to stop or trim a single one of these initiatives.

During that period serious allegations were made about corruption and procurement fraud in the Department of Defense. As chairman, John Tower not only failed to lead efforts to impose fiscal restraints and rationality on the process but he resisted efforts to make the procurement process more honest. For example, in 1982 he voted against legislation giving the Pentagon's inspector general a strong and more independent role to carry out investigations of DOD activities.

In short Senator Tower has played a prominent role in creating the "mindless jumble in the Pentagon" and I have serious doubts that he is the right man to "rationalize" that process. I simply do not believe that he is the right man to reassess the utility of such programs as the MX missile, the 15-carrier Navy, and the B-1 bomber programs which he championed here in the Senate.

I do not question any Senator's motives regarding his vote on this nomination. We all have the good of the Nation at heart. And as envisioned by our Founding Fathers we all apply slightly different standards in determining how we are going to exercise our advice and consent. And what weight to give various elements of the nominee's background in that process.

Different posts require not only different expertise but differing personality traits and strengths. Judicial temperament is critical to a Supreme Court nominee and not as significant for the Director of the Drug Enforcement Administration. Sobriety is arguably more important as a Secretary of Defense than it is for a Secretary of Commerce although always admirable. One's moral conduct is going to be defined differently by each Senator—but arguably there is a point at which almost everyone might agree that a nominee's conduct is outside his duties and though noncriminal may cross the

threshold in acceptability in holding high public office.

The point is there is no clearly definable standard and the Constitution in defining the advise-and-consent function left the definition of that standard to each individual Senator. The reason they did so is that the office being sought is just that: being sought. It is not a vote of the nominee anymore than it is the right of any Senator to hold his office. Indeed, I would argue the burden is upon the nominee to establish his qualification for office and not vis versa.

This is not a criminal trial where the presumption of innocence is with the defendant and the burden of proof is with those who allege misconduct. Nor are we in an impeachment proceeding where I assume a similar standard should apply.

I also agree with those who argue that the President is entitled to a certain amount of deference in the selection of his Cabinet and that that should be a factor in the way in which we exercise our advise-and-consent function. So while the President to my mind is not entitled to great deference when he nominates a Supreme Court Justice or any judge who will sit for life, he is entitled, within limits, to have a Cabinet of his choice. And indeed in over 200 years only eight Cabinet nominees have been rejected.

But there are limits. Despite that due deference many of us have at times voted against nominees for substantive reasons because their policy positions on matters which came before them were simply too extreme for the post the nominee sought.

I voted for substantive reasons against five Cabinet or sub-Cabinet level nominees: Caspar Weinberger to Secretary of HEW in 1973; Elliot Richardson to be Attorney General in the same year; Carla Hills to be Secretary of HUD in 1975; Wade McCree to be Solicitor General in 1977; and James Watt to Secretary of the Interior in 1981.

Just as I voted against Ms. Hills for HUD because I did not believe she was committed to Federal housing programs and James Watt because he was not committed to conservation and protection of the environment—the functions of the Departments they were selected to head—I can vote against Senator Tower because I do not believe he will undertake the necessary reforms that are required of the next Secretary of Defense.

John Tower obviously agrees with that principle because he opposed Paul Nitze to be Secretary of the Navy in 1963 and Paul Warnke in 1977 as head of the Arms Control and Disarmament Agency because of their views on arms control.

But to speak only to the legality or constitutionality of what is going to happen in this Chamber today misses the point. Taken to its extreme the process runs the risk of doing great harm not only to the reputation of an individual nominee but to the political process which ultimately must rest upon the comity between the branches and the confidence of the American people that we have been fair and reasonable in the exercising of our prerogatives under the Constitution.

Although reasonable Senators can disagree, I believe that in the case of John Tower we have come perilously close to doing harm on both counts—to the comity between the branches and notions of fairness.

I do not believe that we have violated notions of comity by voting as some us will for substantive reasons against President Bush's choice. But I do believe, as Woodrow Wilson used to say, we have an obligation to avoid warfare between the branches in the exercise of prerogatives under a system of separate branches. This struggle has become so rancorous that it undermines confidence by Americans in the notion that the system can work. At times voices on both sides of the aisle and in both branches of Government have been too shrill and the stakes raised to the point that many Americans must think that this angry debate is all that we're doing here in Washington.

I have not based my position on the Tower nomination on the personal allegations against Senator Tower. My position is based entirely on the substantive matters I have described above.

Indeed I have not read the FBI report. I have never publicly taken a position on a nominee based entirely on an FBI report. I and the professional investigative staff of the Senate Judiciary Committee spend literally thousands of hours every year reviewing FBI reports on hundreds of nominees, probably more than any other committee of the Senate.

FBI background reports are investigative reports. When the FBI compiles a background report on an individual it assigns agents to gather any and all information on the individual. The quality of the information ranges from uncorrobated musings of people of unknown credibility to carefully documented evidence of serious criminal wrongdoing.

The FBI is not asked to, and does not, evaluate the credibility or seriousness of the information in the file. The Bureau assumes the White House or the congressional committee will undertake that process.

So to the Judiciary Committee these reports provide leads for further investigation and we use them for that purpose in the committee. Based on the FBI report we conduct followup investigations. We either send the FBI back to the witnesses making the allegations, to confront the nominee or to determine the credibility of the witness making the allegation. At times we place witnesses under oath or we conduct public on-the-record hearings.

Since I did not have to reach that issue in the case of Senator Tower I did not seek access to the FBI report.

Finally, I might say that there has been some discussion about public release of the FBI file on Senator Tower. Again, the FBI file is an investigative file and should not be publicly released. It should not be released first, because the information that is given the FBI is given in confidence and we would jeopardize that process if the investigative file were made public. Second and even more important, the file should not be released because the information in the file has not been subjected to elementary notions of due process—cross examination of witnesses under oath, right to confront the accuser and so forth.

Finally, why would anyone seek a Federal appointive position if any person he or she might have alienated could make an unsubstantiated allegation to the FBI and the nominee could find that allegation spread across the public record with the apparent imprimatur of the FBI?

If Members insist on plumbing these personal allegations further and feel that further public release of information is necessary the right approach would be the one suggested by the chairman of the Armed Services Committee to conduct a full blown committee investigation with witnesses under oath. That would be an arduous time consuming process for the Senate and Senator Tower.

In my case I do not think further public debate is necessary on these personal issues. I am satisfied that Senator Tower is not the right person for substantive reasons and believe it is time to get on with defense policy and the business of the Senate and the Nation and vote on the Tower nomination.

Mr. KASTEN. Mr. President, we are rapidly approaching our day of decision on John Tower. It would be helpful if we were to stand back for a moment and appreciate the true dimensions of the decision we are going to make.

We will be deciding whether we want to become only the sixth U.S. Senate in history to reject a President's Cabinet nominee. The Constitution gives the power of advice and consent—but it doesn't give us much positive guidance as to the standards we are to use in considering Presidential nominees. Neither does that distinguished series of commentaries called the Federalist Papers.

Under the Constitution, we could reject a nominee for the most frivolous reasons—and we could get away with it.

Fortunately, though, we don't have to rely entirely on the text of the Constitution as we face this decision. The U.S. Senate is a continuing body, and what we do is based on precedent. Our distinguished President pro tempore, ROBERT BYRD, has underlined this fact by publishing a monumental history of the institution—and on page after page, it becomes ever clearer that the past ought to guide us in our deliberations on current controversies.

Over the last 200 years, Presidents have sent the names of hundreds of Cabinet nominees for our consideration. We have only rejected eight. Our record is one of outstanding deference to the President's right of appointment—we have said, in effect, that it's the President who will be responsible for the performance of this nominee, and he has determined that he will accept that responsibility, so let's give the President the benefit of the doubt.

Twenty years ago, Senator Henry "Scoop" Jackson of Washington rose on this floor to support an embattled nominee for Interior Secretary, Walter J. Hickel of Alaska. Senator Jackson expressed the following view of the Senate's role of advice and consent:

(T)he President of the United States must be responsible and accountable for the administration of the executive branch. We cannot hold him responsible if we deny him his choice of principal advisers for less than overriding cause. * * * He is responsible for their official acts. The Chief Executive is entitled to exercise wide latitude in their selection.

Senator Jackson continues:

Senators may believe that a particular nominee does not meet a standard of qualification of competence that they themselves would set. But it is the President, not the Senate, who must set the standards of qualification and competence for his principal advisers.

Let there be no mistake about it, these are the President's men and he is entitled to have them, barring some flagrant error or abuse of his prerogatives in making his nominations.

That's what Scoop Jackson said. And it's not important just because Scoop Jackson was a great American—which he was—and one of the most qualified men in this country to comment on our public institutions—which he also was.

It's important because it's a terse and accurate restatement of the traditions and precedents of the U.S. Senate. We need an overriding cause to reject a nominee, and we have to give the President wide latitude.

That's the standard Henry Clay used in voting on Cabinet nominees. It's the standard Robert Taft used, and Harry Truman, and William Proxmire, and Barry Goldwater, and Jack Kennedy, and all the honorable men and women who have served the American people as U.S. Senators.

It's the standard we should use now. George Bush has decided that he needs John Tower's help in setting defense policy for America. I agree with his choice. And I think it would be an act of justice, and of respect for our institution, if we were to give the President the man he has chosen, and the man who is best qualified to serve as Secretary of Defense: John Tower.

Mrs. KASSEBAUM. Mr. President, we have been through trying days in the U.S. Senate. The debate over the nomination of John Tower as Secretary of Defense has become a very personal decision generating much emotion and tension for all of us.

We have tied ourselves into a Gordian knot of moral and ethical considerations that has left the Nation—as well as each Senator—questioning the limits of public disclosure and fair play. Under the best of circumstances this nomination would have challenged the Senate's standards of fairness. But this decision has only been made more burdensome by the process and the tenor of the debate.

Our decision on this nomination is all the more difficult because it concerns a former colleague, who served in this body for 24 years, and because it goes to the heart of the issue of separation of powers. Or perhaps to be more accurate, this decision brings to life one of the more peculiar features of our Constitution in which power is not only separated but it is shared.

Mr. President, as we are all well aware, the Constitution gives the President the right to nominate people of his choice to serve in his Cabinet. But it is only with the advice and consent of the Senate that his nominees are appointed. The genius of our Constitution is that it provides broad guidance that can withstand the test of time. The frustration is that it does not give us specific guidelines on exactly how to exercise shared power.

Advice and consent, while being the most lofty duty of the Senate, has also been one of the most controversial among practitioners and scholars over the years. I have deep respect for the institution of the Presidency and I have deep respect for our new President, George Bush. I am also aware of precedent. As has been mentioned numerous times during this debate, only eight Cabinet nominees have been rejected by the U.S. Senate throughout our history.

But, I firmly believe that our Founding Fathers did not intend for the U.S. Senate to be a rubber stamp. I also believe that our Founding Fathers made it clear in the Federalist Papers that the Senate's advice and consent process was not intended to be simply a referendum on criminality, but on overall fitness and merit for the most distinguished offices in this Nation. The Senate's role, as I see it Mr. President, is to assess whether a nominee can effectively provide the necessary leadership in the post that he or she is being nominated for and whether the nominee can enlist the public's trust.

In the nomination process we are forced to look through a prism and the images we see are diverse and sometimes distorted. In fulfilling our constitutional responsibility of advice and consent, I believe we each individually have to evaluate these images and, upon personal reflection, make a judgment. This is our duty to the President and the American people.

The Secretary of Defense, in my view, is the most important of all the Cabinet positions. The Defense Secretary is in the chain of command on deployment of forces and questions of command and control of nuclear forces. He provides leadership to our military forces and to our civilian personnel dedicated to this country's defense. And, he oversees the largest portion of the Federal budget.

We are at a critical crossroads in our national security policy. Over the next 4 years, the Secretary of Defense is going to have to provide leadership on major decisions involving force structure, arms control, strategy, personnel, and procurement, which will determine our defense posture in the next century.

These decisions are going to have to be made now and under very difficult circumstances. Budget pressures are going to demand effective leadership from a Secretary of Defense who knows how to provide a strong, effective national defense with limited funding and who can forge a consensus on controversial budget decisions among the competing services and on Capitol Hill.

Most importantly, the next Secretary of Defense is going to have to counter the debilitating impact that the defense procurement scandal has had on public confidence in our defense establishment. As a former head of the Military Reform Caucus, I have followed these very troubling issues closely over the years. There is no doubt in my mind that the Pentagon scandal has resulted in a growing erosion of public support for defense spending. The Secretary of Defense oversees contract awards worth $150 billion annually, 75 percent of the goods and services purchased each year by the Federal Government. Dealing effectively with the issues of fraud, conflict of interest, inefficiency, waste, and reform of the revolving door are the major issues on the agenda of the next Secretary of Defense.

In meeting these challenges, the next Secretary of Defense must have the confidence, trust, and respect of the American people and the Congress. Mr. President, I am going to vote against the nomination of John Tower because I do not believe he can

provide the leadership that is necessary to forge a consensus on the critical national security questions confronting us today.

My most serious concerns about the nomination of John Tower are from the public record. Although Senator Tower did not break any laws, his consulting activities over the past couple of years, in my opinion, raise very serious concerns about the nominee's judgment and his sensitivity to those major issues of conflict of interest, the role of consultants, and the revolving door. Immediately after leaving the START negotiations, Senator Tower became a consultant to major defense contractors on the implications of the arms control talks on future product development. While I know of no evidence that he disclosed any secrets or broke any laws, this action demonstrates to me an enormous insensitivity to issues and questions that have been at the heart of our defense debate for years.

Another issue that has played a role in my decision is whether Senator Tower can provide the necessary leadership on the problems in the military concerning the integration of women into the Armed Forces. A Pentagon study recently highlighted the seriousness of the problems of harassment and promotion. If we are going to have a strong defense force which consists of both men and women, we are going to have to ensure fairness. I am not confident that Senator Tower would give these issues the priority they demand or would demonstrate the necessary sensitivity to their seriousness.

Mr. President, this has not been an easy decision for me or for any of us. Members I highly respect on both sides of the aisle are diametrically and vehemently in opposition. I have discussed this matter in some detail with the President. I believe he understands my thinking just as I understand his. I regret that I cannot agree with him on this nomination. However, I believe that when the Founding Fathers created this arrangement of shared power they anticipated that a day like this one would come. They left us no guidelines for resolving the question they deliberatedly posed. Instead, they expected us to find our own answer in the same uncertain wisdom and limited understanding in which they lived and worked and so created democracy itself.

Mr. President, I want to thank the chairman and ranking member of our Armed Services Committee for performing a difficult duty with skill and honor. With no criticism of them, I must say that I have doubts and questions about the atmosphere that has built up around this nomination. I am particularly troubled by the role of the news media, which has reported the most outlandish allegations with little or no effort to discern the truth. That has been unfair to Senator Tower. It has been unfair to the President and it has been unfair to the Senate. The result has been a circus atmosphere that has distorted the debate. Despite that, I have done my best to weigh all of the factors involved in this nomination. I will vote against the nomination.

Mr. KOHL. Mr. President, the debate over the nomination of John Tower to serve as Secretary of Defense has involved a difficult and complex series of issues. Over the past few weeks we have followed the charges made about John Tower's personal and professional ethics; we have listened to concerns about the impact of this vote on the future of the Bush Presidency; we have heard whispered allegations about the motives of those who both oppose and support the nominee.

I have wrestled with my decision on this issue for several days now. I began by considering two traditional arguments: First, the President is entitled to a substantial degree of deference when it comes to selecting members of his Cabinet; and, second, John Tower—by virtue of this service here in the Senate and as a member of the START negotiations—has clearly been exposed to, and demonstrated a mastery of, many of the issues associated with defense policy.

Both of those arguments are true; yet neither dictates a decision. Of course the President is entitled to deference. The Senate has demonstrated that by approving, with virtually no dissent, each of the names he has sent up to us prior to Mr. Tower. They are not, in every case, the men and women I would have nominated to hold those posts had I been President. But they were this President's pick and, in my judgment, they had the intellectual ability, the ethical standards, and the moral standing to discharge the duties of their office. So while I would not have uniformly selected them and while I do not agree with all of their policies, I gave my consent to their confirmations. Those votes demonstrate deference; but deference alone cannot control a decision about who should serve this Nation—not just the President, but the Nation—as Secretary of Defense. Real questions have been raised about the character of the candidate and about the impact that his confirmation would have on the country. Given the nature of the issues under consideration, we have long passed the point where deference can or should be a dispositive consideration. I would point out that Senator Tower, when he served in this body, agreed with that principle. The record demonstrates that John Tower was compelled, by his sense of his responsibilities as a U.S. Senator, to oppose the nominations made by a first-term President when he concluded—after a careful study of the facts—that those nominees did not demonstrate the qualities he felt were required.

Just as deference to the President is not all controlling, neither is our appreciation of John Tower's record of service to this Nation. While there have been issues raised about this nomination, there have not been any questions asked about this nominee's love of country or intelligence. As a member and former chairman of the Armed Services Committee, as Chairman of the so-called Tower Commission to investigate the Iran-Contra affair, as a member of our START team, John Tower has demonstrated unquestioned competence as a stragetic planner and as a negotiator. There is no question about his ability in those areas. What is at question, however, is his ability and his willingness to lead in other areas critical to our national security: Specifically, if he has the background and the temperament to deal with the management and procurement problems which face the Pentagon.

In short, as I looked at the traditional arguments which would seem to require an affirmative vote on this nominee, I found nothing which compelled me to consent to his confirmation.

Balanced against those arguments were several other issues. These issues, relating to John Tower's personal and professional life are real and cannot be dismissed. They were taken seriously by the President himself who delayed selecting Mr. Tower until he had an opportunity to study some of those questions. And even after the President decided in favor of Mr. Tower, there was still concern in the administration. Despite the fact that the President was ultimately satisfied, these issues, and others, were raised again during the confirmation hearings—hearings which were, by the way, conducted in a complete and admirable way by both Senator NUNN and Senator WARNER. And this time, on closer examination, the answers were not as persuasive.

Two issues appear to be of paramount importance. One relates to Mr. Tower's drinking, the other relates to his dealings with defense contractors. Both are real sources of concern and in neither area has Mr. Tower been as forthcoming as he needed to be.

Consider the potential for conflict of interests first. Mr. Tower did not and does not acknowledge the possibility that there would be a real conflict of interest. He did, however, recognize that some people might perceive an appearance of a conflict. To deal with that appearance problem he made two offers. First, he announced that he would not participate in any decisions relative to the suspension or disbarment of any firms with which he had a past association; but, as the hearings

demonstrated, the Secretary of Defense is not intimately involved in those decisions—they are normally made by the appropriate service chiefs and not by the Secretary of Defense. Second, he indicated that he would recuse himself from any decisions relative to the one weapon system which he recalled lobbying for while he was serving as a consultant; but, when questioned at the hearings, he was unwilling to make a similar commitment if it was determined later on that he had actually lobbied for other systems as well.

In short, the steps Mr. Tower took to minimize the possibility of a real or apparent conflict of interest were not overly generous.

When we move beyond those offers and consider the larger question of the revolving door problem, it becomes clear that Mr. Tower is not sensitive to the questions which his conduct raised. In this testimony before the Armed Services Committee and in his public statements, he has not really explained what he was doing to earn the huge sums of money he made as consultant. The ambiguity concerning his actions is particularly disturbing given his role in the START negotiations. He has indicated that he did not reveal any classified information and I believe him. But as a consultant he gave his clients advice which was, to the extent it was valuable, based on his assumptions about future U.S. strategy. That did not involve the release of classified information; but it was based on knowledge of such information.

This sort of behavior was not restricted to Mr. Tower's life after the Senate. When he served as chairman of the Armed Services Committee, his orientation was to get more weapons; he did not invest a great deal of time into making sure we got them as efficiently and as effectively and as ethically as possible. His postemployment behavior was foreshadowed by his Senate career. And I fear that his record as Secretary of Defense would be as mixed, in this area, as his past has been.

Finally, in terms of the conflict of interest issue, I think we need to place this concern in a larger context: The whole issue of Mr. Tower's ability to manage the Pentagon. We face a disaster over there: A procurement system run wild, a mentality which believes that buying more is the only way to become stronger, an emphasis on technology rather than training as the preferred path of strengthening our military. Nothing in John Tower's record suggests that he would bring to the post of Secretary of Defense any great management skill. And nothing in the record suggests that he would bring a great deal of sensitivity to the ethical issues which the Secretary has to address.

Then as a whole, Mr. Tower's record in this area is not distinguished. There are possibilities for real, as well as apparent, conflicts of interest. The steps he has taken to diminish that possibility are not impressive. And the image that his confirmation would create simply would not be helpful as we continue to try to bring the Pentagon's spending under the control of sound management practices.

There is also a second broad area of concern related to Mr. Tower's personal life. I have reviewed the FBI file, and I have listened to Mr. Tower's statements about his past and present and future drinking. The plain truth is that I am not convinced—not convinced that he did not abuse on alcohol in the past, not convinced that he might not abuse it in the future. I am convinced, however, that he has been less than honest with the President, less than honest with the Congress, less than honest with the American people about his drinking. Given his past record of behavior, and his continuing efforts to dance around the truth related to that behavior, I am not impressed by his pledge not to drink again.

As others have indicated in the course of this debate, Mr. Tower's past history would disqualify him from a number of sensitive positions in the military. In my view, it makes no sense to put him near the top of the chain of command when we would not be willing to let him be a link lower down.

Let me make one more comment about this drinking issue. At one level, I wish the FBI file could be made public so that everyone could see it. The cold reality of that record would, I believe, indicate very clearly that there is more than sufficient justification for concern. You may read the record and reach the conclusion that it does not disqualify Mr. Tower—but you cannot read it and conclude that it does not indict him. My point is simply to make it clear that this is not a partisan concern, manufactured only by Democrats. It is a concern which I believe members of both parties must feel—they may reach different conclusions about the emphasis that ought to be placed on Mr. Tower's behavior, but they all share some degree of concern over it.

In that context, Mr. President, the record should be clear: The concern that many of us feel is not based just on the allegations contained in the FBI file. John Tower was provided an opportunity to respond to those charges and his responses are a part of the FBI file. John Tower was afforded every procedural safeguard, every opportunity to respond to the charges made against him, both in the Armed Services Committee and in terms of the FBI investigation.

Finally, Mr. President, there is one last area I want to address: The process by which this Senator has reached a decision on this nominee.

I'm new to the advice and consent responsibilities of the Senate. I have already indicated that I am willing to give the President some degree of deference when it comes to Cabinet level appointments. But I have heard people suggest extensions of that concept with which I cannot agree. I have heard, for example, some of my colleagues suggest that if the nominee cannot be proven guilty, then we ought to confirm him. We are not deciding if John Tower is guilty or innocent of substance abuse or conflict of interest charges; we are deciding if he is the person who ought to be the Secretary of Defense. And that is not a legal decision. It is a policy decision, it is a personal decision, and the standard is not "beyond a reasonable doubt." In terms of placing a public trust in an individual, I think that if a "reasonable doubt" has been raised, then each Senator has a right to vote "no" depending on the importance he or she places on the charge as they relate to the responsibilities of the office under consideration. The case against John Tower has not been made "beyond a reasonable doubt." But reasonable doubts have been raised about the appropriateness of having him serve as Secretary of Defense. Given the importance of that post, given the responsibilities associated with it, those reasonable doubts compel me to cast a negative vote.

Mr. DIXON. Mr. President, today, I cast my vote against the nomination of Senator John Tower to become Secretary of Defense, as I did in the Armed Services Committee on February 23. I voted against John Tower, not because of any alledged personal failings, but because I believe he is the wrong man at the wrong time. With the continuing revelations of waste and abuse associated with the procurement process in the Pentagon, we need, at this time, someone for Secretary of Defense who will command the confidence of the American public.

During the Second World War, Senator Harry Truman led a special congressional committee with responsibility for ferreting out waste and abuse in the military budget. That fight continues. The American people deserve someone as Secretary of Defense who will inspire confidence that progress in that fight is forthcoming—someone who can not only provide for a strong defense and fiscal responsibility, but inspire public support for the Defense Department and Defense programs.

Today, the Department of Defense is a department in crisis. An ill wind has been blowing across and through the Pentagon for several years now. Investigations are going on about contracts, procurement practices, illegal

acts, favoritism, unconscionable and illicit profits.

Senator Tower has substantial relations to the defense establishment and to those in the private sector who would benefit from Pentagon procurement and contracting decisions.

It is exceedingly clear to this Senator who serves on the Senate Armed Services Committee that we desperately need a leader and administrator at the Pentagon who can deal at arms length with defense industries and the Defense Establishment. Unfortunately, Senator Tower's background does not inspire the confidence that he is the man to lead the charge against waste and abuse in the Pentagon in this administration. For me, there is no way to equivocate on this fundamental point.

I have heard all the testimony. I have read the FBI reports. I have heard the debate. Having been through all of that, it is my opinion that Senator Tower is not disqualified on grounds of personal improprieties. I have not found sufficient evidence or support for a position that he is an alcoholic, an alcohol abuser or a person with an intemperate attitude toward members of the opposite sex.

The Constitution is clear on the Senates powers to advise and consent on the President's nominees. Cabinet appointees must enjoy the confidence not just of the President, but of the Senate, as well. A Secretary of Defense who does not command the support of the Armed Services Committee would have as much difficulty in executing his duties, as he would without the support of the President.

The Senate must walk a fine line. It must prevent conflicts of interest without creating disincentives to public service. I believe the Senate has carefully walked that line in this instance.

I regret what has occurred here today and my heart goes out to Senator Tower and his family.

Though I cast my vote against the administration nominee today, I look forward to opportunities to work with the Bush administration in the future.

Mr. DURENBERGER. Mr. President, I rise today to comment on the nomination of John Goodwin Tower to be Secretary of Defense.

The nomination of former Senator John Tower has been before this body for almost 2 full weeks. It has been more than 2 months since President Bush announced his intention to nominate Senator Tower. In Armed Services Committee hearings, in the media, and on the floor of the U.S. Senate the arguments for and against the nominee have been discussed at length. Through the course of the debate, tempers have flared, motives have been questioned, and partisan charges have been traded.

Senate action on this nomination has been notable—not necessarily distinguished—by a number of events. In an unprecedented manner, the debate over Senator Tower has centered on allegations of personal misconduct—not policy positions or the nominee's expertise in the relevant issues. For the first time, the Senate has debated the differences between "alcoholism," "alcohol abuse," and "excessive drinking" during consideration of a Cabinet nominee. How to handle information contained in a confidential Federal Bureau of Investigation report made available to the Senate provoked disagreement and led to a series of parliamentary opinions that may guide future Senate action in such cases.

If Senator Tower is to be rejected—as it appears he will be—it will mark the first time a former Senator has been rejected by this body. Only eight times in history has the Senate rejected a Cabinet nominee—never in the first days of a President's tenure.

The Senate role in providing advice and consent is fundamental to the separation of power enshrined in the Constitution. In 1787, the founders of our Nation met in Philadelphia to plan for the governance of our young democracy. Among the checks and balances they adopted was the process for the appointment of heads of departments, Supreme Court Justices, and ambassadors. While the popularly elected president was to be free to nominate ambassadors, Cabinet chiefs, and Supreme Court Justices, only the Senate would make appointments final with its advice and consent.

As a U.S. Senator, I have a solemn obligation to carefully consider and decide the question of the confirmation of any nominees submitted to the Senate. No duty is more important than exercising the power contained in Article II, section 2 of the Constitution to consent to the most senior officials of the executive and judicial branches of government.

Soon after I came to the Senate, I was faced with a decision whether or not to confirm Abner Mikva, a former congressman from Illinois, for the U.S. Court of Appeals. As I stated at that time, it was my conviction that the proper role of the Senate was to carefully assess the qualifications, competence, and ability of the nominee. Political and personal considerations, such as my strong disagreement with many of Congressman Mikva's liberal views, were an inappropriate basis for rejection of the President's choice. This is the standard I have applied throughout my 10 years on the Senate. It is the standard I applied to Senator John Tower, and the standard I will apply in the future.

In my consideration of Senator Tower's nomination, I did not see any facts which would disqualify Senator Tower, especially given his unquestioned knowledge of defense issues and record of public service. I believe the burden of proof is on opponents of a Presidential nominee and in this case, that burden was not met.

I am disturbed by the degree to which anonymous allegations about Senator Tower were featured in the media. The unsubstantiated stories, premature endorsements, and condemnations, and the leaks of the confidential FBI report on Senator Tower have denigrated what should have been a careful and deliberative process. The most sensational headlines dissolved under close scrutiny—yet the images remained. All men and women in public service know the extent to which print and electronic media can publicize damaging, distorted, and inaccurate reports. We also know that even when corrections are forthcoming, the damage can linger long beyond anyone remembers specific allegations.

Senator Tower, and his family, have endured "trial by media" where the accused cannot face his accuser and where there is no right of appeal. Stories about Russian ballerinas or improper behavior during visits to military installations may make fascinating reading but do little to aid the Senate in its weighty constitutional duty.

I also find it disturbing that Senate hardly addressed the tremendous problems facing the Department of Defense over the next 4 years. The next Secretary of Defense faces a series of unprecedented challenges to U.S. national security. The next Secretary will have to rebuild public trust in a procurement system beset by scandal. The next Secretary will have to make difficult choices about the defense budget that faces a shortfall of billions of dollars. These choices will be complicated by the fact that fiscal constraints are increasing at the same time that international tensions are perceived to be decreasing.

The next Secretary of Defense must deal with a Soviet leader that has mastered public relations without, so far, reducing Soviet military might. As the arms control process moves far beyond the INF Treaty—in nuclear, chemical, and conventional weapons—the next Secretary of Defense must ensure that arms control is an element that supports overall defense policy, not an end in itself.

The next Secretary of Defense faces challenges with our allies as well as our adversaries. The democracies in Europe and Japan face many calls to increase their share of the free world's defense burden, yet their citizens increasingly question the need for even current levels of defense spending. The next Secretary of Defense must deal with new Third World challenges that are the most likely forms of con-

flict our Nation faces: illegal narcotics trafficking; antidemocratic insurgencies; terrorism.

These are just a few of the major issues that the next Secretary of Defense will have to address as we move toward the 21st century. Unfortunately, these issues were not discussed in the debate over President Bush's nominee for Secretary of Defense.

Rather than examining these vital national security issues—and Senator Tower's ability to deal with them—opponents of the Tower nomination chose to focus on "appearances" and "perceptions" they felt outweighed John Tower's unquestioned ability and experience with defense issues.

A number of Senators did not succumb to the temptation to base their judgment on an appearance fed by the media, but rather chose to rely on first hand experience with the nominee. Senator CHRIS DODD of Connecticut, one of the few Democracts to vote for Senator Tower, defended the Secretary of Defense nominee on the floor of the Senate by stating:

And there is other evidence on John Tower: It is in the memory of those of us who served beside him during part or all of his 24 years in the Senate, and those who worked beside him in Geneva or on the Iran-Contra inquiry. No one who has watched and worked with John Tower throughout his career in Government has stepped forward to accuse him of misconduct or impaired judgment, or to corroborate any of the allegations of misconduct that have appeared in the press.

Throughout my career, I have believed that presidents, be they Republican or Democrat, are granted the right in the Constitution to appoint those individuals who will carry out their beliefs. The Senate has an obligation to overrule the President's judgment only when an individual nominee clearly lacks integrity or is clearly unfit to serve. In the consideration of Senator Tower, Senators expressed their concern only about perceptions, not about documented cases that illustrate illegality or unfitness. I believe a majority of Senators are voting to reject a caricature of John Tower, not the person President Bush nominated.

Mr. President, under our constitutional system, the Senate has a unique role. The Senate was created and designed to decide the great issues of the Nation's future, and to do so in relative immunity from the pressures and demands of shifting public opinion. In my view, we have violated that central purpose in our disposition of the nomination before us.

We have allowed our focus, as Senators to be drawn from the historic issues of national security to the oft-times sensational and always titilating mythology which has grown up around this nominee. In so doing we have taken a further step into a serious error which both parties have engaged in over the last decade: the politics of personality.

Mr. President, we are a nation of laws rather than men. Down the road we are now traveling, with the aid and comfort of the national news media, we lose our identify and our function as a government of laws and not men.

In the event the Tower nomination is defeated Mr. President, we will soon have another nominee before us. I hope we will quickly regain our institutional bearings and return to our historic application of the power of advice and consent. Much more than a single Cabinet position is at stake. The sound and the fury of what we have gone through the last 2 weeks shows us what this body may permanently become unless we make a decision, on both sides of the aisle, to foreswear the politics of personality and get back to deciding the crucial issues of our future as Americans.

Mr. BURDICK. Mr. President, I regret the grueling and fragmented discussion that has occurred on the nomination of John Tower to be Secretary of Defense. I have never before in my Senate career witnessed such controversy over the nomination of an individual to serve on the President's Cabinet.

I regret that the motives of our respected Armed Services Committee chairman, SAM NUNN, have been called into question. I have great respect for the Senator from Georgia.

I regret also that dispute about this nomination is being construed as a first strike at President Bush. I don't believe that is true. There is no hidden agenda here, and my vote is not intended as a shot at the President or at my former colleague.

But I will vote no. After careful consideration of the evidence, I have concluded that John Tower is unable to serve the needs of the Department of Defense and the greater needs of our country as Defense Secretary. I am convinced there is a qualified and responsible candidate out there who would be more than merely acceptable to the majority, the minority, and the President.

Now, some Members on the other side of the aisle have accused the majority of demanding perfection and not allowing any human failings. Well, after reading the FBI report, I am convinced that John Tower is far more human than your average military serviceman. I believe there was doubt in the President's mind about his stature and character when he delayed the announcement of his choice for Secretary of Defense.

President Bush said his administration would know right from wrong "and avoid even the appearance of what is wrong." From the evidence I have seen, this nomination seems wrong.

I base my opposition to the nomination of John Tower on several factors. Like many Members, I am concerned about his alcohol consumption. I am especially concerned about his failure to acknowledge that he once had a serious problem or that drinking may have impaired his judgment at any point.

I am also concerned that John Tower may not be committed to improving the conditions and status of women at the Department of Defense. The new Defense Secretary should be committed to utilizing the valuable human resources of the Defense Department, male and female. The FBI report documents sexual advances toward women that seem in very poor taste.

I am concerned that John Tower may not be committed to improving military procurement procedures. The Defense Secretary controls almost one-third of our national budget. Whoever controls that huge slice of the pie must be responsible and willing to make tough choices.

Finally, I believe that John Tower exercised very poor judgment and questionable ethics in aligning himself to a number of defense contractors so shortly after being involved in high level, strategic arms negotiations.

Because of these many concerns, I do not believe John Tower would be effective in the important position of Defense Secretary. I have no other choice but to vote "no." Thank you.

Mr. HEINZ. Mr. President, the system of checks and balances created by our Constitution is something every American knows about, at least in the abstract. Today the Senate is in the process of performing one of those checks, the power to advise and consent to nominations, in the glare of media attention and the heat of partisan conflict.

I fear that the political overtones of the nomination of John Tower to be Secretary of Defense are obscuring the serious, constitutionally mandated work we are supposed to do.

Under the Constitution, our duty entails an unbiased and thorough consideration of each nominee, with due consideration given to the President's prerogative to choose his own Cabinet. Our job is to weigh all the evidence, whether firsthand or otherwise, and decide whether a President's choice for the Cabinet meets threshold standards of competence, probity, and reliability.

In the case of John Tower, a large portion of the Senate has the unusual advantage of long and close association with the nominee. Having worked with John Tower over the years, there is no doubt in my mind that he is a man of unusual ability who has an ex-

traordinary knowledge of defense issues and the capacity to conduct himself above the standard we should set for anyone in such a position of trust and responsibility.

But we have more than past association to rely upon. We have hours of testimony before the Armed Services Committee, we have hundreds of pages of investigation by the FBI of every shred of rumor and innuendo that was raised against John Tower.

A reading of the FBI report certainly reveals instances where one could disagree with judgments that John Tower has made in conducting his private, personal life. But I can find no suggestion that any aspect of his personal life has influenced his on-the-job performance as a Senator or as arms control negotiator in Geneva. And there is no evidence that his personal conduct would in the broadest sense make or expose him to being a security risk.

About John Tower's competence to fill the post of Defense Secretary, there is no dispute. The majority report of the Armed Services Committee says of the nominee, and I quote:

Senator Tower has a substantial understanding of national security policy and international security affairs. His 20-year service as a member of the Senate Armed Services Committee, including 4 years as Chairman, his service as Chief US Negotiator in the Strategic Arms Reduction Talks [START], and his chairmanship of the Tower Board have provided Senator Tower with a solid background on national and international security issues. His expertise was evident during the Committee's hearings, during which Senator Tower was questioned on a wide range of national and international security policy issues.

Given Senator Tower's clear substantive qualifications for the job of Secretary of Defense, and the absence of any compelling evidence of continuing personal conduct or problems that would impair his ability to perform that job, I see no reasons not to give consent to the President's choice. I support the nomination of John Tower to be Secretary of Defense, and will vote for his confirmation.

Mr. RIEGLE. Mr. President, my vote against John Tower's nomination is based upon a very careful reading of all the materials in the FBI report and the investigative files of the Senate Armed Services Committee. That record makes it clear that this nominee should not be confirmed as Defense Secretary. If Michigan citizens could read the same information, I think they would overwhelmingly reach the same conclusion.

The problem of serious alcohol abuse spanning the decade of the eighties clearly exists, and is documented in this case. Military rules which apply to personnel in America's nuclear chain of command today provide an absolute and flat prohibition against service by anyone with a history of alcohol abuse. The nuclear chain of command is the one where the rules must be obeyed every hour of every day without exception—and that must include—first and foremost—the Secretary of Defense.

There is also a serious problem of conflict of interest. Were he confirmed, Mr. Tower's previous private employment with several major defense contractors would throw a shadow over every future weapons procurement decision he was involved in—or otherwise prevent his participation in the major procurement decisions altogether. Neither option is sound—and especially so at a time of a major weapons contracting scandal at the Defense Department, and revolving door abuses, which must be aggressively cleaned up by the next Secretary.

The rejection of this particular nominee for this unique Cabinet position should not obscure the fact that all 10 other Bush Cabinet nominees now at work have been confirmed unanimously by the Senate—with only a single dissenting vote in one case by Senator JESSE HELMS.

Our constitutional separation of powers provides special safeguards to protect our Nation. It is the precise exercise of one of those safeguards that has occurred in this case.

The person in America who commands our nuclear forces—second only to the President—is the Secretary of Defense.

The Constitution of the United States directly requires the U.S. Senate to make an independent, affirmative judgment on whether a person nominated to be Defense Secretary is properly suited to that task. Our careful examination must eliminate any material doubt as to the nominees sound future performance and determine that there are no discernible risk factors associated with this person that could impair the proper discharge of the duties of that office.

A majority of the Senate, 53 Senators, acting in behalf of the American people—could not make that affirmative finding in the case of this candidate.

While it has been an unpleasant task for all involved—the Senate has done its work carefully and well—and has properly met its responsibility in this matter.

SOME CLARIFICATIONS ON THE TOWER DEBATE

Mr. DOLE. Mr. President, earlier today the distinguished chairman of the Committee on Armed Services, Senator NUNN, made a statement on the proceedings on the Tower nomination. He raises a few points I would like to reply to.

First, the Senator from Georgia accurately quotes my comments on the committee' proceedings on Thursday, February 23, before the committee voted on the Tower nomination. Unfortunately, he did not report my remarks in their proper context. Here is what I said:

"* * * I think most Senators believed, that the nominee is going to have a fair hearing, not a trial, a fair hearing in the Senate. And they have had a very thorough, a very exhaustive and a very fair hearing in the Armed Services Committee. The only thing I hope is when they meet later today it is going to be a vote that expresses the concerns of the Senators but it is not going to be party line."

I made those remarks on the assumption that the committee's extensive examination of the FBI file would lead it to give appropriate weight to unreliable evidence, and in hope that a bipartisan majority of the committee would recommend John Tower's confirmation. Unfortunately, I had no idea at the time that SASC would reject Tower in a straight party-line vote.

The chairman makes the point that no Republican member of the committee made a motion to call witnesses, put them under oath, take depositions or issue subpoenas. I believe this to be true. Nothing in my experience—until this nomination—would have led me to suggest such a course of action. Had we known that John Tower's reputation would be marred by rumors and leaks, and that the majority would place such weight on unreliable evidence, someone might have raised the procedural issue earlier.

Senator NUNN feels the Senate has taken unfair criticism for not releasing the FBI file. This is not quite true. Rather, we have been very concerned that negative information from the file was repeatedly leaked, but the other side of the story could not be told. One example is the Russian ballerina story. Our frustration was that once such information leaked and did Tower damage, the American people needed also to know that the ballerina and her piano were figments of the imagination of a doctor who is not a doctor, but who used a variety of names.

The chairman correctly states that the President routinely declines to nominate individuals to posts on the basis of FBI files. This is, of course, true. The difference is that prospective nominees are not treated to the public humiliation which has been heaped on John Tower.

Chairman NUNN says that nobody has a right to a Cabinet appointment so nonselection is not a violation of due process. Again, this is quite true, but individuals do have a right to fairness. The spirit of "due process"—if not the precise details—should live in

all our public proceedings. This was not the case in the Tower nomination.

Then Senator NUNN raises a number of questions we would have to resolve if we want to turn the Senate confirmation process into an adversarial court proceedings. The questions would indeed have to be answered if that is what we wanted to do. But this is a false dilemma because this is not what we suggest. We only raised "due process," open procedures, cross examination, the right to face accusers, and so forth. When it became obvious that John Tower was being railroaded by rumor and innuendo.

Senator NUNN says that a number of allegations against Tower were resolved in committee. This is precisely the point. Possible connection to the "Ill Wind" investigations or unauthorized contacts with foreign agents were found to be groundless. The process should have stopped there. Instead this was only the beginning of a campaign of rumor and innuendo.

Finally, the chairman explains that SASC did not call witnesses, cross examine, and so forth, because they relied on the FBI report. The FBI did not give SASC a report; it provided a file for them to judge. We in the Senate should seek facts, set the record straight, and act accordingly. Unfortunately, the SASC majority suspended judgment and relied upon the cumulative weight of allegations in the file. This is the wrong standard.

Mr. President, I hope we will soon return to the standards of fairness we have usually used in committee and on the Senate floor when considering nominees.

I would also note that in an exchange with the Senator from South Carolina, Mr. HOLLINGS, I suggested that perhaps the bounds of propriety had been stretched and offered to compare actual quotes with those appearing in the scrubbed record.

Actual Hollings quote; "and put in Mr. Alcoholic Abuser as Secretary of Defense, man what you talking about in this body."

As it appeared in the record: "When he is a known alcohol abuser himself."

Actual Hollings quote: "There is not any question as to the partisan nature of Senator DOLE and his assault on this body."

As it appeared in the record: "There is not any question about the partisan nature of the other side's assault on this body."

I know tempers can flare on an issue like this, and I do not wish to fire back at the Senator from South Carolina. My only point is that we must keep in mind fairness to the nominee, and keep our comments more like those we would like to see in the RECORD rather than like some of the inflammatory commands we have heard on the floor.

The VICE PRESIDENT. Under the previous order, the hour of 4 o'clock having lapsed, the question is, Will the Senate advise and consent to the nomination of John G. Tower, of Texas, to be Secretary of the Department of Defense? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—47

Armstrong	Gorton	McConnell
Bentsen	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Burns	Hatfield	Pressler
Chafee	Heflin	Roth
Coats	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Humphrey	Specter
D'Amato	Jeffords	Stevens
Danforth	Kasten	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	Wilson
Garn	McClure	

NAYS—53

Adams	Fowler	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Graham	Moynihan
Boren	Harkin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kassebaum	Riegle
Burdick	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dixon	Levin	Simon
Exon	Lieberman	Wirth
Ford	Matsunaga	

So the nomination was rejected.

The VICE PRESIDENT. Under the previous order, the motion to reconsider the vote by which the nomination was not confirmed is laid on the table, and the President is to be immediately notified of the Senate's action.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL DRUG CONTROL POLICY

The VICE PRESIDENT. The Senate will now proceed to the consideration of William J. Bennett to be Director of the National Drug Control Policy.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of William J. Bennett, of North Carolina, to be Director of the National Drug Control Policy.

The Senate proceeded to consider the nomination.

The VICE PRESIDENT. The Senate will be in order.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD.) Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask a parliamentary inquiry. What is the order of business before the Senate.

The PRESIDING OFFICER. The order of business before the Senate is the nomination of William Bennett to be the Director of National Drug Control Policy.

Mr. BIDEN. Thank you, Mr. President.

The PRESIDING OFFICER. Debate is limited, the Chair further advises, to 30 minutes equally divided.

Mr. BIDEN. Mr. President, I say to my colleagues we now move to a less controversial but in my view not less important nomination for Cabinet-level office.

The newly created post is one that has been referred to in the press, and on this floor off and on for the last 8 years in which we have been fighting for its establishment, as Drug Czar.

Mr. President, the Senate is about to vote on one of the most important nominations that President Bush will make in this administration, the nomination of Dr. William J. Bennett to be the first Director of the National Drug Control Policy.

I say this is most important for two reasons: First, Dr. Bennett has been nominated to lead this Nation in the struggle against what could be the most serious threat that we will confront in the next decade; a threat that has a greater danger of taking the life of American citizens than a Soviet bullet or a Soviet bomb.

Second, this nomination is truly historic. Not only is this an entirely new Cabinet-level position, but the authorities that Congress has conferred upon the drug Director to draft the national antidrug strategy—and I might note we have none now—and a drug budget are also unprecedented. That is why the mandate that the Senate and the President give to Dr. Bennett as the first drug Director will largely determine how this office operates in years to come.

Mr. President, when the Judiciary Committee opened its hearings on Dr. Bennett two issues were of critical concern to me: first, whether Dr. Bennett is the right man for the job; and, second, whether he understands what Congress envisioned his job to be.

I was encouraged by Dr. Bennett's testimony on both these issues. I think his direct and outspoken approach is

just what we need in the new drug Director post.

Dr. Bennett will undoubtedly have to go head to head with some of his Cabinet colleagues, and he appears ready to do exactly that if necessary.

I was also encouraged by Dr. Bennett's testimony that, in drafting the new strategy, he will have to make some tough choices and that he knows we must take some risks by trying some previously untested approaches.

I pledged that, if he in fact acts in good faith to try to accomplish and put in place a new drug strategy and take on the various turf wars that will surely ensure, he would have my full support.

By necessity, Mr. President, Dr. Bennet's answer to many questions relating to drug policy issues were vague, but on the whole he did shed some light on several important issues. Dr. Bennett testified that his support for increased funding for Federal antidrug programs was real. He testified that we need to increase funding for education, treatment, and drug prevention.

Finally, Dr. Bennett testified he would ensure that the effort to combat drugs will not be carried out at the expense of civil liberties.

As he stated in response to one question, "If we were to solve the drug problem by interfering and abridging people's constitutional rights, then it would really be a hollow victory."

This morning the Judiciary Committee overwhelmingly voted to confirm Dr. Bennett. He clearly has the bipartisan support of the Judiciary Committee, but in order to succeed, Dr. Bennett must have the full and complete support of the President of the United States.

We are all taking about Dr. Bennett's drug strategy. The fact of the matter is, just as the Secretary of Defense, the Secretary of State, or any other Secretary, he has no strategy of his own. It is the strategy of the President. Whether or not Dr. Bennett succeeds or fails, is going to, in large part, depend upon the full support of the President of the United States. It is the President who signs off on the strategy and the budget, and it is the President who will have to make clear to every member of the Cabinet that they are obliged to follow both the letter and the spirit of this strategy.

Mr. President, I urge my colleagues to support this nomination so that Dr. Bennett can get to work on the strategy which is due in 180 days. This will be a massive undertaking, and it will require Dr. Bennett's full attention. I pledged to Dr. Bennett that the Judiciary Committee will not call him up to testify very often in the next several months, as long as he follows through in the statutory requirements of beginning to get this job completed. Although the Judicicary Committee and other committees have strong interests in the drug issue, I think we would be well advised to wait until the strategy is completed before we start to question him.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield 2 minutes to my good friend from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BAUCUS. Mr. President, Montana has always been a good place to live. A great place to raise a family. Our cities are friendly, the countryside is wide, open, and scenic.

On some stretches of highway you see more cattle than people. In some parts of the State you see more bears than people. We've managed to avoid the stress and crime of larger places. But unfortunately, one problem is catching up to us—drug abuse.

Here are some very alarming facts concerning drug use in Montana:

In 1983, authorities confiscated 24 grams of cocaine. In 1988, they confiscated 7,000 grams, a 266-fold increase.

In 1985, an ounce of cocaine in Billings cost approximately $2,600. Today, the price is down to $900. As the laws of economics tell us, the price decreases as demand increases.

Drug Enforcement Administration cocaine arrests in Montana have increased 100 percent in 5 years.

Members of the Los Angeles street gangs, the Bloods and the Crips, have been arrested in Billings on drug charges.

Drug enforcement authorities have shut down two methamphetamine labs in the State. Methamphetamine, a highly addictive speed derivative, is growing in popularity and may pose as big a problem as crack. Rural areas are especially conducive to methamphetamine production.

A runaway shelter in Billings estimates that 90 percent of the children it serves are substance abusers. The average age of the runaways is 14.

A recent poll conducted by Yellowstone County revealed that sixth graders had access to crack and that a small percentage of them had used it within 30 days of the survey.

The point of my statement today is not to paint a picture of Montana as a haven for drug dealers and users. Instead, it's to let the Senate know that rural areas are not immune to the problems of drug abuse and that we should receive adequate resources for our needs.

Montana is the fourth largest State in the Union and has a land mass of almost 150,000 square miles. It is bigger than the combined areas of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Hawaii.

Those 11 States have a total of 491 DEA agents, 1 for every 90,000 residents. Montana has only three DEA agents, 1 for every 267,000 residents.

The United States has declared a war on drugs. But how are we supposed to win that war with inadequate funding and staffing? Administration rhetoric isn't going to stop drug dealers. We've got to back up our commitment with funding to do the job. Not just in our cities, but across the country and across the State of Montana, as well. Montana, along with other rural States, needs more agents and more antidrug assistance.

I talked to William Bennett yesterday and let him know about the problems we're facing in my home State. He's an impressive fellow. He seemed genuinely concerned. I have confidence in him and believe he will commit himself to ending drug use in this country. But he needs our help.

The Senate must back up its commitment to ending drug abuse by providing the resources to get the job done. That means States like Montana should have the resources to attack drug abuse before it's too late.

Public awareness of the drug problem in Montana is very high. State and local authorities, schools, parents, teachers, and others want to fight drugs, but they need money and additional Federal agents to do it. I ask the Senate to keep this need for resources in mind when considering further steps in the war on drugs.

Mr. LEAHY. Will the Senator yield?

Mr. BIDEN. I yield 1 minute to the Senator from Vermont.

Mr. LEAHY. Mr. President, I will vote to confirm the nomination of Dr. William J. Bennett to be Director of the Office of National Drug Control Policy—the so-called Drug Czar.

President Bush has selected this nominee to tackle an exceedingly difficult job. We all know that illegal drugs have penetrated every level of our society. They infect our homes, our schools, our workplaces.

Drugs are no longer somebody else's problem. It does not matter if you live in the city, or the suburbs, or in a rural State like Vermont. No American and no American family is free from the baleful effects of this scourge.

A recent headline in a national newspaper asked, "Does the Drug Czar Face a Mission Impossible?" That question speaks volumes about public perceptions of the drug problem, and about the challenges this nominee will face.

If the Drug Czar's job is to singlehandedly turn the tide in the war on illegal drugs, without the cooperation, hard work and even sacrifice of anyone else, then of course he does face "mission impossible." That unrealistic view of this job would be consistent with a long and unhappy Washington tradition. We have heard many stirring speeches against drug

abuse, but we have not seen enough Federal action targeted to make a significant contribution to the antidrug effort.

The Federal Government has an important role to play in combatting the drug problem. That role embraces foreign policy, law enforcement, treatment and education. That role includes deploying Federal resources to cut back on illegal drug supplies and to dampen the demand for illegal drugs.

But the most important aspect of the Federal role is leadership. The Federal Government must devise a prudent and balanced antidrug strategy, and then demonstrate that it can stick to that strategy for the long haul. Turf battles and bureaucratic bickering must be put aside. The stakes are too great for "business as usual" in the Federal bureaucracies, or here on Capitol Hill.

The war on drugs will not be fought in Washington. It will be fought in every American city and town, where the pain and the waste of the drug scourge are most keenly felt. And the war on drugs will not be won by a President, nor by Senators, nor even by a drug czar. It will be won by ordinary Americans, who mobilize through their families, churches, schools and local law enforcement to fight this menace.

The post of Drug Czar has enormous potential: not to win the war on drugs, but to help mobilize the American people, and government at every level, to fight that war more effectively.

That is why the Drug Czar's job is not "mission impossible." If the job is to get the Federal Government to play its antidrug role more efficiently and more effectively—to deliver the tools and the leadership that the American people need to combat the drug problem—then I think the job, while very difficult, is not impossible.

Success in this mission will call for a variety of skills and strengths. It will take the ability to take charge, but also the humility to take advice. It will require tough talk, but also careful listening. It will be a "bully pulpit," but also a bureaucratic cockpit.

We cannot expect to find all these varied, even contradictory, qualities in a single nominee. Dr. Bennett brings strengths to the post to which he has been nominated. He also brings weaknesses. He will need to build on the strengths he has demonstrated in nearly a decade of public service, but also to overcome some of the deficiencies that many have identified in that service.

Mr. President, as a member of the Judiciary Committee, I participated actively in last week's hearings on this nomination. I was encouraged by the nominee's responses to many questions, including his recognition that our Nation must commit more resources to international efforts to suppress the supply of illegal drugs around the world. I remain concerned about his approach to some other issues. For instance, some people believe his testimony may have given some mixed signals about the need to protect civil liberties at the same time that we step up efforts to fight drugs.

I believe that we can make progress in combating drugs without sacrificing our valued individual freedoms. Dr. Bennett expressed his agreement with that proposition during the hearing. But in this, as well as in many other areas, his statements and actions as Drug Czar will bear close scrutiny and oversight by the Judiciary Committee.

Mr. President, the mission of the new Office of National Drug Control Policy is not "mission impossible." But it is a mission that will test the leadership qualities of all of us, not only those of the Drug Czar. As Dr. Bennett embarks on this mission, I offer him my support and my cooperation. I know he will find the members of the Judiciary Committee, and other Senators regardless of party, ready to cooperate with and support him as he undertakes this crucial task.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Dr. William J. Bennett, President Bush's nominee for the position of Director of the Office of National Drug Control Policy.

As my colleagues are aware, Congress established the Office of National Drug Control Policy as a part of the Anti-Drug Abuse Act of 1988. The Director of National Drug Control Policy is charged with the responsibility for coordinating all Federal efforts in combating the growing illicit drug problem. The fight against the illegal drug trade and abuse in this country will require an individual of exceptional knowledge and skills.

Mr. President, Dr. Bennett is an individual with a wide breadth of experience having served as a former Secretary of Education, a professor of philosophy, educator and administrator. He received his bachelor's degree from Williams College in 1965, and in 1970, received his doctorate in philosophy from the University of Texas. In 1971, Dr. Bennett graduated from Harvard Law School. From 1971 to 1976 he served in a number of academic positions at Boston University and the University of Wisconsin. In 1976 he became executive director of the National Humanities Center in North Carolina and from 1979 to 1981 he served as president and director. Dr. Bennett was appointed by President Reagan in 1981 to serve as Chairman of the National Endowment for the Humanities, where he remained until 1985. After serving as Secretary of Education from 1985 to 1988, Dr. Bennett then became the president of the Madison Center.

Dr. Bennett is an individual with a strong commitment as well as the will and dedication required to develop an effective and well-coordinated national drug control strategy. He has the leadership ability, insight and common sense that are essential in strengthening and fostering the cooperation needed among all agencies involved in drug enforcement. That, Mr. President, is not going to be an easy task. I am confident, however, that Dr. Bennett understands the importance of succeeding in this effort and he will undertake his duties and responsibilities in a diligent and cooperative manner. Through this effort he will ensure that the war on drugs is the priority domestic issue that President Bush and this Congress have deemed it to be.

Mr. President, we have a crisis of major proportions on our hands. The magnitude of the drug problem we face is so serious that it will impact on every American in some manner. Dr. Bennett must succeed in his mission. We should remember, however, that to be successful it is imperative that Dr. Bennett have the complete cooperation of all agencies involved in the war on drugs. This is a matter that I intend to follow closely. In the interest of our youth and our country I sincerely hope that Dr. Bennett is the most successful member of President Bush's Cabinet.

The drug problem in this country is real and one that endangers the vitality of our Nation. A recent U.S. Chamber of Commerce report stated that:

> The annual cost to the business community due to drug abuse is $60 billion in decreased productivity, increased absenteeism, medical claims, workplace accidents, and employee theft. Studies have shown that employees with drugs in their systems are one-third less productive and nearly four times more likely to injure themselves or another person in a workplace accident.

The report also gave some startling statistics supporting concerns of the business community.

Sixty-five percent of those entering the full-time work force for the first time have used drugs illegally.

Twenty-three million Americans use marijuana on a regular basis; 6 million use cocaine on a regular basis—that is to say at least four times a month. Furthermore, three-quarters of those calling the cocaine "Hotline" said they sometimes took cocaine on the job while one-quarter said they used cocaine on the job daily.

More than $110 billion is grossed annually from the illegal sale of drugs in the United States. This is more than

double the total that American farmers take in from all crops and more than double the combined profits of all Fortune 500 companies.

Illegal drugs are more potent, cheaper, more available, and, in some circles, more accepted than ever before in American society. The threat is greater because the drugs are more lethal.

Mr. President, I feel that Dr. Bennett's knowledge, integrity, judgment and experience have prepared him well for this position. I am impressed with his willingness to assume such a challenging and demanding role in this Nation's fight against illicit drugs and for that he should be commended. I am certain that Dr. Bennett will serve capably and honorably as the Director of our National Drug Control Policy.

Mr. President, Dr. Bennett is clearly qualified for this important position and I urge my colleagues to vote for his confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield 1 minute to the able Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am happy to rise on behalf of Bill Bennett for the Director of National Drug Control Policy. He served with great distinction as Secretary of Education and Chairman of the National Endowment for the Humanities. I do not know of anybody who can articulate better than Bill Bennett, who will understand things more. I expect him to be a great Director of this antidrug program throughout our country, and I expect him to give inspiration and leadership to that program.

Mr. President, I could not speak more highly of an individual than I can of Bill Bennett. I am proud to support him, and I urge all of our colleagues to support him. I think this country will be well off for it.

The first duty of government, Mr. President, is to protect its citizens. Our Constitution's majestic preamble speaks not only of defending against external enemies, but also insuring domestic tranquillity. Drug abuse threatens that tranquillity every day.

Drug thugs are not content to kill with their product alone. Their instruments of death include not only powders and pills, but bullets. No longer is it rare to hear of deliberate executions. They kill kids, firing-squad style; they kill bystanders and innocents; they kill cops; and they may well kill the rule of law, if we don't hold them accountable for their carnage.

This violence has created a virtual state of emergency. Urban hospitals frequently witness wounds once limited to the battlefield. The crush of drug-related criminal cases clogs the courts, handicapping the administration of justice. To fight drugs we have had to make the Government larger, more powerful, and more expensive—thus more dangerous. Drug abuse jeopardizes not only addicts, but all of us.

DRUG ABUSE EDUCATION/BENNETT RECORD

Bill Bennett is supremely qualified to examine the roots of this tragedy. Why do people turn to drugs in the first place? Those ignorant of the consequences must be educated; and Dr. Bennett, with his admirable record as Secretary of Education, has proven himself worthy of our trust in that task. Under his leadership the Department of Education published "What Works: Schools Without Drugs," a tremendously popular publication which received widespread distribution and acclaim.

But some people who should know better get involved, too. Why, Mr. President? Have changes in the schools, organized religion, and the family left us vulnerable? Has self-discipline weakened along with other traditional values? I don't expect Bill Bennett to know all the answers, but he has already demonstrated a unique capacity to pose the right questions—those that, by provoking debate and stimulating further study, will help us attack the drug threat at its roots.

One thing about Bill Bennett: Nobody can accuse him of a lack of candor. He says what he thinks; and he thinks well.

COMMITTEE JURISDICTION

Now that Secretary Bennett is responsible for coordination in the executive branch, we ought to coordinate the Congress. Here in the Senate, at least 21 committees and subcommittees exercise jurisdiction over some aspect of national drug abuse policy. In the House, it's worse—at least 53 committees and subcommittees. The Director is required by law to appear before duly constituted committees and subcommittees of the Congress. We have an important oversight role, but unless we exercise some restraint the Director won't be able to get the job done.

If we are serious about this issue, we must coordinate our own handling of drug control policy.

SUCCESS IN UTAH

Mr. President, I am proud to mention that my home state of Utah has already experienced notable success in reducing drug abuse among our children, by attacking the demand side of the problem. I anticipate forceful leadership from Director Bennett in this regard, as well as on the supply side.

CONCERN FOR MEMBERS OF MINORITY GROUPS

Like the great Justice Harlan, Secretary Bennett believes that the Constitution is colorblind, and that it prohibits discrimination on grounds of race, period. He believes in affirmative action as originally conceived: you cast a wide net, and look for those who may have been excluded before; but you do not make decisions on the basis of color, and you never use quotas.

Bill Bennett has demonstrated genuine concern for the serious problems facing certain segments of minority communities. As Secretary of Education, he visited a disproportionate number of minority schools. These were not mere media events. He talked and he listened, not only to adults but also to students. As Secretary of Education, he devoted particular attention to the challenge of educating the disadvantaged.

LAW ENFORCEMENT EXPERIENCE

Beyond his studies of criminal law and procedure in law school, Secretary Bennett has had a longstanding interest in criminal justice matters. As Director-designate, he has already spent a great deal of time meeting with those on the front line of law enforcement. Although he has more personal experience on the demand side, he is well qualified to work on the supply side as well.

CONCLUSION

Bill Bennett is the right man for this extremely difficult job. I urge my colleagues not only to confirm him today, but to demonstrate their cooperation and support by permitting him to do the job. Let's not force him to march back here for endless hearings. Let's not second- and third-guess his budget requests. Above all, let's not prevent him from speaking out.

Mr. President, I wholeheartedly endorse the nomination of my good friend, a fine public servant, Bill Bennett.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the able assistant minority leader, Senator SIMPSON.

Mr. SIMPSON. Mr. President, I will just say, not quite with the speed of Senator HATCH, that indeed, I have come to know Dr. Bennett. He is going to do a superb job. The chairman of the committee is very correct. We have an oversight role that is very crucial. The important thing to me, and Senator HATCH said it beautifully, that we must preserve and protect this man from becoming absolutely fragmented from appearing on the Hill testifying to 21 committees or subcommittees in the Senate and 53 in the House, that feel that they have a great interest here, and they do.

We must protect him from that, and I think the principal thing, and I shared it with the chairman this morning and members of the committee, is to begin to work and clean up the technicalities so that we can have joint hearings of all of the House committees and subcommittees, or at least thin out this process so that people do not use William Bennett for seven camera hearings all over this particu-

lar Hill. I think that is going to be an important thing. The chairman indicated his feeling about that, but again now to work on the procedural aspect, because I know, when I worked in immigration reform, Congressman MAZZOLI and I had a tough row to hoe, just to have a joint hearing of the House and Senate. It s absurd. We need to do that, and I know well. We are here to serve and to see that Dr. Bill Bennett does the job.

Mr. SIMPSON. I would like to compliment the chairman of the Judiciary Committee, the junior Senator from Delaware, for his expeditious handling of this nomination in compliance with a request of the White House. He has been a real leader in the effort of the Senate to establish an independent office within the administration to oversee Federal drug control activities. The Judiciary Committee was able to proceed swiftly with the nomination and to discuss many important issues regarding the nomination.

During the Judiciary hearings, the qualifications of Dr. Bennett to become the Nation's first Director of National Drug Control Policy became so very evident. He has accumulated the experience in the very highest levels of government that will serve him so well in commanding the respect and attention of his colleagues in the President's Cabinet as he goes about coordinating Federal efforts to end the scourge of drugs.

This Senator was particularly struck by Dr. Bennett's testimony in the Judiciary Committee hearings that the only reason to take on this job for which he is nominated is to solve the illegal drug problems which the country faces. Certainly drug control is a depressing, humorless subject. Dr. Bennett will be required to work long hours for substantially less income than he could command in the private sector. He stated that the only reason to take the job was to "make a difference" in the war on drugs. That impressed this Senator and it impressed others. It spoke of his dedication and confidence and I believe he will accomplish his goals.

Mr. President, it is now time for Dr. Bennett to get right to work assembling his staff and working out his course on drug control strategy. I am confident that he and his team will do a super job and that the country will be well served. I whole heartedly applaud the President's selection of Dr. Bennett as his nominee. Welcome aboard! Thank you Mr. President. I yield the floor.

Mr. KENNEDY. Mr. President, I speak in support of William J. Bennett's nomination as the Nation's first Director of National Drug Control Policy. His credentials are impressive and he has demonstrated both an ability and a willingness to grapple with the various facets of the drug problem.

I commend Senator BIDEN on his efforts over many years to establish this important post within our Government. Senator BIDEN deserves great credit for his perseverance in establishing this important position. It was not always popular, but it has been embraced now by both the Congress and the President.

Dr. Bennett and I did not always agree on the issues during his tenure in the past administration, but he has been an effective advocate for the administration's policies. His speeches and testimony over the past several years demonstrate that he has spent considerable time examining many of the issues he will face in his new position.

Mr. President, the Nation is at a critical turning point in the war on drugs. In light of the severe budget constraints we face, the greatest challenge may well be to spread our limited resources in the most effective possible way. As the confirmation hearing testimony and the Judiciary Committee report demonstrate, Dr. Bennett understands that a winning strategy against drug abuse involves three approaches: law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored.

If I have any concern about Dr. Bennett's qualifications, it stems from his past commitment to hardline approaches that place too little emphasis on drug abuse prevention and treatment. There is no army large enough to keep drugs from crossing our borders. We do not have the resources to enable us to apprehend or imprison every pusher and supplier. In my view, excessive concentration on supply-side tactics can leave the Federal battle on drugs in the same failing condition that excessive emphasis on supply-side economics has left the Federal battle on the deficit.

The evidence is clear that prevention and treatment programs work. Congress has expanded the Federal education effort significantly, but we are far short of the investment in prevention and treatment that we need to make acceptable progress in this battle. Last year, Congress clearly indicated its intent to balance our extensive national investment in interdiction and law enforcement with an equal emphasis on education and treatment. The President's budget does not yet reflect this priority, and I hope that we can work together with Dr. Bennett to attain it.

We all know that the most cost-effective antidrug program is prevention. In fact, the national high school senior survey conducted by the University of Michigan Institute for Social Research showed just how effective efforts to teach students about the harmful impact of drugs can be. Students who don't think drugs are harmful are four times as likely to use cocaine as those who believe there is a risk from using it on a regular basis. In school year 1985-86, there was little perception of the risk of cocaine use and little change in use. By the next school year, things had changed dramatically. During this period, there was great media attention to the death of prominent athletes, we started the drug free schools program, and launched the "just say no" campaign. The number of students who saw a great risk in use of cocaine increased 41 percent, and the use of cocaine declined 31 percent.

An intensive drug education program in the schools in my own home State of Massachusetts also demonstrated the effectiveness of education programs. Our programs reduced the use of illicit drugs among high school seniors between 1984 and 1987 twice as fast as drug use fell nationally.

Other programs around the country have also shown great promise—the DARE Program in Los Angeles and 37 other States across the country—it uses police officers in conjunction with school teachers in a drug education program in grades K-12—and peer counseling programs used in a wide variety of school districts, for example.

Attorney General Dick Thornburgh recently told the National Governors Conference that the war on drugs is "more likely to be won in the schoolroom. * * * It will be won or lost," he said, "on the battlefield of values."

As important as education and prevention are in fighting drug abuse, they obviously cannot do the job alone. According to the National Institute of Drug Abuse, we have 6.5 million addicts in the United States today. Prevention programs are too late for this large group; our only option is rehabilitation.

While we have much to learn about effective treatment, there is no doubt that treatment is effective. A recently published study using data from a National Institute of Drug Abuse survey of a large sample of addicts entering treatment found that, as long as 12 years after treatment, employment was up 60 percent, and criminality had dropped from almost 90 percent of clients to less than 20 percent. Most important, daily use of illegal drugs had dropped from 100 percent of clients to less than 40 percent. Another study from the Department of Justice found that every dollar spent on treatment paid off in reduced crime costs, often at rates of three or four to one.

If we step back for a moment, and look at prevention and treatment in the context of our overall drug effort, I think President Bush has stated the priority very succinctly. He said:

> Fundamentally, the drug problem in American is not one of supply, but of demand. As much as we can do to bust the smugglers and the dealers, as much as we do to eradicate crops and stop the flow of drugs

into this country, as long as Americans are willing to pay billions of dollars for illegal drugs, somebody somewhere in the world will provide them.

And yet, we are spending almost 70 percent of our Federal dollars on interdiction, eradication and law enforcement—$4.1 billion—under the Bush Budget, and only 30 percent—$1.8 billion—on treatment and prevention. We need a Director of National Drug Control Policy who will redress this imbalance.

Even on the enforcement side, wiser policies are needed, especially at the State and local level—where the real war is fought every day on our streets and in our communities. State and local law enforcement funding is an item which the past administration consistently and unsuccessfully sought to eliminate. We need to put an end to this dispute, and see to it that needed funds are there.

This year's proposed budget seeks over $100 million for local law enforcement so I am glad to see that President Bush seems to be on the right track. But $100 million is not sufficient and it is important to allocate these funds to programs with proven success.

Local law enforcement agencies have had success through concerted crackdowns on street crime in drug-infested neighborhoods. These programs—where local police go into a drug trafficking area and make saturation arrests of traffickers, dealers and buyers—eliminate street drug sales in targeted neighborhoods, reduce the rate of drug-related crime, isolate new drug networks and increase the numbers of drug addicts who seek treatment.

Congress is committed to the State and local law enforcement Federal grant program. We need a Director of National Drug Control Policy who shares that commitment and will see to it that State and local street crime crackdown programs get the funding they deserve, both through the grant program and through the drug Director's authority to designate drug disaster areas.

In closing, I believe the issue of assault weapons deserves the attention of the Director for National Drug Control Policy. For those who wondered whether senseless drug-related killings in America could get worse, the answer lies in the fact that gruesome killings caused by easily obtained assault weapons are becoming all too frequent. The ease with which these weapons can be obtained is fueling the arms race on the streets of every community in America. William J. Bennett raised these concerns early last year in a memorandum to then-Attorney General Meese. In that memorandum, which Dr. Bennett provided to me at my request and which I submitted as part of the confirmation hearing record, together with other memoranda Dr. Bennett authored on the drug issue, he stated:

> The easy access to firearms has put increasing fire-power in the hands of drug traffickers. We should consider supporting legislation to better manage the production, importation, and sale of automatic weapons and other firearms, as sought by the major law enforcement organizations.

Dr. Bennett commented at his hearing that he continues to have personal concerns on this issue, but chose to reserve judgment for 6 months. President, Bush has indicated that he is now giving serious consideration to this issue in light of Dr. Bennett's remarks. It is my hope that these comments reflect an understanding of the tragic linkage between drug-related crime and the proliferation of firearms, particularly assault weapons.

Dr. Bennett has been hard at work on this new assignment and he is eager to get on with his duties, the first of which will be to develop a comprehensive strategy to combat drugs. I look forward to working with him toward that goal in the months ahead. The war on drugs is one war that America cannot afford to lose.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. I thank the Chair.

Mr. President, I am privileged to support Bill Bennett's nomination as Director of National Drug Control Policy. It may very well prove to be one of the most significant decisions made by President Bush. Bill Bennett deserves our full support and assistance as he embarks upon duties that are crucial to all Americans. Indeed, the future of the country may depend on the success of his endeavors in the war on drugs.

Mr. President, the drug problem—like any other malignancy—is too often perceived today as something that happens to the other fellow, or the other fellow's children. If the Office of National Drug Control Policy is to be meaningful, it must have at its head a person persuasive enough to enlist the support of the millions of Americans who, up to now, have been content to sit out the drug crisis facing this country.

Mr. President, if there is a man in this Nation up to the task by instinct as well as training, it is Bill Bennett. A former college professor, law school graduate, assistant to the president of Boston College, director of the national humanities center in North Carolina, head of the National Endowment for the Humanities, and a former Secretary of Education, Bill Bennett is first and foremost an educator and leader.

Mr. President, while he is tough enough to see the task through to the end, he is also wise enough to know that the drug problem will not be brought under control until all Americans focus on the depth of the problem and the danger it poses to our children, our families, our communities and indeed the Nation. And Bill Bennett has the strength of character necessary to bring about this change in the force of public opinion concerning the drug war and the necessity of improving our law enforcement efforts.

Specifically, Mr. President, Dr. Bennett will be charged with devising a national drug control strategy to better coordinate the efforts of the numerous agencies trying to stem the flow of drugs and as well as deal with the disastrous effects of their use. I believe Dr. Bennett will be better able to succeed in this task if he is made a fully participating member of the President's Cabinet.

To that end, Mr. President, I have cosponsored Senate Resolution 19 which calls on the President to make the Director of National Drug Control Policy a fully participative member of his Cabinet. Indeed, I believe that was precisely our intent when the Director's position was created as one of our last acts in the 100th Congress.

Finally, Mr. President, we are acting prudently in confirming Dr. Bennett with dispatch because lives are lost each and every day to the scourge of drugs plaguing our Nation. Dr. Bennett can and will use his new position to quickly begin the task of reversing this human tragedy.

I thank the distinguished Senator for yielding to me and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the able Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. D'AMATO. I rise today in support of confirming William J. Bennett as Director of National Drug Control Policy.

At his confirmation hearing last week, Bill Bennett said that if confirmed as Drug Czar: "We will likely shake things up pretty good."

Mr. President, let the shakeup begin.

Let it begin at the State Department, where year in and year out, inaction by drug-producing countries is explained away and minimized.

Let it begin in the military, so that our own borders are better defended against the smugglers' planes and ships.

Let it begin right here in our Nation's Capital, where there have been 102 killings so far this year.

We need to shake up our educational institutions as well. In New York City, only 30 percent of the 1 million children in public school get any kind of drug prevention education at all. The other 700,000 children are being neglected. Mr. President, that is criminal.

And who is reaching out to the children most at risk—those who are not in school? Those with parents who themselves are alcoholics and drug users?

In the area of treatment, we have only about 250,000 treatment slots for 6½ million people in immediate need. For crack addicts, relapse rates approach 100 percent.

We need to stop ignoring—and we need to start penalizing—the casual user. We need to define when we want to use drug testing.

Mr. President, I know that Bill Bennett has the courage, dedication and intellectual honesty that this most important job requires. He recognizes that we have failed to build a criminal justice system that our people can believe in. He will not be afraid to force the issue. We need more prisons, prosecutors, and police. And if we are really serious, we are going to have to find the money to pay for them.

The challenge is enormous, Mr. President. As Bill Bennett said last week, "this war is not for delicate sensibilities."

Mr. Bennett is in for the fight of his life.

But more important, he is in for the fight of our children's lives.

I know that all of us join in praying that he succeeds.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield the remainder of my time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. Mr. President and my colleagues, I am going to cast a negative vote. I recognize Mr. Bennett is going to be approved.

What we want is, No. 1, someone who is going to be an effective administrator. And the reality is as Secretary of Education he was not a good administrator. He was a great gadfly in calling attention to the problems, but in administering the Department he was not strong.

A former Member of this body, a Republican who chaired the Education Subcommittee, said if he had known how he was going to proceed he would not have voted for him.

No. 2, what we want is real dedication on this issue of drugs. We are talking about something that is a horrible scar on the face of this country. A year and a half ago William Bennett came and asked this body for a cut of one-half in drug education funding.

That does not indicate to me the kind of dedication that we ought to have. There is no question in my mind that he is a person of great ability. And there would be nothing that I would like better than to have him prove my vote wrong.

But on the basis of the record, I expect from the new drug czar a blizzard of press releases, but not much action.

We are talking about something that is deadly serious for the future of this country. And what we need is someone who is, frankly, not a high-profile person who is going to be getting a lot of publicity. We need somebody who is going to go in and act and move and get some action for this country. We need action, not words.

And I regret to say on the basis of the record up to this point, I fear from Bill Bennett we are going to get words rather than action. I hope my vote will be an indication to him that there is concern. I hope a year from now to stand on the floor of this body and say I was wrong. But on the basis of the record up to this point, my vote will have to be cast in the negative.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. Mr. President, I rise to support the President's nomination of William J. Bennett to be the first Director of the Office of National Drug Control Policy.

As I stated during Mr. Bennett's confirmation hearing, the Director of National Drug Control Policy must be concerned with the children of today, and tomorrow:

Will we leave our children a society that tolerates or promotes drug use, thus cheapening the gift of life?

Will we leave for them a nation where drug related violence in the streets and the schoolyard threatens their ability to grow and learn—indeed, to survive?

The evil residue of drug abuse and drug related crime has been well-documented:

First, increased violence;

Second, low worker productivty;

Third, decreased motivation of our young people to achieve educational excellence;

Fourth, unsafe public transportation, both on the ground and in the air;

Fifth, impaired military preparedness; and

Sixth, public and private corruption.

If our war on drugs is to be more than a slogan, we must recall an admonition from a former President, and general, Dwight D. Eisenhower.

As he put it: "When you appeal to force, there's one thing you must never do—lose."

Our children cannot afford us to lose this war.

And so we must engage all of our available weapons: Education, interdiction, prosecution, rehabilitation, and treatment.

We all know that drug abuse is one of the most serious and most tragic problems our country faces.

Dr. Bennett stated that the drug problem in America is ferocious and is clearly the Nation's No. 1 domestic priority.

Its costs to the Nation in terms of narcotics related crime, health care, drug education programs, and drug users' lost productivity, is staggering. Although no truly accurate figure is available, most who are knowledgeable about our drug problems place the amount well into the billions of dollars.

In addition to these tangible costs, the Nation bears an incalculable burden in terms of ruined lives, broken homes, and divided communities.

As many have long recognized, we are in a war against drugs. However, many of us who have recognized this fact also believe that we have yet to adequately wage a serious campaign to win this war.

One key to winning the war against drugs is the affirmation of the Federal Government's strong role and commitment to combatting drug abuse. I believe the enactment of the Omnibus Anti-Substance Abuse Act of 1988 is evidence of that role and commitment.

I applaud the President, who—given the current serious budget constraints—has made Federal anti-drug abuse programs a priority.

I also know that the President has told the members of his Cabinet that he intends to spend time consulting—possibly more than many other members of the Cabinet—with Dr. Bennett. The President has also let all relevant Federal agencies know that they are to cooperate with Dr. Bennett and his staff.

An important function of the new Office of National Drug Control Policy is the requirement that the Director draft and implement a national drug control strategy within 180 days of his confirmation, and then annually thereafter.

With this mandate in mind, Dr. Bennett has stated that he is impressed "by the dedication of so many organizations and individuals who are daily working to keep drugs from reaching our borders, educate Americans about the evils of drugs, and rehabilitate those who have become addicted."

He continued:

Part of my responsibility is to bring these people and their ideas together, not only to learn, but to build upon what they have already accomplished. I hope that some of the successful programs and projects can be replicated across the country to help communities struggling to cope with their drug problems.

As I develop a national plan I will seek the advice and assistance of all Americans.

I know that Dr. Bennett will want to find out what works in drug enforcement, drug treatment, and drug rehabilitation, and then determine which budget priorities will be consistent with the national strategy.

As a member of the Senate Judiciary Committee, I look forward to working with Dr. Bennett in drafting and implementing a workable national drug control strategy.

For instance, I believe, if the war against drugs is to have a chance of success, we need to orient our attack toward the demand for drugs.

Because, while interdiction of the supply of illegal drugs into this country has been more successful than ever, it has not—nor can it—to sufficiently reduce the availability, use, and demand for drugs now rampant in America.

I am also convinced that Dr. Bennett is now very aware that there are no areas in America that are untouched by the menace of drugs, and that includes America's heartland.

Certainly, we must recognize the areas that have the highest drug infestation—generally those areas populated by minorities, by those who are least educated, and by those with meager economic means.

However, if we concentrate only on those areas—or if we think only these segments of society are abusing drugs—we are off the mark. As Dr. Bennett knows full well, our rural areas are struggling hard to rid their communities of drugs and they need our help as well.

I am very glad that Dr. Bennett will be including rural America's drug problem in his overall national drug strategy recommendations.

Finally, I concur in Dr. Bennett's assessment that people such as airline pilots, railroad engineers, and other occupations where the welfare of many is at stake need to understand that they may be asked to be tested for drug use.

Of course, we must continue to be sensitive to all civil rights issues in these delicate areas, but that must also be balanced when the welfare of many innocent people is at risk.

The new Office of National Drug Control Policy, under the leadership of Dr. Bennett, cannot be expected to provide all of the answers to solving this country's drug problem immediately; in fact, it can only be a part of our total response.

Americans themselves must return to traditional and long-standing notions of individual responsibility for the consequences of one's actions. In fact, in response to a question from the assistant Republican leader, Senator SIMPSON, Dr. Bennett said that "what we are really talking about is changing attitudes and making people realize that drug use is unacceptable."

Certainly, we need compassion for those former drug abusers, who seek rehabilitations. But we are hopefully past the era when illegal drug use is called a "harmless, victimless" crime.

Thus, we need an equal measure of compassion for the victims of drug abusers.

Swift, sure, and exact punishment for those who do not respect the rights of others must never go out of style in our arsenal of weapons.

Many of us know Bill Bennett from his days at the National Endowment for the Humanities and the Federal Department of Education; and, many of us have known him before that.

We know that a hallmark of his success has been his recognition that this country was founded upon the basic value of freedom and autonomy, tempered by individual responsibility.

Bill Bennett once said he did not want to be a "Grey Bureaucrat." Knowing his background—and the nature of this new assignment—I do not think he is in any danger of that.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the able Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of Dr. William J. Bennett as Director of National Drug Control Policy, and I am pleased to express my support and vote for his confirmation today.

Dr. William Bennett is well-qualified for the position of Director of National Drug Control Policy as reflected in his impressive list of accomplishments and experiences. Dr. Bennett began his long distinguished career as an academician. From 1971 to 1981, he served as assistant to the president and assistant professor of philosophy at Boston University, assistant professor of philosophy at the University of Wisconsin, Madison, and executive director and president of the National Humanities Center in North Carolina.

In 1981, Dr. Bennett began his service for the Federal Government when he was appointed by President Reagan to be chairman of the National Endowment for the Humanities. He served in this position until 1985 when called upon by President Reagan to be Secretary of Education. Currently, Dr. Bennett is president of the Madison Center, a Washington, DC, based public-interest organization.

As Secretary of the Department of Education and chair of the National Institute for the Humanities, Dr. Bennett displayed his capacity as a strong administrator, as well as his ability to address broader issues of concern to our Nation, such as drugs. In 1986, the Department of Education implemented the Drug Free Schools Act of 1986, a drug abuse education grant program. That same year the Department also issued the first edition of "What Works: Schools Without Drugs." Dr. Bennett also has served as a member of the National Drug Policy Board, the highest-level drug policy entity in the Federal Government. Dr. Bennett has been outspoken on matters concerning the drug crisis, having testified before Congress on the matter, and made numerous speeches as Secretary of Education.

I support the nomination of William Bennett to be Director of National Drug Control Policy. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform his duties with exceptional skill, as he has other positions in the past.

Mr. President, moving beyond the qualifications of Dr. Bennett, I believe that he will need enormous help from the Senate, the House, and from the entire executive branch if he is to have any opportunity to complete this very important mission.

During the course of the hearings, a number of subjects were discussed showing that Dr. Bennett is going to have to work very closely in foreign relations to take a strong hand in the curtailment of the growth of drugs in South America, He is going to have to take a strong hand involving the Department of Defense on the judgment made by the Congress to involve the military in interdiction. He will have to take a strong hand in the activities of the Department of Justice where so many of the activities of the Drug Czar must be implemented.

Mr. President, the job also involves extensive efforts in the field of education, where perhaps the only long-run solution to the problem of drugs exists in terms of telling those from kindergarten on up what are the dangers of drugs in light of experience that 7 and 8, 9-year-olds use drugs.

Beyond those lines, Mr. President, Dr. Bennett is going to have to have cooperation on adequate funding so that there are sufficient investigators and task forces, so that there are sufficient judges and perhaps most importantly, jails to house armed career criminals engaged in drugs.

And so, Mr. President, beyond focusing on the qualifications of Dr. Bennett, we ought to say to ourselves we are going to have to help him on this enormous job if it is to be done.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the able Senator from Washington State.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. GORTON. Mr. President, it is my privilege to express my enthusiastic support for the nomination of William Bennett to be Drug Czar of the United States.

Dr. Bennett's record as Secretary of Education, in focusing the attention of the American people on the vital importance of education to our youth and on many dramatic proposals for change and improvement, graced that office during the latter years of the Reagan administration. I am convinced that he has the ability to focus the same kind of attention on the part of the American people to the terrible challenge of the scourge of drugs in this country.

Many of my colleagues have already spoken of the necessity for better antidrug education programs and better rehabilitation. I trust and I believe that William Bennett will also focus his attention on necessary improvement in law enforcement efforts aimed not only at drug producers and drug pushers, but at the drug users themselves who are the root cause of this problem.

Finally, Mr. President, I wish to express my deep hope and desire that Dr. Bennett will clearly be in charge of the antidrug effort in the United States and that the President will recognize him as being in charge of that effort. We have seen in this morning's paper the untoward comments of Dr. Sullivan in connection with free needles for addicts under some circumstances. Mr. President, I think that is a terrible idea, an idea which, like it or not, implies the approval, however conditional, of the Government of the United States for drug use. I do not believe that we can stand the possibility of having two voices in the Federal Government with respect to drugs. I hope that Dr. Bennett is truly the Drug Czar of the United States.

Mr. THURMOND. Mr. President, I ask unanimous consent for an additional 8 minutes for this side.

The PRESIDING OFFICER. The Chair understands the Senator from South Carolina is requesting an additional 8 minutes?

Mr. THURMOND. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. I object.

Mr. THURMOND. Mr. President, I ask for an additional 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object.

Mr. THURMOND. Mr. President, I ask for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. I yield 2 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I want to add my name to the list of supporters of Bill Bennett.

Mr. President, I have heard the criticisms of William Bennett—that he is brash, controversial, opinionated. Some have gone so far as to call him a gadfly and a wild cannon.

But I am reminded of Harold MacMillan's description of Winston Churchill: Churchill was fundamentally what the English call unstable—by which they mean anybody who has that touch of genius that is inconvenient.

Bill Bennett has a talent for being inconvenient—a Churchillian knack for saying things widely criticized and indignantly dismissed that turn out, in the end, to be utterly true and resoundingly vindicated.

His tenure at the Department of Education released that agency from its slavery to every passing educational fad, and called attention not only to the fundamentals of learning but the fundamentals of character and citizenship. His accomplishments even managed to convert opponents like the Washington Post which grudgingly concluded he had been as good a Federal commissioner or Secretary of Education as the country has ever had.

His decision to reenter Government is an example of public service at its best. To take the position of Drug Czar he will give up $1.5 million in confirmed speaking fees over the next year. All for a job which, though vital, is bound to be thankless.

Bill Bennett brings to the war on drugs a hundred horsepower mind that combines the politician's mastery of confrontation with the scholar's respect for ideas. President Bush could not have made a better choice.

And he will occupy a position at the Office of National Drug Control Policy that is absolutely essential, as events in the last couple of days have shown. The Bush Administration must speak with one voice on drugs. We can not have Cabinet members voicing their own policies, some as irresponsible as Government provisions of needles to drug users. Bill Bennett must be the spokesman, the sole spokesman, of administration drug policy.

But, as he realizies, the war on drugs is not going to be easily won. Last month 23 million Americans used illegal drugs—10 percent of the population. Americans now spend more money on cocaine than they do on automobiles. We import three times more dollars in drugs than dollars in imported oil.

And it is not just a big city problem. Per capita drug abuse is actually highest in communities from 10,000 to 25,000 people.

And all this hits hardest among the young. Crack can now be bought in two-thirds of American schools. The average age for first-time drug use has dropped to below 13—entry level junkies in the seventh grade.

What can we do? In the Senate, we need to explore innovative, tough policy proposals.

We need to ensure that drug users are not shielded as handicapped under civil rights laws—rendering it impossible to make public housing projects or the workplace drug-free.

We need to consider tougher sentences for drug crimes, particularly for repeat offenders.

We need to look at the possibility of taking government benefits, like FHA or student loans, from those who are convicted of drug possession.

We need to marshall all the Nation's resources, including the ministry, to stop this poisoning of our Nation.

Proposals like these are important, even necessary. But we should also never lose sight of a simple truth. The war against drugs will ultimately be won or lost not in Congress, or the courts, but ultimately in the hearts and minds of individual Americans. The forces that can forever drive out drug abuse are self-restraint, self-respect, character. And these are learned by instruction and example around the dinner table, in the pew, at the school.

It is when these virtues and values are rewarded and celebrated—from parents and the pulpit, from community groups and the media, from student councils and city councils to the highest councils of state—it is then that we will see a drug-free America.

Mr. President, I intend to stand with Bill Bennett in that America. And I intend to offer him all the support I can to make it happen.

Mr. President, I ask unanimous consent that an article in The Washington Post of August 11, 1988, entitled "William Bennett Steps Down," be printed in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 11, 1988]

WILLIAM BENNETT STEPS DOWN

We know all the things that are wrong with William Bennett. As education secretary he has been a pop-off artist, ravenous ink hound, ambitious partisan and conservative ideologue. He has tried to send all America to school with the Jesuits, has been only distantly concerned with the true plight of the poor and has been much better at identifying obvious problems than at proposing or working toward solutions. All true—and he has also been as good a federal

commissioner or secretary of education as the country has ever had.

We say that not out of any abiding sense of agreement with him. We continue to oppose his controversial views on many subjects—vouchers, for example, tuition tax credits, to some extent the proper place of religion in the schools. The administration has at times proposed and he defended fundamental cuts in college student aid that would be disastrous. In mounting criticisms of higher education particularly, he has sometimes taken advantage of an anti-intellectual streak in the country that in other contexts he is first to deplore.

The virtue that has more than compensated for all this has been a willingness, even eagerness, to poke the educational establishments with a sharp stick. They badly need it, and no predecessor has done it, certainly not with the same obvious relish. At the elementary and secondary level he advocated merit pay, the teaching of values and religion (not as doctrine but as subject matter), a freeing-up of the schools, higher standards, more accountability. He said the schools and school people, his putative clients, aren't doing the job, and too often they're not. He no more than anyone else knows how to achieve the mass leavening of public education that is necessary, but he pointed to supposed successes around the country and tried to stir the mix. His argument was that this was a more important thing for him to do than safeguard the small proportion of funds for elementary and secondary education that come from the federal government, and he is probably right (even though his posture also served the useful political purpose of diverting attention from the Reagan education budgets, never very large).

In higher education he also railed a little against quality, but mostly against cost. Partly he has been demagogic in this, skipping too easily over the seriousness of the people who run the nation's colleges and universities and the obdurate problems they face. The quality for which the secretary alternately calls is not cheap; he cannot have it both ways. But it is also true that, as a whole, the higher education community has not done enough to hold down costs, which have been rising too fast, and faster than the federal aid that is intended to defray them and open doors particularly for the poor. Sooner or later the federal government as a major payer is going to move on the cost of higher education just as it already has on the cost of health care. What the colleges won't do themselves the taxpayers will try to do for them.

Mr. Bennett as critic sharpened the national debate about education in a way he could not have as traditional advocate. That was his contribution. It will outlast a lot else done in this administration.

Mr. DOMENICI. Mr. President, I rise in support of confirmation of the nomination of William J. Bennett to be Director of the Office of National Drug Control Policy.

Mr. President, every Member of the Senate knows these frightening statistics:

Thirty-seven million Americans used an illegal drug in the past year.

Twenty-three million use illegal drugs at least monthly.

Six million people use cocaine.

Half of all high school seniors have tried an illegal drug at least once—1 in 18 have tried crack.

Americans spend between $30 and $130 billion per year on illegal drugs.

Ten to fifteen percent of all highway fatalities involve illegal drug use.

Cocaine-related hospital emergencies have tripled in the past 4 years.

Twenty-five percent of AIDS victims acquired the disease through intravenous drug use.

Drug use in the workplace costs the Nation as much as $100 billion annually in lost productivity.

Last year, the Congress took a major step toward combating the scourge of drugs in our country by enacting the Omnibus Anti-Drug Abuse Act. I believe that the Omnibus Anti-Drug Abuse Act is the strongest antidrug bill in many years, particularly in its focus on decreasing the demand for drugs.

I predict that in 2 or 3 years, after we have seen this legislation fully implemented, the bill will be viewed as a turning point in the war against drugs. It will be seen by all as the catalyst for winning the war against drugs and making America drug free.

One of the crucial elements of the Anti-Drug Abuse Act was the creation of a new Office of National Drug Control Policy to lead the campaign against illegal drugs in our society.

I am not exaggerating when I say that I think the position of Director of the Office of National Drug Control Policy is one of the most important jobs in the country. It will take a gifted leader to bring the scattered resources of our Government together in a comprehensive strategy to defeat the drug menace.

The President has chosen William J. Bennett, the former Secretary of Education, to undertake this task. The President has chosen wisely, as Secretary Bennett is uniquely qualified to lead the war against drugs. He understands that we face a problem not only of inadequate resources, but more importantly a problem of inadequate values. If we are to eliminate illegal drugs from American society, we must change the attitudes of too many in this country who tolerate illegal drug use.

Secretary Bennett understands the need to change attitudes about drugs. He has pledged to provide leadership in the war on drugs. I am confident that he can provide that needed leadership, just as he provided leadership on issues affecting education when he was Secretary of Education.

I urge his confirmation. Thank you.

Mr. KENNEDY. Mr. President, I intend to vote in favor of Dr. Bennett's nomination. His credentials are impressive and he has demonstrated both an ability and a willingness to grapple with the various aspects of the drug problem.

Dr. Bennett and I have not always agreed on the issues, but he has been an effective advocate for the administration's policies. He has spent a great deal of time over the past several years examining many of the issues he will face in his new position.

Senator BIDEN deserves great credit for his perseverance in establishing this important position. It was not always popular, but it has been embraced now by both the Congress and the President.

The Nation is at a critical turning point in the war on drugs. In light of the severe budget constraints we face, the greatest challenge may well be to spread our limited resources in the most effective possible way. Dr. Bennett clearly understands that a winning strategy against drug abuse involves three approaches: law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored.

The Senate should act quickly to confirm Dr. Bennett so that he can get on with his duties, the first of which will be to develop a comprehensive strategy to combat drugs. I look forward to working with him toward that goal in the months ahead. The war on drugs is one war that America cannot afford to lose.

Mr. BINGAMAN. Mr. President, today I will vote against the confirmation of William J. Bennett as Director of the Federal Office of National Drug Control Policy. I regret having to oppose this nomination, but I believe the problem of drug abuse in our country poses too serious a threat to vote in any other way.

We all know how serious America's drug problem is. The people of New Mexico and of every other State in this Nation—the people we represent and who look to us for leadership—know how serious the problem is. And when they look to us for leadership in the fight against drug abuse, as they do now, we must not let them down. We must provide leadership. I doubt seriously if Dr. Bennett will provide that leadership.

The Director of the Federal Office of National Drug Control Policy must be a leader. The legislative mandate is clear. The Director is to head a comprehensive national campaign against illicit drug use. He must resolve the difficulties that necessarily will arise when so many different agencies of the Federal Government—and State governments—are involved in a unified effort of this magnitude.

The Director of this Office, with duties such as these, must be determined and aggressive. Without question, Dr. Bennett is determined, and he is aggressive. But the Director of this Office must be more. If we are to achieve any level of unified success in our war against drug abuse, our leader

must be committed to the issue and he must be experienced. This is where I fear Dr. Bennett will fail. I believe this for two reasons.

First, as Secretary of the Department of Education, Dr. Bennett displayed virtually no commitment to a Federal role in educating our children about the dangers of drug abuse. In fact, he actively opposed efforts to involve his Department as a major player in drug abuse education efforts.

For example, in 1986, after considerable thought and debate about the serious problem of drug abuse in our Nation's schools, the Congress and the President determined that the Secretary of Education should have between $200 and $250 million to educate our children about drug abuse. A few months later, however, Dr. Bennett told the Congress that his department's drug education program needed only half that amount. Yet a full 2 years after the department's drug abuse prevention program was funded by Congress, the Secretary still had not prepared even one antidrug abuse curriculum framework for school administrators or teachers.

I could go on, but the point is this; throughout his tenure as Secretary of Education, Dr. Bennett simply lacked a commitment to combatting drug abuse in our Nation's schools with education. Yet virtually everyone is in agreement that our Nation's drug problem will not be eradicated, or even lessened, until the demand for drugs is eliminated. And this can be achieved only through education.

But this is not my sole concern. As I said, the leader of our fight must be experienced. A task of this magnitude is not conducive to on-the-job training.

This means that the Director of the Office of National Drug Control Policy must be able to deal effectively with the law enforcement aspects of illicit drug use. But there is nothing in Dr. Bennett's background to support a conclusion that he knows anything about the functions or needs of our law enforcement agencies and personnel. Dr. Bennett has done nothing to demonstrate that he understands law enforcement or has the ability to work with law enforcement agencies, and this troubles me.

Mr. President, I will conclude by stating again that I regret having to cast a vote against this nomination. But drug abuse is one of the most serious problems we face. It threatens to destroy an entire generation, and all of the talk and debate in the world will not bring us one step closer to arresting that threat.

We need action, and we need it now. Dr. Bennett is a lively debater. But the leader of our fight against drug abuse must do more.

THE DRUG CZAR SHOULD BE A FULL MEMBER OF THE PRESIDENT'S CABINET

Mr. DIXON. Mr. President, I come before my colleagues today to express my support for the nomination of William J. Bennett to be the Director of National Drug Control Policy, a position commonly known as the Drug Czar. I want to take a moment to point out that Mr. Bennett would not be here today if it had not been for the years of effort by my distinguished colleague JOE BIDEN and others who worked so hard to create this position. I applaud their diligence and share their commitment to ridding the Nation of the scourge of drugs.

I believe Mr. Bennett to be suited for this position. I have no qualms about his ability to keep attention focused on the war on drugs or his capability in working his way through the bureaucratic zoo and its turf wars for which Washington is famous.

I do, however, wish to take just a moment in the debate on the nominee to remind this body and this Nation that the Drug Czar will not be a regular participant in the President's Cabinet. I think that's wrong. When President Bush decided not to include the Drug Czar as a regular participant in the Cabinet, I thought it was the wrong way to go, and I still think it is wrong. All of the assurances given by the administration and the nominee that he will have the support and the ear of the President are encouraging. They do not go far enough to convince me that this administration will go the distance in stopping the flow of drugs into the United States and into the arms of our citizens.

I can appreciate the President's desire not to have so many people in the Cabinet as to stifle the decisionmaking process. I agree wholeheartedly the President should have only his top advisers around the table. Surely, the Drug Czar is one of those people.

In private industry, a corporation does not hire a top level manager and recognize the office by putting a desk in the hallway and providing a copy of staff meeting minutes. It sends mixed signals. Mixed signals are wrong signals, Mr. President.

My resolution, Senate Resolution 19, which I introduced January 25, urges the President to include the Drug Czar as a regular member of the Cabinet. It is a request; a simple reminder to President Bush to abide by the intent of Congress. The Drug Czar was supposed to be a full member of the Cabinet. He should be. I urge my colleagues to support this resolution. The Drug Czar needs not just the backing and the ear of the President, but the ear of the other Cabinet members. That is best achieved when all are sitting in the Cabinet together.

Mr. KERRY. Mr. President, drugs are the No. 1 issue in this country.

Polls show that about 50 percent of all Americans say that they have had a relative or a close friend who has had a problem with illegal drugs, and one out of every three say that illicit drugs can be purchased within a mile of their home.

Some 20 million Americans smoke marijuana, nearly 6 million regularly use cocaine, and half a million are addicted to heroin.

Sixty percent of all illegal drugs in the world are used here in the United States.

The American market for drugs produces annual revenues of at least $100 billion at retail prices. This is twice what U.S. consumers spend for oil each year.

The street price for a kilo of cocaine is down from $60,000 in 1980 to as low as $8,000 to $10,000 a kilo today. This means that greater quantities of what was once the drug of the rich are within the price range of more and more Americans.

Between 1982 and 1985 the amount of cocaine seized coming into the United States more than doubled from 31 metric tons to 72.3 metric tons. The problem has reached such a magnitude that the various agencies involved in the war on drugs cannot come up with an accurate figure as to how much cocaine reaches the streets of our country today.

The crime rate last year in Washington, DC rose 15 percent. There have already been over 100 murders this year—most of them drug related. The Nation's Capital, democracy's capital, is fast becoming the drug capital and the murder capital.

All of this adds up to a serious threat to our national security.

The fact is we don't have a national drug policy in this country. And we haven't had one during the last 8 years when the need has been so obvious. We've had "just say no" but that is not a strategy—it's one single public relations effort. It's not the way to fight the war on drugs.

What we need is a comprehensive approach to combating the threat of drugs not only in this country, but throughout the hemisphere. That means increasing our efforts in law enforcement, interdiction, eradication, treatment and education. It also means coordinating our efforts in these areas.

In the past, there were 11 Cabinet departments and almost three dozen agencies involved in the drug war. No one was responsible. No one was accountable. No one was in charge.

Developing an antidrug strategy and then implementing that strategy is the job of the New National Director of Drug Policy.

Mr. President, I believe that Bill Bennett, President Bush's choice to be

the new drug czar, has the potential to lead this Nation's war on drugs.

While I didn't always agree with Secretary Bennett, I respected his candor and his ability to make himself heard on important issues. He will need those qualities and others to be successful in his new job.

I hope, for example, that Mr. Bennett will work closely with those of us in Congress who have been speaking out on the drug issue for so many years.

In the near future, the Subcommittee on Narcotics and Terrorism, which I chair, will release a major report on international narcotics trafficking. The report culminates a 2-year investigation in which the subcommittee held 11 days of hearings, interviewed scores of witnesses, and took dozens of depositions.

I hope Mr. Bennett will read the report closely, because I feel it lays out a disturbing story of nonfeasance, and at times, malfeasance on the part of our Government.

I also plan to introduce a legislative package to accompany the report. I look forward to having Mr. Bennett's comments on that initiative and to working with him on any other legislation in the area of international narcotics trafficking.

Illegal narcotics are exacting enormous social and economic costs in this country. And it's time we showed our resolve and our steadfastness to fight back. I believe Bill Bennett understands this and I am pleased to vote for his confirmation as this Nation's Director of Drug Policy.

Mr. DECONCINI. Mr. President, I rise today in support of the confirmation of Dr. William J. Bennett as the coordinator of National Drug Control Policy. For years I have battled the plague of illegal narcotics, first as a county lawyer in Arizona, and for the last 12 years as a U.S. Senator. Because of my interests in this problem, the individual nominated by President Bush to this position is of utmost importance to me. I believe that Dr. Bennett is a fine choice to be the Director of the National Drug Control Policy Program.

Mr. President, when I first arrived as a freshman Senator from Tucson, there were few subjects that I was more familiar with than law enforcement, and specifically drug related law enforcement. As Pima County attorney I helped establish both the Pima County Attorney's Border County Strike Force and the Arizona Drug Control District to coordinate law enforcement efforts in the war on drugs in Arizona. In those early days as Senator, much of my time in the Senate was devoted to law enforcement issues. In 1978, as a member of the Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary, I called on the Government Accounting Office to prepare a report summarizing the problems existing in the area of drug interdiction. The GAO report, issued in 1979, placed heavy emphasis on the need for coordination of the efforts of different Federal, State, and local agencies by one executive branch official. As stated by the 1979 report:

> Perhaps more than any other type of law enforcement, drug enforcement cuts across all three levels of government—Federal, State and local. With many agencies performing similar activities across the country, it is essential that the role of the Federal versus State and local activities be clearly defined . . .
>
> If any improvement is to be made in coordinating Federal drug control efforts, someone is needed who has clear authority from the President to monitor activities and demand corrective actions.

Mr. President, following the publication of the GAO report, over 20 hours of hearings were conducted to consider the feasibility of creating an executive branch position to oversee a national effort to combat drugs. Using the information gained at these hearings and from the GAO study, I offered an amendment to the 1982 Violent Crime and Drug Enforcement Act to establish an Office of Director of National and International Drug Operations and Policy. The bill, including the DeConcini amendment was approved by both the House and Senate but was vetoed by President Reagan. President Reagan gave as his primary reason for vetoing the bill, the DeConcini provision creating the national drug coordinator.

In 1983, I joined Senator PELL in introducing legislation to create a national drug coordinator. That legislation was modified by the Judiciary Committee and became part of Public Law 99-473. That provisiosn created a national Drug Enforcement Policy Board headed by the Attorney General.

Finally, in the 100th Congress, I joined with many Senators in introducing legislation that would eventually create this national Director. After many, many hours of hard work by numerous Senators, especially Senator BIDEN, the chairman of the Senate Judiciary Committee, we now arrive at the day of reckoning. The Nation is at a crossroads. We have an opportunity to pull together, to unite for a cause important to every American. Only by each person committing to fight the war on drugs, and offering to lend support to a concerted, national effort coordinated by the new Director, can we, as a nation, take back the ground lost to illegal drug traders.

Yet, as the troops are marshalled for this organized effort, I think it is important to keep in mind the role that the President has to play for this national antidrug initiative to succeed. In the final analysis, it is President Bush who will have to be the Drug Czar. The President has taken an important first step by nominating someone with the background and qualifications of Dr. Bennett. However, that is not the end of the President's role in this fight. It is only the beginning. Through his determination and involvement, his support of Dr. Bennett and his strength of will, the President has an opportunity make real gains in the war on drugs.

Through his power as Chief Executive, the President must support the initiatives of Dr. Bennett, using the Executive order to give them the force of law when necessary, for Dr. Bennett's efforts to be successful. This legislation represents a new effort to fight the war on drugs from a unified front, with Congress, the executive and the judiciary working together. It is truly a hopeful moment in the history of our fight against the awful scourge of drugs. The President must remain actively involved in this fight in order for us to realize this opportunity.

During my questioning of Dr. Bennett before the Judiciary Committee, I told him that I felt the President had a crucial role to play in making the difficult decisions that will have to be made to carry this policy out. Dr. Bennett indicated to me that he understood this. The President has informed me that he intends to support Dr. Bennett in every way. These assurances are encouraging to me. I am hopeful that in the coming months, after Dr. Bennett has submitted his strategy, we will see these promises become a reality. It is with these assurances in mind, and with great hope for the future of our country in overcoming this national drug tragedy, that I rise to give my full support for the confirmation of Dr. William J. Bennett.

Thank you Mr. President.

Mr. DOLE. Mr. President, today we are taking a new turn in the Nation's efforts to combat drug abuse in the United States, the confirmation of the first Director of the Office of National Drug Control Policy.

Just months ago, the Senate overwhelmingly passed the Anti-Drug Abuse Act of 1988, which I had the privilege of sponsoring along with our former majority leader, Senator ROBERT BYRD, of West Virginia.

The Congress had conducted several debates over the merits of creating this position during the previous several years. I would like to commend my colleagues who persisted in crafting a workable and what we hope will be successful new position: Senators THURMOND, BIDEN, ROTH, and GLENN.

Bill Bennett has already served our country in many distinguished areas. As an educator at the University of Southern Mississippi, the University of Texas, Harvard University, Boston University, and the University of Wis-

consin, Bill Bennett knows our Nation's youth and how to inspire them to remain drug free.

Further, as Secretary of Education, he has the knowledge and experience to manage and formulate Government policies into meaningful and successful endeavors.

During his tenure as Secretary of Education, Bill Bennett did not always have the support of the majority in Congress, yet he pushed on, demanding better and forcing our educational institutions to provide the best for our students, not our institutions. I hope the same will be true of his efforts against drugs.

We can no longer afford infighting between Government agencies or drug education and treatment providers. Some heads need to be knocked, and I am sure Bill Bennett is the man for the job.

President Bush has, on numerous occasions, strongly voiced his support for Dr. Bennett and expressed his intention to fully support the antidrug coordination efforts of our Nation's first Director of National Drug Control Policy.

Mr. GRAHAM. Mr. President, I rise in support of the nomination of William J. Bennett to the position of Director of the Office of Drug Control Policy.

Last year, in the closing hours of the 100th Congress, we passed the Anti-Drug Abuse Act of 1988. One of the most important titles of the act created the Office of Drug Control Policy and required the President to appoint someone as Director of that office. The Director will be this country's Drug Czar—our strategist in the war on drugs. President Bush nominated Bill Bennett to fill that office.

The requirements of the Director as outlined in the 1988 act are daunting. He establishes policies, priorities, and objectives of the National Drug Control Program; he promulgates a national drug control strategy and budget; and he is the principal adviser to the National Security Council on drug policy. Mr. Bennett appears to fully understand the scope of his new office, and I am sure he takes each and every task we in Congress have designated to his position seriously.

Mr. Bennett's experience as the former Secretary of Education gives him a unique perspective on the demand reduction side of the antinarcotics equation. I count on that experience to help us develop strong educational and antiabuse programs.

Mr. Bennett's intellectual capabilities are well-known. I count on those capabilities to help us effectively evaluate our current programs and make intelligent decisions about which ones work and which ones don't.

And finally, Mr. Bennett's ability to use his public office as a preacher's pulpit to articulate important causes was widely recognized during his tenure as Secretary of Education. I count on him to use his position as Director of the Office of Drug Control Policy to emphasize and reemphasize the dangers of drug abuse, the costs of drug addiction, and the impossibility of stopping drug trafficking without stopping the demand for drugs.

Recently, I spent a day in two Jackson County schools participating in their drug education programs. Jackson County is a mostly rural area of Florida, the kind of place you'd least expect to have a drug problem. But they do, and the leaders of the communities of that county have come together to fight the problem. The people of Jackson County have dedicated their time and their resources. I think they have every right to look for help from the Federal Government to combat the drug problem which is so much larger than their community.

I use this example to point up the need for cooperation between the Congress, the President, and the Director if we're to succeed in delivering effective support to the Jackson Counties of America. I look forward to working with Bill Bennett. I want to make sure that we wage an effective, nonpartisan, and successful attack on drugs.

Mr. HEFLIN. Mr. President, today I am pleased to rise and speak on behalf of Dr. William Bennett, nominated to be the first Director of the Office of National Drug Control Policy. I have supported and cosponsored legislation creating this position because I believe that if we are truly going to declare war on drugs, we must have a commanding general who is not afraid to wage war on the front lines; we must have a strategy both on the international and domestic fronts; and we must make a commitment that drugs will no longer rule our society, corrupt our youth, and threaten our existence.

Right now in this country, we are losing the war on drugs. Drug traffickers peddle their wares not only in the large urban areas of our country, but also on the street corners of even our smallest communities. Drugs enter our country seemingly at will, pass down our streets and avenues, and leave a path of utter destruction and disbelief in their wake.

However, the battlefield is not limited to the streets. These traffickers have also entered our homes and schools. As a society we bear the responsibility of educating our children about the dangers of drug abuse. We must commit our resources to reduce the demand for drugs and to treat those who suffer from drug addiction. At the same time, we must intensify our efforts and destroy the supply of drugs coming into this country.

We must recognize that the drug business is big business, and the easy money is coming at America's expense. We must also recognize that we are fighting against an enemy that knows no bounds. This enemy has no conscience. This enemy has huge resources in terms of money and manpower. This enemy is cunning—and unfortunately, it appears that this enemy is winning.

Knowing the scope of our problems and the strength of our enemy, it is vital that we approach the drug problem in a comprehensive and coordinated fashion. Dr. Bennett will be responsible for developing a unified strategy; establishing policy, objectives, and priorities; and coordinating and overseeing the implementation of our Nation's drug control policy.

During the confirmation hearings, Dr. Bennett demonstrated an understanding of the need to mount an all-out assault on the drug problem. He indicated his willingness and desire to work with Congress and was very candid in his assessment of the tremendous task before him.

I admire anyone who is willing to accept this challenge, and make no mistake—it will be a challenge. This will indeed be a terribly difficult task. Attempted alone, it will be a blueprint for failure. If there has ever been a need to look beyond partisan politics, to look beyond the separate branches of government, and to look beyond divergent Federal and State interests—now is the time.

I would like to close with a quote from Gen. Omar Bradley, who made a distinction between battles and war. I believe his words eloquently express the task before us:

> Battles are won by the infantry, the armor, the artillery and air teams, by soldiers living in the rain and huddling in the snow. But wars are won by the great strength of a nation—the soldier and civilian working together.

This Nation must come together under the leadership of Dr. Bennett. The United States must demonstrate a unified front, a single-minded purpose, and an unfaltering dedication to the war on drugs. Dr. Bennett will be our leader. I am confident of his ability to lead us well and to lead us united.

Therefore, I urge my colleagues to join with me in supporting Dr. Bennett and urge them to vote in favor of this nomination.

Mr. WILSON. Mr. President, last summer and last fall, prior to the conclusion of the 100th Congress, the Senate spent hours and days crafting an omnibus drug bill that was the result of earnest bipartisan cooperation. It was the result of an effort to address what was I believe universally recognized to be the greatest threat to the well-being of this Nation that we have faced in recent history.

The drug threat we decided was something that had to be countered on many fronts. We had to beef up efforts at law enforcement, at educating

the young, at treating and attempting to rehabilitate those who had suffered addiction.

Mr. President, I am not going to take a great deal of time this afternoon to belabor the obvious. The circumstances that prompted what was a massive effort on behalf of the Senate and the House to create that legislation continue to exist. One of the elements of that legislation that we passed last year was to create a post that would have as its responsibility the coordination of all of the different Federal agencies involved in what we have termed a war on drugs.

The nomination by the President of William Bennett to fill that post is one that I applaud. I rise to support his nomination. I will not repeat what other Senators have placed in the RECORD about his eminent qualifications beyond saying this:

Bill Bennett has demonstrated most recently as the Secretary of Education that he is a man who cares passionately about the future of America, and cares passionately about the young people of this Nation. As someone whose virtually every waking hour was spent on improving education in this Nation, it is appropriate that his passion should be now directed to the threat that has wasted not just opportunity and talent, but indeed all too many lives, because he knows full well that it is in vain that we improve education, that we spend money, that we go to the lengths that in fact we should to ensure America will be competitive into the next century.

It is in vain that we do all those things, Mr. President, if in fact we do not make substantial progress toward winning this war on drugs. Bill Bennett is a man who has demonstrated beyond doubt, even to his detractors, that he cares, and that he cares enough, has exhibited sufficient determination to make the kind of inroads that will be required. I think he is a superb choice. He is not a man who suffers frustration with patience. I hope he will continue to be impatient.

One of the things which the Congress has not done, which we must do, if our effort last year is not to be regarded as rank hypocrisy, is to complete the necessary funding of that drug legislation. So I am sure that Senators who feel, as I believe all of them do, that we must be impatient to win the war on drugs, will, I think, join in applauding this nomination and supporting it and offering the kind of bipartisan cooperation that this problem will require.

Mr. President, I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, earlier today the Senate voted to confirm William J. Bennett as the President's Director of the Office of National Drug Control Policy. Unfortunately, I was not present for that vote. I would like to go on record that, had I been present for the vote, I would have voted in favor of Mr. Bennett's confirmation.

One need look no further than the front page of today's Washington Post to see the enormity and importance of the task facing Mr. Bennett and the Office of National Drug Control Policy. The article highlights the escalating drug-related crime and violence in this country.

A coordinated response to the blight of illegal drugs requires cooperation among all agencies in the Federal Government and between all levels of government—Federal, State, and local. This need was recognized in the antidrug abuse law, Public Law 100-690, passed by the Congress and signed by the President last year which created the new Office of National Drug Control Policy.

Heading up this new Office will not be an easy task. I am confident, however, that William J. Bennett is the man for that task. His experience in education and in government makes him eminently qualified to take on the challenges presented by this new position.

Mr. President, I wish to offer him my support and cooperation in the task before him and wish him every success in his endeavor.

The PRESIDING OFFICER (Mr. LAUTENBERG). All time has expired. The question is, Will the Senate advise and consent to the nomination of William J. Bennett, of North Carolina, to be Director of National Drug Control Policy. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—97

Adams	Domenici	Kohl
Armstrong	Durenberger	Lautenberg
Baucus	Exon	Leahy
Bentsen	Ford	Levin
Biden	Fowler	Lieberman
Bond	Garn	Lott
Boren	Glenn	Lugar
Boschwitz	Gore	Mack
Bradley	Gorton	Matsunaga
Breaux	Graham	McCain
Bryan	Gramm	McClure
Bumpers	Grassley	McConnell
Burdick	Harkin	Metzenbaum
Burns	Hatch	Mikulski
Byrd	Hatfield	Mitchell
Chafee	Heflin	Moynihan
Coats	Heinz	Murkowski
Cochran	Helms	Nickles
Cohen	Hollings	Nunn
Conrad	Humphrey	Packwood
Cranston	Inouye	Pell
D'Amato	Jeffords	Pressler
Danforth	Johnston	Pryor
Daschle	Kassebaum	Reid
DeConcini	Kasten	Riegle
Dixon	Kennedy	Robb
Dodd	Kerrey	Rockefeller
Dole	Kerry	Roth
Rudman	Simpson	Wallop
Sanford	Specter	Wilson
Sarbanes	Stevens	Wirth
Sasser	Symms	
Shelby	Thurmond	

NAYS—2

Bingaman	Simon

NOT VOTING—1

Warner

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table. The President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business for up to 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

(The remarks of Mr. MATSUNAGA pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, last year every 12½ days in the railroad industry, we had an accident in which either drugs or alcohol were involved. That is in the railroad industry. In the aviation industry, the Department of Transportation, inspector general, has reported that 10,300 certified airmen have had their drivers licenses suspended or revoked for driving while intoxicated during the past 7 years. In the motor carrier industry, a 1984 test of highway safety by the Insurance Institute for Highway Safety found that 30 percent of a random sample of truck drivers tested positive for drugs.

Accordingly, Mr. President, I send to the desk a bill that would require drug and alcohol testing in the commercial aviation, railroad, bus, and trucking industries. I send this bill to the desk on behalf of myself and Senator DANFORTH and 23 other cosponsors.

This is the identical bill, Mr. President, that Senator DANFORTH and I introduced 2 years ago. We debated the bill, passed it out of committee, and on the floor of the Senate it passed by a vote of 83 to 7.

Again, last year, our bill was included in the Senate master drug bill that

we have all alluded to, and it passed there without objection. I stayed up in the wee hours of the morning working, trying to get the House colleagues to accept this measure. I had been talking to them individually in the interim, and I am convinced that we are now making headway, and it looks like we can be successful in this Congress. We have had the help of Dr. Roger Horn, Safe Travel of America, and many other interested citizens that have come into the National Government, saying that this must stop.

The Secretary of Transportation, Secretary Burnley, was very farsighted in instituting rules and regulations in this area. However, No. 1, the regulations have already been contested as having been enacted without authority, and more particularly, they do not include alcohol testing, which our bill includes, not just drugs but also alcohol.

More than anything else, we want to set a national policy and not leave it to the whims of a Department of Transportation later on. This bill has national support. There is a tremendous national need. I am proud to associate myself with Senator DANFORTH and these other Senators in their dedication in this particular effort.

Mr. President, this legislation will provide the cornerstone for our efforts during the 101st Congress to improve the safety of the traveling public. This legislation is designed to help ensure the safe movement of passengers and goods in our commercial aviation, railroad, bus, and trucking industries. Right to the point, it requires drug and alcohol testing of critical safety-sensitive employees in these transportation industries.

I am pleased to be joined by our distinguished ranking member on the Commerce Committee, Senator DANFORTH, in sponsoring this legislation. Senator DANFORTH has been instrumental in demanding that this issue receive the attention it deserves. We are also fortunate to be joined in introducing this critical transportation safety legislation by Senators EXON, BREAUX, BURNS, GORTON, BOND, BOSCHWITZ, COATS, CHAFEE, D'AMATO, DECONCINI, DOLE, GRAMM, LOTT, LUGAR, MIKULSKI, MCCAIN, MCCONNELL, GRASSLEY, HELMS, SARBANES, WALLOP, WARNER, and WILSON.

Mr. President, our effort to require drug and alcohol testing programs for safety-sensitive transportation employees began 2 years ago, when 25 people tragically lost their lives in separate airline and rail passenger accidents. Specifically, in January 1987, 16 people died when an Amtrak passenger train collided with a Conrail engine in Chase, MD, while 9 people were killed when a Continental Express commuter aircraft crashed in the mountains near Durango, CO, 2 weeks later.

These accidents had one thing in common, other than the sudden, tragic loss of life to innocent passengers. Proof was established after each accident that the individuals involved, both the Conrail engineer and brakeman and the commuter airline pilots, had either been drinking alcohol on the job or had used cocaine, marijuana, or the hallucinogenic drug, PCP.

With these accidents, it became readily apparent to me, as chairman of the Commerce Committee, and others that the Federal Government had to increase its efforts to provide assurances of safe passage for the traveling public. Several hearings were held before the committee in which it quickly became clear that legislation was needed. Within weeks of the first hearing, legislation similar to that which we are introducing today was overwhelmingly approved by the Commerce Committee by a 19-to-1 margin.

This bill is identical to that legislation considered during the 100th Congress. The first Senate vote on that bill came in October 1987, when provisions mandating drug and alcohol testing for transportation workers were approved by an 83-to-7 margin as an amendment to an airline consumer protection bill. Later, continuing our efforts to ensure its enactment before adjournment of the 100th Congress, the Senate included these same drug and alcohol testing provisions in its version of the omnibus drug bill. That bill was subsequently passed and sent to the House of Representatives on a 87-to-3 vote.

Mr. President, let me emphasize that point as plainly as I can. The Senate has twice considered this critical safety legislation, and it has twice passed it by large majorities.

Unfortunately, our efforts toward final enactment of legislation mandating drug and alcohol testing legislation died in the waning hours of the 100th Congress, as conferees failed to reach agreement on the exact nature of the provisions. Yet, our resolve in the 101st Congress is greater than ever. The safety of the traveling public demands nothing less than enactment of drug and alcohol testing legislation this time around.

We must act because the problem of drug and alcohol abuse continues to worsen. Last year alone, there were 29 rail accidents in which the employees responsible for the safe operation of those trains tested positively for either drugs or alcohol. Eight rail employees died in these accidents, and another 41 were injured. Mr. President, that translates into one rail accident involving the illegal use of drugs or alcohol every 12½ days.

Some may question our intent in sponsoring legislation directing the Department of Transportation to establish regulations requiring drug testing, when, in fact, those rules are now in place, having been finalized last November. There are very serious public policy reasons why legislation is still needed. First, the rules issued by DOT lack the statutory backing that regulations of this importance should have. Without having such statutory direction, the existing drug testing rules are therefore subject to the whimsical interpretations and revisions of future administrations.

Second, but perhaps more importantly, the DOT rules now in place ignore testing for alcohol abuse by safety-sensitive transportation employees, which has been established by committee hearings to be a significant problem. The magnitude of this problem is illustrated by a recent Transportation Department inspector general report which found that 10,300 FAA certified airmen have had their auto licenses suspended or revoked within the past 7 years for driving while intoxicated. Alcohol has also been present in several recent rail accidents, including a January 1988 accident in California in which a road foreman was killed and two others injured. We simply cannot turn our backs on a problem so potentially dangerous and life threatening to the hundreds of millions Americans who use public conveyances every year.

Before concluding, Mr. President, I would like to summarize briefly the major provisions of this legislation. Our bill mandates testing for both the use of illegal drugs and alcohol abuse by certain classes of safety-sensitive transportation workers, such as airline pilots, air traffic controllers, railroad engineers and brakemen, and commercial bus and truck drivers, as well as others. The bill mandates five types of drug and alcohol testing, including random, preemployment, postaccident, periodic, and reasonable suspicion. In an effort to ensure protection of individual rights, the bill specifically incorporates Department of Health and Human Services guidelines establishing laboratory accuracy, as well as protections for individual privacy and innocent employees. Finally, the bill requires carriers to establish rehabilitation programs for employees who voluntarily step forward to seek help.

The key component to our legislation is random testing, which provides the deterrence needed to stop drug and alcohol abuse. The threat of unannounced, random tests provides the only effective assurance that safety-sensitive transportation employees will abstain from mind-numbing drugs and alcohol. Experience bears this out, as random testing in the military, Coast Guard, and private industry has resulted in the declining use of illegal drugs and alcohol abuse.

Mr. President, it is critical that we take every step possible to improve transportation safety. Enactment of

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this drug and alcohol testing legislation will significantly enhance the safety of the traveling public. It should be favorably considered by the Congress and signed into law as expeditiously as possible.

Mr. President, I urge my colleagues to join us in supporting this safety legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

Mr. DANFORTH. Mr. President, this is exactly the same bill that passed the Senate on a rollcall vote of 83 to 7, I believe, in the 100th Congress. It is exactly the same bill that was included as part of the omnibus drug bill passed last year in the Senate. It has twice passed the Senate.

In a nonbinding test vote in the House last year this concept was approved by a vote of 377 to 27. So it has been overwhelmingly and repeatedly supported in the Senate. It has been overwhelmingly supported in the House. But the leadership of the relevant committees in the House have succeeded in stripping it off of the drug bill and keeping it off of the legislation.

Now, Mr. President, as Senator HOLLINGS has pointed out, time and time again, something like every 10 or 11 days, there is a rail accident where subsequent tests show that drugs have been used. We had a story in the newspapers a day or 2 ago about the results of drug testing in the Federal Government, including the FAA.

After the tragic Amtrak, Conrail disaster of 2 years ago January, we had a hearing in the Commerce Committee, in which the engineer and the brakeman from the Conrail locomotive testified. They had both been smoking marijuana on the train. They testified about the prevalence of drug and alcohol abuse on the job in the railroads. They said that 10 years ago it was even worse than it is now, and the lowest figure that one of them gave for drug and alcohol abuse on the railroads was 10 to 20 percent down. They further testified that if we want a successful program against drug and alcohol abuse on the railroads, random testing is the one essential component.

Mr. President, if we want to control drug and alcohol use in transportation, random testing is absolutely essential. This issue is not going to go away. Senator HOLLINGS and I are going to be pressing it as hard as we can, for as long as it takes to get this written into law. The distinguished Presiding Officer has been very active in this area. Citizen groups are mobilizing behind it, and it will become law.

Mr. President, this life-savings measure did not become law last year. We urge the Senate to seek early enactment in the 101st Congrss for three reasons:

First, drug and alcohol testing of critical transportation workers is too important to be left to the policymaking whims of a future adminstration—it needs to be the law.

Second, the new drug testing rules issued by the Department of Transportation last November do not include testing for alcohol.

Third, Congress needs to send a clear message to the executive branch and the courts—we simply will not tolerate substance abusers in public transportation.

A troubling aspect of the new DOT rules is the omission of testing for alcohol abuse, even though the FRA has successfully tested for both alcohol and drugs for 2 years. The fact is, alcohol is a mind-altering drug that can quickly destroy both mental and motor skills.

Since the FRA's 1986 testing rule does require postaccident drug and alcohol testing, we know that in 1988, alone, there were 29 railroad accidents involving either drugs or alcohol. Eight railroad employees were killed in those accidents, at least another 41 railroad employees were injured. Five of these drug or alcohol-related accidents occurred after the 100th Congress adjourned.

Every day, the death toll from drug and alcohol abuse in the air, on our highways, and on the rails continues to rise.

Consider the following:

AVIATION

In February 1987, the inspector general of DOT reported that the driver's licenses of 10,300 active pilots certified by the Federal Aviation Administration had been suspended or revoked for driving while intoxicated.

On February 1, 1989, the National Transportation Safety Board [NTSB] ruled that one cause of the January 1988 crash of a commuter plane near Durango, CO, was the pilot's cocaine use. Nine people died in that crash.

Since the DOT started its own employee testing program in September 1987, 81 FAA employees have tested positive for drug abuse—60 of these were air traffic controllers.

MOTOR CARRIERS

In 1986, the Insurance Institute for Highway Safety study of 300 truck drivers conducted at a Tennessee truck stop found that 30 percent of the drivers tested positive for drugs that could affect their driving performance. The truck drivers had volunteered to be tested.

A 1987 investigation of California truck stops resulted in drug arrests of 130 people, including 26 drivers of the huge tractor-trailer rigs that share our highways.

Last July, a Gray Line bus driver was arrested for drug use after veering off the road into a grove of trees beside the Garden State Parkway near Egg Harbor, NJ. Three of the forty-three passengers—who were part of a church group—were seriously injured.

Over the past 3 years, the NTSB has conducted a study of 189 tractor-trailer accidents, a number of which involved alcohol or drug use. These accidents include the following:

On April 1, 1986, in Dumas, AR, a tractor-trailer driver failed to brake for a passenger car in front of him that was slowing down to turn off the highway. The 24-ton truck smashed into the back of the car, instantly killing all 5 occupants. The NTSB report notes that the driver's blood alcohol content was over the legal limit and that he had a previous record for driving while intoxicated.

That same month, a truckdriver in Chino, CA, ignored a red light signal and crashed into two passenger cars. The collision killed the driver of one of the cars and injured a passenger in the truck. Police found a pipe used for smoking marijuana in the cab of the truck. In addition, a blood analysis revealed a BAC level of 0.21 percent—twice the then existing legal limit of 0.10 percent. That is five times the newly established BAC limit of 0.04 for commercial drivers.

On March 7, 1987, in Diamond Bar, CA, a tractor-trailer driver set off a series of collisions by failing to stop for traffic backed up from a previous accident; 15 persons were injured and 2 were killed. In addition to having a BAC level of 0.15 at the time of the accident, the driver was experiencing withdrawal symptoms from his self-confessed heroin addiction.

In June of 1987, NTSB investigators studied an accident in which a tractor-trailer collided with a passenger train, causing a derailment and injuring 28 rail passengers. The coroner's examination of the truckdriver found his blood alcohol level at 2½ times that allowed by law.

Mr. President, DOT has taken the first step toward eliminating the two-fold threat to safe transportation by issuing its drug testing rule. It is up to us to finish the job. I urge my colleagues to join us in support of legislation requiring both drug and alcohol testing of safety-sensitive transportation employees.

CAMPAIGN FINANCING

Mr. MCCONNELL. Mr. President, on the subject of campaign finance, the Washington Post recently carried an article on fund raising activity by incumbents up in 1990 and 1992. The article points out that many Senators are getting an early start on raising money for their next election.

I would argue, Mr. President, that is a good thing, not a bad thing. As I have said before, fund raising is not a large burden, if you do not wait until the last minute to do it.

Those Senators who are starting early will be saved from last-minute

rushes that might interfere with their official responsibilities.

Another interesting point the article illustrates is that the claims we hear ad nauseum about Senators having to raise $10,000 a week to be competitive are completely and totally false.

According to the Post's figures, the 34 Senators who are up in 1990 have raised a total of $12.7 million. That averages out to approximately $374,000 raised by each Senator over the last 4 years. Dividing that out, we find that—on average—each Senator up in 1990 raised $1,792 per week in the last 4 years.

They did not raise $10,000 per week, as is often claimed. They did not even raise that much in a month. In fact, two Senators up in 1990 have not raised that much yet—after 4 years and only 5 out of the 34 Senators up in 1990 have raised over $500,000—15 percent.

In the last year before an election, when the race heats up, then people start contributing more and candidates can build up the fuel they need for the drive to the finish line.

Now, some far-sighted candidates will have started early, like many of the Senators mentioned in the article in the Post. They will not have to work quite as hard at raising funds later on, because they prepared early. But none of these candidates have been forced to raise $10,000 a week in order to have a shot at winning.

So let us put that ridiculous falsehood to rest once and for all. We should not hear that any more on the floor of the Senate.

Mr. President, I ask unanimous consent that that article in the Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 7, 1989]

FILLING POLITICAL WAR CHESTS: A PROCESS THAT NEVER ENDS

(By Charles R. Babcock)

Sen. Arlen Specter (R-Pa.) threw a birthday party for himself last month at his Georgetown apartment. Lobbyists, friends and other supporters were invited. Although no one sang "Happy Birthday," there was a cake—a gift from Sears, Roebuck and Co.—and about 70 people turned out, most with a present of a $1,000 contribution to Specter's reelection committee.

Sen. Wyche Fowler Jr. (D-Ga.) has more elaborate entertainment planned for his contributors. He is sponsoring a theater weekend in New York March 17-19. The $995 donation to his campaign committee covers round-trip air fare from Atlanta or Washington, two nights of "deluxe accommodations" at the Inter-Continental Hotel, a pre-theater cocktail buffet at Sardi's restaurant and $50 tickets to the musical "Jerome Robbins' Broadway."

Neither incumbent faces reelection until 1992.

The escalating cost of elections, however, has made raising political money a never-ending process in Washington. The average Senate campaign in 1988 cost about $4 million, which means incumbents have to raise about $13,000 every week of their six-year terms.

Washington lobbyists are a constant target of political fund-raisers. One Democratic lobbyist said he gets several invitations a day and during the last election cycle wrote at least one check to a candidate in 23 of 24 months.

A review of Federal Election Commission records shows that of the 34 members of the Senate up for reelection 1n 1990, Phil Gramm (R-Tex.) had the most cash on hand at the end of 1988, $2.3 million. Close behind was Bill Bradley (D-N.J.) with $2.2 million, followed by J. Bennett Johnston (D-La.) with $1.8 million, Mitch McConnell (R-Ky.) with $1.2 million and Howell T. Heflin (D-Ala.), with $818,000. No other incumbent of either party had as much as $500,000 in the bank. Eleven had less than $100,000.

Dan McKenna, Specter's spokesman, said the birthday party was "an effort to get started early" for 1992. It was Specter's first birthday theme fund-raiser and is expected to raise as much as $70,000, he added. "I'm sure it was mainly lobbyists," McKenna said when asked who attended the affair.

Norm Magnuson, a Sears spokesman here, said the company sends each member of the House and Senate a cake on his or her birthday. A Sears lobbyist was invited to the party, but did not attend, he added.

Fowler's flashy white-on-black Broadway weekend invitation has caught the eye of several lobbyists. Bill Johnstone, Fowler's top aide and campaign manager, said the theater weekend is an unusually high-cost fund raiser, with the campaign expecting to net only about $500 from each person who flies in from Atlanta and about $700 from each Washington guest, many of whom are lobbyists.

"We in theory are going to be clearing $100,000," Johnstone said. Fowler's 1986 race in Georgia cost about $3 million, Johnstone said, but he figures it will take $6.5 million to run the same campaign in 1992, largely because of escalating costs of television advertising.

Sen. Lloyd Bentsen (D-Tex.) is not up for reelection until 1994, but is raising more than $150,000 without an event by asking longtime donors to help erase a debt from his reelection campaign last year.

Bentsen spent more than $8 million last fall in winning reelection and trying to win his home state for the Democratic ticket he shared with Massachusetts Gov. Michael S. Dukakis. His staff has been out soliciting and at least a few Washington lobbyists have been asked to raise or donate $10,000.

Bentsen's office is sensitive about the $10,000 figure. Jack DeVore, Bentsen's spokesman, was quick to dispute the idea that Bentsen was systematically trying to raise funds in such large chunks. Bentsen, chairman of the Senate Finance Committee, was embarrassed two years ago when it was disclosed he charged lobbyists $10,000 to join a monthly breakfast club to hear his views. He subsequently dropped the breakfast club idea.

DeVore said supporters are being asked "to give what they can," with the goal of erasing the $118,000 debt and raising $150,000 for future political expenses. He emphasized that this early request for funds is not a return of the breakfast club without the breakfast.

The constant need for big money has spawned a growth industry of professional fund-raisers, including some who specialize in soliciting political action committees and others who set up large dinners. It also drives such fund-raising gimmicks as the birthday party and the theater party, both of which were pioneered long before Specter or Fowler sent out their invitations.

Rep. Richard A. Gephardt (D-Mo.) had his birthday party Jan. 31, with cake, candles (48) and singing. Tickets were $250, said Boyd Lewis, his fund-raiser. The event raised about $100,000. Sen. Alan K. Simpson (R-Wyo.) had his first Broadway fund-raiser in 1984, said spokeswoman Mary Kay Hill. Last April, Simpson raised about $150,000 by offering 200 donors hard-to-get tickets to "The Phantom of the Opera." Unlike Fowler, Simpson did not include transportation or lodging.

One senator up for reelection in 1990, Tom Harkin (D-Iowa), held one of the season's first fund-raisers on Dec. 1, just after the last election. The event was a breakfast buffet at the City Club of Washington, cost $1,000 to attend and raised about $100,000, according to Harkin's chief aide, Don Foley. "You can't start too early," he said.

Gramm caused a stir in Texas circles during the Bush inauguration by using tickets to the Texas Society's bipartisan Black Tie and Boots Ball in a package for his top contributors. Brad O'Leary, Gramm's fund-raiser, told reporters at the time that he hoped the package would clear between $100,000 and $150,000.

John F. Kerry (D-Mass.), who was busy raising money for colleagues as head of the Democratic Senatorial Campaign Committee the last two years, had only $5,000 in the bank at year's end, least of the Democratic incumbents up for reelection in 1990. But Kerry is raising funds aggressively now with the goal of having $1 million in the bank by June, spokesman Larry Carpman said. He raised $100,000 at a recent fund-raiser at Pamela Harriman's Washington home and expects to clear at least that much from a fund-raiser in Boston.

Jesse Helms (R-N.C.), who spent nearly $17 million to win reelection in 1984, had only $40,000 in his campaign account at the end of 1988. Carter Wrenn, a Helms campaign aide, said the campaign committee is now actively raising funds and a direct mail campaign already has signed up 20,000 people pledged to donate $10 a month. The goal is 50,000 donors and $6 million, Wrenn said.

John D. (Jay) Rockefeller IV (D-W.Va.), who spent $12 million—nearly $9 million of it his money—to win his first term, hopes to run for reelection without dipping into personal funds. His spokesman, Brian Detter, acknowledges that it will not be easy for a Rockefeller to convince some people he needs their money.

"Obviously, raising money when your name is Rockefeller is slight hindrance because people know you can use your own money," Detter said. But he said the senator received commitments of $1.9 million from supporters he invited to his Washington home in mid-December. A recent Washington Post story, picked up by West Virginia papers, reported that Rockefeller refinanced his home for $15.3 million. Under conventional loan terms, his monthly payment might be $134,000—double the median cost of a house in Charleston, the state capital.

John W. Warner (R-Va.), who had only $24,000 in the bank at the end of last year, said through a spokesman that he had not held fund-raisers during the past two years

because he did not want to drain money from the GOP campaign of Maurice A. Dawkins, who ran unsuccessfully against Charles S. Robb (D) for the Senate.

As the fund-raising season begins to heat up, lobbyists still recall a tale about McConnell's foresight. Just after he upset incumbent Democrat Walter (Dee) Huddleston in 1984, McConnell was approached by special interest groups who supported Huddleston, offering to help retire the winner's debt. According to one lobbyist, McConnell, who had not been sworn in yet, said he was not in debt. But he was quite willing to accept the funds—for his 1990 race.

THE SENATE WAR CHESTS FOR 1990: CASH ON HAND

[Money available Dec. 31, 1988, for incumbents up in 1990]

State	Senator	Cash on hand
Alaska	Ted Stevens (R)	$128,000
Alabama	Howell T. Heflin (D)	818,000
Arkansas	David H. Pryor (D)	145,000
Colorado	William L. Armstrong (R)	40,000
Delaware	Joseph R. Biden, Jr. (D)	183,000
Georgia	Sam Nunn (D)	454,000
Idaho	James A. McClure (R)	186,000
Illinois	Paul Simon (D)	38,000
Indiana	Dan Coats (R)	233,000
Iowa	Tom Harkin (D)	339,000
Kansas	Nancy L. Kassebaum (R)	143,000
Kentucky	Mitch McConnell (R)	1,191,000
Louisiana	J. Bennett Johnston (D)	1,768,000
Massachusetts	John F. Kerry (D)	5,000
Maine	William S. Cohen (R)	138,000
Michigan	Carl Levin (D)	184,000
Minnesota	Rudy Boschwitz (R)	214,000
Mississippi	Thad Cochran (R)	158,000
Montana	Max Baucus (D)	214,000
Nebraska	J. James Exon (D)	19,000
New Hampshire	Gordon J. Humphrey (R)	4,000
New Jersey	Bill Bradley (D)	2,178,000
New Mexico	Pete V. Dominici (R)	33,000
North Carolina	Jesse Helms (R)	40,000
Oklahoma	David L. Boren (D)	277,000
Oregon	Mark O. Hatfield (R)	161,000
Rhode Island	Claiborne Pell (D)	428,000
South Carolina	Strom Thurmond (R)	61,000
South Dakota	Larry Pressler (R)	238,000
Tennessee	Albert Gore, Jr. (D)	97,000
Texas	Phil Gramm (R)	2,320,000
Virginia	John W. Warner (R)	24,000
West Virginia	John D. (Jay) Rockefeller IV (D)	73,000
Wyoming	Alan K. Simpson (R)	179,000

NOTE: Numbers are rounded to the nearest thousand after subtracting debts, except for Sen. Warner, who owes $400,000 to himself from the 1978 election. Sen. Armstrong and Sen. Humphrey will not seek reelection. Dan Coats of Indiana was appointed to take over the seat of Vice President Quayle. That seat is up in 1992.

Mr. McCONNELL. One further observation, Mr. President, on the same subject, the latest figures, from the 1988 Senate elections confirm what we have been saying for a long time about spending limits: That they are a uniquely effective incumbent protection device, pursued by the majority party in this body in order to keep it the majority party.

In connection with this point, the statistics prove that the ability to spend without any limit is far more important to challengers than it is to incumbents.

Looking at the recently completed 1988 Senate elections: nearly 90 percent of the incumbents who spent under the limits set by S. 137—that is the bill of the majority party here—won their race, 16 out of 19 incumbents. By comparison, of the 19 challengers who spent under the limits set in S. 137, 95 percent lost the race, 18 out of 19 challengers.

Clearly, 85 percent of the incumbents who spent over the S. 137 limits won a lower winning percentage than for incumbents who spent below the limits.

But for challengers, the ability to spend above the limits was decisive: compared to a 5 percent chance winning record for challengers who spent below the limits, 38 percent of the challengers who spent above the limits set by S. 137 were able to defeat the incumbent.

Now, only one of the challengers who defeated an incumbent in 1988 actually outspent the incumbent, but 75 percent of the challengers who won had to spend above the S. 137 limits to do it, 3 out of 4 challengers who won.

So, if we enact the spending limits contained in S. 137: these figures from the last election show that challengers will have a mere 5 percent chance of unseating an incumbent in the future; whereas, without the limits, challengers at least have about a 40 percent chance of winning in the Senate.

I cannot conceive of a more effective and deliberate incumbent protection strategy than the spending limits in S. 137.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GREAT FSX GIVEAWAY—BAMBOOZLED AGAIN

Mr. DIXON. Mr. President, I come before this body today to warn the Nation once again that we are about to be bamboozled in a sale of valuable American technology to our fiercest trade competitor, who will use this technology to develop export industries that will compete against U.S. companies and threaten American workers. I am talking, of course, about the sale of the F-16 fighter technology to Japan as proposed in the United States-Japanese Fighter Codevelopment Program, commonly referred to as the FSX Program.

As you know, Mr. President, the FSX Program calls for Japan and ourselves to jointly develop a new fighter using General Dynamic's F-16 fighter aircraft as a starting point. Following development, the plan calls for both countries to coproduce approximately 130 fighters beginning in the midnineties. When deployed, this advanced fighter will help provide for our mutual security needs. Sounds reasonable, does it not? It is not.

For the Japanese, the heart of this program is not defense, but the development of an aerospace industry capable of competing in the world marketplace. The Japanese are not capable of doing that now because they do not possess the technology or knowledge needed to build high-performance jet aircraft. But as in so many other industries—such as VCR's and semiconductors—the Japanese know where to get the technology and knowledge: From the good old U.S.A. What has been the consequence? America provides this technology and knowledge to the Japanese and promptly suffers a loss of United States leadership in several industries, and the loss of hundreds of thousands of good-paying American jobs. The Japanese have managed to do this in large measure because since the end of World War II their economic growth has been fostered by the conventional and nuclear defense protection given them by the United States. We have just recently helped protect Japan by assuring the free flow of oil through the Persian Gulf.

On the economic side, what we have gotten in return for our expertise and willingness to promote free-trade is a Japanese reluctance to share technology or open their markets to United States products, and a huge trade deficit, of $54 billion. That $54 billion figure does not include what we spend in depending Japan.

Now the FSX deal comes along, and we are on the verge of shooting ourselves in the foot again by giving Japan a shot in the arm that will help it develop a government-supported industry that will aggressively—and often unfairly—compete against American firms.

This FSX deal, Mr. President, is not a good deal. It is a No. 1 bamboozle. The Japanese have approached this program from an economic perspective, while we negotiated from a defense and foreign relations perspective. The Japanese want an aerospace industry. They have a huge pool of young engineers who will greatly benefit from the FSX Program and who will become the designers and developers of future Japanese commercial and military aircraft. In 1984, the Japanese space and development policy called for autonomy in commercial aviation. The Government Accounting Office, in a 1982 report, said the key objectives of Japan in entering coproduction programs with United States defense companies are to enhance their high technology employment base to develop future export industry and to increase their military self-sufficiency.

On the other hand, during the FSX negotiations, we Americans have virtually ignored the long-term economic aspects of this deal. Indeed, our Commerce Department was not consulted, while Japan's ministry of International Trade and Industry was extensively involved in the FSX negotiations. De-

spite legislation passed by my good friend Senator JEFF BINGAMAN, calling for consultation with the Commerce Department during the negotiation process, the Defense and State Departments instead concentrated on their own narrow interests.

Now I understand that the Defense Department is still unwilling to listen. Although the Washington Post, the New York Times and others reported that a modified FSX agreement to limit technology transfers and increase Commerce's role was reached this past weekend between Defense and Commerce, the Defense Department backed away from the agreement. The Defense Department is still reluctant to acknowledge the critical role that Commerce has to play or the potential damage that this FSX agreement could have on our aerospace industry.

Can we not learn from our past mistakes? Japan's Miti—their Commerce Department—sets policy for both military and civil aircraft production. Our attempts to limit technological loss to Japan on the F-15 sale have been useless. The GAO found that our Air Force presented a list of technologies considered too sensitive to be transferred to Japan because of the danger of their falling into the hands of the Soviets. But, because of Japanese objections, the United States Defense Security Assistance Agency released much of the technology. By the way, Mr. President, Toshiba in Japan will be working on the FSX development, and we know how well they work with the Soviets.

To add insult to injury, Mr. President, I have seen a Detroit news story that says Mitsubishi heavy industries, the intended recipient of our F-16 technology, has installed equipment that enables Libya to make poison gas bombs. This installation, the story says, has occurred at the chemical complex south of Tripoli, Libya, and has resulted in the stockpiling of hundreds of poison gas bombs. If this story is true, should we be selling military technology to a firm that has helped Libya build bombs that could be used against United States forces or our allies, such as Israel? What is next? Will Mitsubishi, using our advanced technology, show the Libyans how to build planes to fly against our forces in the Gulf of Sidra.

When are we going to give equal weight to our own economic interest when we negotiate these agreements? Our security concerns in the Far East are important, but a $50 billion plus trade deficit with Japan each year cannot be sustained indefinitely. I do not blame our Defense Department for not wanting to rely on Japanese fighter planes, because they would not be as reliable as the FSX or F-16 fighters. Japanese fighters would put our forces at greater risk. But why can we not convince Japan, touted as a strong United States ally, to buy F-16 fighters? Such a purchase will reduce our trade deficit now and protect our trading position in the future, while still giving both of our countries the protection we need in the Far East.

Rather than capitulating in our negotiations, we should be pressing the Japanese to accept our comparative advantage in aerospace and to recognize their responsibility to reduce their large trade surplus with us and other countries. These surpluses cause economic imbalances and threaten world economic security. As an economic superpower, the Japanese must share a greater burden in maintaining international economic order. The post-war era is over and it is a great success story. America and many countries have benefited from their success, few as spectacularly as Japan.

What am I suggesting, Mr. President? The Japanese could begin providing for their own defense by buying American F-16 fighter aircraft outright. This would signal to the world that they are willing to fine tune, rather than expand, their export-driven economy. But instead, they desire to spend $40 to $50 million for each FSX fighter, instead of $20 million for an F-16, in order to build an aerospace industry to compete in the world market.

I believe that the Japanese position is clear. Our own position is not at all clear. What are we getting out of this deal that an outright buy of battle-proven F-16 high performance aircraft would not give us? Absolutely nothing. We are told we will be getting advanced Japanese radar and composite manufacturing technology, but no one has been able to confirm that it even exists. Do we really believe that the Japanese will provide us with their technology? History, Mr. President, does not support this. Why should we believe that the Japanese have these technologies? They have never built a high-performance jet aircraft, and they cannot even build their own engine for the FSX fighter. If they could, you can bet your bottom dollar they would.

In contrast, we Americans annually build hundreds of the world's best commercial and military jet aircraft, and spend billions of dollars on Stealth technology and advanced tactical fighter technology. I have in my hand composite material developed by U.S. companies for the advanced tactical fighter, and I am told it is superior to anything that the Japanese could possibly possess. It is difficult for me to believe that the Japanese have anything worth trading this American-made material for that warrants risking our future aerospace competitiveness.

Our dealings with Japan have been a one way street. Just one example of many comes to mind. During the sale of the F-15, the Japanese wanted the technical data on the plane's speed brake. The Air Force wanted to protect the carbon composite technology of the speed brakes and opposed any transfer, but was overruled by the Secretary of Defense. According to Mr. Clyde Prestowitz, Jr., in his recent book "Trading Places," Japanese executives acknowledged that this technology was very valuable in developing several of their commercial products.

In negotiating this FSX proposal, I am afraid we have forgotten the lessons we have learned from our past commercial dealings with the Japanese. They often do not honor their agreements, as in the semiconductor industry, where they pledged to open their market 2 years ago, but have not. They target certain industries for export growth and put substantial support behind those industries, while making it difficult for importers to penetrate their markets. The Japanese have been so effective with these methods that our new U.S. Trade Representative is talking about "managed trade" with the Japanese to correct the massive trade imbalance we have with them. With trading conditions as they are, it seems ludicrous that we would help the Japanese build an aerospace industry that will only make trade competition worse than it is.

Are we doomed to make the same mistakes we made in the sale of the F-15? Will we have the GAO tell us once again that we have been taken to the cleaners by the Japanese? It is time, my friends, that we start telling the Japanese to buy American if they want their economic growth to continue. Maybe it is time to play a little hard ball, and let them know that if they want continued access to our markets, then we want them to start buying our fighter planes off the shelf.

If we let this deal go through with the Japanese, how are we going to say no to another Department of Defense and State Department attack on American workers? I am speaking about another bad deal in the works—which involves the South Koreans, who are also running a large trade surplus with the United States. The Koreans want to coproduce approximately 120 United States fighter planes and our negotiators are giving them far too much of what they want. Again, defense and foreign relations aspects are overshadowing our economic interest. The Koreans have a trade surplus. According to our Treasury Secretary last fall, they manipulate their currency to obtain favorable trading conditions, and yet we now want to teach them to build an aerospace industry that will compete against American firms later on.

Finally, Mr. President, it seems to me that this FSX codevelopment program, will boost Japan's ability to develop an aerospace industry that will strongly—and given current practices, often unfairly—compete against American aerospace firms in the future. Rather than recognize our comparative advantage in this field, and buy a battle-proven fighter, Japan will again concentrate its considerable resources to capture a huge portion of a world market now dominated by the United States.

In my view, Congress cannot allow this to happen. Although the administration, as a result of congressional opposition to the FSX program as curently proposed, is attempting to fine-tune the agreement. Fine-tuning is not what is needed. Instead, we should scrap this agreement. We should go back to the negotiating table, and begin to make our case for a Japanese purchase of F-16's or another American-built fighter aircraft.

I oppose the agreement because this whole FSX episode reminds me, Mr. President, of the slick huckster in Illinois who was trying to sell two milking machines to a farmer with only one cow, and then take the cow as a down payment.

In this case, however, it is not just the cow the Japanese are after. They want us to give away the whole farm. If it is all the same to the administration negotiators, Mr. President, we in Illinois have serious objections to giving away the farm in return for a piece of paper.

We prefer to sell the hogs and the cattle and the corn and the soybeans and all the other things we produce on our farms, rather than give the farms themselves away. Once we sell the means of production, everything is gone; we are out of business. If we give away the farm on the FSX deal, Mr. President, then we lose the capacity to produce anything to sell at all.

As an alternative, I suggest that our negotiators take the following steps:

First, let us include the Department of Commerce to the full extent Congress intended.

Next, let us keep our F-16 technology under our control.

Third, let us sell our planes outright to the Japanese.

Finally, let us keep our first place ranking in the aircraft industry by not giving away our competitive edge.

In short, Mr. President, let us keep the cow, and sell the Japanese the milking machines.

Mr. President, I ask unanimous consent that the Detroit News story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit (MI) News, Mar. 8, 1989]

JAPANESE FIRM TIED TO LIBYA GAS PLANT

(By John E. Peterson)

WASHINGTON.—Japan's leading aerospace firm has installed equipment that enables Libya to make poison gas bombs at a chemical complex in the desert south of Tripoli, Defense Department and congressional sources have told The Detroit News.

Sources said the CIA, in a closed-door briefing last Wednesday for the Senate Foreign Relations Committee, revealed that Mitsubishi Heavy Industries has a team of about 50 technicians and engineers at the complex. The sources spoke on condition they not be identified.

The Japanese technical experts installed metal-machining equipment used to make bomb canisters that contain the poison gases, the sources said, and the CIA contends the equipment has enabled Libya to stockpile hundreds of poison gas bombs.

Calls for comment to Mitsubishi Heavy Industries representation in the United States were referred to Tokyo officials, who could not be reached Tuesday. The CIA also told the committee that Intek, a West German company, sold air-to-air refueling equipment to Libya and trained more than three-dozen Libyan flight crews to use it. The equipment and training could for the first time allow Libyan bombers to fly round-trip to Israel.

The CIA and other Western intelligence agencies fear the Libyan gas bombs and refueling capacity endanger Israel to such a degree that the balance of power in the Middle East could be altered.

Senators on the Foreign Relations subcommittee declined to comment, saying the briefings were intended to be secret. However, several indicated privately that there could be political repercussions.

Mitsubishi Heavy Industries' involvement in Libyan gas bomb production may spur moves to block a plan for General Dynamics to provide the company with designs to build an advanced "FSX" fighter plane modeled on U.S. F-17 fighters.

The joint venture was negotiated by the Pentagon last year and is under review by the Bush administration.

The Detroit News reported in September that another Japanese company, Japan Steel Works, erected the building that houses the production line for poison gas canisters. Japan Steel Works initially denied the story, then admitted it built the plant, but said it was intended to remove salt from sea water.

The CIA is skeptical of the claim; the plant is near Rabta, about 65 miles southwest of Tripoli and about 70 miles from the Gulf of Sidra, the nearest body of salt water.

The CIA reports indicate that Mitsubishi Heavy Industries is working inside the plant built by Japan Steel Works.

Mitsubishi Heavy Industries is one of several large Japanese companies that use the Mitsubishi name. While they cooperate, share heritage and exchange technology, they legally are independent of one another.

The bomb plant reports have implicated two other Japanese firms. Sources said the CIA disclosed that Mitsubishi Heavy Industries' involvement in the project was arranged by Mitsubishi Shoji, the world's largest trading company, and C. Itoh.

C. Itoh is the trading company that arranged the sale of silent submarine technology from Toshiba Machine Co. to the Soviets. And Toshiba Electric Company, another subsidiary of Toshiba Corp., recently admitted supplying electrical equipment to the Libyan plant as a subcontractor for Japan Steel Works.

In the plant built by Japan Steel Works, Mitsubishi technicians are overseeing production lines for the poison gas canisters, sources said.

The plant is next to a large chemical production facility that was completed in the mid-1980s. Libya claims the chemical plant makes pharmaceuticals and pesticides; U.S. officials have charged that poison gas is produced there.

The first plant in the complex, to make poisons, was built largely by West German firms. When German involvement was revealed last fall, a resulting scandal shook the foundation of Helmut Kohl's ruling party.

Libyan officials fearing that the U.S. or Israelis might bomb the complex, have surrounded it with families in tents.

In a public session before the private briefing last week, CIA Director William Webster said the Libyans are producing mustard and nerve gases. Nerve gas causes death in minutes by attacking the brain and central nervous system. Mustard gas, used in World War I trench warfare, blisters the skin and lungs, causing serious injury or death.

In the private briefing, sources said, the CIA said Mitsubishi Heavy Industries has set up two production lines for poison gas canisters and that Libya is preparing to install a third line to produce guided missiles. The CIA indicated the missile production contract might go to a Southeast Asian firm, sources said.

In the public session, Webster discussed Libya's new refueling capability. Asked to comment on a map of the Middle East that showed the expanded list of targets Libyan bombers could strike with the new refueling capability, Webster said:

"I think you have illustrated one of the really strategic changes that this kind of weaponry can have. It moves it off the battlefield and puts it into the cities and strategic areas of the whole region."

Webster also was asked to comment on reports that members of the West German air force were involved in the refueling project, during or after their period of service. "I would prefer to discuss it this afternoon (in closed session)," he replied, "but you're right on target."

The CIA director also deferred until the closed session a question by Sen. Jesse Helms, R-N.C., the committee's ranking GOP member about Mitubishi Heavy Industries involvement.

Helms' aide William Triplett said the senator likely will introduce legislation seeking sanctions against Japanese firms involved in the gas canister plant.

"This upsets the balance of power and jeopardizes Israel's security," he said.

Sen. Clairborne Pell, D-R.I., chairman of the Foreign Relations Committee, declined to discuss the closed-door briefing. But aide Frank Sieverts said "He's very concerned about the whole subject of technology . . . He's already introduced a bill that would levy a variety of tough sanctions against countries and companies that transfer chemical or biological materials and technology" to unfriendly nations.

Another committee member, Sen. Paul Simon, D-Ill., said he was unaware of Mitsubishi's involvement with the nerve gas plant, but added, "If they are involved, I think we should protest to the Japanese

government in the strongest possible terms."

Simon said, "I had heard that the Japanese were involved in constructing an extension to the (nerve gas) plant, but that's different. I was even a bit taken back by that." Simon said he attended the public portion of last Wednesday's meeting of the committee, but that he was not present for the private session.

He also said that if Mitsubishi Heavy Industries is involved in the Libyan plant, "I would think we would have to review any involvement with that company" in the FSX airplane agreement.

The Bush administration began a review of the agreement in mid-February to see if the transfer of aerospace technology would hurt U.S. competitiveness. Bush reportedly was set to approve the agreement by Friday.

One Senate expert said the technology transfer involved in the fighter project "would move Japan's aerospace industry up an express elevator from the ground floor to the penthouse overnight.

"You're talking about giving them secrets that only the U.S. has at this time," he said.

Mitsubishi Heavy Industries participation in the production of nerve gas delivery systems for Libya raises the question of whether shared technology could compromise U.S. security if Japanese firms are willing to sell it to nations unfriendly to the United States.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 678. An act to make a correction in the Education and Training for a Competitive America Act of 1988.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time by unanimous consent, and placed on the calendar:

H.R. 678. An act to make a correction in the Education and Training for a Competitive America Act of 1988.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Special report entitled "Activities of the Committee on Commerce, Science, and Transportation" (Rept. No. 100-5).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 431. A bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

William J. Bennett, of North Carolina, to be Director of National Drug Control Policy (with additional and minority views) (Exec. Rept. No. 101-2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. BRYAN):

S. 547. A bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 548. A bill to amend title 10, United States Code, to expand the authority of the Secretary of the Air Force to enhance the Civil Reserve air fleet; to the Committee on Armed Services.

By Mr. GLENN:

S. 549. A bill to temporarily suspend the duty on self-folding telescopic shaft, collapsible umbrellas; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. MCCLURE, Mr. MURKOWSKI, and Mr. GARN):

S. 550. A bill to establish a national program to improve collaboration between the national laboratory system of the Department of Energy and the private sector so as to foster the development of technologies in areas of significant economic potential in order to enhance the Nation's economic competitiveness and strategic well-being, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself and Mr. BOSCHWITZ):

S. 551. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. SPECTER, Mr. LAUTENBERG, Mr. DOMENICI, Mr. KENNEDY, and Mr. PELL):

S. 552. A bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. HARKIN, Mr. BOSCHWITZ, and Mr. KASTEN):

S. 553. A bill to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation; considered and passed.

By Mr. WILSON:

S. 554. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GORE, Mr. NUNN, and Mr. PRYOR):

S. 555. A bill to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 556. A bill to amend title II of the Domestic Volunteer Service Act of 1973 to require that priority be given to funding programs of national significance; to the Committee on Labor and Human Resources.

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 557. A bill to provide that Pocatello and Chubbuck, ID, be designated as a single metropolitan statistical area; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 558. A bill to authorize a study on methods to protect and interpret the internationally significant Lechuguilla Cave at Carlsbad Caverns National Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 559. A bill for the relief of Shipco General, Inc., an Idaho corporation; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 560. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. EXON, Mr. BREAUX, Mr. BURNS, Mr. GORTON, Mr. LOTT, Mr. BOND, Mr. BOSCHWITZ, Mr. COATS, Mr. D'AMATO, Mr. DECONCINI, Mr. DOLE, Mr. GRAMM, Mr. LUGAR, Ms. MIKULSKI, Mr. MCCAIN, Mr. MCCONNELL, Mr. GRASSLEY, Mr. HELMS, Mr. SARBANES, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. CHAFEE):

S. 561. A bill to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 562. A bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the old-age, survivors, and disability insurance program and the supplemental security income program; to the Committee on Finance.

By Mr. MATSUNAGA (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. HEFLIN, Mr. DASCHLE, Mr. BOREN, and Mr. PELL):

S. 563. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. MITCHELL, Mr. DECONCINI, and Mr. INOUYE):

S. 564. A bill to provide for an Assistant Secretary of Veterans' Affairs to be responsible for monitoring and promoting the access of members of minority groups, including women, to service and benefits furnished by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA (for himself, Mr. GARN, Mr. GORE, Mr. GLENN, Mr. DANFORTH, Mr. CRANSTON, Mr. MITCHELL, Mr. DOLE, Mr. SIMPSON, Ms. MIKULSKI, Mr. HOLLINGS, and Mr. SIMON):

S.J. Res. 75. A joint resolution relating to NASA and the International Space Year; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. HEFLIN, Mr. DIXON, Mr. COCHRAN, Mr. EXON, Mr. WARNER, Mr. HOLLINGS, Mr. STEVENS, and Mr. MURKOWSKI):

S.J. Res. 76. A joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S.J. Res. 77. A joint resolution recognizing the National Fallen Firefighters' Memorial at the National Fire Academy in Emmitsburg, Maryland, as the official national memorial to volunteer and career firefighters who die in the line of duty; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. Res. 79. A resolution to refer S. 559 entitled "A bill for the relief of Shipco General Inc., an Idaho corporation" to the Chief Judge of the U.S. Claims Court; to the Committee on the Judiciary.

By Mr. FORD (for himself and Mr. STEVENS):

S. Con. Res. 19. A concurrent resolution to authorize printing of a collection of the inaugural addresses of the President of the United States; to the Committee on Rules and Administration.

By Mr. PRESSLER (for himself, Mr. HELMS, and Mr. DOLE):

S. Con. Res. 20. A concurrent resolution expressing grave concern over the rapidly deteriorating condition of ethnic Albanians living in the Socialist Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. BRYAN):

S. 547. A bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths, and for other purposes; to the Committee on the Judiciary.

RADIATION VICTIMS FAIR TREATMENT ACT

Mr. REID. Mr. President, yesterday I introduced legislation to protect the rights of victims of crime and to establish a victim's bill of rights for children. At the beginning of this week, I conducted hearings to explore allegations that aerospace workers are falling victims to composite materials on the job. Congress has a responsibility to put a stop to the root causes of victimization. Where that is not entirely possible, Congress must help victims seek restitution for their suffering. It is not possible, for example, to go back in time to reverse the decision to conduct aboveground nuclear testing with Americans working or living near ground zero. It is possible to admit that this practice was wrong and to help those people whose lives were ruined.

Four years ago, the administration requested insertion of an amendment in the Department of Defense authorization bill. The seemingly innocuous amendment was incorporated into that and subsequently passed as public law.

But these minor changes in language had a major impact. The provision affected thousands of men, women and children who worked at or lived near nuclear test sites during the era of above-ground testing. The amendment effectively denied these people any legal recourse against those responsible for radiation induced disease and death. The lives and health of these Americans was put at risk to serve the national security interests of our country.

When radiation's deadly effects manifested themselves in the form of cancer, extreme birth defects, death, victims and families tried to bring their grievances to court. They sought redress from the atomic weapons contractors, among others, who allegedly knew the hazards but never let the workers or the community in on the secret. The 1985 provision substituted the U.S. Government as the defendant in place of defense contractors. Additionally, it stated that all radiation victim cases would fall into the Federal Tort Claims Act. The Federal Government was thereby accorded certain immunities for which any courtroom defendant would yearn. The contractors got off the hook and the victims were left standing on their own. The prospect of filing a lawsuit, much less trying a lawsuit, were now nearly nonexistent.

Thousands of American veterans and scores of civilian employees and bystanders worked or lived near the test sites. These people and their families deserve better than this. They deserve, Mr. President, fair treatment. Our law as it now stands contains a grave inequity that must be corrected. That is why today I and my colleague, the Senator from Nevada, RICHARD BRYAN, are introducing the Radiation Victims Fair Treatment Act. This legislation will repeal the 1985 provision naming the Federal Government as defendant in radiation victim cases. It will accord victims fair treatment in this and other matters by allowing them their day in court to seek redress from the parties responsible for the radiation.

Many victims often referred to as the forgotten guinea pigs worked at or near the Nevada test site. I admire these people for the courage they have demonstrated despite tremendous adversity, Mr. President. They are committed to right the wrongs that have been done to them. I share that commitment. But since 1985, our colleagues from both parties in both bodies of Congress have worked hard to pass repeal legislation similar to that which I introduce today. Even the initial sponsor of the 1985 amendment, the distinguished senior Senator from Virginia, Senator WARNER, has publicly spoken out as a strong proponent for its repeal. Despite strong support, the bills have not come to a vote. It is unconscionable that we drag our heels on this any further. Some of the radiation victims with unheard claims have died or are dying. Let them who are dying do so with dignity, with the knowledge that we understand their suffering. Patriotic men and women who worked at the test sites and civilians who fell victim to the downwind fallout must be accorded fairness. In his play, the "Merchant of Venice", William Shakespeare wrote, "Men that hazard, all do it in hope of fair advantage."

The radiation victims gave of themselves to help our country and were unknowingly inreversibly harmed. It is only right that we render to them fair advantage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as "Radiation Victims Fair Treatment Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) civilians working at the Nevada Test Site and civilians living near the test site were exposed to radiation from above-ground nuclear tests;

(2) this exposure to radiation caused disease and eventual death to many of these civilians;

(3) the lives and health of these civilians was put at risk to serve the national security interests of the United States; and

(4) such civilians deserve fair treatment by allowing them their day in court to seek redress from the parties responsible for the radiation.

REPEALER

SEC. 3. Section 1631 of the Department of Defense Authorization Act (98 Stat. 2646) (relating to the application of the remedy against the United States provided by sections 1346(c) and 2672 of title 28, United States Code, or by the Act of March 9, 1920, to any civil action for an injury, or death described in subsection (a)(1) of such section 1631) is repealed.

APPLICATION

SEC. 4. (a) The period during which section 1631 of the Department of Defense Authorization Act (98 Stat. 2646) was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in subsection (a)(1) of such section.

(b) If the period provided in any Federal or State statute of limitations applicable to a civil action referred to in subsection (a) expires within one year after the date of the enactment of this Act, the action shall not be barred by such statute, but shall be forever barred if not commenced within one year after such date.

By Mr. STEVENS:

S. 548. A bill to amend title 10, United States Code, to expand the authority of the Secretary of the Air Force to enhance the Civil Reserve air fleet; to the Committee on Armed Services.

EXPANSION OF CIVIL RESERVE AIR FLEET

Mr. STEVENS. Mr. President, Department of Defense contingency planning is heavily dependent on the policy of forward defense. Forward defense means getting U.S. forces and equipment to the battlefield in order to counter attacks on our allies or our own forces overseas. The key to the success of this doctrine is the means to get those forces to the front.

Over 50 percent of our national airlift exists in the private, civilian sector. The commander in chief of the U.S. Transportation Command, Gen. Duane Cassidy, recently testified before the Appropriations Defense Subcommittee and highlighted the importance of civilian assets to accomplish his mission. The Civil Reserve Air Fleet [CRAF] is the portion of the commercial industry that has been identified and would be immediately dedicated in wartime to meet our transportation requirements.

The Civil Reserve Air Fleet Program modifies commercial transports with military unique equipment, such as secure communications, transponders, and structural reinforcement to support additional weight. These modifications are essential for CRAF transports to meet the military mission. Existing legislation limits the nature and scope of this program, and that is the reason for the bill I am introducing today.

The legislation I propose comes at a critical time. American aircraft manufacturers are enjoying the highest rate of new commercial orders in history. That is good for the Nation, and potentially valuable to the Department of Defense. These aircraft could dramatically increase the capabilities of the Civil Reserve Air Fleet, and enable the United States to meet its commitments around the globe. Current restrictions prohibit DOD from spending a small number of dollars today to incorporate these modifications during construction of the aircraft, at a fraction of the cost of later installation.

My proposal stems from a report requested of the Air Force in the fiscal year 1989 Defense Appropriations Act. The committee has received this study, and I have provided copies to the chairman and ranking member of the Armed Services Committee for their review. I ask that this report be included in the RECORD after my statement. I have worked closely with the Department of Defense on this language, which amends certain subsections of title 10 of the United States Code. The objective is a simple one: to permit inclusion of these military characteristics at the least costly manner, while the aircraft is under construction. To date, the primary focus of the CRAF effort has been to modify passenger aircraft. This proposal includes cargo-passenger combined aircraft, a growing segment of the civil fleet. Recognizing the increased operational costs faced by the operators of these planes, some provision is made for this factor.

In other hearings this year, our committee has heard also of the current sealift crisis, and the need for action to preserve the last vestiges of the American merchant fleet. The question keeps recurring, why did we not take action before. We now face a unique opportunity in the vibrant and robust air transport industry to ensure for the next 25 years the availability of modern transports with the key military characteristics vital to support a national emergency. We should seize this chance, so that later on we will not face reproach while spending far larger sums to perform the same changes that we can accomplish today so easily.

I have introduced this bill separately, rather than as amendment to this year's defense authorization bill, so that this initiative can receive the attention of the Armed Services Committee through its deliberations. I hope that this proposal can be given swift consideration, or be included in the 1990 National Defense Authorization Act. This bill would not buy a single new aircraft. This bill merely allows the Department of Defense to do what many in Congress have been urging for some time: to take advantage of sound fiscal opportunities at the least cost to the taxpayer. I believe this bill achieves that goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, January 30, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Appropriations Committee Report on the FY 1989 Department of Defense (DOD) Appropriation Bill requested that the Air Force submit a report detailing the estimated cost and benefits of expanding the scope of the Civil Reserve Air Fleet (CRAF) Enhancement Program. The attached report fulfills the Congressional request for information and proposes such an expanded CRAF Enhancement Program.

The CRAF has been providing ready, cost effective airlift to the DOD since 1952 and plays a major role in national defense. The ongoing CRAF Enhancement Program was designed to increase the long-range cargo capability of the CRAF but lacks the flexibility to improve the military utity of many new and existing commercial aircraft.

We believe the DOD should be authorized to incorporate cargo-capable features into new and existing civilian aircraft that would enhance their military utility in a national emergency. This participation would also include incorporating into select cargo and passenger aircraft: secure communications equipment, military cargo handling features, and equipment which would enable the Air Traffic Control system to readily identify commercial aircraft in a hostile environment.

Expanding the scope of the CRAF Enhancement Program would enable the DOD to improve the military utility of the CRAF in a very effective and efficient manner.

Sincerely,

J.J. WELCH, Jr.,
Acting Secretary of the Air Force.

REPORT TO THE CONGRESS ON EXPANDING THE SCOPE OF THE CIVIL RESERVE AIR FLEET ENHANCEMENT PROGRAM

INTRODUCTION

The Senate Appropriations Committee Report on the FY 1989 Department of Defense (DOD) Appropriation Bill requested that the Air Force submit a report detailing the estimated cost and benefits of expanding the scope of the Civil Reserve Air Fleet (CRAF) Enhancement Program. This report answers the Congressional request for information and proposes such an expanded CRAF Enhancement Program.

Expanding the scope of the CRAF Enhancement Program is consistent with the June 1987 National Airlift Policy statement

which directed the Department of Defense (DOD) and the Department of Transportation (DOT) "to promote the incorporation of defense features in commercial aircraft." The objective of the National Airlift Policy is to ensure military and civil airlift resources will be able to meet defense mobilization and deployment requirements in support of US defense and foreign policies. Expanding the CRAF Enhancement Program would permit the DOD to participate in building new civilian aircraft or in modifying existing civilian aircraft in any of the cargo-capable configurations: all-cargo freighters, cargo convertible passenger aircraft, or combination passenger/cargo aircraft (combi). It would also permit DOD to participate in incorporating necessary communications and navigational equipment to make civil passenger aircraft interoperable with the military airlift system. The elements of this expanded program would include incorporating into select cargo and passenger aircraft: secure communications equipment, aircraft range enhancements, military cargo handling features, and equipment which would enable the Air Traffic Control system to readily identify commercial aircraft as friend or foe (IFF units). Expanding the scope of the CRAF Enhancement Program will require modifications to the authorizing legislation for this program (Public Law 97-86).

BACKGROUND

The Civil Reserve Air Fleet (CRAF) has been providing ready, airlift augmentation to the DOD since 1952. Its basis is a series of interagency agreements and contracts with civil carriers giving the DOD access to a civilian fleet of aircraft to assist in meeting wartime requirements. The CRAF currently consists of 441 civil aircraft. The long-range, international portion consists of 99 cargo aircraft, capable of carrying over 13 million ton-miles of cargo per day, and 276 passenger aircraft, capable of carrying nearly 158 million passenger-miles per day. This is nearly 24 percent of the cargo airlift and 95 percent of the passenger airlift available to the DOD for movement from the United States to overseas in the event of a national emergency. To replace this capability, the DOD would have to purchase 86 Boeing 747-100 all cargo aircraft and 205 Boeing 747 passenger aircraft. One of the factors making CRAF attractive to the DOD is the fact that many of the aircraft that meet the demands of the commercial market place can provide passenger and cargo airlift to the DOD in time of national emergency without time-consuming modification.

In return for providing this airlift augmentation for the DOD, the civil airlift industry earns peacetime revenue through contracted movement of a portion of DOD cargo and passenger airlift. Each carrier's share of this peacetime business is based on the type and amount of airlift capability it commits to the CRAF.

This airlift capability plays a major role in national defense. A fundamental principle of our national strategy calls for the rapid projection of US forces to protect our national interests and to honor commitments to our allies. The 1981 Congressionally Mandated Mobility Study (CMMS) looked at our nation's ability to project those forces under four representative scenarios. It concluded the DOD was short of airlift and recommended a program be adopted that would increase DOD's airlift capability to 66 million ton miles per day (MTM/D). Ton miles are used as a measure of airlift requirements or capability. A ton mile of requirement is what it would take to move a ton of cargo one nautical mile. A specific requirement would be to move a 105-MM Howitzer weighing 7 tons from Ft. Campbell, Kentucky, to central Europe (4300 NM). This would equate to 30,100 ton miles or 0.030 MTM.

The Air Force Airlift Master Plan details our efforts to achieve the 66 MTM/D goal with a mixture of military and CRAF aircraft. One program to reduce the shortfall will be the acquisition of the C-17 airlifter. However, military and commercial resources are equally important and interdependent in meeting defense mobilization requirements. The 1987 National Airlift Policy recognized the importance of commercial airlift when it stated that "the commercial air carrier industry will be relied upon to provide the airlift capability required beyond that available in the organic military airlift fleet." The National Airlift Policy also directs the DOD to "promote the incorporation of defense features in commercial aircraft."

One of the most cost effective elements of the Air Force Airlift Master Plan is the ongoing CRAF enhancement program, authorized by Public Law 97-86, designed to add even more cargo capability to the CRAF. This program allows the Secretary of the Air Force to contract for the addition of certain features to civil passenger aircraft in order to make them useful as cargo aircraft. These features increase an aircraft's ability to carry the bulky and oversize cargo needed in war by installation of a cargo floor (substantially stronger than the conventional floor), a cargo door, and a roller and rail system to accommodate standard military cargo configurations. The program objective is an FAA certificated "cargo-convertible" aircraft.

Under the current CRAF Enhancement Program, the DOD pays for the additional costs associated with building a new passenger aircraft as a cargo-convertible or the cost of modifying an existing passenger aircraft. However, a convertible aircraft weighs more than a passenger aircraft because it has a stronger floor and cargo door. Therefore, it will cost the owners more to operate a convertible aircraft on a day-to-day basis. If the participating air carrier has no need for the added cargo capability and agrees not to use it in peacetime, the DOD compensates the air carrier for all the additional costs associated with operating a heavier aircraft. If the carrier uses the main deck capability of the aircraft to move cargo in peacetime, the DOD pays for up to 50 percent of the additional construction or modification costs and nothing more. Participants in the program must commit the aircraft to the CRAF for 12 to 16 years and provide appropriate refunds to the government if an aircraft concerned is sold or destroyed during the contract period.

A great advantage of this program is that it increases the amount of airlift available while it avoids the acquisition, training, and support costs associated with purchasing and operating an additional DOD-owned fleet of cargo aircraft. Though CRAF cargo-convertible aircraft lack the loading versatility and operational flexibility of military aircraft such as the C-17, they do contribute to the nation's wartime airlift capability.

The existing CRAF Enhancement Program is beneficial and will increase to long-range, international cargo capability of the CRAF by just over 3.3 million ton-miles per day by 1990. Thus far, the government has contracted with four airlines for a total of 23 aircraft. The first contract was for $17.9 million with United Airlines for a new DC-10-10 delivered in September 1982. The second was for the retrofit of 19 existing Pan American World Airways Boeing 747 aircraft at a cost to the government of approximately $30 million each. The last of these aircraft will be delivered in Oct. 1989. The third contract, for $4.3 million, was awarded in 1986 to Federal Express for a DC-10-30 cargo convertible aircraft delivered in September 1987. The most recent CRAF enhancement contract was awarded to Evergreen Airlines to modify two existing Boeing 747 passenger aircraft. The modification of these aircraft should be completed by November 1989 at government cost of $4.6 million each. The cost of the Federal Express and Evergreen contracts is significantly lower than the United and Pan American contracts because Federal Express and Evergreen use the additional cargo capability in peacetime. A summary of these contracts is shown below.

Aircraft type	Capability (tons)	Term (years)	Contract cost
United DC-10-10	40.5	16	$17,900,000
Pan Am B-747	73.1	12	30,000,000
Fed Ex DC-10-30	54.6	16	4,300,000
Evergreen B-747	73.1	12	4,600,000

DEFICIENCIES IN THE CURRENT CRAF ENHANCEMENT PROGRAM

Despite the success of the current CRAF Enhancement Program, it is deficient in that it does not allow the DOD to participate in building new civilian aircraft or in modifying existing civilian aircraft in all of the cargo-capable configurations: all-cargo freighters, cargo convertible passenger aircraft, or combination passenger/cargo aircraft (combi). Additionally, it does not provide for DOD participation in the incorporation of necessary communications and navigational equipment to make civil passenger aircraft interoperable with the military airlift system.

Our primary concern is with the growing number of "missed opportunties" to improve the military utility of new acquisitions. Civilian carriers are buying a new generation of commercial all-cargo aircraft, but they lack the necessary range, avionics, and/or cargo handling features needed for DOD use. For example, in 1987, United Parcel Service (UPS) began purchasing 20 B-757 Package Freighters. Unfortunately, these aircraft lack both a compatible military cargo handling system and the equipment for long-range overwater operations, required for CRAF participation. Because Public Law 97-86 does not allow the DOD to contract for such features in all-cargo aircraft, these 20 UPS B-757s will not be useful to the CRAF and, therefore, will not be enrolled in the program.

Similarly, Federal Express was planning to buy a large quantity of medium-range, narrow-body cargo aircraft (B-727s) and only a few long-range, wide-body aircraft (DC-10-30s) to meet their growing business requirements. However, in recognition of the Air Force's long-range cargo shortfall, Federal Express was prepared to buy a larger quantity of DC-10-30s, provided the government would pay a portion of the cost differential between the DC-10-30s and the B-727s. For this cost differential, the DOD would have received into CRAF some very militarily useful aircraft that were equipped with the necessary material handling sys-

tems and communications. Despite our interest in the proposal. Public Law 97-86 does not authorize this type of contract. Consequently, Federal Express bought a larger quantity of B-727s and only a few DC-10-30s to meet their demands, none of which had the necessary military utility.

Another deficiency in the existing program is the inability to incorporate equipment or design features which would ensure the military interoperability of civil passenger aircraft which will move 95 percent of the airlifted troops in the event of an emergency. Currently the DOD radars may not be able to distinguish between civil passenger aircraft and foreign military threat aircraft operating in a hostile environment.

Because of these deficiencies in the existing CRAF Enhancement Program, we recommend that its scope be expanded. However, to expand the CRAF Enhancement Program, new legislation will be required.

PROGRAM DEFINITION

First, an expanded CRAF Enhancement Program should enable the DOD to be involved in the development and procurement of add-on equipment to enhance the compatibility of not only cargo covertible passenger aircraft, but also all-cargo freighters, combintation passenger/cargo aircraft, and civil passenger aircraft. Such equipment would include secure communications, aircraft range enhancements, and Identification, Friend or Foe (IFF) units. The ability to pass important mission control information in a timely and secure manner, and to identify these aircraft as friendly vehicles operating in support of a major reinforcement, will ensure the utility of these aircraft during a crisis. Because this equipment is not needed on a daily basis by the airlines, it would be designed as light-weight, carry-on equipment which would remain the property of the government. The equipment would also be removed from the aircraft should it be sold to a foreign carrier or retired. Such equipment would be designed in close cooperation with the airlines, with installation, maintenance, and training provided and paid for by the DOD.

Second, the DOD needs the flexibility to be able to work toward the modification of civil aircraft to incorporate cargo-convertible or cargo-capable features to increase the long-range cargo capability of the CRAF. This would be done by DOD participation in the building of new aircraft, or the modification of existing aircraft to any of the cargo-capable configurations-freighter, convertible, or combi.

The new program should also be general enough to allow the DOD to contract with the air carriers for incorporation of additional defense features as necessary.

SCOPE AND FUNDING

It should not be the goal of the new program to modify every new or existing long-range aircraft in the US civil inventory. Incorporating defense features such as secure communcations, appropriate navigational equipment, IFF, and cargo features into all long-range aircraft would be unrealistic since there will always be some essential civil requirements which would preclude a 100 percent allocation to the DOD by DOT. However, there are a large number of aircraft that should be equipped with the necessary features to support the nation's defense needs. For example, all 375 long-range aircraft participating in the CRAF should have secure communications and militarily compatible IFF systems. In addition to the communications and navigation requirements, we must have a way to encourage the incorporation of standard military cargo handling capability into newly acquired civilian aircraft to allow their enrollment into the CRAF. This new authority would allow us to provide an incentive (cost of modification) to the carrier to place additional aircraft in the CRAF.

Some elements of this program would have to wait for full implementation. For example, the installation of communications and navigation equipment should be delayed until standard specifications have been finalized, to include interoperability with NATO. However, other elements should be acted on now. Specifically, we should equip the 20 United Parcel Service B-757 Package Freighters with cargo handling equipment (MHE) compatible with our system. This will cost approximately $90,000 per aircraft. To initiate this portion of the program we are requesting $0.9 million in the FY90 aircraft modification budget. To complete the program, we will require $0.9 million in FY91. We should also seek an FAA waiver for the B-757s to operate overwater during CRAF Stage III activation.

It is impossible to estimate the precise cost of DOD compatible communications until the specifications are finalized. However, we estimate that $2 million per year would allow us to modify up to 40 aircraft per year. Additional funds would be required to incorporate needed range enhancements.

Since commercial operators do not need to purchase these features for their own operations, the DOD should program to install necessary fixtures and wiring in the aircraft during production. This installation would enable the DOD to add light-weight, carry-on electronic equipment at a later date. Otherwise, we can expect future aircraft to be purchased without these required defense features. A proportionally small government investment would increase the capability of the CRAF in a very cost-effective manner. The table below illustrates the costs to incorporate modifications into two types of aircraft.

Aircraft	Secure communications	IFF system	MHE
B-757	$25,000	Unknown	$90,000
B-757	25,000	do	NA

Modifications to additional aircraft are difficult to program and have historically been "targets of opportunity." This makes long term planning difficult at best. However, for the past several years we have had the opportunity to enhance two to three aircraft per year at an average cost of $5 million each. As funds are programmed, a level of effort of two aircraft per year should be pursued. In the interim, as targets of opportunity present themselves, reprogramming actions could be taken.

COST AND BENEFITS

In preparation of this report, we compared the costs and benefits of the proposed expansion of the CRAF Enhancement Program with the current CRAF Enhancement Program and the option of government ownership.

While the current program is cost-effective, its limitations often cost the DOD more than necessary. One example is the recent contract to modify an Evergreen B-747 passenger aircraft to a cargo-convertible aircraft. This contract cost $4.6 million, and the aircraft will be committed to the CRAF for 12 years, fully supported by four crews. Conversely, it would cost the government approximately $81 million to acquire the aircraft and operate it for the same length of time. However, if this aircraft could have been converted to a cargo-only aircraft, rather than being required to retain its passenger capability, we would have been able to save even more. Under the existing legislation, Evergreen must maintain the capability to carry passengers. This includes maintenance and storage of seats, emergency oxygen systems, additional lighting, public address systems, and the ability to reinstall all of these passenger-only features. However, neither the DOD nor the carrier has any intention of ever using this aircraft in the passenger configuration.

Under the current CRAF Enhancement Program, aircraft are committed to the DOD for a period of 12 to 16 years. However, given the current state of aircraft manufacturing technology, it is not unrealistic to require a longer commitment for new aircraft which participate in the program. In recognition of the longer commitment and enhanced capability, an investment of $5.0 to $10.0 million would be appropriate for a new Boeing 747, McConnell Douglas DC-10-30, or MD-11 aircraft committed for 17 to 21 years. The table below shows the capability and projected government ownership cost for three types of new aircraft.

Aircraft type	Capability (tons)	Term [1] (yrs)	CRAF [2] investment (millions)	Government [3] (millions)
DC-10-30	73	20	$5-$10	$92
MD-11	80	21	5-$10	117
B-747-200	91	17	5-$10	103

[1] This is based on projected service life of aircraft.

[2] Actual investment would depend on the type of aircraft, the term of the contract, and the amount of capability purchased relative to the carriers' peacetime needs.

[3] This is the approximate cost of owning and operating these aircraft for the projected service life.

These examples show that the benefits of CRAF enhanced aircraft relative to the government ownership option are significant. As mentioned earlier, the reason is that the majority of the acquisition, operating, and maintenace costs are paid by the carriers. The government only pays the marginal costs associated with incorporating the necessary military capability and, if necessary, with operating a heavier commercial aircraft.

LEGISLATION

Legislation is needed to optimize the potential benefits from the Civil Reserve Air Fleet. This new legislation should give the Secretary of the Air Force the authority to participate in building new civilian aircraft or in modifying existing civilian aircraft in any of the cargo-capable configurations: all-cargo freighters, cargo convertible passenger aircraft, or combination passenger/cargo aircraft (combi). It should also permit DOD to participate in incorporating necessary communications and navigational equipment to make civil passenger aircraft interoperable with the military airlift system. The legislation should be flexible and should be tailored to support the acquisition of civil aircraft which best meet defense needs.

Such legislation authorizing an expanded CRAF Enhancement Program would keep the nation strong by promoting the growth of airlift capability and by controlling the government spending needed to accomplish this effort. The U.S. commercial air cargo

and passenger industry is growing, and the program can take advantage of this opportunity to ensure that the defense airlift capability of the CRAF also continues to grow.

SUMMARY

The Civil Reserve Air Fleet has been providing ready, cost-effective airlift to the DOD since 1952. The ongoing CRAF Enhancement Program was designed to add even more cargo capability to the CRAF but lacks significant features to better meet projected airlift need. CRAF Enhancement remains the most cost-effective way to obtain the required airlift capability while maintaining a balanced force structure. However, legislation is needed to expand the CRAF Enhancement Program. This new legislation should permit the DOD to participate in building new civilian aircraft or in modifying existing civilian aircraft in any of the cargo-capable configurations: all-cargo freighters, cargo convertible passenger aircraft, or combination passenger/cargo aircraft (combi). It should also permit DOD to participate in incorporating necessary communications and navigational equipment to make civil passenger aircraft interoperable with the military airlift system.

By Mr. GLENN:

S. 549. A bill to temporarily suspend the duty on self-folding telescopic shaft, collapsible umbrellas; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN UMBRELLAS

● Mr. GLENN. Mr. President, today I am introducing legislation to suspend temporarily the duty on hand-held, collapsible umbrellas with a telescopic shaft. This legislation is noncontroversial and should be acceptable to the Senate as part of the miscellaneous tariff bill.

Telescopic shaft, collapsible umbrellas are currently classified under Tariff Schedule of the United States item 751.0510 and are subject to an 8.2 percent ad valorem duty.

There is at present no known integrated umbrella making industry in the United States engaged in the manufacture of these mass market, handheld umbrellas or umbrella frames. Therefore the existing duty on imported umbrellas serves no legitimate "industry protection" purpose.

Some U.S. firms are assembling certain specialty umbrellas using imported frames. For the most part, these firms manufacture beach, golf or other specialty umbrellas which are not directly competitive with self-folding collapsible umbrellas. Thus, the duty suspension for these umbrellas will not inflict harm on American workers or companies.

There is a substantial market in this country for collapsible umbrellas. In 1988, 44 million umbrellas were imported into this country, representing a value of $82.7 million.

The requested duty suspension would produce a much-needed savings to U.S. importers and may result in some savings for consumers. For example, in 1988 U.S. firms paid $6.0 million in Customs duties on the imported collapsible, telescopic shaft umbrellas, some or all of which may have been passed on to the consumer.

As far as I have been able to determine, there is no opposition to this duty suspension. Given domestic firms' reliance on foreign sources of finished, self-folding collapsible umbrellas, the continued imposition of a high tariff on them is not aiding any U.S. industry.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SELF-FOLDING TELESCOPIC SHAFT, COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.6601	Self-folding telescopic shaft, collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00).	Free	No change ...	No change ...	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. MCCLURE, Mr. MURKOWSKI, and Mr. GARN):

S. 550. A bill to establish a national program to improve collaboration between the national laboratory system of the Department of Energy and the private sector so as to foster the development of technologies in areas of significant economic potential in order to enhance the Nation's economic competitiveness and strategic well-being, and for other purposes; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY NATIONAL LABORATORY COOPERATIVE RESEARCH AND TECHNOLOGY COMPETITIVENESS ACT OF 1989

● Mr. DOMENICI. Mr. President, I am pleased to reintroduce today the Department of Energy National Laboratories Cooperative Research Initiatives Act. This important legislation was passed by the Senate twice last year, but failed to win approval in the House of Representatives.

This bill is designed to help us get the most from the research investments we make at our federally sponsored laboratories. It would make technology management improvements within the Department of Energy National Laboratory System, and would go far to improve cooperative research between our laboratories, universities, and American industry.

This in turn will improve, and make more useful, the research being conducted at our laboratories—better enabling industry to develop and commercialize the innovations generated at our national laboratories.

Mr. President, more and more we are noticing how quickly other nations, particularly Japan, are putting into quick commercial use innovations and technologies that were first developed by our own scientists.

But if we fall behind, it is not because we lack a commitment to basic science research. Our Nation is a world leader in basic science and technology research. The U.S. Government and private industry each spent about $50 billion on research and development in 1987.

This is a tremendous investment. Our problem is that we do not take full advantage of the research resources we have created, and which are so vital to world competitiveness.

In recent years, the administration and Congress have moved to improve the process of technology transfer from our federally sponsored laboratories. Through legislation and executive orders we have moved to decentralize management of technologies developed in Federal laboratories.

It is very important that we improve technology transfer since it makes the laboratories that develop, and that are most knowledgeable about, new technologies principally responsible for seeing the innovations converted into commercial applications.

This decentralization effort has already been applied to Federal research laboratories working under several Federal agencies, including the Department of Defense and the National Institutes of Health. Yet, we still have a way to extend these changes to the agency overseeing the Nation's largest group of scientists, engineers, physicists, and mathematicians—the Department of Energy [DOE].

The national laboratories are among our Nation's most valuable, but too often underutilized, national scientific resources. While created for specific energy and defense related missions, these laboratories have developed tremendous research capabilities. They are producing technologies with a wide array of applications, far beyond the original missions of the research.

I am familiar with these labs since two of the very best are located in my State of New Mexico: Los Alamos and Sandia.

Because of the unique capabilities of these laboratories, they are among the

world leaders in several important research areas, including work on superconductivity, semiconductors, and the mapping of the human genome.

Research at the national laboratories holds great potential for improving our quality of life. We must not let these scientists be hidden away, or let their work just sit on the shelf. This legislation will help these laboratories be more than just closed off havens of research. It will help them become engines for American economic strength, and for an enhanced quality of life.

Mr. President, let me briefly describe the bill. Title I would enable the national laboratories to become centers for technology management by giving them the authority to negotiate, enter into, and participate in cooperative research and development agreements with universities and industry. Part of this authority allows the laboratories to negotiate terms for transferring to industry the commercial rights to unclassified innovations generated at the labs.

I would point out that DOE would have a 30-day period within which to reject or modify any proposed agreement. In addition, the Government would always retain a royalty-free license to technologies developed at the labs.

The second title would establish a program of cooperative research at the national labs into technologies in high-temperature superconductivity. Research in this area is of tremendous national importance, and is a research area in which several DOE national laboratories have become world leaders.

Research centers would be established at several laboratories, and a council would be created to direct the activities of the centers. The council would also bring together university, industry, and government representatives to help develop national strategies for research, technology development, and commercialization.

The final title provides for additional, general provisions necessary to carry out the technology transfer directives of the bill. This title clarifies how ownership of patents and intellectual property arising from work at the national laboratories would be transferred to the laboratories.

This is essential for effective technology transfer from the laboratories, and successful cooperative agreements with outside parties. To ensure that the labs do not sit on any technologies, the DOE retains march-in rights to the technologies to see that they are developed.

Let me assure my colleagues that this bill does not give ownership of classified, or sensitive technologies to the laboratories or anyone else. Several provisions have been included to ensure and clarify that nothing in this bill limits the Department of Energy's ability to control classified or sensitive research or research products.

The laboratories must still abide by the national security requirements, and export-import restrictions to which they have always had to adhere. Technologies determined by DOE to be classified or sensitive will still be protected from disclosure and dissemination.

Let me also point out that the policies advanced in this legislation are consistent with past National Security Council recommendations, executive orders covering policy for all Government-sponsored research, and Department of Defense [DOD] regulations covering DOD laboratories.

Provisions have also been included to ensure and clarify that technology transfer efforts encouraged in this bill will not interfere with the primary missions of the labs.

What this legislation is about is enabling the national laboratories, which develop numerous technologies with tremendous civilian commercial potential, to move that technology quickly into America's commercial mainstream. The legislation is also about making the tremendous research resources we have already created at these laboratories more accessible to industry and our universities.

I'd like to finish by citing an example of the kind of economic potential that technology transfer from these laboratories holds for America.

Within 1 year, the Massachusetts Institute of Technology [MIT] generated 27 startup companies from DOE sponsored research, along with 200 agreements to major companies to commercialize DOE research. During the same time, the entire Department of Energy produced, roughly, the same amount of technology transfer activity.

Yet, DOE's budget and work force of 23,000 scientists make it about 10 times the size of MIT. If DOE and its laboratories could only just match MIT's effort of that year, we should see a ten fold increase in economic activity.

The potential is very real.

Mr. President, I want to thank my colleagues who have joined me in cosponsoring this legislation, as well as the many people who have helped in the past. In particular, I want to thank my colleague and fellow New Mexican, Mr. BINGAMAN, for his help. He has been a strong supporter of improving technology transfer from the laboratories, and has worked hard to advance this legislation.

I urge all my colleagues to support this bill, and hope we can work quickly to pass it again in the Senate, so that it soon can become law.

I ask that following my remarks the bill, and a section by section summary of the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 550

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Department of Energy National Laboratory Cooperative Research and Technology Competitiveness Act of 1989".

SEC. 2 DEFINITIONS.

For purposes of this Act, the term—

(1)(A) except as provided in subparagraphs (B) and (C), "National Laboratory" means the following Department of Energy laboratories—

(i) Lawrence-Livermore National Laboratory;

(ii) Lawrence-Berkeley National Laboratory;

(iii) Los Alamos National Laboratory;

(iv) Sandia National Laboratory;

(v) Fermi National Accelerator Laboratory;

(vi) Princeton Plasma Physics Laboratory;

(vii) Idaho National Engineering Laboratory;

(viii) Argonne National Laboratory;

(ix) Brookhaven National Laboratory;

(x) Oak Ridge National Laboratory (including the Y-12 Plant);

(xi) Pacific Northwest Laboratory;

(xii) Ames Laboratory;

(xiii) Stanford Linear Accelerator Center

(xiv) Bates Linear Accelerator Facility;

(xv) Center for Energy and Environment Research;

(xvi) Coal Fired Flow Facility;

(xvii) Energy Technology Engineering Center;

(xviii) Hanford Engineering Development Laboratory;

(xix) Inhalation Toxicology Research Institute;

(xx) Laboratory for Energy-Related Health Research;

(xxi) Laboratory of Biomedical and Environmental Sciences;

(xxii) Laboratory of Radiobiology and Environmental Health;

(xxiii) Michigan State University-DOE Plant Research Laboratory;

(xxiv) Notre Dame Radiation Laboratory;

(xxv) Oak Ridge Associated Universities;

(xxvi) Radiobiology Laboratory;

(xxvii) Savannah River Ecology Laboratory;

(xxviii) Savannah River Laboratory;

(xxix) Solar Energy Research Institute; and

(xxx) Stanford Synchrotron Radiation Laboratory.

(B) Such term does not include Naval Nuclear Propulsion Reactor Laboratories, or their contractors or subcontractors performing work covered under Executive Order 12344, as codified in section 7158 of title 42, United States Code.

(C) Such terms shall include any future government-owned, contractor-operated laboratory facilities established as Department of Energy Multi-program Laboratories or Program-Dedicated Facilities.

(2) "collaborative party" means a party to a cooperative research and development agreement;

(3) "computer software" means recorded information, regardless of form or the media on which it may be recorded, comprising computer programs or documentation thereof;

(4) "contract" means any contract, grant, or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code, entered into between any Federal agency and any contractor for the performance of research, experimental, and developmental activities funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of such activities.

(5) "cooperative research and development agreement" means any agreement between the Directors of one or more National Laboratories and one or more Federal or non-federal parties under which the Federal government, through such National Laboratory or Laboratories, provides personnel, services, facilities, equipment, or other resources with or without reimbursement and the non-federal parties provide funds, personnel, services, facilities, and equipment, or other resources toward the conduct of specified research, development, and demonstration efforts that are cosistent with the missions of the National Laboratory; except that such term does not include a procurement contract or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code.

(6) "director of a National Laboratory" means the employee of the Department of Energy laboratory manager or operator who directs the management and operation of such National Laboratory;

(7) "Federal Agency" means any executive agency as defined in section 105 of title 5, United States Code, and the military departments defined by section 102 of title 5, United Stated Code.

(8) "funding agreement" means any contract, grant, or cooperative agreement entered into between the Secretary of Energy and a contractor operating a National Laboratory that provides for such contractor to perform research, experimental, and development activites at such National Laboratory.

(9) "intellectual property" means patents, trademarks, copyrights, mask works, and other forms of comparable property rights protected by federal law;

(10) "invention" means any invention that is or may be patentable or otherwise protected under Title 35, United States Code, or any novel variety of plant that is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.);

(11) "laboratory manager or operator" means the contractor who has signed a contract with the Secretary for management and operation of a National Laboratory (but only with respect to activities relating to such management or operation);

(12) "laboratory owned" means any rights in intellectual property conveyed under this title to a contractor operating a National Laboratory or any rights in intellectual property arising under the operating contract for a National Laboratory where rights are not expressly taken by the United States Government or by a subcontractor;

(13) "made" when used in conjunction with any invention means the conception or first actual reduction to practice of such invention;

(14) "Secretary" means the Secretary of Energy;

(15) "subject invention" means any invention of a National Laboratory first conceived or reduced to practice in the performance of work under a contract or funding agreement for the operation of a National Laboratory; and

(16) "third parties" means domestic entities located in the United States who agree to manufacture and to conduct research and development substantially in the United States including—

(A) Federal agencies other than the Department of Energy;

(B) units of State or local government;

(C) industrial organizations, such as corporations, partnerships, limited partnerships, consortia, or industrial development organizations;

(D) public and private foundations;

(E) nonprofit organizations such as universities; and

(F) licensees of inventions or computer software owned by the laboratory manager or operator.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the Nation's economic competitiveness and strategic well-being depends on the development of advanced energy technologies, such as those anticipated to evolve from research and development on high temperature superconducting materials;

(2) the national laboratories of the Department of Energy constitute a multi-discipline capability in general science, energy science, and defense related technology development with incomparable research and computer facilities with research and support staffs of demonstrated international expertise;

(3) while the National Laboratories have demonstrated successes in technology transfer into the private sector, the effectiveness of this effort can be significantly enhanced if—

(A) industry is made more aware of the National Laboratory research and development capabilities and activities;

(B) technology transfer is established as a significant element of the mission of the National Laboratories;

(C) the National Laboratories are made more aware of industry market requirements; and

(D) industry becomes more involved with the activities of National Laboratories early enough in the research and development process to provide guidance on the development of commercially viable products; and

(4) a national initiative is needed, if there is to be a timely transfer of energy technology developments from the National Laboratories to the private sector, except that nuclear weapons design, development, production, and maintenance must remain the primary mission of the Department of Energy nuclear weapons complex.

SEC. 4. PURPOSES.

The purposes of this Act are to—

(1) enhance collaboration between universities and the private sector and the National Laboratories of the Department of Energy so as to foster the development of technologies in areas of significant economic potential.

(2) establish that it is a mission of each National Laboratories to foster, through the transfer of technology to the private sector consistent with the national security and a fair return on the taxpayers' investment, the commercialization of technologies developed in connection with its research, experimental, and development activities; and

(3) better meet the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in the National Laboratories' research and development in meeting international competition.

SEC. 5. DIRECTIVE.

The Secretary shall—

(1) take such actions as he deems appropriate and consistent with law to further the mission set forth in section 4(2); and

(2) ensure that the mission set forth in section 3 is carried out in a manner that is not detrimental to the military mission of any National Laboratory.

TITLE I—NATIONAL LABORATORY CENTERS FOR TECHNOLOGY MANAGEMENT

SEC. 101. POLICY.

For the purposes of title I, it is the policy of Congress that—

(1) intellectual property rights in technology developed at the National Laboratories be managed so as to promote the competitiveness of United States industries;

(2) the Secretary prescribe regulations for cooperative research and development agreements and intellectual property rights arising under such agreements; and

(3) the directors of the National Laboratories devise implementing procedures consistent with the policy guidelines set forth by the Secretary.

SEC. 102. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) GENERAL AUTHORITY.—The Secretary shall prescribe regulations ensuring that the contract for the management and operation of any National Laboratory authorizes the director of such laboratory:

(1) to enter into cooperative research and development agreements and to negotiate the terms and conditions of such agreements with—

(A) other federal agencies;

(B) units of state or local government;

(C) industrial organizations including corporations, partnerships and limited partnerships, consortia, and industrial development organizations;

(D) public and private foundations;

(E) nonprofit organizations (including universities); or

(F) other persons or entities, including licensees of inventions or computer software owned by the National Laboratory manager or operator.

(2) to negotiate intellectual property licensing agreements for National Laboratory owned inventions or computer software, assigned or licensed to the National Laboratory by third parties including voluntary assignment by employees.

(b) SPECIFIC AUTHORITY.—Each director of a National Laboratory may include provisions in any cooperative research and development agreement negotiated and entered into pursuant to this section permitting such laboratory manager or operator to—

(1) accept, retain, and use funds, personnel, services, and property from collaborative parties and provide personnel, services, and property to collaborating parties;

(2) grant or agree to grant in advance to a collaborative party, intellectual property licenses, assignments, or options thereto, in any invention or computer software, made, in whole or in part, by an employee of a National Laboratory under the cooperative research and development agreement; and

(3) to the extent consistent with Department of Energy regulations, orders, and directives pertaining to conflict of interest, permit employees or former employees of a laboratory manager or operator to participate in efforts to transfer to the private sector inventions or computer software, such employees developed or made while in the service of such laboratory.

SEC. 103. CRITERIA FOR ENTERING INTO AGREEMENTS.

In determining whether to enter into a cooperative research and development agreements, the director of a National Laboratory shall determine that—

(1) facilities at the National Laboratory will be available to conduct the activities that are the subject of the cooperative research and development agreement;

(2) the activities that are the subject of the cooperative research and development agreement would not interfere with programs of the Department of Energy;

(3) the activities that are the subject of the cooperative research and development agreement would not create a future detrimental burden on the National Laboratory; and

(4) the proposed cooperative research and development agreement is consistent with applicable guidelines of the Secretary pursuant to section 102 for cooperative research and development agreements.

SEC. 104. AGREEMENT CONSIDERATIONS.

In deciding which cooperative research and development agreements to enter into, and which licenses, assignments, and options to grant, the director of a National Laboratory shall—

(1) give special consideration to small business firms and consortia involving small business firms;

(2) give preference to business units located in the United States that agree that products embodying inventions or computer software, made under the cooperative research and development agreement or produced through the use of such inventions or computer software, will be developed and manufactured substantially in the United States;

(3) in the case of any industrial organizations or other person subject to the control of a foreign company or government, as appropriate, take into consideration whether or not such foreign government permits United States agencies, organizations, or other persons to enter into cooperative research and development agreements and licensing agreements; and

(4) provide universities the opportunity to participate in such cooperative research and development agreements when such participation will contribute to the purpose of this Act.

SEC. 105. MODIFICATION OR DISAPPROVAL OF AGREEMENT.

The Secretary may disapprove or require the modification of a cooperative research and development agreement under subsection (a). Such agreement shall provide for a 30-day period, beginning on the date the agreement is submitted to the Secretary by the director of the National Laboratory concerned, within which period such action may be taken by the Secretary. In any case in which the Secretary disapproves or requires the modification of any cooperative agreement submitted under this title, the Secretary shall transmit a written explanation of such disapproval or modification to the director of the National Laboratory concerned within 30 days after such submission. If such action is not taken within this thirty day period, the cooperative research and development agreement shall be deemed approved.

SEC. 106. LIMITATION.

The cumulative total of non-appropriated funds contracted to be received in any year under all cooperative research and development agreements entered into by the director of any National Laboratory under this Act may not exceed an amount equal to 10 percent of the annual budget of such National Laboratory, unless approved in advance by the Secretary.

SEC. 107. CONFLICTS OF INTEREST.

(a) In negotiating or entering into any cooperative research and development agreement under this section, and in negotiating or granting any license or assignment with respect to intellectual property subject to this section, the director of a National Laboratory (and any employee of a laboratory manager or operator who may be acting on behalf of the Director) shall carry out such actions—

(1) in compliance with all applicable laws and regulations;

(2) in the public interest; and

(3) not for the benefit of the director of the National Laboratory, the employee, a related person, the laboratory manager or operator, or a related entity.

(b) A director of a National Laboratory (and any employee of a laboratory manager or operator who may be acting on behalf of the Director) may not enter into negotiations—

(1) for a cooperative research and development agreement with a related person or a related entity; or

(2) for granting a license or assignment with respect to intellectual property subject to this section to a related person or a related entity until such negotiations are approved in advance by the Secretary.

(c) Any cooperative research and development agreement proposed to be entered into by a director of a National Laboratory with a related person or a related entity, and any license or assignment proposed to be granted by the director of a National Laboratory to a related person or a related entity, may not become effective until it is approved by the Secretary.

(d) For purposes of this section, the term—

(1) "related person" means a person related to a director of a National Laboratory or to an employee of such a director by marriage, blood, or otherwise, as determined by the Secretary under regulations; and

(2) "related entity" means a parent corporation of a laboratory manager or operator, a subsidiary or affiliate of a laboratory manager or operator, or any other entity that has a financial relationship with, or that is acting as an agent for, a laboratory manager or operator, as determined by the Secretary under regulations.

SEC. 108. RECORDS OF AGREEMENTS.

The director of each National Laboratory shall maintain a record of all cooperative research and development agreements entered into under this title, and shall submit annually a copy of such record to the Secretary.

SEC. 109. DUTIES AND RESPONSIBILITIES OF THE SECRETARY.

(a) The Secretary shall review all existing regulations, policy guidelines, orders, directives, procedures, and administrative processes associated with the abilities of the directors of the National Laboratories to:

(1) enter into cooperative relationships and cooperative research and development agreements with private industry or universities;

(2) undertake work-for-others; and

(3) operate user facilities.

(b) The Secretary shall review existing standards for resolving potential conflicts of interests to ensure that such standards adequately establish guidelines for situations likely to arise through the use of the authorities granted in this subtitle, including but not limited to cases where present or former National laboratory employees or their partners negotiate licenses or assignments of titles to inventions or negotiate cooperative research and development agreements with Federal agencies (including the Department of Energy or the laboratory manager or operator with which the employee involved is or was formerly employed).

(c) The Secretary shall—

(1) review the impact of the exchange of scientific information, scientific innovation, and commercialization resulting from cooperative research and development agreements.

(2) survey non-federal parties interested in entering into cooperative research and development agreements with the National Laboratories to determine if adequate measures exist to encourage scientific innovation and commercialization resulting from cooperative research and development agreements; and

(3) based on the results of such review and survey develop policy recommendations that shall be submitted to the Congress.

(d) The Secretary shall—

(1) formulate and carry out a comprehensive set of policy guidelines to advance the goals of this title, based on the review under subsection (a);

(2) report to Congress and the President within 90 days after the date of the enactment of this title on the status of this review; and

(3) within 180 days after the date of the enactment of this title, implement the policy guidelines under paragraph (1) that do not require regulations under section 302.

TITLE II—CENTERS FOR RESEARCH ON HIGH-TEMPERATURE SUPERCONDUCTING TECHNOLOGIES

SEC. 201. FINDINGS.

For purposes of this title, the Congress finds that:

(1) extensive research in superconducting materials is being conducted by the Department of Energy to support its programmatic activities in High Energy Physics, Magnetic Fusion Energy, Energy Storage Systems, Electric Energy Systems, and Energy Conservation, pursuant to the Federal Non-nuclear Energy Research and Development Act of 1974 (P.L. 93-577), the Energy Reorganization Act of 1974 (P.L. 93-483), and the Department of Energy Organization Act (P.L. 95-91);

(2) recent developments in high-temperature superconducting materials hold great promise for highly efficient energy storage and transmission, medical diagnostics, magnets for physics research and fusion reactors; and smaller super-computers;

(3) if the United States is a world leader in basic research on high-temperature superconducting materials, then programs supporting this research at the Department of Defense, the National Science Foundation, and the Department of Energy should be maintained and strengthened;

(4) there is intense international interest in the commercialization of high-temperature superconducting materials and the key to success in its commercialization lies in the rapid development of these materials and the identification of their applications; and

(5) the National Laboratories have demonstrated expertise in high-temperature superconductivity research and have a proven record in research in enabling technologies

which can benefit the industrial sector efforts in the commercialization of new technologies and product development.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to provide for research on critical enabling technologies to assist United States industry in the commercialization of high-temperature superconductors;

(2) to provide national organization and coordination in the research, development and commercialization of high-temperature superconductors; and

(3) to encourage private industry, university, and National Laboratory interaction through centers for research on high-temperature superconductivity at the National Laboratories.

SEC. 203. ESTABLISHMENT OF THE HIGH-TEMPERATURE SUPERCONDUCTOR RESEARCH INITIATIVE.

The Secretary of Energy shall initiate and carry out a cooperative program of research on enabling high-temperature superconductor technology and on the practical applications of such technology (here-in-after referred to in this title as the "Initiative").

SEC. 204. COUNCIL ON ENABLING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary of Energy shall form the "Council for Research on Enabling Technologies" (here-in-after referred to in this title as the "Council") that shall be composed or representatives of appropriate government agencies, universities, and industry to provide advice to the Secretary in setting goals and strategies for the Initiative.

(b) DUTIES.—The Council shall recommend guidelines for the release of the technical findings and developments made by the cooperative research centers established pursuant to subsection (b). Guidelines for releasing technical findings set forth by the Council shall be consistent with guidelines set forth by affected Federal agencies.

(c) AVOIDANCE OF DUPLICATION.—The Council shall keep appraised of activities taking place at the existing Research Centers on Superconductivity and Superconductivity Pilot Centers. In carrying out its responsibilities under subsection (a), the Council shall recommend to the Secretary and such Centers measures to ensure that unnecessarily duplicative research or activities are not being carried out at these Centers.

SEC. 205. CENTERS FOR RESEARCH ON ENABLING TECHNOLOGIES.

(a) The Secretary shall establish cooperative research centers in enabling technologies for high-temperature superconducting materials and applications (here-in-after referred to in this title as "Centers") at one or more National Laboratories with appropriate university and private industry participants.

(b) The Centers shall be located at National Laboratories that demonstrate expertise in—

(1) high-temperature superconductivity research; and

(2) research in associated technologies including—

(A) thin film and bulk ceramic synthesis and processing; and

(B) characterization of physical, chemical, and structural properties in materials.

SEC. 206. PARTICIPATION BY THE NATIONAL LABORATORIES.

(a) MISSION OF NATIONAL LABORATORIES.—The Secretary shall ensure that the National Laboratories may participate in the Initiative, to the extent that such participation is consistent with the purposes of this Act.

(b) AGREEMENTS.—The Secretary shall enter into such contracts and agreements, with other Federal agencies, with U.S. private industrial or research organizations, or consortia, or with any college or university, as may be necessary to provide for the active participation of the National Laboratories in the Initiative.

(c) REQUIREMENTS.—The Initiative shall include provisions for one or more National Laboratory to conduct research, experimental, and development activities relating to high-temperature superconductivity. Such activities may include research, experimental, and development activities in associated technologies (including thin film and bulk ceramic synthesis and processing and the characterization of physical, chemical, and structural properties in materials).

SEC. 207. PERSONNEL EXCHANGES.

The Initiative may include provisions for temporary exchanges of personnel between any domestic firm or university referred to in this title and the National Laboratories that are participating in the Initiative. The exchange of personnel may be subject to such restrictions, limitations, terms and conditions as the Secretary considers necessary in the interest of national security.

SEC. 208. OTHER DEPARTMENT OF ENERGY RESOURCES.

(a) AVAILABILITY OF RESOURCES.—Subject to subsection (b), the Secretary may make available to other departments or agencies of the Federal Government, and to any participant in research and development projects under the Initiative, any facilities, personnel, equipment, services, and other resources of the Department of Energy for the purpose of conducting research and development projects under the Initiative.

(b) REIMBURSEMENT.—At his discretion, the Secretary may, to the extent practicable, make facilities available under this section only to the extent that the cost of the use of such facilities is reimbursed by the user.

SEC. 209. BUDGETING FOR HIGH-TEMPERATURE SUPERCONDUCTIVITY RESEARCH.

To the extent the Secretary considers appropriate and necessary, the Secretary, in preparing the research and development budget of the Department of Energy to be included in the annual budget submitted to the Congress by the President for fiscal years 1990, 1991, 1992, 1993, 1994, and 1995 under section 1105(a) of title 31, United States Code, shall provide for programs, projects, and activities that encourage the development of new technology in the field of high-temperature superconductivity.

SEC. 210. COST-SHARING AGREEMENTS.

(a) PERMITTED PROVISIONS.—The Secretary shall, pursuant to title I, ensure that contracts for the operation of National Laboratories provide the director of each National Laboratory that is participating in the Initiative or the contractor operating any such National Laboratory the authority to receive funds under any cooperative research and development agreement entered into with a domestic firm or university under the Initiative.

(b) CONSIDERATIONS.—The director of each National Laboratory that is participating in the Initiative, in determining the type and extent of its laboratory participation in carrying out work for others, shall undertake such work only when facilities are available and their use would not interfere with Department of Energy programs, and such nor create a future detrimental burden on the National Laboratory.

(c) ADDITIONAL LIMITATION.—Subject to section 106, no National Laboratory may receive more than $10,000,000 of nonappropriated funds, or the equivalent of such amount, from any person under any cooperative research and development agreement entered into under the Initiative, except to the extent approved in advance by the Secretary.

SEC. 211. RECORD OF AGREEMENTS.

Each National Laboratory shall maintain a record of all agreements entered into under this subtitle and submit such record to the Secretary on an annual basis.

SEC. 212. AVOIDANCE OF DUPLICATION.

In carrying out the Initiative, the Secretary shall ensure that unnecessarily duplicative research is not performed at the research facilities of the Department of Energy (including the National Laboratories) that are participating in the Initiative.

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORITY OF THE SECRETARY.

(a) Nothing in this Act may be construed to affect or limit—

(1) the authority of the Secretary to control all classified or sensitive (as defined pursuant to section 148 of the Atomic Energy Act of 1954, as amended) research contracts and agreements to which the Department of Energy or a National Laboratory is a party; or

(2) the vesting of title in the Department of Energy of all intellectual property that is made under classified or sensitive (as defined pursuant to section 148 of the Atomic Energy Act of 1954, as amended) research in a National Laboratory or in a facility of a collaborative party under a cooperative research and development agreement and that is classified or sensitive.

SEC. 302. REGULATIONS.

(a) Within 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for implementing sections 102, 303, and 304. In prescribing such regulations the Secretary shall provide opportunity for public comment on proposed regulations.

(b) Any such regulations shall be guided by the purpose of this Act.

(c) Before the Secretary issues regulations under this section, the Secretary shall consult with the Office of Federal Procurement Policy to review such regulations for consistency with this Act.

SEC. 303. PATENT OWNERSHIP AND THE CONDITIONS OF OWNERSHIP.

(a) DISPOSAL OF TITLE TO INVENTIONS.—Notwithstanding section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), section 9 of the Federal Non-nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), or other provision of law, the Secretary shall dispose of the title to any subject invention made in the performance of a Department of Energy contract to manage or operate any National Laboratory in the same manner as applied to small business and nonprofit organizations under Chapter 18 of title 35, United States Code, except that a condition of such disposal shall be the retention by the United States of a royalty-free license to use such subject invention for United States Government purposes.

(b) RETENTION OF TITLE BY UNITED STATES.—(1) Whenever a manager, operator or employee of a National Laboratory under a contract makes a subject invention to which the Secretary has determined (at the time of contracting for the management

and operation of the National Laboratory) to retain title for exceptional circumstances under section 202(a)(ii) of title 35, United States Code, the title to the subject invention shall be retained by the Government unless the National Laboratory at which the invention is made requests title to such invention and the Secretary does not notify the director of the National Laboratory—

(A) within 90 days after receipt of such request that the subject invention is covered by a determination under such section 202(a)(ii) of title 35, United States Code; or

(B) within 150 days after receipt of such request that the subject invention has been classified or has been designated sensitive technical information as authorized by section 148 of the Atomic Energy Act of 1954.

(2) Whenever a manager or operator of a National Laboratory makes a subject invention to which the Secretary has determined (at the time of contracting for the management and operation of the National Laboratory) to retain title because the invention is made in the course of or under a funding agreement described in section 202(a)(iv) of title 35, United States Code, the title to the subject invention shall be retained by the Government unless the director of the National Laboratory at which the invention is made requests title to such invention and the Secretary does not notify the director of the National Laboratory—

(A) within 90 days after receipt of such request that the subject invention is covered by a determination under such subsection 202(a)(iv) of title 35, United States Code; and

(B) within 150 days after receipt of such request that the subject invention has been classified or has been designated sensitive technical information as authorized by section 148 of the Atomic Energy Act of 1954.

(3) The Secretary may not use export control statutes or regulations as the sole basis for refusing a request for title to a subject invention.

(4) If the Secretary does not notify the director of the National Laboratory that has requested title to a subject invention in accordance with this section, such National Laboratory shall be deemed to have elected title to the invention under the Government-wide contractor patentable ownership provisions of Chapter 18 of title 35, United States Code.

(c) The Secretary may, by rule with notice and public comment under 5 U.S.C. 553, exempt from the operation of subsection (b) any category of inventions that he determines is directly related to research and development on the design, manufacture, or utilization of any nuclear weapon or component.

SEC. 304. INTELLECTUAL PROPERTY.

(a) CONTRACT PROVISIONS.—Any Department of Energy contract for the management or operation of a National Laboratory shall provide—

(1) except as otherwise provided in the Act, for the ownership by the Laboratory manager or operator of any intellectual property made by an employee of such manager or operator;

(2) that any royalties or income that is earned by the manager or operator of a National Laboratory from the licensing of laboratory-owned intellectual property rights in any fiscal year shall be used as authorized under subsection 202(c)(7)(E) of title 35, United States Code and Section 13(a)(1)(B)(i) through (iv) and section 13(a)(2) through (4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B) (i)-(iv) and 3710c(a)(2)-(4)); and

(3) that the costs of obtaining and protecting intellectual property rights in any invention or computer software, owned by the National Laboratory shall be paid for by the laboratory manager or operator as a cost shared expense under a cooperative research and development agreement.

(b) The Secretary shall ensure that all intellectual property granted to a laboratory manager or operator shall be subject to a royalty-free license to use and reproduce such intellectual property for United States Government purposes.

(c) The Secretary shall establish procedures to have the management of intellectual property rights, including procurement, retention, and licensing of such rights, in connection with laboratory-owned inventions and computer software, be the responsibility of the director of the National Laboratory at which the invention or computer software are made, developed or assigned.

(d) The Secretary shall prescribe regulations, orders, or directives prohibiting any laboratory manager or operator who has received title to intellectual property under this section from receiving money or other benefit from the use or licensing of such property for the benefit of the laboratory manager or operator, except for research and development associated with activities at the National Laboratory to promote technology transfer as authorized by law, or in special circumstances, as may be approved by the appropriate Department of Energy Operations Office manager.

(e) COMPENSATION.—(1) Subject to paragraph (2), in return for retaining title to any intellectual property rights in any invention or discovery made in performance of a Department of Energy cooperative research and development agreement, the manager or operator of any National Laboratory shall pay to the United States reasonable compensation based on the value of the technology transferred. The amount of the payment arising as a result of the transfer shall be set by an arbitration board consisting of one member selected by the manager or operator of the National Laboratory, one member selected by the Secretary, and one member jointly selected by the manager or operator and the Secretary. In determining the payment, the arbitration boards shall set an amount that is proportionate with the research and development costs funded by the United States. The arbitration board shall have discretion to permit the payment to be made in installments according to the extent the manager or operator uses or employs the intellectual property.

(2) Paragraph (1) shall not apply if:

(A) the contract manager and operator is operating the National Laboratory for no profit or fee beyond expenses; and

(B) such contract manager or operator is offering the intellectual property for fair market value and any value or royalties the contractor derives from the intellectual property will be returned to the National Laboratory of the Federal Treasury in accordance with Section 202(c)(7)(E) of title 35, United States Code.

SEC. 305. MARCH-IN RIGHTS.

The Secretary may require the licensing to third parties of all intellectual property owned by the laboratory manager or operator that is subject to the provisions of this Act in the same manner as provided under section 203 of title 35, United States Code.

SEC. 306. OVERSIGHT.

(a) The Secretary, the Inspector General of the Department of Energy, and the Comptroller General shall conduct periodic audits of activities of the National Laboratories under this Act.

(b) Nothing in this Act diminishes the responsibility of the Secretary to keep Congress fully and currently informed or the right of Congress to review and receive information with respect to any agreement, license, or intellectual property subject to this Act.

SEC. 307. COPYRIGHTS AND PATENTS.

This title does not confer any new authority on the Department of Energy to obtain a copyright or a patent.

SEC. 308. LIABILITY OF THE UNITED STATES.

The United States may not be held liable for a claim brought by any person alleging injury resulting from a product embodying intellectual property or from a product produced through the use of intellectual property acquired under this Act. The preceding sentence does not apply to such a product if the product is produced by the Federal Government or at the request of the Federal Government.

SEC. 309. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act (regardless of whether regulations have been promulgated under section 302). The Secretary shall immediately enter into negotiations with each laboratory manager or operator to amend all existing contracts for the operation of the National Laboratories, to reflect this Act.

NATIONAL LABORATORY COOPERATIVE RESEARCH INITIATIVES ACT

Principally, this legislation would change the way technology is managed at the DOE—requiring DOE to treat all laboratories the same—and really enabling the labs to conduct cooperative R&D that will lead to meaningful technology transfer. It would restore the weapons-related "exception" to a real exceptional circumstances and not an excuse to tie up a large portion of federal R&D.

The Legislation requires:

1. Bayh-Dole Act tech-transfer directives to be applied to all laboratories, regardless of the nature of their contractor—except for naval nuclear propulsion labs.

2. Restoration of original congressional intent re: the "weapons-related exemption." S. 1480 requires DOE to either classify or designate as sensitive data, an invention within 3 months or title will vest with the contractor-operator. This is consistent with past National Security Council (NSC) recommendations, and consistent with DOD regulations for the DOD laboratories.

It was not Congress' intent for the weapons-related exception to disqualify the entire laboratory, however, this has been DOE's position.

3. The contractor-operator at the Laboratories be given the authority to enter into cooperative research agreements, subject to a 30-day right of refusal, or modification by DOE.

4. The contractor-operator is to be further obligated to license the inventions out so innovations can be commercially developed. The federal government would retain both a royalty-free license to all such innovations, and "march-in" rights to assure appropriate development.

5. Personal exchanges to be allowed between private industry, industry-university consortia and the national labs.

6. DOE to establish a cooperative research program for research on enabling technologies for high-temperature superconducting applications. Centers for research would be established, along with a Council, made up of industry, university, and lab representatives, to guide the Centers.

DEPARTMENT OF ENERGY NATIONAL LABORATORIES COOPERATIVE RESEARCH INITIATIVES ACT—SECTION-BY-SECTION SUMMARY

Sec. 2. Definitions.—Covering terms used throughout the Act. Labs covered by the Act are listed and include all government-owned, contractor operated (GOCO's) DOE laboratories.

Sec. 3. Findings.—Lists the basic rational for the legislation.

Sec. 4. Purposes.—The bill is intended to enhance collaboration between labs and industry, establish tech transfer as a mission of the labs, and get better use out of our research investment in the labs.

Sec. 5. Directive.—Directs Secretary to carry out the tech transfer mission this bill calls for, but not to the detriment of the labs' military missions.

TITLE 1—NATIONAL LABS CENTERS FOR TECHNOLOGY MANAGEMENT

Sec. 101. Policy.—Outlines policy objectives.

Sec. 102. Cooperative R&D Agreements.—Directs Secretary to delegate authority to Labs to negotiate and enter into cooperative agreements, as well as intellectual property right arrangements. Also, labs are to be allowed to share personnel and equipment as part of such agreements.

Sec. 103. Criteria for Entering Into Agreements.—Labs must assure that agreements they enter into won't interfere with DOE programs, can be performed in available facilities, won't create future detrimental burdens for the labs, and are consistent with Secretary's guidelines set forth in Sec. 102.

Sec. 104. Agreement Considerations.—In choosing between agreements, the Labs are directed to give special preference to small businesses, U.S. firms, and (if foreign) firms from countries similarly accommodating to U.S. firms, and universities.

Sec. 105. Modification or Disapproval.—Secretary will have 30 days, after agreement is submitted to DOE, to modify or disapprove proposed agreement. Otherwise agreement becomes effective.

Sec. 106. Limitation.—Total non-federal funds a lab may receive from cooperative R&D agreements cannot exceed 10% of the lab's budget, unless the Secretary approves something different.

Sec. 107. Conflict of Interest.—Negotiations of intellectual property rights or cooperative R&D agreements must be in the public interest and not benefit lab director. Lab personnel also prohibited from working with relatives, or parent companies and subsidiaries of the contractor-operator, unless Secretary approves.

Sec. 108. Records of Agreements.—Labs are to keep records of agreements and report to Secretary annually.

Sec. 109. Duties & Responsibilities of Secretary.—Secretary directed to review how DOE policies: effect the ability of labs to conduct cooperative research with outside parties; resolve conflicts of interest; and impact innovation, research and information exchange. Secretary also directed to implement guidelines to advance the policies of the title, and report within 90 days on status of review and within 180 days implement guidelines that don't require regulations.

TITLE 2—CENTERS ON RESEARCH ON HIGH-TEMPERATURE SUPERCONDUCTING TECHNOLOGIES

Sec. 201. Findings.—Notes the extensive research on high-temperature superconductivity (HTS) being done at the national labs, and the promise such research holds.

Sec. 202. Purposes.—The title is intended to provide for research on critical enabling technologies, for national organization and coordination in R&D and commercialization, and for improved industry-university-Laboratory interaction.

Sec. 203. Establishment of HTS Research Initiative.—DOE directed to carry out cooperative R&D effort.

Sec. 204. Council on Enabling Technologies.—Secretary directed to form council, representative of industry, universities, and government, which will set goals and strategies for the HTS Initiative, and to oversee the Centers created in section 205. Council also to set guidelines for release of technical findings of the Centers, and assure there is no unnecessary duplication of activities.

Sec. 205. Centers for Research on Enabling Technologies.—Secretary to establish cooperative R&D Centers at one or more national labs that have expertise in HTS.

Sec. 206. Participation by the National Labs.—Secretary to assure labs can participate in the Initiative, enter into agreements with outside parties as necessary, and conduct specific research for the Initiative.

Sec. 207. Personnel Exchanges.—Initiative may include temporary exchanges, but are subject to national security considerations.

Sec. 208. Other DOE Resources.—Use of facilities and equipment is also allowed to the extent that costs of use are reimbursed by the user.

Sec. 209. Budgeting for HTS Research.—Secretary to provide for HTS programs in annual budget, to the extent deemed appropriate.

Sec. 210. Cost-Sharing Agreements.—Contract between DOE and manager to operate labs must allow for labs to accept funds from cooperative R&D under Initiative. Labs directed to undertake work only when facilities are available and use doesn't interfere with DOE programs. Labs also limited to receiving no more than $10 million under any single agreement that is part of this initiative.

Sec. 211. Record of Agreements.—Labs required to keep records of agreements and report to Secretary annually.

Sec. 212. Avoidance of Duplication.—Secretary to assure no unnecessary R&D is conducted at DOE under Initiative.

TITLE 3—GENERAL PROVISIONS

Sec. 301. Authority of Secretary.—Clarifies that nothing in this Act limits the current law authority of the Secretary to control classified or sensitive research to which the national labs are a party. Also, nothing limits the vesting of title in the DOE of intellectual property that is made under classified or sensitive research at a lab, and which is itself classified or sensitive.

Sec. 302. Regulations.—Regs implementing sections on cooperative R&D, patent ownership, and intellectual property are to be prescribed within 180 days of enactment. DOE must allow the Office of Federal Procurement Policy (OFPP) to review the regs for consistency with the Act before issuing the regs.

Sec. 303. Patent Ownership & Conditions of Ownership.—This section makes applicable to all national laboratory contractors the same rights to elect title to inventions developed under federally funded R&D as is already provided to universities, non-profits, and small for-profit business contractors under current law. The government would always retain a royalty-free license to use the invention.

The DOE may still retain title to inventions for "exceptional circumstances," as specified under current law (Sec. 202(a)(ii), Title 35 USC), and for classified or sensitive inventions made under a funding agreement that includes a DOE lab doing primarily naval nuclear propulsion or weapons work, as specified under the current law (Sec. 202(a)(iv), Title 35 USC).

Title to subject inventions are retained by the government unless the national lab involved requests title. The Secretary has 90 days after the request to notify the lab of an exceptional circumstance determination, or of classified or sensitive designation for which the government may keep title. Otherwise, the requesting national laboratory shall be deemed to have elected title.

This section also prohibits DOE from using export control statutes as the sole basis for refusing a request for title of a national lab invention, but allows the Secretary to exempt anything directly related to R&D on nuclear weapons.

Sec. 304. Intellectual Property.—Intellectual property arising from work at the national labs is to be owned by the labs responsible for it. Any royalties from such intellectual property accruing to the labs must be used to further the mission of the labs. The costs of obtaining commercial protections shall be borne by the laboratory as a cost-shared expense. The government shall always retain a royalty-free license.

Secretary directed to see that management of intellectual property be the responsibility of the lab, and that contractors who get title do not profit from licensing it.

In return for title, for-profit contractors must compensate government for the government's investment, unless the rights to use intellectual property are sold at a fair market value, and the proceeds are returned to the lab or the Treasury.

Sec. 305. March-in Rights.—Secretary may require licensing of intellectual property to 3rd party if a lab is sitting on the technology.

Sec. 306. Oversight.—Secretary shall conduct regular audits and keep Congress fully informed.

Sec. 307. Copyrights & Patents.—Clarifies that this title does not confer any new authority on DOE to obtain a copyright or a patent.

Sec. 308. Effective Date.—180 days after enactment, but Secretary directed to begin immediately adjusting contracts with labs as directed.●

By Mr. CRANSTON (for himself and Mr. BOSCHWITZ):

S. 551. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential, and for other purposes; to the Committee on Finance.

RESTORING CAPITAL GAINS TAX DIFFERENTIAL

Mr. CRANSTON. Mr. President, I rise today to introduce legislation to reinstate a capital gains differential. Enactment of this legislation, which will stimulate investment and create

jobs, is essential to the growth and productivity of our economy.

The capital gains issue is not a new one—it has been the subject of vigorous debate for over a decade. Legislation to lower the capital gains tax is not new either—it has been around since soon after the Tax Reform Act of 1986 eliminated the differential. President Bush has made lowering the capital gains tax a major goal of his administration and there are currently several bills pending in the Senate to change the taxation of capital gains.

This bill, however, is new. My bill takes a long-term approach to the capital gains issue unlike any other proposal. It is based upon a sliding scale: Assets held less than 1 year would get no tax benefit, assets held 1 to 3 years would qualify for a 10-percent exclusion, assets held 3 to 5 years would qualify for a 30-percent exclusion, and assets held over 5 years would qualify for a 60-percent exclusion. Thus, only investors who are willing to commit long-term, patient capital would receive significant benefits. Collectibles would not qualify for the exclusion. This bill also differs from other approaches in that 50 percent of the excluded gain would be added as a preference item for the alternative minimum tax. Another major difference in my bill is that taxpayers with adjusted gross income under $25,000—joint return—would receive a 100-percent exclusion for assets held over 5 years.

Mr. President, I have long been a supporter of a capital gains differential. I was a leader in lowering the rate in 1978 and in 1986 I fought to keep a low rate. The issue of capital gains taxation is not a Republican versus Democratic issue, and it's not a rich versus poor issue. The issue is what is best for the health of our economy; what will give taxpayers an incentive to save more and to invest more in long-term, risky projects? The answer, in my opinion, is a lower capital gains tax.

My bill goes to the hearts of America's entrepreneurial spirit. It promotes enterprise and innovation. It promotes investment and jobs. The question is not "Can we afford lower capital gains taxes?". The question is, "How can we afford not to lower capital gains taxes?". A capital gains differential will have economic significance for the U.S. savings rate, the cost of capital, our international competitiveness, and entrepreneurialism.

I need not remind my colleagues of the international trade competition we face, particularly from the Pacific rim nations. We live in a global economy and if we are to compete in that economy, we cannot handicap America's entrepreneurs—we must encourage them. I don't want to imply that there is only one cause for our poor trade position, but the cost of capital is a major factor. It's a fact that the cost of capital is lower in our competitors' nations. A lower cost of capital promotes higher investment. This increases a nation's capital stock and provides more capital per worker, greater productivity, and growth in a country's standard of living. The capital gains tax is an important element of the cost of capital. Thus, it is particularly noteworthy that South Korea, Taiwan, Hong Kong, and Singapore do not tax long-term capital gains at all. The American Council for Capital Formation is currently undertaking an economic study of the direct correlation between capital gains taxation and the cost of capital.

A capital gains differential is particularly important to the competitiveness of our electronics industry. The electronics industry, which is the largest manufacturing sector in the United States, employs over 2.5 million people—605,000 in my home State of California alone. The 1978 and 1981 cuts in the capital gains tax were of tremendous benefit of this leading edge industry. The cuts helped spur venture capital and the creation of hundreds of high-technology companies. In fact, almost half of the American Electronics Association's 3,500 members were formed since 1978 and the industry is responsible for over 1 million new jobs between 1978 and 1984. These small startups need every ounce of capital they can get, and if they can't get it from American investors, often they are forced to turn to foreign sources. In addition, because these firms can't pay big salaries, they use stock options to attract quality people.

Mr. President, I would like to take a moment to address some of the most common arguments against lowering the capital gains tax: That it is a "giveaway to the rich," that it is a revenue loser, and that the majority of venture capital comes from nontaxable sources.

First of all, wealthy people are not the only ones with capital gains. In 1984 and 1985, taxpayers with incomes of $50,000 or less reported over 20 percent of all long-term capital gains. More than 45 million Americans currently hold securities directly or through mutual funds that are subject to capital gains taxation. These investors have median household income of under $40,000 and represent one in five adult citizens. Anyone who owns or inherits a house will have a capital gain—most likely a very sizable one. Homeownership is part of the American dream—we must do more to encourage it, not penalize it. Similarly, anyone who owns or inherits a family farm will have a capital gain. Under my bill, wealthy collectors of items such as art or gems will not get any tax benefit. In fact, under my bill, the greatest benefit will go to low-income taxpayers: Those with joint income under $25,000 will pay no tax on long-term gains. It is interesting to note that while the effective tax rate on capital gains increased 75 percent for the highest earners as a result of the Tax Reform Act of 1986, it tripled for low-income earners.

I disagree with those that say lowering the capital gains tax is a revenue loser. The same argument was made in 1978 and 1981, but the facts have proved otherwise. According to the CBO, revenue from capital gains jumped from $8.5 billion in 1978 to $23.7 billion in 1985—a 179-percent increase. Inflation and GNP growth alone cannot explain that increase. Clearly, the lower tax rate had something to do with it. In addition, it is important to remember that the tax on capital gains is a voluntary one, as people are free to choose if and when they sell their assets. A lower tax, by preventing the "lock-in" effect, will increase revenue and foster more productive uses of capital.

Opponents of a lower rate on capital gains claim that a large proportion of organized venture capital comes from nontaxable sources. This is indeed true, but there is more to the story. According to a study done at the University of New Hampshire, more new technology based firms raise equity type capital from private individuals than from any other source—including venture capital funds. In fact, when the total financing is less than $1 million, private individuals are the primary source of outside equity type capital. More importantly, private individuals tend to invest earlier in the life of high-tech startups than do other sources of capital.

Reducing the capital gains tax will promote savings and investment, small businesses and entrepreneurship, jobs and growth. Clearly, then, if we are truly interested in encouraging long-term economic prosperity, we must include a lowering of the capital gains tax in any policy package.

Mr. President, I am fully aware that the issue of capital gains taxation is very controversial. But I think the time has come to move beyond the rhetoric and begin a substantive debate. Economists who have different revenue projections should sit down with one another, explain their methods, and try to establish a common economic model. Those of us who support lowering the tax should sit down and try to reach a consensus, and those who oppose the lowering of the tax should join us in debating the issue on its merits.

We must shift our horizons and stop making American enterprise the enemy. We must support long-term investment, encourage cutting edge technology, and reinvigorate our belief that America is ready and capable of meeting the challenges before us.

I urge my colleagues to review this legislation carefully and join me in this effort to promote the long-term health of our economy.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF CAPITAL GAINS TAX DIFFERENTIAL.

(a) TAXPAYERS OTHER THAN CORPORATIONS.—

(1) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by inserting after section 1201 the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) DEDUCTION ALLOWED.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 60 percent of the lesser of—

"(A) the net capital gain, or

"(B) the qualified 5-year net capital gain, plus

"(2) 30 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the qualified 3-year net capital gain, reduced by the amount taken into account under paragraph (1), plus

"(3) 10 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the amounts taken into account under paragraphs (1) and (2).

"(b) 100 PERCENT EXCLUSION WHEN TAXPAYER HAS ADJUSTED GROSS INCOME OF LESS THAN $25,000.—If the adjusted gross income of the taxpayer (without regard to this subsection) is less than $25,000 ($12,500 in the case of married individuals filing separately), subsection (a)(1) shall be applied by substituting '100 percent' for '60 percent'.

"(c) QUALIFIED NET CAPITAL GAIN.—For purposes of subsection (a)—

"(1) QUALIFIED 5-YEAR NET CAPITAL GAIN.—The term 'qualified 5-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 5 years at the time of the sale or exchange were taken into account.

"(2) QUALIFIED 3-YEAR NET CAPITAL GAIN.—The term 'qualified 3-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 3 years but less than 5 years at the time of the sale or exchange were taken into account.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under section 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) CORPORATIONS.—Subsection (a) of section 1201 of the Internal Revenue Code of 1986 (relating to the alternative tax for corporations) is amended to read as follows:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, and 831 (a) or (b), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 14 percent of the lesser of—

"(A) the net capital gain, or

"(B) qualified 5-year net capital gain, plus

"(3) a tax of 24 percent of the excess (if any) of—

"(A) the net capital gain, reduced by the amount taken into account under paragraph (1), over

"(B) the qualified 3-year net capital gain, plus

"(4) a tax of 31 percent of the net capital gain, reduced by the amounts taken into account under paragraphs (1) and (2).

For purposes of this subsection, the terms 'qualified 5-year net capital gain' and 'qualified 3-year net capital gain' have the meanings given such terms by section 1202(c)."

(c) CAPITAL ASSETS NOT TO INCLUDE COLLECTIBLES.—Section 1221 of the Internal Revenue Code of 1986 is amended by—

(1) by striking out the period at the end of paragraph (5) and inserting "; and", and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) any collectible (within the meaning of section 408(m)(2)) held by a person other than a corporation."

(d) MINIMUM TAX.—Section 57(a) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(8) CAPITAL GAINS.—In the case of a taxpayer other than a corporation, 50 percent of the amount of the deduction under section 1202 for the taxable year."

(e) CONFORMING AMENDMENTS.—

(1) Section 1 of the Internal Revenue Code of 1986 is amended by striking out subsection (j).

(2) Section 62(a) of such Code is amended by adding after paragraph (12) the following new paragraph:

"(13) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202."

(3) Subparagraph (B) of section 170(e)(1) of such Code is amended by inserting "100 percent minus the percentage described in each of the paragraphs under section 1202(a), whichever is applicable, of" before "the amount of gain".

(4) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed."

(5) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraphs (1)".

(6)(A) Section 220 of such Code (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out "reference" in the item relating to section 220 and inserting "references".

(7) Paragraph (4) of section 642(c) of such Code is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(8) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess capital gains over capital losses) shall not be taken into account."

(9) Paragraph (4) of section 691(c) of such Code is amended by striking out "1(j), 1201, and 1211" and inserting in lieu thereof "1201, 1202, and 1211".

(10) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking out "66 percent" and inserting in lieu thereof "the rate differential portion (within the meaning of section 904(b)(3)(E))".

(11) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for capital gains) and" after "except that".

(12) Section 1402(i)(1) of such Code is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(13) Section 1445(e)(1) of such Code is amended by striking out "34 percent (or, to the extent provided in regulations, 28 percent)" in paragraph (1) and inserting in lieu thereof "34 percent (or to the extent provided in regulations, the alternative tax rate determined under section 904(b)(3)(E)(iii))".

(14) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Deduction for capital gains."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to sales or exchanges after December 31, 1989.

(2) FISCAL YEAR TAXPAYERS.—The Secretary of the Treasury shall provide regulations for the application of section 1201(a)

to a taxable year beginning before January 1, 1990, and ending after December 31, 1989.

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. SPECTER, Mr. LAUTENBERG, Mr. DOMENICI, Mr. KENNEDY, and Mr. PELL):

S. 552. A bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RESTORING BALANCE AMONG SOURCES OF SUPPLY FOR THE NATION'S SWEETENER NEEDS

● Mr. BRADLEY. Mr. President, today I am pleased to introduce the Sugar Supply Stabilization Act, along with my colleagues Senators ROTH, MOYNIHAN, CHAFEE, SPECTER, LAUTENBERG, DOMENICI, KENNEDY, and PELL. This legislation will reform the Government's price support program for domestic sugar production. Although this program is hailed by sugar producers as a no-cost success, it is neither no-cost nor a success.

Today's Sugar Program was designed to provide a safety net for farmers. Instead, it has guaranteed all U.S. sugar and corn sweetener producers extraordinary profits. Raw sugar is currently selling at about 22 cents a pound in the United States, over three times the current world price. The guaranteed higher price for sugar translates into an average annual subsidy of approximately $170,000 per sugar grower. In the case of some growers, this subsidy totals millions of dollars.

The Sugar Program has also caused higher prices for high fructose corn syrup [HFCS]. That has given an additional $1.2 billion per year in profits to a handful of domestic corn sweetener producers. This is money taken straight from the pockets of American consumers who pay higher food bills every month.

Americans have shelled out an extra $3 billion a year to about 10,000 sugar growers and a few corn sweetener producers. This excess cost for sugar is a burden on all Americans. But the burden weighs most heavily on the poor, since they spend much of their income for basic foods. Our no-cost Sugar Program costs consumers billions of dollars.

U.S. workers also do not escape the adverse effects of this program. Since 1981, 10 U.S. sugar refineries, used to refine imported raw sugar, have closed their doors; more than 2,000 American workers in those companies have lost their jobs. When U.S. quotas inflated sugar prices, these refiners couldn't compete with foreign competitors who have access to sugar at far lower prices. Dock workers have also suffered as sugar imports dropped 80 percent over the last 5 years—the direct result of our sugar policy.

The U.S. food and beverage manufacturing industries employ hundreds of thousands of people—the chocolate and confectioners industries alone employ more than 60,000 workers. These jobs are threatened by competition from foreign manufacturers who have access to sugar at the world market price—not America's inflated price. More and more of our food companies are relocating their plants outside this country so that they, too, can have access to cheaper sugar prices. The no-cost U.S. Sugar Program is costing many American workers their very livelihoods.

But U.S. consumers and workers are not the only ones who suffer from our sugar policy. This policy directly endangers our national security interests. Important strategic allies and neighbors, such as the Philippines and Caribbean and Latin American nations, have also been harmed by our misguided sugar program. Since 1981, the amount of sugar allowed in the United States has dropped from 5 million tons to a little more than 1 million tons. The quota would be even lower if it were not for the adverse effects that last year's drought had no sugar beet growers. In fact, prior to the drought, the U.S. Department of Agriculture projected that domestic sugar producers would reap a record harvest. As the barriers against sugar imports have gotten higher, our no-cost Sugar Program keeps impoverished some of our most needy allies, who even now are unable to bear the burden of excessive foreign debt.

Mr. President, the Sugar Supply Stabilization Act will create a more competitive market for sugar in America. This new market—and lower prices—will help consumers, labor, and domestic industry. The act will reduce the sugar support price from 18 to 12 cents by 1992. At the same time, 500,000 more tons of sugar will be permitted to enter the country each year from 1990 to 1993.

This gradual transition will facilitate adjustment in the domestic sugar-producing industry. The final price support level is sufficient to serve as a safety net for efficient producers. Likewise, this legislation will slowly and steadily increase the amount of sugar allowed into this country from the current annual rate of approximately 1 million tons to an annual rate of at least 3 million tons in the early 1990's, which is approximately the same level that prevailed in 1982 when quotas were first imposed.

With this bill, the decrease in the sugar support price and the market price reduction which will surely follow less domestic sweetener production and an increase in domestic demand for sugar. Our estimates indicate that this market response will be sufficient to absorb the quota increase called for in this bill. However, should the Secretary project a cost to the Federal Government from the mandated increases, because of a surplus of supply, the Secretary can delay raising the quota level. The goal, clearly, is to maintain a sugar program that truly does not burden the American taxpayer.

In contrast, the current Sugar Program depends on quota reductions to prevent loan forfeitures and cost to the Government. As I've stated, imports are now 1 million ton, down from 5 million tons in 1981. Once this quota goes to zero—which seems inevitable within the next few years—the no-cost veil of today's program will vanish.

The current Sugar Program has failed. Congress must face up to this fact and take the necessary actions to reform this program. Sugar is a minor crop in the United States. That is why it is ludicrous to benefit 10,000 growers at the expense of U.S. strategic interests, hundreds of thousands of American workers, and hundreds of millions of American consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sugar Supply Stabilization Act".

SEC. 2. SUGAR PRICE SUPPORT.

(a) AMENDMENT TO THE FOOD SECURITY ACT OF 1985.—Section 901 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1443) is amended by striking out "Effective only for the 1986 through 1990 crops of sugar beets and sugarcane, section" and by inserting in lieu thereof "Section".

(b) AMENDMENT TO THE AGRICULTURAL ACT OF 1949.—Section 201(j) of the Agricultural Act of 1949 (7 U.S.C. 1446(j)) is amended—

(1) in paragraph (1) by striking out "of the 1986 through 1990 crops" and inserting in lieu thereof "crop";

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The Secretary shall establish the loan level for each of the 1989 and subsequent crops at the loan level established for the previous crop reduced by 1.5 cents; except that in no event shall the loan level be established at less than 12 cents per pound for raw cane sugar."; and

(3) by striking out paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively

SEC. 3. SUGAR IMPORT QUOTAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any limitation imposed under any other provision of Federal law on the total quantity of sugars, syrups, and molasses described in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40. or 2106.90.10 of the Harmonized Tariff Schedule of the United States that may be entered during calendar year 1990, 1991, 1992, or 1993, shall be established at—

(1) a level that equals or exceeds the sum of the amount of such limitation for the calendar year preceding such calendar year, plus 500,000 short tons, raw value; but only if the President determines that such level will give due consideration to the interests of materially affected contracting parties to the General Agreement on Tariffs and Trade; or

(2) such other maximum level as the Secretary of Agriculture determines will permit him to continue to operate the sugar program at no cost to the Federal Government by preventing the accumulation of sugar acquired by the Commodity Credit Corporation; but only if the President determines that such level will give due consideration to the interests of materially affected contracting parties to the General Agreement on Tariffs and Trade.

(b) CONFORMING AMENDMENT.—Subdivision (a) of headnote 3 to chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by adding after clause (i) the following:

"(ii) Notwithstanding any other provision of this headnote, any limitation imposed under this headnote on the total quantity of sugars, syrups, and molasses described in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40, or 2106.90.10 that may be entered during calendar year 1990, 1991, 1992, or 1993, shall be established at—

"(A) a level that equals or exceeds the sum of the amount of such limitation for the calendar year preceding such calendar year, plus 500,000 short tons, raw value; but only if the President determines that such level will give due consideration to the interests of materially affected contracting parties to the General Agreement on Tariffs and Trade; or

"(B) such other maximum level as the Secretary of Agriculture determines will permit him to continue to operate the sugar program at no cost to the Federal Government by preventing the accumulation of sugar acquired by the Commodity Credit Corporation; but only if the President determines that such level will give due consideration to the interests of materially affected contracting parties to the General Agreement on Tariffs and Trade.".

(c) ENTERED.—For purposes of subsection (a), the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

SEC. 4. MARKET STABILIZATION PRICE.

(a) IN GENERAL.—The Secretary of Agriculture shall endeavor to reduce the difference between the loan rate and the market stabilization price by using alternative methods for determining transportation differentials and regional loan rates. However, in no instance shall the market stabilization price be more than four cents per pound above the established loan level for raw cane sugar.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate describing steps taken to reduce the difference between the market stabilization price and the loan rate for raw cane sugar.●

● Mr. LAUTENBERG. Mr. President, I am very pleased to join as an original cosponsor of this important legislation.

Mr. President, the sugar program needs reform. The current program is hurting consumers, producers of products containing sugar, the domestic sugar refining industry, and many of our sugar-producing allies and neighbors.

American consumers are now paying about three times the world price for raw sugar. It adds up to an additional $3 to $4 billion a year for American consumers, or $100 a year for a family of four.

Manufacturers of candy, chocolate, and other sugar-containing products also are paying a heavy price for the sugar program. Some have fled to Canada to avoid the inflated United States prices, leaving their American workers behind. Those who have remained are being placed at a competitive disadvantage because foreign competitors are producing their products with cheaper sugar. The result again is lost American jobs and lost American manufacturing capacity.

Another casualty of our misguided sugar program is the domestic sugar refining industry. Choked by inadequate supplies of sugar caused by U.S. import quotas, a large number of refiners have been forced out of business. Many others are on the financial brink. As refiners fail, chocolate and candy manufacturers who depend on them for supplies also suffer.

The harmful effects of the Nation's sugar program do not stop at the border. By limiting imports of sugar, we are hurting many of the poorest countries in the world that depend heavily on sugar exports—countries like the Philippines, El Salvador, Costa Rica, and several Caribbean and African countries. Many of these countries are struggling to maintain democracy and improve their economies. Their people are struggling with desperate poverty.

The United States has strong interests in supporting these countries: political interests and moral interests. Yet while we often uphold these interests in our rhetoric, we undermine them with our sugar program, a program that can only be labeled as protectionist.

For all the costs the sugar program imposes, it benefits only a small number of producers: less than 12,000 growers and a few corn sweetener producers. But the few that benefit do so in a big way. The program's effective annual subsidy works out to about $170,000 per sugar grower. For some, the program means millions of dollars in Government-created income.

Mr. President, our sugar program has been a sweet deal for sugar producers, but has soured our relations with many in the Third World. Millions of people around the world are suffering so that a narrow special interest can reap a large and unjustified windfall. That is fundamentally wrong.

This bill will begin to correct that wrong. I commend my colleague from New Jersey, Senator BRADLEY, for his leadership in this area, and I look forward to working with him to help ensure that the bill receives prompt, favorable consideration in the Senate.●

● Mr. ROTH. Mr. President, I am pleased to join with my colleagues, Senators BRADLEY, MOYNIHAN, CHAFEE, SPECTER, LAUTENBERG, DOMENICI, KENNEDY, AND PELL, in introducing legislation that will make some important and needed reforms in our domestic sugar program. This bill, the Sugar Supply Stabilization Act, is one that will benefit the American consumer and the American homemaker. It will benefit American businesses, and it will even benefit American children, the boys and girls who love ice cream and candy bars. It will benefit all those who operate on a budget by gradually reducing sugar price supports and the artificially high prices that accompany them.

Now it's no great secret that I am not—nor have I ever been—a supporter of our agricultural subsidy program. My record, in this area, speaks for itself, as I have consisently voted against subsidies. In fact I would like to see all agricultural subsidies phased out over a 10-year period—not only for the taxpayer, but for the industries that become distorted through subsidies. As the Wall Street Journal recently paraphrased Chief Justice Marshall, "the power to subsidize is the power to destroy."

Personally I believe that the farm policies of the Congress, over the past 8 years, have probably cost more family farms than they have saved. Ironically, it was to protect the family farm that subsidies were introduced, but now it appears that the biggest victims are the good farmers who are paying the price for their inefficient brethern.

This legislation is a step in this direction. It is legislation that will save our citizens billion of dollars at the grocery store as the artificially high prices, now associated with sugar, are brought down through production and competition. At the same time, this bill will restore some semblance of balance to what has been a time bomb in our agricultural policy.

Currently, we have a domestic sugar price support program which has set a domestic sugar price of 18 cents per pound—almost three times as high as the world price. The high cost of the sugar program is a bitter cost to four sectors in our economy. First, it costs the American consumer who must

front the price increase, because contrary to popular belief, the Government sugar program does not maintain stable prices for the consumer. Wholesale refined sugar prices are 25 percent higher than 1 year ago. U.S. retail prices have increased by 7.8 percent over the last 12 months. Sugar growers have absolute downside protection if the market fails, while the consumer and industrial users have no protection from increases in sugar prices.

Second, the sugar price supports are at the expense of the manufacturer and American worker who once refined imported raw sugar. The reduction of raw sugar imports has led to the closing of nine east coast and gulf port sugar refineries, at a loss of 7,000 refinery jobs. It is also at the expense of the workers displaced by imports of high sugar content foods. The Department of Commerce estimates that some 8,900 food manufacturing jobs have been lost to the increased imports of sugar containing products.

Third, sugar supports are at the expense of the American taxpayer who pays for the loans when the processors default. It is costing consumers over $3 billion annually in higher sweetener prices, while defaults on 1984 sugar crop loans cost the taxpayer about $83 million.

Finally, sugar price supports are at the expense of the nations that export sugar into the world market. Our sugar program is a disaster for foreign nations. It is a disaster because the sugar import quota is 75 percent lower than it was at the beginning of the 1981 farm bill. Had it not been for the drought of 1988, the quota could well have fallen to 500,000 tons for 1989. In a few years the United States could become self-sufficient in sugar. Meanwhile the earnings from exports to the United States dropped from $2.1 billion in 1981 to an estimated $400 million in 1989. Ironically it's also the American taxpayer who pays for the foreign aid to help fledgling democracies like the Philippines, whose economies have been adversely impacted by America's protectionist sugar policies.

Mr. President, we are faced with an economic question: Should the United States encourage domestic production of sugar and if so, at what cost? Historically domestic producers and foreign suppliers shared the U.S. market in roughly a 55-to-45 ratio. It is estimated that in 1988 the market was shared at an 88-to-12 ratio. The direct beneficiaries of the program are the 12,000 growers and processing companies, whose revenues have been approximately double what they would have been without the support. The program has made it profitable for growers to increase production by about 23 percent during a period when total consumption dropped by 17 percent. Tropical producers and major exporters of sugar have substantially lower production costs and few if any alternative uses for their resources. Already we have seen a loss of jobs in the United States as the food processing industry has moved from the United States to other countries where sugar can be purchased at one-third the cost. Consequently, we have seen increased sales of important sugar-containing products in the United States. Without a change in the existing program these trends will continue, and the inevitable will result: Jobs will continue to be lost in the domestic food processing industry. Foreign policy will continue to be adversely affected. And our consumers—taxpaying Americans who make our country run—will continue to front the expense of bad policy at the grocery store, to the tune of $3 billion per year.

Mr. President, some people are concerned that reducing sugar prices may have an adverse effect on high fructose corn syrup production, and thus affect our corn growers. I would like to place in the RECORD a letter that I recently received from the Department of Agriculture [USDA]. I requested that the USDA do an appraisal of a study recently undertaken by Abel, Daft, & Earley, an economic consulting firm specializing in food and agriculture issues. The USDA confirmed the main conclusion of the study that corn growers would be essentially unaffected if the sugar program is made more market oriented.

The purpose of this bill is to create jobs, to save the consumer dollars, to help open markets for our farmers who are the most efficient in the world, and to provide trade opportunities for many strategic allies in Latin America, Asia, and the Caribbean basin. We proposed to do this by gradually reducing the raw sugar support level from 18 cents to 12 cents per pound and to increase the U.S. sugar import quota by about 500,000 tons per year. I urge my colleagues to join us in this effort.

Mr. President, I ask unanimous consent to print at this time the letter previously mentioned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This is in response to your letter requesting our appraisal of a report that was recently released by the Sweetener Users Association. The report which analyzed proposed changes in the current sugar program had been prepared by Abel, Daft & Earley.

We agree with the Abel, Daft & Earley study that a reduction of the sugar support price from 18 to 12 cents per pound under the conditions assumed in the study would not likely cause a significant reduction in the production of high fructose corn syrup (HFCS). HFCS revenues would fall, but would still cover average production costs.

As the study shows, the suggested reduction in the raw sugar support price would produce a refined price near 19 cents a pound, compared with the 1988 price of 24.3 cents. The average cost of producing HFCS was estimated to be around 12 cents a pound when corn was $2.00 a bushel. Even at considerably higher raw material costs, HFCS could continue to be priced below sugar and still yield a return above average production costs. There may be some producers having production costs above the industry average. The operations of these firms or plants could be affected by the lower HFCS prices. However, on the whole, corn growers would essentially be unaffected as the study concludes.

One small segment of the corn wet milling industry, dextrose, would lose sales. However, glucose would still likely be able to compete with lower-priced sugar.

We hope this information is useful to you.

Sincerely,

EWEN M. WILSON,
Assistant Secretary for Economics.●

● Mr. CHAFEE. Mr. President, I am pleased to join Senators ROTH and BRADLEY once again in introducing the Sugar Supply Stabilization Act. The bill proposes a much-needed reform of our sugar program, which currently subsidizes a handful of American growers, and penalizes other sugar exporting countries by limiting access to U.S. markets.

American consumers pay $3 billion more a year for sweet products, because this protective policy inflates prices, hindering the market's ability to balance changes in supply and demand. To alleviate this situation, our bill proposes a reduction in the raw sugar loan rate from the current 18 cents to 12 cents per pound, over the next 4 years. It would also raise the import quota for sugar and related products by 500,000 tons per year.

The U.S. sugar program props up about 11,000 domestic sugar producers through price supports and imports controls. These farmers and corporations represent less than 1 percent of total U.S. agriculture, yet receive an annual subsidy of approximately $170,000 a grower. Here we are only talking averages, in an industry where a few large-scale individual producers dominate. In the sugar beet industry, 11 processors receive 40 percent of Federal subsidy benefits. The sugarcane industry provides a parallel example: Five corporations produce 98 percent of the Hawaiian crop, and two corporations produce over half the Florida crop.

The effects of our sugar program are subtle, but still pernicious. The sugar price support provides a price umbrella for corn sweeteners which, like sugar, are added to a wide variety of consumer goods. Each time we buy peanut butter, crackers, salad dressing, and ketchup, we subsidize the sugar industry. Since lower income consumers spend proportionately more for

food, the poor suffer the most from this hidden tax. Keep in mind that on average a food stamp participant receives $545 a year, while since 1981, the cost of the sugar subsidization has been about $18 billion, an average of $200 per household.

Certainly, the sugar program does protect some jobs, but in an industry whose future ability to provide jobs is dubious. Looking ahead, the trend in the sugar industry is toward mechanization. In Louisiana alone, such technological advances have cut the sugar work force from 15,000 to 4,000 in just 10 years. Yet, the Commerce Department has estimated that the cost of saving one job in the sugar industry is about $76,000 per year.

Further, the sugar program adversely affects other jobs. For example, the chocolate and confectioners industries alone employ more than 60,000 people in the United States. They face increasingly stiff competition from imported candies, which are made from sugar bought closer to the world market sugar price of 10 cents per pound. Our inflated price hit 30 cents per pound in 1988. Implementation of the provisions of this bill would create opportunities in the food processing industry. When U.S. exports are more competitive, domestic manufacturers of sweet products will need American workers to help them take advantage of enhanced market opportunities.

Although the sugar program is run at no cost to the Treasury now, that is likely to change. The artifically high market price will continue to encourage sugar cane and sugar beet growers to expand their production. In response, the Government will again reduce the sugar import quota to shrink the supply of available sugar, ensuring that the domestic price will not bottom out. Restricting imports relieves the Government from having to buy up unsold sugar.

As sugar production spirals upward, our import quota will dwindle. The U.S. import quota for sugar, allocated to 39 countries, averaged 4.4 million tons annually in the late 1970's. In 1984, due to Government protections, the quota had been reduced to around 3 million tons. By 1988, it had dropped dramatically to just over 750,000 tons. Although the drought allowed a midyear increase in the 1988 and 1989 quotas, when the Department of Agriculture increased the sugar import quota to a little over 1 million tons, it is still 75 percent below the 1981 level.

Eventually, the import quota could be down to zero, yet we will be stuck with a program which requires direct Government payments to support sugar producers at the federally mandated price level. We must put a stop to this cycle, particularly as we face a daunting Federal budget deficit, and contemplate belt-tightening measures in other sectors of the economy.

Those who resist the reforms of this measure ask our Government to contradict itself. Our own sugar program is an example of exactly what we decry elsewhere. On one side of the Atlantic, we have trade negotiators trying to convince other nations to remove trade barriers, in the on-going Uruguay round discussions of miltilateral trade. We are asking for reduction over the next 10 years of all import barriers, and of all agricultural subsidies which directly or indirectly affect trade. Meanwhile, back at home, our own sugar policy is a perfect example of the distortion protectionism brings to the market.

As an alternative message to the one sent by our existing sugar policies, this act is consistent with our goals at General Agreement on Tariffs and Trade [GATT] discussions. We have maintained positions of fair and free trade since the September 1986 Punta del Este Declaration. We reiterated them again at the 1987 Venice Economic summit when President Reagan called for major reform in agricultural trade. At present, our sugar price supports and tight import quotas are neither free nor fair. This bill provides a start on the road toward an honest coordination of our trade policies with our domestic agriculture programs.●

By Mr. WILSON:

S. 554. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Environment and Public Works.

MODIFYING THE NAVIGATION PROJECT FOR MORRO BAY AND MORRO BAY HARBOR, CA

● Mr. WILSON. Mr. President, today I am introducing legislation which will authorize the Army Corps of Engineers to begin dredging the Morro Bay Harbor entrance in California. I am joined by the distinguished chairman of the House Budget Committee, Representative PANETTA, who is introducing an identical bill in the other body today. Authorization of this project is made contingent upon a favorable feasibility study which was included in the fiscal year 1989 energy and water appropriations bill.

I am taking the unusual step of asking for preauthorization of a corps project because of the incredibly dangerous conditions that exist at the entrance to Morro Bay Harbor. Since 1970, the large surf created by the sandbars in the harbor entrance have claimed at least 15 lives and countless near tragedies. It is not uncommon during the winter months for 20-foot waves to break directly into the harbor entrance, making travel into and out of the harbor terrifying and hazardous.

One of the most publicized accidents in the last several years was the capsize of the whale watching boat San Mateo by a 20-foot wave in February 1983. This boat was taking 26 elementary school children and several adults on a whale watching expedition. Miraculously, everyone was rescued from the sea within 15 minutes due to the commendable bravery of the harbor patrolmen.

More recently, veteran fisherman Al French drowned when his 42-foot commercial fishing vessel was overturned by large surf in November 1987. Mr. French was regarded as the most experienced fisherman in Morro Bay and most people agree with what supervisor Bill Coy has told me: "If it can happen to Al French, it can happen to anyone and certainly will."

What makes the Morro Bay Harbor entrance so dangerous is the speed in which these huge breakers are created. Because of the unique position of Morro Bay on the coast of California, the waves breaking at the entrance can be very small one moment, and 10 minutes later 20-foot waves can be pounding the entrance. This makes it very difficult for even most experienced boat operators.

Morro Bay is the only port of refuge between Monterey and Santa Barbara and attracts boaters from all over the central coast area. Traffic in Morro Bay has increased significantly in the last decade and the number of boating accidents has also increased proportionately. Boaters traveling the coast of California have a difficult decision if they are caught in the Pacific as a storm comes up. They can stay out in the rough seas or take a chance and try to enter Morro Bay Harbor.

Last year the corps completed a preliminary study of the harbor entrance and recommended dredging of the entrance as the most promising solution to the problem. Funds were included in the fiscal year 1989 appropriations bill for the corps to do a complete study, which began last fall. My legislation will direct the Corps of Engineers to begin making the necessary modifications to the harbor entrance within 6 months of the completion of its study if the corps finds the dredging alternative feasible.

I realize that authorizing a project before the studies are complete is not common practice. However, the situation in Morro Bay requires that every effort be made to expedite these proposed modifications. Morro Bay Harbor was created by the Federal Government and it is our responsibility to ensure its safe operation.

I urge my colleagues to support this bill and ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation project for Morro Bay, California, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 21), is modified to direct the Secretary of the Army, acting through the Chief of Engineers—

(1) contingent upon a favorable recommendation by the Chief of Engineers, to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet not later than six months after completion of a feasibility study by the Corps of Engineers regarding such project and thereafter maintain such channel at such depth; and

(2) to carry out and maintain such other improvements at such harbor as the Chief of Engineers determines to be necessary to allow safe navigation into and out of such harbor.●

By Mr. GRAHAM (for himself, Mr. GORE, Mr. NUNN, and Mr. PRYOR);

S. 555. A bill to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes; to the Committee on Energy and Natural Resources.

DE SOTO TRAIL COMMISSION ACT OF 1989

● Mr. GRAHAM. Mr. President, I wish to introduce along with several of my esteemed colleagues, a bill to establish the De Soto Trail Commission, for the purpose of marking the historic path of Hernando De Soto's expedition.

On May 30th of this year, we in Florida will celebrate the 450th anniversary of the first landfall of De Soto's expedition—one of the greatest explorations of the new world. Our bill creates a commission whose task is to establish a commemorative highway route of the expedition and an archaeological and historical research institute for studies related to the De Soto expedition. Passage of this legislation by the May celebration would provide a fitting tribute to De Soto's historic landing in the State of Florida.

De Soto's forces marched through Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas. The Spanish explorers came to La Florida certain of their ability to control whatever they might find. They discovered almost instantly that the new world demanded new behavior and new attitudes. Hernando De Soto died on the banks of the Mississippi River in 1542. He was not yet 40 years old, his grandiose dreams of gold and glory unrealized. Although the rest of his expedition continued on across the south, they never achieved De Soto's goals.

By marking the trail De Soto set, we continue that famous expedition. Today we know that knowledge of the past is a treasure more priceless than gold. The route he discovered was really a trail blazed into the future. De Soto irrevocably altered the history and pattern of western civilization. As we retrace his footsteps we will uncover pieces of our own history as fragile and as enduring as the links of armor found at the winter campsite in Tallahassee.

We are linked by a common challenge of discovery and adaptation which has survived these 450 years—and which will doubtless continue to test us for centuries to come.

The De Soto Trail will be an important addition to the many trails marked throughout our country. I thank you Mr. President, and invite my colleagues to cosponsor this significant legislation recognizing yet another step in our great history.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "De Soto Trail Commission Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the expedition of Hernando De Soto was the first major European exploration of the interior of the southeastern United States and that the chronicles of the expedition provide a rare description of indigenous Indian societies;

(2) knowledge gained as a result of the expedition contributed significantly to the subsequent exploration and colonization of the region;

(3) discovery of the first winter encampment in Tallahassee, Florida, is the most recent archaeological evidence of the De Soto expedition in the United States;

(4) the State of Florida has completed the marking of a commemorative De Soto trail and the State of Alabama has identified a commemorative trail to be marked by 1990;

(5) the De Soto Trail Commission of the Southeast Region has identified a recommended "Highway Route of the De Soto Expedition"; and

(6) official commemoration of the De Soto expedition will increase public awareness of early European exploration of the southeastern United States, encourage further archaeological and historical research, and ultimately increase our knowledge of the early historic period of the southeastern United States.

(b) PURPOSE.—In furtherance of the findings set forth in subsection (a) of this section, it is the purpose of this Act to establish, through a Commission composed of individuals representing scholarly research and all concerned levels of government—

(1) a commemorative highway route of the De Soto expedition;

(2) a comprehensive plan for the administration of such a highway route including associated public interpretive facilities; and

(3) an archaeological and historical research institute for studies related to the De Soto expedition.

TITLE I—DE SOTO EXPEDITION TRAIL COMMISSION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—To carry out the purposes of this title and assist with the establishment of a commemorative highway route of the De Soto expedition, there is hereby established in the Department of the Interior the De Soto Expedition Trail Commission (hereafter in this Act referred to as the "Commission"). The Commission shall exercise its responsibilities and authorities as provided in this Act with respect to that region in southeastern United States comprising the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas (hereafter in this Act referred to as the "involved States"). The Commission shall consist of 19 members, appointed by the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") as follows:

(1) 10 members appointed from recommendations submitted by the Governors of the involved States of which one shall represent each State;

(2) 4 members appointed from recommendations submitted by the De Soto Trail Commission of the Southeast Region;

(3) 2 members appointed from recommendations submitted by State Historic Preservation officers of one or more involved States both of whom shall represent local or county historical commissions;

(4) 2 members appointed by the Secretary, of which one shall hold the position of Superintendent, De Soto National Memorial and the other shall have knowledge and experience in the Spanish colonization of southeastern United States; and

(5) 1 member appointed by the Secretary from recommendations submitted by the Smithsonian Institution.

(b) APPOINTMENT.—All members of the Commission shall be appointed for terms of 2 years, except that the terms of the 10 members appointed from recommendations submitted by the Governors of the involved States pursuant to subsection (a)(1) shall be for a term of 4 years.

(c) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The term of the chairperson shall be 2 years.

(d) TERMS.—Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which its predecessor was appointed.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least biannually or at the call of the chairperson or a majority of its members.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

SEC. 102. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) through the De Soto Expedition Archeological and Historical Institute make loans and grants, from funds appropriated

for that purpose or from funds donated or otherwise made available to the Commission, to conduct archeological research and field investigations and historical research, and publish materials regarding the De Soto expedition for purposes including location of the expedition route, recovery and preservation of archeological or historical materials, and advancement of knowledge regarding Hernando de Soto, the expedition through southeastern United States and the native cultures inhabiting the region during the early historical period;

(2) coordinate activities of Federal, State, and local governments and private businesses and organizations in order to further the commemoration of the De Soto expedition;

(3) develop guidelines and standards consistent with standards established by the National Park Service for the commemoration of the De Soto expedition, including interpretive methods;

(4) within 2 years submit to the Secretary, recommendations pertaining to the identification and designation of a highway route of the De Soto expedition, interpretive facilities to appropriately commemorate Spanish exploration, and a detailed plan to administer such route and facilities; and

(5) provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loans or grants from other Federal or non-Federal sources in furtherance of the purposes of this title.

Any loan made under this subsection shall be for a term expiring before the date 4 years after the enactment of this Act and shall be subject to such other terms and conditions, including interest, as may be established by the Commission with the approval of the Secretary.

(b) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary describing activities of the De Soto Expedition Archeological and Historical Institute, progress with respect to designation of a commemorative highway route and establishment of interpretive facilities and setting forth expenses and income and the entities to which any loans and grants were made during the year for which the report is made. The Secretary shall submit an annual report to Congress describing the Commission's activities. Such report shall specify research activities, progress with respect to commemorative route designation, and a summary of loans, grants, and technical assistance provided under the Act including the amount, recipient, and purpose of any loan, grants, and technical assistance so provided. The report shall also include an analysis of the adequacy of actions taken during the previous year to commemorate the De Soto expedition, conduct archeological and historical research, and publish information regarding the expedition and native Indian cultures encountered; as well as the anticipated funds and personnel to be made available by the Secretary during the next fiscal year to implement provisions of the Act.

(c) COST ESTIMATES.—Prior to making any grant or loan the Commission shall require detailed cost estimates to be prepared for the project to be funded. Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate committees of the Congress detailed cost estimates for all projects planned.

(d) EXPIRATION.—The Commission established pursuant to this title shall cease to exist 4 years from the date of enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, or to any combination of the foregoing.

SEC. 103. STAFF OF THE COMMISSION.

(a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from one or more of the involved States (and any political subdivision thereof) and may reimburse the State(s) or political subdivision(s) for those services.

SEC. 104. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this title.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) ARCHEOLOGICAL AND HISTORICAL RESEARCH COMMITTEE.—The Commission shall establish an archeological and historical research committee to provide technical oversight and day-to-day administration of the De Soto Expedition Archeological and Historical Institute.

(e) TECHNICAL ADVISORY GROUPS.—The Commission may establish and appoint one or more technical advisory groups to provide technical advice in financing, interpretive facilities, tourism, publications, and intergovernmental coordination.

(f) DONATIONS.—Nowithstanding any other provisions of law, the Commission may seek and accept donations of funds or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(g) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(h) OBTAINING PROPERTY.—The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services, as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $1,000,000 to the Commission to carry out the purposes of this title.

TITLE II—HIGHWAY ROUTE OF THE DE SOTO EXPEDITION

SEC. 201. DESIGNATION OF THE ROUTE.

(a) DESIGNATION.—In order to provide for public appreciation, education, understanding, and enjoyment of the De Soto expedition and native Indian cultures encountered, the Secretary of the Interior, with the concurrence of the agency having jurisdiction over applicable public roads, shall designate by publication of a description thereof in the Federal Register, a vehicular route along existing public roads paralleling as closely as practicable the route of the De Soto expedition. Such route shall be known as the Highway Route of the De Soto Expedition (hereafter in this title referred to as the "route"), and shall be designated with appropriate markers to guide members of the public. The Secretary may provide funds necessary to States or local entities having jurisdiction over such roads so designated to erect thereon signs and other informational devices displaying the marker of the Highway Route of the De Soto Expedition.

(b) INITIAL ROUTE.—The route as initially designated shall include that portion as designated by the State of Florida described as Florida Highway 64 from De Soto National Memorial to Bradenton, thence U.S. Highway 301 to Bushnell, thence U.S. Highway 48 to Floral City, thence U.S. Highway 41 to Williston, thence Florida Highway 121 to Gainesville, thence Highway 90 to Florida/Georgia State line and that portion proposed to be designated by the State of Alabama described as U.S. Highway 278 from the Georgia/Alabama State line to Piedmont, thence Alabama Highway 21 to Winterboro, thence Alabama Highway 76 to Childersburg, thence U.S. Highway 231 to Montgomery, thence U.S. Highway 80 to Uniontown, thence Alabama Highway 61 to Greensboro, thence Alabama Highway 69 to Tuscaloosa, thence U.S. Highway 82 to the Alabama/Mississippi State line.

(c) ADDITIONAL SEGMENTS.—The Secretary may, in the manner set forth in section 201 of this title, designate additional segments of the route from time to time upon the recommendation of the De Soto Expedition Trail Commission as provided by section 102(a)(4).

SEC. 202. TECHNICAL ASSISTANCE.

With respect to segments of the route, the Secretary may, pursuant to cooperative agreements with the De Soto Expedition Trail Commission, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the archeological, historical, and cultural values along the route.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $500,000 to the Secretary to carry out the purposes of this title. No funds made available under this title shall be used for

the operation, maintenance, or repair, of any road or related structure.●

By Mr. GLENN:

S. 556. A bill to amend title II of the Domestic Volunteer Service Act of 1973 to require that priority be given to funding programs of national significance; to the Committee on Labor and Human Resources.

PROGRAMS OF NATIONAL SIGNIFICANCE

● Mr. GLENN. Mr. President, today I am pleased to introduce legislation which would amend the Domestic Volunteer Service Act by giving priority to programs of national significance under the Retired Senior Volunteer Program [RSVP]. The programs highlighted in this legislation are literacy and reading skills training for library latchkey children, guardianship monitoring programs, and respite care programs.

We have heard a great deal about latchkey children—children who return to empty homes after school. More recently, we have learned of the growing number of library latchkey children—children who regularly spend their afterschool hours in public libraries. A 1988 study by the American Library Association indicates that one of the most rapidly developing public library policy issues is what to do about library latchkey children. Although libraries are committed to serving the needs of children, they are not prepared to deal with the great numbers of unsupervised children who, on a regular basis, are spending extended time in libraries as a means of afterschool day care.

I can think of no better way for older Americans to put their talents to use than by helping our Nation's children. Using RSVP volunteers to provide literacy and other programs for children benefits all of us. It provides a meaningful way for older Americans to share their talents, it greatly benefits the children who receive both assistance in developing reading skills and special attention from an older adult, it helps the staffs of public libraries who are taking time from their other duties to supervise latchkey children, and it is addressing our Nation's growing need for day care given the increasing number of women who are working.

Recent reports and investigations have highlighted problems in guardianship programs. Guardianship is an important issue and one that is tied to our concern about long-term care. It will become more important as our older population increases, particularly the very old. Many people may need some assistance in managing their affairs because they are in very poor physical or mental health. However, their civil liberties should not be taken away without very good justification and without due process. And when a guardian is appointed, there should be an assurance that this person is highly qualified and that their actions will be monitored to ensure that they are in the best interests of the person they have been appointed to protect.

Earlier this year, I introduced the National Guardianship Rights Act which would provide greater protection against abuse for the nearly 500,000 elderly and disabled Americans who are under guardianship system is through the use of advocates trained to work within the court system to counsel potential wards regarding the court process and to monitor guardianships once they are established. The legislation I am introducing today is based on my belief that RSVP volunteers are an important resource for use in developing a volunteer guardianship advocacy program.

Assisting family caregivers, who provide 80 to 90 percent of the care that is being given to older persons, has long been an issue of great concern to me. One way of assisting these caregivers is through the provision of respite services, which allow the caregivers a little time for themselves and often make it possible for them to continue caring for elderly family members.

A recent ACTION study, which was done in response to my amendment to the 1986 reauthorization of the Domestic Volunteer Service Act, found that both RSVP and Senior Companion Program [SCP] volunteers are providing respite services to family caregivers; and the volunteers are deriving a sense of satisfaction from providing this great needed service. However, the report also found that a large number of caregivers who could use assistance are put on waiting lists due to an insufficient supply of volunteers. Establishing respite care as a targeted program may help provide greater emphasis on services to caregivers.

Members of our growing elderly population have a great deal to contribute to our society, and they are doing so in many ways. Because of their national importance, I believe that the programs I have briefly discussed should receive priority attention when determining the best way to use volunteers as resources in our communities. And I believe that by targeting activities, project directors can benefit from each others' experiences and thus do a better job of recruiting, training, and placing volunteers.

On the other hand, I would like to point out that these national priorities are not mandates. No one knows better than those at the local level what services are needed in a particular community, or how best to match the talents of particular volunteers with persons and groups that would benefit from their assistance.

An identical bill, H.R. 1272, was introduced in the House of Representatives by Congresswoman OLYMPIA J. SNOWE on March 2, 1989. I urge my colleagues to join us in working for passage of this amendment to the Domestic Volunteer Service Act.

Mr. President, I request that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF NATIONAL SIGNIFICANCE UNDER RETIRED SENIOR VOLUNTEERS PROGRAM.

Part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.) is amended by adding at the end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 202. In making grants under section 201 and determining the amount of the grants, the Director shall give priority to programs of national significance, such as—

"(1) volunteer programs in libraries during afterschool hours to provide literacy and reading skills training for children whose parents are not at home during afterschool hours;

"(2) guardianship monitoring programs; and

"(3) respite care programs.".

SEC. 2. CONFORMING AMENDMENT.

The table of contents in the 1st section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 prec.) is amended by inserting after the item relating to section 201 the following new item:

"Sec. 202. Programs of national significance.".●

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 557. A bill to provide that Pocatello and Chubbuck, ID, be designated as a single metropolitan statistical area; to the Committee on Governmental Affairs.

DESIGNATION OF CONSOLIDATED STATISTICAL AREA

Mr. SYMMS. Mr. President, I am introducing legislation today, along with the senior Senator from Idaho, Senator MCCLURE, designed to correct the inequitable Medicare reimbursement rates to the Pocatello and Bannock Regional Hospitals in Pocatello, ID.

Pocatello's population of 46,340 is just short of the 50,000 population necessary to establish a Metropolitan Statistical Area [MSA]. The city of Chubbuck, separated from Pocatello by a street, has approximately 7,000 people. Together, the population of Pocatello and Chubbuck easily exceeds 50,000, and since their geographic separation is but a single street, they clearly qualify for designation as an MSA. This designation would allow the hospitals to be reimbursed by Medicare at the urban rate. They serve an urban area, and incur the same costs of an urban area, yet currently, they are reimbursed at a rural rate.

This legislation will ensure that area health care providers are compensated equitably by the Government.

The MSA status would not affect the independence or autonomy of Pocatello and Chubbuck as separate governmental entities.

This simple designation would make a tremendous difference in the health care services provided to the people of Pocatello and Chubbuck, ID. Senator MCCLURE and I will make very effort to move this legislation forward in a timely manner.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Office of Management and Budget shall designate Pocatello and Chubbuck in Idaho as a single metropolitan statistical area, effective October 1, 1989.

Mr. MCCLURE. Mr. President, I want to add my strong support to the remarks of Senator SYMMS upon the introduction of legislation to designate Pocatello, ID, as a Metropolitan Statistical Area. Pocatello has been penalized by a rigid census system and this problem must be addressed.

The basic criteria for receiving an MSA designation is that a city must have a population of at least 50,000. Pocatello's population, according to the 1980 census, is 46,340. What makes Pocatello's problem unfair is that directly adjacent to Pocatello is the community of Chubbuck, with 7,061 residents. When I say directly adjacent, I mean directly. All that separates Pocatello and Chubbuck is a street.

Because Chubbuck is a separate community, its population is not counted in Pocatello's census. I certainly don't quarrel with Chubbuck's right to remain a separate entity, but in this case, the failure of the Federal Government to provide some flexibility in population counts is causing a severe problem for Pocatello's two hospitals.

As Members of this body well know, a hospital must be located in an MSA in order to receive an urban designation for purposes of Medicare reimbursement. This designation allows for a much higher level of reimbursement.

Common sense tells me that the population of the Pocatello area should make it qualify for urban status. Pocatello and Chubbuck have a combined population of 53,401—well above the 50,000 cutoff for an MSA designation. But common sense very often times does not have a place in the Federal Government. In its infinite wisdom, the Federal Government has denied Pocatello an MSA designation by refusing to recognize that the two cities, while separate legal entities, share one city's boundaries.

The result has been the loss of between $1 million and $1.5 million to Pocatello's hospitals. Both Pocatello Regional Medical Center and Bannock Regional Medical Center should be reimbursed by Medicare at a level designated as urban. As it is, one hospital is designated as rural, and the other as a rural referral center. It's crazy. It makes no sense.

We've managed to set up a system that has hospitals serving people that the Federal Government essentially refuses to admit exist. If Chubbuck, ID, had its own hospital, perhaps I would feel differently. But the residents of Chubbuck and, indeed, all of Bannock County, ID, use these two hospitals. These two hospitals are serving an urban population of over 50,000 and a county wide area much larger than that. They should be reimbursed at an urban level and I urge my colleagues to pass this legislation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 558. A bill to authorize a study on methods to protect and interpret the internationally significant Lechuguilla Cave at Carlsbad Caverns National Park in the State of New Mexico; to the Commitee on Energy and Natural Resources.

LECHUGUILLA CAVE STUDY ACT

● Mr. DOMENICI. Mr. President, I rise today to introduce the Lechuguilla Cave Study Act of 1989.

This legislation will authorize the Department of the Interior to conduct a study of methods to protect and interpret the internationally significant Lechuguilla Cave at Carlsbad Caverns National Park in New Mexico.

This study will focus on the feasibility of constructing facilities to provide public access to the cave and the feasibility of designating the cave as wilderness.

Although the existence of Lechuguilla Cave has been known for over 75 years, for most of that time it was considered just another minor cave Carlsbad Caverns National Park, which contains 75 caves.

Recent explorations of Lechuguilla Cave, however, have turned up amazing new information about the cave that has captured the interest of cave enthusiasts from around the world.

The new discoveries at Lechuguilla Cave are among the most remarkable exciting cave discoveries of this century. They have prompted the National Speleological Society to describe Lechuguilla Cave as possibly the finest cave in America.

The recent explorations of Lechuguilla Cave have established that the cave is over 1,500 feet deep, making it the second deepest cave in the United States. The deepest cave in the country is 1,551 feet deep, and there is a possibility that future expeditions may discover that Lechuguilla Cave is that deep.

At over 21 miles in length, Lechuguilla Cave is the 13th longest cave in the United States. However, it is the longest "deep cave"—greater than 1,000 feet deep—in the country and probably contains more passage below 800 feet than all the other deep caves in the country combined.

Lechuguilla Cave is filled with awe-inspiring gypsum deposits and formations, such as 15-long gypsum crystal "chandeliers," delicate gypsum "flowers," gypsum threads as fine as angel's hair, cave pearls, "popcorn," gigantic "soda straws," and billowy cloud formations.

The exploration of Lechuguilla Cave has attracted international attention. In a recent expedition into the cave, a team of Soviet spelunkers accompanied National Park Service personnel. The Soviets stated that Lechuguilla Cave was truly a world-class cave and compared very favorably to the best caves in Africa, Europe, and the U.S.S.R.

Mr. President, we need to develop a plan for protecting, and interpreting this magnificant resource. The study that will be authorized by this bill will set that process in motion. I hope, therefore, that this legislation will enjoy the support of all Senators.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 558

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That

SECTION 1. This Act shall be cited as the "Lechuguilla Cave Study Act of 1989."

SEC. 2. The Congress finds that.

(a) Although the existence of Lechuguilla Cave has been known for over 75 years, recent explorations of Lechuguilla Cave have provided amazing new information about the cave that has captured the interest of cave enthusiasts from around the world;

(b) Lechuguilla Cave is the longest deep cave in the United States;

(c) Lechuguilla Cave, which is 1,551 feet deep, is the second deepest cave in the United States;

(d) At over 21 miles in length, Lechuguilla Cave is the 13th longest cave in the United States;

(e) Lechuguilla Cave is filled with awe-inspiring gypsum deposits and formations, such as 15-long gypsum crystal "chandeliers," delicate gypsum "flowers," gypsum threads as fine as angel's hair, cave pearls, gigantic "soda straws," and billowy cloud formations;

(f) The National Speleological Society has described Lechuguilla Cave as possibly the finest cave in America; and

(g) The exploration of Lechuguilla Cave has attracted international attention.

SEC. 3. (a) In recognition of the international significance of Lechuguilla Cave at Carlsbad Caverns National Park, the Secretary of the Interior is authorized and directed to conduct a study of the most appropriate way to protect and interpret Lechuguilla Cave. The study shall include but not be limited to an evaluation of the feasibility of constructing facilities to provide public access to the cave and an evaluation of the feasibility of designating the cave as wilderness.

(b) The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years of the date on which funds are appropriated for the study.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.●

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 559. A bill for the relief of Shipco General, Inc. an Idaho corporation; to the Committee on the Judiciary.

RELIEF OF SHIPCO GENERAL, INC.

Mr. SYMMS. Mr. President, today Senator MCCLURE and I are introducing legislation to refer a matter to the U.S. Claims Court. This legislation will expedite a settlement of claims against the Government by Shipco, Inc., a small general construction company in Idaho, for damages incurred as a result of the termination of a construction contract by the U.S. Air Force.

In November 1982, Shipco was the low bidder and was awarded a contract of approximately $3.5 million to renovate 155 individual houses located at Kirtland Air Force Base, NM.

After beginning the job, the company was required to perform numerous extra work items for which the Air Force refused compensation. The Air Force also amended Shipco's contract to require completion of two "acceptable" housing units per day. Without payment for the extra work items, Shipco was unable to return "acceptable" units at the requisite rate.

On October 27, 1983, the Air Force alleged that Shipco had defaulted on its contractual obligations, and the contract was terminated. At that time, Kirtland Air Force Base was withholding retainage, refusing to pay on the numerous extra work items, and had a total of five unpaid progress billings. Total unpaid sums were approximately $600,000.

The Air Force refused to make further payment on these amounts. As a result, Shipco was unable to pay numerous suppliers, subcontractors, and employees. In addition, the company was unable to continue payments on a sizeable bank loan taken out to finance the project.

The contract termination also resulted in the immediate loss of Shipco's bonding capacity. The loss of credit and bonding, coupled with the sizeable bills which could no longer be paid through proceeds from the Air Force Base contract, put Shipco out of business.

Subsequently, the company was sued by many of suppliers, subcontractors, and employees. Its bonding company paid a number of the claims but in turn sued Shipco and its owners for funds that had been advanced.

Shipco appealed the termination for default to the Armed Services Board of Contract Appeals. The appeal was initiated immediately after the termination in 1983, but the Board did not reach a decision until April 1986. The Board reversed the Air Force decision and determined the termination was for the convenience of the Government. This reversal allowed Shipco to recover some of its losses.

The Air Force filed a motion to reconsider the Board's ruling, but in November 1986, the motion was denied. The Justice Department refused the Air Force's request to appeal the Board's decision. Thereafter, the Air Force entered into settlement discussions.

Although the Board's decision was rendered in April 1986, the Air Force made no payment to Shipco based upon the decision until December 1987. That payment only allowed Shipco to reimburse its bonding company, Industrial Indemnity, at the rate of approximately $0.50 on the $1.

The Air Force has indicated a willingness to pay only those limited sums related to settlement expenses, the extra work items for which the Armed Services Board of Contract Appeals determined there was liability, and partial reimbursement of litigation expenses. Shipco seeks reimbursement for all damages incurred through the loss of banking, bonding, and business.

Mr. President, this legislation is not designed to allow Shipco to receive any windfall; rather, its purpose is to have the U.S. claims court determine the amount of legal and equitable claims that may lie against the Federal Government for damages incurred by Shipco as a result of the contract termination at Kirtland. By including the full amount of Shipco's current claims, Senator MCCLURE and I do not intend to prejudge the merits of those claims.

By referring the case to the Court of Claims, we simply wish to see that a decision is rendered in a timely manner. We are concerned by evidence suggesting the Air Force has not pursued an expeditious settlement.

No small business can compete with the unlimited financial and legal resources of the Federal Government, and where the evidence suggests a deliberate attempt by an agent of the Government to delay a resolution, we believe it is appropriate for Congress to expedite the process by referring the case to the Claims Court. This is not a 6-year-old dispute. Justice cannot be served by further delay.

● Mr. MCCLURE. Mr. President, today I am introducing legislation, together with my colleague Senator SYMMS, to refer the case of Shipco Inc. to the U.S. Claims Court for resolution, and to provide funds for settlement of Shipco's claims against the U.S. Air Force.

Shipco is a small contractor from Idaho Falls, in my State. For almost 6 years, Shipco has been trying to obtain a fair settlement for claims resulting from the termination, for convenience of the Government—not through any fault of Shipco—of a 1982 housing contract at Kirtland Air Force Base in New Mexico. I am a strong supporter of our military services, but I am appalled by the way the Air Force has stonewalled this small Idaho contractor.

By way of background, Shipco is a small builder which has been doing construction work for the U.S. Government under the small business setaside program since the 1960's, including work at Travis Air Force Base, TX, and Mountain Home Air Force Base in Idaho. Since 1981, Shipco has worked for the U.S. Government exclusively.

In November 1982 Shipco was the low bidder on a contract to rehabilitate 155 housing units at Kirtland Air Force Base, at a contract price of approximately $3.5 million. In the course of the contract, the Air Force required Shipco to perform extra work orders, for which Shipco was not reimbursed. The Air Force also amended the contract to include an additional requirement that Shipco complete "acceptable" housing units at a rate of two a day. Due to the Air Force's additional demands, and its refusal to reimburse Shipco for these additional work orders, Shipco was unable to complete units at the required rate.

On October 27, 1983, the Air Force terminated Shipco's contract for what the Air Force claimed was default. As a result, the company was not allowed to complete the work, and the Air Force refused to make any additional payments on the contract. At the time of termination, the Air Force was in arrears for some $600,000 worth of retainage, billings for the extra work orders, and a total of five unpaid progress billings.

With the termination of the contract, Shipco lost its bonding. Without its bonding, Shipco could not obtain any new Government contracts and was effectively put out of business. The company was sued by its suppliers, subcontractors, and employees. Many of these claims were paid by the bonding company, which then sued Shipco and Shipco's owners for the funds it advanced. Shipco was also forced to default on its bank loans, and lost access to further credit.

Shipco immediately appealed its termination to the Armed Services Board of Contract Appeals. It took the Board 2½ years to reach a decision. But in April 1986, the Board reversed the Air Force and converted the termination for default into termination for the convenience of the Government.

The Air Force balked at the Board's decision, and made a motion to reconsider. This motion was denied in November 1986 but the Air Force continued to seek a reversal of the initial decision. It was not until December 1987 that the Air Force actually made any payments. However, that payment was only enough to allow Shipco to reimburse its bonding company for about 50 cents on the dollar.

The situation today is as follows:

The Air Force refuses to reimburse Shipco for the company's damages suffered as a result of the termination. The Air Force is only willing to pay for settlement expenses, the extra work items for which the Board of Contract Appeals found the Air Force liable, and partial reimbursement for expenses related to litigation.

Shipco continues to seek reimbursement for the damages it incurred as a result of the Air Force's termination of the Kirtland contract and the resulting loss of bonding, credit, and business.

Mr. President, this small Idaho company has been given the runaround by the Air Force for long enough. I am extremely distressed at the way the Air Force, with its endless resources and vast, slow moving, contracting bureaucracy, has been able to string along Shipco in the hope that it will give up and go away.

The purpose of this congressional reference is not to give a windfall to Shipco. The purpose is not to impose a specific settlement upon the Air Force. The purpose is to put the matter in the hands of the U.S. Claims Court, so that court can determine a just and equitable settlement that will adequately reimburse Shipco for the damages it has suffered as a result of the Air Force's action in terminating the Kirtland contract.

This has been going on for 6 years. It is time to find a solution. I ask my colleagues to join with myself and Senator SYMMS to move this bill through the committee and to the floor as expeditiously as possible.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 560. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Energy and Natural Resources.

BOOTS AND SADDLES TOUR STUDY ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation authorizing the study of a boots and saddles tour of eight historic forts occupied during the Civil War and Indian campaigns in New Mexico. I am pleased that my colleague, Senator DOMENICI, is joining me as a cosponsor.

The bill would help advance public appreciation and understanding of these forts, which played a key role in the settlement of the American frontier.

The forts are an important relic of our national history, but a relic that is deteriorating because of weathering, unsupervised visits and the lack of maintenance. There is an urgent need to protect these significant cultural resources. A comprehensive study is necessary to find appropriate means for systematic interpretation, stabilization, and restoration of these valuable sites.

The bill would authorize a 1-year study of these unique forts by the Secretary of the Interior. The Secretary, acting through the Bureau of Land Management and the National Park Service, would develop alternative means of interpreting and preserving the forts including the feasibility of establishing tour routes for vehicles and horse-mounted visitors. These routes may encompass common themes and link appropriate sites. Visitors may be able to reach the forts by already established highways or they could hike or ride horseback along the historical trails that linked the forts in the 1800's.

The territory of New Mexico was crossed by a large number of trails and routes in the 1800's. Numerous military forts were located along these trails to protect settlers and travelers. Because of the arid climate and sparse population of the Southwest, the physical evidence of many of these forts remains. A representative sample of these forts, including way stations and sites along trails, should be nationally recognized for their historic significance.

Eight significant forts are included in this measure: Fort Craig, Fort Cummings, Fort Stanton, Fort Union, Fort Sumner, Fort Seldon, Fort Bayard, and Fort McRae.

Fort Cummings protected the Butterfield stage route between San Diego and San Antonio. This fort was a base of operations for the Apache wars against Indian leaders such as Geronimo and Cochise.

Fort Stanton was founded in 1855 as a military outpost during the Indian wars. It was abandoned by Union troops in 1861 and occupied by Confederate forces until they retreated into Texas after the Battle of Glorietta. In 1862, Kit Carson reoccupied the fort as a center for his campaign against the Apaches and Navajos. Today, the fort is used as a school for the mentally handicapped.

The principal quartermaster depot of the Southwest, Fort Union, guarded the Santa Fe Trail, which served as the main supply artery for Federal forces. The fort flourished until the construction of the Santa Fe Railroad, which replaced the trail as the avenue of commerce, prompting abandonment of the fort.

Fort Sumner exemplifies the U.S. Government's policy of repressing Indian resistance to American expansion through forced settlement on military reservations. Kit Carson invaded the Apache and Navajo homelands and forced them onto Fort Sumner, where they remained for 5 years. After the fort was abandoned, cattle baron Lucien Maxwell bought the land. It was in Maxwell's home that Billy the Kid was shot dead by Sheriff Pat Garrett.

Established in 1865, Fort Seldon protected settlers from desperados and Apache raids. The son of the post commander was Douglas MacArthur, who lived at the fort and later became Supreme Commander of the Allied Forces in the Pacific in World War II. Fort Sheldon was abandoned after the threat of Indian raids subsided.

Fort Bayard was the original reservation established by President Grant and played a key role in the campaigns against Geronimo. In 1899, Fort Bayard was converted into a hospital, which it remains. The post's cemetery was first used in 1866 and now is a national cemetery.

Named for Captain McRae, who died in the Battle of Valverde, Fort McRae was located near the Ojo del Muerto spring and the midpoint of the Jornada del Muerto trail. Its mission was to deny the raiding Indians use of the popular east-west trail. The fort was abandoned in 1876.

These forts represent a unique period in American history, the study of which will contribute to an understanding of the frontier.

Weathering, grazing, unsupervised visitation, and the lack of maintenance are causing the forts to deteriorate. In light of the precarious state of preservation at most of these sites and the urgent need to protect and manage them, increased cooperation between Federal and State agencies and private citizens is necessary for systematic interpretation, stabilization, and restoration of these valuable cultural resources.

Interpretative efforts would be improved with cooperation between State and Federal agencies. Financial resources, personnel and expertise could be shared to increase efficiency. The development of a management plan would guide resource management and protection, visitor use, interpretation, legislative, and administrative compliance, and boundary adjustments.

Such an effort would help preserve and protect an irreplaceable part of

our heritage. Tourists in New Mexico often cite its cultural resources as their chief reason for visiting. A national study of a boots and saddles tour would bring more effective interpretation and appreciation of these unique links to the past.

For these reasons, I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boots and Saddles Tour Study Act of 1989".

SEC. 2. FINDINGS

The Congress finds that—

(1) historic cavalry forts occupied during the Civil War and Indian campaigns in New Mexico represent a unique time period of American history, the study and interpretation of which can contribute to an understanding of the American frontier;

(2) These forts are deteriorating due to natural weathering, unsupervised human visitation, and lack of maintenance and repair; and

(3) in light of the precarious state of preservation at most of these significant cultural resources and the urgent need to protect and manage them, it is necessary to determine, through a comprehensive study, appropriate means by which the systematic interpretation, stabilization, and restoration of these valuable sites can be provided for.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) STUDY.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, shall conduct a study of historic forts in the state of New Mexico occupied during the Civil War and Indian campaigns, including—

(1) Fort Stanton;
(2) Fort Union;
(3) Fort Sumner;
(4) Fort Craig;
(5) Fort Cummings;
(6) Fort Seldon;
(7) Fort Bayard; and
(8) Fort McRae,

(b) REPORT.—Not later than 1 year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) STUDY CONTENT.—The study shall develop alternative means of interpreting and preserving the forts referred to in subsectoin (a) including the feasibility of establishing tour routes for vehicles and horse-mounted visitors which may encompass common themes and link appropriate sites, and such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums may be necessary to carry out the provisions of this Act.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 562. A bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the Old-Age, Survivors, and Disability Insurance Program and the Supplemental Security Income Program; to the Committee on Finance.

SOCIAL SECURITY SERVICES IMPROVEMENT ACT

● Mr. RIEGLE. Mr. President, today I am introducing a bill with the Senator from Michigan [Mr. LEVIN] to ensure that individuals participating in the Social Security System are treated with respect, dignity, and fairness.

Another friend and colleague from Michigan, Congressman SANDY LEVIN, is introducing an identical bill today in the other body. Last year, we introduced similar legislation together. We have worked together this Congress, in response to comments we received from the administration and others, to craft some technical improvements and to include two additional provisions.

The Social Security Services Improvement Act, S. 562, would place into law a statement of Americans' rights to fair, courteous, and responsive treatment from the Social Security Administration. The bill encompasses a series of procedural and administrative changes designed to protect the rights of people who deal with the Social Security Administration [SSA].

CASES OF MISTREATMENT

Congressional offices have recently been receiving a variety of complaints about their treatment by SSA which reflect deteriorating services. Some of these can be explained by the dramatic staffing reductions which have taken place in recent years. The Congress should send a message to SSA that further reductions threaten to damage the agency's ability to maintain its traditionally high level of service. Our bill addresses those problems which result from current SSA practices which would be improved with the requirements set forth in this legislation.

Mr. President, I will cite some examples of Michigan citizens who have contacted me.

SSA mistakenly removed a 100-year-old Michigan man from the rolls when his wife died, cutting his benefits completely. It took 1½ years, and only after my intervention, to have them restored.

A 4-year-old Michigan girl had her disability payments cut because SSA failed to computerize her records. Their reason: The worker responsible for this duty was absent—no other employee was assigned to the task.

To cite another, a 56-year-old man with a mental disorder had his benefits cut after failing to respond to an SSA information request. Unfortunately, the recipient could not comprehend the SSA message, and did not know a response was necessary.

Mr. President, we should amend the law so cases like this do not appear at congressional offices in the first place.

BROAD SUPPORT FOR S. 562

This bill was developed with cooperation from national organizations concerned with the Social Security Program, who helped us in the design and strongly support the approach taken in this legislation. At a hearing on last year's version of the bill before the House Ways and Means Subcommittee on Social Security, the American Association of Retired Persons [AARP] stated the bill, "contains important procedural protection that, if enacted, would help ensure that people receive fair, courteous and responsive treatment from SSA."

Arthur Fleming, former Secretary of Health, Education, and Welfare, supported the bill by stating that it "is targeted at precisely the types of problems that persist at SSA." Fleming was testifying on behalf of Save Our Security, a coalition of over 100 organizations concerned with the Social Security system.

NEW TECHNOLOGY MUST REMAIN RESPONSIVE

I am concerned that SSA is moving toward the use of new technology without considering the implications for the many individuals served by the program. These individuals have traditionally needed more personalized services. A telephone call is often not an adequate substitute for personal contact.

We must assure that individuals receive proper guidance so that they receive the benefits to which they are entitled. S. 562 contains a modest set of provisions that would restore the quality of services to which the public had become accustomed. We must act now to firmly establish in law a set of procedures that are in place for every beneficiary, in any circumstance that may arise.

MAIN PROVISIONS OF S. 562

Overpayments: Requires SSA to collect overpayments without causing the beneficiary financial hardship.

Availability and correction of earnings records: Applicants for benefits automatically furnished with earnings statements and the statute of limitations for correcting errors would be waived.

Assistance to homeless: Requires SSA to establish program to assist homeless in receiving benefits to which they are entitled.

Understandable notice: Requires SSA to write all notices and corre-

spondence in plain, understandable English and contain a phone number and address to contact at SSA.

Standards for determining good faith: Requires SSA to consider limitations—physical, mental, educational, and linguistic—in determining whether a person acted in good faith.

Telephone service center accountability: Establishes demonstration projects at several telephone service centers to examine how SSA can automatically generate a letter to telephone callers regarding the outcome of a conversation; provides record and receipt of contact.

Representation of claimants: SSA must add to a person's records the name of any authorized representative, to facilitate attorneys' access to files.

Decision to appeal rather than reapply: Claimants who were denied a benefit would be told clearly by SSA of the negative consequences of reapplying rather than appealing. Protects right of claimants from losing past benefits because of misinformation from SSA.

Same-day service: Guarantees that individuals who walk in to an SSA office with a time-sensitive case will be seen for an interview that same day.

I hope this package of beneficiary protections will be supported by my colleagues. While they are designed to be clear and absolute in principle, the details of how the principles are to be implemented are largely left to the discretion of SSA.

We've put Social Security on solid financial ground—now we have to make it work and see that people who are entitled to the benefits of the program get proper service.

I urge my colleagues to give their support to this measure, which will improve services for millions of Americans who participate in the Social Security System.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Services Improvement Act of 1989".

SEC. 2. STANDARDS GOVERNING COLLECTION OF OVERPAYMENTS.

(a) IN GENERAL.—Subsection (b) of section 204 of the Social Security Act (42 U.S.C. 404(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraph (B), any adjustment of payments to, or recovery by the United States from, any person pursuant to subsection (a) shall be on a schedule which will not cause undue financial hardship to such person, as determined according to the facts and circumstances applicable in such person's case.

"(B) Subparagraph (A) shall not apply with respect to any person in any case in which fraud, willful misrepresentation, or concealment of material information was involved on the part of such person in connection with the payment of more than the correct amount upon which the adjustment or recovery is based.

"(C)(i) In the case of any individual who, at the time such individual receives notice of any overpayment of a benefit under this title, is an individual or eligible spouse described in clause (ii) of section 1631(b)(1)(B), section 1631(b)(1)(B) shall apply with respect to any adjustment or recovery pursuant to subsection (a) with respect to overpayments of benefits under this title in the same manner and to the same extent as section 1631(b)(1)(B) applies with respect to an adjustment or recovery pursuant to section 1631(b)(1)(A) with respect to overpayments of benefits under title XVI.

"(ii) The Secretary shall include, in any notice to an individual of an overpayment to such individual of a benefit under this title, a description of the provisions of clause (i) and of the availability of relief provided thereunder.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to adjustments made, and recoveries obtained, on or after January 1, 1990.

SEC. 3. DEMONSTRATION PROJECTS RELATING TO ACCOUNTABILITY FOR TELEPHONE SERVICE CENTER COMMUNICATIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall develop and carry out demonstration projects designed to implement the accountability procedures described in subsection (b) in each of not fewer than 3 telephone service centers operated by the Social Security Administration. Telephone service centers shall be selected for implementation of the accountability procedures so as to permit a thorough evaluation of such procedures as they would operate in conjunction with the service technology most recently employed by the Social Security Administration. Each such demonstration project shall commence not later than 180 days after the date of the enactment of this Act and shall remain in operation for not less than 1 year and not more than 3 years.

(b) ACCOUNTABILITY PROCEDURES.—

(1) IN GENERAL.—During the period of each demonstration project developed and carried out by the Secretary of Health and Human Services with respect to a telephone service center pursuant to subsection (a), the Secretary shall provide for the application at such telephone service center of accountability procedures consisting of the following:

(A) In any case in which a person communicates with the Social Security Administration by telephone at such telephone service center, the Secretary must thereafter promptly provide such person a written receipt which sets forth—

(i) the name of any individual representing the Social Security Administration with whom such person has spoken in such communication,

(ii) the date of the communication,

(iii) a description of the nature of the communication,

(iv) any action that an individual representing the Social Security Administration has indicated in the communication will be taken in response to the communication, and

(v) a description of the information or advice offered in the communication by an individual representing the Social Security Administration.

(B) Such person must be notified during the communication by an individual representing the Social Security Administration that a receipt described in subparagraph (A) will be provided to such person.

(C) A copy of any receipt required to be provided to any person under subparagraph (A) must be—

(i) included in the file maintained by the Social Security Administration relating to such person, or

(ii) if there is no such file, otherwise retained by the Social Security Administration in retrievable form until the end of the 5-year period following the termination of the project.

(2) EXCLUSION OF CERTAIN ROUTINE TELEPHONE COMMUNICATIONS.—The Secretary may exclude from demonstration projects carried out pursuant to this section routine telephone communications which do not relate to potential or current eligibility or entitlement to benefits.

(c) REPORTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate written reports on the progress of each demonstration project conducted pursuant to this section, together with any related data and materials which the Secretary may consider appropriate. Such reports shall include an initial report (relating to the first 180 days of the project), which shall be submitted not later than 270 days after the commencement of the project, and annual reports thereafter for the duration of the project. The final report shall be submitted not later than 90 days after the termination of the project.

(2) SPECIFIC MATTERS TO BE INCLUDED.—Each report required under paragraph (1) shall—

(A) assess the costs and benefits of the accountability procedures,

(B) identify any major difficulties encountered in implementing the demonstration project, and

(C) assess the feasibility of implementing the accountability procedures on a national basis.

SEC. 4. AVAILABILITY AND CORRECTION OF EARNINGS RECORD INFORMATION.

(a) AVAILABILITY OF EARNINGS RECORD INFORMATION TO APPLICANTS FOR BENEFITS.—Subparagraph (A) of section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)(A)) is amended—

(1) by striking "derived and, upon request, shall" and inserting "derived. Upon request, the Secretary shall"; and

(2) by adding at the end the following new sentences: "Not later than 14 days after the date of any application for benefits under this title, information described in the preceding sentence relating to the wages and self-employment income of any individual on the basis of whose wages and self-employment income such benefits would be based shall be provided to the applicant, irrespective of whether a request is made therefor. Any information provided pursuant to this paragraph in summary form shall include a notice that a complete accounting of such information, categorized by period and by employer, is available upon request. Any report under this subparagraph of such information shall include a

notice that it is possible that one or more items of wages or self-employment income have not been properly included in such information and that such information may be amended, as appropriate, pursuant to submission of a challenge under paragraph (4)(B), or otherwise at the Secretary's discretion in accordance with this subsection.".

(b) CHALLENGES TO EARNINGS RECORD INFORMATION.—Paragraph (4) of section 205(c) of such Act (42 U.S.C. 405(c)(4)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by inserting "(A)" after "(4)";

(2) by striking "After the expiration" and inserting "Except as provided in subparagraph (B), after the expiration"; and

(3) by adding at the end the following new subparagraph:

"(B) Upon receipt from any person of a written statement challenging the accuracy of the Secretary's records for any period, as indicated by information provided pursuant to paragraph (2) relating to any individual's wages and self-employment income, the Secretary shall provide such person a complete accounting of such wages and self-employment income, categorized by period and by employer, to the extent such a complete accounting has not previously been provided pursuant to paragraph (2). If, upon receipt from the Secretary of such a complete accounting pursuant to this paragraph or paragraph (2), such person demonstrates to the Secretary an erroneous entry of wages in the Secretary's records for any period or an omission from such records of any item of wages for any period, the Secretary shall correct such entry or include such omitted item in the Secretary's records, as the case may be, irrespective of the expiration of the time limitation following such period.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications filed, and requests for information made, on or after January 1, 1990.

SEC. 5. STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD FAITH, FAULT, INTENT, ETC.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD FAITH, FAULT, ETC.

"SEC. 1140. In making any determination of any individual's entitlement to benefits under this Act, the Secretary shall specifically take into account in any determination of—

"(1) whether such individual acted in good faith,

"(2) whether such individual was at fault, or

"(3) fraud, deception, or intent,

any physical, mental, educational, or linguistic limitation such individual may have (including any lack of facility with the English language).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to determinations made on or after January 1, 1990.

SEC. 6. ASSISTANCE TO THE HOMELESS.

(a) OASDI PROGRAM.—Section 205 of the Social Security Act (42 U.S.C. 405) is amended by adding at the end the following new subsection:

"Assistance to the Homeless

"(s)(1) The Secretary shall establish a program under which homeless individuals who may be eligible for benefits under this title may be identified and provided reasonable assistance and support in applying for such benefits.

"(2)(A) For purposes of this subsection, except as provided in subparagraph (B), the term 'homeless individual' means—

"(i) an individual who lacks a fixed, regular, and adequate nighttime residence, or

"(ii) an individual who has a primary nighttime residence that is—

"(I) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill),

"(II) an institution that provides a temporary residence for individuals intended to be institutionalized, or

"(III) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

"(B) Such term does not include any individual imprisoned or otherwise detained pursuant to Federal law or the law of any State (as defined in subsection (c)(2)(C)(iv)) or political subdivision thereof.

"(3) Upon the request of the government of any State (as defined in subsection (c)(2)(C)(iv)) or of a political subdivision thereof or of any organization which is exempt from tax under section 501 of the Internal Revenue Code of 1986, the assistance provided by the Secretary under the program established pursuant to this subsection shall include efforts coordinated with such government or organization to encourage and facilitate application by homeless individuals for benefits under this title. Such efforts shall include regular visitation of homeless individuals by employees of the Social Security Administration at primary nighttime residences described in paragraph (2)(A)(ii) and facilities which regularly provide meals to homeless individuals.

"(4) The Secretary shall annually report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the status and accomplishments of the program required to be established under this subsection.".

(b) SSI PROGRAM.—Section 1631 of such Act (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

"Assistance to the Homeless

"(m)(1) The Secretary shall establish a program under which homeless individuals who may be eligible for benefits under this title will be identified and provided reasonable assistance and support in applying for such benefits.

"(2) For purposes of this subsection, the term 'homeless individual' has the meaning provided in section 205(s)(2).

"(3) Upon the request of the government of any State (as defined in subsection 205(c)(2)(C)(iv)) or of a political subdivision thereof or of any organization which is exempt from tax under section 501 of the Internal Revenue Code of 1986, the assistance provided by the Secretary under the program established pursuant to this subsection shall include efforts coordinated with such government or organization to encourage and facilitate application by homeless individuals for benefits under this title. Such efforts shall include regular visitation of homeless individuals by employees of the Social Security Administration at primary nighttime residences described in section 205(s)(2)(A)(ii) and facilities which regularly provide meals to homeless individuals.

"(4) The Secretary shall annually report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the status and accomplishments of the program required to be established under this subsection.".

(c) ESTABLISHMENT OF PROGRAMS.—The Secretary of Health and Human Services shall establish the programs provided for in sections 205(s) and 1631(m) of the Social Security Act (as added by this section) not later than 180 days after the date of the enactment of this Act.

SEC. 7. NOTICE REQUIREMENTS.

(a) GENERAL REQUIREMENTS.—

(1) OASDI PROGRAM.—Section 205 of the Social Security Act (42 U.S.C. 405) (as amended by section 6(a) of this Act) is further amended by adding at the end the following new subsection:

"Notice Requirements

"(t)(1) In any case in which a notice is issued to one or more individuals by the Secretary or by a State agency pursuant to this title, the Secretary shall take such actions as are necessary to ensure—

"(A) that such notice is written in simple and clear language,

"(B) if such notice is directed specifically to a particular individual or a defined group of individuals, that such notice contains the name, address, and telephone number of a responsible person to contact regarding the notice, and

"(C) in any case in which the native language of a substantial number of recipients of such notice is likely to be a language other than English, that such notice is written, to the extent feasible, in both English and such other language.

"(2) Determinations pursuant to paragraph (1)(C) shall be made separately with respect to each district office of the Social Security Administration.".

(2) SSI PROGRAM.—Section 1631 of such Act (42 U.S.C. 1383) (as amended by section 6(b) of this Act) is further amended by adding at the end the following new subsection:

"Notice Requirements

"(n)(1) In any case in which a notice is issued to one or more individuals by the Secretary or by a State agency pursuant to this title, the Secretary shall take such actions as are necessary to ensure—

"(A) that such notice is written in simple and clear language,

"(B) if such notice is directed specifically to a particular individual or a defined group of individuals, that such notice contains the name, address, and telephone number of a responsible person to contact regarding the notice, and

"(C) in any case in which the native language of a substantial number of recipients of such notice is likely to be a language other than English, that such notice is written, to the extent feasible, in both English and such other language.

"(2) Determinations pursuant to paragraph (1)(C) shall be made separately with respect to each district office of the Social Security Administration.".

(b) APPLICABILITY TO BLIND BENEFICIARIES UNDER TITLE II OF NOTICE STANDARDS CURRENTLY APPLICABLE TO BLIND BENEFICIARIES UNDER TITLE XVI.—

(1) IN GENERAL.—Section 221 of such Act (42 U.S.C. 421) is amended by adding at the end the following new subsection:

"(l)(1) In any case where an individual who is applying for or receiving benefits under this title on the basis of disability by reason of blindness is entitled to receive notice from the Secretary of any decision or determination made or other action taken or proposed to be taken with respect to his or her rights under this title, such individual shall at his or her election be entitled either (A) to receive a supplementary notice of such decision, determination, or action, by telephone, within 5 working days after the initial notice is mailed, (B) to receive the initial notice in the form of a certified letter, or (C) to receive notification by some alternative procedure established by the Secretary and agreed to by the individual.

"(2) The election under paragraph (1) may be made at any time, but an opportunity to make such an election shall in any event be given (A) to every individual who is an applicant for benefits under this title on the basis of disability by reason of blindness, at the time of his or her application, and (B) to every individual who is a recipient of such benefits on the basis of disability by reason of blindness, at the time of each redetermination of his or her eligibility. Such an election, once made by an individual, shall apply with respect to all notices of decisions, determinations, and actions which such individual may thereafter be entitled to receive under this title until such time as it is revoked or changed.".

(2) APPLICATION TO CURRENT RECIPIENTS.—Not later than January 1, 1991, the Secretary of Health and Human Services shall provide every individual receiving benefits under title II of the Social Security Act on the basis of disability by reason of blindness an opportunity to make an election under section 221(l)(1) of such Act (as added by paragraph (1)).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to notices issued on or after January 1, 1990.

SEC. 8. REPRESENTATION OF CLAIMANTS.

(a) OASDI PROGRAM.—

(1) RECORDING OF IDENTITY OF REPRESENTATIVES IN ELECTRONIC INFORMATION RETRIEVAL SYSTEM.—Section 206(a) of the Social Security Act (42 U.S.C. 406(a)) is amended by adding at the end the following new sentence: "The Secretary shall maintain in the electronic information retrieval system used by the Social Security Administration a current record, with respect to any claimant before the Secretary, of the identity of any person representing such claimant in accordance with this subsection.".

(2) NOTIFICATION OF AVAILABILITY OF ATTORNEYS.—Section 206 of such Act (42 U.S.C. 406) is further amended by adding at the end the following new subsection:

"(c) The Secretary shall notify each claimant in writing, together with the notice to such claimant of an adverse determination, of the availability of attorneys to represent individuals in presenting their cases before the Secretary. Such notification shall include a written referral to the appropriate local bar referral agency (or other relevant bar referral group) and to the appropriate local legal services offices providing legal services free of charge to qualifying claimants.".

(b) SSI PROGRAM.—

(1) RECORDING OF IDENTITY OF REPRESENTATIVES IN ELECTRONIC INFORMATION RETRIEVAL SYSTEM.—Section 1631(d)(2) of such Act (42 U.S.C. 1383(d)(2)) is amended by adding at the end the following new sentence: "The Secretary shall maintain in the electronic information retrieval system used by the Social Security Administration a current record, with respect to any claimant before the Secretary, of the identity of any person representing such claimant in accordance with this paragraph.".

(2) NOTIFICATION OF AVAILABILITY OF ATTORNEYS.—Paragraph (2) of section 1631(d) of such Act (42 U.S.C. 1383(d)(2)) is amended—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end the following new subparagraph:

"(B) The Secretary shall notify each claimant in writing, together with the notice to such claimant of an adverse determination, of the availability of attorneys to represent individuals in presenting their cases before the Secretary. Such notification shall include a written referral to the appropriate local bar referral agency (or other relevant bar referral group) and to the appropriate local legal services offices providing legal services free of charge to qualifying claimants.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to adverse determinations made on or after January 1, 1990.

SEC. 9. APPLICABILITY OF ADMINISTRATIVE RES JUDICATA; RELATED NOTICE REQUIREMENTS.

(a) OASDI PROGRAM.—Section 205(b) of the Social Security Act (42 U.S.C. 405(b)) is amended by adding at the end the following new paragraph:

"(3)(A) A failure to request, during the sixty-day period provided in paragraph (1), review of an adverse determination with respect to an application for any payment under this title shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant, or any other individual referred to in paragraph (1), failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information provided by or under the Secretary.

"(B) In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Secretary shall describe in clear and specific language the effect on possible entitlement to payments under this title of choosing to reapply in lieu of requesting review of the determination.".

(b) SSI PROGRAM.—Section 1631(c)(1) of such Act (42 U.S.C. 1383(c)(1)) is amended—

(1) by inserting "(A)" after "(c)(1)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) A failure to request, during the sixty-day period provided in subparagraph (A), review of an adverse determination with respect to an application for any payment under this title shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that he or she or his or her eligible spouse failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information provided by or under the Secretary.

"(ii) In any notice of an adverse determination with respect to which a review may be requested under subparagraph (A), the Secretary shall describe in clear and specific language the effect on possible entitlement to payments under this title of choosing to reapply for benefits in lieu of requesting review of the determination.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to adverse determinations made on or after January 1, 1990.

SEC. 10. AUTHORITY FOR SECRETARY TO TAKE INTO ACCOUNT MISINFORMATION PROVIDED TO APPLICANTS IN DETERMINING DATE OF APPLICATION FOR BENEFITS.

(a) OASDI PROGRAM.—Section 202(j) of the Social Security Act (42 U.S.C. 402(j)) is amended by adding at the end the following new paragraph:

"(5) In any case in which it is determined to the satisfaction of the Secretary that an individual failed as of any date to apply for monthly insurance benefits under this title by reason of misinformation provided to such individual by any officer or employee of the Social Security Administration relating to such individual's eligibility for benefits under this title, such individual shall be deemed to have applied for such benefits on the later of—

"(A) the date on which such misinformation was provided to such individual, or

"(B) the date on which such individual met all requirements for entitlement to such benefits (other than application therefor).".

(b) SSI PROGRAM.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended by adding at the end the following new paragraph:

"(4) In any case in which it is determined to the satisfaction of the Secretary that an individual failed as of any date to apply for benefits under this title by reason of misinformation provided to such individual by any officer or employee of the Social Security Administration relating to such individual's eligibility for benefits under this title, such individual shall be deemed to have applied for such benefits on the later of—

"(A) the date on which such misinformation was provided to such individual, or

"(B) the date on which such individual met all requirements for entitlement to such benefits (other than application therefor).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after December 1959.

SEC. 11. SAME-DAY PERSONAL INTERVIEWS AT FIELD OFFICES OF THE SOCIAL SECURITY ADMINISTRATION IN CERTAIN CASES WHERE TIME IS OF THE ESSENCE.

(a) OASDI PROGRAM.—Section 205 of the Social Security Act (as amended by section 7(a) of this Act) is further amended by adding at the end the following new subsection:

"SAME-DAY PERSONAL INTERVIEWS AT FIELD OFFICES IN CASES WHERE TIME IS OF THE ESSENCE.

"(u) In any case in which an individual visits a field office of the Social Security Administration on a business day of the office and represents during the visit to an officer or employee of the Social Security Administration in the office that the individual's visit to the office is occasioned by—

"(1) the receipt of a notice from the Social Security Administration indicating a time limit for response by the individual, or

"(2) the theft, loss, or nonreceipt of a benefit payment under this title,

the Secretary shall ensure that the individual is granted a face-to-face interview at the

office with an officer or employee of the Social Security Administration before the close of business on such day.".

(b) SSI PROGRAM.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) is amended by adding at the end the following new paragraph:

"(4) In any case in which an individual visits a field office of the Social Security Administration on a business day of the office and represents during the visit to an officer or employee of the Social Security Administration in the office that the individual's visit to the office is occasioned by—

"(A) the receipt of a notice from the Social Security Administration indicating a time limit for response by the individual, or

"(B) the theft, loss, or nonreceipt of a benefit payment under this title,

the Secretary shall ensure that the individual is granted a face-to-face interview at the office with an officer or employee of the Social Security Administration before the close of business on such day.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to visits to field offices of the Social Security Administration on or after January 1, 1990.●

By Mr. MATSUNAGA (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. HEFLIN, Mr. DASCHLE, Mr. BOREN, and Mr. PELL):

S. 563. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay; to the Committee on Veterans' Affairs.

CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION

Mr. MATSUNAGA. Mr. President, for myself and Senators BURDICK, MOYNIHAN, HEFLIN, DASCHLE, BOREN, and PELL, I rise today to introduce legislation that will permit disabled veterans who are also retired members of the Armed Forces to receive both disability compensation and a portion of their retired pay.

As my colleagues are aware, a century-old statute requires individuals in receipt of veterans disability compensation to offset by an equal amount any retired military pay for which they are eligible. As I noted in earlier statements on this subject, the offset requirement discriminates unfairly against disabled career soldiers by requiring them, in effect, to fund their own disability benefits, a situation faced by no other Federal annuitant. Noncareer disabled soldiers who enter civil service employment, for example, can apply their short military service toward their civil service retirement; without having to forgo any retirement pay, these individuals can receive veterans disability compensation as well.

In our view, and in the opinion of 17 major military and veterans service organizations, the offset rule ignores the proper distinction between military retirement and disability compensation entitlements. Whereas the former is paid to recognize a soldier who has devoted 20 or more of his or her most productive years to our country's defense, the latter is disbursed to compensate a veteran for pain and suffering caused by disabilities incurred in the line of duty. Because the two types of compensation serve two entirely different purposes, receipt of one should not be conditioned on receipt of the other.

Mr. President, this measure is a technical replacement for S. 191, a bill I introduced on January 25, 1989, that was meant to accomplish the same ends. Unfortunately, through a drafting error, S. 191 would not do what was truly intended, that is to permit retired disabled military to receive both veterans disability compensation and a portion of their military retirement pay, with the pay to be based on a percentage of the level of the disability compensation. As an example, my new bill, under the correct formulation, permits a veteran with a 90 percent disability rating to receive military retirement pay minus an amount equal to 10 percent of the disability compensation for which he is eligible. Similarly, a veteran rated 30 percent disabled would be eligible to receive, in addition to his disability compensation, his military retirement pay less an amount equal to 70 percent of his disability compensation.

Mr. President, my colleagues know that in addition to this inverse ratio bill I have also authored legislation, S. 190, to eliminate the offset completely. The bill I am introducing today has been developed to address concerns expressed by many Senators that complete elimination of the offset would be too costly—estimates of the cost of S. 190 range from $700 million to $1 billion a year in outlays. In contrast, I estimate that this bill would result in expenditures amounting to, at most, only a fifth of those associated with S. 190. While I remain convinced that fairness dictates that we endeavor to eliminate the offset completely, I offer this alternative measure today in a spirit of accommodation and in the interest of fiscal responsibility.

Thank you, Mr. President. On behalf of the more than 400,000 retired disabled career soldiers who have been deprived of their full military retirement pay, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION.

(a) LIMITATION ON DUPLICATION OF BENEFITS.—Section 3104(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "as provided in paragraph (3) and" after "Except"; and

(2) by adding at the end the following new paragraph:

"(3)(A) A person may be paid emergency officers', regular, or reserve retirement pay concurrently with the payment of compensation for any service-connected disability, except that no amount of retirement pay and compensation may be paid to a person concurrently if payment of the retirement pay and payment of the compensation are based upon the same disability. In the case of a person receiving both retirement pay and compensation, the amount of retirement pay paid such person shall be reduced (but not below zero) as provided in subparagraph (B) of this paragraph.

"(B) The amount by which the retirement pay of a disabled person is reduced under subparagraph (A) of this paragraph shall be—

"(i) if and while the disability is rated 10 percent, the amount equal to 90 percent of the amount of the disability compensation paid such person;

"(ii) if and while the disability is rated 20 percent, the amount equal to 80 percent of the amount of the disability compensation paid such person;

"(iii) if and while the disability is rated 30 percent, the amount equal to 70 percent of the amount of the disability compensation paid such person;

"(iv) if and while the disability is rated 40 percent, the amount equal to 60 percent of the amount of the disability compensation paid such person;

"(v) if and while the disability is rated 50 percent, the amount equal to 50 percent of the amount of the disability compensation paid such person;

"(vi) if and while the disability is rated 60 percent, the amount equal to 40 percent of the amount of the disability compensation paid such person;

"(vii) if and while the disability is rated 70 percent, the amount equal to 30 percent of the amount of the disability compensation paid such person;

"(viii) if and while the disability is rated 80 percent, the amount equal to 20 percent of the amount of the disability compensation paid such person; and

"(ix) if and while the disability is rated 90 percent, the amount equal to 10 percent of the amount of the disability compensation paid such person.

The amount of the retirement pay of a disabled person may not reduced under subparagraph (A) of this paragraph if and while the disability is rated as total.".

(b) TECHNICAL AMENDMENTS.—(1) Section 3104 of such title is further amended by striking out the section heading and inserting in lieu thereof the following:

"§ 3104. Limitation on duplication of payments".

(2) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 3104 and inserting in lieu thereof the following:

"§ 3104. Limitation on duplication of payments".

SEC. 2. EFFECTIVE DATE AND PROHIBITION ON RETROACTIVE BENEFITS

(a) IN GENERAL.—The amendments made by this Act shall take effect on the first day

of the second calendar month following the date of the enactment of this Act.

(b) RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of this Act for any period before the effective date of this Act.

By Mr. MATSUNAGA (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. MITCHELL, Mr. DECONCINI, and Mr. INOUYE):

S. 564. A bill to provide for an Assistant Secretary of Veterans' Affairs to be responsible for monitoring and promoting the access of members of minority groups, including women, to services and benefits furnished by the Department of Veterans' Affairs.

ASSISTANT SECRETARY OF VETERANS' AFFAIRS

Mr. MATSUNAGA. Mr. President, for myself and Senators CRANSTON, MURKOWSKI, DECONCINI, MITCHELL, and INOUYE, I rise to introduce legislation to assign an Assistant Secretary of Veterans' Affairs oversight responsibilities for minorities. The Department of Veterans' Affairs Act, which elevates the Veterans' Administration [VA] to Cabinet rank, created six Assistant Secretary positions. Under this bill one of the six would have responsibility for monitoring and promoting access of minorities—including blacks, Native Americans, Hispanics, Asian-Pacific islanders, and women—to veterans services and benefits. As my colleagues are aware, the Elevation Act stipulates 10 functional duties to be assigned among the Assistant Secretaries; my bill would simply add an 11th duty to this list.

The primary purpose of this bill is to ensure that concern for minority veterans is made an integral part of the Department's policymaking process. Hitherto, the unique problems and needs of minority populations, problems and needs that arise from race, gender, culture, history, geography, or other circumstance, have only been addressed in a desultory fashion by the occasional, enlightened health care or benefits employee. Although certain minority advisory bodies have been created by Congress, their recommendations are not always accorded serious review by the Administrator or other policymaking officials and have often been completely ignored. The VA, in short, lacks a proper minorities advocate within its formal decisionmaking hierarchy. It is therefore not surprising that minority needs are often overlooked or that the VA lacks an overall strategy for improving services and benefits for minority beneficiaries.

Let me briefly touch on some of the problems faced by each of the minority groups covered under the bill.

Mr. President, Native Americans in general live shorter and poorer lives than other groups. The VA's Advisory Committee on Native American Veterans reports that Native Americans significantly underutilize VA benefits and health care services. Though the committee had to base this contention in part on anecdotal data as very little statistical studies have been done on Indian veterans, the evidence is clear that, at least in the case of health care, underutilization is a significant problem. For example, although Indians comprise about 0.6 percent of the total veterans population—about 160,000 men and women—fiscal 1985 data indicates that only 0.4 percent of VA hospital discharges and 0.3 percent of hospitalized patients were Native American. This can be attributed to several factors, including geography, economic conditions, culture, and lack of interagency coordination.

Forty to fifty percent of all Native Americans reside on reservations, which means that they comprise a large portion of the 2.9 percent of veterans who live more than 100 miles from VA medical centers. This distance from VA facilities means that Indian veterans, who are already economically disadvantaged, must have automobiles or other transportation and sometimes the financial wherewithal for overnight stays near VA facilities. Native American cultures frequently differ from the dominant culture in terms of language, understanding, and expectations; attitudes toward illness and disease, such as a belief in traditional healing, may shape a veteran's decision to seek and accept the care offered by the VA. The lack of interagency coordination among the several Federal, State, and tribal agencies with jurisdiction over Native American affairs results in both the inefficient utilization of resources and confusion about the availability of benefits and services.

Mr. President, the situation faced by Native American veterans is mirrored in other minority groups. Hispanic veterans, for example, have played an important role in every one of our Nation's conflicts since the American Revolution. They have consistently been overrepresented as a percentage of wartime casualties, and claim more Congressional Medal of Honor winners per capita than any other ethnic group represented in this great country of ours. As in the case of most minorities, it is not possible to say with any degree of certainty to what extent Hispanic veterans participate in VA programs, although the American GI Forum, the sole Hispanic veterans organization, believes that they do not fully utilize the benefits to which they are entitled. The curtailment of the transportation allowance, for example, has had a disparate effect on lower income groups, particularly the Hispanic community in rural areas where many veterans reside. It is also believed that the relatively high unemployment rate for Hispanic veterans is exacerbated by State veterans' employment representatives who, lacking sensitivity to Hispanic culture or Spanish language skills, cannot meet the needs of Hispanic veterans.

Black veterans and their families account for almost one-third of the black population in the United States; black veterans represent almost 8 percent of the total veterans' population. While the overall veterans' population is projected to decline by the turn of the century, the black population is projected to increase. Blacks today are overrepresented in the military, comprising 21 percent of enlisted ranks and 6.6 percent of officers. As a race, blacks have served their country with honor, valor, and distinction. However, once discharged, they have not always received the benefits accorded other veterans. For example, blacks who served in the Vietnam theater have a higher rate of joblessness than other Vietnam-era veterans; overall black unemployment is 2½ to 3 times that for white veterans. The number of homeless veterans increases every day and the number of black homeless veterans is inordinately large. Statistically, too, black veterans file fewer claims for education or home loan benefits.

Veterans of Asian and Pacific island ancestry, according to the 1980 census, comprise over 212,000 individuals. Many of these compiled distinguished war records out of proportion to their numbers. The nearly all Japanese-American "Go for Broke" division, for instance, sustained among the highest number of casualties for World War II combat units, and was awarded an extraordinary number of decorations for valor. This enviable record of service reflected, perhaps, a desire for recently arrived immigrant groups to integrate themselves into the national fabric. This impulse to "prove" themselves was reinforced by strong traditions of duty and honor.

However, as with other minorities, these same traditions also shape attitudes toward the seeking of care and benefits offered by Federal agencies such as the Veterans' Administration. In my own State of Hawaii, Asian and Pacific islander veterans tend to present themselves for treatment at lower rates than other veterans, not because they are healthier than other veterans, but because of a culturally induced reluctance to impose on the Federal Government for assistance. I am convinced that this cultural attitude is a major reason why Hawaii ranks among the lowest of the VA's jurisdictions in medical dollars per veteran and why it is one of only two States without a VA medical center. It was only until 2 years ago, when the Senate Veterans' Affairs Committee held oversight hearings in Honolulu, that the true extent of the VA's neglect of Hawaii veterans became apparent and actions were begun to redress the situation. In my opinion, the

situation could have been avoided if the VA had taken the time to understand the particular needs of each of the minority veterans groups under its care.

Women veterans were brought into military service for the first time in large numbers in World War II because they were badly needed. Although the women's component of the military was to have been phased out after the war, they remained by virtue of their demonstrated record of service. They remained as part of the peacetime military. Their participation, as we know, continued through the Korean and Vietnam wars to reach a level of over 10 percent. Today, there are over 220,000 women on active duty in the Armed Forces and their numbers are projected to increase in the coming years even though the total force is projected to decline. Women veterans are currently the fastest growing segment of the veteran population; female veterans comprise 4.3 percent of the total veterans' population and number almost 1.2 million. Although the VA has responded aggressively in many instances to women's needs in the past few years, much remains to be done. The VA's Advisory Committee on Women Veterans stated in its 1988 report that an ongoing concern is the fact that women are still less aware than male veterans of the benefits to which they are entitled and that, even when aware, they are less likely to claim them. Another continuing problem is the inability of public employment offices to place women veterans, particularly former enlisted women, in jobs and at wage levels commensurate with their military experience. And, as with all other minority veterans, statistical data on the use of benefits by women veterans remains sadly deficient.

Mr. President, I am quite sure that this measure will be misunderstood by some. Many otherwise well-meaning individuals, without bothering to examine the special situation of minority veterans, will argue that the VA serves veterans with a blind eye toward color, heritage, or gender, and that therefore a minorities oversight function is unnecessary.

These erstwhile egalitarians will state that "a veteran is a veteran"—that, for example, a Filipino-American veteran suffering from post traumatic stress disorder [PTSD] is eligible for the same treatment that is provided a white PTSD victim. My reply would be that the same care is not the same as equal care. Recent scientific study points to evidence that Asian-American veterans' experience of the Vietnam war was qualitatively different from that of their white counterparts. As such, it is probable that the the diagnosis and treatment of the Filipino veteran suffering from PTSD would differ from that of a white veteran. Unfortunately, because the VA has not recognized the need to examine the disorder in small minority populations, very little is known about PTSD in Asian Americans. Even the recently completed national Vietnam veterans readjustment study, touted by the VA as the definitive study on the psychological problems of Vietnam veterans, does not include data on Asian-American veterans, Native American veterans, or other small minority group. Why? Simply because they constitute only a small segment of the veterans' population. Therefore, the VA lacks even the basic statistical information on PTSD with respect to many minority populations, information which is crucial to their full postwar readjustment.

Let me offer another example. As I noted earlier, nearly half of all Native Americans live on reservations, lands which are held in trust by the U.S. Government. These lands are considered tribal, or community-owned, property. This fact, in addition to the endemic unemployment that plagues Indian communities, makes it difficult for Native American veterans to obtain home loans. As my colleagues know, the VA will guarantee a portion of a veteran's loan, provided of course that he is first able to find a bank that is willing to offer him a loan. But how many banks are willing to issue a mortgage to a veteran whose opportunities for gainful employment are sharply limited and whose house, because it stands on nontransferrable tribal land, has little security value and is inherently difficult to resell in the event of default? This situation is not unique to Amerian Indians. Veterans in American Samoa, among others, are in similar circumstances. One solution to this problem might be to revive the VA's direct loan program in limited and modified form to accommodate veterans living in special circumstances. Unfortunately, the VA has not seriously entertained this possibility, adhering as it does to a rigid application of the general rule that the Government should not be involved in so-called commercial activities.

These are typical examples of the quiet neglect—inadvertent perhaps—that persists in a bureaucracy that has not been completely sensitized to the concerns of minority veterans. While establishing a minorities function at the Assistant Secretary level might not guarantee that these problems would be solved, it would at least ensure that the problems are recognized and seriously considered.

Mr. President, this bill does not intend to set minority veterans above other veterans. It does, however, imply that minority veterans, because of an agencywide ignorance of their particular circumstances, have been receiving a lower level of services and benefits afforded other veterans. As such, the intent behind this measure is to enable minority veterans, through the advocacy of a high-level Department official, to seek the full range and level of services and benefits to which they are entitled. I can think of no better time than now, when the Nation's veterans prepare to take their rightful place in the President's Cabinet, to address this important issue.

In closing, Mr. President, I would like to thank Senator CRANSTON and Senator MURKOWSKI, the chairman and ranking minority member of the Senate Veterans' Affairs Committee, for their invaluable assistance in drafting this measure. I urge my colleagues to support this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RESPONSIBILITIES OF AN ASSISTANT SECRETARY OF VETERANS AFFAIRS.

(a) POSITION AND FUNCTIONS OF ASSISTANT SECRETARY.—Section 4 of the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2638) is amended by adding at the end of subsection (b) the following new paragraph:

"(11) The review and assessment of the effects of policies, regulations, and programs and other activities of the Department on minority veterans and the development and implementation of policies facilitating access of such veterans to services and benefits provided under laws administered by the Department.".

(b) "MINORITY VETERAN" DEFINED.—Section 4 of such Act is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—As used in this section:

"(1) The term 'minority veterans' means—

"(A) black veterans;

"(B) Native American veterans;

"(C) Hispanic-American veterans;

"(D) Asian-Pacific Islander American veterans; and

"(E) women veterans.

"(2) The term 'veteran' has the meaning given that term in section 101(2) of title 38, United States Code.

"(3) The term 'Native American' means an Indian, Native Hawaiian, or an Alaska Native.

"(4) The term 'Indian' has the meaning given that term in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a)).

"(5) The term 'Native Hawaiian' has the meaning given that term in section 815(3) of the Native American Programs Act of 1974 (42 U.S.C. 2992c(3)).

"(6) The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(7) The term 'Asian-Pacific Islander' means any person, other than a Native American, whose ancestral origin is in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent of Asia, or the Pacific Islands (including

China, Japan, Korea, the Philippine Islands, and Samoa).".

By Mr. MATSUNAGA (for himself, Mr. GARN, Mr. GORE, Mr. GLENN, Mr. DANFORTH, Mr. CRANSTON, Mr. MITCHELL, Mr. DOLE, Mr. SIMPSON, Mr. SIMON, Ms. MIKULSKI, and Mr. HOLLINGS):

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year; to the Committee on Foreign Relations.

NASA AND THE INTERNATIONAL SPACE YEAR

Mr. MATSUNAGA. Mr. President, I rise to introduce a joint resolution relating to an initiative of the U.S. Congress that has developed into a worldwide activity of immense significance. I am referring to the International Space Year, or ISY, in 1992. The ISY will consist of space activities coordinated on a global basis, from space missions to classroom activities and public expositions. It will be a yearlong worldwide celebration of humanity's future in space, commemorating the 500th anniversary of Columbus' voyage to the New World and the 35th anniversary of the International Geophysical Year, or IGY, that ushered in the space age.

I had the pleasure of first proposing the ISY in 1985 and embodying it in legislation introduced with my distinguished colleague from Utah, Mr. GARN, as original cosponsor. The resolution called upon President Reagan to direct NASA to investigate the feasibility of an ISY and report to Congress in spring 1986. Our joint resolution—a companion measure which was introduced by Representatives NELSON and WALKER in the House—met with unanimous support and was incorporated into the NASA authorization for 1986.

Subsequently, in May 1986, President Reagan delivered NASA's ISY report to Congress. NASA said it had received an "overwhelming positive" response to its international inquiries on ISY. NASA recommended moving ahead on an ISY with emphasis on space science, human exploration, utilization of space for humanity, and education, and with priority to the theme of "Understanding the Earth as a Planet." In a letter to Congress accompanying NASA's report, President Reagan endorsed the ISY and directed NASA to lead an interagency effort to develop the concept domestically and internationally.

The ISY's subsequent progress was remarkable. International scientific and engineering societies established ISY planning committees and began soliciting proposals. In our case, the National Academy of Sciences offered a range of proposals that paralleled the themes and emphases of NASA's recommendations.

In August 1987, the first major international ISY conference was held in Hawaii, through the efforts of an organizing committee of United States and Japanese space scientists, working with the University of Hawaii and the newly formed U.S. International Space Year Association. I was invited to serve as honorary cochairman of that conference, along with the Honorable Tetsuo Kondo, Japan's Minister of Economic Planning. The science program cochairmen were the space science heads of NASA and their Japanese counterpart; and the industry program cochairmen were the presidents of the Aerospace Industries Association of America and the Space Committee of the Keidanren, Japan's council of economic organizations. Working groups of space agency officials, scientists, and industrialists developed a wide range of ISY proposals in the categories of Earth observation, communications, astrophysics, space facilities, space industrialization, and planetary science. The Hawaii conference proved the ISY's wide-ranging potential.

The most significant event in the ISY's rapid evolution occurred last spring when NASA asked the U.S. International Space Year Association to organize an ISY planning conference in New Hampshire that brought together senior officials from 17 space agencies around the world. This was the largest space summit ever held and it offered dramatic testimony of the ISY's worldwide appeal. The New Hampshire conference had two crucial outcomes:

First, it led to the establishment of a space agency ISY coordinating body called the Space Agency Forum on ISY, or SAFISY. SAFISY had 17 charter members. It has since grown to 23 members, and more will join at the next SAFISY summit in Frascati, Italy in May, hosted by the European Space Agency.

Second, SAFISY endorsed Mission to Planet Earth as a primary theme of the ISY and called on the world's space agencies to submit detailed specifications of all their Earth observing spacecraft in operation or planned for the next decade, so that a major coordinating effort could be initiated.

SAFISY also agreed to establish advisory committee for Earth science, the other space sciences, education and applications. Those committees will prepare recommendations for annual SAFISY summit meetings that will be hosted on a rotating basis—1989, European Space Agency; 1990, Japan; 1991, U.S.S.R.; 1992, United States.

The most rapid development has occurred in Earth science, which will be the ISY's centerpiece. Besides the steps outlined above, NASA has initiated an important greenhouse detection project that other space agencies are joining and that will deliver results in 1992. Other environmental monitoring projects are in the works. Inspired by the ISY, planning for a Mission to Planet Earth of unprecedented scope and complexity, aimed at monitoring and eventually predicting global environmental problems so that they can be managed for the benefit of humanity, is well underway. On those grounds alone, the ISY already can be judged a historic success, and NASA deserves the admiration and applause of the entire world community for its leadership in this great effort.

But there will be other inspiring ISY themes as well. Indeed, the superordinate message of the ISY is that space is also an Age, like the Renaissance. The ISY marks the transition to that new age of boundless potential. Its core of Mission to Planet Earth activities will be complemented by other activities that seek to profit from the growing complementarity and redundancy of national space programs in order to maximize efficiency and reduce costs. Space is BIG, and the inhabitants of our tiny planet have to work together if they hope to conquer it.

Obviously, that expansive space age perspective is not the exclusive property of space specialists. It also belongs to the general community. The ISY, as I mentioned, will encourage public activities across the broadest possible front. Television programs, films, student exchanges, contests, and many other types of activities are being planned. There will be no supranational managing authority for the ISY. Instead, everyone is invited to participate in the democratic spirit of the space age. As NASA Administrator James C. Fletcher says in a U.S. International Space Year Association brochure: "The ISY, like the new era it celebrates, offers opportunities for everyone to participate in charting a boundless future for humanity."

Mr. President, the resolution I am introducing today has as its original cosponsors Senator GARN, Senator GLENN, Senator GORE, Senator DANFORTH, Senator MIKULSKI, Senator MITCHELL, Senator DOLE, Senator SIMPSON, Senator SIMON, and Senator HOLLINGS.

I am delighted that these Senators who have special expertise and responsibilities in space matters have joined as original cosponsors in the bipartisan spirit of the ISY. In essence, our resolution congratulates NASA for the admirable international and domestic leadership it has shown in developing the ISY and it asks President Bush to endorse the ISY, to invite the American public to develop ISY activities, and to direct NASA to continue to develop ISY activities and report to Congress later this year on its progress.

Mr. President, the chairman of the Space Agency Forum on ISY is Prof. Hubert Curien, French Minister of Research and Technology and former head of the French space agency. Professor Curien was also chairman of the conference in New Hampshire last spring, hosted by NASA, when SAFISY was established. In his concluding remarks at the New Hampshire conference, before an audience including senior officials of 17 national space agencies or equivalent bodies, Professor Curien said:

We are now sure of the success of the ISY and we will work for it. Two years to go from an idea to a reality is a very short time, and it is proof that the idea was a very good and timely one.

Mr. President, those words by a distinguished foreign government official and scientist compliment not only the ISY. They compliment the U.S. Congress where the ISY originated. We should recognize the applause we are receiving from abroad, take pride in our achievement, and encourage its promising development. I urge my colleagues to join in supporting a resolution dedicated to a new era of exploration, discovery, and global cooperation on the space frontier.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 75

Whereas in 1985 Congress proposed an International Space Year (ISY) for 1992, commemorating the 500th anniversary of Columbus' voyage to the New World and the 35th anniversary of the International Geophysical Year that ushered in the space age;

Whereas Congress also requested the President to endorse the ISY and to initiate interagency and international discussions for an ISY;

Whereas in 1986 President Reagan endorsed the ISY and reported to Congress that NASA had found worldwide support for an ISY in 1992, consisting of space activities coordinated on a global basis, and the President directed NASA to move the concept forward internationally and to lead an interagency effort for domestic activities.

Whereas NASA has exercised admirable leadership, through the Office of Space Science and Applications and the Division of International Relations, in establishing the Space Agency Forum on ISY (SAFISY) to coordinate ISY planning, with a current worldwide membership of 23 national space agencies or equivalent bodies;

Whereas SAFISY planning is accelerating, with particular emphasis on coordinating current and planned space agency activities so as to improve efficiency and maximize scientific and economic return on space investments;

Whereas the ISY also is generating numerous educational activities, including classroom activities, films, television programs, that will greatly improve public understanding of the significance and potential of the space age: Now, therefore, be it

Resolved by the Senate and House of Represenatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should—

(1) Endorse the ISY and consider the possibility of discussing the ISY with foreign leaders;

(2) Invite the American public to develop ISY activities that foster the cooperative spirit of the ISY;

(3) Direct NASA to continue to develop ISY activities through SAFISY, with a primary emphasis on Mission to Planet Earth, but also with a strong emphasis on the other space sciences, human exploration, education, and developing nations applications;

(4) Report to Congress at the earliest practicable date, but no later than June 1, 1989, on the steps taken to carry out items (1) through (3) above, including a list of all current and planned NASA initiatives in each of the categories mentioned in item (3).

Mr. GLENN. Mr. President, as the world has marched swiftly and steadily into the space age, the opportunities and benefits of international space cooperation have increased apace. Recognizing this development, the 99th Congress passed a resolution calling for the declaration of 1992 as the International Space Year.

Senate Joint Resolution 75 reaffirms congressional support for the International Space Year. The intent of the resolution set before the Senate by the junior Senator from Hawaii today is to endorse International Space Year efforts that have already been undertaken, and to encourage the new administration to redouble those efforts, 1992 is now only 3 years away, and plans have to be made immediately if the full potential of the International Space Year is to be exploited.

WHY INTERNATIONAL SPACE COOPERATION?

The reasons for promoting international space cooperation are compelling. Put simply, such cooperation will maximize the benefits of national space efforts and minimize their cost.

As the United States struggles to get its budget deficit under control, the cost efficiency of international space cooperation is an especially important consideration. Each nation has special strengths to offer, both in terms of infrastructure and human resources. And, of course, many nations have significant financial resources to contribute to international space ventures as well.

Looming threats to the habitability of our planet posed by global change also counsel in favor of international space cooperation. Human-induced changes in the environment such as greenhouse warming, ozone depletion, and deforestation are not national problems that can be solved by national solutions. They are threats that are transnational in scope—threats which are forcing us to come to a new understanding of the term "global security".

Earth-observing satellites play an increasingly important role in monitoring global change phenomena. Indeed, by 1992 over 20 satellites will have been deployed by more than half a dozen nations for the sole purpose of studying global change.

These satellites have the unique ability to take truly global measurements. Further, they are vital to our attempt to understand how seemingly discrete environmental phenomena relate with one another in a unified Earth system.

MISSION TO PLANET EARTH

But the scientific value of these missions will be substantially diminished unless plans are made to coordinate national global change monitoring efforts. Representatives from 17 national space agencies acknowledged as much last spring when they adopted a "Mission to Planet Earth" as a major theme of the International Space Year.

A major objective of Mission to Planet Earth is to ensure that satellite data relevant to global change research is collected and processed in a way that allows for it to be easily accessed and effectively used. Toward this end, plans have been made to establish international data format standards and information management systems capable of integrating, analyzing, and distributing vast amounts of data.

This ISY Program will involve the efforts of developing, nonspacefaring nations as well as those of satellite-launching countries. By consolidating information obtained from outposts on land and vessels at sea with data received from instruments in space, the ISY promises to generate the most comprehensive and useful database on international change ever created.

The goals of an international Mission to Planet Earth and the concrete steps already taken to launch one are worthy of the highest praise. This program is an excellent example of the practical and very concrete ways in which the ISY can support international space cooperation.

EXPANDING THE REALM OF ISY ACTIVITY

As laudable a program as Mission to Planet Earth is, however, planning for the International Space Year should not stop there. Indeed, it is the intent of the International Space Year resolution not only to endorse efforts that have already been made on behalf of the ISY, but to encourage even bolder initiatives.

Since the idea for an International Space Year originated in this very Chamber, I think we have the responsibility to see to it that the International Space Year realizes its potential.

In the area of space exploration, for instance, there are significant opportunities for international cooperation. And I am not referring to programs like an international mission to Mars

which are presently plagued by substantial political and technical obstacles. I am talking about cooperation that—by building a foundation of knowledge and trust—can help us overcome those obstacles so that these bolder forms of cooperation can be pursued.

One area where cooperation would be especially useful is the preparation of humans for long-duration space flight. Learning how to keep humans in space for long periods of time is essential if we are to seriously consider human exploration of the planets at any time in the future.

The ISY could pave the way for much greater cooperation in this area than currently exists: There needs to be a greater exchange of national space biology data; universal criteria for national studies need to be developed so that those findings are more comprehensible to the international scientific community; and, as is the case with the Mission to Planet Earth, data formats have to be standardized to maximize the value of the data.

Research on long-duration flight is only one of many areas where the world stands to gain through international space cooperation, and the International Space Year promises to be a powerful tool to focus such cooperation.

But whether or not the ISY fulfills its potential will depend, in large part, on the level of support the United States gives these efforts. The commitment of the U.S. Congress to the International Space Year is reaffirmed by Senate Joint Resolution 75, and I urge my colleagues to join me in lending support to this important resolution.

Mr. GARN. Mr. President, as my distinguished colleague from Hawaii mentioned, the International Space Year has come a long way since he and I introduced legislation proposing it in 1985. Our resolution passed the Senate unanimously and its contents were incorporated into the NASA authorization for 1986. In the light of the ISY's remarkable development, that authorizing language is acquiring considerable historic significance. It is instructive to recall the report language accompanying that authorization as an important reminder of original congressional intent in proposing the ISY. The 1986 NASA authorization report language stated as follows:

SECTION 15

It is the sense of the conferees that the year 1992 is ideally suited to the establishment of an International Space Year (ISY). The year 1992 marks the five hundredth anniversary of the discovery of America by Christopher Columbus. Spain will commemorate the discovery of America by launching an Hispanic communication satellite in 1992. Moreover, 1992 is the thirty-fifth anniversary of the International Geophysical Year (IGY), when the first artificial satellites were launched, thus marking the beginning of the space age. As a sequel to the IGY, an International Geosphere/Biosphere program is planned for the early 1990's but its space activities will be limited to Earth observation. The conferees believe that space exploration has made enormous strides since the IGY and deserves concerted worldwide commemorative recognition and engagement. In addition to providing commemorative attention, the conferees believe that an International Space Year in 1992 could help maximize budgetary efficiency and scientific gain.

It is the sense of the conferees that the President should endorse the concept of an International Space Year for 1992 and consider the possibility of discussing the ISY with other foreign leaders. In addition, the Administration of NASA in association with other relevant public and private agencies, should initiate interagency and international discussions that explore the opportunities for an ISY in 1992. Such discussions should address possible missions and research and educational activities of an international character, including the possible inclusion of current plans and programs into an ISY framework.

The conferees have agreed on the language contained in section 115 in the conference report that requires the President to submit to Congress at the earliest practicable date, but not later than May 1, 1986, a report on any action taken with respect to the establishment in 1992 of an International Space Year. The report shall include descriptions of possible international missions and related research and educational activities and such other activities as the President may deem appropriate.

It is significant that the authorizing language distinguished between three activities—the International Space Year; the International Geophysical Year, or IGY, that helped inspire it; and the International Geosphere Biosphere Program, or IGBP, that is scheduled during the ISY timeframe. Congress noted that the IGBP also was inspired in part by the IGY but that its space activities were limited to Earth observation. Congress further noted that an ISY would complement the IGBP's Earth observing activities with other space exploration activities. The clear intent was that the ISY should be developed in a much broader context than both IGY and IGBP.

NASA's report to Congress of May 1986, delivered with a letter of strong approval from President Reagan, proposed four major ISY themes in keeping within original congressional intent—discovery, with a focus on space science, exploration, involving the human imperative to seek new worlds; utilization of space for humanity; and education that involves the public.

The National Academy of Sciences, at NASA's urging, subsequently prepared a report that further developed those themes. Under program elements, the Academy report listed four categories—astrophysics, planetary exploration, Earth observation, and preparing humans for long-duration flight. The report also endorsed public education activities.

Those reports were prepared in 1986 and 1987. Since then, NASA appears to have limited its ISY programmatic effort to Earth observation. I'm a strong supporter of Mission to Planet Earth. I wholeheartedly support its establishment as a primary theme of the ISY, but I'm also concerned about the absence in NASA's otherwise admirable initiative of other space activities originally intended by Congress, the President, the National Academy of Sciences, and NASA itself.

It is important to keep in mind that the ISY will greatly affect public perceptions of what our Space Program is all about. If the International Space Year is perceived by the public as an International Earth Year, which is where it seems to be heading right now, the public will acquire an extremely limited view of our Space Program and of space exploration as a whole, and original congressional intent will be denied.

Perhaps my concern is premature, but time is running short. I would be grateful if the distinguished chairman of the space authorizing subcommittee, which will handle this resolution, would care to comment on these points.

Mr. GORE. I'd be very happy to address the justified concerns of the distinguished Senator from Utah. First, I want to say that, along with him, I believe that Mission to Planet Earth should be a primary theme of the ISY and I applaud NASA for its leadership in developing that theme through the NASA-initiated Space Agency Forum on ISY. The issues addressed by Mission to Planet Earth are of immediate practical concern and the benefits also respond to the immediate needs of Government policymakers and the public.

At the same time, however, I agree that the ISY should include a broader range of space activities as intended by Congress. In addition to the legitimate reasons cited by my distinguished colleague, I'd like to note that the original authorizing language cited the ISY as an opportunity to "maximize budgetary efficiency and scientific gain" from space activities. Those words were true in 1985 and they are even truer in 1989 when we face record budget deficits while national space programs grow increasingly complementary. Without compromising independent national capabilities, there is a great and growing need for increased coordination among space programs.

Indeed, the major thrust of ISY Mission to Planet Earth is in the area of improving coordination of existing and planned programs so as to increase efficiency and maximize scientific return. What's true of Earth observation is also true of other space activities. The ISY offers an ideal opportunity for space agencies to examine

how they might coordinate their short- and long-term activities in a manner that serves their mutual interests. On Earth, national highways systems, national telephone systems, mail systems, medical research efforts, and other such activities are interlinked for the sake of efficiency without compromising national programs in the slightest. The ISY could introduce that basically accepted approach to space exploration planning.

So I agree with my distinguished colleague and I would like to point out that the resolution we are cosponsoring calls upon NASA to develop, in addition to Mission to Planet Earth, ISY activities in other space sciences, human exploration, education, and Third World development. The resolution also requires a report from NASA on initiatives in each of those categories. I'm presuming that NASA already has begun those initiatives in keeping with the original ISY concept, and I look forward to learning more about them. The ISY could improve efficiency and maximize scientific return for many space activities through the Space Agency Forum on ISY that NASA has taken the lead in establishing. It also has great potential for promoting space age perspective among the general public. Those opportunities should not be lost. I assure my distinguished colleague that this issue will be closely monitored.

Mr. GARN. I thank the distinguished Senator from Tennessee for his insightful and reassuring comments on planning for the International Space Year. I agree that the ISY offers a great opportunity for developing a broad perspective on space exploration and am delighted by his commitment to that objective. I also share his applause for NASA's admirable leadership in carrying the ISY forward internationally and domestically. The International Space Year will be a tribute to American leadership on the space frontier. I look forward to it with great anticipation.

By Mr. HELMS (for himself, Mr. HEFLIN, Mr. DIXON, Mr. COCHRAN, Mr. EXON, Mr. WARNER, Mr. HOLLINGS, Mr. STEVENS, and Mr. MURKOWSKI):

S.J. Res. 76. Joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week"; to the Committee on the Judiciary.

FOOD SCIENCE AND TECHNOLOGY WEEK

Mr. HELMS. Mr. President, I am today introducing a resolution to designate the week beginning June 25, 1989, as "Food Science and Technology Week." Cosponsors of Senate Joint Resolution 76 are Senators HEFLIN, DIXON, COCHRAN, EXON, WARNER, HOLLINGS, STEVENS, and MURKOWSKI.

The abundant supply of safe, nutritious, and affordable foods in America is in large measure attributable to the field of food science and technology. Through the use of scientific skills and knowledge, food scientists and technologists in the United States, working in education, industry, and government, have advanced the production, processing, preservation, evaluation, and distribution of nutritious, safe, and acceptable foods.

As the population increases throughout the world, it is imperative that we continue to develop new and improved foods at a reasonable cost. The United States has been a leader in this field, which has helped assure that farm products reach consumers in a safe, high-quality, and affordable form; and countries around the world look to the United States for efficient and productive research and development.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S.J. Res. 77. Joint resolution recognizing the National Fallen Firefighters' Memorial at the National Fire Academy in Emmitsburg, MD, as the official national memorial to volunteer and career firefighters who die in the line of duty; to the Committee on Rules and Administration.

NATIONAL FALLEN FIREFIGHTERS' MEMORIAL

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution, together with my colleague, Senator MIKULSKI, recognizing the National Fallen Firefighters' Memorial located on the campus of the National Fire Academy in Emmitsburg, MD, as the official national memorial to our Nation's firefighters—volunteer as well as career—who have died in the line of duty. A companion measure is being introduced today in the House by Representative BEVERLY BYRON.

Established in 1981, the Fallen Firefighters' Memorial in Emmitsburg has become a national symbol of honor and hope for members of the fire service and their families. It is the first Federal monument in our history to honor career and volunteer fallen firefighters. It is dedicated not only to the memory of those who have made the ultimate sacrifice in service to their fellow citizens, but also salutes current and future firefighters who carry on this noble tradition of protecting life and property. At its location on the campus of the National Fire Academy, the Emmitsburg monument serves as a constant reminder to the thousands of firefighters attending the academy of the need to improve methods for handling fire and emergency disaster situations in an effort to prevent future deaths and reduce destruction due to fire.

The memorial is a sculptured bronze Maltese Cross—a symbol adopted throughout the centuries representing those who provide aid in times of distress. The cross rests on a stone cairn and an eternal flame burns at its base. Each year on the Sunday immediately following National Fire Prevention Week, a memorial service is conducted at this site, and a plague is unveiled at the base of the monument inscribed with the names of those men and women who died the previous year in the line of duty. The service is attended by hundreds of family members and fellow firefighters from across the Nation who come to honor the courage of the fallen firefighters.

There is strong support to provide national status for this memorial. All 11 member organizations of the Joint Council of National Fire Service Organizations have endorsed the National Academy site as the most appropriate location for a National Fallen Fighters' Memorial. The Director of FEMA, Julius W. Becton, Jr., has also expressed enthusiastic support for this effort. I ask unanimous consent that his letter be made part of the RECORD immediately following my statement.

Mr. President, each year over 100 career and volunteer firefighters lose their lives in service to their communities. With this resolution, we recognize the sacrifice these brave men and women and their families have made. I urge swift consideration and approval of the resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Whereas the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, honors the approximately 160 volunteer and career firefighters who die each year in the line of duty; and

Whereas such Memorial serves as a symbol of the courage and dedication of past, present, and future firefighters in their efforts to protect life and property: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorial known as the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, is recognized as the official national memorial to volunteer and career firefighters who die in the line of duty.

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: As you are aware, the House passed legislation in October to recognize the monument at the National Fire Academy at Emmitsburg, Maryland, as the National Fallen Firefighters Memorial honoring the firefighters who have lost their lives in the line of duty. This bill, H.J. Res. 328, is currently pending in the Senate Rules and Administration Committee. I want to take this opportunity to let you

know of my support for H.J. Res. 328 and to encourage the Senate to act favorably upon it.

The permanent Fallen Firefighters Memorial was unveiled and dedicated in October of 1981, at the site of the National Fire Academy at Emmitsburg, Maryland. Since that time, it has been recognized as a national symbol to members of the fire service. During October each year, at the conclusion of Fire Prevention Week, the families of the fallen firefighters travel to Emmitsburg, Maryland, to attend the service in memory of the fallen firefighters who died in the line of duty during the previous year.

Today's firefighters, whether career or volunteer, in large departments or small, are committed to a profession which is extremely dangerous and which tests the critical human qualities of strength, endurance, dedication and courage. The Fallen Firefighters Memorial at the National Fire Academy honors all firefighters, career and volunteer alike.

Any national memorial for fallen firefighters should recognize both career and volunteer firefighters. The Fallen Firefighters Memorial at Emmitsburg, Maryland, assures that the invaluable contributions made by volunteerism do not go unheralded.

The co-location of the Memorial at the site of the National Fire Academy is ideal. It allows the greatest number of firefighters and fire officers from every state of the Union to view it as they attend National Fire Academy courses.

All eleven members of the Joint Council of National Fire Service Organizations who represent the preeminent fire service constituency organizations have enthusiastically endorsed the National Fire Academy site in Emmitsburg, Maryland, as the most appropriate location of a National Fallen Firefighters Memorial.

It is regretful that the Fallen Firefighters Memorial at the National Fire Academy was not named as a national memorial at the time of its inception in 1981, and I am hopeful that the Senate will follow the House's lead and take steps to correct this situation.

Sincerely,

JULIUS W. BECTON, Jr.,
Director.●

ADDITIONAL COSPONSORS

S. 89

At the request of Mr. SYMMS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 89, a bill to delay for 1 year the effective date for section 89 of the Internal Revenue Code of 1986.

S. 195

At the request of Mr. PELL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. DASCHLE], the Senator from Kentucky [Mr. FORD], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 195, a bill entitled the "Chemical and Biological Weapons Control Act of 1989."

S. 339

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 342

At the request of Mr. DANFORTH, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 346

At the request of Mr. WIRTH, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 346, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 358

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 391

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 391, a bill to reform the budget process.

S. 406

At the request of Mr. JOHNSTON, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 406, a bill to authorize competitive oil and gas leasing and development on the Coastal Plain of the Arctic National Wildlife Refuge in a manner consistent with protection of the environment, and for other purposes.

S. 416

At the request of Mr. DOMENICI, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 435

At the request of Mr. REID, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

SENATE JOINT RESOLUTION 42

At the request of Mr. PACKWOOD, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate March 16, 1989, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from Indiana [Mr. COATS], the Senator from Arkansas [Mr. PRYOR], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. MACK], the Senator from Florida [Mr. GRAHAM], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 68

At the request of Mr. BYRD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 68, a joint resolution to designate the month of May 1989 as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 69

At the request of Mr. CRANSTON, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 69, a joint

resolution designating April 8, 1989, as "Chief Justice Earl Warren Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the period commencing May 7, 1989, and ending May 13, 1989, as "National Correctional Officers Week."

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. PRESSLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 8, a concurrent resolution expressing the sense of the Congress regarding the need for the negotiation of an international agricultural conservation reserve treaty.

SENATE RESOLUTION 61

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Resolution 61, a resolution expressing the sense of the Senate on the sale of F-16 fighter aircraft technology from General Dynamics to Japan's Mitsubishi Heavy Industries as part of the United States-Japan FSX codevelopment fighter program.

SENATE CONCURRENT RESOLUTION 19—AUTHORIZING THE PRINTING OF A COLLECTION OF INAUGURAL ADDRESSES OF THE PRESIDENTS OF THE UNITED STATES

Mr. FORD (for himself and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 19

Resolved by the Senate (the House of Representatives concurring), That a collection of the inaugural addresses of the Presidents of the United States, from President George Washington to and including President George H. W. Bush, compiled from research volumes and State papers by the Congressional Research Service, Library of Congress, be printed with illustrations as a Senate document; and that 16,200 copies thereof be printed, of which 5,150 copies shall be for the use of the Senate and 11,050 copies shall be for the use of the House of Represenatives.

SEC. 2. Copies of such document shall be made available pro rata to Members of the Senate and House of Representatives for a period of sixty days, after which time any copies not used by the Members of either the Senate or the House of Representatives, respectively, shall revert to the Document Room of the Senate or of the House of Representatives, respectively.

Mr. FORD. Mr. President, I am today introducing with my colleague, Senator STEVENS, a concurrent resolution that would authorize the publication of Presidential inaugural addresses from President George Washington to, and through, President George Bush.

This collection was last published in 1973 by act of the 93rd Congress, and has not been revised since then. Since we this year are commemorating the Bicentennial Presidential Inauguration, I believe it to be both timely and appropriate that this volume be revised and updated.

Individually and collectively, these addresses are an important part of our Nation's heritage, chronicling the course of this country from its earliest days to the present.

A current and complete compilation of inaugural addresses is needed as a reference source of scholars, historians, public libraries, educational institutions, and all who have an interest in the Presidency.

Mr. STEVENS. Mr. President, today I am submitting, together with Senator FORD, a concurrent resolution to print the inaugural addresses of all our Presidents from George Washington to George Bush.

The inaugural addresses of the Presidents of the United States were first published in 1961. This publication included all the inaugural addresses up to and including President John F. Kennedy. In 1973, the Congress again authorized the printing of the Presidential inaugural addresses. The concurrent resolution Senator FORD and I are introducing would bring up to date that now out of print publication. This publication is especially fitting in light of the 200th anniversary of the Constitution and the ceremony we call our Presidential inauguration.

We are all familiar with the words of the inaugural oath of office, directed by the Constitution of the United States, "I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States." The continuity and familiarity of the words of the oath were never so dramatic as this year when President George Bush recited the oath of office using the same Bible used by President George Washington 200 years earlier.

Both President George Washington and President George Bush brought to the American public an inaugural message of national strength and protection and service to our country. The inaugural address, however, is unique to the individuality of each President in that we should publish all the Presidential inaugural messages in our document. Presidential inaugurals have served as symbols of our national strength and confidence. I hope my colleagues will join in supporting the reprinting and updating of "The Inaugural Addresses of the Presidents of the United States from George Washington 1789 to Richard Milhous Nixon 1973."

SENATE CONCURRENT RESOLUTION 20—RELATING TO THE CONDITION OF ETHNIC ALBANIANS IN YUGOSLAVIA

Mr. PRESSLER (for himself, Mr. HELMS, and Mr. DOLE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 20

Whereas it has been the traditional position of the United States to support the right of internal autonomy and human rights for all ethnic groups in Yugoslavia;

Whereas the Province of Kosovo is populated overwhelmingly by ethnic Albanians;

Whereas current events in Yugoslavia portend an end to the autonomous status of that province as guaranteed by the Yugoslav Constitution of 1974: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress

(1) is gravely concerned over the recent ominous developments in Yugoslavia and believes that all steps should be taken to prevent bloodshed in that country;

(2) requests the President of the United States to direct the Department of State to convey to the appropriate representatives of the Socialist Federal Republic of Yugoslavia the support of the United States for the continuing internal autonomy of the province of Kosovo as provided for in the Yugoslav Constitution of 1974.

Mr. PRESSLER. Mr. President, over the last 2 weeks a crisis has been unfolding that seems likely to deny basic human rights to a large and important ethnic group in Yugoslavia. It may well have even more tragic consequences. Therefore, together with my distinguished colleagues, Senator HELMS and Senator DOLE, I am introducing today a concurrent resolution expressing congressional concern over this situation.

Under the Yugoslav Constitution of 1974, the Province of Kosovo was granted autonomy within the Yugoslav Federal system. The province's population is comprised of a large Albanian majority, estimated to be 85 percent of the total population, and a smaller Serbian minority, estimated to be approximately 10 percent of the population, with the remaining 5 percent split among other ethnic groups. While the Province is technically a part of the larger Serbian Republic within the Yugoslav Federation, it was granted considerable autonomy in running its own affairs. This arrangement traditionally has been favored by the United States because it preserves the right of self-determination for the large Albanian minority in Yugoslavia.

Recently, however, this arrangement has come under attack. The current leadership of the Serbian Republic, under the direction of Slobodan Milosevic, is attempting to wrest control of the Province of Kosovo away from its

Albanian majority. In response to the forced resignation of the leadership of the Province, Albanians in Kosovo recently conducted a series of strikes, the most serious of which involved hunger strikes by over 1,000 miners. The response of the Yugoslav authorities to these peaceful actions has been horrendous. Tens of thousands of Federal troops have descended on Kosovo and begun making mass arrests. The Yugoslav Federal authorities, evidently intimidated by massive demonstrations in the Serbian city of Belgrade, seem ready to hand over effective control of the Province of Kosovo to a minority of 10 percent within that Province.

The resolution I am introducing today is identical to one being offered in the House of Representatives by members of the House Foreign Affairs Committee. Our resolution is very simple. It states our concern over the ominous developments in Yugoslavia, and it calls upon the President to direct the State Department to reaffirm to the Yugoslavs our support for the continued internal autonomy of the Province of Kosovo, as provided for in the Yugoslav Constitution of 1974. This resolution does not seek to take sides in the historical quarrel between Albanians and Serbians in Yugoslavia. It merely affirms that we in the United States will continue to support self-determination for all peoples everywhere in the world.

SENATE RESOLUTION 79—REFERRING THE BILL S. 559 TO THE COURT OF CLAIMS

Mr. SYMMS (for himself and Mr. MCCLURE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Resolved, That the bill S. 559 entitled "A bill for the relief of Shipco General Inc., an Idaho corporation", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on conservation tillage technology research; implications for a sustainable agriculture. The hearing will be held on March 15, 1989, at 8:30 a.m. in room 332, Russell Senate Office Building.

Senator CONRAD will preside. For further information please contact Suzy Dittrich of the subcommittee staff at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 9, 1989, at 9:30 a.m. to hold a hearing on budget economic assumptions and proposed spending cuts contained in the President's budget for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. EXON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 9, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, March 9, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. EXON. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, March 9, 1989, at 2 p.m. to conduct a hearing on JTPA Youth Employment Amendments of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 9, 1989, at 9 a.m. to consider testimony by the Commodity Futures Trading Commission on exchange trading practices in the Commodity Futures Markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 9, 1989, at 9 a.m. to conduct a hearing on national and community service legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. EXON. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Thursday, March 9, 1989, at 9 a.m. to hold a joint hearing with the Subcommittee on Long-Term Care and the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging to receive testimony on residential board and care facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NEED FOR HABEAS CORPUS REFORM

● Mr. GRAHAM. Mr. President, on February 6, Chief Justice William Rehnquist spoke to the American Bar Association in Denver and addressed a critical issue facing the judicial system: the need for habeas corpus reform.

In his remarks, Judge Rehnquist described the current system of habeas corpus as chaotic and unnecessarily drawn out, often jeopardizing the Court's ability to serve justice in a timely fashion.

This is not the first time the Chief Justice has recognized the pressing need for habeas corpus reform. On August 31, 1988, he appointed a committee, chaired by retired Supreme Court Justice Lewis Powell, to review the habeas corpus system and make recommendations for improvement.

I have introduced legislation, the Habeas Corpus Reform Act of 1989, which is very similar to the remedy Justice Rehnquist suggests in his remarks. Mr. President, I ask that the excerpt of those remarks referring to habeas corpus reform be included in the RECORD at this time.

The excerpt follows:

EXCERPT FROM JUDGE REHNQUIST'S REMARKS

About a year ago in speaking to the Conference of State Chief Justices I expressed the view that there was need for reform in the method by which death sentences imposed by state courts are reviewed on federal habeas corpus. Since then I have appointed a committee of the Judicial Conference of the United States, chaired by another distinguished past president of the American Bar Association, Lewis F. Powell, Jr., retired Associate Justice of our Court, and including in its membership a circuit judge and district judge from each of the two circuits which have the most experience in this area. The American Bar Association has created a committee of its own to consider this question, which I believe is of great importance to the federal system. Again, we are

not talking about wholesale reshaping of the nature of this jurisdiction, but about modest changes which will impose some structure on a system which at present often proves to be chaotic and drawn out unnecessarily.

In the case of Ted Bundy, the so-called "serial killer" executed in Florida last month, the Supreme Court of the United States received three separate applications for a stay on the day before the date scheduled for execution. The first sought review of a refusal by the federal district court in Florida to grant a stay, and raised four separate federal issues. The second sought a stay of execution pending review of a denial by the Supreme Court of Florida for state post-conviction relief. The third sought a stay pending review of an original action brought in the Supreme Court of Florida on the same day. All three of these actions were being prosecuted in these courts simultaneously on the day before the execution of a prisoner who had been on death row for nine years. Surely it would be a bold person to say that this system could not be improved.

Any system of collateral review of criminal sentences is going to work differently depending on whether the sentence is for a term of years or is a capital sentence. Today a typical state prisoner challenging his conviction in federal court continues to serve his sentence while the federal inquiry proceeds. Thus, the mere pendency of federal proceedings does not ordinarily disturb the carrying out of the state sentence. Only if it is finally determined in the federal court system that the state conviction violated the United States Constitution is relief awarded to the habeas petitioner. Thus the prisoner has every incentive to push for a final resolution of his claim.

But in the context of capital sentencing, the system works quite differently. Unless the federal habeas petition is filed a long time before the death sentence is scheduled to be carried out, that sentence must be stayed in order to permit careful federal inquiry into any colorable claim of constitutional wrong. The capital defendant does not need to prevail on the merits in order to accomplish his purpose; he wins temporary victories by postponing a final adjudication. This is a necessary part of any system of federal review of state capital sentences, but it also gives the prisoner every incentive to invite delay.

It is highly desirable that the federal reviewing process be structured so as to enable it to give careful consideration to the constitutional claims of the capital defendant, but also to bring that consideration to a final conclusion within a reasonable period of time. Some of those who are apparently opposed to any sort of habeas corpus reform in this area cite the fact that a large number of state capital convictions have been set aside by federal courts on habeas review. But to my mind the flaw in the present system is not that capital sentences are set aside by federal courts, but that litigation ultimately resolved in favor of the state takes literally years and years and years. Willy Darden, whose capital sentence was ultimately found constitutional, was finally executed in 1988. He had been the subject of six separate death warrants and more than fourteen years of litigation, including review of his sentence by numerous state and federal courts. This case is atypical, but the time elapsed between the commission of the crime and the date of execution in capital murder cases averages eight years nationally, and more than thirteen years in some states.

The delays arise for a multitude of reasons. Some are delays within the state court system and in processing transcripts and the like, which are in no way the fault of federal habeas review. Other delays stem from the fact that the capital defendant may have no counsel at the time of filing his federal habeas petition. More delay results from uncertainty about the availability of successive federal habeas petitions and from the fact that there is no statute of limitations on the bringing of the federal action. Finally, some delay seems to be caused by the doctrine of exhaustion of state remedies, a doctrine adopted to require deference to the state courts, but which tends in some cases to unnecessarily delay federal habeas review of capital sentences.

I am sure that the committees studying this question will come up with useful suggestions as to how this problem may be solved. I think if we give the states an incentive to provide counsel for habeas petitioners, and require that all federal claims be consolidated in one petition and filed within a reasonable time after the conclusion of direct review, the system will be considerably improved.●

THE COMMENDABLE SACRIFICES OF DR. ORLANDO BOSCH

● Mr. MACK. Mr. President, the message of freedom is the message of hope. And while the cry for freedom from many cannot be ignored, the individual who sacrifices his life in pursuit of liberty must be heard. Such is the case with Dr. Orlando Bosch.

Dr. Bosch has been in the custody of authorities since February 1988 when he reentered the United States from Venezuela. He is being held in the Metropolitan Correctional Institute in Dade County while the Immigration and Naturalization Service reviews his immigration status.

A man who came to this country from Cuba in 1960, Dr. Bosch gave up his practice as a pediatrician to pursue the cause of freedom for his homeland.

In his zeal to fight communism, he committed an unlawful act in the 1960's which is no longer an issue because he has paid his legal debt.

At the very least, I am calling on the INS to release Dr. Bosch from jail while pending immigration questions are under review. It is my hope that the INS will find that Dr. Bosch can remain in the United States.

Dr. Bosch suffers from a number of medical ailments. This case calls for compassion on the part of the INS. Dr. Bosch deserves to spend his final years with his family in the United States.

Dr. Bosch has sacrificed his life for the same kinds of freedoms we enjoy. The INS should give him the opportunity to breathe the air of freedom in the remaining years of his life.

Judge William Hoeveler, who considered Dr. Bosch's case, said:

I would note in concluding this memorandum that the petitioner's (Bosch) physical condition and age would indicate the need for a compassionate consideration of some strict form of release as the exclusion proceedings move along. I would recommend such release.

I echo Judge Hoeveler's concern.

We should not allow the bureaucratic maze to be Dr. Bosch's final penalty. Dr. Bosch has sacrificed in the hope that the Cuban people can once again have their freedoms returned to them.

The freedoms we enjoy in America work in large part because of the compassion that guides our decisions. Dr. Bosch deserves the same kind of compassion from us that he has given to the cause of freedom.●

FRIENDLY SONS OF ST. PATRICK OF MERCER COUNTY

● Mr. LAUTENBERG. Mr. President, the Friendly Sons of St. Patrick of Mercer County will soon be getting together for their annual St. Patrick's Day dinner. On this day when everyone is Irish, I am pleased to rise as an honorary Irishman and honorary chairman of this dinner to pay tribute to the Friendly Sons of St. Patrick of Mercer County and to inform my colleagues of the good work they do.

Each year, Americans of all backgrounds join their friends and neighbors of Irish descent in St. Patrick's Day festivities throughout the country. This celebration is not merely the result of the luck of the Irish. It is a fitting testimony to the remarkable contributions made by the emigrants and descendants of Ireland to the shaping of this Nation. It is a tribute to the special place the Irish have carved for themselves in American society. Throughout decades of emigration and assimilation, Irish Americans have been leaders in the business, professional, and political worlds. The men and women gathered at this dinner continue this tradition as pillars of our communities, and no one more so than John J. O'Gorman, who is being honored as Irish American of the year.

The unique relationship between the United States and Ireland assures all Irish that they are among friends in this country. Likewise, wherever Americans go in Ireland, they find "ceed mile failte"—a hundred thousand welcomes. During a trip last year to the Republic of Ireland and Northern Ireland, I had the fortunate opportunity to experience that special Irish hospitality. I am pleased that the Honorable Ben Briscoe, the Lord Mayor of Dublin is with the Friendly Sons of St. Patrick of Mercer County for this year's dinner, where I know that Irish hospitality and cheer is being extended to him.

Mr. President, as we in this country celebrate St. Patrick's Day, it is appropriate to remember those less fortunate in Ireland, where unemployment hovers near 20 percent and remains

one of the major challenges facing the island. While the Friendly Sons of St. Patrick have prospered in this country, they have not forgotten their roots. In fact, they have committed themselves to providing assistance and guidance to their kin in need. The proceeds of these annual dinners primarily benefit the Irish American partnership, an organization founded by American business leaders which aims to stimulate investment, encourage enterprise and bring new jobs to Irish communities. Working with its Irish affiliate, the partnership seeks to expand the range of opportunities to Irish youth so that young Irish people will not think it necessary to look beyond their own country for their future.

Last year's dinner raised some $30,000. This money will be used to provide low-interest loans to Irish firms located in areas of high unemployment, to allow Irish university graduates to come to the United States to receive valuable hands-on work experience, and to support education and research programs in Ireland that develop and promote industry appropriate to Ireland's size and workforce. I believe that initiatives like these will go far in promoting a stronger Irish economy that can offer both incentives to investors and real hope to its young and talented people.

Mr. President, I wish to commend the Friendly Sons of St. Patrick of Mercer County for their good work, and wish them a successful and memorable St. Patrick's Day dinner for 1989.●

THE COMPENSATION FOR AMERICAN VICTIMS OF PLO TERRORISM ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 183, the Compensation for American Victims of PLO Terrorism Act, introduced by my distinguished colleague, Senator HELMS. This legislation will facilitate the compensation of American victims of terrorist acts committed by the Palestine Liberation Organization or any of its factions.

Mr. President, the innocent American victims of the PLO's violent incidents, over the past several years, deserve sufficient compensation to help alleviate some of the anguish resulting from their terrifying experience.

The Palestine Liberation Organization, and its numerous factions, have been involved in numerous incidents involving American citizens. These victims have been murdered, wounded, raped, physically and mentally tortured, and held hostage. In the fight against terrorism, I feel that the PLO should pay for their long-established policy of bombing, kidnapping, hijacking, extorting money, and committing murders. This is only a small reparation for the grief they have caused throughout the world.

Over the last 15 years the PLO has killed over 30 Americans and wounded nearly 40. Our civilian travelers are all too common targets of terrorists. Efforts must be pursued to prevent and deter U.S. citizen exposure to this kind of arbitrary and senseless violence.

Mr. President, last year the PLO supposedly renounced terrorism. I can think of no better way for the PLO to demonstrate its sincerity than to compensate innocent American victims for their past terrorist acts. This legislation will be a positive first step for their new stand against terrorism. If the PLO fails to provide an appropriate compensation plan to the American victims, then all negotiations on recognition of the PLO should be terminated.

The point of the matter is, Mr. President, the PLO is a known terrorist organization. Mr. Arafat has advocated the destruction of Israel for decades. Only 17 days after the PLO renounced terrorism, the State Department had reports that Mr. Arafat had strayed from his commitment and threatened Elias Freij, the moderate Arab mayor of Bethlehem. Mr. Arafat, in fact, has been widely reported in Israel of threatening the death of any Palestinian who calls for the uprising to slow down or stop altogether. It may be that his wing of the PLO has not carried out any terrorist acts since the renunciation of violence. Yet, the other factions based in Syria and Lebanon have attempted several infiltrations on Israel in anger of Arafat's appeasing moves. In fact, these factions have stepped up their guerrilla activities since November.

The PLO must make specific promises and back them with concrete actions to gain credibility. Simple verbal assurances on their abandonment of terrorism are wholly inadequate to prove themselves trustworthy. They should begin their conciliatory efforts by compensating the U.S. victims of their heinous deeds to prove their sincerity in renouncing terrorism. This will provide the necessary force to continue an open dialogue with the PLO.●

PRISONERS OF CONSCIENCE

● Mr. HATFIELD. Mr. President, every day, each one of us does something that could get us sent to jail in at least half the countries around the world: We speak our mind. On issues big and small, we voice an opinion every day in 100 different ways. Indeed, we do it so often and so easily that I doubt that many of us ever stop to think about how precious our freedom really is.

Thousands of men and women in dozens of countries around the world know exactly how precious that freedom—the freedom to simply speak—is, Mr. President. These men and women, from all walks of life, from all cultural, religious, and economic backgrounds, are Prisoners of Conscience who had the courage to speak their minds in countries which did not want to hear what they had to say. The price they pay is jail, oftentimes torture, and sometimes even death.

For 28 years, Amnesty International has been adopting these Prisoners of Conscience, shining the spotlight of international attention into their dark cells and putting names and faces on the statistics. Over the years, their efforts literally have saved lives and have won the freedom of thousands of men and women.

Today, the organization is asking Congress and the administration to adopt some of these Prisoners of Conscience. Today, Amnesty International is asking each State delegation, the District of Columbia delegation, and the administration to come together—not as Democrats and Republicans, not as conservatives and liberals, but as men and women who cherish freedom—to work for the release of the individual Prisoners of Conscience to whom they are assigned.

I hope my colleagues will think the next time they voice an opinion—what would happen if our opinions landed us in jail? Would anybody care? Would those who had a free voice be willing to speak on our behalf?

I ask that a list of the Prisoners of Conscience assigned to the delegations and to the administration be printed in the RECORD.

The listing follows:

PRISONERS OF CONSCIENCE

ADMINISTRATION, COUNTRY, AND PRISONER OF CONSCIENCE

President Bush: China, Yulo Dawn Tsering.

President Bush: Israel, Zahl Jaradat.

STATE DELEGATION, COUNTRY, AND PRISONER OF CONSCIENCE

Alabama: Somalia, Sofia Hashi Madar.

Alaska: Morocco, El Hassan El Bou.

Arizona: Indonesia, Farid Majid.

Arkansas: Yugoslavia, Robert Rasaj.

California: Hungary, Zoltan Schmeller.

Colorado: Ethiopia, Abba-Biyya Abba-Jobir.

Connecticut: Syria, Naer al-'Ali.

Delaware: Peru, Agripino Quispe Hilario.

District of Columbia: Greece, Panayiotis Latis.

Florida: South Africa, Mthiwabo Michael Nudube.

Georgia: East Germany, Dr. Heinz-Peter Wetxig.

Hawaii: South Korea, Soh Sung.

Idaho: Singapore, Teo Soh Lung.

Illinois: Malawi, Orton And Vera Chirwa.

Indiana: South Africa, Mutile Henry Fazzie and Ethesia Fazzie.

Iowa: East Germany, Andreas Winkler.

Kansas: Peru, Porfirio Suni Ouispe.

Kentucky: Brunei, Sarponin bin Sarpo.

Louisiana: China, Bishop Casimir Wang Milu.

Maine: Syria, Muhammad Issa al-'Ali.

Maryland: Taiwan, Tsai Yu-chuan.
Massachusetts: Singapore, Kevin Desmond de Souza.
Michigan: Chile, Manuel Bustos Huerta.
Minnesota: Ethiopia, Wossen Seged Mekonnen.
Mississippi: USSR, Bohdan Klymchak.
Missouri: Yugoslavia, Hava Shala.
Montana: Yugoslavia, Adem Demaci.
Nebraska: Cuba, Fernando Villalon Moreira.
Nevada: South Africa, William Malotani.
New Hampshire: Israel, Taysir Aruri.
New Jersey: Bulgaria, Ismail Hyuseyinov.
New Mexico: Somalia, Abdulaziz Farah Mohamed.
New York: Czechoslavakia, Vaclav Havel.
North Carolina: Kenya, Charles Wainaina Chege.
North Dakota: Chile, Arturo Martinez Molina.
Ohio: Czechoslovakia, Ota Ververka.
Oklahoma: Chad, Hadja Merami.
Oregon: Indonesia, Abdul Ranih Yinsih.
Pennsylvania: Ghana, Akwasi Adu-Amankwah.
Rhode Island: Vietnam, Nguyen Thi Nghla.
South Carolina: Tanzania, James Mapalala.
South Dakota: Malaysia, Lim Kit Siang.
Tennessee: Syria, 'Adnam Miqdad.
Texas: Ethiopia, Martha Kumsa.
Utah: Somalia, Bileh Hersi Eed.
Vermont: Somalia, Awil Saeed Mohamound.
Virginia: USSR, Yuri Pastushok.
Washington: China, Wei Jingsheng.
West Virginia: Laos, Khamphan Pradith.
Wisconsin: Turkey, Mehmet Ozgen.
Wyoming: Benin, Paul Cocouvi Sossoukpe.●

THE COMMUNITY COLLEGE OF RHODE ISLAND: A CELEBRATION OF 25 YEARS OF EXCELLENCE

● Mr. PELL. Mr. President, I rise to pay tribute to the Community College of Rhode Island on the celebration of its 25th anniversary. The Community College of Rhode Island, better known in my home State as CCRI, has grown tremendously in every sense since its inception in 1964.

Rhode Island Junior College, as CCRI was originally known, was housed in an old factory building in Providence, RI, at its founding, and served a population of a little more than 300 students. Since that time far, far more than the name of the school has changed. Today CCRI serves nearly 15,000 students, and has moved from that very small building to two separate campuses with extension campuses located throughout the State.

Since its founding, CCRI has had the mission to serve all types of students. There is the traditional community college student whose focus is primarily general liberal arts and sciences, and who may be testing the waters before embarking on a 4-year college or university career. There is the older student who is either returning to school for training or retraining, or is a first time freshman who may have just received a GED. There is also the student seeking a technical education which will culminate in an associates degree after 2 years of study. Further, indicative of the school's commitment to serving the specific needs of persons of different ethnic backgrounds is the presence of the Southeast Asian Center on the school's Flanagan Campus.

CCRI is deeply committed to serving minority students who comprise more than 7.4 percent of the school's total enrollment. Of these 1,088 students, 471 are blacks, 212 are Asians, 325 are Hispanics, and 80 are American Indians. The mentor program, which teams a minority student with a faculty member or another student, is a significant part of the school's effort to ease the transition into a postsecondary education for minority students, and to provide them with valuable academic and personal assistance.

CCRI is a stellar example of the fine system of community colleges across the country, a system we honored last month by celebrating February as National Community College month. CCRI, like its sister schools, offers both access and opportunity to individuals who may not otherwise have the opportunity to pursue a postsecondary education. In these institutions, individuals from diverse backgrounds take a wide variety of classes, from vocational education and machine design, to nursing and traditional liberal arts. Extremely important is the fact that the cost of attending these institutions is very reasonable. The tuition at CCRI is $950.00 a year; and with Federal student aid programs poviding important help, needy students find this excellent education within their reach.

The successes of CCRI can be attributed in large part to the leadership of two fine men. Dr. William Flanagan, the college's first president, was literally the father of the community college system in Rhode Island. Without his foresight and strong leadership, we simply would not have the CCRI to which we pay tribute today. Dr. Ed Liston, CCRI's current president, must be credited for his foresight and strong leadership in bringing CCRI to its position of strength in Rhode Island and prominence among community colleges throughout America. We are very fortunate, indeed, to be the beneficiaries of the contributions of both men.

Mr. President, the record of CCRI over the past quarter of a century is an impressive one, indeed. It is also a record I am confident will be followed by strong accomplishments in the years ahead. As a Senator from Rhode Island, I am proud of the record compiled by this fine institution, but as chairman of the Senate's Education Subcommittee, I am even more impressed with the very significant contribution it has made to education in its brief, 25-year existence. I believe I speak for all Rhode Islanders when I salute CCRI, commend it for a job well done, and challenge it to both accelerate and expand its important mission.●

GLASNOST: STILL MORE HOPE THAN REALITY IN THE UKRAINE

● Mr. PELL. Mr. President, the world is watching the changes unfolding in the Soviet Union with great hope. President Gorbachev's policies of glasnost and perestroika offer the Soviet Union an opportunity to break with a past marked by political repression and economic stagnation. But the new era of openness has invigorated some regions more than others. While Moscow has tolerated a degree of spirited ferment in the Baltic Republics, it has done little to loosen the reins of central control over the Ukraine. Despite the many new faces that Gorbachev has brought into the Soviet party hierarchy, one of Brezhnev's closest allies remains firmly entrenched as party chief in the Ukraine.

Under Moscow's wary eye, however, glasnost has kindled hope for greater freedom in the Ukraine. The Ukrainian Writers' Union, once a mouthpiece for Marxist orthodoxy, has become a voice of opposition. Last year it called for the establishment of Ukrainian as the Republic's official language. And at a Writers' Union meeting last December, a prominent poet, Ivan Drach, openly criticized the Ukrainian Communist Party boss.

Such activities have been greeted with hostility by the Soviet authorities. After a series of mass rallies last spring in Lvov and Kiev calling for greater political, cultural, and economic autonomy, the authorities cracked down. Last July Moscow imposed new restrictions on public demonstrations. Since that time, it has been reported that the authorities have used harsh measures to break up public rallies.

The strong spirit of the Ukrainian people continues to burn brightly despite years of repression. It is the same spirit that moved the Ukrainian National Assembly to proclaim independence on January 22, 1918. Now, after years of suffocating central control, the new policies of perestroika and glasnost offer fresh hope of greater cultural, economic, and political freedom in the Ukraine. But we must measure the success of glasnost by the reality, not the rhetoric, of change. Mr. Gorbachev's calls for glasnost have stirred thoughts of greater local autonomy in the Ukraine.

The Ukrainian people have enriched the life of America in many ways. Ukrainian immigrants and descendants have made tremendous contribu-

tions throughout American society and Americans have embraced many Ukrainian traditions. These religious and cultural traditions, which have long been stifled in the Soviet Union, have flourished in the United States. The United States should do everything possible to encourage President Gorbachev to allow greater cultural, economic, and political freedom to blossom in the Ukraine.

I ask that a letter to me from Eugene Iwanciw and articles be printed in the RECORD.

The material follows:

UKRAINIAN NATIONAL ASSOCIATION, INC.,
Washington, DC, January 30, 1989.

Hon. CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: In case you missed it, I am enclosing a copy of an article on Ukraine which appeared on January 22, 1989, in the *Washington Post.* In this outstanding article David Remnick writes about both the current situation in and the history of Ukraine under Soviet rule. He explains why Ukraine has received the harshest treatment of any republic during the over seventy year history of the USSR.

It is fitting that the article appeared on January 22, Ukrainian Independence Day. When Ukraine declared itself independent in 1918, it was immediately attacked by both the Bolshevik and Tsarist armies. As is pointed out in the article, which both Lenin and the Tsarist leaders understood, "the empire cannot survive without the Ukraine."

Mr. Remnick's article contributes to a better understanding of the nature of the Soviet Union and the aspirations of Ukrainians and other non-Russians in the USSR, which is critical to the formulation of a coherent and effective U.S. policy. That policy must include our historic support for freedom and self-determination for *all* people including Ukrainians, who have been denied independence for most of their history.

The article provides not only a better understanding of what is taking place in Ukraine but throughout the Soviet Union. I hope you will add this article to the reference file folder, Ukraine and Ukrainians, which we provided to your office three weeks ago.

If you have not yet had the opportunity, I again join with Ukrainian-Americans in Rhode Island in requesting that you make a statement on the floor of the Congress about Ukrainian Independence Day. The enclosed article may be helpful in preparing your remarks. Again, feel free to contact my office should you require any information about Ukraine or Ukrainian-Americans.

Sincerely,

EUGENE M. IWANCIW,
Director, Washington Office.

[From the Washington Post, Jan. 22, 1989]

UKRAINIAN NATIONALISM STIRRING ANEW IN SOVIET "COLONY"

(By David Remnick)

"For us to lose the Ukraine would be the same as losing our head."—Lenin, 1918

Lvov, U.S.S.R.—For the Soviet empire, the Ukraine is the fire next time. The republic may seem for now an obedient, dormant region of more than 50 million people, but it soon could pose a challenge to centralized Soviet power that would eclipse anything that has happened so far in the Baltic republics or the Transcaucasus.

Especially here in the western part of the republic—where the outlawed Ukrainian Catholic Church and cultural nationalism are strongest—a growing number of activists openly and angrily speak of themselves as a "colonized" people who intend, one day, to fight the "Soviet imperial idea." Resentment is slowly evolving into a movement.

"Right now we are not a strong movement; we don't have anything like the organization you see now in the Baltics," said Vyacheslav Chernovil, a nationalist and former political prisoner. "But a struggle is inevitable, and Moscow will invariably come down hard—much harder than they have in Estonia or Latvia."

Activists here, as well as Soviet and western sources interviewed in Moscow and Kiev, agree that the Kremlin will never show the Ukraine, a republic the size of France, even the limited tolerance it has extended to smaller, non-Slavic republics in the past year. It is a matter not only of history and politics, but of costs and benefits.

"Let's face it, the Soviet empire knows that in the end it can always survive without the Baltics or the Transcaucasus—it's only a few million people here and there, after all," said Stepan Khmara, a physician in Lvov.

"Moscow could even do without Eastern Europe, because it turns out that this is a very expensive military buffer zone. But Lenin knew it from the start: The empire cannot survive without the Ukraine. There are just too many people, too many resources here. It will inevitably be a fight. The question is: When?"

The Ukrainian challenge may not come soon, but the leadership in Moscow is still playing it safe and strict.

The Ukrainian party chief, Vladimir Shcherbitsky, is 70 years old and was one of the closest allies of the discredited Soviet leader Leonid Breznev. And yet President Mikhail Gorbachev has kept the man known here as "The Enforcer" in place.

"Shcherbitsky is Gorbachev's iron man in the Ukraine," said Bogdan Horyn, a leader of the unofficial human rights group here, the Helsinki Union. "He may not be Gorbachev's favorite in the Politburo, but I think he fears what would happen in the Ukraine without Shcherbitsky and the mafia around him."

Knowledgeable sources in Moscow said that while Shcherbitsky will probably not last more than another two or three years, his replacement is likely to follow a similar course. "It's inconceivable that an Estonian-style party leader would get the job," one diplomat here said. "For one thing, the Ukraine doesn't have anybody like that in the ranks."

The other night in Lvov, at a dim apartment decorated with a sparse Christmas tree, a group of Ukrainian nationalists, writers and human rights workers—most of them former political prisoners—spent hours describing a place and an atmosphere never reflected in the official press.

They talked of a republic in a "perpetually worsening" economic crisis, of a Ukraine "that is still the epicenter of stagnation." They spoke of a non-Russian culture "gutted" by decades of "imperial centralism" and "Russification." And none of the dozen men and women at the table put much faith in the slogans of reform spoken every day in Moscow or in Gorbachev himself—"a friendly-looking emperor, but an emperor, nonetheless."

And while they said they admired Ronald Reagan and his speeches during the Moscow summit, they could not understand how an American president could seemingly overlook "Moscow's domination of the periphery" and say that the Soviet Union is no longer an "Evil Empire."

"The way we see it, Gorbachev's reforms have nothing to do with internal democracy," Chernovil said. "They are a last bid—a bluff, in a way—to improve the Soviet Union's dynamics with other countries in order to get technology and aid from abroad and improve the economy."

Ivan Makar, who recently served a three-month jail sentence for nationalist activities, agreed. "Gorbachev absolutely fears real democracy," he said, "Look at the crackdown on demonstrations [that began last summer.] Look at the undemocratic road these 'elections' for the Supreme Soviet have taken. Look at how Gorbachev keeps an iron grip on the Ukraine. Even the old Stalinist constitution had more democratic phrases in it than Gorbachev's."

The movement for political and cultural autonomy in the Ukraine may not approach the scale of what happened last year in Estonia, Latvia and Lithuania, but it adds up to a great deal more than a group of people sitting around a table talking. Battles, in some places, have already begun:

Despite the lurking presence of a particularly strong KGB force in the republic, activists staged a number of mass rallies in Lvov and Kiev that have drawn between 5,000 and 50,000 demonstrators protesting political repression, "Russification" and various ecological disasters. At a June 21 rally in Lvov, 50,000 gathered in the Friendship Soccer Stadium to call for creation of an Estonian-style "Popular Front" that would press Moscow for greater economic, political and cultural autonomy.

Since Moscow decreed new restrictions on public demonstrations last July, the KGB and police have denied permission for such meetings and have used dogs and truncheons to break them up as "unsanctioned gatherings." The repression of demonstrations has been especially harsh in the Ukraine and in the neighboring republic of Byelorussia, where party officials have tried to break up the Popular Front and other democratic groups.

The Ukrainian Writers' Union, once a lap dog for Shcherbitsky and ideological orthodoxy, has become a force of opposition, supporting the nascent Popular Front and pushing for the establishment of Ukrainian as the republic's office language.

A well-known dissident literary critic, Ivan Dzyuba, was able to publish an article in the central ideological journal of the Communist Party, Kommunist, that criticizes the dominance of the Russian language and culture in the Ukraine. "We and our Byelorussian brothers are perhaps the only peoples of Europe deprived of higher education instruction in our native languages," he wrote in an article published this month in the newspaper Moscow News.

At a Writers' Union session last month, a prominent poet, Ivan Drach, spoke out openly against Shcherbitsky, the first such defiance of the Kiev leadership at an official meeting.

Although nationalists like Horyn and Chernovil have been working for Ukrainian rights for decades, many activist groups led by younger party members and independents alike have appeared in recent months.

The Lion Society, headed by a 25-year-old Young Communist League official, Orest Sheyka, has battled local authorities for the preservation of long-neglected Ukrainian

monuments and natural resources, such as the Dnestr River. "The river is practically dead," Sheyka said in an interview.

Environmental groups, such as Green World and Noosfera, form a growing "Green's movement modeled on those of Western Europe and the Baltic. At a demonstration in Kiev in November, 8,000 people gathered to attack Shcherbitsky and call on the government to shut down nuclear reactors throughout the republic.

A performance group called Don't Worry has staged many evenings of political cabaret reminiscent of neighboring Poland. And several cultural clubs, such as the Culturological Group in Lvov, are pressing the language issue and are encouraging more schools and universities to emphasize Ukrainian history.

History, long and tragic, is everywhere here. Russian czars and general secretaries have dominated the region for three centuries. And nowhere in the Soviet Union does the legacy of Joseph Stalin's repression and Leonid Brezhnev's corruption persist more painfully than in the Ukraine.

Only now are historians here allowed to publish reports about the "great collectivization" of the countryside in the early 1930s, during which millions of Ukrainian farmers were forcibly herded off their lands, sent to labor camps and starved to death during an artifically created famine.

Only now are journalists here beginning to write about how Stalin crushed the Ukrainian Catholic Church in 1946, killing thousands of priests and believers and forcing millions to choose between atheism and the "officially sanctioned" and government controlled Russian Orthodox Church.

But even now it is impossible here to write about the way Brezhnev and Shcherbitsky purged the intelligentsia in the 1970s and stacked every level of the Ukrainian party organization with compliant apparatchiks—a situation that lingers today.

"We look at a place like Estonia with astonishment," said Bogdan Horyn's brother, Mikhail. "We see there Communist Party officials who actually are working in the interests of the people, and then we look at the Ukrainian party and we despair. The party holds nothing for us. It never has."

There have been nationalist, dissident movements here since the early 1960s. More than 24 years ago. Ivan Dzyuba wrote an essay on Moscow's nationalities policy. "Internationalism or Russification?", in which he called for the sort of autonomy that is at the center of the present day Estonian platform.

Those dissidents even received some limited support from Petro Shelest, the former Ukrainian party chief, who wrote a book supporting the preservation of Ukrainian language and culture. But when Brezhnev purged Shelest in 1972, he replaced him with Shcherbitsky and an even harder line.

Shcherbitsky, for his part, continues to infuriate activities here. He has made no significant concessions on the language issue, insisting on giving his own speeches in Russian. In one speech last month he railed against the use of *glasnost*, as Gorbachev's policy of openness is called, for "anti-Soviet ideas" and "national egotism."

Vitali Korotich, editor of the liberal Moscow weekly magazine Ogonyok and once a rather conservative figure in the Ukrainian Writers' Union, said, "What you are seeing for the moment, is a standoff in the Ukraine. The leadership is tough, and independent groups are growing. My big concern is that nationalism doesn't become provincialism."

Two events have set off the renewed activism here: Chernobyl and the political upheaval in the Baltics.

As Ukrainians have learned more about the nuclear accident outside Kiev almost three years ago, they have come to distrust the authorities more than ever. Yuri Shcherbak's remarkable two-part series on Chernobyl, published recently in the journal Youth, revealed, for many, a series of startling, often humiliating details about the disaster. "We even learned that while the leadership refused for days to tell us a word of what had happened, the children of all the Ukrainian party leadership were immediately evacuated," said historian Igor Khomin.

When Estonian intellectuals began to broaden their movement for autonomy from Moscow last year, eventually winning the support of the republic's Communist Party leadership, Ukrainians listened.

"We sent three people to Estonia to see the Popular Front congress and it seemed like a miracle," said Pyotor Kagui, a member of the organizing group for a popular front in Lvov. "We knew we needed the same thing here."

But in spite of the mass demonstrations in the spring and summer supporting the creation of a democratic Popular Front and the obvious groundswell for change in the Ukraine, the authorities have tightened control to stamp out the spread of support for nationalism or participation in the underground Ukrainian Catholic Church.

At a number of factories, for example, directors have called in foremen and workers for meetings with the following sort of dialogue.

"Do you wnat a vacation this year?"

"Yes."

"Would you like a raise?"

"Yes."

"Do you need to take Christmas off?"

"Uh . . . no."

At the Progress shoe factory, activists here said, workers were "asked" to sign petitions disvowing participation in nationalist groups. "They know that if they don't go along, there will be trouble," Bogdan Horyn said.

The sense of psychic and political distance from the Baltics is immediately apparent. While in the Baltics, conversations, even with party leaders, are extraordinarily open and fearless, meetings here between nationalists and visiting foreigners are only comfortable on park benches and remote sidestreets. "The old days are still the new days in the Ukraine." Chernovil said.

Victor Morozov, a popular singer and director of the Don't Worry cabaret group, said that while life is slowly changing even in Lvov and there is less fear about performing his political songs on stage. "The sense of how far to go is always within us."

[From the Washington Post, Jan. 22, 1989]

STALIN "WANTED US TO BECOME RUSSIANS AND TO WORSHIP A RUSSIAN GOD"

(By David Remnick)

Lvov, U.S.S.R.—Ivan Hel has been waiting to pray without fear since 1946, the year Joseph Stalin dictated that the Ukrainian Catholic Church must "liquidate itself." An activist for his underground faith, the chairman of the church's defense committee for believers, Hel has spent 18 of his 52 years locked away in Soviet jails and labor camps.

"Until the church becomes legal, I will pray right here with priests and friends. Right here at this table; this is our altar," he said at his apartment recently. "They thought they could order us to disappear, but they were wrong."

Hel and western church sources estimate that there are 4 million Catholic believers in the western Ukraine, as well as 2.5 million Ukrainian Catholics in the United States, 700,000 in Canada and many thousands more in Brazil, Australia, Poland and elsewhere. "Our center is Lvov, but we are like the Jews—a people in diaspora." Hel said.

The authorities, since the rise of Mikhail Gorbachev to power in March 1985, have eased some of the pressure on Catholics here, often overlooking large outdoor masses in villages. But hard-liners still fear the legalization of the church, since it is so tied to the question of Ukrainians' self-awareness and differentiation from Russians.

The history of the church's suppression here has been brutal. In an effort to centralize every aspect of Soviet life, Stalin outlawed Byzantine-rite Ukrainian Catholics, ordering them to "unite" under the umbrella of the Russian Orthodox Church. He severed the Ukrainian church's 350-year-old tie with the Vatican.

More than 2,500 priests were arrested. They either died in labor camps or returned home as invalids. Churches were destroyed or turned over to the Russian Orthodox Church, which has long been tightly controlled by the state.

"Stalin tried to kill our historical memory, our traditions, our faith and our spiritual culture," Hel said. "He wanted us to become Russians and worship a Russian God or no God at all."

Somehow, despite all the repressions over 43 years, the Ukrainian Catholic Church has persisted. Priests train for three years in underground seminar classes that move from apartment to apartment to avoid the local KGB. Masses are held in kitchens, basements, wheat fields.

Meanwhile, the Ukrainian Catholic cardinal at the Vatican and Ukrainian Catholics in the West have long pressed for the legalization of the church in the western Ukraine.

This decade has been one of hope for Ukrainian Catholics: The rise of the Solidarity movement in neighboring Poland and the election of a Slavic pope, John Paul II, have focused attention on the issue. The pope did not attend last year's Kremlin-sponsored celebration of the millennium of Christianity in the region, reportedly because he did not want to offend the large Catholic populations in Lithuania and the Ukraine.

Shortly before the millennium, two underground bishops and a group of nuns, priests and laymen sent a message to the pope, saying, "We consider it useless to remain underground and therefore ask Your Holiness to promote by all possible means the legalization of the Ukrainian Catholic Church in the U.S.S.R."

In a subsequent message to "Ukrainian Catholics on Their Millennium," the pope said in Canada that he spoke "as a brother Slav, sharing to a large degree your spirit and heritage."

Last summer, representatives from the Russian Orthodox Church and the Vatican met in Helsinki to discuss the matter, but very little appears to have come out of the session. Activists here said they are hoping that Gorbachev will make a trip to Rome as early as this spring—a trip that might lead to a meeting with the pope and deal with legal recognition of the Ukrainian Catholic Church.

In a republic where the Soviet hard line has been the custom, it was a sign of hope for the believers several months ago when they came across an astonishing article in the atheist journal Man and the World by Vladimir Tencher of Kiev State University's Department of History and Theory of Atheism.

As seen by much of our youth," he wrote, "atheism has simply become old-fashioned. It is the view of grandfathers and grandmothers."

Gorbachev has promised a new, more liberal law on religious practices in the Soviet Union, but Hel and other activists are waiting to see if that law will embrace their own cause.

"I don't think Gorbachev in his heart wants to do it," He said. "He is the product of an imperial, totalitarian system, and his reforms will only strengthen his power and the power of the system. My optimism comes from elsewhere—from the faith of our people and the pressure and moral support of the world outside."

SALUTE TO THE MINNEAPOLIS SOCIETY FOR THE BLIND

● Mr. DURENBERGER. Mr. President, 75 years ago on March 14, 1914, a handful of Minnesotans concerned about the visually impaired citizens of Minneapolis formed the Minneapolis Society for the Blind [MSB]. Today, this society bears a national reputation as a nonprofit organization dedicated to helping blind and visually impaired people open new avenues of independence and opportunity.

The Minneapolis Society for the Blind offers a wide variety of services and opportunities for their students, clients, and shop workers. Individuals who have been recently blinded come to MSB for training in braille, orientation and mobility, vocational opportunities, adaptive techniques for daily living, and information about better health care. MSB also offers services and counseling to help individuals adjust to the emotional impact of vision impairment.

One of the greatest challenges for blind people today is employment—not because they lack ability, but because employers need increased awareness of the capabilities of visually impaired individuals. MSB provides vocational guidance and training, employs people who are blind and visually impaired, and helps employers develop a better understanding of their abilities.

For the 90 percent of the legally blind population who retain some of their vision, MSB offers "low vision" services which help individuals make better use of optical aids and equipment. MSB also actively seeks out the isolated, elderly population who is experiencing vision problems and do not know that help is available. Many of MSB's volunteers are visually impaired themselves, and its efforts are supported in a large part by their commitment, dedication, and talent.

In addition to working directly with the blind community, MSB educates the public about many issues related to blindness: how to prevent blindness, what to do if one experiences vision loss, and common misunderstandings about blindness. These and other efforts have increased public awareness and sensitivity for the blind community.

MSB is dedicated to continued partnerships in Minneapolis and surrounding communities. For 75 years, this agency has received support and encouragement from various individuals, organizations, corporations, and small business throughout the Minneapolis area. MSB also offers avenues to improve self-reliance for its clients, better enabling them to contribute to the social and economic well-being of their communities.

Through all of these services, MSB addresses the needs of the whole person in order to support the goals and aspirations of Minnesota's blind community. I salute the Minneapolis Society for the Blind on their 75th anniversary, and join in their celebration as they continue to contribute to the higher quality of life which makes Minnesota such a great place to live.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-687. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on a violation of statute involving an overobligation of an approved appropriation; to the Committee on Appropriations.

EC-688. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on a violation of statute involving an overobligation of an approved appropriation; to the Committee on Appropriations.

EC-689. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-690. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Clean Coal Technology Demonstration Program for 1988; to the Committee on Energy and Natural Resources.

EC-691. A communication from the Chief of Forest Service of the Department of Agriculture, transmitting, pursuant to law, the Tuolumne Wild and Scenic River management plan; to the Committee on Energy and Natural Resources.

EC-692. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the 60-day period prior to March 2, 1989; to the Committee on Foreign Relations.

EC-693. A communication from the Director of Communications and Legislative Affairs of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Equal Employment Opportunity Commission under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-694. A communication from the Federal Deposit Insurance Corporation, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-695. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of Public Service Commission's Agency Fund"; to the Committee on Governmental Affairs.

EC-696. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the third annual report on the fiscal year 1988 Competition Advocacy Program; to the Committee on Governmental Affairs.

EC-697. A communication from the Chairperson of the Retirement Trust of the Department of the Navy, transmitting, pursuant to law, the annual pension report; to the Committee on Governmental Affairs.

EC-698. A communication from the Acting Chairman of the International Trade Commission, transmitting, pursuant to law, the annual report of the International Trade Commission under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-699. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve Board under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-700. A communication from the Assistant Secretary for Management and Budget of the Department of Health and Human Services, transmitting, pursuant to law, the fourth annual report on competition advocacy; to the Committee on Governmental Affairs.

EC-701. A communication from the General Counsel of the Executive Office of the President (Office of Administration), transmitting, pursuant to law, the annual report of Office of Administration under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-702. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of NASA under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-703. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the Postal Service under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-704. A communication from the Freedom of Information Act Officer of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-705. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-706. A communication from the Freedom of Information Act/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-707. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve System under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-708. A communication from the Assistant Secretary of Commerce (Administration), transmitting, pursuant to law, the annual report of the Department of Commerce under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-709. A communication from the Marshal of the Supreme Court of the United States, transmitting, pursuant to law, the annual report on the cost of the protective function provided by the Supreme Court Police to Justices, official guests and employees of the Supreme Court for the period February 16, 1988 to February 15, 1989; to the Committee on the Judiciary.

EC-710. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-711. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-712. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-713. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-714. A communication from the Acting Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-715. A communication from the Archivist of the United States transmitting, pursuant to law, the annual report of the National Archives under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-716. A communication from the Director of Communications and Legislative Affairs of the Equal Employment Opportunity Commission transmitting, pursuant to law, the annual report of the Equal Employment Opportunity Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-717. A communication from the Chairman of the Federal Energy Regulatory Commission transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-718. A communication from the Acting Vice President and General Counsel of the Overseas Private Investment Corporation transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-719. A communication from the Acting Administrator of the Veterans' Administration transmitting, pursuant to law, a draft of legislation to provide automatic increases in the rates of disability compensation to veterans and others; to the Committee on Veterans' Affairs.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that committees be permitted to file legislative and executive reports on Monday, March 13, from 12 noon to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 678, a bill to make a correction in the Education and Training for a Competitive America Act of 1988, just received from the House of Representatives, be immediately placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PURCHASE OF DAIRY PRODUCTS BY THE COMMODITY CREDIT CORPORATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 553, a bill introduced earlier today by Senator LEAHY relating to the Commodity Credit Corporation's purchase of dairy products.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 553) to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time by title and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am introducing today, for the Senate's consideration, a budget cutting bill that will work toward improving the long-term health of this Nation's dairy industry.

This bill mandates the Secretary of Agriculture make adjustments in the purchase price of butter and nonfat dry milk as part of the upcoming dairy price support changes.

The changes in dairy price supports were passed last year as part of the Disaster Assistance Act of 1988.

Mr. President, this bill will not change the support price of milk that we passed last year.

The support price of milk will still increase by 50 cents on April 1 and will fall by 50 cents on July 1.

What this bill does is to direct the Secretary to support the price of milk through butter and nonfat dry milk powder purchases differently than would otherwise be the case.

The bill directs the Secretary of Agriculture to make at least 75 percent of the upward adjustment on milk prices through higher nonfat dry milk prices.

When prices are reduced in July, at least 75 percent of the reduction must be made in butter prices.

Effectively this bill will shift the relative price difference between butter and powder, while still supporting the price of milk at legislated levels.

The bill does restrict some of the Secretary's discretion, but it still gives him a substantial amount of room to maneuver.

I am pleased that these adjustments will result in savings to the Federal Government in the current fiscal year of $10 million. Further, it will save $25 million in fiscal year 1990 as well.

It is my expectation, Mr. President, that these savings will be part of the dairy industry's contribution in any reconciliation package the Congress may devise later this year.

Just so that my colleagues, and the dairy industry understand, the dairy program may be subject to further cuts as the budget negotiations proceed.

I also want it understood that these actions will not penalize other commodities.

This action sends a signal to the dairy industry, a signal that they are well aware of.

The consumer is demanding lower fat dairy products.

Currently, the Commodity Credit Corporation's purchases of butter alone, if current trends hold, could be enough to trigger the next support price cut.

I am encouraged that the dairy industry is beginning to come to grips with this problem.

I look forward to a report from a special task force established by the National Milk Producers Federation to examine pricing formula options and other policy proposals to address the issue of fat in dairy products.

We need to pass this bill quickly so that the House will be able to take action before they recess at the end of next week.

Because the support price will increase on April 1, the Secretary must

announce any changes in butter and powder purchases prices by April 1.

This bill, has the bipartisan support of the Senate Committee on Agriculture and I urge its immediate passage.

Mr. BOSCHWITZ. Mr. President, I was pleased to have joined in sponsoring a bill designed to improve the long-term profitability of the dairy industry, as well as making a contribution to reducing the budget deficit. The bill would mandate that the Secretary of Agriculture make certain adjustments in the purchase price of butter and nonfat dry milk as part of the price support changes taking place on April 1 as a result of the Disaster Assistance Act of 1988.

Mr. President, I want to make clear that this bill will not change the support price that was a part of last year's drought package. The effect of this bill is to direct the Secretary to treat the purchases of butter and nonfat dry milk in a slightly different manner. The Secretary is to make at least 75 percent of the upward adjustment on milk supports through increasing the nonfat dry milk prices. At the time reduction occurs, 75 percent of the downward adjustment will be made in butter prices.

These adjustments will contribute $10 million in savings to the Federal Government in each of the next 2 years, and the savings should be part of the dairy industry's contribution to the reconciliation bill which we will be acting on later.

While it is by no means unanimous, there is considerable support for this measure in the dairy industry. It tells us that the industry is becoming increasingly aware that the consumer is seeking lower fat dairy products. CCC purchases of butter alone, if they were to continue at the present rate, would trigger the next support price cut. This situation clearly points out the conflict between consumer preferences and the current support mechanism. This bill would address that conflict.

The support price is to take place on April 1, Mr. President, so action needs to be taken quickly. Members of the Senate Committee have given bipartisan support to this bill. I urge its immediate passage.

Mr. LUGAR. Mr. President, today I am cosponsoring legislation authored by Senator LEAHY designed to correct imbalances in the dairy sector.

We are taking the unusual step of introducing the bill, and asking for unanimous-consent approval on the same day. This expedited procedure is thought necessary because of events that will take place under law on April 1 of this year. In order for the other body to act under their suspension of the rules procedure prior to the Easter recess, the Senate must act today.

As the Senate may recall, under the provisions of the 1988 drought relief package, the milk price support will increase $0.50 on April 1 and fall $0.50 on June 1. This period is known as the flush period and is typically the peak production as well as CCC purchase period.

Under our legislation, the Secretary of Agriculture must apply 75 percent—$0.38—of the milk price increase to the milk powder support price on April 1. The legislation also requires the Secretary to apply at least 75 percent of the $0.50 milk price support reduction to the butter support price on June 1.

The impact of an increase in the milk powder price support is minimal because powder prices are well above current support prices. Conversely, butter prices are well below support levels and the impact of reducing the butter support price will be lower butter prices. The net effect will be that less butter is purchased by CCC and budget savings will occur. This small change applies a bit of market economics to the dairy industry since butter remains in vast surplus while nonfat dry milk is more in balance with demand.

The Congressional Budget Office [CBO] estimates that the bill will save $10 million in fiscal year 1989, $25 million in fiscal year 1990, $10 million in fiscal year 1991, and $8 million in fiscal year 1992. Total savings over the 4 fiscal years total $53 million.

The Agriculture Committee is interested in achieving these savings for deficit reduction purposes. If the legislation is not approved before April 1, the committee will have lost this unique opportunity.

The Agriculture Committee expects that anticipated CCC savings will be credited to the Senate Agriculture Committee for purposes of future budget reconciliation or other budget reduction requirements. Further, we do not intend savings achieved by this legislation to have any adverse impact on other commodities in the context of future budget control and deficit reduction efforts.

It should also be noted, Mr. President, that contrary to predictions made by the dairy industry during consideration of the Disaster Emergency Act of 1988, milk production is increasing as are CCC purchases and Government expenditures.

Approval of this legislation will not reform dairy policy, but it will help reduce some of the most severe surpluses. Indeed, future dairy policy debate should continue to focus on cost and CCC surpluses. In addition, the record must reflect that this legislation is not intended to excuse the dairy industry from doing its share with respect to future deficit reduction efforts for fiscal year 1990 and beyond.

Mr. President, I urge approval of the bill.

Mr. JEFFORDS. Mr. President, I rise in support of this legislation to require the Secretary of Agriculture to adjust butter and powder purchase prices under the Dairy Price Support Program. This provision will reduce the cost of the program by $50 million over the next 4 years, according to CBO.

Under the price support program, the price of milk is supported through purchases of butter, cheese, and nonfat dry milk. Adjustments in the price support level are effected by adjusting the price paid by the Commodity Credit Corporation for these hard dairy products.

Consumers are on a health kick, and they are consuming less butter and high fat products. At the same time, genetic improvements in our Nation's dairy herd have steadily increased the butterfat content of our milk supply.

As a result, butter purchases by the CCC are growing. In fact, some estimate that 80 to 90 percent of the Government purchases—on a butterfat basis—this year will be in butter. This legislation will send the right market signal to the dairy industry by reducing the purchase price on butter.

At the same time, we are facing a worldwide shortage of nonfat dry milk. The world price of nonfat dry milk is well above the U.S. Government support price, so no nonfat dry milk is being offered to the CCC. This legislation will raise the purchase price for nonfat dry milk, again sending the right market signal to the industry.

It is important to note that this legislation will not change the support price increase that was approved by Congress in the Drought Assistance Act of 1988. The support price will rise to $11.10 on April 1 and then drop back down to $10.60 on June 30. This temporary price increase will help dairy farmers meet higher feed costs through the spring flush, when milk prices traditionally fall to their lowest level.

Mr. President, I urge all Senators to support this legislation.

Mr. HARKIN. Mr. President, I am cosponsoring this bill because it has two features that are too seldom combined in one piece of legislation: It will save the Government money and it represents good policy for the industry involved.

To help our dairy producers cope with the effects of last year's drought, the Disaster Assistance Act of 1988 provided for a temporary increase in the milk price support of 50 cents per hundredweight for the period beginning April 1, 1989 and ending June 30, 1989.

Under this bill at least 75 percent of that price support increase shall be reflected in the Government's purchase price for nonfat dry milk and no more than 25 percent of the price support increase shall be reflected in the Gov-

ernment's purchase price for butter. When the milk support price is decreased at the end of the 3-month period, no more than 25 percent of the decrease shall be reflected in the Government's purchase price for nonfat dry milk and at least 75 percent of the decrease shall be reflected in the Government's purchase price for butter.

Under the bill, the price relationship between nonfat dry milk and butter will change. With a lower Government purchase price for butter, more butter will be sold through normal market channels rather than being acquired by the Government. This is the reason for the savings under the bill. The Congressional Budget Office estimates that the reduced butter purchases by the Commodity Credit Corporation will result in savings of $10 million for fiscal years 1989 and 1990. Despite these savings, the bill does not lower the support price for milk.

The data clearly show that the Government has been buying far more butter than it knows what to do with. On December 31, 1987, the Commodity Credit Corporation was holding about 64 million pounds of butter in uncommitted inventory. By December 31, 1988, that figure had climbed to over 140 million pounds. During that same period, however, the CCC inventory of nonfat dry milk dropped from over 53 million pounds to a little over 2 million pounds.

While the CCC butter inventories were climbing, the balance in CCC purchases made a huge shift toward butter and away from nonfat dry milk. In the first quarter of fiscal year 1987 CCC purchased 52 million pounds of butter and 97 million pounds of nonfat dry milk. In the first quarter of fiscal year 1988, however, CCC purchased 44 million pounds of butter, but no nonfat dry milk.

Purchases of butter have remained so high that if the present trend continues butter purchases could lead to a reduction in the milk price support level on January 1, 1990. This bill will reduce these high levels of CCC butter purchases.

The bill is also important because it sends a signal to our dairy industry that the milk price support system will provide less of a reward for butterfat. With changes in dietary patterns, market signals would indicate decreased demand for milk with high butterfat content. Of course, our milk producers cannot change what their cows produce overnight. This is a good bill because it involves a modest shift to bring the Government's milk price support policy closer to these market signals, thus encouraging the production of milk with lower butterfat.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 553) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURCHASE PRICE FOR NON-FAT DRY MILK AND BUTTER.

(a) MODIFICATION OF PURCHASE PRICE FOR NON-FAT DRY MILK AND BUTTER.—Notwithstanding any other provision of law, with respect to purchases of butter and non-fat dry milk made under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)), the Secretary of Agriculture, in carrying out the temporary $0.50 per hundred-weight increase in the rate of price support for milk provided for in section 102(b) of the Disaster Assistance Act of 1988 (7 U.S.C. 1446 note), shall provide that at least 75 percent of such price support increase shall be reflected in the purchase price for non-fat dry milk and that not more than 25 percent of such price support increase shall be reflected in the purchase price for butter.

(b) DECREASE IN PURCHASE PRICE FOR NON-FAT DRY MILK AND BUTTER.—Notwithstanding any other provision of law, with respect to purchases of butter and non-fat dry milk made under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)), the Secretary of Agriculture, in implementing the $0.50 per hundredweight decrease in the rate of price support for milk scheduled to occur on July 1, 1989, (as provided in section 102(b) of the Disaster Assistance Act of 1988 (7 U.S.C. 1446 note)), shall provide that not more than 25 percent of such price support decrease shall be reflected in the purchase price for non-fat dry milk and that at least 75 percent of such price support decrease shall be reflected in the purchase price for butter.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE TOWER VOTE

Mr. DOLE. Mr. President, earlier this evening I talked to the President. I know the distinguished majority leader called the President along with the chairman. I appreciate that and he appreciated that very much.

The President, you know, said he wanted to win, obviously. He thought he had a good man. We did not have enough votes. He accepts that.

We have a lot of work to do in the next several months. There may be a few temporary scars around for a while but I think he is right. I think we have to get on with it. We have a lot of work to do.

Maybe we will start, I guess when we are back after the recess, with the minimum wage and from then on I assume it is going to be pretty much full speed ahead, a full schedule.

I thank the majority leader.

Mr. MITCHELL. I thank my friend, the distinguished Republican leader. I did call the President shortly after the vote. Senator NUNN was with me. And I expressed to the President my hope that he and I had both previously stated, that we can work together to deal with the serious problems the country faces in a positive and cooperative spirit. The President was his usual gracious self; expressed appreciation for the call. I look forward to seeing him soon and continuing our discussions with him on a wide range of issues.

I also again thank my friend and colleague, the distinguished Republican leader. This was a new experience for me. It was not one I sought. It was difficult for all concerned and I am very grateful to the distinguished Republican leader for the courtesy, thoughtfulness, and graciousness which he has accorded me during this very difficult period for all concerned.

ORDERS FOR MONDAY

RECESS UNTIL MONDAY, MARCH 13, 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon, Monday, March 13; and that on Monday the Senate be in pro forma session only with no business conducted.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS ON MONDAY UNTIL 10 A.M., WEDNESDAY, MARCH 15

Mr. MITCHELL. Mr. President, I further ask unanimous consent that on Monday, March 13, at the close of the pro forma session, the Senate stand in recess until 10 a.m. on Wednesday, March 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Wednesday, after the time for the two leaders, there be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my hope that at 11 a.m. on Wednesday, March 15, we will be able to take up S. 20, the whistleblower protection bill under a short-time agreement.

ORDER FOR RECESS FROM 12:15 P.M. TO 2 P.M.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that on Wednesday, March 15, the Senate stand in recess from 12:15 p.m. to 2 p.m. in order to accommodate the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 13, 1989

Mr. MITCHELL. Mr. President, if the Republican leader has no further business and if no other Senator is seeking recognition, then, Mr. President, I move that the Senate stand in recess until 12 noon on Monday as under the previous order.

The motion was agreed to and, at 6:16 p.m., the Senate recessed until Monday, March 13, 1989, at noon.

NOMINATIONS

Executive nominations received by the Senate March 9, 1989:

DEPARTMENT OF STATE

HENRY E. CATTO, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

VERNON A. WALTERS, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

KENNETH L. BROOKS
VERNON A. MAAS
DAVID NG
TAN T. NGUYEN
ANDREW L. OLNES

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR ELMER D. BALLARD, xxx-xx-xxxx 12/3/88
MAJOR HIGINIO S. CHAVEZ, xxx-xx-xxxx 11/6/88
MAJOR WALTER D. DENSON, II, xxx-xx-xxxx 12/3/88
MAJOR MICHAEL J. GARCIA, xxx-xx-xxxx 12/7/88
MAJOR MICHAEL J. HAUGEN, xxx-xx-xxxx 11/23/88
MAJOR JAMES G. HUTTO, xxx-xx-xxxx 12/9/88
MAJOR DONALD L. KENNEDY, xxx-xx-xxxx 11/5/88
MAJOR RICHARD E. KRAEMER, xxx-xx-xxxx 12/3/88
MAJOR MICHAEL J. MELICH, xxx-xx-xxxx, 11/4/88
MAJOR JOSEPH E. MYERS, xxx-xx-xxxx 11/21/88
MAJOR TERRY L. O'CONNOR, xxx-xx-xxxx 12/3/88
MAJOR LEE N. PERRY, xxx-xx-xxxx 11/30/88
MAJOR ROBERT I. PLANT, xxx-xx-xxxx 8/5/88
MAJOR EDWARD M. POLACHEK, xxx-xx-xxxx 12/3/88
MAJOR JOHN A. PRIDDLE, xxx-xx-xxxx 12/17/88
MAJOR CHARLES D. SCOGGIN, xxx-xx-xxxx 12/10/88

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJOR RODNEY L. LINK, xxx-xx-xxxx 11/5/88
MAJOR KURT W. ROELOFFS, xxx-xx-xxxx 12/3/88

MEDICAL CORPS

To be lieutenant colonel

MAJOR MICHAEL R. CONGER, xxx-xx-xxxx 12/5/88

DEPARTMENT OF COMMERCE

WENDELL LEWIS WILLKIE II, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE ROBERT H. BRUMLEY II, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN L. BALLANTYNE III, xxx-xx-xxxx U.S. ARMY.

CONFIRMATION

Executive nomination confirmed by the Senate March 9, 1989:

EXECUTIVE OFFICE OF THE PRESIDENT

WILLIAM J. BENNETT, OF NORTH CAROLINA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

REJECTION

Executive nomination rejected by the Senate March 9, 1989:

DEPARTMENT OF DEFENSE

JOHN GOODWIN TOWER, OF TEXAS, TO BE SECRETARY OF DEFENSE.

EXTENSIONS OF REMARKS

SECRETARY BAKER'S VIENNA SPEECH

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. BROOMFIELD. Mr. Speaker, I would like to insert in the RECORD the text of the speech delivered by Secretary of State James A. Baker yesterday in Vienna.

Secretary Baker's speech offers a clear guideline for United States foreign policy toward arms control in Europe and United States relations with the Soviet Union. One particularly important element in this speech is Secretary Baker's comments regarding chemical weapons.

I was very impressed and pleased by his comprehensive statement regarding U.S. chemical weapons policy. The question of chemical weapons proliferation is emphasized as a global, multilateral problem which all the Western democracies must address resolutely and in a concerted manner. I couldn't agree more.

This speech deserves the attention of my colleagues. It is an important initial marker for the new administration in the area of foreign policy. I would highly recommend that my colleagues read this speech.

NEW HORIZONS IN EUROPE

(Address by Hon. James A. Baker III, Secretary of State)

Foreign Ministers, ladies and gentlemen, we meet here today in an historic setting. Vienna is a living monument to the creativity of Western culture. This city is also a crossroads of civilization. It reminds us that Europe and the achievements of Europe have always gone beyond the limits of geography to influence the wider world.

But Vienna also bears witness to vanished hopes. Negotiations and agreements intended to bring enduring peace to Europe have been discarded too often in war. Too often the lack of security in Europe has meant a lack of security for the world. That is why we are meeting here to negotiate. Our purpose is to improve the security of Europe, thereby also strengthening the foundations of world peace.

I believe that we need a larger perspective, a common vision of where we are headed and why, in order to succeed.

After the Second World War, Europe and the world were confronted by two opposing views. The United States and its allies in Western Europe held the vision of free peoples, living under the rule of law, their individual freedoms protected, their democratic governments responsible to the people.

We believed, as we continue to believe, that freedom of speech and of religion, freedom from fear and freedom of opportunity, were and are the natural rights of free men everywhere. We were certain, and we continue to be certain, that free markets and individual initiatives are the surest routes to social and economic progress. We sought, and we continue to seek, our security in a coalition of free nations, drawn together by common values, not only mutual interests. And we envisioned then as we envision now, a Europe at peace, its nations free to develop in diversity but united against war.

Our vision was not the only vision. There was another view, opposed to the values most cherished by the West. And the competition between the two visions gave us the difficult legacy with which we live today. A Europe, forcibly divided against the will of its peoples. A Europe, the most heavily armed continent in the world.

Now, as we approach the end of this decade new horizons are beckoning, horizons that offer us the opportunity to go beyond the conflicts of the past. The other vision is changing. It is changing because we in the West have been faithful to our own vision. And it is changing because realism has begun to triumph in the Soviet Union.

Perestroika, glasnost, democratization are the slogans of the "New thinking." There are encouraging developments in human rights, in the emphasis on the rule of law. Economics once rigidly fixed in the grip of centralized control are being loosened and a role for individual initiative has been decreed. Recently, General Secretary Gorbachev has declared, "world politics, too, should be guided by the primacy of universal human values." The rhetoric of Soviet foreign policy is being reshaped with less emphasis on the use of force.

No one can foretell where this process will lead or even whether it will endure. Yet we cannot deny the reality of what is actually happening in Europe today. Dostoevsky, in his novel, "The Possessed," wrote, that "The fire is in the minds of men, not in the roofs of buildings." The revolutionary changes in that part of Europe still freedom of the mind, freedom in the home, they're all in the minds of free governments. And these freedoms will heal the wounds inflicted by stagnation and tyranny.

I propose that we dedicate ourselves to creating a new Europe, based on these freedoms:

The freedom of all Europeans to have a say in decisions which affect their lives, including freedom of the workplace. The legality of Solidarity, for example, should be the norm not the subject of negotiations.

The freedom of all Europeans to express their political differences, when all ideas are welcome and human rights are truly inviolable. Monitors of the Helsinki agreements, for example, should be honored not hunted by their governments.

The freedom of all Europeans to exchange ideas, and information and to exercise freedom of movement. The researcher in Prague, for example, should be able to find the books he needs. Barbed wire should not separate cousins in Hamburg from cousins in Dresden. And a wall should not divide Berlin, continuing, as we've seen in the past month, to cost the lives of people seeking freedom.

Finally, the freedom of all Europeans to be safe from military intimidation or attack. Those in the West should be free of the fear that the massive forces under Soviet command might invade them. Those in the East should be free of the fear that armed Soviet intervention, justified by the Brezhnev Doctrine, would be used again to deny them choice.

"New thinking" and the Brezhnev Doctrine are in fundamental conflict.

We call today upon General Secretary Gorbachev to renounce the Brezhnev Doctrine—beyond any shadow of a doubt. Let the "new thinking" sweep away this vestige from the era of stagnation.

These four freedoms are inseparable. They are the principles for the new Europe, they are the keys that open the door to the European house of the future. As the American President Abraham Lincoln said, "a house divided against itself cannot stand." A continent divided by a wall cannot be secure. A secure and prosperous Europe can never be built on the basis of artificial barriers, fear and the denial of independence.

I am happy to report that we have made some progress toward realizing the new Europe of the Freedoms—progress upon which we can build. The Conference on Security and Cooperation in Europe, through the Helsinki, Madrid, Stockholm and now the Vienna documents, has defined ever more precisely the obligations of states. We have emphasized a new freedom for individuals, and the expanded concept of openness and confidence building measures in the field of security. We support this process. The Helsinki Final Act embodies our vision of Europe. And NATO's security dimension has always had the prevention of war as its only purpose.

Economic change is also a marked feature of the new Europe. The creation of a single market by 1992, looking outward to benefit all who wish to trade, would surely fulfill the hopes of those postwar visionaries who rightfully saw economic union as a buttress of peace and freedom. Centralized economies are slowly divesting the straightjacket of outmoded Marxist-Leninist theories. And the desire for increased commercial contact is strong and growing stronger.

There also is a genuine possibility for all industrialized nations, both east and west, to work together on newly recognized transnational problems. Dangers to our environment, for example, risk the most fundamental security of all the earth's citizens. Just last week, to protect the globe's ozone layer, the European Community and the United States decided to end the use of all chlorofluorocarbons (CFCs) by the year 2000, assuming adequate substitutes can be found as we believe they can. We hope the Soviet Union will consider joining us, in the spirit of "new thinking."

This is progress. But while the old era apparently recedes before the horizons of the new Europe, those horizons are still too distant. The arms and the armies still face each other. An Iron Curtain still divides the Continent. Too many governments have followed their solemn signature on human rights pledges with violent suppression of dissent.

And so, as we eye the horizon, important questions remain unanswered. Will the new rhetoric be translated into new actions or

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

will we see a repetition of the past, of hopes disappointed once more?

Will East and West together be able to dismantle the barriers thrown up by the old era of competing visions? Will these barriers finally be removed, will the Berlin Wall and the barbed wire and the watch towers finally be relegated to history?

Will the Soviet Union demilitarize its foreign policy in Europe, will it cease to threaten democracy's house with tens of thousands of tanks?

In recent years, we have seen reason to be hopeful about the new Soviet thinking. But, both realism and prudence require that we test the new thinking to make sure that it means new policy and above all, changes in military deployments. We have sought to discover whether East and West could take steps together—irreversible steps—that lead toward the Europe of the Freedoms. And we have also sought to reduce the level of military confrontation.

Here, too, there is progress to report. Responding to an American proposal, the Soviet Union joined the United States in achieving an Intermediate Nuclear Forces Treaty that provides for the elimination of an entire class of nuclear-capable missiles. The Treaty contains important precedents, especially in the areas of verification and asymmetrical reductions to equality. We have also made encouraging progress in the START Talks toward reducing strategic forces. And we look forward, once our review is completed, to further steps on the road toward arms reductions and arms control.

President Bush has declared that the control and elimination of chemical weapons is a high priority. Since 1984, when he tabled a draft treaty to eliminate chemical weapons from the face of the earth on an effectively verifiable basis, the United States has exercised leadership in the Geneva negotiations in the CD. We will continue to be at the forefront of these efforts in the future as well. However, until we eliminate these weapons in a verifiable way, the United States will maintain a minimal chemical deterrent.

Recently, we were gratified by the response to President Reagan's call for a conference on the use of chemical weapons—and the success of that conference under the leadership of the Government of France. Clearly, some nations are ready for action.

The United States is prepared to lead in dealing with this problem.

And so I am happy to announce that as one of his first acts, President Bush has directed our new Administration to explore ways to accelerate the removal of our existing chemical weapons from Germany. The early removal of these weapons will require available safe storage and the development of practical plans to destroy them.

Unilateral action is not enough. The Soviet Union has enormous stocks of chemical weapons threatening Europe. We therefore call on the Soviets to join us, to accelerate the destruction of their enormous stockpile of these frightening weapons.

Finally, we must address the threat of chemical weapons proliferation.

We can build on our recent success in Paris.

We propose we bring together governments and representatives of the international chemical industry. We have been discussing with Australia the general question of proliferation and the importance of holding such a conference. For a number of years, Australia has played a leading role internationally in trying to prevent the spread of chemical weapons, including as leader of the Australia Group of Western chemical producing states. I am pleased to tell you, therefore, that the Government of Australia, has agreed to take the initiative in organizing such a conference.

Its purpose will be to discuss the growing problem of the movement of chemical weapons precursors and technology in international commerce. We hope to establish better means of communication about this deadly trade.

Progress on nuclear arms control and chemical weapons, however, is not sufficient. We shall never be able to set East-West relations on an irreversible course toward enduring improvement unless we deal with the huge conventional military imbalances in Europe. We can define the issue simply. A vast force, spearheaded by heavily armored units and supported by massive firepower, has been fielded by the Soviet Union and its allies. It points West.

We in the West have faced this threat since the dawn of the Cold War. Today, Soviet and Warsaw Pact military forces go far beyond those conceivably needed for defense. Warsaw Pact tanks outnumber NATO tanks by over 3 to 1. Warsaw Pact artillery exceeds NATO's artillery by 3 to 1. And the Warsaw Pact holds more than a 2 to 1 advantage over NATO's armored troop carriers.

These ratios speak for themselves. And as NATO has pointed out, these are the forces best suited to an invasion of Western Europe.

It is this array of Soviet armed might that divides Europe against its will and holds European hopes hostage to possibly hostile Soviet intentions.

Lately, we have heard that Soviet military doctrine is changing to meet a standard that they call "reasonable sufficiency." And in December, at the U.N., General Secretary Gorbachev declared the Soviet intention to withdraw 50,000 men, 5,000 tanks and other selected equipment from certain areas of Eastern Europe. Several East European governments have also announced unilateral force reductions.

That's a start, a very good start. It's a very hopeful start and of course we are watching to see the words become deeds. And equally clear is the necessity to go further. Even after these reductions, the Warsaw Pact would retain over a 2 to 1 edge in tanks and artillery. The Warsaw Pact's conventional military preponderance, especially in the spearheads of attack, is what makes an invasion possible.

These are hard facts. These are the facts that have to be changed if our negotiations are to be successful and if the foundations of a new Europe are to endure. The arms control process must now be focused strongly on this East-West imbalance.

The United States, together with the other Western participants in these talks, has developed serious proposals to end disparities in conventional ground forces and to introduce far-reaching confidence building and stabilizing measures.

Our approach focuses on the achievement of significant reductions in key military capabilities that are designed for invasion. For example, we propose an overall limit on the total armament in Europe and that no more than 40,000 tanks should be deployed by the twenty-three participating states in the CFE negotiations. In addition, western participants are prepared to introduce new confidence building measures in the near future, aimed at increasing transparency and reducing the possibility of surprise attack. Ultimately, of course, stability will be achieved when no country is able to dominate by force of arms.

Let me emphasize once more, however, that change in the military balance is only one part of the process. Only when the causes of the historic division of Europe have been removed, when we have achieved the free flow of people and information, when citizens everywhere enjoy free expression, will it be possible to eliminate the military confrontation. In other words, we cannot remove the symptoms, without dealing fundamentally with the causes. I am encouraged that increasingly people from both East and West understand that relationship. We must all work to bring about far-reaching changes that end the division of Europe.

The United States is committed to working with reasonable men and women in all countries to achieve success. We approach the negotiations which will begin a few day from now in these very halls, with a clear goal, solid principles and well-defined objectives.

Our goal in these negotiations, as in all arms control negotiations, will be to prevent war—any war, nuclear or conventional—deter aggression and increase stability at lower levels of armed forces. We shall judge every proposal not simply by the numbers of weapons reduced but by the impact on deterrence and stability.

To achieve this goal, we reaffirm the unity of purposes between the United States and its European allies. We have long recognized, as NATO Secretary General Manfred Woerner said, that "Europe needs America as America needs Europe . . .. Separate, we would become victims of world historical development; together we can determine the course of world history for the better."

Our negotiating objectives are well-defined.

First, as I mentioned earlier, the NATO allies have called for equal ceilings in key items of equipment at levels below current NATO forces. This would be the best step toward a secure Europe at lower levels of arms.

Second, no state should possess capabilities designed primarily for invasion.

Third, a regime of mutual openness and transparency about military matters should be expanded which can foster confidence, clarify intentions, and thereby strengthen stability.

In addition, we hope that all states will adopt doctrines and force structures which faithfully reflect defensive intentions.

As these negotiations unfold, we and our allies will explore every opportunity for progress. The current force levels and force structures in Europe are not engraved in stone. They are the product of history, the results of conflict. And they can be changed.

If the past is any guide, however, we can expect many proposals that promise the perfection of disarmament if we would only abandon the pragmatism of deterrence. To paraphrase Winston Churchill, the counsel of perfection is admirable in a clergyman but impractical in a statesman. The opportunities are too precious to be squandered in sweeping but impractical proposals. Instead, let us do the work of peace carefully, progressing step by step and verifying each step.

Ladies and Gentlemen, I have spoken today of the new Europe of the Freedoms, of the new horizons beckoning to a conti-

nent divided forty years ago because of a conflict of visions. As that conflict weakens, it may be possible to remove the old obstacles thrown up in Europe's path. That is our task. We must remove at last the conventional force imbalances and curtains of secrecy that have so long imperiled European security and with it, world peace.

This essential step will not be easy. It will produce new challenges, and perhaps difficult moments. But we cannot desist from the task.

I have argued that a clearer understanding of the Europe of the future will ease the burden. Already, we can glimpse part of that horizon of a peaceful and prosperous Europe for which so many have sacrificed. Yet though it beckons, we know that nothing can be taken for granted. It falls to us to take the next step, if not the final one, on the journey.

Prophecy is God's gift to but a few, yet imagination is the birthright of every human being. We can but dimly see the future through the mists of change yet we can all imagine the world we would like to see. That is the summons of our undertaking.

Let us therefore go forward together to build that Europe we would like to see, a free, open, secure, prosperous and whole Europe, ennobling by example all of mankind.

Thank you.

TRIBUTES TO JOSEPH BONVEGNA AND SOLOMON LISS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BENTLEY. Mr. Speaker, in the months preceding the commencement of the 101st Congress Maryland lost two of its most tried and true community servants. It is a loss shared by all in my State. Men with their experience, talent, and willingness to help others only come along once in a lifetime. Their talents and contributions will surely be missed.

The loss is somewhat personal for me, however, because they were both my friends. Members of Congress, it has often been said, have many friends, yet in this case I use the term with true sincerity. Over the years they rewarded me with their support and encouragement time and time again. Mr. Speaker, it is a great honor for me to eulogize them here.

State Senator Joseph Bonvegna was a venerable East Baltimore legislator who was a graduate of the old school of Baltimore politics. A veteran of World War II, Joe was first elected to the Maryland House of Delegates in 1966. His district consisted of neighborhoods which placed great emphasis on family values and ethnic pride. Through hard work and constituent service he became a well-respected legislator with solid support.

Joe was elected to the Maryland State Senate in 1974. He became known as an excellent forecaster of the fate of certain pieces of legislation. Other lawmakers came to ask his opinion on the future of their pet bills. A thumbs-up sign meant the bill would most likely pass; a slicing gesture with his right hand indicated that it would not. "I've never known him to be wrong," explained one of his colleagues.

Joe also led the fight against the establishment of a prison at the old Continental Can Factory in Baltimore—a battle he eventually won. He was also one of the principle sponsors of the legislation that established the immensely successful Maryland State lottery.

What I'll most remember about him, though, is all the hard work he did as director of East Baltimore's "I Am An American Day Parade." The parade has long been a Baltimore tradition, and Joe did his best to make sure it stayed that way. The 50th annual parade was held last September, and Joe had invited me to participate again. I did, of course, and thought that it was the best one ever.

The only thing missing was Joe himself. He was bedridden, suffering from the brain tumor which later killed him. I only wish he had gotten to see the parade that he had put together so wonderfully during the last months of his life. Even though Joe is gone now I am sure that there will be a 51st "I Am An American Day Parade"—a living testament to the memory of a great man.

Solomon Liss, chairman of the Maryland State Critical Areas Commission and a retired judge of the Maryland Circuit Court of Appeals, was the other friend I lost. He collapsed while walking to a legislative hearing in Annapolis on the progress of efforts to protect the Chesapeake Bay shoreline from overdevelopment and was pronounced dead of a heart attack.

Sol was an eloquent and genial man who was known for his outspokenness and unique brand of jurisprudence. "He had a common touch," explained one of his colleagues, "He could reach down and understand a person's predicament and set up guidelines for restoring that person to a productive life." When people who had been arrested for nonviolent public drunkenness were brought before him, Sol required that the individual drop $2 into the poor box before dismissing the charges.

Before serving on the bench Sol was a vocal member of the Baltimore City Council. He was an ardent advocate of civil rights and an avowed foe of discrimination. Some of his views were unpopular at the time, and he received a number of death threats. Sol shrugged them off, stating that he did not care if he were a member of the city council "if a person can't espouse on this floor what he believes in."

Sol was also an ardent environmentalist, and he served his cause well on the State's critical areas commission. He spearheaded efforts to limit development within 1,000 feet of the Chesapeake Bay's shoreline. His success in this area earned him the Chesapeake Bay Foundation's "Conservationist of the Year" Award in 1985.

Sol also loved to dance, sing, act, and tell tales. He quickly earned a reputation as a toastmaster, causing one of his colleagues to describe him as "Maryland's George Jessel." Indeed he had a zest for life that truly touched those around him.

A while back I approached Sol and asked him to serve on my advisory board for the selection of Federal judges. Such a board, I knew, would truly benefit from his experience and wisdom. He agreed, and his knowledge and imput proved to be truly remarkable. Such a man can never be replaced in the hearts of those who knew and loved him.

Mr. Speaker, I have had to bury a lot of friends in the past, so the sense of grief I now feel is something which is not unfamiliar. However, words cannot begin to describe fully the sense of loss I feel. I just wanted to acknowledge the passing of two fine men and community servants. Indeed friends are people who should never be forgotten, for they have helped us all to be the people we now are.

Believe me when I say that I will not forget either Joe or Sol.

REDUCE THE CAPITAL GAINS TAX RATE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. CRANE. Mr. Speaker, the question of whether or not to reduce the capital gains rate has become the subject of much debate of late due to its injection into the deficit reduction discussions by the Bush administration. The issue for many is whether such a reduction would realize revenue to the Treasury. The Bush administration estimates show that a reduction in the capital gains rate will, in fact, increase revenues, while the Joint Committee on Taxation has estimated that such a reduction will be a revenue loser. While I am personally convinced that a reduction in the rate will generate revenue for the Treasury, I want to leave that discussion aside for now and address another aspect of the debate.

The knee jerk response by many opponents of this proposal seems to be that it is simply a tax break for the rich. What these people apparently fail to realize is that the end result of a reduction in the capital gains rate is an increase in investment. This investment capital, which is sorely needed in this country as the low United States rate of savings will attest, will stimulate the kind of economic growth that creates jobs. It will create jobs that will benefit those people who are less well off in our society. Those who profess to be champions of people at the lower end of the economic spectrum need to realize that the only way to truly help such people is to give them the opportunity to work. Remaining dependent on government programs is not the answer for the poor of our society, opportunity is. The following editorial from the February 19, 1989, San Francisco Chronicle understands why reducing the capital gains rate is so important, and I recommend it to anyone who is undecided on the capital gains issue.

[From the San Francisco Chronicle, Feb. 19, 1989]

REDUCE THE TAX RATE ON CAPITAL GAINS

When President George Bush presented his budget to a joint session of Congress recently, he made it clear he understood the economic opportunity that lies ahead for the United States. And that he was quite aware, as well, of the challenge that would be mounted to portions of his program.

"We will not have the luxury of taking the easy, spendthrift approach of solving

problems," said the new president, still basking in the glow of an extended "honeymoon" period with the opposition party, "because higher spending and higher taxes put economic growth at risk.

"Economic growth provides jobs and hope. Economic growth enables us to pay for social programs. Economic growth enhances the security of the nation. And low tax rates create economic growth."

Here is the heart of the Bush approach: Stimulate the country's fiscal engines in order to make the quality of life in this country better for all. To achieve this, the President wants to reduce the tax rate on capital gains.

This will stimulate the American economy by encouraging people to save and invest more in productive assets and to spend less in consumption of goods. When taxes on capital gains are lowered, people get a better return on their longer-term investments. This causes them to shift more of their discretionary dollars away from current consumption (which provides little benefit to the economy) and into longer-term investments, which do stimulate business expansion.

Such investment creates new jobs, new technology and new plants and equipment. This economic process is a truism. The Democrats understand this. However, for reasons of "appearance," they refuse to espouse it themselves.

The Democrats claim that they are worried about people at the lower end of the economic spectrum, and that a reduction in the capital gains rate will primarily help the rich.

However, it is just these less well-off people who most need the increases in jobs that result from incremental investment in the economy.

Typically, powerful House Democrat Dan Rostenkowski is already balking. If the president presses his capital gains cut, then Rostenkowski may try for a higher tax on upper-bracket earners. Such partisan intransigence displays a lack of honesty about the effect of capital gains taxation.

The Democrats are primarily concerned about appearance rather than reality. They are concerned that those gaining the most direct benefit from a capital gains reduction will be people in the higher-income brakcets. And Democrats do not wish to give the appearance of giving them a boost.

The reason this is dishonest is that while such persons may be gaining direct benefit, the more-important indirect benefits—the jobs and income created—go to the very people the Democrats do want to help: the people on the lower end of the economic spectrum.

We are indebted to Gary M. Galles, an assistant professor of economics at Pepperdine University, for an incisive treatise on the subject.

Professor Galles cites a number of "myths" about the tax and slices them down to size and sanity. There is the myth, for instance, that if lower capital gains tax rates benefit the rich, they must harm the poor.

"In fact," says Professor Galles, "in a voluntary exchange economy the way for a 'capitalist' to get rich or richer is to employ his assets to make others better off (or they would not voluntarily trade).

"Heavily taxing the increased asset values that would result from making others (including the poor) better off is an odd way of helping the poor, in whose name opponents of lower capital gains tax rates ultimately rest their case.

"Lower capital gains tax rates are known to be able to stimulate added savings, investment, productivity and income growth (major societal concerns) and have been shown in the past to increase tax revenues. All the opponents of such a change seem to stimulate is misinformation and misguided envy."

The professor makes other points, which we do not have space to go into here, but in essence his academic phraseology complements the president's blunt eloquence: encouraging investment, increased productivity, savings and entrepreneurship (and, not so incidentally, tax revenue) helps everyone down the line. Cutting capital gains makes for a win-win situation in which everyone benefits.

The president's proposal deserves enactment.

TRIBUTE TO HENRY CLUNE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to take note of the February 9 birthday of Mr. Henry Clune, a prominent reporter and writer since the turn of the century. I am proud that both he and I call Rochester, NY, our home. Henry Clune is now 99 years old, but has a youthful spirit and modesty about his many achievements that belie his many years.

Born in Rochester in 1890, Henry Clune has spent a lifetime observing and taking note of the world around him. Although he had not yet finished high school, he started working as an unpaid cub reporter for the Rochester Democrat and Chronicle in 1910. It was at the Democrat and Chronicle that his creative flair for writing emerged. Henry then took his reporting skills with him as he served his country during World War I, fighting as an infantryman in France and writing for the Stars and Stripes.

After World War I, Henry Clune continued to perfect his craft, writing for the Detroit Free Press and the Rochester Herald. He later returned his skills to the paper that trained him, the Rochester Democrat and Chronicle, working as a reporter and columnist.

Following a brief courtship, Henry and Olympic swimmer Charlotte Boyle were married on October 17, 1921, in New York City. Charlotte and Henry have spent 67 happy years together.

Henry's column, Seen and Heard, appeared in the Democrat and Chronicle more than five thousand times in a period that spanned longer than 50 years. His creativity is further witnessed in the 12 books that he has written about his life experiences. His 1947 book, "Main Street Beat," is widely regarded as one of the best ever written about a reporter's lifestyle. In addition, his behind-the-scene stories about Rochesterian George Eastman's quest to learn about the physiognomy of the world provide a revealing inside view of a man who gave the gift of photography to the world. So many of Henry's anecdotes capture the unique spirit and ambience of Rochester, and thus reflect its history and its people.

Henry Clune remains an avid reader and writer despite his official retirement in 1968. Another book of his short stories is expected to be released this spring.

I want to call the attention of my colleagues to the contributions that Henry Clune has made throughout his life and continues to make to the people and city of Rochester, as well as the people of this country. His insight and cheerful manner has warmed the hearts of his readers throughout his illustrious career. I wish my dear friend a very happy birthday and many more to come.

INTRODUCTION OF A BILL FOR THE RELIEF OF CHI CHIA LONG

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. HORTON. Mr. Speaker, today I introduced legislation to grant Mr. Chi Chia Long permanent residence status in this country. The case for granting Mr. Long this status is very compelling and I submit for the RECORD a letter written by Mr. Long describing his struggle.

The letter follows:

AUGUST 15, 1988.

First of all, I would like to express the feelings I have for your country. I admire the people involved in the founding of America and its constitution because they had much foresight and conscience for the rights of the common individual. It's basis is on the morals and principles given to everyone by God, not by individuals. This is why the people of my country dream of coming to America, which in Chinese is translated into "The Beautiful Country". The American people vigorously and tirelessly uphold these values of individual rights, not because they are forced to, but because they believe in them and that it is given to all men by birth.

Originally I served as an interpreter in the 1st Battalion, 7th Marine Regiment, 1st Marine Division back in 1950 in Pu-San, Korea. In the summer of 1951 I was captured by the Chinese communist army. I had been interrogated and tortured all the time during 3 years of isolation. At times they subjected me to starvation. They considered me a spy for the U.S. government and tried to force me to admit it. My role was merely an interpreter and I knew nothing of such matters. After these brutal 3 years, I was on probation for 10 more years, during which time I periodically reported to my probation officer once every 2 weeks.

When I had the chance to contact my family I discovered that my mother had passed away, her spirit being shattered at not knowing whether I was dead or alive. I was both heart-broken and ashamed that my family had to go through all of this and many times I wished for death. The communists had not only taken away my rights but also the people dearest to me.

For thirty years now I have held the hope of someday becoming an American citizen and to perhaps start a new life. Most people my age have lots of mixed memories. They talk of good and bad times in their past. I don't remember too well the few scattered good times of my early past, but the worst ones are too numerous to count and are always a burden on my mind. I am in constant fear of the safety of not only myself,

but also for my wife and family. When asked to publicize my predicament, I said no since this might endanger the rest of my family still there. My dream is to live the rest of my life in peace. Perhaps of having rights like any other individual and to have the chance to help preserve them for our future sons and daughters.

Thus, I make another plea for sanctuary in your country. There is no one else I could possibly turn to. If the country I served loyally during the hard and difficult times of war, denies me a passageway to safety there is little hope left. Especially if that country is the most humanitarian of all nations. At my age, these opportunities will not come again.

Let me say that it would be an honor to serve a country with people so great that they would defend not only the rights of their own people, but also for others at the sacrifice of their own lives. My loyalty to your country is unquestionable. My gratitude for your persistent efforts on my behalf will be never-ending.

Sincerely yours,

CHI CHIA LONG.

I urge my colleagues in the House of Representatives to consider the sacrifices made by Mr. Long in ensuring the safety of many young American's fighting in Korea. This courageous man's life took a tragic change in course because of his efforts in supporting the forces of democracy. It is clear that we owe Mr. Long a great debt of gratitude and a chance to share in such democracy.

TRIBUTE TO MAYNARD RICHARD ASHWORTH

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. RAY. Mr. Speaker, I would like to place into the RECORD a copy of an article that ran in the Columbus Ledger-Enquirer on Sunday, February 26, 1989, entitled "Snapshot of Columbus Patriot's Views" written by Mr. Glenn Vaughn which pays tribute to Mr. Maynard Richard Ashworth.

The article follows:

[From the Columbus Ledger-Enquirer, Feb. 26, 1989]

SNAPSHOT OF COLUMBUS PATRIOT'S VIEWS

(By Glenn Vaughn)

Maynard Ashworth, who was my longtime employer, also has for years been my mentor and friend. Few among us are more keenly aware of national and world events than he, and this is to share a snapshot of his thoughts.

Being the gentleman he is, he doesn't go around spouting his opinions. But ask him what he thinks and he'll answer with clarity and candor. However, before getting into his viewpoints, let's review his credentials.

Going on 95, Maynard Richard Ashworth has lived during 44.4 percent of this nation's 213-year history.

He taught school after graduating in 1915 from what is now Central State University in Warrensburg, Mo. He has traveled throughout the nation and much of the world. He served as an Army officer in both World War I and World War II. He was a newspaperman for more than half a century, serving as publisher of the Ledger-Enquirer much of that time. He has known some of the great leaders of this century. He'a an historian. He's a patriot.

To me, he's "the colonel," not just because it is a title he earned in the Army, but because it fits one who is so distinguished. Having recovered reasonably well from two serious falls down steps at his Peachtree Drive home, Col. Ashworth is busy these days involving himself in renovation work there, including new carpets, painting and wallpapering.

"News," he told me the other day, "is sometimes so depressing, I simply have to break away from it for a while." He said thinking persons have to wonder how long our free and open society can continue allowing so much violence and greed before becoming a "controlled-state" with fewer freedoms.

"Freedom," he lamented, "must be exercised in order to keep it, and too many simply will not take part, nor even vote." He said, "Things have been so easy so long, we begin to think this way of life is just going to go on forever."

Of the federal deficit, Col. Ashworth said, "We've got to pay our bills; there's too much riding on it. We can't be beholden to foreigners. They hold us in hock when they buy our bonds to finance our debts." Unless the United States remains solvent, he said, the entire world's economy will collapse.

He deplored that "so much public revenue has been spent with so little to show for it." He added, "Everybody wants federal money, and when one group gets money from Washington, others have a right to it and the drain never ends. So many who wanted states' rights are not willing to accept the states' responsibilities that go along with those rights."

On illegal drugs, he said, "Education must be part of the solution. We must get to individuals before they become addicted." To reduce crime being committed by addicts, he wondered if confiscated narcotics might be used in a very tightly controlled "weaning process."

On overcrowded prisons: "Whatever it takes, find the money to build new facilities."

On Gorbachev's reform efforts in the Soviet Union: "If the Russians are being honest with us, they'll prove it. Until then we must not let our guard down."

On Lt. Col. Oliver North: "He's the most thoroughly knowledgeable military officer I've ever seen. In a war, I'd want him in a major role. He has been punished enough."

On the media: "While there are some good programs on CNN, C-SPAN and public television which give us an opportunity to hear persons who know what they are talking about, the media overall have too much power."

The colonel sees as the greatest danger facing this nation "the possibility that our people may lose the will to fight for the freedoms and values we cherish." He said television is portraying war as so horrible, he fears people will come to believe it is too high a price to pay for liberty's survival.

Maynard Ashworth's views—nurtured long ago largely by Horatio Alger's writings on hard work, honesty and thrift and tempered by history—deserve to be often revisited.

SOCIAL SECURITY SERVICES IMPROVEMENT ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing, with my colleague Mr. MOODY, legislation to improve the services that the Social Security Administration provides to millions of Americans, from the day they get their Social Security number until the time they begin drawing the benefits to which they are entitled.

For over 50 years, the Social Security Administration has worked with the American people to help them understand their rights and to secure their benefits. This relationship has traditionally been one of cooperation. However, there have been periods, most notably during the continuing disability reviews of the early 1980's, when this spirit of helpful assistance deteriorated into confrontation.

Recently, congressional offices have been hearing a wide variety of complaints about SSA services. Some of these are the result of the dramatic staffing reductions in the last few years. I know my colleagues on the Appropriations Committee will be carefully reviewing these cutbacks as next year's funding levels are set. Other problems appear to be the result of the policies, practices, and procedures of the SSA. Where this is the case, I believe it is incumbent upon the Congress to give direction to the SSA so that these problems do not arise.

The Social Security Services Improvement Act was developed in cooperation with several senior citizen organizations to address a number of problems our constituents are having with SSA. Last session, Mr. MOODY and I introduced similar legislation, H.R. 5250, which was the subject of a hearing before the Social Security Subcommittee on September 22. At that hearing, former Secretary of HEW and co-chairman of the Save our Security Coalition [SOS] testified that, "H.R. 5250 is targeted at precisely the types of problems that persist at SSA." The American Association of Retired Persons [AARP] said, "H.R. 5250 * * * contains important procedural protection that, if enacted, would help ensure that people receive fair, courteous and responsive treatment from SSA."

As a result of this hearing, and hundreds of letters we received from around the country, as well as the comments from the SSA, we have modified some sections and addressed several new areas. The Social Security Services Improvement Act we are introducing today is both important and responsible legislation. I am hopeful that this bill will be considered in the next few months by the Social Security Subcommittee. I urge my colleagues to join with me and help ensure that the American people are getting the respectful and helpful service to which they are entitled.

Mr. Speaker, I ask unanimous consent that a section-by-section analysis of the bill appear in the RECORD immediately following these remarks.

SOCIAL SECURITY SERVICES IMPROVEMENT ACT

SEC. 1—Short Title.

SEC. 2—Standards Governing Collection of Overpayments.

This section requires the SSA to collect overpayments on a schedule which will not cause financial hardship. Overpayment notices would have to tell individuals of their right to a reasonable payment plan. In addition, beneficiaries receiving both SSI and title II payments, would be entitled to the same 10% cap on monthly withholding now in force for SSI benefits alone.

SEC. 3—Telephone Service Center Accountability Demonstrations.

In at least 3 of its 37 telephone service centers, the SSA would be required to create a system to automatically generate a letter to the caller indicating (1) the name of employee who spoke with the caller, (2) the date and nature of the call, (3) any action the SSA will take in response to the call, and (4) a summary of the information or advice the SSA gave to the caller. Of course, routine telephone contacts would not be included in this system.

These demonstration projects would help to ensure that as the SSA continues to move towards greater reliance on telephone service, beneficiaries are not hurt by a lack of records, receipts or misunderstandings that can occur in phone conversations. The demonstration will enable the SSA to develop the best method of protecting beneficiaries while continuing to improve program efficiency.

SEC. 4—Availability and Correction of Earnings Records.

The SSA would be required to tell all applicants for benefits that there have been problems with the SSA's wage credit records. Within two weeks of an application, SSA would furnish the individual with a year-by-year summary of his or her wage history, as recorded by the SSA. The individual would also be told how to get a more detailed report and how to go about correcting any errors. Finally the current 3 year, 3 month and 15 day statute of limitations would be waived for employees. Earning's records could be corrected at any time once the employee has demonstrated to the SSA his or her proper earnings.

SEC. 5—Standard for Determining Good Faith.

This section requires the SSA to take into account any particular limitations that an individual might have when determining whether that person acted in good faith. The SSA would be required to look at physical, mental, educational, or linguistic limitations.

SEC. 6—Assistance to the Homeless.

The SSA would be required to establish, within six months of enactment, a program to help homeless people to qualify for and to receive benefits to which they are entitled. Homeless people, particularly those with mental disabilities, often have trouble securing benefits because of their lack of records and a fixed address. This section also requires the SSA, at the request of a state or local government or a non-profit organization, to furnish an employee to go out to homeless shelters as part of an outreach team.

SEC. 7—Understandable Notices.

This section requires the SSA to include in all individualized notices a name, address, and telephone number of a responsible person at the SSA to contact if the recipient has any questions. The section also requires the SSA to write notices in simple and clear langauge and to the extent feasible, to provide information to non-English speakers in areas with high numbers of people with limited or no English. In addition, the special notice provisions now in effect for blind SSI recipients would be extended to all blind, disabled individuals.

SEC. 8—Representation of Claimants.

The SSA would be required to add to the computer file kept on Social Security claimants a record of the authorized attorney or other person representing the claimant. The SSA now requires an appointment of representation form to be on file before the agency will work with the representative to resolve the claimant's problem. Unfortunately, the file, together with the representation form, is often transferred to other locations, such as the disability determination service, or the Office of Hearings and Appeals, or to Baltimore. Without the original representation form, the local SSA office may refuse to work with the claimant's representative. This creates delay and frustration. This provision would help the SSA keep track of a representative. In addition, this section requires the SSA to tell applicants who receive an adverse decision how to go about getting legal assistance including free legal assistance through the local legal services office.

SEC. 9—Decision to Appeal Rather than to Reapply, Res Judicata.

Claimants who are denied a benefit may often reapply rather than appeal the adverse decision. Because of the doctrine of res judicata, they will generally lose all right to benefits up to the time of the initial decision, even if a subsequent application determines they are actually entitled to a benefit. Claimants who reapply may sometimes lose their right to any benefit if a subsequent application is delayed and they run afoul of the recency of work test. This section requires the SSA to provide claimants who receive an adverse decision with a clear explanation of the consequences of reapplying rather than appealing. In addition, if a claimant can demonstrate that the reason he or she choose to reapply rather than appeal was because of incorrect, incomplete, or misleading information provided by the SSA, then the doctrine of res judicata would not apply to that reapplication.

SEC. 10—Application Date Waiver Authority.

On occasion misinformation provided by the SSA to a potential claimant has resulted in that person not applying for benefits. Even if the SSA eventually discovers the error and begins to pay benefits, under current law, the SSA has no authority to pay benefits dating from the time when the claim would have been filed. This section would allow the SSA to pay a back claim in the particular circumstance where the SSA agrees that the claim was not filed due to misinformation provided by the SSA.

SEC. 11—Same-Day Personal Interviews.

As part of the efforts of the SSA to streamline its procedures many officers now have a policy to interview only at scheduled appointments. Beneficiaries who walk-in are given an appointment and asked to return at that time. This section would require the SSA to conduct an interview the same-day when the individual has a time-sensitive case, such as a lost check or a filing deadline for an appeal.

THE "DECADE OF THE BRAIN" RESOLUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. CONTE. Mr. Speaker, yesterday I introduced a resolution to declare a "Decade of the Brain." We are on the threshold of tremendous breakthroughs in understanding, preventing, and treating the devastating disorders that disable the brain. This resolution acknowledges this opportunity, and demonstrates our commitment to cross the threshold and to find the answers.

Support for this resolution is heartfelt and widespread among the patients, families, and physicians who cope with these brain disorders. What follows are a number of letters I have received expressing support and thanks for this resolution. I hope my colleagues will study these letters. They will tell you, better than I can, what this resolution can really mean.

AMERICAN ACADEMY OF NEUROLOGY,
January 24, 1989.

Hon. SILVIO CONTE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CONTE: The Academy of Neurology, representing some 10,000 neurologists and neuroscientists throughout the United States and North America, strongly endorses the "Decade of the Brain" resolution you are introducing in the 101st Congress.

This resolution underscores the significant advances science and researchers have made in recent years—and the renewed commitment that is necessary to achieve a greater understanding of neurodiseases that afflict millions of Americans, including Alzheimer's, multiple sclerosis, and Parkinson's.

Such focus is especially important at a time when Congress faces immense pressure to restrain federal spending and reduce expenditures.

We especially want to salute you for the immense energy and leadership you have brought to this issue, Mr. Congressman, and wish you success in your efforts.

We urge your fellow members in the 101st Congress to support this resolution.

Sincerely,

THEODORE L. MUNSAT, M.D.,
President.

PARKINSON'S DISEASE FOUNDATION,
New York, N.Y., January 13, 1989.

Hon. SYLVIO CONTE,
House of Representatives, Rayburn House Office Building, Washington, DC

SIR: This letter is to congratulate you on once again introducing a resolution to establish a "Decade of the Brain."

The Parkinson's Disease Foundation endorses your efforts in this regard, and fervently hopes for your success.

With every good wish for 1989.

Sincerely,

DINAH TOTTENHAM ORR.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, DC, February 8, 1989.

Hon. SILVIO CONTE,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CONTE: The American Psychiatric Association, a medical specialty society representing more than 35,000 physicians nationwide, is pleased and honored to assist you in working toward Congressional enactment of your "Decade of the Brain" resolution.

We know that the origin of this resolution lies in your tireless work on the Labor-Health and Human Services-Education Appropriations Subcommittee where as the Ranking Member you have distinguished yourself as a true champion of the nation's biomedical and behavioral research programs at the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) and the National Institutes of Health (NIH). Scores of the nation's finest scientists have annually appeared before your Subcommittee and testified that the need for knowledge in the neurosciences has never been greater and that today the nation stands on the brink of discovery. The National Library of Medicine contains nearly 100,000 publications with the term "brain" in their titles, more than double the number of such articles only 5 years ago.

You well know that passage of a "Decade of the Brain" resolution—much as annual adoption of the "Mental Illness Awareness Week" resolution of which you have always been a co-sponsor—will serve to expedite the quest for new knowledge into the nature and causes of the still poorly-understood disorders of the brain and behavior. In fact, the quest has already been accelerated with the National Advisory Mental Health Council's 1988 Report to the Congress entitled, "Approaching the 21st Century: Opportunities for NIMH Neuroscience Research," behind which you were the major impetus.

We believe, as do you, that psychiatric disorders have been too long ignored and deserve a much higher national research priority. Our members stand ready to work with you and your colleagues in Congress to increase public awareness of and subsequent public funding support for the search into the causes of mental illnesses, effective treatments and cures.

Sincerely,

MELVIN SABSHIN, M.D.,
Medical Director.

DYSTONIA MEDICAL
RESEARCH FOUNDATION,
December 14, 1988.

Congressman SILVIO O. CONTE,
House Appropriations Committee,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN CONTE: The members of the Dystonia Medical Research Foundation wholeheartedly support your resolution to declare this the Decade of the Brain.

Dystonia is a brain disorder of unknown origin and there is no cure. Treatments have mixed results. Estimates of the number of those afflicted range between 70,000 and 100,000 with many scientists feeling the figure may well be much higher because misdiagnosis is common.

Members of Dystonia Foundation chapters, across the country, have been circulating petitions in support of your resolution and urging their senators and representatives to support it, too. A representative group of members would like to come to Washington when the Congress reconvenes and present the signed petitions to you and provide you with any information about dystonia you may wish to have.

We look forward to your reply to this request to meet with you at your convenience.

Sincerely yours,

GRACE URROWS.

AMERICAN COLLEGE OF
NEUROPSYCHOPHARMACOLOGY,
March 2, 1989.

Hon. SILVIO O. CONTE,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN CONTE: The American College of Neuropsychopharmacology (ACNP) is a professional organization of some 500 leading scientists. Members are selected primarily on the basis of their original research contributions to the field of neuropsychopharmacology, which involves the evaluation of the effects of natural products and synthetic compounds upon the brain and human behavior. At its recent meeting in Washington, our Council voted formally to congratulate you, and thank you, for introducing your resolution to declare a "Decade of the Brain".

We greatly respect and appreciate your willingness to carefully study the testimony of the nation's best scientists as they present new findings in treatment and research opportunities in neuroscience before the Appropriations Committee. To people with brain-related diseases and disorders, to those with drug and alcohol addictions, and to their families and caregivers—you and your legislative efforts have been a steady source of hope.

We are ready to do all we can to spread the word about the importance of your resolution, and to encourage other members of Congress to follow your direction and to support your initiative. Thank you again for your leadership in this promising area of research. Please let us know how we can help.

Sincerely,

OAKLEY RAY, Ph.D.,
Secretary.

TRIBUTE TO ARCHBISHOP BORDERS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BENTLEY. Mr. Speaker, today I have the distinct pleasure to honor a man whose love of God and devotion to his church has helped to make him a force of spiritual strength and welcome social change for all the citizens of Baltimore. We in Maryland shall honor Archbishop William Donald Borders—a gentleman who has presided over the powerful Archdiocese of Baltimore with great care and wisdom since 1974. His genuine concern for all people, however, has endeared him to people of all faiths. Soon this great man shall turn his awesome responsibilities over to another, leaving behind a record of achievement which speaks for itself. Tonight the people of Baltimore are coming together to thank him for his goods works. I would first, however, like to take this chance to thank him in my own way.

Archbishop Borders started this climb up the ecclesiastical ladder in 1932, when he began studying for the priesthood at the youthful age of 19. He was ordained in 1940 and soon decided to serve his country as a chaplain in the military—a choice which eventually earned him a major's rank. After the war he earned a Master's degree in education and built for himself a reputation as a concerned and capable young priest in the New Orleans area.

His talents did not go unnoticed by the Vatican. Pope Paul VI selected Borders as first bishop of the newly formed Diocese of Orlando, FL. Bishop Borders used his position to fight for the things he believed in—such as quality education, the Vatican II reforms, and increased organizational efficiency within the church. His selection as Archbishop of Baltimore only increased his devotion to these issues. Today Archbishop Borders has become a nationally respected figure within the church—one whose opinion is regularly consulted on many matters affecting church policy.

Mr. Speaker, Archbishop Borders is truly a special individual—a man who has certainly endeared himself to his elders in the church as well as the laity. Though he will be missed once he has retired, his contributions shall long serve as the monument by which he will always be remembered. Baltimore is indeed a better place for having been blessed with his presence.

Thank you, Archbishop, and congratulations for a job well done.

ABUSE OF FLAG IN CHICAGO VIOLATES FEDERAL LAW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. CRANE. Mr. Speaker, there is a grave situation developing in Chicago. A self-proclaimed "supporter of the Revolutionary Communist Party U.S.A." is defaming the pride and symbol of this Nation. He has created an art project that places Old Glory on the floor beneath a montage of photos and a book for which comments may be made. This so-called artistical display entitled "What is the proper way to display the flag?" has so enraged the masses that a lawsuit was filed and subsequently dismissed, protests launched, and resolutions introduced in the Illinois General Assembly to cut funding to the School of the Art Institute which stand by this display of disrespect.

Mr. Speaker, this is not a question of free speech. This display is a violation of the United States Code. Title 36, section 176(b) states, and I quote, "the flag should never touch anything beneath it, such as the ground, the floor, water or merchandise." The code is extremely clear. It says the flag shall not touch the ground. It does not make the distinction of whether the floor is clean, as the uninformed Judge Kenneth Gillis did in ruling on a suit filed to remove the exhibit. This judge ruled that the school had not violated State and Federal criminal laws that prohibit placing marks on the flag or mutilating, defacing or trampling it. Judge Gillis went on to say that "placing the flag on the floor is not muti-

lating, defacing or trampling it." Well, somebody needs to correct this judge. We, the Members of the Congress of the United States have given all the guidance he needs on this issue. The flag shall not touch the ground.

And what about Mr. Tyler. If this individual has no respect for this country and its symbols then I suggest that he search his soul for what he really wants. As Americans, we have the right to stand up and be counted. We have elections to determine leadership and freedom of expression to say we disagree with the way our elected officials behave. As Americans, we have freedom of speech to say we object but there comes a point when we violate the rights of others. Mr. Tyler has an obvious disrespect for this country and its symbols. In the process, he also defames all of our forefathers who have built this Nation. He defames the fathers, husbands, and sons who have given their lives to defend this country. He defames the soldiers and sailors today who serve under Old Glory in defending our shores from the likes of those whom he embraces. He defames the citizens of this country who pledge allegiance to the flag every day and who wake up every morning, glad that they are living in "the land of the free and the home of the brave."

Mr. Speaker, I conclude in saying that I am proud to be an American. I am proud of those individuals who have "made it safe for democracy." I am proud to wake up every morning and drive to the these hallowed halls where the symbol of the United States flies proudly and brilliantly from atop this building. I salute the stars and stripes of our flag and know in my heart that it is the symbol of the most precious gift, freedom. I urge the dismantling of this so-called expression of art based on the clear violations stated in the United States Code, title 36, section 176(b).

READING IS CONTAGIOUS IN SCHOOL DISTRICT 26

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. ACKERMAN. Mr. Speaker, today I would like to bring to your attention the outstanding work that is being performed by the students, faculty, and administrators of Community School District 26 in Queens County, NY. The tremendous effort put forth by everyone in this district has helped it attain the highest ranking among New York City's 32 school districts in a survey of reading scores conducted by the Board of Education. Special commendation should also go to P.S. 205, which finished third out of the 616 New York City public schools. I would like to congratulate District Superintendent Irwin Altman, the president of the school board, Marylen Daly, and the principal of P.S. 205, Alvin Topol.

As a former school teacher in Queens County, I am well aware of the strong commitment toward educational fundamentals which is so prominent throughout our schools. In a time when some educational standards are sliding downward, it is very encouraging to see a school district perform so admirably. I thought that my colleagues might be interested in a recent article written by Jack Leahy that appeared in the New York Daily News on February 17, 1989. This story highlights the tremendous work that is being done in School District 26.

TEACHING READIN' IS RIGHT IN PS 205

SCHOOL DISTRICT 26 BEST OF ITS CLASS CITYWIDE

(By Jack Leahy)

Rock music and TV cartoons have their place, but not at Public School 205 in Bayside, where kids enjoy classical music during daily individual reading sessions.

The practice paid off yesterday when the school on Bell Blvd. and 75th Ave. placed third among the city's 616 schools on the Board of Education's list of reading scores.

PS 205's high ranking helped School District 26, which covers northeastern Queens, to first place among the city's 32 districts. None of the 20 elementary and five junior high schools in the district finished lower than 140th on the list, and four made the top 20.

PS 205 97 PERCENT ABOVE AVERAGE

At PS 205, the Alexander Graham Bell School, 97% of the 280 pupils are reading at or above the average level for their grade, according to the Board of Education. Last year, the school was in 31st place with an 89.8% average.

Principal Alvin Topol attributed its success in reading to "great kids, dedicated and experienced teachers and parental involvement."

One program, dubbed DEAR, for Drop Everything and Read, allots 20 minutes daily in school and calls for at least a book of the youngster's choice, Topol said.

"Each class is periodically assigned five novels, like 'Robinson Crusoe,' or biographies, like 'Helen Keller,' and the children are allowed to read one of them for DEAR," Topol said. "We play classical music over the classroom speaker while they're reading, and the kids just love it."

Stefani DeZorett, a reading teacher at Public School 24 in adjacent District 25, has two children, Robert 6, and Jason, 9, in PS 205. She said they are encouraged to read by frequent book-report assignments, school clubs and a program that offers coupons for free pizza slices as enticements for completing two or three novels.

"Reading is contagious within the school," said DeZorett, whose husband, Michael, is a lawyer, "and it carries over when my children come home. They want to go to the library and get more books to read besides those they get in school."

Like all of the schools in District 26, PS 205 is in a predominantly white, middleclass neighborhood. Minority students are bused in from other districts, however, and seem to do as well in reading as neighborhood youngsters do.

At PS 205, for example, about 20% of the students are black, Topol noted. They are bused from as far away as St. Albans to attend the kindergarten-through-fifth-grade school.

BUSING HELPS

With only 11,500 students, District 26 is one of the smallest in the city, and busing from other districts helps to fill classroom seats that otherwise would add to the empty space.

Helene Zaro, first vice president of Board 26, said the district's reputation for good schools attracts teachers and principals, as well as students who have an option to go to them.

"I have been on the school board for almost 16 years and, for as long as I can remember, we have always been up there on the top in reading scores," Zaro said.

QUEENS READING SCORES

School	Percent	Rank
District 24		
Junior Highs:		
61	48.7	143
73	63.1	84
77	60.0	91
93	59.5	96
119	76.8	32
125	63.9	82
Elementary Schools:		
12	66.1	355
13	63.8	391
14	69.3	305
19	56.8	480
49	83.4	112
68	61.9	425
71	69.4	302
81	75.4	218
87	67.6	338
88	66.8	348
89	56.3	490
91	77.9	173
102	74.0	238
113	93.1	18
128	93.6	15
143	50.7	535
153	80.4	152
199	51.7	526
229	76.7	189
District 25		
Junior Highs:		
25	83.4	15
168	80.5	20
185	77.4	30
189	64.7	79
194	82.8	16
237	73.9	45
Elementary Schools:		
20	83.4	349
21	76.8	188
22	75.1	222
24	74.3	229
29	79.6	161
32	78.2	171
79	85.3	93
107	83.5	109
120	72.7	260
129	88.2	58
154	76.3	196
163	81.1	142
164	72.8	259
165	83.9	104
169	91.6	26
184	87.9	64
193	90.7	38
200	96.0	6
201	77.0	187
209	89.6	48
214	83.2	115
219	81.8	134
District 26		
Junior Highs:		
67	90.2	4
74	87.3	7
158	80.4	22
172	87.3	8
216	84.6	13
Elementary Schools:		
18	91.2	31
26	91.9	25
31	89.6	47
41	86.4	77
46	83.9	106
94	82.9	119
98	94.2	12
115	88.0	62
133	88.6	55
159	87.9	65
162	81.4	139
173	88.0	63
178	94.2	13
186	87.5	69
188	91.6	27
191	85.6	89
203	90.3	42
205	97.0	3
213	82.9	120
221	92.5	20
District 27		
Junior Highs:		
53	55.9	112
180	60.0	92
198	57.8	101
202	75.1	38
210	69.6	61
226	70.4	57

QUEENS READING SCORES—Continued

School	Percent	Rank
Elementary Schools:		
42	73.7	242
45	68.1	328
47	87.3	71
56	81.4	138
60	74.9	225
62	72.4	264
63	77.2	184
64	74.3	230
66	81.0	144
90	64.7	378
96	65.7	364
97	76.1	203
100	70.2	293
104	77.2	183
105	68.4	323
106	72.3	267
108	71.7	273
114	86.1	83
123	44.2	582
124	74.0	237
146	73.6	245
155	60.6	444
183	62.5	410
197	54.4	505
207	82.3	129
215	68.3	325
223	60.5	447
225	66.1	356
232	81.9	131
District 28		
Junior Highs:		
8	49.4	140
72	59.6	94
157	81.0	19
190	81.5	18
217	66.0	72
Elementary Schools:		
30	73.4	249
40	62.1	419
48	58.4	465
50	63.1	401
54	67.0	345
55	76.6	191
80	69.6	298
82	72.0	268
86	59.1	462
99	91.5	28
101	86.0	84
117	73.9	239
121	69.3	304
139	81.2	140
140	60.0	453
144	83.4	111
160	65.6	365
174	84.2	102
175	85.4	91
196	96.4	4
206	73.8	241
220	81.9	133
District 29		
Junior Highs:		
59	71.4	54
109	73.4	47
192	56.5	107
231	73.1	49
238	57.3	105
Elementary Schools:		
15	84.7	97
33	79.0	164
34	71.6	276
35	73.0	254
36	68.4	324
37	67.0	346
38	84.4	100
52	63.0	403
95	68.1	330
116	54.0	508
118	69.4	303
131	90.6	40
132	80.9	147
134	81.6	136
135	70.7	286
136	67.6	340
138	79.0	165
147	72.3	266
156	73.3	250
176	90.8	35
181	72.4	262
195	92.2	23
District 30		
Junior Highs:		
10	70.0	60
126	53.5	118
141	72.1	51
145	57.4	104
204	68.7	63
Elementary Schools:		
2	82.6	123
11	70.7	287
17	70.8	285
69	78.6	169
70	72.8	258
76	84.2	101
84	76.7	190

QUEENS READING SCORES—Continued

School	Percent	Rank
85	79.8	158
92	54.0	509
111	64.6	503
112	74.8	226
122	75.4	217
127	68.6	319
148	64.6	380
149	61.7	428
150	67.4	342
151	64.9	372
152	60.3	449
166	67.6	339
171	57.2	477

JUSTICE IN EL SALVADOR

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to applaud the efforts of the Salvadoran Government to punish those responsible for death squad activity in that war-torn country. Despite mind-boggling civilian casualties in the 9-year-old civil war there, and despite convincing evidence that elements of the military are involved in human rights abuses, no officer had been charged with human rights violations until yesterday. Yesterday three officers were charged in the deaths of 10 peasants near the town of San Sebastian on September 21, 1988. These three were named on a list presented to the Salvadoran military by Vice President QUAYLE on his visit in February as having particularly strong ties to death squad activity. In addition, a brigade commander was removed from his post in connection with this tragic incident.

I also commend the American Ambassador to San Salvador, the Honorable William Walker, for his offer of assistance to the judge in this case, Edis Alcides Guandique. The judge who was originally assigned this case, resigned after receiving death threats. Intimidation of judges when human rights abuses are being investigated is nothing new to El Salvador, but is a practice that cannot continue if El Salvador is to break the vicious cycle of violence that grips that country.

Human rights violations in El Salvador must come to an end. I visited El Salvador in January and found a climate of instability, permeated by the threat of violence. For the sake of the Salvadoran people, an equitable resolution to the civil war and an end to human rights violations must be achieved.

INTRODUCTION OF LEGISLATION ON OFFICE SITING RULES FOR SEWAGE FACILITY BONDS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. DONNELLY. Mr. Speaker, as a member of the Committee on Ways and Means, I am introducing legislation today to respond to complaints which I have received concerning State and local governments, or agencies or instrumentalities of these units, which issue tax-free bonds for sewage facilities or treatment. What we have discovered is that these issuers will construct management offices for sewage treatment facilities away from the actual cleanup site.

Quite frankly, Mr. Speaker, I can't conceive of one reason that a water authority's management office would be constructed miles from a cleanup site. Under present law, offices associated with projects financed with tax-free bonds funding private activities such as sewage treatment plans must be located at the site of the project. This rule was added to the Tax Reform Act of 1986 when the Committee on Ways and Means marked up that legislation in the fall of 1985.

As one of the authors of that amendment, Mr. Speaker, let me say that we did not apply these rules to governmental bonds because no one in their wildest imagination would have assumed that governmental agencies—those who must be accountable and responsible to the taxpayers—would have ever considered constructing luxury office buildings with tax-free bond proceeds, at a location away from the project underlying the bonds.

But lo and behold, in my own State of Massachusetts, this is precisely what is happening. A State agency, charged with the important responsibility of cleaning up our waterways, is deciding to spend tens of millions of dollars on a luxury office building miles away from the actual site of the cleanup.

The taxpayers of Massachusetts—and, the taxpayers of this country—are providing an enormously generous subsidy by not subjecting to tax interest on obligations of State and local governments. These taxpayers have a right to know that the management offices of a water authority responsible for the cleanup will be on the premises of the cleanup site, not in some luxurious office building miles away. Those responsible for cleaning up our Nation's waterways should be accountable to the people of the community which they are supposed to serve.

To end this abuse of public trust and accountability, and to end it now, my bill makes changes to the tax-free bond rules of the Internal Revenue Code. A description of present law, and my proposed changes, follows.

PRESENT LAW

Interest on obligations of State and local governments is exempt from tax under authority of section 103 of the Internal Revenue Code. In the case of private activity bonds, interest is taxable unless a specific Code provision operates to exclude the interest from taxation.

One class of private activity bonds which are generally tax-exempt are "exempt facility bonds". Exempt facility bonds are, however, subject to several restrictions. For example, exempt facility bonds are subject to a volume cap, which limits the amount of private activity bonds which a State may issue.

Another restriction imposed on exempt facility bonds is a limitation on office space and is contained in section 142(b)(2)(A) of the Code. Generally, an exempt facility bond will not be tax-exempt unless any office associated with the facility is located on the premises of the facility. That site re-

striction does not apply, however, in the case of governmental bonds.

EXPLANATION OF PROVISION

The bill extends the site restriction, discussed above, to governmental bonds issued to provide sewage facilities. Thus, for a governmental bond providing sewage facilities (in whole or in part) to be tax-exempt, any office space related to the management of sewage (e.g., management offices of water authorities) must be located on the premises of a sewage facility.

For purposes of this rule, the term "sewage facility" is defined by reference to Treas. Regs. 1.103-8(f)(2)(i) (i.e., any property used for the collection, storage, treatment, utilization, processing, of final disposal of sewage). In addition, the intent of the legislation is to apply the functionally related and subordinate rules of Treas. Regs. 1.103-8(a)(3) to governmental bonds used to provide sewage facilities. Thus, the "premises" of a sewage facility includes any land, building, or other property functionally related and subordinate to such facility.

The restriction on office premises would not apply if no more than a minor portion of the proceeds of the issue are used to provide office space. For purposes of this rule, "minor portion" means the lesser of 5% of the proceeds of the issue, or $100,000.

The provision applies as well to State revolving loans funds. For example, if a State has a fund out of which it will loan bond proceeds to clean up a waterway in the State, the provision requires that offices servicing the treatment facility be located on the site being treated.

EFFECTIVE DATE

The provision is generally effective for bonds issued after December 31, 1990. A more restrictive effective date is provided, however, in the case of State agencies created after December 31, 1984 that are not yet fully operational. A State agency is not yet fully operational if, for example, it has only issued an insignificant portion of the long-term debt it expected to issue, or if it has not yet begun substantial work on any of the sites it is required to treat or clean. An agency is also not yet fully operational if its final office site is not yet chosen. In the case of these agencies, the provision applies to bonds issued after March 9, 1989.

No inference is intended, with respect to the December 31, 1990 effective date, that an earlier date could not be chosen by the Committee on Ways and Means when action is taken on this bill. In no event, however, would I support an effective date earlier than the date of Committee action with respect to the effective date of general application in the legislation.

Let me say in conclusion, Mr. Speaker, that a rule that is good enough for private activities is doubly good for governmental activities. If the tax laws impose an office site requirement on private purpose bonds financing sewage treatment facilities, then a similar rule should apply to governmental bonds. Governments should be responsible to the people they serve. This legislation is good tax policy, and good public policy.

CARACAS SEETHES, WASHINGTON SNOOZES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. PEASE. Mr. Speaker, last week's violence in democratic Venezuela highlights the need for immediate, dramatic debt reduction in Latin America. As the Venezuelan riots demonstrate, people in Latin America are at the end of their rope. They have endured almost 7 years of severe economic decline. Living standards have declined dramatically. Now, more than ever, there is risk of widespread popular unrest, which could jeopardize the democratic movement in Latin America. Clearly, it is in our economic and foreign policy interests to reduce these nation's debt burdens. Debt reduction could stimuate economic growth and reduce the political turmoil in these countries. My bill, H.R. 1103, the World Trade Expansion, Development, and Financial Stability Act of 1989, would provide debt relief of a magnitude that would make a real difference.

I commend to my colleagues the following editorial from the New York Times. The article makes an excellent case for debt relief. I hope that the administration, which is presently devising its debt strategy, will also recognize the wisdom of these ideas.

The article follows:

[From the New York Times, Mar. 3, 1989]

CARACAS SEETHES, WASHINGTON SNOOZES

"The I.M.F. set fire to the streets of Caracas," screamed a Venezulan newspaper this week as riots left hundreds dead in what had been one of Latin America's most stable democracies.

The charge isn't quite fair. The deal now being worked out between the four-week-old Government of Carlos Andrés Pérez and the International Monetary Fund merely put the match to a combustible mixture that has been building for years, and not just in Venezuela. Unless the Bush Administration accelerates its promised debt relief proposals, the flames could spread to many other Latin American democracies.

President Pérez inherited a desperate economic crisis. Venezuela's economy, heavily dependent on oil, helped it produce one of the region's highest living standards and one of its most moderate political cultures.

Since the early 1980's, however, plunging oil prices have sliced profits from oil exports by two-thirds. Venezuela maintained its debt payments and domestic spending only by running down foreign exchange reserves. Those reserves are now almost wiped out.

Whether oil-related or not, similar financial crunches now affect Mexico, Costa Rica, Peru, Colombia, Ecuador, Bolivia, Argentina and Brazil. As a result some have predicted, the string of Latin American democracies scheduled to vote in the coming months could well elect radical populists preaching debt repudiation, anti-Americanism and autarky. Many counted Carlos Andrés Pérez in that populist camp.

Instead, Mr. Pérez has applied the kind of strict and unpopular orthodoxy Washington preaches, including currency devaluation, higher interest rates and sharply increased prices for fuels and public transportation. The last of these measures touched off the violence.

The Bush Administration, in office two weeks longer than Mr. Pérez, has yet to wake up to the urgency of the crisis by producing a plausible debt relief plan. Congress last year ordered the Treasury to report on international debt by Feb. 23. Treasury won a three-week delay. The Administration offers encouraging rhetoric about the need for new approaches, but no plans. And the State Department still has no new Assistant Secretary for Inter-American Affairs.

Debt relief could take various forms. Bank regulators might be asked to tolerate some loan forgiveness. Greater use might be made of the secondary market, where Latin debt now trades at less than 50 cents on the dollar. Or Government-sponsored institutions might swap existing i.o.u.'s for some new type of guaranteed bond. Most likely any plan would ask debtors to swallow difficult economic reforms as the price of relief.

Venezuela adopted such reforms without waiting for relief. But it has paid a heavy human and political price. How long must it now wait for Washington to wake up?

THE WHOLE WORLD MUST STOP CFC PRODUCTION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. STARK. Mr. Speaker, everyone around the globe is talking about swift action to stop the destruction of the ozone layer by chlorofluorocarbons. I am particularly pleased by the response of Great Britain and Prime Minister Thatcher. Prime Minister Thatcher has reversed her position and now calls for "a truce on the assault on the atmosphere." I couldn't agree more.

The response of developing countries is that while they would like to stop using the chemicals, they still need them to catch up to the industrial world. I appreciate this reasoning.

I believe the United States should take a strong leadership role in ending the production of CFC's. To this end, I have introduced legislation to put an excise tax on CFC's. This is to raise the price high enough to bring alternative, environmentally sound chemicals into production.

An important component of the legislation is the trade section. We cannot let other countries use destructive CFC's in manufacturing processes or for refrigeration systems and then ship the goods to the United States. The bill imposes a tax on the importation of goods into the United States that were made with or contain CFC's.

CFC's made elsewhere are just as effective in destroying ozone as the homemade brand. Developing countries must not be allowed to compete with our industry using cheap, destructive CFC's while we are using more expensive, benign substitutes.

I would like to include in the RECORD an article from the Washington Post that reviews the current world debate on CFC's.

[From the Washington Post, Mar. 8, 1989]

CONFERENCE ENDS AT ODDS ON PACE OF OZONE EFFORTS

(By Jonathan C. Randal)

LONDON, March 7.—A 123-nation conference to save the ozone layer ended here today with U.S. and European Community recognition that many other nations will lag behind the West's pledge to accelerate elimination of chemicals threatening the atmosphere's vulnerable shield.

British Prime Minister Margaret Thatcher told a final news conference that "in practice" there "probably will be a two-speed system," with the precise pace to be determined at a follow-up conference in Helsinki in May. Then governments will review scientific, industrial and other data and decide how to implement phasing out of chemicals called chlorofluorocarbons (CFCs) whose damage to the ozone has been blamed for skin cancer, cataracts and harm to the immune system.

William K. Reilly, U.S. Environmental Protection Agency administrator, told reporters that discussions with China, India, the Soviet Union and other countries here had persuaded him that it was "perfectly understandable" for them to "stick to the [original] timetable" of phasing out half their CFCs by the end of the century.

"I came here with a different impression from what I am taking away," he said, explaining that he had wanted to "torque the process" and "move decisions up" after the 12-nation European Community and the United States decided last week to phase out all CFCs by 2000.

Behind this assessment lay increased understanding for Third World concerns about developed nations' willingness to share and subsidize newly available substitute chemicals and for Moscow's reluctance to accelerate compliance because Soviet scientists are said to be less pessimistic than their western colleagues.

Nonetheless, Thatcher and other speakers hailed the three-day conference for speeding up world consciousness about the need to phase out CFCs, which are used as aerosol propellants, and in computer hardware, medicines and refrigerator and air conditioner coolants.

Although Thatcher insisted "our goal must be nothing less" than having all countries sign up, she said "it augurs well for the future" that 20 more countries now have said they will adhere to the 1987 Montreal Protocol on phasing out 50 percent of CFCs by 2000. Thirty-one countries had signed and ratified it earlier and 19 more countries said they were "seriously considering" doing so, according to conference documents.

Even if all CFC use ended today, Thatcher said, "damage already done to the ozone layer will be with us, our children and our grandchildren throughout the 21st century." She added that only "common action" with "every country playing its part" could bring relief, or what another speaker called "a truce in our assault on the atmosphere."

Mostafa K. Tolba, executive director of the U.N. Environment Program, which cosponsored the conference, touched on the delicate question of financing the expected greater costs of replacing CFCs by suggesting that "an agreed additional percentage of development assistance be specifically allocated."

China, India and other Third World countries have made clear they do not want the added costs of CFC substitutes deducted from foreign development assistance. Tolba also proposed an "internationally agreed plan to raise extra resources" that could include debt remission favoring environmental protection, use of resources freed by disarmament and innovative tax incentives.

The United States has suggested that international institutions, especially the World Bank, as well as Japan and the European Community shoulder most of the financial burden.

Further complicating the industrialized world's response was Britain's determination to avoid setting up new institutions, as is favored by France and apparently by some leading Third World powers.

New Zealand Environment Minister Geoffrey Palmer said scientific data had shown that the Montreal Protocol is "inadequate." He called for a "bold new approach to the development of international law" for environmental problems.

He said "the traditional system of developing international law into international legal standards in small incremental steps, each of which must subsequently be ratified before it comes into effect, is simply not equipped to deal with the fast-moving crisis of environmental problems which we face."

INTRODUCTION OF A BILL TO PROVIDE FOR THE DREDGING OF MORRO BAY HARBOR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. PANETTA. Mr. Speaker, today I am introducing a bill, as is my colleague in the Senate, Senator PETE WILSON, to direct the U.S. Army Corps of Engineers to take action to remedy an extremely dangerous condition at the entrance to Morro Bay Harbor in California. The bill requires the corps, upon a favorable recommendation by the Chief of Engineers, to dredge the harbor to a depth of 40 feet, to modify the entrance to the harbor, and to take other actions necessary to make the harbor safe.

This action is critical. Extremely high waves at the entrance to the harbor regularly create dangerous navigation conditions. Since 1964, at least 21 individuals have lost their lives attempting to navigate the entrance. The most recent death occurred on November 9, 1987, and involved a man widely regarded as one of the area's most experienced and careful commercial fishermen. In addition, there have been terrifying accidents in which loss of life has been avoided only by heroic rescue efforts. The most dramatic of these accidents was the capsizing in 1983 of the San Mateo, a 45-foot whale-watching vessel carrying 23 schoolchildren and several adults. It is ironic in light of these deaths and accidents, that Morro Bay Harbor is the only port of refuge between Monterey and Santa Barbara, along the often treacherous waters of the California coast.

The corps has completed a reconnaissance report and is proceeding with a feasibility study regarding Morro Bay Harbor. This legislation will allow the corps to begin work on the dredging as soon as the feasibility study is completed and the Chief of Enginneers makes a favorable recommendation. Because of the vital importance of this work, I believe that further delay would be dangerous.

Unless remedial action is taken as soon as possible, additional lives will be needlessly lost and endangered. In addition, concern within the fishing and boating community about the dangerous conditions in the harbor may also result in a diminution in use of the harbor, causing economic harm to Morro Bay and those who depend on the harbor for their livelihood.

The legislation which I am introducing would direct the corps to do the work necessary to make the harbor safe again. It would also remove any doubt as to the corps' authority to do the deeper dredging work. Most importantly, it would restore the harbor as a port which can be safely used and enjoyed, and which can offer refuge to all vessels in distress. Last year similar language was included in the House-passed version of the Water Resources Development Act. At that time the Public Works Committee and the House recognized the importance and necessity of this work and it is my hope that the same sort of committee can be reached this again year. I look forward to working with the committee and hope for passage of this bill.

Following is the text of the bill:

H.R. 1357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation project for Morro Bay, California, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 21), is modified to direct the Secretary of the Army, acting through the Chief of Engineers—

(1) contingent upon a favorable recommendation by the Chief of Engineers, to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet not later than six months after completion of a feasibility study by the Corps of Engineers regarding such project and thereafter maintain such channel at such depth; and

(2) to carry out and maintain such other improvements at such harbor as the Chief of Engineers determines to be necessary to allow safe navigation into and out of such harbor.

THE 71ST ANNIVERSARY OF THE REPUBLIC OF LITHUANIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BENTLEY. Mr. Speaker, there is no story braver than that of the Lithuanian people. Over its long span of existence the Lithuanian Nation has been involved in numerous conflicts, struggles, and wars in the name of maintaining its identity against the continued encroachment of others. It has endured despite these odds.

No challenge, however, is as great as that which it faces today. Since the end of World War II Lithuania has been trapped in the clutches of Soviet communism—unable to

break free of the bonds which deprived the fledgling Baltic State of its freedoms.

Last month we celebrated the 71st anniversary of the founding of the Republic of Lithuania after the World War I. Below are remarks which I gave at an event sponsored by Baltimore's Lithuanian community on February 12. It is with respect to this brave and noble people that I submit them here:

STATEMENT BY HON. HELEN BENTLEY IN HONOR OF THE 71ST ANNIVERSARY OF THE DECLARATION OF THE INDEPENDENT REPUBLIC OF LITHUANIA

It's an honor and a privilege to have been asked to participate in this celebration of your Lithuanian identity today. While I am not Lithuanian—instead I am a full-blooded Serb—I feel that certain similarities between our two peoples nonetheless bond us together in a very special way. Both are proud peoples who have struggled to maintain a sense of ethnicity despite the pressures put upon us by other Nations. Both have suffered intolerance and persecution as a result of our defiance.

However, the most important thing is that your people as well as mine have survived these challenges. Today you stand together in homage of the brave little Lithuanian State which was formed after the end of World War I. The history of this tiny Lithuanian Republic is indeed one of noble men, bold actions, and a willingness to resist the odds stacked so heavily against national independence in an age when Europe was engulfed in war and flames.

I salute the fine souls who laid the foundations upon which the Lithuanian Republic was built—for the love of liberty they demonstrated shall serve as a beacon of hope throughout the ages. Yet I also salute each of you as well, for the willingness you have shown to maintain strong cultural ties is not often seen in our "melting pot" society. You deserve to be most proud of your heritage, for even in the face of Soviet domination the Lithuanian people have remained strong and proud.

I submit that any student in history who wants to learn about bravery should take his cue from the Lithuanians. Indeed there is no story more inspiring or fulfilling to be found.

TRIBUTE TO GEORGE SILBERFEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. ACKERMAN. Mr. Speaker, I wish to call the attention of the House to an extraordinary man. On March 18, George Silberfein will be celebrating his 80th birthday. Mr. Silberfein was born in New York, to immigrant parents Sara Esther Finelt and Solomon Silberfein, who came to America seeking religious and personal freedom. Like millions of other families, the Silberfeins brought with them little else but the dream that was America and the desire to contribute to its enrichment.

The family settled in Brooklyn and George was born fifth of eight children. His brothers Murray, Harry, and Mickey and his sisters Rose, Jessie, Florrie, and Shirley were used to having family dinner at a table large enough to accommodate not only their family, but a seemingly never-ending stream of immigrants from the old country who were told to make the Silberfeins their first stop when they got to America. A warm bed and some helpful advice were always to be had before setting out on one's own way. This spirit of caring and giving was instilled in George at a very young age and has stayed with him.

He was taught that America represented not only opportunity, but a responsibility as well. George was taught that he had a responsibility to help others in their struggle to achieve opportunity in America; that even the newest Americans must begin to give something of themselves back to America.

While attending Boys High, he was manager of the cross country track team. He graduated in January 1927, and then attended Brooklyn City College in the evenings where he was vice president of student activities, while working in the family business during the day.

A few years later, when George owned a thriving factory on Long Island, he saw to it that any employee of his that wanted to buy a house was not deprived of that dream because of racial, religious, or other discriminatory reasons. On some occasions, he would personally purchase the house and then turn it over to the family and stand guard as the community took time to get acquainted to their new neighbors.

George Silberfein took an interest in helping build his community. He was a founder of the Temple Beth-El Jewish Center and of the Huntington, NY, Police Athletic League. He also founded the Huntington Station Cab Co. and S. Silberfein & Sons, a dress contracting factory on New York Avenue in Huntington, named after his father.

George was president of his synagogue and headed the 1947 airlift of supplies to Israel. He was vice president and on the board of directors of the Walt Whitman Savings Bank, a member of the Knights of Columbus, the Rotary Club, and the Chamber of Commerce. He was also a member of the Knights of Pythias for 45 years. He served on the board of governors of Cold Spring Country Club and found time to play enough golf to be class C club champion three times.

He has been honored by the American Red Cross in recognition of meritorious service performed for the Nation during World War II and has worked for many years contributing to the Jewish National Fund for Israel.

In addition to the many other honors he has received during his exceptional lifetime, he was also honored some 65 years ago when Ann Permut, also born to newly arrived American immigrants, became his bride. Their marriage is a testament to love. Their happiness, and the happiness and encouragement they have brought to others, through their acts of kindness, courage, and generosity, and by the example of their own lives, truly represent not only the fulfillment of the promise of America, but also the realization that often people put far more into America than they could ever get back in return.

In May 1979, George and his wife moved to Hillcrest in Hollywood, FL. For most people that would mean retirement, but George tries to keep active in the dress business and is a board member of his condominium.

Ann and George have passed on their parent's hopes and determination to their three children: Judy, Michael, and Steve, as well as their eight grandchildren: Steve, Sue, Richie, Andy, Jimmy, Adam, Scott, and Jason.

Loved by family and friends, George always has a solution to any problem. He is never too busy to help someone and never too tired to take on organizing another worthwile cause.

It is said that if you want to get something done, ask a busy man to take care of it—George Silberfein is that man.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in tribute to this outstanding American, George Silberfein.

NATIONAL FUTURE FARMERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to again recognize the members of the Future Farmers of America. They recently celebrated National FFA Week with the theme "FFA—Agriculture's Leading Edge."

The Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agricultural classes in public high schools or area vocational education centers.

Each chapter develops an annual program of activities, and each member of the chapter carries out a Supervised Occupational Experience Program. The FFA gives recognition to members for achievements at the chapter, district or area, State, and national levels. These award programs directly relate to the Supervised Occupational Experience Programs. This allows each vocational education-FFA member the opportunity to participate and receive recognition.

During the 1987–88 school year there were 147 FFA chapters in Kentucky, with a membership of 12,348. Over 1,000 FFA members and teachers attended a week of FFA leadership development training at the Kentucky Leadership Training Center in Hardinsburg, KY.

The FFA chapters, and the individual members, that are in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, received many awards at the State and national levels during the past year.

Dow Rasdall of Smiths Grove was recognized at the 1988 National FFA Computers in Agriculture Conference as one of the top five FFA members for integrating computers into his agriculture program and FFA chapter. He was named fourth runner-up at the National FFA Convention.

Chuck Fleming of Franklin (Cereal Grain Production), Robin M. Davis of Clarkson (Diversified Livestock Production), Mark Glasscock of Taylorsville (Forest Management), Timmy D. Herndon of Mt. Eden (Floriculture), Justin Marsh of Scottsville (Poultry Production), Kevin H. Trunnel of Utica (Soil & Water Management), and Chris Searcy of Fisherville

in the Spencer County Chapter (Wildlife Management) all were 1988 State winners of Proficiency Awards and competed at the National FFA Convention. Robin Davis was named a national winner and Mark Glasscock was named a regional winner at the National Convention.

The Spencer County Chapter was the 1988 FFA Building Our American Communities Program winner and received a silver emblem award at the National FFA Convention. Area award plaques were presented to Shelly Law (Daviess County Chapter), Kevin Trunnel (Apollo Chapter), Robert Stover (Franklin-Simpson Chapter), Sammy Lowe (Barren County Chapter), David Pace (Warren Central Chapter), Bill Pearson (Warren East Chapter), David Geary (Grayson County Chapter), Dana Tucker (Breckinridge County Chapter), Melida Nett (East Hardin Chapter), and Timmy Herndon (Spencer County Chapter) at the State FFA Convention.

The Spencer County Chapter was also the State winner of the Chapter Farm Safety Contest at the State FFA Convention and regional winners included the Barren County and Breckinridge County Chapters.

The Kentucky Association FFA honored 20 top vocational agriculture students and FFA members at the State FFA Convention. Scott D. Jernigan of Franklin, Wendel R. Eby of Willisburg, and Timmy Herndon of Mt. Eden were recognized as Regional Star Agribusinessmen and Gregory L. Willoughby of Scottsville and Kelly Flanders of Buffalo were recognized as Regional Star Farmers. Gregory Willoughby was also selected Kentucky Star Farmer.

The 1988–89 FFA State officers from the Second Congressional District are Shannon Morgan of Alvaton, president of the Kentucky Association FFA, and Dana Tucker of Hardinsburg, who is vice president. Brad Chambliss of Hardinsburg was elected national FFA vice president for the central region at the National FFA Convention.

The American Farmer is FFA's highest degree and those who receive this degree have demonstrated to their association that they have fulfilled the requirements: at least $5,000 earned and invested from an outstanding Supervised Occupational Educational Program, exemplary leadership abilities, active membership in FFA for at least 36 months and successful completion of a high school agriculture program. The following were recognized at the American Farmer Degree Ceremony at the National FFA Convention: Robert Chapman of Woodburn, Robin M. Davis of Clarkson, J. Douglas Eades of Mount Eden, Kevin R. Greathouse of Bowling Green, and Scott Travis of Cox's Creek.

FAA Chapters were given recognition at the National FFA Convention for their excellence in activities such as community service, leadership, public relations and supervised occupational educational programs. The Barren County and Spencer County Chapters were presented with gold emblem awards and the Apollo, Breckinridge County, and Daviess County Chapters received bronze emblem awards. The Spencer County Chapter was also recognized for its exceptional efforts to improve the safety and health of its community and received a gold National Safety Award.

Shannon Morgan of Alvaton and Dana A. Tucker of Hardinsburg were the official delegates to the National FFA Convention from the State of Kentucky, and David L. Duncan of Franklin was recognized at the National FFA Convention as a State Winner of the Agriscience Teacher of the Year Award.

I am proud of all the members of the Future Farmers of America and I know of no group of young people who are accomplishing more in the area of agriculture. I want to commend all of them for their efforts and achievements, and I wish them continued success in all their future endeavors.

THE GUAM EXCESS FEDERAL LANDS ACT OF 1989

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. BLAZ. Mr. Speaker, I have introduced a bill today to return 3,500 acres of excess military lands in Guam to their original landowners or their heirs. Land has always been precious in Guam. It became all the more so after World War II, when one-third of the territory was taken for the construction of military bases. Much of the land that sits behind the base perimeters in Guam has never been used for military purposes. As Guam's economy has grown, so has the need for useful land increased. After years of rapid development, our tourism economy now finds itself hemmed in by the absence of suitable sites on which to construct additional facilities. Our goal of economic self-sufficiency is within our grasp, but we need the means to reach our goal, and those means are 3,500 acres of Government land which have been declared excess by the Department of Defense.

During the 100th Congress I introduced a nearly identical bill, H.R. 2601, to facilitate the return of these excess lands. Both the administration and the people of Guam registered their approval of the basic concept of the bill.

We have chosen the superior court of Guam as the appropriate mechanism to ensure the expeditious and fair return of these lands to their original owners. The lands will be transferred temporarily to the superior court until the identities of the original landowners are determined. Where the original owners have died, probate proceedings will determine the heirs and their shares. The lands will then be returned to the appropriate persons as determined by the superior court pursuant to the probate laws of Guam. We have chosen the probate procedure of the superior court of Guam to administer the return of these excess lands because it is an existing local procedure with a proven track record. Any person claiming a right to any of the excess lands will have his or her day in court. This is also the quickest means of returning these lands to their rightful owners. The superior court approach also avoids the failures of other procedures tried in the past to return Government land to the private sector. Those means, such as land corporations or land trusts, have in the past fallen short of their goals due to cumbrous procedures and insufficient capitalization.

This bill recognizes the many benefits which flow from private ownership and use of land. Guam will thrive most in proportion to the amount of excess Federal lands which are returned to the private sector. This bill accomplishes this vital task with the minimum of Federal and local governmental involvement.

As Guam's economy has developed through the years, so has its political aspirations. We in Guam have embarked on a voyage of political self-determination—a desire on our part for greater local autonomy and an equal place in the American political family. We are confident that if we have the tools with which to blaze our own economic development, we would one day cease to be dependent on national appropriations for our basic needs.

REFORM MATHEMATICS EDUCATION

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, the alarming decline in the competence of American students in mathematics and the sciences is the most serious threat to our Nation since the Soviet Union launched Sputnik in 1957. Indeed the threat is greater now than then because there are many nations poised today to take from us the technical leadership that has so long assured our place in the world. Today I am calling on my colleagues to consider some of the factors that have created this dangerous situation and some of the steps Congress must take to meet it.

More than any other academic subject, mathematics and its associated problem-solving skills are critical to our national scientific research capability and to our capacity to remain a technological leader. Yet, Mr. Speaker, studies currently show that, beginning in junior high school, the number of our students taking math courses declines 50 percent each year. Currently, three of four American high school students do not have sufficient math skills to succeed either in college or in the increasingly technical job market.

Perhaps many of my colleagues noted as painfully as I did, the recent report of a Johns Hopkins professor who has launched a search for math "whiz kids" in China. While proficiency in mathematics is on the wane in the United States, this professor called China—by many standards a third world nation—the "major new source" of math talent in the world.

We should be deeply concerned by the declining number of our students who have the ability to or choose to seek advanced degrees in mathematics, the sciences, and engineering. A report by the National Research Council titled "Everybody Counts: A Report to the Nation on the Future of Mathematics Education", underscores the growing shortage of skilled mathematics in U.S. schools and industry. This report pointedly notes a level of student incompetence in math that is simply not

tolerated in the schools of Japan and West Germany, two of our countrys' most pressing economic rivals.

This report plainly says we must reform mathematics education in the United States and that reforms must start in our elementary schools. If American children fail to acquire basic math skills in these early school years, they will not be prepared to master high school and college courses. Thus, these children, at a very early age, may have forfeited their ability to compete for the jobs of the future.

Another recent study, "A World of Difference," underscores this very disturbing fact and is a troubling predictor of math and science achievement levels by the young Americans who will enter the job market at the beginning of the next century. This report indicates that American 13-year-olds perform substantially behind their counterparts in many Asian nations. For example, South Korean youngsters perform four times better than American 13-year-olds. The percentage of Korean students who could use scientific procedures or analyze scientific data and draw appropriate conclusions nearly doubled that of their American counterparts.

One National Science Foundation official observing these results said:

The lack of preparation for further education and employment that these American teenagers demonstrated is nothing short of frightening.

Clearly, Mr. Speaker, these studies show that we have a national crisis that demands our attention now. We must act to improve science and math education in America, starting in our elementary schools and reaching youngsters in groups that have shown little past success in this area.

It is critical that American elementary schoolchildren master the basic math skills so essential to their later success, yet compared to many other nations, we teach very little math and science in our elementary schools. It seems clear that we must take a critical look at our approach to teaching these subjects in elementary schools and be prepared to make whatever changes may be necessary to strengthen it. Perhaps all else depends on this.

Just as we are looking at what and how we are teaching, we must look at who we are teaching. Among our future teachers, scientists, and engineers must be members of groups who are particularly at risk in today's technologically oriented world; women and minorities who comprise a substantial part of America's work force.

Mr. Speaker, the phrase "a nation at risk" is no more accurately used than to describe the state of math and science education in America today. I have cited but two of many studies warning that our failure to prepare young Americans for leadership in mathematics and the sciences is to forfeit not only their futures but that of our Nation.

Reforming mathematics education in America must become a priority in this Congress and across the Nation and I urge my colleagues to join in this critical effort.

SALUTING THE BUSINESS LEAGUE OF BALTIMORE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BENTLEY. Mr. Speaker, on February 24, the Business League of Baltimore—a chapter of the National Business League—saluted the achievements of some of the city's most prominent business, political, and religious leaders at the Destination 21st Century Honors Banquet. The BLB is indeed one of the city's most venerable and well-respected civic organizations, and it is my pleasure to salute them here.

The BLB's roots stretch back to 1900, when its parent organization was founded by Booker T. Washington. The message was rich and—at the same time—simple. The economic destiny of Baltimore—or any other city—is shaped by the vision and purpose of those whose individual contributions serve to affect the whole. In other words, the future of a city depends upon the efforts of those who live in the present. BLB is committed to honoring those special Baltimoreans who are now laying in the foundations for a thriving and vital city of the future.

Mr. Speaker, I am proud to honor such a forward-looking organization—one which rewards those men and women of vision which are often overlooked in today's society. My hat is off to those special individuals who shall receive the Business League of Baltimore's coveted award. However, it is also off to the BLB itself, for they have strived for a long time to make sure that Baltimore keeps becoming a better place. To them I send my heartiest thanks for a job well done.

REPRESENTATIVE BENNETT INTRODUCES B-2 STEALTH BOMBER BASIC INFORMATION BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. BENNETT. Mr. Speaker, the late Bill Nichols, when chairman of the Armed Services Subcommittee on Investigations, said in a February 25, 1988 hearing on management of special access programs (HASC hearing No. 100-63, p. 1-2), "The investigation found that in other general program areas, special access programs enjoy many of the same problems as other so-called white programs. This seems to me to be a recipe for disaster. Instead of providing better-than-average oversight of special access programs, as is the intent of DOD regulations, it seems that as the number of dollars in these programs increases, oversight and review actually decrease. This is a totally unacceptable situation."

The reason I cite Mr. Nichols is to explain why I am introducing a bill today.

I am today introducing legislation to require that basic budget and program information concerning the B-2—Stealth, or Advanced Technology Bomber—be made publicly available in January 1990 unless the Secretary of Defense determines that doing so would pose a clear and immediate threat to U.S. national security. I invite my colleagues to join me as cosponsors of this bill.

I do not oppose the B-2 Program, and this is not what is called a killer bill. There is broad, bipartisan support for this program in Congress. But there is also a feeling that Congress and the public are entitled to some simple facts before they plunk down over $68 billion. This is especially true when funds for needed conventional weapons are being cut.

Mr. Speaker, this bill is entirely consistent with previous actions of the House Armed Services Committee on the B-2 Program. I hope that my bill will contribute to the continuing good work of the Armed Services Committee on this issue.

The House Armed Services Committee, under the leadership of LES ASPIN, has led the fight for more access to B-2 data for some years now. In June 1988 report "Acquiring Strategic Weapons: Are Working Nukes Just Flukes?", ASPIN said:

Turning to the B-2, we find a program that's been too highly classified for too long. The over classification has stifled the kind of technological crossfertilization that can help solve problems, and it has hurt oversight—two ills a program of this complexity does not need. . . . In preparing for this series of speeches, I asked the Department of Defense to declassify very limited information on schedule and cost. I was refused. That stubbornness may hurt this program in the long run.

ASPIN has led the House Committee in getting Congress to express concern in legislation. Section 1131 of Public Law 100-180, the fiscal year 1988 Defense Authorization Act, said:

It is the sense of Congress that . . . it would be consistent with the public interest and would not jeopardize the national security for the Secretary of Defense to disclose, in a nonclassified form, information about (the B-2 Advanced Technology Bomber) with respect to total program cost, the amount of the annual program budget request, a general description of program schedule.

In response to this legislation, only a single figure for total cost was ever revealed. It is now time to stop asking politely and demand program data in exchange for funding on a quid pro quo basis, consistent with national security.

I believe that releasing more information about the B-2 Program would actually be good for the continued survival of the program.

Release of basic program information is the best way for the B-2 Program to retain congressional support and allow the Air Force to refute speculating skeptics with hard facts. That is why I do not believe that this bill is truly controversial. Last year, Aviation Week and Space Technology magazine editorialized in favor of the basic concept now embodied in this bill. This very prestigious journal said in its April 25, 1988 editorial entitled "Declassifying the B-2":

The Air Force made hay with Congress last week by suddenly releasing an illustration of the supersecret B-2 bomber. Congressional leaders fell over each other lauding the disclosure, although they got little information from it. They were taken in by the element of surprise the Air Force exploited.

Until last week, the Air Force had stonewalled Congress with virtual impunity. Lawmakers, taken aback by the sudden about-face, played right into Air Force hands, giving the service the public relations coup it sought. But the service should beware. A mere illustration will not settle the declassification debate or the looming cost issue.

One can argue over how far the Air Force should go in declassifying the B-2, but one thing is certain—the program should be open enough to prevent the kind of serious mistakes made with the B-1B.

* * * * *

As Northrop and the Air Force prepare for the B-2's first flight this fall, they should consider the high expectations pervasive on Capitol Hill. Lowering these expectations to a sensible level and sharing data is the smart way to maintain congressional support, which will take a beating when the B-2's shakedown problems become public—in an austere fiscal climate.

Mr. Speaker, I hope my colleagues can join in this effort to see that the B-2 does not become another B-1B.

I attach the test of the bill, and a summary:

H.R. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON OBLIGATION OF FUNDS FOR ADVANCED TECHNOLOGY BOMBER PROGRAM.

(a) REAFFIRMATION OF 1987 CONGRESSIONAL FINDING.—Congress reaffirms its findings with respect to the Advanced Technology Bomber program expressed in section 1131 of Public Law 100-180.

(b) LIMITATION.—The Secretary of Defense shall advise Congress, in the manner specified in this section, of the status and planned schedule of events in the ATB program, including pertinent data about the program's budget and the mission projected to be fulfilled by the program. After the date on which the President submits to Congress the budget for fiscal year 1991 under section 1105 of title 31, United States Code, no funds may be obligated for procurement, for research, development, test, and evaluation, or for system-specific military construction for the B-2 Advanced Technology Bomber program until the Secretary of Defense submits to Congress a written report in unclassified form providing (subject to subsection (d)) the information specified in subsection (c) with respect to that program.

(c) INFORMATION TO BE PROVIDED.—The information referred to in subsection (b) to be provided in a report under that subsection is the following:

(1) A statement of the cost of Advanced Technology Bomber program, showing—

(A) the total program cost for the program (including system-specific military construction);

(B) the actual cost of the program for each fiscal year before fiscal year 1990, the estimated cost of the program for fsical year 1990, and the amount requested in the budget for the program by the President for fiscal year 1991; and

(C) for each such fiscal year, the amount for research, development, test, and evaluation, the amount for procurement, and the amount for system-specific military construction.

(2) A statement of the production schedule for the program by fiscal year—

(A) showing for each fiscal year before fiscal year 1991 the number of aircraft for which funds for procurement were authorized and the number of aircraft for which funds for procurement were appropriated, as well as the amounts of such funds for each such year; and

(B) showing for fiscal year 1991 the number of aircraft for which funds for procurement are requested by the President in the budget and the amount of funds requested for such procurement.

(3) A general description of the status of the test program for the B-2 aircraft, including a statement of the activities (to the date of the submission of the report) under the full performance matrix created pursuant to section 232(a) of Public Law 100-456 and section 121 of Public Law 100-180.

(4) The views of the Secretary of Defense on the missions and purposes of the Advanced Technology Bomber aircraft, including—

(A) a description of each intended mission of the B-2 aircraft, ranked by the relative importance of those missions for the program; and

(B) an explanation of why each of those missions is important to the national security strategy of the United States and why each such mission could not be fulfilled by other means.

(d) EXCEPTION FOR NATIONAL SECURITY.—If the Secretary of Defense determines (without delegation) that submitting in the report under subsection (b) a specific element of information described in any paragraph of subsection (c) in unclassified form would pose a clear and immediate threat to the national security interests of the United States, the Secretary may (in lieu of including that specific element of inforamtion in the report) include in the report a certification that the Secretary has made such a determination with respect to an element of information described in that specific paragraph. If a report under subsection (b) includes such a certification, the report shall include an explanation, in unclassified form, of the national security interests of the United States that would be threatened with respect to disclosure of each element of information with respect to which the Secretary makes such a certification.

SUMMARY OF PROVISIONS

Following is a summary of the four major provisions of the bill:

I. Reaffirmation of 1987 Congressional Finding.—The bill reaffirms the finding of Congress expressed in 1987 that it would be "consistent with public interest and would not jeopardize the national security for the Secretary of Defense to disclose, in nonclassified form" basic budget and program schedule information about the B-2 and two other systems. (P.L. 100-180, section 1131)

II. Funding Prohibition.—At the same time the President submits his fiscal year 1991 budget to Congress in January 1990, the Secretary of Defense must give Congress certain basic information about the B-2 program in unclassified form. No funds can be spent on the B-2 program after January 1990 unless this information is provided.

III. Required Information.—The bill requires information that would, in effect, answer the following questions:

How much will the B-2 program cost in total when completed?—(i.e., estimated total program cost, including R&D, procurement, and military construction).

How much money have we spent on the B-2 so far, and how much is requested?—(i.e., amounts spent on B-2 in previous and current years and amount requested for fiscal 1991; each year's amounts would be further broken down by R&D, procurement and military construction).

How many aircraft have we bought so far, and how many units are requested?—(i.e., quantity of aircraft authorized and appropriated in previous and current years, and quantity of aircraft requested for fiscal 1991).

How much flight testing of the B-2 has been done, and how are the tests going? How is B-2 doing under the test program mandated by Congress two years ago?—(i.e., general description of status of B-2 flight and field test program, including how it measures up under "performance matrix" required by previous defense bills at urging of House Armed Services Committee).

What are the missions of the B-2, and could they be achieved by other means?—(i.e. description of each intended mission, ranked by importance, along with explanation of why these missions are important to national security and why they could not be fulfilled by other means).

NOTE.—Nothing in the bill seeks public disclosure of information about radar-evading stealth features or any other technology secrets, which should remain highly classified to protect against Soviet espionage. The bill only asks for basic program data that would be useful to independent experts and to Congress during public debate on the issue.

IV. Exception for National Security.—If the Secretary of Defense himself determines that giving answers to any of these questions in unclassified form would pose a clear and immediate threat to national security, he may explain to Congress why he is not providing any such piece of information, provide Congress in unclassified form any information which does not endanger national security, and then proceed to spend funds on the B-2 program. The spending prohibition in No. 1 would not apply so long as he explains why he is withholding any piece of information for which he deems this action necessary.

TIME FOR INSURANCE REFORM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. FLORIO. Mr. Speaker, the average American has worked from January 1 until today to pay his insurance bill—more than 2 months' salary is needed simply to pay for auto, health, life, and other insurance. In an increasingly complex society in which American families face greater and greater demands on their pocketbooks, insurance is one of the fastest growing basic costs.

Health insurance premiums have risen steadily, with no end in sight. Auto insurance premiums have jumped astronomically, if

people can even find coverage. Liability insurance rates have increased several hundred percent for small businesses and nonprofit organizations.

During the last 2 years, the Commerce Subcommittee has examined this insurance crisis in depth. We have found motorists paying more for auto coverage than their cars are worth. We have found millions of Americans who cannot find long-term health care coverage or cannot afford it. We have found a pattern of insurers raising and cutting rates drastically and unpredictably, in response to changes in the investment climate that have nothing to do with insurance risks.

While each line of insurance has its own particular practices, there are fundamental deficiencies in how the insurance industry actually operates. One of the most fundamental deficiencies is the lack of competition.

One problem has come to light repeatedly: The entire insurance industry uses the same analysis and assumptions in setting rates. This practice, called "trending," is tantamount to price-fixing. It deprives consumers of meaningful choice, and also runs counter to prudent business sense. If all companies operate on one analysis and one set of assumptions, then the mistakes of one become the mistakes of all and the resulting erratic insurance cycle jeopardizes the financial soundness of the entire industry.

As a result of each hardening of the market, numerous insurers become insolvent. In recent years the number of insolvencies, and their size, has increased dramatically. Not only can insurance consumers not reliably anticipate insurance costs from one year to the next; they cannot even rely on the coverage they purchase to be there when they need it.

I have introduced legislation, H.R. 1093, the Insurance Consumer Protection Act, to protect consumers by setting basic standards for the business of insurance in interstate commerce, while preserving the State-based insurance regulatory system.

The bill prohibits insurance companies from jointly setting premiums, but permits them to continue jointly compiling statistics about actual past losses. The bill also prohibits other collusive actions which make insurance unavailable or unaffordable to American families, while preserving the freedom of individual insurers to decide which lines of insurance to offer and the geographical areas in which to offer them.

For those who choose to violate the law there will be tough sanctions— criminal penalties and treble damages.

Policyholders—whether it be auto insurance in California or New Jersey, or health insurance in New York or Washington, or casualty insurance in Texas or Ohio—should be confident that their bill is based on the independent judgment of their insurer. If they aren't satisfied, they should be able to change companies without simply getting a carbon copy of the first bill.

There has been much talk in the last few years about repealing the McCarran-Ferguson Act's exemption for insurers from the Federal antitrust laws. Insurance is the only industry with this broad exemption, and I see no reason why there should be a special exemption for one privileged industry from a basic commercial law that applies to every other industry.

Unfortunately, the McCarran-Ferguson antitrust exemption has a symbolic significance wholly apart from its effect. Because the McCarran-Ferguson Act also codifies the State-based system of insurance regulation, many have argued that modifying any part of McCarran-Ferguson will lead to Federal regulation of insurance. My bill allows us to avoid that debate.

Furthermore, my bill avoids the need to rely on litigation about which unfair and unsafe practices violate existing antitrust laws and whether there are special antitrust defenses which might apply. My bill specifies which practices are unfair and unsafe, and simply prohibits them.

The goal of H.R. 1093 is to bring the insurance system into the modern economy, protecting insurance consumers and providing them alternatives in a competitive market. We have witnessed insurance crisis after insurance crisis lately. This legislation will not solve all the problems that have led to those crises, but it will help establish an environment in which those problems can be solved.

H.R. 1250—PROTECT OUR CHILDREN FROM CIGARETTES ACT OF 1989

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, too many of our children are becoming heavy smokers. The Surgeon General, in his recent report, told us that approximately 20 percent of high school seniors are daily smokers.

In his report last May, Dr. Koop told Congress that "careful examination of the data makes it clear that cigarettes and other forms of tobacco are addicting." He went on to say that "the processes that determine tobacco addiction are similar to those that determine addiction to drugs such as heroin and cocaine." Given this addictive property of cigarettes, it is not surprising that the Surgeon General found that over one-half of all smokers born since 1950 began smoking before reaching the age of 18.

This large incidence of smoking among our children is due, in large part, to the pervasiveness of cigarette advertising and promotions. The cigarette companies spend, according to the Federal Trade Commission, over $2 billion a year advertising and promoting cigarettes in this country, and the merchants of addiction are clearly very clever at what they are trying to do.

Most importantly, even movies contain cigarette advertisements. Philip Morris admitted in a letter of February 24 that in September 1988 its representative agreed to pay $350,000 on condition Lark cigarettes would be shown in a new James Bond movie under production. Payment was made to Danjaq, a company making the movie in this country and Mexico for showing around the world, including the United States. Lark is manufactured and marketed in an arrangement between Liggett and Philip Morris.

This new James Bond movie, originally called "License Revoked" and now called "Licensed to Kill," will be distributed throughout the world by United Artists this summer. In the movie Bond battles a Central American drug lord. The tragic irony here is that cigarettes, which kill 390,000 Americans each year, are being advertised in a movie in which Bond fights cocaine and heroin, which kill less than 5,000 Americans each year. Philip Morris also told me that in 1979 it paid $42,500 to have its Marlboro cigarette appear in the movie "Superman II."

Other cigarette companies have also told me that during the last decade they have either paid money or supplied such things as billboards to have a particular cigarette brand appear in a movie. For example, Liggett told me that in 1983 it paid $30,000 to have its Eve cigarette appear in the film "Supergirl."

This practice of paying money or providing valuable props to have a particular cigarette appear in a movie is an insidious technique by the merchants of addiction to get young people to smoke and also has the effect of circumventing the Federal ban, enacted in 1970, on cigarette advertising in television.

I have no desire to restrict in any way an artistic decision to include a smoking scene in a movie. But that decision should not be influenced by the lure of large cash payments from the tobacco companies, and the Protect Our Children from Cigarettes Act of 1989, H.R. 1250, would bar such payments.

The bill prohibits all tobacco product advertising and promotion that can be seen or heard by any person under the age of 18. However, the bill permits text only—that is, no pictures—advertisements to appear in newspapers, magazines, and other publications and on signs or billboards not located in a sports stadium or other sports facility.

Last May the Surgeon General asked, "With the evidence that tobacco is addicting, is it appropriate for tobacco products to be sold through vending machines, which are easily accessible to children?" I think the answer to that question must be "no," and the bill prohibits the sale of tobacco products from vending machines located in places where people under the age of 18 have access.

Finally, the bill directs the Federal Trade Commission to measure the amounts of various constituents of cigarette smoke, including tar, nicotine, carbon monoxide, ammonia, cyanide, formaldehyde, and radioactive compounds.

Mr. Speaker, this bill has bipartisan support. Mr. WHITTAKER, the ranking Republican on our subcommittee, is an original cosponsor. I urge my colleagues to support this bill so we can help protect our children from the siren song of the merchants of addiction.

NATIONAL DAY OF CONCERN FOR SUDAN, SUNDAY, MARCH 12

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. LELAND. Mr. Speaker, the people of the United States are responding with characteristic compassion to the terrible starvation that is now taking place in Sudan. As the dimensions of the civil war in Sudan and the dreadful suffering of Sudan's people become more widely known, the traditional American desire to provide assistance in the time of disaster has once again arisen. Under the leadership of Oxfam America and other private voluntary organizations, Sunday, March 12, has been declared a National Day of Concern for Sudan.

The goal of the National Day of Concern is to urge the U.S. Government to press for guaranteed safe passage of food to those in need and for a negotiated settlement. Its organizers hope to generate a million letters—one for every Sudanese who has died since 1983 due to war and famine. Prayer and moral persuasion must be brought to bear on a tragic situation in which the international traditions of humanitarian relief have been denied by the warring parties.

The civil war that wracks Sudan and the use of food as a weapon caused the deaths of 250,000 or more Sudanese last year. Most of these victims were children. Both the Government of Sudan and the rebel forces of the Sudanese People's Liberation Army have blocked food aid to those in need in this brutal war. Private agencies have been expelled by the Government and harassed by the rebels.

In testimony before a joint hearing of the House Select Committee on Hunger and the African Affairs Subcommittee of the Foreign Affairs Committee last week the Director of the Office of Foreign Disaster Assistance stated that large quantities of food from the United States are available but cannot be delivered because safe passage cannot be guaranteed. It is critical that such an agreement be reached as soon as possible because the onset of the rainy season is only a few weeks off. At that point delivery of food assistance will be almost impossible because there are no passable roads. Thousands of lives will once more be imperiled.

With the support of many outstanding humanitarian leaders including Jack Healy, president of Amnesty International, and Father Theodore Hesburgh, president emeritus of Notre Dame University, Oxfam America has taken the lead in organizing the Day of Concern. It is appropriate that Americans respond because the Government of Sudan has been the major recipient of United States foreign assistance in Sub-Saharan Africa. It is time for the people of this country to indicate their belief that further aid and cooperation is untenable until there is meaningful action to alleviate the suffering of innocent people.

For months there was little evidence of pressure from Washington on the Government in Khartoum to move food assistance to civilians in areas under its control. There was no indication that further aid from the United States was contingent on getting relief to those in need. Last month for the first time the Secretary of State issued a statement deploring the situation in Sudan and calling for peace negotiations.

The Day of Concern for Sudan that will take place this Sunday supports this tentative action. It is a request by the people of the United States to their Government to take a more activist role as a broker in the peace process. This public demonstration is welcome and the leadership of Oxfam America is to be commended. The Day of Concern is an expression of our common humanity with the people of Sudan and a reminder that time is short.

TRIBUTE TO ROSEDALE BAPTIST CHURCH

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BENTLEY. Mr. Speaker, last June I had the pleasure of celebrating a groundbreaking ceremony at the Rosedale Baptist Church. The church—though small in size—consists of one of the most wonderfully devoted pastors and congregations that I have ever seen. In fact, I was so impressed by the warmth and the genuine nature of these fine folks that I promised myself that I would return again on a visit one day.

Mr. Speaker, early this year I was able to keep this promise. On January 22 the Rosedale Baptist Church celebrated its silver anniversary as a thriving ministry and house of God. Though there are many churches which are superior in age, none could possibly be superior in message. There is no greater testament to this than the enthusiasm with which its members undertake the worship of God.

Members of the Rosedale Baptist Church are not content to sit silently in their pews and watch. Some teach Sunday School classes; some serve as church trustees; and some participate in the church's many programs to help the poor and the disadvantaged. Others give freely and generously to help the church grow and to meet its financial responsibilities. One very special lady by the name of Mrs. Iseloff donated a part of her own property to assist in the church's expansion.

The charity and selfless acts demonstrated by the people of this church and its pastor, Bob Polanowski, are indeed quite touching. They truly understand the importance of the American right to worship as one chooses. Last year I sponsored a bill which established a "Religious Freedom Week"—one which would hopefully boost our Nation's awareness of this precious constitutional prize. For the people at the Rosedale Baptists Church, however, such a week would seem to be almost unnecessary. Their celebration of religious freedom is a year-long event.

To Pastor Polanowski and all the rest of you fine people: best wishes on the occasion of your 25th anniversary and kudos for a job well done.

BUDGET CRISIS OF THE VETERANS' ADMINISTRATION

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today in support of the veterans of our Nation. The Veterans' Administration is facing a budget crisis which requires our immediate attention. Our Nation's veterans acknowledge the great need to reduce the Federal budget deficit and to pursue greater efficiency in every program. But the glaring fact remains that it is a national disgrace that our Nation spends billions in every corner of the globe and billions more on wasteful domestic projects, while drastically underfunding what should be our first priority—our commitments to our vets.

Unfortunately, the Bush administration's current budget proposal does not even begin to address the serious problems facing our veterans, especially for health care services. This spending plan falls far short of adequately addressing the needs of the veterans of our Nation. We are forced to face the fact that budget funding at the proposed level will lead to a continued deterioration of many vital services. Without proper funding, Veterans' Administration health facilities across the Nation will have to continue turning patients away, cutting back on medications, curtailing beneficiary travel, and putting off surgery until a later date. I am afraid that if the current situation prevails, many of our VA hospitals in this Nation are going to fall into a funding black hole—administrators are forced to steal from their maintenance and operation funds in order to make their payrolls to what is already a bare bones staff. Where will this leave us in 3 to 5 years when our physical plant is already aging? I am afraid I know, and I don't like what I see.

Veterans health care is being eliminated and curtailed in every area due to this funding shortfall. Perhaps the Office of Management and Budget hopes to develop a Veterans' Administration greatly circumscribed in scope; one built on smoke and mirrors emanating from unrealistic projections, followed by cuts made on these projections and ending up with further unrealistic projections the following year based on the results of their own false assumptions. How can we have a budget which does not reflect the fact that our veteran population is aging rapidly? The administration has not called for any new nursing home construction despite the fact that two-thirds of the male population will be veterans age 65 and older at the turn of the century. If we allow this cycle of unrealistic assumptions and projections to continue, we will end up with a Veterans' Administration that does not meet congressionally mandated responsibilities. I believe that we must take a stand now to reverse these tragically misdirected policies.

The VA hospitals in my district, which comprises the entire State of South Dakota, are facing similar problems to those of the other hospitals in the Nation; that is, they are undergoing a funding and health care crisis. Fur-

thermore, these hospitals are looking to us, here in Congress, to lead the way in increasing their budgets so that they can restore vital services which these hospitals can no longer provide. All the hospitals in my district have stated that if additional funding is not forthcoming, they would have to resort to drastic measures; this is a prospect they did not even want to consider in light of the fact that service to category B and C patients has already either been completely eliminated or curtailed, wards have been closed down, and stabilized patients of all categories have been terminated.

The hospital in Sioux Falls has already been forced to close down a ward—40 beds—because of insufficient funds. All the hospitals listed the likelihood of terminating personnel next year despite the fact that they are already at their minimum staff size for safety. These cuts would go beyond those already being made by attrition. In addition, maintenance and operations would continue to be curtailed in order to meet basic health needs. Currently the hospital in Sioux Falls is forced to prescribe cheaper, alternative drugs, as opposed to the more expensive drug which would often be the first choice of the attending physician, due to budgetary considerations. If budgetary trends continue, medications will unfortunately be one of the first programs targeted for cuts due to its expense. At the same time, waiting lists for certain surgical procedures, such as for cataracts, grow longer and longer, forcing the veteran to wait and suffer. Those requiring prosthetics and wheelchairs also face a long, discouraging waiting list. Furthermore, the Outreach Program and beneficiary travel benefits would also suffer under the current budget proposal. These programs allow veterans from Iowa, Nebraska, Wyoming, and Montana, as well as distant parts of the State of South Dakota to receive health care. Remove these programs and you remove health care for thousands in this region.

South Dakota is a medically underserved State. For that reason, the cutbacks in discretionary care and the proposed future cutbacks, hit the State inordinately hard. VA hospitals are a primary source for care. Many rural communities lack any health facilities whatsoever, while the facilities in other communities are inadequate to deal with many medical problems and emergencies. Numerous veterans in the region think nothing of traveling 100 or 150 miles to receive care in a VA hospital. Where are they to go when beneficiary travel or the services they need are eliminated? VA hospitals have a tradition in South Dakota of providing quality care to a wide, multistate population which has few health care alternatives. Beyond that, these hospitals have long proved a top training ground for the young doctors of our Nation. If budgetary problems continue, important staff positions could either be cut or the Administrator would lack the funds to attract more than a bare handful. The Veterans' Administration health care facilities and services are vital to the health care network in South Dakota, and while the current cutbacks have already caused suffering, further cuts would be devastating.

VA hospitals and health care is vital to the veterans of this Nation. We promised to take care of the vets in our Nation's time of need, and now that it is their time of need, we need to remember our sacred commitments and keep them. Congress must live up to the promises that the Federal Government made, whether explicitly or implicitly, to the veterans. I urge my colleagues to support the Veterans' Affairs Committee recommendation for a $432 million supplemental for fiscal year 1989 and an additional $1.3 billion for the VA in fiscal year 1990. These figures are the minimum needed to retain veterans health care as we know it today. If additional funds are not forthcoming, we will face the tragic reality of radical changes, such as the closures of vital veterans' hospitals. We must find the funding to avert this potential health care disaster, and then work together to find the funding to restore services to the levels that the veterans of this Nation deserve.

COMMITTEE PROCESS REFORMS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. MARTIN of Illinois. Mr. Speaker, today I am introducing the Committee Process Reforms of 1989, a package of 14 House rules amendments aimed at revitalizing our committee system.

The acronym for committee process reform is CPR, and that's just what our committee system needs—a little cardiopulmonary resuscitation. Committees are supposed to comprise the very heart of the legislative process, and yet today they are suffering from hardened arteries, clogged valves, and tangled veins.

Committees and Members are overwhelmed by too many subcommittees, too much staff, and jurisdictional overlaps and conflicts. It's little wonder that committees must resort to one-third quorums and ghost voting to get things done. And it's little wonder that committees failed to reauthorize one-third of expired laws last year totaling $23 billion.

My package of reforms would put us back on the right track by limiting committees to no more than 6 subcommittees, Members to no more than 4 subcommittee assignments, and by reducing staff by 10 percent. Moreover, it would abolish joint bill referrals and proxy voting, and restore majority quorums and open meetings. My resolution would further restore the May 15 reporting deadline for authorizations and require more systematic oversight. Finally, I would require a two-thirds vote to consider any rule which makes in order an unreported bill. Let's administer CPR now before the heart of the House, our committee system, becomes a useless organ.

A summary of the resolution follows:

H. RES. 106

SUMMARY OF "COMMITTEE PROCESS REFORMS OF 1989"

(A resolution introduced by Representative LYNN MARTIN to amend House rules "to restore the committee system to its rightful role in the legislative process")

Sec. 1. Title: "Committee Process Reforms of 1989."

Sec. 2. (a) House Rules would be amended as follows:

(1) *Oversight Reform.*—Committees would be required to formally adopt and submit to the House Administration Committee by March 1st of the first session their oversight plans for that Congress. The House Administration Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

(2) *Multiple Referral of Legislation.*—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdiction.

(3) *Committee Elections and Organization.*—Committees would be elected not later than seven legislative days after the convening of a new Congress and must organize not later than three legislative days thereafter.

(4) *Committee Ratios.*—The party ratios on committees would be required to reflect that of the full House (except for Standards of Official Conduct which is bipartisan). The requirement would extend to select and conference committees as well.

(5) *Subcommittee Limits.*—No committee (except appropriations) could have more than six subcommittees, and no Member could have more than four subcommittee assignments.

(6) *Proxy Voting Ban.*—All proxy voting on committees would be prohibited.

(7) *Open Meetings.*—Committee meetings could only be closed by majority vote for national security, personal privacy, or personnel reasons.

(8) *Majority Quorums.*—A majority of the membership of a committee would be required for the transaction of any business.

(9) *Report Accountability.*—The names of those voting for and against reporting measures shall be included in the committee report, and, if a measure is reported on a nonrecorded vote, the names of those members actually present shall instead be listed in the committee report.

(10) *Prior Availability of Draft Report.*—A draft committee report must be made available to members at least one legislative day prior to its consideration.

(11) *Committee Documents.*—Committee documents intended for public dissemination, other than factual materials, must either be voted on by the committee and opportunity afforded for additional views, or must carry a disclaimer on their cover that they have not been approved by the committee and do not necessarily reflect the views of its members.

(12) *Unreported Bills.*—It would not be in order, except by two-thirds vote, to consider a rule in the House on a bill that has not been reported from committee.

(13) *Committee Staffing.*—Committee funding resolutions could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 101st Congress could not be more than 90% of the total at the end of the 100th Congress.

(14) *Authorization Reporting Deadline.*—Committees would be required to report authorization bills not later than May 15 preceding the beginning of the fiscal year to which they apply.

(b) *Effective Date.*—The provisions of the resolution shall take effect upon adoption, so far as they are applicable.

THE VIRGIN ISLANDS REUNIFICATION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. DE LUGO. Mr. Speaker, this morning I am introducing The Virgin Islands Reunification Act, a bill that will enable the U.S. Government to correct a long-standing problem in the U.S. Virgin Islands.

This bill will truly unite the Virgin Islands because it will bring Water Island, our fourth largest island, into our local community after a 40-year lapse. It will correct the inequities that have developed while Water Island has been under Federal ownership, when it has been an isolated Federal enclave right in the middle of St. Thomas Harbor. Under Federal ownership, this beautiful island, just a stone's throw from shore, has been out of reach for local people.

My legislation is intended to unite the Virgin Islands in a way that respects the authority of our local government to control development of Water Island, enables Water Island homeowners to gain the security of buying the property under their own homes for a fair price, opens up home-ownership opportunities for other Virgin Islanders, and preserves needed green space.

Mr. Speaker, I call this a 40-year old problem because it dates back to World War II. At that time, the Federal Government acquired several prominent pieces of property in the Virgin Islands for military purposes. When the military emergency was over, the Federal Government gradually turned these lands over to the territory.

But there was one major exception—Water Island. The Federal Government offered it to a private developer, under a highly favorable lease, to build a resort that would advance the economic development of the entire territory, but that never happened. Instead, the masterleaseholder built a small resort, then concentrated on developing an exclusive residential area. While the Virgin Islands has gradually gained autonomy and control of its lands in the last 40 years, Water Island has remained a symbol of an earlier time when the U.S. Government ruled the Virgin Islands virtually as a colonial power. In 1972, the first lease was renewed, despite the strong opposition of Virgin Islands officials. The second lease is due to expire in 1992.

My bill will correct this inequity once and for all before that expiration date in 1992. My legislation is very simple. It requires the Federal Government to turn Water Island over to the Virgin Islands Government, and it requires the Virgin Islands Governor, with the approval of the Virgin Islands legislature, to develop a detailed plan for the use of the island, which must then be submitted to Congress for review.

This procedure will enable everyone involved in this issue to have a voice in the ultimate plan for Water Island. The Governor's plan will have to accommodate many different interests—those of the people of the Virgin Islands, those of the residents of Water Island who have built their homes without owning the land on which they sit, and those of the master-leaseholder, who has built a resort there.

The Governor will be assisted in this task by the voluminous public record that we have established in Congress on this issue. We have compiled recommendations and reports from the Department of Interior. The full Interior and Insular Affairs Committee held hearings on this subject in 1985. As chairman of the Subcommittee on Insular and International Affairs, I chaired four more hearings in 1987, including two hearings on St. Thomas in November 1987. We have heard from everyone who is involved and will be affected. We have set the scene for finding the formula that will balance all these interests in a fair manner.

After this exhaustive review, the time has arrived for legislation to correct the situation. My bill offers a solution that recognizes the right of the Virgin Islands Government to control property under its jurisdiction, while offering fair treatment to everyone involved in this complex problem.

PROTECTION AGAINST PORNOGRAPHIC ADVERTISEMENTS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. OWENS of Utah. Mr. Speaker, yesterday, I introduced legislation to address the intolerable problem of unsolicited, pornographic advertisements being sent through the U.S. mail. I have received numerous complaints from the citizens of my district who have received explicit, insulting advertisements offering X-rated videos. They are offended and they are angry.

Itself an example of the pornography that plagues this country, these advertisements were sent out on a bulk mail permit. No one but the publisher knows how many homes received this unwelcome advertisement, or how the names and addresses were obtained. I do know that it was unsolicited. My constituents were outraged to have their homes invaded and their children unnecessarily exposed to pornographic advertising which was delivered through the U.S. mail.

To combat this problem, my bill would allow an individual upon receiving sexually explicit material, to make a request through the postal service to order the sender to disclose the source from which their name and address was obtained. Should the sender fail to comply, the postal service can seek a court order mandating compliance. Failure to comply would be punishable as contempt of court.

My legislation will help force magazine publishers to use greater discretion in selling their lists, a common practice in today's world of direct mail advertising. If a postal patron is easily able to determine that the publisher of his or her favorite magazine sold their list to a pornographer, perhaps reputable publishers will not sell their lists so indiscriminately. This bill will offer millions of families added protection against pornography, in our fight to eliminate this cancer that is spreading throughout our Nation.

ARMS CONTROL IN EUROPE: A NEW BEGINNING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. FASCELL. Mr. Speaker, today marks the opening of the NATO-Warsaw Pact negotiations on conventional arms forces in Europe [CFE]. The challenge facing the 23 nations involved in these talks will be to limit their nonnuclear ground forces in Europe from the Atlantic to the Urals and to eliminate the asymmetries between NATO and the Warsaw Pact so that no country will have to live under the threat of a massive offensive attack. These talks will be taking place simultaneously in the same building in Vienna as the followup to the 35-nation Stockholm talks on furthering confidence and security building measures [CSBM's] in Europe.

At first glance, it appears that the NATO and Warsaw Pact positions at the CFE talks are closer in many respects than one might have expected. The reduction in numbers is similar, there is agreement on the concept of equal collective ceilings, the Soviet Union accepts the fact that they will have to implement asymmetrical reductions and they have accepted the West's insistence on stringent verification provisions. This is an excellent beginning.

At the same time, much has been written about the fate of these talks, that is the daunting obstacles in the way of agreement, ranging from data disagreements to verification problems to questions about the inclusion of aircraft and naval forces, and so forth.

These problems are real. As these negotiations are bound to take a considerable amount of time, we must be prepared to take advantage of the opportunities that may arise during the talks to meet and build off the common areas of agreement to meet our objectives. This means that we should be open to the possibility of interim agreements or a series of agreements. As outlined in the mandate to the CFE talks, the objectives of the talks are:

To strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attack and for initiating large-scale offensive action.

The Soviet Union has made bold unilateral proposals for conventional reductions outside of the framework of the CFR talks. They are bold in their unilateral nature, but, more importantly, they are bold in that General Secretary Gorbachev announced that at the end of the period of unilateral reductions, the structure of Soviet forces will be different—that is, defensively oriented—in effect acknowledging the current offensive nature of Soviet forces. As a test of Soviet seriousness and interest in conventional stability, it will be important to watch closely how Gorbachev implements his unilateral reductions and if Soviet forces do become, in fact, defensively restructured.

In his speech before the United Nations General Assembly on December 7, 1988, General Secretary Gorbachev announced the Soviet Union's unilateral reductions. He stated that the Soviet Union would:

By the end of 1990 reduce the numerous strength of its armed forces by 500,000 men—this would involve a reduction of troops in Eastern Europe, internally and in Asia; withdraw and disband six tank divisions from East Germany, Czechoslovakia, and Hungary by the end of 1990; withdraw assault landing troops and other offensive oriented forces from Eastern Europe; reduce Soviet East European forces by 50,000 men and 5,000 tanks; restructure forces remaining in Eastern Europe toward a defensive structure; cut Soviet forces in the Atlantic to the Urals area by a total of 10,000 tanks, 8,500 artillery systems, and 800 combat aircraft; and reduce significantly Soviet forces in Mongolia.

In the mandate to the CFE talks, only the conventional aspect of dual capable systems is included. NATO and the Warsaw Pact also agreed in the mandate to specifically exclude nuclear weapons, naval forces and chemical weapons from the negotiations. However, the Soviet Union continues to press for including naval forces in the talks. While aircraft are not specifically excluded from the mandate, NATO is not addressing them at this time, while the Soviets are pressing to include them.

While the NATO proposal continues to evolve, their position at the opening of the CFE talks includes the following elements:

Reductions in key categories of weapons—tanks, artillery pieces and armored troop carriers to 5 to 10 percent below current NATO levels. This would result in the following limits: Tanks: A 40,000 overall limit in Europe—20,000 for NATO and 20,000 for the Warsaw Pact; artillery pieces: a 33,000 overall limit—16,500 for NATO and 16,500 for the Warsaw Pact; and armored troop carriers: 56,000 overall limit—28,000 for NATO and 28,000 for the Warsaw Pact.

No country could possess more than 30 percent of the total holdings in Europe. This would result in the following limits; Tanks: No country could have more than 12,000—the Soviet Union now has about 37,000 tanks; artillery pieces: no country could have more than 10,000; and armored troop carriers: no country could have more than 16,800; special limits on forces stationed on other countries' territories in order to limit Soviet forces in Eastern Europe.

Measures for stability and verification to include: Transparency, notification and constraint applied to the deployment, movement, storage and levels of readiness of conventional armed forces—armaments and equipment; and exchanges of data about forces and deployments, with the right to conduct onsite inspection.

In the longer term, NATO would be willing to look at further steps to enhance stability and security in Europe, including further reductions of conventional armaments or equipment and the restructuring of armed forces to a defensive orientation.

Soviet Foreign Minister Shevardnadze outlined the Warsaw Pact's opening position at the CFE talks in a speech he made in Vienna on Monday. The Soviet proposal includes the following elements:

First stage: Equal ceilings on key categories of weapons—tactical fighter aircraft, tanks, combat helicopters, armored personnel carriers, artillery, multiple rocket launchers, and mortars—to 10 to 15 percent below the lowest levels currently possessed by either side, to be implemented over a period of 2 or 3 years.

Second stage: Troop levels and weapons systems would be reduced by 25 percent more over another 2 or 3 year period.

Final stage: NATO and Warsaw Pact forces would be restructured to have a defensive character and agreements would be reached on ceilings limiting all other categories of arms; and in the area of verification, Soviet Foreign Minister Shevardnadze announced Soviet acceptance of stringent and rigorous verification, including inspections, without the right of refusal.

Let me reiterate that we have an excellent beginning and opportunity before us to achieve conventional stability in Europe. The West needs to explore specific measures to defensively restructure forces in Europe and in this connection we must be prepared at some point to address certain categories of NATO and Warsaw Pact aircraft.

A subject that I have not yet touched on is the very important and potentially confrontational one of the short-range nuclear forces [SNF], the tactical nuclear weapons in Europe.

With the successful implementation of the INF Treaty, attention is turning toward the CFR talks, but also to tactical nuclear weapons. The debate will tend to focus on whether or not to modernize the followon to the LANCE short-range surface-to-surface missile.

Modernization of the Lance and other SNF systems should not be a fait accompli. A thorough review of a variety of options, not all nuclear, should take place in the official and public domain before decisions are made which may provoke controversy. First, there needs to be an intensive examination within NATO and in the Congress to assess the need for such weapons and whether or not they contribute to NATO's flexible response policy.

NATO is in the process of developing a comprehensive concept of arms control and disarmament that would examine NATO's approach to a number of conventional, strategic, and chemical issues, including NATO's SNF po...y.

Other questions that need to be addressed include: What is the deterrence value of SNF weapons today? Are these weapons and their modernization in NATO's interest? Or, do they move us in the wrong direction—away from the arms control track enhanced by the implementation of the INF Treaty? How do we best ensure further stabilizing arms control reductions in Europe? And how should this be balanced with modernization concerns? Moreover, if Gorbachev backs up his conventional pronouncements with implementation of asymmetrical reductions, then NATO could look more realistically at a reduced need for SNF—perhaps even elimination.

In his speech on Monday, Shevardnadze proposed separate negotiations on eliminating short-range nuclear weapons in Europe. This administration currently opposes such negotiations. It is my recommendation that we look seriously at how we are going to address the SNF question. NATO must look at SNF and its integration into NATO strategy. We may have to modify our negative answer at some point.

Given the importance of our relations with our allies, the need to have a united NATO position on a number of issues, and the wisdom of taking advantage of the new thinking and the changes evolving in the Soviet Union, I am announcing a series of hearings on "Arms Control in Europe," with a particular emphasis on NATO strategy, SNF arms control, and modernization concerns. The Subcommittee on Arms Control, International Security, and Science plans to begin these hearings in April.

As I have done with the Geneva arms control talks, I also plan to keep committee members involved in the CRE process by providing briefings on a regular basis.

A TRIBUTE TO THE HONORABLE FRED J. BORCHARD

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. TRAXLER. Mr. Speaker, I rise today to pay tribute to the Honorable Fred J. Borchard, who has retired after 43 years of dedicated service to the people of Saginaw County and the State of Michigan. We certainly wish Judge Borchard all the best in the many years to come.

I would like to take this opportunity to share with my colleagues some information about a truly outstanding individual. Judge Borchard graduated from Arthur Hill High School in 1932, where he was active athletically and excelled academically. In addition to the time he spent in school, Judge Borchard held part-time jobs in the afternoons and in the summer. His perseverance was also evident in this academic life. He graduated from Bay City Junior College and went on to finish his higher

education at the University of Michigan in a pre-law curriculum. He then stayed on at the University of Michigan to receive his law degree.

Upon admission to the Michigan Bar, attorney Borchard felt his presence necessary in our war effort. He joined the U.S. Naval Reserve and eventually saw action at Okinawa where he was wounded by enemy fire. He was then transferred to Pearl Harbor and was decorated with the Purple Heart.

In 1945, as a young aspiring attorney, Mr. Borchard returned to Saginaw and began his practice of law. In 1947 he was elected as municipal judge and after 5 years, he ran for probate judge in 1952. After a successful campaign, Judge Borchard served on the probate bench until Governor G. Mennen Williams appointed him to a newly created circuit court vacancy. Until his retirement this year, Judge Borchard has served on the circuit court bench since 1958. Needless to say, Judge Borchard has one of the longest tenures as a judge in the history of Michigan.

Over the years, Judge Borchard has become recognized as a judge of fairness and order. His dedication to the judiciary and his knowledge of the law is widely known and his courtroom holds a reputation of renowned dignity.

Judge Borchard has made his contribution to Saginaw not only through his tenure as judge, but also through his own personal commitment to the betterment of his community. He is past president of the University of Michigan Club, Germania of Saginaw, the Kiwanis Club of Saginaw, and the Arthur Hill Letterman's Club. He served on the Board of Director's of St. Luke's Hospital, the Saginaw County Chamber of Commerce, the Alcohol Information Center, Big Brothers, and the Lutheran Children's Friends Society. Indeed, Judge Borchard has made his mark on Saginaw.

It is with deep appreciation that we recognize the Honorable Fred J. Borchard. Not many people come along and make such a sincere and meaningful contribution to a community. We wish Judge Borchard and his wife Helen many years of happiness and good fortune.

20TH CONGRESS OF THE INTERNATIONAL POSTAL UNION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. BOGGS. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in saluting the U.S. Postal Service for hosting the 20th Congress of the Universal Postal Union [UPU].

The last time the UPU met in the United States was in 1897, when 55 member nations were represented. The 1989 meeting of the UPU anticipates that some 200 nations and territories will be represented. By tradition, the postal administration of the host country plans and manages the international Congress.

The next meeting of the Universal Postal Union will take place November 13 through December 15, 1989, at the Washington Convention Center in Washington, DC.

Nearly all of the world's postal administrations belong to the Univeral Postal Union, a specialized agency of the United Nations. The UPU's 169 members comprise a single postal territory where another country's mailing is afforded the same careful treatment as domestic mail.

In conjunction with the UPU's meeting, the first international stamp show directly sponsored by the U.S. Postal Service [World Stamp Expo '89] will take place from November 17 through December 3, 1989. The 14-day exhibition will be divided into four segments: "Mail Delivery of the Past," "Mail Delivery of the Future," "Postal Stationery," and a "Youth Fiesta."

The U.S. Postal Service has graciously offered to provide the U.S. Congress with a booth to display its Bicentennial Exhibit and has authorized the Capitol Hill Philatelic Club to provide Members of Congress, their families and staff with tickets in order to see the congressional exhibit at the Convention Center.

I commend the U.S. Postal Service and those associated with hosting World Stamp Expo '89 for the whole world to see and enjoy, and I urge my colleagues to join me in expressing appreciation and offering their support.

THE RADON GAS TAX RELIEF ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. SCHROEDER. Mr. Speaker, today I am reintroducing the Radon Gas Tax Relief Act.

Fueled by last September's joint health advisory by the Surgeon General's office and the EPA, radon has become a great concern to the American public.

The statistics are alarming. We know that randon gas is a health hazard: EPA estimates that some 20,000 Americans die each year of radon-induced lung cancer. We also know that many of these deaths can be prevented. Relatively simple building techniques can bring radon gas down to safe levels in homes and buildings.

Unfortunately, the cost of these techniques can be prohibitive. Currently, it usually costs anywhere from $500, to $1,000 to install radon mitigation equipment in homes. Low to middle income families have an especially hard time bearing these costs.

The Radon Gas Tax Relief Act provides a series of tax credits and deductions for homeowners, builders, and developers who install equipment to control radon gas. It makes radon mitigation more accessible to tightly budgeted families and also encourages builders to start equipping new homes and buildings to control radon gas.

Our priority should be to reduce the unsafe levels of radon gas in as many homes and buildings as possible. My bill is a step in that direction. I urge my colleagues to cosponsor the bill.

CLARIFYING THE RECORD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. COSTELLO. Mr. Speaker, I want to announce that on Monday, February 6, I was conducting congressional business in my district and was unable to vote in the House on the procedural motion to adjourn. Had I been present, I would have voted not to adjourn.

On Friday, February 3, I contacted the House leadership about the possibility of legislative votes on February 6, and was assured there would be none. Indeed, there were no votes on legislative matters until Tuesday, February 7, when I joined a majority of my colleagues in rejecting the pay increase recommendations included in President Reagan's fiscal year 1990 budget.

I state these matters only as a matter of clarification and thank the Speaker for delaying any legislative vote until the next day, allowing those Members predominantly from Midwestern and Western areas of the country time to travel to Washington and vote on this important proposal.

A NEW ERA FOR FAIR HOUSING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. EDWARDS of California. Mr. Speaker, Sunday, March 12, marks the effective date of the Fair Housing Amendment Act of 1988. The commencement of this new law marks a historic new chapter in America's civil rights history.

Although the Congress enacted the original Fair Housing Act in 1968, this law lacked an effective enforcement mechanism. Unlike other civil rights laws, the Federal Government had little role in enforcing the law, but rather the burden was placed on private persons and the States. The new law creates an expedited administrative enforcement procedure to adjudicate fair housing complaints. Under this new procedure, the Federal Government will be a leader in enforcing the fair housing laws.

The new law also adds protections for the handicapped and families with children. During the course of our deliberations on the bill, we found disturbing levels of discrimination against both of these groups. The new law guarantees that the handicapped and families will no longer be turned away from housing on the basis of their status.

Passage of the Fair Housing Amendments Act came only after a 10-year effort. Although the House passed a similar bill in 1980, the bill did not pass in the Senate. I want to thank all of the Members who played major roles in this battle, but particularly two former members: Father Robert Drinan, who was my cosponsor of the successful 1980 House bill, and Senator Charles Mathias, who was its Senate champion for so many years.

In the successful enactment in the 100th Congress, my good friend Hamilton Fish, Jr., the author of the bill, forged the historic compromise that insured enactment, and Senators EDWARD M. KENNEDY and ARLEN SPECTER masterfully guided the bill through the Senate.

I look forward to the day when our Nation no longer needs laws like the Fair Housing Act, when discrimination no longer occurs in American society. But until then, aggressive enforcement of effective fair housing laws will make America a better nation for all.

JOHN DINGELL HONORED FOR NEPA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. FORD of Michigan. Mr. Speaker, last night, the Environmental and Energy Study Institute hosted a dinner to celebrate the 20th anniversary of the National Environmental Policy Act and to honor the dean of the Michigan delegation, Mr. DINGELL, for his instrumental role in passage of that landmark law.

I had the privilege to serve as the master of ceremonies for the dinner, along with dinner co-chairs, the gentleman from California [Mr. WAXMAN] and the gentleman from New York [Mr. LENT], and an honorary dinner committee made up of the House Democratic leadership and members of the Energy and Commerce Committee and the Michigan Delegation.

Twenty years ago this year, JOHN DINGELL, then a seven-term Congressman chairing the Fish and Wildlife Subcommittee, led the effort in the House of Representatives to pass the National Environmental Policy Act—the first of the current generation of national environmental laws.

JOHN DINGELL said on the floor of the House in 1969 that passage of the National Environmental Policy Act "will constitute one of the most significant steps ever taken in the field of conservation." And he was right. NEPA set the stage for passage of a long list of other landmark laws in the 1970's—the Clean Air Act of 1970, the Clean Water Act of 1972, the Endangered Species Act of 1973, the Safe Drinking Water Act of 1974, and the Toxic Substance Control Act of 1976. And JOHN played an influential role in the passage of all of these laws and many others coming out of the House Energy and Commerce Committee.

NEPA, though only five pages long, has had a much more far-reaching impact than many of the bills we now pass that are hundreds of pages long. It has dramatically transformed the way we in Government and the private sector and the average citizen of this country think about and carry out our daily business. The revolutionary notion that JOHN DINGELL had that we ought to think about the environmental consequences of our actions is not part of the fabric of our society.

The early years following passage of NEPA were not easy. NEPA, and its environmental impact statement requirement, were attacked for blocking development, jobs, energy production, and everything else under the sun. But JOHN DINGELL fought off every attack, and it survived, and thrived.

Think about how times have changed. The attacks on NEPA were based on the promise that protecting the environment conflicted with economic development. Now, 20 years later, it is clear just how wrong that premise was. In fact, it is increasingly clear that we cannot have economic growth without sound environmental stewardship, and that we can't protect the environment without economic development. This is most apparent in the developing world, where millions of people are destroying their forests and lands in a desperate struggle to feed themselves, and in the process destroying their very ability to survive. Now, I think we in this country and elsewhere in the developed world are beginning to see that economic growth and environmental protection go hand in hand, and that a failure to protect the environment—to protect the ozone layer, to stem ocean pollution, to prevent global warming—will doom our changes for sustained growth and threaten the planet's survival.

On behalf of my colleagues, I want to extend my appreciation to JOHN DINGELL for his leadership and vision in passing NEPA.

The proceeds from the dinner will be used by the Institute for a unique program to activate new congressional leadership on important emerging issues, including global climate change, rural groundwater contamination, energy policy, and solid waste management.

A PIONEER IN WOMEN'S HISTORY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. COUGHLIN. Mr. Speaker, this month has been designated as "National Women's History Month." I rise in tribute to a pioneer woman physician and supporter of the women's rights movement of the late 1800's. Mr. Speaker, I am referring to Dr. Mary Edwards Walker.

Dr. Walker is the only woman ever to receive the Medal of Honor, the highest military award given by the U.S. Government, for her courageous and tireless service during the Civil War as the Union Army's first commissioned female surgeon. Denied a surgeon's contract, she was forced to serve as a nurse for the first 3 years of her service. Nevertheless, she voluntarily ventured past Union lines to provide medical attention to the nearby civilian population, responding when no man was willing for fear of being captured by the Confederate Army. As a result of that courage, she was captured and spent 4 months in a Confederate prison.

President Andrew Johnson, in 1865, awarded Dr. Walker the Medal of Honor for her indefatigable care of the sick and wounded and for the hardship she endured as a prisoner of war.

At the age of 83, Dr. Walker's medal was withdrawn by a Government review board along with 900 other veterans claiming that they had been improperly awarded. In Dr. Walker's case, it was a question of her status as a member of the Army or a contract doctor. Although she did not live to see it, her medal was restored by the Army in 1977.

Dr. Walker believed it was every woman's right to vote and campaigned for that right as a member of a dedicated band of suffragettes. She also helped to lead a movement aimed at ending the social restrictions on the way women dressed. Her opinions on the women's attire of her day are expressed in two books, "Hit" (1871) and "Unmasked; or the Science of Immorality" (1878). Strongly believing it was a woman's right to dress as she desired, Dr. Walker was infamous for wearing trousers—something unheard of during her lifetime.

Mr. Speaker, I salute a pioneer of women's history and a woman who has profoundly affected the lives of many.

SILVER BULLION IMPORT FEE

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. STALLINGS. Mr. Speaker, today, I have introduced legislation, as I did in the 100th Congress, to establish an import fee on silver bullion.

I have taken this action because I am most concerned about the prospects for long-term stability for domestic silver manufacturers. As you know, the silver industry has historically been a major employer for thousands of Idahoans.

But now, that once vibrant industry remains depressed and silver prices continue to languish at approximately $5.75 an ounce, a price significantly less than the cost of production. In my own congressional district, the Clayton Silver Mine remains on a sorry standby basis.

Simply, my bill calls for a fee equal to the difference between the average monthly price for the month immediately preceding the date of the first sale within the United States of silver bullion and $7.50 per ounce.

The legislation exempts the first 6.5 million ounces of silver sold and imported into the country during any calendar month, an amount equivalent to the 1980 import level.

Mr. Speaker, today we see copper, zinc, and lead all at record prices. Because of the continued influx of imports, however, silver remains dramatically depressed. All that our producers are asking for is a level playing field, and I strongly believe that my bill will help provide that market condition.

In conclusion, let me point out that my concern is for an industry which, since 1980, has seen imports grow from 79 million ounces to as much as 180 million ounces annually, an increase of 127 percent. During this same time, prices have declined from more than $20 an ounce to less than $6. And as I've emphasized, today's price is far below production costs.

For a nation that provides trade protection for a variety of commodities, is it really too much for the silver industry to be allowed a fair chance to compete?

TRIBUTE TO RUTH U. KEETON

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I'd like to take this opportunity to pay tribute to a remarkable Maryland public servant who will soon be retiring. Ruth U. Keeton will retire this month from the Howard County Council. Ruth has served 14 years on the council and during that time she has exemplified all we come to expect from a public servant.

Most notably, Ruth has consistently encouraged the development of low-income housing in her county and the State. In 1981, she was recognized for her ability and named to the statewide government housing task force, which produced a report that still influences Maryland's housing priorities. Also, she has been instrumental in protecting the county's vital farmland. Ruth led the drive to start the county's first Farmland Preservation Program. And Ruth's concern for the environment was rewarded when Maryland Gov. William Donald Schaefer appointed her to the Patuxent River Commission.

Mr. Speaker, we don't often see a person with this level of dedication matched with such a warm personality. Ruth has not only been an asset to the county, but a joy to work with. I know she'll be missed in Howard County Council chambers, but we wish her well in her retirement.

EDNA HIBEL: A TRIBUTE TO ARTISTIC QUALITY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. LEWIS of Florida. Mr. Speaker, I would like to take this opportunity to share with you and my distinguished colleagues the wonderful talents of Miss Edna Hibel.

Edna has enjoyed an illustrious career as a painter, master artist, and humanitarian. Her credits are many and include awards from the United Nations, Pope John Paul II, Queen Elizabeth II, Cordon Bleu Society, and the World Academy of Art and Science.

The Hibel Museum of Art, located in Palm Beach, FL, stands as a everlasting tribute to this outstanding artist and wonderful individual who has enjoyed a world-renowned reputation for quality and loving dedication.

As a personal friend, I can testify to her undying dedication toward art and humanity. Her exhibits continue to carry a message of world peace and human love to people throughout the world.

Edna will return to China with her historic art exhibition scheduled for display September 11 through September 23, 1989. As the only foreign artist to have the opportunity to return to China for a second showing, the invitation is a supreme honor.

For our enjoyment back in the United States, we will have the opportunity to view Edna's work first hand on June 16 at the National Museum of Women in the Arts. I urge everyone to take this opportunity to view Edna's talent first hand. I am sure you will find her paintings both enlightening and uplifting.

POPPY MONTH

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mrs. MEYERS of Kansas. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the declaration of May as "Poppy Month" in the great State of Kansas. Gov. Mike Hayden will sign the official "Poppy Month" proclamation on Thursday, March 9.

In 1920, the American Legion Auxiliary adopted the poppy and, since then, it has served as a public reminder of the thousands of lives sacrificed in the four wars the United States has participated in. In keeping with tradition, red paper poppies are handmade at the Veterans' Administration hospital in Leavenworth, KS, by hospitalized veterans. The poppies are then offered to the public, for a donation, on "Poppy Day." The donations collected are then used to assist needy veterans and their families.

It is an honor to salute the Kansas American Legion Auxiliary and Edyth Mae Jones, the Kansas poppy chairman, for their gallant efforts in assisting the Disabled Veterans of Kansas. Please join me, Mr. Speaker, as I pay tribute to this special group of people, and as I recognize May as "Poppy Month" in Kansas.

EMIGRATION FROM THE SOVIET UNION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. SYNAR. Mr. Speaker, while emigration from the Soviet Union has sharply increased in response to pressure from the international community and glasnost in the U.S.S.R., the picture on emigration remains mixed. The results, in terms of overall numbers of exit visas granted, have been positive, but concerns have been raised with respect to emigration procedures which remain unfairly restrictive and arbitrary.

Many refuseniks are still denied permission to leave for reasons of state security, even when there is no reasonable basis for security risks in allowing emigration. Protests against this injustice have been voiced many times by Members of this body, and by people of good will around the world.

Today a group of women refuseniks in the Soviet Union will begin a hunger strike to protest the Soviet authorities' continued refusal to grant them permission to emigrate. Many of the group, styled Jewish Women against Refusal, have been waiting for more than a decade to be repatriated to Israel or reunited with family. Their children, several of whom were born in refusal, are now second generation refuseniks. Some have married, and a third generation is joining the refusenik ranks.

Clearly, the U.S.S.R. is bound by the Helsinki accords which require emigration for family unification as a basic human right recognized by the signatories of the accords, including both the United States and the Soviet Union. Our support of these refuseniks is based on the rights and duties recognized by these international agreements.

Mr. Speaker, I would invite my colleagues to join me in supporting the protest of these courageous women: Inna Ospensky, Eugenia Berenfeld, Ludmila Fridman, Tatyana Futoryanskaya, Olga Goldfarb, Elena Golovina-Lokshina, Polena Golub, Tamara Gurfink, Galina Livshitz, Judith Lurie, Natalya Magazanik, Rimma Mushinskaya, Mela Novik, Elena Rappaport, Marina Shulman, Irene Sterkina, Natalya Stonova, Irene Tyomkina, Alla Varshavskaya, Ludmila Yakhonta, Marina Gorelic-Salganic, Sofia Wander, Olga Kagna, Sheyla Alexandrovsky, Lidia Axelrod, Olga Gersheles-Dinkins, Olga Kelman, Olga Komsitskaya, Olga Osrivskaya, Irene Pisarevskaya, Tamara Pliss, Lilia Rabinovich, Marina Shmidt, Oxana Kotlyer, Larisa Kotovskaya, Lubov Rozenberg, Karmela Raiz, Ala Stomatovta, Irina Ichkina, and Anna Markova.

The support and concern of individuals for these women is commendable, but it is not enough. Public policy provides an effective expression of that concern. Given the fluidity that may now exist in Soviet policy on emigration, the United States must continue to exert pressure on the Soviet Union to make concessions on emigration and human rights as preconditions to improvement in other areas of the bilateral relationship. Since the 1970's the United States has sought to expand Soviet emigration by linking trade and credit to emigration performance. The interconnection between human rights, trade, and arms control will express our solidarity with those Soviet citizens who await permission to emigrate.

Mr. Speaker, I am inspired by the courageous example of the Jewish Women against Refusal. Some might ask what difference they will make, a handful of women fasting for justice. I, for one, have no doubt their fast will make a difference, as a living witness to the enormous power of a people yearning to be free.

TRIBUTE TO THE SOCIETY OF AMERICAN FLORISTS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. MILLER of Washington. Mr. Speaker, I rise today to pay tribute to the efforts of the Society of American Florists [SAF] and to praise the hard work and leadership of Mr. Sten Crissey, president-elect of the Society of American Florists. He is the owner and proprietor of Crissey Flowers and Gifts, one of Washington State's finest floral shops, and a good friend of mine. The society was responsible for all the superb floral displays at each of the official bicentennial inaugural events.

Mr. Crissey, from my own State of Washington, helped procure, prepare, and design over 300,000 floral pieces into the stunning exhibits that we were all privileged to enjoy during inauguration week. The final product of those efforts was a fine example of the splendid work the floral industry provides. All segments of the industry united their efforts to benefit the inauguration of our new President. SAF is the only trade association representing all segments of the floral industry including growers, wholesalers, retailers, and suppliers. All their displays were beautiful, and added to the pomp and splendor of such a historic event.

The contribution of SAF, Sten Crissey, and all the volunteers to the bicentennial inauguration gave this prestigious occasion an added sense of pride and grandeur.

Growers, wholesalers, and retailers donated their time, expertise, and resources to this effort. Their displays showcased the industry's product. The floral industry should be proud of its accomplishment and congratulated on its success. Their diligent work, and overwhelming success, contributed to the spirit of nationalism and celebration. I again thank and congratulate Mr. Crissey, the Society of American Florists, all the volunteers, and the floral industry itself for their contribution to the inauguration of President George Herbert Walker Bush.

REFUSENIK WOMEN FAST FOR PERMISSION TO EMIGRATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. FRANK. Mr. Speaker, on this the second day of the fast by a group of courageous refusenik women, I want to reiterate the importance of the purpose of their fast. It is that while the Soviet Union has allowed a sizable increase in the emigration rates in the past year, the Soviet authorities continue to persecute the individuals and families who, for a very long time, have sought permission to emigrate.

Today, I am honoring the women who have risked everything in their efforts to be reunited with family in Israel and elsewhere, who simply want to be able to observe their religion without fear of persecution. Most of these women have sought to be repatriated to Israel or reunited with family for more than a decade. For asking for the fundamental freedom of movement, these women and their families, their children and their grandchildren have become scapegoats in Soviet society.

I owe gratitude also for Action for Soviet Jewry in Waltham, MA, for their outstanding work on this issue, and for the work of the Union of Councils for Soviet Jews, who yesterday honored, here in Washington, Alec and Galina Zelichonik. The Zelichoniks only a few months ago still suffered at the hands of Soviet authorities and today live freely in Israel thanks, in part, to the hard work of Action for Soviet Jewry, the Union of Councils, the Congressional Human Rights Caucus, and many others.

TAX CREDITS FOR SECURITY DEVICES OFFERED

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. DENNY SMITH. Mr. Speaker, home burglary is an epidemic in all of our districts. The FBI reports that more than 2 million burglaries occurred in 1988—that translates into one burglary every 15 seconds.

Tragically, senior citizens are the most frequent victims of burglary. Seniors and other Americans who are justifiably fearful of burglary, are now being forced to purchase home security devices for protection.

I believe that Congress should assist those who are trying to make their homes and neighborhoods safe again.

Today, I am introducing legislation which would allow individuals a partial income tax credit for the purchase and installation of locks, alarms, security lighting, protective window bars, and other security devices for their home. Taxpayers would receive a credit of 25 percent of expenses incurred for home security, with a maximum credit of $250.00.

A larger credit would be offered to senior citizens. Those 65 years of age and over would receive a credit of 100 percent of expenses incurred, with a maximum credit of $500.00.

I urge other Members to join in sponsoring this important legislation.

BOOTS AND SADDLES TOUR IN NEW MEXICO

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1989

Mr. SKEEN. Mr. Speaker, today I am introducing legislation that will lead the way in creating the Boots and Saddles Tour in New Mexico. This designation will not only recognize the importance of numerous frontier forts that were established in New Mexico, but help protect these historic sites from further deterioration.

I am pleased to say that Senator JEFF BINGAMAN, along with Senator PETE DOMENICI, have introduced similar legislation in the Senate.

My legislation asks the Secretary of the Interior to study the feasibility of establishing an interagency management group to develop various ways of interpreting and preserving eight historic forts that played a significant role in the history of New Mexico. The study would also evaluate establishing tour routes for vehicles and horseback riders which would connect these forts.

The forts that will be studied truly have a significant and colorful place not only in New Mexico's history, but also in the settlement of the Western frontier. The role of these forts varied from helping to protect important transportation routes, to providing a base of operations in fighting famous Indian leaders.

Let me provide a brief description of these forts. Fort Cummings was used as the base of operations for the Apache wars against Indian leaders Cochise, Victorio, and Geronimo, and in protecting part of the Butterfield stage route. Fort Stanton was used by Kit Carson as the center for his campaign against the Apache and Navajos. Fort Seldon served to protect settlers from Apache raids. Fort Bayard played a key role in the campaigns against Geronimo. Soldiers at Fort McRae fought to deny Navajo and Apache raiding parties the use of a popular east-west trail. Fort Craig was the largest Civil War fort in the West. Fort Sumner was used to house Apache and Navajo captives of Kit Carson. And during the Civil War, soldiers at Fort Union guarded the Santa Fe Trail, the main artery of supply for the Federal armies in the West.

All of these forts were abandoned for military purposes long ago. But many of them are largely intact, others still contain interesting, physical remains that should be protected.

I believe it is important to preserve and provide national recognition to these priceless treasures of our pioneer history. This legislation will lead the way to accomplishing this goal. By preserving these forts, we can also create an exciting opportunity for the public to visit these sites and gain a greater appreciation of what it took to settle the frontier West.

SENATE—*Monday, March 13, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Under the order previously entered, the Senate will stand in recess until the hour of 10 a.m. on Wednesday next.

RECESS UNTIL 10 A.M. WEDNESDAY, MARCH 15, 1989

Thereupon, at 12 noon, the Senate recessed until Wednesday, March 15, 1989, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, March 13, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For all Your good gifts, O God, we offer our praise; for Your providence to us through all the years, we offer our word of gratitude. As we look to the days ahead, may not Your loving concern for us lessen, or Your acts of forgiveness and mercy for us ever diminish, but may Your mighty hand of grace ever give us the strength and the peace that You alone can give. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Mississippi [Mr. MONTGOMERY] kindly lead the Members in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 553. An act to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation.

A TRIBUTE TO THE FIGHTING IRISH AND THEIR SUPPORTERS

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, as college football fans everywhere know, January 2, 1989, was a great day for the Irish. On that day, the Fighting Irish of the University of Notre Dame won the Fiesta Bowl and secured the national championship to the delight of their thousands of fans. Although I am certainly one of them, I enjoy a privilege my fellow Notre Dame fans do not. I have the honor to represent the University of Notre Dame in this body.

I wish to take this opportunity to commend Lou Holtz, his staff, and the superb athletes they coach on a tremendous victory over a very tough University of West Virginia team. The victory over the Mountaineers capped an outstanding 12-0 season for the team. The university, the community, the Nation can be proud of them.

Their achievement shows the dedication and determination that inspire millions. I am not an alumnus of the college, so I don't think I can be accused of the sin of bragging, when I say that I believe Notre Dame, and its football team, are loved in a special way. Over the years, the Fighting Irish have won their share of national championships, produced many Heisman Trophy winners and boast some of the legendary names of college football—Knute Rockne, George Gipp, the Four Horsemen, Frank Leahy, and scores of others. But that success has not come at the expense of educational excellence. Notre Dame wins the old fashioned way. The players and the coaches play by the rules. Players at Notre Dame are students first. They either make the grades, or don't play. They go to class, they earn their diplomas and they graduate. In this day of widespread scandal and cheating in college athletic programs, Notre Dame is to be commended for adhering to academic principles and for refusing to conform to the notion of "win at any cost."

So, Mr. Speaker, I congratulate the students, faculty, administration, and friends of the University of Notre Dame on the great accomplishment of their outstanding football team. I am honored to represent this fine institution, and I have every confidence that Coach Holtz and the Fighting Irish will keep me coming back to this floor to commend them for many victories in the future.

LEGISLATION TO REQUIRE THE ESTABLISHMENT OF A PRESIDENTIAL EMERGENCY BOARD IN THE EASTERN AIRLINES STRIKE

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STANGELAND. Mr. Speaker, later this week, the House will consider legislation that would require the President to appoint a Presidential Emergency Board [PEB] in the Eastern Air Lines strike.

In my view, the establishment of such a board in this case is not justified on either legal or policy grounds. The Railway Labor Act requires such a board only when there is a national transportation emergency. Although some people are certainly inconvenienced, a strike at one airline does not create a national emergency.

In addition, the Emergency Board has no power to end the dispute. It can only make recommendations which will certainly be ignored by one or both parties.

In the end, the only way to resolve this dispute is for both parties to sit down and negotiate it out. That will occur only when we no longer hold out this false hope of Government intervention through an Emergency Board.

I am also including in the RECORD additional points that Members are welcome to use when we consider this bill later this week, including two editorials.

Mr. Speaker, on March 9, the Committee on Public Works and Transportation reported H.R. 1231 to establish a Presidential Emergency Board to investigate the labor dispute at Eastern Air Lines.

Arguments in opposition to this legislation follow as well as two pertinent editorials.

ARGUMENTS IN OPPOSITION TO H.R. 1231

I. There is no basis for convening an emergency board under the Railway Labor Act.

Under the Railway Labor Act, an emergency board may be convened by the President if the airline labor dispute "threaten(s) substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

No such interruption or threat has occurred since the strike against Eastern began 10 days ago. Other air carriers and other modes of transportation have been able to provide transportation in the absence of Eastern.

There is no logic whatever in applying the Railway Labor Act to a competitive industry that could handle a strike without creating a major dislocation. Since deregulation, other airlines are readily available to provide the service. Other transportation modes can help also.

For this reason, no emergency board has been convened in any of the five major airline strikes since the industry was deregulated in 1978, even though they involved carriers, such as United, which are larger than Eastern.

II. If a substantial interruption to commerce is achieved as a result of secondary picketing, the appropriate response would be for the Congress to ban secondary picketing in the airline and railroad industries.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The only factor that threatens a national transportation emergency in this case is the ability of labor to conduct secondary picketing.

Instead of creating an emergency board, Congress should ban secondary picketing. This would solve the problem of disruption to commerce while permitting the parties to this labor dispute to fight it out on their own turf.

It is important to emphasize that the "right" to conduct secondary picketing is unique to the airline and railroad industries, and even there it has been recognized only for the last two years.

Secondary picketing gives labor the power to turn a purely local dispute into a national crisis. In effect, it gives labor the power to hold hostage the users of transportation services across the country—passengers, shippers and consumers—to achieve their goals in a dispute with one employer.

No other industry is allowed to engage in this type of secondary picketing.

III. The creation of a Presidential Emergency Board will do nothing to achieve resolution of the labor dispute between Eastern and the machinists. We will simply find ourselves in the same position 26 days from now as we are today.

The parties have been in mediation for over a year without coming close to an agreement. There is little likelihood that the parties will agree to the recommendations of a board.

If the Congress is willing to prolong the process now by establishing an emergency board, the Congress will likely legislate further cooling off periods when the 26 days end. In the 3 most recent rail disputes where emergency boards were established, additional cooling off periods of 2 to 3 months beyond the initial 26 day period were mandated by Congress.

Since the parties are not likely to come to agreement, we are left with either a series of additional cooling off periods (which will surely kill Eastern) or a legislative solution to the entire dispute. Legislative "cramdowns" are definitely not a desirable way to settle private labor disputes in the airline industry.

The only way to resolve this dispute is to allow the battle to go on as it does in any other industry: let the parties use self-help and let the chips fall where they may.

IV. The only way for Eastern Airlines to survive is through a quick resolution of the current labor dispute. The survival of Eastern as a viable carrier is important to maintaining competition in the airline industry.

Eastern has lost almost $500 million since the mediation process began and was losing more than $1 million each day before the strike began.

If the parties are required to go back to the status quo as it existed before the strike began, Eastern will lose money at a much greater rate because it will take time to restore its service to previous levels.

Establishment of a Presidential Emergency Board will not lead to a resolution of the dispute. It will only prolong the dispute.

The only possibility for a quick resolution of the dispute is to allow the strike to proceed. Eastern may not be able to survive a strike, but at least there will be some resolution of the issue. Whether or not Eastern survives should be a function of the actions taken by labor and management. It should not be the function of government imposed solutions.

With increasing concentration in the airline industry, it is important for Eastern to remain a viable air carrier. The demise of Eastern will result in further concentration in the industry and a corresponding decline in competition.

V. The Railway Labor Act is outmoded and is no longer an efficient or fair way to resolve labor disputes in the airline industry.

The Railway Labor Act was enacted in 1926, at a time when the railroads were heavily regulated and essentially the only means of transportation. The Act was extended to the airlines in the 1930's when the industry was young and heavily regulated.

The Act was designed to prevent strikes, because any strike against a railroad would be likely to cripple the national transportation system. It did so by creating an open-ended mediation process, during which the status quo would be preserved. Existing contracts under the Act do not terminate until a new contract is in place.

Indeed, the preservation of the status quo under the Railway Labor Act always favors one party over the other. In inflationary times management has an incentive to keep negotiations open so as to avoid paying higher wages. In deflationary times, or when an industry is particularly competitive, labor has an incentive to keep negotiations open to avoid wage cuts.

In this case Eastern has been locked in negotiations for 17 months under the preexisting contract terms. During this time it has lost almost half a billion dollars.

In summary, the rationale for the Railway Labor Act is no longer relevant to a deregulated airline industry. A competitive transportation industry no longer needs special provisions to avoid strikes at all costs. Labor disputes in the airline industry should be treated the same as in any other industry.

VI. As a general rule, the Federal government should stay out of labor disputes.

An emergency board has authority only to recommend, not to impose a resolution of the dispute. Because of the animosity and distance between the parties, any such recommendation would undoubtedly be rejected, by one or both of the parties. Enormous pressure would then be focused on Congress and the President for enactment of legislation imposing a contract on the parties.

Settling labor disputes by Federal statutes is bad public policy, especially when the dispute arises in an industry which is as highly competitive as the aviation industry.

Moreover, in the case of the dispute between Eastern and its unions, it would be unprecedented for the government to intervene in a situation where the company involved is losing the enormous sums of money that Eastern is losing and is in the dire economic predicament that Eastern is in.

And finally, intervening in the Eastern dispute will encourage other transportation unions to settle their disputes in the political arena.

VII. The bill is flawed because the emergency board's proceedings cover two unions, the Airline Pilots Association and the Transportation Workers Union, who have not gone through the collective bargaining requirements of the Railway Labor Act.

Unlike the International Association of Machinists, these two unions have not reached a state of impasse with Eastern.

While there might be some cases where an emergency board is justified when the parties have exhausted all procedures under the Railway Labor Act, it is never justified where parties are in a preliminary stage. This short circuits the process and sets a bad precedent for unions and management to come to Congress to resolve their differences.

It is particularly ludicrous to expect an emergency board to arrive at comprehensive recommendations for labor agreements with these two unions in 19 days, when their negotiations are still preliminary.

VIII. The shortening of the time periods in the bill does not solve the defects in the bill. If anything it will make it more difficult for the emergency board to reach meaningful recommendations.

The committee amendment shortens the time for the emergency board to report to the President from 30 days to 14 days, with a possible extension of 5 days. After the board reports, the cooling off period is 7 days (reduced from 30 days).

No matter when this period ends, there is virtually no chance that this process will result in the parties coming any closer together.

The shortening of the time period is illusory and creates the false hope that the board will actually be able to produce results in that period. In fact, the average length of emergency boards in airline labor disputes is 77 days. We can't expect that, in a dispute as complicated as this one, a board will come to resolution in this short a period.

IX. Eastern's filing for bankruptcy under chapter 11 makes H.R. 1231 ill advised and possibly unconstitutional.

If the effect of H.R. 1231 would be to override the power of the bankruptcy judge to carry out his authority to change the terms and conditions of employment, it might well violate Article 1, section 8, clause 4 of the Constitution, which requires uniform bankruptcy laws.

Any further attempt by Congress to legislate the recommendations of a presidential emergency board would have even greater constitutional problems. This is very similar to the law that provided up to $75 million in unemployment benefits in the Rock Island Railroad reorganization, which was held unconstitutional by the Supreme Court.

[From the Washington Post, Mar. 7, 1989]

EASTERN ON STRIKE

Fortunately for travelers and commuters, the machinists striking Eastern Airlines have not so far tried to extend the disruption with secondary boycotts. Perhaps it is fortunate for the machinists' union as well. Frank Lorenzo, who controls Eastern, has generated a degree of public sympathy for the airline's employees through his harsh and heavy-handed tactics in dealing with them. That sympathy would quickly vanish if the union set out deliberately to strand as many people as possible by picketing railroads and other airlines with no part in this quarrel and no responsibility for it. For the people holding Eastern tickets, the inconvenience has already been more than sufficient.

Some of the union's officials continue to talk of fighting the court orders against secondary picketing and then proceeding to carry their strike to other carriers. The strategy would be to create such chaos that the mounting economic damage would force President Bush to appoint the emergency board that they seek. It would begin a process that ends with congressional legislation writing, in effect, a union contract into law and imposing it on the employer. It's an obsolete procedure that has no place in a deregulated airline industry.

Mr. Bush refused on Friday to take that road. The administration has added that, if the union attempts secondary boycotts, it will immediately seek legislation to prohibit them. But both the White House and the machinists must realize that this strike is not going to be ended by legislation—neither the kind that the union wants nor the kind that the administration threatens. In Congress, each side is quite capable of blocking the other. The case for abolishing secondary boycotts is strong, and in all industries but transportation they were prohibited a generation ago. But the composition of the labor committees makes it highly unlikely that any bill will move as long as the strike continues.

As for the strike itself, it's off to a bad start for Eastern. Management clearly underestimated the pilots' and flight attendants' resentment of their treatment at the hands of Mr. Lorenzo. The airline had hoped to fly through the strike with nearly normal operations, using newly hired nonunion mechanics and baggage handlers to replace the strikers. That clearly isn't going to work. Eastern has now had to cancel all but a very few flights.

It's an airline with a long and respected history, but this strike may destroy it. Mr. Lorenzo has been looking for trouble ever since he took control of Eastern. Now he has found it, and perhaps more than he bargained for. It's hard to be very sorry.

[From the New York Times, Feb. 28, 1989]

MR. KIRKLAND'S WORDS, MR. BUSH'S TEST

Lane Kirkland, president of the A.F.L.-C.I.O., protests that an editorial on Friday wrongly characterized his position on the labor dispute at Eastern Air Lines. The editorial, drawing from published news reports, said he had warned, if there should be a strike against Eastern, of widespread disruption in the transportation industry, including moves against railroads. Mr. Kirkland says he said no such thing [see Letters], and we accept that with apology for the error.

Others in organized labor do talk of secondary job actions. For instance, the heads of the railroad unions recently declared, ominously, that labor action against Eastern "has the potential to spread to other air carriers, as well as the rail commuter and freight industry." How the President responds to such threats will likely have a lasting effect on labor relations nationwide.

The National Mediation Board, a feeble agency charged with keeping labor peace in the rail and airline industries, has recommended that the President use his authority to prevent a strike for 60 days. Such intervention would set a dangerous precedent, effectively ending the neutrality of the Federal government in the dispute and short-circuiting collective bargaining.

The dispute involves Eastern's baggage handlers and mechanics. Their labor contract expired 13 months ago; only last month did the Mediation Board finally get around to declaring a bargaining impasse, opening the way for a work stoppage on Saturday. Eastern has vowed to fly through a strike and labor is worried that Eastern could succeed.

That explains the threats to disrupt service at other airlines and on railroads, something that the Supreme Court seems to sanction. These threats give the President the legal rationale and the political incentive to put off a strike for 60 days while a board proposes settlement terms

No board would be likely to find the mutually acceptable settlement that has eluded bargainers for so long. But Eastern, hobbled by work slowdowns, is losing so much money that it would probably run out of cash before the 60 days ended. And that would probably force Eastern's management to sell the carrier in pieces—to airlines more willing to pay industry-scale wages.

Why would that be so terrible? Because Eastern's demise would eliminate the carrier with the greatest incentive to lower fares to gain market share and to keep the industry competitive. More important, if Eastern were thus defeated, Washington would leave itself open to future obstructionism. Why should the transport unions bargain in good faith if the White House can be bullied into stopping strikes at the expense of any troubled carrier?

If the Federal Government does anything to intervene, it should be for the long term, in the interpretation of labor law. The Supreme Court holds that transport unions are uniquely free to entangle the Government in their labor disputes by disrupting service with secondary strikes. The permanent answer to bullying and threats is for Congress to make such boycotts illegal.

For the moment, however, Mr. Bush's wisest immediate course is clear: to stay out of the way.

COMMUNICATION FROM THE HONORABLE DALE E. KILDEE, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable DALE E. KILDEE:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1989.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, H204 Capitol.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that an employee in my office has been served with a subpoena duces tecum issued by the State of Michigan, 68th Judicial District.

After consultation with the General Counsel to the Clerk, and with agreement of the constituents involved, I will comply with the subpoena.

Sincerely,

DALE E. KILDEE,
Member of Congress.

REQUEST FOR PERMISSION TO FILE CERTAIN REPORTS ON H.R. 1231, EASTERN AIR LINES STRIKE LEGISLATION

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until 5 p.m. today, Monday, March 13, 1989, to file certain reports on H.R. 1231.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. KYL. Mr. Speaker, on behalf of the Republican leadership, I object.

The SPEAKER. Objection is heard.

WORKING POOR WOULD BENEFIT BY EARNED INCOME TAX CREDIT REFORM

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, we have the lowest level of unemployment in 15 years—but Congress can still change all that.

All we have to do is raise the minimum wage.

A $4.65 minimum wage would destroy hundreds of thousands of jobs for low-skilled workers. That's what the so-called friends of the working poor have planned.

And, Mr. Speaker, nobody seems to be talking about the effect a higher minimum wage would have on the Federal budget.

Last year, Beryl Sprinkel, of the Council of Economic Advisers estimated that increasing the minimum wage to $4.65 would increase the budget deficit by $2 to $6 billion per year.

Two to six billion dollars per year.

Where is the money going to come from?

It's all so pointless when there is a better way to help the working poor.

Reform the earned income tax credit!

Target the aid directly to poor workers who are supporting families.

If accomplished in accordance with my Family Living Wage Act, reform of the earned income tax credit would provide more aid to those who need it, and do it at less cost—both in terms of jobs and money—than would raising the minimum wage.

It is time for new thinking instead of yesterday's failed so-called solutions.

Reform the earned income tax credit.

THE POTENTIAL PITFALLS OF LEGISLATION CREATING EASTERN AIRLINES EMERGENCY BOARD

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to take this opportunity to inform my colleagues that the full Committee on Public Works and Transportation reported H.R. 1231 to the House on March 9, 1989. This legislation directs the President to establish an emergency board under section 10 of the Railway Labor Act to investigate and make recommendations concerning the labor dispute at Eastern Air Lines. A majority of committee Republicans believe that the labor dispute at Eastern must come to an end at the earliest possible opportunity. It is our position that the creation of a Presidential emergency board will only delay efforts to resolve the dispute and may, in fact, jeopardize the continued existence of a very fine airline.

It is expected that this legislation will be taken up on the House floor as early as Wednesday of this week. I urge my colleagues to pay close attention to this legislation which may cause the liquidation of Eastern Air Lines.

For the benefit of my colleagues, I direct their attention to the minority views contained in the extension of remarks, which I am inserting today, outlining the potential pitfalls of this ill-conceived legislation.

A TRIBUTE TO FRANCIS MARION, SOUTH CAROLINA'S "SWAMP FOX"

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina [Mr. TALLON] is recognized for 5 minutes.

Mr. TALLON. Mr. Speaker, throughout the long history of the State of South Carolina, there have been a number of individuals who have helped to shape our State through great achievement and personal sacrifice. One such man is Francis Marion, who, despite his great victories and political accomplishments has never been sufficiently recognized.

Francis Marion was born on the coastal plains of colonial South Carolina in the 1730's—the date of his birth is only indicated by the fact that it is known that he died in his 63d year.

He spent his youth near the port town of Georgetown, helping out his family, until he decided to go to sea at the age of 15. This did not go well for him.

Francis Marion was in a shipwreck on a return trip to South Carolina from the West Indies. He traveled for many days in a small open boat with six other men and a dog.

Only five of them survived the ordeal, and when he was rescued, Francis Marion decided to pursue his life on land, returning to his family and farming.

Francis Marion's military career began at the age of 25 when he enlisted to do battle with Cherokee Indians who were threatening a community of colonial South Carolinians. He led a small group of men against the Cherokee at the Battle of Etchoee, but shortly after the battle the Indians burned the ripening fields and the entire village of Etchoee. It was said to have brought tears to Marion's eyes.

In 1775 Marion served as a member of the South Carolina Provincial Congress, and subsequently became a captain in the army of a volunteer group to fight the British in the Charleston area. In February 1776 he was promoted to major, and then in November to lieutenant colonel.

In 1780, due to a sprained ankle, Francis Marion was left behind in Charleston to risk imminent capture when Gen. Benjamin Lincoln surrendered his troops to the British forces. But he gathered together a small band of men and descended into the swamps and created a secret hideout on Snow's Island on the Pee Dee River.

From these secluded headquarters Francis Marion continued to fight for the revolutionary cause. Small bands of rebel soldiers led by Marion would raid the British camps. The British were surprised time after time by the swiftness with which Marion and his troops would attack and slip away into the swamps. They became intent on capturing Francis Marion.

One British cavalry officer in particular, Banastre Tarleton, took an extreme interest in capturing Marion. In one particular incident Tarleton had been chasing Marion through 26 miles of swamp for 7 hours when he has been quoted as saying, "But as for this damn old fox, the devil himself could not catch him!"

Tarleton never did catch Francis Marion, and through his then legendary feats, Marion became endeared to all South Carolinians as the "Swamp Fox."

In August 1781, Marion and his troops made a successful attempt to rescue Americans who were surrounded by British Troops at Parkers Ferry, SC. As a result of this successful mission, Marion received a thanks from Congress, and soon after was advanced to brigadier general. Also in 1781, Francis Marion was elected as a representative to the South Carolina Legislature. He was reelected in 1782 and 1784.

At the end of the war, Francis Marion settled into a somewhat quieter existence, marrying a cousin named Mary Videau and living at Pond Bluff, SC. He died on February 26, 1795, his accomplishments already sealed within the history of the fledgling United States of America.

In 1783, before Marion died, the Senate of South Carolina passed the following resolutions to recognize and thank Marion:

Resolved, That the thanks of this House be given to Brigadier General Francis Marion, in his place, as a member of this House, for his eminent and conspicuous services to his country."

Resolved, That a gold medal be given to Brigadier General Francis Marion, as a mark of public approbation for his great, glorious, and meritorious conduct.

It is believed that the resolution and a laudatory speech to Francis Marion was as far as the action was taken—the gold medal was never presented to Marion.

Mr. Speaker, I am today introducing a joint resolution that the Congress might properly recognize the accomplishments of this great patriot. I would also like to thank my constituent, Russell Black, of Berkeley County, who first brought the resolution passed by the State senate to my attention.

REMEMBERING THE KATYN FOREST MASSACRE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the massacre in Katyn Forest took place a generation ago, in a place now nearly forgotten by much of the world. But to many believers in freedom and justice, the slaughter of thousands of Polish officers 45 years ago remains an unpunished crime.

Last year, in memory of those young officers—the best and the brightest of the Polish Army—I requested this House to authorize the reprinting of the 1952 report to the House Select Committee which investigated this enormous crime. That report found that the truth about the Katyn Forest atrocities was covered up, suppressed, and distorted by the then-Soviet Government and by well-intentioned but wrong Allied officials. I urge my colleagues to read that report, which is available from the Committee on House Administration.

Now, the Polish Government has finally acknowledged that the Stalin government and Stalin's NKVD were responsible. That is the conclusion that the Select Committee reached in 1952. Finally, a 45-year effort to conceal the truth and cover up the responsibility has ended.

Mr. Speaker, it is long past the time for the truth to be told, but it is finally being told. The new winds sweeping through the Communist bloc will expose the crimes of the old governments and perhaps begin the process of healing some festering wounds.

Mr. Speaker, I include an article from the New York Times of March 8, 1989, which reports the present conclusion of the Polish Government that the Katyn Forest Massacre was carried out by the Soviet secret police:

[From the New York Times, Mar. 8, 1989]

POLAND OFFICIALLY SHIFTS THE BLAME TO SOVIETS FOR WARTIME MASSACRE

(By John Tagliabue)

WARSAW, March 7.—Poland's Government said today that Soviet forces were responsible for a massacre of Polish officers during World War II.

The charge, made by the Government's spokesman, Jerzy Urban, represented a basic shift in the official Government position in rejecting what for 45 years has been the official Soviet version of the crime—namely, that it was Nazi German soldiers who killed the 4,443 Polish officers whose bodies were found in mass graves 45 years ago in the Katyn Forest, near Smolensk.

Mr. Urban said, "We believe that everything indicates the crime was committed by the Stalinist N.K.V.D.," the initials for the Soviet secret police in the Stalinist period.

The accusation came in response to a question from a Polish reporter on the work of a joint Soviet-Polish historical commission. Mr. Urban's response appeared to have been carefully prepared, as is often the case when the Government wishes to make a formal pronouncement on a weighty issue.

The Soviet Union has always admitted that the Poles found at Katyn were among 15,000 reserve officers originally seized by Soviet forces in 1939, when the Soviet Army took Eastern Poland under the terms of the

Hitler-Stalin pact. Successive Communist governments in Warsaw have adhered to the Soviet version that the Germans executed the officers in 1941 after over-running the Soviet camp where the Poles had been held. But repeated investigations have found strong evidence that Soviet soldiers killed the Polish officers found at Katyn, shooting each in the back of the head.

The other 10,600 Polish officers vanished.

COINCIDES WITH TALKS ON FUTURE

Few issues go to the heart of Polish-Soviet relations as deeply as the Katyn massacre, in which many Poles believe Stalin wiped out the flower of Poland's leadership. The resonance of the killings has gone beyond Poland to the West, figuring on the lists of Stalin's most heinous crimes, and their coverup as one of the most malicious instances of the Soviet manipulation of history.

In recent weeks, several Polish newspapers have published reports suggesting that the massacre was carried out by the Soviets. Last week, the Polish Foreign Minister, Tadeusz Olechowski, addressing Parliament, urged the Soviet Union to disclose the truth about the killings.

The statement, coming as the Government continued its delicate talks about Poland's future with the opposition movement surrounding the Solidarity trade union, appeared to put the onus of admission on Moscow.

[In Moscow, the Russian-language service of the Soviet press agency Tass distributed a four-paragraph report on Mr. Urban's news conference that made no reference to his remarks about the massacre. The Tass report dealt only with the talks between Solidarity and the Government.]

PACE OF COMMISSION'S WORK

When the Polish leader, Gen. Wojciech Jaruzelski, announced in 1987 that a joint commission was being established to illuminate the "blank spots" in Polish-Soviet affairs, hopes were raised in Poland that Soviet glasnost might at last help reveal fate of the thousands of missing Polish officers. The commission is also examining the 1939 Hitler-Stalin pact by which Russia and Nazi Germany agreed to divide Poland, and the actions of Soviet forces in the 1944 Warsaw uprising when—according to many Poles and most Western historians—Red Army units waited to permit Nazi troops to crush the resistance of pro-Western insurgents and raze the city.

Poland's decision to move ahead and make disclosures on Katyn appears to signal official dissatisfaction with the slow pace of the commission's work. Mr. Urban acknowledged that the Soviet historians in the commission "rightly" claimed that the materials presented by the Poles—consisting essentially of Red Cross reports on the discovery of the graves—represented only "circumstantial evidence," and that the Soviet historians sought their own evidence in Soviet archives. But he said the Polish Government sought a "higher pace" to the work.

STALIN ACCUSED GERMANS

After German forces exhumed the bodies in 1943, the Germans contended the men had been executed in 1940 by Soviet troops.

Stalin responded that the Germans themselves had executed the officers. When the Polish Government in exile in London demanded an explanation, Stalin used the affair as a pretext to sever relations and to establish a Polish government that became the precursor of today's regime.

For Poles, Katyn has long been a matter of national honor, and a challenge to the claim to legitimacy raised by the present Communist regime. In 1981, at the height of the Solidarity movement, a monument to those killed in Katyn was erected in a Warsaw cemetery, only to be removed by the police when the union was crushed by martial law later that year.

PROPOSED CLOSURE OF CHANUTE AIR FORCE BASE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. MADIGAN] is recognized for 10 minutes.

Mr. MADIGAN. Mr. Speaker, on February 22, 1989, I testified before the House Armed Services Committee Subcommittee on Military Installations and Facilities in strong opposition to the proposed closure of Chanute Air Force Base. I would like to bring to the attention of my fellow Members the major inaccuracies in the Commission's report regarding Chanute, and to state that the quality and availability of facilities at Chanute directly contradict the closure recommendation. I would welcome any questions Members may have on this matter:

TESTIMONY OF CONGRESSMAN ED MADIGAN IN SUPPORT OF CHANUTE AIR FORCE BASE, MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTEE, FEBRUARY 22, 1989

Madam Chairwoman and Members of the Subcommittee: I want to thank you for the opportunity to testify today. As you know, Chanute Air Force Base which is located in my congressional district, has been recommended for closure by the Commission on Base Closure and Realignment.

I strongly challenge the Commission's recommendation. I do so as someone who has been to Chanute many times and seen firsthand its growth and its potential. No member of the Commission or its staff went to Chanute. No member of the Commission or its staff ever talked with Chanute officials.

The Commission report issued in late December states that Chanute has "a shortage of buildings for training and administration purposes, maintenance, and warehousing . . . a shortage of family housing units, bachelor housing, recreational amenities, and medical and dental facilities." Any one familiar with Chanute would fail to recognize this as a description of Chanute. These statements are blatantly untrue. Without a doubt, the most outrageous statement by the Commission is that "this closure will have moderate impact on local employment."

Today, I would like to provide the subcommittee with accurate information regarding Chanute and the devastating impact a closure would have on this rural area of Illinois. I would also like to share with you the enormous difficulty I have experienced in my efforts to obtain the information used by the Commission in reaching its conclusion that Chanute should be closed.

Chanute AFB is located on 2,125 acres in Rantoul, Illinois, 15 miles north of Champaign/Urbana. On three sides, it is bordered by farmland which would easily accommodate further expansion of the base. It is a technical training center providing training in missile and aircraft mechanics; aerospace ground equipment; aircrew life support systems; fabrication and parachute repair and maintenance; general and special purpose vehicle maintenance; airframe repair; metallurgy and nondestructive inspection; weather forecasting; weather equipment; and fire training in structural fire and aircraft crash and rescue. Individual and military technical training is provided for officers and airmen of the Air Force, Air Force Reserve, Air National Guard, Air Force civilian employees and other Department of Defense agencies. Officers and airmen from 25 allied countries are trained at Chanute. Chanute graduates 24,000 students each year from 168 resident courses.

Chanute is designated as the central Defense Department fire protection and rescue training center and the primary MX missile maintenance training center. All Department of Defense and Coast Guard weather specialists receive their training at Chanute. The quality of its work is well known throughout the Air Force and Chanute has a record of achieving top results. Chanute-trained people have earned the reputation for being the backbone of the air Force's Aerospace Maintenance Team. The internationally known Jet Engine Accident Investigation Course is only one of several advanced technical training courses taught at Chanute. It also provides principal training courses in the maintenance of intercontinental ballistic, air and ground launched cruise, and attack missile systems.

Contrary to the Base Closure Commission, the training facilities at Chanute are adequate, fully utilized and can even be expanded. Many new training facilities have been recently completed. And one, the new $6.8 million weather training facility will be completed this spring.

In fact, the Air Force recently expanded Chanute's mission through its Rivet Workforce program. Two courses were merged and moved to Chanute. The metals corrosion training currently taught at Sheppard AFB, Texas, was merged with the airframe repair specialty into a single curriculum with state-of-the-art repair and protection techniques. All training in basic aircraft and munitions maintenance officer courses is being consolidated at Chanute, moving the basic munitions officer course from Lowry AFB, Colorado.

Perhaps when people think of a training center, they visualize classrooms with neat rows of desks. Under these conditions, using square footage as a kind of measurement might have some value. However, when rating a technical training center, it is meaningless. Tearing down a jet engine is not a classroom procedure with an instructor and a class full of students. It is highly specialized hands-on training with a small teacher-student ratio. And, it requires a building designed to meet the specialized training requirements. Chanute has a new jet engine training center; a new fire training center; a new liquid fuels center; a new weather training center; and an aerospace ground equipment training center, which was completed in 1973.

There are two Minuteman silos—one above ground and one below ground covered by a 40-ton lid. It is enormously expensive to duplicate these already existing and paid for specialized facilities at other bases. Boeing estimates that the cost of moving this one silo alone is $20 million, and that is cheaper than building a new one. I would like to point out that Chanute is the only base which teaches the Minuteman system maintenance program and the only base with inactive silos for training purposes. I think it is very important to keep training and readiness separate.

The Commission claims a shortage of buildings at Chanute for administration. Before the Pentagon was built, White Hall at Chanute was the largest administration building in the military. It is now the second largest. Inside you will find over ten acres of space. The Commission also claims there is a shortage of maintenance and warehousing buildings. Using the Commission's own rule of square footage, the alleged shortage of maintenance space is around 750 square feet—the size of a small apartment. Chanute has adequate warehousing for its needs and has never reached a point where it has been necessary to request additional facilities.

Chanute has consistently earned top honors. In recent years, the base has received awards for energy efficiency and conservation, the Hennessey Trophy three times for Best in the Air Force Food Service, ATC Outstanding Services Squadron, ATC Family Housing Branch of the Year, ATC Medical Logistics Award for the Chanute Hospital. Its outstanding Arts and Crafts facility has been named the model for all Air Force installations. In addition, Air Force Excellence Awards have been won for its Best in the Air Force library, youth activities program, education services, security police, retiree affairs program, family housing management office, Best Small Commissary in the North Central Region, and the Ohio Valley Base Exchange Award. In 1988 alone, Chanute earned 44 of the 80 awards given by ATC. I cite these awards to show that Chanute has not been a mediocre or marginal base. It has been a top caliber base with one of the strongest community relations programs I have seen.

With a younger population of students, Chanute AFB has been exceptionally sensitive to quality of life conditions. The recreational programs and facilities of Chanute are among the finest in the Air Force, and include athletics, hobbies, hunting, fishing, and social activities. The Chanute Athletic complex consists of three gymnasiums, two swimming pools, 14 outdoor tennis courts, two recreation courts, eight softball fields, two running tracks, and a soccer field. The Athletic Forum has eight air-conditioned racquetball courts, Nautilus free-weight room, saunas and steam rooms. The Fitness Center provides individual or group fitness programs. Aerobics and martial arts classes are available. The Sports Arena has an indoor running track, tennis courts and racquetball courts. The base also provides a skeet range, 18-hole golf course, and a 32-lane bowling center. The base has a large stocked lake with two covered pavillions. As mentioned above, the Chanute Arts and Crafts facility is a model for the entire Air Force. The youth center offers a television room, arts and crafts, a game room, snack bar and large gymnasium/multi-purpose room. The youth sports program offers basketball, bowling, cheerleading, football, golf, T-ball and soccer. Classes are available for karate, tap, baton, dance, gymnastics and piano. It is absolutely unbelievable that the Closure Commission would cite this base as lacking in recreational amenities.

The Commission states there is a shortage of family housing units and bachelor housing. Since FY82, $30 million has been spent to upgrade and maintain Chanute's housing. The base has 1,346 family housing units and 95 mobile home spaces. There is an excess 1,000 bed modern dormitory at the base that is not being used at this time. Chanute has a total dormitory capacity of 5,900 beds. One modern 100-room bachelor officers quarters is in use. A new 100-room bachelor officers quarters is over half complete. In the nearby community of Rantoul, there is a seven percent excess of available rental units. Just this month, it was announced that Chanute's Military Family Housing office took second place in Air Force-wide competition. For two consecutive years, the Chanute Housing Office has been the Best in ATC.

The Commission also stated there is a shortage of medical and dental facilities. There is a under-utilized hospital at Chanute. The Commission report on the hospital size is incorrect. The hospital currently uses 35 inpatient beds. It has medical/surgical, obstetrics/gynecology, and special care nursing unit capability. The hospital enjoys a good reputation for meeting the varied medical needs of both the younger active duty personnel and the large number of retired military who live in the community. It has an excellent emergency room. However, the base is unable to use the entire third floor of its hospital due to a lack of available Air Force physicians and staff. With the third floor in use, this hospital can expand to a 130 bed facility. May I mention again that in November 1988, Chanute was rated as having the outstanding medical logistics account in the Air Force for hospitals in the 26-50 bed category.

Across the street from the hospital, there is a modern dental clinic. Outpatient care is available by appointment, and there is an active duty clinic in the late afternoons to accommodate those with training schedules. Emergency care is provided around the clock. Comprehensive dental services are offered, including a plaque control program. I have been told by Air Force personnel that this is the best dental program they have encountered in their years of service.

The Commission declares that closing Chanute would only have a "moderate impact on local employment." If that statement weren't so tragically wrong, it would be laughable. Local community leaders equate the closing of Chanute with the impact of Detroit losing its three major automobile manufacturers.

As of December 28, 1988, there are 3,185 officer, enlisted, and civilian assigned on permanent party status at Chanute plus 800 contract civilian personnel. There are 2,786 students. The Economic Impact Region for Chanute is the 50-mile commuting radius from the center of the base. This area covers all or parts of 13 counties in Illinois and two in Indiana.

The combined salaries of the military ($87,392,139) and civilian ($36,199,029) employees on Chanute total $123,591,168. Chanute is the largest employer in Rantoul, a community of 20,700. In this community alone, 8,000 people have Chanute-related jobs. Applying Air Force methodology of estimating local economic impact, $119,542,603 of Chanute cash-flow dollars was spent in the Rantoul area. Chanute is the second largest employer in the home county of Champaign, second only to the University of Illinois. This alone would indicate a major impact. However, there are other economic factors I would like to bring to your attention.

There are 4,614 military retirees residing in the 50-mile radius, and military retirement pay received totals $45,509,688.

Twenty-five percent of the Combined Federal Campaign contributions collected go into Champaign County. Last year the county received $44,668,000.

The prestigious University of Illinois has done a preliminary regional economic impact study on the proposed closure. Contrary to the Commission's report, this independent study states that closure would produce a major negative impact on regional sales, employment, income, school enrollment and demand for housing. An extensive study is underway and a thorough regional analysis will be available from the University in 90 days.

As can be expected, the local real estate market in the immediate area surrounding the base is suffering. Only one house has been sold since the proposed closure was announced in late December, and that was due to a family being burned out. Property values have dropped and owners have lost equity. I am in the process of trying to find out how many Chanute-related people own their own homes, how much the Defense Department buyout program is going to cost, and the impact on area savings and loan institutions which hold these mortgages. Even now, the Air Force and the Army Corps of Engineers are trying to estimate how many homes will be required to be purchased and what the cost will be. Because this is not yet known, it could not have been included in the Commission's study.

Particularly hard hit by a closure would be the local school system in the immediate area of the base. Rantoul City Schools will be forced to close 4 of its 6 schools. Elementary school enrollment will drastically decline with a loss of 65 percent of its students. The high school will lose 43 percent of its students. By coincidence, the percentage of teachers required to be released is 65 percent in the elementary schools and 43 percent in the high schools. This is not a moderate impact.

Among the total 13 affected school districts, 39 percent of its students will be lost, $1.7 million in federal income and $3.6 million in state income.

Because of the average age of local teaching faculties and the economic pressures on all schools in Illinois, over half of the tenured teachers who will be released will have too much experience to be reemployed as teachers in Illinois. These are teachers with more than 10 years experience. With the Illinois Teacher Retirement System requiring 20 years of credit to receive significant benefits, all of these career teachers are facing an extraordinarily difficult future.

The Commission report cites an $8 million savings by closing the Willard Airport in Campaign/Urbana and moving this civilian airport to Chanute. I would like to point out that there are no facilities—no tower, lights or radar—at Chanute. The airport they would close is fully operational with ILS, radar, a 10,000 foot runway, where $88 million has been spent in the past five years. It has an existing passenger terminal, and a new terminal is under construction. None of these facilities and equipment exist at Chanute.

Although Chanute is the third oldest installation and the oldest technical training center in the Air Force, it has been continuously changing to meet the needs of modern day life and technology. Major improvements have been made over the past ten years. Nearly $150 million in capital improvements have been made. These include a new commissary; two new dormitories for unaccompanied officers, one of which is 50 percent complete; a new unaccompanied enlisted dormitory with dining hall; renovation of four dormitories for enlisted students; upgraded military family housing; a $3.3 million gymnasium; an arts and crafts

center; a youth center; a branch exchange shoppette; a branch exhange gas station; a base recreational lake and park; a new fire protection training complex; expansion of the jet engine training facility; cold storage facility; a new weather training facility; liquid fuels training facility; energy conservation investment program; heat plant emission control; data processing facility and the upgrade of steam lines for the central heating plant.

The Commission states that closing Chanute will save $68.7 million annually. From my figures, that equals the amount needed to operate and maintain the base each year plus the cost of family housing. But, what will it really cost to close Chanute?

According to an article in the Air Force Times (January 23, 1989), Chanute would be the second costliest base to close, requiring the expenditure of $186.4 million at four other bases. The Air Force Times provided the following breakout of this exorbitant expense: Beginning in early 1990, Sheppard AFB, Texas, would receive $82 million for construction projects; Goodfellow AFB, Texas, would receive $35.4 million in construction projects; Keesler AFB, Mississippi, would receive $13.2 million in construction projects; and Lowry AFB, Colorado, would receive $55.8 million in construction projects. I do not believe that spending $186.4 million to save $68.7 million makes any fiscal sense. Other available data reflects $240 million in new construction costs. What is the true cost?

There are other major factors which I feel will have a strong bearing on any possible cost savings, and I have requested the General Accounting Office to investigate the following.

There is a joint military/civilian regional sewage treatment agreement between Chanute and the Village of Rantoul. What would be the buyout costs associated with the Air Force terminating this agreement?

The Air Force has entered into a contract with the Sun Law Energy Corporation for steam to heat approximately 120 of the base's 871 buildings. The terms of the agreement with Sun Law require them to furnish, install, own, operate and maintain the steam plant. The Air Force is committed to purchase steam from Sun Law as a utility for a period of 27 years through the year 2017.

According to the information I received from the Department of the Air Force in May 1988, should Chanute be closed, the contract states specific amounts the Government would be obligated to pay Sun Law in the event of cancellation prior to the year 2011. In 1988, the amount would be $4,500,000; in 1989, it would be $44,278,000; and $84,278,000 in 1990. In each year thereafter, the amount would decrease by approximately approximately $2-$7 million. The plant is to be fully complete in 1990, resulting in the highest termination cost for that year.

How much will it cost to move Chanute courses, personnel and equipment to the recommended receiving bases?

Relocation of major Chanute units and related support activities has been recommended to go the Sheppard, Keesler, Lowry, and Goodfellow AFBs. What are the new construction costs required in the areas of housing, instructional facilities, medical and recreation required to enable these receiving bases to accommodate the transfers from Chanute?

How much is it estimated that the Department of Defense will have to pay under the home buyout program?

There are three civilian contracts at Chanute: Food Service, Maintenance Squadron, and Base Motor Pool. What are the termination costs of buying out these three contracts, which employ 800 civilian personnel who are not government employees?

Another major concern I have involves the hazardous material asbestos. Chanute has 871 buildings and the probability of many of these buildings containing asbestos is high. If the base is closed and these buildings are not cleaned up, which I understand is a very expensive process, then they may very well be rendered useless.

Madam Chairwoman, for national security reasons, I do not have any faith in a report that recommends closure of the only base which provides Minuteman missile maintenance training. I do not have any faith in a report that so falsely states that there would only be a moderate economic impact. This rural Illinois community is fighting for its very life, and I am committed to this fight.

I have been denied basic information on the rationale for Chanute closure recommendation. I have been forced to file Freedom of Information requests with both the Base Closure Commission and the Department of the Air Force. To date, neither the Commission or the department has been able to provide me with a direct answer to a very simple question: What is the justification for the closure recommendation for Chanute? I cannot get any straight answers. There is no accountability.

I think it is clear that there will not be any cost savings achieved in the event Chanute AFB is indeed closed. It is impossible to recover those costs of building new specialized facilities and moving personnel and equipment to other bases from the savings alleged to be achieved from the closing of Chanute.

I have provided a film on Chanute, which I hope the subcommittee will be able to view. At this time, I extend a personal invitation once again to you, Madam Chairwoman, and to all members of the subcommittee, to come with me to Chanute for a tour of this facility.

Chanute is an experienced, top caliber facility with proven dedication to high quality training. It is accomplishing its mission and should be allowed to continue to do so.

The Air Force estimates that the closing of Chanute and the moving of the equipment can result in a six-month period when these training courses will not be taught since they are base specific, hands-on courses and the training equipment necessary for instruction in these courses does not exist at any other facility.

In summary, the cost of new construction at receiving installations, the cost of moving personnel and facilities from Chanute, the cost of the housing buyout, the steam plant, the sewage plant, and the asbestos cleanup all make savings in a six year timeframe by closing Chanute impossible.

My constituents have all this information. They know that Chanute should not be on this list. At this point, I can only ask the subcommittee members what advice they have for me in responding to the concerns of the people I represent.

The SPEAKER. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

[Mr. DE LA GARZA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMITTEE PROCESS REFORMS OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 45 minutes.

Mrs. MARTIN of Illinois. Mr. Speaker, I am introducing the "Committee Process Reforms of 1989," a package of 14 amendments to House rules designed to revitalize our committee system.

The acronym for "committee process reforms" is CPR, and that's exactly what our atrophied committee system needs—a little cardiopulmonary resuscitation. Committees are supposed to constitute the very heart of the legislative process. And yet today they are suffering from hardened arteries, clogged valves and tangled veins, making it extremely difficult for the well-regulated and healthy flow of legislation.

My colleagues are well familiar with the reasons for the decline of our committee system. Committees have been squeezed out by the budget and appropriations process, entangled in the proliferation of subcommittees and turf battles, and forced by 3-day workweeks and Members' multiple committee and subcommittee assignments to resort to miniquorums and ghost-voting. Not only are committees not able to complete their routine authorization work, but they are not even attempting to conduct any kind of systematic oversight of laws, programs and agencies already in existence.

LEGISLATIVE OUTPUT

One might think that committees are unable to complete their work because they are overburdened with more legislation than ever before. But such a hypothesis is not borne out by the facts. As table 1 demonstrates, in the 100th Congress, the number of public bills reported by House committees was 718, 48 percent fewer than the 90th Congress and 31 percent fewer than the 95th Congress. The House passed 1,061 measures in the 100th Congress, 12.5 percent fewer than 20 years ago, but 3.3 percent more than 10 years ago.

Looking at this data in another way, whereas 20 years ago the ratio of measures reported to measures passed was 1.12, and 10 years ago was 1.02, in the 100th Congress the ratio was 0.68. In other words, for every three measures we pass, only two have been reported.

The number of public measures enacted was actually up in the 100th Congress at 713, 11.4 percent more than 20 years ago and 12.6 percent more than 10 years ago. This figure, however, is somewhat deceptive when you consider that so-called commemorative bills comprised 36 percent of the public laws

in the 100th Congress compared to 5.3 percent in the 90th and 8.2 percent in the 95th. When one weeds out the commemorative legislation, we are left with only 455 substantive enactments in the 100th Congress compared with 606 in the 90th and 581 in the 95th.

TABLE 1.—COMPARATIVE LEGISLATIVE DATA FOR HOUSE OF REPRESENTATIVES FOR 90TH, 95TH, AND 100TH CONGRESSES

Item	90th Cong. 1967–68	95th Cong. 1977–78	100th Cong. 1987–88
Days in session [1]	328	323	298
Hours in session [1]	1,595	1,898	1,659
Average hours per day	4.9	5.9	5.6
Total public measures reported [1]	1,369	1,044	718
Public measures reported but not acted upon [1]	58	72	69
Total public measures passed [1]	1,213	1,027	1,061
Ratio of public measures reported to passed	1.12	1.02	0.68
Total public laws enacted [1]	640	633	713
Average pages per statutue [2]	3.6	8.5	NA
Commemoratives enacted [3]	(34)	(52)	(258)
Commemoratives as percent of total enactments	(5.3)	(8.2)	(36)
Substantive laws (total minus commemoratives) [3]	606	581	455
Rollcall votes [4]	488	1,540	939
Average votes per measure passed [5]	.29	.95	.62
Congressional Record pages of House Proceedings	27,390	26,929	24,368
Average record pages per measure passed [5]	16.5	16.6	16.2
House standing committees	21	22	22
Select committees [6]	1	9	6
Subcommittees [7]	114	154	157
House committee staff [8]	629	2,111	2,085
House appropriations [9] (in millions of dollars)	165	563	1,131

Footnotes:

[1] Data taken from "Resume of Congressional Activity," Daily Digest, Congressional Records, & House Calendars, 90th, 95th, & 100th Congresses. "Public measures" are bills and joint resolutions of a public nature, and do not include private bills, nor do they include simple or concurrent resolutions.

[2] Source: "Indicators of House of Representatives Workload & Activity," CRS Report for Congress by Roger H. Davidson and Carol Hardy, June 8, 1987 (87–492 S).

[3] Commemoratives are isolated here as a subcategory of public laws, to be distinguished from more substantive enactments. The term "commemoratives" includes proclamations, commemorations, memorials, namings, coins and medals, and recognitions. Sources: Calendars of the House, 90th, 95th, and 100th Congresses; and Congressional Record, Nov. 10, 1988, Daily Digest and History of Bills Enacted into Public Law.

[4] "Rollcall votes" include yea and nay votes and recorded votes, but not recorded quorum calls. Prior to 1971, recorded votes were not permitted on amendments in the Committee of the Whole. Sources: Daily Digest, "Resume of Congressional Activity," final Congressional Records for 90th, 95th, and 100th Congresses.

[5] "Measures passed" here includes not only bills and joint resolutions, but simple and concurrent resolutions as well.

[6] Select committees include two ad hoc legislative committees in the 95th Congress and the Iran-Contra select committee in the 100th Congress.

[7] Subcommittees include the subcommittees, panels and task forces of standing and select committees. Sources: The "Final Report," Select Committee on Committees, April, 1980 (H. Rept. 96–866) for the 90th and 95th Congresses; "List of Standing Committee and Select Committees and Their Subcommittees, 100th Congress," Office of the Clerk; and telephone inquiries.

[8] Figures for staff include statutory and investigative staff of all House standing and select committees plus H.I.S. staff. Sources: "Final Report," Select Committee on Committees, April, 1980 (H. Rept. 96–866) for the 90th and 95th Congresses; "Congressional Committee Staff and Funding," by Carol Hardy, Congressional Research Service (Aug. 10, 1988) and House Administration Committee minority staff for 100th Congress.

[9] Figures represent the budget authority appropriated for the House in the Legislative Branch Appropriations bills for the 90th (1967–68) 95th (1977–78), and 100th (1987–88) Congresses, first and second sessions combined. Source: "U.S. House of Representatives and Senate: Budget Authority FY 1962–FY 1988," by Paul Dwyer, Congressional Research Service (Rept. No. 88–260 GOV).

SUBCOMMITTEES AND STAFF

One of the most dramatic developments of the past two decades has been the tremendous growth in House subcommittees and staff. While bolstering congressional staff and resources was seen as a long overdue reform to give the Congress a more coequal status with the executive branch, there comes a time when we reach a point of diminishing returns—we end up with more staff and subcommittees than our finite number of 435 Members can manage or absorb.

As table 1 shows, the number of subcommittees in the House has increased from 114 to 157 over the last 20 years, a 37.7-percent incease, and the number of committee staff from 629 to 2,087, a 231-percent increase. Committee costs over that same period have risen from $165 million per Congress to $1.13 billion, a 585-percent increase.

It's all well and good that over half the majority Members have their own little fiefdoms and can go by the title of "chairman," but it's quite another thing to make that sprawling system of subcommittees and staff work for the good of the whole. A survey of House Members by the Center for Responsive Politics last year reveals that 67.8 percent think the number of subcommittees should be reduced. And roughly half the Members think more stringent limits should be placed on subcommittee staff and Member subcommittee assignments.

In short, Mr. Speaker, Members recognize the need for a leaner, more streamlined committee system if it is to be made to work effectively in the future.

MEMBER ASSIGNMENTS

Not only does the proliferation of subcommittees contribute to institutional and legislative fragmentation, but it strains the capacities of Members to do a conscientious job. It is not unusual to hear Members complain that they are simultaneously scheduled for three or more committee or subcommittee meetings or hearings each day.

Some decide to give one such hearing or meeting priority over the others. Other Members try to spend a little bit of time in each, in part to register their attendance, and in part to get at least some flavor of what's going on. But seldom do any of us feel that we are responsibly fulfilling our roles on any one of these units given the conflicting demands being made on our limited time.

As table 2 below indicates, the mean number of committee and subcommittee assignments per House Member has gradually increased from about 5 in the 90th Congress, 20 years ago, to 6.3 in the 95th Congress, 10 years ago, to 6.95 in the 100th Congress (1987–88).

Is it any wonder that Members often feel they are on a treadmill and look back at the end of a long and exhausting day and wonder what they really learned or accomplished on that day? I recall one survey which found that the average House Member worked an 11-hour day, of which 11 minutes were devoted to reading and thinking. One Member reacted, only half jokingly, "I wonder who is using my 11 minutes?" It might be funnier if it weren't so true.

TABLE 2.—U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ASSIGNMENTS: 79TH–100TH CONGRESSES [1]

[Reprinted from "Indicators of House of Representatives Workload and Activity," Roger H. Davidson and Carol Hardy, CRS report, June 8, 1987]

Congress	Total number of assignments [2]				Mean number of standing committee assignments	Mean number of subcommittee assignments	Mean number of select, special and joint assignments	Total mean number of committee assignments
	Standing Committee	Subcomm. of standing Committee	Select, special and joint Committee [3]	Total				
79 (1945–46)	941	752	113	1,806	2.16	1.73	0.26	4.15
80 (1947–48)	482	742	56	1,280	1.11	1.71	.13	2.94
81 (1949–50)	481	533	66	1,080	1.11	1.23	.15	2.48
82 (1951–52)	491	611	78	1,180	1.13	1.41	.18	2.71
83 (1953–54)	526	570	66	1,262	1.21	1.54	.15	2.90
84 (1955–56)	542	765	116	1,423	1.25	1.76	.27	3.27
85 (1957–58)	549	975	145	1,669	1.26	2.24	.33	3.84
86 (1959–60)	575	1,095	144	1,814	1.32	2.51	.33	4.15
87 (1961–62)	584	1,128	161	1,873	1.34	2.58	.37	4.29
88 (1963–64)	594	1,211	137	1,942	1.37	2.78	.32	4.46
89 (1965–66)	602	1,274	171	2,047	1.38	2.93	.39	4.71
90 (1967–68)	613	1,378	187	2,178	1.41	3.17	.43	5.01
91 (1969–70)	637	1,403	186	2,226	1.46	3.23	.43	5.12
92 (1971–72)	674	1,450	216	2,340	1.54	3.32	.49	5.36
93 (1973–74)	710	1,531	261	2,502	1.62	3.49	.60	5.70
94 (1975–76)	770	1,719	210	2,699	1.75	3.92	.48	6.15
95 (1977–78)	776	1,716	259	2,751	1.77	3.91	.59	6.27
96 (1979–80)	764	1,692	242	2,698	1.74	3.85	.55	6.15
97 (1981–82)	757	1,564	235	2,556	1.72	3.56	.53	5.81
98 (1983–84)	765	1,710	277	2,752	1.74	3.89	.63	6.26
99 (1985–86)	781	1,734	323	2,838	1.77	3.94	.74	6.45
100 (1987–88)	807	1,822	431	3,060	1.83	4.14	.98	6.95

[1] Sources: Data for the 79th Cong. are compiled from U.S. Congress, Joint Committees on the Organization of Congress. Hearings, 79th Cong., 1st Sess., Mar. 13–June 29, 1945. Washington, U.S. Government Printing Office 1945. p. 1084; data for the 80th through 83rd Congress are compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77; and data for the 84th through the 100th Congress are compiled from information taken from yearly volumes of Brownson, "Congressional Staff Directory"; Congressional Quarterly, "Congressional Quarterly Almanac" and "CQ Weekly Report"; the Monitor Publishing Co., the "Congressional Yellow Book," spring, 1987 ed., West Publishing Co., "U.S. Code Congressional and Administrative News"; and lists of committee assignments published by the Clerk of the House of Representatives.

[2] These figures include statutory members of the Chamber who participate in committee and subcommittee activities. As of the 100th Cong., this group includes four Delegates and one Resident Commissioner.

[3] These totals include all House members of select, special and joint committees and their subcommittees.

[Reprinted from "Indicators of House of Representatives Workload and Activity," Roger H. Davidson and Carol Hardy, CRS Report, June 8, 1987]

SPECIAL RULES AND RATIOS

As I previously mentioned, one of the reasons committees are declining is that Members have so many committee, subcommittee and other responsibilities that they cannot devote sufficient time to any one legislative assignment. As a result of our limited workweek and multiple assignments, committees have been permitted under House rules to conduct business with as few as one-third of their Members present. The exception to this is the reporting of a measure, for which at least half the members must be present. And committees are authorized to adopt committee rules which permit proxy voting.

As can be seen in table 2, 18 of our 27 standing and select committees permit one-third quorums, while only nine do not. And 22 of our standing and select committees permit proxy voting while only 5 prohibit it.

TABLE 3.—HOUSE COMMITTEE SURVEY, 100TH CONGRESS

Committee	Proxy voting[1]	One-third quorums[2]	Number of subcommittees[3]	Number of staff: 1988[4]	Investigative staff budget: 1988[5]
Agriculture	Yes	Yes [6]	8	63	$1,611,111
Appropriations	No	No	13	198	[7] NA
Armed Services	Yes	Yes	11	69	1,657,528
Banking, Finance	Yes	Yes	8	97	3,092,883
Budget	Yes	No	8	112	[7] NA
D.C.	Yes	Yes	3	38	298,609
Education and Labor	Yes	Yes	8	120	3,250,922
Energy and Commerce	Yes	Yes	6	141	4,746,248
Foreign Affairs	Yes	Yes	8	98	2,748,528
Government Operations	Yes	Yes	7	77	2,731,633
House Administration	Yes	Yes	7	54	1,109,634
Interior	Yes	Yes	6	70	1,670,958
Judiciary	Yes	Yes	7	79	1,923,722
Merchant Marine	Yes	Yes	6	74	1,974,493
Post Office and CS	Yes	Yes	7	80	1,495,536
Public Works	Yes	Yes	6	80	2,152,890
Rules	No	No	2	41	583,984
Science and Technology	Yes	Yes	8	74	2,220,240
Small Business	Yes	Yes	6	56	925,808
Standards of Official Conduct	No	No	0	10	400,000
Veterans Affairs	No	No	5	41	560,932
Ways and Means	Yes	No	6	94	3,326,487
Select Committees:					
Aging	Yes	Yes	6	34	1,338,367
Children, Youth, and Families	Yes	No	0	18	688,308
Hunger	Yes	No	2	15	588,995
Intelligence	No	No	3	21	58,000
Narcotics	Yes	Yes	0	14	632,892
Total:					
Yes	22	18	157	1,868	42,198,708
No	5	9			

[1] House rule XI, clause 2(f) permits proxy voting in committee if authorized by written rule adopted by the committee. Source for survey on proxies: "Rules Adopted by the Committees of the House of Representatives, 100th Congress," Rules Committee Print.

[2] House rule XI, clause 2(h) permits committees other than Appropriations, Budget, and Ways and Means, to set the quorum for doing business other than reporting measures, issuing subpoenas, and closing meetings and hearings, at not less than one-third of the membership. Source: same as ff.1.

[3] This figure includes long-term task forces and panels (more than 6 mos.). Sources: House Phone Directory (Spring, 1988); and phone inquiries.

[4] This figure includes statutory and investigative staff. Sources: House Administration Committee; House Phone Directory (Spring, 1988); and Appropriations Committees staff.

[5] This figure consists only of the money authorized through committee investigative expense resolutions and does not include funding for the 30 staffers (18 professional and 12 clerical staff) each committee is authorized by House rule and statute, and which are funded through the appropriations process. Source: Report on Committee Expense Resolution, 1988, House Resolution 388 (H. Rept. 100–512), Committee on House Administration, March 9, 1988.

[6] The Agriculture Committee permits a chairman to set a one-third quorum rule if notice is given in advance of a meeting.

[7] The Committees on Appropriations and Budget receive no investigative staff funds and instead are funded entirely through the appropriations process under an an open-ended statutory authorization.

Another problem in reporting representative legislation is the unrepresentative party ratios on some committees. Table 3 shows that while Democrats comprised 59 percent of House membership in the 100th Congress, they held an average of 61 percent of standing and select committee seats, and that includes the Standards Committee which has a 50–50 majority-minority party makeup. If one looks at the staffing on committees, the majority party edge is even more dramatic: 76 percent to 24 percent. An even more telling statistic on committee staff is the number of staff per committee member. While the average ratio is 1.9 to 1, one committee has 3.6 staffers per member, and two others have 3.5 staffers per member.

TABLE 4.—MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 100TH CONG.

Committee	Total members	Party ratio Democrat/Republican		Total staff	Staff ratio Democrat/Republican		Staff member ratio
		Number	Percent		Number	Percent	
Agriculture	43	26/17	60/40	63	42/21	67/33	1.5
Appropriations	57	35/22	61/39	198	151/47	76/24	3.5
Armed Services	52	31/21	60/40	69	NA		1.3
Banking	51	31/20	61/39	97	76/21	78/22	1.9
Budget	33	20/13	61/39	112	79/33	71/29	3.4
D.C.	12	8/4	67/33	38	30/8	79/21	3.2
Ed and Labor	34	21/13	62/38	120	89/31	74/26	3.5
Energy and Commerce	42	25/17	60/40	141	125/16	89/11	3.4
Foreign Affairs	45	25/17	60/40	98	79/19	81/19	2.2
Government Operations	39	24/15	62/38	77	64/13	83/17	2.0
House Administration	19	12/7	63/37	54	48/6	89/11	2.8
Interior	41	26/15	63/37	70	54/16	77/23	1.7
Judiciary	35	21/14	60/40	79	64/15	81/19	2.3
Merchant Marine	42	25/17	60/40	74	54/20	73/27	1.8
Post Office	22	13/8	59/41	80	62/18	78/22	3.6
Public Works	50	30/20	60/40	80	56/24	70/30	1.6
Rules	13	9/4	69/31	41	32/9	78/22	3.2
Science and Technology	45	27/18	60/40	74	58/16	78/22	1.6
Small Business	45	27/18	60/40	56	42/14	75/25	1.2
Standards	12	6/6	50/50	10	NA		.8
Veterans Affairs	34	21/13	62/38	41	29/12	71/29	1.2
Ways and Means	36	23/13	64/36	94	76/18	81/19	2.6
Select Committees:							
Aging	65	39/36	60/40	34	24/10	71/29	.5
Children, Youth, and Families	30	18/11	60/40	18	11/5	61/28	.6

TABLE 4.—MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 100TH CONG.—Continued

Committee	Total members	Party ratio Democrat/Republican		Total staff	Staff ratio Democrat/Republican		Staff member ratio
		Number	Percent		Number	Percent	
Hunger	26	16/10	62/38	15	10/5	67/33	.6
Intelligence	17	11/6	65/35	21	NA		1.2
Narcotics	25	15/10	60/40	14	11/3	79/21	.6

NA—Not available.
Sources: Committee on House Administration; U.S. House of Representatives Telephone Directory; Congressional Staff Directory.
Note: At the outset of the 100th Cong., there were 258 Democrats and 177 Republicans, giving the majority a 59- to 41-percent share of House seats.

MULTIPLE REFERRALS

Another factor which delays and complicates the legislative process is the system of referring bills to two or more committees having overlapping jurisdictions. The Speaker was first given this authority in the Committee Reform Amendments of 1974, and it first became effective in 1975.

While the original intent of the Bolling committee in its committee reform package was to realign committee jurisdictions along more rational and functional lines so that multiple referrals would be held to a minimum, the Democratic caucus substitute for the bipartisan package scuttled jurisdictional reform while retaining multiple referrals.

One early assessment of the multiple referral system indicated that multiple referred bills took four times as long to process in committees as singly referred bills, only half the chance of being reported, and only one-third the chance of being passed by the House.

More recent data (see table 5) indicates that things have improved for multiple referred bills. They actually have a higher chance of being reported—in part because so many singly reported measures are taken-up without being reported. But, they still have close to one-third the chance as singly referred bills of being passed—again, in part, for the same reason.

TABLE 5.—REPORT AND PASSAGE OF REFERRED MEASURES, U.S. HOUSE OF REPRESENTATIVES, 1975–1986

[In percentages]

Measures	94th Cong.	95th Cong.	96th Cong.	97th Cong.	98th Cong.	99th Cong.
Reported:						
Singly-referred	97.5	94.6	88.6	86.8	86.2	83.7
Multiply-referred	2.5	5.4	11.4	13.2	13.8	16.3
(N)	(1,495)	(1,490)	(1,286)	(805)	(983)	(839)
Passed:						
Singly-referred	98.5	96.6	94.9	94.2	93.0	94.2
Multiply-referred	1.5	3.4	5.1	5.8	7.0	5.8
(N)	(1,624)	(1,615)	(1,478)	(1,058)	(1,375)	(1,368)
Reported as a percentage of referred:						
Singly-referred	8.0	8.8	12.2	8.2	11.3	10.5
Multiply-referred	3.3	4.4	11.8	11.7	14.0	12.6
All referrals	7.7	8.4	12.2	8.6	11.6	10.8
Passed as a percentage of referred:						
Singly-referred	8.8	9.8	15.1	11.7	17.1	19.2
Multiply-referred	2.2	3.0	6.0	6.7	9.9	7.3
All referrals	8.4	9.1	14.0	11.3	16.3	17.5
Total measures referred (N)	(19,371)	(17,800)	(10,560)	(9,401)	(8,351)	(7,795)

Source: House LEGIS computerized data base.
Reprinted from, "One Bill, Many Committees: Multiple Referrals in the U.S. House of Representatives," by Roger H. Davidson, Walter J. Oleszek, and Thomas Kephart, in "Legislative Studies Quarterly", vol. 13, Feb., 1988.

Most committees have adjusted to this shared jurisdiction situation, and, in many cases, the cross-fertilization process has been healthy for policymaking in the House. But, at the same time, it must be admitted that multiple referrals also result in considerable duplication of effort, not to mention the valuable consumption of time that might better be spent on other jurisdictional areas. It is clear from the discussion in the next section of my special order that committees are failing to do some of their most basic work, and this is in part due to the time spent on multiply referred legislation.

THE AUTHORIZATION BREAKDOWN

Mr. Speaker, the complaint that we are always slow in enacting authorization bills is not a new one. The Appropriations Committee has been coming to the Rules Committee as a routine matter on most of its bills over the last two decades, requesting a waiver of clause 2, rule 21, against numerous provisions in each bill. As my colleagues are aware, clause 2 states that—

No appropriation shall be reported in any General appropriation bill, or shall be in order as an amendment thereto, for any expenditure not previously authorized by law.

In the past the point was often made that the authorization bill in question had passed the House but had not yet passed the Senate, or cleared the conference committee. But, this claim, is being made less and less. The fact is that fewer authorizations are even being reported, let alone being considered by the House. And yet, we still grant the necessary waivers on the appropriations bills, and fund the unauthorized agencies and programs anyway.

Fiscal year 1988 may have been the worst of all time in terms of unauthorized appropriations. According to a CBO report, that omnibus continuing resolution we enacted in 1987 contained nearly $45 billion in funding for some 45 unauthorized laws.

But, even when we returned to the more normal way of doing things last year, and passed all 13 appropriations bills separately, we were still not coming anywhere near enacting all the necessary authorization bills. As table 6 below shows, we approached fiscal year 1989 with 97 laws which required authorizations worth approximately $277 billion. But, when we completed our work for fiscal 1989, nearly one-third of those laws, for which some $23 billion had been appropriated, had still not been reauthorized. Table 6, which is derived from CBO data, shows the breakdown by House Committee for those unauthorized programs.

TABLE 6.—STATUS OF AUTHORIZATIONS IN FISCAL 1989 BY HOUSE COMMITTEE

[In millions of dollars]

House Committee	Expired laws		Laws not reauthorized	
	Number	Amount	Number	Amount
Agriculture	4	$1,515.9		
Armed Services	6	210,259.8	1	$185.1
Banking	5	13,188.2	1	47.0
Education and Labor	11	230.6		
Foreign Affairs	7	10,251.9	3	10,338.4
Government Operations	2	7.5	1	2.4
House Administration	1	14.2	1	15.4
Interior and Insular Affairs	6	1,107.3	2	422.2
Energy and Commerce	28	11,690.3	14	5,122.7
Judiciary	8	5,473.3	3	5,836.2
Merchant Marine	19	3,387.3	4	203.0
Post Office	1	2.0		
Public Works	11	2,518.5	4	583.6
Science, Space and Technology	11	15,238.8	3	4,002.7
Small Business	1	634.0		
Veterans' Affairs	2	65.0		
Ways and Means	3	1,225.1	1	51.2
Intelligence	1	158.3		
Total	97	276,968.0	31	23,124.4

Source: Data derived from Congressional Budget Office, "Reports on Unauthorized Appropriations and Expiring Authorizations," Jan. 15, 1988 and Jan. 15, 1989.

The breakdown of our authorizing process has even led some, such as former CBO Director Alice Rivlin, to propose that the authorization and appropriations committees be

merged to avoid the duplication and delays caused by our three-track budget system. Even the President's National Economic Commission, in its March 1, 1989, report, has not only called for a Joint Budget Committee to force earlier and better coordinated budget action, but, to quote from the report, went on to recommend the following:

Some method should be found to reduce the duplication inherent in the present system of separate authorization and appropriation committees. (p. 11)

WHAT SHOULD BE DONE?

Mr. Speaker, I don't think we need to merge authorizing and appropriation committees to make our system work again. Instead of a radical overhaul of House structure and procedures, we should think in terms of restoring our existing committee system to its rightful working role as the heart of the legislative process. That's what my Committee Process Reforms, or CPR, is all about—getting that heart pumping again.

To do this, we must first cut back on the number of subcommittees, Member assignments, and staff. I have proposed no more than six subcommittee assignments per Member, and a 10-percent overall reduction in committee staff.

To make our committees truly working and representative entities, we must require early organization of committees, enforce equitable party ratios, abolish proxy voting, and restore majority quorums for doing business.

To make the work of our committees more manageable and less duplicative, I have proposed the elimination of joint referrals of bills to two or more committees, while retaining sequential referrals, subject to time limits.

To induce our committees to get their work done early, I am proposing the restoration of the May 15 deadline for reporting authorizations. And, to make it more difficult for unreported bills to come to the floor, I am proposing a two-thirds consideration vote on any rule which provides for the consideration of an unreported bill.

Finally, I am proposing that Congress once again get serious about its oversight responsibilities by requiring each House committee to formally adopt an oversight agenda at the beginning of each Congress, and to ensure that its long term review of laws, agencies and programs within its jurisdiction be conducted in a more systematic manner.

CONCLUSION

Mr. Speaker, I don't pretend for a moment that my little package of 14 House rules amendments will restore our committee system overnight. But, I do think it can provide a valuable start in that direction. Ultimately, like so many other things, procedural changes alone will not turn the tide; it will require the political will of Members to make our system work better. But, it is my hope that the reforms I have proposed, together with other proposals, will at least point the way. And maybe, just maybe, where there is a way, there is a will.

At this point in the RECORD, Mr. Speaker, I include a paragraph-by-paragraph summary of my committee process reforms. The summary follows:

H. RES. 106, SUMMARY OF "COMMITTEE PROCESS REFORMS OF 1989"

(A resolution introduced by Representative Lynn Martin to amend House Rules "to restore the committee system to its rightful role in the legislative process.")

Sec. 1. Title: "Committee Process Reforms of 1989."

Sec. 2. (a) House Rules would be amended as follows:

(1) Oversight Reform—Committees would be required to formally adopt and submit to the House Administration Committee by March 1st of the first session their oversight plans for that Congress. The House Administration Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

(2) Multiple Referral of Legislation—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdiction.

(3) Committee Elections and Organization—Committees would be elected not later than seven legislative days after the convening of a new Congress and must organize not later than three legislative days thereafter.

(4) Committee Ratios—The party ratios on committees would be required to reflect that of the full House (except for Standards of Official Conduct which is bipartisan). The requirement would extend to select and conference committees as well.

(5) Subcommittee Limits—No committee (except appropriations) could have more than six subcommittees, and no Member could have more than four subcommittee assignments.

(6) Proxy Voting Ban—All proxy voting on committees would be prohibited.

(7) Open Meetings—Committee meetings could only be closed by majority vote for national security, personal privacy, or personnel reasons.

(8) Majority Quorums—A majority of the membership of a committee would be required for the transaction of any business.

(9) Report Accountability—The names of those voting for and against reporting measures shall be included in the committee report, and, if a measure is reported on a non-recorded vote, the names of those members actually present shall instead be listed in the committee report.

(10) Prior Availability of Draft Report—A draft committee report must be made available to members at least one legislative day prior to its consideration.

(11) Committee Documents—Committee documents intended for public dissemination, other than factual materials, must either be voted on by the committee and opportunity afforded for additional views, or must carry a disclaimer on their cover that they have not been approved by the committee and do not necessarily reflect the views of its members.

(12) Unreported Bills—It would not be in order, except by two-thirds vote, to consider a rule in the House on a bill that has not been reported from committee.

(13) Committee Staffing—Committee funding resolutions could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 101st Congress could not be more than 90% of the total at the end of the 100th Congress.

(14) Authorization Reporting Deadline—Committees would be required to report authorization bills not later than May 15 preceding the beginning of the fiscal year to which they apply.

(b) Effective Date: The provisions of the resolution shall take effect upon adoption, so far as they are applicable.

SHELBYVILLE EAGLETTES ACHIEVE UNDEFEATED SEASON

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COOPER. Mr. Speaker, I rise today to praise the achievements of the No. 1 ranked high school girls basketball team in America—the Shelbyville, TN, Golden Eaglettes.

This outstanding team won the Tennessee high school championship last Saturday night, completing a perfect 36-0 season. They are currently ranked No. 1 in the country by USA Today. Coach Rick Insell and his assistants have done a remarkable job again this season, and I congratulate everyone associated with the team. I cannot overstate how proud Shelbyville feels for our girls basketball team.

Mr. Speaker, we often read sad stories about leading athletes in college and high school who fail to make progress in the classroom. That's why I'm especially proud of the Shelbyville girls tradition of excellence both on and off the court. There are four seniors on this year's team with a perfect 4.0 grade point average, and the team's cumulative GPA is an impressive 3.43.

These girls are top scholar athletes who know what hard work and dedication means. They deserve our admiration and praise.

I would like to add the following article taken from the sports pages of the Tennessean on March 8:

SHELBYVILLE: QUEENS OF THE COURT

(By Larry Taft)

SHELBYVILLE, TENN.—As they stroll through the hallways going from one class to another, players on the Shelbyville Central High School girls basketball team are quite inconspicuous.

They chat with male and female friends, and gossip much the same as girls at any other high school do.

Yet, when they take the basketball court, they command the spotlight. When the

Tennessee Secondary School Athletic Association Girls State Basketball Tournament opens in Murfreesboro today, Shelbyville's team will be the main attraction.

Ranked No. 1 in the nation by USA Today, the Golden Eaglettes have embarked on an odessy that is expected to culminate in a Class AAA state championship Saturday night. Winning has become so commonplace that a game closer than 15 points bring "Ooos" and "Ahhhs" from their legions of fans and hope for the detractors who relish the Eaglettes' fall from their lofty perch.

But what few of the thousands who are tracking Shelbyville's girls realize is that their basketball success is matched in the classroom. All seven seniors associated with the team—players Misty Lamb, Lynda Motes, Mitzi Rice, Angela Mullins and managers Scarlett Bonds Nicole Campbell and Lori Jones—are National Honor Society members. The teams' cumulative grade point average is 3.43 with a 3.59 in the fall semester. Senior players had a 4.0 during the fall.

So outstanding has been the work in the classroom that one wonders if the academic and athletic success are related. Senior guard Lynda Motes says the two go hand in hand. "If you play basketball, you have to pass," said Motes, who ranks near the top of her class with an academic load that includes honors and advanced courses.

"Sometimes you can try playing too smart. You have a work at channeling your thinking ability in the right direction, but that doesn't mean you take time to think about each thing you do when you're playing.

"We know not many players are going to get scholarships. If I get a scholarship, it will be academic, not athletic."

Rice, who has already signed a scholarship with Tennessee Tech, still puts her stock in a degree and good grades.

"No matter how good you are, you're not going to play basketball the rest of your life," Rice said. "The reason we go to school is to get an education. Basketball is just part of our total education."

Mrs. Ardis Rittenberry, the school's National Honor Society sponsor, also works as an academic adviser for the team. A former cheerleader sponsor, Rittenberry oversees the academic progress of each player, arranging for tutoring for those who falter.

"I want to help everyone with the team do the best they can, and our other students feel the same way," Rittenberry said.

"When a player has trouble in a classroom setting, one of the students who is an honor society member will work in a free period, giving them one-on-one help."

Senior Sonya Harris is just such a student.

"As a student, I'm proud of the team and what they have meant to our school," Harris said. "When they were featured on ESPN, I got excited. We're proud to have our school recognized. I don't think there is any jealousy. We all are proud of each other."

Teacher Joan Gray, who counts Motes among her honors English pupils, said that in just one year at the school she had seen many admirable qualities in the nature of the players.

"They have a self-confidence and competitiveness that is unique. They have the belief that they can do anything if they put forth enough effort and work hard enough," Gray said, see that same spirit in the classroom that's exhibited on the playing floor.

Undoubtedly, basketball at Shelbyville is special. The Eaglettes are the Sweethearts of the Hardwood in Bedford Country. There is extraordinary admiration, so much so that Lamb says it's difficult to explain Eaglette basketball to outsiders.

"It's like a family of good country girls who will get after anybody who comes after us, and we have fans that will follow us anywhere," said Lamb the state's Class AAA Miss Basketball and the leading academian among the seniors.

"We love our fans and they love us. I remember that in December when we were in Altoona [Pa.] for the tournament up there, this little boy who is a big, big fan came up to us and told us it was his birthday. He said all he wanted was an Eaglette win. After we won, he was so happy. It was the most heart-warming thing I've ever been through."

Principal Mike Bone says this Shelbyville team is different from the rest.

"I wouldn't say they're more well-rounded, but they have more stability," Bone said. "They're considerably more serious in every area. And thats the way they play, too.

"It doesn't bother them when they are on television or have reporters here. They take everything in stride and don't flaunt their prestige. They're low key, very methodical."

The team's oneness isn't limited to starters. Mullins, a reserve, says the team is together as one.

"Coach [Rick] Insell says we are all one team, that we have no stars and that we are a family," Mullins said.

"That's the way we all look at it. We work together as one, helping each other with our studies, just as we help when we're playing. We love each other like sisters."

□ 1220

APPOINTMENT OF DELEGATION TO ATTEND CONFERENCE OF THE INTERPARLIMENTARY UNION AT BUDAPEST, HUNGARY

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a–1 the Chair appoints to the delegation to attend the Conference of the Interparliamentary Union, to be held in Budapest, Hungary, on March 13 through March 18, 1989, the following Members on the part of the House:

Mr. SCHEUER of New York, chairman;

Mr. CONYERS of Michigan, vice chairman;

Mr. FROST of Texas;

Mr. HAMMERSCHMIDT of Arkansas; and

Mr. BLAZ of Guam.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 60 minutes, on March 21.

Mr. BILIRAKIS, for 60 minutes, on March 22.

Mr. BARTLETT, for 60 minutes, on March 14.

Mr. PETRI, for 60 minutes, on March 14.

Mr. PETRI, for 60 minutes, on March 15.

Mr. PETRI, for 60 minutes, on March 16.

Mr. PETRI, for 60 minutes, on March 17.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mr. MADIGAN, for 10 minutes, today.

(The following Members (at the request of Mr. PANETTA) to revise and extend their remarks and include extraneous material:)

Mr. TALLON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LA GARZA, for 60 minutes, today.

Mr. DE LA GARZA, for 60 minutes, on March 14.

Mr. DE LA GARZA, for 60 minutes, on March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PANETTA) and to include extraneous matter:)

Mr. PICKLE.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. CARDIN.

Mr. TRAFICANT.

Mr. KANJORSKI.

Mr. LIPINSKI.

Mr. FRANK.

Mr. EDWARDS of California.

Mr. LANTOS in three instances.

Mr. BEILENSON.

Mr. MONTGOMERY.

Mr. STARK.

Mr. OBERSTAR.

Mr. THOMAS A. LUKEN.

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. LENT.

Mr. FRENZEL.

Mr. GREEN.

Mr. PORTER.

Mr. HAMMERSCHMIDT.

Mr. MADIGAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 553. An act to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation; to the Committee on Agriculture.

ADJOURMENT

Mr. TALLON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 14, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

744. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990 providing funding for initiatives identified in "Building a Better America", pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-36); to the Committee on Appropriations and ordered to be printed.

745. A letter from the Assistant Secretary of the Army (Financial Management), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1, 1988 through December 31, 1988, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); Public Law 99-591, section 9010 (100 Stat. 3341-102); Public Law 100-202, title VIII, section 8010; to the Committee on Appropriations.

746. A letter from the Comptroller, Department of Defense, transmitting a copy of the selected acquisition reports [SARs] for the quarter ending December 31, 1988, pursuant to U.S.C. 2432; to the Committee on Armed Services.

747. A letter from the Deputy Secretary of Defense, transmitting the report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 nt.; to the Committee on Armed Services.

748. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1990 and 1991, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

749. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the United States Mint for fiscal years 1990 and 1991, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

750. A communication from the President of the United States, transmitting a report on the adherence of the United States to obligations undertaken in arms control agreements and on problems related to compliance by other nations with the provisions of bilateral and multilateral arms control agreements to which the United States is a party, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

751. A communication from the President of the United States, transmitting a report on the adherence of the United States to obligations undertaken in arms control agreements, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

752. A communication from the President of the United States, transmitting notification of his intention to extend the waiver of the application of the relevant export criterion of the Nuclear Non-Proliferation Act, pursuant to 42 U.S.C. 2155(a)(2) (H.Doc. No. 101-35); to the Committee on Foreign Affairs and ordered to be printed.

753. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original reports of political contributions by Vernon A. Walters, of Florida, as Ambassador Extraordinary and Plenipotentiary-designate to the Federal Republic of Germany; by Henry E. Catto, of Texas, as Ambassador Extraordinary and Plenipotentiary-designate to the United Kingdom of Great Britain and Northern Ireland, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

754. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original report of political contributions by Joseph V. Reed, of Connecticut, for the rank of Ambassador during his tenure of service as Chief of Protocol for the White House, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

755. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report of the Agency's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 522(d); to the Committee on Government Operations.

756. A letter from the Assistant Secretary, Policy, Budget and Administration, Department of the Interior, transmitting a report of the Department's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

757. A letter from the Director, Peace Corps, transmitting a report of actions taken to increase competition for contracts during fiscal year 1988, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

758. A letter from the General Counsel, Executive Office of the President, transmitting the annual report of the Office of Administration on its activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

759. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the Commission's report of its compliance with the Government in the Sunshine Act during calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

760. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report of the Commission's activities under the Freedom of Information Act for calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

761. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing the solicitation of parent and subsidiary corporations by a trade association or a trade association's separate segregated fund, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

762. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notification that the Bureau of Land Management advises that no compensatory royalty agreements for oil and gas were executed and entered into during fiscal year 1988, pursuant to 30 U.S.C. 226(g); to the Committee on Interior and Insular Affairs.

763. A letter from the Director, Office of Personnel Management, transmitting notification of a proposed Department of Transportation/Federal Aviation Administration Demonstration Project to be conducted at 11 FAA facilities to help to determine the relative effectiveness of pay incentives, in lieu of special rates, in solving chronic staffing problems in the Federal Government, pursuant to 5 U.S.C. 4703(b)(4)(B), (6); to the Committee on Post Office and Civil Service.

764. A letter from the Comptroller General, transmitting information copies of a repair and alteration prospectus for renovations to the GAO building, Washington, DC; to the Committee on Public Works and Transportation.

765. A letter from the Secretary of Commerce, transmitting a copy of the strategic plan for the modernization and associated restructuring of the National Weather Service, pursuant to Public Law 100-685, section 407(a); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 1231. A bill to direct the President to establish an emergency board to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, with an amendment (Report 101-3). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 1371. A bill to establish a series of seven Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on House Administration.

By Mr. BEILENSON:

H.R. 1372. A bill to provide for the implementation of the President's pay recommendations under section 225 of the Federal Salary Act of 1967, except with respect to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO:

H.R. 1373. A bill to authorize the Agency for International Development to pay the expenses of an election observer mission for the 1989 presidential elections in Panama; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. ATKINS, Mr. FOGLIETTA, Mr. EDWARDS of California, Mr. FAZIO, Mr. ROYBAL, Mr. BONIOR, Mr. OWENS of New York, Mr. GILMAN, Mr. PERKINS, Mr. DE LUGO, Mr. FAUNTROY, Mr. GARCIA, Mr. KILDEE, Mr. HATCHER, Mr. NELSON of Florida, Mr. ACKERMAN, Ms. PELOSI, Mr. ROE, Mr. HERTEL, Mr. MARTINEZ, Mr. LEWIS of

Georgia, Mr. DYMALLY, Mr. AUCOIN, Mr. MRAZEK, Mr. TRAFICANT, Mr. CHAPMAN, Mrs. COLLINS, Mrs. BOXER, Mr. MOODY, Mr. RANGEL, Mr. LEVIN of Michigan, Mrs. LOWEY of New York, Mr. WEISS, Mr. DEFAZIO, Mr. SMITH of Florida, Mrs. UNSOELD, Mr. BILBRAY, Mr. WISE, Mr. FORD of Michigan, Mr. BRYANT, Mr. FRANK, Mr. ENGEL, Mr. CARPER, and Mr. HAYES of Illinois):

H.R. 1374. A bill to amend the Head Start Act to increase the amount authorized to be appropriated for fiscal year 1990; to the Committee on Education and Labor.

By Mr. SCHUMER:

H.R. 1375. A bill to require cable television operators to regularly disclose their rates and services to the Federal Communications Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL (for himself, Mr. MILLER of California, Mr. MARKEY, Mr. RAHALL, Mr. COELHO, Mr. DE LUGO, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. CAMPBELL of Colorado, Mr. FALEOMAVAEGA, Mr. MCDERMOTT, and Mr. CHENEY):

H.R. 1376. A bill to amend titles II, V and VII of the Surface Mining Control and Reclamation Act of 1977 to make the mining of coal without a permit a criminal offense, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WOLF:

H.R. 1377. A bill to amend chapters 83 and 84 of title 5, United States Code, to eliminate the deposit requirement for certain survivor benefits, and to provide for a study concerning ways to maintain the long-term value of the survivor benefits provided under those chapters; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. FOLEY, Mr. MICHEL, Mr. GILMAN, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. FEIGHAN, Mr. ACKERMAN, and Mr. OWENS of Utah):

H.J. Res. 187. Joint resolution to commend the Governments of Israel and Egypt on the occasion of the 10th anniversary of the Treaty of Peace between Israel and Egypt; to the Committee on Foreign Affairs.

By Mr. HANSEN:

H.J. Res. 188. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms of office for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. BALLENGER, Mr. DORNAN of California, Mr. DOUGLAS, Mr. GINGRICH, Mr. HUNTER, Mr. DONALD E. LUKENS, Mr. NIELSON of Utah, Mr. ROHRABACHER, Mr. SMITH of New Hampshire, Mr. STUMP, and Mr. WALKER):

H.J. Res. 189. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. McMILLEN of Maryland:

H.J. Res. 190. Joint resolution to designate April 6, 1989, as "National Student-Athlete Day"; to the Committee on Post Office and Civil Service.

By Mr. TALLON:

H.J. Res. 191. Joint resolution expressing the appreciation of the Congress for the heroism and political achievements of Brig. Gen. Francis Marion and encouraging local communities throughout South Carolina to prepare ceremonies and activities to commemorate his great victories and political achievements during the Revolutionary War; to the Committee on Armed Services.

By Mr. LENT:

H. Con. Res. 71. Concurrent resolution authorizing the 1989 Special Olympics Torch Relay to be run through the Capitol grounds; to the Committee on Public Works and Transportation.

By Mr. JONES of North Carolina (for himself and Mr. DAVIS):

H. Res. 107. Resolution authorizing the printing of the committee print entitled "Coastal Waters in Jeopardy; Reversing, the Decline and Protecting America's Coastal Resources" as a House document; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

33. By the SPEAKER: Memorial of the House of Representatives of the State of Illinois, relative to members of the Armed Forces who are unaccounted for in Southeast Asia; to the Committee on Foreign Affairs.

34. Also, memorial of the Fourth Kosrae State Legislature, Eastern Caroline Islands, relative to the consideration of the Republic of the Marshall Islands as an ultrahazardous nuclear waste storage site; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. RUSSO, Mr. LEHMAN of California, Mr. WALSH, Mr. LANCASTER, Mr. MILLER of California, Mr. STAGGERS, Mr. FOGLIETTA, Mr. ROSE, Mr. COBLE, Mr. PURSELL, and Mr. NEAL of Massachusetts.

H.R. 56: Mr. BARNARD, Mrs. COLLINS, Mr. DARDEN, Mr. FAZIO, Mr. GORDON, Mr. HAYES of Louisiana, Mr. KASTENMEIER, Mr. LEHMAN of Florida, Mr. MFUME, Mr. MONTGOMERY, Mr. PICKETT, Mr. PRICE, Mr. RIDGE, Mrs. ROUKEMA, and Mr. VENTO.

H.R. 58: Mr. CHAPMAN, Mr. MORRISON of Connecticut, Mr. GILLMOR, Mr. SLAUGHTER of Virginia, and Mr. HERGER.

H.R. 60: Mr. MACHTLEY, Mr. VANDER JAGT, Mr. BATEMAN, Mr. STUMP, Mr. SLAUGHTER of Virginia, Mr. GOODLING, Mr. BROOMFIELD, Mr. COMBEST, Mr. RAVENEL, and Mr. SCHUETTE.

H.R. 63: Mr. ROTH, Mr. SLAUGHTER of Virginia, Mr. CAMPBELL of California, Mr. SMITH of Mississippi, Mr. GOSS, Mr. STALLINGS, and Mr. SHAW.

H.R. 81: Mr. GILMAN, Mr. LEHMAN of California, Mr. EVANS, Mr. LELAND, Mr. FEIGHAN, Mr. UPTON, Mr. BROWN of California, Mr. SOLARZ, and Mr. BONIOR.

H.R. 91: Mr. FAWELL, Mr. RANGEL, Mr. DELLUMS, Mr. PORTER, Mr. LANTOS, Mr. FISH, Mrs. LOWEY of New York, Mr. MILLER of California, Mr. CLARKE, Mr. GILMAN, Mr. DE LUGO, Mr. DIXON, Mrs. PATTERSON, Mr. WEBER, Mr. HENRY, Mr. BEREUTER, Mr. AUCOIN, Mr. FAZIO, and Mr. APPLEGATE.

H.R. 118: Mr. FAZIO, Mr. RHODES, Mr. LEHMAN of Florida, and Mr. DYMALLY.

H.R. 159: Mr. HERGER.

H.R. 289: Mr. DEFAZIO.

H.R. 303: Mr. MCHUGH, Mr. LOWERY of California, Mr. BARNARD, Mr. MCDADE, Mr. RITTER, Mr. BOSCO, Mr. GILLMOR, Mr. BILBRAY, and Mr. TRAFICANT.

H.R. 403: Mr. LEHMAN of California, Mr. BONIOR, Mr. DYMALLY, and Mr. MARKEY.

H.R. 449: Mr. BATES, Mr. STENHOLM, and Mr. ARMEY.

H.R. 509: Mr. AUCOIN, Mr. BEVILL, Mr. BLAZ, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CONTE, Mr. DEFAZIO, Mr. DE LUGO, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. HANCOCK, Mr. HANSEN, Mr. HERTEL, Mr. LANCASTER, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. MCCRERY, Mr. MCNULTY, Mr. MARTINEZ, Mr. MORRISON of Washington, Mr. PANETTA, Mr. PORTER, Mr. SHAYS, Mr. SMITH of Mississippi, Mr. UPTON, Mr. VENTO, and Mr. WILSON.

H.R. 537: Mr. SLATTERY.

H.R. 563: Mr. SKAGGS, Mrs. LOWEY of New York, Mr. MATSUI, Mr. ROSE, Mr. LIVINGSTON, and Mrs. JOHNSON of Connecticut.

H.R. 567: Mr. VOLKMER, Mr. STANGELAND, Mr. NAGLE, and Mr. PRICE.

H.R. 594: Mrs. SCHROEDER, Mr. DIXON, Mr. NEAL of North Carolina, Mr. TORRICELLI, Mr. RIDGE, Mr. STAGGERS, Mr. TALLON, Mrs. BYRON, Mr. KOLBE, Mr. KILDEE, Ms. SNOWE, Mr. ANDERSON, Mr. BURTON of Indiana, Mr. DWYER of New Jersey, Mr. RHODES, Mr. WEISS, Mr. SENSENBRENNER, Mr. GEJDENSON, Mr. GRAY, Mr. SOLARZ, Mr. HALL of Ohio, Mr. RAVENEL, Mr. BOEHLERT, and Mr. DORGAN of North Dakota.

H.R. 664: Mr. HASTERT, Mr. SKEEN, Mr. SCHAEFER, Mr. DANNEMEYER, Mr. HUTTO, Mr. WHITTAKER, Mr. VANDER JAGT, Mr. DREIER of California, Mr. ENGLISH, Mr. RICHARDSON, Mr. SMITH of Mississippi, Mr. LEWIS of California, Mr. HUNTER, Mr. ARMEY, Mr. STUMP, Mr. MCCRERY: Mr. LIVINGSTON, Mr. COX, Mr. MCEWEN, Mr. CALLAHAN, Mr. LELAND, Mr. LAUGHLIN, Mr. CRAIG, Mr. PARKER, Mr. BAKER, Mr. BARTLETT, and Mr. COELHO.

H.R. 696: Mr. NEAL of North Carolina, Mr. VENTO, Mr. MACHTLEY, Mr. CONYERS, and Mr. CAMPBELL of California.

H.R. 697: Mr. DANNEMEYER.

H.R. 719: Mr. SUNDQUIST.

H.R. 720: Mr. NEAL of North Carolina, Mr. MRAZEK, Mr. MCDERMOTT, Mr. JONES of Georgia, and Mr. ENGEL.

H.R. 746: Mr. TORRES and Mr. HERGER.

H.R. 771: Mr. MCCRERY, Mr. PENNY, and Mr. BOEHLERT.

H.R. 780: Mr. EVANS, Mr. FISH, and Mr. CONYERS.

H.R. 899: Mr. SISISKY, Mr. BRUCE, Mr. HATCHER, Mr. BURTON of Indiana, Mr. THOMAS of Georgia, Mr. HERGER, and Mr. MADIGAN.

H.R. 913: Mr. ENGEL, Mr. ROE, Mr. ATKINS, Mr. STENHOLM, Mr. DYMALLY, and Mr. FAZIO.

H.R. 930: Mr. YATES, Mr. FOGLIETTA, and Mrs. COLLINS.

H.R. 963: Mr. BATES, Mr. BEREUTER, Mrs. COLLINS, Mr. ERDREICH, Mr. FAUNTROY, Mr. FAZIO, Mr. HENRY, Mr. HERTEL, Mr. MORRISON of Connecticut, Mr. PENNY, Mr. SMITH of Florida, and Mr. ACKERMAN.

H.R. 984: Mr. ATKINS, Mr. LEWIS of Georgia, Mr. WHITTAKER, Mr. WALSH, Mr. PORTER, Mr. OWENS of New York, Mr. CONYERS, AND Mr. KANJORSKI.

H.R. 995: Mr. HERGER and Mr. FOGLIETTA.

H.R. 1025: Mr. BROWN of California, Mrs. COLLINS, Mr. BATES, Mr. RANGEL, Mr. FOGLIETTA, and Mr. PENNY.

H.R. 1095: Mr. CONYERS, Mr. KOLTER, Mr. WALSH, and Mr. WOLPE.

H.R. 1101: Mr. FALEOMAVAEGA and Mr. FOLEY.

H.R. 1104: Mr. SMITH of Texas, Mr. MILLER of Washington, Mr. EMERSON, Mr. WALKER, Mr. LAGOMARSINO, Mr. SKEEN, Mr. RIDGE, and Mr. HANCOCK.

H.R. 1108: Mr. HUGHES and Mr. EVANS.

H.R. 1110: Mr. COLEMAN of Missouri, Mr. BAKER, Mr. YOUNG of Alaska, Mr. OXLEY, Ms. KAPTUR, Mr. HERGER, Mr. WALSH, Mr. NELSON of Florida, Mr. PETRI, Mr. IRELAND, Mr. GORDON, Mr. JONTZ, and Mrs. LLOYD.

H.R. 1111: Mr. DWYER of New Jersey, Mr. LEWIS of Georgia, Mr. MINETA, and Mr. FOGLIETTA.

H.R. 1112: Mr. JOHNSON of South Dakota, Mr. AKAKA, and Mr. MRAZEK.

H.R. 1185: Mr. TORRES, Mrs. LOWEY of New York, Mr. EDWARDS of California, Mr. FAZIO, and Mr. GILMAN.

H.R. 1231: Mr. CLAY, Mr. VISCLOSKY, Mr. BORSKI, Mr. DEFAZIO, Mr. PERKINS, Mr. PALLONE, Mr. SABO, Mrs. LOWEY of New York, Mr. WEISS, Mr. CARDIN, Mr. ENGEL, Mr. SAVAGE, Mr. TALLON, Mr. MOODY, Mr. RAHALL, Mr. FASCELL, Mr. COYNE, Mr. SMITH of New Jersey, Mrs. UNSOELD, Mr. LEHMAN of California, Mr. KLECZKA, Mr. GRAY, Mr. DE LUGO, Mr. MINETA, Mr. NOWAK, Mr. SAWYER, Mrs. COLLINS, Mr. LEWIS of Georgia, and Mr. WILLIAMS.

H.R. 1237: Mr. RANGEL, Mrs. COLLINS, and Mr. EVANS.

H.R. 1295: Mr. CRANE, Mr. RAHALL, Mr. DEWINE, Mr. FLIPPO, Mr. VANDER JAGT, Mr. ANNUNZIO, Mr. WHITTEN, Mr. SMITH of Mississippi, and Mr. LENT.

H.R. 1297: Mrs. MORELLA.

H.J. Res. 103: Mr. HERGER.

H.J. Res. 104: Mr. ANNUNZIO.

H.J. Res. 110: Mr. BATEMAN, Mr. GEKAS, Mr. HUNTER, Mr. MCGRATH, Mr. MILLER of Washington, Mr. PACKARD, Mr. ROWLAND of Connecticut, Mr. SPENCE, Mr. RITTER, Mr. ROBERTS, Mr. WYLIE, and Mr. WELDON.

H.J. Res. 112: Mr. BILBRAY, Mr. BROOKS, Mr. BUNNING, Mr. CARPER, Mr. CHANDLER, Mr. DARDEN, Mr. DYSON, Mr. FAZIO, Mr. FOLEY, Mr. HAWKINS, Mr. JONTZ, Mr. KASICH, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LEWIS of Florida, Mr. LEVINE of California, Mr. THOMAS A. LUKEN, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCEWEN, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MILLER of California, Mr. MOAKLEY, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of Utah, Mr. PASHAYAN, Mr. PEPPER, Mr. RAVENEL, Mr. SAXTON, Mr. SYNAR, Mrs. UNSOELD, Mr. WYDEN, Mr. WYLIE, Mr. BARTLETT, Mr. EMERSON, Mr. FROST, Mr. GREEN, Mr. HUTTO, Mr. HYDE, Mr. JENKINS, Mr. KOLTER, Mr. LIVINGSTON, Mrs. MARTIN of Illinois, and Mr. STENHOLM.

H.J. Res. 130: Mr. GILMAN, Mr. MCCOLLUM, Mr. VOLKMER, and Mr. BUSTAMANTE.

H.J. Res. 145: Mr. MORRISON of Connecticut, Mr. DE LA GARZA, Mr. APPLEGATE, Mr. CHENEY, Mr. MOORHEAD, Mr. CARR, Mr. LANCASTER, Mr. RUSSO, Mr. WAXMAN, Mr. FROST, Mr. GILMAN, Mr. FASCELL, and Mr. COX.

H.J. Res. 169: Mr. FROST.

H. Con. Res. 3: Mr. COELHO, Mr. MOLINARI, Mr. HANCOCK, Mr. INHOFE, Ms. SLAUGHTER of New York, Mr. CHAPMAN, Mr. MOLLOHAN, Mr. WHITTAKER, Mr. BRUCE, and Ms. SNOWE.

H. Con. Res. 40: Mr. HORTON.

H. Con. Res. 45: Mrs. VUCANOVICH, Mr. BARTON of Texas, Mr. DANNEMEYER, Mr. PACKARD, and Mr. PORTER.

H. Con. Res. 46: Mr. MCGRATH.

H. Con. Res. 60: Mr. LANCASTER, Mr. HEFLEY, Mr. DEFAZIO, Mr. HERGER, and Mr. MILLER of Washington.

H. Res. 56: Mr. BALLENGER, Mr. SHAW, Mr. UPTON, Mr. FAWELL, Mrs. MARTIN of Ilinois, and Mr. KOLBE.

H. Res. 102: Mr. MATSUI, Mr. SANGMEISTER, Mr. PEPPER, Mr. ATKINS, and Mrs. MORELLA.

EXTENSIONS OF REMARKS

MICHAEL A. PELAVIN, NJCRAC IMMEDIATE PAST PRESIDENT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. WOLPE. Mr. Speaker, I recently had the honor of attending the National Jewish Community Relations Advisory Council's plenum luncheon honoring my dear friend—and NJCRAC's immediate past president—Michael A. Pelavin. Mr. Pelavin delivered an address at the luncheon that I believe to be worthy of our attention and thoughtful consideration.

TO BUILD A BETTER AMERICA: THE UNFINISHED AGENDA OF THE JEWISH COMMUNITY—ADDRESS BY MICHAEL A. PELAVIN

In his moving acceptance speech at the Republican National Convention last August, George Bush told us that he's a quiet man, but "one who hears the quiet people others don't." What a wonderful aspiration for a President! And how difficult a task!

I want to take a moment at the outset of my remarks to help give voice to some of those quiet people, to some of our fellow citizens whose voices are not being heard.

Listen to the voice of Shamal Jackson who lived only eight months. By the time he died in New York City from low birth weight, poor nutrition, and viral infection, Shamal had never slept in an apartment or house. He had slept in shelters with strangers, in hospitals, in welfare hotels, in the welfare office and in subways which he and his mother rode late at night when there was no place else to go.

Listen to the voice of Terri from Redwood City, California. The mother of two, Terri has donated blood to get a little extra money to buy food for her children. Without a job or an apartment, Terri once went four days without food while searching for shelter for herself and her children.

Hear the voice of Betty Stevens, an only child, solely responsible for her chronically-ill elderly parents. Ms. Stevens cared for her mother and father for eight years until their deteriorating conditions forced her to place them in a nursing home. As the expenses continued to mount, Ms. Stevens had no choice but to sell her parents' home of 51 years to meet these costs. "To find myself hoping they do not survive beyond the time their funds can cover their expenses is devastating."

Listen also to the voice of Phillip Williams, a Jewish man, homeless, living on the streets of Baltimore. "Sometimes," he says, "I feel like the Jewish community of this city is willing to pump money for causes such as the homeless, and that's fine. But," Mr. Williams asks, "how many have been willing to take the time to know anyone who is homeless?"

These are not isolated stories. They are simply four voices, voices which need to be heard. And if we—the Jewish Community Relations field—do not hear them, who will? If we, in effect, will not be their voice, who will?

II.

The challenge facing the community relations field today—and tomorrow—is to discover whether we as a community are ready once again to assume the responsibility for arousing what is best in the American people: their compassion, their understanding, their commitment to justice and equality for all people. Are we ready to renew America's commitment to eliminating the inequities that still exist in this land of plenty?

There is still a domestic community relations agenda, a pressing, demanding, seemingly intractable series of issues and claims that confront our nation—and our own community—with its most serious challenge. Crucial battles for legal equality have been won, but the facts of social inequality remain.

With all the hoop-la about America's "economic recovery," the gap between rich and poor is now wider than at any time since the Census Bureau began collecting such data. The United States is increasingly becoming two societies—one rich, one poor. What does that say for our hopes about the health of American democracy? Nearly 32,000,000 Americans live at or near the poverty line. More than 20% of all children, and half of all black and Hispanic youngsters—some 13,000,000 young people—live in poverty. Two to 3,000,000 Americans are homeless altogether. Thirty-seven million Americans have no health insurance. More than half the babies born to teenagers are born out of wedlock. Seventeen percent of white families and 56% of black families are headed by single women.

Last month, the U.S. Conference of Mayors released the findings of a study on hunger and homelessness in 27 American cities. Among its conclusions, the report found that, requests for emergency food assistance increased in nearly 90% of the survey cities, by an average of about 20%. More than three out of five persons seeking emergency food assistance in the survey cities are members of families—both children and parents.

With the decline in federally-assisted housing programs, none of the survey cities expect to meet the housing needs of low income household for the foreseeable future. Shelters in two out of three of the survey cities must turn away homeless families because of lack of resources. In nearly three-fourths of these cities, emergency shelters must turn away other homeless people because of lack of resources.

And the plague of drugs, with attendant crime and other social pathologies, bespeaks the alienation, anger, and despair that coldly embrace growing numbers of the so-called underclass. Do we not have an obligation to help these men, women and children—our fellow Americans—overcome this legacy of need and achieve self-sufficiency?

The Jewish community itself is not immune from serious domestic problems. Jews are threatened with falling through gaping holes in the "safety net." The city of Chicago has identified 36,000 Jews as "economically vulnerable." Philadelphia's population study found over 1,000 Jewish households receiving some form or another of public assistance. The median age of the Jewish community—at 39, and 20% higher than society at large—suggests that we need to confront the frightfully costly problem of long-term home and health care for the elderly. It is estimated that the cost of keeping an individual in a nursing home in America is approaching $30,000 a year. How many among us can afford to care for our parents at that price? Yet who among us is prepared to see our parents not receive the best possible care regardless of price?

Recent studies reveal that the Jewish community shares with society at large growing instances of drug abuse, child abuse, and developmental disabilities. And CJF reports that federal cutbacks in meeting a variety of direct needs has led many federations to respond by restoring cash assistance lines to their budgets. In meeting these needs, however, other requests for communal support must go unheeded.

III.

The American Jewish Community has always been in the forefront of the struggle for social justice. It is not hubris on our part to recall the role of the Jewish community relations field as the conscience of the communities—our own and the broader one in which we live. But why is the Jewish community there? Why has the Jewish community continued to be counted in that fight?

Answers to these questions are as many and varied as the people in this room today. But I am sure that we would agree to certain things. First, about history. Our immigrant forebears found in America not a golden land, but a golden opportunity. In America, it seemed, everyone was from somewhere else. The land bubbled with excitement and possibility. With faith in oneself, one might succeed.

I am a product of that migration. My father came to this country in 1922 from White Russia; my mother arrived from Budapest in 1912. One of my grandfathers peddled milk from a horse-drawn wagon, and my father sold newspapers in his effort to help the family. By the time they died, their families had joined them, their children were educated, and the dreams that they had shaped for themselves here in America had come into being and their hopes were fulfilled.

But my parents and yours brought something else, seeds that took root in American ground though not native to it: our collective Jewish Consciousness—a history and an ethic—that to this day enables us to understand what is truly important to our security, to our sense of self and our sense of place. We have been imprinted with the mark of history. We are heirs of the Holocaust, the persecuted of the pogroms, the ancient scapegoats of alien lands. The tragedies and glories of our past unite us, and with the creation of the State of Israel we know that we never again shall depend on the kindness of strangers to secure our future, for we now have our own land. And because Israel plays that role for us, we will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

never compromise on the central issue of her right to exist as a creative, viable, democratic society and on her unsparing efforts to apply her strength in the search for a just and enduring peace.

Strengthened by our hopes for America and tempered by the lessons of our group history, the Jewish community has largely succeeded in this country. Among all American religious groups, Jews have the highest level of family income and educational attainment. We are leaders in the learned professions, academia, and the arts. We are prominent in public affairs.

Our material success and our political behavior are puzzling to many. Why is it, we are asked, that Jews vote more like disadvantaged minorities than like our socio-ecomomic peers? Some, including some Jews, wonder if Jewish interest would not be better served if we "voted our pocketbooks."

I disagree. Such a view is shortsighted; it misreads our understanding of what is required to assure our continuing security in American society. When Ronald Reagan asked and George Bush echoed, "Are you better off today than you were eight years ago," the Jewish community answered not individually, but collectively. While many of us may indeed be better off financially today than in 1980, we dispute the premise of the question. We ask instead, "What is the state of America today as compared to eight years ago? What assistance has been offered to the poor, the homeless and the unemployed among us? What is being done to meet the needs of the vast majority of American citizens in health care, child care, and housing?"

It ought not be surprising that a community whose central questions are these should continue to vote for candidates who share its view that assisting the needy is a principal function of government. We vote not out of a personal history stretching back ten or twenty years, but out of 2,000 years of Jewish experience which has ingrained in us an understanding that conditions threatening to the fundamental rights of any individual in society jeopardize the rights of all. We remember the words of Rabbi Stephen Wise, who taught us that "only in a land where the rights of all are secure are the rights of Jews secure." And we remember that the freedoms embodied in the Bill of Rights—of speech, assembly, press, worship, and the right to petition the government—must always be protected, for they are the very bedrock of the society in which we have flourished.

We have consistently applied these principles in our practice. Early on, the Jewish community understood that coalition building is the soundest strategy for a minority—any minority, including our own—to achieve its political objectives. With workers from around the world, our forebears struggled for labor unions to bring justice and equity to the work place. With blacks in Alabama, grape growers in California, wherever injustice cried out for witness, the Jewish community stood shoulder to shoulder with other "weak clients" seeking redress of grievances. And from these common, pragmatic efforts came the relationships that have been translated not only into a shared, general vision of America but also into broad support for our particular concerns: Israel's survival and the rights of Soviet Jews to rejoin their people in freedom.

We acknowledged that commitment to common cause nearly fifty years ago in creating NJCRAC as the institutional framework for arriving at and articulating our communal goals and pursuing them on behalf of the common good. The NJCRAC process, I believe, has the flexibility and dynamism to shape the response of the Jewish community relations field to our new challenges. Polls tell us that a vast majority of Jews share the outlook and positions of NJCRAC as reflected in the Joint Program Plan. Too many of these Jews, however, are unidentified with the community. Many are like I was before my involvement in my local federation, a young lawyer involved in organizations like the ACLU who did not fully realize that these efforts on behalf of the broader community actually reflected a Jewish sensibility. The field needs to consciously reach out to these young men and women, recognizing that Jewish community relations provides an important, yet underutilized channel for bringing people into the Jewish community.

Secondly, we must acknowledge that our strategic practice has frequently fallen short of our rhetoric. How many communities are actively, consciously involved in coalition-building? Are we uncovering common agendas with the Blacks, Hispanics, and Asian Americans who are our neighbors and organizing effective coalitions to achieve our shared goals. The automatic liberal coalition of the thirties. forties, fifties, and sixties no longer exists. The challenge for us, then, is to construct functional coalitions of limited duration, designed to achieve specific goals. We see such coalitions coming together frequently in Washington, suggesting models that can be utilized by the field at the local level.

Thirdly, we must acknowledge our own shortcomings. How many of our communities actually confront issues of domestic concern on a day-to-day priority basis? In my view, too many of us have bought the argument that the Jewish community simply cannot afford the resources required to do community relations well. Part of the task ahead is to make it clear that active involvement in the public affairs agenda is a central Jewish enterprise—it protects and preserves American democracy and it builds active strongly-identified Jews. If for no other reason, community relations should be seen as a major community priority.

The JTA Community News Reporter for December 9, 1988 tells of the permanent residence facility operating in Adas Israel Congregation here in Washington, D.C. Housing five women between the ages of 30 and 50, the project was conceived by the synagogue as a model effort to involve the religious community in finding a permanent answer to the problem of homelessness. According to the synagogue's social action chairman, the "potential for expansion is largely in getting other congregations and other organizations to pursue similar programs." The facility is called the Anne Frank House, a name that evokes in us all the realization that the struggle for justice is an unceasing one whose outcome is by no means assured.

This striking example of Jewish involvement in the problem of homelessness stands in sharp contrast to the general absence of such creative programming in the community. To me, it only underscores the existing evidence that we have neglected our relationships. Growing public recognition of tension between Jews and blacks, the pending judicial assault on the principle of reproductive choice embodied in the Supreme Court's 1973 decision in *Roe* v. *Wade*, the spectacle of pro-Israel supporters heckled and booed at the Demoratic National Convention are all stark reminders that the work of building bridges to other groups in society must be an ongoing enterprise within the field of Jewish community relations. If we do not involve ourselves in the full range of American life, is it likely that other Americans will not care about what is important to us? If we do not fight against the injustices affecting others, will they fight the injustices affecting us? While ongoing relationships are no guarantee that our viewpoint will prevail, the absence of strong bridges is a guarantee that our position will be vulnerable.

IV.

Hubert Humphrey, certainly an ally whose friendship, loyalty and compassion are revered by everyone in this room, once said that the moral test of a society is how it treats those at the dawn of life, children who are helpless; those in the midday, the healthy who need employment and housing; and those within the shadows, the handicapped, the needy, the other helpless. I would add that the Jewish community ought to be in the forefront of efforts to devise and enact comprehensive programs to break the cycle of generational poverty.

How do we do that? Emergency housing and food programs must be fully funded, not cut; rent subsidies must be restored, not phased out; the minimum wage must be increased; quality child care must be available to all Americans; sound family policy must include the right of people to care for newborn or ill children and dependent elderly parents without risk of job loss; Americans must be able to aspire to home ownership, quality education, a rewarding job, afforable health care. In short, the American dream must be restored as a reality to each American household. And each American must have a household in which to cherish that dream.

Yet these goals cost money, and our country faces a severe deficit. How do we balance the two? I would suggest to you that Gramm-Rudman-Hollings is not social policy. While we must recognize that federal deficits are a serious problem, spending cuts in the domestic arena are not the only way to reduce those deficits. There are other options. We can—read my lips!—raise revenue. Opinion polls show that a majority of Americans not only believe that President Bush and the Congress will have to raise taxes, but they also are not averse to tax increases to cope with the deficit. And, of course, I believe that the defense budget should be scrutinized with the same rigor with which the domestic budget has been pared. Whatever approach ultimately followed, the Jewish community relations field has an obligation to debate the issues—as we have at this plenum—and insist that the government address these problems, rather than hide behind ideology masquerading as economic policy.

What is Jewish about that debate and that agenda, we are asked? Everything. As Leonard Fein observes in his recent book, *Where Are We?*, public affairs allows the Jewish community to enact our particular ethical values. It requires us to test the prophetic vision of our faith against the facts of our society's shortcomings. Responding to injustice is central to our integrity as a people. By fighting for justice we can reaffirm our past and redeem our future. Separation of church and state is a justice and a Jewish issue. Civil rights is a justice issue and Jewish issue. Persecution of blacks in South Africa is a justice issue and a Jewish issue. The rights of children, the needs of

the elderly, the survival of our cities and farms, these are all justice issues. They must all be Jewish issues as well. If we want pluralism in our society, then we cannot be singular in our concerns.

At the end of the day after all is said and done, that is at the heart of Jewish community relations. That is what Jewish community relations should be saying clearly and unequivocally. If it cannot say at least that much, then I fear it has nothing Jewish to say at all, because our ethical and moral credo tells us that we must be involved in all these issues as Jews and as Americans. That is our obligation.

Remaining engaged in the affairs of our community is a community relations imperative. As Americans and as Jews, we have no moral or pragmatic choice but to move ahead and re-invest our community with the impulse to confront the incomplete domestic agenda. The need to do so is rooted not only in altruism but also in the knowledge that what is good for America is good for the Jewish community and that the strength of the Jewish community and its ability to survive in freedom bears a direct relationship to the quality of life of those around us. But just as the Jewish community has been concerned for the health of American democracy, the health of American democracy allows us to be concerned about the Jewish community. There is a symbiotic relationship between our community and our country that assures the well-being of each.

Thus, the mission of the community relations field—to safeguard the rights of Jews and assure the strength of American democracy—supports our resolve to work to build a better and more just America. Drawing upon the words of our sages, we may not complete the work, but we may not desist from the effort.

WE MUST DO MORE FOR OUR FAMILIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. LANTOS. Mr. Speaker, "Champion of the Great American Family" is an outstanding new book by our distinguished colleague from Colorado, Congresswoman PAT SCHROEDER. Recently an excerpt from her book was published in USA Weekend, which appeared in the Palo Alto (CA) Times Tribune. I ask that it be placed in the RECORD.

The issues our friend PAT SCHROEDER raises are critically important to our Nation's future. As she rightly says family policy is "the Moon-shot legislation of the 1990's"—it is legislation that can inspire our entire country in the next decade as our effort to reach the Moon did in the 1960's. Furthermore, policies that help our American families can be critical for the future success, growth, and well-being of our Nation.

Mr. Speaker, I urge my colleagues to read carefully and consider thoughtfully these important ideas from Congresswoman SCHROEDER:

WE MUST DO MORE FOR OUR FAMILIES

To be successful, a politician has to be good at communicating. There is no better training ground for this skill than your own daily family life. You learn the give-and-take of human relations, how to put things diplomatically—as when I tell my children their rooms look like a bomb went off in a K-mart.

Helping my kids with their homework, arranging for the plumber to fix the washer, figuring out what to do about the raccoons in the attic—all these experiences have kept me grounded as a person. Whatever our public role, it is our family responsibilities and joys that form the core and rootedness of our lives.

I've been pretty open about the problems I've had balancing my life, and I think that has made people less guarded with me. They tell me about their own complicated lives and seem to empathize when I describe the times all the balls I was juggling dropped from the air.

Everywhere I see the relieved reaction when people recognize their own problems in mine. There is so much pressure on families to produce perfect children and be the perfect family; we hate to confess we all harbor doubts about whether we are good parents.

The challenges I faced as a parent have been just as rigorous at those I had to deal with as a congresswoman. Campaigning every two years is tough, but so was seeing my son Scott through his high school football career. Through my experiences as a "football mom," I learned a lesson about politics—the average person doesn't pay a lot of attention.

During the season, I'd wash and dry Scott's practice uniform every night. Once, when our dryer broke (washer-dryer problems have been the bane of my domestic life), I became a regular at the laundromat. Virginia, where we live when not in Denver, was caught up in the governor's race that year and in the laundromat was a brochure for Charles Robb (then lieutenant governor, now senator) that included a photo of him with TV personality Phyllis George. People would look at the picture, then ask their friends, "Who is that with Phyllis George?"

Just as most people don't figure politics into their daily lives, politicians don't factor family issues into their agendas. In one respect, the well-being of the family is the most non-controversial issue in politics. Republicans and Democrats alike claim to be pro-family, never hesitating to mention their personal family values and to display family photographs in campaign literature. But ask most politicians about family policy particulars and they begin to shuffle their feet.

When I first ran for Congress, my opponent in the primary made much of the fact that his wife accompanied him on the campaign trail and that they had 10 children. Then he'd point out that my spouse was not campaigning and that I was not at home with my kids. Jim was not with me because we felt it was better for him to keep the home fires burning. I always wondered who was at home with my opponent's 10 kids.

Such political pontificating remains the norm. The family gap—the difference between what politicians say about families and what they actually do for them—grows larger every campaign season.

It seems to me that one reason candidates don't address family issues is that most of them are insulated from family responsibilities. In lobbying members of Congress about family issues, I've noticed that the ones who "get it" are men who are grandparents and have witnessed the dizzying pace of their children's lives; young men whose generation expects men and women to share child-rearing; and women who have had to balance career and family.

There are also sharp disagreements about what the American family is and should be. Some people have a real need to believe in a family ideal that our economy makes rarer every day: Mom at home, Dad at the factory. Others advocate the two-career household, a family structure not everyone wants. To speak about family issues, politicians first have to define them. That means running the risk of alienating some voters.

Political courage is becoming a rare trait. Politicians increasingly rely on polls and pundits to tell them where the people are. The cloakroom wisdom is, "There go the people. Let's scamper to get in front of them because we're their leaders." Family issues don't confer power on their advocates. Family issues aren't as prestigious as defense and foreign policy.

Wanting the best education for your child, caring for a sick child, trying to get by on a tight budget—these are the concerns of most constituents.

The government should initiate the debate, but if it does not, American families can turn the situation around by taking the offensive. They must deliver a message to their elected leaders that it is time to make family problems a priority issue for action and funding.

Funding seems to cause the most anxiety. People say, "Sure, the family needs more help. But our country can't afford it."

Public enemy No. 1 for American families is the federal deficit. But the answer does not lie in cutting programs that have proved successful. A country's budget is the best reflection of its priorities. Our families are so important that we have got to figure out ways to promote their well-being or we will have to pay much more later for having shirked these responsibilities.

The defense budget is one place we can find money for family initiatives. Recent disclosures about scandalously wasteful and corrupt purchasing point to one way of freeing money. We can reduce the amount of money we spend without sacrificing the quality of our defense.

Waste and cheating are not the only problems. We must also question national priorities. We can no longer afford to bear the burden of defending our allies.

Since 1981, 60 percent of our defense budget has gone to NATO commitments. According to Congressional Budget Office figures, the U.S. annually spends $1,115 per citizen for defense, whereas France spends $511, Britain $488 and West Germany $435. Japan also fails to pull its fair share—it spends a little over $100.

Comparison figures on domestic spending also are shocking. Our allies spend much more per capita for education and health than for defense. Japan spends 10 times as much. No other NATO country assigns a higher budgetary priority to defense than to health and education. We do. We spend more on defense.

Our European allies have some of the most progressive family policies in the world. Whether it is child care, parental leave, or health insurance, their citizens enjoy a wide range of family benefits.

The money that we save our allies by paying for a hefty portion of their defense enables them to enact programs that we Americans do not have and think we can't afford. When I talk with allied leaders about burden-sharing, they say, "If you

make us pay more money for defense, we may have to raise taxes or cut services."

"Right," I tell them. "That's exactly what we have had to do in the United States."

It is our children who have paid the price of our astronomical defense budget. Our country has higher rates of infant mortality, teen suicide, divorce, teen pregnancy, and alcohol and drug abuse than most of our allies among the developed nations.

The changes in our country's demographics, family life, and economy make it imperative that our federal government provide leadership on family policy. This isn't a call for big government. Some of the most effective programs include money-saving preventive initiatives, such as childhood immunization.

To ignore the federal government's obligation to its families is to pass up a golden opportunity for this country to soar into the next century. That's why I call family policy the moon-shot legislation of the 1990s—a national challenge that can inspire the entire country, just as getting to the moon did in the '60s.

A national family policy should have three basic goals: to acknowledge the rich diversity of American families; to protect the family's economic well-being; to provide families with flexible ways to meet their economic and social needs.

Government policy cannot be based upon a static definition of the family, but must take into account that Americans live in a variety of family structures. Two-parent family, single-parent family, blended family, extended family, empty-nest family—each comes with stresses and needs. An understanding of this diversity is essential to avoid creating government policy that penalizes families that don't fit in a particular mold.

I have tried to identify those issues that a national family policy must address: fairer treatment in the tax code; family and medical leave; affordable child care; minimum health-care coverage; retirement security; and a right to decide whether, when, and how to have a family. But these will simply remain laudable goals unless we can mobilize a constituency around them.

The coalitions that support work and family issues are out there, but they have not been mobilized to counter the much-better organized forces that currently control access to money and power.

I know how little time parents have, but even so, we need to push for a family lobby so that our voices will be as powerful as those of other groups. It is not hopeless. People who care do make a difference.

Our government and our people should step out front together and make a strong moral and practical commitment to the Great American Family. Our country's future is at stake.

ARE WE STARING THE FUTURE IN THE FACE?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. STARK. Mr. Speaker, I don't represent New York City, but I do represent Oakland, CA. Both cities, while a continent apart, have been plagued by a continual battle with drug abuse, the lack of available, affordable drug treatment programs, and the resulting AIDS crisis from intraveneous drug abuse.

Will, a generation from now, a nation look back and condemn our Government's current callous disregard for an entire segment of our population?

How, in a nation of such moral commitment and religious strength, can we stand idly by and do next to nothing?

Anyone who has held a tiny baby in their arms, knowing that this innocent, defenseless baby will soon die from AIDS, recognizes that we must commit ourselves to solving this problem. Anything less than providing available, affordable drug treatment—the best way to attack the AIDS crisis currently plaguing our inner cities—is morally indefensible.

Currently 9 out of 10 of IV drug abusers who seek to pay for affordable treatment are turned away and told to wait for at least 3 to 6 months for an available treatment slot. Can anyone explain how we can allow this?

Do not assume that this is a crisis only in New York, Oakland, or other metropolitan cities—this is happening in your own backyard too. Whether it's Seattle or Miami, San Diego or Bangor, it's happening. It's happening in Dothan, AL; in Butte, MT; in Lubbock, TX. You just don't realize it yet.

Mr. Speaker, the New York Times editorial which follows ought to be required reading for all Members:

THREE PLAGUES

Modern America's Three Plagues blight the South Bronx: poverty, drug addiction and AIDS. The population is now widely infected with a disease that slowly drains the body of control, sight, mind and life. When the administrations of Mayor Edward Koch and Gov. Mario Cuomo are long forgotten, history will surely note that the New York of their era left the poor to rot, in unparalleled numbers, from the cruelest of diseases.

Now there is vivid evidence of just how punishing the AIDS plague has become. Among emergency room patients tested at Bronx-Lebanon Medical Center, *23* percent were found to be infected with the AIDS virus, Bruce Lambert reported recently in The Times. That doesn't necessarily mean a quarter of the South Bronx is infected. Emergency room patients are sicker than the population at large. But it's a horrifying warning.

The people of the South Bronx are mostly black or Hispanic, and poor. Poverty and drug addiction go together. Unable to buy clean needles, heroin addicts share them, thus spreading the blood-borne AIDS virus. Crack houses, where sex is often exchanged for drugs, spur the spread of other diseases, which in turn promote the spread of AIDS. Addicts then infect their partners. In one South Bronx district, 1 of every 25 women giving birth now carries the virus, and nearly half of these infect their babies.

As if the Three Plagues weren't deadly enough, they are magnified by a larger malady: indifference. The poor of the South Bronx do not speak loudly in the councils of state. Other citizens readily see them, if at all, as an underclass, an unregenerate source of addiction and crime.

Society has not, surely, chosen a deliberate policy to let them die. But if it had, the present outcome would not be very different. Governor Cuomo, announcing his five-year plan for combating AIDS, declared last week, "I want to say as clearly as I can, I am not putting into this plan this year nearly enough money to meet these goals realistically."

There is no public health plan to stem the spread of AIDS in the South Bronx, just a grab bag of half-hearted initiatives. If society really cared about the Three Plagues, in every South Bronx across the country, many measures might have been tried long ago:

Drug treatment would be made available on demand, and centers set up where addicts congregate conquering local opposition.

Instead of having to send addicts back on the street when no drug treatment was available, clinics would be allowed to supply them with clean needles. This would help keep an addict coming back until a treatment slot was ready, meanwhile protecting against infection.

Addicts would be urged to avoid sharing needles, to sterilize their works with bleach and to enroll in dirty-for-clean needle exchange programs while awaiting treatment.

Each severely affected block would be assigned a health worker charged with insuring that every resident understood how to protect himself against contracting AIDS.

Once the victims of AIDS are dying, with only months to live, public expenditure soars, often reaching $100,000 per case. Were a fraction of the same money available for prevention, many lives would be saved.

Without a serious preventive effort, the incidence of AIDS in the South Bronx will soon approach that in African cities with minimal standards of public health. And the levels in other inner cities won't be far behind, to the enduring shame of all New York and of all America.

TRIBUTE TO UKRAINIAN PEOPLE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. McEWEN. Mr. Speaker, today, I wish to pay tribute to the Ukrainian people who remain committed to their struggle for sovereignty and independent statehood. This year marks the 70th anniversary of the unification of Ukrainian lands in the Ukrainian National Republic. On January 22, 1918, in the city of Kiev, the Ukrainian Central Rada issued a proclamation declaring Ukraine a free, independent nation, subordinated to no other foreign power and a member of the community of free nations. Unfortunately for the people of Ukraine the iron fists of Soviet leader after Soviet leader, including the present General Secretary Mikhail Gorbachev, have subjugated these brave peoples. In tribute, and recognition of their rights of political, economic, and religious freedom, I wish to submit into the RECORD the fourth universal issued on that January day 70 years ago.

FOURTH UNIVERSAL OF JANUARY 22, 1918, PROCLAIMING THE INDEPENDENCE OF THE UKRAINIAN NATIONAL REPUBLIC

People of Ukraine: By your strength, will, and word a Free Ukrainian National Republic was established on the Ukrainian Land. The former old dream of your fathers, fighters for freedom and the rights of the working people has come true.

But the freedom of Ukraine was reborn in a difficult hour. Four years of vicious war have weakened our country and the population. Factories are not producing goods, works at the plants are coming to a stand still, the railroads are dislocated, the money is losing its value, the bread has grown scarcer—hunger is approaching. Bands of robbers and thieves sprang up throughout the country, especially when Russian troops pulled back from the front, causing carnage, disorder and ruin in our land.

For these various reasons the elections to the Ukrainian Constituent Assembly could not take place at the time designated by our previous Universal and the meeting designed for this day could not be held so that the Assembly could take over from us the temporary revolutionary authority in Ukraine, to establish order in our National Republic, and to organize a new government.

In the meantime, the Petrograd Government of People's Commissars, in order to place the free Ukrainian Republic under its authority, has declared war against Ukraine and is dispatching troops into our land—the Red Guard, the Bolsheviks who rob bread from our peasants and carry it off to Russia without any compensation, not sparing even the grain prepared for planting; they kill innocent people and everywhere they spread disorder, thievery, and chaos.

We, the Ukrainian Central Rada, made every effort to avoid the fratricidal war between the two neighboring nations but the Petrograd government did not do likewise and continues the bloody fight with our people and the Republic. Furthermore, the very same Petrograd Government of People's Commissars is delaying the peace efforts and calls for a new war, naming it "holy," Once more the blood will flow, again the unfortunate working people are to lay down their lives.

We, the Ukrainian Central Rada, elected by the congresses of peasants, workers, and soldiers of Ukraine, cannot agree to this and will not support any war because the Ukrainina Nation desires peace and a democratic peace should come as soon as possible.

And so that neither the Russian government nor any other should place obstacles for Ukraine in establishing the desired peace and to lead our country to order, to a creative work, to strengthen the revolution and our feedom we, the Ukrainian Central Rada, inform all citizens of Ukraine of the following:

From this day on the Ukrainian National Republic becomes an independent, subordinated to none, free, sovereign State of the Ukrainian Nation.

With all neighboring states such as Russia, Poland, Austria, Romania, Turkey and others we want to live in peace and friendship but none of them can interfere with the life of an independent Ukrainian Republic. It is authority will belong only to the People of Ukraine and in its name, until the Ukrainian Constituent Assembly convenes, we the Ukrainian Central Rada, the representatives of working peasants, workers, and soldiers, shall govern together with our executive organ which as of today shall have the name of Council of National Ministers.

And this first of all we direct the government of our Republic, the Council of National Ministers to do, as of this day to conduct peace negotiations with the Central Powers, which already had begun, completely independently and to bring them to a conclusion, disregarding any obstacles from any other part of the former Russian Empire and to establish peace so that our country can begin life in peace and harmony.

The war has also claimed for itself all the working forces of our country. The majority of plants, factories and shops have been producing only what was necessary for war and the population was left entirely without goods. Now the war is over. Therefore we driect the Council of National Ministers to take immediate measures to adjust all plants and factories to peacetime conditions, for the production of goods needed, first of all by the toiling masses.

This very same war has given birth to hundreds of thousands of unemployed as well as invalids. In an Independent National Republic of Ukraine not one worker should suffer. The Government of the Republic is to upraise the industry of the State, has to initiate the construction work in all branches in which all unemployed would be able to find work and to utilize their force, and to make every effort to provide security for the maimed and those who have suffered from the war.

In the time of the old regime traders and various middle men had amassed great capital at the expense of the poor, suppressed classes. From the day on the Ukrainian National Republic is taking over the most important branches of trade and all profits will be returned for the benefit of the people. Our State will supervise the import and export of foods in order to prevent the high costs which are suffered by our poorest classes because of the speculators. For the execution of this directive we instruct the Government to prepare and submit for approval a law dealing with this as well as a law concerning the monopoly on iron, leather, tobacco, and other products and goods from which most profits were taken from the working classes for the benefit of non-working people.

Also we direct to establish state-national control over all banks which with credits and loans helped the non-working classes to exploit the working classes. From this day on help in the form of bank loans is to be given mainly for the support of labor and for the development of national economy of the Ukrainian National Republic rather than for speculation and various exploitation and gain on the part of the banks.

Founded on disorder, uneasy life and the lack of goods dissatisfaction is growing in some parts of the population. Various dark forces take advantage of this dissatisfaction and prod the ignorant people toward the old regime. These dark forces want once more to submit all free nations to a unified tsarist yoke of Russia. The Council of National Ministers should fight decisively against counter-revolutionary forces. And anyone who will urge an insurrection against the Independent Ukrainian National Republic, to return to the old regime, should be punished for state treason.

Regarding the so-called Bolsheviks and other aggressors who are destroying our country we direct the Government of the Ukrainian National Republic to take firm and decisive measures against them and we call upon all citizens of our Republic to defend the welfare and the freedom without regard for their life. Our National Ukrainian State should be cleared of the attackers sent from Petrograd who trample the rights of the Ukrainian Republic.

Immeasurably hard war, started by the bourgeois government, exhausted our Nation, already destroyed our country, ruined the economy. Now all of this must come to an end.

At the time when the army will be demobilized, we direct that some soldiers are to be released to their homes and after the peace treaties had been ratified, to dissolve the army completely; then, instead of a permanent army to create a national militia so that our troops would serve in the defense of the working people rather than the desires of the ruling strata.

Localities ruined by the war and demobilization are to be reconstructed with the help of our state treasury.

When our soldiers reach home, the people's councils—borough and country—and the city dumas are to be reelected at a prescribed future time so that also our soldiers would have a chance to vote. In order to establish a local authority which would enjoy the confidence and which would find support from all revolutionary democratic segments of the population, the Government should invite the cooperation (with the bodies of local self-government) of the councils of peasants, workers, and soldiers deputies, elected from among the local population.

In the matter of land, the commission elected at our last session, has already worked out a law concerning the transference of land to the working population without compensation, having accepted as the basis the abolishment of ownership and the socialization of land according to our resolution at the eighth session. This will be examined in a few days by the plenary Central Rada. The Council of National Ministers will use all means to see to it that the transfer of land into the hands of working people through the land committees will definitely take place before the spring works.

The forests, waters, and all underground wealth, as a property of the Ukrainian working population, is placed at the disposal of the Ukrainian National Republic.

All democratic freedoms proclaimed by the Third Universal, the Ukrainian National Republic reaffirms and especially proclaims: in the Independent Ukrainian National Republic all nationalities enjoy the right of national-personal autonomy, recognized by us through a law of January 20.

If we, the Ukrainian Central Rada, will not be able to accomplish in the following weeks the goals listed in this Universal, they will be completed by the Ukrainian Constituent Assembly.

We order our citizens to conduct the election to it very carefully: to take every measure to count the votes as quickly as possible, so that in a few weeks our Constituent Assembly—the supreme master and arranger of our Land—would strengthen liberty, order and welfare by a constitution of the Independent Ukrainian National Republic for the benefit of the entire working population, for the present and for the future.

This highest body is to decide the matter of federative union with the national republics of the former Russian state.

Up to that time we call upon all citizens of the Independent Ukrainian National Republic to stand firmly on guard of the gained freedom and the rights of our nation and to defend with every effort the liberty from all enemies of the Independent Ukrainian Republic of peasants and workers.

In Kiev, 22 January 1918.

UKRAINIAN CENTRAL RADA.

PRO COMPETITION CARGO ALLOCATION ACT OF 1989

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. OBERSTAR. Mr. Speaker, on January 20, 1989, I introduced the Pro Competition Cargo Allocation Act of 1989 (H.R. 597) which is designed to reestablish equity and economic efficiency for all coastal ranges with respect to the transportation of the Federal Government's humanitarian relief commodities. This legislation would repeal the provisions of the 1985 farm bill which raised the cargo preference for U.S.-flag vessels from 50 to 75 percent within the Public Law 480 programs while creating a temporary "set-aside" of the limited portion of the title II program for the Great Lakes where U.S.-flag vessels are not available.

As I explained on the House floor on December 18, 1985, when these provisions were enacted:

The requirement that 75 percent of these cargoes be transported on U.S.-flag vessels, which choose not to serve the Great Lakes, has the potential to destroy Great Lakes ports and the port-related sectors of our Great Lakes economy.

* * * * *

Virtually the only cargoes our ports handle are the bagged, processed and fortified commodities of Title II, Public Law 480, and section 416. If the Department of Agriculture fails to properly interpret and apply the availability concept contained in the Cargo Preference Act, then, under this legislation, the Lakes will be eligible to bid on less than 5 percent of all grains shipped under Public Law 480, titles I, II, and III, and are more likely to successfully bid on a mere 3 percent.

* * * * *

I also want to put my colleagues and the USDA on notice that, should any port range be discriminated against in the administration of this subtitle, there will be that much added pressure to see the entire provision self-destruct at the earliest possible moment.—(December 18, 1985 Cong. Rec. at 37797.)

Mr. Speaker, as I feared in 1985 the USDA has continued to avoid implementing the availability concept of the Cargo Preference Act, enacting regulations which leave the Great Lakes to compete for only a minor percentage of the title II cargoes. And the economic pain which I previously predicted would be felt in the lakes is clearly evident. With a proper implementation of the availability concept the lakes would be able to compete on their economic merits, along with the other coastal ranges, for the balance of the cargo currently locked away from them by these regulations. It is important to note that my legislation would not prevent U.S.-flags who wanted to enter the lakes from asserting a preference for any of such cargo won by the lakes on their competitive merits. In short, with the availability concept properly enforced, returning to a 50-percent U.S.-flag preference with no "set-aside" for the Great Lakes is in the best interest of all the coastal ranges, the Federal agencies, the U.S.-flag industry, and the American taxpayers. I urge my colleagues to support the Pro Competition Cargo Allocation Act of 1989.

WHAT WERE THE EFFECTS OF CABLE DEREGULATION? ISN'T IT TIME WE KNEW?

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. SCHUMER. Mr. Speaker, as of January 1, 1987, cable television companies were free to charge any rate that they chose for their service. As with other aspects of the Cable Act of 1984, the effect of rate deregulation is not clear. Some cities have seen rates jump over 100 percent, yet the cable industry reports that, on average, rates have only risen about 6 percent. Comprehensive and reliable rate information is not available. To help us get the whole story of cable-rate deregulation, I am introducing H.R. 1375 the Cable Rate Disclosure Act of 1989.

As Congress assesses the success of the Cable Deregulation Act of 1984, some things are clear and others aren't. It is clear that cable televison is no longer the struggling new technology that it was in 1984. Cable television now serves almost half of all Americans. Cable stocks are up and the industry profits are booming.

However, it is not clear how our constituents have been impacted by rate deregulation. The National Cable Television Association, a cable trade association, has studied rates and found that on average they have only increased by 6 percent. But there are some who disagree. According to industry experts, rates have jumped much more. Below is a list of cities that have seen their rates jump 50 percent or more in the first year of deregulation.

WHAT CABLE DEREGULATION MEANS AROUND THE UNITED STATES

Fifty-one cities where the cable rates went up 50 percent or more in 1987: City, State:

	Percent increase
1. Weston, CT	179
2. Denver, CO	175
3. Corvallis, OR	148
4. Russell, OH	124
5. Colleyville, TN	116
6. Norwalk, CT	116
7. Pacific View, CA	108
8. Boston, MA	100
9. New Castle, ME	91
10. Richardson, TX	90
11. Romulus, MI	87
12. Elmwood Park, IL	86
13. Waterford, CA	79
14. W. Windsor, NJ	75
15. River Grove, IL	75
16. Follansbee, OH	73
17. Steubensville, OH	73
18. Lafayette, CO	70
19. Santa Fe, MN	70
20. Yorktown, NY	69
21. Torrington, CT	69
22. Mundelein, IL	68
23. Acton, MA	67
24. Hudson, MA	67
25. Yonkers, NY	64
26. Indian Lake, OH	63
27. Shelbyville, CA	62
28. Quarryville, PA	62
29. Libertyville, IL	62
30. Lower, NJ	61
31. Manassas, VA	59
32. Passaic, NJ	59
33. Bennington, NY	58
34. W. Bridgewater, MA	56
35. Hoosick, NY	53
36. Oak Ridge, TN	53
37. Midland, MI	52
38. Venus, PA	52
39. Walnut Creek, CA	52
40. Kalamazoo, MI	51
41. Brownsville, KY	51
42. Eugene, OR	50
43. Beaver, OR	50
44. Ocala, FL	50
45. Broadview, IL	50
46. Burnham, IL	50
47. Maywood, IL	50
48. Oak Park, IL	50
49. River Forest, IL	50
50. Bridgeville, PA	50
51. Ferndale, WA	50

Source: Paul Kagan & Associates and Congressman Schumer's Office.

The Cable Rate Disclosure Act of 1989 will help Congress get the whole story. It would require each cable company to report its rates to the FCC on a monthly basis the first report under the act would have to provide information dating back to January 1, 1987, the beginning of rate deregulation. Each month the FCC would be required to issue a statistical breakdown of the collected information.

However you feel about cable deregulation, you'll agree that the debate shouldn't be based on sketchy and biased information. Let's get the facts as best we can.

Below is a text of the bill:

H.R. 1375

A bill to require cable television operators to regularly disclose their rates and services to the Federal Communications Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Cable Rate Disclosure Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since January 1, 1987, the cable television industry has effectively become completely deregulated;

(2) the result of this deregulation is that local cable companies were freed to charge any price they desired;

(3) it is impossible to measure the effect this deregulation has had on prices for cable television services because there is no central and complete repository for information on such prices and services; and

(4) in order to oversee the effectiveness and fairness of the cable communications provisions of the Communications Act of 1934, it is necessary to require cable operators to provide regular information on their prices and services to the Federal Communications Commission.

SEC. 3. AMENDMENT.

Section 623 of the Communications Act of 1934 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h)(1) Each cable operator shall submit to the Commission, not later than 120 days after the date of enactment of this subsection and by the 10th day of any month following a month in which the operator implements any change in the services it provides or the rates charged for such services, a report on such services and rates. Such report shall be in such form as the Commission may require by regulation and shall contain—

"(A) a description of any tiers of service provided and the rate charged for each tier and a statement of any other installation, disconnect, or other charges;

"(B) the total number of subscribers for each of such tiers;

"(C) any changes in rates charged for, or in services provided to, any such tier from the previous monthly report; and

"(D) such other information as the Commission may by regulation require.

"(2) The Commission shall compile the reports submitted under paragraph (1) and shall publish a statistical summary of such reports on a monthly basis. Such summary shall contain national, regional, and state average rates for representative tiers of service. The reports submitted under paragraph (1) shall be made available by the Commission for public inspection.

"(3) The first report submitted under paragraph (1) by each cable operator shall contain the information required by paragraph (1) with respect to each month between January 1, 1987, and the month preceding the month in which such report is submitted.".

LEGISLATION TO CORRECT AN INEQUITY THAT EXISTS IN PROVIDING FOR A FEDERAL SURVIVOR BENEFIT PLAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. WOLF. Mr. Speaker, I am introducing legislation today that will allow Federal retirees who marry after they retire to provide survivor benefit plans for their spouses without incurring, in many cases, tremendous financial hardship.

Prior to 1986, Federal retirees who wished to provide a survivor benefit plan for their spouse could do so by taking a reduced annuity at the time they married. The annuity was reduced by a set formula effective the date of the marriage.

As a result of Public Law 98-615, any retiree who has married after February 26, 1986, is required to take a reduced annuity at the time of the marriage and pay a deposit that equals the difference between a full annuity and a reduced annuity—for survivor benefits—for every month since retirement that a retiree has not been married. In addition, the retiree must pay 6 percent interest on the deposit.

I am introducing legislation today that will restore the benefit following Federal retirees who marry after their annuity begins to take a reduction in their annuity at the time of marriage to provide for a survivor benefit. My bill would eliminate the current requirement to make retroactive deposits in order to elect survivor annuity benefits for a new spouse.

During the 100th Congress I introduced legislation which contained a provision similar to the bill I am introducing today. Since then, I have received letters from Federal retirees from around the country who have married later in life, sometimes years after their retirements have begun who, because of the deposit requirement, are simply unable financially to provide for a survivor benefit plan for their spouse. In order for some retirees to provide these necessary spousal benefits, deposits of up to $30,000 and higher must be paid.

Clearly, this requirement is unfair to both the retiree and to the spouse. A Federal retiree who decides to marry after his or her retirement begins should not be penalized for the years he or she was not married and did not foresee marriage in the future. Likewise, the new spouse should not be denied annuity protection because of the deposit requirement.

I am introducing this legislation because the inequity that exists for Federal retirees in providing for survivor benefits for a spouse should be corrected. The bill, which is supported by the National Association of Retired Federal Employees, restores fairness and equity for Federal retirees and their spouses and I hope Members will join me in sponsoring this legislation. A section analysis and a copy of the bill are included with this statement:

BILL ANALYSIS

Section 1. Under P.L. 98-615 Congress eliminated a benefit previously allowed for annuitants who marry after their annuity begins. Previous law allowed an annuitant to take a reduction in his or her annuity at the time of the marriage to provide for a survivor benefit. The law now requires that an annuitant make a contribution toward the survivor benefit for periods when he or she was not married and received a full annuity. This provision states that a deposit is not required of an annuitant to provide for a federal survivor benefit for a new spouse. Instead, the federal annuitant will receive a reduced annuity at the time of the marriage in order to provide for a survivor benefit.

Section 2. Directs GAO to study the survivor benefit program. The federal survivor benefit annuity seems to diminish in value more quickly than does the standard annuity. It is essential that the survivor annuity be made more resilient to the ravages of inflation.

GAO is directed to conduct a study and recommend cost effective ways to provide a stronger survivor annuity program. Such recommendations as the option to make larger annuity reductions for a more substantial survivor benefit, larger and additional benefits for older survivors who have been widowed for many years, and changes in the survivor annuity contribution formula should be explored by GAO.

The bill follows:

H.R. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF DEPOSIT REQUIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) AMENDMENTS TO SECTION 8339(j).—Section 8339(j)(5)(C) of title 5, United States Code, is amended—

(A) in clause (ii), by striking "9 months after the date of the remarriage," and all that follows, and inserting "9 months after the date of the remarriage.";

(B) by striking clause (iii);

(C) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively; and

(D) by striking clause (vi).

(2) AMENDMENTS TO SECTION 8339(k).—

(A) Section 8339(k)(2)(B) of title 5, United States Code, is amended—

(i) in clause (i), by striking "(B)(i)" and inserting "(B)", and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(ii) by striking clause (ii).

(B) Section 8339(k)(2) of title 5, United States Code, is amended by striking subparagraphs (C) and (D).

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) REPEAL.—Chapter 84 of title 5, United States Code, is amended—

(A) by striking section 8418; and

(B) in the chapter analysis, by striking the item relating to section 8418.

(2) CONFORMING AMENDMENT.—Section 861(c) of the Foreign Service Act of 1980 (22 U.S.C. 4071j(c)) is amended by striking "8417, 8418," and inserting "8417".

SEC. 2. STUDY AND REPORT.

Within 180 days after the date of enactment of this Act, the Comptroller General shall study and submit a report to Congress on ways to maintain the long-term value of the survivor benefits provided under subchapter III of chapter 83 of title 5, United States Code, as well as those provided under chapter 84 of such title. The report shall include such recommendations as the Comptroller General considers appropriate.

COLUMBUS CITIZENS FOUNDATION HONORS JOSEPH A. GIMMA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. GREEN. Mr. Speaker, on Wednesday, March 15, the Columbus Citizens Foundation of New York will honor a very special octogenarian, Joseph Gimma. I want to share with my colleagues a recent article from the Catholic New York by Dennis Poust about this extraordinary gentleman.

Even at age 81, Joseph A. Gimma is hardly slowing down. Almost daily he still makes his way to his investment banking job in the financial district, just as he has for the past 65 years.

Gimma is one of the founders of the Columbus Citizens Foundation clubhouse. The 42-year-old organization, best known for sponsoring the Columbus Day Parade, is made up of prominent Italian-Americans. Currently there are about 400 members.

The main purpose of the group is to engage in philanthropic activities in support of Italian-American causes. It is dedicated to preserving and perpetuating the Italian-American culture.

On Wednesday evening, March 15, the foundation will honor Gimma at a testimonial dinner. Business leaders, politicians and sports personalities are expected to attend. At his side will be his wife of nearly 44 years, retired opera star Licia Albanese. Gimma likes to tell the story of how they met.

"My wife was already an opera star in Italy and she came here to sing at the Met," he recalled. "She came from the same town I did, Bari, and a friend asked me to watch over her. I did. I married her."

Opera isn't his wife's only talent, though. "She's an excellent cook besides being an excellent singer," he said. "She won my heart through my stomach."

Gimma is a self-made man. Emigrating from Italy at age 10 with his parents, he couldn't possibly have known that he would one day own a Park Avenue apartment and a home in Connecticut. Now a parishioner of St. Jean Baptiste in Manhattan, he lived on East 117th Street for two years before returning to the Bensonhurst section of Brooklyn, where he was raised.

On Feb. 8, 1924, he got his first job on Wall Street as an assistant bookkeeper at Herrick, Berg and Co. Over the past 65 years he has seen the many ups and downs of the financial market first hand. He is now a senior vice president/financial consultant at Shearson Lehman Hutton.

Gimma was there for the stock market crash of 1929. By then he was an audit clerk. "I stayed in that cubbyhole office for 72 hours without seeing daylight, before going home," he recalled. "The volume was incredible."

Always interested in horse racing, Gimma was appointed to the New York State Racing Commission by Gov. Nelson Rockefeller in 1960. He has been reappointed ever since and has officiated during the huge growth in the sport over the past 25 years. He also serves as a commissioner of the state's Thoroughbred Breeding and Development Fund Corp., a program which promotes breeding and horse racing in general.

In the 1960's, Gimma was chairman of the New York Republican County Committee. A twist of fate saved his life when he was running for the office. He was scheduled to fly to the West Coast on racing business but was informed by Attorney General Louis Lefkowitz that he had not given sufficient notice to the county committee and he had to wait an additional 24 hours. The flight he was scheduled to be on crashed on take-off from LaGuardia Airport.

Being commissioner was a difficult job. "My wife was in the prime of her singing career," he said. "The phone would ring until two or three in the morning, even with an unlisted number. If a commissioner died, before the body even got cold they'd call to recommend replacements. That's the only time my wife ever gave me an ultimatum—quit my job or she'd divorce me. I quit."

THE NORTHEAST - MIDWEST CONGRESSIONAL COALITION TAKES AIM

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. WOLPE. Mr. Speaker, the 101st Congress faces an array of critical challenges that profoundly impact the economy and quality of life throughout Northeastern and Midwestern States. The Northeast-Midwest Coalition has outlined its regional policy agenda for the 101st Congress in our biweekly newsletter, the Northeast-Midwest Economic Review. I would like to share the following excerpt from the Economic Review with my colleagues and I encourage coalition members to become involved in advancing this regional agenda.

[Taken from the Northeast-Midwest Economic Review]

THE BUDGET AND THE REGION

The enormous federal deficit will be the top priority for the new administration and Congress. The Congressional Budget Office estimates that this year's federal budget will add another $155 billion to the debt. But this figure includes a $97 billion surplus in the trust funds (for Social Security, highways, airports, unemployment compensation, and the other programs with dedicated sources of revenue), masking a real deficit in the general funds of $252 million.

The total federal debt of $2.8 trillion is so huge that it's easy to lose perspective. Consider, however, that the national debt translates into a $37,000 bill for every American family, and that every man, woman and child in the United States must pay $4 in taxes each day just to cover the interest on this debt.

The Northeast-Midwest Institute and Coalitions have long focused on the budget, arguing that the region doesn't receive its fair share of the federal payments. In fact, the distortion against northern states is pervasive and long-standing. Historically, the South and West have been the major beneficiaries of military installations, natural resource developments, and infrastructure projects. In fiscal 1987 the South and West received $1.12 for every dollar they paid in federal taxes, while the northeastern and midwestern received only 86 cents for every dollar sent to the Treasury.

The distortion may become worse as Congress faces an explosion of unfunded costs, most of which will go out of the region. Bailing out troubled savings & loans in Texas, for instance, could cost $100 billion. Cleaning up the nation's aging and environmentally hazardous nuclear weapons production plants in the South and Northwest could cost another $200 billion.

The region may take another fiscal jolt because of the 1990 Census. Recent estimates suggest midwestern and northeastern states will lose 14 seats in the House of Representatives. The region, as a result, will have less power when the Electoral College selects the president and when the House votes on legislation. But more startling and troubling is the projected loss of money. Because billions of federal dollars are allocated by formulas based in part on population, the Northeast-Midwest region can expect major reductions—several hundred million dollars—in its share of federal funding. The impacted programs include some of the most basic support initiatives for our communities—highway funds, Community Development Block Grants, LIHEAP, Head Start, Vocational Education, Drug and Alcohol Abuse, airport improvements, and payments to agricultural stations. The Institute's challenge, therefore, is to identify formula changes that could cushion the pending loss of money.

During this period of fiscal difficulty, the Northeast-Midwest groups plan to expand their budget work substantially. As usual, the organizations will release an immediate response to, as well as a thorough analysis of the Administration's proposed budget. In addition, the groups will publish an 18-state review of the flow of federal funds, and a detailed analysis of the federal grants to states. Our goal, quite simply, is to be the region's source for federal budget data.

MILITARY EXPENDITURES

Although the Northeast-Midwest region has 43 percent of the nation's population, it receives only 32.6 percent of defense spending. Despite containing almost twice the population of California, for instance, the seven midwestern states receive just over half the amount of federal prime contracts in 1987 than the state of California alone. The distribution of military personnel also is heavily against the Northeast and Midwest; fewer than 20 percent of all Department of Defense personnel, and only 14.2 percent of active-duty personnel, were located in the region in 1986.

Because of the disproportionately small share of military spending the region receives, the Northwest-Midwest Congressional Coalition has led efforts to help firms compete effectively for federal procurement contracts. The procurement Technical Assistance Cooperative Agreement Program provides matching funds to state and local governments and nonprofit organizations that give technical assistance to businesses seeking federal contracts.

The Coalitions also played an active role in the military base-closing legislation, successfully promoting report language that called for regional equity in any base-closing plan. Efforts must continue however, because the Commission has recommended that 54 percent of the net personnel losses (11,060 jobs) occur in northeastern and midwestern states. The South, in contrast, is scheduled to gain 1,150 jobs, while the West loses 10,697 military and civilian slots.

OIL IMPORT FEE

An oil import fee would harm most states, particularly those in the Northeast-Midwest region. Working with state officials, the Institute and Coalition prepared several reports showing that an import fee would shift $8 billion out of the economies of the eight largest oil consuming states, which are New York, Florida, New Jersey, Pennsylvania, Ohio, Illinois, Georgia, and California.

Although President Bush opposes an import fee, several members of Congress are eyeing the measure to raise revenue. The Coalitions will continue to block the fee's adoption.

JEANE KIRKPATRICK DISCUSSES HUMAN RIGHTS: UNITED NATIONS HUMAN RIGHTS COMMISSION CRITICIZES ROMANIAN POLICIES AND CUBAN VIOLATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. LANTOS. Mr. Speaker, our former Ambassador to the United Nations, Dr. Jeane Kirkpatrick, wrote an excellent column last week focusing on the latest indications of hope in the area of human rights. Based on her experience representing the United States at the United Nations, she discussed important developments at the U.N. Human Rights Commission in Geneva.

Since her column appeared, there were other extremely interesting developments in Geneva. Not only did Hungary join in sponsoring the proposal calling for an investigation of human rights conditions in Romania, but when

the issue came up for a final vote, representatives of the Soviet Union, East Germany, and Bulgaria did not appear to cast their votes. Romania's egregious human rights violations have isolated it—not only from the democratic countries—but also from its own Warsaw Pact allies.

Mr. Speaker, I ask that Dr. Kirkpatrick's article be placed in the RECORD for the benefit of our colleagues in the House.

[From the Washington Post, Mar. 6, 1989]

AT LAST, A LITTLE ATTENTION TO HUMAN RIGHTS

(By Jeane Kirkpatrick)

Three events last week illustrated the growing importance of human rights issues in global power politics.

Two occurred at the U.N.'s Human Rights Commission in Geneva, where it was demonstrated that these issues are no longer merely a function of bloc politics. That's good news.

Meanwhile, the man who didn't come to dinner in Beijing showed how difficult it has become for an American president to conduct big-power diplomacy with undemocratic governments without his talks being snagged on questions of how that government treats its own citizens.

The biggest surprise came in Geneva when the Hungarian delegate joined in calling for an investigation of its Warsaw Pact ally, Romania.

"We are concerned that human rights and fundamental freedoms are . . . gravely violated in Romania," Hungarian Deputy Foreign Minister Gyula Horn told the commission. Horn cited the destruction of villages, the denial of religious freedom and the forced assimilation of minorities. These policies, Horn asserted, have caused some 15,000 Romanians to seek asylum in Hungary.

It was the first time that one Communist country had joined in a human-rights action against another. This never happens. Adding to the surprise, Horn said he had not consulted the Soviet Union on the issue.

Hungary's defection is an unprecedented move toward independent diplomacy by an Eastern bloc country. It also raises new hopes that U.N. human rights cases can be decided on their merits rather than reflexively by bloc voting.

Communist states have a distinctive approach to human rights. They do not believe that individuals have rights against their governments. Therefore, Communist rulers can use their power without inhibition. They also can use it without fear of international embarassment. Because Communist states vote together and can normally count on the support of the Non-Aligned Movement, they can avoid becoming the object of a human rights investigation or censure. Sophisticated European governments—understanding how the mutual protection system works—have not pressed the issue.

The system that has provided immunity to Communist states was only shaken in the early years of the Reagan administration, when U.S. Human Rights Commissioner Michael Novak and Richard Schifter, deputy commissioner, finally succeeded (by a single vote) in getting Poland's repression of Solidarity on the Human Rights Commission agenda.

It proved easier to get Afghanistan's victimization by the Soviet Union on the agenda because Islamic Conference delegates helped. Moreover, the Afghan reports by Felix Ermacora set a new standard for fairness in the work of the U.N. commission and demonstrated that Communist countries could no longer count on being exempt from scrutiny.

This meant that Cuba was no longer immune. The testimony of hundreds of former Cuban political prisoners was already on the public record. And in 1987 Allan Keyes, assistant secretary for international organizations, and U.N. Ambassador Vernon Walters, the U.S. permanent representative, forced discussion of the issue.

In 1988 new U.S. human rights commissioner and former Cuban political prisoner Armando Valladares pushed the issue onto the agenda, despite Fidel Castro's intense personal involvement and appeal to Latinidad. On the principle of "If you can't beat them, join them," Cuba agreed to a U.N. investigation of its human rights practices. And, in a "friendly" process, Cuban government officials tried hard to justify 30 years of repression as the consequence of a 30-year emergency.

Last week in Geneva, in the second event, the Senegalese chair issued a report on Cuba on behalf of himself and the five members of his U.N. investigating group. Although bland and bureaucratic in style and substance, the report presented facts that, as Valladares says, "show in an impartial manner what the Cuban revolution has denied for 30 years: The fact that there are violations of human rights in all categories and dimensions."

He said it demonstrates "that the constitutional legal system is structured contrary to the letter and spirit of internationally accepted human rights standards."

Although Castro's representatives have tried hard to explain away the investigation and report, the cataloque of 1,600 Cuban complaints, ranging from beatings to imprisonment for possessing a Bible to denial of a job for political reasons, remains on the record.

Fidel Castro has not enjoyed being in the international spotlight for his Draconian laws and more Draconian practices. His representatives are trying hard to end the scrutiny.

In the third event last week, officials of the People's Republic of China made it clear that they share Castro's view that the relationship between the government and its citizens is strictly "their" business. It was not enough that the American president had remained silent concerning repression in Tibet and other Chinese human-rights abuses, Beijing's government (a spokesman explained) was "disappointed" that "old friend" George Bush had involved himself in their internal affairs by inviting a leading dissident to dinner.

Who knows? Maybe Hungary will support a U.N. investigation into this matter.

DAMN THE FACTS; FULL SPEED AHEAD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. STARK. Mr. Speaker, recent testimony of the Navy before House committees helps explain why it is so hard for peace to break out and why military spending demands are so insatiable.

On February 18, 1988, Adm. Ronald J. Hays, Commander in Chief of the U.S. Pacific Command testified before the House Armed Services Committee:

We have worked hard to maintain an adequate number of steaming days, flying hours, and vehicle miles so that equipment are exercised and the people are trained.

Regarding budget cuts, he said:

Commanders have made the logical, if difficult, decisions from the slim range of options available, but there should be no question about there being an eventual impact upon readiness. With fewer exercises * * * force readiness will deteriorate.

This year, Rear Adm. Thomas Brooks, Director of Naval Intelligence, testified before the House Armed Services Committee that the Soviet Navy has had a decline in its steaming hours and an increase in its time at anchor, and, he said:

* * * increased the number of ships in port ready to respond to an enemy attack, thus improving the ability of the Soviet Navy to transition rapidly to war.

Mr. Speaker, when the enemy spends less money on its Navy, it is good and a sign of their warlike preparations. When we do it, it is dangerous and bad. No matter what the enemy does, we should spend more.

One does not know whether to laugh or cry at these positions. I come down on the side of it being very, very sad.

TRIBUTE TO REV. CHARLES NOBLE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. McEWEN. Mr. Speaker, today, I wish to pay special tribute to the Reverend Charles Noble, and his wife Nora, who together have helped many children through their unique school, The Par-Excellence Center in Newark, OH. Rev. Noble, pastor of the Shiloh Baptist Missionary Church, founded the center back in 1988 with the goal of helping gifted, disadvantaged children in kindergarten through the fifth grade to break out of the cycle of bad environment and low self-esteem rooted in the failed welfare system. I commend to my colleagues the following article from the "Granville Booster," concerning Rev. Noble's efforts on behalf of these needy students.

[From the Granville Booster, Jan. 16, 1989]

LEARNING CENTER BREAKS SYSTEM'S ENTRAPMENT

(By Liesha Hurwitz)

The Shiloh Baptist Missionary Church stands in a quiet dead-end street in Newark's east side. Go downstairs on a weekday and you will be greeted by the sounds of children's voices. This is the location for the Par-Excellence Learning Center, a new alternative school for children in kindergarten through 5th grade. The Par-Excellence Center was started in August 1988 and is the brainchild of the Reverend Charles Noble, pastor of the church, and his wife Nora, who is the administrator of the school. When the Center opened, they did not know where the money to fund it would come from, but Rotary made a commitment that very day and enabled them to start up.

Reverend Noble came to the area in 1969 and finding conditions in the neighborhood deplorable, slowly started working on improving things, especially in the 15 acres around the church. He was determined to make the east end a productive area instead of a drain on the Newark community. Drawing on help from the citizens and public interest groups in the area, Reverend Noble has spearheaded many projects, including the enlargement of the church, the construction of subsidized apartments and the current building of a center for the mentally handicapped in the area.

The Par-Excellence Center was started because Reverend and Mrs. Noble saw the pressing need of "gifted disadvantaged children" trapped in the cycle of a "bad environment and low self-esteem". They accepted the challenge to help these children and their families escape the cycle through the school program. The Center is geared to provide a total learning environment—starting the children at as early an age as possible, to help give them a good education and a sense of self-worth so that they can become productive members of society. The school encourages the parents to participate in their children's education. Mrs. Noble has found that the children's rapid progress challenged their parents to keep up with them. Parents are encouraged to continue their own education and also to find work if they are on welfare.

Reverend Noble considers the welfare system to be "out of hand" and at the root of the problem. He has seen generations of families caught in the welfare system and hopes to have minimized the community's reliance on welfare in 10 to 15 years time. "The co..munity is like a family, with desirable and undesirable elements. Dope, crime and delinquency emanate from the undesirable and the underprivileged . . . and one cannot simply get rid of them." He says that there are three ways to deal with the problem—" educate, incarcerate or support—and its least expensive to educate." With the Par-Excellence Center, he maintains, each child they train will be one less liability to a community.

Speaking to Mrs. Noble, you can hear her dedication to the Center, as she talks enthusiastically about students who have made tremendous progress in her program. She tells of one child who came from a public school and would cry when asked to perform any task. He is now getting an A-grade in math and when asked to do something now replies that he "can do anything". Mrs. Noble attributes the success of children like these who have not performed well in the public school system to the one-on-one relationship of "loving and caring" that the Center encourages. She says that three months in her school will see great improvements in the self-esteem and performance of these children.

Mrs. Noble ensures that she knows everything about each student and she and her staff (four full-time teachers, 2 part-time and a school secretary) will go to whatever lengths to bring out the potential in each child, whether it means engaging the parents in discussions about the amounts of T.V. a child watches at home, or staying after school hours to help a child with reading or homework. She has found that motivating parents plays a large part in the child's progresss. She counsels parents and speaks to them whenever the need arises, encouraging them to "keep up with their children". Parents take an active part in the Center, involving themselves in fundraising and public relations work.

There are currently 42 students enrolled in the program and Mrs. Noble predicts that by 1990 there will be approximately 110, judging from the public response she has received. She plans to include children younger than kindergarten age in the future and to introduce new programs such as computer classes. The Center is geared towards underprivileged children but is open to any child from Licking County who wishes to attend. School fees are based on the ability to pay, some parents paying full tuition if they are able.

The Center is guided by three groups of outside professionals and educators—the Par-Excellence Advisory Group, the Par-Excellence Partners and the Par-Excellence Trustees. Each helps to provide resources in terms of the direction of the Center, in generating resources and in setting policies. The Center is in constant need of funds (there are not enough finances to staff a kitchen yet) and of volunteers to help children with homework from 3-5 p.m. on weekdays, to act as reading tutors during the school term as well as during the summer educational program and also as fundraisers.

The school day starts with 15 minutes of Chapel services, but Reverend Noble maintains that they do not preach doctrine to the children in the classroom, feeling that a well-rounded education best enables a child to integrate successfully into society. In his words, the Center is built on "the Fatherhood of God and the Brotherhood of Mankind" and that "learning, loving and living" is their motto.

DOUBLE STANDARD ON HUMAN RIGHTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. FRANK. Mr. Speaker, President Bush deserves credit for inviting Fang Lizhi to the banquet he had in the People's Republic of China. I wish the President had been more forthright in expressing his unhappiness when Mr. Fang was denied entry to that banquet by the Chinese authorities. We have an obligation to make it clear to the People's Republic of China, as well as the Soviet Union and every other regime, that friendly nation to nation relations with the United States do not mean that we will give up our commitment to human rights. In fact, I must say that I am disappointed that neither President Reagan nor President Bush has been as forthright in reminding the Chinese of our commitment to human rights as consistency, and a commitment to moral principles would require.

The Chinese mistreatment of people in Tibet is a grave example of human rights abuses, but it is one which has gone relatively unrebuked by the Reagan and Bush administrations.

There is a danger not only that we will decline to assert our support for human rights within the People's Republic of China because of some geopolitical motive, there have also been arguments made that the sort of human rights which we are committed to in much of the world has less application in non-Western society. That is a dangerous, illogical, and ultimately racist argument that ought to get no credit whatever in our country.

I do not mean in any way to suggest that this is one of the arguments that has been put forward by the Reagan and Bush administrations for their failure to push human rights; rather this is an argument that comes from other quarters. Because we have heard variants of this argument, I was particularly pleased to read recently in "The Washington Post" an article by Fang Lizhi, translated by Orville Schell, in which he affirms the universality of human rights principles, and makes clear in my judgment our obligation as a society to press for the vindication of human rights everywhere.

Mr. Speaker, I ask that the article by Fang Lizhi printed in "The Washington Post" for Sunday, February 26, be printed here.

[From the Washington Post]

DOUBLE STANDARD ON HUMAN RIGHTS?

(By Fang Lizhi)

(Among the guests invited to the banquet that President Bush hosts today in Beijing will be Chinese astrophysicist and human-rights activist Fang Lizhi. Fang, previously vice president of China's University of Science and Technology, was expelled from the Chinese Communist party in 1987 and has since been barred from leaving the country. He has continued to speak openly for democracy and human rights and last month launched an appeal to Deng Xiaopang to declare an amnesty of all political prisoners in China. Fang wrote this article for The Washington Post shortly before receiving the president's surprise invitation, which is expected to bolster the cause of human-rights activists in China.)

BEIJING.—For their narrow purposes, some politicians have adopted a double standard in regard to human rights. In specific, they have adopted a double standard by holding different attitudes toward human rights events in the Soviet Union and Eastern Europe on the one hand and China on the other. When dealing with the former, they have openly expressed concern and have even made the issue a paramount condition in matters of their foreign policy. But, when dealing with the latter, they have said and done very little. This has not only shown a wrong attitude, but has hardly been in the spirit of human rights themselves.

China is presently in the process of implementing social reforms of both an economic and political nature. One of the most important aspects of these reforms should be the improvement of the Chinese human-rights situation.

After embracing the dogma of class struggle, just like the Soviet Union and the various socialist countries of Eastern Europe, China has found itself host to a whole series of occasions where human rights in China were violated on a very wide scale. In 1957 during the political persecutions of the Anti-Rightist movement alone, some 500,000 people were purged because of their thoughts and opinions. Some lost their jobs, while others were shipped off for "reform through labor."

To this day the fates of many of these are still unknown. And, as for our record of disrespect for religious rights and the rights of minority peoples, China has been no different than any other socialist country.

Compared to the era of Mao Zedong, the situation of this past decade has indeed showed some improvement. However, the

way in which present Chinese authorities continue either to disregard or to simply ignore the question of human rights makes for a grave situation.

First and foremost, Chinese authorities have still not completely acknowledged that the human-rights violations alluded to above were wrong in principle.

For example, to this day they still proclaim the Anti-Rightist movement of 1957 as necessary and "correct." Since then, the suppression and persecution of people with differing beliefs and opinions has never ceased. Obvious examples of this policy are the suppression of the Democracy Wall movement in 1970, the campaign against "spiritual pollution" in 1983 and the movement against "bourgeois" in 1987. And lest the world forget, Democracy Wall activists Wei Jingsheng and other similar political prisoners have now been in jail for 10 years, and up until now still remain unreleased.

Throughout this truly grim period, efforts by some on behalf of human rights never ceased, gaining the support of rights activists and organizations elsewhere in the world. As a consequence, China human-rights activists have now become part of the large global trend towards respecting such rights.

There should, in fact, be a universal standard for human rights everywhere. Just as the International Declaration of Human Rights has declared, the rights and freedoms that all men ought to enjoy should not be denied because of race, color, sex, language, religion, politics or any other reason.

In struggling for human rights we must not only oppose those incidents where human rights have been totally disregarded, but also oppose the notion that there is a double standard for different countries.

In short, we must struggle towards a notion of human rights as having universal application.

BALANCED BUDGET SPENDING AMENDMENT TO THE CONSTITUTION

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. KYL. Mr. Speaker, I rise today to introduce a balanced budget/spending limitation amendment to the Constitution.

Last November, the American people elected George Bush to the Presidency, giving him a resounding mandate to reduce the Federal budget deficit without raising taxes. The amendment I am introducing today will not only ensure that Congress and the President balance the budget, but that we do so consistent with that mandate—by restraining spending.

This amendment's balanced budget requirement will become effective in fiscal year 1993, once the deficit has presumably been reduced to zero under the Gramm-Rudman-Hollings law. What makes this amendment unique, however, is that it also limits Federal expenditures to no more than 19 percent of gross national product.

Although that is about the level of spending we would have today if we balanced the budget without raising taxes, it isn't the only reason the 10-percent figure was chosen. For the past 15 years, Federal revenues have remained relatively constant around 19 percent of GNP. They ranged from a low of 18 percent in fiscal year 1973 to a high of 20.1 percent at the start of the Reagan administration in fiscal year 1981. This year, they are estimated to be 19.3 percent of GNP.

Spending, on the other hand, has increased as a proportion of GNP. In fiscal year 1983, Federal spending was only 19.2 percent of GNP. It went as high as 24.3 percent in fiscal year 1983, before beginning to decline to the estimated 21 percent of GNP for this year.

President Bush's budget estimates that Federal revenues will increase by about $82 billion in fiscal year 1990 as a result of economic growth. Even with that increase, total Federal revenues in fiscal year 1990 will amount to the 19.3 percent of GNP which I just mentioned.

If Congress applied about half of that revenue increase to deficit reduction, we could meet the Gramm-Rudman-Hollings deficit target of $100 billion, and we could apply the other half to existing programs. By just limiting the growth in Federal spending, the deficit will begin to close—without a tax increase. The balanced budget/spending limitation amendment can take effect in fiscal year 1993 without any major disruption to the economy.

About 15 States have constitutional limits on how much their State or local governments can spend, and they work well. My home State of Arizona has had a State spending limit for about 10 years, and is the second fastest growing State in the Nation. A spending limit can work equally as well at the Federal level.

I invite my colleagues to join me in cosponsoring this amendment and demonstrating to the American people that we are serious about deficit reduction. I also urge the Judiciary Committee to begin holding hearings at an early date.

I insert the text of the amendment at this point in the RECORD.

H.J. RES. 189

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, expenditures of the United States Government for any fiscal year shall not exceed its revenues for that fiscal year.

"SEC. 2. Except as provided in this article, the expenditures of the United States Government for a fiscal year may not exceed 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year.

"SEC. 3. The Congress may, by law, and subject to article I, section 7 of the Constitution, provide for suspension of the effect of sections 1 and 2 of this article for any fiscal year in which a declaration of war is in effect or whenever three-fifths of the total membership of each House shall provide, by a rollcall vote, for a specific excess of outlays over estimated revenues.

"SEC. 4. The Congress shall implement and enforce this article by appropriate legislation.

"SEC. 5. This article shall apply to the first fiscal year beginning after its ratification and subsequent fiscal years, but not to fiscal years beginning before October 1, 1992.".

QUADRENNIAL COMMISSION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. BEILENSON. Mr. Speaker, today I am introducing legislation which would implement the pay increases recommended for judicial and executive branch employees by the President's Quadrennial Commission on Executive, Legislative, and Judicial Salaries. Salaries for Members of Congress would not be affected by the bill.

When we in Congress voted to reject the Commission's recommendations for ourselves last month, it almost seemed like a minor footnote that we also denied long overdue and well deserved raises for 2,000 federally employed scientists, economists, policy advisers, foreign service professionals, and judges. In a real sense, as a number of our colleagues have already pointed out, salaries for these men and women, which are by law linked to our own, are being unfairly held hostage to our unwillingness to raise our own salaries.

I would note that top executive branch employees were also denied cost of living adjustments in 5 of the last 8 years when we in Congress decided to exempt ourselves from COLA's. The Quadrennial Commission concluded this year that current salary levels for top executive and judicial branch employees have eroded over the last 20 years by approximately 35 percent in constant dollars, while salaries for other Americans have increased above the rate of inflation.

The huge differential between what these talented and highly skilled professionals earn and what their counterparts in the private sector, and even the nonprofit sector, are earning is appalling. Distinguished Federal judges earn less than many of the young corporate lawyers just a few years out of law school who appear before them in court. Department chairmen at the National Institutes of Health [NIH] are paid less than half what they could be paid at a university hospital. As a result, NIH has suffered a loss of 28 percent of its most senior research scientists in the last 10 years; all left to accept positions in private industry at salary increases of 50 percent to 300 percent. NASA officials are fearing, quite justifiably, the probable loss of many of its most experienced and highly trained technicians to private industry.

It is true that public service has traditionally demanded some financial sacrifice in exchange for less tangible rewards. But these men and women hold some of the most important and demanding jobs in the world, and their decisions often have permanent and dramatic effects on all of our lives. These positions should, without question, be held by the most competent people we can find. Their

compensation should match the level of responsibility and authority they hold.

Mr. Speaker, the system we devised to address the very sticky issue of appropriate pay for Members of Congress has failed—clearly we will need to find a better way to decide on the level of congressional salaries in the future. But the biggest losers in this debacle are without a doubt the senior executive and judicial branch employees who were also affected by our vote to reject the Quadrennial Commission's recommendations. The truth is that unless we act soon to remedy this problem, the Federal Government stands to lose some of its most talented professionals, and our ability to attract highly qualified replacements will be severely weakened. I urge my colleagues to support this very important legislation.

THE BRYANT BILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. FRENZEL. Mr. Speaker, on March 8, the Journal of Commerce carried a splendid editorial which concluded that the Bryant amendment to restrict foreign investment in the United States, would be "destructive" to U.S. interests.

The Bryant bill is being promoted as an innocent exercise in data collection. Not so. Demanding that foreign investors file statements not required of U.S. companies is blatantly discriminatory, and a violation of the very goals we are trying to achieve right now in international trade negotiations.

Then, making the information public, or giving it to the Congress which is the same thing, would immediately slow the flow of foreign capital to the United States. Interest rates would climb and small borrowers would be frozen out.

The right way to slow foreign capital, lower interest rates, and reduce the trade balance, is reduce Federal spending. The promoters of the Bryant amendment apparently find such rational economic policies unattractive, but oddly enough, the public seems to understand them.

This is not the only editorial to strip the sheep's clothing from the Bryant amendment, but it is an easily understandable one.

The Journal of Commerce article follows:

[From the Journal of Commerce, Mar. 8, 1989]

THE BRYANT BILL

Foreign takeovers are preoccupying Congress again. Within the next few days, the House of Representatives faces a vote allowing members to express their outrage about the "wave" of foreign investment swamping the American economy. The legislation before them will not only discourage foreign investment, but will give American companies one more way to use the U.S. government to attack foreign competitors.

The bill, by Rep. John Bryant, D-Texas, is being promoted as an innocent way to improve data collection about the scope of foreign investment in the United States. Foreigners who buy more than 5% of a U.S. company or U.S. real estate would have to register with the government, disclosing their identity, address, nationality and the industry in which they have invested. Where the foreigners take over more than 25% of a U.S. business, they would also have to reveal the names and nationalities of their directors and officers, the market value of their purchases and detailed information about their assets and their finances.

On the surface, this appears to be a simple exercise in data gathering, providing the federal government with the information it needs to gauge the impact of foreign investment in the United States. But the need for that data is not at all evident. The U.S. government already collects extensive information on foreign investment. Advocates of additional reporting have failed to show why that data base is inadequate for the requirements of federal policy-makers.

Demanding that foreign investors file financial statements in Washington, when privately held U.S. investors face no such requirement, is blatant discrimination. Even worse is the bill's provision that information filed by individual foreign investors will be public information. In a sharp departure from the government's practice of shielding the identity of individual firms when it gathers data for statistical purposes, information about the transactions of individual "foreign" firms would be exposed to the world.

Under U.S. securities law, publicly held U.S. companies must disclose only information that has a material impact on their earnings. In the vast majority of cases, the details of investments by public companies remain confidential, and almost all similar information concerning private firms is shielded from public view.

Under the Bryant bill, "foreign-owned" companies, including companies with as little as 25% foreign ownership, would no longer enjoy that same degree of confidentiality. If American-owned Amoco Oil Co. were to buy a small plant that makes an advanced plastic, it could keep the size of its venture secret. If foreign-owned Royal Dutch/Shell were to build a similar facility, its competitors could well learn exactly how much money it is putting into the project—an extremely important piece of competitive intelligence that would make it easier to divine Shell's future plans.

The consequence of such a regulation is obvious. Foreign investors will need to think twice before putting their money into the United States and exposing their corporate secrets to the world.

For Rep. Bryant, a strike against foreign investment may offer just the lift needed to run for the Senate in 1990. For the United States, however, few actions could be more destructive.

The growth of foreign direct investment in the United States has less to do with the evil designs of foreigners than with America's inability to set its economic house in order. Since the beginning of the 1980s, the U.S. government has consistently run budget deficits of unprecedented magnitude. At the same time, the savings rate has hit record lows. With Americans' private savings inadequate to finance the government's needs and private-sector investment demand as well, foreign money has been required to make up the difference.

To the extent that that foreign money represents an increase in the productive base of the United States, Americans will be better off in future years. But a large share of those foreign funds have financed consumption, not investment. The bill for that consumption takes the form of an outflow of profits. Foreign investors in American farms, mines, and factories gain a claim on the wealth those resources will produce in future years.

Rep. Bryant's bill would discourage foreigners from putting their money in the United States without altering the basic economic factors that have made America dependent upon foreign investment. That may play well to the voters back home, but at great cost to the United States. Rather than railing about the dangers of foreign ownership of the U.S. economy, Rep. Bryant and his colleagues would do well to deal with the high budget deficit and the low savings rate that are among its principal causes.

STATEMENT FROM THE ESTONIAN AMERICAN NATIONAL COUNCIL

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. McEWEN. Mr. Speaker, today, I rise to express my strong support for the people of Soviet-occupied Estonia in connection with the 71st anniversary of Estonia's Declaration of Independence on February 24. I call upon my colleagues to stand with me in recognizing the right for all Estonians to political, religious, and economic freedom. At this time I would like to insert into the RECORD a recent statement from the Estonian American National Council and urge my colleagues to join me in this most noble and worthy cause on behalf of liberty.

ESTONIA: POLITICAL AWARENESS AND NATIONAL REAWAKENING, 1988-89

1988 was a dramatic year of demonstrations, rallies, song fests and unprecedented political activity in Soviet-occupied Estonia, all of it aimed, ultimately, at the eventual restoration of Estonian independence. The world media have been filled with images of "the mouse that roared," as a country of one million seemed to challenge an empire of 300 million.

In a true grassroots movement, Estonian demands for reform, democracy and outright independence came directly from the long-suppressed Estonian people—fully one-third of the population attended a rally September 17, while 900,000 signed a petition opposing proposed Soviet Constitutional changes as undemocratic and harmful to Estonian interests. National and local-level groups and organizations, representative of a variety of approaches but united in their final objective, continue to form.

Estonians were brought to this level of activity by a growing awareness that their very survival as a people is threatened by the continued Soviet occupation and colonization of their homeland. Kept keenly aware—by the presence of 150,000 Soviet troops—that they live in an nation under occupation, Estonians yearn once again to be masters in their own home, to control their own economy and natural resources, to decide their own internal affairs, their own destiny. At its founding ceremonies August 20, 1988, the Estonian National Independence Party declared: "We do not have

enough clean air, water or earth to sustain life, let alone freedom . . . Add to that the danger of becoming a minority in our own ancient land."

As a possible indicator of things to come, the Soviet press has been villifying Estonia for months, to the point that the Estonian Popular Front has sued TASS for slander. However, while well aware of the ever-present potential for a Soviet crack-down or of a violent backlash led by the Russian chauvinist organization "International Front," Estonians still push peacefully for further reforms and democratization. Counting on continued moral and real support from the free world, Estonians are proceeding with careful, measured steps to move away from Moscow's control and toward true sovereignty.

The goals of free Estonians and of the international Estonian resistance movement remain:

1. That the Molotov-Ribbentrop Pact along with its secret protocols be declared null and void from the moment of its inception.

2. That Estonian-Soviet relations be governed by the 1920 Peace Treaty of Tartu, in which the USSR promised to respect Estonian sovereignty "forever".

3. That all Soviet troops, militia and paramilitary forces be withdrawn from Estonian soil.

4. That the existing Soviet colonial administration and bureaucracy in Estonia be dismantled.

5. That reparations be paid to the Estonian people and to all individuals and families who have suffered directly or indirectly as a result of Soviet-German collusion, invasions and occupations of Estonia since 1939.

6. That democratic elections be conducted, initially under international supervision.

7. That, as a former member of the League of Nations, Estonia be admitted to United Nations membership and reinstated into all other international organizations, conferences and institutions to which Estonia belonged.

In Moscow on November 17, 1988, the Estonian National Independence Party presented to members of the U.S. CSCE (Helsinki) Commission a "Memorandum Concerning the Situation in Estonia". This document concludes:

The time is ripe to begin to discuss the restoration of Estonian independence in much more concrete terms. It is our desire, that the developments in the Baltic states be taken into the orbit of the key issues concerning the United States Congress and Government and that there be a deeper and sincere understanding and appreciation of the efforts of Estonians, Latvians and Lithuanians as they strive to restore their national independence.

A practical step would be the placement of impartial UN observers into the Baltic states to ensure a peaceful transition to democracy.

An international conference should be organized within the framework of the Conference on Security and Cooperation in Europe to discuss the problems and aspirations of the Baltic states (with representatives of Estonian, Latvian and Lithuanian independence movements invited to attend).

We propose that discussions be initiated concerning a problem of key importance, namely the removal of Soviet occupation forces from Baltic territory. These discussions should be an integral part of all arms reduction talks in Europe and a logical extension of talks in connection with the evacuation of Soviet forces from Afghanistan. A milti-lateral international agreement on the evacuation of Soviet forces from Estonia, Latvia and Lithuania must be based on the condition that independence be restored to those states. The resulting neutral Baltic states, independent of any power-bloc, could play a valuable and positive role in the collective security of Europe.

REPORT FROM THE INTERNAL REVENUE SERVICE ON EXAMINATION AND COMPLIANCE ACTIVITIES IN THE AREA OF TAX-EXEMPT ORGANIZATIONS INVOLVED IN TELEVISION MINISTRIES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. PICKLE. Mr. Speaker, the Committee on Ways and Means, Subcommittee on Oversight, which I chair, held a hearing in October 1987 to examine the Federal tax rules applicable to tax-exempt organizations involved in television ministries. In followup to that hearing, I requested that the Internal Revenue Service [IRS] provide quarterly status reports on examination and collection actions involving television ministries. I would like to share with my colleagues the report which summarizes IRS's examination and collection activity in this area during the last quarter of 1988.

The IRS reported on the 23 cases which were in progress from October through December 1988. In one case involving a prominent evangelist, the Service has reached agreement on Federal tax issues for the years 1980 through 1983, including the payment of Federal income tax, interest and penalties in excess of $1 million. Issues examined in this case included inurement, private benefit and unreported income. Investigation of these issues involved the review of compensation and benefits, housing and transportation provided by the organization.

Further, the Service reported that they expect several other cases involving prominent television ministers will move to the final stages of examination this year. The Service anticipates that some of these cases will present serious issues relating to continuation of the organization's Federal tax exemption.

The full report from Robert I. Brauer, Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service, follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 8, 1989.

Hon. J.J. PICKLE,
Chairman, Subcommittee on Oversight, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This constitutes the publicly disclosable report on Internal Revenue Service actions involving media evangelists during the fourth quarter of 1988. More recent information is included where appropriate. Information, the public disclosure of which is precluded by IRC 6103, will be provided under separate cover.

The Service is continuing to devote significant examination resources to media evangelist cases, particularly the six examination projects involving prominent television evangelists described in our report to you dated December 5, 1988. The degree of cooperation received by the Service varies from case to case and, in one case involving a prominent evangelist, the Service has reached agreement on Federal tax issues for the years 1980 through 1983, including payment of substantial Federal income tax, interest, and penalties. In a second case, however, the Service has had to resort to summons enforcement to obtain production of books and records of the sort that have been voluntarily provided by other evangelists. That summons enforcement action involves a request for corporate minutes of the Freedom Council and the National Freedom Institute and was filed in U.S. District Court in Norfolk, Virginia, on February 13, 1989. We anticipate that several other cases involving prominent media evangelists will move to the final stages of the examination process this year. We also anticipate that some of these cases will present serious issues relating to continued Federal income tax exemption.

We have enclosed an updated chart of media evangelist cases that were open during the fourth quarter of 1988. Cases reported as closed on the earlier chart in our December 5, 1988 report have been dropped from this updated chart. We will continue to provide you with additional reports on a quarterly basis.

Sincerely,

ROBERT I. BRAUER.

Enclosure.

EXAMINATIONS OF MEDIA EVANGELISTS AND RELATED ORGANIZATIONS

[Status as of Dec. 31, 1988]

Taxpayer	Issue	Status
1.	Unreported income (reported income not commensurate with life style).	The Criminal Investigation Division began an information gathering project in March 1987 based on an informant's letter. The project has been completed and the case has been referred to the Department of Justice for grand jury action and accepted by.
2.	Unreported income and employment taxes.	The examination began in September 1985 after the minister failed to file Forms 1040, 940, and 941. The Collection Division has secured employment tax returns and taxes due. If individual returns are not voluntarily filed, the case will be referred to Examination and/or Criminal Investigation Division.
3.	Unreported income on Form 1040; false statements on return.	Examination of individual resulted in referral to Criminal Investigation Division. The case was subsequently referred to the Department of Justice for prosecution. Information was filed in U.S. District Court in October 1988.
4.	Political activities, commercial activity, inurement, unreported income.	The examination was begun with an affiliated organization. Agents are on-site interviewing third parties as well as members of the organization's executive staff. The agents have reviewed the program content of the TV broadcasts and are discussing their findings with the organization, as well as activities that may have been conducted primarily for political purposes. The estimated completion date for the examination phase is June 1989.
5.	Unreported income	The Forms 1040 for 1978–84 were examined and "church" income was determined to be personal income. The case is currently in the Collection Division and collection activity is in progress. The estimated completion date is March 1989.

EXAMINATIONS OF MEDIA EVANGELISTS AND RELATED ORGANIZATIONS—Continued

[Status as of Dec. 31, 1988]

Taxpayer	Issue	Status
6.	Failure to pay taxes	Forms 941 were filed for 3 quarters but no employment tax payments were made. The organization paid the outstanding interest and has requested abatement of penalties. The estimated closing date is March 1989. The penalties issue is presently under consideration in the Appeals Divison.
7.	Failure to pay employment taxes.	Forms 941 were filed but no payments were made. The taxpayer is now current in payments and has arranged a payment agreement for back taxes. The estimated completion date is March 1989.
8.	Political activity, lobbying, inurement.	The cases have been assigned to an agent who contacted the taxpayer in June, 1988. The Form 990–T of an affiliated entity has been selected as part of the EO TCMP program and will be worked accordingly. The agents are collecting additional information on nonexempt activities. Due to the expected complexity of the case the estimated closing date is December 1989. An examination team of exempt organizations agents, income tax agents, and a computer audit specialist has been assembled.
9.	Unreported income	The examination of the Form 1040 was begun in December 1985 as a result of computer scoring. The organization's funds were transferred to a second organization for the benefit of the minister. The case has been forwarded to the Appeals Division.
10.	Employment tax	The Collection Divison is attempting to secure delinquent Forms 941. The organization is making payments but refuses to provide financial information. The District anticipates applying penalties in early 1989.
11.	Unreported income	The examination of the minister's Form 1040 was begun as a result of a newspaper article on the minister. Examination contact has been made; however, the taxpayer has been uncooperative. The EP/EO Division has prepared a church tax inquiry letter on the minister's church and is awaiting Regional Commissioner approval. The estimated completion date is December 1990.
12.	Unsubstantiated deductions.	The Form 1040 was selected for examination by computer scoring. The examination was started October 1987. The case has been closed with a payment of $3,000 taxes and penalties.
13.	UBIT, relationship between a related IRC 501(c) entity and the church; possible inurement; and, consolidated return issues.	Analysis of Form 990–T indicates that the church may be improperly using an affiliated IRC 501(c) entity. The EP/EO Division began an examination of the related entity in March 1988. The examination may expand to include additional related organizations. Any expansion of the examination to include the church will be conducted under the Church Examination Procedures of IRC 7611. The District has requested technical advice from the National Office on the consolidated return issues. The District continues to examine the primary records of the organization.
14.	Inurement	A church examination letter under IRC 7611 has been issued and a conference held. The District continues to gather information and is evaluating the best way to proceed. This is a coordinated examination involving both EP/EO and Examination Divisions.
15.	Inurement, private benefit, unreported income, UBIT, church status.	The hearing on the IRS proof of claim in the Bankruptcy Court has been postponed. An action has been filed on behalf of a secured creditor to liquidate the assets of the organization. Civil suits and counter suits between the organization and its founders are ongoing.
16.	Inurement, private benefit, political activity, church status.	An IRC 7611 notice of inquiry was sent in August 1987, the notice of examination was sent in November 1987. The on-site phase began in January 1988. The primary issue is inurement to the benefit of the founder and his family. A review of the corporate books and records for 1984, 1985, and 1986, was completed in September 1988. The agents are evaluating the information and expect to request technical advice on exemption issues.

EXAMINATIONS OF MEDIA EVANGELISTS AND RELATED ORGANIZATIONS—Continued

[Status as of Dec. 31, 1988]

Taxpayer	Issue	Status
17.	Inurement, unreported income.	The EP/EO Division has determined that an examination should be conducted as a result of an information gathering project. The case will be assigned to an agent when personnel become available.
18.	Inurement	The EP/EO Division has initiated an information gathering project as a result of a referral from the Criminal Investigation Division. Since it is still in the information gathering process we are unable to provide an estimated completion date.
19.	Inurement, private benefit, unreported income.	Closing agreement on the years 8007 through 8307 has been reached. Subsequent years will be examined.
20.	Inurement; private benefit; allocation of expenses.	Examination of Form 1040 initiated as a TCMP selection. Issues involve use of "church" assets by the minister. The case has been closed with the reporting of additional income on the minister's tax return.
21.	Nonpayment of corporate income taxes.	After making a series of payments toward tax liability on Forms 941 and 1120, the organization ceased all further contact with collection personnel. Collection activity is in progress. Subsequently, the taxpayer reduced its outstanding balance substantially. Contact has resumed. The estimated completion date is March 1989.
22.	Nonpayment of employment and income taxes; fraud potential, both individual and corporate.	This case was initiated as a result of nonpayment of taxes due on Form 941. It is currently in Collection but a referral to Examination Division is pending and informal contact has been made with the Criminal Investigation Division. Collection activity is in progress. The estimated completion date is March 1989. However, we have determined that the taxpayer is not a media evangelist and therefore, it will be dropped from future reports.
23.	Other income; miscellaneous expenses.	This is an Office Examination case of a computer selected 1986 Form 1040. The taxpayer was initially contacted by letter in June 1988. Adjustments have been proposed. The estimated completion date is June 1989.

H.R. 5 WILL THREATEN U.S. TECHNOLOGY GAINS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. LENT. Mr. Speaker, despite the fact that it has not been reviewed by any House committee in the 101st Congress, H.R. 5, otherwise known as the Bryant bill, may soon come to the floor of the House for a vote.

In addition to the fact that this is a completely undemocratic procedure, the bill itself is a dangerous and unneeded piece of legislation that, if enacted, will inevitably backfire on U.S. workers and the U.S. economy. Giving away proprietary business information of foreign investors will only drive them to other countries. Why? Because no other major economic power discloses this kind of information.

What kind of investment benefits will be injured by H.R. 5? I am placing in the RECORD today a copy of a February 24, 1989, Wall Street Journal article which describes how foreign investors are providing the venture capital for U.S. high technology businesses that do not show a profit for long periods.

The article confirms the fact that foreign investment helps the U.S. create new jobs, new technologies, and new American entrepreneurs. If we choose to discourage foreign investment, which H.R. 5 would do, then we would be choosing to forgo these benefits. Do we want to do that? I don't think so. I urge my colleagues to defeat H.R. 5 when it comes to a vote. Thank you, Mr. Speaker.

[From the Wall Street Journal Feb. 24, 1989]

PATIENT MONEY—UNITED STATES FIRMS FIND ASIAN INVESTORS ARE WILLING TO WAIT FOR RETURNS

(By Marj Charlier)

There is money, and there is patient money. If you are an entrepreneur starting a business or trying to make it grow, patient money is better—and the best place to look for it now is across the Pacific.

Tu Chen, chairman of Komag Inc., a Milpitas, Calif., maker of high-quality hard disks for computers, is one of a growing number of stateside entrepreneurs who have been mining the heaps of patient money piled up in Japan. Mr. Chen, an American citizen, founded the company in 1983 with an initial boost from domestic venture capital, but since then he has relied increasingly on the Japanese. He's not sorry.

Last year Komag, suffering growth pains, didn't improve earnings from the second quarter to the third. Expecting stair-step growth in profits, a lot of U.S. stockholders (the company went public in 1987) bailed out, and the stock fell about 25%. The Japanese? Not to worry, said Asahi Glass Co., Komag's principal backer in Japan, which promptly raised its investment in the company from $4 million to $24 million. It is now interested in putting in much more.

"American industry doesn't have the patience the Japanese have," says Mr. Chen. He gets no argument from Francis Rowe, executive vice president of Colorocs Inc. That Georgia-based company couldn't get backing from U.S. sources, Mr. Rowe says, because they felt returns from its innovative color printing process would be too slow in coming. Mitsubishi Corp. and Sharp Corp. took a longer view—and the first copiers using Colorocs' technology are now being produced by Sharp in Japan.

The patience exhibited by the Japanese reflects an investment purpose radically different than that of most U.S. venture capitalists. The later usually want to push a company quickly into narrowly focused commercial production, so they can cash out at a profit. But the Japanese are more interested in getting equity in promising ideas, and developing them fully, than they are in a quick killing on a stock sale.

"The Japanese are looking for a return on technology, not a return on investment. And they're investing here because [the U.S.] is the primary entrepreneurial country," says Mark Radtke, a consultant with Venture Economics Inc. In 1983, he adds, there were only 11 Japanese corporate investments in American startup companies; by 1987 there were 48.

More and more companies like Komag are turning to Japan for second and third round financings. Komag raised its initial $5.5 million stake from U.S. investors led by Hambro International Venture Fund, but the next $16 million came from Asahi Glass and other Japanesse concerns. After the public offering (which raised $34 million), Asahi invested still more. All told, Japanese partners own nearly 17% of Komag now, and their total stake could amount to nearly

30% with more Asahi investments in the offing.

U.S. entrepreneurs say that the Japanese are often willing to pay more for a piece of their companies than stateside concerns are, which is certainly one reason why businessmen here are looking more often toward Japan. But Japanese industrial financiers bring much more to the party than just deep pockets.

They have excess production capacity that may be hard to find in the states, access to Asian market, an expertise in manufacturing that leads the world and a willingness to back research and development that is a frequently lacking among bottom-liners in the U.S. These things are just as attractive to many U.S. companies as the money the Japanese put up.

Matsushita Electric Industrial Co., for example, had excess manufacturing capacity that Solbourne Computer Inc., couldn't afford to build itself, along with the advanced robotics and other factory technology that was needed to produce at high quality and volume. So Solbourne, based in Boulder, Colo., recently sold a 53% stake in itself to Matsushita. The latter will build in Japan components for computer work stations that will be assembled and sold in the U.S. by Solbourne.

Komag's Mr. Chen, too, wanted much more than cash. He wanted production expertise, research and development support, and an entry into the Japanese market itself. "You don't go into Japan on your own," he says. So far, he has gotten all he sought.

Asahi is separately funding Komag attempts to develop an advanced glass computer disk and is working with it on a removable hard disk that some computer makers are considering for their future machines. Also, Asahi and Vacuum Metallurgial Co., another Japanese investor in the American disk maker, put up all the money for a joint venture that is producing disks in Japan; Komag got a half interest for contributing its technology and patents.

Feeling the need to diversify into businesses with high growth potential, Japanese companies in mature industries like glass, farm implements and steel (Kobe Steel Ltd. is another Komag backer) are particularly attracted to American high-tech opportunities. So, more outfits such as Kubota Ltd., a big Japanese agricultural-equipment concern, can be found grazing in places like the Silicono Valley.

Kubota now has a minority stake in Ardent Computer Corp., a maker of supercomputers with enhanced graphics capabilities that got its first round of financing in the states, and is making computer work stations for Ardent. Kubota isn't getting rich doing it, says Matt Sanders, vice president for operations at Ardent. "This is not an immediate kind of thing for them," he adds. "They're interested in a return on future business."

While Japan Inc.'s interest in American companies is certainly pleasing to the entrepreneurs who started them, it has also raised the hackles of some U.S. politicans, academicians and venture capitalists. They worry that American ideas are being sold to Japan too cheaply, transferring U.S.-born technology overseas and further advancing Japan's manufacturing prowess.

"This means a transfer of jobs away from the U.S.," says Vin Prothro, general managing partner at Southwest Enterprise Associates, a Dallas-based venture-capital firm. "We're losing out on critical manufacturing technology."

However, U.S. businessmen who have attracted Japanese investment argue that technology is flowing both ways. Japanese companies, they point out, are providing manufacturing know-how that is improving U.S. plants. Mr. Chen, for one, notes that Asahi Glass has already helped Komag automate its production lines in Milpitas and adds that improvements developed in Japan will be showing up in new disk-making machines the company will add there.

"We all have a teamwork mentality," says Mr. Chen, who, like others, believe that more American-Japanese alliances are inevitable. "It's the future," he declares.

THE MARYLAND STATE ASSOCIATION OF B'NAI B'RITH ANNUAL CONVENTION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. CARDIN. Mr. Speaker, on Saturday, March 18 and Sunday, March 19, 1989, the Maryland State Association of B'nai B'rith will conduct its annual convention. B'nai B'rith is the oldest and one of the largest service organizations in the world and has developed and implemented programs throughout the United States and around the world. Founded almost 146 years ago, B'nai B'rith projects and philanthropy impact on the lives of millions of people.

This organization is an outstanding example of America's distinctive characteristic—voluntarism. By merging voluntary action with community service, B'nai B'rith has achieved a reputation as a major benevolent force throughout the world. For more than 71 years, men and women members of B'nai B'rith in Maryland have perpetuated the tradition of community service by conducting programs for disabled persons, working in hospitals and police stations, sponsoring housing and programs for senior citizens, and providing programs for young people.

As we all know, organizations such as B'nai B'rith are effective because of dedicated members who participate actively and provide distinguished leadership.

One such person is Steven G. Tapper, who will be discharged as the 1988-89 president of the Maryland State Association after completing a highly successful term.

Another exceptional member, Stuart I. Goldman, will be installed as the 1989-90 president of the Maryland State Association.

Many other B'nai B'rith leaders will be participating in the convention, including international leaders Judge Paul L. Backman and Neil C. Rosen, and district 5 leaders Dr. Henry Ray Wengrow, Fred Snyder, Bruce Raskin, Dr. Samuel Friedman, and Stanley Joffe.

Mr. Speaker, it is indeed an honor to call the Maryland State Association of B'nai B'rith to the attention of my colleagues. Thanks to organizations such as B'nai B'rith and individuals like those being honored, our efforts as public servants are extended much further and are enhanced through the experience of public and private sector cooperation.

THE BEECHMONT WOMAN'S CLUB: 50 PROUD YEARS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. MAZZOLI. Mr. Speaker, it is an honor for me to pay tribute to the Beechmont Woman's Club of Louisville, KY, which in 1989 will celebrate its 50th anniversary of service to the Beechmont community.

The spirit of voluntarism and exemplary service to one's community could find no better model than that of the Beechmont Woman's Club [BWC] and its record of civic contributions.

In 1939 the Beechmont community was a relatively young neighborhood of what could only be described as solid, working class citizens in Louisville's South End. The character and pride of the community's residents have remained steadfast over the years. Armed with these basic qualities the Beechmont Woman's Club—more than 200 members strong—has made an outstanding commitment to helping others less fortunate.

Many worthy young men and women of Beechmont have been afforded the opportunity to further their education in high school and onto college through the BWC's student scholarship fund.

Annual donations have also enabled needy school kids to be outfitted with new clothes as they begin the first years of their educational experience. In another activity, BWC members last year provided eye screening tests for more than 800 Beechmont pre-school kindergarten children. The Beechmont Woman's Club also lends its assistance to cancer patients, and, each month organizes various activities for the senior citizen residents of a local nursing home.

The kind of dedication and active service to one's neighbors and community demonstrated by the Beechmont Woman's Club merits the highest order of praise. I salute the Beechmont Woman's Club on the occasion of its golden anniversary. And, I extend every best wish for another 50 years of success for the Beechmont Woman's Club.

A TRIBUTE TO GEORGE RENCH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. George Rench, the retiring president of the Village of Stickney.

Mr. Rench has dedicated his life to the improvement of Stickney. He moved there as a very young boy, married his wife Adeline, raised his son Brian, and contributed in countless ways to the entire community.

George Rench's history of service to Stickney spans a lifetime. He served as a trustee of the Village of Stickney from 1949 to 1964 when he was elected president. He has

served Stickney faithfully as president since then.

George Rench has been a tireless public servant in many capacities. He was the president of the Stickney Memorial Association from 1943 to 1948. He served as Boy Scouts committeeman from 1948 to 1955. He was director of the Community Chest from 1946 until 1964. George Rench served as president of the Stickney-Forest View Lions Club for 1 year. He served for 7 years as the president of the Independent Citizens Club. He was president of the Stickney Police Association for 15 years.

George Rench has contributed his energies to many vital public service organizations. He has served as a local chairman for the American Red Cross, the Heart Fund, and the Cancer Society. He has been a member of the Associated Public Safety Communication Officers, and the West Suburban Executive Breakfast Club. He remains a member of the West Central Municipal Conference.

Until his retirement in 1976, George Rench was a manager with the International Harvester Co.

For his lifelong dedication, George Rench has received many well-deserved honors. In 1972 he was named "Man of the Year" by the Stickney Businessmen's Association. In 1980 he was named "Citizen of the Year" by the Stickney Baseball Association. In 1982, in recognition of his dedication and effective public service, the Stickney Baseball Association named and dedicated a new baseball complex "George B. Rench Park."

Until his retirement in 1976, George Rench was a manager with the International Harvester Co.

George Rench and his wife Adeline have four grandchildren.

Mr. Speaker, this record of dedicated public service to the people of Stickney deserves recognition and praise. It is with great pleasure that I rise to ask my colleagues and his many friends in wishing George Rench the very best as he begins his well-deserved retirement from the presidency of the Village of Stickney.

TELEMARKETING FRAUD PREVENTION ACT OF 1989, H.R. 1354

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, legitimate telemarketing is a $100 billion a year industry. But telemarketing fraud is a blight on this industry. The Federal Trade Commission estimates that there is $1 billion a year of telemarketing fraud, and I have seen estimates that telemarketing fraud may be as high as $20 billion a year.

Last June the House passed by voice vote, under suspension, the Telemarketing Fraud Prevention Act of 1988, H.R. 4101. While the Senate Subcommittee on Consumer held a hearing last September on H.R. 4101—and two other bills dealing with telemarketing fraud—the Senate took no further action on the bill.

Last year's bill was endorsed by numerous consumer groups: the National Consumers League, Bank Card Holders of America, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, and Public Citizen's Congress Watch. It was also endorsed by MasterCard, VISA, the National Office Machine Dealers Association, the National Tour Association, the American Society of Travel Agents, and the National Association of Attorneys General.

Last week I introduced the Telemarketing Fraud Prevention Act of 1989, H.R. 1354. It is cosponsored by Mr. WHITTAKER, the ranking Republican on our subcommittee, and by nine other members of the Subcommittee on Transportation and Hazardous Materials: Mr. BATES, Mr. RINALDO, Mr. ECKART, Mr. TAUKE, Mr. FLORIO, Mr. MANTON, Mr. SIKORSKI, Mr. SLATTERY, and Mr. SWIFT.

Both last year's bill and the Telemarketing Fraud Prevention Act of 1989 have the same essential features: First, direct the FTC to promulgate within 180 days a rule on telemarketing, similar to the FTC's rules on door-to-door sales and mail order sales that were promulgated in the 1970's; second, authorize State attorneys general to sue in Federal court those who either violate the FTC rule or commit fraudulent telemarketing; third, authorize private citizens, such as MasterCard and VISA, to sue in Federal court those who either violate the FTC rule or commit fraudulent telemarketing, and fourth, prohibit oral harassment of customers by telemarketers, and (5) have the FTC set up a consumer clearinghouse for telemarketing.

The FTC told our subcommittee in January that since 1982 the FTC has brought 32 Federal court actions against telemarketing scams and actually recovered about $23 million for consumers. That means the FTC is recovering for consumers less than 1 percent of what they're actually losing. Moreover, $15 million of what the FTC has actually recovered—more than half of all that it has actually recovered—was obtained in a single action brought in 1983. In other words, in cases brought since 1984 the FTC has gotten back only $8 million for consumers.

The FTC has committed a rapidly growing amount of its resources to combatting telemarketing fraud. In fiscal year 1983 the FTC spent about $410,000 on telemarketing cases; this rose to $2.3 million in fiscal year 1988, and the FTC staff expects to spend $4.8 million on telemarketing investigations in this fiscal year. Since the FTC only has about $38 million for all law enforcement activities this year—including all its merger matters—the staff is proposing to devote about 13 percent of the FTC's entire law enforcement resources to telemarketing cases.

The FTC clearly cannot do the job alone. The victims of telemarketing fraud are not impressed by the FTC's performance and want Congress to act.

Meanwhile, the States, using State law, are also going after fraudulent telemarketing. The National Association of Attorneys General told our subcommittee last year that in 1987 the States had brought over 100 telemarketing cases. But each State attorney general, using State law, can only get relief for the citizens of his own State.

Let me illustrate the problem. The FTC sued Mytel International in Federal court in the fall of 1987 over an office supply scam, and in the fall of 1988 a settlement was reached. Yet North Carolina had obtained an injunction against Mytel in 1984, and Illinois had obtained one against Mytel in early 1987. But neither of these two States, which relied on State law, could get national relief, and the FTC investigated Mytel for 3 years before it sued. Let me give one more example. The FTC sued Amy Travel in Federal court in August 1987 for a travel scam. But 6 States—Illinois, Indiana, Iowa, Kansas, Missouri, and Texas—had each already sued Amy earlier in 1987.

Thus, the States can frequently move more quickly against telemarketing fraud than can the FTC, but the States, relying on State law, cannot get the same relief that the FTC can. Our bill solves this problem, and also helps avoid duplicative State and Federal investigations of the same firm, by permitting a State to sue in Federal court. Encouraging a State to sue in Federal court under Federal law will also reduce the risk of inconsistent decisions by State courts applying State law, since in the Federal court system the Courts of Appeal can ensure that the Federal courts in different States apply the law in a uniform manner.

The Telemarketing Fraud Prevention Act of 1989 has several features to protect against frivolous State or private suits. The bill provides that the FTC must be notified of any State or private action and has the automatic right to intervene. Furthermore, if the State attorney general or private plaintiff alleges a violation of the FTC's telemarketing rules and the FTC tells the Federal court that the defendant did not violate the FTC's rules, then the court must give conclusive weight to the FTC's views. The FTC's views are, however, given no special weight on an allegation that the defendant has committed telemarketing fraud. This bill also has a narrower definition of telemarketing than last year's bill in order to make it clear that it does not cover such things as ordering a pizza. Finally, the minimum amount for a private action has been increased from $10,000 to $50,000, which is the same amount now required in Federal court for a diversity suit.

A combination of Federal, State, and private enforcement of Federal law is used in combating commodity fraud and odometer fraud and has long been used in the antittrust laws and in some environment laws, such as the Solid Waste Disposal Act and the Noise Control Act.

In conclusion, Mr. Speaker, a combined Federal, State and private attack on telemarketing fraud will bring quicker and more effective enforcement, save scarce Federal dollars, and provide for more uniformity in enforcement. I urge my colleagues to support this bill.

FRIENDLY SONS OF ST. PATRICK CELEBRATE 75th ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to honor the Friendly Sons of St. Patrick, of Pittston, PA, who will be celebrating their 75th anniversary this year.

The Friendly Sons of St. Patrick is an organization devoted to the preservation of the values brought to America by Irish immigrants. Because our country is a melting pot of so many different cultures, it sometimes happens that ethnic groups lose part of their cultural heritage and identity in the process of assimilating into American culture. But the Friendly Sons of St. Patrick keep the Irish spirit alive for the many individuals of Irish descent who have settled in northeastern Pennsylvania. The language, songs, dances, and arts of the Irish people are enthusiastically practiced so that future generations may share in the proud heritage of their ancestors.

The Friendly Sons of St. Patrick, who have met every St. Patrick's Day for these past 75 years, usually mark the occasion with a guest of honor and a special award for an outstanding Irish-American. This year's guest of honor is Pennsylvania Governor Robert P. Casey, a good friend and native son of northeastern Pennsylvania. Governor Casey joins such distinguished names as Senator Hubert H. Humphrey, Senator Robert F. Kennedy, and President Harry S. Truman in being the Pittston Friendly Sons' guest of honor. This year's outstanding Irish-American is Maj. Michael Jordan, the area 2 commander of the Pennsylvania State Police. I am proud to join with the Friendly Sons in saluting Major Jordan and the other honorees, who have contributed much to Pennsylvania and the country.

This year the Friendly Sons of St. Patrick will be initiating a scholarship program for students in the Pittston area. The Jack Brennan Scholarship—named for a gentleman who has served the Friendly Sons as Secretary for 17 years—will provide $1,000 for a needy college student from the greater Pittston area. This scholarship, which will be awarded every year hereafter, will provide hope and help for students who might not otherwise be able to afford a college education. I salute this effort and am proud to be associated with this program.

Mr. Speaker, the Friendly Sons of St. Patrick deserve our special attention and praise. The members of this organization seek not only to preserve our diverse cultural past, but also set their sights toward a brighter future for America.

DEFICIT REDUCTION IS CONGRESS' RESPONSIBILITY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. PORTER. Mr. Speaker, like many other Members of Congress, I was disappointed that the National Economic Commission was unable to come to a compromise and present us with a plan to reduce the deficit.

The failings of the Commission only mirror the failings of this body, however. For many years, Congress stood by and allowed deficits to skyrocket and then hoped that a hastily formed commission would give it political cover to avoid the pain of deficit reduction.

With the publication of the Commission's fractious and generally inconclusive report comes the realization that Congress cannot duck the deficit issue any longer. Deficit reduction is Congress' responsibility.

The ball is now squarely in our court and that is where it will stay. The only course of action left is for Members on both sides of the aisle to accept the President's invitation to bring to the bargaining table their priority programs and sacred cows and negotiate real deficit reduction.

VETERANS LOSE A GOOD FRIEND

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. MONTGOMERY. Mr. Speaker, it is with great sadness that I report to my colleagues the passing of a dedicated and highly respected public servant, Hugh E. Davis, the director of the Veterans' Administration Medical Center at Salem, VA. Hugh died March 5 in Richmond of a heart attack.

Just last September, Representative JIM OLIN and I met with Hugh in his office at the VA hospital to discuss health care matters of concern to regional veterans. Hugh was down-to-earth, straight-shooting, and very efficient. And you just couldn't find a more likable fellow. He is going to be missed not only at the hospital but throughout the Virginia veteran community and in the Halls of Congress where he maintained a very cooperative working relationship with those of us involved in veterans' affairs.

Hugh Davis' career in service to his country began in 1942, prior to a 3-year hitch in the Army. Following his separation from the military, he continued to further his education as he worked his way up through the VA system in a series of fiscal, accounting, and administrative positions in Tennessee, Kentucky, Indiana, Mississippi, Arkansas, South Dakota, Washington, DC, and eventually Salem, VA, where he was appointed medical center director in 1972, a position he held until his death. Since 1980, he had served as associate dean of the school of medicine at the University of Virginia. Hugh was very actively involved in civic affairs.

Mr. Speaker, Hugh Davis did an outstanding job for the veterans of this Nation. I know my colleagues will want to join with me in extending our sympathy to his family and in making known our appreciation for his contributions to improved quality in veterans' health care. His is quite a legacy of distinguished public service.

TRIBUTE TO JOYCE KALE-PESTA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. TRAFICANT. Mr. Speaker, it is with great honor that I stand here today to pay tribute to one of the most extraordinary citizens of my 17th District, Mrs. Joyce Kale-Pesta.

Joyce was born in Youngstown, OH, and is the daughter of Elizabeth "Bessie" Spangel. She is an outstanding woman who participates in community activities with great frequency. She is the financial secretary of the Ladies A.O.H. and serves as the chairperson of the L.A.O.H. Ways and Means Committee. She serves as secretary to the Pete Gabriel's St. Patricks Day Parade, is on the committee for the Ursuline Alumni Irish Show and is a member of the Youngstown area Feis Society. She is also a member of St. Edward's Parish.

In addition, Joyce is very active in the Mahoning County Democratic Party and has served under Chairman Don L. Hanni for the past 11 years. She is a member of the John F. Kennedy Federated Democratic Women's Club, the Federated Democratic Women of Ohio, and the Tri-County Democratic Organization. As acknowledgement for both her exemplary efforts and unsurmountable dedication, Joyce was honored as the Democratic Woman of the Year in 1988.

Joyce is also very proud of her family. Her husband Thomas J. Pesta and her four wonderful sons, Robb Kale, Gregory Kale, Geoffrey Kale and Eric Pesta, have provided the love and support necessary throughout the years.

Joyce Kale-Pesta's unvarying perseverance, devotion and patience should serve as a model for all to follow. And, it is with great pride that I stand here today to congratulate her as well as to wish her well in all future endeavors.

EASTERN AIRLINES STRIKE—H.R. 1231

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1989

Mr. HAMMERSCHMIDT. Mr. Speaker, on March 9, the Committee on Public Works and Transportation reported H.R. 1231 to establish a Presidential emergency board to investigate the labor dispute at Eastern Airlines.

The minority position on this legislation follows as well as two pertinent editorials.

MINORITY VIEWS

This legislation would mandate the establishment of a Presidential Emergency Board (PEB) under the Railway Labor Act (45 U.S.C. 151) to deal with the dispute between Eastern Airlines and its unions. In our view, the establishment of such a Board is not justified on either legal or policy grounds.

Under the Railway Labor Act (RLA), the President has the discretion to appoint a PEB if the labor dispute "threaten(s) substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service." Since the late sixties, the government has not viewed a single-carrier strike in the airlines industry as threatening such an interruption. This was, no doubt, due to the fact that other carriers were available to provide the essential transportation services.

What was not justified then is even less justified now. Since the advent of airline deregulation, airlines have been free to adjust their routes in response to passenger demand. Indeed, in this case, some airlines have increased their flights to accommodate passengers. Others already fly Eastern's routes and have accepted tickets of Eastern's passengers. Although there is certainly inconvenience to passengers, there is not the deprivation of essential transportation service that would justify a PEB under the statute.

We recognize that the use of secondary picketing, which some unions have threatened, could cause the sort of disruption that the statute was meant to prevent. If a serious disruption in transportation occurs as a result of secondary picketing, however, the appropriate solution is to prohibit such picketing rather than to establish a PEB. The Nation's economy and the movement of its people and goods should not be held hostage by the picketing of companies that have nothing to do with the dispute. This could not be done in any other American industry because Federal labor laws put severe restrictions on this sort of secondary picketing. Thus, the way to prevent the disruption created by secondary picketing is to eliminate secondary picketing.

Notwithstanding the fact that the law speaks only in terms of disruption of commerce, proponents of a PEB urge adoption of this legislation in order to save Eastern Airlines and prevent the disruption to its employees that would be caused by the loss of their jobs. We share their fervent hope for the survival of Eastern and feel just as deeply for the agony being experienced by Eastern's many fine employees. However, we believe their faith in a PEB as the way to solve this problem is sorely misplaced.

The parties have been in mediation under the auspices of the National Mediation Board (NMB) for over a year without coming close to an agreement. There is no reason to believe that they will do any better under another Board, the PEB, during the short timeframe set forth in the legislation. The Board has no power to mandate a solution. It can only recommend. In all likelihood, the recommendations of the PEB would be rejected by one or both of the parties. This would put the dispute right back to where it is now, with an airline that is much weaker for having to endure the further delay.

Of course, Congress could always make the PEB's recommendations mandatory by enacting legislation to that effect. But that would put it in the awkward position of forcing a resolution that management feels would bankrupt the company or that labor would refuse to live with, or both. In that event, the intolerable labor-management situation at Eastern would simply be perpetuated. In this connection, it is important to note that neither Eastern nor the machinist's union have agreed to be bound by the recommendations of the PEB.

Moreover, the unions have made it quite clear that the real problem here is Frank Lorenzo, the head of Eastern's parent, Texas Air. If Frank Lorenzo is their problem, a PEB cannot be their solution. Whatever this Board can accomplish, it cannot change Eastern's ownership. Therefore, even if its recommendations were accepted, the source of all the employees' anger would still remain.

On March 9, 1989, the company filed for reorganization under Chapter 11 of the U.S. Bankruptcy Code. Eastern's present intentions are to operate the shuttle and several South American routes. This new development in the labor dispute has further complicated a very complex set of labor questions which we frankly do not believe a Presidential Emergency Board would be prepared to deal with. Furthermore, in our opinion, there are simply too many unanswered legal questions which have arisen because of the bankruptcy to proceed at this time.

The bill requires, pursuant to Section 10 of the RLA, that during the investigation by the board and for the cooling off period that follows its report, no change, except by consent of the parties, "shall be made . . . in the conditions out of which the dispute arose" (45 U.S.C. 160). In other words, union employees are eligible for the same wages and working conditions that were in effect prior to the strike.

The Committee has scrambled to report this legislation without making an adequate analysis of its effects on the requirement for a return to the status quo. Enactment of this legislation could pose both legal and practical problems for a prompt resolution of the dispute.

It is unclear what a return to the status quo means with respect to the rights of the workers. It is our understanding that the company intends to honor the expired contracts of the Airline Pilots Association (ALPA) and the Transport Workers Union (TWU). However, under the provisions of the RLA, the company is now free to pay the International Association of Machinists' (IAM) members whatever it sees fit and has the right to change working conditions. The machinists' pay, of course, is the major issue in this dispute.

Does this legislation require the company to bring all workers back at full pay whether or not there is a job for them to perform? Or, does the company bring them back and go through furlough procedures to lay them off. Currently, the company is operating about six percent of the normal number of flights. Obviously, it will take time for the company to put additional flights in service. If pilots are brought back on an as-needed basis, what are the seniority rights of these workers? Do pilots have to be retrained to fly different aircraft because of seniority requirements? If this is the case, retraining will take time.

These same questions could be posed for the flight attendants, machinists, baggage handlers, and cleaners. If the company must bring all workers back immediately, whether or not there is a job for them to do, there may be serious adverse economic consequences to this bankrupt carrier.

Also, there is the question of potential constitutional infirmities. It is unclear whether this legislation would survive scrutiny under Article I, section 8, clause 4 of the U.S. Constitution which gives Congress the power "To establish . . . "uniform Laws on the subject of Bankruptcies throughout the United States." The recent case of *Railway Labor Executives Association* v. *Gibbons*, 455 U.S. 457 (1982), raises substantial questions about its applicability to the situation at Eastern Air Lines. In that case, Congress passed legislation requiring the Rock Island Railroad, which had filed for reorganization under the bankruptcy laws, to pay benefits to certain employees. The Supreme Court concluded that the uniformity requirement of the U.S. Constitution prohibits Congress from enacting bankruptcy laws that specifically apply to the affairs of only one named regional debtor.

Arguably, we may be violating this holding if we enact H.R. 1231 because the legislation requires that a specific company, Eastern Air Lines, which is in bankruptcy, return its employees to the wages and working conditions that existed prior to the strike.

Also, there are questions as to whether we are, in effect, modifying the rights of a Bankruptcy Judge to adjust collective bargaining agreements under the U.S. Bankruptcy Code. Today, the company is free to unilaterally set wages and working conditions for the members of the machinists union. This legislation, however, would obviously require a higher wage than what the company would be willing to pay today. The question is: does this return to the status quo affect or override the power of a Bankruptcy Judge to carry out his authority to change the terms, conditions, wages, benefits, or work rules for employees?

It can also be argued that the legislation constitutes an uncompensated taking of private property for a public purpose in violation of the Just Compensation Clause of the 5th Amendment. Courts have held that a "taking" occurs when three conditions exist: (1) the required action imposes a severe economic impact on the claimant; (2) it substantially interferes with financial expectations; and (3) the governmental action appropriates the claimants property for a public use. *Penn Central Transportation Co.* v. *New York City*, 438 U.S. 104 (1978). Certainly, these three conditions appear to exist with respect to Eastern.

Today, the company has implemented a wage scale below that which existed before the strike. If a Presidential Emergency Board is established and workers are returned to the pre-strike status quo, it can be argued that the IAM members are accorded a status in the bankruptcy proceeding that they do not now enjoy because they will be receiving much higher wages by the operation of the legislation. These wage levels are, of course, a major reason for the financial straits the company is in. This is certainly contrary to the expectations of the company and amounts to a governmental taking of the estate's assets to pay employees a higher wage.

Also, a related issue is whether this could potentially affect the rights of creditors in any liquidation situation and whether irreparable damage to the estate may result through a legislative requirement to return to the status quo. Conceivably, this may present a "taking" which requires the government to compensate the company.

In short, we believe that the best way to resolve this dispute and save Eastern Air

Lines is to have both sides come together at the bargaining table and reach a mutually acceptable resolution. The only way this will ever happen is by the pressure put on the parties through the process of self-help and strikes that we have now reached. We recognize that this is a painful process for many. But it is a necessary one. The establishment of a PEB would only drag out this process that much longer.

We recognize that this bill would shorten the 60-day delay that is typical in Railway Labor Act cases but we believe this presents a false hope. Even under the 30-day limit in the current law, the average duration of a hearing involving past airline emergency boards was 75 days. One took 200 days. It is not realistic to expect the emergency board in this case to complete its work in the 14 or 19 days contemplated by H.R. 1231.

That is especially true here where the board would have to evaluate the cases of not just one but three unions, two of which have not even completed the negotiating process. And its task is further complicated by the fact that the company is in bankruptcy.

It should also be pointed out that this legislation would establish a questionable precedent because ALPA and TWU have not negotiated to the stage of impasse requiring the intervention of the NMB. In other words, this legislation bypasses the regular procedure for collective bargaining and mediation by requiring a PEB for two unions whose labor situation is not ripe for consideration by such an emergency board. This totally distorts the RLA process and may set the stage for further legislation and Congressional intervention in labor disputes before the collective bargaining process has had the chance to run its course.

It may be that Eastern will not survive. It will almost certainly not survive as we knew it. But if it dies, it should die as a result of its own failures, those of its management and its employees, and not because of ill-conceived government intervention.

[From the Washington Post, Mar. 3, 1989]

SHOWDOWN FOR EASTERN

Neither Eastern Air Lines nor the machinists' union is entitled to much of your sympathy. Eastern is dominated by Frank Lorenzo, who has made a career and a fortune out of pushing down the wages of the people who work for his airlines. He wants a reduction of $150 million a year in the pay of the ground crews represented by the union, with the heaviest cuts falling on the baggage handlers. The union want raises amounting to $50 million a year from Eastern, an airline already running heavy losses, and it wants Congress to write a settlement into law.

Deregulation has led to heavy pressure downward on wages at all airlines, but most of them have managed to maintain a reasonably civilized atmosphere in dealing with their employees. Eastern was well known for poor labor relations before Mr. Lorenzo arrived, and since then they have turned dramatically worse. The next stage of this duel between them will proceed, unfortunately, under the Railway Labor Act, the provisions of which have little correspondence to the realities of the air travel industry.

The National Mediation Board has urged President Bush to appoint an emergency panel. The panel would recommend a settlement, and if the airline and the union refused to accept it voluntarily, Congress would enact it into law. This peculiar procedure was devised early in this century to protect innocent third parties—shippers and travelers—from the enormous losses that a rail strike threatened at a time when most people had no other means of transportation. Under deregulation, any airline can serve any airport.

The union says it will do its best to take as many innocent hostages as possible by running secondary boycotts against as many other airlines, and as many commuter railroads, as it can manage. Despite that risk of disruption, Mr. Bush and Congress have to stay out of this one.

Many people in the airline industry have suffered pay cuts, and even lost their jobs, as a result of deregulation. It would be utterly unfair for Congress now to rush in and legislate raises and job security for Eastern's machinists and baggage handlers. Perhaps Eastern will succeed in shedding the machinists' union. Perhaps the union will deliver the final fatal blow to Eastern. Both sides are in danger. But it's not the president's job to rescue them from the accumulated results of their own misjudgments and bad temper. In the deregulated airline industry, their fate is up to them.

[From the New York Times, Feb. 24, 1989]

LABOR THREATENS THE PRESIDENT

Like President Reagan before him, President Bush faces an early challenge from labor in the air transport industry. Mr. Reagan stood firm against a strike by air traffic controllers that could have grounded civil aviation. The question now is whether Mr. Bush will stand up with equal courage to unions that threaten to shut down the railroads unless the White House intervenes in their dispute with beleaguered Eastern Airlines.

The cost of appeasement could be enormous. If the President sides with labor, Eastern is likely to fail, which would sharply reduce price competition in the deregulated airline industry, and other transport unions would be encouraged to settle their disputes in the political marketplace.

Eastern has been battling with its unions for years, trying (and mostly failing) to reduce labor costs. Those costs are one reason Eastern has lost $1.4 billion since 1978. But the battle only turned ugly in 1986. The carrier's new owner, Texas Air, demanded concessions from baggage handlers, whose compensation averaged $45,000 a year. Eastern's unions struck back, with among other things, a public relations campaign, frightening passengers with allegations of safety violations.

The conflict probably would have been resolved last year when the baggage handlers' contract expired, forcing both sides to stare at the real chance of a strike. But under the Railway Labor Act, airline contracts remain in force until an obscure agency, the National Mediation Board, decides that collective bargaining has failed.

The board's two members delayed, unwilling to risk the wrath of labor's friends in Congress by freeing Eastern from contract provisions highly favorable to the baggage handlers. So for 13 months, Eastern had to absorb million-dollar-a-day losses, selling asssets to raise cash. Not till last month did the board finally declare an impasse, setting the stage for a strike or lockout on March 4.

Now organized labor has switched tactics. It is urging the White House to create an emergency mediation board. That would postpone a strike—and drain Eastern's cash—for 60 more days. Even if the airline weathered the delay, it might not survive subsequent pressure to settle on the panel's terms. In the past, such boards have recommended settlements at prevailing industry wages, far above the means of a deeply indebted airline operating primarily in low-fare markets.

If the President does not intervene, the A.F.L.-C.I.O. president, Lane Kirkland, threatens the public with more than the inconvenience of a work stoppage at Eastern. Labor, he warns, will disrupt vital transport links by staging sympathy strikes against railroads.

Mr. Kirkland is probably bluffing. Rail and airline unions are the only unions legally permitted to stage such secondary boycotts. But rail workers are not likely to risk losing this precious leverage in support of generously paid airline employees. Whether he is bluffing or not, capitulating to these demands could make the traveling public pay.

The failure of Eastern would knock out the carrier with the strongest incentive to build market share by lowering prices. And it would increase market concentration in an industry already dominated by a few airlines that cover high costs by charging high fares.

Beyond economic loss, any short-term political benefits the White House might gain by avoiding labor conflict would be overwhelmed by the cost of the precedent. If baggage handlers can blackmail Washington, why would any transport union hesitate to try drawing the President into its labor disputes? The best time to defend the principal of collective bargaining is before it has been violated. And that time is now.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 14, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, and General Legislation Subcommittee
To hold hearings on no-till conservation tillage technology.
SR-328A
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the proposed Fairness in Broadcasting Act of 1989.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review U.S. foreign assistance programs.
SD-138
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1990 budget, focusing on energy and related issues.
SD-608
Energy and Natural Resources
Business meeting, to resume consideration of S. 406, to establish and implement a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska, and other pending calendar business.
SD-366
Governmental Affairs
To hold hearings on S. 444, Federal Advisory Committee Act Amendments of 1989.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Merit Systems Protection Board, Office of Special Counsel, General Services Administration, and the Office of the Inspector General, General Services Administration.
SD-116
Banking, Housing, and Urban Affairs
To resume oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation, and on S. 413, Financial Institutions Reform, Recovery, and Enforcement Act.
SD-538
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215
Foreign Relations
To hold hearings on the nomination of Lawrence S. Eagleburger, of Florida, to be Deputy Secretary of State.
SD-419
Judiciary
Constitution Subcommittee
To hold hearings on the use of DNA "fingerprinting" as a courtroom tool.
SD-226
Labor and Human Resources
Business meeting, to consider S. 5, to provide for a Federal program for the improvement of child care.
SD-430

4:30 p.m.
Armed Services
To continue hearings to review the recommendations for closure of certain military bases.
SR-222

9:00 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings to review proposals on Third World debt.
SD-226
Veterans' Affairs
To hear and consider the nomination of Anthony J. Principi, of California, to be Deputy Secretary of Veterans' Affairs.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space station programs.
SR-253
Veterans' Affairs
To hold oversight hearings on veterans' health care issues.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-124
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-116
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Research and Special Programs Administration and the National Highway Traffic Safety Administration.
SD-138
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings to discuss the future of naval forces and the enabling research and development, focusing on electric drive.
SR-222
Banking, Housing, and Urban Affairs
To continue oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation, and on S. 413, Financial Institutions Reform, Recovery, and Enforcement Act.
SD-538
Foreign Relations
To hold hearings to review the international environmental agenda for the 101st Congress.
SD-419
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on health effects of pesticide use on children.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for development assistance programs.
SD-138
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on environmental priorities for U.S. nuclear weapons facilities.
SR-222
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on democracy and debt in Venezuela.
SD-419
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 543, to strengthen employment and training assistance programs and to improve the targeting of services to economically disadvantaged adults and youth.
SD-430

MARCH 17

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for Physician Payment Review Commission, Corporation for Public Broadcasting, National Commission on Libraries, U.S. Institute of Peace, National Commission on Financing Post Secondary Education, National Commission on Migrant Education, National Commission on Infant Mortality, U.S. Bipartisan Commission on Comprehensive Health Care, Prospective Payment Review Commission, and the Soldiers' and Airmen's Home.
SD-192

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the Federal Savings and Loan Insurance Corporation, and on S. 413, Financial Institutions Reform, Recovery, and Enforcement Act.
SD-538
Finance
Medicare and Long-Term Care Subcommittee
To resume hearings to examine the current and future status of the Medicare program, focusing on physicians payments.
SD-215

10:30 a.m.
Judiciary
To hold hearings on S. 544, to limit the modification of collective bargaining agreements subject to the Railway Labor Act.
SD-226

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Surface Mining, Office of the Secretary, Office of the Solicitor, and the Office of the Inspector General, of the Department of the Interior.
S-128, Capitol

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation.
SD-138

APRIL 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on the Office of the Secretary of Education, Salaries and Education (includes Program Administration, Office for Civil Rights, and Office of the Inspector General), Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet and Howard Universities).
SD-138
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-124
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Science Foundation and the Office of Science and Technology Policy.
SD-116
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Critical Materials Council, Executive Office of the President, Vice President's Residence, and the White House Residence.
S-126, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Park Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Compensatory Education for the Disadvantaged, Special Programs, Impact Aid, Bilingual Education, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-138

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.
SR-253

10:00 a.m.
Joint Taxation
To hold an organizational business meeting.
H-208, Capitol

APRIL 6

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-124
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Highway Administration and the National Transportation Safety Board.
SD-138

APRIL 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Education, focusing on Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Education Research and Statistics, and Libraries.
SD-138
Finance
International Trade Subcommittee
To hold hearings to examine trade disputes between the U.S. and Canada.
SD-215

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of National Drug Control Policy.
SD-116

APRIL 10

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Land Management, Department of the Interior, and the Navajo and Hopi Indian Relocation Commission.
S-128, Capitol

10:30 a.m.
Governmental Affairs
To hold hearings on quality assurance at the Department of Defense.
SD-342

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency.
SD-138
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 11

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal years 1990 and 1991 for the National Aeronautics and Space Administration, focusing on space science and applications programs.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Environmental Protection Agency and the Council on Environmental Quality.
SD-116

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-138

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of the Secretary of the Treasury, and the Federal Election Commission.
SD-116

APRIL 13

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124
Governmental Affairs
To hold hearings on S. 253, establishing a coordinated National Nutrition Monitoring and Relating Research Program.
SD-342

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Family Support Administration and Human Development Services.
SD-138

APRIL 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health and the Centers for Disease Control.
SD-138
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the importance of scenic byways to national tourism.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget (Office of Federal Procurement Policy), Commission on Government Ethics, and the National Archives and Records Administration.
SD-116

APRIL 17

9:30 a. m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space transportation budget and policy.
SR-253

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for fossil energy and clean coal technology programs.
S-128, Capitol

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans' Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse, and Mental Health Administration and the Health Resources and Services Administration.
SD-116

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Commodity Credit Corporation, General Sales Manager, and Soil Conservation Service.
SD-138
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Veterans' Affairs.
SD-192
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on the health effects of air pollution.
SH-216

APRIL 19

9:30 a.m.
Governmental Affairs
To hold hearings on trade and technology issues.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Personnel Management.
SD-116
Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

1:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for territorial and international affairs.
SD-192

APRIL 20

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Emergency Management Agency.
SD-192

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Agriculture.
SD-124

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-192

MAY 2

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for activities of the Secretary of the Interior and the Secretary of Energy.
S-128, Capitol

MAY 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 16

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

MAY 18

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 19

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

CANCELLATIONS

MARCH 14

10:00 a.m.
Judiciary
Technology and the Law Subcommittee
To hold hearings on computer viruses.
SD-226

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on environmental priorities for U.S. nuclear weapons facilities.
SD-222

MARCH 16

10:00 a.m.
Finance
To continue hearings on revenue increases as contained in the President's proposed budget for fiscal year 1990.
SD-215

2:00 p.m.
Select on Intelligence
To resumed closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the intelligence community.
SH-219

POSTPONEMENTS

MARCH 16

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on global climate change and ocean perspective.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 1989*

The House met at 12 noon.

Rev. Dr. Mike Adams, First Baptist Church, Jasper, AL, offered the following prayer:

Heavenly Father, we come to You now and ask Your blessing upon the proceedings in this place. We thank You, Lord, for the freedom that we enjoy, for the abundance of our country. We thank You also that You have allowed us to join together this day and conduct the business of this country. O Lord, we pray that You would bless each man that is here, each woman that is here, each person that has come together in order that they might have wisdom, they might have forthrightness, and moral integrity, in order that this job might be accomplished.

We pray these things in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina [Mr. RAVENEL] kindly lead our colleagues in the Pledge of Allegiance.

Mr. RAVENEL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

ENCOURAGE DEBT-FOR-NATURE SWAP

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, the National Audubon Society has recently released an excellent report on sustainable development in U.S. foreign assistance. The report describes the awesome effects of acid precipitation, global warming, ozone layer depletion, and widespread decertification of our planet, and suggests how we, the Congress, can help to resolve these environmental problems in developing nations.

Recently, I introduced House Concurrent Resolution 44, a resolution calling on the World Bank and U.S. bank regulators to encourage banks to reduce the debt service burden of debtor nations in exchange for steps taken by the debtor nations to protect tropical rain forests and other natural resources.

If you believe banks share in the responsibility to protect the planet's finite resources and fragile atmosphere, while encouraging economic growth, then I encourage you to join me in responsibly dealing with the damage now occurring to the Earth's environment.

RECOGNITION OF THE 75TH ANNIVERSARY OF THE SMITH-LEVER ACT

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, May 8 we will be celebrating the 75th anniversary of the Smith-Lever Act. It is a date worth celebrating because it marks the establishment of the Cooperative Extension Service.

The Cooperative Extension Service is a nationwide network, bringing educational assistance to every State and county in America on issues as critical as agricultural production, food supply, nutrition, water quality, natural resource management, and conservation.

It is a proven partnership of Federal, State, and county governments; and it is a conduit through which scientific and technological information flows from researchers at our land-grant universities and USDA to assist agriculture and to address both business and human needs of our communities.

Those of us directly involved in agriculture over the years know the full value of the Extension Service. Whether it is personal experience or that of a neighbor, there is story after story of the Extension Service coming to the rescue with information and a guiding hand.

One of my clearest memories of life as a young newly wed and a struggling, poor farmer is of chickens and the Extension Service.

My husband, Haven, and I were just kids trying to farm and raise a few chickens. One day we went out to the coop and chickens were literally falling off the roost. It was our county extension agent that taught us about cholera and how to prevent the chickens from contracting it. From there, we went on to raise an awarding winning flock of laying hens.

The help given us and the role it played in our success is repeated time and time again, day after day, by the professional staff and volunteers of the Extension Service. It is Government, working, out there directly benefiting the people. And it is a Government program we do not want to lose.

Later today the House will consider House Joint Resolution 124 to commemorate the anniversary of the Cooperative Extension Service, and I encourage my colleagues to give the resolution their enthusiastic support.

PROUD TO BE AN AMERICAN

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I take this occasion to express celebration of the 51st anniversary of my arrival in the United States and to express my appreciation to the people and the Government of the United States for their generosity.

On March 12, 1938, my mother of blessed memory, my sister, and I were aboard the SS *President Harding*, when it docked in New York Harbor. Not only has my life been completely transformed by America's generosity, in all likelihood, I would have been among the 6 million European Jews, including many members of my family, who were exterminated by the Nazis. As one of the lucky few who gained safe haven here, I continue to feel a special obligation to use my best interests on behalf of those whose freedom, and in many instances their very lives, are at risk from the tyrants who exercise power in far too many nations and regions of the world to this very day.

Mr. Speaker, I am proud to be a citizen of a nation which considers concern for human rights as one of its fundamental principles, and I feel especially proud to be a Member of this distinguished body which gives voice and strength to those principles.

PRAISE FOR SECRETARY OF DEFENSE NOMINEE, THE HONORABLE DICK CHENEY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it is sometimes said that reading the Los Angeles Times is like being on the inside. That particular quality was especially evident in the Times March 12 editorial praising the President and his new nominee for Secretary of Defense, DICK CHENEY. The newspaper characterized the President's choice of our friend and colleague as "an inspired move," and described DICK CHENEY as "a natural" and "a bright, thoughtful conservative."

Mr. Speaker, my primary reason for rising here this morning is to pay tribute to DICK CHENEY and wish him the very best as he faces the serious challenges that lie ahead in managing the Defense Department. But I would also like to commend the Los Angeles Times for telling its readers what we in Congress have known all along: "President Bush and DICK CHENEY are winners and America is a better nation because of them."

□ 1210

ANOTHER GIVEAWAY TO JAPAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, I cannot believe that the Bush administration has decided to give our F-16 fighter jet technology to Japan. I agree that NATO and Japan should be footing more of their own defense bill, but not this way.

Our taxpayers, the American people, have invested billions of dollars in research, and now we plan to give it away. This is crazy.

Let me remind Members that after World War II we invited the Japanese into our factories and into our steel mills, and we let them take photographs and go back home and spur the economy of Japan. They did that. They now have the factories, they have the steel mills, and we have photographs.

Is it not enough that the Japanese own more of America than Donald Trump? What is wrong with this House? Now we want to give them the fighter jet market as well. It is time for the Japanese to start earning it the old fashioned way, just like we did.

This is not defense policy. This is simply "giving away the farm," and I hope that DICK CHENEY will bring some sanity and common sense to this whole process.

THE FAMILY LIVING WAGE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to commend my colleagues, TOM PETRI and STEVE BARTLETT, for putting together a special order this evening to discuss new ways to help low-income Americans work their way up the economic ladder. While some would mandate a large increase in the minimum wage and ignore the dangers to the economy, STEVE BARTLETT and TOM PETRI have worked tirelessly to develop public policy proposals options which would allow families who have earned a wage to keep more of their income.

Mr. Speaker, we need to look carefully at our colleagues ideas to reform the earned income tax credit and create a family living wage. In this way, breadearners in families will be able to keep a greater share of their income—offsetting their FICA tax, and giving them an incentive to stay in the work force. A large increase in the minimum wage is a crude tool to make public policy because it mandates benefits for all, regardless of their skills, their training and their family needs. The family living wage will be given an income boost to those who need it without Government mandates.

REDUCING TELEVISION VIOLENCE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today I am introducing, along with Mr. FEIGHAN and 34 of my colleagues, the Television Violence Act of 1989. This important legislation would allow the television industry to work collectively to curb the violence in programming seen by children without running afoul of the antitrust laws for a period of 3 years. This bill would not impose regulations on networks and broadcasters, but instead would provide the opportunity for them to discuss voluntary guidelines for cutting down on television violence.

Most scientists studying in this field agree that there is a casual relationship between televised violence and later aggressive behavior in children. Constant exposure to graphic violence desensitizes adults and children to the effect of violence in the real world, and introduces an acceptance of violence as a way to resolve our differences. We may be seeing the long-term effects on children when each morning the Washington Post reports the body count of adolescents and young adults gunned down in the street overnight.

By introducing the bill, I am clearly hopeful that the television industry will use this opportunity to address this problem. If not, we will have lost time and some hope, but we would be no worse off than we are today.

OPPOSE DESECRATION OF OUR FLAG

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the American public is understandably outraged that the Chicago Art Institute continues to display an exhibit entitled "What is the Proper Way to Display a U.S. Flag?" The exhibit consists of an American flag placed on the ground in front of a ledger provided for viewers to write their comments. This exhibit encourages individuals to trample on the flag in order to register their views.

While Americans believe in a broad application of the first amendment, cloaking wanton desecration of the flag in the guise of freedom of expression only serves to undermine widespread support for this doctrine. With freedom comes responsibility. The Chicago Art Institute has acted irresponsibly and with flagrant disrespect to our Nation and its most revered symbol.

Today, I am introducing a resolution that condemns the Art Institute for promoting an exhibit that encourages disrespect for the flag and abuses the freedom of speech protected by the Constitution.

Mr. Speaker, the Congress should tell the Art Institute that by outrageously and irresponsibly abusing the right of free expression, they are damaging the faith in basic human rights that is the foundation of our Constitution.

REINTRODUCTION OF FOREIGN AGENTS COMPULSORY ETHICS IN TRADE ACT

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, today, Congresswoman KAPTUR and I will be reintroducing our Foreign Agents Compulsory Ethics in Trade Act, the FACE IT bill. Originally introduced in the 99th Congress, we believed then and we believe even more fervently now that swift action must be taken to limit the lobbying activities of former government officials on behalf of foreign governments and corporations.

American taxpayers have a right to expect that those who are negotiating on America's behalf are doing so with American interests foremost, and are not being tempted by the prospect of lucrative postgovernment employment with the foreign interest that sits on the opposite side of the bargaining table.

Yet, high-level Government officials continue to abandon their positions to take jobs as lawyers, lobbyists, and

agents for America's stiffest industrial competition—and the damage their migration is doing to America's economic future is immeasurable.

Mr. Speaker, it's time to FACE IT: We must stem the erosion of public confidence in our national institutions, and put the brakes on a revolving door that is spinning out of control. It is our hope that this measure will enjoy broad bipartisan sponsorship and support.

INTERNATIONAL SHOOTING AND HUNTING ALLIANCE [ISHA] ORGANIZED

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STANGELAND. Mr. Speaker, this Nation has been extremely fortunate that our sportsmen have unselfishly contributed their time and treasure in preserving, protecting, and enhancing the wildlife in America. The abuses of the 19th century through unregulated exploitation of wildlife have given way to professional wildlife management programs, laws and regulations that, in most cases, were proposed, promoted, and supported by sportsmen.

There are many outstanding private organizations of sportsmen that have raised millions of dollars and whose members have devoted untold hours on behalf of wildlife research, habitat protection, reclamation and maintenance, and other activities designed to maintain healthy and stable wildlife populations to be enjoyed by everyone. Other organizations have properly sought to protect the rights of legitimate shooting sports activities and maintain gun safety and hunter education programs.

Recently, a new organization of sportsmen has emerged on the international scene that presently has its base in the Nation's Capital. The International Shooting and Hunting Alliance [ISHA], and its companion organization, the International Shooting and Hunting Alliance Foundation [ISHAF], were created to provide visable and active representation of shooters and hunters in a variety of forums—legislative, regulatory, and legal. For too long sportsmen have been paying more and enjoying less for the wrong reasons.

ISHA believes that much can, and must, be done to insure that reasoned wildlife management and law enforcement prevails and that gun regulation maintains constitutional safeguards for ownership of firearms. Unfortunately, the antishooting and antihunting organizations have injected misinformation, emotion and passion in place of scientific facts and professional guidance when shooting and hunting regulations and laws are considered and adopted. ISHA is pledged to counteract these disruptive and inappropriate political efforts with fact and reasoned policies.

The board of directors of ISHA and ISHAF brings a wealth of talent, education, and experience to the table.

Robert E. Petersen, chairman of the board of Petersen Publishing Co. that, among other publications, publishes Hunting and Guns and Ammo magazines, is the chairman. Mr. Petersen was commissioner of shooting sports for the 1984 Los Angeles Olympics.

Arlen Chaney, president of Omark Industries and chairman of the National Shooting Sports Foundation, is vice chairman.

G. Ray Arnett, former director of California Department of Fish and Game and assistant secretary for fish and wildlife and parks in the previous administration, is secretary-treasurer.

Other members of the board include Bob Allen, founder of Bob Allen Sportswear and member of the Trap Shooting Hall of Fame as well as two time winner of the World All Around Shooting Championship; J.C.D. Bailey, a director of Quail Unlimited, a commissioner of the North Carolina Wildlife Resources Commission and former senior vice president of Ducks Unlimited; Kenneth Brynaert, executive vice president of the Canadian Wildlife Federation; Frank G. Harris III, a life sponsor and national trustee of Ducks Unlimited and a national board member of Waterfowl Habitat Owners Alliance; Dr. Donald T. Lewers, past president of American Wildlife Heritage and the Easton Waterfowl Festival, and Gen. William C. Westmoreland, U.S. Army, retired.

In August 1988, I had the pleasure of addressing a meeting at the Explorers' Club in New York City that ISHA helped to organize. The meeting had representatives from numerous hunting and shooting groups, wildlife and conservation organizations, and the outdoor press. Concern was expressed that far too often the antihunting and antishooting segments of society have gained the ear of legislators and regulators resulting in policies that are not in the best interest of conservation, wildlife management and firearms ownership. I share that concern and support the efforts of ISHA to combat this unsound and dangerous trend.

The record is clear: Sportsmen have directly contributed over $11 billion to improve wildlife conservation and management, instruction for gun safety and hunter education, research and habitat acquisition and maintenance. These funds have been derived from hunting licenses and permits, excise taxes on sporting equipment, Federal and State duck and conservation stamps, and other direct costs to hunters and shooters. In addition, private membership organizations and foundations have contributed millions of dollars and voluntary time to improve and support wildlife conservation and shooting sports. The sportsmen can be justly proud of their contributions in the past, and to insure the sporting heritage for tomorrow, they will not fail to do less in the future through efforts of organizations like the International Shooting and Hunting Alliance. I commend ISHA to my colleagues and wish them success in their laudable goals on behalf of hunting and shooting sports.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON HOUSE JOINT RESOLUTION 165 AND TO HAVE UNTIL 12 MIDNIGHT, MARCH 15, 1989, TO FILE REPORTS ON HOUSE RESOLUTION 74 AND HOUSE RESOLUTION 76

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until 12 midnight, March 14, 1989, to file a report on House Joint Resolution 165, and to have until 12 midnight, March 15, 1989, to file privileged reports on two resolutions of inquiry, House Resolution 74 and House Resolution 76.

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE NEED FOR SUPPLEMENTAL FUNDING FOR THE VETERANS' ADMINISTRATION

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, our Government has an obligation to the men and women who served in our military.

One of our most important obligations is to provide health care for sick and deserving veterans.

But for the last few months, that responsibility has been seriously compromised by a funding shortfall within the Veterans' Administration.

The only VA hospital in my State of Maine has been forced to close wards, shut down beds, and turn away veterans whose medical problems are categorized as not sufficiently serious. Veterans who have talked to me feel hurt and betrayed.

Similar cutbacks are happening across the country.

I am introducing legislation that would provide emergency supplemental funding to the VA budget for veterans' medical care. This legislation could help to reopen wards that have been closed, resume treatment to vet-

erans who have been denied care, and begin to restore the integrity of our Nation's commitment to our veterans.

Mr. Speaker, we cannot afford to be remiss in our duty to our veterans, for they were not remiss in their duty to us. They deserve the best medical care we can provide. I urge my colleagues to join me in support of this supplemental appropriation for veterans' hospitals across the country.

ANNOUNCEMENT OF THE DEATH OF THE LATE HONORABLE JIM O'HARA

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I regret to say that Jim O'Hara, a former Member of this body and the Michigan delegation, and a dear friend of mine and many others, died yesterday.

James Grant O'Hara was born in Washington, DC, on November 8, 1925, and moved to Michigan with his parents in 1939. He graduated from the University of Detroit High School in 1943 and from there, he entered the U.S. Army where he fought for this country in the Pacific theater. Following the war, Jim attended the University of Michigan. He graduated in 1954 from the undergraduate school and from the University of Michigan Law School in 1955. Jim was admitted to the bar in 1955 and practiced law in Detroit and Macomb County, MI. Elected to Congress in 1959, he faithfully represented the people of the 12th District, just north of Detroit, for 16 years until 1977. While in Congress he served as chairman of the Democratic Study Group and was chairman of the Commission on Rules for the Democratic National Committee from 1969 to 1972. In 1976, he made an unsuccessful bid for a nomination to the U.S. Senate. Upon retiring from the House of Representatives, Jim resumed his practice of law in Washington, DC, and soon thereafter he chaired the Federal Minimum Wage Study Commission from 1978 to 1981.

□ 1220

Mr. Speaker, we are deeply saddened by the loss of this great man. He will always be remembered by his colleagues, and, on behalf of my colleagues in the Michigan congressional delegation, I extend the condolences of myself and his friends here in the House to his dear wife, Susan, who was his faithful helpmate and friend for so many years, and for the fine family which he raised during a long, productive, and honorable life.

Mr. Speaker, the Nation is poorer for the loss of Jim O'Hara.

LEGISLATION TO PROHIBIT FORMER FEDERAL OFFICIALS FROM LOBBYING ON BEHALF OF FOREIGN GOVERNMENTS AND CORPORATIONS

Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I rise today to call attention to a problem that is threatening the economic security of the United States. Over the past decade, there has been an alarming increase in the number of U.S. trade negotiators who have left Government service to lobby on behalf of foreign governments and corporations. Perhaps the best example of this can be seen at the Federal Trade Commission, where every general counsel since 1973 has left for a position lobbying on behalf of our competitors. This type of conduct has happened so often that I could not hope to list even a fraction of the examples during my alloted 1 minute.

My distinguished colleagues, HOWARD WOLPE, MARCY KAPTUR, and JOHN BRYANT, have boldly taken the legislative initiative in this area. Today, we will introduce legislation that will prohibit former high ranking Federal officials, including Members of Congress, who were privy to sensitive trade and national security data, from lobbying on behalf of foreign governments and corporations for a period of 4 years after their government service ceases.

This bill will assure the public that our trade negotiators are putting America first, and I urge my colleagues to support it.

LEGISLATION TO AMEND THE CONSTITUTION REGARDING ILLEGAL ALIENS

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, today I am introducing with 20 colleagues legislation that would correct what I believe is an ill-conceived and unjust policy of the U.S. Census Bureau.

From all indications, the U.S. Census Bureau intends to continue its policy of counting illegal aliens for reapportionment purposes when the decennial census is taken in 1990. The direct result of this policy will be that some States will lose seats in the House of Representatives and other States will gain seats because of the hundreds of thousands, or perhaps millions, of illegal aliens currently residing in this country.

I do not believe that individuals who have entered the United States by breaking the laws of this country should be represented in Congress. Neither do I believe that the framers of the U.S. Constitution intended to provide for representation in the national legislature of illegal aliens.

In effect, what this policy does is ensure that U.S. citizens are not represented equitably.

Although legislation was introduced in the 100th Congress that sought to correct this situation, it is my view that only by amending the Constitution will the interests of our citizens be assured and protected.

My bill will amend the Constitution to read:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State who are citizens of the United States or lawfully admitted for permanent residence in the United States.

I urge your support for this measure.

FORT MEADE, MD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last Friday I visited Fort Meade to view the 9,000 acres of that military installation should the proposed base closings be approved by this body either by a vote or by default. Fort Meade is in Congressman MCMILLEN's district and I understand Mr. MCMILLEN is as upset about this as I am.

What a waste of Government property if this is sold off to pay for the costs of the other base closing.

The military stationed there will be confined to another section. Granted it appears there is enough acreage for the immediate operations of the Army there. However, that 9,000 acres fit in between the National Security Agency—the NSA, the secret operation of the Defense Department, on one side—and on the other is the Patuxent Wildlife Refuge where these experts have saved the whooping cranes and other important rare fowl.

On the 9,000 acres is located an excellent airport facility where the military trains helicopter and small plane crews.

The only approved landfill for the base is within the 9,000 acres. And, of course, there are wetlands and the Little Patuxent River running through the property.

On considerable acreage, it is anticipated that there are thousands of unexploded shells dating back as far as World War I.

The savings for the base closing is said to be $5 billion over 20 years, much less than originally predicted.

I wonder how much it is going to cost to clean up those unexploded devices on installations like Fort Meade so we can save the $250 million a year.

Probably much more than the $250 million while we are going to surround the National Security Agency with unwanted development and adversely affect a nearby wildlife refuge at Fort Meade. What others are being affected in the same way?

PASS SUDAN RELIEF RESOLUTION

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, two basic facts about the famine in Sudan cry out for our immediate attention. First, the international community must move emergency food stocks to the right distribution points in Sudan in the next months or hundreds of thousands of people—perhaps a half million—could die from starvation and ill health. Second, unless the United States and other interested governments help to mediate a peaceful settlement to the Sudanese civil war, even food aid will not prevent a catastrophic loss of life among the civilian population.

In a word, we must act and we must act now.

To that end, I urge my colleagues to pass Senate Concurrent Resolution 15, a resolution that addresses the acute humanitarian crisis affecting the people of the Sudan.

We must respond now to the plight of many thousands of Sudanese civilians who are suffering an unimaginable horror as a result of the political dissent and civil war which divides their country. Hundreds of thousands of Sudanese face an imminent peril of starvation—a fate which has already claimed the lives of great numbers of Sudanese people. This resolution directs our Government to appoint a special envoy to help mediate peace and to use all available resources to avert further famine.

As many as 1 million Sudanese already have starved to death since the struggle began in 1983. A toll in 1988 alone exceeded a quarter of a million people. This is a remarkable statistic: 250,000 or more noncombatants died last year in the southern regions of the Sudan from starvation or from the infectious diseases which preyed upon the malnourished victims of the warfare. A large percentage of those who died were children. In several displaced persons camps in the Sudan, there are no children under age 3 present—the infants and young children have all died from starvation or epidemic.

AN END TO INACTION

It is imperative that there be no doubt concerning the policies of the United States Government in regards to the horrible famine stalking the Sudan. We cannot accept the use of food as political weapon by any party. We cannot remain silent when innocent children are dying as a result of conflict not of their making or comprehension. We cannot accept the notion that some people are beyond reach or that the situation is too complicated. We must redouble efforts to honor longstanding American humanitarian traditions which require that no options are overlooked, no avenues left unexplored, as we strive to guarantee that no more of these children starve to death.

This resolution emphatically underscores the right course for our policy: Fulfilling America's traditional role as the world's leader in feeding the hungry. I am pleased to have worked with Messrs. ACKERMAN, WOLPE, SOLOMON, and others in bringing this resolution to the floor.

I urge my colleagues to lend their unanimous support to this bipartisan initiative.

PRESIDENT BUSH OUGHT TO SHOW LEADERSHIP ON GUN CONTROL

(Mr. FEIGHAN asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, President Bush ought to start acting like a leader on the issue of gun control.

Then Patrick Purdy sprayed a California playground with his AK-47 last January, George Bush talked about the right of every hunter in America to own his own assault weapon.

A month later, Time magazine graphically detailed America's gun epidemic. It showed how purchases of AK-47's have skyrocketed from 4,000 a year in 1986 to 40,000 in 1988. And Time posed a question for President Bush: "If the U.S. cannot make progress in the wake of the Stockton massacre," it asked, "When can it?"

Barbara Bush had the right answer: She called for an immediate ban. Her husband repeated the NRA's position paper.

Now even the President's handpicked Drug Czar calls for action against assault weapons. George Bush continues to waffle, drawing a line between automatic and semiautomatic assault weapons.

There is no real difference Mr. President. All assault weapons are designed for one purpose—killing people.

Mr. Speaker, George Bush continues to say that "we'll see"—and promises to "take a hard look" at this problem.

Mr. Speaker, America needs more than a hard look from the President. It's time for the President to do something to keep these guns off our streets. It's time for the President to show some leadership.

□ 1230

IT IS TIME TO FACE IT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today, I, along with my colleague, the gentleman from Michigan [Mr. WOLPE] am reintroducing a bill called FACE IT, the Foreign Agents Compulsory Ethics in Trade Act. I commend the administration's Ethics Commission for the many solid recommendations it made in its report released last Friday, but I find the recommendation relating to foreign interest representation before this Government insufficient.

The Commission recommends a 2-year ban on disclosing classified information or nonpublic information regarding the Government's position or strategy in important trade negotiations. Although a worthy goal, violations of this provision would be difficult to define and even harder to enforce.

For in fact, how can we identify with certainty the source of divulged information when many people have access to it.

Our bill, FACE IT, first introduced in 1985, goes a necessary step further and bans former Government officials from representing, aiding, or advising a foreign interest on a matter before the U.S. Government for a period of 4 years after leaving Government service. It seeks to deny foreign interests the manipulative advantage in U.S. trade policy considerations they now enjoy. It simultaneously insures the integrity of representation in ongoing trade negotiations with other nations. It is time to FACE IT by restoring integrity to public service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

THE 75TH ANNIVERSARY OF SMITH-LEVER ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 124) to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's

system of State Cooperative Extension Services.

The Clerk read as follows:.

H.J. RES. 124

Whereas the Act of May 8, 1914, (38 Stat. 372) as amended, commonly known as the Smith-Lever Act of 1914, has fostered through the United States Department of Agriculture the development of a system of State Cooperative Extension Services in conjunction with our Nation's land-grant colleges and universities which disseminates and encourages the application of research-generated knowledge and leadership techniques to individuals, families and communities:

Whereas the Smith-Lever Act of 1914 has contributed greatly in assisting American farm families with the efficient production of a reliable supply of food and fiber for consumers in this country and worldwide;

Whereas the Cooperative Extension System has done much to help rural and urban adults and youth help themselves as they have steadily improved their quality of life and leadership ability; and

Whereas the relationship existing between the Federal, State and county extension services has provided for citizen input to research and educational programs of USDA and the land-grant universities for three quarters of a century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the Cooperative Extension System should continue to be supported as an important investment of the Nation's future, and that the seventy-fifth anniversary of the enactment of the Smith-Lever Act of 1914 should be commemorated on May 8, 1989.

SEC. 2. The President is authorized and requested to issue a proclamation commemorating the enactment of the Smith-Lever Act of May 1914, and its role in establishing our Nation's Cooperative Extension System.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Michigan [Mr. TRAXLER], the original author of this joint resolution.

Mr. TRAXLER. Mr. Speaker, I thank the distinguished chairman for yielding this time to me.

I wish to extend my personal thanks to him and to the gentleman from Illinois [Mr. MADIGAN], the ranking member on the Agriculture Committee and express my appreciation for the prompt circumstance of moving this so quickly. The gentleman is a cosponsor of the resolution and is a person who has long been involved in Cooperative Extension and it would not be possible to bring this to the floor today without his support, both for the resolution and for Cooperative Extension.

Mr. Speaker, Cooperative Extension is a blend of what is best for our Nation. It represents a cooperative effort of Federal, State, and local governments in its design and funding. It makes heavy utilization in many of its programs of volunteers who participate solely because they believe in the quality of Extension programs.

Many around the world marvel at the amazing information dissemination machine called the Cooperative Extension Service. They recognize that the quality research done by our land grant institutions would not make the substantial impact that it has made on our food and fiber producing capabilities if it had not been for the transfer of laboratory gains to implemented production gains as provided by Cooperative Extension.

Many farmers have been helped through the Extension Management Assistance teams who have done their very best to assist farmers in developing revised financial projections for their farms.

I know there are many of us who can trace some of our fondest memories back to the days when we participated in extension programs as part of the 4-H Program. This program helps guide formative young minds toward leadership capabilities, toward an acceptance of responsibility, and most importantly toward a hunger for new and intense challenges. While it has traditionally been viewed as a rural youth program, we would not be doing the program justice unless we all remembered that 4-H has an extremely strong presence in urban areas.

I might add that the Expanded Food and Nutrition Education Program offered by Extension has made a difference for millions of low-income Americans. This program has used a very effective in-home approach to helping people learn how to get more and better food for their dollar. It has also helped many people develop a heightened sense of self-worth. It has gone a long way forward to developing whole new careers.

Extension has truly provided excellence from a number of other programs, like urban gardening, pesticide impact assessment, and so forth. It is expanding its efforts in rural development and recognizing that as America changes, so must rural America and Cooperative Extension.

Mr. Speaker, Extension has faced many challenges in the past. I must admit, though, that I am very concerned about the ability of Extension to meet the challenges of our budgetary constraints. These are difficult budgetary times, but this is an agency that deserves all of our support.

I am concerned that this excellent program has been taken for granted by too many who simply believe that it will continue as it always has. No one ought to make that assumption. Therefore, this resolution celebrating the 75th anniversary of the Smith-Lever Act should, in my opinion, serve as a rallying point for those of us who firmly believe in Cooperative Extension programs. It is only with the continued dedication of people who recognize excellence when they find it that programs like Extension will survive the difficult budgetary decisions that must be made over the next several years.

Mr. Speaker, I wish again to extend my sincere congratulations to the millions of people who have been involved in this Cooperative Extension over these past 75 years, to the volunteers and participants, such as myself, and to the committee which has original jurisdiction over this, the Agriculture Committee, for the fine appreciation they have shown toward this agency. Without the help of the distinguished chairman and the minority member we probably would not be on the floor today celebrating this happy occasion.

So I urge all my colleagues to join with me in extending a very happy 75th birthday to Cooperative Extension.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we celebrate today the 75th anniversary of what I consider one of America's great success stories. the combination of our land grant colleges and universities doing basic agricultural research and the State Cooperative Extension Service as created 75 years ago in the Smith-Lever Act.

The success of this, of course, is well known to us and that is that America is a very well-fed Nation and for the lowest cost of virtually anywhere in the world, plus we have in our productive capacity the ability to feed a major percentage of the rest of the world.

So it is appropriate that we pause today with the passage of House Joint Resolution 124 and pay tribute to this 75-year success story. It is a story that includes cooperation among government at all levels, Federal, State, and local, and some marvelous people who take the agricultural story out to the farms and make sure that it is effectively applied there, and the number of volunteers who work with organizations associated with the Cooperative Extension Service, so our congratulations, and I urge my colleagues to support this resolution.

Mr. Speaker, our consideration of House Joint Resolution 124 provides a valuable opportunity to discuss and commemorate the importance of the Smith-Lever Act. On May 8, 1914, President Woodrow Wilson signed into law broadly drawn legislation that made possible a permanent nationwide

system of extension work in agriculture and home economics, including both the demonstration and county agency system as developed by agricultural colleges.

The Cooperative Extension Service has aged well and the people of that institution have, without interruption, served admirably the interests of agriculture and rural America. The Secretary of Agriculture, Henry C. Wallace, in August 1922, made a formal statement as to the role of County Extension agents:

> These extension workers are public teachers paid with money largely raised from all of the people by taxation and are charged with giving instruction and practical demonstration in agriculture and home economics. Their work covers the entire rural field, which includes economic production, economic marketing, and the development of better home, community, and social conditions.

Although the issues change over time, we in rural America are well served by the stability of purpose that characterizes the Cooperative Extension Service.

In 1989, the Extension Service represents a critical link between the development of agricultural technology and its application by the producing community. Currently, our producers are looking to the Extension Service for help in addressing environmental issues linked to ground water quality and proper pesticide use. Despite the rapidity by which these issues change, I am confident that the quality of service of our Nation's farmers will remain high.

I urge my colleagues to join me in support of this important resolution.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak on behalf of House Joint Resolution 124 to commemorate the 75th anniversary of enactment of the Smith-Lever Act and its role in establishing our Nation's system of State Cooperative Extension Services.

When President Woodrow Wilson signed the Smith-Lever Act into law on May 8, 1914, the Extension Service legally became the educational agency of the U.S. Department of Agriculture [USDA]. Its mission, as mandated by the legislation, is "to aid in diffusion among the people of the United States useful and practical information. * * * [E]xtension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies."

Actually, the Department of Agriculture has been engaged in extension work prior to enactment of the Smith-Lever Act. As early as 1898, a USDA employee named Seaman A. Knapp was demonstrating the results of agricultural research on rice production to Louisiana farmers. By 1904 he was joined by two dozen other agents in Louisiana, Arkansas, and Texas. Two years later Knapp's dream of network of USDA agents in each county of the country got underway.

Originally focused on disseminating and encouraging the application of useful and practical information relating to agriculture and home economics, today's Cooperative Extension system has adapted and changed to better serve modern American society. While many of us associate Extension activities with only agriculture, actually two-thirds of Extensions' clientele now live in metropolitan areas.

Today's Extension system includes professionals at each of our land-grant universities—all 50 States, Puerto Rico, and U.S. Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Federated States of Micronesia, and right here in the District of Columbia. Extension employees are in nearly all of the Nation's counties.

In 1986, the Extension system refocused its educational efforts and established eight national priority initiatives. These initiatives are: Alternative agricultural opportunities; building human capital; competitiveness and profitability of American agriculture; conservation and management of natural resources; family and economic well-being; improving nutrition; diet, and health; revitalizing rural America; and water quality.

Recently, the disturbing statistics and trends involving poverty, poor nutrition, pregnancy, substance abuse, depression, the suicide among our teenagers led to the announcement of a ninth initiative—"Youth at Risk."

Mr. Speaker, for 75 years the Cooperative Extension system has identified and sought to solve, through practical research-based knowledge, many of the critical concerns of American families and American agriculture. It has served us well. The productivity of the American farmer is testimony of that. The fact that, out of all nations, American consumers spent the least percentage of their disposable income on food is testimony to that. The knowledge Americans have about nutrition and food safety is testimony to that.

Today's Extension system is preparing itself to meet the challenges of the 21st century. Its overall mission will be even more important in the years ahead—to link modern research, science, and technology to the needs of people in ways that help us in our daily lives and in improving the lives of our children.

Mr. Speaker, I hope my colleagues and the 22 million households who have at one time or another made use of Extension services will join me in commemorating the enactment of the Smith-Lever Act and in paying tribute to the men and women who work in today's Cooperative Extension system.

Mr. CLINGER. Mr. Speaker, I rise today to express my strong support for House Joint Resolution 124, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act and its role in establishing the system of State Cooperative Extension Services.

The Extension Program has long been recognized as truly outstanding. It has played a major role in helping to develop the most productive agriculture system in the world, it has encouraged our youth to take an active interest in learning through 4–H, and has improved our rural communities and urban areas as new problems confronted the Nation. Its philosophy of enhancing human progress through the products of research has worked and has effectively taken knowledge directly to the people of rural America for 75 years.

Clearly, the key to the success of the Extension Program has come because of its unique structure as a partnership of Federal, State, and county governments with strong guidance in its priorities from those it serves. Thousands of local volunteers and extension professionals in more than 3,000 offices nationwide contribute time and skills to help with adult and youth programs.

The future of American relys largely on how well people are prepared to face critical issues, and the education Extension provides can help us achieve that goal. Its focus on improving our health and nutrition; providing ideas for new and competitive agriculture; revitalizing rural America and the quality of water we drink; and conserving and managing our national resources will effectively lead us into the 21st century.

Again, I urge my colleagues to support House Joint Resolution 124 to celebrate the years of valuable assistance the Cooperative Extension Service has given us.

Mr. SARPALIUS. Mr. Speaker, I think everyone in this House recognizes the importance of the Smith-Lever Act and the profound impact our State Cooperative Extension Service has had on this Nation. I also know both of you understand how much Extension has meant to our home State of Texas.

But, I would like to enter in to the RECORD some information about the work the Texas Agricultural Extension Service is doing today. Extension has been extremely important to the 13th District of Texas. It is no small coincidence that the Extension Service has been aggressive and active in this, one of the most productive agriculture regions in the country.

By making this information about Extension services available for all to see, we are paying tribute to the countless men and women who over the last 75 years have helped build Extension into what it is today.

Texas, as well as the other states, also joins with the U.S. Department of Agriculture to form a nationwide cooperative Extension network.

Those things start with food and fiber products, but also include economies, businesses and communities, families, youth and leaders.

Today's agriculture is based on productivity and profitability—a $33 billion per year economic impact on Texas and the source of one out of every five jobs.

When Texans speak, the Texas Agricultural Extension Service listens—and then acts to help people to help themselves. Extension has the unique organizational framework and outreach capabilities to provide programs that can help rural and urban citizens of all ages and backgrounds to utilize available resources to help meet their individual and community needs.

This unique system of informal education was made possible by passage of the Federal Smith-Lever Act in 1914. The following year, the Texas Legislature accepted the terms of the Act and established the Texas Agricultural Extension Service as a legal entity in the state, assigning it to The Texas A&M University System for administration. State legislation also authorizes financial participation by County Commissioners Courts in this cooperative effort. Thus, the Extension Service is a partnership of the federal government through the United States Department of Agriculture, the state government through the designated state land grant university and the county government through the Commissioners Court in each county. Nationally, this system is known as the Cooperative Extension System.

The basic function of the Texas Agricultural Extension Service as stated in the Smith-Lever Act is ". . . to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same. . . ."

For more than 70 years, Texans have relied on Extension for the most current, reliable information to solve everyday problems of living. County Extension agents, who live and work with people in a designated county, form the basic unit of the Texas Agricultural Extension Service. Extension professional educators possess broad training in agriculture, home economics or a related area. They conduct educational programs to help people use scientific information to solve practical problems and utilize available resources.

County Extension agents are supported by a staff of specialists trained in subjects for which Extension has educational responsibility. Specialists are located at Texas A&M University and at the 14 district headquarters throughout the state where they can respond quickly to clientele needs. Specialists form an effective link between the county Extension agents and the research and teaching staffs of The Texas A&M University System. This organizational framework allows scientific information developed by the Texas Agricultural Experiment Station, the Texas Agricultural Extension Service, USDA and other public and private research organizations to be interpreted so that people can make better decisions and reach economic and other goals which they set for themselves. It also makes resources of the Texas Agricultural Extension Service and other parts of The Texas A&M University System available to citizens across the state.

Educational efforts of the Extension Service are expanded by thousands of Texans who volunteer to serve as leaders in adult and youth programs. Programs are designed to meet the needs of people in each county, with direct input from citizens of each county.

Representative residents in each county of the state work with Extension agents in volunteer groups called Extension Program Councils. These councils help develop immediate and long-range plans for local Extension programs and activities aimed at dealing with the most critical issues.

Long-range plans from the counties are incorporated by the Extension Service into a statewide plan that determines overall priorities and resource allocation. In this way, educational programs are produced in response to local needs as defined by local leaders.

This grassroots process of program determination is the driving force of the Extension Service. That's what makes the Texas Agricultural Extension Service unique among educational institutions—helping people to help themselves and others through educational opportunities offered throughout Texas.

The Texas Agricultural Extension Service has programs for all Texans. In fact, more than 12,300 Texans worked together in their counties during 1986 to determine the issues that are critical to the counties and to identify those that Extension programs should address during the rest of the decade.

Rapid changes in the state's economy and population have placed difficult demands on the resources of Texas farmers, ranchers, families, businesses, governments and organizations. Extension staff members began new initiatives early in 1986 to deal with the changing times. Concerned citizens and leaders in each county were invited to tell Extension staff which issues they believed should be dealt with during the next several years. Business people, homemakers, farmers, ranchers, retirees, clergy, teachers, elected officials and others from many walks of life responded to Extension's invitation to serve on citizen task forces. They helped conduct a series of county meetings to analyze local problems and to set both short-term and long-term objectives for solving those problems.

Almost 5,000 diverse issues were identified, but similarities found in many county issues emerged, resulting in 12 broad issues determined to be critical. Extension will give statewide emphasis to educational programs that address these issues.

The insight of the citizen task forces has enabled Extension staff and volunteers to develop new educational programs and to redirect former programs to best meet today's needs. These efforts have been mapped into a new long-range Extension program guide in each county. The collective results from the task forces contributed to a state plan of action for the Texas Agricultural Extension Service to address the 12 issues that emerged as being most critical. This kind of citizen involvement has helped to mobilize Extension resources to effectively respond to local needs.

The statewide issues include:

AGRICULTURAL DIVERSIFICATION

Texas producers are increasing profitability through Extension programs that help them to:

Assess market potential and identify marketing channels for diversifying agricultural commodities and enterprises

Determine adaptivity and feasibility of alternative agricultural operations

Understand and adopt emerging technologies which encourage diversification that permits market or production advantages

Use management and technical skills to diversify operations

Analyze operations and identify potential areas for diversification

AGRICULTURAL PROFITABILITY AND COMPETITIVENESS

Multidisciplinary Extension teams are teaching producers to use a total production systems approach that helps them to:

Evaluate the quantity and quality of available resources

Implement production technology after careful consideration of effects on total farm or ranch profit

Determine the profit-maximizing combinations of available resources and of input use

Develop and use basic financial management tools, evaluate and monitor marketing strategies and implement risk-reducing measures

Base capital asset purchases on return on investment and cash flow feasibility

Negotiate equitable rental arrangements

Structure the farm or ranch business to take advantage of income and estate tax laws

ECONOMIC DEVELOPMENT

Community leaders are learning to understand their local economy, develop necessary leadership skills and implement strategies for economic growth and business vitality through Extension programs. These programs, which are targeted to the tourism, business and industrial sectors of the rural economy, as well as the agribusiness and service industries focus on:

Analyzing demographic and economic data to enable county and community leaders to understand their local economy

Helping local leaders to analyze their needs and potentials as a basis for identifying feasible development opportunities and setting priorities

Training leaders in strategies for economic growth and concepts and procedures for planning, establishing and facilitating development efforts

Teaching business management skills and practices to help small business owners/operators improve survival and profitability

FINANCIAL PLANNING AND MANAGEMENT

As the financial and consumer marketplace expands and consumer choices become more complex, Texans are receiving information and learning skills through Extensions programs to help them make decisions which:

Strengthen financial management practices and increase potential for achieving financial goals

Utilize computer and video technology, individualized Instruction, worksite education and other educational Innovations

Provide training for leaders and volunteers in financial management topics

Develop cooperative linkages with public and private groups interested in the economic security of Texans

IMPROVING NUTRITION, DIET AND HEALTH

Research data on nutrition and health serve as the framework for Extension programs which:

Increase awareness of personal risk factors and their relationship to disease and disability

Help individuals to identify specific risk factors through appraisal instruments, dietary analysis and screening tests

Foster positive lifestyle changes in weight control, exercise and fitness, nutrition for special diets, personal safety and responsible use of alcohol and drugs

Establish communication among producer groups, governmental and voluntary organizations, educators, researchers and policy-

makers to facilitate unified health and nutrition information

LEADERSHIP DEVELOPMENT

Extension is helping Texans develop effective leadership skills to deal with change and pressure by:

Implementing strategies for identifying, recruiting and fostering involvement of potential leaders in community service

Conducting educational programs to strengthen leaders' knowledge and skills

Preparing emerging leaders to study and develop solutions to issues affecting their individual, family and community well-being

Involving citizens in leadership and decisionmaking roles which direct efforts to resolve local issues through education or group action

MARKETING OF AGRICULTURAL AND NATURAL RESOURCE PRODUCTS

Extension programs will help Texas agricultural and natural resource producers enhance their $10 billion market through:

Concentrated media efforts

Development of computerized decision aids

Timely dissemination of market information

Cooperation with other agencies and commodity groups in domestic and foreign market development

Programs on group marketing alternatives

Identification and evaluation of potential for additional processing procedures and value-added products

REVITALIZATION OF RURAL TEXAS

Rural Texans are achieving revitalization through Extension programs that help them plan for, fund and provide public goods and services. Programs focus on:

Organizational development

Leadership, management and planning skills

Impact analysis

Cost analysis

STRENGTHENING TEXAS FAMILIES

Texans are being helped to strengthen their families through Extension programs that:

Promote family interaction and support family functioning at various life cycle stages

Develop family strengths

Provide research-based information for professionals

Train volunteers in family support programming

Provide information on policy development and implications for families

RURAL-URBAN RELATIONSHIPS

To help rural and urban citizens become more knowledgeable about issues and make informed decisions, Extension programs provide information on:

Land utilization

Water resources

Environmental quality

Role and needs of agriculture in Texas

Consumers as beneficiaries of research and education

WATER QUALITY AND CONSERVATION

To assure Texas citizens as adequate, safe water supply to support continued development of economic, natural and human resources and protection of the environment, Extension programs will focus on:

Improved on-farm technologies for conservation

Brush, weed and water pollution control

Home and landscape water use reduction

Water policies, issues and programs

Beneficial use of agricultural wastes, municipal effluents and sludges

YOUTH DEVELOPMENT

Extension is collaborating with other youth-serving agencies to conduct effective action programs that:

Identify as recruit qualified volunteers to work with youths

Promote parent-child communications and interaction

Provide opportunities for youths to practice developmental skills in a positive, supportive atmosphere

Help youths to become proficient in scientific and technical subject matter skills and leadership skills through participation in 4-H projects.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to join with a number of my colleagues in commemorating the 75th anniversary of the Smith-Lever Act, which established the Cooperative Extension Service. My State of South Dakota is one of the most agricultural states in this Nation, and the benefits that have been derived from the many programs carried out by the Extension Service are numerous. Many of this Nation's leaders were once members of 4-H clubs and the 4-H of today, although it has changed tremendously is still challenging our youth to make the best better.

The Extension Service, as well as the 4-H program, have played extremely important roles over the past few years as we have seen this Nation's rural society stressed to the breaking point. The Extension Service and 4-H have expanded their outreach to include helping people deal with many of the financial and social issues facing them. The rural crisis of the eighties provided an opportunity to furnish financial management advice, sessions on coping with stress and other programs beyond the normal services we have come to depend on. The Extension Service has kept pace with the need for up-to-date information on topics of current interest.

The response shown during the recent difficult times in the rural economy was only part of the expansion we have seen in the scope of extension programs. While the county offices continue to be a valuable source of information on topics ranging from safe handling of pesticides to custom farming rates; the scope of issues addressed by the Extension Service has expanded greatly. Farmers as well as city dwellers have come to rely on their local or county office for timely and helpful information. County Extension agents continue to be on the leading edge in educating producers about alternative and new methods of farming, and seminars on healthy diets and exercise are also becoming familiar events.

As the needs and interests of young people have changed 4-H has also changed. Involvement with schools, both urban and rural, on issues such as "children at risk" and latchkey kids is demonstrating that 4-H can and does have a positive effect in preparing our young people to deal with all aspects of life. The range of interest areas available for 4-H'ers to explore has also grown tremendously over the past 75 years. The young person who may be showing cattle at the fair one day, is proudly accepting a blue ribbon on his or her computer science project the next.

I am confident that the Extension Service will continue to grow and expand the range of assistance they provide as the needs of Americans change. Mr. Speaker, I cannot fail to mention that a great deal of the leadership and hard work involved in the success of the Extension Service is due to the many, many volunteers who have given of their time since its inception. In passing this resolution, we are also recognizing the work of the fine individuals who have served as members of their county Extension councils or 4-H leaders.

Mr. WEBER. Mr. Speaker, I rise in support of House Joint Resolution 124, to recognize the 75th anniversary of the Smith-Lever Act and its role in establishing the system of State Cooperative Extension Services. Since the act was passed in 1914, the Extension Service has provided an invaluable service to the people of rural America.

As a member who has represented perhaps the most rural district in the country for the past 8 years, I have had the opportunity to work closely with the Minnesota Extension Service. During the farm depression of the early eighties, it was the Extension Service which assisted farm families in making tough farm management decisions: decisions that set the course for their families' future. For some, those decisions meant leaving the farm and starting a new way of life. For others, it meant having to deal with family stress that was caused by financial hardships. In all of these cases, the Extension Service stepped in to provide counseling services through project support: a program which provided families with the background and facts needed to make those family decisions.

Other changes in rural America have continued to alter the fabric of our basic social unit: the American family. The country's future leaders, its youth, are particularly important. Extension has responded to this challenge by adapting 4-H programs to meet the needs of today's youth. These programs which encourage young people to develop the necessary skills and talents to become the community leaders of tomorrow. It will be those community leaders, with the assistance of the Extension Service, that will be charged with revitalizing rural America. The diversity among rural communities has made this task of designing a national rural revitalization policy more difficult. But programs such as Minnesota's Project Future has taken the lead in this effort. By operating at the local level and collaborating with State and local governments, individuals, and other research and educational institutions, Project Future will help rebuild rural Minnesota: community by community.

Mr. Speaker, while we are commemorating the 75th anniversary of the Smith-Lever Act, I also want to take this opportunity to point out that the Minnesota Extension Service will be celebrating its 80th birthday this year. Minnesota's Extension program actually predates the Smith-Lever Act by 5 years, making it a national leader even 80 years ago.

Pat Borich, the dean and director of the Minnesota Extension Service has said that the "measure of an organization is the excellence of its product and the effects of the product on its clientele." If this is the yardstick by which we measure the success of an organi-

zation, we can say with confidence that Extension has achieved remarkable success over that last 75 years. We wish them another 75 years of success in helping our rural communities meet the challenges of the 21st century.

Mr. GILMAN. Mr. Speaker, today we are here to recognize the 75th anniversary of the Smith-Lever Act of 1914, and to honor its role in establishing our Nation's system of State cooperative extension services.

In my own district, in Middletown, NY, is located one such extension service. This cooperative named the Cornell Cooperative Extension is one of the many cooperative extensions located around our Nation specifically setup to analyze, inform, and to lend a helping hand to our Nation's farmers.

The Cornell Cooperative Extension throughout its tenure has allowed those farmers located in our Hudson Valley to continue their livelihood in a successful manner. In a region where drought, floods, wind, hail, and other physical disasters have threatened the livelihood of the vegetable grower and dairy farmer, Cornell Cooperative has time and again proven itself a valuable institution dedicated to helping the farmers of the Hudson Valley.

I am therefore pleased to offer my support for House Joint Resolution 124 and wish to thank the good people at Cornell Cooperative Extension as well as those located throughout our Nation for their outstanding exuberant efforts.

□ 1240

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

Mr. MORRISON of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the joint resolution (H.J. Res. 124).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

WILDFIRE SUPPRESSION ASSISTANCE ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 829) to make permanent the authority provided under the Temporary Emergency Wildfire Suppression Act.

The Clerk read as follows:

H.R. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wildfire Suppression Assistance Act".

SEC. 2. PERMANENT AUTHORITY.

The Temporary Emergency Wildfire Suppression Act (Public Law 100-428) is amended by repealing section 5.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill does exactly what the title says. I urge the Members to support it.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee which has jurisdiction over this matter, the gentleman from Missouri [Mr. VOLKMER], who has done extensive work in this area and should be commended for his interest and devotion to the forest system and everything related to its operation.

Mr. VOLKMER. Mr. Speaker, the measure pending before us today, H.R. 829, is essentially the same as the final version of a bill I sponsored last year which was considered and approved by the Agriculture Committee and passed the House in the waning days of the session but which was not considered in the Senate.

Working with the Forest Service and the Department of Agriculture last year, we drafted legislation to authorize the use, under certain conditions, of funds available for firefighting on Federal lands to reimburse foreign organizations for assistance in suppressing wildfires. In particular, the Forest Service sought the authority in order to enlist the use of specialized aircraft from Canada to battle expected fires in the drought-stricken Western United States.

We hope to have this authority to the Agriculture and Interior Departments by the middle of summer last year, but the legislation was bogged down for a while. As the severity of the fires increased, members of our committee, with the leadership of Chairman DE LA GARZA, worked with others in the House and Senate and the administration and developed a measure, patterned after H.R. 4936, to provide this important authority on a temporary basis. This bill was enacted into law and Canadian assistance was utilized in fighting the wildfires in the Yellowstone region and elsewhere in the West. The authorities provided in that act expired on December 31, 1988.

H.R. 829 would simply make permanent the authorities provided under the Temporary Act. This bill would not alter the provision of the act which ensures that domestic firefighting resources and personnel are used to supress fires whenever possible.

I appreciate the assistance of the other interested committees in expediting consideration of this bill so that the agencies which must prepare for this year's fire season will know early on whether they can count on this additional authority.

H.R. 829 was endorsed by the administration in testimony before our subcommittee, I know of no opposition, and I urge the House to approve the bill.

Mr. Speaker, I, too, wish to again thank the chairman of the full committee for expediting this measure from the Committee on Agriculture and his work in this regard and also wish to thank my ranking minority member, the gentleman from Washington [Mr. MORRISON], for his assistance in bringing this matter to the floor in an expeditious manner.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H.R. 829, I am delighted to have this important legislation before the House today.

This bill authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into reciprocal agreements with Canada and other foreign fire organizations for mutual aid in wildfire protection and suppression. Identical authority was provided by Congress last year, on a temporary basis, in response to the extreme wildfire situation in the Greater Yellowstone Area and other parts of the Western United States, including the Wenatchee and Okanogan National Forest in Washington State. The ability to utilize highly trained personnel and specialized equipment from Canada—together with a turn in the weather—was instrumental in dousing those fires.

H.R. 829, by simply removing the December 31, 1988, termination date contained in the Temporary Wildfire Suppression Act, would make this important authority permanent. I should also point out that the administration strongly endorses this legislation because of the recurring need for assistance from our neighbors to the north.

Because the need for assistance from foreign firefighting organizations is likely to vary widely from year to year, depending on weather and forest conditions, the Congressional Budget Office cannot accurately estimate the potential costs or savings that could result from these agreements. CBO points out that the assistance could result in net savings if fires are extinguished more quickly or if reconstruction and cleanup costs are reduced.

Under the bill, assistance would be enlisted only if the head of the respective agency determined that U.S. firefighting resources could not by themselves suppress the fire in a timely fashion. By making the reciprocal arrangement permanent, we can save time and that means fewer losses. I

urge my colleagues to approve H.R. 829 so that this authority can be restored before the 1989 summer fire season begins.

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], who has been of invaluable assistance in this endeavor and with whom we enjoy working in areas of mutual concern, including suppression of fire in our forest system.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 829, the Wildlife Suppression Assistance Act. I am a cosponsor of this bill that facilitates U.S. cooperation on a permanent basis for agreements with foreign nations and firefighters, particularly from Canada, in times of fire emergencies in any nation. With the passage of this bill, the United States will be able to reimburse other countries for their help. For years, Canada has covered the wages and expenses of our firefighters when they have fought fires in Canada and now we will be able to reciprocate when Canadians come here to lend us a hand. Two severe fire seasons in a row, in 1987 and 1988, have taught us just how important this foreign assistance is. During both of these fire seasons, our own firefighting resources became depleted and we needed to look across our northern boundary for help. Cooperative agreements have, of course, become very successful between the various State governments and the National Government which have been so important to the NFS Program. A word of caution however should be stated, especially because of the continued reduction of NFS professional firefighters and cutting of presuppression funding. No amount of cooperation or agreements can make up for such a loss of programs.

I commend Subcommittee Chairman VOLKMER for introducing this bill and for his aggressive leadership on this issue. During the 1988 fire season, his efforts led to the quick passage of an act that gave our firefighting agencies temporary authority to reimburse foreign firefighters. This enabled Canadian firefighters to provide immediate assistance during that crisis. This bill makes that temporary assistance permanent. H.R. 829 reinforces our friendship with Canada and uses the spirit of international cooperation to protect natural resources. I urge my colleagues to support this bill.

□ 1250

Mr. MORRISON of Washington. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to commend the distinguished gentleman from Washington [Mr. MORRISON] for the excellent cooperation that he has given and the constant concern members of our committee have shown.

Mr. Speaker, I rise in support of H.R. 829, the Wildfire Suppression Assistance Act.

The purpose of this bill is to make permanent the temporary authority granted to the Secretary of Agriculture and the Secretary of the Interior last year to provide for mutual aid with foreign firefighting organizations in fighting wildfires. Any agreements entered into under this authority would be made in consultation with the Secretary of State.

Mr. Speaker, you will recall that last year extensive wildfires in the forests of the Western United States placed a tremendous burden on our Government's firefighting resources. We were fortunate to have our good friends and neighbors to the north, the Canadians, offer their manpower and equipment to help us in controlling these wildfires.

The Temporary Emergency Wildfire Suppression Act, enacted last year, allowed the United States to legally reimburse the Canadians for their fuel, equipment, and other assistance they were able to provide. Officials of the USDA Forest Service have told me that the assistance they received from the Canadian Government as a result of this authority was invaluable in helping to control the wildfires that ravaged Yellowstone National Park and the surrounding area.

Mr. Speaker, the temporary authority provided to the Departments of Agriculture and the Interior expired December 31, 1988. This authority was made temporary simply to provide the other committees of jurisdiction in the House with additional time to review it. In particular, Mr. FASCELL, chairman of the House Committee on Foreign Affairs, requested that the authority be provided on a temporary basis, until his committee had sufficient time to give the matter consideration this year. I am pleased to report that the Committee on Foreign Affairs has no objection to consideration of H.R. 829 today and I would like to insert into the RECORD a letter to this effect. I thank Chairman FASCELL, as well as Chairman UDALL of the Committee on Interior and Insular Affairs, for their support of this measure.

Mr. Speaker, I urge my colleagues in the House to support this bill.

Mr. Speaker, I include for the RECORD a letter from Chairman FASCELL concerning jurisdiction in this matter:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 13, 1989.

Hon. E KIKA DE LA GARZA,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your request that the Committee on Foreign Affairs forego action on H.R. 829, the Wildfire Suppression Assistance Act, without prejudice to the Committee's jurisdiction.

It is my understanding that the intent of H.R. 829 is identical to legislation passed in the last Congress, but makes permanent the authorities contained in that legislation. Therefore, I have no objection to the consideration of this measure as reported by the Committee on Agriculture by the full House and would request that you make our correspondence on this issue a part of the record during Floor consideration.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. WELDON. Mr. Speaker, today the House will be considering H.R. 829, the Wildfire Suppression Assistance Act. I am proud to rise in support of this legislation and commend Mr. VOLKMER and the primary cosponsors of the bill for their timely consideration of this critical situation, well in advance of the summer fire season.

Last year, the greater Yellowstone area saw some of the worst fires in the park's history. Emergency firefighting assistance from Canada, made available by the Temporary Emergency Wildfire Suppression Act, was an important factor in preventing even greater depletion of our wildlands.

Over the past decade, we have seen a shift in the focus of dealing with the forest fire problem from readiness to last-minute, stopgap solutions. The over 80,000 acres of Yellowstone that were ravaged by fire last summer are testimony to the fact that forest fires spread too quickly, and are too destructive to rely on 11th hour decisions about how to cope with them.

By amending the duration of the Temporary Emergency Wildfire Suppression Act, this legislation ensures that future emergencies can be handled without lengthy bureaucratic review which greatly delays our wildfire suppression teams and makes their already difficult job virtually impossible. The passage of this H.R. 829 will demonstrate that Congress is ready and willing to adopt a comprehensive wildfire policy.

Mr. Speaker, being able to call on the Canadians for assistance in an emergency may be a sometime solution in an extraordinary situation, however, we must also ensure the long-term preparedness of our own firefighting resources.

The adoption of the Temporary Emergency Wildfire Suppression Act last summer is merely one example of how Congress' attitude to our Nation's fire problem tends to be reactive rather than proactive. The fire problem cannot be responsibly addressed if we only turn our attention to it in times of crisis. H.R. 829 represents a significant reversal of that trend.

As chairman of the congressional fire services caucus, I encourage my colleagues to

support this bill, and to be responsive to other aspects of the fire problem that still demand attention.

Mr. MARLENEE. Mr. Speaker, I took considerable pride in cosponsoring H.R. 829 and voting for it recently in the House Agriculture Committee. This legislation will permanently authorize the Temporary Emergency Wildfire Suppression Act which will allow the Agriculture and Interior Departments to enter into firefighting agreements with other nations, notably Canada. It will allow our Government to reimburse our international friends for the assistance they provide us in fighting fires.

After the experiences of last summer's catastrophic forest fire season in the Western United States, we must do everything in our power to guarantee that we are duly and truly prepared to tackle a similar challenge. The ability of our Government to use well trained firefighters and specialized equipment from Canada last summer was very helpful. H.R. 829 would merely give us the option to use this arrangement in the future.

I know of no opposition to this legislation. It has strong support from both sides of the aisle. Moreover, Assistant Secretary of Agriculture George Dunlop, speaking for the administration, gave a strong endorsement of H.R. 829 when he testified before the Subcommittee on Forests, Family Farms, and Energy earlier this month. I encourage my colleagues to support this worthy piece of legislation.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 829.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 124 and H.R. 829, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PEACE AND FAMINE RELIEF IN SUDAN

Mr. WOLPE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 15) concerning peace and famine relief in Sudan.

The Clerk read as follows:

S. CON. RES. 15

Whereas starvation and civil war have killed nearly 1,000,000 southern Sudanese civilians since 1983 and displaced 2,000,000 to 3,000,000 of southern Sudan's 6,000,000 people;

Whereas numerous and reliable reports from the field document that both sides of the conflict, the Government of Sudan and the Sudanese People's Liberation Army (hereafter in this concurrent resolution referred to as the "SPLA"), have not only neglected the welfare of southern Sudanese people, but in many instances have deliberately deprived southern Sudanese of food and medicine and have used food as a weapon of war;

Whereas combatants have massacred untold numbers of civilians, destroyed entire villages, and decimated the infrastructure in southern Sudan;

Whereas a national peace accord, which is essential both to an effective emergency relief effort and to a negotiated peace settlement, was endorsed by the SPLA and the Democratic Unionist Party in November 1988, but did not receive the agreement of the Government of Sudan;

Whereas the United States and other international donors have taken several significant steps to alleviate famine, including an October 1988 emergency airlift by the United States Office of Foreign Disaster Assistance and a relief operation carried out by the International Committee of the Red Cross in both rebel and government-held areas in southern Sudan;

Whereas such humanitarian efforts are crucial first steps but assist only a small fraction of the more than 2,000,000 Sudanese in dire need of relief;

Whereas the United States has a special relationship with the people and Government of Sudan, including the provision of more than $100,000,000 in bilateral and multilateral assistance in fiscal year 1988, the largest amount received by any nation in sub-Saharan Africa;

Whereas Secretary of State James A. Baker III, in a statement on February 8, 1989, emphasized that "starvation will almost certainly not end until the fighting ends," urged both the Government of Sudan and the SPLA to "put peace first and to agree to an early ceasefire" in order to facilitate relief, and called on "authorities at all levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone"; and

Whereas the Secretary General of the United Nations, at the invitation of the Government of Sudan, has announced a relief conference to be held in Khartoum in March 1989: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends Secretary of State Baker's statement of February 8, 1989, as a major step forward in dramatically focusing world attention upon the humanitarian disaster in Sudan and the urgent need for responsible action by the Government of Sudan and the SPLA to bring about a ceasefire, effective emergency relief, and implementation of a meaningful peace accord;

(2) commends the relief activities in Sudan of the Agency for International Development, the Office of Foreign Disaster Assistance, international organizations, and American, international and indigenous private and voluntary agencies;

(3) condemns and deplores the use of food as a weapon by the Government of Sudan and the SPLA and calls upon each of them to respect and honor the safe passage of food and emergency relief supplies to civilians in affected areas;

(4) supports all efforts by the international community, private and voluntary agencies, and concerned governments to provide assistance to imperiled Sudanese, including cross-border feeding operations and prepositioning of food in southern Sudan;

(5) commends the International Committee of the Red Cross (ICRC) for its success in working simultaneously with the Government of Sudan and the SPLA to deliver food and emergency assistance to civilians on both sides of the conflict, and support efforts by the ICRC to rapidly expand the volume of relief delivered and the number of sites reached;

(6) supports the expanding involvement of the Secretary General of the United Nations in promoting peace and relief activities in Sudan and commends the Government of Sudan for welcoming these efforts;

(7) urges the President and the Secretary of State to exercise vigorous international leadership in pressing for a genuine national reconciliation and an end to widescale starvation and suffering in Sudan, through forceful direct representations to the Government of Sudan and the SPLA, through sustained multilateral, diplomatic initiatives, and active United States-Soviet collaborations, and through the designation of a special United States Government envoy;

(8) urges the President and the Secretary of State to conduct a comprehensive reassessment of the United States' relationship with the Government of Sudan, including critical examination of future bilateral and multilateral assistance given by the United States to Sudan (other than humanitarian assistance), unless within 6 months after the date of adoption of this concurrent resolution—

(A) the Government of Sudan has made demonstrable progress in facilitating increased relief to displaced populations in areas it controls, through the instance, increased mobilization of key government resources and improved controls over government-armed militias; and

(B) the Government of Sudan has made significant progress in negotiations with the SPLA for a national peace accord and a cease-fire; and

(9) urges the President and the Secretary of State to impress upon the SPLA its special responsibility to permit the flow of international relief to civilians in government-controlled southern cities and towns, the imperative for the SPLA to facilitate assistance to noncombatants in SPLA-controlled areas and, finally, the importance for the SPLA to negotiate independently with the Government of Sudan for a national peace accord.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and the Secretary of State.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. WOLPE] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the full House is to act on Senate Resolution 15, the Kennedy-Simpson resolution on Sudan. That resolution is identical to House Congressional Resolution 58, as amended. The House resolution was introduced by Congressman ACKERMAN, who momentarily will describe it.

I support this resolution wholeheartedly. It focuses congressional concern in a meaningful and direct way upon the tragedy underway in Sudan. Hundreds of thousands of innocent southern Sudanese have died each year since 1983. We need to take bold and decisive action to ensure that in 1989 several hundred thousand do not again perish.

This resolution is one important step in that direction. It enjoys strong bipartisan support in the Foreign Affairs Africa Subcommittee in the Foreign Affairs Subcommittee on Human Rights and International Organizations, in the Senate Foreign Relations Committee, and in the full Senate. I also want to pay tribute to my distinguished colleague, Mr. LELAND, who chairs the Select Committee on Hunger and with whom my subcommittee has worked so closely on this issue the past several months.

Through this resolution, Congress puts the Government of Sudan and the southern insurgents, the Sudan People's Liberation Army [SPLA] on notice that emergency relief to innocent civilians and a negotiated national peace accord are absolute imperatives. No less important, it signals that continued obstruction of these two ends by the Government of Sudan will jeopardize Sudan's access to future United States bilateral and multilateral assistance. There has been a need for some time to deliver this stark message: thanks to the efforts of Congressman ACKERMAN, Senators KENNEDY and SIMPSON, and others in both Chambers, that message is now coming across.

Until very recently, United States policy has been one of quiet diplomacy, marked by an unquestioning faith in the integrity and motivations of the Sudanese Government. This overly passive approach has proved ineffective on increasingly untenable on political and moral grounds. Over the past 2 years, the worst conceivable outcome which the United States has desired to prevent by its low-key approach has in fact largely materialized. In the meantime, the United States has demonstrated a tragic hesitation to pursue aggressively all options of delivery relief to the south. Moreover, we have been slow and reluctant to apply overt, sustained and multilateral diplomatic pressures upon the Government of Sudan and the SPLA to achieve peace.

There are some harsh and brutal lessons in what has happened, and what is likely to continue happening, in Sudan.

Fortunately, in the past month we have seen evidence of a new willingness on the part of the new Bush administration to register openly the United States abhorrence to what is taking place in Sudan, to make clear that a vast share of responsibility lies at the door of the Sudanese Government, and to signal its intentions to proceed aggressively to see that relief reaches the hundreds of thousands of imperiled Sudanese in SPLA-territory via cross-border deliveries.

Last week, a U.N.-sponsored conference in Khartoum focused on how to improve the delivery of emergency famine relief. Let us hope that commitments made by the Government of Sudan during the conference become reality.

I welcome these recent events. Secretary of State Baker and Julia Taft, Director of the Office of Foreign Disaster Assistance, each deserve high praise for the attention they have devoted to Sudan. Congressman FRANK WOLF should also be commended for journeying personally to SPLA territory and to Khartoum to learn first hand what is taking place.

During the Easter recess, Congressman ACKERMAN, together with Congressmen LELAND and EMERSON, the chairman and ranking minority of the House Select Committee on Hunger, respectively, will visit Sudan, Ethiopia, and Kenya to examine the crisis in Sudan, its regional ramifications and the prospects for a positive United States influence in promoting peace and effective emergency relief. I look forward to a debriefing from them upon their return in early April.

Mr. Speaker, let me emphasize that at this critical moment—when the fate of the Sudanese Government hangs in the balance and the rains that interfere with distribution of relief supplies are but a few weeks away—we may still not act boldly enough to carry out our emerging policy.

Two critical policy questions remain: The answers to them may perhaps save hundreds of thousands of lives.

First, is the administration prepared to act aggressively enough, in conjunction with our friends in Europe, Egypt, and Saudi Arabia, to press the Sudan Government to implement the DUP-SPLA peace accord? That accord is the bottomline for peace in Sudan. The United States and other concerned governments must make clear that half-baked substitutes from the Government of Sudan are absolutely inappropriate and will only prolong the staggering suffering of innocent Sudanese.

Second, what exactly is the administration prepared to do, and in what timeframe, to meet the immediate emergency needs in Sudan—through all available channels—if we are to avoid seeing another one-quarter of a million Sudanese die in 1989?

Finally, Mr. Speaker, I wish again to register my deep concern that United States military assistance apparently continues to flow to the Government of Sudan via "pipeline" moneys from previous years, even as new aid allocations decrease. This is a disturbing development which contradicts official statements critical of the Government of Sudan's behavior, as well as softening the impact of strong congressional statements of the kind contained in the resolution before us today.

According to the DOD Congressional Presentation Document, no military aid was obligated for fiscal years 1988 and 1989. Yet we signed agreements with the Government of Sudan—in the midst of this terrible crisis in which the Government of Sudan has thwarted relief efforts for its starving southern citizens and scuttled various national peace options—for $22.5 million in fiscal year 1988 and $10 million in fiscal year 1989.

Further, the United States is proposing to sign an additional $10 million in military aid agreements in fiscal year 1990 and to obligate another $5 million in military aid. Congress and the administration must each ask themselves what sort of signal this sends to the Government of Sudan.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join in supporting Senate Concurrent Resolution 15 which I understand to be identical to House Concurrent Resolution 58, as amended by Mr. BEREUTER during subcommittee consideration.

Civil war and starvation have caused enormous human suffering in the Sudan, Africa's largest country. This tragically divided nation has long been considered a potential bread basket for the entire continent of Africa.

Sadly, however, civil war has decimated Sudan's potential productivity and resulted in hundreds of thousands of civilian casualties. The United States and other international donors have committed substantial resources to alleviating suffering in Sudan, including an October 1988 airlift and relief operations carried out in both rebel and government controlled areas in southern Sudan.

Secretary of State James A. Baker III recently urged the Government of Sudan and the SPLA rebels to agree to a cease-fire and to remove obstacles to the provision of emergency relief to victims caught in the war zone.

The resolution before us commends our Government and other international relief organizations, while de-

ploring the use of food as a weapon of war. I support the resolution and urge my colleagues to do likewise.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. I was an original cosponsor of its companion resolution here in the House, and I believe that its consideration this week is particularly timely.

I commend the gentleman from New York [Mr. ACKERMAN], the gentleman from Michigan, [Mr. WOLPE], and certainly the gentleman from Michigan, [Mr. BROOMFIELD] for their leadership on this resolution.

For the past decade, Mr. Speaker, Sudan has received more aid from the United States than any other country in sub-Saharan Africa. As this resolution makes note, "the United States has a special relationship with the people and Government of Sudan." And, indeed, it is the responsibility that such a relationship imposes upon us, which has led to this resolution.

Sudan is a country in crisis, a crisis which represents the tragic consequences of political decisions that have been made in Khartoum by three successive regimes over the past 6 years. The list of misguided policies adopted by the government in Khartoum is very long. Equally as long is the list of abuses that have been committed by both sides in the Sudanese civil war.

This resolution is not an attempt to take sides in the war. It is an attempt to side with those millions of Sudanese people—north and south—who are the victims of that war.

We all hope, Mr. Speaker, that the reorganization of the governing coalition which is underway right now in the Sudanese parliament will lead to a new administration that will be committed to ending the civil war and getting relief to the starving—immediately.

Pending that outcome, however, we have the obligation to keep up the pressure and do all that we can to facilitate the delivery of food and medicine to the hundreds of thousands—even millions—of Sudanese people who are in imminent danger.

I will conclude by noting that the resolution commends Secretary of State Baker for his leadership in focusing world attention on the crisis in Sudan. It also commends AID, especially the Office of Foreign Disaster Assistance, the International Committee of the Red Cross, and the various private relief agencies which have been working in Sudan under considerable duress.

Mr. Speaker, Sudan is the largest country in all of Africa. Sudan has been a friend of the United States—and the American people have a longstanding commitment to help the Sudanese people. It is this fact which makes the present crisis so tragic. And it is this fact which makes the status quo so unacceptable.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. HOUGHTON], a member of the Committee on Foreign Affairs.

Mr. HOUGHTON. Mr. Speaker, I rise in support of the Senate Concurrent Resolution 15.

The famine in Sudan, as many people have mentioned earlier, is real, it is serious, and, as such, being concerned citizens we are concerned about famine no matter where it occurs in this world.

My only wish, of course, is that we could become galvanized in our efforts the way we were at the time of the original famine in Ethiopia.

In the meantime here in the Sudan, as earlier in Ethiopia, the local political door slamming is being used on those who would want to cross the threshold to help our fellow human beings. The Government, guerrilla forces, as we all know, have both cold bloodedly blocked relief shipments of food to regions controlled by their enemies.

My colleagues know what Secretary Baker has said in his strong statement.

Strange, is it not, that those providing the out held hand, wanting to lighten the load and fill the stomachs and care for the needy, are rejected?

So this motion, while not earthshaking in its physical force, is still important and is important as a signal to the rest of the world and, as a signal to those people who are playing partisan political, callous process. It says that we are waiting, we are watching and if nothing changes we will act accordingly.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 15 and I commend the gentleman from New York [Mr. ACKERMAN] for taking the initiative on this resolution in the House.

I traveled to Sudan in January and saw first hand the suffering and tragedy in that country. The conditions there are terrible and I am pleased that we are acting quickly on this resolution to put the Congress of the United States on record urging immediate steps to improve conditions there.

The Bush administration has acted quickly to improve conditions in Sudan. Secretary of State Baker's February 7 statement on peace and relief in Sudan has obviously had a positive impact on the situation in that country. In addition, U.S. food aid which recently began flowing into southern Sudan will save many lives in that region.

These are very positive steps that will undoubtedly help to relieve the suffering in Sudan.

This resolution calls on the administration to appoint a peace negotiator to help seek a temporary cease-fire so that food, medicine, clothing, and other supplies can reach those in need. I believe that this step, which would lead to free passage of food in both northern and southern Sudan, could be the step that averts massive famine in Sudan in 1989. Hundreds of thousands of lives could be saved.

Again, I wholeheartedly support this resolution and want to commend the gentleman from New York on his work on this issue.

□ 1310

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 15, concerning peace and famine in the Sudan.

At this very moment, the Sudan is experiencing the worst famine on the globe. An estimated 1 million Sudanese have starved to death since 1983, including between 250,000 and 500,000 victims in 1988 alone. This condition dwarfs the devastation of the Ethiopian famine. More people have died this year in the Sudan than perished in the Armenian earthquake.

The 17th century philosopher and theologian, John Donne stated that "no man is an island * * * any man's death diminishes me because I am involved in mankind; and therefore never send to know for whom the bell tolls, it tolls for thee."

America's deep humanitarian tradition seems to spring from Donne's words. This Nation's overwhelming acceptance of the responsibility to meet the global need for food assistance has led the United States to respond with massive amounts of food aid to Africa which makes us second to none in meeting the terrible scourge of famine.

Make no mistake about it, my friends, what is happening in the Sudan is a crime against humanity.

The situation in the Sudan is far worse than that which we experience in areas such as Ethiopia, which I have personally witnessed. In the Sudan, the problem is not the shortage of food. The rains have been good this year and a successful harvest is in. The cause of starvation is a brutal civil war in which both sides have resorted to using food as a weapon, deliberately preventing it from being distributed to

those who so desperately need it for survival.

The current civil war between the Islamic North and the Christian South has dislocated the population and blocked food shipments. Hundreds of thousands have fled to Ethiopia in the south or north toward Khartoum. Most of the refugees lucky enough to escape the war zones are young boys which would indicate that women and small children have been left behind at the mercy of the famine.

The real tragedy of this situation is that neither side of the political struggle has showed any regard for the civilians. The SPLA rebels in the south have shot down relief aircraft, attacked food convoys, and besieged towns. The response of the Khartoum government has been totally inadequate or at best indifferent.

Repeated efforts by the international community, including the United States, to end the war and deliver food have met with only limited success. Even the Red Cross has found its ability to conduct relief operations are hampered by the political intransigence.

This legislation rightly condemns the use of food as a weapon of war and calls on both warring parties to provide safe passage for food relief efforts. The resolution also recommends that the Bush administration designate a special envoy who would work with the Sudanese Government and the SPLA to try and reach a settlement of the civil war.

Mr. Speaker, the message in passing this legislation today is clear. We can no longer remain silent in the face of deliberate, self-inflicted famine which results in the death of millions of innocent victims of political warfare. I urge passage of this legislation.

Mr. WOLPE. Mr. Speaker, I yield 4 minutes to the author of the House version of the resolution before us, the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I thank the leadership for scheduling a vote on this resolution so quickly. The famine in Sudan is an extremely urgent matter and it is necessary that we give it our immediate attention. The Senate resolution we are considering is identical to House Concurrent Resolution 58, as amended, which I introduced 2 weeks ago. Fifty-six of our colleagues have cosponsored the legislation, including Chairman FASCELL, along with great leadership, Chairman WOLPE, Mr. GILMAN, Mr. BURTON, and in bipartisan fashion, Mr. SOLOMON and many, many other Members of the House and Senate.

I particularly want to thank the gentleman from Virginia [Mr. WOLF] for visiting the Sudan, seeing the tragedy first hand and personally bringing us such difficult news. Before this month is over, I intend to, along with the gentleman from Texas [Mr. LELAND] and the gentleman from Missouri [Mr. EMERSON] to follow in his footsteps.

Mr. Speaker, there's no joy in this resolution, as we finally begin dealing with the terrible human suffering in Sudan. Actually, it's an embarrassment that we join the issue so late. It's an embarrassment that one-fourth to one-half Sudanese died of starvation in 1988. It's an embarrassment that the United Nations now estimates that 2 million Sudanese will need emergency food assistance in 1989 and that 100,000 innocent civilians will starve unless they receive relief before the rains begin in Sudan in late April. Most of all, it's an embarrassment that 1 million Sudanese have already died since 1983 not because of lack of food in Sudan, but because food is being used as a weapon in the civil war there.

Mr. Speaker, it has long since been time that we spoke out on this embarrassing, tragic, and deliberate famine in Sudan. We can in part do that through this concurrent resolution. The resolution condemns the use of food as a weapon by both the Government of Sudan and by the SPLA. It urges active United States-Soviet collaboration in finding a solution to the problem in Sudan and recommends the designation of a special United States Government envoy to work with both sides in the civil war. Most importantly, the resolution calls on the President and the Secretary of State to reassess United States-Sudanese relations, including a critical examination of our foreign aid, unless Khartoum facilitates relief to its starving masses and negotiates an end to the bloody civil war.

The broader message of the resolution is just as important. It says that we have seen enough death, enough suffering, enough children murdered by politics.

Only a few decades ago, the world stood by silently as millions of people were put to their deaths. But no one spoke up—they had excuses. They said they did not know. Well, today, Mr. Speaker, we know. There is a genocide being perpetrated.

One-half million dead, a million more to die this year. What greater terror than for a mother to watch her children starve and turn into skeletons before her eyes. Today we know.

We do not need more outrage after the fact. We must speak out now. Those who said never again must know that now is the time to speak out. We must not be accomplices to this terror, to this murder, to this genocide.

Too long have we sinned by our silence. Too many innocent people have died while we watched. We did not act sooner. Let us act now. Mr. Speaker, I implore our colleagues to support Senate Concurrent Resolution 15.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from New York for his leadership on this issue as well as the Subcommittee on Africa and its members. We do care; we are concerned. It is absolutely vital for the American people to speak on this subject whenever it becomes necessary for us to show our repulsion and our indignation on the kinds of events that are taking place in the Sudan.

Mr. WOLPE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE], a member of the subcommittee.

Mr. PAYNE of New Jersey. Mr. Speaker, as a member of the Committee on Foreign Affairs' Subcommittee on Africa, I rise in strong support of Senate Concurrent Resolution 15.

The urgency of the situation in the Sudan requires that the United States, as the leader of the free world, act swiftly and decisively to alleviate the terrible human suffering plaguing the men, women, and children in that war-torn country.

It is estimated that between 200,000 and 500,000 people were killed by starvation last year in the Sudan. Every day that goes by without a resolution to the civil war means that more lives will be senselessly lost.

We can not eradicate hunger in the Sudan until we bring an end to the tragic civil war which has been tearing the country asunder since 1983. The use of food as a weapon is unspeakably cruel. Looking at photographs of children wasted by lack of nourishment, it is hard to believe that both sides have used this practice freely.

We are reminded of the poet Robert Burns' observation that "Man's inhumanity to man makes countless thousands mourn." By approving this resolution today, the United States is sending a strong signal that we will not tolerate deliberate starvation as a political tool.

There have been some encouraging signs. At the United Nations conference last week, the Sudanese Government agreed to cooperate with efforts to end the fighting and to facilitate delivery of food supplies. Our Nation must be watchful to see that these words are converted to action.

Now is the time for the United States of America to stand before the world and exert positive leadership. We have shown in the past that with determination we can accomplish near miracles. The Camp David accords are one example of the way that American influence can help mold a solution to even the most bitter and long-standing hostilities, and the recent accord in

Angola as it relates to Cuban troops and free elections in Namibia.

Mr. Speaker, I would like to commend our Chairman, Mr. WOLPE, for his leadership on this issue. Secretary of State James Baker deserves recognition for urging "both sides to remove remaining obstacles and to do everything possible to provide emergency relief to victims * * *"

The passage of this resolution today will be an important step forward in our quest to improve the plight of the Sudanese people by promoting peace and freedom from hunger.

□ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I rise in support of the resolution. The return of famine to the horn of Africa is one of the great tragedies of the past year. It is difficult to assess, much less comprehend, the extent of the starvation, but is safe to say that hundreds of thousands of people have starved to death in the last year. Unless decisive action is taken in the next few weeks, this tragedy will be repeated during 1989. We must act now.

The return of famine to Sudan is a great tragedy, but an even greater tragedy is the fact that the hunger is largely man made. This time the culprit is not so much natural disaster but civil war. Even more frustrating than the return of hunger to that country is the difficulties the civil war is creating in helping those in need. The civil war is not only causing the famine but is preventing the international community from helping the victims.

It appears that both sides in the civil war are guilty of using food as a political weapon. Unless this situation changes, hundreds of thousands more are at risk of starvation during the coming year. I, therefore, call on both sides of the conflict to honor a ceasefire, resolve their differences, and above all, allow the international relief community to get food to those in need. Time is urgent if we are to prevent an even greater tragedy.

The Select Committee on Hunger, on which I serve as the vice chairman, has been following the situation in Sudan closely during the past year. In 2 weeks I will be going to the region with Representatives LELAND and ACKERMAN to assess the situation and bring congressional pressure to bear in removing the roadblocks to peace and relief.

This resolution also adds congressional weight to the peace process and the relief effort. It urges the administration to redouble its diplomacy by designating a special envoy to focus on the problems in the region. It also urges all parties to allow the food to reach the people and to stop using food as a political weapon.

If containing and relieving and alleviating famine is to succeed, the international community must use its collective pressure to impress upon all sides in the conflict the need for peace. This resolution is an important contribution to that effort, and I urge my colleagues to support it.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. WOLPE. Mr. Speaker, for the purpose of closing the debate, I wish to yield time to my distinguished colleague, the gentleman from Texas [Mr. LELAND], chairman of the Select Committee on Hunger, but before doing so, let me just express my appreciation both to him and to the gentleman from Missouri [Mr. EMERSON] for the extraordinary leadership the Select Committee on Hunger has provided. We have worked intimately with that committee over many, many months.

I also want to pay a special tribute to Mr. Jeff Clark, a staff member of that select committee, who headed up the international effort and who was key to really getting the staff effort in gear that led to today's resolution. Mr. Clark has left the committee for another assignment, and he will be sorely missed. I am most appreciative of his contribution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, let me join the gentleman from Michigan [Mr. WOLPE] in his comments concerning Mr. Clark, who was a vital part of the staff of the Select Committee on Hunger and who has left to go with the Carters to create an entity that would deal with hunger and other kinds of problems in Africa for former President Jimmy Carter.

Mr. Speaker, I rise in strong support of the resolution before this body which reflects the growing concern of so many House and Senate colleagues on the worsening famine which is enveloping the Sudan. The situation in Sudan threatens the lives of hundreds of thousands of Sudanese civilians caught in a deadly vice between opposing forces in a struggle not of their making. Civil war, religious and ethnic strife, the reckless arming of mercenaries and bandits, and a disregard for the concept of safe passage of relief convoys have created a desperate situation. Since the conflict first erupted in 1983, perhaps 1 million civilians have perished. Last year the estimates were that some 250,000 or more Sudanese escaping the conflict starved to death.

The Southern Sudanese who perished from famine in 1988 were lost because of the indifference and hostility of government and rebel authorities—military and civilian—who proved to be quite willing to use food as a weapon in their conflict. Relief agencies have been denied access to those in need as both sides maneuver and manipulate the affected population for their own gain. The abuses of the concept of safe passage of relief items have been well-documented. Relief planes and truck convoys have been the target of gunfire. Private relief agencies have been expelled by the Government and harassed by the rebels. Food for the dislocated population has been repeatedly stolen by soldiers.

The truth is, thousands of Sudanese civilians are needlessly losing their lives as politicians and field commanders sacrifice them as pawns in this conflict. Congressional delegations and relief agency experts over the past 8 months have verified—the extent of the Sudan emergency and documented its causes.

We cannot easily alter the situation in the Sudan. But we can be certain that no one doubts the position of the U.S. Government on the question of using food as a political weapon. We must be heard condemning this practice by whomever may be attempting it—and heard in a loud voice. We must be certain that our own relief efforts extend to those located across arbitrary political lines. We must resolve that the complexity of the situation will not fatigue us but, instead, that the horror of it will result in our determined efforts to make certain that these people not starve.

It is important to note that relief operations launched by the U.S. Government—specifically those of AID's Office of Foreign Disaster Assistance—and the private relief agencies within The past few months have succeeded in reaching many desperate people in the Sudan with food, medicine, clothing * * * and a chance for survival. These efforts prove that more can be done. We in Congress must now resolve that more will be done.

The passage of a congressional resolution will not, by itself, satisfy our obligations to the victims of famine in the Sudan. But passage of this resolution gives a clear signal that we cannot be among those indifferent to the tragedy. I strongly urge my colleagues to support this measure, and I thank the gentleman from New York [Mr. ACKERMAN] for his tireless efforts to assist the people of the Sudan and his leadership in this matter.

Mr. Speaker, I, too, wish to thank the chairman of the Subcommittee on Africa of the Committee on Foreign Affairs for his incredible leadership and untiring efforts in this matter. I commend also the gentleman from Missouri [Mr. EMERSON].

The gentleman from Missouri and I, along with the gentleman from New York [Mr. ACKERMAN], will be travel-

ing to the Sudan to try to see if in fact the Congress can do more than it has been doing.

Mr. Speaker, I thank the gentleman from Michigan [Mr. WOLPE] for yielding this time to me.

Mr. MFUME. Mr. Speaker, today I rise in strong support of Senate Concurrent Resolution 15 concerning the civil war and concomitant famine in the Sudan. First, Mr. Speaker, I wish to state that the author of the House companion bill (H. Con. Res. 58) Representative GARY ACKERMAN, the House Select Committee on Hunger and the House Foreign Affairs Committee should be commended on the job they and their staffs have done to alert Congress to the ongoing civil war and tragic famine that is afflicting this vast nation on the Horn of Africa.

Briefly, Mr. Speaker, this measure condemns the use of food as a weapon in Sudan's civil war and encourages both the Sudanese Government in Khartoum and the Sudanese Peoples Liberation Army [SPLA], based in the south, to come to terms with their nation's famine problem by beginning to look toward resolving the war.

The war and famine in this beleaguered nation was responsible for the deaths of at least a quarter of a million people in 1988 alone. Additionally, the Khartoum government and the SPLA have hampered the delivery of relief aid claiming that incoming aid from any source is politically and militarily motivated. Sadly, after 30 years of intermittent civil war there are no winners and a legacy of starvation and displacement will affect the makeup of Sudan through to the next century.

Mr. Speaker, I firmly believe that no measure can emphasize enough the importance of addressing this emergency with the urgency that it truly deserves. Even if a miraculous peace settlement were to be enacted today, relief workers and agencies would still be very hard pressed to assist the hundreds of thousands of starving refugees before the rainy season begins in a few short weeks.

It is very important that the U.S. Congress and the Bush administration carefully examine this situation as it specifically relates to our aid commitment to the Khartoum government. Last year our Government gave Sudan $100 million in aid with no conditions or provisions for improving its human rights atrocities and ending the war. The time has come for our Government to begin to hold the Sudanese combatants accountable for the death and destruction that it has wrought against its own people and Senate Concurrent Resolution 15 is an appropriate starting point.

In closing, I encourage all of our colleagues to vote for the passage of this bill on behalf of the people of the Sudan.

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution and urge all Members to join in this bipartisan effort to end the massive human suffering now taking place in Sudan. The resolution which is before us today had bipartisan support in the other body and a companion resolution, House Concurrent Resolution 58, has bipartisan support in the House.

Through the efforts of our colleagues, some of whom have recently visited the Sudan, we have all gained greater knowledge of the tragedy which is now unfolding in that unfortunate country. We have become aware of the principal cause of the suffering. It is the civil war now raging in the Sudan and leaving in its wake many civilian victims who are displaced and impoverished or who starve to death for lack of delivery of available food.

As noted in the resolution, our own Government and other donors have labored tirelessly and are working now to bring food to the needy; but in order to adequately address those needs they need the cooperation of the Sudanese Government and the Sudanese Peoples Liberation Army, which is contesting the government's authority. A national peace accord is needed to enable the people of Sudan to devote their considerable talents to developing their country. An immediate cease fire in the war is needed so as to immediately reduce the suffering by bringing assistance to those in need.

The timeliness of our action is unquestionable as thousands of Sudanese have died over the past 2 years. More will be lost if the war is not stopped and the international community does not respond to the existing needs.

The new administration under President Bush is taking a fresh approach to the situation in Sudan. Secretary of State Baker has stated "the starvation will not end until the fighting ends." I applaud this and urge the administration to strengthen its efforts to bring peace to that long-troubled land.

In closing, I wish to commend the efforts of the gentleman from New York [Mr. ACKERMAN], the author of the House resolution, and all those Members who have worked to bring the attention of the Congress to this matter.

Mrs. PATTERSON. Mr. Speaker, I am pleased to be a cosponsor of House Concurrent Resolution 58. This resolution commends Secretary of State Baker for focusing attention on the humanitarian disaster in Sudan and for calling for a cease-fire in the civil war.

This legislation also commends the relief activities of the Agency for International Development [AID], the International Committee of the Red Cross [ICRC], and other agencies and organizations whose successful relief efforts have helped save the lives of many persons in Sudan.

In addition, I believe that this resolution sends an important message regarding the relationship of United States aid to Sudan and the need to encourage Sudan to make immediate progress in facilitating relief efforts to its displaced population and to negotiating a peace accord. That is, this resolution urges the administration to conduct a comprehensive reassessment of the United States relationship with the Sudanese Government and to reexamine United States aid to Sudan, unless the Sudanese Government has made demonstrable progress regarding the conflicts in Sudan, within 6 months of enactment of this resolution.

More than 1 million people have starved to death because of the conflict between the Sudanese Government and the rebels fighting them. Too often in the Sudan, the withholding of food from civilians has been used as a tactic or a strategy of war.

As a result, thousands of Sudanese, many of whom are women, children and elderly men, have starved to death, been displaced, or sold into slavery. Today, many thousands more are at risk of meeting the same fate.

Surely, we cannot continue to let this happen. The United States has a historical commitment to achieving the basic human rights and dignity of all persons. We cannot abandon this commitment and moral responsibility now.

We must make sure that policies taken by the United States continue to reflect principles that emphasize the value of human life, regardless of religious, ethnic, or political affiliation.

The opportunity to support initiatives which will promote a peaceful and long-term solution to the problems in the Sudan is in the best interest of the United States and Sudan. I would like to commend my colleague for introducing this resolution and urge President Bush and Secretary Baker on behalf of the United States to lead the way nationally and internationally to help bring an end to the unnecessary, yet tragic situation in Sudan as soon as possible.

Mr. GILMAN. Mr. Speaker, I rise to support House Concurrent Resolution 58 concerning peace and famine in Sudan. The situation in the Sudan is desperate. Starvation and war have killed nearly 1 million southern Sudanese civilians since 1983 and displaced 2 to 3 million of southern Sudan's 6 million people.

It is obvious that both the Government of Sudan and the Sudanese Peoples Liberation Army have not only neglected the welfare of the southern Sudanese people, but in many instances have deliberately deprived southern Sudanese of food and medicine and have used food as a weapon of war.

This resolution commends international relief efforts and calls on the President and the Secretary of State to exercise vigorous international leadership in pressing for national reconciliation in the Sudan and reassess United States-Sudanese relations if Sudan's Government fails to make progress toward facilitating relief to civil war victims and in cease-fire negotiations during the next 6 months.

I commend the gentleman from New York [Mr. ACKERMAN] for his outstanding work on this issue, and I urge the unanimous adoption of this important resolution.

Mr. HALL of Ohio. I rise in support of Senate Concurrent Resolution 15, which calls on the President and Secretary of State to reassess United States-Sudanese relations and pursue all efforts to facilitate a negotiated end to that country's bloody, tragic, civil strife. I was in Ethiopia in December 1987 when I saw a videotape of Sudanese boys taking refuge in western Ethiopia. I was stunned and shocked by the images of young boys fleeing the Sudan for Ethiopia and the terrible physical shape they were in when they arrived. Even more horrible was what the video could not show: many of the boys who had left their homes had died on the way.

I would like to compliment my colleague on the Select Committee on Hunger, the gentleman from New York [Mr. ACKERMAN], for so forcefully taking the lead on this issue. He has worked diligently and effectively to encourage the State Department and Agency for Interna-

tional Development to focus on ending the conflict while helping the needy. I salute the expeditious work of the gentleman from Michigan [Mr. WOLPE] in his effective efforts as the chairman of the Subcommittee on Africa. Today we are hearing bipartisan concern voiced that United States policy has not been vigorous enough toward the Sudan. It is my hope that these strong statements from Members of Congress will bring about a much-needed change in U.S. policy—in time to save millions of lives.

It has taken the world much too long to recognize the massive number of suffering people in this huge African nation. Under circumstances of peace, this could be a prosperous country. Under today's prolonged tragedy, perhaps as many as 1 million Sudanese have already died. Unless enormous quantities of food are positioned near population centers in the southern part of this country, another half a million innocent people—most of them women and children—will perish this spring and summer.

The worst aspect of the Sudanese calamity is that people have created this situation; it is not the result of a bad harvest or a flood or a swarm of locusts. It is the result of war, and the criminal willingness of both warring sides to use food as a weapon.

Two things need to happen: First, enough food needs to be positioned where those in need can get it now, and in sufficient quantity so they have access to adequate food until the next harvest comes in 6 months; and second, at the same time, President Bush and Secretary of State Baker need to make every effort to bring both sides together to negotiate a just and lasting peace. Without peace this tragedy will continue into the next decade. It has already been permitted to continue much too long. We must help stop it now. I urge my colleagues to support this resolution as one act along the way of restoring sanity and bringing an end to the politics of hunger in the Sudan.

Mr. WEISS. Mr. Speaker, I rise in support of the resolution before us today. It is a resolution based on House Concurrent Resolution 58, of which I am an original cosponsor. I strongly believe that it is an appropriate response to the horror that is occurring in the Sudan right now.

Sudan is in the midst of a severe famine. Since 1983, an estimated 1 million Sudanese have starved to death. In 1988 alone, between a quarter and a half million people have died because of the prolonged, bloody civil war, in which both sides use food as a weapon. Both the Government of Sudan and the Sudanese Peoples Liberation Army have actively prevented food and medicine from reaching the people who desperately need it.

It is time for the U.S. Congress to speak out against this ongoing tragedy. Senate Concurrent Resolution 15 does just that. It condemns the use of food as a weapon by both sides. It urges the U.S. Government to focus international pressure on both sides to bring an end to the war. Moreover, it calls upon the President and Secretary of State to reexamine our foreign aid to Khartoum. We currently provide $100 million in aid to a government which insists on continuing an inhumane war despite the horrific cost it wreaks on the innocent civilians—including children—in the Sudan. The resolution gives the Government of Sudan 6 months to demonstrate progress in facilitating famine relief efforts for the hundreds of thousands who are starving, and to make genuine efforts to negotiate an end to the war.

Mr. Speaker, there is no strategic goal important enough to remain silent while people starve to death. The Government of Sudan must realize that there is a broad bipartisan group within Congress who will not tolerate the continued use of calculated starvation tactics. The resolution before us today sends that message. I urge my colleagues to support it.

Mr. FAZIO. Mr. Speaker, as a member of the Select Committee on Hunger and a cosponsor of House Concurrent Resolution 58, I strongly support this resolution concerning peace and famine relief in the Sudan. I also commend my colleague on the Hunger Committee, Mr. ACKERMAN, for taking the lead in this effort.

Earlier this month, the Select Committee on Hunger held a hearing which looked at the devasting famine in Sudan. The testimony presented at that hearing highlighted the situation and demonstrated the need for action. It is estimated that 1 million Sudanese have starved to death since 1983, including a quarter to a half a million victims in the last year alone. Millions more in southern Sudan have been displaced from their homes.

The truly disastrous aspect of this situation is that the famine is not the result of drought or some other natural catastrophe but is directly related to the civil war between the government of Sudan and the Sudanese Peoples Liberation Army [SPLA]. Both sides in the civil war have used food as a weapon which has led to the famine and have prevented efforts to provide relief to affected individuals.

The resolution we have before us today is extremely important for it conveys to the administration, the Sudanese people and the rest of the world our great concern and outrage at this man-made famine. It says that we have seen enough suffering and disregard for human life and that the U.S. Congress is unwilling to remain silent on this atrocity.

I strongly support this resolution and urge my colleagues to support it as well.

□ 1330

Mr. WOLPE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Michigan [Mr. WOLPE] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 15).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING AID TO PAY CERTAIN EXPENSES FOR ELECTIONS IN PANAMA

Mr. CROCKETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1373) to authorize the Agency for International Development to pay the expenses of an election observer mission for the 1989 Presidential elections in Panama.

The Clerk read as follows:

H.R. 1373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPENSES OF OBSERVER MISSION FOR 1989 ELECTIONS IN PANAMA.

The Administrator of the Agency for International Development is authorized to use any funds described in section 2 to pay the expenses of an election observer mission for the 1989 Presidential elections in Panama.

SEC. 2. DESCRIPTION OF FUNDS WHICH MAY BE USED.

In carrying out section 1, the Administrator of the Agency for International Development may use any unearmarked funds that are available to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961.

SEC. 3. RESTRICTIONS ON ASSISTANCE FOR PANAMA NOT APPLICABLE.

Funds may be used in accordance with this Act without regard to any provision of law which would otherwise prohibit the use of foreign assistance funds with respect to Panama.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CROCKETT] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1373 would authorize the Agency for International Development to pay the expenses of an election observer mission to the May 1989 Presidential elections in Panama, notwithstanding existing provisions of law that might have the effect of prohibiting such action.

These expenses would come out of already appropriated funds.

An earlier version of the bill was reported unanimously by the Subcommittee on Western Hemisphere Affairs on March 2. The bill before us, which contains a minor technical change, was reported unanimously by the Committee on Foreign Affairs this morning.

As all the Members know, Panama has run afoul of various restrictions on aid because of political conditions there, because it is in arrears in its debt repayments, and because of allegations regarding narcotics trafficking. But I am sure none of us would want the Agency for International Development to be precluded by these restrictions from sending an election observer mission to Panama. This bill enables the AID to do that, and that is all this bill does.

Mr. Speaker, there was no opposition to this bill in the committee, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to offer my support for H.R. 1373, legislation introduced by the ranking Republican member of the Western Hemisphere Subcommittee, BOB LAGOMARSINO, authorizing the Agency for International Development to pay the expenses of an election observer mission for the upcoming 1989 Presidential elections in Panama.

The legislation before us authorizes AID to expend funds, which I understand have already been set aside, for an election observer mission for the 1989 Presidential elections in Panama. Specifically, this legislation waives any legal restrictions which might have had the unintentional effect of banning such action.

It is essential that the Congress be on the record as supporting any legitimate activity that promotes democratic activities in Panama.

I compliment my colleague, Mr. LAGOMARSINO, on this fine legislation.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of my legislation, H.R. 1373, authorizing the Agency for International Development to pay for expenses of an election observer mission for the 1989 Presidential elections in Panama.

As AID began its preparations for making a grant to the National Democratic Institute and the National Republican Institute for International Affairs for an election observer mission, lawyers for AID ran into some problems. After considerable study of existing laws, they believe that a number of provisions in current law prevent them from using appropriated funds for such an election observer mission.

For example, some of the provisions of the Foreign Assistance Act dealing with countries in arreas in debt payments to the United States, and provisions relating to drug enforcement and foreign government officials engaged in narcotics trafficking would have the effect of prohibiting AID from funding an election observer team for Panama. Obviously, it is in the interests of the United States to monitor closely the electoral process in Panama, and we should do everything necessary to ensure that we have clear reading on what happens in the upcoming Presidential elections in Panama.

To overcome the legal problems that would prevent the United States from funding an election observer team, I introduced H.R. 1373, which provides for an exception to allow an observer mission to be sent for the Panamanian elections. The measure has strong bipartisan suppport and the administration supports this legislation as well.

All of us in the Congress and in the administration are anxious to see free, fair, and open democratic elections take place in Panama. It is vital that we have competent, impartial international observers on the scene to report the conduct of the elections in Panama and to be able to make recommendations based on the results of those elections. Our interests in Panama are of such great importance, it is imperative that we have firsthand knowledge about the promotion of democratic institutions in Panama.

I urge my colleagues to give their strong support to this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to support H.R. 1247, a bill to authorize the Agency for International Development to pay the expenses of an election observer mission for the May 1989 Presidential elections in Panama and I commend the gentleman from California [Mr. LAGOMARSINO] for initiating this measure.

In view of the recent political turmoil in Panama, it is obvious that an election observer is needed to help guarantee a just, open, and democratic election result in that nation.

Mr. Speaker, I strongly urge the adoption of this bill.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 1373, to authorize the Agency for International Development to pay for the expenses of an international election observer mission for the 1989 Presidential elections in Panama.

Mr. Speaker, the purpose of this resolution is to correct a legislative oversight in the current prohibition on United States assistance to Panama. While we, of course, do not wish to supply any United States aid to the government of dictator Noriega, it is in the United States interests to support indigenous efforts to promote democratic development in Panama. Free and fair elections leading to the establishment of a truly representative government are part of that development. This measure is designed to overcome the current prohibition on the use of United States funds to support a nonpartisan and international election observer mission to Panama for the May 7 Presidential, legislative, and municipal elections, the first elections since the fraudulent elections of 1984.

AID will make a grant, from already authorized and appropriated funds, to the National Democratic Institute and the National Republican Institute for International Affairs. These two private organizations will organize the mission, similar to those that they conducted in the Philippines in 1986, in Haiti in 1987, and in Chile and Pakistan in 1988.

I commend the author of the legislation, Mr. LAGOMARSINO of California, for this important initiative which was approved unanimously by the Committee on Foreign Affairs this morning. The Subcommittee on Western Hemisphere Affairs and the Subcommittee on Human Rights and international organizations agreed to waive consideration of this measure in order to expedite House consideration of it. However, the Western Hemisphere Subcommittee did agree to the text of H.R. 1247, a nearly identical measure, last week. I thank the chairmen and ranking minority members of those subcommittees, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. YATRON, and Mr. BEREUTER for their cooperation.

Mr. Speaker, I urge immediate adoption of H.R. 1373.

Mr. CROCKETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CROCKETT] that the House suspend the rules and pass the bill, H.R. 1373.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CROCKETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1340

COMMENDING ISRAEL AND EGYPT ON 10TH ANNIVERSARY OF TREATY OF PEACE

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 187) to commend the Governments of Israel and Egypt on the occasion of the 10th anniversary of the Treaty of Peace between Israel and Egypt.

The Clerk read as follows:

H.J. RES. 187

To commend the Governments of Israel and Egypt on the occasion of the tenth anniversary of the Treaty of Peace between Israel and Egypt.

Whereas in Washington, District of Columbia, on March 26, 1979, the Governments of Israel and Egypt, with the support and encouragement of the United States, signed a treaty of peace formally ending their state of war;

Whereas this treaty, the only peace agreement between Israel and any Arab nation, remains a crucial element in fostering peace in the Middle East;

Whereas under terms of this historic document Israel and Egypt agreed to end the state of war between them, Israel fully withdrew its military forces and civilian settlements from the Sinai Peninsula, and Israel and Egypt established formal diplomatic relations, including the exchange of ambassadors;

Whereas the establishment of peace between Israel and Egypt demonstrates that direct bilateral negotiations are the most effective way to resolve the Arab-Israeli conflict and can lead to lasting and mutually beneficial results;

Whereas the other parties to the conflict have been unwilling to enter into direct bilateral negotiations but continue to maintain a state of war against Israel;

Whereas the continuation of the conflict has exacted a high cost in human lives and human suffering from both Israelis and Arabs; and

Whereas the treaty has allowed the peoples of Israel and Egypt to begin to build a network of cultural, economic, personal, and political contacts and relations among themselves: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government—

(1) commends Israel and Egypt for their historic act of courage and statesmanship in signing the Treaty of Peace of March 26, 1979;

(2) calls upon the President to mark this historic anniversary with appropriate public activities;

(3) welcomes the willingness of Israel and Egypt to continue to observe the international obligations they have accepted which have contributed to the peace and stability of the region; and

(4) calls upon other Arab nations and the Palestinians to follow the example of Israel and Egypt, to join actively in the peace process, to renounce the state of war and acts of violence, and to enter into face-to-face negotiations with Israel to achieve a just and lasting peace.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LANTOS] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to express my deep appreciation to the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], the chairman of the Subcommittee on Europe and the Middle East [Mr. HAMILTON]; the ranking Republican member of the full committee, the gentleman from Michigan [Mr. BROOMFIELD]; and the ranking Republican member of the subcommittee, the gentleman from New York [Mr. GILMAN], for their cooperation and support in bringing this critical resolution before the House.

This month, Mr. Speaker, we celebrate the 10th anniversary of the Treaty of Peace between the State of Israel and the State of Egypt. It was in our own city of Washington on March 26, 1979, that these two governments, with the support and the encouragement of the Government of the United States, signed a treaty of peace formally ending their state of war.

This treaty, Mr. Speaker, is the only peace agreement in existence between Israel and any Arab nation and it remains the crucial cornerstone of stability in the entire Middle East. Under terms of this historic document, Israel and Egypt agreed to end the state of war between them. Israel fully withdrew all its military forces and dismantled all its civilian settlements in the Sinai Peninsula, and the two countries, Egypt and Israel, established formal diplomatic relations, including the exchange of Ambassadors.

This peace treaty, Mr. Speaker, demonstrates that direct face-to-face negotiations are the most effective and possibly the only way to resolve the Arab-Israeli conflict through face-to-face negotiations, which in this case led to a lasting and mutually beneficial peace treaty.

For too long a very high human cost has been exacted from both the Israelis and the Arabs in the region, because the other countries in the area have refused to do what Egypt has done, sit down in face-to-face direct negotiations.

I want to pay tribute to the late Egyptian President Sadat who flew the Jerusalem to initiate this critically important step and who paid for his courage with his life.

Our resolution, Mr. Speaker, commends Israel and Egypt for their historic courage and statesmanship in signing the treaty of peace. Our resolution calls on our President to mark this historic anniversary with appropriate festive public activities.

We welcome the willingness of Israel and Egypt to continue to observe all their international obligations which so heavily contribute to the peace and stability of the region.

Finally, Mr. Speaker, we call on all Arab nations and Palestinians in the area to follow the example of Israel and Egypt, to join actively in the peace process, to renounce the state of war and to renounce the acts of violence and to enter into face-to-face negotiations with the State of Israel to achieve a lasting and just peace.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to express my strong support for Congressman LANTOS' resolution, House Joint Resolution 187, commemorating the 10th anniversary of the historic peace treaty between Israel and Egypt. It is proper that we should celebrate this courageous treaty between these two great nations.

In 1979, after 30 years of a state of war, two farsighted leaders, Prime Minister Menachem Begin of Israel and President Anwar Sadat of Egypt, came together to forge a lasting peace between their two countries. This treaty was possible because both sides sought to find a permanent solution to their differences. Both leaders wanted to give peace a chance and take a risk for peace. Anwar Sadat risked alienating the Arab world, and eventually paid for his act of courage with his life in 1981. Menachem Begin risked the security of Israel itself and the anger of his own people when he gave up the Sinai, including all of the existing Israeli settlements there.

The result has been 10 years of peace based on mutual recognition and respect. The success of this treaty demonstrates that direct negotiations between the differing parties can have impressive results. Israel and Egypt are now spared the expense and waste of constant conflict. Both countries are now enjoying the benefits of peace.

In light of the present tragic disturbance in the West Bank and Gaza Strip, I believe all parties should demonstrate the same spirit of reconciliation and trust that Menachem Begin and Anwar Sadat demonstrated 10 years ago. That is the only way to a just and lasting peace.

The United States stands ready, as it did 10 years ago, to act as an honest broker in the pursuit of peace. We wish to assist this process in any way possible.

After 40 years of conflict, the Israeli and Arab peoples have suffered long enough.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to join my distinguished ranking member of the Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD] in supporting House Joint Resolution 187.

Mr. Speaker, I rise to support House Joint Resolution 187, to commend the Governments of Israel and Egypt on the occasion of the 10th anniversary of the peace treaty between Israel and Egypt and I commend the distinguished gentleman from California [Mr. LANTOS] for his work on this measure.

It has been 10 tumultuous years since March 26, 1979, when the Governments of Israel and Egypt, with the support of the United States, signed a treaty of peace, formally ending their state of war and many of us were elated to witness the signing of that treaty on the White House lawn.

That treaty is significant, because it is the only peace agreement between Israel and any Arab nation. The establishment of peace between Israel and Egypt demonstrates that direct, bilateral negotiation is the only effective way to resolve the Arab-Israeli conflict.

Mr. Speaker, this resolution calls upon other Arab nations and the Palestinians to follow the stellar example set by Israel and Egypt to join actively in the peace process, to renounce acts of violence, and to enter into face-to-face negotiations with Israel to achieve a lasting peace. I strongly urge my colleagues to unanimously adopt this resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our committee, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Joint Resolution 187, commending the Governments of Israel and Egypt on the occasion of the 10th anniversary of the peace treaty between these two countries. At the outset, I want to commend our distinguished colleague from California [Mr. LANTOS] who sponsored this resolution, as well as the distinguished majority and minority leaders of the House, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL] for their work on this issue.

At a time when the level of conflict in the Middle East is again high, it is useful to look back and take encouragement from the shining achievement of Camp David. With the help of the United States, the two major players broke through nearly 20 years of hostilities to bring about this remarkable achievement. Ten years later, it still stands as a model of what can be accomplished through persistence, dedication and the vision of peace shared by Prime Minister Begin, President Sadat, and President Carter.

While we now face new and rapidly changing circumstances, the need for peace remains urgent and calls for a renewed commitment by all parties concerned to break the current stalemate through direct bilateral negotiations. The resolution correctly calls upon all states in the region, and the Palestinians, to follow the example set by Israel and Egypt in the 10-year-old treaty, and enter direct negotiations to bring about a comprehensive peace in the Middle East.

Mr. Speaker, House Joint Resolution 187 is a timely reminder of what has already been accomplished in bringing about peace in the Middle East, and how that accomplishment can stimulate further progress in this critical region of the world. I urge approval of the resolution.

□ 1350

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want, first of all, to pay tribute to my very good friend, the gentleman from California [Mr. LANTOS], the author of this resolution, for bringing this legislation before us today. There is no Member in the House who cares more deeply about the cause of peace in the Middle East and probably none who has done more to advance it than the author of this resolution.

Mr. Speaker, this is truly an extraordinary accomplishment which we commemorate today. The treaty between Israel and Egypt bringing to an end four decades of unremitting conflict between these two countries was surely one of the most significant diplomatic achievements in the history of this bloody and brutal century. Perhaps not since 1904, when President Theodore Roosevelt was able to facilitate the Treaty of Portsmouth between Russia and Japan bringing an end to the conflict between those two countries, has an American President played so creative a role in facilitating the cause of peace abroad as did President Carter at the historic negotiations which took place at Camp David and at a time, Mr. Speaker, when there are so many people both in our own country and around the world who look at Israel and feel that it is acting in an intransigent fashion.

Mr. Speaker, I think it is important to point out that in the late 1970's, when Israel was confronted with a credible offer of peace from an Arab country, it was willing to make the most far-reaching concessions in order to achieve peace and, similarly, I think this gives us hope that if the Arabs ever again come forward with a truly credible offer of peace, it will elicit a comparably forthcoming response on the part of Israel.

I think this resolution is an extremely timely one, and I do hope it will encourage all of the countries in the region to reflect on the important lessons of this historic agreement.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank my vice chairman of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], for yielding me this time.

Mr. Speaker, although it may seem a little redundant to my good friend, the gentleman from California [Mr. LANTOS], I do want to join the growing crowd of acclaimants for the gentleman's aggressiveness and farsightedness in seizing this issue and bringing it to the attention of the American people and, specifically, to this Congress.

More specifically to the point, it is a marvelous thing that we can, I think, in this body even recognize those minimal achievements wherein the U.S. leadership has played a little hand in bringing about a modicum of peace in an area which needs it so badly.

I, too, would like to join the gentleman from New York [Mr. SOLARZ] in commenting on the role of leadership portrayed by Mr. Carter, who was President of the United States at that time and not of my own political faith, but I think if he is remembered for anything in the history of this country, it will be for the historic achievement of bringing about a real breakthrough of bringing about the possibility, the potential of the absence of war between two major participants in the Mideast.

Mr. Speaker, further along that line, that probably is the greatest achievement, that there has been no physical violence, no armed conflict between these two countries in the 10 years, that they met at the table with honor and they agreed to terms of peaceful progress in that region, and I believe that that is to be highly commended.

Egypt has had great leadership during that time, as has Israel, and the gentlemen who led at that time, Mr. Begin and Mr. Sadat, are both to be commended, one, of course, in absentia, but he is in the memory of

peace lovers throughout the world forever, and Mr. Begin in is retirement in Israel.

Mr. Speaker, at this stage, I would only hope that other Arab leaders could take their lead from this initiative and realize that there is much more to be gained for their own people, for their own area in terms of straight economics, certainly in military security, certainly in physical integrity of their land and in hope and in promise of peace and prosperity for future generations of unborn in both countries and in all the areas of the Mideast.

Mr. Speaker, it is only tragic that we recognize that other Arab leaders have not seen fit to come forward as aggressively as Mr. Sadat and as courageously as Mr. Sadat and certainly as farsightedly as Mr. Sadat.

Mr. Speaker, I rise today to add my comments and, of course, my congratulations to the gentleman from California [Mr. LANTOS] and all the members of the Committee on Foreign Affairs and Members of this body today to bring this issue to the attention of the American people that peace is possible, but it does take a great deal of leadership.

To summarize, Winston Churchill once said, "It is better to talk, talk, talk than to shoot, shoot, shoot," and that certainly applies to the Mideast today.

Mr. LANTOS. Mr. Speaker, I want to thank all of my colleagues for their support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and pass the joint resolution (H.J. Res. 187).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING SENSE OF THE HOUSE CONCERNING DEATH THREATS ISSUED BY AYATOLLAH KHOMEINI AGAINST AUTHOR SALMAN RUSHDIE

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 102) expressing the sense of the House of Representatives concerning the death threats issued by Ayatollah Ruhollah Khomeini of Iran against British author Salman Rushdie and other persons associated with the publication and distribution of the book, as amended.

The Clerk read as follows:

H. RES. 102

Whereas the Ayatollah Ruhollah Khomeini of Iran issued death threats against British citizen Salman Rushdie, author of the novel The Satanic Verses, and other persons associated with the publication and distribution of the book;

Whereas the International Covenant on Civil and Political Rights, to which Iran is a party, guarantees to everyone "the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media";

Whereas the death threats issued by the Ayatollah Ruhollah Khomeini represent a pernicious and flagrant violation of the internationally recognized right of freedom of expression and of the freedom of writers and publishers in every country;

Whereas one of the most hallowed principles of the United States is the fundamental right to freedom of expression;

Whereas the right of American citizens to seek and receive information has been restricted by the deplorable attempt to practice censorship by death threat;

Whereas the Ayatollah's death threats are an incitement to terrorist acts in flagrant violation of internationally accepted rules of behavior and contrary to the Charter of the United Nations;

Whereas respect for a diversity of religious views is a fundamental tenet on which the United States is based and the American people condemn all forms of religious intolerance and discrimination and the demeaning of any religion; and

Whereas the Ayatollah's death threats against Salman Rushdie and others associated with his book jeopardize Iran's standing in the international community and are a serious impediment to improved relations between the United States and Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the death threats issued by the Ayatollah Ruhollah Khomeini against Salman Rushdie and others associated with the publication and distribution of his book The Satanic Verses;

(2) condemns as incitement to terrorism by a state the threats of the Government of Iran and the Ayatollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) calls for the repudiation of such threats and the immediate withdrawal of any monetary reward or martyrdom for the murder of Salman Rushdie;

(4) commends the United Kingdom and other European community member states for withdrawing their chiefs of diplomatic mission from Iran in response to the Ayatollah Khomeini's death threats;

(5) commends all those authors, publishers, and other persons who have reaffirmed the internationally recognized right to freedom of expression by supporting Salman Rushdie's rights despite threats and intimidation;

(6) applauds President George Bush for his statement of outrage against the Iranian Government's actions and calls upon the President to condemn publicly any threats made against the author and other persons associated with the book The Satanic Verses;

(7) declares the commitment of the United States Government to the promotion and protection of the right to freedom of expression, including the right of any person to write, publish, sell, buy, read, and disseminate books and information without fear of intimidation and violence; and

(8) asks that the President direct Federal agencies to cooperate fully with State and local law enforcement authorities to provide protection against threats to establishments, including bookstores, that may wish to display and distribute Salman Rushdie's novel.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LANTOS] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LANTOS].

□ 1400

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent weeks we had one of the most outrageous and most preposterous statements ever uttered by the leader of a country. The Ayatollah ordered that an author be executed for his writings.

An open invitation to murder is a hostile act and a flagrant violation of internationally accepted rules of behavior, and contrary to any civilized conduct and the charter of the United Nations. I think it is important, Mr. Speaker, that in dealing with this resolution those of us who support the resolution make it clear that we have the highest regard for all religions, and the issue indeed is not one of religion. It is the right of people to express themselves freely, without intimidation and without threats of death.

The entire civilized world was outraged at this preposterous call for assassination on the part of the Ayatollah. The European community withdrew its ambassadors from Iran and civilized people throughout the globe, Christians, Jews, Moslems, and others denounced the Ayatollah for this pre-

posterous outrage of calling for assassination for the right of free speech and free expression.

It is important, Mr. Speaker, for the Congress of the United States to stand up and be counted. One of the most fundamental and cherished principles of our society is free speech, and we simply cannot tolerate the attempt to suppress the freedom of speech of anyone by the dictatorial ruler of Iran.

We condemn the death threats issued by the Ayatollah against Salman Rushdie and we condemn the incitement to terrorism by a state: the government of Iran. The Ayatollah has called on all people to rise and assassinate not only the author of this book, but all others who had anything to do with the publication of this book.

We commend our European friends and others who stood with us in defending the right of free speech and free expression. We commend all those authors and publishers and others who reaffirmed the internationally recognized right to freedom of expression by supporting Mr. Salman Rushdie's right, despite threats and intimidation.

We declare that the commitment of the United States to the promotion and protection of the right to freedom of expression is unqualified, and we ask the President of the United States to direct all Federal agencies to cooperate fully with State and local enforcement authorities to provide protection against threats to establishments, including book stores, that may wish to display or to distribute Salman Rushdie's novel.

We think that the Ayatollah's preposterous statements hit a new low in international affairs.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this resolution condemning Ayatollah Khomeini's recent death threats against British author Salman Rushdie. I commend Congressmen MILLER and LEVINE for this timely legislative initiative.

Both President Bush and the Secretary of State have made strong statements of outrage against the Iranian Government's latest lunacy. The House of Representatives should add its voice to all of those which have spoken out against international terrorism and infringement of free speech.

Now is the time to take a stand. It is time to face down the bully from Tehran and defend freedom in the face of fanaticism.

I urge my colleagues to join me in supporting this resolution.

America must stand its ground in the face of this brazen assault on freedom and reason. In the past, totalitarian states have denied others the right to speak and write freely. Totalitarians have had a great deal of success in imposing their ideologies because they made sure that no voices could be raised in opposition.

After a long series of terrorist attacks on Americans over the years, the Ayatollah has launched his latest terrorist offensive, an attack on the internationally recognized freedom of expression. A death threat has been made against a man who exercised his freedom to write a book. While all of us should respect the religions of others, only a terrorist-supporting nation would stoop to assassination.

Attempts to censor Mr. Rushdie's book are an attack on all of us. Death threats on Mr. Rushdie threaten the spirit of freedom and undermine our civilization.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution. I want to pay tribute to the gentleman from California [Mr. MILLER] who authored the resolution for responding with such great alacrity to this fundamental threat to our most basic values as a nation.

Whatever one may think of Salman Rushdie, and having read some of his previous books I have to say that he is not my favorite author, whatever one may think of the "Satanic Verses," the notion that someone can be threatened with death for what they write, the notion that American publishers and booksellers can be threatened with death for facilitating the distribution of a book is something which is totally, utterly and completely incompatible with our most fundamental values as a nation.

I think it is very important for the House of Representatives to say to the Ayatollah Khomeini and to anyone who subscribes to his many evil conceptions of how to deal with the expression of freedom of thought that we will not accept these threats and we will not tolerate them.

Mr. Speaker, on Sunday the New York Times in its book review section solicited the thoughts of about two dozen writers of renown from all over the world who shared the concerns embodied in this resolution. I wanted to just bring to the attention of my colleagues the selection which appeared in the New York Times book review that was submitted by Adam Michnik, a dissident and author from Poland, who has himself authored some of the most moving and powerful polemics in behalf of freedom and democracy that have been written in the history of our time. Here is what Adam Michnik wrote about this threat by the Ayatollah:

I am deeply distressed that once again a time has returned when it's possible publicly to call for murder. My distress is all the greater because the designated victim of the murder is a writer. A world in which a fanatic governing Iran can rent paid murderers all over the globe is a world in which no one is safe. Salman Rushdie was condemned to death and that's why it's every person's duty to give him shelter. We need to be on the side of the writer and against those who want to murder him. I'd like Salman Rushdie to know that my house is his house.

Mr. Speaker, by adopting this resolution today we say to Salman Rushdie our house is his house and that we will do everthing we can as a nation to protect him and those associated with the publication and distribution of his book from these mad and monstrous threats by the fulminating fanatic fundamentalists in Iran.

□ 1410

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Resolution 102, expressing the condemnation by the House of the Ayatollah Khomeini's death threats against Salman Rushdie, the author of the novel "Satanic Verses," and others associated with the book.

I want to commend the gentleman from California [Mr. MILLER] and the gentleman from New York [Mr. SOLARZ] for joining together in sponsoring this resolution.

These Iranian death threats are outrageous. They have shocked the entire world.

It is incumbent, therefore, that all of us and all nations who deeply believe in the freedom of expression stand up and declare our indignation for these repugnant acts by the Iranian Government.

Accordingly, I urge my colleagues to fully support the resolution.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Resolution 102 condemning the death threats which have been made against Salman Rushdie and others involved in the publication and marketing of his book, "Satanic Verses." I feel as deeply about my religion as anyone possibly could, so I can understand the anger that followers of Islam might feel about the book.

But the response promoted by the Ayatollah Khomeini is irrational and is encouraging acts of terrorism around the world. The terrorism has struck right here in our country, and we must act boldly to bring an end to it. Innocent people have lost their lives and have seen their livelihoods destroyed as a result of the Ayatol-

lah's death threats. I heard from one of my own constituents whose family has suffered wrongfully from all of this. That constituent has a relative who owns a bookstore which was selling Mr. Rushdie's book. The store was firebombed causing extreme damage. My colleagues, that firebombing was terrorism, nothing less.

In reviewing House Resolution 102, I was particularly pleased to note the direction to Federal agencies to assist in providing protection for bookstores distributing this book. We have a circumstance here which clearly warrants those kinds of protections here at home coupled with very strong condemnations of these barbaric threats abroad.

I appreciate the leadership's prompt action in moving this resolution to the floor, and I urge all of my colleagues to lend it their strong support.

Mr. FASCELL. Mr. Speaker, will the gentlewoman yield?

Mrs. LOWEY of New York. I yield to the gentleman from Florida, the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. I thank the gentlewoman for yielding.

Mr. Speaker, I just wanted to commend the gentlewoman from New York for her excellent statement and her contribution to this matter. It is a very serious matter on which the Congress must speak out.

Mr. Speaker, the gentlewoman from New York has done it most eloquently.

Mrs. LOWEY of New York. I thank the chairman.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. I thank the gentleman for yielding.

Mr. Speaker, I rise in very, very strong support of this House Resolution 102.

I would like to add my voice to those commending Congressman MILLER of California for his rapid introduction of House Resolution 102 on this topic.

Mr. Speaker, I hesitate only because I do not wish to align myself with Mr. Rushdie, having read at least some of the excerpts of the book in question, "Satanic Verses," and find myself somewhat repelled, and certainly intellectually turned off by the approach in his book to the religion of Islam.

By the same token, I do think there is no doubt that this body must hasten, and this country's leaders must hasten to take the strongest possible exception to the first issuance of government assassination out of Iran since the days of Hitler and Nazi Germany.

While I do not agree with Mr. Rushdie's basic philosophy as well as I know it, as excerpted form his book, his right, his absolute right, particularly in this country, but it should be true throughout the world, to make his feelings known anyway he likes, are absolute and should be protected at all costs.

I am really dismayed at the emotionalism and fanaticism displayed by the leader of Iran at a time when his people are dying and starving and need as much assistance as possible from the rest of the world.

It would seem to me that while religion is the most important thing in the lives of most of us in God-fearing countries, you must also consider the right of a person to stand up and disagree with the Government on almost any issue.

Throughout the world, human rights organizations rate different countries on their relative strengths and lack of strength in the area of protecting the rights of human beings to survive, exist, and prosper. I find it extremely dismaying that Mr. Khomeini has thrown his lot in with the extreme Islamic fanatics on this particular issue.

Mr. Rushdie's right to publish and speak out on whatever topic he chooses is one which was argued in the Committee on Foreign Affairs today; it may not be sacred but it is certainly hallowed; whatever that distinction may be. We should protect it with every means at our physical, spiritual, and political disposal.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the principal sponsor of this resolution, the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I wish to commend the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] for his attention to this resolution and also to the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for the attention he has given to moving this to the floor, and for the cooperation of the leadership.

Mr. Speaker, House Resolution 102 is a strong statement by this Congress in defense of the human right to free speech.

The death threats against Salman Rushdie, and others associated with the sale of his book, are a direct attack against this most basic right, and we condemn those threats.

The freedom to write, read, publish, and sell books free of fear and intimidation must not be infringed.

This resolution is in defense of the ability of the people, not the state, to decide the merits of an author's work.

We acknowledge that this book has offended many Moslems, and in no way do we condone the demeaning of anyone's religious beliefs.

There have been many books written and published that cause offense to many people. We do not condone those books. We do not condone those beliefs.

But however disagreeable those opinions may be, the use of violence, or the use of state authority, to deny the freedom of expression is a far worse offense.

In passing this resolution today, the House joins many other nations that have stood up in defense of free speech. I also commend our colleagues in the Senate for having passed a similar resolution.

We also applaud President Bush for denouncing the death threat against Mr. Rushdie, as well as the members of the European Community for their actions taken against Iran in response to the threats.

The Congress also commends the writers and writers' organizations that have devoted their time to defend Salman Rushdie and the right of free speech.

This is not only a theoretical debate. There have already been three acts of violence that, in all probability, were linked to the sale of Mr. Rushdie's book—the bombings of book stores in Berkeley, CA and a newspaper in the Bronx.

The Ayatollah Khomeini must understand that the danger presented by his death threat is far greater than the danger Rushdie's novel poses to Islam.

I call for unanimous vote in support of House Resolution 102, and in support of freedom of expression and freedom of the press.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 102, as amended, concerning the death threats issued by the Ayatollah Khomeini of Iran against British author Salman Rushdie and urge its immediate adoption.

The resolution was unanimously approved by the Committee on Foreign Affairs this morning. The committee also approved amendments that had been agreed upon by the Subcommittee on Europe and the Middle East during its consideration of the legislation. The Subcommittee on Human Rights and International Organizations, to whom this legislation had also been referred, agreed to waive consideration in order that we might expedite its consideration before the full House. I want to commend the distinguished chairmen and ranking minority members of the two subcommittees, Messrs. HAMILTON, GILMAN, YATRON, and BEREUTER, for their leadership on this important issue.

Mr. Speaker, I also want to commend the author of House Resolution 102, Mr. MILLER of California, for taking the lead in bringing to the attention of the House the deplorable threats against Mr. Rushdie and the attacks on the internationally recognized right to freedom of expression that these death threats constitute. House Resolution 102 provides this body with the opportunity to express its condemnation of the actions of Ayatollah Khomeini and others and to defend the fundamental principle of freedom of expression that we in the United States hold so dear. I am

pleased to note that this important resolution has received broad bipartisan support.

Support for freedom of expression is one of the basic principles on which this Nation is founded. It is embodied in the Bill of Rights of the Constitution. Furthermore, this freedom is recognized by the international community in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Iran is a party. House Resolution 102 cites the text of the International Covenant which explicitly guarantees to everyone "the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media." The Ayatollah's attempts to exercise censorship by death threat are blatant violations of this internationally recognized human right.

The threat against British author Salman Rushdie has not only violated the rights and seriously restricted the freedom of Mr. Rushdie and his wife, American author Marianne Wiggins, but it has seriously jeopardized the rights of all Americans to exercise their fundamental right to receive information. The threats against Mr. Rushdie's publishers and others associated with the distribution and dissemination of the book "Satanic Verses" has resulted in an atmosphere of fear and intimidation which must not be tolerated.

While we in the United States respect religious diversity and deplore religious intolerance and discrimination, we cannot allow respect for freedom of religion to impede the exercise of freedom of expression. While I understand and appreciate that Mr. Rushdie's novel, which I have not read, may offend members of the Islamic faith, we must vigorously defend his right to write and publish his views, regardless of whether or not we agree with him. Incitement to violence under the guise of defense of religious freedom must never be accepted or condoned. UNESCO's Director General Federico Mayor, expressed the sentiment of many when he said, "It is every person's duty to respect other people's religions; it is also every person's duty to respect other people's freedom of expression. Whatever the offense may be, no incitement to violence from whatever source, is admissible."

It is gratifying to see that the world community has rallied to defend these cherished freedoms. The principle of artistic freedom has been defended by authors, publishers, and others in the art world. The right to freedom of expression for all has been championed by journalists, human rights activists, and others. And world leaders have condemned what amounts to state-sponsored terrorism against Mr. Rushdie and all those connected with his book.

This is not the first time we have faced serious threats or actions from Iran or other states which support international terrorism. It will not be the last. However, what we need to do, and what we are doing, is to apply longstanding principles and tactics developed to deal with the threats of international terrorism. These include firmness in the face of attempted intimidation, and a measured response which should be coordinated with our friends and allies in order to have an effective and realistic result.

Mr. Speaker, House Resolution 102 provides an excellent opportunity for the House of Representatives to go on record deploring this vicious assault on liberty and in defense of freedom. I urge its unanimous and immediate adoption.

Mr. SWIFT. Mr. Speaker, in a single barbarous pronouncement, the Ayatollah Ruhollah Khomeini of Iran has appeared to set civilization back a century or two. By declaring a death sentence on an author—Salman Rushdie for his book, "Satanic Verses"—this religious zealot has tried to sweep away centuries of principled behavior that are essential if there is to be civilized discourse in the societies of the world, and if there is to be true freedom of expression for mankind.

So outrageous was his act, so extreme, so uncivilized that reaction was slow to come—almost as though many could not believe that he had really done what, in fact, he had done quite emphatically. Authors, book sellers, government leaders and spokesmen of other institutions seemed too stunned to react strongly. I tend to find that forgivable. It is perhaps even laudable that we find such unthinkable acts unbelievable.

But time has passed. We now know and understand the implications of the Ayatollah's audacity. We now must believe it. And we must denounce it in the strongest possible terms. At this time I call on all my esteemed colleagues to offer their full support for House Resolution 102. The Ayatollah's actions represent the antithesis of principles by which human beings can live and work together peacefully, even while having profound differences of philosophy, outlook, and culture. To pass a death sentence on those who offend us is merely barbarous. The Ayatollah is profoundly offensive to my view of freedom, humanity and civilization, but I would be appalled at a call for his death, let alone an invitation to commit the murder.

The Ayatollah will, I suspect, never understand that. I hope his followers will grow to understand it, just as I hope the rest of the world does not let his actions establish a new, lower standard of behavior for responsible leaders the world around.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OLIN). The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and agree to the resolution, House Resolution 102, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 102, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1420

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 64) to designate March 25, 1989, as "Greek Independence Day: National Day of Celebration of Greek and American Democracy" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. OLIN). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Joint Resolution 145, "Greek Independence Day: A Day of Celebration of Greek and American Democracy."

I am proud to be a cosponsor of this resolution. It was the ancient Greeks who forged the ideals of democracy from which our Founding Fathers drew when they shaped the principles of government for our great Nation. For that we owe a great debt to the ancient Greeks.

Modern Greeks turned their eyes to the United States as the standard to follow when they sought release from Ottoman rule. March 25, 1989 marks the 168th anniversary of their independence and birth of a new era for the distinguished nation of Greece.

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not they are of Greek ancestry, are kinsmen of a kind to the Greeks. The common heritage we share has forged a close bond between Greece and the United States, and between our peoples. It is reflected in the numerous contributions made by present day Greek Americans, across the country, to our American cultures.

Today, let us celebrate, with the Greek people, a common heritage of freedom and democracy that both our

nations share. By proclaiming March 25, 1989, as Greek Independence Day, we will be reaffirming our strong allegiance to the principles of freedom and democracy.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. RIDGE. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very pleased and very proud to have an opportunity to stand before you today as we pass this resolution. I would also like to thank Chairman FORD of the Committee on Post Office and Civil Service—who is, by the way, a cosponsor of the resolution—Chairman SAWYER of the Subcommittee on Census and Population, and Mr. RIDGE, ranking member of the Subcommittee on Census and Population, for their support and assistance in bringing this resolution to the floor.

I am, additionally, grateful to my colleagues, Congressman ROY DYSON and Congressman STEVE NEAL, who were original cosponsors of House Joint Resolution 145 with me as well as the 130 House colleagues who cosponsored my bill. Last, but certainly not least, Mr. Speaker, I thank Senator LAUTENBERG, whose resolution we are bringing up today, for his initiative and his hard work.

Mr. Speaker, as you well know, a similar resolution has been signed into law for the past 2 years. I am most pleased and encouraged that passage of this resolution—like the annual special order which I take out to commemorate Greek Independence Day—is becoming an annual custom. While resolutions come and resolutions go, "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" seems to have caught on and I think it only proper and fitting.

Mr. Speaker, while I fully realize that current political issues may oftentimes cause tensions between our country and Greece, the fact remains that we have been loyal allies who share many bonds that must continually be brought to light so that they may serve as an incentive for the continuation of good relations between these two historic friends.

March 25 is a day of celebration for those of the Greek heritage and Greek Orthodox faith. Almost greater than any other day of the year in their religious faith and national history, March 25 commemorates the beginning of the Greek struggle for independence from over 400 years of Ottoman domination.

Yes, Mr. Speaker, it was on March 25, 1821, that the so-called Greek resistance, small, battle-weary groups of guerrillas known as Klephtes, embarked on their long and just struggle for freedom against the mighty Ottoman Empire.

They may have been outnumbered, they may have been outsupplied, but the brave Greek patriots held a deep conviction and dream from within their hearts for liberty and justice.

Their struggle for freedom soon gained international support and respect and, after a ferocious 6-year struggle, the indomitable Greek will realized its long-awaited goal—freedom—after over 400 years under the yoke of the Ottoman Empire.

I always am amazed, too, Mr. Speaker, that during that entire 400 years of rule by others of different religions, culture, and nationality—the Greeks retained their language, religion, and heritage.

Mr. Speaker, I think it important that we, as Americans, help to celebrate Greek Independence Day, for our republic and its citizens have received an important legacy from the Greeks—a legacy that serves as the foundation for the very responsibilities we pursue as legislators.

It is true, Mr. Speaker, that each time we perform our constitutional duty, we are doing so in the legacy of the ancient Greeks, for the United States Constitution, the basis for our very system of government, has a rich classical ancestry.

As we all know, in the American colonial period, during the formative years of the American experiment, no feature was more prominent than the extent to which Greek and Roman sources were cited by the Framers of the Constitution. Indeed, the basis for our Constitution itself, derived from Aristotle, was put into practice in 18th century England and in the early state constitutions, before it was given its embodiment by the Convention of 1787.

The overriding appreciation, of course, was for Aristotle's sense of balance, since the delegates viewed the tyrant and the mob as equally dangerous. In fact, both Madison and John Adams emphasized what Aristotle wrote in the Politics. I quote from that treatise, "The more perfect the admixture of the political elements, the more lasting will be the state."

When we honor our Constitution, therefore, Mr. Speaker, we also celebrate the example of the ancient Greeks.

In addition to these contributions, however, passage of the resolution before us today also celebrates the return of democracy to Greece and reminds us of the promise of democracy to people in Nicaragua, parts of Africa, and other parts of the world who are, at this very moment, fighting for that which we, unfortunately, tend to take for granted.

This day of glory that the Greek people rejoice in, helps us too, as a nation, to rejoice in the soul and spirit of 1776, a spirit that "never says die."—A spirit that today lives on in defense of the principles for which so many of the free world's citizens have given their lives.

These principles are embodied in the slogan "Eleftheria I Thanatos"—"Liberty or Death." They are not uniquely Greek, Mr. Speaker but they are a legacy which all democracies cherish and have a responsibility to protect.

Again, my deep gratitude to all who made passage of "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" a reality this year.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my friend, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise to express my support for Senate Joint Resolution 64, designating March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

March 25, 1989, marks the 168th anniversary of the beginning of the struggle which resulted in the freedom of the Greek people from the Ottoman Empire.

I am pleased to participate in the effort to continue this annual celebration.

This is an appropriate way for us to observe and commemorate the rich history shared by the United States and Greece.

It is undisputed that ancient Greece was the origin of a significant set of political and philosophical principles from which our Founding Fathers borrowed heavily in forming our representative democracy.

At the same time, it was our revolutionary experience and Declaration of Independence which were part of the ideals supporting Greece's fight for freedom.

Since those pioneering years, our two countries have come to enjoy close, friendly relations, which is evident in world affairs and the growth of a Greek-American community in this country.

We find in every walk of life Greek-Americans making invaluable contributions to the maintenance of and advancement of our own society. All of us who share in the common bond of the understanding that we as a nation are bound together, not so much by common blood but by common belief, have reason to celebrate this very special independence day this month, because to the degree that we are all bound by that common faith in the rule of law, we are all Greek-Americans in one sense or another.

Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], who is the sponsor of the House companion measure, for providing us with an opportunity to display

the appreciation that we all share for the longstanding relationship between the United States and Greece.

Mr. CONTE. Mr. Speaker, today I rise to mark the 168th anniversary of Greek independence.

On March 25, 1821, Greek patriots opened their long battle to regain their nation's freedom. In declaring their independence from the Ottoman Empire, they restated an ancient Greek ideals: Every nation, everywhere, at evey time, has the right to choose its own leaders, and to live in freedom and peace. And very soon, lovers of freedom from all over Europe and from these United States joined them in their fight.

The Greek freedom fighters and their allies set the world an example in bravery; but their struggle was neither quickly ended nor easily won. Greek families lost lives and shed tears. The citizens of ancient and treasured regions of Greece—Salonika, Crete, Rhodes—waited decades to join their brothers and sisters.

But Greek courage and sacrifice brought victory to their cause and freedom to their country. And the knowledge that the Greek flag flies over Athens was a wonder to the world then, and reminds us now that the poetry of Homer and Hesiod, the philosophy of Plato and Artistotle, the science of Archimedes and Euclid, were just the first of the Greek nation's contributions to our world.

Since 1821, our two countries have maintained a unique friendship. In peace and war, we recognize our common interest and defend our common values. We fought together against the Nazis in the Second World War, and stand together for freedom in the NATO alliance. Our friendship is based not on political advantage, but on our mutual belief in democratic government and the individual's right to freedom. It is a friendship tha can last forever.

Mr. Speaker, I applaud Congressmen BILIRAKIS, NEAL, and DYSON for introducing their commemorative resolution. It is a pleasure to join millions of Greeks, Greek-Americans, and lovers of freedom around the world in celebrating this day. Let us trust and pray that the next anniversary of Greek independence will be just as joyful.

Mr. DURBIN. Mr. Speaker, I rise to commemorate "Greek Independence Day," March 25, 1989. This marks the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire—a domination that lasted for almost 400 years.

As the poet Percy Bysshe Shelly noted, "Our laws, our literature, our religion, our art, have their roots in Greece." The American form of democracy, the basic principles of our Constitution, the revolutionary concept that "everyone is equal before the law," all originated in the Greek experiment with self-government some 2,000 years ago.

In return, the American revolution became one of the ideals of the Greeks as they fought for their own independence in the 1820's. Greek patriots translated the United States Declaration of Independence and used it as their own when they broke away from the Ottoman Empire. Many volunteers from all across America participated in Greece's war for independence.

During recent history, the United States and Greece have maintained close ties. In the early 1900's, large numbers of Greek natives immigrated to America, and during World War II over 600,000 Greeks died fighting on the side of the allies—a loss that represents 9 percent of their entire population. Americans of Greek ancestry have thrived in this country and have made major contributions to science, religion, music, art, and public serivce. Last year, the Democratic Party chose a proud American of Greek ancestry, Massachusetts Gov. Michael Dukakis, as their nominee for President of the United States.

Mr. Speaker, both our nations have given much to each other. It is fitting that we mark March 25 as a national day of celebration of Greek and American democracy.

Mr. MAVROULES. Mr. Speaker, "Greek civilization is alive; it moves in every breath of mind that we breath; so much of it remains that none of us is one lifetime could absorb it all. Greece is the bright morning star of that Western civilization which is our nourishment and life."

These words of the noted historian Will Durant express the heartfelt sentiment that America and the free world hold for their great ancestor of democracy—Greece.

March 25, 1989, marks the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. In 1821, Greece declared her independnce from almost 400 years of Turkish occupation. During that time, the people were deprived of all civil rights; schools and churches were closed down; and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan. But their unconquerable spirit finally prevailed. Greece recaptured her birthright—democracy.

Democracy itself is a Greek word—"demo" meaning people and "kras" rule or government thus "rule by the people." From the days 2,000 years ago when Pericles spoke of democratic freedom up through today the tenants of individual dignity and the rights afforded by rule of law have given hope to millions of people around the globe. Nowhere are these democratic principles better represented than in the United States today.

And while Greece has provided America with the philosophical foundation for its great experiment in democratic government, America in turn acted as the role model for Greek independence, as she adopted our Constitution as her own. That symbiotic union is still alive today and so it is fitting that we honor our Greek-Americans for their contributions to this country.

Through their remarkable compatibility with the people of America, Greeks have become very successful in the United States. According to U.S. census data, the first Greeks who became U.S. citizens ranked only 18th of the 24 nationalities in their median educational attainment. Their children, however, had leapt to the top by 1970 to rank number one among the American ethnic nationalities.

Of course, I am proud to be a Greek-American and proud of the Greek achievements in the United States.

But I am even prouder of the great heritage of freedom which our ancestors gave to the world so many years ago. Although the struggle for democracy continues in many parts of the world, the Greek spirit will prevail.

That is what this day is all about.

Mr. MILLER of California. Mr. Speaker, I rise today to ask my colleagues to commemorate, on March 25, 1989, Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

This Saturday will mark the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. Greece was under the control of the Ottoman Empire for almost 400 years, from the fall of Constantinople in 1453 until its declaration of independence in 1821. Greek intellectuals translated the United States Declaration of Independence and used it for their own declaration.

Greece has the distinguished honor of being the birthplace of what we today consider democracy. As James Madison and Alexander Hamilton wrote in the 1787-88 Federalist Papers, "Among the confederates of antiquity the most considerable was that of the Grecian Republic * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

The Greek-American relationship has been a mutual one. We derived our ideas of democracy from their ideology and they were guided by our revolution and Declaration of Independence for their own freedom. The Greeks have stood along side the United States in the fight for democracy around the world. Over 600,000 Greeks, 9 percent of their entire population, died fighting on the side of the Allies in the Second World War.

Our Greek-Americans in this country have continually made worthy contributions to our American melting pot. Some Greek-Americans of national note include: in medicine, Dr. George Kotzias who developed a drug to combat Parkinson's disease; in music, Maria Callas; in acting, Telly Savalas, and Olympia Dukakis, and in government, Massachusetts Governor Michael Dukakis, San Francisco Mayor Art Agnos, and many others.

Mr. Speaker, I urge all of us here today to honor the Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

Mr. ROYBAL. Mr. Speaker, I rise to pay tribute to all Greek-Americans across the United States as March 25, 1989, marks the 168th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

It is important to set aside a day to honor Greek-Americans with a national day of celebration of Greek and American democracy. For it was the Greek independence which resulted in the democratic foundation that future countries would adopt, and it is of this foundation that American democracy has flourished. In assessing the significance of the Greek independence to American democratic ideals, James Madison and Alexander Hamilton wrote:

Among the confederacies of antiquity the most considerable was that of the Grecian republics. * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the

present confederation of the American states.

In turn, the United States has also contributed as a role model for Greek independence. The American Revolution became one of the ideals of the Greeks as they fought for independence in the 1820's. Greek intellectuals translated the Declaration of Independence of the United States and use it as their own declaration. As a Greek commander in chief once said in appealing to the citizens of the United States:

Having formed the resolution to live or die for freedom, we are drawn toward you by just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and by thought worthy of them if we succeed in resembling you * * * it is for you, citizens of America, to crown this glory.

Mr. Speaker, it is because of this common bond of democratic ideals, that I ask my fellow colleagues to join me in saluting the Greek nation as they celebrate their independence and recognize the many contributions of the Greek-American community to our Nation's advancement.

Mr. STARK. Mr. Speaker, Greek-Americans have made great contributions to this country and it is with pleasure that I make these remarks in commemoration of March 25, 1989, as Greek Independence Day—a national day of celebration of Greek and American democracy. March 25 marks the 168th anniversary of the beginning of the Greek fight for democracy and independence from the Ottoman Empire which began in 1821.

The Greek struggle for independence was inspired, in part, by the American achievement of independence and democracy which, in turn, was inspired by the model of democracy in Ancient Greece. As James Madison and Alexander Hamilton wrote in the Federalist Papers, "Among the confederacies of antiquity the most considerable was that of the Grecian republics * * *. From the best accounts transmitted to this celebrated institution it bore a very instructive analogy to the present confederation of American States."

Even before large numbers of Greeks immigrated to this country in the beginning of the 20th century, they had a profound impact on our Nation. They have continued to make contributions to their new country. I am proud to honor these Americans with this day.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1989, marks the one hundred and sixty-eighth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1989, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AGRICULTURE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 117) to proclaim March 20, 1989, as "National Agriculture Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

□ 1430

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to publicly acknowledge the work of the gentleman from Texas [Mr. DE LA GARZA] who is the chief sponsor of House Joint Resolution 117, to proclaim March 20, 1989, as "National Agriculture Day," and I tell him and advise my colleagues on the other side of the aisle that I am pleased to join with him in this recognition.

Mr. DE LA GARZA. Mr. Speaker, I rise today in support of House Joint Resolution 117, to designate March 20, 1989, as "National Agriculture Day."

I introduced this resolution with the Honorable EDWARD R. MADIGAN, the distinguished ranking minority member of the House Committee on Agriculture, to encourage all Americans to be aware of the importance of agriculture in every aspect of their lives.

This observance, which has been in effect for more than a decade, is traditionally celebrated on the first day of spring, a season of rebirth and growth after the chilly days of winter. This year, especially, it is a time of new promise and hope for America's agriculture sector after the devastating drought of last year.

Working together with the Agriculture Council of America, we have sought to educate all Americans about the men and women who have dedicated their lives to provide the food and fiber necessary for human existence, and who have helped spur the economic growth of our great Nation.

Agriculture and the food and fiber system represents 17 percent of our Nation's gross national product. One out of every six jobs is in agriculture and related industry. The food and fiber system generates an estimated 20.1 million jobs, approximately 17 percent of the entire U.S. workforce. Approximately 90 percent of the jobs in today's food and fiber system are off-the-farm jobs.

The American agricultural sector is the most efficient and productive in the world. The American food and fiber system produces 27 percent of the world's food grains and 25 percent of the world's beef with only 3 percent of the world's agricultural labor force. One farmer or rancher can provide food and fiber for 114 people, 92 in the United States and 22 in foreign lands.

The United States is the world's largest exporting nation of agricultural products. In fiscal 1988, U.S. agricultural exports were $35.5 billion with agricultural imports totaling only $21 billion. This $14.5 billion favorable balance of trade offset some of the large unfavorable balance in U.S. industrial trade. Further, each additional $1 billion in U.S. farm exports creates another $1.5 billion of economic activity. The eight largest markets for United States agricultural exports in 1987—in millions of dollars—were Japan, $5,700; Netherlands, $1,975; South Korea, $1,833; Canada, $1,809; Taiwan, $1,285; West Germany, $1,284; Mexico, $1,200; and the Soviet Union, $938.

Furthermore, Americans spend a lower percentage of their disposable income on food than the citizens of any other nation in the world. On average, an American will spend only 13 percent of disposable income on food, compares with Japan at 18 percent, Philippines at 53 percent, France at 18 percent, and Ecuador at 35 percent.

Less than 1 percent of U.S. farmland is foreign-owned. The largest among foreign-owned acreage, 14 percent of the U.S. total, is in Maine and is mostly timberland.

In 1987, one in 49 persons, or 2 percent of the U.S. population, lived on a farm, compared with 30 percent in 1920, and 90 percent when the Constitution was signed. The rural farm population dropped about 1 million between 1890 and 1984 to 4,986,000.

Like other independent businesses, many U.S. farms are incorporated. Of all incorporated farms, 82 percent were family-held in 1982.

The average farm is 463 acres with average farm assets at $373,7000—including real estate and operator household. Average farm debt is $70,500. Farmers that have off-farm jobs in addition to farming represent 48.4 percent of the farm population. Farm residents' medium age was 37.6 years, compared with 32 years for nonfarm residents.

There was a total 998,692,000 acres in farm land in 1988 with 25.5 million acres enrolled in the Convervation Reserve program and 54.2 million acres in setaside programs.

The proclamation of this observance, which has bipartisan support in both Houses of this Congress and the full support of the executive branch, has always been a useful way of

adding to the importance and prominence of National Agriculture Day. It helps to promote an understanding of modern agriculture, culturally and historically, as a way of life.

I urge my colleagues in the House to pass this resolution as a show of support for America's farmers, ranchers and all other Americans employed in the food and fiber system, and as a declaration of faith in agriculture's importance to America's health and well-being.

Mr. BRUCE. Mr. Speaker, on February 2, 1989, Agriculture Committee Chairman KIKA DE LA GARZA introduced House Joint Resolution 117 recognizing March 20, the first day of spring, as National Agriculture Day. I applaud this action and wish to remind my colleagues of the significant importance of our Nation's agriculture industry.

Established in 1973, National Agriculture Day has been designed to promote better understanding between agriculture related groups and the urban public, and to promote a broader national understanding of the vital role agriculture plays in the welfare of all Americans.

America's farmers provide food and fiber for millions around the world and jobs for nearly 25 million workers in the United States. Today the output of one farmer feeds over 116 people, including 30 people in other countries. With less than 2 percent of our Nation's population engaged in farming this level of output is staggering. About one-fifth of all agricultural goods in world trade originate on American farms. Even with last year's summer drought affecting much of our Nation's heartland, agricultural trade continued to provide significant revenues to our Nation's GNP.

Every $1 billion of farm commodities exported creates 30,000 jobs. But what farmers purchase to produce their commodities also creates employment for other Americans. According to statistics published recently by a national farm organization, farmers use 6.5 million tons of steel annually requiring the efforts of 40,000 workers. Internationally the United States ranks the lowest in percentage of annual income spent on food because of our country's efficient agriculture production.

An annual increase in farm production has come to be taken for granted but in the early decades of this century farm production was almost on a treadmill. Agricultural production in the United States rose nearly 1 percent per year from 1910 to 1930. It rose an average of 1.5 percent annually in the 1930's, 2 percent in the 1940's, 2.2 percent in the 1950's, 1 percent in the 1960's; from 1970 to the record production levels realized in the 1980's it has averaged an annual increase of nearly 3 percent, according to USDA statistics.

An ever increasing level of production does not come by accident. Agriculture research and education play an important role in the vitality of farm output. 4–H, Future Farmers of America, and other agriculture youth groups contribute greatly to the ability of agricultural industry to meet the challenges of the future. Through these organizations young people are being prepared for over 200 different careers related to agriculture. We must not lose sight of agricultural education's importance if American agriculture is to continue prospering.

I call upon all segments of the agriculture industry—from the farm to the supermarket checkout counter, from those who grow and harvest our crops to the men and women who process them into food and clothing, from those who furnish farm production supplies to those who transport our commodities to hundreds of millions of people in this country and around the world to join in the celebrations and observances planned in communities across the country on Agriculture Day, March 20, 1989.

Mr. RIDGE. I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OLIN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 117

Whereas agriculture is the Nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas agriculture serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in world trade markets;

Whereas it is important that all Americans should understand the role that agriculture plays in their lives and well-being whether they live in urban or rural areas; and

Whereas since 1973, the first day of spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, and Federal, State, and local governments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1989, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 19 through March 25, 1989.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREEDOM OF INFORMATION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 167) to designate March 16, 1989, as "Freedom of Information Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to my friend and colleague, the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I rise today to speak on behalf of House Joint Resolution 167, which designates March 16, 1989, as "National Freedom of Information Day." As in years past, March 16 has been chosen because it marks the anniversary of the birthday of James Madison, one of America's very earliest advocates of freedom of information.

March 16 is also significant for it was on this date in 1985 that American journalist Terry Anderson was abducted in Beirut by terrorists. Unfortunately, after 4 years, he still remains in the hands of terrorists.

Mr. Speaker, this bill serves as a tribute to Mr. Anderson and to journalists around the world who constantly put their lives in jeopardy while providing us with information.

The first amendment of the Constitution, which guarantees Americans the freedoms of speech and press, is the backbone upon which our great nation is based. We need only to look at the many countries around the world which do not permit freedom of the press to realize how fortunate we are to have this open exchange of ideas.

Mr. Speaker, Arthur Hays Sulzberger once stated that "a man's judgment cannot be better than the information on which he has based it." I wholeheartedly agree with this sentiment and, thus, consider it an honor to speak on behalf of this measure and ask my colleagues to join me in supporting this resolution by passing it here today.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 167

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the

Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16, 1989, is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

INTRODUCTION OF THE TELEVISION VIOLENCE ACT OF 1989

The SPEAKER pro tempore (Mr. OLIN). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing, with Mr. FEIGHAN and 34 of my colleagues, the Television Violence Act of 1989. This important legislation would allow the television industry to work collectively to curb the violence in programming seen by children without running afoul of the antitrust laws for a period of 3 years. This bill would not impose regulation on broadcasters, but instead would provide the opportunity for them to discuss voluntary guidelines for cutting down on television violence.

Most scientists studying in this field agree that there is a causal relationship between televised violence and later aggressive behavior in children. If you consider that there are over 50 million viewers under the age of 16 in this country, and that the average child watches over 20 hours of television each week, such a relationship is alarming and deserving of close attention.

There is no question that television violence is pervasive; from Saturday morning cartoons to Friday night "Miami Vice," children are exposed to scenes of graphic violence. Apart from possibly inspiring children to commit violent acts, either as children or later in life, constant exposure to graphic violence desensitizes adults and children to the effect of violence in the real world, and introduces an acceptance of violence as a way to resolve our differences. We may be seeing the long-term effects on children when each morning the Washington Post reports the body count of adolescents and young adults gunned down in the street overnight.

Members of Congress in both Houses have sought legislative solutions to this problem for many years. However, legislative solutions are constrained, fortunately, by the first amendment of the Constitution which protects free speech. We should not and cannot dictate the content of television programming. An obstacle to a voluntary reduction in violence by the networks is that, in this intensely competitive business, it is commonly held that violence sells. Each network is reluctant to take unilateral steps to reduce violent programming for fear of slipping in the ratings. At the same time, our antitrust laws may prohibit these large industrial competitors from meeting to discuss ways to address the issue as an industry.

I believe that the bill we are introducing today addresses the industry's concerns, and more importantly, the concerns of parents for the education and future of their children, without violating the first amendment. Under this bill, the networks are not required to meet, nor to write and disseminate guidelines, nor to implement them. This law would just provide the opportunity to do so. Furthermore, the exemption granted is narrowly drawn so that anticompetitive discussions and agreements would remain subject to the antitrust laws.

In conclusion, this bill address a difficult and insidious problem—the blight on our Nation's children caused by a constant barrage of graphic violence on television. This bill may result in a significant change in the industry's approach to programming content, and it may not. In any event, there is no cost to the American taxpayer. By introducing the bill, I am clearly hopeful that the broadcasters will use this opportunity to address this problem. If not, we will have lost time and some hope, but we would be no worse off than we are today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

[Mr. ECKART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

[Mr. KYL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LOSING OUR FUTURE IN THE FIELD OF EMERGING TECHNOLOGIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, in the last few months, we have been treated to a series of television presentations and articles on the growing threat of losing our future to foreign nations in the competition for control of emerging technologies.

In early December, ABC presented an hour long documentary entitled "Losing Our Future," Sander Vanocur's excellent assessment of the weakened condition of our manufacturing-electronics' base. It should have been seen by every American.

Later in the month, Dan Rather featured the selling of America which showed the efforts of some of the Southern States to entice foreign companies—no matter the cost to the taxpayers of the State or to the captive American manufacturers—who will be footing the bill for years to come to give special tax exemptions to foreign interests.

A Time magazine article of January 16, couches the issue in a more strident way—"The Battle for the Future." It says, "Virtually every week seems to bring fresh evidence that Japan is catching up with the United States—and often surpassing it—in creating cutting-edge products that long were the turf of United States firms."

The article then cites statistics showing the United States lags far behind Japan in the total field of electronics—the field which we were assured in the early 1980's would replace the heavy industrial production which we have allowed to be preempted by the dumping of products from foreign nations.

□ 1440

The message being given loud and clear is that we are losing all of the high value added products of the future—while the statistics on steel and machine tools, television sets and radios, ball bearings and foundries prove that we have been decimated in the high value added products of the past.

Mr. Speaker, are you aware that we are the only major industrial nation in the world that is not capable of producing enough steel for its own internal use?

After World War II, there was a notorious plan put forth to render Germany forever powerless as a major nation. It was suggested by then Secretary of Treasury Morganthau and called the Morganthau Plan. It proposed that Germany be stripped of all of its industrial might and be turned

into a nation of farmers to assure that Germany would never again be able to make war.

President Harry Truman instead sponsored the Marshall plan, conceived by one of the most famous and honored Secretaries of State to ever serve this Nation—five-star General of the Army George C. Marshall—who understood that deindustrialized nations in Europe would be prey to communism. And that an agrarian Germany would not be able to resist the tide of political change being exported by the Russians.

How little we remember. How little we have learned.

Watching the economic expansionism of Japan—expansionism which we have encouraged with open arms—I have to think about the choices we are making in this country when we choose to export oranges instead of machine tools, wheat instead of steel, base technologies rather than finished products.

We were promised as we traded off our industrial base that electronics and banking—services and agriculture—would be enough to keep us a great nation. Here we are, 20 years after the beginning of that disastrous tradeoff and what do we see:

Electronics moving out of our control—90 percent foreign dependency in some categories. Many of our international banking institutions—those most likely to be involved in exporting services—under threat from the unwise burden of debt to Third World nations during the 1970's and early eighties.

And agriculture—oh for the family farms of 20 years ago which we were supposed to be protecting with our "free trade." All too many of them have vanished in the credit crisis early in this decade. Too many of them now only a memory because they were sacrificed in the same way as were our small companies, our neighborhood machine tool factory, our steel mills.

The one-way free trade, which is the only direction in which free trade has been practiced, turned the family farms into international agribusinesses.

Can we—by design or misadventure—be backing into a national posture where we not only will not be able to make war—no matter how justified, but where we can no longer afford to keep the peace?

Right now, we are borrowing money from Japan to pay for the defense of Japan and the European Community and Latin America—the whole world.

And the reason that we are borrowing money is because we are not saving money. Because we are and have been so profligate with our wonderful resources that we have not only paid the bill to protect the world, we have opened up our markets to invasions by foreign products—all in the name of free trade—producs priced cheaper for export sale to this country than for domestic markets inside the producing countries.

Do you know what that is, Mr. Speaker? That is mercantilism at its most blatant, and among true free traders, it is a dirty word. It is also according to trade law labeled dumping. And dumping on the United States which we choose to ignore. And such market-export actions can be the basis of any numbers of actions under GATT, the General Agreement on Trade and Tariffs.

And Japan is a mercantilist nation—but, our free traders seem to think in their myopic view of Japan—that it is OK for them. Horrible were we to practice it. We would be accused of being protectionists.

They can and have dumped in our markets and no charges are brought by our Government. Individual corporations and associations have brought charges—paying enormous sums to prove their charges—and, in almost every instance—the U.S. Government could have and should have instigated the charges and acted to protect these industries. Except in the case of the microelectronic industry, the Government did not use the power of trade law to act.

And in one case, that of Houdaille Machine Tool—which was not a dumping charge—when a United States court found in favor of the company, the President reversed the court decision down the line at the request of then Japanese Prime Minister Nakasone.

This happened back in 1983. Houdaille Machine Tool is now out of business, and unfortunately a number of our machine tool companies are out of business while we are importing vast amounts from overseas.

But, the mind set over favoring foreign companies unfortunately continues. The voluntary restraint agreements called for by President Reagan in 1986 to protect the machine tool industry against four countries—Japan, Taiwan, Germany, and Switzerland—is not being honored in several categories of machines.

At my request, the General Accounting Office is checking the export figures from these countries—and though they do not anticipate a full report until the summer—preliminary figures show that the Japanese are breaking through the restraints without any effective action taking place in the 1986-87 period.

Hopefully, the situation will show a change when the eighty eight figures are analyzed. Seven other countries were warned of the VRA limitations—the spirit of the voluntary restraint agreements—and again, in the preliminary figures, it seems that they—in several categories—are shipping even more than in previous years.

And thus far, the Commerce Department is doing nothing about it.

I think this kind of sluggish response from our Government is giving away the future. And at the first hearing of the technology transfer task force, we heard about instances involving technology transfer where we—as a nation—are selling the technology off as in the instance of the proposed FSX-16 joint production venture with Japan. Last year it was the joint venture with Japan on building the Aegis antimissile ships.

□ 1450

Interestingly enough, all the while the Japanese have said they will protect these technologies—and we all know that there is a prohibition against Japan producing weapons for sale—Japan is willing to pay twice as much for the ships and the planes if they are allowed to build them than if they brought them off the shelf from us.

Can it be that they just like to spend money? If you believe that, I own the Brooklyn bridge and would like to sell it to you.

In the opinion of both Mr. Richard Perle, former Assistant Secretary of Defense, and Mr. Frank Gaffney, former Chief Arms Negotiator at Defense, the Japanese will be in competition with us for weapons sales in the mid 1990's.

And, if you think they can't change their constitution to go into the arms business, I'm old enough to remember when their constitution had a very strong antitrust clause to keep them from forming business cartels. It was taken out very early on.

You will not be surprised to learn, I am sure, that as we survey the strenght of a Toshiba—with 600 corporations under its umbrella—as we are forced to deal with Japan, Inc.—the first major constitutional change in Japan was to get rid of that antitrust provision. And this Nation did not raise a peep when it happened.

I predict now—the next major change will be to get rid of the prohibition against offensive weapons production. And at the rate we are going—having given them the technology and exported the manufacturing knowhow—we will not raise a peep.

But, that is not all we are shipping off. The Commerce Department—during Christmas week—okayed the construction of a plant inside Russia for the building of a plant to manufacture systems for computer operated continuous manufacturing lines—Bailey's Controls. Interestingly enough, it is this system which is necessary for the building of chemical weapons or nuclear weapons and was developed for the handling—in a safer, more expeditions way—of all manners of toxic substances.

When this plant is finished, not only are the Russians going to be able to manufacture as many controls as they wish for as many plants as the wish, but both Honeywell and Bailey are constructing engineering centers inside Russia to help them adapt and modify the systems and to teach them all they want to know!

Once the deed is done, Russia can sell the controls they produce to anyone of their allies—which includes Iran.

This year we are worrying about Libya having the capabilities to make deadly chemical warfare weapons. What about the Russians having the capabilities or any of their allies? Are we becoming like Scarlett O'Hara? Just supposed to worry about that tomorrow?

We are selling our future, we are coproducing it away, and the business community is passing it up by not being willing to invest in any long term production ventures for new cemmercial products. We are still locked in the mode—invented in America—produced abroad. And it is killing our future.

As an example, Battelle, an American think tank, developed the laminated circuit board. Battelle offered the technology to 13 major American companies. Not one of them was interested in the possibilities. On the other hand, the first Japanese company, Sony, that saw it, wanted it. The circuit technology was the key in the development of the Sony Walkman.

Frequently we hear the expression—"a self-fulfilling prophesy"—and looking at our poor record of preserving our wonderful technologies—I'm afraid this expression may be chillingly accurate about the future of the United States. If we don't have the commitment to invest any longer than 12 or 18 months out—then, beyond that period is there going to be anything American left to invest in?

If we don't protect our wonderful technologies for our children, will they have a choice of jobs or even living standards in their future.

We hear to the point of nausea the expression that "The 21st century belongs to the Pacific Rim." Well, I say "Not if we don't hand it over to them."

It is time to fight for the future of this country—to preserve and protect this country and all of its wonderful opportunties. We were sent to Washington to take care of America. Our constitutional oath is to preserve and protect this Nation—not any others. And, every time we have become more concerned about other nations than we have about our own—we have gotten into trouble.

I hope that many of our colleagues will agree that it is a time to look to our home front—our deficits—our need to create new sources of wealth to help with our burden of debt and in order to do that, it is time to move to protect our technology which represents our future.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

HEALTH CARE AND CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. BOXER] is recognized for 60 minutes.

Mrs. BOXER. Mr. Speaker, it is a pleasure to be here this afternoon to speak about an issue that is close to my heart, not only as a Member of Congress, but as a mother, and that issue is children.

It is quite a change of pace from my colleague who spoke very eloquently about the economic trials that we are going through as a nation, and I really want to associate myself with many of her remarks. I think she is very much on target; but I think we also have to look at what we are doing in our own country to a group of people without whom we will never go anywhere as a nation and we will never be able to compete as a nation, even if we kept all the technology here, and that is our children.

The House Budget Committee has held a number of hearings, Mr. Speaker, in the last few weeks. It is my privilege to chair the Human Resources Task Force. We had 2 days of hearings in which we looked at health care in this country. We also looked at the condition of children in this country and the status of children in the Bush budget.

In my view, Mr. Speaker, we have come out of a decade of neglect when it comes to our children. Just like anything else, when you neglect something for long enough you begin to understand why we have the problems that we have. Eventually the children come home to roost, and Mr. Speaker, I am afraid that when I start giving you statistics, you will understand what I mean.

□ 1500

Mr. Speaker, over the last 8 years we have seen military spending rise about 100 percent, from about $150 billion to $300 billion, where the domestic side of the budget, particularly the discretionary side, was cut well below inflation. What does that mean? It means that we made a choice, and we are now suffering some of the consequences.

Mr. Speaker, we are losing our children to poverty. One in four children in our Nation suffers from poverty. We are losing our children to drugs, and we have yet to fund adequately the drug program that we passed in the last Congress. We are losing our children from high school. We see the average dropout rate is around 30 percent, and what happens when a child drops out of high school; the options for that child are greatly reduced, and the chances that that child will be on unemployment or underemployed or live in poverty even if he or she has a job is greatly enhanced.

We are losing our children to homelessness, the greatest shame of all, and the changing face of homelessness is evident as we look around the various shelters in the various districts that we represent across this Nation. We never saw the kind of profile that we see today of families and children living in dire straits, many through no fault of their own whatsoever, and even some of them, Mr. Speaker, where the two spouses are actually working, they still cannot make enough to put up that downpayment on a house or to come up with that security deposit on a rental unit.

Mr. Speaker, unbelievably we are beginning to lose some children to the AIDS virus, and perhaps that is the most shocking thing of all. As the AIDS virus spreads through the drug-abuser community, we are beginning to see children born with AIDS who do not live but 2 years. They suffer, and we are really not doing that much about it, and that came out in our hearings. I think it is very prudent to begin to discuss the status of children in our country at this particular point in the 101st Congress, because as we speak here today there are meetings going on right now over budget negotiations. Unfortunately, President Bush, though making a beautiful speech about the needs of children in our society, about his goal to become the education President, unfortunately he placed all of those programs in what we dubbed a black box, meaning that all of those programs would be essentially frozen at a particular number, last year's number, with no inflation, and if any one of those programs were to grow, it would have to do so at the expense of another program.

Members can imagine the choices that we face if we follow the Bush budget. If we want to spend more on child immunization, we have to take it out of infant mortality; if we want to spend more to stop dropouts from high school, we have to take it from a special reading program in elementary school.

I want to put into the RECORD a number of items which give statistics to back up some of the points I have been making. There are 37 million people under the age of 65 with no public or private insurance coverage for their health care. About 30 percent are poor, 30 percent are near poor, and about 14 million are women of child-

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bearing age, and 11 million of these 37 million without health insurance are children. In 1992 the number of children with AIDS will equal the number of adults with AIDS reported in 1987, so the epidemic of AIDS among little children is just beginning to blossom. Approximately 40,000 babies die in the United States every single year. That is the infant mortality rate that we talked about. The overall infant mortality rate actually increased in the last count in 15 States and the District of Columbia.

Mr. Speaker, this is a national shame. This is a national shame. At current rates of progress, or as I would say, lack of progress, the Nation will not meet the Surgeon General's 1990 prenatal-care goal for all women until the year 2094, so we are more than 100 years behind where we are supposed to be when it comes to prenatal care. The low-birth-weight goal for all infants will not be reached until the year 2031.

Mr. Speaker, we will never meet the Surgeon General's goal for immunizing our youngest children. We will never, never make that goal. This is a national scandal. Should we wait 100 years to meet these goals or just give up on these goals? No. We cannot afford to wait. It is the wrong thing to do.

Four in ten children living in poor working families had no health insurance, public or private, and in 1986, Medicaid covered only half the children in families below the poverty level.

The WIC Program, that is, Women, Infants, and Children, that gives nutrition help to pregnant women, reached only 40 percent of the eligible low-income women, and amazingly, Head Start, a program that has been lauded by Republicans and Democrats and moderates and liberals and conservatives, reaches only 17 percent of those children who are eligible.

Mr. Speaker, we know that Head Start works. The program is 20 years old. We have been able to track those young children. When they are given Head Start, they perform. They do not drop out of high school in the kinds of numbers that others do. They do not get into trouble. They get jobs. We know Head Start works. What a travesty that only 17 percent of the eligible children are reached. This is not an experimental program. This is a proven program.

Another factor: 70 percent of those women with children under 3 years of age are in the workplace and are in need of child care. At this point I want to tell the Members about some testimony that was given to the Budget Committee from a doctor, Dr. Brazelton, a very famous pediatrician who has been on the front page of Newsweek magazine. It was so moving, that I do not think there was a dry eye in the room. What this doctor told us is that in all the years he has been working with women and their infants, in low-income situations and in general hospitals, he notices the bonding that goes on between the women and their children. He works with them to foster that bonding. He holds the baby and he shows the women how that child responds to their love and warmth and they can see the physical response of the child. Dr. Brazelton said to me, "Madam Chairman and members of this committee, I am getting frightened." We said, "Why?" He said, "Because these women are no longer making eye contact with these babies, not all of them, but a substantial number," and he understands what it is. They do not want to make the connection because they are so afraid that they are going to have to leave that child somewhere in a place that they do not really want to leave that child for day care that is not up to standard, and as they go off to the workplace, that they will not be able to give that child the security that that child needs.

What is happening is a whole new set of parents are coming in, and they are afraid to give hope to their children, because the future is so bleak, and, Mr. Speaker, this is a country of hope. This is a country of opportunity, and if young parents do not feel that they can give hope and opportunity to their children, where are we going as a nation? How can we be proud of ourselves as a nation?

Mr. Speaker, we have had many crises in our great Nation, and we have always risen to the occasion, always.

Mr. Speaker, we now have a savings-and-loan crisis, and we are going to find out a way to solve that problem. We have had droughts, and we find out a way to solve the problem. Where I come from, it is earthquake country, and we find ways to solve the problem. When Chrysler went broke, this Congress found a way to solve the problem. When we had a window of vulnerability and we had a problem with the space program, we found a way to solve the problem.

Mr. Speaker, we have a major problem on our hands today. Our children are in crisis. We are losing them, and I am very fortunate that this year I could head the most wonderful task force of the Committee on the Budget, the Human Resources Task Force. On it are people who are so dedicated to bettering the lives of children.

Mr. Speaker, at this time I yield to one of those Members, my good friend and colleague, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank my colleague, the gentlewoman from California, and I appreciate the opportunity to participate in this special order.

Mr. Speaker, I would like to salute my colleague for her fine work on our Human Resources Task Force as part of the work we are doing in the Committee on the Budget.

The Committee on the Budget is many times a very depressing experience. There are so many needs in America and so few resources, but I can tell the Members candidly that the work on this Human Resources Committee has been uplifting, positive, and has really indicated to us that the common complaint that our programs, our governmental programs, are ineffective, wasteful, and duplicative are in this day and age in many respects not directed properly to the programs that we address during this special order.

□ 1510

For you see, Mr. Speaker, we have found over the last 20 years that there have been many experiments in social programs in America which have failed, but likewise there are many which have been resounding successes.

We come today in this special order to speak of those successes and to speak of the continuing challenges that face us.

The first response of anyone who would listen to our remarks from the floor of the House, the listening audience or the gallery, might be, "Oh, here they come again, another group of Congressmen and Congresswomen with some bright ideas that are going to cost me some more money. Well, thanks, but no thanks. It's about time Congress learned to live within its means." For those who fall in that category, the so-called styptic hearted who want to know the bottom line, how much money is this going to cost and what will it save, let me offer a few statistics about just one aspect of the problem facing America today. The problem is the challenge of infant mortality.

Most Americans are surprised, if not shocked, to learn of the dreadful infant mortality rates in the United States. To put the phrase infant mortality in better perspective, we are talking about the death rate of babies in America. How do we rank in the world? In fact, we rank 18th. We are tied for the last among industrialized nations in the world in terms of the survival rate of American babies. We are behind such nations as Spain and Singapore.

American black infant mortality places us 28th in the world, behind the overall rates of Cuba and Bulgaria. A black baby born in this District of Columbia today in the shadow of the White House is more likely to die in the first year of his life than if that baby were born today in Jamaica, Trinidad, Tobago, Chile, Panama, Romania, or the Soviet Union.

Is it expensive? It is expensive if we are looking for the bottom line. Step aside from the loss of human life, that loss of potential, and look what it costs us when we do not invest the necessary money for a child to be born healthy, for the mother to have a successful prenatal experience. If we do not invest the $400 or $500 to take that mother to a doctor, to make certain that she has the care, the nutrition, the vitamins, the nurturing to have a happy and successful pregnancy, we do not usually have a baby born dead, but we have a baby of low birth weight who survives at least for a short period. During that period of survival, if my colleagues want to know the bottom line, we taxpayers pay at least $1,000 a day for that tiny baby, no bigger than the plam of a hand, to survive.

So if we want to know if the bottom line of these programs is worth the investment, it clearly is. For $400 or $500 in prenatal care, primarily for the poor mother, we may save literally thousands of dollars that might otherwise be spent.

But if we want to step aside from the accounting aspect and look at the human side, if we want to join President Bush, as many of us in this Chamber do, to make this a kinder and gentler nation, I would ask one question: Is there one single statistic that we can point to to determine whether a country is a caring country? Is there a statistic more compelling that whether our children survive? As I have said, unfortunately in comparison to so many neighbors around the world, our children are not surviving.

The Surgeon General set out a goal for us in terms of reducing the infant death rate in America. The Children's Defense Fund recently reported that at the current rate of progress, this Nation will not meet the Surgeon General's 1990 goal, the goal for next year, until the year 2094. It will take us 104 years at our present rate of progress to bring down the infant death rate in America.

So what can we do? Is this just another problem that we should worry about and not address?

There are specific things we can do. The WIC Program, for example, women, infants and children, the nutrition program, I invite my colleagues to visit in their community, and it is in virtually every community in America. It brings in the poor mother during pregnancy and the mother and child after birth, and it gives them basic guidance that they need for health care. I visited a WIC Program in my home town of Springfield, IL, just a few weeks ago. What a great, uplifting experience to see these mothers caring for their children, receiving the basic nutrition they need so that these children could be happy and healthy. One could not look in the eyes of those kids and not realize that that was money well spent.

How many of the eligible children in America under the WIC Program are presently being served? Fewer than half, fewer than half. When it comes to prenatal care, the fact is that in many communities doctors will not treat a welfare mother. They do not get enough money from the Government. So they say we cannot afford it. Our malpractice premiums are too high and the Government reimbursement is too low. We have to move on this front, not just to address the malpractice question, which is primarily a State concern, but one which we may have to face in Congress, but also looking at the level of reimbursement. Are we going to make certain that in America today, no matter what the income level, no matter what background, if you are a poor mother you will have access to a doctor, no ifs, ands or buts about it? I think we can afford that.

The bigger question is can we afford not to. Clearly we cannot.

So with the expansion of Medicaid, with the expansion of the WIC Program, with the expansion of maternal health care grants to communities, we will give our communities, the doctors, the hospitals, and clinics the resources to make this a kinder and gentler nation.

I have tried to highlight just one topic today. I might add that in my hometown and community of Springfield, IL, a community which is viewed as certainly having its problems but not the worst in America, we have had to rise to meet the challenge to bring together those in the medical community, those who care in the general community and the social agencies to make certain that care is there for mothers who need it, and we are making progress. It can happen across America, and with a little seed money, with a little help from the Federal Government, with a kind of incentive and direction we can turn around these infant mortality statistics and we can stand here I hope in a few years and say proudly that America has conquered one of the real challenges that faces us in 1989.

The gentlewoman from California mentioned earlier that when we have determination, America always succeeds. I might add a little statistic for the consideration of my colleagues. Some will listen to this speech skeptically and say we cannot afford it. Let me leave my colleagues with these statistics to consider.

Most Americans remember the Marshall plan after World War II. The United States broke historic precedent and as the victor went to the vanquished nations and helped those nations to their feet. We rebuilt their bridges and their factories and hospitals and homes, and we said we are going to get you back on the path of progress, and we did. It is a great credit to our country that we did.

In today's dollars, the Marshall plan would cost us $50 billion. What a sum of money, $50 billion. Imagine if someone came before Congress today and said will you spend $50 billion. The reaction would be we cannot afford it. But please, before reaching that conclusion, allow me to finish, because in the last few months the President and Members of Congress have stood before the American people and said we need $150 billion for the savings and loan crisis. We need $100 billion for the Department of Energy nuclear production facilities problem.

There we have it, ladies and gentlemen, $250 billion which we will find as Americans to address these serious problems, five times the expense of the Marshall plan. When it comes to saving lives in our country, can we spend any less? Can we retreat and say we cannot afford it? And if do so, will we be able to face that next generation and explain how we just could not afford to save those lives?

I think we can. Those of us in Congress are looking forward to helping President Bush make this a kinder and gentler nation.

I thank my colleague from California for this time that she has allowed me today.

Mrs. BOXER. Mr. Speaker, I just want to thank my colleague from Illinois, Mr. DURBIN, for his excellent statement. We can just see it in his face and hear it in his voice, with dedication like that we are going to have a program coming out of the Budget Committee that at least is going to speak for the children of this Nation.

□ 1520

Mrs. BOXER. Mr. Speaker, when I talked initially I mentioned a subject that has been near and dear to me because, unfortunately, in my congressional district I have seen too much of it, and that subject is AIDS. I related it to children, the fact that we are seeing more and more children with AIDS.

Mr. Speaker, we are not doing enough about that. We are not researching enough about that. We do not know the effects, for example, on a mother when she is pregnant and the mother is HIV-positive, whether that in fact the birth of the baby brings on the virus. We do not know enough about the transmission of AIDS from the mother to the child.

There is much we have to do around this whole epidemic.

Mr. Speaker, at this time it gives me great pleasure to yield to a colleague who chairs a very important subcommittee of the Committee on Government Operations, the subcommittee which deals with the health issues

across the board. Mr. Speaker, our colleague has been a true leader in the AIDS area. When it comes to discussing the budget, he knows where our priorities should be.

So it is a pleasure to me to yield to my colleague from New York, TED WEISS.

Mr. WEISS. Mr. Speaker, I appreciate the opportunity to speak to the House on the budget for AIDS in fiscal year 1990. I would like to commend our colleague, Congresswoman BARBARA BOXER, the chairman of the Budget Committee Task Force on Human Resources for taking the time to organize this special order.

It just so happens that a number of us who are on the floor at this point, Congresswoman BOXER, Congresswoman PELOSI, and I have had occasion to serve on the Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations, where we have had a series of hearings over the course of the past 5½ to 6 years on the AIDS epidemic and the AIDS crisis. We have constantly been concerned about the sufficiency or insufficiency, if you will, of the Federal reaction to the crisis with AIDS itself. We also seem to be way behind the curve.

Most recently, as Congresswoman BOXER indicates, the particular aspect of the AIDS epidemic that we have been way behind on is that affecting mothers and babies and young people.

Mr. Speaker, the subcommittee held hearings some 2 weeks ago, and we had the testimony of parents who have lost children or who have children, very young infants, with AIDS. We heard from care providers, especially from the communities most impacted by pediatric AIDS or AIDS which infants have, communities in Newark, NJ, New York City, Miami, FL, and we had some witnesses from Connecticut, which has had its own share of the problem.

But although these are the communities which have most of the problems, of course, it is really a national problem. It is focused primarily in those areas and those people who are intravenous drug users, areas that have large numbers of intravenous drug users.

What has been happening is that the normal practice, as we have been best able to trace from the testimony we have received, is that you have a male user of intravenous drugs who contracts AIDS through the sharing of needles, normally, who then passes it on to the woman who is his sex partner through the sexual act. Then the child who is conceived, in some manner, at some point still not clear, not very clear, also at birth demonstrates that the baby himself or herself is in fact infected with the HIV virus.

Now it gets very complicated because it turns out that in only 20 to 30 percent of the cases is that virus in fact a clear indication of infection, that in 70 to 80 percent of the cases the presence of the virus in fact demonstrates that it may have been just passively acquired at the time of birth.

So there has to be a tremendous amount of work done just to be able to screen so that you can start providing medical attention and care on those infants who are truly in fact infected, rather than those which just seem to be passively carrying the virus or the antibodies without in fact carrying the virus.

What has become very clear is that the problem has been exploding around us and we now have, I think, something between 800 and 1,500 infants.

We will by the end of next year probably have close to 3,000, and the number keeps on growing. It is growing at the same alarming rate as AIDS is growing within the adult community. Of course, the great tragedy is that there are few facilities and those few facilities that do exist for caring for these babies who require a tremendous amount of attention and care and who find themselves in the position where either they themselves die within short order or if they survive, they find that their parents will have died, because both of the parents themselves have in all likelihood had AIDS. So they are orphans. The facilities which do exist are tremendously overburdened. They are stretched paperthin at this point by way of providing care with the present caseload.

We have no planning, no way of providing for increased caseload that the Public Health Service itself has projected. Indeed, the testimony we heard is that the only way they are able to provide care at all is by using research grants that the National Institute of Health provide in order to allow for demonstration programs.

But there is no assurance of an ongoing entitlement program which allows for medical care, inpatient or outpatient, and truly that is not the way that we ought to be dealing with the most vulnerable in our society.

Of course, the problem is related not only to the infants and to the youngsters. The projections are that as of now we have identified some 85,000 cases of people with AIDS from the onset of the disease in 1981, and by 1992, the total number of people identified with AIDS will have reached somewhere around 370,000.

Currently, something like 40,000 people are receiving medical attention, people with AIDS. By 1992, we will have close to 200,000 people, five times as many, who will be requiring medical attention.

Mr. Speaker, where are the doctors and the nurses and the social workers and the facilities going to come from to take care of all of these people? When we questioned the Federal Public Health Service people and the respective agency representatives, it was clear that there are no plans afoot and yet the avalanche is about to descent upon us.

So I think that the work that Congressman BOXER's Budget Committee Task Force has been undertaking is extremely significant. The request of the administration is for $1,600,000,000 in funding for research and education. The request that the Public Health Services have put in were for $2.4 billion. That is a very conservative request and a conservative estimate that still does not provide for permanent entitlements. It simply provides for the kind of research funding and educational outreach which will in fact give us a chance to try to get a better handle on the problems.

□ 1530

I would urge all of my colleagues to follow closely the work of Congresswoman BOXER's task force, that of the Committee on the Budget and that of the various authorizing and appropriating committees, because truly this has to be a unified effort.

We have been hearing the pleas, the cries of despair of health providers from across the country and from communities across the country. It is time that we respond to those pleas and cries of despair with significant funds.

We had one of the witnesses before us who told us that they come down because they feel they have to, but really on top of all the work that they have to do and all the burnout and overload, it gets very frustrating for them to come down and never receive sufficient response from the Congress.

I hope that this year as in previous years, Congress will demonstrate that regardless of the lack of urgency in some aspects of the Federal Government, as far as the executive branch is concerned, that Congress itself recognizes that we must respond with a greater sense of commitment and a greater sense of urgency.

Since AIDS first surfaced as a major public health emergency in 1981, the number of cases has met our worst expectations. By the end of February, there were nearly 88,000 persons reported to the Centers for Disease Control. The Public Health Service estimates that 1 to 1½ million persons are now infected with the virus. Of those, some 40,000 persons with AIDS are alive and requiring medical care. In 1992, close to 200,000 persons with AIDS will need such care, five times the number we are caring for today. In 1990, the year we are addressing at

this hearing, as many as 120,000 persons with AIDS will need care.

I believe that the President's fiscal year 1990 budget request goes part of the way toward meeting AIDS funding needs, however, it fails to present an adequate fiscal response to the many research care and prevention programs required to make a legitimate assault on the expanding epidemic. Much more is needed. And, while I advocate the expansion of the AIDS budget, I want to emphasize my opposition to the proposed cuts in other health care programs including biomedical research, care and prevention.

Of the profusion of program and service needs associated with the AIDS epidemic that concern me—protection from discrimination, the search for a vaccine, prevention of transmission and many others—I want to bring to your attention first to the care and treatment of the thousands of persons, young and old, of all races and ethnic groups, who will be diagnosed with AIDS, this year, in 1990 and the succeeding years.

Two weeks ago, the subcommittee which I am privileged to chair held 2 days of hearings as part of a long series on the Federal response to the AIDS epidemic. They were focused on children and adolescents. We heard from a group of care providers who presented stunning information. These witnesses represent some of the best pediatric AIDS programs in the country, and yet they spoke with despair. They told us of their efforts to offer medical care, social services, foster care and education about AIDS to the children who are their patients and their families. One after the other, without exception, they testified that their resources are now stretched paper thin; that they depend on demonstration grants and other temporary funds to run their programs; and that they do not know how they will care for the anticipated increase in the numbers of patients.

I know from having heard testimony at other hearings and from the community that the care problems associated with pediatric AIDS are echoed in the looming crisis in care for adults with AIDS. AIDS must not be used to divide groups vying for assistance. If the virus strikes a child, it also strikes a parent, a sibling, a family with AIDS and all its attendant problems. Without sick mothers, we see very few sick children. There are not now enough resources to adequately care for the needs of persons of any age with AIDS in the most heavily impacted areas. What we will do in 3 years, when the caseload will have increased fivefold, is a question to which the Federal Government must provide an answer.

Currently, the area most neglected by the Federal Government is care for low-income persons with AIDS. I can predict that with no increase in Health Resources and Services Administration's AIDS Service Demonstration Program and Pediatric Service Demonstration Program, and with only a minimal increase in the funding for community and migrant health centers, an even greater obligation will be shifted to the public hospitals, which are already bearing more than their share of the overwhelming burden AIDS brings. In some places, low-income persons seeking health care for conditions other than AIDS are also adversely affected by the large numbers of AIDS patients. I strongly recommend additional resources for medical and nonmedical care—both inpatient and outpatient—for persons with HIV-related illnesses.

A major component of health care is the therapeutic treatment of persons with AIDS. As you know, there is but a single approved antiviral drug—AZT. Scientists at NIH have identified other agents with promise, but they are hampered in their efforts by a shortage of resources. One promising vehicle for expanding drug research and treatment is the community-based research program which shows great potential for extending opportunities for testing new drugs and offering treatment to affected persons across the country. The National Institute of Allergy and Infectious Diseases stated they need $13 million for this program, but the President's budget includes only $8 million.

There are very few clinical trials of treatments for opportunistic infections—the diseases that are contracted by immune deficient persons and that, in most patients, actually do the killing. It is imperative for us to ensure that when promising treatments are developed—be they antivirals or other drugs—NIH has the resources to put them immediately into broad-based clinical trials. We don't have time to wait to test any potential life-saving therapies while others are being studied.

Specialized laboratory space is needed to conduct basic research, and, as evidenced in our recent hearings, there is a desperate need for more clinical trials to test therapies for children and at the same time provide them with treatment they can get nowhere else. Overall, NIAID has stated they need $493 million to get the job done, which is $93 million more than the President's request.

It has often been said that prevention is our only vaccine. It is true, and I, too, am concerned about preventing the transmission of HIV. The virus has infected a disproportionate number of minority persons. Racial and ethnic minorities represent about 22 percent of the U.S. population, but 42 percent of all AIDS cases. The Centers for Disease Control originally requested $116 million for a group of AIDS prevention programs especially targeted on members of minority groups. The President's request for these programs was $16.5 million, only 14 percent of the original request.

Mr. Speaker, as we consider the budget for AIDS in fiscal year 1990, I suggest that we examine the original requests from the agencies in the Public Health Service that are responsible for responding to the epidemic, for they, better than the political policymakers at the higher levels of the administration and the bureaucrats in OMB, know what their needs are. In past years, the Congress has appropriated amounts more nearly equal to the Public Health Service's requests. The Public Health Service requests total approximately $2 billion, which is about $400 million more than the President's budget. At the hearing held by the Budget Committee Task Force on Human Resources, chaired by our distinguished colleague BARBARA BOXER, I asked that the task force include at least this additional amount in their recommendation to the full Budget Committee. I repeat that request today, and urge the committee to respond to the words of despair we heard at the pediatric AIDS hearing, at so many other hearings we have held since this epidemic began, and from communities across the country.

Mrs. BOXER. I want to thank my colleague from New York. What our colleague is saying is we have an explosion coming in this area. The mini-explosions are starting. This is a more scientific prediction than an earthquake prediction or a drought prediction or a flood prediction. We know it is coming. This budget this year, with your help and that of Congresswoman PELOSI and Congressman DURBIN and the others on the task force and outside the task force, who have been working so long and hard in the trenches with your help, I think we can push harder and come up with the dollars that we must come up with because we really do not have any other choice. I want to thank my colleague from the bottom of my heart for coming over this afternoon.

At this point it gives me great pleasure to yield to my colleague from San Francisco, a woman who came to Congress with a purpose, a very clear purpose, and that purpose is to help people, and she has become a leader from day one with the AIDS crisis, she has become a leader in the Central American crisis, she has become a leader in the savings and loan crisis, and she has information, Mr. Speaker, on these issues, that she uses to make her points, and to win many legislative victories, and it is my pleasure to yield to my friend and colleague from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I wish to commend my colleague, not only for

calling these special orders but for all of her good work as chair on the Committee on the Budget Task Force.

I know we probably explained earlier, but I do want to revisit for a moment the hearing that was held last week under your chairmanship, a very moving occasion, that coupled with Chairman WEISS' committee the week before on pediatric AIDS, if those two hearings were not enough to move Members in Congress to action, I do not know what can.

Of course, as a mother, we, and my colleague and I, join championing these rights and needs of children, but it is impossible to hear the testimony and not do everything in our power to help every child in America, just as we would for our very own child. As Congress begins work on this budget for 1990, and in the subcommittee of Congresswoman BOXER on the Committee on the Budget, I believe it is imperative that we make a decision of Congress to invest our money in the future in our children. It is only fair that we provide them with the basic necessities, shelter, food, medical care, and a good solid education.

It is estimated that we in this country with all of our resources, that we in this country have the highest percentage of children in poverty than any other Western country or Canada. In 1986, 1 out of 5 American children lived in poverty, a 23-percent increase over 1980, compared to 1 out of 9 adults.

As we prepare for the budget, I think it is important for us to understand that for some of us a budget should be a statement of our national values. It should be a list of our priorities of those items that we care about, and in that sense, I believe that our budget should declare that a strong America is a healthy and well-educated America, and we should make budget decisions in that direction. For example, it is essential that we provide accessible health care for America's children and their mothers. We must provide prenatal care. In 1985, 4,000 infants died before reaching their first birthday. Those figures may have been mentioned earlier. That infant mortality figure put the United States behind 18 other industrialized countries, including Japan, Finland, Sweden, and France. With the advanced technology and medical knowledge we have in our society, this is totally unacceptable. Congress and the President need to reevaluate our health service delivery system and assure all women access to prenatal care. Money spent on prenatal care is fiscally, socially, and morally responsible.

Major childhood illnesses can be eliminated, we know this, by making sure all of our children are fully immunized. In 1985 the percentage of children, ages 1 through 4, not immunized against the major childhood diseases, ranged from 26 percent for rubella to 13 percent for diphtheria, tetanus, and pertussis or DPT. The Select Committee on Children, Youth and Families, 1988, has many figures on how we can invest in children and how immunization saves us money. It makes fiscal sense. It is estimated that every dollar spent on immunizing small children against common diseases can save $10 later on medical treatment.

With these statistics, we cannot afford to eliminate funding for programs such as early detection, screening, and prevention. Children eligible for Medicaid are able to receive routine checkups by doctor. This seems ordinary to us, too many children in our country are deprived of this simple service. These checkups include measurement of height and weight, eye examination, and a blood test. These simple measures are the very basic tests necessary to make sure that a child is growing and healthy.

We need to reserve these funds and ultimately increase them in order to improve the prevention of children's illnesses. Unfortunately, in my district in San Francisco, we do not have enough funds to follow up with the high-risk children once they return home. If we could enhance the funds for the Early detection, Screening and Prevention Act, we could make health care more accessible either through the home or school. Oftentimes, the mother does not return to the doctor for follow-up checkups due to lack of transportation, work commitments or lack of funds.

Our colleague, the gentleman from Illinois [Mr. DURBIN] went into detail about the WIC Program which is another tool that we have in order to enhance the health and well-being of young children and mothers in America, so I will only say that it is an important program and go on to say that another valuable preventive program is Headstart, a compensatory preschool education program for disadvantaged 3-to-5-year-olds. As you know, Headstart has proven to be highly effective in assisting these children to stay in school through graduation from high school. Headstart needs more money. It is reported that fewer than 20 percent of potentially eligible children participate in the program.

Early intervention in the lives of our children can prevent troubles later in their lives. President Bush has said he wants to be the education President. I certainly hope he does, because I hope he fulfills his rhetorical claim there, because it is important for Members in measuring the strength of our country to measure the education of our people as well as their health.

Chairman WEISS of our committee went into detail about children with AIDS, and as I mentioned earlier, his hearing last week gave us a road map of what needs to be done to fight this program. I will not go further into detail except to say that under the leadership of our distinguished chairman, the gentleman from New York [Mr. WEISS], the Subcommittee on Government Operations got some very good information from our witnesses which will serve us well and hopefully make a very big difference in the availability of drugs for children with AIDS and the funding for these programs.

I hope that the President will take our advice. I hope that he will heed this message that we need to invest in our children. I feel certain that as a father and as a family person, he must know that we need to assure them health care and an education, so that they can grow up to be their best. Investing in our children is the best we can do for our future. I hope you will listen to our message, and more importantly, increase funding for children's programs.

□ 1540

If this is done, I say to my colleague, it will be in large measure the result of her hard work on the Budget Committee and her work in bringing this issue to the forefront that, as we are making our budget decisions, we give, as I mentioned earlier, a statement of our values. Do we measure our strength and our education with the good health of our children? I hope so.

Mr. Speaker, I thank my colleague, the gentlewoman from California [Mrs. BOXER], for calling this special order and for all of her hard work.

Mrs. BOXER. Mr. Speaker, I wish to thank very much the gentlewoman from San Francisco, CA, and tell her that her listing of these programs is very important, because that is what we are going to do in the Budget Committee and that is what they are going to do in the Appropriations Committee.

I want to quote from our friend and colleague, the gentleman from California [Mr. MILLER], the founder of the Select Committee on Children, Youth, and Families, because probably if we have to name one protector of kids, he has been here and in the forefront of that issue for such a long time. When he talked about the investment the gentlewoman referred to, he said, "These investments represent the Federal Government's blue chip portfolio, and," he said, "a dollar investment in children shows a much better return than most investments on Wall Street."

So I think the gentlewoman's notion of explaining these programs as investments is totally on target, and that is what we are doing in the Budget Committee.

Mr. Speaker, it gives me great pleasure to yield to my friend and colleague, the Chair of the caucus on women's issues, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentlewoman from California for yielding and also for calling this special order today.

I think it is very exciting, as we close out the 1980's and look to the 1990's and the 21st century, that we talk about this issue which really has become a competitiveness issue, because if we do not invest in our software, that is our children, then I do not know how we are going to compete against all the other countries that are knocking our socks off in trade and are investing in their children and getting a great return for their investment.

This has been a year where I think the statistics have screamed at us. We have seen statistic after statistic come forward showing that our children are testing at the bottom of the heap vis-a-vis Europeans and Asians and others with whom we are competing. That is a very, very bad trend for the future.

I think so much of what we are talking about here goes back to the old notion in the United States that people should not have families unless they can afford them, and by "afford," we meant in the old manner of "Ossie and Harriet" and "Leave it to Beaver."

But that is only about 7 percent of America's families. So we said to the other 93 percent, "If you went out and had a family and you couldn't afford it in this manner, we are going to punish you." What we never figured out and what every other country did figure out is that we were not punishing them, we were punishing ourselves very severely, because what we were doing was short cutting our future and we were ending up with a work force that was not well trained and, therefore, not as competitive as other work forces.

I think every one of us knows that in the future our young people are not going to need less education, they are going to need more education. One of the things I want to point out is that there really seems to be a bipartisan stirring on this issue. Today I was very excited to get in my office a congressional symposium for a "Kinder, Gentler America for the Adolescents of the 1990's," and this symposium is being sponsored by the gentlewoman from Illinois [Mrs. MARTIN], who is a very distinguished Republican. She is calling for all sorts of things to be done for the adolescents of the 1990's.

So I think we are seeing a good many Members starting to realize that maybe we have been very penny wise and pound foolish as we squeeze programs out of things for kids, and that we had better start reinvesting. She has a tremendous number of corporate sponsors and a terrific number of speakers who are involved, and they are talking about the role of the family, the community, the government, the individual, education, poverty, poor, housing, health, drugs, and unwed mothers. One would think this was sponsored by a Democrat. This is good news. We are very pleased to see this happening.

We are really pleased to see more and more of corporate America starting to wake up and realize they have not been too wise in this area. We have seen Lee Iacocca move on child care this year, saying that it was a competitiveness issue. I think that all of us certainly know that health care and everything involved with it are very important investments in our future.

Mrs. BOXER. Mr. Speaker, if I may point this out, the gentlewoman is so right to look at this as a competitiveness issue, because we had a gentleman from one of the biggest corporations come before the Budget Committee and call for a $11 billion investment right now in the children of this country, because what he is seeing is what the gentlewoman has described. We could have all the technology in the world, but if we do not have people who can work at those machines, it is not going to do us a bit of good.

So, I am very pleased that the gentlewoman has put it in the category of competitiveness. It is not only the right thing to do and the moral thing to do, it is a competitiveness issue for us in this country.

Mrs. SCHROEDER. Mr. Speaker, I know that the gentlewoman from California agrees with me that our most important natural resource is children. It is not coal, it is not oil or anything else. Anyone in business will tell us they can put a plant almost anywhere in the world today because of telecommunications, fax machines, anything they want, and the reason they select one place over another is because of the people. So, therefore, countries that invest in their people are going to get much more back in return, and we have not been investing in our people to the same tune. We have been clinging to some of the old notions that we must challenge.

So I salute corporate America for coming forwad and sponsoring things like this event of the gentlewoman from Illinois [Mrs. MARTIN], and I support the good gentlewoman from California [Mrs. BOXER] for having this debate to tell people, "Look! What is your budget? Your budget is simple. It tells you what you think is most important. If you aren't on the first page of the budget, you aren't important."

Kids have not been on the first page, and they have not been on the last page. They have been falling out of the budget, and it is about time we got them back in, because all the statistics ought to have really jabbed at us this year and awakened us this year. So we had better get on with it.

Mr. Speaker, I really thank the gentlewoman from California for bringing this to our consciousness and for having the hearings that we have heard about. We had Dr. Brazelton, a leading pediatrician, and others who talked about this issue, and I think we cannot surrender one inch on this. If we do not invest in our kids, who will? If we do not, we are the only ones to lose. If we do not invest in our kids, we deserve the future we are going to get.

So, Mr. Speaker, I thank the gentlewoman very much for all her best efforts and for her fighting for this issue on the Budget Committee.

Mrs. BOXER. Mr. Speaker, I thank my colleagues, and I will look to her for help as we do put this budget together.

Mr. Speaker, I wish to yield to my colleague, the gentleman from Michigan [Mr. BONIOR], but before I do that, let me express my hope that this much has happened as a result of this special order: That a message will go out to the families and the children of our Nation that they are not forgotten, that in fact they are an essential point of the debate on this budget, and that they are going to be put up against every bomb in the budget and that they are going to be put up against every item in the budget to which we give such special attention. And we are not going to give up our efforts in this Congress until we can really put dollars behind our rhetoric. And to reiterate, these are not dollars on some new-fangled ideas but dollars that go into programs that work, dollars that go into programs that are proven money savers. All of those programs that we have heard about in this special order save for every dollar invested $3 to $10, and if we do not invest up front, we have to pay at the other end; we pay when the kids get sick, we pay it out when they are born prematurely, and we pay it when they drop out of school.

Mr. Speaker, I see one of my dear friends, the gentleman from Oregon [Mr. AUCOIN], has come in, and I will later yield to him.

First, however, Mr. Speaker, I know that the gentleman from Michigan [Mr. BONIOR] has a sad announcement to make, and I yield first to him.

A TRIBUTE TO THE LATE HONORABLE JIM O'HARA

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, it is with great sadness today that I rise to pay tribute to a great man, my predecessor in Congress from Michigan's 12th Congressional

District, Jim O'Hara, who passed away last night.

As all of us know, Jim was well loved in this city, and particularly on this Hill. He was greatly respected in the Halls of Congress.

□ 1550

Mr. Speaker, many current Members count themselves fortunate to have been close friends with Jim O'Hara. His popularity back home in Michigan, particularly in my district, is legendary. Wherever I went for lo these 13 years that I have been fortunate enough to have succeeded him, people would say, "Give my best to Jim" or, "How is Jim doing," and, "We love him," "We miss him," "Let him know how much we think of him."

Mr. Speaker, it was indeed one of the great privileges of my political life to succeed him here representing the people of the 12th District of Michigan. All of us, I think, feel a certain sense of awe when we first come to Congress to serve the people who have elected us, but for me the sense of pride and responsibility was even greater because I followed an individual who had an enormous amount of respect in this institution and throughout the country.

Mr. Speaker, Jim O'Hara served with enormous distinction for two decades in this body, and my colleagues know that he championed landmark civil rights legislation, labor legislation, education legislation, antipoverty programs during the 1960's, and I might say to the gentlewoman from California [Mrs. BOXER], my friend who has raised the issue of families and budgets here this afternoon, that he was a great champion of the family.

Indeed Jim O'Hara had a wonderful family and has a wonderful family. He was a guiding light behind the reforms that opened up this institution to become a truly democratic body. The working people of this country never had a better friend in this Congress than Jim O'Hara. Jim was loved by his family, his wife, Susan, and their children, and I want to extend to them my deepest condolences.

Mr. Speaker, the death of Jim O'Hara is a great personal loss to me and to his constituents and, I believe, to all the people of this Nation.

Mrs. BOXER. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR], and I extend my condolences to him and to his constituents.

Mr. Speaker, I yield the balance of my time, maybe save 30 seconds, to the gentleman from Oregon [Mr. AUCOIN], my friend and colleague, a person who has worked so long and hard on trying to set the priorities of this country straight.

Mr. AUCOIN. Mr. Speaker, I appreciate the gentlewoman from California [Mrs. BOXER] for yielding to me, and I certainly want to compliment her for the leadership she has shown down and through the years in trying to address the budget priorities of this country and this Government.

Mr. Speaker, the gentlewoman from California [Mrs. BOXER] believes, as I do, that a budget is more than a ledger, a simple column of numbers. I think that she believes, as I do, that a budget is a dollars-and-cents statement of national values, and where we put money and where we take it away really defines who we are as a people, as a country.

Mr. Speaker, the focus of the gentlewoman from California [Mrs. BOXER] today on children I think is particularly apt, and I join her in raising this priority, and hopefully the consciousness of the membership of this body, to the priority of our children.

One of my colleagues earlier pointed out the truth, that one out of five children under the age of 18 in America today is poor. One out of four children in America today at the age of three is poor. In housing, according to the National Academy of Sciences, 100,000 American children go to sleep homeless every night.

Mr. Speaker, let us talk about hunger. Malnutrition affects 500,000 American children. This is one of the most economically robust nations of the world. Six hundred thousand fewer low-income children receive free school lunches every day due to the Reagan budget cuts of the last few years.

In health the latest statistics show that 2.2 million children are reported as abused every year in the United States of America. Twelve million children have no health insurance whatsoever. The U.S. infant mortality rate ranks the United States 18th in the world, and, unless something is done, 15,000 American infants will die in the year 2000 before their first birthday.

Mr. Speaker, I think these are deplorable statistics, and, if one thinks back to what a budget is, a dollars-and-cents statement of values, then I would ask my colleagues if they think these statistics are a true reflection of their values or the values of their constituents when at the same time we are being asked to spend hundreds of billions of dollars in redundant missile systems, in silos that are not needed for this country's security, in star wars defense schemes that will not work and will, in fact, make the world more dangerous, not less dangerous.

Mr. Speaker, I hope that my colleagues will agree with the gentlewoman from California [Mrs. BOXER] and myself that that imbalance, that warp in values that we are seeing today, needs to be redressed. I would hope also, as we take a look at the problems of children and our need to fund their needs, that we will pay attention in this budget year to the handicapped education.

Mr. Speaker, this Government, when it mandated mainstreaming education for our handicapped children, did a very altruistic thing. It said that no matter what a person's gift at birth may be, a person should not be placed out of the classroom simply because they are handicapped. However, the Federal Government did something else when it mandated that on our local school districts. It promised Federal support to finance that mandate by 40 percent of the total cost.

Mr. Speaker, we have never kept that promise, and the gentlewoman from California [Mrs. BOXER] who serves on the Committee on the Budget knows that the last Reagan budget reduces that level of Federal support to 7 percent meaning that fully 93 percent of those costs are pushed off into our local school districts.

What does that mean? It means that excellent teachers are spread too thin. It means that kids, handicapped or nonhandicapped, are not getting the individualized instruction that we need today. It means that quality education is not occurring. It means that textbooks that could be published are not being published. It means that we are not making our commitment.

Mr. Speaker, I suggest that, as we address the problem of children, that we look at increasing the budget allocation for special education as well so that teachers who want to teach can teach, school districts that want to produce kids who are capable of meeting the commitment, and the challenges that our economy is going to face in the future will be fully competitive.

I am appalled that last year U.S. high school graduates ranked 13th in the world in worldwide competition in science and math skills. Unless we improve the quality of instruction in the local classrooms, unless we provide individualized instruction, unless we have the Federal Government live up to its promise on these mandates that we impose on school districts, those statistics are only going to get worse, and, as they get worse, so will America's competitive position.

The gentlewoman from California [Mrs. BOXER] is a genuine leader in this respect in focusing on human values. I join her today, and I compliment her for the leadership she has shown, and she can count on me to help her and others to try to right some of these imbalances and set them straight as we approach this budget here.

Mrs. BOXER. Mr. Speaker, I thank the gentleman from Oregon [Mr. AUCOIN] so much for joining, the fifth Member to join in this special order. I think, as the gentleman said so clear-

ly, nothing less than the future of our country is at stake, and I think, after we add up what we all said here today, that there is only one message.

Mr. Speaker, we cannot afford to ignore our children. We have to pay attention to this problem. I hope that we will.

I really give a heartfelt thanks to all my colleagues who took their very valuable time to come over for what I hope will be a meaningful special order and a meaningful message to this entire Congress to the President and to this entire country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1231, DIRECTING THE PRESIDENT TO ESTABLISH AN EMERGENCY BOARD TO INVESTIGATE AND REPORT ON THE EASTERN AIRLINES DISPUTE

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 101-6) on the resolution (H. Res. 108) providing for the consideration of the bill (H.R. 1231) to direct the President to establish an emergency board to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, which was referred to the House Calendar and ordered to be printed.

□ 1600

THE FAMILY LIVING WAGE ACT

The SPEAKER pro tempore (Mr. OLIN). Under a previous order of the House, the gentleman from Texas [Mr. BARTLETT] is recognized for 60 minutes.

Mr. BARTLETT. Mr. Speaker, the topic today for this special order is the topic of the Family Living Wage Act, which has been introduced by our colleague, the gentleman from Wisconsin, Mr. TOM PETRI. The gentleman from Wisconsin [Mr. PETRI] began preparing and circulating the living wage proposal approximately 2 years ago. He offers it along with a number of sponsors in the Congress with a widespread amount of support in the rest of the country from all sections of the country, from all types, from all income levels. He offers a living wage proposal as an alternative to the increase in minimum wage which is currently making its way through the committees and to the House floor next week.

What the bill of the gentleman from Wisconsin [Mr. PETRI] does, and I am going to take this 60 minutes to put into the RECORD some discussion of the facts and commentary that has been made on the living wage. What the bill of the gentleman from Wisconsin [Mr. PETRI] does is to focus on the goal of providing a living wage for working Americans who are working for a living, raising their families, and attempting to increase their standard of living and the take-home pay for low-income heads of households who are working.

It enjoys a broad breadth of support from conservatives to liberals, to middle of the roaders. It enjoys support from employers and employees alike.

At this point, Mr. Speaker, I yield to one of those early supporters of the Living Wage bill, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, earlier today, the House Education and Labor Committee approved H.R. 2, a bill that increases the Federal minimum wage to $4.65 per hour over 3 years. However, well-intentioned, there seems to be broad agreement among economists that enactment of H.R. 2, will neither reduce poverty nor more fairly redistribute income. In fact, passage of the legislation will result in a loss of jobs and hurt the very individuals it is intended to help.

A workable alternative to increasing the minimum wage does exist. Representative TOM PETRI has introduced the "Family Living Wage Act." This proposal shares an identical goal with that of increasing the Federal minimum wage. It would provide direct financial assistance to workers at the bottom rung of the income ladder and it would accomplish that goal without a harmful impact on American competitiveness.

Unfortunately, because of committee jurisdictional concerns, this sensible solution was not allowed to be debated by the House Education and Labor Committee. I commend my colleagues for scheduling this special order to point out the merits of the Petri proposal.

As many of you know, Congress last amended the Fair Labor Standards Act in 1977 and the last 25 cent increase went into effect in 1982. Those who favor increasing the minimum wage argue that it benefits low-paid, unskilled and entry-level workers. Increasing the minimum wage will reduce poverty by simply paying a higher base wage.

At first glance, this seems like a reasonable approach. But if the solution to poverty is that simple, why stop at a $4.65 minimum wage? Let's raise it to $20 an hour and guarantee every entry-level, low-skilled worker $40,000 a year. Ridiculous? Of course. Massive unemployment would result because employers cannot pay entry-level workers that salary. The same principle applies to raising the minimum wage to $4.65 an hour.

The fact is that increasing the minimum wage is expensive. Economists estimate that the 1977 wage increase resulted in: the direct loss of 644,000 jobs, loss of job creation, and higher inflation.

If a minimum wage increase puts more people out of work, reduces the number of new jobs, and causes the cost of products and services to increase, who benefits?

Every economic study ever done on the consequences of increasing the minimum wage concludes that some job loss occurs. A study in American Economic Review states:

> There is practically no evidence that minimum wage rate provisions increase the earnings or improve the poverty position of the least educated. * * * Thus the minimum wage policy appears to be a poor policy with effects that often have been misunderstood or misrepresented.

The Minimum Wage Study Commission, established by Congress in 1977, noted that 9 out of 10 U.S. families are worse off when the minimum wage is increased.

Representative PETRI's bill, the Family Living Wage Act attacks the root problem of the working poor. It increases the after-tax earnings, and the take-home pay that buys groceries and clothes.

The Family and Living Wage Act expands the earned-income tax credit (EITC) and varies the benefits of that credit according to family income and size. In addition, the bill combines the current EITC and the dependent care credit (DCC) to create a comprehensive program to help families and children. The Petri bill will provide workers at the minimum wage level a base credit of $1,050 per year. In addition, for every preschool child the family will receive a credit of $700 per year and a credit of $350 for every school age child, up to four children. For instance, a family with four preschool children would receive the maximum credit of $3,850 per year. A low wage earner with two preschool children would receive $2,450 per year. These amounts are fully indexed to inflation. The Petri bill also creates a minimum EITC benefit that phases out once family income reaches $40,000.

The Family Living Wage Act costs about the same as the dependent care tax credit, however the benefits reach many more families and children.

The EITC approach would be targeted to those who need help the most and does not increase labor costs and the costs of production. The working poor would take home more money after taxes, but face little risk of losing their jobs.

Thus the Petri approach accomplishes the goals of a minimum wage increase—without putting jobs at risk or threatening U.S. business competitiveness.

The Family Living Wage Act is a workable alternative. It helps the working poor, without creating a new spiral of inflation and putting young fast-food workers out of work.

As many of you may have heard, the House is scheduled to debate H.R. 2 on the floor next week. I urge each of my colleagues to give the Petri proposal the serious and thoughtful consideration that it deserves.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for his contribution and for his leadership on the Education and Labor Committee.

Mr. Speaker, let me walk through exactly what the living wage proposal does and then offer the House some contrast with the living wage and the minimum wage proposal which came through the Education and Labor Committee this morning.

First of all, the living wage proposal is an expansion of a tax credit that has been in current law for some time. Presently in current law we provide for what is called an earned income tax credit. It is a limited tax credit that has had some modest but limited success. The tax credit essentially provides for up to an $800 tax credit for low income workers on a per worker basis.

The problem with the tax credit is twofold. First of all, you have to wait until the end of the year to be able to obtain any benefits from the tax credit when you file a tax return. Thus you limit the amount of impact it can have on a worker's immediate life.

Second, a worker gets the same tax credit whether that worker is a head of a household or is a single worker with no dependents. That is the change that will be made by the Petri proposal.

Essentially the family living wage proposal would propose that a low-income worker would receive up to $700 per year of direct tax credit per preschool child who is a dependent and up to $350 per year per dependent who is a school-age child. That is in addition to the $1,000 per worker tax credit. So a worker then would obtain an earned income tax credit of $1,000 for himself or herself, $700 for every preschool child and $350 for every school-age child.

Thus, the Petri living wage proposal would adjust the earned income tax credit for family size or dependent size. Thus the earned income tax credit would put into the worker's pocket an increase of take home pay based on the size of that worker's family.

In addition to that, this proposal would make the earned income tax credit refundable against FICA taxes. FICA taxes currently are collected at the rate of around 15 percent per employee. That is employer and employee combined in contributions, and it is that 15 percent as a payroll tax, the first 15 percent of the first $40,000 of income, which is one of the primary impediments to job creation in this country.

It is also 15 percent that is a very regressive tax, that keeps workers from working because that 15 percent is taken directly away from them and they cannot use it for themselves.

So the Petri proposal would turn that on its head and would say that in that worker's take home paycheck, in that week's paycheck the worker would be entitled to a refundable tax credit of up to $1,000 per worker, plus $700 per preschool child, plus $350 per school-age child.

Thus, Mr. Speaker, the purpose of an expansion of minimum wage or an increase in the minimum wage is to assist low income heads of households who are trying to support their families on a minimum wage or slightly above minimum wage pay scale. The minimum wage does not achieve that purpose very well, but the Petri living wage proposal accomplishes that purpose with a great deal of precision.

Indeed, the living wage proposal is better, faster, more direct and more compassionate than any comparable increase in the minimum wage.

□ 1610

The Petri proposal has been recognized in a variety of places, and at this point I am inserting into the RECORD two editorials which were done during 1988, one in July 1988, and the other one in September 1988, by the New York Times. I am inserting those into the RECORD at this time.

[From the New York Times, July 11, 1988]

BETTER THAN $3.35, $4.25 OR EVEN $5.05

Should the Federal minimum wage, frozen at $3.35 an hour since 1981, be raised?

Absolutely! say labor unions and their liberal allies, arguing that it's not fair to ask someone to work for less than is needed to keep a family above the poverty line.

Outrageous! say business groups. Raising the minimum wage would hurt poor people by pricing hundreds of thousands of unskilled workers out of the labor market and pushing them onto the welfare rolls.

Who's right? Both sides are. But both sides, eager to claim the high ground, ignore an alternative that would accomplish what each wants, to raise the incomes of the working poor without reducing jobs. It's called the earned income tax credit and expanding it would be the best remedy of all.

House Democrats back a plan to raise the minimum wage to $5.05 by 1992. The Senate is almost certain to vote for some smaller increase. The best guess now is that Congress will compromise on a veto-proof increase to $4.25.

That may please unions looking for a political victory. And it may please business lobbies that had expected to absorb a larger increase. But it should not satisfy anyone who cares about the plight of poor Americans who are willing to work.

A 90 cent increase over three years would still leave minimum wage workers with less buying power than they had in 1981, and roughly 20 percent less than the income needed to keep a family of three out of poverty. And it would reduce employment. Impartial economists estimate the job loss for the vulnerable 16- to 24-year-old age group at approximately 250,000.

There's a better way: use wage subsidies to increase worker's take-home pay without increasing employers' labor costs. The mechanism for doing that already exists: the earned income tax credit. All that's needed is to increase the maximum credit and link it to family size.

Congressman Thomas Petri, a Wisconsin Republican and stubborn advocate of the tax-credit alternative, enumerates its advantages over the minimum wage:

It is a snap to administer. The computers that withhold payroll and income taxes can easily add tax credit.

It creates no incentives for evasion, because it doesn't threaten workers' jobs or raise employers' costs.

It can be precisely targeted to aid the working poor. Under the Petri plan, middle-class teen-agers working part time would not receive a cent. But a garment worker supporting four children on $6 an hour would end up with 10 percent more take-home pay.

If an expanded E.I.T.C. is such a hot idea, why are both Congress and the Reagan Administration cool to it? In part because it distracts from the symbolic battle between labor and business and in part because it would complicate the political problem of meeting deficit reduction targets.

A 90 cent increase in the minimum wage would raise welfare costs and kick up inflation by a fraction of a percentage point, adding a few billion dollars to the budget deficit. But the effect would be indirect, and thus possible to ignore under the deficit reduction law.

According to the Congressional Budget Office, the increase in the carefully targeted tax credit proposed by Mr. Petri would enlarge the budget deficit by only half as much. But the budgetary effect would be direct and thus subject to the deficit reduction law.

In other words, the only defect of the tax credit is administrative appearances. In every other respect, expanding it would be far superior to raising the minimum wage. Sadly, appearances seem to matter more in Washington than the dignity and income of poor people.

A SMARTER WAY TO HELP THE WORKING POOR

The earned income tax credit is a negative income tax, first established in 1975 to offset the Social Security taxes paid by low income families. It is available only to working poor people with dependent children. In 1987, some four million families with less than $6,080 in earned income were entitled to a 14 percent credit, or a maximum of $851. The credit is automatically added to weekly paychecks; no additional forms need be filled out. The subsidy gradually decreases as income increases, disappearing entirely at $15,432.

Congressman Petri proposes to increase the credit and tie it to family size. The maximum for an income of $8,000, would range from $1,000 for a one-child family to $2,500 for four or more children. It would phase out at an income of $18,000.

[From the New York Times, Sept. 21, 1988]

THE MINIMUM WAGE: A BETTER WAY

A job at the current Federal minimum wage of $3.35 an hour pays just $6,700 a year. Is it humane to ask anyone to clean offices or pump gas for that amount, which is only half of what it takes to keep a family of four out of poverty?

Surely not. But the remedy proposed by Congressional Democrats is not humane, either. They would raise the minimum wage to $4.55, pushing thousands of needy workers off the job rolls. Happily, there's another remedy that's humane and sensible, and that has no adverse employment effects: expand an existing Federal program to supplement wages, the earned income tax credit.

A bipartisan effort to do just that, led by Representative Thomas Petri, a Wisconsin Republican, is probably doomed this Presidential election year because both parties would rather embarrass each other than reduce poverty. But that's no reason to rush to raise the minimum wage. The tax credit belongs high on the legislative calendar next year, no matter who wins the White House.

Five out of six jobs paying the minimum wage are not held by poor people at all, but by the teenage children of middle-income families or by second earners in families with few children. But one in six is still a lot of people. According to Ronald Mincy, a researcher at the Urban Insititute, increasing the minimum wage by just a dollar would lift nearly 100,000 families above the poverty line.

The catch is that a higher minimum wage would also induce businesses to get by with fewer employees. By conservative estimate, a dollar increase would eliminate 250,000 jobs, most held by people under age 24. For some, loss of a job might mean only the loss of movie money. But as Mr. Mincy points out, it would deprive others of the work experience needed to break the cycle of poverty. That's where the Petri plan fits in.

Wage subsidies have been built into the Federal tax code since 1975. Some four million poor families with children receive tax credits—cash payments—of up to 14 percent of wages, or a maximum of $870 annually. Mr. Petri would raise the maximum, and link payments to need. A family of six subsisting on $8,000 would receive $2,500.

Unlike an increased minimum wage, the expanded earned income tax credit would add nothing to employers' costs and create no incentives for evasion for payroll cuts. Targeting would be precise. Suburban teenagers wouldn't get a penny, while a $12,000-a-year garment worker supporting three kids would receive an extra 60 cents an hour.

Why, then, has Mr. Petri's plan received so cold a shoulder in Congress? Many Republicans are obsessed by the idea of a two-tier minimum, with a lower rate for teenagers. Many Democrats are eager to placate organized labor by voting to raise the minimum wage, and even more eager to embarrass George Bush by forcing the White House veto just before the election.

The best hope now is for Senate Republicans to kill the minimum wage bill in coming days. That would clear the decks for a fresh, bipartisan look at the earned income tax credit next year.

Today H.R. 2, the minimum wage expansion bill, was marked up and passed out of the Committee on Education and Labor on what regrettably was a straight party-line vote, and I say regrettably because it seems to me that here is an issue in which both parties can agree. Indeed, the chairman of the committee once again indicated his support for the living-wage proposal as a way of helping low-income heads of households. The chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY], had already indicated his support of the living-wage proposal. Indeed, he was a cosponsor of the bill as he was in the last session.

Mr. Speaker, once again, the Committee on Education and Labor shirked its responsibility to speak for the needs of low-income heads of households and, instead of even considering the living-wage proposal, instead passed out the tired, outdated, outmoded proposal to increase the minimum wage as a response.

I want to take a few minutes at this point and walk through a comparison of the statistics, the relationship between poverty and the minimum wage, and the living-wage proposal, because I think by doing that the House will see as many in the country have already seen that an increase in the minimum wage by no means would help those who are in poverty and trying to work their way out, but an increase in the living wage at a relatively modest cost to the Federal Government, in fact, will allow persons who are low income and supporting dependents to be able to continue to work, have more take-home pay in their pocket, and be able to work their way above the poverty level, which theoretically is the stated goal of the increase in minimum wage.

Mr. Speaker, at this point, I yield to the chairman of the Republican Research Committee, the gentleman from California [Mr. HUNTER], if the gentleman is prepared.

Mr. HUNTER. Mr. Speaker, first, just let me thank the gentleman from Texas [Mr. BARTLETT] for taking out this special order.

Mr. Speaker, I would like to have the gentleman take his time back and walk through this comparison that he just spoke about. I have been listening a little bit while the gentleman has been talking, and as I understand it, the chief difference between the Democrat proposals and the creative proposal for the living wage that the gentleman from Texas has come up with is that basically the Democrat leadership cannot guarantee that once they raise the minimum wage to a level that many employers will find unbearable, they cannot guarantee that when that young person walks back in to get his job the next Monday after this bill might have passed that there is going to be a job for that young man.

Under the proposal of the gentleman from Texas, there will be a job, and there will be more incentive for the employer to continue to pay him?

Mr. BARTLETT. The gentleman is correct. In fact, under an increase in the minimum wage, it not only will not help the people who the sponsors of it say they want to help, which is low-income heads of households, in fact, it will cost many of them their jobs, because they will suffer a tremendous loss of jobs as the jobs are taken out of the marketplace.

The living-wage proposal, on the other hand, would preserve the same number of jobs. There would be no job loss, because the Federal Government would be saying that this kind of proposal in fact is a social or a public-policy proposal and, therefore, the taxpayers are willing to pay for it as a matter of public policy, as opposed to mandating the costs onto the low-income workers who would lose their jobs through minimum-wage increase.

Let me walk through some of the statistics on the comparison of the relationship between poverty and minimum wage. Today in America there are approximately 20 million individuals who are living at under the poverty level as adjusted for family size. That includes about 7 million households altogether. There are 3.9 million persons, employees, who are today earning the minimum wage at $3.35 an hour. The proponents of the minimum-wage increase would try to leave the impression that we can help those who are living in poverty by increasing the minimum wage for the 3.9 million who are earning minimum wage.

The difficulty with that is out of the 3.9 million persons who are earning minimum wage, only 336,000 of them are living at the poverty level. Indeed, most minimum-wage workers are not in poverty at all. They are the dependents, the sons or daughters, of middle-income families whose total family incomes are far in excess of both the minimum wage and any kind of a poverty level. Indeed, only 13.9 percent of all minimum-wage workers, or only 400,000 minimum-wage workers, are in fact the heads of households. Most minimum-wage workers are not supporting dependents. They are single. They are working part-time voluntarily, and most are the dependents of other heads of households who are earning in excess of the minimum, in excess of both the minimum wage and the poverty level.

Mr. Speaker, if we want to help those 20 million Americans who are living under the poverty level, providing an increase of the minimum wage of 336,000 of them at a cost of a loss of jobs for far more than that would have no impact on the 20 million Americans who are living in poverty, but it would put more of them out of work.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, let me get this straight, because I think the gentleman is hitting a key point here: He is saying that of 20 million people who are under the poverty level in the

United States of America, raising the minimum wage to whatever level, if we raised it to $10 an hour, we would still only be helping 336,000 of those 20 million people, so the gentleman is saying that over 19 million of those people, of those 20 million people under the poverty level, 19 million people are going to be still under the poverty level regardless of where the minimum wage is?

Mr. BARTLETT. The gentleman is correct. Of the 20 million Americans living under the poverty level, a minimum wage increase from $3.35 an hour to $4.65 an hour could, at most, only affect 336,000 of them, because there are only 336,000 minimum-wage workers who are living under the poverty level. The rest of the minimum-wage workers are the dependents of families who are way above the poverty level and about whom, in fact, a discussion about the poverty level is totally irrelevant because they are not under the poverty level.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from California.

Mr. HUNTER. It appears to me we are talking about something that is very important to Americans right now and to many of those families whom the gentleman is speaking about, because we are talking about apparently a lot of families who have youngsters who are undergoing their first jobs right now, taking their first jobs, their dads and moms have asked them to go out and look for jobs to learn what it is to work, and they are starting to climb the work-ethic ladder, if you will, getting maybe that first job at a McDonald's or some other place. They are learning how to dress for a job, they are learning discipline, they are learning attention to detail, they are learning the ability to take orders from people, they are learning to show up on time for work, they are learning to work, the work ethic, and they are learning what it is going to take to climb the ladder of opportunity in the United States; and the gentleman is saying that if we kick this minimum wage up to $4.65 or something else that is unacceptable to a lot of those employers where we have those employers saying, "I will do that job myself. I will sweep out the place myself; no use having that young person do it, because I cannot afford the extra dollars," and we are going to deny those young people the chance to learn how to work in America? Is that what the gentleman is saying?

Mr. BARTLETT. The gentleman is correct. Indeed, an increase in the minimum wage, first of all, does not solve the problem if the problem is to increase the standard of living for low-income heads of households, because low-income heads of households are not the minimum-wage workers. The minimum-wage workers are single dependents of middle-income workers, so first of all, it does not even address the problem and, secondly, of those workers that the gentleman described who have obtained their entry-level jobs through a minimum-wage job, those workers are denied that first job. It is those workers who are entering the marketplace for the first time or perhaps reentering the marketplace after having been out of work for a while, either a displaced homemaker, a recovering alcoholic, or someone coming out of prison, those people coming into the workplace need a chance to get that very first job as an entry-level job, and I would say to the gentleman that we had testimony all during the last session of Congress in hearing after hearing with witness after witness on the Labor Standards Subcommittee of the Committee on Education and Labor of the House of Representatives, and it is not known as a Republican committee, and yet we had testimony after testimony, witness after witness who told us that the minimum wage is used in reality as an entry-level wage, and who told us that if we increased that entry-level wage by any significant amount, what we will do and what will happen is employers will lop off those entry-level jobs, causing those other employees to double up and do those less productive jobs that are not worth $4.65 an hour and, in fact, those jobs will simply go away.

□ 1620

I want to try to put it in some real terms. One national restaurant chain came to the committee and was willing to allow us to use their name. It was very courageous on their behalf. It was Steak-and-Ale, a large restaurant chain with headquarters in Dallas. This restaurant chain brought to the committee the internal memorandum which Steak-and-Ale restaurant had sent to their store managers during the period of 1978 to 1981, a memorandum detailing the requirement to eliminate jobs in every store directly based on the minimum wage increase. Every Steak-and-Ale store in this country was required to eliminate six jobs per Steak-and-Ale store, two bus boys, two assistant hostesses, and two waiters or waitresses. Those six individuals were put out of work by an act of Congress. Their jobs were eliminated by something Congress did.

I have to tell my colleagues that it was not just Steak-and-Ale. Steak-and-Ale happened to be a courageous company that was willing to use their name. But I could also tell of an international department store or retailer who would not allow their name to be used, but who showed the committee their internal documents demonstrating the exact mechanism which they used to pare down or to reduce their work force by I forget the exact number, but several hundred thousand man-hours a year in direct response to the minimum wage increase, because they have to stay competitive and they have to stay competitive with what their customers are willing to pay.

I sit and I think about the working mother who used to work for that department store, who was laid off as a result of misguided legislation in 1978 and 1981 and realize that she was laid off, and she may have never gotten a job again, she was laid off for no fault of her own, but her job was eliminated by an act of a very political Congress. The difficulty is that it is beginning to happen again. It all becomes politics.

Let me describe to the gentleman what happened this morning in the Committee on Education and Labor. The chairman of that subcommittee said that he supported the living wage and he was an original cosponsor of the living wage bill, as he had said before. The chairman of the full committee said he supported a living wage in concept, and he thought it ought to be done. But at the subcommittee level they would not make it in order, so apparently they were more interested in the politics of moving a piece of paper that said minimum wage than interested in preserving and protecting the jobs of low-income heads of households.

This morning in committee I offered the living wage proposal as a substitute for the minimum wage and was once again ruled out of order. So I offered a resolution that was simply and direct in a way to try to break the impasse and get the politics behind us. It would simply say that the Education and Labor Committee, since no one spoke against it, that the Education and Labor Committee would ask that the Rules Committee make living wage in order on the House floor next Tuesday. If indeed the living wage proposal is not within the jurisdiction of the Education and Labor Committee, which its opponents say it is not, if it is not, it is surely within the jurisdiction of the U.S. House of Representatives. It is surely within our jurisdiction next Tuesday to take up the one proposal that can save jobs, that can help low-income heads of households support their families, and take it up and vote on it up or down on this House floor. But once again, the chairman of the committee said that while he was for it in concept, he was not for considering the living wage at this time, in this form, in this place, on this bill, and he was not sure that he would be for considering it next Tuesday on the House floor.

I want to suggest that we really need to find a way to put politics behind us, because there are individual human

beings who are going to lose their jobs if we pass a minimum wage, and there are individual human beings, if we pass the living wage, who cannot only keep their jobs, but whose lives will be improved by their own hard work, simply by an act of Congress.

Let me put into the RECORD one other comment on jobs. There have been several estimates, but no one, no economist, no official reports, no Democrat report, no Republican report, no conservative report, no liberal report, no editorial, no think tank, no study anywhere at any time for any reason has ever come out and said that an increase in the minimum wage to $4.65 an hour would not cost jobs. The estimates vary as to how many jobs it will cost. The Congressional Budget Office, which is hardly an arm of the Republican leader's office, has estimated that the minimum wage increase to $4.65 would cost 500,000 jobs. Five-hundred thousand people, many young people would be put out of work and would not get a chance to have that first job.

Beryl Sprinkel, the Chairman of the President's Council of Economic Advisers in the last administration, estimated that there would be a job loss of 650,000 jobs at $4.65 an hour and, in fact, he estimated that the teenage unemployment rate in our Nation's cities, already at an all time high, would increase by 2.9 percent.

A study was done 2 years ago by an organization in Washington known as the Robert R. Nathan & Associates, which is a think tank in Washington, which has traditionally done work for organized labor. That is, essentially it has been a think tank associated with organized labor. They estimated a minimum wage increase to $4.65 an hour would put 882,000 young people out of work. I want the Congress to focus for just a moment on that number, 882,000, or maybe as few as 500,000, according to the CBO, maybe as many as 882,000 according to Robert R. Nathan & Associates, a think tank. I want my colleagues to take from the macronumber of 882,000 and think about that 1 individual, 24-year-old mother with 2 children who is working her way or attempting to work her way out of poverty, who has gotten that first job, who is perhaps an assistant cashier, an assistant hostess in a restaurant, perhaps she is working with minimum skills that she is increasing in a factory somewhere. Perhaps she is a shipping clerk who has been able to get that first job at $3.35 an hour and she knows that if she shows up for work on time, if she learns to get along with her fellow workers, if she learns in fact to smile at the customers and to do those minimum things that her employer requires, she knows that that $3.35 is going to be raised up to $4 an hour perhaps in 2 months, perhaps to $4.50 an hour in 4 months. There were a regular set of increases because, Mr. Speaker, that is the way the real world works. The way the real world works is $3.35 is simply an entry level job amount. She knows before long she is going to be able to support those children of hers, be able to send them to school, be able to provide for their clothes and their food, and be able to provide the kind of life that they deserve.

But she also knows that if Congress acts on a $4.65-an-hour minimum wage she will never get that first $3.35-an-hour job. She will never have the chance to work her way out of poverty.

I want to tell my colleagues that working your way out of poverty in the city, and I am from the city, working your way out of poverty in an urban area is tough enough. You have to deal with the onslaught of drugs, you have to deal with crime in your neighborhoods, you have to deal with a transportation system that sometimes does not get you to work when and where you need to get to work. You have to deal with neighbors that sometimes tell you that you should not try so hard. You have to deal with minimum skills, perhaps illiteracy.

By adding this burden onto her shoulders it will be just that one extra burden that for her and 882,000 just like her, she will never get started. And if she does get started, her children will not get started.

Contrast that for a second with the alternative. The alternative is so basic, the alternative is to take that young mother and to give her a tax credit, adjust the tax credit that she is already entitled to under current law, to say that she can get that tax credit in her take-home paycheck at the end of every week, not like the middle American or upper income earner where we file our tax returns at the end of the year and we find out whether we get a refund or we pay a little bit. But she is living from week to week. She takes that paycheck and cashes it and uses it to buy food.

The Petri proposal just says we are going to give her what she has already earned, and she does not have to wait a whole year to get it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from California.

□ 1630

Mr. HUNTER. The gentleman is telling me that from the worker's standpoint, the worker is going to be receiving as much money under the living wage proposal that the gentleman from Texas and Mr. PETRI have developed as they would under a $4.65 minimum wage law?

Mr. BARTLETT. I am suggesting to the gentleman that that young mother under the Petri proposal receives a lot more. She is empowered to earn her own way.

That young mother with two children if she is earning $4 an hour with an earned income tax rate under Petri that $4 an hour with two children is converted to $5.32 an hour equivalent. She would have to go out and get a job at $5.32 an hour to earn the equivalent of $4 an hour under the Petri proposal.

Now let me suggest to you what happens if she works her way up to $5 an hour. I am sorry. Now this is the same mother. Let me tell you what would happen if instead of two kids she is a lot worse off and she has four kids—let me rephrase that. She is not worse off with four kids; she is better off because her wealth is in her children. But those children have to eat and they have to have clothes so they are more expensive. So that young mother has four preschool children and under the Petri proposal her empowered take-home pay becomes the equivalent of $6.08 an hour. There is no Government program, not minimum wage or anything else that can provide that kind of an impact on her life to earn $4 an hour and have it converted to the take-home equivalent of $6.08 an hour.

And when you begin to empower that worker with that kind of take-home, then she can change her life and she can change the lives of her family for a long time to come.

Mr. Speaker, I yield to the gentleman from California.

Mr. HUNTER. As I understand it, what the gentleman is saying is that the workers of America under the Petri-Bartlett proposal get to have their cake and eat it, too. They get to keep their job which is the most important thing. When they go to work that next Monday morning after Congress has acted, they are not going to find that the door has been closed because the employer can no longer afford to pay them. They get to keep their job and they get to make more money.

Mr. BARTLETT. The gentlemen is exactly correct. The minimum wage increase that was passed out of the committee today, $4.65, under that proposal those workers lose their jobs and the ones who keep their jobs are not appreciably better off because the ones who keep their jobs are not the low-income heads of households living in poverty. Under the living wage proposal by Mr. PETRI and myself, in fact no jobs are lost. That worker gets to start on that entry level job and obtains an empowerment to be able to increase that entry level job into a take-home which is substantially above the poverty level. So both the worker wins, society wins; jobs are not only lost but created, and that worker then

uses that entry level job as a springboard into the world of work.

Mr. HUNTER. I think it is a tragedy that the working people who are in the process of seeing that first rung on the ladder taken away from them, that working mother who might go in and work as a clerk initially but at some point might be a manager, she might even be one of those hundreds of thousands of Americans who become heads of businesses who started at the bottom rung working at a fairly entry level job. That person, that mother is not having, as I understand it, a say in what the Congress is going to pass on the floor next Tuesday. Is this a case of union leadership in some cases, union bosses, if you will, doing things that are adverse to the interests of at least many working people in this country?

Mr. BARTLETT. Well, it is hard to say what other individuals' motivations are. Or where this bill is coming from. But it is fairly easy to say that an increase in the minimum wage in 1989, when we know better, will put people out of work. It will not help people who are low income heads of households who are living in poverty. It will not help them.

So it does not help anyone. And it hurts 882,000.

I would say to the gentleman in a Texas newspaper just yesterday which I was reading, there was a story which really brought this to home. There was a story of a young welfare mother, literally 24 years old with two kids who never had a job. She decided to make something of herself. She had just obtained a job as a clerk in an optometrist's office, at minimum wage. She has gone in to have her eyes checked and during the course of the examination she told the doctor that she would like to apply for a job sometime.

He called her back about a week later and said that he really did not have, in his words, much of a job, and almost apologized for it. But he told her he did have some things that needed to be done around the office and if she would like to give it a try, he would like to train her. He hired her on an $3.35 an hour. She is working now. It is the first permanent job she ever had in her life. She is not only supporting her family, but she feels a lot better about herself. Her kids are better off. She believes that within a few months she will be making $4 an hour and not long after that $4.50 an hour. She is on the road toward economic freedom providing for herself. One thing she said to the reporter during the interview, she said "I will never go back. It was a horrible trap in which all I did everyday was sit around and watch the soaps and feel sorry for myself. I want a chance to work. I want a chance to be able to make something for myself and provide for my children."

What the minimum wage bill of $4.65 an hour means is that that individual human being would never get that phone call from that doctor's office. He would never call and say, "Well, I have a few things, it is not worth much, but I could start you at $3.35 an hour," because the Government would have said he could not do that. He would have had to start her at $4.65. So he never would have made that initial phone call, frankly. She would have been just plain out of luck. She would have been out of luck because of a political action by Congress, probably by Members of Congress who first of all she had never met and second who, many of them, purported to be speaking for her, but they put her out of work. They left her children in a welfare family with no prospects for the future.

I yield further to the gentleman.

Mr. HUNTER. Mr. Speaker, I appreciate the clarity with which the gentleman has painted this situation which really is a tragic situation.

Last year we passed an omnibus drug bill. In 1986 we passed a similar bill that was aimed at attacking the drug problem from every possible angle, whether we are talking about interdiction, education, jobs, and so forth. We looked at this problem as a national priority.

It is absolutely tragic that just a few months after we passed massive drug legislation, we are on the verge of passing a piece of legislation that will destroy 882,000 jobs, many of which are held by the same youth in America that we are trying to keep out of the drug trap. So these young people who are now going out, learning how to dress, they are learning discipline, they are learning attention to detail, they are learning to show up for work on time, they are learning to take orders from people and they are learning how to be American citizens in the fullest sense; those people, according to Robert R. Nathan, those 882,000, almost a million of them, will now be thrown out of work by the very U.S. Congress which purports to be interested in their welfare.

Is that the sum and substance of this bill?

Mr. BARTLETT. The gentleman is correct.

Let us take a few minutes and go back to examine the cost, the difference in cost to the Federal Government because that is something we always have to consider, the cost to the Federal Government of the living wage proposal versus the minimum wage proposal.

First, the minimum wage proposal. I am going to ask that a letter dated May 13, 1988, from the chairman of the Council on Economic Advisers be inserted in the RECORD at this point, from Beryl Sprinkel.

The letter referred to is as follows:

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, DC, May 13, 1988.

Hon. THOMAS E. PETRI,
House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: This is in response to your letter of May 4, 1988. You requested the Council's assessment of the effects of legislation to increase the minimum wage on the economy, on the Federal deficit, and on consumers; the effects of minimum wage offsets; and the effects of Earned Income Tax Credit (EITC) reform.

Increasing the minimum wage would have adverse effects on employment, unemployment, economic output, and on the budget deficit. Job losses, estimated to be over 600,000 for a minimum wage of $4.65 per hour, would be concentrated among younger, less skilled, and minority workers. Increasing the Federal minimum wage would do little to help the working poor; under 20 percent of minimum wage workers are poor and many would lose employment. The direct impact on the budget deficit would be $2 billion, due to both increased budget outlays and reduced revenues. American consumers, in addition, would have to absorb roughly $13 billion more in higher costs for the products that minimum wage workers help to produce.

Since the adverse effects of an increase in the minimum wage are roughly proportional to its size, a smaller increase is clearly preferable to a larger one, although the best policy remains no increase at all. The adverse effects could be ameliorated by such offsets as allowing a training wage of 80 percent of the minimum for workers during their first six months of employment; increasing the credit for tip income; and expanding the small business exemption. Altogether, these offsets could eliminate roughly one-half of the damage of an increase in the minimum wage to $3.85 and one-fourth of the damage of an increase to $5.05 per hour.

Alternative proposals would target assistance to families of the working poor more directly. One is an expansion of the EITC, such as you have proposed, which would base the credit on family size. Without the same adverse effects on the economy, and with comparable or even smaller budgetary cost than he proposed increase in the minimum wage, an expanded EITC would target increased income to working heads of larger families below or close to poverty level.

OFFSETS TO MINIMUM WAGE

Table 1 shows estimated job losses due to increases in the minimum wage and mitigating offsets that would likely result from a training wage and from an expanded tip credit and small business exemption. These estimates are uncertain; the ranges are based on alternative assumptions.

The training wage provides the largest potential offsets. It is estimated that as many of 40-percent of young workers may be affected by a 6-month training wage. A shorter duration training wage, such as one available for 3 months, would provide a much smaller offset. The training wage offsets roughly one-fourth of the adverse effects of an increase in the minimum to $4.65; the tip credit offsets 2 percent to 11 percent; the small business exemption would offset 1 percent to 3 percent. Even allowing for the

three offsets, more than 400,000 jobs would be lost in raising the minimum to $4.65.

EFFECTS OF INCREASED MINIMUM WAGE AND EXPANDED EITC

Table 2 shows economic effects and budgetary costs of minimum wage increases and EITC expansion. An increase in the minimum wage to $4.65 would entail the loss of more than 600,000 youth jobs and an increase in the unemployment rate for 16-to 19-year-olds of about 3 percentage points. The loss of output due to reduced employment is estimated to cause real gross national product to fall by about $3 billion (in 1982 dollars) and by about $4 billion in 1991 in current dollars. As a result of these direct effects, the Federal deficit would rise by $1.8 billion, with an increase in outlays of $0.8 billion and a loss of $1.0 billion in tax receipts.

In addition to its direct effects, an increase in the minimum wage would impose further damage on the economy and the Federal budget through its indirect effects. Increases in the minimum wage may lead to increases in other wages and prices, resulting in higher inflation. Increased inflation, through its effect on COLAs and interest rates, would raise the cost of entitlement programs and interest payments. If the monetary authorities do not accommodate these increases in inflation, output and employment will be reduced beyond the direct effects of the increase in the minimum wage. Since such indirect effects are critically dependent upon assumptions as to monetary accommodation and inflation impacts, the results are uncertain. Two representative sets of estimates of these indirect effects are presented in Table 2. These estimates indicate that total loss of real gross national product following from an increase in the minimum wage could be four to eight times larger than the direct damage calculated here. Such models, as shown in Table 2, indicate budget deficit increases up to four times higher than estimates based only on direct effects.

Increases in the wages of minimum wage workers who remain employed would need to be absorbed by increases in the relative prices of the products they help to produce. In one form or another, consumers would absorb most of the costs associated with higher wages paid to these workers. For an increase in the minimum wage to $4.65 per hour, the amount of this transfer would be roughly $13 billion. The resulting increase in income for poor families, however, would be less than $3 billion.

Costs to consumers and government due to an increased minimum wage would be more than five times the income gained by poor families. In contrast, the EITC is better targeted toward the working poor; virtually all budget costs are matched by income gains for families with earnings who are either poor or near poor.

The Office of Management and Budget has advised that there is no objection to the transmittal of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

BERYL W. SPRINKEL.

Enclosures.

TABLE 1.—ESTIMATED JOB LOSSES DUE TO MINIMUM WAGE INCREASES AND OFFSETS (FOR WORKERS 16 TO 24 YEARS OLD)

Minimum wage	$3.85	$4.25	$4.65	$5.05
Job losses (in thousands)	250	450	650	850.
JOB LOSS OFFSETS				
Each offset:				
Training wage (percent)	35 to 40	33 to 38	25 to 29	21 to 24.
Tip credit (percent)	4 to 17	3 to 14	2 to 11	2 to 9.
Small business exemption (percent)	1 to 3	1 to 3	1 to 3	1 to 3.
Total offsets adjusted for duplication (percent)	39 to 55	36 to 47	27 to 37	23 to 31.
Total job losses allowing for offsets (in thousands)	112 to 153	239 to 288	410 to 475	587 to 655.

Training wage: Employers would be allowed to pay 80 percent of minimum wage to workers for the first 6 months on any job. (Exception is that training wage would not be set below current minimum wage of $3.35 per hour.)
Tip credit: Allowed tip credit would be increased from the current 40 percent of minimum wage to 50 percent. This would reduce the effective minimum wage for many food services jobs.
Small business exemption: Increase in exemption for retail and service establishment from the current $362,500 in annual sales to $500,000.

TABLE 2.—ESTIMATED EFFECTS OF MINIMUM WAGE INCREASES AND EXPANDED EARNED INCOME TAX CREDIT

Minimum wage	$3.85 (1989)	$4.25 (1990)	$4.65 (1991)	$5.05 (1992)	Expanded EITC [1]
Direct effects:					
Job losses (in thousands)	250	450	650	850	0.
Increase in teenage unemployment rate (percentage points)	1.1	2.0	2.9	3.8	0.
Reduction in real GNP (billions of 1982 dollars)	1.1	2.1	3.1	4.1	0.0.
Reduction in nominal GNP (billions of dollars)	1.4	2.7	4.1	5.7	0.0.
Increase in Federal deficit (billions of dollars)	0.7	1.2	1.8	2.4	2.0.
Cost to consumers [2] (billions of dollars)	2.4	6.9	13.4	21.3	0.0.
Increase in the income of poor families (billions of dollars)	0.5	1.4	2.7	4.2	2.0.
Indirect effects: [3]					
Reduction in real GNP (billions of 1982 dollars)	0.0 to 4.0	2.3 to 16.2	8.6 to 26.4	15.1 to 31.6	
Increase in Federal deficit (billions of dollars)	0.2 to 0.3	1.0 to 2.5	1.5 to 5.8	3.7 to 9.0	

[1] Preliminary estimates based on Petri Proposal; some portion of an expanded EITC will go to near poor families.
[2] Initial increases in the prices of minimum-wage goods and services, less the increase in Federal costs.
[3] Data Resources Inc. and OMB.

Mr. Sprinkel was asked by Mr. PETRI precisely what the budget impact of a $4.65 minimum wage would be on the Federal budget. His conclusion was that it would first have a $2 billion per year impact on direct Federal expenditures.

Now, what that means is that there are employers who are paying the minimum wage or just above the minimum wage for those entry level jobs who would be required to increase their pay for the jobs that they kept or decreased the productivity for the ones that they did not. Those direct Federal programs alone, nursing homes, child care centers, Head Start programs, college work studies, those direct Federal programs alone would have an immediate first-year impact of $2 billion per year of an increase in Federal expenditures. In addition to that he calculated that American consumers would have to absorb roughly a $13 billion increase in higher costs for products that minimum wage workers help to produce. If you take that $13 billion a year increase and the resulting inflation, he further calculated that the Federal deficit would rise by an additional $1.8 billion because of the loss of tax receipts and an increase in outlays. He made some other calculations.

I want to suggest to the Congress that the Congress consider what will not be considered next Tuesday because we do not have the report out of CBO that would detail these and the bill is on such a fast track there will not be enough time to get it detailed. But the Congress needs to consider that if we pass the minimum wage increase to $4.65 a hour, the cost to the Federal Treasury will be, therefore, somewhat between $3.8 billion a year, and, according to Beryl Sprinkel, $5.8 billion a year. So it is somewhere between $3 billion and $6 billion per year.

□ 1640

That is the cost of the minimum wage increase, substantial cost to the Federal budget. The living wage increase, on the other hand, it does not pass through any cost. It does not suck up any kind of administrative program to decide what jobs are going to be paid. It only says that if a worker is

working at a lower income level, $4, $5, $6 or in that area per hour, and if that worker has dependents, children or other dependents, then the worker will be entitled to a direct Federal income tax credit on their take-home pay. All the living wage proposal says if the Federal Government believes that it is in society's best interest that low-income heads of households receive a higher income for their wages, then the Federal Government ought to be willing to pay for it. That direct empowerment would cost the Federal Treasury, on a net basis, only $3 billion per year. That is a lot of money, but I want to remind my colleagues that that is less than what it would cost under the minimum wage proposal, No. 1, and the effects of it are absolutely astounding, because consider for a momemt the effect that we would have on society in our economy if we empowered every low-income worker or potential worker in America, each of those 20 million American who are living under the poverty level, if we empowered every one of them to go to work and to see a boost in their take-home pay, in their direct weekly income of the size that is envisioned here. Imagine the enormous positive impact on the economy of telling mothers or fathers who have children that they can go to work for $4 an hour and to earn the equivalent of between $5 and $6 an hour, and thus they would be induced to go to work. My own belief is that if this implemented, it would have such an impact on people's lives and their choices to go back to work that, in fact, it might, the $3 billion estimate per year, might in fact be way off and it might not cost anything at all, or it might cost substantially less, but at the moment it would cost a total of $3 billion per year in direct impact on the Federal budget.

Now there is another bill being considered by the Committee on Ways and Means, and I want to call the House's attention to it because it says some of the same things, but it is radically different. It is introduced by the gentleman from New York who is a member of the Committee on Ways and Means, and he calls his the living wage, but his living wage bears no relationship to the Petri living wage, and it also bears some relationship but very little. It does expand the earned income tax credit for dependent size. But then after it does that, it would expand it by such a large amount, and then it would add in a whole new section of the bill of creating a new welfare system to say to the people whether they worked or not, the Federal Government would send them a check, and thus puts them back on welfare through an expansion of title 20 of Human Services. The facts in that bill, it is estimated would cost $34 billion over a 5-year period. I am suggesting that that is a step in the wrong direction. It is more than is needed and, in fact, it would be counterproductive. For $3 billion a year, we can put low-income workers who are supporting their families, back to work. We can guarantee that they will be able to get that first job. We can create jobs and will make sure there are permanent jobs that will give them a chance to work their way out of poverty and to become working, productive members of society and support their families.

I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman again for his very clear and concise description of what would happen under the living wage. For Members who have not been watching until the last couple of minutes, could the gentleman simply explain, going back to that unmarried or that married mother of two who is working at an entry level wage, and have an earned income tax credit, how that will put more money into her paycheck under the living wage, than if she were subject to current levels.

Mr. BARTLETT. Under the living wage bill, for a working mother with two children, if she was earning $4 an hour in the marketplace, which means she could get that first job, her $4 in the marketplace with two children would convert to the equivalent of $5.32 an hour in take-home pay.

Mr. HUNTER. How does that come about?

Mr. BARTLETT. It comes about because the bill would say that in addition to her paycheck, we are going to refund the taxes that she is paying, not only her income taxes which are probably minimal, if anything, but her FICA taxes, which is 15 percent of her total payroll that the employer and the employee pays. Right now that mother of two is paying a very regressive hidden tax that is taken out of her paycheck at the source, of a little over 7 percent that she pays directly and a little over 7 percent that her employee pays into FICA. What this would say as we calculate up to $700 a year for preschool child and give her a tax credit against that 15 percent payroll tax that she is otherwise paying, and thus her buying power for her earning power is immediately enhanced to the point she is no longer in the poverty level, but she has the job.

Mr. HUNTER. Let me ask if the gentleman is saying this mother of two at the end of her payday, let us say she is paid every day instead of getting $32 at $4 an hour for eight hours, she will get an actual paycheck substantially above that?

Mr. BARTLETT. That is correct.

Mr. HUNTER. Approximately how much?

Mr. BARTLETT. It would be the equivalent of $5.23 an hour if she were being employed.

I would have to calculate it directly, but we will insert that into the RECORD.

Mr. HUNTER. That is a little over $41.50.

Mr. BARTLETT. About $41 a day, giving a direct incentive to work. The minimum wage just puts her out of work.

Mr. HUNTER. So instead of getting $32 a day, she will get $41 a day and also have a job?

Mr. BARTLETT. That is correct, under increase of minimum wage, she would be more likely to lose her job in the first place, and even if she did not, she would not be better off, frankly, than where she is today.

Under a living wage proposal, she would be substantially better off than where she is today. When she moves up to the $5 an hour range, it gets even better, and up in the $6 an hour, if she has more children. She would be earning the equivalent of $6 an hour.

Let me conclude by saying that the choice that Congress needs to make is a choice that the country is ready to make. It is a choice of difference between a minimum wage, the old way of doing things, the way of doing things rooted somewhere in the 1930's, the way of doing things of being able to make speeches to say we help people, but not only not helping them, but hurting them, an increase in the minimum wage would put them out of work and not help appreciably those persons who are poverty level, even the ones who keep their job versus a living wage proposal, a living wage in which low-income working persons receive a living wage for their efforts without a loss of jobs, but merely by saying that they would be entitled to a direct tax credit of the taxes, of the regressive taxes that they are paying. It is a difference between a job and no job. It is a difference between an income in which one can support your family or an income which you cannot. It is a difference between common sense and old style politics. It is a difference between compassion and politics.

Mr. GREEN. Mr. Speaker, I should like to thank my colleagues, Mr. PETRI and Mr. BARTLETT, for their leadership in sponsoring this special order on the Family Living Wage Act of 1989. I am proud to be an original cosponsor of that legislation, which seeks to increase the earned income tax credit [EITC] and vary it by family size so that a low income family's wages may be supplemented according to need.

I have spoken out in support of an expanded EITC before because I believe that proposal provides a unique tool to help our Nation's working poor. The EITC gives back to low-income families some of the taxes that are automatically taken out in payroll deductions,

so that a larger percentage of salary ends up as take-home pay. The EITC accomplishes the same end result as an increased wage by allowing low wage workers to keep more of what they earn.

For numerous reasons, raising the minimum wage would not be the best way to aid the working poor. Study after study shows that only a very low percentage of workers at or immediately above the minimum wage are from poverty households. Economists at the Congressional Budget Office have estimated that among those paid $3.35 in March 1985, only 18.5 percent were in families below the poverty level. For the less than 20 percent of the minimum wage earners who are in poverty households, let us assist them without destroying the whole economy. Large and continuing increases to the minimum wage will cause too many workers to lose their jobs or lose job opportunities, as well as create inflationary pressures as minimum wage increases are likely to be followed by like percentage increases in higher parts of the wage structure to maintain skill differentials.

The Family Living Wage Act not only increases work incentives for welfare families and low-income wage earners, but also assists those families with the costs of child care, independently of whether others are paid to provide care or one family member forgoes income in order to provide care. As you know, currently the largest single source of Federal support for child care services is the child and dependent care tax credit which is not available to the lowest income families.

Thus, instead of following an approach that would spawn huge and continuing increases in the minimum wage, let us instead provide targeted assistance through the Family Living Wage Act, which clearly offers a mechanism for putting more money into the pockets of low-wage workers and provides child care assistance to those families. In expressing suport of an expanded EITC last year, a New York Times editorial noted, "Congress owes the working poor well-designed help, not a well-intentioned illusion" like continuing increases in the minimum wage. I urge my distinguished colleagues in Congress to support Mr. PETRI's Family Living Wage Act as an effective alternative to continuing increases in the minimum wage.

In closing, I should like to share with you the following column from the New York Times of March 11, 1989:

[The article follows:]

[From the New York Times, Mar. 1, 1989]

ECONOMIC SCENE—A BREAKTHROUGH ON POVERTY?

(By Peter Passell)

Could this be the year Congress comes to the aid of the working poor?

While Washington remains divided on the best way to assure a decent living for everyone who punches a time clock, key political players do seem ready to accept a hefty increase in Federal wage subsidies for poor families supporting children. The tough question is whether this apparent consensus, as yet unacknowledged, can survive infighting over budget priorities.

Both liberals and conservatives have long counted on jobs as the universal antidote to poverty. But their faith has been shaken by evidence from the last few decades. Though average real family incomes have risen by 17 percent since 1973, over five million working Americans and their families still live below the poverty line.

One reason is that income gaps have widened between young and old, unskilled and skilled. Blue-collar workers under 35 have borne the brunt of the disappearance of $10-an-hour jobs in heavy industry. And tighter eligibility requirements have reduced government medical and food benefits available to the marginally employed.

The fix favored by traditional liberals is to insist that employers pay a living wage. Simply restoring the purchasing power of the Federal minimum wage to the 1981 level, they note, would increase the income of the poorest workers by a third.

The catch is that any mandated increase in labor costs would reduce total employment. By almost everyone's estimate, the poor as a group would come out ahead: the gain for those earning the higher minimum wage would exceed the loss to workers priced out of the market.

But there would also be winners among part-time workers from middle-income families who have no special claim to a larger slice of the economic pie. And many of the losers would be school dropouts under 25—arguably those in greatest need of work to escape the underclass.

The stalemate over the minimum wage shows no signs of breaking. But hope for the working poor is coming from an unexpected and seemingly unrelated source: the day-care lobby.

One mother in two with a preschool child is now in the labor market, and the pressure for government aid for day care is growing. Democrats, led by Senator Christopher J. Dodd of Connecticut, propose to help states to set up child-support systems and to subsidize their use by the poor. Republicans are eager to share the credit for a day-care fix, but they are reluctant to extend the power of the Federal bureaucracy. And they face bitter opposition from the party's right wing to any program that both encourages mothers to enter the job market and denies financing to church groups.

That is where child-care tax credits fit in. President Bush would give up to $1,000 per child in cash or credits to low-income families to offset the cost of raising preschoolers. But the money need not be spent on care outside the family—indeed, there would be no obligation to spend it on day care at all. The program is nothing more (or less) than a wage supplement to the working poor burdened by the costs of raising children.

Seeing the political opening created by the President's "day care" plan, two pragmatic Representatives have pounced. Democrat Thomas J. Downey of New York and Republican Thomas E. Petri of Wisconsin are offering their own versions, extending eligibility to all low-income people with dependent children.

Of the two, the Petri approach is more sharply targeted. He drops the pretense that the cash is meant for day care, and simply expands the tax credit already paid to low-income workers to offset the burden of child-rearing. Credits per child would range up to $700, with a maximum benefit of $3,850 for a family with four young children and an earned income of just $7,000.

The Downey plan would maintain the legal distinction between wage subsidies and tax credits for child care. But it would add roughly the same amount to the income of large families earning less than $10,000. Both men seem prepared to compromise on packaging to win votes.

Mr. Downey has the support of Dan Rostenkowski, powerful chairman of the House Ways and Means Committee. And neither advocates of a higher minimum wage nor those of Dodd-style day care are likely to hold wage subsidies hostage to their own goals. But there remains one potent sticking point: financing.

None of the plans are particularly expensive by Washington standards. The Downey approach would cost about $8 billion—4 cents to every dollar spent on Social Security. Mr. Petri would deliver roughly the same benefits at half the net cost because he would eliminate credits for child care now going to upper-income families.

But President Bush has already been heavily criticized for offering spending proposals without explaining how he would pay for them. And Mr. Downey's financing idea, a five-percentage-point tax increase (to 33 percent) for families with incomes exceeding $208,000, has met with a chilly response from the tax-writing committees. Thus to increase wage subsidies this year, politicians who care about the working poor will have to put their necks on the line.

Mr. PETRI. Mr. Speaker, the Family Living Wage Act, H.R. 1104, is designed to achieve several goals. Its objectives are to supplement wages according to need, as determined by family size, to help people support families by working rather than on welfare, and in particular to help with the costs of child care, which are heaviest for preschool children. But the initial reason I got into this whole area was my efforts to analyze the minimum wage for the past 2 years, I have been trying to focus, and to get others to focus, on the basic purpose that minimum wage legislation is supposed to serve. The basic purpose is not to increase the minimum wage for its own sake. The basic purpose is to fight poverty.

Specifically, the purpose is to enable low skilled people to support families by working. And we owe it to our constituents to figure out as honestly as we can how to serve that purpose best.

It turns out, when you really look at it that a minimum wage is an extremely crude tool for fighting poverty.

That's partly because poverty is actually increased by two of its effects, namely inflation and the loss of thousands of entry level jobs that help those with the lowest skills get started in the labor force. It's partly because 80 percent of those who are helped by minimum wage increases are not poor.

But it's mainly because millions of those who are poor and are working, are not helped. They already earn, or are capable of earning, more than $4.65 per hour but are still poor because of their larger family sizes.

The problem is that poverty is not a fixed target. Economic need and poverty lines vary by family size. But wages, including any particular minimum wage, do not. A full time job at the current minimum wage brings a single person about a thousand dollars over the poverty line. It brings a single parent with one child to his or her poverty line after the current earned income tax credit is added and Social Security taxes are subtracted. But it leaves larger families $1,900 further short of the poverty line for each additional family member.

Even a $4.65 minimum wage won't bring families larger than three out of poverty.

What people need is not a minimum wage but a living wage.

And the best way to get it is to supplement wages directly, according to need as determined by family size, through a reform of the existing earned income tax credit. The Family Living Wage Act would provide a direct supplement equivalent to $2.08 per hour to a family head with four young children earning $4 per hour, for a total effective wage of $6.08.

If the same family head earned $5 per hour, he'd still get a supplement equivalent to an additional wage of $1.90 per hour, for a total of $6.90. If he earned $6 per hour in the labor market, his supplement would be equivalent to $1.71, for a total of $7.71. And so on.

For a family head with two young children, the supplement to a $4 wage would be equivalent to an extra $1.32, that for a $5 wage would be an extra $1.18, that for a $6 wage would be an extra $1.04, and so on.

Moreover, these supplements are fully indexed for inflation, and workers can receive them in their regular paychecks.

If anyone takes an honest look at the numbers I believe it is clear that this approach does far more to help the working poor than does a big increase in the minimum wage, and it does it without causing inflation or job losses that actually hurt the poor. I intend to keep arguing for this approach at every opportunity, and I am happy that the New York Times, many other papers and columnists, most economists and many Members of Congress from both sides of the aisle agree with it.

I know some Members who support the Family Living Wage Act disagree with me on the extent to which it should be combined with an increase in the minimum wage.

But as all of us concerned with this area of public policy continue to discuss how best to fight poverty through the workplace, I hope we will come increasingly to concentrate our efforts on this, the most promising approach.

At this point,

I would like to insert in the RECORD testimony I gave at the Ways and Means Committee on February 28.

TESTIMONY OF THOMAS E. PETRI

Mr. Chairman and other members of the committee, I appreciate very much the opportunity to discuss with you today the question of how to help our nation's working poor or near-poor families. At the outset, let me state my agreement that people should be able to make more money working than they can receive on welfare. Beyond that, it would be nice if no one who worked was poor, but that is a more ambitious goal. I'd like to discuss briefly the nature of the basic problem I think this hearing is meant to address, and then outline some general principles for addressing it.

The basic problem is that economic need and therefore welfare payments vary by family size but work skills and therefore wages do not. Our official definition of poverty, the so-called poverty line, starts out at about $5,500 annual income for a single person and adds about $1,900 more for each additional member of the family. Basic AFDC and food stamp benefits are also geared to the number of people in the family but generally provide somewhat less than a poverty level income. In Wisconsin, last year these benefits amounted to $8,004 for a three person family, versus a poverty line of about $9,300, $9,576 for a four person family versus a poverty line of about $11,200, and $10,980 for a five person family versus a poverty line of $13,000.

Now consider how various types of family incomes compare to these poverty levels if the bread winners work at low wage jobs. A full time job at the current minimum wage pays $6,968 per year, minus social security taxes of $523, for a net of $6,445. So even such a low paying job puts a single person almost $1,000 over the poverty line.

Next consider two person households. Their poverty line is about $7,400 in annual income. If both persons are adults, there is the potential for two incomes and the household is likely to be far from poor. If the household consists of a single parent with one child, the parent is eligible to receive about $900 from the current law earned income tax credit this year; thus bringing his or her net income from even a minimum wage job to within about $50 of the poverty line for two people. Since labor market forces in most parts of the country are pulling wages above the federally mandated minimum even for very low skilled workers with little experience, in general we can say that working single parents of only one child are not poor either, at least according to the official definition.

The real problem of disparities between earnings from low skilled jobs and welfare payments or poverty level income occurs in larger families—single parent families with two or more children and two parent families with three or more children. And the larger the family, the worse the problem.

Exclusive of child care costs, a Wisconsin single mother of two working full time at the minimum wage would take home, after figuring in her earned income tax credit to about $650 less per year than she could get from AFDC and food stamps, add about $1,950 less than the poverty level for her family. If she had three children, she'd make about $2,200 less than on welfare and $3,850 less than the poverty level. If she had four children, she'd make about $3,600 less than on welfare and $5,750 less than the poverty level. Put another way, to match AFDC and food stamp benefits, she would have to earn $3.70 per hour if she has two children, $4.53 if she has three children, and $5.29 if she has four. To reach the poverty level, she'd have to make $4.40, $5.43 and $6.46 per hour in three cases, respectively.

Mr. Chairman, both you and I have recently introduced bills designed to alleviate these problems through direct wage supplements varied according to economic need and achieved by adjusting the current earned income tax credit for the number of children in the family. I think your bill is a step in the right direction, and I hope you hold a similar view of mine. As the Ways and Means Committee considers these issues further and moves toward final legislation, as I hope it will, I suggest that it apply several basic principles.

First, because the basic problem is greatest for larger families, any adjustment of the EITC for family size should not stop at two children. Of the 34 million families with any children in our country, almost 8 million have three or more. Those are the families that need the most help. Their poverty lines are higher, and they make up a disproportionate share of families caught in "welfare traps" or fitting the description, "working but still poor." In order to cover most of these families more adequately, we ought to provide additional EITC amounts per child for up to at least four children, not two.

Second, I think it would be better policy to focus all available dollars on expanded EITC amounts, rather than spend any on the dependent care credit. In the first place, most very low income workers simply do not pay large amounts for child care, if they pay anything at all, and so derive little benefit from the dependent care credit. The vast majority of them would be better off if the same dollars were distributed through the EITC instead. In the second place, I would argue that it is fairer to provide help for people with children independent of whether or not the parents pay someone else for child care services. The need to look after those children impose an economic cost on someone, often in the form of income forgone, regardless of whether dollars change hands. It seems to me that society, through the tax code, should be neutral as to the form of care provided rather than subsidizing only one kind and forcing parents into paid care in order to reap benefits.

We may have trouble providing sufficient EITC increments per child to provide substantial help to those very low income parents who do have to pay others large sums for child care. As a compromise, I suggest providing increments for preschool children that are twice as great as those for school age children. While there are many different costs associated with raising all children, the need to look after them is surely one of the largest and it is far larger for preschoolers. On those grounds, a larger wage supplement for preschool than for school age children could be well justified.

If we follow these basic principles, I think we can come up with a strong wage supplement program that enables far more people to make more working than they could receive on welfare, and that brings many of them over the poverty line. Within the dollars likely to be available, I am not sure we will be able to accomplish these two goals for everyone, but we can go a long way in that direction.

In fact, I like to think of this as welfare reform, round II. It moves toward the principle that everyone's basic source of income should be whatever he or she can earn by working, and then if society decides that is not enough, society should supplement those earnings directly according to need as determined by family size.

In this respect, I would like to leave you with one final thought. Insofar as this kind of policy should help some people move off welfare, wholly or in part, and into the labor force, it should enable us to reap significant welfare savings. However, as you know, the Congressional Budget Office is reluctant to score any such savings for budget purposes. It seems to me that it is in the interest of all of us who are working for such policies to keep working on coming up with some kind of basis on which their true budget effects can be more realistically scored. That will in turn give us more budget dollars to work with in our attempts to help the working poor.

GENERAL LEAVE

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the

subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. OLIN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit the 1988 Report of the United States Arms Control and Disarmament Agency. It reviews all aspects of last year's arms control policies, negotiating efforts, and the activities conducted in the process of meeting the statutory requirements of the Arms Control and Disarmament Act, as amended.

Of special interest are the sections on conventional arms control, the implementation of the INF Treaty, Nuclear Testing Talks, and the chemical weapons ban. The role of verification, a crucial element in any arms control agreement, is highlighted throughout the report.

The INF Treaty is a significant step in the quest for arms reductions. Reaching agreements with the Soviet Union on a START Treaty and a conventional arms control treaty are important objectives. We must also seek solutions to the serious problems of nuclear and chemical weapons proliferation.

While I endorse the broad approach to arms control taken in the past year, I am still reviewing specific details of the U.S. negotiating position. Statements of Administration views in the attached report, therefore, should be considered to be authoritative statements of past positions that may be subject to future modification following review.

I strongly believe that arms control should play a significant role in enhancing the security of the United States and its allies. The United States will continue to work toward effectively verifiable and stabilizing arms reductions.

GEORGE BUSH.

THE WHITE HOUSE, *March 14, 1989.*

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. PETRI] is recognized for 60 minutes.

[Mr. PETRI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

[Mr. DE LA GARZA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

[Mr. DREIER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ENHANCING AMERICA'S COMPETITIVENESS BY HELPING AMERICANS ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, today I have introduced three bills that if enacted into law and taken together will help make our Nation more competitive in international trade, thereby resulting in an expansion of U.S. exports, thus reducing the trade deficit and ultimately strengthening our economy and making America a healthier nation economically.

Over many years of working to expand American exports, I have come to understand that the American citizen living abroad is the most vital link in the export chain.

Under the best of circumstances, it is difficult to uproot your family and move to a faraway land where the language, the customs, and the economy are all very different from those in the United States.

Just as Government encouraged the pioneers who settled the West, Government should now do more to encourage export pioneers to move to outposts on the frontier of the new global economy.

Unfortunately, our laws now discourage Americans from moving abroad, and needlessly hasten the return of experienced Americans who now live abroad and work to expand markets for American goods and services.

The first, and most important, is entitled "the Overseas U.S. Citizens' Represenstation in the Congress Act." This bill would establish a nonvoting delegate to the House to represent Americans abroad.

Under the bill, registered voters living in foreign countries would have the option of voting in the election for the nonvoting delegate or voting in the election in their home congressional district.

A three-member Presidential commission, guided by the provisions of the Uniformed and Overseas Citizens Absentee Voters Act, would determine procedures for election of the delegate.

The unique problems and concerns of Americans abroad have too often gone unconsidered by the Congress because these nearly 3 million Americans—constituting a population larger than that of 22 States—have no voice in Congress. Frankly, none of us in this House represents enough Americans abroad to realize a political advantage from the overseas vote.

For there part, Americans abroad often do not participate in the political process, despite all they have at stake. These Americans feel cut off and adrift from domestic politics; correspondence I have received on this issue indicates that many cannot even identify their home Member of Congress.

A nonvoting delegate for Americans abroad, similar to the delegates now representing the District of Columbia, the Virgin Islands, American Samoa, and Guam, would be able to devote full time and attention—as none of the rest of us can—to the issues affecting overseas Americans.

The second bill, entitled "the Overseas American Children's Human Rights Act," would make it easier for Americans abroad who marry aliens to pass American citizenship to their children.

Under current law, if an American citizen marries a foreign national and lives outside the United States, that citizen is required to have physically resided in the United States for 5 years, at least two of which were after the age of 14, for his or her child to become an American citizen at birth.

However, children born out of wedlock to an American abroad now become citizens at birth if the U.S. citizen parent has physically resided in the United States for 1 year in the aggregate.

While we promote the institution of the family we tolerate a law blatantly antifamily. It discriminates in favor of those Americans abroad who enter into parenthood with a foreign partner without benefit of marriage. My bill would corect this injustice by applying the 1-year residency requirement to all U.S. citizens abroad who become parents, no matter what the circumstances of the child's birth.

The legislation would also provide that children born to Americans abroad will automatically become citizens at birth if they would otherwise be born stateless.

As a result, American law would conform with the Universal Declaration of Human Rights and the Declaration of the Rights of the Child—both of which the United States helped draft and both of which pledge that persons have a right to a name and a nationality at birth.

My bill would also insert the term "natural born" into section 301 of the Immigration and Nationality Act of 1952, thus clearing up any question as to whether a child born abroad as an American citizen qualifies under the Constitution to run for President when he or she grows up.

The third bill I introduce today, the Overseas Americans Economic Competition Enhancement Act, would amend section 911 of the Internal Revenue Code of 1986 to return America to the residency based tax system that existed prior to 1962.

The United States is the only nation on Earth that taxes its citizens based on their citizenship rather than on the basis of their nation of residence.

All other nations, including our major trading competitors, tax everyone living within their borders but do not tax their own citizens who live abroad.

As a result, American citizens who live abroad face an intolerable burden of double taxation—they pay U.S. taxes and taxes to the nation in which they reside.

Citizenship-based taxation discourages American companies from hiring American citizens to work abroad. And, it enforces competitive disadvantages on American entrepreneurs who wish to set up companies abroad. If we're serious about expanding exports, there is no justification for preserving these barriers to commerce.

We should encourage Americans to live abroad. As "USA Citizens Abroad: A Handbook," prepared for USA Today by American Citizens Abroad, put it, "we need military people abroad to defend our Nation and our allies; we need Foreign Service personnel to advance the interests of our Government and assist other Americans abroad; we need businesspeople abroad who promote American exports; and we need teachers, scholars and artists abroad to spread an appreciation of American culture and bring back the best of what they have learned from other cultures."

I invite all Members to join me in supporting these three bills. By doing so, you will help encourage Americans abroad to help their country.

H.R. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas United States Citizens' Representation in the Congress Act of 1989".

SEC. 2. CREATION OF OFFICE OF DELEGATE FOR UNITED STATES CITIZENS ABROAD.

United States citizens residing outside the United States shall be represented in the Congress by a nonvoting Delegate to the House of Representatives (hereinafter in this Act referred to as the "Delegate"), who shall be elected in accordance with this Act.

SEC. 3. QUALIFICATIONS OF ELECTORS; COMMENCEMENT OF TERM OF OFFICE.

(a) QUALIFICATIONS OF ELECTORS.—The Delegate shall be elected by citizens described in section 107(5) (B) or (C) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(5) (B) or (C)) who have the right to register absentee for, and to vote by, an absentee ballot in Federal elections under such Act and who individually exercise the options to relinquish such right with respect to the offices in the House of Representatives specified in section 107(3) of such Act (42 U.S.C. 1973ff-6(3)).

(b) COMMENCEMENT OF TERM OF OFFICE.—The term of the Delegate shall commence on the third day of January following the date of the election.

SEC. 4. QUALIFICATIONS OF DELEGATE.

To be eligible for the office of Delegate, a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) not be, on the date of the election, a candidate for any other office;

(3) have been a citizen of the United States for at least seven years prior to the date of the election;

(4) have resided outside the United States for the six-month period ending on the date of the election; and

(5) be qualified to vote for the office of Delegate under section 2(a).

SEC. 5. PRESIDENTIAL COMMISSION.

A three-member commission, appointed by the President, shall determine the procedures and regulations for election to the office of Delegate, the method by which a special election to fill a vacancy in such office shall be conducted, the method by which ties between candidates for such office shall be resolved, the order of names on the ballot for such office, and all other matters pertaining to the office of Delegate not otherwise provided for in this Act.

SEC. 6. COMPENSATION OF DELEGATE.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereafter may be, granted to the Delegate from Guam.

SEC. 7. DEFINITION.

As used in this Act, the term "United States", when used in the geographical sense, has the meaning given such term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 1973ff-6).

SEC. 8. EFFECTIVE DATE.

This Act shall apply with respect to elections beginning with the first general election held after the year in which this Act is enacted.

H.R. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas American Economic Competition Enhancement Act of 1989".

SEC. 2 EXCLUSION OF INCOME OF UNITED STATES CITIZENS AND RESIDENTS ABROAD.

(a) IN GENERAL.—Section 911 of the Internal Revenue Code of 1986 (relating to citizens or residents of the United States living abroad) is amended to read as follows:

"SEC. 911. INCOME EARNED ABROAD BY UNITED STATES CITIZENS AND RESIDENTS.

"(a) GENERAL RULE.—In the case of an individual described in subsection (b), the following items shall be excluded from gross income and exempt from taxation under this subtitle:

"(1) FOREIGN EARNED INCOME.—Amounts received from sources within a foreign country or countries which constitute earned income attributable to services performed during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b).

"(2) UNITED STATES EARNED INCOME ATTRIBUTABLE TO TEMPORARY PRESENCE.—Compensation for labor or personal services described in section 861(a)(3)(C) performed in the United States by such an individual while temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year, received during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b).

"(3) OTHER FOREIGN INCOME.—Income (other than compensation for labor personal services) from sources without the United States (within the meaning of section 862) received during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b).

"(4) OTHER UNITED STATES INCOME NOT EFFECTIVELY CONNECTED WITH A UNITED STATES TRADE OR BUSINESS.—Amounts received from sources within the United States described in subparagraph (A), (B), (C), or (D) of section 871(a)(1), but only to the extent the amounts so received are not effectively connected with the conduct of a trade or business within the United States (within the meaning of section 871), received during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b).

"(5) UNITED STATES CAPITAL GAIN NET INCOME DURING TEMPORARY PRESENCE.—Capital gain net income (determined in accordance with the second sentence of section 871(a)(2)) of such an individual while temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year, received during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b), to the extent that such income—

"(A) is allocable to sources within the United States, and

"(B) is not effectively connected with the conduct of a trade or business within the United States.

"(6) UNITED STATES REAL PROPERTY INTEREST GAIN.—Gain from the disposition of a United States real property interest (as defined in section 897(c)) received during that portion of the taxable year for which the taxpayer meets the requirements of subsection (b).

For purposes of paragraph (6) and section 897, gain or loss from the disposition of a United States real property interest (as defined in section 897(c)) shall be determined under section 897 in the case of an individual described in subsection (b), applied as if the individual were described in section 897(a)(1)(A).

"(b) ELIGIBILITY REQUIREMENTS.—Subsection (a) applies only in the case of—

"(1) an individual who is a citizen of the United States and who establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign coun-

try or countries for an uninterrupted period which includes an entire taxable year, or

"(2) an individual who is a citizen or resident of the United States and who, during any period of 18 consecutive months, is present in a foreign country or countries during at least 510 full days in such period.

"(c) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) EARNED INCOME.—The term 'earned income' means wages, salaries or professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"(2) ATTRIBUTION TO YEAR IN WHICH SERVICES ARE PERFORMED.—Amounts received that constitute earned income shall be considered received in the taxable year in which the services to which the amounts are attributable are performed.

"(3) REQUIREMENT AS TO TIME OF RECEIPT.—Amounts received after the close of the taxable year in which the services to which the amounts are attributable are performed shall be excluded under subsection (a) without regard to the taxable year in which they are received.

"(4) DEDUCTIONS AND CREDITS ATTRIBUTABLE TO EXCLUDED INCOME NOT DEDUCTIBLE OR CREDITABLE.—Notwithstanding any other provision of this chapter, no deduction (other than the deduction allowed by section 217 (relating to moving expenses)) or credit against the tax imposed by this chapter shall be allowed under this title to the extent that such deduction or credit is properly allocable to or chargeable against amounts excluded from gross income under this section.

"(5) CERTAIN AMOUNTS NOT EXCLUDABLE.—

"(A) UNITED STATES SOURCE PENSION AND ANNUITY INCOME; INCOME FROM CERTAIN NONQUALIFIED TRUSTS AND ANNUTIES.—No amount may be excluded under subsection (a) which is—

"(i) received as a pension or annuity, or

"(ii) included in gross income by reason of section 402(b) (relating to taxability of beneficiary of nonexempt trust) or section 403(c) (relating to taxability of beneficiary under a nonqualified annuity).

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) so much of any amounts received as a pension or annuity as is attributable to personal service rendered outside the United States during periods for which the taxpayer met the requirements of subsection (b), or

"(ii) amounts received or otherwise includible in gross income under a foreign pension, annuity, or trust (except to the extent that such amounts are attributable to personal service rendered within the United States, other than personal service described in subsection (a)(2)).

"(d) WAIVER OF PERIOD OF STAY IN FOREIGN COUNTRY.—For purposes of subsection (b), an individual who—

"(1) for any period is a bona fide resident of or is present in a foreign country,

"(2) leaves such foreign country—

"(A) during any period during which the Secretary determines, after consultation with the Secretary of State, that individuals were required to leave such foreign country because of war, civil unrest, or similar adverse conditions in such foreign country which precluded the normal conduct of business by such individuals, and

"(B) before the requirements of section (b), and

"(3) establishes to the satisfaction of the Secretary that he could reasonably have been expected to have met such requirements but for the conditions described in paragraph (2),

shall be treated as having met such requirements with respect to the period described in paragraph (1) during which he was a bona fide resident or present in the foreign country.".

(b) Conforming and Clerical Amendments.—

(1) Cross-references to earned income definition.—

(A) Sections 1(i)(4)(A), 79(d)(3)(B), 89(h)(1)(F), 105(h)(3)(v), 162(k)(7)(B), 410(b)(3)(C), 414(p)(8)(F), and 879(a)(1) of such Code are each amended by striking out "section 911(d)(2)" and inserting in lieu thereof "section 911(c)(1)".

(B) Paragraph (1) of section 66(d) of such Code is amended by striking out "section 911(b)" and inserting in lieu thereof "section 911(c)(1)".

(C) Paragraph (3) of section 469(e) of such Code is amended by striking out "section 911(d)(2)(A)" and inserting in lieu thereof "the first sentence of section 911(c)(1)".

(2) OTHER CROSS-REFERENCES.—Sections 32(c)(1)(C), 1402(a)(8), 6012(c), and 6091(b)(1)(B)(iii) of such Code are each amended by striking out "relating to citizens or residents of the United States living abroad" and inserting in lieu thereof "relating to income earned by United States citizens and residents".

(3) OTHER TECHNICAL AMENDMENTS.—

(A)(i) Clause (ii) of section 7701(b)(3)(B) of such Code is amended by striking out "(as defined in section 911(d)(3) without regard to the second sentence thereof)".

(ii) Subparagraph (B) of section 7701(b)(3) of such Code is amended by adding at the end thereof the following:

"For purposes of clause (ii), the term 'tax home' means, with respect to any individuals, such individual's home for purposes of section 162(a)(2) (relating to traveling expenses while away from home)."

(B) Subsection (k) of section 1034 of such Code is amended—

(i) by striking out "(as defined in section 911(d)(3))", and

(ii) by adding at the end thereof the following: "For purposes of this subsection, the term 'tax home' means, with respect to any individual, such individual's home for purposes of section 162(a)(2) (relating to traveling expenses while away from home). An individual shall not be treated as having a tax home in a foreign country for any period for which his abode is within the United States."

(C) Sections 865(g)(1)(A)(i) and 988(a)(3)(B)(i) of such Code are each amended by striking out "section 911(d)(3)" and inserting in lieu thereof "section 1034(k)".

(4) TABLE OF SECTIONS.—The table of sections for subpart B of part III of subchapter N of chapter 1 of such Code is amended by striking out the item relating to section 911 and inserting in lieu thereof the following:

"Sec. 911. Income earned abroad by United States citizens and residents."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1989.

H.R. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas American Children's Human Rights Act of 1989".

SEC. 2. CITIZENSHIP AT BIRTH FOR CERTAIN CHILDREN BORN ABROAD OF UNITED STATES CITIZENS

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by inserting "Natural born" after "The following shall be nationals and";

(2) by striking paragraph (d);

(3) in paragraph (e), by striking "a continuous period" and inserting "an aggregate period";

(4) in paragraph (g), by striking "five years, at least two of which were after attaining the age of fourteen years" and inserting "one year in the aggregate";

(5) by striking the period at the end of paragraph (g) and inserting a semicolon; and

(6) by adding at the end the following new paragraph:

"(h) a person born, in or out of wedlock, outside the United States and its outlying possessions of parents one of whom is a citizen of the United States, if such person would otherwise be stateless at birth.".

(b) CONFORMING AMENDMENTS.—Section 309(a) of such Act (8 U.S.C. 1409(a)) is amended by striking "(d),".

(2) Section 341(a) of such Act (8 U.S.C. 1452) is amended by striking "(d), (e), or (g) of section 301" and inserting "(e), (g), or (h) of section 301".

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a)(1) shall apply to persons born before, on, or after the date of the enactment of this Act.

(2) The amendments made by paragraphs (3) through (5) of subsection (a) shall apply to persons born on or after the date of the enactment of this Act and to persons who have not attained the age of 18 years as of the date of the enactment of this Act.

(3) The amendments made by paragraphs (2) and (6) of subsection (a) and by subsection (b) shall apply to persons born on or after the date of the enactment of this Act.

□ 1700

The SPEAKER pro tempore (Mr. OLIN). Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 30 minutes.

[Mr. CROCKETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the

legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, on March 14, 15, 16.

Mrs. BENTLEY, for 60 minutes, on March 22 and 23.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

Mr. CROCKETT, for 30 minutes, today.

Mr. RAHALL, for 30 minutes, on March 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. KOLBE.

Mr. DAVIS.

Mr. BROOMFIELD.

Mr. MADIGAN.

Mr. GRADISON.

Mr. CRAIG.

Mrs. ROUKEMA.

Mr. SOLOMON in two instances.

Mr. HYDE.

Mr. DUNCAN.

Mr. DORNAN of California.

Mr. CRANE.

Mr. WEBER.

Mr. FRENZEL.

Mr. CONTE.

Mr. GOODLING.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. FORD of Michigan.

Mr. HOYER.

Mr. MARTINEZ.

Mr. LEHMAN of Florida.

Mr. CLEMENT.

Mr. KOLTER.

Mr. ROE.

Mr. WEISS.

Mr. DARDEN.

Mr. SWIFT.

Mr. PEPPER.

Mr. STARK in four instances.

Mr. FAZIO.

Mr. KOSTMAYER.

Mr. MATSUI in two instances.

Mr. WYDEN.

Mr. ROYBAL.

Mr. ERDREICH.

Mr. MCMILLEN of Maryland.

ADJOURNMENT

Mr. ALEXANDER. Mr Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 15, 1989, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

766. A letter from the Secretary of Education, transmitting a copy of the Final Annual Evaluation Priority for Handicapped Special Studies Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

767. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions for Michael Hayden Armacost, Ambassador Extraordinary and Plenipotentiary—designate to Japan, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

768. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a copy of the annual report of the Board's compliance with the Government in the Sunshine Act, calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

769. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

770. A letter from the Postmaster General, United States Postal Service, transmitting the agency's 1988 annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

771. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

772. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

773. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a report of a building project survey which evaluates the need for a new Federal office building in Baltimore MD; to the Committee on Public Works and Transportation.

774. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a prospectus for the Environmental Protection Agency, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. House Joint Resolution 124. Resolution to recognize the seventy-fifth anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services (Report 101-4). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 829. A bill to make permanent the authority provided under the Temporary Emergency Wildfire Suppression Act (Report 101-5, Pt. 1). And ordered to be printed.

Mr. PEPPER. Committee on Rules. House Resolution 108. Resolution providing for the consideration of H.R. 1231, a bill to direct the President to establish an emergency board to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units (Report 101-6). Referred to the House Calendar.

Mr. ASPIN: Committee on Armed Services. House Joint Resolution 165. Resolution disapproving the recommendations of the Commission on Base Realignment and Closure (Adverse Report 101-7). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 under rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 1378. A bill to create the Office of Delegate for United States Citizens Abroad; to the Committee on House Administration.

H.R. 1379. A bill to amend the Internal Revenue Code of 1986 to expand the types of foreign source income which may be excluded from gross income by individual citizens and residents of the United States living abroad; to the Committee on Ways and Means.

H.R. 1380. A bill to amend the Immigration and Nationality Act to revise the law with respect to citizenship at birth of certain children born abroad of United States citizens; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 1381. A bill to prohibit the excavation of Native American burial sites and removal of the contents thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRENNAN (for himself, Mr. HOCHBRUECKNER, Mr. TRAFICANT, and Mr. CAMPBELL of Colorado):

H.R. 1382. A bill to make supplemental appropriations for veterans health care for the fiscal year ending September 30, 1989; to the Committee on Appropriations.

By Mr. BRENNAN (for himself, Mr. FORD of Michigan, Mr. HAYES of Illinois, Mr. OWENS of New York, Mr. ACKERMAN, Mr. BOEHLERT, Mr. BUSTAMANTE, Mr. DEFAZIO, Mr. DELLUMS, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FOGLIETTA, Mr.

FRANK, Mr. GARCIA, Mr. HERTEL, Mr. LIPINSKI, Mr. MARKEY, Mr. MARTINEZ, Mr. MRAZEK, Mr. OBEY, Ms. PELOSI, Mr. RANGEL, Mr. TOWNS, Mr. TRAFICANT, Mr. VENTO, Mr. WHEAT, and Mr. STUDDS):

H.R. 1383. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to hire, or threaten to hire, permanent replacement workers during the first 10 weeks of any strike; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. DINGELL, Mr. WELDON, and Mr. THOMAS of Georgia):

H.R. 1384. A bill to establish the boundaries of the Matagorda Island National Wildlife Refuge and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS (for himself, Mr. REGULA, Mr. FOLEY, Mr. MICHEL, Mr. ACKERMAN, Mr. BENNETT, Mr. BERMAN, Mr. BILBRAY, Mr. BLAZ, Mrs. BOGGS, Mrs. BOXER, Mr. BRYANT, Mr. CAMPBELL of Colorado, Mr. CLAY, Mrs. COLLINS, Mr. COURTER, Mr. CROCKETT, Mr. DE LUGO, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ENGEL, Mr. ENGLISH, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FUSTER, Mr. GARCIA, Mr. GILMAN, Mr. GRAY, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HENRY, Mr. HORTON, Mr. HOYER, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MOAKLEY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PEPPER, Mr. RANGEL, Mr. RAY, Mr. RICHARDSON, Mr. ROE, Mr. ROSE, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SAVAGE, Mr. SAXTON, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. STOKES, Mr. STUDDS, Mr. SYNAR, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mr. WEISS, and Mr. WHEAT):

H.R. 1385. A bill to make permanent the Martin Luther King, Jr., Federal Holiday Commission; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota:

H.R. 1386. A bill to amend the Immigration and Nationality Act to prevent the unreasonable detention of certain aliens with dependent children; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota (for himself, Mr. STENHOLM, Mrs. BOXER, Mr. VENTO, Mr. JOHNSON of South Dakota, Mr. SMITH of Florida, Mr. OWENS of New York, Mr. FAUNTROY, Mr. LEVIN of Michigan, Mr. TORRES, and Mr. FOGLIETTA):

H.R. 1387. A bill to provide for the inspection of all commercial seafood destined for human consumption in the United States; jointly, to the Committees on Merchant Marine and Fisheries and Agriculture.

By Mr. DYSON (for himself, Mrs. BYRON, Mrs. BENTLEY, Mr. CARDIN, Mr. MCMILLEN of Maryland, Mr. HOYER, and Mr. MFUME):

H.R. 1388. A bill to enhance the ability of the Federal Crop Insurance Corporation to encourage the sale of Federal crop insurance to producers of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. FOGLIETTA (for himself, Mrs. BOXER, Mr. RUSSO, Mr. OWENS of New York, Mrs. LLOYD, Mr. DE LUGO, Mr. CAMPBELL of Colorado, Mr. HENRY, Mr. DOUGLAS, Mr. ROE, Mr. ATKINS, Mr. EVANS, Mr. PALLONE, Mr. BONIOR, Mrs. BENTLEY, and Mr. FAUNTROY):

H.R. 1389. A bill to prohibit the possession of firearms in Federal court facilities; to the Committee on the Judiciary.

By Mr. FRENZEL (for himself, Mr. JENKINS, Mr. ARCHER, Mr. GIBBONS, Mr. VANDER JAGT, Mr. GRADISON, Mr. BROWN of Colorado, Mr. CHANDLER, Mrs. BENTLEY, Mr. COBLE, Mrs. JOHNSON of Connecticut, Mr. GUARINI, Mr. ROSE, and Mr. WOLF):

H.R. 1390. A bill to provide for equality of State taxation of domestic and foreign corporations; jointly, to the Committee on the Judiciary and Ways and Means.

By Mr. GLICKMAN (for himself, Mr. FEIGHAN, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. BRYANT, Mr. ROE, Mr. FLORIO, Mr. ROSE, Mrs. PATTERSON, Mr. BEILENSON, Mr. DORNAN of California, Mr. DEWINE, Mr. JONTZ, Mr. SMITH of Florida, Mr. FUSTER, Mr. FAUNTROY, Mr. GARCIA, Mr. OWENS of New York, Mr. DANNEMEYER, Mr. BEREUTER, Mr. BATES, Mr. HORTON, Mr. LAGOMARSINO, Mr. DEFAZIO, Mr. HARRIS, Mr. ATKINS, Mr. LEWIS of Georgia, Mr. SOLOMON, Mr. DE LUGO, Mr. FLIPPO, Mr. LAFALCE, Mr. BROWN of California, Mr. PURSELL, and Mr. MCDERMOTT):

H.R. 1391. A bill to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast material; to the Committee on the Judiciary.

By Mr. GOODLING (for himself, Mr. PENNY, Mr. STENHOLM, Mr. COLEMAN of Missouri, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. TAUKE, Mr. GRANDY, and Mr. HENRY):

H.R. 1392. A bill to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes; to the Committee on Education and Labor.

By Mr. KOLTER:

H.R. 1393. A bill to amend the goals of the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. LEWIS of Florida:

H.R. 1394. A bill to amend title 5, United States Code, to provide that the civil service retirement and disability fund be excluded from the budget of the U.S. Government; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. CARR (for himself, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. COELHO, Mr. DE LUGO, Mr. DEFAZIO, Mr. FAZIO, Mr. FOGLIETTA, Mr. HYDE, Mr. LAGOMARSINO, Mr. MFUME, Mr. MRAZEK, Ms. OAKAR, Mr. RIDGE, and Mr. WILSON):

H.R. 1395. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction of $600 for certain physically disabled individuals; to the Committee on Ways and Means.

By Mr. MARKEY (by request) (for himself, Mr. DINGELL, Mr. RINALDO, Mr. LENT, Mr. ECKART, Mr. SLATTERY, Mr. BOUCHER, Mr. COOPER, Mr. MANTON, Mr. WYDEN, Mr. RITTER, Mr. MADIGAN, Mr. WHITTAKER, Mr. BARTON of Texas, Mr. BLILEY, Mr. BILIRAKIS, and Mr. MCMILLAN of North Carolina):

H.R. 1396. A bill to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 1397. A bill to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living; to the Committee of Veterans' Affairs.

By Mr. HAYES of Illinois:

H.R. 1398. A bill to protect and improve the quality of life in the United States through a more vigorous, responsible, and participatory capitalism supported by more business-like policy initiatives and budgetary practices by the President and the Congress; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Government Operations, and Ways and Means.

By Mrs. MORELLA:

H.R. 1399. A bill to extend health insurance and survivor annuity benefits to certain former spouses of Federal employees who would not otherwise be eligible therefor; to the Committee on Post Office and Civil Service.

By Mrs. MORELLA (for herself, Mr. MONTGOMERY, Mr. TALLON, Mr. PENNY, Mr. ROBINSON, Mr. SHUMWAY, Mr. BEVILL, Mr. WALGREN, Mr. YOUNG of Alaska, Mr. HENRY, Mr. HILER, Mrs. BENTLEY, Mr. GOODLING, Mr. MFUME, Mr. HAYES of Louisiana, Mr. QUILLEN, Mr. BUSTAMANTE, Mr. DYMALLY, Mr. MILLER of Washington, Mr. MYERS of Indiana, Mr. PETRI, Mr. HUGHES, Mr. LAGOMARSINO, Mr. MCCURDY, Mr. HUNTER, Mr. RHODES, Mr. THOMAS of California, Mr. KANJORSKI, Mr. BLILEY, Mr. BURTON of Indiana, Mr. DENNY SMITH, Mr. MORRISON of Washington, Mr. CHAPMAN, Mr. RAVENEL, Mr. GONZALEZ, Mr. BALLENGER, Mr. RAHALL, Mr. FAZIO, Mrs. MEYERS of Kansas, Mr. GINGRICH, Mr. HARRIS, Mr. EVANS, Mr. PICKETT, Mr. KOSTMAYER, Mr. BUECHNER, Mr. TANNER, Mr. WYDEN, Mr. GRANDY, Mr. ORTIZ, Mr. CLAY, Mr. BARNARD, Mr. DEWINE, Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. OBERSTAR, Mr. WELDON, Mr. GAYDOS, Mr. BILIRAKIS, Mr. WALKER, Mrs. LLOYD, Mr. ROSE, Mr. HORTON, Mr. MCCOLLUM, Mr. YATRON, Mr. DAVIS, Mr. VOLKMER, Mr. LOWERY of California, Mr. RAY, Mr. LEATH of Texas, Mrs. BYRON, Mr. DARDEN, Mr. JOHNSON of South Dakota, Mr. SISISKY, Mr. TORRES, Mr. PAXON, Mr. MARTIN of New York, Mr. SLAUGHTER of Virginia, and Mr. HANCOCK):

H.R. 1400. A bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connec-

tion with civil service retirement, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Armed Services.

By Mr. REGULA (for himself and Mr. SLATTERY):

H.R. 1401. A bill to provide for a 2-year Federal budget cycle, and for other purposes; jointly to the Committees on Government Operations and Rules.

By Mr. RUSSO:

H.R. 1402. A bill to amend the Internal Revenue Code of 1954 to provide that the excise tax on handguns will be transferred to a trust fund to be used for purposes of providing compensation to victims of crime, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mrs. SAIKI:

H.R. 1403. A bill to require reports on pollution, response, and assessment in the Hawaiian Islands; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. SHUMWAY:

H.R.1404. A bill to provide for the sale by the Secretary of Interior of the Sly Park Unit of the Central Valley Project to the El Dorado Irrigation District, Placerville, El Dorado County, CA; to the Committee on the Interior and Insular Affairs.

By Mr. SHUMWAY (for himself and Mr. DAVIS, Mr. FIELDS, Mr. HERGER, Mrs. SAIKI, and Mr. WELDON):

H.R. 1405. A bill to affirm the Presidential Proclamation extending the U.S. Territorial Sea to 12 miles; jointly, to the Committees on Foreign Affairs, the Judiciary, and Merchant Marine and Fisheries.

By Mr. THOMAS of California:

H.R. 1406. A bill to amend the Internal Revenue Code of 1986 to permit tax-free withdrawals from individual retirement plans or section 401(k) plans for the acquisition of the first principal residence of the taxpayer or a member of the taxpayer's family; to the Committee on Ways and Means.

By Mr. VANDER JAGT (for himself and Mr. JENKINS):

H.R. 1407. A bill to amend section 132 of the Internal Revenue Code of 1986 to provide that de minimis fringe benefits furnished by an employer to an employee may include a share in the cost of meals furnished off the business premises of the employer; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 1408. A bill to establish the American Conservation Corps, and for other purposes; jointly, to the Committee on Interior and Insular Affairs and Education and Labor.

By Mr. WOLPE (for himself, Ms. KAPTUR, Mr. BILBRAY, and Mr. BRYANT):

H.R. 1409. A bill to amend chapter 11 of title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising foreign persons for a period of 4 years after leaving Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. FOGLIETTA:

H.J. Res. 192. Joint resolution designating April 1989 as "National Weight Loss Month"; to the Committee on Post Office and Civil Service.

By Mr. FROST (for himself and Mr. STENHOLM):

H.J. Res. 193. Joint resolution proposing an amendment to the Constitution of the United States to delay the effective date of any variation in the compensation of Senators and Representatives until after an election of Representatives has intervened and the terms for Representatives chosen in such election have begun; to the Committee on the Judiciary.

By Mr. GRADISON (for himself and Mr. PANETTA):

H.J. Res. 194. Joint resolution to designate the month of November in 1989 and 1990 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

By Mr. MARTINEZ (for himself, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. DE LUGO, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ESPY, Mr. FAUNTROY, Mr. FAZIO, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GORDON, Mr. GREEN, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mrs. KENNELLY, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MATSUI, Mr. MCCLOSKEY, Mr. OWENS of New York, Ms. Pelosi, Mr. QUILLEN, Mr. SOLARZ, Mr. STUDDS, Mr. TAUZIN, Mr. WAXMAN, Mr. WEISS, and Mr. YATRON):

H.J. Res. 195. Joint resolution designating the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 196. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Members of the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 197. Joint resolution designating May 1-7, 1989, as "National Older Americans Abuse Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H.J. Res. 198. Joint resolution designating October 3, 1989, as "National Teacher Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. VALENTINE (for himself, Mr. ROBERTS, Mr. GAYDOS, Mr. STALLINGS, Mr. DANNEMEYER, Mr. EMERSON, Mr. WELDON, Mr. MILLER of Ohio, Mr. HEFNER, Mr. ERDREICH, Mr. HARRIS, Mrs. BENTLEY, Mr. BALLENGER, Mr. LEWIS of Georgia, Mr. COBLE, Mr. ROSE, Mr. PETRI, Mr. LANCASTER, Mr. BURTON of Indiana, Mr. MURPHY, and Mr. WHITTAKER):

H.J. Res. 199. Joint resolution proposing an amendment to the Constitution of the United States relating to the apportionment of Members of the House of Representatives among the several States; to the Committee on the Judiciary.

By Mr. WYDEN:

H.J. Res. 200. Joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H. Con. Res. 72. Concurrent resolution condemning the Art Institute of Chicago and the School of the Art Institute of Chicago for permitting the display of an exhibit that encourages disrespect for the flag of the United States and abuses the right of freedom of speech as guaranteed by the Constitution; to the Committee on the Judiciary.

By Mr. SIKORSKI:

H. Con. Res. 73. Concurrent resolution expressing the sense of the Congress that the number of refugees admitted to the United States and the appropriation for programs for refugee migration and resettlement should be increased and that the Department of Justice should reestablish the presumption that Jews and members of other religious minorities emigrating from the Soviet Union qualify for refugee status for admission to the United States; to the Committee on the Judiciary.

By Mr. DELLUMS:

H. Res. 109. Resolution expressing the sense of the House that the Governor of the State of California, or the California Board of Prison Terms, or both, should take actions within their power to bring about the reconsideration of the 1972 conviction and/or the immediate release from prison of Elmer "Geronimo" Pratt, and that the Judiciary Committee should inquire into the information known to the Federal Bureau of Investigation, which was not released to the California Attorney General and courts in 1980; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 1410. A bill for the relief of Peter J. Montagnoli; to the Committee on the Judiciary.

By Mr. BUSTAMANTE:

H.R. 1411. A bill for the relief of Oralia Espinosa and Triny Nell Espinosa; to the Committee on the Judiciary.

By Mr. LELAND:

H.R. 1412. A bill for the relief of Andrew G. Sparrow; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 1413. A bill for the relief of Nebraska Aluminum Castings, Inc.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. DELLUMS, Mr. EVANS, Mr. FOGLIETTA, Ms. KAPTUR, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. TORRES, Ms. SCHNEIDER, and Mr. WHEAT.

H.R. 18: Mr. CHANDLER and Mrs. VUCANOVICH.

H.R. 22: Mr. FRANK, Mr. NELSON of Florida, Mr. CLARKE, and Mr. MANTON.

H.R. 25: Mr. AUCOIN, Ms. OAKAR, Mr. EVANS, Mr. HOCHBRUECKNER, and Mr. HOYER.

H.R. 40: Mr. RIDGE and Mr. MAZZOLI.

H.R. 41: Mr. MORRISON of Connecticut.

H.R. 91: Mr. SANGMEISTER, Mr. FEIGHAN, Mr. VISCLOSKY, and Mr. BUECHNER.

H.R. 94: Mr. WELDON, Mrs. MORELLA, Mr. WOLF, Mr. SAVAGE, Mr. OWENS of New York, Mr. THOMAS A. LUKEN, Mr. LEWIS of Georgia, Mrs. BENTLEY, Mr. STARK, Mr. HENRY, Mr. MCCURDY, Mr. FLORIO, Mr. MRAZEK, Mr. ENGEL, Mr. ROE, Mr. GARCIA, Ms. SCHNEIDER,

Mr. BONIOR, Mr. COBLE, Mr. TRAXLER, Mr. FOGLIETTA, Mr. MINETA, and Mr. FAZIO.

H.R. 101: Mr. SWIFT and Mr. MCDERMOTT.

H.R. 102: Mr. GLICKMAN, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mr. OWENS of New York, Mr. PENNY, Mr. NEAL of North Carolina, Mr. LANCASTER, Mr. RANGEL, Ms. SCHNEIDER, Mr. WHEAT, Mr. ATKINS, and Mrs. LOWEY of New York.

H.R. 158: Mr. EVANS and Mr. JOHNSON of South Dakota.

H.R. 160: Mr. BILBRAY, Mr. MAVROULES, Mr. HENRY, Mrs. MEYERS of Kansas, Mrs. BYRON, Mr. MARKEY, Mr. HEFLEY, Mr. FALEOMAVAEGA, Mr. MCCOLLUM, Mr. RUSSO, and Mrs. UNSOELD.

H.R. 210: Mr. DYMALLY.

H.R. 211: Mr. DYMALLY and Mr. HAMMERSCHMIDT.

H.R. 214: Mr. YOUNG of Florida, Mr. HAWKINS, Mr. HALL of Ohio, Mr. EDWARDS of California, Mr. SCHEUER, and Mr. DYMALLY.

H.R. 215: Mr. YOUNG of Florida, Mr. GILMAN, Mr. DENNY SMITH, Mr. SHAYS, Mr. LEATH of Texas, Mr. FISH, Mr. MARKEY, and Mr. DYMALLY.

H.R. 216: Mr. MCCURDY.

H.R. 283: Mr. HUCKABY, Mr. FASCELL, Mr. RAY, and Mr. PARKER.

H.R. 343: Mr. COSTELLO.

H.R. 371: Mr. BURTON of Indiana, Mr. MURPHY, Mr. RITTER, Mr. DYSON, Mr. TAUZIN, Mr. WALSH, Mr. PARRIS, Mr. NAGLE, Mr. TRAXLER, Mr. BUNNING, and Mr. MURTHA.

H.R. 418: Mrs. KENNELLY and Mr. PANETTA.

H.R. 425: Mr. FAUNTROY.

H.R. 446: Mr. HEFLEY, Mr. CAMPBELL of Colorado, Mr. EMERSON, and Mr. TALLON.

H.R. 458: Mr. ARCHER.

H.R. 500: Mr. HYDE and Mr. MINETA.

H.R. 501: Mr. BURTON of Indiana.

H.R. 518: Mr. HANCOCK.

H.R. 546: Mr. WALGREN.

H.R. 563: Mr. SAXTON, Ms. OAKAR, Mr. SPENCE, and Mr. LIPINSKI.

H.R. 586: Mr. LEVINE of California and Mr. EVANS.

H.R. 596: Mr. HERGER.

H.R. 614: Mr. FLIPPO, Mr. GILMAN, Mr. CARR, and Ms. PELOSI.

H.R. 628: Mr. SHAYS.

H.R. 634: Mr. CHENEY, Mr. BROWN of Colorado, Mr. FRANK, Mr. COELHO, and Ms. OAKAR.

H.R. 637: Mr. YOUNG of Florida.

H.R. 645: Mr. DELLUMS, Mr. PARRIS, Mr. DE LUGO, and Mrs. BENTLEY.

H.R. 658: Mr. ORTIZ and Mrs. BOGGS.

H.R. 659: Mr. DE LA GARZA.

H.R. 669: Mr. MORRISON of Connecticut.

H.R. 703 Mr. LEWIS of Florida.

H.R. 707: Mr. GALLO, Mr. PAYNE of New Jersey, and Mr. PALLONE.

H.R. 759: Mr. HAWKINS, Mr. BOSCO, Mr. STARK, Mr. MILLER of California, Mr. LEHMAN of California, Mr. BERMAN, Ms. PELOSI, Mr. DYMALLY, Mr. TORRES, Mr. LANTOS, Mr. DORNAN of California, Mr. DIXON, Mr. FAZIO, Mr. MATSUI, Mrs. BOXER, Mr. ANDERSON, Mr. BATES, Mr. BEILENSON, Mr. BROWN of California, Mr. COELHO, Mr. DELLUMS, Mr. MARTINEZ, Mr. ROYBAL, Mr. WAXMAN, Mr. LEWIS of California, and Mr. HUNTER.

H.R. 765: Mr. NIELSON of Utah, Mr. SHARP, Mr. MANTON, Mr. KILDEE, and Mr. FLORIO.

H.R. 775: Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. GORDON, Mr. KILDEE, Mr. BATES, Mr. HENRY, Mr. OWENS of New York, Mr. WOLPE, Mr. CARPER, Mrs. MEYERS of Kansas, Mr. ROBINSON, Mr. BARNARD, Mr. RIDGE, Ms. PELOSI, Mr. ATKINS, Mr. SMITH of New Hamsphire, Mr. MILLER of Ohio, and Mr. SHAYS.

H.R. 777: Mr. TAUZIN, Mr. OXLEY, Mr. ATKINS, Mr. AUCOIN, Mr. CHANDLER, Mr. DEFAZIO, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. GEPHARDT, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. OWENS of New York, Mr. RANGEL, Mr. ROBINSON, Ms. SCHNEIDER, Mr. SMITH of Florida, and Mr. TRAXLER.

H.R. 796: Mr. JACOBS, Mr. FEIGHAN, Mr. VENTO, Mr. ESPY, Mr. KOSTMAYER, Mr. WATKINS, Mr. FISH, Mr. CONYERS, Mrs. BOGGS, Mr. BARNARD, Mr. CALLAHAN, Mr. DE LUGO, Mr. RAVENEL, Mr. KASTENMEIER, Mr. GORDON, Mr. BEVILL, Mr. BROOKS, and Mr. GINGRICH.

H.R. 844: Mr. HUCKABY and Mr. SHAYS.

H.R. 845: Mr. DORNAN of California.

H.R. 848: Mr. HERGER.

H.R. 854: Mr. COLLINS and Mr. PAYNE of New Jersey.

H.R. 928: Mr. GONZALEZ, Mr. FUSTER, Mr. FAUNTROY, Mr. COLEMAN of Texas, Mr. KOLTER, and Mrs. COLLINS.

H.R. 963: Mr. ATKINS, Mrs. BOXER, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. FOGLIETTA, Mr. FRANK, Mr. HUGHES, Mr. LANTOS, Mr. MCCURDY, Mr. MACHTLEY, and Mr. PORTER.

H.R. 965: Mr. FOGLIETTA, Mr. OWENS of Utah, Mr. PENNY, Mr. STUDDS, Mr. AUCOIN, Mr. BATES, Mr. LANCASTER, Mr. RANGEL, Mr. WHEAT, Mr. ATKINS, and Mrs. LOWEY of New York.

H.R. 973: Mr. ESPY.

H.R. 979: Mr. FLORIO, Ms. KAPTUR, Mr. ENGEL, and Mr. STUDDS.

H.R. 996: Mr. FISH, Mr. LAGOMARSINO, Mr. HERTEL, Mr. NIELSON of Utah, Mr. VOLKMER, Mr. GLICKMAN, Mr. LEWIS of Georgia, Mr. ENGEL, Mr. TANNER, Mr. HALL of Texas, Mr. PEASE, Mr. ALEXANDER, Mr. FOGLIETTA, and Mr. HAYES of Illinois.

H.R. 1024: Mr. PICKLE, Ms. KAPTUR, Mr. RITTER, Mr. WALSH, and Mr. ARMEY.

H.R. 1043: Mr. CLINGER.

H.R. 1046: Mr. MILLER of Washington, Mr. HEFLEY, Mr. PICKETT, Mr. WALKER, Mr. FRENZEL, Mr. PARRIS, Mr. SLAUGHTER of Virginia, Mr. CALLAHAN, Mr. SENSENBRENNER, Mr. STAGGERS, Mr. BARTLETT, Mr. GLICKMAN, and Mr. GEPHARDT.

H.R. 1048: Mr. MCDERMOTT, Mr. GILMAN, Mr. ENGEL, Mr. GRAY, Mr. GEJDENSON, Mr. MAVROULES, Mrs. LOWEY of New York, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. ROYBAL, Mr. JACOBS, Mr. FOGLIETTA, Mr. NEAL of Massachusetts, and Mr. DE LUGO.

H.R. 1074: Mr. POSHARD, Mr. KILDEE, Mr. LANCASTER, Mr. ROWLAND of Georgia, Mr. FAZIO, Mr. SCHAEFER, Mr. HUTTO, Mr. FLIPPO, Ms. SCHNEIDER, Mrs. BENTLEY, Mr. CLEMENT, Mr. LANTOS, Mr. PICKETT, and Mr. RAHALL.

H.R. 1091: Mr. MORRISON of Connecticut.

H.R. 1129: Mr. SKAGGS, Mr. ROBINSON, Mr. SAXTON, Mr. EVANS, Mr. MRAZEK, Mr. ACKERMAN, Mr. FUSTER, Mr. GARCIA, Mr. FAUNTROY, Mr. MCDERMOTT, Mr. DWYER of New Jersey, Mr. DEFAZIO, Mr. STUDDS, Mr. BEVILL, Mr. HORTON, Mr. MCCURDY, Mr. DYMALLY, Mr. MORRISON of Connecticut, Mr. FAZIO, and Mr. VENTO.

H.R. 1148: Mr. KYL and Mr. ARMEY.

H.R. 1172: Mr. FAWELL and Mr. LIPINSKI.

H.R. 1221: Mr. COSTELLO, Mr. SCHUETTE, Mr. MARLENEE, Mr. MCDADE, Mr. TALLON, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. WEBER, Mr. EMERSON, Mr. LANCASTER, Mr. JOHNSON of South Dakota, Mr. CLINGER, Mr. LIGHTFOOT, Mr. LAGOMARSINO, Mr. CALLAHAN, Mr. BROWN of Colorado, Mr. LEWIS of California, Mr. ROBERTS, Mr. CAMPBELL of Colorado, Mr. MCEWEN, and Mr. DONALD E. LUKENS.

H.R. 1240: Mr. DIXON, Mr. ESPY, Mr. FORD of Tennessee, Mr. HAYES of Illinois, Mr. MFUME, Mr. SAVAGE, Mr. STOKES, Mr. OWENS of New York, Mr. HAWKINS, and Mr. LEWIS of Georgia.

H.R. 1267: Mr. BILBRAY, Mr. DEFAZIO, Mr. FLORIO, Mr. LEHMAN of California, and Mr. FUSTER.

H.R. 1279: Mr. LEWIS of Florida, Mr. SLAUGHTER of Virginia, Mr. BALLENGER, Mr. BURTON of Indiana.

H.R. 1289: Mr. SMITH of Florida, Mr. MANTON, Mr. QUILLEN, Mr. BURTON of Indiana, Mr. ANDERSON, Mr. WALSH, and Mrs. PATTERSON.

H.R. 1295: Mr. LIPINSKI, Mr. COSTELLO, Mr. WILSON, Mr. RAVENEL, Mr. WOLF, Mr. MOAKLEY, Mr. MORRISON of Washington, Mr. MCDADE, Mr. WALSH, and Mr. OXLEY.

H.R. 1300: Mr. TAUKE.

H.R. 1307: Mr. EMERSON, Mr. CALLAHAN, Mr. LEHMAN of California, Mr. BARNARD, Mr. ATKINS, Mr. HALL of Ohio, Mr. GIBBONS, Mr. THOMAS of Georgia, Mr. IRELAND, Mrs. BENTLEY, Mr. BARTLETT, Mr. LAGOMARSINO, and Mr. GRANT.

H.R. 1365: Mr. KOLTER, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. INHOFE, and Mr. HAYES of Louisiana.

H.R. 1373: Mrs. MEYERS of Kansas.

H.J. Res. 30: Mr. WEBER, Mr. MCCRERY, Mr. SHAW, Mr. MARTIN of New York, and Mr. CAMPBELL of Califorina.

H.J. Res. 47: Mr. ASPIN, Mr. COOPER, Mr. EARLY, Mr. FAZIO, Mr. GEPHARDT, Mr. HAYES of Illinois, Mr. KILDEE, Mr. LAFALCE, Mr. LANTOS, Mr. LEHMAN of California, Mrs. MARTIN of Illinois, Mr. NCNULTY, Mrs. MEYERS of Kansas, Mr. NEAL of North Carolina, Mr. RANGEL, Mr. SPRATT, Mr. TORRICELLI, and Mr. VENTO.

H.J. Res. 68: Mr. DYMALLY, Mr. FAUNTROY, Mr. HORTON, Mr. KASICH, Mr. KOSTMAYER, Mr. OWENS of New York, Mr. TALLON, Mr. MOAKLEY, Mr. HATCHER, Mr. KENNEDY, Mr. LEHMAN of Florida, Mr. BEVILL, Mr. MCMILLEN of Maryland, and Mr. FOGLIETTA.

H.J. Res. 117: Mr. UPTON, Mr. BLAZ, Mr. BILBRAY, Mr. CONYERS, Mr. DARDEN, Mr. DEFAZIO, Mr. DEWINE, Mr. DORMAN, Mr. FAWELL, Mr. FISH, Mr. FLORIO, Mr. GRAY, Mr. HANCOCK, Mr. HILER, Mr. JENKINS, Mr. KASICH, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOLLOHAN, Mr. MURTHA, Mr. OXLEY, Mr. PAYNE of New Jersey, Mr. PETRI, Mr. RICHARDSON, Mr. ROSE, Mr. SABO, Mrs. SAIKI, Mr. SHARP, Mr. SHUMWAY, Mr. SMITH of Vermont, Mr. SPENCE, Mr. STOKES, Mr. THOMAS of Georgia, Mr. WALGREN, and Mr. WHITTEN.

H.J. Res. 120: Mrs. BOXER, Mr. CONYERS, Mr. DE LUGO, Mr. EARLY, Mr. EVANS, Mr. FAZIO, Mr. MRAZEK, Mr. PACKARD, Mr. TORRICELLI, and Mr. YATRON.

H.J. Res. 131: Mr. LEHMAN of Florida, Mr. RICHARDSON, Mr. CHENEY, Mr. TALLON, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. GARCIA, Mr. MURPHY, Mr. GREEN, Mr. MANTON, Mr. PICKLE, and Mr. YOUNG of Florida.

H.J. Res. 138: Ms. KAPTUR, Mr. ENGEL, Mr. FLORIO, and Mr. STUDDS.

H.J. Res. 145: Mr. WALGREN.

H.J. Res. 156: Mr. WEISS.

H.J. Res. 167: Mr. BEVILL, Mr. HARRIS, Mr. CALLAHAN, Mr. BLILEY, Mr. DICKINSON, Mr. BERMAN, Mr. MARTIN of New York, Mr. BUSTAMANTE, Mr. UDALL, Mr. FLIPPO, Mr. MRAZEK, Mr. ERDREICH, Mr. FAZIO, Mr. WISE, Mr. KASTENMEIER, Mr. GREEN, Mr. DEFAZIO, Mrs. COLLINS, Mr. FAUNTROY, Mr. BROWN of

Colorado, Mr. PEPPER, Mr. SMITH of Florida, Mrs. BOXER, Mr. WOLF, Mr. AKAKA, Mr. ROBINSON, Ms. PELOSI, Mr. CONTE, Mr. DEWINE, Mr. STAGGERS, Mr. SABO, Mr. MINETA, Mr. HUGHES, Mr. CLAY, Mr. JONTZ, Mr. CARPER, Mr. FROST, Mr. DELLUMS, Mr. LAFALCE, Mr. MILLER of Washington, Mrs. PATTERSON, Mr. FUSTER, Mr. MCCLOSKEY, Mr. COSTELLO, Mr. NATCHER, Mr. TRAFICANT, Mr. BALLENGER, Mr. WYDEN, Mr. DE LUGO, Mr. FEIGHAN, Mr. YATRON, Mr. HAMILTON, Mr. MCMILLEN of Maryland, Mr. SKELTON, Mr. MCDADE, Mr. DIXON, Mr. FLORIO, Mr. CHANDLER, Mr. HOCHBRUECKNER, Mr. VANDER JAGT, Mrs. LLOYD, Mr. HEFNER, Mr. TRAXLER, Mr. EVANS, Mr. SHARP, Mr. ROE, Mr. JACOBS, Mr. VOLKMER, Mr. GILMAN, Mr. BILIRAKIS, and Mr. LEVIN of Michigan.

H.J. Res. 173: Mr. BALLENGER, Mr. BLILEY, Mr. COURTER, Mr. GILMAN, Mr. HENRY, Mr. LEACH of Iowa, Mr. LEWIS of California, Mr. MARTIN of New York, Mr. SHAYS, Mr. VANDER JAGT, Mr. YOUNG of Alaska, Mr. FROST, Mr. FAZIO, Mr. DYMALLY, Mr. BEVILL, Mr. PERKINS, Mr. FUSTER, Mr. LEHMAN of Florida, Mr. TRAFICANT, Mr. CONTE, Mr. JENKINS, Mr. KOLTER, Mr. CARR, Mr. FASCELL, Mr. ALEXANDER, Mr. FAUNTROY, Mr. MCDERMOTT, Mr. SCHEUER, Mr. MCCLOSKEY, Mr. MILLER of Washington, Mr. NEAL of Massachusetts, Mr. WOLPE, Mr. OWENS of New York, Mr. MANTON, Mr. LANTOS, Mr. KOSTMAYER, Mr. DE LUGO, and Mr. ENGLISH.

H.J. Res. 177: Mr. NELSON of Florida, Mr. MCMILLAN of North Carolina, Mr. BEVILL, Mr. DORNAN of California, Mr. RAVENEL, Mr. KOSTMAYER, Mr. MANTON, Mr. AUCOIN, Mr. KANJORSKI, Mr. DUNCAN, Mr. BROWN of Colorado, Mr. FAUNTROY, Mr. GILMAN, Mr. EMERSON, Mr. HEFNER, Mr. STENHOLM, Mr. DE LUGO, Mr. HORTON, Mr. SCHUETTE, Mr. DWYER of New Jersey, Mr. MORRISON of Washington, Mr. GARCIA, Mr. DYMALLY, Mr. JENKINS, Mr. LEVIN of Michigan, and Mr. LELAND.

H.J. Res. 187: Mr. TORRICELLI, Mr. HYDE, Mrs. MEYERS of Kansas, Mr. DONALD E. LUKENS, Mr. GALLEGLY, Mr. LAGOMARSINO, Mr. BROOMFIELD, Mr. FASCELL, and Mr. WOLPE.

H. Con. Res. 30: GEJDENSON, Mr. YOUNG of Florida, and Mr. FAUNTROY.

H. Con. Res. 38: Mr. JONTZ.

H. Con. Res. 47: Mr. HANCOCK.

H. Con. Res. 58: Mr. HAWKINS, Mr. ESPY, Mr. FAUNTROY, Mr. DELLUMS, Mr. FEIGHAN, Mrs. MEYERS of Kansas, Mr. SOLARZ, Mrs. PATTERSON, Mr. WALSH, Mrs. COLLINS, Mr. RANGEL, Mr. FASCELL, Mr. STOKES, Mr. AKAKA, Mr. BROWN of California, Mr. SIKORSKI, Mr. GEJDENSON, Mr. MANTON, Mr. KENNEDY, Mr. KOSTMAYER, Mr. BERMAN, Mr. KILDEE, Mr. LANTOS, Mr. SANGMEISTER, Mr. PEPPER, Mr. APPLEGATE, Mr. CLARKE, Mr. SMITH of Florida, Mr. FOGLIETTA, Mr. FAZIO, and Mr. ATKINS.

H. Res. 27: Mr. KOLBE, Mr. HUNTER, Mrs. BENTLEY, Mr. HOCHBRUECKNER, Mr. PARRIS, Mrs. MEYERS of Kansas, and Mrs. VUCANOVICH.

H. Res. 43: Mr. PARRIS, Mr. DE LUGO, Mr. CAMPBELL of Colorado, Mr. DEFAZIO, Mr. WEBER, and Mr. CAMPBELL of California.

H.R. Res. 44: Mr. CAMPBELL of Colorado.

H. Res. 95: Mr. FUSTER, Mr. DYMALLY, Mr. NEAL of Massachusetts, and Mr. FAUNTROY.

H. Res. 102: Mrs. MEYERS of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII,

24. The SPEAKER presented a petition of the Asamblea Municipal, San Juan, Puerto Rico, relative to Puerto Rico's self-determination; which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

GOVERNMENT GONE CRAZY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. McEWEN. Mr. Speaker, recently I read an article in Nation's Business regarding the controversial section 89 provisions of the Federal Tax Code and the implications this will have for small business. I want to share this excellent article with my colleagues in an effort to point out how Government has, once again, gone too far in regulating business. Government efforts to micromanage will lead many businesses to offer fewer benefits, or offer no benefits at all. Once again, Congress has succeeded in destroying precisely that which we sought to promote, through policies based on overregulation, complex law, and preemption of marketplace demands.

[From the Nation's Business, February 1989]

"GOVERNMENT GONE CRAZY"

(By Roger Thompson)

It was the end of another long day for Steven Ferruggia, whose mastery of a new, perversely complex federal benefits law has generated more consulting business than he can comfortably handle. His students—42 business owners, benefits managers, lawyers, and consultants—had paid $195 apiece for an all-day workshop at Boston's Logan Airport Hilton. Participants had flown in from across New England and from as far away as Houston.

Ferruggia and two colleagues from New York-based Buck Consultants performed feats of verbal alchemy, laying out in clear English what Congress had cloaked in turgid prose. But no amount of explaining would relieve the sense of quiet desperation that pervaded the room. Puzzled looks and furrowed brows revealed by expression what went unspoken: This time, Congress had gone too far.

"I think this law will cause a lot of small employers to dump their benefit plans," Ferruggia said in a private moment after the workshop. "It's big government gone crazy," said Edward Maguire, a consultant with Sapers & Wallack in Cambridge, Mass.

The law in question is Section 89 of the federal tax code, one of several provisions that affect employee benefits and were added by the 1986 Tax Reform Act but were not effective until Jan. 1, 1989. Section 89 sets stiff tax penalties for employer-paid health insurance, life insurance, and other nonpension employee benefit plans that favor higher-paid workers.

Businesses that discriminate in favor of higher-paid workers have two choices: broaden and/or extend coverage to lower-paid workers or report the "discriminatory" portion of the higher-paid workers' benefits as taxable income.

Also effective Jan. 1 was another tax-law change that, while it has not drawn as much criticism as Section 89, could prove no less burdensome to some employers. The change requires employer-provided retirement plans—including pension, profit-sharing, and so-called 401(k) savings plans—to meet rigid tests for fairness to workers who are not in the "highly paid" category defined in the law. Failure to comply with minimum coverage and participation requirements could result in loss of tax-favored status for both the plan sponsor and the plan participants. (See box on Page 24.)

Taken together, the new requirements imposed by Section 89 and the new pension-plan rules represent Congress' deepest penetration yet into the employer-provided benefits system. Experts say the two provisions encompass more changes and affect more plans than even the sweeping 1974 Employee Retirement Income Security Act (ERISA). That law placing intricate controls on employer-provided pension plans marked Congress' first concentrated attempt to regulate private-sector employee benefits. Since then, the lawmakers have amended and expanded employee-benefits laws almost annually, often to the confusion and dismay of employers.

In enacting Section 89, Congress said its goal was the extension of benefits, especially health insurance, to millions of lower-income workers who are inadequately covered or not covered at all. Under the law, part-time employees who work as few as 17.5 hours a week must be included in calculations to determine whether plans are discriminatory.

The congressional Joint Committee on Taxation explained its intent this way: "The [Section 89] non-discrimination rules should require employers to cover non-highly compensated employees to an extent comparable to the coverage of highly compensated employees."

But those who are familiar with Section 89 contend that it will have the opposite effect. "It will tend to decrease flexibility and increase administrative costs," says Frederick J. Krebs, manager of business and government policy for the U.S. Chamber of Commerce. "The effect will be fewer benefits and fewer businesses offering benefits."

"When you look at the cost of compliance, it's just not worth it," says Garry Jerome, a consultant with Mercer Meidinger Hansen Inc., in Philadelphia.

Many major industrial companies expect to spend more than $1 million on compliance costs. An employer with 500 workers can expect to pay upwards of $25,000 for a consultant. A firm with 200 workers could pay $10,000 or more. Small companies may have trouble finding advice for less than $1,000.

The high price of compliance is driven by the law's complexity. Section 89 is an administrative nightmare because it takes what appears to be a simple health plan—like those offered by many small companies—and multiplies it into several plans for testing purposes. Take a medical plan that offers coverage for single workers, workers with children, and workers with spouses, with each option offering two different deductibles. Under Section 89, that plan becomes six plans, and each must meet the non-discriminations tests. Some major corporations with multiple plans and various benefit packages will have hundreds of plans to test.

Because the chances of failure to comply increase with the number of options available to employees, many employers will feel pressure to cut back on choices now available and steer clear of providing new ones.

The enormous complexity of Section 89 has promoted its critics to speculate that Congress was more interested in raising revenue than expanding benefits. "It's really a revenue statute dressed up to look like a do-gooder statute," says Howard C. Weizmann, executive director for the Association of Private Pension and Welfare Plans.

The joint tax committee estimates that Section 89 will net about $300 million a year in revenue derived largely from treating a portion of higher-plaid employees' benefits as taxable income. But Congress may have greatly underestimated the law's impact for two reasons.

First, lawmakers may have been too optimistic about the law's ability to persuade employers to extend benefits to lower-paid employees. Kent A. Mason, the law's chief architect, told a healthcare seminar in December that in most cases, employers will count any discriminatory excess benefits as income to highly paid workers and will "gross up" those employees' salaries—that is, increase their salaries to cover the newly taxable portion of benefits. "This option is much cheaper than extending benefits to low-paid workers," said Mason, who was counsel to the joint tax committee and now works for the Washington law firm of Caplin & Drysdale.

Second, widespread non-compliance would produce huge amounts in unanticipated tax penalties, warns Mary Hevener, a benefits attorney with the Washington law firm of Lee, Toomey & Kent. Employers who fail to comply with the non-discrimination rules will pay a tax penalty, calculated at the highest individual tax rate, on the benefits received by the highly compensated.

In addition, employees will be taxed on any benefits they receive if the employer fails to maintain a so-called qualified plan, which entails compliance with another set of rules similar to those already applied to pension plans.

Ferruggia and other consultants should be delighted about Section 89. Washington insiders regard it as a consultants' full-employment act. But consultants find themselves in the uncomfortable position of serving as shock troops for advancing a law that almost nobody can believe Congress actually passed.

Pat Haines, senior consultant in the Philadelphia office of the Coopers & Lybrand accounting and consulting firm, says the general reaction she gets from business audiences is, "I can't believe this is happening."

"I think if we are going to cause another American Revolution, Section 89 is it," says Thomas Veal, senior tax manager with Touche Ross and Co. in Washington. "If King George and Parliament had come up with anything like Section 89, it wouldn't have taken seven years to win the Revolutionary War."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In fact, Section 89 slipped through the tax-reform process with little notice. "No one focused on benefits changes" in the 1986 tax-reform legislation, said a Senate aide. "They just sort of happened."

Now, many employers are dragging their feet on compliance, waiting for it to collapse under its own weight. "We are hearing from employers who are predicting that Congress will repeal Section 89 sometime in [1989] after the outcry [over its complexity] begins," says Ken Feltman, executive director of the Employee Council on Flexible Compensation. He estimates that 60 percent of all businesses, primarily small companies, have not yet heard about Section 89, making ignorance of the law a major obstacle to compliance.

While large and midsized firms typically are staffed to keep abreast of changes in benefits laws, many small firms don't have the facilities to do so.

Observes Donald Utter, owner of Medical Personnel Pool, in Madison, Wis.: "It's the one secret that the government has been able to keep. Almost every small-business person I mention it to doesn't know what I'm talking about."

But small-business owners shouldn't assume that Congress will come to the rescue. Section 89 has powerful friends on Capitol Hill, including the two key figures behind the 1986 Tax Reform Act—Rep. Dan Rostenkowski, D-Ill., chairman of the House Ways and Means Committee, and Sen. Bob Packwood, R-Ore., ranking minority member of the Senate Finance Committee.

The law reflects a longstanding concern among many lawmakers that the federal government doesn't have enough control over who gets tax-exempt, employer-paid benefits, according to staffers on the tax-writing committees. The joint tax committee estimates that employer-provided health-care plans alone cost the government $32 billion a year in "lost" revenue.

That kind of money, Congress decided, should produce better social-policy results, namely health insurance for lower-paid workers. Section 89 was driven by the perception that many employers were giving their highest-paid employees generous benefits while giving their lower-paid employees less or nothing at all. Supporters of this view note that 52 percent of the 37 million Americans who have no health insurance either work full time or are members of families headed by full-time workers. Accordingly, Congress cracked its tax-policy whip, forcing employers to fall into line or risk losing a tax subsidy for highly paid workers. Said one congressional staff member who worked on the legislation: "Why should the government be satisfied that blue-collar workers are getting less than white-collar workers?"

Business owners generally have no quarrel with Congress' intent. It's the execution that has benefits managers throwing up their hands in frustration.

Most large and midsized companies have turned to outside consultants for assistance. Small firms may find they have no other choice, says Feltman, of the Employee Council on Flexible Compensation. "In the end, what we have is a technician's dream and a layman's nightmare," he adds, explaining that Congress made Section 89 "so complex that the traditional expert that the small-business owner has relied on, his insurance broker, is no longer an expert. Now he'll have to go to higher-priced talent: lawyers, accountants, and consultants."

Reed Creaser, secretary/treasurer for General Crane and Hoist Inc., in Richmond Hill, Ga., already knows what it's like to ask questions and get no answers. "I've asked several insurance companies to send me what they have on Section 89, but nobody has sent me anything yet. The individual agents seem to be as much in the dark as we are," he says.

Whether individual employers discriminate or not, the law puts the burden of proof on them. Collecting and analyzing the data needed on each employee frequently may cost more than correcting any discrimination that is found. In fact, an employer may sink thousands of dollars into data collection and analysis just to show that no discrimination exists.

Among the law's data requirements are those that compel employers to:

Identify the highly compensated and the non-highly compensated.

Determine who may be excluded from the tests.

Identify each benefit that must be tested.

Sort out the family status of employees for separate family coverage testing.

Determine the number of former employees subject to testing.

Determine whether parts of an organization can be tested as a separate line of business.

Once the information is assembled, it isn't enough to show that coverage was offered. Benefit plans will be judged by the percentage of employees who actually participate.

The Section 89 Coalition, a group of 190 associations and businesses, lobbied unsuccessfully last year for a one-year delay in Section 89. The coalition's efforts were motivated in part by the Treasury Department's failure to produce regulations to implement the law. But Congress was in no mood to start chipping away at tax reform, especially when delay would add $300 million to the federal budget deficit.

"The coalition met very heavy resistance from Rostenkowski," said Christine Hartoft, a legislative assistant with the Association of Private Pension and Welfare Plans. "He wasn't interested in anything that would make it look like tax reforms was unraveling."

Nonetheless, the Technical and Miscellaneous Revenue Act of 1988, signed into law Nov. 11, did contain some of the coalition's recommendations for simplifying the law. Among them:

Employers may test their benefit plans for compliance with non-discrimination rules on one day of the year; they do not have to track each benefit choice by each employee for each day of the year.

Benefit plans will not fail the nondiscrimination tests simply because too many employees choose to be covered by the spouses' plans.

Companies with nine or fewer workers may phase in coverage for part-time employees, those who work at least 17.5 hours a week, over three years.

The latter two changes are major concessions to the concerns of small companies, says Ron Danilson, assistant director of group operations with the Principal Financial Group of Des Moines, Iowa. A 1988 company survey of 100 employers with fewer than 10 workers found that up to 70 percent would fail, primarily because of the initial participation requirements for parttimers and workers covered by a spouse's insurance plan.

But even with the changes, the law and the monumental problems it poses for employers remain basically intact. "To expect small business to understand Section 89 is absolutely ludicrous," says Danilson. Others who have studied the revisions still don't like what they see.

"It seems to me that if a company is considering putting in a health-care plan, and they run into this, they will just forget it," says Frank L. Mason, president of the Mason Corp., a Birmingham, Ala., manufacturer of metal building products.

"It's just too much of a burden to keep up with all the detail and still run a business," he adds. "You can just load a small-business wagon so full, and when you get beyond that, something has to give."

WE NEED MANDATORY INSPECTION OF FISH AND FISH PRODUCTS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today legislation that would greatly improve the safety of the American consumer of fish and seafood products.

There is growing evidence that we need mandatory Federal inspection of fish and fish products, and growing support for such inspection.

Every year, the importance of fish in the American diet increases. Until the middle of this century, the consumption of fish products was essentially limited to coastal areas of the United States. Today, many species of fish are consumed nationwide. Since 1975, per capita consumption has increased substantially, and over the next several years, consumption is expected to grow by nearly 3 percent annually.

Currently, only 20 percent of the fish consumed in this country has undergone voluntary Federal inspection. There is currently no mandatory inspection of seafood products as there is for meat and poultry. Instead, fish inspection is a hit-or-miss program, paid for by processors themselves. While the Food and Drug Administration has some oversight responsibility, their role is limited to spot checks and recall of hazardous products only after they are on the supermarket shelf.

The most recent report from the Centers for Disease Control indicates 24 percent of traceable food-borne illnesses were linked to fish and shellfish in 1982. This CDC report shows that food poisoning outbreaks are 10 times more likely to be caused by seafood than by beef.

In March 1986, the prestigious New England Journal of Medicine reported that consumption of raw shellfish is known to be associated with individual cases and sporadic outbreaks of enteric illness. In fact, an outbreak of gastroenteritis which reached epidemic proportions in New York State in 1982 was linked to raw shellfish.

An increasing number of fish and shellfish processors favor strengthening inspection of their products. As the National Fisheries Institute said at a congressional hearing in 1986, "It is logical that seafood inspection be reevaluated and restructured to encourage greater consumer acceptance of seafood for

the sake of ensuring health benefits and to allow the Nation to benefit from the significant potential offered by our fishery resources."

My bill, the Mandatory Fish Inspection Act of 1989, would require the Secretary of Agriculture to establish a comprehensive, statistically sound program of mandatory inspection of the commercial processing of all freshwater and saltwater fish, shellfish, and their products which are used for human consumption.

Mr. Speaker, I urge my colleagues to join me in protecting American consumers by cosponsoring this important legislation.

WILL WE GET OUR HOUSE IN ORDER?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. STARK. Mr. Speaker, Jonathan Marshall of the Oakland Tribune's editorial staff is perhaps the most knowledgeable editorial writer on the flawed approach of our Federal Government's so-called war on drugs. Time and time again, the Tribune has printed lengthy discussions written by Jonathan about our Nation's drug policies. The paper continually raises some provocative questions about how we can best succeed in this area.

I'm sure a majority of Members of this body would agree with President Bush's statement that "we will never win this war on drugs unless we stop demand for drugs." That point is clear cut and obvious. I'm not as sure, however, about the efficacy of the arguments of some who think we ought to invade Colombia, pave Bolivia, or bulldoze the Andeas in order to stop the supply.

A National Institutue on Drug Abuse analysis of national drug consumption found that just 10 percent of cocaine consumers consume 51 percent of all the cocaine used in our country. The demand for the drug is driving the supply.

Yet we only have 250,000 public and private treatment slots to help the estimated 2 million of the 6.5 million cocaine and heroin addicts who will seek treatment this year.

Yes, we ought to do everything in our power to encourage other countries from growing, and exporting to our country, illicit narcotics. However, we should also first get our own house in order.

Clearly, we can't win the war on drugs without cutting the demand for drugs. I believe that affordable, available treatment and drug education awareness are the best answers to cutting the demand.

The following editorial makes some very valuable points:

EXPORTING THE DRUG PROBLEM

"This scourge will stop," President Bush declared in his inaugural address. But his own State Department told a different story last week in its latest annual report on the worldwide drug problem.

Everywhere, drug supplies are on the rise. Opiuim production jumped in Afghanistan and Burma. Cocaine boomed in Bolivia. Marijuana surged in Colombia. The world is awash in drugs as never before.

Despite every indication that supply-side drug enforcement has failed, politicians, fervently demand beef-up eradication and interdiction efforts. Both conservative drug czar William Bennett and liberal Sen. John Kerry, D-Mass., propose sending U.S. troops to Latin America to wage war against peasants and shadowy traffickers. Like Gen. William, Westmoreland in Vietnam, they claim to see light at the end of the tunnel—if only Americans will invest more money and more manpower in the drug war.

On one point they do have a case: The United States has never made fighting the drug traffic its absolute, number one priority. As the State Department report admits, "political and economic instability in drug-producing areas around the world have resulted in the subordination of our drug control agenda to other pressing concerns."

True enough. It's no accident that the countries singled out by the Bush administration for sanctions because of their role in the drug trade—Panama, Afghanistan, Iran, Syria, Laos and Burma—are simply those it dislikes for other reasons. Countries no less guilty of fostering the drug trade—Mexico, Colombia, Bolivia, Peru, Paraguay, the Bahamas, Pakistan—win reprieve year after year because of their friendship or importance to the United States.

"The hypocrisy doesn't stop there, however. As the implicated nations quickly point out, Washington demands that they cut supply, even though it hasn't managed to cut U.S. demand, which drives the worldwide market. Congress insists that foreign nations vanquish sophisticated drug armies when it can't even keep Jamaican gangs from taking over the streets of Washington, DC. The administration expects Peru to spray its jungles with deadly herbicides like Spike when the United States won't even use Paraquat on its own marijuana fields. And Americans point the finger at foreign producers of cocaine and heroin when domestic marijuana plantations and PCP and amphetamine labs turn out vast quantities of drugs for the domestic market.

America pays a high price for such hypocrisy. The obvious double standard makes enemies of people throughout the world who feel judged and condemned by an arrogant superpower that won't even get its own house in order. And it blinds Americans to tackling domestic sources of the problem by making easy scapegoats of foreign devils.

Worst of all, it encourages demagogues to rail for an extension of failed drug strategies abroad, regardless of the cost.

The cost is high. The combination of the private U.S. demand for drugs and the official U.S. demand for foreign drug enforcement promotes the growth of organized crime, corruption and violence throughout much of the Third World. Countries like Colombia have lost control of their own fate to U.S.-financed traffickers who murder police chiefs, prosecutors, judges, publishers and politicians with impunity.

The heedless extension of U.S. drug eradication programs in turn pushes desperate peasants into the hands of guerrilla organizations like the fanatic Shining Path in Peru or Marxist FARC in Colombia. These groups represent a challenge to peace and democracy every bit as great as that posed by the traffickers.

In the long run, the United States cannot export its responsibility for solving the drug problem. Americans can only export the problem itself by making the rest of the world pay for our own failure to cope with the social and personal reasons why individuals misuse drugs in the first place.

THE 1989 SCHOLAR ATHLETES—THE NATIONAL FOOTBALL FOUNDATION AND HALL OF FAME

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to 19 young men who have been selected as the 1989 Scholar Athletes by the Sacramento Valley Chapter of the National Football Foundation and Hall of Fame.

The young men being honored are to be commended for their outstanding performances both on and off the football field. These students have demonstrated superior academic application and athletic ability, sportsmanship, school leadership and citizenship. I ask that my colleagues join me in saluting Mark Krieger of the University of California, Davis; Rick Pembrook of the University of Pacific; Ken Stinnett of California State University, Sacramento; Robert Blair and Bryon Rockwell of Davis High School; David DeMarco of Woodland High School; Greg Harcos, Greg Quilici and Chris Campbell of Jesuit High School; Kris Johnson of Bear River High School; Mike McCarn of Lincoln High School; Mark Parsons and Robert Perry of Bella Vista High School; Laurence Taylor and Allen Woods of Rio Americano High School; Mark Eddy of Delta High School; Jason Hartsfield of San Juan High School; Khari Jones of Center High School; and Woon Park of Fairfield High School; for their superlative achievements.

I would like to pay special tribute to two young men who have demonstrated courage and outstanding scholar-athlete performances in the face of adversity. Michael Morris Gipson and Ernest Rodriguez are to be commended for their dedication and spirit in playing football with only one leg.

Mr. Speaker, I congratulate these young men for their distinguished accomplishments. I know that the determination and drive which they have demonstrated will serve them well in their future endeavors and I wish them continued success.

PEACEFUL RESOLUTION TO THE PROBLEMS IN TIBET

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. SOLOMON. Mr. Speaker, I believe that the reason all of us are here today supporting passage of this resolution is simple. It is to let the Government of the People's Republic of China know, very clearly, that the next few years can hold either great promise or great regret in their relationship with our Nation.

With the election of President George Bush, the Government of the People's Republic of China knows that it has an old acquaintance with whom it can talk concerning any diplomatic disagreements we may have. But its leaders must also know, if they do not already

understand it, that this American President holds a strong commitment to human rights. They must clearly understand that both his views on their policies and the views of this Congress will be heavily influenced by the actions that they take with regard to the rights of the peoples they govern. This influence will be magnified to the extent that they either respect or disregard previous promises they have made under the slogan of "two systems, one country."

Today is the 30th anniversary of the Chinese suppression of the national uprising in Tibet. We all had hoped that those days of martial law and bloodshed had been foresaken by the People's Republic of China. Events now taking place in Tibet, however, point out to us all that they have not. Tibetans are being killed, dragged from their homes, and arrested. Foreign tourists are being prevented from traveling to Tibet and possibly reporting on Chinese police actions there.

If our two nations' relations are to further improve at any level, they must do so on the basis that the Government of the People's Republic of China understands and sincerely respects human rights and the rightful place of democratic institutions in society. While there are signs that that government is aware of the importance we here in the United States place on such respect for human rights, its actions to date to build such respect have not been sufficient.

On the one hand, the People's Republic of China has indicated that it is more actively investigating abuses of human rights by its agencies and police, but on the other, it continues to avoid the talks that the Dalai Lama has offered to hold with its representatives to review and improve the true state of human and political rights in Tibet.

It will simply not be enough for the People's Republic of China to issue stern warnings against dissent and then repress political protests whenever it wishes. Not if it truly wishes to gain the trust of the United States and the rest of the free world.

As economic freedom grows in the People's Republic of China, political freedom will continue to seek its own birth. Such democratic and cultural freedoms will be sought by all of China's peoples, and each time any such striving is met by the kind of repression we are seeing today in Tibet, our two nations' relations will suffer, and suffer greatly.

The Foreign Minister of the People's Republic of China, Mr. Qichen, recently stated that he thought our two nations' relations were very likely to flourish with the election of Mr. Bush to the Presidency. I urge Mr. Qichen and the other leaders of his government to truly give such great expectations a chance to take concrete form. I join my colleagues here today in urging the People's Republic of China to accept the Dalai Lama's offer for a peaceful resolution of the problems that are once again painfully obvious in Tibet.

THE 70TH ANNIVERSARY OF THE AMERICAN LEGION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to ask my colleagues to join in recognizing the 70th anniversary of the American Legion.

Founded at a caucus of the American Expeditionary Force, March 15–17, 1919, in Paris, France, the American Legion was chartered by Congress on September 16, 1919.

For 70 years the American Legion has worked to further the interest of veterans and their families, to promote national security, to improve educational and recreational services and to support the expression of Armeican ideals.

The American Legion was instrumental in organizing the U.S. Veterans Bureau. In 1930 this became the Veterans' Administration. It is fitting that this 70th anniversary year is marked by the elevation of the Secretary of the Veterans' Affairs to Cabinet rank.

The American Legion was a leader for the GI bill of rights which has been an essential part of the opportunity provided to our veterans.

The American Legion has also campaigned for increased display of the American flag and for its proper display. Recent events have demonstrated their effectiveness at raising this issue when the American flag has been displayed on the floor for people to walk upon.

The American Legion has been an integral part of American culture and society for 70 years now. The legion has sponsored baseball teams, Boy Scout troops, a national high school oratorical contest, Boys State and Boys Nation.

Mr. Speaker, I would like to congratulate the American Legion on their 70th anniversary and thank them on behalf of our Nation, for their hard work, dedication and service, in war and peace, to the United States of America.

INTRODUCTION OF A BILL TO PROVIDE FOR THE SALE OF THE SLY PARK UNIT OF THE CVP TO THE EL DORADO IRRIGATION DISTRICT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. SHUMWAY. Mr. Speaker, today I am reintroducing legislation to provide for the sale of the Sly Park Unit of California's Central Valley Project to the El Dorado Irrigation District in El Dorado County, CA.

Mr. Speaker, last year the Interior Subcommittee on Water and Power held a hearing that focused on this proposed sale. At that hearing, the El Dorado Irrigation District presented its case for approval of this sale. The CVP Water Users Association has also officially endorsed this sale. It is important to note that no testimony was presented to the subcommittee in opposition to this proposed sale. Mr. Speaker, I strongly believe it is time for Congress to pass this legislation. The reasons to do so are clear.

First, the Sly Park Unit is operationally separate from the rest of the CVP and that the El Dorado Irrigation District is the sole beneficiary of this unit. For this reason it makes eminent sense to separate the Sly Park Unit from the rest of the CVP financially as well.

Second, at a time when the Federal Government is reducing its involvement in water project construction and operation, particularly for smaller, independently operated projects such as Sly Park, it makes sense both from a fiscal and resource management standpoint for the Federal Government to sell this project to the local user and beneficiary.

In the long run both the county of El Dorado and the Federal Government will benefit from this sale. The sale of the Sly Park Unit will allow the Federal Government to recoup its original investment plus the appropriate interest, and to cease to incur any more operating and maintenance costs—in that sense, Mr. Speaker, by raising Federal revenues this proposal is actually a deficit reduction measure.

On the other hand, from the local perspective, this sale would mean that the Sly Park users would own this facility which they've been operating and maintaining for more than 30 years, and they will cease to incur additional interest costs in the future on a project they are willing to pay off now.

This proposal is consistent with the new generation of water policy endorsed by the Congress with passage of H.R. 6 in the 99th Congress: It places the burden of owning and operating a water project on the local beneficiary—not the Federal Government.

The provisions in the bill allow for the Secretary of the Interior to set the price based on the actual construction costs plus interest on the M&I portions of the project plus Federal O&M costs minus what EDID has already paid under their existing water contracts.

It is our intention in writing the price this way to determine the fair and equitable level which will help the Federal Government recover its investment and allow El Dorado, in essence, to buy out its existing contract.

A LETTER FROM EL SALVADOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DELLUMS. Mr. Speaker, I take this opportunity to share with my colleagues the following letter from Mr. Peter O'Driscoll. Mr. O'Driscoll, a former constituent of mine, is now living in San Antonio Los Ranchos, El Salvador, which is the sister city of Berkeley in El Salvador.

In discussing the capture, torture, and release of Mayor Amadeo Lopez and three others, Peter conveys the reality of life in this and other repopulated communities in El Salvador.

APARTADO 01-34, SAN SALVADOR,
EL SALVADOR, CENTRAL AMERICA,
December 20, 1988.

DEAR FRIENDS. Belated Christmas greetings! I hope all is well with you and your families, and as always I shall be thinking of you at this time. As I learned last year, Christmas is a very different proposition down here. In San Salvador, merchants string up fairy lights and display incongruous snow scenes to attract shoppers, much as they do in the States. But it is such a tiny proportion of the population that can afford to indulge that type of Christmas spirit that the sales pitches here quickly strike one as even more obscene than their extravagant counterparts abroad. As we did last year in Calle Real, we will celebrate Christmas in San Antonio Los Ranchos; there will be a mass, then dancing and some special treat, perhaps chicken tamales or a similar local delicacy. But there will be no trees, no lights, no exchange of beautifully wrapped gifts. This not to make "Perry Como's Christmas with the Poor" sound idyllic and simple; times have been tough in our area lately, and even if the army and the FMLN arrange their traditional holiday ceasefire, all indications suggest that they will get even tougher in the New Year. But Salvadoran campesinos do seem to have a gift for putting together lively "fiestas" in the midst of any circumstance, and it is to just such an affair that I look forward to going back—if I can get there.

Several recent events have conspired to destabilize the position of foreign volunteers in Chalatenango, while threatening in much more serious ways the equanimity of the civilian population there. In my last letter I described the bus journey from San Salvador to Los Ranchos, noting the "game" that is played at the Colima roadblock as one tries to enter the department of Chalatenango. Well, last November 27th I lost! No amount of pleading or patient explanation of the need for Church presence in rural communities would convince the bored but cocky sergeant to let me through. I was forced, fuming, to trek back to the capital. Playing by the same non-rules, I passed through two days later with no problems, in the company of Fr. Dick Howard, S.J., who is regional director of the Jesuit Refugee Service in Central America. However, as we arrived in Guarjila, just down the road from Los Ranchos, we noticed that the village had been militarized, and that there were government troops all over the place. A quick consultation with village leaders confirmed that the soldiers were searching houses, and that it was feared that they might steal food and medicine from the warehouse, as has been done before, on the basis of allegations that the villagers use them to supply guerilla groups. As a result, people asked that the mass we were going to celebrate in Los Ranchos be moved to Guarjila so as not to leave the village unattended. I then drove to Los Ranchos, inviting the people there to the mass in Guarjila, and within less than an hour several hundred from both communities had gathered and were waiting for mass to begin. The atmosphere was a little tense, but I remember joking with Dick beforehand as I looked over the day's scripture I was to read, Isaiah 11:1-11; ". . . He will bring justice to the weak, and will proclaim fairness to the poor. His words will bring down the oppressor . . ." Strong stuff indeed, the kind of passage Liberation Theologians drool over and simple Salvadoran campesinos look to for hope and an understanding of their situation. But what would the elite, U.S.-trained "Atlacatl" Battalion think of such subversive talk?

Mass proceeded normally, even as the sound of gunfire on a nearby hillside elicited some worried looks. But as the congregation rose for communion, several intense volleys of machine gunfire from positions only 100 yards from our wall-less, tin-roofed chapel drew some shrieks of panic, as many dropped instinctively to the ground, while others began to scatter in search of cover. This brief disorder was brought under control by a community leader who took the microphone and calmly but firmly told the people to stay where they were. (You must try to understand that these refugees are the survivors of the infamous civilian massacres of the early 1980's, people who cannot forget that it was these same government troops who swept through their homelands, killing and burning, so as to depopulate the region and thus prevent collaboration between civilians and guerrillas. In 1988, I could not imagine that they were firing at us, at mass, in broad daylight. But I have heard enough first-hand stories to know why Salvadorans react that way to gunfire.) "Stay calm, and stay where you are," we were told. "If we are going to die, then we'll all die together." Their unity, born of shared suffering, is the most striking attribute of the people I live with.

The soldiers would later claim that they were firing into the hills, though the villagers, who are of necessity keen observers of the military situation, swear that government troops had already taken the high ground, and that there were no guerrillas in the area. They contend that much of the army's shooting in our area is "psychological warfare," simply for the purpose of intimidating the population. Be that as it may, the intense firing died down within five minutes. Communion was resumed, and we went on to finish the mass. At that point, community leaders convened a meeting and asked their scared but angry constituents if they would be willing to confront the soldiers and ask them to leave the area. Again their unity shone through as the people gathered and walked, amid continued but sporadic gunfire, right up to the biggest group of soldiers, who were crouched in defensive postures behind a low stone wall. Some of these troops were stunned by the sight of several hundred unarmed campesinos demanding to speak to their commanding officer. When this man finally appeared, he was told that the community sought peace and tranquility so as to be able to farm and raise their families, and that military incursions by either side were a contravention of those basic human rights. The officer tried to talk them down, but as the crowd began to chant in unison, calling to some of the soldiers that as sons of campesinos they should lay down their weapons and come work the land, he mumbled something about how they should all go back to their houses, since his unit was leaving anyway in half an hour. Dick and I maintained a respectful distance throughout this exchange, since it is a familiar accusation that foreigners are manipulating and inciting campesinos to insurrection. However, as we all strolled back across a field to the chapel, several shots fired from close range kicked up dirt within 20 yards of us.

The following Friday, December 2, also the eighth anniversary of the murder of four American churchwomen by the National Guard, the president of Los Ranchos was captured by soldiers of the Salvadoran Fourth Infantry Brigade. Amadeo Lopez, 25 years old, was traveling with three other campesinos and United Nations officials in a vehicle belonging to the United Nations High Commission on Refugees, one of the major sponsoring agencies in the repatriation of Salvadorans from Honduras. Despite the protests of the U.N.H.C.R. representative, the four were taken from the car and accused of being guerrillas. (The names of two of the four were already known to the army because they had been visibly involved in negotiations when the refugees came back across the Honduran border.) Before I go on to describe their treatment at the hands of government security forces, I would like to clarify a point. El Salvador is mired in a civil war in which a significant insurgent force is trying to unseat an apparently democratically elected government. This government thus takes steps to maintain its position, as provided for in the 1983 constitution. The law stipulates that a person may be detained for 72 hours of interrogation, with full respect accorded to his physical and mental integrity. At the end of that period he must either be charged and handed over to civil authorities, or released. A full account of what actually happened to these four would fill many pages (though I could provide it to those who are concerned), so I will focus briefly on Amadeo, since his case is most relevant to Los Ranchos.

From the Colima bridge where the four were captured, they were taken to the Fourth Brigade headquarters at El Paraiso, Chalatenango, separated, and immediately interrogated. Amadeo was stripped to his underwear and severely beaten about the chest and abdomen (fewer visible bruises), at times by one interrogator, at times by several soldiers. Hands tied behind his back, he was hung by a rope passed under his arms and again repeatedly beaten. He was dragged to a sink full of water, where soldiers submerged his face until he passed out. This type of treatment continued for at least 12 hours throughout the six full days that he was held. Most of that time he went without food or water, for even when a soldier tossed him a can of beans, as he lay dazed and naked on his cell floor, he did not have anything with which to open it. One of the four prisoners alleges that during his beating, two men entered the room speaking English, watched for a while, and then left. Since the prisoner was blindfolded, it would be difficult to identify these two, though the most obvious English-speaking residents of that garrison are the American military advisors.

Because I live with him, I know that Amadeo Lopez is not a guerrilla. After 144 hours of beatings, torture, death threats and interrogation, the Salvadoran military could find no scrap of evidence upon which to base a civil case. After two consecutive 72 hour periods they were forced to release him, at which point he was rushed to a doctor for x-rays and medical treatment. Somehow this man found the courage to return to Los Ranchos within a week of his release, to resume his responsibilities as village leader. It seems clear that Amadeo's real crime, in the eyes of the powers that be, was his Herculean effort to organize the 1,000 people in his community to leave Honduras and return to their homeland. It was the government forces that drove them out in the first place, and that now seem to want to intimidate them into leaving again. What do you make of this case? What should Amadeo do under the circumstances,

now that he has been threatened with death if he continues his work as community organizer? What can be done to correct such blatant abuses of his human and constitutional rights?

The people of Los Ranchos and surrounding communities have only one answer to those questions. They feel that they must organize to defend themselves and to publicize their plight. On Monday December 5, 72 hours after Amadeo's capture, several hundred villagers marched two hours to the city of Chalatenango to demand his release. When they reached the roadblock on the outskirts of town, soldiers fired shots over their heads to alert the barracks, and immediately reinforcements came down to close the road and force the villagers to return without even having the grounds for Amadeo's detention explained to them. As the days dragged on and no progress was made towards his release, villagers grew all the more indignant, and resolved to return that Friday, December 9, determined not to be turned back until they reached the barracks where he was being held. Shots were fired over their heads again as they entered Chalatenango, but they pressed on. More soldiers arrived, again firing into the air, but the protesters continued into the city's crowded marketplace, chanting in unison their demand for Amadeo's release. At this point more than 60 soldiers arrived with rope, sealed off the road again, and began to advance on the crowd. A pushing match developed, as villagers shouted that they had a right to know what was going on, while the soldiers tried to force them back. Tempers flared, and the soldiers began to beat protesters with their rifle butts. Frightened merchants picked up their wares and stalls and fled for cover. Finally the soliders opened fire, first into the air over the marcher's heads, and then into the cobbled streets at their feet. The shooting continued as the crowd ran in disarray, many of the women losing their plastic sandals in the panic and confusion. The soldiers chased them halfway to Guarjila, some of the villagers running despite bruises of wounds they had suffered. When the smoke cleared, one man had a bullet wound in the buttock, eight had shrapel wounds caused by fragmented bullets and stones from the shots fired into the ground, and more than fifty were bruised or beaten by rifle blows. Because of Amadeo's capture, these protest marches, and heightened military activity in our area, tension is running quite high. People are scared that reprisal measures will be taken against them, but they are more determined than ever to stand their ground in defense of their right to peacefully build their community.

What is going to happen in El Salvador in 1989? Talk on both sides is of intense fighting, further increases in death squad activity and political violence, and more profound polarization of the extremes of left and right. Where should one stand in such a divided country? Let me try to give you a sense of how poignant, tragic, and seemingly irreparable that division is. Two weeks ago I walked seven hours with over a hundred people from Los Ranchos to the mountain village of Arcatao. Most current residents of Los Ranchos actually lived around Arcatao before the war, but its inaccessibility made it an impractical site for their large-scale repatriation from Honduras. We walked on twisting, overgrown paths littered with shell casings, through destroyed and deserted hamlets, and the closer we got to Arcatao, the more vivid became the reminiscences of the villagers, who were after all returning to visit their original homes for the first time in eight years. "Ah, Pedro, so-and-so lived here, but he was killed by the National Guard . . . So-and-so was raped and beheaded down by that stream . . . This is where they murdered so-and-so and left her two-week-old baby still sucking at her breast until we found them the next day . . ." We crossed the Sumpul River about a mile downstream from where 600 campesinos were massacred by the army in 1980 as they fled toward Honduras. I walked with and listened to some of those who had seen it all and survived. How can they be expected to trust or forgive their government after Sumpul, to forget the lost family members and believe that things have changed?

Yet a short walk in San Salvador, even in the poorest neighborhoods, reveals much more the exhaustion, the dispiritedness and the hopelessness of this interminable war than the dogged resolve and clear memories of many rural communities. So many people are just so sick of the poverty, all of which is now conveniently blamed on the "delinquent Communist terrorists," that they seem ready to accept any settlement as long as they're left alone, even with what little they have. Into this atmosphere of quiet despair, the soothing, insidious and ubiquitous propaganda of the presidential electoral campaign seeps, with all its grandiose promises and vague solutions. Those who remember the worst repression of the early 1980's, and who are reminded of it now as things get worse, will never accept the elections as anything more than band-aids on the open sore of corruption and exploitation. But the fatigue level is so high that the "peace at any price" ticket looks pretty good to so many others. Opinion polls reveal that even among those who are going to vote, there is very little faith either in the promises of the candidates or the impartiality of the system.

So where does one stand? Martin Luther King said that one must accept finite disappointment without losing infinite hope. I must admit that hope seems to be in short supply these days. But another great inspiration to me in the midst of all this is the legacy of Oscar Romero, the Archbishop who was martyred in 1980 by the death squads. It is with his Christmas message, from December 25, 1977 that I will leave you. In continued thanks for your help and support, I wish you all the best for the holiday season, and a wonderful 1989.

Peace, Thanks, and God's Blessing,

PETER.

URBAN SLUMS GROWING

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. KOSTMAYER. Mr. Speaker, in the Delaware Valley nearly 20 years ago there were 29,445 of our neighbors living in what sociologists call impacted ghettos.

"Impacted ghettos," as the editorial reproduced below from the March 12 Philadelphia Inquirer points out, are urban slums so wretched that most Americans wouldn't drive through them in an armored truck, let alone live in them.

Less than a decade later in 1980 the number of people living in such neighborhoods in our region had grown six times to 194,730. The trend continued in the 1980's, as nationwide the number of Americans living in urban poverty nearly doubled from 1980 to 1985.

These brutal neighborhoods, so savage and cruel, breed a growing American underclass.

The problem worsens, more and more children of our cities are leading desperate and violent lives while the Government—and indeed society—turns its face away.

[From the Philadelphia Inquirer, Mar. 12, 1989]

ISOLATING THE POOR

THE GHETTOS TODAY ARE WORSE THAN EVER—AND THE CHANCES OF ESCAPE ARE DIMINISHING

You don't need a doctorate in sociology to figure out that America's continuing prosperity has bypassed its urban ghettos—and that the ghetto poor have indeed grown poorer. One drive through North Philadelphia tells you a lot of what you need to know. But a new study from the National League of Cities provides useful statistical documentation of this alarming trend—and shows that nowhere is the problem more pronounced than here in the Philadelphia region.

Consider this: In 1970 there were 29,445 people in the region living in "impacted ghettos"—the poorest of the poor neighborhoods. These are census tracts where male unemployment, welfare recipients, female-headed households and high-school dropouts are at least double the norm for the metropolitan area. By 1980 that number had grown to 194,730 people—a rate of increase that outstripped Detroit, Chicago and every other American city.

There can be little doubt that this trend has continued in the 1980s. According to Richard P. Nathan, a Princeton professor who heads the university's Urban and Regional Research Center, the number of American families living in inner city poverty areas nearly doubled between 1980 and 1985—from 884,000 to 1.7 million households.

This business of documenting the "isolation" of poor people—nearly all of them black and Hispanic—into neighborhoods where poverty is rampant is no mere academic exercise. The more densely the poor are grouped, the more likely it is that they will remain poor. This, too, is hardly surprising. Places where failure and hopelessness abound are not good breeding grounds for success.

But why are Philadelphia and Camden outstripping other old industrial cities in the growth of their urban underclass? The League of Cities study has an interesting hypothesis. It compared 15 large, old metropolitan areas and found a striking correlation between the isolation of the poor in ghettos and the decentralization of jobs. The Philadelphia region was on top of both categories. In other words, as jobs—and particularly low-skilled jobs—have moved deeper into the suburbs, the plight of the inner-city poor has worsened.

There are numerous ways to combat this problem, some favored by conservatives, some by liberals. All have merit. The conservatives, led by Housing and Urban Development Secretary Jack F. Kemp, want to create "enterprise zones" in inner-city areas—places where businesses would be allowed to operate in an environment free of many encumbering taxes and regulations. They also favor giving the poor housing

"vouchers" that allow them to rent homes outside the ghetto with the federal government subsidizing the rent.

The enterprise zones are untried at this point and the voucher system—there are now 150,000 in use nationwide—is not working out as planned. Whether through their own insecurities or active discouragement by landlords, welfare mothers have a hard time finding housing in better neighborhoods. That's why the liberals' more traditional remedies—education, job training and housing assistance within the ghettos—cannot be abandoned. Add to that list a greater need for mass transit that can conveniently carry inner-city residents to relatively low-paying jobs in the suburbs.

Whichever strategies one favors, the goal is the same—"to reconnect the ghetto to opportunity," as the National League of Cities report puts it. There is no bigger challenge facing this region today.

IN CELEBRATION OF GREAT LAKES WEEK

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DAVIS. Mr. Speaker, this week marks the fourth annual recognition of the Great Lakes, the world's largest body of fresh water.

Last year we witnessed a spate of laws in support of the Great Lakes: A Great Lakes loan program to prevent and mitigate damages caused by high water levels; updated maps of the Great Lakes shore; tracking provisions and increased restrictions on the deposition of medical waste in Great Lakes waters; and a preliminary look at Great Lakes coastal barriers. This legislation underscores the importance of the Great Lakes to the Midwest region and the Nation.

This year, the lakes are faced with challenges we have yet to meet, as well as new obligations. The 1987 Great Lakes Water Quality agreement will require greater commitment by the United States to tackle the problem of toxics reaching our lakes from the air, land, water, and from lake bottoms. Great Lakes residents are at greater risk from toxic pollution than many of their fellow U.S. citizens. To protect them, their children, and other living creatures we must clean up the lakes and keep them clean. Our prospects for accomplishing this herculean task are much improved—it was no coincidence that President Bush first proclaimed his status as an environmentalist on the beaches of Lake Erie.

In addition, the State of Ohio may soon be joining the Federal Coastal Zone Management Program—the 30th State to do so—leaving only a few shoreline miles of Great Lakes coast without federally approved comprehensive management plans. It is possible that the addition of Ohio will assist the three remaining Great Lakes States—Minnesota, Indiana, and Illinois—to taking the first steps in closing the circuit in managing the Nation's fourth coast.

The Great Lakes have much to offer the American people—unsurpassed recreational boating and fishing, a fledgling commercial fishery, export opportunities through its ports, wildlife habitat, and endless research capabilities. Therefore, I urge the Great Lakes delegation of both Houses to continue their excellent working relationship and to spread the word that the Great Lakes are great—for everyone.

BUD SHUSTER REPORTS ON CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. HYDE. Mr. Speaker, recently some of my colleagues on the House Intelligence Committee—BUD SHUSTER, BOB LIVINGSTON, BOB MCEWEN and DAN GLICKMAN—Traveled to El Salvador, Panama, Honduras, and Nicaragua. Upon returning to Washington, BUD SHUSTER wrote an article highlighting his impressions of the factfinding mission.

Central America remains a dominating U.S. foreign policy concern. I, therefore, urge all my colleagues to take the time to read Mr. SHUSTER'S cogent analysis of what's happening in this troubled and geostrategically important area in America's backyard.

CRISIS IN CENTRAL AMERICA

(By Hon. Bud Shuster)

In Panama, General Antonio Noriega gives the back of his hand to America, while the Panamanian economy plummets nearly 50 percent. U.S. sanctions spawn Noriega threats against Canal workers, possibly endangering the operational reliability of that strategic waterway, and Cuban, Libyan and Nicaraguan support pours in to prop up the embattled dictator.

In Nicaragua, the Sandinista Communists seductively manipulate world opinion with promises of a cease-fire and democratic freedoms, while their army continues annihilating the Contra Freedom Fighters. The secret police throw leaders of the Democratic Opposition into jail, as Managua remains the nerve center for supporting Marxist terrorism throughout Central America, and the Government blatantly breaks its promise to honor the Esquipulas II and Sapoa Accords.

In El Salvador, a civil war rages between the democratically elected government and the FMLN Communist guerrillas, supported by the Soviet Union through Cuba and Nicaragua. Meanwhile, El Salvador's fragile democracy and beleaguered economy await national elections and the death of cancer-stricken President Duarte.

In Honduras, the U.N.-supported refugee camps bordering El Salvador serve as safe havens from which the FMLN Communists attack El Salvador, while that tiny democracy struggles to meet its international debt payments, reform its state-controlled economy, and remain vigilant against Cuban and Nicaraguan subversion.

What is the U.S.A. to do?

Strategically, Central America clearly is vital to U.S. long term security. A communized land bridge to North America not only will bring totalitarian rule, economic chaos, and Soviet military domination to our southern flank, but also will trigger a flood of millions of refugees into America.

Neither security nor freedom is possible in Central America without the establishment of healthy democracies. There can be no healthy democracies without the elimination of Communist subversion. Nor can progress be made against the drug war. America must support democracies in Central America and oppose dictatorships of the Left or Right. That means removing Noriega in Panama and defeating Communism in Nicaragua, along with its guerrilla movements in the other Central America countries.

But how?

President Bush must make Central America a high priority, develop a truly comprehensive plan to deal with the region's problems, and work to build a consensus with Congress. The course of history in our hemisphere depends upon Congress's decision to support or obstruct the Bush foreign policy.

The only place in Central America where the U.S. need consider using American troops is Panama. If economic sanctions and diplomacy cannot bring about Noriega's ouster and the restoration of democracy, our vital interests in the Canal—indeed, the world's vital interests—require that we act. Even the Left in America understands that Noriega has got to go.

In Nicaragua, we must support the Contra Freedom Fighters who were winning battles and thereby forcing the Sandinistas into real negotiations and restraining the spread of revolution throughout Central America, until the Liberals in Congress denied them our support. And we must persuade the region's democratic leaders to say publicly what they tell us privately about the Communist threat to their countries.

In El Salvador, we must continue supporting their war against the FMLN Communist guerrillas, while encouraging free elections and respect for human rights. The world has little noted that the death squads of the Far Right have been drastically curtailed, but the Communist guerrillas continue to kill ten to twenty civilians every month. In 1988, they murdered eight village mayors, but the left in America doesn't seem to care.

This Congressman interrogated an FMLN terrorist who had just been captured attempting to plant a bomb in a hotel. He had two more bombs in his possession and a Russian pistol in this belt. Yet, Nicaragua's Foreign Minister D'Escoto, a suspended Catholic priest, stared us straight in the eye and denied that his government supports the Communist guerrillas in El Salvador even though his own President, Daniel Ortega, has admitted doing so. Moreover, D'Escoto: denied that his police incited a riot at a peaceful demonstration by the Democratic Opposition in Nandaime as an excuse to jail their leaders, even though movies of the incident exist; denied that the Nicaraguan economy is based on a Marxist model, even though Ortega has proudly proclaimed Nicaragua a Marxist-Leninist state; and denied that America helped rid Nicaragua of Somoza, even though the Carter Administration withdrew all U.S. aid from the Somoza government and pressured him into leaving the country.

Despite the lies and distortions of the Sandinistas and FMLN Communists, their propaganda is still swallowed by the Left around the world; and sadly, in America, too. Lenin's guidance in Feliks Dzerzhinsky, the father of Soviet Intelligence, still rings true today: "The West are wishful thinkers, so we will give them what they want to think."

Until we face reality, until we see the world as it is, rather than as we wished it were, we will not be able to protect America's future and promote real freedom for our friends.

TRIBUTE TO BETTY JO WATTS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DARDEN. Mr. Speaker, I would like to submit for inclusion in the CONGRESSIONAL RECORD an article from the March 2, 1989 Atlanta Journal-Constitution which highlights the determination and resourcefulness of my constituent, Ms. Betty Jo Watts. Ms. Watts is not only coming back from a devastating accident, but she is providing opportunities and hope for other disabled people. In the process, she is even helping to ensure more cost-effective government spending. Mr. Speaker, Ms. Watts has demonstrated that perseverance can overcome tragedy and physical limitations.

DISABLED WOMAN'S JOB SEES HER THROUGH LOSS

SHE SEEKS TO HIRE OTHERS WHO ARE HANDICAPPED

(By Connie Cunningham)

Betty Jo Watts, president of Pacific Atlantic Products, has what many people might consider to be a traditionally male job—making heavy-duty cable for military weaponry.

Not only does she handle the job with ease, she performs her duties from a wheelchair.

But the wheelchair is only part of the story.

In 1972, 13 years before a fall from a deer stand while on a hunting trip left Ms. Watts paralyzed from the waist down, her husband suffered a brain-damaging stroke. Faced with mounting insurance bills and supporting her family, Ms. Watts took over her husband's business. She attended night school and learned how to solder and read blueprints.

In 1980, Ms. Watts moved to Austell from Burbank, Calif., and relocated the business in 1982 to West Fork Business Park in Lithia Springs. Before moving, she had given custody of her husband, who died in 1982, to her mother-in-law.

Business was good until she suffered the fall in 1985. Ms. Watt's son, daughter and friends filled the work orders to keep the business going while she began therapy at Shepherd Spinal Center.

From her bedside she would teach her son to read blueprints, and eventually she returned to work.

Ms. Watts discovered that working helped her forget the pain some paraplegics experience.

"This is a lot of my therapy instead of drugs," Ms. Watts said.

Ms. Watts wants other disabled people to join her on the job to help them help themselves by earning a decent wage and gaining much needed self-esteem.

She is seeking government assistance to make her entire workshop accessible to the disabled and to train them in cable manufacturing.

Making cable involves many individual jobs, such as counting, reeling and inspecting wire; soldering; operating a machine that assembles multiconductors into cable; installing connectors onto the cable and putting protective covering over the cable.

Ms. Watts said these jobs are not difficult to learn, and most can be done while sitting. In the past, she has taught a quadriplegic and two paraplegics various phases of the manufacturing process.

Many times, she said, the financial assistance the government gives to the disabled discourages them from working. They lose their disability payments when they become employed, and often jobs available to the disabled offer meager wages.

"They wind up to a certain extent living day to day, watching TV or something . . . If they were working, they would have something to look forward to," Ms. Watts said.

Lack of adequate transportation also prevents some disabled from seeking a job, she said.

As a member of Total Accessibility for Cobb, an awareness group for the disabled, Ms. Watts has helped convince the Cobb County Commission to equip all its buses in its upcoming transit system with wheelchair lifts.

Despite lack of transportation and decent wages, many disabled are eager to prove they are just as hard-working and dependable as the able-bodied on the job, she said.

By earning a decent wage, the disabled will be paying taxes like other workers. "So it's not like you're really giving them something. They're giving something back," she said.

The government would also benefit another way, Ms. Watts said. Most of her work is done for the Defense Department, and with more employees, she could increase her volume and lower her prices, she said.

Ms. Watts currently employs her son and a few other workers to make heavy-duty and light-duty cable for bombs, missiles, torpedoes, aircraft and computers.

Ms. Watts said she has no qualms about making cable for military purposes. "I figure we need to be prepared as other countries are. Because if we're not prepared, we cannot fight."

Just as important as lowering her price to the military, though, is offering the disabled the opportunity to feel a sense of accomplishment. "You know you're still in the chair, but if you have the self-esteem of going to work, you feel just as good as the next person," Ms. Watts said.

CONYERS INTRODUCES LEGISLATION TO EXTEND AND MAKE PERMANENT THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. CONYERS. Mr. Speaker, today, a bipartisan group of more than 80 of our colleagues has joined with me in reintroducing H.R. 4443, legislation which passed the House in the 100th Congress to extend the Martin Luther King, Jr., Federal Holiday Commission beyond its current expiration date of April 1989, and make it a permanent Commission.

The Martin Luther King, Jr. Federal Holiday Commission was established in 1984 following enactment of legislation designating a Federal holiday in Dr. King's honor. Its purpose then was to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal holiday honoring Martin Luther King, Jr. In addition, the Commission was directed to provide advice and assistance to organizations with respect to the observance of the holiday.

The Commission has encouraged appropriate nationwide ceremonies relating to the observance of the holiday honoring Martin Luther King, Jr., and sponsored activities which educate the American people about Dr. King's values of racial equality and nonviolent social change. It performs an important service by promoting the teachings of Dr. King and coordinating special commemorative events in the United States and many nations around the world.

The Commission is also instrumental in instructing our young people of the dangers of drugs and the importance of education. Children are encouraged to "Live the Dream" of Dr. King and continued Commission efforts are crucial if the program is to succeed.

The worldwide and civil and human rights community needs the Commission's continued coordinated guidance so that the international celebration of Dr. King's legacy may continue.

Reverend King was a brilliant civil rights leader, a distinguished member of the clergy, and a Nobel laureate. His vision of equal rights and opportunity for all people transformed this country and energized social justice movements around the globe. Unfortunately, the impact and the importance of Dr. King's life is being diluted by commercialism and selective memory.

The continuation of the Martin Luther King Federal Holiday Commission will help prevent further distortion in Dr. King's message and will help spread his true legacy to the uninformed. When the Commission first began its work in the fall of 1984, only 19 States observed Dr. King's birthday. This year, however, all but seven States and over 100 foreign countries have made his birthday an official holiday.

This year, because of the efforts of the Commission, millions of American participated in seminars, rallies, prayer services, and other tributes. People of all races, cultures and political persuasions came together in the same spirit of good will and fellowship that characterized Dr. King's life. The Commission has developed and helped to distribute "Living the Dream" pledge cards on which over 2 million people have affirmed their commitment to the ideals of freedom, justice and opportunity for all. In preparation for the third national holiday celebration, the Commission distributed more than 300,000 pamphlets, posters and maps, responded to 5,000 inquiries, and serviced over 135 State and local holiday commissions. The Commission has also published and distributed the new "Living the Dream" newsletter which provides information to King holiday celebrants around the country.

Consistent with the teachings of Dr. King, the Commission participates in projects addressing issues of national concern such as teen pregnancy, drug and alcohol abuse, illiteracy, urban economic development, child abuse, family violence, job placement and counseling, and voter registration.

The Commission has achieved near miracles with minimal private donations and appropriate fund-raising activities, but in order to

fully meet its mandate the Commission's resources needs are much greater than private efforts to day have met.

A small Federal appropriation will enable the Commission to devote its time to carrying out its congressional mandate, rather than exert and exhaust its energies on fund-raising activities.

As Dr. King said when he set the goal in his 1963 March on Washington speech:

When we allow freedom to rein, when we let it ring from every village and hamlet, from every State and city, we will be able to speed up that day when all of God's children—black and white, Jew and Gentile, Catholic and Protestant—will be able to join hands and sing in the words of the old Negro spiritual, Free at least.

We must continue the work of the Commission.

If Martin Luther King, Jr.'s dream is to be a reality, then it must become a reality in the minds of people everywhere. The Commission will make that possible.

On the night before Dr. King was assassinated, he asked a crowd in Memphis to remember him neither for his celebrity nor for his countless awards, degrees and publications. He asked only that he be remembered for leading a committed life. Two decades after Dr. King made the ultimate sacrifice for the betterment of the Nation, we have the chance to offer something in return to this man who gave us all so much.

The challenge remains for us to complete the work that he began. The celebration of his birthday will serve as an annual reminder of the task that lies before us. A permanent Commission will serve the essential role of making sure that Dr. King's life retains its special significance in our lives and memories.

A copy of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Jr., Federal Holiday Commission Extension Act".

SEC. 2. REMOVAL OF TERMINATION.

(a) REMOVAL.—Section 9 of Public Law 98-399 (98 Stat. 1475) is amended to read as follows:

"SEC. 9. The Commission shall continue in existence until terminated by law.".

(b) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Paragraph (3) of the first section of Public Law 98-399 (98 Stat. 1473) is amended by striking "first".

(2) PURPOSES.—Section 3(1) of Public Law 98-399 (98 Stat. 1473) is amended by striking "first occurs on January 20, 1986" and inserting "occurs on the third Monday in January each year".

SEC. 3. MEMBERSHIP.

(a) TERMS IN GENERAL.—Section 4(c) of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

"(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

"(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family.".

(b) CONTINUATION OF TERMS OF EXISTING MEMBERS.—The individuals who are members of the Commission on the date of the enactment of this Act shall be considered to have been appointed members for a term ending on the first June 1 that occurs after the date of enactment of this Act.

SEC. 4. REPORTS.

Section 8 of Public Law 98-399 (98 Stat. 1475) is amended by striking the period at the end and inserting the following: "with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 7 of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"SEC. 7. There is authorized to be appropriated to carry out this Act $500,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) EXPENSES OF MEMBERS.—Section 4(d) of Public Law 98-399 (98 Stat. 1474) is amended by striking "subject to section 7" and inserting "subject to the availability of sufficient funds".

(2) PAY FOR STAFF.—Section 6(a) of Public Law 98-399 (98 Stat. 1474) is amended by striking "Subject to section 7" and inserting "Subject to the availability of sufficient funds".

LIST OF SPONSORS

Mr. Conyers, Mr. Regula, Mr. Foley, Mr. Michel, Mr. Ackerman, Mr. Bennett, Mr. Berman, Mr. Bilbray, Mr. Blaz, Mrs. Boggs, Mrs. Boxer, Mr. Bryant, Mr. Campbell, Mr. Clay, Mrs. Collins, Mr. Courter, Mr. Crockett, Mr. de Lugo, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Edwards, Mr. Engel, Mr. English, Mr. Espy, Mr. Evans, Mr. Fauntroy, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee.

Mr. Frank, Mr. Fuster, Mr. Garcia, Mr. Gilman, Mr. Gray, Mr. Hatcher, Mr. Hawkins, Mr. Hayes, Mr. Henry, Mr. Horton, Mr. Hoyer, Mr. Jones of Georgia, Ms. Kaptur, Mr. Kennedy, Mr. Kildee.

Mr. KOSTMAYER, Mr. Lantos, Mr. Lehman of Florida, Mr. Leland, Mr. Levin, Mr. Lewis of Georgia, Mr. Markey, Mr. Martinez, Mr. Matsui, Mr. Mazzoli, Mr. McCoskey, Mr. McDermott, Mr. McMillen, Mr. Mfume, Mr. Moakley.

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DON'T HIKE FEDERAL GAS TAX

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. McEWEN. Mr. Speaker, the Cleveland Plain Dealer recently ran an editorial by Bob Brown, former assistant director of the Ohio Department of Transportation, regarding a new Federal gas tax. Mr. Brown does an excellent job of pointing out the dangers of using a gas tax for Federal deficit reduction, and I would like to bring this information to the attention of my colleagues.

[From the Cleveland Plain Dealer, Jan. 14, 1989]

DON'T HIKE FEDERAL GAS TAX

(By Robert Clarke Brown)

What do Jimmy Carter and Gerald Ford, Alan Greenspan and Paul Volcker have in common?

They all have found a painless way to put a big dent in the federal budget deficit. If only we would increase the federal gasoline tax by 25 cents, they say, we could reduce the deficit by $25 billion.

The gas tax is, as taxes go, a popular one. It is a potent revenue generator. And, by discouraging gasoline consumption, a higher tax might even pay a bit of an energy conservation dividend.

Sounds simple, right?

Like most get-rich-quick schemes, this one can't survive a closer look.

Despite the top-down leadership pushing for enactment of a gas tax for deficit reduction, there is substantial opposition to it. And for good reason, say groups like the National Governors Association. The tax would be regressive, hurting the poor more than the rich. It would be discriminatory, exacting more from those who, by virtue of their geographic location, must drive more. And, as a deficit reduction measure, it would be inefficient, depressing economic vitality and thereby producing countervailing increases in federal transfer payments and reductions in federal income tax revenues.

Leading the opposition to the tax are organizations representing every level of state and local government. In addition to the NGA, they include the National Conference of State Legislatures, the National Association of Counties, the National League of Cities and the U.S. Conference of Mayors. In their opposition lies another reason, perhaps the most important, for opposing the tax.

A federal gas tax for deficit reduction would disrupt a long-standing consensus about distribution of responsibilities and resources among the federal, state and local governments. In the American federal system, certain taxes are—either by law or by custom—the province of particular levels of government, and their revenues are linked to particular purposes.

For example, the property tax is a local tax, devoted in large measure to education, historically considered a primary function of local governments. Similarly, the fuel tax has been principally a state tax, levied to support transportation, a major responsibility of state government. In Ohio, that tax has been dedicated by the state constitution to transportation since 1948.

While the federal gas tax is now 9 cents, the average state tax on gasoline is signifi-

cantly higher—14 cents. That is not surprising since, notwithstanding the large federal aid program of the last 30 years, it is, and always has been, the principal responsibility of the states to build and maintain the nation's highway system.

In Ohio, for example, 27,500 miles of highways are eligible to receive federal assistance for construction and capital maintenance (system preservation). To obtain that federal aid, the Ohio Department of Transportation or local governments must provide matching funds. In addition, ODOT and Ohio's local governments fund the full cost of construction and preservation for another 86,000 miles of roads. And ODOT and the locals pay 100% of all maintenance costs for every one of the 113,000 miles of highways, roads and streets in Ohio.

The principal funding source for all of this work is the state gas tax, currently 14.8 cents. ODOT's share of that revenue funds the entire ODOT highway program. Local governments get one-fourth of the fuel tax revenue, and although they typically have to supplement it with their general fund dollars, that revenue pays for much of their road program.

Today, states carrying out their transportation responsibilities face mounting needs. The American Association of State Highway and Transportation Officials estimates that annual highway expenditures by all levels of government need to increase approximately 20%, from $80 billion to $95 billion, just to maintain the system we have today. To provide the additional capacity demanded by economic growth, annual expenditures will need to rise to $117 billion.

The gasoline tax is based on the amount of gasoline purchased, not the price paid for it. Thus, it is not a sales tax, but a user fee. It is levied on taxpayers in proportion to the amount of gasoline they consume—and therefore the amount of driving they do. Those who use the highways more pay more.

The tax's popularity is no accident. Because it is a user fee, taxpayers feel they get what they pay for. If they need to use the road system frequently, they are willing to ante up and pay for that use.

In the early part of this decade, Americans began to recognize that their highway system needed both major expansion and substantial capital maintenance. To meet those needs, in 1982 they supported a 125% increase, from 4 cents to 9 cents, in the federal gasoline tax. Since that federal enactment, they have supported increases in the gasoline tax in 42 states, including Ohio, testimony to the strong political consensus such taxes enjoy when taxpayers are convinced their dollars will be well used.

If the integrity of the user fee is violated, however, that political support is likely to evaporate. When there is no longer a direct link between the amount of tax paid and the amount spent to take care of our transportation system, once-willing taxpayers may balk. And that will create big problems for the states.

In recent years, the Ohio General Assembly, like legislatures in other states, has approved increases in the gas tax to meet those needs. If the federal government preempts this potent revenue source with a large deficit-reduction tax, states are likely to encounter stiff resistance to additional increases. They will be hard-pressed to find the resources to meet their growing transportation needs.

At a time when the nation faces major transportation infrastructure needs, it can ill-afford to deprive those units of government that have primary responsibility for funding transportation—the states—of their principal resource for meeting those funding requirements, the gas tax.

When Russell Long chaired the Senate Finance Committee, he often enjoyed tweaking supplicants seeking special tax concessions with a little rhyme:

"Don't tax you, don't tax me.

"Tax that fellow behind the tree."

But state and local officials who oppose making a federal gas tax increase aren't looking for a "fellow behind the tree." They are simply facing squarely the major transportation problems that are theirs to deal with.

THE REASONABLE DETENTION OF ALIENS ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, late last summer I read a story in the Washington Post that really disturbed me. The story was about a Salvadoran woman, with three young children, who was detained and sent to jail. The woman was nursing a 6-week-old infant who was suffering from a fever and an infection. The woman was detained when she went into the local immigration office for what she thought would be a routine interview. Authorities were planning to deport her on the next plane back to El Salvador.

This tragic episode took place in what is supposed to be the most humanitarian country in the world, the United States. It upsets me that our immigration service threats individuals who are seeking refuge in our country to escape oppression and violation of their human rights in such an insensitive way. This woman was no threat to society. She had maintained the same residence for 2 years. She had three dependent children, one of whom she was nursing. Yet the INS arrested her and separated her from her children.

This kind of inhumane treatment of individuals who are seeking refuge in our country should not happen. Today I am introducing legislation that will prohibit the INS from detaining a mother who is no threat to society and who has dependent children under 2 years old. It is my hope that this legislation will contribute to the debate of how our country treats human beings, citizens or refugees seeking protection and freedom.

The legislation I am introducing today is intended only to ensure that we treat people, regardless of their citizenship status, in a decent manner that is due all human beings.

H.R.—

A bill to amend the Immigration and Nationality Act to prevent the unreasonable detention of certain aliens with dependent children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reasonable Detention of Aliens Act".

SEC. 2. LIMITATION ON DETENTION OF CERTAIN ALIENS WITH DEPENDENT CHILDREN.

(a) IN GENERAL.—Section 242(c) of the Immigration and Nationality Act (8 U.S.C. 1252(c)) is amended—

(1) by striking "When" and inserting "(1) Except as provided in paragraph (2), when"; and

(2) by inserting at the end the following new paragraph:

"(2)(A) The Attorney General shall not detain any alien described in subparagraph (B) who is deportable under section 241, except in connection with the immediate departure of such alien. The period of such detention shall not exceed a reasonable amount of time based upon the particular circumstances of the alien and his or her dependent children, not to exceed a 24-hour period.

"(B) An alien described in this subparagraph is an alien—

"(i) who is not deportable under paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), (18), or (19) of section 241(a); and

"(ii) who is the mother of any child in the United States who is not older than 2 years of age and is dependent upon the alien for basic parental care.".

(b) EFFECTIVE DATE.—The amendments made under subsection (a) shall apply to any alien subject to a final deportation order on or after the date of the enactment of this Act.

U.S. CHEMICAL INDUSTRY AT CRITICAL CROSSROAD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. STARK. Mr. Speaker, I believe that the U.S. chemical industry is at an important crossroads. It is in a position to lead the world into the postchlorofluorocarbon era. That we are heading toward the end of using these ozone destroying chemicals is a certainty. The question is, How fast can we move.

I have introduced legislation which has more than 50 bipartisan cosponsors to impose an excise tax on the production of CFC's. This tax will make sure that price is not a factor in producing environmentally sensitive alternatives to CFC's. Currently, alternatives cost roughly triple the price of CFC's. The excise tax is good industrial policy by helping to ensure that U.S. industry is poised for the huge post-CFC market.

And it is a huge market. China alone is getting ready to provide its 1.1 billion people with refrigerators over the next 10 years.

The following article from the Washington Post provides some insight into the world CFC market. It points out pitfalls in trying to reduce CFC production. But most importantly, it points out the opportunities for U.S. industry to move as swiftly as possible to end CFC production.

[From the Washington Post, Mar. 14, 1989]

THIRD WORLD DEMAND FOR CFCs RAISES WORRIES

(By Michael Weisskopf)

In the mid-1980s, Pennwalt Corp. caught hold of Asia's rising expectations. The Philadelphia chemical company agreed to

teach firms in India and Taiwan how to produce a family of gases that had revolutionized life styles in the developed world and promised the same for Asia.

Now, even before the plants have opened, Pennwalt is encouraging the firms in Taiwan and India to convert to substitutes for the gases. An era is over for chlorofluorocarbons (CFCs).

The sales pitch changed along with the scientific consensus on CFCs. Once hallowed for their safety and low cost, CFCs have been used as insulation for refrigerators, sterilants for medical equipment, and the infinite variety of plastic foam shapes of a throwaway culture.

In the "have not" nations, a clamor is growing for cheap consumer goods made with CFCs, and CFC manufacturers are under pressure to meet the Third World demand.

But CFCs are now regarded as a major environmental danger, a threat to the band of ozone that encircles the globe and screens out harmful ultraviolet radiation.

That radiation unchecked would be so perilous to life on Earth that most industrial nations and CFC producers, such as Pennwalt, have agreed on the goal—if not the timing—of a total phase-out of production.

As representatives of 124 nations gathered in London last week to discuss the common threat, U.S. and European delegates pushed for a CFC ban by the turn of the century. Forty countries have pledged to halve their production by 1998 in a treaty effective July 1.

But few of the large developing nations have ratified the treaty, and environmental diplomats worry that demand there will more than offset controls elsewhere.

The pact tries to accommodate economic growth pains by permitting Third World parties to increase their use of CFCs to two-thirds of a pound per citizen—more than 10 times current consumption in Asia, Africa and Latin America, but only 27 percent of U.S. per capita use, according to Environmental Protection Agency (EPA) figures.

But a World Resources Institute study showed that if just four countries—China, India, Indonesia and Brazil—reached that ceiling, world use of CFCs would rise 50 percent—even if every developed nation halved its consumption.

Unlike other pollutants, CFCs do not break down in the lower atmosphere. They float 15 miles above ground, disintegrate in the intense solar radiation and gobble up the ozone layer that prevents skin cancer, cataracts, global warming and crop damage. Every one percent depletion of ozone causes an extra 35,000 U.S. skin cancers over 75 years, according to the EPA.

While CFC makers are required by the treaty to halve their production for domestic use, they can boost output for exports by 10 percent annually to satisfy Third World demand and to discourage start-up of CFC plants there.

But CFC makers are being urged to use restraint. Sen. John H. Chafee (R-R.I.) wrote last week to the three major U.S. CFC producers—Pennwalt, E.I. du Pont de Nemours & Co. and Allied Signal Inc.—noting that production by their facilities in nonsignatory nations would "undermine substantially" the treaty.

Irving Mintzer of World Resources said CFC producers should encourage less-developed countries to rely on substitutes.

Pennwalt agreed to sell CFC technology to Indian and Taiwanese firms in 1985 and 1986, before scientists reported growth in the ozone "hole" over Antarctica and the 3 percent depletion over populated parts of Europe and North America. In recent months, Pennwalt has offered a CFC substitute to the Asian firms that is 95 percent less damaging to ozone than the substances they learned how to produce, according to Peter Miller, managing director of Pennwalt's CFC division.

"We're doing everything we can do to get these people to modify their plants," Miller said. The Taiwanese and Indians, he said, are "taking a wait-and-see attitude."

Meanwhile, China has sought to buy CFC technology from Pennwalt, but the firm rejected the request, Miller said. The communist regime in Beijing has promised to equip its population of more than 1 billion with refrigerators by the year 2000.

Du Pont, the world's largest CFC supplier, is considering helping China produce a CFC substitute, said Tony Volgelsberg, environmental manager in Du Pont's Freon division. The firm has pledged to phase out production of CFCs by early next century at U.S. plants as well as at subsidiaries in Brazil, Argentina, Mexico, Japan and the Netherlands, Vogelsberg said.

He said that while Du Pont will not sell technology for CFCs, it will continue to export the substance to the Third World within treaty limits. "It's necessary to prevent them from building their own CFC plants," he said.

Allied spokesman William Corcoran said his firm will continue Third World exports but will not transfer CFC technology.

At the London conference, China and India called for financial and technological aid from industrial countries as a condition for signing the treaty. U.S. officials have asked the World Bank and the U.S. foreign aid program to consider such aid, according to an EPA official.

WOMEN OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. MATSUI. Mr. Speaker, I rise today to recognize the celebration of the opening of "Women of Sacramento," an exhibition and awards program honoring the women of Sacramento, "carved out of the past, shaping the present, molding the future." This exhibition is an appropriate tribute to women, past and present, who have enriched the lives of the people of Sacramento by sharing their ideals with the community.

I commend the Sacramento History Center Association and all those who have contributed their time, skills, and dedication to create this exhibition. This exhibition is not only a tribute to these historical and contemporary women, it is also a gift to the people of Sacramento as it further acquaints them with their rich heritage both past and present.

The awards program is endowed with special esteem for it honors 8 modern-day women of Sacramento that personify vision, initiative, determination, courage, philanthropy, steadfastness, heritage, heroism, and match their achievements with those of their foremothers. Their profound sense of integrity and dedication to seeing those principles manifested in their community has enabled them to transform these ideals into realities.

The honorees include: Sister Claire Graham and Sister Catherine Connell in the vision category for establishing Wellspring Women's Center; Sandra Orizco in the initiative category for founding WEAVE [Women Escaping a Violent Environment]; Barbara Anne Weidner in the determination category for organizing Grandmothers for Peace; Mayor Anne Rudin in the courage category for pursuing good government; Margaret "Mama" Marks for philanthropy with a food-and-clothing program for the needy; Emma Gunterman for steadfastness as an advocate for children, consumers, and low-income people; Beth Murphy Engs for heritage in preserving the historic Rhoades School in Elk Grove; and Mary Tsukamoto for heroism for her work on behalf of Japanese-Americans interned in the United States during World War II.

Mr. Speaker, I can think of no greater honor than to be recognized by your peers and your community for outstanding service. I ask that my colleagues join me in saluting these Women of Sacramento for their history-making achievements and for their significant contributions to shaping the future of Sacramento.

NORTH TRIAL: WRONG MAN, WRONG ISSUE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. SOLOMON. Mr. Speaker, it is a disturbing fact that some actions by governmental officials have the effect, if not the intent, of treason.

If a future Gibbon ever chronicles the decline of the American Empire he will note that unelected bureaucrats at the State Department managed to undermine U.S. foreign policy to an extent that almost justified suspicions of their motives. A more contemporary chronicle comes to us from Cal Thomas, whose recent syndicated column on the subject was printed in the March 5 issue of the Saratogian, in my congressional district.

Mr. Speaker, I would go further than Mr. Thomas by indicting Congress as a coconspirator. But let it be noted for the record that at the same time Marxist thugs are consolidating their tyranny in Nicaragua and preparing to spread their poison to their neighbors, at the same time Congress and the State Department have weakened the United States role in Central America, perhaps irreversibly, one former Marine Corps lieutenant colonel has become the fall guy.

Congress and the State Department, not Oliver North, should be on trial for disobeying orders, subverting the Constitution, and condemning millions to communism.

It is my pleasure to place the Cal Thomas column in today's RECORD.

[From the Saratoga Springs (NY) Saratogian, Mar. 5, 1989]

NORTH TRIAL: WRONG MAN, WRONG ISSUE

(By Cal Thomas)

On the opening day of the Oliver North trial, the New York Times editorialized on why the trial should proceed: "It is the need to uphold anew the principle that even the Commander in Chief has a commander in chief: the law."

A Washington Post editorial the same day said, "If Congress can be defied with impunity by selected parts of the executive branch, then the system does break down."

This was the same New York Times that reported in June, 1979, on the Nicaraguan Sandinistas, "A doctor . . . praised the young rebels. 'They're not Communists,' he said. 'That's a fairy tale that Somoza invented and only the National Guard believes.' "

This was the same Washington Post which wrote just days after the Sandinista-led government took power July 19, 1979, "The new (Sandinista laws) project the new government as highly moralistic, concerned about state security, politically liberal in a social democratic mold."

The Post and the Times turned out to be wrong about the Sandinistas, just as they are wrong in their conclusion about the North trial.

As former Special Assistant to the President for National Security Affairs Constantine Menges has written in his powerful new book, "Inside the National Security Council," it was the State Department, assisted by several spineless people in key positions at the White House, that opened the door to the Iran-Contra affair, for which Oliver North is now the primary fall guy.

In the military, if one defies an order from a superior, one may be court-martialed. In civilian life, disobedience to the boss's instruction can get you fired. But in government, the State Department may disregard, circumvent and countermand the foreign policy of the elected Commander in Chief and suffer no consequences, save the weakening of the presidency and the auctioning of freedom to Communist tyrants in exchange for unfulfilled dreams of "peace."

Naming names, places and dates, Menges documents the cunning and dishonest methods used by everyone from former Secretary of State George Shultz and others on down and indicts them (no one else will) for pursuing a policy of their own in direct violation of specific instructions to the contrary from Ronald Reagan. Menges shows clearly that the foreign policy establishment at State believes no one else better understands how the world should work than they do, and that some career foreign service officers view the president of the United States as simply a caretaker, while State has been endowed with the unalienable right to shape the world as it desires.

Menges reveals how then-U.N. Ambassador Jeane Kirkpatrick had her credibility cut from under her when, in early 1983, she carried a personal letter from President Reagan to each of the friendly heads of state in Central America. Upon returning to Washington, Kirkpatrick learned that Assistant Secretary of State for Latin America Thomas Enders had sent an "eyes only" cable to all the U.S. ambassadors in the region, instructing them to ignore Kirkpatrick (and by implication, the president), because a new Central American strategy was being prepared and would be passed along as soon as Shultz returned from a trip to China.

There were secret meetings between officials at State and Nicaraguan dictator Daniel Ortega, in violation of procedures that required a review of all such meetings by the president and National Security Council.

Menges tells of elaborate schemes to block meetings of the NSC which, when held, almost always resulted in the president rejecting the policy initiatives of Shultz and the State Department and opting for policies that would advance the cause of freedom and democracy in Central America.

The Menges book is by far more important than the North trial. It provides prima facie evidence that the State Department has been, and is, running and ruining the foreign policy of the United States. It is bad enough that severe damage was done to that policy during the Reagan years. It is even worse that some of those responsible for this shameless and what would in wartime be considered treasonous behavior are now, or will soon be, at the highest levels of the Department of State.

FREE RAOUL WALLENBERG

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Raoul Wallenberg and to call upon General Secretary Mikhail Gorbachev to tell us the fate of this brave individual.

Raoul Wallenberg is a shining figure from a very dark time in history. He was a man of tremendous courage and imagination. In the closing days of World War II he traveled from Sweden to German-occupied Hungary at the request of the United States. Using every resource available to him as a Swedish diplomat, Raoul Wallenberg saved as many as 100,000 Hungarian Jews from Nazi death camps.

Yet, when the Soviet Red Army swept into Hungary they did not reward or honor Raoul Wallenberg for his valiant and successful efforts. Instead, after Stalin's Red Army entered Budapest, Wallenberg went to meet Soviet officers to get aid for the Jews. They arrested him and he disappeared into the dark world of the gulag.

Mr. Speaker, for 50 years Raoul Wallenberg, a hero of the fight to save individuals and the world from Nazi terror and hatred, has been a prisoner in the Soviet Union.

We do not know Raoul Wallenberg's fate. I call again upon General Secretary Gorbachev to tell us what happened to this international hero. Glasnost is meaningless if we are not told the truth about Raoul Wallenberg.

INTRODUCTION OF LEGISLATION TO PROVIDE FOR CONGRESSIONAL AFFIRMATION OF THE PRESIDENTIAL PROCLAMATION EXTENDING THE TERRITORIAL SEA FROM 3 TO 12 MILES

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. SHUMWAY. Mr. Speaker, on December 27, 1988, President Ronald Reagan issued a Presidential proclamation to extend the territorial sea from 3 to 12 miles for international purposes.

President Reagan's action extending the territorial sea is consistent with international law and will have important national security benefits. This change, for example, will mean that Soviet surveillance submarines will be 9 miles farther off our coasts; and it will give the United States sovereignty and jurisdiction that extend to the air space over the territorial sea as well as to its bed and subsoil. As a national security and international legal matter, this extension of the territorial sea makes eminent sense.

I am introducing this legislation today to have Congress reaffirm this important action and to ensure that its effect on domestic law is entirely clear. This bill provides that the proclamation will not effect the rights and obligations of States, U.S. territories, or Federal agencies under existing domestic law; for example, following this proclamation the definition of the term "coastal zone" under the Coastal Zone Management Act remains the same with a seaward limit of 3 miles from the shore.

HONORING PROF. PAUL TAKAGI

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DELLUMS. Mr. Speaker, it gives me great pleasure to honor Prof. Paul Takagi on the occasion of his retirement from the faculty of the School of Education.

I have admired Paul since I have come to know him and his work in the last two decades. Like many in this, and the larger community, we have counted on his knowledge, his training, his wisdom, and his ability to articulate the critical issues and problems about the justice and penal system in the United States.

For all of Paul's apparent dignity and reserve, he was one—the other was Tony Platt—of two faculty members of the School of Criminology who were so threatening that it brought about the elimination of that school by then Gov. Ronald Reagan. The School of Criminology was created after World War II and had a national reputation as one of the best schools in the discipline.

The school was a heady place to be in the sixties because some of the faculty and so

many students were involved in serving the interests of the community and in working toward a just criminal justice system. Many saw the system's racist practices as a prime evil and worked to express these as well as to call for other reforms in the prison system. Paul was active in developing support for civilian review boards and other forms of community-based police accountability.

As I mentioned earlier, this must have been very disturbing. First, they tried to fire Professor Takagi; when that failed, they closed the school. Now, you know that he had to have done something really impressive to warrant that reaction.

As a professor in the School of Education, he continues to serve as a consultant not only on these concerns but also on the training of police personnel in their relations with members of communities other than the white, upper, or middle class.

He is a leading consultant and investigator on the problems of racism within police departments, and has served Government agencies as well community organizations, like the Urban League and the late Supervisor John George, to develop solutions.

When he is not directly threatening the establishment, he is a member of the editorial board of the Social Justice Journal—formerly Crime and Social Justice—since its founding in the early 1970's. This is the leading progressive journal in criminal justice in the United States.

Professor Takagi is a much honored, beloved, and treasured member of the Asian American community. His incarceration in Manzinar Camp during World War II places him in the heart of the Asian American experience and gives him the personal insight into one manifestation of racism in our culture.

After his release, he worked as a probation officer in Los Angeles County and then as a parole officer in San Quentin. He extended that experience by getting a Ph.D. in sociology at Stanford.

I count myself as one of the fortunate people who have the pleasure and the honor of knowing this man. May he continue to have a spiritually rich and creative life.

HONORING VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD MEMBERS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. KOSTMAYER. Mr. Speaker, I am pleased to announce today my cosponsorship of legislation which has been introduced by my colleague THOMAS DOWNEY of New York providing a tax credit of $100 to volunteer firefighters or volunteer rescue squad members.

For nearly 200 years volunteer firefighters have filled a critical need in our communities, Mr. Speaker. This need is especially important in suburban and rural areas like those I represent in Bucks and Montgomery Counties in southeastern Pennsylvania.

Volunteers in communities from one end of my district to the other—from Perkasie in the north, to Levittown in the south, from Yardley and Morrisville in the east, to Warminster and Warrington in the west—are serving their communities in vital ways by fighting fires, providing emergency medical assistance, and taking stricken neighbors to local hospitals in rescue vehicles.

But as the population of many of these suburban and rural communities rises, Mr. Speaker, so does the need for additional volunteers to meet the rising number of emergencies. And the fact is, the number of volunteer firefighters is declining in many communities.

Therefore, along with Mr. DOWNEY and several of our colleagues, I am pleased to cosponsor legislation which will provide a modest inducement for volunteers to serve in these critical rescue and firefighting roles. This legislation, the Volunteer Firefighters Tax Credit Act of 1989 (H.R. 1054), will allow firefighters and rescue personnel to take a $100 tax credit each year on their Federal income tax returns.

This tax credit is merited, Mr. Speaker, for a number of reasons. First, the contribution made by volunteers saves local townships and municipalities the great expense of funding professional companies to respond to fire and emergencies. Second, volunteers inevitably incur out-of-pocket expenses, for essentials such as clothing, equipment, and transportation, for which they are not reimbursed. The tax credit would help defray these costs.

Mr. Speaker, just as the Federal Government recognized the significant contributions of volunteer firefighters by providing a death benefit for those killed in the line of duty, so I believe the Federal Government can help local communities through this modest tax support for these public safety volunteers. I urge my colleagues to support H.R. 1054, the Volunteer Firefighters Tax Credit Act of 1989.

A PROFILE IN COURAGE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DORNAN of California. Mr. Speaker, I would like to share with our colleagues a story of a remarkable woman, a woman who has never allowed her personal tragedy to get the best of her. Verna Thomas was one of the many thousands of Americans who were struck with poliomyelitis in the early 1950's. She lost both her children to the disease and has been confined to a respirator for more than 35 years.

In spite of her disabling condition, she has lived her life spreading happiness and encouragement; she has been an inspiration to everyone who has known her. Surgery has left her without lungs and larynx. The paralyzing effect of polio left her with only limited use of her hands. Yet, she has many visitors and energetically participates in her convalescent hospital activities. She enjoys writing and helps publish the Bel Vista Newsletter. She maintains pen pals around the world.

Verna has an insatiable appetite for knowledge and keeps abreast of local, national, and international news. She enjoys sharing opinions and a good debate.

Verna Thomas epitomizes the tens of thousands of disabled Americans who enrich the lives of those around them and have led their lives to the fullest extent possible. Mr. Speaker, I would like to read into the RECORD her brief autobiography as written for the March issue of the Bel Vista Newsletter. It is a moving story of hope and courage.

Verna Thomas' autobiography follows:

LIFE OF VERNA THOMAS

One brisk nippy day, February 20, 1926, in a red brick hospital located in Northern California, in the small town called Yreka a set of twins were born, first came Vera Rae and five minutes later Verna Fae came into the world. Since our mother was very ill she was unable to go home with us, so our Grandmothers from both sides of the family brought us home to care for us.

Our folks lived on a ranch that had been passed on down for five generations. They raised cattle, sheep, hogs, chickens and turkeys. Our first bed was a large wicker basket and we laid feet to feet. Everything went fine till we started crawling and walking, that's when trouble began. Since we were identical and inseparable we kept everyone busy trying to keep us out of everything.

There was no electricity so kerosene lamps and lanterns were used for light as well as kitchen stove and washing machine. Had cold running water but no hot so it was heated on the stove, till the kerosene stove blew up, and was replaced with a Home Comfort wood stove which had a reservoir on the side to heat the water. Since there was no bathroom we took our bath behind the old wood stove in a galvanized tub. The outhouse had a well worn path running to it and needless to say, in the winter time no one stayed very long, and in the summer time it was rather scary at night, when the coyotes would sing their little song.

Time passed on and one day, about the age of four or five years, we decided we wanted to do some horse back riding, so we found a short piece of barbed wire, climbed over the fence, caught the saddle horse, led him up to the fence, wire around his neck, and we took turns leading and riding him till we were discovered, and that was the end of our ride for that day and some time to come.

Well it was about time to learn the 3R's and the nearest school house was one or two miles from the ranch. The school house had one room in which all eight grades were taught. Just a short ways from the school house there was a small shed where the horses were kept as some of the students rode horse back to school. Our folks took us to school most of the time, but we most always walked home picking wild flowers as we went, and springing traps that the ranchers had set to catch coyotes which were preying on their livestock, till we got caught.

At that time the harvesting and haying were done by horses, but later on our father bought a tractor. Our folks owned a Model T Ford and riding on the running board was a thrill of a life time.

As the years rolled by the small school house that we attended was closed because of lack of students, so we were transferred to another one room school house, and that too had to be closed, so we finished grammar school in the little town of Montague.

All the years we were growing up our Mother made all our clothes and also made bread, butter, canned fruit and vegetables, and cured our own meat. We also learned to

do the same things. We learned to drive the team of horses to feed cattle in the winter, and bring hay from the fields to the barns during haying season. As we grew older we had more responsibilities, like herding sheep and cattle, and since we were taking piano lessons we had to practice two or more hours a day.

When our father acquired a truck, we learned to drive to feed cattle and haul grain sacks in the harvesting season. We liked to dare one another to see how high up the mountain either of us could get before the truck started sliding side ways or started to tip over, or see how many sacks of grain we could pile on the truck and not have any of them fall off on our way to the storage bins.

We entered high school in Yreka during the early Forties, and caught the bus that traveled many miles down out of the mountains and passed the ranch on the way to school, which was another eight miles. World War II was in full swing and we did everything to help the war effort. When vacations came we helped our Father with the haying, harvesting, and took turns driving tractor and tending header on the harvester.

All through school we were in sports, cheer leaders, glee club and also sang and played duets on the piano for different organizations.

We graduated from Yreka High School in 1944 at which time I met a young man who was in the Air Force, stationed in Medford, Oregon. We were married in 1945 at my folk's ranch. In 1946 he was discharged as the war was over and so we packed our grips and loaded our belongings in an old second hand Dodge four door sedan and headed for Milwaukee, Wis. We lived with his folks for a few years of which time our son and daughter were born. In 1949 we again decided to move back to California where we settled in Sacramento. We lived in a modest two bedroom house.

In November of 1951 tragedy struck our little family which changed our lives forever. My two children and myself contracted Polio, my two children died and I was in an Iron Lung for some time. Later a rocking bed and a chest respirator. In 1952 I was transferred by ambulance to the old section of Rancho Los Amigos in Downey, California. That was a trip I'll never forget. When I needed to be suctioned we had to find a service station to plug my suction machine in to use it. As we went through each town or city we had a police escort, which was very noisy to say the least. Before we arrived at our destination my respirator stopped working so it was either sink or swim and I wasn't about to give up, I made it but there was one nurse and two ambulance drivers who were sweating it out since I didn't have any back up.

In 1954 the new buildings of Rancho Los Amigos Respiratory Center, as it was known at that time were finished, so one foggy, cold morning they put us in our chairs, loaded us on an open air truck and transferred us to the new buildings across the highway. In 1958 I was transferred to the Foothill San. located out in the valley. In 1959 I was transferred again back to Rancho because of illness. In 1960 after my lung surgery I was sent to Temple City. I remained there for over two years and problems started to occur with the nursing staff, so I asked for a transfer to Bel Vista in Long Beach. In the mean time while waiting for the transfer, one of the nurses offered to bring me down to see what Bel Vista looked like and visit with some of the Polios who were already here. Everything went along fine till we started back and got lost in the mountains and my respirator stopped working. Well since there was just us two, my nurse would stop now and then and give me some air by my hand resuscitator then drive on again till we managed to flag down a patrol car to help us through the traffic, but who instead took us to a fire station where we had quite a time trying to convince them that it wasn't oxygen I needed, but for someone to hand pump my resuscitator. I don't think they really understood but any way they finally agreed to have one of the firemen drive her car while she pumped my resuscitator, so with the police car in front of us and a fire truck behind us, we made it back safe and sound. Then in 1963 I was transferred to Bel Vista where I've remained ever since.

Over the years I have made many friends of which I've been very fortunate in being able to keep in touch with over the years.

I want to take this time to thank Eleanor Sanchez for all her help with my ups and downs, and she has become a special person to me.

I also want to thank all the Administrators of Bel Vista for allowing me to have some of my personal belongings in my room, since Bel Vista has been more or less my home away from home, since I have been here for over twenty five years.

A MOVING TRIBUTE TO THREE FALLEN WARRIORS IN THE WAR AGAINST TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a memorable and touching tribute paid to three young Foreign Service officers who recently gave their lives in the war against terrorism. These fine men perished, along with many other Americans, in the tragic sabotaging of Pan Am 103 over Scotland. My heart goes out to the families and loved ones of Matthew Kevin Gannon, Daniel Emmett O'Conner, and Ronald Albert Lariviere. Three eagles have fallen, but their dedication and service to country will never be forgotten.

The war against terrorism will not be won in one final and decisive battle. Nor will it be won in the near future. Victory over terrorism will take time, patience, and perseverance. Someday the free world will succeed in isolating the practitioners and containing the ravages of this international menace. Unfortunately, this ongoing struggle will continue to claim the lives of other young men who bravely march forward to defend their nation. This is a price that we must be willing to pay to maintain the freedom that we all enjoy.

I commend my colleagues to the following memorial service eulogy by the Assistant Secretary of State for Diplomatic Security, Robert E. Lamb, at St. Patricks Cathedral in January of this year. While words can do little to soften the anguish which their families now feel, Mr. Lamb effectively captures the deep commitment which these fine Americans had to our country, and the terrible tragedy of their untimely loss:

MEMORIAL SERVICE REMARKS BY ASSISTANT SECRETARY LAMB

For the 1,400 men and women of the Bureau of Diplomatic Security, this is a day of sadness and of irony. The Bureau was born out of our nation's commitment to protect all of the people who would do our nation's work abroad. It is a world in which DS has made a difference. It touches us deeply, therefore, to gather here today to mourn the lives of young men who dedicated their lives to protecting others.

These men represent the highest traditions of government service—America's best Ron Lariviere and Dan O'Connor were special agents. They had survived rigorous screening and a tough examination process to be selected from thousands of applicants for Diplomatic Security. As special agents, they were put through extensive training. Both endured long hours and demanding assignments to prepare them for the future—and their future was bright indeed.

Matthew Gannon was especially close to us in DS. The younger brother of our own Special Agent Richard Gannon, he worked closely with us as a political officer in Beirut, his last post. So on both accounts, we consider him a member of our family.

All three of these men had volunteered for their last assignments, accepting without question, the dangers of their work—and dangerous it is.

The Foreign Service and the Department of State are for many of us like an extended family. But the members of the Diplomatic Security Service share a special bond drawn from the nature of our work, the frequent and difficult travel, the shift work, and the long hours.

Our families are often asked to make great sacrifices to accommodate our jobs. There are too many missed birthdays, and anniversaries; too many occasions when our wives and husbands have carried more than their share of the family responsibilities because we were unable to do our part; too many disappointments for our children when our work made it impossible for us to be there for the special moments in their lives. Our families grow accustomed to the sacrifices and accept them with love and understanding. Today, we are reminded how great those sacrifices can ultimately be.

We can almost count in months the time since these men arrived in Washington to start new careers in government. They left behind the beauty of the California coast, and the charm of old New England. They left behind admiring neighbors, and loving families. They entered a new world enthusiastically and bravely. Now, we can say to them: You have left us for a world we cannot pretend to understand. But you have left behind you here much that is good.

Matthew Kevin Gannon, Daniel Emmett O'Conner, Ronald Albert Lariviere—we are proud of you. We shall miss you.

GROVES IS "MR. BASKETBALL"

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. CLEMENT. Mr. Speaker, I want to take this opportunity to salute the East Robertson High School basketball team, and in particular

a young man who has worked very hard during the past 4 years. His hard work and dedication culminated in him receiving the highest honor that can be awarded by the Tennessee Secondary Schools Athletic Association.

Carlus Groves of East Robertson High School has been selected as the TSSAA's "Mr. Basketball" for class A basketball teams in Tennessee by a vote of coaches in that division.

Carlus, who has signed a letter of intent to play college basketball with the University of Tennessee, has accomplished numerous goals and gathered respect through extreme personal adversity.

East Robertson principal Mark Stubblefield noted the strength and quality of character Carlus has displayed, saying:

Despite the hardships and personal adversity Carlus has endured, he has fostered an admirable attitude and maintained a positive spirit that has been an inspiration to his fellow teammates, students, the school faculty and administration, and the entire community.

Regardless of the fame Carlus achieves in the future by playing basketball, or in any endeavor, he has already overcome obstacles few peers ever face, and developed a sense of responsibility, character, and pride that will serve him through life's challenges.

Helping lead his basketball team to two State championships was quite a feat, but when you consider the other struggles Carlus has faced, you can understand how his biggest victories were really not on a basketball court.

I sincerely hope every colleague in the U.S. House of Representatives, every basketball fan, and every person who comprehends the true challenges in life, will recognize what this young man has achieved.

I have enclosed a copy of an article from the Robertson County Times providing more details about the award Carlus received. I hope my colleagues will take the opportunity to read about this exceptional young man.

[From the Robertson County Times, Mar. 2, 1989]

EAST'S GROVES STATE MR. BASKETBALL

East Robertson senior Carlus Groves has been selected TSSAA "Mr. Basketball" in Class A by a vote of coaches in that division.

It is the highest honor in the state for a boys basketball player.

"We are extremely proud of Carlus, and this is a great achievement," said East Robertson Coach David Collie.

Groves is the second East player to be named "Mr. Basketball" in three years. Guard Fitz Jones earned the award two years ago.

The Class AA winner is Chattanooga City High's Orlando Lightfoot. In Class AAA, the winner is Darrell Miller of Oak Ridge.

In the girls division, all three winners were from the Midstate area: Collinwood's Mia Daniel in Class A; Cannon County's Julie Powell in AA; and Shelbyville's Misty Lamb in AAA.

Groves is 6-7, 235 pounds and lives in Cross Plains, Tenn.

A University of Tennessee signee, he has scored over 2,000 points in his career and averages 22 points per game and 14.8 rebounds. He has a 62 percent field goal average.

Groves was all-state tournament in 1987 and 1988, and most valuable player in the state tournament in 1988. East has won the Class A state boys basketball tournament in both 1987 (with Jones also) and 1988.

In his three years, East has won 99 games against only six losses.

Collie is extremely proud of Groves' development as a basketball player. "He's gotten mentally tougher since he got here," said Collie. "When he came in our school as a sophomore, there were a lot of little things he needed to work on, and he has."

There's an old saying, "if you're injured, you can't play, but if you're in pain, there are times you have to play," said Collie. "Carlus has certainly improved in that area."

The coach notes that in a crucial game against Page this year, Groves had four fouls early in the fourth quarter.

"Tyrone Dotson (another East player) came to me and said, 'You've got to leave him in, coach.' We did because we had to have him to win. Carlus didn't foul out. He's learned to pace himself to stay in the game."

Collie says that this year has been tough on Groves who has taken a great deal of physical and mental abuse for being a big man, a big star and a UT signee.

"He's taken more than his share of knocks this year," said Collie. "He's done a good job not to retaliate. He's not always perfect, but he's kept himself under control in some very tough situations."

Collie says this year's team is more emotional than Indian teams of the past. Groves has often been in the eye of the storm.

"I was listening to a talk show the other night, and a UT fan said he'd seen the East-Springfield game and was complaining that Carlus was lazy," said Collie.

"I say, watch what Carlus does when the game is on the line," said Collie. "The object is to win, we want to win. We're not preparing Carlus for Tennessee basketball. That's Don DeVoe's job."

Collie says that Groves plays well within his system. Is he the best player Collie has ever coached?

"It all depends on what you mean by 'best,' he's obviously my best big man," said Collie. "Lee Blakemore was a better shooter, Wayne Cook better in the clutch, maybe, Fitz Jones a better team leader.

"But, as a Division I prospect with size and overall ability, he's the best player I've ever coached."

Collie noted that Groves, whose father was killed last spring and whose mother suffers from a stroke, faces many pressures off the court.

"A lot of kids have chores at home, but Carlus and his brother, Thomas, have real responsibilities at home," said Collie. "I admire his ability to handle that. And, it's hard for him because he often doesn't have some family member at the game the way other kids do."

Collie says that Groves' goal was not to win the 'Mr. Basketball' title even though he knew he was favored after winning the MVP at the state last year.

"His goal has been for the team to win the state title again," said Collie. "Mr. Basketball hasn't been on his mind. He wants to go back to the state, and why not, it's the only thing he knows."

WHAT I WOULD HAVE TOLD THE HOWARD STUDENTS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. CRAIG. Mr. Speaker, the election of 1988 proved that Republicans have made great stides in recruiting thousands of new voters. People who traditionally have called themselves "Democrats" have made the switch. They saw the far-left factions dominating their party and contrasted it with our vibrant GOP team and made a simple decision—they defected to a political camp which better represents mainstream American ideals and beliefs. And the Republican National Committee, with Lee Atwater at the helm, is going to carry that message to thousands more.

I only regret that the emotionally charged students at Howard University failed to recognize the things which our party's new chairman and the GOP really represent. And it is their loss. However, I commend chairman Atwater's response to the Howard students which was published in the March 10 edition of the Washington Post. I only hope that the students will take the time to read his message and realize the opportunities our party offers.

Mr. Speaker, I ask that you include the RNC chairman's article to be printed in the RECORD immediately followingt my remarks.

[From the Washington Post]

WHAT I WOULD HAVE TOLD THE HOWARD STUDENTS

(By Lee Atwater)

On Tuesday I resigned from the Howard University Board of Trustees. I did so with deep regret. The board had honored me with its support, and I looked forward to serving the students and the community as a trustee of this outstanding historically black university.

I must confess that the idea of serving on Howard's board would never have occurred to me. But when Howard President James Cheek informed me that I was a unanimous choice to join that board, I was excited by the prospect—excited because I believed that I could be helpful to the university in fund raising, scholarship endowment, identifying job opportunities for graduates and in scholastic opportunities such as student internships at the White House and the Republican National Committee. I was especially pleased that I could help bring money into a university the overwhelming majority of whose students depend on tuition assistance to get their education.

The fact is, I had a lot to offer Howard, and the idea of serving a distinguished university known for its academic diversity and respect for the free exchange of ideas appealed greatly to me.

Despite what some of my critics say, I did not, as chairman of the Republican National Committee, expect to come to Howard with unanimous support from the student body. But I *did* expect to have a chance—a chance not only to prove my sincerity in reaching out, but also to show that I could deliver for Howard. What I regret most is that I was not given that opportunity.

But I'm also disappointed there wasn't an open dialogue between myself and the individuals who took possession of the Howard University Administration Building to protest, among other things, my election to the board. Many things were said about me and my positions on issues, and with few exceptions they were either totally wrong or completely distorted. I wanted a chance to clear the air, to set the record straight and above all to address the concerns and issues some of the students had raised.

I met with two groups of students when the commotion over my service on the board first began. Both groups, including the elected representatives of the Howard University Student Associations, asked me about the issues that concerned them. They asked about my philosophy on civil rights, about some of the inflammatory things being said about me, and I answered all of their questions. I sought that same opportunity with the student protesters by asking for a meeting with them. Unfortunately, they expressed no interest in meeting with me. Instead, the student associations sent me a questionnaire to answer. I was prepared to comply, but the board and Dr. Cheek thought that it would be inappropriate for me to do so. They were concerned that it would create a precedent for other board members, so I honored their wish. I made it clear, though, that I would sit down with interested parties and—point by point—respond to the issues raised in the questionnaire. That opportunity never materialized.

When the situation at Howard grew more tense, and police were poised to forcibly enter the administration building, I worried about the safety of the students. No matter how important the issue of having my day in court was to me, I did not want someone hurt at my expense. So I resigned, hoping to bring an end to the standoff.

But the message I wanted to deliver to those students—and in fact to *all* students at Howard—was never addressed. And I'm sorry they missed that opportunity because it was one I think they would have embraced. It was a message best summed up in the platform of the Republican Party, which says: "We support the worth of every person. We support the pluralism and diversity that have been part of our country's greatness. . . . Bigotry has no place in American life. We denounce those persons, organizations, publications and movements which practice or promote racism, anti-Semitism or religious intolerance." Had the students in the administration building been listening, this is also what they would have heard:

I supported the Voting Rights Act extension, and I advised both President Reagan and Sen. Strom Thurmond, who was chairman of the Senate Judiciary Committee at the time, to support it as well. Both of them supported the bill.

I support affirmative action in its traditional sense: affirmative recruiting efforts and other initiatives designed to help the victims of discrimination. Where there is a history of discrimination, the government and the courts should work to help individuals who were harmed, but not by extending broad-based preferences based solely on race or sex. I have, in fact, instituted a voluntary program to bring more minorities and women into the RNC in leadership roles.

I oppose apartheid in South Africa as morally bankrupt. I support an immediate end to it and the establishment in South Africa of democratic majority rule.

Literature asserting that I opposed the 1964 Civil Rights Act is wrong. When that historic legislation was debated and approved by Congress, I was in the seventh grade.

Regarding to the so-called Willie Horton issue, let me be clear: the ad in question was an independent and *unauthorized* effort. In fact, Campaign Chairman James A. Baker III and I both wrote to the group responsible for it demanding that it be discontinued. But the issue was never Willie Horton the man. It was the program that allowed him and other convicted murderers out of Massachusetts' prisons for unsupervised weekend furloughs *after* being sentenced to life without parole. This program, which Gov. Dukakis strongly supported, made no sense. The idea of allowing a convicted first degree murderer with no chance of parole to leave prison on weekends violated common sense, not to mention the precepts of the criminal justice system. The issue is especially relevant because only Massachusetts allowed furloughs for convicts serving life without parole terms. It should also be noted that the Massachusetts prison furlough issue was first raised during the Democratic primaries by Sen. Al Gore, who criticized Gov. Dukakis for supporting the program.

Finally, I wanted to make it clear that I share the vision of George Bush spelled out in a speech last year to the NAACP. "Who we are as a people can be measured by how we uphold and defend the rights of all," he said. "And it is our willingness to respect and uphold these rights—even when it is difficult—that sets America apart from every other nation on Earth."

I leave the Howard board with no bitterness. In fact, the situation has only strengthened my resolve to continue reaching out and to move forward with my efforts to broaden the base of the Republican Party. We have a good message—a message of equal opportunity and strong values that are shared by all Americans. The Howard incident served only to underscore what I already knew: while the road toward broadening our party may be bumpy, it is a road we must travel nonetheless.

SENIORS SHOULD BEWARE OF HUCKSTERS TRYING TO SELL TAX EXEMPT BONDS TO AVOID MEDICARE SUPPLEMENTAL PREMIUM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. STARK. Mr. Speaker, seniors across the Nation are being flooded with solicitation from investment "advisers," who are more than not, giving very bad advice. These hucksters are trying to scare seniors into believing that they will all owe enormous amounts of money under the new Medicare supplemental premium.

Not true! Most seniors will owe nothing. The average supplemental premium among the 40 percent of seniors who will pay something is less than $300 per year, and less than 10 percent of all seniors will pay the maximum.

Does it make sense for seniors to switch their investments out of taxable securities and into tax exempt bonds? In the overwhelming number of cases, it does not! Especially when one factors in the finance charges of these "advisers."

Following is a good analysis from the March 20, 1989, issue of Forbes. As the headline on the article says:

Should you go into municipal bonds to avoid the new 15 percent Medicare surtax? Probably not, unless you should have been in munis to begin with.

The full article follows:

MEDICARE TAX

(By Ben Weberman)

To judge by the letters that come in from subscribers, a lot of bond salesmen are out there pitching municipals as a way of avoiding the new Medicare surtax. But the case for munis on those grounds is weak. Look closely at the numbers before you buy the argument.

The surtax, which runs as high as $1,600 a year for a couple, is hardly heavy enough to justify a radical change in investing philosophy. In effect, the 15 percent supplement adds about 4 percentage points to the marginal tax rate for someone in the 28 percent bracket. How serious is another 4 percent tax on your return from a bond? Not too serious. On a taxable 9 percent Treasury it docks less than 0.4 percent from your yield. Probably not enough, in short, to make a critical difference in whether the Treasury is a better deal than a municipal.

The surtax arrived via the Medicare Catastrophic Coverge Act of 1988, which increased the premium by an extra $4 a month for catastrophic-illness coverage. According to the American Association of Retired Persons, about 40 percent of Medicare enrollees who pay federal income taxes will be affected by the surtax, which is 15 percent of the regular income tax bill, up to a maximum surtax of $800 per person. The ceiling is reached when an individual's tax passes $5,350 or a couple filing jointly has tax of $10,650 or more.

Remember, the supplement is based on tax, not on taxable income. According to Arthur Andersen, an individual must have taxable income in 1989, after all deductions, of about $27,700 to pay $5,350 in taxes. A couple—both enrolled in Medicare—would have to have taxable income of $52,400 to escape the reach of the surtax. The surtax goes into effect for the 1989 tax year, with tax due in April of 1990.

There is, to be sure, good reason for certain investors to buy municipal bonds. If you're in the 28 percent or 33 percent bracket and are buying long-term bonds, you will get a better yield on a high-grade muni than on a Treasury. The long Treasurys are paying 9.2 percent, or 6.6 percent after federal tax. Good-quality long munis, by contrast, pay 7.5 percent or better.

How does the surtax change the picture? Slightly in favor of the muni. The surtax turns the 28 percent bracket into 32.2 percent. It doesn't do anything to people in the 33 percent bracket, since that bracket begins after the Medicare surtax leaves off. A couple will have to have taxable income above $74,850 in 1989 to be in 33 percent territory. But their surtax obligation is over after they've crossed the $52,400 mark.

How about investors who are afraid of rising interest rates and therefore prefer short-term bonds? In most cases they're better off in Treasurys, whether they are in the 28 percent, 32.2 percent or 33 percent brackets. The three-year Treasury, for example, is paying over 9 percent—even better than the long Treasury—while three-year muni paper is in the 6.4 percent area.

For the longer maturities the advantage to tax-exempts is still there, but smaller than it once was. George Friedlander, managing director of municipal research at Smith Barney, notes that yields on 10-year, 20-year and 30-year tax-frees are low relative to yields on similar maturity Treasurys—lower, recently, than since early 1987. Supplies of munis are curtailed and demand is high. But even at these levels, municipals are attractive in terms of their current aftertax yield.

Once caution is in order, however. If the yields on munis, relative to Treasurys, revert to their historical norms, then the market value of those munis will suffer (again, relative to Treasurys). What we have here is the inescapable fact that a rise in yield creates a fall in market value. In short, don't buy munis if you think they will once again become as plentiful (in relation to demand) as they once were.

State and local bonds that carry a full faith and credit obligation pay 7 percent for the 10-year maturity. That compares with 9.3 percent on 10-year Treasurys, equal to an aftertax return of 6.7 percent for anyone in a 28 percent bracket or 6.2 percent for a 33 percent taxpayer.

At the 20-year maturity range, the general market insured tax-exempt pays 7.7 percent, while the Treasury carries a yield about the same as on a 10-year. This is even more advantageous for the municipal bond investor. But it's also riskier for the muni buyer. If rates on munis do rise a bit relative to Treasurys, the market value loss will be the worst for the longest bonds.

Friedlander says that the benefits of tax-frees are even more apparent for investors in high local tax states, such as New York and California. Historically, this benefit has caused bonds of such states to sell at yields substantially less than those on general market names. Recently, because of supply increases, bonds from high-tax states have been available at rates not much lower than those elsewhere. Indeed, 20-year New York issues now pay the same as 20-year bonds of other states.

In short, munis may or may not be good for you, but whether they are depends more on what maturities you are looking at than on whether you are affected by the Medicare surtax.

NATIONAL DAY OF RECOGNITION OF THE POLISH ARMED FORCES OF WORLD WAR II

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to ask my colleagues to join in supporting House Joint Resolution 147 to designate September 1, 1989, as "National Day of Recognition of the Polish Armed Forces of World War II."

On September 1, 1939, the armed forces of Adolf Hitler's Third Reich overwhelmed the Polish frontier and ignited World War II. Polish soldiers fought valiantly against this onslaught before capitulating. Over 66,000 Polish men and women died. Over 500,000 were taken as prisoners of war. Those who escaped distinguished themselves in numerous battles fought in North Africa and Europe, including battles at Tobruk, the Falaise Gap, and Monte Cassino.

We all owe a debt of gratitude to these courageous Poles. Their sacrifice at the beginning of the war, and their tenacious struggle during the entire war, provided inspiration for the triumphs against fascism which followed.

The recent revelations, now clear even to the Polish Government, of the massacre of Polish officers by Soviet troops during World War II give us further reason to recognize the heroism of the Polish Armed Forces. Just last week the Polish Government finally admitted it was Stalin's army that in 1941 massacred thousands of Polish officers being held in prison camps inside Poland. The Polish people have known this for years. Solidarity erected a monument to those killed in the Katyn Forest. The monument was removed by the Government in 1981. The Soviet Union, to this day, asserts against all evidence that the Nazis were responsible for the massacre.

Mr. Speaker, this legislation is in tribute to those valiant defenders. I am pleased to be a cosponsor of this bill and call upon my colleagues and all Americans to join me in recognizing the valor and sacrifice of the Polish Armed Forces of World War II.

DAVID A. LINDEMAN HONORED

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. DELLUMS. Mr. Speaker, in recognition of the Sixth Annual Awards Dinner of the Over-Sixty Health Center in Berkeley, CA, held February 11, 1989, I would like to memorialize the center's tradition of honoring those who have contributed to the health and welfare of older people.

The outstanding services award is given to David A. Lindeman, D.S.W., director of the Northern California Alzheimer's Disease Center and a senior analyst at the Institute for Health and Aging, University of California, San Francisco. Dr. Lindeman received his D.S.W. in gerontology, health planning, and research methods from the University of California, Berkeley, in 1987. He is a recipient of a number of fellowships among them the Pew doctoral fellow; Regents Fellow University of California, Berkeley; and the Jake Pilter Award. Aside from various memberships in different associations Dr. Lindeman has authored and coauthored over 20 publications on Alzheimer's disease and related dementia, and health planning and long-term care for the aging.

In honor of the late John George, member of the board of supervisors, Alameda County, CA, who worked diligently with the senior community on vital issues affecting the aged, the John George Community Service Awards is bestowed on Rose L. Burrus, community activist, advocate for long-term community care and who worked closely with Supervisor John George to develop the Alameda County Mental Health Advisory Commission; Helene London, one of the founding members of the Over-Sixty Health Center and advocate for elderly programs; and Isabel Van Frank, honorary member of the board of directors in Alameda County, one of the cofounders of the Alameda County Ombudsman Program and the Over-Sixty Health Center and a long time advocate for the poor and disenfranchised.

NATIONAL RURAL HEALTH CARE ACT (H.R. 950)

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. ROYBAL. Mr. Speaker, for far too long, this Nation has taken a piecemeal approach to meeting America's rural health care needs. As more and more reports come in detailing the growing problems with America's rural health care system, Congress must move quickly to develop a coherent and comprehensive Federal policy such as that detailed in our National Rural Health Care Act. The time has come for Federal, State, and local governments and the private sector to join forces to both develop and fund an American rural health care system.

That is why I and my colleagues introduced the National Rural Health Care Act on February 9, 1989. Joining me in introducing the bill were Representatives IKE SKELTON, WALTER JONES, ROBERT GARCIA, CHARLES WILSON, WALTER FAUNTROY, JOHN LEWIS, ROBERT KASTENMEIER, CLAUDE HARRIS, ROBERT ROE, MERVYN DYMALLY, CARL C. PERKINS, CHARLES RANGEL, NICK JOE RAHALL, GREG LAUGHLIN, JIM JONTZ, ROBIN TALLON, MATTHEW MARTINEZ, VIC FAZIO, STEVE GUNDERSON, MARTIN LANCASTER, CHARLES HATCHER, HARLEY STAGGERS, E DE LA GARZA, THOMAS FOGLIETTA, ROBERT MRAZEK, BILL RICHARDSON, CHARLES RANGEL, and BEN NIGHTHORSE CAMPBELL.

For several years, the committee and its task force on the rural elderly headed by Representatives MIKE SYNAR AND TOM TAUKE have focused attention on the special problems facing poorer and older rural Americans and have been deeply concerned over the state of America's rural health care system. That examination, coupled with a hearing by the committee and its task force on the rural elderly in 1987, convinced us that rural communities, as is the case in our central cities, are in desperate need of assistance when it comes to health care. Many communities experience great difficulty recruiting health professionals. Many rural hospitals are closing or are in jeopardy of closing. Many needed health services—including disease prevention, mental health care, skilled nursing home care, home health care—are often not available in rural areas.

Providing health care to rural Americans has been a difficult problem throughout history. This problem results from a combination of factors: longer travel distances, insufficient numbers of quality health care providers,

lower incomes in general, higher rates of being uninsured, and higher proportions of the elderly and poor. In recent years, most policymakers have come to agree that the problems of health care in rural America are substantial and appear to be growing.

Given the problems facing Medicare and Medicaid beneficiaries living in rural America, there is an urgent need to strengthen the rural health care system so that beneficiaries can fully access the benefits of these two programs. No Medicare or Medicaid beneficiaries should face limited access to critically needed care just because they live in rural America. With all the health care problems facing rural Americans, there is no doubt that we need to quickly develop and finance an American rural health care system. However, this cannot be done in isolation, but must be done in the context of what we have yet to do in urban areas as well.

No longer should we sit by and allow large numbers of Americans to lose access to vital health services. Now is the time, through the introduction of the National Rural Health Care Act, for us to sent a message that the Federal Government will play its rightful role in ensuring health care access in both urban and rural communities.

Mr. Speaker, I ask that the bill description be included in the RECORD.

NATIONAL RURAL HEALTH CARE ACT OF 1989—H.R. 950

TITLE I: MEDICARE PROVISIONS

Sec. 101. Propac study of rural hospital payments

The Prospective Payment Assessment Commission is to conduct a study of what should be "reasonable" hospital costs paid by Medicare. This study should also examine the role of Medicare with respect to charity care for non-Medicare recipients. The study is due on January 1, 1991.

Sec. 102 and 103. Development of medical care access facilities (MedCAF) and uses for underutilized hospital bed capacity

Hospital bed transition funds would also apply to the development of MedCAFs and would apply whether the hospital is to be closed as a hospital or the hospital is to be restructured. MedCAFs would be eligible for an additional $200,000 development grant to serve as an incentive to either a) transition hospitals or b) create MedCAFs in communities without a hospital, but with documented need. Authorized funding is $30 million for 1990, $40 million for 1991 and $45 million for 1992.

Eligible sites are required to be in 1) a rural medically underserved area (MUA), 2) a frontier service area (less than 6 persons per square mile; distant (more than one-half hour travel time) from city of 5,000 or more; minimum of 500 square miles) or 3) a small rural county (less than 20,000).

MedCAF is a facility which provides ambulatory primary, emergency, urgent, and surgical care, provides basic inpatient care with up to 10 inpatient beds and provide ancilary services including radiology and laboratory) in frontier areas with populations between 1,000 and 5,000. The Secretary of the Department of Health and Human Services may waive the minimum and maximum populations qualifying for MedCAF designation when the geographic area is similar in character to the MedCAF areas defined above. The maximum number of days allowed per hospital stay is 2 days (48 hours) with an exception process, through the Peer Review Organizations (PRO), for allowing additional days. Each MedCAF is required to have an approved quality assurance plan. MedCAFs are required to accept both Medicare and Medicaid patients.

Reimbursement for hospital care in a MedCAF will be by DRGs tied to a cost-of-doing business index (e.g., index should take into account higher overhead costs and/or stand-by capability). Reimbursement for care provided in the inpatient setting by a physician assistant and nurse practitioner is covered as long as care is provided under the supervision of a physician.

Standards for the ambulatory care part of the MedCAF are to be determined by the Secretary in consultation with appropriate provider and consumer organizations.

Multi-component technicians may be used to staff the emergency room, conduct basic laboratory tests and take basic x-rays. Standards for multi-competent technicians would include the qualifications for an Emergency Medical Technician plus the demonstration of competency based upon on-the-job-training, an approved training program or a mix of both.

Reimbursement for emergency visits will be by combination of fee-for-service (determined on the basis of a relative value scale) for the care by a physician, physician assistant or nurse practitioner and cost-based for facility. Reimbursement for primary care will be by fee-for-service determined on the basis of a relative value scale. Reimbursement for care provided in the ambulatory setting by a physician assistant and nurse practitioner is covered as long as care is provided under the supervision of a physician as per an individual State's practice act.

Sec. 104. Rural Health Clinic Program

Existing Rural Health Clinic Program.—Under the current rural health clinic program, changes are made to lower the physician productivity standard to 2.6 visits per hour and to lower physician assistant and nurse practitioner productivity standard to 1.3 visits per hour. Rural health clinics are eligible for rural health assistance scholarship recipient placements and loan forgiveness if they meet the standards for placements and loan forgiveness. In addition, they are required to accept both Medicare and Medicaid patients. Effective date is January 1, 1990.

Rural Health Clinic Demonstration Program.—In addition to the current rural health clinic program, there is a new, optional demonstration program for which existing rural health clinics may also qualify as of January 1, 1990. The demonstration program follows the same rules as the current rural health clinic program with the following exceptions:

Clinics are paid on a prospectively set, relative value fee schedule for primary care procedures only. The fee schedule is tied to a cost-of-doing-business index (e.g., index should take into account higher overhead costs, 24-hour coverage, stand-by capability).

Additional services are covered including "early detection" procedures, services by nurse practitioners and physician assistants, health education and health risk reduction services.

Clinics are eligible for rural health assistance scholarship recipient placements and loan forgiveness if they meet standards for placements and loan forgiveness.

Clinics are required to have a minimum of 40% of clinic time covered by physician assistants or nurse practitioners, certified nurse midwives or clinical nurse specialists. This minimum may be waived, subject to annual review by the Secretary, if the clinic demonstrates to the satisfaction of the Secretary that the clinic has been unable, despite diligent efforts, to recruit the above practitioners.

The physician productivity standard is lowered to 2.6 visits per hour and the physician assistant and nurse practitioner productivity standard is lowered to 1.3 visits per hour. The Secretary of the Department of Health and Human Services has the authority to lower productivity standards in areas of low population density.

Clinics are eligible for start-up Medical Practice Development Grants.

Sec. 105. Rural Medical Practice Payment (effective January 1, 1991)

In setting payment rates for rural medical practices, the rates are to utilize a cost-of-doing-business adjustment (incorporating differences in physician cost, nurse cost, utilities, equipment and supplies, capital costs) in each payment category. Also, provide a separate adjustment on a per payment basis for providing the capability (24-hour on-call coverage and "down-time" in low volume areas).

Additional changes in payments for rural medical practices include: (a) paying at the same rate for the same type of urgent/emergency visits provided at either the hospital emergency room or a physician's office while allowing hospitals to bill for the overhead costs they can currently; and (b) paying for an after-office-hours phone call for the purpose of triaging patients.

Sec. 106 and 107. Rural Nursing Home and Home Health Payment (effective January 1, 1991)

Rural nursing homes are given the option to be paid on a prospectively set "daily rate" schedule, designed by the Secretary of the Department of Health and Human Services, in consultation with nursing homes and consumers, which varies by type of patient and is tied to a cost-of-doing-business index (e.g., index should take into account higher overhead costs and/or stand-by capability).

Sec. 108. Rural Health Care Research and Demonstrations (effective October 1, 1990)

The Health Care Financing Administration is directed to increase research into how the Medicare and Medicaid programs could be changed to better cover care for rural residents.

Sec. 109. Nurse Reimbursement incentives

(See later section.)

TITLE II: MEDICAID PROVISIONS

Sec. 201. Medicaid eligibility at 100% of Federal poverty level

In order to ensure improved and uniform access by lower income rural and urban residents, Medicaid eligibility is changed to cover all people whose incomes are at or below 100 percent of the federal poverty level. (Effective January 1, 1991)

Sec. 202. Medicaid rural payments (effective January 1, 1991)

Rural Medical Practice Payment Rates (Effective January 1, 1991).—When States set payment rates for rural medical practice payment rates, the rates utilize a cost-of-doing-business adjustment (incorporating differences in physician cost, nurse cost, utilities, equipment and supplies, capital costs) in each payment category. Also, provide a separate adjustment on a per pay-

ment basis for providing 24-hour on-call coverage and "down-time" in low volume areas. In general, the Secretary of the Department of Health and Human Services is to develop an appropriate system and to provide a reasonable incentive to practice in rural areas.

Additional changes in payments for rural medical practices include: (a) paying at the same rate for the same type of urgent/emergency visits provided at either the hospital emergency room or a physician's office while allowing hospitals to bill for overhead costs they can concur; and (b) paying for an after-office-hours phone call for the purpose of triaging patients.

Rural Nursing Home and Home Health Payment Rates (Effective January 1, 1991).—Rural nursing homes are given the option to be paid on a prospective set "daily rate" schedule, designed by the Secretary of the Department of Health and Human Services in consultation with States, nursing homes and consumers, which varies by type of patient and is tied to a cost-of-doing business index (e.g., index should take into account higher overhead costs, stand-by capability).

Sec. 203. Payment for medical care access facilities (MedCAF)

MedCAFs can be covered by Medicaid as under Medicare. (Effective January 1, 1991)

Sec. 204. Direct nurse reimbursement

(See later section.)

TITLE III: PRIVATE HEALTH INSURANCE PROVISIONS

Sec. 301. Deductibility of private health insurance (effective after December 31, 1990)

Health insurance for self-employed individuals, small businesses and farms is fully deductible under the same rules as for larger businesses.

Sec. 302. Health insurance pool

Within 18 months, the Secretary of Health and Human Services, in consultation with insurers, small businesses, farmers, and consumers, is to develop a proposal for creating a self-financing insurance pool for individuals and small businesses and farms which have difficulty finding affordable private insurance.

TITLE IV: HEALTH CARE SYSTEM DEVELOPMENT PROVISIONS

Sec. 401. Office of Rural Health Care

The Office of Rural Health Care is to be located in the Office of the Secretary of Health and Human Services.

Sec. 402. State Rural Health Block Grants

State Rural Health Planning Grants.—Health planning grants are to be made available to States in order to develop rural health access plants. The formula for distributing available funds among the States is tied to ratio of non-MSA population in a State to non-MSA population in the U.S. population. The minimum for a grant is $100,000. Authorized funding is $20 million for 1990, $21 million for 1991 and $22 million for 1992.

Emergency Medical Services.—A separate rural Emergency Medical Services (EMS) block grant is established. In order to receive funding under the rural EMS block grant, the State is required to have an acceptable state rural health plan. Funding is available for start-up costs for transportation and communications and ongoing costs for uncompensated trauma care and transportation. The formula for distributing available funds among the States is tied to ratio of non-MSA population in a State to non-MSA population in the U.S. population. The minimum for a grant is $1,000,000. Authorized funding is $150 million for 1990, $156 million for 1991 and $160 million for 1992.

Sec. 403. Medical Practice Development Grants

Medical Practice Development Grants for solo and group practices, rural health clinics and MedCAFs are to be made available to increase health care providers serving underserved rural areas.

Medical Practice Development Grants—Solo and Small Group Practices and Rural Health Clinics.—Rural Medical Practice Development Grants are to be available for solo and small group practices. These grants (for training, supplies and equipment) are for practices which increase access to primary care and provide 24-hour urgent care. Grantees are required to accept Medicare and Medicaid patients. For solo and small group practices, start-up grants are up to $20,000 coupled with annual grants of $1000 and the total authorization is $6 million for 1990, $7 million for 1991; $5 million for 1992). For Rural Health Clinics, authorized funding is $20 million for 1990, $30 million for 1991 and $30 million for 1992 and start-up grants are available as follows:

Frontier areas: These areas are eligible for start-up grants of up to $120,000 for operations (maximum of 25% of grant), training, supplies, equipment and facility. A 25% match is required from the local area or the State. Also, clinics are eligible for annual non-matching grants of $1000. Eligible sites are required to be in a frontier service area (less than 6 persons per square mile; distant (more than one-half hour travel time) from a city of 2,500.

Rural counties (non-frontier): These areas are eligible for start-up grants of up to $120,000 for operations (maximum of 25% of grant), training, supplies, equipment and facility. A 75% match is required from the local area or the State. Also, clinics are eligible for annual non-matching grants of $1000. Eligible sites are required to be in a small rural county (less than 20,000).

Medically Underserved Areas (MUA): These areas are eligible for start-up grants of up to $120,000 for clinic operations (maximum of 25% of grant), training, supplies, equipment and facility. A 25% match is required from the local area or the State. Also, these clinics are eligible for annual non-matching grants of $1000.

Sec. 404. Community and Migrant Health Centers.

Community health center and migrant health center funding authorization is increased by 10 percent each.

Sec. 405. Rural health research projects

The National Center for Health Services Research is required to commit a minimum of 5 percent of new grant projects (for fiscal years 1990, 1991 and 1992) for research relevant to improving rural delivery systems. In addition, the National Center for Health Statistics is to conduct a study on how to improve the availability of data for determing medically underserved rural areas and for monitoring changed in the health status of rural residents.

TITLE V: HEALTH CARE PERSONNEL DEVELOPMENT PROVISIONS

Sec. 501. National Health Service Corps Scholarships

For the National Health Service Corps (NHSC), the authorized funding for scholarships and loan repayments is $15 million for 1990, $16 million from 1991 and $17 million for 1992.

Sec. 502. Rural and urban health assistance scholarships and loan repayments

Rural and Urban Health Assistance Scholarships and loan repayments are established. A minimum of forty percent of placements (by type of student) are targeted for underserved rural areas. Eligible sites for placements include those sites eligible under the current NHSC program, MedCAFs, rural health clinics and private practices in underserved rural or urban areas. Scholarship students are required to serve one year in an eligible site for every year of full scholarship. Loan repayments are treated the same way as in current loan repayment programs. Eligible students include primary care physicians (with the primary emphasis being on those in family practice), nurses, nurse practitioners, physician assistants, psychologists, clincial social workers, pharmacists, dentists, and other allied health professionals. For the National Health Service Corps, the authorized funding for scholarships and loan repayments is $15 million for 1990, $16 million for 1991 and $17 million for 1992. For the Urban and Rural Health Assistance Scholarships and loan repayments, the authorized funding is $15 million for 1990, $20 million for 1991 and $22 million for 1992.

Sec. 503. Health Professional Training Program

Primary Care Personnel—Effective January 1, 1991, health professional training programs funded by the federal government would be required to provide assurances that training takes into account special practice conditions of rural areas and target efforts toward students who are more likely to locate in underserved rural areas. To encourage the training of health care professionals who are more likely to serve underserved rural areas, development grants are provided to health training programs to develop and support training programs which can best place providers in underserved rural areas. Authorized funding is $10 million for 1990, $12 million for 1991 and $13 million for 1992.

Multi-competent Technicians—New training program funding is established to train multi-competent technicians to serve in underserved rural areas. Demonstration program grants may be made to hospitals, colleges and technical schools to develop model training programs for multi-competent technicians. Multi-competent technicals are technicians skilled by education/experience to perform limited routine laboratory procedures; limited radiography (chests, extremities, and abdomen) as well as cross trained as EMT I and/or II per DOT guidelines. Authorized funding is $1 million for 1990, $2 million for 1991 and $2 million for 1992.

Sec. 504. Area health education centers

Funding of Area Health Education Centers is raised and targeted toward those health professions in short supply. The number of required residencies is reduced to two. Medical schools are required to provide at least a half-time tenured faculty member to serve as the director. Authorized funding is $20 million for 1990, $21 million for 1991 and $22 million for 1992.

Sec. 505. Continuing education for nursing personnel

Continuing education of nursing personnel is increased through a program to bring continuing education (e.g., via satellite transmission) to rural areas.

TITLE VI: MENTAL HEALTH CARE PROVISIONS

Sec. 601. Alcohol, drug abuse and mental health block grant

Effective January 1, 1990, States receiving alcohol, drug abuse and mental health block grants are required to document the mental health needs in rural areas and document State's level of effort with respect to providing mental health services in rural areas.

Sec. 602. NIMH research on rural health service delivery

Funding is provided for research on rural mental health care delivery systems through the National Institute on Mental Health. Authorized funding is $5 million for 1989, $5 million for 1990 and $5 million for 1991.

NURSE REIMBURSEMENT INCENTIVES

Secs. 109 and 204. Nurse reimbursement incentives

Reimbursement.—Provides direct Medicare and Medicaid reimbursement for nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified registered nurse anesthetists beginning as of January 1, 1991.[1]

Services.—Services are defined as those services covered as physician services and within the scope of state nursing practice laws. These services could include services provided in nursing homes, hospitals, patient homes, and ambulatory care settings.

Reimbursement Level.—Direct reimbursement will be by a fee schedule based on relative value scales established by the Secretary. For the purposes of this bill and by January 1, 1991, the Secretary, in consultation with an advisory panel made up of experts and representatives of nurses affected by this Act, is directed to: 1) design a resource-based relative value scale fee schedule; and 2) conduct a study of the relative costs for physician services and for nurse services (as authorized under this Act) with respect to overhead (including rent, staff, billing, and malpractice insurance) and other resources and make recommendations to Congress within 18 months on relative reimbursement levels for services provided by both physicians and nurses (as defined by this Act).

Peer Review of Utilization and Quality.—Expand scope of Peer Review Organizations (PRO) to include the services performed by these nursing specialty groups (nurse practitioners, clinical nurse specialists, certified nurse-midwives and nurse anesthetists). Also, requires PROs, to the maximum extent feasible, to consult with nurses from the specialty nursing groups and to utilize nurses from the respective nursing specialty group when making final determinations of denial decisions with respect to a nurse from that specialty group.

Hotline.—Direct the Secretary, through the Health Care Financing Administration, to set up a hotline to handle difficulties which the specialized nursing groups are having relative to direct reimbursement.

[1] The reimbursement change for certified registered nurse anesthetists is for Medicaid only, since this group is already covered in a similar fashion in Medicare.

ELECTORAL REFORM INITIATIVES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. OWENS of Utah. Mr. Speaker, I am today fulfilling a promise that I made throughout my reelection campaign to introduce a series of campaign reform initiatives that will restore public confidence in our electoral process. My first proposed reform is a constitutional amendment to lengthen the terms of Congress from 2 to 4 years. It is high time we reexamine our system for electing public officials. Running for office every 2 years has become so outrageously expensive and inordinately time consuming that it threaten our effectiveness as legislators.

The need for electoral reform is clear. Public distrust is high. Voter participation is low. Campaign costs are soaring. Members of Congress are forced to devote more of their time to fundraising and less to public duties and the real business of Congress. This nonstop campaigning has become an appalling waste of taxpayer time and money.

Extending congressional terms to 4 years would cut the total costs of House elections in half. My election to the House cost $750,000 in 1988, five times what it cost 15 years ago. Four-year terms would not only result in reduced campaign expenditures, but they would also allow Members of Congess more time to concentrate on the myriad of complex national and international issues we have been elected to deal with.

The fundamental ideal of public accountability and direct representation would not be lost in this proposed legislation. To preserve responsiveness, elections would be staggered so that half the House would be elected every 2 years. The final component of my bill would be to require a Representative who declares his candidacy for the Senate to vacate his House seat.

We must ensure that the House of Representatives is an effective instrument of Government, working to the advantage of our constituents and our country. Membership in Congress should be an opportunity to focus on public service—not a perpetual effort to ensure our own reelection.

THE NATIVE AMERICAN BURIAL SITE PRESERVATION ACT OF 1989

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. BENNETT. Mr. Speaker, today I am introducting the Native American Burial Preservation Act of 1989, which would prohibit the excavation of Native American burial sites.

This month's National Geographic exposed a recent event in Kentucky where such a burial site was badly plundered by people seeking historic artifiacts for sale. The State of Kentucky attempted to prosecute the plunderers but since the people were already back in their home State, and since that State had no such law, they could not be extradited to face charges.

My bill makes it illegal for an individual to excavate or remove any remains of a native American or any materials that were buried or deposited with such remains. If a person is found guilty of such an act, he or she would be fined not more than $10,000 for each violation.

Also, States could enact laws exempting certain, specific areas from this Federal law.

This legislation applies not only to American Indian but also to Eskimos, native Hawaiians, and other natives of ancient origin.

I submit, for the RECORD, a copy of my bill, along with a copy of the recent National Geographic article, entitled, "Who Owns Our Past?"

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Burial Site Preservation Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States has articulated a policy to preserve and protect the inherent right of Native Americans to believe, express, and exercise their traditional religions,

(2) in enacting the American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996), the Congress recognized the importance of sacred sites, including burial sites, to the traditional religions and religious practices of Native Americans,

(3) the United States, in furtherance of its policy to preserve and protect the religious freedoms of Native Americans and the attendant right of Native Americans to engage in traditional religious practices, recognizes the need to protect and preserve the burial grounds and cemeteries of Native Americans, and

(4) vandalism of American Indian burial grounds is extensive and is growing and there is an interstate market in American Indian remains and artifacts.

SEC. 3. PROHIBITION AGAINST EXCAVATION OF NATIVE AMERICAN BURIAL SITES.

(a) IN GENERAL.—Except as provided in subsection (b), an individual shall not excavate a Native American burial site or remove any of the contents thereof.

(b) EXCAVATIONS IN DESIGNATED AREAS.—A State may permit excavations and removals prohibited under subsection (a) in any area designated by State law and containted in such State.

SEC. 4. CIVIL PENALTIES.

Any individual found guilty of a violation of section 3 shall be fined not more than $10,000 for each such violation. Any contents of a Native American burial site that are removed in violation of section 3 shall become the property of the United States.

SEC. 5. DEFINITION.

For the purposes of this Act, the term "Native American burial site" means the burial site of any American Indian, Eskimo, Aleut, Native Alaskan, Native Hawaiian, or other individual of ancient native origin of a territory or possession of the United States and the descendants of such individuals.

[From the National Geographic, March 1989]

WHO OWNS OUR PAST?

(By Harvey Orden)

The crime scene—a field in western Kentucky—looked for all the world as if a low-flying squadron of bombers had just swooped over on a practice run. More than 450 small craters, each edged by a mound of raw earth, pocked the surface of the unplanted field. But no air raid caused this destruction. It was the work of . . . but how to refer to them? Some call them relic collectors, pothunters, treasure seekers, even "para-archaeologists." Others, less forgiving castigate them as looters, desecrators, even commercial grave robbers.

By whatever designation—and for whatever motives—the ten men who dug into this field in late 1987 disturbed more than bones and Indian relics. They ripped out and crumpled an irreplaceable page of our common heritage—and raised in high relief the growing controversy over the looting, sale, and exhibition of Native American remains and grave goods. The incident has prodded the nation to ask itself the emotionally charged question: "Who owns our past?"

Miles Hart, retired detective sergeant of the Kentucky State Police, recalls:

"We got a report that some relic hunters were looting an old Indian burial ground on a farm in Union County. Headquarters sent me out to check, since any discovery of human remains has to be filed with the state.

"Now, surface collecting is a popular hobby in this area. A lot of folks have relics or arrowheads. People dig 'em up in their gardens and plow 'em up in their fields. Twenty years ago I used to pick up arrowheads myself—with permission—out of that same field. Before Mrs. Slack died and the farm was sold, she talked to me about the history of the property. I'm still interested in Indian culture, but now I carve copies of peace pipes instead of looking for real ones."

When Sergeant Hart drove out to investigate, two men came to talk with him at the farm gate but refused to let him on the site. Returning with a search warrant, he found that a water tank had been rigged with a hose for softening the drought-parched earth. Countless small probe holes punctured the brown topsoil of the 40 acres overlooking the Ohio River near Uniontown, Kentucky.

"The men had told me there weren't any human bones; it was a prehistoric campsite, not a burial ground; they had rights to dig, and I had no business there since it was private land. But looking at all those craters, well . . . I knew amateurs don't destroy whole sites like that. These people were literally mining the place. It had every sign of a commercial operation."

Sergeant Hart did find bones—clearly human—strewn among the craters. "There were jawbones, leg bones, finger bones, human teeth everywhere. We got a cease and desist order until we could figure out which laws had been broken."

The men had paid the landowner $10,000 to lease digging rights between the fall harvest and spring planting. The ten were charged by the state of Kentucky with "desecration of a venerated object"—a statute applied to crimes ranging from toppling tombstones on Halloween to Ku Klux Klan cross burnings—a misdemeanor that was punishable by a maximum fine of $500 and as much as a year in jail. Four of the ten men, however, lived in Illinois or Indiana and couldn't be extradited for a misdemeanor.

Spurred by the event, the Kentucky Legislature in March 1988 unanimously revised the law, making desecration of graves a felony—which would allow extradition in future cases. Another bill narrowly missed passage in Indiana—where grave looters can be prosecuted only for trespassing, a misdemeanor carrying a fine as low as one dollar. But supporters of the bill promise to push for a stronger law this year.

As of this writing the criminal trial of the "Slack Farm Ten" has been delayed. A parallel civil suit filed by the state (seeking return of artifacts taken from the site, costs of documenting the looting and punitive damages for the destruction of an arthaeological resource) was dismissed in August because Kentucky failed to prove jurisdiction.

Some predict the United States Supreme Court may have to resolve the issue of the state's power to regulate archaeological excavations versus landowner's rights (a cherished Kentucky principle says a property owner's rights go "from heaven to hell").

"If the diggers are found guilty in the criminal case," points out David Wolf, forensic anthropologist of the Kentucky medical examiner's office, "the provisions of ARPA (the federal Archaeological Resources Protection Act of 1979), which only apply on private property if local law has been violated, would kick in. Then the FBI could go in and seize artifacts that has been illegally taken across state lines.

"Because of the scale of the Slack Farm operation and the digger's brazen disregard for human sensibilities, we're hoping this case will spur a national burial preservation act," concludes Dr. Wolf.

Pleading not guilty, the ten defendants are backed by an influential lobby of relic collectors who see a cherished hobby (and profitable business) threatened by proposed laws and new legal precedents. Art Gerber, organizer of an annual Indian relic show in Kentucky, argues in their defense: "These guys are being made the scapegoats for what others have done for years. If it weren't for collectors, a lot of this stuff would be totally lost—plowed into pieces by farmers, washed away by floods, paved over for parking lots and housing projects. We collectors see ourselves as saving history, not destroying it."

Cheryl Ann Munson, senior archaeologist at Indiana University's Glenn A. Black Laboratory of Archaeology, counters: "It's one thing for a collector to pick up points in a field; it is entirely different to dig into archaeological sites to mine artifacts for money. The really sad thing is that we'll never know what's been taken or how it relates to what remains in the ground. Everything has been scrambled. This field is one of the prime Mississippian sites of the Ohio River Valley from the time of European contact. Now much of what we could have known is lost forever."

In February archaeologists, who had been called in by the state medical examiner's office to determine how many of the burials had been disturbed (at least 650, probably more), began mapping the site.

"We had hundreds of volunteers to help with the effort," said archaeologist David Pollack of the Kentucky Heritage Council, which coordinated the operation. "They were local students, businessmen, retired folk—everyone outraged by what they saw." After all the publicity some people who had dug up bones in the past turned them in to the medical examiner's office. There was even talk of turning the Slack Farm site into a park.

What do archaeologists know of this Slack Farm site? As far back as 1858, amateur archaeologist Sidney S. Lyon of nearby Jeffersonville, Indiana, donated some Indian relics he had dug up around there to the Smithsonian Institution. A decade later, Lyon—this time officially sponsored by the Smithsonian—conducted a more thorough survey, noting:

"There is a great field for investigation on both sides of the Ohio, near the mouth of the Wabash River. The people of the country have little or no exact information as to the number or location of the mounds. When a field is cleared inclosing a mound, and bones are ploughed up, the fact becomes known, but the existence of mounds in the woods or on the ridges is almost unknown; and as they are undoubtedly very numerous an explorer would find work enough to do."

Among the five mound groups mapped by Lyon was a concentration of more than 40 mounds at Slack Farm. Some he dug as best he could—with the rudimentary archaeological techniques of the time—and dutifully sent findings to the Smithsonian Institution. His report on this material helped provide clues on the dating and nature of ancient human occupation here—and possibly led the looters of 1987 to the site.

"This was no temporary camp without burials, as the looters claimed," notes Cheryl Ann Munson, one of the archaeologists directing last spring's investigation. "It was a major village that flourished from about A.D. 1450 to 1650. Its people belonged to the Caborn-Welborn phase of the late Mississippian period—an important protohistoric era spanning the time of first contact with Europeans. Pre-Mississippian settlements here include a much older Woodland phase—we call it Crab Orchard—that dates back to about the time of Christ."

At the height of the Mississippian period (A.D. 900 to 1400) towns and villages with flat-topped mounds serving as foundations for nobles' dwellings or temples, covered much of eastern North America. Archaeologists characterize the culture of the Mississippian people as one based on the cultivation of corn. Hence the location in rich river bottomlands of its greatest settlements: Cahokia Mounds in Illinois, near East St. Louis; Angel Mounds, near Evansville, Indiana, just 22 miles upriver from Slack Farm; and Moundville, near Tuscaloosa, Alabama.

The Slack Farm site likely drew importance from the confluence of two great rivers—the Ohio and the Wabash. In the late Mississippian, say A.D. 1500, it would have presented a scene of closely packed rectangular houses of wattle and daub construction, with peaked thatch roofs to handle the mid-western rains; extensive cornfields on alluvial bottomlands; and perhaps 300 to 500 people.

When they died, they were buried in cemeteries near their houses and granaries, with grave goods perhaps to assist them in the spirit world.

By drawing on data from other contemporary sites as well as analogies from the ways of the Choctaw, Creek, Shawnee, and other historical tribes, one can visualize many vignettes of Mississippian life: Men in river clearings burning great logs felled with stone axes, then hollowing them with adzes to make dugout canoes; others along the shore fishing with weighted nets; small hunting groups in the forested higher ter-

rain away from the river, hunting white-tailed deer; children shaping play pots while their mothers built real ones; dogs yapping and cavorting; men and women making flint tools, weaving, repairing houses, carving stone pipes. And pervading the ancient settlement at Slack Farm as thoroughly as the acrid woodsmoke from the cooking fires, a deeply rooted belief system links the visible world to a supernatural universe.

That belief system still persists in the person of Native American activists who arrived on the scene in Union County after they heard about the Slack Farm looting. Outraged at the desecration, they visited the site with Kentucky authorities and later claimed the skeletal remains under a "friend of the deceased" provision of state law.

Their claim was recognized by David Wolf of the state medical examiner's office—who played a crucial role in bringing the criminal case to prosecution. He agreed to give the Indian activists the bones for ceremonial reburial after criminal evidence had been gathered and the scientific analysis had been completed.

Among the factions of the loosely organized Indian contingent were several Shawnee from Oklahoma, who were convinced their direct ancestors had lived in this area before being driven out in the early 1800s. Others were Cherokee, Sioux, Ojibwa, Apache, even Alaska Athapaskan.

Faced with the Shawnee's contention that the Slack Farm site had been a Shawnee village, the archaeologists contacted tribal officials of the Shawnee in Oklahoma and the Miami in Indiana. Neither group claimed descent or grave goods.

"I do not believe that the modern Shawnee descended from the people buried here," says Cheryl Ann Munson. "Only with an extensive excavation and full-fledged study of the remains can we learn more and answer the descent question."

But Native American activists counter that the archaeologists simply don't want to deal with modern Indians who might interfere with their work and make claims to the grave contents—and to many museum collections, as well.

Experts agree that the Shawnee once lived in this region. Shawneetown, Illinois, is only ten miles from Slack Farm, and this whole tri-state area—where Kentucky, Indiana, and Illinois converge—is rich in Shawnee associations. Some historians place the Shawnee farther up the Ohio River during the 1500s and 1600s, arguing that they only passed through here in the late 1700s before they were driven across the Mississippi. The authoritative Archaeology of the Lower Ohio River Valley (1986), by Jon Muller of Southern Illinois University, outlines a case for the Shawnee, among others, being the descendants of the Caborn-Welborn people.

And according to Dr. Helen Tanner, research associate at the Newberry Library in Chicago:

"There are only so many tribes who might be identified with the Caborn-Welborn culture, and the Shawnee, in my opinion, are the most likely. It seems to me that many archaeologists have developed a block in tying together historic tribes and prehistoric cultures; in reality it is all one continuum."

Says Dennis Banks, longtime American Indian Movement leader who came to Union County to lead the Indian contingent: "The archaeologists say nobody knows who the descendants of these people are. They say you can't tell if they were Shawnee because they're 'prehistoric.' That's their word for 'prewhite.' It seems they're saying we Indians can't have any ancestors at all. So that gives them the right to dig them up. If you ask me, they're hardly any better than grave robbers themselves; only difference is they've got a state permit. Well, we're here to tell the world that, Shawnee or not, we are all laying claim to these ancestors.

"What if this were a white cemetery that had been desecrated? Would the archaeologists be bagging the disturbed bones and grave goods to take them for study at museums and universities?

"We're not here for a confrontation. We just want to see that the Ancient Ones get a proper reburial. Those who dug up their bones just don't understand the forces they've let loose."

The Indians set up a tepee and organized a vigil near the site, held tobacco-burning ceremonies every four days, and built a sweat lodge to purify those who came to visit the disturbed graves.

A poignant public Ancestors Day ceremony was celebrated over Memorial Day weekend—possibly to become an annual event. Two weeks earlier the first of three consignments of bones was reburied—without fanfare—by Chiefs Leon Shenandoah and Vincent Johnson of the Six Nations Iroquois Confederacy.*

A large cloud, sliding providentially across the otherwise clear sky, gave welcome relief from the hot afternoon sun as Chief Shenandoah put the cardboard boxes containing the remains of 114 Ancient Ones into holes the archaeologists had left for that purpose. In his native Onondaga language, he intoned a series of prayers.

Later he explained: "I was talking to the disturbed spirits. They can't rest until their bones are completely dust. I asked them not to harm us. I told them we are putting them back so they can start their journey to the other world again. And I prayed that they would forget all this ever happened and not take vengeance on those who dug them up."

At the end of the prayers the dirt that the original diggers had tossed aside so carelessly and that the archaeologists had so meticulously sifted was shoveled back to cover the boxes in their new common grave, well beneath the plow zone. Smoothing the mound, Chief Shenandoah set a lighted lantern beside it.

"To light their way to eternity," he said.

In Owensboro, Kentucky, tables groaning under the weight of tens of thousands of Indian artifacts stretch away through a vest ballroom lit by chandeliers. Billed as "The Indian Relic Show of Relic Shows," this annual event is enough to give terminal depression to anyone who knew the childhood miracle of finding an arrowpoint in the backyard.

Box after box is filled with points—you can get the commonest arrowheads for 50 cents to a few dollars; a finely preserved Palee Indian spearpoint brings $500 or more. A glass case displays exquisite bannerstones—the stone weights used with atlatls, the spear-thrower common before the bow and arrow came into vogue some 1,200 years ago. At one table a couple examine a shell pendant, a gorget dangling from a necklace of fine shell beads: $1,200. "It's got the weeping-eye motif of the Southern Cult," urges the seller.

While most pieces bear no label other than price, some have little museum-style ID tags: "Yankeetown, a.d. 1200" . . . "Hopewell, 200 b.c.-a.d. 200."

"You won't find much of the really good stuff out in the open," one vendor confides. "That's kept in vaults. You gotta be serious before they'll show it to you. And watch out for fakes. Even the experts get fooled."

"Did you dig this piece yourself?" you ask the dealers.

Most shake their heads. "Naw, got it at an estate sale." . . . "Bought it from a guy."

"Where's it from?" you ask.

"Well, this guy said he got it down in Georgia." Or Oklahoma. Or bought it from an old lady in Ohio.

Get too specific with your questions, and you get a peeved stare. It's like asking people details of their taxes.

"Anything from Slack Farm here?" That one brings either a blank look or a guffaw. Everyone at the show knows about the recent hoopla. Many items might be from the site—but there's not a whit of legal proof that any of them are.

Photographer Steve Wall managed to track down one piece allegedly from the Slack Farm dig: a four-inch carved limestone pipe (page 385). The collector knows of only two others, one also said to be from the farm and the other from a few miles away. The man who claimed he'd bought it—for $4,500—said he had confirmation of its origin from the seller. Other rare pieces have gone for hundreds of thousands of dollars. Most diggers, though, would tell you they're lucky to make the equivalent of mimimum wage for their hours of shoveling in the hot sun.

"For the vast majority it's the sport and adventrue of it, not the financial gain," says Art Gerber, whose show is one of scores held throughout the country each year. Yet some dealers—including Gerber himself—have collections in their vaults that would make a museum curator cry with frustration. Most of these pieces are what archaeologists call "without provenance"—no record of the physical content from which they were dug. Hence, they are nearly useless for the interpretation of history. Literally, pieces lifted from the puzzle of our common past, never to be fitted.

"Watch out for copperheads!" warned Ed Hastings as he led the way up the hillock behind Slack Farm. Ed has been roaming these bluffs and terraces above the lower Ohio for more than half a century. He was a "surface hunter," making his finds on the ground, not under it. In recent years he's given up even that, becoming purely a mapper of Indian cemeteries and sites. "I've recorded more than 250 sites, some larger, some smaller than this one, all within a hundred miles of here. I guess there must be twice that many. Every so often someone will come across an old Paleo-Indian point out here dropped by a hunter maybe 10,000 years ago. Some of these ancient settlements are layered like wedding cakes, going down maybe a dozen feet.

"When those diggers dug here, they mixed up all the layers and tossed the bones around like to much sewer pipe. No respect for the dead. I've found quite a few bones, too, in my time. Once I found the whole skeleton of a mastodon. But whenever I found human bones, I reburied them with a prayer. Maybe it's because I've got a drop of Apache blood. That was the only time I dug—to put 'em back.

"The diggers say they weren't digging for bones, just pots. But look at all those probe holes among the craters—thousands of 'em. You don't make those looking for pots at random. You'd never find much that way. You make all those probes because you're looking for the soft feel of bones. If you find bones, chances are you're going to find

grave goods too. That's where the money is. The only bones they usually take are the whole skulls—people buy 'em as candle holders.

"But I don't see these guys as monsters, like some people do," Hastings continued. "I know the lure. I stopped even surface huntin' because I came to realize it was wrong to take this stuff for yourself. This is everybody's history, not just yours or mine. It shouldn't be for personal profit. I'm not tellin' others to stop surface huntin' or collectin'. But I do say this:

"Don't dig—you destroy history when you do. And don't buy the stuff either. If everybody stopped buyin', these guys would do a lot less destruction. Me, I still hunt for sites but only with my eyes. Those bones down there—they're everyone's ancestors. I say let 'em rest in peace!".

CULTURAL TREASURE: PRIVATE OR PUBLIC DOMAIN?

The excavation and study of archaeological sites in the eastern United States have revealed much about the Archaic, Woodland, and Mississippian periods.

Thousands of sites from millennia of occupations dot the terraces overlooking the Mississippi and Ohio Rivers—prime locations that offered good transportation, excellent hunting and fishing, and rich alluvial soil for growing corn.

Undisturbed strata at the Slack Farm site show major occupations from about 200 B.C. to about A.D. 1650. The last settlement—probably flourishing when Columbus made his New World landfall—belonged to the Caborn-Welborn phase (about 1450-1650) of the late Mississippian period. Only a handful of Caborn-Welborn village sites are known—all have been damaged by looters.

The Slack Farm looting and other incidents across the nation may lead to new legislation in many states—perhaps even a federal law—to safeguard burial sites located on private land, raising a series of yet to be resolved legal questions:

Can a landowner give or sell digging rights to relic hunters? And who should have a say in regulating the digging of burial sites: The landowner? The state? The federal government? The archaeologists and museum curators? The descendants of those whose bones and grave goods they are—specific Indian tribes or all Indians? All Americans who claim the history of their land as part of their national legacy?

Among the few intact artifacts recovered by archaeologists at Slack Farm, two burial pots show the characteristic shape and handles of the Caborn-Welborn culture. Also overlooked by the looters was a fragment of a tiny pot, perhaps made by a child while the mother was firing larger bowls and pots; in a hauntingly human touch, the child's centuries-old fingerprint can still be seen inside the bowl.

Whatever else may have been pirated away from the site will be all but useless for archaeology. Even if an artifact ends up on a dealer's table or in a private collection—like this red catlinite pipe, allegedly from Slack Farm—it will remain forever out of context, a displaced piece of the puzzle of our cultural heritage.

U.N. HUMAN RIGHTS COMMISSION CONDEMNATION OF ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. HOYER. Mr. Speaker, last Thursday the U.N. Human Rights Commission meeting in Geneva passed a landmark resolution condemning Romania's human rights practices and calling for a special rapporteur to investigate conditions in that country and report to the Commission in 1 year's time.

The resolutions comes at a time when Romanian activists and the population as a whole are under tremendous pressure from authorities. Doina Cornea, a courageous and eloquent human rights defender in Cluj, remains under virtual house arrest. Over a dozen journalists in Bucharest—including Petre Mihai Bacanu, Anton Uncu, and Mihai Creanga—have been arrested on suspicion of publishing an independent manifesto. Their whereabouts and condition are unknown. Religious believers and minority group members struggle to maintain the integrity of the institutions that serve their special needs. Urban and rural dwellers are threatened equally by Romanian President Ceausescu's program of sistematizare, or sistematization, which calls for the destruction of entire villages and city neighborhoods and for the forcible relocation of inhabitants. Refugees continue to flee repression in Romania, streaming into Hungary and Yugoslavia.

The Romanian delegation to the Commission predictably and immediately announced that the Romanian Government would not comply with the resolution's mandate for an envoy appointed by the Commission to visit Romania. Less than 2 months ago the Romanian Government reacted in a similarly cynical fashion to the concluding document of the Vienna review meeting of the conference on security and cooperation in Europe, proclaiming that it would comply only selectively with that document's provisions.

Whether or not the Romanian Government allows a U.N. investigator to enter the country, the Human Rights Commission's resolution represents a significant and timely advance in the growing international campaign to call attention to the unacceptable human rights conditions in Romania. Only 7 countries came to Romania's defense by voting against the resolution, as against 21—including the United States—that supported it, 10 that abstained, and 5 that did not participate. The Soviet Union, Ukraine, Bulgaria, and the German Democratic Republic were among the latter group. While they did not join Hungary in condemning Romania's human rights performance, nor did they support the Romanian position.

The message in all this for Romania is that in its growing isolation it cannot hide from the eyes of the world. It will be held accountable for its actions by the community of nations in which it aspires to be a respected member. Whether in the context of the CSCE process or of the United Nations, the Romanian regime is recognized as, and increasingly condemned for being, a flagrant abuser of human rights.

THE DOMESTIC CORPORATION TAXATION EQUALITY ACT OF 1989

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. FRENZEL. Mr. Speaker, I am introducing today for myself and Representatives ARCHER, BENTLEY, BROWN of Colorado, CHANDLER, COBLE, GIBBONS, GRADISON, GUARINI, JOHNSON of Connecticut, JENKINS, ROSE, VANDER JAGT, and WOLF the Domestic Corporation Taxation Equality Act of 1989. The bill addresses the problem of double taxation resulting from: First, four States' use of that method of corporate tax assessment called worldwide unitary tax; and second, the taxation by eight States of dividends received by American corporations from income earned by their subsidiaries overseas without giving any credit for foreign taxes on that income.

State governments in the United States have traditionally used a formula to ascertain how much of the income of a single corporation doing business in the United States should be taxed by each. Most often that formula is the amount of the corporation's payroll, sales, and property in the taxing State compared to all States in which it does business. About one-half of the States apply this "unitary tax method" to multicompany groups operating in more than one State. "Worldwide unitary taxation" carries the application of the unitary tax method one step further to include overseas affiliated corporations.

The use of worldwide unitary taxation necessarily results in international double taxation; once by the host country and again by the State using the method. The application of worldwide unitary taxation to the overseas subsidiaries or affiliates of U.S. corporations also results in over taxation of income because of noncomparable costs of United States and overseas apportionment factors such as property and labor costs.

The double taxation which occurs when a few States tax intercorporate dividends received by American corporations from their overseas affiliates would be remedied by the second section of the bill. The principle is the same, that income was earned outside the United States and the taxing jurisdiction of any State, and is subject to the tax of the country in which it was earned. The four States that use worldwide unitary taxation do not separately tax intercorporate dividends received by American corporations from their overseas subsidiaries because the worldwide combination of the income of the parent and affiliate corporations already includes that income. Without the requirement of the second section of the bill for a tax credit or exemption, those States could again doubly tax such income by separately subjecting it to tax. Hawaii, Iowa, Maine, Mississippi, New Hampshire, New Mexico, Rhode Island, Vermont, and the District of Columbia, separately tax such dividends without allowing any credit

or exemption for taxes paid in the country in which that income was earned.

The Federal Government has agreed not to use worldwide unitary taxation in every income tax treaty to which it is a party. In fact, worldwide unitary taxation is not used by any other country in the world or by 41 of the 45 States which tax corporate income. Alaska—but not for oil companies, California, Montana, and North Dakota are the only taxing jurisdictions that use worldwide unitary taxation.

There are those who think the problem has been solved because in the past several years eight States have abandoned the use of worldwide unitary taxation and California, Montana, and North Dakota have modified their use of it. However, the need for a Federal solution remains. All three States, while allowing corporations to elect whether or not to be taxed under worldwide unitary taxation, require the payment of a fee or higher rate of tax for the right to make that election, make the election binding for a number of years, and impose an additional administration burden by demanding that corporations prepare and file detailed information on all worldwide affiliates.

California still doubly taxes U.S. corporations and discriminates against them, because their foreign counterparts are not being taxed the same way—California includes all of the worldwide income of United States 80/20 corporations—those with less than 20 percent of their activities within the United States—in the domestic tax base, while excluding the overseas income of foreign corporations having less than 20 percent of their activities in the United States.

Not only is it patently wrong to doubly tax and discriminate against American companies, it is short sighted in these terms of intense global competition. We have asked our corporations to modernize their facilities, improve efficiency, reduce costs, and develop products to compete in a highly competitive global marketplace. We have negotiated wide ranging free trade agreements and treaties and enacted legislation to ensure a "level playing field" for our corporations, but we have ignored the practices of a few States which detract from the ability of our corporations to compete internationally.

We have lived far too long with the disruption to this country's foreign policy which results from the use by a small minority of States of a method of tax assessment that contradicts the method used by the Federal Government and the rest of the world. The adverse effects upon the ability of the Federal Government to carry out its tax and investment policy in the international arena and to manage the sensitive issue of international double taxation has been described by President Reagan, Secretary of State Shultz, Secretary of the Treasury Baker, and in briefs recently filed by the Department of Justice in pending litigation.

The legislation will not violate States' rights or alter the taxing jurisdiction of the States. It only requires the four States which still utilize worldwide unitary taxation to use the same method for sourcing corporate income that is used by the other 41 of the 45 States which tax corporate income, the Federal Government, and every foreign taxing jurisdiction in the world. It also asks the few States that tax intercompany dividends received the U.S. corporations from their overseas subsidiaries to do so equitably, by recognizing that the income from which those dividends are paid has been taxed overseas. If the legislation is enacted States will remain free to tax all income generated within their borders, at whatever rate they choose. The bill will even permit any State to use worldwide unitary taxation as so long as a reasonable opportunity is allowed the taxpayer to compete its income on a nonworldwide unitary method.

I trust that my colleagues will recognize that the enactment of this legislation is not only needed, but long overdue. If we are to truly make American business more competitive in international markets and require our trading partners to help us ensure a level playing field for such competition, then we must at a minimum see that such requirement is met within our own country.

SOME ADVICE FOR ADMINISTRATION APPOINTEES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. ROHRABACHER. Mr. Speaker, the following article appeared in the Washington Times on March 7, 1989.

Although incoming appointees certainly get enough free advice from all quarters, this article merits particular attention; unlike the vast majority of "rules" and "political axioms" eager pundits levy upon the new arrivals, the advice this article contains may be worth a lot more to a new appointee than he or she pays for it.

ADVICE TO INCOMING APPOINTEES

(By Kenneth Tomlinson)

For years you have labored in relative obscurity raising money or contributing to policy for a presidential candidate. Or maybe you once lived across the street from the new president, or the new chief of state was profoundly influenced by that article you did last year for Commentary.

Whatever the reason, your ship has come in. You have been tapped by President George Bush to head a bureau or commission, or even a federal agency.

These are heady times for you—days that may well be the most exciting of your life. But don't forget that for every presidential appointee whose job enriches his or her life or pocketbook, there are examples of reputations ruined by federal service. If history repeats itself, a few of you may even land in jail.

Before I accepted my first job in the Reagan administration, I was lucky enough to be the recipient of advice on managing in government that proved critical to the two great years I spent as director of Voice of America.

For what it's worth, here are the basic rules that enabled me to enjoy the experience.

REMEMBER YOUR GOALS

Before I settled into Washington, a friend and former Carter administration official called with a confession that rather surprised me. "In the eyes of the world I was a success," he explained. "At the end of each day my in-box was empty and my out-box was full. I kept all the balls in the air. But when it was over, I realized I had failed to accomplish the two or three things that I went into government to do."

Each week you are in office, force yourself to remember why it was you wanted the job. And organize yourself so that others handle the busy work of the agency, while you concentrate on accomplishing your goals. Everything from the plague of interminable government meetings to the constant overview of Congress will work to take your eyes off the ball. But as Winston Churchill said, "Never, never, never give in."

If you don't have goals, get some. Call others who have served in the post and seek their advice. Or do the same with political friends.

Remember the words from Proverbs: "Where there is no vision, the people perish." The same is true for federal agencies. Where people are not working toward specific goals, stagnation or mayhem is inevitable.

Once you have your goals, be sure to communicate them to the people in your agency and your colleagues in the administration. Do an op-ed piece for a newspaper or an article for a magazine, setting forth what you want to do.

If you can't talk about your goals in public, then you'd better get some new ones, because hidden agendas and secret plans are out in today's Washington. If you don't believe me, ask Adm. John Poindexter.

GLAD YOU ASKED, JACK

On your first day in the job a seemingly wise administrative-type may explain that there's a way to get the government to cover your moving expenses. Never mind that the law says that presidential appointees must move themselves to Washington. He will explain that as a temporary senior executive service officer, as you await Senate confirmation, it can be arranged for the government to pick up your moving tab.

Don't do it.

During your first weeks, a bureaucrat will come to you with plans to remodel your office or build you a new bathroom or, as was the case at Voice of America, create a plush new hallway leading to your office that would have been crowned the Executive Corridor.

Don't do it.

In giving a party—even for your employees—pay for it yourself, despite the fact that your administrative officer will assure you the tab can easily be absorbed in your budget.

People trying to ingratiate themselves with you—or show you the path to power and influence in Washington—will sorely tempt you with plans and schemes, many of them seemingly innocent in nature.

You will avoid these traps because you will come to your job equipped with the concept that before you make a move in government you'd better ask yourself if you could truthfully respond to a call from columnist Jack Anderson with the words: "Glad you asked that, Jack."

Your honesty will be rewarded—or your dishonesty repaid. Leaks are a form of participatory democracy. Once you are in a federal post, you can count on having no secrets.

CHOOSE YOUR STAFF—CAREFULLY

As soon as you land your job, you'll be hearing from White House personnel with ideas for your deputy or even your executive

assistant. You'll get names from people who helped you get your job. You don't want to stonewall the White House or your friends—after all, these are the people who put you where you are—but be wary of letting someone else choose your key staff.

Even in this age of enlightenment, loyalty still is a critical factor in staffing an agency. And chances are that the deputy someone else chooses for you in actuality is going to have his eye on your job.

You will be surprised at how few new people you can hire for your agency—so that makes your selection even more important. Your staff should complement your own capabilities. If you are a politically driven idea person, don't recruit another policy-type as a key adviser, because what you really need is an organizer to get things done.

What about the career types that you will find running the agency when you arrive? Be careful. If you place yourself in their hands, you'll sleep well at night and you'll have a fine time at ribbon-cutting occasions, but chances are you will have little real impact on your agency.

Does this mean you should freeze out career people? Absolutely not. Many former agency heads I know assert that over the long haul, career people are more important in accomplishing goals than your political appointees. But these will be career people who decide to support your program—one hopes because they believe it is best for the health of the agency.

FOLLOW THROUGH

You can communicate your program in the press and on Capitol Hill, but don't assume your subordinates are carrying out your goals—no matter how worthy.

It's human nature. Your goals weren't their ideas.

Indeed, it is no accident that your agency has drifted in a direction that you want to change. There were good bureaucratic reasons why that happened.

When I went to VOA, I thought it would be easy to erase the political conflicts that long had plagued the agency. America doesn't speak with one voice. We speak with a rich diversity of voices, so why not stop warfare between the left and the right by making the VOA reflect the dynamic voices of America.

All this sounded great in confirmation hearings and op-ed articles, and everyone prepared for a new era of peace at VOA.

There was but one problem. Senior managers explained program changes couldn't be done. Even in this era of high-tech broadcasting, engineers argued that interviews by telephone were not good enough for shortwave broadcasting. Not coincidentally, telephone interviews would require far fewer engineers.

Senior broadcast executives said it couldn't be done. They balked at programming changes that would have greatly increased outside participation, using the model of the "MacNeil/Lahrer NewsHour." That would have required more work than the traditional one-guest, one-microphone approach.

Eventually, VOA journalists, both young and old, played integral roles in carrying out the programming reforms senior managers said could not be done. But first, barriers to changes had to be overcome.

How can you ensure that reforms are carried out? There is no substitute for follow-through. By and large, your core staff will have to carry this responsibility. But so must you. A friend tells of discovering the breakdown in the chain to be a key aide who was assuring department managers that the boss would soon become so engulfed in interagency turf wars and budget process that he would forget all about internal reforms. That's why you must constantly remind yourself of your goals. It's also why you must count on spending long hours at your agency—unless your goal is to travel the world in the lap of government luxury.

YOU CAN'T NEED THE JOB

In the early 1960s, when I was a teen-age intern on Capitol Hill, I heard a reporter ask then Montana Rep. James Battin how he could cope with the political pressures of Washington. "Because I really don't need this job," Mr. Battin thundered defiantly," and he spoke with such force that I for one believed him.

The moment you feel that for whatever reasons you need to have your political job is the moment you'd better be running for the exit. This is certainly true if you need the money the job pays. It's also true if you need the trappings of power or prestige that go with a presidential appointment.

Some of the saddest scenes I've ever witnessed are those of presidential appointees trying to hold onto their jobs after having been mortally wounded.

To me this is the unwritten side of virtually every major political scandal of our time. There were people with the sense to stop everything from Watergate to Iran-Contra—but they so needed their job, or so they thought, that they could not say no.

Putting major confrontations aside, how will you know when it is time to go? You'll know, though age (the older you get the less you have to worry about the future) and personal wealth might enable you to ignore the signs.

For me the signal came as I neared the end of my second year. I answered the phone at home one evening and a child asked to speak with Lucas, then five years old. "This is his father," I explained, "I'll get him for you."

On the other end of the line, the child turned to his mother and said, "I didn't know Lucas had a father."

When I heard that I suppose I knew deep in my heart that it was time to return to normalcy. To this day, I regret having had to leave so soon.

ROMANIA'S HUMAN RIGHTS DUE TO BE SUBJECT OF UNITED NATIONS SPECIAL RAPPORTEUR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. SMITH of New Jersey. Mr. Speaker, last Thursday in the closing days of the United Nations Human Rights Commission meeting in Geneva, a Swedish resolution was approved which would authorize the appointment of a special rapporteur to investigate Romania's human rights abuses.

The resolution expresses world-wide "concern at the allegations of serious violations of human rights and fundamental freedoms in Romania." In particular, the measure warns of "further violation of the human rights of large sections of the population," if Romania's rural systematization plans are implemented. The resolution also points to the "increasingly severe obstacles for Romania's national minorities to maintain their cultural identity."

Hungary, Romania's next door Warsaw Pact ally, has been quite vocal regarding Romania's systematization plan which includes the complete bulldozing of villages and the destruction of Hungarian artifacts, architecture and traditions, However, this most recent United Nations action and universal expression of concern is unprecedented. Of particular note is the breakdown of the vote; 21 countries voted in favor, 7 against, 10 abstained and 5 did not participate. Among those not participating were the Soviet Union, East Germany Ukraine—Ukrainian Soviet Socialist Republic—and Bulgaria. Hungary joined the United States and other Western nations in support of the special rapporteur. While not a voting member of the Human Rights Commission, Hungary cosponsored the resolution introduced by Sweden.

Dictator Ceausescu's outrageous and inhuman systematization plans are underway and families are losing their homes, churches, communities and livestock. The European Community and Council of Europe have initiated an innovative humanitarian effort to help the peoples of Romania facing destruction of their towns and villages. "Operation Romanian Villages" is seeking Western European communities—hopefully 13,000 communities—to adopt rural villages of Romania. Approximately 8,000 villages—the specific towns targeted have not been publicized—are slated for destruction eventually.

Mr. Speaker, several of my colleagues and I who have been leading the debate in Congress regarding Romania's treatment of its people recently sent a telegram to the United States representative to the Commission, Ambassador Armando Valladares. We urged the Ambassador to support the appointment of a special rapporteur in hopes that such an investigation will help improve the living conditions of the people of Romania. Mr. Speaker, over the last several years in my discussions with Romanian officials, the Ambassador of Romania, in particular, I have repeatedly asked that human rights observers be allowed into the country but such appeals have been consistently denied.

I am hopeful that the United Nations Rapporteur will be permitted to observe all aspects of human rights in Romania—the effects of systematization, the denial of religious freedom, and the right to free assembly. Mr. Speaker, I look forward to the Rapporteur's report which will be due at the 46th session of the United Nations Human Rights Commission in 1990.

CONGRESSIONAL SALUTE TO WKER RADIO, POMPTON LAKES, NJ, ON 25 YEARS OF SERVICE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. ROE. Mr. Speaker, I have always believed that effective communications among

all segments of our society is the foundation of our well-being and critical in the effort to maintain peace in the world. In this regard, it is with great pride that I rise today to salute a local radio station in my Eighth Congressional District of New Jersey which, for a quarter of a century, has provided a vital communication link to the people of the greater northern New Jersey area.

I am speaking of radio station WKER of Pompton Lakes, NJ; its visionary founder, the late Bob Kerr, and two people who have helped guide the station since its founding and whose tireless efforts have made WKER a critical asset and resource to the community, Lee Novak and Tom Niven. In honor of WKER's long and dedicated service to the people of northern New Jersey, the Pompton Lakes Chamber of Commerce will pay special tribute to this outstanding institution when it holds its annual installation of officers and distinguished service awards dinner dance on March 18, 1989, at the Regency House in Pompton Plains.

Mr. Speaker, I know that Lee Novak and Tom Niven, who have been instrumental in making WKER what it is today, will accept this honor being bestowed on their radio station with great pride. I know, too, they will be thinking of their late colleague, Bob Kerr, and the profound impact his initial efforts have made on his community.

WKER Radio was the dream of Bob Kerr, then a resident of West Milford, NJ, who had the foresight and vision to recognize that the people of northern New Jersey needed their own special source for local news and a catalyst that would help bring the area together as one community. Bob Kerr's dream was realized on October 4, 1964, when WKER went on the air. Since that time, under Bob Kerr's vision and Lee Novak's and Tom Niven's guidance, WKER has made a priceless contribution to the people of the 43 communities in its listening area, having focused its efforts on community concerns and serving as an immediate daily source for local news.

Mr. Speaker, along with providing the citizens of its listening area with news they could hear no where else, WKER has gone above and beyond the call of duty in its service to the community. Located in a flood-prone area, WKER has often been the sole communication link between civil defense authorities and the public, relaying flood emergency information to the affected area residents and remaining on the air when the station itself was flooded through the outstanding efforts of dedicated employees until the emergency had passed.

Regrettably, Bob Kerr passed on in 1982. But the fruits of his efforts live on through the tireless dedication of Lee Novak and Tom Niven, who oversee all aspects of WKER's operation and who have followed in his spirit of contributing to the community with the best in news and musical entertainment, participation in local organizations and the chamber of commerce, maintaining free access to WKER for local civic, religious and fraternal organizations, and affording the business community an effective lifeline to a vast audience.

Mr. Speaker, I know that the late Bob Kerr would indeed be proud to see how the tradition of his original vision has lived on and flourished under the guidance of his devoted colleagues, enriching the lives of the people of the northern New Jersey area just the way he intended. It is with great pride, then, that I ask you and our colleagues to join me in paying tribute to radio station WKER of Pompton Lakes, a vital communication link in northern New Jersey, and the true American pioneers responsible for its success, the late Bob Kerr and Lee Novak and Tom Niven, who have truly made their community, State and Nation a better place to live.

NATIONAL JOB SKILLS WEEK

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. MARTINEZ. Mr. Speaker, I rise today to introduce a resolution designating the week of October 8, 1989 through October 14, 1989 as "National Job Skills Week." I am happy to note that for the fourth straight year, Senator GORE is introducing identical legislation in the Senate.

The point of this resolution is straight forward and bipartisan. Economic competition among nations is increasing, and for America to meet this challenge, its work force must become more highly skilled. Republicans and Democrats agree that to keep our Nation competitive, our businesses need workers who have strong literacy and math training.

Labor Secretary, Elizabeth Dole, says we are becoming a society where jobs increasingly go to only those workers with the skills required by the new, highly competitive, information based economy. She says "many of (today's) workers don't have the basic skills they need to function in the jobs available now, much less the jobs of the future."

This "skills gap," she says, already costs businesses "billions of dollars in lost productivity, absenteeism, poor product quality, and lost time." But even more importantly, Secretary Dole urges that "we must act now if we are to avoid the haunting possibility of a permanent underclass of 'unemployables,' concentrated in poor, inner city neighborhoods afflicted by drugs and crime, and isolated from the Nation's economic and social mainstream."

I agree wholeheartedly with those comments by Secretary Dole. We need only look around us to see that a head-on collision is coming. Computer use increases, while America's reading skills decrease. Robotics use increases, while America's math skills decrease. Nine million Americans go unemployed, while business begs for highly skilled workers. Clearly, if we are to remain competitive as a nation, then we must have a work force that is competitive.

"National Job Skills Week" focuses attention on the need for a skilled work force, as well as efforts by business and government to provide it. For without a foundation of basic skills, there is no hope of effectively using the technology of today and tomorrow. I urge each of my colleagues to join with me in passing this resolution for the fourth year in a row.

NATIONAL HOSPICE MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. GRADISON. Mr. Speaker, today I am introducing a joint resolution to designate the month of November in 1989 and 1990 as "National Hospice Month." I am delighted that the distinguished chairman of the Budget Committee is joining me once again in sponsoring this resolution. Similar resolutions, which I introduced each year beginning in 1984, received strong bipartisan support and were enacted.

Hospice—an innovative, comprehensive, compassionate approach to caring for terminally ill persons as well as their families—has become a respected, viable partner in the Nation's health care system. Hospice care is now a permanent benefit under the Medicare Program and an option under the Medicaid Program.

Each year, thousands of families face the crisis of caring for a family member with a terminal illness. Hospice provides a unique program of support and care, allowing patients to remain in the familiar surroundings of their own homes or in homelike inpatient facilities. The delivery of services by a team of physicians, nurses, social workers, therapists, clergy, and hospice-trained volunteers concentrates on enabling patients to live as meaningfully and as comfortable as possible until their death. Today, there are about 1,700 hospice programs across the country.

This humanitarian method of care has proven to be an excellent way for patients and their families to cope with the stress and emotion of a terminal illness. While awareness of and support for the hospice concept has grown dramatically over the last few years, there remains a need for public education regarding the benefits of hospice care. It is also appropriate that we recognize the significant contributions made by those involved in the provision of hospice services and in the advancement of the hospice philosophy.

The public education and recognition programs conducted during National Hospice Month will continue to expand the knowledge of and support for hospice care.

I am very pleased that a similar resolution is being introduced today in the other body by Senator LLOYD BENTSEN.

IRVING KESSLER LAUDED

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. LEHMAN of Florida. Mr. Speaker, I would like to salute Irving Kessler upon his retirement as the executive vice chairman of United Israel Appeal. The United States Congress has since 1975 joined in assisting the resettlement of Jewish refugees in the State of Israel. The United Israel Appeal, a registered private voluntary organization, is respon-

sible for disbursing U.S. funds through the Jewish Agency for Israel. Irving Kessler, as the senior administrator of United Israel Appeal, has guided many of us to a greater understanding of the program, its aims, and accomplishments.

Irving Kessler was raised in Boston and earned degrees in history and government at Tufts University and at Columbia. He served with the U.S. Armed Forces during the Second World War and volunteered his services during the establishment of the Israeli State. He was the assistant director for Israel bonds and, subsequently, director of the Labor Zionist Organization in Boston. He later held positions with the Combined Jewish Philanthropies of Greater Boston and went on to become the assistant director and then the executive director of the Hartford Jewish Federation. In 1974, Irving assumed the position of executive vice chairman of the United Israel Appeal.

In his private life, too, Irving Kessler has followed in that great American tradition of volunteer service. He has served as president of the world Conference of Jewish Communal Services, as an associate member of the executive of the Jewish Agency for Israel, as chairman of the professional advisory committee to the Hornstein School of Jewish Communal Service at Brandeis University, as a member of the executive committee of the American Council of Volunteer Agencies, and as a trustee of the Association of Jewish Community Organizational Personnel.

Irving Kessler has left a remarkable record at the United Israel Appeal and in the American Jewish community. I believe that his career can be understood best in the words of the early leader of the Zionist movement, Theodore Herzl. It was Herzl who said, "If you will it, it is no dream." Irving Kessler believes that when you put your mind to it, when you add your own heart, sweat, and toil, and when you give your all, one person can make dreams become reality.

On the occasion of his retirement, I wish to applaud Irving Kessler's good work. I wish him well and thank him for the service rendered to the United Israel Appeal and to the American people.

THE DISTRICT OF COLUMBIA'S TRIO PROGRAMS 1989

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. FAUNTROY. Mr. Speaker, I wish to pay tribute to the District of Columbia's Trio programs developed to provide individualized guidance, counseling, tutoring and cultural enrichment for persons seeking to improve their status in the community.

Since passage of the Higher Education Act of 1965, post-secondary planning for disadvantaged youth and adults has been addressed by federally-funded student support service programs around the country.

In the District of Columbia 6 programs—funded by the U.S. Department of Education—assist approximately 4,000 District residents each year who eventually matriculate into higher education.

Working in cooperation with secondary and post-secondary institutions, community agencies and Government, local Trio programs play an important role in encouraging upward mobility and enhancing educational opportunities for low-income, first-generation students.

The District of Columbia's Trio programs are also an important retention mechanism for physically handicapped students in higher education and provide information about financial and academic assistance to District residents.

As a measure of outstanding success, the Trio programs coordinated by Directors Joseph Bell, Paulette Morgan, Jerry Feliciana, Anita Coleman, and John Reymer recently saluted the achievements of several Trio students.

Included among the students are Brad Mims, legislative director for Congressman JOHN LEWIS; Rhodes Scholar Barbara Harmon-Schamburger; Yolanda Galloway; attorney for Jones, Day, Reavis and Pogue; and Ronald McGowan, accountant for Peat, Marwick and Main.

I share with you the future leaders of America.

RECOGNIZING THE FAMILY COUNSELING SERVICE ON THE OPENING OF ITS NEW MAHWAH, NJ OFFICE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to honor and thank an extraordinary organization, the Family Counseling Service, of northern New Jersey. It was founded in 1956 to serve a real and tangible need; that is, helping families cope with emotional crisis. The Family Counseling Service, a United Way of Bergen County affiliate, extends its professional services to the families of my district with offices in Ridgewood and Oakland. Today I would like to pay tribute to the Family Counseling Service on the opening of a new office in Mahwah on March 20.

The mission of the Family Counseling Service is to strengthen the family through a professional and sophisticated program of education and treatment. Its dedicated staff of psychiatrists, clinical social workers, and counseling specialists meet a variety of needs which face families in the wake of depression, substance abuse, divorce, or death. This nonprofit, confidential, and comprehensive approach to healing has answered the prayers of countless families in desperate need.

Mr. Speaker, as Members of Congress, we must follow the example of the Family Counseling Service and support policies which strengthen the family. I would like to commend Robert B. Jones, executive director, Joan K. Wrede, president of the board of trustees, and Douglas Dittrick and Norman F. Nelson, vice presidents, for their leadership and dedication. To them, I extend the good wishes and gratitude of all those whose lives have been touched by the Family Counseling Service.

PROTECT OUR CHILDREN FROM TELEVISION VIOLENCE AND OBSCENITY

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. FLIPPO. Mr. Speaker, I join my colleagues in introducing the Television Violence Act which will address the problems of violence and obscenity on television. This bill will allow the television industry to undertake collective voluntary measures to curb the violence in programming seen by children without being subject to the antitrust laws for a period of 3 years.

As the father of six children, I know how difficult it is to protect our children from corrupt influences in society. Everyone must do their part to see that the next generation of leaders is prepared academically and morally to keep our country powerful and free. Television can be a strong and effective tool to educate our young people, but television industry leaders must meet and implement guidelines to reduce television violence and obscenity.

The Television Violence Act does not dictate the content of television programming, but allows network leaders to meet together to address this important issue. Congress is encouraging the television industry to be accountable for the influence which they exert over the minds of young people. Television programming should be inspiring and enlightening and should avoid the depraved. This bill simply challenges our television leaders and provides them with an opportunity to work together to put quality television within the reach of children.

In the 100th Congress we achieved successful enactment of the Child Protection and Obscenity Enforcement Act, and a number of my colleagues and I have continued action for children by cosponsoring and vehemently supporting the Child Protection Act in the 101st Congress. This legislation will add the sexual exploitation of children as a provision under the Racketeer Influence and Corrupt Organization statute [RICO], and will provide for stronger punishment for persons convicted of sexual exploitation of children.

We should all be dedicated to protecting children and strengthening the moral fiber of our society. Children, not unlike their parents, spend a large part of their leisure time watching television. Adults have the responsibility to see that television has an educational and beneficial influence on children and not a corrupting one. Congress can help the television industry meet this challenge by passing the Television Violence Act.

AMERICA MUST GUARD AGAINST LAND AND WATER CONTAMINATION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. KOLTER. Mr. Speaker, I would like to bring to the attention of my colleagues a very serious environmental problem. This problem, however, unlike many which confront us today, is one in which a solution is within our reach—in fact, we have the technology, it is affordable and quite feasible to undertake. The problem to which I refer is contamination of our water supplies.

Each year, billions of gallons of potable water are lost. Last year, for instance, on January 2, hundreds of thousands of residents of communities surrounding Pittsburgh were without water for over 1 week when an oil storage tank at the Ashland Oil facility erupted, spilling over 700,000 gallons of diesel fuel into the Monongahela River. You may also recall the tragedy that occurred in South Dakota when a 1,000 gallon gasoline spill at the Williams Pipe Line Company's facilities reached ground water supplies. That particular incident occurred early in 1987 but underscored the danger such storage tanks can pose as Williams' equipment was responsible for the contamination of either water or soil in the South Dakota area eight times since October 1983.

Mr. Speaker, current regulations require that storage tanks near navigable waters have a secondary means of containment. In most cases, this simply consists of an earthwork dike around the tank. Needless to say, in the event of an emergency, existing secondary systems can prove grossly inadequate, in that they fail to protect the public health and safety. As I stated earlier, we possess the technology to prevent this type of disaster. I am referring to a liner system. Such systems are already required in above ground storage tanks containing hazardous wastes. However, more accidents could be prevented if we were to extend this requirement to apply to secondary containment of oil storage tanks as well. These liners, usually made of polyethylene plastic have proven very effective at permanently eliminating the problem of leakage. These liners actually strengthen storage dikes and have also actually helped in leak detection. Not only can liners prevent contamination of drinking water supplies but they can be used to restore tanks themselves.

Mr. Speaker, protection of the environment and the public's welfare is of the utmost importance. Contamination of our land and our water supplies must be guarded against. I strongly suggest that the Environment Protection Agency examine the potential for a liner requirement that would help to prevent any future tragedies.

THE ARIAS PEACE PLAN: A BROKEN DREAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. CRANE. Mr. Speaker, if recent history has shown us anything, it has shown us that Communist governments break international agreements with appalling regularity. From Yalta to Helsinki to numerous arms agreements, the Soviet Union and its surrogates have shown a remarkable propensity to break agreements.

Nicaragua is a Soviet client state, and Congress should have no illusions regarding Sandinista compliance with the Arias peace plan or any other peace agreement that the current Nicaraguan dictatorship may enter into with its Central American neighbors. Indeed the Sandinistas have already established a track record of broken promises.

In 1979, when they needed the support of the Organization of American States to legitimize their regime, they promised to allow political pluralism, maintain a truly mixed economy, respect human rights, and conduct a nonaligned foreign policy. These promises allowed the Sandinistas the time they needed to consolidate their power in Nicaragua, power that enabled them to break each of the aforementioned promises.

The only force which has proven itself able to pressure the Sandinistas into honoring their promises are the Nicaraguan freedom fighters, commonly referred to as the Contras, who the United States has intermittently supported. The Congress has cut off all of the vital military aid to the Contras, and has, in effect, allowed the Contras to wither on the vine.

Congress is disregarding history at the expense of the freedom of the people of Nicaragua. It is with these thoughts in mind that I respectfully submit the following report for the RECORD.

THE ARIAS PEACE PLAN: A BROKEN DREAM

In February of 1987, Oscar Arias of Costa Rica introduced his now famous Central American Peace Plan; it was signed six months later by the leaders of all five Central American countries. Although the plan addressed the entire region, in essence, it was meant to end the 9 year-old conflict in Nicaragua. Unfortunately, for the people of Nicaragua, the Arias Peace Plan has thus far been a failure.

By signing this Peace Plan, Daniel Ortega committed the Sandinistas to working toward the democracy they had promised the people of Nicaragua nine years before. However, as was the case in 1979, it would seem that Ortega's true intention in signing the Arias Peace Plan on August 7, 1987, was to buy time in crushing all internal and external opposition rather than promoting the principles of democracy.

In March of this year, the Nicaraguan Democratic Resistance met with the Sandinistas face to face in Sapoa, Nicaragua. Resistance leaders were confident that they had reached an agreement with the Sandinistas that would finally mean "peace with freedom" for the Nicaraguan people. This was not to be the case.

Within two weeks of signing the Sapoa Agreement, the Sandinistas violated its terms. In exchange for a "definitive cease-fire," under which the Resistance would agree to lay down its arms, the Sandinistas promised, (1) an internal dialogue in which members of the Resistance would be allowed to participate, (2) unrestricted freedom of the press, and (3) release of all political prisoners. Sapoa called on the Sandinistas to sign an agreement by April 6, establishing a resupply system and cease-fire zones which Resistance forces were to occupy during a 60-day truce.

Once the occupation was under way, the Sandinistas would have to follow through with the commitments made at Sapoa. This never happened because the Sandinistas reneged on signing the agreement establishing a viable resupply system for the Resistance forces. Since that time, the Sandinista regime has disavowed itself from any agreements involving democratization and Sapoa, while at the same time using the cease-fire to their advantage.

While Nicaraguan Resistance troops are forced to become refugees in Honduras, the Sandinistas have been working aggressively to wipe out all forms of opposition within Nicaragua. For some reason, liberal democrats in the U.S. Congress have stood by and watched as the Sandinistas increase their oppression in Nicaragua, thus leaving the situation more desperate than before the Arias Peace Plan's introduction. Because the House Democratic leadership has remained faithful to Sandinista promises of democratization, the Nicaraguan Resistance is being stripped of its ability to remain a viable opposing force to the Sandinistas. This is a dangerous development for both the people of Central America and the United States.

It is now clear that the Sandinistas have no intention of working within the framework of either the Arias Peace Plan or the Sapoa Agreement. The future of Nicaragua has never been more bleak. The hope that the Arias Peace Plan originally inspired within the people of Nicaragua has turned into a nightmare. To continually ignore Sandinista insincerity toward peace can only make things worse for those who must live their daily lives under this tyrannical regime. It is time to hold the Sandinistas accountable.

ON THE DEMOCRATIC FRONT

DEAR FRIENDS: For almost eight years thousands of brave men, women and children have been sacrificing their lives in order to secure a long-desired free and democratic Nicaragua. Like those freedom fighters of the American Revolution who fought and died so that future generations of Americans could live in a pluralistic society where the rights of the individual come first, so do these dedicated Nicaraguans desire to benefit from the fruits of democracy.

When given the opportunity, the Nicaraguan Resistance was able to perform surprisingly well against a military force receiving over $40 million a month in Soviet military aid. Now, because certain members of Congress decided to place their trust in Daniel Ortega, the Resistance is no longer seen as a viable threat to the Sandinistas.

Unfortunately, the new Republican administration is faced with a dilemma that goes beyond whether the Resistance remains a capable opposition. The problem now centers around whether the next administration is going to allow the intense human suffering and the increased threat

to neighboring democracies (including the United States) that has resulted from nine years of communist rule.

Already we see the negative results of a policy that has left the Nicaraguan Resistance without U.S. military aid. The Sandinistas have increased internal repression and have been able to focus their attention on the Communist insurgents in El Salvador known as the FMLN. The rise in FMLN guerilla activity throughout El Salvador can be directly attributed to Sandinista assistance.

Another problem facing the new administration is the increasing flow of refugees into the United States (400 per week) because of persecution and the tragic state of the communist Nicaraguan economy. To quote Dr. Albert Saborio, president of the Nicaraguan Bar Association, "Six months ago the belief that Nicaragua could change was sustaining the people, but now they've lost all hope. Nicaragua is going to remain in the Soviet camp, and the people are looking for an escape."

The Nicaraguan Resistance does not want war, we want peace and freedom. One only has to look at the Sapoa Accords to understand this fact. And, as the United States has learned in dealing with the Soviet Union, peace is better served through strength. I am of the opinion that the same applies to Soviet client states.

With the help of President Reagan and President-elect Bush, the Democratic Resistance was able to come close in achieving its ultimate goal of freeing the people of Nicaraguan from the tyrannical grip of the communists. For this assistance I sincerely thank both of them. However, the battle is far from over despite what has been written in the American media. Our struggle for freedom will continue for as long as it takes to rid Nicaragua of the despotic Sandinistas.

Abraham Lincoln once said, "Those who deny freedom to others deserve it not for themselves, and under a just God cannot long retain it." The Nicaraguan Resistance believes this to be true, and as long as these ideals remain alive in the hearts and minds of the Nicaraguan people, the commitment will remain alive in us as well.

Sincerely,

ADOLFO CALERO.

THE INTRODUCTION OF THE AMERICAN CONSERVATION CORPS ACT OF 1989

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce the American Conservation Corps Act of 1989.

I have taken the bill introduced in prior years by Chairmen UDALL and SEIBERLING and more recently by Senator MOYNIHAN as S. 232, and strengthened the worker provisions relating to displacement as well as the education and training provisions of this act.

I look forward to working with my other colleagues in the House, especially Representative UDALL, PANETTA, and MARTINEZ who have chosen to combine this bill with other national service opportunities to develop the best bill possible on this issue.

A CELEBRATION OF YOUTH ESSAY CONTEST—"HOW CAN I MAKE THE WORLD A BETTER PLACE IN WHICH TO LIVE"

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. FAUNTROY. Mr. Speaker, I am honored to rise in this noble Chamber and salute the accomplishments of the winners of "A Celebration of Youth" essay contest.

These budding young writers accepted with zeal the challenge to explore and examine how the theme applied to everyday life as well as their life dreams.

Ten-year-old Joy Owens, a fifth grader at Garfield Elementary School, won first place in the elementary division. Joy lives with her mother and grandparents, and loves to read and save money. She plans to become a pediatrician.

Joy wrote:

I look at the world around me and sometimes I feel sad because of the things I see. It won't be long before my generation will be in charge of the world. We will be making major decisions which will effect us and others. From the way things look today, that's really a scary thought since I see kids my age using drugs, not respecting, nor caring about what they are doing. They seem to have lost hope. This has got to change. Michael Jackson says that we should start with ourselves and I believe that I can make the world a better place by starting with me.

Joy's teachers are Mrs. Carolyn Brown and Mrs. Saralee Bennett. The school's principal is Mr. William M.R. Pitts.

Rebekah Phillips, an 11-year-old sixth grader who attends Raymond Elementary School, won second place in this division. Rebekah is described as "sweet and caring." She likes to write and has written many short stories.

Rebekah wrote:

"I Can Make the World a Better Place in Which to Live" by trying to stop my family and friends from being prejudice[d]. So let's try to be nice in almost any mood you're in. Open up to a person that may not be your color—or if they ask you a question or need a friend. Let's all fight prejudice and make the world a better place in which to live.

Rebekah's teacher is Mrs. Gloria Younger. Ms. Deborah Nesmith is the principal.

Arthur Cheoley, a 12-year-old sixth grader at Draper Elementary School won third place in the elementary division. Arthur likes buses, airplanes and helicopters and enjoys participating in school plays and special programs.

Arthur wrote:

As a sixth grader, I can take time with small children, listen to what they say, and teach them new things. I have a younger brother who mimics my every move so it is very important for me to set a good example.

There is something that each of us can do. If we all do some of the little things, we will be surprised at what a big difference we can make.

Mrs. Cora Kirby is Arthur's teacher and Mr. Edward Stewart is the principal.

Jennifer Valentine, a ninth grader from Eliot Junior High School won first place in the junior high division. Jennifer is a member of the band, the Junior Honor Society and on the senior class committee.

Jennifer wrote:

The most important thing that I can do to make this world a better place in which to live is to make sure that I do not commit any acts which will bring disgrace to myself, my family or anyone with whom I associate. Another thing that I can do is to secure my future by getting my education now. If I do my very best now, then most likely my future will be a productive one.

Jennifer's teacher is Ms. Sharon Graham and Dr. Rosella Bardley is the principal.

Janine Francis, a student from Woodson Junior High School won second place in this division. Janine has won several writing contests and enjoys tennis and gymnastics. She is a member of the academ ic club, the beta club and the school band.

Janine wrote:

As a beginning, I practice discipline in my home where I live with my mother and younger sister. We show respect for each other in the home. Both my grandparents and parents disciplined me in the way they were taught. They have taught me that charity begins at home. I try to respect others and make a good impression on people in hopes that respect will spread from my actions.

Mrs. Bethena Best is Janine's teacher and the principal is Mr. James C. Greene.

Malion A. Bartley, a student at Jefferson Junior High School won third place in this division. Malion enjoys public reading, reading, and soccer. He is a member of the student government and the Junior Honor Society.

Malion wrote:

I Can Make the World a Better Place in Which to Live by spreading one word that is a necessity to me and for everyone in this great world. This one word is faith. If we have faith in ourselves now, we could do something in order to make the world a better place in which to live.

Ms. Rachel Hicks is Malion's teacher and the principal is Mrs. Vera M. White.

This annual writing competition is sponsored by A Celebration of Youth under the leadership of Mrs. Dodie Brady and Ms. Charlotte Travieso. Their vision and commitment is to "assist in bringing greater self-esteem, confidence, and a sense of positive purpose to people in all walks of life".

Today because of A Celebration of Youth, we are privileged to witness the raw material of human possibility. Tomorrow, far beyond any expectation, these seeds of potential will bear a mighty fruit.

ACCESS TO BASE CLOSURE COMMISSION PAPERS IS EASIER SAID THAN DONE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. MADIGAN. Mr. Speaker, the Base Closure Commission Cochairmen, Messrs. Ribi-

coff and Edwards, have testified publicly before the House Armed Services Committee Subcommittee on Military Installations and Facilities and the Appropriations Committee Military Construction Subcommittee. In their remarks, these gentlemen have repeatedly stated that there is nothing secret in the Commission's papers and that everyone, including members of the press, should have access to them.

"Come on down" is the invitation. The papers are available in a reading room located just to the right of the elevator. It all sounds so simple. What is not mentioned is that a security clearance from the Office of the Secretary of Defense is required.

A member of my staff has applied for this temporary, interim, one-time-only security clearance for the sole purpose of viewing the Base Closure Commission's papers. In fact, the OSD processing officer has advised that my staff member was the very first applicant for this limited security clearance. The application paperwork and fingerprinting were completed on February 27. On February 28, this information was sent by messenger to the Pentagon. There is still no word as to when this clearance will be available.

I would like my staff to be able to accept the Commission Cochairmen's invitation to "come on down." However, this is impossible because the required security clearance application remains unprocessed.

Mr. Speaker, this is just one more example of the enormous difficulty encountered by this Member in attempting to obtain basic information regarding the Commission's recommendation that Chanute Air Force Base be closed. The economic impact of this proposed closure on my constituents is devastating. Yet, I cannot obtain very basic information regarding the economic justifications and rationale for the Commission's recommendation.

Mr. Speaker, I have been forced to file freedom-of-information requests with both the Base Closure Commission and the Department of the Air Force. I do not believe any Member of the House of Representatives should be treated in the manner that I have been. What is happening here strikes at the very heart and strength of this institution, and I want to bring this very serious matter to the attention of my fellow Members.

PROTECT STRIKING WORKERS FROM BEING PERMANENTLY REPLACED

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. BRENNAN. Mr. Speaker, today I am introducing legislation to prohibit companies from hiring permanent replacement workers during the first 10 weeks of a strike. Like H.R. 4552, the measure I introduced during the last Congress, this legislation amends the National Labor Relations Act to provide limited protection to men and women who withhold their services as part of a labor dispute.

As you may know, a fundamental inconsistency exists in our present labor laws: workers are guaranteed the right to strike, but not protected from being permanently replaced. Under present law, a company can offer an outrageously unacceptable contract, effectively incite a strike, and then immediately replace striking workers with new, permanent employees.

The political and economic climate of the 1980's has encouraged a new aggressiveness on the part of management to exploit this loophole in our Nation's labor laws. During the last several years in my State of Maine, striking workers have, in two prominent instances, been permanently replaced within days of the beginning of a work stoppage.

In my mind, the permanent replacement of striking workers is not indicative of good-faith bargaining. Moreover, it makes a mockery of the spirit of the collective bargaining process. I ask you, where is management's incentive to negotiate if workers can, in effect, be fired for exercising their right to strike?

My legislation is a modest measure. It essentially establishes a 10-week protected period in which both management and labor have an opportunity to review their positions. While it protects striking workers from permanent replacement, it does not prohibit a company from using management or temporary personnel to continue operations.

I believe that working men and women deserve the benefit of a level playing field when they negotiate issues which directly impact their health, safety, and welfare. And, we in the Congress have an obligation to preserve that process which gives workers a voice in their future. I urge my colleagues to join me in restoring a measure of balance to the collective bargaining process.

NATIONAL STUDENT-ATHLETE DAY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I have introduced legislation to designate April 6, 1989 as "National Student-Athlete Day." I believe the time has come to draw attention to student athletes and attempt to bring into balance academics and sports.

Unfortunately, we have let the imbalance between sports and academics go on for too long. It's time to gain a proper perspective on our priorities. When we sacrifice our educational principles on the altar of competitive sports, we do more than ruin the life of a young man or woman. We send a signal to all young people that thinking skills are less important than athletic skills. And in today's competitive world marketplace, that is not the message the United States should be sending. The commemoration of this day will demonstrate the House's support of a proper balance between athletics and education.

Last year, 44 States proclaimed April 6 as Student-Athlete Day; 10 States have already issued proclamations for 1989. A broad observance of National Student-Athlete Day will help educators promote the role of sports within education and emphasize the need for a balance between school and sports. Special programs are being planned in some States for the day that include professional athletes, who have returned to college to complete their degree, speaking to students about the importance of an education.

I ask that my colleagues support this measure and promote the spirit of this bill to their young constituents.

INTRODUCTION OF THE FAIR LABOR STANDARDS AMENDMENTS OF 1989

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. GOODLING. Mr. Speaker, today, the Education and Labor Committee ordered reported H.R. 2, a bill to increase the current minimum wage of $3.35 an hour to $4.65 an hour.

During the committee markup, I offered a compromise proposal which would increase the minimum wage from $3.35 an hour to $4.25 an hour. This compromise was defeated.

Several of my colleagues and I are today introducing this compromise so that the general membership of the House will know that there is a minimum wage proposal that will not result in the loss of 650,000 jobs as H.R. 2 would.

Specifically, the bill would increase the minimum wage to $4.25 an hour over a 3-year period—that is, from $3.35 to $3.65 the first year, to $3.95 the second year, and to $4.25 the third year. Just as in H.R. 2, the tip credit would be increased to 50 percent, and the small employer exemption would be increased to $500,000, except that the bill would not limit that exemption only to retail and service establishments. In addition, the bill contains a provision affecting newly hired workers: Employers would be permitted to pay newly hired workers 80 percent of the minimum wage or $3.35 whichever is higher, for up to 6 months. Displacement of workers would be prohibited.

The goal of this compromise bill is to increase the minimum wage, while minimizing the job loss that would result in an increase in the minimum wage. The Labor Department has estimated that the $4.65 wage rate proposed in H.R. 2 would result in the loss of 650,000 jobs. The $4.25 wage rate proposed in my bill would result in the loss of fewer jobs, that is 450,000 jobs. The new hire wage would save 170,000 jobs, and the tip credit and small employer expansions would save about 60,000 jobs. Increasing the minimum wage to $4.65—as in H.R. 2—instead of to $4.25—as in my bill— would cause the loss of an additional 200,000 jobs. The job loss numbers alone could be the subject of great debate. I know that the estimates range from the very low to the very high, yet the Labor Department believes that its estimate is in the middle of the range.

Mr. Speaker, this is a bipartisan bill we are introducing today. The bill represents a 27-percent increase in the minimum wage and has the support of the administration. It is my

hipe to offer this as a substitute amendment to H.R. 2 during floor debate and urge my colleagues to support that amendment. I also urge my colleagues to cosponsor this legislation.

TRIBUTE TO THOMAS R. DEYULIA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. FORD of Michigan. Mr. Speaker, it is with considerable lamentation that I announce, for the benefit of my colleauges who know him, the departure of Thomas R. DeYulia as staff director of the Committee on Post Office and Civil Service, which I have the honor of chairing.

Since 1983 Tom has served the committee with distinction and keen political insight. Through a very difficult period he has kept the committee on an even keel, while serving both the Congress and the people in a truly exemplary manner.

Tom has retired to become vice president for program and support services for CNA, one of the Nation's leading insurance organizations. And while I am indeed sorry to see him leave, I am pleased that he has earned such an enviable position in the private sector. I wish him well and know that he will take to the insurance industry the same kind of integrity and devotion that has been his hallmark as a key congressional staff person.

Tom began his congressional career in 1964 with our former colleague, James Hanley, of Syracuse, NY, my immediate predecessor as chairman of the Committee on Post Office and Civil Service. He became staff director of the Subcommittee on Investigations of the Post Office and Civil Service Committee in 1979, and staff director of the Subcommittee on Compensation and Employee Benefits in 1981, where he remained until he became staff director of the full committee in 1983.

He has been an invaluable member of that staff during a critical period, including the development of the new Federal employees' retirement system [FERS], and he played a major role in developing that imaginative program. He was, in fact, the key staff architect of FERS.

Those of you who know him, and many of you do, are aware of his keen ability to anticipate political problems and devise early solutions to them. I am certain, as well, that many of you have benefited from his shrewd ability to coordinate the building of coalitions so important to the legislative process.

From the time he took over a committee staff director, I have been impressed with his dedication to protecting the pay and benefits of Federal employees. He well understood that our Federal Government is losing its best and brightest people because pay and benefits have fallen behind.

Tom DeYulia is truly a professional who has demonstrated a dedication to service and integrity. We are going to miss him and his remarkable political judgment.

TRIBUTE TO PETE GABRIEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. TRAFICANT. Mr. Speaker, St. Patrick's Day is a time to celebrate, a time to rejoice, and certainly a time to be thankful. It is also a time to contemplate, reflect upon, and honor those in the past who have given so freely of their time in hopes of keeping St. Patrick's Day the special occasion that it is. Mr. Pete Gabriel, who resides in my 17th District of Ohio, is deserving of this recognition.

Pete is the founder of the Pete Gabriel's St. Patrick's Day Parade. This year will mark the 11th consecutive year that this magnificent parade will have moved up and down the streets of our community. And, I speak on behalf of my district when I say that we are all looking forward to it.

Peter is a very highly talented, skilled, and regarded radio announcer for WKBN. He became interested in radio announcing when he applied for a part-time job at the base air station while serving in the Azores as an air policeman. After being honorably discharged, he decided to start a career as a civilian radio announcer at WMLP in Milton, Pa. In 1965, Pete became the public service director and the production supervisor of WPEC in Harrisburg, PA, in addition to being a radio announcer for that station. Also, in 1967 Pete was the winner of the Maclean's toothpaste national disc jockey contest for the best locally written and produced commercial.

Pete Gabriel has been happily married for 27 years to Sandy McCormick. They have three children—Wynne 25, David 22, and Lori 16, all of whom have provided a tremendous amount of love and support throughout the years.

At every step, Pete Gabriel has left behind a legacy of excellence and accomplishment. He is a great man who has given and continues to give much to the community. And, while I am standing here today, I would like to give Pete Gabriel something in return. I would like to give him my sincerest thank you, my deepest congratulations, and my best wishes for the future.

TRIBUTE TO JOE ED CARTER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. TANNER. Mr. Speaker, I rise today to recognize Mr. Joe Ed Carter, a lifelong resident of the Eighth District of Tennessee. What makes Mr. Carter such a special resident of Tennessee is the fact that he celebrated his 106th birthday on March 10.

Mr. Carter lives in the community of Wynnburg, TN, in Lake County. He remains an active participant in the community and works regularly in his garden.

There is no question that attaining such a milestone in age is an achievement that holds lessons for us all. Throughout his life, Mr. Carter has been a patriotic, hard working American. He has devoted himself to his family, his community, and his State.

He has been rewarded with a long and productive life of which all of us should take special note. I want to take this opportunity to express my personal congratulations to Mr. Carter on the occasion of his 106th birthday.

HONORING THE ROCKWALL ROTARY CLUB

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. HALL of Texas. Mr. Speaker, on March 15, the Rockwall Rotary Club in Rockwall, TX, will celebrate its 50th anniversary.

I wish to commend this club on their 50 years of service and dedication to the Rockwall community.

Their motto "Service Above Self" is evident in the club's active participation in Rotary International's Polio Plus Program to eradicate polio in developing countries and regions worldwide. Each Rotary Club determines its own service activities which benefit youth, the disabled, the elderly and various other segments of the community. Among its numerous endeavors, the Rockwall Rotary Club chooses to sponsor one of the largest 4-year scholarships for a high school senior each year in the Rockwall Independent School District.

Since its charter in 1939, the club has grown to over 60 members, counting among them many of the community's leaders—and is one of the few clubs to own its own building. As one of its 50th anniversary projects, the Rockwall Rotary Club sponsored the creation of the Rockwall Rotary Breakfast Club will receive its charter on March 15, 1989, 50 years from the day the original club was chartered.

The Rockwall Rotary Club is one of over 23,000 Rotary Clubs located in 160 countries worldwide and has more than 1 million professional men and women as members.

The 49 men who have served as President during the club's 50 years are: Forest Stephenson, Foy Thomas, James A. Wilkerson, Tom Rush, Melvin Shook, Edgar L. Edwards, Fred B. Hamilton, J.O. Wallace, Jack Cunningham, James L. Glenn, Jess Whittle, Robert F. Polk, Martin D. Wimpee, Henry Zollner, Ralph M. Hall, Oliver Nevil, Frank Clark, Raymond B. Cameron, Ollie E. Steger, Leon Smith, Lloyd Hairston, R.G. Hagood, M.L. Jones, James D. Kelly, Forest Stephenson, Fobert May, Bill R. Cameron, Galen Williams, Art W. Wier, Donald Stodghill, Frank A. Robertson, Gerald Burgamy, Ted Cain, Richard Harris, Davis H. Canup, Jerry Lockart, Mickey Florence, Walter Zimmerman, Bruce Beaty, Gary Tarpley, Dennis Vierling, Blake Miles, Bob Cook, Art Kuhlman, Jack Horn, R.D. Vanderslice, Jimmy Williams, Kent Smith, and Ted Hosington.

Mr. Speaker, as the House of Representatives adjourns today, let's do so in honor of the Rockwall Rotary Club, its officers, and its many members who do truly put service above self.

HONORING ROBERT V. LIGGETT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. HUNTER. Mr. Speaker, I would like to take this opportunity to honor Robert V. Liggett on his retirement after 42 years as a newspaperman. For 21 of those years Bob served as the managing editor of the Imperial Valley Press and The Brawley News. On March 17, Bob will be roasted by his "good friends and esteemed colleagues," at the Barbara Worth Country Club in Holtville, CA. While they may not seem so friendly and collegial at the roast, I'd like to take time out to express my own appreciation for his service to the people of the Imperial Valley.

Bob Liggett began his career in the press, while he was attending Eastern Michigan University, as a general assignment reporter for the Ypsilanti Daily Press. After college, Bob worked for 18 years at the South Bend Tribune as copy editor, bureau chief, editor of the Indiana and Michigan editions, and assistant city editor.

As the past president of the South Bend Press Club, the El Centro Rotary Club, and the El Centro Chamber of Commerce, Bob Liggett has set himself apart by his service to the community. He has served as the chairman of the board of the Imperial Valley Division of the American heart Association and is currently their president. Bob has been the lay leader and president of the Methodist Men's group at the First United Methodist Church of El Centro, where he remains an active member.

Bob served the people of the Valley well during his tenure at the Imperial Valley Press. Over the years Bob and the I.V. Press have covered storms, earthquakes, water negotiations, agriculture issues, and the successes, and failures, of the Valley's political representatives. Bob has taken the paper from a relatively small operation, to a modern, vibrant, and strong daily publication.

I don't know what Bob has planned for his retirement. I suspect that he'll be able to spend much more time with his grandchildren and family. I wish him the best of luck, and join the citizens of Imperial County in thanking him for his many years of service.

HONORING DONALD R. DUNLAP ON HIS RETIREMENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Mr. Donald R. Dunlap who, after completing 45 years of service to the United States of America, is retiring. Mr. Dunlap has exemplified the ideals of commitment and dedication throughout his 45 years in service to his country.

Mr. Dunlap's dedication to the United States is exhibited by the positions he has held. He began his 45-year career by entering the U.S. Air Force, at age 17. He spent many arduous hours of training in PA-18's, T-6's, T-28's, and T-23's. He graduated from the Air Force flight school and went on to fly B-25's, T-29's and finally, B-47's. His enthusiasm and skill toward his work enabled him to become a combat crew member for the Strategic Air Command where he spent the next 8 years serving as an aircraft commander. Logging over 5,000 hours of flight time, he still managed to hold several staff positions.

After 21 years of military service he never considered retiring, choosing to continue working as a civilian. Immediately following his Air Force career, he started at the Department of Defense as a civilian training director for the eastern region communication headquarters in Chicopee, MA.

Two and a half years later he began to work as an air traffic control specialist at Bradley International Airport in Windsor Locks, CT, until his transfer to Westfield, MA. Four years later, he became a supervisor and participated in the commissioning of a new control tower at Barnes Airport. Donald Dunlap has been a true asset to the community by helping young air traffic controllers succeed in their quest for obtaining demanding jobs at higher level facilities throughout the country. On many occasions during his career, Don was singled out for his excellent performances.

Mr. Speaker, Donald R. Dunlap is a remarkable man who will be greatly missed. There are thousands of individuals who have been extremely fortunate to receive the fruits of Don Dunlap's labor.

I salute Donald Dunlap. His accomplishments, spurred by his love and dedication for our country, are impressive. His absence will be a loss to all who have learned from him and benefited from his hard work and abundant energy. I wish him a long and happy retirement.

REPEAL TAX CODE'S SECTION 89

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. ERDREICH. Mr. Speaker, providing benefits to employees is a priority for many businesses. Public policy has supported these efforts by tax deductions and exemptions from income for many employee plans providing retirement income, disability, and death benefits, educational benefits, health benefits, and many other types of employee plans.

The Tax Reform Act of 1986 added section 89 to the Internal Revenue Code. This section requires that nondiscrimination tests be performed on all employee plans. These tests are designed to ensure that the plans are not discriminating against lower compensated employees. If the test finds that discrimination does exist then highly compensated employees are required to include in their gross income the amount of the excess benefit provided by the plan.

I have not found anyone who advocates discriminatory employee plans, but the test that has been proposed by the Internal Revenue Service is highly complex and far beyond the ability of many employers to perform. The complexity is shown by the delay that the IRS had in issuing the regulation. Many employee benefit counsels and consultants have taken the position of advocating that the tax is far cheaper to pay than the expense of the test.

I have talked with and heard from many business men and women in my district, and they have indicated that the tests mandated by the IRS are far too complex. The section should be repealed and other approaches considered to ensure that no discrimination exists in any employee plan. I am an original cosponsor of H.R. 634, which would repeal this section.

The ability of American business to effectively and properly provide for the welfare and interests of its employees should not be impaired by the Federal Government. The Government does have an interest in ensuring that if a benefit is provided by an employer, that the benefit be equally available to all employees. But the methods employed in making that determination must not be so onerous as to make the benefit meaningless.

That's why, Mr. Speaker, this Congress should move to repeal section 89.

THE GREENSBORO YMCA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. COBLE. Mr. Speaker, on Monday, March 20, 1989, a time capsule will be buried in Greensboro, NC. There will be all types of items placed within the time capsule to note of the people, places, and things that make up our world today. The purpose of the time capsule is to commemorate 100 years of service by the Greensboro Young Men's Christian Association, or as it is commonly known, the YMCA.

For a century, the YMCA has been serving our community. For 100 years, the Greensboro YMCA has been a place where people could gather to learn, to play, and to grow. For 100 years, the YMCA has served men and women of all ages. We pause to reflect on the first 100 years of service to our community, and we look forward to the next 100 years. Sometime in the future, when this time capsule is opened, the people who will look at its contents will know we valued the service that the Greensboro YMCA has provided.

The Greensboro YMCA has several branches around our city to provide quality recreational and community services to all segments of our area. We are fortunate to have dedicated staff members and volunteers to operate the various branches. We salute all of those involved in helping the Greensboro YMCA celebrate 100 years of service. Without the dedication of many people, these past 100 years would not have been possible.

Mr. Speaker, we are proud to say that for 100 years the Greensboro YMCA has been there when we needed it. On behalf of the people of the Sixth District of North Carolina, I wish to extend best wishes for the next 100 years.

SENATE JOINT RESOLUTION 24

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. PEPPER. Mr. Speaker, it gives me great pleasure to introduce today legislation designating the week of May 1-7, 1989 "National Older Americans Abuse Prevention Week." A companion measure, Senate Joint Resolution 24, has already been introduced by my distinguished colleague, Senator DENNIS DECONCINI of Arizona. This measure was enacted the past 2 years and I urge my House colleagues again to support it.

Each year, an estimated 1.1 million older Americans are the victims of physical, financial, and psychological abuse, neglect and the denial of their fundamental civil rights. Since the first landmark report issued on elder abuse in 1981 by the Select Committee on Aging, the number of cases has dramatically increased—by 100,000 abuse cases per year. With our growing elderly population, the figures are expected to soar even higher.

Regrettably, elder abuse occurs within every racial, religious, and socioeconomic group in America. It occurs in cities and rural areas, suburbs and small towns. Unfortunately, out of fear of retribution by their abuses, or for other reasons, only one of six elder abuse victims come forward to report incidents of abuse.

In many instances, elder abuse can be curbed simply by increasing information on appropriate intervention and prevention. Proclaiming this week, in the month traditionally designated "Older Americans Month," will go far toward educating and informing the American public. Therefore, I hope you Members of the House will join me in supporting this important measure.

INTRODUCTION OF NATIONAL INFERTILITY AWARENESS WEEK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. WYDEN. Mr. Speaker, 10 years ago, the world marveled at the birth of Louise Brown, the first "test tube" baby. In the past decade, the infertility industry has mushroomed; this year alone, an estimated $1 billion will be spent on treatments in the United States.

My subcommittee held two hearings to discuss the difficulties faced by infertile couples. At the first hearing, the subcommittee was repeatedly told by witnesses that infertile couples find it extremely difficult to obtain clear, understandable, and unbiased information about the performance of IVF clinics.

Many of these couples are desperate to have children. Some have been on an emotional roller-coaster for years, attempting to conceive through a variety of procedures. They are vulnerable to exploitation.

Nine physicians writing in the November 1987 issue of the American Fertility Society's news magazine described three major areas of infertility practice that are "highly susceptible to potential exploitation: Inappropriate use of credentials; misuse of new technologies; and truth in advertising."

The experts agree that these problems crop up because there is no official oversight of this growing field of medicine—either from private insurers or from the State and Federal governments.

Thankfully, the consumer education group Resolve, Inc. has taken on the responsibility of informing and educating couples about their rights and options available to them.

I am introducing National Infertility Awareness Week to call the public's attention to the problems these couples face. It is important to recognize that this new technology is a miracle for many and holds great promise. It is also important to recognize that information should be available to those who want to use these services, so that they can make informed choices.

I encourage my colleagues to join me by sponsoring National Infertility Awareness Week to improve the public's knowledge of this growing problem and the possibilities that exist for couples that suffer from infertility.

INTRODUCTION OF THE INTERNATIONAL SECURITIES ENFORCEMENT COOPERATION ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1989

Mr. MARKEY. Mr. Speaker, I am today introducing, along with the chairman of the Committee on Energy and Commerce, Mr. DINGELL, and the ranking minority members of the committee and the Subcommittee on Telecommunications and Finance, Representatives LENT and RINALDO, the International Securities Enforcement Cooperation Act of 1989. The legislation is cosponsored by Representatives ECKART, SLATTERY, BOUCHER, COOPER, MANTON, WYDEN, RITTER, MADIGAN, WHITTAKER, BLILEY, BILIRAKIS, and MCMILLAN of North Carolina. Given this strong bipartisan backing for this proposal, I hope we can move forward on it very shortly.

This legislation, introduced upon request of the Securities and Exchange Commission, is a natural followup to the Insider Trading and Securities Fraud Enforcement Act of 1989, which I authored last year with Representatives DINGELL, LENT, and RINALDO. Given the inevitably increasing trend of globalization of our world's securities markets, we cannot effectively enforce our own securities laws without the maximum cooperation of other nations. The stunning stories of greed and corruption in Japan and France in recent months have highlighted the convergence of international opinion on the need for fair and honest financial markets.

The increasing internationalization of the world's securities markets is an unchallengeable fact of life. Advances in communications and computer technology permitting a 24-hour global trading market, links among exchanges and clearinghouses, and cross listings on and memberships in exchanges of several different nations have all greatly facilitated international financial interdependence, particularly in the equities markets.

The potential gains from globalization are enormous. The expanded opportunities for market participation mean a larger pool of investors, thus increasing liquidity in the capital markets. Issuers of securities gain by being able to place their issues more easily in the marketplace, underwriters gain through reduced risks of underwriting in a more liquid market, and investors gain by having a wider choice of assets in which to invest. All of this activity should theoretically expand the opportunities for business to make the vital capital investments necessary to expand production, innovate, and create jobs in the future.

While internationalization carries obvious benefits, it also carries clear risks. Although the linkage of markets has proceeded rapidly, the linkage of regulation has not followed suit nearly so swiftly. There is today no global regulatory agency to oversee the markets and assure harmonization of laws and regulations to protect market participants. Therefore, it is left to individual sovereign nations to coordinate their own laws and regulatory efforts to assure fairer as well as more efficient market operations.

The proposed legislation would do the following: Grant an exemption from the Freedom of Information Act for documents provided to the SEC by foreign government authorities; permit the Commission to sanction securities professionals based on violations of foreign securities laws; expand the authority of self-regulatory organizations to exclude convicted felons from membership based on violations of foreign laws; and authorize the SEC to accept reimbursement for expense incurred on behalf of foreign governmental authorities in their investigations.

Mr. Speaker, as the chairman of the Subcommittee on Telecommunications and Finance, I intend to move swiftly on this legislative proposal. There are many areas in the international marketplace in which competition is critical and we face tremendous challenges to compete effectively with other nations. But in the area of combating international securities fraud, the cornerstone must be not competition, but cooperation.

For the information of my colleagues, I am inserting into the RECORD at this point a section-by-section analysis of the legislation introduced today:

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 2: Section 2 of the Act amends Section 24 of the Exchange Act by adding new subsections authorizing the Commission to withhold from disclosure documents furnished to the Commission by foreign securities officials upon certain conditions.

Section 2(a): Section 2(a) is an amendment necessitated by the scheme of amended Section 24 of the Exchange Act, to which the Act adds several subsections. It strikes from Section 24(b) the sentence, "Nothing in this subsection shall authorize the Commission to withhold information from the Congress." That sentence becomes part of new Section 24(e) of the Exchange Act under Section 2(b) of the Act.

Section 2(b): Section 2(b) adds new subsections (c), (d), and (e) to Section 24 of the Exchange Act. New Section 24(c) clarifies the

Commission's authority to provide records, as defined in Section 24(a) of the Exchange Act, in its discretion and upon a showing that the information is needed, to any persons deemed appropriate by the Commission by rule. The subsection conditions this discretionary authority on the person receiving the information assuring its confidentiality as the Commission deems appropriate. Section 2(b) of the Act also adds new Section 24(d) to the Exchange Act. Section 24(d) states that notwithstanding the provisions of the Freedom of Information Act or of any other law, the Commission shall not be compelled to disclose records obtained from a foreign securities authority, if the foreign authority has in good faith represented to the Commission that public disclosure of such records would be contrary to the laws applicable to that foreign securities authority. This amendment will allow the Commission to obtain otherwise unobtainable confidential documents from foreign countries for law enforcement purposes. New Section 24(e) clarifies that nothing in Section 24 authorizes the Commission to withhold information from Congress or not to comply with an order of a United States court in an action initiated by the United States or the Commission. It also clarifies that this section does not alter the Commission's responsibilities under the Right to Financial Privacy Act, 12 U.S.C. 3401 et seq., as limited by Section 21(h) of the Exchange Act, with respect to transfers of records covered by these statutes.

Section 3: Section 3 of the Act amends the Exchange Act to authorize the Commission to impose sanctions on brokers or dealers, their associated persons, and individuals seeking to become associated persons of brokers or dealers on the basis of misconduct in a foreign country.

Section 3(a): Section 3(a) of the Act amends Section 15(b) of the Exchange Act, the Exchange Act's registration provision. Subsection (a)(1) provides for Commission censure of, limitations on the activities of or revocation or suspension of the registration of brokers or dealers, based upon a conviction within ten years rendered by a foreign court of competent jurisdiction of a crime which is substantially equivalent to a felony or misdemeanor as provided by Section 15(b)(4)(B). The Act thus clarifies the Commission's authority to consider offenses from foreign jurisdictions that might not classify crimes formally as felonies or misdemeanors, e.g., non-common law jurisdictions.

Section 15(b)(4)(B)(i) lists offenses involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense as within the class of felonies and misdemeanors that permit the Commission to sanction brokers or dealers. Subsection (a)(2) of the Act amends this provision by including within this list any substantially equivalent activity, however denominated by the laws of a foreign government. The Act therefore clarifies the Commission's authority consider such activities even if the foreign government does not denominate them as precisely the same, offenses that they constitute within the United States.

Section 15(b)(4)(B)(ii) also allows the Commission to consider offenses arising out of the conduct of various securities-related businesses, including the business of a broker, dealer, municipal securities dealer, government securities broker, government securities dealer, investment adviser, bank, insurance company, fiduciary, or transfer agent. Subsection (a)(3)(A) of the Act amends Section 15(b)(4)(B)(ii) by including any substantially equivalent activity, however denominated by the laws of a foreign government. The Act accordingly clarifies the commission's authority to consider such offenses regardless of the employment terms involved, which may differ in foreign countries. Section 15(b)(4)(B)(ii) also permits the Commission to consider offenses arising out of the conduct of the business of an entity or person required to be registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.). Subsection (a)(3)(B), therefore, also amends Section 15(b)(4)(B)(ii) by including any equivalent foreign statute or regulation. The Act thus clarifies the Commission's authority to consider foreign offenses arising out of the commodities trading business.

Section 15(b)(4)(B)(iii) includes larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, and misappropriation of funds or securities within the list of offenses that trigger Commission sanction. Subsection (a)(4) of the Act adds any substantially equivalent activity, however denominated by the laws of foreign government.

Section 15(b)(4)(B)(iv) of the Exchange Act includes violations of Sections 152, 1341, 1342, or 1343 or Chapter 25 or 47 of Title 18 of the U.S. Code within the list of offenses that the Commission may consider. These provisions concern concealment of assets, false oaths and claims, and bribery in connection with bankruptcy; mail fraud; wire fraud; counterfeiting and forgery; and fraud and false statements, respectively. Subsection (a)(5) amends Section 15(b)(4)(B) (iv) by including a violation of a substantially equivalent foreign statute.

Section 15(b)(4)(C) also empowers the Commission to impose sanctions on the basis of permanent or temporary injunctions against acting in the securities-related or commodities-related capacities enumerated in Section 15(b)(4)(B)(ii) and against engaging in or continuing any conduct or practice in connection with such activity or in connection with the purchase or sale of any security. Section (a)(6)(A) amends Section 15(b)(4)(C) by including foreign persons performing substantially equivalent functions, and subsection (a)(6)(C) includes substantially equivalent foreign entities. The Act thereby clarified the Commission's authority on this point in the same way and for the same reasons as subsection (a)(3)(A). Subsection (a)(6)(B) amends Section 15(b)(4)(C) by including any foreign statute or regulation substantially equivalent to the Commodity Exchange Act, thus clarifying the Commission's authority with the same basis and purpose as subsection (a)(3)(B).

Subsection (a)(7) adds new Section 15(b)(4)(G) to the exchange Act. Subparagraph (G) empowers the Commission to base sanctions on findings by a foreign securities authority of (1) false or misleading statements in registration or reporting materials filed with the foreign securities authority, (2) violations of statutory provisions concerning securities or commodities transactions, or (3) aiding, abetting, or otherwise causing another person's violation of such foreign securities or commodities provisions, or failing to supervise a person who has committed such a violation. Subparagraph (G) substantially parallels the provisions of existing Sections 15(b)(4)(A), (D), and (E) concerning such findings by the Commission or other securities and commodities regulatory authorities.

Section 3(b): Section 3(b) of the Act amends Section 3(a)(39) of the Exchange Act, which concerns statutory disqualification from self-regulatory organization ("SRO") membership. Under the present statutory and regulatory scheme, a person subject to statutory disqualification is not excluded automatically from the securities business. However, when such a person seeks to become associated with a member of an SRO, that SRO and the Commission have the opportunity, under Section 15A(g)(2) of the Exchange Act and Rule 19h-1 thereunder, to give special review to the person's employment application or to restrict or prevent reentry into the business where appropriate for the protection of investors. This structural use of statutory disqualification does not change with the Act's amendments. Rather, the amendments expand, by incorporation, the list of findings that result in statutory disqualification.

Section 3(b)(1) of the Act amends Section 3(a)(39)(A), which now lists expulsion or suspension from membership or participation in, or association with a member of, an SRO, commodity contract market, or futures association as resulting in statutory disqualification, to include exclusion in the described manner from the foreign equivalent of an SRO, foreign or international securities exchange, or a foreign contract market, board of trade, or futures association.

Similarly, Section 3(b)(2) amends Section 3(a)(39)(B) by expanding it. It currently refers to orders of the Commission or another appropriate regulatory agency suspending or revoking registration as a broker, dealer, municipal securities dealer, or government securities dealer or broker. The amendments to Section 3(a)(39) apply to brokers, dealers, municipal securities dealers, government securities brokers, and government securities dealers of any nationality, because these terms are defined in Exchange Act Sections 3(a)(4), 3(a)(5), 3(a)(30), 3(a)(43), and 3(a)(44) without reference to nationality. Under Section 3(b)(2), orders by an appropriate foreign financial regulatory authority denying, suspending, or revoking authority to engage in transactions in contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market, board of trade, or foreign equivalent also will result in statutory disqualification.

Section 3(b)(3) redesignates subparagraphs (D) and (E) of Section 3(a)(39) as subparagraphs (E) and (F), respectively. Section 3(b)(4) adds new subparagraph (D), which includes among the conditions that result in statutory disqualification findings by a foreign or international securities exchange, foreign securities authority, or other foreign authority empowered by a foreign government to administer or enforce its laws relating to financial transactions, to the effect that an individual, by his conduct, was a cause of a suspension, expulsion, or order by the foreign securities authority or other foreign financial regulator or administrator.

Sections 3(b)(5) and (6) of the Act make conforming amendments in newly redesignated subparagraphs (E) and (F) of Section 3(a)(39) of the Exchange Act, adding references to new Sections 3(a)(39)(D) and 15(b)(4)(G) of the Exchange Act, respectively. In addition, under the Act, subparagraph (F), which by cross reference to Section 15(b)(4) of the Exchange Act makes persons convicted of specified felonies and misdemeanors subject to statutory disqualifica-

tion, adds "any other felony" to the list of crimes that warrant special review. This provision permits the Commission and the SROs to provide special scrutiny of persons who have been convicted of crimes that are not currently specified, such as taking of property, assault, murder, and drug trafficking. This amendment does not automatically exclude every person convicted of a felony from the securities business. Rather, it permits SROs, subject to Commission review, to consider the facts and circumstances surrounding a particular felony and to impose necessary safeguards to protect the markets and investors from unreasonable risks.

Section 3(c): Section 3(c) of the Act makes conforming amendments. It amends Section 15(b)(6) of the Exchange Act, which authorizes the Commission to censure, limit the activities of, or bar or suspend from association with a broker or dealer any person who has committed or omitted any act or omission enumerated in subparagraphs (A), (D), or (E), has been convicted of any offense enumerated in subparagraph (B), or has been enjoined as specified in subparagraph (C). By adding to Section 15(b)(6) findings by a foreign securities authority under new Subparagraph (G), Section 3(c) authorizes the Commission to consider such findings when imposing sanctions upon persons who are, or who seek to become, associated persons of a broker or dealer.

Section 3(c) similarly amends Sections 15B(c)(2), 15B(c)(4), 15C(1)(A), 15C(c)(1)(C), 17A(c)(3)(A), and 17A(c)(3)(C) of the Exchange Act by adding new subparagraph 15(B)(4)(G) as a basis for Commission action under those provisions.

Sections 15B(c) (2) and (4), which concern the Commission's disciplinary authority over municipal securities dealers and their associated persons, and which parallel Sections 15(b) (4) and (6), are amended to include a reference to new Section 15(b)(4)(G). Findings of misconduct by a foreign securities authority thus can support Commission sanctions against municipal securities dealers and their associated persons.

Sections 15C(c)(1) (A) and (C), which concern the Commission's sanctioning authority over government securities brokers and dealers and their associated persons, and which also parallel Sections 15(b) (4) and (6), are amended to include a reference to new Section 15(b)(4)(G), for the same reason as above.

Sections 17A(c)(3) (A) and (C), which concern the Commission's sanctioning authority over transfer agents and their associated persons, and which further parallel Sections 15(b) (4) and (6), are amended to include a reference to new Section 15(b)(4)(G) for the same reason.

Section 15C(f)(2) of the Exchange Act currently forbids the Commission from investigating or taking any other action under the Exchange Act against a government securities broker or dealer or its associated persons for violations of Section 15C or the rules or regulations thereunder. The exception is where the Commission, rather than one of the banking regulators (Comptroller of the Currency for national banks, Board of Governors of the Federal Reserve System for state member banks, Federal Deposit Insurance Corporation for insured nonmember state banks, and Federal Home Loan Bank Board for federally insured savings and loan associations), is the appropriate regulatory agency for the government securities broker or dealer. Section 15C(f)(2), by its own terms, also does not limit the Commission's authority with respect to violations of any other provisions of the Exchange Act or of corresponding rules or regulations. Section 6(c) of the At extends this exception by forbidding limitations on investigations pursuant to Section 21(a)(2) of the Exchange Act to assist a foreign securities authority.

Section 4: In order to ensure that orders of any regulatory body, foreign or domestic, with authority to suspend or revoke registration or its equivalent are available to the Commission, Section 4 of the Act adds a new definition of the term "foreign financial regulatory authority," as Section 3(a)(51) of the Exchange Act. A "foreign financial regulatory authority" is defined to include any foreign securities authority, which is defined in Section 3(a)(50) of the Exchange Act; governmental or regulatory bodies empowered to administer or enforce laws relating to enumerated financial matters; and membership organizations that regulate members' participation in financial matters. Pursuant to the Act's amendments to Section 3(a)(39) of the Exchange Act, orders of foreign financial regulatory authorities are deemed sufficient to result in "statutory disqualification," as will such an order limiting registration of the foreign equivalent of any of the enumerated entities.

Section 5: Section 5 of the Act makes parallel amendments to the Investment Company Act of 1940 ("1940 Act") and the Investment Advisers Act of 1940 ("Advisers Act") to clarify and strengthen the Commission's authority to impose sanctions, on the basis of violations of foreign law, or investment advisers or on persons associated or seeking to become associated with an investment adviser or a registered investment company.

Section 5(a): Section 5(a) of the Act amends Section 9(b) of the 1940 Act. Section 9(a) of the 1940 Act generally prohibits a person convicted of a felony or misdemeanor involving securities or the securities business or subject to a temporary or permanent injunction restricting his ability to engage in the securities business from serving as an employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, unit investment trust, or face-amount certificate company. The automatic statutory disqualification in Section 9(a) is supplemented by the Commission's authority under Section 9(b). Under Section 9(b), the Commission may, after notice and opportunity for hearing, prohibit a person from serving in any of the capacities cited in Section 9(a) or as an affiliated person of a registered investment company's investment adviser, depositor, or principal underwriter if the person has willfully caused a false or misleading statement to be made in any registration statement, application, or report filed with the Commission or if the person has willfully violated or willfully aided and abetted a violation of any provision (including rules and regulations) of the federal securities laws or the Commodity Exchange Act.

In an amendment parallel to Sections 3(a)(7) and 5(b)(8) of the Act, Section 9(b) is amended to add a new paragraph (4) that will authorize the Commission to restrict the activities of any person that has been found by a foreign authority to have (1) made any false or misleading statement in an application or report filed with a foreign securities authority or in a proceeding before the foreign securities authority, or (2) violated or aided and abetted the violation of foreign securities or commodities statutes. Paragraph (4) will, therefore, parallel the provisions of paragraphs (1), (2), and (3) of Section 9(b), and extend the statute to equivalent foreign violations.

Section 9(b) also is amended to add two new provisions, Sections 9(b)(5) and 9(b)(6), that will allow the Commission by order to prohibit a person from serving in any of the designated capacities if the person has been convicted by a foreign court of any of the offenses designated in Section 9(a)(1) or has been enjoined by a foreign court in a manner set forth in Section 9(a)(2). Sections 9(a) (1) and (2) automatically disqualify anyone who within the past 10 years has been convicted of any felony or misdemeanor involving, or is subject to a permanent or temporary injunction relating to, acting as an underwriter, broker, dealer, investment adviser, municipal securities dealer, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or in connection with the purchase or sale of any security. Although a conviction or injunction under Section 9(a) (1) or (2) results in an automatic statutory disqualification, a substantially equivalent foreign conviction or injunction would not. However, a substantially equivalent foreign finding will provide a basis for a Commission order prohibiting the individual's association with a registered investment company in any of the capacities designated in the statute. The automatic disqualification provisions of Section 9(a), coupled with the Commission's exemptive authority under Section 9(c) to avoid any inequitable results, are indispensable means of safeguarding the integrity of registered investment companies. The amended Section 9(b) does not automatically bar a person solely on the basis of a foreign finding of a violation of foreign law without any prior notice or opportunity for hearing by a U.S. court or administrative agency. Instead, amended Section 9(b) provides that the Commission may impose a bar on a case-by-case basis if it determines that the foreign finding justifies such a sanction. The amendment does not create competitive disparities because, just as Section 9(a) applies equally to U.S. and foreign persons that have been convicted or enjoined in a manner specified in the statute, Section 9(b), as amended, grants the Commission authority to institute an administrative proceeding against either a U.S. or foreign person that has committed an equivalent foreign violation and has been sanctioned by a foreign authority.

Section 5(b): Section 5(b) of the Act amends Section 203(e) of the Advisers Act. Section 203(e) authorizes the Commission to censure, place limitations on the activities of, suspend for up to twelve months, or revoke the registration of an investment adviser where the adviser or an associated person of the adviser has committed, or has been sanctioned for, certain specified violations. Section 5(b) of the Act amends Section 203(e) to include, among the factors that the Commission may consider, violations of foreign law that are substantially equivalent to a violation currently set forth in the statute.

Subsection 203(e)(2) of the Advisers Act authorizes the Commission to consider convictions within the past ten years of certain

felonies and misdemeanors. Section 5(b)(1) of the Act amends this section to include convictions by a foreign court of competent jurisdiction of crimes substantially equivalent to a felony or misdemeanor. The Act thus clarifies the Commission's authority to consider foreign criminal findings that the foreign jurisdiction may not classify as a "felony" or "misdemeanor."

Section 203(e)(2)(A) of the Advisers Act lists offenses involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense as within the class of felonies and misdemeanors that authorize the Commission to discipline investment advisers. Section 5(b)(2) of the Act amends Section 203(e)(2)(A) by including within this list any substantially equivalent activity, however denominated by the laws of a foreign government.

Section 203(e)(2)(B) of the Advisers Act authorizes the Commission to consider offenses arising out of the conduct of various securities-related businesses. Included is any broker, dealer, municipal securities dealer, government securities broker, government securities dealer, investment adviser, bank, insurance company, fiduciary, transfer agent, or entity or person required to be registered under the Commodity Exchange Act. Subsection 5(b)(3) of the Act amends Sections 203(e)(2)(B) and (e)(3) to include offenses arising out of the conduct of any foreign person performing a function substantially equivalent to any of the above.

Section 203(e)(2)(C) of the Advisers Act includes larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, and misappropriation of funds or securities within the list of offenses that my trigger Commission sanctions. Section 5(b)(4) of the Act adds any substantially equivalent offense, however denominated by the laws of a foreign government.

Section 203(e)(2)(D) of the Advisers Act includes violations of Sections 152, 1341, 1342, or 1343 or Chapter 25 or 47 of title 18 of the U.S. Code within the list of offenses that the Commission may consider. These provisions concern concealment of assets, false oaths and claims, and bribery in connection with bankruptcy; mail fraud; wire fraud; counterfeiting and forgery; and fraud and false statements, respectively. Section 5(b)(5) of the Act amends Section 203(e)(2)(D) to include a violation of a substantially equivalent foreign statute.

Section 203(e)(3) of the Advisers Act authorizes the Commission to impose sanctions where an investment adviser or associated person has been enjoined from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person or employee of any investment company, bank or insurance company or entity or person required to be registered under the Commodity Exchange Act, or from engaging in any practice in connection with any of these activities or in connection with the purchase or sale of any security. Sections 5(b)(3) and 5(b)(6) of the Act amend Advisers Act Section 203(e)(3) to include injunctions issued by any foreign court of competent jurisdiction that concern substantially equivalent activities.

Section 5(b)(7) of the Act is a technical amendment to Section 203(e)(5) of the Advisers Act. Section 203(e)(5) is amended to include violations of the Commodity Exchange Act. This technical amendment conforms Section 203(e)(5) with Section 203(e)(4) of the Advisers Act and Sections 15(b)(4)(D) and 15(b)(4)(E) of the Exchange Act.

Section 5(b)(8) of the Act adds new Section 203(e)(7) to the Advisers Act. This new subsection empowers the Commission to base sanctions on findings by a foreign financial regulatory authority of (1) false or misleading statements in registration or reporting materials filed with a foreign securities authority, (2) violations of statutory provisions concerning securities or commodities transactions, or (3) aiding, abetting, or otherwise causing another person's violation of such foreign securities or commodities provisions, or failing to supervise a person who has committed such a violation. Subsection (e)(7) substantially parallels the provisions of existing Section 203(e)(1), (4) and (5) concerning such findings by the Commission or other securities and commodities regulatory authorities. This section of the Act parallels Sections 3(a)(7) and 5(a) of the Act, which add Subsection 15(b)(4)(7) of the Exchange Act and Section 9(b)(4) of the 1940 Act.

Section 5(c): Section 5(c) of the Act amends Section 203(f) of the Advisers Act, which authorizes the Commission to impose sanctions upon persons associated or seeking to become associated with an investment adviser if the persons has committed or omitted any act or omission set forth in Sections 203(e)(1), (4) or (5) or has been convicted or enjoined as set forth in Sections 203(e)(2) or 203(e)(3). Section 203(f) is amended to include a reference to new Section 203(e)(7), thus authorizing the Commission to consider such findings when imposing sanctions upon persons who are, or seek to become, associated with an investment adviser.

Section 6: Section 6 amends Section 2(a) of the 1940 Act and Section 202(a) of the Advisers Act to include definitions of "foreign securities authority" and "foreign financial regulatory authority". These definitions are identical to the definitions of foreign securities authority in Section 21(a)(2) of the Exchange Act and the definition of foreign financial regulatory authority added by Section 4 of the Act.

Section 7: Section 7 adds a new subsection (f) to Section 4 of the Exchange Act to authorize the Commission to accept reimbursement of expenses from or on behalf of foreign securities authorities for expenses incurred by the Commission in conducting investigations on their behalf or in providing other assistance. This new subsection is similar to subsection (c) of the section, which authorizes the Commission to accept reimbursement from private sources for the expenses incurred by Commission members and employees in attending meetings and conferences concerning the functions or activities of the Commission.